

Lady Astor and the Ladies of the Night: The Home Office, the Metropolitan Police and the Politics of the Street Offences Committee, 1927–28

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A department is to those it employs a complex personality with ideas and even fads of its own. [...] Likewise no department appears perfectly wise to the intimacy of its workers. A department does not know so much as some of its servants.¹

Section 54 (11) of the Metropolitan Police Act 1839 criminalized the act of a common prostitute causing annoyance by soliciting in public.² For the police to implement this legislation was no simple matter, as no definition of “prostitute,” or indeed “annoyance,” was scribed in statute law. Although common law aided the interpretation of this offense—the case of *Rex v. de Munck* (1918): “We are of the opinion that prostitution is proved if it is shown that a woman offers her body commonly for lewdness

1. Joseph Conrad, *The Secret Agent: A Simple Tale* (Oxford: Oxford University Press, 2004 [first pub. 1907]), 67.

2. *Public General Acts*, 2 and 3 Vict., cap. 47.

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of payment in return”³—in practice, identifying a “common prostitute” and defining “annoyance” was left to the discretion of the individual police officer. Although specific squads were deployed to target streetwalkers in West End police divisions, where the presence of prostitutes was more likely to cause public offense, a “blind eye” was often turned to women soliciting in the less salubrious streets of the metropolis. Local knowledge gained on the beat and the informal advice of colleagues shaped an unofficial police policy of containment and toleration.⁴

In short, police officers developed an idea of what a prostitute was and where she could be found.⁵ As the following three cases from the late-1920s indicate, however, these apparently “common sense” decisions were open to criticism. Dr Morton (governor of Holloway prison) aired the example of Bessie Moncrieff, charged with soliciting prostitution in July 1927, to the Street Offences Committee. Although Moncrieff possessed a previous conviction for soliciting, at the time of arrest she was 70 years old, and had an abdominal tumor and enlarged liver; hardly conducive to earning a living on the streets.⁶ In 1928, Nora O’Malley had a similar case dismissed at Bow Street Police Court: medical evidence produced in court showed that she was *virgo intacta*.⁷ Moreover, on the following July 6, the 21-year-old Helen Adele was arrested for using “insulting words” in public; this vague clause formed section 54 (13) of the Metropolitan Police Act, which empowered officers to arrest women who were not known as prostitutes, for soliciting. At Clerkenwell Police Court, Adele stated on oath that one of the two arresting policemen had “tried to take liberties with her in a cab” and that she had been arrested because of a lack of compliance. She admitted that she was “not pure,” but denied being a prostitute. Her story was corroborated by a cab-washer, which led the presiding magistrate to dismiss the case and advise an internal inquiry into the matter. The two constables were committed to trial at the Old Bailey and were each sentenced to 18 months in prison for perjury.⁸

Following a campaign led by the Association for Moral and Social Hygiene (AMSH) to reform the solicitation laws, the Home

3. *The King v. de Munck* (1918) 1 KB 635, cited in Helen J. Self, *Prostitution, Women and Misuse of the Law: The Fallen Daughters of Eve* (London: Frank Cass, 2003), 117.

4. Stefan Slater, “Containment: Managing Street Prostitution in London, 1918–59,” *Journal of British Studies* 49 (2010): 332–57.

5. *Ibid.*, 341–42.

6. The National Archives, Kew (hereafter TNA), SOC 13, February 18, 1928, 5–6, qq. 6542–50, evidence of Dr Morton, governor of Holloway Prison.

7. Women’s Library, London Metropolitan University (hereafter WL), 3/AMS Box 43, Special MEC (Minutes of the Executive Committee) May 31, 1928.

8. *The Times*, August 6, 10, 13, 23 and 30; and September 12, 13 and 15, 1928.

Office-appointed Street Offences Committee reported on its investigation into prostitution in November 1928.⁹ The remit of this departmental Committee was: "To enquire into the law and practice regarding offences against the criminal law in connection with prostitution and solicitation for immoral purposes in streets and public places and other offences against decency and good order, and to report what changes, if any, are in their opinion desirable."¹⁰ The committee recommended the repeal of the prostitution laws and their replacement with two theoretically gender-neutral offences that applied to both sexes: to importune a person of the opposite sex for an immoral purpose and to cause a nuisance leading to complaint by a third party while frequenting a public space for said purpose.¹¹ In spite of a high degree of public support for prostitution law reform, however, no new legislation resulted from this inquiry.

Although the AMSH's campaign to reform the solicitation laws has been covered in some detail by a number of historians, their common feminist viewpoint restricts the scope of interpretation. Although Anne Logan and Helen Self conclude that the AMSH, in rejecting the recommendations of the Street Offences Committee, missed out on a liberalizing opportunity for reform, both devote little attention to the machinations of high politics, the functioning of bureaucracy, and the practicalities of policing.¹² Julia Laite's study of prostitution law reform is another welcome historiographical intervention; however, her interpretation is limited by an over-reliance on the records of the Association for Moral and Social Hygiene. Moreover, Laite skirts the issue of why attempts at law reform failed.¹³ As will be seen, contemporary interest in prostitution law reform needs to be interrogated within a broader context of concern about the state of policing in the metropolis.

Utilizing Home Office files, especially the transcripts of evidence submitted to the Street Offences Committee, Metropolitan Police reports, the committee minutes of the AMSH, the private papers of Nancy Astor and Sir William Joynson-Hicks, and a variety of biographical material, this article explores various reasons for the failure of legislative change. The analysis looks particularly at the activities and ideas of extra-parliamentary organizations, the Home Office, stipendiary magistrates,

9. For a recent examination of the AMSH's campaign to reform the solicitation laws see Julia A. Laite, "The Association for Moral and Social Hygiene: Abolitionism and Prostitution Law in Britain (1915–1959)," *Women's History Review* 17 (2008): 207–31.

10. *Report of the Street Offences Committee*, Cmd. 3231 (London: HMSO, 1928–29), 3.

11. *Ibid.*, 28–29. For a discussion of these two proposed offences see Self, *Prostitution*, 7.

12. Anne Logan, *Feminism and Criminal Justice: A Historical Perspective* (Basingstoke: Palgrave Macmillan, 2008), 97–99 and Self, *Prostitution*, 6–8.

13. Laite, "The Association for Moral and Social Hygiene," 218.

and senior police officers who were involved in discussions about prostitution law reform. As London accounted for fifty-seven percent of arrests for prostitution offenses in England and Wales, this study concentrates on events in the metropolis.¹⁴

This article opens with an examination of the AMSH's campaign for prostitution law reform. Although Bridget Pym observes that the dispositions of government and the role of parliamentary sponsors are more decisive than the influence of pressure groups on reform,¹⁵ it is clear that the government took public calls for legislative change seriously; the appointment of a committee serves as a means to test an idea in public. This analysis then proceeds to explore the coherence of motives that spurred a coalition of interest groups to reform the solicitation laws. It becomes apparent that the AMSH failed to play its best hand.

The discussion proceeds with an exploration of the views of those concerned with the administration of the law: Home Office officials, stipendiary magistrates, and Metropolitan Police officers. Surprisingly, these institutions have received only limited and specialist study for the interwar period.¹⁶ An appreciation of these quasi-autonomous arms of the state is

14. Julia Laite, "Taking Nellie Johnson's Fingerprints: Prostitutes and Legal Identity in Early Twentieth-Century London," *History Workshop Journal* 65 (2008): 96–116.

15. Bridget Pym, "The Making of a Successful Pressure Group," *British Journal of Sociology* 24 (1973): 448–61.

16. Although it was remarked over 30 years ago that the civil service receives less historical attention than Parliament (Max Beloff, "The Whitehall Factor: The Role of the Higher Civil Service, 1919–39," in *The Politics of Reappraisal, 1918–39*, ed. Gillian Peele and Chris Cook [London: Macmillan, 1975], 209. A similar comment is reiterated in David Vincent, *The Culture of Secrecy: Britain, 1832–1998* [Oxford: Oxford University Press, 1998], viii–ix), the sole monograph-length study of the civil service in the early twentieth century remains Gail Savage's examination of the social service ministries in the interwar years: Gail Savage, *The Social Construction of Expertise: The English Civil Service and its Influence, 1919–39* (Pittsburgh: University of Pittsburgh Press, 1996). A number of historians have begun to address historians' relative ignorance of magistrates courts in early-to-mid twentieth century England: George Behlmer, "Summary Justice and Working-Class Marriage in England, 1870–1940," *Law and History Review* 12 (1994): 229–75; Anne Logan, "'A Suitable Person for Suitable Cases': The Gendering of Juvenile Courts in England, c. 1910–39," *Twentieth Century British History* 16 (2005): 129–45; Anne Logan, "Professionalism and the Impact of England's first Women Justices, 1920–50," *Historical Journal* 49 (2006): 833–50; Anne Logan, "In Search of Equal Citizenship: The Campaign for Women Magistrates in England and Wales, 1910–39," *Women's History Review* 16 (2007): 502–18; and Pamela Donovan and Paul Lawrence, "Road Traffic Offending and an Inner London Magistrates' Court (1913–1963)," *Crime, Histoire & Société* 12 (2008): 119–40. For an overview of policing issues in the interwar years see Clive Emsley, "Police Forces and Public Order in England and France During the Interwar Years," in *Policing Western Europe: Politics, Professionalism and Public Order, 1850–1940*, ed. Clive Emsley and Barbara Weinberger

crucial to comprehending attitudes to the formulation of criminal law, because prostitution was one of a number of public order offenses, such as street gambling, which merited contemporary concern. Moreover, public order offenses had to compete with other policing priorities, such as the rising crime rates beginning in 1929.

Stuart Ball reminds the historian that practical politics, rather than the lofty considerations of constitutional theory, lie at the heart of the study of government.¹⁷ Therefore, the final two sections examine, in turn, policing issues during the late 1920s and how, despite wide public acceptance of the need for a degree of police reform in the face of adverse public comment, the recommendations of the Street Offences Committee could be ignored. Rather than dismissing bureaucracy as inimical to reform, the Home Office deferred to the police, both because of their expertise and out of a desire not to put themselves in conflict with them as they pursued administrative reforms of the force.

The arguments comprising prostitution law reform serve as a reminder of David Sugarman's acute observation: "Law was not a top-down injunction, but an arena of struggle whose impact was invariably subject to a process of continual negotiation and reconstruction."¹⁸ At face value, the politics of prostitution control may appear trivial next to the more widely documented upheavals of the interwar years.¹⁹ A close reading of the issues examined by the Street Offences Committee, however, highlights

(London: Greenwood Press, 1991), 159–86; and Clive Emsley, *The Great British Bobby: A History of British Policing from the 18th Century to the Present* (London: Quercus, 2009), 202–30. A detailed study of policing in London during the 1920s is contained in Jonathan B. Lopian, "Crime, Police and Punishment, 1918–29: Metropolitan Experiences, Perceptions and Policies" (PhD diss., University of Cambridge, 1986). More specialist studies on the Met's history include Huw Clayton, "A Bad Case of Police Savidgery: The Interrogation of Irene Savidge at Scotland Yard," *Women's History Magazine* 61 (2009): 30–38; Matt Houlbrook, "'The Man with the Powder Puff' in Interwar London," *Historical Journal* 50 (2007), 145–71; Louise A. Jackson, "'Lady Cops' and 'Decoy Doras': Gender, Surveillance and the Construction of Urban Knowledge, 1919–59," *London Journal* 27 (2002): 63–83; and Louise A. Jackson, "Care or Control? The Metropolitan Women Police and Child Welfare, 1919–69," *Historical Journal* 46 (2003): 623–48. For a study of relations between the police and public following the turbulent late 1920s, see Jerry White, "Police and Public in London in the 1930s," *Oral History* 11 (1983): 34–41.

17. Stuart Ball, "Parliament and Politics in Britain, 1900–1951," *Parliamentary History* 10 (1991): 243–76.

18. David Sugarman, "Writing 'Law and Society' Histories," *Modern Law Review* 55 (1992): 292–308.

19. For a recent synthetic account of life in the interwar years see Martin Pugh, *We Danced All Night: A Social History of Britain between the Wars* (London: Bodley Head, 2008).

how, in a new age of mass democracy, the Metropolitan Police remained relatively free from public accountability.

Constituting the Street Offences Committee

The campaign to reform the solicitation laws formed part of a broader feminist movement. From the early twentieth century, female suffrage was seen as a means for women to curb the sexual excesses of men; one professed aim of female suffrage was to bring political and moral benefits to the nation.²⁰ Therefore, the campaign to reform the solicitation laws was a continuation of the nineteenth-century struggle to abolish the double standard between men and women in matters of sexual morality.²¹ Although the 1920s has been described as a period when feminist groups were small and often acted separately from each other,²² subsequent research highlights the diversity, dynamism, and cooperation of different groups within the women's movement.²³ The action of the AMSH in fostering cooperation to reform the solicitation laws confirms this historiographical shift.

