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# Guardians of public morals: an examination of the effect of "Victorianism" on literary studies

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**GUARDIANS OF PUBLIC MORALS:**

**An Examination of the Effect**

**of "Victorianism"**

**on Literary Standards**

**by**

**Joseph Paul Eckhardt**

**A THESIS**

**Presented to the Graduate Faculty**

**of Lehigh University**

**in Candidacy for the Degree of**

**Master of Arts**

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**1968**

This thesis is accepted and approved in partial fulfillment  
of the requirements for the degree of Master of Arts.

May 15, 1968  
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## FOREWORD

For the purposes of this study, we must seek a narrow definition of "Victorianism" and describe it as that sense of moral seriousness which all Victorians shared or were expected to share. In an age which possessed no natural unity, and which experienced constant change, this one characteristic stood out as a cohesive force. Known by a multitude of synonyms-- respectability, prudishness, propriety--Victorianism in this sense has been used to indicate that moral attitude which lay at the base of the strict standards we still think of as typical of nineteenth century Britain.

## ABSTRACT

A profound change in literary taste occurred in England just before the turn of the nineteenth century. English literature, which had been the most outspoken for centuries, almost overnight became the most prudish. Feelings of propriety occasioned the "Bowdlerization" of even the works of Shakespeare. This moral phenomenon has been referred to as Victorianism, since the Queen who dominated the century came to symbolize the moral trends of that age. The seeds of Victorianism--Evangelicalism, social upheaval, reaction to the grossness of the underworld, and attempts at moral reform--were combined early in the century in the moral attitudes of the men who formed the anti-vice societies. The most important of these was the Society for the Suppression of Vice which sought especially to maintain the propriety and decency of the press. Their respect for the powers of the printed word led them to place great emphasis on the necessity of controlling the press. Publishers of objectionable works were prosecuted, sellers of obscene prints and objects were harried and Parliament was encouraged to pass the Vagrancy Act of 1824 to strengthen anti-vice legislation.

By the 1830's, Victorianism had permeated public taste and reformers found their uplift efforts supported by a popular concern for improved taste and propriety in literature. For the Englishman of the nineteenth century, the exaggerated prudery of Victorianism was a justifiable reaction to and a protection against the evils of a society in upheaval. The moral standards for literature erected by Victorianism were applied through the

mediums of family reading, editorial selection, libraries, critical reviews, and acts of legislation. The more positive of these attempts were the more successful. Efforts made by editors and librarians to supply only the best and most decent materials (in their opinions) for their readers affected these readers in a positive way. The taste of these readers was largely formed by what they read and this was often well regulated since it was intended for family consumption. Besides these outside influences, the family also encouraged good taste within itself.

The more negative attempts at reforming literature were the least successful. Such was the passage in 1857 of the Obscene Publications Act. Although it aimed at wiping out the prosperous trade in pornography, it was unsuccessful in the long run. It was possible for this sub-literature to survive in the underground where private printings, misleading titles, and pseudonyms served to disguise it. Despite legislation, obscene literature flourished and increased after 1857. Such literature and the taste which encouraged it could not simply be legislated away. At the same time the Obscene Publications Act was also easily abused and misinterpreted so that publishers of relatively innocent works of literature by known authors were harrassed and sometimes imprisoned like common criminals. While public taste might be improved by education through the uplift efforts of the press, it could not be rendered pure by attempts to legislate evil out of existence. Public taste was--as Ruskin suggested--the only true morality.



## INTRODUCTION

In the early 1820's, the aged aunt of Sir Walter Scott asked her famous nephew to find for her copies of the novels which had been her favorites as a young girl. To her surprise she found that these novels of Aphra Behn, which so delighted her when read aloud sixty years before, now shocked and embarrassed her as she read them in private.<sup>1</sup> Similarly, Lady Louisa Stuart, born in 1760, found in 1820 that the novels of Richardson, over which she had once wept, now seemed extremely funny.<sup>2</sup> Their profound changes in taste were not uncommon for the older generation in the early nineteenth century. For towards the end of the eighteenth century Englishmen in general experienced a change in literary taste so sudden as to become "an historical curiosity".<sup>3</sup> English literature, which had been the most freespoken from Chaucer to Smollett, had ". . . in twenty years at most. . . become the most 'pudibund', the most respectful of the young person's blush, that the world has ever known". After 1814 novels were meant to lie "on the drawing room table" and had to be fit for the young person's perusal. Pamela, which had been read as a manual of virtue and was well liked in the mid-eighteenth century was found to be "both prurient and coarse".<sup>4</sup> By 1818 even Shakespeare had been

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<sup>1</sup> Alec Craig, The Banned Books of England and Other Countries (London, 1937), p. 35. Hereafter cited as Craig, Banned Books.

<sup>2</sup> Andrew Lang, "The Evolution of Literary Decency", Blackwood's Edinburgh Magazine, CLXVII (March, 1900), pp. 363-365. Hereafter cited as "Literary Decency", BEM, CLXVII.

<sup>3</sup> Craig, Banned Books, p. 36.

<sup>4</sup> "Literary Decency", BEM, CLXVII, pp. 363-365.

found to be too coarse and an expurgated edition appeared, thanks to Thomas Bowdler, whose name became almost symbolic of the change.<sup>5</sup> The trend represented by this new taste was deeper and more sudden than a simple change in style or sentiment. It was a manifestation of a moral phenomenon which has become symbolic of nineteenth century England, and which is usually referred to as "Victorianism".

The moral attitudes named after the queen who ruled most of the century were well established before that queen ascended her throne and we must seek the underlying causes in the years that preceded her. Probably the most important seed of Victorianism was the pre-Victorian wave of Evangelicalism which sprang from the teachings of John Wesley in the eighteenth century. Wesley had stepped into a moral vacuum in that century and found it a good breeding place for his morally rigid Methodism. The populace of the eighteenth century, oppressed by what has been described as a sexually licentious governing class,<sup>6</sup> he found receptive to his uplift of the spirit. They also saw in him a means of combatting the ". . . promiscuity, animalism, brutality, and grossness of the eighteenth century".<sup>7</sup> It was in the lower classes that Methodism spread fastest, and the Evangelical movement which dates from 1738 became a powerful force by the end of the century. Indicative of this force are the conscious efforts

<sup>5</sup>Craig, Banned Books, p. 36.

<sup>6</sup>Ibid.

<sup>7</sup>G. Kitson-Clark, The Making of Victorian England (London, 1962), p. 126. Hereafter cited as Making Victorian England.

at improvement such as the enactment in 1781 of Bishop Porteous' Act (21 Geo. 3. c. 49) which prohibited Sunday Evening amusements.<sup>8</sup>

It was from such conscious efforts to alter the popular taste that Victorianism resulted and the efforts were usually the work of the Evangelicals. For Evangelicalism, as a way of life, made pronouncements upon the minutest acts of the person. But the moral code which developed was not necessarily well articulated with religious dogma. Any argument could be seized upon to attack a vice, and it was not considered disturbing if these arguments were inconsistent or contradictory.<sup>9</sup> The importance of moral improvement served to blot out any inconsistencies.

This movement which so affected Victorian standards had reached its peak before Victoria became queen. It was bolstered by the social upheavals brought on by the Industrial Revolution in the late eighteenth and early nineteenth centuries. Many people found themselves changing social status. It often happened that they changed their religion to Evangelicalism at the same time. Not having the traditional views of those in whose class they now found themselves, they were open to conviction and ". . . living in a troubled world, they were particularly receptive to religious conviction". And each new Evangelical added to the growing numbers of those who favored moral reform. This desire for moral reform was further increased and strengthened by the

<sup>8</sup> Norman St. John-Stevan, Obscenity and the Law (London, 1956), p. 31. Hereafter cited as Obscenity and the Law.

<sup>9</sup> M. J. Quinlan, Victorian Prelude: A History of English Manners, 1700-1830 (New York, 1941), pp. 108-119. Hereafter cited as Victorian Prelude.

fear of the French revolution which occurred simultaneously with the other changes. With Evangelical propaganda pressing for reform, a public opinion was molded which crystallized, as it developed, on certain questions of manners and morals.<sup>10</sup>

Evangelicals gave their attitudes greater currency not only by growing in numbers in the early part of the century, but by instilling their beliefs in some who never became Evangelicals. They acted on the middle class to the extent that Victorianism became a middle class attitude. Not only did Methodism fire the enthusiasm of other dissenting sects, but in the established church itself it found representatives in the Clapham Sect.<sup>11</sup> This group, founded by Wilberforce in 1792, spread Evangelical ideas through the Church of England. While the Church avoided the emotional extremes, it did accept the seriousness of the dissenters in approaching religious and social affairs.<sup>12</sup> This counter-reformation in the Church aided the Evangelicals in thoroughly altering public opinion, especially after the Orthodox, in 1810, decided to "fight fire with fire" and use Evangelical methods to "save" the Church of England. "Without imposing all its religious and moral teachings upon the nation, [Evangelicalism] swayed public opinion to support a rigorous code of conduct. When public opinion became a strict arbiter of manners, Victorianism had

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<sup>10</sup>Quinlan, Victorian Prelude, pp. 108-119.

