‘Constructing the Child in Sexual Offences Legislation: A Comparative Legal History of Britain, India and the League of Nations, c.1870-1933’

Thesis submitted in accordance with the requirements of the University of Liverpool for the degree of Doctor in Philosophy (or other degree as appropriate) by Emily Jayne Kearon-Warrilow

Department of History

June 2025

Table of Contents

Abstract *5*

Acknowledgements *6*

Acronyms of Organisations and Bodies *8*

Introduction *9*

Constructions of childhood in sexual offences law **11**

Gender, sexuality, nation and imperialism **16**

Sources and methodology **22**

Thesis structure **26**

Wider significance **29**

Chapter One: An Intersectional History of Childhood and Age in Sexual Offences Law *30*

Introduction **30**

Methodological framings **31**

Histories of childhood **36**

Histories of gender and sexuality 44

Queer histories 47

Class and race 51

Colonialism and the age of consent **53**

A 'careful' history of sexual offences against children **63**

Chapter Two: Age of Consent Reform in Britain *66*

Introduction **66**

Victorian masculinity and vulnerability **69**

1870s Age of consent reform **72**

The 'Belgian Scandal' **78**

The 1885 Criminal Law Amendment Act **83**

The Labouchère amendment and male consent **89**

Conclusion **92**

Chapter Three: Age of Consent Reform in India *94*

Introduction **94**

Rape in colonial law **96**

Unnatural offences **99**

The 1891 age of consent controversy **105**

Conclusion **111**

Chapter Four: 'Knowing' Chronological Age: Birth Registration and Evidentiary Standards *113*

Introduction **113**

The development of birth registration in Britain **116**

Evidencing age in the British legal system **123**

The development of birth registration in colonial India **131**

Evidencing age in the colonial Indian legal system **138**

Conclusion **142**

Chapter Five: The 'Child' as a Discursive Device: The 'White Slave Traffic' and the Development of International Anti-Trafficking Law ***143***

Introduction **143**

Changing conceptions of childhood **146**

Childhood in Early Anti-traffic Campaign Discourse **150**

The Indian Campaign 157

The National Vigilance Association 159

The development of international law **163**

Conclusion **166**

Chapter Six: Colonial Difference and Age of Consent: The Failure of Universalism in the 1921 Convention on the Suppression of Traffic in Women and Children ***167***

Introduction **167**

Colonial logic and the 'rule of colonial difference' **169**

Temple dedication and trafficking for 'immoral purposes' **171**

Dedication and Indian legislative proposals **174**

The League of Nations **179**

The 1921 Conference on Traffic in Women and Children **183**

Colonies and 'Eastern' states in the Convention **191**

Conclusion **194**

Chapter Seven: A Gender-Neutral Child? League of Nations Anti-Trafficking Investigations and the Possibilities of Boy Victimhood ***196***

Introduction **196**

The 1921 Convention and the ambiguity of the legal definition of the male child **201**

The League's first enquiry into international trafficking **207**

Setting the parameters, (re)defining victims 209

The enquiry's questionnaire, incoming responses and traces of male children 215

The report of the first enquiry 218

The second enquiry into the 'East' **219**

Homosexuality and scandal: Karachi and Sri Lanka 222

The 1933 removal of the age limit **229**

Conclusion **231**

Conclusion ***234***

Bibliography *241*

Primary material **241**

Archival collections 241

Legal sources 242

Contemporary published records 245

Secondary material **251**

Unpublished theses 251

Published works 251

Abstract

The late-nineteenth and early-twentieth centuries witnessed a series of legal reforms on sexual offences against children, including increases to the age of consent for sex in Britain and India, and the creation of new international laws against sex trafficking. This thesis examines why these laws came about and how children were defined within them. Despite broader legal developments in which children were increasingly recognised as a distinct category defined by chronological age, this thesis contends that age was not the primary factor in determining categories of childhood in sexual offences law.

Adopting a transnational approach, this thesis examines legal developments in Britain, colonial India and international law under the League of Nations. By interrogating the discourses which generated legal change, the drafting of such laws and how these laws were responded to, it contends that the question of protecting children from sexual offences was highly political. It argues that the question of *which* children should be protected was configured by anxieties over female sexual purity, racial hygiene and imperial power and, as a result, legal categories of childhood were highly contingent on the intersecting categories of class, race and gender.

Drawing on feminist theory and postcolonial theory, this study problematises the notion that childhood is a natural category by demonstrating how legal definitions of childhood were historically constructed. It asks why certain children, namely those who were working-class, non-white or male, were afforded lower levels of protection, and uses the legal 'child' as a device for exposing the power relations at play in constructing legal categories. As such, inspired by critical legal scholarship, this thesis disrupts the notion that the law merely reflects natural realities, as categories of childhood were directly informed by the anxieties of legislators. These legal categories, therefore, functioned to extend higher levels of protection to those children deemed crucial to the British imperial nation – namely those who were white, middle-class and female.

Acknowledgements

"It takes a village." That's what they say about raising children, but it's also true of completing a PhD. Having had my two children during the course of this PhD, I can hand on heart say it would have been impossible to do this, let alone enjoy the process as much as I have, without the support of those around me.

Firstly, research would not have been possible without funding from the University of Liverpool's Graduate Teaching Fellowship. I am especially grateful that this funding also covered paid maternity leave. I must also acknowledge that this funding comes, in part, from the University's investments in companies complicit in the Israeli genocide against Palestinians. I can only hope that the University of Liverpool will divest from such companies. Thank you also to the Postcolonial Studies Association, whose General Fund provided crucial financial support for travel to archives.

Thank you to those who inspired me to become an Historian. To Alexander Morrison for igniting my interest in the history of colonial South Asia, and to the history teachers who came before him – Mr Charlesworth, Mr David and Dr Guard. And to Mrs Finn, whose classes on philosophy and ethics proved fundamental to my later intellectual development, and which were matched only by her life lessons.

Thank you, also, to all the wonderful staff at the libraries and archives I have used over the course of this research - namely the British Library, The Women's Library, the National Archives, and University of Liverpool Special Collections and Archives. Also, to Jacques Oberson at the UN Archives in Geneva, who provided support with using the newly digitised League of Nations Archives. Of course, thank you also to the LONTAD project team who digitised all 14.2 million pages of League records. This research would not have been possible without your efforts.

Thank you to those who ran and participated in the reading groups that pushed me intellectually and introduced me to some of the scholarship that has proved fundamental to this thesis, namely the Children's Rights reading group, the Power and the Archive reading group, the Sexual Violence reading group and, of course, the surprisingly rogue Legal History reading group.

To those who read drafts and provided valuable feedback, I am deeply grateful: Nico Brando, Phil Burton, Emily Ireland, Ruth Dalton, Callum Warrilow and Stewart Warrilow. Thank you to Dhritismita Bora, for her insights into Hindu naming conventions, and for her camaraderie. Thank you

also to Sarah Arens for her support with French translations, and whose generosity with her time is unmatched.

Thank you to my wonderful secondary supervisors, Anna French and Aoife Daly, whose expertise and encouragement has been second to none. And of course, to my primary supervisor, professor Deana Heath, who has been everything I needed in a supervisor and more. I would not have produced this piece of work had it not been for your dedication, care, scrupulous standards and vast knowledge. Your supervisions always left me feeling excited, curious and intellectually pushed – by both your thoughts and ideas, and the Shah Rukh Khan memorabilia dotted about your office. Your impact goes well beyond this thesis as, most importantly, you have helped me to believe in myself. To study under you has been an honour.

To all my fabulous friends who have been unendingly supportive and understanding throughout this process, especially Lauren and Sam, and Ellis, whose love and pride I feel from the other side of the world. It also helped that trips to archives in London meant staying with one of my oldest and dearest friends. Tara - thank you for sharing the highs, lows and, occasionally, your bed. And to Deb, who I met on my first day as a PhD student, and without whose company over the final year I may have gone mad.

It would have been impossible to do this work without knowing that, while I was sifting through records in the archives or tapping away at my laptop in the library, our children were cared for. Thank you to the staff at our local nursery - particularly Sophie, Trish, Laura and Alana - who work tirelessly to create a safe, fun and stimulating environment for little ones. Thank you also to Ann and John (beloved Grandma and Grandad) and to and my parents (much-adored Nana and Grandad Sillyman) for going above and beyond to support our family throughout.

Thank you, also, to my family. To Mom and Dad for always encouraging curiosity and learning, and for passing down your love of History. And to my brother, Cal, for always challenging me.

To Rosa and Jude, for making life so wonderfully rich and for showing me how much I can achieve on two hours' sleep.

And finally, to Matt, the cocoon around my shoulders, for all you have done and all you continue to do.

Acronyms of Organisations and Bodies

NVA: National Vigilance Association

JAPWG: Jewish Association for the Protection of Women and Girls

IAF: International Abolitionist Federation

ACTWC: Advisory Committee on the Traffic in Women and Children

ABSH: American Bureau of Social Hygiene

SBE: Special Body of Experts

ASHA: American Social Hygiene Association

Introduction

In September 1921, the humanitarian section of the League of Nations' Second Assembly packed into a small, art deco room at the League's headquarters in Geneva to discuss a new international anti-trafficking convention.[1] After considerable discussion, the delegates agreed on the form of the new convention that the League would adopt, which, for the first time, would ostensibly protect women and children 'of both sexes' and 'regardless of their race or colour' from sex trafficking.[2] This proposal was rather radical, as earlier international anti-trafficking accords had only protected white women and girls.[3] The 1921 Convention therefore not only appeared to embody the post-World War One zeitgeist of internationalism and universalism, but it also reflected the gradual emergence of the 'child' as an object of legal protection in Europe over the course of the previous century.[4] Three years later, the League adopted the Declaration of Geneva, commonly known as the Declaration on the Rights of the Child, which called on 'men and women of all nations' to recognise a series of rights of 'the Child', 'regardless of race or creed'.[5] This thesis strikes at the heart of the notion that the late nineteenth and early twentieth centuries witnessed the emergence of the 'child', a category defined by age, as a distinct object of legal protection. Focusing on sexual offence laws, this thesis critically interrogates how categories of 'childhood' were constructed. Despite the apparent emergence of protection for all children, regardless of race or gender, this thesis contends that legal categories of

[1] Photograph titled 'Assemblee 5eme Commission Questions Humantaires et Sociales', P018_01_024, 1921, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/yms7-whyk-qmz3.
[2] Verbatim Record of the 1921 International Conference on the Traffic in Women and Children, R656/12/14010/14010, 131, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/international-conference-on-traffic-in-women-and-children-geneva-june-july-1921-verbatim-record-of-the-conference.
[3] International Agreement for the Suppression of the "White Slave Traffic", 18 May 1904, Chapter VII, 8, U. N. Treaty Series. https://treaties.un.org/doc/Treaties/1920/09/19200907%2006-00%20AM/Ch_VII_8p.pdf; International Convention for the Suppression of the White Slave Traffic, 4 May 1910, Chapter VII, 10, U. N. Treaty Series. https://treaties.un.org/doc/Treaties/1888/01/18880101%2006-01%20AM/Ch_VII_10p.pdf.
[4] Harry Hendrick, "Constructions and Reconstructions of British Childhood: An Interpretative Survey, 1800 to the Present," in *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood*, ed. Allison James and Alan Prout (London: Routledge Falmer, 1997), 30; Hugh Cunningham, *Children and Childhood in Western Society Since 1500*, 3 ed. (New York: Routledge, 2021), 111-17.
[5] Declaration of Geneva, 26 September 1924, R680/12/39047/34652, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/child-welfare-assembly-of-the-league-resolution-adopted-by-the-assembly-26-september-1924-endorsing-the-declaration-of-the-rights-of-the-child-commonly-shown-as-the-declaration-of-geneva-and-invites-the-states-members-of-the-league-to-.

'childhood' were fundamentally contingent on race, gender and class, and that such contingencies persisted in international anti-trafficking projects even after the 1921 Convention and 1924 Declaration.

This thesis therefore aims to locate the 'child' in sexual offence law. Taking the period c.1870-1933, a time of dramatic transformation in understandings about childhood, this thesis seeks to identify the construction of the 'child' as a legal object of protection in sexual offence law in three different settings: Britain, colonial India, and in the international humanitarian arena under the League of Nations. It focuses, in particular, on how a specific national and colonial context transformed law in relation to children and sexual offences in the international sphere and, crucially, informed which children could be protected under the law. Comparing these three jurisdictions throws constructions of childhood, and the meanings attached to age, into sharp relief. Moreover, by taking an historical approach to an analysis of law, and bringing together formerly siloed histories of childhood, colonialism, gender and sexuality, this interdisciplinary project demonstrates how law is constituted by wider historical forces of gender norms, class norms and imperialism. Its core purpose is to disrupt assumptions of objectivity and naturality in two objects: childhood and the law. Neither, this thesis contends, are natural or objective in their nature; both are historically constituted.

It is worth making a brief note on terminology. 'Trafficking' was the shortened form of the term 'trafficking for immoral purposes', which was concerned with the procurement of women and children for 'immoral' – read: sexual – purposes. As such, the term 'trafficking' in this thesis refers to the contemporary term, which was strictly understood as a sexual offence, and was not necessarily limited to the movement of people across borders. Since this thesis examines how age of consent was instituted in anti-trafficking laws, this prompts the question of how consent could be possible in such a crime. As this study demonstrates, anti-trafficking legislation was borne out of anxieties over female migration across borders and the threat that this constituted to British racial purity. Yet the act of trafficking – the procurement of a woman or girl to work in the sex trade – could also be engaged with

voluntarily, as some women sought the services of procurers to secure sex work on the Continent.[6] Crucially, since many legislators regarded prostitution as a necessary evil, including a provision for consent enabled them to distinguish between women and girls who had not yet 'fallen' and were, therefore, worthy of protection, and those who were not.[7]

This thesis also uses John Howard's term 'homosex' to refer to sex acts between men or boys. As Howard notes, this term allows for the recognition that homosexuality was a historical construct and, as such, men who engaged in same-sex intimacy did not always regard themselves as homosexual.[8] Further, it is important to acknowledge the problems in using terms such as 'boy' and 'girl' in a study which critically interrogates categories of childhood. Indeed, as chapter five demonstrates, the category of 'girl' was often extended to adult women in their twenties – particularly by social campaigners seeking to invoke ideas of sexual innocence. However, in the interests of readability, and to avoid overly clinical language, this thesis employs the terms 'boy' and 'girl' where the meaning is understood to be clear to the reader. Where the role of gender in describing and defining children requires foregrounding, 'male child' and 'female child' are used.

Constructions of childhood in sexual offences law

The late-nineteenth and early-twentieth centuries have been heralded by historians as signifying the emergence of the "modern" 'child' – a category distinct from adults and defined exclusively by age.[9] Indeed, in both Britain and India during the nineteenth and early-twentieth centuries, legislation was passed which rendered children as distinct from adults. For example, the creation of a separate offence of 'cruelty' to children under Prevention of Cruelty to Children Act (PCCA) for England and Wales,

---

[6] Stephanie A. Limoncelli, *The Politics of Trafficking: The First International Movement to Combat the Sexual Exploitation of Women* (Stanford: Stanford University Press, 2010), 79. I use the term 'voluntarily' here with the caveat that economic circumstances would have played a significant role in circumscribing the choices of many of these individuals.
[7] R. Walkowitz, *Prostitution and Victorian Society: Women, Class, and the State* (Cambridge: Cambridge University Press, 1980), 73-74; Louise A. Jackson, *Child Sexual Abuse in Victorian England* (London: Routledge, 2000), 5.
[8] John Howard, *Men Like That: A Southern Queer History* (London: The University of Chicago Press, 1999), xviii-xix.
[9] Hendrick, "Constructions and Reconstructions," 42-44.

and the establishment of separate justice systems for children under the Children Acts in both Britain and India, are suggestive of the notion that the 'child' was emerging as an object of legal protection during this period.[10] Historians have noted that this period also witnessed shifts in legal protections for children from sexual offences. As Louise Jackson and Stephen Robertson have shown, from the 1880s there was a significant increase in legal cases of sexual offences against children in the Anglophone world.[11] As they argue, this is less likely a symptom of an increase in *actual* sexual violence against children, and more likely evidence that such violence was being more readily recognised in legal terms. That this was being understood in terms of age, rather than gender, is reflected in the 1922 Criminal Law Amendment Act, which raised the age of consent for indecent assault to 16 in England and Wales, regardless of gender.[12] Certainly, this period witnessed considerable legal change, including to the age of consent and the production of new international laws on trafficking. Yet, in international anti-trafficking law, legal protection for children continued to be predicated on gender and race. This thesis explores why that was the case.

Indeed, the legal structure of sexual offences laws during the late-nineteenth and early-twentieth centuries was highly gendered. In British domestic law – which also informed definitions of sexual offences in colonial Indian law – rape and indecent assault had, for centuries, evaded clear definition.[13] Yet rape was exclusively constructed as an act by a man against a woman or girl.[14] The

---

[10] Prevention of Cruelty to, and Protection of, Children Act 1889, 52 & 53 Vict., c. 44. For the establishment of separate juvenile justice systems in Britain, see Children Act 1908, 8 Edw. 7, c. 67, sections 111 and 112. For India, see Madras Children Act (Act 4) 1920; Bengal Children Act (Act 2) 1922; Central Provinces Children Act (Act 10) 1928.

[11] Jackson, *Child Sexual Abuse*, 3; Stephen Robertson, *Crimes Against Children: Sexual Violence and Legal Culture in New York City, 1880-1960* (Chapel Hill: The University of North Carolina Press, 2005), 2. https://liverpool.idm.oclc.org/login?url=https://heinonline.org/HOL/Page?handle=hein.beal/uncaaax0001&collection=beal.

[12] The provision for Scotland included in this Act only referred to women and girls. Criminal Law Amendment Act 1922, 12 & 13 Geo. 5, c.56, sections 1 and 4.

[13] Mary R. Block, "'For the Repressing of the Most Wicked and Felonious Rapes and Ravishments of Women': Rape Law in England, 1660–1800," in *Interpreting Sexual Violence, 1660-1800*, ed. Anna Leah Greenfield (London: Routledge, 2014), 23-26; Joanna Bourke, *Rape: A History from 1860 to the Present* (London: Virago Press, 2007), 8-9.

[14] Boys were generally understood to be physically incapable of rape, as the ability to rape was seen as contingent on the attainment of puberty. Alfred Swaine Taylor, *The Principles and Practice of Medical Jurisprudence*, 5th ed., vol. 1, ed. Fred J. Smith (London: J. & A. Churchill, 1905) Internet Archive. 4 June 2024, 195. https://archive.org/details/in.ernet.dli.2015.22427/mode/2up?view=theater; Kureem Norbaf v. Meeun Norbaf [1827], *Reports of Cases Determined in the Court of Nizamut Adawlut, with Tables of the Names of the Cases and Principal Matters*, ed. William H. Macnaghten, vol. 3 (Calcutta: The Baptist Mission Press, 1828), 87.

'classic' definition of rape in British domestic law came from influential English legal scholar Lord Edward Coke, who described rape as when a "man hath carnall [sic] knowledge of a woman by force and against her will", and it was widely understood that 'carnal knowledge' meant the penetration of a vagina by a penis.[15] Although the law on indecent assault did not assume a male perpetrator, prevailing cultural constructions of sexual violence as gendered meant that women were rarely accused of such a crime.[16] Similarly, homosex was criminalised under laws proscribing sodomy, indecent assault, gross indecency and unnatural offences, all of which assumed a male perpetrator.[17] Thus, while girls could be raped, offences against boys generally came under laws proscribing homosex.

How children featured in laws on sexual offences was necessarily bound to the question of capacity to consent, which was understood as contingent on an individual's physical and/or mental development. Since sexual offence laws used age to signify the capacity to consent to a sex act, locating the 'child' in sexual offence laws therefore requires identifying who was recognised as a possible victim of sexual violence in law, and who was legally considered unable to consent. This study therefore speaks to wider methodological questions in historical studies of childhood. Examining how children were protected from sexual offences necessitates looking beyond the term 'child' itself and, instead, requires an understanding of who was protected from sexual violence under the law on the basis of their age, and what a given age was held to signify. Chronological age – namely, a person's age measured in time lapsed from their birth – was, and continues to be, the dominant mode of delineating age in sexual offences law; for instance, if a girl was over 16, she was

---

[15] Edward Coke quoted in Christina M. Tchen, "Rape Reform and a Statutory Consent Defense," *The Journal of Criminal Law & Criminology* 74, no. 4 (1983): 1521, https://doi.org/10.2307/1143064. For instance, until 1828, evidence of ejaculation had been required to prove an offence. Victoria Bates, *Sexual Forensics in Victorian and Edwardian England: Age, Crime and Consent in the Courts* (London: Palgrave Macmillan, 2016), 44. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1oeaegk/cdi_globaltitleindex_catalog_23349 5013.

[16] As Louise Jackson notes, women could, very rarely, be convicted for indecent assault, although this was usually as accomplices rather than perpetrators of the sex act itself. Jackson, *Child Sexual Abuse*, 4, 108-09.

[17] On the construction of laws which assumed a male perpetrator, Caroline Derry notes that, even when a statute adopted gender-neutral language (for instance, in referring to a 'person' committing an act) this did not necessarily suggest that women were recognised as potential perpetrators. Caroline Derry, *Lesbianism and the Criminal Law: Three Centuries of Legal Regulation in England and Wales* (Cham: Springer International Publishing, 2020), 87. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_proquest_ebookcentral_EBC60 27258.

legally considered capable of consenting to sex. The predominance of chronological age in such laws implied a certain objectivity; that capacity to consent to a sex act was measured equally for all persons, based on the 'immutable' fact of self that was one's age.[18]

Yet chronological age was not a natural or default signifier of capacity to consent. The use of chronological age to denote legal capacity originated, in Britain, from Roman common law; in precolonial Indian law, chronological age did not hold the same weight.[19] Moreover, chronological age, and what it signified, co-existed uneasily with biological age. Although the two were, in theory, independent, the burgeoning field of medical jurisprudence gave scientific credence to biological markers as *evidence of* chronological age.[20] Despite the development of birth registration, it was often one's body, not one's birth certificate, that determined their age in years. By veiling subjective visual observations of one's body in scientific terms, medical jurisprudence enabled the subjectivity of bodily observations to be obscured by the purported objectivity of standardised time. Examining modes of aging in colonial India throws this into sharp relief, as the onset of puberty in Indian girls, for example, was held by colonial observers to occur earlier than their white European counterparts. That this was used to justify a lower age of consent in India suggests that chronological age, both a symptom and mechanism of modernity, was not fully afforded to Indian subjects in constructing the age of consent. The politics of age are, therefore, emblematic of the broader relationship between modernity and colonialism, in which modernity was defined and bestowed by the coloniser.[21]

Chronological age was not an objective mode of aging, and the construction of sexual offences law was far from an objective project. In sexual offence laws, chronological age not only delimited the boundary between incapacity and capacity to consent but was also suggestive of the border between childhood and adulthood.[22] This border proved to be highly contested. As this thesis

---

[18] Leslie Paris, "Through the Looking Glass: Age, Stages and Historical Analysis," *Journal of the History of Childhood and Youth* 1, no. 1 (2008): 107, https://doi.org/10.1353/hcy.2008.0005.
[19] Ishita Pande, *Sex, Law, and the Politics of Age: Child Marriage in India, 1891–1937* (Cambridge: Cambridge University Press, 2020), 14.
[20] Alfred Swaine Taylor, *The Principles and Practice of Medical Jurisprudence*, 1st ed. (London: John Churchill & Sons, 1865) Internet Archive. 4 June 2024, 86-114.
[21] Dipesh Chakrabarty, *Provincializing Europe: Postcolonial Thought and Historical Difference* (New Jersey: Princeton University Press, 2000), 4; Pande, *Sex, Law, and the Politics of Age,* 13-19.
[22] Beth Bailey, "The Vexed History of Children and Sex," in *The Routledge History of Childhood in the Western World*, ed. Paula S Fass (London: Routledge, 2013), 191.

demonstrates, wider political and social concerns came to be mapped onto this border, as anxieties around class, gender, race and nationhood all constituted how age of consent was configured in law. Through a detailed examination of how such laws developed, and what they meant in practice – specifically, examining *who*, precisely, was protected from sexual offences by virtue of their age – this thesis problematises the 'child' as an ahistorical and natural category defined exclusively by age. The definition of child, and the meanings attached to age, were, rather, highly political concepts.

This period witnessed significant changes to the age of consent in sexual offence laws. In both British domestic and international law, such reforms during this period were largely the product of a moral panic over the transport of white women and girls to work in brothels outside of their home country. In the late 1870s, campaigners opposing the legal regulation of prostitution in Britain and continental Europe 'discovered' that British women and girls were being procured from Britain to work in Belgian brothels and created a media furore over what they termed the 'white slave traffic'. The 'white slave traffic' campaigns were not only instrumental in raising the female age of consent Britain from 13 to 16 in 1885 but went on to mobilise international cooperation for the suppression of trafficking in white women and girls. Two international accords followed, in 1904 and 1910, before the international anti-trafficking movement became subsumed by the League of Nations in 1921.[23] The League, established in 1919 following the end of the First World War, was charged with maintaining global peace, but also had a significant humanitarian remit which included the suppression of trafficking. The League introduced a further anti-trafficking convention in 1921, in which 'children', regardless of sex or race, were defined, for the first time, as objects of protection in international law. The League went on to undertake significant anti-trafficking projects, including two international fact-finding commissions. While this was the first time that 'children' as a group inclusive of race and gender were defined as objects of protection from sexual offences under international law, the law failed, in practice, to afford protection on such a universal basis. Rather, the age of consent stipulated in the convention was substituted for a lower age of consent in certain

[23] International Agreement for the Suppression of the "White Slave Traffic", 18 May 1904, Chapter VII, 8, U. N. Treaty Series.; International Convention for the Suppression of the White Slave Traffic, 4 May 1910, Chapter VII, 10, U. N. Treaty Series.

'Eastern' countries, and boys were not afforded the same recognition as potential victims in League anti-trafficking projects. The circumscription of boys from anti-trafficking accords was formally recognized in 1933, when the Convention for the Suppression of Traffic in Women of Full Age in 1933 abolished of the age of consent in international anti-trafficking law. This, essentially, reconfigured legal protection on the exclusive basis of gender, rather than age.

Gender, sexuality, nation and imperialism

This thesis draws heavily on Nira Yuval-Davies's premise that gender norms not only constitute social relations but are mapped onto broader political concerns of nation and empire.[24] At the heart of nineteenth-century gender norms was the cult of Victorian domesticity, which idealised the nuclear family and the home as a moral and spiritual refuge from a public sphere increasingly defined by individualism and capitalist competition.[25] The cult of domesticity served to gender the home as a female space, to be protected by male authority – the man of the house.[26] As such, women were placed on a pedestal as the 'symbolic bearers of the nation', to be protected by Britain's men.[27] Indeed, during this period, the British imperial nation was configured in familial terms. Idealised versions of womanhood constructed the ideal woman as the bearer and mother of the imperial nation.[28] Meanwhile, the masculine ideal was of men as the imperial nation's martial defenders.[29] British children, further, were constituted in the national context as the imperial nation's future citizens; the *future* mothers and fathers of the white British imperial 'race'. Crucially, in Britain

[24] Nira Yuval-Davis, *Gender & Nation*, 2008 ed. (London: Sage Publications, 1997), 1-21.
[25] Deborah Gorham, *The Victorian Girl and the Feminine Ideal* (London: Croom Helm, 1982), 4.
[26] John Tosh, *A Man's Place: Masculinity and the Middle-Class Home in Victorian England* (New Haven: Yale University Press, 2007), 3, 61-62, 85-86. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991001468909707351; Leonore Davidoff and Catherine Hall, *Family Fortunes: Men and Women of the English Middle Class 1780-1850*, 3rd ed. (Oxon: Routledge, 2018), 172-92. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_globaltitleindex_catalog_360800564.
[27] Anne McClintock, *Imperial Leather: Race, Gender and Sexuality in the Colonial Contest* (London: Routledge, 1995), 354.
[28] Ibid., 354-58.
[29] Graham Dawson, *Soldier Heroes: British Adventure, Empire and the Imagining of Masculinities* (London: Routledge, 1994), 145-51. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_casalini_monographs_4853821.

during this period, race was implicitly classed. For instance, middle-class social commentators depicting the British working classes described poor and destitute white Britons in racialised terms, as "barbarous", "savages", and "heathens", while the term "street Arab" was synonymous with 'vagrant'.[30]

These interdependent constructions of race and class and the broader context of empire directly informed how the 'child' was constructed as an object of legal protection from sexual offences. The latter half of the nineteenth century was characterised by a series of imperial disasters, which were explained as a symptom of racial degeneration in Britain, and which prompted questions over whether Britain had the 'right' sort of men to lead both nation and empire.[31] As masculinity was understood to be a 'project of self-formation that entailed the acquisition of "character"', any threat to a man's 'character' or, relatedly, 'respectability' was to be avoided.[32] When it came to raising the female age of consent in England and Wales, for example, legislators were concerned not so much with protecting girls, but how the new law would impact 'respectable' men who might be convicted under it.[33] Indeed, within the cult of domesticity, sexual restraint – of both men and women – was idealised.[34] Yet, at the same time, male sexuality was being increasingly conceived as an unstoppable force.[35] Meanwhile, working-class girls were considered to be sexually precocious and, therefore, not worthy of protection.[36] As being sentenced to prison was considered ruinous to a man's respectable

---

[30] Zine Magubane, *Bringing the Empire Home: Race, Class, and Gender in Britain and Colonial South Africa* (Chicago: University of Chicago Press, 2004), 40-56.
[31] John Tosh, *Manliness and Masculinities in Nineteenth-Century Britain : Essays on Gender, Family and Empire* (Harlow: Pearson Longman, 2005), 192-95.
[32] Deana Heath, *Purifying Empire: Obscenity and the Politics of Moral Regulation in Britain, India and Australia* (Cambridge: Cambridge University Press, 2010), 72.
[33] Carolyn A. Conley, "Rape and Justice in Victorian England," *Victorian Studies* 29, no. 4 (1986): 529. HC Deb (3d ser.) (31 Jul. 1885) (300) cols. 701-703.
[34] Davidoff and Hall, *Family Fortunes*, 401-02.
[35] Judith R. Walkowitz, *City of Dreadful Delight: Narratives of Sexual Danger in Late-Victorian London*, 1 ed. (Chicago: Virago, 1992), 5-7, 131-32. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1oeaegk/cdi_globaltitleindex_catalog_20645 2241; Ben Griffin, *The Politics of Gender in Victorian Britain: Masculinity, Political Culture, and the Struggle for Women's Rights* (Cambridge: Cambridge University Press, 2012), 100; Limoncelli, *The Politics of Trafficking,* 20. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991023432529007351.
[36] Laura Lammasniemi, ""Precocious Girls": Age of Consent, Class and Family in Late Nineteenth-Century England," *Law and History Review* 38, no. 1 (2020): 242, https://doi.org/10.1017/S073824802000005X.

character, a law which threatened to increase the imprisonment of British men was understood to have potentially disastrous consequences for the wider British race.[37]

While maintaining the empire demanded a strong British race, empire also threatened Britain's racial boundaries in that, for example, it provided opportunities for racial mixing.[38] It is important to note that the white 'race' in this context was not only white, but English.[39] While 'British' and 'English' were used interchangeably, Englishness denoted racial superiority. As such, the British white 'race' was constructed in contrast not only to black and brown colonial subjects of the British Empire, but also to continental Europeans.'[40] During this period, two models of racial development emerged. Biological models of race, which emphasised heredity, co-existed alongside socio-environmental models, which emphasised the role of environmental factors in racial degeneration and saw social and moral reform measures as a possible corrective.[41] Both worked to foreground the sexual purity of Britain's women as central to Britain's racial purity. This is how, therefore, the issue of British 'women and girls' being 'trafficked' to the Continent came to be reimagined as a threat to the British race and, therefore, to the Empire itself.

Within the familial configuration of the imperial nation, those colonised by the British Empire were also configured as children. This was because empire had long been justified by colonial officials as a paternalistic force, attempting to bestow civilisation on the world's 'savage' populations.[42] Yet, in India at least, the colonial discourse of the 'civilising mission' engendered a dilemma for the colonial government when it came to legislating on sexual offences. British rule in India began after the Battle of Buxar in 1764, when the East India Company, a British trading company operating out of India, defeated a coalition of Indian forces and was granted the right by the Mughal emperor to collect land revenue in Bengal. The East India Company had enjoyed a trading

---

[37] Conley, "Rape and Justice in Victorian England," 529.
[38] McClintock, *Imperial Leather*, 24-27. Heath, *Purifying Empire*, 82; Jose Harris, *Private Lives, Public Spirit: A Social History of Britain, 1870-1914* (Oxford: Oxford University Press, 1993), 234-35.
[39] Robert Young, *The Idea of English Ethnicity* (Oxford: Blackwell Publishing Ltd., 2008), 13.
[40] Philippa Levine, *Prostitution, Race and Politics: Policing Venereal Disease in the British Empire* (London: Routledge, 2003), 7.
[41] Harris, *Private Lives, Public Spirit*, 240-44.
[42] Anne McClintock, "Family Feuds: Gender, Nationalism and the Family," *Feminist review* 44, no. 1 (1993): 64, https://doi.org/10.1057/fr.1993.21.

monopoly in the region since 1600, but it was this acquisition of revenue collection rights that began its transformation into a colonial power.[43] As such, the Company became responsible for administering taxation and, therefore, forms of law over the local population under the sovereignty of the Mughal empire. The Company was keen to preserve its resources for areas of law that directly aided its authority – in other words, for the maintenance of "peace" and public order. This policy was further driven, and justified, by colonial ideas of Indian society as harbouring a zealous commitment to religious doctrines, which governed social norms. Interventions into Indian social practices were, therefore, not just regarded as irrelevant to the goal of maintaining political stability, but as potentially highly threatening to colonial authority.[44]

The notion that colonial interference in social matters, such as sexual offences, was dangerous only increased after 1857, when Indian troops serving under the British East India Company revolted, resulting in the loss of colonial control of much of North India until 1858.[45] The revolt was understood by the British to have been a violent response to a rumour that the Company was planning to force their Indian soldiers to handle ammunition greased with pig or cow fat, which was prohibited for Muslims and Hindus, respectively.[46] The notion that such a misunderstanding of Indian 'customs' could provoke such violence shocked the colonial establishment to the core. As a result, the British Crown assumed direct control over India in 1858, and the colonial government adopted a formal commitment to non-interference in 'social' matters.[47]

The question of legislating on sexual offences, however, proved to be complicated, as colonial rule was, from the early nineteenth century, increasingly justified through the discourse of 'white men saving brown women from brown men'.[48] As such, the need to justify colonial law under

---

[43] Barbara D. Metcalf and Thomas R. Metcalf, *A Concise History of Modern India*, 2nd ed. (Cambridge: Cambridge University Press, 2012), 44-45. I use the term 'colonial' to describe Company rule as it involved the administration (legal, fiscal, etc.) of Indian territory.
[44] Lata Mani, "Production of an Official Discourse on 'Sati' in Early Nineteenth Century Bengal," *Economic and Political Weekly* 21, no. 17 (1986): 34-35.
[45] Metcalf and Metcalf, *A Concise History of Modern India*, 92, 101-04.
[46] Kim Wagner, *The Great Fear of 1857: Rumours, Conspiracies and the Making of the Indian Uprising* (Oxford: Peter Lang, 2010), 27-32.
[47]"Proclamation by the Queen in Council, to the Princes, Chiefs, and People of India," in *The Annual Register or a View of the History and Politics of the Year 1859*, ed. Edmund Burke (London: J. & F. Rivington, 1860), 204.
[48] Gayatri Chakravorty Spivak, "Can the Subaltern Speak?," in *Marxism and the Interpretation of Culture*, ed. Cary Nelson and Lawrence Grossberg (Chicago: University of Illinois Press, 1988), 297.

the guise of "public interest" did demand involvement in such issues.[49] It was this contradiction, of a colonial state that sought to justify its rule on the grounds of uplifting Indians, and its desire to avoid interfering in Indian social norms, that characterised much of its approach to issues relating to law, gender and sexuality. Indeed, despite its formal policy of non-interference, the colonial government repeatedly legislated on sexual offences involving children.[50] This was largely because colonial officials in India had been instrumental in constructing the welfare of Indian women and girls as a yardstick of Indian civilisation.[51] As a result, members of the colonial government, and their overseers in London, tied themselves in knots over how to be seen to 'protect' Indian women and girls from sexual violence whilst limiting their involvement in 'social issues'. Such priorities were at the heart of colonial Indian laws protecting children from sexual harm. These tensions, between the image of a paternalistic colonial Indian state and a reluctance on the behalf of colonial authorities to become involved in sexual offence reform, were magnified when international sexual offence law became subsumed by the League of Nations in the early 1920s.

The League embodied the post-war spirit of international humanitarianism which, at least in theory, was at odds with the imperial framework of the world order.[52] For instance, the League's 1921 anti-trafficking Convention extended protections to 'children of both sexes', and regardless of race, for the first time. This threw up awkward questions around the principle of universalism. India provides a particularly important standpoint from which to examine the problem of universalism during this period. Due to a combination of pressure from the growing Indian nationalist movement and India's massive contribution to the war effort, India was the only non-sovereign country granted

---

[49] Radhika Singha, "Making the Domestic More Domestic: Criminal Law and the 'Head of the Household', 1772-1843," *The Indian Economic & Social History Review* 33, no. 3 (1996): 320-22, https://doi.org/10.1177/001946469603300304.

[50] For instance, in raising the female age of consent in 1891 and introducing a minimum marriage age for both boys and girls in 1929. See 'An Act to amend the Indian Penal Code and the Code of Criminal Procedure, 1882,' in D. E. Cranenburgh, *The Unrepealed Acts of the Governor General of India in Council for the year 1891,* (Calcutta: Law Publishing Press, 1892), 26, https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1oeaegk/cdi_coherentdigital_southasiacommons_20_500_12592_rzqzbf; Child Marriage Restraint Act, Act 19 of 1929.

[51] Pande, *Sex, Law, and the Politics of Age,* 5. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991023311939207351.

[52] Susan Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (Oxford: Oxford University Press, 2015), 1. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991023406239907351.

membership to the League. While the representation of other colonies and protectorates was mediated through their respective imperial power and essentially relegated to general discussions of 'colonies and protectorates', India came under the spotlight at the League. While the India Office, which oversaw the colonial Indian government from London, could and did dictate who represented India at the League, it could not completely obscure its vexed position on sexual offence reform. Further, because the welfare of women and (female) children was, by this point, understood internationally to signal a country's proximity to modernity, colonial Indian authorities had to strike a difficult balance between appearing as benevolent overseers while maintaining the image of India as inherently backwards and, therefore, requiring the continuation of colonial rule.

This positioning of women and (female) children as the bastions of racial purity, and of their welfare as a yardstick of civilisation, served to marginalise both girls deemed racially 'other' and boys from legal protections under international anti-trafficking law. While racialised constructions of the 'child' here were a direct result of colonialism – namely the evocation of racial difference by colonial officials to avoid legal reform – the extent to which the League recognised boys as victims was also shaped by coloniality. The legal protection of girls from sexual violence was wrapped up in regulating male access to female bodies, yet legal protection of boys was largely motivated by concerns over homosexuality. In Britain, homosexuality was derided as 'unmanly', and, when practiced among British troops, threatened to undermine military discipline which, as noted above, was a crucial aspect of Victorian ideal masculinity and the defence of empire[53] While sex between men had been illegal in England since 1533, the nineteenth century witnessed a rapid increase in sodomy prosecutions; a result of both the emerging gender norms noted above and the growing state regulation of the moral lives of the population in this period.[54] Homosexual acts were thus increasingly punished with the full force of the law and denounced as acts of ultimate depravity, which were worse than even murder.[55]

---

[53] Kenneth Ballhatchet, *Race, Sex and Class Under the Raj* (Southampton: The Camelot Press Ltd., 1980), 10.
[54] Harry G. Cocks, *Nameless Offences: Homosexual Desire in the 19th Century* (London: I. B. Tauris & Company, Limited, 2003), 16-19. Cocks argues this was not specific to sodomy, but part of a broader increase in policing of social morality.
[55] Ibid. Charles Upchurch, *Before Wilde: Sex Between Men in Britain's Age of Reform* (Berkeley: University of California Press, 2009), 53.
https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991023425911707351.

For colonial officials in India, homosexuality became racialised. It was regarded by colonial officials as a 'peculiarly Oriental vice', which was attributed to the purportedly excessive virility of Indian men.[56] Constructing Indian masculinity was therefore fundamental to constructing white, British masculinity as a binary opposite, exemplified by self-control. As such, homosexuality, with its connotations of immorality and sexual decadence, emerged in colonial discourse in constructions of colonised men as being inferior to white, British men.[57] Homosexuality came to be configured in geographic terms, as endemic in certain regions of the world. It was, of course, no coincidence that these regions, or 'zones' happened to also be those deemed racially 'other'.[58]

It was this discourse on 'Eastern' (homo)sexuality that informed how the male child appeared in League of Nations anti-trafficking projects. Gendered constructions of sexual offences had been strengthened in Victorian Britain due to the role of social purity discourse which posed that '[g]irls and women could "fall", [but] boys could not'.[59] While the League therefore prioritised the protection of girls, trafficking in boys was constructed as exclusively occurring in the 'East'. The production of a discourse on trafficking in boys which presented such trafficking as exclusively affecting non-white boys meant that boys were ultimately marginalised in these efforts. As such, definitions of 'child' in sexual offence law were determined not by any objective knowledge about childhood, but by political concerns informed by gender norms and anxieties over racial hygiene.

Sources and methodology

This thesis draws on archival sources from records of parliamentary debates in Britain; British Home Office records; records of the colonial Indian government and its London-based overseer, the India Office; documents produced by anti-trafficking campaigns; and records of the League of Nations.

---

[56] Ballhatchet, *Race, Sex and Class*, 120; Mrinalini Sinha, *Colonial Masculinity: The 'Manly Englishman' and the 'Effeminate Bengali' in the Late Nineteenth Century* (Manchester: Manchester University Press, 1995), 1-20. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1oeaegk/cdi_proquest_miscellaneous_38843117.

[57] Edward W. Said, *Orientalism*, 2003 ed. (New York: Penguin Books, 1978), 188-90.

[58] Rudi Bleys, *The Geography of Perversion: Male-to-Male Sexual Behaviour outside the West and the Ethnographic Imagination, 1750-1918* (New York: New York University Press, 1995), 189-92.

[59] Jackson, *Child Sexual Abuse*, 5.

Since it relies heavily on sources produced by élites and social campaigners, this thesis draws on methodologies which enable scholars to expose the relationship between knowledge and power; namely, that knowledge is actively produced and, in turn, can wield powerful effects. For instance, Foucault's concept of discourse is crucial to this thesis's elucidation of how the 'child' was produced by social campaigners as a discursive subject which communicated racial and sexual purity.[60] It was this process, this thesis contends, that resulted in the 'child' emerging as an object of legal protection in international anti-trafficking law.

To reveal how the 'child' was configured in sexual offence law, in all its possibilities – classed, raced and gendered – this thesis also draws on postcolonial theory and gender studies.[61] As this study is primarily a history of law and, specifically, legal definitions, it relies heavily on statutes, discourses produced by middle-class social campaigners, and debates among politicians and elite state representatives. The authors of these sources are predominantly white, élite, male, and all are adults. This thesis therefore reads such sources 'against the grain', treating their contents not as objective evidence of "the way [history] really was" but as indications of the concerns and anxieties that motivated their production.[62] Such an approach demands that understanding the power dynamics at play in the production of archives, records and discourses is essential to revealing how these were informed by broader historical phenomena, and how such records and discourses were able to generate and shape legal change.

The critical approach of this thesis also draws on histories of gender and sexuality. Histories of sexual violence have often reproduced the gendered and heteronormative patterns of the archive on sexual violence. Because sexual violence was understood as something that generally happened *to* women and girls, it is women and girls who appear as victims in the archive; the subject of historical

---

[60] Michel Foucault, *The Archaeology of Knowledge and the Discourse on Language*, trans. A. M. Sheridan Smith (New York: Pantheon Books, 1972), 32-39; Michel Foucault, *The History of Sexuality, Volume 1: An Introduction*, trans. Robert Hurley (London: Penguin, 1990), 23-24; Said, *Orientalism*, 3-7, 39-41; Partha Chatterjee, *The Nation and Its Fragments: Colonial and Postcolonial Histories* (Princeton: Princeton University Press, 1993), 10, 16-18. https://hdl-handle-net.liverpool.idm.oclc.org/2027/heb02424.0001.001.

[61] While it is not possible to know the ages of every individual who produced the records I analyse, there are no records recognised to have been produced by a person who would have been considered a child.

[62] Walter Benjamin, "Theses on the Philosophy of History," in *Critical Theory and Society: A Reader*, ed. Douglas Mackay Kellner and Stephen Eric Bronner (London: Routledge, 1989), 256-57.

research on sexual violence is, thus, overwhelmingly female.[63] To paraphrase Eric Cohen, studying gender and only focusing on femininity "is like clapping hands with one hand only."[64] Rather, this study adopts an approach set out by Judith Butler, namely to identify and interrogate gender categories.[65]As such, I consider how gender norms and ideals of both femininity *and* masculinity produced possibilities for legal protection from sexual violence for *both* boys and girls.[66] Further, by paying attention to the production of a discourse on 'Eastern' (homo)sexuality in this period, this thesis traces the discursive formations which produce trafficking of boys as a distinctly 'Eastern' phenomenon. Therefore, this thesis interrogates masculinities, the criminalisation of queer sexualities and the racialised construction of homosexuality to locate the male child and, therefore, fully understand the extent to which the legal 'child' was contingent on gender.

This thesis, therefore, speaks to multiple bodies of historical scholarship, most notably on childhood, gender and sexuality, and colonialism. As noted above, histories of sexual violence, including that against children, have tended to focus on violence against women and girls and have, therefore, overlooked how moral concerns about homosexuality informed legal protections for boys.[67] At the same time, work on laws proscribing homosex have tended to focus on relationships between adult males and, therefore, have paid little attention to children.[68] While scholarship on colonial India and the wider British Empire has examined how race informed legal reforms on sexual offences, that concerns over race and empire motivated British reforms has also been less well documented.[69] This

---

[63] Jackson, *Child Sexual Abuse*, 4; Carol Smart, "A History of Ambivalence and Conflict in the Discursive Construction of the 'Child Victim' of Sexual Abuse," *Social & Legal Studies* 8, no. 3 (1999): 394, https://doi.org/10.1177/096466399900800306; Liat Kozma, *Global Women, Colonial Ports: Prostitution in the Interwar Middle East* (Albany: State University of New York Press, 2017), 35-36.
[64] Eric Cohen quoted in Yuval-Davis, *Gender & Nation*, 1.
[65] Judith Butler, *Gender Trouble* (New York: Routledge, 1990; repr., 2007), 7.
[66] This binary construction of gender is reflective of the legal structures and broader historical understandings of gender during this period.
[67] Notable exceptions include Robertson, *Crimes Against Children*, 198-200 and Bates, *Sexual Forensics*, 88.
[68] Sean Brady, *Masculinity and Male Homosexuality in Britain, 1861-1913* (Basingstoke: Palgrave Macmillan, 2016), 85-118; Harry G. Cocks, "Secrets, Crimes and Diseases, 1800-1914," in *A Gay History of Britain*, ed. Matt Cook et al. (Oxford: Greenwood World Publishing, 2007), 109-12; Matt Cook, "Law," in *Palgrave Advances in the Modern History of Sexuality*, ed. Harry G. Cocks and Matt Houlbrook (London: Palgrave Macmillan UK, 2006), 69.
[69] Sinha, *Colonial Masculinity*, 140; Himani Bannerji, "Age of Consent and Hegemonic Social Reform," in *Gender and Imperialism*, ed. Clare Midgley (Manchester University Press, 2017), 34-36; Tanika Sarkar, *Hindu Wife, Hindu Nation: Community, Religion, and Cultural Nationalism* (Bloomington: Indiana University Press, 2001), 234-35; Philippa Levine, "Sovereignty and Sexuality: Transnational Perspectives on Colonial Age of

thesis connects these traditionally separate bodies of work to demonstrate that, because the 'child' as a legal category was informed by race, gender and class, a history of child protection from sexual offences demands an intersectional approach.

It also makes a significant contribution to legal history. Drawing on critical legal theory, which aims to expose the power dynamics at play in the making of law, this study reveals the priorities at play in the crafting of laws, and the resulting inequalities in legal categories of childhood.[70] The example of sexual offences against children is especially productive to this end. As Felix Cohen notes, the law does not necessarily recognise pre-existing realities in creating legal categories, but creates realities in constructing legal categories.[71] Thus, that the law recognised that, for instance, an Indian girl aged 17 could consent to being trafficked, but an English girl of the same age could not, provides a sobering example of how such categories reflected contemporary priorities and, ultimately, legitimised sex acts against some children while protecting others.

Law is not, this study contends, a transcendental or 'natural' force, but is entirely constituted by social and political conditions, as laws aimed at protecting children from sexual offences were motivated by political and moral concerns. This thesis lays claim to this contention by detailing how laws were responded to and how, even when legal categories were written into law, cultural norms persisted in circumscribing what that law meant in practice. For instance, in an anti-trafficking convention which deemed trafficking of all children, regardless of gender or race, a crime, gendered perceptions of trafficking and colonial constructions of homosexuality deemed not all children to be worthy of legal protection. To fully understand laws and legal norms, therefore, it is essential to consider the historical context behind both the drafting of laws and how they were responded to. Doing so reveals how legal categories worked to exclude certain 'types' of children from protection which, ultimately, legitimised forms of sexual violence against those who were excluded.

Consent Legislation," in *Beyond Sovereignty: Britain, Empire and Transnationalism, c.1880-1950*, ed. Kevin Grant and Frank Trentmann (Basingstoke: Palgrave Macmillan, 2007), 22-24, 29-30.

[70] Costas Douzinas, "The Responsibilities of the Critic: Law, Politics and the Critical Legal Conference," in *Research Handbook on Critical Legal Theory*, ed. Emilios Christodoulidis et al. (United Kingdom: Edward Elgar Publishing, 2019), 224-25.

[71] Felix S. Cohen, "Transcendental Nonsense and the Functional Approach," *Columbia Law Review* 35, no. 6 (1935): 813-14, https://doi.org/10.2307/1116300.

Thesis structure

The thesis begins, in the first chapter, by setting out the methodological approach of this study and the aforementioned scholarship on histories of childhood and histories of sexual violence in Britain and colonial India. In doing so, it demonstrates the value of connecting these separate bodies of work and makes a case for an intersectional approach to histories of childhood. It also outlines critical legal scholarship in order to establish this study's wider significance, beyond its immediate historical context, as a contribution to research on how law is made and responded to.

Chapters two and three set out the relationship between age and sexual offences by exploring debates around raising the age of consent in Britain and India, respectively. By foregrounding age as a category of analysis, these chapters expose how legislators grappled with extending protections for children using a universal standard of chronological age. In Britain, the difficulty lay in the tension between the ideal of a universal standard of childhood and a female childhood which was distinctly classed. The spectre of the deviant and sexual working-class girl, the chapter demonstrates, pervaded these discussions to ultimately undermine the universality of the law. While in both Britain and India, sexual acts on girls were criminalised through the lexicon of consent, the term had varied meanings. In Britain, it referred to a combination of physical and mental capacity, whereas in India, it was not mental capacity to consent but female bodily development which perplexed officials charged with reforming the age of consent, as Indian girls were configured by both Indian and colonial patriarchies as mere vessels for sex. In both settings, sexual offences were constructed according to gender: in neither Britain nor India could a male be a victim of rape under law. Offences against boys, rather, came under laws against homosexual activity: indecent assault in Britain and sodomy in India. Thus, while legislators agonised over what age a girl or woman should be before a man could have uninhibited access to her, the chapter reveals, the construction of protection for boys occurred through the regulation of homosexuality.

Chapter four zooms in to consider how age could be 'known' in these two settings. Given the supposed primacy of chronological age in legislating sexual crime, how was such age evidenced? The

chapter answers this by exploring the development of birth registration in Britain and colonial India as a governmental project, before exploring whether and how evidencing age in the courtroom in the case of sexual offences against children was impacted by the introduction of documentary evidence of age. In Britain, the chapter demonstrates, despite the superficial emphasis of legal objectivity and the advent of mandatory birth registration, the appearance of a girl emerged as more important than her 'actual age'. In India, on the other hand, patchy birth registration meant that indigenous modes of aging clashed with colonial forms of knowledge.

Chapters two to four therefore serve to problematise understandings of chronological age in sexual offence legislation. While chronological age ostensibly implies that all human bodies age in the same way, and reach maturity at the same time, the concerns of male legislators over circumscribing male access to young female bodies posed challenges to such a universal principle. These concerns, informed heavily by anxieties over race and gender, ultimately rendered such objectivity impossible.

Chapter five goes on to explore how 'children' came to emerge as objects of legal protection in international law. It does so by charting how, in Britain, campaigns against contagious disease laws became concerned with trafficking – namely, the moral panic of the 'white slave traffic – and how these campaigns ultimately led to the introduction of the first international laws to combat the trafficking of white women and girls in 1904 and 1910. Examining anti-trafficking campaign discourse, this chapter proposes that the 'child' emerged here as a moral category. Rather than denoting a specific group of people defined by age, the word 'child' and the discourse of youth was deployed to strengthen anti-trafficking campaigners' attempts to present trafficking victims as sexually pure and, therefore deserving of sympathy. Additionally, the concept of the 'child' as a discursive technique, the chapter suggests, enabled campaigners to position potential (female) trafficking victims as Britain's future imperial mothers, which in turn positioned trafficking as a national concern. This is why the international anti-trafficking accords of 1904 and 1910, which criminalised trafficking in international law for the first time, explicitly protected white women and *girls*.

Chapter six continues analysing international anti-trafficking legislation by focusing on the drafting process of the 1921 Convention and, in particular, on the intersection between age and race in

determining which children should be protected under the law. After the First World War, which led not only to the creation of the League but to questions about the rights to autonomy of colonised peoples, empire became increasingly more difficult to justify in the international sphere. As such, Britain came under growing pressure to present an image of India which depicted Indians as incapable of self-governance and which, therefore, validated colonial rule. As promoting the supposed 'uplift' of Indian women had underpinned British claims to be 'civilising' India for at least a century, the League's anti-trafficking work provided a site in which such a rhetoric would be tested. This chapter thus reveals how British colonial authorities deployed arguments about Indian bodies and customs which served to limit their obligations under international law to reform Indian laws on trafficking, while simultaneously presenting India as incapable of self-governance. The result was that the Convention's aim to legally enshrine a universal age of consent was ultimately thwarted, with India, the only non-sovereign state represented at the Convention, being allowed to ratify the Convention with a lower age of consent.

Although the 1921 Convention ostensibly protected 'women' and 'children of both sexes', regardless of race, from trafficking, the text of the Convention provided no age-based definition for children. The Convention adopted 21 as the age of consent for trafficking, yet it was never made clear whether this age served as the barrier between 'women' and 'children'. As such, how boys were defined was ambiguous. Chapter seven, therefore, examines the League's investigations into international trafficking to trace the marginalisation of boys as trafficking victims. Given that the sexual abuse of men and boys was constructed exclusively as homosexual, this chapter foregrounds colonial constructions of homosexuality as racially and geographically 'othered' to explore the conditions under which boys as trafficking victims made an appearance in archival records relating to trafficking. It reveals how League activities were shaped considerably by the ideologies of those individuals at the helm and how, regarding the League's fact-finding commission into the 'East', the League reproduced patterns of the colonial archive which presented the 'East' as a site of homosexuality. The chapter ends with a discussion of the 1933 Convention which, by virtue of removing the age of consent and criminalising the trafficking of any female, ultimately eclipsed boys from such protection. The international anti-trafficking movement, from its very inception, had been

chiefly motivated by protecting the sexual purity of white women and girls. Despite attempts to broaden this to encompass a racially- and gender-neutral conception of the 'child', an implicitly female construction of 'child' prevailed in League anti-trafficking efforts; the only point at which the male child emerged was as a victim of 'Eastern' sexual depravity.

Wider significance

The overarching contention of this study is that legal categories of childhood were contingent; in sexual offences law during this period, the 'child' as a universal, objective category defined only by age did not emerge. In other words, the category of 'child' was highly political, as certain children (white, middle-class girls) were deemed of more value to modern states than others (non-white, colonised girls, and boys). Beyond histories of childhood and legal history, this thesis has significant contributions to sociological and legal research on the social construction of childhood.[72] By teasing out the processes by which legal categories of childhood are produced and responded to, this thesis provides an essential historical framing for contemporary research on the politicisation of childhood.

[72] Hedi Viterbo, *Problematizing Law, Rights, and Childhood in Israel/Palestine* (Cambridge: Cambridge University Press, 2021), 14. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_proquest_ebookcentral_EBC6685011.

Chapter One: An Intersectional History of Childhood and Age in Sexual Offences Law

Introduction

This study of legal categories of childhood pays attention to how categories of gender, race and class intersect with age. It does not, however, place age at the centre, with each of the above categories separated from one another, radiating outwards. To draw on Kimberlé Crenshaw's 1989 account of the relationship between race and gender, this thesis interrogates how these categories inform and *intersect* with one another, creating a sort of mutually constitutive web.[1] It therefore aims to reveal this web, by tracing the connections between such categories which, to varying degrees, have not yet been elucidated in scholarly research. This chapter serves to unpick this web in order to demonstrate how each of these categories have been treated by scholars in contexts relevant to this study, and how each intersect with childhood and age.

Firstly, this chapter sets out the methodological frameworks that this thesis draws upon – specifically, comparative history; Foucauldian theories of governmentality and the relationship between power, knowledge and discourse; postcolonial theory; and critical legal theory. Such frameworks are essential to articulating the construction of categories of gender, race, class and age in a given historical context. The chapter then considers the category of age, by firstly setting out scholarship on the history of childhood before then considering recent methodological developments which propose radical news ways of thinking about age. It then examines historical work on childhood and sexuality – particularly studies of sexual offences against children. On the one hand, while these studies have paid due attention to age and class as categories of analysis, their critical

[1] Kimberlé Crenshaw, "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine,
Feminist Theory and Antiracist Politics," *University of Chicago Legal Forum*, no. 1 (1989): 149-50, http://chicagounbound.uchicago.edu/uclf/vol1989/iss1/8.

engagement with gendered legal categories has been less consistent. On the other hand, scholarship on queer history and the law has tended to overlook the category of age. The chapter then moves on to assess how race has been considered in work on sexual offences against children – an endeavour which has, so far, been almost exclusively undertaken by scholars of empire. 'New imperial history' scholarship, which aims to emphasise how the empire informed developments 'back' in Britain, has proven particularly useful for identifying transnational connections and developments engendered by imperialism – including, notably, how race informed notions of class in Britain. It then considers sexual offences reform in colonial India, by first setting out why and how colonial administrators came to be involved in such laws in India. Crucially, colonial interventions into sexual offences law were rarely, if ever, motivated by concerns over the welfare of Indian subjects. However, since colonial rule in India was premised on bestowing 'civilisation' to Indians, colonial officials reluctantly found themselves caught up in questions of how to respond to sexual violence. That such issues also played out on the international stage has been reflected in broader scholarship on the ties and tensions between the League of Nations and global imperialism. Despite these rich bodies of work, a truly intersectional account of legal childhoods – one which pays attention to gender, class and race – has remained elusive. This thesis, therefore, weaves together histories of childhood, sexuality, colonialism and the League in order to offer an intersectional history of the legal category of childhood.

Methodological framings

This study's comparative approach is fundamental to its rich contributions. Inspired by the work of Philippa Levine and Daniel Grey, it compares parallel developments in Britain and colonial India, and how these converged on the world stage at the League of Nations, to reveal how constructions of childhood and meanings attached to age were not only racialised but were directly informed by imperial politics.[2] This, in turn, showcases the value in comparative, transnational histories. For

[2] Levine, "Sovereignty and Sexuality," 22-24, 29-30; Daniel Grey, "Gender, Religion, and Infanticide in Colonial India, 1870–1906," *Victorian Review* 37, no. 2 (2011): 108-13, https://doi.org/10.1353/vcr.2011.0043.

instance, portrayals of child-like white British women duped into sex work by depraved Continental men takes on new meanings when compared to portrayals of adultified Indian prostitutes preying on child-like British soldiers. This comparative model is crucial to revealing the variables at play in constructing childhood and affording meaning to chronological age, and therefore, enables one to make sense of why race, gender and class were persistent factors in determining the age at which a person could consent to sex acts.

This study demands, therefore, a critical interrogation of power. Categories of gender, race, and class; the historical context of British imperialism; and the medium of the law are all intimately related to questions of power. First and foremost, however, this study pays critical attention to the power dynamics in the production and preservation of the historical records upon which it relies. An historical record does not necessarily reflect past realities but is indicative of the priorities of its creator and the historical conditions in which it was created. Indeed, Michel Foucault famously posits that knowledge is not an object which is 'discovered', but something which is actively produced; it is historical conditions which create the structures necessary for such knowledge production. [3] Further, repeated appearances of an object in the archive, Foucault claims, should be read not as evidence that such an object existed as a singular entity or phenomenon, but rather should be interrogated as the product of a discourse.[4] This framing is crucial to this thesis's treatment of historical sources. For example, rather than treating the phenomenon of the 'white slave traffic' as archival evidence of a traffic in white women and girls, this thesis examines the discourses that produced the 'white slave traffic' as an object in the archive. It is by paying attention to the priorities which generated a discourse on the 'white slave traffic' – namely anxieties around gender norms and racial hygiene – that this study can elucidate how the 'child' came to be produced as an object of legal protection from trafficking. Further, the linkage of the relationship between power and knowledge is also fundamental to understanding the development of birth registration, which this study interprets – using Foucault's

[3] Foucault, *The Archaeology of Knowledge*, 32-39, 50-53.
[4] For Foucault, 'discourse' is more than a form of communication, but is a system of representation which both reflects and determines how an object is perceived in society. Foucault, *The History of Sexuality*, 23-24.

notion of governmentality – as the production of knowledge on the population in line with the priorities of the modern state.[5]

Foucault's emphasis on the role of power in creating the conditions for knowledge production and the creation of discourses has been invaluable to postcolonial theory. Drawing on Foucault's notion of discourse, Edward Said contends that production of knowledge on the 'East' or the 'Orient' by Europeans was shaped by the self-image of Europe. In colonial discourse, colonised peoples of the 'East' were constructed in binary opposition to European values: 'The Oriental is irrational, depraved (fallen), childlike, "different"; thus, the European is rational, virtuous, mature, "normal".[6] These discourses not only produced the 'East' as a discursive subject, but also informed European identities.[7]

This framing has been fundamental to the development of critical readings of colonial sources. For instance, Partha Chatterjee's formulation that, in India, colonial rule depended on the logic of the 'rule of colonial difference' demands a critical interrogation of portrayals of Indian society by colonial officials. This is because, while the colonial state justified its continued domination as a necessary 'civilising' force for the ultimate development of India, it had to ensure that the 'civilising mission' could never truly be completed. Colonial officials therefore claimed Indian society and peoples had inherent uncivilised qualities or 'differences' that could never be expunged, thus warranting indefinite subordination.[8] By analysing colonial records through the logic of the 'rule of colonial difference', therefore, this thesis teases out colonial portrayals of Indian society as suggestive of colonial interests rather than objective truths. How the 'child' emerged as an object of legal protection in colonial law and international anti-trafficking law was less a reflection of 'facts' about Indian childhood and more evidence of colonial priorities.

A history of legal categories also demands an analysis of the power dynamics at play in the creation of such categories – namely who was doing the creating, and what were their reasons for

[5] Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977-78.*, ed. Graham Burchell et al., ed. and trans. Michel Senellart (New York: Palgrave Macmillan, 2009), 93-94.
[6] Said, *Orientalism*, 39-41.
[7] Ibid., 3, 7.
[8] Chatterjee, *The Nation and Its Fragments*, 10, 16-18.

doing so. At the same time, legal categories themselves were powerful, both in their inclusion or exclusion of certain persons from legal protection and in their production of new social norms. Indeed, Foucault contends that the power of the law lies not in its ability to affect behaviour by punitive force, but in its creation of new social norms which condition individual conduct.[9] Yet, as this thesis argues, social conditions also shape both the law itself and how the law is responded to.

As such, this study also draws on critical legal theory, including feminist interpretations of the law, to offer a complex account of both how legal categories were made, and how they were interpreted, contested or overlooked. For instance, Carol Smart contends that 'dominant forms of knowledge' which constitute the law 'are always specific, gendered, and subjective.' [10] Such gendered power relations are often obscured by the law's claims to objectivity as the 'the relations of ruling' have historically been presented by those in power as being 'rationally organized', natural and objective; in reality, however, the law is subjective and patriarchal.[11] To expose how power relations shape the law, Smart argues, scholars must 'consider the ways in which law constructs and reconstructs masculinity and femininity, and maleness and femaleness' and how this, ultimately, creates a 'common-sense perception of difference.'[12] Thus, when it comes to the question of *why* legal categories of childhood were gendered, it is necessary to question such 'common-sense' explanations as the supposed biological differences between boys and girls.[13] Indeed, as this thesis shows, discussions around sexual offences law rarely, if ever, focused on biological sex characteristics; separate legal categorisations persisted because of *gender* norms, which were reified and legitimised by the law.

---

[9] Foucault, *The History of Sexuality*, 144.
[10] Carol Smart, "Law's Power, the Sexed Body, and Feminist Discourse," *Journal of Law and Society* 17, no. 2 (1990): 196-98, https://doi.org/10.2307/1410085.
[11] Dorothy E. Smith, *The Everyday World as Problematic: A Feminist Sociology* (Boston: Northeastern University Press, 1987), 10. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_alexanderstreet_marcxml_SocialTheorySecondEditionASPS010023231_sth2.
[12] Smart, "Law's Power," 201.
[13] I use the term 'supposed' here to highlight that biological sex is not binary, as evidenced by intersex and other and biological variations that disrupt binary 'male' and 'female' categories. As Smart argues, the law is not informed by the notion of women as biologically different to men but, rather, *produces* this notion. Ibid., 204-05.

While Robert Cover asserts that the law is inherently violent since 'law cannot exist without enforceability or enforceability without force', this thesis considers the violence of the law beyond its punitive power.[14] It supports the assertion that legal categories themselves are a form of violence, since they 'operate to exclude and include, to totalize by repressing differences, and to insist on their own authority.'[15] The construction of legal categories which excluded certain children (working class, male, Indian) from protections afforded to others (middle class, female, white) against sexual offences ultimately legitimised sexual violence against those who were excluded. As Felix Cohen notes, such categories were not a benign reflection of reality but were actively produced by the law.[16] The exclusions of certain children from categories of childhood and, therefore, protection was thus not an oversight, but a direct reflection of which children were considered valuable and worthy of protection, and which were deemed unworthy of protection or, worse, an acceptable sexual outlet by those who constructed the law.

Further, exposing the power structures that constitute law requires a wider consideration of the law itself. A doctrinal approach to legal history – one which exclusively relies on legal texts, including case law, in its analysis – cannot provide a thorough account of legal history as the law is constituted by more than legal texts. Rather, using methodology of legal realism or sociological jurisprudence – both of which come under the umbrella of critical legal studies – enables this thesis to expose the power dynamics at play in how law is made, responded to and contested. The value of this approach has already been evidenced by research on League of Nations anti-trafficking efforts, namely Paul Knepper's case for reading League anti-trafficking efforts as projects which informed legal change, as opposed to projects made *by* law, and Stephen Legg's assertion that League anti-trafficking efforts functioned as 'normative projects' that shaped discourse around trafficking and,

[14] Robert M. Cover, "Violence and the Word," *The Yale Law Journal* 95, no. 8 (1986): 1607, https://doi.org/10.2307/796468; Deana Heath, *Colonial Terror: Torture and State Violence in Colonial India* (Oxford: Oxford University Press, 2021), 111.
[15] Ruthann Robson, "Incendiary Categories: Lesbians/Violence/Law," *Texas Journal of Women and the Law* 2, no. 1 (1993): 3.
[16] Cohen, "Transcendental Nonsense," 813-14.

ultimately, the legal definition of trafficking itself.[17] Therefore, paying attention to the creation of legal categories and their practical implications enables this study to reveal that categories of childhood in the law were historically constructed, and expose the dominant forces behind such constructions.

Histories of childhood

The suggestion that childhood is an historical construction has attracted significant scholarly debate. Existing histories of childhood and the law during the nineteenth and early twentieth centuries present this period as transformative, in that this era witnessed the emergence of the 'child' as a legal category defined exclusively by age. Yet this intersectional analysis of sexual offences law complicates this narrative.

Historians were first prompted to historicise childhood by Philippe Ariès's 1960 book *Centuries of Childhood*. While children have, of course, always existed in human history, Ariès's study of medieval and early modern France suggested that childhood as a concept had not. Rather, according to Ariès, the notion of childhood as a distinct phase of life emerged in the seventeenth century and was rooted in social and economic change that took place in Europe during the medieval and early modern periods.[18] Arguably the greatest achievement of Ariès' work was a provocation, as historians have since hurried to test this hypothesis in other historical contexts. This, combined with the 'cultural turn' of the 1970s, in which scholars turned to 'culture' as an object of study in the humanities, resulted in a rich exploration into childhood as an historical construction.[19] Lloyd deMause, for example, famously refuted Ariès's conclusion in a 1974 article, arguing that childhood was not an "invented" concept, but has instead been reconfigured over time through psychological

[17] Paul Knepper, "The Investigation into the Traffic in Women by the League of Nations: Sociological Jurisprudence as an International Social Project," *Law and History Review* 34, no. 1 (2016): 59-63, https://doi.org/10.1080/13688804.2014.949428; Stephen Legg, "'The Life of Individuals as well as of Nations': International Law and the League of Nations' Anti-Trafficking Governmentalities," *Leiden Journal of International Law* 25, no. 3 (2012): 648, 59-63, https://doi.org/10.1017/S0922156512000325.
[18] Philippe Ariès, *Centuries of Childhood: A Social History of Family Life*, Pimlico ed. (London: Pimlico, 1996), 125-30, 395-99.
[19] Louise A Jackson, "Youth and Modernity," *Journal of Contemporary History* 42, no. 4 (2007): 641, https://doi.org/10.1177/0022009407081923.

changes to parent-child relationships.[20] These arguments are not, however, necessarily mutually exclusive. For instance, Viviana Zelizer's examination of transformations to childhood in the United States between 1870-1930 demonstrated that, as children's economic value declined with the introduction of child labour laws and clampdowns on insuring children's lives, the sentimental value of children increased.[21]

Historical research on childhood certainly suggests that ideas about childhood were undergoing significant transformation in Britain during the long nineteenth century.[22] As Hugh Cunningham has shown, in the eighteenth century, Enlightenment-era Romantic conceptions of childhood, which theorised childhood as a distinct phase of life, vulnerable to corruption and, therefore, requiring protection, began to replace earlier Christian views of children as inherently corrupt and in need of salvation.[23] This shift had significant ramifications for conceptions of childhood. In the early-nineteenth century, these constructions gained popularity among middle-class philanthropists, in particular, who protested the corrupting impact of industrialisation on Britain's children. Campaigners were particularly inspired by John Locke's writing on education, in which he considered children to be 'blank slates' when it came to ideas and morality and viewed childhood as a life stage with its own inherent value.[24] Similarly, Jean-Jacques Rousseau's highly influential novel *Emile,* originally published in 1762, posed that all human beings were born 'good', but 'degenerate[s] in the hands of man.'[25] These visions of the Romantic child had to compete, however, with Evangelical Christian notions of childhood. While Enlightenment philosophers considered children as inherently innocent, Evangelical Christian thinkers conceived of children as imbued with original sin. Yet both groups emphasised the importance of educating children, either to inscribe the correct morals

---

[20] Lloyd DeMause, "The Evolution of Childhood," in *The History of Childhood: The Untold Story of Child Abuse*, ed. Lloyd DeMause (New York: Jason Aronson, Inc., 1974), 5-6, 51-54.
[21] Viviana A. Rotman Zelizer, *Pricing the Priceless Child: The Changing Social Value of Children* (Princeton: Princeton University Press, 1994), 25-27, 70-72, 132-37.
[22] The long nineteenth century refers to the period between the French Revolution, in 1789, and the outbreak of the First World War, in 1914. Cunningham, *Children and Childhood*, 67-132, 63.
[23] Ibid., 45-59.
[24] John Locke, *An Essay Concerning Human Understanding* (London: Ward, Lock, & Co. London., 1689) Internet Archive. 1 March 2025, 68-70, https://archive.org/details/in.ernet.dli.2015.218967/page/n3/mode/2up; Cunningham, *Children and Childhood*, 46-47.
[25] Jean-Jacques Rousseau, *Rousseau's Emile, Or a Treatise on Education*, trans. William H. Payne (New York: D. Appleton & Company, 1903) Internet Archive. 11 February 2025, 1, https://archive.org/details/in.ernet.dli.2015.55814/page/n9/mode/2up.

and standards on the *tabula rasa* of the child's mind, or to reform the inherently sinful child.[26] By the early nineteenth century, the Romantic child had largely prevailed over Evangelical constructions in social reform discourse; yet both conceptualised children as different to adults and, therefore, as requiring different treatment.[27]

This emerging theorisation of childhood as a distinct phase of life to be protected had significant bearing on wider discourses. Harry Hendrick, for instance, argues that, by 1914, a '"modern" notion of childhood was in place', as a category of childhood defined exclusively by age came to be 'legally, legislatively, socially, medically, psychologically, educationally and politically institutionalised.'[28] For example, while children in pre-industrial society had limited involvement in manual labour, rapid industrialisation and the growth of factories pushed children into industrial working environments in which they were expected to work much longer hours, all year-round.[29] Such labour practices cast the inherent physical differences in between younger and adult bodies in sharp relief, and rendered children as objects in need of protection.[30] This was intimately linked to the emergence of a medical discourse on childhood. For instance, an 1833 Royal Commission used physiological evidence of puberty and the changes in social status associated with it to declare that 13 was the age at which childhood ended; this knowledge went on to inform the 1833 Factory Act, which limited working hours based on age. As such, by the 1840s, the 'wage-earning child was no longer considered the norm.'[31] Similarly, the idea that children were distinct from adults was also reflected in new laws on education, as growing demands for working-class enfranchisement and the expansion of voting rights in 1867 and 1884 made politicians more anxious to educate potential voters.[32] In 1870

---

[26] Hendrick, "Constructions and Reconstructions," 36-38.
[27] Hugh Cunningham and Harry Hendrick disagree as to who won out in the philosophical debates over childhood. In the specific context of White Slave Traffic discourse, I find Cunningham's assessment - that the Romantic child prevailed - more convincing. Cunningham, *Children and Childhood*, 20; Hendrick, "Constructions and Reconstructions," 37-38.
[28] Hendrick, "Constructions and Reconstructions," 30.
[29] Cunningham, *Children and Childhood*, 67-71.
[30] Ibid., 111-17.
[31] Hendrick, "Constructions and Reconstructions," 35-40.
[32] Ginger Suzanne Frost, *Victorian Childhoods* (New York: Praeger, 2008), 37-38. For an overview of various accounts of the development of state education in Britain, see Neil J. Smelser, *Social Paralysis and Social Change: British Working-Class Education in the Nineteenth Century* (Oxford: University of California Press, 1991), 7-22. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_projectmuse_ebooks_9780520911543.

this led to the establishment of a national system of schooling for England and Wales and, by 1892, school attendance had become compulsory across Britain and Ireland.[33] The establishment of mandatory schooling both reflected and reinforced the idea that children were different to adults, and that childhood was a crucial life stage to be managed.

