

## HYGIENE, MORALITY AND THE PRE-CRIMINAL: GENEALOGIES OF SUSPICION FROM TWENTIETH CENTURY BRITISH-OCCUPIED EGYPT

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### Abstract

The concept of the ‘pre-criminal space’ has seen increasing uncritical use in countering terrorism policy since 9/11. It is understood by critical scholars primarily as a new legal temporality that brings forward the ‘threshold of criminal responsibility,’ thus allowing for pre-emptive, suspicion-based criminalisation. This has allowed for the validation of measures such as arbitrary arrest and detention, bogus trial and restrictions on liberty, and is evidenced as being applied in an Islamophobic and racialised manner to entire communities. Furthermore, in our contemporary moment of Covid-19 where the emergency tools used to regulate hygiene and infection intersect with those used in countering terrorism work, critics are increasingly concerned about the expansion and normalisation of the pre-criminal space and its use in pathologising and medicalised ways.

Using archival research, this article adapts the contemporary concept of the ‘pre-criminal’ to a historical and medico-legal context. In doing so it traces how the history of infectious diseases – in particular VD – has shaped the space through slippages between hegemonic understandings of morality, hygiene, vagrancy and extremism. I show how the ‘vagrant’ nature of disease marked racialised, gendered and classed subjects as potentially infectious and immoral. Looking particularly at the regulation of sex workers in British-occupied Egypt, I conceptualise the power struggles between actors including the British administration, British abolitionist feminists and the Egyptian government as a securitisation network which infiltrated the lives of Egyptians and marked them as suspicious. I further show how the encroachment upon everyday lives was made even more possible through the implementation of martial law. In this way, I suggest that contemporary British forms of pre-criminality and risk can be understood as a latent form of coloniality present in law-making practices.

### 1.0 Introduction

*In every town in Egypt there is a segregated quarter or quarters for licensed prostitution. Licensed prostitutes are required to attend a weekly medical inspection, and native women if found diseased are taken to the Lock Hospital under guard and kept there till passed healthy [...] Each licensed prostitute must have two cards, one retained by the Police and one by herself. These cards have her photograph and particulars attached and are stamped weekly by the Police at the medical inspection if she is found free from disease. If she is venereally diseased, her card is retained, and she is expected to continue to report weekly until her card once more be stamped “saine”.*<sup>1</sup>

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<sup>1</sup> Cicely McCall, ‘This report is to be incorporated into the general report of the International Bureau laid before the League of Nations’ (Report, AMSH, 1929) (The Women’s Library, The London School of Economics, 3AMS/D13 Box 113), 2.

*I have reluctantly forborne to point out that during the war when Egypt was a Protectorate the Home Office used to treat Egyptians as alien extremists.*<sup>2</sup>

The first of these quotes is from a 1929 report by the Association of Moral and Social Hygiene (AMSH), a British abolitionist organisation, detailing the regulation of sex workers in Egypt. The second is from an internal note written in 1922 by the British Oriental Secretary in Egypt, Sir Robert Allason Furness, just as negotiations over Egyptian independence from the British were taking place. At first glance these two historical documents appear to cover quite different themes, however, the two subjects of British concern here – sex workers and anti-colonial resistors – were considered an overlapping risk to the moral and hygienic boundaries of mind, body and nation. The attachment of risk to gendered and classed Egyptian bodies allowed the British Administration (hereafter Administration) in Egypt to treat such subjects as suspicious, or, as I argue, to criminalise them pre-emptively, in a ‘pre-criminal space’.

Whereas the pre-criminal space is a contemporary concept, most often used to refer to a shift in the temporality of counter-terrorism law where the ‘preparation’ of a terrorist act is criminalised,<sup>3</sup> this article adapts the concept to a historical and medico-legal context. Narratives on public health and terrorism overlap discursively and materially in their construction of racialised ‘leaky’ bodies as contagions that ‘undermine distinctions between order and dirt.’<sup>4</sup> Critical scholars have shown that the pre-criminal space has important interactions with medical spaces.<sup>5</sup> Research shows that this notion of vulnerability shifts between understandings of psychology and ideology undercut by a pathologisation of race and overlaps with the safeguarding of adults with care and support needs.<sup>6</sup> However, there is a need for more literature which addresses the particularities of the pre-criminal space and its use prior to and outside of counter-terrorism legislation, and the gendered, racialised and classed foundations upon which it has been constructed.

This article therefore addresses how the history of infectious diseases – in particular VD – has shaped the pre-criminal space through slippages between hegemonic understandings of morality, hygiene, vagrancy and extremism, thereby adding a historical and gender lens to the literature on pre-criminality. I also suggest that shifting our view to forms of pre-criminality in a late modern semi-colonial context,<sup>7</sup> where there were heightened concerns around appearing

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<sup>2</sup> Note by Sir Robert Allason Furness, 27 September 1922 in *Powers of the Egyptian Government and its change in status. Part 3.* (The National Archives, Kew Gardens) FO 141/430/6/5512/116.

<sup>3</sup> Jude McCulloch and Dean Wilson, *Pre-Crime, Pre-emption, pre-caution and the future* (Routledge, 2016) 18.

<sup>4</sup> Yasmin Gunaratnam, *Death and the Migrant: Bodies, Borders and Care* (Bloomsbury, 2013) 64.

<sup>5</sup> David Goldberg, Sushrut Jadhav and Tarek Younis, ‘Prevent: what is pre-criminal space?’ (2017) *BJPsych Bulletin*, 208.

<sup>6</sup> Hilary Aked, ‘False Positives: the Prevent Counter-Extremism Policy in Healthcare’ (Report, MedAct, 2020) <<https://www.medact.org/wp-content/uploads/2020/07/MEDACT-False-Positives-WEB.pdf>> (last accessed 27 October 2020) 47; Tarek Younis and Sushrut Jadhav, ‘Islamophobia in the National Health Service: an ethnography of institutional racism in PREVENT’s counter-radicalisation policy’ (2019) 42(3) *Sociology of Health and Illness* 610; Sherene Razack, ‘The Manufacture of Torture as Public Truth: The Case of Omar Khadr’ in Suvendrini Perera and Sherene Razack (eds), *At the Limits of Justice: Women of Colour on Terror* (University of Toronto Press 2014), 58.

