


# Bishops, Brothels and Byron: Hypocrisy and the 1844 Brothel Suppression Bill

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*The House of Lords debate over the 1844 Brothel Suppression Bill was derailed by an accusation of hypocrisy. An opponent of the measure, Earl Fitzhardinge, shifted attention from legal reform to the notorious brothels operating on Church of England property, and argued that the dean and chapter of Westminster Abbey should be prosecuted were the bill to become law. In addition to offering an interesting case study of clerical hypocrisy in practice, the story of the failed 1844 Bill provides useful context for better-known sexual reform projects of the late nineteenth century. This article focuses on three major themes that animated the events of 1844: the power of distraction and delay; the role of elite male perspectives; and the complicated but critical role of Christianity in sexual reform.*

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## INTRODUCTION

During debate over the bishop of Exeter's 1844 Brothel Suppression Bill, Earl Fitzhardinge told the House of Lords that the 'most notorious brothels in London' were run on property owned by the dean and chapter of Westminster Abbey.<sup>1</sup> The press gleefully seized on this accusation of hypocrisy, which was neatly summarized by Earl Fitzhardinge: given the Church of England's 'peculiar duties', it should have suppressed sexual vice on its own property 'before their Lordships were called upon to legislate.'<sup>2</sup> Ultimately, the bill failed and its major provision, the introduction of summary judgement for the closure of brothels, would not become law for another forty-one years.

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<sup>1</sup> HL Deb. (3rd series), 14 June 1844 (vol. 75, col. 886).

<sup>2</sup> Ibid.

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The fact that the 1844 Brothel Suppression Bill was withdrawn only partially explains why the story of its collapse has been omitted from histories of sexual reform.<sup>3</sup> Although Victorian prostitution is a popular subject, academic study of it has typically focused on events after 1860 that generated significant public attention and energy, including the Contagious Diseases Acts of 1864, 1866 and 1869, the Jack the Ripper killings, and the activism related to social purity and white slavery. Some historians have even suggested that prostitution was not a serious social concern until the end of the 1850s, a claim that is undercut by the work of the reformers behind the 1844 Bill.<sup>4</sup> A final possible explanation is historians' heavy reliance on materials produced by reformers, who may have been reluctant to record embarrassing failures.<sup>5</sup>

Despite its relative obscurity, the story of the 1844 Brothel Suppression Bill is an interesting case study in clerical hypocrisy and provides useful context for later, more successful sexual reform efforts. In particular, the 1844 debate highlights the way distraction and delay inhibit reform, the importance of elite male perspectives in the nineteenth-century debate over the laws surrounding prostitution, and the complicated role Christianity played in Victorian sexual reform. Before these points can be explored, it is necessary to recount the history of the 1844 Bill and the way its reception was shaped by charges of clerical hypocrisy.

#### THE 1844 BROTHEL SUPPRESSION BILL

The impetus for the 1844 Brothel Suppression Bill (formally titled 'A Bill for the More Effectual Suppression of Brothels, and Trading in Seduction and Prostitution') came from voluntary groups, particularly the fashionable Society for the Protection of Young Females

<sup>3</sup> One history of social purity movements mentions the 1844 Bill, but only to note that it was poorly received. Edward Bristow, *Vice and Vigilance: Purity Movements in Britain since 1700* (Dublin, 1977), 61.

<sup>4</sup> Keith Nield, *Prostitution and the Victorian Age: Debates on the Issue from 19th Century Critical Journals* (Westmead, 1973), 1.

<sup>5</sup> This may be the reason for the absence of the 1844 Bill from M. J. D. Roberts's analysis of one of the major groups that supported it, the Society for the Protection of Young Females and the Prevention of Juvenile Prostitution: M. J. D. Roberts, *Making English Morals: Voluntary Association and Moral Reform in England, 1787–1886* (Cambridge, 2004), 159–61.

and the Prevention of Juvenile Prostitution (hereafter: the Society). Founded in 1835 and connected to the London City Mission, the Society tried to end the prostitution of young women. Although the Society was created in direct response to the death of a Norfolk girl in a London brothel, it was also part of a larger trend of social stabilization efforts and rising class consciousness following the passage of the 1832 Reform Act and the 1834 Poor Law.<sup>6</sup> Despite its success in attracting patrons, the Society was not without opponents. For instance, after the founding of a Birmingham branch of the Society in 1840, some local gentlemen pledged to form their own organization to protect prostitution and to defend ‘keepers of infamous houses in any actions which may be brought [*sic*] against them by the society for the protection of young females.’<sup>7</sup>

The Society’s work fell into three categories: the closure of brothels, the punishment of procurers, and the reclamation of young girls who had been seduced or were seen as particularly vulnerable.<sup>8</sup> Despite some success, the Society quickly became frustrated with existing laws relating to prostitution and committed itself to reforming them.<sup>9</sup> Assured by the evangelical leader and future earl of Shaftesbury, Lord Ashley, that their cause was ‘that of religion, piety and virtue,’ the Society planned to bring the matter before Parliament in the late 1830s.<sup>10</sup> Joining forces with other voluntary groups, including the Society of the Lock Hospital and Asylum, the Guardian Society, the London Female Mission, and the Maritime Penitent Female Refuge, the Society petitioned Parliament to change a law commonly used to close disorderly houses, circulated relevant material to clergymen and Dissenting ministers, and made appeals in the press.<sup>11</sup> The presentation of the

<sup>6</sup> Bristow, *Vice and Vigilance*, 60; Roberts, *Making English Morals*, 143, 146–7.

<sup>7</sup> ‘News’, *Carlisle Journal*, 19 December 1840, 3.

<sup>8</sup> These goals were laid out by the Society’s secretary, James B. Talbot, at a public meeting in 1838. ‘Multiple News Items’, *The Standard*, 8 November 1838, 3.

<sup>9</sup> ‘Facts, Fancies, and Fictions’, *The Champion*, 18 November 1838, 5; ‘The Protection of Young Females’, *Leamington Spa Courier*, 24 June 1843, 3; ‘Prevention of Juvenile Prostitution’, *The Times*, 8 November 1838, 3.

<sup>10</sup> ‘The Protection of Young Females’, *Leamington Spa Courier*, 24 June 1843, 3; see also ‘The London Society for the Protection of Young Females’, *Morning Post*, 7 April 1841, 4.

