

**Carnal Vigilance, Vending Vice:
Race, Gender and Sexual Commerce in Cape Town, 1868-1957**



by

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Dedication

For Brian, Madison, and Luke

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Abstract

**Carnal Vigilance, Vending Vice:
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This Ph.D. thesis is an examination into the history of prostitution in Cape Town from 1868 to 1957, a period that began with societal and legal toleration of the sex trade through government regulation and ended with abolition and criminalization. This historical research does not simply focus on the changing dynamics regarding prostitution in a vacuum that are only specific to Cape Town, but rather assesses local, regional, national, international, and imperial forces affecting the Western Cape and southern Africa. The overarching themes involve socially constructed ideas on morality, gender, race, and class. Such ideas produce and sustain the practice of the following discourses: state power, government control, resistance, surveillance, and policing. Sexual anxieties were also anxieties about threats to the racial order. It is these corresponding attitudes that resulted in greater limitations to the sex trade. Ultimately, this study addresses increasing racially motivated exclusionary and segregationist measures, moral policing, immigration, industrialization, health policies, disease, women's activism, sexual commerce, national formation, and identity.

Key terms: prostitution, sex trade, sexual commerce, women's activism, moral policing, government control, surveillance, race, gender, class, public health, state power, national identity, contagious diseases, *black peril*, lock hospital

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List of Abbreviations

- ACVV- Afrikaanse Christelike Vroue Vereniging (Afrikaans Christian Women's Society)
- AG- Attorney General's Office
- AMPT PUBS- Official Publications of the Cape Colony
- AMS- Records of the Association for Moral and Social Hygiene
- AMS/B- Records of the Association for Moral and Social Hygiene/Enquiries and Campaigns
- AMS/D- Records of the Association for Moral and Social Hygiene/International Work
- AMSH- Association for Moral and Social Hygiene
- CCWCTU- Woman's Christian Temperance Union of the Cape Colony
- CD- Contagious Diseases
- CDA- Contagious Diseases Act
- CDP Contagious Diseases Prevention
- CO- Colonial Office
- CPWCTU- Woman's Christian Temperance Union of the Cape Province
- CTSRA- Cape Town District and Social Reform Association
- GG- Governor General Office
- GH- Government House
- IAF- International Abolitionist Federation
- IWSA- International Woman Suffrage Alliance
- JBL- Josephine Butler Letters Collection
- JUS- Justice Department
- KAB- Cape Town Archives Repository
- LNA- Ladies National Association
- MNW- Mining Works Department
- NA- National Association
- NP- National Party

Carnal Vigilance, Vending Vice

NCCVD- National Council for Combatting Venereal Diseases

NTS- Native Affairs

PM- Prime Minister's Office

SAB- National Archives Repository

SANCCVD- South African Branch of the NCCVD

SMT- Simonstown District and Municipal Records

SWEAT- Sex Workers Education and Advocacy Taskforce

TWL-LSE- The Women's Library at the London School of Economics

URU- Records of the Decision of the Executive Council

VD- Venereal Diseases

STI- Sexually transmitted infections

VWN- Social Welfare Department

WCTU- Woman's Christian Temperance Union

WEAU- Women's Enfranchisement Association of the Union of South

WEL- Women's Enfranchisement League

Introduction

The emergence of commercialized sex work in southern Africa coincides with European colonization. This process began with the establishment of Cape Town in 1652 by the Dutch East India Company. Since this seaport town's inception as a resupply station for transoceanic travel, the location proved an environment conducive to carnal entertainment. In fact, the *Mother City's* first brothel was none other than the company's own slave lodge.¹ Positioned along a lucrative trade route, Cape Town connected Europe, Africa, India and East and Southeast Asia. Upon the British Empire's acquisition of the region in 1806, Cape Town continued to emerge as a cultivating space for commerce, exchange, migration, and colonial power. Thus, this climate of global interactions drew sailors, soldiers, travelers, and laborers desiring sexual services and other forms of vice entertainment.²

Colonial and local authorities tolerated prostitution from the beginning. Although the Dutch Reformed Church policed sexual morality stringently, the Roman-Dutch Common Law practiced at the Cape never regarded sex work as a criminal offense.³ The lax legal position on prostitution aligned with a deeply ingrained social structure originating in premodern Europe, which treated prostitution as a necessity to prevent greater forms of sin, such as masturbation,

¹ Knowledge on the slave lodge's use as a brothel is ubiquitous in travel guides and Cape Town Museum and historical tours. For academic information pertaining to the earliest uses as a brothel, see India Thusi in "Policing Sex: The Colonial, Apartheid, and New Democracy Policing of Sex Work in South Africa," Liezl Gaum in "Turning Tricks: A Brief History of Regulation and Prohibition in South Africa," and Elizabeth van Heyningen in "The Social Evil in the Cape Colony 1868–1902: Prostitution and the Contagious Diseases Act."

² Elizabeth Van Heyningen, "The Social Evil in the Cape Colony 1868–1902: Prostitution and the Contagious Diseases Act," *Journal of Southern African Studies* 10, no. 2 (April 1984): 170; Henry Trotter, *Sugar Girls & Seamen: A Journey into the World of Dockside Prostitution in South Africa* (Johannesburg, South Africa: Jacana Press, 2008), 7. History of Cape Town's early origins as an attraction for vice among sailors is well documented.

³ Liezl Gaum in "Turning Tricks: A Brief History of Regulation and Prohibition in South Africa," *Stellenbosch Law Review* 14, no. 3 (2003): 321-322. <http://hdl.handle.net/oasis.unisa.ac.za/10520/EJC54499> (accessed 9 June 2016).

homosexuality, rape, and the seduction of women deemed honorable.⁴ Societal toleration of prostitution was also rooted in the sexual double standard, which differentiated between male and female carnal behaviors.⁵ The double standard allowed for promiscuity in males, all the while insisting on female chastity. During the Victorian era, turning a blind eye to the sex trade morphed into a full-fledged endorsement through government regulation. At the behest of the British Imperial War Office, the Cape Colony regulated prostitution through the Contagious Diseases Prevention Acts of 1868 and 1885 (abbreviated as CDP).⁶

Centuries of commercial carnal license gave way to increasing constraint in the 1900s. Government officials began clamping down on procuring and pleasure houses at the start of the century. By 1957, the national government prohibited all sex work related activities- prostitution, brothel-keeping, pimping- through the Immorality Act. In fact, elements of this law (Act No. 23 of 1957, renamed the Sexual Offences Act) specific to sex work remain in effect to this day.⁷ If authorities permitted unrestricted sexual commerce in Cape Town for generations, what began to change in the twentieth century? One might assume that limitations were placed on the sex trade for the first time in the 1900s due to some sudden inclination to uphold moral values. Although a

⁴ Donna J. Guy, *Sex and Danger in Buenos Aires: Prostitution, Family and Nation in Argentina* (Lincoln, Nebraska: University of Nebraska Press, 1995), 12-13.

⁵ Katherine Bliss, *Compromised Positions: Prostitution, Public Health and Gender Politics in Revolutionary Mexico City* (University Park, Pennsylvania: Pennsylvania State University Press, 2001), 127. Heyningen references Keith Thomas.

⁶ Cape of Good Hope, Parliament, *The Contagious Diseases Prevention Act of 1868*, Third Parliament, sessions 1864-1868, No. 25. *Statutes of the Cape of Good Hope from 1864-1868* (Cape Town: Saul Solomon & Co., Steam Printing Office, 1868), <https://play.google.com/books/reader?id=71wqAAAAAYAAJ&pg=GBS.PA404> (accessed 16 June 2018).

⁷ Parliament of South Africa, Sexual Offences Act (Act No. 23 previously known as the Immorality Act of 1957) of 1957, 11th Parliament, introduced 3 April 1957, <https://www.justice.gov.za/legislation/acts/1957-023.pdf> (accessed 3 April 1957); Parts related to prostitution are still in effect.

shift toward stricter sexual mores did not occur, preserving a sense of morality remained central to all policies put into practice.⁸

The Main Argument

This doctoral thesis is about prostitution in Cape Town and the racial, gendered and class attitudes that shaped the practice over time. White patriarchal authority steered laws regarding sex and disease prevention. Although middle class women challenged this agenda at times, they more often reinforced patriarchal power and white privilege. Thus, examining the history of prostitution in Cape Town reveals entrenched biases -regarding race, class, gender, morality, and disease. Despite Cape Town's extensive colonial history with sexual commercial vice toleration, the time frame for this study begins with 1868. This is the start of government regulated prostitution at the Cape; the period in which Cape Town experienced the greatest tolerance of the sex trade. It ends with the enactment of the Immorality Act of 1957, which prohibited sex work in South Africa. These dates signify a policy transition on sexual commercial vice, from support and regulation, to one of abolition and criminalization. Throughout this examination's eighty-nine-year span, the region experienced British Imperialism, a mineral rush, industrialization, warfare, union, segregation, and an apartheid government.

In its most encompassing query, this examination seeks to understand why a shift in sexual commercial policy occurred from support and regulation to one of abolition and criminalization. Although a notion to be feared and watched carefully by many, the carnal was also a commodified, contentious arena. Delineated by socio-cultural assumptions, sex was under constant vigilance by the government, women's activists, moral reformers, medical professionals, law enforcement, and

⁸ Limitations placed on Cape Town's sex trade was not motivated by societal trends shifting toward greater chastity or modesty.

citizens. The selling of sex proved a vigorous economic force, all the while tethered to racial and gender norms that defined moral boundaries. I argue that white perceptions regarding threats to the racial order provoked a shift in prostitution from license to prohibition, because racial anxieties were also sexual anxieties. The steady enactment of stringent policies on prostitution also coincided with increasing exclusionary and segregationist measures experienced throughout South Africa.

The Methodology

Most of the attitudes and policies highlighted here are not limited or unique to Cape Town. Demographic and economic transformations pertinent to Cape Town also rendered wider implications for the Western Cape as a whole. In addition, these trends were often driven by regional, national, international, and imperial forces. Although this regional study focused on South Africa, a thorough investigation encompassing several decades into Cape Town's commercial sex industry also required a multinational scope. To conduct an effective analysis into this topic, the bulk of the source material came from three different archives spanning two continents: the Western Cape Archives, the National Archives of South Africa, and the Women's Library at the London School of Economics.

The archival evidence primarily involves correspondence, government communiques, newspaper articles, police reports and court cases. Since these documents reflect the perspectives of powerful men in authority, and the white middle class values of many female moral reformers and community members, they overlook the viewpoints of marginalized people, predominantly impoverished women working in Cape Town's sex industry. Since carnal behaviors and criminal

acts are typically secretive and subversive endeavors, prostitutes left no contemporary sources of their own. Instead, they were often the subject matter of policy makers, law enforcement officials, and disapproving citizens. Extrapolating their motivations and experiences from police records and other slanted perspectives toward sex workers requires one to ‘read between the lines’ and cross-reference as much as possible in order to attempt to glean what the sources do not make explicit.

Historiographical Justification

Examining the history of prostitution is important for several reasons. The topic provides an expansion of our understanding into the racial, gender, and moral assumptions that prevailed through the mid-nineteenth and twentieth century. It also demonstrates how imperial, global, national and local structures conducted moral policing measures. Examinations into the history of Cape Town prostitution also allows for exploring historical continuities that reflect current debates over sex work in South Africa. Sexual commerce remains criminalized throughout the nation, yet the industry still thrives in similar ways as it did centuries ago. High unemployment and poverty provide a steady supply of sex workers, whereas locals and foreign visitors alike fuel the demand.⁹ Moreover, much like how high cases of syphilis and gonorrhea prompted officials to begin

⁹ Devon Haynie, “In South Africa, a Debate Over Selling Sex,” *U.S. News and World Report*, 27 June 2016. <http://www.usnews.com/news/best-countries/articles/2016-06-27/in-south-africa-some-prostitutes-demand-the-chance-to-sell-sex-legally> (accessed 5 July 2016); Susan Horner and John Swarbrooke, *International Cases in Tourism Management* (Oxford: Elsevier Ltd., 2004), 311.

regulating sexual commerce a century and a half ago on behalf of public health, the current AIDS pandemic has motivated similar calls.¹⁰

Literature on the sexual commercial history in Cape Town remain sparse. A few more studies on nineteenth century racial prejudices exist. This analysis integrates both topics by incorporating primary material (more specifically associated with moral reform groups) not used previously. Although this doctoral thesis contributes to existing historical research regarding prostitution in various port cities, and in South Africa, it will do so through a combination of distinct foci regarding time, location, and approach. Within the past three decades, several scholars have analyzed the history of sexual commerce at various port cities and coastal regions with linkages to a colonial past. Despite topical variations, these works provide insightful models for tackling themes regarding gender, social stratifications, sexuality, power, and control. The most influential scholars for my research on prostitution in a port setting, albeit outside Africa include Donna J. Guy, Ashwini Tambe, and Philippa Levine. Donna J. Guy examined the history of legalized prostitution in Buenos Aires; Ashwini Tambe looked at the history of India's sex trade through a case study of colonial Bombay; and Philippa Levine utilized a comparative approach in her work on the British Empire's policing of prostitution, which included the important commercial ports of Hong Kong, Queensland, and Singapore.¹¹

¹⁰ Cathi Albertyn, "How South Africa Could Become the First African Country to Decriminalize Sex Work," *Newsweek*, 16 May 2016. <https://www.newsweek.com/south-africa-decriminalize-sex-work-460261> (accessed 16 September 2021).

¹¹ Philippa Levine, *Prostitution, Race, and Politics: Policing Venereal Disease in the British Empire* (London, England: Routledge, 2003); Donna J. Guy, *Sex and Danger in Buenos Aires: Prostitution, Family and Nation in Argentina* (Lincoln, Nebraska: University of Nebraska Press, 1995); Ashwini Tambe, *Codes of Misconduct: Regulating Prostitution in Late Colonial Bombay* (Minneapolis, MN: University of Minnesota Press, 2009).

When it comes to contributions to the history of prostitution involving South African port cities, Ros Posel and Stephen Ramsay have produced published articles centered on Durban during the turn of the twentieth century. Whereas Posel looked at attitudes toward the arrival of European prostitutes in a rapidly growing seaport, Ramsay concentrated his analysis on forces that drove African women to sell sexual services during a similar period.¹² However, the most pertinent historical research on sexual commerce in a South African port city is Elizabeth B. van Heyningen's analysis on prostitution in the Cape Colony from 1868-1902. Her article focused on government regulated prostitution at the Cape. Although portions of van Heyningen's article will intersect with this dissertation thesis regarding subject matter and setting, this examination not only advances the timeframe, but also provides an extensive scope on the factors driving moral policing efforts and shifts in sexual commercial policy.¹³

Inspired by existing research into seaport sexual commerce from South Africa and throughout the world, this examination into sex work and carnal vigilance exists as an original historiographical contribution that is also relevant to current issues. An examination of Cape Town prostitution from 1868 to 1957, a span which experienced profound policy changes in the carnal, has yet to be produced. Furthermore, it is with earnest intent that this research helps expand our understanding of themes and concepts regarding race, gender, nation building, and identity.

¹² Ramsey Posel, "Continental Women and Durban's 'Social Evil', 1899-1905," *Journal of Natal and Zulu History* 12 (1989): 2-24; Stephen Ramsay, "Eve Noire: 'Folk Devil' and 'Guardian Virtue': A Study of the Emergence of African Prostitution in Durban at the Turn of the Century," *Journal of Natal and Zulu History* 14 (1992): 75-111.

¹³ Elizabeth van Heyningen, "The Social Evil in the Cape Colony 1868-1902: Prostitution and the Contagious Diseases Act," *Journal of Southern African Studies* 10, no. 2 (April 1984): 170-197.

Theoretical Approaches

The theoretical moorings for this examination into the history of prostitution in Cape Town primarily draw from concepts on power relations, resistance, and the use of gender in the invention of national identities. Analytic literature on the history of prostitution often draws upon Foucauldian frameworks on sexuality and power.¹⁴ Michel Foucault's examinations into how key societal institutions utilized power and knowledge as a form of control can offer critical insights into parameters in which the medical elite, law enforcement, municipal and colonial officials, religious authorities, and the nation state restricted marginalized people, primarily women. In other words, modern spaces of authority, such as hospitals and prisons, may appear innocuous and noble, but in reality, they represent mechanisms of disciplinary power and oppression that deprive subalterns of rights and humanity.¹⁵

I employ Ann Stoler's broad studies on carnality, race, and colonial rule as another critical framework for this analysis.¹⁶ Stoler provides Foucauldian models on how power affects the carnal, specifically in regard to cultural categories such as race and gender. In *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things*, Stoler addressed the "glaring absence" of race and colonialism in Foucault's theories on power, as well

¹⁴ For examples of works applying Foucauldian frameworks, see, Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule* (Berkeley, CA: University of California Press, 2010); Ashwini Tambe, *Codes of Misconduct: Regulating Prostitution in Late Colonial Bombay* (Minneapolis, MN: University of Minnesota Press, 2009); Donna J. Guy, *Sex and Danger in Buenos Aires: Prostitution, Family and Nation in Argentina* (Lincoln, Nebraska: University of Nebraska Press, 1995).

¹⁵ For examples of works by Foucault on repressive nature of institutions, see, Michel Foucault, *The Birth of a Clinic: An Archaeology of Medical Perception*, Vintage Books, trans. A.M. Sheridan Smith (New York: Random House, 1994); *Discipline and Punish: The Birth of the Prison*, 2nd ed., Vintage Books, trans. Alan Sheridan (New York: Random House, 1995); *Madness and Civilization: A History of Insanity in the Age of Reason*, Vintage Books, trans. Richard Howard (New York: Random House, 1988). Subaltern a postcolonial term for lower classed person.

¹⁶ I apply Stoler's use of *the carnal* to refer to activities involving sex and desire.

as mapped ways into how such categories could be incorporated into these studies.¹⁷ Another work, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule*, looked at how colonialism intervened in matters of the carnal to affect class and cultural dominance through distinctions of race. Stoler demonstrated that sex was often a site in which power “asymmetries” were practiced and reinforced.¹⁸ Thus, Stoler’s work provides insight into Cape Town’s policing of morality and commercial sex that reflect similar expressions and patterns of colonial power.

Likewise, gender analyses, pioneered by feminist intellectuals, also provide a useful paradigm for an examination into the history of sexual commerce in Cape Town. According to feminist scholar pioneer Joan Scott, the goals of feminist historical scholarship “is to discover the range in sex roles and in sexual symbolism in different societies and periods, to find out what meaning they had and how they functioned to maintain the social order or to promote its change.”¹⁹ This theoretical scholarship proved useful in examining the role that South African women’s organizations had in the formation of national identity, and their influence in both challenging and reinforcing gender norms.

At the center of these studies also rests the notion that gender does not imply a biological determination, but rather a culturally constructed classification. Although attributes and traits that constitute femininity and masculinity appear to emanate from discernable physical differences, gender is socially derived.²⁰ Not only do gender constructs have a history in how they came to be imagined, but they also convey power relations. Joan Scott explained, “gender is a primary way of

¹⁷ 16

¹⁸ Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule*, (Berkeley, CA: University of California Press, 2010), 57.

¹⁹ Joan Scott, "Gender: A Useful Category of Historical Analysis," *American Historical Review* 91: 5 (December 1986): 1054.

²⁰ *Ibid.*, 1053–1054.

signifying relationships of power.”²¹ Also fundamental is the notion that gendered behavior and characteristics prove dependent upon constructed views of what is deemed normal, and abnormal. In other words, government policies toward sexual commerce evolved from definitions of standard, natural behavior, in relation to actions established as unnatural.

Although gender analyses can show how the policing of sex was a product of societal definitions of normal versus abnormal female behavior, it is also important to consider that conceptions of race formulated an additional basis in which the carnal proved a site demanding vigilance. Concerns over miscegenation and racial degeneration were linked to perceptions of normal versus abnormal carnal behavior as well. A port city, such as Cape Town, offered greater racial and cultural interaction, thus requiring greater policing of sex and morality by authorities in power.²²

Another analytic paradigm (albeit less apparent, but still cultivating some of the framework) of this analysis is the concept of space. Space possesses symbolic meaning, sheds light on power relations, and influences, as well as reveals cultural constructs. According to Setha Low, space provides a window into society, whether conceived or in material forms. A suburban gated community, for instance, projects societal fears of urban crime. Yet, such spaces ultimately expose entrenched class divisions and racial biases.²³ Since spaces exist as contested landscapes, they also display societal struggles and negotiations. For example, the lock hospital in Cape Town, offers a

²¹ Ibid., 1067.

²² Much of the policing on racial, class and gender grounds emanated from anxiety over disease. Two secondary sources that offered insight into sexual policing and morality as a result of racial perceptions include Karen Jochelson’s, *The Colour of Disease: Syphilis and Racism in South Africa, 1880-1950*, and Timothy Keegan’s essay, “Gender, Degeneration and Sexual Danger: Imagining Race and Class in South Africa, c.a. 1912,” published in the *Journal of South African Studies*.

²³ Setha M. Low takes important notice of the cultural constructs projected by gated communities in “The Edge of the Center: Gated Communities and the Discourse of Urban Fear,” in *The Anthropology of Place and Space: Locating Culture*, eds. Setha M. Low and Denise Lawrence-Zuniga, (Malden, MA: Blackwell Publishing, 2003), 387-407.

pertinent view of how space offers greater coded meaning than a mere material form. Built “next to the Roeland Street gaol,” and “within the gaol wall” itself, the location and place of the hospital proves symbolic in that it reinforced sharp underlying categories of gender, criminality and disease.²⁴ Since sex workers comprised the majority of patients, the subtle, yet overt message reinforced by authorities indicated that marginal women were not only the primary transmitters of diseases, but also delinquents and felons who required control.²⁵ Moreover, such a space reinforced traditional practices of the sexual double standard, which ultimately demonstrate how systems of power often bestowed an unequal privilege on men.

Chapter Overviews

Although the previous subsection provided a general introduction to the approaches incorporated in this analysis, more detailed applications, as well as methodologies will be presented via these overviews. In addition to establishing the setting, Chapter 1, “Defending Empire, Defending Morality: The Contest Over the Cape of Good Hope’s First Sexual Vice Regulation,” also seeks to understand the forces affecting the Cape’s first foray with government regulated prostitution. Heated debates over politics and views on morality shaped the enactment and practice of the Cape’s first Contagious Diseases Prevention Act (hereinafter CDP Act), which remained in effect from 1868 to 1872. This chapter also asks to show how conceptualizations of

²⁴ Karen Jochelson, *The Colour of Disease: Syphilis and Racism in South Africa, 1880-1950* (St. Anthony’s Series. Basingstoke, UK: Palgrave Macmillan UK, 2001), 43. Lock hospitals were medical facilities in Great Britain and throughout the colonies that specifically treated sexually transmitted diseases.

²⁵For records on lock hospital patients see War Office of Great Britain, see, *Report of the Army Medical Department, 1897*, vol. 39: 508; House of Assembly, “Cape of Good Hope Report of the Select Committee on the Contagious Diseases Act,” (Cape Town: Cape Times Limited, 1906). <http://hdl.handle.net/2027/uc2.ark:/13960/t8sb47k9z> (accessed 25 July 2016).

race, gender, morality, and empire inspired various manifestations of carnal vigilance. The Contagious Diseases Prevention Act of 1868 produced bitter debates. On one side, we see the opposition to government regulated prostitution through female purity activists and local Cape community leaders. However, they encountered stiff challenges from government and military authorities who feared the ravages of syphilis and gonorrhea. Their support of regulation was buoyed by deep-seated gender and racial biases, as well as imperial ambitions.

As with all scholarship, preexisting historical inquiry often inspired alternative angles to research. The material in this chapter, as well as others, converges in varying degrees with the works of three principal historians: Ashwini Tambe's *Codes of Misconduct: Regulating Prostitution in Late Colonial Bombay*, Philippa Levine's *Prostitution, Race and Politics: Policing Venereal Disease in the British Empire*, and Elizabeth B. van Heyningen's "The Social Evil in the Cape Colony 1868–1902: Prostitution and the Contagious Diseases Act." All three not only examined contagious disease laws of the nineteenth century, but also looked at how port cities of the British Empire molded and responded to such legislation. These historical probes also address colonialism, specifically its power, limitations, as well as the racial, gendered, and cultural assumptions of the colonizers.

In *Prostitution, Race and Politics*, Philippa Levine unveils the far-reaching political dominance of the British empire, demonstrated by the rash of CD laws that came to the scene from the 1850s to 1880s.²⁶ As Levine explained, "Virtually every British colonial possession was subject in the mid-nineteenth century to contagious diseases regulations that identified female

²⁶ Philippa Levine, *Prostitution, Race, and Politics: Policing Venereal Disease in the British Empire* (London, England: Routledge, 2003) 1. Levine explains that Hong Kong's Contagious Diseases Laws enacted in 1857 preceded the sexual vice regulation parliamentary acts in Britain enacted in 1864 on page 15.

prostitutes as the principal source of contagion.”²⁷ Just like the Cape Colony’s vice regulation laws, the Contagious Diseases (hereinafter CD) legislations that appeared throughout the British colonial world gave authorities the power to register women working in the sex trade. Medical examinations came part and parcel with the registrations. Women cleared of venereal diseases could continue working in the sex trade. The detection of syphilis or gonorrhoea meant mandatory treatment and confinement in lock hospitals, which were medical facilities in Great Britain and throughout the colonies that specifically treated sexually transmitted diseases.²⁸

Philippa Levine specifically examined the British Empire’s policing of prostitution by comparing four colonial sites: India, Hong Kong, Queensland, and the Strait Settlements. Levine’s work demonstrates that vice regulation varied by location and circumstance throughout the empire. The economy, degree of political autonomy, disease threat level, population dynamics, and immigration all proved factors that affected how colonial custodians structured vice control in the area. For example, CD laws in Queensland were specifically designed for the surveillance of white prostitutes; and in parts of India, the preferred method of treating afflicted sex workers was not always through a confinement period at lock hospitals.²⁹ Although her comparative approach touched upon the CD laws at the Cape Colony, the material presented on the region remained sparse.³⁰ This chapter presents a concentrated analysis of the Cape Colony Contagious Diseases Acts, lending a greater understanding of their implementation and impact on this specific location.

²⁷ *Ibid.*, 15.

²⁸ *Ibid.*, 1; Cape of Good Hope, Parliament, *The Contagious Diseases Prevention Act of 1868*, Third Parliament, sessions 1864-1868, No. 25.

²⁹ Levine 57, 39; Although lock hospitals were prevalent in Bombay, a lack of funds prompted the Madras presidency to expel infected women instead.

³⁰ Levine’s examination also touched upon the failed 1886 enactment of vice legislation in Natal. See page 101.

Another historian, Ashwini Tambe, also examined CD laws in *Codes of Misconduct: Regulating Prostitution in Late Colonial Bombay*. Whereas Levine's work was comparative, Tambe focused on a single site. Tambe assessed how prostitution laws, whether those pertaining to vice regulation or anti-trafficking, did not always accomplish their desired intent. Tambe concluded that the imperialist CD laws were by and large unsuccessful because they failed to accomplish their intended goals of reducing cases of venereal diseases through regulated medical examinations and licensing. In comparing the assertions made by Tambe in relation to Colonial Bombay's nineteenth century experiment with vice regulation, the Cape Colony's Contagious Diseases Prevention Acts proved similarly ineffectual in certain aspects. For example, the imperial driven CD laws of the Cape initially yielded flaccid administrative vigilance by local authorities in contrast to the highly monitored regulatory system envisioned by the empire. Regardless, the desire to combat the spread of syphilis, control female sex workers, all the while championing prevailing moral values, created an ambiguous vice regulatory scheme that reflected competing interests in the Cape.

Perhaps the most pivotal contribution to the history of the Contagious Diseases Prevention Acts at the Cape is Elizabeth B. van Heyningen's "The Social Evil in the Cape Colony 1868–1902: Prostitution and the Contagious Diseases Act." In fact, van Heyningen's pioneering work remains a popular reference for other examinations into the CD laws of the British Empire.³¹ Van Heyningen's analysis ends with the passing of the Brothels and Immorality Suppression Act in 1902.³² Although portions of van Heyningen's work intersect with this chapter regarding subject

³¹ For example, Ashwini Tambe, Philippa Levine, and Ann Stoler reference Elizabeth van Heyningen's "The Social Evil in the Cape Colony 1868–1902: Prostitution and the Contagious Diseases Act," in their works.

³² Cape of Good Hope, Parliament, *Suppression of Gaming Houses, Betting Houses, Brothels and Immorality Act of 1902*, sessions 1902-1906, No. 36. *Statutes of the Cape of Good Hope from 1902-1906* (Cape Town: Cape Times Limited, 1906),

matter and setting, one key difference is scope. Much of my examination into the Cape's nineteenth century experiment with vice regulation advances the overall timeframe to explore in detail the relationship between CD laws and sexual and racial policing of the twentieth century.³³ In this chapter, the years examined center on the Colony's first contagious diseases act from 1868 to the years following its abandonment in 1872. A more focused timeframe lends greater opportunities for highlighting the intricacies surrounding the Cape's regulatory sex work law regarding racial, gender and cultural preconditions affecting forms of vigilance.

Van Heyningen highlighted two key shifts in the Cape's policies regarding sexual commerce. The first occurred in 1868 when vice became regulated for the first time, and the second involved "a slightly later movement," aimed toward "the more radical task of prohibiting the social evil entirely."³⁴ Through her examinations of the transformations in attitude producing policy changes, van Heyningen reveals a correlation between an ever-increasing authoritative government and an expansion of repressive policies fixated upon the desire to control marginal groups.³⁵ Overall, my views are consistent with van Heyningen's. Tethered to racial, gender and moral assumptions, the commercial exchange of sex required vigorous control.

Chapter 2, "The Cape of Good Hope's Contagious Diseases and Prevention Act of 1885: Protecting 'Whiteness' and the Road to Racial Exclusion, 1872-1902," spotlights the Cape's second installment of government regulated prostitution. This act, which was intended to staunch the spread of venereal infections, once again allowed for the registration, forced gynecological

<https://play.google.com/books/reader?id=BnBFAQAAMAAJ&printsec=frontcover&output=reader&hl=en&pg=GB.S.PA4486> (accessed 16 June 2018).

³³ Since vice regulation in the Cape did not end in 1902, my scope continues until 1919 with the passing of South Africa's first Public Health Act (Public Health Act 36 of 1919).

³⁴ Elizabeth van Heyningen, "The Social Evil in the Cape Colony 1868–1902: Prostitution and the Contagious Diseases Act," *Journal of Southern African Studies* 10, no. 2 (April 1984): 171.

³⁵ *Ibid.*, 197.

examinations, and detainment at lock hospitals of women designated by authorities as sex workers.³⁶ From 1885 to 1902, prostitution at the Cape remained regulated, but not criminalized. However, with the enactment of Act No. 36 of 1902, the Suppression of Gaming Houses, Betting Houses, Brothels and Immorality Act, (commonly referred by contemporaries as the Immorality Bill) officials placed substantial, enforceable limitations on sexual commerce for the first time after a centuries-long tradition of toleration and endorsement.

Why did this shift in sexual commercial policy occur at the turn of the century? Ultimately, sudden demographic and urban shifts threatened to upset the racial order. Thus, white anxieties over miscegenation triggered the brothel suppression law as the government continued the practice of regulating prostitution. This confounded moral reformers. They viewed the simultaneous practice of both pieces of legislation as a contradiction. Although prejudices and biases existed in the region prior to the 1870s (the starting timeframe for this analysis), the rapid growth in mining, war, migration, epidemics, and policies on hygiene influenced this change in Cape Town's carnal policing measures.

In trying to deconstruct and ascribe meaning to the debates over government regulation of vice during this period, I employ Foucauldian concepts pertaining to the relationship between knowledge and power as an analytic framework. "Each society has its regime of truth, its general politics of truth: that is the types of discourse which it accepts and makes function as true."³⁷ Applying Foucault's discourse analysis facilitates an understanding of what role players involved in debates over sexual vice perceived to be true about the nature of prostitution and the spread of

³⁶ Public Health Act 36 of 1919. South Africa lawmakers enacted the nation's first Public Health Act in 1919.

³⁷ Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*, ed. Colin Gordon, trs. Colin Gordon, Leo Marshall, John Mepham, Kate Soper (New York: Random House, 1980) 131.

venereal diseases. Their assumptions and generally accepted knowledge, whether factual or not, influenced the ways in which they sought to safeguard the empire and local society. The works of Foucault serve to remind us that discourses shaped the policies enacted and the production of institutions of control which resulted.

Scholars investigating the history of diseases and colonialism in Africa have rightly highlighted the limitations in applying Foucauldian approaches to historical studies of the region. For instance, Karen Jochelson's analysis of Foucault on Africa in *The Colour of Disease: Syphilis and Racism in South Africa, 1880-1950* illuminates how race could add a muddled layer to the interconnections between knowledge and power. After all, Foucault formed social theory based on historical developments pertaining to the making of modern Europe. The potential issue in an African context is that moral and medical discourses helped define 'normal' versus 'abnormal' sexual behavior only among whites. Africans as subjects did not apply. As Jochelson explained, sexual promiscuity "seemed to be characteristic of Africans in general" among white policy makers.³⁸ In other words, immorality was not deemed abnormal among blacks, it merely conveyed a "difference from whites."³⁹

Irrespective of these limitations, Foucault offers a paradigm into examinations on the moral and health debates regarding the Cape Colony's Contagious Diseases Acts for a few reasons. For one, these pieces of legislation were modeled after regulated prostitution laws of modern European nation states. When it came to prostitution, the general held beliefs of the metropole were that of

³⁸ Karen Jochelson, *The Colour of Disease: Syphilis and Racism in South Africa, 1880-1950* (Basingstoke, UK: Palgrave Macmillan UK, 2001) <https://play.google.com/books/reader?id=cruDDAAAQBAJ&pg=GBS.PA6> (accessed 18 June 2018).

³⁹ *Ibid.*, Jochelson references the assessment by Megan Vaughan in *Curing Their Ills: Colonial Power and African Illness* (Cambridge: Polity Press, 1991) 10-12. Vaughan examined the limitations in applying Foucauldian principles in colonial contexts.

colonial custodians. Whether in support of or in opposition to the state regulation of vice, the arguments delivered mirrored discourses that had previously transpired in Britain.⁴⁰ Moreover, the discourses themselves were not always generated by the colony, but rather, the metropole.

A knowledge-power schema also proves applicable despite critiques because regulationists (supporters of government regulated prostitution) excluded categorizations of race from the legislation's rhetorical framing. For instance, the early institutions of disease control that emerged to combat venereal diseases in Cape Town fulfilled no official racial segregation requirement. Whereas repealers (those opposing the practice of government sanctioned prostitution) wasted no time in denouncing the implicit gender discrimination evident in the CD Acts, the subject of race remained mostly muted in comparison.⁴¹ Although this chapter seeks to demonstrate how debates over vice regulation provided space for colonial custodians to hone the language of power used to spawn oppressive sexual and racial policies of the twentieth century, the majority of debates over vice regulation in the Cape Colony between opponents and proponents often focused on white subjects, and reflected the rival interests and perceptions among whites.

In probing how the Cape Colony's Contagious Diseases and Prevention Act of 1885 provided a launching point for the racial and sexual policing of the twentieth century, much of the material in this chapter once again converges in varying degrees on the works of Ashwini Tambe, Philippa Levine, and Elizabeth B. van Heyningen. Although Chapter 1 relied on the works of these scholars to draw comparisons with various manifestations of CD laws in colonial regions, Chapter 2 draws more heavily from analyses on racial biases, gender constructs, as well as the debates over

⁴⁰ The British Contagious Diseases Act preceded the Cape of Good Hope's first Contagious Diseases Prevention Act by four years.

⁴¹ See Chapter 1, page 27. The surveillance procedures associated with the CDP Act of 1868 did not overtly promote racial categorizations or race segregation. However, the environment in the Cape Colony proved far from colorblind. Prejudicial undercurrents based on gender, class and race shaped the workings of the act.

the carnal to help illustrate early manifestations of South Africa's twentieth century exclusionary and segregationist policies.⁴²

The work of South African urban historian, Vivian Bickford-Smith, also provides crucial historical foundation for this chapter on Victorian era commercialized sex legislation for the Cape.⁴³ Bickford-Smith's research on race in Victorian era Cape Town demonstrated that racial stereotypes, whether positive or negative, persisted throughout the nineteenth century. By examining transformations in discourses evident through books and pamphlets of the period, Bickford-Smith concluded that an increased usage of racist stereotypes correlated with the rise of the English bourgeoisie's economic interests. Specifically, "Racism went in tandem with Englishness and the discovery of urban problems."⁴⁴

⁴² In *Prostitution, Race and Politics*, Philippa Levine not only exposed ways in which British military command, local officials, medical communities, and organizing groups interacted with each other, but also how they approached race, gender, and disease. Just like the way in which debates over the Cape's Contagious Diseases Acts uncover the racial, moral and gender assumptions that formed the basis of government power, Levine demonstrates these same suppositions were the foundation for the Contagious Diseases (CD) Laws in the four colonial sites she examined. Levine's important claim that the CD laws were not so much to prevent the spread of disease as they were to maintain an illusion of racial superiority, resonates with the overall assertion of this chapter, which seeks to illustrate how the debates over the Cape Colony's Contagious Diseases Acts cultivated racial and sexual policing practices of the twentieth century. Whether in India, Strait Settlements, Queensland, Hong Kong, or even Cape Town, the topic of morality proved uniformly linked to anxieties over the racial other. Once again, Ashwini Tambe, also examined CD laws in *Codes of Misconduct: Regulating Prostitution in Late Colonial Bombay*. Although Tambe examined prostitution in Bombay from 1860 to 1947, her research that pertain to the "regulationist phase," circa 1860s to 1890s, provided this chapter, which addresses how the Contagious Diseases and Prevention Act of 1885 helped set a course toward exclusionary legislation, with valuable conceptual support. Particularly, Tambe also relied on Foucauldian insights regarding the relationship between discourse and power, which served to uncover how local concerns and interests were rarely in harmony with those of the metropole.⁴² Municipal authorities of Bombay often disregarded the aims proscribed by colonial authorities. Elizabeth B. van Heyningen's work on government regulated prostitution in "The Social Evil in the Cape Colony 1868–1902: Prostitution and the Contagious Diseases Act," supported the analysis of this chapter. Elizabeth B. van Heyningen's work on government regulated prostitution in "The Social Evil in the Cape Colony 1868–1902: Prostitution and the Contagious Diseases Act," supported the analysis of this chapter. Specifically, van Heyningen's analysis begins with the first CD legislation and ends with the passing of the Brothels and Immorality Suppression Act of 1902 (Act No. 36 of 1902 for the Suppression of Gaming Houses, Betting Houses, Brothels and Immorality Act).

⁴⁴ Vivian Bickford-Smith, *Ethnic Pride and Racial Prejudice in Victorian Cape Town: Group Identity and Social Practice, 1875–1902*, (Cambridge: Cambridge University Press, 1995), 70. For Bickford-Smith's examinations into the publications turn to chapter 4, especially pp. 68-72.

Bickford-Smith's analysis helps to associate the oppressive racial ordering that manifested in the twentieth century with imperial power, and the desire to control the cheap labor supporting the mineral boom.⁴⁵ A thorough examination into Cape Town prostitution of the latter part of the nineteenth century must not overlook the economic transformations that occurred in the region during this period. Specifically, the railways connecting the financial center of Cape Town, Kimberly and the hinterland turned the colony into an export economy.⁴⁶ Bickford-Smith expertly expounds how the subsequent urbanization brought on by the boom years of 1875-1882 resulted in a greater frequency of negative stereotyping, ultimately contributing to the white supremacist policies of the twentieth century.⁴⁷

Lastly, another pivotal work that provided this analysis with invaluable insight is *The Colour of Disease: Syphilis and Racism in South Africa, 1880-1950* by Karen Jochelson. Jochelson's examination into South Africa's medical policy in relation to syphilis proved instrumental in uncovering the links between contagious diseases legislation and racial exclusionary measures. Jochelson also produced statistical information pertaining to the spread patterns of syphilis, as well as its manifestation. By taking into account many factors, such as demographic shifts, and other social and economic transformations, Jochelson illustrates how racial attitudes, along with their pseudoscience influences, shaped public health policy.⁴⁸

⁴⁵ For an examination into the connection between mineral revolution and segregation Bickford-Smith, 8; For a reference on how the "genesis of the racial order in its specifically twentieth-century form lay in the growing integration of South Africa into the world economy of nineteenth-century European capitalism," see Timothy Keegan, *Colonial South Africa and the Origins of the Racial Order*, (London, UK: Leicester University Press, 1996) 292.

⁴⁶ Christopher Saunders, ed. *Reader's Digest Illustrated History of South Africa, The Real Story*, expanded 3rd edition, (Cape Town: The Reader's Digest Association of South Africa, 1995) 163-177. Refer to *Illustrated History* for background on South Africa's Mineral Revolution and Railways.

⁴⁷ Bickford-Smith, 71. For the connection between economic interests and negative stereotyping.

⁴⁸ Pseudoscience influences refers to Social Darwinism and Eugenics, which was used to justify racist views toward syphilis rates among Africans.

Chapters 3 and 4 examine the role of female activism (primarily from white social purity activists around Cape Town) in the making of South Africa's first public health act. Several women's organizations and moral reform groups emerged in the first two decades of the twentieth century. Some of their principal issues involved combatting government sanctioned *sexual vice*, advocating for modern syphilis prevention measures that often ran counterintuitive to outmoded practices supported by male government and medical officials, and the protection of women and girls.⁴⁹ The timeframe for this analysis is from 1902 to 1919. It situates the moral vigilance practiced at the Cape with the brothel suppression legislation and South Africa's first unified Public Health Act enacted in 1919. This health bill, which female activists exerted influence in its shaping, ultimately brought an end to the CDP Act and the forced examinations involved in its workings.

The theoretical underpinnings for Chapters 3 and 4 involve the relationship between gender and political power. According to Joan Scott, "gender and power construct one another."⁵⁰ She suggests that "massive political upheavals" can create new gender concepts through pursuits of "new forms of legitimation."⁵¹ Likewise, the opposite may occur when fledgling governments turn to "old notions of gender" for validation.⁵² In the South African context, both occurred simultaneously upon union. Not only did political transformations provided an opportunity to create new notions of gender, but also, the newly established government clung to traditional images of women, girls, and the family as it sought legitimacy. This examination into the relationship between moral reform, female activism, and the formation of national frameworks applies Scott's theories to determine how and why women negotiated power over public health

⁴⁹ Government officials and moral reformers referred to prostitution as a sexual vice.

⁵⁰ *Ibid.*, 1073.

⁵¹ *Ibid.*

⁵² *Ibid.*

and the moral management of society. The overarching historical query driving these chapters involves seeking to understand the extent to which white female moral reformers were challengers of state power, or abettors to government control of marginalized people.

Chapter 5, “Carnal Dangers: Sin, Sex and Crime in Cape Town, 1902-1914” is about ‘dangerous’ sex, and the moral vigilance employed to control it. Moreover, it highlights the control authorities exerted over marginalized people, as well as the resistance of sex workers.⁵³ This chapter is also an attempt to highlight the perspectives of marginalized people working in the sex industry. As already noted, sex workers left no sources of their own. What has been uncovered about their identities and motivations is only possible through the existence of police and legal reports that evoked certainty of criminality. Thus, telling their story is a difficult task, and admittedly, perhaps open to the most interpretation.

Chapter 6, “Unlawful Carnalities: Commercial Sex and Race in South Africa, 1910-1957,” examines the culmination of complete legal criminalization of sex work throughout South Africa with the enactment of the Immorality Act of 1957, which not only prohibited activities associated with sex work, but also interracial sex. This chapter focuses on the motivations of nationalist leaders to enact apartheid legislation that intruded in the sexual lives of South Africans. This chapter also addresses how the behaviors and habits of white men became increasingly policed by government authorities for the purpose of safeguarding white supremacy.⁵⁴

⁵³ Michel Foucault, “The End of the Monarchy of Sex,” *Foucault Live* (New York: Semiotext(e), 1989):153, cited in Kevin Jon Heller, “Power, Subjectification and Resistance in Foucault,” *Substance*, 25, no. 1, issue 79 (1996): 1. Published by: The Johns Hopkins University Press <https://www.jstor.org/stable/3685230>. Foucault stated that “as soon as there is a power relation, there is the possibility of resistance.”

⁵⁴ Throughout much of the Cape’s history with prostitution, marginalized women bore the brunt of the government’s policing tactics. In contrast, authorities mainly ignored their male clients. Even the first substantial limitation placed upon the sex industry at the Cape via the Immorality Act of 1902 disburdened the male clientele from wrongdoing. Motivated by cases of white prostitutes sexually servicing African clients, government officials enacted this legislation to crackdown on brothels and procuring, partly on the grounds of preventing interracial

The examination into unlawful carnalities begins with the establishment of the Union of South Africa in 1910 to highlight how national policy makers imagined racial, class and gender structures for the new nation. The carnal often provoked transgressions of the racial hierarchy, thus it demanded constant state surveillance by nationalist politicians. This chapter also examines legislation established prior to the Immorality Act of 1957 to control morality. The existing literature that helps explain the ideological and religious forces driving such laws involve the works of Saul Dubow and Timothy Keegan.

Saul Dubow's *Scientific Racism in Modern South Africa* provides invaluable research into the adoption of scientific racism by whites and its ramifications in South Africa.⁵⁵ Pseudo-science 'research' justified the enactment of apartheid legislation in the minds of white supremacists. Along with scientific racism, the *black peril* phenomenon (black rape scares affecting colonizer communities) also played a role in the policies established by nationalists.⁵⁶ Timothy Keegan's work in "Gender, Degeneration and Sexual Danger: Imagining Race and Class in South Africa, c.a. 1912" proved useful in examining the various manifestations of the *black peril* (also known as *swart gevaar* in Afrikaans). White responsibility and culpability were also channeled to prevent miscegenation; features not often associated with the *black peril*, yet very relevant in understanding why immorality laws of the twentieth century increasingly criminalized interracial carnal interactions for whites as well.⁵⁷

carnal transactions between white women and black men. The brothel suppression legislation was intended to only punish white sex workers and their pimps. See Chapter 2.

⁵⁵ Scientific racism is a pseudo-science popular in the decades before WWII because it misappropriated the scientific method and use of empiricism to justify racist ideology and policy by bogus experts under the illusion that they possessed genuine scientific expertise.

⁵⁶ *Black Peril* will be italicized to emphasize that the term was a slogan created by colonizers.

⁵⁷ Saul Dubow, *Scientific Racism in Modern South Africa*, (Cambridge: University of Cambridge, 1995); Timothy Keegan, "Gender, Degeneration and Sexual Danger: Imagining Race and Class in South Africa, c.a. 1912," *Journal of South African Studies* 27, no. 3 (September 2001): 559-477. See especially Dubow's Chapter 6, "The equivocal message of eugenics." It is also important to note that Jeremy Martens work on the Immorality Act of

A Note on the Usage of Gender Binarism and Sexuality

Since this PhD thesis examines gender and sex, and its intersections with race and class, it is imperative to address the usage of some terminology. The World Health Organization describes gender as referring “to the characteristics of women, men, girls and boys that are socially constructed. This includes norms, behaviours and roles associated with being a woman, man, girl, or boy, as well as relationships with each other. As a social construct, gender varies from society to society and can change over time.”⁵⁸ Although gender implies a range of attributes associated with the masculinity and femininity binary, such characteristics can be fluid and ambiguous. Sex differs from gender in that it refers to the biological, reproductive physiology designating males, females, and intersexed. Biological sex has historically helped determine the socially constructed gender binary, as the societal and cultural adherence to binarism have often influenced the male and female designation. Furthermore, a person’s sex does not always correlate with gender identity.

The archival sources used for this examination reflect nineteenth and twentieth century social norms on gender and sex. As products of their time, government, military, and health officials, as well as moral reformers viewed issues regarding prostitution and sexually transmitted infections through the lens of the gender binary. Discussions pertaining to sexual activity were always assumed (at least through the documents and correspondence left behind) as male and female interactions. Those establishing health and moral policies reflected the traditional view that

1927 provided helpful information regarding the politics and policies of nationalists. Jeremy Martens, “Citizenship, ‘Civilisation’ and the Creation of South Africa's Immorality Act, 1927,” *South African Historical Journal*, 59:1, 223-241.

⁵⁸ World Health Organization (WHO), “Gender and Genetics,” <https://www.who.int/genomics/gender/en/> (accessed 31 July 2021).

sex workers were always women, with men paying for female sexual access.⁵⁹ For example, a select committee appointed by the Cape Legislative Council in July 1871 to investigate government regulated prostitution proclaimed that “the existence of such a monster (male prostitute) is physically impossible.”⁶⁰ Intense disdain for male-to-male sexual interactions hindered government officials from even considering the practice of male prostitution. Therefore, much of the analysis might often appear to adhere to the socially constructed perceptions and usage pertaining to the gender binary, despite awareness of wider ambiguities that exist.⁶¹

A Note on the Usage of Racial Identities

A study of prostitution in Cape Town requires an examination into the role of race. Thus, the usage of racial terminology is also important to address. Despite the tendency to divide the species *Homo sapiens* into different classifications by physical traits, race is a social construct. Racial labels are an invention forged out of prevailing social perceptions. Although race is now understood to be biological fiction, racist expressions are real. European colonizers benefitted from

⁵⁹ Although no cases of male prostitution appeared in police and legal documents during this analysis, male prostitution occurs in South Africa today. The Sex Worker Education and Advocacy Taskforce (SWEAT), an organization advocating for the rights of South African sex workers, estimate that 5% of sex workers are transgender females and 4% are males, after conducting a 2013 study. Sodomy laws also kept male prostitution deeply underground. The Roman Dutch Law practiced at the Cape criminalized sodomy. Due to societal prejudice toward male homosexuality, South African courts determined sodomy laws to target sex acts between males. For information on male prostitution in South Africa today, see Human Rights Watch and The Sex Worker Education and Advocacy Taskforce (SWEAT), “Why Sex Work Should be Decriminalised in South Africa,” 10 https://www.hrw.org/sites/default/files/report_pdf/southafrica0819_web_0.pdf (accessed 31 July 2021). For information on sodomy laws in South Africa, see Ryan Goodman, “Beyond the Enforcement Principle: Sodomy Laws, Social Norms, and Social Panoptics,” *California Law Review* 89, 3 (2001): 643–740.

⁶⁰ Report, Cape of Good Hope Report of the Select Committee Appointed by the Legislative Council on Medical Establishments, July 1871, box 122, folder 1 of 3, p. v, coll. 3 AMS/D/41, Records of the Association for Moral & Social Hygiene, The Women’s Library, London School of Economics.

⁶¹ See footnote 57.

the creation of racial constructs because it justified white supremacy, African chattel slavery, as well as other oppressive measures designed to maintain a cheap labor supply.

The racial terms utilized by white policy makers, law enforcement, and community activists differ from modern South African usages. For instance, historical actors used the term ‘native’ quite often to describe a person indigenous to the African continent, which contrasts with the categories listed in the national 2011 census.⁶² Depending in the context, ‘black’ mostly refers to ‘African’ for this study. Since ‘black’ was also used to identify Africans, Coloureds, and Asians, this study will adopt such descriptions.

Unless noted otherwise, this analysis will primarily align with the racial categories defined by the national 2011 census. Black and African will refer to members and descendants of the indigenous peoples of Africa. Coloured will be ascribed to the Cape Coloured community, whose ancestry is linked to the mixed-race sexual unions that occurred during the Colonial Era. The use of Cape Malay (or Malay) in this study is often interchangeable with Coloured to reflect the usage evident in the source material. However, Cape Malays have a more specific religious identifier as Muslim who also descend from enslaved and free people of the colonial era. In one anomalous instance, white officials adopted the term ‘coloured’ to identify all racial categories except for white. However, this definition was used specifically for the Immorality Act of 1957, and is not used for this examination.⁶³ The usage of ‘Indian’ as a racial category is synonymous with ‘Asian’ and refers to the ethnic group that descended from indentured and migrant laborers from British India. Lastly, whites specify South Africans of European descent. For this historical context,

⁶² The 2011 national census included the following categories: Black African, Coloured, Asian or Indian, and White. A selection of ‘other’ was also included.

⁶³ Act. No. 23 of 1957 (Immorality Act of 1957), enacted by the 11th parliament. Note that the use of the term ‘coloured’ was in lowercase in this context.

whites will often be further divided into the Afrikaans-speaking descendants of Dutch settlers, known as Afrikaners, and the English-speaking descendants of British colonists.

Chapter 1-Defending Empire, Defending Morality: The Contest Over the Cape of Good Hope's First Sexual Vice Regulation, 1868-1885

English suffragette and trailblazing moral reformer, Josephine Butler, wrote a letter in January 1879 to Cape liberal politician, Saul Solomon. From her headquarters in Liverpool, she called for vigilance of imperial ambitions to reinstate government regulated prostitution in the colony. Butler and Solomon were comrades in the “Abolitionist War.”⁶⁴ Seven years prior, Solomon orchestrated a successful repeal campaign of regulated sexual vice. The Cape Colonial government regulated prostitution primarily at the behest of the Imperial War Office from 1868 to 1872.⁶⁵ Authorities had impelled women deemed ‘common prostitutes’ to undergo periodical examinations, because doctors, military commanders and policy makers believed syphilis and gonorrhea scourges dangerous enough to topple an empire.

The debate over vice regulation pitted regulationists who supported government-controlled prostitution, with abolitionists such as Butler and Solomon who were bitterly opposed. Whereas regulationists consisted of military officials, policy makers, and the emerging male-dominated medical bureaucracy, abolitionists included moral reformers, feminists, protestant church groups, and a few like-minded politicians. Along with his allies of notable church leaders and citizens from both the English and Afrikaans communities, Saul Solomon faced a formidable foe in the British Imperial War Office and won. Yet, the victory remained tentative. As this letter indicated,

⁶⁴ Letter, Josephine Butler and James Stewart to Saul Solomon, 27 January 1879, box 052, folder 1 of 2, Coll. 3AMS/B/05/01, Records of the Association for Moral & Social Hygiene, The Women’s Library, London School of Economics.

⁶⁵ Cape of Good Hope, Parliament, *The Contagious Diseases Prevention Act of 1868*, Third Parliament, sessions 1864-1868, No. 25. *Statutes of the Cape of Good Hope from 1864-1868* (Cape Town: Saul Solomon & Co., Steam Printing Office, 1868), <https://play.google.com/books/reader?id=71wqAAAAAYAAJ&pg=GBS.PA404> (accessed 16 June 2018).

abolitionists remained in a state of constant vigilance over the government's designs to revive in some form the practice of government regulation of sex work.

The Cape's male defenders of morality were not alone in their clash with imperialists. They had adopted their arguments from British female agitators through letters across continents. The prompting of such urgent correspondence was partly precipitated by a November 1878 proclamation by the Colonial Governor for the Cape of Good Hope, Sir Henry Bartle Frere, which called for new sanitation legislation to control venereal diseases.⁶⁶ Although Frere's pronouncement lacked details and did not specifically call for the return of regulated prostitution, his intentions to maintain some system of surveillance on venereal diseases through a public health provision raised alarm among the opposition. For abolitionists, the proposed sanitary act appeared the latest "attempt...to work some system practically the same as the Contagious Diseases Acts."⁶⁷ In response to the regulationist counter maneuver to reestablish government-controlled prostitution, Butler appealed for vigilance:

The system is maintained by the fact that long practice and violation of the law has in fact established a law. Ever since we began our agitation for the Repeal of the existing C.D. Acts in England, we have had to resist and watch against recurring attempts on the part of those opposed to us to introduce the system into new districts under the guise of some interpretation of a general sanitary provision such as we now see in your governors proclamation.⁶⁸

The communication between Butler and Solomon demonstrates that despite whatever victories moral reformers attained in their battles over public morality, hyper vigilance proved an endless endeavor in the face of relentless pressure from regulationists. The liberal politicians and

⁶⁶ Letter, Josephine Butler and James Stewart to Saul Solomon, 27 January 1879, Records of the Association for Moral & Social Hygiene.

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*

feminist crusaders who identified themselves as abolitionists and moral reformers sought greater control for women and their bodies as well as greater autonomy in local governance. To achieve their goals would require more than defeating the regulationist contingent through a rhetorical battle over morality, but also, limiting imperial power. Thus, Butler's assessment of their crusade, as evident in the correspondence, reflected a daunting struggle.

Moral reformers faced regulationists who claimed sexual vice regulation to be a necessity in safeguarding Her Majesty's fighting men from venereal diseases. Therefore, pleas for government-regulated prostitution became invariably linked with the defense of empire, all the while clinging to patriarchal privilege. Authorities associated immorality with disease but accommodated male carnality in their solutions. Furthermore, racial biases permeated conversations about vice. As a port city teeming with 'non-white' inhabitants, Cape Town posed a threat to 'whiteness'. Research into the Contagious Diseases Prevention Act of 1868 reveal anxieties over miscegenation. For several decades afterwards, authorities deferred establishing overt racially-based sexual policing. Regardless, the Cape's first experiment with government regulated vice created space for gender stereotyping and the practice of racial ordering.

Although the overall purpose of this thesis is to investigate the shifts in policies toward sexual commerce from support and regulation to one of abolition and criminalization from 1868 to 1957, this chapter focuses on the first Contagious Diseases Prevention Act for the Cape of Good Hope in effect from 1868 to 1872 and the years that followed.⁶⁹ More specifically, this chapter will show through the debates over sexual vice that moral concerns spliced with racial, cultural,

⁶⁹ Examinations into nineteenth century government regulated prostitution in Britain and throughout the colonies typically refer to these legislations generically as Contagious Diseases Acts. The Cape of Good Hope enacted two Contagious Diseases Prevention Acts. The Contagious Diseases Prevention Act of 1868 lasted from 1868-1872. The Contagious Diseases Prevention Acts of 1885 phased out in 1919 due to new South African public health legislation. The Contagious Diseases Prevention Act will be abbreviated as CDP Act in this analysis.

and gender concerns. Examinations into the Cape Colony's first Contagious Diseases Prevention Act of 1868 prove important for a few reasons. The policy debates over government-controlled prostitution illuminate deep-seated racial and gender assumptions harbored by custodians of the colony. In fact, these negative perceptions sustained the power of government officials. In addition, examinations into the first Contagious Diseases Prevention Act of 1868 reveal the interplay of power and resistance among female activists, moral reformers, colonial and military officials, and even the sex workers themselves, as they all struggled for a version of control and autonomy.

How did local and global forces affect the debates involving the regulation of sexual vice at the Cape? How did cultural and political factors shape the construction and implementation of the first Contagious Diseases Prevention Act in effect from 1868 to 1872? More importantly, how did conceptualizations of race, gender, morality and empire inspire various manifestations of carnal vigilance? Despite contrasting positions over the issue, all involved advocated for some practice of carnal vigilance. The Contagious Diseases Prevention Act of 1868 unleashed a formidable transcontinental opposition consisting of female activists and local Cape leaders. Although they demanded greater autonomy from patriarchal and imperial power, their momentum encountered stiff challenges. I argue that successes by moral reformers proved elusive in combatting regulated sexual vice, because entrenched gender and racial biases served as powerful bulwarks for imperial ambitions. Moreover, the impetus for the Contagious Diseases and Prevention Act of 1865 was more about safeguarding the empire from cultural and racial degeneration, rather than simply protecting military preparedness from the ravages of disease as claimed.

The Setting and Beginning: The Sexual Double-Standard and the First Enactment

To curtail the substantial deaths occurring from long transoceanic voyages, the *Vereenigde Oostindische Compagnie*, translated in English to the Dutch East India Company and abbreviated as the VOC, required a resupply station to connect the lucrative trade route between the Netherlands and East Indies. Therefore, European colonization of southern Africa began in 1652 with the establishment of Cape Town by Dutch colonial administrator, Jan Van Riebeeck.⁷⁰ Inevitably, visiting seafarers to Cape Town sought out more than just aliment, but also, assorted services, entertainment and pleasures. It was under this commercial climate that sexual vice emerged as an auspicious enterprise.⁷¹ As Van Heyningen explained, “They probably accepted that it was inevitable in a seaport town and provided a form of controlled release for the antisocial energies of unruly sailors.”⁷² Moreover, Cape Town’s principal brothel was none other than the company-owned Slave Lodge, revealing that prostitution proved an activity that the settlement’s white administrators not just tolerated, but rather, encouraged.⁷³ In addition to the profit potential of the sex trade, early officials enacted no statutes to eliminate or even reduce prostitution in Cape Town, because the practice had also been “an entrenched part of the social order” with origins emanating in premodern Europe.⁷⁴ In fact, influential religious thinkers of the Middle Ages, such as Saint Augustine and Saint Thomas Aquinas believed that masturbation, homosexuality, rape

⁷⁰ India Thusi, “Policing Sex: The Colonial, Apartheid, and New Democracy Policing of Sex Work in South Africa.” *Fordham International Law Journal* 38, no. 1 (2015): 208; Liezl Gaum, “Turning Tricks: A Brief History of Regulation and Prohibition in South Africa,” *Stellenbosch Law Review* 14, no. 3 (2003): 320-321. <http://0-hdl.handle.net.oasis.unisa.ac.za/10520/EJC54499> (accessed 9 June 2016).

⁷¹ Elizabeth van Heyningen, “The Social Evil in the Cape Colony 1868–1902: Prostitution and the Contagious Diseases Act,” *Journal of Southern African Studies* 10, no. 2 (April 1984): 170; The earliest record of a Cape Town brothel was in 1681.

⁷² *Ibid.*, 171.

⁷³ Knowledge on the slave lodge’s use as a brothel is ubiquitous in travel guides and Cape Town museum and historical tours. For academic information pertaining to the earliest uses as a brothel, see India Thusi in “Policing Sex: The Colonial, Apartheid, and New Democracy Policing of Sex Work in South Africa,” Liezl Gaum in “Turning Tricks: A Brief History of Regulation and Prohibition in South Africa,” and Elizabeth van Heyningen in “The Social Evil in the Cape Colony 1868–1902: Prostitution and the Contagious Diseases Act.”

⁷⁴ Van Heyningen, 172.

and the seduction of ‘honorable’ women proved more immoral than prostitution.⁷⁵ Although deemed a moral transgression by church officials, sexual vice was also treated as a necessary function for the prevention of greater forms of sin.

The Dutch Reformed Church diverged from Catholic tradition slightly. It policed sexual morality more stringently but criminalizing sexual vice offenders remained a non-priority in the Dutch tradition as well. Religious leaders possessed the power to excommunicate those guilty of engaging in “whoredom,” but prosecuting prostitutes by way of the judicial system proved a different matter entirely.⁷⁶ Liezl Gaum of the jurisprudence department at the University of South Africa explained that sexual commerce was never treated as a criminal violation “in terms of the common law.”⁷⁷ To emphasize this point, she quotes seventeenth century criminal law professor, Antonius Matthaeus II as having written about prostitution to be “not so much as lawful,” but rather, “tolerated,” and “one to which the law” seemed to turn “a blind eye’.”⁷⁸

Societal toleration of prostitution was rooted in the socially constructed sexual double standard, which differentiated between male and female carnal behaviors.⁷⁹ The sexual double standard allowed for promiscuity in males, all the while insisting on female chastity. If men were to have the opportunity to exploit the cultural design of the double standard, which allowed for male lustful adventures in a world that also exhorted purity in females, then sexually ‘deviant’

⁷⁵ Donna J. Guy, *Sex and Danger in Buenos Aires: Prostitution, Family and Nation in Argentina* (Lincoln, Nebraska: University of Nebraska Press, 1995) 12-13.

⁷⁶ Lotte C. van de Pol, “The History of Policing Prostitution in Amsterdam” in *Regulating Morality: A Comparison of the Role of the State in Mastering the Mores in the Netherlands and the United States*, 98-99. Lotte C. van de Pol explains that “whoredom” was viewed as forbidden through adherence of the Ten Commandments.

⁷⁷ Gaum, 321.

⁷⁸ Matthaeus De Criminibus, as edited and translated by Hewett & Stoop (1993), 48 3 5 4, quoted in Liezl Gaum, “Turning Tricks: A Brief History of Regulation and Prohibition in South Africa,” *Stellenbosch Law Review* 14, no. 3 (2003): 321. <http://0-hdl.handle.net.oasis.unisa.ac.za/10520/EJC54499> (accessed 9 June 2016).

⁷⁹ Katherine Bliss *Compromised Positions: Prostitution, Public Health and Gender Politics in Revolutionary Mexico City* (University Park, Pennsylvania: Pennsylvania State University Press, 2001) 127. Heyningen references Keith Thomas.

women must exist. The sexual double standard was behind the logic adopted by supporters of vice, who believed that prostitutes played a vital role in preserving the sexual honor of ‘virtuous’ women in their communities. This explains why the practice flourished despite objections by the Dutch Reformed Church.

The perspective of Bernard Mandeville, a physician from Rotterdam who traveled to Amsterdam in 1700 demonstrates how the sexual double standard, as well as the notion that sex workers provided a service to society by preventing greater transgressions, served as justification for the toleration of sexual vice. Although Mandeville’s comments were not directed at Cape Town, but rather Amsterdam, his views nonetheless reflect Dutch perceptions of the licentious comportment of sailors and the ubiquity of sexual commerce at port cities. In addition, the Dutch traveler depicted societal anxieties over defilements to the sexual honor of virtuous females:

The Passions of some People are too violent to be curb’d by any Law or Precept; and it is Wisdom in all Governments to bear with lesser Inconveniencies to prevent greater. If Courtezans and Strumpets were to be prosecuted with as much Rigour as some silly People would have it, what Locks or Bars would be sufficient to preserve the Honour of our Wives and Daughters?...

Where six or seven Thousand Sailors arrive at once, as it often happens in *Amsterdam*, that have seen none but their own Sex for many Months together, how is it to be suppos’d that honest Women should walk the Streets unmolested, if there were no Harlots to be had at reasonable Prices?⁸⁰

This quote also suggests that many of Mandeville’s contemporaries desired to prohibit prostitution, yet the profession still flourished due to the continued toleration of sexual vice. Whether in Cape Town or Europe, government officials preferred to overlook the practice. They

⁸⁰ Bernard Mandeville, *The Fable of the Bees, or, Private Vices, Publick Benefits* (1714), quoted in Lotte C. van de Pol, “The History of Policing Prostitution in Amsterdam” in *Regulating Morality: A Comparison of the Role of the State in Mastering the Mores in the Netherlands and the United States*, 104.

believed that such a strategy made space for the constructive expression of male lust so that female chastity overall could be preserved.