<sup>7</sup> This term is used to point to Egypt’s continued control over internal affairs throughout the occupation period (1882-1956).

to respect the rule of law, can provide a way to understand the development of this extra-legal practice as a form of colonial governance.<sup>8</sup>

In twentieth century British-occupied Egypt, taxonomies of suspicious characters and the physical segregation of communities allowed the Administration and the Egyptian police to predict and pre-empt the actions of the so called ‘criminal classes.’<sup>9</sup> As will be shown, the medical and legal spaces co-currently developed and informed one another during a time of heightened anxiety over the spread of infectious diseases – in particular VD – to the army on the one hand, and concerns over anti-colonial violence on the other.<sup>10</sup> The districts considered to be the most suspect were home to poorer communities and also housed the red-light district, such as the ‘popular’ (working class) district of Ezbekiya in Cairo today. These districts were also the spaces in which AMSH representatives – or as I refer to them, imperial feminists<sup>11</sup> – worked, from the mid-1920s until the discharging of the remaining British troops in 1956, towards their goal of abolishing sex work. Classed and racialised methods of containment and surveillance meant that the ‘contagious’ and ‘extremist’ subject was collapsed into a homogenous community, deemed naturally suspicious, and regulated and punished as such in an early pre-criminal space. It is my contention that the 1914 promulgation of martial law helped crystallise this form of pre-criminality.<sup>12</sup>

There is a wealth of literature that examines the gendered and sexualised politics of risk and securitisation in the colonies.<sup>13</sup> While the semi-colonial nature of the British occupation of Egypt, the history of law and policing, and the medico-legal overlaps in the development of bureaucratic systems of colonial administration have been explored in depth,<sup>14</sup> less research has been done on the particular legacies of British martial law in terms of its contemporary

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<sup>8</sup> For work on the codification of the emergency see Nasser Hussain, ‘Hyperlegality’ (2007) 10(4) *New Criminal Law Review* 514; John Reynolds, ‘The Long Shadow of Colonialism: The Origins of the Doctrine of Emergency in International Human Rights Law’ (2010) 6(5) *Comparative Research in Law & Political Economy* 6(5) 1; John Reynolds, *Empire, Emergency and International Law* (Cambridge University Press, 2017).

<sup>9</sup> Letter from Robert Allason Furness, 16 July 1922 in *Martial law: Powers of the Ministry of the Interior* (The National Archives, Kew Gardens) FO 141/430/4/5500/14, 4.

<sup>10</sup> As explored by Khaled Fahmy, ‘The Birth of the ‘Secular’ Individual: Medical and Legal Methods of Identification in Nineteenth-Century Egypt’ in Keith Breckenridge and Simon Szeter (eds) *Registration and Recognition: Documenting the Person in World History* (The British Academy 2012), 335; Khaled Fahmy, ‘Prostitution in Nineteenth-Century Egypt’ in Eugene Rogan (ed) *Outside In: On the Margins of the Modern Middle East* (I.B. Tauris, 2002) 77.

<sup>11</sup> I refer to AMSH workers as ‘imperial feminists’ throughout this article because AMSH’s understanding of abolition was informed by a narrative of civilisation and in practice included women reformers moving to the British colonies to ‘educate’. This is elaborated in section 3.

<sup>12</sup> ‘Proclamation of Martial Law,’ 2 November 1914 in *Proclamations: War with Turkey* (The National Archives, Kew Gardens) FO 891/62/14.

<sup>13</sup> See: Ann Laura Stoler, *Duress: Imperial Durabilities in Our Times* (Duke University Press, 2016); Laura Lammasniemi, ‘Regulation 40D: Punishing promiscuity on the home front during the First World War’ (2016) 26(4) *Women’s History Review*; Hanan Hammad, *Industrial Sexuality: Gender, Urbanization, and Social Transformation in Egypt* (University of Texas Press, 2016); Hanan Kholoussy, ‘Monitoring and Medicalising Male Sexuality in Semi-Colonial Egypt’ (2010) 22(3) *Gender & History*, 677.

<sup>14</sup> Samera Esmeir, *Juridical Humanity: A Colonial History* (Stanford University Press, 2012); Nathan J. Brown, ‘Retrospective: Law and Imperialism: Egypt in Comparative Perspective’ (1995) 29(1) *Law & Society Review* 103; Zeinab Abul-Magd, *Imagined Empires: A History of Revolt in Egypt* (University of California Press, 2013); Ahmed Ezzat, ‘Law and Moral Regulation in Modern Egypt: Hisba from Tradition to Modernity’ (2020) *International Journal of Middle East Studies* 1; Fahmy above note 10.

connection with British and Egyptian countering terrorism and pre-criminality.<sup>15</sup> This article addresses this gap by exploring the securitisation of sex workers in the latter half of the British occupation of Egypt (1882-1956). I enter the occupation period in 1914, the year in which, alongside the declaration of the First World War, Britain promulgated martial law in Egypt and proclaimed the former Ottoman administrative division a British Protectorate. These swift changes provided British Administrators new forms of access to civil administrative spaces and the ability to take increased control over legal processes.

Scholars are divided regarding the extent of influence that the British had in shaping Egyptian forms of governance. For some, the British Administration, following the 1882 British defeat of the nationalist ‘Urabi revolt, had a monopoly over the formation of secular modern Egyptian systems of law, government and economics which institutionalised and regulated new forms of identity and humanity.<sup>16</sup> Other accounts take the spotlight away from Britain, highlighting the strong complex system of Ottoman, Islamic and French legal models that Egypt already had upon the 1882 British occupation.<sup>17</sup> For instance, Fahmy suggests that the modernising reforms of Muhammad Ali’s nineteenth century Ottoman government had a profound effect on development of legal and medical spaces and the co-constitution of Egyptian subjectivities.<sup>18</sup> Crucial to consider is that the Ottoman system of capitulations – bilateral treaties between the Ottoman and European powers – granted extraterritorial jurisdiction to European citizens in Egypt, restricting the control the British could enjoy. As I demonstrate below, the capitulatory system also stifled the control that the Administration had over sex workers, and therefore the ushering in of British martial law in 1914 was momentous in that British control was expanded.<sup>19</sup>

Despite this, it is important to recognise that British administrators infiltrated every level of the Egyptian government, and that ‘no Egyptian government could take an action that the British actively opposed.’<sup>20</sup> I contend that it is throughout this period, when values of democracy and the rule of law were encroaching on colonial powers’ methods of governance, that we begin to see the shaping and crystallisation of certain forms of pre-criminality – through law and through ‘softer’ civil society-based practices. It is in this vein that I explore the actors involved in the shaping of pre-criminality and forms of governance, in particular, by examining how British imperial feminists of AMSH were complicit in the construction and regulation of ‘threatening’ and ‘dangerous’ subjects. AMSH representatives were critical of state-regulated prostitution and of the maltreatment of sex workers. They called for ‘softer’ civil-society based interventions such as education. Despite their differences, I show how, by relying upon the same civilisational discourse that cast Egyptian sex workers as immoral and backwards

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<sup>15</sup> A notable exception by Cairo Institute for Human Rights Studies ‘Towards the Emancipation of Egypt: A Study of Assembly Law 10/1914’ (Report, CIHRS, January 2017) < [https://cihrs.org/wp-content/uploads/2017/01/Towards\\_the\\_em\\_of\\_Eg\\_eng.pdf](https://cihrs.org/wp-content/uploads/2017/01/Towards_the_em_of_Eg_eng.pdf)> last accessed 27 October 2020.

<sup>16</sup> Talal Asad, ‘Thinking about Secularism and the Law in Egypt’ (2001) *ISIM Paper*; Esmeir above note 13.

<sup>17</sup> Brown above note 14.

<sup>18</sup> As above.

<sup>19</sup> The British Protectorate officially ended in 1922 when Egyptian independence was declared following the mass demonstrations of the 1919 revolution. However, the actual stationing of British troops in Egypt lasted until 1956 as independence was declared on the condition that Britain could defend its interest over the Suez Canal.

