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## *Policing Urban Prostitution: Prostitutes, Crimes, Law, and Reformers*

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*It is a plain truth and well-known fact that prostitutes and criminals go together. Without the prostitutes, there can be no home for those who live solely on crime. The two are a disgraceful pair and in order to clear any community of the menace of the one the other also must be given similar attention!*

### **Introduction**

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In chapter six, we analyzed the history of urban prostitution during the terminal colonial period. This chapter is a follow up as it describes how the colonial state dealt with the problem of urban prostitution during the period under review. “Demobilization and Repatriation” was the popular slogan that summarized the reaction of the government and the public to the activities of prostitutes who were labeled “undesirables” during the period.<sup>2</sup> The “reformers” was the public who agitated for the introduction of laws to abolish/regulate prostitution. The slogan “DR” entered official lexicon because it was the most popular statement made in the print media and in petitions sent to the government by the reformists. “Demobilization,” therefore, does not have any resemblance with the ones carried out amongst the soldiers after the First and Second World War. In addition, “Repatriation” is not akin to the government’s official regulation of controlling lepers, beggars, criminals, lunatics etc whose public presence constituted serious health and security threats.<sup>3</sup> The “Repatriation and Demobilization” of undesirables (prostitutes), therefore, found solace in the presupposition that the activities or conditions of prostitutes was akin to those of fugitives, criminals, lunatics, lepers and other categories of people who were officially called undesirables and who required repatriation to their home towns.

Prostitution in colonial Nigeria was not a criminal offense.<sup>4</sup> However some activities such as public soliciting, brothel keeping, living on immoral earnings, procuring, etc. that are connected to it were all criminal offenses. Three major presuppositions facilitated the process of criminalizing of prostitution. The first was that prostitution is a “deviant career”, that owned its origin to emergence of

urban centers and the search for white-collar jobs. The second was the moral and health considerations that allowed them to be seen as a class of people who constituted “public pollution”, through their roles in the spread of venereal diseases and general “immorality.”<sup>5</sup> Lastly, there were the assumptions, as the epigraphs above indicates, that prostitutes were responsible for increase in crime rate and limiting the access that people who engaged in “legitimate jobs” had to decent accommodation. The process of criminalizing prostitution, which was initiated by the reformers through the print media and in the petitions sent to the government, had its root in the labeling of prostitutes as “undesirables” and the presupposition that they encouraged the entrenchment of some new forms of criminal and “deviant behavior”. The colonial state’s institutional responses were, therefore, inherent in the social, economic, and moral contradictions. As a female specific crime,<sup>6</sup> the male dominated colonial society provided an easy condition for all forms of condemnation that prostitution received; this was a situation that introduced new dynamics to the exacerbated nature of gender disequilibria in colonial Nigeria. Thus, this chapter focuses on the process of criminalizing prostitution, a product of the labeling of prostitutes as “undesirables” and the colonial state responses that took the dimension of the promulgation and enforcement of anti-prostitution laws. The limitations of the government policing of urban prostitution, which we called “demobilization without rehabilitation”, are also analyzed.

### **A Theoretical Overview**

The study of female criminality in colonial Nigeria is still in its infancy. In the first instance, criminology as a field of academic inquiry did not emerge in Nigeria until end of colonial rule in 1960. The first major attempt at developing criminology started in 1964 with the inauguration of the Nigerian Society of Criminology.<sup>7</sup> Also, the critical academic study of female criminality only emerged in 1982 through the pioneering efforts of Olufunmilayo Oloruntimehin.<sup>8</sup> The colonial government commissioned Alexander Paterson to carry out a survey of the crime and prisons administration in Nigeria. His report entitled *CRIME AND ITS TREATMENT IN NIGERIA*, the first of its kind was presented in 1944.<sup>9</sup> Unlike the “Lombrosian” biological positivist school of criminology, which attributed female criminality to biological or pathological mutation,<sup>10</sup> Alexander Paterson made no attempt at locating crime in the light of any male or female primitivism. Instead, he identifies the impact of the Second World War in the rise of new forms of criminal behavior in the major cities of Lagos, Ibadan, and Kano in Nigeria. While admitting that professional criminals are few, he pointed to unemployment, idleness and economic implications of the war-time-exigencies as factors that allowed crime rate to increase. His discussion of crime is, therefore, akin to the W.I Thomas and Otto Polak Liberal School of Criminology, which identifies crime and “deviant behavior” to attendant social problems.<sup>11</sup> Just like many works on criminology in the West, Paterson’s depicted violent crime as a male dominated and made no comment about female or prostitutes’ criminality.<sup>12</sup>