Although events in Europe brought profound changes to the Cape, sexual commercial activities were not affected as the colonial period of the Dutch transitioned to that of the British. When the Netherlands fell to Napoleon's army in 1795, Britain moved to occupy the vitally strategic port of Cape Town. Although a truce by European powers brought a return of Dutch dominion in 1803, the British returned three years later when the peace collapsed. This time, leaving proved difficult for the ambitious empire. Not only did British politicians recognize the anchorage's attractiveness as a key military possession, but it also served to provide a secure base for passages en route to India. With the defeat of Napoleonic France, British strategists possessed little desire to allow Dutch reclamation of the port. Therefore, Britain took possession of the Cape through the Anglo-Dutch Treaty of 1814.⁸¹

Toleration of prostitution persisted under British rule just like it had during the Dutch regime. The shift in sexual commerce in Cape Town from toleration to regulation, however, occurred in 1868 through what colonial officials rhetorically regarded as a military necessity. By this time, Britain basked in the glow of her 'Imperial Century,' controlling territories and economies throughout the Americas, Europe, Asia, the South Pacific, and Africa.⁸² Many came

⁸¹ Although peace negotiations among European Powers began after Napoleonic France surrendered in May 1814, Napoleon attempted a comeback. His final defeat occurred at the Battle of Waterloo in June 1815. For more on the British acquisition of the Cape, please see Saunders, *Reader's Digest Illustrated History of South Africa, The Real Story*, expanded 3rd edition, (Cape Town: The Reader's Digest Association of South Africa, 1995) 94-95; Leonard Thompson, *A History of South Africa*, 4th ed. Revised and Updated by Lynn Berat, (New Haven: Yale University Press, 2014) 52-53.

⁸² Numerous historians refer to the years from 1815 to 1914 as Britain's 'Imperial Century' due to vast imperial expansion, which included the addition of 400 million people. This period is also referred as the Pax Britannica by historians as well due to relative peace among Europe's 'Great Powers'. For works on Britain's 'Imperial Century' see Timothy Parsons, *The British Imperial Century, 1815-1914: A World History Perspective* (Lanham, Maryland: Rowman & Littlefield, 1999).

to view the ambitions of empire as dependent upon the fitness of Her Majesty's fighting men. Fears over high rates of syphilis and gonorrhea among the armed forces prompted military officials and members of the medical community to call for the regulation of vice in the metropole and throughout the empire.⁸³

Under these concerns over the health of servicemen, the Cape of Good Hope passed the colony's first Contagious Diseases Act in 1868, which had been modeled after legislation produced by the House of Lords four years prior.⁸⁴ Like its British counterpart, the CD Act gave authorities in the Cape the power to detain women deemed *common prostitutes*.⁸⁵ Such a vague classification meant that women accused of selling sexual services risked enduring humiliating registrations, forced examinations, and even confinement in lock hospitals.⁸⁶ The CD Act merely regulated prostitution. In other words, no prohibitions were placed on the sex trade. Most importantly, the optics of this legislation helped validate the prevailing perception that women were sources of the venereal contagion, possessing a danger so great that strict surveillance was required.⁸⁷

The Contagious Diseases Acts passed by the Cape Colony and Great Britain in the 1860s were neither exclusive nor original. During the Napoleonic Wars, France initiated a state-

⁸³ Van Heyningen, 172; Philippa Levine, *Prostitution, Race, and Politics: Policing Venereal Disease in the British Empire* (London, England: Routledge, 2003) 2, 15, 37.

⁸⁴ Philippa Levine provides a detailed analysis on various CD legislations modeled after Britain's Contagious Diseases Law of 1864 in Chapter 2, "Law, Gender, and Medicine" of *Prostitution, Race, and Politics: Policing Venereal Disease in the British Empire* (London, England: Routledge, 2003).

⁸⁵ Van Heyningen, 172.

⁸⁶ Lock hospitals were treatment centers operating in Great Britain and throughout British colonies and territories in the 1700's through 1900's to treat sexually transmitted infections.

⁸⁷ Historical examinations into prostitution in Latin America and Europe also highlight how society linked prostitutes as dangerous to public health. For instance, in *Sex and Danger in Buenos Aires*, Donna J. Guy explains how women accused of engaging in sex work in the nineteenth century were scrutinized by police. In 1832, three hundred women "of doubtful character" were sent off to the Argentine frontier without warning and no due process. Furthermore, in *Compromised Positions* by Katherine Elaine Bliss, regulation policies in Mexico City prior to the Revolution did not place the burden on disease prevention on men and women equally. Instead, women were deemed responsible for the spreading of disease; Donna J. Guy, 39; Katherine Bliss, 3; see also Claude Quétel, *The History of Syphilis*, "The Pox and the Prostitute," tr. Judith Braddock and Brian Pike, (Baltimore, Maryland: John Hopkins University Press, 1992), 211-247.

controlled system of sexual commerce, which required prostitutes to register with authorities as well as submit to scheduled health inspections.⁸⁸ In fact, regulatory practices of sexual vice cropped up in some form or another throughout most of Britain's overseas territories by the 1870s.⁸⁹ Elizabeth van Heyningen aptly noted that the CD Acts proved chiefly "imperial legislation, designed to ensure the security of the British Empire."⁹⁰ The peril purportedly harbored by the *common prostitute* allowed for regulationists (overwhelmingly male) to justify intrusions upon a woman's movements as well as her body. Whether such measures were genuinely required to fight venereal diseases, there is no doubt that syphilis generated alarm. Although rarely fatal, the disease produced ghastly symptoms with no effective cure. Caused by the bacterium *Treponema pallidum*, syphilis continued to be a challenge to treat until the Second World War, when penicillin finally became more widely available to eradicate bacterial infections.⁹¹

The signs of syphilis depend upon which of the four phases an afflicted individual experienced. During the primary phase, one or more ulcers appear at the point of skin exposure, due to sexual contact with the cankers of an infected person. This phase arises days or weeks after initial contact. In the secondary phase, rash and papules surface on the palms, soles, and trunk of syphilitic sufferers about four to ten weeks later. Inflammation and fever sometimes occur. Next is the latent phase, which can last for one year, or several, with no obvious symptoms exhibited by infected individuals. Finally, the infection can progress into tertiary syphilis several years after initial exposure if left untreated. At this stage, the disease possesses the potential to disfigure, and

⁸⁸ Claude Quétel, 214; Van Heyningen, 172.

⁸⁹ Levine, 1.

⁹⁰ Van Heyningen, 173; Van Heyningen's connection of CD laws with Britain's imperial goals is often cited and quoted in other works as well. Examples include Levine

⁹¹ Quétel, 249.

is expressed through eruptions of large benign tumors on the skin, bones and liver. Impairments to the central nervous or cardiovascular system can sometimes manifest in this final stage.⁹² Up until the early twentieth century, doctors treated syphilitics with mercury ointments, steam baths and pills. Unfortunately, these courses of action produced grave side effects. Patients risked succumbing to the toxic mercury treatment instead of the actual disease.⁹³

Despite geopolitical anxieties over syphilis, the Cape took no action toward controlling transmissions of venereal diseases prior to 1868. Local interests over combatting its spread, or even sexual vice for that matter proved virtually nonexistent.⁹⁴ Incidentally, the demand came from the Imperial War Office, who pressured the colonial legislature to act to protect the health of British troops stationed at the Cape. Rates of venereal diseases were higher among British troops in comparison with other European militaries.⁹⁵ Hospitalizations due to venereal diseases not only proved a financial burden, but also jeopardized military readiness.⁹⁶ This was especially the case in 1859, when syphilis seemed to ravage British forces stationed in India. For every 1,000 servicemen hospitalized, 359 were a result of a venereal contagion.⁹⁷

⁹² Quetel, 57-58; Anonymous, "Congenital Syphilis," Dartmouth University, <http://www.dartmouth.edu/~thabif/newfiles/cong.html> (accessed 18 June 2018).

⁹³ Quetel, 83-86, 101. Side effects of mercury treatment are mental and motor impairment. A more effective drug for treating the disease was discovered in 1910. Although a more stable and soluble solution than mercury, the new drug, Salvarsan, was an arsenic derivative that produced ill effects. A pill form was more common while CDA in effect. See Quetel, 142-143.

⁹⁴ Heyningen, 173. Heyningen mentions that there was one formal request prior to 1868 by the Colonial Medical Committee.

⁹⁵ Levine, 44.

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*; David Arnold, "Sexually Transmitted Diseases in the Nineteenth and Twentieth Centuries," *Genitourinary Medicine*, 69, no. 1 (1993): 4. <https://sti.bmj.com/content/sextrans/69/1/3.full.pdf> (accessed 9 September 2018). According to David Arnold, the higher incidences of VD among British troops in nineteenth century India was attributed to the start of the Army's short-service policy in the 1870s. Seventy-five percent of British troops stationed in India were under 30 years of age, and only 2.8% of infantrymen had wives. Young, unmarried men seeking services from infected Indian prostitutes was the viewed the principle cause of the high transmission rates.

Cape Town's syphilis problem never reached the level of British India. Regardless, the military's claim that over 13% of servicemen required hospitalization at the Cape due to venereal afflictions lent enough urgency to consider local vice regulations. Compounding the evidence presented by the War Office were concerns that troops could be removed from Cape Town if the legislature failed to comply with their demands.⁹⁸ With the Cape of Good Hope's sights on Griqualand West on the lower Vaal due to the discovery of diamonds in 1867, and with tension brewing with the Transvaal over claims to this mineral-rich land, the departure of British troops would have created a major hindrance to the colony's designs northward.⁹⁹ Therefore, the threat by military officials provided the Cape legislature with sufficient reason to pass the "Act to Prevent the Spread of Contagious Diseases at the Military and Naval Stations of the Cape Colony" in September of 1868.¹⁰⁰

This blackmail orchestrated by the War Office was not the sole reason behind the establishment of regulated vice. The military also found support from local allies imbued by centuries-old mores sustaining the commercial exchange of sex. In her historical analysis of the years and months leading up to the first CD Act of the Cape, Van Heyningen reveals that Cape doctors, who comprised an increasingly influential and esteemed group of men began to "assume the role of arbiter of the colony's morals," as well as serve as champions for the maintenance of "the double standard."¹⁰¹ The *Cape Argus*, the colony's only principle English-language

⁹⁸ Heyningen 173; Vivian Bickford-Smith, *Ethnic Pride and Racial Prejudice in Victorian Cape Town: Group Identity and Social Practice, 1875–1902* (Cambridge: Cambridge University Press, 1995) 47. Bickford-Smith explains that Cape doctors encouraged the "Cape Town council to adopt sanitary reform" in the latter quarter of the nineteenth century.

⁹⁹ Christopher Saunders ed., *Illustrated History of South Africa*, 168; Bickford-Smith, 40.

¹⁰⁰ Cape of Good Hope, Parliament, *The Contagious Diseases Prevention Act of 1868*, Third Parliament, sessions 1864-1868, No. 25, 404. Purpose of the Act listed as such.

¹⁰¹ Heyningen, 173-174.

newspaper at the time, echoed rhetoric from the male-dominated medical community.¹⁰² The newspaper maintained “‘Harlotry’” was a profession “‘so ancient an origin,’” eliminating the trade simply proved impossible.¹⁰³ Despite “‘its evil effects,’” the *Cape Argus* cautioned readers that carnal enterprises risked becoming an even greater peril to society if allowed to continue illicitly.¹⁰⁴ Ironically, the lawful practice of prostitution was a metaphorical “‘safety-valve for public morality,’” designed to safeguard “‘the chastity and purity of’” the colony’s “‘virgins and matrons.’”¹⁰⁵ Grounded in the patriarchal tradition of the sexual double standard, The *Cape Argus* presented the regulationist case to the public through familiar justifications.

Although entrenched gender constructs reinforced support for the establishment of government-controlled prostitution, regulationists drew biased conclusions regarding the manner in which venereal diseases seemed to spread at the Cape. Known as the Contagious Diseases Prevention Act of 1868, the legislation called for “‘every woman known or reputed to be a common prostitute,” to be compelled to submit to bimonthly health examinations by medical inspectors.¹⁰⁶ District health inspectors were assigned to towns and settlements throughout the colony that had a military presence and port activity. The districts included Cape Town, Simon’s Town,

¹⁰² The medical profession was a male-dominated field in the nineteenth century. For example, it was not until the British Medical Act of 1858 that women were granted permission to practice medicine. Challenges toward acceptance of female doctors proved a challenge. Furthermore, Michel Foucault’s theories on modern medicine demonstrate a link between the professionalization of the medical community and state power. For challenges women faced during the Victorian Era when it came to practicing medicine, see David Finkelstein, “A Woman Hater and Women Healers: John Blackwood, Charles Reade, and the Victorian Women’s Medical Movement,” *Victorian Periodicals Review* 28, no. 4 (1995f): 330. <http://www.jstor.org/stable/20082883> (accessed 9 October 2018); for further reading on Michel Foucault’s theories on the role of professional medical societies and state power, see Michel Foucault, *The Birth of a Clinic: An Archaeology of Medical Perception*, tr. by A.M. Sheridan Smith, (New York: Random House, 1994), 26-34.

¹⁰³ Ibid.

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

¹⁰⁶ Cape of Good Hope, Parliament, *The Contagious Diseases Prevention Act of 1868*, Third Parliament, sessions 1864-1868, No. 25, 405.

Grahamstown, King William's Town and Port Elizabeth.¹⁰⁷ Failure to report for inspections or hospitalization resulted in arrest, detainment, and possibly even imprisonment.¹⁰⁸

Officials took actions in ways that suggested troops had contracted the disease from women at the Cape as opposed to elsewhere. However, close consideration of transmission rates and disease characteristics demonstrate that placing guilt regarding the spreading of disease squarely on marginal Cape women reflect chauvinism on the part of imperial authorities and their local allies. With 10% of the entire urban population in England infected with syphilis, the likelihood that British soldiers and sailors arrived at the colony already afflicted proved high, especially since Victoria era mores allowed for "male sexual access to a class of 'fallen' women," but limited female sexuality.¹⁰⁹ Additionally, infected troops could have just as easily contracted syphilis aboard the vessels through male to male sexual activity. After all, sea voyages were lengthy undertakings and primary phase symptoms appeared days or weeks after initial contact. However, military commanders certainly avoided speculating such possibilities openly.¹¹⁰

Among local marginal women, views on disease transmission likely diverged from the convictions of colonial and military authorities. Although treated as the guilty party, Cape females recognized that engaging in sexual activity with British troops carried health risks to themselves. One such female, Marian Lee, was so fearful of contracting a venereal infection that she checked

¹⁰⁷ Ibid., 408; Port Elizabeth surpassed Cape Town in 1860 as premier port in colony. For more on Port Elizabeth's growth see Glenn Adler, "From the 'Liverpool of the Cape' to 'the Detroit of South Africa': The Automobile Industry and Industrial Development in the Port Elizabeth-Uitenhage Region," *Kronos*, no. 20 (November 1993):18-19. <https://www.jstor.org/stable/41056300> (accessed 9 June 2018).

¹⁰⁸ Cape of Good Hope, Parliament, *The Contagious Diseases Prevention Act of 1868*, Third Parliament, sessions 1864-1868, No. 25, 406.

¹⁰⁹ Judith R. Walkowitz, *Prostitution and Victorian Society: Women, Class, and the State*, (Cambridge, UK: Cambridge University Press, 1980), 3, 49-50; Mary Wilson Carpenter, *Health, Medicine, and Society in Victorian England* (Santa Barbara, CA: ABC-Clio, 2010) 72.

¹¹⁰ Levine, 68: Levine mentions how VD outbreaks on ships from Britain to India in the 1880s and 1890s never produced formal consideration among military authorities regarding the possibility that men could very well be infecting each other during the long sea voyages.

herself into the lock hospital soon after having “been with an artillery man.”¹¹¹ Although the examiner cleared Marion Lee of diseases, even identifying her as a virgin, the case ultimately reflects a counter discourse regarding the allocation of culpability in the transmission of venereal infections.¹¹² Whereas official government records reveal that the War Office saw Cape women as the source for venereal afflictions affecting troops, local females may have perceived dalliances with servicemen as the real sources for venereal contagion.

Despite the clamoring from the War Office and Cape doctors to enact vice regulation, the rates of venereal diseases throughout the empire began to decline by the 1860s.¹¹³ Why concerns increased over the spread of sexually acquired contagions precisely at the time that cases decreased would suggest other motivations besides a concern for public health. Levine’s explanation for this contradiction rests on the idea that venereal diseases evoked a “deep and unbreakable association with morality.”¹¹⁴ Due to its link with sex, syphilis was especially regarded as a curse directed upon sinners.¹¹⁵ Ill servicemen certainly jeopardized military readiness yet fears over moral degeneracy cannot be overlooked. In an era when British ideals espoused cultural sophistication, a distaste for delinquency, as well as sexual restraint, venereal diseases seemed to rouse fixations on all sorts of carnal menaces.¹¹⁶ Therefore, indiscriminate lust and promiscuous females audacious enough to shun conventional bounds, not only threatened the health of Her Majesty’s fighting men, but also of British culture and the moral order.¹¹⁷

¹¹¹ Newspaper Clipping, “A Cape Town Case” in *Cape Argus*, 11 August 1899, CO 2294, reference 1264, Records from the Colonial Office, Cape Town Archives Repository (KAB), Western Cape Provincial Archives and Records Service; Report, Dr. Dixon, the CD Act Medical Inspector at Lock Hospital to Colonial Office, “Re The Case of Marian Lee,” 4 July 1899, CO 2294, reference 1264, KAB.

¹¹² Ibid.

¹¹³ Levine, 5.

¹¹⁴ Levine, 5.

¹¹⁵ Quetel, 52.

¹¹⁶ Levine, 5.

¹¹⁷ See Philippa Levine’s Chapter 7, “Prostitution, Race and Empire” in *Prostitution, Race and Politics*.

Supporters of vice regulation lamented over the “future evils” of venereal diseases.¹¹⁸ They believed afflicted men risked producing offspring with congenital syphilis, ultimately endangering future generations.¹¹⁹ The perceived danger posed by sexual immorality was none other than the peculiar notion of racial degeneracy. As Levine succinctly stated, “freedom from constitutional disease became a deeply, gendered metaphor for the health of the race and of the nation.”¹²⁰ Officials expected British troops to return to civilian life and marry upon completion of their military service. Thus, the colonies of the empire, particularly ports, became the front lines in the struggle to stave off disintegration of British heritage and blood. For officials, these colonial sites teemed with native subjects whom they regarded as less civilized, all the while providing fruitful cover for acts of debauchery. Colonized ports, such as Cape Town, existed as enduring provocateurs of moral and racial degeneracy.¹²¹ Social Darwinism, the misapplication of Charles Darwin’s scientific theory of natural selection to support claims of racial superiority, originated alongside British imperialistic fervor of the Victorian era.¹²² Therefore, despite the decline in venereal diseases, the sexual policing of marginal women surfaced as a policy solution to protect ‘whiteness’.

The Resistance and the Withdrawal

In just five years after the British parliament passed the Contagious Diseases Act of 1864, a well-organized repeal campaign in Great Britain emerged. Opponents formed the National

¹¹⁸ Correspondence, U.A. Jenings, Surgeon-Major, Principal Medical Officer to Lt. Col. W.E Montgomery, Assistant Military Secretary, “Correspondence with Supporting Statistics Between the Colonial and Imperial Military Authorities Respecting the Continued Prevalence of Venereal Diseases in Cape Town,” 26 January 1881, AMPT PUBS, reference G46, page 10, Records from the Colonial Office, Cape Town Archives Repository (KAB), Western Cape Provincial Archives and Records Service.

¹¹⁹ Ibid.

¹²⁰ Levine, 44.

¹²¹ Levine, 5.

¹²² Saul Dubow, *Scientific Racism in Modern South Africa*, (Cambridge: University of Cambridge, 1995), 120-121.

Association for the Repeal of the Contagious Diseases Acts in 1869.¹²³ Since the group initially excluded women, feminist social reformers decided to establish their own repeal organization. Therefore, the efforts by women began that December. English suffragist and activist, Elizabeth Wolstenholme, traveled to Bristol from Manchester to strategize with fellow veteran reformer, Josephine Butler on ways to combat the CD Laws. The meeting resulted in the establishment of the Ladies National Association for the Repeal of the Contagious Diseases Acts (LNA), which Butler agreed to lead.¹²⁴ Incidentally, the passing of regulated prostitution laws coincided with a time when female activists in Britain grew increasingly inclined to voice grievances over oppressive male-controlled institutions.¹²⁵

Although the male-dominated NA focused their efforts on parliamentary matters and lobbying activities, they were ill-equipped for the tasks of garnering a “public base of support in London” and in managing a cross-country campaign in “public agitation.”¹²⁶ Butler and the LNA wasted no time in rectifying the weaknesses evident in the men’s group. By the end of the year, they published a manifesto containing endorsements from an esteemed array of female writers, thinkers and reformers, including Florence Nightingale and Harriet Martineau.¹²⁷ Their public

¹²³ Judith R. Walkowitz, “Male Vice and Feminist Virtue: Feminism and the Politics of Prostitution in Nineteenth Century Britain,” *History Workshop*, No. 13 (Spring, 1982): 92. <http://www.jstor.org/stable/4288404> (accessed 10 June 2018). The National Association for the Repeal of the Contagious Diseases Acts was called initially the National Anti-Contagious Diseases Act Extension Association, but leaders found the title too difficult and not specific to their goals. National Association for the Repeal of the Contagious Diseases Acts will be abbreviated as NA.

¹²⁴ The establishment of the Ladies National Association for the Repeal of the Contagious Diseases Acts, or LNA, has been well documented. For more information on the establishment of the LNA and Josephine Butler’s role as leader, read Patricia Ward D’Itri, “Josephine Butler and the Contagious Diseases Act” in *Cross Currents in the International Women’s Movement, 1848-1948*, (Bowling Green, Ohio: Bowling Green University Press, 1999) and Judith R. Walkowitz, *Prostitution and Victorian Society: Women, Class, and the State*, (Cambridge, UK: Cambridge University Press, 1980).

¹²⁵ Levine, 7.

¹²⁶ Judith R. Walkowitz, *Prostitution and Victorian Society: Women, Class, and the State*, (Cambridge, UK: Cambridge University Press, 1980), 92-93. NA is an abbreviation from National Association for the Repeal of the Contagious Diseases Acts.

¹²⁷ *Ibid.*, 79. Florence Nightingale, opposed to government regulation of prostitution, was appointed to serve in a select committee in 1862 to investigate rate of VD in military. Committee would go on to recommend

declaration conveyed the central arguments of the repeal campaign. Not only did the CD Acts deprived women of their “legal safeguards” primarily by forcing them to submit to gynecological inspections, but also, by sanctioning a sexual double-standard. The LNA manifesto railed the CD legislation for victimizing women who they viewed as the “victims of vice” while excusing “the sex” responsible for the sex trade “and its dreaded consequences.”¹²⁸ The LNA consistently voiced their displeasure over CD laws based on two key points for decades. For one, Victorian sensibilities tended to equate the intrusive nature associated with gynecological exams as a sexual violation.¹²⁹ In addition, the LNA opposed the CD Act due to the gendered hypocrisy manifested by the Contagious Diseases Act, which bounded women’s bodies to state surveillance, all the while exempting men.

The principles and tactics adopted by the LNA reflect some fascinating dichotomies regarding women’s activism of the Victorian era. As pioneers of the social purity movements that emerged throughout the English-speaking world in late nineteenth century, Protestant values shaped the political convictions of LNA members.¹³⁰ However, their version of moral reform proved profoundly feministic and uncharacteristically radical, because the LNA directed attacks squarely at the patriarchy. Instead of condemning prostitutes on grounds of immorality, the LNA were more likely to perceive them as victims of male lust. These activist women ventured into the public arena to challenge traditionally masculine institutions, such as the government and the

lock hospitals. Marineau’s vocal opposition goes back to 1863 when she published letters to Daily News (See Walkowitz, 77).

¹²⁸ Josephine Butler, “Women’s National Protest,” *Personal Reminiscences of a Great Crusade*, (London: Horace Marshall & Son, 1910), 9-10.

¹²⁹ Judith R. Walkowitz, “Male Vice and Feminist Virtue: Feminism and the Politics of Prostitution in Nineteenth Century Britain,” (Spring, 1982): 80. The use of the speculum during gynecological exams was deemed “Instrumental Rape” by female moral reformers.

¹³⁰ *Ibid.*, 92-93; For detailed history on social purity movements, such as temperance and social hygiene reform, see Edward J. Bristow, *Vice and Vigilance: Purity Movements in Britain Since 1700*, (Dublin: Gill & Macmillan Ltd., 1978).

military. Butler's historical biographer, Judith Walkowitz explained that the rebellious women of the LNA "saw prostitution as a paradigm for the female condition, a symbol of women's powerlessness and sexual victimization."¹³¹ A speculum became equated with a "steel penis," the ultimate metaphor for state domination.¹³² To the LNA, the institutions of power nourished the sexual cravings of men, while engaging in the "instrumental rape" of women.¹³³

Josephine Butler traveled throughout Europe to garner support for her anti-vice regulation campaign. By 1871, the LNA comprised 57 branches. The LNA's message and strategy gained traction throughout the empire reaching hundreds of potential supporters through the dissemination of pamphlets.¹³⁴ Historical examinations into the global adoptions of sexual vice legislations occurring in the nineteenth and twentieth centuries must consider the role of the LNA, as well as their subsequent offshoots and mergers, closely.¹³⁵ However, the repeal campaign that emerged in the Cape Colony to overturn the Contagious Diseases and Prevention Act of 1868 did not rely

¹³¹ Ibid., 81.

¹³² Ibid.

¹³³ Ibid., 80; Michel Foucault, *Discipline and Punishment: The Birth of the Prison*, 2nd ed., tr. Alan Sheridan, (New York: Random House, 1995), 138, 215. Michel Foucault states that the human body became the site for the political expression of power. The emergence of lock hospitals, in which government officials exacted gynecological examinations, reflect Foucault's theories on how 'specialized institutions' dispensed discipline, and expressed power.

¹³⁴ A breadth of source material from the following reveal Josephine Butler's extensive global outreach and network. Josephine Butler Collection, the Ladies' National Association for the Repeal of the Contagious Diseases Acts Collection, and papers from the International Abolitionist Federation (founded by Butler in 1875) in the Association for Moral and Social Hygiene Collection at the Women's Library Archive (London School of Economics).

¹³⁵ Since the CDA extended throughout the empire, the Ladies National Association became the British, Continental and General Federation for the Abolition of Government Regulation of Prostitution. The British branch was formed in Liverpool on 19 March 1875, which included male members and leaders. Upon the repeal of the CDA in Britain, the organization's name was changed again to the British Committee for the Abolition of the State Regulation of Vice in India and throughout the British Dominions. In addition, Butler created the International Abolitionists Federation in 1875. The purpose was to combat vice regulation throughout the world, not just in British dominion, and to fight the international traffic of women for prostitution. In 1915, the branches merged to form the Association for Moral and Social Hygiene. The following archival collections in the Women's Library at the London School of Economics reveal this progression and timeline: Josephine Butler Collection, the Ladies' National Association for the Repeal of the Contagious Diseases Acts Collection, and papers from the International Abolitionist Federation (founded by Butler in 1875) in the Association for Moral and Social Hygiene Collection.

substantially on their collaborations with British activists despite previous interaction.¹³⁶ The local campaign certainly proved just as well-prepared as its British counterpart, but it primarily remained an endeavor orchestrated by prominent white men from Cape Town.

Influential member of the house assembly, Saul Solomon, led the repeal movement in the Cape. He certainly was not the first colonist to initiate a bill to terminate the CD Act, but he proved the most effective mobilizer against regulated sexual vice in the colony.¹³⁷ Van Heyningen's research into the early repeal campaign of the 1870s, and the political battles that ensued, reveal that Solomon's interest in abolishing the CD Laws piqued upon reading "a series of incidents... involving illegal police action against prostitutes" in the *Cape Argus*.¹³⁸ Subsequently, Solomon reached out to British campaigners of the LNA, which "certainly made himself familiar with their thinking."¹³⁹ Solomon must have approved of the information communicated to him from Bristol, because the politician adopted the familiar rhetoric of the LNA. He attacked the CD Act with a series of convincing letters, which were featured in the *Cape Argus* in November of 1870. The criticisms were all too familiar- the sexual double standard, the "invasion of civil liberty," and intrusive health exams.¹⁴⁰

¹³⁶ Archival research at the Women's Library reveal communication and outreach between social moral reformers in Britain and Saul Solomon. However, collaboration and coordination likely began occurring in the years after the repeal of the CDP Act at the Cape. Examples of such correspondence include: HJ Wilson wrote a June 1875 letter on behalf of Butler to Saul Solomon, asking him to become a member of the British Continental and General. Letter, HJ Wilson to Saul Solomon, 21 June 1875, Josephine Butler Letters Collection (3JBL), microform TWL 6.2 Box 2, ref no. 3JBL/11/81, The Women's Library, London School of Economics; Letter, Josephine Butler and James Stewart to Saul Solomon, 27 January 1879, Records of the Association for Moral & Social Hygiene; Solomon is referred as Josephine Butler's friend in letter, J.A. Froude to Rev. George Butler, 24 December 1875, Josephine Butler Letters Collection (3JBL), microform TWL 6.2 Box 2, ref no. 3JBL/14/13.

¹³⁷ Van Heyningen, 174. Van Heyningen states that colonist, Dr. George White, "introduced the first repeal bill into the Legislative Council in March 1870."

¹³⁸ Van Heyningen, 174. Solomon was a supporter of Voluntary Bill that ended government subsidies to Anglican Church. In addition, Saul Solomon owned the printing company that responsible for the *Cape Argus*.

¹³⁹ Van Heyningen, 174.

¹⁴⁰ Van Heyningen, 174-175.

Saul Solomon is often noted for his liberal positions, as well as his persuasive oratory skills. He was a fierce advocate for responsible government at the Cape, and an unflagging champion for racial equality and religious fairness. Solomon stayed true to his election promise to oppose “all legislation tending to introduce distinctions either of class, colour or creed.”¹⁴¹ His willingness to battle the CD acts demonstrate how his devotion to egalitarianism also extended to gender equality. Saul Solomon’s strategy to eradicate vice regulation incorporated a two-fold logical approach. Not only did the politician understand that the path for a repeal victory hinged upon a community-wide base of support, but also, employed evidence-based documentation confirming the flaws in the CDP Act of 1868.

In addition to his four letters published in the *Cape Argus*, Solomon called for a community meeting in January 1871, which resulted in the establishment of the Association for the Repeal of the Contagious Diseases Act in February.¹⁴² Unlike the CD repealers in Britain, association membership at the Cape proved overwhelmingly male.¹⁴³ Members included church leaders from a spectrum of denominations, as well as notable citizens representing both the white English and Afrikaans speaking communities. The association’s first order of business was to make a public appeal. Then, the association directed petition drives in favor of repeal to the House of Assembly.¹⁴⁴

The repeal bill introduced by Saul Solomon in the House of Assembly garnered the support necessary to pass, but the Legislative Council dawdled on the action, choosing instead to probe for more testimony. Thus, the upper house appointed a select committee to investigate the workings

¹⁴¹ Saul Solomon quoted in *Reader’s Digest Illustrated History of South Africa, The Real Story*, expanded 3rd edition, (Cape Town: The Reader’s Digest Association of South Africa, 1995) 129.

¹⁴² Van Heyningen, 174-175. Solomon’s letters in the *Cape Argus* attacked the CDP Act.

¹⁴³ *Ibid.*, 175.

¹⁴⁴ *Ibid.*

of the CDP Act.¹⁴⁵ Making a point to project neutrality, the report claimed their group consisted of members “averse to the continuance of the” legislation.¹⁴⁶ In the end, the select committee recommended an amendment to the CDP Act rather than a straight repeal in July of 1871. They concluded that the vice regulatory legislation had been successful in the reduction of syphilis cases in the Cape, which they recognized as “the disease more especially the object of the Act” in the first place.¹⁴⁷

The select committee also addressed “some of the unhappy objects of the Act” vocalized so vociferously by repeal campaigners.¹⁴⁸ For example, the inherent gender inequity, which burdened women disproportionately for the same sexual behaviors conducted by men, as well as the violation of personal liberties for women deemed prostitutes, underwent considerable scrutiny by the committee.¹⁴⁹ The recommended amendments suggest the abolitionist arguments certainly left a cautionary impression. Despite the potential for abuse, the select committee was nevertheless determined to justify the workings of the act. As the committee members addressed the issue over unjust treatment, their direction of questioning indicated a desire to confirm their prejudices of women based on racial categories, class, and sexuality. The ability to validate their biases ultimately promised a green light in the surveillance of marginal women.

The categorization of females as either sexually deviant or sexually chaste suggest society clearly constructed classes of women supplementary to race and socio-economic distinctions.

¹⁴⁵ The Parliament of the Cape of Good Hope consisted of the House of Assembly, or the lower house, and the legislative council, or upper house. The 1871 July Cape of Good Hope report on medical establishments clearly indicates that the select committee was appointed by the legislative council.

¹⁴⁶ Report, Cape of Good Hope Report of the Select Committee Appointed by the Legislative Council on Medical Establishments, July 1871, box 122, folder 1 of 3, p. v, coll. 3 AMS/D/41, Records of the Association for Moral & Social Hygiene, The Women’s Library, London School of Economics.

¹⁴⁷ *Ibid.*, vi.; According to Legislative Council and Select Committee member, Dr. Biccard, the rate drop “has been so great as from 27 ½ to 3 percent.”

¹⁴⁸ *Ibid.*, v.

¹⁴⁹ *Ibid.*, v-vi.

Desires to prevent venereal diseases provided the motivation for government regulated vice at the Cape, but societal coding of sexual behavior shaped the method. Therefore, the contest over the CDP Act exposes the biases, which served to rationalize the policing of marginal women. Through the testimony provided by Cape Town magistrates, medical examiners and police inspectors, the select committee acknowledged that even though the “Police have not always acted with prudence and discretion toward women fallen from virtue... there has not been brought to their knowledge any case of real hardship inflicted upon those women.”¹⁵⁰ In other words, the report declared since forced inspections upon females “leading a loose life” merely rendered moderate grievances upon them, policing this marginal class of women must remain sanctioned by law.¹⁵¹

Perhaps in response to concerns by abolitionists over abuses upon women, the committee seemed gratified “to report that no case of a woman with chaste habits having subjected to the operation of the Act has been brought before them.”¹⁵² As long as the act avoided inflicting transgressions upon the sexually chaste, forced gynecological examinations upon the sexually deviant risked no censure. The only exception involved vague, haphazard advice to treat such females “kindly” and with discretion.¹⁵³ In addition to categories over female sexual purity, racial categories also influenced who became targets of policing. Although select committee members recommended no procedural distinctions based on race, they sought data from Cape officials on the ethnic make-up of sex workers. For instance, they asked Thomas Sayle from the Cape Town police force regarding “what kind of people” could be found at the brothels. Sayle’s reply, mostly

¹⁵⁰ *Ibid.*, vi.

¹⁵¹ *Ibid.*, viii.

¹⁵² *Ibid.*, v-vi.

¹⁵³ *Ibid.*, vi.

Malays and Coloureds, encountered no reported commentary, but the line of questioning suggests conspicuous racial bias.¹⁵⁴

Sexual and racial distinctions not only determined a woman's class position, but ultimately revealed who was worthy to protect from institutionalized abuses and who was not. When committee member, Mr. Wood, asked Inspector Evans about the "nation" of the prostitutes protesting the examinations, he replied "Africanders, chiefly, with good sprinkling of English and Irish."¹⁵⁵ Although policy recommendations regarding health inspections, or surveillance procedures, did not overtly appear to be determined by racial categorizations, prejudicial undercurrents shaped the workings of the act in subtle ways. The racialized questioning not only uncovers an environment far from colorblind, but also demonstrates how the entrenched gender, class and racial biases served as integral motivators behind the Contagious Diseases Acts. In addition to safeguarding the empire's military might, sexual vice regulation ultimately sought to control groups deemed culturally flawed and racially inferior.

Another "of the unhappy objects of the Act" the select committee addressed involved the gender unfairness that dogged the legislation.¹⁵⁶ The select committee rebuked the "reproach against the Act of 1868," which were criticisms pertaining to how the act was "confined to women alone."¹⁵⁷ Although the report acknowledged the act indeed applied to sex workers, the gender bias in its workings were an unintended consequence.¹⁵⁸ The select committee rationalized the

¹⁵⁴ *Ibid.*, 36.

¹⁵⁵ *Ibid.*, 20; For a breakdown of the meaning and origin of term 'Africander' in use during the nineteenth century to refer to Afrikaans-speaking whites, see Vivian Bickford-Smith, *Ethnic Pride and Racial Prejudice in Victorian Cape Town: Group Identity and Social Practice, 1875–1902*, (Cambridge: Cambridge University Press, 1995), 48.

¹⁵⁶ Report, Cape of Good Hope Report of the Select Committee Appointed by the Legislative Council on Medical Establishments, July 1871, v.

¹⁵⁷ *Ibid.*, vii.

¹⁵⁸ *Ibid.*

discrimination by conceptualizing sex work as female labor, and thus, the primary agent of disease. Typical of nineteenth century officials, the select committee vehemently rejected the notion of male prostitution. “The existence of such a monster is physically impossible,” the report proclaimed.¹⁵⁹ To further counter abolitionist criticism on the act’s unequal treatment on men and women, the select committee emphasized that routine health inspections were conducted on soldiers and sailors.¹⁶⁰ However, equating the invasive gynecological instruments used on women with the health screenings assigned to men proved disingenuous. Detecting signs of disease for men simply involved an inspection of the skin surface. In contrast, women often complained of the speculum’s harmful effects during vaginal exams.¹⁶¹

In an age consumed by public morality, the select committee also determined the vice regulatory law of 1868 failed to produce the boost in promiscuity so warned by opponents. Although many found the sexual vice law inherently immoral, the select committee claimed the number of prostitutes did not increase with the enactment of the CDP Act.¹⁶² The report stated that any “real or supposed protection from disease afforded by the certificates” given to noninfectious sex workers, averted a surge in “the indulgence in the vice of fornication.”¹⁶³ In other words, officials believed that the colony’s practice of regulated prostitution did not alter the level of commercial sexual transactions that occurred.

In the end, the select committee appointed by the Legislative Council shied away from maintaining the CDP Act unaltered. They proposed amendments specific to aspects opponents had found most objectionable. However, the proposed adjustments did nothing to eliminate the

¹⁵⁹ Ibid.

¹⁶⁰ Ibid.

¹⁶¹ Ibid., 24.

¹⁶² Ibid., 13.

¹⁶³ Ibid., vi.

vagueness often associated with the workings of the sexual vice legislation. For example, one of the key recommendations included use of the term *common prostitute*. The report indicated the designation “should be strictly defined...to prevent interference with women who, though they may have lapsed from virtue,” shall not be labeled as such.¹⁶⁴ To avoid misapplication of the term, the select committee proposed that magistrates and police state an “oath, as to the knowledge and belief of the woman’s character,” prior to ordering any suspected sex worker to undergo examination.¹⁶⁵ Based on the testimony provided, police possessed far-reaching privileges in identifying sex workers, and thus, earmarking women for the act. When questioned by the committee as to how Cape Town police determined who was considered a *common prostitute*, Inspector John Evans explained ambiguously that they just knew when such women lived in common brothels.¹⁶⁶ The select committee stopped short in offering recommendations to police on how to take more prudent care when singling out females as a sex worker.

Another key recommendation offered by the select committee involved the health inspection itself, which surely failed to alleviate any of the concerns over the intrusive use of instruments. The report stated that the “inspection for the purposes of detection of disease and of treatment” must be conducted “by one man alone, viz, by the Medical Inspector.”¹⁶⁷ By attempting to ensure health inspections of prostitutes be conducted with greater circumspection, the select committee ultimately provided the medical inspector with considerable power. Limiting who was responsible for conducting examinations neglected the aversion women felt toward the use of gynecological instruments. The select committee’s desire to grant wider authority to the medical

¹⁶⁴ Ibid., vii.

¹⁶⁵ Ibid., viii.

¹⁶⁶ Ibid., Testimony of John Evans in Report on 17 July 1871, 13.

¹⁶⁷ Ibid., viii.

inspector coincided with increasing political participation by the medical community during the sanitation reform debates of the 1870s.¹⁶⁸

Unlike the House Assembly that passed the repeal legislation, primarily through the efforts of Saul Solomon, the Legislative Council leaned toward modifications to the CDP Laws instead. However, no amendments occurred. Lawmakers eventually abandoned the sexual vice legislation. Van Heyningen explains it was at this critical juncture that “the repeal movement became caught up in the fight for responsible government as the House of Assembly refused to vote any money on the estimates for the working of the Act.”¹⁶⁹ Since 1825, the British government began to gradually concede greater authority to local officials. In 1853, a bicameral parliament governed the Cape Colony. Whereas the legislative branch consisted of colonists and governed on domestic matters, the executive branch, held by the imperial governor, remained an appointed position controlled by Britain.

By 1871, however, Saul Solomon and other Cape liberals began calling for a power shift from representative government to responsible government. Acquiring responsible government status would in effect create prime ministers, a role directly responsible to locally-elected representatives.¹⁷⁰ Appealing to accusations “of unconstitutionality by the government,” the legislature suspended the vote.¹⁷¹ Moreover, the abandonment of the vice regulatory act at the Cape gained traction due to the knowledge that Britain was on the verge of abolishing their own

¹⁶⁸ Bickford-Smith, 47-48; As Bickford-Smith examined, Cape Town municipal politics was divided between the ‘Clean Party’, who equated sanitation with Englishness, versus the ‘Dirty Party’, whose members consisted of small property owners in the town central and opposed to the tax increases that came with infrastructural projects.

¹⁶⁹ Van Heyningen, 175.

¹⁷⁰ Christopher Saunders ed, *Reader’s Digest Illustrated History of South Africa, The Real Story*, 128-129; Leonard Thompson, *A History of South Africa*, 4th ed. Revised and Updated by Lynn Berat, (New Haven: Yale University Press, 2014) 63-64.

¹⁷¹ Van Heyningen, 175.

acts, first passed by parliament in 1864.¹⁷² As a result, the Cape Colony not only gained responsible government status in 1872, but also experienced a withdrawal of the CDP Act in the same year as well.

In contrast to the repeal movement in Britain, the 1870s abolition campaign of vice regulation in the Cape did not involve female activism. Van Heyningen offers some pointed suggestions to explain why Cape women avoided active participation in the movement. In addition to “Poor education and lack of opportunity,” she offers, their paucity for political activism also involved “nineteenth century white colonial aspirations, like those of colonial America,” which veered “towards the middle, producing a society whose values conformed more closely to the middle-class norm than in the diverse metropolis.”¹⁷³ Van Heyningen’s proposals suggesting that colonial environments produced different values than the metropole, such as deference to social order, prove persuasive.¹⁷⁴ However, it is also important to consider the role of successful grassroots activism that occurred in Britain, in contrast to lack of such connections evident in the Cape Colonial context of the 1870s. Female abolitionists in Britain possessed strength in numbers, because their message and membership reached a much wider audience. For instance, Cape Town’s population consisted of 75,000 inhabitants in 1875, whereas the population of Liverpool, the town that birthed Josephine Butler’s reform movements, possessed approximately 500,000 inhabitants.¹⁷⁵ In essence, Liverpool’s population was 6.7 times greater than that of Cape Town’s. Furthermore, people in Britain had long been engaged in political advocacy and parliamentary

¹⁷² Ibid.

¹⁷³ Ibid., 175-176.

¹⁷⁴ For more information on Victorian Urban values in Britain, see Simon Gunn, *The Public Culture of the Victorian Middle Class. Ritual and Authority in the English Industrial City, 1840-1914*, (Manchester University Press, 2000).

¹⁷⁵ Bickford-Smith, 11; "Liverpool: Trade, population and geographical growth," in *A History of the County of Lancaster: Volume 4*, ed. William Farrer and J Brownbill (London: Victoria County History, 1911), 37-38, British History Online (accessed 26 June 2018) <http://www.british-history.ac.uk/vch/lancs/vol4/pp37-38>.

agitation.¹⁷⁶ Despite changes toward greater autonomy throughout the nineteenth century, the government of the Cape often found themselves consumed by a colonial power occupied with numerous frontier wars and land usurpation to the east.¹⁷⁷ Colonial hegemonic endeavors contributed to a different political reality, and thus, a different political culture.

Despite the legislature's abandonment of the CDP Act in 1872, support for government-controlled prostitution endured. Aiding the regulationist cause were proponents of sanitary reforms. From the 1870s to 1880s, British-educated doctors and journalists placed in motion an urban cleanliness crusade, mirroring the sanitary reform movement of Britain that began in the 1840s. Generally, the global sanitary reform campaigns of the Victorian era responded to problems associated with urbanization, such as overcrowding, and inadequate water and sewage systems, which bred diseases. Sanitary reformers lobbied lawmakers for enforceable public health legislation to prevent urban maladies. However, seemingly benign initiatives intended to improve the health and well-being of Cape Town's populace ultimately reinforced ideas of English superiority.¹⁷⁸

In *Ethnic Pride and Racial Prejudice in Victorian Cape Town: Group Identity and Social Practice, 1875-1902*, urban historian, Vivian Bickford-Smith, examined how Cape Town's "sanitation rhetoric became inextricably mixed with the rhetoric of British imperialism."¹⁷⁹ For

¹⁷⁶ England shifted to a constitutional monarchy from an absolute monarchy due to the Glorious Revolution of 1688. This political change launched the practice of citizens and subjects petitioning parliamentarians, fielding candidates, and participating in committee hearings.

¹⁷⁷ The move toward greater autonomy at the Cape proved gradual. British government allowed for the functioning of a weak legislative council for the Cape in 1835. Due to gradual local pressure, the queen granted the Cape a representative government in 1853, in which the local parliament produced a constitution. The Cape granted responsible government status in 1872. See Leonard Thompson, 63-64, 133.

¹⁷⁸ Liza Picard, "Health and Hygiene in the 19th Century" in *Victorian Britain*, British Library, <https://www.bl.uk/victorian-britain/articles/health-and-hygiene-in-the-19th-century> (accessed 20 June 2018); Bickford-Smith, 47.

¹⁷⁹ Bickford-Smith, 50.

instance, the same Cape Town English-language newspapers advocating for sanitary reform were also “behind the promotion of Englishness.”¹⁸⁰ Specifically, the *Cape Times* and the *Lantern* promulgated a surge in negative racialized reporting on inhabitants deemed inferior, alongside calls for greater urban health projects.¹⁸¹

This political climate of sanitary infatuation generated apprehension among the foes of government-regulated sexual vice in Britain and Cape Town. In November 1878, the Colonial Governor for the Cape of Good Hope, Sir Henry Bartle Frere, issued a proclamation regarding the establishment of a sanitary act for the colony.¹⁸² Josephine Butler and James Stewart, leaders of the British, Continental and General Federation for the Abolition of Government Regulation of Prostitution headquartered in Liverpool shared concerns already expressed by Cape politician, Saul Solomon, regarding the application of venereal diseases to the sanitary act.¹⁸³ Although the governor offered no specifics on how officials planned to control the spread of venereal diseases, abolitionists called for vigilance. They believed the sanitary act proclaimed by the governor a ploy designed to bring back “some system practically the same as the Contagious Diseases Acts.” Butler had already witnessed this regulationist maneuver occur throughout Europe.

Butler recommended that Solomon investigate how “the doctors and police” planned “to work it (the proclamation) practically” by making specific enquiries:

First: we would ask by what sort of information- by what means- the persons suffering from venereal diseases are to be discovered?... We cannot see what other means are to be employed than information laid by men against women and vice versa, and then, are the authorities to act on an unsupported information and place a person so informed against forcibly in a hospital? How is a man or woman

¹⁸⁰ *Ibid.*, 71.

¹⁸¹ Bickford-Smith on negative stereotyping of Malays, Coloureds and Africans, 70-71.

¹⁸² Letter, Josephine Butler and James Stewart to Saul Solomon, 27 January 1879, Records of the Association for Moral & Social Hygiene.

¹⁸³ *Ibid.*

to disprove such information? They can only do so by a medical certificate involving the odious examination which the very point we deprecate any individual obliged to submit to to avoid other punishment or detention.

Secondly. Then comes the following very important question; what is to be done if a person denies the fact of suffering from this disease, and refuses to go to the hospital? Can they be taken there forcibly, if so, we shall have repeated again the same crimes as have appeared under the C.D. Acts system of innocent women being outraged while protesting their innocence.¹⁸⁴

Butler's sharp enquiries indicate a climate of intense vigilance. Although abolitionists had succeeded in dissolving the Contagious Diseases Prevention Act of 1868, they remained besieged by regulationists in the years that followed. For instance, in just thirteen years after the abolishment of government-regulated prostitution in 1872, the system returned to the Cape once again; not in the form of a sanitary act as feared by Butler and Solomon, but rather, as a full-fledged legislative measure. This time, the rapidly changing economy in South Africa along with shifts in demographic patterns, became added tenacious ingredients in the maintenance of regulated prostitution in Cape Town well into the twentieth century.

Sexual vice surveillance at the Cape traversed local and international matters and engendered transcontinental dialogue. At the heart of the government-regulated prostitution issue lay a debate over public morality and sexual policing. Yet, perceptions of race, culture, and gender proved inescapable facets to this contest. Prejudices and biases sustained the power of officials who craved greater surveillance of carnal commercial transactions. Deemed diseased and dangerous, marginal women ultimately became objects requiring control, and thus, prone to government abuses.

¹⁸⁴ Ibid.; Butler informed that forced examinations were considered illegal through British judiciary.

Patriarchal and imperial power drove the construction and implementation of the first Contagious Diseases Acts in effect from 1868 to 1872. Although purportedly designed to protect British military readiness, the first CD legislation for the Cape made little sense from a local standpoint. Upon enactment, the global rate of VD cases began to decrease, and the British parliament abolished their own CD Acts.¹⁸⁵ Furthermore, the prevalence of syphilis and gonorrhea seemed a greater problem for the mother country than the colony.¹⁸⁶ British officials fretted over the “future evils” of venereal diseases.¹⁸⁷ Promiscuous females not only threatened the health of Her Majesty’s servicemen, but also, British morals and blood. In the end, the CDP Acts had less to do with disease prevention and military preparedness, and more to do with safeguarding the empire from cultural and racial degeneracy.

¹⁸⁵ Levine, 5; STI rates began to decrease throughout empire in the 1860s.

¹⁸⁶ Although Military authorities claimed 13% of servicemen at the Cape afflicted with VD, sexually transmitted syphilis seemed more of a Victorian England problem. With 10% of the entire urban population in England infected with syphilis during the Victorian Era, the likelihood that British soldiers and sailors arrived at the colony already afflicted proved high. Additionally, infected troops could have just as easily contracted syphilis aboard the vessels through male-to-male sexual activity. After all, sea voyages were lengthy undertakings and primary phase symptoms appeared days or weeks after initial contact. See this Chapter 1 and “Correspondence with Supporting Statistics Between the Colonial and Imperial Military Authorities Respecting the Continued Prevalence of Venereal Diseases in Cape Town,” 26 January 1881, AMPT PUBS, reference G46, page 10, Records from the Colonial Office, Cape Town Archives Repository (KAB), Western Cape Provincial Archives and Records Service.

¹⁸⁷ “Correspondence with Supporting Statistics Between the Colonial and Imperial Military Authorities Respecting the Continued Prevalence of Venereal Diseases in Cape Town,” 26 January 1881, AMPT PUBS, reference G46, page 10, Records from the Colonial Office, Cape Town Archives Repository (KAB), Western Cape Provincial Archives and Records Service.

Chapter 2-The Cape of Good Hope’s Contagious Diseases and Prevention Act of 1885: Protecting ‘Whiteness’ and the Road to Racial Exclusion, 1872-1902

In the spring of 1892, the K family from Port Elizabeth in the Cape Colony prepared for an upcoming trip to England in just three weeks’ time.¹⁸⁸ The family consisted of Mr. and Mrs. K, their three children, and a young nursemaid named Christina Shafer. For the past three years, Christina Shafer worked for the family and “enjoyed their confidence and respect.”¹⁸⁹ To Mr. and Mrs. K, the nurse “was a most well-conducted white girl, (who) slept in the same room as their children.”¹⁹⁰ In fact, the K’s fully expected Shafer to accompany them to England, until Dr. Appleby, a medical officer working under the Contagious Diseases and Prevention Act of 1885, called on the family with uncomfortable news. An unidentified man suffering from some sort of venereal disease at the Port Elizabeth lock hospital had named Shafer as the person responsible for infecting him with the dreaded illness.¹⁹¹

While Mr. and Mrs. K “refused to believe” the doctor’s charge, Shafer “indignantly denied either immoral conduct or disease.”¹⁹² Upon examining Shafer at the K Family home, Dr. Appleby determined the young nurse to be “diseased and badly” so.¹⁹³ The K’s demanded a second opinion from their own physician, but the medical inspector refused the request. Claiming to not have the proper equipment “necessary for a thorough examination” at his disposal, Dr. Appleby convinced Shafer to accompany him to the lock hospital.¹⁹⁴ Since the couple desired Shafer be treated at their

¹⁸⁸ Written Statement, “Case of Christina,” Julia Solly, 1 May 1892, Microform TWL 6.2 box 3, Coll. 3JBL/31/12, Josephine Butler Letters Collection, The Women’s Library, London School of Economics.

¹⁸⁹ *Ibid.*

¹⁹⁰ *Ibid.*

¹⁹¹ *Ibid.*

¹⁹² *Ibid.*

¹⁹³ *Ibid.*

¹⁹⁴ *Ibid.*

home, even offering to cover all medical costs, Dr. Appleby promised to return the young woman for at-home treatment. However, Christina Shafer was not returned to the home of her employers. Instead, Mr. and Mrs. K received a letter notifying them that Christina Shafer “would remain a prisoner” at the lock hospital instead.¹⁹⁵ To add insult to injury, they soon discovered the magistrate’s office posted Shafer’s name in the “common prostitute” registry, which subjected her to “medical supervision.”¹⁹⁶ As for Shafer’s male accuser, Dr. Appleby guarded his identity. He remained anonymous, free from the carnal surveillance experienced by women caught up in the working of government vice regulation.¹⁹⁷

News of the Shafer case not only galvanized the foes of sexual vice regulation throughout southern Africa, but also, feminists and moral reforming abolitionists in Europe. The thought of a young woman detained as a prisoner and then labeled a common prostitute openly outraged many middle class whites.¹⁹⁸ In the late nineteenth century, Shafer’s detainment served as a bitter reminder of the government’s penchant for moral corruption, their perpetual exercise in the sexual double standard, and the repeated trampling of civil liberties. In effect, male medical doctors became extensions of state power, executing policies of control and exclusion.

Ultimately, the Shafer case not only revealed the deep-seated racial prejudices harbored by the government, but also by white Victorian moral reformers. Through her ‘whiteness’, Shafer embodied the perfect victim in the eyes of feminists and moralists. For example, upon discovering Shafer at the lock hospital, vice abolitionists described her as “the only white girl among the lowest

¹⁹⁵ Ibid.

¹⁹⁶ Ibid.

¹⁹⁷ Ibid.

¹⁹⁸ Ibid.; Letter, Solly to British Member of Parliament Henry Wilson, December 1895, box 3, folder 1 of 3, Coll. 3/AMS/D/41, Records of the Association for Moral & Social Hygiene, The Women’s Library, London School of Economics. Henry Wilson was a CD abolitionist and secretary of British Continental and General Federation for the Abolition of Government Regulation of Prostitution.

set of diseased coloured women.”¹⁹⁹ Even though thousands of women also sustained abuses by way of the CDP Act of 1885, educated whites sympathized with Shafer’s plight in a way that they were unable to muster for Coloured and African females caught up in the same unjust vice regulatory practices.²⁰⁰

This chapter will focus on the second Contagious Diseases and Prevention Act at the Cape passed in 1885, which represents a critical piece in the overall investigation into the shifts in policies toward sexual commerce from support and regulation to abolition and criminalization. The timeframe encompasses 1872 to 1902. These years proved significant, because the first CDP Act enacted in 1868 ended in 1872, yet the debate over government-regulated prostitution never faltered. No sooner was the act phased out in the Cape than regulationists plotted for its reinstatement. Their efforts proved successful. The CDP Act of 1885 officially remained law for 34 years.²⁰¹ Designed to combat the spread of venereal diseases, these Cape Colony acts not only called for authorities to detain women marked as sex workers, but to also subject them to registrations, forced examinations, and even possible confinement at lock hospitals for treatment.

¹⁹⁹ Written Statement, “Case of Christina,” Julia Solly, 1 May 1892, Microform TWL 6.2 box 3, Coll. 3JBL/31/12, Josephine Butler Letters Collection, TWL-LSE.

²⁰⁰ Examinations of reports by medical inspectors reveal that more Coloured women were inspected at the lock hospital. Returns of Medical Inspections for the lock hospital in the Cape Colony, 1904-1908, CO 8035, folio G6P, Colonial Office Records, Western Cape Archives and Records Service. The selective white sympathy for Shafer resonates with the infanticide cases of Schraivesande and Layton examined by Prinisha Badassy in her doctoral thesis, ‘A Severed Umbilicus: Infanticide and the Concealment of Birth in Natal, 1860-1935.’ Badassy demonstrated that Johanna Cathrina Schraivesande and Rose Layton, two white women charged with infant homicide, received sympathy from other whites in Natal. Badassy concluded that preserving white respectability proved more important than judicial punishment for the criminal deed. Incidentally, Schraivesande’s case generated citizens’ petitions among white community much like the Shafer case. Badassy also demonstrated how whites showed greater concern for white children in orphanages. In fact, the Children’s Protection Act of 1913 was intended to benefit white infants even though infant mortality rates were much higher among African, Coloured, and Indian babies. For specific references, see Prinisha Badassy, ‘A Severed Umbilicus: Infanticide and the Concealment of Birth in Natal, 1860-1935,’ Doctoral thesis, November 2011, University of KwaZulu-Natal, UKZN Research Digital Space, 120-133, 221-240. <https://researchspace.ukzn.ac.za/handle/10413/8244> (accessed 15 October 2018).

²⁰¹ Public Health Act 36 of 1919. South Africa lawmakers enacted the nation’s first Public Health Act in 1919.

As the previous chapter already demonstrated, prostitution was regulated at the Cape, but not prohibited.

Examinations into the Contagious Diseases and Prevention Act of 1885 are important for a number of reasons. The controversies created through vice regulation illuminate entrenched racial, class and gender assumptions harbored by custodians of the colony. The control manifested by officials rested on these perceptions. However, the white, middle-class opponents of regulated prostitution were certainly not immune to racial and gender biases. Whereas moral activists were heedful of government violations of women's bodies, proponents of regulated commercial sex promoted surveillance of marginal women. Regardless of the contrasting positions over the issue, all involved advocated for some practice of carnal vigilance. This key nineteenth century legislation not only affected the sex industry at the Cape, but also influenced South Africa's public health policies decades after the passing of the acts. Most importantly, the Contagious Diseases Acts, often referred as CD laws by some historians, provide a window into the formation of South Africa's twentieth century exclusionary and segregationist policies delineated by race.²⁰² My scope ends in 1902, when Cape legislators enacted the Suppression of Gaming Houses, Betting Houses, Brothels and Immorality Act. Commonly referred by contemporaries as the Immorality Bill, Act No. 36 of 1902 unleashed wider ramifications than a mere police crackdown on urban vice.²⁰³ As a precursor to the Union of South Africa's Immorality Act of 1927, segregation era legislation prohibiting illicit carnal relations between blacks and whites, the much earlier Brothel Suppression Act aimed to buttress the racial order.

²⁰² The Contagious Diseases Acts in Britain and throughout the empire are commonly referred by scholars as CDA, or CD laws. Since the Cape Colony's version of CDA was entitled the Contagious Diseases and Prevention Act, this examination prefers to use CDP Act.

²⁰³ Letter, Solly to Miss Forsaith, 8 January 1903, box 122, folder 1 of 3, 3AMS/D/41, Records of the Association for Moral & Social Hygiene, The Women's Library, London School of Economics.

Why did the Cape government enact another Contagious Diseases and Prevention Act despite resistance in the years leading to the 1872 abolishment of the first legislation? How did conceptualizations of empire, gender, ‘whiteness’, class, morality and disease affect sexual vice surveillance at the Cape? More importantly, how might the vice regulation controversy advance other forms of policing? Allies of the repeal campaign included members of the burgeoning women’s movement, some of the colony’s most capable politicians, members of the clergy, and even a few physicians.²⁰⁴ Throughout the nineteenth and early twentieth centuries, they faced stiff opposition from regulationists, consisting chiefly of military authorities, sanitary officials, and politicians consumed with matters of security. Due to profound economic, political and demographic transformations in the region, positions over the vice industry shifted from 1872 to 1902, often creating inconsistencies in policy. I argue that the nineteenth century political battles over the Cape Colony’s Contagious Diseases Acts provided fertile ground for the discourses used to support the racial and sexual policing of South Africa in the twentieth century. Although always a gendered arena, the contest for public health and morality became increasingly racialized during the period under study.

Thirteen-Year Vice Regulation Absence, Socio-economic Transformations, Public Health and Constructing Racial Distinctions

After the 1872 withdrawal of the CDP Act, sexual commerce persisted with no government regulation. For the next thirteen years, sex workers practiced the trade with little molestation from

²⁰⁴ Philippa Levine, *Prostitution, Race, and Politics: Policing Venereal Disease in the British Empire* (London, England: Routledge, 2003) 7. Levine explains that the Victorian Era was a time in which women were becoming increasingly articulate.

authorities.²⁰⁵ But in 1885, state regulation of sexual vice returned to the Cape. This shift begs the question why vice laws made a comeback after a thirteen-year absence. Many factors help explain this turnaround in policy. In fact, one reason that cannot be overlooked involves Saul Solomon's retirement from public service due to declining health in 1883.²⁰⁶ This key liberal leader proved instrumental in triggering the abolition campaign for the Cape at the outset. Opponents of regulated prostitution certainly owed their victory to Solomon's skills as an effective community organizer and legislative mobilizer. His absence from local political discourse certainly created space for supporters of state-controlled vice to stage a resurgence. However, even Saul Solomon's presence as a policy maker could not have staved off the entrenched racist undercurrents that contributed to the 1885 return of vice regulation. Moreover, the rapid economic and political changes experienced by the British Cape during the 1870s to the 1880s brought on health and sanitation reforms, which ultimately provided a space for exercises in gender bias and racial bigotry.

In *Ethnic Pride and Racial Prejudice in Victorian Cape Town*, Vivian Bickford-Smith's research seeks to rectify an assumption that the British Cape Colony proved a liberal bastion refuge contrary to the racial intolerance exhibited by Afrikaner settlers, who ultimately generated the oppressive policies of apartheid. Bickford-Smith demonstrates that British liberals of the merchant class proved just as racist as the Boer farming and settler communities. Their form of racism,

²⁰⁵ Although the Cape of Good Hope's Act No. 23 of 1879, "For the Prevention of Vagrancy and Squatting Act" was not intended to criminalize or suppress prostitution, police could potentially arrest sex workers for street solicitation under the law. Section 2 stated that "any person found wandering abroad and having no visible lawful means, or insufficient lawful means of support..."; Cape of Good Hope, Parliament, *For the Prevention of Vagrancy and Squatting Act of 1879*, No. 23, Sixth Parliament, *Statutes of the Cape of Good Hope from 1872-1886* (Cape Town: Richards and Sons, 1895), <https://play.google.com/books/reader?id=oopAAAAAYAAJ&pg=GBS.PA1614> (accessed 10 July 2018).

²⁰⁶ Christopher Saunders, *Reader's Digest Illustrated History of South Africa, The Real Story*, expanded 3rd edition, (Cape Town: The Reader's Digest Association of South Africa, 1995) 129.

however, came cloaked in calls for greater health and sanitation reform during a period of rapid urbanization brought on by the mining industry. Not only did the debates over vice regulation reemerge as a way for authorities to protect Victorian morals, but also, to protect ‘whiteness’.

The mining of diamonds in 1870 resulted in a flurry of economic activity. The Cape experienced rapid industrialization, as well as profound demographic and social transformation in the years during and preceding the Mineral Revolution. Economic expansion attracted immigrants from Britain, but predominantly from “Cape Town’s agricultural hinterland.”²⁰⁷ More people also meant the construction of more domiciles. Bickford-Smith explained that Cape Town’s “growing population helped trade to expand as well as being the result of such expansion.”²⁰⁸ Along with the surge in commercial traffic and population rates, a tremendous amount of stress was placed upon the region’s resources, primarily the water supply. Consequently, drainage ditches became inadequate to support the burgeoning region.²⁰⁹

Sanitation reformers emerged in response to these urban transformations. Public health dominated the civic landscape at the Cape. Like their counterparts in Britain and the United States, the sanitation movement was influenced by bourgeois values. The mercantile class, journalists of English-language publications and physicians, all from English stock, dominated the sanitation political discourse at the Cape.²¹⁰ As Vivian Bickford-Smith stated so succinctly, “Sanitation rhetoric became inextricably mixed with the rhetoric of British imperialism.”²¹¹ Since much of the tax revenue in the 1870s came from property rates, opponents to the sanitation projects were

²⁰⁷Vivian Bickford-Smith, *Ethnic Pride and Racial Prejudice in Victorian Cape Town: Group Identity and Social Practice, 1875–1902*, (Cambridge: Cambridge University Press, 1995), 44.

²⁰⁸ Ibid.

²⁰⁹ Ibid.

²¹⁰ Ibid.

