

Devices and Desires Chapter 1: 1873

The citizens of Washington, D.C., prepared feverishly for Ulysses S. Grant's second inauguration on March 4, 1873. Shopkeepers hung brightly colored fabrics on store windows. Construction crews scrambled to build viewing platforms and string streamers and flags along the procession route, which extended from just outside Georgetown to the Capitol. A week before the official festivities were scheduled to begin, the crowds started to arrive. Trains brought in well-wishers and invited guests: noisy West Point cadets sporting new gray uniforms; a car of musicians and soldiers from New York; a fire company from Philadelphia. By March 3, hotels and boardinghouses in the nation's capital had filled to capacity.

In the midst of this excitement, a distracted Congress hurried to complete unfinished business before it adjourned on March 4. A series of scandals involving financial schemes profiting prominent Republicans and their business cronies had cast a pallor over Washington politics and fueled the reformer Horace Greeley's unsuccessful bid for the presidency in 1872. Laboring under a cloud of suspicion, the Forty-second Congress now worked overtime to end the session with a spate of creditable legislation, as presumably befitted hardworking politicians worthy of the public trust. In the final hours of the term, Congress passed some 260 acts, the precise provisions of which remained unknown to many members. So impressed with their industriousness were these gentlemen that one of the last things they did before adjourning was, to vote themselves a pay raise of twenty-five hundred dollars, retroactive for two years.

One measure passed in this last-minute frenzy was an anti-obscenity bill approved in the early-morning hours of Sunday, March 2. Commonly called the Comstock Act after its chief proponent, the morals crusader Anthony Comstock, the statute, embedded in a broader postal act, passed after little political debate and was signed into law along with 117 other bills on March 3. The Comstock Act defined contraceptives as: obscene and inaugurated a century of indignities associated with birth control's illicit status. Invoking its authority to regulate interstate commerce and the U.S. postal system, Congress outlawed the dissemination through the mail or across state lines of any "article of an immoral nature, or any drug or medicine, or any article whatever for the prevention of conception." At the time, the act largely eluded public comment. Over the next century, however, its impact on birth control would be profound.

It was not the first time Congress had made obscenity a crime or had sought to regulate what was sent through the mails. In 1835, President Andrew Jackson, courting slaveholder support, recommended that Congress prohibit "the circulation in the Southern States through the mail of incendiary publications intended to incite slaves to insurrections." Seven years later, Congress enacted its first anti-obscenity law, passing without explanation a tariff act authorizing customs officials to seize "obscene or immoral" imported prints and pictures (but not printed matter). Implicitly identifying pornography as a foreign, primarily European, phenomenon, the 1842 statute strove to protect republican virtue from the sexual wickedness presumed to be festering overseas.

By the 1860s, a lively domestic trade in tawdry novels, pamphlets, and photographs had revealed not only that the Tariff Act had failed but also that native, not foreign, hands were to blame. Those who doubted Americans' complicity in the pornography boom that swept the country in

the 1850s and 1860s had only to survey return addresses on mailed matter to know better; most hailed from New York, not London or Paris. Improvements in printing technology and reductions in postal rates had made possible the widespread diffusion of titillating publications, and the migration of single men to cities had created an expanding urban market for their consumption. Leisure patterns during the Civil War exacerbated the trend. Divided in their politics, soldiers shared common ground in making mail-order pornography a vibrant part of camp life.

At camp, "barracks favorites" were available. These were inexpensive novels of a sexual nature. Photographs of nudity were available as well, and were purchased by both enlisted men and officers. These twelve by fifteen inch pictures cost \$1.20 for a dozen, or ten cents for a single picture. These were usually pictures of nude women doing innocent things; nude women that were engaging in actual sexual activity were usually not white, but either black or Native American. With the soldiers being far away from their wives and sweethearts, it is far more likely these were used for masturbation. and not just for entertainment. Only three of the novels are still known to exist; they are located at the Kinsey Institute of Indiana University in Bloomington, IN. (this small section from Wikipedia – Sex in the American Civil War)

By 1865, Congress had become fed up. Senator Jacob Collamer of Vermont, postmaster general during the Taylor administration, demanded that the power of the federal government be harnessed to stop this spreading social menace. "Our mails," he seethed, "have been made the vehicle for the conveyance of great numbers and quantities of obscene books and pictures. . . and that is getting to be a very great evil.". Collamer's bill, enacted on March 3, 1865, made the mailing of any "obscene book, pamphlet, picture, print, or other publication. . . [of] vulgar and indecent character" a misdemeanor punishable by a fine not to exceed five hundred dollars or by imprisonment for no longer than a year. It was left to individual postmasters, who could scrutinize return addresses and look inside printed publications (typically sent open at one end, enabling one to discern the contents without breaking the seal), to exclude materials they considered offensive. In 1872, Congress strengthened the 1865 law, adding envelopes and postcards to its list of "suspicious" articles."