After World War I, the National Union of Women's Suffrage Societies (NUWSS) changed its name to the National Union of Societies for Equal

20. Edward J. Bristow, *Vice and Vigilance: Purity Movements in Britain since 1700* (Dublin: Gill and Macmillan, 1977), 190; Sheila Jeffreys, *The Spinster and her Enemies: Feminism and Sexuality, 1880–1930* (London: Pandora, 1985), 45; and Frank Mort, *Dangerous Sexualities: Medico-Moral Politics in England since 1830* (London: Routledge, 1987), 141.

21. For the campaign between 1870 and 1886 to fight the double standard by opposing the operation of the Contagious Diseases Acts, see Judith R. Walkowitz, *Prostitution and Victorian Society: Women, Class and the State* (Cambridge: Cambridge University Press), 90–112.

22. Hilda Kean, "Searching for the Past in Present Defeat: The Construction of Historical and Political Identity in British Feminism in the 1920s and 1930s," *Women's History Review* 3 (1994): 57–80.

23. For example, Catriona Beaumont stresses that despite the split within NUSEC in 1927, new and egalitarian feminists continued to work side by side as opposed to in conflict: Catriona Beaumont, "The Women's Movement: Politics and Citizenship, 1918–1950s," in *Women in Twentieth-Century Britain*, ed. Ina Zweiniger-Bargielowska (Harlow: Longman, 2001), 262–77. Cheryl Law highlights the fluidity of the women's movement, yet demonstrates that a system of affiliations allowed various groups and societies to coordinate their actions: Cheryl Law, *Suffrage and Power: The Women's Movement, 1918–28* (London: I.B. Tauris, 1997). In a similar vein, Pat Thane argues that the proliferation of women's organizations was not a sign of weakness, but indicated the growing presence of women in different aspects of public life: Pat Thane, "What Difference Did the Vote Make?" in *Women, Privilege and Power: British Politics, 1750 to the Present*, ed. Amanda Vickery (Stanford: Stanford University Press, 2001), 252–88.

Citizenship (NUSEC). Martin Pugh notes that its aim was to “obtain all reforms, economic, legislative and social as are necessary to secure a real equality of liberties, status and opportunities between men and women.”²⁴ The granting of partial suffrage had given women the impetus to push for such changes, predicated on the idea of an equal moral standard. A key means of achieving reform was to change the perceived male bias within the justice system.²⁵ The laws relating to prostitution were seen as an example of such bias. NUSEC appointed a special committee to press for the abolition of the solicitation laws in 1919, and the AMSH affiliated with the group later on that year.²⁶ In June 1922, following a pattern pursued by other groups within the women’s movement,²⁷ the AMSH spearheaded a campaign for the repeal of the solicitation laws; this aimed at finding sympathetic members of Parliament (MPs) to introduce a bill along such lines into the House of Commons.²⁸ The parliamentary figurehead for this campaign was Nancy Astor.

Astor appears initially as the ideal candidate to lead the cause. In March 1921, she reorganized the Consultative Committee of Women’s Organizations (formed by the NUWSS in 1916) in an attempt to provide a single voice for women and lead the fight for moral and social reform.²⁹ Women of Astor’s background were crucial, because the financially precarious postwar years had witnessed a fall in contributions to voluntary groups; the women’s movement was increasingly dependent on the donations of wealthy upper- and middle-class women.³⁰ Furthermore, Astor was in close contact with the AMSH during debates over criminal law reform, whereas Alison Neilans (AMSH secretary) helped Astor during her election campaigns.³¹ Finally, Astor could hardly be accused of harboring “dangerous” liberal attitudes toward sex. She once

24. Martin Pugh, *Women and the Women’s Movement in Britain, 1914–59* (Basingstoke: Macmillan, 1992), 50.

25. Jeffreys, *The Spinster and her Enemies*, 57–58.

26. WL, 3/AMS Box 42, MEC May 16, 1919, September 19, 1919.

27. Law, *Suffrage and Power*, 99–100.

28. WL, 3/AMS Box 42, MEC June 20, 1922, September 15, 1922.

29. Reading University Library, Astor papers (hereafter RUL), MS 1416/1/1/751, press release of Consultative committee of Women’s Organizations to the provincial press; *Daily Graphic*, July 9, 1921; Harold L. Smith, “British Feminism in the 1920s,” in *British Feminism in the Twentieth Century*, ed. Harold L. Smith (Aldershot: Elgar, 1990), 51. The CCWO had the support of male MPs and campaigned against parliamentary candidates hostile to women. The group also served as a forum for networking: Thane, “What Difference Did the Vote Make?” 269.

30. Law, *Suffrage and Power*, 56.

31. WL, 3/AMS Box 42, MEC November 19, 1920; *ibid.*, Box 43, MEC December 15, 1922, November 16, 1923.

stated: "I can't even tolerate seeing two birds mating without wanting to separate them."³² But for all the positive aspects of Astor's candidacy, there were problems.

As a committed Christian Scientist Astor pursued a puritanical domestic routine taking cold baths in the morning. She was also idiosyncratic. In old age she began to drink in small quantities, though still maintaining that alcohol was the scourge of the earth. On the left wing of the Tory party and a consistent welfare feminist, she was very much an outsider, attempting to place herself above party politics. She made enemies, as her biographer observes, "largely because she was outspoken, tactless and sometimes muddled."³³ She was not a skilled parliamentary advocate, although she made the largest contribution of any of the women MPs to parliamentary debates.³⁴ Brian Harrison notes: "she calls to mind Pankhurst's eager pursuit of publicity rather than Fawcett's solid rationality."³⁵ By the late 1920s, when attempts were made to draw up a bill to reform the solicitation laws, Astor's career had begun to wane, as another biographer explains: "partly because she was being overshadowed by other women who possessed greater intellect or who were simply more loyal to their party."³⁶ Perhaps Astor was not the ideal choice for an attempt to steer a controversial measure through Parliament.

This campaign to reform the solicitation laws was given a fillip by the arrest of Sir Almeric Fitzroy, clerk to the Privy Council, for annoying women in Hyde Park. His conviction, which was overturned on appeal, brought the issue of uncorroborated police evidence to a wider public.³⁷ The AMSH utilized the furor over the Fitzroy case to highlight similar injustices, based on the uncorroborated word of a police officer exercising his discretionary power, faced by street prostitutes.³⁸ By 1924, the

32. Cited in Pugh, *Women and the Women's Movement*, 245.

33. Anthony Masters, *Nancy Astor: A Life* (London: Weidenfeld and Nicolson, 1981), 1–104. The quotation is cited at 115.

34. Brian Harrison, "Women in a Men's House, the Women MP's, 1919–45," *Historical Journal* 29 (1986): 623–54.

35. Brian Harrison, *Prudent Revolutionaries: Portraits of British Feminists between the Wars* (Oxford: Clarendon Press, 1987), 73; see also 73–97.

36. Martin Pugh, "Nancy Astor," in *Oxford Dictionary of National Biography*, vol. 2 ed. H.C.G. Matthew and Brian Harrison (Oxford: Oxford University Press, 2004), 800.

37. Slater, "Containment," 343.

38. WL, 3/AMS Box 42, MEC November 17, 1922, letter from Alison Neilans, AMSH secretary, to all leading daily, Sunday, and provincial newspapers, November 11, 1922. To be fair to the police, Fitzroy had previous form for "annoying women." Sir Almeric was arrested for a similar offence in 1917; however, "proceedings were (with the then Commissioner's approval) withdrawn in view of the defendant's social position": TNA, MEPO 10/9.

campaign to abolish the solicitation laws received the support of 119 MPs.³⁹ Reformers were anxious, however, not to have their campaign dismissed as a “women’s issue,” hence the name of the AMSH’s bill was altered from the “Equality of the Sexes” to the “Public Places (Order) Bill.”⁴⁰

Following moves by the AMSH and MPs to rally political support, Nancy Astor introduced the AMSH prepared Public Places (Order) Bill into the House of Commons on July 8, 1925.⁴¹ The Bill contained three clauses: to repeal all statutory legislation relating to the “common prostitute;” to penalize all who caused annoyance in public; and to prosecute only as a result of a complaint from the said “annoyed” person. The AMSH was aware that rescue societies were generally opposed to this bill; nevertheless, Astor’s prime motive in introducing the bill was to facilitate the creation of a Joint Select Committee to inquire into reforming the prostitution laws.⁴² The government was keen to minimize publicity around the bill. Accordingly, government whips blocked the progression of the bill in the House of Commons.⁴³ When the bill was reintroduced during the next parliamentary session, a similar tactic was adopted.⁴⁴

The Conservative government, however, was not, in principle, opposed to the establishment of a committee to enquire into prostitution law reform.⁴⁵ Moreover, various bodies such as the British Social Hygiene Council, the Visiting Justices’ Committee, the Young Women’s Christian Association,⁴⁶ the National Council of Women,⁴⁷ and the Magistrates’ Association,⁴⁸ as well as the Archbishop of Canterbury,

39. Logan, *Feminism and Criminal Justice*, 98.

40. WL, 3/AMS Box 43, MEC April 24, 1925, May 15, 1925.

41. *HC Debates*, 5s, vol. 186, July 8, 1925, cols. 423–5. For the rallying of the cause see: RUL, MS 1416/1/1/517, Neilans to Astor, 3 July 1924; WL, 3/AMS Box 43, MEC 24 April 1925.

42. *HC Debates*, 5s, vol. 186, 8 July 1925, col. 424; RUL, MS 1416/1/1/555, Lord Astor to Earl Dunsmore, July 16, 1925.

43. TNA, HO 45/12663, L.N. Blake Ogdens, Home Office acting principal secretary, to C. J. Harris, private secretary to the parliamentary secretary to the Treasury (Chief Whip) Rt. Hon. Bolton Meredith Eyres-Monsell, July 20, 1925.

44. *Ibid.*, June 22, 1926: signature illegible.

45. *The Times*, July 9, 1925; Lord Desborough speaking for the government, *65 HL Debates*, 5s, December 9, 1926, cols. 1401–2.

46. RUL, MS 1416/1/1/558. Conference on the solicitation laws held at Lady Astor’s house, 4, St. James’s Square, November 30, 1926.

47. RUL, MS 1416/1/1/555, Lady Emmott, convener of the Parliamentary and Legislation Committee of the NCW, to Lady Astor, July 22, 1925.

48. TNA, HO 45/12663, unsigned letter from the Magistrates’ Association to the Home Office, June 12, 1925.

supported an inquiry.⁴⁹ It is necessary to examine why the government did not announce its intention to establish a committee until February 1927.⁵⁰

Anne Logan writes that “the government dragged its metaphorical feet” over the issue of reform; however, it would be unfair to ignore that senior politicians were preoccupied with other matters.⁵¹ During 1925 and 1926, the Home Office was too concerned with declining industrial relations and the General Strike to devote much attention to the subject.⁵² More importantly, the Home Office wished for a departmental committee to preside over the hearings, as the home secretary controlled the personnel of the panel. Some believed that the committee’s composition was a deliberate Home Office ruse to ensure the findings that it wanted. The biographer of Margery Fry, principal of Somerville College and an AMSH nominee serving on the Committee, viewed her colleagues as a “collection of hard-faced reactionaries”; she was indeed especially ill disposed toward Hensley Henson, the Bishop of Durham. A more benign attitude was held of Lady Joynson-Hicks, wife of the home secretary, who was “evidently very stupid but not too wicked.”⁵³ In a similar vein, the *Daily Herald* observed conspiratorially: “The Home Secretary is almost as notorious for his procrastinations as he is for his general garrulousness, and even if he were more reliable than he is, the fact would remain that Tory and Liberal statesmen in the past have found the report of a Committee a convenient medium for shelving legislation.”⁵⁴

In view of the broad base of public support for some degree of reform, Sir William Joynson-Hicks (the home secretary) reserved two committee appointments for the AMSH, allowing Astor to submit four nominations.⁵⁵ The two AMSH supporters who sat on the Committee were Margery Fry and the Rev. R.C. Gillie, minister of Marylebone Presbyterian Church and representative of the Christian Churches.⁵⁶ Prospects for prostitution law reform were at an all-time high; however, Home Office reticence toward this issue may be inferred from the fact that it was not until the quashing of the convictions for two men in 1927, who had been arrested

49. RUL, MS 1416/1/1/555, Canterbury to Astor, July 31, 1925.

50. See *The Times*, February 19, 1927.

51. Logan, *Feminism and Criminal Justice*, 98.

52. RUL, MS 1416/1/1/555, Joynson-Hicks to Mr Robert Hudson, July 21, 1925; WL, 3/AMS Box 43, MEC April 16, 1926; and RUL, MS HL 1926, cols. 1401–2.

53. Cited in Enid H. Jones, *Margery Fry: The Essential Amateur* (London: Oxford University Press, 1966), 156.

54. *Daily Herald*, December 11, 1928.

55. RUL, MS 1416/1/1/556, Joynson-Hicks to Astor, March 23, 1926, Astor to Joynson-Hicks, March 27, 1927.

56. WL, 3/AMS Box 43, MEC 8 Nov. 1927. For the details of the membership of the Committee see *The Times*, October 15, 1927.

on uncorroborated police evidence, that the home secretary decided to institute proceedings to establish the committee.⁵⁷

A Coherent Case for Law Reform?