The concept of childhood as a distinctly vulnerable life stage was also reflected in the child welfare movement and the criminalisation of specific offences against children. The 1880s witnessed, for instance, the emergence of various Societies for the Protection of Children (SPCCs), with the London SPCC (established in 1884) reconstituted into the National or NSPCC in 1889.[34] These SPCCs sought to present violence towards children as something which could occur within the home, as well as in factories or on the streets.[35] Their campaigning for legislation to protect children from negligent or violent parents or guardians culminated in the passage of the Prevention of Cruelty to, and Protection of, Children Act (Children's Charter) in 1889.[36] The Act criminalised the wilful neglect, ill-treatment, abandonment or exposure of a child. Significantly, it also appeared to represent a new era of state involvement in the domestic and private lives of British citizens. For example, the Act enabled the state to remove a child (which in the Act referred to a male under the age of 14 or female under the age of 16) from the custody of their guardian if the person was found to be guilty of mistreatment.[37] It also empowered the police to enter homes and remove children suspected of being abused.[38] As such, the 1889 PCCA therefore embodies the argument, put forward by George Behlmer and Harry Ferguson, that this period was one of dramatic change in the configuration of the 'child' as an object, defined exclusively by age, to be protected by the state.[39]

---

[33] Compulsory schooling was introduced for Scotland in 1872, for England and Wales in 1880, and for Ireland in 1892. Education (Scotland) Act 1872, 35 & 36 Vict., c. 62; Elementary Education Act 1880, 43 & 44 Vict., c. 23; Irish Education Act 1892, 55 & 56 Vict., c. 42. In practice, however, enforcement was difficult. Frost, *Victorian Childhoods*, 37; Tony Fahey, "State, Family and Compulsory Schooling in Ireland," *Economic and Social Review* 23 (1992): 375-76.
[34] George K. Behlmer, *Child Abuse and Moral Reform in England, 1870-1908* (Stanford: Stanford University Press, 1982), 108-09.
[35] Ibid., 94-95.
[36] Prevention of Cruelty to, and Protection of, Children Act 1889, 52 & 53 Vict., c. 44
[37] Ibid., section 5.
[38] Ibid., section 6.
[39] Harry Ferguson, "Cleveland in History: The Abused Child and Child Protection, 1880–1914," in *In the Name of the Child*, ed. Roger Cooter (London: Routledge, 1992), 148-49; Behlmer, *Child Abuse and Moral Reform*.

This development of the child as a legal category reflected the broader emergence of the moral and political significance of childhood. As Joanna de Groot notes in her analysis of intersecting discourses on sex and race in nineteenth-century Europe, '[w]omen and natives' alike were portrayed as 'children in need of the protection […] of male/imperial authority by virtue of their weaknesses, innocence and inadequacy'.[40] Further, new ideas which conceived the 'child' subject as an 'entity in the making' imbued the 'child' with cultural capital as a metaphor, either for the future of the nation, or for the 'under-development' of colonised peoples.[41] In the colonial Indian context, Satadru Sen's examination of the juvenile justice system reveals how colonial attempts to reform Indian children constituted colonial experiments into the plasticity of childhood and ultimately produced knowledge on Indian children which served as 'evidence' of inherent Indian peculiarity and deviance.[42] In this context, childhood was 'partially delinked from age', as Indian children were constructed in colonial discourse as 'small perverse adults' while the Indian population more broadly was regarded as 'childish'.[43]

In histories of trafficking – a crime which was generally conceived as affecting 'women and children' – however, less attention had been paid to the notion that childhood was political, as scholarship has generally focused on questions of gender and race. Indeed, while the 'white slave traffic' has long been a significant topic of historical research, it is not the 'traffic' itself that has been most interesting to historians, but the moral panic it embodied; the extensive body of research on the 'white slave traffic' has demonstrated the value of the 'traffic' in rendering visible the constellation of fears and priorities which dominated late-nineteenth and early-twentieth century discourse.[44] It has been well-established that the panic over a 'traffic' in women and girls (child victims were generally

---

[40] Joanna De Groot, ""Sex" and "Race": The Construction of Language and Image in the Nineteenth Century," in *Sexuality and Subordination: Interdisciplinary Studies of Gender in the Nineteenth Century*, ed. Susan Mendus and Jane Rendall (London: Routledge, 1989), 98.
[41] Claudia Castañeda, *Figurations: Child, Bodies, Worlds* (Durham: Duke University Press, 2002), 4. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_dukeupress_books_org_bibliovault_9780822383895; Ashis Nandy, "Reconstructing Childhood: A Critique of the Ideology of Adulthood" reprinted in *A Very Popular Exile*, ed. Ashis Nandy (New Delhi: Oxford University Press, 2007), 59.
[42] Satadru Sen, *Colonial Childhoods: The Juvenile Periphery of India, 1850-1945* (Chicago: Anthem Press, 2005), 85-87.
[43] Ibid., 1, 55, 87.
[44] Jo Doezema, *Sex Slaves and Discourse Masters: The Construction of Trafficking* (London: Zed Books, 2010), 46. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991023424101707351.

considered to be female) was the result of a combination of the growing women's movement, social purity campaigns, concerns over female prostitution, fears over racial degeneration and anti-immigration sentiment.[45] While feminist social campaigners agitated against the 'traffic' on the basis that prostitution was a form of sexual slavery, the 'traffic' became a concern to governments because white women's sexual purity was so closely linked to the strength of the race and nation.[46]

Therefore, while close attention has been paid to the gendered construction of the traffic, historians have paid less attention to how *children* came to be objects of legal protection from trafficking in the early twentieth century, despite the fact that the 'white slave traffic' was often described as a traffic in 'women and *children'*. Notably, some scholars have noted that youth played a central role in the construction of an 'ideal victim'; as Jessica Pliley notes, 'sex workers were cleansed of blame due to their presumed youth' which suggested an 'inability to consent.'[47] Building on this scholarship, this thesis offers a more detailed explanation of why children came to be imagined as victims of the 'white slave traffic' and contends that this had significant ramifications for twentieth century international anti-trafficking law. Moreover, it is only by appreciating the power of youth as a symbol of sexual purity and the future of the British race that one can understand why, despite boys being included in legal protections from 1921, constructions of 'child' trafficking victims as female persisted in League of Nations anti-trafficking projects.

---

[45] Philippa Levine, "The White Slave Trade and the British Empire," in *Crime, Gender, and Sexuality in Criminal Prosecutions*, ed. Louis A. Knafla (London: Greenwood Press, 2002), 135-36; Doezema, *Sex Slaves*, 70-72; Heath, *Purifying Empire*, 85; Rachael Attwood, "A Very Un-English Predicament: 'The White Slave Traffic' and the Construction of National Identity in the Suffragist and Socialist Movements' Coverage of the 1912 Criminal Law Amendment Bill," *National Identities* 24, no. 3 (2022): 222-23, https://doi.org/10.1080/14608944.2021.1895096; Rachael Attwood, "Lock Up Your Daughters! Male Activists, 'Patriotic Domesticity' and the Fight Against Sex Trafficking in England, 1880-1912," *Gender & History* 27, no. 3 (2015): 614-18, https://doi.org/10.1111/1468-0424.12153; Limoncelli, *The Politics of Trafficking*, 19; Angus McLaren, *The Trials of Masculinity Policing Sexual Boundaries, 1870-1930* (Chicago: University of Chicago Press, 1997), 20-23; Paula Bartley, *Prostitution: Prevention and Reform in England, 1860-1914* (London: Routledge, 2000), 170-73; Lucy Bland, *Banishing the Beast: English Feminism and Sexual Morality 1885-1914* (London: Penguin, 1995), 297-302.

[46] Josephine Butler, "'"The Modern Slave Trade", Letter to the Editor of the Shield, 1 May 1880," in *Josephine Butler and the Prostitution Campaigns: Diseases of the Body Politic*, ed. Jane Jordan and Ingrid Sharp (London: Routledge, 2016), 20.

[47] Doezema, *Sex Slaves*, 49-50, 68, 81; Walkowitz, *City of Dreadful Delight*, 119; Deborah Gorham, "The "Maiden Tribute of Modern Babylon" Re-examined: Child Prostitution and the Idea of Childhood in Late-Victorian England," *Victorian Studies* 21, no. 3 (1978): 370.

Uncovering the politicisation of childhood also demands a critical examination of age as a category of analysis.[48] Such an approach considers how age was used to demarcate the boundaries of childhood, what modes of aging were in use, and how age could be known or evidenced in legal proceedings. Yet age has, until recently, been largely overlooked in historical research as a category of analysis. While historians of childhood have necessarily had to make note of the age of their subjects where possible, age has traditionally been presumed to be a natural, objective category that warrants less attention than other categories, such as gender or race. Yet, sociological research has provided important insights into what age signifies, different methods of accounting for age, cultural variation in aging practices, and how the structuring of a person's life cycle can be contingent on their gender.[49] Such conclusions make a strong case for intersectional approaches to theorising childhood. For instance, if the meaning or significance of age is contingent upon an individual's race or gender, then this has important ramifications for histories of childhood.[50] To quote Leena Alanen, 'children are *not only children*; they are girls/boys (i.e. gendered) and they are also in many cases "raced," dis/abled, classed, and ascribed ethnicity'.[51] Indeed, as Barrie Thorne has noted, History has an important role to play, alongside other disciplines, in uncovering how age – as an 'embodied form of difference' akin to race and gender – produces relations of power.[52] As this study makes clear, historical research on childhood and age therefore has much to offer to scholarly analyses of race, gender and sexuality.[53]

Examining age is, therefore, crucial to this study, not least because sexual offences laws had used chronological age to demarcate protections for children since the thirteenth century.[54] As Leslie

---

[48] Approaches from the discipline of History have been inspired by Joan Scott's call to interrogate gender as a historical category of analysis. Joan W. Scott, "Gender: A Useful Category of Historical Analysis," *The American Historical Review* 91, no. 5 (1986): 1054, https://doi.org/10.2307/1864376.
[49] Cheryl Laz, "Act Your Age," *Sociological Forum* 13 (1998): 92, https://doi.org/10.1023/A:1022160015408; Richard A. Settersten Jr and Karl Ulrich Mayer, "The Measurement of Age, Age Structuring, and the Life Course," *Annual Review of Sociology* 23, no. 1 (1997): 235-41, https://doi.org/10.1146/annurev.soc.23.1.233.
[50] Corrie Decker, "A Feminist Methodology of Age-Grading and History in Africa," *American Historical Review* 125, no. 2 (2020): 422-23, https://doi.org/10.1093/ahr/rhaa170.
[51] Leena Alanen, "'Intersectionality' and Other Challenges to Theorizing Childhood," *Childhood* 23, no. 2 (2016): 158-60, https://doi.org/10.1177/0907568216631055. Original emphasis.
[52] Barrie Thorne, "Crafting the Interdisciplinary Field of Childhood Studies," *Childhood* 14, no. 2 (2007): 150, https://doi.org/10.1177/0907568207078324.
[53] Barrie Thorne, "Editorial: Theorizing Age and Other Differences," *Childhood* 11, no. 4 (2004): 404-05, https://doi.org/10.1177/0907568204047103.
[54] Jackson, *Child Sexual Abuse*, 13.

Paris argues, while 'specific and immutable dates of birth' are a fact of human existence, whether or how these are recorded, and whether or how these come to signify age is historically and culturally contingent.[55] As Philippe Ariès has noted for France, seventeenth-century parents did not necessarily know their children's chronological ages, and chronological age was certainly not a universal mode of organising society in Europe during this time.[56] Howard Chudacoff argues that it was during the late-nineteenth century when chronological age came to be the primary mode of assessing aging in U.S. society, a change driven by developments in education and medicine, and their associated scientific ideals of standardisation.[57] Yet this question is comparatively under-researched in the British context. Examining the development of birth registration alongside evidentiary standards of age in legal proceedings for both Britain and India not only addresses this question; it exposes the inconsistencies between statutory laws which relied on age and how age was deployed in legal practice.

Building on recent methodological innovations, this thesis problematises the assumed neutrality and naturality of chronological age. As Corinne T. Field and Nicholas Syrett note, chronological age has been an important tool of modern Anglo-American and colonial state power, as states sought to impose standardised modes of ascribing age which enabled them to translate 'populations into categories that could be administered'.[58] Age, therefore, was highly political. Working on colonial India, Ishita Pande has sought to historicise chronological age as a European construct by tracing how it came to be imposed in the colonial Indian context. Pande identifies what she terms an 'epistemic contract on age' – the notion that chronological age provides a universal standard by which to measure capacity and, therefore, legal subjecthood.[59] According to Pande, the epistemic contract on chronological age was symbiotic to the colonial state, since chronological '[a]ge was inscribed into bodies through a range of bureaucratic procedures' by a state which increasingly

[55] Paris, "Through the Looking Glass," 107-08.
[56] Ariès, *Centuries of Childhood*, 16.
[57] Howard P. Chudacoff, *How Old Are You? Age Consciousness in American Culture* (Princeton: Princeton University Press, 1989), 1-8, 29-48. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991023468434807351.
[58] Corinne T. Field and Nicholas L Syrett, "Chronological Age: A Useful Category of Analysis Introduction," *The American Historical Review* 125, no. 2 (2020): 372, https://doi.org/10.1093/ahr/rhaa184.
[59] Pande, *Sex, Law, and the Politics of Age*, 19.

relied on recording and knowing the chronological ages of its subjects in order to manage the subject population.[60]

As chapter four attests, this process of recording births in colonial India was uneven – precisely because the colonial state concentrated its bureaucratic efforts on areas of the population which were most crucial to colonial rule. As a result, when it came to legal proceedings in which the age of a victim was in dispute, the judiciary had to rely on alternate methods of determining age.[61] In Victorian Britain, meanwhile, the epistemic contract on age – idealised in theory – proved to be incompatible with a social context in which gender and sexuality were inherently classed. To echo Laura Tisdall, it therefore makes little sense to impose arbitrary definitions of childhood using chronological age when determining an object of research.[62] Rather, this thesis problematises such arbitrary definitions, by asking how these definitions or categories were constructed, what they meant in practice, and how they were responded to. It is only by problematising chronological age as an objective mode of measuring age that the intersectional nature of legal categories of childhood can be revealed.

Histories of gender and sexuality

Arguably one of the most interesting contributions to the history of childhood have examined the relationship between childhood and sex. This is because, as Beth Bailey contends, '[i]t is sex, more than anything else that divides childhood from what comes after.'[63] Work on legal proceedings of child sexual abuse cases has demonstrated that the forms of sexual violence that were recognised in the law and taken seriously by the courts were shaped by both the broader social and cultural context,

[60] Ishita Pande, "Power, Knowledge, and the Epistemic Contract on Age: The Case of Colonial India," *The American Historical Review* 125, no. 2 (2020): 412, https://doi.org/10.1093/ahr/rhaa189.
[61] Tanika Sarkar has demonstrated this in the context of prohibition of *sati* (the self-immolation of a widow on her husband's funeral pyre), in which colonial officials attempted to institute a chronological age of consent. Tanika Sarkar, "'Is She a Child?' Emergence of Chronological Age in Colonial Bengal," in *Querying Childhood: Feminist Reframings*, ed. Elisabeth Schömbucher, Mary E. John, and Barbara Lotz (Taylor & Francis, 2025), 40-41.
[62] Laura Tisdall, "State of the Field: The Modern History of Childhood," *History* 107, no. 378 (2022): 7, https://doi.org/10.1111/1468-229X.13318.
[63] Bailey, "The Vexed History," 191.

and changing ideas about childhood.[64] When it came to sexual forensics in trials of sexual offences against children, courts responded 'most positively to medical evidence when it reinforced moral stereotypes and rape myths.'[65] Indeed, scholars have argued that the types of sexual contact between adults and children that were deemed harmful changed over time, as nineteenth-century preoccupations with moral harm began to be superseded by medical understandings of physical harm in the twentieth century.[66] Child sexual abuse has, therefore, been well-established by historians as a historical construct.[67]

It logically follows, then, to ask how legal categories in sexual offences law have been informed by other historically constituted categories, including gender, class and race. Drawing on Joan Scott's case for using gender as a category of analysis, examining the intersection between childhood, sexuality and the law demands an interrogation of how and why legal categories of childhood were gendered.[68] Indeed, as scholars have noted, 'age was a secondary consideration that was superimposed on existing gender-specific provisions'.[69] Yet, this is a question that has been generally overlooked in historical research on sexual violence; as Carol Smart notes, boys 'were not constituted as part of the historical story of child sexual abuse'.[70] Legal norms dictated that only women and girls could be raped, and criminalised sexual violence against men and boys as a homosexual rather than violent offence. As a result, the legal archive inevitably reflects this gendering. Yet the preoccupation of legislators and social campaigners with the protection of women and girls has been reflected in such histories. [71] An excellent study which has, nonetheless, reproduced such disparities is Louise Jackson's book *Child Sexual Abuse in Victorian England.* Jackson's detailed analysis of court proceedings provides an illuminating account of how what she terms 'child

[64] Jackson, *Child Sexual Abuse*, 2; Robertson, *Crimes Against Children*, 141-42.
[65] Bates, *Sexual Forensics*, 15.
[66] Smart, "A History of Ambivalence," 398.
[67] Ian Hacking, "The Making and Molding of Child Abuse," *Critical Inquiry* 17, no. 2 (1991): 264-69, https://doi.org/10.1086/448583.
[68] Scott, "Gender: A Useful Category of Historical Analysis," 1054.
[69] Adrian Bingham et al., "Historical Child Sexual Abuse in England and Wales: The Role of Historians," *History of Education* 45, no. 4 (2016): 415, https://doi.org/10.1080/0046760X.2016.1177122, https://liverpool.idm.oclc.org/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=ehh&AN=116268366&site=eds-live&scope=site.
[70] Smart, "A History of Ambivalence," 394.
[71] Jackson, *Child Sexual Abuse*, 4.

sexual abuse' was discovered, evidenced and prosecuted between 1830-1914. Jackson is attentive to the gendered construction of sexual violence; in 93 per-cent of the cases she analysed, the victim was female, and her book, understandably, reflects this disparity.[72] Her argument that the marginalisation boys was due to the role of social purity campaigners in mobilising support for legal reform, and their preoccupation with female sexual purity, is convincing. Yet, despite the book's title, Jackson's analysis is largely a history of *female* child sexual abuse.

This study seeks to move past the supposed 'absence' of boys in such histories to ask why child sexual abuse was conceived as primarily affecting girls. Judith Butler famously argued that feminist emancipation lies in thinking beyond the gendered subject itself.[73] Rather, Butler argued that 'the task is to formulate […] a critique of the categories of identity that contemporary juridical structures engender, naturalize, and immobilize.'[74] As such, it is necessary to move beyond 'defining women in terms of their sex, and extolling men as the bearers of a body-transcendent universal personhood'.[75] The merits of such a critical interrogation of gender is evidenced in Stephen Robertson's detailed examination of legal proceedings from New York between 1880-1960. For instance, Robertson argues that the relationship between age and consent was heavily informed by contemporary discourses and anxieties. In the earlier period of his study, boy victims did not have to demonstrate a lack of consent in sexual offences cases because sodomy laws (used to criminalise sexual abuse of boys) deemed consent to be irrelevant and, therefore, contained no provision for age of consent.[76] The relationship between chronological age and consent began to change after the 1930s, as the dissemination of new knowledge on 'adolescence' as a distinct life stage imbued with sexuality, combined with anxieties over sex crimes, meant that juries became more suspicious of whether boy victims had, in fact, consented to a sex act. Rather, determining a boy's capacity to consent was increasingly based on the jury's perception of his 'understanding', a highly subjective standard that had little to do with his age.[77] Similarly, Victoria Bates's study on the role of forensics in trials of

[72] Ibid.
[73] Butler, *Gender Trouble*, 2-7.
[74] Ibid., 7.
[75] Ibid., 13.
[76] Robertson, *Crimes Against Children*, 63.
[77] Ibid., 198-200.

sexual offences against children provides a more detailed analysis of boy victims. Significantly, Bates notes, signs of habitual sexual activity on a boy's body served to cast doubt on his victimhood; a 12-year-old boy, Bates notes, 'was neither a child nor a man' and 'filled the same dangerous space in the courtroom as the precocious girl'. This was, Bates argues, because boys and men who were believed to engage in homosex were considered inherently untrustworthy.[78] This is an important point, as it reveals how prevailing gender norms, and the notion of an ideal victim, impacted justice for both girls *and* boys.

It is worth also noting that, because sexual violence was understood to be perpetrated exclusively by men, the law did not generally recognise sexual violence perpetrated by women and girls.[79] Children who were victims of such offences were, therefore, likely to be least able to access justice. Indeed, it may be safe to assume that, given lesbian sex was essentially excluded from legal discourse, girls who were sexually assaulted by women occupied the ultimate legal blind spot.[80] Although this question is more about the identity of the perpetrator than legal categories of childhood, and is therefore outside of this study, this thesis provides a crucial foundation for further research on gendered conceptions of sexual violence.

Queer histories

To look for boys as objects of protection from sexual offences in the archive requires engaging with histories of gender and sexuality, including queer histories, since it was chiefly under laws criminalising homosex that boys were protected. As David Halperin attests, how sexuality and gender are configured, and the relationship between them, is a historical construct.[81] Indeed, it has been well documented that the nineteenth century witnessed a new theorisation of human sexual behaviour, as sex acts came to be interpreted as signalling an individual's inherent 'sexuality', with engagement in

[78] Bates, *Sexual Forensics*, 88.
[79] Jackson, *Child Sexual Abuse*.
[80] Derry, *Lesbianism and the Criminal Law*, 1-3, 87.
[81] David M Halperin, "How to Do the History of Male Homosexuality," *GLQ: A Journal of Lesbian and Gay Studies* 6, no. 1 (2000): 90, https://doi.org/10.1215/10642684-6-1-87.

homosex signalling an inherent pathology.[82] Yet the form of the sex act was important in what it signified for one's gender and moral status. In the nineteenth century, and into the twentieth, the emasculating effect of homosex was considered much more significant for the passive partner than the active partner.[83] As this thesis attests, this had direct implications for the protection of boys from sexual violence.

From the early-nineteenth century, the association between homosex and immorality became fortified by the notion that homosex directly threatened the strict gender codes of the period. Industrial development and the disruption to the social fabric it caused meant that gender roles took on new importance in maintaining what was perceived to be an increasingly unstable social order.[84] The threat homosex posed was not limited to Victorian domesticity, however, but was linked to wider discourses around evolution and racial decline: while heterosexual conjugal sex represented the pinnacle of civilisation, homosex was considered primitive and uncivilised.[85] That this had implications for white superiority is evident in the contradictory discourse around homosex. In the case of European troops, engaging in homosex – while officially prohibited – was not regarded as a sign of inherent pathology but understood as a circumstantial response to having restricted access to women.[86] Thus, gender and sexuality were intimately linked in complex and sometimes paradoxical ways.

Yet historians who have examined homosexuality and the law have generally neglected to consider children and age in their analyses. For instance, histories of the 1885 Criminal Law Amendment Act, which removed consent as a defence for gross indecency (used to punish homosex committed in both public and private) has considered this reform as circumscribing the rights of

---

[82] Foucault, *The History of Sexuality*, 24, 42-44.
[83] Halperin, "How to Do the History of Male Homosexuality," 96-97; Emma Vickers, *Queen and Country: Same-Sex Desire in the British Armed Forces, 1939-45* (United Kingdom: Manchester University Press, 2015), 58. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_globaltitleindex_catalog_8459026.
[84] Jeffrey Weeks, *Sex, Politics and Society: The Regulation of Sexuality Since 1800*, 4th ed. (Abingdon: Routledge, 2017), 29-35.
[85] Bleys, *The Geography of Perversion*, 156-61.
[86] Walkowitz, *Prostitution and Victorian Society,* 73-74; Philippa Levine, "Sexuality, Gender, and Empire," in *Gender and Empire*, ed. Philippa Levine (Oxford: Oxford University Press, 2004), 151-52; Vickers, *Queen and Country*, 57.

consenting gay men.[87] That the Act framed consensual sex between two men as just as grave an offence as a non-consensual act committed against a child has gone largely unremarked upon. Similarly, in his otherwise excellent study on colonialism and homosexuality, Robert Aldrich details relationships between white Europeans (often colonial officials) and young boys (often colonial subjects) but does not interrogate the significance of the boys' ages or possible status as 'children'.[88] While Aldrich largely analyses these relationships through the category of gender, much more can be gained from interrogating the additional power dynamics of age in such encounters.

The elision of boys from studies on sexual offences law perhaps reflects, as the following chapters will address, the fact that boys, as a distinctly vulnerable group, were often not differentiated from men in the law. Yet, that sexual offences against boys were not necessarily constructed as more harmful than homosex between men is revealing, as it attests to the role of power and hierarchies in constructing sexualities.[89] Since the effeminising and, therefore, harmful effects of homosex were lessened if one was the active partner, and since boys were conceived as being in a 'transitional state' of underdeveloped masculinity, homosex with a boy was considered to be less morally disruptive than homosex with another man.[90]

The absence of boys is particularly striking in scholarship on anti-trafficking. While earlier anti-trafficking campaigns and laws were clearly gendered in that they only pertained to 'women and girls', as noted above, the League of Nations adopted an explicitly gender-neutral definition of 'child' in its first anti-trafficking convention of 1921.[91] Yet his recognition of boys as objects of international legal protection, and what this meant in practice, has so far been overlooked.[92] Even Liat Kozma,

---

[87] Considering the Act specifically criminalised assaults on boys (and in a framework in which sexual aggressors were generally assumed to be men) it is surprising that analyses of legislation against homosexual acts make no mention of this change. Brady, *Masculinity and Male Homosexuality*, 85-118; Cocks, "Secrets, Crimes and Diseases," 109-12; Cook, "Law," 69.
[88] Robert Aldrich, *Colonialism and Homosexuality* (London: Routledge, 2003), 15-16, 288-89.
[89] Halperin, "How to Do the History of Male Homosexuality," 97.
[90] William A. Peniston, *Pederasts and Others: Urban Culture and Sexual Identity in Nineteenth-Century Paris* (New York: Routledge, 2011), 6. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991023418644207351.
[91] Article 2, International Convention for the Suppression of the Traffic in Women and Children, 30 September 1921, Chapter VII, 3, U. N. Treaty Series. https://treaties.un.org/doc/Treaties/1921/09/19210930%2005-59%20AM/Ch_VII_3p.pdf.
[92] Elizabeth A Faulkner, "Historical Evolution of the International Legal Responses to the Trafficking of Children: A Critique," in *The Palgrave International Handbook of Human Trafficking*, ed. Jackie Jones and John Winterdyk (Cham: Springer International Publishing, 2020), 82.

whose otherwise critical approach to League of Nations archives provides a rich history of how the League produced knowledge on 'Eastern' female sexuality, reproduces contemporary gendered assumptions that trafficking victims were always female and dismisses mentions of boy victims in the archive as not relevant to the question of sexual exploitation.[93]

Indeed, male sexual violence often appears elusive in the archive as an unspeakable act. Yet examining how those rare utterances of male sexual violence come to exist within the archive provides fascinating insights into sexuality, power and knowledge production.[94] Anjali Arondekar has argued that queer history methodology should be less about a 'frenzied "finding" of new archival sources', and more about attempting to understand the processes by which a queer subject is rendered legible in the archive. This approach is fundamental to reading traces of boy victims in anti-trafficking reports, as the League of Nations archive does contain traces of boys as trafficking victims. Examining how those rare utterances of come to exist within the archive offers important insights into sexuality, power and knowledge production.[95]

For much of the colonised world, homosex was imagined as endemic and considered in colonial discourse to be proof of both innate racial inferiority, and weakness communicated through the language of effeminacy.[96] One's perceived sexuality, therefore, was a powerful symbol of morality, gender and strength. In other words, sexuality held critical political significance and, as this thesis attests, this dictated which children could be recognised as potential victims of sexual offences. Thus, rather than reading the sparse appearances of the male child as evidence (or lack) of a traffic in boys, this thesis asks how and why certain mentions of male children are able to exist within the archive, in order to unpick the tension between their appearance and the overarching priorities of League anti-trafficking work.[97] As colonised zones had, by the 1920s, a long history of being

---

[93] Kozma, *Global Women*, 35-36.
[94] Deana Heath, "Torture, the State, and Sexual Violence against Men in Colonial India," *Radical History Review* 2016, no. 126 (2016): 127-31, https://doi.org/10.1215/01636545-3594469.
[95] Ibid.
[96] Bleys, *The Geography of Perversion*, 161-92.
[97] This approach is inspired by Anjali Arondekar's work on queer archives. See especially Arondekar's treatment of the missing 1845 report by Richard Burton on pederasty in Karachi brothels, in Anjali Arondekar, *For The Record: On Sexuality and the Colonial Archive in India* (London: Duke University Press, 2010), 2, 31-39. See also Anjali Arondekar, "In the Absence of Reliable Ghosts: Sexuality, Historiography, South Asia," *Differences: A Journal of Feminist Cultural Studies* 25, no. 3 (2014): 99-100, https://doi.org/10.1215/10407391-2847964.

imagined as sites of sexual debauchery and homosexuality, this study uses Rudi Bley's notion of 'geographies of perversion' to contend that it was precisely this sexual imaginary which delineated the conditions under which male children could appear in the archive as victims of trafficking.[98]

Class and race

Ideas about racial difference and sexuality were also distinctly tied to class in Britain. Indeed, the class of both a child victim and a defendant played a significant role in the outcome of sexual offences trials. For example, as Louise Jackson has shown, the likelihood of a conviction was heavily dependent on a defendant's class: the higher his class and social status, the less likely he was to be convicted.[99] For working-class victims, meanwhile, the possibility of sexual violence was overlooked and its effects minimised: for example, venereal disease was often written off as the result of unhygienic living conditions among the poor.[100] Similarly, Laura Lammasniemi has shown how, despite the fact that girls under 16 were deemed unable to consent in England and Wales after 1885, the notion of working-class girls as 'precocious' meant that consent in cases involving girls under 16 was still debated in trials.[101] Thus, it has been well established that working-class children were not afforded the same legal protections as middle- and upper-class children from sexual violence. What has been less well documented in these studies, however, is why this was the case. Class was not an isolated category in Britain; it was inextricably linked to race. For instance, the poorer classes were frequently depicted by middle-class commentators racially 'other' to the white British ideal. Thus, this thesis contends that understanding sexual offences law in Britain and its colonies requires a consideration of how British society conceived of race in Britain.

By teasing out how Britain's position as an empire generated racial anxieties in Britain, and how these manifested in sexual offences law, this thesis therefore contributes to the wider school of what is termed 'new imperial history'. This body of work first emerged in the 1990s, inspired by the

[98] Bleys, *The Geography of Perversion*, 9.
[99] Jackson, *Child Sexual Abuse*, 107-31.
[100] Ibid., 75-76.
[101] Lammasniemi, ""Precocious Girls"," 245.

postcolonial turn which, in the discipline of History, sought to examine the legacies of colonialism in both empirical and methodological terms.[102] New imperial histories have applied this approach to the metropolitan centres of empire (i.e., Britain), demonstrating that 'empire' was not something that only occurred in the colonies but that also had an active role in shaping metropolitan culture, society and politics. For instance, such research has demonstrated the role of imperialism in shaping gender norms in both Britain and in the colonies.[103] For instance, while Indian patriarchal reformists sought to adopt Victorian gender ideals, British women used the empire to carve out their own space in the British political sphere.[104] In turn, Indian women appropriated both colonial and Indian nationalist discourses on Indian womanhood to construct Indian feminism as fundamental to Indian self-determination.[105]

Such a 'refashioning' of nationalist discourses into a feminist agenda was possible because of the linkage between gender and the nation.[106] Ann McClintock has shown how Western configurations of 'family', based on supposedly 'natural' hierarchies, justified imperial hierarchies of rule in which colonies were configured as children and women were 'typically constructed as the symbolic bearers of the [imperial] nation'.[107] This responsibility manifested in controls over women's sexuality and childbearing, as anxieties around sexuality and bodily health became embodied in laws designed to regulate the spread of sexually transmitted diseases and lower infant mortality rates.[108] That the sexual purity of women came to be considered as crucial to the future of the British race is

---

[102] A postcolonial approach to History not only examines how colonialism shaped, for example, politics and economies, but also how colonialism has influenced how historians approach the archive and, crucially, the structure and contents of the archive itself. See, for example, Dipesh Chakrabarty, "Postcoloniality and the Artifice of History: Who Speaks for "Indian" Pasts?," *Representations*, no. 37 (1992): 1-4, https://doi.org/10.2307/2928652; Chakrabarty, *Provincializing Europe,* 41-42; Chatterjee, *The Nation and Its Fragments*, 10; Gayatri Chakravorty Spivak, "The Rani of Sirmur: An Essay in Reading the Archives," *History and Theory* 24, no. 3 (1985): 263-70, https://doi.org/10.2307/2505169; Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton: Princeton University Press, 2009), 19-25.
[103] Frederick Cooper and Ann Laura Stoler, "Between Metropole and Colony: Rethinking a Research Agenda," in *Tensions of Empire: Colonial Cultures in a Bourgeois World*, ed. Frederick Cooper and Ann Laura Stoler (Berkeley: University of California Press, 1997), 23; Catherine Hall, *Civilising Subjects: Metropole and Colony in the English Imagination, 1830-1867* (Cambridge: Polity, 2002), 125.
[104] Partha Chatterjee, "The Nationalist Resolution of the Women's Question (1989)," in *Empire and Nation: Selected Essays*, ed. Partha Chatterjee (New York: Columbia University Press, 2012), 127; Antoinette Burton, *Burdens of History: British Feminists, Indian Women, and Imperial Culture, 1865-1915* (Chapel Hill: University of North Carolina Press, 1994), 171-72.
[105] Mrinalini Sinha, "Refashioning Mother India: Feminism and Nationalism in Late-Colonial India," *Feminist Studies* 26, no. 3 (2000): 629-36, https://doi.org/10.2307/3178643.
[106] Ibid., 623.
[107] McClintock, *Imperial Leather*, 207-25, 353-58.
[108] Magubane, *Bringing the Empire Home*, 114.

critical to understanding legal protections for children. Building on the work of McClintock, this thesis contends that the reification of (middle-class, white) British women was precisely the reason why it was white, middle-class girls who were the 'types' of children deemed most worthy of legal protection.

Colonialism and the age of consent

To assert that race and imperialism informed the construction of laws protecting children from sexual offences is not new, as histories of age of consent reforms in the British Empire have long demonstrated the imperial connections in the makings of these laws. Before turning to these, however, it is worth first considering what drove British colonial authorities to become embroiled in legislating on sexual offences, since these motivations are fundamental to understanding how legal categories of childhood were constructed.

The vast body of scholarship on colonial India has successfully debunked the dominant discourse of colonial officials that colonialism was a benevolent endeavour. Research on the involvement of colonial courts in gendered and sexual violence suggests that the colonial judiciary was often more concerned with upholding patriarchal norms and the notion of European superiority than with protecting Indian women.[109] While colonial discourse presented colonial rule in India as 'white men saving brown women from brown men', this was certainly not the reality.[110] Rather, colonial administration of criminal law was the result of a gradual extension of colonial control over Indian institutions. This ultimately placed colonial authorities in a difficult position as, to put it simply, administering sexual offences law was not a priority of colonial authorities.

In India, the administration of criminal law began with the East India Company's acquisition of the right to administer revenue collection from the Mughal emperor in 1764, which required

[109] Singha, "Making the Domestic More Domestic," 310-24; Durba Ghosh, *Sex and the Family in Colonial India: The Making of Empire* (Cambridge: Cambridge University Press, 2006), 170-91; Elizabeth Kolsky, *Colonial Justice in British India: White Violence and the Rule of Law* (Cambridge: Cambridge University Press, 2010), 199-203.
[110] Spivak, "Can the Subaltern Speak?," 297.

Company officials to understand and administer indigenous law. This necessitated the translation of what Company officials viewed as Indian legal texts into legal codes.[111] As officials felt that upending indigenous legal systems was not conducive to the maintenance of stability in managing the territories under its administration, the Company was ostensibly committed to adhering to indigenous legal norms where possible.[112] Yet, the Company considered involvement in the social lives of its Indian subjects to be unnecessary to its broader goals of revenue extraction. Therefore, when it came to the administration of law, Company officials separated what they regarded as 'public' law, such as law relating to revenue collection, from 'personal law'. Under Company rule, 'public' law was largely informed by Islamic legal norms – specifically those from the Hanafi tradition – inherited from the Mughal state.[113] For 'personal' law, Company officials sought to differentiate along religious lines and adopted separate legal codes for what they constructed as Hindu and Muslim 'personal law'. This separation was inherently gendered, as matters relating to 'women, family and tradition' were relegated to the private or 'personal' sphere.[114] Moreover, while colonial officials perceived Indian public law to be more adaptable to European Enlightenment principles, such as the protection of individual property, personal law embodied the Company's attempt to preserve religious and moral norms and limit social change.[115]

---

[111] Preeti Nijhar, *Law and Imperialism: Criminality and Constitution in Colonial India and Victorian England* (London: Routledge, 2015), 100; Michael Anderson, "Islamic Law and the Colonial Encounter in British India," in *Institutions and Ideologies: A SOAS South Asia Reader*, ed. David Arnold and Peter Robb (Surrey: Curzon Press, 1993), 13-16.

[112] William Bolt, *Considerations on Indian Affairs; Particularly Respecting the State of Bengal and its Dependencies*, 2nd ed. (London: J. Almon, 1772), 75-111. Research has shown that the Mughal state was not quite as decentralised and non-interventionist as Company officials perceived, and did, in fact, take some role in social regulation. See M Reza Pirbhai, "A Historiography of Islamic Law in the Mughal Empire," in *The Oxford Handbook of Islamic Law*, ed. Anver M. Emon and Rumee Ahmed (Oxford: Oxford University Press, 2018), 498-99; Dilbagh Singh, "Regulating the Domestic: Notes on the Pre-Colonial State and the Family," *Studies in History* 19, no. 1 (2003): 69-86, https://doi.org/10.1177/025764300301900104.

[113] The privileging of Hanafi law specifically was down to the Governor of Bengal, Warren Hastings, selecting a Hanafi text to be translated and used in Company courts. Anderson, "Islamic Law and the Colonial Encounter in British India," 174.

[114] Singha, "Making the Domestic More Domestic," 314-15, 39; Elizabeth Kolsky, "The Rule of Colonial Indifference: Rape on Trial in Early Colonial India, 1805-57," *The Journal of Asian Studies* 69, no. 4 (2010): 1095-96, https://doi.org/10.1017/S0021911810002937.

[115] David A Washbrook, "Law, State and Agrarian Society in Colonial India," *Modern Asian Studies* 15, no. 3 (1981): 652-53, https://doi.org/10.1017/S0026749X00008714; Anderson, "Islamic Law and the Colonial Encounter in British India," 174.

The Company was, therefore, keen to preserve its resources for areas of law that directly aided its authority – in other words, for the maintenance of peace and public order. By contrast, colonial officials considered any interference in 'personal law' to be antithetical to revenue extraction, which demanded some degree of political stability, as colonial officials conceived of Indian society as harbouring a zealous commitment to religious doctrines, which governed social norms. Colonial authorities, therefore, believed that intervention into Indian social practices, including the regulation of sexual relations, would potentially cause Indians to rise up against Company rule.[116] Certainly, sexual offences law, which came under criminal law and which, therefore, was classed as 'public' law, occupied an uneasy position in the mind of colonial officials. It was this contradiction, of a colonial state that sought to justify its rule on the grounds of uplifting Indians, and its ostensible desire to avoid interfering in Indian social norms, that characterised much of the colonial government's approach to issues relating to law, gender and sexuality throughout the colonial period.

This is not to say that the Company did not intervene in the domestic or private sphere in India; indeed, the need to justify colonial law under the guise of a 'civilising mission' did demand involvement in such issues. Yet, such interventions were not necessarily emancipatory for women. For instance, Radhika Singha has detailed how early colonial criminal law imbued Indian patriarchs with greater authority over the women in their household by, for example, allowing 'provocation' as a defence in cases of a wife's murder by her husband.[117]

Such contradictory positions towards social reform of avoidance and intervention were crystallised over the course of the nineteenth century. During this period, the nature of colonial rule, and with it the administration of law, underwent a profound transformation, and attempts to preserve indigenous legal norms were gradually eroded. This process began when, towards the end of the eighteenth century, the exact nature of Company rule in India came under the scrutiny of the British parliament. Between 1788 and 1795, the Governor General of Bengal, Warren Hastings, was put on trial in Britain on corruption charges. The rapid accrual of wealth by Company merchants had been met with growing unease by the British establishment. This was ostensibly because of allegations that

[116] Mani, "Production of an Official Discourse," 34-35.
[117] Singha, "Making the Domestic More Domestic," 320-22.

Company merchants were embezzling from Indian leaders, but it was also rooted in discomfort, in Britain, at men of no great social standing travelling to India and returning with vast wealth.[118] Hastings was ultimately acquitted; nevertheless, following his trial, Company rule became subject to closer regulation by the British government.[119] Following campaigns in Britain by the increasingly influential free trade lobby, which opposed the East India Company's monopoly over Indian trade, the Company's monopoly was withdrawn by the British parliament in 1813.[120] Further, after the British victory in the final Anglo-Maratha war in 1818, Company officials began to turn away from conquest and towards developing a stable system of rule in India to protect its ability to extract wealth from Company territories.[121]

This period also witnessed a conflict between competing ideologies of colonial governance. The profiteering of Company merchants was decried by those who wished to see Company rule in India take on the task of uplifting Indians spiritually and morally through European education and conversion to Christianity. This ideology was also motivated by profit, as its supporters believed 'uplifting' Indians from poverty through education would, in turn, open up a market in India for British goods.[122] This position constructed British norms and morals as superior, and India's population as barbarous and in need of civilising. Through this framing, colonial rule was presented as a moral project, and the imposing of British norms and values onto Indians was for the benefit of Indian society, rather than colonial profit.

Within such 'civilising mission' rhetoric, gender norms which had emerged in late-eighteenth century Britain were refracted through a colonial lens in India. Colonial officials increasingly presented Indian women as degraded and in need of protection, and Indian men as failing in this masculine duty. Further, this discourse cast Indian men as barbarous and a threat to the welfare of

---

[118] Tillman W. Nechtman, *Nabobs: Empire and Identity in Eighteenth-Century Britain* (Cambridge: Cambridge University Press, 2010), 92-109.
[119] Nicholas Dirks has argued that rather than undermining empire, Hastings's trial served to align the activities of the East India Company with the interests of the British state, since the trial and subsequent reforms served to remove the 'stain of commercial origins' of the colonial state, which, in turn, enabled Britain's colonial expansion in India to be justified in Enlightenment-coded language of liberty and civilisation. See Nicholas B. Dirks, *The Scandal of Empire: India and the Creation of Imperial Britain* (London: Belknap Press of Harvard University Press, 2006), 87-131, 236-42, 315-28.
[120] Eric Stokes, *The English Utilitarians and India* (Oxford: Oxford University Press, 1959), xiv, 38-40.
[121] Ibid., 13.
[122] Ibid., 32-34.

Indian women. As Lata Mani has shown in the case of *sati*, which is the practice of the self-immolation of a Hindu widow on her husband's funeral pyre, the pitiable condition of Indian women was produced in colonial discourse as an emblem of Indian backwardness.[123] As previously noted, in contemporary British gender norms, the ideal man was a protector of women; in the colonial imagination, Indian men were not only incapable of this, but actively subjected Indian women to barbarous treatment. The welfare of Indian women and, necessarily, girls, therefore emerged as a central justification of colonial rule. Yet precisely *how* colonial law took up this issue was also a product of the priorities and nature of colonial rule.

In the late-eighteenth century, tensions emerged over the question of whether to preserve Indian norms and systems, or whether to Anglicise them.[124] In the end, those advocating for the latter won out. Beginning in 1790, Governor-General Cornwallis embarked on a reorganisation of the criminal justice system. As such, he abolished district criminal courts which were staffed by Indian judges and law officers, and replaced them with circuit courts, to be staffed by two British judges and two Muslim law officers (a *qazi* and a *mufti*).[125] The Muslim law officers were responsible for issuing *fatwas,* or sentences, which were to be approved by the British judge. Capital cases and those requiring a second opinion in sentencing were referred to the *Nizamat Adalat*.[126] Following the 1790 reforms, the *Nizamat Adalat* was also to be overseen by a British judge, supported by a *qazi* and two *muftis*.[127]

This extension of colonial authority necessitated the decline of indigenous power in colonial courts. From 1817, *Nizamat Adalat* judges were able to disregard a *fatwa* in the case of acquittals; and by 1822 *fatwas* of conviction could also be overturned. Ten years later, *fatwas* were no longer required in cases referred to the court.[128] The gradual erosion of so-called 'traditional' legal practices

---

[123] Lata Mani, *Contentious Traditions: The Debate on Sati in Colonial India* (Berkeley: University of California Press, 1998), 79. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1dg072n/alma991025704270107351.
[124] Stokes, *The English Utilitarians and India*, 25-47.
[125] A *qazi* is an Islamic judge; a *mufti* is an Islamic legal expert.
[126] The chief criminal court. Arthur Aspinall, *Cornwallis in Bengal: The Administrative and Judicial Reforms of Lord Cornwallis in Bengal, Together with Accounts of the Commercial Expansion of the East India Company, 1786-1793, and of the Foundation of Penang, 1786-1793* (Manchester: Manchester University Press, 1931), 71.
[127] Ibid., 70; Kolsky, "The Rule of Colonial Indifference," 1096.
[128] Orby Mootham, *The East India Company Sadar Courts* (Bombay: N. M. Tripathi, 1983), 34.

reached its peak after the 1857 rebellion, as the British crown took control of Company territory the following year. As noted in the introduction, the 1857 Rebellion fortified colonial constructions of Indian society as violently committed to religious and social customs, which was reflected in the colonial government's commitment to a policy of non-interference in religious or social matters.[129] Additionally, the Rebellion prompted a significant overhaul of the colonial legal system. As part of the post-1857 tightening of British control over India, the *Nizamat Adalat* courts were abolished, along with the Muslim law officers, and replaced by High Courts.[130] While the reforms to the legal system in the wake of 1857 marked a significant shift in colonial policy away from a reliance on Indian legal norms, Indians did still play a role in the colonial legal system as the colonial judiciary was comprised of both Europeans and Indians (although senior roles, like that of High Court judge, were generally occupied by Europeans).[131]

In 1862, the Raj, as colonial rule under the crown became known, also sought to codify Indian law through enacting the Indian Penal Code and the Code of Criminal Procedure.[132] Yet, the task of codifying indigenous law was inherently riddled with problems. The application of those texts that Company officials had understood to be India's versions of legal codes were, in practice, heavily determined by context, rather than doctrine. Moreover, this emphasis on context meant that legal decisions were never based on precedent, which was a concept central to the British justice system.[133] As Company officials considered Indian legal texts to be legal doctrine, and often ignored pre-colonial legal norms which drew heavily on context to inform a legal ruling, British attempts to administer indigenous law, therefore, marked a significant departure from pre-colonial law. The impact of this is especially clear in the codification of Hindu personal law, for which the British relied

---

[129] "Proclamation by the Queen," 204.
[130] More Atul Lalasaheb, *An Appraisal of the Judicial System in India: A Critical Study on Judicial Independence vis-à-vis Judicial Accountability* (Raleigh: Lulu Publication, 2015), xlviii; Kolsky, "The Rule of Colonial Indifference," 1096.
[131] Abhinav Chandrachud, *An Independent, Colonial Judiciary: A History of the Bombay High Court during the British Raj, 1862-1947* (Delhi: Oxford University Press, 2015), 23-38. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_jndl_porta_oai_ndlsearch_ndl_go_jp_R100000136_I1130282270616467328.
[132] Indian Penal Code (Act 45) 1860; Code of Criminal Procedure (Act 10) 1882.
[133] Nicholas B Dirks, "From Little King to Landlord: Property, Law, and the Gift under the Madras Permanent Settlement," *Comparative Studies in Society and History* 28, no. 2 (1986): 321-22, https://doi.org/10.1017/S0010417500013888.

both on *pandits* and on religious texts they identified as pertaining to law.[134] While both sources privileged Brahmanical, or high-caste legal norms, the British failed to grasp that Brahmanical customs did not apply to the entire Hindu population. The result was the construction of a Brahmanical Hindu 'personal' law as the legal norm in colonial civil courts which, in turn, served to crystallise the caste system.[135] As many scholars have noted, codification did not, therefore, simply constitute a translation of indigenous law, but, in many ways, resulted in a fundamental transformation of it.[136]

Such developments were particularly devastating for Indian women who, while 'bound by the constraints of traditional society', had at least benefitted from the flexibility of pre-colonial context-based law which recognised individual circumstances in the commission of a crime. As Padma Anagol has shown, the colonial state's rigid interpretation of indigenous custom prohibiting widow remarriage and the criminalisation of infanticide exposed widows who were placed in impossible positions – pregnant with an 'illegitimate' child – to the full force of the law.[137] This process was supported and aided by Indian men, who sought to use colonial laws to punish women for their perceived sexual transgressions.[138]

Despite attempts to impose British norms on pre-existing legal systems in India, the colonial government struggled with how to regulate Indian society. Central to this was the question of gender relations, including sexuality. On the one hand, colonial officials increasingly pursued a nominal policy of non-interference in social issues. On the other hand, because colonial rule had become increasingly justified as a moral project for the uplift of Indian women, the colonial government had to at least be seen to be responding to issues of female welfare. To square this contradiction, colonial officials employed what Partha Chatterjee has termed the 'rule of colonial difference'.[139] As India's

---

[134] Pandits were Hindu scholars of the Brahmin (priest) caste. Such texts, like the Qu'ran for example, had never been directly applied as a legal source. See Anderson, "Islamic Law and the Colonial Encounter in British India," 173. For Hindu personal law, the British relied on a translation of the Dharma Shastra. See Elisa Giunchi, "The Reinvention of "Sharīʿa" under the British Raj: In Search of Authenticity and Certainty," *The Journal of Asian Studies* 69, no. 4 (2010): 1127, https://doi.org/10.1017/S0021911810002895.
[135] Washbrook, "Law, State and Agrarian Society," 653.
[136] Dirks, "From Little King to Landlord," 330.
[137] Padma Anagol, "The Emergence of the Female Criminal in India: Infanticide and Survival Under the Raj," *History Workshop Journal* 53, no. 1 (2002): 73, https://doi.org/10.1093/hwj/53.1.73.
[138] Ibid., 81.
[139] Chatterjee, *The Nation and Its Fragments*, 4, 10, 16-18.

status as 'uncivilised' had so clearly justified Indian subordination, the British had an active interest in presenting Indians as intolerant of social reform, which served to cast India as being in a state of perpetual backwardness. This construction served a dual purpose. As colonial discourse portrayed Indian women as being degraded by specifically 'Indian' practices such as *sati* and infant marriage – practices of which, according to colonial discourse, Indian men would not tolerate reform – this absolved the colonial state of responsibility for its Indian female subjects.

As existing scholarship on colonialism and imperialism attests, age of consent reform is a particularly insightful lens through which to explore the nature of colonial power. In the context of colonial India, Mrinalini Sinha has demonstrated how debates over reforming the age of consent for girls, beginning in the 1880s, were articulated between British colonial officials and élite Indian men through a shared lexicon of masculinity.[140] Meanwhile, Himani Bannerji has shown how these debates produced discourses on a 'perverted' Indian sexuality which served to justify India's subjection to colonial rule.[141] Others have also framed colonial Indian age of consent reform in political terms. Tanika Sarkar has demonstrated that, because proposals to raise the age of consent threatened to impinge on certain Hindu Orthodox marriage rites, the Indian female body was configured in these debates as a battleground on which male Orthodox and Nationalists alike sought to defend 'Indian' tradition.[142] Philippa Levine argues that, as age of consent reform in India was fundamentally about legislating male access to female bodies, British attempts to circumscribe the conjugal rights of Indian men were emblematic of colonial denials of Indian sovereignty. Moreover, Levine's transnational study of age of consent reforms across the British Empire has demonstrated that age of consent law was implicitly raced. In exploitation colonies, the British argued that tropical climates hastened female sexual maturity and that this justified lower ages of consent compared to similar laws in temperate countries. Yet lower ages of consent were not applied in tropical settler colonies, as these more closely mirrored British law. The age at which a girl could consent to sex was therefore based on race, rather than climate. Furthermore, while capacity to consent was configured as both mental

[140] Sinha, *Colonial Masculinity*, 140.
[141] Bannerji, "Age of Consent," 34-36.
[142] Sarkar, *Hindu Wife, Hindu Nation*, 234-35.

capacity to consent and physical development for white girls, for indigenous girls it was discussed only in terms of their physical 'readiness' for sexual intercourse.[143]

The use of climate to denote racial difference, and racialised constructions of age, also emerged in international humanitarian discourse. Ashwini Tambe uses the question of age of consent to inform her reading of League anti-trafficking and humanitarianism, in which she exposes the incompatibility of liberal ideals of universality with imperialism.[144] In an environment in which evoking racial difference had come to be seen as uncouth, yet where racial difference underpinned the imperial world order, climate emerged as an unproblematic byword for race. Climate, therefore, provided convenient evidence of the inherent difference of colonised zones, which could justify differential treatment under the law.

That constructions of racial difference as engendering innate biological difference were used to justify different treatment or protections of non-white peoples under the law has been observed beyond age of consent law. In colonial India, white Europeans on trial for murder of Indians drew on medical constructions of Indian spleens as diseased and, therefore, susceptible to rupturing in order to plead to a lesser charge of culpable homicide without intent to murder.[145] In the debates that preceded the 1899 Hague Convention, which set out international law and custom on warfare, British delegates refused to sign a prohibition on hollow-tipped bullets, which were designed to expand on impact and inflict maximum damage to the victim. While the British generally accepted that such bullets should not be used against 'civilised' (read: white) adversaries, they constructed non-white peoples as 'savages' who, "indifferent to pain", "go on fighting even when desperately wounded".[146] That biological constructions of racial difference infused legal reasoning, resuling in lesser legal

[143] Levine, "Sovereignty and Sexuality," 22-24, 29-30.
[144] Ashwini Tambe, "Climate, Race Science and the Age of Consent in the League of Nations," *Theory, Culture & Society* 28, no. 2 (2011): 109-10, https://doi.org/10.1177/0263276410380942.
[145] Jordanna Bailkin, "The Boot and the Spleen: When Was Murder Possible in British India?," *Comparative Studies in Society and History* 48, no. 2 (2006): 475-81, https://doi.org/10.1017/S001041750600017X.
[146] Surgeon-Major J. B. Hamilton quoted in Kim Wagner, "Savage Warfare: Violence and the Rule of Colonial Difference in Early British Counterinsurgency," *History Workshop Journal* 85 (2018): 224, https://doi.org/10.1093/hwj/dbx053; Director General of Ordnance quoted in Kim Wagner, "Expanding Bullets and Savage Warfare," *History Workshop Journal* 88, no. 1 (2019): 282, https://doi.org/10.1093/hwj/dbz044.

protections for non-white peoples, renders clear the role of law in perpetuating racial difference and legitimating otherwise criminalised forms of violence against racialised groups.

Such reasoning pervaded debates at the League of Nations over the institution of an international age of consent for trafficking. Drawing on Tambe's elucidation of colonial reasoning in League anti-trafficking projects, this thesis contributes to wider scholarly discussions of the role of imperialism in the League of Nations. Recent scholarship has exposed the imperialist sentiments at play in early twentieth-century internationalism. Mark Mazower, for instance, has shown how key actors in the creation of the League of Nations envisaged empire as essential to international humanitarianism and global peace.[147] Antony Anghie has argued, furthermore, that the League of Nations mandate system served as a mechanism for the continuation of imperial power – both through the assignment of territories to imperial powers through the mandate system, and the use of imperial hierarchies of 'civilisation', which measured 'civilisation' according to European norms, to denote the kind of oversight a mandated territories required.[148] While Susan Pedersen has challenged Anghie's reading of the mandate system, arguing for a more nuanced conceptualisation of the League and its mandate system as a site through which empire could be circumscribed and contested, both scholars evidence the role of imperialism in the making of early-twentieth century international law.[149] Stephen Legg has also built on this work to demonstrate how the League served as an arena for contests over sovereignty. The League's inclusion of India as its only non-sovereign member following India's contribution to the First World War and the efforts of Indian nationalists – which will be addressed in detail in chapter six – prompted difficult questions, furthermore, about sovereignty, as India possessed a degree of self-government in the international arena that it did not have at the national level.[150] The League therefore served as an international forum in which India could stake claims to civilisation and

---

[147] Mark Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations* (Princeton: Princeton University Press, 2009), 84-86. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_proquest_ebookcentral_EBC4968594.

[148] Antony Anghie, *Imperialism, Sovereignty, and the Making of International Law* (Cambridge: Cambridge University Press, 2005), 148. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1oeaegk/cdi_globaltitleindex_catalog_270361218.

[149] Pedersen, *The Guardians*, 74, 191-93.

[150] Stephen Legg, "An International Anomaly? Sovereignty, the League of Nations and India's Princely Geographies," *Journal of Historical Geography* 43 (2014): 109, https://doi.org/10.1016/j.jhg.2013.03.002.

the capacity to self-rule. As such, this thesis asserts that League anti-trafficking projects – and the legal categories of childhood they deployed – were undeniably shaped by these wider political concerns.

A 'careful' history of sexual offences against children

A final note on research ethics and terminology. This thesis is not a history of *children* – their actions, thoughts, lives – but a history of *childhood*; specifically, how the category of childhood was understood and mobilised in a specific historical context.[151]As noted above, it is concerned with legal categories and the politics of exclusion and, therefore, its focus is on the violence of the law. It is not concerned with a historical analysis of acts of sexual violence, but what kinds of sexual acts were deemed criminal when perpetrated against children. As this thesis makes clear, the legal prescription of age of consent did not necessarily reflect reality: whether an individual felt they could consent to a sex act did not change with the introduction of a legal reform that declared them to be under the age of consent.

This is not to minimise sexual violence against children, but rather to point out that, for historians, determining whether a sex act was consensual or not is not an easy task. For instance, is not legitimate to read an act of sexual intercourse between an 11-year-old girl and her 30-something-year-old husband in 1880s colonial India as definitively consensual simply because the law deemed it so. Such a prescriptive reading of violence and the law serves to, at best, obscure acts of violence and, at worst, legitimise them. Equally, however, it is not legitimate to interpret instances of female migration into sex work as definitively acts of 'trafficking' if those women and girls were under 21. Determining the likelihood that such an act or decision was consensual must be made on a case-by-case basis, with an extraordinary amount of care in order to ascertain the responses, emotional or otherwise, of potential victims.[152] Therefore, this thesis makes a careful distinction between the terms

[151] Cunningham, *Children and Childhood*, 1.
[152] An example of such work is Padma Anagol's detailed and sensitive examination of the sexual violence of child marriage in early-modern and modern India. Padma Anagol, "Historicising Child Sexual Abuse in Early

'sexual violence', which signifies a non-consensual sex act, and 'sexual offences', which signifies an illegal sex act. The two are not interchangeable. Similarly, in discussions of trafficking, this thesis makes clear that some women and girls who were 'trafficked' may have migrated to work in brothels voluntarily – with the obvious caveat that economic hardship would have inevitably played a role in such a decision.

This study does, on occasion, draw on legal cases to explore how legal categories were deployed in practice. As such, it is committed to what Julia Laite calls a 'careful' approach to using details from the lives of historical subjects. Each case used has been selected and analysed for the chief purpose of 'do[ing] justice to the complexity' of this history of legal categories.[153] Laite also encourages historians to consider how historical subjects would feel about their lives and, in this context, their involvement in sexual offences cases being reproduced for an academic audience. This leads on to the ethical question of naming historical subjects in research. The historian cannot know for certain whether a historical subject would consent to being named as a victim of a sexual offence, though it is likely that, given the shame associated with being a victim of sexual assault, many would not. As such, Adrian Bingham and others have advocated for the anonymising of the names of victims of sexual offences in cases where victims have not written or spoken publicly of their experience.[154] Yet Bingham does not provide a framework for *how* a historian should anonymise names. Replacing names with terms like 'Boy A' or 'Girl X', as is the practice of the British press, can be dehumanising and may render victims as mere objects.[155] Similarly, providing pseudonyms is not without problems. For instance, names in India may reveal a person's religion, caste status or the region they are from. To rename an Indian historical subject would, therefore, be to displace these details with a name which may not be appropriate. Renaming therefore involves an act of power which may serve to

---

Modern and Modern India: Patriarchal Norms, Violence and Agency of Child-Wives and Young Women in the Institution of Child Marriage," *South Asian Studies* 36, no. 1 (2020): 184-85, https://doi.org/10.1080/02666030.2020.1821515.

[153] Julia Laite, "The Emmet's Inch: Small History in a Digital Age," *Journal of Social History* 53, no. 4 (2020): 980-81, https://doi.org/10.1093/jsh/shy118.

[154] Bingham et al., "Historical Child Sexual Abuse," 423-24.

[155] The Independent Press Standards Organisation does not set out how victims should be anonymised, but states that the press must not name a victim of a sex offence if the victim is under 16. Clause 7, "The Editor's Code of Practice," 2025, accessed 15 June, 2025, https://www.ipso.co.uk/editors-code-of-practice/.

undermine the ethical goal of the researcher. Further, recently, adult victims of sexual violence have begun to refuse anonymity. As Gisèlle Pelicot famously stated at the trial of her husband – in which he was charged with drugging her and arranging for over 50 men to rape her – '[w]hen you're raped there is shame, and it's not for us to have shame, it's for them.'[156] While this is not a decision historians can make on the behalf of historical subjects, the politics of anonymising or renaming historical subjects may do more harm than good. Therefore, while acknowledging that the question 'to name or not to name' has no 'right' answer, this thesis has preserved the original names of all historical subjects.

[156] Angelique Chrisafis, "Gisèle Pelicot Tells Mass Rape Trial 'It's Not For Us To Have Shame – It's For Them'," *The Guardian*, 23 October 2024, https://www.theguardian.com/world/2024/oct/23/gisele-pelicot-rape-trial-france-court.

Chapter Two: Age of Consent Reform in Britain

Introduction

At the end of the nineteenth century, the British government introduced a number of reforms affecting legal protections for children from sexual offences. Such laws ostensibly involved the use of objective and universal standards (chronological age) to determine the capacity to consent. Chronological age was, therefore, central in structuring sexual offences law. This chapter makes the case that decisions over the age of consent were, in fact, not based on objective standards, but were informed by broader anxieties around gender, race and class.

In Britain, since the sixteenth century, rape law had been stratified by age.[1] While the law criminalised carnal knowledge of girls below a certain age, the offence was split into misdemeanour and felony offences, depending on the age of the victim. For instance, until 1875 carnal knowledge of a girl under 10 was a felony, while the same offence against a girl aged between 10 and 12 was a misdemeanour; while the age of consent was increased in 1875 and 1885, this age-based stratification persisted.[2] This distinction was significant, as felony offences necessitated more severe sentences.[3] Yet the relationship between chronological age and consent remained relatively unquestioned until the late-nineteenth century, when proposed reforms to the legal age of consent threatened to impinge on male entitlement to female bodies. This analysis reveals how age of consent reform ultimately hinged on safeguarding men's access to female bodies by advancing alternative understandings of the relationship between chronological age and consent. For boys, meanwhile, legal protections were informed by legislators' concerns of the morally corrupting effects of homosex. As a result, the age of a victim appeared as secondary to gender. This chapter therefore elucidates how legal constructions of

[1] Jackson, *Child Sexual Abuse*, 13.
[2] Ibid., 13-14.
[3] For instance, under the 1861 Offences Against the Person Act, a judge could pass a life sentence for felony carnal knowledge, but not for misdemeanour carnal knowledge. Offences Against the Person Act 1861, 24 & 25 Vict., c. 100, sections 50 and 51.

consent were implicitly gendered, which ultimately circumscribed the possibilities of victimhood for boys.

This chapter sets out how sexual violence against children was legislated against in Britain during the early period of this study's chronology – at the end of the nineteenth century. Focusing on the British domestic setting (namely, England and Wales) it examines attempts to reform laws on sexual offences, including those against children, from the early 1870s to the passage of the Criminal Law Amendment Act (CLAA) in 1885.[4] As such, this chapter not only functions to provide a crucial starting point for this study by setting out legal protections for children from sexual offences; it also interrogates the political and social forces at play in constructing the 'child' as an object of legal protection, by paying attention to the intersection of categories of age, gender and class.

This intersectional approach makes a considerable contribution to existing histories of age of consent reform. In the British context, histories of age of consent have typically focused on the 1885 CLAA, which raised the age of consent for girls from 13 to 16 and removed the age of consent for homosex.[5] For instance, Deborah Gorham's 1978 article positions the 1885 Act in the wider context of emerging ideas about female childhood and sexuality. Her treatment of the historical context of the 1885 reform remains an important contribution in elucidating how class produced contradictory images of female children, as middle-class 'innocent flowers' or working-class 'corrupt' and 'evil girls'.[6] Similarly, Mary Ann Irwin's analysis of the role of scandal in engendering the 1885 CLAA demonstrates how campaigners used class to construct ideal victims of sexual exploitation and violence and successfully motivate legal change.[7] Yet less attention has been paid to earlier legislative attempts; this chapter therefore examines earlier bills and Acts to foreground age of consent reform in a longer history of gender norms and anxiety over the health of male bodies. These concerns were undeniably linked to Britain's position as an imperial power. As Gorham and Irwin both note, the

[4] Criminal Law Amendment Act 1885, 48 & 49 Vict., c. 69.
[5] Michael Pearson, *The Age of Consent: Victorian Prostitution and its Enemies* (Newton Abbot: David & Charles, 1972), 58-83; Gorham, "The "Maiden Tribute of Modern Babylon" Re-examined," 358-63. Jackson, *Child Sexual Abuse*, 101-02, 02n66.
[6] Gorham, "The "Maiden Tribute of Modern Babylon" Re-examined," 358-63, 71-74.
[7] Mary Ann Irwin, ""White Slavery" as Metaphor: Anatomy of a Moral Panic," *Ex Post Facto: The History Journal* 5 (1996): 14-17, https://www.walnet.org/csis/papers/irwin-wslavery.html.

1885 CLAA was preceded by a moral panic over allegations that British female prostitutes were being 'trafficked' to continental brothels; yet it was W. T. Stead's exposé of widespread 'juvenile prostitution' on the streets of London that provoked legal change.[8] By paying close attention to broader anxieties of racial hygiene, this chapter contends that it was concerns over Britain's imperial status that rendered discourses of female 'trafficking' so powerful.

Further, by also analysing reforms to laws proscribing homosex, which removed the possibility of consent, this chapter speaks to Philippa Levine's contention that male legislators in both Britain and colonial India understood consent 'as an already male activity.' It was only the *female* age of consent that was debated because, according to Levine, '[m]en were 'natural' citizens of the polity and of the world, rational enough not to need the protection of the law.' [9] While scholars have detailed the criminalisation of homosex in this period, there has been little said on the topic of male *children.*[10] Further, studies addressing the criminalisation of homosex in Britain during this period tend begin their chronology with 1885, when 'gross indecency' between male persons, in public or private, was criminalised for the first time.[11] As such, the genesis of the 1880 Criminal Law Amendment Act, which essentially reduced the male age of consent for indecent assault from 14 to 12, has largely been neglected. While Dean Pavlakis briefly notes the significance of the 1880 Act in signalling that sexual offences were beginning to be understood in terms of the age, rather than gender, of the victim, this chapter examines the Act's journey through parliament in the context of the wider history of age of consent reform.[12] By examining earlier legal constructions of boys as objects of protection from sexual harm, this chapter shows how gendered constructions of sexual offences in Britain circumscribed the possibilities of victimhood for boys. As such, this chapter asserts that sexual offences law and, as such, age of consent, was inherently political.

---

[8] Ibid.; Gorham, "The "Maiden Tribute of Modern Babylon" Re-examined," 358-60. Despite common use during this period, 'juvenile prostitution' is a contested term, since it implies the 'juvenile' is a consenting participant in sex work. This term is, therefore, used in this thesis only when it reflects the language used in historical sources.

[9] Levine, "Sovereignty and Sexuality," 16-17.

[10] Brady, *Masculinity and Male Homosexuality*, 85-118; Cocks, "Secrets, Crimes and Diseases," 109-12; Cook, "Law," 69.

[11] Matt Cook, *London and the Culture of Homosexuality, 1885-1914* (Cambridge: Cambridge University Press, 2003), 42-48.

[12] Dean Pavlakis, "Reputation and the Sexual Abuse of Boys: Changing Norms in Late-Nineteenth-Century Britain," *Men and Masculinities* 17, no. 3 (2014): 330-31, https://doi.org/10.1177/1097184X14539512.

Victorian masculinity and vulnerability

Changes to the age of consent in British domestic law were motivated less by concerns over the welfare of children, and more by concerns over the ability of British men to adhere to masculine ideals. While the cult of domesticity produced the home as a female domain to be defended by the idealised father, the British nation and empire were also gendered female. Victorian masculinity, therefore, idealised men as good husbands and fathers, and protectors of the home, nation and empire.[13] As there was so much at stake in adherence to such a code of masculinity – home, nation, empire – men were conceived of not only as powerful, but also as vulnerable. This idealised masculinity was understood not as something inherent in all men, but something to be cultivated and maintained. A man's adherence to this ideal was constructed in the rhetoric of good 'character' and 'respectability' which were actively developed by the male individual through self-control, hard work and moral responsibility.[14] When men failed to live up to these ideals, however, it was understood as having wider ramifications for the state of the nation and empire.

Indeed, the nineteenth century witnessed what Angus McLaren has called 'a crisis in masculinity'.[15] For example, as Ben Griffin has shown, the emergence of a discourse on the abuse of wives at the hands of their husbands, beginning in the early nineteenth century, proved potent as evidence of men's failures in upholding the domestic ideal of companionate marriage.[16] This, combined with a number of high-profile custody battles involving upper-class fathers, contributed to a sense of crisis in Victorian masculinity, as respectable men appeared to fail in their duty as good husbands and fathers.[17]

---

[13] Tosh, *A Man's Place*, 3, 61-62, 85-86; Davidoff and Hall, *Family Fortunes*, 172-92; McClintock, *Imperial Leather*, 354-58; Dawson, *Soldier Heroes*, 145-51.
[14] Heath, *Purifying Empire*, 72; Tosh, *Manliness and Masculinities*, 74-76; Jackson, *Child Sexual Abuse*, 125-27.
[15] McLaren, *The Trials of Masculinity*, 13.
[16] Griffin, *The Politics of Gender*, 69-72.
[17] Ibid., 97-98.

These anxieties, that Britain was possibly lacking men capable of protecting the home, nation and empire, manifested in a resurgence in corporal punishment for certain crimes. [18] The use of corporal punishment had declined from the eighteenth century, as progressive thinkers on punishment and reform began to advocate instead for prison sentences. However, Angus McLaren has shown how crimes which supposedly transgressed Victorian ideals of heterosexuality, conjugal marriage, binary gender norms and, domesticity, were punished with corporal sentences.[19] Here, these men were considered to have forfeited their right to dignity in the same way that codes of dignity were denied to colonial male subjects; in this specific context, white British men who transgressed the norms of middle-class masculinity were accorded similar forms of punishment to brown and black men in the colonies, including flogging.[20] The crime of rape did not include a corporal sentence for much of the nineteenth century, but it was reintroduced in 1885 for those under the age of 16 who were found guilty of raping a female under 13.[21] Significantly, in the case of rape, a conviction and prison sentence were understood to be equally if not more damaging to a man's 'respectability' and 'character' than the act of the offence itself. [22]

Indeed, the ability of men to adhere to norms of heterosexual conjugality and militaristic self-discipline in all matters, not least sexual, was conceived of as being as under threat by seductive forces. Such threatening seductions primarily consisted of same-sex relations and hypersexualised working-class women and girls. This idea, that British men's efforts to cultivate good 'character' was under threat, was compounded by the emerging notion that male sexuality was an uncontrollable force; while sexual self-restraint was idealised for both men and women during this period, male self-control when it came to sex was increasingly viewed as a challenging, if not futile, task.[23] This meant

---

[18] Tosh, *Manliness and Masculinities*, 192-95.
[19] McLaren, *The Trials of Masculinity*, 11-16.
[20] Alastair McClure, *Trials of Sovereignty: Mercy, Violence, and the Making of Criminal Law in British India, 1857–1922.* (Cambridge: Cambridge University Press, 2024), 126-28, 136-37. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991025944178407351; Amanda Nettelbeck, "Flogging as Judicial Violence: The Colonial Rationale of Corporal Punishment," in *Violence, Colonialism and Empire in the Modern World*, ed. Philip Dwyer and Amanda Nettelbeck (Cham: Springer International Publishing AG, 2017), 115-17.
[21] McLaren, *The Trials of Masculinity*, 15-16.
[22] Conley, "Rape and Justice in Victorian England," 129.
[23] Walkowitz, *City of Dreadful Delight,* 5-7, 131-32; Griffin, *The Politics of Gender*, 100; Limoncelli, *The Politics of Trafficking*, 20.

that external conditions had to be managed to protect men from their own sexuality. For instance, the nineteenth century witnessed the introduction of reforms to regulate sexuality in military cantonments. Female prostitutes had come to be regarded as a necessary evil or 'outlet' for maintaining the morale of troops and preventing homosexual behaviour.[24] Yet the use of prostitutes was considered far from a simple solution to the problem of male sexuality, as this produced further anxieties over the spread of venereal disease among British troops stationed in Britain and its colonies. Venereal disease was not only physically damaging but was linked to racial and moral decline.[25] Since white racial superiority was constructed in terms of physical health, venereal disease was seen as damaging to the white British race. Further, venereal disease was considered the physical manifestation of sexual laxity and, therefore, a sign of poor character. Therefore, female prostitutes, who were overwhelmingly working class, were seen as threatening to the bodily and moral integrity of the British men charged with defending the nation and empire.

Fuelled by such concerns over the vulnerability of British troops to physical and moral degeneration, the British government passed Contagious Disease Acts in 1864, 1866 and 1869, which attempted to curb the spread of venereal disease by introducing medical examinations for female prostitutes; if a prostitute was found to be infected with such a disease, she was to be interned at a 'lock' hospital until she had recovered. While the 1864 Act only applied to garrison towns and ports, and medical examinations were voluntary, the 1866 and 1869 Acts extended these measures to the civilian population and made medical examinations of female prostitutes mandatory.[26] This prompted fierce opposition from the British social purity movement, which aimed to suppress what it considered immoral forms of sexuality and considered the Acts to amount to state-sanctioned prostitution. The emerging women's movement, meanwhile, criticised the sexual double standard in policing the bodies of prostitutes but not their clients.[27] The campaign against the Contagious Disease Acts will be dealt with in more detail in chapter three. What is pertinent here is that anxieties over male bodily fitness and moral degeneration had, by the 1860s, manifested in the legal regulation of sexuality, since

[24] Walkowitz, *Prostitution and Victorian Society*, 73.
[25] Levine, *Prostitution, Race and Politics*, 2-5.
[26] Walkowitz, *Prostitution and Victorian Society*, 71-89.
[27] Ibid., 93.

British men, the nation's protectors, were constructed as being under threat from diseased working-class women.

Such concerns reveal that the Victorian ideal of sexual restraint, which informed both idealised versions of masculinity and femininity, was also informed by class. Contemporary social commentators and politicians alike considered sexual immorality to be most common among the working classes; while more sympathetic observers bemoaned urban slums and close-living conditions as the cause of incest, for instance, others considered the working classes as inherently sexually corrupt.[28] As such, debates around extending the age of consent necessarily sparked discussions around working-class sexuality. In particular, as proposals to increase the age of consent pushed that age higher, some legislators drew upon the figure of the seductive working-class girl to contest reform. While using a girl's chronological age to denote her capacity to consent to sexual intercourse was in keeping with broader principles of universality and objectivity, such principles thus sat uneasily with the prospect of the dangerous working-class girl.