The Comstock Law thus continued a policy of federal obscenity regulation that in 1873 was more than thirty years old. It expanded the scope of the 1872 law by eliminating loopholes and codifying an extraordinarily long list of "obscenities." Ominously, contraceptives made the list for the first time. The decision to include them was Anthony Comstock's.

Comstock was born in 1844 in the countryside of New Canaan, Connecticut, about eight miles east of the New York state line. His father was a prosperous farmer, his mother a devout Congregationalist who died when Comstock was ten. After his mother's death, Comstock remained a zealous devotee of the church, attending services and Sunday school regularly. Throughout his life, he clung to the austere, fire-and-brimstone faith of his childhood. The devil was real, omnipresent, and ready to suck souls into the fiery pits of hell. Abstaining from all things evil was one's only hope for salvation. Impure thoughts and behavior—anything that might derail one from a straight-and-narrow path—were as ruinous in Comstock's eyes as



lack of faith. Even church-inspired worldliness was suspect. Once, after attending a Catholic midnight Mass out of curiosity, he confided in his diary that he was "disgusted. Do not think it right to spend Sunday morning in such manner. Seemed much like Theater."

After his older brother died at Gettysburg, Comstock enlisted in the Seventeenth Regiment of the Connecticut Infantry. He passed most of his one and a half years in the Union Army in a peaceful section of Florida, far removed from the skirmishes of battle. Perhaps he felt, as many men who came of age after the Civil War would later, a hollowness for having missed the "good fight." Perhaps it was this void that turned him into a lifelong crusader. He certainly loved to battle, and nothing; could restrain him if he believed Satan, masked as a Confederate, a pornographer, or a bottle of gin, was his foe.

Freed from combat with Confederates, Comstock launched a private war against tobacco, alcohol, gambling, and atheism. He joined the Christian Commission, an organization that distributed temperance and religious tracts to soldiers, and established prayer meetings for his regiment, which he attended four to nine times a week. Although some recruits appreciated formal opportunities for worship, most felt differently about Comstock's refusal to drink whiskey and, even worse, his uncharitable habit of pouring his ration onto the ground. When Comstock left the Army in 1865, he did so, by his own admission, an unpopular man.

After holding short-term posts in Connecticut and Tennessee, Comstock moved to New York City seeking fortune. There, the Connecticut farm boy entered a world radically different from anything he had previously encountered. New York in the 1860s and early 1870s was the center of commercialized sex in the United States, home to a wide array of erotica well integrated into the city's economy and public culture. Once sequestered in brothels, assignation houses, and isolated residential districts, commercial sex in postbellum New York had gone public. Sex was easily viewed and consumed on streets and in hotels, shops, and saloons throughout the city. Prostitutes roamed neighborhoods freely, and posted pictures, window modeling, and even newspaper ads promoted their specialties and rates. Local printers sold pornographic books, pamphlets, drawings, and photographs. Stage shows in concert saloons combined alcohol, food, dance, loud music, and heterosexual and homosexual pleasures. Alone or in groups, entertainers would dance, strip, gyrate suggestively, or insert accoutrements like rubber dildos or cigars into various orifices to tease and tempt the crowds. Masked balls, which enjoyed their peak in popularity after the Civil War, permitted men and women of varying social status to transgress traditional boundaries of public sexual behavior. As they danced about the hall, participants would take advantage of their anonymity to engage in flirting, touching, kissing, and even group sex.¹

Alone and jobless, the newly arrived Comstock rented a room in a cheap lodging house on Pearl Street near City Hall. He soon found work: first as a porter, then as a salesman for Cochran, McLean and Company, A dry-goods notion house. Nights passed in unkempt boardinghouses and days spent walking the streets gave Comstock firsthand exposure to the traffic in sex. His travels took him around Broadway and Pearl, Warren, Nassau, and Grand Streets, areas where the sale of contraceptives, abortion services, and erotica thrived. What he saw disgusted him, as

¹ Dr. Kramer put a document on line that illustrates a little book from 1870 New York that tells visitors all about each brothel they may wish to visit. The file is called "Gentlemen's Companion 1870 New York".

did the behavior of his young business associates, who gawked at pornographic books and pictures.

Comstock's reactions to this sexualized economy influenced his anti-vice campaign. To ignore that the sex trade was first and foremost a trade is to miss an important part of the Comstock story. Vice, as he understood it, would forever be entangled in the commercialized state in which it was consumed. Weeding it out meant destroying an industry.

In 1868, Comstock went on the offensive, making the first of what would be hundreds of arrests during his lifetime. Largely through the efforts of the Young Men's Christian Association (YMCA), the New York legislature had recently passed its own anti-obscenity statute. With this for ammunition, Comstock went vice hunting. When a friend blamed a lewd book for luring him to a brothel, where he contracted a venereal disease, Comstock became furious. He pursued the supplier, a book dealer named Charles Conroy, whose business was headquartered in a basement a block away from where Comstock worked. Comstock bought one of Conroy's sexually explicit books and showed it to the captain of the local police precinct; together they arrested Conroy and seized his stock. As he would with other "vice entrepreneurs" he apprehended, Comstock monitored Conroy's subsequent business dealings and in 1874 arrested the book dealer for the third time. An irate Conroy fought back, slashing the face of the man whose relentless pursuit of vice criminals had already become legendary."