<sup>11</sup> ‘Members of the Committee of the London Society for the Prevention of Juvenile Prostitution’ (19 March 1838), in ‘Seventeenth Report of the Select Committee’, in *Reports of the Select Committee on Public Petitions 1833–1918* (London, 1838), 196. For an example circular, see ‘London Society for the Protection of Young Females’,

Brothel Suppression Bill in 1844, therefore, was the result of years of effort. In fact, the project predated the Society: The Guardian Society had pressed for similar changes in the decades before the Society's founding.<sup>12</sup>

As originally drafted, the 1844 Bill sought to strengthen the legal mechanism for prosecuting people who facilitated prostitution. The justification for more aggressive legal intervention was explained in the introduction to the first draft of the bill: the fact that existing laws were 'ineffectual' and rarely enforced emboldened those who profited most from the sex trade, and 'encouraged' them to use increasingly unethical means to draw women into prostitution.<sup>13</sup> The influence of extra-parliamentary reformers is clear in the first draft, which proposed sweeping changes that had no chance of becoming law. These unlikely measures included the seizure of buildings used as brothels, even if they were rented properties, and the punishment of anyone who facilitated or allowed their dependant to commit adultery or fornication, including husbands who allowed their wives to be unfaithful.<sup>14</sup> Although these measures were removed from the final version of the bill, they reveal reformers' understanding of sexual exploitation and hint at their political naivety. The provisions directed at family members, for example, were designed to address prostitution as a family business, including concerns that parents were complicit in the prostitution of their children, and that husbands were exploiting their wives. The proposed measures could have resulted in serious unintended consequences, however, such as the prosecution of a husband who tolerated his wife's infidelity, even if no money exchanged hands.

Yet the key element of the bill survived the amendment process: the replacement of the 1752 Disorderly Houses Act with a summary

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*Bristol Mercury*, 26 June 1841, 6. For examples of appeals made in the press, see 'London Society for the Protection of Young Females', *Essex Standard*, 30 July 1841, 3 and 'To the Editor of the Times', *The Times*, 13 December 1838, 5.

<sup>12</sup> Tony Henderson, *Disorderly Women in Eighteenth-Century London: Prostitution and Control in the Metropolis 1730–1830* (London, 2013), 101–2.

<sup>13</sup> *A Bill intituled an Act for the More Effectual Suppression of Brothels, and Trading in Seduction and Prostitution*, 1844 (HL Bill 107, 1844).

<sup>14</sup> *Ibid.*

judgement for the closure of brothels.<sup>15</sup> Passed in the wake of the violent brothel riots of 1749, the Disorderly Houses Act was the subject of considerable criticism by the 1840s.<sup>16</sup> Under the 1752 Act, any two ratepayers could report a disorderly house, including a brothel, to a constable who was required to investigate. If the investigation resulted in a prosecution, the ratepayers received financial compensation. The limitations of this scheme were well documented by the 1840s. In 1841, the *Yorkshire Gazette* memorably described the 1752 Act as ‘an act so ingeniously contrived as to ensure the escape, rather than the punishment’ of brothelkeepers.<sup>17</sup> The 1752 Act depended on the initiative and resources of ratepayers, who risked ridicule, retribution and financial loss if they reported the existence of a brothel.<sup>18</sup> Furthermore, prosecutions under the act were expensive enough to deter local authorities.<sup>19</sup> They also involved a significant delay between the opening of an investigation and an indictment. This sometimes allowed the accused to flee, or simply move a few doors down, before charges could be brought, which was especially problematic as, under the 1752 Act, each investigation was tied to a specific address.<sup>20</sup> The ‘great point’ of the 1844 Bill, therefore, was to create a more effective mechanism for closing brothels.

In committee, legislators pruned off the most improbable elements of the bill. The final version consisted of two major provisions.<sup>21</sup> The first introduced the use of summary judgement to convict people who owned brothels, worked in brothels or otherwise knowingly benefited from the sale of sex. Under the streamlined mechanism, charges could be brought against an individual, rather than the house itself, and the two ratepayers required by the 1752 Disorderly Houses Act were replaced by one credible witness. Upon hearing the testimony of the witness, two justices of the peace could summon the accused. If the accused failed to appear, a magistrate could either issue a warrant

<sup>15</sup> The full name of the 1752 Disorderly Houses Act is ‘An Act for the Better Preventing Thefts and Robberies, and Regulating Places of Public Entertainment, and Punishment of Persons Keeping Disorderly Houses’, 1752 (25 Geo. II, c. 36).

<sup>16</sup> Bristow, *Vice and Vigilance*, 54–5.

<sup>17</sup> ‘Prostitution—Its Fearful Extent’, *Yorkshire Gazette*, 14 August 1841, 3.

<sup>18</sup> Bristow, *Vice and Vigilance*, 54–5.

<sup>19</sup> *Ibid.*; Henderson, *Disorderly Women*, 158–61.

<sup>20</sup> Bristow, *Vice and Vigilance*, 54–5.

<sup>21</sup> *A Bill [as amended by the Select Committee] intituled an Act for the More Effectual Suppression of Bawdy Houses, and of Trading in Seduction and Prostitution*, 1844 (HL Bill 151, 1844).

for them, or hear the case in their absence. Upon conviction, offenders faced imprisonment for up to three months with or without hard labour for a first offence, up to six months for a second offence, and up to two years for each subsequent offence. By creating a clear and limited mechanism for appealing decisions, the bill targeted legal loopholes that brothelkeepers commonly employed. The second major element of the bill was the criminalization of procuration and solicitation on behalf of another person, both of which were to become misdemeanours punishable by up to two years with or without hard labour.

#### HOUSE OF LORDS DEBATE

In May 1884, the bill had an uneventful first reading. Emboldened by petitions of support, advocates assured their fellow legislators that the bill would not criminalize prostitution, which was described as ‘a question rather of morals than of law.’<sup>22</sup> Instead, the bill sought to stop ‘trading’ in prostitution by punishing the procurers and brothelkeepers who financially benefited from the prostitution of others.<sup>23</sup> A month later, the second reading began in a similar fashion. The bill’s sponsor, the bishop of Exeter, Henry Phillpotts, tried to impress upon the House the narrowness of the proposed legislation by expounding, in detail, on the types of sexual activity that would not be criminalized: the cohabitation of unmarried couples, prostitution and seduction.<sup>24</sup> This conciliatory tone distanced him from the sweeping changes that had been proposed in the first draft of the bill. By explicitly acknowledging that he was not advocating the legal prohibition of all illicit sex, he presented a case for a narrower reform that focused on the facilitators of prostitution.

In his description of the bill, the bishop of Exeter described how the prosecution of procurers and brothelkeepers could check two of the most offensive elements of the sex trade: fraud and coercion. Citing precedent dating back to the ancient world, the bishop insisted that his bill was nearly identical to one issued by the emperor Justinian in the sixth century. More imminently, he described the

<sup>22</sup> HL Deb. (3rd series), 17 May 1844 (vol. 74, cols 1232–4).