The Street Offences Committee recommended repealing the prostitution laws, and creating a single offense of importuning that applied to both sexes. Furthermore, it was proposed that it would be illegal for any person to cause a nuisance by frequenting a public place for the purposes of prostitution or solicitation. Crucially, the evidence of an aggrieved party would be necessary to pursue a prosecution. A fine of 40 shillings remained the penalty for such crimes. However, provisions were included allowing the tariff to rise incrementally with the possibility of prison for repeat offenders.⁵⁸

In general, the press reacted favorably to the Committee's findings. This is no surprise, because Adrian Bingham has demonstrated with alacrity that the press was by no means hostile to feminist concerns. For example, there was bipartisan support from the press to equalize the divorce laws.⁵⁹ In the context of the conclusions of the Street Offences Committee, the *Daily Herald* remarked it was "a long overdue step in the direction of the equality of the sexes," while the *Daily Chronicle* noted "it would be disastrous, if a document in some ways so damning were merely pigeon-holed."⁶⁰

57. WL, 3/AMS Box 43, MEC October 11, 1927. On August 23 1927, Francis Henry Bateman Champain was convicted at Bow St. Police Court for "persistently importuning male persons." His sentence of 3 months hard labor was quashed at quarter sessions. Six days later, Graham Bell Murray was convicted for a drunk and disorderly offence at Marlborough St. Police Court; his fine of 40/- and 5 guineas costs was quashed later: *Report of the Street Offences Committee*, 7.

58. *Report of the Street Offences Committee*, 28–29.

59. Adrian Bingham, *Gender, Modernity and the Popular Press in Inter-War Britain* (Oxford: Clarendon Press, 2004), 169.

60. See December 11, 1928 for both newspapers. Furthermore, the *Daily Mirror* and the *Star* (December 11, 1928), *Spectator*, and the *New Statesman* (December 15, 1928), and the *Observer*, *Sunday Pictorial* and *The Sunday Times* (December 16, 1928) were strong supporters of the recommendations. *The Times* and the *Daily Sketch* (December 11, 1928) just reported the findings. *Reynolds's Illustrated News* (December 16, 1928) was supportive, although it believed that some of the anomalies in the *Report* would need tightening in Parliament. The *Morning Post* (December 11, 1928) commented upon the difficulties in defining such offenses in law, whereas the *Daily Telegraph* (December 11, 1928) believed that the *Report* would have the backing of public opinion, although the crux of the matter concerned administration of existing laws as opposed to reform itself. The *Daily Express* (December 11, 1928) believed that the *Report* would be shelved, whereas the *Sunday News* (December 16, 1928) was of the opinion that the forthcoming Royal Commission

An official Home Office minute from 1929 recognized this state of affairs: “The outlook of society has changed and it may be politically impossible to do nothing. The attitude indicated and approved by the late Home Secretary, was therefore that a Bill should be outlined and, when ready for introduction, put forward as an attempt without prejudice to found action upon the advice tended by the Committee to the late Government.”⁶¹

Helen Ware notes that whereas a consensus existed over the need for reform, lobbying potential was hampered by a lack of agreement over the content of any legislation.⁶² The AMSH was aware that rescue societies were generally opposed to the Public Places (Order) Bill, which stipulated the abolition of provisions referring to “common prostitutes,” those being replaced by a sweeping category of “annoyance,” whereby a prosecution could follow only from a complaint by an aggrieved party.⁶³ The differences among reform groups harked back to the dissolution of repeal groups following the successful 16-year campaign to abolish the Contagious Diseases Acts (CDAs).⁶⁴ In the words of Frank Mort, feminists “carried with them the legacy of two competing strands of Victorian reform: the anti-statist tradition of individual and personal rights and a much more coercive emphasis on the use of the criminal law to improve and educate public morals and to safeguard women and children.”⁶⁵

For example, Archibald Allen of the Associated Societies for the Care and Protection of Women and Children agreed with the AMSH that the laws were archaic; he felt, however, that reform along the lines of the AMSH proposals would lead to a rise in aggressive soliciting.⁶⁶ The British Social Hygiene Council concurred.⁶⁷ Fearing increased difficulties in the quest for reform, the Jewish Association for the Protection of Women and Girls chimed in with the general opposition to the AMSH measures.⁶⁸ The

on Police Powers and Procedure would marginalize Macmillan, as the former had wider terms of reference.

61. TNA, HO 45/24902, A. Locke, Home Office assistant secretary, memorandum, July 5, 1929.

62. Helen R.E. Ware, “The Recruitment, Regulation and Role of Prostitution from the Middle of the Nineteenth Century to the Present Day,” (PhD diss., University of London, 1969), 571.

63. RUL, MS 1416/1/1/555, Miss Matheson, political secretary to Astor, to Miss West, June 22, 1925.

64. Judith R. Walkowitz, *Prostitution and Victorian Society: Women, Class and the State* (Cambridge: Cambridge University Press, 1980), 99.

65. Frank Mort, *Capital Affairs: London and the Making of the Permissive Society* (New Haven and London: Yale University Press, 2010), 148.

66. TNA, HO 45/12663, minutes on a deputation by the ASCPWC, November 10 1925.

67. RUL, MS 1416/1/1/558, conference on the solicitation laws, November 30, 1926.

68. TNA, HO 45/24902, Locke memo., July 5, 1929.

British Medical Association was opposed to the bill, as it believed that it would lead to a rise in the incidence of venereal diseases.⁶⁹ Furthermore, the National Vigilance Association (NVA) was also opposed to the bill, and to the proposals of the Committee, as it felt that its findings, if converted into law, would be unenforceable.⁷⁰ Indeed, from the early twentieth century, the NVA wished to abolish the need to prove “annoyance.” This policy was pursued in the name of liberty to make the streets safe for women: free from molestation by men, and fear from false accusation of being labeled a prostitute. Lucy Bland, in her assessment of Victorian feminism, comments:

The NVA, and the feminists active within it [...] never thought of their vigilance work as a curtailment of prostitutes’ liberty. On the contrary, they assumed that their removal of “vice” helped the victims; their actions offered the hand of reclamation to reclaimable prostitutes, and gave freedom from immorality to that other group of “victims of vice”, namely “ordinary citizens”, including respectable women like themselves, who wished to be able to enter public spaces without fear.⁷¹

This tension within feminism and between liberty and the wider community lay at the heart of finding a solution to prostitution law reform. To the NVA, the rights of prostitutes to practice their trade in the streets were subservient to those of the public to be free from the “annoyance” of prostitutes.⁷²

There is no doubt, however, that the AMSH had a broad base of support in its campaign to push for an equal moral standard. For example, the representatives of fifty-six organizations constituting a membership of roughly 2,000,000 people attended an AMSH protest meeting at the House of Commons in June 1918. In turn, this meeting sparked a further fifty protests across the United Kingdom.⁷³ However, although not wishing to detract from its achievements, the AMSH must share some responsibility for the petering out of the reform movement. It was high minded to the

69. WL, 3/AMS Box 43, MEC, March 16, 1923.

70. Ibid., MEC, December 18, 1925; and RUL, MS 1416/1/1/520. “Report of the conference on the Street Offences Committee,” January 15, 1929; and *Vigilance Record* ns, nos. 1 and 2 (1929).

71. Lucy Bland, “‘Purifying’ the Public World: Feminist Vigilantes in Victorian England,” *Women’s History Review* 1 (1993): 397–412.

72. This view fits in with the work of a group of scholars who “elaborate on the thesis that politics in the nineteenth and early twentieth centuries ‘was not primarily about the individual’s rights, but the representation of the community’”: Eugenio F. Biagini, “Introduction: Citizenship, Liberty and Community,” in *Citizenship and Community: Liberals, Radicals and Collective Identities in the British Isles, 1865–1931*, ed. Eugenio F. Biagini (Cambridge: Cambridge University Press, 1996), 1.

73. Law, *Suffrage and Power*, 29–30.

point of stubbornness in its resolute opposition to any recommendations that did not coincide with its viewpoint.⁷⁴ Evidence for the AMSH's obstinacy abounds. Mrs Hubback of the NUSEC could not understand why the AMSH did not accept the *Report of the Street Offences Committee* in good faith, because it at least marked a partial triumph in advocating the abolition of the term "common prostitute," and applying an importuning offence to both sexes.⁷⁵ Hubback's comment is not surprising. Pat Thane notes "The NUSEC was too realistic politically to expect to achieve its complete objectives, believing rather in gradualism and in securing the best achievable installment of reform. It recognized the inevitability of compromise."⁷⁶ Therefore there was no consensus as to what reform should entail or as to how it should be pursued.⁷⁷

It is also clear that the actions of the AMSH did not endear all to its cause, although a brief examination of the AMSH's past helps to explain its dogmatism. The AMSH's most trenchant advocate, Alison Neilans, was a principled and resolute feminist and libertarian.⁷⁸ As a leader of the Women's Freedom League, she was arrested for pouring liquid into ballot boxes during the 1909 Bermondsey by-election, and subsequently force-fed while on hunger strike during her 3-month prison sentence.⁷⁹ Her personality left its imprint on the rest of the group, because its members believed that: "The Association is perhaps the one society which can say with authority that the way to fight prostitution and venereal disease is by moral and non-coercive methods."⁸⁰

This determined and inflexible approach may be explained with reference to the experience of the AMSH in its former incarnation as the Ladies National Association (LNA). Prior to the repeal of the CDAs, it was evident that Josephine Butler, who headed an alliance of feminists, working-class radicals, and middle-class evangelicals in opposition to the operation of the CDAs, was losing control of the reform movement; the LNA became one of the few "purity" groups not to advocate a

74. WL, 3/AMS Box 43, MEC October 9, 1928.

75. RUL, MS 1416/1/1/520, "Report on the Conference on the Street Offences Committee," January 15, 1929. For the view of the AMSH on the *Report*, see RUL, MS 1416/1/1/558, memorandum by Helen Wilson (president), W.C. Roberts and Neilans, December 11 1928.

76. Thane, "What Difference Did the Vote Make?" 281–82.

77. Jones, *Margery Fry*, 157.

78. Margaret Jackson, *The Real Facts of Life: Feminism and the Politics of Sexuality, c. 1850–1940* (London: Taylor & Francis, 1994), 34–38.

79. Elizabeth Crawford, *The Women's Suffrage Movement Reference Guide, 1866–1928* (London: UCL Press, 1999), 444; and *The Times*, August 13, 1942.

80. WL, 3/AMS Box 42, "Strictly private and confidential: for information of AMSH Executive only," n.d., c. March 1922.

non-repressive attitude to tackling prostitution.⁸¹ The LNA, like the AMSH, was not fond of compromises. When a royal commission was established to examine the operation of the CDAs, the LNA refused to cooperate. Judith Walkowitz observes: "It [the LNA] did not desire to perfect the working of the acts; it wished them abolished."⁸² Herein lies the problem with the AMSH's approach: Brian Harrison notes that they approached law from an elevated point of principle, whereas the Home Office and police were concerned with the maintenance of public order.⁸³

However, it is apparent also that the AMSH did not play its best hand. The behavior of its leaders reveals a blend of tenacity, poor organization, flawed judgment, and ignorance; not even all members of the AMSH's executive committee were agreed on how to reform the solicitation laws. The contents of the Public Places (Order) Bill gained executive approval only when its author, a Mr. Johnson, threatened to withdraw his work and offer it to another society if the AMSH failed to concur with his conclusions.⁸⁴

When the home secretary received an AMSH-led deputation on the solicitation laws on November 13, 1925, Mrs. Hunter (an NVA representative from Scotland) wrote to complain: "obviously the Home Secretary 'was irritated by the irrelevance, discursiveness and mistakes of the speakers.'" A Mrs. Potts from the Birmingham National Council of Women wrote demanding to know who had chosen the speakers. Neilans admitted that: "it was rather generally felt by members of the deputation that the speakers had not put the case very convincingly and a good deal of dissatisfaction had been expressed with the result."⁸⁵

The society was flawed in its choice of champions of the cause. The problems with Nancy Astor have already been highlighted. Lord Meston was originally chosen to introduce the Bill into the House of Lords, as Lord Astor was unable to do so. However, when pressed as to when he intended to attempt legislative action, he failed to respond.⁸⁶ Lord Balfour of

81. Lucy Bland, *Banishing the Beast: English Feminism and Sexual Morality, 1885–1914* (London: Penguin, 1995), 98. For context see Susan K. Kent, *Sex and Suffrage in Britain, 1860–1914* (London: Routledge, 1990), 60–79.

82. Walkowitz, *Prostitution and Victorian Society*, 138.

83. Brian Harrison, "State Intervention and Moral Reform in Nineteenth Century England," in *Pressure from Without in Early Victorian England*, ed. Patricia Hollis (London: Edward Arnold, 1974), 312.

84. WL, 3/AMS Box 43, MEC November 16, 1923, December 14, 1923.

85. *Ibid.*, MEC November 20, 1925.