In January 1871, Comstock married Maggie Hamilton, a woman ten years his senior. In December, she bore a daughter, Lillie, who died the following summer. She never became pregnant again. After Lillie's death, the Comstocks adopted a young girl. Comstock's desire for a family and the couple's personal tragedy likely amplified his anger toward women who, in his estimation, casually terminated pregnancies.

In 1872, Comstock's activities were brought to the attention of Morris Ketchum Jesup, a founding member of the New York YMCA and a wealthy merchant and financier. Comstock had contacted the YMCA requesting funds to purchase the equipment and stock of a recently deceased surgeon, book dealer, and pornography printer, William Haynes. Comstock viewed Haynes's death as a golden opportunity to seize the printing technologies used to create pornography before they fell into another's hands. Haynes's stock, valued at thirty thousand dollars, was vast and included steel and copperplate engravings, electroplates, woodcuts, and bookplates. The YMCA gave Comstock the requested sum as, well as a temporary storage site for the plates. On April 6, 1872, the engravings were taken to a laboratory at the Polytechnic Institute Brooklyn, where, under Comstock's supervision, they were methodically destroyed by hand-poured acid.

Jesup was impressed by Comstock's thoroughness and introduced him to other luminaries in the YMCA. Like Jesup, they were wealthy men from devout Protestant families—financiers, lawyers, and clergymen occupying a social stratum different from that of the merchants they aspired to destroy. Like Comstock, many had been raised in small towns and farming communities. Benefiting financially from the transformations that had given rise to an industrial economy, they bemoaned the loss of cohesion and social surveillance that seemed to accompany such change. Supporting Comstock's cause, these gentlemen patrons of reform gave the struggling clerk financial backing and instant credibility. They also provided an organization

within which Comstock could respectably wage his war, the New York Society for the Suppression of Vice (NYSSV).

Incorporated on May 16, 1873, the New York Society for the Suppression of Vice was part of a larger social purity movement that joined thousands of upper- and middle-class men and women in a nationwide campaign to enact laws to eliminate social problems such as prostitution, alcoholism, gambling, and narcotics abuse. Before the Civil War, reformers had placed their faith in moral or religious suasion as a strategy for coaxing people into exercising self-restraint. As growing numbers of immigrants and working-class people began to settle in urban areas, however, reformers increasingly questioned their ability to regulate the behavior of "the masses" through personal appeals and sought, instead, the more authoritative power of government-backed control. Social purists lobbied hard at the municipal, state, and federal levels, often working through reform organizations such as the YMCA. The NYSSV, the YMCA'S offshoot, would be one of many urban anti-vice societies founded after the Civil War. The first of its kind in the country, the NYSSV was soon joined by parallel organizations in Boston, Chicago, Cincinnati, Cleveland, Detroit, Louisville, Philadelphia, St. Louis, and San Francisco.

The public character of the sex trade is what worried reformers most. The Victorian era is often regarded as the height of American prudery, a time of widespread sexual repression. But policy makers at this time reflected far more interest in suppressing public indecency than clandestine acts. This distinction between public and private would have been anathema to Puritans, who strived to unmask and stamp out concealed sin. But it underlay state and municipal measures adopted in the nineteenth century to rein in egregiously public passion. By mid-century, several states had redefined adultery as a crime only when it was "open and notorious." By 1900, most cities had carved out red-light districts for prostitutes, accepting sex for hire in designated areas. As Lawrence Friedman has noted, many social purity reformers accepted vice as an unfortunate but permanent part of society. They sought not to eradicate it but to "build dams and containments: structures of justice and social order that encouraged self-control." Vice was grudgingly tolerated so long as it "remained in the shadows." Certainly, an undercurrent of social control was behind this containment strategy. Public displays of sexuality, reformers warned, would corrupt the innocence of youth, destroy female purity, and inflame the passions of working-class men, whose self-control was already considered weak. Hence Comstock abhorred public nudity, even in the form of high art, because of the dangers it imposed on the uncultivated mind. The crime inhered not in the body itself—"there is nothing else in the world so beautiful as the form of a beautiful maiden," he averred—but in its unveiling: "Let the nude be kept in its proper place and out of the reach of the rabble." Of course, the belief that sexuality was too dangerous to be exposed to the lascivious masses did not prevent even the most zealous vice crusaders from cultivating private pleasures. Comstock's Boston counterpart was Godfrey Lowell Cabot, a leading figure in the New England chapter of the Society for the Suppression of Vice, founded in 1882. In public, Cabot fought the good fight. In private, he penned explicit sexual fantasy letters to his wife.