1870s Age of consent reform

That the preservation of gender norms was considered by legislators to be crucial to the maintenance of the social order was reflected in attempts to increase the female age of consent in the 1870s. In 1875, the Offences Against the Person Act raised the age of consent for felony carnal knowledge of a girl from 10 to 12, and for misdemeanour carnal knowledge from between 10 and 12 to between 12 and 13.[29] This reform had grown out of earlier legislation, namely the failed 1873 Seduction Laws Amendment Bill which, in turn, had been developed from a clause in the 1872 Bastardy Laws Amendment Act.[30] Indeed, while scholarship on Victorian-era age of consent reform generally focuses on the 1885 CLAA, considering earlier legislative developments enables a greater

[28] Anthony S Wohl, "Sex and the Single Room: Incest Among the Victorian Working Classes," in *The Victorian Family: Structure and Stresses*, ed. Anthony S Wohl (London: Croom Helm, 1978), 202-04, 12.
[29] Offences against the Person Act 1875, 38 & 39 Vict., c. 94, sections 3 and 4.
[30] Bastardy Laws Amendment Act 1872, 35 & 36 Vict., c. 35; A Bill to Amend the Laws Relating to Seduction (no. 10) 1873.

appreciation of the link between age of consent reform and the preservation of gender roles and the social order.

The Bastardy Laws Amendment Bill had been first introduced in 1872 by Sir William Charley, a politician who prided himself for his role in passing legislation to 'protect women and children.'[31] The bill was chiefly concerned with tightening laws which required fathers to financially support the mother of their children born out of wedlock and was motivated by contemporary anxieties over infanticide.[32] From the 1860s, reports of 'illegitimate' infants being neglected and/or murdered by their mothers had generated alarm among middle-class reformers, who understood the 'root cause' to be a combination of shame and poverty.[33] While this spoke to the emergence of the 'child' as an object of state concern, discussed in the previous chapter, the issue of infanticide was also connected to young female mothers and, therefore, the age of consent. In an attempt to suppress 'illegitimate' births in his bill, Charley also included a clause tacked onto the end which increased the age of minority in the definition of carnal knowledge.[34] Under the 1861 Offences Against the Person Act carnal knowledge of a girl under the age of 10 was a felony, while carnal knowledge of a girl aged between 10 and 12 was a misdemeanour. Charley's clause in the bastardy bill proposed that the age of minority for 'seduction', which he appeared to equate to carnal knowledge, be raised for felonies from 10 to 12, and for misdemeanours from 12 to 14.[35] According to Charley, such age increases were necessary because ,'in many cases, seduction occurred between the ages of 12 and 14', therefore raising the age at which 'seduction' was criminalised would, he believed, reduce the number of illegitimate children.[36] However, it soon became clear that the clause was a sticking point, as some legislators argued that 'seduction' belonged to 'a totally different branch of the law', namely sexual

[31] W. T. Charley, "Charley the Charmer," *The City Jackdaw*, 29 March 1878, 155, https://liverpool.idm.oclc.org/login?url=https://www.proquest.com/historical-periodicals/charley-charmer/docview/3204003/se-2?accountid=12117; J. B. Atlay and H. C. G. Matthew, "Charley, Sir William Thomas (1833–1904) Politician and Lawyer", *Oxford Dictionary of National Biography* (2023-06-08 2023). https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-32372.
[32] HC Deb. (3d ser.) (19 Jun. 1872) (211) cols. 1972-1973.
[33] Behlmer, *Child Abuse and Moral Reform*, 17-19.
[34] HC Deb. (3d ser.) (9 Apr. 1872) (210) col. 1032
[35] Offences Against the Person Act 1861, 24 & 25 Vict., c. 100, sections 50 and 51; Bastardy Laws Amendment Bill (no.109) 1872, section 10.
[36] HC Deb. (3d ser.) (19 Jun. 1872) (211) cols. 1972-1974.

offences.[37] Thus, rather than endanger the entire bill, Charley withdrew it.[38] The Bastardy Laws Amendment Act became law in 1872, and for the first time it gave magistrates the power to demand that putative fathers provide financial support for the 'maintenance . . . [and] education' of their illegitimate child.[39] While the bill was certainly motivated by concerns over 'the better protection of infant life', it was also an attempt to punish those men who had failed to adhere to Victorian notions of domesticity.

Charley did not give up, however, on his ambition to raise the female age of consent. Responding to the criticisms levelled at his inclusion of age of consent reform in the Bastardy Laws Amendment Bill, he fashioned the abandoned clause into a standalone bill in the subsequent parliamentary session: the 1873 Seduction Laws Amendment Bill.[40] Equating 'seduction' with the existing law on 'carnal knowledge', the bill aimed to address what Charley perceived as a gap in the law for the protection of girls aged between 12 and 14. Carnal knowledge of girls between the age of 10 and 12 was classed as a misdemeanour, as was the abduction of an unmarried person under the age of 16. Referring to the 1872 report of the Rescue Society – an organisation established in 1853 to reform 'immoral women' and prevent 'young girls' from entering prostitution – however, Charley contended that girls aged between 12 and 14 were most at risk of seduction into prostitution and, based on the 540 girls who had 'passed through [the Rescue Society],' 'a reference to their ages would show how much legislation on the subject was required.'[41]

The bill failed to pass that session, however, and in 1874 Charley once again re-fashioned the proposed increases to the age of consent, this time as an amendment to the existing 1861 Offences Against the Person Act.[42] In debating the Offences Against the Person Amendment Bill, MPs referred

---

[37] Ibid., cols. 1976.
[38] Charley withdrew the seduction clause after John Vance, the Conservative MP for Armagh, cautioned he would oppose the bill if the clause remained. Vance's reasoning is not clear, however another MP had previously expressed unease at Charley's conflation of seduction with criminal assault. Ibid., col. 1976; HC Deb (3d ser.) (2 Apr. 1873) (215) col. 468; HC Deb (3d ser.) (19 Jul. 1872) (212) col. 1497.
[39] Bastardy Laws Amendment Act 1872, 35 & 36 Vict., c. 35.
[40] A Bill to Amend the Laws Relating to Seduction (no. 10) 1873.
[41] HC Deb (3d ser.) (2 Apr. 1873) (215) col. 469; María Isabel Romero Ruiz, "Rethinking the World: Mothers and Prostitutes in Michel Faber's The Crimson Petal and The White (2002)," *RAUDEM. Revista de Estudios de las Mujeres* 6 (2018): 5, https://doi.org/10.25115/raudem.v6i0.2800.
[42] HC Deb (3d ser.) (10 Jul. 1873) (217) col. 217; HC Deb. (3d ser.) (20 Mar. 1874) (218) col. 191. There is no record as to why this bill was withdrawn, however it seems possible it was decided that the bill would function better as an amendment to the existing 1861 Offences Against the Person Act.

to the report of the 1871 Royal Commission on the Contagious Diseases Acts, which had recommended that the age of minority for misdemeanour carnal knowledge be increased from 12 to 14.[43] By the 1870s, however, public backlash against the Contagious Disease Acts was starting to cast the problem of prostitution not as one of female working-class degeneracy, but of male sexual immorality. As a result, the Acts were conceptualised as sanctioning vice.[44] Indeed, the acts themselves were motivated, in part, by the fear that if the British soldier was deprived of ready access to female bodies then he would be forced to direct his uncontrollable libido onto the bodies of fellow soldiers.[45] The Contagious Disease Acts were, therefore, an attempt to discourage homosex among troops by ensuring them access to female bodies through a regulated system of prostitution.[46] The recommendations of the Royal Commission to increase the age of consent thus came out of wider projects relating to the management and control of male sexual behaviour.

The proposed changes to the Offences Against the Person Bill bled into the 1875 parliamentary session. The sticking point for the bill was not the age at which a girl could or could not consent, however, but the proposed punishments, which included flogging. Incorporating flogging into the 1875 bill was one of a series of attempts to introduce corporal punishment for assaults on women and children into British law, including in 1853, 1856 and 1857.[47] Yet MPs also questioned whether corporal punishment was the practice of a 'civilized' nation.[48] Indeed, concerns over Britain's standing as a 'civilising' imperial power seeped into the question of the protection of girls more widely. Although, in spearheading the bill, Charley was chiefly concerned with domestic prostitution,

---

[43] HL Deb. (3d ser.) (8 Jun. 1875) (224) col. 1518; Report of Royal Commission Upon the Administration and Operation of the Contagious Diseases Acts. Volume I. Report; Volume II. Minutes of Evidence. House of Commons (1871) UK Parliamentary Papers. 4 May 2022, https://parlipapers.proquest.com/parlipapers/docview/t70.d75.1871-047113?accountid=12117; Offences Against the Person Act, 1861, 24 Vict. c.100.
[44] Griffin, *The Politics of Gender*, 100-01.
[45] Walkowitz, *Prostitution and Victorian Society*, 4, 73-74, 77. During the nineteenth century, only single men were able to enlist in the British army and those who wanted to marry had to seek permission. Janis Lomas, "'Delicate Duties": Issues of Class and Respectability in Government Policy Towards the Wives and Widows of British Soldiers in the Era of the Great War," *Women's History Review* 9, no. 1 (2000): 123, https://doi.org/10.1080/09612020000200233.

[47] Walkowitz, *Prostitution and Victorian Society: Women, Class, and the State*, 4, 73-74, 77; and McLaren, *The Trials of Masculinity*, 15. During the nineteenth century, only single men were able to enlist in the British army and those who wanted to marry had to seek permission. See Lomas, "'Delicate Duties'," 123.
[48] HC Deb. (3d ser.) (14 Jun. 1875) (224) col.1862.

insecurities about Britain's position on the wider international stage informed his arguments, as he lamented that '[t]he scenes exhibited in our streets were a disgrace to a nation which claimed to stand in the vanguard of the civilised world.'[49] Such concerns did not, however, convince his fellow MPs, and corporal punishment was not included in the final bill that became law.

Five years later, parliament passed yet another reform to the age of consent in sexual offences law, which reframed protections for both girls and boys. The crime of indecent assault had been legislated against in the 1861 Offences Against the Person Act, yet precisely what constituted indecent assault was not clearly defined. Specifically, the section of the Act which criminalised attempts to commit felony and misdemeanour rape also criminalised 'indecent assault upon any female'.[50] In practice, judges interpreted this broadly, to mean any act which "right-minded men" might deem 'indecent' and, as such, 'indecent assault' served to encompass all sex acts that were not vaginal penetration by a penis.[51] As such, when the question of reforming the law on indecent assault came before parliament in 1880, it was constructed as an act that could possibly be consented to.[52]

The bill, originally titled the Assaults on Young Persons Bill, was introduced by MP Charles Henry Hopwood, and passed its second reading with apparent ease.[53] The bill was striking in that it proposed criminalising indecent assault against a 'young person', regardless of gender, and stipulated that it could be no defence to claim a young person under 13 had consented. At committee stage, the proposed age of consent of 13 provoked limited debate. One MP, for example, appealed to fears around working-class sexuality by claiming that '[i]t was well known that amongst the lower classes, acts of indecency were very common; and children, owing to their condition of living, became familiarised with these [sexual] acts at a very tender age.' He proposed, as a result, setting the age of

[49] HC Deb (3d ser.) (2 Apr. 1873) (215) col. 470.
[50] Offences Against the Person Act 1861, 24 & 25 Vict., c. 100, section 53.
[51] *The Times*, 3 August 1875, 10, quoted in Conley, "Rape and Justice in Victorian England," 523; Jackson, *Child Sexual Abuse*, 14.
[52] Criminal Law Amendment Act 1880, 43 & 44 Vict., c. 45
[53] HC Deb. (3d ser.) (6 Aug. 1880) (255) col. 596; HC Deb. (3d ser.) (11 Aug. 1880) (255) col. 874.

consent at 10. The amendment was ultimately negatived, but this sentiment would go on to considerably shape later legislation. [54]

Interestingly, no mention was made during debates on the bill of the impact on protections for boys. As Louise Jackson notes, while an age of consent indecent assault for boys had not previously been legislated in statute law, jurisprudence prior to 1880 had suggested an age of 14.[55] Yet, in the Lords, the bill was simply referred to as *raising* the age of consent for indecent assault. Presumably, given that boys did not come under pre-existing statute law, the bill may have been understood by MPs as the first protection of its kind for boys.[56] Whatever the case, the bill's implicit inclusion of boys was not noted in parliamentary debates. Excepting the brief debate noted above, the bill's passage was relatively straightforward, and it became law in September 1880.[57] The Act, moreover, received little press coverage and compared with subsequent age of consent reform generated little controversy. [58] As the Act instituted an age of consent for indecent assault of 13 for both boys and girls, it essentially functioned to lower the age of consent for indecent assault for boys, from the implied age of consent of 14 in jurisprudence.

The 1880 Act is also notable in that the age of consent it set was not contingent on a child's gender. It is not clear, however, that this was a chief priority of Hopwood who, as a vocal campaigner against the Contagious Disease Acts, was likely drawing on the recommendations of the 1871 Royal Commission.[59] Yet Dean Pavlakis has argued that the 1880 Act reflected emerging anxieties around the protection of children more broadly, and suggested that Parliament was 'ready to see sexual contact with prepubescent boys and girls as a particularly heinous offence'.[60] In other words, at this specific juncture, children were constructed as objects of legal protection from sexual offences on the

---

[54] HC Deb. (3d ser.) (12 Aug. 1880) (255) col. 1086.
[55] Jackson, *Child Sexual Abuse*, 101-02, 02n66.
[56] HL Deb. (3d ser.) (2 Sep. 1880) (255) col. 1024. It is unlikely Hopwood himself, as a senior judge, was unaware of the jurisprudence on boys but, in any case, he appears to have made no mention of it in Parliament.
[57] HC Deb. (3d ser.) (7 Sep. 1880) (256) col. 1344.
[58] "This Evening's News," *Pall Mall Gazette*, 12 August 1880, 7, https://link-gale-com.liverpool.idm.oclc.org/apps/doc/BB3200363777/BNCN?u=livuni&sid=bookmark-BNCN&xid=4aed060a. "Imperial Parliament," *The Telegraph*, 6 September 1880, 2, Gale Primary Sources.
[59] M. C. Curthoys, "Hopwood, Charles Henry (1829–1904) ", *Oxford Dictionary of National Biography* (2004). https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-33982; HC Deb. (3d ser.) (12 Aug. 1880) (255) col. 1086.
[60] Pavlakis, "Reputation," 330-31.

basis of their age, rather than gender. The inclusion of male children within such protection, however, was short lived, as just five years later a legal reform essentially removed the possibility of victimhood for boys in cases of sexual violence.

The 'Belgian Scandal'

Years before the 1880 bill was introduced, social campaigners made a discovery on the Continent which would set in motion the campaign to raise the female age of consent for carnal knowledge. In the late 1870s, campaigners opposing the Contagious Disease Acts had uncovered reports of British women and girls being procured for prostitution on the Continent. They used this 'discovery' to buttress their argument that continental contagious disease laws created a market for British girls. The campaigners' efforts to draw the British government's attention to these issues led to the transformation of what became known as the 'Belgian Scandal' into a full-blown panic over an alleged 'traffic' in white women and girls. This panic, over what campaigners termed the 'white slave traffic', and the subsequent efforts of campaigners, ultimately led to two international accords and formed the basis of early international anti-trafficking efforts (which will be explored in more detail in chapter four). Aside from international law, the 'Belgian Scandal' also had serious implications for domestic legal reform in Britain.

In reality, however, the issue of British women and girls being 'procured' for continental brothels was as much to do with a gap in English law relating to abduction as it was to do with regulated prostitution. In 1879, the British Consul at Antwerp notified the British Foreign Office that a man named Klyberg 'had been convicted in Belgium of decoying English girls under age.' Significantly, part of Klyberg's defence at trial had been that 'his doings were perfectly legal in England.'[61] Klyberg was referring to a gap in English law that was more complex than campaigners opposing contagious disease laws, or those campaigning to raise the age of consent, let on. Although, when it came to procurers, exposés on the 'traffic' contended that English law was 'unable to touch

[61] HL Deb. (3d ser.) (30 May 1881) (261) cols. 1603-9.

these wretches, unless the victims be under the age of 13', the issue was actually related to how open the laws around rape and kidnap were to exploitation by procurers on the Continent.[62] The age of consent for girls in England and Ireland had been set at 13 in 1875; the same as under French and Belgian law.[63] However, unlike Belgium and France, where it was illegal to induce a female under twenty-one into prostitution, the law was arguably more lax in England. The Offences Against the Person Act (1861) criminalised as misdemeanours the abduction of any female under 16 against the will of her parents, and the procurement of any female under 21 under false pretences.[64] However, given the evidence that English girls travelling to the Continent were made to sign documents professing their desire to enter prostitution, the protection from abduction for girls over 16 was limited in practice. In many cases, procurers allegedly masqueraded as respectable single men and whisked their victims away to the Continent under the promise of marriage, to which parents consented.[65] Protection was also stratified by class: the 1861 Act criminalised as a felony the abduction of a female for the purpose of carnal knowledge, regardless of her age, if she had wealth or was an heiress.[66] European procurers therefore exploited not only the gendered expectations and poor economic circumstances of their victims, but also the gaps in English law that denied them protection.

The tireless efforts of campaigners to get the attention of the British government began to pay off in early 1880, however, when multiple newspapers, including the *New York Times*, picked up the story.[67]

---

[62] Alfred Dyer, *The European Slave Trade in English Girls. A Narrative of Facts* (London: Dyer Brothers, 1880), 33.
[63] The Offences Against the Person Act (1875) criminalised carnal knowledge of a girl aged between 12 and 13 as a misdemeanour; if the victim was under 12, the crime was a felony. Prior to this, carnal knowledge of a girl aged between 10 and 12 had been classed as a misdemeanour, with carnal knowledge of a girl under 10 years old being classed as a felony. Offences against the Person Act 1875, 38 & 39 Vict., c. 94, sections 3 and 4; Offences against the Person Act 1861, 24 Vict., c. 100, sections 50 and 51; Attwood, "Lock Up Your Daughters!," 613.
[64] Offences against the Person Act 1861, 24 Vict., c. 100, sections 55 and 49.
[65] HL Deb. (3d ser.) (30 May 1881) (261) cols. 1604; Dyer, *The European Slave Trade*, 6-8, 12, 18; Butler, "'The Deposition on Oath of Josephine E. Butler', 8 November 1880, Made Before Mr T. Stamford Raffles, Stipendiary Magistrate of the City of Liverpool," 65.
[66] Offences against the Person Act 1861, 24 Vict., c. 100, section 53.
[67] "Belgian Traffic in British Girls," *The Standard*, 13 January 1880, https://link-gale-com.liverpool.idm.oclc.org/apps/doc/R3211936915/BNCN?u=livuni&sid=bookmark-BNCN&xid=20290f85, Gale Primary Sources; "Traffic in Girls: How English Maidens are Enticed to Belgium for Infamous Purposes," *New York Times*, 19 January 1880, https://www.proquest.com/hnpnewyorktimes/docview/93836244/489DD8691E51499DPQ/1?accountid=12117&sourcetype=Historical%20Newspapers, ProQuest.

Following the increased publicity and repeated letters from relatives of victims to the British Foreign Office, Lord Tenterden, the Undersecretary of State for Foreign Affairs, pushed for an independent enquiry.[68] Initially, a Major Blake had been suggested to lead this, but Godfrey Lushington, Legal Assistant Under Secretary to the Home Office, wrote to Sir William Harcourt, the then Home Secretary, to express his concern that appointing a military man would leave the inquiry open to criticism from activists opposed to the Contagious Disease Acts – specifically to the charge that Blake was 'a soldier and a supporter of the contagious diseases act' and that he therefore 'does not care what becomes of poor girls'.[69] Instead, Lushington suggested Barrister Thomas William Snagge, who had been recommended based on his legal career, his knowledge of French and his political connections. Notably, Snagge was also favoured as he had 'what in this case appears to be advantageous – a wife & 8 children'.[70] Snagge's appointment was, therefore, in part due to his affinity with the ideal of Victorian domesticity. Indeed, the establishment was keen to appoint an individual who would 'command public confidence' in order to alleviate public anxiety, and Snagge's position as husband and father was an important part of that.[71] In the panic over girls being abducted to the Continent, foreign men were the enemy. Snagge, therefore, encapsulated the ideal Victorian man saving English girls from what were seen as depraved foreign procurers.

Snagge spent three weeks in Brussels in December of 1880 investigating the claims, including attending the trials of procurers accused of kidnapping underage girls and analysing local police records.[72] His evidence was used in the House of Lords Select Committee on the Law Relating to the Protection of Young Girls, which met and published its findings in 1881 and 1882.[73] One of the main questions Snagge was tasked with answering was whether the procurement of English girls to the

---

[68] Correspondence Respecting Immoral Traffic in English Girls in Belgium. (1881) UK Parliamentary Papers. 12 September 2024, 35-45, https://parlipapers-proquest-com.liverpool.idm.oclc.org/parlipapers/docview/t70.d75.1881-057799?accountid=12117; Letter from Godfrey Lushington to William Harcourt, 28th October 1880, TNA, HO 45/9546/59343.
[69] Lushington to Harcourt, TNA, HO 45/9546/59343.
[70] Letter to Godfrey Lushington (author illegible), 13 November 1880, TNA, HO 45/9546/59343.
[71] Godfrey Lushington, instructions to the Treasury, 17 November 1880, TNA, HO 45/9546/59343.
[72] Thomas William Snagge, 'Report on the Alleged Traffic in English Girls for Immoral Purposes in Foreign Towns' in Report from the Select Committee of the House of Lords on the Law Relating to the Protection of Young Girls; together with the Proceedings of the Committee, Minutes of Evidence, and Appendix. House of Lords (1881) UK Parliamentary Papers. 20 September 2022, 115-17, https://parlipapers-proquest-com.liverpool.idm.oclc.org/parlipapers/docview/t70.d75.1881-057043?accountid=12117.
[73] Snagge, 'Report' in ibid., 116-46.

Continent, for purposes of prostitution, was 'carried on systematically'.[74] Snagge emphatically stated that a systematic traffic did exist, that he found it 'a fact established beyond all doubt that for many years a trade or traffic has been carried on, whereby a very large number of English girls, […] have been enlisted to become inmates of brothels in continental cities'.[75] Yet none of Snagge's evidence backed up this claim. He did not provide even an estimate as to the number of girls who had supposedly been trafficked, only a list of 'some' of the girls who had been procured, which totalled thirty-three names between 1871-1879. His accounts detailed two major players responsible for the 'traffic' – two men known as Klyber and Sellecarts – but, according to Snagge, even these individuals were dealing with just one or two individual girls at a time. When questioned by the Select Committee as to why there were only two trafficking cases in 1880, compared with 'a much larger number' in 1859, Snagge attributed this to a single factor: Klyber's arrest in 1877 and subsequent two-year imprisonment meant that 'the supply from this country rather fell off'.[76] As such, the 'white slave traffic' phenomenon appears to have been much more of a product of contemporary anxieties over racial hygiene and the failure of British men to protect British female sexual purity than a reflection of a significant traffic in women and girls.

Members of House of Lords Select Committee, however, took the allegations seriously and considered the nature of the 'traffic' and the complicity of the alleged victims. Barnard Thomas, Assistant to the Treasury Solicitor, claimed that none of the women and girls who had been procured for continental brothels had been 'living chaste lives' and all were of a 'flimsy' character.[77] Thomas Jeffes, the Consul at Brussels, was particularly unsympathetic, claiming there was not 'one single case of a virtuous girl' who had been trafficked to Europe, and implying that all alleged victims had consented to their procurement.[78] The linkage between sexual purity and class in the Committee's considerations was clear in the testimony of Beaumont Hotham, Consul at Calais. He recounted being made aware by a social purity organisation of two girls, 'of the lowest class of London', in a brothel

[74] Snagge, 'Report' in ibid., 116.
[75] Ibid., 124.
[76] Ibid., 7.
[77] Ibid., 97.
[78] Ibid., 33-39.

outside of Calais. Days later, the girls approached him to arrange for their travel back to Britain – not because, he believed, they were being treated poorly, but merely because they 'had got tired of living abroad'. Beaumont thus insisted there was 'no question of any entrapping' in that case.

Since the traffickers were allegedly operating out of London, the select committee was also charged with investigating 'juvenile prostitution' on the capital's streets.[79] Notions of working-class girls as sexually mature pervaded these discussions. Joseph Dunlap, a Superintendent of the Metropolitan Police, stated that he knew of girls as young as 12 'soliciting [for] prostitution', and referred to the arrest of a girl, who gave her age as 15, for 'molesting gentlemen'.[80] Some committee members sought to downplay poverty as a reason for 'juvenile prostitution'. Rather, they argued that girls were enticed by the 'silks and satins' worn by 'juvenile prostitutes', which implied it was their greed, rather than their economic desperation, that drove them into prostitution.[81] Others attributed the problem to the overcrowded living conditions of the working class, which echoed a long-held suspicion among social reformers that overcrowded tenements and slums 'produce[d] a want of all decency on the part of […] girls.'[82]

In the only part of the discussions which dealt with boys, their vulnerability to sexual violence and exploitation was circumscribed by gender norms. Howard Vincent, Director of Criminal Investigations, worried over adolescent boys who would have to be 'paragon[s] of virtue' to not be seduced by a girl 'prostitute' while walking the streets of London. A military man, Vincent repeated the age-old concern over the 'enormous amount of disease which exists amongst these wretched women' and the danger this posed to young male bodies.[83] Yet Vincent also took aim at homosexuality, by deploring 'the fact that there is a considerable amount of sodomy practices', and proposing that providing the space for 'any act of fornication or immorality by any young person, whether male or female', be criminalised.[84] In heterosexual encounters, boys were thus configured as

[79] Pearson, *The Age of Consent*, 81.
[80] Report on the Protection of Young Girls, 76.
[81] Ibid., 78, 88.
[82] Ibid., 81-82.
[83] Ibid., 69.
[84] Ibid., 69-70.

victims, who were helplessly seduced by wretched and diseased female prostitutes; in what was considered a homosexual encounter, however, they were configured as being culpable for the act.

When pressed, Vincent acquiesced that the problem with suppressing homosex was more related to enforcing the existing law and gathering evidence for prosecutions, than the statute itself.[85] Although Vincent's suggestion did not make the committee's list of recommendations, the Select Committee did however, recommend that the age of consent for the unlawful abduction of a female be raised from 16 to 21, and that the age of consent for carnal knowledge or indecent assault of a female be raised from 13 to 16.[86] It was the latter suggestion, however, that would expose the incompatibility of a universal age standard with the priority of the law in responding to anxieties around class, gender and sexuality.

The 1885 Criminal Law Amendment Act

Perhaps unsurprisingly, given the unease expressed in 1880 over increasing the age of consent for indecent assault, raising the age of consent emerged as a thorny issue in Parliament when it was brought up again three years later. Following the Select Committee's recommendations in 1882, the House of Lords debated and passed two Criminal Law Amendment bills before the House of Commons seriously considered the final bill in 1885. Prime Minister William Gladstone had discarded the two previous bills, in 1883 and 1884, on the basis that Parliament had simply run out of time to discuss them.[87] A more likely reason, however, was the challenging subject matter. Such legislation was, Gladstone noted, 'certain to occupy considerable time in debate, and involve[d] questions of great difficulty'; in other words, raising the age of consent was not worth the amount of time it would take to discuss it in Parliament.[88]

---

[85] Ibid., 70.
[86] Report from the Select Committee of the House of Lords on the Law Relating to the Protection of Young Girls; together with the Proceedings of the Committee, Minutes of Evidence, and Appendix. House of Lords (1882) UK Parliamentary Papers. 26 September 2022, iv, https://parlipapers-proquest-com.liverpool.idm.oclc.org/parlipapers/docview/t70.d75.1882-058157?accountid=12117.
[87] HC Deb. (3d ser.) (9 Jul. 1883) (281) cols. 808-817; HC Deb. (3d ser.) (10 Jul. 1884) (290) cols. 692-697.
[88] Ibid., col. 695.

This was to change when, in July of 1885, W. T. Stead, editor of the *Pall Mall Gazette*, ran an exposé on 'juvenile prostitution' in London. In a series of four articles, Stead unveiled the widespread prostitution of girls as young as 12, allegedly aided by corrupt police.[89] Stead explicitly presented the issue in class terms, as a 'tribute […] nightly levied in London by the vices of the rich upon the necessities of the poor'.[90] Undoubtedly, the use of class to frame the issue had a significant effect on lawmakers. Stead's revelations meant that sexual depravity and other failures of Victorian masculinity could no longer be conceptually attached to the 'wrong' types of men who were, by definition, *not* those in power. While MPs had seemed ambivalent about raising the age of consent when the question of legislation no longer focused on a specifically European or working-class 'other' male to hold accountable, the accusation that men of their class were responsible for the abuse of girls was abhorrent to them. They thus decried Stead's allegations and called for the publication to be suppressed, while in the same breath calling for the bill to be passed to allow for the 'perpetrators and abettors of such abominations [to] be brought to justice', which for them was the poor and was chiefly caused by overcrowding and poor housing. [91] As Sir William Harcourt, in support of the bill, stated,

> It was the poorer and humbler class that would be affected by the Bill; and he had no hesitation in saying that for one case in which a rich man would be affected there would be thousands, and, he might say, tens of thousands, of cases in which the poorer classes would. At the same time, there was no doubt that the evil of overcrowding was the direct cause of many of the results they all deplored.[92]

[89] William Thomas Stead, "The Maiden Tribute of Modern Babylon, v. I-IV," *Pall Mall Gazette*, 6-9 July 1885, https://link-gale-com.liverpool.idm.oclc.org/apps/doc/BA3200391072/BNCN?u=livuni&sid=bookmark-BNCN&xid=5af1774c, Gale Primary Sources; Irwin, "'White Slavery" as Metaphor," 14-15.
[90] William Thomas Stead, "The Maiden Tribute of Modern Babylon, v. I," *Pall Mall Gazette*, 6 July 1885, https://link-gale-com.liverpool.idm.oclc.org/apps/doc/BA3200391072/BNCN?u=livuni&sid=bookmark-BNCN&xid=5af1774c, Gale Primary Sources. Emphasis added.
[91] HC Deb. (3d ser.) (10 Jul. 1885) (299) col. 281.
[92] HC Deb. (3d ser.) (7 Aug. 1885) (300) col.1476.

What has been hitherto overlooked by historians, however, is how Stead's construction of 'juvenile prostitution' intricately linked class with race.[93] Significantly, Stead invoked imperial tropes to underscore the depravity of the trade in young girls. For instance, in a reference to *sati*, the immolation of a widow on the funeral pyre of her husband practiced in parts of British India, he claimed to foresee politicians across the political spectrum 'protesting against the continued *immolation* of the daughters of the people as a sacrifice to the vices of the rich'. *Sati* had become an emblem for the alleged barbaric treatment of Indian women by Indian men, as colonial administrators had long presented colonial rule, as noted in chapter one, as aiding the protection of Indian women from Indian men.[94] In nineteenth-century Britain, *sati* became, as a result, a popular metaphor to frame a wide range of issues.[95] By depicting the sexual exploitation of British girls as *sati*, Stead was thus accusing British men of being unable to protect British women from immorality and sexual slavery – from, in other words, the very things the British claimed to protect colonised women from as part of their justificatory rhetoric for empire.

Following Stead's exposé, politicians reframed the proposed legislation as directly impacting Britain's international standing as a major European imperial power. For instance, after condemning Stead's exposé as 'obscene literature', the Bishop of Winchester went on to call for MPs to

> all rejoice that the mind of the public had now been opened to the extraordinary evils which prevailed, and which threatened to make England, in some respects, the most degraded country in Europe. […] Unless they took some step to prevent the continuation of the evil, this country, which had hitherto prided itself upon being more moral than any other country in Europe, would expose itself to the taunts of the civilized world.[96]

---

[93] The one exception is Anna Forringer-Beal's research. Anna Forringer-Beal, "Back to Babylon: A Gendered Analysis of Victimhood in Imperial Anti-Trafficking Campaigns" (paper presented at the Socio-Legal Studies Association Conference, Liverpool, 15 April 2025).
[94] Mani, *Contentious Traditions*, 79; Spivak, "Can the Subaltern Speak?," 297.
[95] *The Telegraph*, 15 March 1864, 4, https://link-gale-com.liverpool.idm.oclc.org/apps/doc/IO0706190966/TGRH?u=livuni&sid=bookmark-TGRH&xid=19977914, Gale Primary Sources; Sophie Gilmartin, "The Sati, the Bride, and the Widow: Sacrificial Woman in the Nineteenth Century," *Victorian Literature and Culture* 25, no. 1 (1997): 141, https://doi.org/10.1017/S1060150300004678.
[96] HL Deb. (3d ser.) (10 Aug. 1885) (300) col. 1549.

As Mary Ann Irwin has claimed, Stead's accusation that upper-class men were the force behind the sexual exploitation of girls in London was no doubt powerful.[97] But framing the issue as a failure on the part of British men to protect British girls in the very same way that Indian men had failed to protect Indian women (in the British imagination) drove right to the core of British identity, as well as of Britain's purposed 'civilising' mission.

Although the attempt to reform the age of consent was ostensibly about the protection of women and girls, MPs' chief anxieties centred on the potential criminalisation of men and boys who might be 'seduced' by a girl under the age of consent. This was because, as noted above, it was the prison sentence, rather than the act of rape, which was deemed damaging to a man's respectability. Legislators were particularly concerned with younger defendants. This was largely because, while they were seen as generally more civilised than flogging, prisons were also understood as sites of moral contagion.[98] While the 1854 Youthful Offenders Act enabled judges to send offenders aged under 16 to reformatory schools, offenders under 16 could still be sent to adult prisons.[99] As male youths were conceived as the *future* fathers and defenders of the British nation and empire, the threat of their imprisonment and potential moral corruption posed a grave threat to Britain's future. No doubt on some level, this concern over sending young males convicted of rape to prison was also rooted in the same anxieties that plagued the military: that male-only environments bred homosex.

As such, legislators emphasised the innocence of potential defendants under the proposed new law. Sir William Harcourt, in discussing potential punishments for violations of the age of consent, claimed that '[e]verybody admitted that these offences were very often committed by juveniles who really knew very little about what they were doing' and that '[i]t would be, no doubt, a very serious thing if boys were sent to prison in large numbers.'[100] Under this rubric, it was men and boys who

---

[97] Irwin, "'White Slavery' as Metaphor," 14.
[98] Philip Priestley, *Victorian Prison Lives: English Prison Biography, 1830-1914* (London: Pimlico, 1999), 56-57.
[99] An Act for the Better Care and Reformation of Youthful Offenders in Great Britain 1854, 17 & 18, Vict. c. 86, section 2; John A. Stack, "Reformatory and Industrial Schools and the Decline of Child Imprisonment in Mid-Victorian England and Wales," *History of Education* 23, no. 1 (1994): 62, https://doi.org/10.1080/0046760940230104.
[100] HC Deb. (3d ser.) (31 Jul. 1885) (300) col. 767.

were constructed as vulnerable. Legislators were particularly concerned that men might be duped into having sex with a girl who was under the age of consent. Here, the task of increasing the age of consent using a chronological and, therefore, universal marker of age proved deeply problematic.

Even before the debates over the age of consent took on a feverish energy in the late summer of 1885, legislators had agonised over what chronological age meant in relation to capacity to consent to sex. Some legislators evidently understood the proposed reforms to the age of consent in the Criminal Law Amendment bill as specifically legislating on the boundary between childhood and adulthood, and referred to other areas of law which legislated 16 as the age at which childhood ended.[101] Those who proposed a higher age of consent put forward a vision of adolescence in which the mental faculties of children and adolescents to appreciate risk were undeveloped.[102] Others countered such arguments with claims that girls aged as young as 12 were known to solicit for sex.[103] MPs proposed hypothetical scenarios, for example, in which men were seduced and extorted by girls under 16 under the proposed new law. For instance, one MP put forward 'a case that he thought would be a very common one', in which '[a] man had improper relations with a young girl under 16 – 15 and a-half, say – a precocious, well-advanced, and well-developed girl, who looked more like a woman of 17 or 18.' In this cautionary tale, he continued,

> the girl was, perhaps, not satisfied with the present she received, or got in the way to become a mother, or had a quarrel with the man, and wished to be revenged on him, or, from some cause of that kind, caused proceedings to be taken against the man. That would be a very common occurrence, he thought, and they ought to guard against such an easy means of extortion.[104]

[101] HL Deb. (3d ser.) (23 May 1884) (288) col. 1158.
[102] HL Deb. (3d ser.) (15 May 1884) (288) col. 404; HL Deb. (3d ser.) (28 Apr. 1885) (297) col. 280.
[103] Ibid., col. 405.
[104] HC Deb. (3d ser.) (3 Aug. 1885) (300) cols. 898-899.

Legislators therefore acknowledged the arbitrary nature of chronological age, by noting that 'some girls were at 12 years of age far more precocious than others at 14 and 15'.[105]

One particularly vexing question was how a man would *know* whether a girl was over the age of consent. As Sir William Harcourt acknowledged, '[t]o judge of age correctly' was 'a matter of difficulty.' When he was recently asked of a girl's age, he found, 'that he was wrong by two years in the judgment he formed.'[106] The margin of error for assessing age appeared slim. For Richard Assheton Cross, the age between 13 and 14 was crucial; a child aged 13 was 'certainly not able to have full knowledge' of sexual intercourse and her ability to consent to it, '[b]ut at 14 years of age the case was very different'.[107] As such, another MP, John Ellison Macartney, called for caution. When it came to assigning a specific chronological age to the onset of puberty in girls, he noted that 'the age of puberty was between 13 and 15. The average between those ages was 14; but to avoid being unable, in many cases, to tell the difference between 13 and 14, he thought it would be wise to adopt the younger age – namely, 13.'[108] MP William Willis meanwhile, worried that the question of determining a universal age of consent 'was a most difficult one, as some girls were at 12 years of age far more precocious than others at 14 and 15.'[109]

The appearance of age was also linked to class. This was partly because poverty was seen to hasten the appearance of adulthood; for instance, impoverished younger children interviewed by social commentators were described by the latter as appearing older than their given age.[110] However, 'seeming' older was also linked to working class sexuality. Working-class girls were deemed especially dangerous in this regard and were cast in parliamentary debates as sexually deviant and 'knowing.' Lord Truro, for instance, stated that he had heard evidence from those who were 'most familiar with the lowest and most criminal populations' that in 'hundreds of cases solicitation for an

[105] HC Deb. (3d ser.) (22 May 1885) (298) col. 1177
[106] HC Deb. (3d ser.) (31 Jul. 1885) (300) col. 719
[107] Ibid., col. 719.
[108] Ibid., col. 721.
[109] HC Deb. (3d ser.) (22 May 1885) (298) col. 1179.
[110] Henry Mayhew, *London Labour and the London Poor*, vol. 1 (London: Griffin, Bohn and Company, 1861) Internet Archive. 7 December 2024, 145-51, https://archive.org/details/in.ernet.dli.2015.37797/page/n9/mode/2up.

improper intercourse came from girls of even so tender an age as 12 years'.[111] MPs' concerns thus hinged on a lack of differentiation of the 'types' of girls who would come under legal protection, which undermined the primacy of chronological age as a means of designating capacity to consent to sex in the proposed law. Moreover, when they attempted to use puberty as demarcating a viable age of consent for girls, MPs awkwardly attempted assign puberty a specific numerical age – and, in doing so, realised that this necessitated caution.[112] For some MPs, ensuring unprohibited male access to young female bodies thus trumped the extension of legal protection from sexual violence to 'older' girls.

In light of such concerns, Conservative MP Benjamin St John Ackers attempted to temper the clause criminalising sex with a girl under the age of 13 as felony rape by proposing that believing the victim to be older should be allowed as a defence, since everyone, he claimed, 'knew how easy it was to be mistaken as to the age of young girls.[113] While this amendment was negatived, MPs permitted that this same defence could be used in cases of misdemeanour rape, which applied to girls aged between 13 and 16.[114] In the end, a viable age of consent, such debates suggest, was in the eye of the beholder – not least when it came to making men vulnerable to prosecution.

The Labouchère amendment and male consent

Crucially, the 1885 CLAA also included significant legal changes regarding sexual offences against boys. The earlier bills had made no mention of homosex, focusing exclusively, instead, on legislating on prostitution, procurement and rape – all crimes in which victims were regarded as being exclusively female.[115] However, in the early hours of 6 August, at the tail end of a lengthy parliamentary session, Henry Labouchère introduced a clause to the Criminal Law Amendment Bill

[111] HL Deb. (3d ser.) (15 May 1884) (288) col. 405.
[112] HC Deb. (3d ser.) (31 Jul. 1885) (300) col. 721.
[113] Ibid., col. 752.
[114] Ibid., col. 789.
[115] Criminal Law Amendment Bill (no. 271) 1884; Criminal Law Amendment Bill (no. 159) 1885.

which proposed criminalising an act of 'gross indecency' between men as a misdemeanour.[116] Labouchère noted that the current law prohibited indecent assaults on boys under 13; he aimed for the law to be applicable regardless of age.[117] The chamber was virtually empty by this point and the amendment, perhaps as a result, was passed without debate.[118]

While a contemporary suggested Labouchère introduced the amendment to sabotage the bill, Morris Kaplan suggests that Labouchère's concerns about homosexuality were rooted in recent events in Ireland. In 1884, William O'Brien, an Irish nationalist MP, had printed allegations that members of the British establishment in Ireland were engaged in implied immoral activity. While O'Brien did not explicitly refer to homosex, he did name James Ellis French, the Head of the Criminal Investigation Department in Dublin, as one of those involved. French brought a libel case against O'Brien, during which other members of the British establishment were named, and three male witnesses came forward to testify as to their sexual relations with those involved. The judge, as a result, found in favour of O'Brien, after which the men accused by him were all put on trial for sodomy offences. The affair proved humiliating for the British establishment in Ireland, and for British prestige more generally.[119]

In cracking down on homosex, the Labouchère amendment essentially erased the possibility of boys as unable to consent and, therefore, as specifically vulnerable to sexual assault in law. By eliminating an age of consent for gross indecency, any male victim of sexual violence by a man who was above the age of criminal responsibility (which was between seven and 14) could be, in theory, liable for prosecution for participating in homosex. [120] However, the amendment did not necessarily reflect a wider reconceptualisation of male children as victims (or not) of sexual violence. As Matt

---

[116] 'Gross indecency' was not defined in statute law, and so it was down to the courts to interpret. William Fize, "The Homosexual Exception? The Case of the Labouchère Amendment," *Cahiers Victoriens & Édouardiens* 91 (2020), https://doi.org/10.4000/cve.7597.
[117] HC Deb. (3d ser.) (6 Aug. 1885) (300) cols. 1397-1398.
[118] Cook, "Law," 72.
[119] Morris B. Kaplan, *Sodom on the Thames: Sex, Love, and Scandal in Wilde Times* (London: Cornell University Press, 2012), 175-78. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1dg072n/alma991023527175807351.
[120] While the age of criminal responsibility in Britain was understood to be seven, those aged between eight and 14 were deemed to have less responsibility than those over 14. Vishnu D. Sharma, "The Criminal Responsibility of Children in England," *Anglo-American Law Review* 3, no. 2 (1974): 161-62, https://doi.org/10.1177/147377957400300205.

Cook observes, that the Labouchère amendment was passed in an almost-empty chamber means that it cannot be read as evidence of a cohesive state policy in regard to homosex between male persons.[121]

Subsequent scandals support this assertion. In 1886, following enquiries into the theft of a sum of money from the Central Telegraph Office in London, it was revealed that a fifteen-year-old 'telegraph boy' had been paid to have a sexual encounter with a 'gentleman' at a manor house on Cleveland Street. This 'boy' and others had essentially been recruited by a clerk at the telegraph office to provide sexual services for various men at house number 19.[122] The clients of 19 Cleveland Street were, it was revealed, of considerable standing, including Lord Arthur Somerset, equerry to the Prince of Wales, and Prince Albert Victor, the son of the Prince of Wales.[123] Somerset in many ways embodied the Victorian masculine ideal. In 1882, he had helped defeat the Egyptian army and establish the British occupation of Egypt, and later formed part of the mission to rescue General Gordon in Khartoum after Sudanese forces opposing Anglo-Egyptian rule besieged the city.[124] Given the status of those involved, legal officials suggested it might be preferrable to suppress the case, in order to save the British establishment from further embarrassment. The government was particularly reluctant to proceed with a case against Somerset and, as a result, he was able to abscond to Germany before he could be arrested.[125] Labouchère openly chastised such handling of the Cleveland Street affair. Claiming the 'telegraph boys' were "more sinned against than sinning", Labouchère himself revealed the impact of his amendment on limiting the protection of male children from sexual offences.[126]

Since assaults on boys by men were judged along class lines as well as on age, the outrage prompted by the Cleveland Street scandal centred more on the social position of the men accused than the age of the 'telegraph boys.' However, although some of the 'telegraph boys' were prosecuted for gross indecency, the youngest of those tried (aged 19) received the shortest sentence, and one aged 15

[121] Cook, "Law," 72.
[122] H. Montgomery Hyde, *The Cleveland Street Scandal* (London: W. H. Allen, 1976), 20-25.
[123] Kaplan, *Sodom on the Thames*, 169.
[124] Hyde, *The Cleveland Street Scandal*, 29.
[125] Ibid., 31-38.
[126] HC Deb. (3d ser.) (28 Feb. 1885) (341) cols. 1540-1542.

was not charged.[127] As none of the 'telegraph boys' were under the age of criminal responsibility, which was set between seven and 14, it is possible that their ages affected how far the court considered them to be culpable. However, as Dean Pavlakis has shown in the 1895 Gilbert Kirlew case, how the law was applied in response to the abuse of boys was shaped by class. Kirlew, a middle-class philanthropist, was accused in the press of sexually abusing boys at a children's refuge. Two libel trials followed, in which Kirlew's 'respectability' emerged as a deciding factor that mitigated against the testimony of his working-class victims in his favour.[128] Yet, when Oscar Wilde was tried for gross indecency that same year, it was his high-society status and possible influence in British politics, rather than the age of some of the male prostitutes he frequented, that proved both threatening and outrageous to the British public.[129] Although the age of victims perhaps persisted as a factor in determining legal culpability for gross indecency, class played a considerable role in determining the outcome of such cases.

Conclusion

How children were protected from sexual offences in the law was shaped not by concerns about child welfare, per se, but about wider anxieties over the relationship between gender norms and political power, and related anxieties over Britain's imperial standing. Here, the politics of masculinity occupied a central position in determining whether and how age-based protections from sexual offences were configured. For boys, protection from sexual offences was constructed through laws prohibiting homosex. As in the case of female age of consent reform, such laws were motivated by concerns over preserving the heteronormative gender ideals which informed the social order in Victorian Britain. As such, protections afforded to children were fundamentally based on a child's gender. Moreover, as legislators worried that increasing protections for girls would entail the possibility of more British men –especially young men – being convicted and sent to prison, they

[127] Kaplan, *Sodom on the Thames*, 170.
[128] Pavlakis, "Reputation," 341.
[129] Ari Adut, "A Theory of Scandal: Victorians, Homosexuality, and the Fall of Oscar Wilde," *The American Journal of Sociology* 111, no. 1 (2005): 239-40, https://doi.org/10.1086/428816.

ensured provisions which would limit this possibility. By including a clause in the law on rape that allowed for a defence to be mounted on the basis of a girl appearing older than the age of consent, legislators effectively instituted a second-class of protection for working-class girls. Chapter three will go on to explore how this clause functioned in practice in order to demonstrate how chronological age could be contested in sexual offences cases. The next chapter, however, examines parallel developments to sexual offences law and age of consent reform in colonial India.

Chapter Three: Age of Consent Reform in India

Introduction

While in Britain, chronological age had been used to denote capacity to consent since the sixteenth century, the tying of chronological age to capacity to consent in Indian law was a colonial innovation. This chapter examines how sexual offences against children were legislated against in colonial India in order to demonstrate how such legislation reflected distinctly colonial priorities. It details the drafting of the 1860 Indian Penal Code, which included protections for both girls (under the crime of rape) and boys (under the crime of unnatural offences) before moving on to consider the 1891 Age of Consent Act, which raised the age of female consent from 10 to 12.[1] In doing so, it accounts for how age intersected not only with gender in such laws, but also with race.

While the imperial perspective is somewhat lacking in research on age of consent reform in Britain, scholars have done excellent work on parallel developments in the British Empire. Philippa Levine's transnational study of age of consent reform in the British Empire reveals how discourses of climactic difference were used to justify lower ages of consent in the colonies, as it was suggested by colonial legislators that tropical climates had a 'maturing' effect on female bodies.[2] Yet, as Levine points out, this was not about climate, but about race, since higher ages of consent were enacted in white settler colonies, regardless of their tropical climate; in the exploitation colonies, which had limited white civilian populations, lower ages of consent were adopted. Moreover, Levine shows how models of consent were also raced: while white female capacity to consent was understood as a

---

[1] Indian Penal Code (Act 45) 1860; 'An Act to amend the Indian Penal Code and the Code of Criminal Procedure, 1882,' in D. E. Cranenburgh, *The Unrepealed Acts,* 26. It is worth noting that, while the 1891 Age of Consent Act was on the statute book and is commonly referred to as an 'Act', there is controversy over whether or when it was actually enacted. For instance, Charles Heimsath refers to the law as a 'bill', implying it was not enacted, while Geraldine Forbes alleges that no convictions were secured under the Act until 1921. See Charles Heimsath, "The Origin and Enactment of the Indian Age of Consent Bill, 1891," *The Journal of Asian Studies* 21, no. 4 (1962): 504, and Geraldine Forbes, *Women in Modern India,* (Cambridge: Cambridge University Press, 1999), 85. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991014723349707351. Therefore, to acknowledge this legal uncertainty, I cite the 1891 Act as it appears on the statute book, and not as an enacted piece of legislation. However, for ease of understanding, I use '1891 Age of Consent Act' in the text.

[2] Levine, "Sovereignty and Sexuality," 22-25.

combination of physical and mental development, capacity to consent for non-white girls was articulated only in terms of physical 'readiness'.[3] In the colonial Indian context, Tanika Sarkar, Himani Banerjee and Mrinalini Sinha have all made important contributions to the argument that the 1891 Act was more about political contests and alliances between British and Indian élite men than it was about protecting girls from rape.[4] The archive is replete with sources on the 1891 Age of Consent Act, not only because the proposed reform produced a flurry of discourse from various interest groups, but because colonial authorities worried it would cause political instability.[5] Scholarly focus on the 1891 Act therefore inadvertently reproduces colonial preoccupations. By providing a longer history of age of consent reform, and, crucially, detailing how colonial sexual offences law gradually subsumed existing indigenous legal norms, this chapter not only decentres the 1891 Act, but also demonstrates how colonial sexual offences law gradually came to embody colonial priorities, which ultimately circumscribed protections for Indian children.

Further, it destabilises the overwhelming focus on girls in such histories. Ishita Pande's work on how the 1929 Child Marriage Restraint Act delineated 'boys' and 'men' has proven an important corrective to the almost exclusive focus on women and girls in existing histories of sexual offences law.[6] This chapter thus provides an earlier history of what Pande terms the 'sex/age system', which articulates 'the entwinement of sex and age in constituting gendered relations of power'.[7] In doing so, it contends that protections for boys were shaped by specific colonial anxieties over homosexuality in the colonial context. Thus, while protections for both boys and girls were informed by colonial anxieties, the shape and function of such anxieties were predicated on the gendered nature of the sexual offence in question.

---

[3] Ibid., 20.
[4] Sarkar, *Hindu Wife, Hindu Nation*, 234-35; Sinha, *Colonial Masculinity*, 140-44; Bannerji, "Age of Consent," 34-36.
[5] See, for example, the memorials and campaign materials in the British Library India Office Records in IOR/L/PJ/6/297; IOR IOR/L/PJ/6/111, IOR/L/PJ/6/113, and IOR/L/PJ/6/243.
[6] Ishita Pande, "Sorting Boys and Men: Unlawful Intercourse, Boy-Protection, and the Child Marriage Restraint Act in Colonial India," *Journal of the History of Childhood and Youth* 6, no. 2 (2013): 342-47, https://doi.org/10.1353/hcy.2013.0029.
[7] Ibid., 333-34.

Rape in colonial law

As in Britain, chronological age also occupied an uneasy position in age of consent reform in a colonial context. Although the East India Company had tried to limit their interference in Indian society, it necessarily became embroiled in administering criminal law in which, as noted in chapter one, a modified form of Muslim law was used. As such, Company courts handled cases of a strikingly intimate nature, including in relation to sexual crime.[8] In Islamic legal tradition, including the Hanafi school upon which early-colonial criminal law was based, 'rape', rather than being a stand-alone offence, was attributed to a variety of offences, including assaults, seduction and kidnap.[9] As such, Islamic law contained not a singular definition of forced sexual intercourse and related ideas about consent which colonial courts could apply. Significantly, in the Hanafi legal tradition, the legality of a sex act was determined by 'God's approval of the sex act itself' rather than whether or not it had been committed without consent.[10] Regarding the link between a female's age and her capacity to consent to sexual intercourse, Islamic law appeared to structure the criminality of an act based on whether or not she had been a virgin prior to the offence; there was thus no set consensus on age-based capacity to consent.[11] Additionally, while chronological age was referred to in legal constructions of puberty, which a girl was required to have reached in order to marry, there was no specific age at which puberty in girls was believed to occur. Rather, Islamic law provided age ranges to denote pubertal development – namely, between nine and 17 for girls, and between 12 and 18 for boys.[12] Early

---

[8] Singha, "Making the Domestic More Domestic." Rape was constructed as a crime against a female; sexual offences against boys were prosecuted under the crime of sodomy. See, for example, Gobind Bhutt v. Bheekhum Bhutt, [1812] *Reports of Cases Determined in the Court of Nizamut Adawlut, with Tables of the Names of the Cases and Principal Matters*, ed. William H. Macnaghten, vol. 1 (Calcutta: The Baptist Mission Press, 1827), 234-35.

[9] Yasmine Badr, "An Analysis of "Rape" in Islamic Legal Discourse (1000–1500 CE)," in *A Companion to Crime and Deviance in the Middle Ages*, ed. Hannah Skoda (Amsterdam: Amsterdam University Press, 2023), 358-59.

[10] Hina Azam, *Sexual Violation in Islamic Law: Substance, Evidence, and Procedure* (Cambridge: Cambridge University Press, 2015), 158, 68. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991019477109707351.

[11] Yasmine Badr, "Defining and Categorizing "Rape": A Study of Some Pre-Modern and Early Modern Islamic Legal Sources" (Doctor of Philosophy McGill University, 2018), 183-84, 246-52, https://escholarship.mcgill.ca/concern/theses/3x816r91z.

[12] Ishita Pande, "Vernacularizing Justice: Age of Consent and a Legal History of the British Empire," *Law and History Review* 38, no. 1 (2020): 277, https://doi.org/10.1017/S0738248019000828. Islamic law was not unified on this point; some legal scholars cited 15 as the maximum age of puberty for both boys and girls. Charles

colonial courts therefore drew on biological markers, namely the attainment of puberty, to denote female capacity to consent to sex.[13]

By the early-nineteenth century, however, as a result of the growing influence of officials who proposed Anglicising the colonial administration, Company officials were becoming increasingly enamoured with the idea of a legal system informed by liberal principles of universality and objectivity, which reflected a growing sense of British superiority over Indian legal systems and customs. Such a shift was a result of the East India Company's growing self-confidence following a period of rapid conquest in the first two decades of the nineteenth century.[14] Inspired by Utilitarian philosopher Jeremy Bentham, who considered the Islamic legal system in India to be "sentimental" and overly based on custom, and who advocated for an Indian legal system based on rationality, the British begun to erode Indian legal norms.[15] While Britain did not have its own penal code, and Utilitarian thinkers also bemoaned Britain's common law system as antiquated, the British attempted to codify legal norms in India. In 1828, for example, the Company introduced the Criminal Law (India) Act, which essentially served to organise criminal law in India into one Act, inspired by principles of British justice.[16] The Act classified crimes into felonies and misdemeanours, and included a definition of rape that was based on that in English law, which tied capacity to consent to sexual intercourse to chronological age. From 1828, notably, the rape of a girl under 10 years old was classed as a felony in English statutory law, and the rape of a girl aged between 10 and 12 as a misdemeanour.[17] Reflecting colonial beliefs about Indian female bodies maturing earlier than the

---

Hamilton, *The Hedaya or Guide: A Commentary on the Mussulman Laws*, 2nd ed., ed. Standish Grove Grady (London: H. Allen & Co., 1870) Internet Archive. 11 July 2022, 529-30. https://archive.org/details/in.ernet.dli.2015.216460/page/n5/mode/2up; Pande, *Sex, Law, and the Politics of Age*, 45.

[13] Kolsky, "The Rule of Colonial Indifference," 1097.

[14] Stokes, *The English Utilitarians and India*, xv, 27.

[15] In a legal context, Utilitarianism idealises a system of law which emphasises the *utility* of the law for the greater good of society. As such, it privileges a "rational" approach, which considers the law's wider impact, over a "sentimental" approach, which may address an individual wrong without wider consideration for deterrence or rehabilitation. Jeremy Bentham, quoted in Kartik Kalyan Raman, "Utilitarianism and the Criminal Law in Colonial India: A Study of the Practical Limits of Utilitarian Jurisprudence," *Modern Asian Studies* 28, no. 4 (1994): 751-72, https://doi.org/10.1017/S0026749X00012531.

[16] Criminal Law (India) Act 1828, 9 Geo. 4, c. 74; ibid., 754-55.

[17] Jackson, *Child Sexual Abuse*, 13.

bodies of European girls, the colonial Indian statute set these ages at eight for felony rape and between eight and 10 for misdemeanour rape. [18]

For the first time capacity to consent was, at least in theory, thus tied to a specific chronological age in India. However, given the absence of any apparatus for the colonial state to 'know' the chronological age of the local population, such as official birth registration, and the fact that chronological age was not widely used to reference age in India, attempts to determine chronological age in rape cases rested on the testimony of Indians. This led to challenges in ascribing chronological age in colonial courtrooms in practice. For example, one victim, in a case from 1851, was described as 'the girl, whose age is perhaps between 8 and 9 years, it being variously stated from 7 to 10 years.'[19] In the absence of evidence of chronological age, the colonial judiciary thus fell back on earlier modes of assigning age using physical markers of puberty.

Such classifications, and therefore decisions on a girl's capacity to consent, were, however, racially coded. Colonial beliefs that 'Oriental' women reached sexual maturity, or "ripened", earlier than their European counterparts served to 'underqualify' Indian girls as victims of rape.[20] One judge, for example, grappled with whether or not an alleged rape victim could have consented to sexual intercourse, by noting that 'If the girl were an European [sic]", he would "say that she [had] not attended the age of puberty", and hence it was impossible for her to consent; since she was, however, a 'native', he could not 'give a decided opinion' on the matter. As a result, the defendant was acquitted.[21]

By 1860, the law on rape had undergone further reform as part of the colonial project to develop an Indian penal code. As Barry Wright has noted, the codification project was not merely about Anglicising the Indian legal system; since Britain itself did not have a penal code, this can also

[18] Criminal Law (India) Act (1828), 9 Geo. 4., c. 74, section 65.
[19] Jamal Jolah v. Sheikh Fureed, [1851] *Reports of Cases Determined in the Court of Nizamut Adawlut, with an Index to the Principal Matters*, vol. 1, part 2 (Calcutta: Bengal Military Orphan Press, 1852), 886-88.
[20] Singha, "Making the Domestic More Domestic," 320.
[21] Government and Bhuggy Baorin v. Beharee Sonar, [1853] *Reports of Cases Determined in the Court of Nizamut Adawlut, from January to June 1853*, vol. 3, part 1 (Calcutta: Bengal Military Orphan Press, 1854), 744-45.

be understood as a process of testing out legal innovation in the colony.[22] The process took a total of twenty-seven years to complete, informed by multiple law commissions, reports and recommendations informing the process. The first draft code, published in 1837, drew largely upon Western legal traditions and texts, including the French Penal Code (1820) and the Louisiana Code (1820).[23] Marking a considerable shift from earlier attempts to preserve Indian law, and reflecting the aforementioned increase in British self-confidence during this period, the British commissioners responsible for the first draft did not '[think] it desirable to take as the groundwork of the Code any of the systems of law… in force in any part of India' at the time.[24] Supplanting the 1828 Act, the Indian Penal Code followed what had by then become colonial practice of using age as a marker of adjudicating the age of consent by enshrining 10 as the age of consent for girls when it came into law in 1862.[25] Crucially, the Penal Code departed from the 1828 Act as it did not provide for felony and misdemeanour rape. Likely reflecting colonial beliefs about Indian girls' bodies maturing earlier, the age of consent for Indian girls was, therefore, set at two years lower than the female age of consent in England and Wales at the same time.[26]

Unnatural offences

While, as in Britain, legal protections for boys in colonial Indian law came under laws proscribing homosex and/or sodomy, these laws were undeniably shaped by the specific colonial context in which they were created. Prior to the institution of the penal code, the colonial judiciary in India handled such cases in its courtrooms and, after 1828, legislation was enacted criminalising sodomy.[27] In pre-

[22] Barry Wright, "Renovate or Rebuild? Treatises, Digests and Criminal Law Codification," in *Law Books in Action: Essays on the Anglo-American Legal Treatise*, ed. Angela Fernandez and Markus D. Dubber (London: Hart Publishing, 2012), 184.
[23] T. B. Macaulay et al., *A Penal Code Prepared by the Indian Law Commissioners* (Calcutta: Military Orphan Press, 1837), 6; William Thomas, "Macaulay, Thomas Babington, Baron Macaulay", *Oxford Dictionary of National Biography* (2015). https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-17349?rskey=ZT0BJJ&result=2.
[24] Macaulay et al., *A Penal Code*, 6.
[25] Section 375, Indian Penal Code, (1860), 323-24.
[26] Offences Against the Person Act 1861, 24 & 25 Vict., c. 100, sections 50 and 51.
[27] As in Britain, such crimes did not come under rape law but under law proscribing homosexual sex.

colonial India, what appears to have been a cultural acceptance of male sexual intimacy co-existed with a no-tolerance policy in legal texts. On the one hand, artistic and literary sources suggest a certain level of acceptance of homosex in the pre-colonial period, particularly between men.[28] On the other, Islamic legal texts suggest that homosex was not tolerated. In *sharia* law, which guided general legal principle based on the teaching of the Qu'ran, sodomy was punishable by being stoned to death. It also proscribed looking at the 'private parts' of, or sleeping in the same bed as, a person of the same sex.[29] In practice, it is unclear how common it was for homosex to be prosecuted in pre-colonial legal systems in India.[30] However, as *sharia* law required such a high evidence threshold for sodomy cases (notably, a confession or the testimony of four eye-witnesses), prosecution for such an offence was unlikely. [31]

As in Britain, colonial law on sexual offences was heavily gendered. Only women and girls could be victims of rape, and legal protections for boys were limited to laws prohibiting homosex and/or sodomy. As in the case of rape, furthermore, the colonial judiciary originally relied on interpretations of Islamic law to legislate and prosecute homosex and the abuse of boys.[32] The 1828 Criminal Law (India) Act, for example, prohibited anal sex with either a person or animal but did not specify gender; nevertheless, the sexual abuse of boys – which was only recognised in law as sodomy – was thus prosecuted as such.[33]

While there was no set male age of consent for sodomy, Company courts did not necessarily regard boys who had been sodomised as culpable to the offence. For example, between 1805 and 1858, three cases of sodomy committed on boys aged under 11 came before the *Nizamat Adalat*. In all three, the boys were regarded as victims; there was no discussion as to whether or not they had any

---

[28] Saleem Kidwai, "Introduction: Medieval Materials in the Perso-Urdu Tradition," in *Same-Sex Love in India: Readings in Indian Literature*, ed. Ruth Vanita and Saleem Kidwai (Basingstoke: Palgrave, 2000), 110-25.
[29] Ibid., 110.
[30] Of the limited research that exists on the prosecution of sexual crime in pre-colonial India, which uses regional court documents from Rajasthan, there is no work on the prosecution of same-sex relations. Whilst this is not to say that such courts did not see sodomy cases, it is safe to assume that, given the level of cultural acceptance and high evidentiary thresholds, it was rare for such relationships to enter the legal arena.
[31] Walter Penrose, "Colliding Cultures: Masculinity and Homoeroticism in Mughal and Early Colonial South Asia," in *Queer Masculinities, 1550–1800* (London: Palgrave Macmillan, 2006), 146.
[32] Gobind Bhutt v. Bheekum Butt, [1812] *Reports of Cases Determined in the Court of Nizamat Adawlut*, 1, 234-35; Suparna Bhaskaran, "The Politics of Penetration: Section 377 of the Indian Penal Code," in *Queering India: Same-Sex Love and Eroticism in Indian Culture and Society*, ed. Ruth Vanita (New York: Routledge, 2013), 19.
[33] Criminal Law (India) Act 1828, 9 Geo. 4, c. 74, section 63.

culpability in the commission of the offence. Yet, it is not clear how far this related to their chronological age. Criminal law in Company courts did employ a notion of age-based criminal responsibility. However, this was not tied to a specific chronological age, but rather whether or not a defendant had reached 'maturity'. For instance, in a homicide case, the 12-year-old male defendant was given a more lenient sentence after the judiciary acknowledged that he was 'of tender years.'[34] It is likely, therefore, that boys who were victims of sodomy were deemed not culpable as they were considered to have not attained the age or maturity required for criminal responsibility.

Yet, it is possible that the notion of 'force' or evidence of physical harm also shaped the colonial judiciary's interpretation of a boy's capacity to consent. In one case, from 1823, a man was convicted of 'forcibly committing sodomy' on a boy 'about 6 or 7 years of age'.[35] In another, in which a boy aged 'about ten' was violently sodomised by the defendant, the defendant confessed but alleged the victim had consented. The claim of consent appears to have gone unremarked upon by the judiciary, who were more concerned with whether the case had met the evidentiary threshold for the sentence delivered by the lower circuit court. The victim was described as being so gravely injured by the fact that his death was 'extremely probable'.[36] Thus, it is possible that the construction of the offence as forceful or violent also precluded any possibility of culpability or consent on the behalf of the boy involved.

When it came to drafting India's penal code, the question of how consent was to feature in the clause proscribing 'unnatural offences', which included sodomy, sparked debate. The first draft, drawn up in 1837, included two clauses which criminalised homosexual activity. These were decidedly broad, namely:

> 361. Whoever, intending to gratify unnatural lust, touches, for that purpose, any person, or any animal, or is by his own consent touched by any person, for the purpose of

[34] Government and Nubokishore Shah vs. Maugneeah Shah and Chittramoney Hareeanee, [1853] *Reports of Cases Determined in the Court of Nizamut Adawlut*, 3, part 1, 634-40.
[35] Government v. Sookhooa, [1823] *Reports of Cases Determined in the Court of Nizamut Adawlut, with Tables of the Names of the Cases and Principal Matters*, ed. William H. Macnaghten, vol. 2 (Calcutta: The Baptist Mission Press, 1827), 238-39.
[36] Gobind Bhutt v. Bheekum Butt, [1812] ibid., 1: 234-35.

gratifying unnatural lust, shall be punished with imprisonment of either description for a term which may extend to fourteen years and must not be less than two years, and shall also be liable to fine.

362. Whoever, intending to gratify unnatural lust, touches for that purpose any person without that person's free and intelligent consent, shall be punished with imprisonment of either description for a term which may extend to life and must not be less than seven years, and shall also be liable to fine.[37]

A report on the first draft of the code, published in 1846, which compiled opinions from various members of the colonial establishment, began by stating that such a discussion 'relate[d] to an odious class of offences respecting which it is desirable that as little as possible should be said', yet went on to spend some time critiquing the unnatural offence sections included in the code. Some respondents also criticised the draft code's 'false delicacy', as the report's authors were concerned that the vague wording regarding unnatural offences would lead to an innocent man being 'exposed to such a revolting charge' and, as a result, 'suffer[ing] the ignominy of a public trial'. Colonel William Sleeman, who held the British Residency at Gwalior, went a step further by calling for the omission of both sections and arguing that such offences were best left 'silently to the odium of society'.[38] The report went on to point out that the French Code only legislated against homosex if it was 'attempted with violence', whereas the Louisiana Code made no reference to homosex.[39] The colonial establishment's response to the draft was clearly, then, that the criminalisation of homosex was an unnecessary measure.

[37] Macaulay et al., *A Penal Code Prepared by the Indian Law Commissioners*, 92.
[38] Charles Hay Cameron and D. Eliot. Report on the Indian Penal Code. Indian Law Commission (Calcutta: Military Orphan Press, 1846). 131. This was perhaps unusual coming from a man who made a career out of 'discovering' and suppressing what he saw as peculiarly Indian forms of violent crime, though Sleeman's reasoning is not contained in the report. For more on Sleeman, see Kim Wagner, *Thuggee: Banditry and the British in Early Nineteenth-Century India* (Basingstoke: Palgrave Macmillan, 2007), 210-16.
[39] Cameron and Eliot, Report on the Indian Penal Code, 131.

The opinions contained in the 1846 report received a scathing response, however, from J. M. Macleod, one of the authors of the 1837 draft code. Dismissing the charge of ambiguity regarding the proposed unnatural offences clause as 'erroneous', Macleod countered that the authors of the report knew exactly what type of offence was referred to in the draft, only to then 'make remarks which are not applicable to the provisions really contained in those Clauses'.[40] In other words, Macleod saw no issue in how the act of touching for the purpose of 'gratifying unnatural lust' would be detected and prosecuted. Such tensions thus reflect the ambiguity over how to address homosex at the time, namely whether to take a no-tolerance approach and actively suppress it, on the one hand, or respond to it with silence and omission on the other.

Macleod's remarks also reveal the priorities of the law commission charged with drafting the penal code in proposing such strict measures against homosex. Responding directly to Sleeman's calls to omit the sections in question, Macleod wrote that 'the Europeans and descendants of Europeans in India, and especially the large number of European soldiers always serving in that country, should not be forgotten'.[41] That Macleod had previously served as a colonel in the Madras army suggests he had some level of knowledge of homosex between British soldiers in India, and sought to penalise this.[42] As Robert Aldrich has noted, the 'colonies provided locales where soldiers' desires to enjoy the company of men could safely, even acceptably, be enacted'.[43] While fears of sexual deviancy in the military were key to discourses on colonialism and homosexuality in the mid-to-late colonial period, such comments make clear that these anxieties were present earlier.[44]

Homosexuality posed a problem for the British in India because sexual immorality among European troops threatened to undermine the notion of the superiority of the British 'race'.[45] Such concerns led Charles Napier, the Governor General of Sindh, to become concerned, in 1845, about

---

[40] John Macpherson Macleod, *Notes on the Report of the Indian Law Commissioners* (London: W. Clowes & Sons, 1848), 42-43.
[41] Ibid., 43.
[42] Katherine Prior, "Macleod, Sir John Macpherson", *Oxford Dictionary of National Biography* (2004). https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-17674?rskey=wKWEa7&result=25.
[43] Aldrich, *Colonialism and Homosexuality*, 80.
[44] Ibid., 69-80. Ballhatchet, *Race, Sex and Class*, 10.
[45] Ann Laura Stoler, *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things* (Durham: Duke University Press, 1995), 182. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991023328045207351.

reports of brothels, 'in which not women but boys and eunuchs, the former demanding nearly a double price, lay for hire'.[46] Concerned that his own soldiers might be frequenting such establishments, Napier therefore instructed Richard Burton, then a soldier in the East India Company Army, to travel to Sindh on a fact-finding mission into the alleged sexual vice there. Burton was under strict instructions not to share the report he produced on this with Napier's superiors in Bombay. However, the report somehow ended up in the hands of Bombay officials, which prompted Burton's dismissal from the East India Company; while Napier had the brothels shut down, the report was then either hidden or destroyed.[47]

This incident is highly revealing of how the colonial government in India sought to deal with certain forms of sexual crime. Certainly, when it came to the sexual misconduct of Europeans, colonial authorities seemed to prefer sweeping such allegations under the carpet. Yet in some cases, homosexuality and gender non-conformity among indigenous groups was also considered in need of regulating. The *hijra*, a gender non-conforming community of male-bodied people who present as female, and who engage in sex with men, appeared to be particularly troubling to the colonial state.[48] As Jessica Hinchy has shown, the refusal of the *hijra* to conform to gender binaries, combined with their engagement in 'immoral' sexual practices and their itinerancy, was seen by the colonial government as threatening to the social and political order. As such, the colonial government sought to regulate and criminalise the *hijra*.[49]

Ultimately, while the construction of unnatural offences adopted in the 1860 Penal Code did include some provision for consent, it departed significantly from the terms of the first draft. As detailed above, the first draft of the penal code contained two sections prohibiting unnatural offences. The first addressed both touching and 'being touched, by his own consent' for the purpose of gratifying 'unnatural lust', the penalty for which carried a minimum sentence of imprisonment for two

---

[46] Richard Francis Burton, *The Book of The Thousand Nights and a Night: A Plain and Literal Translation of the Arabian Nights Entertainments*, vol. 10 (New York: The Burton Club, 1885), 3748.
[47] The contents of the report are partially recounted in Burton's account of the episode in his 1885 *The Book of a Thousand Nights and a Night*. Ibid.; Aldrich, *Colonialism and Homosexuality*, 30.
[48] I have used Jessica Hinchy's term 'male-bodied people' here to denote the difference between sex and gender identity in this context. Jessica Hinchy, *Governing Gender and Sexuality in Colonial India: The Hijra, c.1850-1900* (Cambridge: Cambridge University Press, 2019), 27.
[49] Ibid.

years and a maximum sentence of 14 years. The second section criminalised touching 'any person […] without that person's free and intelligent consent', with a minimum penalty of seven years imprisonment and a maximum life sentence.[50] Clearly, the authors of the draft penal code considered consensual homosex a lesser crime than non-consensual homosexual assault.

By contrast, the 1860 version did not make such a stark differentiation. It also departed from the draft version as, instead of criminalising 'touching', the proscription of homosex came under a clause prohibiting sodomy. While there remains little evidence as to why such changes were made, it is likely this was a response to earlier concerns over the vague wording contained in the 1837 draft. As it was enacted in the 1860 Indian Penal Code, the law criminalising sodomy was as follows,

> Whoever voluntarily has carnal intercourse against the order of nature with any man, woman, or animal, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.[51]

By including the term 'voluntarily', the section implied the possibility that boys who were victims of sodomy may not be considered culpable and was, therefore, seemingly in line with existing legal practice. In contrast to the law on rape, however, there remained no specific age of consent for sodomy. As such, the provision for *protection* for boys from sexual assault was unclear. This reflected the driving force behind section 377 as a blanket prohibition of sodomy rather than a specific age-based protection from sexual offences.

The 1891 age of consent controversy

The equation of female consent with chronological age under colonial law went largely unquestioned until the 1880s, when the entitlement of Indian men to Indian female bodies came under legal dispute.

[50] Macaulay et al., *A Penal Code*, 92.
[51] Indian Penal Code (Act 45) 1860, section 377.

Under Hindu law, an infant girl could be married to her husband but could not live with him or consummate the marriage until she got her first period.[52] In response to such custom, in 1884, a man named Dadaji Bhikaji filed a case to the colonial court for restitution of conjugal rights. He had married his wife, Rukhmabai, before she had reached menarche, yet, as Rukhmabai reached adolescence, she refused to live with him and consummate the marriage. Bhikaji, Rukhmabai claimed, in justifying her refusal to consummate the marriage, was uneducated, a gambler, and had no honest employment.[53] Bhikaji based his case on the English legal principle of restitution of conjugal rights, under which the court could force a spouse to resume cohabitation under threat of imprisonment. However, this principle was outdated by the time the case came up for hearing in 1885, having been supplanted by the Matrimonial Causes Act in 1884, which removed the power of courts to force cohabitation. To be clear, the English principle referred to *restitution* of conjugal rights. As Rukhmabai had never lived with her husband, this principle was deemed irrelevant, and the case was thrown out. [54] Following an appeal, however, the British judge ordered Rukhmabai to live with her husband, citing the Hindu custom of infant marriage, under which a wife had to live with her husband upon marriage.[55] The ruling thus directly challenged the image of the colonial state as the protector of Indian women. As noted above, the 'civilising mission' rhetoric that had justified extensions of colonial power since the early nineteenth century had long been drawn along gendered lines. Particularly in the context of debates on girlhood and sexual violence in Britain – Stead's exposé and the resulting reform were a recent memory – Rukhmabai's case exposed the colonial judiciary as enforcing what were considered barbaric Hindu norms.