²¹¹ Ibid., 50. Political leaders calling for sanitation reform were members of the ‘Clean Party’, whereas their opponents were labeled as the ‘Dirty Party’.

comprised of “‘small’ property owners” and well-off landlords within the central municipality itself.²¹² Reluctant to fund municipal tax hikes required for public health reform, the opponents were labeled the ‘Dirty Party’ due to the obstacles they posed to sanitation projects.²¹³

Incidentally, sanitation discourse at the Cape unfolded along ethnic lines with the English merchant class firmly in the ‘Clean Party’ camp whereas the so-called ‘Dirty Party’ consisted of Afrikaners.²¹⁴ Since Malays were also opposed to tax increases for sanitation projects, they became associated with the ‘Dirty Party’ of Afrikaners. Regardless, the English merchants and shopkeepers found it politically and economically expedient to malign Malays.²¹⁵ According to Bickford-Smith, negative racialized stereotypes evident in English-language publications began to surge alongside the city-wide preoccupation with sanitary reforms.²¹⁶ Furthermore, the rapid economic and demographic transformations brought on by the discovery of diamonds also came with more instances of racism and segregation. By 1880, not only were “wealthy Malays” excluded from attending agricultural auctions before noon, but also, Africans were barred regularly from first class hotels.²¹⁷ Moreover, the English press began to circulate negative depictions of Malays as filthy, criminal, and depraved brothel and shebeen operators, all the while equating cleanliness with Englishness.²¹⁸ Despite such journalistic persistence, the so-called ‘Dirty Party’ continued to dominate the municipal government until 1882.²¹⁹

²¹² Ibid., 47-48.

²¹³ Ibid., 50.

²¹⁴ Ibid. The so-called ‘Dirty Party’ was a mere label, and not a formal political association.

²¹⁵ Ibid., 71.

²¹⁶ Bickford-Smith, 70. Specifically, the years of sanitary reform preoccupation occurred from the late 1870s to 1880s.

²¹⁷ Ibid., 86.

²¹⁸ Ibid., 70-71.

²¹⁹ Ibid. 52-54. Bickford-Smith examined *The Lantern* and *Cape Times*.

The racialized stereotypes unleashed by the politics of sanitation coincided with a growth of racial classifications invented by race scientists (primarily British and European anthropologists). In the last few decades of the 1800s, there emerged a scientific veneer to express “old prejudices.”²²⁰ Racial differences were considered evolutionary determined. These race scientists, assured of the notion of white superiority, believed “that the mental, moral, and physical differences between racial groups were profound and socially significant.”²²¹ The objectivity touted by science and modern advancements allowed for an acceptance of racial discrimination that was evident in the sanitation discourse at the Cape.

The political debates that brought an end to the first CDP Act in 1872 occurred at the cusp of the economic and social transformations responsible for new urban infrastructure and water supply demands.²²² The emergent political preoccupation with sanitation reform produced an atmosphere of watchfulness among sexual vice regulation foes. They feared new public health policies were nothing more than a potential subversive maneuver, designed to impel a new round of Contagious Diseases legislation upon the population.²²³

Concerns materialized in November of 1778, when Cape Colonial Governor Henry Bartle Frere advocated for new sanitation legislation involving the coordination of inspections for controlling venereal diseases. The proclamation produced much alarm for Saul Solomon in Cape Town and Josephine Butler in Liverpool.²²⁴ The sanitation reform legislation, envisioned by

²²⁰ Nancy Stepan, *The Idea of Race in Science in Great Britain 1800-1960*, (London: Macmillan Press, 1982), 83.

²²¹ *Ibid.*, 111.

²²² Select Committee’s Report occurred in 1871. See chapter 1. CDP Act of 1868 phased out in 1872.

²²³ Letter, Josephine Butler and James Stewart to Saul Solomon, 27 January 1879, box 052, folder 1 of 2, Coll. 3AMS/B/05/01, Records of the Association for Moral & Social Hygiene, The Women’s Library, London School of Economics.

²²⁴ *Ibid.* Saul Solomon had sent a letter of concern to Mr. Banks, Secretary of Westminster Chambers, after the Governor’s proclamation.

Governor Frere, not only avoided the sole targeting of women, but provided no hint of regularly scheduled inspections either. Still, abolitionists of regulated vice viewed such measures a Trojan horse. As Josephine Butler and James Stewart of the British, Continental and General Federation for the Abolition of Government Regulated Prostitution explained to Saul Solomon in a letter written in January 1879, “an attempt was being made to work some system practically the same as the Contagious Diseases Acts.”²²⁵ Butler, Stewart and Solomon trusted that the governor possessed no legal authorization to issue such a proclamation.²²⁶ In the end, Cape Governor Frere’s sanitary declaration involving venereal diseases failed to actualize.²²⁷

Although the sanitation rhetoric of the late 1870s and early 1880s circumvented the issue over government-regulated vice, the politics of hygiene continued to gain momentum. The parliamentary elections of 1882 finally produced a Clean Party victory.²²⁸ This power shift in local government politics received help from the small pox epidemic that infected seven to eight percent of the inhabitants in Cape Town along with neighboring communities, and ultimately killed as many as two to three percent of the population in the same year as the election.²²⁹ Although racist stereotypes of blacks as dirty and disease contaminators had persisted, the angst brought on by the recent outbreak highlighted the deep-seated nature of white prejudice and their suspicions of the Africans, Malays and Coloureds. To demonstrate the severity of these fears, a

²²⁵ Ibid.

²²⁶ Ibid.

²²⁷ Please note that Frere’s proclamation was also addressed in the previous chapter. A review of Statues of the Cape of Good Hope from 1872-1886 revealed no sanitation or public health legislation of any kind after Frere’s proclamation. The Cape’s First Public Health Act passed in 1883, but no vice regulation occurred.

²²⁸ Bickford-Smith, 56-57. In the years following the Clean Party victory, a series of Public Health Acts were passed in legislative sessions of 1883, 1884, and 1885. Statues of the Cape of Good Hope from 1652-1895 Volume II reveal no sanitation or public health legislation of any kind after Frere’s proclamation. The Cape’s first Public Health Act, passed in 1883, but no vice regulation occurred.

²²⁹ Ibid., 102-103; Elizabeth Van Heyningen, “Public Health and Society in Cape Town 1880–1910,” Thesis, University of Cape Town, 1989, 135. https://open.uct.ac.za/bitstream/item/11779/thesis_hum_1989_van_heyningen_eb.pdf?sequence=1 (accessed 08 May 2018).

rumor circulated through English-language newspapers that Malay women had willfully caused the spread of smallpox by mixing the underclothes of whites during laundry washes with the garments of infected people.²³⁰

The smallpox epidemic exposed the desires among whites to segregate themselves. As a result, the white dominant class began to declare a need for residential separation in the early 1880s.²³¹ Not only did they call for the segregation of the city tramway, but also to separate dock laborers by race at the harbor. Moreover, even white criminals sought to establish segregation in the prisons.²³² Incidentally, such calls to transform the racial order went unheeded in the 1880s. Although Cape liberal ideals may have played some role in influencing the decisions of local officials to disregard the segregationist appeals brought on by white fears associated with disease contamination, the economic depression of the 1880s truly proved the deciding factor. During a period of financial hardship, the fact remained that Cape coffers simply could not cope with the expenditures required to institute racially separate facilities.²³³

Fears of communicable infections no doubt boosted the sanitation movement that had been stirring up the colony. In addition to the smallpox epidemic, medical officials also grew concerned over the increasing number of cases of syphilis in the colony. Once again, syphilis gained the attention of policy makers at the Cape. This time, however, the guilty parties in its spread included Africans along with traditional 'culprits'- female sex workers and sailors. Amidst the years in which the smallpox epidemic ravaged Cape Town and surrounding suburbs, a syphilis epidemic also appeared to be sweeping the ever-expanding Cape Colonial territory. In *The Colour of*

²³⁰ Bickford-Smith, 74, 103.

²³¹ *Ibid.*, 102.

²³² *Ibid.*, 102-103.

²³³ *Ibid.*, 90 and 104.

Disease, Syphilis and Racism in South Africa, 1880-1950, Karen Jochelson demonstrates that “Oudtshoorn’s district surgeon treated 1,074 patients” and “1,003 the following year.”²³⁴ In a report produced in 1883, the district surgeon of Barkly West claimed to have treated 1,140 sufferers “from Taungs, Kuruman, Sionels, Douglas and Hart’s River.”²³⁵ Syphilis apparently continued to ravage the region. For example, in 1885, the district surgeon of Bedford revealed that syphilis affected “‘one in every three of natives’,” and he “warned that syphilis was ‘ravaging the district in its most malignant and loathsome forms,” even explaining that “hardly a farm” was “not infected.”²³⁶ Several months later, “the ward of Baviaanse River” discovered out of the “2,044 Africans” he examined, more than half “were found to be syphilitic.”²³⁷ Other syphilis outbreaks in the colony included Richmond, located in the Great Karoo region, where the medical official regarded as many as “‘two-thirds of the coloured inhabitants’” were suffering from the infection.²³⁸ Overall, doctors believed “the disease was ‘very prevalent’ among the Basutho, the Baralongs, ‘Kafirs’, Griquas and ‘bastards’.”²³⁹

The extraordinarily high rate of cases reported by district surgeons during the 1880s would seem to suggest that a major syphilis pandemic threatened the region. Despite the alarm raised by medical officials, the syphilis-variant affecting the Cape was not the sexually transmitted *treponema pallidum pallidum*, but rather, an endemic form of the bacteria, *treponema pallidum endemicum*, often transmitted through close contact, such as when children play together or when people share utensils. In fact, by the 1880s, Cape Colony doctors recognized the symptoms

²³⁴Karen Jochelson, *The Colour of Disease: Syphilis and Racism in South Africa, 1880-1950* (St. Anthony’s Series. Basingstoke, UK: Palgrave Macmillan UK, 2001), 11. Oudtshoorn is situated in the Little Karoo region of the Western Cape.

²³⁵ Barkly West located west of Kimberley, a key diamond rush site.

²³⁶ Ibid.

²³⁷ Ibid.

²³⁸ Ibid.

²³⁹ Jochelson, 11.

manifested by infected individuals seemed to deviate from the traditional progression of sexually-transmitted syphilis. They noted the lack of initial sores evident in these cases, which proved a common symptom during the initial phase of the sexually-transmitted variant. Furthermore, they detected none of the severe symptoms indicative of tertiary stage syphilis sufferers.²⁴⁰ Despite the inconsistent patterns expressed by this infection, doctors still maintained that the alarming new cases affecting the region were from the sexually-transmitted variant of syphilis. Obviously, the treponema strains proved poorly understood by medical professionals at this time.²⁴¹

In hindsight, the rise in cases of endemic syphilis resulted from the interrelated economic, industrial, and migratory transformations brought on by the discovery of diamonds. Jochelson's analysis of syphilis and racism in South Africa reflect how these changes facilitated the spread of endemic syphilis. Adjacent to Cape Town, Griqualand West and the Highveld lies the Karoo. Due to the dryness and aridness of this desert-like region, the conditions of the Karoo proved a breeding ground for the endemic variant of syphilis.²⁴² Although non-venereal syphilis long persisted in remote communities, the emergence of mining spurred migration. The population transformations brought on by the new industry certainly facilitated the spread of sexually transmitted infections, but also, endemic syphilis.²⁴³

²⁴⁰ Jochelson, 17-18. Tertiary symptom sufferers are not contagious. This stage can occur 3-15 years after initial infection. There are three types of tertiary symptoms. Gummatous syphilis is characterized by chronic non-cancerous tumors. Neurosyphilis involves an infectious attack of the central nervous system. Lastly, cardiovascular syphilis is characterized as aortitis.

²⁴¹ Jochelson, 24. In regard to the lack of understanding among medical professionals, Jochelson states that "their perceptions were shaped by limitations of medical knowledge at the time, but especially by prevailing ideas about race, sexuality and susceptibility to disease."

²⁴² Pathology Learning Centre, "Endemic Non-venereal Syphilis in Southern Africa?" University of Cape Town, <http://www.pathologylearningcentre.uct.ac.za/syphilis-endemic> (accessed 24 November 2017); Jochelson, 22. "When the district surgeon of Swellendam discovered a few isolated cases of syphilis in 1887 he attributed it to servants who had been brought in from the Karoo"

²⁴³ Jochelson, 22. According Jochelson, syphilis was attributed to migrants from the Karoo working as servants.

The smallpox epidemic and the ostensible syphilis outbreak only added to the assertion among whites that blacks, Malays and Coloureds were ‘dirty’ and ‘diseased’. The stereotyping escalated to include ‘immoral’ and ‘dangerous’. The investigative muckraking, or slumming journalism that emerged in Cape Town in the 1880s only perpetuated such racial myths by peddling stories of peril. Prostitutes were described as black, simpleminded and animalistic, whereas Malays were caricatured as brothel-keepers and white sex-slavers.²⁴⁴ Therefore, despite the 1872 withdrawal of the Contagious Diseases and Prevention legislation, calls for regulated sexual vice made a comeback at the Cape. The climate of the Cape in the 1880s, which sustained a highly political sanitation craze, a supposed venereal infection outbreak, as well as circulating disparagements of dangerous black women and Malays, made the return of government-regulated prostitution an attractive opportunity for regulationists.

The British War Office Strikes Back

Throughout the thirteen-year hiatus of the CDP Acts, the British War Office never stopped believing in the legislation’s ability to prevent the spread of sexually transmitted infections among servicemen. In the eyes of British commanders and colonial officials, syphilis remained a scourge that jeopardized military readiness and imperial ambitions. The British War Office’s calls to resurrect the Contagious Diseases and Prevention legislation at the Cape in the 1880s certainly found buoyancy through the sanitation syndrome-induced political transformations, disease-

²⁴⁴ Bickford-Smith, 115.

panics, and negative racial stereotyping. Furthermore, they proved more than mere idle onlookers to the changing currents favoring vice regulation, but rather, active agents.²⁴⁵

When the Medical Board informed the Acting Colonial Under Secretary, Hampden Willis, that the sexually-transmitted infection rate among troops at the garrison was not sufficiently high enough to warrant “any immediate action,” such as a lock hospital, military authorities modified their approach instantaneously.²⁴⁶ The Military Secretary received the news on February 5, 1880 that the Colonial Medical Committee did not “deem the amount of disease among the soldiers in Cape Town during the last year, as shewn [shown] by the return sent, by any means large....”²⁴⁷ But by the end of the month, top military commanders got to work and started producing their own version of returns to contradict the committee’s report.

To resurrect the CDP Acts, the War Office, working in conjunction with the Colonial Secretary’s Office orchestrated a multi-part strategy to achieve their goals. Dismissive of the conclusions provided by the Medical Board, the High Commissioner for Southern Africa, Henry Bartle Frere, began to advocate for the “arrest [of] any woman who may come under the Vagrant Act.”²⁴⁸ Imposing nebulous criteria to classify vagrant females, the commissioner accused such

²⁴⁵ Correspondence (various) presented to both houses of parliament, Governor of the Cape of Good Hope, “Supporting Statistics, between the Colonial and the Imperial Military Authorities Respecting the Continued Prevalence of Venereal Diseases in Cape Town, January 1880-March 1881, Official Publications of the Cape Colony (hereafter AMPT PUBS), vol. CCP1/2/1/46 part 1, ref G46, Cape Town Archives Repository (KAB), Western Cape Archives and Records Service.

²⁴⁶ Correspondence, Medical Secretary Dr. Philip Landsberg to Hampden Willis, January 1880, AMPT PUBS, vol. CCP1/2/1/46 part 1, ref G46, Cape Town Archives Repository (KAB), Western Cape Archives and Records Service; the Medical Secretary is requesting a lock hospital.

²⁴⁷ Correspondence, Acting Colonial Under Secretary Hampden Willis to the Military Secretary, 5 February 1880, AMPT PUBS, vol. CCP1/2/1/46 part 1, ref G46, Cape Town Archives Repository (KAB), Western Cape Archives and Records Service.

²⁴⁸ Parliament Minutes, H.B.E. Frere to Ministers, 23 April 1881, AMPT PUBS vol. CCP1/2/1/46 part 1, ref G46, Cape Town Archives Repository (KAB), Western Cape Archives and Records Service; Cape of Good Hope’s Act No. 23 of 1879, the Vagrant Act stipulated that anyone could be detained by policing authorities without a warrant for “wandering abroad and having no legal or lawful means of support” or for displaying idleness and disorderly conduct; Cape of Good Hope, Parliament, *For the Prevention of Vagrancy and Squatting Act of 1879*, No.

women as being a “class which is said to do most mischief in spreading disease.”²⁴⁹ For British officials like H.B.E. Frere, the Contagious Diseases Acts advanced public morality by acting as a deterrent to the practice of sexual vice.²⁵⁰ Linked with the discussions of sexually-transmitted infections, were also the gender and moral assumptions that had influenced the enactment of the Contagious Diseases and Prevention Act of 1868. Despite the hiatus of vice regulation at the Cape, such ideals remained lodged in the minds of contemporary policy makers.

While High Commissioner H.B.E. Frere turned to patriarchal moral authority to negate the claims of the Medical Board, imperial military officials challenged the conclusions themselves.²⁵¹ To do so, they turned to modern medical statistics to help substantiate alleged health risks affecting the Cape. This occurred a mere four months after the Medical Board had determined otherwise.²⁵² By employing some semblance of empirical data in reports, the War Office and Colonial Secretary’s Office not only exuded medical knowledge, but ultimately, state power.

The reliance on statistics by modern institutions to validate state power cannot be overlooked. For example, Foucault-inspired philosopher, Ian Hacking explained that “statistics has helped determine the form of laws about society and the character of social facts... Moreover,

23, Sixth Parliament, *Statutes of the Cape of Good Hope from 1872-1886* (Cape Town: Richards and Sons, 1895), <https://play.google.com/books/reader?id=oopAAAAAYAAJ&pg=GBS.PA1614> (Accessed 10 July 2018).

²⁴⁹ Ibid.

²⁵⁰ Ibid.

²⁵¹ Parliament Minutes, H.B.E. Frere to Ministers, 23 April 1881, Cape Town Archives Repository (KAB), Western Cape Archives and Records Service. H.B.E. Frere’s sense of patriarchal morality is evident by his claims that the CD legislation not only promoted “public decency and morality,” but also prevented women from falling into prostitution.

²⁵² Tables, Surgeon-Major WM. Johnston to the Commandant of Western Districts, Tallies on the Number of Patients and Admissions from Venereal Diseases from February to April 1880, in Correspondence (various) presented to both houses of parliament, Governor of the Cape of Good Hope, “Supporting Statistics, between the Colonial and the Imperial Military Authorities Respecting the Continued Prevalence of Venereal Diseases in Cape Town, 16 April 1880, AMPT PUBS, vol. CCP1/2/1/46 part 1, ref G46, Cape Town Archives Repository (KAB), Western Cape Archives and Records Service.

the collection of statistics has created, at the least, a great bureaucratic machinery.”²⁵³ Although an institution “may think of itself as providing only information,” Hacking added, the reality remains that they are “part of the technology of power in a modern state.”²⁵⁴

Throughout 1880-1881, the War Office initiated a series of correspondence directed at the Cape that circulated among various secretaries of the military, officials from the Colonial Office, as well as both military and colonial physicians. Embedded in the correspondence were tables pertaining to rates of venereal diseases at the Garrison Station Hospital in Cape Town. Even though the mathematical equations produced by Surgeon-Major WM. Johnston were mostly accurate, the overwhelming opinion of disease rates being so dire as to demand an immediate establishment of a lock hospital reflected the use of disingenuous logic among military officials.²⁵⁵ In other words, the data was presented with fallacies to support a return of vice regulation.

A close examination of the tables produced in the report by the surgeon-major reveal opportunities to interpret data erroneously. This is evident by the way the tables combined statistics unrelated to rates of venereal diseases at the garrison (see Table I).²⁵⁶ Weekly tabulations from February 20 to April 9 maintained by the station hospital at Cape Town demonstrated a total

²⁵³ Ian Hacking, “How We Should Do the History of Statistics?” in *The Foucault Effect: Studies in Governmentality*, eds. Graham Burchell, Colin Gordon, Peter Miller, (Chicago, IL: University of Chicago Press, 1991), 181.

²⁵⁴ *Ibid.*; Incidentally, South Africa’s historical connection with statistical gathering and state oppression can be traced to the nineteenth century biometrics (mathematical measurements of human biological features) pioneered by Francis Galton, one of the fathers of the eugenics movement. For a deeper look into South Africa as a statistical state in the nineteenth century, read Keith Breckenridge, “Science of Empire: The South African Origins and Objects of Galtonian Eugenics” in *Biometric State: The Global Politics of Identification and Surveillance in South Africa, 1850 to the Present* (Cambridge: Cambridge University Press, 2014), 27-62.

²⁵⁵ Tables, Surgeon-Major WM. Johnston to the Commandant of Western Districts, 1880-1881, AMPT PUBS, vol. CCP1/2/1/46 part 1, ref G46, Western Cape Archives and Records Service.

²⁵⁶ *Ibid.* See all three tables provided. Adding the non-sexually transmitted station hospital admission rates to the tables provided an unnecessary contrast to station hospital admission rates of sexually transmitted infections. Contrasting the higher station hospital admission rates of sexually transmitted infections with the much lower non-sexually transmitted rates did not add any information on how venereal diseases affected troop strength. Instead, it only served to communicate a sense of alarm.

garrison strength of 7,446 with a weekly average of 930. The venereal patient total within that same time frame equaled to 454 with a weekly average of 56.75. Patients afflicted with non-venereal diseases at the hospital totaled 241 with a weekly average of 30.12.²⁵⁷ Instead of generating a report containing the percentage of servicemen afflicted with syphilis and gonorrhoea, Surgeon-Major WM. Johnston contrasted the higher rates of sexually-transmitted infections with the much lower non-sexually-transmitted rates to show that venereal diseases was the principle reason for hospital admissions among station troops. Ultimately, such a distraction diverted focus from the more relevant data pertaining to troop effectiveness.²⁵⁸

Table I showing an admittance comparison of venereal cases with other diseases at the Cape Town Station Hospital from 20th of February to 9th of April 1880 is reproduced here:

Week ending Friday	Average Strength of Garrison	Admissions for Venereal Diseases	Admissions for all other Diseases	Total Admissions during the Week	Remarks
February 20 th	930	16	9	25	The ratio of admissions for venereal diseases to those from all other diseases was 62 to 64 percent
February 27 th		11	10	21	
March 5 th		11	7	18	
March 12 th		4	8	12	
March 19 th		12	9	21	During the period 11.72 percent of the garrison were admitted into hospital suffering from venereal diseases
March 26 th		16	7	23	
April 2 nd		28	5	33	
April 9 th					
Total		109	65	174	

²⁵⁷ Ibid.

²⁵⁸ Ibid. See footnote 81.

Tables reflecting disease tabulations for a 6-month period in 1880 presented even more fallacies due to the way Surgeon-Major WM. Johnston approached the analysis (see Table III). Military commanders preferred to emphasize tabulations that made syphilis rates appear to be rising while ignoring results that showed stagnation.²⁵⁹ Although the surgeon-major remarked that “an average of 6.10 percent of the total strength of the garrison were constantly sick from these diseases” in the eight-week period from February to April 1880, this statement remained overlooked in favor of rates appearing more dire.²⁶⁰ In contrast, the data favored by military commanders involved the venereal disease hospital admittance rate for the garrison of 35.02 percent from January to June 1880.²⁶¹

This figure raises questions regarding actual troop strength at the garrison. Not only is it unclear if any repeat visits from afflicted servicemen were included in the admittance totals, but also, the rate failed to factor the total number of troops who passed through the garrison overall.²⁶² Officials could have just as easily calculated the average monthly venereal disease admission rates, which totaled 5.80 percent, yet such results fail to project alarming hikes in sexually-transmitted infections.²⁶³ Contrasted with other colonial installations, Cape Town did not appear inordinately

²⁵⁹ Correspondence (various) presented to both houses of parliament, Governor of the Cape of Good Hope, “Supporting Statistics, between the Colonial and the Imperial Military Authorities Respecting the Continued Prevalence of Venereal Diseases in Cape Town, January 1880-March 1881, AMPT PUBS, vol. CCP1/2/1/46 part 1, ref G46, Cape Town Archives Repository (KAB), Western Cape Archives and Records Service.

²⁶⁰ Tables, Surgeon-Major WM. Johnston to the Commandant of Western Districts, 1880-1881, AMPT PUBS, vol. CCP1/2/1/46 part 1, ref G46, Western Cape Archives and Records Service. See Table II.

²⁶¹ *Ibid.* See Table III.

²⁶² Calculating venereal disease percentages by assessing average troop strength for any given 6-month period will not match with calculations that used overall totals of individual troops who passed through the garrison in the six-month period.

²⁶³ Tables, Surgeon-Major WM. Johnston to the Commandant of Western Districts, 1880-1881, AMPT PUBS, vol. CCP1/2/1/46 part 1, ref G46, Western Cape Archives and Records Service. The average monthly venereal disease admission rate of 5.80% was calculated by assessing each month’s percentage, then dividing by the six months (January- 6.92%; February- 5.66%; March- 4.97%; April 7.98%; May- 4.55%; June- 4.74%).

afflicted with venereal diseases.²⁶⁴ Troops in India, for example, experienced greater disease prevalence.²⁶⁵

Table II shows the number of patients (furnished by the garrison of Cape Town) in the Station Hospital on the last Friday of each of the eight weeks between the 20th of February and the 9th of April, 1880, who were suffering from venereal diseases, as compared with the numbers suffering from all other diseases is reproduced here:

Week ending Friday	Strength of Garrison	Venereal patients in hospital	Other patients in hospital	Total Patients in Hospital	Remarks
February 20 th	960	62	41	103	65.32 percent of the patients who remained in the hospital on the last Friday of each week were suffering from venereal diseases During the period, an average of 6.10 percent of the total strength of the garrison were constantly sick from these diseases
February 27 th	949	60	32	92	
March 5 th	931	59	25	84	
March 12 th	951	49	24	73	
March 19 th	915	51	28	79	
March 26 th	917	50	33	83	
April 2 nd	905	56	29	85	
April 9 th	918	67	29	96	
Total	7,446	454	241	695	
Average	930	56.75	30.12	86.87	

²⁶⁴ Mary Wilson Carpenter, *Health, Medicine, and Society in Victorian England* (Santa Barbara, CA: ABC-Clio, 2010) 72. According to Carpenter, 1 in 3 soldiers and 1 in 11 sailors were afflicted with VD in 1860.

²⁶⁵ R. Basu Roy, "Sexually Transmitted Diseases and the British Raj," *Medical Society for the Study of Venereal Diseases (MSSVD) President's Address*, <http://sti.bmj.com/content/sextrans/74/1/20.full.pdf> (accessed 20 June 2018); British Raj rate of VD was over 20%; Elizabeth van Heyningen, "The Social Evil in the Cape Colony 1868–1902: Prostitution and the Contagious Diseases Act," *Journal of Southern African Studies* 10, no. 2 (April 1984): 173. According to Van Heyningen, the military had orchestrated the CDP Act for the Cape in 1868 when the prevalence of sexually transmitted infections among troops stood at 13 percent.

Table III showing the number of admissions from venereal diseases as compared with those from all other diseases in the Cape Town Station Hospital during the first six months of 1880 is reproduced here:

Months	Average Strength in Garrison	Admissions from Venereal Diseases	Admissions from all other Diseases	Total Admissions during Month	Remarks
January	867	60	50	110	The ratio of admissions for venereal disease to those from other diseases was 58.70 percent; 35.02 percent of the garrison were admitted into Hospital suffering from venereal diseases during the period.
February	882	50	28	78	
March	924	46	40	86	
April	814	65	24	89	
May	747	34	35	69	
June	738	35	27	62	
Total	4,972	290	204	494	
Average	828				

Although Surgeon-Major WM. Johnston produced the tables as requested, Assistant Military Secretary, Lieutenant-Colonel W.E. Montgomery, headquartered at the Castle in Cape Town, provided officials with a cherry-picked summary of the returns:

From the accompanying tabular statistics furnished by the senior Medical Officer at this station, it will be observed that the ratio of admissions into Hospital from Venereal as compared with those from all other diseases, is calculated at the rate of 58.70 percent, and that 35.02 percent of the garrison were admitted with Venereal disease during the first six (6) months of the present year; this is

undoubtedly, a serious matter as regards the efficiency of the troops in this command.²⁶⁶

Such slanted data translation initiated by the Assistant Military Secretary launched a wide circulation of misleading information. Echoed in the forwarded reports among military secretaries, commanders, the colonial secretary and governor involved the slanted assertion that 35.02% of the garrison were admitted with venereal diseases.²⁶⁷ Thus, the general sense conveyed in the reports was that increasing sexually transmitted infections among British troops appeared dire enough to hasten action. Ultimately, the military's outward show of data collection and adherence to statistic-driven approaches not only validated the position of vice regulation supporters, but also, advanced state power.

The opinion that syphilis and gonorrhea proved a blight threatening military readiness was an all too familiar pattern during Britain's 'Imperial Century'. The correspondence over the urgent need for sexual vice regulation reflected the responsibility British officials bore in fulfilling the aims of empire. For example, Assistant Military Secretary, Lieutenant-Colonel W.E. Montgomery explained to Lieutenant-General L. Smith "the deleterious results" of syphilis upon British Imperialism not only weakened "the constitutions of the men," but also "their efficiency as soldiers for duty... at other Foreign Stations."²⁶⁸

²⁶⁶ Correspondence, Lieutenant-Colonel W.E. Montgomery to the Government House, 8 December 1880, AMPT PUBS, vol. CCP1/2/1/46 part 1, ref G46, Cape Town Archives Repository (KAB), Western Cape Archives and Records Service.

²⁶⁷ Correspondence (various) presented to both houses of parliament, Governor of the Cape of Good Hope, "Supporting Statistics, between the Colonial and the Imperial Military Authorities Respecting the Continued Prevalence of Venereal Diseases in Cape Town, January 1880-March 1881, AMPT PUBS, vol. CCP1/2/1/46 part 1, ref G46, Cape Town Archives Repository (KAB), Western Cape Archives and Records Service.

²⁶⁸ Correspondence, Lieutenant-Colonel W.E. Montgomery to the Government House, 8 December 1880, AMPT PUBS, vol. CCP1/2/1/46 part 1, ref G46, Cape Town Archives Repository (KAB), Western Cape Archives and Records Service.

Misrepresenting the amount of syphilis cases at the garrison was not the only strategy initiated by military commanders and colonial officials to achieve a return of vice regulation. To a certain extent, a closer examination into the Cape's history with Contagious Disease legislation also highlights the limitations of Britain's imperial power. Colonial and military officials understood they could not initiate vice regulation measures without consent from the legislature.²⁶⁹ Therefore, to safeguard their goals, imperial officials cloaked their desire to preserve military readiness with appeals to local interests and concerns as well. For example, the principal medical officer of the station, Surgeon-Major U.A. Jenings, surmised that since soldiers and sailors were afflicted with syphilis and gonorrhoea, then so must the civilian population be afflicted as well.²⁷⁰ The medical officer then likened venereal diseases to a different, but rather, familiar scourge known intermittently through the region- small pox.²⁷¹ "It should be remembered," Jenings warned, "the occurrence of syphilis, like smallpox, has a far more extended bearing than the mere infection of an individual, and tends to become a source of danger to the community at large."²⁷²

The similar contagious potential of smallpox and syphilis noted by the surgeon-major indicates an awareness of the Cape's calamitous history with previous smallpox outbreaks. The first smallpox epidemic broke out in 1713, when a ship carrying infected laundry from India docked at port. Although the outbreak devastated white settlers and slaves, the lack of immunity among the Khoikhoi resulted in a demographic collapse for these communities. Only one in ten

²⁶⁹ Correspondence, Acting Colonial Under Secretary Hampden Willis to the Military Secretary, 16 December 1880, AMPT PUBS, vol. CCP1/2/1/46 part 1, ref G46, Cape Town Archives Repository (KAB), Western Cape Archives and Records Service.

²⁷⁰ Correspondence, Surgeon-Major U.A. Jenings to Assistant Military Secretary, 26 January 1881, AMPT PUBS, vol. CCP1/2/1/46 part 1, ref G46, Cape Town Archives Repository (KAB), Western Cape Archives and Records Service.

²⁷¹ *Ibid.*; A smallpox epidemic occurred at the Cape in 1713 as well as other recurring outbreaks.

²⁷² *Ibid.*

survived.²⁷³ Ever since the first smallpox calamity, the Cape endured a major outbreak of the virus often enough to impact each generation throughout the eighteenth and nineteenth centuries.²⁷⁴ The threat of smallpox proved a bitter a reality. By alluding to smallpox, the surgeon-major lumped the devastating epidemics experienced by Cape inhabitants with the venereal diseases that primarily afflicted military service members. Along with data reports, urgent appeals to control female deviancy, and a desire to protect the fitness of the British Armed Forces, military appeals directed at the Cape legislature also included concerns over the health and well-being of the colony's inhabitants.²⁷⁵ Therefore, they attempted to convince local policymakers that restoring regulated sexual vice at the Cape was mutually beneficial.

Vice Regulation, Resistance Rebounds and Racial Domination

The Sanitation Syndrome and Clean Party victory in 1882 gave rise to the Public Health Act of 1883, which included back to back amendments in 1884 and 1885.²⁷⁶ Once again, the sanitation movement was influenced by English bourgeois values, and perpetuated by the mercantile class, English-language publications, and physicians.²⁷⁷ Although the Public Health

²⁷³ Saunders, 45.

²⁷⁴ Frank Fenner, D.A. Henderson, I. Arita, Z. Jezek, I. D. Ladnyi, "Chapter 5: The History of Smallpox and its Spread Around the World" in *Smallpox and its Eradication*, (Geneva, Switzerland: World Health Organization, 1988), 233-234; A second major outbreak occurred in 1755, presumably caused by an infected ship from Ceylon, a Dutch ship set off another bought with the virus in 1767. Then a ship from Mozambique in 1812, followed by a captured slave ship in 1840. These outbreaks affected people indiscriminately, irrespective of racial categories. Another smallpox epidemic occurred in 1882.

²⁷⁵ Correspondence, Surgeon-Major U.A. Jenings to Assistant Military Secretary, 26 January 1881, AMPT PUBS, vol. CCP1/2/1/46 part 1, ref G46, Cape Town Archives Repository (KAB), Western Cape Archives and Records Service. Correspondence and tables sent to regulationist ally in legislature J. Gordon Sprigg, who was printed and presented data to parliament.

²⁷⁶ Elizabeth van Heyningen, "The Social Evil in the Cape Colony 1868–1902: Prostitution and the Contagious Diseases Act," *Journal of Southern African Studies* 10, no. 2 (April 1984): 178; Bickford-Smith, 160. An amended Public Health Act of 1897 gave greater powers to Colonial Secretary in containing epidemics.

²⁷⁷ Bickford-Smith, 44.

Act of 1883 mainly addressed procedures for vessels arriving at port, burials, health reporting of infectious diseases, and vaccinations, the government made no move to regulate sexual vice. With the retirement of Saul Solomon from public service in 1883, regulationists faced no opposition. The Colonial Medical Committee reported that the Public Health Act of 1883 proved ineffective in staunching venereal diseases. Moreover, when the *Cape Times* announced their support for the return of another Contagious Diseases and Prevention Act, no effective community organizer or legislator emerged to protest.²⁷⁸ As a result, regulated vice returned to the Cape in 1885, even though Britain was on the verge of abolishing their own version of the Act at this same juncture.²⁷⁹

Act No. 39 of 1885 intended for “the better prevention of certain contagious diseases” (with ‘contagious diseases’ meaning all venereal infections), in effect, offered some modifications to the previous CDP Act of 1868.²⁸⁰ The new legislation was divided into two parts. While the first part expounded on the process for the regulation and examination of vice workers, the second part involved treatment procedures for infected males and females equally.²⁸¹ Although the new act intended to avoid “the effect of legalizing prostitution,” ambiguity lingered, because Part I of the act was directed for “reputed prostitutes” and females deemed “common prostitutes.”²⁸² This inconsistency presented in the CDP legislation of 1885, with prostitution not sanctioned by law, all the while remaining regulated through Part I of the act, set in motion a pattern of contradictory

²⁷⁸ Van Heyningen, “The Social Evil in the Cape Colony 1868–1902: Prostitution and the Contagious Diseases Act”: 178. Although Great Britain abolished their CDA in 1868 due to activist pressure, the British military was successful in reinstating contagious disease legislation for the Cape in 1885.

²⁷⁹ Ibid. Great Britain abolished their CDA in 1868.

²⁸⁰ Cape of Good Hope, Parliament, *For the Better Prevention of Certain Contagious Diseases*, 7th Parliament, sessions 1884-1888, No. 39 of 1885, *Statutes of the Cape of Good Hope from 1872-1886*, (Cape Town: W.A. Richards and Sons, 1895), <https://play.google.com/books/reader?id=oopAAAAAYAAJ&pg=GBS.PA2302> (accessed 18 July 2018).

²⁸¹ There existed a prevailing perception that sex workers were always only women, and not men.

²⁸² Cape of Good Hope, Parliament, *For the Better Prevention of Certain Contagious Diseases*, 7th Parliament, sessions 1884-1888, No. 39 of 1885, 2304, 2311.

policies associated with carnal vigilance.²⁸³ Ever since the colony's early days, toleration of 'the necessary evil' established a nebulous legal climate over the sex trade.²⁸⁴ lock

In comparing the new CDP Act with the former one abolished in 1872, the legislature clearly desired to eliminate certain features of the Cape's first experiment with government regulated vice that had provoked the most controversy. The criticism from anti-regulationist forces pertained to the abusive treatment of marginal women at the hands of police.²⁸⁵ Therefore, legislators appeared to avoid associating sex workers subjected to regulation with criminality. No longer were females suspected of engaging in prostitution detained by police. Instead, sex workers were supposed to receive summons to present themselves before the resident magistrate in respective districts. The magistrates exerted their authority to issue arrest warrants, but only in instances when women ignored the summons.²⁸⁶

Another modified feature in the Act of 1885 involved attempts to lessen compulsory periodical examinations of prostitutes. Magistrates determined when periodical examinations were required based on a case-by-case situation. Moreover, females now possessed the ability to challenge ordered health inspections or request a reprieve.²⁸⁷ However, the language of the act did not align with the practice. Despite such endeavors in mitigating any affiliations among the criminal bureaucracy and sexual vice regulatory apparatus, construction of the Cape Town lock

²⁸³ Specifically, the contradictory policies set in motion the suppressions of brothels and immorality of 1902 and the Immorality Act of 1927; the CDP Act of 1885 contained two parts.

²⁸⁴ See Chapter 1.

²⁸⁵ For instance, police officers had the power to detain women deemed common prostitutes. Suspected prostitutes could be ordered to lock hospital for a forced gynecological examination.

²⁸⁶ Cape of Good Hope, Parliament, *For the Better Prevention of Certain Contagious Diseases*, 7th Parliament, sessions 1884-1888, No. 39 of 1885; especially section 11. Such arrests highlight the ways in which marginal women were viewed as criminals. In effect, lock hospital records served as an unofficial registry.

²⁸⁷ Cape of Good Hope, Parliament, *For the Better Prevention of Certain Contagious Diseases*, 7th Parliament, sessions 1884-1888, No. 39 of 1885' especially sections 10 and 29.

hospital ironically occurred adjacent to the Roeland Street Gaol.²⁸⁸ Legislators may have attempted to weaken the association between sex workers and criminality, yet the medical bureaucracy tasked with regulating prostitution demonstrated otherwise.

While no opposition came forward to challenge the enactment of Act in 1885, an active and globally connected anti-regulationist movement nonetheless emerged at the Cape. Whereas Saul Solomon's grassroots movement of the 1870s engaged male community members, the local campaign opposing regulated vice initiated in the 1890s proved overwhelmingly orchestrated by white middle class women. Female political activism finally found footing in southern Africa around the same time supporters of government regulation staged their comeback. Although Saul Solomon had retired, eradicating sexual vice became one of many preoccupations for some of the leaders in the emergent feminist campaigns. For example, Julia Solly, best known as a prominent suffragette, rose to the occasion and became an ardent foe of vice regulation prior to the undertaking of more visible enfranchisement activities in the Cape.²⁸⁹

Educated in Liverpool, Leipzig and France, Julia Solly arrived at the Cape in 1890. Already acquainted with women's activism in England, Solly soon joined the one female organization at the Cape dedicated to reform causes- the Women's Christian Temperance Union of the Cape Colony (CCWCTU).²⁹⁰ A year prior, Mary Clement Leavitt, a founding member and travelling missionary, established chapters of the Ohio-Based WCTU in the Transvaal and the

²⁸⁸ Van Heyningen, "The Social Evil in the Cape Colony 1868–1902: Prostitution and the Contagious Diseases Act": 178; the vice regulatory apparatus refers to magistrates and appointed medical inspectors.

²⁸⁹ Extensive archival evidence, mainly in the form of letters at the LSE-TWL, indicate Julia Solly was politically engaged in moral reform issues until vice regulation phased out with the Public Health Act of 1919; from the 1890s to 1919, Solly worked to abolish government regulated prostitution, starting with her work through the WCTU.

²⁹⁰ Van Heyningen, "The Social Evil in the Cape Colony 1868–1902: Prostitution and the Contagious Diseases Act": 178. Van Heyningen states that regulation slow to administer due to lack of funds.

British Colonies of Natal and the Cape.²⁹¹ Whereas Josephine Butler's Ladies National Association for the Repeal of the Contagious Diseases Acts blamed male sexual immorality along with masculine institutions of power abetting the sex trade, the WCTU inculpated alcohol for the corruptive tendencies associated with male behavior. Although exposed to more radical female involvement in Britain, Solly gained a forum to pursue women's causes and moral reforms unique to the Cape experience through the CCWCTU.²⁹²

Although CCWCTU later attempted to recruit black and coloured women, the organization's early platforms were shaped by the values of affluent English-speaking white stewards.²⁹³ Prior to becoming superintendent of the CCWCTU suffrage department, Solly began her thirty-year crusade for the abolition of vice as a leading figure within the organization.²⁹⁴ Yet the level of motivation exhibited by Solly's fellow female activists in the colony differed from her anti-regulation counterparts in Britain. In contrast to the class issues that permeated much of the LNA's rhetoric, race affected the consciousness of female activism in southern Africa. Solly's correspondence with moral reformers in Britain and southern Africa reveal how the sexual policing

²⁹¹ June McKinnon, 1995, "Women's Christian Temperance Union: Aspects of Early Feminism in the Cape, 1889 to 1930," MA diss., University of South Africa, 1, <https://core.ac.uk/download/pdf/43176532.pdf> (accessed 23 July 2018); The temperance movement at the Cape began with an organized effort by male Wesleyan Methodists decades prior to the establishment of the Women's Christian Temperance Union chapters at the Cape. For more information on the history of temperance societies and movements at the Cape other than the WCTU, refer to Paul Nugent, "The Temperance Movement and Wine Farmers at the Cape: Collective Action, Racial Discourse, and Legislative Reform, c. 1890-1965," *The Journal of African History* 52, no. 3 (2011): 341-63, <http://www.jstor.org/stable/41480244> (accessed 23 July 2018).

²⁹² Extensive archival evidence at the LSE-TWL, mainly in the form of correspondence between reformers in Cape Town and England, shed light on the different motivations, setbacks and concerns experienced by reformers from different continents.

²⁹³ Pamela Scully, "White Maternity and black Infancy: The Rhetoric of Race in South African Women's Suffrage Movement, 1895-1930," in *Women's Suffrage in the British Empire: Citizenship, Nation and Race*, eds. Ian Christopher Fletcher, Philippa Levine, Laura E. Nym Mayhall, (New York: Routledge, 2000), 73-74.

²⁹⁴ Extensive archival evidence, mainly in the form of letters at the LSE-TWL, indicate Julia Solly was politically engaged in moral reform issues until vice regulation phased out with the Public Health Act of 1919; from the 1890s to 1919, Solly worked to abolish government regulated prostitution, starting with her work through the WCTU. Solly's correspondence seemed to begin in 1892 with the Shafer case. She was also active in the suffrage wing leadership beginning in 1895.

of females often proved a perfunctory concern for many members of the CCWCTU, mainly because the victims of government regulation were predominantly Coloured and African.²⁹⁵

The first case responsible for galvanizing women's activism in the colony, as well as the newly reenergized anti-regulationist movement, involved the purported unjust detainment of Christina Shafer at a lock hospital in 1892. Consequently, the case of Christina Shafer also exposed the racial biases mirrored by the ladies of the CCWTCU. As a young white woman from Port Elizabeth, Shafer worked as a nurse for a family consisting of three children. With only a mere testimony from a male syphilitic patient, the Cape inspector and medical officer charged Shafer with prostitution.²⁹⁶ As a result, Shafer found herself "imprisoned" at the lock hospital.²⁹⁷ By all accounts, Shafer's culpability in "immoral conduct" and spreading venereal disease seemed doubtful to moral reformers.²⁹⁸ Even her employers came to her defense by demanding authorities allow their personal doctor to inspect the young nurse.²⁹⁹ Shafer's purported victimization cemented the belief among anti-regulationists that the act was prone to corruption.

The Shafer case proved to be Solly's first test in the colonial activist limelight. In addition to contacting the Colonial Secretary's Office to inquire about the status of Christina Shafer, Solly appealed to other colonial women by addressing the case during CCWCTU meetings held in Cape Town.³⁰⁰ Convinced the Shafer case was successful in getting "the public roused" in opposition

²⁹⁵ Ibid.; especially, Written Statement, "Case of Christina," Julia Solly, 1 May 1892, Microform TWL 6.2 box 3, Coll. 3JBL/31/12, Records of the Association for Moral & Social Hygiene, The Women's Library, London School of Economics.

²⁹⁶ Written Statement, "Case of Christina," Julia Solly, 1 May 1892, Microform TWL 6.2 box 3, Coll. 3JBL/31/12, Josephine Butler Letters Collection, TWL-LSE, page 3.

²⁹⁷ Ibid.

²⁹⁸ Ibid., 1.

²⁹⁹ Ibid., 3.

³⁰⁰ Letter, Julia Solly to Miss Forsaith, 15 October 1894, LSE TWL Microfilm TWL 6.2 box 3, coll. 3JBL/31/12, Records of the Association for Moral & Social Hygiene, The Women's Library, London School of Economics; Letter, Under Colonial Secretary Henry de Smidt to Julia Solly, 12 April 1893, LSE TWL Microfilm TWL 6.2 box 3, coll. 3JBL/31/12, Records of the Association for Moral & Social Hygiene, The Women's Library,

to regulated vice, Solly distributed pamphlets on the British Federation's anti-vice position to share with CCWCTU members, and members of the Cape Parliament.³⁰¹ By exploiting the condemnation among whites over Miss Shafer's wrongful detainment, Solly hoped to ride a wave of momentum toward reform.

Due to her knowledge of British women's activism, Solly adopted the tactics of Josephine Butler and the British Committee for the Abolition of the State Regulation of Vice in India and throughout the British Dominions.³⁰² Solly's international outreach suggests she believed women's reform at the Cape necessitated guidance and support from like-minded activists abroad. Likewise, Solly fostered this relationship by ensuring the British Committee stayed abreast of developments from the Shafer case.³⁰³ Solly viewed overseas interconnections as an integral component in achieving reform mainly because knowledge and ideas were often imparted between the metropole and the colonies. Since British female reformers tended to rely on "sensational stories" in the hopes of eliciting anti-vice regulation sentiments, the Shafer case provided Solly with an opportunity to mirror their tactics.³⁰⁴ Propagandized by British anti-vice feminists, Solly thus adopted the "female victimization" strategy.³⁰⁵ However, adopting the British feminist

London School of Economics; The 1984 letter addresses the WCTU convention and provided an update on the impact of the Shafer case; LSE TWL Microfilm 6.2 Box 3 1894 letter from the Colonial Secretary acknowledging receipt of Solly's letter.

³⁰¹ Letter, Julia Solly to Miss Forsaith, 15 October 1894, Records of the Association for Moral & Social Hygiene, TWL-LSE, page 4; Kimberley had extended first part of the CDA, so Solly especially wanted pamphlets distributed to the women of Kimberly.

³⁰² Note name change of organization (from LNA to British Committee for the Abolition of the State Regulation of Vice in India and throughout the British Dominions), which occurred in 1890. After the LNA victory over the 1886 repeal of the CDA in Britain, the organization concentrated their efforts to abolish regulated vice throughout the British territories.

³⁰³ British Committee for the Abolition of the State Regulation of Vice in India and throughout the British Dominions provided advice to Solly and desired to stay abreast. Likewise, Solly ensured that the Committee also stayed abreast of her activities in the colony.

³⁰⁴ Judith R. Walkowitz, "Male Vice and Feminist Virtue: Feminism and the Politics of Prostitution in Nineteenth Century Britain," *History Workshop*, No. 13 (Oxford University Press, Spring, 1982): 80, <http://www.jstor.org/stable/4288404> (accessed 10 June 2018).

³⁰⁵ *Ibid.*

‘playbook’ to exhort sensationalistic outcry manifested slightly differently at the Cape. Female activism added a racial dimension nonexistent in Britain. For Cape colonials, interest over the Shafer case proved rooted in notions of white respectability. Solly’s rhetoric stemmed less from indignation over patriarchal institutions of power, and more from the idea that Shafer had been discovered “the only white girl among the lowest set of diseased coloured women” at the lock hospital.³⁰⁶

Christina Shafer’s plight was certainly not unique. Thousands of women were exposed to potential abuses by way of the CDP Act of 1885.³⁰⁷ Yet, educated whites sympathized with Shafer’s plight in a way they were unable to display for Coloured and African females also caught up in unjust vice regulatory practices. The legalities of CDP Act did not prove a major concern for the Cape white population either, since the women primarily affected were marginalized due to race. In fact, one of the reasons often voiced in support of vice regulation involved the belief that vice regulation laws were never intended to target whites.³⁰⁸ For that reason, Shafer’s detainment came as a surprise to many, creating much uproar.

Anger over Shafer’s detainment lingered for another three years. Although public meetings orchestrated by moral reformers had been few in southern Africa, renewed interest in abolishing the CDP legislation drew in gatherings, because the case continued to agitate many white citizens of the colony.³⁰⁹ In 1895, social purity activists, which included male church group members as

³⁰⁶ Written Statement, “Case of Christina,” Julia Solly, 1 May 1892, Microform TWL 6.2 box 3, Coll. 3JBL/31/12, Josephine Butler Letters Collection, TWL-LSE, page 2.

³⁰⁷ Returns Medical Inspections for the Lock Hospital in the Cape Colony, 1904-1908, CO 8035, folio G6P, Colonial Office Records, Western Cape Archives and Records Service.

³⁰⁸ Written Statement, “Case of Christina,” Julia Solly, 1 May 1892, Microform TWL 6.2 box 3, Coll. 3JBL/31/12, Josephine Butler Letters Collection, The Women’s Library, London School of Economics, TWL-LSE, page 3.

³⁰⁹ Letter, Solly to British MP Henry Wilson, December 1895, box 122 Folder 1 of 3, coll. 3 AMS/D/41, Records of the Association for Moral & Social Hygiene, The Women’s Library, London School of Economics; British MP Henry Wilson was a CD laws repealer and secretary of British Continental and General Federation for

well, generated a total of 34 petitions calling for the eradication of Part I of the Act from communities throughout the colony.³¹⁰ Due to these efforts in response to the government's wrongful detainment of Christina Shafer, the Cape parliament granted moral reformers a temporary victory in 1895 by creating a select committee tasked to investigate vice legislation.³¹¹

While the select committee began releasing their report on the workings of the CDP Act, the British, Continental and General Federation for the Abolition of the State Regulation of Vice strategized fiercely through the fall of 1895 due to their rising optimism in delivering a blow to regulated sexual vice. Abolitionists came close in achieving their goals. After a second reading upon the report's publication, the Cape parliament threw out an amendment bill to Part I of the CDP legislation because of one sole vote.³¹² Despite such a setback, reformers believed change was imminent due to the tight results registered by parliament. This is evident by the way key members of the British, Continental and General Federation for the Abolition of the State Regulation of Vice wasted no time in communicating their next move. For instance, George W. Johnson, federation member proposed "to send to friends in South Africa further literature to induce them to agitate," because he believed a full repeal was still possible as opposed to a purported "proposed partial repeal."³¹³

the Abolition of Government Regulation of Prostitution. Wilson was Secretary of the Northern Counties Electoral League for the Repeal of the Contagious Diseases Acts from 1872 to 1885 and of the British Continental and General Federation for the Abolition of Government Regulation of Prostitution, from 1875. He was also an MP representing Holmfirth in West Yorkshire.

³¹⁰ Ibid.; the first part of the act expounded on the process for the regulation and examination of vice workers.

³¹¹ Ibid.

³¹² The first part of the act delineated the summoning procedures by the magistrate, as well as consequences for failing to appear for examination or before magistrate. However, the second part involved treatment procedures for infected males and females equally; Van Heyningen, "The Social Evil in the Cape Colony 1868–1902: Prostitution and the Contagious Diseases Act": 189; Although the Legislative Council finally passed a bill abolishing Part I of the Act, it failed to garner enough votes in the House of Assembly to move forward.

³¹³ Letter, George W. Johnson to Henry Wilson, 3 November 1895, box 122 Folder 1 of 3, coll. 3 AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

Although the select committee report did not precisely introduce a partial repeal as federation members had initially suspected, the committee determined the act very susceptible to abuses.³¹⁴ Regardless, the 34 petitions calling for the eradication of Part I certainly motivated the close parliamentary vote of 1895.³¹⁵ Regarding the Christina Shafer scandal, which had prompted the petitions and subsequent investigation in the first place, the report concluded more information was needed on the matter. Nevertheless, the committee leaned toward financially compensating the young white nursemaid.³¹⁶ One interesting feature about the activism surrounding the Shafer case involved white indignation over the nursemaid's interment with Coloured women at the lock hospital.³¹⁷ Whereas the work to eradicate government regulated sexual vice proved a slow task that took decades, Cape Town's Public Works Department began drafting building plans for new wards that separated white prostitutes from Coloured prostitutes as early as 1899.³¹⁸

Overall, as 1895 came to an end, the earlier optimism exhibited by the repeal camp diminished for a number of reasons. To begin with, there appeared growing irritation over the select committee's insufficient attention to details. For example, when the select committee recommended "that a provision should be made to enable women who have ceased to be common prostitutes to claim removal from the official registry," Johnston lamented on how "they seem[ed] unaware that there is no reference to such register in the Act."³¹⁹ In addition, after some reflection,

³¹⁴ Ibid.

³¹⁵ Optimism rose among reformers in Britain and the Cape upon learning that the committee proposed to amend Part I of the 1885 Act.

³¹⁶ Report, George W. Johnson, 20 October 1895, box 122 Folder 1 of 3, coll. 3 AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

³¹⁷ Written Statement, "Case of Christina," Julia Solly, 1 May 1892, Microform TWL 6.2 box 3, Coll. 3JBL/31/12, Josephine Butler Letters Collection, TWL-LSE.

³¹⁸ Report from the Office of the Chief Inspector of Public Works, "Lock Hospital Proposed Ward for Europeans," 21 March 1899, CO 7507 ref 629, Colonial Office Records, Western Cape Archives and Records Service. The CDP Act of 1885 was repealed with the enactment of the Public Health Act 36 of 1919.

³¹⁹ Ibid.; Johnson surmises that committee was not actually referring to register. Instead, they meant clause 35, which required that a record of every female examined be maintained.

the repealers' exuberance over the possible repeal of Part I of the Act eventually faded. Even Julia Solly echoed Johnston's diminishing confidence toward the potential for repeal. "At first we rejoiced over the (unexpected) decision in the Report of the Select Committee of the Council," Julia Solly stated, "but on looking more closely into the matter, I saw that if the amended bill were accepted, we should have the present bill enforced without the present facelift for fighting it."³²⁰ By the end of 1895, uncertainty set in among the opponents of government regulated vice.

From Solly's perspective, one obstacle plaguing vice abolitionists involved preoccupation on the CCWCTU's principal focus- temperance. In a letter to British MP Henry Wilson, Solly explained that even though her fellow CCWCTU members felt strongly about repeal, their "chief energies" were on temperance, whereas the purity division was left solely to herself and one other member.³²¹ Not only were fellow members unable "to grasp the principles of the matter," Solly grumbled, but they also preferred to focus on temperance rather than issues pertaining to regulated prostitution. Moreover, the power of medical authority proved a formidable opponent. The "least assertion from a doctor" often eclipsed Solly's "careful explanations" regarding moral abuses associated with vice regulation.³²² Solly's frustration reveals how health officials, as producers of knowledge for the modern state, became extensions of governmental power and legitimacy.³²³

Although the priority with temperance affected the effectiveness of abolitionists, the number one obstacle affecting anti-regulated vice activism pertain to the racial prejudices harbored

³²⁰ Letter, Julia Solly to British MP Henry Wilson, December 1895, box 122 Folder 1 of 3, coll. 3 AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

³²¹ Ibid.; the other member mentioned was Mrs. Murray.

³²² Ibid.; Solly indicated her frustration more than once in this letter to Wilson over what she deemed was the misplaced sense of legitimacy that activist women bestowed upon gave medical doctors. She recognizes the power of a growing medical power elite.

³²³ Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*, 131-132; Foucault states that the creation of "'Truth' is centered on the form of scientific discourse and the institutions that produced it... it is produced and transmitted under the control, dominant if not exclusive, of a few great and political apparatuses (university, army, writing, media)..."

by whites in southern Africa. According to Solly, “the moral and constitutional side (of the vice regulation debate) affect[ed] few” of her fellow activists, because many white moral crusaders could not escape equating ‘whiteness’ with respectability.³²⁴ For example, Solly considered Boer women potential allies due to their “moral conviction,” however, she also recognized that since “most of the victims were coloured,” stirring up sympathies among a broad spectrum proved difficult.³²⁵ Overall, Solly’s correspondence reveal the sexual policing of females generally generated little concern for many moral reform-minded groups, mainly because the victims of government regulation were predominantly Coloured.³²⁶

In many ways, the following year proceeded similarly to 1895. Once again, even though the Legislative Council passed a bill abolishing Part I of the Act, it failed to garner enough votes in the House of Assembly.³²⁷ In 1898, abolitionists found a champion in Edmund Garrett, the editor of the *Cape Times* serving in the House of Assembly.³²⁸ Whereas Saul Solomon had pushed the anti-vice regulation position successfully through with a repeal of the first CD legislation in 1872, Garrett appeared poised to take on Solomon’s political position as defender of social morality in parliament.

With strong political support, momentum to repeal the CDP Act of 1885 proved intense in 1899. Once again, feminists, male clergy and sympathetic politicians compelled another select

³²⁴ Ibid.

³²⁵ Ibid.

³²⁶ Ibid.

³²⁷ Van Heyningen, “The Social Evil in the Cape Colony 1868–1902: Prostitution and the Contagious Diseases Act”: 189; According to Van Heyningen, the commander of the British forces at the Cape, Lieutenant-General Goodenough, seemed to start supporting the abolitionists. This aided the case for repeal of Part I in the House of Assembly. However, the bill still failed by thirteen votes.

³²⁸ Ibid.; according to Van Heyningen in “The Social Evil in the Cape Colony 1868–1902: Prostitution and the Contagious Diseases Act,” Garrett’s half-sister was the suffragette, Rhoda Garrett. His cousin was renowned suffragette, Millicent Garrett Fawcett, 189.

committee to investigate the CDP Act in 1899.³²⁹ The report concluded sexual vice legislation resulted in no meaningful reduction of venereal disease transmissions.³³⁰ Despite such encouraging evidence, the matter over repeal never appeared before a vote in parliament for two reasons. First, Prime Minister of the Cape Colony, William Philip Schreiner, opposed the vote for a repeal.³³¹ Secondly (but most importantly), the second South African War, which began in October 1899, placed temporary brakes on certain forms of moral reform activism in general.

Traditionally outspoken feminists who often had much to say about patriarchal-driven oppression of women and immoral government sponsorship of vice were suddenly mum on those specific issues during the war years.³³² Solly's counterparts in Britain saw the South African War as an opportunity to emphasize female service to the empire as a test for their enfranchisement.³³³ Josephine Butler, the face of the global CD Law repeal movement, seemed particularly patriotic. "It is too great a moment," she explained her support, "and those who fight and those who stay home must stand shoulder to shoulder."³³⁴ Butler diverted attention from her traditional reform

³²⁹ Charles van Onselen, *New Babylon New Nineveh: Everyday Life on the Witwatersrand, 1886-1914*, (Cape Town, South Africa: Jonathan Ball Publishers, 2001), 146.

³³⁰ Ibid.

³³¹ Ibid.

³³² Modern scholarship on feminism during the South African War years demonstrate a shifting of activity in areas not involving CD legislation. For example, Josephine Butler published a rousing support for the war and British Imperialism in *The Native Races and the War*. Invoking British patriotism and anti-Boer sentiments, she believed a British victory would protect the black population from forced servitude (Britain abolished slavery in 1807). In addition, Emily Hobhouse was active in bringing attention to the British concentration camps detaining Boer women and children. Despite such cases of women involvement from 1899-1902, archival evidence suggests that a lull in vice abolition activism at the Cape along with its transcontinental connections occurred at this time. In fact, Solly's correspondence during the war years prove sparse in comparison to other periods. For more information on feminist activities during the Second Boer War years, see Laura E. Nym Mayhall "The South African War and the origins of Suffrage Militancy in Britain, 1899-1902" and Antoinette Burton, "States of Injury" in *Women's Suffrage in the British Empire: Citizenship, Nation and Race*, eds. Ian Christopher Fletcher, Philippa Levine, Laura E. Nym Mayhall, (New York: Routledge, 2000). See also Heloise Brown, *The Truest Form of Patriotism* (Manchester, UK: Manchester University Press, 2003), especially pages 165-167.

³³³ Laura E. Nym Mayhall "The South African War and the origins of Suffrage Militancy in Britain, 1899-1902" and Antoinette Burton, "States of Injury" in *Women's Suffrage in the British Empire: Citizenship, Nation and Race*, eds. Ian Christopher Fletcher, Philippa Levine, Laura E. Nym Mayhall, (New York: Routledge, 2000), 4.

³³⁴ Ibid., 6.

causes to defend the war publicly through her book, *The Native Races and the War*, in which she argued that a British victory would rescue Uitlanders, British migrant workers in the Transvaal Republic, as well as the native people of South Africa from Boer oppression.³³⁵

Aside from the repeal lull brought on by the conflict, Garrett nevertheless continued to press the issue in other ways. Just as Saul Solomon took advantage of his position as editor of the *Cape Argus* to attack the CD Act with a series of convincing letters back in 1870, Garrett relied on his role as editor of the *Cape Times* to influence public opinion. In July 4th of 1899 the *Cape Times* featured a sensationalistic story titled, “Children of the State,” which reported on two child prostitutes, Marian Lee and Sanna Carlsen, registered at the lock hospital.³³⁶ According to the article, the sub-inspector stated, “that both the prisoners had undergone examination several times.”³³⁷ The magistrate replied to Sub-inspector Clark, “there should certainly be some prosecution instituted against the persons who would pass such children.”³³⁸ The *Cape Times* not only lambasted the “state machinery” for the “sanitation of vice,” but also, the government officials who sanctioned sexual commerce:

The Contagious Diseases Act is not, unfortunately, a matter which lends itself to newspaper discussion, save of a perfunctory kind. We say unfortunately, because without such discussion it is difficult to bring the moral- or let us say simply the human- sense of a community to bear upon difficult questions; and while legislation guided by the moral sense only is likely to be faddist, legislation from which the moral sense is carefully and elaborately shut off is proved experience to be something worse than faddist. Its callous, prudential man-of-the-worldism represents the cynic and the beast that is in all of us, even in legislators; for the same State which

³³⁵ Ibid., 6-7.

³³⁶ The ages of the girls were reported by the newspaper as 12 and 14. However, the medical examiner’s report indicated that Sanna (sometimes also spelled Sennie or Senna) Carlsen was first examined at the age of 15, even though she claimed to be about 17 or 18 at her last examination.

³³⁷ Newspaper Clipping, “Children of the State” in the *Cape Times*, 4 July 1899, CO 2294, reference 1264, Records from the Colonial Office, Cape Town Archives Repository (KAB), Western Cape Provincial Archives and Records Service.

³³⁸ Ibid.

tickets off and drags up and inspects two miserable children, quite as a matter of course, allows any male frequenter of the same haunts to roam untrammled and do his worst, though he may be perfectly well known, to those whom the State sets to look after tis repulsive business, to be a danger no less than these women to the public health.³³⁹

The sensational news story produced a reactionary flurry of activity among politicians and government officials. The case of teenage prostitutes caught up in the workings of CD legislation even prompted British Members of Parliament, Henry Wilson and Joseph Chamberlain (also serving as Colonial Secretary for the British Colonies) to address the issue in the House of Commons.³⁴⁰ The Colonial Secretary proceeded to request reports from the notorious Cape Town medical examiner, Dr. Dixon, who was already under fire for a serious lock hospital riot in 1893.³⁴¹ Dr. Dixon's version of events described in his report differed from the initial *Cape Times* article. According to Dixon, the girls were examined because they appeared at the hospital on their own accord. Ultimately, Dr. Dixon's reports on the handling of underage girls at the lock hospital satisfied the Colonial Secretary's Office.³⁴² Thus, the state took no action against the medical examiner.³⁴³

³³⁹ Ibid.

³⁴⁰ Newspaper Clipping, "A Cape Town Case: Question in Parliament" in the *Cape Argus*, 9 August 1899, CO 2294, reference 1264, Records from the Colonial Office, Cape Town Archives Repository (KAB), Western Cape Provincial Archives and Records Service.

³⁴¹ Report from Cape Town Lock Hospital to Colonial Office, "The Case of Marian Lee and Sennie Carlsen," Dr. J.F. Dixon, 4 July 1899, CO 2294, reference 1264, Records from the Colonial Office, Cape Town Archives Repository (KAB), Western Cape Provincial Archives and Records Service; Dr. Dixon had experienced scrutiny before due to a riot in 1893 at the lock hospital on examination day. As the medical inspector of the CD Act, Dr. Dixon was disliked immensely by the females at the lock hospital. For more on the riot, see pp. 99-100.

³⁴² Due to pressure from social purity activists, the Cape Colony raised the age of consent to fourteen in 1893. However, this did not apply to the native territories until 1905, or prostitutes. For more on the age of consent in the Cape, see Elizabeth Thornberry, *Colonizing Consent: Rape and Governance in South Africa's Eastern Cape* (Cambridge, Cambridge University Press, 2019) 150, 155.