<sup>20</sup> Brown above note 14, 107.

compared to their European counterparts, they aided the development of race-based forms of pre-criminality. Furthermore, their lack of interest in working with abolitionist Egyptian feminist groups at the time is suggestive of such complicity.<sup>21</sup>

Methodologically this article is particularly influenced by postcolonial and intersectional feminisms that pay attention to how the intimate, the bodily and the everyday came to inflect and simultaneously modify forms of colonial governance,<sup>22</sup> and how forms of feminism are taken up by the postcolonial state to achieve this very end. This article does not attempt to plot an ‘analogic comparison’<sup>23</sup> between forms of suspicion developed in this period and the contemporary functioning of the pre-criminal space, nor to concretely trace ‘back’ aspects of coloniality to the metropole. Instead, this article provides the grounds upon which to build a genealogy of pre-criminality: by noting the disparate actors and forces that diverge from and bolster each other at different critical moments, I point to the less visible interactions through which hegemonic forms of governance were shaped in a way that persist today.

In what follows, I first outline the literature on the pre-criminal space, I then consider the spaces and voices of the actors I am focusing on, noting the intersections between the Administration and the imperial feminists. The following section explores the role of martial law in opening up society for the British and ushering in new forms of law and policing, before considering the enhanced and overlapping forms of securitisation formed through the arrival of the army and AMSH. Finally, I examine how the geographical and biopolitical segregation of sex worker communities came to inform understandings of suspicion and pre-criminality.

## 2.0 Tracing the Pre-criminal Space

Contemporary scholarship understands the pre-criminal space as a new legal temporality that has developed primarily since 9/11 which brings forward the ‘threshold of criminal responsibility.’<sup>24</sup> With this, the nature of a crime is shifted to one that has not happened and is not imminent.<sup>25</sup> The extension of the law’s temporality allows for the criminalisation of acts that are not innately criminal.<sup>26</sup> Instead, it is a selectively implemented form of law that is animated by a fear that a crime threat could emerge, thereby depriving people of ‘even an initial chance to demonstrate their trustworthiness.’<sup>27</sup> While traditional criminal law criminalises conspiracy and attempt, newer laws that criminalise the preparation of a crime move the temporal gap even further forward, remove the need for substantive evidence, and ‘look to the identity of the would-be suspect instead of conduct as the primary basis for criminal liability.’<sup>28</sup> What this means is that the evidence for a ‘pre-crime’ is replaced with suspicion and the typical

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<sup>21</sup> There is not sufficient room to address the complicity of the Egyptian government at the time in this article, however, suffice to say that numerous British Acts to repress dissent were passed by the Egyptian Legislative Council.

<sup>22</sup> Stoler above note 13, 310.

<sup>23</sup> Stoler above note 13, 25.

<sup>24</sup> Charlotte Heath-Kelly, ‘The geography of pre-criminal space: epidemiological imaginations of radicalisation risk in the UK Prevent strategy, 2007-2017’ (2017) 10(2) *Critical Studies on Terrorism*, 298.

<sup>25</sup> McCulloch and Wilson above note 3, 25.

<sup>26</sup> McCulloch and Wilson above note 3, 62.

<sup>27</sup> McCulloch and Wilson above note 3, 3.

<sup>28</sup> McCulloch and Wilson above note 3, 19.

legal presumption of innocence is suspended.<sup>29</sup> The pre-criminal space has fostered the development of new legal instruments such as charges of ‘preparatory terrorism’ and pre-punishments such as ASBOs<sup>30</sup> and control orders.<sup>31</sup>

Scholars have noted that the shift in temporality of the pre-criminal allows for pre-emptive policing before the law comes into play. This is the prime space where ‘suspicion is primarily linked to an individual’s perceived membership of a sub-group and not to suspected wrongdoing.’<sup>32</sup> Here, ‘softer’ countering-extremism strategies that engage civil society groups, often Muslim groups – such as education and data collection – are cast as less of a threat to human rights and therefore more justifiable.<sup>33</sup> The binarisation of hard and soft approaches however, ‘fails to pull together the collective effect that the many measures that regulate terrorism... have when operating in tandem.’<sup>34</sup> The construction of the pre-criminal space is therefore dependent upon the overlapping forms of securitisation that sit both in national and international spaces and the everyday. Critical legal scholars have noted that the pre-criminal space has been increasingly institutionalised through the codification of emergency laws into counter-terrorism legislation over the past two decades, performing a lawful state violence.<sup>35</sup> As Zedner explains, the uncritical usage of the pre-criminal by states ‘has a tendency to validate developments that ought properly to be subject to intense debate,’<sup>36</sup> such as arbitrary arrest and detention, bogus trial and restrictions on liberty.

Early versions of the pre-criminal space are apparent in the nineteenth century development of race-based taxonomies of criminality. These were also inflected through class and gender-based policing and law-making in both the colonies and the metropole, although in different ways. For instance, England saw the development of ‘status offences’ that criminalised people specifically on the basis of identity such as ‘drunks’, ‘vagrants’ and ‘prostitutes.’<sup>37</sup> Importantly, these offences were based upon the perception of ‘dangerousness’ or risk of future crime, without necessitating evidence.<sup>38</sup> There was also a discrepancy between the treatment of sex workers in the colonies and the metropole: whereas in the former, sex workers were highly regulated through Contagious Disease Acts, in the latter, regulation was much less routinised.<sup>39</sup> Thus, the shaping of pre-criminality has many class, gender and race based inflections.

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<sup>29</sup> Heath-Kelly above note 24, 298.

<sup>30</sup> An ASBO or an Anti-Social Behaviour Order is a British court order that restricts the movement or activity of people deemed to have behaved in a disruptive way.

<sup>31</sup> Lucia Zedner, ‘Pre-crime and pre-punishment: a health warning’ (2010) 81(1) *Criminal Justice Matters* 24, reprinted online by the Centre for Crime and Justice Studies <<https://www.crimeandjustice.org.uk/publications/cjm/article/pre-crime-and-pre-punishment-health-warning>>.

<sup>32</sup> Christina Pantazis and Simon Pemberton, ‘From the “Old” to the “New” Suspect Community: Examining the Impacts of Recent UK Counter-Terrorist Legislation’ (2009) 49 (5) *British Journal of Criminology* 646, 649.

<sup>33</sup> Fionnuala Ní Aoláin, ‘European Counter-Terrorism Approaches: A Slow and Insidious Erosion of Fundamental Rights’ (2018) *Just Security* <<https://www.justsecurity.org/61086/european-counter-terrorism-approaches-slow-insidious-erosion-fundamental-rights/>> accessed 16 April 2021.

<sup>34</sup> As above.

<sup>35</sup> See Hussain above note 8.

<sup>36</sup> Zedner above note 29.

<sup>37</sup> McCulloch and Wilson above note 3, 21.

<sup>38</sup> As above.

<sup>39</sup> Philippa Levine, *Prostitution, Race & Politics: Policing Venereal Disease in the British Empire* (Routledge, 2003) 40.