<sup>23</sup> *Ibid.*

<sup>24</sup> In this context, ‘seduction’ refers to a man enticing a woman to whom he is not married into sexual acts.

type of cases that could be prosecuted, should the bill become law, including the employment of procurers by West End brothels, the use of false advertisements to lure young women from the country with promises of respectable work, and the importation of unsuspecting girls from Ireland. Unsurprisingly, these practices matched recent cases brought by the Society, including its failed effort to prosecute Richard Barnett and his wife for procuring country girls, and the successful prosecution of Emma Stone, who had procured Mary Ann Favell, an eleven-year-old girl.<sup>25</sup> Despite Stone's conviction for removing a child from her parents without their permission, for which she received a year's imprisonment, the case highlighted the weakness of existing laws against brothels. When charges were brought against the keepers of the brothel where Stone and Favell had stayed for several nights, the keepers simply closed the house and fled.<sup>26</sup>

The bishop of Exeter's speech was the most detailed discussion the bill would receive as the next speaker, William Berkeley (1786–1857), the first Earl Fitzhardinge, permanently derailed the debate. After seconding the bill, presumably in bad faith, Fitzhardinge accused the dean and chapter of Westminster Abbey of owning the property that housed the most notorious brothels in London. In the area known as the Almonry, where alms from Westminster Abbey had historically been distributed, Fitzhardinge alleged that there were twenty-four disorderly houses, which put them 'in a proportion of two brothels to one prebend.'<sup>27</sup> This allegation, *The Times* reported, was followed by 'much laughter, which continued for some time.'<sup>28</sup> Although Fitzhardinge assured his fellow peers that he was discussing buildings 'with which he was not acquainted', he insisted that the information was open and notorious.<sup>29</sup> He claimed to have read about the matter more than two years previously in a local newspaper, and reported, falsely, that no church official had

<sup>25</sup> Richard Barnett is discussed in 'Magistrates' Meeting—Christopher Inn', *Bucks Herald*, 3 August 1839, 3. For Emma Stone and Mary Ann Favell, see 'Police Intelligence', *Reading Mercury*, 18 April 1840, 4; 'Surrey Sessions—Thursday, May 28', *Morning Post*, 29 May 1840, 7.

<sup>26</sup> 'Surrey Sessions—Thursday, May 28', *Morning Post*, 29 May 1840, 7.

<sup>27</sup> HL Deb. (3rd series), 14 June 1844 (vol. 75, col. 886).

<sup>28</sup> 'House Of Lords, Friday, June 15', *The Times*, 15 June 1844, 3.

<sup>29</sup> HL Deb. (3rd series), 14 June 1844 (vol. 75, col. 886).

denied the charges.<sup>30</sup> Indeed, he claimed to have ‘been astonished that no contradiction had been given to it, because it showed rather an inconsistency of conduct on the part of the dean and chapter.’<sup>31</sup>

While the charge of hypocrisy was obvious, given the bill’s proposal by a bishop, Fitzhardinge did not focus on the church’s inconsistent response to prostitution. Rather, he turned his attention to another controversy: the dean’s refusal to install a statue of Lord Byron, the work of the renowned sculptor Bertel Thorvaldsen, in Westminster Abbey’s Poet’s Corner, on the basis that Lord Byron had been not only heterodox, but of dubious sexual morality. The question of whether to house Lord Byron’s body or his likeness in Westminster Abbey had caused a media frenzy in the 1820s, full of opportunities for humour and indignation.<sup>32</sup> By 1844, the controversy was well-worn; the statue had been languishing in a warehouse for ten years, homeless. Just two months before the debate over the 1844 Brothel Suppression Bill, *Punch* had revisited the issue by publishing a satirical letter in which the statue tried to persuade abbey officials that it was a financial asset.<sup>33</sup> During the second reading of the 1844 Bill, Fitzhardinge built on the theme of clerical greed, suggesting that there was one important difference between brothels – allegedly welcome on church property – and the statue: ‘The statue would not pay any rent.’<sup>34</sup>

The bishop of Gloucester, James Henry Monk, who had been given a canony at Westminster in 1830, tried to mitigate the damage. However, instead of redirecting the conversation to brothel suppression, he focused on Fitzhardinge’s charges. Although the bishop of Gloucester admitted that there had been brothels on property owned by the dean and chapter of Westminster Abbey, he claimed that the dean and chapter had removed them, either by refusing to renew the leases of tenants who used property for immoral purposes,

<sup>30</sup> The charges had been contested by the dean and chapter’s surveyor in 1843. Although he acknowledged the existence of brothels on church property, he questioned the numbers alleged and claimed that the dean and chapter were taking action to remove them ‘where practical at a reasonable price’: ‘To the Editor of the Standard’, *The Standard*, 18 January 1843, 3.

<sup>31</sup> HL Deb. (3rd series), 14 June 1844 (vol. 75, col. 886).

<sup>32</sup> ‘With Most Especial Disgust’, *The Age*, 5 October 1828, 2; ‘Alas!’, *The Satirist*, 26 August 1838, 4–5.

<sup>33</sup> ‘The Statue of Byron’, *Punch*, 11 May 1844, 17–18.

<sup>34</sup> HL Deb. (3rd series), 14 June 1844 (vol. 75, col. 887).



or by using the dean and chapter's own money – 'which the noble Earl supposed they were so fond of' – to buy out unsavoury lease holders.<sup>35</sup> Based on his personal inspection of the area, the bishop of Gloucester claimed that all of the bad houses on church property had been removed. While this information was incorrect – brothels continued to operate on church property – it was not contested in that day's debate.

Nonetheless, the damage was done. The discussion moved further and further away from the bill. Subsequent speakers made it clear that Fitzhardinge's mention of Byron's statue had struck a nerve. Remarkably, given the bill under discussion, Lord Henry Brougham claimed that there was not 'any one passage in the history of this country of late years so discreditable to our national taste, to our reason, and to our good sense, as the refusal to admit this statue.'<sup>36</sup> Another member argued that Shakespeare was more 'indecent' than Byron and yet his statue was allowed, while the earl of Lovelace, William King-Noel, Lord Byron's son-in-law, pointed out that the Abbey displayed a statue of the poet John Dryden 'who died a Catholic and an apostate.'<sup>37</sup> The fact that the bishop of Exeter tried to make peace by proposing a national gallery of statues indicates how far the debate had strayed. Indeed, the only substantive response to the content of the Brothel Suppression Bill came from the final speaker, the noted legal reformer, John, Lord Campbell, who struck an ominous note, reminding the House that there was 'a difference between sin and crime', and suggesting that efforts to suppress prostitution made vice worse.<sup>38</sup>

While the press paid little attention to the bill, they seized on the allegations against the dean and chapter of Westminster Abbey and the renewed fight over Byron's statue; the scandal even received some coverage in an Indian newspaper.<sup>39</sup> The Tory weekly, *The Age and Argus*, wrote scathingly that 'a stupid conversation took place in the House of Lords the other night, into which the names

<sup>35</sup> Ibid.