---

[52] Sarkar, *Hindu Wife, Hindu Nation*, 48.
[53] Padma Anagol-McGinn, "The Age of Consent Act (1891) Reconsidered: Women's Perspectives and Participation in the Child-Marriage Controversy in India," *South Asia Research* 12, no. 2 (1992): 101-02, https://doi.org/10.1177/026272809201200202.
[54] Sudhir Chandra, *Enslaved Daughters: Colonialism, Law and Women's Rights*, 2 ed. (Delhi: Oxford University Press, 2008), 35-41. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_scopus_primary_2_s2_0_84922444119.
[55] Anagol-McGinn, "The Age of Consent Act (1891) Reconsidered."

Rukhmabai's case can also be read as an advocation for a reconceptualisation of female sexual consent; from physical capacity to sustain penetration towards a model of intelligent consent.[56] At the level of colonial law, however, consent continued to be based on a girl's physical capacity to engage in sexual intercourse. Yet, this was to emerge as a contested issue when the age of consent, set at ten under the 1860 Penal Code, was proven to be devastatingly incompatible with physical capacity. In 1889, eleven-year-old Phulmoni Dasi was raped to death by her 35-year-old husband, Hari Mohan Maiti, on their wedding night.[57] In the subsequent trial, Maiti was acquitted as Phulmoni was deemed over the age of consent.[58] Phulmoni's death and Maiti's acquittal sparked outrage, however, particularly among the Hindu Orthodox community in Bengal. This outrage was a result of transformations in Indian gender norms which were inextricably linked to questions of colonial rule.

According to Ann Stoler, the European self-image of superiority in colonial contexts was heavily informed by sexual ideals. Specifically, the notion that Europeans were more able to exercise sexual restraint meant that sexual excess was perceived of as an attribute of colonial subjects and was, therefore racially coded.[59] The Hindu reformist movement of the late-nineteenth century, for example, which emerged as a response to colonial rule, sought to reform established Indian gender norms, including notions of Indian womanhood, by adopting Victorian ideals of companionate marriage.[60]

---

[56] Kanika Sharma, "Withholding Consent to Conjugal Relations within Child Marriages in Colonial India: Rukhmabai's Fight," *Law and History Review* 38, no. 1 (2020): 170-75, https://doi.org/10.1017/S0738248020000024.

[57] It is unclear whether Phulmoni's recorded chronological age was accurate. The next chapter will address the possibilities of 'knowing' one's chronological age in this context.

[58] Sarkar, *Hindu Wife, Hindu Nation*, 49.

[59] Stoler, *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things*, 182; Ann Laura Stoler, "Making Empire Respectable: The Politics of Race and Sexual Morality in 20th-century Colonial Cultures," *American Ethnologist* 16, no. 4 (1989): 635, https://doi.org/10.1525/ae.1989.16.4.02a00030; Levine, "Sexuality, Gender, and Empire," 136-37.

[60] Such established norms as, for instance, sanctioned polygamy for men. Tanika Sarkar, "Orthodoxy, Cultural Nationalism, and Hindutva Violence," in *Nation, Empire, Colony: Historicizing Gender and Race*, ed. Nupur Chaudhuri and Ruth Roach Pierson (Bloomington: Indiana University Press, 1998), 170; Kunal Parker, "'A Corporation of Superior Prostitutes' Anglo-Indian Legal Conceptions of Temple Dancing Girls, 1800–1914," *Modern Asian Studies* 32, no. 3 (1998): 562, 600, https://doi.org/10.1017/S0026749X98003187. It is worth noting these new gender norms cut across religious lines, as the ideal of companionate marriage also emerged within Muslim communities. See Asiya Alam, "Marriage in Transition: Gender, Family and Muslim Social Reform in Colonial India" (Doctor of Philosophy University of Austin, 2013), 13-14, 102-04, http://hdl.handle.net/2152/47180 and Metcalf and Metcalf, *A Concise History of Modern India*, 146.

Scholars have termed this reinvention of gender norms the 'new patriarchy', as Indian patriarchal structures were reconstituted in line with Victorian gender ideals.[61]

The reformist approach to gender ideals was challenged by the religious revival movements that had sprung up during the 1870s, and who were closely associated with the Orthodoxy in the colonial imagination.[62] A response to colonial subordination, revivalists aimed to 'recover and reclaim an Indian "tradition" which had not been colonised', by turning 'inwards', away from European influence and evoking a pre-colonial Hindu 'golden age'.[63] Significantly, Hindu revivalism produced notable anti-colonial nationalists and was closely equated with anti-colonial sentiment.[64] As the private or domestic sphere was considered by nationalists to be untouched by colonialism, they reified this space, and the women who inhabited it, as bastions of Indian culture.[65] Accordingly, Indian nationalists, like middle-class Victorians, came to conceive of gender through a binary of public (material) and private (spiritual) spheres. For Indian nationalists, India's subordination was a result of Western superiority in the material sphere: 'science, technology' and 'modern forms of statecraft'. They thus sought to locate the site of *Indian* superiority and, since this was not to be found in the public/material sphere, they turned to the domestic sphere.[66] The home was therefore reconfigured by revivalists as the site of the Indian 'true self' and valorised as the zone which had not, and could not, succumb to colonisation. Accordingly, if the home, conceived as the feminine sphere, 'was the embryonic nation, then the woman was the true patriotic subject'.[67] While the Indian male body, 'having passed through the grind of Western education' and exposed to the colonised public sphere, had been 'remade in an attenuated, emasculated form by colonialism', the Indian female body, existing in the uncolonised space of the domestic sphere, remained 'pure and unmarked' by

---

[61] Chatterjee, "The Nationalist Resolution," 127.
[62] It is worth noting that religious revivalism was not confined to Hinduism; Islam also had parallel revival movements. See Barbara D. Metcalf, *Islamic Revival in British India: Deoband, 1860-1900* (Princeton University Press, 1982), 9-14. https://www.jstor.org/stable/j.ctt7zvmm2.7.
[63] Jason D. Fuller, "Modern Hinduism and the Middle Class: Beyond Reform and Revival in the Historiography of Colonial India," *Journal of Hindu Studies* 2, no. 2 (2009): 162-63, https://doi.org/10.1093/jhs/hip012; K. N. Panikkar, "Colonialism, Culture and Revivalism: Key Note Address to the Annual Session of the West Bengal, History Association at Calcutta in February 2002," *Social Scientist* 31, no. 1/2 (2003): 11-12, https://doi.org/10.2307/3518287. ibid., 12.
[64] Fuller, "Modern Hinduism," 163.
[65] Chatterjee, "The Nationalist Resolution," 122, 27.
[66] Ibid., 120-21.
[67] Sarkar, *Hindu Wife, Hindu Nation*, 43.

colonialism.[68] The welfare of Indian women was thus seized upon by Indian nationalists, who began to campaign fervently against any practices deemed polluting to female purity.[69]

Yet Phulmoni's death exposed the incompatibility of Orthodox marriage practices with female welfare. Her death occurred at a moment of competing claims between Hindu reformists and revivalists over the culture of nationalism – namely, how far the nationalist movement should appropriate European norms, and how far it should preserve 'Indian' culture. Phulmoni's death therefore served as an emblem of a degraded Hindu girlhood, which galvanised reformists and humiliated revivalists.[70]

Following the outcome of Maiti's trial, Behramji Malabari, a Parsi social reformer, travelled to Britain to appeal to British notions of civilisational superiority and drum up support for legal change. Significantly, Malabari framed the Phulmoni case as a direct challenge to colonial claims to moral superiority and paternalism. Malabari accused the British government of 'hesitat[ing] to accept the responsibilities of their power and position in India', in contrast with earlier interference in what colonial officials perceived to be immoral practices, such as *sati*.[71] Malabari thus appealed to civilising mission rhetoric to implore the colonial government to make good on their supposed cause of the uplift of Indian womanhood. Malabari's actions thus reveal how debates over the age of consent – understood in the Indian context as the age at which a girl could physically sustain penetrative sex – were characterised by competing masculinities. The colonial government occupied an uneasy position: while it sought to preserve its ostensible commitment to non-interference so as to not rock the boat of Indian opinion and threaten its authority, justifications for empire based on the supposed pitiful position of Indian women were being wielded by Indian reformers pushing for legal change. Meanwhile, Hindu revivalists deplored the threat of colonial interference in Hindu marriage rituals as colonial encroachment into the domestic, spiritual sphere, and as impingements on the rights

[68] Ibid. See also Sarkar, "Orthodoxy," 171.
[69] Mytheli Sreenivas, "Creating Conjugal Subjects: Devadasis and the Politics of Marriage in Colonial Madras Presidency," *Feminist Studies* 37, no. 1 (2011): 64-68, https://doi.org/10.1353/fem.2011.0033.
[70] Sarkar, *Hindu Wife, Hindu Nation*, 233.
[71] "Child Marriage in India," *The Times of India*, 9 September 1890, 6, https://liverpool.idm.oclc.org/login?url=https://www.proquest.com/historical-newspapers/child-marriage-india/docview/234371770/se-2., ProQuest Historical Newspapers.

of Hindu men over their wives. In the age of consent controversy, the real contest was therefore between male authority, as (male) colonial officials and (male) Orthodox Hindus battled over claims to moral superiority, authority and entitlement to Indian female bodies.

Certainly, in these debates, Indian girls appear as mere bodies. The response from the Hindu Orthodox camp to the proposals to raise the age of consent was to vehemently oppose any legal change which would interfere in Hindu marriage customs; the crux of the issue being that increasing the age of consent could disrupt the *garbhadhan* custom, in which a married girl goes to live with her husband upon reaching menarche. According to Hindu Orthodox arguments on the matter, if a married girl did not cohabit with her husband until she reached the increased age of consent of 12, but had already begun her periods, her sons would lose the ability to make ancestral offerings.[72] While opposition to the reform was presented as the spiritual effects of colonial encroachment into the spiritual sphere, it was therefore female bodily development that was central to it.

Authorities thus attempted to work out how to reform the age of consent in line with a girl's physical development, namely with when she reached menarche. Phulmoni's violent death had laid bare the physical impact of early marriage consummation; crucially, medical evidence given at the trial stated she had not yet menstruated, which reinforced the notion that it was menarche that signalled physical capacity for sex.[73] Phulmoni was said to have been aged between 10 and 11 years old at the time of her death and, in line with mid-nineteenth century opinions which placed 12 as the age of puberty, the colonial government sought to introduce 12 as the new age of consent.[74] Yet, as judge J. W. Best noted, tying together consent (as physical capacity) and menarche with a universally applicable chronological age in law was impossible. Stating his opinion as part of a collection of judicial positions by the central government on the issue, Best cited medical opinions, including the medical evidence given at Maiti's trial, to contend that puberty did not necessarily occur at the onset of menstruation and that there was considerable variation in the age at which a girl reached

[72] Sarkar, *Hindu Wife, Hindu Nation*, 48-50.
[73] Ishita Pande, "Phulmoni's Body: The Autopsy, the Inquest and the Humanitarian Narrative on Child Rape in India," *South Asian History and Culture* 4, no. 1 (2013): 15, https://doi.org/10.1080/19472498.2012.750453.
[74] For a more detailed discussion on the age of 12 and competing ideas about age and puberty in these debates, see Pande, *Sex, Law, and the Politics of Age*, 36-51.

menarche.[75] Indeed, the colonial government heard from various medical officials who argued that the age of consent should be set at 14 or above. Yet even as Andrew Scoble, responsible for drafting the age of consent bill, proposed making 12 the legal age of female consent, he acknowledged that, according to him, only 39 percent of Indian girls had reached menarche by 12. Nevertheless, Scoble deemed this a sufficient percentage to press ahead with 12 as the female age of consent.[76]

For all the protests, pamphlets and debates over the age of consent, the resulting Age of Consent Act was, perhaps not surprisingly, a dead letter.[77] While the colonial government officially raised the age of consent for girls from 10 to 12, it ensured the law would not be put to use. This was because, to minimise the threat of backlash from Hindu Orthodox groups to the proposed change, the government sent out a circular warning district magistrates against applying the law.[78] The age of consent controversy was thus entirely constituted by a struggle for male authority over female bodies. While Hindu authority had been eroded in the public/material sphere under British rule, the spiritual sphere, situated in the *ghar* (home), which in Hindu culture was regarded by nationalists as superior to the West, remained the last bastion of Hindu identity, and the only remaining site of Indian sovereignty. The association of the domestic sphere with femininity meant, furthermore, that women were not only held responsible for the preservation of the national culture, but that their bodies became the site upon which the national culture could lay its claim.[79]

Conclusion

As this chapter has shown, how children were protected from sexual offences under colonial Indian law was directly informed by colonial priorities. While colonial officials had originally debated whether or not to include a law proscribing homosex in the Indian Penal Code, fears over European troops engaging in sex with Indian boys and men, which became realised in the 1845 Burton report,

[75] J. W. Best to Chief Secretary of Government, 28 January 1891, IOR L PJ 6 300, File 770, British Library.
[76] Age of Consent Act (Act 10) 1891; Pande, *Sex, Law, and the Politics of Age*, 41-44.
[77] Age of Consent Act (Act 10) 1891.
[78] Dagmar. Engels, "The Age of Consent Act of 1891: Colonial Ideology in Bengal," *South Asia Research* 3, no. 2 (1983): 113, https://doi.org/10.1177/026272808300300205; Sinha, *Colonial Masculinity*, 138.
[79] Chatterjee, "The Nationalist Resolution," 120-27; Sarkar, *Hindu Wife, Hindu Nation*, 228.

ensured that such a law was incorporated. Whereas debates over the age of consent in Britain were characterised by the specter of designing working-class girls seeking to seduce innocent British men, Indian girls were denied any such agency. Despite women's public participation in the age of consent debates, Indian girls were reduced to mere bodies, as vessels for male sexual acts.[80] In the colonial hierarchy of sovereignty, in which colonial officials exercised sovereignty over all Indian subjects, and in which Indian male sovereignty was limited to being exercised over Indian women, Indian women and girls were afforded no sovereignty over their own bodies. This is not to say they did not resist such oppression, but that this is why, in legal terms, the age of consent for Indian girls was predicated on their bodily, rather than mental, development. Moreover, while the colonial government's commitment to raising the female age of consent was rooted in the colonial discourse of Indian female welfare, challenges posed by Indian nationalists to the age of consent bill actually served the interests of the colonial state.[81] By attempting to circumscribe the colonial government's interference into social matters, opposition to the age of consent bill enabled the colonial government to use the spectre of an Indian society violently opposed to reform to justify a limited reform measure. As chapter five demonstrates, this image would prove to be incredibly useful to the colonial government in the twentieth century, when the supposed commitment of the colonial state to the welfare of its subjects came under the microscope at the League of Nations. Having established that legal ages of consent were ultimately contingent on broader questions of gender, class, race and colonialism, the next chapter considers what age meant in practice and how age, and what it signified, could be contested in a court of law.

[80] Anagol-McGinn, "The Age of Consent Act (1891) Reconsidered," 112-16.
[81] Sinha, *Colonial Masculinity*, 140-43.

Chapter Four: 'Knowing' Chronological Age: Birth Registration and Evidentiary Standards

Introduction

Considering the role of chronological age in denoting legal capacity to consent to sex engenders the question of whether and how a victim's chronological age could be evidenced in the courts. By the late nineteenth century, governments in both Britain and India had instituted systems of state birth registration. In Britain, by 1874, birth registration was compulsory across the British Isles. In India, meanwhile, birth registration efforts were focused mostly on presidency towns, which were the seats of colonial governance, and were less tightly controlled than in the metropole. Nevertheless, these bureaucratic developments meant that individuals had better access to official documentary proof of their ages than ever before. Since sexual offences laws in both settings relied on chronological age to denote an individual's capacity to consent, this chapter asks how the development of birth registration impacted how age could be 'known' – and evidenced and negotiated – in a court of law.

While considerable scholarship has detailed the legislative reforms of 1885, for England and Wales, and 1891, for India, in raising the age of consent, less consideration has been given to what this meant in practice.[1] Yet, as the previous chapter established, imposing chronological age onto subjective or individualistic notions of capacity to consent proved a contentious issue in both British and colonial Indian legal reform – a fact reflected in the legislation itself. While legislation in England and Wales safeguarded defendants if a victim appeared to be older than 16, the colonial Indian judiciary were warned against prosecuting any cases under the new 1891 law.[2] Further, as Corinne T. Field and Nicholas Syrett have noted, the use of chronological age to denote capacity to consent in

[1] Sarkar, *Hindu Wife, Hindu Nation*, 234-35; Sinha, *Colonial Masculinity*, 140-44; Bannerji, "Age of Consent," 34-36; Pearson, *The Age of Consent*, 58-83; Gorham, "The "Maiden Tribute of Modern Babylon" Re-examined," 358-63; Jackson, *Child Sexual Abuse*, 101-02, 02n66.
[2] Criminal Law Amendment Act 1885, 48 & 49 Vict., c. 69, section 5; Engels, "The Age of Consent Act," 113.; Sinha, *Colonial Masculinity*, 138.

many cases preceded the institution of birth certificates, which, therefore, constituted a gap between statutory law and the realities of knowing, and being able to evidence, one's chronological age.[3] This chapter asks how chronological age could be known and evidenced in the period during and after birth registration and certificates were introduced. Focusing on comparative histories of Britain and colonial India, it charts the development of birth registration as a governmental project that was bound up in the state management of population health, since attempts by the state to 'know' and document its citizens' ages in the mid-to-late nineteenth century brought about the prospect of objective standardised evidence of age for the first time. Ultimately, the production of empirical knowledge (birth certificates) on chronological age (increasingly being used to denote childhood as a category in law) was borne out of governmental projects to produce population knowledge; these efforts were not motivated by improving evidentiary standards in criminal justice proceedings.

This chapter then explores the extent to which new documentary evidence of age – namely, birth certificates – was used in courts. To be clear, prior to state birth registration, citizens did sometimes know their chronological ages.[4] This certainly makes sense in seasonal climates in which a person's age might be measured according to the number of winters they have endured.[5] Individuals did not necessarily, therefore, need state-produced birth certificates in order to articulate their ages in chronological terms. In the context of legal proceedings, however, understanding the development of state birth registration and the provision of birth certificates is relevant as official 'evidence' of a person's chronological age. In Britain, despite the development of state birth registration, the statute on misdemeanour rape meant that the outcome of a case depended on a victim's appearance, rather than objective proof of her chronological age. In India, meanwhile, a dispute over a girl's age in a kidnapping case reveals how colonial understandings of age clashed with indigenous modes of aging. As such, in determining a colonial subject's age, chronological age was ascribed *onto* the indigenous body by colonial authorities and as will be shown, this ascription could have potentially disastrous

[3] Field and Syrett, "Chronological Age," 372-78.
[4] P. J. P. Goldberg, "Childhood and Gender in Later Medieval England," *Viator (Berkeley)* 39, no. 1 (2008): 253, https://doi.org/10.1484/J.VIATOR.1.100121.
[5] For instance, thirteenth century Norwegian law stated a child reached majority at 'fifteen winters'. Shannon Lewis-Simpson, "The Challenges of Quantifying Youth and Age in the Medieval North," in *Youth and Age in the Medieval North*, ed. Shannon Lewis-Simpson (Leiden: Brill, 2008), 3.

effects. This chapter, therefore, destabilises the notion of chronological age as an objective and immutable 'fact about the self' by demonstrating how a person's age could be disputed and negotiated in legal proceedings.[6] Drawing on Field and Syrett, this chapter is less about a person's actual chronological age, and more about 'who had the power to decide'.[7]

Due to the paucity of sources relating to evidencing age in sexual offences cases against boys, this chapter draws exclusively on cases involving girls. This in itself is illuminating, as the lack of cases in which a boy's age was contested suggests that the very practice of questioning a victim's age was limited to female plaintiffs. As the previous chapter noted, courts in colonial India did adjudicate cases of sexual assault against boys in which the victim's chronological age was given as an approximate. However, because the act of homosex itself was a crime, determining the precise age of the victim was, at most, a secondary concern. Further, in both Britain and India, courts saw far more cases of sexual offences against girls brought to trial than cases of sexual offences against boys, and so age disputes involving girls were statistically more likely.[8] Yet, as this chapter will demonstrate, that evidencing one's age only emerged as a contested matter in offences against women and girls is also suggestive of the high burden of proof placed on female victims.

As the development of birth registration in both Britain and colonial India was directly motivated by concerns over public health, this chapter draws on Foucault's theory of governmentality to understand how and why governments sought to record the births of their citizens or, in the colonial context, their subjects.[9] Foucault coined the term *governmentality* – a portmanteau of 'government' and 'rationality' – to describe the logic of the modern state in modern Europe; specifically, how, from the eighteenth century, states sought to manage population for its own ends. This model presents power as being

---

[6] Pande, *Sex, Law, and the Politics of Age*, 15.
[7] Field and Syrett, "Chronological Age," 374.
[8] Jackson, *Child Sexual Abuse*, 4. Law reports from colonial India also suggest cases against girls were more likely to be brought to court. For instance, out of 28 cases of sexual offences against children in the reports of cases tried at the *Nizamat Adalat* in Bengal, three were against boys. See Gobind Bhutt v. Bheekum Butt, [1812] *Reports of Cases Determined in the Court of Nizamat Adawlut*, 1, 234-35; Government v. Sookhooa, [1823] ibid., 2: 238-39 and Government and Razeh Mahomed Sirdar vs. Jhole Sheikh, [1854], *Reports of Cases Determined in the Court of Nizamut Adawlut, for 1854*, vol. 4, part 1 (Calcutta: Bengal Military Orphan Press, 1854), 66.
[9] Foucault, *Security, Territory, Population*, 93-94.

multi-directional, in that good state governance shaped the good governance of family and institutions and, further, of the self. At the same time, the government of the self or individual impacted upwards the government of the family or institutions and, in turn, the government of the state. Demonstrating the role of indirect and diffuse state exercises of power in the maintenance of state control, governmentality is thus a useful framework for understanding state forays into the management of the public sphere and population.[10]

Key to this was the management of the health of populations, which was a distinctly modern development. Under earlier models of sovereign power, power over the population was exercised in exclusively negative terms: the sovereign either 'exercis[ed] his right to kill, or […] refrain[ed] from killing'.[11] Industrialisation and the development of capitalism demanded, however, that the size and health of populations became directly linked to economic strength, which meant that states begun to conceive of their populations in biological terms. [12] Since knowledge of populations was crucial to managing their health, states thus sought to collect knowledge on it, which mean that demographics and disease prevention became devices which states could harness the health and size of the population for their own ends. Reproduction and disease, as a result, became important political concerns.[13] This governmental logic of the modern state is crucial for understanding the development of birth registration and the increasing importance attached to standardised chronological age in states such as Britain and colonial India.

The development of birth registration in Britain

The science of using numbers to produce knowledge about society emerged as a direct result of these developments. Inspired by Enlightenment-era empiricism, in which objectivity was heralded as being key to the pursuit of truth, by the nineteenth century statistics were considered essential to providing

[10] Ibid., 93-94, 108-09.
[11] Foucault, *The History of Sexuality*, 136.
[12] Ibid., 140-41.
[13] Ibid., 142-43.

objective knowledge of society, which was regarded as a source of 'progress'.[14] Statistics in Britain came to be seen, therefore, as crucial to informing social policy, since in an industrialising society population health was fundamental to the national economy and strength of the nation state.

It was such concerns that led to the development of birth registration in Britain. Birth registration reform occurred unevenly across the British Isles, as laws were introduced at different times for each jurisdiction.[15] For England and Wales, ecclesiastical registration of births in the Anglican church began in the sixteenth century, in order to better manage property disputes relating to lineage and inheritance – though records were often poorly kept.[16] Despite an attempt in 1653 to enforce the civil registration of births by appointing lay registrars, this was ultimately repealed in 1660, and the responsibility of birth registration was placed once more in the hands of the Anglican church. The rise of non-conformist churches in the eighteenth century, however, impeded such registration efforts, as the records of those belonging to non-conformist churches were not necessarily kept by the Anglican clergy. Further, attempts at registration legislation in the late-eighteenth and early-nineteenth centuries did not lead to register books being valued as legal evidence of age, as these laws did not provide a clear framework for managing registration. As a result, subsequent rulings in legal cases had deemed such registers to be inadmissible as evidence of age.[17]

Efforts to gather information on births intensified under the Births and Deaths Registration Acts of 1836. The key driving force behind the 1836 Act was the administration of property rights, as the industrial revolution and expansion of cities had led to more complex disputes over inheritance

[14] Theodore M. Porter, *The Rise of Statistical Thinking, 1820-1900*, 2021 ed. (Princeton, New Jersey: Princeton University Press, 1986), 27-30.
[15] This uneven development is largely due to the legislative structure of the United Kingdom during this period, which was split into the single jurisdiction of England and Wales, and the separate jurisdictions of Scotland and Ireland. Scotland had its own parliament, which debated and passed laws autonomously from Westminster. While Westminster was responsible for legislation for Ireland, as well as for England and Wales, Ireland required separate legislation because it was a separate jurisdiction.
[16] Edward Higgs, "A Cuckoo in the Nest? The Origins of Civil Registration and State Medical Statistics in England and Wales," *Continuity and Change* 11, no. 1 (1996): 115-34, https://doi.org/10.1017/S0268416000003118; Gabriel Karl Wolfenstein, "Public Numbers and the Victorian State: The General Register Office, the Census, and Statistics in Nineteenth-Century Britain" (PhD thesis, University of California, 2004), 42.
[17] Wolfenstein, "Public Numbers," 42-46.

and land ownership.[18] Debating the bill in the House of Commons in February 1836, the Home Secretary Lord John Russell argued that it was, first and foremost, 'important for the security of property', as well as 'to ascertain the state and condition of individuals under various circumstances' and 'to enable the Government to acquire a general knowledge of the state of the population of the country'.[19] Such observations reveal the beginning of an aspiration to render the population of England and Wales knowable. The 1836 Act was also notable for establishing the central administration of birth and death registration, which brought demographic information further within the political realm. It also placed the responsibility of registration firmly on the registrar of each district, which further drew the process away from ecclesiastical control and towards the arms of the state.[20]

However, birth registration remained limited in practice. Although parents or occupiers of a house in which a birth occurred were required to give notice of any birth to the registrar, it was only if a registrar had *asked* for information of a birth that the parents or occupier could be prosecuted for failing to do so.[21] Registration was, therefore, not mandatory.[22] Rather, the success of the Act relied on people perceiving the benefits of birth registration for safeguarding property rights.[23] As such, the 1836 Act did not bring about universal registration in England and Wales, not least because the incentive of securing property rights would not have motivated the entire population to conform to it, since a considerable proportion would have died without assets significant enough to require records for inheritance.[24]

---

[18] Higgs, "A Cuckoo in the Nest?," 118-19; Nadja Durbach, "Private Lives, Public Records: Illegitimacy and the Birth Certificate in Twentieth-Century Britain," *Twentieth Century British History* 25, no. 2 (2014): 307-08, https://doi.org/10.1093/tcbh/hwt023.
[19] HC Deb. (3d. ser.) (12 Feb. 1836) (31) col. 368.
[20] An Act for registering Births, Deaths, and Marriages in England 1836, 6 & 7 Will. 4, c.86, sections 4 and 18.
[21] Ibid., sections 19 and 20.
[22] Ibid., sections 20 and 42.
[23] HC Deb. (3d. ser.) (12 Feb. 1836) (31) col. 371; Higgs, "A Cuckoo in the Nest?," 123.
[24] The surveys available on population and property ownership are, by their own admission, somewhat limited due to inaccuracies in record-keeping. Further, records appear limited to land ownership or inheritance of a certain significance. The 1873 *Return of Owners of Land* gives the total owners of land as just under 5% of the population. Meanwhile, a 2009 study estimated that, in 1891, between 13% and 14% of the population had sufficient property to warrant probate; those who did not make the threshold for probate do not appear visible in the records. Local Government Board. Return of Owners of Land, 1873: England and Wales (Exclusive of the Metropolis). (London: George Edward Eyre and William Spottiswoode, 1875); David R. Green et al., "Lives in the Balance? Gender, Age and Assets in Late-Nineteenth-Century England and Wales," *Continuity and Change* 24, no. 2 (2009): 310, https://doi.org/10.1017/S026841600900719X.

Like England and Wales, the Scottish system of registration had traditionally been overseen by the established church. It was also voluntary and, therefore, did not provide accurate figures on births.[25] In Scotland, birth and death registration first came under state control with the passing of the Registration of Births, Deaths and Marriages (Scotland) Act in 1854, which, unlike in England and Wales, made registration compulsory. The Act had been a long time in the making, and followed eight previous failed attempts beginning in 1829.[26] Suggestions for compulsory registration in Scotland had surfaced as early as 1810 and in seven out of the eight failed bills birth and death registration had been mandatory.[27] Despite broad support in Scotland for compulsory registration in principle, disputes over practical administration and expense, combined with opposition to tightening up marriage laws and turbulent relations between church factions, impeded the passing of the Registration (Scotland) Act until 1854.[28]

At least part of the motivation for bringing in registration legislation in Scotland lay in anxieties over Britain's national standing in Europe. In moving to bring in the bill for what would become the 1854 Act, the Scottish MP Lord Elcho began by stating how 'essential it was that a country, claiming to rank amongst the civilised nations of the globe, should be in possession of an accurate register of the births, deaths, and marriages of its people.'[29] Similar anxiety underlay arguments for registration law in Ireland where, prior to the 1863 Act, the registration of births had chiefly been the domain of ecclesiastical authorities and was voluntary. Proposing the bill for registration in Ireland in 1861, Liberal MP Edward Cardwell lamented that 'it was with very great surprise that the representatives of different parts of Europe who attended the International Statistical Congress […] found that no system of registration had hitherto been established' in Ireland.[30]

Institutions linked to new ideas about population health were instrumental in crafting such registration laws in Scotland and Ireland. Debates on Scottish registration featured significant

[25] Anne Cameron, "The Establishment of Civil Registration in Scotland," *The Historical Journal* 50, no. 2 (2007): 379-80, https://doi.org/10.1017/S0018246X07006115.
[26] Ibid., 378.
[27] Ibid., 384.
[28] Ibid., 386-92.
[29] HC Deb (3d. ser.) (6 Apr. 1854) (132) col. 569.
[30] HC Deb (3d. ser.) (11 Feb. 1861) (161) col. 316.

lobbying from the Royal College of Surgeons, for example, as well as the Royal Medical Council, the Statistical Society, and the Social Science Association, to make registration compulsory.[31] Meanwhile, in Ireland, the National Association for the Promotion of Social Science and the Statistical and Social Inquiry Society played substantial roles in helping to prepare registration bills.[32]

While deficiencies in the English and Welsh system were referenced in constructing the proposed systems for Scotland and Ireland, the establishment of systems in the latter superseded any urgency for reform in England and Wales.[33] Of course, as registration was not mandatory in England and Wales, birth registration as an information gathering project remained limited. However, it was precisely the data that *was* gathered following the 1836 Act that set in motion campaigns for mandatory registration.

The data on births and deaths collected from 1836 onwards rendered visible, moreover, discrepancies in life expectancy, particularly between rural and urban areas, for the first time.[34] Such data both produced population health as an object of knowledge and generated pressures for population health management.[35] While the increasingly professionalised medical establishment seized on this data to exert such pressure, this was, in turn, legitimised and further driven by a series of infectious disease outbreaks in the 1860s.[36] Interventions took the form of parliamentary commissions and committees, such as the Sanitary Commission (1871) and the Vaccination Committee (1871), which served to advise on legislation for further population health management and were, therefore part of broader state forays into governing the population.

While birth registration had made possible the image of the population as a singular entity 'imbued with the mechanics of life and serving as the basis of the biological processes', it also came to serve as a vital tool in implementing the management of population health.[37] Beginning in 1840, the British government introduced a series of Vaccination Acts, which extended state control over the

[31] HC Deb (3d. ser.) (9 Feb. 1863) (169) cols. 204-205.
[32] John Fitzgerald, "A Hundred and Fifty Years of Vital Statistics: Documenting Demographic Change in Ireland," *Journal of the Statistical and Social Inquiry Society of Ireland* 45 (2015): 177.
[33] Cameron, "The Establishment of Civil Registration," 385.
[34] Anne Hardy, *Health and Medicine in Britain since 1860* (Basingstoke: Palgrave, 2001), 1-2.
[35] Foucault, *The History of Sexuality*, 124-25, 39.
[36] Hardy, *Health and Medicine*, 4-6, 29.
[37] Foucault, *The History of Sexuality*, 139.

administration of smallpox vaccinations.[38] The first Act provided for optional vaccination and a system for registering and reporting the numbers of those vaccinated, as well as outlawing variolation.[39] The second Act, in 1853, made the vaccination of children born after 1853 compulsory, with a penalty of twenty shillings' fine to parents or guardians who failed to comply.[40] The British government attempted to further strengthen the administration of vaccination with two additional Acts in 1867 and 1871, which required the issuing of notices of vaccination requirements to parents, introduced monetary incentives for vaccinators and, from 1871, established Vaccination Officers, who were responsible for recording births, monitoring and recording vaccinations, and instigating prosecutions against those who failed to comply.[41] In addition to encouraging state intervention into population management by producing data on population health, birth registration was thus crucial to the administration of such intervention itself, since registrars and, after 1871, Vaccination Officers, were made responsible for recording vaccinations and notifying parents of vaccine requirements from 1853 and, thus, relied on data from birth registrations to do so.[42]

Yet discrepancies in such public health interventions highlighted deficiencies in birth registration data. Compulsory vaccination in Scotland and Ireland was regarded as having been 'perfectly successful', while vaccination rates in England and Wales were noticeably lower – an inconsistency attributed to the differences in birth registration legislation; successful vaccination rates appeared to correspond with compulsory birth registration.[43] By the early 1870s, parliamentary committees and public health commissions thus began to recommend that birth registration be made

[38] Vaccination Extension Act 1840, 3 & 4 Vict., c. 29; An Act further to extend and make compulsory the Practice of Vaccination 1853, 16 & 17 Vict., c. 100; Vaccination Act 1867, 30 & 31 Vict., c. 84; Vaccination Act 1871, 34 & 35 Vict., c. 98.
[39] Vaccination Extension Act 1840, 3 & 4 Vict., c. 29. Variolation was the use of the smallpox virus in inoculation against smallpox, rather than the use of the weaker cowpox virus in vaccination. It was outlawed due to being considerably riskier than vaccination.
[40] An Act further to extend and make compulsory the Practice of Vaccination 1853, 16 & 17 Vict., c. 100, section 2, section 9.
[41] Vaccination Act 1867, 30 & 31 Vict., c. 84, sections 5 and 15; Vaccination Act 1871, 34 & 35 Vict., c. 98, section 5.
[42] An Act further to extend and make compulsory the Practice of Vaccination 1853, 16 & 17 Vict., c. 100, sections 4 and 9.
[43] HC Deb (3d. ser.) (13 Feb. 1871) (204) cols. 221-229; Registration of Births, Deaths and Marriages (Scotland) Act 1854 c. 80; Registration of Births and Deaths (Ireland) Act 1863 c. 11.

compulsory in England in the interests of public health.[44] In debates on legislation to make birth and death registration mandatory, politicians also explicitly linked registration to the project of managing population health; accurate birth and death registration was described as being 'infinitely valuable to public health and to the protection of life.' [45] Following three attempts, mandatory registration of births and deaths was therefore finally extended to England and Wales in 1874.[46]

The 1874 Act stipulated that a birth had to be registered by the parents of the child, or the occupier of the house in which the child was born, within forty-two days. Failure to comply carried a maximum fine of forty shillings. For those on the lowest wages, this was a hefty sum: social researcher Charles Booth determined in 1887 that the poverty line for a "moderate family" was between 18 and 21 shillings per week.[47] Upon registration, a birth certificate could be purchased for three pence.[48] Thus, while registering a birth was free, obtaining documentary proof of it was not. The poorer sections of British society were therefore least likely to have access to official documentary proof of age.

Such developments demonstrate that the production of demographic knowledge on age was intimately linked with emerging ideas about population health as an object to be managed by the state. This relationship was symbiotic: demographic data provided the resources for interventions into public health, and, in turn, these interventions justified extending information gathering projects with punitive effects. Since compulsory registration provided the British government with essential

---

[44] Charles Bowyer Adderley. Second Report of the Royal Sanitary Commission, Volume I. (1871) UK Parliamentary Papers. 5 March 2023, 14, 61, https://parlipapers.proquest.com/parlipapers/docview/t70.d75.1871-047167?accountid=12117. ibid., 275.; Report from the Select Committee on the Vaccination Act (1867); Together with the Proceedings of the Committee, Minutes of Evidence, Appendix and Index. (1871). (1871) UK Parliamentary Papers. 30 August 2022, v, https://parlipapers-proquest-com.liverpool.idm.oclc.org/parlipapers/docview/t70.d75.1871-047073?accountid=12117. HC Deb (3d ser.) (14 May 1874) (219) col. 279.

[45] HC Deb (3d ser.) (14 May 1874) (219) cols. 281-282.

[46] There is little to no reason given for the first withdrawal in 1871, whilst the bill was shelved in 1872 and 1873 due to the Commons' workload that session. HC Deb (3d ser.) (29 Jun. 1871) (207) col. 742; HL Deb (24 Apr. 1873) (215) cols. 892-895; HC Deb (3d ser.) (15 Jul. 1873) (217) col. 401.

[47] Alan Gillie, "The Origin of the Poverty Line," *The Economic History Review* 49, no. 4 (1996): 715, https://doi.org/10.2307/2597970.

[48] Births and Deaths Registration Act 1874, 37 & 38, Vict. c. 88, sections 1, 30 and 39. For context, around this time a loaf of bread cost approximately four pence. Sally Mitchell, *Daily Life in Victorian England*, Revised ed. (United Kingdom: Bloomsbury Publishing, 2008), 31. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_askewsholts_vlebooks_9780313350351.

knowledge with which it could administer health interventions such as smallpox vaccinations it was therefore central to the governmental project of managing and optimising the health of the population. The drive for birth registration in Britain, therefore, had very little to do with improving the administration of criminal justice or the state's ability to evidence age in legal proceedings.

Evidencing age in the British legal system

How, then, did the emergence of documentary proof of age impact legislation which defined capacity to consent to sex based on chronological age? As noted in the previous chapter, the 1885 Criminal Law Amendment Act contained a proviso for misdemeanour rape, to ensure it would be a 'sufficient defence' if the court could agree that a defendant had 'reasonable cause' to believe the alleged victim was over the age of sixteen.[49] As such, a girl's appearance trumped objective documentary evidence when it came to determining her chronological age and, therefore, her capacity to consent. Statutory law relating to how age could be evidenced in court reveals different standards for evidencing age in broader child protection statutes compared with sexual offence law. The 1898 Criminal Evidence Act, for example, included no provisions for proving age in regard to determining whether or not a victim was under the age of consent, despite being passed at a time in which individuals brought before courts were likely to have birth certificates.[50] Rather, legal texts to support the practical application of the Criminal Evidence Act cited the only existing statutory law that referenced the determination of age in courts: the 1894 Prevention of Cruelty to Children Act (PCCA). The 1894 PCCA simply stated, in regard to any child alleged to have been a victim of a crime under that Act, that if the 'child appears to the Court to be under that age, such child shall for the purposes of this Act be deemed to be under that age, unless the contrary is proved'.[51] Thus, the burden of proof lay in demonstrating the alleged victim was *over* a certain age.

[49] HC Deb (3d ser.) (31 Jul. 1885) (300) col. 789; Criminal Law Amendment Act 1885, 48 & 49 Vict., c. 69, section 5.
[50] Criminal Evidence Act 1898, 61 & 62 Vict., c. 36.
[51] Prevention of Cruelty to Children Act 1894, 57 & 58 Vict., c. 41, section 17.

The 1908 Children Act was the next statute to address the issue of proving age under the law in Britain.[52] Broad in scope, the Act introduced new provisions and reformed existing statutes on various aspects of child welfare, juvenile delinquency and court proceedings involving children. Section 123, on the 'presumption and determination of age', provided for how age was to be determined in any scenario in which a child was brought before a court. It stipulated that, following the court's determination of age, 'an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated to the court'. Clause two stated that, where an indictment stated that the victim 'was a child or young person or was under or above any specified age' and this appeared true to the court, the age given was to be presumed as correct unless evidence to the contrary was provided. The Act therefore did not require a birth certificate in order to proceed with a case; appearance was deemed sufficient.

Significantly, under the terms of both the 1894 PCCA, which required birth certificates as evidence only when proving a person was over the age of protection, and the 1908 Children's Act, which set out that appearing under a certain age to a court was sufficient to proceed with a case, the 1885 CLAA was explicitly excluded. This was to protect the 1885 CLAA's 'sufficient defence' clause, which privileged a girl's appearance over her chronological age in determining whether or not sexual intercourse with her was a crime. What mattered was whether a girl *appeared* to the court to be over the age of sixteen. If the court agreed that she did, then providing a birth certificate to prove the contrary would not affect the legal ruling that intercourse with her was permissible.

Practical legal texts support this reading of evidential standards in rape cases. According to the first edition of *Halsbury's Laws of England* – published between 1907 and 1917, and which was the only complete collection of English laws – the opinion of witnesses, based on the appearance of the person in question, was sufficient to establish a victim's age. While birth certificates were noted as documentary evidence of date of birth, they were not cited in sections specifically related to proof of age.[53]

---

[52] Children Act 1908, 8 Edw. 7, c. 67, section 123.
[53] Hardinge Stanley Giffard, *The Laws of England, Being a Complete Statement of the Whole Law of England*, vol. 13 (London: Butterworth & Co., 1910), Internet Archive. 29 April 2025, 482-83, 508, 33. https://archive.org/details/lawsofenglandbei13hals/page/n7/mode/2up.

Medical jurisprudence further provides a startling insight into the double standard for boys and girls in evidencing age. Fred J. Smith, in his revision of the 1905 edition of the late Alfred Swaine Taylor's foundational text *The Principles and Practices of Medical Jurisprudence* introduced a new section to this text on the role of medical evidence in identifying age in living persons.[54] Smith set out that, in criminal justice, medical evidence as to age could be demanded in cases of rape and to determine criminal responsibility. The importance of accuracy was clear in his emphasis on the importance of *accouchers,* or obstetricians, noting the *exact* time of birth to enable the accurate recording of a child's age.[55] At the same time, Smith was also keen to point out the limitations of medical evidence in determining age. While he advocated for using teeth to ascertain the age of an individual between one year old and puberty, Smith conceded that, after the commencement of puberty, medical examiners could no longer provide 'scientific proof of age, whether in the living or the dead'. [56] Rather, he argued that, 'common knowledge comes more or less to our aid, enabling us to make a fair approximation to the decade within which a person may be, but any closer approximation must he made with so many reservations as to be hardly worth consideration.'[57]

The role of the medical professional in determining a defendant's age in the case of youths who committed sexual offences, for Smith, was, furthermore, 'simply […] to decide whether the boy is fourteen or not, as boys under 14 were considered incapable of committing rape.[58] If available, a birth certificate was deemed 'conclusive'; without a birth certificate, medical evidence was to be used, with the 'teeth and pubic hair' considered the 'most reliable' for helping to determine a boy's age.

---

[54] This was particularly striking as, before this, the question of identifying age had been limited to human remains and the deceased. Taylor, *The Principles and Practice of Medical Jurisprudence*, 86-114. https://archive.org/details/b21964944/page/n5/mode/2up?view=theater; Alfred Swaine Taylor, *The Principles and Practice of Medical Jurisprudence*, 2nd ed., vol. 1 (Philadelphia: Henry C. Lea, 1873) Internet Archive. 4 June 2024, 162-31. https://archive.org/details/principlespracti01tayl/mode/2up?view=theater; Alfred Swaine Taylor, *The Principles and Practice of Medical Jurisprudence*, 3rd ed., vol. 1, ed. Thomas Stevenson (London: J. & A. Churchill, 1883) Internet Archive. 4 June 2024, 129-63. https://archive.org/details/b21964956_0001/page/n3/mode/2up; Alfred Swaine Taylor, *The Principles and Practice of Medical Jurisprudence*, 4th ed., vol. 1, ed. Thomas Stevenson (London: J. & A. Churchill, 1894) Internet Archive. 4 June 2024, 130-64. https://archive.org/details/b21964968_0001/page/n7/mode/2up.
[55] Taylor, *The Principles and Practice of Medical Jurisprudence*, 1, 192.
[56] Ibid., 189-192.
[57] Ibid., 189-192.
[58] Ibid., 195.

Girls, however, were denied such evidentiary standards. Echoing the 1885 CLAA, Smith set out that, in a case of suspected rape of a (suspected) minor,

> when consent is admitted or proved it is accepted as a good defence provided that the jury or judge is satisfied that the girl looks sixteen and might be judged by the prisoner to be of sixteen years of age, and this, no matter what her actual age might be. [59]

While, under the law, a girl under 16 could not consent, the sufficient defence clause in the 1885 CLAA meant that this was open to debate. As Laura Lammasniemi has shown in her research on late-nineteenth century rape trials, proceedings in cases in which victims were below the age of consent often hinged on whether or not the victim had consented.[60] If it was 'proven' that a victim had consented – despite the fact this was technically a legal impossibility – and if the defendant could convince the jury that the victim appeared to him to be over sixteen, the trial would result in an acquittal.

Details from rape trials reveal how evidencing age worked in practice. When a victim first made an allegation of rape, the local magistrate summoned the defendant to appear before them. As magistrates, who were largely untrained volunteers of high social standing, did not have the authority to try rape cases, their duty was simply to decide whether or not the case would proceed to grand jury.[61] It was the responsibility of the grand jury to then decide whether the case would proceed to trial. However, it does not appear that the grand jury had to establish proof of age in order for them to indict the defendant. Rather, disputes and discussions regarding evidence of age emerged during the criminal trial itself.

As the 1885 CLAA and medical jurisprudence attests, men who committed rape of a girl between the ages of 13 and 16 could be, and were, acquitted if the jury agreed that it was possible that the defendant believed the victim to be over 16. In 1891, Thomas Stevens, aged twenty, was brought

---

[59] Ibid., 195.
[60] Lammasniemi, ""Precocious Girls"," 259-60.
[61] From the early-nineteenth century, only magistrates in the major cities were trained barristers and received a stipend. Conley, "Rape and Justice in Victorian England," 521-23.

to trial for allegedly raping Martha Woodage, 'a girl of fifteen years.' Covering the proceedings in the magistrate's court, the press noted that Woodage appeared to be 'far more than her stated age' and that she 'gave her evidence very composedly.' [62] Woodage had experienced poverty from an early age. After her father deserted the family, she was sent to the Hackney workhouse with her mother and sister at the age of three.[63] Crucially, poverty was seen by contemporary social commentators to make a child appear older than their chronological age. For instance, in Henry Mayhew's depiction of the desperate poverty of watercress sellers, he described a 'little water-cress girl', who, while 'only eight years of age', had entirely lost all of her 'childish ways', and hence was, to Mayhew, 'in thoughts and manner, a woman.' Mayhew described '[h]er little face' as 'pale and thin with privation' and 'wrinkled where the dimples ought to have been'.[64] It was, therefore, possible that her early experiences contributed to Woodage appearing older than 16. The press, however, contrasted Woodage's 'respectable' background with her alleged behaviour: according to Stevens, Woodage had 'followed him about the streets of the City' and eventually 'accompanied him to a lodging-house' where the alleged rape took place. [65] After hearing unspecified medical evidence, the magistrate committed Stevens to a grand jury, and the case proceeded to trial.

It is not clear from the records whether Woodage submitted her birth certificate as evidence of her date of birth. Woodage was baptised in June 1876, the same month recorded as her month of birth on her workhouse admissions record.[66] However, her school admissions record notes her date of birth as February 1876; while other pupils' entries included their specific birth date, Woodage's merely

---

[62] "The Police Courts," *Reynolds's Newspaper*, 1 January 1891, https://link-gale-com.liverpool.idm.oclc.org/apps/doc/Y3200613000/BNCN?u=livuni&sid=bookmark-BNCN&xid=c4d73d2a, Gale Primary Sources.

[63] Hackney Workhouse Admissions, January 1879, in the London, England, Workhouse Admission and Discharge Records, 1764-1921 <https://www.ancestrylibraryedition.co.uk/search/collections/60391/records/10553523?tid=&pid=&queryId=cdf53f08-638e-4db1-a7b3-e21c9a451ac9&_phsrc=IbY7&_phstart=successSource&_gl=1*4yue3k*_up*MQ..*_ga*MTI2ODQ4MjEzNS4xNzQ3MDM2OTgx*_ga_4QT8FMEX30*czcwYzdjMTQwLTJlYTctNGQ4MS1hNGRkLWI3MTZjZDRkY2JhNyRvMSRnMSR0MTc0NzAzNzA1NyRqMCRsMCRoMA..*_ga_6R6RRSB9ZD*czcwYzdjMTQwLTJlYTctNGQ4MS1hNGRkLWI3MTZjZDRkY2JhNyRvMSRnMCR0MTc0NzAzNjk4MSRqMCRsMCRoMA.> accessed 05/05/2025.

[64] Mayhew, *London Labour and the London Poor*, 1, 145-51.

[65] "The Police Courts."

[66] Baptism Record 1876, St Mathias, Cheshire Street, Bethnal Green, <https://www.ancestrylibraryedition.co.uk/search/collections/1558/records/4206807> accessed 05/05/2025.

stated the month and year.[67] Woodage's birth was registered: her record appears in the birth index as being registered in July 1876. Yet, given the apparent uncertainty over her date of birth in the relevant records, it seems likely neither she nor her parents possessed a copy. Regardless, even if Woodage had been born in February 1876, the earliest date suggested in the records, she would still have been under 16 – and, therefore, under the age of consent – at the time of the offence. Yet, whether or not Woodage had documentary proof of her date of birth did not matter. At the trial, the jury stated their belief that the defendant had 'reasonable grounds' for believing Woodage to be over sixteen. As such, the law served to safeguard Stevens from prosecution, and he was acquitted.[68]

Birth certificates did hold some value in sexual offence cases which hinged on questions of age of consent. In *Reg* v. *Weaver* (1873), in which Handy Weaver was tried for unlawful carnal knowledge of a girl aged between ten and 12, the appeal contested whether a certified copy of a birth certificate was admissible as evidence in court. At the original trial, the prosecution had produced the victim's birth certificate as evidence, which proved that at the time of offence the victim had been aged eleven years and eight months. Referring to the 1851 Evidence Act, which deemed any public document ('book') certified as a true copy to be admissible evidence, the court ruled that it was.[69] The appeal had also sought to question whether the victim was indeed the same person named on the birth certificate. On this, the court based its decision on testimony from the victim's grandmother, who testified that the birth certificate was that of her granddaughter, but who, notably, confessed to not knowing her granddaughter's exact age prior to viewing the certificate in court. It is difficult to say what this admission reveals: whether the grandmother was simply not one to keep track of her grandchildren's ages, or whether chronological age was nowhere near as important culturally as

[67] Admission and Discharge Register for Infants 1878, Globe Road School, Tower Hamlets <https://www.ancestrylibraryedition.co.uk/search/collections/1938/records/131362?tid=&pid=&queryId=cdf53f08-638e-4db1-a7b3-e21c9a451ac9&_phsrc=IbY9&_phstart=successSource&_gl=1*168fd7u*_up*MQ..*_ga*MTI2ODQ4MjEzNS4xNzQ3MDM2OTgx*_ga_4QT8FMEX30*czcwYzdjMTQwLTJlYTctNGQ4MS1hNGRkLWI3MTZjZDRkY2JhNyRvMSRnMSR0MTc0NzAzNzE3MSRqMCRsMCRoMA..*_ga_6R6RRSB9ZD*czcwYzdjMTQwLTJlYTctNGQ4MS1hNGRkLWI3MTZjZDRkY2JhNyRvMSRnMCR0MTc0NzAzNjk4MSRqMCRsMCRoMA.> accessed 05/05/2025

[68] Trial of Thomas Stevens (t18911116-42), 16 November 1891, Old Bailey Proceedings Online. https://www.oldbaileyonline.org/record/t18911116-42.

[69] Evidence Act 1851, 14 & 15 Vict., c. 99, section 14.

statutory law may suggest. Regardless, the conviction was upheld, cementing certified copies of birth certificates as admissible, though not essential, evidence of age in cases of sexual crime.[70]

Further, failure to evidence age using a birth certificate could be disastrous for the prosecution's case. At a trial in 1908 in which the defendant was accused of raping a fifteen-year-old girl, the prosecution could only produce a birth certificate written in Russian. As such, the judge determined the certificate was not admissible evidence. The judge then directed the jury to return a verdict of not guilty because, crucially, that the girl had been under the age of consent had not been 'strictly proved'.[71]

Yet, while birth certificates were crucial to the prosecution, they do not appear to have been always necessary for a case to proceed. At the trial of Ernest Brind, for example, who was charged with a violent sexual assault on Emily Hussey in 1908, the medical expert called to testify stated that 'the complainant in this case had the physique and appearance of 18, although her age was only given as under 16'. It was only after the trial had begun that Hussey's father produced her birth certificate, showing her to be 15 years old. Thus, it appears a case could be brought to trial without 'strict' proof of a victim's age; such proof was only deemed necessary at the trial itself. Once again, Hussey's age was to prove essentially inconsequential, as Hussey's allegations were dismissed on the basis that she had not alerted those around her immediately after the attack.[72] Given the medical expert's comments about Hussey appearing older than her 15 years, it is highly likely that her appearance played a role the apparent assumption of her culpability. Thus, even when it had been 'strictly proved' that a victim was under the age of consent, consent could still be implied.

Significantly, defendants were able to successfully cast doubt on the value of birth certificates as documentary evidence of age. An appeal from 1914 still forms, in fact, the basis of legal guidance

[70] Reg. v. Weaver, [1873] 29 LT (1873-1874) 554 (CC).
[71] Trial of Harris Wilowski (t19080623-51), 23 June 1908, Old Bailey Proceedings Online. https://www.oldbaileyonline.org/record/t19080623-51.
[72] "Railway Assault Case," *Taunton Courier and Western Advertiser*, 29 January 1908, 3, https://www.britishnewspaperarchive.co.uk/search/results/1908-01-29/1908-01-31?NewspaperTitle=Taunton%2BCourier%2Band%2BWestern%2BAdvertiser&IssueId=BL%2F0000527%2F19080129%2F&County=Somerset%2C%20England, Find My Past/British Library.

around birth certificates as evidence in the UK.[73] In *Rex* v. *Rogers* (1914), the defendant, having been convicted of carnal knowledge of a girl under thirteen, appealed on the grounds that the victim's age had not been proven in court – despite the production of her birth certificate. Isaac Rogers had originally been convicted of unlawful carnal knowledge with his stepdaughter, Evelyn Trewin. Trewin lived with her mother, Rogers and her stepsiblings, and slept in the same bed as Rogers and her mother. For years, Rogers had insisted that she stay in bed with him after her mother got up to work. It was under these circumstances that Trewin alleged Rogers raped her. After alerting her mother to the assault, a local doctor examined Trewin, later testifying that she had indeed been 'tampered with'. As part of the initial investigation, the local police produced Trewin's birth certificate, showing her to have been nine years old at the time of the offence. Rogers was then arrested, and the case proceeded to trial. He was found guilty and sentenced to three years in prison.[74]

Rogers appealed the case on the basis that the birth certificate produced was not proven to have been Trewin's. The appeal argued that, while the 1908 Children Act stated that age could be presumed based on appearance in court, the 1885 CLAA – under which Rogers was convicted – was expressly excluded from this clause and that, therefore, Trewin's age had to be 'strictly proved'. The appeal then sought to cast doubt on the validity of the birth certificate produced by the prosecution. Trewin had given a shortened form of her name in court – Evelyn Trewin – to that on her birth certificate, in which she was named as Rosalie Evelyn Gwendoline Trewin. The appeal, therefore, sought to demonstrate that the prosecution had failed to prove that the birth certificate was that of the victim. Strikingly, the court found that evidence linking the victim to the certificate was 'entirely absent', and Rogers was acquitted.[75] While the exclusion of the 1885 CLAA from section 123 of the 1908 Children Act served to protect the 1885 CLAA's reasonable defence clause, it also ensured a stricter burden of proof in sexual offence cases. As a result, in current law for England and Wales,

[73] This case is cited in legal guidance published by the Health and Safety Executive on proving age in courts, 'Public Documents' <https://www.hse.gov.uk/enforce/enforcementguide/court/physical-public.htm#P20_3201> accessed 14.02.23.
[74] "Sad Case from Sithney," *Cornishman*, 11 June 1914, https://link-gale-com.liverpool.idm.oclc.org/apps/doc/IG3223622753/BNCN?u=livuni&sid=bookmark-BNCN&xid=5b79803c, Gale Primary Sources.
[75] Rex v. Rogers [1914], 111 LT (1914-1915) 1115 (CCA).

supporting evidence must be given to prove that the individual in question is the same individual named on the birth certificate.[76]

The development of birth registration in colonial India

In India, the possibility of knowing the chronological age of a person in legal proceedings, and how that age was evidenced, was shaped by the specifically colonial nature of the legal system during this period. As in Britain, the development of birth registration in India was motivated by state attempts to manage public health. In India, however, public health was more closely connected to concerns over colonial authority, which was reflected in the haphazard development and application of birth registration. These efforts are also best understood using the framework of governmentality. Although Foucault focused explicitly on Western European states in developing his theory of governmentality, this concept has been proven useful in understanding modes of colonial government in the South Asian context.[77] Uma Kalpagam, for example, has demonstrated the centrality of the 'governmentalization of the health of the population' in India to the operation of the British colonial state.[78] Indeed, debates on colonial governance and, particularly, birth registration legislation reveal the ways in which British governmentalities were imported into India – since, as a mode of ageing that emerged in Western Europe, chronological age was imposed on the colonial Indian context, to varying extents, through the apparatus of the colonial state. Indians were, however, able to seize and subvert such attempts to govern them.[79]

While the British government sought to 'know' the chronological ages of all members of the British population in order to administer public health policy and optimise population health (albeit

[76] Health and Safety Executive, "Public Documents," accessed 14 February 2023, https://www.hse.gov.uk/enforce/enforcementguide/court/physical-public.htm#P20_3201.
[77] Deana Heath and Stephen Legg, "Introducing South Asian Governmentalities," in *South Asian Governmentalities: Michel Foucault and the Question of Postcolonial Orderings*, ed. Deana Heath and Stephen Legg (Cambridge: Cambridge University Press, 2018), 2-3.
[78] Uma Kalpagam, *Rule by Numbers: Governmentality in Colonial India* (London: Lexington Books, 2014), 223.
[79] Partha Chatterjee, "Governmentality in the East," in *South Asian Governmentalities: Michel Foucault and the Question of Postcolonial Orderings*, ed. Deana Heath and Stephen Legg (Cambridge: Cambridge University Press, 2018), 45-46; Heath and Legg, "Introducing South Asian Governmentalities," 4.

for the state's own ends), the project of producing demographic data and ascribing standardised age was much more complex in the colonial landscape. Such an analysis draws on the application of Foucault's broader power-knowledge paradigm, which has been proven by scholars of colonial India to be crucial to revealing how far colonial conquest and authority depended on the production of knowledge.[80] Since the main goal of the colonial state was to ensure successful revenue collection, ensuring the stability of colonial authority came to be a key priority of the colonial state. The establishment of 'law and order' in a region seen by colonial officials to entirely lack it was therefore deemed of crucial importance, and this project demanded knowledge.[81] As such, colonial efforts to count, categorise and ascribe attributes to the Indian subject population directly reflected colonial priorities.[82]

Clare Anderson's work on the rise of anthropometry in colonial Indian ethnographic studies establishes that officials increasingly turned towards producing biological, rather than social, knowledge of the Indian population because bodies were conceived as more 'stable entities.'[83] In a similar vein, dates of birth were also constructed as fixed, knowable and, therefore, crucial to gathering data on population age. Yet not all Indian subjects were rendered legible by colonial knowledge projects. Crucially, as Christopher Bayly's rich study of colonial information networks demonstrates, the drive to produce knowledge was a reaction to colonial anxieties over not knowing enough – what Bayly terms 'information panics'.[84] Indeed, attempts to introduce birth registration systems through legal reform appeared only at moments of crisis for the colonial state, and were characterised by a colonial form of governmentality which sought to balance the extraction of wealth from India with the maintenance of colonial control.[85] Thus, while colonial anxieties informed the

---

[80] Nicholas Dirks, *Castes of Mind: Colonialism and the Making of Modern India* (Princeton: Princeton University Press, 2011), 107, 115-16.
[81] Ibid., 108-09.
[82] Norman Gerald Barrier, "Introduction," in *The Census in British India: New Perspectives*, ed. Norman Gerald Barrier, (New Delhi: Manohar, 1981), viii; Kenneth W. Jones, "Religious Identity and the Indian Census," in *ibid.*, 77-78; Clare Anderson, *Legible Bodies: Race, Criminality and Colonialism in South Asia,* (New York: Berg, 2004), 57-63.
[83] Ibid., 2.
[84] Christopher Bayly, *Empire and Information: Intelligence Gathering and Social Communication in India, 1780-1870* (Cambridge: Cambridge University Press, 1999), 143. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_nii_cinii_1130282270814102144.
[85] Kalpagam, *Rule by Numbers*, 233.

possibilities of birth registration, colonial priorities circumscribed the extension of chronological age as a mode of aging to the entire subject population.

The story of birth registration in colonial India began as early as 1835, when the colonial government began calling for information gathering on sanitary conditions around army bases. While the focus was on the health of colonial troops, officials believed this end would also require improving conditions for Indian populations living near barracks.[86] However, it was not until the late 1850s that the colonial government began embarking on serious efforts to investigate and manage the health conditions of its troops and, therefore, some portions of the indigenous population. This was a result of the 1857 Indian Rebellion, which revealed the fragility of the East India Company's reliance upon Indians in its Indian armies, and what followed was an influx of European soldiers to uphold colonial military power. Relying more heavily on European troops brought, however, new problems, not least that Britain's military presence was now reliant on bodies that were more susceptible to diseases endemic to India. Indeed, the colonial government's investigations found that communicable diseases, such as cholera, caused ninety-four percent of the deaths of British soldiers in India in the 1860s.[87] As a result, health and sanitation became important priorities of the colonial government.[88]

The first attempt to introduce birth registration came as part of wider sanitary reforms in the 1863 Calcutta Municipal Act.[89] Chiefly concerned with setting up a municipal council to administer Calcutta, the Act consisted of sanitation reforms and new levies to fund the new Calcutta Municipal Corporation. Significantly, Calcutta was a priority for sanitary reforms because it was the capital of colonial India; sanitary reforms targeted 'European civil and military areas' because, for the colonial government, ensuring the health of Europeans who were responsible for maintaining colonial control was crucial to the wider colonial operation.[90] Birth and death registration was hardly mentioned in

---

[86] John Chandler Hume, "Colonialism and Sanitary Medicine: The Development of Preventive Health Policy in the Punjab, 1860 to 1900," *Modern Asian Studies* 20, no. 4 (1986): 707, https://doi.org/10.1017/S0026749X0001369X.
[87] This figure does not include venereal diseases, which were generally not fatal. Radhika Ramasubban, "Imperial Health in British India, 1857-1900," in *Disease, Medicine, and Empire: Perspectives on Western Medicine and the Experience of European Expansion*, ed. Roy M MacLeod and Milton James Lewis (New York: Routledge, 1988), 39.
[88] Ibid., 38-40.
[89] Calcutta Municipal Act (Act 6) 1863.
[90] Ibid., 41.

debates around the bill, however, as colonial law makers were more interested in the most appropriate modes of taxation to fund it. However, when registration was discussed, it was presented in strikingly governmental terms. Speaking before the Select Committee appointed to scrutinise the bill, Lieutenant Colonel Richard Strachey stated that the Municipal Council should be responsible for 'obtaining a complete knowledge of all facts relating to the community', including the 'collection of statistics of population [and the] registration of deaths and births' which, Strachey deemed, was 'necessary for the purposes of good and progressive Government.'[91] Yet Strachey ultimately omitted any such provisions in the draft bill he provided as part of the Select Committee report, possibly due to funding concerns.[92]

Further attempts to introduce birth registration arose, however, in regard to sanitation reforms linked to the Indian military. In 1859, the Royal Commission on the Sanitary State of the Army in India was appointed to investigate the problem of disease and the sanitary conditions of British troops in India. One of its chief recommendations was the creation of a sanitary commission for each presidency.[93] Whilst the chief concern in creating these was the health and function of the military in India, the commissions were also 'to exercise a constant oversight on the sanitary condition of the population, European and native'.[94] Over time, other provinces within the presidencies appointed their own sanitary commissions.[95] In addition to producing reports on sanitary conditions, the new sanitary commissions were responsible for developing a 'system for the collection of vital statistics': a project to produce knowledge on the British military and nearby Indian populations in order to better protect manage the health of the troops.[96]

---

[91] *Minutes of Evidence taken by the Select Committee*, 15 July 1862, IOR/L/PJ/5/99 1862-1864, British Library.
[92] Strachey, Richard. 'Rough Sketch of a Bill', *Minutes of Evidence taken by the Select Committee*, 15 July 1862, IOR/L/PJ/5/99 1862-1864, British Library.
[93] In the nineteenth century, the colonial administration of India was based in the three major port cities of Calcutta, Madras and Bombay, which constituted the capitals of the three presidencies (Bengal, Madras and Bombay presidencies, respectively). While the administrative structure changed throughout the nineteenth century, as the colonial state annexed further territory and consolidated its power, colonial power remained concentrated in the presidency towns.
[94] Bengal Sanitary Commission. First Annual Report of the Sanitary Commission for Bengal, 1864-65, with Appendix. (1865) UK Parliamentary Papers. 31 January 2023, 1, https://parlipapers.proquest.com/parlipapers/docview/t70.d75.1866-042375?accountid=12117; Bombay Sanitary Commission. Report of the Sanitary Commission for Bombay. (1866) UK Parliamentary Papers. 5 May 2022, 10-11, https://parlipapers.proquest.com/parlipapers/docview/t70.d75.1867-044523?accountid=12117.
[95] Hume, "Colonialism and Sanitary Medicine," 709-10.
[96] Ibid., 710.

The Sanitary Commissioner for the Government of India, who oversaw the commissions in the presidencies and provinces, found the first round of vital statistics produced by the presidency commissions to be, however, significantly inaccurate. As a result, in 1873 the Sanitary Commissioner set out a standard for the recording of deaths, and that same year the Bengal Births and Deaths Registration Act, which applied only to the Bengal province, was passed.[97] The Bengal system stipulated that the parents of a child, or the midwife present at the birth of a child, were responsible for registering births with the local registrar, or providing information of births to the local *chaukidar*.[98] The *chaukidar* was also held responsible for notifying the registrar of any births occurring within his beat. Parents, midwives and *chaukidars* were to be subject to fines if they failed to notify information of or register a birth. In practice, however, penalties were 'rarely' enforced.[99] As such, the recording of births and deaths remained haphazard, with a large portion going unreported.[100]

The demand for the colonial government to gain a better grasp of the vital statistics of its subjects rose again after the famine of 1876-78, in which up to eight million people died.[101] The death toll sparked public outrage in Britain that such a loss of life could occur on the watch of a supposedly paternalistic colonial government. This forced the British colonial government in India into some form of nominal action, and a Famine Commission was appointed, to be overseen by Lieutenant Colonel Richard Strachey.[102] As part of the recommendations for famine prevention, the commission suggested that the registration of births and deaths across British India be made compulsory. Yet a closer reading of the report the commission produced reveals that this suggestion was, in fact, hollow.

---

[97] Bengal Births and Deaths Registration Act (Act 4) 1873; A Chandra Sekhar, *Civil Registration System in India - A Perspective*, vol. 4, Census Centenary Monograph, (New Delhi: Vital Statistics Division, Office of the Registrar General, Ministry of Home Affairs, 1972), 4-5.
[98] Village watchman, responsible for monitoring of crime and passing on information to colonial police and administrators.
[99] Radhika Singha, "Colonial Law and Infrastructural Power: Reconstructing Community, Locating the Female Subject," *Studies in History* 19, no. 1 (2003): 88, fn. 4, https://doi.org/10.1177/025764300301900105. Similarly, in debating the Madras Registration of Births and Deaths Bill, colonial officials expressed a reluctance to prosecute failure to register. *Proceedings of a Meeting of the Council of the Governor of Fort St. George*, 9 March 1899, 17-20. IOR/L/PJ/6/511, File 1027, British Library.
[100] Richard Strachey. Report of the Indian Famine Commission. Part II. Measures of Protection and Prevention. Indian Famine Commission (1880) UK Parliamentary Papers. 11 January 2023, 107, https://parlipapers.proquest.com/parlipapers/docview/t70.d75.1880-056332?accountid=12117.
[101] Rune Møller Stahl, "The Economics of Starvation: Laissez-Faire Ideology and Famine in Colonial India," in *Intellectual history of Economic Normativities*, ed. M Thorup (New York: Palgrave Macmillan, 2016), 171.
[102] Ibid., 175-76.

The commission recognised that the vital statistics available to the Indian government on the population of India were inaccurate and that the current state of registration was chaotic; indeed, one recommendation was that the village officers charged with recording births and deaths 'should, if possible, be able to write, so that [their] recollection may be supported by a record made at the time' that they recorded such events.[103] Yet, despite this, the commission extolled the available statistics as providing the administration with sufficient, and 'most valuable indications' of famine.[104] Further, it supported the colonial government's commitment to a laissez-faire approach to food supply.[105] The commission's report did not, furthermore, discuss the reliability of figures from those regions in which birth registration was already compulsory. It thus encapsulated the aims of the Indian colonial government to balance the maintenance of a paternal image with the practical difficulties and cost of administering compulsory birth registration across such a vast population. As such, the government was reluctant to adopt the compulsory registration proposal.[106]

Indeed, it took five years following the release of the famine commission report before the colonial government undertook even a cursory attempt to introduce a central Act for birth registration.[107] The 1886 Births, Deaths and Marriages Registration Act instituted a system of voluntary registration for all of British India.[108] By not committing to compulsory registration, the colonial government had avoided an expensive and bureaucratically complex exercise. When, after a far-reaching famine struck again in 1896, the government instituted another famine commission. It, like its predecessor, acknowledged the inaccuracy of the vital statistics available to the government. Yet, this time, the report avoided recommending further bureaucratic reform, by deploying the notion of 'colonial difference' and presenting poor figures as an unfortunate fact of government under

[103] Strachey, *Report of the Indian Famine Commission. Part II*, 107.
[104] Ibid.
[105] Richard Strachey. Report of the Indian Famine Commission. Part I. Famine Relief. Indian Famine Commission (1880) UK Parliamentary Papers. 27 February 2023, 49, https://parlipapers.proquest.com/parlipapers/docview/t70.d75.1880-056331?accountid=12117.
[106] Chandra Sekhar, *Civil Registration System in India*, 4, 5; Strachey, *Report of the Indian Famine Commission. Part II*, 107.
[107] Prior to this, registration legislation had only been introduced by regional presidency governments. For instance, the Government of Bengal was responsible for the 1863 Calcutta Municipal Act and the 1873 Bengal Births and Deaths Registration Act.
[108] The Births, Deaths and Marriages Registration Act (Act 4) 1886.

'Indian conditions.'[109] In the 1886 Act, the colonial government had therefore gone as far as it was willing to go in terms of central legislation and would no longer be held responsible for poor vital statistics for famine prevention; as a result, there would be no further central registration law enacted in India under colonial rule.[110]

Tracing the political history of birth registration in India reveals, therefore, how the emergence of chronological age as a mode of ageing was conditioned by governmental concerns. In Britain, such projects took on a specifically governmental character, motivated in no small part by state vaccination policy and, as such, the management of the health of the British population. Birth registration policies in colonial India were also distinctly governmental, as part of wider bureaucratic innovations to standardise colonial knowledge of the Indian population.[111] At the same time, reforms in colonial India were much more reactive, being prompted by crises in colonial control, including sanitation concerns and famine. The discourses of famine commissions thus show the limits of governmentality in a colonial setting, as the health of colonial subjects was much less a priority to the British than population health in Britain.

The institutionalisation of chronological age through birth registration law therefore provides a starting point in delineating the history of the child as a legal subject in Britain and its empire. The category of the 'child' in sexual crime law was ostensibly defined by chronological age, yet, detailing how this mode of ageing emerged shows how, even on a foundational level, the process was a political one. Moreover, the creation of birth registration law in colonial India marked a crucial point in the beginning of European constructs of age being imposed on subject populations.

---

[109] James Broadwood Lyall. Report of the Indian Famine Commission. (1898) UK Parliamentary Papers. 8 January 2022, 175, https://parlipapers.proquest.com/parlipapers/docview/t70.d75.1899-077025?accountid=12117. Chatterjee, *The Nation and Its Fragments*, 10.

[110] Compulsory registration for the whole of India was first introduced under the Registration of Births & Deaths Act 1969.

[111] Radhika Singha, "Settle, Mobilize, Verify: Identification Practices in Colonial India," *Studies in History* 16, no. 2 (2000): 154-57, https://doi.org/10.1177/025764300001600201.

Evidencing age in the colonial Indian legal system

In spite of colonial indifference to child welfare in India in legal practice, administrators still had to determine chronological age, or at least appear to do so, in order to administer criminal law. As a result, under section 35 of the Indian Evidence Act (1872), birth certificates were cited as admissible evidence of age.[112] However, given that there was no mandatory official birth registration, Indian courts had to rely on alternate methods to determine age in practice. As in British courts, the appearance of an individual held some weight. For instance, according to section 298 of the 1882 Criminal Procedure Code, a judge may 'express to the jury his opinion upon any question of fact […] relevant to the proceeding'.[113] This had a direct bearing on determining age in Indian court cases. In *Queen* v. *Shama Khankee*, for example, '[w]here a Sessions Judge left the jury to decide upon the age of a girl who had been kidnapped, merely aiding them with his own opinion, in which they expressed their concurrence, it was held that there was no misdirection.'[114] While laws denoted capacity to consent using chronological age, determining that age could therefore be a matter of discussion between a judge and jury.

Paradoxically, while colonial law increasingly tied capacity to consent to sex to chronological age, the paucity of empirical evidence of chronological age – namely, birth certificates – led courts to turn to medical evidence, informed by medical jurisprudence, to determine the ages of Indian rape victims. Medical jurisprudence was widely used in colonial India to ascertain legal 'truths', especially as the British regarded Indians as inherently untrustworthy witnesses.[115] As part of the wider professionalisation of medicine from the mid-nineteenth century onwards, medical men in the colony increasingly, therefore, positioned themselves as 'experts', which carved out a space for medicine in the Indian legal sphere.[116]

---

[112] Indian Evidence Act (Act 1) 1872, section 35 B (1).
[113] Code of Criminal Procedure (Act 10) 1882, section 298.
[114] W. F. Agnew and Gilbert S. Henderson, *The Code of Criminal Procedure* (Calcutta: Thacker, Spink & Co., 1893) Internet Archive. 11 April 2021, 210. https://archive.org/details/dli.ministry.11258/page/n5/mode/2up.
[115] Chevers, *A Manual of Medical Jurisprudence*, 75-87. https://archive.org/details/in.ernet.dli.2015.222154/page/n1/mode/2up.
[116] Mitra Sharafi, "Abortion in South Asia, 1860–1947: A Medico-Legal History," *Modern Asian Studies* 55, no. 2 (2021): 378-79, https://doi.org/10.1017/S0026749X19000234.