The link between pre-criminality and terrorism is entangled with British colonial policy in Ireland, India and other colonies. A key characteristic of British colonial policy was to maintain a ‘normal’ regime of law in mainland Britain as opposed to an ‘emergency’ regime of martial law in the colonies.<sup>40</sup> The colonies remained the central spaces where narratives of lawlessness justified the British in ‘testing out’ harsh emergency powers.<sup>41</sup> Importantly, these legal packages were primarily developed through the repression of anti-colonial dissent in the mid-nineteenth century, which were shaped as ‘a new object of state biopolitical power – the “terrorist.”’<sup>42</sup> This was bolstered by a shift away from martial law towards the increasing abundance of statute-based laws to deal with ‘emergency.’ As the mid-nineteenth century saw the institutionalisation of ‘terrorism’ as a modern legal phenomenon, the racialised, gendered and classed pre-criminal space started to be shaped and incorporated into the law.

### 3.0 Historical Spaces, Voices and the politics of AMSH

Attending to the ‘where’ and ‘how’ of the archival overlap between the Administration and imperial feminists provides clues as to how theories and practices of securitisation might have been shared at the time.<sup>43</sup> The official British narrative is simultaneously added to and offset by the imperial feminists from AMSH who arrived in Egypt in the 1920s and 1930s in order to shift government policy on abolition which until this time had been regulationist. The most ‘radical and daring’<sup>44</sup> of these women was Louise Dorothy Potter, by whom most of AMSH’s Egyptian reports were written, and to whom I will pay the most attention.

AMSH believed that women were victims of patriarchal society structures, and that socioeconomic disadvantage, such as lack of education, pushed them into sex work.<sup>45</sup> For them, the regulationist state was part of the problem: by regulating sex workers the state was legally sanctioning vice and corruption.<sup>46</sup> AMSH swayed from the Administration’s ‘hard’ police measures such as the forcible arrest of suspected clandestine sex workers and the ‘odious’ medical inspection.<sup>47</sup> Potter pushed for a ‘softer’ educational approach on the ‘dangers of immoral conduct, and the serious results of venereal disease.’<sup>48</sup> Importantly, the move towards using ‘softer’ civil society approaches as a more acceptable form of coercion underpins national and international attitudes towards countering extremism today.<sup>49</sup>

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<sup>40</sup> Reynolds, 2010, above note 8.

<sup>41</sup> Reynolds, 2017, above note 8.

<sup>42</sup> Amy E. Martin, *Alter-Nations: Nationalisms, Terror and the State in Nineteenth-Century Britain and Ireland* (The Ohio State University Press, 2012), 107.

<sup>43</sup> Mayur Suresh, ‘The “Paper Case”: Evidence and Narrative of a Terrorism Trial in Delhi’ (2019) 53(1) *Law & Society Review* 173.

<sup>44</sup> Francesca Biancani, *Sex Work in Colonial Egypt: Women, Modernity and The Global Economy* (I.B. Tauris, 2013), 142.

<sup>45</sup> As above.

<sup>46</sup> As above, 143.

<sup>47</sup> Louise Dorothy Potter, ‘Interim Report on the Experiment in Damanhour’ (Report, 1933) (The Women’s Library, The London School of Economics, 3AMS/D13 Box 113), 4.

<sup>48</sup> Louise Dorothy Potter, ‘Principles and Methods of the Experiment in Damanhour’ (Report, 1933) (The Women’s Library, The London School of Economics, 3AMS/D13 Box 113), 4.

<sup>49</sup> Laleh Khalili, ‘Gendered Practices of Counterinsurgency’ (2011) 37(4) *Review of International Studies*; See also Ní Aoláin above note 32.

At the same time, many of AMSH's attitudes towards sex workers in the colonies aligned with those of the Administration,<sup>50</sup> where orientalist narratives around 'Arabness' and Islam marked Egyptian sex workers as more immoral and unhygienic than their European counterparts. European sex workers were deemed easier to 'save' as, 'they are better educated, have more initiative, and have more chance of finding other employment.'<sup>51</sup> As Potter understood it, education and social measures were considered to be able to go further into Egyptian society to 'encourage a better standard of morality in all classes,'<sup>52</sup> and therefore, as necessary to Egyptian modernisation and civilisation.<sup>53</sup>

Potter often worked with British and Egyptian men who held positions of authority in the spaces of public security and law such as the Chief of Police Russel Pasha, Egyptian judges, local mudirs and district administrators. Potter organised workshops and reading groups for these men where they would exchange views on texts she circulated. These texts included the 1910 Flexner Report on the state of medical education in the USA by Abraham Flexner. Among other themes, this report pushed the idea that Black doctors were likely to spread disease to their white counterparts, and that they should therefore be educated for the sake of white America.<sup>54</sup> This racialised view of disease informed Potters attitude to 'classes' of sex workers and how easy they would be to save.

The interplay between AMSH and the Administration brings me to describe Potter and her colleagues as pursuing an imperial feminist agenda that both mirrored and diverted from the official British project in Egypt. Indeed, the overlapping between the different factions of power can be understood as contributing to a securisation network, 'explicitly aimed to protect, rescue, and secure certain idealised forms of humanity identified with a particular family of sexuality, morality, and class subjects, and grounded in certain militarized territories and strategic infrastructures.'<sup>55</sup> We can view the protection, rescue and security of racialised, classed and gendered forms of subjectivity in the ways that both AMSH and the Administration pathologise Egyptian sex workers as more hazardous transmitters of disease and immorality as compared to their 'savagable' European counterparts.

Haggis warns of the risks of focusing on white women's and men's voices from the colonies, explaining that 'centring a singular female subjectivity fosters an inability to deal with the power relations of colonialism, privileging the White Woman as benevolent victim of the imperialist White Man.'<sup>56</sup> While this article primarily deals with texts written by white men and women in occupied Egypt, it is through a framing that examines the racialised and classed

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<sup>50</sup> Biancani above note 43, 142.

<sup>51</sup> McCall above note 1, 5.

<sup>52</sup> Louise Dorothy Potter, 'Memorandum to Commission on Licensed Prostitution' (Report, AMSH, n.d.) (The Women's Library, The London School of Economics, 3AMS/D13 Box 113) 3.

<sup>53</sup> Biancani above note 43.

<sup>54</sup> Louis W. Sullivan and Ilana Suez Mittman, 'The State of Diversity in the Health Professions a Century After Flexner' (2010) 85(2) *Academic Medicine* 246

<sup>55</sup> Paul Amar, *The Security Archipelago: Human-Security States, Sexuality Politics, and the End of Neoliberalism* (Duke University Press, 2013) 6.