NYSSV incorporators were some of the wealthiest and most powerful men in the city, including financier J. Pierpont Morgan, copper magnate William E. Dodge, lawyer William C. Beecher (son of Henry Ward Beecher), and head of the Colgate soap empire, Samuel Colgate, who served as NYSSV president for twenty years. But it was the irrepressible Comstock, employed full-time as the NYSSV's agent at a monthly salary of one hundred dollars, who put the organization on

the national map. Until his death in 1915, he devoted most of his waking hours to battling the foes of virtue. His latitude for waging this war was great, especially when we consider his background. Here was a man whose station in life (in a society that made much of social distinctions) differed little from that of thousands of other farmers' sons trying to eke out a living in the big city. Only in Comstock's case a few years of struggle and an undistinguished employment record had resulted in direct access to the inner corridors of influence and wealth. Comstock's enforcement powers, authorized by the New York legislature and Congress, were vast. The Society's articles of incorporation, adopted after the Comstock Act had gone into effect, deputized NYSSV agents to assist police in the "suppression of the trade in and circulations of obscene literature and illustrations, advertisements, and articles of indecent and immoral use, as it is or may be forbidden by the laws of the State of New York or of the United States." In 1875, the newly revised New York Criminal Code confirmed the legality of these civilian powers. Comstock received added enforcement privileges directly from Congress, which appointed him special agent of the U.S. Post Office three days after enacting his bill. Because the statute's main enforcement mechanism was the policing of the mails, the position, which Comstock accepted without pay, catapulted him into the ranks of a small band of national law enforcers. All in all, these were extraordinary powers for a struggling-clerk-turned-reformer to wield.

Yet the federal law's nickname was no accident; from the beginning, the campaign for a new anti-obscenity statute had been Comstock's show. His crusade began in earnest in the fall of 1872. In *Frauds Exposed*, the first of his two books, he recalled the circumstances that pushed him into federal politics. "When I undertook the great and all-important work of suppressing by legal process this hydra-headed monster," he wrote, "what did I find? I found a business systemized and systematically carried on. I found newspapers teeming with the advertisements of these bold and shameless criminals. I found laws inadequate, and public sentiment worse than dead, because of an appetite that had been formed for salacious reading." Comstock knew that vice was a national industry sustained by a network of entrepreneurs and agents who used the federal postal service to contact men and women in the farthest reaches of the country. Stopping such a large-scale and intricate business necessitated far-reaching prohibitions. As he explained in a letter to one of his political backers, there were scores of vice entrepreneurs whom "I cannot touch for want of law. There are men in Philadelphia, in Chicago, in Boston, and other places, who are doing this business, that I could easily detect and convict if the law was only sufficient."

After being assured of Jesup's continued financial support, Comstock traveled to Washington in December 1872 to lobby for a statute more inclusive than the 1872 federal anti-obscenity law. Comstock knew firsthand the shortcomings of the 1872 measure. His attempts to prosecute the uninhibited Victoria Woodhull and Tennessee Claflin, sisters and woman's rights activists, for a story on the sexual ruin of two young maidens published in Woodhull and Claflin's *Weekly* came to nought when the presiding judge declared newspapers exempt from the 1872 law. Not one to buckle in the face of adversity, Comstock went to Washington with a draft of his own bill in tow. Even at this early stage, it included a ban on contraceptives.

Too often, historians have characterized Comstock's bill as a measure whose sole objective was to control women by banning contraceptives and abortion; Comstock's successful criminalization of the fertility control business, moreover, has fanned the belief that he was little more than a nineteenth-century stumbling block on women's path to progress. We need not declare Comstock

a champion of woman's rights to recognize that the man's motives and the legislation he authored were more complex than some detractors have suggested. The 1873 act was not a law dealing exclusively with fertility control but an anti-obscenity statute that included birth control and abortion among a long list of commercial "obscenities." To disaggregate the measure, to consider contraception and abortion as isolated components, is to remove them from the political context in which their criminalization was sought and secured. Comstock rallied against contraceptive devices bought and sold in commercial spaces, not against natural forms of birth control such as abstinence and the rhythm method used privately at home. In making this distinction, he articulated the views of many Victorians who publicly supported family limitation only when it was achieved by dignified, "ethical" means.

Comstock's demonization of contraceptives was a direct response to their newfound commercial visibility, not to their invention or use. Women and men have been using birth control since ancient times. The oldest guide to contraception, the *Petrie Papyrus*, an Egyptian medical papyrus dating to 1850 B.C., recommended vaginal suppositories made of crocodile dung, gum, or a mixture of honey and sodium carbonate. Aristotle, writing in the fourth century B.C., noted the tendency of women of his day to coat their cervixes with olive oil before intercourse. Women in preindustrial West Africa made intra-vaginal plugs of crushed root, Japanese women made tampons of bamboo tissue, and women of Easter Island made algae and seaweed pessaries. (A pessary is a substance or device inserted into the vagina that blocks, repels, or otherwise neutralizes sperm.) Although many early techniques undoubtedly made sexual relations awkward and uncomfortable, not all were devoid of contraceptive properties. Honey-based suppositories likely impeded sperm motility. And although crocodile dung probably did not, elephant dung, recommended in thirteenth-century Islamic guides, was more acidic and thus offered women more protection. The olive oil applications of Aristotle's day likely helped prevent pregnancy, too; a 1931 study of birth control by the expert Marie Stopes found a zero percent pregnancy rate in two thousand cases where olive oil had been the only contraceptive.