One of the earlier influential medical jurisprudence manuals for colonial India, originally published in 1856 but revised in 1870 following the institution of the Indian Penal Code, provides little to no guidance on the link between medical evidence and chronological age. There is no reference to determining chronological age in the brief discussion of using medical evidence to identify live individuals, and the section on rape is overwhelmingly preoccupied with the average age of menarche and the development of Indian female bodies. Rather than using menarche to attempt to ascribe chronological age in an individual, the book's author, Dr Norman Chevers, links the onset of menstruation with sexual activity or proximity of the girl to her husband, by noting that 'It is the custom of the country, in their early marriages, to send the girl at perhaps nine years, occasionally, to the house of her husband; but, if the husband be so distant that this cannot be done, menstruation is generally delayed till the thirteenth year.'[117]

Whilst Chevers made multiple references to chronological age in his case studies of rape – specifically, the chronological age a girl had to be for it to be *possible* for her to be raped – he did not attempt to present medical evidence as a way of ascribing chronological age. This is perhaps suggestive of the time he was writing. Although the Indian Penal Code had cemented chronological age as a marker of a girl's capacity to consent to sex in statutory law, the practical possibilities of deploying chronological age in court given the state of birth registration in India meant that the role of chronological age in defining child victims was, in practice, rather limited. This suggests continuity in the administration of criminal law before and after the institution of the Indian Penal Code. Reflecting the evidentiary standards of criminal trials predating the Code (detailed in chapter three), rape trials involving supposed minor victims continued to hinge on medical, rather than documentary, evidence to ascribe age and, therefore, the possibility of consent.[118]

A later text on medical jurisprudence in India, originally authored by Bernadotte Lyon and revised in 1904, however, specifically dealt with the question of proving chronological age, since it recognised that such proof 'may be required for the identification of an individual, living or dead, as well as for the question of criminal or civil responsibility in regard to marriage, fecundity, rape

[117] Chevers, *A Manual of Medical Jurisprudence*, 671.
[118] Chevers made a distinct link between physical injury and evidence of non-consensual sex. Ibid., 677.

[…]'.[119] Lyon followed this with specific examples of the role of chronological age in statutory law, such as the age of criminal responsibility and the age of consent. However, in keeping with Smith's revision of Taylor's medical guidance published for British law, Lyon was clear on the limitations of medical evidence in proving age, since he stated that 'age can only be estimated with any degree of certainty in the young. After adult life is reached, the age is only to be guessed at approximately, in the absence of a regular certificate of birth or a horoscope'.[120] Yet, even in the case of children, Lyon made clear that medical evidence, such as height, weight, the development of hair or the number of teeth, could only indicate an approximate chronological age.[121]

Lyon's mention of horoscope to determine age in law provides an interesting insight into forms of, and tensions within, colonial knowledge. Indeed, Magistrates in colonial India did use such information as evidence in cases of alleged sexual violence involving children. In October 1888, a young girl known as Lachminia escaped the house of her alleged husband for a nearby mission house.[122] The mission was run by a Miss Abraham, who had been tutoring Lachminia at home for some time.[123] Upon learning of Lachminia's escape, her alleged husband, Radha Kissen, lodged a complaint with the police in the hope of restoring his alleged wife to his custody.[124] Within weeks, the case was heard at Patna Magistrates' Court, where Radha and Lachminia's mother, Mussamut Mahtahbo, petitioned the Magistrate, C. C. Quinn, to restore Lachminia under section 551 of the Criminal Procedure Code.[125] Section 551 empowered a Presidency or District Magistrate to restore any woman or girl who had been abducted or detained for any unlawful purpose to her liberty (if over 14) or to her husband, parent or guardian (if under 14).[126]

---

[119] Isidore Bernadotte Lyon, *Medical Jurisprudence for India, with Illustrative Cases*, 3rd ed. (Calcutta: Thacker, Spink & Co., 1904), 33.
[120] Ibid., 34-35.
[121] Ibid., 36-40.
[122] 'Order passed under section 551 of the Criminal Procedure Code', 6 December 1888, in John Boxwell to J. Ware Edgar, 12 April 1889, in IOR/L/PJ/3/328, British Library.
[123] C. C. Quinn, Magistrate of Patna, to the Registrar of the High Court of Judicature at Fort William in Bengal, 24 January 1889, in ibid.
[124] Ibid.
[125] Ibid.
[126] Code of Criminal Procedure (Act 10) 1882, section 551.

Abraham, named as the respondent in the case, contested that Lachminia's marriage to Radha was not a legal one, and that Mahtabo had actually sold her daughter to Radha as a 'mistress'. Abraham contended that Mahtabo was thus an 'immoral' woman and 'unfit to be the guardian of her daughter'.[127] She argued, furthermore, that Lachminia was over 14 and had left Radha's house of her own free will; she was, therefore, not being unlawfully detained and, even if she was, the Magistrate could only restore her to her own liberty – not to her alleged husband or mother. As part of the ruling, Quinn thus had to determine Lachminia's 'true' chronological age. For this, he used a combination of medical evidence, Lachminia's own testimony (which 'show[ed] that she must be more than twelve years of age […] [but did] not clearly establish the fact that she had completed her fourteenth year') and the report of the pandit who had written up Lachminia's horoscope at her birth.[128] This evidence was sufficient for Quinn to order the restoration of Lachminia to her alleged husband – in spite of both Abraham's allegations that she had been sold into sexual slavery, and Lachminia's own wishes.[129]

This combination of indigenous forms of knowledge (i.e., the horoscope) with western forensic epistemology (i.e., medical evidence) reveals the tensions and compromises that characterised efforts by the colonial judiciary to find 'truths' that were, by nature, European colonial constructions. In other words, in attempting to ascertain the chronological age of Indians and deploy these ages in law, Indian colonial courts were in fact inscribing a colonial construction of 'standardized age'.[130] This served to undermine indigenous modes of understanding 'age', which included relational and astrological notions of social order, and which 'went well beyond, but also fell short of, the requirements of age standards in the [colonial] law.'[131] By ruling Lachminia to be under 14 and, therefore, returning her to her husband, Quinn was reinforcing patriarchal authority to Radha Kissen. This ruling, therefore, reveals how even chronological age, an ostensibly objective

[127] Petition of Miss E. Abraham, 19 November 1888, in IOR/L/PJ/3/328, British Library; C. C. Quinn, Magistrate of Patna, to the Registrar of the High Court of Judicature at Fort William in Bengal, 24 January 1889, in ibid.
[128] 'Order passed under section 551 of the Criminal Procedure Code', in John Boxwell to J. Ware Edgar, 12 April 1889, in IOR/L/PJ/3/328, British Library.
[129] Ibid.
[130] Pande, "Power, Knowledge, and the Epistemic Contract," 412.
[131] Ibid.

characteristic, was at the whim of the interpretation of the colonial judiciary, who acted to 'readmit[…] patriarchal prerogative under the aegis of rule of law'.[132]

Conclusion

Not only did chronological age, therefore, exist uneasily in statutory law, but the practicalities of evidencing age also proved vexatious. While the use of chronological age to determine an individual's capacity to consent in the law suggests that categories of protection for children from sexual offences were based on objective standards, examining how age was evidenced in British and Indian law reveals the subjective nature of this standard. On the contentious question of defining childhood and, therefore, age, the law allowed for contemporary attitudes (on class and sexuality) to inform decisions about who could and should be considered capable of consenting. Further, in colonial India, the role of the judiciary in determining one's age reveals the tensions between indigenous and colonial epistemologies and how, ultimately, the colonial judiciary used a variety of tools to ascribe chronological age on Indian bodies. Age was, therefore, a highly malleable concept which could be adapted and reshaped to suit the priorities of in power. The next chapter will demonstrate how age was similarly manipulated in discourse on the 'white slave traffic' and how childhood served as a discursive device for buttressing the cause of social campaigners.

[132] Singha, "Making the Domestic More Domestic," 311.

Chapter Five: The 'Child' as a Discursive Device: The 'White Slave Traffic' and the Development of International Anti-Trafficking Law

Introduction

In 1876, one of the leading campaigners against the contagious disease laws in England, Josephine Butler, heard about English women and girls working in brothels on the Continent through her work with fellow campaigners in France and Belgium.[1] The question of contagious disease legislation, which mandated medical examinations of women suspected to be prostitutes, had troubled social campaigners since the first Contagious Disease Act became law in 1864, since they considered it as essentially constructing a system of state-regulated prostitution. While social purity campaigners, who saw prostitution as antithetical to a 'moral' society, criticised what they saw as the state sanction of vice, early feminists, like Butler, attacked the sexual double standard inherent in a law which policed only the women who sold their bodies, not the men who bought them.[2] Butler headed to Belgium to investigate, followed not long after by Quaker journalist and publisher Alfred Stace Dyer.[3] Their findings, which became known as the 'Belgian scandal', produced a new moral panic over what came to be seen as a traffic of white women and girls to foreign countries into forced prostitution, which campaigners termed the 'white slave traffic'.

This moral panic was a product of contemporary anxieties and gender norms. Firstly, since men were imagined as having limited control over their sexual urges, this enabled middle-class women to position themselves as morally superior. As such, they played a crucial role in the development of the social purity movement, as they used their supposedly unique sexual continence to

[1] Belinda Peacey, "Josephine Butler: "A Great Feminist"," *International Review of the Red Cross* 92 (November 1968): 563, https://doi.org/10.1017/S0020860400077214.
[2] Walkowitz, *Prostitution and Victorian Society*, 90-110.
[3] Peacey, "Josephine Butler", 564-65; and Dyer, *The European Slave Trade*, 11.

carve out a moralising role in the political sphere.[4] Moreover, the social purity movement was distinctly classed, as campaigners positioned themselves as tackling working-class immorality and, therefore, as crucial to the maintenance of moral order.[5] The idealisation of female sexual purity and its linkage to 'English' racial purity meant that prostitution was also imagined by social purity campaigners to constitute a threat to the British nation. As such, the migration of British women overseas to work in brothels with foreign male clients constituted a particularly grave assault on both sexual and racial purity. Scholars have already made the case that analysing the moral panic embodied by the 'white slave traffic' provides far more insight than debating the existence of the purported traffic itself, since it is emblematic of a constellation of fears and anxieties which dominated late-nineteenth and early-twentieth century discourses in Britain in regard to the growing women's movement, social purity, prostitution, racial hygiene and anti-immigration sentiment.[6] Thus, whether or not there existed a systematic traffic in English women and girls is not the concern of this analysis. At issue, instead, is how campaigners concerned with contagious disease legislation and social purity drew upon this episode to mobilise support for legal change.

As Rachael Attwood has noted, discourses on 'white slavery' were not singular. For example, the anti-trafficking campaigns of the Jewish Association for the Protection of Girls and Women diverged from dominant discourses which presented alleged victims as blameless, and instead cast Jewish female immigrants who had supposedly been trafficked as culpable and morally deficient in an attempt to distance the wealthy and 'respectable' Anglo-Jewry from lower-class Jewish migrants.[7] This analysis, rather, is concerned with the campaigns of Josephine Butler and Alfred Dyer, which connected the 'Belgian scandal' with

---

[4] Bland, *Banishing the Beast*, 52.
[5] Samantha Caslin, *Save the Womanhood!: Vice, Urban Immorality and Social Control in Liverpool, c.1900-1976* (Liverpool: Liverpool University Press, 2018), 2-3. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991016513739707351.
[6] Levine, "The White Slave Trade," 135-36; Doezema, *Sex Slaves*, 70-72; Heath, *Purifying Empire*, 85; Attwood, "A Very Un-English Predicament," 222-23; Attwood, "Lock Up Your Daughters!," 614-18; Limoncelli, *The Politics of Trafficking*, 19; McLaren, *The Trials of Masculinity*, 20-23.
[7] Rachael Attwood, "Looking Beyond 'White Slavery': Trafficking, the Jewish Association, and the Dangerous Politics of Migration Control in England, 1890-1910," *Anti-Trafficking Review*, no. 7 (2016): 118-19, https://doi.org/10.14197/atr.20121777.

female sexual purity and the 'English' race, and which resulted in the Select Committees discussed in chapter two, and the establishment of the National Vigilance Association (NVA), which was at the forefront of lobbying for international criminalisation of trafficking. A British social purity organisation established in 1885, the NVA lobbied governments across Europe to put a stop to such traffic and, as a result, by 1904 the world's first international anti-trafficking accord was enacted. This chapter analyses the discourse of the anti-white slave traffic campaigns to ascertain how the 'Belgian scandal' came to result in such accords. As images of youth and childhood were central to the discourse on the 'white slave traffic', it analyses the role of childhood as a discursive technique in mobilising support for international legal change. Exploring the central role that childhood and youth played in this discourse will prove central to the two final chapters of this thesis, which analyse anti-trafficking projects undertaken by the League of Nations.

While gender vastly overshadows age as a category of analysis in studies of the 'white slave traffic', scholars have noted that youth played a central role in the construction of an 'ideal victim'.[8] The most detailed analysis on this comes from Jessica Pliley, who has exposed how social purity campaigners in the United States constructed narratives in which 'sex workers were cleansed of blame' in regard to their role in the sex trade 'due to their presumed youth, with its concomitant notion of the inability to consent' to participation in such a trade.[9] In the Jim Crow-era U.S., this positioned prostitution as a form of slavery, in which whiteness was considered antithetical. However, less attention has been paid to the role of youth as a discursive device in informing 'white slave traffic' discourse in the British context, and precisely why youth – as a characteristic of childhood – served such a useful purpose has remained unexplored.

This chapter therefore aims to contribute to such research by demonstrating how changing conceptions of childhood, combined with imperial and racial anxieties, provided 'childhood' with a new discursive power. Specifically, it contends that children were brought under the protection of

[8] Doezema, *Sex Slaves*, 49-50, 68, 81; Walkowitz, *City of Dreadful Delight*, 119; Gorham, "The "Maiden Tribute of Modern Babylon" Re-examined," 370.
[9] Jessica R. Pliley, "Protecting the Young and the Innocent: Age and Consent in the Enforcement of the White Slave Traffic Act," in *Child Slavery before and after Emancipation*, ed. Anna May Duane (Cambridge: Cambridge University Press, 2017), 158.

anti-trafficking laws in the international sphere by virtue of the value that childhood held as a moral category. Although the late-nineteenth and early-twentieth centuries witnessed the emergence of the child as a gender-neutral legal subject in legislation regulating working environments, schooling and newly defined child cruelty offences, these changes were not reflected in the emergent anti-trafficking laws of the early-twentieth century. This was because, from the mid-nineteenth century, childhood had also taken on a discursive role in constructing understandings of ideal femininity. In Coventry Patmore's poem *The Angel in the House,* for example, the feminine ideal is contrasted against male shortcomings, since while husbands were conceived of as being 'never young nor ripe', their wives were conceptualised as growing ever '[m]ore infantine, auroral, mild'.[10] Women, the poem thus suggests, were and should be treated as children. While anti-trafficking campaigners deployed tropes of childhood and youthful innocence to mobilise support for legal change, the anti-trafficking agenda was not really about children at all. Rather, childhood and youth served to underscore contemporary understandings of femininity, particularly of women as being naïve, child-like and as hence inherently 'pure' – and, therefore, as crucial to the future of the white British 'race'.

Changing conceptions of childhood

To understand why childhood and youth played such a central role in discourses in relation to the 'white slave traffic' it is essential to consider first why certain ideas about childhood gained such moral currency in Britain during the late-nineteenth century. Philanthropists, shaken by the impact of industrial labour on children's bodies, seized upon the Romantic notion of childhood to buttress the image of children as objects of protection. According to Hugh Cunningham, these philanthropists were driven by a 'missionary zeal' to help people who, living 'in the slums of the new big cities of an industrialising world, seemed as heathen as the "savages" of Africa or Polynesia', which underscored the corrupting effects of poverty on childhood innocence.[11] Since childhood as a life stage was

[10] Coventry Patmore, *The Angel in the House* (London: G. Bell and Sons, Ltd., 1920) Internet Archive. 2 February 2025, 29, https://archive.org/details/theangelinhouse00patmuoft/page/28/mode/2up.
[11] Cunningham, *Children and Childhood*, 45, 110.

increasingly considered a life stage to be protected in its own right, the experience of poverty was therefore seen to hasten its demise. [12] Social commentator Henry Mayhew depicted working children as not experiencing what was idealised by the middle-classes as a 'childhood', by detailing how one child was puzzled by the concept of 'toys and games', yet talked of the 'bitterest struggles of life, with the calm earnestness of one who had endured them all.'[13] Thus, industrialisation and related poverty crystallised the notion that childhood was a distinct life stage, and one which social reformers and philanthropists considered to be under threat from industrial and urban development.

Such ideas were undoubtedly strengthened by emerging medical and scientific discourses on childhood. For instance, the development of paediatric medicine strengthened the idea that children were biologically different to adults.[14] Further, the rise of the 'child study movement' in the late-nineteenth century positioned children as research subject and, as a result, produced new scientific knowledge on the nature of childhood.[15] Significantly, such discourses tended to emphasise the plasticity of a child's nature. These combined with deterministic psychological discourses which produced adolescence as a crucial stage between childhood and adulthood, in which experiences were seen to have a direct bearing on 'his or her formation as an adult.[16] Such discourses, therefore, supported social reform measures which aimed to discipline and educate children into ideal future citizens.[17]

These new ideas about childhood cannot, therefore, be divorced from wider imperial anxieties and concerns about 'racial hygiene'. The 1889 Prevention of Prevention of Cruelty to, and Protection of, Children Act (known as the Children's Charter), for example, embodied the gradual erosion by the state of the authority of parents over their children through legal change, which reflected how the family was being reconceptualised as conducive to national strength, as the 'the breeding and training

---

[12] Mayhew, *London Labour and the London Poor*, 1, 145-51.
[13] Ibid., 151.
[14] Bruno Cabanes, *The Great War and the Origins of Humanitarianism, 1918–1924* (Cambridge: Cambridge University Press, 2014), 263-64. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_cambridge_corebooks_10_1017_CBO9781139105774.
[15] Hendrick, "Constructions and Reconstructions," 39-41.
[16] John R. Gillis, *Youth and History: Tradition and Change in European Age Relations, 1770-Present* (New York: Academic Press, 1974), 158-59.
[17] Hendrick, "Constructions and Reconstructions," 41.

ground of a new imperial race'.[18] Where child welfare had previously been tied to philanthropic activity, the last quarter of the nineteenth century therefore saw it taken up as part of a project of nation-building, with inextricable links to race.[19]

This centring of the family in the project of nation- and race-building had legal ramifications, in turn, for how children featured in discourses on sexual offences. From the mid-nineteenth century, there had been a growing belief in the human sciences that sexual relationships between close relatives led to physical or developmental disabilities for resulting offspring.[20] From the 1860s, multiple studies into the effects of cousin marriage, which was legal in Britain, had been conducted and their findings widely reviewed.[21] It was not until 1908, however, that incest was criminalised in Britain for the first time.[22] The fight to criminalise incest took, however, over a decade, beginning in the mid-1880s after the 'discovery' of incest in tenement slums. In *In Darkest England and the Way Out* (1890), William Booth, founder of the Salvation Army, a quasi-military Christian movement, remarked that '[t]he overcrowded homes of the poor compel . . . children to witness everything', by which he meant sexual intercourse between parents. Since sexual morality came, as a result, to have 'no meaning' to such children, incest among the poor was 'so familiar as hardly to call for remark.'[23]

Such anxieties regarding the physical condition of the working classes were amplified by Britain's performance in the Second Boer War (1899-1902), as the British defeats in the first six months of fighting were partially explained by accounts of physical weakness and disability among British troops.[24] These fears of national physical deterioration prompted government enquiries in 1903

---

[18] Prevention of Prevention of Cruelty to, and Protection of, Children Act 1889, 52 & 53 Vict., c. 44; Harris, *Private Lives, Public Spirit*, 80.
[19] Harry Hendrick, *Child Welfare: Historical Dimensions, Contemporary Debate* (Bristol: The Policy Press, 2023), 19. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1dg072n/alma991014699789707351.
[20] Adam Kuper, "Incest, Cousin Marriage, and the Origin of the Human Sciences in Nineteenth-Century England," *Past & Present*, no. 174 (2002): 169, https://doi.org/10.1093/past/174.1.158.
[21] Sybil Wolfram, "Eugenics and the Punishment of Incest Act 1908," *Criminal Law Review* (1983): 309.
[22] While incest had long been considered a moral crime by the Church, it had previously been the exclusive preserve of ecclesiastical courts and, prior to 1908, had not been criminalised by the state. Further, the ecclesiastical definition of incest did not include sexual relationships between cousins. Jackson, *Child Sexual Abuse*, 14.
[23] William Booth, *In Darkest England and the Way Out* (London: Funk & Wagnalls, 1890) Internet Archive. 12 December 2025, 65, https://archive.org/details/indarkestengland00bootuoft/page/n7/mode/.
[24] Hendrick, *Child Welfare*, 56, 75-76; Bentley B. Gilbert, *The Evolution of National Insurance in Great Britain: The Origins of the Welfare State*, 2nd ed. (Brighton: Edward Everett Root Publishers, 2019), 59-61.

and 1904 into the exercise and nutritional needs of children and people with disabilities, and the first bill (in 1903) to criminalise incest. [25] Thus, the passage of the Punishment of Incest Act in 1908 reflected the emerging primacy of biological and racial considerations in regulating sexuality in Britain.[26] Yet it is important not to understate the role of civic society movements in such developments. Campaigns by the National Society for the Prevention of Cruelty to Children (NSPCC), which saw incest as a specific form of child abuse, and the NVA, which linked the criminalisation of incest with the wider suppression of vice, both proved highly influential in pushing for legal change.[27]

These concerns about racial hygiene and the related configuration of children as the future of the British race cannot be divorced from wider developments in the British Empire, since the latter half of the nineteenth century witnessed imperial crises which challenged the notion of British superiority upon which empire was based. These included the 1857 Indian Rebellion and, particularly, the killing of British troops by Indian sepoys, which generated a crisis about the strength of white masculinity, while violent dissent in Jamaica and military humiliations in Afghanistan and Egypt further undermined British imperial dominance.[28] European colonial ambitions added to these threats, with France, Holland, Germany, Portugal, Spain, Belgium and Italy all undertaking imperial expansion, with varying degrees of success, between 1880-1900.[29]

These challenges manifested in a need to demonstrate British racial superiority. As child welfare was increasingly considered essential to Britain's economic health and military prowess, this led to children – at least those of the 'right racial stock' – becoming envisioned as the future of its

[25] Report of the Royal Commission on Physical Training (Scotland). (Edinburgh: 1903) Internet Archive. 2 February 2025, 7-38, https://archive.org/details/b2803854x/; Hendrick, *Child Welfare*, 69.
[26] Punishment of Incest Act 1908, 8 Edw. 7, c. 45; Wolfram, "Eugenics," 311-13.
[27] Hendrick, *Child Welfare*, 39. Wohl, "Sex and the Single Room," 209; James A. Roffee, "Lifting the Veil on Incest: The Historical Development of the Offence," *International Journal of Interdisciplinary Social Sciences* 5, no. 10 (2011): 307, https://doi.org/10.18848/1833-1882/CGP/v05i10/51830.
[28] Jenny Sharpe, *Allegories of Empire: The Figure of Woman in the Colonial Text* (Minneapolis: University of Minnesota Press, 1993), 61-67; John Tosh, "Manliness, Masculinities and the New Imperialism, 1880-1900," in *Manliness and Masculinities in Nineteenth-Century Britain : Essays on Gender, Family and Empire*, ed. John Tosh (Harlow: Pearson Longman, 2005), 194-95.
[29] Andrew Porter, *European Imperialism, 1860-1914* (London: Bloomsbury Academic, 1994), viii-xiii, 3-5.

empire.[30] Anxieties about race and racial hierarchies fed into concerns, therefore, about bodily health.[31] These were coupled with a declining birth-rate in Britain, which prompted alarm among social commentators, who considered the growth of Britain's (white) population essential to Britain's ability to compete with other imperial powers.[32] Ensuring that Britain's children were healthy therefore became a priority for the security of both the nation and empire.

Childhood in Early Anti-traffic Campaign Discourse

Yet anti-trafficking campaigns were not so much rooted in concerns about Britain's children, but Britain's women, who were reified as the nation's mothers and the bastions of Britain's racial purity.[33] As noted above, anti-trafficking campaigns grew out of responses to contagious disease legislation, which sought to protect British men from venereal disease by subjecting female prostitutes to invasive physical examinations and, in the case of infection, detention in 'lock' hospitals.[34] These laws – which were understood as instituting a state-regulated system of prostitution – prompted a fierce backlash from social campaigners, who criticised the acts as embodying a double standard (men were not subject to such medical examination) and sanctioning vice.[35] Crucially, campaigners opposing these laws were concerned with *women.* Along with challenging the efficacy of the laws and the accuracy of the medical statistics used to support them, campaigners presented contagious disease legislation as

[30] Anna Davin, "What is a Child?," in *Childhood in Question: Children, Parents and the State*, ed. Stephen Hussey and Anthony Fletcher (Manchester: Manchester University Press, 1999), 16.
[31] Harris, *Private Lives, Public Spirit*, 231.
[32] The crude birth rate (number of live births per 1000 people) for England and Wales had declined from 35.82, between 1851-1875, to 32.28 between 1876-1900. Economist Robert Woods attributes this to decreasing infant mortality rates and the decreasing economic value of children as a result of labour laws and compulsory education, as these meant a pregnancy signalled a potentially greater economic burden than in previous periods. Woods also contends that the rise in women's education and feminism meant that, for married women, they were more able to be 'assertive' within their marriages and, therefore, take control over how many children they had. Robert Woods, "The Population of Britain in the Nineteenth Century," in *British Population History: From the Black Death to the Present Day*, ed. Michael Anderson (Cambridge: Cambridge University Press, 1996), 305, 23-27. See also Anna Davin, "Imperialism and Motherhood," *History Workshop* 5, no. 1 (1978): 10-12, https://doi.org/10.1093/hwj/5.1.9.
[33] McClintock, *Imperial Leather*, 354.
[34] Magubane, *Bringing the Empire Home*, 114.
[35] Walkowitz, *Prostitution and Victorian Society*, 93.

harmful to women. The sanctioning of prostitution, they believed, contributed to female degradation and directly threatened female 'purity'. [36]

The campaign against contagious disease legislation gained sensational ammunition when Butler learned of a 'traffic' in English women and girls to continental brothels in 1876.[37] Three years later, she headed to Belgium to investigate, followed not long after by Quaker journalist and publisher Alfred Stace Dyer.[38] The presence of white English women and girls in European brothels proved to be an unprecedented opportunity for the campaign. Both Butler and Dyer explicitly connected the procurement of English women and girls for European brothels to the system of regulated prostitution; specifically, they argued that that regulation in Europe created a market for prostitutes, which English women and girls were being used to stock.[39] A ferocious publicity campaign followed, in which they drew attention to what they termed the 'white slave traffic', and to which childhood proved to be a central theme.

By 1880, both Butler and Dyer had begun publishing exposés on what they claimed to be a 'slave trade' or 'traffic' in white English 'girls'.[40] Although at least two reports had appeared in the British press on this from 1876, they had failed to rouse any serious interest.[41] For instance, a letter to the editor in *The Times,* which attempted to raise awareness of the issue, was relatively short and lacked the polemical character that the later accounts from Dyer and Butler's writings would have.[42] The author, H. Barron, referred to those forced into prostitution in Continental brothels exclusively as 'women' – he made no reference, in other words, to girls – and he dedicated just two sentences to detailing the nature of the issue. Dyer's article in the *London Daily News* four years later*,* however, which was titled 'Belgian Traffic in English Girls', began with the 'heartrending' tale of a 'young woman […] only nineteen years of age' who had been duped into working in a Belgian brothel. As a

---

[36] Ibid., 108-11.
[37] The Netherlands, France, Italy and Belgium all had systems of state-regulated prostitution during this period. Limoncelli, *The Politics of Trafficking*, 99, 117, 133-34; Peacey, "Josephine Butler: "A Great Feminist"," 563.
[38] Peacey, "Josephine Butler: "A Great Feminist"," 564-65; Dyer, *The European Slave Trade*, 11.
[39] Walkowitz, *Prostitution and Victorian Society*, 249.
[40] Dyer, *The European Slave Trade*, 3; Butler, ""The Modern Slave Trade,"" 20.
[41] Rachael Attwood, "Vice Beyond the Pale: Representing 'White Slavery' in Britain, c. 1880-1912" (PhD thesis, University College London, 2013), 48, https://discovery.ucl.ac.uk/id/eprint/1395417 (1395417).
[42] H. Barron, "English Women Abroad," *The Times*, 3 February 1876, https://link-gale-com.liverpool.idm.oclc.org/apps/doc/CS134788675/TTDA?u=livuni&sid=bookmark-TTDA&xid=bedaa98d, Gale Primary Sources.

result, she was, for Dyer, 'as much a slave as was ever any negro upon Virginian soil.' 'White slavery' – a seemingly impossible phenomenon given the assumed superiority of whiteness in an imperial nation – was thus a deliberately oxymoronic term that served to underscore the 'wrongness' of the situation of the 'enslavement' of white girls.[43] Emphasising the whiteness of victims, however, was also an attempt to draw on contemporary concerns over the strength of the British race. Dyer went on to state that the case was one of many involving 'young girls' or 'daughters of respectable parents' being deceived into prostitution on the Continent.[44] The sensational article was then picked up by other English newspapers and even the *New York Times*, which reprinted Dyer's article under the title 'Traffic in Girls: How English Maidens are enticed to Belgium for Infamous Purposes'.[45]

While anti-trafficking discourse drew heavily on notions of whiteness, sexual purity and respectability to construct ideal victims, youth thus played a central role in tying these tropes together. Campaigners, in fact, repeatedly emphasised the youth of victims. In Dyer and Butler's writings, trafficking victims appear as "terrified little girls" and "tender lambs".[46] The slippage between childhood and womanhood is clear in Dyer's depiction of a victim, whose age is not given, as simultaneously a 'young woman' and a 'cowed and terrified girl'.[47] Butler, in particular, sought to emphasise the young ages of trafficking victims: in multiple accounts, she spoke of 'children' aged as young as 10 and 12, working in Continental brothels.[48] According to Butler, Continental brothels were replete with 'English minor girls' or 'very young girls, mere children'.[49] Such tropes about youth were interwoven with ideas about racial purity and the future of the nation. While campaigners explicitly recognised that trafficking victims also hailed from Scotland and Ireland – the anti-trafficking London

[43] For a discussion of this discursive technique in the US context, see Pliley, "Protecting the Young," 159. Dyer, *The European Slave Trade*, 37.
[44] Alfred Stace Dyer, "Belgian Traffic in English Girls," *Daily News*, 2 January 1880, https://link-gale-com.liverpool.idm.oclc.org/apps/doc/Y3203098089/BNCN?u=livuni&sid=bookmark-BNCN&xid=03cf111f, Gale Primary Sources.
[45] Attwood, "Vice Beyond the Pale," 48.
[46] Josephine Butler quoted in Dyer, *The European Slave Trade*, 30; Butler, "'The Modern Slave Trade'," 23.
[47] Dyer, *The European Slave Trade*, 14-17.
[48] Butler, "'The Deposition on Oath'," 59-61; Butler, "'The Modern Slave Trade'," 21.
[49] Butler, "'The Modern Slave Trade'," 21; Butler, "'The Deposition on Oath'," 60.

Committee formed by Dyer in 1880 specifically made reference to the 'traffic in English, Scotch and Irish girls' – their discourse repeatedly constructed them as English.[50] Both Butler and Dyer, for example described victims as 'English-born slaves', or 'innocent creatures' who had been 'kidnapped […] from English country villages.'[51] The evocation of countryside presented victims as having been previously uncorrupted by urban industrial spaces, and thus underscored their purported purity.[52]

Such language speaks, therefore, to the construction of a singular English ethnic identity, which gained traction in the latter half of the nineteenth as a result of imperial anxiety and European colonial competition. The concept of a distinct English 'ethnicity' was, therefore, a product of Empire, as colonial operations relied on discourses on racial difference to uphold colonial power.[53] To be clear, crafting an innate difference between colonised and coloniser in the form of race provided British colonial officials with an unassailable basis on which to claim superiority.[54] Further, form the mid-nineteenth century onwards, there was an increased demand to differentiate between Europeans on a racial level. According to Robert Young, the Victorians were themselves 'far more pre-occupied with a complex elaboration of European racial differences and alliances than with […] the relatively straightforward task of distinguishing between European and non-European races.'[55] While 'British' and 'English' were generally interchangeable terms, Englishness, then, came to communicate a certain superiority. As Philippa Levine observes, 'The empire was always *British,* but it was Englishness which proudly set Britain apart from its continental neighbours.'[56] Thus, trafficking was rendered as threatening to the purity of the white, English race. As Dyer, in his widely circulated account of his investigations into the purported traffic in Belgium put it, there was 'no reason why the debased inhabitants of a foreign country should be allowed to keep' their British

[50] Dyer, *The European Slave Trade*, 3.
[51] Alfred Stace Dyer, "Belgian Traffic in Englishwomen," *The Sentinel*, May 1880, 6, https://liverpool.idm.oclc.org/login?url=https://www.proquest.com/historical-periodicals/belgian-traffic-englishwomen/docview/3970580/se-2, ProQuest; Butler, "'The Modern Slave Trade'," 21; Butler, "Letter from Josephine E. Butler to Dr William Carter, 'Private', 1 April 1880, [From Liverpool], Josephine Butler Collection, The Women's Library," 17.
[52] The rapid growth in urban centres led to fears about 'urban degeneration and racial decay.' Harris, *Private Lives, Public Spirit*, 42-45.
[53] According to Young, British became synonymous with English in this context. Young, *The Idea of English Ethnicity*, 1-2, 12-13, 190-91, 231.
[54] Chatterjee, *The Nation and Its Fragments*, 10.
[55] Young, *The Idea of English Ethnicity*, 13.
[56] Levine, *Prostitution, Race and Politics*, 7.

victims 'in a condition of bestial slavery', since 'England' – not, notably, Britain – was 'the protector of the enslaved and oppressed', and hence 'would visit with swift retribution any infraction of the liberty of a British subject by an uncivilized state'.[57]

For Dyer, the 'debased inhabitants of a foreign country' were thus racial others, who threatened the purity of the white, British race. The discovery of English women and girls in Belgian brothels was thus rendered as an assault on British imperial prestige, which warranted 'swift retribution'. Dyer presented the Belgian men who used such brothels as, furthermore, 'morally half brute and half devil', while playing up a sense of shared 'English' identity in the 'traffic of our own flesh and blood'.[58] Similarly, Butler cautioned that resorting to child prostitutes was 'the level to which […] English-men' would also 'descend, if they endure[d] the influence on English soil of the laws which regulate vice.'[59] In other words, Butler portrayed the system of licensed prostitution as endangering English morality, and with it racial strength, by giving English men the license to resort to under-age prostitutes. Drawing upon an English, as opposed to British, identity, Butler thus called for 'us English' to prevent such a catastrophe and, with it, 'to avenge our own flesh and blood'.[60] Memorials sent to the British Government on the subject also evoked the empire to underscore the danger of the alleged traffic in young girls to Continental brothels, with one, sent to the Foreign Secretary in August 1880, casting those holding British subjects against their will as 'uncivilised'.[61]

Thus, in contrast to the Englishness or whiteness of supposed trafficking victims, campaigners painted the Continent as racially othered, and as being home to 'debased' men who preyed on young, English 'girls.'[62] Such narratives played on tropes associated with the Indian *zenana*, which occupied a prominent space in the British imagination. Technically, the *zenana* referred to the women's quarters of north Indian Hindu and Muslim homes, but was

[57] Dyer, *The European Slave Trade*, 31, 37.
[58] Ibid., 6, 27.
[59] Butler, ""The Modern Slave Trade"," 24.
[60] Ibid., 22.
[61] 'Memorial of the undersigned Members of a Committee, formed in London for the purpose of exposing and suppressing the existing traffic in English, Scotch, and Irish Girls, for the purpose of Foreign Prostitution', to Earl Granville, 18 August 1880, TNA, FO 10/430.
[62] Dyer, *The European Slave Trade*, 31.

heavily exoticised in British literature on India.[63] For the British, the *zenana* was a symbol of Indian women's degradation, because it undermined their freedom and, as the site of a specifically 'Indian' practice, provided further evidence of inherent Indian 'backwardness'.[64] Such views facilitated British perceptions, as noted in chapter one, of the barbarism of Indian men towards Indian women. The *zenana,* as a result, also featured in early transnational feminist discourse which imagined Indian women as objects in need of being saved.[65] When it came to the Continental brothel, white slavery campaigners thus emphasised how the women and girls within it were forbidden to leave, and how blinds were kept permanently closed to ensure that alleged trafficking victims could not see out and sunlight could not penetrate.[66] The continental brothel was thus 'othered' and constructed as a dark, sordid place, in which women were kept in a state of sexual enslavement.

Not only, however, did concerns about the youth of ostensible white trafficking victims feed into contemporary concerns about racial hygiene and of children as the future bearers of the British 'race', but concerns about class were also pervasive in anti-trafficking discourse, as campaigners sought to distance supposed trafficking victims from associations with sexually precocious working-class girlhood.[67] Dyer, in particular, was keen to emphasise the 'respectable' character of 'white slavery' victims, and hence presented them as coming from 'respectable' middle-class families.[68]

Additionally, the positioning of supposed victims within a family framework further underscored their lack of culpability. By presenting alleged trafficking victims as the British nation's daughters, campaigners sought to rally a sense of collective responsibility for stopping the traffic among the British public. For instance, Butler's pamphlet 'A Letter to the Mothers of England' appealed to 'English' mothers and 'all women who have the heart of a mother within them' to 'look at

---

[63] *Zenana* was often used interchangeably with the term *purdah*, which referred to the practice of female seclusion. Antoinette Burton, *Dwelling in the Archive: Women Writing House, Home, and History in Late Colonial India* (New York: Oxford University Press, 2003), 10-11. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991023372973907351.
[64] Ibid.
[65] Ibid., 82; Burton, *Burdens of History*, 66.
[66] Dyer, *The European Slave Trade*, 5.
[67] See chapter two and Lammasniemi, ""Precocious Girls,"" 242.
[68] Dyer, *The European Slave Trade*, 7-8, 12.

[their] own children' and 'come forward to the rescue' of trafficking victims 'for the sake of *your sons*, and of our nation'.[69]

By constructing trafficking victims as children or child-like, campaigners sought to absolve so-called victims of any agency and, therefore, blame. Butler confronted her readers with a paradox of childhood sexual agency, asking if '*women* who have fallen' are so 'repulsive or uninteresting to you, what have you to say concerning outraged children?'[70] Drawing on dominant discourses of innate childhood innocence, Butler charged that no one would 'dare to say that any child is […] wilfully wicked and degraded'.[71] By presenting trafficking victims as children, anti-trafficking campaigners constructed an *a priori* argument against charges – such as arguments made before the 1881 Select Committee on the question – that alleged trafficking victims were, in fact, consenting prostitutes; 'immoral' girls not worthy of being saved. [72]

At the same time, campaigners constructed the child-like innocence of victims as being threatened by the very experience of trafficking. For instance, Dyer wrote of a 19-year-old victim and reprinted a letter she later wrote to him – which was allegedly unedited but bore the hallmarks of Dyer's evocative prose. In it, the victim describes herself as being as "innocent as a child" before having been trafficked, but notes that this was "soon taken" from her.[73] That a girl of 19 could make claims that she was as innocent as a child when it came to sexual purity demonstrates the centrality of notions of childhood to counter perceptions of working-class girls as sexually precocious.

Upon being trafficked, however, such innocent children were transformed into 'fallen women', or as Dyer's mysterious letter-writer put it, 'dis-honourable' women.[74] As sexual innocence was associated with childhood, and sexual experience (consensual or not) associated with womanhood, the very experience of trafficking threatened to transform

[69] Josephine Butler, *A Letter to the Mothers of England: Commended also to the attention of Fathers, Ministers of Religion, and Legislators*, (Liverpool: 1881), 3, 21. UOL, JBP. Original emphasis.
[70] Ibid., 20. Original emphasis.
[71] Ibid.
[72] *Report on the Protection of Young Girls*, 33-39.
[73] Dyer, *The European Slave Trade*, 19-20.
[74] Ibid., 20.

English girls into fallen women. In presenting trafficking as a direct threat to English women, who in their inherent purity were conceived of as children, campaigners thus used childhood as an idiom for sexual purity.

The Indian Campaign

The concerns of social purity campaigners when it came to India, however, differed. The Indian colonial government had been forced to repeal its contagious diseases laws, first enacted in 1868, in 1887, due to strong moral and political opposition to them being oppressive, discriminatory, and ineffective.[75] Yet, as Dyer revealed on his tour of India in 1888, the system of state-sanctioned prostitution in cantonments in India was still very much in place.[76] Dyer's concerns were that the British army in India was 'rotting away' and that the British soldier was 'being made into a half brute and half devil' through the use of licensed brothels.[77] Should British troops who had been posted to India return to England, they would, Dyer feared, 'infect the population with the ideas and habits' they had acquired in India, and thus undermine the strength and purity of the British 'race'.[78]

In his writing, Dyer referred to Indian prostitutes as 'women' and, in contrast to his writings on prostitution on the Continent, did not evoke any conceptions of their purported youth. Rather, he cast them as 'licensed harlots' who 'boldly' approached him during his investigations to 'saucily' ask questions.[79] In contrast to Dyer and Butler's constructions of 'English' trafficking victims, many of whom may have been consenting prostitutes, as sexually innocent, Dyer presented Indian female prostitutes as sexually corrupting. Yet their age was most likely similar to that of their British counterparts on the Continent, since as Dyer himself noted, procurers in India were expected to supply

[75] Levine, *Prostitution, Race and Politics*, 95-96.
[76] Alfred Stace Dyer, "The Government versus God in India," *The Christian*, 17 February 1888, 12a-12b, TWL, 3AMS/0/061/107; Alfred Stace Dyer, "The Black Hand of Authority in India," *The Sentinel*, February 1888, 19-21, https://liverpool.idm.oclc.org/login?url=https://www.proquest.com/historical-periodicals/black-hand-authority-india/docview/3973646/se-2?accountid=12117; Richard Philips, *Sex, Politics and Empire: A Postcolonial Geography* (Manchester: Manchester University Press, 2017), 39.
[77] Dyer, "The Government versus God in India," 12b.
[78] Ibid.
[79] Ibid.; Dyer, "The Black Hand of Authority in India," 19.

women and girls who appeared below 22 years of age.[80] Instead of the youthfulness of Indian prostitutes, Dyer instead emphasised the youthfulness of British soldiers using these prostitutes, using language strikingly similar to that used for assumed female trafficking victims. For instance, he described a 'beardless youth, probably fresh from some English country home', who was '[no] more than seventeen years of age' entering a brothel in Sitapur.[81] Where in Europe, the threatened purity of 'young English girls' had been at stake, in India it was the purity of British male 'youths' who were, for campaigners like Dyer, under threat. In this vein, Dyer implied British soldiers were not consenting in their use of Indian prostitutes by contending that the close proximity and visibility of Indian brothels to British military stations 'forced' the 'system' of prostitution 'upon the British soldier'.[82] Youth was therefore not so much an objective characterisation of persons as a moral category. Campaigners deployed youth both to communicate dangers of sexual and racial impurity to the *future* mothers, soldiers and citizens of Britain, and to absolve certain groups (white women and girls, British soldiers) of responsibility in order to position laws regulating prostitution as the ultimate cause of sexual immorality.

Despite Dyer's efforts, however, the legal regulation of prostitution in British India continued into the twentieth century. Further, even with the repeal of the Contagious Diseases Acts in Britain, the panic over the 'white slave traffic' continued. Taken up by social purity campaigners, the discourse over young white girls under threat was set against emerging concerns over Jewish migration. The framing of a threat to European purity served, in turn, to mobilise pan-European cooperation, which resulted in international legal change.

[80] Dyer, "The Black Hand of Authority in India," 20.
[81] Dyer, "The Government versus God in India," 12a.
[82] Ibid., 12b.

The National Vigilance Association

After Dyer left Britain for Bombay, the anti-trafficking work of his London Committee was subsumed by the newly established NVA, led by William Alexander Coote.[83] The ideology of the NVA differed from that of earlier campaigning organisations against contagious disease laws in Britain, as it focused more on social purity rather than female liberty.[84] One of the chief tactics of the NVA in its crusade against the 'white slave traffic' was its 'station work', in which volunteers would staff train stations and keep watch for unaccompanied women and girls to prevent them from being 'seduced' into prostitution.[85] In effect, the NVA sought to police the free movement of women and girls.

The NVA also tied its anti-trafficking work directly to immigration. From the early 1880s, anti-Jewish pogroms in Russia and Eastern Europe had led to Jewish migration to London's East End.[86] As this migration intensified from the turn of the twentieth century, so too did anti-immigration sentiment in Britain.[87] Since according to Bernard Gainer, Jewish women were considered to make up a significant proportion of women who were being trafficked from Europe into Britain, the 'white slave traffic' was thus reconfigured, from a one-way problem of the traffic in English girls to a two-way problem involving an influx of 'undesirable' and 'immoral' Jewish women and girls. As such, campaigners shifted away from seeing prostitution as the result of uncontrollable male sexual urges and the licensed systems which facilitated it, and towards blaming racialised others as stimulating the 'traffic'.[88]

The NVA was not the only organisation, however, that campaigned against the 'white slave traffic'. The JAPWG, mentioned above, established in 1885, was also heavily involved, as well as Butler's International Abolitionist Federation (IAF). Yet the ideologies of these organisations were not homogenous. The JAPWG, for instance, opposed the anti-immigration measures supported by the

---

[83] Attwood, "Vice Beyond the Pale," 104-05.
[84] Ibid., 104-08.
[85] "Supplemental Report of Six Months' Work at the London Continental Railway Stations, the Ports of Dover, Folkestone and Hull and also Interviewing the Foreign Victims of Criminal Traffic on the Streets of London," *The Vigilance Record*, March 1904, 1, TWL, PC.
[86] Young, *The Idea of English Ethnicity*, 175-76.
[87] Bernard Gainer, *The Alien Invasion: The Origins of the Aliens Act of 1905* (New York: Crane, Russak & Company, 1972), 1-6.
[88] Julia Laite, "Traffickers and Pimps in the Era of White Slavery," *Past & Present*, no. 237 (2017): 257-58, https://doi.org/10.1093/pastj/gtx058.

NVA and its International Bureau (IB). The IAF, meanwhile, wanted to abolish state-regulated prostitution and third-party profit rather than target individual prostitutes.[89] The IAF struggled, however, to foster international governmental co-operation on the same level as the NVA. An earlier national iteration of the IAF – the British, Continental and General Federation for the Abolition of Government Regulation of Prostitution – had called for international treaties to address the 'white slave traffic' in 1889, but without success.[90]

The success of the NVA in mobilising the support of governments to cooperate and suppress the 'traffic' was doubtless a product of its close state ties. From its inception, it endeavoured to support the implementation of sexual offences legislation and was aligned closely to the British state.[91] While other anti-trafficking movements claimed that state-regulated prostitution provided a market for trafficking, the NVA sought to separate the two issues. This separation allowed for the British and other European governments to denounce international trafficking without necessitating a critical reflection on their own systems of regulated prostitution.[92] The NVA, and its later international iteration, the IB were, therefore, arguably the most influential organisations in mobilising international support against the 'white slave traffic'.

But while the NVA was less sympathetic to prostitutes than campaigners such as Butler and Dyer, it still depended on the construction of an ideal victim to plead its cause. In taking over the mantle of earlier anti-trafficking campaigns, the NVA also deployed issues to do with racial hygiene, sexual purity and youth in mobilising support for suppressing the 'white slave traffic'. In its monthly periodical, *The Vigilance Record,* for example, the prevalence of the 'white slave traffic' was presented as a 'sure index of national decadence and ultimate degradation and ruin'.[93] The link between the traffic, family and nation was also

[89] The IAF began as the British, Continental and General Federation for the Abolition of Government Regulation of Prostitution in 1875 and was renamed the IAF in 1898. Anne Summers, "Introduction: the International Abolitionist Federation," *Women's History Review* 17, no. 2 (2008): 149-50, https://doi.org/10.1080/09612020701706961; Limoncelli, *The Politics of Trafficking*, 46-50, 56-57.
[90] Limoncelli, *The Politics of Trafficking*, 46.
[91] Ibid., 56.
[92] Ibid., 63, 117-18, 137.
[93] *The Vigilance Record*, June 1904, 7, TWL, PC.

explicit, since, '[t]he nation consists of families, and families are made up of individuals'; it was therefore 'most desirable', for the NVA, that an individual's 'character should be pure', since 'as we sow we shall reap.'[94] It continued to present victims, therefore, as being from 'respectable' families, many of which issued 'pitiful pleas' against the traffic.[95] Appealing to the image of domesticity interrupted, Coote likewise spoke of the 'thousands, of girls […] missing from their homes, and for whose return mothers waited year after year in vain.'[96]

Youthfulness therefore continued to be essential to depictions of trafficking victims. *The Vigilance Record* thus presented the NVA's work as aiding 'young girls', and emphasised the low ages of victims.[97] In keeping with earlier discursive techniques, the fate of those trafficked was presented, furthermore, as the antithesis of childhood innocence, with one poem reprinted in *The Vigilance Record* suggesting of trafficked women and girls that,

> We once were young and innocent; but yet –
> What heritage of anguish now is ours!
> Anguish that we drown and would fain forget
> In life's impurities – the clutch of powers
> We have no strength to break! Oh! come, and let
> Your pity set us free – ere death's lone hours.[98]

While NVA discourse appealed to romanticised notions of childhood, youth was also, however, presented as potentially dangerous, as '[i]gnorance in youth' was considered 'the forerunner of moral lapses.'[99] It was youth, in other words, that made women and girls more susceptible to being lured into the 'white slave traffic'.

---

[94] *The Vigilance Record*, March 1895, 5, TWL, PC.; *The Vigilance Record*, May 1910, 14, TWL, PC; "Supplemental Report," 2-4.
[95] *The Vigilance Record*, June 1904, 7.
[96] William Coote, "The Suppression of the White Slave Traffic," in *Fighting the Traffic in Young Girls, or, War on the White Slave Trade*, ed. Ernest Bell (Chicago: G. S. Ball, 1910), 32.
[97] *The Vigilance Record*, February 1910, 14, TWL, PC; *The Vigilance Record*, May 1910, 39.
[98] "White Slavery: An Appeal," *The Vigilance Record*, April 1910, 32, TWL, PC.
[99] *The Vigilance Record*, January 1904, 2, TWL, PC.

When it came to immigration, while the NVA saw increased immigration as directly fuelling the 'white slave traffic', it avoided overt anti-Semitism. Indeed, it was only in the 1910s that social campaigners were overtly constructing traffickers as Jewish in 'white slave traffic' discourse.[100] The NVA worked closely with senior members of Jewish communities to address the 'white slave traffic', and so had to tread carefully. In February 1904, representatives of the NVA were received by the Under Secretary for the Home Office, Thomas Cochrane, to plead their case for, among other demands, government intervention in curbing foreign immigration into Britain.[101] The NVA linked immigration to social purity and 'white trafficking' by drawing attention to a supposed increase in foreign prostitutes and foreign traffickers, and advocating for repatriation of what they termed '"undesirable" aliens'.[102] Representing the JAPGW, Arthur Moro, who described himself as 'originat[ing] from an alien' emphasised the need to distinguish between 'desirable' and 'undesirable' foreigners.[103] Cochrane was generally sympathetic to the deputation's demands, and echoed their concerns over what he described as 'foreigners of all nationalities engaged in dogging the footsteps of often innocent girls', their object of which was 'to enslave them'.[104] When the Aliens Act was passed in 1905, which aimed to restrict immigration, particularly from Eastern Europe, as a result of NVA campaigns it included a clause that allowed for the deportation of 'improper and scandalous foreigners', which made possible the expulsion of foreign women suspected of engaging in prostitution.[105]

[100] Bland, *Banishing the Beast*, 301.
[101] "Deputation to the Home Office," *The Vigilance Record*, February 1904, 7-12, TWL, PC.
[102] Ibid., 9. Bartley, *Prostitution*, 171-72.
[103] This supports Rachael Attwood's analysis of the response of the JAPWG to Jewish immigration, including, specifically, that of Arthur Moro. Attwood, "Looking Beyond 'White Slavery'," 118-22.
[104] "Deputation to the Home Office," 11.
[105] Bartley, *Prostitution*, 172.

The development of international law

The NVA had to take care, however, not to alienate its European allies, since while anti-immigration sentiment fuelled its anti-trafficking agenda, it also sought to appeal to a pan-European sentiment in order to foster international co-operation against the 'white slave traffic'. In 1899, for example, William Coote, as Secretary of the NVA, visited the capital cities of France, Belgium, Holland, Germany, Denmark, Sweden and Russia to meet with government officials and local social reformers to stir up support for international cooperation on tackling the 'white slave traffic'.[106] Coote's trip went well. On proposing to convene an international conference to combat the traffic, he managed to secure guarantees from each national government to send representation. Coote also successfully established national committees of the NVA in each capital. The British government, however, proved least receptive to Coote's efforts, with the prime minister, Lord Salisbury, refusing to endow the conference with official support from the British government. He did, however, express unofficial support and agreed to pay close attention to its outcome.[107] That same year, Coote used his new international connections to organise an International Congress on the White Slave Trade.

The first International Congress on the White Slave Trade convened in June 1899. Twelve countries sent national delegates: this included the seven countries Coote had visited in the months prior, as well as Austria, Great Britain, Norway, Switzerland and the United States.[108] Speaking at the opening ceremony, the Bishop of London reminded delegates that they were there 'to represent the moral effort of united Europe to protect the young and innocent against the machinations of the evil and the designing.' His speech was followed by others, including by the Cardinal Archbishop of Westminster, who spoke of the 'iniquitous traffic in young girls' and the determination of Europe to 'protect young girls in their virtue and in their pure life.' [109] He thus explicitly linked youth to sexual and moral purity in order to juxtapose the purity of trafficking victims against the 'evil' of their traffickers.

---

[106] Transactions of the International Congress on the White Slave Trade. (1899) Babel. 4 March 2025, 10, https://babel.hathitrust.org/cgi/pt?id=hvd.rslf17&seq=7.
[107] Ibid.
[108] Ibid., 7-8.
[109] *The Vigilance Record*, July 1899, 4, TWL, PC.

The resolutions made by member states at the Congress were significant, furthermore, in shaping the nature of international collaboration on anti-trafficking for the next two decades. They led to the establishment of permanent national committees to combat trafficking, members of which would make up a permanent international committee, as well as an IB to organise the committees.[110] The Congress also resolved to push for two international agreements: between governments, to criminalise the trafficking of 'women and girls' under international law, and between charitable societies, to share information on suspected trafficking cases.[111] These resolutions went on to form the basis of the first two international anti-trafficking agreements.

After facing reluctance from the British government to take responsibility for arranging the next official conference, the IB then approached the French government.[112] The 1902 Conference built upon the resolutions of 1899 and led to the production of a draft anti-trafficking arrangement and a draft Convention.[113] The draft arrangement made by state representatives formed the basis of the 1904 International Agreement for the Suppression of the White Slave Traffic, which obliged signatory governments to establish authorities to undertake surveillance and share information on international trafficking, repatriate foreign women working as prostitutes, and regulate employment agencies involved in finding work for women and girls abroad.[114] The 1904 Agreement, therefore, formalised international co-operation to combat trafficking of white women and girls. The 1902 draft Convention, meanwhile, stipulated that a country would be responsible for punishing a person found to have trafficked a woman or girl, even if the offence had taken place in a different jurisdiction. It also defined trafficking as not something a woman or girl could consent to, by setting out that procurement of a girl 'under age' even with her consent was a trafficking offence; for

[110] Meeting minutes 25 July 1900, 1 March 1901, and 24 June 1901 in International Bureau Minute Book, 1899-1911, 28-51, TWL, 4IBS/1/1.
[111] *Transactions of the International Congress on the White Slave Trade*, 16-17.
[112] Meeting minutes 25 July 1900, 1 March 1901, and 24 June 1901 in International Bureau Minute Book, 1899-1911, 28-51.
[113] Draft Convention and Draft Agreement, Correspondence respecting the International Conference on the "White Slave Traffic," held in Paris, July, 1902. 22-24. UK Parliamentary Papers. ProQuest. https://parlipapers-proquest-com.liverpool.idm.oclc.org/parlipapers/docview/t70.d75.1905-005961?accountid=12117.
[114] Conclusions of the Administrative Committee, in ibid., 12-13. International Agreement for the Suppression of the "White Slave Traffic", 18 May 1904, Chapter VII, 8, U. N. Treaty Series.

women ‘of full age’, the procurement had to be completed ‘by fraud, violence, threats, abuse of authority, or any other means of compulsion’ in order to constitute the crime of trafficking.[115] This draft formed the basis of the 1910 Convention on the Suppression of the White Slave Traffic.[116]

When the time came to enact the international law that the NVA and IB had been so long campaigning for, the inclusion of girl-children within it inevitably produced a difficult discussion as to what, exactly, a girl-child was. The 1910 Convention had taken eight years to come into force, following a first draft at the 1902 Conference, partly because it placed legal obligations on signatory states, which consequently wanted to ensure these took a form they could adhere to.[117] It was not until the 1910 Conference, however, that the issue was raised, by the German delegates, that what constituted ‘full age’, or age of consent, had not yet been defined.[118] They argued this needed to be uniform, since it would be impossible to use different ages of majority for national citizens and foreigners in the courts of signatory countries, and that those with a lower age of majority could become safe zones for traffickers. While the age of 21 had been discussed at the 1904 conference, the Hungarian delegate proposed the age of 20 to match that of a recent Hungarian domestic anti-trafficking law; as such, 20 was adopted at the age below which a female could not consent to procurement into prostitution. [119] Crucially, however, the age of 20 was recognised to apply to a ‘woman or girl’. It did not signify the boundary between girlhood and womanhood and did not, therefore, serve to define childhood in international law.[120] Since the age of consent in the 1910 Convention was understood as being separate from the age at which a person becomes an adult, there were, therefore, no specific legal provisions for children in this law.

---

[115] Articles 1 and 2, Draft Convention, Correspondence respecting the International Conference on the "White Slave Traffic," held in Paris, July, 1902, 17-18.
[116] Draft Convention, in ibid., 17-19; International Convention for the Suppression of the White Slave Traffic, 4 May 1910, Chapter VII, 10, U. N. Treaty Series.
[117] Jean Allain, "White Slave Traffic in International Law," *Journal of Trafficking and Human Exploitation* 1, no. 1 (2017): 24, https://doi.org/10.7590/24522775111.
[118] Correspondence respecting the International Conferences on Obscene Publications and the "White Slave Traffic," held in Paris, April and May, 1910., 29. UK Parliamentary Papers. ProQuest https://parlipapers-proquest-com.liverpool.idm.oclc.org/parlipapers/docview/t70.d75.1912-015575?accountid=12117. ProQuest.
[119] Ibid.
[120] Ibid., 43.

Conclusion

Anti-trafficking discourses and the subsequent international accords of 1904 and 1910 constructed trafficking as exclusively affecting women and girls. Thus, degrees of legal protection, while stratified based on age, reflected concerns over female virginity and sexual purity rather than anything specifically related to childhood. Yet it was not only the gender but the age of supposed victims that proved crucial in mobilising support for legal change. Throughout the campaigns against the 'white slave traffic', in which white slavery was used as a mobilising object for other concerns such as contagious disease laws or migration, children rarely featured as the true objects of concern. Rather, childhood emerged as an idiom to represent anxieties about racial and sexual purity, and the future of the British population. In 'white slave traffic' discourse, children were, as a result, not distinct objects of protection, but were deployed as a way to describe 'worthy' women and girls who were believed to have been trafficked.

By detailing anti-trafficking discourses of the earlier decades of the anti-trafficking movement, this chapter has laid out how and why children came to be imagined as trafficking victims. This legacy, of a girl-child subject not explicitly defined by law, would go on to complicate anti-trafficking projects into the 1920s. The next chapter will examine how attempts to define an age of consent proved even more vexing in a context in which international law ostensibly sought to protect children across racial lines. Further, as chapter seven contends, despite international anti-trafficking law expanding protections to children of 'both sexes' in the 1920s, gendered constructions of trafficking as a crime against women and girls persisted in practice.

Chapter Six: Colonial Difference and Age of Consent: The Failure of Universalism in the 1921 Convention on the Suppression of Traffic in Women and Children

Introduction

In 1921, the League of Nations introduced a new Convention that addressed the international traffic in women and children for 'immoral purposes.' Based on the 1910 Convention, which prohibited the international trafficking of white women and girls under the age of twenty, regardless of consent, the 1921 Convention extended such protections to all women and children under 21, regardless of their 'race or colour', thus extending the reach of international anti-trafficking law further than ever before.[1] Despite this, the Convention ultimately failed to institute a universal standard of protection from trafficking as some states, notably India, only acceded to it on the condition they could adopt a lower age of consent.[2] Globally, such reservations mirrored geographic and racial lines. This chapter explores how the attempt to introduce a universal age of consent for trafficking in the 1920s ultimately failed, and why. The key to understanding this failure lies in the logic of British colonial rule, which sought to present India as inherently incapable of self-rule, and the rising Indian Nationalist movement, which sought to challenge such reasoning. As the welfare of Indian women and girls was a linchpin of colonial discourse on Indian backwardness, these matters proved to be crucial to wider contests over political power in the Indian Subcontinent.

These issues rose to international prominence when, in July 1921, Stephen Meredyth Edwardes, a British former colonial official, attended the League of Nations International

[1] Verbatim Record of the 1921 International Conference, R656/12/14010/14010: 131.
[2] In international law, a reservation is a declaration made by a state, upon ratifying a treaty, which declares that the state in question reserves the right to not adhere to a specified provision of the treaty.

Conference on Traffic in Women and Children as the representative for India. The conference had been called to address the current state of play regarding existing international anti-trafficking accords and to 'endeavour to secure a common understanding' of domestic laws prohibiting trafficking across League member states; essentially to formally bring international anti-trafficking efforts under the League's control.[3] Due to India's considerable contribution to the British war effort and pressure from Indian nationalist campaigners, it was the only colony represented at the 1919 Versailles Peace Conference and, as a result, was the only colony to be afforded Original Member status of the League of Nations.[4] In what would become a feature of India's engagement with the League, the Government of India was keen to restrict League interventions to the domain of international law, thus circumscribing League interference into the colonial domain.[5] Edwardes's primary brief was, therefore, to make the case against a universal age of consent in international anti-trafficking law applying to India, in order to avoid a commitment to raising the age of consent in India's domestic anti-trafficking laws.

Edwardes's argument rested on three points: pseudo-medical constructions of Indian female bodies – namely, that they matured earlier due to India's tropical climate; the existence of Indian communities opposed to gender-based social reform; and the sanctity of temple dedication for Indians – a practice that was increasingly being interpreted as a form of trafficking in colonial law. Ashwini Tambe has made a compelling case for how climate became a byword for racial difference in League of Nations' discourse on the age of consent and, therefore, how the age of consent became a tool for

---

[3] Motions Proposed by Committee II, Assembly of the League, December 1920, R636/12/9547/647, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/white-slave-traffic-assembly-of-the-league-motions-proposed-by-committee-ii-regarding-the-traffic-in-women-and-children-resolution-submitted-to-the-assembly-in-december-1920-assembly-document-236.

[4] The British Empire held separate membership to India. In theory, colonies could become members, but none ever did. See Article 1 of The Covenant of the League of Nations, Treaty of Versailles, 28 June 1919, R1218/17/513/61, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/treaty-of-peace-between-the-allied-associated-powers-germany-and-protocol-signed-at-versailles-june-28-1919 and Legg, "An International Anomaly?," 102-03. See also Radhika Singha, "The Great War and a 'Proper' Passport for the Colony: Border-Crossing in British India, c. 1882–1922," *The Indian Economic & Social History Review* 50, no. 3 (2013): 298, https://doi.org/10.1177/0019464613494621 and Karl Joseph Schmidt, "India's Role in the League of Nations, 1919-1939" (Ph.D., The Florida State University, 1994), 23, https://liverpool.idm.oclc.org/login?url=https://www.proquest.com/dissertations-theses/indias-role-league-nations-1919-1939/docview/304091283/se-2?accountid=12117 (9432628).

[5] Stephen Legg, "Of Scales, Networks and Assemblages: the League of Nations Apparatus and the Scalar Sovereignty of the Government of India," *Transactions of the Institute of British Geographers* 34, no. 2 (2009): 234, 42, https://doi.org/10.1111/j.1475-5661.2009.00338.x.

sustaining imperial supremacy.[6] Another specific element of Edwardes's case was that the 'Indian' practice of temple dedication served as a barrier to India's adherence to the proposed age limit for anti-trafficking. This chapter juxtaposes Edwardes's case, which cast India as having 'special circumstances' that required exemption from the proposed age limit, against a legislative proposal put forward by an Indian legislator, Maneckji Dadabhoy, almost a decade earlier, that problematises the claims made by Edwardes and other representatives for India in the creation of the 1921 Convention.[7]

Such an analysis not only reveals that Edwardes's case was fuelled by British colonial anxiety; it also provides further evidence as to how the welfare of the girl-child was becoming a highly politicised symbol during the early twentieth century.[8] What was at stake was how issues relating to the protection of girls were tied to competing claims to modernity, and how these played out on the global stage at the League of Nations. As other national representatives to the League sought to appropriate British colonial arguments about Eastern 'peculiarity' when it came to determining an 'appropriate' age of consent for 'their' girls, India's unique position as the only non-sovereign member of the League meant that the case against India's adherence to a universal age limit would ultimately take on a global significance.

Colonial logic and the 'rule of colonial difference'

The case for Indian exceptionalism in the drafting of the 1921 Convention must be understood through colonial logic, or the 'rule of colonial difference'.[9] The legitimacy of colonial rule depended on 'civilising mission' rhetoric – a myth that justified the subordination of colonised peoples (in this case, Indians) by the British as a moral project.[10] According to this rhetoric, the primary goal of colonial rule in India was to 'civilise' and, by establishing the foundations of the 'modern' European

---

[6] Tambe, "Climate," 124.
[7] Verbatim Record of the 1921 International Conference, R656/12/14010/14010: 56.
[8] Pande, *Sex, Law, and the Politics of Age*, 2-5, 72-75; Mrinalini Sinha, "The Lineage of the 'Indian' Modern: Rhetoric, Agency and the Sarda Act in Late Colonial India," in *Gender, Sexuality and Colonial Modernities*, ed. Antoinette Burton (London: Routledge, 1999), 209-10.
[9] Chatterjee, *The Nation and Its Fragments*, 10.
[10] Hossein Zamani Alavijeh, "Racial Ideologies and Imperial Discourses: A New Historicist Reading of Kipling's "The White Man's Burden"," *Journal of Critical Studies in Language and Literature* 5, no. 3 (2024): 7-8, https://doi.org/10.46809/jcsll.v5i3.263.

state in India – including, ostensibly, the rule of law and a 'Western' style of education – the colonial state would one day uplift Indians into a position in which they would be deemed capable of self-government. As this implied that colonial rule was impermanent, colonial authorities had an active interest in presenting India as backwards, to which notions of Indian 'peculiarity' were central.[11] As such, the Indian colonial state was 'destined to never fulfill [sic] the normalizing mission of the modern state' because it was premised on 'a rule of colonial difference' which served to preserve 'the alienness of the ruling group.'[12] The civilising mission, therefore, had to be presented as an impossible task in order to preserve the rationale for colonialism. The position of Indian women and girls was essential to this 'alienness', since they were framed as victims of barbarous 'Indian' traditions which, according to colonial officials, necessitated lower ages of consent for trafficking laws, and which Indian men were purportedly willing to defend at all costs. Traditions such as temple dedication were, therefore, fundamental to constructions of Indian backwardness, and hence of Indians' racial inferiority and incompetence for self-rule.[13]

Yet the Indian government had to tread a fine line. The single greatest threat to British control in India, the 1857 Rebellion, had been sparked by what colonial officials interpreted as a violent response to religious insensitivity: rumours that the East India Company was planning to force its Indian soldiers to handle bullets greased with pig or cow fat – an unthinkable act for Muslims and Hindus alike.[14] Although the rebellion was, in fact, a culmination of various factors, the notion that the Company had so misunderstood the religious sensitivities of its Indian soldiers - and that such a misreading had almost toppled Company rule – became burned into the colonial psyche.[15] From that point on, the British became ostensibly committed to a policy of non-interference in Indian social and religious matters, which was mandated by Queen Victoria in 1858 as part of the establishment of

[11] Chatterjee, *The Nation and Its Fragments*, 10, 16-18.
[12] Ibid., 10.
[13] Mani, *Contentious Traditions*, 13, 79. See also, Spivak, "Can the Subaltern Speak?," 297.
[14] I refer to East India Company rule as 'colonial' as Company rule involved the administration (legal, fiscal, etc.) of Indian territory. Wagner, *The Great Fear of 1857*, 27-32.
[15] The 1857 Rebellion was also a response to colonial annexations and the subsequent exploitative revenue policies which impoverished peasants and landowners alike. See Rudrangshu Mukherjee, *Awadh in Revolt, 1857-1858: A Study in Popular Resistance* (London: Anthem, 2002), 32-63.

crown rule in India.[16] To deviate from this, they feared, could once again threaten colonial power.[17] This logic is essential to understanding how the practice of temple dedication came be so significant to the British case that India should be exempt from the first attempt under international anti-trafficking law to establish a universal age of consent.[18]

Temple dedication and trafficking for 'immoral purposes'

'Temple dedication' was essentially an umbrella term, used originally by colonial officials, to refer to the various religious practices through which Hindu girls were 'dedicated' to deities in temples, often through ceremonies replicating marriage rites.[19] The employment of this term obscured the fact that dedication itself was not a singular practice. 'Dedication' could require girls to provide practical services to the temple, or involve prestigious forms of concubinage, artistry and dancing.[20] While not necessarily a fundamental feature of dedication, many forms – due to the aforementioned marriage rites – rendered dedicated girls unable to marry, and at least some required them to be sexually available for male patrons of temples.[21] It was these latter features that came to define temple dedication in the minds of colonial officials and Indian reformers alike in the late-nineteenth and early-twentieth centuries. For simplicity, the following discussion employs the term 'dedication' as it was used by the British.

---

[16] "Proclamation by the Queen," 204.
[17] Sinha, *Colonial Masculinity*, 141.
[18] Verbatim Record of the 1921 International Conference, R656/12/14010/14010.
[19] While League representatives and colonial officials employed the term *devadasi* to refer to the various practices of temple dedication, I have chosen to use the term 'dedication' as this more accurately encapsulates the varied practices being referred to in these sources. *Devadasi* was, in fact, one vernacular term amongst many. Alternate vernacular terms, which reflect regional as well as practical variances, did exist, although these do not appear in colonial sources. See Parker, "'A Corporation of Superior Prostitutes'," 567n. For a more detailed account of regional variance in dedication practices, including nominal terms, see R Kalaivani, "Devadasi System in India and Its Legal Initiatives–An Analysis," *IOSR Journal of Humanities and Social Science* 20, no. 2 (2015): 51, https://doi.org/10.6084/m9.figshare.1351908.
[20] Kay Kirkpatrick Jordan, "From Sacred Servant to Profane Prostitute: A Study of the Changing Legal Status of the 'Devadasis', 1857-1947" (PhD thesis, The University of Iowa, 1989), 39-40, https://liverpool.idm.oclc.org/login?url=https://www.proquest.com/dissertations-theses/sacred-servant-profane-prostitute-study-changing/docview/303773447/se-2. (9004918).
[21] Although is a general consensus among scholars that dedication sometimes entailed the sale of girls, there is no evidence that this was a fundamental feature of dedication. Parker, "'A Corporation of Superior Prostitutes,'" 581. Jordan, "From Sacred Servant to Profane Prostitute," 5, 33.

During the late-nineteenth and early-twentieth centuries, dedication became caught up in the web of colonial law, and as a result was increasingly interpreted by colonial officials to fit existing legal understandings of 'prostitution' and 'sex trafficking'.[22] This incremental process of criminalisation in case law was driven by changing norms regarding gender and purity. As noted in chapter two, that European superiority was articulated by Europeans in the colonies as a result of innate European sexual restraint had a significant impact on gender ideals in colonial India. [23] While revivalist nationalists sought to preserve Indian norms and traditions, Indian reformists responded to colonial subordination by attempting to reform gender norms in light of European self-appointed superiority.[24] As such, the emerging purity ideals of late-nineteenth century India were not simply imported from Britain but were the result of a complex and dynamic amalgamation of British and various Indian gender norms.[25] The result was the re-casting of sexual activity in the binary terms of 'marital' (authorised) and 'non-marital' (unauthorised). As there was no specific legal definition of prostitution in colonial India – prostitution was an 'opaque' legal category which could encompass 'any sexual activity' of women outside of marriage – under the new patriarchy temple dedication began to be reconstructed as 'prostitution' in the courts.[26]

Given the assumption that temple dedication involved non-marital sex (since there was also no definition of dedication in colonial law) and considering the growing association between non-marital sex and prostitution, or sex for 'immoral purposes', it was not a great leap for dedication to be interpreted as 'trafficking for immoral purposes' by the colonial Indian judiciary. The transfer of a girl child from her parents to a temple through a dedication ceremony was increasingly interpreted, therefore, as 'otherwise disposing' of her. According to the Indian Penal Code, for example,

---

[22] This discussion does not dismiss the possibility that some temple dedication practices involved sexual violence. However, this analysis is concerned with how such practices came to be reimagined in criminal terms.
[23] Stoler, *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things*, 182; Stoler, "Making Empire Respectable," 635; Levine, "Sexuality, Gender, and Empire," 136-37.
[24] Such established norms as, for instance, sanctioned polygamy for men. Sarkar, "Orthodoxy," 170; Parker, "'A Corporation of Superior Prostitutes,'" 562, 600. It is worth noting these new gender norms cut across religious lines, as the ideal of companionate marriage also emerged within Muslim communities. See Alam, "Marriage in Transition," 13-14, 102-04 and Metcalf and Metcalf, *A Concise History of Modern India*, 146.
[25] Zsuzsanna Varga, "Negotiating Respectability: The Anti-Dance Campaign In India, 1892-1910" (PhD thesis, Central European University, 2013), 4, CEU eTD Collection.
[26] Parker, "'A Corporation of Superior Prostitutes'," 562-63, 607-09.

> Whoever sells, lets to hire, or otherwise disposes of any minor under the age of *sixteen* years with intent that such minor shall be employed or used for the purpose of prostitution, or for any unlawful and immoral purpose, or knowing it to be likely that such minor will be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine [sic].[27]

The Indian government, however, remained uneasy about formally criminalising dedication. Reflecting its reluctance to interfere in religious or social matters, it opted to avoid the matter by resisting any recognition of dedication in statutory law.[28] However, the government did briefly explore formally prohibiting temple dedication after receiving two memorials, from the Bombay Missionary Conference and the Society for the Protection of Children in India (SPCI), calling for its criminalisation.[29] Although it is unclear if the latter was officially a missionary organisation (its publications certainly had a distinct missionary flavour) that the SPCI's memorial was signed by both Indians and Europeans further underscores the point that such purity reforms were being driven by both Indian and Western forces and, as such, represented the collusion of Indian and colonial patriarchies in regulating Indian women's sexual conduct.[30] The resulting enquiry sought to establish the legal status of temple dedication in each of the presidencies of British India, and scope out the possibility of rehabilitating girls who had been dedicated.[31] After compiling the findings into a report in 1905, the Indian government decided, however, against legal reform, largely because it was keen to avoid any responsibility for the rehabilitation and rehoming of such girls.[32] This sentiment was simultaneously deployed by the government as a barrier to legal reform itself, on the grounds that,

---

[27] Emphasis added. Section 373 had identical wording, except it criminalised 'Whoever buys, hires, or otherwise obtains possession of any minor under the age of sixteen years…' Indian Penal Code (Act 45) 1860, section 373. See also ibid., 615.
[28] Jordan, "From Sacred Servant to Profane Prostitute," 119-21.
[29] Ibid., 127-28.
[30] Ada Lee, *Child Marriage: The Curse of India* (Calcutta: Rathbun, 1898) Internet Archive. 11 February 2021, 11, https://ezproxy.library.und.edu/login?url=https://archive.org/details/ChildMarriagePdf/mode/1up; Jordan, "From Sacred Servant to Profane Prostitute," 127-28; Anagol, "The Emergence of the Female Criminal," 81.
[31] Jordan, "From Sacred Servant to Profane Prostitute," 127-28.
[32] Ibid., 143-44.