<sup>36</sup> HL Deb. (3rd series), 14 June 1844 (vol. 75, col. 888).

<sup>37</sup> HL Deb. (3rd series), 14 June 1844 (vol. 75, cols 890–1).

<sup>38</sup> Ibid.

<sup>39</sup> *The Bengal Catholic Expositor* reprinted some of the *Examiner's* coverage and provided its own commentary: 'The Bishop's Zeal and A Chapter's Practice', *The Bengal Catholic Expositor*, 7 September 1844, 12–14; 'Immorality Tolerated More than Dissent', *The Bengal Catholic Expositor*, 5 October 1844, 11–12.

of Shakspeare [*sic*], Thorwaldsen [*sic*], and Byron, were dragged, with no particular reason, and decidedly no particular result.<sup>40</sup> Despite the ‘hackneyed’ subject, however, *The Age and Argus* could not resist enumerating the reasons why no one as immoral as Byron could have his likeness in the Abbey. Others pounced on the Church of England. The radical *Examiner* suggested that the bishop of Exeter was only interested in suppressing brothels so that clergymen would have less opportunity to frequent them, citing the recent scandalous case of the Rev. Herbert Marsh, who had admitted to having a child with a woman he had met at a brothel in the parish of St James, Westminster.<sup>41</sup> Some publications had more fun. *Punch* used the debate as evidence of the pointlessness of Parliament.<sup>42</sup> *The Satirist*, famed for controversy, anti-Tory sentiment, and its editor’s propensity for blackmail, made good on its name, publishing ‘Byron vs Brothels: A Pious and Poetical Address to the dean and chapter of Westminster.’ The poem mixed rhymes and ridicule, driving home the idea of clerical hypocrisy:

Oh! Dean and Chapter, Byron sang  
‘Don Juan,’ it is true;  
But thus to shelter Juans and  
Their loves was left for you!<sup>43</sup>

Media coverage was not just about exposing an embarrassing encounter among the nation’s elite. As *The Satirist* quickly noted, the press had played a pivotal role in exposing the connection between brothels and the clergy. Radical publications had covered the existence of brothels on the dean and chapter’s property three years before it

<sup>40</sup> ‘Saturday, June 22, 1844’, *Age and Argus*, 22 June 1844, 9.

<sup>41</sup> The Marsh case attracted significant media attention, which focused on clerical hypocrisy. The Rev. Herbert Charles Marsh was the rector of Barnack and the son of Herbert Marsh, bishop of Peterborough from 1819–39: ‘A Bishop’s Zeal and a Chapter’s Practice’, *Examiner*, 22 June 1844, 2–3; ‘Prosecution of a French Strumpet’, *Stamford Mercury*, 8 March 1844, 2; ‘Disgraces to the Church’, *The Era*, 17 March, 1844, 5. The parish of St James, Westminster, is now known as St James, Piccadilly.

<sup>42</sup> ‘The “Business” of Parliament’, *Punch*, 20 July 1844, 18.

<sup>43</sup> ‘Byron vs Brothels: A Pious and Poetical Address to the Dean and Chapter of Westminster’, *The Satirist*, 7 July 1844, 3. For more on the editor and owner of *The Satirist*, Barnard Gregory, see G. C. Boase, rev. H. C. G. Matthew, ‘Gregory, Barnard (1796–1852), newspaper proprietor’, *ODNB*, online edn (2004), at: <<https://doi.org/10.1093/ref:odnb/11455>>, accessed 20 August 2023.

reached the House of Lords, and they were certainly Fitzhardinge's source. In addition to repeating the exact number of brothels per street that the press had reported in 1841, Fitzhardinge had even lifted his jokes – including 'two brothels to one prebend' – from these columns.<sup>44</sup> While *The Satirist* had previously juxtaposed the brothels on church property with the rejection of Byron's statue, much of the earlier criticism focused on yet another case of clerical hypocrisy.<sup>45</sup> In 1841, the dean and chapter of Westminster Abbey had been labelled a 'crew of reverend hypocrites' because of their selective use of prohibitory clauses in leases for church properties.<sup>46</sup> While the dean and chapter inserted clauses in their leases that ensured that their properties could not be used as Dissenting meeting houses or chapels, they did not insert clauses that prevented the use of those same properties as brothels or as receiving houses for stolen and smuggled goods.<sup>47</sup> The specific charge of hypocrisy had been different, but the case was built on the same logic: critics suggested that the failure to insert prohibitory clauses in leases to prevent sexual vice reflected the fact that brothelkeepers, unlike Dissenting chapels, were known to pay above average rent.

At the vote to send the bill to committee for amendments, Fitzhardinge renewed his attack on the dean and chapter of Westminster Abbey. During the intervening week, he had gathered evidence that disproved the bishop of Gloucester's claim that the problem of brothels on church property had been solved. His source was a vestry clerk, who had provided the names of functioning 'brothels within two minutes' walk' of the Westminster Abbey Chapter House.<sup>48</sup> Unsurprisingly, Fitzhardinge also introduced the question of prohibitory clauses in leases and demanded to know why the church did not regularly insert them against vice. Given the enduring nature of the problem, and the fact that the dean and chapter were

<sup>44</sup> 'Dean and Chapter Landlords', *Examiner*, 18 December 1841, 1–2.

<sup>45</sup> 'Clerical Immorality', *The Satirist*, 30 October 1842, 7.

<sup>46</sup> 'Ecclesiastical Brothels', *The Satirist*, 26 December 1841, 7.

<sup>47</sup> 'Clerical Immorality', *The Satirist*, 30 October 1842, 7.

<sup>48</sup> HL Deb. (3rd series), 24 June 1844 (vol. 75, col. 1257). Hansard censored the addresses of the brothels, noting simply that there were 'several' and that they were 'notorious': HL Deb. (3rd series), 24 June 1844 (vol. 75, col. 1257). *The Times* did not use the same discretion. It named the houses as numbers 3–8 on the left side of Dean Street; numbers 2, 3 and 5–8 in Jeffery's Buildings; and numbers 14–15 in New Way Buildings: 'House of Lords, Monday, June 24', *The Times*, 25 June 1844, 2.

not using the available measures for repression, Fitzhardinge implied that the dean and chapter were as guilty as any brothelkeepers. Therefore, if Parliament passed the 1844 Bill, 'knowing that the Dean and Chapter had been breathing the air of prostitution, and sharing the very wages of public infamy', the authorities would need to bring charges against the dean and chapter of Westminster Abbey.<sup>49</sup>