In early America, women and men built upon and perpetuated this culture of fertility restriction. Prolonged lactation, male withdrawal, abstinence, suppositories, and douching solutions made out of common, household ingredients were the mainstays of birth control practice in preindustrial America. Condoms made from linen and the intestines of animals and fish were imported from Europe, where waste from slaughterhouses provided a ready supply of raw materials. More popular than condoms were abortifacients, orally ingested compounds that induced miscarriage. Popular abortifacient ingredients such as savin and pennyroyal grew wild, but as early as the mid-eighteenth century, standard and "female" preparations, advertised in local newspapers, could be purchased in urban centers along the Eastern Seaboard.

The sale of condoms and abortifacients in early America marked the existence of a fledgling contraceptive industry. Developments beginning in the 1830s enhanced its visibility. Vulcanization technology invented by Charles Goodyear in 1839 gave rise to the domestic manufacture of condoms, intrauterine devices, douching syringes, womb veils; (the nineteenth-century term for diaphragms and cervical caps), and male caps, shields that covered only the tip of the penis, offering less protection from pregnancy than condoms but greater stimulation to the wearer. Goodyear himself mentioned self-acting syringes, pessaries, and "gonorrhoea bags" as examples of the many uses of his discovery in his 1853 book, *Gum-Elastic and its Varieties*. The vulcanization of rubber expanded birth control options even as it increased individuals'

dependence on the market to acquire them. In the early 1870s, condoms, douching syringes and solutions, vaginal sponges, diaphragms, and cervical caps could be purchased from mail-order houses, wholesale drug-supply houses, pharmacies, and dry-goods and rubber vendors. Not just in New York but in cities across the country, vendors of condoms and diaphragms also sold other rubber articles like dildos. The same printers who peddled guides on how to use a douching syringe for contraception sold photographs of naked men, women, and children. Inexpensive, sensationalist, and sporting publications of "questionable character" promoted impotence cures, pornography, and contraceptives simultaneously.

Established firms and respected physicians and druggists also distributed birth control devices. But what Comstock and his cronies found so threatening was the prominence of contraceptives in the vice trade—a robust and increasingly visible commerce in illicit products and pleasures that seemed to encourage sexual license by freeing sex from marriage and childbearing. Entrepreneurs advertised contraceptives in newspapers, broadsides, home medical manuals, and private cards placed strategically on Street corners, in railway and steamship depots, and in hotel lobbies. Advertisements on the front page of the *Cleveland Plain Dealer* on July 1, 1863, for "Dr. Wadsworth's Uterine Elevators for Sale, Wholesale and Retail" and "The Great French Preventive Pill" typified how advertising brought the commerce of reproductive control directly into people's homes. According to one observer, in 1872 there was "hardly a newspaper that does not contain... open and printed advertisements, or a drug store whose shelves are not crowded with nostrums publicly and unblushingly displayed."

Moralists denounced the increasingly public face of the birth control trade. In his 1867 tract, the aptly titled *Serpents in the Doves' Nest*, the Congregationalist minister John Todd, alarmed at the growth of single-child families, observed, "There is scarcely a young lady in New England—and probably it is so throughout the land—whose marriage can be announced in the paper without her being insulted within a week by receiving through the mail a printed circular, offering information and Instrumentalities, and all needed facilities, by which the laws of heaven in regard to the increase of the human family may be thwarted." Others registered similar complaints. In 1872, the Syracuse physician Ely Van de Warker condemned newspaper and magazine publishers for printing "pernicious advertisement[s]" of gynecological nostrums, spurring the growth of a "trade which, without stretching a single existing law, may be called illegal and illicit, carried on in open daylight, in the full knowledge of [the] newspaper-reading public."

In the complex matrix of Victorian sexuality, condemnations of contraceptives did not automatically denote opposition to all forms of family limitation. Rather than universally supporting or denouncing both birth control and abortion, most discussants of reproductive control occupied a contested middle ground in which the two strategies were separately assessed. Although women often relied on both methods to limit family size, physicians, legislators, and social purity reformers made much of the difference. This bifurcation was reflected in the realm of criminal law. Between 1821 and 1841, ten states passed laws criminalizing abortion, making it a statutory offense for the first time in the nation's history. Not until the Comstock Act, however, did legislation deal explicitly with contraception.

Comstock's views on abortion were clear. Abortion was permissible only when a woman's life was in danger. But Comstock's views on birth control were more conflicted. He professed to support contraception when it was "natural" and to oppose it when it was not. When asked by a

journalist if contraception was desirable when pregnancy might endanger a woman's life, he agreed that it was. But, he queried, "can they not use self-control? Or must they sink to the level of the beasts? . . . God has set certain natural barriers." Comstock clung to a typology of birth control common in the late nineteenth century that distinguished between natural and artificial (man-made) methods. Although he never defined natural birth control in writing—to have done so likely would have constituted an obscenity in his eyes—he undoubtedly meant, as did others at the time, abstinence or the rhythm method, in which intercourse was avoided during times of suspected ovulation. For Comstock, such acts of self-restraint were permissible when they occurred between wedded men and women in the sanctity of the marriage bed. Indeed, given his affection for sexual self-control, he may have believed them to be character building.

