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The nineteenth century is often thought of as the point of origin for Western modernity, and many of the ideals and, especially, identity categories that define it. Philippe Ariès suggests that the figure of the child as we know it did not exist until the nineteenth century (1960), Michel Foucault that the “homosexual,” as an identity, came into being then (1976), and Laura María Agustín adds the category of the “prostitute” to those that did not exist before the eighteen hundreds (2007). It isn’t, of course, that young people, men who had sex with men, and people who engaged in sex work didn’t always exist, but that these classifications did not, typically, amount to a particular and distinctive identity prior to the nineteenth century, at which time, particularly in Western Europe and the US, they became solidified. In fact, all three of these categories were legally codified in Great Britain by one act of Parliament, the Criminal Law Amendment Act of 1885. This act raised the age of consent for girls from thirteen to sixteen, outlawed “any act of gross indecency” between males (6), and increased the power of police and courts to regulate and prosecute prostitution. This paper explores how the categories of the “child” and the “prostitute,” in particular, were created in relation and opposition to each other.

The figure of the endangered child was crucial to pro Criminal Law Amendment propaganda, and, in turn, this late nineteenth-century writing is crucial to understanding modern anti-sex-work discourses that frame all sex work as “trafficking.”

“Maiden Tribute,” which was influential in passing the Criminal Law Amendment, worked to reframe all sex work as trafficking by reframing all sex workers as children, incapable of consenting to sex or to work. Comparing the Stead series to Kristoff’s “Girls for Sale,” I argue that Stead’s formulation is the basis for contemporary anti-sex-work rhetoric, which consistently uses discourses of child protection to infantilize and deny the agency of women and girls employed in the sex industry.

I use the anachronistic term “sex work” throughout this paper, despite the fact that it was not coined until the 1970s, because it seems to me to better capture the attitude that many of the young women interviewed by Stead seem to have taken towards this work—it was something that they could do for money when they needed to, but was not, for most of them, an identity in the way that the derogatory “prostitute” might suggest. “Sex work” also does important work to place those engaged in it in the same conversation as those engaged in other forms of labor, such as domestic work, factory work, or farm work, that may have been available to these women.

Stead’s work shifted the discourse around sex work, insisting, in direct contrast to previous writers such as Henry Mayhew (1862), that all (or most) sex workers are working against their will. Stead uses the figure of the “child prostitute” to do this, relying on the assumed value of the young, “pure” girl’s body. That there is nothing so valuable as a young, female “virgin’s” body is taken for granted in the text, and Stead’s arguments work to take this asset away from the young women to whom these bodies ostensibly belong, and instead place it in the hands of the state (I use the term “virgin” throughout this paper, because it’s crucial to how Stead and his readers are understanding these women, but obviously virginity a patriarchal, heterosexist construction, so assume that it’s always in scare quotes). Stead focuses on young sex workers, claiming that a large part of the sex trade in London is in teenaged “virgins” who are
apparently “too young in fact to understand the nature of the crime of which they are unwilling victims.”

Stead refers to his subjects exclusively as “children,” even though some of them are in their twenties. Early in “Maiden Tribute,” Stead describes one young sex worker as “a lovely child between fourteen and fifteen, tall for her age, but singularly attractive in her childish innocence,” adding that “It seemed a profanation to touch her, she was so young and so baby-like.” When Stead remarks to the “keeper” of the house that the girl is “too good for her trade,” and the woman tells him that she is new, and will become bolder after “a couple months,” Stead’s response is to hope “to God that she died before then!”

Stead’s reaction to this girl both stresses the fact that he knows that her apparent innocence is precisely the thing that makes her “singularly attractive,” and, paradoxically, claims that it also makes it “a profanation to touch her.” Yet the girl herself does not appear to feel profaned by her profession—indeed, she tells Stead that, although “sometimes it was rather bad,” all in all, “she liked the life.”

Stead’s insistence on the innocence of this girl relies on his totally ignoring her experience and agency in entering the sex trade (which, she says, she did by choice), insisting that she is merely a “baby” (he refers to her as baby-like three times), and that, while she thinks she has made the right choices in her life, she is actually not only a victim, but would be better off dead.