86. RUL, MS 1416/1/1/556, Neilans to Matheson, June 29, 1926. He had responded to a letter dated May 21. A month later, Miss Neilans "pointed out that public attention had been drawn [...] in the House of Commons to the fact that Lord Meston had, some three years ago, been appointed Chairman of a Government Committee on Education Grants and

Burleigh eventually introduced the Public Places (Order) Bill into the upper house. But Neilans was not keen for him to serve on the Committee as she “was rather unhappy even the other day by his method of referring to the treatment of prostitutes as ‘those theoretical injustices.’”⁸⁷

The biggest problem, however, was that this society displayed an insufficient understanding of legal matters. If, as the AMSH wished, all references to morality were to be removed from the solicitation laws, the problem still remained as to what constituted “annoyance.” For example, Hugh Macmillan (chairman of the Street Offences Committee) pointed out to Neilans that the AMSH-sponsored bill suggested, for example, that a woman who tickled a man’s face with a feather could be arrested for annoyance.⁸⁸ Even the AMSH was aware that its aims lacked clarity, precision, and practical execution. The logical flaw in its bill was demonstrated when Neilans admitted that she wanted the law neither to sanction prostitution, nor to make it a criminal offense. W.A. Jowitt, K.C., serving on the Committee, quipped: “That seems to be mere words.”⁸⁹

It is not unreasonable to conclude that such displays of ignorance by the AMSH witnesses, when pitted against some of the most senior legal figures in the country, irritated the Committee members. Mr. Roberts (AMSH chairman) believed that the prostitution laws were anomalous, as it was necessary to infer intention to solicit. His ignorance was illustrated when Macmillan pointed out that the essence in proving a charge of murder is based upon intent.⁹⁰ Indeed, the views of the AMSH caused such irritation that Sir Chartres Biron (chief metropolitan magistrate and committee member) concluded his cross-examination of Roberts: “Some of the members of some of the Societies whose statements or propaganda I have been reading have some very singular ideas of what constitutes proof.”⁹¹ The sharp reaction of seasoned legal minds to the evidence of AMSH members may stem from a suspicion that the latter wished the law altered for expressive matters as much as, if not more than, practical reasons.

apparently the Committee had ceased to function and had not yet produced a report”: WL, 3/AMS Box 43, MEC, July 16, 1926.

87. RUL, MS 1416/1/1/556, Neilans to Matheson, December 15, 1925.

88. TNA, HO 326/7 SOC 12, 68, q. 6365.

89. *Ibid.*, 59, q. 6297.

90. *Ibid.*, 19–20, q. 5954. See also E.H. Kelly, “Some notes on the Report of the Street Offences Committee,” *The Magistrate*, supp. 6 (June 1929).

91. TNA, HO 326/7 SOC 12, 3–4, qq. 5820–21. There was an assumption that the Committee had already made their mind up on the subject and had treated the AMSH “with marked discourtesy”: WL, 3/AMS Box 43, MEC, March 13, 1928.

Therefore, there is no one reason why the repeal campaign failed; however, the poor tactics of the AMSH and a lack of consensus of as to the object of reform among voluntary interest groups meant that it proved impossible to build upon the broad base of support for prostitution law revision. This, however, is only a partial telling of this tale. It remains to examine the role of the state bodies most heavily involved in managing prostitution, namely, the Home Office, magistrates, and the police.

Views from Above

The first witness called to offer evidence to the Street Offences Committee was Sir Ernley Blackwell, a Home Office legal expert holding the senior rank of assistant undersecretary. As Frank Mort observes in his study of the cultural production of knowledge, the advantage of the appointment of a departmental inquiry over a royal commission was that the former was believed to be “more amenable to control by ministers and civil servants.”⁹² A civil service bias towards “expert opinion” meant that individuals viewed with the most respect, deference, and seriousness were listened to first.⁹³ Following on from Blackwell’s testimony, magistrates and then (with the exception of a probation officer) senior police officers were invited to offer evidence. Examining the workings of these quasi-autonomous apparatus of the state is integral to an analysis of the failure of the reform campaign.

In her study of the Home Office from 1848 to 1914, Jill Pellew comments that it functioned as “almost a *persona*—over and above those individuals who constitute its personnel at any given moment.”⁹⁴ Collective behavior, however, is difficult to discern. Therefore, attention is paid, in the vein of Lewis Namier, to the influence of individual action on bureaucratic decision making.⁹⁵ Indeed, the working of the parliamentary process demands such a view, for as Rodney Lowe and Richard Roberts note:

Given the plurality of vested interests (to which a government had to respond) and the range of responsibilities (which it had to discharge) it becomes

92. Frank Mort, *Capital Affairs: London and the Making of the Permissive Society* (New Haven and London: Yale University Press, 2010), 140.

93. *Ibid.*, 145–46.

94. Jill Pellew, *The Home Office, 1848–1914: From Clerks to Bureaucrats* (London: Heinemann, 1982), 1.

95. Linda Colley, *Lewis Namier* (London: Weidenfeld and Nicolson, 1989), 28, 75; Richard Evans, *In Defence of History* (London: Granta, 1997), 33. There is a danger in this approach. Colley reminds historians that Namier’s “word pictures of politicians [or officials in the context of this essay] always reveal a great deal about their character and intrigues, but often fail to show how they used their power to govern”: Colley, *Namier*, 32–33.

constitutionally necessary for officials to control the flow of information to ministers and, by delegated legislation and administrative discretion, to transform parliamentary legislation into practical policy. The influence of individual officials on policy is, therefore, a variable which no political historian seeking the initial purpose and ultimate intention of legislation can afford to ignore [. . .] for it is officials' perception of what was practical that provides much of the hard evidence for the political and administrative factors which, in the real world, constrained policy.⁹⁶

Although there was a tendency within the Home Office to back the status quo, there was also a realization that the law needed clarification. Sir Ernley Blackwell admitted that section 54 (13) of the Metropolitan Police Act (1839), which was used to arrest non-prostitutes for soliciting for demonstrating “insulting words and behavior,” strained the interpretation of the law.⁹⁷ Blackwell was not happy with the overall legislative code that applied to prostitution offenses.⁹⁸ He did not wish, however, the phrase “common prostitute” to be omitted from the statute book, as he believed that such action would render the task of policing street prostitution almost impossible.⁹⁹ It is important to note that Blackwell was the sole figure in the Home Office who was on intimate terms with the permanent undersecretary, Sir John Anderson; and the latter treated the former almost as an equal.¹⁰⁰

Bureaucratic aversion to reform was obscured in the language of contemporary legal discourse, which stressed the cleavage between law and morality.¹⁰¹ For example, when the battle to reform the solicitation laws gained momentum during the mid 1920s, an official minuted: “The law does not prohibit prostitution—It is only when prostitutes make themselves a public nuisance that they come within the criminal law. There are some people who wld like prostitutes to be prohibited all together from plying

96. Rodney Lowe and Richard Roberts, “Sir Horace Wilson, 1900–35: The Making of a Mandarin,” *Historical Journal* 30 (1987): 641–62.

97. TNA, HO 326/7 SOC 1, November 17, 1927, 14, 17, 26, qq. 108, 132, 203.

98. *Ibid.*, 21, q. 172.

99. *Ibid.*, 25, q. 194.

100. John W. Wheeler-Bennett, *John Anderson, Viscount Waverley* (London: Macmillan, 1962), 89–90.

101. The separation between law and morality, while owing its origins to utilitarian thought, was also a side-effect of the extension of summary jurisdiction from 1847: “Trial by jury was not only a ‘bulwark of English liberty’ but also, as Fitzjames Stephen and many others realized, a traditionally effective instrument for ratifying and reinforcing public moral standards—for, in short, blaming. As trial by jury became rarer, so did the moral function of the law; in turn, as the need for the moral function of the law was less felt, so was the need for the jury,” in Martin Wiener, *Reconstructing the Criminal: Culture, Law and Policy in Victorian England, 1830–1914* (Cambridge: Cambridge University Press, 1990), 264–66.

their trade in public, but any amendment of the law in this sense wld have little sup-port in Parl + failing this the present state of the law seems to me very reasonable. [sic]¹⁰²

The official line was that men should be left alone, as they did not pursue a *business* of accosting women.¹⁰³ Prostitutes were subject to the law not for their immorality, but because their solicitous behavior violated notions of public order. Macmillan agreed with this sentiment at the Committee hearings. In response to a suggestion from Mr. Roberts (AMSH chairman) that men who purchased sex should be deemed guilty of an offense, the former argued that the man “is in a different position. He is not offering himself in the streets. He may be morally just as guilty and possibly guiltier, but we have to look at this as a matter of public administration.”¹⁰⁴ In short, the Home Office viewed managing prostitution as a matter of maintaining public order.

Conservatism on behalf of the Home Office cannot simply be attributed to narrow-mindedness or inbuilt reactionary tendencies. A crucial consideration of civil service attitudes toward legislative programs was that parliamentary bills conformed to an ethos of efficient public administration. Understanding the day-to-day running of the Home Office merits a closer look at the department’s permanent undersecretary, Sir John Anderson.

According to Peter Hennessy, Anderson “ran the Home Office almost as a personal fiefdom.”¹⁰⁵ The deputy cabinet secretary, Tom Jones, noted that Anderson had “the manner of a Lord Chief Justice and when he likes can make ministers feel like criminals in the dock.” Jones valued the former as *the* ablest civil servant.¹⁰⁶ Anderson had no particular interest within the Home Office except its broad responsibility for law and order; his concerns were administration as opposed to a particular subject of administration. His biographer remarked in this context: “he had [...] no personal enthusiasm for penal reform. His inclination was to administer efficiently and smoothly within the limits of existing policy.”¹⁰⁷ This made Anderson ideally qualified for the post. The head of the civil service between 1919 and 1939 was Sir Warren Fisher “High Priest of ‘the cult of the generalist.’”¹⁰⁸ Fisher’s exemplary permanent undersecretary was not an expert, but a general

102. TNA, HO 45/12663, H.B. Simpson minute, March 5 1925. Blackwell agreed on March 20, and the permanent undersecretary, Sir John Anderson on March 23.

103. *Ibid.*, Blackwell minute, April 9. 1923.

104. TNA, HO 326/7 SOC 12, 6, q. 5832.

105. Peter Hennessy, *Whitehall* (London: Secker & Warburg, 1989), 561.

106. Keith Middlemas, ed. *Thomas Jones, Whitehall Diaries, Vol. 2: 1926–30*, (London: Oxford University Press, 1969), 263.

107. Wheeler-Bennett, *John Anderson*, 85.

108. Geoffrey K. Fry, *The Changing Civil Service* (London: Allen & Unwin, 1985), 11.

manager.¹⁰⁹ Anderson's opinions on the operation of the solicitation laws are not known in detail, because he rarely wrote or commented on minutes.¹¹⁰ Evidence of Anderson's disdain for the issue of street prostitution, however, exists in a letter to Hugh Macmillan: "I daresay you thought—and with good reason—that when you signed a certain Report a few weeks ago you had turned your back on an unsavoury subject and a tiresome Committee."¹¹¹

Such a view may also stem from the Home Office view that these matters were best left in the hands of the "experts": the police.

Magistrates followed next in the pecking order of "expert opinion." Jennifer Davis demonstrates that during the nineteenth century, magistrates were aware that the legitimacy of the courts depended upon "their willingness to dispense justice in terms defined by their working-class clientele,"¹¹² even if this resulted in conflict with the police. Although Davis suggests that this popularity did not endure into the twentieth century, as contact with the law was increasingly perceived as deviant and undesirable,¹¹³ the testimonies of individual magistrates indicates that they still continued to eulogize and romanticize the "traditional" popular judicial *raison d'être* of their office. Henry Cancellor, among others, stressed this in his (posthumously published) autobiography as a "London beak."¹¹⁴ The continuing role of popular legitimacy has been confirmed by the recent research of George Behlmer, where he shows: "Throughout the first four decades of the twentieth century, courts of summary jurisdiction became more than 'the visible representative of 'justice'' that common people heard about in speeches and sermons."¹¹⁵

The magistrates tended to differ in their opinions as to the question of street prostitution. Some adopted a lenient attitude. For example, Cecil Chapman (ex-magistrate at Westminster Police Court) was an advocate of women's suffrage from his days at Balliol College (Oxford) and countenanced the repeal of legislation that he perceived as being flawed by double standards.¹¹⁶ Another magistrate sympathetic to prostitution law reform, who was in

109. Goffrey K. Fry, *Statesmen in Disguise: The Changing Role of the Administrative Class of the British Home Civil Service, 1853–1966* (London: Macmillan, 1969), 57.

110. Wheeler-Bennett, *John Anderson*, 85.

111. TNA, HO 45/24902, Anderson to Macmillan, February 28, 1929.

112. Jennifer Davis, "A Poor Man's System of Justice: The London Police Courts in the Second Half of the Nineteenth Century," *Historical Journal* 27 (1984): 309–35.

113. *Ibid.*, 333.