Far from being marginal, Comstock's views on fertility control reflected the sentiments of the majority of his contemporaries who openly discussed birth control and abortion. Although many were complicit in the practice of abortion, its only true proponents were abortionists themselves. Sexual radicals such as Ezra Heywood, who condemned marriage as an institution giving men free rein to force themselves sexually on women, and Victoria Woodhull, who advocated free love and female suffrage, despised Comstock, but, like him, they sanctioned only natural birth control. Heywood recommended periodic abstinence. Barrier methods (condoms, douches, and pessaries), male withdrawal, and anything that might tamper with intercourse's journey from erection to ejaculation he deemed "unnatural, injurious, or offensive." "These artificial means of preventing conception," Heywood insisted, "are not generally patronized by Free Lovers." Tennessee Claflin, Woodhull's sister, declared the "washes, teas, tonics, and various sorts of appliances" used for contraception to be nothing short of a "standing reproach upon, and a permanent indictment against, American women."

Other activists also distinguished between strategies of family limitation. Women purity reformers tended to support natural family planning methods but not contraceptives, which they associated with promiscuity, particularly with men's license to have sex outside the bonds of marriage. Their opposition to contraceptives was part of a larger defense of female sexual purity that protected women's roles as guardians of the nation's morals at a time when women's economic and political opportunities were limited. Prostitution, the saloon, and other examples of male licentiousness were condemned as assaults on the sanctity of the home. By uncoupling sex and procreation, contraceptives challenged a critical tenet of the reformers' maternalist campaign: the belief that women's moral authority derived from their distinctive attributes as current and prospective mothers. By promoting the desirability of non-procreative sex, the contraceptive market tacitly endorsed the subversive notion that intercourse could be "just for fun." Suffragists likewise tended to view Contraceptives as an inducement to promiscuity or, like the irreverent Woodhull, as physically unnatural, but they supported voluntary motherhood, because it gave women the right to say no and to choose the circumstances under which they became pregnant.

This typology of good and bad contraception, anchored in the belief that couples who elected to have intercourse should not tamper with its result was also embraced by most physicians of the day. One was Nicholas Cooke, whose 412-page tome, *Satan in Society*, written in 1870, is often considered emblematic of the anti-birth-control extremism of his time. Cooke described the diaphragm as "the invention of hell," but even he believed there were times when pregnancy prevention was medically necessary and considered it his duty to educate readers about what to

do under such circumstances. "There are but two legitimate methods of avoiding increase of family," Cooke instructed. The first was total abstinence. The second was partial continence, "absolute avoidance of the conjugal act for the term of fourteen days after the cessation of the last monthly period." All other methods "are disgusting, beastly, positively wrongful, as well as unnatural and physically injurious."

The preoccupation with the natural that marked discussions of birth control meant different things to different groups. In the hands of free lovers, the celebration of the natural acknowledged female sexuality to be vital to a woman's spiritual and physiological well-being. For physicians like Cooke, it promoted a reproductive essentialism that upheld traditional roles for women by trumpeting the scientific basis for separate spheres. Like contraceptives, the medical profession had undergone its own market revolution in nineteenth-century America. Through professional organization, state accreditation, and formal training, physicians had buttressed their claim to a monopoly of legitimate medical knowledge and discredited lay practitioners as charlatans and quacks. Claiming science as their ally, licensed physicians (known as regulars) had made axiomatic in medical thinking the view that women were controlled by their reproductive organs. Horatio Storer, the American Medical Association's most vocal anti-abortionist, succinctly summarized this school of thought when he asserted in 1871 that woman was "what she is in health, in character, in her charms, alike of body, mind and soul because of her womb alone."

The flip side to the medical glorification of the womb was the insistence that women who denied its primary task, to bear children, courted disaster. What doctors deemed unprocreative, and hence unnatural behavior included the desire to stay unmarried, pursue a college degree, or remain childless. In 1873, the Massachusetts physician Edward H Clarke, arguing against women's participation in higher education warned that disrespect for "the peculiarities of a woman's organization hastened the onset of "those grievous maladies which torture a woman's earthly existence, called leucorrhoea, amenorrhoea, dysmenorrhoea chronic and acute ovaritis, prolapsus uteri, hysteria, neuralgia, and the like." Doctors warned women that contraceptive use could induce cancer, sterility, insanity, or "deranged" bladders and rectums. Men, too, were urged to defer to Mother Nature or pay the penalties of disobedience. To deposit one's semen in its natural place was one thing; to disperse it randomly rendered a man weak and susceptible to disease. Masturbation and male withdrawal, cautioned Cooke, "being against Nature, she revenges herself for her violated laws in diseases of the brain and spinal marrow, functional disorders, organic diseases of the heart, lungs, and kidneys, wasting of the muscles, blindness, and frequently by impotence."