The centerpiece of Stead’s five-part article is a section titled “A Child of Thirteen Bought for £5,” which details Stead’s (undercover) attempt to prove that it is possible to “buy” a young “virgin,” and take her to “the continent” for sex work. Stead pays a midwife to perform a “virginity exam” on the girl without her consent (he felt that this was necessary to “prove” her virginity, despite the fact that he admits later in the series that “virginity exams” are inconclusive, at best), then took her to a brothel, had her drugged, and finally kidnapped her to France. The girl, whom Stead refers to as “Lily” in the article (a pseudonym denoting whiteness
and purity), was actually named Eliza Armstrong, and, upon seeing Stead’s article, Eliza’s mother recognized her daughter’s story, and went to the police. Eliza was returned to her family, and Stead and his conspirators were arrested on charges of abduction and indecent assault (despite which Stead became something of a hero throughout the nation). Mrs. Armstrong, it transpired, had never actually sold her daughter to Stead’s procuress. Instead, she seems to have either genuinely believed that she was sending her daughter into service, as she claimed she had been led to believe, or she (likely with her daughter’s consent) believed herself to be selling her daughter’s *virginity*, but not selling her daughter, a distinction that no one else involved in the case seemed to realize was possible—both Eliza and her mother expected to see each other again, not for Eliza to be kidnapped to France.

In “Maiden Tribute,” Stead describes “Lily” as “an industrious, warm-hearted little thing . . . Her education was slight. She spelled write "right," for instance, and her grammar was very shaky. But she was a loving, affectionate child, whose kindly feeling for the drunken mother who sold her into nameless infamy was very touching to behold.” Here, Stead focuses on Lily’s apparent extreme childishness: she is simple, loving, and completely unaware that she has been “sold” by her mother into sex work. For Stead, Lily’s lack of formal education stands in for a general innocence and lack of knowledge, ignoring the actual Eliza’s clear competence and knowledge in other areas. On the stand, Eliza and her mother stress Eliza’s capability and agency. Both women make it clear that it was Eliza’s decision to go with Rebecca Jarrett, not her mother’s. In her testimony, Eliza says that she believed that she was entering service, and that “I was anxious to go out to work—our family, six or seven, lived in one room—my sister [who was in service] was not able to spare anything . . . [Rebecca Jarrett] told me when I went to see her that she wanted me to go to service with her—I went back and told my mother, who came across
I heard my mother say she would not let me go that day—I was annoyed at that, and kept talking to my mother next day, saying I wanted to go” (144). While both Eliza and her mother insist that Rebecca Jarrett told them that the reason she was in town looking specifically to hire a thirteen-year-old girl was that she wanted a maid, Jarrett insists, with equal vehemence, that she made it clear to Mrs. Armstrong that she was seeking a young, “pure” girl “for a gentleman” (215, 217). In fact, Eliza’s own recounting of Jarrett’s remarks shows how fine the distinction between sex work and house work were—according to Eliza, Jarrett told her that she was going into service, and bought her new clothes because “her husband was a particular man,” and wanted the girl to look a certain way, hinting at the fact that Eliza’s purpose, whether at a “bad” house or good one, would likely not be dissimilar.

What is never suggested during the trial is that Elizabeth Armstrong and her daughter may have agreed that sex work was the most lucrative career path for Eliza, or have seen Eliza’s “virginity” as a salable asset. As Mrs. Armstrong points out, a thirteen-year-old who has been helping to raise the younger children in her family for years is not as naive as Stead suggests: “A girl of 13,” Mrs. Armstrong says, “would know whether she was sold or not” (149). The retort is meant to prove that she never tried to sell her daughter, but, of course, it works both ways—Eliza, far from being the ignorant child that Stead imagines her to be, is old enough to know if she was being sold, to know what that would entail, and, perhaps, to make her own decisions about it.

For Stead, the issue at the heart of “The Maiden Tribute” is that it’s legal to have sex with girls whom he arbitrarily deems too young to consent, not the economic system that gives these girls good reason to consent to trade sex for money. In both “The Maiden Tribute” and at his trial, Stead consistently and willful ignores the fact that, while the title “A Child of Thirteen
Bought for £5” is clearly intended to shock middle- and upper-class readers with the tiny amount of money for which he apparently “bought” the child, £5 was actually a huge sum for Eliza and her family. Eliza’s mother states in her testimony that she anticipated that Eliza would probably make around two shillings a week at the “situation” to which she apparently believed she was going—in other words, the £5 which she would have gotten in exchange for her virginity was equivalent to a year’s salary as a maid for Eliza.