"No scheme would prove effectual which did not provide for the up-bringing of the rescued girls".[33] Yet, in a move that demonstrated Indian reformers' eagerness to take up the project of female welfare, the next notable demand for the criminalisation of dedication was to come from an Indian legislator.

Dedication and Indian legislative proposals

A series of reforms from the latter half of the nineteenth century onwards had gradually increased possibilities for Indian representation and power in the colonial government. Before 1919, the government consisted of a Legislative Assembly, which was the central legislature for colonial India, and the Viceroy's Executive Council, which functioned as a cabinet. The 1861 Indian Councils Act, however, enabled Indians to introduce bills to the Legislative Council, and the 1909 Indian Councils Act increased their political representation.[34] But while Indians were increasingly involved in legislative processes, their political power remained limited. They were still only a minority in the Legislative Council; further, for an Indian to introduce a bill into it required the Viceroy's approval, and the Executive Council retained complete veto rights over any legislation proposed. [35]

The 1909 Act was, furthermore, met with dissatisfaction, and political agitation combined with India's contribution to the First World War pushed the British government to give further political concessions to Indians. The 1919 Government of India Act, a major landmark in India's journey to independence, greatly increased Indian representation at all levels of the political system. The executive, formerly comprised of six British members and one Indian, now consisted of four British and three Indian members. The Indian government's legislative structure also changed, with the Legislative Council being split into a Council of State (Upper House, majority British) and Legislative Assembly (Lower House, majority Indian).

---

[33] Home Department Circular of February 1905, Government of India, quoted in *A Bill for the Protection of Women and Girls*, (Madras: Hindu Social Reform Association, 1912), 21. This reluctance of the colonial government to extend any responsibility to the welfare of Indian children was not unique, as was evident in the lack of rehabilitation measures in other 'child rescue' policies. See Hinchy, *Governing Gender*, 226-49.
[34] Indian Councils Act 1861, 24 & 25 Vict., c. 67; Indian Councils Act 1909, 9 Edw. 7, c. 4.
[35] Robin J Moore, "The Twilight of the Whigs and the Reform of the Indian Councils, 1886–1892," *The Historical Journal* 10, no. 3 (1967): 400-01, https://doi.org/https://doi.org/10.1017/S0018246X00027679; Norman D. Palmer, *The Indian Political System* (London: George Allen & Unwin Ltd., 1961), 44-47; Jordan, "From Sacred Servant to Profane Prostitute," 153-54.

It was against this political backdrop of rising Indian nationalism and incremental concessions by the British that debates around girl protection in India and India's position on the international stage occurred. As Indians were gaining greater political power, more possibilities through which to assert claims to self-determination were opening up. As a result, the welfare of women and children was once again appropriated in both British and Indian nationalist discourse, which would not only inform Indian legislative debates but shape the League of Nation's first anti-trafficking Convention.

In March 1912, Maneckji Byramjee Dadabhoy introduced the Bill for the Protection of Women and Girls to the Legislative Council, which criminalised all forms of non-marital sex including, crucially, temple dedication. Notably, the clause on defilement specified various terms for dedicated girls and placed dedication within the same category as prostitution, by stipulating that:

> Whoever, being a prostitute, brothel-keeper, *dasi, bhavin, bhavani, jogatin, basavi,* or *aradhin murli* or any other dancing-girl, has in her possession or obtains possession of, any girl under sixteen years of age, not being her daughter, shall be punishable with imprisonment […][36]

By explicitly referring to *dasi, basin* and *jogatin,* terms for girls who were dedicated to temples, as 'dancing-girls', the bill thus dissolved any distinction between religious ritual and entertainment.[37] Further, in his explanation of the bill, Dadabhoy framed dedication as trafficking for an 'immoral purpose' since, according to him, 'dedication and removal [the spatial transfer of a girl from her natal home to the temple] […] could not be with an innocent object'.[38]

In introducing the bill, Dadabhoy also took aim at colonial ideas about Indian 'peculiarity', or Indian enthusiasm for religious tradition, which had long been used by the Indian government to avoid interfering in Indian social norms. This reasoning was not entirely unfounded, given the

[36] *A Bill for the Protection of Women and Girls*, 3.
[37] See Kalaivani, "Devadasi System," 51. Dance for entertainment, or 'nautch' had also come under fire from British and Indian purity reformers during this period. See, for example, *Bombay Dancing Girls: Reprinted from the Bombay Gazette*, (Bombay: Bombay Gazette Steam Press, 1878), 11.
[38] *A Bill for the Protection of Women and Girls*, 30.

perceived role of religion in igniting unrest in 1857. The strength of 'Indian' religious sentiment had also been felt by colonial officials in debates regarding the welfare of Indian girls. Following a scandal over the age of consent after an eleven-year-old girl was raped to death by her husband on their wedding night in 1890, the government had been reluctant to concede to pressures – from both the Indian and British domestic public – to raise the age of consent for married girls due to a fierce backlash from Hindu orthodox groups.[39] While such groups had proved to be influential in limiting the scope of the resulting 1891 Age of Consent Act, the existence of a powerful and dogmatic section of Indian society was also highly useful to the British in their construction of Indian society as 'backwards'.[40] Considered by colonial officials as a group least touched by, and most opposed to, Western influence, orthodox Hindus therefore came to represent a recalcitrant portion of Indian society that could not be affected by colonial reason.

Dadabhoy, however, picked apart these concerns, arguing that practices considered evil in the West should be regarded the same way in India. He also quoted a colonial official as stating that "too much weight" had been attached to alleged "Eastern" sentiments – i.e., religious tradition – when it came to criminalising non-marital sex.[41] Further, he attacked colonial claims of an Indian public opposed to social reform. Rather, he argued, the bill was 'in consonance with advanced public opinion' in India, and that 'in prosecutions for [sexual] offences against girls the public sympathy, as expressed in the press, has always been for the prosecution'.[42] He further stated that, having consulted with Hindu *pandits*, there were no grounds for the dedication of girls to temples within Hindu scripture, and that the judiciary had previously treated some cases of dedication as illegal 'without any violence to orthodox [Hindu] feeling'.[43] Thus, according to Dadabhoy, there was appetite for reform on this issue at every level of Indian society. Regardless, the existence of a section of society opposed to reform was not a satisfactory reason for avoiding legislation since:

---

[39] Infant marriage was not a wholesale Hindu or Indian practice but occurred among select communities. Sinha, *Colonial Masculinity*, 138-44.
[40] It is important to note that recent scholarship has warned of an oversimplification of viewing revivalism or orthodox Hinduism as essentially opposed to social reform. See Fuller, "Modern Hinduism," 163.
[41] *A Bill for the Protection of Women and Girls*, 14.
[42] Ibid., 13-14, 20.
[43] Ibid., 9, 30.

> If public opinion had been powerful enough to afford the necessary protection, we could have left the law to itself. The absence of a strong public opinion, if true, far from being an obstructive condition, would thus provide a clear justification for new laws of a stringent character.[44]

The Indian government's response to the bill was to issue a counterproposal which, while proposing to toughen the laws in regard to non-marital sex, made no specific mention of temple dedication.[45] Rather, dedication was to only be covered by the bill in cases where it could be proven that a girl under sixteen had been 'disposed of' for 'immoral purposes'.[46] Clearly, the government was still keen to avoid explicitly legislating against what was considered a religious and, therefore, sensitive issue.

Since another Indian legislator, R. N. Mudholkar, had drafted a similar proposal, the Legislative Council agreed to send the bills to the presidency governments for their comments (a standard procedure before the enactment of new legislation).[47] Reginald Craddock, the Chief Commissioner of the Central Provinces, suggested that Dadabhoy and Mudholkar's bills be circulated as proof of Indian support for reform.[48] While Indian reformist groups, including nationalists, had, from the late-nineteenth century, been campaigning for temple dedication to be outlawed, the circulation of the Indian Council members' bills demonstrates the colonial government's cognisance of Indian support for reform.[49] Yet, while all three presidency governments favoured reform, the Indian government remained unconvinced that legal change would not arouse a public and political backlash, and quashed such efforts. The following year, it did, however, pay lip service to the issue by

---

[44] Ibid., 20.
[45] Ibid., 33-38.
[46] Jordan, "From Sacred Servant to Profane Prostitute," 181.
[47] Mudholkar's bill was never debated at the Legislative Council as more than one bill on the same topic could not be discussed. Jordan, "From Sacred Servant to Profane Prostitute," 173.
[48] Ibid.
[49] Sreenivas, "Creating Conjugal Subjects," 64-68; Amrit Srinivasan, "Reform and Revival: The Devadasi and Her Dance," *Economic and Political Weekly* 20, no. 44 (1985): 1873.

introducing its own proposal to criminalise temple dedication, although it ultimately remained unwilling to legislate on the matter, and the bill was never passed.[50]

This reluctant attitude towards social reform had also characterised the approach of colonial authorities to Indian involvement in the international anti-trafficking agreements that preceded the 1921 Convention. The 1904 International Agreement for the Suppression of the "White Slave Traffic", for example, required signatory states to communicate intelligence regarding the traffic, institute surveillance at strategic points (such as railway stations and ports) and arrange for the repatriation of victims.[51] The 1910 International Convention for the Suppression of the White Slave Traffic, furthermore, criminalised the trafficking of women or girls under the age of 20 for 'immoral purposes'.[52] As to whether India should adhere to the 1910 Convention, the government of India expressed concern that adherence 'would bind [it] to undertake penal legislation', and that, as the age of consent for trafficking was set at 16 in the Indian Penal Code, raising this to 20 in line with the Convention could provoke Indian unrest and, thus, 'would present no advantages' to the government.[53] However, keen to express superficial support for anti-trafficking efforts on the world stage, it acquiesced to India's accession to the 1904 Agreement.[54] In the end, due to the outbreak of war, India's adhesion to the 1904 Agreement was delayed until 1920.[55] Just one year later India was to face further pressure to show a more substantive commitment to international anti-trafficking efforts when the responsibility for such accords was taken over by the League of Nations.

---

[50] Jordan, "From Sacred Servant to Profane Prostitute," 180-92.
[51] International Agreement for the Suppression of the "White Slave Traffic", 18 May 1904, Chapter VII, 8, U. N. Treaty Series.
[52] International Convention for the Suppression of the White Slave Traffic, 4 May 1910, Chapter VII, 10, U. N. Treaty Series. Article 1 criminalised the trafficking of a female 'under age'; clause B of the final protocol set that age at twenty. The relatively high age limit was due to anti-trafficking campaigns being chiefly concerned with curbing prostitution and protecting the purity of white women. Limoncelli, *The Politics of Trafficking*, 42-63, 67.
[53] Charles Hardinge, Governor General of India, 19 March 1914, to Robert Crewe, Secretary of State for India, IOR/L/PJ/6/1590 File 2727, British Library. Significantly, the 1904 Agreement contained no age-limit.
[54] Hardinge, 19 March 1914, to Crewe, ibid.
[55] Frederick Thesiger, Governor General of India, 9 March 1917, to Austen Chamberlain, Secretary of State for India, ibid.; Edwin Montagu, Secretary of State for India, 25 February 1920, to League of Nations, ibid.

The League of Nations

The League of Nations was founded by the Treaty of Versailles in January 1920 following the end of World War I.[56] At its inception, its responsibilities included a broad range of social and humanitarian issues: Article 23 of the League of Nations Covenant extended League supervision of member states' conduct regarding labour conditions, the prevention and control of disease, the traffic in opium and the traffic in women and children.[57] Crucially, the inception of the League took place within a global political landscape in which the supremacy enjoyed by European imperial powers was beginning to fracture.

The mid-nineteenth century onwards witnessed, furthermore, a proliferation of writings by contemporary legal scholars on whether international interventions on ostensibly humanitarian grounds should be considered legal under international law. Before World War I, such arguments were premised on the assumption that intervening countries were "civilized" (read: European) and were intervening in "barbarous" (read: non-European) countries.[58] This premise began to be challenged, however, in the early twentieth century. Legal scholar Henry Hodges, writing in 1915, critiqued 'humanitarian' intervention as a tool of imperialism, since it was 'common knowledge that […] Spheres of Influence and Protectorates', which European states claimed they set up to protect 'less civilized parts of the world', invariably developed into colonies. As a result, he argued, such endeavours accounted 'for the large majority of the English, German and French colonial empires.'[59] Reflecting this change in sentiment, the Universal Races Congress was held in 1911 to 'discuss' race relations and 'encourag[e] […] a fuller understanding' between white and non-white peoples.[60] Attended by over 2,000 politicians, lawyers, sociologists and anthropologists, including Mohandas

[56] The Covenant of the League of Nations, Treaty of Versailles, 28 June 1919, R1218/17/513/61.
[57] Ibid., Article 23, clauses a, f and c, respectively.
[58] Alexis Heraclides, "Humanitarian Intervention in International Law 1830–1939. The Debate," *Journal of the History of International Law/Revue d'Histoire du Droit international* 16, no. 1 (2014): 38-48, https://doi.org/10.1163/15718050-12340019.
[59] Henry Hodges, *The Doctrine of Intervention* (Princeton: The Banner Press, 1915), 21-22.
[60] Gustav Spiller quoted in William A. Schabas, *The International Legal Order's Colour Line: Racism, Racial Discrimination, and the Making of International Law* (New York: Oxford University Press, 2023), 18.

Gandhi and Emile Durkheim, the Congress adopted resolutions which challenged the role of racial or civilisational difference in denoting inferiority.[61]

This anti-imperialist sentiment was buttressed by World War I. The experience of war, specifically the material sacrifices made by non-sovereign territories to the war effort and the violence enacted by European states, irreparably damaged the image of European superiority, reinvigorated anti-colonial nationalist demands for self-government.[62] For the British, their victory in 1918 was heavily tempered by unrest across their colonial territories. Particularly following the horror of the 1919 Amritsar Massacre, in which colonial troops opened fire on a peaceful protest, killing upwards of 379 people, empire was increasingly becoming difficult to justify as a moral project.[63]

The League both existed within the context of, and embodied, this emerging global shift. Before the League, only sovereign states were recognised as legal actors under international law, and there was no superior actor or legal body to mediate between such states. The 1919 Treaty of Versailles, however, established the League as a new international actor which was, at least in theory, positioned as superior to sovereign states in international legal matters.[64] Such a shift is apparent when it comes to anti-trafficking, since the international accords of 1904 and 1910 had very clearly limited their remit to white women and girls. Reflecting the emerging sentiment of internationalism, espoused especially by the 'dissonant voices' of non-white political actors such as Gandhi, W. E. B. DuBois and Marcus Garvey who challenged imperialism and racial inequality, the League ostensibly sought to uphold the principle of universality in its activities.[65] Its nominal move away from such obvious racialised exclusion of the 1904 and 1910 accords is evident in the abandonment of the term 'white' from its discourse on anti-trafficking.[66]

---

[61] Ibid.
[62] Anghie, *Imperialism*, 138; Percival Spear, *A History of India, Volume Two: From the Sixteenth Century to the Twentieth Century* (London: Penguin Books, 1978), 181-82.
[63] Kim Wagner, "'Calculated to Strike Terror': The Amritsar Massacre and the Spectacle of Colonial Violence," *Past and Present* 233, no. 1 (2016): 185-86, 222, https://doi.org/https://doi.org/10.1093/pastj/gtw037.
[64] Anghie, *Imperialism*, 115-16, 25.
[65] Schabas, *The International Legal Order's Colour Line*, 19.
[66] It is important to note, however, that the principle of universality in international law was 'principally a consequence of the imperial expansion which took place towards the end of the "long nineteenth century"'. See Anghie, *Imperialism*, 32.

Further, whilst earlier international legal structures excluded colonies from the international legal system, the League aimed to incorporate non-sovereign states into it.[67] For instance, the League's Covenant addressed Middle Eastern, African and Pacific territories which had been seized from Ottoman and German control after the First World War and which, according to the Covenant, were 'inhabited by peoples not yet able to stand by themselves'.[68] Article 22 of the Covenant established the mandate system, a loosely-defined scheme in which 'advanced nations' – including the imperial nations of Britain, France and Belgium – were given the 'tutelage' of the above territories and ostensibly charged with the 'responsibility' for their 'well-being and development', with limited League oversight.[69] The mandate system was, in fact, the result of a compromise which ultimately shaped its character. Through its supposed promotion of self-governance through the 'civilisation' of mandated territories, the system aided the incorporation of non-sovereign states into the international legal system. Yet, while it prevented imperial powers from annexing the former colonies of the defeated powers following the war, it maintained imperial hegemony.[70] The League's commitment to racial equality and universalism was, therefore, largely nominal, as it allowed for different, namely lower, standards of protections for non-white and colonised peoples under the quasi-racial language of climatic and cultural 'difference'.[71]

Indeed, even before Edwardes made his case of Indian exceptionalism at the 1921 conference, the Treaty of Versailles had established a precedent for differentiated standards for legal protections based on the racially coded criteria of 'climate'. In the establishment of the International Labour Organization under Section XIII of the Treaty, Article 405 stated that the permanent General Conference on international labour conditions

---

[67] Ibid., 33-34, 116. In reality, the Mandate System provided no substantial framework for self-determination. See Pedersen, *The Guardians*, 2-3, 30-40.
[68] Article 22, The Covenant of the League of Nations, Treaty of Versailles, 28 June 1919, R1218/17/513/61. Pedersen, *The Guardians*, 23.
[69] The Covenant of the League of Nations, Treaty of Versailles, 28 June 1919, R1218/17/513/61. Article 23. For the legal structure of the Mandate System, see Anghie, *Imperialism*, 120-23. The mandatory powers were Britain, France, Belgium, Australia, New Zealand, South Africa and Japan. For a list of the mandated territories each power oversaw, see Appendix 2, Pedersen, *The Guardians*, 410-14.
[70] Anghie, *Imperialism*, 33-34, 116. In reality, the Mandate System provided no substantial framework for self-determination. See Pedersen, *The Guardians*, 2-3, 30-40.
[71] Daniel Gorman, "Empire, Internationalism, and the Campaign Against the Traffic in Women and Children in the 1920s," *Twentieth Century British History* 19, no. 2 (2008): 192, https://doi.org/10.1093/tcbh/hwm030.

> shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organisation or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.[72]

The global political shifts occurring during this period, therefore, manifested in the thorny co-existence of the competing principles of universality and imperialism within emerging international institutions. In Tambe's words, the League thus 'exhibited all the contradictions of a liberal political universalism purveyed by imperial agents.'[73]

As the only non-sovereign member of the League, India's position within the League was riddled with ambiguity, particularly as India 'had a degree of self-government and unity at the international level, in the League of Nations, that it did not possess at the national level.'[74] Both Indian nationalists and colonial officials were acutely aware of the significance of this new representation on the world stage. While colonial representatives for India evoked an India in need of British civilising control, Indian representatives to the League Assembly saw an opportunity to dispel 'misperceptions about India among Westerners'.[75]

The League therefore provided a new forum for representation in which India would come under greater international scrutiny. Although the League's remit was strictly confined to the international, international accords could and did direct domestic legal reform: India's domestic 'condition' was therefore now up for debate on the international stage. As such, Britain was slowly losing its grip on how India was seen by the rest of the world, and this posed a problem for the logic

---

[72] Article 405, Section XIII, Treaty of Peace between the Allied and Associated Powers and Germany: The Protocol Annexed Thereto, the Agreement Respecting the Military Occupation of the Territories of the Rhine, and the Treaty between France and Great Britain., (London: Her Majesty's Stationery Office, 1919).
[73] Ashwini Tambe, "The State as Surrogate Parent: Legislating Nonmarital Sex in Colonial India, 1911–1929," *Journal of the History of Childhood and Youth* 2, no. 3 (2009): 110, https://doi.org/10.1353/hcy.0.0070.
[74] Legg, "An International Anomaly?," 109.
[75] Schmidt, "India's Role," 116; Legg, "An International Anomaly?," 96.

of colonial rule. If India was seen to be 'modern', 'rational', or any of the other European-defined qualities deemed required for self-determination, colonial rule was at risk of no longer being considered legitimate by the international community. These anxieties fuelled the arguments of colonial authorities that the League's activities should be strictly limited to the international sphere.[76] As will be shown, these tensions bled into debates around renewing international anti-trafficking laws under the League.

The 1921 Conference on Traffic in Women and Children

These anxieties meant that the announcement of an International Conference on the Traffic in Women and Children prompted some anxiety at the India Office, through which Britain oversaw its governance of India.[77] Aware that there existed a 'passion for uniformity in international matters' at that moment, the India Office was keen India should be seen as supportive of this.[78] It had also anticipated that the conference would look to launch a new anti-trafficking Convention based upon the 1910 Convention, to which India had not acceded because of British concerns about the age of consent for women and girls, namely 20, that it enshrined in international law.[79] The chief worry, in regard to this, was the form the Convention would take should India not have representation at the conference; specifically, that India's 'special point of view' regarding the age of consent might not be put forward and that, as a result, India would be forced to subscribe to the age of consent set out in the 1910 Convention.[80] Without representation, the India Office therefore worried there would be 'little chance that any modification of the 1910 Convention on the question of age, which is vital to India, will be made'.[81] For India to adhere, the case would have to be made for a lower age limit.

---

[76] Stephen C. Neff, "A Short History of International Law," in *International Law*, ed. Malcolm D. Evans (2014), 11.
[77] Motions Proposed by Committee II, Assembly of the League, December 1920, R636/12/9547/647; Provisional Minutes of the 14th Session of the Council of the League of Nations, in R655/12/16210/13895, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/international-conference-on-traffic-in-women-and-children-june-july-1921-council-of-the-league-private-meeting-report-by-mr-fisher-containing-a-resolution-instructing-the-secretary-general-to-carry-into-effect-than-recommendations-cont.
[78] Louis Kershaw, Minute Paper, 9 May 1921, in IOR/L/E/7/1189 File 172, British Library.
[79] Ibid.
[80] Ibid.
[81] Ibid.

The conference convened on the 30th of June 1921, with a view to establishing a new international convention on the 'traffic in women and children'. The India Office had appointed Stephen Meredyth Edwardes, a former Indian Civil Servant and Police Commissioner of Bombay, to represent India.[82] Edwardes's brief, as suggested at the beginning of this chapter, was to secure a modification for India on the agreed age limit of the Convention, which would allow India to adhere to it without requiring significant legal reforms – namely, an increase on the age limit in the Indian Penal Code in regard to trafficking.[83] Given the consensus that the 1921 Convention was to be based on the 1910 Convention, Edwardes had originally wanted a proviso for Article 1 of the 1910 Convention, which proscribed the procurement of a woman or girl under the age of 20, regardless of her consent or by coercion.[84] The proposed proviso read:

> Provided that in Eastern countries where, owing to climatic conditions and social and religious customs, the above standard of age cannot be applied, the definition of a minor for the purpose of the above provisions (or Articles) shall be fixed by the National Legislature of those countries.[85]

Edwardes first made his case by stating that trafficking fell into two categories: foreign (international) and domestic. He argued that the former simply did not occur in India and, if it did, his experience in the Bombay Police had assured him that such a case would be swiftly dealt with. The trafficking of Indian women and children across British Indian territory, he claimed, was a problem 'with which India herself [was] alone competent to deal'.[86] In any case, he continued, such a traffic was non-

[82] Edwardes was likely selected due to his experience in policing prostitution – which was closely tied to trafficking in anti-trafficking discourse – in Bombay. "Mr. S. M. Edwardes, C.V.O., C.S.I. 119, 93 (1927)," *Nature* 119, no. 93 (1927), https://doi.org/10.1038/119093a0.; "Mr. S. M. Edwardes," *Journal of the Royal Asiatic Society of Great Britain and Ireland* 1 (1927).
[83] Louis Kershaw, Minute Paper, 9 May 1921, IOR/L/E/7/1189 File 172, British Library; Vernon Dawson, 24 May 1921, to K. Walton, ibid.
[84] Article 1, and Paragraph B of the Final Protocol, International Convention for the Suppression of the White Slave Traffic, 4 May 1910, Chapter VII, 10, U. N. Treaty Series.
[85] Verbatim Record of the 1921 International Conference, R656/12/14010/14010: 58.
[86] Edwardes here is referring to traffic between British Indian territory and the Princely States. See Legg, "An International Anomaly?," 98.

existent.[87] Whilst India was 'anxious to associate herself' with the fight against international sex trafficking, Edwardes opined that difficulties in applying the proposed Convention to India 'hinge[d] chiefly upon the age-limit' of twenty.[88]

Edwardes's case rested on the premise that India had specific traditions and conditions and, therefore, could not adhere to the proposed universal age standard. Raising the age limit in sections 372 and 373 of the Indian Penal Code would, Edwards insisted, be at odds with 'the general body of orthodox and conservative Indian opinion' and would provoke 'considerable resentment', since reforms to India's anti-trafficking laws would impact religious practices – particularly, temple dedication – and would provoke a reaction from a highly influential section of Indian society. [89] This is because, he argued,

> customs exist – in connection […] with the dedication of women to temples sacred to ancient gods and goddesses – which date back to immemorial antiquity, for which no parallel can be found in Western countries, and any interference with which would naturally be regarded with considerable resentment by those who believe in their sanctity and efficacy.[90]

Edwardes was thus specifically positioning temple dedication and orthodox Hindus as barriers to India's adherence to the Convention. Yet, the British knew that orthodox Hindu opinion was not as fervently opposed to reforming temple dedication as it had been to raising the age of consent. Dadabhoy's 1912 bill had given ample evidence of this. Further, the Indian government retained records of orthodox support for their counterproposal. Rama Rayaningar, a self-proclaimed orthodox Hindu and member of the legislative council, supported clauses in the counterproposal bill that provided for the 'rescue' of minor girls from prostitution.[91] Debating the bill before the legislative

[87] Verbatim Record of the 1921 International Conference, R656/12/14010/14010: 56.
[88] Ibid., 56-57.
[89] Ibid., 57.
[90] Ibid.
[91] Jordan, "From Sacred Servant to Profane Prostitute," 178, 182-83.

council, Rayaningar equated dedication with prostitution, and cited Hindu texts denouncing prostitution to underline his assertion that orthodox Hindus would not be opposed to outlawing a sinful practice.[92] To claim it was orthodox Hindus who would not tolerate reform did not, therefore, conform to the recent historical record.

By placing Edwardes's address at the conference alongside Dadabhoy's 1912 bill and the debates which followed, it is clear that Edwardes's evocation of a Hindu orthodoxy as a barrier to social reform was a strategic move. Firstly, it served to justify an attempt to preclude international intervention into India's domestic laws.[93] While the India Office considered it 'undesirable that India should refuse to adhere to a Convention designed to improve public morals', adherence was clearly only acceptable as long as it would not necessitate any material legal change.[94] The sentiment among colonial officials that India should 'associate herself openly' with international anti-trafficking efforts was, therefore, largely superficial.[95]

Secondly, the Hindu orthodoxy served as an emblem for India's backwardness. The construction of a powerful social group opposed to the legal protection of young girls worked to counter claims of Indian 'modernity', or capacity for self-rule. This harked back to the colonial logic of the civilising mission, namely of the *raison d'etat* of colonial rule being the safeguarding of brown women from brown men.[96] As India's membership to the League meant British colonialism was, for the first time, under a spotlight in an international forum, it was thus essential for colonial officials to maintain this *raison d'état* of empire.

Edwardes therefore sought to underline the argument that age was fundamentally different in India. Evoking the 'rule of colonial difference' in addressing the proposed age of consent limit to the Convention, Edwardes echoed a longstanding pseudo-medical belief that 'the climatic conditions of

[92] Ibid., 182-83
[93] Legg, "Of Scales, Networks and Assemblages," 234, 42.
[94] Stephen Meredyth Edwardes, 'Report on the International Conference on the Traffic in Women and Children', 17 July 1921, IOR/L/E/7/1189 File 172, 6-8, British Library.
[95] Ibid., 6.; Louis Kershaw, Minute Paper, 9 May 1921, IOR/L/E/7/1189 File 172, British Library.
[96] Mani, *Contentious Traditions*, 79.; Spivak, "Can the Subaltern Speak?," 297.

India result in maturity being reached at an earlier age than in Europe'.[97] This hammered home the point that Indians were not only different from Europeans but that this difference was inherent. Whilst even the opinions of the Hindu orthodoxy could, in theory, be changed, the physical reality of Indian bodies, in other words, could not. Edwardes thus reinforced his argument with unchangeable 'facts': Indian bodies, existing in an Indian climate, could not be subsumed under universal age standards that were drawn from laws initially only intended to protect white women and girls.

Despite Edwardes's impassioned account of India's peculiarity, his motion was never officially put forward. In an embarrassing turn of events, his address was followed by that of the Dutch delegate, M. A. de Graaf. As a representative of another colonial power with possessions in tropical climes, the Dutch delegate's address was disastrous for the colonial Indian case. Offering a clear display of how the sexual 'protection' of women and children had become the currency of international prestige, de Graaf showcased how legislation introduced in 1911 had suppressed the traffic in Dutch colonies before directly attacking Edwardes's case for special provisions in 'Eastern countries.' As de Graaf observed,

> India finds it very difficult to do very much in the matter of the suppression of the traffic [as the 1910 Convention stands] at present. Holland also found a difficulty before the law of 1911. We have applied that law to our Colonies in the Indies as well, and since the application of the law the Dutch women who were in the Indies have been sent home.[98]

As earlier anti-trafficking accords were chiefly concerned with white victims who, de Graaf suggested, were no longer being trafficked to its colonies, he could conveniently avoid any mention of colonial subjects and, therefore, any close inspection of Dutch colonial attitudes towards, and protection of, indigenous women and children. Edwardes, meanwhile, had confronted the problem

[97] Verbatim Record of the 1921 International Conference, R656/12/14010/14010: 57. For an example of climate-based understandings of pubertal development in medical jurisprudence, see Lyon, *Medical Jurisprudence for India*, 236; Tambe, "Climate," 114-16; Chatterjee, *The Nation and Its Fragments*, 16.
[98] Verbatim Record of the 1921 International Conference, R656/12/14010/14010: 60.

head on, by addressing how legal reforms required by the proposed Convention might be applied to Indian girls. Doing so had exposed the uncomfortable incompatibility of colonialism with the premise of international equality or universalism, since it suggested that while Indian girls merited protection, they did not merit the same level of protection as white girls. While the Dutch colonial empire was also justified by and constantly reinforced through categories of racial difference, de Graaf was also able to present it as being morally responsible by avoiding any explicit mention of colonial subjects.[99] The Dutch rebuttal to Edwardes's proposal made India, and specifically India as a *colony*, thus appear as a thorn in the side of international co-operation on anti-trafficking. Edwardes's proposal looked, as a result, strikingly out of touch with the zeitgeist of international cooperation.[100]

De Graaf also proposed removing the age limit entirely in the new convention, to afford protection to all women and girls, and the heated debate that followed eclipsed any opportunity for Edwardes's proposal to be voted on.[101] While the proposal was ultimately negatived, the conference did resolve to adopt 21, rather than 20, as the new age of consent for trafficking.[102]A despondent Edwardes approached for advice the League's Legal Advisor, Georges Kaeckenbeek, who advised that the Government of India proclaim its 'formal adherence to the Convention of 1910, "with a reservation of" […] the age limit.'[103] Edwardes then left having made his case, but with little more than Kaeckenbeek's suggestion to show for it.

Indeed, although the India Office had been aware that there existed a precedent for exemptions based on tropical exceptionalism in the establishment of the International Labour Organization, prior to the conference there had been little confidence in the possibility of India securing a modification on the age limit on the age of consent in the 1921 Convention.[104] The India Office was perhaps conscious that, in this new era of internationalism, attempts to use colonial or racial difference to circumscribe the application of international accords to its colonies would not

[99] Stoler, "Making Empire Respectable," 635.
[100] Verbatim Record of the 1921 International Conference, R656/12/14010/14010: 58-60.
[101] This proposal was essentially an attempt to quash legally sanctioned prostitution. Despite gaining considerable support – seventeen members voted in favour, eleven against, and one abstained – the proposal did not reach the three quarters of the vote share required to pass. Ibid., 62-68.
[102] Ibid., 131.
[103] Edwardes, 'Report': 5.
[104] Louis Kershaw, Minute Paper, 9 May 1921, IOR/L/E/7/1189 File 172, British Library.

wash. Indeed, at the 1921 Conference, representative of the British government Sidney West Harris brought forward a recommendation to replace the term "white slave traffic" with "traffic in women and children", as the proposed Convention 'does not draw any distinction between white and coloured'.[105] Harris would ultimately renege on this ostensible commitment to universalism, thus revealing the discrepancy in British policy between superficial commitments to such principles and the need to maintain the dynamics of colonial rule.

Following the conference, Harris was charged with drawing up a new draft Convention in line with the recommendations and resolutions of the 1921 conference, to be discussed and finalised at the meeting of the League of Nations' Second Assembly in September 1921.[106] The League Assembly consisted of six committees, with the Fifth Committee responsible for 'humanitarian questions', including trafficking.[107] India sent three representatives to the Assembly that year; the Right Honourable V. S. Srinivasa Sastri was the representative chosen to sit on the Fifth Committee. [108] A member of India's Central Legislative Assembly from 1916, he occupied a moderate position: though he had previously campaigned for Indian home rule, he later distanced himself from Gandhi's civil disobedience campaigns and, instead, advocated for the equal rights of Indians *within* the British Empire.[109] From the British colonial perspective, at least, Sastri represented a more palatable Indian voice on the international stage.

---

[105] Verbatim Record of the 1921 International Conference, R656/12/14010/14010: 55-100.
[106] Rachel Crowdy to Sidney Harris, 14 July 1921, telegram, S154/9/2, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/traffic-in-women-and-children-correspondence-following-the-1921-conference; League of Nations International Conference on Traffic in Women and Children: Report of British Delegate,14 July 1921, TNA, HO 45/11072/387653.
[107] The Fifth Committee comprised of representatives from forty-two member states, and, in addition to traffic in women and children, addressed the opium traffic, typhus and the deportation of women and children in the Near East.
[108] Edwin Montagu to Eric Drummond, 16 August 1921, SC-1921-61_EN, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/delegates-to-the-assembly-letter-from-the-india-office; R1370/26/15572/15572, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/fifth-committee-of-the-second-assembly-composition-of-the-fifth-committee.
[109] Home rule refers to self-government under dominion status, rather than complete independence. B. R. Nanda and S. T. Sheppard, "Sastri, Valangiman Sankaranarayana Srinivasa", *Oxford Dictionary of National Biography* (2004). https://www.oxforddnb.com/display/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-35954?rskey=IWmQi6&result=1.

The Committee was first tasked with confirming the Final Act of the 1921 conference.[110] Within the Final Act, Resolution I called for the Council to urge all member states which had not yet adhered to or ratified the 1904 Agreement and 1910 Convention to do so. Resolution IV called for the Council to request all states party to the 1904 and 1910 accords to adopt 21 years of age as the age indicated in the 1910 Convention.[111] Given that Edwardes's proposal never materialised into a vote at the conference, the Final Act made no mention, therefore, of any exceptions regarding age. Sastri's response to the two Resolutions was 'that his country was not a party to the Convention of 1910 because the Government could not subscribe to the clause which fixed the age of consent at 20', let alone the new proposal to raise that age to 21. Echoing Edwardes's arguments on tropical exceptionalism, Sastri continued that it 'was not to be expected that in India, a tropical country, where very early marriages were the rule, and where, at the age of 21, a woman was often the mother of two children, the same conditions could be applied as in Europe.' Rather, following Kaeckenbeek's recommendation, Sastri advised that India would 'gladly' subscribe to the Convention if a reservation on age could be made.[112] Significantly, the representatives for Japan and Thailand followed Sastri's address, advising that they would have 'similar reservations as far as their respective countries were concerned.'[113]

There was some minor unease expressed at the proposed reservations. The Polish representative acquiesced, but observed that it would be 'regrettable if the work accomplished should suffer on account of the special conditions prevailing in certain countries.'[114] Yet the motion to confirm the Final Act, subject to the three reservations, was carried unanimously.[115] Days later, the drafting Committee met and confirmed that the three reservations could be made at the moment of signing, without the addition of a special clause to the Convention.[116]

---

[110] The Final Act enshrined the conference's resolutions and recommendations.
[111] The Records of the Second Assembly: Meetings of the Committees, A-C4-C6-MINUTES-1921_BI, 439-40, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/fourth-committee-finances-and-internal-organisation-of-the-league-fifth-committee-humanitarian-questions-sixth-committee-enquiry-into-applications-for-admission-of-states-to-the-league-and-political-questions.
[112] Ibid., 356.
[113] Ibid.
[114] Ibid.
[115] Ibid.
[116] Report presented by the Fifth Committee, 24 September 1921, A-132-1921_BI, 3, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/traffic-in-women-and-children-4.

Colonies and 'Eastern' states in the Convention

For all the discussions of universalism and the removal of the term 'white' in League anti-trafficking discourse, the final version of the Convention included what essentially amounted to as a second-class legal standard for colonies. The question of colonies had originally come out of a discussion between the Dutch, French and British delegates at the conference, after the Dutch delegate proposed that the accession of a state should automatically include that state's colonies.[117] Eugène Regnault, the French delegate, had sought to soften this proposal, by arguing that this sentiment should be pursued 'by a means of recommendation without modifying the text'.[118] Harris stated that 'only a few' British colonies had not adhered to the earlier Conventions 'for special reasons', but assured the other delegates that 'everything will be done' to bring them in line.[119] While this statement appeared at odds with the policy of the India Office, it soon became clear that Harris was merely paying lip service to the sentiment of universalism.

Although Regnault's proposal was eventually adopted into recommendation II of the conference, it was, however, eventually abandoned. Despite Harris's earlier assertions that a specific provision for colonies was unnecessary, Harris's draft Convention included just that. According to Article 14,

> Any Member or State signing the present Convention *may declare that the signature does not include any or all of its colonies, overseas possessions, protectorates or territories under its sovereignty or authority*, any [sic] may subsequently adhere separately on behalf of any such colony, overseas possession, protectorate or territory so excluded in its declaration.

[117] Verbatim Record of the 1921 International Conference, R656/12/14010/14010: 53.
[118] Ibid., 54.
[119] Ibid., 55.

> Denunciation may also be made separately in respect of any such colony, overseas possession, protectorate or teritory [sic] under its sovereignty or authority, and the provisions of Article 12[120] shall apply to any such denunciation.[121]

It was this draft upon which technical legal discussions and the subsequent debates of the Fifth Committee at the Second Assembly, which was charged with drawing up the final version of the Convention, were based.[122] At the Second Assembly, the French delegate, Gabriel Hanotaux, expressed concern that the draft Convention had undergone some 'very serious changes' to the Conference recommendations, and noted that Recommendation II and the provision for adhesion of colonies had been removed and supplanted by the new Article 14.[123] Hanotaux's proposal that states be given four months to review the draft was met with an impassioned rebuttal by Arthur Balfour, the British delegate and former Prime Minister, who presented France's stance as unnecessarily obstructionist.[124] Hanotaux's proposal was defeated, and the Assembly voted to proceed with the draft Convention.[125] As such, Article 14 was written into the Convention.[126] A far cry from the Conference recommendation to encourage states to ensure the adhesion of their colonies, Article 14 allowed imperial powers to sign the Convention without any necessary implication for their colonies. In the end, both France and Britain reserved their right under article 14 to exclude their colonies,

---

[120] Article 12 made provisions for denunciation. International Convention for the Suppression of the Traffic in Women and Children, 30 September 1921, Chapter VII, 3, U. N. Treaty Series.
[121] Sidney Harris to Philip J Baker, 27 July 1921, R655/12/14348/13895, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/conference-on-traffic-in-women-and-children-mr-harris-home-office-london-suggests-that-the-british-delegate-at-the-forthcoming-league-of-nation-council-meeting-should-bring-up-the-report-of-the-conference-on-traffic-in-women-and-childr. Emphasis added.
[122] Provisional Minutes of the 14th Session of the Council of the League of Nations, September 1921, R655/12/16210/13895, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/international-conference-on-traffic-in-women-and-children-june-july-1921-council-of-the-league-private-meeting-report-by-mr-fisher-containing-a-resolution-instructing-the-secretary-general-to-carry-into-effect-than-recommendations-cont.
[123] Provisional Verbatim Record of the Second Assembly, September 1921, R1367/26/15465/15465, 3-4, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/provisional-verbatim-record-of-the-second-assembly-geneva-september-5th-1921-no-i.
[124] Ibid., 4, 6.
[125] Ibid., 12-13.; E. J. Harding to Henry Lambert, 30 September 1921, TNA, CO 323/884/70.
[126] International Convention for the Suppression of the Traffic in Women and Children, 30 September 1921, Chapter VII, 3, U. N. Treaty Series. Emphasis added. The only difference between Article 14 of the Convention and the version sent to the League by Harris was the two typographical errors.

protectorates and mandated territories from adhesion.[127] India, as a member of the League, was excluded from the provision for colonies under Article 14. Had India not been a League member, the colonial government would have avoided any potential interference by the League in India's domestic sex trafficking laws.

India ratified the 1921 Convention in June 1922, subject to the reservation that it would substitute the age of 21 for 16 in order to mirror India's existing anti-trafficking laws, which, therefore, required no legal change in India.[128] India had been the only member state to put forward the suggestion for a modification on the age of consent at the Conference, but Edwardes's reference to 'Eastern' countries and the effect of tropical climate on physical maturity had opened the door for other member-states to follow suit.[129] At the conference, both Thailand and Japan had initially shown no concerns over the proposed age limit of twenty-one. Remarkably, the Thai delegate had been given permission by the Thai Foreign Minister to sign the 1910 Convention (with an age limit of 20) and the suggested new Convention, if it was drafted there and then; while Japan demonstrated its support by referring to its law criminalising the procurement of 'women or girls of any age' for immoral purposes.[130] Yet Edwardes's address clearly had an impact. By the Second Assembly, Thailand and Japan – both sovereign powers – expressed dissatisfaction with the proposed age limit by using Edwardes's arguments of Eastern tropical exceptionalism; by the end, both countries had submitted reservations

[127] France explicitly referred to Article 14 in notifying the League of its adhesion. R658/12/48883/16463, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/international-convention-on-traffic-in-women-and-children-1921-adhesion-of-france. Britain did not explicitly mention Article 14 or British colonies, protectorates or mandated territories, however these were not included in Britain's adhesion; some adhered to the Convention in the years that followed. See R658/12/23678/16463, League of Nations, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/international-convention-on-traffic-in-women-and-children-1921-dossier-concerning-the-adhesion-of-mandated-territories-and-british-colonies-not-independent-members-of-the-league and R3051/11B/27554/9388, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/convention-for-the-suppression-of-traffic-in-women-and-children-of-1921-accession-of-british-colonies-protectorates-and-mandated-territories.
[128] Eric Drummond to William Peel, 28 March 1922. R657/12/19573/16463, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/international-convention-on-traffic-in-women-and-children-1921-dossier-concerning-the-adhesion-membership-of-india; Henry Tozer, Minute Paper, 8 May 1922, IOR/L/E/7/1189 File 172, British Library; "Present Situation as Regards the Ratification of International Engagements Registered with the Secretariat of the League of Nations," *League of Nations Official Journal* 3, no. 9 (September 1922): 1026.
[129] Verbatim Record of the 1921 International Conference, R656/12/14010/14010: 58.
[130] Ibid., 37, 63.

on the age limit in their own adhesions to the Convention. While Thailand remained vague and did not stipulate a substitute age limit, Japan set its age limit at 18.[131] Although Japan later withdrew this reservation upon ratifying the Convention in 1927, that three nation-states had proposed alternate age limits demonstrates the wider significance of India's case for an alternative age standard.[132] In the end, precedent had been set for an alternative conceptualisation of age and capacity depending on geographic, climatic and racial factors.

Conclusion

As the first international convention to address sex trafficking of women and children ostensibly across racial lines, the 1921 Convention was the first instrument of international law to propose a truly universal age of consent for sex trafficking. Such a universalist principle was inherently at odds with the logic of colonial rule, which therefore placed India, both a League member and a colony, in an awkward position. India's representation at the 1921 Conference laid bare the logic of colonial difference on the international stage; reading Edwardes's arguments against earlier legislative proposals by Indian reformers makes clear that his case was based on fallacy and fuelled by colonial anxiety. The proposal for a different age standard for India was ostensibly rejected by other European colonial powers, which were able to obscure their own double standards as none of their colonies were League members. Nevertheless, Edwardes's impassioned invocation of tropical exceptionalism undoubtedly inspired Eastern sovereign states, namely Japan and Thailand, to appropriate these arguments and submit their own reservations on age of consent. The welfare of Indian women and children had long been politicised in justifications of colonial rule, yet the history of the 1921

[131] Ratification by Siam of the International Convention for the Suppression of the Traffic in Women and Children, 13 July 1922, R657/12/21068/16463, League of Nations, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/international-convention-on-traffic-in-women-and-children-dossier-concerning-the-adhesion-of-siam-thailand.;"Traffic in Women and Children: Note," *League of Nations Official Journal* 3, no. 1 (January 1922): 73; Declaration by the Japanese Government, 23 June 1925, R658/12/26360/16463, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/international-convention-on-traffic-in-women-and-children-1921-ratification-by-japan.

[132] Further declaration of the Japanese Government, 26 March 1927, R658/12/26360/16463, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/international-convention-on-traffic-in-women-and-children-1921-ratification-by-japan.

Convention reveals the superficial nature of such claims. In the end, the logic of colonial difference prevailed and ultimately thwarted the first attempt to institute a universal age limit in international anti-trafficking law.

Chapter Seven: A Gender-Neutral Child? League of Nations Anti-Trafficking Investigations and the Possibilities of Boy Victimhood

Introduction

The 1920s is often associated with the birth of international children's rights. The Declaration on the Rights of the Child, adopted by the League of Nations in 1924, enshrined the idea that children possess fundamental rights, including to the rights to food, healthcare, education, and safety from exploitation. [1] Children were thus recognised as a specific legal group in international law, albeit one rendered different, and inherently vulnerable, by virtue of their age. Yet, as this chapter shows, the legal protection afforded to children by the League, when it came to trafficking, was also determined by their gender, which therefore challenged the emergence of the 'child' as a distinct legal subject in international law. Since anti-trafficking campaigns were rooted in concerns over white female purity, the 'child' in international law on trafficking was conceptualised primarily as female. As a result, the sexual exploitation of men and boys was 'brazenly overlooked'.[2]

This is not to say, however, that boys, or male children, were *entirely* excluded from protection by the League.[3] It is *how* they were included, and why, that is the focus of this chapter. It is not concerned, therefore, with whether or not boys were trafficked. Rather than viewing League fact-finding in regard to trafficking as an objective source of knowledge, therefore, it approaches the enquiries and reports on trafficking by the League, as a number of scholars have done, as forms of

[1] Declaration of Geneva, 26 September 1924, R680/12/39047/34652.
[2] Bourke, *Rape*, 240.
[3] The term 'boy' in anti-trafficking discourse often meant pimp or souteneur; it did not necessarily refer to a male child. League anti-trafficking records use the term 'boy' for pimps and male children interchangeably, though the meaning is generally clear from the context. This chapter, therefore, uses the term 'male children' in its discussion of League sources, both to avoid confusion with historical terms, and to foreground the role of gender in designating which children could be considered victims of trafficking.

knowledge production. Liat Kozma, for example, has demonstrated the role of League fact-finding missions as evidence of the rise of social science methods in shaping international law, and the ways in which these were circumscribed by the imperial priorities of League members.[4] Magaly Rodríguez García, meanwhile, has exposed how eugenicist ideology permeated the League's anti-trafficking work by producing biologically deterministic constructions of prostitutes and criminals.[5] Paul Knepper, furthermore, has argued that League anti-trafficking efforts are best understood as projects of sociological jurisprudence – that is, projects which serve to make law, as opposed to being made *by* law.[6] Likewise, Stephen Legg has illustrated how League anti-trafficking efforts functioned as 'normative projects' that served to shape discourse around trafficking and, ultimately, the definition of trafficking itself.[7] Inspired by these critical approaches, this chapter interrogates how anxieties regarding gender directly shaped how information produced on international trafficking circumscribed the conditions of possible victimhood. Using the male child as an heuristic device, this chapter considers the implicit gendering of the 'child' in international law and League anti-trafficking projects.[8]

As chapter five attested, anti-trafficking campaigns in Britain were a direct product of mid-to-late-nineteenth century discourses which placed the sexual purity of British women as fundamental to the health of the British nation and 'race'. For anti-trafficking movements, it was the protection of *women and girls* that was crucial; these movements incorporated 'children' as objects of protection not so much because children were being trafficked, but because children were emblematic of sexual innocence and the future of the British 'race.' As such, boys had never been a concern of these campaigns. Juxtaposing the gender-neutral legal definition of 'children' set out in the 1921 International Convention for the Suppression of the Traffic in Women and Children with the objects

[4] Kozma, *Global Women*, 20, 24, 45.
[5] Magaly Rodríguez García, "Beware of Pity: The League of Nations' Treatment of Prostitution," *Monde(s)* 19, no. 1 (2021): 104, 06-16, https://doi.org/10.3917/mond1.211.0097.
[6] Knepper, "The Investigation," 59-63.
[7] Legg, "'The Life of Individuals,'" 648, 59-63.
[8] The use of the male child as an heuristic device is inspired by Ishita Pande's employment of a similar methodology. See Ishita Pande, "Coming of Age: Law, Sex and Childhood in Late Colonial India," *Gender & History* 24, no. 1 (2012): 219, https://doi.org/10.1111/j.1468-0424.2011.01676.x.

of enquiry of League anti-trafficking projects, therefore, this chapter demonstrates the limits of legal formalism or doctrinal law in defining objects of legal protection in the case of children.

The chapter also reflects on the way in which trafficking was gendered in League discourse. When it comes to procurers, for example, these could be either male or female, but the clients of trafficking victims were always constructed as male in League anti-trafficking discourse.[9] This chapter, therefore draws on with queer history to trace the male trafficking victim – understood as a victim of male-on-male sexual violence – to make sense of the politics of representation of trafficking in League discourse, not least because the archive, as scholars of queer history have begun to demonstrate, is a key apparatus through which queer representation has been framed.[10] Indeed, the archive also contains traces of male-on-male sexual violence. However, because it was generally considered impossible for men or boys to be victims of such violence, such traces appear rare, or coded as other, non-sexual, forms of violence.[11] Rather than reading the sparse appearances of the male child as evidence (or lack thereof) of a traffic in boys, however, this chapter considers these as "recalcitrant events", in which the male-child-victim breaks the rules of the archive and of League knowledge production, in order to unpick the tension between their appearance and the overarching priorities of League anti-trafficking work.[12]

Since the second half of the nineteenth century witnessed new understandings of human sexual behaviour, and with it the production of new gender norms, same-sex acts came to signal an inherent pathology.[13] This led to the construction of a new and inherently deviant category of being, namely the homosexual. Rudi Bleys has shown how this theorisation linked to wider discourses relating to evolution and racial decline: while heterosexual conjugal sex represented the pinnacle of civilisation, same-sex relations, constructed as 'homosexual', were considered primitive and

---

[9] For instance, the League viewed populations with an excess of men as a cause of trafficking. Commission of Enquiry into Traffic in Women and Children in the East, Summary of the Report to the Council (1933), IOR/L/E/7/1334 File 760, 18, British Library. This reflected the dominant legal possibilities of the period. Derry, *Lesbianism and the Criminal Law*, 1-3, 87. Indeed, such gendered constructions of 'perpetrator' and 'victim' persist today. See Irma M. Barron and Colleen Frost, "Men, Boys, and LGBTQ: Invisible Victims of Human Trafficking," in *Handbook of sex trafficking: Feminist transnational perspectives*, ed. Lenore Walker, Giselle Gaviria, and Kalyani Gopal (Cham: Springer, 2018), 74.
[10] Arondekar, *For The Record*, 4.
[11] Heath, "Torture," 127-31.
[12] Shahid Amin quoted in Arondekar, *For The Record*, 3.
[13] Foucault, *The History of Sexuality*, 24, 42-44.

uncivilised.[14] That this had implications for constructions of whiteness, and with it, notions of white superiority, is evident in the contradictory discourse around same-sex relations. When it came to European troops, for example, same-sex relations were seen as a circumstantial response to a lack of access to women, not as a sign of an inherent pathology; same-sex activity among colonised men, meanwhile, was considered pathological and, as a result, proof of their purportedly innate racial inferiority.[15]

What, then, can the appearance of male children in the anti-trafficking archive reveal about the production of knowledge in international organisations and the workings of international law?[16] Colonised zones had, by the 1920s, a long history of being imagined as sites of sexual debauchery and, particularly, homosexuality. Paying attention to such 'geographies of perversion', to borrow from Rudi Bleys, this chapter reveals that it was precisely this sexual imaginary which delineated under what conditions male children could appear in the archive as victims of trafficking.[17] As such, this chapter draws on Ann Laura Stoler's methodological intervention on colonial history, in which she reveals the rich history that can be gleaned from reading 'along' as well as against the grain of historical documents. It therefore pays close attention to the 'pulse of the archive and the forms of governance that it belies' in both the League's reports and in 'the process of their making'.[18]

This chapter explores such issues through, firstly, examining whether and how male children were included in the 1921 Convention, and the extent to which male children were included as objects of enquiry in League investigations into international trafficking – not least how the perspectives of individual actors at the League influenced what 'trafficking' meant and who could be a victim of it. Although the 1921 Convention specifically named 'children of both sexes' as objects of protection from trafficking, League actors generally understood trafficking to be an offence primarily, or exclusively, committed against women and girls. In light of such limitations, the chapter goes on to

[14] Bleys, *The Geography of Perversion*, 156-61.
[15] Walkowitz, *Prostitution and Victorian Society*; Levine, "Sexuality, Gender, and Empire," 151-52; Bleys, *The Geography of Perversion*, 161-92.
[16] This approach is inspired by Anjali Arondekar's work on queer archives. See especially Arondekar's treatment of the missing 1845 report by Richard Burton on pederasty in Karachi brothels, in Arondekar, *For The Record*, 2, 31-39. See also Arondekar, "In the Absence of Reliable Ghosts," 99-100.
[17] Bleys, *The Geography of Perversion*, 9.
[18] Stoler, *Along the Archival Grain*, 19-20.

consider *how* male children could emerge as trafficking victims in the League's archive. Doing so not only reveals the tensions over defining what a 'child' was in the context of child protection, but how broader anxieties were constitutive of the very definition of the 'child' itself. The chapter ends by examining the 1933 Convention on the Suppression of Traffic in Women of Full Age, which abolished the age of consent for trafficking and established legal protection for women and girls only. By collapsing the categories of 'child' and 'women', the 1933 Convention also eclipsed the legal possibility that boys could be trafficking victims.

Judith Butler famously criticised second-wave feminism's 'ahistorical' reification of 'woman' as the subject of feminist emancipatory projects, and argued that emancipation lies in thinking beyond the gendered subject itself in order 'to formulate […] a critique of the categories of identity that contemporary juridical structures engender, naturalize, and immobilize.'[19] As such, it was necessary to move beyond 'defining women in terms of their sex, and extolling men as the bearers of a body-transcendent universal personhood'.[20] Yet, research on League anti-trafficking projects has predominantly focused on the female subject and has, therefore, inadvertently reproduced contemporary anti-trafficking preoccupations with female victims.[21] Liat Kozma, for instance, dismisses anti-trafficking reports mentioning 'minors' and male children as providing 'little information about prostitution'.[22] Moreover, even scholarship which has addressed this topic from the perspective of 'children' rather than 'women and girls' has often replicated the category of 'child' as being gendered feminine; as a result, male children appear entirely absent. For example, Elizabeth Faulkner overlooks the significance of the 1933 Convention as, she claims, it 'excludes children from its parameters'.[23] On the contrary, however, the 1933 Convention was highly significant in formally ending international legal protection for boys. This construction of 'women' as sexed and 'men' as

[19] Butler, *Gender Trouble*, 7.
[20] Ibid., 13.
[21] Limoncelli, *The Politics of Trafficking*, 76, 89; Elizabeth A. Faulkner, *The Trafficking of Children: International Law, Modern Slavery, and the Anti-Trafficking Machine* (Cham: Springer International Publishing AG, 2023), 120. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1oeaegk/cdi_askewsholts_vlebooks_9783031235665.
[22] Kozma, *Global Women*, 35-36.
[23] Faulkner, "Historical Evolution of the International Legal Responses to the Trafficking of Children: A Critique," 82.

'body-transcendent' persons is the categorisation of gender which informed League of Nations anti-trafficking projects. It is because male children were unsexed by virtue of their gender but denied personhood by virtue of their age, this chapter suggests, that they became essentially excluded from legal protection.

The 1921 Convention and the ambiguity of the legal definition of the male child

The 1921 Convention provided, for the first time, legal protection for male children from trafficking. This was a product, in part, of how trafficking had come to be understood since the beginning of the twentieth century, when the phrase 'traffic in women and children' began to gain popularity over 'white slave traffic in women and girls.' Beyond the obvious racial connotations, this shift in terminology is significant, as it was the first time the explicitly gendered term 'girls' was dropped in favour of the arguably more gender-neutral term 'children'. It is difficult, however, to pinpoint the moment at which such a shift occurred. French jurist Louis Renault expressed dissatisfaction with the term 'white slave traffic' as early as the 1902 Conference on the White Slave Traffic and, in 1909, the International Council of Women and the International Women's Suffrage Alliance both criticised the term 'white slave traffic' for excluding the sexual exploitation of women of colour.[24] Certainly, with the rise in universalism in international humanitarian thought in the early-twentieth century, as explored in the previous chapter, racial exclusion was becoming less palatable in this arena. But locating any discussion of the formal adoption of the term 'traffic in women and children' in League of Nations official discourse has proven elusive.[25] As 'traffic in women and children' was employed

[24] Faulkner, *The Trafficking of Children*, 109; Leila J. Rupp, *Worlds of Women: The Making of an International Women's Movement* (Princeton: Princeton University Press, 1998), 151. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991023526313107351.

[25] This directive followed Resolution XIII adopted at the 1921 Conference to replace the term "white slave traffic" with "traffic in women and children" in all international instruments, but it is not clear why the Information Section applied this retroactively. Verbatim Record of the 1921 International Conference, R656/12/14010/14010: 133; Jeanne Morefield, "'Families of Mankind': British Liberty, League Internationalism, and the Traffic in Women and Children," *History of European Ideas* 46, no. 5 (2020): 688, https://doi.org/10.1080/01916599.2020.1746085.

at the League from the outset (the term was enshrined in Article 23 (c) of the Covenant of the League of Nations, and the records of the drafting process exclusively employed this term), it seems that the League was simply adopting the language in vogue at the time.[26]

The 1921 International Convention for the Suppression of the Traffic in Women and Children went beyond simply protecting 'children', however, since it specifically referred to 'children of both sexes.'[27] Yet what appears to be a significant legal development in child protection emerged right at the end of the drafting process and went apparently unremarked upon by League delegates. The 1921 Conference, at which the Convention and its parameters was first discussed, made no reference to protecting children of both sexes. Rather, the debates during the Convention suggest that delegates saw the child in need of protection as female. That the term "children" was implicitly regarded as female by representatives at the 1921 Conference is perhaps most clear in the debate on the removal of an age of consent for trafficking. The Dutch delegate's proposal to explore removing this was initially met with applause and gained considerable support when put to the vote.[28] Given that at least eight of the countries represented at the conference had different ages of consent for male and female children in their domestic sexual offence legislation, it may seem surprising that there was no discussion regarding how removing the age of consent might impact male children. Yet this was because delegates understood removing the age limit to mean extending protections to all *women*, suggesting that they did not consider that the age limit ever applied to male children.[29] To be clear, if the term "children" had been understood to be gender-neutral by the representatives, the proposed

[26] Minutes of the Preliminary Peace Conference, February-April, 1919, S585/15/1, 84, LON, United Nations Library & Archives, Geneva.
[27] League of Nations instruments were generally produced in French and English, and the move from gendered to gender-neutral language was seen in both versions. International Convention for the Suppression of the White Slave Traffic, 4 May 1910, Chapter VII, 10, U. N. Treaty Series; International Convention for the Suppression of the Traffic in Women and Children, 30 September 1921, Chapter VII, 3, U. N. Treaty Series.
[28] While the motion received seventeen votes in favour and eleven votes against, it did not reach the required threshold of a two-third majority. Verbatim Record of the 1921 International Conference, R656/12/14010/14010: 60, 67-68.
[29] Specifically, the age of consent for 'indecent offences' in China, Denmark, Estonia, India, Japan, Spain and Sweden only applied to girls. Some territories in Poland set the age of consent at 14 for girls and 16 for boys. Child Welfare Committee, The Age of Marriage and Age of Consent Consent, 10 December 1928. R3075/11C/1741/392., Table A, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/child-welfare-age-of-consent-and-of-marriage-file-of-national-legislations-as-circulated-to-child-welfare-committee. With the exception of India, it appears there were no legislative changes between the 1921 Conference and the evidence collected on this question in 1928.

removal of the age limit would have entailed the possibility of extending legal protections to men as well as women. Yet the discussion that ensued included no mention of male consent. Tellingly, the French delegate stated that, 'The business of this Conference is to endeavour to protect innocent women, and to safeguard women who are not innocent against exploitation.'[30] Thus, representatives charged with setting the parameters of the Convention clearly understood the age of consent in regard to trafficking as applying exclusively to female children; the term 'child', in this context, meant female child.

Thus, while the Final Act of the Conference, which recommended a new Convention, specified the objects of such protection as 'women and children', it did not include the term 'children of both sexes'.[31] Neither did the draft convention used in the subsequent League Assembly in September 1921, in which the final form of the Convention was to be confirmed.[32] The change can instead be traced to a sub-committee meeting which occurred during the Assembly.[33] The sub-committee had been set up by the Fifth Committee (which was responsible, in part, for addressing the traffic in women and children) to revise the draft of the Convention. The sub-committee was made up of the rapporteur, Professor Gilbert Murray (of South Africa); the President of the Fifth Committee, Charles Doherty (of Canada); and three legal advisors, Italian Dionisio Anzilotti, Swiss Max Huber, and Belgian Georges Kaeckenbeek.[34] Unfortunately, the only record that survives of this meeting is the official report by Murray, which makes no mention of the adoption of the term 'children of both

[30] The French delegate voted against the motion, arguing that the matter should be one of domestic law. Verbatim Record of the 1921 International Conference, R656/12/14010/14010: 62-63.
[31] Final Act of the Conference on the Traffic in Women and Children, July 1921, R655/12/13895/13895, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/international-conference-on-white-slave-traffic-conference-on-white-slave-traffic-geneva-resolutions-and-recommendations-of-the-conference-and-acte-final.
[32] Sidney Harris to Philip J Baker, 27 July 1921, R655/12/14348/13895;Provisional Minutes of the 14th Session of the Council of the League of Nations, September 1921, R655/12/16210/13895: 3.
[33] Draft Convention on Traffic in Women and Children (as revised by the Drafting Committee appointed by the Fifth Committee of the Assembly. A-125-1921-IV_BI, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/traffic-in-women-and-children-draft-convention-on-traffic-in-women-and-children-as-revised-by-the-drafting-committee-appointed-by-the-fifth-committee-of-the-assembly.
[34] Report submitted to the Second Assembly by the Fifth Committee, 23 September 1921, R655/12/16080/13895, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/draft-convention-on-traffic-in-women-and-children-fifth-committee-to-the-assembly-report-suggesting-that-the-assembly-recommend-that-the-delegates-who-have-the-necessary-full-power-should-sign-the-draft-convention-and-that-those-who-do.

sexes'.[35] It may therefore be impossible to know how the term 'of both sexes' came to be included in the final form of the Convention. What is clear, however, is that this development was not the result of broad international debate in the conference or committee meetings of the Assembly and, therefore, that it seemingly did not reflect broader international priorities.[36]

Certainly, this change in terminology appears to have gone over the heads of the representatives at the Assembly. After perusing the new Convention, the Norwegian delegate, for example, pronounced it to be 'nothing but the same Final Act [of the conference] clothed in conventional terms.'[37] As the previous chapter detailed, debate around discrepancies between the Final Act and the draft convention produced by the sub-committee was limited to the question of colonies.[38] The Convention was therefore approved by the Assembly with no reflection on the last-minute inclusion of male children in Article 2, which read as follows:

> The High Contracting Parties agree to take all measures to discover and prosecute persons who are engaged in the traffic in *children of both sexes* and who commit offences within the meaning of Article I of the Convention of May 4, 1910.[39]

Even with the specification of 'both sexes', the technical construction of the Convention still left the definition of what a male child was unclear. Was the male child any male under the age of consent enshrined in the 1921 Convention? The Convention simply stated that, 'In paragraph B of the final Protocol of the Convention of 1910, the words "twenty completed years of age" shall be replaced by the words "twenty-one completed years of age."[40] While the 1910 Convention had specifically applied only to 'women' and 'girls', the 1921 Convention did not explicitly specify whether its age-limit was

[35] Report submitted to the Second Assembly by the Fifth Committee, 23 September 1921, ibid.
[36] I have not been able to locate any minutes or notes referring to the content of this meeting. The absence of any such evidence has been confirmed by Jacques Oberson, Archivist at United Nations Library and Archives in Geneva. Jacques Oberson, email message to author, 17 February 2025.
[37] Provisional Verbatim Record of the Second Assembly, September 1921, R1367/26/15465/15465: 2.
[38] Ibid., 3-6.
[39] Article 2, International Convention for the Suppression of the Traffic in Women and Children, 30 September 1921, Chapter VII, 3, U. N. Treaty Series. Emphasis added.
[40] Article 5, ibid.

to apply to girls or 'children of both sexes'.[41] The inclusion of male children in the provisions of the 1921 Convention was, therefore, ambiguous from the start. Male children were not explicitly defined and, without much (if any) international cognisance of the change in remit, the actual protections afforded to male children were unclear.

Given that League delegates appeared far more interested in debating female consent than in protecting male children, how far did this extension of protection to male children in the 1921 Convention reflect broader conceptualisations of male children as potential victims of sexual violence? To answer this question, it is helpful to draw upon contemporaneous queer history to explore male victimhood. Certainly, in Britain, male children had become more widely recognised as requiring legal protection from sexual abuse since the 1880s.[42] Yet the types of abuse recognised took very specific forms. As detailed in chapter two, the 1885 Criminal Law Amendment Act introduced the new offence of 'gross indecency', which subsumed the earlier offence of 'indecent assault' but provided no age of consent.[43] This meant that male children who were victims of a sexual assault by a man could, in theory, also be charged with the same offence. This was, therefore, an attempt to suppress homosex rather than a recognition of male *children* as potentially vulnerable to sexual violence – though, as chapter two detailed, age did play a role in determining whether male victims of 'homosexual' exploitation were culpable, likely due to the concurrent law on age of criminal responsibility.[44]

The Punishment of Incest Act, introduced in 1908, also reflected ideas about the possibilities of male victimhood. The Act criminalised carnal knowledge by a male of a female blood relative as a misdemeanour, and also made it a criminal offence for a female aged 16 or over to 'permit' a male blood relative – including her son – to have sexual intercourse with her.[45] The statute, therefore, technically recognised the possibility of the sexual abuse of male children by their mothers, but contained no provision for abuse by male relatives. What is striking about such a development is that

[41] Article 1, International Convention for the Suppression of the White Slave Traffic, 4 May 1910, Chapter VII, 10, U. N. Treaty Series.
[42] The British example has been chosen due to the geographical focus of this thesis.
[43] Criminal Law Amendment Act 1885, 48 & 49 Vict., c. 69, sections 4, 5 and 11.
[44] Sharma, "The Criminal Responsibility of Children," 161-62.
[45] Punishment of Incest Act 1908, 8 Edw. 7, c. 45, sections 1 and 2.

no other area of law recognised the sexual abuse of male children by women: the gendered nature of the law on rape meant that male children could not be technically raped, while 'gross indecency' was defined as being committed by a 'male person'.[46] However, the statute appears less remarkable when its language is considered, as it served to recognise female culpability in *allowing* a sexual act *by* a male, rather than recognising possible sexual acts done *by* a female *to* a male. Indeed, research on incest cases has suggested that male children were not represented in these as victims. [47]

Yet there were conditions in which women were constructed as sexually dangerous to men and male children. As chapter two demonstrated, the debates around the 1885 Criminal Law Amendment Act were preoccupied with how to protect men and boys from potential criminal charges, should they be seduced by sexualised working-class female children. Similarly, the 1911 Prevention of Immorality Bill, which proposed raising the female age of consent to nineteen, also included a vague section to 'protect lads under the age of 19 from women of abandoned character'. While it was unclear whether the offence under this section included solicitation or sexual acts, or potentially both, it reflected older concerns over the threat of working-class female sexuality to British male youth.[48] Although the 1911 bill was dropped before its second reading, Parliament passed a further Criminal Law Amendment Act in 1922, which set the age of consent for indecent assault of any young person, regardless of gender, at 16.[49] By 1922, the inability to consent was therefore, for the first time in Britain, based primarily on age, rather than gender.[50]

The protection of male children was also related, furthermore, to wider concerns about obscenity and sexual purity. Nineteenth-century writers had long warned of the degrading moral, physical and psychological effects of masturbation.[51] Largely driven by social purity movements, such

---

[46] Criminal Law Amendment Act 1885, 48 & 49 Vict., c. 69, sections 4, 5 and 11.
[47] For example, in her research on child abuse in Ireland between 1889-1956, Sarah-Anne Buckley found no cases of incest involving boys as victims, except those in which they were implicated in sibling incest. Sarah-Anne Buckley, *Cruelty Man: Child Welfare, the NSPCC and the State in Ireland, 1889-1956* (Manchester: Manchester University Press, 2015), 167. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1oeaegk/cdi_jstor_books_j_ctt18mbdsx.
[48] Prevention of Immorality Bill 1911, no. 40, section 5.
[49] HC Deb. (5th ser.) (15 Feb. 1911) (21) col.1064. There was, unfortunately, no reason given as to why the bill was dropped. Return of Public Bills (1911), House of Commons Papers, 7. 1922 Criminal Law Amendment Act, 12 & 13 Geo. 5, c.56, section 1.
[50] The Act applied to England, Wales and Scotland. Ibid., sections 4 and 6.
[51] Steven Marcus, *The Other Victorians: A Study of Sexuality and Pornography in Mid-Nineteenth-Century England* (Oxon: Routledge, 2017), 19-21.

as the National Vigilance Association, the proliferation of pornographic materials was constructed as being morally corrupting.[52] In Britain, male children were positioned as being at particularly high risk of such corruption, as masturbation was linked to effeminacy.[53] The sexual corruption of male children, configured as occurring through masturbation and the consumption of pornography, constituted, as a result, a threat to the masculinity and, therefore, the integrity of the future fathers of the British race.[54] Thus, by the time of the 1921 Convention, male children were emerging in British national discourse and laws as requiring legal protection from sexual violence.

The League's first enquiry into international trafficking

In theory, the 1921 Convention set the parameters of the League of Nations' anti-trafficking strategy, which was largely the domain of the Advisory Committee on Traffic in Women and Children (ACTWC), formally established by the League's Council in September 1921.[55] The primary function of the ACTWC was to collate and share information on member states' domestic anti-trafficking laws and their adherence to the 1921 Convention in order to advise the Council – which functioned as the League's executive arm, along with the Assembly – regarding policy and the "general supervision" of adherence to international law.[56] The League's Secretary General thus invited governments and voluntary organisations involved in anti-trafficking work to send representatives to serve on the

[52] Heath, *Purifying Empire*, 69.
[53] Levine, "Sexuality, Gender, and Empire," 137.
[54] Heath, *Purifying Empire*, 70-72.
[55] Provisional Minutes of the 14th Session of the Council of the League of Nations, September 1921, R655/12/16210/13895: 2; Verbatim Report, Fifth Meeting of the Council, Fourteenth Session, 12 September 1921, R1411/27/15254/2764/Jacket1, 3, 10, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/fourteenth-session-of-the-council-geneva-august-september-1921-verbatim-report-first-meeting-30-august-1921-and-subsequent-meetings-fifth-meeting-12-september-1921.
[56] Final Act of the Conference on the Traffic in Women and Children, July 1921, R655/12/13895/13895: 5; William F. Snow, "The Program of the League of Nations Advisory Committee on the Traffic in Women and the Protection and Welfare of Children and Young People," *Proceedings of the Academy of Political Science in the City of New York* 12, no. 1 (1926): 412, https://doi.org/10.2307/1180410; Jean Siotis, "The Institutions of the League of Nations," in *The League of Nations in Retrospect: Proceedings of the Symposium*, ed. Arnold Angenendt (Berlin, New York: De Gruyter, 1983), 24; Jessica R Pliley, "Claims to Protection: The Rise and Fall of Feminist Abolitionism in the League of Nations' Committee on the Traffic in Women and Children, 1919–1936," *Journal of Women's History* 22, no. 4 (2010): 93, https://doi.org/10.1353/jowh.2010.a405411.

ACTWC.[57] At the first meeting in 1922, there were nine government representatives (from the British Empire, Denmark, France, Italy, Japan, Poland, Romania, Spain and Uruguay) and five representatives from voluntary organisations (the International Bureau for the Suppression of Traffic in Women and Children, a coalition known as the International Women's Organisations, the International Catholic Association for the Protection of Girls, the Federation of National Unions for the Protection of Girls, and the Jewish Association for the Protection of Girls and Women) – though the number of both groups increased over time.[58] Unlike government representatives, voluntary representatives could not vote on the Committee, but they still proved influential in shaping debates and outcomes by presenting reports on trafficking and putting forward proposals on which government representatives could vote.[59]

While the ACTWC collated information on national laws in the form of annual reports, it was decided early on that this would not be enough evidence upon which to base policy. In March 1923, Grace Abbott, the unofficial representative of the United States, submitted a memorandum proposing an enquiry to ascertain the 'facts' of the traffic.[60] Abbott was head of the Children's Bureau in Washington, DC, and sat on the board of the American Bureau of Social Hygiene (ABSH).[61] The Council formally adopted the proposal the following month, and committed to establishing an expert committee to conduct the enquiry, known as the Special Body of Experts (SBE)[62] As official League

[57] Eric Drummond to David Lloyd George, 17 January 1922, R647/12/18613/13720, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/permanent-advisory-committee-on-traffic-in-women-and-children-representation-of-great-britain.
[58] Advisory Committee on Traffic in Women and Children, 'Report on the Work of the Committee at its First Session', held at Geneva from June 28th to July 1st, 1922, approved by the Council on July 17th, 1922, A-9-1922-IV_BI, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/advisory-committee-on-the-traffic-in-women-and-children-3. By the outbreak of war, there were twenty-one government representatives and eleven members from voluntary associations. Barbara Metzger, "Towards an International Human Rights Regime during the Inter-War Years: The League of Nations' Combat of Traffic in Women and Children," in *Beyond Sovereignty: Britain, Empire and Transnationalism, c. 1880–1950*, ed. Kevin Grant, Philippa Levine, and Frank Trentmann (London: Palgrave Macmillan, 2007), 60.
[59] Metzger, "Towards an International Human Rights Regime," 60.
[60] Despite not being a member, the U.S. had been invited by the League to send an unofficial representative to the Advisory Committee on Traffic in Women and Children.
[61] Knepper, "The Investigation," 54-55.
[62] The Special Body of Experts was made up of Dr William F. Snow (chairman; AMSH), Princess Donna Cristina Bandini of Italy (founder of the Union of Italian Catholic Women), Bascom Johnson of the U.S. (AMSH), Isidore Maus (Head of the Child Welfare Division of the Belgian Government), Sidney Harris (British civil servant responsible for the children's branch of the Home Office), Dr Paulina Luisi of Uruguay (gynaecologist and leading feminist activist), Alfred de Meuron of Switzerland (Head of the IB), Yotaro

funds were not available for such purposes, the League accepted funding for the enquiry from the ABSH.[63] Dr William Snow, Director of the American Social Hygiene Association (ASHA), which was also funded by the ABSH, was appointed as chairman of the commission, and he drafted in his colleague at ASHA, Bascom Johnson, to manage the field investigations. Thus, although the U.S. was not a member of the League, there was significant U.S. influence in League anti-trafficking knowledge production.