Remonstrations against contraceptives in public should not be confused with their frequent use in private, which contributed to the steadily falling birthrate in America after 1820 and turned the contraceptive industry into the "hydra-headed monster" Comstock deplored. Karen Lystra's study of romance and courtship in nineteenth-century America has revealed a rich private culture of fertility control and sexual expression at odds with public advocations of passionless sex and repression. Rather, public debate illustrates the need to understand Comstock's opposition to birth control devices within a larger intellectual climate in which activists and professionals whose politics were otherwise opposed found common ground in their denunciation of contraceptives as socially disruptive, morally offensive, and physically dangerous.

In addition, Comstock believed that sexual vice operated according to a domino effect: one evil inevitably led to another. The availability of contraceptives, he believed, encouraged lewdness and lust. By the same token, lust being "the boon companion of all other crimes," it was a short jump from pornography to intercourse in which sexual partners used man made gadgetry to override God's and nature's plans. In the NYSSV's 1876 annual report, Comstock expounded on the seamlessness of the Vice economy:

We can only hint at the nature of this literature. It consists of books, pamphlets, tracts, leaflets, of pictures engraved on steel and wood, of photographs, cards, and charms, all designed and cunningly calculated to inflame the passions and lead the victims from one step of vice to another, ending in utmost lust. And when the victims have been polluted in thought and imagination and thus prepared for the commission of lustful crime, the authors of their debasement present a variety of implements by the aid of which they promise them the practice of licentiousness without its direful consequences to them and their guilty partners.

The danger in partaking of such pernicious commercial pleasures was that there could be no turning back. Invoking the imagery of infection, Comstock described vice as an aggressive and incurable disease. Once a person was contaminated, vice grew, festered, and finally became all-consuming. "This cursed business of obscene literature works beneath the surface," he explained, "and like a canker worm, secretly eats out moral life and purity." In 1868, he had seen firsthand the inevitable trajectory of vice and arrested Conroy for the ruin of the friend whose pornography purchase had led to the use of prostitutes, disease, and damnation. For Comstock, buying a diaphragm was dangerous, not only because its use was an offense against God but also because it put men and women on the streets and inside shops where vice knew no bounds.

Comstock's understanding of the integrated state of the sexual economy and his views on the contagion of evil led him to condemn commercial birth control. But no evidence suggests that his bill, an antibusiness measure, was designed primarily to compel women to bear children. Nor is there evidence of congressional support for this position. Indeed, the historical record indicates little discussion of birth control and plenty of apathy and confusion.

Arriving in Washington in December 1872, Comstock convinced two Republicans, Representative Clinton L. Merriam, a banker from Locust Grove, New York, and Senator William A. Buckingham of Connecticut, the state's former war governor, to introduce his bill in their respective houses. In January, he visited the House with Merriam and lobbied for his bill by displaying, to the chagrin of a number of representatives, an "exhibit" of pornographic books, pictures, postcards, and contraceptive and abortifacient devices. By the time his traveling stash of horrors made it to the Senate on February 6, the bill had already been brought before both chambers.

But Comstock's was not the only proposal aimed at tightening legal sanctions on the transmission of obscenity. Several other bills were also under consideration. One, instigated by the secretary of the local Washington YMCA, sought to end the obscenity traffic in the District of Columbia and U.S. territories. Another endeavored to increase the penalty of the 1872 law without broadening its scope. General Benjamin F. Butler of the House Judiciary Committee had introduced a bill to amend the Interstate commerce law to prohibit common carriers from

sending obscene materials across state lines. In the interests of expediency, it was decided to combine these bills with Comstock's.

The new bill, which included Comstock's ban on birth control, encountered unanticipated obstacles. On February 7, Butler, who had already exhibited a special interest in the topic, took the refurbished bill home with him and made so many revisions that it had to be reprinted and reconsidered by committee. A frustrated Comstock sought the support of Senator William Windham of Minnesota, whom he knew through their mutual acquaintance the Supreme Court justice William Strong. Windham introduced the revised bill and had it entrusted to the Committee on Post-Offices and Post Roads, which recommended it unanimously. Unfortunately for Comstock, when the bill came out of committee on February 14, Senator George Edmunds of Vermont took objection and had it amended to include a clause to permit birth control or abortion with "the prescription of a physician in good standing." A suspicious Comstock, ever mindful of the profitability of the sex trade, wondered in his diary: "Has he friends in this business that he desires to shield?" Fortunately for Comstock, Senator Buckingham intervened and quietly quashed Edmunds's amendment through a stream of vaguely worded substitutions. So deft in his subterfuge was Buckingham that when the time arrived to discuss the amendments to Edmunds's version, a confused Republican senator Roscoe Conkling of Utica, New York, admitted that "no Senator is able to get any intelligent idea of the substance of this amendment as contrasted with that which it is to take the place of." Hoping to quiet Conkling, Buckingham lied. Without mentioning his deletion of the clause exempting physicians from prosecution, he assured Conkling that no substantive alteration had been made. Although Conkling's continuing concern resulted in yet another reprinting at the revisions, the bill passed the Senate on February 21 without further discussion, and it did so (as it would later in the House) without a clause permitting doctors to prescribe birth control. In the long run, this had special consequences for the legal status of contraceptives. Because most state abortion regulations contained therapeutic clauses permitting licensed physicians to perform abortions when a mother's life was in danger, the federal law ironically made pregnancy prevention the more serious crime.

