



2009 WORKSHOP

IDENTIFYING THE PERSON: PAST, PRESENT, AND FUTURE

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Abstract

Women in Public and Public Women: Cultural, Legal, and Bureaucratic Ideas about the Assignment and Uses of Prostitute Identity in Modern Britain

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The offence of being a 'common prostitute' and soliciting for the purposes of prostitution remains one of, if not the only, criminal offence in British law that requires a person to have a specific and determined identity before they can be found guilty of the crime. Since the inception of the 'solicitation laws', as they came to be known, in the first half of the nineteenth century, legal thinkers, police officers, and bureaucrats alike claimed that this mandatory identification of women as 'common prostitutes' was needed to protect 'innocent women' from mistaken arrest. Latent in this justification was the idea that, firstly, a woman identified as a 'common prostitute' could not occupy public space in the same way as could an unidentified woman, and, secondly, that a 'common prostitute', by virtue of her identity alone rather than her actions, was not an 'innocent woman'. In a more practical sense, the label of 'common prostitute' could be employed by prosecutors in court before conviction, essentially introducing a woman's past offences before her case was heard. This paper will trace the complicated cultural, legal, and bureaucratic history of the identification of 'common prostitutes' in Britain in the modern period leading up to the 1959 Street Offences Act, and will highlight the controversies, the consensuses, and the injustices surrounding this strangely enduring legal label.

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