<sup>56</sup> Jane Haggis, 'White Women and Colonialism: Towards a Non-Recuperative History' in Clare Midgley, *Gender and Imperialism* (Manchester University Press, 1998) 45, 48.

nature of their shared narratives, that I suggest where such administrative spaces of power might continue to have influence in contemporary understandings of the pre-criminal. At the time, Egyptian feminists such as Huda Sha'rawi were actively opposing state-regulated prostitution through the Egyptian Feminist Union (EFU) and were highly involved in the 1919 revolution.<sup>57</sup> However, Egyptian women are rarely mentioned in Potter's reports. When they are, they are either explained as female students keen to learn from her, or as wealthy Egyptian women involved in philanthropic causes. When Egyptian feminist organisations realised that AMSH had no interest in the anti-colonial struggle, they moved away from them.<sup>58</sup> Additionally, while this article is indebted to postcolonial feminist literature, it is important to recognise that forms of state feminism and feminisms that speak from an elite location are also a postcolonial condition.<sup>59</sup> Writing on some of the problematics of Egyptian feminist activism, Salem notes that 'many feminists used the motif of the peasant woman as a symbol of freedom... without deeply interrogating the ways in which their own economic advantage was dependent upon the poverty of these very women.'<sup>60</sup>

It is precisely through the absences of the voices of twentieth century Egyptian sex workers in the reports made by the AMSH that the workings of imperial power become clear: even when purporting to 'educate' on the dangers of immorality through screening propaganda films in Egyptian towns and villages, Potter describes enthusiastic audiences of British and Egyptian men, but less often women, and much less often sex workers themselves. Fahmy describes the nineteenth century sex workers as an 'increasingly marginalised member of society', and thus focuses on the brothel as a space from which to reconstruct pieces of her life.<sup>61</sup> In a similar way, the last section of this article centres the lived realities of the sex workers in order to better understand how her everyday existence was a site of suspicion and violence.

#### **4.0 Martial Law: Policing the whole of Society**

Prior to 1914, Britain as an occupying force in Egypt was never able to take complete control over the country. The Egyptian legal system represented a constant source of frustration for the British, limiting the administrative, bureaucratic and judicial spaces in which the British could assert authority.<sup>62</sup> The system of capitulations – a remnant of Ottoman rule – meant that Europeans were tried by their own consular courts and Egyptians by the 'native (sic) courts.' This system played out to further segregate sex worker communities into a dual system: while European sex workers had to notify their own authorities if they contracted VD, Egyptians were arrested and confined to the lock hospital. While Europeans were certainly not well treated, they were still 'civilised' as compared to their Egyptian counterparts.<sup>63</sup> For the

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<sup>57</sup> Beth Baron, *Egypt as a Woman: Nationalism, Gender and Politics* (University of California Press, 2005) 107

<sup>58</sup> Sara Salem, 'On Transnational Feminist Solidarity: The Case of Angela Davis in Egypt' (2018) 43(2) *Signs: Journal of Women in Culture and Society*, 264.

<sup>59</sup> Laura Bier, *Revolutionary womanhood: Feminisms, Modernity and the State in Nasser's Egypt*, (Stanford University Press, 2011) 25; Salem above note 54, 261.

<sup>60</sup> Salem above note 57, 261.

<sup>61</sup> Fahmy above note 10, 77-78.

<sup>62</sup> Brown above note 14, 107.

<sup>63</sup> Biancani above note 43, 65.

Administration, the system of capitulations curtailed the capacity of local and British police to enforce the law.<sup>64</sup>

In 1914, therefore, British martial law was promulgated as ‘the only system under which everyone can be held.’<sup>65</sup> Despite ostensibly being promulgated throughout Egypt in reaction to World War One, thus providing protection to British troops, martial law also gave the British the much-desired access to administrative and judicial spaces throughout the country, including the ability to regulate working class and rural districts for the spread of disease and disorder. This is highlighted by the insidious way martial law crept over the ‘whole surface of society,’<sup>66</sup> and was heralded for its ability to remain in the background.<sup>67</sup>

To give an example, Commander in Chief of the Egyptian Expeditionary Force, General A.J. Murray pressed that it was necessary for the application of martial law to affect ‘to a greater or lesser extent, every department of the Civil Administration’,<sup>68</sup> before listing how every public service – including the state railways, the department of public works, the postal and telegraph services, the ports and lights administration, the administration of civil law and the control of police – should be manipulated. British martial law was considered to respect the structure of civil society, that ‘as an instrument of Government, as distinct from an instrument of repression, it has [...] been used almost exclusively by the Civil Authorities’.<sup>69</sup> Looking back in 1925, Sir M.S. Amos remembered martial law as providing a framework for better treatment of Egyptian subjects, bringing the checks and transparency of a judicial structure, and ‘constituting an effective claim by His Majesty’s Government to a provisional and temporary sovereignty’.<sup>70</sup>

Martial law provided the set-up of military tribunals to try people specifically accused of offences against a British officer or soldier. Through this framework martial law was used to regulate and control the lives of sex workers in Egypt. This becomes clear in the following passage written by an army colonel after martial law was taken out of place in 1923:

The situation [regarding VD] has become worse since the abolition of martial law, and after full consideration, I formed the opinion that the increase in disease is mainly due to the lack of efficiency in the measures adopted by the civil authorities for the control of prostitutes, both registered and unregistered [...] During the operation of martial law such persons [sex workers] were

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<sup>64</sup> Biancani above note 43.

<sup>65</sup> Letter to the Secretary, War Office in London from A. J. Murray, General, Commander in Chief, Egyptian Expeditionary Force, 26 November 1916 in *Administration of Martial Law in Egypt* (The National Archives, Kew Gardens) FO 141/671/4337/1.

<sup>66</sup> Mitchell explains how the principle of order and discipline used in the development of Muhammad Ali’s army to “‘fix” men in place... and to coordinate them as the separate parts of a single military machine’ was later used ‘over the whole surface of society’ in order to regulate people throughout the provinces.’ Timothy Mitchell, *Colonising Egypt* (University of California Press, 1991) 40.

<sup>67</sup> Murray above note 64.

<sup>68</sup> As above.

<sup>69</sup> As above.

<sup>70</sup> Sir M.S. Amos, ‘Martial Law in Egypt, 1914-23’ (Pamphlet, August 1925) (The National Archives, FO 141/671/4337/95) 9.

arrested and tried before military courts and on conviction, were awarded punishments ranging from 14 days to 6 months imprisonment with hard labour, and/or fines of from 10/- to £10 – this action proved an efficient deterrent. At the present time, although they are constantly arrested by the civil police, the punishments awarded vary, I believe, from only PT5 – PT100.<sup>71</sup>

Here it becomes apparent that the regulation of sexuality and morality was considered central to the justification of ‘necessary’ emergency measures taken to protect troops during wartime. At the time, a Purification Committee was set up in 1915 to curb not only VD but vice, through regularising the medical inspection of European as well as Egyptian sex workers, and also through the banning of belly dancing and alcohol.<sup>72</sup> Gender and sexuality non-conforming subjects were also often arrested.<sup>73</sup> The committee succeeded in issuing a decree, agreed to by the capitulatory consuls, which stipulated that all women suspected of being infected with VD should be examined and confined to the lock hospital.<sup>74</sup> It further criminalised the knowing transmission of syphilis to a man, which mirrors the exceptionalism of crimes against British soldiers under martial law.<sup>75</sup>

When in 1922 Egyptian independence was declared and in 1923 martial law was (in part) revoked, the reassertion of the system of capitulations found renewed hatred from the Administration, AMSH and the EFU. For AMSH the capitulations represented ‘the biggest block in dealing with European prostitutes’,<sup>76</sup> and the lengthy legal process meant that ‘disorderly houses continue unconcernedly’.<sup>77</sup> In this respect, AMSH looked to martial law as a useful method of disciplining society as a whole in the path to the eventual abolition. Separately, the EFU abhorred the capitulations both for the way they ‘protected’ foreign sex workers,<sup>78</sup> and ‘as an odious infringement upon Egyptian sovereignty sustaining inequalities between citizen and Westerners’.<sup>79</sup> By banning all sex work as a court-martial offence, martial law opened up space for the scrutiny of sex workers. Its framing as ‘more equal’ than the consular-based capitulations however, meant that it could be looked back on as a more effective and ‘just’ way of managing the population.