<sup>11</sup>Ibid.

<sup>12</sup>Stevan, Obscenity and the Law, p. 31.

arrived".<sup>13</sup> The faith also became secularized as respectability and hardened into a code by the start of Victoria's reign.<sup>14</sup>

However, this change in moral attitude and taste did not correspond with a purification of society. The Regency was no more moral than the age of George III had been.<sup>15</sup> It was, in fact, this continued lack of purification which served to further reinforce the moral standards already being developed by the Evangelicals. Even a cursory look at the nature of the underworld, before and after 1837, shows us how great an influence on standards the reaction against it must have been. In a recent article Brian Harrison describes the underworld as a place where ". . . we see Bibles used for sexual titillation, streets used for copulation and defecation, churches for assignation, and domestic servants for sexual gratification".<sup>16</sup> One can get a more explicit and extended look at the underworld by reading the diary of an anonymous Victorian gentleman recently published by Grove Press as My Secret Life.<sup>17</sup> This book, carefully analysed by Steven Marcus

<sup>13</sup>Quinlan, Victorian Prelude, p. 116.

<sup>14</sup>G. M. Young, "Victorian England: Portrait of an Age", The Victorian Age, Robert Langbaum (ed.) (New York, 1967), p. 25. Hereafter cited as "Portrait of an Age". According to Stevas, Obscenity and the Law, (p. 31), Evangelical piety was also paralleled by Utilitarianism in politics. In both movements literature and art were considered irrelevant to attainment of the goal, salvation or material happiness. He cites the Westminster Review which in 1824 stated that literature "seeks only to arouse emotions".

<sup>15</sup>"Literary Decency", BEM, CLXVII, 364.

<sup>16</sup>Brian Harrison, "Underneath the Victorians", Victorian Studies, X(March, 1967), p. 239. Hereafter cited as "Underneath the Victorians", VS, X.

<sup>17</sup>My Secret Life (New York, 1967). Hereafter cited as MSL.

in his story of The Other Victorians<sup>18</sup> describes a sordid array of people, some 1200 sexual conquests (including some men and animals) and leaves the reader with the impression that perhaps the exaggerated prudishness of Victorian society was justified. Respectability, considered against the background of such social conditions, loses some of its stiffness and can even be re-evaluated as a valuable social idea. Combined with Evangelical religion, the fear of this underworld further contributed to the formation of a national conscience--Victorianism.<sup>19</sup>

Walter Scott's aunt was feeling the first twinges of this conscience in the 1820's. In her shocked and embarrassed reaction to eighteenth century literature she reflected the moral attitudes which became the basis for the rigid standards imposed on life in general. While most aspects of social life were affected, the press was especially so since it was seen by the Victorians to be the most powerful influence over men's minds. To keep the press pure, it had to be regulated and made to conform to a rigid set of standards. The way Victorian society applied these standards and the effectiveness of these attempts is the subject of this study.

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<sup>18</sup>Steven Marcus, The Other Victorians: A Study of Sexuality and Pornography in Mid-Nineteenth Century England (New York, 1966), chapters 3 and 4. Hereafter cited as The Other Victorians.

<sup>19</sup>Stevan, Obscenity and the Law, p. 40. (see also below, page 31).

## CHAPTER ONE

### The Anti-Vice Societies

The combination of Evangelical religion with the reaction against the underworld was early manifested in the formation of anti-vice societies. Here Victorianism became a social force, and here the first attempts at suppression of indecent literature began. The first step in the development of these societies was the 1787 Royal Proclamation Against Vice and Immorality. The Evangelicals of the Anglican Church--Wilberforce in particular--took the proclamation and made it their basis for forming the Proclamation Society whose purpose was to reform manners.<sup>1</sup> However, while this society rested on a moralistic basis, actual prosecutions for obscenity were infrequent until the later Society for the Suppression of Vice absorbed its spiritual predecessor.<sup>2</sup> The formation of this later and more important society came as a result of an Evangelical attempt to revive the flagging anti-vice society idea. John Bowdler, himself, was an original subscriber to the SSV.<sup>3</sup>

While the suppression of objectionable literature was not the sole intent of the founders of the SSV, it came to be the most important activity. One reason for this can be traced to the fact that one attitude shared by all those who formed anti-vice societies was a puritanical dislike of novels in general.

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<sup>1</sup>Muriel Jaeger, Before Victoria(London, 1956), pp. 14-15. Hereafter cited as Jaeger, Before Victoria.

<sup>2</sup>Quinlan, Victorian Prelude, p. 218.

<sup>3</sup>Stevan, Obscenity and the Law, p. 34.

Evangelical Magazine, in 1793, had emphatically stated that "novels, generally speaking, are instruments of abomination and ruin". The same magazine, in 1800, printed a "spiritual barometer" which showed 40° below zero to be a "love of novels". Realizing that 40° above zero was the love of God, one gets a definite idea of their attitude.<sup>4</sup> This dislike of novels eventually manifested itself in attacks of the SSV on literary obscenity. But at first, before the two societies merged, the SSV left prosecutions to the Proclamation Society. Their people seem to have been less concerned with moral censorship than with prosecutions of publishers for blasphemy, and political and skeptical writings. But this political conservatism weakened and social conservatism grew stronger each year. This soon showed itself in the development of a popular sentiment about obscenity which bolstered the Evangelical prejudice against novels already deeply rooted in the societies.<sup>5</sup>

The SSV, after absorbing the older Proclamation Society in 1802, concentrated its efforts to defeat the forces of obscenity rather than of blasphemy. The growing moral austerity, which was best illustrated by the Victorian attitude toward sex, was reflected in the kinds of novels which they permitted. The rapid growth of the reading public after 1780 was one reason for this new concern for literature. Here was a new class of inexperienced readers who were easily exploited by peddlers of cheap literature.

<sup>4</sup>Stevan, Obscenity and the Law, p. 34.

<sup>5</sup>Quinlan, Victorian Prelude, p. 215-127.



So, obscenity was attacked in three ways: literature was closely examined and derelict publishers were prosecuted, sellers of obscene objects were harried, and Parliament was successfully encouraged to include appropriate clauses in the Vagrancy Act of 1824. Most of these activities of the SSV were accomplished before the accession of Victoria whose own attitudes mirrored those of the moral reformers. By 1830 a "spinsterish verbal prudery" manifested itself in literature.<sup>6</sup>

In their early prosecutions of objectionable literature, the SSV ran into more than one problem. In 1819 the society was successful in prosecuting Richard Carlile for publishing Paine's Age of Reason. He received two years in prison and a £1,000 fine for his crime.<sup>7</sup> Carlile, however, was one to fight back and in the long struggle the SSV was bested and was finally unable to prevent the sale of the questionable work. The publicity the book received, furthermore, increased its sales nine times.<sup>8</sup> Such difficulties in preventing sales is perhaps explainable by the fact that the legislative prohibitions were weak, though zealous prosecutors late in the century would also find this a problem under the Obscene Publications Act of 1857.

In the early part of the century, any prosecutions which took place for obscenity had to be made on the basis of eighteenth

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<sup>6</sup>Stevan, Obscenity and the Law, pp. 29-30.

<sup>7</sup>Ibid.

<sup>8</sup>Quinlan, Victorian Prelude, p. 216.

century legal precedents. The main case which served as precedent was the conviction in 1727 of Edmund Curll, publisher of a suggestive work, Venus in a Cloyster. At Curll's trial, the Attorney General Lord Hardwicke declared that any work which tended to corrupt the morals of the King's subjects might be considered obscene libel. Publishing such a work, then, was a punishable offense--as a breach of the peace. Such an interpretation made it possible to convict offenders in the early nineteenth century in the absence of a statutory provision for obscenity. By the end of the eighteenth century the Curll case had become a firmly established precedent.<sup>9</sup>

Even though a publisher might be convicted for his evil doings, however, the main intent of the SSV--the suppression of the literature itself--was impossible under the laws. More success was met with in their next effort, the attempt to suppress obscene objects. According to the reports of the society, the trade in many forms of pornography was extensive in the early nineteenth century. Much of the trade was conducted by foreigners through agents who had the disquieting habit of going to boarding schools where they sold naughty ballads and obscene prints to the students. To remedy this problem, the Society sent letters to the heads of seminaries and schools. They also warned the peddlers and prosecuted those for whom they found evidence. Many individuals were prosecuted, not for selling books, but

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<sup>9</sup>Quinlan, Victorian Prelude, p. 216.

for peddling ballads, prints, and devices, such as snuff boxes covered with low pictures. The trade in the schools, and the traffic in obscene objects, was in general successfully combatted.<sup>10</sup>

The problem of insufficient anti-obscenity legislation was partly solved in 1824 with the passage of the Vagrancy Act, the passage of which was diligently worked at by the Society.<sup>11</sup>

It provided that:

Any person wilfully exposing to view . . . any obscene print, picture, or other indecent exhibition. . . shall be deemed a rogue and a vagabond. . . and it shall be lawful for any justice of the peace to commit such offender. . . [after conviction] to the house of correction, there to be kept to hard labor for any time not exceeding three calendar months.