Forced to amend his previous claims, the bishop of Gloucester insisted that the dean and chapter were in the process of closing brothels on their property but had simply not completed this task. The bishop offered the House a series of defences, the most troubling of which was the claim that, while the property involved seemed significant, it was 'in the lower parts of Westminster' and therefore had little value and few options for tenants.<sup>50</sup> While the dean and chapter might like to own property in more a respectable – and expensive – part of town, 'Berkeley-square for instance', they did not, and therefore could not afford to be picky. The comment – probably a thinly veiled barb at Fitzhardinge, who had been denied the title earl of Berkeley decades previously due to questions about his legitimacy – enraged *The Economist*, prompting a scathing analysis of the priorities of the established church:

We are now informed as to the terms on which the Dean and Chapter of Westminster—so anxious to promote morality—would change their present tenants. They would do so if only they could get 'property in other parts of the town—in Berkeley Square, for instance;'—in short, if they could get MORE RENT. Such a cool confession of greed, intolerance, and connivance at vice is happily not often made, even by bishops. The masses are more disinterested, more pure, more full of true genuine religion, than those who presume to teach them, especially in those respects.<sup>51</sup>

Once again, the discussion in the House of Lords strayed from the bill. The bishop of Gloucester and Earl Fitzhardinge argued about the original source of the charges against the dean and chapter of Westminster Abbey: the bishop claimed they were printed in the controversial evangelical journal the *Patriot*, to which Fitzhardinge

<sup>49</sup> HL Deb. (3rd series), 24 June 1844 (vol. 75, col. 1258).

<sup>50</sup> HL Deb. (3rd series), 24 June 1844 (vol. 75, col. 1260).

<sup>51</sup> 'Clerical Zeal', *The Economist*, 29 June 1844, 4.

replied that ‘I never saw the *Patriot* in my life.’<sup>52</sup> They debated whether or not the charges were the result of a bias against the established church, whether or not they had been contradicted by officials, and whether the entire attack was revenge for the prohibitory clauses against Dissenting meeting houses. Once again, the bill was not discussed.

Although the third reading still did not focus on the bill, it lacked the theatricality of the previous two debates. Lord Foley’s opening comments sounded the bill’s death knell. He insisted that there had not been sufficient inquiry and recycled old arguments for segregating brothels into poor neighbourhoods, namely that it prevented them from operating in wealthier ones.<sup>53</sup> The earl of Galloway tried to save the bill, mentioning the work that had gone into it, and the fact that further inquiry was unnecessary because everyone present admitted that brothels were rampant. The bill should pass, he thought, if the House really wanted to close brothels and protect young women. His words fell on deaf ears, and the bill was withdrawn pending further investigation.<sup>54</sup>

#### AFTERLIFE OF THE DEBATE

The failure of the 1844 Bill did not mark the end of efforts to reform the laws surrounding vice. Shortly after the bill was withdrawn, James Beard Talbot, Secretary of the Society, published *The Miseries of Prostitution*, which was intended to provide the evidence that Lord Foley had claimed was needed, and other reformers expressed hope that the bill would be reintroduced the following session.<sup>55</sup> When it was not, voluntary groups kept pressing for change, and the bishop of Exeter and others continued to present petitions to Parliament demanding the suppression of the prostitution trade.<sup>56</sup> Progress nonetheless remained slow. Although a similar bill was proposed in

<sup>52</sup> HL Deb. (3rd series), 24 June 1844 (vol. 75, col. 1261). *The Patriot* was a weekly national newspaper that catered to evangelical Nonconformists, particularly Congregationalists and Baptists: J. Nicoll Cooper, ‘Dissenters and Journalism: “The Patriot” in the 1830s’, *Victorian Periodicals Review* 14 (1981), 58–66.

<sup>53</sup> HL Deb. (3rd series), 9 July 1844 (vol. 76, col. 535).

<sup>54</sup> HL Deb. (3rd series), 9 July 1844 (vol. 76, cols 535–9).

<sup>55</sup> ‘Suppression of Brothels—A Meeting Took Place’, *The Times*, 1 November 1844, 7.

<sup>56</sup> ‘Parliamentary Intelligence’ and ‘House of Commons, Tuesday June 23’, *The Times*, 24 June 1846, 2–3; ‘Court Circular’, *The Times*, 30 April 1858, 9.

the House of Commons in 1847, it was withdrawn at its second reading at the behest of Sir George Grey who felt that its provisions were of 'so sweeping a character that there was no knowing who might be subject to a penalty under them.'<sup>57</sup> Grey made it clear that his main objection was to the use of summary judgement for the closure of brothels, which he feared could hurt landlords. Unfortunately, there is no record of the debate at the first reading because Craven Berkeley, Earl Fitzhardinge's younger brother – who opposed the 1847 Bill because he thought it would 'only increase the evil it was intended to remedy' – requested and received clearance of the public galleries.<sup>58</sup> Once again, *The Satirist* used a sexual reform bill as an opportunity to reprint the charges against the dean and chapter of Westminster Abbey.<sup>59</sup>

Despite the lack of legal change, the Society continued its work. By 1859, it claimed to have rescued seven hundred girls under the age of fifteen from dangerous situations, and took responsibility for the closure of five hundred brothels, even without a change in the law.<sup>60</sup> Nevertheless, the Society struggled to obtain convictions for procurement and punishments for brothelkeepers.<sup>61</sup> Meanwhile, Westminster remained 'the most prominent prostitution area in the Metropolis' well into the twentieth century.<sup>62</sup> The association between church property in Westminster and brothels also persisted, and word of it spread as far as Beijing.<sup>63</sup> In the end, only one issue involved in the 1844 debate reached a quick resolution: Thorvaldsen's statue of Lord Byron found a home in the Library of Trinity College, Cambridge,

<sup>57</sup> 'London, Thursday, May 13, 1847', *The Times*, 13 May 1847, 4.

<sup>58</sup> 'House of Commons, Tuesday, March 30', *The Times*, 31 March 1847, 2; HC Deb. (3rd series), 30 March 1847 (vol. 91, cols 616–17). For Craven Berkeley's opposition to the 1847 Bill, see 'House of Commons, Tuesday March 16', *The Times*, 17 March 1847, 2; HC Deb. (3rd series), 23 June 1847 (vol. 93, col. 811).

<sup>59</sup> 'The Almonry and the Abbey', *The Satirist*, 11 April 1847, 4.

<sup>60</sup> 'London Society for the Protection of Young Females', *The Musical World*, 7 May 1859, 300.

<sup>61</sup> Examples include the failed prosecution of Matilda Mallet for the procurement of Ellen Messent ('Police Intelligence', *The Satirist*, 14 October 1848, 3) and the fact that Frances and Ellen James were initially let off with a warning when charged with keeping a brothel, and only punished when they committed a second offence ('A Hint to Brothelkeepers', *Bell's Life in London and Sporting Chronicle*, 17 February 1850, 7).

<sup>62</sup> Julia Laité, *Common Prostitutes and Ordinary Citizens: Commercial Sex in London, 1885–1960* (Basingstoke, 2012), 18.