A major problem that one encounters in reconstructing the history of prostitutes’ criminality is the nature of sources available and the methods used by

the police in the enforcement of anti-prostitution laws. The police did not keep records related to personal data of prostitutes from the early 1940s, when arrests and prosecution started, to 1960.<sup>13</sup> Prostitution related offenses such as brothel keeping, procuring, living on immoral earnings, etc. are not computed separately in the annual crime statistics of the police. The usual practice was that prostitutes were presented to the Magistrate after the raiding of places where they solicited had been conducted. They were readily released after they must have paid the imposed fines.<sup>14</sup> There is no record that a prostitute was jailed because of her inability to pay the imposed fines. Availability of data related to place of origin of arrested prostitutes, age, tribe, family background, and the general life history would have assisted in providing materials for propounding relevant theories related to prostitutes' criminality. The only data available is the number of prosecutions contained in the Annual Questionnaire on the trafficking of women and Children which Nigeria and other countries in the world were enjoined to fill and submit to the League of Nations and later the Economic and Social Council of the United Nations.<sup>15</sup> The Inspector general of Police of Nigeria did not provide credible and reliable information related to the arrest and prosecution of people that broke anti-prostitution laws. For instance, while the government reported that five people were arrested for breaking anti-prostitution laws in her annual report submitted to the United Nation's Economic and Social Council in 1958,<sup>16</sup> the *West African Pilot* of January 20th of the same year reported that 40 were arrested in one single story. Going through other newspaper reports during the same year, it is abundantly clear that more prosecutions were made during that particular year.<sup>17</sup>

In addition, while the government reported that 71 Nigerian prostitutes were deported from the Gold Coast in 1944,<sup>18</sup> other sources from Nigeria and the Gold coast show that more prostitutes were repatriated during the same year.<sup>19</sup> Significantly, there is no question related to prostitutes' criminality or the role played by prostitutes in crime in the questionnaire. The information, which was expected to be supplied in the questionnaires, was restricted solely to how prostitution and the trafficking of women and children across international borders were carried out and individual countries in stemming the tide.<sup>20</sup> Prostitution and human trafficking were some of the social issues that were "politicized" in colonial Nigeria adopted approaches. The "Politicization of prostitution" took the dimension of the government's desire to prevent international surveillance from knowing about social problems in the British colonies. This was the principal reason why Nigeria did not accede to all the International Conventions on the trafficking of women and children throughout the colonial period.<sup>21</sup> This was also the reason why the Inspector general of Police presented doctored information related to figures of people arrested for breaking anti-prostitution laws and declared that there wasn't any international traffic at a period when the traffic in girls and women to the Gold Coast for the purpose of prostitution had reached a pinnacle. Admitting the prevalence of prostitution and human trafficking will provide the protagonist of nationalism, which grew drastically after the Second World War, the instrument of campaigning against British rule.

From the foregoing, it is apparent that the knowledge of the relationship between prostitution and crime is limited because it is necessary to depend on sources provided by the reformists who condemned prostitution and the activities connected to it. The conventional historical approach of the cross-examination of sources without any doubt remains the most veritable tool for studying the connection between prostitution and crime in colonial Nigeria. In this regard, newspapers as well as archival and oral history stand out. While a sizeable percentage of what is read about the role of prostitutes in crime blamed them for allowing the perpetration of crime, there is still the opportunity of reading stories from some reformists who argued contrarily.<sup>22</sup> Three major variables are nevertheless discernable in the discourse of the relationship between crime and prostitution. These prostitutes are criminals because they broke anti-prostitution laws, and they are catalysts and victims of crime due to environment and activities related to their career.

### **Prostitutes and Crime in Colonial Urban Centers**

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In looking at the relationship between prostitution and crime in Nigeria, it is imperative to understand that prostitution grew within the framework of the social and economic circumstances obtainable within the colonial urban and capitalist domain. It is basically an urban phenomenon not only in Nigeria but also in most parts of the world. Nigerian urban centers are known for an assortment of crimes, a majority of which were not obtainable or rare before the establishment of colonial rule. Geographically, high crime rates were to be found in most part of urban centers that were culturally heterogeneous or that developed as a result of the new economic opportunities put in place by colonial rule.<sup>23</sup> Such places were also contained many beer parlors, brothels, cinema houses, and areas stigmatized as “red light district,” which attracted “urbanized people”. I have in another work demonstrate how migrant settlements and culturally heterogeneous parts of urban centers allowed prostitution to thrive.<sup>24</sup> Prostitution and other social problems such as juvenile delinquency, vagrancy, unemployment, child labor, etc. were incorporated into the framework of social urbanization and economic pauperization, which reached a peak during the Second World War (1939-1945).

Another very important way of looking at prostitution and crime is that it involved a group of females who were not only labeled “undesirable” but also had to survive economically within a space that was male-dominated. Also, since a very sizeable percentage of what we know about their activities were provided by those who felt that it was bad in the society, there were tendencies for prostitutes to have been accused of crimes which they did not commit. So, economic, social, and moral/behavioral tendencies loomed large in the analysis of the connection between prostitution and crime in colonial Nigeria. Categorically, most of the reformists who wrote about prostitution in newspapers were men who detested the casual sexual labor provided by prostitutes. While it was plausible for the hatred to be rooted in some “moral or ethical considerations,” the access that prostitutes have to “quick resources” must have been the motives behind the hatred.