According to section eight of this act, it was further provided that any suspected vagabond, etc., could be searched as could packs and bundles. By section thirteen the justices were empowered to search houses and lodgings for such people. By a liberal interpretation of the last part of the act which stated that ". . . such instruments as aforesaid, should by conviction of the offender become forfeited to the kings majesty", it might also have been possible to remove obscene objects from circulation<sup>12</sup> though in the context of the act, this does not seem to have been its intent.

<sup>10</sup>Quinlan, Victorian Prelude, p. 216.

<sup>11</sup>Stevan, Obscenity and the Law, pp. 37-38.

<sup>12</sup>The Statutes (3rd revised edition: London, 1950), III, 66-67. Hereafter cited as The Statutes.

The true effectiveness of the SSV can't be solely judged by the numbers of convictions they secured or by the above mentioned achievements. The threat of prosecution, itself, was enough of a deterrent in some cases. Many sellers went underground. Unfortunately, the threat of prosecution was also enough to hinder the publication of works which were neither cheap nor pornographic. The Society denounced Byron's Don Juan and, while they didn't prosecute, such a reception was often enough to discourage a publisher. What kept their denunciations from hindering valid literature to a great extent was the fact that the SSV seldom named works; they had learned their lesson from Carlile and didn't wish to give free advertisements to obscenity.<sup>13</sup>

By 1825 the prosecutions and harassments by the Society had driven the trade in pornography underground.<sup>14</sup> While they were able to keep the trade in check they were not able to eliminate it entirely and the flow continued throughout the Victorian era, growing in volume until eventually it again occasioned vigorous anti-obscenity activities in mid-century. As the century progressed, pornography of all kinds--from the classical to lowest quality--flourished and those who supported the Victorian standards were constantly seeking ways to eliminate this grossest of anti-theses to moral propriety, and to purify literature.

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<sup>13</sup>Quinlan, Victorian Prelude, p. 33.

<sup>14</sup>Stevan, Obscenity and the Law, p. 39.

## CHAPTER TWO

### Public Taste and Its Maintenance

Victorianism depended not only on reformers, but was supported by the corresponding growth of a public taste which by 1827 had become a stern arbiter of conduct.<sup>1</sup> As one scholar has stated, when the battle for refinement is fought, it causes the development of etiquette which is impossible and cumbersome--ridiculous taboos, overweight morality and distorted religion.<sup>2</sup> Victorian standards, supported by public opinion, set the prevailing taste. This, however, did not mean the complete adoption of Evangelical rules. The Victorian may or may not have been of religious persuasion. He didn't necessarily abjure novels, but he did insist they conform to certain standards. One gets a clear picture of the significance of the support public taste gave the new moral standards when he examines the views of educated and enlightened people on the subject of moral censorship. Almost no one objected when the Society for Suppression of Vice began prosecuting obscene works, even though many objected to the principles upon which the Society acted. Earlier, when the Society had prosecuted Carlile, liberals had denounced it as one of the great enemies of a free press. However, as the trials for obscenity occurred along with the fight for the right to print what one wished, champions of freedom didn't feel the suppression of obscene literature abridged this right. In fact, some were

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<sup>1</sup>Quinlan, Victorian Prelude, pp. 103, 119.

<sup>2</sup>Kitson-Clark, Making of Victorian England, p. 64.

in favor of this form of censorship. Even Richard Carlile approved of the SSV suppressing indecent literature, though he obviously despised it for other reasons. Joseph Hume and Frances Place also commended the SSV for suppressing obscene literature, though they opposed it for suppressing other types of work. Liberals and Conservatives, at odds on most issues, agreed on the question of moral censorship. Writers soon sensed this general disposition and guided themselves accordingly,<sup>3</sup> an attitude which to some extent accounts for the relatively relaxed period of the 1830's and 1840's before the "high noon" of prudishness in the 1850's and 1860's. The influence of public taste was perhaps the strongest form of moral restriction the Victorians produced.

The propriety of public taste was closely connected with the matter of social status. It is to the rapid changes in social strata in early Victorian England that public taste owes much of its rapid growth and strictness. As the population, industries, and national wealth increased in size, many people found themselves moving up in status.<sup>4</sup> Earlier it had been the change of classes involved in the Industrial Revolution which had spread Methodism.<sup>5</sup> These new lower classes were still unfranchised, but could express themselves better, were increasingly better read, and, as they improved, their opinions were on the side

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<sup>3</sup>Quinlan, Victorian Prelude, pp. 220-221.

<sup>4</sup>Ibid., p. 104.

<sup>5</sup>Stevan, Obscenity and the Law, p. 36.

of a stricter public morality.<sup>6</sup> And as many adherents of Evangelicalism were raised by the Industrial Revolution, they took their beliefs with them into the middle class.<sup>7</sup> Their "respectability" allowed skilled workers to rise up and keep themselves distinct from the amorphous mass of the industrial proletariat.<sup>8</sup> That it was not solely a middle class morality, however, is shown by the fact that even in the upper classes we find impulses stimulated by the moral enthusiasm swelling up from the classes below. Here, in the upper ranks of society, according to G. M. Young, this enthusiasm was "absorbed into an older tradition of humour, culture, and public duty".<sup>9</sup> It is, perhaps, just such a combination which we find later manifested in Lord Campbell, the gentleman responsible for the introduction and passage of the Obscene Publications Act of 1857.

Another phenomenon also encouraged literary taste in its adoption of strict moral standards. This was the rise of the reading public, a matter also in a way connected with social status. The unity and extent of the Victorian reading society allowed the strict moral standards to be set and kept.<sup>10</sup> Whereas the eighteenth century masses had been illiterate and governed by

<sup>6</sup>Quinlan, Victorian Prelude, p. 107.

<sup>7</sup>Craig, Banned Books, p. 36.

<sup>8</sup>Stevan, Obscenity and the Law, p. 40.

<sup>9</sup>Young, "Portrait of an Age", p. 24.

<sup>10</sup>Stevan, Obscenity and the Law, p. 41.

an educated aristocracy,<sup>11</sup> the nineteenth century experienced an increasingly rapid growth of a sizeable reading public. While this was enough to rate the notice and concern of the anti-vice societies before 1830, it was really in the years of 1830-1860 that the most significant growth of the reading public took place. The middle classes became literary, while the lower classes at least learned to read. In this new reading public, the moral reformers found more reasons for rigid standards.

Reformers welcomed the growth of the reading public, for they felt that if people read, they would throw off all degrading vices. Teach people to read, provide them with the right materials, and reform would follow. During the 1830-1860 period there existed a dominant, if naive, belief in the omnipotence of the printed word. "Bad literature" was held to be as dangerous as illiteracy itself. The press, properly guided, could let light into all the dark places.<sup>12</sup> With so much faith placed in the powers of the printed word, we can only expect the same enthusiastic fear of the deleterious powers of printed evils. The literature of the underworld occasioned the same reactions as the underworld itself. It became necessary to make sure that the proper reading material was being provided to the exclusion of indecent varieties.

Though the statistics cited by G. M. Young indicate that

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<sup>11</sup>Craig, Banned Books, p. 36.

<sup>12</sup>G. M. Young, Early Victorian England, 1830-1865 (2 Vols: London, 1934), II, 3-4. Hereafter cited as Early Victorian England.



there were always more women illiterate than men<sup>13</sup>, those females who did read had an effect on literary standards out of proportion to their numbers. For one thing, women in the country had previously not been in contact with literature as were the women of London society; now they began to join book clubs and became involved. These women would not put up with the infidelities of Tom Jones,<sup>14</sup> and the reformers would not let them, anyway.

It was even more important to provide young children with works of an improving nature. In many of the autobiographies of "self helping" men, we find that mothers kept their children off the streets and encouraged in them a love of books. They were further encouraged from childhood on to keep good company with serious bookloving friends.<sup>15</sup> The assumption was (according to Mrs. Lynn Linton, writing as an old lady in 1898) that "knowledge of vice should come gradually in advancing age". Young daughters, for instance, were not to read the Mill on the Floss until they married or reached middle age.<sup>16</sup> To protect the tender consciences of young readers and prevent improper works from falling into their innocent hands became a major concern of Victorian families.