<sup>63</sup> 'Mr. Parkin', *The Times*, 3 July 1956, 5; 'Combatting Vice', *The Times*, 6 July 1956, 9.

where it remains today.<sup>64</sup> Although the statue never gained a place in Westminster Abbey, another figure in the 1844 debate did. Twelve years after the failed Brothel Suppression Bill, the bishop of Gloucester, James Henry Monk, defender of the dean and chapter, was honoured with a burial in the Abbey's north aisle.

#### WIDER IMPLICATIONS

Despite the lack of concrete change attributable to the 1844 scandal, the episode offers interesting insights into nineteenth-century sexual reform efforts. First, it hints at the significance of delay and distraction. Second, it points to the way that elite male perspectives influenced the laws surrounding prostitution in the nineteenth century. For this reason, it also provides a useful point of contrast to the later nineteenth century, when women and working-class men played a larger role in the public debate over the state's role in the regulation of sex. Finally, it illustrates Christianity's complicated role in nineteenth-century sexual reform.

The demise of the 1844 Bill helps explain why it took more than one hundred years to reform a law as unpopular as the 1752 Disorderly Houses Act. Although brothels on church property did not remain a central theme as the century progressed, they represent the powerful combination of distraction and delay that stymied reformers for decades. In 1844, brothels in Westminster did not transform Earl Fitzhardinge into an opponent of the bill; he already saw it as 'a piece of fantastical and absurd legislation.'<sup>65</sup> When he challenged the bill in the House of Lords, Fitzhardinge did not need to discuss substance: his attack on the dean and chapter of Westminster Abbey distracted the chamber. The dean and chapter's failure to remove brothels from their property was a useful pretext to deny the 1844 Bill a fair hearing, and to ensure that the work of voluntary societies was barely discussed.

<sup>64</sup> For more information on the statue, see Robert Beevers, 'Pretensions to Permanency: Thorvaldsen's Bust and Statue of Byron', *The Byron Journal* 23 (1995), 63–75.

<sup>65</sup> 'Imperial Parliament', *The Economist*, 29 June 1844, 5. As a member of a select committee, Fitzhardinge had tried unsuccessfully to kill the bill by insisting that there was insufficient evidence of abuse to legislate: 'House of Lords, Monday, June 24', *The Times*, 25 June 1844, 2.

The 1844 debate also illustrates how an elite male perspective influenced legislators' view of criminal law. The life and legislative activity of Earl Fitzhardinge, who in many ways personified self-serving privilege, provides a useful example. By 1844, Fitzhardinge, a notorious womanizer, had been involved in several sex scandals. Described by one commentator as the 'archetypal Regency buck', Fitzhardinge was ordered to pay damages for criminal conversation in 1821, and was intimately involved in the Foote-Hayne scandal, during which it became clear that he had kept Miss Foote, an actress, as his mistress and fathered two children by her.<sup>66</sup> Allegations of more serious sexual misconduct – abduction and rape – cast a pall over his elevation to the earldom in 1841, which was also attributed to corrupt electioneering.<sup>67</sup> In 1844, *The Satirist* had joked that the behaviour of the dean and chapter of Westminster Abbey 'must have been of a bad complexion to have shocked such a peer as Fitzhardinge.'<sup>68</sup> As an aristocratic rake, hunter and landowner, Fitzhardinge supported laws that benefitted him – for example, those that protected property owners – while obstructing the passage of those that did not – like sexual reform – by labelling them as inappropriate legislative interventions. This perspective is clear in the 1844 session. He vociferously supported the 1844 Night Poaching Prevention Act, denying that poachers were motivated by deprivation: he told his fellow peers that 'he never knew a person of good character that was convicted of poaching.'<sup>69</sup> This was a safe enough claim in a room full of landowners. Three days later, he implied that a close examination of sexual exploitation put everyone in that same room at risk. If a 'subject was fit for legislation', he warned, 'it was necessarily fit for examination. If they would look into a sewer, they must expect to find a certain scent; and he must say that he thought they had been rather too hasty in their

<sup>66</sup> Malcolm Hal, *Murders and Misdemeanours in Gloucestershire 1820–1829* (Stroud, 2009), 21–31; 'Miss Foote and Mr. Hayne', *Bell's Life in London and Sporting Chronicle*, 26 December 1824, 1–3. For his reputation as a womanizer, see 'Anticipatory Epitaphs', *The Satirist*, 6 August 1843, 2 and 'Our Enlightening Dictionary', *The Satirist*, 13 August 1843, 3.

<sup>67</sup> 'The Morning Herald and Earl Fitzhardinge', *Morning Chronicle*, 4 September 1841, 3; 'Earl Fitzhardinge and the Morning Herald', *Morning Chronicle*, 10 September 1841, 2; 'Earl Fitzhardinge', *Devizes and Wiltshire Gazette*, 16 September 1841, 4; 'The Whig Radical Peerages', *Westmorland Gazette*, 25 September 1841, 4.

<sup>68</sup> 'The Almonry and the Abbey', *The Satirist*, 11 April 1847, 4.

<sup>69</sup> 'Imperial Parliament', *Morning Post*, 11 July 1844, 3.



legislation.<sup>70</sup> This threat could work against elite men, but it would not persuade the middle-class women who helped push through legal changes later in the century.

Indeed, the idea that brothel suppression was a threat to property owners was an important obstacle to reform throughout the nineteenth century. Brothel suppression raised the possibility that property owners could be made liable for the behaviour of tenants, a key concern in the 1847 debate. This point dovetails with the previous argument that the charges against the dean and chapter were introduced in the House of Lords debate as a diversion. Fitzhardinge's status as a libertine and a property owner makes it clear that he deployed radical critiques of the established church out of convenience; that is, as part of a broader strategy of distraction to prevent the passage of a law he opposed.

The history of the 1844 Bill also hints at the male establishment's persistent ambivalence toward prostitution. The fact that many within the elite believed prostitution to be a necessary evil is clear from Lord Foley's claim that the segregation of brothels into certain neighbourhoods prevented prostitution from spilling out into other areas. The logic of this argument paralleled another popular idea about vice: that prostitutes constituted a sexual safety valve that protected virtuous women from dangerous male attention. Both beliefs were built on the idea of male sexual appetite for extramarital sex as a fixed quantity that could be directed, but not suppressed. Later reformers did not share these assumptions. During the agitation against the Contagious Diseases Acts (1870–85), the famous activist Josephine Butler made clear that she and her allies were not simply trying to change laws that encouraged a trade in prostitution; they were trying 'to do away with harlotry' and usher in a great 'hour of redemption'.<sup>71</sup>

Once female reformers gained a strong public voice, older patterns, once clear in the 1844 debate, became less viable. The case of the Rev. Herbert Marsh, invoked by the *Examiner* after the second reading of the 1844 Bill, points to a broader pattern of protecting the church's interests at the expense of prostitute women. When the Marsh case was discussed in the House of Lords a few months before the

<sup>70</sup> HL Deb. (3rd series), 24 June 1844 (vol. 75, col. 1257).