114. Henry L. Cancellor, *The Life of a London Beak* (London: Hurst & Blackett, 1930), 133, 139–40. See also Cecil Chapman, *The Poor Man's Court of Justice: Twenty-Five Years as a Metropolitan Magistrate* (London: Hodder, 1925).

115. Behlmer, "Summary Justice," 238.

116. Chapman, *Poor Man's Court of Justice*, 58, 91–92. Chapman was censured in the House of Commons for remarks that he made when the campaign for female suffrage was at its most violent level: *The Times*, June 24, 1938.

communication with Astor over the issue, was the recently retired Edward Lankester. The latter's obituarist remarked that Lankester's career received little public attention, "with the exception of occasional reports of caustic sayings, not infrequently at the expense of the police."¹¹⁷ In contrast to Chapman, who was opposed to the AMSH Bill, Lankester thought that the problems regarding the solicitation laws were of an administrative rather than a legal nature.¹¹⁸

Most magistrates, however, were not particularly liberal, although not many appeared to adhere to Frederick Mead's Augustinian view of the public virtue of private vice:¹¹⁹ "Remove prostitutes from human affairs and you would pollute the world with lust." What has been described as the "public benefit of private vices" was an argument used by those seeking to defend the existence of prostitution.¹²⁰ Naturally, Mead, based at Marlborough Street Police Court, wished for the phrase "common prostitute" to remain on the statute book.¹²¹ Another magistrate, Mr Graham-Campbell (this time from Bow Street Police Court) favored proposals criminalizing men who solicited, providing that provisions existed to deal with prostitutes as a class.¹²² The opinions of these two magistrates are important, because Bow Street and Marlborough Street police courts, both in the West End, dealt with the majority of cases of London's streetwalkers.

Magistrates distinguished strictly between law and morality: in their view the law was not aimed at penalizing prostitutes, their concern was the maintenance of public order. There was no intention to criminalize solicitation.¹²³ The broad principle underlying the law was expressed clearly by one of the pioneer criminal justice historians, Sir Leon Radzinowicz: "It was the duty of the State to sustain rights, not to assess the moral depravity of the criminal. Thus punishment should, ideally, be proportionate to the importance of the right violated rather than moral guilt."¹²⁴ This

117. *The Times*, April 25, 1934.

118. WL, 3/AMS Box 43, MEC November 14 1926; RUL, MS 1416/1/1/555, Lankester to Astor, July 28, 1925. In this he was in agreement with Sir Chartres Biron. See the latter's comments to the Street Offences Committee: TNA, HO 326/7 SOC 12, 41, q. 6153.

119. See, for example, his comments to the Street Offences Committee: TNA, HO 326/7 SOC 4, December 2, 1927, 4, q. 1546.

120. Cited in Keith Thomas, "The Double Standard," *Journal of the History of Ideas* 20 (1959): 195–216.

121. TNA, HO 326/7 SOC 4, 4, q. 1837.

122. *Ibid.*, SOC 2, p. 33, q. 775. Cancellor, also a Marlborough Street magistrate, agreed: see *ibid.*, 51. q. 931.

123. *Ibid.*, SOC 2, Graham-Campbell evidence, November 18, 1927, 33–35, qq. 787, 790.

124. Leon Radzinowicz and Roger Hood, *A History of English Criminal Law and its Administration from 1750, Vol. 5: The Emergence of Penal Policy* (London: Sweet & Maxwell, 1986), 18.

distinction underpinned the conclusions of the *Report of the Street Offences Committee*, although the committee admitted that the division between the two concepts was extremely vague:

The subject matter of our reference lies on the borderline between law and morals. There is no frontier more controversial. The debatable ground through which it runs has been the scene of many contests in the past and has been fought over once again in the course of our inquiry by partisans who showed no abatement of zeal. As a general proposition it will be universally accepted that the law is not concerned with private morals or with ethical sanctions. On the other hand the law is plainly concerned with the outward conduct of citizens in so far as that conduct injuriously affects the rights of other citizens. [...] It is within this category of offences, if anywhere, that public solicitation for immoral purposes finds an appropriate place.¹²⁵

Most senior police officers did not advocate the abolition of the term “common prostitute.” The Metropolitan Police commissioner, Brigadier-General Sir William Horwood, feared that such a move would lead to an increase in the arrest of “innocents”; what he termed “women of an adventurous disposition.”¹²⁶ However, in a memorandum of evidence submitted to the Royal Commission on Police Powers and Procedure, Horwood conceded that he had no objection to a law being framed and applied to both sexes, on condition that the “annoyance” clause was abolished or defined clearly.¹²⁷

Although Frank Mort claims that the Wolfenden committee sought to “redefine prostitution as a public order offence in the 1950s,” it becomes apparent that such a view was prevalent in official circles by the late 1920s.¹²⁸ The magistracy differed from the Metropolitan Police, for whereas they wished to replace the term “annoyance,” the latter had no objection in making solicitation in itself illegal.¹²⁹ Overall, the views of the police did not differ greatly from those of the Home Office. However, although Sir Ernley Blackwell at the Home Office had no objection to omitting the phrase “to the annoyance of passengers,” he harbored reservations regarding the corroboration of evidence. For example, would two police officers be needed to make an arrest and insist that the person solicited should deliver evidence in court?¹³⁰ The issue of corroboration

125. *Report of the Street Offences Committee*, 10–11.

126. TNA, HO 326/7 SOC 6, 20–1, qq. 2428, 2433, evidence of Horwood.

127. TNA, MEPO 2/1902, “Royal Commission on Police Powers and Procedure, Horwood memorandum, final copy submitted to commission,” n.d.

128. Mort, *Capital Affairs*, 169–70.

129. TNA, HO 326/7 SOC 6, 40, q. 2644, Biron statement.

130. *Ibid.*, SOC 1, 38, q. 274.

was the catalyst that led to the establishment of the Street Offences Committee in the first place. Moreover, to fully understand why the proposed prostitution law reforms were not implemented, it is necessary to examine issues connected with street offenses within the broader context of concern with crime and policing.

The State of the Police

Following the furor of the Fitzroy case, the exercise of police powers remained a matter of public concern throughout the 1920s. A degree of tension was experienced between the police and the magistracy. It is important to consider that the police did not have *carte blanche* to deal with prostitutes. Statutory instruments used traditionally to tackle the “problem” of prostitution, such as sections 3–5 of the Vagrancy Act 1824 could no longer be used to arrest common prostitutes behaving in a “riotous or indecent manner.”¹³¹ Commissioner Horwood complained:

from a police point of view the present position is a very difficult one, since when a charge is made under Section 54 of the Metropolitan Police Act 1839, some of the magistrates decline to convict unless the person annoyed attends court to give evidence—a condition which is found to be wellnigh unobtainable. On the other hand—as pointed out by Mr. Muskett [of Wotner and Sons, solicitors to the Metropolitan Police Commissioner]—if a prostitute has committed the offence “soliciting to the annoyance” were convicted under the *Vagrancy Act*, a Court of Quarter Sessions would certainly on appeal quash the conviction unless there was definite evidence of riotous behaviour or indecency as QS [sic] does not consider mere soliciting to be riotous or indecent.¹³²

Sir Chartres Biron believed, however, that Horwood’s concerns were composed from a less than coherent understanding of the law. The issue was not that of corroborating evidence, the crux was that the evidence itself was not forthcoming. For example, that a man *appeared* to be annoyed did not equal annoyance; therefore, it did not constitute an offense.¹³³ Furthermore, magistrates were less inclined to grant a conviction if a prostitute was charged under Section 54 (13) of the Metropolitan Police Act 1839. This clause was a “catch all” public order offense, used to charge women not known as “common prostitutes” with soliciting.¹³⁴

131. *Public General Acts*, 5. Geo. V., Cap. 83.

132. TNA, HO 45/12663, Horwood to the Home Office undersecretary, February 4, 1925.

133. TNA, MEPO 2/2290, Biron to Horwood, August 4, 1924.

134. TNA, HO 45/12663, Muskett to the secretary of the Metropolitan Police Office, October 27, 1927.

Relations between the police and the bench were so bad by the mid 1920s, that senior officers at Scotland Yard compiled a list of magistrates and their attitudes toward police evidence in court.¹³⁵ Such criticism was not new, but Jonathan Lopian believes that the number of cases of prostitutes in court having their cases dismissed was unprecedented.¹³⁶ However, it would be a mistake to exaggerate such tensions. At the hearings of the Street Offences Committee, Biron agreed with Horwood that officers usually only arrested prostitutes if they had a previous conviction or solicited flagrantly.¹³⁷ Subsequent research suggests that whereas individual officers may have abused their position of power with streetwalkers, most policemen harbored a degree of sympathy for the prostitute; a consideration of a variety of source material provides no evidence for the notion that the police pursued a more repressive policy against prostitutes during the 1920s. For most prostitutes, the police were the least of their worries.¹³⁸

Public concern with the abuse of police powers, however, exploded during the late 1920s following the outcry over the arrest and subsequent treatment of Irene Savidge, and the Helen Adele case in 1928, and the conviction of Sergeant Goddard (a West End police officer) for corruption in January 1929 was the brandy served with the coffee.¹³⁹ The lofty considerations of morality, as exemplified by the AMSH, were drowned out in the flood of concern over the state of the police. That a Royal Commission on Police Powers and Procedure was appointed in 1929, a mere generation after an earlier royal commission investigated police practices in

135. TNA, MEPO 2/2290, Superintendent? [signature illegible], "Summary of Superintendents' reports submitted by verbal directions of Deputy Commissioner, respecting the question of the practice adopted by magistrates and Justices at various Courts in dealing with cases of prostitution," August 25, 1924.

136. Lopian, "Crime, Police and Punishment," 120–22.

137. TNA, HO 326/7 SOC 6. December 20, 1927, 21–22, qq. 2439–40.

138. For the "repressive hypothesis" see David Dixon, *From Prohibition to Regulation: Bookmaking, Anti-Gambling and the Law* (Oxford: Clarendon Press, 1991), 243; Laite, "Taking Nellie Johnson's Fingerprints," 101. This view has been argued against strongly in Slater, "Containment," 340–41. To support the notion that overzealous policing did not feature high on the list of concerns of the prostitute see Stefan Slater, "Prostitutes and Popular History: Notes on the Underworld," *Crime, Histoire & Société* 13 (2009): 25–48.

139. Clive Emsley, "Sergeant Goddard: The Story of a Rotten Apple or a Diseased Orchard?" in *Crime and Culture: An Historical Perspective*, ed. Amy G. Srebnick and René Lévy (Aldershot: Ashgate, 2005), 85–104; Stefan Slater, "Pimps, Police and Filles de Joie: Foreign Prostitution in Interwar London," *London Journal* 32 (2007): 53–74; Slater, "Containment," 343; John Carter Wood, "'The Third Degree': Press Reporting, Crime Fiction and Police Powers in 1920s Britain," *Twentieth Century British History* 21 (2010): 464–85; and John Carter Wood, "Press, Politics and the 'Police and Public' Debates in Late 1920s Britain" (unpublished paper).

1906–1908, underscores the poor relations between police and public.¹⁴⁰ Exploring further the police point of view next to an examination of the relationship between the Home Office and Metropolitan Police demonstrates why reform was pushed off the political agenda.

This is not to argue that senior figures at the Home Office and Scotland Yard were oblivious to the need for reforming the Metropolitan Police. On the contrary, following Horwood's resignation in 1928, his replacement by the prestigious Viscount Byng of Vimy confirmed press suspicions that all was not well with the police.¹⁴¹ To Byng's credit, during his tenure he relieved inefficient officers and ushered in a system of promotion based upon merit, improved discipline, abolished rigidly timed (and monitored) beats, expanded the use of police cars, and introduced police telephone boxes.¹⁴² Byng harbored reservations, however, about the efficiency of bureaucracy in his quest for reform. He wrote to a former home secretary in 1930: "I think the policeman is happy—but I sometimes wish I could get the Senior Officials to see something beyond what is exactly under their noses."¹⁴³ It would be an exaggeration to suggest that the new broom of Byng symbolized a break with former police practices. Following yet another example of police corruption in 1929, his lordship rebuked the press:

It was decided to give a brief statement of the facts officially and to accompany it with a semi-official request that publicity should not be given to the case. One reason—as we explained—for this was that we were more than unusually anxious, in view of the Centenary celebrations on Saturday, to avoid any washing of our dirty linen in public at this particular time. [...] But all three of the evening papers [...] not only published the statement [regarding the suspension of two sergeants and two constables at Vine Street in "C" Division] but "featured" it on their placards, two of them describing it as "Another London police sensation."¹⁴⁴

No lessons had been learned. The first draft of this note—omitted from the final version—contained the sentence: "we did not wish to give this

140. Lopian, "Crime, Police and Punishment," 53.

141. Jeffery Williams, *Byng of Vimy: General and Governor General* (London: Leo Cooper, 1983), 332, 336.

142. Cyril Falls and Jeffery Williams, "Julian Hedworth George Byng, Viscount Byng of Vimy," in *Oxford Dictionary of National Biography*, vol. 9, ed. H.C.G. Matthew and Brian Harrison (Oxford: Oxford University Press, 2004), 318–22.