<sup>13</sup>Young, Early Victorian England, p. 3.

<sup>14</sup>"Literary Decency", BEM, CLXVII, 368-369.

<sup>15</sup>Harrison, "Underneath the Victorians", VS, X, 259-260. He cites as examples the autobiographies of William Lovett, Life and Struggle, (1876) and Thomas Cooper, Life, (1872).

<sup>16</sup>Kathleen Mary Tillotson, Novels of the 1840's (Oxford, 1954), p. 57. Hereafter cited as Tillotson, Novels of 1840's.

From such beliefs grew the "tyranny of the young person" which would chagrin a whole generation of novelists.

The protection of women and children individually was not felt to be enough and strict standards were also to be maintained for the family, reading together as a group. Family reading became a big part of Victorian family life and evenings were spent reading at home. It was concern for the tender consciences of his family that once spurred a man to write to Macaulay and ask that a certain passage in a novel be omitted because it could not be read aloud.<sup>17</sup> Not only did the family circle devour the newest books, but in an age without radio, T.V. and with few newspapers, the influence of the magazines was great; each issue was eagerly anticipated.<sup>18</sup> In response to the needs of family reading, many magazines, like the Spectator, strove to be family magazines which could be safely read aloud in the home.<sup>19</sup> Since most Victorian magazines lived off the popularity of their serialized fiction, strict standards for novels became a staunch requirement.<sup>20</sup>

By 1855 the novel, despite the early Evangelical dislike of it, was the most popular form of literature. As the numbers of readers increased, the number of novels rolling from the presses also increased. By 1866 it was reported that in five

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<sup>17</sup>Young, Early Victorian England, II, 48.

<sup>18</sup>Stevan, Obscenity and the Law, p. 45.

<sup>19</sup>Young, Early Victorian England, II, 50.

<sup>20</sup>Merle Newbray Bevington, The Saturday Review, 1855-1868 (New York, 1941), p. 153. Hereafter cited as Bevington, Saturday Review.

weeks, forty-six novels had been offered for subscription in Paternoster Row, London. And during that whole year, some 4,204 novels were published. To these figures must furthermore be added the novels directed in serial form to readers solely through weekly and monthly magazines.<sup>21</sup> A literary development so large and potentially good or evil could not be ignored or allowed to seek its own level of propriety. Between the tyranny of the young person and the cult of the family, and general fear of the powers of printed works, the standards first stressed by the Evangelicals became the accepted standards for a nation and an age.

While many magazines sought to maintain "family" standards in their publications, all magazines at least reflected the moral views of the middle class in their requirements for literature. Most critics of the time were characterized by their moral austerity, and literary criticism--moral rather than aesthetic--became the most significant defense of Victorianism that the age produced. As early as 1819 the effects of what we shall call editorial selection had been felt. The outcry in that year against Byron's Don Juan made his publisher, Murray, afraid to publish any more Byron. Although no prosecutions occurred, the reviews did solidly denounce Byron and his publisher.<sup>22</sup>

Quite early reviews and magazines began to exercise a dominant influence over what could be included in novels. Here

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<sup>21</sup>Bovington, Saturday Review, p. 153.

<sup>22</sup>Stevan, Obscenity and the Law, pp. 40-46.

laws and societies for suppression of vice mattered not; what was now important was what a reviewer would say about a particular piece of work--a bad review could be more discouraging than a possible prosecution, since by the former, the author himself was affected. Trollope found his story of Mrs. General Talbot rejected by Thackeray who was then editor of Cornhill Magazine, and who feared it might offend. As a result of his experiences with the editors of Macmillan's and The Graphic, Hardy fell out with both men. Throughout most of the century the reviewers adamantly maintained strict standards and sought to further elevate public opinion and taste.<sup>23</sup> And in this sphere they were successful.

As weekly reviews began to flourish, they also adopted particular attitudes towards literature. The same was true of the many lower class papers which began to meet the demand for popular literature. The Penny Magazine, Saturday Magazine and Chamber's Journal had not "one sentence of an immoral tendency in the whole", according to a contemporary report. Though some were offended by the new "penny literature",<sup>24</sup> in general we find the middle class standards maintained even for the literature of the lower classes. Editorial selection was an effective and dominant influence both on the public and on the writers themselves.

The careful selection of material proper for the public

<sup>23</sup>Stovas, Obscenity and the Law, pp. 44-46.

<sup>24</sup>Ibid., pp. 46-53. See below--William Lovett's attitude, page 29.

to read, which was carried out so effectively in the magazines and reviews, also became the basis for another effective instrument of moral restriction--the circulating libraries. This is most clearly evident in that most important of Victorian libraries, "Mudie's Select Library", which was started in the 1840's by the young and ambitious Charles Edward Mudie. As many students in London began to visit his newsstand in King's Street, he realized that lending books might be both profitable and useful, and thus he began to form his own private collection. At this time, due to the prohibitive price of a three volume novel (the usual form of publication), it was impossible for any but the wealthy to buy all the books they wanted. Libraries were a necessity for the voracious reading public. Though libraries did already exist in most towns, they dealt with feeble works of third rate quality. Mudie decided, appropriately enough, to build his library on middle class taste.<sup>25</sup>

As a prominent dissenter, who sometimes preached, Mudie was well aware of the Evangelical belief that novels were evil. But he also knew a good thing when he saw it and thus proceeded to make a distinction between good and bad novels. Those with the slightest indecencies he would not stock--he would call his establishment a select library. A guinea a year enabled readers to borrow one book at a time from the library, and Mudie discovered,

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<sup>25</sup>Amy Cruse, The Victorians and Their Books (London, 1935), pp. 310-312. Hereafter cited as Cruse, Victorians.

as he had expected, that novels were the mainstay of his business.<sup>26</sup>

Libraries like Mudie's were second only to reviews in their influence on literary standards.<sup>27</sup> The best advertisement any work could have was Mudie's announcement that he intended to take a large number of the copies. His influence was such that the novelist Mrs. Oliphant once said "the patronage of Mudie was sort of a recognition from heaven".<sup>28</sup> We can be sure that his disapproval consigned a work to the opposite extremity. And writers, concerned for their success, noted carefully what was or was not acceptable at Mudie's. As his operations grew, so did his influence. By 1852 he had to move to bigger and better quarters, his library now containing some 25,000 subscribers, and his recognition being world-wide. By 1860 he was sending parcels of books to the countryside at the cost of five guineas per year, plus carriage post rate.<sup>29</sup>

Mudie also had an ally in the field in W. H. Smith who, in 1846, developed a plan for bookstalls operating in principal railroad stations. For a fee one borrowed at one place and returned the book at another. By 1862 Smith had expanded his business with bookstalls on every important line.<sup>30</sup> In 1851

<sup>26</sup>Cruse, Victorians, pp. 312-316.

<sup>27</sup>Stevan, Obscenity and the Law, p. 44.

<sup>28</sup>Cruse, Victorians, p. 315.

<sup>29</sup>Ibid., pp. 315-316.

<sup>30</sup>Cruse, Victorians, p. 335.

Smith obtained the monopoly of book stalls on the London and North West Railway; this monopoly and his concern for the morals of his readers earned him the title of "the North Western Missionary".<sup>31</sup> For Smith chose the books for this stall as carefully and selectively as did Mudie for his library; Smith himself was an uncompromising Wesleyan.<sup>32</sup> His contribution to the nation's morals was recognized in 1857 when, during the debates on the Obscene Publications Act, Shaftesbury paid him a compliment for distributing "an immense body of purest literature".<sup>33</sup> Edinburgh Review in that same year stated that "upwards of a million of the cheap shilling volumes which ornament railway bookstalls are disposed of annually, and the effect of the publications on the whole mind of the community can hardly be exaggerated".<sup>34</sup>

The operations of libraries like Mudie's and Smith's, however, was not always a simple choice between decent and indecent works. Mudie especially encountered difficulties in selection, and was criticised for it by his public. The large numbers of books designed especially for young ladies were at one point denounced as "unidea'd melodrama for unidea'd girls". Unpleasantness also sometimes occurred when a subscriber asked for a banned book and had to be told that a Select library

<sup>31</sup>Stevan, Obscenity and the Law, p. 44.

<sup>32</sup>Cruso, Victorians, p. 335.

<sup>33</sup>Stevan, Obscenity and the Law, p. 44.