³⁴³ Letter, Under Colonial Secretary to Dr. J.F. Dixon, 20 July 1899, CO 2294, reference 1264, Records from the Colonial Office, Cape Town Archives Repository (KAB), Western Cape Provincial Archives and Records Service; Newspaper Clipping, "A Cape Town Case" in the *Cape Times*, 11 August 1899, CO 2294, reference 1264,

Since abolishing regulated vice at the Cape proved virtually impossible, Edmund Garret attempted a different angle of attack intended to chip away at government regulated prostitution. In 1898, Edmund Garret spearheaded the passing of an amendment to the Police Offences Amendment Act of 1882, which prohibited brothel-keeping, and stricter penalties for pimping and procuring.³⁴⁴ In retrospect, the Cape parliament's readiness to apply more stringent consequences to sexual commercial activities reflect anxieties over race and crime, rather than desires to repeal the CDP Act on moral grounds as championed by feminists.

During the late nineteenth century, the sensationalistic journalism of "dangerous classes" circulating through Cape Town had stoked these racial anxieties.³⁴⁵ Stories of Cape Town's seedy night culture possessed an exploitive racial dimension, because prostitution and pimping were repeatedly associated with the work of Africans and Malays.³⁴⁶ Therefore, the Cape's government policies regarding commercial sex puzzled many reformers throughout the coming years.³⁴⁷ On one hand, the government passed measures designed to staunch activities associated with prostitution, but on the other, they sanctioned the sex trade through the continued practice of vice regulation.

The Lock Hospital: Spaces of Power and Resistance

Records from the Colonial Office, Cape Town Archives Repository (KAB), Western Cape Provincial Archives and Records Service.

³⁴⁴ Van Heyningen, "The Social Evil in the Cape Colony 1868–1902: Prostitution and the Contagious Diseases Act": 190.

³⁴⁵ Bickford-Smith, 115-116.

³⁴⁶ Ibid.

³⁴⁷ Several letters and reports written after 1902 in box 122 Folder 1 of 3, coll. 3 AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE, demonstrate exasperation among activists. Two issues perplexing reformers: the lack of up-to-date treatment knowledge of VD and the fact that the government's suppression of brothels should have nullified the CDP Act of 1885.

The Cape Town lock hospital was often under scrutiny from female activists and moral reformers.³⁴⁸ Scandals occurring within those walls provided abolitionists with further proof of the social depravity associated with government sanctioned sexual vice. Lock hospitals (medical facilities that specialized in the treatment of sexually transmitted infections) were quite common in Britain and throughout the British colonies and territories due to their role in institutionalizing contagious diseases laws encouraged by the military. The use of the word ‘lock’ to refer to these centers implies a forced confinement. Primarily established in the nineteenth century, lock hospitals were extensions of a male-dominated medical bureaucracy. They created these spaces to practice modern medicine. One might assume that such spaces designed for modern healing provided a sophisticated approach to treatment, however, lock hospitals engendered a repressive environment that reinforced racial, class and gender biases.³⁴⁹

The women detained in the Cape Town lock hospital suffered humiliation as well as physical and psychological abuse. Long detentions and uncertainty about their release took a toll. The gynecological examinations conducted by Dr. Dixon were performed roughly. Moreover, the treatment he used for gonorrhea involved internally painting the vaginal walls, which resulted in burning pain. “The painting hurts us’,” stated Louisa Hendricks. “There were four of us ordered to be painted. He does this himself using the large instrument. He uses us roughly. He hurt me so the last time I was in that I thought my inside was coming out. I bled a lot’.”³⁵⁰ Furthermore, women simply did not trust Dr. Dixon’s word. “I went to the Doctor and asked him when I was to get out and he said next week’,” Charlotte du Toit described.³⁵¹ “He always puts us off by

³⁴⁸ Examples of the scrutiny experienced by the lock hospital involved the Schafer Case and the sensationalistic news stories of the two underage girls that were detained for a medical examination.

³⁴⁹ For instance, there was already an interest to separate European and Coloured prostitutes into different wards in the late nineteenth century. See note 185.

³⁵⁰ Van Heyningen, 184.

³⁵¹ *Ibid.*

saying next week and the girls get discontented. He does not keep his word.”³⁵² From their perspective, Dr. Dixon failed to honor intended release dates. This left the process appearing arbitrary and unfair for the detainees.

The women responded to their torment by rioting. The most severe riot occurred in 1893. A group of fifteen rioters had gathered in the courtyard to throw stones outside of the doctor’s surgery room. The doctor and matron were trapped inside for two hours until authorities arrived to rescue them.³⁵³ Instead of examining the underlying causes fueling the riots, officials instead launched building projects that further institutionalized control of detainees at the lock hospital. Specifically, the Under Colonial Secretary directed the Assistant Commissioner for Railways and Public Works to make modifications to the premises to prevent another riot incident:

With reference to a letter dated 23rd ultimo from the medical officer in charge of the Lock Hospital, Cape Town, reporting that a recent outbreak among the patients, the stones in the yard were freely used, and the staff exposed to considerable danger pending the arrival of the police. I am directed to inform you that the following recommendations of the medical officer with a view to make better provision for the safety of the staff in any future outbreak, have been approved by the Colonial Secretary, and I am to request that you will issue instructions to have the work put in hand forthwith.

1. The yard of the hospital to be asphalted.
2. Direct telephonic communication to be established with the police station.
3. A door to be made at the back of the matron’s quarters, not accessible to the patients.³⁵⁴

Removing stones by way of asphaltting the grounds and creating a direct telephone line to law enforcement may seem like a natural measure to take in response to the riot, however, it also

³⁵² Ibid.

³⁵³ Ibid.

³⁵⁴ Letter, Under Colonial Secretary to Assistant Commissioner for Public Works Department, 2 March 1895, PWD 2/1/49/27D, Folio 1943, Public Works Department Records, Western Cape Archives and Records Service.

served to normalize the power that health authorities held over the marginal classes detained in the lock hospital. Incidentally, the lock hospital was connected to the Roeland Street gaol.³⁵⁵ Such a peculiar location for syphilitic patients exposes the lock hospital as a space intended for incarceration, not convalescences. The covert message surrounding the nature of this space made ‘patients’ and ‘delinquents’ interchangeable.

Public health at the Cape embodied the penal system in which laws, policing, and surveillance were more about protecting the power and privileges of the white ruling class than preventing the spread of syphilis, crime, or immorality.³⁵⁶ Although establishing the lock hospital appears to be a benign approach in the administration of public health, it was an oppressive institution where the strong arm of the state wielded power.

Racially-Coded Sexual Angst, Proto-Apartheid

The Cape’s history with carnal vigilance took a momentous turn in 1899. Not only did another repeal vote go nowhere, but the start of the South Africa War in October cooled the battle over regulation. Incidentally, changes to the Cape Town Lock Hospital occurred with no fanfare either. In 1895, the Transvaal government legislated segregated hospitals and wards, however, the Cape Town Lock Hospital had made no racial distinctions previously.³⁵⁷ Although not explicitly outlined by law, officials initiated racial segregation at the Cape Town Lock Hospital, nevertheless. At the end of the nineteenth century, Dr. Dixon and the Chief Inspector of Public

³⁵⁵ Karen Jochelson, *The Colour of Disease: Syphilis and Racism in South Africa, 1880-1950* (St. Anthony’s Series. Basingstoke, UK: Palgrave Macmillan UK, 2001), 43.

³⁵⁶ See Chapter 1.

³⁵⁷ Jochelson, 46; The Cape’s CDP Act of 1885 made no overt racial distinctions; the Transvaal legislation segregating hospitals and wards transpired through the Contagious Diseases Law No. 12 of 1895.

Works drafted accommodation plans designed to maintain separate facilities for European and Coloured patients.³⁵⁸ The lock hospital was divided into separate wards as a result. Segregation in the lock hospital merely reflected a trend toward racial exclusion policies, which occurred steadily throughout the nineteenth century. The Cape Colony enacted pass laws for Khoikhoi in 1809, commonly known as the Caledon Code, or previously as the Hottentot Proclamation. Although the ordinance was repealed in 1828, a new ordinance immediately took its place. Ordinance 49 of 1828 enacted pass laws for black migrants.³⁵⁹ In 1857, the Kaffir Pass Act of 1857 restricted blacks from entering the Cape Colony except to work.³⁶⁰

Fear of epidemics also provided pretexts to remove non-white inhabitants out of Cape Town districts. Momentum to remove Coloureds from Cape Town after the smallpox epidemic of 1882 was put aside simply because employers complained bitterly about the measure. However, the 1901 outbreak of bubonic plague allowed colonial health officials to implement the Public Health Amendment Act No. 23 of 1897.³⁶¹ In particular, clause 15 of part III endowed the minister with broad, wide-sweeping powers to make and enforce any regulation “within such district as may be required to prevent the outbreak, or check the progress of, or eradicate” any contagious disease.³⁶² Therefore, the bubonic plague outbreak of 1901 empowered authorities with the

³⁵⁸ The use European implies ‘white’.

³⁵⁹ Saunders, *Illustrated History of South Africa*, 96.

³⁶⁰ Clifton C. Crais, *White Supremacy and Black Resistance in Pre-industrial South Africa: The Making of the Colonial Order in the Eastern Cape, 1770-1865*, (Cambridge: Cambridge University Press, 1992), 212.

³⁶¹ Maynard W. Swanson, “The Sanitation Syndrome: Bubonic Plague and Urban Native Policy in the Cape Colony, 1900-1909,” *The Journal of African History* 18, no. 3 (1977): 393, <https://www.jstor.org/stable/180639> (accessed 08 June 2018). Swanson states the “act had been inspired by a devastating smallpox epidemic at Cape Town, May 1882 to March 1883, when over four thousand people died in ten months. The casualties had been mostly Cape Coloureds and Malays; Africans had not yet appeared at Cape Town in significant numbers. The deaths vastly outnumbered those in the plague of 1901. The difference in response was a measure not only of the development of government powers and public health administration, but of the readiness by the 1900s of Cape authorities to turn to territorial segregation in dealing with the black presence in urban area.”

³⁶² Elizabeth Van Heyningen, “Public Health and Society in Cape Town 1880–1910,” Thesis, University of Cape Town, 1989, 125.

necessary legal justification to institute the practice of racial segregation decades prior to the apartheid legislation enacted by the white supremacist National Party government in 1948.

The growth in industrialization and shipping activity at the docks, which bolstered African migration to Cape Town, resulted in increased racial tensions.³⁶³ Armed with a colonial medical bureaucracy apt to link blacks to germs and disease, white elites retained a power structure dominant enough to take significant coercive action during the plague outbreak of 1901. Guards forced six to seven thousand Africans residing within the city to relocate several miles out to the Uitvlugt, “a sewage farm,” despite plague cases among Africans not affecting them as much as whites and Coloureds.³⁶⁴ The main goal for officials was separation. Historian Maynard Swanson concluded the forced relocation “was the merest step of logic to proceed from the isolation of plague victims to the creation of a permanent location for the black labouring class.”³⁶⁵ The bubonic plague outbreak demonstrates the propensity among white authorities to promote forced removal policies of inhabitants based on racial categories.

The bubonic plague outbreak coincided with the South African War of 1899-1902. Although direct combat did not transpire in Cape Town, the conflict brought profound demographic transformations to the mother city.³⁶⁶ Most importantly, these population changes converged with long existing racial anxieties and prejudices to ultimately hatch repercussive legislation for Cape Town and most of southern Africa for several decades to come. Enacted by the Cape parliament, Act No. 36 of 1902 for the Suppression of Gaming Houses, Betting Houses,

³⁶³ Migrants from the Eastern Cape.

³⁶⁴ Maynard Swanson, 393-394.

³⁶⁵ *Ibid.*, 393.

³⁶⁶ Christopher Saunders ed., *Illustrated History of South Africa*, 314; Vivian Bickford-Smith, Elizabeth van Heyningen, and Nigel Worden, *Cape Town in the Twentieth Century: An Illustrated Social History*, (Claremont, South Africa: David Philip Publishers Pty Ltd., 1999), 38.

Brothels and Immorality Act created wider implications.³⁶⁷ Although the new act, commonly referred as the Suppression of Immorality Bill, was geared to crack down on the contemporary vice industry, it also served to legitimize a racial order.³⁶⁸

Cape Town's sex industry thrived during the war years. Driving the booming commercial sex economy were migrants and British troops seeking pleasures at the seaport town. Quite auspiciously, new immigrants also arrived at the Cape to help fulfill the growing demand for carnal commercial transactions. Primarily from Russia, Poland and Germany, these newcomers arrived in southern African territories toward the latter years of the nineteenth and early twentieth centuries.³⁶⁹ Among them were many Jews fleeing religious persecution and poverty.³⁷⁰ Initially drawn to the profitable Witwatersrand mines, European pimps and prostitutes flooded Cape Town to escape the South African War and a Transvaal Republic crackdown on organized criminal procurers.³⁷¹ Although nineteenth century Colonial Medical Office records maintained for CD regulation had long revealed an ethnically diverse population of sex workers with Coloured women comprising the majority, the wartime period marked a large influx of Europeans involved in the vice trade.³⁷² Suddenly, white prostitutes outnumbered Coloured prostitutes.³⁷³

³⁶⁷ Letter, Julia Solly to Miss Forsaith, 5 January 1903, Records of the Association for Moral & Social Hygiene, TWL-LSE.

³⁶⁸ Solly referred to Act No. 36 of 1902 as the Immorality Bill in her 1903 letter to Miss Forsaith.

³⁶⁹ Donna Guy, "Argentina: Jewish White Slavery," Jewish Women's Archive, <https://jwa.org/encyclopedia/article/argentina-jewish-white-slavery> (accessed 19 July 2018); Van Onselen, 147; Vivian Bickford-Smith et al., *Cape Town in the Twentieth Century: An Illustrated Social History*, 40; substantial evidence on the existence of foreign pimps and prostitutes can be found in Attorney General documents at the Western Cape Archives and Record Service. Among Russian and Polish Jews, documents reveal prostitutes working brothels were French and Belgian as well.

³⁷⁰ Ibid.

³⁷¹ Van Onselen, 146; Saunders, *Illustrated History of South Africa*, 214.

³⁷² Report, "Report on an enquiry into the Cape Town Lock Hospital, 4 March 1898, CO 7508, ref 629, Colonial Office Records, Western Cape Archives and Records Service; Van Heyningen, 181-182. Van Heyningen research shows that a registration list dated for October 1868 reveal that out of the 213 women in register represented 5 labeled ethnic categories. Out of the 213 women, 112 were identified as Coloured.

³⁷³ Returns Medical Inspections for the lock hospital in the Cape Colony, July 1904, CO 8035, folio G6P, Colonial Office Records, Western Cape Archives and Records Service; European Prostitutes examined by medical

The arrival of pimps brought a form of New York-style gangsterism unfamiliar to early twentieth century Cape Town. Possessing organizational ability, they formed the ‘American Club’, but were later dubbed more germanely the ‘Pimps Club’.³⁷⁴ These new pimps filled brothels with economically desperate European females. These new émigrés had been recruited as sex laborers through international criminal networks, or ‘white slave’ traffic.³⁷⁵ Much like the Transvaal prior to Kruger’s crackdown, international sex procurers found Cape Town a profitable place for the selling of carnal pleasures.³⁷⁶

The notorious Polish-born American criminal, Joseph Silver, or Joseph Lis represents one such example of a foreign gangster pimp exploiting the so-called ‘white slave’ trade through the establishment of brothels in Cape Town.³⁷⁷ Prior to his arrival in Cape Town, Silver ran brothels in Johannesburg. During his time in London in the late nineteenth century, Silver engaged in prostitute recruitment and export.³⁷⁸ London newspapers ran sensationalistic articles of procurers

inspector outnumbered Coloured women in 1904; For example, the medical inspector’s report for Cape Town under provisions of the Contagious Diseases Act reveal examinations for 43 European females in contrast to 33 Coloured female; Saunders, *Illustrated History of South Africa*, 214.

³⁷⁴ Saunders, *Illustrated History of South Africa*, 214.

³⁷⁵ *Ibid.*, 214; Charles van Onselen, *New Babylon New Nineveh: Everyday Life on the Witwatersrand, 1886-1914*, (Cape Town, South Africa: Jonathan Ball Publishers, 2001), 128; Donna Guy, “Argentina: Jewish White Slavery.” A global initiative among nations to suppress sex trafficking began in the early twentieth century, including legislation, such as the Mann Act of 1910 in United States. The so-called ‘white slavery’ was a global moral panic. The ‘white slavery’ myth involved the presence of foreign, dangerous men who lured or forced innocent white females from Europe into a life a prostitution in a foreign land. Scholars such as Guy and Van Onselen describe many of these ‘white slaves’ to be Jewish females enticed with false promises of domestic work and marriage by pimps.

³⁷⁶ Van Onselen, *New Babylon New Nineveh*, 129.

³⁷⁷ *Ibid.*, 128; Saunders, *Illustrated History of South Africa*, 214. Prior to the South African War, Joseph Silver ran at least two brothels in Johannesburg until the Transvaal government sentenced him to two years hard labor for bribery and living off the proceeds of prostitution in 1899. He even tried to bribe jurors. His sentence included expulsion from the South African Republic after time served. However, since the start of the war later that year pressured the Transvaal government to reassign prison guards to military service, Silver was freed along with other convicts. For more on Silver see Chapter 5 in Saunders, *Illustrated History of South Africa*, 214, Chapter 3 in Van Onselen, *New Babylon New Nineveh*, and Chapter 5 of this thesis. In addition, this thesis will refer to Joseph Lis interchangeably with his alias Joe Silver depending on the name used by court documents examined.

³⁷⁸ Van Onselen, *New Babylon New Nineveh*, 128-129.

like Silver operating sexual traffic operations.³⁷⁹ Upon making his way to Cape Town, court records reveal that Silver established at least two brothels, one on 28 Longmarket Street and the other at 9 Sidney Street, each possessing several European prostitutes.³⁸⁰ Cape Town Urban Police began targeting these addresses due to local complaints by sending plain-clothes policemen to investigate.³⁸¹

The noticeable increase in sexual vice organized by European pimps in Cape Town had disturbed the citizenry to the point of action. Prior to the bill's passing, various moral reform groups (such as various WCTU local branches, Wesleyan Methodists, and the Dutch Reformed Church of Somerset West) submitted five to six petitions in support of brothel suppression to parliament.³⁸² In a letter to Miss Forsaith, Julia Solly explained that the new legislation to suppress pleasure houses arose because of the brazen display of commercial sexual activities upon the war's end:

The publicity of the gaming houses and brothels, their shameless effrontery and the hideous state of the streets when the troops returned from the front, roused public opinion to a remarkable degree, and the attorney general brought in a bill dealing with both evils together...³⁸³

Moral reformers had long considered the government accomplices of the sex industry, yet the Suppression of Gaming Houses, Betting Houses, Brothels and Immorality Act of 1902

³⁷⁹ Van Onselen, *New Babylon New Nineveh*, 131. Van Onselen explains that these traffickers approached poor women in London as eligible bachelors for the eventual goal of tricking them into prostitution. They would proceed by courting innocent, naïve women, inebriate with alcohol to seduce and rape their unsuspecting victims, then transport to brothels in Argentina or South Africa. However, Van Onselen's source material draws from sensationalistic news articles that likely fed the moral panic over 'white slavery'.

³⁸⁰ Ordinary Jurisdiction Record, "Rex vs. J Alias Silver," 30 August 1904, AG 1531 part 2, folio 12984, Attorney General Records, Western Cape Archives and Records Service.

³⁸¹ Testimony, Thor Osborg, 22 September 1904, AG 1531 part 2, folio 12984, Attorney General Records, Western Cape Archives and Records Service.

³⁸² Letter, Julia Solly to Miss Forsaith, 5 January 1903, Records of the Association for Moral & Social Hygiene, TWL-LSE.

³⁸³ *Ibid.*

demonstrate an ambiguous approach to vice policy among lawmakers. The new legislation may have intended to suppress pleasure houses, but it did not put an end to government regulated sexual vice. Although reform-minded feminists viewed suppressing brothels a moral imperative, the bane of abolitionists, the CDP Act, persisted. Legislators suppressed certain elements of sexual vice deemed unsavory all the while facilitating it.

Ultimately, the act reinforced patriarchal sentiments, but it also hardened the racial order privileging white males. Such mixed messaging begs the question why male legislators, who long viewed prostitution a necessary evil requiring government control, were now quick to stamp out pleasure houses in 1902. Ultimately, the new breed of brothels that scandalized the citizens of Cape Town disrupted racial confines. Local leaders discovered sexual commercial transactions had crossed racial lines since white prostitutes were known to service black clients. In a speech before the House of Assembly, Attorney-General T. L. Graham made the case for the Immorality Bill by describing these carnal transactions as a form of racial treason that risked sending a green light to black men on the sexual availability of white women:

‘From what he had gathered from clergymen and others who were constantly coming into contact with Kaffirs and the natives generally, it appeared that a considerable traffic was being carried on in Cape Town between aboriginal natives and white European women. There were certain houses in Cape Town which any Kaffir could frequent, and as long as he was able to pay the sum demanded, he could have illicit intercourse with these white European women. This was a matter of the gravest importance, for once the barriers were broken down between the European and native races in this country, there was no limit to the terrible dangers to which women would be submitted, particularly in isolated places.’³⁸⁴

³⁸⁴ Van Heyningen, 192. From House of Assembly Debates in 1902, via Van Heyningen.

The attorney-general's warnings about the "terrible dangers" threatening to befall white women in "isolated places" is an expression of the *black peril* panic that gripped southern Africa in the nineteenth and early twentieth centuries.³⁸⁵ Although not solely a southern Africa phenomenon, the *black peril* were black rape scares afflicting colonizer communities.³⁸⁶ The heightened threat of black rape did not equate with an increase in sexual assaults of white women.³⁸⁷ Instead, the rape scares were a metaphor for anxieties over eroding power. According to Ann Stoler, the *black peril* "connoted the fear of insurgence, and of perceived nonacquiescence to colonial control" of black subjects.³⁸⁸ Historical studies on the topic reveal that pressure to safeguard white female bodies from perceived sexual predations of black men tended to proliferate during times of political and social upheaval.³⁸⁹ In the Cape context, for instance, black rape scares spiked soon after the South African War in a region that had already experienced demographic transformations brought on by rapid industrialization.³⁹⁰

By the turn of the century, racial distinctions governed the Cape's approach to carnal vigilance, however, a blatant sexual double-standard was intertwined. No move to suppress the sex industry occurred when Coloured women had comprised the largest proportion of prostitutes with British troops a key clientele to the sex industry. Carnal relations between white females and black men, on the other hand, set off a visceral angst among white males. As Gareth Cornwell

³⁸⁵ Ibid.

³⁸⁶ Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule*, (Berkeley, CA: University of California Press, 2010), 58-59; Gareth Cornwell, "George Webb Hardy's *The Black Peril* and the Social Meaning of 'Black Peril' in Early Twentieth-Century South Africa," *Journal of Southern African Studies* 22, No. 3 (September 1996): 441. <http://www.jstor.org/stable/2637313> (accessed 19 July 19, 2018); Pamela Scully, "Rape, Race, and Colonial Culture: The Sexual Politics of Identity in the Nineteenth-Century Cape Colony, South Africa," *The American Historical Review* 100: 2 (April 1995): 338. <http://www.jstor.org/stable/2169002> (accessed 15 August 2018).

³⁸⁷ Stoler, 58; Cornwell, 443.

³⁸⁸ Ibid.

³⁸⁹ Ibid.; Cornwell, 442; Scully, 338.

³⁹⁰ Cornwell, 442; See note 34.

explained, “the political scandal of the Black Peril is the subjection of a woman of the dominant race to the power of a man of the subordinate race; the penetration of a white woman by a black man is an act of insurrection.”³⁹¹ Sexual sabotage by colonized males also evoked wider fears of colonial demise.³⁹²

In her broad study on race, sex, and colonial rule, Stoler concluded that “remedies sought to alleviate sexual danger embraced new prescriptions for securing white control.”³⁹³ Thus, the solution for ending sexual commercial transactions between white prostitutes and black clients involved the establishment of laws and punishment by Cape Town officials.³⁹⁴ According to Jock McCulloch, the *black peril* was part and parcel of broader schemes to establish a “more moral society.”³⁹⁵ Thus, one manner employed to combat the *black peril* was to establish laws restricting sex work.³⁹⁶ Although the Suppression of Gaming Houses, Betting Houses, Brothels and Immorality Act of 1902 was intended to deny black males sexual access to white women, government regulated vice continued unimpeded for white clients. Supported by patriarchal privilege, the workings of the ‘necessary evil’ remained sanctioned by law.

The new brothel suppression legislation contained five parts. Part IV, titled “Brothels and Immorality” targeted brothel-keeping and procuring.³⁹⁷ Clearly concerned over the purported ‘white slave’ trade, the primary concern of officials pertained to the act of coercing women and

³⁹¹ Cornwell, 441-442.

³⁹² Stoler, 58.

³⁹³ *Ibid.*, 59.

³⁹⁴ Stoler explains that remedies to maintain racial order included surveillance of black males, legislation, corporal punishment, and exclusionary designations of spaces. For more, see page 59.

³⁹⁵ Jock McCulloch, *Black Peril, White Virtue: Sexual Crime in Southern Rhodesia, 1902-1935* (Bloomington, ID: Indiana University Press, 2000), 57.

³⁹⁶ *Ibid.*

³⁹⁷ Cape of Good Hope, 10th Parliament, Act 36 of 1902 for the Suppression of Gaming Houses, Betting Houses, Brothels and Immorality, box 3, folder 1 of 3, Coll. 3/AMS/D/41, Records of the Association for Moral & Social Hygiene, The Women’s Library, London School of Economics. The colloquial for procuring is pimping.

girls into prostitution, and the pleasure houses that potentially exploited them.³⁹⁸ The penalty for a convicted procurer was a two-year maximum sentence. However, the sentence increased to five years in instances when convicted felon had coerced or forced females into the sex trade.³⁹⁹ The judicial system intended to take no chances. For all males found guilty who lived off “wholly or in part on the earnings of prostitution” were sentenced to a two-year sentence.⁴⁰⁰

Sections 34, 35, 36 of Part IV focused on instances when carnal transactions crossed racial lines. For example, the procurement of a white woman by pimps or madams “for the purposes of illicit sexual intercourse at any house or place with any aboriginal native” would result in a five-year prison sentence with hard labor and twenty-five lashes.⁴⁰¹ However, European women were also policed through this legislation. Officials blamed prostitutes for provoking black lust. The act made it “unlawful for any white women to voluntary have illicit sexual intercourse for the purposes of gain with any aboriginal native.”⁴⁰² Women convicted of contravening section 34 would serve a two-year sentence with hard labor.⁴⁰³ In contrast, black males who paid white prostitutes for sexual services were exempted from penalties under section 34, because they were viewed as ‘lured’ clients who found themselves enticed by sponsors of immorality.⁴⁰⁴

³⁹⁸ In examining police records and court cases of people convicted of contravening the Cape’s brothel suppression legislation, not a single conviction could be found on the coercion of women and girls into prostitution. Similarly, Jock McCulloch explains on p. 58 in *Black Peril, White Virtue: Sexual Crime in Southern Rhodesia, 1902-1935* that no case of ‘white slavery’ was uncovered by officers in Southern Rhodesia. This indicates that the idea of ‘white slavery’ was an exaggeration producing unnecessary anxiety.

³⁹⁹ Ibid. An additional 25 lashes were meted out for men.

⁴⁰⁰ Ibid.

⁴⁰¹ Ibid.

⁴⁰² Ibid.

⁴⁰³ Ibid.

⁴⁰⁴ For wider colonial context on the topic of women as promoters of racial transgressions, see Stoler, 60. The displeasure by officials over cases of white prostitutes servicing black clients coincided with white anxieties regarding the ‘Black Peril’ of the early twentieth century. The Black Peril represented the purported rape threat black men posed to white women. The determination that black clients were seen as less culpable for being lured by prostitutes evokes notion that black men were childlike and unable to contain their sexual desires. See Chapter 5.

Like the brothel suppression legislation enacted at the Cape in 1902, laws passed in Southern Rhodesia at the turn of the twentieth century demonstrate that white men indeed acted to protect women from rape. However, they were ultimately “more anxious about the disruptive power of female sexuality.”⁴⁰⁵ The Southern Rhodesian Criminal Law Amendment Ordinance of 1900 that targeted procuring and brothel-keeping “was applied exclusively to white females.”⁴⁰⁶ Similarly, women convicted of the Cape’s brothel and immorality legislation risked more severe punishment than male clients. Female sexuality proved so alarming to white men, which resulted in prostitutes being deemed the more criminally deviant party of the sex trade.

The Cape Urban Police actively enforced the Brothels and Immorality Act of 1902. Police officials formed a special unit of “moral men.”⁴⁰⁷ Detectives staked out suspected brothels based on tips from the public.⁴⁰⁸ In less than a year, the justice system convicted fifteen pimps and prostitutes.⁴⁰⁹ Although moral reformers had petitioned parliament for a crackdown on pleasure houses in support of the bill, the final passing of the Immorality Act ultimately added to their frustration.⁴¹⁰ Abolitionists viewed the new anti-brothel legislation to be in direct conflict with the CDP Act of 1885.⁴¹¹ Solly pointed out “the absurdity of passing such a bill so long as the C.D.

⁴⁰⁵ Jock McCulloch, 57.

⁴⁰⁶ *Ibid.*, 57-58.

⁴⁰⁷ Testimony, Thor Osberg, 22 September 1904, AG 1531 part 2, folio 12984, Attorney General Records, Western Cape Archives and Records Service; Thor Osberg was a sub-inspector and coordinator of the ‘Morality Men’ police unit tasked with busting brothels.

⁴⁰⁸ *Ibid.*

⁴⁰⁹ Letter, Julia Solly to Miss Forsaith, 5 January 1903, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁴¹⁰ *Ibid.*; The WCTU local branches, Wesleyan Methodists, and the Dutch Reformed Church of Somerset West submitted five to six petitions to parliament in support of brothel suppression.

⁴¹¹ Letter, Julia Solly to Miss Forsaith, 5 January 1903, Records of the Association for Moral & Social Hygiene, TWL-LSE; Report, Julia Solly, “Report from South Africa,” (Month not specified, 1913), box 3, folder 1 of 3, Coll. 3/AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; Report, Solly, Regulation of Vice in South Africa, 16 February 1912, box 3, folder 2 of 3, Coll. 3/AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; Letter, Solly to Mr. Gregory, December 1912, box 3, folder 2 of 3, Coll. 3/AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

Act of 1885 remained in force.”⁴¹² For the next 17 years, foes of regulated vice not only challenged the Cape government’s puzzling position on sexual vice, but also scrambled to prevent Cape-style regulation from spreading throughout southern Africa.⁴¹³ In the end, repealers failed in their efforts to abolish government-regulated vice at the Cape, yet successfully thwarted its spread beyond the colony’s borders.⁴¹⁴

Deep-seated sentiments regarding empire, gender, class and race shaped perceptions over morality and sexual commerce. From 1872 to 1902, the Cape and surrounding communities underwent profound economic, political and demographic transformations. The rapid growth in the mining industry, urban migration, imperial ambitions, war, epidemics, and politics surrounding hygiene molded the policies over the mother city’s sexual vice industry. This examination into contagious disease legislation ultimately illustrates how a path toward greater racial exclusion was charted.

The contest for public health and morality became increasingly racialized from the 1870s to 1902. The political battles over the Cape Colony’s Contagious Diseases Acts cultivated the racial and sexual policing of South Africa in the twentieth century. Wedged between regulationists and abolitionists existed the issue over forced health examinations upon black and marginalized white females. Powerful institutions, such as the military, produced knowledge aiding the regulationist cause. Medical officials, as extensions of modern government, also benefitted from the added legitimacy. Despite inaccurate data collection, statistics became the language of

⁴¹² Letter, Julia Solly to Miss Forsaith, 5 January 1903, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁴¹³ The Health Bill of 1919 superseded the Cape CDP Act of 1885. With changes in treatment, and an awareness that the Cape had been old-school regarding treatment, the treatment of syphilis was no longer compulsory, but rather voluntary. For more information, see chapter 3.

⁴¹⁴ See Chapter 3.

authority and a form of control. Although appearing diametrically opposed, abolitionists and regulationists were susceptible to their contemporaneous views on race and morality. In the end, both camps not only promoted an invented racial order through its very practice, but also, facilitated the move toward greater racial exclusion.

Chapter 3- Moral Vigilance and National Formation: Women's Activism in Early Twentieth Century South Africa

Few people in southern Africa understood the competing legal, medical, and moral arguments surrounding government-regulated prostitution as adeptly as the vice-president for the Colonial Women's Christian Temperance Union in the months following the Immorality Act's enactment in 1902, which suppressed pleasure houses, pimping, and interracial commercial sex. In addition to bearing such a crucial role within the Cape Colony's leading female organization dedicated to social reform causes, Julia Solly was also a member of the International Federation for the Abolition of State Regulation of Vice.⁴¹⁵ Since the brothel suppression legislation did not end the government's sanctioning of sexual vice, the work of abolitionists remained unfinished. Therefore, when the Cape Parliament's most vociferous supporter of vice regulation, John X. Merriman, declared "the prostitute a necessary member of society" before his legislative peers, Solly countered him with competing claims of her own.⁴¹⁶

A notorious figure among feminists for his opposition to women's suffrage, Merriman's public championing of regulated prostitution proved a direct challenge to the anti-vice crusade adopted by social purity activists.⁴¹⁷ The social purity movement, which affected mostly English-speaking countries from the late nineteenth century to World War I, endeavored to abolish sexual

⁴¹⁵ The WCTU expanded original goal of temperance to other causes such as child labor, vice, sex-trafficking, health, and sanitation to women's suffrage.

⁴¹⁶ Letter, Julia Solly to Fanny Forsaith, 5 January 1903, box 122, folder 1 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, The Women's Library, London School of Economics; Solly described the contents of Merriman's reply to Miss Fanny Forsaith, the secretary of the British Committee of the International Federation.

⁴¹⁷ Letter, Margaret Clark Gillet to Col. Mayne, 16, August 1911, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, The Women's Library, London School of Economics; Gillet (English Botanist and social reformer who had travelled to South Africa with Emily Hobhouse in 1905) described Merriman's disdain for women's enfranchisement; Author unknown, "John X. Merriman," The Olive Schreiner Letters Online, <https://www.oliveschreiner.org/vre?view=personae&entry=48> (accessed 23 June 2020).

vice. Although men participated in anti-vice crusades, the notion of social purity related especially to the activist women working toward greater moral reform.⁴¹⁸ Beginning in the late nineteenth century, politically active white women in South Africa, like Solly, engaged in social problems associated with social purity despite lacking voting rights.⁴¹⁹ Although often aided by men, women dominated the moral reform movement.

“Prostitution had always existed,” Merriman replied to Solly, all the while refusing to “discuss its necessity with a lady” any further.⁴²⁰ By invoking contemporary Victorian mores, which held women to an elevated standard of moral purity, yet expecting men to shield ‘good’ women from the inevitableness of male depravity, Merriman not only attempted to silence Solly but also suppress female activism.⁴²¹ According to Solly, Merriman’s dismissiveness was intended to make her feel like a “shameless female,” yet his aim of reproaching her into submission ultimately failed.⁴²² “I don’t mind being called one [a shameless female] ... if it in anyway helps the cause.”⁴²³ Solly proved a relentless fighter for gender equality and the well-being of women and children in the decades to come.

⁴¹⁸ Letter, Julia Solly to Henry Wilson, 21 December 1895, box 122, folder 1 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, The Women’s Library, London School of Economics; Solly distinguishes between the WCTU at the Cape’s efforts on temperance and purity (purity used to mean anti-sexual vice crusade; male moral reformers, such as Robert George Ross of the Cape Town District and Social Reform Association, never described his work on anti-sexual vice as social purity.

⁴¹⁹ Social purity pertains to women’s activism involving sexual activities deemed immoral based on white middle class Christian morals, such as prostitution. In many ways, the word ‘social’ in social purity appears to be used synonymously with ‘sexual’. Thus, social purity activists took on sex-related issues.

⁴²⁰ Letter, Julia Solly to Fanny Forsaith, 5 January 1903, box 122, folder 1 of 3, Coll. 3AMS/D/4, Records of the Association for Moral & Social Hygiene, The Women’s Library, London School of Economics.

⁴²¹ Both Solly and Merriman proclaimed to act on behalf of public morality yet maintained positions that contradicted each other. Their exchange reveals some of the attitudes fueling the intense debates over state regulation of vice. For regulationists, the brothel suppression legislation of 1902 merely gave racial parameters to the ‘necessary evil’ they long supported. In contrast, the abolitionists’ position toward the act ignited confusion and some internal disagreement over strategy. On one hand, they hoped that the brothel crackdown would reduce the commercial exploitation of women orchestrated by pimps; but with the Cape’s Contagious Diseases and Prevention Act remaining in effect, abolitionists also viewed the government complicit in the exploitation.

⁴²² Letter, Julia Solly to Fanny Forsaith, 5 January 1903, box 122, folder 1 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, The Women’s Library, London School of Economics

⁴²³ *Ibid.*

Sixteen years after this exchange, Solly and five other women sat in the front row “for once” at a monumental health conference along with some of “the most distinguished professional men in South Africa.”⁴²⁴ The purpose of the conference was to produce a framework for South Africa’s first public health act, which also included venereal disease prevention.⁴²⁵ Whereas Merriman had derided Solly at the turn of the century for engaging in topics related to commercial sex, by 1918, male political leaders “seemed to welcome women as colleagues.”⁴²⁶ Authorities now sought the input of women when it came to the government’s managing of carnal vigilance.

So, why the change in gender attitudes? Why was there a greater acceptance of female civic awareness toward matters of the carnal from 1902 to 1918? Ironically, the same Victorian mores that Merriman invoked in 1902 to suppress women’s involvement eventually proved a strength for abolitionists. Aided by perceptions that white women were more moral than men, the social purity agenda allowed disenfranchised women to carve out space within the patriarchal political landscape. Abolitionists from the Cape, who often gathered cues from parent chapters in Britain, comprised the movement’s vanguard.⁴²⁷ They consistently argued that the Cape of Good Hope’s Contagious Diseases and Prevention Act (hereinafter CDP Act) failed to effectively combat venereal diseases and corrupted the moral and social wellbeing of the populace.⁴²⁸

⁴²⁴ Report, Julia Solly, Bloemfontein Health Conference, September 1918, box 122, folder 2 of 3, Coll. 3/AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; sixty-seven men present including Minister of the Interior, high level government advisers, and municipal politicians.

⁴²⁵ Ibid.

⁴²⁶ Ibid.

⁴²⁷ Transcontinental connections are evident through direct correspondence from activists in Britain and South Africa.

⁴²⁸ British Committee, “Letters to the Prime Ministers of Natal, Transvaal and Orange River Colony,” 13 August 1909, box 122, folder 1 of 3, Coll. 3/AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; strategy for abolition of vice clearly listed in letters to prime ministers (goals and actions reflect early strategies).

The following two chapters address female activism and moral vigilance in the making of South Africa's first public health act. Specifically, it situates the moral reform activism that followed the brothel suppression legislation of 1902 with the making of South Africa's unified Public Health Act enacted in 1919, which ultimately brought an end to the CDP Act and the forced examinations involved in its implementation.⁴²⁹ This timeframe is also significant for a number of reasons. First, the initial two decades of the twentieth century witnessed a burst of new organizations and chapters affiliated with feminist and various moral reform causes.⁴³⁰ Moreover, starting this investigation with 1902 is also important in that it marks the end of the South African War, which resulted in many political changes. For instance, the Boer Republics (Transvaal and the Orange Free State) became self-governing colonies of the British Empire. In 1910, they joined the two British colonies- the Cape and Natal- to form the Union of South Africa.

Social purity activists scrambled to prevent Cape-style regulation from spreading throughout southern Africa upon unification. In fact, ending government-regulated prostitution wound up being a coalescing platform for emergent female organizations at a time when the unified government was in the process of drafting policies and laws to reflect a desired national character.⁴³¹ Producing a health bill for South Africa, which rejected forced examinations in venereal disease prevention, proved a difficult task for reformers that took nine years. Pioneering gender and intellectual historian, Joan Scott, theorized that modern governments "constructed their

⁴²⁹ See Chapter 2.

⁴³⁰ WCTU at the Cape operating since the nineteenth century; the abolishment of the first contagious diseases legislation in 1872 occurred with the help the grassroot efforts of religious groups; see Chapter 1.

⁴³¹ Activists worked to prevent Cape-style regulation in Natal, the Transvaal, and Orange River colonies after the South African War; Letter, Julia Solly to Miss Forsaith, 5 January 1903, box 122, folder 1 of 3, Coll. 3/AMS/D/4, Records of the Association for Moral & Social Hygiene, TWL-LSE; Report, Julia Solly, "Report from South Africa," (month not specified, 1913), box 3, folder 1 of 3, Coll. 3/AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; Report, Solly, Regulation of Vice in South Africa, 16 February 1912, box 3, folder 2 of 3, Coll. 3/AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; Letter, Solly to Mr. Gregory, December 1912, box 3, folder 2 of 3, Coll. 3/AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

political ideologies with gendered concepts and translated them into policy.”⁴³² Indeed, the first two decades of the twentieth century were formative years for the Union of South Africa, with the image of women and sex central to debates over a new national identity.

The communications left behind by these activist women reveal interests and goals of moral reform groups that often converged.⁴³³ Julia Solly’s simultaneous involvement with various organizations such as the International Federation, the CCWCTU, and the National Council of Women had more to do with shared interests over issues rather than a desire to support distinct causes. The bulk of the source material for this chapter (as well as the subsequent chapter) derived from letters, announcements, and government petitions produced by moral reformers primarily in Cape Town as well as their associates within parent chapters in Britain. The anti-sexual vice movement that emerged in nineteenth century Cape Town grounded their arguments in the liberal tradition of wanting to protect the civil liberties of vulnerable women. For abolitionists, government-regulated prostitution translated to state victimization of sex workers. Due to their inclination toward liberalism, social purity activists from the Cape proved fundamentally feministic in their attacks on the sexual double standard and immoral practices perpetuated by patriarchal institutions as opposed to other women’s groups that emerged elsewhere in southern Africa.⁴³⁴ Certainly not without racial and gender biases of their own, Cape moral reformers attempted to maintain a legacy of liberalism, albeit as they faced resistance from nationalist currents in the government as well as other moral reform groups throughout South Africa.⁴³⁵

⁴³² Joan W. Scott, “Gender: A Useful Category of Historical Analysis,” *The American Historical Review*, 91: 5 (December 1986): 1072.

⁴³³ Some of the key converging interests and goals involve raising the age of consent, combatting sex trafficking, and providing moral vigilance during WWI.

⁴³⁴ See Chapters 1 & 2.

⁴³⁵ Saul Dubow, *Commonwealth of Knowledge: Science, Sensibility, and White South Africa 1820-2000*, (Oxford: Oxford University Press, 2007), 154-155, 162-163. Cape colonists saw the rest of South Africa as a continuation of the Cape Colony upon unification as result of its origins as the oldest, most well-established white

Joan Scott stated that the goals of feminist historical scholarship “is to discover the range in sex roles and in sexual symbolism in different societies and periods, to find out what meaning they had and how they functioned to maintain the social order or to promote its change.”⁴³⁶ The historical questions for the chapters into moral activism, the formation of national policies, identity, and the role of women and gender reflect Scott’s analytic concept. Why were the new feminist and moral reform organizations of the early twentieth century, most of which were centered in Cape Town, integral to the making of South Africa’s public health policies? How did the politics of race, gender, social purity, and sexual vice influence national policy and identity? Were moral reformers challengers to state power, or cooperators in their negotiations, and if so, why?

White female moral reformers navigated political space around gender-constructed concepts of health, women, and families, despite lacking enfranchisement. Throughout the first two decades of the century, Cape female activists paved the foundation for a network of outreach. Although they had failed to abolish government-regulated prostitution, they nevertheless continued to fight the sanctioning of government regulated inadvertently through syphilis prevention measures, raising the age of consent, and thwarting the spread of the Cape’s Contagious Diseases Act to other parts of the union with positive results. I argue that activist women succeeded in exerting political influence in the forging of health policies and national social reforms because they facilitated state control over marginalized people through their pursuit of moralistic causes.

settlement in the region. The legacy of liberalism practiced at the Cape refers to how many Victorian Cape politicians had ascribed to the creation of a non-racial (albeit with qualifications) political system. Upon union, the Cape liberal franchise, which included black males as voting citizens became threatened. Not only was there a failed attempt by politicians from the Cape to spread their liberal, multi-racial franchise throughout the other provinces, but Nationalists and British imperialists (appealed to white unity to promote economic and political goals of British hegemonic power) opposed the Cape’s multi-racial liberal franchise. Representation for blacks were chipped away throughout the twentieth century, and eventually erased in 1968 by National Party (and Unified Party) governments.

⁴³⁶ Scott, 1054.

Despite the liberal leaning traditions of Cape feminists, they ultimately reinforced a vision of morality palatable to nationalists.

The Cape's Morality Act Paradox

Moral reformers may have petitioned parliament for a crackdown on pleasure houses, but the final passing of the Immorality Act of 1902 only intensified their frustration.⁴³⁷ Abolitionists viewed the new anti-brothel legislation in direct conflict with the CDP Act of 1885.⁴³⁸ In 1906, reformers successfully compelled parliament to reassess the CDP Act. Representing the WCTU at the committee hearing, Mrs. Helen Davison from Cape Town addressed the paradoxes with the existing government regulated prostitution laws at the Cape. “One licenses brothels (CDP Act of 1885) and the other suppresses them (Morality Act of 1902).”⁴³⁹ Clarifying the organization's call to repeal Part I of the CDP Act, Davison stated, “We feel that it puts women in the hands, or in the power rather, of immoral men, and we feel also that it makes our Christian government a partner in the recognition of vice; it is setting up, in fact, two different codes of morality, one for men and one for women... women have been subjected to treatment that they should not have been subjected to.”⁴⁴⁰ Davison's attack on the sexual double standard, abuses of power, and the Cape

⁴³⁷ Letter, Julia Solly to Miss Forsaith, 5 January 1903, box 122, folder 1 of 3, Coll. 3AMS/D/4, Records of the Association for Moral & Social Hygiene, TWL-LSE; WCTU local branches, Wesleyan Methodists, and the Dutch Reformed Church of Somerset West submitted five to six petitions in support of brothel suppression to parliament.

⁴³⁸ Letter, Julia Solly to Miss Forsaith, 5 January 1903, box 122, folder 1 of 3, Coll. 3AMS/D/4, Records of the Association for Moral & Social Hygiene; Report, Julia Solly to the British Committee, (month not specified) 1914, box 122, folder 1 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene; Report, Julia Solly, “Regulation of Vice in South Africa,” 16 February 1912, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene; Letter, Julia Solly to Maurice Gregory, 17 December 1912, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene.

⁴³⁹ Colony of the Cape of Good Hope, House of Assembly, Select Committee on the Contagious Diseases Act, Report of the Select Committee on the Contagious Diseases Act from the Cape of Good Hope (Colony), 26 June 1906, 109, <https://play.google.com/books/reader?id=WPn0BFMa0HYC&hl=en&pg=GBS.RA1-PA109>, (Accessed 20 October 2019).

⁴⁴⁰ *Ibid*, 97, <https://play.google.com/books/reader?id=WPn0BFMa0HYC&hl=en&pg=GBS.RA1-PA97>, (Accessed 20 October 2019); part 1 involved the regulation and examination of sexual vice workers.

government's complicity with the CDP Act echoed the familiar talking points first asserted by English abolitionists of the nineteenth century.⁴⁴¹

Davison also expressed the WCTU's condemnation over the government's practice of compulsion. Female social purity activists believed that the best approach to treat venereal diseases was through voluntary means. Davison contended that since sex workers "would hide themselves and try to evade the law," compelling sex workers to get treatment proved counterproductive.⁴⁴² Committee members pressed Davison to admit that a highly contagious infection such as syphilis required government surveillance. Two medical doctors serving on the select committee asked, "Is it not the duty of any State to legislate against a disease of so virulent a character as this? If you admit that syphilis is such a dreadful disease, do not you think that some legislation or some control should be brought into operation?"⁴⁴³ Davison shot back, explaining how other countries that had abolished regulation in favor of voluntary treatment actually experienced a reduction of venereal diseases.⁴⁴⁴

The line of questioning in the select committee hearing also highlights familiar nineteenth century gender, racial and moral assumptions sustaining a tolerance for prostitution. Male committee members maintained that without the availability of sex workers, an increase in rape would occur, ultimately jeopardizing the community at large.⁴⁴⁵ They also balked at examples linking a decrease in venereal disease cases with governments that opted to repeal CD legislation. The committee was inclined to contend that such a correlation might apply in England, but not at

⁴⁴¹ See Chapters 1 & 2.

⁴⁴² Colony of the Cape of Good Hope, House of Assembly, Select Committee on the Contagious Diseases Act, Report of the Select Committee on the Contagious Diseases Act from the Cape of Good Hope (Colony), 26 June 1906, 112.

⁴⁴³ *Ibid.*, 103,111; See comments from committee members, Dr. de Jager and Dr. Hewat.

⁴⁴⁴ *Ibid.*, 111.

⁴⁴⁵ *Ibid.*, 110.

the Cape. For example, the chairman asked, “You would hardly compare our Native class here to the people of England?”⁴⁴⁶ To which Mrs. Davison replied, “My experience, as a mistress and as a woman, is not that the Natives are the worst sinners in this respect.”⁴⁴⁷ Committee members were predisposed to believe that the Coloured population, along with sex workers, required greater surveillance.⁴⁴⁸

The female social purity activists had sent petitions calling for a repeal of the CDP Act to this select committee that was formed in 1906 to investigate the legislation.⁴⁴⁹ However, one important moral reform organization that did not participate in the petitions was the Cape Town District and Social Reform Association (hereinafter CTSRA), chaired by Robert George Ross.⁴⁵⁰ The all-male member committee included many Cape Town reverends and deacons. Their goal was to “look after the administration of the present Morality Act.”⁴⁵¹ It is important to note that the CTSRA was not the only male-dominated organization interested in combatting vices. Men’s groups taking on issues important to moral reform began to flourish in 1893. For instance, the YMCA, along with the Anglican Church, formed the Citizen’s Law and Order League to put in force liquor laws. Other temperance and anti-vice societies included the Temperance Alliance, Independent Order of Grand Templars, and the black Independent Order of True Templars, and an Anti-Gambling and Temperance League. By the early 1900s, however, the CTSRA became the leading male organization working to suppress brothels.⁴⁵² With the help of neighbors and

⁴⁴⁶ Ibid., 99.

⁴⁴⁷ Ibid., 99.

⁴⁴⁸ Ibid., 98-99, 104, 108; committee members’ discussions descended into racial topics such as level of intelligence and cleanliness of Coloured population in order to suggest that CD laws were meant to apply to this population.

⁴⁴⁹ Ibid., 129.

⁴⁵⁰ Ibid.

⁴⁵¹ Ibid.

⁴⁵² Elizabeth van Heyningen, “The Social Evil in the Cape Colony 1868–1902: Prostitution and the Contagious Diseases Act,” *Journal of Southern African Studies* 10, no. 2 (April 1984):190.

witnesses, the men of the CTSRA scouted Cape Town for brothels in order to report their workings to authorities.⁴⁵³

During the hearing, Ross, on behalf of the CTSRA, stated that government surveillance must “include men,” thus agreeing with female reformers that gender disparities in the application of the Act existed.⁴⁵⁴ Unlike the female moral reformers, the CTSRA saw no contradiction between the Morality Act and the CDP Act. Overall, they favored more “power of administration” over the brothel suppression legislation.⁴⁵⁵ Thus, the House Assembly investigations over the Contagious Diseases Act in 1906 demonstrated that the CCWCTU and the CTSRA exhibited starkly different stances on vice legislation despite sharing an interest in moral reform. Whereas female-oriented social purity activists tended to focus their efforts on preventing the sexual exploitation of females, the CTSRA desired more government control over matters pertaining to morality.⁴⁵⁶

This select committee that assembled in 1906 ultimately recommended raising the age of consent. Furthermore, they also admitted that the Morality Act of 1902 conflicted with the CDP Act of 1885 as the female reformers had insisted.⁴⁵⁷ Despite agreeing with the position of the CCWCTU, the Cape Parliament took no action. With government regulated prostitution remaining

⁴⁵³ Colony of the Cape of Good Hope, House of Assembly, Select Committee on the Contagious Diseases Act, Report of the Select Committee on the Contagious Diseases Act from the Cape of Good Hope (Colony), 26 June 1906, 128.

⁴⁵⁴ *Ibid.*, 129-130.

⁴⁵⁵ *Ibid.*, 131; whereas the WCTU called for the age of consent to be raised from fourteen to eighteen, the CTSRA preferred the age of consent to be sixteen.

⁴⁵⁶ Letter, Helen Davison to the Under Colonial Secretary, 14 November 1904, CO 8035, folio G1P, Colonial Office Records, Western Cape Archives and Records Service; Letter, Under Colonial Secretary to Cape Town Medical Officer, 18 Nov 1904, CO 8035, folio G1669; sources demonstrate the efforts made by the CCWCTU to inspect conditions at women’s lock hospital.

⁴⁵⁷ Report, Julia Solly to the British Committee, (month not specified) 1914, box 122, folder 1 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene; Report, Julia Solly, “Regulation of Vice in South Africa,” 16 February 1912, box 122, folder 2 of 3, Coll. 3AMS/D/4, Records of the Association for Moral & Social Hygiene; Letter, CCWCTU to Attorney General Victor Sampson, 15 July 1907, AG 1780, folio 11748, Attorney General Records, Western Cape Archives and Records.

the law of the land, the CCWCTU continued producing resolutions and petitions. For instance, after assembling for a convention in Port Elizabeth, the CCWCTU sent petitions and resolutions to the Attorney General calling for a repeal of the CDP legislation and raising of the age of consent to eighteen.⁴⁵⁸

The global anti-sexual vice and trafficking movement that began in the nineteenth century regarded increasing the age of consent essential to combatting prostitution and the white slave trade, the sexual traffic of European women and girls. The International Abolitionist Federation was the first organization to signal that sex trafficking was an international problem.⁴⁵⁹ By 1877, Josephine Butler believed the high recruitment of English prostitutes for Belgian brothels was due to a lower age of consent in Great Britain than in Belgium.⁴⁶⁰ Britain's Criminal Law Amendment Act of 1885 raised the age of consent from thirteen to sixteen. Moral reformers in the Cape Colony also successfully pushed lawmakers to raise the age of consent to fourteen in 1893.⁴⁶¹

The CCWCTU also demanded "that all Contagious Diseases should be brought within the scope of a Public Health Act, and be treated without distinction of race."⁴⁶² However, no immediate action from the government regarding the raising of the age of consent or a health act occurred either.⁴⁶³ As Julia Solly summarized, "The Morality Act has been of great value, but as

⁴⁵⁸ Letter, CCWCTU to Attorney General Victor Sampson, 15 July 1907, AG 1780, folio 11748, Attorney General Records, Western Cape Archives and Records; Letter, CCWCTU to Attorney General Victor Sampson, 15 July 1907, AG 1777 part 1, folio 11448, Attorney General Records, Western Cape Archives and Records Cape Archives.

⁴⁵⁹ Stephanie A. Limoncelli, *The Politics of Trafficking: The First International Movement to Combat the Sexual Exploitation of Women* (Stanford, California: Stanford University Press, 2010) 46. The British, Continental and General Federation for the Abolition of the Government Regulation of Vice was established in 1875. Since the organization changed its name to the International Abolitionist Federation in 1898, this means that the organization's first concerns expressed over sex trafficking occurred under its previous name.

⁴⁶⁰ Ibid. Britain designated the age of consent to be thirteen in 1875; the Criminal Law Amendment Act of 1885 raised age of consent to sixteen.

⁴⁶¹ Elizabeth Thornberry, *Colonizing Consent: Rape and Governance in South Africa's Eastern Cape* (Cambridge, Cambridge University Press, 2019) 150.

⁴⁶² Ibid.

⁴⁶³ The Union of South Africa did not amend the Criminal Act for the Protection of Girls in 1916.

it prohibits brothels and aims at the suppression of prostitution, it is necessarily in conflict with the C.D. Act which provides for the regulation and recognition of prostitution...The situation in the Cape Colony is in itself unsatisfactory because of this conflict.”⁴⁶⁴ This contradiction galvanized social and moral reformers. In fact, the various feminists, morality, and anti-vice affiliated organizations that cropped up during the first two decades of the twentieth century not only found common ground over the issue, but also opportunities for collaboration.

The Union of South Africa and the Abolitionist Frenzy

In August 1909, the prime ministers of Natal, the Transvaal, and the Orange River Colony received a coordinated pressure from vice reformers in Britain. Two months prior, all four colonial parliaments passed the South Africa Act, which unified the Cape Colony, Natal, Transvaal, and Orange River Colony to establish the Union of South Africa.⁴⁶⁵ The British Parliament had yet to pass the act into law, but that did not stop the Executive Committee for the Ladies National Association for the Abolition of Government Regulation of Vice and the British Committee of the International Federation for the Abolition of State Regulation of Vice from springing to action. They saw a window of opportunity.⁴⁶⁶

The team tag did not occur by chance. Despite the separate board members and letterheads, these organizations originated from the same source. Josephine Butler established the Ladies National Association (hereinafter LNA) in 1869.⁴⁶⁷ In 1875, Butler also founded the International

⁴⁶⁴ Report, Julia Solly, “Regulation of Vice in South Africa,” 16 February 1912, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁴⁶⁵ The new union was inaugurated on May 31, 1910. Louis Botha was the first Prime Minister.

⁴⁶⁶ British parliament passed act in September 1909.

⁴⁶⁷ The Ladies National Association for the Repeal of the Contagious Diseases Acts established by Butler to combat government regulation in Britain. With Britain’s repeal of the Act in 1886, the association changed its name

Abolitionist Federation (hereinafter IAF), originally called the Britain and Continental Federation for the Abolition of Prostitution, to combat state-controlled prostitution and international sex trafficking.⁴⁶⁸ The federation organized active committees throughout Europe, European colonies, and the Americas. Although Josephine Butler died in 1906, the organizations remained closely tied.⁴⁶⁹

The LNA directed their letter to F.R. Moor, the Prime Minister of Natal, expressing certainty that future negotiations on new “domestic legislation in order to simplify and unify existing codes” would be on the horizon.⁴⁷⁰ The LNA attacked Cape-style regulation, indicating that “the methods employed under” the CDP Act of 1885 were similar “with those that have been in force for more than a century on the Continent of Europe,” but “which have been largely discredited by more advanced medical knowledge.”⁴⁷¹ In fact, emphasizing that Cape medical authorities lacked the latest scientific understanding regarding social hygiene was a claim abolitionist often repeated.

Abolitionists of the twentieth century placed a high value on the basic precepts outlined in the Brussels Conferences of 1899 and 1902 (International Medical Conferences on Venereal Diseases), organized by the *Societe Internationale de Prophylaxie Sanitaire et Morale*.⁴⁷²

to Ladies National Association for the Abolition of Government Regulation of Vice to combat existing regulation and throughout British Empire and any potential return to regulation; For more on organizations read *Dictionary of British Women's Organisations, 1825-1960* edited by David Doughan, Professor Peter Gordon.

⁴⁶⁸ Britain and Continental Federation for the Abolition of Prostitution underwent another name change in 1877, the Britain, Continental, and General Federation for the Abolition of Government Regulated Vice. Geneva became the site for the Federation’s headquarters in 1898, and in 1902, the name was modified once again to International Abolitionist Federation

⁴⁶⁹ The LNA, national organization, merged with the British Committee of the IAF to form the Association for Moral and Social Hygiene in 1915, and remained a member in the IAF.

⁴⁷⁰ Letter, August 1909, The Executive Committee of the LNA to Prime Minister of Natal (F.R. Moor), box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁴⁷¹ Ibid.

⁴⁷² The letter written by the LNA to Prime Minister of Natal in 1909 referenced the Brussels Conference of 1902.

Incidentally, the Belgian government had requested a special representative from the Cape Colony to attend the conferences held in 1899 and 1902, but Prime Minister Schreiner declined the invitation.⁴⁷³ Moreover, the Cape medical officer did not think the conference “of such great importance as has been the case of other international conferences, such as those of (the) plague and tuberculosis,” preferring a visit to England examine urban sewage and lighting projects instead.⁴⁷⁴ Although a copy of “Preventative Hygiene: the Brussels Conference of 1899” was sent to the ministers of the colony “in case any further legislation or modification of legislation (to CDP Act), should be under consideration,” officials either ignored the recommendations that came out of the conference or dismissed the reading material altogether.⁴⁷⁵

The LNA’s 1909 letter to the Prime Minister of Natal included a pamphlet containing a condensed version of the evidence presented at the conference, which intended to demonstrate that state-controlled prostitution failed to reduce the spread of diseases effectively. The LNA asserted the conference consisted of “delegates from the principal governments in Europe and of medical experts, some of them the greatest authorities on the subject” of venereal disease prevention.⁴⁷⁶ In addition to invoking the latest evidence-driven medical knowledge, the LNA also bashed the inherent sexual double standard promoted by Cape-style regulation for victimizing marginal women:

There is however another, and to our minds a still more important aspect... to which we are especially anxious to draw your attention, namely its aspect toward women generally and toward the advance or declension of public morality. We would respectfully point out

⁴⁷³ Letter, Schreiner to Colonial Secretary, 22 August 1899, CO 7687, folio 1371, Colonial Office Records, Western Cape Archives and Records.

⁴⁷⁴ Letter, Dr. Parsons (Cape Medical Officer) to the Under Colonial Secretary, April 1902, CO 7687, folio 1371, 188/H2, Colonial Office Records, Western Cape Archives and Records.

⁴⁷⁵ Letter, Leppington to Governor of Cape Colony (Sir Walter Francis Hely-Hutchinson), 26 July 1902, CO 7687, folio 1371, Colonial Office Records, Western Cape Archives and Records.

⁴⁷⁶ Letter, August 1909, The Executive Committee of the LNA to Prime Minister of Natal (F.R. Moor), box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

the inherent injustice and impolicy of a system which places the person and reputation- and therefore, too probably, the destiny- of poor and unprotected women of good character at the mercy, or the discrimination, of the police; which tends to force into the ranks of permanent prostitution women driven by starvation to occasional and unwilling sin; which degrades women in the eyes of men by publicly treating them as the mere instruments of vicious indulgence, and by placing on the women alone a stigma which would rest equally on the profligate man; and which at the same time openly assumes that such indulgence is normal and necessary in the case of men, the State-undertaking to protect them from the risks incurred. At all these points it appears to us to be inconsistent with the most elementary ideas of good and just government.⁴⁷⁷

The LNA's message to the prime minister reflects the tendency by abolitionists to uplift prostitutes rather than condemn. Whereas nineteenth century military and government officials viewed prostitutes with derision, reformers of the new century tended to view sex workers as victims, simply "driven by starvation to occasional and unwilling sin."⁴⁷⁸ Preferring to blame desperate economic circumstances for driving poor women into sex work, the LNA also viewed the state complicit in the victimization of prostitutes through the workings of regulation and the double standard that exempted immoral men from shame experienced by sex workers.⁴⁷⁹

The LNA added that in cases where regulated prostitution existed, "sinister features" tended to appear, such as in the recruitment of "innocent girls entrapped by the agents of the White Slave Traffic."⁴⁸⁰ They clearly wanted to connect the framing of a new nation with the role of the family and of morality by pointing out that government regulation was "disastrous alike to the

⁴⁷⁷ Ibid.

⁴⁷⁸ Ibid.

⁴⁷⁹ Not all moral reformers active in the repeal of CD laws were as aggressive and as radical as the feminist leading the LNA. The NA, for example, did not defend the rights of sex workers. They failed to address the social injustices poor women encountered. Instead, they tended to view prostitutes as criminals. Thus, the LNA's view that sex workers were victims of socio-economic power imbalances was a unique approach to the moral reform movement.

⁴⁸⁰ Ibid.

public health, to family life, and to the highest qualities of character.” The LNA also “venture(d) to suggest that it might well be the ambition of any State at the opening of such momentous a chapter in its history, to make the character of its citizens, and the purity and sincerity of family as one of its first and highest concerns.”⁴⁸¹ The British Committee for the IAF joined the LNA in highlighting the window the opportunity “bearing on the development and welfare of the South African States” in letters to the prime ministers of Natal, the Transvaal and Orange River Colonies signed by Henry J. Wilson, liberal MP from Holmfirth and serving as the Committee’s chairman.⁴⁸²

The British Committee echoed the LNA’s criticisms of the Cape’s CDP Act by arguing that the legislation not only failed to make the community safer from venereal scourges, but also harmed the moral and social well-being of the populace. In addition, the British Committee attacked the sexual double-standard inherent in the act, specifically its propensity for abuse:

The radical injustice of subjecting the women who contaminate men to the police to police measures, which are not, and cannot be, applied to the men who contaminate women, and of placing any poor and friendless girl at the mercy of police (who can arrest on suspicion), the abnormal relations set up between the police and the keepers of bad houses, with the inevitable risk of corruption of the police,- and finally, the demoralizing effect of all concerned of a visible State protection of vice for the vicious,- constitute to our minds, a sufficient body of reasons refusing to entertain the idea of introducing such legislation into any State fortunate enough to be at present free from it. We trust that this might be the view of yourself and your Government.⁴⁸³

⁴⁸¹ Ibid.

⁴⁸² Letter, British Committee to the Prime Ministers of Natal, Transvaal, Orange River Colony, 13 August 1909, box 122, folder 1 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁴⁸³ Ibid.

Like the LNA, the British Committee referenced the Brussels Conference of 1899, which concluded that “compulsory measures” proved ineffective in preventing venereal diseases.⁴⁸⁴ According to the Committee, the Brussels Conference contributed to Italy’s abandonment of “compulsory treatment of women” as well as ending “a movement for introducing the system into the State of New York.”⁴⁸⁵ The British Committee also provided detailed statistics on the reduction of venereal diseases in Great Britain after the 1886 repeal. Army medical reports compiled in 1904 revealed that rates of venereal diseases in the Cape Colony were twice that than in Natal, Transvaal and Orange River Colonies despite regulation of prostitution.⁴⁸⁶

The union in 1910 also prompted local female moral reformers to form delegations for the purpose of persuading key government officials to avoid the adoption of Cape-style regulation as part of a unified health policy. Soon after unification, Solly met with General Smuts, who was serving as Minister of the Interior. Along with Danish physician, Dr. Rose Newkirk, Solly urged Smuts to abolish contagious disease legislation. Smuts essentially replied that such debates over ways to combat venereal diseases were unnecessary since “Ehrlich’s discovery of 606” was expected to “put an end to syphilis and the question (would) cease to exist.”⁴⁸⁷ As for a unified health bill, Smuts told the women that such government designs were for the distant future anyway.⁴⁸⁸

⁴⁸⁴ *Ibid.*

⁴⁸⁵ *Ibid.*

⁴⁸⁶ The army medical reports were based on hospital reports.