143. Jix Collection, in the possession of Sir Crispin Joynton-Hicks, 4th Viscount Brentford of Newick, J4/B–11, Byng to Joynton-Hicks, September 12, 1930.

144. TNA, MEPO 3/739, Byng to Lord Riddell, Newspapers Proprietors' Association, May 23, 1929.

information to the Press because we still prefer to deal with our own domestic troubles in our own domestic ways.”¹⁴⁵

When Lord Trenchard was appointed Metropolitan Police commissioner in 1931, he was aghast at the level of corruption within the force.¹⁴⁶ Hamilton Howgrave-Graham, secretary to the Metropolitan Police, believed corruption permeated all levels of the police: “There were, it is true, a certain number of ‘bad men’ in senior positions – not at the very top but just below it.”¹⁴⁷ Sir Herbert Samuel recalled his appointment as home secretary for the national government in 1931: “A matter which I found on taking office urgently needed attention was the condition of the Metropolitan Police. [...] Its reputation with the public had begun to suffer, and the facts were worse than we even suspected.”¹⁴⁸ Sir Chartres Biron, a leading magistrate, supported such suspicions: “Corruption was widespread. The danger was not merely that individuals in high positions in the force were venal, but that this was generally known in the force, and their subordinates would have found their position intolerable if they had not shut their eyes to what so generally or actively helped.”¹⁴⁹

However, from the perspective of bureaucracy, the Home Office busied itself with administrative matters. The actions of the Home Office and Scotland Yard within this period may be interpreted as part of a broader concern to modernize the police and the subsequent concentration on indictable offences.¹⁵⁰ During 1929, former Home Office permanent undersecretary Sir Edward Troup was asked to write an essay on behalf of the London School of Economics about the state of crime in London.¹⁵¹ Despite recorded crime having fallen by seventeen percent between 1920 and 1928, Troup was unsure as to whether the statistics could be trusted.¹⁵² Home Office official Arthur Locke was appointed to

145. *Ibid.*

146. Andrew Boyle, *Trenchard* (London: Collins, 1962), 608–43.

147. Maurice Hamilton Howgrave-Graham, *Light and Shade at Scotland Yard* (London: John Murray, 1947), 16.

148. Herbert Samuel, *Memoirs* (London: Cresset Press, 1945), 219.

149. Chartres Biron, *Without Prejudice: Impressions of Life and Law* (London: Faber & Faber, 1936), 335–36.

150. Howard Taylor, “Forging the Job: A Crisis of ‘Modernization’ or Redundancy for the Police in England and Wales, 1900–39,” *British Journal of Criminology* 39 (1999): 113–35.

151. Edward Troup, “Crime,” in *The New Survey of London Life and Labour, Vol. 1: Forty Years of Change*, ed. Hubert Llewellyn Smith (London: P.S. King & Sons Ltd, 1930), 389–403.

152. TNA, HO 45/24910, Sir Edward Troup to Arthur Locke, April 17, 1929. “Recorded crime” refers to indictable offences counted in official statistics, known popularly as the “crime rate.” Indictable offences have been garnered from the annual *Reports of the*

chair an investigation into the discrepancies in crime recording procedures between provincial constabularies and the Metropolitan Police, and differences between and within individual Metropolitan operational divisions.¹⁵³ This administrative matter was a pressing concern, because as Locke wrote to Troup:

All concerned are agreed that the whole question ought to be tackled and some time back I arranged that as soon as the task of considering the report of the Royal Commission ceases to block the way there shall be a meeting or meetings at the Home Office of NSY, the HO, an Inspector, and some Chief Constables, to go into the matter and try to find out the explanation or explanations and, inter alia, draft a model form of instruction to CCs to issue, supplementing the HO Instructions for preparing returns. If we commend this by circular this year, the returns for 1930 can be got out on a better basis, perhaps [sic].¹⁵⁴

The nub of the problem was that not all crimes reported to the police were recorded in the official statistics. When a crime was reported to the police, it was recorded in what was known colloquially as the Felony Book. If doubt existed as to whether a crime took place, the alleged crime would be recorded in the Suspected Stolen Register. Deciding what counted as a crime and what could be written off in the suspected stolen book was shaped by cultural practice. If a car was reported stolen, but found intact within 24 hours, the offense would remain in the suspected stolen book, because magistrates insisted that “felonious intent” was nigh on impossible to prove in those circumstances, hence a charge of larceny could not be preferred.¹⁵⁵ If a lady reported that some jewelry had been stolen from her clothing from her room in a hotel, and no corroboration was received of her statement, the crime was recorded in the suspected stolen book. Petty larcenies also featured strongly. For example, if a shopkeeper reported some items stolen from the front of his premises, but no culprit could be traced, the offense would be recorded in the suspected stolen book.¹⁵⁶ No comprehensive figures have been to date found to examine the proportion of offenses written off as “suspected stolen;” however, a police

Commissioner of Police of the Metropolis. References to “crime rates” in the text more accurately refer to a crime ratio in order to account for population change.

153. Robert M. Morris, “‘Lies, Damned Lies and Criminal Statistics’: Reinterpreting the Criminal Statistics in England and Wales,” *Crime, Histoire & Société* 5 (2001): 111–27.

154. TNA, HO 45/24910, Locke to Troup, April 16, 1929.

155. *Ibid.*, Committee of Statistics of Crime Known to Police, minutes of the second meeting, evidence of Divisional Detective Inspector Henry Helby Marylebone Lane station, June 10, 1929, 5; *ibid.*, evidence of Sub-Divisional Inspector Henry Smith, Marlborough Street Station, 34.

156. *Ibid.*, Helby evidence, 6, 16–17, Smith evidence, 28.

return detailing the number of suspected stolen write-offs in November 1931 meant that the 2,735 crimes recorded officially during that month accounted for only 28.6 percent of crimes known to the police.¹⁵⁷

Although crime was not an electoral issue during these fraught times, the research of John Carter Wood illustrates that policing was a matter of cross-party political and public concern during the late 1920s.¹⁵⁸ Despite John Stevenson's bizarre claim that the economic depression of 1929–1932 appeared “not to have had a decisive impact on total criminal activity,” recorded crime within the Metropolitan Police District increased by nearly forty-six percent between 1929 and 1931.¹⁵⁹ Between these years, housebreakings rose by forty-nine percent, robberies by over seventy-one percent, larcenies from a house up to the value of £5 by ninety-six percent and simple larcenies by sixty-one percent. In the case of burglaries, recorded incidents rose by thirty-three percent between 1929 and 1930 alone. Naturally, these figures cannot be interpreted at face value. For example, crime rose by ten percent in 1929 when unemployment was still relatively low in the capital; however, this rise resulted from the police tightening their recording procedures.¹⁶⁰ Notwithstanding such administrative caveats, it remains feasible that these figures underestimate the increase in crime during the Great Slump, because during the dark depths of the economic depression approximately 350,000 people were unemployed in Greater London, which was nearly one third as high as the number out of work in Wales.¹⁶¹ Moreover, as reported crime increased along with the deteriorating economic situation, it is not beyond the bounds of probability to speculate that the proportion of petty crimes written off as “suspected stolen” intensified, offsetting the bureaucratic ratchet noted for 1929. In turn, the rise in crime caused by unemployment was further sharpened by the increase in population in the outlying police divisions of London. Although a slight augmentation in the number of officers and a redistribution of manpower to these outer districts helped check the rise in crime, the police were still worried

157. TNA, MEPO 2/2399, “Return showing the number of Crimes committed and Persons apprehended during the month of November, 1931, as recorded on the Morning Report of Crime.”

158. Wood, “Press, Politics and the ‘Police Public’ Debates.”

159. John Stevenson, *British Society 1914–45* (Harmondsworth: Penguin, 1984), 373.

160. *Report of the Commissioner of Police of the Metropolis for the Year 1929*, Cmd. 3600 (London: HMSO, 1930), 17.

161. Jerry White, “‘Penniless and Without Food’: Unemployment in London between the Wars,” in *Outsiders & Outcasts: Essays in Honour of William J. Fishman*, ed. Geoffrey Alderman and Colin Holmes (London: Duckworth, 1993), 119.

that the force would not increase enough to combat the potential for increased crime caused by suburbanization.¹⁶²

Not only did crime rise during this period, a further examination of offenses for the *New Survey of London Life Labour*, conducted in conjunction with the Home Office and Metropolitan Police, found that the number of persons per 100,000 of the population proceeded against for indictable offences rose by thirty-one percent 1927–1932.¹⁶³ Over the same period, the number of first-time male offenders rose by twenty percent, whereas the number of people found guilty of registrable offenses (including some non-indictable crimes that warranted the accused having his or her fingerprints recorded) rose by nearly thirty-four percent.¹⁶⁴ That younger people were taking to crime with increased frequency is borne out by the same figures. The author of this study, S.K. Ruck, felt concerned to write:

In 1927, 57 per cent of the registered 'first offenders' in London were under 30 years of age. By 1932 this percentage had increased to 70 and it is noticeable that this was not merely a relative increase. There was an actual decrease in the number of first offenders over the age of 30 (from 2,235 to 1,919), concurrently with a rise from 2,923 to 4,588 among those under 30 years of age. [. . .] [I]t is unsatisfactory to find that the increase in the number of crimes of violence among first offenders is wholly due to the younger men.¹⁶⁵

This shift was noted by others. Noting the impact of the economic slump on crime, C.G. Ammon, a magistrate sitting at London Quarter Sessions, observed in 1933:

The majority of prisoners who came up at the Sessions are not of the usual criminal type, either in appearance, antecedents or experience in crime. Prisoners are of a much younger age than was the case a few years back. In the majority of cases they first get into trouble as a result of unemployment. There is a great weakening of moral consciousness, since, in quite a number of cases, acts of lawlessness are committed as a sideline or variation from normal employment.¹⁶⁶

A modest five percent increase in the crime rate during 1932 indicates a leveling off in offending, as the slump eased in its intensity.

162. *Report of the Commissioner of Police of the Metropolis for the Year 1930*, Cmd. 3929 (London: HMSO, 1931), 6–7.

163. S.K. Ruck, "Crime," in *The New Survey of London Life and Labour, Vol. 9: Life and Leisure* (London: P.S. King & Sons Ltd, 1935), 351.

164. *Ibid.*, 351–52. The raw rise in male first-time offenders 1927–32 was from 5,158 to 6,507, whereas the respective figures for registrable offenses were 12,481 and 17,546.

165. *Ibid.*, 354.

166. "Young Bandits," *John Bull*, April 15, 1933.

However, the police estimated that breakings (discounting the effect of the abolition of the Suspected Stolen Book) rose twelve percent 1931–1932.¹⁶⁷ Given the sharp rise in recorded crime that occurred during the Great Slump, it appears doubtful that the Home Office would have countenanced any perceived dilution of police powers. Following the publication of the *Royal Commission on Police Powers*, sections of the right-wing press and back bench Conservative MPs suggested repeatedly that the findings of this report hampered the solving of crimes.¹⁶⁸ Hence, although senior police officers were aware that all was not well with the state of policing and crime, Scotland Yard was governed more by the day-to-day practicalities of maintaining order and fighting crime than by the concerns voiced by parliamentarians and press editorials. This autonomy of action was shaped by Scotland Yard's relationship with the Home Office.

Home Office Maneuvers

With Sir William Joynson-Hicks at the helm of the Home Office, the police could not fail to find a more sympathetic champion of their cause. Sir William Joynson-Hicks, satirized not so affectionately as “Jix,” brandished an “excessive” enthusiasm for the police.¹⁶⁹ A contemporary captured this cartoon figure beautifully: “A Socrates as Home Secretary would hesitate to define morality in terms of Police action. Not so Jix. In the mind of this essentially simple character, the problems of morality, which have exercised the profoundest philosophical minds of all ages, are solved and even acted upon without the hesitation which would have been natural to a more tutored intellect.”¹⁷⁰

Although Jix did not attend university, he starred as the inspiration for the custom's officer searching the protagonist's books in Evelyn Waugh's *Vile Bodies*.¹⁷¹ Jix's appointment to the government as first financial secretary to the Treasury in 1923 was based on Prime Minister

167. *Report of the Commissioner of Police of the Metropolis for the Year 1932*, Cmd. 4294 (London: HMSO, 1933), 17.

168. Wood, “Press, Politics and the ‘Police Public’ Debates.”

169. Henry A. Taylor, *Jix, Viscount Brentford: Being the Authoritative and Official Biography of William Joynson-Hicks, First Viscount Brentford of Newick* (London: Stanley Paul, 1933), 220.