<sup>34</sup>Fitzjames Stephen, "The Licence of Modern Novelists", Edinburgh Review, CVI(July, 1857), p. 65. Hereafter cited as "Licence of Modern Novelists, ER, CVI.

couldn't possible circulate such a work. Books like The Morals of Mayfair, by Mrs. Edwards, describing the love affairs of certain actresses, were excluded. One indignant subscriber even wrote to the Literary Review and complained because Mr. Mudie was unfair in his choice of books for the library. To this man Mudie replied in a letter to Athenaeum that it was his right and that he was guided by moral considerations in his choice.<sup>35</sup> But only a minority of subscribers were dissatisfied, for when the demand was especially high for a work, Mudie stocked it, regardless of whether or not it had been damned by the critics and reviewers. Ruth, Adam Bede, and Held in Bondage, all were denounced at one time or another, but Mudie stocked all three of these popular works.<sup>36</sup> He knew a good thing when he saw it. The overall effect of his choices, however, was still a moral one, and his library bolstered the tight moral restrictions followed by the reviews.

The rising moral austerity thus far examined leveled off for a period during the 1830's and 1840's, and a period of relative relaxation was enjoyed. With pornography driven underground by the SSV, and strict standards being maintained for other forms of literature, the crusading spirit of the moral reform waned. The post-Napoleonic fear of revolution had also begun to fade and for a time public opinion generally relaxed and became more liberal.

That the morals of society were no longer the cause of an

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<sup>35</sup> Cruso, Victorians, pp. 318-320.

<sup>36</sup> Stevas, Obscenity and the Law, p. 44.



all-consuming concern is illustrated in part by the relative mildness of the Metropolitan Police Act (2&3 Vict. c. 47) passed in 1838, especially in the section dealing with indecent or obscene works. A penalty of forty shillings was provided for any person who would publicly:<sup>37</sup>

sell or distribute or offer for sale or distribution, or exhibit to public view, any profane, indecent, or obscene book, paper, print, drawing, painting or representation, or sing any profane, indecent, or obscene song or ballad, or write or draw any profane, indecent or obscene word, figure or representation. . .

There is no provision for the confiscation of the obscenities, and only the mild forty shilling fine. It was evidently felt that this was all the indecent traffic warranted.

One fact that helped to make this period more relaxed was that the writers of the period accepted the new conventions willingly. The writers who were popular then were not the type likely to violate prevailing standards of good taste.<sup>38</sup> In all periods writers have known some limitations, but in the 1830's and 1840's these were not felt by the writers to be cramping. Tillotson, in her survey of novels of the 1840's, tells us that "there was no fatal discrepancy between what the writer wished to say and what his public was willing to let him say". It is this discrepancy, she suggests, that is damaging to literature, not the limitations.<sup>39</sup> The contentment of the novelists with

<sup>37</sup>The Statutes, IV, 304.

<sup>38</sup>Stevan, Obscenity and the Law, p. 49.

<sup>39</sup>Tillotson, Novels of 1840's, pp. 64-66.

the standards explains the apparent liberality of the period better than does any change in manners.<sup>40</sup>

We should also keep in mind that midway through this relaxed period, Queen Victoria ascended the throne, and the covert corruption of the court disappeared, as it did in upper class society. This was a confirmation of the change in taste and standards already established. The prevailing taste, sanctioned by a moral queen, was now certainly serious, if not prudish.<sup>41</sup>

The relaxation of moral concern was only a temporary phenomenon, however, and at least one literary development occasioned a growing concern during the 1840's. This was the rapid growth of the Weeklys, those cheap weekly papers similar to our modern "Tabloids". The first of these was the People's Police Gazette started by Edward Lloyd in September of 1841. It cost a penny, and offered a weekly series of "Thrillers" based on sensational crimes. Lloyd's type of literature came to be called the "Salisbury Square School of Fiction", and as a type, it appealed to a definite class, with some attempt at uplift, but in general giving them what they wanted. For an added attraction, Lloyd included ghastly illustrations of the more horrible stories. The Police Gazette was an instant success. Following up the success of his first weekly, Lloyd started another, the Weekly Penny Miscellany, in 1843. The same year

<sup>40</sup>Stovas, Obscenity and the Law, p. 49.

<sup>41</sup>Craig, Banned Books, p. 38.

he also published the Penny Atlas and Weekly Register of Novel Entertainment. And, realizing the lower class thirst for thrilling novels, he poured out an endless stream of penny novelettes. Some of these were in serial form, like Alice Horne or the Revenge of the Blighted One, which ran to eighty-five chapters.<sup>42</sup>

By the end of the decade, the upper classes had become anxious over the success of such "Saturday Trash", and voiced this anxiety in the Report of the Committee on Public Libraries of 1849. Moralists of the lower classes were also concerned. William Lovett, while admitting he hadn't read any of Lloyd's publications, still considered them to be "immoral and anti-social". George Dawson complained that "we gave the people an appetite to read, and supply them with nothing". He also felt that cheap trash was being circulated to an extent that was "almost incredible". Some did come to Lloyd's support and one report on obscenity stated that "whatever may be said against the 'Salisbury Square' school, it was clean. The production of pornography was carried on by a class of tradesmen whom Lloyd would have despised".<sup>43</sup> Here, at least, was one attempt to make a distinction between sensationalism and actual pornography. This was, however, a distinction seldom made by those concerned to uphold moral standards, and the two were usually considered equally bad. The result was, then, that the underworld literature restricted the freedom of the serious

<sup>42</sup>Young, Early Victorian England, II, 65.

<sup>43</sup>Ibid., pp. 65-68.

novelists who now had to be increasingly careful not to let their work contain anything that would associate them with pornographic writing.<sup>44</sup>

This great anxiety over the objectionable nature of the weekly literature is, however, symptomatic of something deeper and more significant--the actual growth of pornographic traffic and the growing realization by the Victorians of the full horror and extent of the underworld. These considerations effected the extremes of prudishness during the next two decades.

The creation of pornography had increased throughout the 1830's and 1840's and by the end of the fifth decade had reached the point where it once again became too objectionable to be ignored. As early as 1842, in fact, a magazine devoted to pornography--The Exquisite--managed to get published, and had lasted two years before folding. Someone in 1845 estimated that up to that date there had been some twenty editions of Memoirs of a Woman of Pleasure, a bawdy work we know today as Fanny Hill.<sup>45</sup>

It was perhaps an early realization of this increase that occasioned the slightly stronger provisions against obscenity in the 1847 Town Police Clauses Act (10 & 11 Vict. c. 89). The relevant portion of this Act reads exactly like the earlier Metropolitan Police Act cited above except that in the later law provision is also made to imprison the indecent culprit "for a

<sup>44</sup>Stovas, Obscenity and the Law, p. 39.

<sup>45</sup>Ibid., pp. 39, 45.

period not exceeding fourteen days".<sup>46</sup> The rise of pornography had reached the proportions of a public problem by the 1850's.<sup>47</sup>

Another pornographic periodical, The Cromorne, appeared in 1851 and before 1870 was followed by The Boudoin, 1860; Rambler's Magazine; and The Englishman's Domestic Magazine, 1868-70.<sup>48</sup> The new pornography which appeared in London was various, ranging from the highest priced works for "collectors" to the cheapest trash for dirty little boys, and centered in Holywell Street.<sup>49</sup> The sale of these works was carried on systematically and on a large scale. Agents traveled to Oxford and Cambridge with their wares; one seizure yielded a half ton of indecent pictures.<sup>50</sup> Dealers sold enough to students that eventually many book collectors would have secret shelves in their libraries.<sup>51</sup> But, it was as yet legally impossible for the police to intervene in Holywell Street to put a halt to the thriving trade in obscenity.

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<sup>46</sup>The Statutes, IV, 637.

<sup>47</sup>Stevas, Obscenity and the Law, p. 54. Steven Marcus, The Other Victorians, p. 262, feels that pornography was a deflection from the official position which aimed at uplift, and is "part of the price we pay for social advancement". He is questioned on this point, however, by Harrison, "Underneath the Victorians", VS, X, p. 251, who feels Marcus doesn't prove there is an integral connection between pornography and what he calls the official culture.

<sup>48</sup>Ibid., p. 39.

<sup>49</sup>Craig, Banned Books, p. 40. Stevas, Obscenity and the Law, p. 39, tells of one piece of high priced pornography. William Dugdale's novel, Love, was published in 1860-65 at three guineas.

<sup>50</sup>Young, Early Victorian England, II, 68.

<sup>51</sup>Craig, Banned Books, p. 40.