⁴⁸⁷ Letter, British Committee to the Prime Ministers of Natal, Transvaal, Orange River Colony, 13 August 1909, box 122, folder 1 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; Paul Ehrlich is credited with finding a cure for syphilis in 1909. Salvarsan, or Compound 606 became available in 1910; however, arsenic-based treatment produced side effects. Smut’s knowledge of Salvarsan demonstrate his interest in promoting science.

⁴⁸⁸ Report, Julia Solly, (month unknown) 1904, box 122, folder 1 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

The following year in 1911, Solly led another delegation of women to meet with General Hertzog, the Minister of Justice. Upon unification, efforts to increase the age of consent expanded.⁴⁸⁹ According to Solly, she and the other moral reformers went “begging for a higher age of consent, suppression of brothels,” as well as an abolishment of government regulated sexual vice.⁴⁹⁰ The meeting with Hertzog did not go as well as moral reformers had hoped. Much like Smuts, Hertzog seemed “grievously ignorant” on the workings of the Cape’s CDP Act, especially in relation to the contradictions posed by the existence of the Brothel Suppression Act of 1902.⁴⁹¹ Hertzog believed that “there must be some advantage to the system (regulated prostitution at the Cape) or it would have ceased.”⁴⁹² The female delegation countered by explaining “that three Parliamentary enquiries had condemned” the arrangement, “the last pointing out that either the Morality Act of 1902, or the C.D. Act of ’85, should be repealed.”⁴⁹³ With no assurances from Hertzog, the delegation left behind copies of an “open letter” written by Dutch physician and feminist, Aletta Jacobs, on the “uselessness of regulation.”⁴⁹⁴

English activists in Britain and South Africa grew more anxious at the thought of failing to convince key politicians, especially since Hertzog seemed to signal support for CD regulation. Feminist abolitionists viewed Merriman as “an enemy” due to his championing of prostitution and

⁴⁸⁹ Letter, Julia Solly to Mackenzie, 14 April 1916, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE. The Cape Colony’s age of consent had been considered too low; reformers were especially bothered that the Free State’s age of consent prior to the act was twelve; the Union of South Africa Amended age of consent laws with the passing of the act for the protection of girls under sixteen and mentally defective women in 1916.

⁴⁹⁰ Ibid.

⁴⁹¹ Ibid.

⁴⁹² Report, Julia Solly, “Report from South Africa,” (month unknown) 1914, box 122, folder 1 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁴⁹³ Ibid.

⁴⁹⁴ Ibid. Dr. Aletta Jacobs was a women’s suffrage activist from the Netherlands and a physician. Four thousand copies of Dr. Jacobs’s letter were reproduced in both English and Dutch.

his “curiously coarse” speech opposing women’s suffrage four years prior.⁴⁹⁵ As for General Smuts, the women speculated that he had become “very much influenced by the Cape Medical Officer” overseeing the CDP Act.⁴⁹⁶ In fact, the social purity reformers exhibited apprehension over the thought that Cape doctors had already swayed key politicians on regulation.⁴⁹⁷ Although women’s suffrage and social purity activist, Mary Cloete Sauer, the wife of a prominent politician serving in Prime Minister Botha’s cabinet, relayed that “there has been no suggestion of any extension of regulation,” to her fellow Cape reformers, Julia Solly still feared government officials could “side wind” (make happen indirectly) regulation surreptitiously.⁴⁹⁸

Expanding the Message and Female Outreach

With outreach efforts primarily led by Julia Solly, social purity activists from the Cape began to form a formidable coalition of moral reformers throughout South Africa for the purpose of combatting any expansion of regulated prostitution, as well as advocating for raising the age of consent. After a successful WCTU convention held in Kimberley in 1911, Solly sent pamphlets on preventative hygiene to Barbara Buchanan, a women’s rights activist and academic living in

⁴⁹⁵ Letter, Margaret Clark Gillet to Col. Mayne, 16, August 1911, box 122, folder 2 of 3, Coll. 3AMS/D/41, TWL-LSE.

⁴⁹⁶ Ibid.; Smuts developed a reputation for being South Africa’s premier supporter of the sciences, specifically as it pertained to the invention of a new national identity. See the work of Saul Dubow. Saul Dubow, *Commonwealth of Knowledge: Science, Sensibility, and White South Africa 1820-2000*, (Oxford: Oxford University Press, 2007), 207-210.

⁴⁹⁷ Ibid. Although Hertzog and Smuts had been political rivals (Hertzog, representing the growing Afrikaner nationalist movement eventually resulting in the National Party, whereas Smuts was a South Africanist of the South African Party established in 1911, which represented the interests of South Africans of English ancestry as well as Afrikaners), they both seemed to side with the Cape doctors’ support of regulation as a form of disease prevention.

⁴⁹⁸ Letter, Solly to Dr. Wilson, 17 October 1911, box 122, folder 2 of 3, Coll. 3AMS/D/41, TWL-LSE. Cape liberal politician, Jacobus Wilhelmus Sauer, served in Prime Minister Botha’s cabinet after union. Sauer had also served as acting Prime Minister in Louis Botha’s absence.

Johannesburg, for circulation.⁴⁹⁹ The purpose of this literature, which originated from LNA, was to demonstrate that government regulated prostitution had “been abandoned in most places” throughout Continental Europe.⁵⁰⁰ According to Solly, Buchanan described the growing feminine movement in Johannesburg as earnest.⁵⁰¹ Solly’s material made such an impact upon the WCTU chapter in Johannesburg that members also drew up their own petition opposing CD acts in conjunction with their counterparts at the Cape.⁵⁰² The collaborative network of social purity activists opposing regulation also expanded into Natal, where Buchanan recruited one of her contacts in Pietermaritzburg, Mrs. Davis, “to lead the movement there.”⁵⁰³ Thus, Solly then sent more literature enroute to Natal to support the growing feminine opposition to government regulated prostitution.⁵⁰⁴

One moral reform organization abstaining, at least initially, from an alliance with South African WCTU chapters and affiliated social purity advocates was the male dominated CTSRA, chaired by R.G. Ross, established to administer the Cape’s brothel suppression legislation, also known as the Morality Act. During House Assembly investigations over the Contagious Diseases Act in 1906, the WCTU and the CTSRA demonstrated contradictory positions on vice legislation despite sharing an interest in moral reform. Instead of collaborating with the CCWCTU and the IAF, the CTSRA preferred the guidance of the New York Society for the Suppression of Vice (NYSSV). The NYSSV’s activities involved the enforcement of all government laws regarding

⁴⁹⁹ Letter, Barbara Buchanan to Julia Solly, 9 Oct. 1911, box 122, folder 2 of 3, Coll. 3AMS/D/41, TWL-LSE; Letter, Julia Solly to Dr. Wilson, 17 October 1911, box 122, folder 2 of 3, Coll. 3AMS/D/41, TWL-LSE.

⁵⁰⁰ Letter, Julia Solly to Dr. Wilson, 17 October 1911, box 122, folder 2 of 3, Coll. 3AMS/D/41, TWL-LSE.

⁵⁰¹ Ibid. Barbara Buchanan, Ph.D. was active in women’s rights and education for girls.

⁵⁰² Letter, Julia Solly to Dr. Wilson, 17 October 1911, box 122, folder 2 of 3, Coll. 3AMS/D/41, TWL-LSE. Solly explained that the pamphlets from the LNA’s Dr. Wilson had arrived and proven helpful to the movement; Solly also reported on the status of the abolitionist movement in South Africa.

⁵⁰³ Letter, Barbara Buchanan to Julia Solly, 9 October 1911, box 122, folder 2 of 3, Coll. 3AMS/D/41, TWL-LSE.

⁵⁰⁴ Ibid.

public morality. Dominated by male members, the NYSSV worked with law enforcement and judicial authorities to bring violators to justice. In fact, the New York state legislature even granted the society power to raid and arrest.⁵⁰⁵

The CTSRA sought guidance from the NYSSV on approaches, tactics, and models of U.S. morality laws for enactment in South Africa in 1911.⁵⁰⁶ Whereas female-oriented social purity activists tended to focus their efforts on preventing the sexual exploitation of females, the CTSRA desired more government control over matters pertaining to morality.⁵⁰⁷ When Julia Solly approached R.G. Ross to assist with the campaign to stop Cape-style regulation, Ross refused. “I fear he is of little use,” Solly vented to Dr. Helen Mary Wilson of the LNA.⁵⁰⁸ “When I wrote expressing a hope that he would cooperate with us, he replied that his society was very busy with a bill to suppress indecent advertisements!”⁵⁰⁹ Due to a five-year long friction that existed between female social purity activists and the male dominated CTSRA, Solly seemed unsurprised by Ross’s rebuff. With the CTSRA distracted with indecent literature, the growing collaboration of anti-government regulated sexual vice activists throughout South Africa a year after unification remained overwhelmingly female and deeply connected to moral reformers in Britain.

⁵⁰⁵ Anthony Comstock was the founder of the NYSSV. Comstock was an American anti-vice crusader opposed to suffragettes and promoted censorship. He successfully petitioned the U.S. Congress to enact the Comstock Law of 1873, which made illegal the dissemination of any ‘lewd’ material. Examples of obscene material included anatomy textbooks and pamphlets on contraception methods.

⁵⁰⁶ *The Thirty-Eighth Annual Report for the New York Society for the Suppression of Vice Presented at New York in 1912* (Trow Press, Open Internet Library) 13, <https://play.google.com/books/reader?id=FugeAQAAMAAJ&hl=en&pg=GBS.PA77> (accessed 24 October 2019).

⁵⁰⁷ Letter, Helen Davison to the Under Colonial Secretary, 14 November 1904, CO 8035, folio G1P, Colonial Office Records, Western Cape Archives and Records Service; Letter, Under Colonial Secretary to Cape Town Medical Officer, 18 Nov 1904, CO 8035, folio G1669. Sources demonstrate that the CCWCTU inspected conditions of women at lock hospital.

⁵⁰⁸ Letter, Julia Solly to Dr. Wilson, 17 October 1911, box 122, folder 2 of 3, Coll. 3AMS/D/41, TWL-LSE.

⁵⁰⁹ *Ibid.*

Activists concluded that in order to influence the health and moral policy of the state effectively, they must broaden their pool of dedicated supporters. Margaret Clark Gillett, an English botanist and social reformer who travelled to South Africa to help Emily Hobhouse in efforts to rehabilitate Boer women after the South African War, called for “judicious, thoroughly prepared” individuals who were “strong advocates,” possessing “medical or scientific” knowledge to engage high government officials in face to face talks.⁵¹⁰ Most importantly, Gillett also urged reformers to approach Afrikaans women, believing them “quite ready... to inform themselves and respond.”⁵¹¹ Gillett also called for a carefully selected delegation to approach Afrikaans women for the purpose of expanding the opposition to regulated prostitution. She warned that members of such delegation must avoid “talking down to them and patronizing them,” and that whoever is chosen to lead must “meet this nature.”⁵¹² Gillett believed that “really splendid work” in forming an affiliation would result “if she (leader of delegation) had the ability and sense of sympathy” to attract Afrikaans women into the social purity movement of English activists.⁵¹³

Whether Gillett’s appeals played a significant role or not, outreach to the Afrikaner community throughout South Africa began by 1911.⁵¹⁴ Julia Solly organized a wide distribution of four thousand copies of an “open letter” written in Dutch by Netherlands-born Dr. Aletta Jacobs on the “uselessness of regulation.”⁵¹⁵ In addition, Dr. Helen Wilson, Secretary of the

⁵¹⁰ Letter, Margaret Clark Gillett to Col. Mayne, 16, August 1911, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; Margaret Clark Gillett traveled with Emily Hobhouse to help rehabilitate Boer women who had been held in concentration camps through the Boer Home Industries and Aid Society.

⁵¹¹ Ibid.

⁵¹² Ibid.; Gillett’s insistence on approaching Boer women without condescension seems to demonstrate mindfulness of the anti-progressive, anti-modern stereotypes associated with Boers. For more on Boer stereotypes, see Saul Dubow. Saul Dubow, Saul Dubow, *Commonwealth of Knowledge: Science, Sensibility, and White South Africa 1820-2000*, (Oxford: Oxford University Press, 2007), 178-179.

⁵¹³ Ibid.

⁵¹⁴ Ibid.

⁵¹⁵ Report, Julia Solly, “Report from South Africa,” (month unknown) 1914, box 122, folder 1 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

British Committee of the IAF, relied on the Dutch Branch of the Federation to assist with the production of translated communiques the following year. The Secretary of the Dutch Branch, Mr. G. Velthuysen, wrote letters and papers in Dutch in the hopes of swaying South African politicians to abolish Cape-style regulation for the Union of South Africa.⁵¹⁶

Julia Solly and Mary Brown of the Cape Women's Enfranchisement League and WCTU recruited Anglican ministry as another strategy to help pressure politicians. When Solly and Brown discovered that the Archbishop of Cape Town was enroute to England in 1912, they immediately informed Dr. Helen Wilson.⁵¹⁷ Wilson, in turn, contacted the Archbishop of Winchester, who had long been a supporter of the British Committee's anti-vice efforts. Wilson hoped that the archbishop would have an "opportunity of impressing on him (Archbishop of Cape Town)" the situation in South Africa.⁵¹⁸ The Archbishop of Winchester carried out Wilson's request. Consequently, the Archbishop of Cape Town wanted to learn more from the British Committee directly about the Cape's CDP Acts.⁵¹⁹

Moral Reform Societies Unite

No longer disregarding the CDP Act by 1912, R.G. Ross of the Cape Town District and Social Reform Association reversed his opinion on government regulated vice. Now aligning with the views of female social purity activists, Ross recognized that contradiction with the operations

⁵¹⁶ Letter, G. Velthuysen to Julia Solly, 5 April 1912, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁵¹⁷ Letter, Helen Wilson to the Archbishop of Winchester, 29 February 1912, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁵¹⁸ Ibid.

⁵¹⁹ Letter, Bishop of Cape Town to Helen Wilson, 12 May 1912, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

of the Morality Act and the CDP Act existed.⁵²⁰ The literature produced by the International Abolitionist Federation and disseminated by Julia Solly throughout South Africa finally made an impact upon the male-dominated group. Within a matter of months of receiving the literature, R.G. Ross corresponded with Dr. Mary Helen Wilson, the Secretary of the British Committee of the International Federation. Wilson summarized the situation in South Africa. First, due to South Africa's "unification of laws...either the C.D.A. will be extended or it will be repealed in the Cape Colony."⁵²¹ Secondly, "there is a very general feeling that in view of the prevalence of disease among natives 'something must be done'."⁵²² Third, "there is little knowledge of possible remedies but a general impression that the French system is the only effective plan."⁵²³ Lastly, "very little cooperation or understanding between those who are opposed to regulation" occurred in South Africa.⁵²⁴ Wilson determined that a need existed for "a campaign of education especially among officials and legislators."⁵²⁵

Wilson urged Ross and Solly to disregard any "local or personal" differences and form a South African branch of the International Abolitionist Federation.⁵²⁶ Recognizing the disagreements among moral reformers at the Cape, Wilson vowed to avoid judgement.⁵²⁷ One issue splitting the female social purity activists with the men of the CTSRA was notification.⁵²⁸

⁵²⁰ Colony of the Cape of Good Hope, House of Assembly, Select Committee on the Contagious Diseases Act, Report of the Select Committee on the Contagious Diseases Act from the Cape of Good Hope (Colony), 26 June 1906, 1. In fact, the society possessed no real clue on the workings of the legislation.

⁵²¹ Letter, Helen Mary Wilson to R.G. Ross, 29 February 1912, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁵²² *Ibid.*

⁵²³ *Ibid.* The 'French system' was often used to refer to government regulated prostitution, including the sanctioning of state inspected brothels and sex worker health examinations and registrations. Ever since Napoleon instituted regulation of sexual vice during his rule in the early 1800s, France had become the model for government regulation.

⁵²⁴ *Ibid.*

⁵²⁵ *Ibid.*

⁵²⁶ *Ibid.*

⁵²⁷ *Ibid.*

⁵²⁸ Letter, Helen Mary Wilson to Julia Solly, 20 April 1912, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

The International Abolitionist Federation offered no unanimity over whether doctors should notify authorities in cases when a patient sought voluntary treatment for syphilis.⁵²⁹ To Solly and other abolitionists in Britain, notification seemed incompatible with the liberal underpinnings of the IAF. Although not in the same vein as regulation, they believed that notification ignored basic “foundations of justice,” morality, and risked creating a marginalized “special class” by the government.⁵³⁰

The establishment of a South African IAF branch was an interest that both Solly and Ross shared; however, notification proved a point of contention between the two reformers. Whereas Solly remained opposed to notification as an IAF policy, Ross, who tended to favor greater state control in combatting vice, supported the method.⁵³¹ “While we are agreed upon the repeal of the existing law,” he explained to Dr. Wilson, “the majority are in favor of making venereal disease *notifiable*.”⁵³² Ross’s attraction to the IAF, specifically the British Committee, had more to do with the financial assistance and educational literature that the organization offered rather than advocacy over IAF positions.⁵³³ Not only did Ross believe that “a fresh organization” was “needed to carry on this work,” but he also called on Solly to help convene a conference of social reformers in South Africa with pamphlets and brochures supplied by the British Committee.⁵³⁴ Although no

⁵²⁹ Ibid.

⁵³⁰ Ibid.

⁵³¹ Ibid.; Letter, Helen Mary Wilson to R.G. Ross, 29 February 1912, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁵³² Letter, R.G. Ross to Helen Mary Wilson, 17 April 1912, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁵³³ Ibid.; Stephanie A. Limoncelli, 48-49. Limoncelli explains how the British branch provided most of the financial assistance, and advanced policy. The global efforts of IAF are examined.

⁵³⁴ Letter, R.G. Ross to Helen Mary Wilson, 17 April 1912, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

official IAF stance on notification existed, Dr. Wilson offered her personal opinion that notification was indeed in accordant with IAF principles.⁵³⁵

Under the auspices of Ross's CTSRA, now referred to as the Social Reform Union, a conference of moral reformers was held in Cape Town on April 1912. The event included esteemed Capetonians such as political wives and members of the clergy. During the gathering, the Social Reform Union decided to follow the WCTU's lead and endorse "the recommendations of the Brussels' Conference as their platform."⁵³⁶ The conference also resulted in an urgent plea to the British Committee. With a motion by Lady Molteno, the wife of the Speaker of Parliament, and Reverend J.G. du Plessis, a request was made to send for Mr. Maurice Gregory, an active agent of the IAF and the British Committee, "or someone else conversant with the work, to tour South Africa and address meetings of men and women on the question of regulation."⁵³⁷ Gregory was particularly sought by reformers for his extensive work in the areas of social hygiene and sexual vice opposition. He had visited 400 towns and communities in Britain, made forty trips throughout Europe, travelled to America twice, spent three years in India examining the workings of government regulated prostitution, and visited Japan, Tasmania, and Australia for the same purpose. Gregory also attended the Brussels Conferences of 1899 and 1902 along with world-renowned medical experts.⁵³⁸ The Federal WCTU at their annual meeting embraced the invitation

⁵³⁵ Letter, Helen Mary Wilson to Julia Solly, 20 April 1912, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁵³⁶ Letter, Julia Solly to Helen Mary Wilson, 7 May 1912, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁵³⁷ Report, Julia Solly, (month unspecified) 1912, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; Maurice Gregory had travelled to Japan, Australia and Hong Kong to investigate the workings of CD Laws. He was a director of the British Committee for the Abolition of the State Regulation of Vice as well as Secretary for International Federation for the Abolition of Vice. For more information, see Antoinette Burton, *Burdens of History: British Feminists, Indian Women, and Imperial Culture* (Chapel Hill, North Carolina: University of North Carolina Press, 1994)166.

⁵³⁸ Brochure, Julia Solly, (month unspecified 1913), volume 576, reference 1/298/21, folder 1 of 3, Coll. Justice Department, National Archives of South Africa. The S.A. Committee of the International State Abolition of Vice written and printed by Julia Solly for South African officials.

as well, which demonstrates the increasing collaboration among various moral reform groups in South Africa following the union.⁵³⁹

The Afrikaans Christian Women's Society and Moral Vigilance

A month after the Social Reform Union organized the conference of moral reform activists in Cape Town, Julia Solly imparted promising news to Dr. Wilson. “The great Dutch Union of Women, numbering nearly 4,000 women passed a resolution condemning the C.D. Act and demanding a more strict working of the Morality Act and appointing their President (Mrs. Roos) and Vice-President (Mrs. Steyhter) to join in any deputation arranged (to meet with government leaders).”⁵⁴⁰ Solly’s reference of the Afrikaanse Christelike Vroue Vereniging (Afrikaans Christian Women's Society, hereafter the ACVV), led by Elizabeth Roos, the first president of the ACVV, indicate growing white female solidarity over social purity issues in South Africa.⁵⁴¹

The collaboration between Afrikaner women’s groups and English-speaking purity activists reflect a change in practice among female moral reformers. Although another Dutch female organization, the *Zuid-Afrikaansche Vrouwe Federatie* (the South African Women's Federation) existed simultaneously with the ACVV, they “pursued an ideal of a white,

⁵³⁹ Report booklet, Julia Solly, International Federation Abolition State Regulation of Vice South African Branch Report, October 1913, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁵⁴⁰ Letter, Julia Solly to Helen Mary Wilson, 7 May 1912, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; Solly misspelled the name of Anna Steytler (Solly wrote Mrs. Steyhter). Anna Steytler was the wife of a Dutch Reformed Church minister and leading member within the ACVV. For more information on Anna Steytler and the ACVV leadership, see Marijke du Toit, “Women, welfare and the nurturing of Afrikaner nationalism: a social history of the Afrikaanse Christelike Vroue Vereniging, c.1870-1939,” (doctoral thesis, University of Cape Town, 1996), 19, <https://open.uct.ac.za/handle/11427/26212> (accessed 19 July 2019) and du Toit “The Domesticity of Afrikaner Nationalism: Volksmoeders and the ACVV, 1904-1929,” *Journal of Southern African Studies*, 29, no. 1 (March 2003): 166.

⁵⁴¹ Ibid.

heterogeneous nation.”⁵⁴² In fact, Mrs. G. Solomon, the wife of Cape liberal politician, Saul Solomon established the federation.⁵⁴³ Thus, members consisted of Afrikaans- and English-speakers. The ACVV, in contrast, adopted an unequivocal ethnic identity.⁵⁴⁴ Due to tensions over these politico-ethnic identifiers, the *Zuid-Afrikaansche Vrouwe Federatie* (hereinafter ZAVF) agreed to conduct their activism in the Free State, whereas the ACVV remained in the Cape.⁵⁴⁵

Dedicated to philanthropic causes, such as racialized charitable endeavors intended to uplift *arme blanken* (poor whites), the ACVV advanced an ethno-religious nationalist movement. The ACVV believed that a woman’s role was to serve as protectors of the home and the *volk*.⁵⁴⁶ Roos, along with other female founders of the ACVV, were wives of high-ranking ministers in the Dutch Reformed Church.⁵⁴⁷ Marijke du Toit explains that “the ACVV’s everyday practice involved promoting identification with an imagined community defined by race, language and religion.”⁵⁴⁸ For instance, the use of Dutch, as opposed to Afrikaans, was still promoted widely by ACVV leadership through schools, journals, and other publications.⁵⁴⁹

The ACVV also rejected the burgeoning women’s suffrage movement, which placed their views in direct contrast to the predominant English female social purity activists. In 1907, the newly established WCTU-affiliated Cape Town branch of the Women’s Enfranchisement League petitioned sympathetic Cape politicians, such as Johannes Sauer and F.S. Malan, to debate the

⁵⁴² Marijke du Toit, “The Domesticity of Afrikaner Nationalism: Volksmoeders and the ACVV, 1904-1929,” *Journal of Southern African Studies*, 29, no. 1 (March 2003): 160.

⁵⁴³ *Ibid.*

⁵⁴⁴ *Ibid.*, 160-161.

⁵⁴⁵ *Ibid.*

⁵⁴⁶ The invention of an idealized *volksmoeder* occurred later, though precursor ideas existed.

⁵⁴⁷ Du Toit’s thesis provides detail on the establishment of ACVV.

⁵⁴⁸ Marijke du Toit, “The Domesticity of Afrikaner Nationalism: Volksmoeders and the ACVV, 1904-1929,” *Journal of Southern African Studies*, 29, no. 1 (March 2003): 162.

⁵⁴⁹ *Ibid.* 161-162. Du Toit explains that although Afrikaans became increasingly viewed as the pure language of the *volk*. The ACVV avoided such contention over language and maintained an emphasis in the Dutch language.

issue of women's suffrage in parliament.⁵⁵⁰ Cape suffragettes working to affect the political direction for the country were not without male allies. For instance, Reverend Ramsden Balmforth of the Free Protestant Church in Cape Town believed that since women were actively engaged in social and temperance work, then they must be given the chance to "take part in the larger work of the state."⁵⁵¹ Reverend Balmforth also praised militant feminists in England "fighting the battle for their working sisters," yet who were often pegged as radicals by whites in South Africa.⁵⁵² In contrast, Afrikaans women tended to reject the goals of suffragettes. Women featured in *De Zuid-Afrikaan* (*The South African*), a Dutch language newspaper in Cape Town, believed "'that *onbibilese* (unbiblical) suffragettes threatened *het huiselik leven* (domestic life).'"⁵⁵³ Even Roos eschewed women's suffrage through ACVV speeches and letters by emphasizing that a woman's place was in the home.⁵⁵⁴ Therefore, despite such ethnic and political divisions, the ACVV and WCTU alliance over government regulated prostitution proved a significant turning point.

The ACVV's allegiance to the domestic sphere as a space for women to carry out traditional duties proved similar with female moral reformers of the social purity movement. Social purity overlapped with the work of the WCTU, which appealed to a sense of female moral superiority over men, and thus, made women better poised to protect families and society. The fact

⁵⁵⁰ Ibid., 165; Letter, Olive Schreiner to Havelock Ellis, 6 July 1907. The Olive Schreiner Letters Online, Reference HRC/CAT/OS/4b-xxii, Archive Harry Ransom Center, University of Texas, Austin <https://www.oliveschreiner.org/vre?view=collections&colid=18&letterid=325> (accessed 15 August 2019). Sauer's wife, Mary, was Schreiner's close friend and active in women's organizations.

⁵⁵¹ *South Africa: A Weekly Journal for All Interested in South African Affairs*. "Women's Suffrage at the Cape," 11 April 1908, 125. https://books.google.com/books?id=219QAQAAMAAJ&pg=PA125&lpg=PA125&dq=reverend+r.+balmforth+cape+town&source=bl&ots=GZScP1s6Mn&sig=ACfU3U0SH7H_GraqP1XDHrOEmBh4VcCx0Q&hl=en&sa=X&ved=2ahUKEwiSq9SAv9HkAhWR4J4KHfRwARsQ6AEwBXoECAUQAQ#v=onepage&q&f=false (accessed 20 August 2019).

⁵⁵² Ibid.

⁵⁵³ Marijke du Toit, "The Domesticity of Afrikaner Nationalism: Volksmoeders and the ACVV, 1904-1929," *Journal of Southern African Studies*, 29, no. 1 (March 2003):165. Du Toit references the *De Zuid-Afrikaan*.

⁵⁵⁴ Ibid. 166.

that Roos and Steyhter joined Solly's delegation to discuss government regulated prostitution and brothel suppression with political leaders (likely Hertzog) exhibited a joining of forces of middle-class white women in South Africa. Such actions by both Afrikaans and English women not only depict a challenge to traditional roles that maintained state matters a uniquely male space but also reinforced the tethering of women to the domestic sphere. By aiming their goals around the moral well-being of families and society, they extended their activism beyond the home and into the male-dominated world of political discourse. Ultimately, social purity activists, along with the ACVV, worked to shape South African health and social policies to reflect their image.⁵⁵⁵

By 1912, Solly expressed optimism that “many men as well as women (have) now come to the view that women require(d) the vote to protect themselves,” and also, “the rising generation” were “determined the C.D. Act must be repealed and not extended.”⁵⁵⁶ The social purity movement that sprung from the WCTU and WEL regarded the vote as a tool to aid the legislative passage of their health and moral agenda. In fact, the CCWCTU formed a suffrage committee soon after its inception in 1889 with Solly as chair.⁵⁵⁷ In a 1907 letter to Solly, Olive Schreiner related the significant implications the vote could provide to women's moral reform causes:

In my passionate desire that woman should have the political franchise lies always as its back ground the conviction, that only through the emancipation of woman (an emancipation towards which the political enfranchisement of woman is only one ^the first^ step!) can we deal with the terrible evil of prostitution, & all those subtler but not less terrible

⁵⁵⁵ For more on the *volksmoeder* identity, see Anne McClintock, *Imperial Leather: Race, Gender and Sexuality in the Colonial Contest*, (New York: Routledge, 1995) and Elsabe Brink, "Man-made Women: Gender, Class and the Ideology of the Volksmoeder," in *Women and Gender in Southern Africa to 1945* ed. Cheryl Walker, 273-292 (Cape Town: David Philip Publisher, 1990).

⁵⁵⁶ Letter, Julia Solly to Helen Mary Wilson, 7 May 1912, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁵⁵⁷ Louise Vincent, “A Cake of Soap: The Volksmoeder Ideology and Afrikaner Women's Campaign for the Vote,” *The International Journal of African Historical Studies*, 32, no. 1 (1999): 2.

^sexual^ evils which spring from man's & also woman's acceptance of the doctrine that was... morally wrong ...⁵⁵⁸

Despite sharing common concerns over government regulated sexual vice, the female activists in the predominantly English social purity movement differed significantly from the Afrikaans' ACVV when it came to the value placed on women's suffrage. Although Afrikaner nationalist suffragists appeared in the 1920s call for white only female enfranchisement, "suffrage ideas" in the years following unification "were labelled 'foreign' and 'alien'," as well as "ungodly and immoral."⁵⁵⁹ Regardless of the contrasting approaches to moral reform activism, the 1912 resolution in which the "great Dutch Union of Women" moved to oppose the Cape's CDP Act as well as demand a more stringent working of the brothel suppression legislation, demonstrate an effective transcontinental network of anti-vice activism emanating out of the work accomplished by the British Committee.⁵⁶⁰

Gender and Nationalism through White Middle-Class Values

In working to forge a health policy rooted in white middle-class notions of morality, social purity activists engaged in the creation of a national civic and cultural ideology for the newly established Union of South Africa. Historian and political scientist Benedict Anderson defined nationalism as an imagined political community, which underwent a process of construction.⁵⁶¹ Moreover, he emphasized that "'Nationalism' is not the awakening of nations to self-

⁵⁵⁸ Letter, Olive Schreiner to Julia Solly, 26 March 1907, The Olive Schreiner Letters Online, reference Olive Schreiner BC16/Box3/Fold6/1907/5, archive University of Cape Town, Manuscripts & Archives, <https://www.oliveschreiner.org/vre?view=collections&colid=99&letterid=5> (accessed 17 August 2019).

⁵⁵⁹ Louise Vincent, 5.

⁵⁶⁰ Letter, Julia Solly to Helen Mary Wilson, 7 May 1912, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁵⁶¹ Benedict Anderson, *Imagined Communities* (New York: Verso, 1996), 6.

consciousness: it invents nations where they do not exist.”⁵⁶² In the South African context, an ethnic nationalism epitomized by the *volk* also materialized alongside civic nationalism. As Anne McClintock explained, “the Boer generals and the British capitalists swore blood-brotherhood in the Union of 1910, white males” of all socio-economic classes, “began to identify themselves as the... chosen emissaries of the national *volk*.”⁵⁶³ In addition to analyzing the interrelated role of race and nationalism in the making of the *volk*, scholars have intersected gender. In particular, the *volksmoeder*, the ‘mother of the nation’, reflects a concept within Afrikaaner Nationalism, which idealized womanhood as fundamental to the home.

The motivations behind the *volksmoeder* is often debated among scholars. Elsabé Brink has described the idealized suffering, domestically bound white mother of the nation as an invention that benefit powerful men.⁵⁶⁴ In contrast, Anne McClintock believes that Afrikaaner nationalist men did not foist the propagandized ideology of the *volksmoeder* on politically powerless females. Instead, women actively negotiated the concept.⁵⁶⁵ Although the *volksmoeder* ideology reinforced patriarchy, Afrikaaner women through the ACVV possessed agency by the way in which they invoked their political identity as moral mothers of the nation. As a result, they helped forge a moral welfare agenda for the Union.

Opposition to government regulated commercial sex and other social purity causes unified middle-class white women irrespective of language, culture, and political affiliations. Through their joint defense of the moral and social health of the new nation, they proved active participants

⁵⁶² Ibid. Anderson paraphrases from Ernest Gellner’s work, *Thought and Change*.

⁵⁶³ Anne McClintock, *Imperial Leather: Race, Gender and Sexuality in the Colonial Contest* (New York: Routledge, 1995), 368.

⁵⁶⁴ Elsabe Brink, "Man-made Women: Gender, Class and the Ideology of the Volksmoeder," in *Women and Gender in Southern Africa to 1945* ed. Cheryl Walker (Cape Town: David Philip Publisher, 1990), 290.

⁵⁶⁵ McClintock, 378.

in the conceptualizations of morality, gender, and family for the Union of South Africa's 'imagined community' through various women's groups. Whether attracted to radical-leaning or conservative views, all engaged white women found common ground in their efforts to combat prostitution. Female activists invoked womanhood nationalism to appeal to male leaders. For instance, suffragettes attempted to sway Prime Minister Botha into opposing regulation by anchoring white women and motherhood to the nation.

Every thoughtful person, suffragists and anti-suffragists alike, must recognise in commercial vice a system deeply degrading to both men and women, injurious to the family and the race and therefore to the whole nation, and that its suppression makes a specially strong appeal to women who are recognised in nearly all countries as the guardians of the home, of the family, and the race.⁵⁶⁶

Afrikaner and English women alike promoted themselves as agents of a moral national character. The alliance of women activists throughout South Africa in combatting sexual vice further solidified this identity. Julia Solly credited the bilingual outreach of purity activists and the work of Aletta Jacobs with the recruitment of their new ally, the ACVV. "This is partly the result of Dr. (Aletta) Jacobs' letter and the papers from Holland," she explained. In 1910, Aletta Jacobs made speeches in Dutch on prostitution, venereal disease, and hygiene from Cape Town to Johannesburg. Her "Open Letter to the Women of South Africa" not only summarized the perils of prostitution but also campaigned for effective sex education.⁵⁶⁷ Solly ensured that Jacobs's letter

⁵⁶⁶ Letter, International Woman Suffrage Alliance to L. Botha, 17 November 1913, volume 576, reference 1/298/21, folder 1 of 3, Coll. Justice Department, National Archives of South Africa.

⁵⁶⁷ Rappaport, Helen, "Jacobs, Aletta (1851–1929): Netherlands," in *Encyclopedia of Women Social Reformers* (Santa Barbara, California: ABC-CLIO, 2001) 330-331.

was “sent everywhere.”⁵⁶⁸ In particular, “(seventy) 70 copies” were delivered to a conference of the *Afrikaansche Christelyche Vrouwen Vereniging* (African Christian Women’s Society).⁵⁶⁹

Literature generated from the ACVV also transferred back to English social purity activists. Mrs. Schonken, secretary of the ACVV, sent Solly “an address to read,” that was written by a reverend of the Dutch Reformed Church.⁵⁷⁰ Schonken believed that printing the reverend’s address would prove “most valuable” to the cause.⁵⁷¹ In fact, the printing of social purity brochures and pamphlets in South Africa was often funded by the International Federation, specifically the British Committee. “When I have read” the reverend’s address, Solly discussed her plans with Dr. Wilson of the British Committee, “I shall venture to authorise its printing on behalf of the International Federation, as you were kind enough to offer money again... Without doubt it is largely the work your help has enabled me to do that has caused a wave of information and indignation.”⁵⁷² The transcontinental social purity network fostered initially by the British Committee, and female moral reform groups from the Cape garnered allies through the aid of a successful messaging campaign. However, as white female reformers worked to ensure that a new national health policy excluded government-regulated prostitution, they ultimately reinforced middle-class ideals on morality and gender. These values were employed to invent a national ideology for the newly established Union of South Africa.

Conclusion

⁵⁶⁸ Letter, Julia Solly to Helen Mary Wilson, 7 May 1912, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁵⁶⁹ Ibid.

⁵⁷⁰ Ibid.

⁵⁷¹ Ibid.

⁵⁷² Ibid.

This chapter installment on the role of female activism in constructing a national identity centered on white middle-class ideals demonstrated many trends toward the creation of a unified health bill for South Africa. As social purity activists (mostly from the Cape) worked feverishly to prevent the spread of government regulated prostitution occurring in the Cape to the rest of South Africa, abolishing this practice became a coalescing movement for emergent female organizations during a period in which the newly unified government sought to establish policies and laws that reflected a desired national character, one in which the image of women and sex was central to this process. However, female activists encountered obstacles as they advocated for policies rejecting forced examinations for venereal disease prevention.

Social purity activists from the Cape evolved out of the anti-government regulated prostitution movement that had emerged in nineteenth century Cape Town. Thus, their arguments were of a liberal lens that valued the protection of civil liberties for vulnerable women. Although they applied no labels to their ideologies, social purity activists were also profoundly feministic due to their critiques of the sexual double standard and the abuses performed by patriarchal institutions. Other women's groups that emerged and collaborated with social purity activists from the Cape did not possess the same level of liberal inclinations. Instead, they reinforced the values of nationalists. Despite their differences, social purity activists led the way in forming a network of female moral reform groups working toward similar causes. Their gender-constructed values revolving around domesticity allowed them to exert political influence. In doing so, however, they also reinforced the patriarchy.

The next chapter is a culmination of the examination into the role of women's activism in the making of South Africa's first health bill enacted in 1919. Their moral vigilance in areas involving public health, the sexual vice industry, disease prevention, protection of women and

Carnal Vigilance, Vending Vice

girls helped construct a national identity modeled after white middle class values. Their pursuit of moralistic causes, however, ultimately promoted government surveillance of marginalized people.

Chapter 4- Moral Vigilance and National Formation: Women's Activism in the Making of South Africa's First Public Health Act, 1902-1919

This chapter serves as the second installment of women's activism in the making of South Africa's first public health act enacted in 1919. Throughout the twentieth century, ensuring that lawmakers exclude government regulated prostitution from a unified health bill became a galvanizing endeavor for social purity activists centered around Cape Town. Since the practice continued at the Cape as a colonial relic from the pre-union era, female reformers fought to prevent not only its spread into other provinces, but more importantly, its enactment as official public health policy for South Africa. Although Cape women failed to abolish the Cape's Contagious Diseases Act, they were successful in combatting government regulated prostitution indirectly. Along with the support from the collaborative relationships formed with like-minded moral reform groups they successfully promoted modern syphilis prevention measures, helped convince lawmakers to raise the age of consent, and thwarted the spread of the CDP Act to other parts of the union.

As the previous chapter already established, one important transformation that occurred within the first two decades of the twentieth century is the way in which political men in authority treated activist women. For example, Julia Solly was called a "shameless female" by John X. Merriman in January 1903 for discussing issues on venereal infections and sexual vice.⁵⁷³ By 1918, however, Solly was one of six women invited to produce a framework for South Africa's first

⁵⁷³ Letter, Julia Solly to Fanny Forsaith, 5 January 1903, box 122, folder 1 of 3, Coll. 3AMS/D/4, Records of the Association for Moral & Social Hygiene, The Women's Library, London School of Economics.

public health act, which included venereal disease prevention practices.⁵⁷⁴ Over time, men in power began to rely on the input of white women when it came to managing carnal vigilance.

One might assume that societal norms supporting patriarchal privilege may have chipped away due to an opening of gender attitudes, yet traditional values toward the role of women as nurturers and at the center of family life is what provided them with the political space to exert some influence. Despite lacking voting rights, female moral reformers navigated political space around gender-constructed concepts of health, women, and families. Activist women wielded political influence in the formation of national health policies and social reform. Despite the liberal ideological origins of Cape feminists, they ultimately participated in the creation of a national identity that aligned with the vision of nationalists. Through their moral crusades, they played a role in the government control over marginalized people.

The Establishment of the South African Branch of the International Abolitionist Federation

In October 1912, six months after the general conference organized by R.G. Ross's Social Reform Union, a subcommittee (Mary Brown, Rev. J.G. du Plessis, and Julia Solly) formed at this conference organized "a private meeting" of sixty male and female moral reformers "representing most of the societies in Cape Town interested in social well-being, met together and decided... that a branch of the International Federation (for the Abolition of State Regulation of Vice) should

⁵⁷⁴ Report, Julia Solly, Bloemfontein Health Conference, September 1918, box 122, folder 2 of 3, Coll. 3/AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; sixty-seven men present including Minister of the Interior, high level government advisers, and municipal politicians.

be formed.”⁵⁷⁵ Among the sixty representatives in attendance included Dr. Murray (President of the Medical Council), Mrs. W.P. Schreiner (wife of the former Cape Prime Minister), Elizabeth Roos (President of the ACVV), Lady Smith (wife of Cape Town mayor), presidents of the Women Enfranchisement League and CCWCTU, officers of the YWCA and YMCA, as well as R.G. Ross from the Social Reform Union.⁵⁷⁶

Due to the formation of this new coalition under the IAF, “a great deal of water has flown under the bridge.”⁵⁷⁷ Reformers such as Solly and Ross were overlooking past differences to join forces. The officers of the newly established South African Branch of the International Abolitionist Federation (hereinafter IAFSA) included respected clergy.⁵⁷⁸ For instance, Reverend Professor Marais of Stellenbosch (according to Solly, “a man revered by all South Africa”) served as president, and Reverend J.D. du Plessis of Cape Town served as chairman.⁵⁷⁹ Female moral reformers were also appointed to serve as officers. Mary Brown, a superintendent of the CCWCTU and niece of the nineteenth century Cape liberal politician, Saul Solomon, who had successfully orchestrated the first repeal of the CDP legislation in 1872, was appointed to be one of the vice

⁵⁷⁵ Report, Julia Solly, (month unspecified) 1912, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; Letter, Julia Solly to Gregory, 17 December 1912, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE. Solly indicated that sixty individuals were present.

⁵⁷⁶ Letter, Julia Solly to Gregory, 17 December 1912, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE. The Social Reform Union’s conference invitation to the Medical Council demonstrates a growing relationship between medical professional and reform groups.

⁵⁷⁷ Report booklet, Julia Solly, International Federation Abolition State Regulation of Vice South African Branch Report, October 1913, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁵⁷⁸ Letter, Julia Solly for the International State Abolition of Vice, (month unspecified) 1913, volume 576, reference 1/298/21, folder 1 of 3, Coll. Justice Department, National Archives of South Africa; Letter, Julia Solly to Helen Mary Wilson, 19 March 1913, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁵⁷⁹ *Ibid.*; Report, Julia Solly, (month unspecified) 1912, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

presidents.⁵⁸⁰ Solly became the secretary. R.G. Ross was not an officer, however, his wife agreed to serve as the assistant secretary and treasurer.⁵⁸¹

The IAFSA consisted of thirty members and ultimately merged two varying philosophies on moral reform activism. On one hand, Ross's Social Reform Union supported strict enforcement of government laws intended to safeguard public morality. They placed high value on tactics from other male-dominated purity associations, such as the New York Society for the Suppression of Vice, which conducted government sanctioned raids and arrests. In contrast, the Cape's leading social purity activist and abolitionist, Julia Solly, possessed close ties to the liberal-leaning British Committee who sought to protect women and girls from the abuses of government and corrupt men. Solly hoped the new IAFSA adhered to the traditions of IAF founder Josephine Butler.⁵⁸²

The mission of the IAFSA was "to prevent the extension of the regulation of prostitution in this country, and to obtain its repeal where it already exists."⁵⁸³ Vowing "to rouse opposition to the system and secure its condemnation," the branch held that government regulated sexual vice was "a hygienic mistake, a social injustice, a moral monstrosity and a judicial crime."⁵⁸⁴ The IAFSA moved to adopt the Brussels recommendations, which included access to free venereal

⁵⁸⁰ Ibid. Mary Brown, married to Scottish born doctor, John Brown, was a close friend of Olive Schreiner. Schreiner and Solly often referred to Mary Brown as Mrs. John Brown. For more information on the Saul Solomon's repeal campaign of 1872, refer to Chapter 1.

⁵⁸¹ Report, Julia Solly, (month unspecified) 1912, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; Report booklet, Julia Solly, International Federation Abolition State Regulation of Vice South African Branch Report, October 1913, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁵⁸² Julia Solly to Helen Mary Wilson, 19 March 1913, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁵⁸³ Report booklet, Julia Solly, International Federation Abolition State Regulation of Vice South African Branch Report, October 1913, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁵⁸⁴ Ibid.

disease treatment, protecting minors by increasing the age of consent, promoting an health education campaign on hygiene, and suppressing brothels and procuring.⁵⁸⁵

Maintaining continuity with the views of the CCWCTU's social purity division, the branch also called for the abolishment of Part I of the CDP Act, which pertained to the regulation and examination of sexual vice workers. Regarding the Morality Act of 1902, the committee moved that the law "be modified so far as relates to the clause that punishes a prostitute as such."⁵⁸⁶ For instance, under the brothel suppression legislation, women convicted of contravening section 34 by having "illicit sexual intercourse for the purposes of gain with any aboriginal native," would serve a two-year sentence with hard labor.⁵⁸⁷ Demanding modifications to the act that lessened criminal penalties for prostitutes reflected growing sentiments supporting uplift. Whereas male lawmakers who passed the 1902 legislation blamed prostitutes for provoking men to sin, social purity activists viewed sex workers as the victims.⁵⁸⁸

⁵⁸⁵ Article, Reprint from the *White Ribbon*, "The Social Reform Movement," December 1912, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁵⁸⁶ Ibid.

⁵⁸⁷ Cape of Good Hope, 10th Parliament, Act 36 of 1902 for the Suppression of Gaming Houses, Betting Houses, Brothels and Immorality, box 3, folder 1 of 3, Coll. 3/AMS/D/41, Records of the Association for Moral & Social Hygiene, The Women's Library, London School of Economics

⁵⁸⁸ The calls made by the new South African branch to modify the brothel suppression law of 1902 ultimately lacked specific resolutions. Since local men from Cape Town formed the Social Reform Union for the specific purpose of carrying out the Morality Act, the branch decided that all matters pertaining to the legislation should be referred to R.G. Ross and his organization. However, Ross was more concerned about limiting immigration as a means to strengthen the workings of the act rather than protect prostitutes. Fears over the international sexual trafficking of European women, referred as White Slavery in the early twentieth century, not only contributed to the passing of brothel suppression legislation, but also created much preoccupation over stricter immigration surveillance. For more on White Slavery see Chapter 2, Chapter 4 and Donna Guy, "Argentina: Jewish White Slavery," Jewish Women's Archive, <https://jwa.org/encyclopedia/article/argentina-jewish-white-slavery> (accessed 19 July 2018); Charles van Onselen, *New Babylon New Nineveh: Everyday Life on the Witwatersrand, 1886-1914*, (Cape Town, South Africa: Jonathan Ball Publishers, 2001), 147; ⁵⁸⁸ Saunders, *Illustrated History of South Africa*, 314; Vivian Bickford-Smith, Elizabeth van Heyningen, and Nigel Worden, *Cape Town in the Twentieth Century: An Illustrated Social History*, (Claremont, South Africa: David Philip Publishers Pty Ltd., 1999), 40.

Social Hygiene and Medical Knowledge

The final resolution of the newly established IAFSA was to send a formal invitation to Maurice Gregory, a representative of the IAF who adeptly applied the latest medical knowledge to voice opposition to regulation. The purpose for Gregory's visit was to coordinate speaking engagements that would, in effect, address the ineffectiveness of the Cape's CDP Act before the "religious and philanthropic societies" of South Africa.⁵⁸⁹ Solly expressed that there existed "a desire for enlightenment on all sides... in Cape Town, Kimberley, Bloemfontein, Johannesburg, Pretoria, Durban, and Port Elizabeth there are various societies that will arrange meetings for you and offer hospitality."⁵⁹⁰ There was a particular interest to have Gregory visit locations where government regulation continued to be practiced, such as in Cape Town, East London, Port Elizabeth.⁵⁹¹ With the British Committee paying Gregory's travelling and printing expenses, the "local committees" were expected to "do the rest."⁵⁹² Solly assured that "this can easily be arranged (with) the WCTU leading the way," as was the case for "most social movements" occurring in early twentieth century South Africa.⁵⁹³ In fact, the WCTU of South Africa continued their relentless political onslaught on government regulated sexually vice. In the months leading to up to Gregory's visit, they wrote letters to the Prime Minister and Minister of Justice protesting "the regulation of vice in parts of the Cape province."⁵⁹⁴ They also expressed their usual sentiments

⁵⁸⁹ Report booklet, Julia Solly, International Federation Abolition State Regulation of Vice South African Branch Report, October 1913, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁵⁹⁰ Ibid., 1; the British Committee paid for printing expenses along with travelling expenses; letter, Julia Solly to Gregory, 17 December 1912, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁵⁹¹ Letter, Julia Solly to Helen Mary Wilson, 19 March 1913, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁵⁹² Letter, Julia Solly to Gregory, 17 December 1912, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁵⁹³ Ibid.

⁵⁹⁴ Letter, WCTU letter to ministers, 20 June 2013, volume 576, reference 1/298/21, folder 1 of 3, Coll. Justice Department, National Archives of South Africa.

that such legislation not only “facilitated vice,” but was also simply “morally indefensible.”⁵⁹⁵ Gregory’s knowledge on the latest medical groundwork on sexually-transmitted infections offered the WCTU and other social purity associations critical testimony on the ineffectiveness of regulation.

Excitement over Maurice Gregory’s visit also prompted the WCTU of the Cape Province to send a letter to Prime Minister Louis Botha in the summer of 1913. Enclosed were their conventional resolutions of health education and protection for women and girls. They pressed the government to provide the following: free venereal disease treatment, protection for underage minors and the disabled, and instructional material to be distributed on the “gravity” of syphilis.⁵⁹⁶ The demands on the union government mirrored the IAFSA’s own resolutions to abolish Part 1 of the Cape Province’s CDP Act of 1885, adopt up-to-date universal voluntary treatment for persons suffering from venereal infections, protection for the “the young and “feeble-minded,” and to provide social hygiene education.⁵⁹⁷ The identical messaging indicates a coordinated collaboration between the WCTU branches and the IAFSA.

Despite forming a subcommittee to coordinate engagements and hospitality, Julia Solly, as a member of the IAF, conducted the bulk of all logistical preparations. The societies participating in arranging hospitality and events for Gregory included Ross’s Social Reform Union, the YMCA, YWCA, WCTU, Woman’s Enfranchisement League, Woman’s Citizen’s Club, National Union of Women Workers, and the Society of Friends.⁵⁹⁸ Solly described that through Ross’s connections,

⁵⁹⁵ Ibid.

⁵⁹⁶ Letter, Secretary for Justice to Mrs. J. Scrivener, 22 May 1913, volume 576, reference 1/298/21, folder 1 of 3, Coll. Justice Department, National Archives of South Africa; Letter, WCTU to Secretary for Justice, 10 July 1913, volume 576, reference 1/298/21, folder 1 of 3, Coll. Justice Department, National Archives of South Africa.

⁵⁹⁷ Report booklet, Julia Solly, International Federation Abolition State Regulation of Vice South African Branch Report, October 1913, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; see page 11.

⁵⁹⁸ Ibid., 2.

the “up-country Evangelical Church Councils” also helped “to make the best use of his visit.”⁵⁹⁹ Although many moral reform societies participated in Gregory’s South African tour, the WCTU branches were especially active in forming “local committees...everywhere” to facilitate his stay.⁶⁰⁰ Even the Provincial WCTU made special arrangements so that their annual convention held in Uitenhage could host a special engagement with Gregory.⁶⁰¹

With plans in order, Solly proceeded to inform government officials of Gregory’s visit to South Africa. She specifically pointed out Gregory’s expertise in the areas of social hygiene and sexual vice as well as emphasized the unity among moral reformers to make the visit transpire.⁶⁰² Solly specifically requested a meeting between Gregory and the Acting Minister of Justice, as well as Christiaan Beyers, commandant general of the Citizen Forces.⁶⁰³ The goal was to allow Gregory to deliver a speech before the officers of the Union Defence Force. Such lectures were inspired by a movement in France that sought to convert “the barracks (into) a school of hygiene and virtue, instead of a hotbed of vice,” yet General Beyers denied the request.⁶⁰⁴ In the end, Gregory “addressed public and private meetings everywhere (Cape Town, Kimberley, Bloemfontein, Johannesburg, Pretoria, Maritzburg, Durban, East London, King William’s Town, Port Elizabeth,

⁵⁹⁹ Ibid.

⁶⁰⁰ Ibid.

⁶⁰¹ Ibid., 5; letter, Julia Solly to Helen Mary Wilson, 19 March 1913, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE. Mary Brown came up with idea to coincide Mr. Gregory’s visit with the scheduled conference.

⁶⁰² Letter, Julia Solly for the International State Abolition of Vice, (month unspecified) 1913, volume 576, reference 1/298/21, folder 1 of 3, Coll. Justice Department, National Archives of South Africa.

⁶⁰³ Letter, Julia to the Acting Minister of Justice, 9 September 1913, volume 576, reference 1/298/21, folder 1 of 3, Coll. Justice Department, National Archives of South Africa; Report booklet, Julia Solly, International Federation Abolition State Regulation of Vice South African Branch Report, October 1913, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; see page 2. Professor Marais of Stellenbosch and President of the South African Branch had written to the prime minister and other government ministers. The Citizen Forces were white reserve forces with the Union Defence Force of South Africa. General Beyers was one of the conservatives who led a Boer rebellion in 1914 in opposition to South Africa’s involvement in World War 1.

⁶⁰⁴ Report booklet, Julia Solly, International Federation Abolition State Regulation of Vice South African Branch Report, October 1913, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; see page 2.

and Uitenhage),” in which he “met Members of Parliament, ministers of religion, Ministers of State, medical men and social workers.”⁶⁰⁵

Solly lamented that many members of parliament refused to meet with Gregory, mainly because they supported government regulated prostitution.⁶⁰⁶ Regardless, the undersecretary for the Interior granted Gregory entry into not only the Cape Town Lock Hospital but also the lock hospitals in King William’s Town and Port Elizabeth. During his time in South Africa, Gregory conveyed that lock hospitals were an “old-fashioned method” of treating syphilis and gonorrhea, and that “most of the great medical experts of the world” had “denounced” regulated prostitution, such as in the Cape’s CDP Act of 1885, as “delusive and misleading.”⁶⁰⁷ Gregory explained that the up-to-date blood tests used to detect syphilis, as well as the microscopic exam for gonorrhea, diagnoses had made “physical degradation” unnecessary.⁶⁰⁸ Furthermore, Gregory referenced an editorial in the *British Medical Journal* published in September 1911, which indicated how the drug created by Paul Ehrlich, Salvarsan, or compound 606, offered successful treatment for most symptoms of syphilis. Thus, “these new tests” or Ehrlich’s “important new remedy” ultimately do not “lend themselves to” government regulated sexual vice.⁶⁰⁹

Maurice Gregory’s mission to South Africa also involved imparting recommendations on the best health practices for treating sexually transmitted infections. The basic premise behind the methods advocated by abolitionists was that such maladies should not “be treated as a crime,” but rather incorporate “free and kindly measures” for the purpose of bringing “as many cases as

⁶⁰⁵ Ibid.

⁶⁰⁶ Ibid., 4.

⁶⁰⁷ Ibid.

⁶⁰⁸ Ibid.

⁶⁰⁹ Ibid., 8. Smuts’ assertion made in 1909 regarding the futility of government regulation due to Ehrlich’s Salvarsan discovery demonstrate his ability and interest in staying current on scientific matters. See also note 475.

possible under treatment.”⁶¹⁰ Gregory cited experts who found that nations that had adopted policies of compulsion experienced a greater number of underground venereal cases.⁶¹¹ In addition to free and voluntary treatment, abolitionists like Gregory also began to call for proper instruction on disease prevention to patients.⁶¹²

Maurice Gregory lauded the progress in treatment and education in the Transvaal as government regulation at the Cape continued to rile abolitionists:

A great hospital in Rietfontein under Dr. Mehlis about nine miles from Johannesburg, where, in a great open garden-like area, there are separate buildings for various infectious and contagious maladies and large accommodation for venereal maladies with separate buildings for white and black. Men, women, and children are treated. All the latest and best methods and materials are used...Syphilis is usually brought to the point of a test of freedom (for the moment) from the malady (as shown by the blood test already described) after about six weeks of treatment, but the patient is told to come back again for another blood test in four months and so on, if possible, for two years...The patients come freely and send their friends. Natives come from all parts of South Africa to the hospital... The hospital has become noted for kindly and efficient treatment...The instructions given to patients are on a printed form in English or vice voce [sic] in their own language.⁶¹³

Gregory also praised Bockum Hospital in Pietersburg and Elim Hospital in Zoutpansberg for the care provided to the African population, whom he referred to as “kraal natives.”⁶¹⁴ For decades, the International Abolitionists congresses called for free and voluntary treatment regardless of gender, race and class.⁶¹⁵ Local politicians in Cape Town remained vehemently opposed to voluntary treatment. They deemed the African and Coloured population not willing to

⁶¹⁰ Ibid.

⁶¹¹ Ibid.

⁶¹² Ibid.

⁶¹³ Ibid.

⁶¹⁴ Ibid.

⁶¹⁵ Abolitionists were not immune to harboring racial biases since they seem to welcome segregated facilities. Mary Brown’s recommendation to the native questions was promoting ‘civilization’ through mothers.

seek a doctor unless forced to do so otherwise.⁶¹⁶ Abolitionists viewed such ideas as antiquated and ignorant.⁶¹⁷ At the same time, racial insensitivity prevailed even among activists and supporters. Incidentally, Gregory's visit trailed the enactment of the Native Land Act of 1913, which legislated racial segregation and limited African ownership of land.⁶¹⁸ In a letter to Julia Solly, Gregory admitted that the 'native question' (the predicament of the ruling class to orient black submission in a state created for whites) regarding "venereal maladies" had produced a significant "scare" in South Africa.⁶¹⁹ Ultimately, this topic proved "the most difficult thing" he had encountered during his time touring the country.⁶²⁰ The challenge that many white South Africans presented to the cause not only stemmed from prejudices but also lack of concern toward treatment of the black population.⁶²¹ To counter the negative claims of whites, Gregory armed Solly with arguments:

(a). It has been stated that 95% have venereal. Very well, if so, you must have hospitals for four million patients; and the whole army of the British Empire to treat them!

(b.) Others have immediately come down to 25% on hearing this. "So be it," I have said. "Still you need hospitals for a million."

(c.) Then one friend I was talking to brought his estimate down to 5%, and said that they ought to be brought under forcible treatment. To this I answered, "if there are only 5% of the natives affected by venereal, then

⁶¹⁶ Report booklet, Julia Solly, International Federation Abolition State Regulation of Vice South African Branch Report, October 1913, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; see pp. 8-9.

⁶¹⁷ Ibid., 8; Letter, Maurice Gregory to Julia Solly, 5 November 1913, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; see p. 3.

⁶¹⁸ Act No. 27 of 1913 is considered segregation legislation since it forbade natives from purchasing land from whites. Tenant farming was also banned under this act. As a result, natives were left with only 10-13% percent of land.

⁶¹⁹ Letter, Maurice Gregory to Julia Solly, 5 November 1913, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; see p. 3. The 'native question' refers to the white South African state's quandary over their intent to control the African population economically and politically. The South African Native Affairs Commission was tasked to formulate designs over native policy that included territorial separation regarding land ownership and urban segregation. Their 1905 report formed the basis of oppressive native laws for decades.

⁶²⁰ Ibid.

⁶²¹ Ibid.

they are amongst the more moral portion of the world's inhabitants, and a model for all the rest!

(d.) As to forcible treatment, Part II of the Cape Act of 1885 provides for that, and yet it is just in the Cape Province where I have met with most of the scare about the prevalence of venereal amongst natives, combined with a demand for still more forcible treatment.

(e.) *No* method will bring *all* cases under treatment.

(f.) Free and kindly skilled treatment will bring a larger number of cases into the doctors (sic) hands than will forcible methods.⁶²²

Gregory had praised the three Transvaal medical centers for providing up-to-date treatment for sexually transmitted infections. His assertion that Africans, motivated by trust, traveled to the Rietfontein Hospital willingly despite far distances was intended to validate the effectiveness of a gentle, voluntary approach. However, such long journeys undertaken ultimately exposed the pervasive inequality and lack of health services available to blacks.⁶²³ Although Gregory exhibited aggravation over the racial prejudices harbored by many whites he encountered during his South African tour, his negligence in recognizing medical hardships experienced by Africans demonstrate how even members of the liberal British committee were not immune to biases of their own.⁶²⁴ Gregory's tacit acceptance of racially segregated medical centers, as well as his support for spreading "civilization" to African mothers as a solution to the "native question", all suggest deep-seated sentiments of superiority.⁶²⁵ Despite such inclinations, Gregory often

⁶²² Ibid.

⁶²³ Report, Julia Solly, (month unspecified) 1912, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; Rietfontein Hospital especially praised by abolitionists.

⁶²⁴ Ibid.

⁶²⁵ Report booklet, Julia Solly, International Federation Abolition State Regulation of Vice South African Branch Report, October 1913, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; see pp. 10-11. Gregory's approach to African mothers being a solution is reminiscent of the *volksmoeder* ideology as well as British ideas of women in that the soul of the nation rests with the women in raising the next generation. Once again, the 'native question' refers to the white South African state's quandary over its intent to control the African population economically and politically. The South African Native Affairs Commission was tasked to formulate designs over native policy that included territorial separation regarding land ownership and urban segregation. Their 1905 report formed the basis of oppressive native laws for decades. Gregory seems to be recognizing the concept of a natural separation.

reaffirmed the liberal aims of the IAF. For example, in a letter addressed to Dr. Helen Wilson summing his South African tour, he evoked the egalitarian principles underpinning Josephine Butler's organization:

The fight for a single standard of morals (and that a high one) for both sexes, equal justice for both sexes and all races, the literally worldwide struggle on both these questions, the new worldwide fight against 'commercialized vice'... are all matters developing directly out of the Abolitionist principles. We all of us in particular and the federation in general, have our share in these questions, if we do our duty.⁶²⁶

Gregory situated efforts in combatting the sex industry globally with the traditional convictions of nineteenth century abolitionists. The British Committee promoted liberty, along with racial and gender equality. Gregory clearly viewed the committee's work in universal endeavors as a moral obligation.

'White Slave' Trade and State Surveillance

The "new worldwide fight" Gregory referenced in his letter to Dr. Wilson pertained to concerns over the so-called 'white slave' trade. Beginning in the late nineteenth century, a panic over 'white slavery', caught the attention of moral reformers and government officials on a global scale.⁶²⁷ Spurred by sensationalistic news stories, 'white slavery' was the belief in the sexual traffic of European girls and women. The 'white slavery' myth involved stories of dangerous, foreign men enticing, seducing, raping, and finally exporting virginal naïve white girls to brothels in foreign lands, most notable Argentina and South Africa.⁶²⁸ The desire to rescue innocent white

⁶²⁶ Letter, Maurice Gregory to Helen Mary Wilson, 5 November 1913, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁶²⁷ Limoncello, 6.

⁶²⁸ See pp. 105-106 in this thesis.

females lured into a world of sexual enslavement by international criminal networks of pimps developed alongside the movement to abolish government-regulated prostitution in metropolitan and colonial territories.⁶²⁹

The first voluntary anti-sex trafficking organization was the International Abolitionists Federation, established by Josephine Butler in 1875.⁶³⁰ Since the IAF blamed state-sponsored prostitution for the existence of international sex trafficking, these reformers combatted the ‘white slave trade’ through efforts to abolish regulated sexual vice. According to Jo Doezema in *Sex Slaves and Discourse Masters: The Construction of Trafficking*, such myths allowed reformers the opportunity to view themselves as saviors.⁶³¹ Although international accords drafted to curtail sexual traffic eventually adopted ‘traffic in women and children’ instead of ‘white slavery’ to convey universal concern toward all purported victims, the liberal feminist British Committee had demonstrated an earlier interest to help trafficked individuals regardless of racial classification.⁶³² However, Jo Doezema argues that such a shift a very colonial idea to rescue the troubled other.

The IAF was not the sole society involved with the issue of sexual trafficking; however, they proved to be the first. The other principal voluntary organization dedicated to the anti-sexual traffic movement was the International Bureau for the Suppression of the White Slave Traffic formed by purity reformers in 1899.⁶³³ In contrast to the liberal IAF, which championed rights and protections for all women, the International Bureau brand of humanitarianism tended to favor

⁶²⁹ Limoncello, 6.

⁶³⁰ Ibid.

⁶³¹ In addition, Eva Payne examines similar savior phenomenon in

⁶³² Letter, Maurice Gregory to Helen Mary Wilson, 5 November 1913, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE. Although Gregory used the term *white slavery*, he understood the fight against commercialized vice was more expansive than the white slave traffic alone and needed to be more inclusive. For history on the origin of *White Slavery* term usage, refer to Limoncello, 6-7.

⁶³³ Ibid.

greater government control over the sexual lives of citizens. The bureau's solutions to the global sex trafficking problem aligned with the interests of nationalists and state builders.⁶³⁴ According to Stephanie Limoncelli in *The Politics of Trafficking*, "state officials preferred working with the International Bureau rather than with the International Abolitionist Federation."⁶³⁵ Ultimately, nationalist officials viewed international anti-trafficking pacts as a means to reinforce state power.⁶³⁶

The first International Agreement for the Suppression of the White Slave Traffic was signed in Paris in 1904. The duties of participating nations involved the creation of a centralized authority that maintained information on "procuring and sending girls abroad for debauchery" but also institute greater surveillance of ports of entry and railway stations.⁶³⁷ Furthermore, participating nations were required to repatriate foreign prostitutes after ascertaining identity and country of origin.⁶³⁸ Incidentally, participation in this first agreement by all four colonies of South Africa was driven primarily by empire.⁶³⁹ Although the Cape Colony already actively patrolled ports of entry for pimps and sex workers as part of the Immigration law of 1906, the South African colonies had not typically been willing to act in accordance with the agreement. For example, the Consul General for France invoked the White Slave Traffic Agreement in 1905 by requesting the Transvaal government to cover expenses (board and lodging) through embarkation "of girls of the class contemplated" if the need arose.⁶⁴⁰ However, communication between the Acting

⁶³⁴ Limoncelli, 8-9.