170. Percy R. Stephenson and B. Egan, *Policeman of the Lord* (London: Sophistocles Press, 1929), n.p.

171. Donald Thomas, *Freedom's Frontier: Censorship in Modern Britain* (London: John Murray, 2007), 105.

Baldwin's view of him as someone to be trusted.¹⁷² A strange man, he took the pledge at 14 years of age—and never wavered; most of his senior colleagues thought he was something of a joke. A hint of Jix's unwitting capacity for self-caricature lies in his autobiographical fragments:

It is interesting to note how many of the great Prime Ministers have at some time in their career held the office of Home Secretary. Sir Robert Peel, Lord Palmerston and Mr. Asquith are three who at once come to my mind. Lord Palmerston, who has always been one of my heroes in the political history of England, died in the year in which I was born, and if I believed in the transmigration of souls I should indeed like to think that some of his spirit entered into me in infancy.¹⁷³

Jix's personal views on prostitution law reform are difficult to discern, for little lies within his personal papers as to his impact upon law and order.¹⁷⁴ However, when he discharged the duties of secretary of state, Ronald Blythe observed tartly:

The Home Office could have been invented for Jix and he for it. His nature and function closed with each other in inseparable embrace. Here was the seat of awe, if not majesty. Here were the brakes, the cold douches, the wet blankets, the Great Book of Don't, the little cane and the big stick, the king's ear, the dear old codes all laid out in lavender, the Union Jack and the succulent rubber stamps, all of them dusty from neglect and in splendid working order. Jix entered upon his heritage with undisguised joy. [. . .] And as nothing upset Jix more than an unenforced law, the country woke up to find itself infamous.¹⁷⁵

With a figure such as Jix leading the Home Office, we can see why the Home Office operated a relatively free hand in its dealing with the police. The findings of the Street Offences Committee failed to concern themselves with the central objectives of the Home Office; smooth public administration and the maintenance of public order.

That the authors of the *Report of the Street Offences Committee* were themselves divided over reform aided the Home Office case for maintaining the status quo. Although it is impossible to discern Chairman

172. F.M.L. Thompson, "William Joynson-Hicks," in *Oxford Dictionary of National Biography*, vol. 27, ed. H.C.G. Matthew and Brian Harrison (Oxford: Oxford University Press, 2004), 38–39.

173. Jix Collection, J1/B-1a.

174. J.M. Hopkins, "Paradoxes Personified: Sir William Joynson-Hicks, Viscount Brentford and the Conflict between Change and Stability in British Society in the 1920s" (MPhil diss., University of Westminster, 1996), 101.

175. Ronald Blythe, *Age of Illusion: England in the Twenties and Thirties* (London: Hamish Hamilton, 1963), 31.

Macmillan's personal opinion, he described his experience at the chair as "singularly unsavoury."¹⁷⁶ It is significant that his biographer notes: "his essentially apolitical nature led him to stand increasingly for the *status quo*."¹⁷⁷ Macmillan did not seem surprised that the recommendations were, in practice, difficult to administer. He observed: "Compromises lacking in logic + unanimity may be purchased too dearly."¹⁷⁸ This was evident from the fact that six memoranda were appended at the end of the *Report*. For example, Sir Leonard Dunning, inspector of the constabulary, regretted the omission of the phrase "common prostitute" from the recommendations.¹⁷⁹ Attempts were made to resolve those discrepancies. Macmillan and Blackwell agreed a compromise whereby, after a complaint for frequenting a public space for an immoral purpose, he or she would be warned; however, the problem still remained. Blackwell could not "see how *frequenting* for such purposes can ever be proved against a woman except by proof that she is a common prostitute + has been convicted of importuning—and I doubt whether it would be ever possible to convict a man of frequenting etc."¹⁸⁰ This opinion was not just an official view. For example, the NVA believed that the reforms would amount to a dead letter: "Is the complainant to pick out an individual for prosecution or is the choice to be made by a police constable?"¹⁸¹ As Helen Self demonstrates in her analysis of the committee's findings, eight out of the fifteen committee members voiced reservations on paper. And although the committee attempted "to distinguish between real annoyance in the form of molestation and a more harmless offence of 'frequenting' a public place for the purpose of prostitution," hence the need of a complaint from an aggrieved party, the issue of "morality" remained problematic. The report made over thirty references to morality despite the official stress on public order.¹⁸²

In view of these differences of opinion, officials opposed drafting legislation.¹⁸³ This outlook chimed with the cherished civil service corporate code: "That it is impossible to foresee the full costs of any considerable

176. Hugh P. Macmillan, *A Man of Law's Tale: The Reminiscences of the Rt. Hon. Lord Macmillan* (London: Macmillan, 1952), 192.

177. Robert Stevens, "Hugh Pattison Macmillan," in *Oxford Dictionary of National Biography*, vol. 35, ed. H.C.G. Matthew and Brian Harrison (Oxford, Oxford University Press, 2004), 898.

178. TNA, HO 45/24902, Macmillan to Anderson, March 1, 1929.

179. *Report of the Street Offences Committee*, memorandum 2, 30–31.

180. TNA, HO 45/24902, Blackwell minute, March 13, 1929.

181. *Vigilance Record* (January–February 1929), ns, nos. 1 and 2.

182. Self, *Prostitution*, 6–7, 136.

183. *Justice of the Peace and the Local Government Review*, 51, December 22, 1928; TNA, HO 45/24902, Locke minute, January 14, 1929; and *ibid.*, Blackwell minute, January 21, 1929.

decision leads to the conviction that in the long run the only sound course is to stick to principle even at the cost of immediate expediency. They know that they will have to cope with the same long-distance effects of the decision now taken.”¹⁸⁴ However, it would be unjust to assume that there was a conspiracy against reform. The parliamentary process necessitated the idea of a departmental policy:

Governments can govern in the British system. [...] The perennial difficulty has been that parties and ministers drawn from them are normally unprepared to play their role in governing. Hence, largely by default, higher civil servants are thrust into the position of a “permanent government,” for which their experience as a particular type of subordinate does not usually fit them. While, naturally, not being averse to developments which benefit it, the higher civil service provides a framework that underpins the status quo. In the absence of coherent political initiatives to change that, the civil servants are bound to proceed along familiar lines.¹⁸⁵

The Home Office’s second concern lay with maintaining public order and in line with Home Office respect and deference toward “expert opinion,” “best practice” was a matter for the police. In the words of Sir Edward Troup: “if the final decision rests with the Home Secretary, he is never likely to dispute the Commissioner’s knowledge of what his constables can do and how they can best do it.”¹⁸⁶ This doctrine followed the lines of Sir William Harcourt: “It is a matter entirely at the discretion of the Secretary of State how far the principle of responsible authority shall interfere with executive action, and the less interference happens the better.”¹⁸⁷

Sir John Anderson authorized a private conference for February 5, 1929 to examine the practicality of the proposed reforms; only the police were invited.¹⁸⁸ The general view of the police was that arrests for prostitution offenses would decline dramatically as officers would be relieved of their discretion in assessing as to whether an offense had occurred. Opposition was hardened further by the Committee’s proposal to criminalize frequenting a public space for an “immoral” purpose, because prosecution would depend upon the evidence of an aggrieved party; an unlikely occurrence

184. Harold E. Dale, *The Higher Civil Service of Great Britain* (London: Oxford University Press, 1941), 95.

185. Fry, *The Changing Civil Service*, 21.

186. Edward Troup, *The Home Office* (London: G.P. Putnam Sons, 1925), 105.

187. Cited in *ibid.*, 106. A recent study confirms that the Home Secretary lacked the practical means to control the Metropolitan Police: Robert M. Morris, “The Metropolitan Police and the Government, 1860–1920” (PhD diss., Open University, 2004).

188. TNA, HO 45/24902, Anderson minute, January 23, 1929 and his letter to Viscount Byng of Vimy, commissioner of police of the metropolis, January 25, 1929.

where vigilance societies were not active.¹⁸⁹ Such an arbitrary proposal was unthinkable, because the issue of “arbitrary policing” lay at the heart of the explosive police–public debates. The committee was supposed to rationalize and universalize the application of the law; however, this clause proposed transferring the discretion to prosecute from the perceived expert policeman to that unknown quantity, a member of the public. As controversial political scientist James Q. Wilson recognized, public order policing is not easily reconcilable with “due process” and “universal rules.”¹⁹⁰

The formulators of practical policy at the Home Office and their executors at Scotland Yard had their own agenda for reform, and for this they needed the cooperation of the police on the streets. Both these bodies were aware that policemen possessed the ability to influence bureaucratic action. This was especially true during a period when the police was plagued by weak leadership. Its commissioner, Sir William Horwood, failed to achieve any reforms necessary to strengthening and improving the police in an organizational and technological manner.¹⁹¹ A sympathetic chronicler of the police observed acridly: “The social revolution of the 1920s would have taxed the abilities of a far wiser and stronger man than General Horwood; and he was neither wise nor strong. [...] In the force, he was known as ‘the Chocolate Soldier,’ and this is sufficient comment.”¹⁹²

There was nothing new about the police pursuing its own agenda. Alison Neilans alleged that during the 1870s, the Metropolitan Police was anxious to extend the CDAs to London. In view of the vigorous campaign to abolish the CDAs, Neilans claimed that the police allowed prostitutes to solicit with impunity without fear of arrest; it was hoped that these more brazen displays of disorderly behavior would draw public attention to the “problem of prostitution.”¹⁹³ Thirty years later, an intense police crackdown on prostitution between 1901 and 1906 was interrupted following the furor over the mistaken arrest of Madame D’Angely, a known prostitute, for soliciting in 1906.¹⁹⁴ Prosecutions for soliciting plummeted by nearly

189. *Ibid.*, R.L. Bicknell, Home Office assistant principal, minute, February 8, 1929.

190. James Q. Wilson, *Thinking About Crime* (New York: Vintage Books, revised ed., 1985), 83–86.

191. Lopian, “Crime, Police and Punishment,” 18–29.

192. David Ascoli, *The Queen’s Peace: The Origins and Development of the Metropolitan Police, 1829–1979* (London: Hamish Hamilton, 1979), 208–9.

193. RUL, MS 1416/1/1/558, Neilans’s comments at a conference on the solicitation laws, November 30, 1926.

194. Intensified police action against prostitutes is covered by Bland, *Banishing the Beast*, 109. For the public reaction and police response to the D’Angely case see Paula Bartley, *Prostitution: Prevention and Reform in England, 1860–1914* (London: Routledge, 2000), 164–65. An excellent, although top-heavy, analysis of policing during the late-Victorian and early twentieth centuries may be found in Stefan Petrow, *Policing*

fifty percent between 1906 and 1907 rising back to “natural” Edwardian rates from 1909. Some magistrates suggested that a similar policy of police inertia toward prostitutes was adopted in the aftermath of the Fitzroy case.¹⁹⁵ Subsequent research suggests that the police adopted a “go-slow” toward the targeting of prostitutes in 1923, leading them to pursue, in line with their new attitude toward street betting, a policy of containment.¹⁹⁶

Police labor unrest would have been unthinkable during the period of economic instability beginning in 1930, with memories of the police strikes of 1918 and 1919—whereby the loyalty of officers was ostensibly bought by higher pay—still fresh.¹⁹⁷ Enid Huws Jones attributed the rise attributed the fall in prosecution for prostitution offences in 1929 to the findings of the Street Offences Committee when the number of trials fell by 70.5 per cent.¹⁹⁸ It is important, however, not to view prostitution in isolation; between 1928 and 1929 the number of trials for all non-indictable offences fell by 9.9 percent rising by 8.5 percent in 1930. Evidence for police disquiet, de facto industrial action, may be garnered from an examination of select trials with the following public order offenses following a not dissimilar trend over the same period: assaulting a police officer (−5.8%, +23.8%), drunk and disorderly (−15%, +6.7%), infractions against police regulations (−21.3%, +24.6%), and begging (−31.5%, +24.6%).

Further evidence of police industrial action may be seen 2 years later. In the summer of 1931, one inspector and twenty-six constables at Great Marlborough Street police station (“C” Division) were dismissed for receiving money corruptly from street bookmakers and tradesmen; a further one inspector and twenty-three constables were transferred to other divisions. Those involved in this case of corruption amounted to nearly one third of the station and on tenth of the divisional strength.¹⁹⁹ The arrest ratio for betting and gaming offences fell 71 percent between

Morals: The Metropolitan Police and the Home Office, 1870–1914 (Oxford: Clarendon Press, 1995).

195. TNA, HO 326/7 SOC 2, 50, q. 919, evidence of Cancellor; H. T. Waddy, *The Police Court and its Work* (London: Butterworth & Co, 1925), 188. For a contemporary belief that the streets did deteriorate following the Fitzroy case, see TNA, HO 45/12663, London Public Morality Council, “Committee of Inquiry: Women’s Courts,” 1924.

196. Slater, “Containment,” 343, 350.

197. Lopian, “Crime, Police and Punsilment,” 12–14; and Howard Taylor, “The Politics of Rising Crime Statistics in England and Wales,” *Crime, Histoire & Société* 1 (1998): 5–28.

198. Jones, *Margery Fry*, 156–57. Non-indictable offences refer in general to petty crimes tried by magistrates at the London police courts. These figures were extracted from the London County Council’s annual abstract, *London Statistics*. As with indictable offences, the percentages refer to a crime ratio modified by population change.

