



GENDER EQUALITY

DEBATING VICE:

The Anti-Obscenity and Birth Control Movements, 1870-1930



OVERVIEW

Students will investigate primary sources to learn about activists on both sides of the debate over obscenity and reproductive rights in New York City in order to understand both its history and its contemporary relevance.

STUDENT GOALS

- Students will examine the 1873 Comstock Law in order to understand the restrictions that were placed on materials that censors deemed obscene, including materials related to contraception and family planning.
- Students will learn about the movement for reproductive rights in early twentieth century New York City through primary sources relating to the Brownsville Clinic operated by Margaret Sanger and the National Birth Control League.
- Students will read a speech by the anarchist intellectual Emma Goldman promoting birth control. They will evaluate her arguments about reproductive rights and consider how moral reformers such as Anthony Comstock might have responded to them.
- Students will trace the historical course of legislation pertaining to access to family planning in order to place contemporary debates over contraception, abortion, and birth control in historical perspective.

COMMON CORE STATE STANDARDS

CCSS.ELA-LITERACY.RI.3.1: Ask and answer questions to demonstrate understanding of a text, referring explicitly to the text as the basis for the answers.

CCSS.ELA-LITERACY.RW.6.3: Write narratives to develop real or imagined experiences or events using effective technique, relevant descriptive details, and well-structured event sequences.

CCSS.ELA-LITERACY.RI.11-12.6: Determine an author's point of view or purpose in a text in which the rhetoric is particularly effective, analyzing how style and content contribute to the power, persuasiveness or beauty of the text.


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KEY TERMS/VOCABULARY

- Victorian era
- Censorship
- Contraception
- Vice
- Clinic
- Abortion
- Obscenity
- Reproductive rights
- Feminism
- Reform
- Birth control
- Anarchism

ORGANIZATIONS

- New York Society for the Suppression of Vice
- American Birth Control League
- Brownsville Clinic
- Planned Parenthood Federation of America
- The Voluntary Parenthood League

PEOPLE

- Anthony Comstock
- Margaret Sanger
- Emma Goldman
- Mary Ware Dennett

INTRODUCING RESOURCES

New York City in the late 19th century was a hotbed of debate and conflict over sexuality, including what critics labeled **obscenity** or “**vice**.” At the height of the **Victorian era**, concerns over women’s bodies and behavior—especially prostitution, nudity, and sexual reproduction—intensified. These fears coalesced in the 1870s into an anti-obscenity movement, spearheaded by the notorious **censorship** crusader, **Anthony Comstock**, along with physicians and **reform** groups like the **New York Society for the Suppression of Vice**. They argued that controlling immorality would offset the threats that mounting poverty and crime—often attributed to the city’s influx of newcomers and immigrants—posed to New York’s social order.

Anti-obscenity crusaders achieved success in the 1870s and 1880s, when New York State passed legislation criminalizing **abortion** and prohibiting the distribution of **contraceptives** and other “obscene” materials. Many New Yorkers disagreed with the regulations and sometimes contested them individually or in small groups. Ultimately, New York City activists such as **Margaret Sanger**, who led the **birth control** movement, rolled back these laws and challenged Comstockery.