⁶³⁵ *Ibid.*, 9.

⁶³⁶ *Ibid.*

⁶³⁷ "White Slave Traffic," (print date not specified), JUS 576, reference 1/298/21, folder 1 of 3, Coll. Justice Department, National Archives of South Africa; This reprint is a copy of the duties required of contracting nations under the international agreements of 1904 and 1910.

⁶³⁸ *Ibid.*

⁶³⁹ The British Colonies were included in the agreement.

⁶⁴⁰ Letter, Acting Attorney-General to Commissioner of Police in Pretoria, 5 June 1905, JUS 576, reference 1/298/21, folder 1 of 3, Coll. Justice Department, National Archives of South Africa.

Secretary to the Law Department and the Commissioner of Police in Pretoria did “not anticipate the result intended” could be achieved.⁶⁴¹ They considered turning to the Salvation Army for assistance in repatriating slave trade victims instead. Ultimately, they determined that “the only thing to do” was “to endeavor to get the Consul (of France) to repatriate.”⁶⁴² In other words, there was no cohesive interest among South African colonies to participate in the first International Agreement.

The second International Agreement for the Suppression of the White Slave Traffic signed in 1910 occurred simultaneously with the period of unification in South Africa. Unlike the first International Agreement, South African officials were more inclined to engage in the diplomatic accord.⁶⁴³ Under the second International Agreement for the Suppression of the White Slave Traffic, the duties of contracting nations not only maintained the extradition procedures agreed upon in 1904 but also added penalties for perpetrators. Therefore, they were now required “to punish persons, who, to gratify the passions of others, have procured, enticed, or led away by fraud, violence, threats, abuse of authority, or any other means of compulsion” any woman over the age of twenty.⁶⁴⁴ Participating nations agreed that those who “enticed, or led away” compliant girls under the age of twenty or “immoral purposes” would be punished.⁶⁴⁵ The International Congress to prevent white slave traffic thus embraced appeals by English-speaking social purity activists

⁶⁴¹ Letter, Commissioner of Police in Pretoria to Acting Attorney-General, June 1905, JUS 576, reference 1/298/21, folder 1 of 3, Coll. Justice Department, National Archives of South Africa.

⁶⁴² *Ibid.*

⁶⁴³ Letter, International Bureau for the Suppression of White Slave Traffic to Secretary of State, Union of South Africa 15 April 1913, JUS 576, reference 1/298/21, folder 1 of 3, Coll. Justice Department, National Archives of South Africa. This letter acknowledged the Union of South Africa’s absorption into the international work preventing sex traffic.

⁶⁴⁴ *Ibid.*

⁶⁴⁵ *Ibid.*

who held that underage girls were unable to consent to sexual activity despite possibly appearing predisposed.⁶⁴⁶

The international fight to suppress sex trafficking provided a forum in which the new South African nation could flex some diplomatic influence in the years after unification. The International Bureau for the Suppression of White Slave Traffic, organizers of the congress, had explicitly requested South Africa's participation in the Fifth Congress in 1913 due to the "keen interest" demonstrated by the government "in this question."⁶⁴⁷ Moreover, participation in global humanitarian causes contributed to state formation. The need to conform to white slave suppression accords compelled South Africa to begin consolidating bureaucratic processes. For instance, government officials recognized the need for "a central authority in the place of the four authorities appointed prior to the date of the union" in order to comply with article 1 of the 1904 Agreement.⁶⁴⁸ Ministers appointed the Secretary for Justice as the new central authority, superseding the various police commissioners and immigration officers in the previous four colonies.

South African ministers appointed High Commissioner Richard Solomon as their delegate to the Fifth Congress.⁶⁴⁹ Although Solomon received no specific instructions for the congress, the message that he was expected to impart was as follows: "the white slave traffic has been stamped out of South Africa or, if it does exist at all, occurs to a negligible extent only."⁶⁵⁰ Documents

⁶⁴⁶ Ibid. Age of consent varied for participating nations. For instance, France and Spain had lower age of consent laws than Britain, but still signed the agreement.

⁶⁴⁷ Ibid.

⁶⁴⁸ Minute, Prime Minister's Office 12 October 1912, JUS 576, reference 1/298/21, folder 1 of 3, Coll. Justice Department, National Archives of South Africa. Article 1 of the International White Slave Traffic Agreement: to establish a central authority to centralize information on the procuring and sending of girls abroad for debauchery.

⁶⁴⁹ Richard Solomon was a former Attorney General for the Cape Colony.

⁶⁵⁰ Letter, Minister of Justice to High Commissioner Richard Solomon, 27 May 1913, JUS 576, reference 1/298/21, folder 1 of 3, Coll. Justice Department, National Archives of South Africa.

gathered in preparation for South Africa's first direct participation in the International Congress indicate that 17 white slavery cases were reported in 1911 throughout the four provinces and 7 cases in 1912. Lashes were imposed only twice throughout this time.⁶⁵¹ Ministers desired to convey accord compliance through the new central authority. Thus, they prepared Solomon to show delegates from participating nations of the Fifth Congress that "the Laws providing the lash for procurers have been in operation for many years now in South Africa."⁶⁵² Ministers seemed eager to prove that the Union of South Africa punished pimps just as the Second Congress accords of 1910 had stipulated.

Prior to the Union's participation in the Second Congress, the Cape Colony's immigration practices linked border surveillance with preserving morality. In fact, the Cape Colony enacted the Immigration Act of 1902 during the same legislation session as the Morality Act. In Section 2, subsection (e), "any person, whether male or female, who lives on, or knowingly receives any part or the proceeds of prostitution, is prohibited from entering the colony."⁶⁵³ The amended Immigration Law of 1906 kept the same provision banning foreign sex workers and procurers.⁶⁵⁴ The prevention of sexual traffic through these immigration laws appears to have been enforced. For instance, Prime Minister J. Gordon Sprigg requested that the British government provide

⁶⁵¹ Letter, Minister of Justice to High Commissioner Richard Solomon, 4 June 1913, JUS 576, reference 1/298/21, folder 1 of 3, Coll. Justice Department, National Archives of South Africa.

⁶⁵² Letter, Minister of Justice to High Commissioner Richard Solomon, 27 May 1913, JUS 576, reference 1/298/21, folder 1 of 3, Coll. Justice Department, National Archives of South Africa.

⁶⁵³ Dispatch, Prime Minister Gordon Sprigg to the Colonial Governor, "Despatch No. 125," 3 May 1903, GH 23, folio 68, ref. 125, Government House Records, Western Cape Archives and Records Service. Document pages consist of general despatches of European Women entering South Africa and reflect arrangement with Britain regarding early alerts for outgoing vessels containing suspected prostitutes.

⁶⁵⁴ Immigration Act No. 30 1906, *Statutes of the Colony of the Cape of Good Hope Passed by Parliament During the Sessions 1902-1906*, Volume V, (Cape Town: Cape Times Limited Government Printers, 1906), https://books.google.com/books?id=BnBFAQAAMAAJ&pg=PA5134&lpg=PA5134&dq=cape+of+good+hope+immigration+act+1902&source=bl&ots=FN5czOS05&sig=ACfU3U1bgFR31dDolMFndUbFhimoWqu1hQ&hl=en&sa=X&ved=2ahUKEwjOjNG6us_kAhVSba0KHWNtD3kQ6AEwDnoECACQAQ#v=onepage&q&f=false (accessed 2 August 2019).

advanced notification “of outward-bound steamers, from home or colonial ports” transporting potential prostitutes or anyone profiting from sexual work.⁶⁵⁵ This appeal demonstrates a desire among Cape officials to carry out immigration policy. In another instance, on August 28 in 1906, the military secretary alerted the Cape Town consulate via wire that “women-mongers with worthy girls” were on board the S.S. Wakool. Suspecting “white slave traffic,” the Cape Urban police interrogated the four American males and four females who ranged in ages from 17 to 24 as they arrived in Table Bay on the eighth of September 1906.⁶⁵⁶ Although the eight travelers turned out to be “religious fanatics of a sect known as *Go Preachers*,” this incident not only reflects concerns over the traffic of European women but also how authorities used immigration laws as a tool to enforce the brothel suppression law.⁶⁵⁷

Still lacking a unified health bill, the Union of South Africa managed to pass the Natives Land Act, resulting in land dispossession racial segregation, and the Immigrants Regulation Act No. 22 of 1913.⁶⁵⁸ During a meeting of the new South African Branch of the International Abolitionist Federation of R.G. Ross credited the legislation. He was convinced that it had “practically stamped out the White Slave traffic.”⁶⁵⁹ With the South African Branch satisfied with relegating the Morality Act to the Ross’s Social Reform Union, immigration control remained a fixture in anti-regulated prostitution proposals to government officials throughout the rest of the

⁶⁵⁵ Dispatch, Prime Minister Gordon Sprigg to the Colonial Governor, “Despatch No. 125,” 3 May 1903, GH 23, volume 68, ref. 125, Government House Records, Western Cape Archives and Records Service.

⁶⁵⁶ Dispatch, Acting Commissioner of Cape Police to the Secretary of the Law Department, “Consignment of women mongers, and girls per “Wakool,” 11 September 1906, AG 1717, ref. 6262, Attorney General Records, Western Cape Archives and Records Service.

⁶⁵⁷ Ibid.

⁶⁵⁸ Immigrants Regulation Act of 1913, Union of South Africa Act. No 22 of 1913.

⁶⁵⁹ Article, Reprint from the *White Ribbon*, “The Social Reform Movement,” December 1912, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

decade.⁶⁶⁰ Such attentiveness to border surveillance of travelers and émigrés demonstrate a new preoccupation that differed from the traditional goals of feminist purity activists.

Government officials concerned over white slave traffic were not the sole driving force behind the growing institutional consolidation. Organizations throughout South Africa involving women's activism and moral reform also encouraged greater government control. For instance, the Women's Reform Club, a white suffragist association formed in Johannesburg, called for South Africa to oversee "strict supervision of the port."⁶⁶¹ Such urgency emanated from new criminal law legislation in Britain, which ratified "the use of the lash for convicted 'white slavers.'"⁶⁶² Despite general support for South Africa's existing corporal punishment policies directed at pimps, the concern over the British white slavery amendment stemmed more from alarm generated by a London-based correspondent's description of potential "'newcomers of doubtful character (brothel keepers and procurers)'" headed toward South Africa, rather than any issue over physical discipline.⁶⁶³ The report claimed that "hundreds of men (pimps)... abandoned their quarters for fear of the lash."⁶⁶⁴ Moreover, the Women's Reform Club demanded authorities regulate the Transvaal's Immorality Act of 1903 to "the fullest extent."⁶⁶⁵ Clearly, the brand of carnal vigilance adopted by the Women's Reform Club focused on eliminating and punishing unsavory outsiders rather than protecting exploited sex workers. Such nationalistic interests tended to align with the

⁶⁶⁰ Immigration surveillance was directed at 'undesireable' whites, such as pimps and prostitutes from Europe. The Immigrants Regulation Act of 1913, Union of South Africa Act. No 22 of 1913, was just one example of legislation highlighting this preoccupation.

⁶⁶¹ Letter, Women's Reform Club to General Louis Botha, 17 March 1913, JUS 576, reference 1/298/21, folder 1 of 3, Coll. Justice Department, National Archives of South Africa.

⁶⁶² "The White Slave Traffic," *The Transvaal Leader*, 29 November 1912, JUS 576, reference 1/298/21, folder 1 of 3, Coll. Justice Department, National Archives of South Africa. The Criminal Law Amendment Act of 1885, which raised the age of consent and suppressed brothels and other sexual offenses, was amended to include corporeal punishment for convicted pimps through the Criminal Law Amendment Act of 1912.

⁶⁶³ Ibid.

⁶⁶⁴ Ibid.

⁶⁶⁵ Ibid.

male-dominated Social Reform Union of Cape Town, which worked to ensure government compliance with the Cape's brothel suppression legislation of 1902, as well as the International Bureau.

The WCTU of the Cape Province (hereinafter CPWCTU) also weighed in on the Fifth Congress of 1913.⁶⁶⁶ Ever since the nineteenth century, the CPWCTU's approach to the white slave trade aligned with the liberal International Abolitionist Federation rather than the International Bureau.⁶⁶⁷ Since the CPWCTU, as well as International Abolitionist Federation, blamed state-sponsored prostitution for the existence of international sex trafficking, combatting the 'white slave trade' was another issue activists could use to attack regulated sexual vice. In a letter sent to Prime Minister Louis Botha in 1913, the WCTU of the Cape Province enclosed their traditional resolutions to promote health education and protecting women and girls.⁶⁶⁸ They pressed the government to provide the following:

- (a) accessible and gratuitous treatment for all persons suffering from venereal disease
- (b) protection for the young and feeble-minded
- (c) Instruction to the general public as to the gravity and danger of this disease.⁶⁶⁹

Demand for free treatment, social hygiene, and protection for girls and disabled individuals aligned with the best approaches in treating venereal diseases as outlined by Maurice Gregory

⁶⁶⁶ Since Cape no longer a colony, but rather a province, the CCWCTU abbreviation is replaced with CPWCTU.

⁶⁶⁷ The collaboration between Josephine Butler's IAF and the WCTU at the Cape via Solly's work within the social purity division is evident through correspondence between these two organizations that go back to the nineteenth century.

⁶⁶⁸ Letter, CPWCTU to Botha, 11 Nov 1913, volume 576, reference 1/298/21, folder 1 of 3, Coll. Justice Department, National Archives of South Africa. These resolutions were the product of a conference held in October 1913.

⁶⁶⁹ *Ibid.*

throughout his South African speaking circuit. Two stalwart positions the CPWCTU suddenly overlooked were calls to abolish the Cape's CDP Act, as well as to prevent the expansion of Cape-style regulation. Perhaps one reason for the new lack of urgency was due to the contemporary state of affairs in 1913. Although national leaders failed to pass a unified public health bill, abolitionists had grown increasingly secure that authorities no longer leaned toward regulation as part of a disease prevention policy. With three years into the union, government regulated prostitution had not extended into other provinces as initially feared.⁶⁷⁰

The resolutions produced by WCTU of the Cape Colony to combat sexual vice showed a departure from the customary tenets of protecting women from the abuses of men and the government. By calling for the prime minister to "take steps to ensure that the Union of South Africa be included as soon as possible in the International Agreement for the Suppression of White Slave Traffic," the CPWCTU ultimately expected new legislation that extradited individuals guilty of committing "offences as defined" by the partnering nation.⁶⁷¹ Furthermore, the CPWCTU demanded that such laws included blocking "undesirable" immigrants convicted of working in the sex industry from entering the country, as well as exacting physical punishment on "persons committing such offenses" in South Africa.⁶⁷²

After decades of defending the individual liberties of women and critiquing the propensity of authorities to abuse power, the CPWCTU's unusual support for greater government control and punitive public morality laws for the purpose of curbing commercialized sexual vice reflect a slow

⁶⁷⁰ The efforts by social purity activists and South Africa's increasing participation in internationalism left an impact.

⁶⁷¹ Letter, CPWCTU to Botha, 11 Nov 1913, JUS 576, reference 1/298/21, folder 1 of 3, Coll. Justice Department, National Archives of South Africa. These resolutions were the product of a conference held in October 1913.

⁶⁷² *Ibid.*

transformation, which began ever since the enactment of the Cape's Immorality Act of 1902. Despite initial apprehension, social purity activists within the WCTU eventually agreed that the brothel suppression legislation generally proved a positive development in Cape Town.⁶⁷³ Whereas the male-dominated Social Reform Union actively assisted authorities in enforcing the legislation, the CPWCTU's approach was to remind officials as to how the Immorality Act of 1902 proved a contradiction, rendering government regulation pointless.⁶⁷⁴

The CPWCTU's insistence that authorities abide by the international white slave traffic accords, promoting state control, stemmed from a number of factors. First, since the Social Reform Union invited all of Cape Town's moral reform societies to a conference held in 1912, including the CPWCTU, the collaboration produced coalescing platforms and viewpoints. Furthermore, Julia Solly, a vocal critic of government abuses and a defender of women's rights, was not a listed officer in the petition sent to the prime minister. A new generation of activists were leading the CPWCTU, replacing the old guard. Lastly, fears over the sexual traffic of innocent white girls resulted in a greater reliance on the state to produce solutions. Calls by moral reformers for greater government surveillance and punitive public morality laws contributed to a growing bureaucratic apparatus.⁶⁷⁵

Pressure to participate in white slavery accords also came from the International Woman Suffrage Alliance (hereinafter IWSA). The IWSA petitioned Prime Minister Botha to collaborate with other nations in an "international enquiry into the extent and causes of commercialized

⁶⁷³ Letter, Julia Solly to Miss Forsaith, 5 January 1903, box 122, folder 1 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁶⁷⁴ Ibid.

⁶⁷⁵ Cooperation, such as in the creation of branch of the International Federation (for the Abolition of State Regulation of Vice), was critical in moral reform activism that led to greater surveillance.

vice.”⁶⁷⁶ Furthermore, the IWSA requested that the government address causes of prostitution within South Africa, but that “several women” must be included in any probe.⁶⁷⁷ Although global sex trafficking was not specifically mentioned, the international aspects of prostitution were indeed referenced. An affiliation of the IWSA, the Women’s Enfranchisement Association of the Union of South Africa (hereinafter WEAU), repeated the same pressure months later:

We desire to lay before the Prime Minister an urgent request that he will appoint a Commission of Inquiry into the extent and causes of Commercialized Vice in the Union of South Africa.

Of the existence of this evil, and its baneful effects upon society, there can unhappily be no question; both are daily becoming more apparent in this as in other countries. It is therefore urgently necessary to that an attempt should be made to diagnose its nature and source, in order that effective means may be taken for its prevention.

In common with other rulers of the civilized world, General Botha has been requested by the International Woman Suffrage Alliance to assist in an international inquiry of the same nature. We now, in the name of women in South Africa, earnestly request him to institute the same in the Union of South Africa.⁶⁷⁸

The WEL proposed the same IWSA request to not only participate alongside other nations in investigating commercial sexual vice but to also ensure the appointment of women to the inquiry. “We would further remind the Prime Minister,” the letter closed, “of the extreme importance of having both sexes represented on such a commission...”⁶⁷⁹ Although government

⁶⁷⁶ Letter, IWSA letter to Botha, 17 Nov 1913, JUS 576, reference 1/298/21, folder 1 of 3, Coll. Justice Department, National Archives of South Africa.

⁶⁷⁷ Ibid.

⁶⁷⁸ Letter, Women’s Enfranchisement Association to Botha, March 1914, JUS 576, reference 1/298/21, folder 1 of 3, Coll. Justice Department, National Archives of South Africa. WEL headquarters was in Port Elizabeth.

⁶⁷⁹ Ibid.

officials appointed women to a health commission on venereal maladies in 1918, the global consensus to curtail sexual traffic focused squarely on raising the age of consent.

The Age of Consent and Activism during the War Years

The unified health bill long anticipated by social purity activists was expected in 1915; however, World War I hostilities held up the legislation. Upon South Africa's declaration of war in September 1914, the nation was in a state of turmoil.⁶⁸⁰ Not only did the prime minister devote attention to the 11-month long military invasion and subsequent occupation of German South West Africa, but also, South Africa's mobilization on behalf of the British Empire resulted in a Boer rebellion.⁶⁸¹ From the perspective of social purity activists, the war also produced a "moral *upset*" alongside the "political and social" upheaval."⁶⁸² According to the commanding general, the Cape "presented quite a phenomenal amount of temptation."⁶⁸³ Solly retorted "that the government patronage of vice" was mainly to blame.⁶⁸⁴

Female-led societies in Cape Town such as the WCTU and the League of Honor worked diligently to distract soldiers from the local vice trade by providing *wholesome* entertainment.⁶⁸⁵ It is estimated that 40,000 visiting troops were provided with refreshments and 'respectable' entertainment in 1916.⁶⁸⁶ Despite local attempts to steer servicemen toward 'clean' diversions,

⁶⁸⁰ Saunders, 301.

⁶⁸¹ *Ibid.*, 301-302.

⁶⁸² Letter, Solly to Helen Mary Wilson, 11 Nov 1915, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁶⁸³ *Ibid.*

⁶⁸⁴ *Ibid.*

⁶⁸⁵ *Ibid.*

⁶⁸⁶ Sarah-Jane Walton, 'Cape Town at War: The City, lived Experiences and Loyalties, 1914-1919,' (Unpublished doctoral thesis, University of Cape Town, 2020), 48.
https://open.uct.ac.za/bitstream/handle/11427/32364/thesis_hum_2020_walton%20sarah%20jane.pdf?sequence=1. Accessed March 1, 2022.

many of the visiting men preferred to carouse the streets.⁶⁸⁷ A city magistrate assisted with the moral vigilance efforts by ordering that bars close down while troopships remained docked. However, servicemen found their way to the bars and pubs in District Six that operated illegally.⁶⁸⁸

Moral vigilance also came in the form of volunteer women patrols who were responding to a supposed outbreak of Khaki Fever in Cape Town.⁶⁸⁹ First described in Great Britain, the fever apparently affected young women near soldiers. Contemporary sources claimed that the sight of men in uniform caused women and girls to act indecorously around them.⁶⁹⁰ The Cape Town branch of the National Council of Women formed (for the most part) the volunteer patrols to police morality during wartime.⁶⁹¹ The women volunteers patrolled the streets of Cape Town in pairs. Although they wore semi-official arm badges, they lacked the power to arrest. Their task was to rescue “foolish women and silly girls from moral danger, to lessen the social evils of [the] streets and other public places and to raise the moral tone of the community, particularly the female portion of it...”⁶⁹² Incidentally, such functions often resulted in volunteers assisting girls they encountered.⁶⁹³

Women police also operated in Cape Town during the war years, albeit for a short period. The WCTU convinced the deputy commissioner in Cape Town to allow women into the police

⁶⁸⁷ Ibid., 49-50.

⁶⁸⁸ Ibid., 50.

⁶⁸⁹ Ibid.

⁶⁹⁰ Courtney Shah, “‘Against Their Own Weakness’: Policing Sexuality and Women in San Antonio, Texas, during World War I,” *Journal of the History of Sexuality*, 19, no. 3 (September 2010): 459.

⁶⁹¹ Letter, Solly to Helen Mary Wilson, 11 Nov 1915, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; Keith Shear, “Not Welfare or Uplift Work: White Women, Masculinity and Policing in South Africa,” in *Gendered Colonialisms in African History*, eds. Nancy Rose Hunt, Tessie P. Liu and Jean Quataert (Oxford, UK: Blackwell Publishers Ltd, 1997) 75; Angela Woollacott, “‘Khaki Fever’ and Its Control: Gender, Class, Age and Sexual Morality on the British Homefront in the First World War,” *Journal of Contemporary History*, 29, no. 2 (April 1994): 335.

⁶⁹² Shear, 76.

⁶⁹³ Shear, 75-76; The first female police in Cape Town were formed to provide this sort of uplift during WWI.

force. Whereas the patrols were volunteers, women police sought paid career opportunities in law enforcement. As historian Keith Shear described, their work, however, was limited to “supervising street children thought susceptible to delinquency, keeping tab on prostitutes, and other activities designed to inculcate (white middle class) mores.”⁶⁹⁴ Social purity activists perpetuated traditional gender norms, which deemed women uniquely suited to handle domestic-related matters.⁶⁹⁵ On one hand, the appearance of female officers may seem like progress toward gender equality, yet, their male counterparts on the force associated their work with weakness. They claimed that the women police required male protection.⁶⁹⁶ Moreover, the arguments supporting the recruitment of women police demonstrate a reliance on government authority to impose white middle class values on marginalized people.

Social purity activists from the Cape not only policed morality on the homefront but also attempted to promote their values abroad. For instance, the South African WCTU exalted the British parliament’s decision that placed “the *Maisons Tolérées* (licensed brothels) in France... out of bounds” for soldiers.⁶⁹⁷ Mary Brown, who served in the South African WCTU’s social purity department, encouraged her counterpart in England to maintain the “strictest vigilance” to ensure the legislation be carried out.⁶⁹⁸ Invoking the “sacred bonds of... common womanhood,” Brown also asked for help in policing the morality of South African servicemen sent to Europe. “So many of our boys have gone across the water from pure and ample homes, and we beg the

⁶⁹⁴ Shear, 76.

⁶⁹⁵ *Ibid.*, 76.

⁶⁹⁶ *Ibid.*, 83, 85.

⁶⁹⁷ Letter, Mary Brown to Miss Mason, “WCTU of CT social purity dept correspondence,” 13 August 1918, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; Harrison, M., “The British Army and the Problem of Venereal Disease in France and Egypt during the First World War,” *Medical History* 39 (1995): 146, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1036972/> (accessed 17 September 2019).

⁶⁹⁸ Letter, Mary Brown to Miss Mason, “WCTU of CT social purity dept correspondence,” 13 August 1918, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

women on the other side to guard them well.”⁶⁹⁹ Mary Brown’s request for assistance in controlling carnal behaviors of young men demonstrate a universality in the domestic sphere ideology of Protestant middle class white women, which viewed females to be the natural protectors of the home and moral values.

As activist women exerted political and social power by touting moral policing, they continued to focus on legislation designed to protect women and girls. Whereas some moral reformers advocated for tighter immigration controls to staunch the threat of international sexual trafficking, others demanded legislation to raise the age of consent. During the war years, social purity activists continued to circulate Maurice Gregory’s report, which included his recommendation to protect females and other vulnerable persons.⁷⁰⁰ The Cape Town Council of Women even advocated for raising the age of consent and to abolish the Cape’s CDP Act at city hall.⁷⁰¹ Furthermore, a growing number of male medical doctors at the Cape agreed with the medical precepts of the Brussels’ Conference and Gregory’s report. When progressive doctors called for raising the age of consent, the South African “Medical Record” denounced their “sentimentality.”⁷⁰² In other words, proponents for raising the age of consent were deemed overly emotion.

The pro-regulation chief medical officer, Dr. Mitchell, was tasked with drafting a unified health bill. However, social purity activists felt increasingly confident that any new health act might exclude government-controlled prostitution. “It would be difficult to go back on the decision

⁶⁹⁹ Ibid.

⁷⁰⁰ Letter, Solly to Helen Mary Wilson, 11 Nov 1915, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁷⁰¹ Ibid.

⁷⁰² Report, Julia Solly to the British Committee, (month not specified) 1914, box 122, folder 1 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE, 6.

of the Medical Congress at Kimberley, backed up by the organized women of the country where the Dutch women are just as strong as the English women,” Julia Solly explained.⁷⁰³ “We are not likely to quarrel over the matter.”⁷⁰⁴ Social purity activists remained united in their distrust of the chief medical officer described as an “enthusiast for regulation,” as well as Dr. Thornton, the medical advisor for the Cape Province.⁷⁰⁵

World War I ushered also in a new wave of fear over the spread of syphilis. With the full support of the British Secretary of State for War, Herbert Kitchener, a group of male English eugenicists and physicians organized an inaugural meeting for the National Council for Combatting Venereal Diseases (hereinafter NCCVD) at the House for the Royal Society for Medicine in London in November 1914.⁷⁰⁶ Although many members of the NCCVD served in the 1913 appointment of the Royal Commission on Venereal Diseases, the council believed that wartime required specific action since syphilis and gonorrhea often tended to crop up “in the wake of a great war.”⁷⁰⁷ Thus, the war created an urgency to dispense “sound knowledge” on disease prevention to “men collected together in large camps.”⁷⁰⁸ The NCCVD were also prepared “to aid

⁷⁰³ Letter, Solly to Helen Mary Wilson, 11 Nov 1915, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁷⁰⁴ Ibid.

⁷⁰⁵ Report, Julia Solly to the British Committee, (month not specified) 1914, box 122, folder 1 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE, 6.

⁷⁰⁶ Letter, “The Inaugural Meeting of the National Council to Combat Venereal Diseases,” 21 October 1914, box 052, folder 1 of 2, Coll. 3AMS/B/05/01, Records of the Association for Moral & Social Hygiene, TWL-LSE; “The National Council for Combatting Venereal Diseases,” *The Lancet*, Volume 184, Issue 4759, 14 November 1914: 1170, <https://www.sciencedirect.com/science/article/pii/S0140673600928290> (accessed date 19 September 2019).

⁷⁰⁷ Ibid.; for information on the connection between the NCCVD and Royal Commission, see “British Social Hygiene Council,” archives.wellcomelibrary.org/Dserve/dserve.exe?dsqIni=Dserve.ini&dsqApp=Archive&dsqCmd=Show.tcl&dsqDb=Catalog&dsqPos=39&dsqSearch=%28Sources_guides_used%3D%27Sex%27%29 (accessed 28 September 2019).

⁷⁰⁸ Letter, “The Inaugural Meeting of the National Council to Combat Venereal Diseases,” 21 October 1914, box 052, folder 1 of 2, Coll. 3AMS/B/05/01, Records of the Association for Moral & Social Hygiene, TWL-LSE.

or supplement the efforts of those in authority,” which demonstrates the organization’s desire to collaborate with government to curb the spread of venereal diseases.⁷⁰⁹

A South African branch of the NCCVD (hereinafter SANCCVD) was established in 1917. Comprised of mostly men, a few notable female activists (such as Julia Solly and Mary Brown) also joined the executive committee.⁷¹⁰ Initially, the Association for Moral and Social Hygiene (an amalgamation of the British Committee and the LNA) requested that the new South African Branch align with the long-established global moral reform association due to similarly shared goals.⁷¹¹ The SANCCVD, however, refused to join the Association for Moral and Social Hygiene (hereinafter AMSH). Instead, they preferred to “affiliate to the ‘National Council for Combatting Venereal Diseases’.”⁷¹² Like the AMSH, the South African Council backed the morality laws of South Africa.⁷¹³ Their role was to support the government’s efforts in curbing the spread of venereal diseases by applying the latest medical knowledge. In fact, the South African government would eventually subsidize the SANCCVD for their auxiliary role in curbing sexually transmitted

⁷⁰⁹ Ibid.

⁷¹⁰ Letter, SANCCVD (A.J.S. Lewis) to Alison Neilans, 5 July 1917, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE. The SANCCVD letterhead lists all executive committee members. Letter, Julia Solly to Alison Neilans, 10 March 1920, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁷¹¹ Letter, Julia Solly to Newcomb, 4 July 1917, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; Letter, SANCCVD (A.J.S. Lewis) to Alison Neilans, 5 July 1917, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE. The British Committee was the British chapter of the International Abolitionist Federation. The Ladies National Association for the Abolition of the State Regulation of Vice & for the Promotion of Social Purity (formerly called the Ladies National Association for the Repeal of the Contagious Diseases Acts). The joining of the British Committee and the LNA represent two related organizations established by Josephine Butler. The AMSH would later be called the Josephine Butler Society.

⁷¹² Letter, SANCCVD (A.J.S. Lewis) to Alison Neilans, 5 July 1917, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; Letter, Julia Solly to Helen Mary Wilson, 10 March 1916. Solly accepted role of VP in the AMSH while also serving in SANCCVD.

⁷¹³ Report, National Council (South Africa) for Combatting Venereal Diseases Report of the Fifth Meeting (Transvaal Branch), 4 April 1922, box 122, folder 3 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

infections.⁷¹⁴ The council saw their approach as rational, science-driven and modern. Whereas the vanguard female moral reformers often viewed societal sexual double-standard and patriarchal government authority as threats to the liberties of women and girls, SANCCVD viewed traditions espoused by religious figures and schoolteachers as the real obstacles to promoting social hygiene and sex education.⁷¹⁵

The tasks of the SANCCVD aligned with the recommendations by the Report of the Royal Commission on Venereal Diseases first published in 1916. Thus, the South African Council organized public lectures and films on social hygiene.⁷¹⁶ Female abolitionists of the IAFSA also touted the expert knowledge conveyed by the Royal Commission, much like the recommendations from the Brussels Conferences two decades ago.⁷¹⁷ For instance, Julia Solly not only praised the *Cape Times* for printing the report but also disseminated one thousand copies on behalf of the AMSH as the newly selected vice president.⁷¹⁸ Despite no official coalition, the SANCCVD nevertheless kept the AMSH apprised of council activities.⁷¹⁹ The SANCCVD supported many

⁷¹⁴ Letter, Julia Solly to Alison Neilans, 3 May 1922, box 122, folder 3 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE. Letter indicates that SANCCVD was subsidized through the Health Act of 1918.

⁷¹⁵ Letter, H.E. King of the SANCCVD (Transvaal Branch) to Alison Neilans, 29 October 1921, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁷¹⁶ Report, National Council (South Africa) for Combatting Venereal Diseases Report of the Fifth Meeting (Transvaal Branch), 4 April 1922, box 122, folder 3 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; Report, National Council (South Africa) for Combatting Venereal Diseases Report of the Sixth Meeting (Transvaal Branch), 27 February 1923, box 122, folder 3 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; Letter, SANCCVD (Transvaal Branch) to Alison Neilans, 29 October 1921, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁷¹⁷ Brussels Conferences were held in 1899 and 1902. Voluntary treatment was touted as preferred method of control.

⁷¹⁸ Letter, Julia Solly to Mackenzie, 14 April 1916, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE. The IAFSA title was no longer used after AMSH merger. Solly became the VP of AMSH.

⁷¹⁹ Letter, H.E. King of the SANCCVD (Transvaal Branch) to Alison Neilans, 29 October 1921, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; Report, National Council (South Africa) for Combatting Venereal Diseases Report of the Fifth Meeting (Transvaal Branch), 4 April 1922, box 122, folder 3 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; Report, National Council (South Africa) for Combatting Venereal Diseases Report of the Sixth Meeting

positions held by abolitionists, such as raising the age of consent and free voluntary treatment centers for blacks. In fact, the SANCCVD views on ‘native treatment’ echoed much of the same convictions expressed by the IAF’s Maurice Gregory while touring South Africa in 1913.⁷²⁰

Anxiety over the spread of syphilis during the war years provoked a desire to surveil nursemaids and servants among Cape government health officials. Abolitionists sprang into action because they regarded such measures as a means for the state to target marginalized people. When the medical advisor for the Cape province proposed that all servants and nursemaids undergo registration and examination in 1914, Julia Solly worried that another round of intrusive government control would emerge “under pretext of saving children” from disease.⁷²¹ Solly immediately wrote to all Cape Town newspapers about the issue and alerted other moral reformers through mass distribution of information.⁷²² The potential nursemaid and servant policy resulted in a “public indignation meeting.”⁷²³ The focus on establishing control measures directed at a particular class was a way to target people racially. Activists also opposed the medical advisor’s plan for its attempt “to protect the better class children (yet) do nothing whatever for the poorer

(Transvaal Branch), 27 February 1923, box 122, folder 3 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁷²⁰ Report booklet, Julia Solly, International Federation Abolition State Regulation of Vice South African Branch Report, October 1913, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; Letter, H.E. King of the SANCCVD (Transvaal Branch) to Alison Neilans, 29 October 1921, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; Report, National Council (South Africa) for Combatting Venereal Diseases Report of the Fifth Meeting (Transvaal Branch), 4 April 1922, box 122, folder 3 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; Report, National Council (South Africa) for Combatting Venereal Diseases Report of the Sixth Meeting (Transvaal Branch), 27 February 1923, box 122, folder 3 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; Letter, National Council for Combating Venereal Diseases to Alison Neilans, 9 June 1922, box 122, folder 3 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; Letter, AMSH to Neville Rolfe, 13 June 1922, box 122, folder 3 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁷²¹ Report, Julia Solly, “Report from South Africa,” (month unknown) 1914, box 122, folder 1 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; see page 7.

⁷²² *Ibid.*

⁷²³ *Ibid.*, 7.

ones.”⁷²⁴ Although the administrator of the Cape Province (Sir Nicolaas Frederic de Waal) met the moral reform delegation that was formed to discuss the matter with “jibes, flouts and sneers,” he nevertheless agreed to drop the proposed regulation directed at nursemaids and servants.⁷²⁵

The issue over the age of consent, as previously noted, proved another forum in which social purity activists fought the Cape’s CDP legislation. Calls for raising the age of consent had amassed among a broad spectrum of moral reform groups throughout South Africa concerned with the sexual traffic of women and girls. After several years of pressure, parliament finally passed the Girls' and Mentally Defective Women's Protection Act No. 3 of 1916, which effectively raised the age of consent to 16 throughout the union.⁷²⁶ The enactment of this legislation was aided by officials who sought legitimacy for the new national government by participating in international accords on white slavery that identified, albeit inadvertently, the age of consent to be at 20.⁷²⁷

Social purity activists attended the debates over the age of consent bill in the house assembly; however, the committee chairman and speaker eventually began to exclude women from entering the chambers altogether.⁷²⁸ Although Solly viewed the bill’s passing as “a small victory forward,” she also lamented how the “penalties were much whittled down” in the end.⁷²⁹ Activists felt blindsided by the inclusion of the clause that allowed males to suffer no penalties if they were able to provide “sufficient defence” that the underage girl with whom they had an *unlawful carnal*

⁷²⁴ Ibid., 8.

⁷²⁵ Ibid., 8.

⁷²⁶ Print of the Union of SA ACT Amend Criminal Act Protection of Girls 1916, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁷²⁷ Copy of the White Slave Traffic International Accords, volume 576, reference 1/298/21, folder 1 of 3, Coll. Justice Department, National Archives of South Africa; see page 2. Nations contracting into the International Convention for White Slave Traffic inadvertently established the age of consent at 20 for repatriation. Therefore, governments suspecting young foreign females suspected of falling prey to sexual trafficking were to be repatriated to their place of origin.

⁷²⁸ Letter, Julia Solly to Mackenzie, 14 April 1916, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁷²⁹ Ibid.

connection was a prostitute.⁷³⁰ Senator John Ware stated that “instead of it (South Africa’s age of consent law) being an act for the protection of girls, it is an act for the protection of young scamps and old scoundrels.”⁷³¹ For reformers who labored for decades to prohibit the government regulation of prostitution at the Cape, and viewed raising the age of consent integral in the fight to stem sex trafficking, the clause served as a reminder of the pervasive societal patriarchal privilege that existed, and which, the state often reinforced.

The national government sought legitimacy through the participation of international accords suppressing white slave traffic by also touting the various brothel suppression laws, or Morality Acts administered by the four provinces of the Union. Jan Smuts, serving as Minister of Interior in the Botha administration, provided a “declaration requiring a list of the relative laws enacted” for South Africa’s international recognition as a contracting nation.⁷³² Social purity activists at the Cape who started the century combatting government sanctioned prostitution saw merits with the brothel suppression laws. By 1916, reformers succeeded in raising the age of consent, witnessed extensions to morality acts, and staunchly opposed any expansion of the Cape’s contagious disease legislation. However, no enactment of the long-awaited public health act occurred during the war years as initially feared.⁷³³

For three days in September 1918, government officials and community leaders met for a health conference in Bloemfontein. The goal was “to discuss the lines on which legislation (for a

⁷³⁰ Ibid.; Print of the Union of SA ACT Amend Criminal Act Protection of Girls 1916, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁷³¹ Letter, Cape MP John Ware to Alison Neilans, 10 May 1917, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁷³² J.C. Smuts, Minute no. 1066, 30 December 1912, volume 576, reference 1/298/21, folder 1 of 3, Coll. Justice Department, National Archives of South Africa. Requests with lists of Immorality Acts throughout all provinces (Cape of Good Hope, Transvaal, Natal, and Orange Free State).

⁷³³ Louis Botha, Minute No. 1202, (month unspecified) 1916, volume URU 274, reference, 1202, Coll. Records of the Decision of the Executive Council. Government officials wanted to expand Cape’s Morality Act into the Transkeian Territories in 1916.

unified health bill) should take place,” since a “bill from last session was wrecked” due to debates over finance and authority.⁷³⁴ Sixty-seven men, including the minister of interior, five medical professionals, and three members from the National Council for Combatting Venereal Diseases were in attendance. Six women, such as Julia Solly representing the National Council of Women for the Cape, other Council of Women representatives from Natal, and the Transvaal, as well as Lady Steele from WEAU, also participated in the health conference. Whereas women were deterred from engaging in public discourses on commercial sex and venereal diseases at the turn of the century, by 1918, male political leaders sought female voices in the decision making process regarding these matters.⁷³⁵ Since the women present touted themselves as “guardians of the race,” they claimed that venereal diseases were of special interest to their gender due to the potential ramifications of the illness for families and to the nation.⁷³⁶ After a decade of angst over the outcome of a unified health bill, as well as leading a long hard fight against government regulation and compulsion, female activists helped formulate public health policy for the nation.

Conference attendees associated VD with racial degeneracy, deeming syphilis a social disease that “affected the race.”⁷³⁷ Therefore, the solution to protecting ‘whiteness’ was to combat the spread of VD. With the exception of a statement by Dr. Dower, the Undersecretary of Native Affairs, who emphasized how “natives had every reason to be dissatisfied” with the lack of health access, the health bill focused on protecting the health of whites, disregarding the black

⁷³⁴ Report, National Council of Women in Cape Town Report on the Bloemfontein Health Conference, (month unspecified) 1918, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁷³⁵ Ibid.

⁷³⁶ Ibid.

⁷³⁷ Ibid.

population.⁷³⁸ Although the new unified health bill enacted in 1919 reflected modern approaches, such as voluntary treatment, it ultimately was written by whites intended for the benefit of whites.

Act No. 36 of 1919, “to make provisions for public health,” contained five chapters.⁷³⁹ Chapter IV addressed venereal diseases specifically. In the years that followed, VD treatment centers certainly expanded throughout South Africa by way of large hospitals, subsidiaries of provincial hospitals, lazarettos (isolation hospital), and dispensaries.⁷⁴⁰ For instance, Cape Town arranged VD treatment at a police dispensary where men received consultations in the evenings, and women and children met with a female doctor two afternoons a week. Large hospitals in other locales in South Africa increased the amount of beds for VD patients.⁷⁴¹ A modern clinic in Johannesburg was established in 1920. This facility had a specialist and treated 4,000 patients a year. Furthermore, the health act also included financial reimbursements by the South African government of up to two-thirds the cost of treatment to any local health facility that applied for compensation.⁷⁴²

The female moral reformers applauded the act they had long fought for, all the while experiencing disillusionment and caution. Despite the bill’s merits in offering funding, local authorities failed to take advantage of the reimbursements the government offered to a large degree.⁷⁴³ Furthermore, social purity activists conditioned for hyper vigilance after decades of setbacks over whittled down legislation that infringed on the rights and safety of women and girls

⁷³⁸ Ibid.

⁷³⁹ Print copy of the Union of SA Public Health Act of 1919, box 122, folder 3 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; see page 2.

⁷⁴⁰ Ibid.; letter, Julia Solly to Alison Neilans, 3 May 1922, box 122, folder 3 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; Letter, Johannesburg Health Department to Alison Neilans, 20 March 1922, box 122, folder 3 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁷⁴¹ Ibid.

⁷⁴² Ibid.

⁷⁴³ Ibid., 2.

remained cautious over the workings of the new health bill. As soon as the public health act passed, the WEAU called on all female organizations to be vigilant over the government's management of Chapter 4.⁷⁴⁴ Under the new health act, any person afflicted with a sexually transmitted infection were obligated to seek treatment until cured.⁷⁴⁵ A particular clause allowed for magistrates to demand examinations and enforce treatment in cases when an individual suspected of having venereal diseases failed to seek medical care on their own volition.⁷⁴⁶ In other words, the act did not require compulsory examinations, but it did grant power to local health authorities to compel treatment.

Members of the National Council of Women of South Africa criticized that the “purely voluntary system” practiced at the clinic in Rietfontein (once showcased for Maurice Gregory during his visit to South Africa), which served the black population, was “superseded by an element of compulsion.”⁷⁴⁷ Julia Solly lamented that the new unified health legislation “made little difference” in the end due to continued problems.⁷⁴⁸ For examples, “periodic inspections (indeed)...ceased,” however, reformers still found themselves working to ensure “decent provisions for women and children” afflicted with syphilis and gonorrhea.⁷⁴⁹

The liberal-leaning activists from the Cape grew concerned that new health policies would exacerbate the racial oppression already experienced by the black population. A year after the

⁷⁴⁴ Print, *Women's Outlook*, December 1919, box 122, folder 3 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; see page 2.

⁷⁴⁵ Print copy of the Union of SA Public Health Act of 1919, box 122, folder 3 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; see page 56.

⁷⁴⁶ Print copy of the Union of SA Public Health Act of 1919, box 122, folder 3 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; see page 58-62.

⁷⁴⁷ Letter, National Council of Women of South Africa, 30 March 1922, Print copy of the Union of SA Public Health Act of 1919, box 122, folder 3 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁷⁴⁸ Letter, Julia Solly to Alison Neilans, 10 June 1920, Print copy of the Union of SA Public Health Act of 1919, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁷⁴⁹ *Ibid.*

passing of the health bill, the South African government enacted an additional statute, which laid the legislative groundwork that further institutionalized segregation.⁷⁵⁰ The Native Affairs Act of 1920 established tribally based district councils during a time in which South Africa was also experiencing worker strikes and protests over pass laws.⁷⁵¹ Under this climate of racial and political upheaval, Solly believed that a scheme was underway “to harry the natives perhaps the Coloured people to leave the white population their present liberty of disseminating disease,” especially after the state’s recent passing of “a good deal of drastic anti-native legislation.”⁷⁵²

Despite unified opposition to regulated prostitution, compulsory treatment, as well as calls to raise the age of consent, white female moral reformers were divided over the ‘native question’. When Solly’s letter of concern over these “drastic measures” was read at the South African WCTU convention in Johannesburg, the local women dismissed Solly’s pleas and instead supported the government’s Native Affairs Act.⁷⁵³ From the perspective of British moral reformers of the AMSH fixated with equal protection under the law regardless of sex, the mistreatment of the native population was akin to the plight of prostitutes in Britain since both governments aimed to control their marginalized populations.⁷⁵⁴

The schism over race among female moral reformers mirrored the contrasting opinions on the ‘native question’ gripping South Africa at the start of the new decade. Adherents to the Cape

⁷⁵⁰ Early twentieth century legislation that set the groundwork for segregation was intended to ensure that black labor remain cheap and accessible to whites. The statues included the Mines and Works Act of 1911, which prohibited blacks from acquiring skilled occupations in the mining industry, and the Natives’ Land Act of 1913, which curtailed African ownership of land as well as set the basis for territorial racial separation.

⁷⁵¹ The anti-pass campaign emerged in 1919 through the legislative workings of the South African Native National Congress. The Industrial and Commercial Workers’ Union formed in 1920 and an African miners’ strike occurred in 1920; Saunders, 310-311.

⁷⁵² Letter, Julia Solly to Alison Neilans, 3 March 1920, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁷⁵³ Ibid.

⁷⁵⁴ Letter, Alison Neilans to Julia Solly, 14 April 1920, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

liberal tradition favored equal rights by way of adoption of European values. Cape liberals reinforced the spread of white culture and political institutions through social and educational uplift of the black population. The social purity activists from the Cape, like Solly, adhered to liberal principles while engaging in moral reform. In contrast, the Afrikaner nationalists who birthed apartheid believed that societal comingling jeopardized the white race, which they deemed superior. Thus, the WCTU members supporting anti-native legislation at the conference reflected these nationalists' sensitivities.

Blacks continued to experience obstacles when seeking VD treatment despite the establishment of new centers in the end. Reformers still touted the Rietfontein Lazaretto for the "free and noncoercive treatment of whites, Euraficans, and natives" it offered.⁷⁵⁵ Although much emphasis was directed at the excellent treatment and "personal element" that a certain Dr. Mehliiss provided through his linguistic ability, Africans sometimes walked "hundreds of miles for treatment."⁷⁵⁶ Female moral reformers remained vigilant as well as divided. When a resolution was passed "to introduce legislation with reference to venereal diseases, making it compulsory for all coloured servants to be medically examined from time to time," at a Child Welfare conference in October of 1922, social purity activists from Cape Town led an impassioned protest.⁷⁵⁷ The Cape Town branch of the Child Welfare Society even repudiated the resolution swiftly.⁷⁵⁸ A meeting of female leaders involved in women's work ensued. Solly (President National Council of Women, Cape Town branch), Emilie Solomon (President of the WCTU of

⁷⁵⁵ Letter, Johannesburg Health Department to Alison Neilans, 20 March 1922, box 122, folder 3 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁷⁵⁶ Ibid.

⁷⁵⁷ Article, Reprint from the *White Ribbon*, "The Social Reform Movement," December 1912, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁷⁵⁸ Ibid.

South Africa), and Adelheid de Villiers (President of the WEL of the Cape Province) met to draft a letter that was sent to important officials and newspapers:

Dear Madam

It is with deep concern and surprise that we have read the resolution of the child Welfare Conference recommending the compulsory inspection for venereal disease of coloured (and presumably native) servants from time to time, as representing many women's organizations, we earnestly protest against such recommendation.

The essence of regulation is the periodic inspection of a special class. This was abandoned in this country when the Cape C.D. Act of 1885 was repealed, and the Health Act of 1919 passed.

We therefore deplore any such retrograde step as a return to conditions that existed before 1919 would entail.

In condemning this recommendation we recognize that its aim was the protection of the family, but consider the method suggested to achieve that aim absolutely wrong.

We are,

Yours Truly....

Mary Brown (Mrs. John Brown)
Jessie Innes (Lady Innes)
Emilie Solomon (President of the Women's
Christian Temperance Union of
South Africa)
Julia F. Solly (President National Council of
Women, Cape Town Branch)
Hester Carter (President of Mother's Union
and for the Diocesan Preventative and
Rescue Work)
Kate H. R. Stuart (President Native and
Coloured W.C.T.U.)
Lily Smith (Lady Smith, National President
Y.W.C.A.)
Adelheid de Villiers (Lady de Villiers,
President Women's Enfranchisement
League, C.P.)
Miriam S. Walsh
Nellie Abdurahman (Mrs. Dr. Abdurahman)
Z. Gool (Mrs. Dr. Gool)⁷⁵⁹

⁷⁵⁹ Article, Reprint of the *The White Ribbon*, November 1922, Article, Reprint from the *White Ribbon*, "The Social Reform Movement," December 1912, box 122, folder 3 of 3, Coll. 3AMS/D/41, Records of the Association

Two activists signing the letter, Nellie Abdurahman and Zainunnisa Gool, represented the African Political Organization, a Coloured association dedicated to combatting racial oppression. Abdurahman and Gool were the wife and daughter of Abdullah Abdurahman, leader of the African Political Organization and the first Coloured city counselor of Cape Town. Their participation in opposing the surveillance of Coloured servants demonstrates the existence of a broad coalition of female activism, at least on matters affecting Coloured working women. In addition to emphasizing the creation of a “special class” through this proposed resolution, Solly also argued that the ability to mark Coloured servants as “safe” from venereal diseases would only serve to “invite every vicious man of every class and colour to prey on them.”⁷⁶⁰ Activists viewed the surveillance of black nurses as a covert way to reinitiate regulation. Despite accomplishing the creation of a new health bill that eliminated government-controlled prostitution, activist women remained vigilant to forms of government oppression toward women.

Conclusion

Gender attitudes evolved within the first two decades of the twentieth century. Specifically, female civic engagement over issues related to the carnal not only became more widely accepted but also encouraged. Predominantly female moral reformers took on social causes locally and

for Moral & Social Hygiene, TWL-LSE; see page 10. The last two names listed (Nellie Abdurahman and Zainunnisa Gool) were the wife and daughter of Abdullah Abdurahman, first Coloured city counselor of Cape Town and leader of the African Political Organization, a Coloured, anti-segregationist movement to combat racial oppression. Z. Gool became an important anti-apartheid leader.

⁷⁶⁰ Ibid., 11. Solly’s comments indicate an acknowledgement that African and coloured women risked greater vulnerability from predatory men due to racial inequality, yet moral reform advocacy remained focused on preventing regulation, not combat racial oppression.

nationally. Boosted by traditional views that made white females the moral superior to men, their social purity agenda allowed disenfranchised women to carve out space within the patriarchal political landscape. Although white women throughout South Africa participated in moral reform activism, the female activists from the Cape led the charge by gathering cues from their counterparts in Europe and launching a successful outreach campaign that attracted other female associations throughout the Union.

Despite lacking voting rights, these white female moral reformers navigated political space around gender-constructed concepts of health, women, and families. Stung by their inability at the turn of the century to abolish government-regulated prostitution in the Cape, female moral reformers continued to combat government-controlled sexual vice inadvertently through syphilis prevention measures, raising the age of consent, and thwarting the spread of the Cape's Contagious Diseases Act to other parts of southern Africa, all the while establishing a wide network of female clubs and organizations. Although social purity activists utilized traditional views on morality and women to gain political influence, male national leaders utilized these female reformers to reinforce state control and legitimacy. In other words, activist women may have succeeded in exerting political clout through their pursuit of moralistic causes, such as in the forging of health policies; however, they ultimately facilitated bureaucratic power over marginalized people in the process. This state control not only manifested through greater scrutiny over the black population and immigration but also through the persistent racial inequalities that moral reformers often neglected. As initiators to much of the moral vigilance, the liberal leaning Cape feminists inadvertently reinforced a vision of morality palatable to nationalists.

Chapter 5- Carnal Dangers: Sin, Sex and Crime in Cape Town, 1902-1914

The “public and flagrant evils” occurring near Holy Trinity Church and its school grounds outraged the rector and church wardens.⁷⁶¹ The prostitutes began soliciting young men “at the very school doors.”⁷⁶² Four years prior, parliament enacted legislation suppressing brothels and immorality, however police and municipal authorities had yet to successfully purge brothels from the vicinity.⁷⁶³ As church leaders explained to the secretary of the law department, despite “several convictions... the resultant relief from these nuisances has hitherto been of only a very transient nature.”⁷⁶⁴ Cape Town’s sexual vice trade, driven for centuries by patriarchy, geography, colonization, war and industrialization, proved a tenacious commercial enterprise.⁷⁶⁵

The church leaders’ complaints reveal much more about the mother city than a difficult to dislodge sex industry. It also demonstrates the communal practice of moral vigilance, the state’s control over marginalized people, defiance from sex workers as well as that of their clients. This chapter is about sex, and the state’s ‘moral’ aspirations to control it through racial, gender and class parameters. “As soon as there is a power relation,” stated Michel Foucault, “there is the

⁷⁶¹ Letter, J.E. Beverley, C.F. Cleghorn and J. Herbert to the Secretary of the Law Department, 5 April 1906, AG 1684, folio 2492, Attorney General Records, Western Cape Archives and Records Service.

⁷⁶² *Ibid.*

⁷⁶³ Cape of Good Hope, 10th Parliament, Act. No. 36 of 1902 for the Suppression of Gaming Houses, Betting Houses, Brothels and Immorality, box 3, folder 1 of 3, Coll. 3/AMS/D/41, Records of the Association for Moral & Social Hygiene, The Women’s Library, London School of Economics.

⁷⁶⁴ Letter, J.E. Beverley, C.F. Cleghorn and J. Herbert to the Secretary of the Law Department, 5 April 1906, AG 1684, folio 2492, Attorney General Records, Western Cape Archives and Records Service.

⁷⁶⁵ See Chapters 1 and 2.

possibility of resistance.”⁷⁶⁶ Therefore, this examination into the carnal dangers perceived by the government and the white middle class is also about resistance.

The first decade of the twentieth century offers a unique examination into Cape Town’s carnal dangers. Citizens, police, and government officials focused attention on the ‘deviant’ workers and victims of the sex trade. The former required punitive action, whereas the latter, protection. Prostitution, venereal diseases, and sexual ‘slavery’ evoked danger, yet paramount among these societal menaces were carnal transgressions to the racial order. Thus, the Cape Colony’s Act 36 of 1902 (the racially coded legislation suppressing brothels and immorality) was enforced along with stricter immigration surveillance to thwart so-called sexual abductions.⁷⁶⁷ However, sex workers were not passive in the face of government power and control. They exhibited agency, shaped the industry, contributed to the local economy, and resisted government intrusions into their lives and bodies.

Most of the source material for this chapter involves court records of people throughout the Western Cape who contravened the brothel suppression act. However, the marginalized men and women, most of whom worked in the sex industry, did not author these documents (after all, sexual behavior and illegality have historically been secret activities) rather, they were the subject matter of legal authors. Although these sources reflect the perspectives of law enforcement, the process of understanding the motivations of sex workers requires a deeper extrapolation of these legislations and court rulings. Other primary source material reflects the fears of white middle

⁷⁶⁶ Michel Foucault, “The End of the Monarchy of Sex,” *Foucault Live* (New York: Semiotext(e), 1989):153, cited in Kevin Jon Heller, “Power, Subjectification and Resistance in Foucault,” *Substance*, 25, no. 1, issue 79 (1996): 1. Published by: The Johns Hopkins University Press <https://www.jstor.org/stable/3685230>

⁷⁶⁷ The Cape Colony’s Act 36 of 1902 was contemporaneously referred to as the immorality bill.

class citizens throughout the South Africa, as well as how the South African government responded to the collective anxiety on a national level.

Danger from the Start

In 1902, the Cape of Good Hope enacted a law suppressing immorality after three centuries of commercialized sex toleration. Designed as a crackdown on gambling, brothels, and pimping, the legislation also targeted carnal transactions between blacks and whites occurring in Cape Town.⁷⁶⁸ Since the settlement's inception in 1652 as a resupply station for the Dutch East India Company, authorities tolerated prostitution.⁷⁶⁹ Just as carnal dangers drove officials to enact the brothel suppression legislation, the threat of danger had also permitted unrestricted sexual commerce centuries prior. The lax legal position on sex work had aligned with a deeply ingrained social structure originating in premodern Europe. Prostitution was deemed a necessary evil, required for the prevention of greater forms of sin, such as masturbation, homosexuality, rape, and the seduction of honorable females.⁷⁷⁰ Turning a blind eye to the sex trade morphed into a full-fledged endorsement through government regulation by the mid-1800s to protect the empire from the dangerous scourges of syphilis and gonorrhea.⁷⁷¹

Danger also lurked through fears that black men were eager to defile white female bodies. Black rape scares, known as the *black peril* panic, gripped southern Africa in the nineteenth and early twentieth centuries. Far from being a reaction to actual increases in sexual assaults, the *black*

⁷⁶⁸ See Chapter 2.

⁷⁶⁹ Positioned along a lucrative trade route, Cape Town (as a seaport town) connected Europe, Africa, India and East and Southeast Asia. After the British Empire acquired the region in 1806, Cape Town emerged as a cultivating space for commerce, exchange, migration, and colonial power. Thus, this climate of global interactions drew sailors, soldiers, travelers, and laborers desiring sexual services and other forms of entertainment; see Chapter 1.

⁷⁷⁰ See Chapter 1.

⁷⁷¹ *Ibid.*

peril tended to afflict colonizer communities.⁷⁷² Historical studies demonstrate that the heightened threat of black rape was a metaphor for white anxieties over the erosion of racial power.⁷⁷³ In fact, the *black peril* was on the minds of Cape legislators when they enacted the brothel suppression legislation of 1902.⁷⁷⁴ The House Assembly heard warnings on how the sexual availability of white women for African men was a gateway to more “terrible dangers” for women.⁷⁷⁵ Thus, after centuries of vice toleration, lawmakers were suddenly eager to stamp out the pleasure houses mostly operated by European émigrés.⁷⁷⁶

The Cape Urban Police actively enforced the Immorality Act of 1902. Contemporary reports indicate that the justice system convicted fifteen pimps and prostitutes within a year.⁷⁷⁷ According to the acting police commissioner, the “operations in Cape Town and suburbs” in place to stamp out brothels remained unsatisfactory.⁷⁷⁸ Changes for more effective enforcement occurred in 1904 when the responsibility to carry out the act was removed from the plain-clothes

⁷⁷² Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule*, (Berkeley, CA: University of California Press, 2010), 58-59; Gareth Cornwell, “George Webb Hardy's The Black Peril and the Social Meaning of 'Black Peril' in Early Twentieth-Century South Africa,” *Journal of Southern African Studies* 22, No. 3 (September 1996): 441. <http://www.jstor.org/stable/2637313> (accessed 19 July 2018); Pamela Scully, “Rape, Race, and Colonial Culture: The Sexual Politics of Identity in the Nineteenth-Century Cape Colony, South Africa,” *The American Historical Review* 100: 2 (April 1995): 338. <http://www.jstor.org/stable/2169002> (accessed 15 August 2018).

⁷⁷³ Stoler, 58; Cornwell, 443.

⁷⁷⁴ See Chapter 2.

⁷⁷⁵ Elizabeth van Heyningen, “The Social Evil in the Cape Colony 1868–1902: Prostitution and the Contagious Diseases Act,” *Journal of Southern African Studies* 10, no. 2 (April 1984): 192. From House of Assembly Debates in 1902, via Van Heyningen.

⁷⁷⁶ See Chapter 2; Donna Guy, “Argentina: Jewish White Slavery,” Jewish Women’s Archive, <https://jwa.org/encyclopedia/article/argentina-jewish-white-slavery> (accessed 19 July 2018); Van Onselen, 147; Vivian Bickford-Smith et al., *Cape Town in the Twentieth Century: An Illustrated Social History*, 40; substantial evidence on the existence of foreign pimps and prostitutes can be found in Attorney General documents at the Western Cape Archives and Record Service. Among Russian and Polish Jews, documents reveal prostitutes working brothels were French and Belgian as well; A Global initiative among nations to suppress sex trafficking ensued in the early twentieth century, including legislation, such as the Mann Act of 1910 in US; Possessing organizational ability, they formed the ‘American Club’, but were later dubbed more germanely the *Pimps Club*. For more on the Pimps Club see Saunders, *Illustrated History of South Africa*, 214.

⁷⁷⁷ Letter, Julia Solly to Miss Forsaith, 5 January 1903, Records of the Association for Moral & Social Hygiene, TWL-LSE.

⁷⁷⁸ Letter, Crawford to Secretary to Law Department, 19 April 1904, AG 1462 part 1, folio 6363, Attorney General Records, Western Cape Archives and Records Service.

division and given instead to the Criminal Investigation Department.⁷⁷⁹ Moreover, new orders stipulated that no police officer “shall be engaged in this work who has not been in the force a considerable time and who does not possess a thoroughly good character.”⁷⁸⁰ The Law Department’s emphasis on moral integrity correlated with syphilis outbreaks occurring among the Cape police in recent years.⁷⁸¹

As previously mentioned in chapter two, police officials soon formed a special unit of “moral men” to stake out suspected brothels.⁷⁸² The city center was a hotspot for commercial sexual activity. Despite the brothel suppression act, sex workers plied their trade in houses along the busy downtown streets.⁷⁸³ Cape police often experienced a difficult time obtaining warrants for violators of the act despite offering affidavits of their observations. For example, when four detectives and constables sought a warrant after providing sworn statements alleging that women inside 28 Longmarket Street worked as prostitutes, the judge initially denied the request due to lack of “evidence as to the nature of the transactions.”⁷⁸⁴ Thus, officers decided to go undercover and they became more selective about the judges they approached for warrants.⁷⁸⁵

⁷⁷⁹ Ibid.

⁷⁸⁰ Letter, Secretary to Law Department to Police Commissioner, 3 May 1904, AG 1462 part 1, folio 6363, Attorney General Records, Western Cape Archives and Records Service.

⁷⁸¹ Letter, Cape Police Commissioner to Secretary of the Law Department, 31 October 1903, AG 1815, folio 11313, Attorney General Records, Western Cape Archives and Records Service; Correspondence Report, Secretary of the Law Department, 14 November 1904, AG 1815, folio 11313, Attorney General Records, Western Cape Archives and Records Service; Cape Town’s police commissioner believed that infected officers were more likely to not report illness due to feeling shame than fear of pay loss.

⁷⁸² Testimony, Thor Osberg, 22 September 1904, AG 1531 part 2, folio 12984, Attorney General Records, Western Cape Archives and Records Service; Thor Osberg was a sub-inspector and coordinator of the ‘Morality Men’ police unit tasked with busting brothels.

⁷⁸³ Attorney General court records indicate that the addresses of brothels in which police crack downs occurred were in the city center.

⁷⁸⁴ Letter, Acting Commissioner Urban Police to John Graham (the Secretary to the Law Department), 25 July 1904, AG 1508, folio 10314, Attorney General Records, Western Cape Archives and Records Service; Letter, Acting Commissioner Urban Police to John Graham, 4 August 1904, AG 1508, folio 10314, Attorney General Records; Letter, John Graham to the Acting Commissioner, 6 August 1904, AG 1508, folio 10314, Attorney General Records; Officers providing affidavits included Detective Head Constable Davis, Sergeant Forbes and Constables Rawson and Murphy.

⁷⁸⁵ Ibid.

A few months later, an anonymous neighbor wrote a letter to the attorney general concerning a house kept by a few prostitutes on 56 Shortmarket Street. Concerned that prostitution was occurring so near children, the neighbor sent several letters to the police, but no action was taken.⁷⁸⁶ When the attorney general inquired into the matter with the police commissioner, his response was that the house, owned by Whitmore Davis Brothers Painters, had indeed been operating as a brothel. Although the police had been “watching (the house) on several occasions,” the commissioner explained, the “criminal investigations department have been unable to get sufficient evidence to get a conviction.”⁷⁸⁷ Officials faced obstacles when gathering concrete evidence for charges on prostitution. In the case with the house on Shortmarket Street, police found no one living in the vicinity willing to admit to writing the letter.⁷⁸⁸

Neighbors and community members were often the first to alert police about morality act violators. Therefore, the community played a key role in moral policing. Although the complaint directed at the house on Shortmarket Street came from an anonymous source, other accusers, such as the Holy Trinity Church rector and wardens who complained about prostitutes soliciting young males at the church doors, were more forthright.⁷⁸⁹ Another such instance came from a letter sent directly to the attorney general by Cape Town resident Moses Fletcher of 136 Caledon Street who accused Joseph Goldstein of “living on prostitution.”⁷⁹⁰ Motivated by his “position, who pays hundreds of pounds a year towards the upkeep of the country,” Fletcher was also irritated at the

⁷⁸⁶ Letter, (signed a neighbor) to Attorney General, 22 September 1904, AG 1528 (part 2), folio 12650, Attorney General Records, Western Cape Archives and Records Service.