## 5.0 Military-Civil Society Connections

With the influx of troops in 1914 and the promulgation of martial law, control was tightened, and sex workers more actively surveilled. Discipline was not just enacted by the police and the state, however, but the military themselves took part in the everyday disciplining of sex

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<sup>71</sup> PT here refers to ‘piastre’ which is the subunit of measurement of the Egyptian pound. Letter from Colonel on the Staff i/c Administration British Troops in Egypt to the First Secretary, the Residency, Alexandria, 28 June 1924 in *Prostitution and venereal diseases. Part 1*. (The National Archives, Kew Gardens) FO141/466/2.

<sup>72</sup> Biancani above note 43.

<sup>73</sup> As above, 161.

<sup>74</sup> As above, 68 and 119.

<sup>75</sup> As above.

<sup>76</sup> McCall above note 1.

<sup>77</sup> As above.

<sup>78</sup> Biancani above note 43.

<sup>79</sup> Margot Badran, *Feminists, Islam and Nation: Gender and the Making of Modern Egypt* (Princeton University Press, 1995), 199.

workers, by reporting and marking off ‘contaminated’ houses. While Potter abhorred army practices, her communication with soldiers illustrates the tightening of securitisation and suspicion around sex workers from multiple angles.

Potter described military presence as ‘one of our biggest stumbling blocks’ in the abolitionist cause.<sup>80</sup> While the measures referred to under martial law were brought in to outlaw sex work, others considered that the regulations around sex work should be relaxed in order to ‘meet the demand for European women’.<sup>81</sup> A balancing act between the availability of sex workers and the need to protect the troops often led to the discretionary encouragement of soldiers to frequent ‘higher’ classes of sex worker (read European). Asked by Potter in 1931 about how areas of Cairo were divided into licensed zones and tolerated zones, Sub-Inspector Howlett replied that ‘the idea was to attract better-class women for the troops, as they must have brothels, and this kind of woman won’t go into the licensed areas, which indeed is hardly fit for her’.<sup>82</sup>

While Potter expressed shock at this ‘breath-taking statement’, she equally noted that the root cause of the attitude of this ‘very decent type of young man’ and others like him is that ‘this sort of country’ fosters a love of power and control. In another source, Potter sympathises that the police’s task ‘is a most difficult one, until new legislation is introduced’.<sup>83</sup> This period also saw increasing communication between the army and police to securitise certain communities. This becomes clear in a letter from Potter to AMSH in England that criticises the presence of troops:

A list of houses is posted up in the messes as “out of bounds” and this same remark is pasted up on many of the houses themselves. No list of “in bounds” houses of course is given (as far as I know) but the men tell each other, and when these houses are found to contain sick girls, the police notify the Army authorities, who place them out of bounds till a notice is received that all is well. I have seen the forms on which this is done, also a form stating that a certain girl, accused by a certain soldier, of being the person from whom he contracted disease, was found healthy at the medical examination on such and such a date.<sup>84</sup>

As this extract suggests, knowledge about which houses and which ‘girls’ were sites of contagion sat at the heart of securitisation structures. Furthermore, no evidence other than the accusation of a woman would have her immediately taken to be medically inspected. This was in spite of admissions that this assumption might not always be true: the secretary of AMSH

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<sup>80</sup> Louise Dorothy Potter, ‘Report to the Executive Committee of the Association for Moral and Social Hygiene’ (Report, AMSH, 1931) (The Women’s Library, The London School of Economics, 3AMS/D13 Box 113), 4.

<sup>81</sup> Louise Dorothy Potter, (Report, AMSH, 1941) (The Women’s Library, The London School of Economics, 3AMS/D13 Box 113), 3

<sup>82</sup> Potter above, 79.

<sup>83</sup> Louise Dorothy Potter, ‘Report on the Experiment at Damanhour’ (Report, AMSH, n.d.) (The Women’s Library, The London School of Economics, 3AMS/D13 Box 113).

<sup>84</sup> Potter above, 79.

noted that ‘50% of the women accused had no traces of venereal disease when examined, and it was discovered that in some cases it was the men themselves who had been infected before and thought they were cured, and that the disease had merely broken out again’.<sup>85</sup> The site of the medical inspection, then, becomes more of a gendered and classed disciplinary device for certain understandings of morality than a scientifically-based method of disease control.

The practice of denoting certain premises – which were most often poorer and Egyptian – as ‘out of bounds’ also had a compounding economic effect on the residents. A letter from a group of eight women in 1922 who describe themselves as ‘owners of public houses’ in the ‘out of bounds’ area of Alexandria is testimony to this.<sup>86</sup> The letter, addressed to the High Commissioner, requests that their houses be exempt so that British soldiers may visit them again, however their request was denied, and the word ‘amusing’ scrawled upon the letter by a British official.

Foreign troops based in Egypt were also the cause of riots and violence. On 2 April 1915, Australian and New Zealand troops demolished several brothels in the Wasser Red Light district of Cairo, ‘bedding and furniture were piled into the street and torched, and at least one building was set alight’.<sup>87</sup> The riots were broken up by the British military police who put in place a lockdown in the area of Heliopolis (where the troops were stationed) the next day. Nineteen soldiers were tried before a court martial.<sup>88</sup> Australian and New Zealand troops are frequently cast as behaving badly compared to British soldiers, despite the many complaints about British troops destroying villages, stealing valuables and raping women particularly throughout the war period.<sup>89</sup>

While military troops treated the home and work-spaces of sex workers as theirs to enjoy and destroy, the underlying attitude is not so far removed from that of AMSH. A year after being sent out to Egypt by AMSH, in 1931, Potter was headhunted and offered work by the Director of European Security in Egypt Sir Keown-Boyd. Potter’s title was formerly ‘Chief of the Morality Police,’ and later ‘Chief of the Morals Dept’ in the city of Damanhour, where she was carrying out an experiment to abolish sex work.<sup>90</sup> Part of this experiment saw Potter working with the police to close down all brothels in town accompanied by an education and propaganda campaign. Closures of the brothels meant that many sex workers were forced to leave and find work elsewhere. A large number of them had dependents such as parents, siblings or children

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<sup>85</sup> Letter from the Secretary of AMSH to Miss Potter, 6 July 1932 in *Letters and reports from Miss L Dorothy Potter* (The Women’s Library, The London School of Economics, 3AMS/D13 Box 113).

<sup>86</sup> Letter to H.E. Field Marshal Lord Allenby from Fouada Beut Abraham et al., 10 November 1922, *Prostitution and venereal diseases. Part 1*. (The National Archives, Kew Gardens) FO141/466/2.