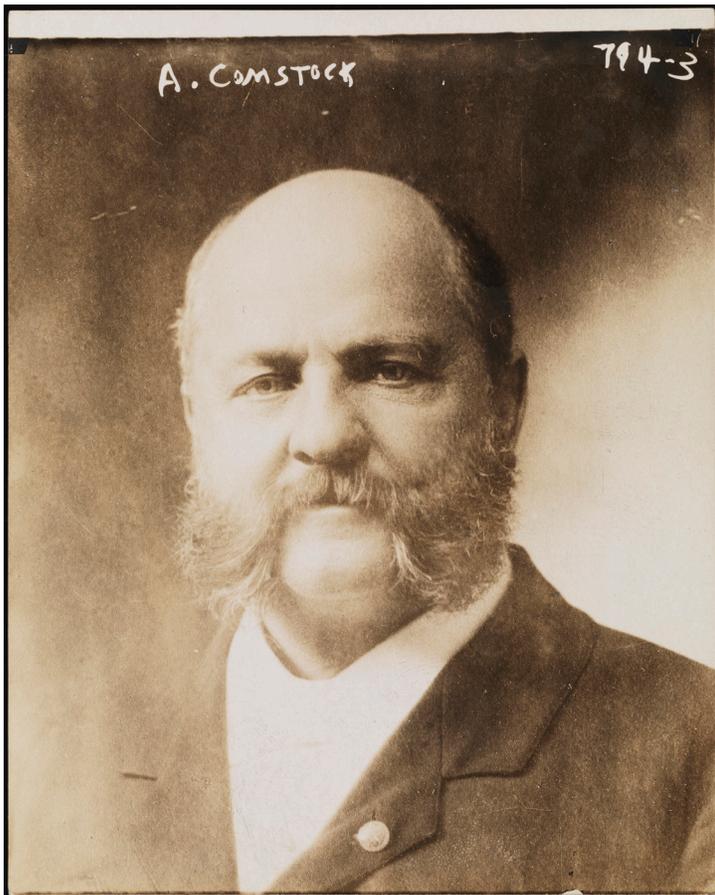


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INTRODUCING RESOURCE 1:

Photograph of Anthony Comstock (ca. 1909)

**ANTHONY COMSTOCK**

George Grantham Bain, ca. 1909

Museum of the City of New York, Gift of Harry Mac N. Bland, F2012.58.272

Known as an unyielding champion of Victorian morality, **Anthony Comstock** rigorously prosecuted any business or individual in violation of the 1873 "**Comstock Law**," of which he was the creator and chief proponent. As special agent of the United States Post Office, Comstock confiscated hundreds of thousands of books, photographs, and other material he deemed immoral. He specifically targeted the availability, sale, and distribution of **birth control**.



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INTRODUCING RESOURCE 2:

Comstock Law (1873)

In the late nineteenth century, New York City, considered a major center of vice, became the primary battleground over matters of sexual behavior and expression. Elite New Yorkers of the time, such as crusading reformer **Anthony Comstock**, used the legal system to censor information and regulate behavior. The Comstock Law, passed by the United States Congress in 1873, outlawed the circulation of “obscene literature and articles for immoral use,” including “any obscene book or pamphlet, paper, writing, advertisement, circular, print, picture, drawing or other representation” of sexual nature. The statute specifically banned materials relating to **contraception** and **abortion**. The text of the law is as follows:

Be it enacted... That whoever, within the District of Columbia or any of the Territories of the United States... shall sell... or shall offer to sell, or to lend, or to give away, or in any manner to exhibit, or shall otherwise publish or offer to publish in any manner, or shall have in his possession, for any such purpose or purposes, an obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing or other representation, figure, or image on or of paper or other material, or any cast instrument, or other article of an immoral nature, or any drug or medicine, or any article whatever, for the prevention of conception, or for causing unlawful abortion, or shall advertise the same for sale, or shall write or print, or cause to be written or printed, any card, circular, book, pamphlet, advertisement, or notice of any kind, stating when, where, how, or of whom, or by what means, any of the articles in this section...can be purchased or obtained, or shall manufacture, draw, or print, or in any wise make any of such articles, shall be deemed guilty of a misdemeanor, and on conviction thereof in any court of the United States... he shall be imprisoned at hard labor in the penitentiary for not less than six months nor more than five years for each offense, or fined not less than one hundred dollars nor more than two thousand dollars, with costs of court.

DOCUMENT-BASED QUESTIONS — RESOURCES 1 & 2:

- Review the text of the Comstock Law (Resource 2). What practices and items does it prohibit? What are the consequences for defying this law?
- Many New Yorkers opposed this law on the grounds that it went against the First Amendment to the US Constitution, which guarantees to American citizens the freedoms of speech and expression. Do you find the Comstock Law to be consistent with these principles? Why or why not?