Pornography itself was not the only concern of the morally minded in the fifties and sixties. Victorians had just begun to take a closer look at the underworld and were shocked at what they saw. The seamy side of life so lucidly described by the anonymous gentleman in My Secret Life had not decreased in size or depth of degradation. And the activity with which My Secret Life is most concerned was the one that shocked the Victorians most of all as they began to realize its full extent. This was the problem of prostitution. The police in London counted some nine hundred thirty three brothels and eight hundred forty-eight "houses of resort" in 1841; by 1857 the number had reached nearly three thousand.<sup>52</sup> But probably the fullest and most shocking realization of the problem came when Westminster Review published in 1850 a sixty page article on prostitution. The quoted testimonies of the girls interviewed are rather explicit; one describes the men and women sleeping together in one common room in a scene reminiscent of the worst of Fanny Hill.<sup>53</sup> Even Disraeli once told his disbelieving Queen that London was one huge brothel. The realization of the underworld was frightening to the Victorians and the standards already founded on fear quickly grew more strict. Their efforts seem justifiable; they sought to protect tender consciences, especially those of their children. So what was not an especially "squeamish" age in 1850 became so in a very few years.

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<sup>52</sup>Nina Epton, Love and the English (London, 1960), p. 307. Hereafter cited as Epton, Love.

<sup>53</sup>No author given, "Prostitution", Westminster Review, LIII, (July, 1850), pp. 448-506. Hereafter cited as "Prostitution", WR, LIII.

## CHAPTER THREE

### "High Noon" of Literary Morality

The strictness of the standards in the 1850's and 1860's was reminiscent of the early years of the century, and in many ways resulted from similar causes. The literature which first felt the brunt of tightening standards was the French novel. Even in November, 1849, Blackwood's Magazine announced that "until manifest improvement takes place, we are hardly likely again to pass [French novels] in review".<sup>1</sup> That these works would feel the new strictness first was perhaps only natural; there had been a long-standing prejudice against French literature. As early as 1836 the Quarterly Review had denounced Balzac as a base, mean, filthy scoundrel,<sup>2</sup> and even as late as 1900 an author for Blackwood's would consider Voltaire's Pucelle, "unspeakable".<sup>3</sup> The old prejudice became a moralistic fear after 1850.

The more prudish standards also effected a rapid improvement of Victorian newspapers in the fifties. Earlier they had printed reports of divorces and court cases in full seamy detail. They had also advertised cures for sexual evils. Both of these improprieties were eliminated, a crusade against the latter being undertaken in 1851 by the Union for the Discouragement of Vicious Advertisements.<sup>4</sup> The radical reformer, John Frost, whose radicalism

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<sup>1</sup>Frederick Hardman, "The French Novels of 1849", Blackwood's Edinburgh Magazine, LXVI (November, 1849), p. 619. Hereafter cited as "French Novels", BEM, LXVI.

<sup>2</sup>Stovas, Obscenity and the Law, p. 32.

<sup>3</sup>"Literary Decency" BEM, CLXVII, 365.

<sup>4</sup>"Underneath the Victorians", VS, X, 24.

hadn't kept him out of the papers in the 1830's, was stifled in his 1856 attempt to expose homosexuality in convict colonies.<sup>5</sup>

Well known and accepted authors now began to find the standards too strict for their works. Parents began to feel that Thackeray was "improper" and there were objections when his History of Pendennis was serialized.<sup>6</sup> Some authors chose to retain their own standards as did Charlotte Bronte who wrote in the preface to the 1850 edition of Wuthering Heights she knew "a large class of readers. . . will suffer greatly from the introduction into the pages of this work of words printed with all their letters. . .".<sup>7</sup> But the public mood was rising against such brashness. The editor, Chapman, wrote in his diary in 1851 that a love scene in a certain novel excited the sensual nature and was therefore injurious. He would have to be careful of publishing such works.<sup>8</sup> Wilkie Collins found his second novel, Basil (1852) "condemned off-hand by a certain class of readers, as an outrage on their sense of propriety".<sup>9</sup>

By 1853 these scattered incidents blended into a general reaction, and the first general outcry against a novel on the basis of impropriety occurred with the publication of Mrs. Gaskell's Ruth. Mrs. Gaskell had made the error of making a fallen woman

<sup>5</sup>"Underneath the Victorians", VS, X, 240.

<sup>6</sup>Craig, Banned Books, p. 3.

<sup>7</sup>Tillotson, Novels of 1840's, p. 60.

<sup>8</sup>Stevan, Obscenity and the Law, p. 29.

<sup>9</sup>Tillotson, Novels of 1840's, p. 58.



the heroine, and then arranging for a parson to help her pass herself off as a widow.<sup>10</sup> This was going too far, and the reviews were unmerciful in their criticism.<sup>11</sup>

The Saturday Review, which began in 1855, made this new morality its principal concern.<sup>12</sup> We may determine how indicative this is of the new strictness when we note that the Saturday Review is described as a revolt of the intelligentsia against the bourgeoisie.<sup>13</sup> The Saturday reviewers were harsh on popular novels and their authors. The qualities they most objected to were superficiality, sentimentalism, propaganda for social reform, and sensationalism. Yet with all this seeming sophistication of standards, they were terribly prudish. The review of Adam Bede (1859) for instance, while basically favorable, makes strong objection to a relatively innocent description of pregnancy. "This is intolerable", the reviewer wrote; "let us copy the old masters of the art, who, if they gave us a baby gave it us all at once. A decent author and a decent public may surely take the premonitory symptoms for granted". Delicacy also approached squeamishness in the review of The Mill on the Floss. Even though George Eliot was a strict moralist and usually patronized by the Saturday Review for this reason, they found her treatment of the passion of love very questionable; ". . . we are not sure that it is

<sup>10</sup>Tillotson, Novels of 1840's, p. 58.

<sup>11</sup>Stevan, Obscenity and the Law, p. 54.

<sup>12</sup>Ibid., p. 44.

<sup>13</sup>Young, Early Victorian England, II, 56.

quite consistent with feminine delicacy to lay so much stress on the bodily feelings of the other sex".<sup>14</sup> The Saturday Review, like earlier reviews, criticized on the basis of moral and social considerations rather than aesthetic concerns and their prudish objections reflect the mood and standards of the time.

The Saturday Review also strongly denounced the mid-century fashion of writing stories of college life, especially those hinting at the fast life of the universities. Such a book was W. Winwood Reade's Liberty Hall, Oxon. When it appeared, the Saturday Review damned the book, the author, and the author's uncle and publisher. It was called "the filthiest book that has been issued by a respectable English publisher during the life of the present generation". It might be pointed out that such a blast did not necessarily kill a book. In the Life of Frederick William Farrar is a letter from Farrar to E. S. Beesly stating that the "lies of the Saturday reviewer injure him more than me. Meanwhile 13,000 copies of the book have sold already".<sup>15</sup> As the SSV had found out earlier in the century, a strong denunciation of a work could backfire and provide the only advertisement needed to make it a best seller. As subscribers to Mudie's found, a book with enough merit could possibly get around the objections of moralists.

We can still assume, however, that magazines like the Saturday Review did favorably influence a large class of people.

<sup>14</sup>Bevington, Saturday Review, p. 155 and pp. 179-180.

<sup>15</sup>Ibid., pp. 198-199.

One reason for the influence we can see in the attitude reflected in an 1857 Edinburgh Review article, "The Licence of Modern Novelists" by Fitzjames Stephen. His concern is primarily for youth for whom novels serve as "a series of lectures upon life" which confront the young people with real life for the first time.

"Such teachers", he says, "can never be otherwise than influential".<sup>16</sup>

And the nature of this influence must be carefully considered and controlled. If for no other reason than the protection of tender consciences of children, Victorians sought to maintain the strictest of standards in the face of possible obscenity stemming from the society of the underworld. So in considering the moral effect of a work, suspicion was easily aroused by the slightest hint of impropriety. Bagehot wrote in 1858 that "no one can read Mr. Thackeray's writings without feeling that he is perpetually treading as close as he dare to the borderline that separates the world which may be described in books from the world which it is prohibited to describe".<sup>17</sup> This borderline would be fiercely defended by those of deep moral concern.

The need for stricter standards felt by the general public and reflected in the increased prudishness of the reviews, also manifested itself in the desire for more effective laws against obscenity. It had been long realized that none of the previously

<sup>16</sup>"Licence of Modern Novelists", ER, CVI, 63.

<sup>17</sup>Tillotson, Novels of 1840's, p. 68.

passed laws dealing, in part, with obscenity, had been really effective in wiping out the extensive and growing traffic in indecent prints and literature. English law usually moves slowly in relation to changes in public opinion and tastes.<sup>18</sup> Now, through the medium of Lord Campbell's urgings, it would seek to interpret the wishes and needs of a moral public to maintain a decent society. More than blanket legislation was needed to solve the problem, however. In any case of this sort, in order to have an effective and meaningful law of obscenity, "instead of an outward manifestation of inner doubts and fears",<sup>19</sup> it is necessary to make a clear and workable definition of the terms, obscenity, indecent, corrupt, etc.. The failure to do this would be the failure of the obscenity act of 1857. Common law had already developed certain ideas and practises concerning obscenity before 1857. Some of these have been indicated above. The 1857 law, however, made these previous strictures more powerful and effective, but without defining clearly what those laws should deal with.