<sup>71</sup> 'Plymouth and Devonport / Crowded Meetings—Great Victory of the Opponents of the Acts', *The Shield*, 20 June 1870, 2–3.

introduction of the Brothel Suppression Bill, the bishop of Peterborough, George Davys, admitted under pressure that his stated reason for refusing to discipline Marsh for his sexual indiscretion with a woman he met in a brothel – namely that Marsh’s crimes had not been committed in his diocese – was not legally sound. The bishop’s defence was telling: ‘he had felt something like an unwillingness to proceed against a clergyman when he was accused by a person of ill-fame for an act committed four years ago.’<sup>72</sup> While the bishop insisted that he was deeply committed to church discipline, he had also been concerned for Marsh’s ‘aged and excellent mother’ whose poor health meant that any anxiety to her could have been ‘fatal.’<sup>73</sup> Indeed, she died later that year.<sup>74</sup>

At the second reading of the 1844 Bill, the bishop of Exeter’s explanation for why procuring and brothel-keeping should be criminal offences, when other types of sexual behaviour equally prohibited by Christian teaching were not, focused myopically on the moral lives of women. According to the bishop, prostitution could not be criminalized because ‘the God of Mercy’ had created it as a punishment to ‘terrify innocent females’ into remaining chaste.<sup>75</sup> Because prostitution was divinely ordained, he claimed, any human attempt to interfere with it directly would be ‘as wild a scheme in his view, as if the guilty Cities of the Plain had thought of issuing a law against the storm of fire and brimstone of God, or as if the Israelites in the Wilderness had thought of legislating against the Destroying Angel of the Lord, who slew them for giving themselves to Baal.’<sup>76</sup> The bishop did not comment on why God would choose to create this type of gender specific punishment, or indeed, whether men who used prostitutes could expect any punishment at all.

The bishop of Exeter’s reasons for not proposing the criminalization of seduction, a crime generally associated with men, also focused on female guilt. While he insisted that ‘of all the ministers of Satan, there was none so truly satanical as the seducer’, he could not

<sup>72</sup> ‘Postscript. London, Saturday Morning, March 16, 1844’, *The Economist*, 16 March 1844, 12.

<sup>73</sup> *Ibid.*

<sup>74</sup> Robert K. Forrest, ‘Marsh, Herbert (1757–1839), bishop of Peterborough and biblical critic’, *ODNB*, online edn (2004), at: <<https://doi.org/10.1093/ref:odnb/18111>>, accessed 20 August 2023.

<sup>75</sup> HL Deb. (3rd series), 14 June 1844 (vol. 75, col. 878).

<sup>76</sup> HL Deb. (3rd series), 14 June 1844 (vol. 75, cols 878–9).

countenance the idea of victims being required to testify, both because of the supposed shame of the experience, as well as the spiritual danger it created.<sup>77</sup> The bishop argued that the act of testifying would inhibit a seduced woman's ability to repent by distracting her with the promise of 'vengeance' and by inviting her to make 'an excuse for her fall', instead of accepting responsibility for her acquiescence.<sup>78</sup> It was 'for her sake', the bishop claimed, that he 'should not dare to attempt to punish the seducer.'<sup>79</sup> It was a painfully convenient thing to say in a room full of powerful men.

Yet while parliamentary debate and press coverage were controlled by men in 1844, women were already taking an interest in sexual reform. Adelaide, the Queen Dowager, was a patroness of the Society, and in the late 1840s women began playing a growing role in extra-parliamentary efforts to change the law to better protect young women, as exemplified by a well-publicized 1846 'Address to the Queen from the Women of Great Britain and Ireland', which pressed for legal change.<sup>80</sup> This work is rarely mentioned in studies of Victorian prostitution and offers an interesting, and largely unexplored, context for important female sexual reform groups, like the Ladies National Association for the Repeal of the Contagious Diseases Acts.

Probably because of the widening electorate, later reformers spent less time assuring powerful men that their proposals did not criminalize the types of activity that a powerful man might enjoy, such as the frequenting of prostitutes or seduction. Indeed, many middle-class reformers active later in the century were hostile toward the upper classes and framed aristocratic licentiousness as the reason for legal reform. While this idea had currency among voluntary workers much earlier, the electoral landscape was not favourable until the last decades of the century. Yet even in the 1840s, reformers saw public opinion as a powerful potential check on elite privilege.<sup>81</sup> This hope would be validated in 1885, when 'The Maiden Tribute of Modern Babylon', journalist and editor W. T. Stead's notorious series of articles about prostitution in the *Pall Mall Gazette*, triggered public

<sup>77</sup> HL Deb. (3rd series), 14 June 1844 (vol. 75, col. 880).

<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

<sup>80</sup> Roberts, *Making English Morals*, 161.

<sup>81</sup> 'Prostitution—Its Fearful Extent', *Yorkshire Gazette*, 14 August 1841, 3.

outrage that fuelled the passage of the 1885 Criminal Law Amendment Act, which, among other things, introduced summary judgement for the closure of brothels.

The 1844 debate also demonstrates the critical role that Christianity played in nineteenth-century sexual reform efforts. The bill only existed because of the efforts of voluntary societies that were the product of Christian, particularly evangelical, social concern. Christian charity would drive more than legal reform: it was also the inspiration for the penitentiary system and the creation of reformatories for the rehabilitation of prostitutes.<sup>82</sup> Yet the 1844 episode also demonstrates how Christian institutions could damage the cause of sexual reform. In an immediate sense, it suggests that hypocrisy damaged the Church of England's ability to defend the vulnerable. It is clear that ecclesiastical officials struggled to balance their financial interests with the sexual morality they espoused (or claimed to espouse). Furthermore, the Church of England's practice of using leases to discriminate against religious rivals illustrates how the protection of institutional power inhibited the church's ability to serve as an effective agent of sexual reform. According to some accounts, the radical press originally learned about the brothels in the Almonry from a handbill printed by Dissenters who were furious that they were not allowed to rent Church of England property.<sup>83</sup> While the Church of England could claim Dissenters' heterodoxy was a source of spiritual danger, the fact that stronger measures were taken against Dissenters than against brothelkeepers or receivers of stolen goods implied that Dissent was a greater moral danger than thievery and prostitution. Yet while privileges and discrimination put some Christians at cross purposes, the story of sexual reform would largely be one of ecumenical cooperation. Just as the Society was a site of interdenominational cooperation, major efforts later in the century, including the National Vigilance Association, would also unite Christians from different denominations.