INTRODUCING RESOURCES 3 & 4:

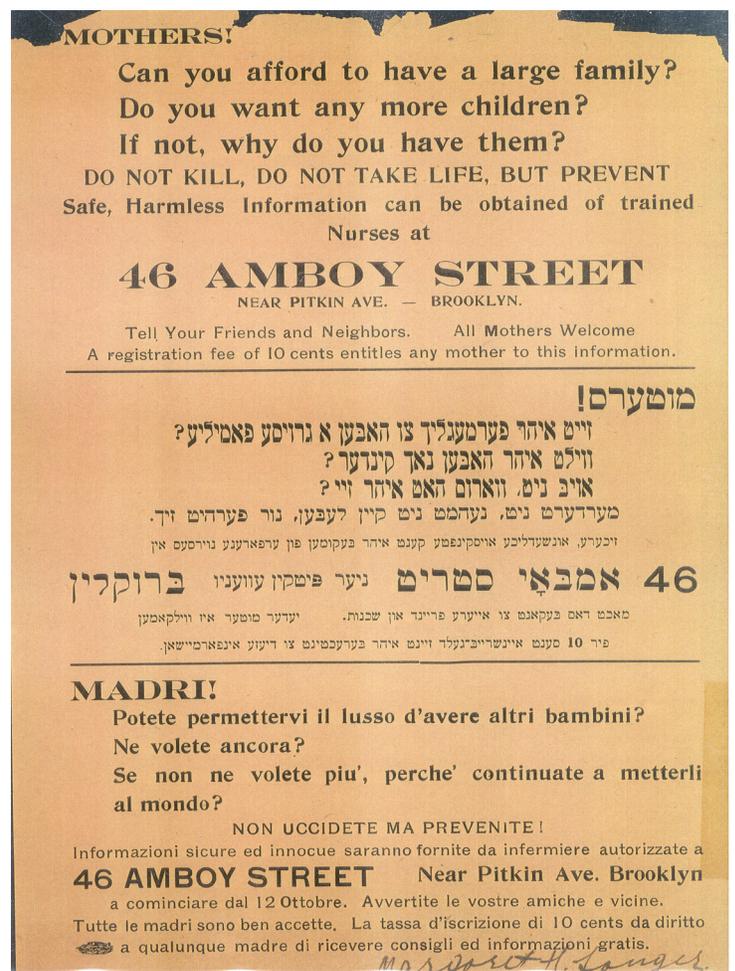
Brownsville Clinic Flyer (1916); Photograph of Sanger's Brownsville Clinic (1916)

Many New Yorkers resisted Comstock's **anti-obscenity** laws, among them free-love advocates, publishers, performers, activists, female doctors, and so-called "irregular" medical practitioners. They claimed Comstock's censorship crusade had overreached and was endangering freedoms of expression, speech, and religion.

However, the **Comstock Law** remained intact until the early 20th century, when **birth control** advocates set out to fight regulations on the use and distribution of **contraceptives**. The legal gains that they eventually secured protected and enabled women of all classes and backgrounds to control their fertility under the law.

In October 1916, activist nurse **Margaret Sanger** opened the nation's first public birth control clinic in Brownsville, Brooklyn. Sanger targeted a broad immigrant and working-class clientele, as this clinic advertisement in English, Yiddish, and Italian shows. By providing sexual education and family planning services to women, the clinic violated New York State's obscenity laws. Ten days after opening, authorities shut it down and sentenced Sanger to 30 days' imprisonment. Her case led to a legal decision that permitted doctors to prescribe birth control for therapeutic purposes and allowed Sanger to open more clinics.

