

# Association for Moral and Social Hygiene

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## A Second Memorandum ON Prohibition of Foreign Women in Tolerated Houses

The League of Nations Advisory Committee on the Traffic in Women and Children, during its meetings in March, 1923, passed the following resolution by four votes to two.

"The Advisory Committee having, at the request of the Third Assembly of the League, examined the question of the employment of foreign women in licensed houses, recommends that, pending the abolition of the system of State regulation, no foreign woman should be employed or carry on her profession as a prostitute in any licensed houses."

This proposal was before the Assembly of the League last Autumn and the A.M. & S.H. then issued a Memorandum on the subject. Following are the chief points made in that Memorandum:—

### ATTITUDE OF THE A.M. & S.H.

The Executive Committee of the A.M. & S.H. has carefully considered this matter and is unable to support any proposal for an international agreement prohibiting foreign women in licensed brothels. It is convinced that the only effective method of checking the traffic in women is the universal abolition of the Regulation system. The A.M. & S.H. attitude on these matters is necessarily defined by the principles of the International Abolitionist Federation. We are out for the total abolition of licensed houses, and we cannot have anything to do with attempts to improve the brothel regulation even for the purpose of affording protection to the women in the brothels. We fully sympathise with and appreciate the intention, but no Abolitionist can support special legislation or regulations concerning prostitutes, or servants, in licensed brothels for the following reasons:—

#### Because

In nearly every country in the world where Licensed Houses and Regulation exist, they have no legal basis and no statutory recognition. If, however, we consent to laying down regulations forbidding foreign women to be in licensed houses this has two undesirable results:—

- (a) It implies acquiescence in the presence in such houses of women who are *not* foreigners, as either prostitutes or servants.
- (b) It promotes the legal recognition of the licensed houses and the whole system of regulated prostitution.
- (c) **Police des Moeurs.**—Any such regulations would have to be carried out by the "police des mœurs." Flexner, in paying a tribute to the excellent reputation of the European police, adds:

"But this exemplary reputation does not belong to the morals police . . . charges of corruption and grave impropriety on the part of the patrolment in the morals service are, however, all too common. The situation created by regulation is indeed an impossible one. Prostitution is treated as inevitable; it is authorised and 'regulated' on the ground that men will indulge themselves. And yet the morals police who are closest to it are expected to hold aloof? Again, women are exploited by pimps, by liquor-dealers, by bordell-keepers; yet regulation assumes that the morals police who are every moment in position to sell favours, exemptions and privileges will refrain from doing so." (*Prostitution in Europe*, p. 270.)

If the police are told to turn out foreign women from licensed houses, all they have to do is to order such women to reside in certain other specified houses. *These houses are not licensed.* Officially they do not exist, but in fact they are recognised, police-controlled brothels. Will this do anything to lessen the traffic in women? Does it not rather give the police a fresh means of tyrannising over the hapless foreign women?

In the view of this Association the "police des mœurs" in all Regulationist countries are not suitable to entrust with the carrying-out of regulations for the protection of women in brothels. The "licensed houses" are so closely linked on the one hand with the "police des mœurs," and on the other hand with the Traffic in Women, that the three really form one system. Any attempt to enlist one part of the system in destroying another part is not likely to be successful.

(d) **Determination of Foreign Nationality.**—A smaller point but a practical one is the fact that the complexities of the nationality laws in the various countries render a definition of "foreign women" extraordinarily difficult and offer the greatest possibilities of error and fraud in proving nationality.

*For example:* An Englishwoman married a Dutchman. He left her. On application to the Dutch Consul she was informed she was not a Dutch subject as she had failed to register every three years in accordance with the Dutch law. According to English law, however, she was still Dutch in consequence of her marriage. ("Times," 7-12-22.)

Even if a suitable working definition could be internationally agreed upon it would, in a large number of cases, be evaded by deliberate lying and by falsification or exchange of papers.