More broadly, the involvement of bishops made the 1844 Bill an ideal target for the Church of England's detractors. Even before Earl Fitzhardinge derailed the second reading, the idea of a bishop proposing that the police enforce morality was used in the House of

<sup>82</sup> Paula Bartley, *Prostitution: Prevention and Reform in England, 1860–1914* (London, 1999), 25–7.

<sup>83</sup> 'A Bishop's Zeal and a Chapter's Practice', *Examiner*, 22 June 1844, 4.

Commons as evidence of the pointlessness of the ecclesiastical courts.<sup>84</sup> The charges against the dean and chapter of Westminster Abbey were simply too good an opportunity for the Church of England's opponents. By 1844, the brothels in Westminster had already been used to argue against a series of initiatives, including church expansion (it was recommended that the church 'extend' its attention to 'the brothels in the shadow of Westminster Abbey, and see whether there be room for improvement there'); the practice of sending establishment clergy to compete with Nonconformist missionaries in South Africa; and a bill to compel Dissenters to pay burial fees to the established church, whether or not they were buried in its consecrated ground.<sup>85</sup> The idea that the Church of England had a hypocritical relationship to prostitution also became a powerful strain in the debate over the Contagious Diseases Acts, a series of laws that many reformers understood as the de facto regulation of prostitution. Although there were not the same charges of corruption, Christian opponents of the acts were infuriated when many Church of England clergymen, including high-ranking members of the ecclesiastical hierarchy, supported the acts.<sup>86</sup>

On an individual level, the two bishops involved in the 1844 debate were liabilities. As a villain in radical circles and known controversialist, the bishop of Exeter may have made the bill a more attractive target, while the bishop of Gloucester's mercenary invocation of Berkeley Square seemed to confirm critics' suspicion that the Church of England's hierarchy was more concerned with profit than morality. As conservative high churchmen, both bishops were known for their commitment to aggressively defending the establishment, and this impulse clearly influenced their response to Fitzhardinge's allegations.<sup>87</sup> Indeed, the bishop of Gloucester only participated in

<sup>84</sup> 'House of Commons, Friday, May 31', *The Times*, 1 June 1844, 3–4.

<sup>85</sup> 'Clerical Immorality', *The Satirist*, 30 October 1842, 7.

<sup>86</sup> Many Anglican clergymen participated in the campaign to extend the acts, and resisted overtures from the repeal campaign. An early list of members of the largest extensionist organization contains the names of numerous clergymen, including the dean of Westminster, Arthur Penrhyn Stanley; the lord bishop of Down and Connor, Robert Knox; and the lord bishop of Worcester, Henry Phillpotts, who all served as vice presidents: *Report of the Sub-Committee of the Association for Promoting the Extension of 'The Contagious Diseases Act,' of 1866, to the Civil Population, with a List of its Members* (London, 1869). See also Paul McHugh, *Prostitution and Victorian Social Reform* (London, 2013), 188.

<sup>87</sup> Arthur Burns, 'Phillpotts, Henry (1778–1869), bishop of Exeter', *ODNB*, online edn (2004), at: <<https://doi.org/10.1093/ref:odnb/22180>>, accessed 20 August 2023;

the debate to protect the church. He did not comment on the substance of the 1844 Bill but focused exclusively on defending the dean and chapter of Westminster Abbey, objecting twice to the idea that Fitzhardinge had criticized a group 'entitled to respect and decency.'<sup>88</sup> In his haste to protect the dean and chapter's reputation, the bishop of Gloucester exaggerated the steps taken against brothels on church property. When he falsely guaranteed, on the strength of a personal inspection, that the dean and chapter had made the financial sacrifices necessary to remove all brothels from their properties, he gave Fitzhardinge a reason to reintroduce the issue with new evidence, undermining the more credible argument that it was difficult to evict tenants and keeping the issue alive in the press. No doubt the bishops were particularly sensitive given the context. In the late eighteenth and early nineteenth centuries, radicals and libertines exploited clerical sex scandals to forward their political agendas.<sup>89</sup> Nevertheless, the bishops' commitment to defending their fellow clergymen's decisions – from refusing the statue of Lord Byron to the eviction of tenants – distracted them from the 1844 Bill and weakened their ability to serve as advocates of sexual reform.

## CONCLUSION

The failed 1844 Brothel Suppression Bill offers an interesting vantage point from which to view nineteenth-century sexual reform and draws attention to important themes in the Victorian debate about prostitution, including the roles of gender, class and religion. The 1844 Bill also points to a few questions for future study. First, it invites closer scrutiny of female participation in sexual reform efforts before the agitation against the Contagious Diseases Acts. A comparison of female participation before and after the acts could highlight ways in which these acts amplified female interest in sexual exploitation as a serious political concern. Second, the 1844 Bill raises interesting questions about the relationship between sexual reform and

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Richard Smail, 'Monk, James Henry (1784–1856), bishop of Gloucester and Bristol and classical scholar', *ODNB*, online edn (2004), at: <<https://doi.org/10.1093/ref:odnb/18956>>, accessed 20 August 2023.

<sup>88</sup> HL Deb. (3rd series), 24 June 1844 (vol. 75, col. 1262).

<sup>89</sup> William Gibson and Joanne Begiato, *Sex and the Church in the Long Eighteenth Century* (London, 2019), 225–41, 278.

partisan politics. In 1844, the bill's advocates were Tory paternalists like the earl of Shaftesbury, the bishop of Exeter and the earl of Galloway, yet by the end of the century, sexual reform would be closely tied with the Liberal Party. While the evolution of the Liberal Party is well studied, it would be interesting to see how far ideological continuity was maintained when sexual reform crossed the floor.

As a final matter, the collapse of the 1844 Bill offers two insights into how charges of hypocrisy operate. The first has already been explored: the charge of hypocrisy is a powerful distraction that is particularly damaging to those who wish to set or change moral standards. The second is simpler: the charge of hypocrisy is dangerous because so many people find it funny. Charges of hypocrisy contain incongruity that many people find humorous and, as a result, can turn a debate about coerced prostitution into a joke. A few lines from 'Byron vs Brothels', addressed to the dean and chapter of Westminster Abbey, illustrate the point:

Each kiss that thrills, each sigh that springs  
From passion's heaving breast,  
To you—in shillings, pounds and pence—  
Is pleasantly expressed!  
Your tariff is a code of love,  
Not printed, yet in *sheets*!  
A very pretty income-tax  
You levy upon *sweets*!  
...  
Brothels and priests! how curiously  
Those clashing names unite;  
The *spiritual* body mixed  
With *flesh* and its delight!<sup>90</sup>

<sup>90</sup> 'Byron vs Brothels', *The Satirist*, 7 July 1844, 3. Italics original.