According to “a well-known member of Parliament” with whom Stead speaks in “Maiden Tribute,” most of the “virgins” available for sex in London are not victims of kidnapping and rape, but girls from poor families, who see that “their virginity is a realizable asset,” and “take a strictly businesslike view of the saleable value of their maidenhead.” According to this member of Parliament, this “asset” might be worth up to £25. Stead claims that the going rate of virginity actually varies widely, between £5-£20, but this is still a huge sum of money for a girl who otherwise might expect to make £5 a year as a maid. While it’s true that we should probably be skeptical of a member of Parliament’s knowledge of sex workers’ motives, a “motherly old” procurress with whom Stead speaks corroborates this point of view. Pointing out that “virginity” only exists to be lost, she tells Stead that “If a girl is to be seduced it is better she should be seduced by a gentleman, and get something for it than let herself be seduced by a boy or a young fellow who gives her nothing for it.” While Stead claims that this statement, and the woman’s belief “that she was quite a benefactor to her sex” are “naïve,” it is Stead who, naively, refuses to comprehend either the pressures of poverty or the fact that some girls may choose, willingly, to sell the only “asset” that they possess in exchange for what is, to them, a large sum of money. Far from being disastrous and life-consuming, sex work could be a way to get a start in life or get out of a bad situation, and a girl like Eliza could have easily sold her “virginity,” gone home to
her parents, gone into another line of work, or married. It is telling that Stead quickly turns from this procuress and does not return to her, since her narrative of young women who savvily see their virginity as a salable asset contradicts his narrative of sacrificial children.

According to Stead, “The moment a child is thirteen she is a woman in the eye of the law, with absolute right to dispose of her person to any one who by force or fraud can bully or cajole her into parting with her virtue. It is the one thing in the whole world which, if once lost, can never be recovered, it is the most precious thing a woman ever has, but while the law forbids her absolutely to dispose of any other valuables until she is sixteen, it insists upon investing her with unfettered freedom to sell her person at thirteen.” Instead of suggesting that something be done to keep teenaged girls out of economic situations that might force them into sex work, Stead suggests that the only “valuable” that they have be taken away from them. Stead’s entire argument rests on the notion that virginity is “the most precious thing a woman ever has,” and that men are very willing to pay for it, yet he ignores the ramifications of preventing girls from selling it. In this paragraph, Stead discusses preventing rape and underage sex work as a matter of controlling women, not rapists or those who seek out child sex workers—of taking away a woman’s “right to dispose of her person” as she sees fit and her “freedom to sell her person.” He engages in a discourse of protection that is blatantly invested, not in changing the circumstances of these women, but in taking away rights that enable them to better their circumstances. As with most discourses of protection, Stead’s work is actually about gaining further control over a marginalized group, not about helping that group in any meaningful sense. Redefining a portion of the population as “children” only works to disempower the group who suddenly find themselves unable, legally, to make decisions for themselves. Infantilizing thirteen through
sixteen-year-old girls did not make them less sexually desirable (or less sexually desiring), it just robbed them of their right to use that sexuality as they saw fit.

In 2004, journalist Nicholas Kristof, for all intents and purposes, recreated Stead’s “Maiden Tribute” in a series of columns for the New York Times. Kristoff’s four-part narrative, published, like Stead’s, in a popular national newspaper, borrows both its structure and content from Stead’s text. While Kristof did not kidnap and sexually assault the girls with whom he was working, he did set off, like Stead, to “buy” a young girl (or two, in Kristoff’s case). Despite the fact that he at first announces his intention to “buy freedom for” the girls (“Girls for Sale”), Kristof calls his first article “Girls for Sale,” and quickly switches to writing about his decision “to buy the two teenaged prostitutes” (“Bargaining for Freedom”), referring to the girls as “the two teenage prostitutes I had just purchased” (“Going Home”). Like Stead, Kristof isn’t, actually, buying anyone—although both reporters insist that there are “girls for sale” in the apparently horrible places that they are willing to go undercover to tell us about, neither Eliza Armstrong nor the two Cambodian girls whom Kristof claims to have “purchased” were ever “for sale.” Kristof’s “buying the girls’ freedom” is arranged when he pays off their debts to the brothels in which they work and live, thus ending their indentures. Like Stead, Kristof insists that, because of their youth, these girls can’t have chosen or consented to their work, and like Stead, he infantilizes them, at one point refusing to believe that a teenaged sex worker is as old as she says she is. “She claimed to be 18,” he writes, “but looked much younger” (“Girls for Sale”).