Resource 3: Brownsville Clinic Flyer



BROWNSVILLE CLINIC FLYER
 October 1916
 Digital Reproduction
 Courtesy of Smith College

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Resource 4: Sanger's Brownsville Clinic



SANGER'S BROWNSVILLE CLINIC

October 1916

Digital Reproduction

Courtesy of Library of Congress, Prints & Photographs Division, NYWT&S Collection, LC-USZ62-138888

DOCUMENT-BASED QUESTIONS — RESOURCES 3 & 4:

- Examine the Brownsville Clinic flyer. To whom is it addressed? Why is the text printed in three different languages? What arguments favoring birth control does it include?
- Examine the photograph that depicts this very clinic that Sanger opened in Brownsville. How would you describe the outside of the clinic? Why might it be significant that so many women are waiting outside of the clinic? How do you imagine these women may have felt about appearing in a photograph outside the clinic?
- Although the Brownsville Clinic was shut down shortly after it opened, and despite serving a prison term, Sanger ultimately succeeded in challenging some legal prohibitions on birth control. What does this demonstrate about how activists sometimes effect change?



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INTRODUCING RESOURCES 5, 6 & 7:**Emma Goldman Addressing Crowd (1916); Emma Goldman, “The Social Aspects of Birth Control” (1916); Excerpts relating to Goldman’s Speech and Arrest**

Activist and known anarchist **Emma Goldman** remained a staunch birth control advocate throughout the Progressive Era. In May 1916, authorities arrested Goldman for publicly lecturing to nearly 500 garment workers—mostly male—on **contraception** and **birth control**, in violation of the **Comstock Law**. She is quoted as saying, “Not one of my lectures brings out such crowds as the one on the birth strike.”

Resource 5: Emma Goldman Addressing Crowd**EMMA GOLDMAN ADDRESSING CROWD**

May 21, 1916

Digital Reproduction

Courtesy Bettmann via Getty images



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From whatever angle... the question of Birth Control may be considered, it is the most dominant issue of modern times and as such it cannot be driven back by persecution, imprisonment or a conspiracy of silence.

Those who oppose the Birth Control Movement claim to do so in behalf of motherhood. All the political charlatans prate about this wonderful motherhood, yet [...] so long as mothers are compelled to work many hard hours in order to help support the creatures which they unwillingly brought into the world, the talk of motherhood is nothing else but cant. Ten per cent, of married women in the city of New York have to help make a living. Most of them earn the very lucrative salary of \$280 a year. How dare anyone speak of the beauties of Motherhood in the face of such a crime?

Our moralists know about it, yet they persist in behalf of an indiscriminate breeding of children. They tell us that to limit offspring is entirely a modern tendency because the modern woman is loose in her morals and wishes to shirk responsibility. [...]

No, it is not because woman is lacking in responsibility, but because she has too much of the latter that she demands to know how to prevent conception. [...]

We are told that so long as the law on the statute books makes the discussion of preventives a crime, these preventives must not be discussed. In reply I wish to say that it is not the Birth Control Movement, but the law, which will have to go. After all, that is what laws are for, to be made and unmade. How dare they demand that life shall submit to them? Just because some ignorant bigot in his own limitation of mind and heart succeeded in passing a law at the time when men and women were in the thralls of religious and moral superstition, must we be bound by it for the rest of our lives?

...Whether I have to pay for my Birth Control activities or come out free, one thing is certain, the Birth Control movement cannot be stopped nor will I be stopped from carrying on Birth Control agitation. If I refrain from discussing methods, it is not because I am afraid of a second arrest, but because for the first time in the history of America, the issue of Birth Control through oral information is clear-cut and as I want it fought out on its merits, I do not wish to give the authorities an opportunity to obscure it by something else.

I may be arrested, I may be tried and thrown into jail, but I never will be silent; I never will acquiesce or submit to authority, nor will I make peace with a system which degrades woman to a mere incubator and which fattens on her innocent victims. I now and here declare war upon this system and shall not rest until the path has been cleared for a free motherhood and a healthy, joyous and happy childhood.