<sup>87</sup> John Hamilton, *Gallipoli Sniper: The Remarkable Life of Billy Sing* (Pen & Sword Books, 2015) 233.

<sup>88</sup> Russel Robinson, *Khaki Crims and Desperadoes* (Macmillan Australia, 2014).

<sup>89</sup> In 1919, British and Australian soldiers accompanied by Egyptian police officers raided and destroyed homes and attacked and raped the villagers El Azizia, Badrashein and Nazlet el Shobak villages. Proces-verbal from Dessuki Ibrahim el Dessuki Rashdan, Omda of Azzizia, 27 March 1919, in *Egypt, General Correspondence* (The National Archives, Kew Gardens) FO141/825.

<sup>90</sup> Letter to Miss Neilans from Louise Dorothy Potter, 25 March 1932 in *Letters and reports from Miss L Dorothy Potter* (The Women’s Library, The London School of Economics, 3AMS/D13 Box 113).

to support and so moved to Alexandria to continue working.<sup>91</sup> Corroborating the case with similar work in Hong Kong, AMSH secretary Alison Neilans said ‘the girls do not want to go into the Government-supported Refuge, nor to the Salvation Army, and they rather resent being turned out into the streets’.<sup>92</sup> Potter concluded that when the experiment expanded, the ‘girls’ would have no choice other than to accept the help offered.<sup>93</sup> As we can see, sex workers’ home and work-spaces were considered by both the army and AMSH as theirs to violate.

As explained in section 2.0, the pre-criminal space is often forged through a collaboration between police, military and civil society actors. The latter, although sometimes unbeknownst to themselves, are relied upon for ‘softer’ forms of surveillance that are, however, ultimately part and parcel to the governance network. The informal passing of knowledge about sex workers’ bodies and sexualities between the police, the military and AMSH hereby informed methods of policing and pre-criminalisation and accounted for a shifting governance network. Here, we see the congruence of ‘hard’ and ‘soft’ forms of governance – while not always in-synch or in agreement – certainly working to tighten the structures to which sex workers were subject.

## 6.0 Segregation and Identity-Based Suspicion

The link between the segregation of popular districts in Egypt and the criminalisation of vagrancy and disease provides clues as to the development of a morality-based suspicion and a form of pre-criminal thinking. Geographical division and regulation are recognised by many postcolonial scholars as central in colonial occupation, as it facilitated ‘the subversion of existing property arrangements; the classification of people according to different categories’.<sup>94</sup> Aspects of pre-criminality are evident in the spatial way in which sex workers, and also those deemed ‘extremist’, were marked as potentially criminal and linked to a certain group or district.

In the period around the 1919 Egyptian revolution, certain districts saw the acceleration of methods of mass fining, raids and pre-emptive stop and search to combat anti-colonial dissent. These were most often used on ‘popular’ downtown districts such as Gheziret Badran which today is a street in the Shubra area of Cairo.<sup>95</sup> It is not a coincidence that this area intersected with the patrolled and cordoned red-light districts located around the contemporary Ezbekiya area. This area continued to be considered a higher risk of criminal behaviour, one to which AMSH paid particular attention more than a decade later:

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<sup>91</sup> Letter to Miss Neilans from Louise Dorothy Potter, 29 April 1932 in *Letters and reports from Miss L Dorothy Potter* (The Women’s Library, The London School of Economics, 3AMS/D13 Box 113).

<sup>92</sup> Letter to Louise Dorothy Potter from Miss Neilans, 20 May 1932 in *Letters and reports from Miss L Dorothy Potter* (The Women’s Library, The London School of Economics, 3AMS/D13 Box 113).

<sup>93</sup> Potter above note 90.

<sup>94</sup> Achille Mbembe, ‘Necropolitics’ (2003) 15(1) *Public Culture* 11, 25.

<sup>95</sup> Telegram from Reuters, 22 February 1923 in *Administration of Martial Law in Egypt* (The National Archives, Kew Gardens) FO141/671/4337/59.

As regards other crimes, taking the different quarters in Cairo, an average number per year during the five years up to and including 1927 is higher in the segregated quarter of Ezbekia than in any other. The figure given is 66.4 and the next highest figure 62.4 represents a quarter notorious for its secret brothels.<sup>96</sup>

It was also considered to be a space where ‘extremists’ would take advantage of British soldiers, as is evident in this passage:

In the bars of this street – ([...] haunts of pimps, thieves and dirty Arabs) – the soldiers get drunk and sniff cocaine in the happy company and familiarity of such people, who are the emissaries charged by the Zaghulists to collect information regarding the movements of troops, the habits (movements) and dwellings of Officers.<sup>97</sup>

The nod here to ‘Zaghulists’ – or those rallying around the nationalist figure Saad Zaghloul – as using a network of contacts in this district to spy on British soldiers, can be thought of as an early example of how pre-criminality functions to mark anyone perceived to be in proximity to an anti-colonial group as always already criminal. Under contemporary British counter-terrorism legislation, for instance, this function is codified into law through S.3 of the UK Terrorism Act 2000 which deals with the proscription of certain groups.<sup>98</sup> In practice, the denouncing of people as guilty of terrorism through a connection to a proscribed group is often made on spurious evidence, tenuous links and also facilitates the increased policing of certain communities such as Muslims under stop and search legislation. Of course, in this earlier period, proscription was not codified as such, however the contemporaneous development of legal instruments such as the 10/1914 Law on Assembly allowed an individual’s physical presence near an assembly to amount for adequate evidence to be charged.<sup>99</sup> Today this law is frequently used alongside counter-terrorism legislation to make mass arrests of political demonstrators in Egypt.<sup>100</sup>

Significantly, the naturalisation of these working-class districts as criminal is tethered to them also being framed as unhygienic and contagious, facilitated by the actual contagious effects of VD. This accounts for the ease to which anyone within a certain district could be understood as potentially dangerous. These connections become evident in the following description of an Alexandrian street in a report by AMSH delivered to the League of Nations in 1929:

In the wider streets of the same quarters in Alexandria, the only drainage is the open sewer which runs down the middle of the road, and eventually flows out, over the pavement, into one of the better streets of the town where there is a

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<sup>96</sup> C. McCall above note 1.

<sup>97</sup> Letter to H.E. Field Marshal Lord Allenby from Dr Carlo Vignaty 23 January 1923 in *Prostitution and venereal diseases. Part 1*. (The National Archives, Kew Gardens) FO 141/466/2.

<sup>98</sup> Terrorism Act 2000 (UK) S 3.

<sup>99</sup> CIHRS above note 15.