199. Emsley, “Sergeant Goddard,” 93–9.

1931 and 1932, rising by 137.5 percent from 1932 to 1933. The arrest ratio in the Metropolitan Police District for 1931–1933, however, follows a similar pattern: a fourteen percent fall followed by a thirteen percent rise. The trend was similar in the case of assaulting a police officer (–20.5%, +28%), drunkenness (–29%, +18%), sleeping out (–9%, +8%), and infractions against police regulations (–16.5%, +18%). This period also witnessed the formalizing and tightening of police operations and procedures in an attempt to stem public and official concern about discretionary police powers, which would reduce the number of offenders registering official recognition.²⁰⁰

A consideration of grass roots evidence of street level policing, however, provides a further factor for the collapse of arrests in 1932. The police faced a pay cut of ten percent during the early 1930s in an attempt to avert further financial crisis.²⁰¹ Former Metropolitan Police officer Charles Hanslow recalled:

When the wages were reduced for a large number of men (recruiting was now brisk owing to much unemployment and general poor pay outside the Police) the majority of chaps in our “C” DIV took unofficial action. The number of prosecutions dropped alarmingly and during November and December 1931 I believe dropped to unprecedented figures. The West End streets began to resemble “Dodge City” (rather like some of our boroughs now). The government took the hint and restored the original basic rate after about three months.²⁰²

The passage of time no doubt clouded Hanslow’s memory, because the original cut recommended was 12.5 percent; the eventual 10 percent reduction in pay, spread over 2 years, was the compromise figure.²⁰³ To date, no other evidence has been found to corroborate the suggestion that the police “worked to rule,” although it is clear that contemporaries were concerned about the impact of financial cuts on policing and crime. During a parliamentary debate on the National Economy Bill in September 1931 William Lunn, labor member of Parliament for Rothwell (West Yorkshire), remarked to the House: “They [the government] ought to retain a comfortable, satisfied and diligent police force,

200. Matt Houlbrook, *Queer London: Perils and Pleasures of the Sexual Metropolis, 1918–1957* (Chicago and London: University of Chicago Press, 2005), 32; and Slater, “Containment,” 344.

201. *Report of the Commissioner of Police of the Metropolis for the Year 1931*, Cmd. 4137 (London: HMSO, 1932), 12.

202. Metropolitan Police Historical Collection, Charlton, “Anecdotes: Memoirs of Charles James Hanslow” (unpublished, 1986), 12.

203. Douglas G. Browne, *The Rise of Scotland Yard: A History of the Metropolitan Police* (London: George G. Harrap & Co. Ltd, 1956), 341.

and they are creating a disgruntled police force. I am confident that one of the things that will come out of this is an indifference to crime, and an addition to crime, as the result of what is being done, and we shall see that before very long.”²⁰⁴ In December 1931, 2 months after the first half of the cuts were imposed, 12,000 police officers from across the country attended a meeting at the Albert Hall in London where a resolution was passed protesting against these economies. Such was the level of official anxiety over the reaction of the police to the imminent second round of wage reductions, the government appointed a committee to inquire into this matter.²⁰⁵ While the government refused to back down, this issue generated press attention until at least the end of the year. The *Daily Express* noted that “Resentment is rising in the Metropolitan Police Force, not only in regard to pay cuts, but also to the employment of ‘specials’ and the ban on ‘open meetings’ of the police, which have been permitted during the past twelve years.”²⁰⁶ Demonstrating the level of tension between the police and the government, the *Daily Mail* commented:

When Sir John Gilmour, the Home Secretary, yesterday addressed the executive committee of the Metropolitan Police branch boards [of the Police Federation], recently elected by all the inspectors, sergeants, and constables in the force, on pay cuts, he criticized the terms of a resolution which had been sent to him. This resolution, he said, suggested that the second pay cut had caused serious concern in the force [...]. Sir John Gilmour concluded by saying that those who had drawn up the resolution had gone outside the statutory powers which Parliament had given them [...]. One of the men present interjected that the police had only used their statutory powers. Sir John said he did not agree with him, and left the room.²⁰⁷

Given the Home Office’s preoccupation with the twin concerns of efficient public administration and public order, the divisions over reform held by the authors of the *Report of the Street Offences Committee* and opposition to these findings by senior officers at Scotland Yard, it comes as no surprise that Macmillan’s recommendations never reached the statute book.

Conclusions

Despite the initial popularity of the repeal campaign, no legislative change occurred. Subsequent modifications of the solicitation laws have been more

204. *HC Debates*, 5s, vol. 256, September 11, 1931, col. 450.

205. *Daily Herald*, September 10, 1932.

206. *Daily Express*, October 31, 1932.

207. *Daily Mail*, November 8, 1932.

draconian than the recommendations of the *Report of the Street Offences Committee*. Three factors explain the failure to reform the solicitation laws.

First, the campaign by feminists and morality groups suffered from a mixture of bad luck and poor judgment. Helen Ware noted correctly that the AMSH made “a grave tactical mistake. It failed to realize that the government, beset by more immediate problems, would not act at all in this sphere unless a united reform lobby created sufficient pressure to oblige them to do so.”²⁰⁸ The Conservatives were in no position to introduce any radical legislation by the late 1920s. The right and left of the Party battled over curbing trades union legislation, recognition of the Soviet Union, and an attempt to restore the undemocratic powers of the House of Lords. On a nonpartisan basis, there were arguments over tariffs and reforming local government structures and finance.²⁰⁹ Furthermore, the general election of 1929 delayed any immediate action on the *Report*.²¹⁰ Joynson-Hicks was overburdened with work. The prime minister, Stanley Baldwin, wrote to him:

I had a talk with Anderson yesterday about Factories & Police and other things. Those don't matter. The only thing that did matter was that he told me you were thinking of coming back at the end of the month. Now do be sensible. We shall have practically settled our programme then: I have your explicit letter about business and (unless the Revolution breaks out) there can be nothing for which you are needed (I have said 'needed' because you are always wanted by your friends) until the House meets. Take the other week. You will have a heavy year in any circumstances. And now that you have taken the Protestants of England under your wing as well as the police, the publicans, the prisoners, the prostitutes, factories, flappers and children, you MUST learn to take [care] of yourself, or all the above will be ORPHANED.²¹¹

Although the Labor leader Ramsay MacDonald apparently advocated reform, the deteriorating economic situation placed unemployment at the center of political attention following the election of the Labor government.²¹² Modern historiography tends to focus upon Joynson-Hicks's puritanical attitudes toward sexual reform; however, the Labor Party was not

208. Ware, “The Recruitment, Regulation and Role of Prostitution,” 569.

209. John Ramsden, *An Appetite for Power: A History of the Conservative Party since 1830* (London: Harper Collins, 1998), 268. For more detailed treatment see: P. Williamson, “‘Safety First’: Baldwin and the Conservative Party, and the 1929 Election,” *Historical Journal* 25 (1982): 385–409.

210. *Evening Standard*, November 24, 1928.

211. Jix Collection, J3/C-1f, Baldwin to Joynson-Hicks, January 10, 1928.

212. See letter by Miss Neilans in *The Times*, April 23, 1929. The concerns of the Labor Party are covered in Andrew Thorpe, *A History of the British Labour Party* (Basingstoke: Macmillan, 1997), 69.

regarded by the AMSH as sympathetic in 1924.²¹³ Furthermore, with the decline of the Liberal Party, Labor was more interested in winning over the floating Catholic vote; women's issues were relegated to secondary status.²¹⁴ Such divisions caused the campaign to lose momentum. It is important to stress that the work of the AMSH throughout the interwar years is an example that feminist lobbying did not die during this period. Given the broad public support for prostitution law reform, this microhistory demonstrates the potential *strength* of the more libertarian strand of the feminist movement. However, equal suffrage, economic depression, and the deteriorating international climate in the 1930s, marginalized groups like the AMSH, which chose not to focus on the role of women as wives and mothers.²¹⁵ The issue of prostitution law reform in itself was not close to the hearts of any senior politicians, and dealing with this remained within the remit of bureaucrats at the Home Office.

Second, there were practical and legal difficulties in implementing reform. Parliamentary counsel found it difficult to translate the Committee's recommendations into practice.²¹⁶ This was hardly surprising given the fact that the authors of the *Report* were not in full agreement. Although historians have highlighted that the reforms of the Street Offences Committee were more liberal than those advocated by the Wolfenden Committee 31 years later, and that in hindsight the AMSH missed the moment during the late 1920s, it remains an open question as to whether the suggested legislation would have benefitted the one interest group who was not consulted over these proposals: the prostitutes themselves. The evidence of the years post-1959 intimates that any attempt to clamp down on prostitution results in driving the industry underground, usually to the detriment of the women involved in this trade.²¹⁷

Finally, the evidence suggests that although the Home Office and Scotland Yard were not oblivious to the need for reform, they had their own agenda to pursue. Rising crime and the need for administrative change

213. WL, 3/AMS Box 43, MEC, April 14, 1924.

214. Thorpe, *A History of the Labour Party*, 64.

215. The literature on the feminist movement during this period is vast. For the difficulties that they faced see Johanna Alberti, "The Turn of the Tide: Sexuality and Politics, 1928–31," *Women's History Review* 3 (1994): 169–90; Kean, "Searching for the Past," 74; Martin Pugh, "Domesticity and the Decline of Feminism," in *British Feminism in the Twentieth Century*, 144–64; Smith, "British Feminism in the 1920s," 61; Martin Pugh, "British Feminism and the Equal Pay Issue," *Women's History Review* 5 (1996): 97–110; and Thane, "What Difference Did the Vote Make?" 286.

216. TNA, HO 45/24902, G.R. Hill, counsel at the Parliamentary Counsel Office, to Blackwell, April 23, 1929, Hill to Brass, June 24, 1929.

217. Stefan Slater, "Street Sex for Sale in Soho, 1918–39: Experiences, Representations and Attempts at Control" (PhD diss., University of London, 2007), 213–16.

were the main priorities, and to achieve this, beat officers needed to be kept “on side.” To an extent, the moral debate about prostitution was drowned out in a wider concern about the state of the police. Given the divisions among and within the various reform groups and the authors of the *Report*, the specifics of prostitution law reform were cast aside. An official noted that the *Report* “falls rather short of the Measure of conviction that is usually behind any Departmental proposal for a Bill.”²¹⁸ By early 1930, a bill along the lines of the recommendations of the Committee had been quashed.²¹⁹ Three years later, it was decided that parliamentary conditions were too difficult to push for reform. Instead, the AMSH thought it more prudent to concentrate on an educational campaign.²²⁰ Times had changed since the 1920s, and public opinion was not so easy to court with newspapers devoting less and less space to serious politics.²²¹ However, following an easing in political and social conditions in Britain after the Great Depression, the National Council of Women pressed for reform beginning in 1935.²²² On July 20, 1938, Robert Turton introduced the Public Places (Order and Decency) Bill into the House of Commons.²²³ The bill was introduced a second time on November 15.²²⁴ While Turton managed to secure third place for a second reading on December 16,²²⁵ as happened over 10 years earlier, the Home Office ensured that the government whips blocked the move.²²⁶ A further attempt to move a second reading was arranged for February 17, 1939.²²⁷ It failed yet again, and the whips were urged to impair its progress for the entire session.²²⁸ Although further research is needed on this later period, it is not insignificant that by the late 1930s senior police officers were preoccupied with concerns over rising crime rates.²²⁹

218. TNA, HO 45/24902, Hill to Brass, July 5, 1929.

219. *Ibid.*, Brass minute, March 26, 1926

220. WL, 3/AMS Box 44, Extraordinary meeting of the Financial Committee, April 24, 1933.

221. Bingham, *Gender, Modernity and the Popular Press*, 113, 141.

222. TNA, HO 45/24902, the Dowager Lady Nunburnholme, convenor of the Moral Welfare Committee and president of the National Council of Women, to the HO, June 25, 1935.

223. *HC Debates*, 5s., vol. 338, cols. 2209–12.

224. *Ibid.*, vol. 341, col. 693.

225. WL, 3/AMS Box 46, MEC December 13, 1938.

226. TNA, HO 45/24902, K.B. Paice, private secretary to the parliamentary undersecretary, Geoffrey William Lloyd, minute November 22, 1938.

227. WL, 3 AMS Box 46, MEC February 14, 1939.

228. TNA, HO 45/24902, Paice minute, February 18, 1939.

229. *Report of the Commissioner of Police of the Metropolis for the Year 1938*, Cmd. 6073 (London: HMSO, 1939), 9–10.

Examining the failure of prostitution law reform serves as a salutary lesson in understanding the intricacies of practical politics during the 1920s. Bureaucratic aversion does not suffice as an explanation for this failure. Despite a general assumption as to the need for law reform, the main agents for change themselves were divided as to how this should be achieved. Moreover, the AMSH's sectional interest in matters moral failed to address official and police responsibilities for maintaining public order. With crime rising and politicians prioritizing more pressing matters such as rising unemployment, the Metropolitan Police emerged from a period of intense and often negative public scrutiny relatively unscathed. In this context of weak police accountability, the Home Office and Scotland Yard were able to pursue their own agenda of administrative reform untroubled by the wider considerations of parliamentary politics.