In 1853 there had been a limited attempt to suppress one source of pornography--that imported from abroad--in the Customs Consolidation Act (16 & 17 Vict. c. 107). Such items as listed were to be seized by customs officials.<sup>20</sup> But with regards to any domestic source, the previous laws could not be invoked on

<sup>18</sup>Craig, Banned Books, p. 37.

<sup>19</sup>Wayland Young, Eros Denied: Sex in Western Society (London, 1965), p. 52. Hereafter cited as Eros Denied.

<sup>20</sup>Stevan, Obscenity and the Law, p. 66.

anything that could possibly be called serious literature.<sup>21</sup> The common law relied on informers and "sworn depositions" and proved inadequate to deal with pornography.<sup>22</sup> Besides the fact that penalties for statutory offenses were inadequate, suppression was also made difficult because of the safeguards of individuals' liberty in the administration of common law. The stocks of shopkeepers could not be seized and a wife could continue the business while her husband was in jail.<sup>23</sup> All these considerations favored the initiation of a motion for a stronger anti-obscenity law, and made the passage of such a law very likely.

The fact that the bill originated in the House of Lords may also have connotations of an "uplift" attitude on the part of those gentlemen. This is suggested by one of Lord Campbell's first remarks when he sought to introduce his suggestion. He rose on May 11, 1857, and announced that "he had learned with horror and alarm that a sale of poison more deadly than prussic acid, strichnine, or arsenic--the sale of obscene publications and indecent books--was going on". His immediate example then was that not only high priced books, but licentious periodical papers were available in any number to any one who asked.<sup>24</sup> He refers here, obviously, to the weeklys discussed above, which were

<sup>21</sup>Craig, Banned Books, p. 38.

<sup>22</sup>Young, Early Victorian England, II, 69.

<sup>23</sup>Craig, Banned Books, p. 41.

<sup>24</sup>Hansard's Parliamentary Debates (third series: London, 1857), CXLVI, P. 103. Hereafter cited as Hansard's.

easily available to the lower classes. In his uplift attitude, Lord Campbell proposed a bill to check the sale of pornography, and proceeded in debate to demonstrate why this was needed.

He cited first the one hundred fifty-nine prosecutions of the SSV and cited examples of the pornography seized from dealers.<sup>25</sup> The SSV had, in those first prosecutions against printers, gotten all but five convictions, and had put one third of the printers of Holywell Street out of business.<sup>26</sup> A close reading of the Parliamentary Debates over the Obscene Publications Act shows that not only was the current problem well in mind, but also the possible implications of such a law worried some legislators. Campbell immediately found some opposition to his bill, especially from Lord Lyndhurst (who had, it must be pointed out, a personal grudge against Campbell). His point was put forth as he questioned how certain works of valid art like Coreggio's "Jupiter and Antiope" could be distinguished from pornography. Other questions came in the same vein, hinging on the problem of definition. To such questions Campbell answered that only works written for "the single purpose of corrupting the morals of youth" would be attacked. He was also "ready to make what was indictable under the present law a test of obscenity".<sup>27</sup> This, however, was falling back on a long tradition of common law which had already

<sup>25</sup>Hansard's, CXLVI, 103.

<sup>26</sup>Fawn Brodie, The Devil Drives (New York, 1967), p. 290. Hereafter cited as Brodie, Devil Drives.

<sup>27</sup>Hansard's, CXLVI, 103.

shown itself insufficiently defined to be effective. The most important matter concerning an obscenity law--that matter of defining obscenity in a workable way--was avoided. Partly in realization of this, the Lord Chancellor replied to Campbell that the government should take steps in the matter, but that no new law was needed; the old law was sufficient. He suggested that the Attorney General should enforce the law as he saw fit.<sup>28</sup> Campbell was able, however, to override such opposition and the Bill passed to the House of Commons where it was subjected to more criticism.

In August, 1857, when Commons went into committee to discuss the Bill, Lord Campbell appeared in the galleries to listen; his presence, however, was loudly protested against by the Speaker before the discussion could continue.<sup>29</sup> The objections in Commons went beyond those of the Lords and anticipated other possible abuses of such a law. The first clause, for instance, which stated that Justices could authorize a search of suspected premises, was objected to by Roebuck who wished an overt act to be made a necessary preliminary to issuing the warrant. Other members agreed to this. James White urged care lest the cure become worse than the disease. As it stood, he stated, "on random information, before a single country magistrate, a warrant could be issued to a policeman, who would. . .make. . .visits, that is, to forcibly enter any houses. . .forcing open desks. . .and destroying, without appeal, any picture, print or book, which might be deemed obscene".

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<sup>28</sup>Hansard's, CXLVI, 103.

<sup>29</sup>Ibid., CXLVII, 1862.

This feature of the Bill was removed, as the House of Commons generally agreed that the Bill could be used by Magistrates for other purposes, if this power was given.<sup>30</sup> Here we see a problem anticipated because the Magistrate might have his own idea of what was obscene, but the possibility of formulating a meaningful definition was not considered. So while some possible abuses were avoided, the matter most necessary to making a law effective was ignored.

Late in August, the Lords received word from Commons that they agreed to the Bill with certain amendments. They had added the power to appeal an obscenity conviction to Quarter Sessions, required an actual sale of obscenity before prosecution, and exempted Scotland since her laws were held to be adequate.<sup>31</sup> Though he felt the amendments unnecessary, Campbell agreed to them and moved to accept the Bill. Late in August, An Act for More Effectually Preventing the Sale of Obscene Books, Pictures, Prints, and other Articles, was passed and given the royal assent.<sup>32</sup>

Campbell immediately expressed hope that Holywell Street would eventually become a thoroughfare "through which modest women might pass", and he soon found reason to feel that "its success has been most brilliant". While no new offense had been created, the Magistrates now had the power to order the destruction of

<sup>30</sup>Hansard's, CXLVII, 1865. White also mentioned a rumor that if the obscenity Bill passed, certain people would publish sections from Campbell's works and cause them to be made subject to the effect of the new law.

<sup>31</sup>Stevan, Obscenity and the Law, p. 68.

<sup>32</sup>Hansard's, CXLVII, 1949, 2076, and Stevan, Obscenity and the Law, p. 68.



books and prints. Aiming at the books as well as the publishers could more effectively suppress obscenity.<sup>33</sup> The promise was a hollow one, however, although Campbell had insisted that the law would only apply to gross pornography. Since it avoided an important issue it could not become the basis for efficient law concerning literary obscenity. Problems immediately resulted from its application which in the words of a contemporary complaint "tend to justify Lyndhurst's objections".<sup>34</sup>

Reinforced by a stricter law and by increased prudishness of public taste, the literary standards of the 1860's reached an extreme of moral restriction. More and more reputable authors felt themselves limited by standards. Even works which were not pornographic, but which dealt with uncommon matters, found themselves the victims of arbitrary opinion and law. But only in one respect did the new strictness have its effect on obscene traffic; it drove it underground again and hid it from the public eye. This served to more effectively protect the young person from it, but the actual suppression of the evil was far from complete. The law is more significant to us, a century later, as reflecting a certain attitude than it is as an example of effective censorship based on that attitude. As long as pornographic works were

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<sup>33</sup>Stevan, Obscenity and the Law, pp. 66-68.

<sup>34</sup>Young, Early Victorian England, II, 69. In one case, for instance, a constable posed as an army officer and pestered a bookseller until he on six occasions got books which the man didn't normally stock. Craig, Banned Books, p. 42.

available underground those who were so inclined would read them, and those who felt they were evil would not. Campbell himself had realized this, and had assured the Peers that the circulation of good literary works could only be achieved by improved taste and public opinion.<sup>35</sup>

Moral public opinion did experience a revival in the 1860's, mainly owing to the rebirth of family reading which became much more popular in the sixties than it had been previously. As regards the protection of tender consciences, this was more effective than Campbell's Act ever could be, for it directly influenced taste, while the law tried to legislate it. The "improving" effect of the cult of the family can hardly be exaggerated in this case. Two new journals, Cornhill and Macmillan's, appeared in the 1860's. They served to further extend family reading and were dedicated to it. Indicative of the tighter standards is a review written for the Saturday Review concerning a love scene in The Mill on the Floss:<sup>36</sup>

The Heroine for example is in love with a man who passionately loves her, but as each is pre-engaged they are separated by duty and honour. All goes well until one day the lover, when alone with the heroine, takes to watching her arm. Its beauties are minutely described as well as the effect gradually produced on him. At last in a transport of passion he rushes forward, seizes on the lovely arm and covers it with kisses. There is nothing wrong in writing about such an act, and it is the sort of thing that does happen in real life; but we

<sup>35</sup>Craig, Banned Books, p. 42.