There are other grounds which compel this Association to abstain from giving support to this proposal, but our main objection is that, as Abolitionists, we cannot do anything to improve a system or an institution which we declare to be abominable, nor can we agree to a proposal which implicitly recognises the brothel slavery of any woman, foreign or otherwise.

### **SOME FURTHER COMMENTS ON THE PROPOSAL**

We will now deal, briefly, with some points raised by those who differ from us. Our views, in detail, are obtainable in a pamphlet now ready.

#### **1. Foreign Women**

It is undoubtedly true that "there are a large number of foreign women in licensed houses," specially in South America, but it is noteworthy that the foreign leaders of the National Council of Women, *who live in Regulationist countries*, are opposing the proposal. Dr. Pauline Luisi, the vigorous anti-Traffic worker of South America and President of the N.C.W. of Uruguay, was a delegate on the Advisory Committee and voted against the recommendation. Madame Avril de Sainte-Croix, Convener of the Traffic in Women Standing Committee of the International Council of Women, also opposed it as being contrary to Abolitionist principles and as "impracticable."

The international work against the Traffic, originated in the Abolitionist movement and Abolitionists are practically solid in opposing the proposal.

#### **2. Will it Help Women ?**

Regulations laid down for the carrying on of licensed houses are practically useless as a means of helping the women in them. The morals police have absolute discretion. In Holland regulations were made that no girl under 23 could be in a licensed house. Abolitionists found that in eighteen months the police had passed 77 girls of 17 and 18 years into *one licensed house*. Holland found it hopeless to regulate the houses and proceeded to abolish them, thus destroying the traffickers' market.

#### **3. Repatriation of Foreign Women**

A strong plea is made that if this proposal to forbid the presence of foreign women in licensed houses is accepted, and if it is put into force by Regulationist Governments, it will be possible under the 1904 Convention to repatriate such women and girls as might be expelled from licensed houses.

This argument, unfortunately, overlooks the facts. It assumes that the Convention of 1904 is effectively carried out by the Governments of Regulationist countries. It ignores the very stringent limitation of the 1904 Convention, under which the Governments only agreed to repatriate women under certain specified circumstances "within legal limits and as far as possible." The "legal limits" depend very largely on whether the country is Regulationist or not. France, for example, refuses to expel women for prostitution. Again, the matter rests chiefly with the morals police and these facts make the repatriation agreement of little practical value so far as women in Regulationist countries are concerned.

#### **4. The Question of Legal Sanction**

We regret that the N.C.W. Executive should take it for granted that licensed houses are "practically legalised." Flexner has pointed out most emphatically that the whole police regulation system is illegal and unconstitutional, and that the morals police are "themselves so conscious of the uncertain footing on which their system rests that they have again and again sought its validation through express legislation."

Hitherto they have failed to obtain legal sanction. It would be most unfortunate if British women's organisations helped them to get it.

#### **5. Proposal concerns Traffic not Regulation ?**

The League of Nations can and does rightly concern itself with the Traffic in Women. But when in order to "close the market for traffickers" it makes regulations for the licensed house, it is dealing directly with Regulation and the only possible attitude for British women on this subject is one of uncompromising opposition to Regulation in all its forms.

#### **6. Effects of the Proposal**

Unless the Regulationist Governments accept and enforce the prohibition of foreign women the proposal will obviously have no good effect whatever. Even if they accept it can they rely on the morals police to apply it? A Regulationist Government might as well prohibit the houses as prohibit the employment of foreign women. We have quite as much chance of getting the one as the other. Why not then go directly for what we all want and all believe to be right, namely, the abolition of the licensed houses and the whole Regulation system?

The A.M. & S.H. earnestly hopes that the societies of British women will agree to pass a resolution against Regulation and the Licensed Houses without giving any support to the suggested prohibition of foreign women employed in the houses. We believe such support, far from helping to check the traffic in women, would be the "thin end of the wedge" opening the way for the legalisation of Regulation.