Anti-trafficking activists also borrow from the late-nineteenth/early-twentieth century discourse around “white slavery,” framing sex work as literal slavery in a way that evokes racist narratives about racial, ethnic, and sexual purity. Kristof begins “Girls for Sale,” thusly:
“One thinks of slavery as an evil confined to musty sepia photographs. But there are 21st-century versions of slaves as well, girls like Srey Neth.

I met Srey Neth, a lovely, giggly wisp of a teenager, here in the wild smuggling town of Poipet in northwestern Cambodia. Girls here are bought and sold, but there is an important difference compared with the 19th century: many of these modern slaves will be dead of AIDS by their 20's.”

For Kristof, the “important difference” between nineteenth-century chattel slavery and modern “sex slavery” is that the latter is more dangerous—“modern slaves” (apparently unlike African slaves), are likely to be dead by their twenties (most estimates show that enslaved people on sugar cane plantations were, also, likely to be dead by their 20s). It seems, at best, irresponsible and ignorant to compare the transatlantic slave trade and modern day “trafficking” at all; to suggest that the latter is somehow worse is reprehensible, but not uncommon in anti-sex-work rhetoric—Gary Haugen, founder of the International Justice Mission, claims that there are “more slaves in our world today than we extracted from Africa during four hundred year of the transatlantic slave trade” (Bernstein 69), and activists often identify themselves as “modern-day abolitionists” (70).

Interestingly, though, Kristof’s belief that trafficked sex workers are literal slaves does not extend to other kinds of work that may involve trafficking across borders and/or extreme constraints imposed on one’s body and time. In multiple columns (unrelated to his columns on sex work), Kristoff unironically “defend[s] sweatshops” as often the best option for people in impoverished countries (“When Sweatshops are a Dream”). To argue that sweatshops, factories that are notorious for low pay, long hours, and human rights violations, are preferable to sex work requires employing the same logic that Stead used over a century earlier. It relies on the
belief that selling sex is the worst imaginable thing that can happen to a woman. Interestingly, for Kristof, workers in factories are “women,” while sex workers of the same age are “girls:” although she is the same age as the “girls” whom he “bought” in Cambodia, Kristof refers to “a 19-year-old woman” who tells him of her desire to work in what he calls a “sweatshop” (the woman herself calls it a “factory,” and it’s not clear whether she understands the conditions that she would be working in there). According to Kristof, “sweatshops are only a symptom of poverty, not a cause, and banning them closes off one route out of poverty.” The irony of his reluctance to “close off” this specific “route out of poverty,” while decisively calling for an end to another, is apparently lost on Kristof. Sweatshops, he believes, are places where people like this “woman” may reasonably make responsible, adult decisions to work—a logic that he apparently finds it impossible to apply to sex work.

When anti-sex work activists insist today that no woman could possibly consent to sex work, they are participating in the infantilizing discourse established by Stead. Such a discourse is possible only if we assume that it is already a given that many sex workers are children, that all sex workers are child-like, and that children are unable to consent to any sort of sex or work. The accepted truth in many modern circles that being “trafficked” for sex work is distinct from, and worse than, being “trafficked” for other kinds of labor relies on the category of “prostitute” that emerged in the nineteenth century, in which she is defined as a victim with a total lack of agency, engaged in work that is so shameful and miserable that she would be better off dead.

The Act is most famous for being the basis of Oscar Wilde’s prosecution in 1895 on the charge of “gross indecency,” a “class of newly created offenses” which applied to any sexual acts between men besides sodomy, which had already been illegal (33). The Criminal Law Amendment Act, 1885: with introduction, commentary, and forms of indictments by R. W. Burnie of the Middle Temple, Barrister-at-law. London: Waterlow & Sons Limited, 1885.