⁷⁸⁷ Letter, Police Commissioner to Attorney General, 4 October 1904, AG 1528 (part 2), folio 12650, Attorney General Records, Western Cape Archives and Records Service.

⁷⁸⁸ Ibid.

⁷⁸⁹ Letter, J.E. Beverley, C.F. Cleghorn and J. Herbert to the Secretary of the Law Department, 5 April 1906, AG 1684, folio 2492, Attorney General Records, Western Cape Archives and Records Service.

⁷⁹⁰ Letter, Moses Fletcher to Attorney General, 29 June 1904, AG 1552, folio 16075, Attorney General Records, Western Cape Archives and Records Service.

thought of Goldstein continuing with his supposed criminal doings as a pimp so near his home and family.⁷⁹¹ He worried that “sufficient evidence may not be obtained against him (Goldstein)” out of fear that the accused had already been tipped.⁷⁹² Fletcher’s urging of the government to move swiftly demonstrates that he too clearly understood the fragility of using eyewitness testimony in a criminal case.⁷⁹³

Since Cape Town residents played a key role in moral surveillance, they also often complained about ineffective policing in that regard. In all the cases examined, complaints from citizens were not just directed at brothels in their neighborhood, but also at the lackluster action exhibited by law enforcement.⁷⁹⁴ Such sentiments toward police pervaded alongside public concern over increasing crime, as well as police funding cuts and growing population rates. When financial constraints forced parliament to reduce the policing budget, representatives from various Cape Town suburbs met with the attorney general. They argued that the current police force was not only insufficient, but also that it was not wise “to continue with the trend of reducing” the force when crime and population was on the rise.⁷⁹⁵

Calls to strengthen law enforcement were intended to support patriarchy and white supremacy. Proponents calling for greater policing argued that it was necessary to protect the morality of white women. For example, J.M.P. Muirhead, representative of Claremont, expressed

⁷⁹¹ Ibid.

⁷⁹² Ibid. Fletcher believed Goldstein tipped because apparently the woman working as a sex worker was in the property sent away.

⁷⁹³ Ibid.

⁷⁹⁴ Always some appeal to police in varying degrees.

⁷⁹⁵ Newspaper article, “Police Protection,” in *The Cape Times*, 4 September 1905, AG 1574, part1, reference 1716, Attorney General Records, Western Cape Archives and Records Service.

that a stronger police force was necessary to protect white women from Coloured men due to “numerous cases of assaults.”⁷⁹⁶ *The Cape Times* reported his sentiments:

Therefore, he believed that they were in no way claiming too much in asking the government to take steps to see their wives and womenfolk should be able to walk about unmolested. There had also been cases of assault upon white women as they had an enormous Coloured population in Claremont, it was absolutely necessary that there should be a larger police protection than at presently existence. It seemed to him a horrible reflection on the force and the country that their female relatives were not able to go out of their house without male protection.⁷⁹⁷

The urging for more police to protect white women from sexual assault reflect the *black peril* panic that affected colonizer communities in the nineteenth and early twentieth centuries.⁷⁹⁸ As previously explained in the second chapter, the black rape scares resulted from perceptions that the sexual victimization of white women was on the rise. In reality, the heightened threat of black rape was a metaphor for white anxieties over the erosion of racial power rather than an increase in sexual assault cases.⁷⁹⁹ The carnal subversion by colonized males induced anxiety among whites over their hierarchical demise.⁸⁰⁰ Pressures to safeguard white female bodies from perceived lustful predations of black men coincided with political and social turmoil.⁸⁰¹ Sudden dynamic transformations to the mining industry, labor and demographics on the Rand fueled a resurgence

⁷⁹⁶ Ibid.

⁷⁹⁷ Ibid.

⁷⁹⁸ Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule*, (Berkeley, CA: University of California Press, 2010), 58-59; Gareth Cornwell, “George Webb Hardy's The Black Peril and the Social Meaning of 'Black Peril' in Early Twentieth-Century South Africa,” *Journal of Southern African Studies* 22, No. 3 (September 1996): 441. <http://www.jstor.org/stable/2637313> (accessed 19 July 2018); Pamela Scully, “Rape, Race, and Colonial Culture: The Sexual Politics of Identity in the Nineteenth-Century Cape Colony, South Africa,” *The American Historical Review* 100: 2 (April 1995): 338. <http://www.jstor.org/stable/2169002> (accessed 15 August 2018).

⁷⁹⁹ Stoler, 58; Cornwell, 443.

⁸⁰⁰ See Chapter 2; Stoler, 58.

⁸⁰¹ Ibid.; Cornwell, 442; Scully, 338.

of ‘black rape scares’ prompting the South African government to form a commission called the Committee on Assaults on Women.⁸⁰²

Fearful and agitated, whites demanded a violent response from the government toward the *black peril*. A letter sent to the Governor General praised the condemning of “a native to death” for the sexual assault of a white female.⁸⁰³ The writer urged the Governor General to “make a perfect example of the parties concerned (since) the last time the native(s) were executed for outrage (it) had the deserved effect... The culprits were led out in front of... a good assembly of natives, which struck terror into each heart who witnessed it.”⁸⁰⁴ Although the Governor-General bemoaned the role that politics played in stoking the *black peril*, he felt that the commission’s tasks would serve to pacify those calls for violence. Consolidating “the law and practice” of the four provinces regarding how “hanging, flogging, and imprisonment” were managed, not only became a practical measure for the government, but also for “dissociating the Commission from the turgid agitation and a nauseous mixture of politics and panic.”⁸⁰⁵ There was hope that such an inquiry would dissipate the fearful rhetoric of white public opinion.⁸⁰⁶

Sensationalized stories of racialized rape circulated. For example, the trial of a young black male sentenced to death for the sexual assault of a teenage white farm girl was reported in vivid detail for readers. Although the accused maintained that the encounter was consensual, even having been invited into the home on previous occasions, the story focused on the violence

⁸⁰² Letter, Louis Botha to Herbert John Gladstone, 6 May 1912, GG 1539, ref. 50/206, Coll. Office of the Government-General of South Africa, National Archives of South Africa.

⁸⁰³ Letter, Hugh McDougall to Herbert John Gladstone, 4 May 1912, GG 1539, ref. 50/212, Coll. Office of the Government-General of South Africa, National Archives of South Africa; Herbert John Gladstone Governor-General of the Union of South Africa from 1910 to 1914.

⁸⁰⁴ Ibid.

⁸⁰⁵ Letter, Herbert John Gladstone to Louis Botha, 2 May 1912, GG 1539, ref. 50/206, Coll. Office of the Government-General of South Africa, National Archives of South Africa.

⁸⁰⁶ Ibid.

sustained by the girl as well as her family situation- the oldest of several brothers and sisters whose father had recently died, thus leaving the family “deprived of the protection of the father.”⁸⁰⁷ The convicted man was described as “the brutal Kaffir who stood in the dock, a native whose whole aspect was sensual and degraded.”⁸⁰⁸ Such press accounts were written to illicit emotion and fear. An article headlined “Black Brutes” even warned that the “increase of black peril” meant that white women were not even safe in their own homes, and that by exacting the death penalty for all attempted rapes, any potential *black peril* attacker might reconsider committing the crime.⁸⁰⁹

News stories of black men stalking European nurses working at the Native Mine Hospital prompted calls to ban the employment of white female health care providers. These articles presented dramatic accounts of *attempted rapes*, featuring nurses in sexually vulnerable situations such as bathing or undressing. As Ann Stoler (historical anthropologist and feminist theorist) explained about the *black peril*, however, “rape charges against colonized men were often based on perceived transgressions on social space. ‘Attempted rapes’ turned out to be ‘incidents.’”⁸¹⁰

Claims of attempted black rapes reflecting a violation of white spaces is evident in the South African context. “One of the European nurses met at the hospital with an alarming experience,” one article began.⁸¹¹ “She was taking a bath in the cool of the evening shortly after nine o’clock, when noticing a noise at the window she looked and found a native peering into the

⁸⁰⁷ Newspaper clipping, “Criminal Sessions, Magastad Rape Trial, Young Girl’s Terrible Ordeal,” *Daily Mail*, month unspecified 1915, MNW 307, ref. MM 3451-15, file no. M.M.C.T. 116/16, Coll. Mining Works Department, National Archives of South Africa.

⁸⁰⁸ *Ibid.*

⁸⁰⁹ Newspaper clipping, “Black Brutes,” 29 October 1915, MNW 307, ref. MM 3451-15, file no. M.M.C.T. 116/16, Coll. Mining Works Department, National Archives of South Africa.

⁸¹⁰ Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule*, (Berkeley, CA: University of California Press, 2010), 59.

⁸¹¹ Newspaper clipping, “Nurses Alarmed, Traced by the Police Dogs,” *Daily Mail*, 9 November 1915, MNW 307, ref. MM 3451-15, file no. M.M.C.T. 116/16, Coll. Mining Works Department, National Archives of South Africa.

room... The hospital is situated in a lonely spot under the hillside, and the incident is not without its alarming side to the isolated nurses.”⁸¹² Another article described a nurse undressing as two black men purportedly attempted to break into her bedroom.⁸¹³ The steady media blitz of assault stories on white women stoked the *black peril* craze, racialized vitriol, and greater justification for white violence.

The *black peril* heightened existing white agitation over a feeling of fragility to the racial order. As requested by the Secretary for Justice, the Committee on Assaults on Women was expected to call on magistrates to report on sexual assaults that had occurred throughout the previous three years. Specifically, the “nationality or race,” as well as age, religion, and education of accused perpetrators was to be investigated.⁸¹⁴ The significance of investigating the education and religion of alleged sexual criminals demonstrates which attributes were deemed threatening and why. “It has been alleged- and there seems to be grounds for such a statement-,” the secretary expressed, “that in the majority of bad cases of sexual assaults by natives or coloured men on white women, the accused persons were Christians who had enjoyed some measure of education.”⁸¹⁵ Christian-affiliation and possession of western-style education evoked ‘whiteness’.⁸¹⁶ Therefore, black male attainment of these virtues, and the step up in class that such characteristics often afforded, posed more of a threat to white supremacists than race alone. For the secretary, there

⁸¹² Ibid.

⁸¹³ Newspaper clipping, “Rand Police Courts, Alleged Attempted Rape,” *Daily Mail*, 2 November 1915, MNW 307, ref. MM 3451-15, file no. M.M.C.T. 116/16, Coll. Mining Works Department, National Archives of South Africa.

⁸¹⁴ Letter, G.D. Rainier, 7 September 1912, JUS 147, reference 3/1019/12, folio 526, Coll. Justice Department, National Archives of South Africa.

⁸¹⁵ Ibid.

⁸¹⁶ The term ‘whiteness’ is often used in descriptions of systemic structures supporting white privilege as well as the socially constructed identities and behavior of whites.

seemed to be an impertinence to Christian black males with an education, which led to a need to label the most severe kind of rapist from among these men.⁸¹⁷

The fear of black male sexuality served to justify calls for more surveillance, particularly over labor. A farmer from Natal wrote to the commission about his solution for the *black peril*. He wanted certain laws enacted that would “strike at the bottom of the evil.”⁸¹⁸ In other words, the solution to combat the *black peril* was to limit farm employment for Africans and institute passes. The farmer believed that by curbing the number of black males working in farms then they would be constructively employed. Once the farmers were fully supplied with workers, then “the rest could be put into locations, etc., distributed in Zululand and elsewhere...”⁸¹⁹ According to the farmer, these measures- well employed workers and the use of a pass- would ensure that black males not “go about beer- drinking and loafing,” pick up vices, and engage in criminality.⁸²⁰

The *black peril* commission discussed other ways to control black labor. Since the houseboy system was coming under white scrutiny for purportedly fostering potential sexual encounters between male domestic servants and white mistresses, many wanted to see the commission recommend that the government establish schools to educate “Native girls” to be dutiful servants instead.⁸²¹ *The Christian Express: A Journal of Missionary Work and Christian News* from South Africa published installments of the “The Assaults on Women Commission.” The journal reported that the commission recommended training in domestic service for African

⁸¹⁷ Twentieth century history of education in South Africa reflect this white sentiment that educated blacks were threatening. The implications of such sentiments were unequal, poorly funded black schools, culminating in the Bantu Education Act of 1953 (further supported racial segregation). The school inequities were by design to keep blacks as cheap, expendable labor.

⁸¹⁸ Letter, A. Beyers to the Governor-General, 6 June 1911, GG 1537, ref. 50/96, Coll. Office of the Government-General of South Africa, National Archives of South Africa.

⁸¹⁹ Ibid.

⁸²⁰ Ibid.

⁸²¹ Newspaper clipping, “The Assaults on Women Commission,” *The Christian Express: A Journal of Missionary Work and Christian News*, 1 September 1913, NTS 181, file no. F472, Coll. of Native Affairs, 133-134.

females. “While no doubt servants are best trained by painstaking and patiently mistresses in service, much can be done in the way of disciplining girls, awakening and cultivating their intelligence and particularly in building their character by industrial apprenticeships in schools where Christian influence predominates.”⁸²² The expectation was that the government call on education departments to provide character training to African girls for the purpose of serving the domestic interests of whites.⁸²³

The journal also reported that ‘the houseboy’ typically does not pose a sexual danger to white women. Instead, the journal claimed that the fault of sexual assaults often rested with white women. “A large proportion of cases, however, in which the house boy commits an outrage upon a white female, is probably the result of a reprehensible, almost criminal, carelessness and want of thought or of knowledge on the part of the white woman in her conduct toward the native, who is too often regarded and treated as if he were a block of wood without feelings or passion.”⁸²⁴ The misogynistic blaming of white women for carelessly stoking lust in black males was also evident in the anti-brothel legislation. Act 36 of 1902 for the Suppression of Gaming Houses, Betting Houses, Brothels and Immorality punished women with lashings and prison time for infractions. In contrast, their black male clients were exempted from punishment out of a sense of patriarchal sympathy from white policy makers.⁸²⁵ Black men were viewed as victims of sexual enticement because of stereotypes related to their purported primitive urges and passions not easily controlled.⁸²⁶

⁸²² *Ibid.*, 134.

⁸²³ *Ibid.*

⁸²⁴ *Ibid.*, 135.

⁸²⁵ Cape of Good Hope, 10th Parliament, Act 36 of 1902 for the Suppression of Gaming Houses, Betting Houses, Brothels and Immorality, box 3, folder 1 of 3, Coll. 3/AMS/D/41, Records of the Association for Moral & Social Hygiene, The Women’s Library, London School of Economics. For more detailed information on the sections of the act pertaining to the punishment of sex workers, see Chapter 2.

⁸²⁶ For more on the stereotypes of black males’ primal urges see Stoler, 58.

Blaming white women who engaged in irresponsible interactions with black males seemed to be a common theme for the Committee on Assaults on Women. The *black peril* also provided an opportunity for the reporting on the commission to direct self-righteous indignation toward marginalized whites, in particular “white women making ‘a traffic of their persons.’”⁸²⁷ Deemed devoid of respectability, marginalized whites were viewed as dangerous influencers and abettors to the sexual assaults purportedly committed by black men. Furthermore, it was believed that they posed a threat to ‘whiteness’. “...Certain classes of Europeans, who have themselves lost all self-respect, are by their misfortune and their vices and crimes destroying respect for the whole white race.”⁸²⁸ In other words, the commission concluded that whites who engaged in criminality with blacks, disseminated and consumed pornographic materials, engaged in vice, and lived in overcrowded conditions were a particular “*fallen class*,” inadvertently responsible for assaults of white women.⁸²⁹ The committee associated white poverty with unscrupulous habits.⁸³⁰

The indecent literature was deemed a problem based on moral grounds. ‘Immoral’ whites were purportedly responsible for its production.⁸³¹ According to extracts based on the commission’s reporting, pornographic materials were also blamed for contributing to the *black peril*:

Another matter in which the native comes into undesirable contact with the seamy side of civilization is that of the baneful traffic of in indecent pictures and prints which, in spite of existing laws to prevent their dissemination, is going on to an extent of which those who have not made special enquiries into the subject have no

⁸²⁷ Newspaper clipping, “The Assaults on Women Commission,” *The Christian Express: A Journal of Missionary Work and Christian News*, 1 September 1913, NTS 181, file no. F472, Coll. of Native Affairs, 133.

⁸²⁸ Ibid.

⁸²⁹ Ibid., 133, 135.

⁸³⁰ Ibid, 135; Elizabeth Thornberry, *Colonizing Consent: Rape and Governance in South Africa’s Eastern Cape* (Cambridge, Cambridge University Press, 2019), 231. Thornberry describes the distasteful habits elites connected white poverty.

⁸³¹ Newspaper clipping, “The Assaults on Women Commission,” *The Christian Express: A Journal of Missionary Work and Christian News*, 1 September 1913, NTS 181, file no. F472, Coll. of Native Affairs, 134.

conception. Since these pictures are freely circulated amongst the natives they can but serve to degrade the white woman in their eyes and must have a pernicious effect of arousing their passions.⁸³²

The Committee on the Assaults of Women suggested eliminating the carnal imaginings of white female bodies, not only as protection against the *black peril*, but also to reinforce the racial hierarchy. Therefore, emphasis on maintaining interracial sexual boundaries fueled a segregationist agenda. The committee found segregated localities in urban areas “highly desirable.”⁸³³ They also recommended that “such locations should be placed within easy reach of the towns to which they are attached, and, if not with a reasonable distance, they should be connected there with by cheap, suitable and convenient means of conveyance.”⁸³⁴ Although the regulation of segregated urban spaces through passes and restrictions as well as the forceful removal of black population from areas designated for whites would later be enacted with the Natives (Urban Areas) Act of 1923 and the Group Areas Acts of the 1950s, the recommendations described a plan that resembled twentieth century urban apartheid and township living. Just as the committee advised that white men not visit these new areas designated for blacks except for work related purposes, blacks would also not be allowed out after curfew without special exemptions.⁸³⁵ The *black peril* evoked danger. White fears of black rape resulted in greater economic and social oppression.

Sex and Danger: Brothel Suppression and Sexual Traffic

The Committee on the Assaults of Women formed as a response to black rape scares brought on by the sudden dynamic transformations to the mining industry as well as changing

⁸³² Ibid.

⁸³³ Ibid., 135.

⁸³⁴ Ibid.

⁸³⁵ Ibid.

labor and demographic patterns on the Rand. The *black peril* committee was a national commission with implications for the entire nation. However, the calls for greater policing to protect the morality of white women specific to Cape Town as demonstrated by the 1904 editorial in the *Cape Times* reveal that the *black peril* phenomenon emerged earlier in the Cape than on the Rand.⁸³⁶ The heightened preoccupation with the sexual victimization of white women that often coincided with white anxieties over loss of racial power in colonizer communities began at the Cape after the South African War. In the years prior, the region experienced demographic changes brought on by rapid industrialization.⁸³⁷ The war years proved profitable for Cape Town's auspicious sex industry. Supplying the demand surge in carnal commercial transactions for British servicemen and African laboring migrants were an influx of impoverished women from Europe.

The early twentieth century international sex trafficking networks of young European females found Cape Town a conducive environment to ply their trade.⁸³⁸ Suddenly, white prostitutes outnumbered their Coloured counterparts.⁸³⁹ Their mostly male procurers were often of Polish and Russian origins fleeing poor economic opportunities and religious persecution.⁸⁴⁰ The uptick in brothels, operated by Jewish pimps who brought a New York-style of gangsterism,

⁸³⁶ See note 35.

⁸³⁷ See Chapter 2; Stoler, 58; Cornwell, 443.

⁸³⁸ Donna Guy, "Argentina: Jewish White Slavery," Jewish Women's Archive, <https://jwa.org/encyclopedia/article/argentina-jewish-white-slavery> (accessed 19 July 2018); Van Onselen, 147; Vivian Bickford-Smith et al., *Cape Town in the Twentieth Century: An Illustrated Social History*, 40; substantial evidence on the existence of foreign pimps and prostitutes can be found in Attorney General documents at the Western Cape Archives and Record Service. Among Russian and Polish Jews, documents reveal prostitutes working brothels were French and Belgian as well; A Global initiative among nations to suppress sex trafficking ensued in the early twentieth century, including legislation, such as the Mann Act of 1910 in United States.

⁸³⁹ Returns Medical Inspections for the lock hospital in the Cape Colony, July 1904, CO 8035, folio G6P, Colonial Office Records, Western Cape Archives and Records Service; European Prostitutes examined by medical inspector outnumbered coloured women in 1904; For example, the medical inspector's report for Cape Town under provisions of the Contagious Diseases Act reveal examinations for 43 European females in contrast to 33 Coloured female.

shocked the residents.⁸⁴¹ This trend coincided with a wave of antisemitism that gained traction beginning in the 1880s as a result of Jewish immigration from Eastern Europe.⁸⁴² It was under these conditions that brothel suppression legislation gained traction.⁸⁴³

The new breed of brothels established by these European migrants disrupted existent racial confines in a community already vulnerable to the *black peril* hysteria. When local leaders discovered sexual commercial transactions had crossed racial barriers (white prostitutes were purportedly providing sexual services to black clients), the legislature enacted the Suppression of Gaming Houses, Betting Houses, Brothels and Immorality Act of 1902.⁸⁴⁴ In support of its enactment, Attorney-General T. L. Graham forewarned the legislature about the “terrible dangers” that white women might encounter in “isolated places” if Cape Town’s sex industry continued to allow erosions to the racial boundaries.⁸⁴⁵ White sex workers luring black males was viewed as a gateway to graver dangers threatening the political, economic and social power of white men.⁸⁴⁶

With the *black peril* looming over the legislature, the crimes and punishment thus focused on those instances when carnal business dealings between a prostitute and her clients transgressed traditional racial lines. For example, under Part IV of the act, a five-year prison sentence could be

⁸⁴¹ Possessing organizational ability, Jewish migrants from Europe by way of the U.S. formed the ‘American Club’ but were later dubbed more germanely the *Pimps Club*. For more on the Pimps Club see Saunders, *Illustrated History of South Africa*, 214.

⁸⁴² Milton Shain, “The foundations of antisemitism in South Africa: images of the Jew c.1870-1930,” PhD thesis, (University of Cape Town, 1990). Milton Shain argues that antisemitism had existed in South Africa prior to the 1930s, especially during a period of influx of Jewish immigration from Eastern Europe (such as Lithuania) in the 1880s to the start of WWI. Prior to this period, most Jews in South Africa were German.

⁸⁴³ According to Julia Solly, various moral reform groups submitted six petitions. Letter, Solly to Miss Forsaith, 8 January 1903, box 122, folder 1 of 3, 3AMS/D/41, Records of the Association for Moral & Social Hygiene, The Women’s Library, London School of Economics.

⁸⁴⁴ Van Heyningen, 192. From House of Assembly Debates in 1902, via Van Heyningen.

⁸⁴⁵ Ibid.

⁸⁴⁶ Ibid.

given to anyone who procured females “for the purposes of illicit sexual intercourse at any house or place with any aboriginal native.”⁸⁴⁷ Furthermore, since officials blamed European prostitutes for provoking black men into carnal transactions the act also made it “unlawful for any white women to voluntarily have illicit sexual intercourse for the purposes of gain with any aboriginal native.”⁸⁴⁸ Violators could serve a two-year sentence with hard labor.⁸⁴⁹

The danger for the patriarchs in authority not only lay with the threat of racial disintegration transpiring via Cape Town brothels, but also in the global white sexual slave traffic. Even though women’s groups blamed coerced sex work on state-sanctioned prostitution since the nineteenth century, the first international accord to combat the sex trafficking was not signed until 1904.⁸⁵⁰ Anxiety over vulnerable white females being taken or lured into a life of commercial immorality proved a major concern for officials as they enacted the brothel suppression legislation. Thus, procurers, viewed as white slave traders, were given the stiffest sentences. A convicted procurer was given a two-year maximum sentence, however, the sentence increased to five years in instances when females had been coerced or forced into the prostitution.⁸⁵¹

Fears over the international sexual traffic of European women not only contributed to the passing of brothel suppression legislation, but also created much preoccupation over heightened

⁸⁴⁷ Cape of Good Hope, 10th Parliament, Act 36 of 1902 for the Suppression of Gaming Houses, Betting Houses, Brothels and Immorality, box 3, folder 1 of 3, Coll. 3/AMS/D/41, Records of the Association for Moral & Social Hygiene, The Women’s Library, London School of Economics; The colloquial for procuring is pimping.

⁸⁴⁸ Ibid.

⁸⁴⁹ Ibid.

⁸⁵⁰ Stephanie A. Limoncelli, *The Politics of Trafficking: The First International Movement to Combat the Sexual Exploitation of Women* (Stanford, California: Stanford University Press, 2010) 46. The British, Continental and General Federation for the Abolition of the Government Regulation of Vice was established in 1875. Since the organization changed its name to the International Abolitionist Federation in 1898, this means that the organization’s first concerns expressed over sex trafficking occurred under its previous name; “White Slave Traffic,” (print date not specified), JUS 576, reference 1/298/21, folder 1 of 3, Coll. Justice Department, National Archives of South Africa; This reprint is a copy of the duties required of contracting nations under the international agreements of 1904 and 1910.

⁸⁵¹ Ibid.; an additional 25 lashes were meted out for men.

immigration surveillance.⁸⁵² Xenophobia accompanied the *black peril*. Foreigners, outsiders were viewed as menaces to traditional racial norms. They evoked an added aura of danger in the mother city. Therefore, another approach adopted in the quest to police morality involved stricter border control.⁸⁵³

The Cape Colony enacted the Immigration Act of 1902 during the same legislation session as the Morality Act. In Section 2, subsection (e), “any person, whether male or female, who lives on, or knowingly receives any part or the proceeds of prostitution, is prohibited from entering the colony.”⁸⁵⁴ The amended Immigration Law of 1906 kept the same provision banning foreign sex workers and procurers.⁸⁵⁵ The prevention of sexual traffic through these immigration laws was taken seriously. Prime Minister J. Gordon Sprigg requested that the British government provide advanced notification “of outward-bound steamers, from home or colonial ports” transporting potential prostitutes, or anyone profiting from sexual work.⁸⁵⁶ This appeal followed a dire warning by the secretary of state to Sir Walter Hely-Hutchinson, the Governor of the Cape Colony, that sudden circumstances were posed to test section 2 of the new law:

My attention has been called to the presence of prostitutes on outward bound steamers in circumstances which appear to point to the existence of a regular traffic in the introduction of European

⁸⁵² See Chapter 2; Donna Guy, “Argentina: Jewish White Slavery,” Jewish Women’s Archive, <https://jwa.org/encyclopedia/article/argentina-jewish-white-slavery> (accessed 19 July 2018); Van Onselen, 147; Vivian Bickford-Smith et al., *Cape Town in the Twentieth Century: An Illustrated Social History*, 40.

⁸⁵³ Chapter 3 also demonstrates how the Union of South Africa adopted international accords on sexual traffic to gain international and political legitimacy.

⁸⁵⁴ Prime Minister Gordon Sprigg to Colonial Governor, Despatch No. 125 3 May 1903 Cape Archives\GH 23 slash 68 ref 125 General despatches Intro of European Women into SA; arrangement with British regarding early alert of outgoing vessels containing suspected prostitutes.

⁸⁵⁵ Immigration Act No. 30 1906, *Statutes of the Colony of the Cape of Good Hope Passed by Parliament During the Sessions 1902-1906*, Volume V, (Cape Town: Cape Times Limited Government Printers, 1906), https://books.google.com/books?id=BnBFAQAAMAAJ&pg=PA5134&lpg=PA5134&dq=cape+of+good+hope+im+migration+act+1902&source=bl&ots=FNa5czOS05&sig=ACfU3U1bgFR31dDolMFndUbFhimoWqu1hQ&hl=en&sa=X&ved=2ahUKEwjOjNG6us_kAhVSba0KHWNtD3kQ6AEwDnoECACQAQ#v=onepage&q&f=false (accessed 2 August 2019).

⁸⁵⁶ Dispatch, Prime Minister Gordon Sprigg to the Colonial Governor, “Despatch No. 125,” 3 May 1903, GH 23, volume 68, ref. 125, Government House Records, Western Cape Archives and Records Service.

women into South Africa for the purpose of prostitution. I have also had my attention directed to the advertisements calling for women and girls to take up situations in South Africa, as to some of which I see grave reason to fear that, even if the promoters have their offers would go out in such circumstances as to expose them to serious dangers... The present legislation of the Cape appears to afford the government ample powers to prevent the introduction of prostitutes and to deal with persons who carry on this nefarious traffic.⁸⁵⁷

Section 2 of the immigration restriction act was quickly enforced after the warning. For example, passengers on two ocean liners (White Star line from Liverpool to Australia and the Messrs. Shaw-Savill & Albion Co., Ltd. from London to New Zealand) were forbidden from disembarking in Cape Town even though passage had been booked prior to the legislation's enactment.⁸⁵⁸ Immigration surveillance was also evident on August 28 in 1906 when the military secretary alerted the Cape Town consulate via wire that "women-mongers with worthy girls" were on board the S.S. Wakool. Suspecting "white slave traffic," the Cape Urban police interrogated the four American males and four females who ranged in ages from 17 to 24 as they arrived in Table Bay on the eighth of September 1906.⁸⁵⁹ Although the eight travelers turned out to be "religious fanatics of a sect known as *Go Preachers*," this incident not only reflects concerns over the traffic of European women, but also how authorities used immigration laws as a tool to enforce the brothel suppression law.⁸⁶⁰

Attentiveness to border surveillance of travelers and émigrés remained a fixture among government officials and moral reformers throughout South Africa. The Union of South Africa

⁸⁵⁷ Letter, Secretary of State to Sir Walter Hely-Hutchinson, 7 February 1903, GH 1/480, ref. 46, Government House Records, Western Cape Archives and Records Service.

⁸⁵⁸ Ibid.

⁸⁵⁹ Dispatch, Acting Commissioner of Cape Police to the Secretary of the Law Department, "Consignment of women mongers, and girls per "Wakool," 11 September 1906, AG 1717, ref. 6262, Attorney General Records, Western Cape Archives and Records Service.

⁸⁶⁰ Ibid.

passed the Immigrants Regulation Act No. 22 in 1913.⁸⁶¹ R.G. Ross, chairman of the Cape Town District and Social Reform Association (CTSRA) praised the success of the legislation, believing that the act had “practically stamped out the White Slave traffic.”⁸⁶² Many other moral reform groups viewed immigration control as a solution to the sexual vice problem that ultimately threatened white women.⁸⁶³ For example, the Women’s Reform Club advocated for more “strict” surveillance of South African ports.⁸⁶⁴ They feared that dangerous outsiders operating as pimps and brothel keepers were pouring into South Africa from Britain, and that only immigration control along with corporal punishment could stave off the invasion.⁸⁶⁵

Even the Cape Province’s branch of the WCTU began to demand more government surveillance of immigrants in their moral policing endeavors.⁸⁶⁶ Their desire to protect innocent white girls gave way to a greater willingness to legitimize state power.⁸⁶⁷ The government policies supported by the CPWCTU to combat the threat posed by sex trafficking involved punishment for people convicted of sex work, but also expulsion of all foreigners who procured or operated brothels.⁸⁶⁸

⁸⁶¹ Immigration surveillance was directed at ‘undesireable’ whites, such as pimps and prostitutes from Europe. The Immigrants Regulation Act of 1913, Union of South Africa Act. No 22 of 1913, was just one example of legislation highlighting this preoccupation.

⁸⁶² Article, Reprint from the *White Ribbon*, “The Social Reform Movement,” December 1912, box 122, folder 2 of 3, Coll. 3AMS/D/41, Records of the Association for Moral & Social Hygiene, TWL-LSE; see Chapter 3.

⁸⁶³ See also Chapter 3.

⁸⁶⁴ Letter, Women’s Reform Club to General Louis Botha, 17 March 1913, JUS 576, reference 1/298/21, folder 1 of 3, Coll. Justice Department, National Archives of South Africa. The Woman’s Reform Club was a Johannesburg white suffrage organization.

⁸⁶⁵ *Ibid.*

⁸⁶⁶ Letter, CPWCTU to Botha, 11 Nov 1913, JUS 576, reference 1/298/21, folder 1 of 3, Coll. Justice Department, National Archives of South Africa. These resolutions were the product of a conference held in October 1913.

⁸⁶⁷ *Ibid.* For detailed information on the transformations of CPWCTU’s positions on moral reform, specifically their evolution in supporting nationalistic policies, see Chapter 3, notes 245-255.

⁸⁶⁸ *Ibid.*

The demographic changes brought on by war, new industries and urbanization only added to the stress among whites that there was an ever-expanding population that needed to be contained. The preoccupation over the international sexual traffic of white women and girls among moral reform groups and government officials intensified white anxieties over a fragile racial order, manifested through the *black peril* phenomenon. Dangerous, sexually deviant foreign newcomers (European pimps and brothel-keepers), mostly to Cape Town, were feared for fanning racial miscegenation and overall moral degradation. Immigration and brothel suppression laws emerged in the early twentieth century not only for containing this criminal element, but also to tame the marginalized population.

Where There is Power, there is Resistance: Sex, Crime and Defiance

Crime, a violation of the law punishable by authorities. Similar in how conceptualizations of race and gender are social constructs, so too is crime. Historian Pablo Piccato explains that crime is “a social construct,” and “a relational category, incarnated in the suspicion of police, judges, and the law itself toward the urban poor, and the latter’s distrust toward state ideologies and practices with respect to crime.”⁸⁶⁹ Government authorities in Cape Town enacted legislation that deemed sex work criminal at the turn of the twentieth century, and the police actively sought violators.⁸⁷⁰ Court documents depict the deviant acts of perpetrators, as well as how police uncovered criminal activity. However, these records reflect the perspective of law enforcement. Another perspective not explicitly expressed through these court documents are the ways in which

⁸⁶⁹ Pablo Piccato, *City of Suspects: Crime in Mexico City, 1900-1931* (Durham: Duke University Press, 2001) 3.

⁸⁷⁰ Often used to track violators of the act were the special unit of ‘moral men’ who were tasked with busting brothels. In addition, the courts actively meted out punishment.

marginalized people challenged the socio-racial ethos of the group in power. Despite their limited economic opportunities and oppression, these legal records also reveal their agency.

For three days in October 1908, detectives staked out a house in Woodstock after hearing complaints of disorderly conduct. They described 25 “kafir men,” at one point as many as 30, visiting the house owned by thirty-four-year-old Josiah Pokewana, which was “situated outside the N’dabeni location at No. 2 Gate.”⁸⁷¹ Coloured girls from the house enticed men to enter from the street. Detectives noted that many African men left the premises heavily intoxicated. On the third and final night of the stakeout, they heard a woman from the house exclaim, “if you want to fuck you will have to pay for it.”⁸⁷² As a result, detectives had enough evidence for a warrant.⁸⁷³ According to the report from one detective, police raided Pokewana’s rented five-room home a few days later. They saw “23 to 24 kafirs in the front room. In a backroom there was a kafir having a sexual connection with a girl. Josiah was in another room with 3 to 4 other men and one woman.”⁸⁷⁴ As detectives entered another back room, they encountered “a native having connection with a girl...” Another three females passed the detectives as they exited another room. They found three men with “their trousers partly opened and their boots and jackets off.”⁸⁷⁵

Police arrested 17 suspects in total, ranging in ages from 19 to 40 for contravening the brothel suppression act of 1902. Court records listed racial categories for the accused. Josiah Pokewana, the only male arrested, was identified as a “kafir.”⁸⁷⁶ All the women were labeled as Coloured. Detectives noted that they found “kafir beer” inside the house.⁸⁷⁷ White preoccupation

⁸⁷¹ Police Record No. 539 Woodstock, 30 November 1908, AG 1859, folio 18555, Attorney General Records, Western Cape Archives and Records Service.

⁸⁷² Ibid.

⁸⁷³ Ibid.

⁸⁷⁴ Ibid.

⁸⁷⁵ Ibid.

⁸⁷⁶ Ibid.

⁸⁷⁷ Ibid.

with alcohol consumption among blacks, incidentally, has an extensive history regarding power relations and resistance in South Africa. Detectives' displeasure at the drinking that took place in Pokewana's house stemmed from colonial era racial perceptions and alcohol consumption described by historian Anne Kelk Mager. Whites invented notions about Africans having a "weak character", unable to cope with alcohol, and prone to theft and idleness."⁸⁷⁸ Thus, in their desire to control the black population, officials began the practice of regulation and prohibition. The Cape of Good Hope Liquor Licensing Act of 1883 made the selling or providing of liquor to native locations illegal.⁸⁷⁹ Colonial officials were still concerned about African social drinking that they formed a commission in 1889 to inquire about the issue.⁸⁸⁰ This resulted in the prohibition of "European Liquor" for blacks only.⁸⁸¹ In addition to the commercial sexual transactions purportedly taking place in Pokewana's home, the intoxication appeared to be another act of defiance.

An assistant resident magistrate had received many neighbors' complaints regarding the boisterous conduct at the house. Upon keeping watch, the magistrate "witnessed a good many disorderly scenes, (specifically) Coloured women lying about in the sand near the house having connections with soldiers."⁸⁸² Police records from the day of arrests detail scenes indicative of a busy brothel. They gathered that the women hired rooms from Pokewana to ply their trade.⁸⁸³ However, the women suspected of contravening the brothel suppression act resisted their apprehension. Many gave police testimony contradicting allegations. For instance, when

⁸⁷⁸ Anne Kelk Mager, *Beer, Sociability, and Masculinity in South Africa* (Indianapolis: Indiana University Press, 2010) 2.

⁸⁷⁹ *Ibid.* See Anne Kelk Mager's note 8.

⁸⁸⁰ *Ibid.*

⁸⁸¹ *Ibid.*

⁸⁸² Police Record No. 539 Woodstock, 30 November 1908, AG 1859, folio 18555, Attorney General Records, Western Cape Archives and Records Service.

⁸⁸³ *Ibid.*, 3.

investigators asked Maria Pokewana about the other women arrested along with her. She consistently denied witnessing any of the women engage in sex work as well as claim to have been a “waiter at her brother’s boarding house.”⁸⁸⁴

The other women also denied witnessing prostitution. Annie Williams provided cover for Pokewana by stating “Accused has her own house to sleep in. Never saw accused have connection with any man at male accused’s house.”⁸⁸⁵ Bella Williams followed suit. Margaret Pokewana emphatically stated that she “never saw accused have connection with a man for money,” and Meitja Rooifontein testified that that she “never saw accused practice prostitution.”⁸⁸⁶ The women attempted to subvert police power by repudiating allegations. In the end, Josiah and Maria Pokewana, along with seven women were found guilty of keeping a brothel. Josiah Pokewana was sentenced to either £50- or three-months hard labor, Maria Pokewana received £25- or three-months hard labor, and the women (Elizabeth Clarke, Christina Klaas, Mabel Klaas, Eliza Thomas, Annie Williams, Lena Smith and Margaret Bayers) were fined £10- or two-months hard labor.⁸⁸⁷

Whereas the women convicted of maintaining a brothel at the N’dabeni location in the district of Woodstock resisted police allegations indirectly by attempting to cover for each other, the case of Sarah Goldberg in 1906 represents an act of direct defiance. Twice convicted for selling sex in Cape Town, police deemed Sarah Goldberg “one of the most notorious street walkers in this city.”⁸⁸⁸ Goldberg’s display of resistance was bold. She accused the police of operating two

⁸⁸⁴ Ibid.

⁸⁸⁵ Ibid.

⁸⁸⁶ Ibid.

⁸⁸⁷ Ibid.

⁸⁸⁸ Letter, Police Commissioner to the Secretary of the Law Department, 25 April 1906, AG 1683, folio 2425, Attorney General Records, Western Cape Archives and Records Service.

brothels. According to Goldberg, one brothel was located at No. 10 Pepper Street, and the other was at 45 Wale Street.⁸⁸⁹

Like many sex workers in the Cape at the turn of the twentieth century, Sarah Goldberg, who referred to herself as the “unfortunate S. Goldberg,” was a European immigrant before being “sent away from the colony.”⁸⁹⁰ In addition to the police-run brothels, Goldberg also denounced the police for their persecution of her and unfair treatment overall. “Police have hounded me down and have allowed others to go free,” she complained in a letter to the Secretary of Law Department.⁸⁹¹ The purported harassment stemmed from retaliation for “evidence against” police Sergeant David Charteris and Sub-Inspector Thor Osberg that Goldberg provided to authorities.⁸⁹² Goldberg also accused a couple working in the immigration office of running the brothels while the police and immigration office hoodwinked the arrangement. Ultimately, Goldberg seemed upset that some of her friends and acquaintances were being expelled from the Cape, whereas certain other people had been allowed to stay.⁸⁹³

The Law Department’s response to Goldberg’s accusations of police was to simply ask the police themselves about possible misconduct among their own.⁸⁹⁴ According to the police commissioner, detectives investigated the area and determined that neither of the locations named by Goldberg were brothels. The commissioner acted to discredit Goldberg by implicating her in

⁸⁸⁹ Ibid.; Letter, Sarah Goldberg to the Law Department, 04 April 1906, AG 1683, folio 2425, Attorney General Records, Western Cape Archives and Records Service.

⁸⁹⁰ Letter, Sarah Goldberg to the Law Department, 04 April 1906, AG 1683, folio 2425, Attorney General Records, Western Cape Archives and Records Service.

⁸⁹¹ Ibid.

⁸⁹² Ibid.; Sergeant David Charteris and Sub-Inspector Thor Osberg have provided testimony in other cases, such as in the Joe Silver case. Although, Goldberg spells David Charteris’s name as Chatteris, she is likely referring to the same officer due to his close proximity to Osberg as members of the moral men unit who busted brothels.

⁸⁹³ Ibid.

⁸⁹⁴ Letter, Police Commissioner to the Secretary of the Law Department, 25 April 1906, AG 1683, folio 2425, Attorney General Records, Western Cape Archives and Records Service.

criminality (highlighting her two convictions within the last year) and sexual deviancy. Police were apparently convinced that other individuals had prodded Goldberg into these complaints, specifically two men named Lewis Klein and Joe Cohen (alias Barnet). The commissioner also linked Sarah Goldberg with Harris Levy, a procurer attempting to reach Cape Town from Buenos Aires. However, Levy was not even allowed to land. Despite petitioning the supreme court, Levy was forced to return to Buenos Aires.⁸⁹⁵ Incidentally, Sarah Goldberg also fled to Argentina after her expulsion.⁸⁹⁶ The difficulty that Goldberg and her acquaintances experienced trying to immigrate to Cape Town demonstrate the Cape Colony's active enforcement of the Immigration Act, which banned sex workers and procurers from entering the colony.⁸⁹⁷

Goldberg's escape to Buenos Aires demonstrates the network of international sex traffic in the decades leading up to World War I, which connected migrating European sex workers to foreign cities, such as Buenos Aires and Cape Town. The history of prostitution in Buenos Aires and Cape Town shares some similarities. First, both cities experienced government-regulated prostitution with the intent to protect soldiers from syphilis.⁸⁹⁸ Secondly, Buenos Aires and Cape Town are both port cities where marginalized women fulfilled a demand for sexual entertainment. Lastly, both locations grabbed the attention of reformers of the anti-white slavery movement with Buenos Aires viewed as the epicenter of the international anti-sex trafficking campaign.⁸⁹⁹ The reasons why European women found their way to foreign brothels differed from the imaginings of

⁸⁹⁵ Ibid.

⁸⁹⁶ Ibid.; Letter, Sarah Goldberg to the Law Department, 04 April 1906, AG 1683, folio 2425, Attorney General Records, Western Cape Archives and Records Service.

⁸⁹⁷ The Immigration Act of 1902 was enacted during the same legislation session as the Morality Act. Section 2, subsection (e) states that "any person, whether male or female, who lives on, or knowingly receives any part or the proceeds of prostitution, is prohibited from entering the colony." The amended Immigration Law of 1906 kept the same provision banning foreign sex workers and procurers.

⁸⁹⁸ Donna J. Guy, *Sex and Danger in Buenos Aires: Prostitution, Family and Nation in Argentina* (Lincoln, Nebraska: University of Nebraska Press, 1995), 48.

⁸⁹⁹ Ibid., 35. Donna Guy describes Buenos Aires at the center of the white slavery debate.

white reformers. As Donna Guy explained in *Sex and Danger in Buenos Aires*, “few fit the stereotype of the middle-class virgin who had been seduced, drugged, or beaten into submission.”⁹⁰⁰ In fact, many of these women had already engaged in prostitution in Europe prior to emigrating, and were fully aware of the situation they were entering. Most migrating sex workers came from impoverished households who chose to work in the sex industry due to so few economic opportunities in their homeland. They immigrated consciously out of economic despair, familial trauma, or persecution, as opposed to “trickery by an evil procurer.”⁹⁰¹ In cases in which trickery played a role in a woman’s ensnarement into prostitution, family “played key roles.”⁹⁰² In addition, sham Jewish wedding ceremonies, which made brides subordinate to their husband-pimps, often occurred.⁹⁰³

Buenos Aires and Cape Town often attracted European sex workers of Jewish origin.⁹⁰⁴ Religious persecution primarily in Russia and Poland, but also in Germany and Austria, not only led to economic hardships, but also in the breakdown of the social system. Anti-Jewish pogroms occurred in Europe during the late nineteenth and early twentieth century. Another example of Jewish oppression in Europe is evident in the Pale Settlement (the western regions of the Russian Empire), which excluded Jews from certain occupations and areas in the region. Limited opportunities prompted many European Jews to turn to criminal enterprises, such as operating prostitution rings.

The Polish-born American gangster, Joseph Lis (alias Joe Silver) immigrated to South Africa to profit from the sexual entertainment industry. He began his South African pimping

⁹⁰⁰ Ibid., 6-7.

⁹⁰¹ Ibid., 7.

⁹⁰² Ibid.

⁹⁰³ Ibid., 8.

⁹⁰⁴ Ibid.

enterprise in Johannesburg until the Transvaal government found him guilty of bribery and living off the proceeds of prostitution in 1899.⁹⁰⁵ He was sentenced to two years hard labor, plus an additional six months of hard labor for attempted sodomy.⁹⁰⁶ Lis's conviction also included an eventual expulsion from the country upon his release, however, the start of the South African War proved fortuitous for Lis's criminal enterprises in South Africa. The reassignment of prison guards to military service during the conflict allowed for Silver's early release and relocation to Cape Town. Even his failed prison break was forgotten.⁹⁰⁷ Court records reveal that prior to his arrival in Cape Town, Lis and his wife-accomplice, Annie Bloem (alias Lena Fyganbaum), also ran a brothel in Bloemfontein near the synagogue. Lis found himself in trouble with the law once again due to an assault charge. Sentenced to three months hard labor, Lis however, ultimately served no time. Bloem was able to intercede with evidence favoring his exoneration on that charge.⁹⁰⁸

Kimberley police interacted with Lis often. Despite arrests for criminal activity, Lis always seemed to get away unscathed. For example, in September 1900 he broke into a shop, but authorities decided not to prosecute. Less than two months later, Lis was charged with stealing jewelry. Yet again, the crown prosecutor did not follow through with the case.⁹⁰⁹ In December of that same year, Lis was finally sentenced for one of his crimes. Authorities charged him with contravening the Cape Colony's Section 3.a. of Act No. 44 (the Police Offenses Act) of 1898,

⁹⁰⁵ Saunders, *Illustrated History of South Africa*, 214; Joseph Lis, Joseph Silver an alias, tried to bribe jurors.

⁹⁰⁶ Ordinary Jurisdiction Record, "Rex vs. J Alias Silver," 30 August 1904, AG 1531 part 2, folio 12984, Attorney General Records, Western Cape Archives and Records Service.

⁹⁰⁷ Saunders, *Illustrated History of South Africa*, 214; Legal Sworn Statement, Hyman Bernstein, 23 August 1904, AG 1531 part 2, folio 12984, Attorney General Records, Western Cape Archives and Records Service.

⁹⁰⁸ Legal Sworn Statement, Hyman Bernstein, 23 August 1904, AG 1531 part 2, folio 12984, Attorney General Records, Western Cape Archives and Records Service; Orange River Colony Court Records, 22 January 1903, AG 1531 part 2, folio 12984, Attorney General Records, Western Cape Archives and Records Service.

⁹⁰⁹ Confidential Letter, Chief of Kimberly Detective Department to Secretary of the Law Department, 29 September 1904, AG 1531 part 2, folio 12984, Attorney General Records, Western Cape Archives and Records Service.

which made it unlawful for a male to live off the earnings of prostitution.⁹¹⁰ His punishment was a £10 fine.⁹¹¹ Lis made a living through his criminal enterprises. His only legal employment during his time in Kimberly seemed to have been as a trap operator from May through August of 1902. Despite capturing two men, his services were eventually deemed unreliable and thus, discontinued.⁹¹² Once in Cape Town, Lis ran an illegal liquor store, a restaurant, coffee shop, and two brothels.⁹¹³ However, Cape Town's enforcement of the brothel suppression legislation enacted in 1902 led Lis to greater legal trouble. His notoriety was elevated when the *Cape Argus* featured his life of crime in 1904 upon his arrest.⁹¹⁴

The other person facing legal trouble due to the Lis dragnet was Annie Bloem. Lis's accomplice and reputed wife helped with the sexual entertainment operations.⁹¹⁵ It was often customary in these prostitution rings for a pimp's wife or lover to perform the role as madam in the brothel's workings.⁹¹⁶ Although Annie Bloem was not Lis's legal spouse, there was a certain kind of informal acknowledgement of a marital-business partnership. Lis himself even referred to Bloem as his wife.⁹¹⁷ A witness who knew Lis explained how "Amongst the accused's class of

⁹¹⁰ Ibid.; The Cape of Good Hope's Parliamentary Act No. 44 of 1898, also known as the Police Offenses Act, preceded the Brothel Suppression Act of 1902. However, the Police Offenses Act was not racially coded. Whereas the Cape's Morality Act of 1902 banned brothels and living off the wages of prostitution, it also banned sexual transactions between black men and European prostitutes. The Cape's morality act was the Cape's first racially coded legislation regarding consensual sexual behaviors.

⁹¹¹ A mere fine for breaking the Police Offenses Act demonstrates a shift from 1898 to 1902 regarding the way authorities approached commercial sex. The Morality Act of 1902 was more racially motivated and resulted in a much greater response from authorities.

⁹¹² Confidential Letter, Chief of Kimberly Detective Department to Secretary of the Law Department, 29 September 1904, AG 1531 part 2, folio 12984, Attorney General Records, Western Cape Archives and Records Service.

⁹¹³ Legal Sworn Statement, Hyman Bernstein, 23 August 1904, AG 1531 part 2, folio 12984, Attorney General Records, Western Cape Archives and Records Service.

⁹¹⁴ Confidential Letter, Chief of Kimberly Detective Department to Secretary of the Law Department, 29 September 1904, AG 1531 part 2, folio 12984, Attorney General Records, Western Cape Archives and Records Service.

⁹¹⁵ Legal Sworn Statement, Hyman Bernstein, 23 August 1904, AG 1531 part 2, folio 12984, Attorney General Records, Western Cape Archives and Records Service.

⁹¹⁶ Guy 51.

⁹¹⁷ Ibid.

people he was always recognised to be the reputed husband of Annie Bloem.”⁹¹⁸ Due to her role as brothel operator, Annie Bloem was also arrested for contravening the morality act, along with several European prostitutes: Marianne DeLorne age 26, Fanny Bloem age 30, Louise De Blean age 25, Marguerite Degland age 30, Jenny Durant age 22, and Susan Josephine age 26.

Jewish prostitutes were common in many port cities with vibrant sex industries during this time, but Lis claimed to have supervised no Jewish sex workers. When a private detective asked Lis if he kept any Jewish girls in his brothels, he apparently replied that they gave him “too much trouble.”⁹¹⁹ He preferred to keep, “only German and French girls.”⁹²⁰ Lis’s Cape Town brothels were located on 28 Longmarket Street and 9 Sidney Street.⁹²¹ These pleasure houses reflect the type of sexual entertainment establishments that had scandalized the citizens of Cape Town and prompted lawmakers to legislate interracial sex for the first time in South Africa’s history (via the Morality Act, specifically Act 36 of 1902 for the Suppression of Gaming Houses, Betting Houses, Brothels and Immorality).⁹²² European prostitutes, who began to outnumber Coloured sex workers at the turn of the century, were not just serving wartime servicemen, but also migrant African laborers. The defiance from white sex workers who plied their trade, oblivious to long-standing racial confines became targets for panicked lawmakers. Cape Town brothels provided a dangerous space that threatened white superiority. Through their occupations alone, Lis’s prostitutes subverted the racial order.

⁹¹⁸ Legal Sworn Statement, Hyman Bernstein, 23 August 1904, AG 1531 part 2, folio 12984, Attorney General Records, Western Cape Archives and Records Service.

⁹¹⁹ Legal Sworn Statement, Robert Levy, 05 September 1904 (6 October 1904 proceedings copy), AG 1531 part 2, folio 12984, Attorney General Records, Western Cape Archives and Records Service.

⁹²⁰ Legal Sworn Statement, Robert Levy, 05 September 1904 (6 October 1904 proceedings copy), AG 1531 part 2, folio 12984, Attorney General Records, Western Cape Archives and Records Service.

⁹²¹ Ordinary Jurisdiction Record, “Rex vs. J Alias Silver,” 05 September 1904 (6 October 1904 proceedings copy), AG 1531 part 2, folio 12984, Attorney General Records, Western Cape Archives and Records Service.

⁹²² See Chapter 2 for details on the conditions that prompted uptick in the demand for sexual entertainment and influx of European sex workers.

The *moral men* began staking out Lis's properties on Sidney and Longmarket streets in May and June of 1904.⁹²³ They recorded the number of clients that walked in each of the houses on any given night, the amount of time they tended to stay inside, and the comportment and attire of the women. To attain an arrest warrant, plain clothes detectives entered the brothels undercover as potential customers. Proof of a brothel operation was attained once discussions on paid sexual transactions occurred. At that point, detectives would leave, only to return for the arrests. For example, at Louise De Blean's court hearing, Special Detective Ernest Evans testified on what he observed on the house on 28 Longmarket Street:

The house is occupied by several women. I saw five women there. On each night I saw there (sic) women leave the house and solicit men in the streets. Some of the men solicited went with them to the house. Several men also went there by themselves. On average the men remained 20 to 30 minutes. Some remained longer. On average 18 to 20 men went to the house on each of the nights (the 8-10th of May in 1904). At about 9:15 P.M. on 10th inst. I went to the house. The door was closed. I knocked and door was opened from the inside. I saw a woman inside. She admitted me. I asked her if she had any girls there. Another woman then came out of a room on the right. The woman spoke in French. I asked price of 'short time'. The first woman replied 10/--. I said I did not have as much. She said times are bad, I'll take 7/6. I said I would leave it and I left. The women had on short dresses.⁹²⁴

During Fanny Bloem's court hearing, Special Detective Charles Hunt testified on what he witnessed transpire on 9 Sidney Street:

I saw men going to the house. Most of them arrived in cabs and some on foot. They were admitted by a woman. They remained in the house from 20 to 40 minutes. On average 9 men went to the house on each night. At about 10:55 P.M. on 11th inst. I went to the house.

⁹²³ For more on the moral men, a special unit of detectives to enforce the anti-brothel legislation, see

⁹²⁴ Testimony of Ernest Evans, Police Record No. 2817 in the arraignment of Louise De Blean, 13 May 1904, AG 1531 part 2, folio 12984, Attorney General Records, Western Cape Archives and Records Service. For more on the 'moral men' see Chapter 2.

I knocked at the door. It was opened by a woman. As I was about to speak she took hold of me by the arm and led me into passage. I then asked what she charged for a short time. She said 10/--. I said too much. She then said 7/6. She beckoned to 2 girls in a room. They were attired in short skirts and had their hair loose. I said I would fetch my chum and left the house.⁹²⁵

The events were very similar to the special detective's observations of the brothel on Longmarket Street. The detectives' modus operandi began with a stake out of a suspected brothel over two to three nights. They then paid the brothel a visit while undercover as a possible client. Once inside, detectives provoked sex workers into exchanging transactional details, which served as confirmation for securing a warrant. By the following day, detectives appeared at the brothel with an arrest warrant. In the end, the women were found guilty and fined £25-50 (in default three to six months imprisonment with hard labor).⁹²⁶

Whereas the women pleaded guilty, Lis on the other hand, pleaded not guilty. Lis resisted charges from the start. When faced with imminent charges in April of 1904, Lis's attorneys immediately arranged civil suits against A. Ferraro (tenant at the Sydney house) and Raner (tenant at the Longmarket street house) requesting ejectment and compensation for using the properties "for immoral purposes."⁹²⁷ Lis testified at his trial that he was unaware that his properties had operated as brothels until informed by police.

⁹²⁵ Testimony of Charles Hunt, Police Record No. 2860 in the arraignment of Fanny Bloem, 16 May 1904, AG 1531 part 2, folio 12984, Attorney General Records, Western Cape Archives and Records Service.

⁹²⁶ Police Record No. 2860 in the arraignment of Fanny Bloem, 16 May 1904, AG 1531 part 2, folio 12984, Attorney General Records, Western Cape Archives and Records Service; Police Record No. 2817 in the arraignment of Louise De Blean, 13 May 1904, AG 1531 part 2, folio 12984; Police Record No. 3392 in the arraignment of Marianne De Lorne, 15 June 1904, AG 1531 part 2, folio 12984; Police Record No. 983 in the arraignment of Marguerite Degland, 15 February 1904, AG 1531 part 2, folio 12984; Police Record No. 1975 in the arraignment of Jenny Durant, 31 March 1904, AG 1531 part 2, folio 12984; Police Record No. 377 in the arraignment of Susan Josephine, 18 January 1904, AG 1531 part 2, folio 12984.

⁹²⁷ Civil Record No. 4154, Joseph Lis vs. A. Ferraro, 26 April 1904, AG 1531 part 2, folio 12984, Attorney General Records, Western Cape Archives and Records Service; Civil Record No. 4153 Joseph Lis. vs. Raner, 26 April 1904, AG 1531 part 2, folio 12984, Attorney General Records, Western Cape Archives and Records Service.

On that date (April 18) I received notice from Police. I went to the houses and satisfied myself that they were brothels. I then went to my attorney and gave instructions to have the people cleared out... I notified Police that this had been done. A day or two before the people were cleared out I received a summons charging me with keeping brothels.⁹²⁸

Lis displayed surprise at the notion that his houses operated as brothels. In addition to taking legal action toward the evictions, Lis also worked to sell off his properties. By the time his trial began, Lis claimed to have sold both houses separately to buyers named Cohen and Neiman. However, Lis was not able to confirm their whereabouts before the judge.⁹²⁹ A private detective working undercover as a potential buyer for Lis's brothel business provided incriminating evidence countering his claims. Lis had asked the detective if he knew of "the nature of the properties" that he was interested in buying.⁹³⁰ When the private detective replied in the affirmative, Lis apparently provided a tour of the brothels. The detective testified how Lis was not just selling the properties, but the accompanying commercial sex operation that took place in the houses.

Accused showed me over the house and pointed out to me the adaptability of the place for the business. He pointed out first the peephole in the front door which he said he had purposely had made. He then showed me bars across the door which he said was for keeping out the drunk people... From the conversation I let accused understand that my intended buyer would carry on the same kind of business, as was carried on there and I asked accused if we could take over the women also. He said 'Yes, that can be arranged.'⁹³¹

⁹²⁸ Rex vs. J Alias Silver, 22 September 1904 (6 October 1904 proceedings copy), AG 1531 part 2, folio 12984, Attorney General Records, Western Cape Archives and Records Service.

⁹²⁹ Ibid.

⁹³⁰ Legal Sworn Statement, Robert Levy, 05 September 1904 (6 October 1904 proceedings copy), AG 1531 part 2, folio 12984, Attorney General Records, Western Cape Archives and Records Service.

⁹³¹ Ibid.

Lis wanted to sell quickly. His vague justification was that he wanted to “turn over a new leaf.”⁹³² At one point while touring the Longmarket Street pleasure house, Lis joked to the detective that the women did not want him to sell the business. The detective described how a scantily clad French speaking prostitute appeared to urge Lis not to sell the house. Lis turned to the detective and stated proudly, “You see they like me as their landlord.”⁹³³ Although this court record highlights the government’s enforcement of the brothel suppression legislation, police tactics, as well as the identities of people involved in Cape Town’s sex working industry, it also provides a glimpse into some of the dilemmas prostitutes encountered. Landlords and pimps viewed the women as accessories to the properties, as assets added to a business deal. Their residential and job security was often dependent upon the financial dealings of the men who operated Cape Town’s sexual entertainment enterprises.

Lis was ultimately convicted through the testimony of eyewitnesses, especially detectives who spent 12 months staking out his hang-outs along Caledon Street. Detectives testified that they saw him throughout the day and night walking with female sex workers and their male associates.⁹³⁴ Although Lis continued to deny that he operated pleasure houses, the affidavits detailing his past criminal activity and previous brothel keeping operations in Kimberley and Bloemfontein proved damaging. Lis was found guilty and sentenced to three months imprisonment with hard labor.⁹³⁵ Even after his sentencing, Lis continued to resist authorities. His lawyer filed

⁹³² Ibid.

⁹³³ Ibid.

⁹³⁴ Rex vs. J Alias Silver, 22 September 1904 (6 October 1904 proceedings copy), AG 1531 part 2, folio 12984, Attorney General Records, Western Cape Archives and Records Service.

⁹³⁵ Ordinary Jurisdiction Record No. 6723, Rex vs. J Alias Silver, 30 August 1904 (6 October 1904 proceedings copy), AG 1531 part 2, folio 12984, Attorney General Records, Western Cape Archives and Records Service.

an appeal claiming illegal proceedings.⁹³⁶ Lis's sexual entertainment enterprise challenged the colony's brothel suppression legislation. His high-profile case demonstrates the enforcement of moral policing efforts in Cape Town. It connects the early twentieth century migration of economically desperate European migrants, many of whom were Jews fleeing persecution, with Cape Town's deeply, racially stratified environment.

Lis's case seemed to demonstrate a swift police response to the Cape's crackdown of pleasure houses. However, records indicate that community members complained multiple times to authorities before police finally acted. A neighbor near a suspected brothel on 56 Shortmarket Street sent police several letters complaining about a few prostitutes plying their trade. The neighbor finally turned to the attorney general for help. The attorney general quickly forwarded the information to the police commissioner.⁹³⁷

Even when police began watching suspected pleasure houses, the evidence gathering required to obtain a warrant took several months. For instance, detectives had staked out a particular property on 56 Longmarket Street that suspiciously operated as a brothel for months, yet they still could not gather enough evidence for a warrant.⁹³⁸ In fact, Lis's two properties on Sydney and Longmarket Streets were under watch for several months as well. In fact, the judge initially denied police requests for search warrants for lack of evidence despite the testimony of four police officers.⁹³⁹

⁹³⁶ Letter, Lis' lawyer to Attorney General Victor Sampson, 17 October 1904, AG 1531 part 2, folio 12984, Attorney General Records, Western Cape Archives and Records Service.

⁹³⁷ Letter, Attorney General to the Acting Police Commissioner Crawford, 22 September 1904, AG 1528, folio 12650, Attorney General Records, Western Cape Archives and Records Service.

⁹³⁸ Letter, Acting Police Commissioner Crawford to the Attorney General, 04 September 1904, AG 1528, folio 12650, Attorney General Records, Western Cape Archives and Records Service.

⁹³⁹ Letter, Acting Commissioner Urban Police to John Graham (the Secretary to the Law Department), 25 July 1904, AG 1508, folio 10314, Attorney General Records, Western Cape Archives and Records Service; Letter, Acting Commissioner Urban Police to John Graham, 4 August 1904, AG 1508, folio 10314, Attorney General

Dangerous Women: Exerting Agency & Bearing all Guilt

The authorization of search warrants required multiple eyewitnesses and close observation.⁹⁴⁰ Once issued, however, warrants provided police with a lot of power to obtain evidence and arrest accused sex workers. Warrants allowed detectives to force their way into a suspected brothel by breaking down doors and glass if necessary.⁹⁴¹ On the 6th of January in 1905 such a warrant was issued for a house on 6 Dunkley Street in Cape Town. Detectives determined that the property operated as a pleasure house after a stake out. Three women- Dolly Daly, Ruby Chester, and Nelly Hallan- were charged with contravening the brothel suppression act. Police noted that several men visited the establishment. They also remarked that the women were scantily dressed in nightgowns, or at times seen naked.⁹⁴² “When the door was open, I saw the accused Ruby Chester standing inside naked,” Police Constable Andrew Scott testified.⁹⁴³ Police Sergeant Henry Norton stated he saw Dolly Daly “partially dressed” with a man.⁹⁴⁴

The three women were eventually found guilty of contravening the brothel suppression act and fined £50 or in default, three months imprisonment with hard labor.⁹⁴⁵ One might assume that sex workers lacked autonomy over their work and lives. For instance, this is evident in the way Joseph Lis so casually offered to include his prostitutes along with the sale of his brothels.⁹⁴⁶

Records; Letter, John Graham to the Acting Commissioner, 6 August 1904, AG 1508, folio 10314, Attorney General Records, Western Cape Archives and Records Service; Officers providing affidavits included Detective Head Constable Davis, Sergeant Forbes and Constables Rawson and Murphy.

⁹⁴⁰ This is evident in the cases of Pokewana, Goldberg, Lis, and the brothel owned by Ruby Chester.

⁹⁴¹ Arrest warrant, Resident Magistrate J.T. Wylde, 6 January 1905, AG 1560, folio 505, Attorney General Records, Western Cape Archives and Records Service.

⁹⁴² Police Record No. 122, Constable Andrew Scott, 11 January 1905, AG 1560, folio 505, Attorney General Records, Western Cape Archives and Records Service.

⁹⁴³ Ibid.

⁹⁴⁴ Police Record No. 122, Henry Norton, 11 January 1905, AG 1560, folio 505, Attorney General Records, Western Cape Archives and Records Service.

⁹⁴⁵ Police Record No. 122, Court of Resident Magistrate C.W. Broers, 09 January 1905, AG 1560, folio 505, Attorney General Records, Western Cape Archives and Records Service.

⁹⁴⁶ Legal Sworn Statement, Robert Levy, 05 September 1904 (6 October 1904 proceedings copy), AG 1531 part 2, folio 12984, Attorney General Records, Western Cape Archives and Records Service.