In a petition to the District Officer of Obubra Division, the executives of Egbisim Improvement wrote:

We beg to state that the chief reason why our women refused to stop harloting is because it is usual for the women to go out harloting, while there, they will collect money in all sort of immoral ways. When they come home, they take upon themselves to marry Ibo, Ibibio and any other tribe in the eastern provinces. After doing so, they will send these so-called wives to the Gold Coast and other places for harloting and thus increases the population of harlots. And because of these immoral practices, our women look low on us (men) because these so-called wives help to increase our women pockets.... Because our women cannot marry or live at home to produce children, the shortage of labor is acute in our town so much that we are compelled to employ labor from other villages. It is practically impossible to count all the havoc done to any village, town, tribe or nation in which harlotism prevails.<sup>25</sup>

The content of this letter and other related sources demonstrated the gendered nature of issues related to prostitution and female mobility in general. Mobile women were accused of allowing local agricultural production to drop due to their absence from home. The undue control which men and traditional authorities tried to impose on women led to serious agitation by women in Agwagwune and Ugep in Obubra Division of Ogoja province on May 26, 1948.<sup>26</sup>

Child prostitution was one of the most criminalized prostitution related activity. The fragile nature of customary marriage, partly a product of magnetized economy is the root of the contemporary problems of the trafficking of girls for the purpose of prostitution. Betrothal was a significant aspect of customary marriage that, in pre-colonial and colonial period, sometimes took place even before the bride or the bridegroom or both were born, came under heavy abuse. By the late the 1930s, child betrothal had become a very important means by which young girls below the age of 15 were trafficked for the purpose of prostitution in urban centers, most importantly Lagos and Ibadan.<sup>27</sup> The *modus operandi* was for a trafficker to secure or lure girls from parents under the pretense of training them and getting husband for them at the city. Such girls were not released by the parents until the traffickers who in most cases were retired or adult prostitutes had paid a dowry ranging from 8 to 10 pounds to marry an anonymous man in Lagos.<sup>28</sup> This is what a newspaper report had to say about the phenomenon:

A practice exists whereby girls of tender age are given away in “marriage” with the consent of their parents for a monetary consideration. These children are virtually sold into slavery...The attention of the Native Authorities and Government is called to the above and it is urged that steps be taken to prevent girls under sixteen years of age leaving the Divisions on the pretext of marriage. The chief or head of compound are in a measure responsible for giving away of the girls in the compound in “marriage” and are the people to whom money is being paid. It is to them we look for a stoppage of this practice of slave trade and prostitution, which passes under the guise of marriage.<sup>29</sup>

Another very important condition which placed prostitution on a criminal agenda was the activities of touts who acted as “consultants” to prostitutes. These touts, who were fondly called *boma boys*, sometimes acted as guides to seamen and foreigners who visited important ports like Lagos and Port Harcourt.<sup>30</sup> The insecurity of public soliciting and living in brothels might have forced prostitutes to make use of *boma boys* whose responsibility was to connect male solicitors with prostitutes. *Boma boys* often receive between 25 and 33 percent of the amount charged by the prostitutes in addition to the fees that they must have charged male solicitors.<sup>31</sup> Apart from consulting for prostitutes, *boma boys* were known for crimes such as pickpockets, burglary, and other criminal activities. Prostitution received greater concern because it was seen as a major promoter of crimes perpetrated by *boma boys*. A contributor to September 7, 1947 issue of the *Eastern Nigeria Guardian* reported the activities of prostitutes and crime in this manner:

I feel to call the attention of the moral public of Port Harcourt and the Press to the evils being practiced by prostitutes and seamen guides in this township. They have made it a habit of drugging the seamen they may harbour in their rooms, while drinking wine or beer, thereby rendering them temporarily unconscious while they dip hands into the pockets of the poor fellows and rob them of any money they may have brought ashore. This is a usual practice amongst the prostitutes. The sooner they are sent out of the township, the better it will be for Port Harcourt.<sup>32</sup>

Another contributor to the June 12, 1944 issue of the *Southern Nigeria Defender* after considering the historical origin of prostitution and the role played by colonialism described the connection between prostitution and *boma boys* thus:

There is another great evil of prostitution. Prostitutes are the roots of *boma boys*. They feed and clothe the *boma boys* who conduct customers to them. It has been discovered that given the condition in which prostitutes and *boma boys* can thrive, you cannot induce a *boma* to obtain a regular job at four pounds a month. Remove the prostitutes and the *boma boys* are no more<sup>33</sup>

The need to curtail the excesses of *boma boys* led to the enactment of the “Unlicensed Guide Ordinance” in March 1941 and the prosecution of 1,050 unlicensed guides and touts in December 1943.<sup>34</sup> By 1946, the effectiveness of the enforcement of the ordinance and the contributions of the “Licensed Guides Union” might have been responsible for the reduction of the numbers of persecution to 242.<sup>35</sup>

Another significant presupposition that allowed prostitution to come under legal sanctions was the moral and health considerations. Prostitutes were accused of being responsible for the high mortality rate through their roles in the spread of venereal diseases. In a letter to the Emir of Kano, the Senior Medical Officer wrote, “Your Highness: several death occur in this City Hospital due to very serious cases of venereal diseases, the unhealthy prostitutes in this township cause these.