It is worth noting that Abbott's memorandum departed from the terms of the 1921 Convention (namely, the legal protection for 'children of both sexes') by referring only to the 'traffic in women and girls.' While the subsequent resolution adopted by the Council used the term 'women and children', 'both sexes' was not specified, and it is therefore unclear whether the concept of the 'child' was understood by the Council and those on the SBE as gender neutral. Indeed, there appears to have been no discussion over Abbott's gendered construction of the subjects of the enquiry. As this next section will demonstrate, individuals deployed their own ideas about trafficking in setting the parameters of the enquiry, and ultimately strayed from the terms enshrined in the 1921 Convention. Such League fact-finding activity would, furthermore, ultimately shape how the 'child' was rendered an object of knowledge production and, therefore, legal protection.

Setting the parameters, (re)defining victims

Even before the enquiry of the SBE was launched, the ACTWC had set a precedent for moving beyond the terms of the 'traffic' as defined in the 1921 Convention. During the ACTWC's second meeting in March 1923, the Polish representative of the Assembly, Franciszek Sokal, moved a resolution recommending that the Council prohibit the employment of foreign women in registered

---

Sugimura (from the Japanese Ministry of Foreign Affairs), and Joseph Louis Hennequin (Director of the French Anti-Traffic Society). Paul Knepper, "The League of Nations, Traffic in Women and the Transnationalization of Criminal Law," *Rechtsgeschichte* 30 (2022): 135, https://doi.org/10.12946/rg30/131-144; Minutes of the 24th Session of the Council, 17 April 1923. R1415/27/27860/2764/Jacket1, 2, 5-6, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/minutes-of-the-24th-session-of-the-council-from-17-april-1923.

[63] Minutes of the 24th Session of the Council, 17 April 1923. R1415/27/27860/2764/Jacket1: 6; Snow, "The Program," 413.

brothels. The debate that followed exposed a complicated ideological rift within the committee.[64] Avril de Sainte-Croix, of the International Abolitionist Federation, or IAF (which typically supported abolishing all state regulation of prostitution) opposed the motion from a 'legal point of view', on the basis that foreign women could not be accused of a crime if the brothels they worked in were legal according to national legal norms. The French delegate echoed de Sainte-Croix, pointing out that the 1921 Convention sought to curb 'the procuring of minors with a view to prostitution, with or without their consent, and the procuration of women by violence, threats, or constraint.' Prostitution, he contended, did not fall within the remit of the Convention, nor the remit of the League according to its Covenant.[65] Annie Baker, of the International Bureau, or IB (which typically supported state regulation of prostitution), on the other hand, voted in favour of the resolution, since it, she argued, 'struck at the market of the traffickers'.[66]

The crux of the matter for the ACTWC, however, was *foreign* prostitutes. While the IAF generally adopted a more transnational approach to anti-trafficking, the IB was strongly motivated by the desire to control the movement of white women to non-white countries.[67] National delegates, however, supported Sokal's resolution on the grounds that it would constitute a blow to the problem of trafficking, and hence it passed with four votes to two (with two abstentions and one absence.)[68] Already, by its second session, the ACTWC had departed from the definition of 'trafficking' set out in the 1921 Convention, and thus succeeded in redefining the remit of its activity as its members saw fit.

Likewise, the parameters of the first SBE enquiry (a second would be launched in 1927) also reflected individual actors' ideas about trafficking. It was decided early on that the initial enquiry

---

[64] Typically, the IAF sought to abolish state-regulated prostitution, while the IB supported state control of sexuality. Limoncelli, *The Politics of Trafficking*, 46-69. However this specific debate suggests the ideological rift did not always follow such predictable patterns. Magaly Rodríguez García, "The League of Nations and the Moral Recruitment of Women," *International Review of Social History* 57, no. 20 (2012): 102, https://doi.org/10.1017/S0020859012000442.

[65] Advisory Committee on the Traffic in Women and Children, Minutes of the 4th meeting, Second Session, 23 March 1923, 20, R671/12/35183/28269, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/committee-of-experts-to-enquire-into-the-traffic-in-women-and-children-april-1924-committe-of-experts-geneva-draft-report-by-the-chairman-for-the-consideration-of-the-committee.

[66] Advisory Committee on the Traffic in Women and Children, Minutes of the 4th meeting, Second Session, 23 March 1923, 21, ibid.

[67] Limoncelli, *The Politics of Trafficking*, 44, 48-54, 58-61.

[68] Advisory Committee on the Traffic in Women and Children, Minutes of the 5th meeting, Second Session, 24 March 1923, 25, R671/12/35183/28269.

would take a two-pronged approach: an intercontinental on-the-ground investigation would gather testimony from those involved in the traffic; and a questionnaire would be sent out to governments to gather official information.[69] The first task of the SBE, however, was to establish the scope of the first enquiry. At the first session, held in April 1924, the SBE agreed to conduct an in-depth, geographically specific investigation that focused on what they considered the most notorious trafficking routes from Europe to the Mediterranean and North and South America. Furthermore, any discussion of defining trafficking victims was focused on Paulina Luisi's proposal to 'distinguish between two classes of women, […] those who were already prostitutes, […] and those whose good faith had been exploited and who had fallen into a trap.'[70] Beneath this moral classification of women was the question of consent, namely, the need to distinguish between consenting prostitutes and women who had been trafficked without their consent. Under the 1921 Convention, only the latter group was afforded legal protection. However, the meeting concluded with no discussion of what was meant by 'children', and whether this term included male children.

By the end of the first session, the committee had not been able to settle on a definition of 'traffic', and 'the framing of definitions was postponed until a future session.'[71] It is therefore clear that, from the start, the SBE intended to depart from the specific terms of the 1921 Convention. Yet this question of defining 'traffic' was never officially resolved and was certainly left open when the first investigations began, in the summer of 1924.[72] Rather, what the SBE considered as constituting 'trafficking' was heavily influenced by the American social purity movement, namely through the ideological stance of Dr William Snow, the Chairman of the Commission, and Bascom Johnson, the Director of Investigations, who both held positions at the ASHA. The ASHA, one of the 'most effective' social purity organisations, was the embodiment of the moral panics which emerged in the

[69] Report of the Special Body of Experts on Traffic in Women and Children, Part 1. (United Nations Library & Archives, Geneva: 1927). 5, https://archives.ungeneva.org/report-of-the-special-body-of-experts-on-traffic-in-women-and-children-part-1: 5
[70] Minutes of the Fourth Meeting, 2 April 1924, 4, Meeting of the Special Body of Experts, Minutes of the First Session, April 1924. S169/24/2, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/meeting-of-special-body-of-experts-minutes-of-the-first-session-english.
[71] Special Body of Experts, Report on the Work of the First Session, 4 April 1924. R671/12/35183/28269., 8-9, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/committee-of-experts-to-enquire-into-the-traffic-in-women-and-children-april-1924-committe-of-experts-geneva-draft-report-by-the-chairman-for-the-consideration-of-the-committee.
[72] Knepper, "The Investigation," 58.

U.S. around the turn of the century, which were provoked by a combination of rapid industrialisation and war-time concerns over the health of soldiers.[73] Established in 1914, ASHA was chiefly concerned with eradicating all forms of sexual vice and, therefore, venereal disease, which it classed as 'the very worst foe[…] of civilization'.[74] It directly linked the myriad 'immoral' behaviours which so alarmed U.S. reformists, such as alcohol consumption, excessive eating, 'hot spices' and lack of exercise, to sexual vice and, thus, the feared decline of the white race.[75] As noted above, the trafficking of male children was constructed as same-sex sexual exploitation, yet homosex does not appear to have been an urgent priority of the ASHA. The post-First World War landscape of the U.S. was marked by police crackdowns and anti-homosexual campaigns yet, while other anti-vice societies took charge in addressing same-sex relations, the ASHA was predominantly focused on eradicating female prostitution and the sexual double-standard that sanctioned male adultery.[76] The vice reports of the ASHA were thus preoccupied with 'immoral' heterosexual relations between 'immoral men' and 'prostitute girls'.[77] Homosexuality appears to have first entered the ASHA vice reports in 1931, when it was 'noticed' but not deemed pressing.[78] In the 1920s, the ASHA's focus on female sexual purity therefore eclipsed concerns over same-sex 'vice'. That the SBE understood 'trafficking' to be an offence committed exclusively upon women and female children and, therefore, excluded male children from the SBE's first enquiry, was likely a result of the social reform world of the U.S. in which Johnson and Snow were operating.

In their work on the SBE's first enquiry, Johnson and Snow employed a gendered construction of the term 'child' and, ultimately, the SBE dropped the term 'child' for the term 'girl' in

---

[73] George Chauncey, *Gay New York: Gender, Urban Culture, and the Making of the Gay Male World, 1890-1940* (New York: Basic Books, 2008), 143. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991025704324707351. Kristin Luker, "Sex, Social Hygiene, and the State: The Double-Edged Sword of Social Reform," *Theory and Society* 27, no. 5 (1998): 606, https://doi.org/10.1023/A:1006875928287.
[74] Charles W. Eliot., "The American Social Hygiene Association," *Journal of Social Hygiene* 1, no. 1 (1914), https://digital.library.cornell.edu/catalog/hearth4732756_183_001.
[75] Ibid., 3-4.
[76] The Society for the Suppression of Vice led the campaign against homosexuality in the Progressive Era U.S. Chauncey, *Gay New York*, 146-47. Luker, "Sex, Social Hygiene, and the State," 606-07.
[77] A 2nd Report on Vice Conditions in the City of Lancaster, PA. American Social Hygiene Association (1915). https://catalog.hathitrust.org/Record/100539688.
[78] Progress Report: Commercialized Prostitution Conditions in New York City. American Social Hygiene Association (1931). 17-18, https://dimes.rockarch.org/objects/6qW6qsmHLQuqT8VknuhW5z/view.

the enquiry's remit. According to Johnson, writing in 1928, the definition of *traffic* as set out in the 1921 Convention 'was abandoned by the Experts' when determining the scope of the enquiry.[79] This was due, he claimed, to the impossibility of determining the age of trafficked victims due to the number of cases involving 'fraudulent birth certificates', and because,

> it was believed that no woman, even though she be an experienced prostitute, can possibly understand and therefore consent in advance to the sort of exploitation and virtual slavery to which she is often subjected in a foreign country of whose language and customs she is ignorant and where she is far from home and friends.[80]

This characterisation was not strictly accurate. The SBE never made a formal decision to abandon the terms of the 1921 Convention and to, instead, expand the definition of 'traffic' to all women, regardless of age. Rather, the move away from the Convention's definition was a gradual one and, while there was certainly support for expanding the definition of trafficking among influential social reformers, this was a position encouraged by Snow.[81] At the second meeting of the SBE in October 1924, Snow began the session by stating that 'it is my opinion that the evidence collected is convincing' as it showed 'that there is still a great deal of undesirable influencing of women to leave one country and go into another to lead lives of prostitution.' He continued that he would like the committee 'to weigh the evidence' which Johnson planned to present that day 'from the point of view of a gradually changing process of international traffic which may not', he noted, 'come under any very narrow definition of international traffic' – of, in other words, the definition of 'traffic' in the 1921 Convention.[82]

---

[79] Bascom Johnson, "International Traffic in Women and Children," *Journal of Social Hygiene* 14, no. 2 (1928): 68, https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1oeaegk/cdi_proquest_miscellaneous_58106102.

[80] Ibid., 68-69.

[81] Alison Neilans, General Secretary of the Association for Moral and Social Hygiene, wrote to Snow in 1924 encouraging the Committee to include 'willing women' in its parameters. Kozma, *Global Women*, 28-29.

[82] Verbatim Report of the First Meeting, 3 October 1924, 8, Meeting of Special Body of Experts, Minutes of the Second Session, October 1924. S169/24/4, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/meeting-of-special-body-of-experts-minutes-of-the-second-session.

That the Convention's parameters had been abandoned in favour of an alternative definition of 'traffic' in the investigation became clear in Johnson's methodology. By his own admission, Johnson found it 'difficult' to gather data in the United States as, unlike the 1921 Convention's definition, the domestic definition of 'trafficking' there did 'not distinguish between age groups nor consider whether […] force or fraud' were involved.[83] Indeed, the Mann Act of 1910 had prohibited the transportation of all women and girls across state lines for 'immoral' purposes, regardless of their consent.[84] In determining cases of 'trafficking' in the United States for the SBE's first enquiry, Johnson therefore gathered all cases that could be deemed 'trafficking' under U.S. law, namely all cases involving prostitution, regardless of age or consent.[85]

By July 1926, Snow was openly suggesting that the question of defining trafficking had been abandoned by the SBE, so as to not be 'bound […] by too broad or too narrow a definition.'[86] Yet the SBE's first enquiry and the report it produced suggests that certain parameters were imposed, and that these excluded male children. According to the report, the enquiry investigated 'cities and countries to which *women* are alleged to have been sent for purposes of prostitution.'[87] The report's first chapter, titled 'The Character of the Traffic', also began with the question: 'Is there still a traffic in *women and girls*?'[88] The chapter continued, 'For the purpose of this study, international traffic has been taken as meaning primarily the direct or indirect procuration and transportation for gain to a foreign country of *women and girls* for the sexual gratification of one or more other persons.'[89] As such, the 'main questions' of the enquiry exclusively referred to the trafficking of 'women'.[90] Male children were, therefore, placed strictly outside its remit.

---

[83] Verbatim Report of the Second Meeting, 3 October 1924, 26, ibid.
[84] The Mann Act was a direct response to the white slave traffic panic as it manifested in the U.S., following the Dr. Katherine Bushell's exposé on prostitutes supposedly forced to work in lumber camps. Pliley, "Protecting the Young," 158-64.
[85] Verbatim Report of the Second Meeting, 3 October 1924, 26, Meeting of Special Body of Experts, Minutes of the Second Session, October 1924. S169/24/4.
[86] Verbatim Report of the First Meeting, 7 July 1926, 10, Meeting of Special Body of Experts, Minutes of the Fourth Session, July 1926. S169/24/5, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/meeting-of-special-body-of-experts-minutes-of-the-fourth-session.
[87] Report, Part 1, 5. Emphasis added.
[88] Ibid., 9. Emphasis added.
[89] Ibid. Emphasis added.
[90] Ibid., 10.

The enquiry's questionnaire, incoming responses and traces of male children

In addition to the field investigations, the SBE's first enquiry included a questionnaire sent to the governments of all League members.[91] Six draft questionnaires were put forward by members of the SBE, with all but one constructing trafficking victims as exclusively female; while Snow's draft included mention of 'children', the questions were largely focused on 'women' and, as has been established, 'children' was not necessarily understood as a gender-neutral term.[92] The only draft to acknowledge male children specifically as potential trafficking victims was produced by Isidore Maus, who sat on the SBE and was the Head of the Child Welfare Division of the Belgian Government. One question on his proposed questionnaire asked the 'estimated number of children under 16 years of age employed for purposes of prostitution' and specifically differentiated between 'girls' and 'boys'.[93] Maus's lengthy draft also included questions about the 'number of men known who practice homosexual intercourse habitually,' and differentiated between 'adults' and 'minors'. Given his apparent interest in collecting data on homosex between adult men, Maus's draft is therefore better understood as an attempt at fact-finding on 'immoral' sexual behaviour more widely, rather than a commitment to the definition of 'children of both sexes' in the terms of the 1921 Convention.[94]

Maus's draft was eventually deemed too lengthy, however, by the members of the SBE, and his inclusion of male trafficking victims was ignored.[95] Instead, the final version of the questionnaire used was based on Snow's draft.[96] It asked for evidence of 'traffic in women and children' as well as trafficker profiles; information suggesting a change in the 'age, status, etc.' of trafficked 'women and

[91] New General Questionnaire on Traffic in Women and Children, 1924, File R685/12/35511/35160, 1, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/new-general-questionnaire-on-traffic-in-women-and-children-1924-secretary-general-requests-governments-to-furnish-the-secretariat-for-submission-to-the-body-of-experts-the-information-asked-for-in-questionnaire.
[92] Dossier concerning preparation of a new general questionnaire on Traffic in Women and Children, 1924, R685/12/35160/35160, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/dossier-concerning-preparation-of-a-new-general-questionnaire-1924-on-traffic-in-women-and-children.
[93] Isidore Maus, 'Draft Questionnaire on Prostitution in General and its Regulation', 5, in ibid.
[94] Ibid. There does not appear to be any information available publicly on Maus's personal views of homosexuality.
[95] Minutes of the Second Meeting, 1 April 1924, 6-7, in Meeting of the Special Body of Experts, Minutes of the First Session, April 1924. S169/24/2.
[96] Minutes of the Sixth Meeting, 4 April 1924, 4, in ibid.

children'; and statistical data for both 'male and female immigrants' and, particularly, data on 'foreign women' immigrants and the numbers of those working as prostitutes.[97] While the questionnaire predominantly focused on female victims, it did allow for the possibility of male children being included in the objects of enquiry in its reference to male immigration and in its use of the term 'children' (which could be interpreted as gender-neutral by responding governments, even if this was not how the SBE understood or intended the term to be used).

Of the thirty-seven responses from governments to the questionnaire, however, only three explicitly mentioned the trafficking of children of both sexes.[98] This is less significant as 'evidence' of trafficking in male children than as demonstrating that some governments understood male children to be within the remit of the League's enquiry. For instance, the Netherlands used this opportunity to showcase the success of domestic laws in tackling trafficking, by stating, in its response, that before the criminalisation of 'immorality with minors of the same sex […] a traffic in boys was carried on.'[99] Perhaps more interesting, however, were the responses from authorities in Southeast Asia. The response from the Dutch government for the Dutch East Indies (DEI), for example, referred to a traffic in both 'boys and girls' from China to the DEI.[100] In Kedah, a British protectorate on the Malay peninsula, the government reported that enquiries had revealed 'some evidence […] to show that young women and *children of both sexes* are being imported into British Malaya for sale and for immoral purposes from China' via Bangkok and Thailand.[101] The Thai government was also

[97] New General Questionnaire on Traffic in Women and Children, 1924, File R685/12/35511/35160.
[98] See series R685-R686/12/35160, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/questionnaire-on-traffic-in-women-and-children-2. By the time the questionnaire was distributed, in April 1921, sixteen League members, plus twenty-three territories of the British Empire, had ratified the 1921 Convention. The League requested responses from all members, however, not just those who were party to the 1921 Convention.
[99] Reply of the Netherlands government, 12 September 1924, (English translation), 3, in Questionnaire on Traffic in Women and Children, Reply of the Netherlands, 1924. R685/12/38349/35160, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/questionnaire-on-traffic-in-women-and-children-1924-reply-of-the-netherlands.
[100] Reply to Questionnaire as regards the Dutch East Indies, 13 January 1935 (English translation), 2, in ibid.
[101] G. W. Villiers to Eric Drummond, 26 February 1925, 5, in Questionnaire on Traffic in Women and Children (1924) - Replies from Relief British Colonies and Protectorates, non-members of the League. R685/12/38631/35160, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/questionnaire-on-traffic-in-women-and-children-1924-replies-from-relief-british-colonies-and-protestants-non-members-of-the-league. Emphasis added.

conscious of a traffic in Chinese boys, which it attributed to political unrest in China.[102] It is worth noting that, while trafficking in male children in the Netherlands appears in the archive as a past event – as evidence of the success of Dutch legal reform – the two other sites of trafficking in male children were colonial territories. Responding to the League from such sites, these colonial governments interpreted the SBE's questionnaire to include the sexual exploitation of male children. While the political turmoil in China appeared to have stimulated the trafficking of both male and female children, it is not insignificant that these reports were coming from areas, in other words, in which the local population was imagined by colonial authorities as being predisposed to homosexuality.[103]

What came of these reports of male children as trafficking victims? In the minutes of the SBE meeting in which the preliminary results of the field enquiry and questionnaire responses were discussed, there is no mention of them. The questionnaire responses were regarded as secondary to Johnson's field investigations and, in the end, the session concluded without a discussion on the questionnaire findings. Instead, Isidore Maus's summary of the responses was circulated to members at the end of the last meeting of that session.[104]

Perhaps surprisingly, given his inclusion of male children in his draft questionnaire, Maus made no mention of the reports of male child trafficking victims in his summary.[105] Although he specifically mentioned the report from the Dutch East Indies, and the role of political turmoil and famine in China in stimulating the traffic, there was nothing in Maus's summary to suggest there were male child victims trafficked for sexual exploitation.[106] Instead, Maus slipped between the phrases 'women and girls', and 'women under age' in summarising the questionnaire responses.[107] Of course, this is most likely due to the rarity of male children in the questionnaire responses. Yet what is

---

[102] Report from the Siamese Government in reply to the Questionnaire, 3 November 1924, in R686/12/39966/35160, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/questionnaire-on-traffic-in-women-and-children-1924-reply-of-siam.
[103] Bleys, *The Geography of Perversion*, 148.
[104] Verbatim Report of the Eighth Meeting, 30 July 1925, 15, in Meeting of Special Body of Experts, Minutes of the Third Session, July 1925. S169/24/3, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/meeting-of-special-body-of-experts-minutes-of-the-third-session.
[105] Isidore Maus, 'Summary of Replies by Governments to the 1924 Questionnaire on Traffic in Women and Children', 3rd Session of Committee of Experts on Traffic in Women and Children, 30 July 1925. R686/12/45372/35160, LON, United Nations Library & Archives, Geneva.
[106] Ibid., 2.
[107] Ibid., 1-3.

perhaps important is that the inclusion of the male child in these reports directly challenged the gendered remit in regard to trafficking adopted by the SBE. The erasure of such children in Maus's summary ensured, however, that the gendered construction of trafficking victims could appear unproblematic.

The report of the first enquiry

The findings of the first enquiry, incorporating the field investigations and questionnaire responses, were published in two reports in 1927. The first summarised the findings and included commentary on the causes of 'the traffic', relevant factors in relation to this, and recommendations to suppress it.[108] Part two was essentially a collection of all the information gathered through the enquiry, arranged by country.[109] The reports were then presented to the ACTWC and the Council to provide evidence upon which to base further League anti-trafficking policy, including legal change. They were also circulated to the press which, in pronouncing the undisputable existence of a traffic in women and girls, undeniably served to underscore the League's authority.[110]

It is at this point that the trace of the male child in the first enquiry goes cold. Neither part one or part two of the published report made mention of the male child trafficking victims in the questionnaire responses for Kedah or the DEI – which is particularly notable given that part two was intended as a collation of all the evidence collected. The first report included a verbatim extract of the Dutch response to the questionnaire for the Netherlands to underscore its argument that the system of state-regulated prostitution fuelled the traffic, which preyed on 'easy' female 'victims'.[111] This description of female 'natural frivolity' was used to support the SBE's definition of 'traffic', as women and girls were constructed as inherently naïve and, therefore, as vulnerable to being duped into being trafficked. The construction of the naïve female trafficking victim served a dual purpose.

---

[108] Report, Part 1, 3.
[109] Report of the Special Body of Experts on Traffic in Women and Children, Part 2. (United Nations Library & Archives, Geneva: 1927). 5, https://archives.ungeneva.org/report-of-the-special-body-of-experts-on-traffic-in-women-and-children-part-2.
[110] Knepper, "The Investigation," 64.
[111] Report, Part 1, 14.

Firstly, it partially placed the blame on trafficking 'victims' by positioning their 'trafficking' as a result of their failure to confirm to feminine ideals – by, for instance, daring to travel for work.[112] Secondly, by portraying these women and girls as gullible and 'frivolous' this construction implied these women were not inherently immoral and, therefore, still worth 'saving'. By contrast, the male victims featured in the same file were rendered completely invisible.[113]

The second enquiry into the 'East'

It was only when the SBE turned its geographic focus to Asia that reports of male children being trafficked became more visible in the archive. The SBE had begun discussing the prospect of a second enquiry into the traffic in Asia as early as 1925, when Japanese representative Yotaro Sugimura produced a report for the SBE on the 'matter relating to the problem [of trafficking] in the Far East.'[114] Sugimura convinced the SBE that the conditions in Asia were 'substantially different' from those in Europe and the Americas and, therefore, required a separate enquiry.[115] The enthusiasm for an investigation into Asia ran both ways. As news of a potential enquiry into the 'East' spread, Indian vigilance associations linked to the International Bureau wrote to the League 'inviting them to include India within the scope of their enquiries and promising whole-hearted co-operation.[116] In 1929, the ACTWC therefore moved to request that the Council extend the trafficking enquiry, which it did after receiving consent from various governments.[117]

---

[112] This was a trope also deployed by social purity movements involved in anti-trafficking work in Britain, and one which continued after the end of World War Two. See Caslin, *Save the Womanhood!*, 49-50, 120-24.
[113] Report, Part 1, 14.
[114] Verbatim Report of the First Meeting, 27 July 1925, 1 in Meeting of Special Body of Experts, Minutes of the Third Session, July 1925. S169/24/3. Unfortunately, it appears that Sugimura's report no longer exists. Oberson, email message to author, 19 February 2025.
[115] Verbatim Report of the Eighth Meeting, 30 July 1925, 4, in ibid.
[116] Bombay Vigilance Association*, Sixth Annual Report (1928-1929)*, (Bombay), 12, TWL, 3AMS/C/07/03. The Bombay Vigilance Association was made up of both Indians and Europeans, see 'List of Committee Members, 1928' in ibid. See also Minutes of the 9th meeting, 24 April 1929, 61, in Advisory Committee on Traffic in Women and Children, Minutes of the 8th Session, April 1929. R3038/11B/11614/2776., United Nations Library & Archives, Geneva, https://archives.ungeneva.org/committee-on-traffic-in-women-and-children-8th-session-of-committee-on-traffic-in-women-and-children-proces-verbaux-texts.
[117] Once again, the enquiry into the East was funded by the New York Bureau of Social Hygiene. Commission of Enquiry into Traffic in Women and Children in the East, Report to the Council (1933), IOR/L/E/7/1334 File 760, 5, 12, British Library.

The investigation into the 'East', however, adopted a different methodological approach than the previous enquiry. Government representatives had lambasted the first enquiry's reliance on first-hand testimony from traffickers and prostitutes, arguing that such evidence was inherently unreliable.[118] The second enquiry, therefore, instead focused solely on 'official' sources, namely upon information supplied by governments and judges, in addition to doctors and faith-based organisations.[119] Fears regarding 'Eastern' reliability and 'sensitivity' doubtless also played into this decision. Certainly, in the colonial Indian context, as noted in chapter four, British administrators imagined colonised peoples to be inherently untrustworthy witnesses.[120] It is likely, then, that the second enquiry opted to use testimony from 'official' and 'respectable' sources to avoid the pitfalls of relying on indigenous testimony that was believed to be fallible. Where the investigators in the first enquiry had delved into the underworld of prostitution, the second enquiry demanded a narrower and more 'careful consideration'.[121] For instance, the practice of temple dedication in India, which was discussed in chapter six and was understood as a form of trafficking sanctioned and practiced by Hindus, was referenced as a reason to restrict League fact-finding efforts in India to subjects that would not touch upon the 'customs' of the local population. At a meeting of the Commission of the Enquiry in the East, in which the scope and methods of the enquiry were discussed, Grace Abbott, for example, who was the director of the U.S. Children's Bureau, argued that temple dedication should be investigated. Sir Henry Wheeler, however, who was the representative for Great Britain and a former governor in colonial India, balked at the suggestion, by pointing out that the League already had detailed reports on temple dedication as a practice, and that it would be 'highly objectionable' for investigators to enter temples and question priests on the matter.[122] Thus, the second enquiry's scope

[118] Minutes of the Second Meeting, 25 April 1927, 10, in Advisory Committee on Traffic in Women and Children, Minutes of the 6th Session, April 1927. 766729, 37, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/0000766729-d0001; Kozma, *Global Women*, 32-33, 38.
[119] Rodríguez García, "Beware of Pity," 105.
[120] Arondekar, *For The Record*, 13; Elizabeth Kolsky, "'The Body Evidencing the Crime': Rape on Trial in Colonial India, 1860–1947," *Gender & History* 22, no. 1 (2010): 111-12, https://doi.org/10.1111/j.1468-0424.2009.01581.x.
[121] Verbatim Report of the Eighth Meeting, 30 July 1925, 4, in Meeting of Special Body of Experts, Minutes of the Third Session, July 1925. S169/24/3.
[122] Committee of the Enquiry into the Traffic in Women and Children in the East, Verbatim Report of the Third Meeting, 22 August 1930, 18-25, in R3046/11B/30723/5580, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/special-body-of-experts-second-enquiry-pv-of-meetings-of-the-commission-of-enquiry-in-the-east.

was strictly confined in both its evidentiary remit due to pressure from imperial powers. It was to be based only on official and quasi-official sources, and limited to the strictly 'international' nature of the traffic; investigators could explore local issues 'only after having previously obtained the consent of the [relevant national] authorities'.[123] As the Committee put it, the investigators were not to lift the lid, therefore, on 'un domaine qui n'est vraiment pas le nôtre' (an area that is really not ours) – in other words, on local cultural or religious practices, for fear of provoking a backlash from the local population which could, in colonised territories, constitute a threat to colonial rule.[124]

The enquiry into the 'East' was conducted by a Travelling Commission, made up of Alma Sundquist (a Swedish gynaecologist and feminist activist) and Karol Pindor (a Polish diplomat), and was chaired by Bascom Johnson. Sundquist had served on the International Committee on the World League for Sexual Reform, a progressive organisation which appeared to adopt a gender-neutral approach when it came to sexual education for children and young people.[125] Meanwhile, Pindor, who had been involved in humanitarian work in the 'Far East', was chosen specifically for his 'aware[ness] of Eastern conditions', which reflected contemporary Western understandings of sexuality as geographically constituted. [126]

Between October 1930 and March 1932, the Commission visited fifteen countries or territories, including colonies and mandated territories, from Palestine to Japan.[127] A questionnaire was once again submitted to governments, which served as a 'point of departure' for the interviews with officials in various capacities.[128] This questionnaire was more detailed than that of the first enquiry, and included one question regarding trafficking cases involving 'women, or children of either

[123] Commission of Enquiry into Traffic in Women and Children in the East, Report to the Council (1933): 14, IOR/L/E/7/1334 File 760, British Library.
[124] Committee of the Enquiry into the Traffic in Women and Children in the East, Verbatim Report of the Third Meeting, 22 August 1930, 26, in R3046/11B/30723/5580. Translated by Dr Sarah Arens.
[125] Correspondence with World League for Sexual Reform. R3019/11A/15906/15906, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/correspondence-with-world-league-for-sexual-reform-london.
[126] S. Radziwill to S. Jacklin, 19 January 1934, in R4676/11B/9163/1963, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/rapport-sur-la-2eme-enquete-en-orient-resume-par-m-pindor-des-rapports-recus-de-diverses-associations.
[127] Commission of Enquiry into Traffic in Women and Children in the East, Report to the Council (1933): 12-14, IOR/L/E/7/1334 File 760, British Library.
[128] Ibid., 16.

sex'.[129] However, women still appeared as the principal objects of investigation in the questionnaire.[130] Yet the inquiry did produce 'evidence' of male children as victims of trafficking. Instances involving young male victims were reported in Hong Kong, Iraq, and Syria, as well as Sri Lanka and north India. Despite this, however, male children appeared nowhere in the report's summary or in the principal part of the report; rather, any mention of male children was relegated to the large annexe of individual country reports.

Homosexuality and scandal: Karachi and Sri Lanka

To make sense of appearances of male children in the records of the second enquiry requires understanding both the wider history of the relationship between colonialism and homosexuality, and the 'discovery' of evidence of the trafficking of male children in Karachi, North India, and Colombo, in Sri Lanka.[131] In the colonial imagination, colonies had long represented sites of sexual opportunity and, necessarily, sexual danger. Homosexuality constituted a significant part of these narratives.[132] Male same-sex relations were imagined as a distinctly 'Eastern' phenomenon, and a rhetoric that colonised subjects were fundamentally sexually immoral – which included constructions of colonised men as effeminate and predisposed to homosex – was crucial to discourses justifying continued colonial rule. If sex between British men in the colonies threatened to undermine British perceptions of their racial prestige, then accusations of British men having sex with indigenous men were even more troubling.

Two examples help to demonstrate such concerns. In 1845, Charles Napier, the Governor General of Sindh, had become concerned about reports of brothels 'in which not women but boys and

[129] Commission of Enquiry into the Traffic in Women and Children in the East, Questionnaire, 15 September 1930, 2 in R3055/11B/22397/22397, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/enquiry-into-traffic-in-women-and-children-in-the-east-questionnaire-addressed-to-governments-various-correspondence.
[130] Commission of Enquiry into the Traffic in Women and Children in the East, Questionnaire, 15 September 1930, 1-3, in ibid.
[131] Karachi is now situated in Pakistan but was part of British India during this period. Sri Lanka, then known as Ceylon, was also a British colony.
[132] Ronald Hyam, *Empire and Sexuality: The British Experience* (Manchester: Manchester University Press, 1990), 88-114; Levine, "Sexuality, Gender, and Empire," 134, 51-52.

eunuchs, the former demanding nearly a double price, lay for hire'.[133] At the instruction of Napier, who was concerned his own soldiers might be frequenting such establishments, Richard Burton, then a soldier in the East India Company Army, travelled to Karachi on a fact-finding mission into the alleged sexual vice there. Although Burton was under strict instructions not to share the report with Napier's superiors in Bombay, it somehow ended up in the hands of Bombay officials, which prompted Burton's dismissal from the East India Company. While Napier had the brothels shut down, the report was either hidden or destroyed.[134] This response is emblematic of the threat that same-sex relations involving British men were believed to pose in a colonial context.

However, traces of the report exist in Burton's 'Terminal Essay' in his translation of *A Thousand and One Nights,* published in 1885, in which he claimed that brothels existed in India 'in which not women but boys and eunuchs, the former demanding nearly a double price, lay for hire'.[135] More significantly, perhaps, was Burton's claim, in his essay, of the existence of what he called a 'sotadic zone', which was a geographical region spanning much of the 'East', from southern Europe, across the Middle East, towards China and the New World. This zone, according to Burton, was inhabited by a 'race of born pederasts', and within it, homosexuality was 'endemic'.[136] Given Britain had colonised regions of this so-called 'sotadic zone', its existence as a site of homosexuality represented a threat to Britain. This was because empire was conceived as an inherently masculine endeavour, and the exposure of British men in the colonies to homosex (or worse, their engagement in it) was seen to fundamentally undermine this masculinity.[137]

For colonial officials in Sri Lanka, the threat of the 'sotadic zone' was realised when, in 1903, the Governor of Ceylon was confronted with allegations that his Commander-in-Chief, Hector Macdonald, had been accused of sexual misconduct with four Sinhalese boys on a train carriage.[138] Macdonald was recalled to London, only to be told by his superiors that he was to go back to Sri

---

[133] Burton, *The Book of The Thousand Nights and a Night*, 10, 3748.
[134] The existence of the report is known largely through Burton's recounting of the episode in his 1885 *The Book of a Thousand Nights and a Night,* since the report was 'allegedly' lost and Burton's wife destroyed all of his papers after his death. Aldrich, *Colonialism and Homosexuality*, 30-32; Arondekar, *For The Record*, 28.
[135] Burton, *The Book of The Thousand Nights and a Night*, 10, 178.
[136] Ibid., 179, 201.
[137] Levine, "Sexuality, Gender, and Empire," 137.
[138] Aldrich, *Colonialism and Homosexuality*, 188.

Lanka to be court martialled; shortly after, he killed himself. The harsh punishment Macdonald was threatened with reflected the panic felt by the British colonial authorities at Macdonald's case. European discourse on the 'East' had long constructed colonised peoples as morally inferior and libidinous, and, in particular, colonised men as homosexual, in need of civilising by the sexually restrained and moral European upholding the Victorian masculine heterosexual ideal.[139] Macdonald's case threatened to expose that a high-ranking white colonial official was guilty of the exact 'type' of sexual behaviour that was conceived as distinctly 'Eastern' and required civilising. Yet it is also likely that Macdonald's crimes proved problematic to colonial authorities because they crossed racial boundaries.[140] Certainly, the case proved threatening to colonial authority in Sri Lanka, as Macdonald's suicide was met with relief by colonial authorities, who worried that a trial would lay bare his full catalogue of abuses. [141]

Both Karachi and Sri Lanka thus had significant histories as sites of homosexual danger in the colonial imagination. It is, perhaps, no coincidence that these locations emerged once again as sites of homosexual exploitation – namely, trafficking in male children – in the SBE's second enquiry. These two case studies reveal, furthermore, how the male child appeared in the archive of the investigation into trafficking in the 'East' but became sidelined in the final report.[142] The case of Karachi reveals the persistence of colonial myths about north Indian sexuality, and traces trafficking in male children to Persia and Iraq. The case of Colombo, on the other hand, demonstrates the role of questionnaire responses in determining which questions were asked in the interviews, as well as how constructions of male child 'prostitution' in colonial Sri Lanka operated to suggest that male children could not be

[139] Said, *Orientalism*, 3-7, 188-90.
[140] Ann Stoler has stated that, in the Dutch East Indies, heterosexual interracial sex was viewed as problematic by colonial authorities as the 'mixed-race' children such relationships produced threatened a colonial power dynamic which was increasingly predicated on racial difference. While homosex did not, of course, produce children, such sexual relations still constituted the crossing of a racial boundary. Stoler, "Making Empire Respectable," 638; Aldrich, *Colonialism and Homosexuality*, 228.
[141] Hyam, *Empire and Sexuality*, 34.
[142] Male children are mentioned in the final report as potential trafficking victims under the following territories: India (Karachi); Persia; Iraq; Sri Lanka (Ceylon); Near East under French mandate; and a section titled 'Chinese Victims'. See Commission of Enquiry into Traffic in Women and Children in the East, Report to the Council (1933): 344-45, 91-91, 408-09, 25, 76, IOR/L/E/7/1334 File 760, British Library. I have chosen to take the cases from Karachi and Sri Lanka due to my expertise in South Asian history.

trafficked. In the end, both served to undermine any conception of male children as potential trafficking victims.

To begin with Karachi, the Travelling Commission arrived there on 16 January 1932.[143] They met first with the Superintendent of Police, H. M. Haslehust, who downplayed that there was any notable trafficking in women and girls. But, when Alma Sundquist asked him if there was 'any traffic in boys' in Karachi, Haslehust responded that, while he believed there was no 'organised traffic', sexual intercourse with male children was widespread and that 'you might say all Sind is addicted to it.'[144] This is notable not as evidence of the sexual abuse of male children in Sind, per se, but the archival context in which such a sexual history appears. The 1845 publication and subsequent disappearance of Richard Burton's report on Karachi brothels, in which male child prostitutes allegedly featured heavily, retained a mythical status in the colonial imagination.[145] Haslehust's hyperbolic judgement that 'all of Sind' was 'addicted' to pederasty is therefore more likely an echo of Burton's chimerical report than an accurate judgement on Sindhis and their sexual practices.

Sundquist's question about male children is also noteworthy, especially given the objects of the first enquiry, and that discussions preceding the second enquiry also suggested the scope would be limited to female victims. Although there is no evidence the Travelling Commission had been instructed to ask about male children, Sundquist's questioning reveals an awareness of the male child as a possible trafficking victim. Whether or not this was based on the terms of the 1921 Convention or not is unclear. This was not, however, the only time that Sundquist asked about male children. In Calcutta, while discussing the work of the Society for the Protection of Children in India, which helped children in various forms of danger or need, Sundquist asked if they took in '[b]oth boys and girls.' When the representative confirmed they did, Johnson then asked if they had 'had some girls'

[143] Ibid., 16.
[144] Interview with H. M. Haslehust, Karachi, 18 January 1932, 13-14, in Correspondence and documents: Bombay, COL123/102/2, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/ge9d-emn3-cwq6.
[145] To quote Arondekar, the 'constant debate around the report's existence certainly sustains the myth of male brothels in Karáchi.' Arondekar, *For The Record*, 33.

who had been prostitutes, which served to redirect the discussion to focus solely on the *female* prostitute.[146]

The Travelling Commission later met, however, with Dr G. H. Hingorani, a private practitioner who ran a Hindu widow's home and children's orphanage, and who had approached the Commission with information that there was a traffic in children in Karachi, and that male children as young as six were being taken from there to Basra under the pretence of being trained as pearl divers but were instead set to work in brothels for 'immoral purposes'.[147] Hingorani claimed to have 'local records' of the cases and to have taken the story to the press. Before the investigators could press further, however, his interview slot came to an end. While the Commission initially planned to meet Hingorani again, in the end it was unable to do so – seemingly because of time constraints.[148] Hingorani's interview was, moreover, directly followed by one with Reverand Rennison, who was questioned about a traffic in '*girls*' to Basra; the investigators therefore made no attempt to explore Hingorani's claims with him or other interviewees in Karachi.[149]

The investigators did, however, follow up on Hingorani's claims in Iraq and Persia. While prefacing his question by qualifying Hingorani's claims as 'not clear' and 'not supported', Bascom Johnson asked Faraj Effendi, of the Baghdad Police, if he knew anything of the allegations. Effendi dismissed the suggestion, on the grounds that there was no pearl industry in Basra.[150] Pindor, however, pushed again, by stating that the commission sought to 'get all the information regarding sodomy because it comes within the competence of our enquiry'. This is a curious remark, as there was no mention of sodomy, homosexuality or male victims in the meetings of the Commission to discuss the enquiry's scope.[151] Pindor was possibly trying to drive Effendi into revealing more details,

---

[146] Interview with Miss Arbuthnot, 24 November 1931, 1, in Correspondence and Documents: Calcutta. COL123/102/1, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/eehd-qe2t-67h9.
[147] Hingorani was specifying that these 'boys' were used for sex, as opposed to the term 'boy' meaning souteneur. Interview with Dr. G. H. Hingorani, 29 January 1932, 1-4, in Correspondence and documents: Bombay, COL123/102/2.
[148] Interview with Dr. G. H. Hingorani, 29 January 1932, 3-4, in ibid.
[149] Interview with Reverand Rennison, 29 January 1932, 1-3, in ibid. Emphasis added.
[150] Interview with Faraj Effendi, 12 February 1932, 14, in Correspondence and Documents: Iraq, COL123/102/6, https://archives.ungeneva.org/zz7z-mhsw-gnka.
[151] Committee of the Enquiry into the Traffic in Women and Children in the East, Verbatim Reports of Meetings, August 1930, in R3046/11B/30723/5580. In investigative reports for Palestine, for instance, sodomy or homosexuality is not mentioned, suggesting such information was not considered central to the enquiry. See

as gathering 'all the information' on sodomy certainly does not appear to have been part of the Commissions' strategy. Despite Effendi's allusions to male children being deserted by their parents and 'drift[ing] into sodomy', the interview, however, once again became preoccupied with female prostitutes, and the line of questioning about Hingorani's claims petered out.[152]

Further enquiries in Persia as to the alleged traffic in male children from Karachi also hit a dead end. In Tehran, the Persian Foreign Office representative conceded that '[n]aturally there are boys that do [prostitution],' but constructed the matter as entirely consensual. According to the representative, male children were not trafficked or exploited for the financial gain of others; for him, therefore, there was 'nothing tolerated, nothing permitted, [and] nothing known to the Police about that.'[153]

In Colombo, on the other hand, the Commission was prompted to enquire into a purported increase in 'young boys offering themselves to seamen for immoral purposes' following the closure of brothels, as noted in the Sri Lankan government's response to its questionnaire.[154] The extent of the issue was such that 'boys prosecuted for offences of indecency' was a separate category submitted by Sri Lanka in the statistics it provided regarding prosecutions relevant to the enquiry.[155] In the interview with Sir Herbert Dowbiggin, the Inspector General of Police, however, Johnson's line of questioning regarding the allegations of 'boy prostitution' downplayed the matter, by noting that he 'suppose[d] they [were] all natives', that he did 'not suppose any large number of the boys [did] it as a commercial purpose', or that he doubted that there was 'a large number of [such boys]'. Dowbiggin concurred with these assumptions.[156] Suggesting that the male children in question were indigenous

---

Correspondence and Documents: British Mandated Territories - Iraq and Palestine. COL123/102/8, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/aq75-5t66-35ed and Correspondence and Documents: Palestine. COL124/103/4, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/q9ff-wwq9-zb9x.

[152] Interview with Faraj Effendi, 12 February 1932, 14, in Correspondence and Documents: Iraq, COL123/102/6.

[153] Extension of the Enquiry on Traffic in Women and Children in the East, Report concerning Persia, 31 July 1932, 6, in Correspondence and Documents: Persia. COL123/102/3, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/ywy9-8ek6-ay4b.

[154] Reply to Questionnaire, 4, in Colombo: Index. COL121/100/3, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/wkg8-pznk-d4cx.

[155] 'Statement of Wandering Prostitutes, Pimps and Boys prosecuted for offences of in decency in Colombo City', in ibid.

[156] Interview with Sir Herbert Dowbiggin, 17 December 1931, 16-17, in ibid.

and downplaying that they had a 'commercial purpose' in engaging in sex with men was thus a clear attempt by Johnson to place such children outside the remit of 'international traffic'.

This apparent dismissal of a traffic in 'native' male children – who were protected from trafficking under the 1921 Convention – lies in stark contrast, in addition, with Johnson's eagerness to bring the procurement of consenting women – which was not defined as trafficking under the Convention – within the purview of the SBE's enquiries.[157] The archival appearance of the male child in the Colombo file reveals, again, therefore, how 'evidence' of the sexual exploitation of male children was regarded as being insignificant or irrelevant to enquiries by the League in regard to trafficking, and how the questioning techniques of the interviewers served to fix the status of this 'evidence' as such.

Despite these brief archival traces of the male child as an object of anti-trafficking enquiry, the subsequent report on trafficking in the 'East' by the SBE sidelined male children. Like the first enquiry's reports, it was separated into a 'general report' (part one), which consisted of a readable ninety-six pages, and a collection of the 'facts' obtained (part two), which consisted of 429 pages.[158]

The drafting of part one was entrusted to Karol Pindor.[159] Despite Pindor's insistence in Iraq that the enquiry aimed to gather 'all information' regarding sodomy (and, therefore, of offences against male children *and* men), the general report dealt exclusively with female victims. Structured according to 'racial groups', each section dealt with racially defined groups of 'Women as Victims of International Traffic'.[160] Reports of male children as trafficking victims were buried in the sizeable second part of the report. In the section for Karachi, for example, a subsection titled 'Boy prostitutes' detailed briefly the investigation into Hingorani's allegations of a traffic in male children across the border, and concluded that no authorities in India, Persia or Iraq knew of such claims.[161] Interestingly,

[157] Johnson, "International Traffic in Women and Children," 68-69.
[158] Commission of Enquiry into Traffic in Women and Children in the East, Report to the Council (1933): 18, IOR/L/E/7/1334 File 760, British Library.
[159] Ibid.
[160] The report conflated 'racial' with 'national', including such categories as 'Women of Japanese Nationality' and 'Women of Malay Race'. Ibid., 7-8, 18.
[161] Ibid., 343-44. Persia was known as Iran in formal correspondence after 1935.

the report reprinted an excerpt from the interview in Persia, quoted above, but cropped out the discussion of 'boys who do [prostitution]', thus firmly erasing any trace of male child 'prostitution'.

Similarly, in the section on Colombo, the report mentioned the prevalence of male children, who were often destitute, working as 'prostitutes.' It concluded, however, that while some cases of male children 'soliciting' for sex were known to the police, 'no cases of [the] exploitation of boys' were known. Male children were instead constructed as agentic and consenting, by '*offering themselves* to sailors'.[162] Clearly, Johnson's doubts about the 'commercial purposes' of male children 'offering themselves' – despite a recognition of their destitute state – had made their way into the report. This 'evidence' thus served to place the male child, once again, outside the remit of League anti-trafficking efforts.

In 1934, the League published a Summary of the Report, which was significantly shortened to include only 'the more important facts', in order to 'secure a larger audience and a wider public distribution' for its findings. The forty-two-page summary paled in comparison to the 530-page report. Perhaps unsurprisingly, the male child is entirely absent in it, and trafficking victims are constructed as entirely female.[163] As such, the report cemented the normative gendered construction of the 'child' in League anti-trafficking discourse as female.[164]

The 1933 removal of the age limit

The overarching assumption of those at the forefront of League anti-trafficking work that, despite the gender-neutral definition of 'children' in the 1921 Convention, children who were trafficked were *female*, ultimately came to be reflected in the law. In 1933, a new anti-trafficking convention, the Convention on Traffic in Women of Full Age, was introduced, which abolished the age of consent for trafficking. The call to remove the age of consent dated back to the 1921 Convention but was first brought up at the ACTWC in 1924 by Samuel Cohen of the Jewish Association for the Protection of

[162] Ibid., 378. Emphasis added.
[163] Commission of Enquiry into Traffic in Women and Children in the East, Summary of the Report to the Council (1933): 11-15, 19-21, IOR/L/E/7/1334 File 760, British Library.
[164] Legg, "'The Life of Individuals'," 659-60.

Girls and Women.[165] The ACTWC had deemed Cohen's proposal 'premature' at the time, but the first enquiry and subsequent reports by the SBE provided proponents of removing the age-limit with the ammunition they needed. The SBE first enquiry report told of how it was nearly impossible to ascertain whether a female was under or over twenty-one due to their wide-ranging use of false birth certificates and passports.[166] The demand for documentation for international travel and for registration to work in licensed houses had seemingly created a documentary black market, which provided passports and birth certificates to enable travel and prove that a person had attained an age of majority. The report included testimony from alleged traffickers boasting of their ability to 'fix up papers […] any kind you want' and told of the challenges faced by immigration officials who were unequipped to detect false documents.[167] Cohen once again brought the question of the age limit to the ACTWC in discussions of the first SBE reports in 1927, by suggesting that 'a number of minor girls' had been 'exploited on the pretence that they are over age'.[168] Given the League's reification of objective fact and scientific evidence in its anti-trafficking mission, the prospect of such deceit and the unreliability of documentary evidence was enough to provoke the ACTWC to look into removing the age limit.[169] Cohen was appointed rapporteur on the question, and in 1929 presented a memo to the ACTWC emphasising the problem of fraudulent documents in proving age. 'On this ground alone', he argued, 'the age contained in the Convention […] should be eliminated'. [170] The ACTWC responded by supporting Cohen's resolution to request the Council to begin collecting the opinions of member states on this issue.[171]

---

[165] Minutes of the Eighth Meeting, 15 March 1928, 37, Advisory Committee on Traffic in Women and Children, Minutes of the 7th Session, March 1928. 766730., United Nations Library & Archives, Geneva, https://archives.ungeneva.org/0000766730-d0001. Verbatim Record of the 1921 International Conference, R656/12/14010/14010: 62-68.
[166] Report, Part 1, 22.
[167] Ibid., 33-35.
[168] Minutes of the Third Meeting, 26 April 1927, Advisory Committee on Traffic in Women and Children, Minutes of the 6th Session, April 1927. 766729: 20.
[169] There was some dissent among the ACTWC on this matter, notably from Sidney Harris who was concerned removing the age limit would result in 'a large increase' in reservations on age.
[170] Samuel Cohen, Memorandum, 'Elimination of Age in the 1921 Convention', presented to the 8th Session of the Advisory Committee on Traffic in Women and Children, 2 February 1929. R3043/11B/5425/3680., 7, United Nations Library & Archives, Geneva, https://archives.ungeneva.org/265b-4p4d-56e9.
[171] Minutes of the Eighth Meeting, 15 March 1928, 37, Advisory Committee on Traffic in Women and Children, Minutes of the 7th Session, March 1928. 766730.

The Diplomatic Conference on the Traffic in Women of Full Age convened in October 1933 and was attended by twenty-five member states.[172] Unlike the 1921 Conference, its 1933 counterpart was largely devoid of ideological debate and, by the third day, delegates had finalised the new Convention.[173] Discussions focused largely on the technical wording of the new Convention, and appeared most preoccupied with how colonies, protectorates and mandates were to be included in it.[174] How the apparent gender-neutral construction of the 'child' in the 1921 Convention was to be impacted by this new law was not discussed. Article 1 of the 1933 Convention on Traffic in Women of Full Age criminalised the trafficking of 'a woman or girl of full age' 'even with her consent' for immoral purposes, which therefore overrode the age of consent stipulated in the 1921 Convention.[175] By overriding consent, 'women and children' were therefore collapsed into the single category of 'female'. Given that an age of consent had never been specified for male children, the removal of the age limit in 1933 served, furthermore, to fully eclipse the male child from international anti-trafficking law.

Conclusion

The League produced a final draft convention addressing sexual exploitation before it was formally disbanded in 1946. The Draft Convention for the Suppression of the Exploitation of the Prostitution of Others (1937) proposed legal protections for all persons regardless of gender or age 'against procuration for profit even when they consent and are not taken abroad, and also against any other

[172] Provisional Minutes of the First Meeting, 9 October 1933, 1, Minutes of the Diplomatic Conference regarding the Suppression of Traffic in Women of Full Age, 9-11 October 1933. R4684/11B/7462/6785., United Nations Library & Archives, Geneva, https://archives.ungeneva.org/age-limit-in-1910-and-1921-conventions-draft-protocol-regarding-the-suppression-traffic-in-women-of-full-age-p-v-texts-minutes-of-the-diplomatic-conference-9-october-1933.
[173] Provisional Minutes of the Third Meeting, 11 October 1933, 4, ibid.
[174] Provisional Minutes of the First Meeting, 9 October 1933, 5-7, and Provisional Minutes of the Second Meeting, 10 October 1933, 2-3, ibid.
[175] International Convention for the Suppression of the Traffic in Women of Full Age, 11 October 1933, Chapter VII, 5, U. N. Treaty Series. https://treaties.un.org/doc/Treaties/1933/10/19331011%2006-00%20AM/Ch_VII_5p.pdf.

form of exploitation of their prostitution.'[176] Although the Assembly agreed to proceed with an international conference to conclude the convention, the outbreak of the Second World War stopped any such progress in its tracks.[177] The Draft was later, however, adopted by the United Nations (UN) and became law in 1950.[178] While a historical analysis of the Draft Convention itself is beyond the scope of this thesis, the inclusion of male persons, regardless of age, in the Draft marks a significant moment for the male child as an object of legal protection. This is because it signified the end of the male child's journey in the archives of international anti-trafficking law as a specifically age-defined subject. Moreover, it also broadened the definition of trafficking beyond sexual exploitation. As such, the history of anti-trafficking under the League of Nations, in which trafficking was constructed as a sexual offence, reveals the limits of male victimhood. It was only when the definition of trafficking was broadened, by the UN, to include non-sexual forms of exploitation that both male children and adults were able to be formally protected.

Tracing the spectre of the male child through the archive of League anti-trafficking projects has served to throw gendered constructions of 'children' into sharp relief. Although male children were specifically extended legal protection in international anti-trafficking law in 1921, gendered constructions of sexual violence and social purity ideals pervaded League anti-trafficking projects. League actors displayed significant freedom in redefining not only the scope of anti-trafficking work but the definitions of 'trafficking' and 'victim' within the discourse of such work. As a result, over the course of a decade, League fact-finding initiatives reoriented the parameters of anti-trafficking projects, which ended with a return to a concept of victimhood as being inherently 'female' in 1933. The appearance of male children in the archive therefore follows a pattern of emergence followed by erasure. Reports of male trafficking came into the League from external sources, only to be silenced in the conversion of 'evidence' into reports that were used to inform League policy and legal change.

---

[176] Report submitted by the Fifth Committee to the Assembly, 26 September 1938, R4664/11B/34735/545, 1, https://archives.ungeneva.org/repression-de-lexploitation-de-la-prostitution-dautrui-2e-projet-de-convention-discussions-y-relatives-a-la-19-e-session-ordinaire-de-lassemblee-september-1938/download
[177] Ibid., 2; Metzger, "Towards an International Human Rights Regime," 74.
[178] International Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 21 March 1950, Chapter VII, 11, U. N. Treaty Series. https://treaties.un.org/doc/Treaties/1951/07/19510725%2010-37%20PM/Ch_VII_11_a_bp.pdf.

In the rare instances that male children were acknowledged as victims of trafficking, League investigators reframed them, furthermore, as consenting. This lies in stark contrast with the attempts by League actors to dismiss the consent of women over the age of 21 to trafficking. Between 1921 and 1933, therefore, who *should* be protected from trafficking was actively reconfigured by League actors, culminating in the formal legal recognition in 1933 that the crime of trafficking could only be committed against women and girls.

Conclusion

As the previous chapters have shown, childhood was a highly contingent legal category. Although this period witnessed the emergence of laws which appeared to recognise children as a distinct group defined only by age, the specific example of sexual offences law complicates this picture, as legal categories of childhood in such laws were based not on objective standards, such as chronological age, but were ultimately dependent on norms relating to class, race and gender. By locating the 'child' in sexual offences laws, this thesis has therefore revealed how concerns over maintaining the political and social order were articulated through interrelated issues of class, race, gender and sexuality. The boundary between childhood and adulthood, embodied in the age of consent, emerged at the site on which such anxieties played out.

The first part of this thesis demonstrated that changes to how children were protected under sexual offences laws were motivated by concerns over the preservation of gender norms and political power. In the British context, these concerns manifested in a two-tier system of protection for girls, as working-class girls, widely considered to appear older than their 'actual' ages, were afforded a lesser degree of protection than their middle-class counterparts. For boys, meanwhile, concerns over homosexuality and its degenerating influence on Britain's men meant that, after 1885, statutory law did not provide an age of consent for boys – rendering them criminally liable for their own assaults. Similarly, in India, legislation criminalising homosex, which was used to protect boys, included no age of consent, as the protection of Indian boys was overshadowed by colonial anxieties over the racially-degenerative effects of homosexuality. Indian girls, meanwhile, had consistently been afforded a lower standard of protection than that given to their British counterparts. This was, in part, due to colonial beliefs that the bodies of Indian girls matured earlier than white European bodies, but also Indian female 'consent' was only conceived in purely physical terms. In the colonial patriarchal context in which Indian men were denied political sovereignty, the notion of personal sovereignty for Indian girls was unimaginable. Raising the age of consent was only a possibility when a girl's violent death threatened to expose the fallacy of colonial benevolence, yet such a reform was ultimately

circumscribed by the collusion of colonial and Indian patriarchies. It was because sexual offences law was so rooted in broader concerns over power that the legal category of 'child' could not be based only on chronological age.

Yet beyond statutory law, the possibilities of knowing and evidencing age also prove illuminating. Despite the development of birth registration, which was far more uneven in colonial India than in Britain, age could still be contested in a court of law. The piecemeal development of birth registration in colonial India meant that birth certificates were not an accessible nor, arguably, particularly useful, form of documentary evidence for colonial subjects. Yet because colonial law relied on chronologial age to adjudicate on crimes, including rape, kidnapping and trafficking, the colonial judiciary drew on medical evidence and indigenous forms of knowledge to 'know' or, more accurately, ascribe an individual's chronological age. In Britain meanwhile, statutory provisions which privileged the appearance of a girl over her 'actual' age in rape law meant that her demeanour and appearance were crucial to whether or not she was deemed worthy of protection and, in the case of a crime, justice. Despite its reification in statutory sexual offences laws, chronological age was a slippery and highly malleable concept in practice.

This malleability proved crucial to campaigns against the 'white slave traffic', as social campaigners used childhood as a discursive device to construct 'trafficked' women – many of whom were likely consenting prostitutes – as innocent and vulnerable victims. The trope of childhood in such discourses proved to be highly powerful, as it served to produce children as potential victims of the alleged traffic. It was this deployment of childhood, as an idiom for female sexual innocence, racial purity and the future of the British nation, that generated international laws which included specific provisions for girls.

This category was later broadened under the League of Nations which, in 1921, introduced an anti-trafficking law which ostensibly provided protection for 'children' of both sexes, irrespective of race. Yet this category of 'child' was, ultimately, heavily informed by race and gender. In seeking to avoid legal reform and, simultaneously, advance the notion of Indian society as opposed to the protection of women and, therefore, of India as incapable of self-rule, the representatives of colonial India succesfully secured a lower age of consent in India's accession to the Convention. Their

reasoning, which also included notions of tropical exceptionalism, ultimately inspired other League member states, namely Japan and Thailand, to do the same, thus thwarting the League's attempt to introduce new anti-trafficking protections for children regardless of race.

Similarly, the inclusion of protection for children 'of both sexes' was also undermined by contemporary concerns and ideas about gender, sexuality and race. Because anti-trafficking laws had emerged from concerns over female sexual purity, boys were essentially ignored by League actors who were charged with implementing the 1921 Convention and, in 1933, were ultimately excluded from legal protection. That the League only acknowledged boys as victims of trafficking when they were from colonised regions was not a reflection of reality but, rather, speaks to the powerful imaginary, rooted in colonial discourse, of colonised regions as sites of sexual immorality. Whether and how certain children could be recognised as potential victims of sexual offences had, therefore, little to do with a child's chronological age, and everything to do with the political, social and moral climate that allowed such possibilities to emerge. How to afford children legal protection, in other words, proved to be such a vexed question because to define a child on the basis of chronological age threatened to transgress existing gendered, racial or class lines.

This study therefore supports the contention, first put forward by Philippe Ariès, that childhood is historically constructed.[1] It destabilises the notion that childhood is a natural phase of life by exposing how legal categories of childhood were fundamentally shaped by political considerations. Further, it demonstrates the value in adopting an intersectional approach – one which critically interrogates gender (including masculinity), race (including whiteness) and class – in uncovering how childhood was constructed in historical context. Indeed, it is only by paying attention how these factors intersected with the question of age that a truly holistic account of legal childhood can be offered.

Further, contributing to histories of empire and colonialism, it provides an account of how the 'rule of colonial difference' functioned in the making of sexual offences laws in both colonial Indian and international law.[2] It also provides an additional strand to scholarship on 'new imperial history'

[1] Ariès, *Centuries of Childhood*, 125-30, 395-99.
[2] Chatterjee, *The Nation and Its Fragments*, 10.

by evidencing how sexual offence reforms in Britain were a direct product of empire. It demonstrates how sexual offences laws were historically constituted by revealing how concerns about sexual purity and racial hygiene – concerns which were intimately linked to empire – determined which acts were constituted as criminal and, crucially, who should be protected.

By critically interrogating gender in constructing legal categories of childhood, this thesis also brings together previously unconnected scholarship on queer history and the history of childhood. Setting out the extent to which laws prohibiting homosex served to protect boys further underscores the point that childhood was not a category defined only by age but was contingent on gender. Further, how gender and sexuality intersected with colonial constructions of racial difference provided the conditions in which boy victims could emerge in the archive. By reading the archive 'along', as well as against, the grain, this research makes an important contribution to the question of reading sexual violence in the archive – a question which has been relatively understudied in relation to children.[3] This analysis is, therefore, not only an important intervention into histories of sexuality and the law, but also into historical methodology.

This gendered construction of vulnerability to sexual violence persists today, despite the fact that recent research suggests that the 'number of boys and girls within child sex trafficking is closer to equal'.[4] Other studies on the sexual abuse of children support this claim; for instance, a 2007 government report on child sexual abuse in India stated that boys constituted at least, if not more than, half of all victims of child sexual abuse.[5] The marginalisation of boys in both laws and discourse on sexual offences is, therefore, not a reflection of reality but, as this thesis suggests, a product of the gendered social order in which these laws and discourses are produced, and in which such abuse occurs.

Indeed, this thesis offers important findings for disciplines beyond History, including Law and, in particular, critical legal studies. Its detailed account of the role of colonial discourse and

---

[3] Stoler, *Along the Archival Grain*, 50.
[4] Barron and Frost, "Men, Boys, and LGBTQ," 74.
[5] Government of India Ministry of Women and Child Development. National Study on Child Abuse: India 2007. (2007). 35, http://wcd.nic.in/childabuse.pdf. See also Human Rights Watch. Breaking the Silence: Child Sexual Abuse in India. (7 February 2013). https://www.hrw.org/report/2013/02/07/breaking-silence/child-sexual-abuse-india#_ftn14.

imperial power dynamics in the making of international law supports the contention of Third World Approaches to International Law (TWAIL) scholarship that imperialism played, and continues to play, a central role in determining and shaping international law.[6] More broadly, it provides historical evidence to support claims made by critical legal theorists that the law reflects the priorities of those in power and that, in their exclusion of certain children from protections afforded others, legal categories can, in fact, legitimise forms of violence.[7]

That legal childhoods are shaped by historical forces is not an issue that applies only to the past, however, since the question of 'who is a child?' remains a contentious issue today. The adultification of black youth by the police and justice system in Britain, for instance, renders those legally deemed children unable to access the same protection afforded to children of other racial groups.[8] Further, to take the specific example of trafficking, when 15-year-old Shamima Begum was groomed into travelling from the UK to join the so-called Islamic State in 2015, the legal response was to construct her as a willing participant in terrorism, rather than a victim.[9] This was despite the fact that, under international law, her case clearly came under the definition of trafficking and, further, as she was under 18 she was legally unable to consent.[10] It was conditions in Britain – namely, British fears over the rise of ISIS, and growing racist and Islamophobic sentiment – which produced Begum as adult-like in popular discourse and which, arguably, determined how her case was interpreted in the law.[11] On the other hand, soldiers of the Israeli Defence Force (IDF), which has a statutory

---

[6] Antony Anghie, "Rethinking International Law: A TWAIL Retrospective," *European Journal of International Law* 34, no. 1 (2023): 34-38, https://doi.org/10.1093/ejil/chad005, https://doi.org/10.1093/ejil/chad005.
[7] Robson, "Incendiary Categories," 3.
[8] Jennifer T Perillo et al., "Examining the Consequences of Dehumanization and Adultification in Justification of Police Use of Force Against Black Girls and Boys," *Law and Human Behavior* 47, no. 1 (2023), https://doi.org/10.1332/204986020X15945756023543.
[9] Rachel Larkin, *Separated Migrant Young Women in State Care: Living in Contested Spaces* (Cham: Springer International Publishing, 2022), 59. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_proquest_ebookcentral_EBC7129809.
[10] Article 3, United Nations, Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, (2000). https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons; Danila Genovese, "Children's Rights, Counter-Terrorism Legislation and Racialized Security Goals: The Case of Ms Shamima Begum and of the Foreign ISIS Children Detained Indefinitely and Illegally in Northeast Syria," *Review of Human Rights* 10, no. 1 (2024): 122, https://doi.org/10.35994/rhr.v10i1.269.
[11] Naaz Rashid, "From Silent Majority to Safeguarding: Mapping the Representation of Muslim Women in UK Counterterrorism Policies," in *The Palgrave Handbook of Gendered Islamophobia*, ed. Amina Easat-Daas and Irene Zempi (Cham: Springer, 2024), 94-95.

conscription age of 18, are referred to as “our children” by Israeli politicians.[12] The infantilisation of these soldiers, Hedi Viterbo argues, serves to absolve them of criminal responsibility for violent crimes against Palestinians.[13] Specifically, their child-like status is used to recast them as vulnerable, traumatised by the experience of war and, therefore, not accountable for their actions. The category of childhood, and who can claim access to it, remains highly political.

While this thesis has, therefore, exposed how imperial priorities thwarted attempts to introduce a universal standard of childhood in international law, universal standards entail their own problems. As scholars of international children’s rights have made clear, the tension between universalism and cultural relativism continues to pose real difficulties to administering justice. Some scholars, particularly those from the TWAIL school, view the universalism of the United Nations Convention of the Rights of the Child as an imposition of Western or Eurocentric norms onto societies in which these norms do not translate.[14] At the same time, critics argue that cultural relativist approaches to children’s rights have the potential to excuse harmful practices as accepted cultural norms.[15] This tension is reflected in the UN Convention on the Rights of the Child, which defines a child as 'every human being below the age of eighteen years *unless under the law applicable to the child, majority is attained earlier*.'[16] The point here is not to resolve this tension. Rather, it is to highlight that different definitions of childhood are not always necessarily constructed with the benefit of those termed ‘children’ in mind. In other words, such categorisations have historically been determined by patriarchal, imperial and class-based interests, in which the definition of the child has been skewed to preserve the prevailing social order.

---

[12] Benjamin Netanyahu, quoted in Viterbo, *Problematizing Law*, 271.
[13] Ibid., 269-77.
[14] Wouter Vandenhole, "Localizing the Human Rights of Children," in *Children's Rights from Below: Cross-Cultural Perspectives*, ed. Manfred Liebel et al. (Basingstoke: Palgrave Macmillan, 2012), 81.
[15] For a summary of the tension between universalism and cultural relativism in international children’s rights, see Olga Nieuwenhuys, "Editorial: The Ethics of Children's Rights," *Childhood* 15, no. 1 (2008): 5-6, https://doi.org/10.1177/0907568207086941.
[16] Article 1, United Nations, Convention on the Rights of the Child, (1989). https://www.unicef.org/child-rights-convention/convention-text. Emphasis added.

While this examination of legal categories has necessarily drawn upon examples of how the law functioned and was responded to, it primarily focuses on the construction of legal definitions. As such, a comprehensive examination of how these legal categories worked in practice – for instance, drawing on case records – remains to be undertaken. This thesis has, therefore, laid the groundwork for a more detailed exploration of how legal categories of childhood, and their intersection with categories of class, race and gender, were used and contested in sexual offence cases. Such research has the potential to offer important conclusions on, for example, how boy-victims were treated by courts and what this can reveal about the intersection of masculinity and age. More broadly, however, as this thesis attests, such histories have the potential to offer new insights into the relationship between age, class, gender, sex and power.

Bibliography

Primary material

Archival collections

British Library, UK (BL)

India Office Records (IOR)

The National Archives, UK (TNA)

Home Office Records (HO)

Foreign Office Records (FO)

Colonial Office Records (CO)

The Women's Library Archive and Special Collections, London School of Economics, UK (TWL)

Records of the Association of Social and Moral Hygiene (AMS)

Records of the International Bureau for the Suppression of Traffic in Persons, 1899-1970 (IBS)

Printed Collections (PC)

Special Collections and Archives, University of Liverpool, UK (UOL)

Josephine Butler Papers (JBP)

Digital Collections

UK Parliamentary Papers, ProQuest

League of Nations Digital Archive (LON), United Nations Library & Archives, Geneva

The Times Digital Archive, Gale Primary Sources

The Telegraph Historical Archive, Gale Primary Sources

The New York Times, ProQuest Historical Newspapers

British Library Newspapers, Gale Primary Sources

British Newspaper Archive, Find My Past/British Library

Old Bailey Proceedings Online

The Times of India, ProQuest Historical Newspapers

Ancestry UK

Legal sources

British laws

An Act for registering Births, Deaths, and Marriages in England 1836, 6 & 7 Will. 4, c.86.

Vaccination Extension Act 1840, 3 & 4 Vict., c. 29

Evidence Act 1851, 14 & 15 Vict., c. 99.

An Act further to extend and make compulsory the Practice of Vaccination 1853, 16 & 17 Vict., c. 100.

Registration of Births, Deaths and Marriages (Scotland) Act 1854 c. 80.

An Act for the Better Care and Reformation of Youthful Offenders in Great Britain 1854, 17 & 18, Vict. c. 86.

Offences Against the Person Act 1861, 24 & 25 Vict., c. 100.

Registration of Births and Deaths (Ireland) Act 1863 c. 11.

Vaccination Act 1867, 30 & 31 Vict., c. 84.

Vaccination Act 1871, 34 & 35 Vict., c. 98.

Bastardy Laws Amendment Act 1872, 35 & 36 Vict., c. 35.

Education (Scotland) Act 1872, 35 & 36 Vict., c. 62.

Offences against the Person Act 1875, 38 & 39 Vict., c. 94, sections 3 and 4.

Elementary Education Act 1880, 43 & 44 Vict., c. 23.

Criminal Law Amendment Act 1880, 43 & 44 Vict., c. 45.

Criminal Law Amendment Act 1885, 48 & 49 Vict., c. 69.

Prevention of Cruelty to, and Protection of, Children Act 1889, 52 & 53 Vict., c. 44.

Irish Education Act 1892, 55 & 56 Vict., c. 42.

Prevention of Cruelty to Children Act 1894 c. 41.

Criminal Evidence Act 1898, 61 & 62 Vict., c. 36.

Punishment of Incest Act 1908, 8 Edw. 7, c. 45.

Children Act 1908, 8 Edw. 7, c. 67.

Criminal Law Amendment Act 1922, 12 & 13 Geo. 5, c.56.

Indian laws

Criminal Law (India) Act 1828, 9 Geo. 4, c. 74.

Indian Penal Code (Act 45) 1860.

Indian Councils Act 1861, 24 & 25 Vict., c. 67.

Calcutta Municipal Act (Act 6) 1863.

Indian Evidence Act (Act 1) 1872.

Bengal Births and Deaths Registration Act (Act 4) 1873.

Code of Criminal Procedure (Act 10) 1882.

The Births, Deaths and Marriages Registration Act (Act 6) 1886.

'An Act to amend the Indian Penal Code and the Code of Criminal Procedure, 1882,' in

Cranenburgh, D. E., *The Unrepealed Acts of the Governor General of India in Council for the year 1891.* Calcutta: Law Publishing Press, 1892. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1oeaegk/cdi_coherentdigital_southasiacommons_20_500_12592_rzqzbf.

Indian Councils Act 1909, 9 Edw. 7, c. 4.

Madras Children Act (Act 4) 1920.

Bengal Children Act (Act 2) 1922.

Central Provinces Children Act (Act 10) 1928.

International laws

International Agreement for the Suppression of the "White Slave Traffic" 1904

International Convention for the Suppression of the White Slave Traffic 1910

International Convention for the Suppression of the Traffic in Women and Children 1921

International Convention for the Suppression of the Traffic in Women of Full Age 1933

International Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others 1950

UN Convention on the Rights of the Child 1989

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children 2000

Cases cited

Gobind Bhutt v. Bheekum Butt, [1812] *Reports of Cases Determined in the Court of Nizamat Adawlut, with Tables of the Names of the Cases and Principal Matters*, 234-35.

Government v. Sookhooa, [1823] *Reports of Cases Determined in the Court of Nizamat Adawlut, with Tables of the Names of the Cases and Principal Matters, ed. William H. Macnaghten*, vol. 2 (Calcutta: The Baptist Mission Press, 1827), 238-39.

Kureem Norbaf v. Meeun Norbaf [1827], *Reports of Cases Determined in the Court of Nizamut Adawlut, with Tables of the Names of the Cases and Principal Matters, ed. William H. Macnaghten*, vol. 3 (Calcutta: The Baptist Mission Press, 1828), 87.

Jamal Jolah v. Sheikh Fureed, [1851] *Reports of Cases Determined in the Court of Nizamat Adawlut, with an Index to the Principal Matters*, vol. 1, part 2 (Calcutta: Bengal Military Orphan Press, 1852), 886-88.

Government and Bhuggy Baorin v. Beharee Sonar, [1853] *Reports of Cases Determined in the Court of Nizamat Adawlut, from January to June 1853*, vol. 3, part 1 (Calcutta: Bengal Military Orphan Press, 1854), 744-45.