Resource 7: Excerpts Relating to Goldman's Speech and Arrest

Young girls fought with excited men and women to get hold of the birth control circulars handed out from Emma Goldman's automobile lecture platform yesterday afternoon... Miss Goldman... did not personally distribute the circulars which were entitled "Why and How the Poor Should Not Have Many Children." Information of a specific character was contained on the two printed pages. While the speakers were discussing the movement – taking care not to mention the advice recommended in the literature – young women wearing red and white "birth control" badges elbowed their way through the crowd, crying "What every young girl should know for 25 cents – buy a copy of Margaret Sanger's book."

– "Birth Circulars Cause Scramble," The New York Tribune, May 21, 1916

Mrs. Rose Pastor Stokes turned a birth control meeting that filled Carnegie Hall to the doors into a stampede for the platform tonight when she announced that she would distribute typewritten slips telling how to avoid having children. Coming at the end of a speech on birth control at a meeting held to celebrate the release from the Queens county jail of Emma Goldman for giving out such information only in a speech – not printed or written – Mrs. Stokes' daring fairly took the audience's breath away. Then fully a half of the 3,500 present rushed for the platform to get the slips... It was said that besides the 3,500 in the hall, a thousand were turned away.

– "Nearly A Riot to Get Birth Slips." Chicago Daily Tribune, May 6, 1916



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ACTIVITY 1

Ask students to examine the photograph of Emma Goldman delivering her speech, “The Social Aspects of Birth Control,” in Union Square in 1916 (Resource 5). Have students describe their impressions of the speaker, the setting for the speech, and the audience. (Stress the importance of the highly visible and public context for the speech, and the fact that most of the audience is male and working class.)

With the photograph still visible, ask students to imagine that they are in the audience for the speech. Read Goldman’s remarks (Resource 6) with deliberate emotion. After students hear the excerpt of Goldman’s speech, pose the following discussion questions:

- What are some of the speaker’s basic arguments about why birth control should be legal? According to the speaker, how does birth control enhance women’s freedom?
- What is the tone of the speech? Did the speech have an emotional impact on you? If so, how?
- Remember that discussing birth control was illegal in 1916, when this photograph was taken. What strikes you about the setting for Goldman’s lecture?
- Birth control is often described as a women’s issue. What do you make of the fact that the audience mostly consists of men? Why might they have been interested in hearing Goldman’s speech?

Next, ask students to examine the accompanying excerpts from historical newspaper articles (Resource 7), which describe pro-birth control demonstrations such as the one in the photograph. Ask students to imagine that they are a person in the audience for Goldman’s speech, and that they witnessed the scene described in these journalistic accounts. Have each student create a memoir in which they recall their experience listening to this speech and explain their reaction to the demonstration.



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ADDITIONAL READING

THE NEW YORK TIMES ARTICLES

- “Mme. Restell Arrested,” February 12, 1878, describes the arrest of a prominent New Yorker and abortion provider, Ann Lohman Restell, by Anthony Comstock.
- “Comstock Heckled at Labor Temple,” November 2, 1910, documents a lively public exchange between Anthony Comstock and several of his most notorious critics, including Emma Goldman and the anarchist abortion provider Benjamin Reitman.
- “First Birth Control Clinic to Open Here,” November 13, 1921, announces Margaret Sanger’s plan to open the first legal birth control clinic in the United States following her successful appeal of some legal restrictions on reproductive rights.

CONTEMPORARY CONNECTIONS

- “State Legislatures Put Up Flurry of Roadblocks to Abortion,” by Frances Robles, May 8, 2015, outlines more recent efforts, throughout the United States, to restrict access to reproductive healthcare. <http://www.nytimes.com/2015/05/09/us/politics/state-legislatures-put-up-flurry-of-roadblocks-to-abortion.html?partner=bloomberg>
- “The Next Battle in the War Over Planned Parenthood,” by Sheryl Gay Stolberg, March 31, 2017, details ongoing efforts to criminalize and defund the Planned Parenthood Federation of America, the organization founded by Margaret Sanger one century ago. <http://www.nytimes.com/2017/03/31/us/the-next-battle-in-the-war-over-planned-parenthood.html?partner=bloomberg>