The brevity of the debate in the Senate was outdone by that in the House, where discussion was virtually nonexistent. On February 22, the House received word that the Comstock bill had cleared the Senate. Around one a.m. on Sunday, March 2, Merriam, hoping for a speedy House concurrence, moved "to suspend the rules to take from the Speaker's table and put upon its passage the bill for the suppression of trade in and circulation of obscene literature and articles of immoral use." Representative Michael Kerr of Indiana, alarmed at the bill's regulatory scope, urged instead that it be referred to the Judiciary Committee. The bill's "provisions are extremely important," he implored, and "they ought not to be passed in such hot haste." But "hot haste" is exactly what Kerr's colleagues fancied in those early-morning hours. Merriam's motion to suspend the rules was approved, and the House, shortly before recessing, passed the Comstock bill by a vote of one hundred to thirty-seven.

The wording of the final act casts birth control as a small but vital part of a diabolical, national trade motored by mail-order commerce. It specifies that

no obscene, lewd, or lascivious book, pamphlet, picture, paper, print, or other publication of an indecent character, or any article or thing designed or intended for the prevention of conception or producing of abortion, nor any article or thing intended or adapted for any indecent or immoral use or nature, nor any written or printed card,

circular, book, pamphlet, advertisement or notice of any kind giving information, directly or indirectly, where, or how, or of whom, or by what means either of the things mentioned may be obtained or made . . . shall be carried in the mail; and any person who shall knowingly deposit, or cause to be deposited, for mailing or delivery, any of the hereinbeforementioned articles or things, and any person who. . . shall take, or cause to be taken, from the mail any such letter or package, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall, for every offense, be fined not less than one hundred dollars nor more than five thousand dollars, or imprisoned at hard labor not less than one year nor more than ten years, or both, in the discretion of the judge.

An additional clause authorized the seizure and destruction of obscene items. Another forbade the importation of contraceptives and abortifacients. Another banned the manufacture, advertisement, and sale of obscene articles in the District of Columbia or U.S. territories, places within the exclusive jurisdiction of the United States. With these words two days before its adjournment, the Forty-second Congress made the birth control business illegal.

Although how aware many congressmen were of what they were endorsing in those early-morning hours is questionable, Comstock himself harbored no doubts. His diary captured his mood: "O how can I express the joy of my Soul or speak of the mercy of God."

The Comstock Act and the reign of sexual censorship it inaugurated did not go unnoticed in other countries. In Ireland, the playwright George Bernard Shaw coined the term "Comstockery" to describe the new puritanism, calling it the "world's standing joke at the expense of the United States. . . . It confirms the deep-seated conviction of the world that America is a provincial place." Shaw was right on at least one count: U.S. laws on birth control stood unique among those of the Western world. Not until 1892 did Canada make the advertisement or sale of contraceptives an indictable offense "liable to two years' imprisonment," and even then lawmakers exempted physicians serving the interests of the "public good" from prosecution." European countries were even slower to act, and the legislation they adopted was less restrictive. In 1915, Holland and Switzerland had passed statutes to curb contraceptive advertising, and England had adopted a measure reserving contraceptives for individuals who were married or about to be. Italy, France, and Russia had no restrictions at all.

The federal government's abandonment of a laissez-faire approach to birth control facilitated comparable state initiatives. Twenty-four states enacted so-called mini Comstock acts proscribing the sale and advertisement of contraceptives and contraceptive information within state lines. In 1879, Connecticut earned the distinction of criminalizing the very use of contraceptives, a prohibition not overturned until the Supreme Court's monumental *Griswold v. Connecticut* ruling almost a century later.

But in March 1873, such legislative affirmations of his work still lay ahead for Anthony Comstock. The crusader from New York had come a long way. Only seven years earlier, he had been alone in the great metropolis, scouring the streets in search of work. Now, with the support of some of the country's wealthiest and most powerful men, he had changed national law. Equipped with a new statute and post and an expanded mission, the country's newly ordained vigilante of vice left Washington confident of his ability to destroy the contraceptive trade. In this, he would be wrong. Like Representative Kerr, many Americans questioned the advisability and constitutionality of such far-reaching congressional interference. Others simply refused to

consider contraception in any form a crime. After 1873, the "sins" Comstock had conflated would be disaggregated and judged, one by one, where it mattered most—in the marketplace and in the court of Americans' conscience.

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