<sup>100</sup> As above.

gutter. Children living in this quarter have caught syphilis simply from playing in the road. Flies thrive on the filth in summer, and the rains in winter carry it over the road and sometimes into the houses[...] The better French brothels are clean, and the women they employ, though they look physically unfit, are cleanly dressed. But the low-class brothels and the native brothels stink with lack of sanitation, and the women, standing half-dressed or less than half dressed in their doorways, (despite regulations on the contrary) admirably match their surroundings.<sup>101</sup>

This vivid depiction of downtown Egyptian cities assembles a narrative where poorer Egyptian sex workers represent the locus of infection to the most innocent (children). They are naturalised as part of the overspilling and contagious city landscape as compared to the clean Europeans and are criminalised for presenting themselves as such. As Stoler notes, it is ‘in the slippage between sexuality, intimacy, and bodily care where biopolitical interventions find their support and quotidian force.’<sup>102</sup> In other words, here, two notions of vagrancy, one, as an individual form of criminality and the other, where disease is a threat to public health, are marked as one in the same, justifying geographical and class-based methods of regulation. The provocative language used suggests that AMSH had more concern with the spread of a racialised and class-based morality as a precursor to disease as opposed to the everyday struggles of sex workers who were infected. This is not to mention the factual inaccuracies of the statement where it is suggested that syphilis is transmitted through dirty water.

Another of the key aspects of contemporary pre-criminal practices is that the shift in the law’s temporality *before* an act means that substantive evidence is accepted as less possible to attain. As explained earlier, aspects such as character traits, identity, mental health, and ‘culture’ are relied upon to insinuate guilt. The presumption of innocence is therefore less often present. Describing the way in which sex workers were typically treated in 1929, an AMSH report explained:

Police would ‘have a round up in the most notorious streets’ every week or fortnight, and those suspected of clandestine prostitution were arrested and medically inspected [...] Those found diseased are sent to the Lock Hospital if local subjects, or, if they come under capitulatory jurisdiction their consuls are advised and they are fined up to £1 with an option of seven days imprisonment. In Alexandria, from Jan. 1st to August 31st of this year, 208 clandestine prostitutes were arrested, several more than once.<sup>103</sup>

AMSH, while openly prejudice in its class and race-based depictions of morality, was also highly critical of how sex workers were treated by the state. In the inspection space described, a sex worker’s body was regarded as always already suspicious and was predicted likely to be

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<sup>101</sup> C. McCall above note 1.

<sup>102</sup> Stoler above note 13, 310.

<sup>103</sup> McCall above note 1, 14.

infected. Furthermore, finding a woman without a license to be infected with VD was the evidence needed to pronounce her a clandestine sex worker.

Thus, the continuous subjection to arrest and detainment was linked to infectious disease. The compulsory medical examination to announce a woman 'infected', thus justifying her arrest and confinement would only last for a few minutes,<sup>104</sup> and most often the doctor would have already made his mind up about her condition: 'The theory is that the doctor knows most of the habituees well enough to tell at a glance whether their condition has changed since the week before, and he knows all the tricks employed to deceive him'.<sup>105</sup> Potter reported in 1933 that many doctors described the medical examination as being 'worthless'.<sup>106</sup> She also noted that there was sometimes trouble with the doctor in charge. In one instance, some of the 'girls' reported that a doctor forced them to attend the clinic, that he treated them roughly, and that he wanted bribes.<sup>107</sup> Women found ways to resist the inspections, including by taking an antiseptic douche before the inspection, and by getting tattoos that disguised symptoms of syphilis.<sup>108</sup> The medical inspection of sex workers, therefore, acted as a pre-criminal space relying upon racialised, classed and medicalised understandings of suspicion. The space also acted as a pre-emptive punishment, as bodies were non-consensually searched for evidence of criminality and were repeatedly arrested. This evidence (markings of disease) was not in practice needed for detainment, as the doctors carried them out briefly, presuming certain workers were infected.

Despite AMSH's denouncement of the maltreatment of sex workers in such a way they nevertheless helped to further the gap between European and Egyptian sex workers. After some years based in Egypt, Potter came to the conclusion that 'abolition of state-regulated prostitution should be postponed for some considerable time in the interest of the Egyptian women'.<sup>109</sup> This argument, influenced by earlier social purity campaigns, was made along a civilising narrative that framed Egypt as 'not advanced enough' for more modern laws.<sup>110</sup> In Potter's writing, this is based on an orientalist view of what it meant to be a woman in Egypt through simplistic links to Islam which she described as a religion that knows no kindness nor compassion for the weak, and one that treats women as 'the chattel and servant of man'.<sup>111</sup> Despite AMSH's opposition to the maltreatment of sex workers, they ultimately ended up confirming imperial notions of segregation.

## 7.0 Conclusion

This article has attempted to fill a gap in the literature on pre-criminality by exploring its colonial, gendered and medicalised configuration. Framing the overlaps between the British Administration, the imperial feminists of AMSH, the police, and the army as a network of securitisation, I have shown how forms of disease and morality informed understandings of

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<sup>104</sup> Biancani above note 43, 171.

<sup>105</sup> McCall above note 1, 3.

<sup>106</sup> Potter above note 47, 4.

<sup>107</sup> Potter above note 47, 3.

<sup>108</sup> McCall above note 1, 3.

<sup>109</sup> Potter above note 80, 6.

<sup>110</sup> Biancani above note 43, 130.

<sup>111</sup> Potter above note 80, 5.

suspicion and pre-criminality in British-occupied Egypt. I have conceptualised AMSH's engagement with the British authorities as the beginning of a 'softer' form of securitisation that engages civil society networks.

While the various actors held diverging and sometimes contradictory views on the regulation of prostitution, they congregated at certain points, bolstering the policing of sex workers (especially Egyptian) from all angles, and pursuing a civilising agenda. It is perhaps because of the diverging opinions and ways in which they worked, that sex workers and other working-class Egyptians could be even more comprehensively securitised. Indeed, in today's contemporary formations of pre-criminality, 'softer' forms of governance are central to the infiltration and securitisation of society.

The 1914 promulgation of martial law was shown to have ushered in greater scrutinisation and control of sex workers bodies and spaces by all actors who implemented the law through surveillance networks. Martial law authorised all parties more access to everyday spaces and enabled the adoption of extra-legal measures. Everyday and intimate forms of army and police violence were normalised and justified by the state of necessity central to the emergency regime. The particular framing of British martial law in Egypt 'as distinct from an instrument of repression',<sup>112</sup> and thus bringing a measure of transparency and accountability, helped normalise and crystallise certain aspects of pre-criminality.

Finally, the geographical segregation and policing of communities were directly linked to the fear of the 'leaky' vagrant body, which was cast as home to disease and immorality. This allowed for identity- and group-based criminalisation for anyone living within certain areas. The evidence needed for criminalisation was replaced with suspicion, driven by race and classed-based understandings of contagion. For sex workers, the legal presumption of innocence was suspended, as an uncivilised morality was all that was needed to allow for vagrancy. The vagrant nature of disease was such that it marked subjects as also dangerous and potentially criminal. This was perceived as moving on a racialised and classed basis however, as European sex workers were considered higher class and more redeemable than their Egyptian counterparts.

Overall, this article suggests that the contemporary pre-criminal space is a latent form of coloniality. Further research on the normalisation of emergency through the crystallisation of the pre-criminal would provide us with historical lessons and warnings about the violent colonial underpinnings of suspicion-based policing, arrest and detention. Furthermore, an application of this early form of pre-criminality to work on contemporary infectious diseases would be useful to better understand the risks taken by implementing Covid-19 emergency measures.

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<sup>112</sup> Murray above note 64.