Government and Nubokishore Shah vs. Maugneeah Shah and Chittramoney Hareeanee, [1853] *Reports of Cases Determined in the Court of Nizamat Adawlut, from January to June 1853*, vol. 3, part 1, 634-40.

Reg. v. Weaver, [1873] 29 LT (1873-1874) 554 (CC).

Contemporary published records

American Social Hygiene Association. *A 2nd Report on Vice Conditions in the City of Lancaster, PA.* (1915) Babel. https://catalog.hathitrust.org/Record/100539688.

Adderley, Charles Bowyer. *Second Report of the Royal Sanitary Commission, Volume I,* (1871) UK Parliamentary Papers. https://parlipapers.proquest.com/parlipapers/docview/t70.d75.1871-047167?accountid=12117.

Agnew, W. F., and Gilbert S. Henderson. *The Code of Criminal Procedure.* Calcutta: Thacker, Spink & Co., 1893. Internet Archive. https://archive.org/details/dli.ministry.11258/page/n5/mode/2up.

A Bill for the Protection of Women and Girls. Madras, Hindu Social Reform Association, 1912.

Local Government Board, *Return of Owners of Land, 1873: England and Wales (Exclusive of the Metropolis),* London: George Edward Eyre and William Spottiswoode, 1875.

Bombay Dancing Girls: Reprinted from the Bombay Gazette. Bombay: Bombay Gazette Steam Press, 1878.

Burton, Richard Francis. *The Book of The Thousand Nights and a Night: A Plain and Literal Translation of the Arabian Nights Entertainments.* Vol. 10, New York: The Burton Club, 1885.

Butler, Josephine. "'The Deposition on Oath of Josephine E. Butler', 8 November 1880, Made Before Mr T. Stamford Raffles, Stipendiary Magistrate of the City of Liverpool." In *Josephine Butler and the Prostitution Campaigns: Diseases of the Body Politic*, edited by Jane Jordan and Ingrid Sharp, 58-79. London: Routledge, 2016.

Butler, Josephine. "Letter from Josephine E. Butler to Dr William Carter, 'Private', 1 April 1880, [From Liverpool], Josephine Butler Collection, The Women's Library." In *Josephine Butler and the Prostitution Campaigns: Diseases of the Body Politic*, edited by Jane Jordan and Ingrid Sharp, 17-19. London: Routledge, 2016.

Butler, Josephine. *A Letter to the Mothers of England: Commended also to the attention of Fathers, Ministers of Religion, and Legislators.* Liverpool, 1881.

Butler, Josephine. "'"The Modern Slave Trade", Letter to the Editor of the Shield, 1 May 1880." In *Josephine Butler and the Prostitution Campaigns: Diseases of the Body Politic*, edited by Jane Jordan and Ingrid Sharp, 20-24. London: Routledge, 2016.

Bengal Sanitary Commission. *First Annual Report of the Sanitary Commission for Bengal, 1864-65, with Appendix,* (1865) UK Parliamentary Papers. ProQuest. https://parlipapers.proquest.com/parlipapers/docview/t70.d75.1866-042375?accountid=12117.

Bombay Sanitary Commission. *Report of the Sanitary Commission for Bombay,* (1866) UK Parliamentary Papers. ProQuest. https://parlipapers.proquest.com/parlipapers/docview/t70.d75.1867-044523?accountid=12117.

Cameron, Charles Hay, and D. Eliot. *Report on the Indian Penal Code,* Indian Law Commission (Calcutta, Military Orphan Press, 1846).

Chevers, Norman. *A Manual of Medical Jurisprudence for India, Including the Outline of a History of Crime Against the Person in India.* Calcutta: Thacker, Spink & Co., 1870. Internet Archive. https://archive.org/details/in.ernet.dli.2015.222154/page/n1/mode/2up.

Coote, William. "The Suppression of the White Slave Traffic." In *Fighting the Traffic in Young Girls, or, War on the White Slave Trade*, edited by Ernest Bell, 29-46. Chicago: G. S. Ball, 1910. Internet Archive. https://archive.org/details/fightingtraffici00bell/fightingtraffici00bell/mode/2up

Correspondence respecting the International Conferences on Obscene Publications and the "White Slave Traffic," held in Paris, April and May, 1910. UK Parliamentary Papers. ProQuest.

https://parlipapers-proquest-com.liverpool.idm.oclc.org/parlipapers/docview/t70.d75.1912-015575?accountid=12117.

Correspondence Respecting Immoral Traffic in English Girls in Belgium. (1881) UK Parliamentary Papers. ProQuest. https://parlipapers-proquest-com.liverpool.idm.oclc.org/parlipapers/docview/t70.d75.1881-057799?accountid=12117.

Correspondence respecting the International Conference on the "White Slave Traffic," held in Paris, July, 1902. UK Parliamentary Papers. ProQuest. https://parlipapers-proquest-com.liverpool.idm.oclc.org/parlipapers/docview/t70.d75.1905-005961?accountid=12117.

Eliot, Charles W. "The American Social Hygiene Association." *Journal of Social Hygiene* 1, no. 1 (1914): 269-88. https://digital.library.cornell.edu/catalog/hearth4732756_183_001.

Giffard, Hardinge Stanley. *The Laws of England, Being a Complete Statement of the Whole Law of England.* Vol. 13, London: Butterworth & Co., 1910. Internet Archive. https://archive.org/details/lawsofenglandbei13hals/page/n7/mode/2up.

Hamilton, Charles. *The Hedaya or Guide: A Commentary on the Mussulman Laws.* 2nd ed. Edited by Standish Grove Grady. London: H. Allen & Co., 1870. Internet Archive. https://archive.org/details/in.ernet.dli.2015.216460/page/n5/mode/2up.

Hodges, Henry. *The Doctrine of Intervention.* Princeton: The Banner Press, 1915.

Johnson, Bascom. "International Traffic in Women and Children." *Journal of Social Hygiene* 14, no. 2 (1928): 65-75. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1oeaegk/cdi_proquest_miscellaneous_58106102.

Locke, John. *An Essay Concerning Human Understanding.* London: Ward, Lock, & Co. London., 1689. Internet Archive. https://archive.org/details/in.ernet.dli.2015.218967/page/n3/mode/2up. Internet Archive.

Lyall, James Broadwood. *Report of the Indian Famine Commission,* (1898) UK Parliamentary Papers. ProQuest. https://parlipapers.proquest.com/parlipapers/docview/t70.d75.1899-077025?accountid=12117.

Lyon, Isidore Bernadotte. *Medical Jurisprudence for India, with Illustrative Cases.* 3rd ed. Calcutta: Thacker, Spink & Co., 1904.

Macaulay, T. B., J. M. Macleod, G.W. Anderson, and F. Millett. *A Penal Code Prepared by the Indian Law Commissioners.* Calcutta: Military Orphan Press, 1837.

Macleod, John Macpherson. *Notes on the Report of the Indian Law Commissioners.* London: W. Clowes & Sons, 1848.

Mayhew, Henry. *London Labour and the London Poor.* Vol. 1, London: Griffin, Bohn and Company, 1861. Internet Archive. https://archive.org/details/in.ernet.dli.2015.37797/page/n9/mode/2up.

"Mr. S. M. Edwardes." *Journal of the Royal Asiatic Society of Great Britain and Ireland* 1 (1927): 170-72.

"Mr. S. M. Edwardes, C.V.O., C.S.I. 119, 93 (1927)." *Nature* 119, no. 93 (1927): 93. https://doi.org/https://doi.org/10.1038/119093a0.

Patmore, Coventry. *The Angel in the House.* London: G. Bell and Sons, Ltd., 1920. Internet Archive. https://archive.org/details/theangelinhouse00patmuoft/page/28/mode/2up.

"Present Situation as Regards the Ratification of International Engagements Registered with the Secretariat of the League of Nations." *League of Nations Official Journal* 3, no. 9 (September 1922): 1025-27.

"Proclamation by the Queen in Council, to the Princes, Chiefs, and People of India." In *The Annual Register or a View of the History and Politics of the Year 1859*, edited by Edmund Burke, 203-05. London: J. & F. Rivington, 1860.

Progress Report: Commercialized Prostitution Conditions in New York City. American Social Hygiene Association (1931). https://dimes.rockarch.org/objects/6qW6qsmHLQuqT8VknuhW5z/view.

Report from the Select Committee of the House of Lords on the Law Relating to the Protection of Young Girls; together with the Proceedings of the Committee, Minutes of Evidence, and Appendix. House of Lords (1881) UK Parliamentary Papers. ProQuest. https://parlipapers-proquest-com.liverpool.idm.oclc.org/parlipapers/docview/t70.d75.1881-057043?accountid=12117.

Report from the Select Committee of the House of Lords on the Law Relating to the Protection of Young Girls; together with the Proceedings of the Committee, Minutes of Evidence, and Appendix. House of Lords (1882) UK Parliamentary Papers. ProQuest. https://parlipapers-proquest-com.liverpool.idm.oclc.org/parlipapers/docview/t70.d75.1882-058157?accountid=12117.

Report from the Select Committee on the Vaccination Act (1867); Together with the Proceedings of the Committee, Minutes of Evidence, Appendix and Index. (1871). (1871) UK Parliamentary Papers. ProQuest. https://parlipapers-proquest-com.liverpool.idm.oclc.org/parlipapers/docview/t70.d75.1871-047073?accountid=12117.

Report of Royal Commission Upon the Administration and Operation of the Contagious Diseases Acts. Volume I. Report; Volume II. Minutes of Evidence. House of Commons (1871) UK Parliamentary Papers. ProQuest. https://parlipapers.proquest.com/parlipapers/docview/t70.d75.1871-047113?accountid=12117.

Report of the Royal Commission on Physical Training (Scotland). (Edinburgh, 1903) Internet Archive. https://archive.org/details/b2803854x/.

Reports of Cases Determined in the Court of Nizamut Adawlut, with Tables of the Names of the Cases and Principal Matters. Edited by William H. Macnaghten. Vol. 1, Calcutta: The Baptist Mission Press, 1827.

Stead, William Thomas. "The Maiden Tribute of Modern Babylon, v. I." *Pall Mall Gazette*, 6 July 1885. Gale Primary Sources. https://link-gale-com.liverpool.idm.oclc.org/apps/doc/BA3200391072/BNCN?u=livuni&sid=bookmark-BNCN&xid=5af1774c.

Stead, William Thomas. "The Maiden Tribute of Modern Babylon, v. I-IV." *Pall Mall Gazette*, 6-9 July 1885. Gale Primary Sources. https://link-gale-com.liverpool.idm.oclc.org/apps/doc/BA3200391072/BNCN?u=livuni&sid=bookmark-BNCN&xid=5af1774c.

Strachey, Richard. *Report of the Indian Famine Commission. Part I. Famine Relief,* Indian Famine Commission (1880) UK Parliamentary Papers. ProQuest.

https://parlipapers.proquest.com/parlipapers/docview/t70.d75.1880-056331?accountid=12117.

Strachey, Richard. *Report of the Indian Famine Commission. Part II. Measures of Protection and Prevention,* Indian Famine Commission (1880) UK Parliamentary Papers. ProQuest. https://parlipapers.proquest.com/parlipapers/docview/t70.d75.1880-056332?accountid=12117.

Taylor, Alfred Swaine. *The Principles and Practice of Medical Jurisprudence.* 2nd ed. Vol. 1, Philadelphia: Henry C. Lea, 1873. Internet Archive. https://archive.org/details/principlespracti01tayl/mode/2up?view=theater.

Taylor, Alfred Swaine. *The Principles and Practice of Medical Jurisprudence.* 5th ed. Edited by Fred J. Smith. Vol. 1, London: J. & A. Churchill, 1905. Internet Archive. https://archive.org/details/in.ernet.dli.2015.22427/mode/2up?view=theater.

Taylor, Alfred Swaine. *The Principles and Practice of Medical Jurisprudence.* 1st ed. London: John Churchill & Sons, 1865. Internet Archive. https://archive.org/details/b21964944/page/n5/mode/2up?view=theater.

Taylor, Alfred Swaine. *The Principles and Practice of Medical Jurisprudence.* 4th ed. Edited by Thomas Stevenson. Vol. 1, London: J. & A. Churchill, 1894. Internet Archive. https://archive.org/details/b21964968_0001/page/n7/mode/2up.

Taylor, Alfred Swaine. *The Principles and Practice of Medical Jurisprudence.* 3rd ed. Edited by Thomas Stevenson. Vol. 1, London: J. & A. Churchill, 1883. Internet Archive. https://archive.org/details/b21964956_0001/page/n3/mode/2up.

"Traffic in Women and Children: Note." *League of Nations Official Journal* 3, no. 1 (January 1922): 63-73.

Transactions of the International Congress on the White Slave Trade. (1899) Babel. https://babel.hathitrust.org/cgi/pt?id=hvd.rslf17&seq=7.

Secondary material

Unpublished theses

Attwood, Rachael. "Vice Beyond the Pale: Representing ‘White Slavery' in Britain, c. 1880-1912." PhD thesis, University College London, 2013. https://discovery.ucl.ac.uk/id/eprint/1395417 (1395417).

Badr, Yasmine. "Defining and Categorizing “Rape”: A Study of Some Pre-Modern and Early Modern Islamic Legal Sources." PhD thesis, McGill University, 2018. https://escholarship.mcgill.ca/concern/theses/3x816r91z.

Jordan, Kay Kirkpatrick. "From Sacred Servant to Profane Prostitute: A Study of the Changing Legal Status of the ‘Devadasis', 1857-1947." PhD thesis, The University of Iowa, 1989. https://liverpool.idm.oclc.org/login?url=https://www.proquest.com/dissertations-theses/sacred-servant-profane-prostitute-study-changing/docview/303773447/se-2. (9004918).

Varga, Zsuzsanna. "Negotiating Respectability: The Anti-Dance Campaign In India, 1892-1910." PhD thesis, Central European University, 2013. CEU eTD Collection.

Published works

Adut, Ari. "A Theory of Scandal: Victorians, Homosexuality, and the Fall of Oscar Wilde." *The American Journal of Sociology* 111, no. 1 (2005): 213-48. https://doi.org/10.1086/428816.

Alam, Asiya. "Marriage in Transition: Gender, Family and Muslim Social Reform in Colonial India." Doctor of Philosophy, University of Austin, 2013. http://hdl.handle.net/2152/47180.

Alanen, Leena. "‘Intersectionality’ and Other Challenges to Theorizing Childhood." *Childhood* 23, no. 2 (2016): 157-61. https://doi.org/10.1177/0907568216631055.

Alavijeh, Hossein Zamani. "Racial Ideologies and Imperial Discourses: A New Historicist Reading of Kipling’s “The White Man’s Burden”." *Journal of Critical Studies in Language and Literature* 5, no. 3 (2024): 7-13. https://doi.org/10.46809/jcsll.v5i3.263.

Aldrich, Robert. *Colonialism and Homosexuality.* London: Routledge, 2003.

Allain, Jean. "White Slave Traffic in International Law." *Journal of Trafficking and Human Exploitation* 1, no. 1 (2017): 1-40. https://doi.org/10.7590/24522775111.

Anagol, Padma. "The Emergence of the Female Criminal in India: Infanticide and Survival Under the Raj." *History Workshop Journal* 53, no. 1 (2002): 73-93. https://doi.org/10.1093/hwj/53.1.73.

Anagol, Padma. "Historicising Child Sexual Abuse in Early Modern and Modern India: Patriarchal Norms, Violence and Agency of Child-Wives and Young Women in the Institution of Child Marriage." *South Asian Studies* 36, no. 1 (2020). https://doi.org/10.1080/02666030.2020.1821515.

Anagol-McGinn, Padma. "The Age of Consent Act (1891) Reconsidered: Women's Perspectives and Participation in the Child-Marriage Controversy in India." *South Asia Research* 12, no. 2 (1992): 100-18. https://doi.org/10.1177/026272809201200202.

Anderson, Clare. *Legible Bodies: Race, Criminality and Colonialism in South Asia.* New York: Berg, 2004.

Anderson, Michael. "Islamic Law and the Colonial Encounter in British India." In *Institutions and Ideologies: A SOAS South Asia Reader*, edited by David Arnold and Peter Robb, 165-85. Surrey: Curzon Press, 1993.

Anghie, Antony. *Imperialism, Sovereignty, and the Making of International Law.* Cambridge: Cambridge University Press, 2005. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1oeaegk/cdi_globaltitleindex_catalog_270361218.

Anghie, Antony. "Rethinking International Law: A TWAIL Retrospective." *European Journal of International Law* 34, no. 1 (2023): 7-112. https://doi.org/10.1093/ejil/chad005. https://doi.org/10.1093/ejil/chad005.

Ariès, Philippe. *Centuries of Childhood: A Social History of Family Life.* Pimlico ed. London: Pimlico, 1996. 1960.

Arondekar, Anjali. *For The Record: On Sexuality and the Colonial Archive in India.* London: Duke University Press, 2010.

Arondekar, Anjali. "In the Absence of Reliable Ghosts: Sexuality, Historiography, South Asia." *Differences: A Journal of Feminist Cultural Studies* 25, no. 3 (2014): 98-122. https://doi.org/10.1215/10407391-2847964.

Aspinall, Arthur. *Cornwallis in Bengal: The Administrative and Judicial Reforms of Lord Cornwallis in Bengal, Together with Accounts of the Commercial Expansion of the East India Company, 1786-1793, and of the Foundation of Penang, 1786-1793.* Manchester: Manchester University Press, 1931.

Atlay, J. B., and H. C. G. Matthew. "Charley, Sir William Thomas (1833–1904). Politician and Lawyer", *Oxford Dictionary of National Biography*, 2023-06-08 2023. https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-32372.

Attwood, Rachael. "Lock Up Your Daughters! Male Activists, 'Patriotic Domesticity' and the Fight Against Sex Trafficking in England, 1880-1912." *Gender & History* 27, no. 3 (2015): 611-27. https://doi.org/10.1111/1468-0424.12153.

Attwood, Rachael. "Looking Beyond 'White Slavery': Trafficking, the Jewish Association, and the Dangerous Politics of Migration Control in England, 1890-1910." *Anti-Trafficking Review*, no. 7 (2016): 115-38. https://doi.org/10.14197/atr.20121777.

Attwood, Rachael. "A Very Un-English Predicament: 'The White Slave Traffic' and the Construction of National Identity in the Suffragist and Socialist Movements' Coverage of the 1912 Criminal Law Amendment Bill." *National Identities* 24, no. 3 (2022): 217-46. https://doi.org/10.1080/14608944.2021.1895096.

Azam, Hina. *Sexual Violation in Islamic Law: Substance, Evidence, and Procedure.* Cambridge: Cambridge University Press, 2015. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991019477109707351.

Badr, Yasmine. "An Analysis of "Rape" in Islamic Legal Discourse (1000–1500 CE)." In *A Companion to Crime and Deviance in the Middle Ages*, edited by Hannah Skoda, 358-75. Amsterdam: Amsterdam University Press, 2023.

Bailey, Beth. "The Vexed History of Children and Sex." In *The Routledge History of Childhood in the Western World*, edited by Paula S Fass, 191-210. London: Routledge, 2013.

Bailkin, Jordanna. "The Boot and the Spleen: When Was Murder Possible in British India?". *Comparative Studies in Society and History* 48, no. 2 (2006): 462-93. https://doi.org/10.1017/S001041750600017X.

Ballhatchet, Kenneth. *Race, Sex and Class Under the Raj.* Southampton: The Camelot Press Ltd., 1980.

Bannerji, Himani. "Age of Consent and Hegemonic Social Reform." In *Gender and Imperialism*, edited by Clare Midgley, 21-44: Manchester University Press, 2017.

Barrier, Norman Gerald. "Introduction." In *The Census in British India: New Perspectives*, edited by Norman Gerald Barrier, i-xiv. New Delhi: Manohar, 1981.

Barron, Irma M., and Colleen Frost. "Men, Boys, and LGBTQ: Invisible Victims of Human Trafficking." In *Handbook of sex trafficking: Feminist transnational perspectives*, edited by Lenore Walker, Giselle Gaviria and Kalyani Gopal, 73-84. Cham: Springer, 2018.

Bartley, Paula. *Prostitution: Prevention and Reform in England, 1860-1914.* London: Routledge, 2000.

Bates, Victoria. *Sexual Forensics in Victorian and Edwardian England: Age, Crime and Consent in the Courts.* London: Palgrave Macmillan, 2016. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1oeaegk/cdi_globaltitleindex_catalog_233495013.

Bayly, C. A. *Empire and Information: Intelligence Gathering and Social Communication in India, 1780-1870.* Cambridge: Cambridge University Press, 1999. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_nii_cinii_1130282270814102144.

Behlmer, George K. *Child Abuse and Moral Reform in England, 1870-1908.* Stanford: Stanford University Press, 1982.

Benjamin, Walter. "Theses on the Philosophy of History." In *Critical Theory and Society: A Reader*, edited by Douglas Mackay Kellner and Stephen Eric Bronner, 255-63. London: Routledge, 1989.

Bhaskaran, Suparna. "The Politics of Penetration: Section 377 of the Indian Penal Code." In *Queering India: Same-Sex Love and Eroticism in Indian Culture and Society*, edited by Ruth Vanita, 15-29. New York: Routledge, 2013.

Bingham, Adrian, Lucy Delap, Louise Jackson, and Louise Settle. "Historical Child Sexual Abuse in England and Wales: The Role of Historians." *History of Education* 45, no. 4 (2016): 411-29. https://doi.org/10.1080/0046760X.2016.1177122. https://liverpool.idm.oclc.org/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=ehh&AN=116268366&site=eds-live&scope=site.

Bland, Lucy. *Banishing the Beast: English Feminism and Sexual Morality 1885-1914.* London: Penguin, 1995.

Bleys, Rudi. *The Geography of Perversion: Male-to-Male Sexual Behaviour outside the West and the Ethnographic Imagination, 1750-1918.* New York: New York University Press, 1995.

Block, Mary R. "'For the Repressing of the Most Wicked and Felonious Rapes and Ravishments of Women': Rape Law in England, 1660–1800." In *Interpreting Sexual Violence, 1660-1800*, edited by Anna Leah Greenfield. London: Routledge, 2014.

Bolt, William. *Considerations on Indian Affairs; Particularly Respecting the State of Bengal and its Dependencies.* 2nd ed. London: J. Almon, 1772.

Booth, William. *In Darkest England and the Way Out.* London: Funk & Wagnalls, 1890. Internet Archive. https://archive.org/details/indarkestengland00bootuoft/page/n7/mode/.

Bourke, Joanna. *Rape: A History from 1860 to the Present.* London: Virago Press, 2007.

Brady, Sean. *Masculinity and Male Homosexuality in Britain, 1861-1913.* Basingstoke: Palgrave Macmillan, 2016.

Buckley, Sarah-Anne. *Cruelty Man: Child Welfare, the NSPCC and the State in Ireland, 1889-1956.* Manchester: Manchester University Press, 2015. doi:10.7228/manchester/9780719087660.001.0001.

https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1oeaegk/cdi_jstor_books_j_ctt18mbdsx.

Burton, Antoinette. *Burdens of History: British Feminists, Indian Women, and Imperial Culture, 1865-1915.* Chapel Hill: University of North Carolina Press, 1994.

Burton, Antoinette. *Dwelling in the Archive: Women Writing House, Home, and History in Late Colonial India.* New York: Oxford University Press, 2003. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991023372973907351.

Butler, Judith. *Gender Trouble.* New York: Routledge, 1990. 2007.

Cabanes, Bruno. *The Great War and the Origins of Humanitarianism, 1918–1924.* Cambridge: Cambridge University Press, 2014. doi:10.1017/CBO9781139105774. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_cambridge_corebooks_10_1017_CBO9781139105774.

Cameron, Anne. "The Establishment of Civil Registration in Scotland." *The Historical Journal* 50, no. 2 (2007): 377-95. https://doi.org/10.1017/S0018246X07006115.

Caslin, Samantha. *Save the Womanhood!: Vice, Urban Immorality and Social Control in Liverpool, c.1900-1976.* Liverpool: Liverpool University Press, 2018. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991016513739707351.

Castañeda, Claudia. *Figurations: Child, Bodies, Worlds.* Durham: Duke University Press, 2002. doi:10.1215/9780822383895. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_dukeupress_books_org_bibliovault_9780822383895.

Chakrabarty, Dipesh. "Postcoloniality and the Artifice of History: Who Speaks for "Indian" Pasts?". *Representations*, no. 37 (1992): 1-26. https://doi.org/10.2307/2928652.

Chakrabarty, Dipesh. *Provincializing Europe: Postcolonial Thought and Historical Difference.* New Jersey: Princeton University Press, 2000.

Chandra Sekhar, A. *Civil Registration System in India - A Perspective.* Census Centenary Monograph. Vol. 4, New Delhi: Vital Statistics Division, Office of the Registrar General, Ministry of Home Affairs, 1972.

Chandra, Sudhir. *Enslaved Daughters: Colonialism, Law and Women's Rights.* 2 ed. Delhi: Oxford University Press, 2008. doi:10.1093/acprof:oso/9780195695731.001.0001. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_scopus_primary_2_s2_0_84922444119.

Chandrachud, Abhinav. *An Independent, Colonial Judiciary: A History of the Bombay High Court during the British Raj, 1862-1947.* Delhi: Oxford University Press, 2015. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_jndl_porta_oai_ndlsearch_ndl_go_jp_R100000136_I1130282270616467328.

Charley, W. T. "Charley the Charmer." *The City Jackdaw*, 29 March 1878, 155. https://liverpool.idm.oclc.org/login?url=https://www.proquest.com/historical-periodicals/charley-charmer/docview/3204003/se-2?accountid=12117

https://liverpool.primo.exlibrisgroup.com/openurl/44LIV_INST/44LIV_INST:44LIV_INST??url_ver=Z39.88-2004&rft_val_fmt=info:ofi/fmt:kev:mtx:journal&genre=article&sid=ProQ:ProQ%3Abritishperiodicals&atitle=CHARLEY+THE+CHARMER.&title=The+City+jackdaw&issn=20431813&date=1878-03-29&volume=3&issue=124&spage=155&au=Charley%2C+W+T&isbn=&jtitle=The+City+jackdaw&btitle=&rft_id=info:eric/&rft_id=info:doi/.

Chatterjee, Partha. "Governmentality in the East." In *South Asian Governmentalities: Michel Foucault and the Question of Postcolonial Orderings*, edited by Deana Heath and Stephen Legg, 37-57. Cambridge: Cambridge University Press, 2018.

Chatterjee, Partha. *The Nation and Its Fragments: Colonial and Postcolonial Histories.* Princeton: Princeton University Press, 1993. https://hdl-handle-net.liverpool.idm.oclc.org/2027/heb02424.0001.001.

Chatterjee, Partha. "The Nationalist Resolution of the Women's Question (1989)." In *Empire and Nation: Selected Essays*, edited by Partha Chatterjee, 116-35. New York: Columbia University Press, 2012.

Chauncey, George. *Gay New York: Gender, Urban Culture, and the Making of the Gay Male World, 1890-1940.* New York: Basic Books, 2008. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991025704324707351.

Chrisafis, Angelique. "Gisèle Pelicot Tells Mass Rape Trial 'It's Not For Us To Have Shame – It's For Them'." *The Guardian*, 23 October 2024. https://www.theguardian.com/world/2024/oct/23/gisele-pelicot-rape-trial-france-court.

Chudacoff, Howard P. *How Old Are You? Age Consciousness in American Culture.* Princeton: Princeton University Press, 1989. doi:10.1515/9780691221267. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991023468434807351.

Cocks, Harry G. "Secrets, Crimes and Diseases, 1800-1914." In *A Gay History of Britain*, edited by Matt Cook, Harry G. Cocks, Robert Mills and Randolph Trumbach. Oxford: Greenwood World Publishing, 2007.

Cocks, Harry G. *Nameless Offences: Homosexual Desire in the 19th Century.* London: I. B. Tauris & Company, Limited, 2003.

Cohen, Felix S. "Transcendental Nonsense and the Functional Approach." *Columbia Law Review* 35, no. 6 (1935): 809-49. https://doi.org/10.2307/1116300.

Conley, Carolyn A. "Rape and Justice in Victorian England." *Victorian Studies* 29, no. 4 (1986): 519-36.

Cook, Matt. "Law." In *Palgrave Advances in the Modern History of Sexuality*, edited by Harry G. Cocks and Matt Houlbrook, 64-86. London: Palgrave Macmillan UK, 2006.

Cook, Matt. *London and the Culture of Homosexuality, 1885-1914.* Cambridge: Cambridge University Press, 2003.

Cooper, Frederick, and Ann Laura Stoler. "Between Metropole and Colony: Rethinking a Research Agenda." In *Tensions of Empire: Colonial Cultures in a Bourgeois World*, edited by Frederick Cooper and Ann Laura Stoler, 1-56. Berkeley: University of California Press, 1997.

Cover, Robert M. "Violence and the Word." *The Yale Law Journal* 95, no. 8 (1986): 1601-29. https://doi.org/10.2307/796468.

Crenshaw, Kimberlé. "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine,

Feminist Theory and Antiracist Politics." *University of Chicago Legal Forum*, no. 1 (1989). http://chicagounbound.uchicago.edu/uclf/vol1989/iss1/8.

Cunningham, Hugh. *Children and Childhood in Western Society Since 1500.* 3 ed. New York: Routledge, 2021.

Curthoys, M. C. "Hopwood, Charles Henry (1829–1904) ", *Oxford Dictionary of National Biography*, 2004. https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-33982.

Davidoff, Leonore, and Catherine Hall. *Family Fortunes: Men and Women of the English Middle Class 1780-1850.* 3rd ed. Oxon: Routledge, 2018. doi:10.4324/9781315157610. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_globaltitleindex_catalog_360800564.

Davin, Anna. "Imperialism and Motherhood." *History Workshop* 5, no. 1 (1978): 9-66. https://doi.org/10.1093/hwj/5.1.9.

Davin, Anna. "What is a Child?". In *Childhood in Question: Children, Parents and the State*, edited by Stephen Hussey and Anthony Fletcher, 15-36. Manchester: Manchester University Press, 1999.

Dawson, Graham. *Soldier Heroes: British Adventure, Empire and the Imagining of Masculinities.* London: Routledge, 1994. doi:10.4324/9780203411162. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_casalini_monographs_4853821.

De Groot, Joanna. "“Sex” and “Race”: The Construction of Language and Image in the Nineteenth Century." In *Sexuality and Subordination: Interdisciplinary Studies of Gender in the Nineteenth Century*, edited by Susan Mendus and Jane Rendall, 89-128. London: Routledge, 1989.

Decker, Corrie. "A Feminist Methodology of Age-Grading and History in Africa." *American Historical Review* 125, no. 2 (2020): 418-26. https://doi.org/10.1093/ahr/rhaa170.

DeMause, Lloyd. "The Evolution of Childhood." In *The History of Childhood: The Untold Story of Child Abuse*, edited by Lloyd DeMause, 1-73. New York: Jason Aronson, Inc., 1974.

Derry, Caroline. *Lesbianism and the Criminal Law: Three Centuries of Legal Regulation in England and Wales.* Cham: Springer International Publishing, 2020. doi:10.1007/978-3-030-35300-1. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_proquest_ebookcentral_EBC6027258.

Dirks, Nicholas B. "From Little King to Landlord: Property, Law, and the Gift under the Madras Permanent Settlement." *Comparative Studies in Society and History* 28, no. 2 (1986): 307-33. https://doi.org/10.1017/S0010417500013888.

Dirks, Nicholas B. *The Scandal of Empire: India and the Creation of Imperial Britain.* London: Belknap Press of Harvard University Press, 2006.

Dirks, Nicholas. *Castes of Mind: Colonialism and the Making of Modern India.* Princeton: Princeton University Press, 2011. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_walterdegruyter_marc_9781400840946.

Doezema, Jo. *Sex Slaves and Discourse Masters: The Construction of Trafficking.* London: Zed Books, 2010. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991023424101707351.

Douzinas, Costas. "The Responsibilities of the Critic: Law, Politics and the Critical Legal Conference." In *Research Handbook on Critical Legal Theory*, edited by Emilios

Christodoulidis, Ruth Dukes, Marco Goldoni, Marco Goldoni, Emilios Christodoulidis and Ruth Dukes, 223-37. United Kingdom: Edward Elgar Publishing, 2019.

Durbach, Nadja. "Private Lives, Public Records: Illegitimacy and the Birth Certificate in Twentieth-Century Britain." *Twentieth Century British History* 25, no. 2 (2014): 305-26. https://doi.org/10.1093/tcbh/hwt023.

Dyer, Alfred. *The European Slave Trade in English Girls. A Narrative of Facts.* London: Dyer Brothers, 1880.

Dyer, Alfred Stace. "Belgian Traffic in English Girls." *Daily News*, 2 January 1880. https://link-gale-com.liverpool.idm.oclc.org/apps/doc/Y3203098089/BNCN?u=livuni&sid=bookmark-BNCN&xid=03cf111f. Gale Primary Sources.

Engels, Dagmar. "The Age of Consent Act of 1891: Colonial Ideology in Bengal." *South Asia Research* 3, no. 2 (1983): 107-31. https://doi.org/10.1177/026272808300300205.

Fahey, Tony. "State, Family and Compulsory Schooling in Ireland." *Economic and Social Review* 23 (1992): 369-95.

Faulkner, Elizabeth A. "Historical Evolution of the International Legal Responses to the Trafficking of Children: A Critique." In *The Palgrave International Handbook of Human Trafficking*, edited by Jackie Jones and John Winterdyk, 79-95. Cham: Springer International Publishing, 2020.

Faulkner, Elizabeth A. *The Trafficking of Children: International Law, Modern Slavery, and the Anti-Trafficking Machine.* Cham: Springer International Publishing AG, 2023. doi:10.1007/978-3-031-23566-5. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1oeaegk/cdi_askewsholts_vlebooks_9783031235665.

Ferguson, Harry. "Cleveland in History: The Abused Child and Child Protection, 1880–1914." In *In the Name of the Child*, edited by Roger Cooter, 146-73. London: Routledge, 1992.

Field, Corinne T., and Nicholas L Syrett. "Chronological Age: A Useful Category of Analysis Introduction." *The American Historical Review* 125, no. 2 (2020): 371-84. https://doi.org/10.1093/ahr/rhaa184.

Fitzgerald, John. "A Hundred and Fifty Years of Vital Statistics: Documenting Demographic Change in Ireland." *Journal of the Statistical and Social Inquiry Society of Ireland* 45 (2015): 177-202.

Fize, William. "The Homosexual Exception? The Case of the Labouchère Amendment." *Cahiers Victoriens & Édouardiens* 91 (2020): 1-14. https://doi.org/10.4000/cve.7597.

Forringer-Beal, Anna. "Back to Babylon: A Gendered Analysis of Victimhood in Imperial Anti-Trafficking Campaigns." paper presented at the Socio-Legal Studies Association Conference, Liverpool, 15 April 2025.

Foucault, Michel. *The Archaeology of Knowledge and the Discourse on Language.* Translated by A. M. Sheridan Smith. New York: Pantheon Books, 1972.

Foucault, Michel. *The History of Sexuality, Volume 1: An Introduction.* Translated by Robert Hurley. London: Penguin, 1990.

Foucault, Michel. *Security, Territory, Population: Lectures at the Collège de France, 1977-78.*, Edited and Translated by Michel SenellartEdited by Graham Burchell, Arnold Davidson, I. , François Ewald and Alessandro Fontana. New York: Palgrave Macmillan, 2009.

Frost, Ginger Suzanne. *Victorian Childhoods.* New York: Praeger, 2008.

Fuller, Jason D. "Modern Hinduism and the Middle Class: Beyond Reform and Revival in the Historiography of Colonial India." *Journal of Hindu Studies* 2, no. 2 (2009): 160-78. https://doi.org/10.1093/jhs/hip012.

Gainer, Bernard. *The Alien Invasion: The Origins of the Aliens Act of 1905.* New York: Crane, Russak & Company, 1972.

Genovese, Danila. "Children's Rights, Counter-Terrorism Legislation and Racialized Security Goals: The Case of Ms Shamima Begum and of the Foreign ISIS Children Detained Indefinitely and Illegally in Northeast Syria." *Review of Human Rights* 10, no. 1 (2024): 115-39. https://doi.org/10.35994/rhr.v10i1.269.

Ghosh, Durba. *Sex and the Family in Colonial India: The Making of Empire.* Cambridge: Cambridge University Press, 2006.

Gilbert, Bentley B. *The Evolution of National Insurance in Great Britain: The Origins of the Welfare State.* 2nd ed. Brighton: Edward Everett Root Publishers, 2019. 1966.

Gillie, Alan. "The Origin of the Poverty Line." *The Economic History Review* 49, no. 4 (1996): 715-30. https://doi.org/10.2307/2597970.

Gillis, John R. *Youth and History: Tradition and Change in European Age Relations, 1770-Present.* New York: Academic Press, 1974.

Gilmartin, Sophie. "The Sati, the Bride, and the Widow: Sacrificial Woman in the Nineteenth Century." *Victorian Literature and Culture* 25, no. 1 (1997): 141-58. https://doi.org/10.1017/S1060150300004678.

Giunchi, Elisa. "The Reinvention of "Sharīʿa" under the British Raj: In Search of Authenticity and Certainty." *The Journal of Asian Studies* 69, no. 4 (2010): 1119-42. https://doi.org/10.1017/S0021911810002895.

Goldberg, P. J. P. "Childhood and Gender in Later Medieval England." *Viator (Berkeley)* 39, no. 1 (2008): 249-62. https://doi.org/10.1484/J.VIATOR.1.100121.

Gorham, Deborah. "The "Maiden Tribute of Modern Babylon" Re-examined: Child Prostitution and the Idea of Childhood in Late-Victorian England." *Victorian Studies* 21, no. 3 (1978): 353-79.

Gorham, Deborah. *The Victorian Girl and the Feminine Ideal.* London: Croom Helm, 1982.

Gorman, Daniel. "Empire, Internationalism, and the Campaign Against the Traffic in Women and Children in the 1920s." *Twentieth Century British History* 19, no. 2 (2008): 186-216. https://doi.org/10.1093/tcbh/hwm030.

Green, David R., Alastair Owens, Josephine Maltby, and Janette Rutterford. "Lives in the Balance? Gender, Age and Assets in Late-Nineteenth-Century England and Wales." *Continuity and Change* 24, no. 2 (2009): 307-35. https://doi.org/10.1017/S026841600900719X.

Grey, Daniel., "Gender, Religion, and Infanticide in Colonial India, 1870–1906." *Victorian Review* 37, no. 2 (2011): 107-20. https://doi.org/10.1353/vcr.2011.0043.

Griffin, Ben. *The Politics of Gender in Victorian Britain: Masculinity, Political Culture, and the Struggle for Women's Rights.* Cambridge: Cambridge University Press, 2012.

Hacking, Ian. "The Making and Molding of Child Abuse." *Critical Inquiry* 17, no. 2 (1991): 253-88. https://doi.org/10.1086/448583.

Hall, Catherine. *Civilising Subjects: Metropole and Colony in the English Imagination, 1830-1867.* Cambridge: Polity, 2002.

Halperin, David M. "How to Do the History of Male Homosexuality." *GLQ: A Journal of Lesbian and Gay Studies* 6, no. 1 (2000): 87-123. https://doi.org/10.1215/10642684-6-1-87.

Hardy, Anne. *Health and Medicine in Britain since 1860.* Basingstoke: Palgrave, 2001.

Harris, Jose. *Private Lives, Public Spirit: A Social History of Britain, 1870-1914.* Oxford: Oxford University Press, 1993.

Health and Safety Executive, "Public Documents." accessed 14 February 2023, https://www.hse.gov.uk/enforce/enforcementguide/court/physical-public.htm#P20_3201.

Heath, Deana. *Colonial Terror: Torture and State Violence in Colonial India.* Oxford: Oxford University Press, 2021. doi:10.1093/oso/9780192893932.001.0001.

Heath, Deana. *Purifying Empire: Obscenity and the Politics of Moral Regulation in Britain, India and Australia.* Cambridge: Cambridge University Press, 2010.

Heath, Deana. "Torture, the State, and Sexual Violence against Men in Colonial India." *Radical History Review* 2016, no. 126 (2016): 122-33. https://doi.org/10.1215/01636545-3594469.

Heath, Deana, and Stephen Legg. "Introducing South Asian Governmentalities." In *South Asian Governmentalities: Michel Foucault and the Question of Postcolonial Orderings*, edited by Deana Heath and Stephen Legg, 1-36. Cambridge: Cambridge University Press, 2018.

Heimsath, Charles H. "The Origin and Enactment of the Indian Age of Consent Bill, 1891." *The Journal of Asian Studies* 21, no. 4 (1962): 491-504.

Hendrick, Harry. *Child Welfare: Historical Dimensions, Contemporary Debate.* Bristol: The Policy Press, 2023. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1dg072n/alma991014699789707351.

Hendrick, Harry. "Constructions and Reconstructions of British Childhood: An Interpretative Survey, 1800 to the Present." In *Constructing and Reconstructing Childhood: Contemporary Issues in*

the Sociological Study of Childhood, edited by Allison James and Alan Prout, 34-62. London: Routledge Falmer, 1997.

Heraclides, Alexis. "Humanitarian Intervention in International Law 1830–1939. The Debate." *Journal of the History of International Law/Revue d'Histoire du Droit international* 16, no. 1 (2014): 26-62. https://doi.org/10.1163/15718050-12340019.

Higgs, Edward. "A Cuckoo in the Nest? The Origins of Civil Registration and State Medical Statistics in England and Wales." *Continuity and Change* 11, no. 1 (1996): 115-34. https://doi.org/10.1017/S0268416000003118.

Hinchy, Jessica. *Governing Gender and Sexuality in Colonial India: The Hijra, c.1850-1900.* Cambridge: Cambridge University Press, 2019.

Howard, John. *Men Like That: A Southern Queer History.* London: The University of Chicago Press, 1999.

Hume, John Chandler. "Colonialism and Sanitary Medicine: The Development of Preventive Health Policy in the Punjab, 1860 to 1900." *Modern Asian Studies* 20, no. 4 (1986): 703-24. https://doi.org/10.1017/S0026749X0001369X.

Hyam, Ronald. *Empire and Sexuality: The British Experience.* Manchester: Manchester University Press, 1990.

Hyde, H. Montgomery. *The Cleveland Street Scandal.* London: W. H. Allen, 1976.

"Imperial Parliament." *The Telegraph*, 6 September 1880. Gale Primary Sources.

Irwin, Mary Ann. "'"White Slavery" as Metaphor: Anatomy of a Moral Panic." *Ex Post Facto: The History Journal* 5 (1996): 1-28. https://www.walnet.org/csis/papers/irwin-wslavery.html.

Jackson, Louise A. "Youth and Modernity." *Journal of Contemporary History* 42, no. 4 (2007): 639-47. https://doi.org/10.1177/0022009407081923.

Jackson, Louise A. *Child Sexual Abuse in Victorian England.* London: Routledge, 2000.

Jones, Kenneth W. "Religious Identity and the Indian Census." In *The Census in British India: New Perspectives*, edited by Norman Gerald Barrier, 74-101. New Delhi: Manohar, 1981.

Kalaivani, R. "Devadasi System in India and Its Legal Initiatives–An Analysis." *IOSR Journal of Humanities and Social Science* 20, no. 2 (2015): 50-55. https://doi.org/10.6084/m9.figshare.1351908.

Kalpagam, Uma. *Rule by Numbers: Governmentality in Colonial India.* London: Lexington Books, 2014.

Kaplan, Morris B. *Sodom on the Thames: Sex, Love, and Scandal in Wilde Times.* London: Cornell University Press, 2012. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1dg072n/alma991023527175807351.

Kidwai, Saleem. "Introduction: Medieval Materials in the Perso-Urdu Tradition." In *Same-Sex Love in India: Readings in Indian Literature*, edited by Ruth Vanita and Saleem Kidwai, 107-25. Basingstoke: Palgrave, 2000.

Knepper, Paul. "The Investigation into the Traffic in Women by the League of Nations: Sociological Jurisprudence as an International Social Project." *Law and History Review* 34, no. 1 (2016): 45-73. https://doi.org/10.1080/13688804.2014.949428.

Knepper, Paul. "The League of Nations, Traffic in Women and the Transnationalization of Criminal Law." *Rechtsgeschichte* 30 (2022): 131-44. https://doi.org/10.12946/rg30/131-144.

Kolsky, Elizabeth. "'The Body Evidencing the Crime': Rape on Trial in Colonial India, 1860–1947." *Gender & History* 22, no. 1 (2010): 109-30. https://doi.org/10.1111/j.1468-0424.2009.01581.x.

Kolsky, Elizabeth. *Colonial Justice in British India: White Violence and the Rule of Law.* Cambridge: Cambridge University Press, 2010.

Kolsky, Elizabeth. "The Rule of Colonial Indifference: Rape on Trial in Early Colonial India, 1805-57." *The Journal of Asian Studies* 69, no. 4 (2010): 1093-117. https://doi.org/10.1017/S0021911810002937.

Kozma, Liat. *Global Women, Colonial Ports: Prostitution in the Interwar Middle East.* Albany: State University of New York Press, 2017.

Kuper, Adam. "Incest, Cousin Marriage, and the Origin of the Human Sciences in Nineteenth-Century England." *Past & Present*, no. 174 (2002): 158-83. https://doi.org/10.1093/past/174.1.158.

Laite, Julia. "The Emmet's Inch: Small History in a Digital Age." *Journal of Social History* 53, no. 4 (2020): 963-89. https://doi.org/10.1093/jsh/shy118.

Laite, Julia. "Traffickers and Pimps in the Era of White Slavery." *Past & Present*, no. 237 (2017): 237-69. https://doi.org/10.1093/pastj/gtx058.

Lalasaheb, More Atul. *An Appraisal of the Judicial System in India: A Critical Study on Judicial Independence vis-à-vis Judicial Accountability.* Raleigh: Lulu Publication, 2015.

Lammasniemi, Laura. ""Precocious Girls": Age of Consent, Class and Family in Late Nineteenth-Century England." *Law and History Review* 38, no. 1 (2020): 241-66. https://doi.org/10.1017/S073824802000005X.

Larkin, Rachel. *Separated Migrant Young Women in State Care: Living in Contested Spaces.* Cham: Springer International Publishing, 2022. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_proquest_ebookcentral_EBC7129809.

Laz, Cheryl. "Act Your Age." *Sociological Forum* 13 (1998): 85-113. https://doi.org/10.1023/A:1022160015408.

Lee, Ada. *Child Marriage: The Curse of India.* Calcutta: Rathbun, 1898. Internet Archive. https://ezproxy.library.und.edu/login?url=https://archive.org/details/ChildMarriagePdf/mode/1up.

Legg, Stephen. "An International Anomaly? Sovereignty, the League of Nations and India's Princely Geographies." *Journal of Historical Geography* 43 (2014): 96-110. https://doi.org/10.1016/j.jhg.2013.03.002.

Legg, Stephen. "'The Life of Individuals as well as of Nations': International Law and the League of Nations' Anti-Trafficking Governmentalities." *Leiden Journal of International Law* 25, no. 3 (2012): 647-64. https://doi.org/10.1017/S0922156512000325.

Legg, Stephen. "Of Scales, Networks and Assemblages: the League of Nations Apparatus and the Scalar Sovereignty of the Government of India." *Transactions of the Institute of British Geographers* 34, no. 2 (2009): 234-53. https://doi.org/10.1111/j.1475-5661.2009.00338.x.

Levine, Philippa. *Prostitution, Race and Politics: Policing Venereal Disease in the British Empire.* London: Routledge, 2003.

Levine, Philippa. "Sexuality, Gender, and Empire." In *Gender and Empire*, edited by Philippa Levine, 134-55. Oxford: Oxford University Press, 2004.

Levine, Philippa. "Sovereignty and Sexuality: Transnational Perspectives on Colonial Age of Consent Legislation." In *Beyond Sovereignty: Britain, Empire and Transnationalism, c.1880-1950*, edited by Kevin Grant and Frank Trentmann, 16-33. Basingstoke: Palgrave Macmillan, 2007.

Levine, Philippa. "The White Slave Trade and the British Empire." In *Crime, Gender, and Sexuality in Criminal Prosecutions*, edited by Louis A. Knafla, 133-46. London: Greenwood Press, 2002.

Lewis-Simpson, Shannon. "The Challenges of Quantifying Youth and Age in the Medieval North." In *Youth and Age in the Medieval North*, edited by Shannon Lewis-Simpson, 1-16. Leiden: Brill, 2008.

Limoncelli, Stephanie A. *The Politics of Trafficking: The First International Movement to Combat the Sexual Exploitation of Women.* Stanford: Stanford University Press, 2010. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991023432529007351.

Lomas, Janis. "“Delicate Duties”: Issues of Class and Respectability in Government Policy Towards the Wives and Widows of British Soldiers in the Era of the Great War." *Women's History Review* 9, no. 1 (2000): 123-47. https://doi.org/10.1080/09612020000200233.

Luker, Kristin. "Sex, Social Hygiene, and the State: The Double-Edged Sword of Social Reform." *Theory and Society* 27, no. 5 (1998): 601-34. https://doi.org/10.1023/A:1006875928287.

Magubane, Zine. *Bringing the Empire Home: Race, Class, and Gender in Britain and Colonial South Africa.* Chicago: University of Chicago Press, 2004.

Mani, Lata. *Contentious Traditions: The Debate on Sati in Colonial India.* Berkeley: University of California Press, 1998.

https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1dg072n/alma991025704270107351.

Mani, Lata. "Production of an Official Discourse on 'Sati' in Early Nineteenth Century Bengal." *Economic and Political Weekly* 21, no. 17 (1986): 32-40.

Marcus, Steven. *The Other Victorians: A Study of Sexuality and Pornography in Mid-Nineteenth-Century England.* Oxon: Routledge, 2017. doi:10.4324/9781315133713. 1966.

Mazower, Mark. *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations.* Princeton: Princeton University Press, 2009. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_proquest_ebookcentral_EBC4968594.

McClintock, Anne. "Family Feuds: Gender, Nationalism and the Family." *Feminist review* 44, no. 1 (1993): 61-80. https://doi.org/10.1057/fr.1993.21.

McClintock, Anne. *Imperial Leather: Race, Gender and Sexuality in the Colonial Contest.* London: Routledge, 1995.

McClure, Alastair. *Trials of Sovereignty: Mercy, Violence, and the Making of Criminal Law in British India, 1857–1922.* Cambridge: Cambridge University Press, 2024. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991025944178407351.

McLaren, Angus. *The Trials of Masculinity Policing Sexual Boundaries, 1870-1930.* Chicago: University of Chicago Press, 1997.

Metcalf, Barbara D., and Thomas R. Metcalf. *A Concise History of Modern India.* 2nd ed. Cambridge: Cambridge University Press, 2012.

Metcalf, Barbara D. *Islamic Revival in British India: Deoband, 1860-1900.* Princeton University Press, 1982. https://www.jstor.org/stable/j.ctt7zvmm2.7.

Metzger, Barbara. "Towards an International Human Rights Regime during the Inter-War Years: The League of Nations' Combat of Traffic in Women and Children." In *Beyond Sovereignty: Britain, Empire and Transnationalism, c. 1880–1950*, edited by Kevin Grant, Philippa Levine and Frank Trentmann, 54-79. London: Palgrave Macmillan, 2007.

Ministry of Women and Child Development, Government of India. *National Study on Child Abuse: India 2007,* (2007). http://wcd.nic.in/childabuse.pdf.

Mitchell, Sally. *Daily Life in Victorian England.* Revised ed. United Kingdom: Bloomsbury Publishing, 2008. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_askewsholts_vlebooks_9780313350351.

Moore, Robin J. "The Twilight of the Whigs and the Reform of the Indian Councils, 1886–1892." *The Historical Journal* 10, no. 3 (1967): 400-14. https://doi.org/https://doi.org/10.1017/S0018246X00027679.

Mootham, Orby. *The East India Company Sadar Courts.* Bombay: N. M. Tripathi, 1983.

Morefield, Jeanne. "'Families of Mankind': British Liberty, League Internationalism, and the Traffic in Women and Children." *History of European Ideas* 46, no. 5 (2020): 681-96. https://doi.org/10.1080/01916599.2020.1746085.

Mukherjee, Rudrangshu. *Awadh in Revolt, 1857-1858: A Study in Popular Resistance.* London: Anthem, 2002.

Nanda, B. R., and S. T. Sheppard. "Sastri, Valangiman Sankaranarayana Srinivasa", *Oxford Dictionary of National Biography*, 2004. https://www.oxforddnb.com/display/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-35954?rskey=IWmQi6&result=1.

Nandy, Ashis. "Reconstructing Childhood: A Critique of the Ideology of Adulthood, in Traditions, Tyranny and Utopias: Essays in the Politics of Awareness." In *A Very Popular Exile*, edited by Ashis Nandy, 56-76. New Delhi: Oxford University Press, 2007.

Nechtman, Tillman W. *Nabobs: Empire and Identity in Eighteenth-Century Britain.* Cambridge: Cambridge University Press, 2010.

Neff, Stephen C. "A Short History of International Law." In *International Law*, edited by Malcolm D. Evans, 2-28, 2014.

Nettelbeck, Amanda. "Flogging as Judicial Violence: The Colonial Rationale of Corporal

Punishment." In *Violence, Colonialism and Empire in the Modern World*, edited by Philip Dwyer and Amanda Nettelbeck, 111-30. Cham: Springer International Publishing AG, 2017.

Nieuwenhuys, Olga. "Editorial: The Ethics of Children's Rights." *Childhood* 15, no. 1 (2008): 4-11. https://doi.org/10.1177/0907568207086941.

Nijhar, Preeti. *Law and Imperialism: Criminality and Constitution in Colonial India and Victorian England.* London: Routledge, 2015.

"The Editor's Code of Practice." 2025, accessed 15 June, 2025, https://www.ipso.co.uk/editors-code-of-practice/.

Palmer, Norman D. *The Indian Political System.* London: George Allen & Unwin Ltd., 1961.

Pande, Ishita. "Coming of Age: Law, Sex and Childhood in Late Colonial India." *Gender & History* 24, no. 1 (2012): 205-30. https://doi.org/10.1111/j.1468-0424.2011.01676.x.

Pande, Ishita. "Phulmoni's Body: The Autopsy, the Inquest and the Humanitarian Narrative on Child Rape in India." *South Asian History and Culture* 4, no. 1 (2013): 9-30. https://doi.org/10.1080/19472498.2012.750453.

Pande, Ishita. "Power, Knowledge, and the Epistemic Contract on Age: The Case of Colonial India." *The American Historical Review* 125, no. 2 (2020): 407-17. https://doi.org/10.1093/ahr/rhaa189.

Pande, Ishita. *Sex, Law, and the Politics of Age: Child Marriage in India, 1891–1937.* Cambridge: Cambridge University Press, 2020. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991023311939207351.

Pande, Ishita. "Sorting Boys and Men: Unlawful Intercourse, Boy-Protection, and the Child Marriage Restraint Act in Colonial India." *Journal of the History of Childhood and Youth* 6, no. 2 (2013): 332-58. https://doi.org/10.1353/hcy.2013.0029.

Pande, Ishita. "Vernacularizing Justice: Age of Consent and a Legal History of the British Empire." *Law and History Review* 38, no. 1 (2020): 267-79. https://doi.org/10.1017/S0738248019000828.

Panikkar, K. N. "Colonialism, Culture and Revivalism: Key Note Address to the Annual Session of the West Bengal, History Association at Calcutta in February 2002." *Social Scientist* 31, no. 1/2 (2003): 3-16. https://doi.org/10.2307/3518287.

Paris, Leslie. "Through the Looking Glass: Age, Stages and Historical Analysis." *Journal of the History of Childhood and Youth* 1, no. 1 (2008): 106-13. https://doi.org/10.1353/hcy.2008.0005.

Parker, Kunal. "'A Corporation of Superior Prostitutes' Anglo-Indian Legal Conceptions of Temple Dancing Girls, 1800–1914." *Modern Asian Studies* 32, no. 3 (1998): 559-633. https://doi.org/10.1017/S0026749X98003187.

Pavlakis, Dean. "Reputation and the Sexual Abuse of Boys: Changing Norms in Late-Nineteenth-Century Britain." *Men and Masculinities* 17, no. 3 (2014): 325-46. https://doi.org/10.1177/1097184X14539512.

Peacey, Belinda. "Josephine Butler: "A Great Feminist"." *International Review of the Red Cross* 92 (November 1968): 555-70. https://doi.org/10.1017/S0020860400077214.

Pearson, Michael. *The Age of Consent: Victorian Prostitution and its Enemies.* Newton Abbot: David & Charles, 1972.

Pedersen, Susan. *The Guardians: The League of Nations and the Crisis of Empire.* Oxford: Oxford University Press, 2015. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991023406239907351.

Peniston, William A. *Pederasts and Others: Urban Culture and Sexual Identity in Nineteenth-Century Paris.* New York: Routledge, 2011. doi:10.4324/9780203057285. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991023418644207351.

Penrose, Walter. "Colliding Cultures: Masculinity and Homoeroticism in Mughal and Early Colonial South Asia." In *Queer Masculinities, 1550–1800*, 144-65. London: Palgrave Macmillan, 2006.

Perillo, Jennifer T, Rochelle B Sykes, Sean A Bennett, and Margaret C Reardon. "Examining the Consequences of Dehumanization and Adultification in Justification of Police Use of Force Against Black Girls and Boys." *Law and Human Behavior* 47, no. 1 (2023): 255-59. https://doi.org/10.1332/204986020X15945756023543.

Philips, Richard. *Sex, Politics and Empire: A Postcolonial Geography.* Manchester: Manchester University Press, 2017.

Pirbhai, M Reza. "A Historiography of Islamic Law in the Mughal Empire." In *The Oxford Handbook of Islamic Law*, edited by Anver M. Emon and Rumee Ahmed, 493-511. Oxford: Oxford University Press, 2018.

Pliley, Jessica R. "Claims to Protection: The Rise and Fall of Feminist Abolitionism in the League of Nations' Committee on the Traffic in Women and Children, 1919–1936." *Journal of Women's History* 22, no. 4 (2010): 90-113. https://doi.org/10.1353/jowh.2010.a405411.

Pliley, Jessica R. "Protecting the Young and the Innocent: Age and Consent in the Enforcement of the White Slave Traffic Act." In *Child Slavery before and after Emancipation*, edited by Anna May Duane, 156-76. Cambridge: Cambridge University Press, 2017.

Porter, Andrew. *European Imperialism, 1860-1914.* London: Bloomsbury Academic, 1994. doi:10.1007/978-1-349-10544-1.

Porter, Theodore M. *The Rise of Statistical Thinking, 1820-1900.* 2021 ed. Princeton, New Jersey: Princeton University Press, 1986. doi:10.1515/9780691210520.

Priestley, Philip. *Victorian Prison Lives: English Prison Biography, 1830-1914.* London: Pimlico, 1999.

Prior, Katherine. "Macleod, Sir John Macpherson", *Oxford Dictionary of National Biography*, 2004. https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-17674?rskey=wKWEa7&result=25.

Raman, Kartik Kalyan. "Utilitarianism and the Criminal Law in Colonial India: A Study of the Practical Limits of Utilitarian Jurisprudence." *Modern Asian Studies* 28, no. 4 (1994): 739-91. https://doi.org/10.1017/S0026749X00012531.

Ramasubban, Radhika. "Imperial Health in British India, 1857-1900." In *Disease, Medicine, and Empire: Perspectives on Western Medicine and the Experience of European Expansion*, edited by Roy M MacLeod and Milton James Lewis, 38-60. New York: Routledge, 1988.

Rashid, Naaz. "From Silent Majority to Safeguarding: Mapping the Representation of Muslim Women in UK Counterterrorism Policies." In *The Palgrave Handbook of Gendered Islamophobia*, edited by Amina Easat-Daas and Irene Zempi, 89-107. Cham: Springer, 2024.

Robertson, Stephen. *Crimes Against Children: Sexual Violence and Legal Culture in New York City, 1880-1960.* Chapel Hill: The University of North Carolina Press, 2005. https://liverpool.idm.oclc.org/login?url=https://heinonline.org/HOL/Page?handle=hein.beal/uncaaax0001&collection=beal.

Robson, Ruthann. "Incendiary Categories: Lesbians/Violence/Law." *Texas Journal of Women and the Law* 2, no. 1 (1993): 1-40.

Rodríguez García, Magaly. "Beware of Pity: The League of Nations' Treatment of Prostitution." *Monde(s)* 19, no. 1 (2021): 97-117. https://doi.org/10.3917/mond1.211.0097.

Rodríguez García, Magaly. "The League of Nations and the Moral Recruitment of Women." *International Review of Social History* 57, no. 20 (2012): 97-128. https://doi.org/10.1017/S0020859012000442.

Roffee, James A. "Lifting the Veil on Incest: The Historical Development of the Offence." *International Journal of Interdisciplinary Social Sciences* 5, no. 10 (2011): 297-311. https://doi.org/10.18848/1833-1882/CGP/v05i10/51830.

Romero Ruiz, María Isabel. "Rethinking the World: Mothers and Prostitutes in Michel Faber's The Crimson Petal and The White (2002)." *RAUDEM. Revista de Estudios de las Mujeres* 6 (2018): 1-14. https://doi.org/10.25115/raudem.v6i0.2800.

Rousseau, Jean-Jacques. *Rousseau's Emile, Or a Treatise on Education.* Translated by William H. Payne. New York: D. Appleton & Company, 1903. Internet Archive. https://archive.org/details/in.ernet.dli.2015.55814/page/n9/mode/2up.

Rupp, Leila J. *Worlds of Women: The Making of an International Women's Movement.* Princeton: Princeton University Press, 1998. doi:10.1515/9780691221816.

https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991023526313107351.

Said, Edward W. *Orientalism.* 2003 ed. New York: Penguin Books, 1978.

Sarkar, Tanika. *Hindu Wife, Hindu Nation: Community, Religion, and Cultural Nationalism.* Bloomington: Indiana University Press, 2001.

Sarkar, Tanika. "'Is She a Child?' Emergence of Chronological Age in Colonial Bengal." In *Querying Childhood: Feminist Reframings*, edited by Elisabeth Schömbucher, Mary E. John and Barbara Lotz, 34-51: Taylor & Francis, 2025.

Sarkar, Tanika. "Orthodoxy, Cultural Nationalism, and Hindutva Violence." In *Nation, Empire, Colony: Historicizing Gender and Race*, edited by Nupur Chaudhuri and Ruth Roach Pierson, 166-81. Bloomington: Indiana University Press, 1998.

Schabas, William A. *The International Legal Order's Colour Line: Racism, Racial Discrimination, and the Making of International Law.* New York: Oxford University Press, 2023. doi:10.1093/oso/9780197744475.003.0001.

Schmidt, Karl Joseph. "India's Role in the League of Nations, 1919-1939."Ph.D., The Florida State University, 1994. https://liverpool.idm.oclc.org/login?url=https://www.proquest.com/dissertations-theses/indias-role-league-nations-1919-1939/docview/304091283/se-2?accountid=12117 (9432628).

Scott, Joan W. "Gender: A Useful Category of Historical Analysis." *The American Historical Review* 91, no. 5 (1986): 1053-75. https://doi.org/10.2307/1864376.

Sen, Satadru. *Colonial Childhoods: The Juvenile Periphery of India, 1850-1945.* Chicago: Anthem Press, 2005.

Settersten Jr, Richard A., and Karl Ulrich Mayer. "The Measurement of Age, Age Structuring, and the Life Course." *Annual Review of Sociology* 23, no. 1 (1997): 233-61. https://doi.org/10.1146/annurev.soc.23.1.233.

Sharafi, Mitra. "Abortion in South Asia, 1860–1947: A Medico-Legal History." *Modern Asian Studies* 55, no. 2 (2021): 371-428. https://doi.org/10.1017/S0026749X19000234.

Sharma, Kanika. "Withholding Consent to Conjugal Relations within Child Marriages in Colonial India: Rukhmabai's Fight." *Law and History Review* 38, no. 1 (2020): 151-75. https://doi.org/10.1017/S0738248020000024.

Sharma, Vishnu D. "The Criminal Responsibility of Children in England." *Anglo-American Law Review* 3, no. 2 (1974): 157-83. https://doi.org/10.1177/147377957400300205.

Sharpe, Jenny. *Allegories of Empire: The Figure of Woman in the Colonial Text.* Minneapolis: University of Minnesota Press, 1993.

Singh, Dilbagh. "Regulating the Domestic: Notes on the Pre-Colonial State and the Family." *Studies in History* 19, no. 1 (2003): 69-86. https://doi.org/10.1177/025764300301900104.

Singha, Radhika. "Colonial Law and Infrastructural Power: Reconstructing Community, Locating the Female Subject." *Studies in History* 19, no. 1 (2003): 87-126. https://doi.org/10.1177/025764300301900105.

Singha, Radhika. "The Great War and a 'Proper' Passport for the Colony: Border-Crossing in British India, c. 1882–1922." *The Indian Economic & Social History Review* 50, no. 3 (2013): 289-315. https://doi.org/10.1177/0019464613494621.

Singha, Radhika. "Making the Domestic More Domestic: Criminal Law and the 'Head of the Household', 1772-1843." *The Indian Economic & Social History Review* 33, no. 3 (1996): 309-43. https://doi.org/10.1177/001946469603300304.

Singha, Radhika. "Settle, Mobilize, Verify: Identification Practices in Colonial India." *Studies in History* 16, no. 2 (2000): 151-98. https://doi.org/10.1177/025764300001600201.

Sinha, Mrinalini. *Colonial Masculinity: The 'Manly Englishman' and the 'Effeminate Bengali' in the Late Nineteenth Century.* Manchester: Manchester University Press, 1995. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1oeaegk/cdi_proquest_miscellaneous_38843117.

Sinha, Mrinalini. "The Lineage of the 'Indian' Modern: Rhetoric, Agency and the Sarda Act in Late Colonial India." In *Gender, Sexuality and Colonial Modernities*, edited by Antoinette Burton, 209-23. London: Routledge, 1999.

Sinha, Mrinalini. "Refashioning Mother India: Feminism and Nationalism in Late-Colonial India." [In English]. *Feminist Studies* 26, no. 3 (2000): 623-44. https://doi.org/10.2307/3178643.

Siotis, Jean. "The Institutions of the League of Nations." In *The League of Nations in Retrospect: Proceedings of the Symposium*, edited by Arnold Angenendt, 19-30. Berlin, New York: De Gruyter, 1983.

Smart, Carol. "A History of Ambivalence and Conflict in the Discursive Construction of the 'Child Victim' of Sexual Abuse." *Social & Legal Studies* 8, no. 3 (1999): 391-409. https://doi.org/10.1177/096466399900800306.

Smart, Carol. "Law's Power, the Sexed Body, and Feminist Discourse." *Journal of Law and Society* 17, no. 2 (1990): 194-210. https://doi.org/10.2307/1410085.

Smelser, Neil J. *Social Paralysis and Social Change: British Working-Class Education in the Nineteenth Century.* Oxford: University of California Press, 1991. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_projectmuse_ebooks_9780520911543.

Smith, Dorothy E. *The Everyday World as Problematic: A Feminist Sociology.* Boston: Northeastern University Press, 1987. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_alexanderstreet_marcxml_SocialTheorySecondEditionASPS010023231_sth2.

Snow, William F. "The Program of the League of Nations Advisory Committee on the Traffic in Women and the Protection and Welfare of Children and Young People." *Proceedings of the Academy of Political Science in the City of New York* 12, no. 1 (1926): 411-17. https://doi.org/10.2307/1180410.

Spear, Percival. *A History of India, Volume Two: From the Sixteenth Century to the Twentieth Century.* London: Penguin Books, 1978.

Spivak, Gayatri Chakravorty. "Can the Subaltern Speak?". In *Marxism and the Interpretation of Culture*, edited by Cary Nelson and Lawrence Grossberg, 271-313. Chicago: University of Illinois Press, 1988.

Spivak, Gayatri Chakravorty. "The Rani of Sirmur: An Essay in Reading the Archives." *History and Theory* 24, no. 3 (1985): 247-72. https://doi.org/10.2307/2505169.

Sreenivas, Mytheli. "Creating Conjugal Subjects: Devadasis and the Politics of Marriage in Colonial Madras Presidency." *Feminist Studies* 37, no. 1 (2011): 63-92. https://doi.org/10.1353/fem.2011.0033.

Srinivasan, Amrit. "Reform and Revival: The Devadasi and Her Dance." *Economic and Political Weekly* 20, no. 44 (1985): 1869-76.

Stack, John A. "Reformatory and Industrial Schools and the Decline of Child Imprisonment in Mid-Victorian England and Wales." *History of Education* 23, no. 1 (1994): 59-73. https://doi.org/10.1080/0046760940230104.

Stahl, Rune Møller. "The Economics of Starvation: Laissez-Faire Ideology and Famine in Colonial India." In *Intellectual history of Economic Normativities*, edited by M Thorup, 169-84. New York: Palgrave Macmillan, 2016.

Stokes, Eric. *The English Utilitarians and India.* Oxford: Oxford University Press, 1959.

Stoler, Ann Laura. *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense.* Princeton: Princeton University Press, 2009.

Stoler, Ann Laura. "Making Empire Respectable: The Politics of Race and Sexual Morality in 20th-century Colonial Cultures." *American Ethnologist* 16, no. 4 (1989): 634-60. https://doi.org/10.1525/ae.1989.16.4.02a00030.

Stoler, Ann Laura. *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things.* Durham: Duke University Press, 1995. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991023328045207351.

Summers, Anne. "Introduction: the International Abolitionist Federation." *Women's History Review* 17, no. 2 (2008): 149-52. https://doi.org/10.1080/09612020701706961.

Tambe, Ashwini. "Climate, Race Science and the Age of Consent in the League of Nations." *Theory, Culture & Society* 28, no. 2 (2011): 109-30. https://doi.org/10.1177/0263276410380942.

Tambe, Ashwini. "The State as Surrogate Parent: Legislating Nonmarital Sex in Colonial India, 1911–1929." *Journal of the History of Childhood and Youth* 2, no. 3 (2009): 393-427. https://doi.org/10.1353/hcy.0.0070.

Tchen, Christina M. "Rape Reform and a Statutory Consent Defense." *The Journal of Criminal Law & Criminology* 74, no. 4 (1983): 1518-55. https://doi.org/10.2307/1143064.

Thomas, William. Macaulay, "Thomas Babington, Baron Macaulay", *Oxford Dictionary of National Biography*, 2015. https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-17349?rskey=ZT0BJJ&result=2.

Thorne, Barrie. "Crafting the Interdisciplinary Field of Childhood Studies." *Childhood* 14, no. 2 (2007): 147-52. https://doi.org/10.1177/0907568207078324.

Thorne, Barrie. "Editorial: Theorizing Age and Other Differences." *Childhood* 11, no. 4 (2004): 403-08. https://doi.org/10.1177/0907568204047103.

Tisdall, Laura. "State of the Field: The Modern History of Childhood." *History* 107, no. 378 (2022): 1-16. https://doi.org/10.1111/1468-229X.13318.

Tosh, John. *A Man's Place: Masculinity and the Middle-Class Home in Victorian England.* New Haven: Yale University Press, 2007. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991001468909707351.

Tosh, John. *Manliness and Masculinities in Nineteenth-Century Britain : Essays on Gender, Family and Empire.* Harlow: Pearson Longman, 2005.

Tosh, John. "Manliness, Masculinities and the New Imperialism, 1880-1900." In *Manliness and Masculinities in Nineteenth-Century Britain : Essays on Gender, Family and Empire*, edited by John Tosh, 192-214. Harlow: Pearson Longman, 2005.

Upchurch, Charles. *Before Wilde: Sex Between Men in Britain's Age of Reform.* Berkeley: University of California Press, 2009. doi:10.1525/9780520943582. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1td5csr/alma991023425911707351.

Vandenhole, Wouter. "Localizing the Human Rights of Children." In *Children's Rights from Below: Cross-Cultural Perspectives*, edited by Manfred Liebel, Karl Hanson, Iven Saadi and Wouter Vandenhole, 80-93. Basingstoke: Palgrave Macmillan, 2012.

Vickers, Emma. *Queen and Country: Same-Sex Desire in the British Armed Forces, 1939-45.* United Kingdom: Manchester University Press, 2015. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_globaltitleindex_catalog_84590126.

Viterbo, Hedi. *Problematizing Law, Rights, and Childhood in Israel/Palestine.* Cambridge: Cambridge University Press, 2021. doi:10.1017/9781009019842. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1cdq52c/cdi_proquest_ebookcentral_EBC6685011.

Wagner, Kim. "'Calculated to Strike Terror': The Amritsar Massacre and the Spectacle of Colonial Violence." *Past and Present* 233, no. 1 (2016): 185-225. https://doi.org/https://doi.org/10.1093/pastj/gtw037.

Wagner, Kim. "Expanding Bullets and Savage Warfare." *History Workshop Journal* 88, no. 1 (2019): 281-87. https://doi.org/10.1093/hwj/dbz044.

Wagner, Kim. *The Great Fear of 1857: Rumours, Conspiracies and the Making of the Indian Uprising.* Oxford: Peter Lang, 2010.

Wagner, Kim. "Savage Warfare: Violence and the Rule of Colonial Difference in Early British Counterinsurgency." *History Workshop Journal* 85 (2018): 217-37. https://doi.org/10.1093/hwj/dbx053.

Wagner, Kim. *Thuggee: Banditry and the British in Early Nineteenth-Century India.* Basingstoke: Palgrave Macmillan, 2007.

Walkowitz, Judith R. *City of Dreadful Delight: Narratives of Sexual Danger in Late-Victorian London.* 1 ed. Chicago: Virago, 1992. https://liverpool.primo.exlibrisgroup.com/permalink/44LIV_INST/1oeaegk/cdi_globaltitleindex_catalog_206452241.

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

Washbrook, David A. "Law, State and Agrarian Society in Colonial India." *Modern Asian Studies* 15, no. 3 (1981): 649-721. https://doi.org/10.1017/S0026749X00008714.

Human Rights Watch, *Breaking the Silence: Child Sexual Abuse in India,* (7 February 2013). https://www.hrw.org/report/2013/02/07/breaking-silence/child-sexual-abuse-india#_ftn14.

Weeks, Jeffrey. *Sex, Politics and Society: The Regulation of Sexuality Since 1800.* 4th ed. Abingdon: Routledge, 2017. doi:10.4324/9781315161525. 1981.

Wohl, Anthony S. "Sex and the Single Room: Incest Among the Victorian Working Classes." In *The Victorian Family: Structure and Stresses*, edited by Anthony S Wohl, 197-216. London: Croom Helm, 1978.

Wolfenstein, Gabriel Karl. "Public Numbers and the Victorian State: The General Register Office, the Census, and Statistics in Nineteenth-Century Britain." PhD thesis, University of California, 2004.

Wolfram, Sybil. "Eugenics and the Punishment of Incest Act 1908." *Criminal Law Review* (1983): 308-16.

Woods, Robert. "The Population of Britain in the Nineteenth Century." In *British Population History: From the Black Death to the Present Day*, edited by Michael Anderson, 281-357. Cambridge: Cambridge University Press, 1996.

Wright, Barry. "Renovate or Rebuild? Treatises, Digests and Criminal Law Codification." In *Law Books in Action: Essays on the Anglo-American Legal Treatise*, edited by Angela Fernandez and Markus D. Dubber, 181-201. London: Hart Publishing, 2012.

Young, Robert. *The Idea of English Ethnicity.* Oxford: Blackwell Publishing Ltd., 2008.

Yuval-Davis, Nira. *Gender & Nation.* 2008 ed. London: Sage Publications, 1997. doi:10.4135/9781446222201.

Zelizer, Viviana A. Rotman. *Pricing the Priceless Child: The Changing Social Value of Children.* Princeton: Princeton University Press, 1994.