However, a closer reading of the court documents on Daly, Chester and Hallan reveal a group of women who possessed a considerable amount of agency over their work. They were able to arrange business relationships with cab drivers that drove potential clients to their establishment. Furthermore, the women seemed to possess the upper hand in these arrangements. A cab driver dropped a man off at the brothel one night. Within two minutes, however, Daly swiftly escorted him out. She went straight to the cab driver and scolded him for “bringing men like that to the house and making a fool of them.”⁹⁴⁷ It is not clear what transpired between Daly and the rejected client to deny him sexual services, however, this occurrence reveals Daly’s agency as well as the capacity for cab drivers to function as middlemen between sex workers and potential clients.

Encounters between brothel workers and the cab drivers who transported sexual entertainment consumers demonstrate a mutually beneficial economic relationship. Although prostitutes possessed a power advantage over drivers in this financial arrangement, they also bore all legal risks. Cab drivers were accessories in the industry who often played a vital role connecting men wanting commercial sexual services with brothel workers. Detectives described how they saw one of the “cab men” leave his car on an adjacent street with a male passenger inside to go knock on the door.⁹⁴⁸ After exchanging brief words with one of the prostitutes, the driver then “went back to (his) cab and a man got out of (the) cab and went to the house No. 6.”⁹⁴⁹ These type of examples in police reports show that cab drivers indirectly profited from the sex industry, yet police were not interested in arresting them, much less the clients. Both cab drivers and clients were complicit in the illegal activity. They were equal contributors to the so-called moral degeneracy that officials worked to prevent, yet they remained anonymous in all police and court records. Sex workers were

⁹⁴⁷ Police Record No. 122, Constable Andrew Scott, 11 January 1905, AG 1560, folio 505, Attorney General Records, Western Cape Archives and Records Service.

⁹⁴⁸ Ibid.

⁹⁴⁹ Ibid.

deemed dangerous, a threat to the community. Sex patrons and cab drivers, on the other hand, were viewed as mere accessories, and excused from accountability.

The women working at the Dunley Street brothel also displayed control over their clients. For instance, they tended to turn as many men away from the establishment as they allowed inside.⁹⁵⁰ Although the women mostly refused men or asked them to return at a later time after servicing other clients, they also exerted independence through their ability to reject men they disliked or found offensive. For instance, detectives staking out the pleasure house for evidence noted that inebriated men were not allowed to enter the home.⁹⁵¹ Most men tended to comply instantly with the women's commands, except in one instance when five men denied entry remained to loiter around the property. When two of the women threatened to "send a policeman," the men gave up, albeit reluctantly.⁹⁵² Even when the women chose not to turn certain men away that they found irritating, they still exerted power by reprimanding them. Nelly Hallan asked one of the men who had arrived shirtless, "have you a shirt on?"⁹⁵³ Although he replied that he did not, she still allowed him to enter. In another instance, two men banged on the outside shutters. Hallan swiftly walked out and scolded them for knocking on the window instead of the door.⁹⁵⁴

Despite the intense focus on enforcing the Brothel Suppression legislation of 1902, street walking prostitutes risked getting targeted for contravening an earlier act. Rachel Sucker, a known sex worker operating in Cape Town's city center, was charged with contravening Act 27 of 1882

⁹⁵⁰ Police Record No. 122, Constable Thomas Edward Cox, 11 January 1905, AG 1560, folio 505, Attorney General Records, Western Cape Archives and Records Service. Although other police reports detail minute by minute the number of men allowed entry and were refused, Cox made a general statement about the number of men refused. Based on the reports, one could surmise that the women preferred to keep about 4 men inside the house at any given time.

⁹⁵¹ Police Record No. 122, Constable Andrew Scott, 11 January 1905, AG 1560, folio 505, Attorney General Records, Western Cape Archives and Records Service.

⁹⁵² Ibid.

⁹⁵³ Ibid.

⁹⁵⁴ Ibid.

(amended by Act 44 of 1898) on the 17th of February in 1905.⁹⁵⁵ She was accused of “being a common prostitute or night walker,” who illegally loitered “in Caledon Street and other public places for the purpose of prostitution or solicitation to the annoyance of the inhabitants or passengers.”⁹⁵⁶ Police reports indicate that Rachel Sucker solicited eight men within a one hour period. Police also described her as having loitered in the streets, accosting “men (most of whom) who took no notice of her” except for two men that Sucker had approached on Canterbury Street.⁹⁵⁷ The three of them proceeded to walk to a house on Stone Street where they stayed inside for 15 minutes.⁹⁵⁸

Sucker eventually returned to her usual corner on Caledon Street. Police made the arrest while she approached another man.⁹⁵⁹ Naturally, the men who escaped with Sucker to the house on Stone Street were not charged with a crime since there were no laws directed at men who hired women for sex. In contrast, the court found Sucker guilty and sentenced her to 30 days in gaol with hard labor.⁹⁶⁰ Policing morality measures targeted men and women unequally. The criminalization of street walkers, such as Rachel Sucker, demonstrate the pervasive sexual double standard toward prostitution. Whereas men engaging in sexual commercial vice were considered guiltless in their demand of the trade, sex working females were deemed criminally and socially deviant, subject to legal action.

⁹⁵⁵ The Cape Colony’s Section 5 (29) of Act No. 44 (the Police Offenses Act) of 1892 stipulated that “any common prostitute or night walker loitering or being in any thoroughfare or public place for the purpose of prostitution or solicitation to the annoyance of the inhabitants or passengers.”

⁹⁵⁶ Rex vs Rachel Sucker, Police Record 628, 18 February 1905, AG 1574, box 2, Attorney General Records, Western Cape Archives and Records Service.

⁹⁵⁷ Rex vs Rachel Sucker, Police Record 628, Legal Sworn Statements of John Walker and Walter Stevens, 18 February 1905, AG 1574, box 2, Attorney General Records, Western Cape Archives and Records Service.

⁹⁵⁸ Ibid.

⁹⁵⁹ Ibid.

⁹⁶⁰ Rex vs Rachel Sucker, Police Record 628, 18 February 1905, AG 1574, box 2, Attorney General Records, Western Cape Archives and Records Service.

Syphilis: A Carnal Danger in Cape Town

Throughout the early twentieth century, syphilis remained a danger in Cape Town that continued to trigger government vigilance of sex.⁹⁶¹ The government regulation, however, exempted men. Much like the policing of prostitution revealed entrenched sexual double standards, so did the management of syphilis and other venereal infections.⁹⁶² The transmission of syphilis and other venereal infections were not limited to the commercial sexual liaisons targeted by the contagious diseases' legislation. Infections occurred through various sexual encounters; however, women (regardless of occupation) bore the brunt of government regulation. For example, a woman not involved in sex work risked becoming "a prisoner" at a lock hospital for contracting syphilis from a partner.⁹⁶³

When Katie Plan of 93 Keerom Street in Cape Town received a notice to appear for a gynecological "examination under Act 39 of 1885," she sought the assistance of a lawyer.⁹⁶⁴ Despite receiving treatment at the female lock hospital, Plan insisted that she was "not a prostitute."⁹⁶⁵ Plan's husband also intervened to defend his wife through her lawyer. Apparently, Mr. Plan did not want "his wife to comply in any way with the terms of this notice and is [was]

⁹⁶¹ Once again, the Contagious Diseases Prevention Act of 1885 remained in effect until the enactment of a unified health bill in 1919. The act required common prostitutes to undergo periodic invasive, involuntary gynecological exams.

⁹⁶² This conveyed a message that marginalized women affiliated with the sex industry were the source for venereal infection, and that the danger they posed necessitated surveillance.

⁹⁶³ Written Statement, "Case of Christina," Julia Solly, 1 May 1892, Microform TWL 6.2 box 3, Coll. 3JBL/31/12, Records of the Association for Moral & Social Hygiene, The Women's Library, London School of Economics; Report, "Report on an enquiry into the Cape Town Lock Hospital, 4 March 1898, CO 7508, ref 629, Colonial Office Records, Western Cape Archives and Records Service. The case of Christina Schafer provides a prime example of how a woman can be detained in a lock hospital and then labeled a common prostitute, despite not working in the sex industry. An 1898 case was reported through the enquiry of a woman being snatched from the streets and held at lock hospital for at least 10 days or more, despite showing no signs of VD or of even being a prostitute.

⁹⁶⁴ Letter, L. Alexander to Cape Town Lock Hospital, 19 February 1908, AG 1813, folio 14402, Attorney General Records, Western Cape Archives and Records Service.

⁹⁶⁵ *Ibid.*

prepared to contest the question as to whether the whole matter is [was] in accordance with the justice which every being is entitled to.”⁹⁶⁶ Katie Plan’s refusal to comply with examination demonstrates another example of resistance to government power. Women ensnared in regulation abuses voiced their opposition by participating, or allowing family and allies to participate, in legal complaints and petition drives.⁹⁶⁷

Although not subjected to the same abuses and stigma inflicted upon women, men also wound up as “inmates” in lock hospitals when diagnosed with syphilis.⁹⁶⁸ There were risks to their work and reputations simply for seeking treatment, however, one case highlights the privilege males possessed over women regarding the degree of suffering and persecution inflicted upon them when infected with syphilis. In 1903, several constables from the Cape Police discovered a loss of pay after receiving treatment for syphilis. Some officials initially interpreted policy to mean a pay stoppage for police officers who suffered an illness because of reckless behavior.⁹⁶⁹ However, the officers protested.⁹⁷⁰ They were supported by the police surgeon who warned that a pay stoppage would “induce the men to conceal the nature of their complaint, as long as possible from the police surgeon to avoid loss of their pay.”⁹⁷¹ The police surgeon further warned that since “they cannot afford to pay the fees of other medical men they are forced to consult quacks and chemists- the consequences must often be bad for the men themselves, as delay in the treatment of

⁹⁶⁶ Ibid.

⁹⁶⁷ Written Statement, “Case of Christina,” Julia Solly, 1 May 1892, Microform TWL 6.2 box 3, Coll. 3JBL/31/12, Records of the Association for Moral & Social Hygiene, The Women’s Library, London School of Economics; Letter, L. Alexander to Cape Town Lock Hospital, 19 February 1908, AG 1813, folio 14402, Attorney General Records, Western Cape Archives and Records Service.

⁹⁶⁸ Letter, Q.W. Lucas to Urban Police, 21 July 1905, AG 1813, folio 11313, Attorney General Records, Western Cape Archives and Records Service. Patients often viewed themselves as prisoners of lock hospitals when receiving treatment for sexually transmitted infections.

⁹⁶⁹ Ibid.

⁹⁷⁰ Letter, Inspector to Law Department, 29 April 1905, AG 1813, folio 11313, Attorney General Records, Western Cape Archives and Records Service.

⁹⁷¹ Letter, Police Surgeon to Inspector Hemsworth, 1 April 1905, AG 1813, folio 11313, Attorney General Records, Western Cape Archives and Records Service.

these diseases is frequently disastrous, and they must, as well, be bad for the people of the town.”⁹⁷²

In other words, paying the men was a means of applying vigilance to protect Cape Town from a dangerous scourge.

In the end, the men were reimbursed for their missed salaries. Despite the inconvenience of a temporary stoppage in pay, however, these men returned to work after their treatment.⁹⁷³

Whereas women risked being placed on the *common prostitute* registry and the bureaucratic-legal troubles that this action entailed, the men in this case suffered no severe penalties. Safeguarding Cape Town from carnal dangers reinforced patriarchal privileges all the while creating greater burdens for women.

Conclusion

Cape Town officials and citizens were preoccupied with carnal dangers in the first decade and a half of the twentieth century. Prostitution, venereal diseases, rape, and sexual slavery elicited anxiety. Underscoring these dangers were threats to the racial order. This chapter about sex and danger in Cape Town highlights the government’s practice of moral vigilance as well as that of community members, such as neighbors, concerned citizens and even church leaders. This chapter also shed light on the work and identities of prostitutes and their pimps in the years following the Cape’s racially motivated crackdown on brothels. Viewed as deviant by the government and community that surveilled them, sex workers were mostly Coloured women or European emigres who resisted prevailing attitudes on morality and crime. Sex workers responded to government

⁹⁷² Ibid.

⁹⁷³ Letter, Resident Magistrate to the Attorney General, September 1905, AG 1813, folio 11313, Attorney General Records, Western Cape Archives and Records Service.

Carnal Vigilance, Vending Vice

power and control by exhibiting agency. Not only did they contribute to the local economy, but they also guided Cape Town's sex industry.

Chapter 6- Unlawful Carnalities: Commercial Sex and Race in South Africa, 1910-1957

In 1946, officials from a municipality thirty-nine kilometers south of Cape Town, agonized over their “good name... and the well-being of local residents.”⁹⁷⁴ Sailors and Coloured prostitutes in Simonstown (the home of a British Royal Naval base) were seen having sexual intercourse at various locations. Officials documented carnal transactions taking place in the abandoned huts near Queen’s Battery Football Field, an old coach house, the vacant buildings at the Hockey Field Oil Tanks, and even the grounds of a Catholic Church near the east dockyard.⁹⁷⁵ Officials also reported the “very disgusting state of affairs,” occurring near Lord Nelson Hotel and Prince Edward Hotel, which was near the Africa Station Club.⁹⁷⁶ Their frustration was over the “drunk and disorderly” Coloured girls who left the club with sailors.⁹⁷⁷ Officials reported on the “serious and well-founded complaints... of filthy behavior and obscene language used by these undesirables (local prostitutes)” in a public space surrounded by hotel guests.⁹⁷⁸

Due to the many documented sexual encounters between white military men and local Coloured sex workers, the mayor issued formal complaints to the vice admiral (commander in chief of the South Atlantic) regarding the Royal Navy’s lack of cooperation. For instance, the

⁹⁷⁴ Letter, Mayor of Simonstown to Vice Admiral Burnett, 28 June 1946, 3/SMT, 4/1/80, folio P4/1 F1, Simonstown District and Municipal Records, Western Cape Archives and Records Service.

⁹⁷⁵ Letter, G.H. Marais, “Immoral use of defense buildings Simonstown,” 5 July 1946, 3/SMT, 4/1/80, folio P4/1 F1, Simonstown District and Municipal Records, Western Cape Archives and Records Service; Letter, Town Clerk, “Public nuisance on property at Seaforth,” 28 June 1946, 3/SMT, 4/1/80, folio P4/1 F1, Simonstown District and Municipal Records, Western Cape Archives and Records Service.

⁹⁷⁶ Extract of report from traffic inspector, Van de Merwe, “Girls leaving Africa Station Club- drunk,” 20 March 1947, 3/SMT, 4/1/80, folio P4/1 F1, Simonstown District and Municipal Records, Western Cape Archives and Records Service.

⁹⁷⁷ Ibid.

⁹⁷⁸ Ibid.

mayor appeared irate that naval command would not take disciplinary action against the petty officers that had been nabbed by municipal police for the incident at the Catholic church. Although municipal police had handed over the men to naval patrol, the sailors faced no apparent consequences.⁹⁷⁹ The mayor was convinced that the average naval patrolman ignored the wrongdoing committed by “his pals,” because British sailors mutually benefitted from looking the other way in such instances, since the patrol man could likely find himself in a similar situation “the next day.”⁹⁸⁰

The mayor fully expected the vice admiral’s full support on the matter.⁹⁸¹ Twelve years prior, the South African parliament had enacted the Immorality Law of 1927, which penalized “illicit carnal intercourse between Europeans and natives.”⁹⁸² The mayor requested that the vice admiral adopt measures that widened the classification of “illicit carnal intercourse” to include more groups than what was stipulated in the act:

Making it a disciplinary offence for naval men in uniform to associate with non-Europeans in public unless in the execution of their duty, (because) such a rule exists with the Union Defence Force. With the violent colour prejudice in South Africa all the good work done... will rapidly be thrown away if the already common spectacle of men... walking about the streets with Coloured women is not checked.⁹⁸³

The mayor’s appeal to the vice admiral not only highlighted the racial bigotry practiced by white South Africans, but also, the legal movements cementing white supremacy. The mayor

⁹⁷⁹ Ibid.

⁹⁸⁰ Ibid.

⁹⁸¹ Letter, Mayor of Simonstown, “Nuisance caused by Coloured prostitutes,” 26 June 1946, 3/SMT, 4/1/80, folio P4/1 F1, Simonstown District and Municipal Records, Western Cape Archives and Records Service.

⁹⁸² Act No. 5 of 1927, also known as the “Immorality Act, 1927.” This legislation also prohibited procurement for the purpose of commercial sexual vice that crossed racial boundaries.

⁹⁸³ Ibid.

clearly expected that all whites abide by their customs. In the years preceding World War II, Simonstown promoted local racially segregated practices. In 1937, for example, the town council “set out to do everything possible to keep the popular outing of Seaforth Beach ‘white’.”⁹⁸⁴ In collaboration with law enforcement, officials had also worked to prevent encounters between sailors and Coloured females.⁹⁸⁵ However, the vice admiral disagreed that any South African racial laws had been broken. He countered the mayor’s points:

Disciplinary action against a naval rating by a naval authority cannot be taken unless the rating has committed an offence against the act. Association with a prostitute of whatever colour is not an offence under the act unless accompanied by some disgraceful feature. The Admiralty do not recognize a colour-bar. Further, a number of naval ratings are married to non-European women. The most that can be done therefore, is to advise personnel to honour the ethics observed by the peoples of South Africa.⁹⁸⁶

The vice admiral recognized that although the social and political climate in South Africa might more closely reflect the Union Defence Force’s stance on forbidding carnal interactions between white military men and “non-European women,” the act in question, however, forbade sexual activity only between “Natives” and whites. Thus, British sailors broke no South African laws in their sexual exploits with Coloured prostitutes, according to the vice admiral, and nor through their non-sexual cavorting with sex workers regardless of race. One way in which the mayor had attempted to appeal to the vice admiral was by reminding him of the threat that venereal infections posed to naval men. In other words, if the vice admiral prohibited his sailors from

⁹⁸⁴ Letter, Mayor of Simonstown to Commander in Chief’s office, 23 November 1937, 3/SMT, 4/1/80, folio P4/1 F1, Simonstown District and Municipal Records, Western Cape Archives and Records Service.

⁹⁸⁵ Letter, Mayor to Vice Admiral Tottenham, 23 September 1937, 3/SMT, 4/1/80, folio P4/1 F1, Simonstown District and Municipal Records, Western Cape Archives and Records Service. There was an attempt made to keep sailors away from dances and halls frequented by Coloured community.

⁹⁸⁶ Letter, Vice Admiral Burnett to Mayor of Simonstown, 12 July 1946, 3/SMT, 4/1/80, folio P4/1 F1, Simonstown District and Municipal Records, Western Cape Archives and Records Service.

interacting with Coloured prostitutes than the VD rate would drop, thus preserving military readiness.⁹⁸⁷ However, British imperial solutions to the threat of sexually contagious illnesses never prohibited military men from seeking the services of prostitutes; they merely supported government surveillance of sex workers.⁹⁸⁸

The mention of venereal diseases was a mere argumentative tool for the mayor. His principal focus was on the interracial carnal interactions that had been transpiring in his community. The fixations on maintaining the racial hierarchy coincided with increasing nationalist and anti-British imperial sentiments. “Unless checked,” the mayor began, “it [interracial sex involving sailors] will undoubtedly have a serious effect on the prestige of the Royal Navy in South Africa where unhappily a fairly large section of the public, politically at any rate, have no scruples in using any weapon which disparages the British connection.”⁹⁸⁹ In other words, Afrikaner nationalists could use the navy’s lack of concern over the issue with interracial carnal transactions as a political tool against British interests.

The mayor’s warnings regarding the discontent over British imperialism reflected a political climate favorable to the National Party’s Afrikaner ethnic nationalist agenda. Formed in 1914 to represent Afrikaner economic concerns, the National Party’s support grew despite various political defeats.⁹⁹⁰ Even though the National Party formed a coalition government with the South African Party due to unrest brought on by the Great Depression, World War II prompted renewed tension between English-speaking South Africans and Afrikaners causing a split in the moderate

⁹⁸⁷ Saunders, *Reader’s Digest Illustrated History of South Africa, The Real Story*, expanded 3rd edition, (Cape Town: The Reader’s Digest Association of South Africa, 1995), 264.

⁹⁸⁸ See Chapters 1 and 2.

⁹⁸⁹ Letter, Vice Admiral Burnett to Mayor of Simonstown, 12 July 1946, 3/SMT, 4/1/80, folio P4/1 F1, Simonstown District and Municipal Records, Western Cape Archives and Records Service.

⁹⁹⁰ *Ibid.* The National Party did not obtain enough votes during elections to form a ruling government until 1924. The Rand Revolt of 1922, which resulted in government repression of striking white miners, produced increasing animosity among many whites toward the ruling South African Party led by Jan Smuts.

leaning coalition.⁹⁹¹ Thus, a reunified Nationalist party emerged in 1939 that included hardline nationalists.⁹⁹² Two years after the tense correspondence between the vice admiral and the mayor, it was this National Party that would win the election of 1948, ultimately maintaining political power for decades.⁹⁹³

The National Party's rule led to the enactment of sweeping racial legislation that reinforced white supremacy and introduced apartheid in South Africa. In addition to the institutionalization of racial oppression that drove the South African political agenda throughout the twentieth century, the Nationalist Party broke South Africa away from the Commonwealth in 1961, fulfilling the desire of many South Africans (evident in the mayor's warning) to create a republic that was free from British imperialism. But most pertinent to this study, the Nationalist Party also abolished prostitution in 1957. The full criminalization of sex work was significant for the Cape, which had tolerated prostitution, albeit in various degrees since the start of European colonization in 1652.⁹⁹⁴

The tense correspondence between a vice admiral in the British Royal Navy and a mayor from a South African municipality 39 kilometers south of Cape Town highlights the political currents examined in this chapter pertaining to commercial sex policy developments from 1910 to the full abolition of sex work in 1957. Most importantly, it also reveals an important transformation

⁹⁹¹ Saunders, *Reader's Digest Illustrated History of South Africa, The Real Story*, 264. The Unionist Party (a pro-British party, whereas the South African Party was a more moderate version of this party) was the opposition party but lost support due to rising Afrikaner nationalism. Union Party membership merged under the South African Party in 1920 but were still defeated by the Nationalist Party under Hertzog in the election of 1924. Unrest during the Great Depression prompted the Nationalist party to form a coalition with Smut's South African Party to form the United Party. However, a group of hardliners, led by Daniel Malan, broke the Nationalist Party away from Hertzog's leadership.

⁹⁹² Ibid. With the United Party in control of the government, South Africa's participation in the war in support of the British prompted Hertzog to break the alliance with Smuts and regain leadership in newly reorganized Nationalist Party in 1939.

⁹⁹³ Ibid.

⁹⁹⁴ Although the Cape experienced limitations on prostitution via the brothel suppression legislation (Act 36 of 1902 for the Suppression of Gaming Houses, Betting Houses, Brothels and Immorality) and public nuisance code (Cape Colony's Act No. 44, the Police Offenses Act, 1892), the intention was not to curtail sex work, only sex work that crossed racial boundaries or created a public nuisance.

regarding the degree of moral culpability and responsibility distinguishing genders. Throughout much of the Cape's history with prostitution, marginalized women bore the brunt of the government's policing tactics. In contrast, authorities mainly ignored the male clients.⁹⁹⁵ This was especially true in the nineteenth century when the sex trade shifted from mere toleration to full endorsement through the Contagious Diseases and Prevent Acts, which regulated prostitution at the Cape. Officials formulated such policies based on assumptions that marginal women were principal spreaders of sexually transmitted infections.⁹⁹⁶

Military commanders were the drivers of policies pertaining to sex work, initiating requests to local officials for greater policing of Cape women, all the while disregarding men. However, this correspondence suggests an about face. Military commanders were no longer approaching local government officials about surveilling marginalized Cape women (primarily Coloured and African females).⁹⁹⁷ Instead, a local authority had initiated appeals for the sexual control of British servicemen.⁹⁹⁸ The other change evident in the mayor's request was the expectation that white men bear greater responsibility in the prevention of carnal infractions upon the racial order. Even the first substantial limitation placed upon the sexual vice industry at the Cape via the Immorality Act of 1902 disburdened the male clientele from wrongdoing. The brothel suppression legislation was intended to only punish white sex workers and their pimps.⁹⁹⁹

⁹⁹⁵ See Chapter 2.

⁹⁹⁶ *Ibid.*; See also Chapter 1.

⁹⁹⁷ Government regulation was abolished in 1919 with the enactment of the Union of South Africa's first public health act. See Chapters 3 and 4.

⁹⁹⁸ In other words, the mayor now expected white men to bear greater responsibility in the prevention of carnal infractions upon the racial order.

⁹⁹⁹ Motivated by cases of white prostitutes sexually servicing African clients, government officials enacted the Immorality Act of 1902 to crackdown on brothels and procuring, partly on the grounds of preventing interracial carnal transactions between white women and black men that occurred within the sex industry.

Racial distinctions, along with the sexual double-standard governed the Cape's approach to carnal vigilance at the turn of the twentieth century. After all, no prior move to suppress the sex industry had occurred when black women comprised the largest proportion of sex workers and British troops their key clientele, but the reverse created a panic among local authorities.¹⁰⁰⁰ Examining responses to carnal transgressions exposed white patriarchal privileges. The exchanges between a British vice admiral and Cape municipal mayor, however, occurred under a different political climate, which ultimately informs an important transformation regarding white male accountability in interracial carnalities. Unlike the Cape's Immorality Act of 1902 (brothel suppression legislation) which only punished white prostitutes and pimps for sexual transactions with African clients, the Immorality Act (Act No. 23) of 1957 fully prohibited prostitution, brothel-keeping and procuring regardless of race.¹⁰⁰¹

This chapter not only seeks to uncover why twentieth century nationalist leaders abolished commercial sexual vice, but also how greater culpability and moral responsibility was applied to white men. I argue that the 1957 legislation, which made all aspects of the sex work industry an offence, aligned with the agenda of twentieth century nationalist leaders because they sought to elevate white moral behaviors to further insulate white society. This apartheid era legislation invoked oppressive carnal vigilance measures that also coincided with the banning of sexual activity between whites and blacks. Despite ranking atop the racial and gender hierarchy, the

¹⁰⁰⁰ Report, "Report on an enquiry into the Cape Town Lock Hospital, 4 March 1898, CO 7508, ref 629, Colonial Office Records, Western Cape Archives and Records Service; see also Chapter 2. Colonial Medical Office records demonstrate that the Cape's CD regulation had long revealed an ethnically diverse population of sex workers with Coloured women comprising the majority. Van Heyningen, 181-182. Van Heyningen research shows that a registration list dated for October 1868 reveal that out of the 213 women in register represented 5 labeled ethnic categories. Out of the 213 women, 112 were identified as Coloured.

¹⁰⁰¹ Act No. 23 of 1957

behaviors and habits of white men became increasingly policed by government authorities for the purpose of safeguarding white supremacy.

This chapter on key transformations leading up to South Africa's ban on the commercial sexual vice industry examines trends and events from 1910 through 1957. It is important to begin this analysis with the creation of the Union of South Africa in 1910 to understand how national policy makers began to envision racial, class and gender structures for the new nation. Under constant scrutiny, the state viewed the carnal an arena apt for transgressions on the racial hierarchy. These imaginings pertaining to national identity and character propelled nationalists to steer legislation that eventually resulted in the abolition of prostitution in 1957 alongside interracial sex bans.

The time leading up to the union unleashed debates among the white intelligentsia in South Africa on whether the Cape's non-racial franchise should be applied to other provinces. Influencing these conversations was the use of scientific racism (a pseudo-science misappropriating the scientific method and use of empiricism to justify racist ideology and policy) by bogus experts under the illusion that they possessed genuine scientific expertise.¹⁰⁰² In the end, the non-racial franchise practiced at the Cape was not only rejected by the other provinces, but also, attacked by National Party and United Party governments.¹⁰⁰³

White Male Culpability

¹⁰⁰² Saul Dubow, *Scientific Racism in Modern South Africa*, (Cambridge: University of Cambridge, 1995), 92.

¹⁰⁰³ Saunders, *Reader's Digest Illustrated History of South Africa, The Real Story*, expanded 3rd edition, (Cape Town: The Reader's Digest Association of South Africa, 1995), 392-396. National Party and Unified Party governments denied representation for blacks via legislation over time.

Expecting white males to bear greater responsibility in preventing interracial carnal interactions was a concept that began generating momentum among officials throughout southern African territories in the decades prior to the mayor of Simonstown's demands in 1946. As far back as unification, lawmakers were already dissecting inequities in legislation that made white women culpable for instances of interracial sex but not white men. The sexual choices of white men garnered increasing scrutiny, which ultimately resulted in national legislation on carnal matters.¹⁰⁰⁴

In June 1910, German South West Africa grew concerned with the rising rates of “bastards/offsprings between white and black.”¹⁰⁰⁵ Seeking a model to help in the creation of legislation, the colony reached out to law department officials in the Transvaal. The Imperial German Consul specifically wanted to know if there were laws in the Transvaal forbidding miscegenation and “cohabitation of white men with native women and vice versa.”¹⁰⁰⁶ The acting law secretary replied that “the law (in the Transvaal) forbidding the intercourse of natives with white women is contained in section 3 of Act 16 of 1908...”¹⁰⁰⁷ The secretary also informed, however, that “no penal clauses specially dealing with the intercourse of white men with native women” existed.¹⁰⁰⁸ In fact, none of the Immorality Acts from the other provinces viewed white men criminally responsible for having sexual intercourse with black women. Instead, those punished were white prostitutes and their pimps who had conducted commercial sexual activity

¹⁰⁰⁴ Prior to the abolition of sex work in 1957, the South African parliament (with a National Party majority) enacted the Immorality Act of 1927 (Act No. 5). The Immorality Acts of 1927 and 1957 penalized white men for interracial sex. Specifically, the Immorality Act of 1927 prohibited extra marital sex between whites and “natives.” Male violators of the act, whether white or African, risked a five-year imprisonment if convicted.

¹⁰⁰⁵ Letter, Imperial German Consul to the Secretary of Justice Pretoria, 9 June 1910, JUS 805, file 1/600/23, Part I, Coll. Justice Department, National Archives of South Africa.

¹⁰⁰⁶ Ibid.

¹⁰⁰⁷ Letter, Secretary of Justice Pretoria to Imperial German Consul, 14 June 1910, JUS 805, file 1/600/23, Part I, Coll. Justice Department, National Archives of South Africa.

¹⁰⁰⁸ Ibid.

with black males. The Transvaal's Immorality laws proved very similar, except black men were viewed as criminally responsible for sexual intercourse with white women, even in instances of enticement.¹⁰⁰⁹

Complaints questioning the behavior of white men engaging in carnal intimacies with black women also began arriving at the Justice Department as early as 1912. Community leaders and government officials from throughout South Africa were convinced that 'white men cohabitating with black women' had become a serious problem that must be dealt with.¹⁰¹⁰ One such example of a complaint came from the executive council of the English Church Men's Society in Pietermaritzburg. This group, claiming to represent all the English churches in the area, requested that measures be adopted for the following:

Whereas under existing legislation there is inequality in the treatment of the different races in the matter of immoral relations between the sexes: inasmuch as when a white man has sexual intercourse with a black woman such immoral relations constitute no offence at present, but when a black man has such relations with a white woman both incur heavy penalties: --

This federation is strongly of opinion that legislation should be introduced, having for its object the total prohibitions of immoral sexual intercourse between white and black and the equalization of penalties for all such offences and earnestly urges that steps be taken as speedily as possible to secure legislation to this end.¹⁰¹¹

Demands for gender equal treatment in the establishment of immorality laws also came from women. The Maritzburg local chapter of the National Council of Women in South Africa

¹⁰⁰⁹ Report, Minute No. 746, 13 July 1920, JUS 805, file 1/600/23, Part I, Coll. Justice Department, National Archives of South Africa.

¹⁰¹⁰ Many of the documents found in JUS 805, file 1/600/23, Part I are titled as 'white men cohabitating with black women'.

¹⁰¹¹ Letter, Eric Kimberly to Minister of Justice, 22 May 1912, JUS 805, file 1/600/23, Part I, Coll. Justice Department, National Archives of South Africa.

demanded that legislation pertaining to the prohibition of “unlawful (sexual) intercourse between any white woman and coloured person” should also “be made to apply equally to a white man in his relations with a coloured woman.”¹⁰¹² The complaints calling for greater responsibility among white men’s cross racial sexual relations gained traction from lawmakers. The Justice Department reached out to law enforcement officials throughout South Africa to collect information on “the evil of cohabitation between European men and native women...”¹⁰¹³

In responding to the Justice Department’s query, a Johannesburg police officer made his case for new Immorality legislation that targeted the sexual behavior of white men:

The number of half-caste children who are to be found in locations and in the yards of slum dwellings in Johannesburg (the rooms of which are mostly occupied by native and coloured females, many of whom are illicit liquor dealers and prostitutes who live with a certain degraded class of Europeans) in evidence of this social evil...

It is common knowledge that a great many white men prefer intercourse with a native woman rather than a white woman, though for what reason it is difficult to say: it may be that they consider there is less likelihood of their being called upon to bear the consequences of intercourse with native women. Other white men associate with native and coloured women to further their own interests in the illicit liquor trade.

In the poorer parts of Johannesburg, where this intercourse takes place, women generally offer sexual intercourse as an inducement to men to obtain intoxicating liquor for them. This is, of course, not always the case, as there are a number of European men with whom white women (who have some respect for themselves) will have nothing to do, and these men seek from native women that would be denied them by white women, even though the latter may be prostitutes....

In my opinion preventative legislation is long overdue and should be introduced as early as possible, making the penalty in this respect

¹⁰¹² Letter, National Council of Women in South Africa to Minister of Justice, 28 September 1925, JUS 805, file 1/600/23, Part I, Coll. Justice Department, National Archives of South Africa.

¹⁰¹³ Letter, Secretary of Justice to Mrs. M.C. Burgers, 10 October 1925, JUS 805, file 1/600/23, Part I, Coll. Justice Department, National Archives of South Africa.

similar to that which already exists for illicit intercourse between native men and white women.¹⁰¹⁴

The officer described white men who engaged in illicit sex with African and Coloured women as “a degraded class of Europeans” that even white women would not want.¹⁰¹⁵ In 1925, Tielman Johannes de Villiers Roos (the first chairman of the National Party in the Transvaal) drafted the Immorality Bill of 1926. This legislation was intended to “prohibit unlawful intercourse between European males and Native females...”¹⁰¹⁶ However, a more encompassing version of the law passed the following year instead. The Immorality Act of 1927 was enacted to “prohibit illicit carnal intercourse between Europeans and natives and other acts in relation thereto.”¹⁰¹⁷ In other words, it banned all unlawful (unmarried) sexual activity between whites and Africans. In addition, the act also banned sex work purveyors from providing illicit carnal intercourse that crossed racial boundaries.¹⁰¹⁸

As soon as parliament passed the act, the Justice Department requested that immigration and harbor authorities “devise some means to ensure that the crews of foreign ships” arriving at South African ports be made aware of the new legislation.¹⁰¹⁹ After all, the penalties were stiff. Any white male found guilty of “illicit carnal intercourse with a native female” risked serving a five-year prison sentence.¹⁰²⁰ Cape Town agencies of steamship companies informed ship

¹⁰¹⁴ Letter, South African Police Criminal Investigations to Justice Department, 8 October 1925, JUS 805, file 1/600/23, Part I, Coll. Justice Department, National Archives of South Africa.

¹⁰¹⁵ Ibid.

¹⁰¹⁶ Proposed Bill, Immorality Bill of 1926, drafted in 1925, JUS 805, file 1/600/23, Part I, Coll. Justice Department, National Archives of South Africa.

¹⁰¹⁷ Act No. 5 of 1927 (Immorality Act of 1927), enacted by the 5th South African Parliament.

¹⁰¹⁸ Ibid.

¹⁰¹⁹ Ibid.

¹⁰²⁰ Ibid.

commanders of the Immorality Act and printed circulars to distribute to seaman.¹⁰²¹ The purpose of the distribution was to warn visiting seaman of the recent legislation forbidding carnal interactions between whites and Africans.

In his research pertaining to the making of the Immorality Act of 1927, Jeremy Martens contends “that white men's extramarital sexual relations with black women had, by the mid-1920s, come to be regarded as immoral acts that threatened white civilization.”¹⁰²² One explanation driving the state’s application of moral culpability and responsibility upon white men for sexually crossing racial boundaries is due to the practice of Christian patriarchy evident in the Dutch Reformed Church. The Dutch Reformed Church promoted a type of moral vigilance that not only relegated women as male possessions, but also required that they forfeit sexual desires to the custody of men. Thus, this religious, conservative worldview imbued policymakers with the notion that women were less blameworthy than men in deeds of carnality.¹⁰²³

The increasing religiosity in government reflects the Dutch Reformed Church’s influence on Afrikaner nationalists, but also the growing political strength of the National Party. Afrikaner nationalists formed the National Party in 1914. Despite political defeats, the National Party obtained enough votes in the 1924 election to form a ruling government.¹⁰²⁴ It was the National Party led by Hertzog that ushered in the Immorality of 1927. Although the Dutch Reformed Church

¹⁰²¹ Ibid.

¹⁰²² Jeremy Martens, “Citizenship, ‘Civilisation’ and the Creation of South Africa's Immorality Act, 1927,” *South African Historical Journal*, 59:1 (2007), 224.

¹⁰²³ India Thusi, “Policing Sex: The Colonial, Apartheid, and New Democracy Policing of Sex Work in South Africa,” *Fordham International Law Journal* 38, no. 1 (2015): 208; Liezl Gaum, “Turning Tricks: A Brief History of Regulation and Prohibition in South Africa,” *Stellenbosch Law Review* 14, no. 3 (2003): 233. <http://0-hdl.handle.net.oasis.unisa.ac.za/10520/EJC54499> (accessed 9 June 2016).

¹⁰²⁴ Saunders, *Reader's Digest Illustrated History of South Africa, The Real Story*, expanded 3rd edition, (Cape Town: The Reader's Digest Association of South Africa, 1995), 264. The Rand Revolt of 1922, which resulted in government repression of striking white miners, produced increasing animosity among many whites toward the ruling South African Party led by Jan Smuts, this provided an opening of greater support for the National Party. They came to power for the first time in 1924 by forming a coalition with the Labour Party.

supported segregationist policies by the 1920s, Saul Dubow explains that “unashamed support for the principle of white supremacy was mitigated [during this period] by the injunction that” whites must take on a paternal role toward the African population.¹⁰²⁵ The use of theological arguments by the Dutch Reformed Church to support racial oppression did not begin occurring until the 1930s.¹⁰²⁶ Nevertheless, “traces of explicit racism [espoused by church leadership] were evident” in the previous decade. This is best demonstrated by a 1921 statement on scientific racism made by the Dutch Reformed Church, which stated that Africans had not evolved sufficiently in order to possess the moral aptitude of whites.¹⁰²⁷

Scientific Racism & the *Black Peril*

The Dutch Reformed Church’s public espousal of scientific racism in the 1920’s demonstrates the widespread acceptability of pseudo-scientific ideas in white South African society. Scientific racism not only proved another factor driving the Immorality Act of 1927, but also additional anti-miscegenation legislations that followed.¹⁰²⁸ *In Scientific Racism in Modern South Africa*, Saul Dubow explained that “public concern for miscegenation” manifested through the passage of Immorality Acts.¹⁰²⁹ “By the 1920s there was almost universal public condemnation of miscegenation. It was variously believed to be a ‘social evil’, an offence against public morality,

¹⁰²⁵ Saul Dubow, “Afrikaner Nationalism, Apartheid and the Conceptualization of ‘Race,’” *The Journal of African History* 33, no. 2 (1992), 213.

¹⁰²⁶ *Ibid.*, 217.

¹⁰²⁷ *Ibid.*, 213.

¹⁰²⁸ Anti-miscegenation legislation that followed the Immorality act of 1927 included the Mixed Marriages Act of 1949, which prohibited marriages between whites and people from the other designated racial categories, such as African, Coloured and Asian, and the Immorality Law of 1957 (Act 23 and subsequently renamed the Sexual Offences Act of 1957).

¹⁰²⁹ Saul Dubow, 181.

and a cause of racial degeneracy and demoralisation.”¹⁰³⁰ Reinforcing white fears over miscegenation was a steady stream of pseudo-scientific ‘discoveries’ regarding race and biological determinism. Particularly, eugenic theory was the belief that bi-racial children “suffered physical and moral degeneration as well as a decline in fertility.”¹⁰³¹

A monumental study supporting white anxieties over miscegenation was conducted in German South West Africa in 1908 by German anthropologist and pioneer of the eugenics movement, Eugen Fischer.¹⁰³² Fischer’s research on racially mixed offspring was considered “authoritative proof of the negative consequences of ‘race hybridisation’ in South Africa.”¹⁰³³ Another study that applied eugenics theory in the years prior to the Immorality Act of 1927 was the work conducted by Fantham and Porter. Fantham and Porter claimed to definitively demonstrate that “racial mixture led to the physical abnormalities...”¹⁰³⁴ Recognizing that their evidence lacked “biological” proof in making the eugenics case against interracial unions, Fantham and Porter relied on racial prejudices instead. For example, not only did they use racist stereotypes of the Coloured population as a model to ‘prove’ that “‘intermarriages’” resulted in negative consequences, but also implied that as a group, Coloureds were an aberration that was not often accepted in society:

‘The coloured race has not the energy or persistence of the white, neither is it controlled by the tribal conventions of the native. Educationally, the coloured peoples lag behind the white, and the general tendency is towards mediocrity. As a body, the coloured are often despised by white and black alike.’¹⁰³⁵

¹⁰³⁰ Ibid., 182.

¹⁰³¹ Ibid., 183.

¹⁰³² Ibid.

¹⁰³³ Ibid.

¹⁰³⁴ Ibid., 184,

¹⁰³⁵ Ibid., 184. Saul Dubow is citing from Fathom in ‘Some Factors in Eugenics,’ 409.

Scientific racism was used to confirm preexisting myths that blacks and the offspring of black and white unions were inferior to whites. The pseudo-scientific studies generated support for Immorality legislation. Scientific racism provided white supremacists with the justification to ban interracial marriages and interracial sex in the two decades following the enactment of the Immorality Act of 1927.¹⁰³⁶ Scientific racism became widely discredited in the post-World War II Era. In fact, the United Nations Educational, Scientific and Cultural Organization (UNESCO) issued a statement explaining that race was not a biological fact, but rather the product of a social myth, however, some anthropologists continued to posit aspects of biological determinism in relation to intelligence.¹⁰³⁷

Another factor influencing the enactment of the Immorality Act of 1927 was anxiety over the *black peril*, or black rape scares.¹⁰³⁸ Timothy Keegan explained that “assumptions about the purity of white women were at the centre of the discourse of moral panic. Defilement of white women threatened the purity of the race. It was unthinkable that respectable women could ever consent to black men being familiar with them.”¹⁰³⁹ As explained in previous chapters, in the imaginings of white society, black rape posed a serious threat to the racial order. Although much has already been examined about the *black peril* in this thesis, a key aspect of the phenomenon requiring more focus to explain the making of the Immorality Act involves the role of white female enticement. For example, the behavior of white women in the presence of black men was

¹⁰³⁶ See note 1011.

¹⁰³⁷ *Ibid.*, 127.

¹⁰³⁸ For analyses on the black peril in this thesis regarding occurrences in the early 1900s and in the post-unification period, see pp. 106 and 191.

¹⁰³⁹ Timothy Keegan, “Gender, Degeneration and Sexual Danger: Imagining Race and Class in South Africa, c.a. 1912,” *Journal of South African Studies* 27, no. 3 (September 2001): 475. <http://www.jstor.org/stable/823311> (accessed 16 June 2016).

scrutinized. Since white mistresses interacted in close proximity with their black male servants in farmhouses and suburban homes, there was concern that white women risked provoking the lustful predations of black men in these intimate spaces:

This dark fantasy world obviously occupied white men's minds; for there was much fascination with what went on in white homes when husbands were away. The constant warnings against careless and lax attitudes towards 'houseboys' represented not only concern for women's ignorance of the importance of maintaining proper social distance, but also concern that behind undue familiarity might lurk an unhealthy sexual frisson.¹⁰⁴⁰

Some whites placed no fault on the 'houseboys' for interracial carnal transgressions, but rather, on middle-class white women.¹⁰⁴¹ In his research on the *black peril* in Natal, Jeremy Martens asserts that white women were faulted for overly familiar interactions with their black male servants. In the prevailing view of the day, these women "failed to conform to the domestic ideal expected of white women in a racist and patriarchal society."¹⁰⁴² Whether through purposeful or unintentional actions, the idea that white women could incite black male lust proved another facet of the *black peril* at the Cape.

The *black peril* phenomenon also brought attention to the behavior of whites in other ways. In addition to the comportment of middle-class white women in the presence of black men, the actions of marginalized whites purportedly jeopardized white supremacy. As Jeremy Martens

¹⁰⁴⁰ Ibid.

¹⁰⁴¹ See Chapter 6, especially notes 61-64.

¹⁰⁴² Jeremy Martens, "Settler Homes, Manhood and 'Houseboys': An Analysis of Natal's Rape Scare of 1886," *Journal of Southern African Studies* 28, no. 2 (June 2002): 397, <https://www.jstor.org/stable/823391> (accessed 3 March 2022).

stated, “whites who failed to embrace middle-class morality and conform to the standards of bourgeois civility were also seen to threaten the edifice of white supremacy.”¹⁰⁴³

To demonstrate how marginalized whites contributed to the risks associated with the *black peril*, the Committee on Assaults on Women, tasked by the government to investigate cases of black rape, also blamed this “*fallen class*” of whites. Whites who engaged in sexual and liquor vices, criminality, disseminated and consumed pornographic, and lived in impoverished conditions were viewed as subverting the racial order.¹⁰⁴⁴ Thus, the *black peril* brought attention to white culpability as government officials legislated morality on a national level. Due to the Immorality Act of 1927, the government profoundly meddled in the carnal intimacies expressed by all South Africans, irrespective of racial categories.

The Immorality Act of 1927 and Sex Work at the Cape

The Immorality Act of 1927 prohibited carnal relations between Africans and whites. Although it was the first significant piece of legislation intended to preserve the racial order that operated in the Cape since Act No. 36 of 1902 for the Suppression of Gaming Houses, Betting Houses, Brothels and Immorality the practice of prostitution maintained its legality, albeit with stipulations.¹⁰⁴⁵ For instance, brothel operations and pimping were banned. In addition, any white prostitute found guilty of conducting carnal commercial transactions with African men risked a

¹⁰⁴³ Jeremy Martens, “Citizenship, ‘Civilisation’ and the Creation of South Africa’s Immorality Act, 1927,” 227.

¹⁰⁴⁴ Newspaper clipping, “The Assaults on Women Commission,” *The Christian Express: A Journal of Missionary Work and Christian News*, 1 September 1913, NTS 181, file no. F472, Coll. of Native Affairs, 133, 135; Elizabeth Thornberry, *Colonizing Consent: Rape and Governance in South Africa’s Eastern Cape* (Cambridge, Cambridge University Press, 2019), 231. Thornberry describes the distasteful habits elites connected white poverty.

¹⁰⁴⁵ See Chapter 2.

two-year prison sentence.¹⁰⁴⁶ Despite such restrictions to the sex industry, prostitution at the Cape ultimately remained legal as long as there was no involvement from procurers, and the transactional sex stayed among participants within the same racial category.

The only other South African laws involving the sex trade prior to the Immorality Act of 1927 had occurred soon after union. However, most of the laws enacted were not racially coded. Act No. 2 of 1911 imposed fines for sex workers who plied their trade in public spaces to the annoyance of passersby.¹⁰⁴⁷ Act No. 41 of 1911 banned the operations of brothel owners and pimps.¹⁰⁴⁸ However, laws with similar wording had already been enforced at the Cape via Act No. 36 (brothel suppression law), as well as the earlier Cape Colony's Act No. 44 of 1892 (specifically Section 5, item 29), also known as the Police Offenses Act of 1892, which stipulated that "any common prostitute or night walker loitering or being in any thoroughfare or public place for the purpose of prostitution or solicitation to the annoyance of the inhabitants or passengers."¹⁰⁴⁹ Legally, prostitution was viewed as a problem only in the following instances: when the practice became a public nuisance, done under coercion, conducted in brothels, involved pimping, and occurred through sexual activity between blacks and whites. The state placed restrictions on sex work but did not eliminate it.

With Apartheid Comes the Ban on Sex Work

¹⁰⁴⁶ Cape of Good Hope, 10th Parliament, Act 36 of 1902 for the Suppression of Gaming Houses, Betting Houses, Brothels and Immorality, box 3, folder 1 of 3, Coll. 3/AMS/D/41, Records of the Association for Moral & Social Hygiene, The Women's Library, London School of Economics.

¹⁰⁴⁷ India Thusi, 229.

¹⁰⁴⁸ Ibid., 230.

¹⁰⁴⁹ The Cape Colony's Section 5 (29) of Act No. 44 (the Police Offenses Act) of 1892.

In 1948, the National Party won the general election.¹⁰⁵⁰ As the governing party that espoused Afrikaner nationalism, they established a climate of authoritarianism and white supremacy. Oppressive racial segregation and exclusionary policies were institutionalized via the apartheid system. Incidentally, the first pieces of apartheid legislation involved intrusive government vigilance into the sexual lives of people in South Africa. The carnal required strict policing by the state because it was viewed as a space rife with the potential for racial transgressions, which ultimately threatened white dominance.

Due to the National Party's close ties with the Dutch Reformed Church, a Christian nationalist ideology shaped government policy.¹⁰⁵¹ The first prime minister of the apartheid era, D.F. Malan, had been a Dutch Reformed Church minister. During World War II, Malan as an opposition leader had warned that "Christian civilization" was at risk from "barbarism."¹⁰⁵² In fact, the Dutch Reformed Church often made biblical justifications for the issues championed by Afrikaner nationalists, such as apartheid.¹⁰⁵³ When the National Party gained power, a minister of the Dutch Reformed Church declared that South Africa belonged to Christianity once again.¹⁰⁵⁴ It was under this climate of government religiosity that set the stage for the prohibition of sex work.

¹⁰⁵⁰ In the election of 1948, the Reunited National Party (Herenigde Nasionale Party, HNP for short) garnered a majority. This party formed in the 1940s through the reunion of Daniel François Malan's Purified National Party and Hertzog's Afrikaner nationalist faction that had broken away from the United Party in 1940. After 1948, the HNP merged with the Afrikaner Party (another Afrikaner nationalist political party). The party's name reverted to National Party in 1951.

¹⁰⁵¹ Afrikaner nationalists began adopting a Christian national ideology in the 1930's. For more information, see T. Dunbar Moodie's *The Rise of Afrikanerdom: Power, Apartheid, and the Afrikaner Civil Religion*, specifically Chapter 8.

¹⁰⁵² T. Dunbar Moodie, *The Rise of Afrikanerdom: Power, Apartheid, and the Afrikaner Civil Religion*, (Berkeley: University of California Press, 1975), 248.

¹⁰⁵³ *Ibid.*, 238; Saul Dubow, "Afrikaner Nationalism, Apartheid and the Conceptualization of 'Race,'" *The Journal of African History* 33, no. 2 (1992), 217.

¹⁰⁵⁴ Saunders, *Illustrated History of South Africa*, 370.

In 1949, nationalists enacted the Mixed Marriages Act, which prohibited marriages between whites and people from the other designated racial categories, such as African, Coloured and Asian.¹⁰⁵⁵ The following year, an amendment to the Immorality Act of 1927, which had banned extra-marital sexual intercourse between whites and *natives*, now prohibited “sexual relations between all blacks and whites.”¹⁰⁵⁶ The Immorality Act was actively enforced by law enforcement during apartheid. Surveillance methods were “frequently marked by policemen, binoculars at the ready, hiding in the trees to observe offending couples; late night raids; the checking of bedsheets and underclothes for signs of sexual intercourse...”¹⁰⁵⁷ In fact, one of the first persons charged with contravening the act was a minister from the Dutch Reformed Church.¹⁰⁵⁸

In 1957, parliament enacted Act 23. This new Immorality Law of 1957 (subsequently renamed the Sexual Offences Act of 1957) became the overriding legislation intruding into the carnal intimacies of South Africans. Designed to “consolidate and amend the laws relating to brothels and unlawful intercourse and other acts...,” this legislation maintained the prohibition of carnal relations between whites and blacks.¹⁰⁵⁹ However, the law also outlawed sex work entirely. Specifically, sections 2, 8, and 10 of the Immorality addressed the unlawfulness of procuring and operating a brothel. Section 19 prohibited enticement and solicitation of an “immoral act” at a public place, and section 20 criminalized living on prostitution earnings.¹⁰⁶⁰ Lastly, section 16 prohibited sex between white persons and ‘coloured’ persons, yet the act defined ‘coloured’ as

¹⁰⁵⁵ Act No. 55 of 1949 (The Prohibition of Mixed Marriages Act), enacted by the 10th South African Parliament.

¹⁰⁵⁶ Act No. 21 of 1950 (Immorality Act of 1950), enacted by the 10th South African Parliament.

¹⁰⁵⁷ Missing Discussion board posts

¹⁰⁵⁸ *Ibid.* 375

¹⁰⁵⁹ Act. No. 23 of 1957 (Immorality Act of 1957), enacted by the 11th South African Parliament.

¹⁰⁶⁰ *Ibid.*

“any person other than a white person.”¹⁰⁶¹ Guilty of contravening the act resulted in a prison sentence.¹⁰⁶²

By banning brothel keeping, procuration, enticement “to commit immoral acts,” and living on the proceeds of prostitution, the apartheid regime effectively criminalized sex work.¹⁰⁶³ However, not only did Cape Town’s centuries long sex industry continue to flourish, but the Immorality Acts also failed to eradicate sexual encounters that crossed racial bounds. For example, in the 1950s, foreign sailors docking in Cape Town were searching for vice entertainment in the “night-clubs and dives in the more unsavory streets of the Coloured ‘District Six’ in the centre of Cape Town.”¹⁰⁶⁴

Officials attempted to steer the seaman away from places of vice entertainment by distributing circulars to ship captains that warned about the dangerous “‘Coloured and Indian quarters...’” They were informed that they were likely to encounter “‘contact men, pimps or taxi-drivers, hansom-cabs and rickshas’” that took them “‘for liquor or women’” in these spaces.¹⁰⁶⁵ However, as Henry Trotter, a scholar specializing in dockside prostitution in Cape Town and Durban, explained, such warnings ultimately informed sailors of where they could find the kind of entertainment they sought.¹⁰⁶⁶

Cape Town’s sex industry remained supported by sex workers, clients, pimps, cabdrivers, and downtown nightclub owners (now fulfilling the function of tavern owners in the modern era), whom all resisted the Immorality Law.¹⁰⁶⁷ Prostitutes often encountered their clients in the

¹⁰⁶¹ Ibid.

¹⁰⁶² Ibid.

¹⁰⁶³ Ibid.

¹⁰⁶⁴ Henry Trotter, “Dockside Prostitution in South African Ports.” *History Compass*, 6 (2008), 681.

¹⁰⁶⁵ Ibid.

¹⁰⁶⁶ Ibid.

¹⁰⁶⁷ Ibid.

nightclubs. “Although these clubs were often violent places, where sex and drugs were sold, they were some of the few institutions in Cape Town that ignored apartheid legislation. The men and women of all ‘races’ who went there, just by drinking and dancing together, were breaking the law...”¹⁰⁶⁸

Trotter explains that even though the “clubs were raided, they were not closed...” in the years following the legislation.¹⁰⁶⁹ In fact, “the clubs were not targets of moral campaigns or police clampdowns. They were left largely to their own devices, allowed to interact in a way that was the antithesis of apartheid’s law-and-order racial segregationism.”¹⁰⁷⁰ Thus, the Immorality Act of 1957 was poised to severely intrude upon the carnal interactions of South Africans, however, it failed to significantly disrupt Cape Town’s sexual vice industry. Just as colonial era local officials tolerated prostitution because they accepted that the sex trade would inevitably take place in the seaport town, law enforcement authorities in the twentieth century seemingly looked the other way.

Conclusion

Unlike the first Immorality Act experienced at the Cape in 1902, which punished white prostitutes (along with their pimps) for engaging in sexual commercial transactions with African clients, the Immorality Act (Act No. 23) of 1957 prohibited prostitution, brothel-keeping and procuring regardless of race entirely. White men were no longer ignored in the Immorality Acts

¹⁰⁶⁸ Ibid.

¹⁰⁶⁹ Ibid.

¹⁰⁷⁰ Ibid. Trotter explains that police relied on local vagrancy and loitering laws to arrest street walkers who made a public nuisance. Similar laws, such as the Cape of Good Hope’s Parliamentary Act No. 44 of 1898, also known as the Police Offenses Act, have always been applied in those circumstances.

enacted by the National Party. Cape Town's legal changes to carnal interactions were driven by twentieth century nationalist leaders. When the National Party became the governing party in 1948, their apartheid legislation not only abolished commercial sexual vice, but also demanded greater culpability and moral responsibility from white men. This aligned with the Dutch Reformed Church's view that men were responsible for women, including female sexual expressions and actions.

Race science, the black peril, disapproval of lower class whites, as well as miscegenation threatened white racial dominance. The Immorality Acts were the apartheid government's solution to controlling immoral carnal intimacies. In the end, Cape Town's sexual vice industry provided spaces of resistance. The Immorality Act of 1957 might have criminalized interracial carnal infractions as well as the sex trade, however, the selling and purchasing of the carnal continued, just as it had for centuries.

Conclusion

The Sexual Offenses Act of 1957 (formerly called the Immorality Act of 1957) has undergone several amendments throughout the twentieth and twenty-first centuries. Although the prohibition on sexual activity between white persons and persons of any other classified race were eliminated via an amendment in 1985, provisions related to the sex work industry endures. Thus, the criminalization of sex work remains a legal relic of the apartheid regime. Specifically, sections 2 through 8 prohibit brothel operations. Section 10 bans procurement. Section 12a imposes fines on the go-betweens of sex workers and clients, such as in escort service operations. Solicitation and living on earnings of prostitution are prohibited under sections 19 and 20. The only modifications to these provisions involved the elimination of stricter penalties imposed on instances of interracial carnal transactions.¹⁰⁷¹

According to Sex Workers Education and Advocacy Taskforce (SWEAT), an advocacy group for South African sex workers, there were over 1,200 sex workers in Cape Town in 2006.¹⁰⁷² Despite abolishing activities related to the sale of sex, the sex trade continues to thrive in Cape Town. Cape Town police only target public, street-based prostitutes through local soliciting and loitering laws. However, police tolerate prostitution that occurs indoors, such as in brothels and private homes.¹⁰⁷³ SWEAT backed surveys revealed that police abuse of public, street-based sex workers was common: “47 per cent have been threatened with violence by police, 12 per cent have

¹⁰⁷¹ Act. No. 23 of 1957 (Immorality Act of 1957), enacted by the 11th parliament.

¹⁰⁷² Worked in collaboration with ISS (Institute for Security Studies).

¹⁰⁷³ Chandré Gould, “Selling sex in Cape Town Sex work and trafficking in a South African city,” funded by the Belgian Development agency, 6.
<https://issafrica.s3.amazonaws.com/site/uploads/Book2008SellingSexInCT.pdf> (Accessed 15 September 2021).

been raped by police officers, and 28 per cent have been asked for sex by policemen in exchange for release from custody.”¹⁰⁷⁴

The issue over sex work have historically remained closely connected to the rhetoric of disease prevention and public safety. For example, a Cape Town medical officer in 1977, Reg Coogan, called for eliminating the 1957 act, and instituting government regulation instead. “Prostitution will always be with us’,” he began.¹⁰⁷⁵ “If it is legalized it will be brought into the open and allow the authorities to more effectively combat not only the occurrence and spread of VD, but other associated evils like pimping and blackmail’.”¹⁰⁷⁶ Similarly, a parliamentary assembly debate in 1988 on prostitution, addressed the notion on whether sex work “should be legalised and controlled, thus at least ensuring standards of health and so helping the fight against venereal diseases and against AIDS’.”¹⁰⁷⁷ Whereas syphilis and gonorrhea dominated the minds of health officials, military commanders and politicians over a century prior, AIDS now proved the modern sexually transmitted concern.

This thesis on the history of prostitution in Cape Town from 1868 to 1957 examined the racial, gendered and class attitudes that shaped the trade from outright acceptance via government regulation to prohibition of sex work with the enactment of the Immorality Act of 1957. The commercial exchange of sex proved a tenacious economic and social force, remaining tacitly tolerated to this day despite the current legal abolition of sex work. Throughout this examination’s eighty-nine-year span, the region experienced British imperialism, a mineral rush, industrialization, warfare, union, and an apartheid government. White patriarchs steered laws

¹⁰⁷⁴ Ibid.

¹⁰⁷⁵ Thusi, 236.

¹⁰⁷⁶ Ibid.

¹⁰⁷⁷ Ibid.

regarding morality and public health through their bureaucratic and policing powers. Although white middle class women challenged the government's unfair policies toward marginalized women, they also reinforced their racial power and privilege.

This thesis asked why a shift toward sexual commerce occurred from support and regulation to one of abolition and criminalization. The carnal provided entertainment, pleasure, and a source of income. It was very much embedded into the commercial fabric of this urbanized seaport. The carnal also induced anxiety in many, and its very act often evoked defiance. Thus, sex was under constant vigilance by the government, as well as women's activists, moral reformers, medical professionals, law enforcement, and citizens. I argued that white perceptions of threats to the racial order provoked a shift in prostitution from license to prohibition, because racial anxieties were also sexual anxieties. The steady enactment of stringent policies on prostitution also correlated with increasing exclusionary and segregationist measures.

It is important to emphasize that the socio-cultural attitudes and morality polices highlighted in this thesis are not limited to Cape Town. Demographic and economic transformations involving Cape Town also equated with wider implications for the entire Western Cape as a whole. An effective examination into the history of prostitution in Cape Town could not overlook the regional, national, international, and imperial forces driving the sex trade and its vigilance. Thus, source material was gathered to reflect the multinational perspectives required for an effective examination into this topic.

The archival evidence primarily involves correspondence, government communiques, newspaper articles, police reports and court cases from the Western Cape Archives, the National Archives of South Africa, and the Women's Library at the London School of Economics. Unfortunately, these documents only reflect the perspectives of powerful men in authority, and the

white middle class values of many female moral reformers and community members. They overlook the viewpoints of marginalized people, predominantly sex workers. Since carnal behaviors and criminal acts are underground activities, Cape Town's prostitutes left no contemporary sources of their own. Instead, they were often the subject matter of policy makers, law enforcement officials, and disapproving citizens. Attempting to determine their motivations and experiences from police records and other biased perspectives required 'a reading between the lines' approach.

Chapter 1, "Defending Empire, Defending Morality: The Contest Over the Cape of Good Hope's First Sexual Vice Regulation," looked into the heated political debates over the enactment of the Cape's first Contagious Diseases Prevention Act, which remained in effect from 1868 to 1872. This legislation allowed for the registration, forced gynecological examinations, and detainment at lock hospitals for women authorities had designated as sex workers. This chapter also asks how conceptualizations of race, gender, morality, and empire inspired various manifestations of carnal vigilance. Opposition to government regulated prostitution primarily came from female purity activists and local Cape community leaders. They encountered stiff resistance from regulationists (government and military authorities) who feared the ravages of syphilis and gonorrhea. Their support of regulation was buoyed by deep-seated gender and racial biases, as well as imperial ambitions.

Chapter 2, "The Cape of Good Hope's Contagious Diseases and Prevention Act of 1885: Protecting 'Whiteness' and the Road to Racial Exclusion, 1872-1902," focused on the Cape's second installment of government regulated prostitution. From 1885 to 1902, prostitution at the Cape remained regulated, but not criminalized. However, with the enactment of Act No. 36 of 1902, the Suppression of Gaming Houses, Betting Houses, Brothels and Immorality Act,

(commonly referred by contemporaries as the Immorality Bill) officials placed substantial, enforceable limitations on sexual commerce for the first time after a centuries-long tradition of toleration and endorsement. This occurred because demographic and urban transformations threatened to upset the racial order. Ultimately, white anxieties over miscegenation triggered the brothel suppression law. However, the government continued to regulate prostitution. Moral reformers proved vocal in highlighting the inconsistencies with the government's practices. Although prejudices and biases existed in the region prior to the 1870s (the starting timeframe for this analysis), the rapid growth in mining, war, migration, epidemics, and politics on hygiene propelled changes to Cape Town's carnal policing measures.

Chapters 3 and 4 examined the role of female activism (primarily from white social purity activists around Cape Town) in the making of South Africa's first public health act in 1919. Emergent women's and moral reform groups emerged in the first two decades of the twentieth century to combat government sanctioned prostitution, modern syphilis prevention approaches, and greater protection for women and girls. Attitudes toward the role of women in assisting with the shaping of national policy changed dramatically from 1902 to 1919. During this period, powerful men in government went from dismissing women's participation to requesting it. In the end, white female moral reformers were often challengers to state power, but also abettors in the government's control of marginalized people.

Chapter 5, "Carnal Dangers: Sin, Sex and Crime in Cape Town, 1902-1914" was about 'dangerous' sex, and community and police vigilance. The chapter highlighted the government's control over sex workers, but also the resistance expressed by the marginalized people working in the sex industry. Chapter 6, "Unlawful Carnalities: Commercial Sex and Race in South Africa, 1910-1957" sought to understand why twentieth century nationalist leaders abolished

commercialized sex work, as well as why greater culpability and moral responsibility became applied to white men. Ultimately, the Immorality Act of 1957, which criminalized all aspects of the sex trade, aligned with the nationalist goals of twentieth century political leaders. The Immorality Act was a fundamental legislation reflecting oppressive racially motivated carnal vigilance measures of the apartheid era.

This examination into Cape Town prostitution contributed to the historical understanding of the racial, gender, and moral assumptions typifying the eras through the mid-nineteenth and twentieth centuries. It also delved into the imperial, global, national, and local structures supporting moral policing measures. Most importantly, when studying the history of Cape Town prostitution, one can recognize similarities in the debates over sex work and community health transpiring currently. May this look into Cape Town's sexual commercial past help guide away from the pitfalls of prejudice and abuse that so often resulted from the making of policies pertaining to health and sex.

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