<sup>36</sup>Stevan, Obscenity and the Law, pp. 55-56.

cannot think that the conflict of sensation and principle raised in a man's mind by gazing at a woman's arm is a theme that a female novelist can touch on without leaving behind a feeling of hesitation if not revulsion in the reader.

Sex, or any hint of it, was not to be discussed at all. The reviews also spared reading families the vulgarities of French novels throughout the sixties by continuing to denounce and reject them. This, at least, may have been justifiable, since in France the same authors were at this time being prosecuted for their questionable works.<sup>37</sup>

The prudishness of the sixties reached such a point that even the more conservative authors found it too much. Charles Dickens, who felt "what was pure to an artist might be impurely suggestive to inferior minds. . .", found the conventions of the sixties too severe and in 1864 poked fun at them through his character of Mr. Podsnap in Our Mutual Friend.<sup>38</sup> A slightly stronger reaction came from Anne Bronte who, after being accused by some critics of "a morbid love of the coarse", because of her description of dipsomania in the Tenant of Wildfell Hall, replied in the second edition, "when we have to do with vice and vicious character, I maintain it is better to depict them as they really are than as they would wish to appear. . .".<sup>39</sup> But in the face

<sup>37</sup>Stovas, Obscenity and the Law, pp. 57-58.

<sup>38</sup>Ibid. "Podsnappery" was a term used for the avoidance of topics which would make a young person blush. A distortion of reticence.

<sup>39</sup>Tillotson, Novels of 1840's, p. 59.

of such strictures most writers avoided carrying their defenses too far. Curiously, there was one female author who flouted all the Victorian standards and got away with it. This was Ouida whose works began pouring out in 1863, and which were met with mixed delight and fear. They were forbidden to young people, and ladies wouldn't admit to reading them, but the truth was they were quite the rage. Even Mudie purchased her works for his libraries, though we aren't really sure of his attitude; Ouida may have been too popular and too much in demand to refuse. Although Ouida was widely denounced her popularity lasted far into the seventies.<sup>40</sup>

Poetry, which had not met with much difficulty since the days of Byron, also found itself the victim of the heavy standards of the sixties. Most poets, like Tennyson and even the American Whitman, found their works attacked in the reviews at one time or another. The real hysteria came, however, with the 1866 publication of Swinburne's Poems and Ballads. Athenaeum, Pall Mall Gazette, Spectator and Punch all condemned Swinburne. Punch called him "Mr. Swineborne". But it was John Morley, writing for the Saturday Review, who reached an extreme of moral criticism unsurpassed by the other English critics. Among other things he called Swinburne an "unclean fiery imp from the pit", and "the libidinous laureate of a pack of satyrs". So great was the outcry against him that his volume of poems was withdrawn by the publisher for fear of prosecution. Swinburne, however, took his poems to a second and less reputable publisher, John Camden Hotten, who

<sup>40</sup>Cruse, Victorians, p. 327.

published them after reassurance by the police that they were not indictable.<sup>41</sup>

It should be noted here that what mattered to Swinburne's first publisher was not what the reviewers said, or whether Mudie might not accept the work, but whether or not he would be prosecuted. With Lord Campbell's act hanging over his head, he chose not to take the chance. Except for men like Swinburne (who was always exceptional), once the Obscene Publications Act was passed, the fate of those involved in the creation and publishing of literature rested on interpretations of that act. Once an obscenity case got into the Courts, editorial censorship, library standards, and most public taste faded into the background as the new determinant--a strong law--took precedence. The first important case under the law came in 1868 with the Hicklin case, and it was in this case that the "Cockburn" definition of obscenity, maintained for some ninety-one years, was formulated. This case also demonstrated some of the problems which could result from such a law.

The case resulted from the 1868 prosecution of Henry Scott, Wolverhampton metalbroker, who had sold copies of a militant Protestant pamphlet, The Confessional Unmasked: Shewing the Depravity of the Roman Priesthood, the Iniquity of the Confessional and the Questions put to Females in Confession. Understandably suspicious, a Wolverhampton magistrate had seized the pamphlets and examined them. The greater portion of it consisted of obscene

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<sup>41</sup>Stevas, Obscenity and the Law, pp. 59-63.

extracts allegedly from a Roman Catholic devotional and theological publication.<sup>42</sup> It quoted from Latin texts (with English in parallel columns) which entered into intimate detail of married life. The Justice had therefore decided they were obscene and ordered the stock of two hundred fifty copies destroyed in compliance with Campbell's act.<sup>43</sup> Scott, however, had appealed the order to Quarter Sessions where the recorder, Benjamin Hicklin, held that the book was obscene, but said Scott's purpose had been to expose the Roman Catholic Church, and not to corrupt morals. Hicklin revoked the destruction order.<sup>44</sup>

The Catholics now appealed to Queen's Bench, feeling offended by Hicklin's interpretation. The case came before Chief Justice Sir Alexander Cockburn. The question for the decision was: "if it be granted that a book is obscene and its publication likely to prejudice good morals, is such a publication lawful because the publisher's object was a lawful one?". The answer was no. For while Scott sold the pamphlets at cost, only interested in spreading his cause, those who bought them weren't necessarily so high-minded. Cockburn re-ordered the destruction of the pamphlets.

What made the case so important was that in the course of his judgment, Cockburn gave his opinion as to what "obscenity" was. Though his words were Obiter Dicta and not binding as law, the definition was repeated in text books shortly thereafter and the

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<sup>42</sup>Stovas, Obscenity and the Law, p. 69.

<sup>43</sup>Craig, Banned Books, p. 43.

<sup>44</sup>Stovas, Obscenity and the Law, p. 69.

definition stuck:

The test of obscenity is this, whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences and into whose hands a publication of this sort may fall.

Fortunately this was never consistently applied or it would have reduced literature to a childish level.<sup>45</sup> The effects of Campbell's and Cockburn's actions were felt for ninety-one years and decisions on obscenity rested on the phrase "corrupt and deprave those who are open to such influences".<sup>46</sup> The Cockburn definition supplied the definition left out of Lord Campbell's act, and made it a powerful and arbitrary weapon for defense of morals. But in ensuing court cases, difficulties sprang from the shortcomings of the law which showed the dangers of using such a powerful moral weapon.

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<sup>45</sup>Craig, Banned Books, p. 44, and Stevas, Obscenity and the Law, pp. 69-70.

<sup>46</sup>Young, Eros Denied, p. 54.

## CHAPTER FOUR

### Ultimate Failure of the Obscenity Laws

The significance of the Cockburn definition was clear in the Bradlaugh case, which further widened the scope of the law and increased its dangers. Previously prosecution had been confined to pornography, for the language and not the theme. In the Bradlaugh case, however, the subject was found to be objectionable for Bradlaugh and his associate, Annie Besant, had published a sex manual.

The case began in 1876 when a Bristol bookseller, Charles Watts, was prosecuted for selling the Fruits of Philosophy: An Essay on the Population Question by a reputable physician, Charles Knowlton. The pamphlet explained the physiology of sex in simple language and advised simple methods of birth control. On the urging of Charles Bradlaugh, pictures had been added by Watts, who then published the book in Bristol. But after he had been arrested and awaited trial, Watts changed his plea from not guilty to guilty. When at his trial it was asserted that it was unlawful to publish such details, Bradlaugh broke with Watts and took matters into his own hands. With Annie Besant, he formed the Free Thought Publishing Company, and republished the pamphlets without the offending illustrations. The pair sold the copies at their premises on a pre-announced date. Among their customers were various police officers and they were arrested a few days later. Due to powers given by the Post Office Act of 1870 (33 & 34 Vict. c. 79.) the Postmaster General was able to seize copies of the



offending books sent from Bradlaugh's premises.<sup>1</sup>

Though it was offered that charges against Mrs. Besant be dropped, she refused and stood trial with Bradlaugh. After the pair appeared before a grand jury, the case went from Old Bailey to Queen's Bench to be tried by a judge and a special jury. Again Chief Justice Cockburn heard the case, and the problem was stated by the Solicitor General addressing the jury:

You are the guardians of public morals. You the jury are to determine a question of this sort. . . . Whosoever chooses to circulate the publication of such filth. . . must justify it by some principle of law.

And the week-long trial began. The defendants conducted their own defense and aroused much public interest. Mrs. Besant spoke at great length (some two days at one point) addressing the public on Malthus and the need for birth control. Following her, Bradlaugh spoke with closer reason and at the end of the third day, he and Besant were cheered. Even Cockburn himself seemed favorable to the defense, and stated that "a more ill-advised and more injudicious prosecution never was instituted".<sup>2</sup> But his interpretation of the law was strict; "while it is admitted that they [believed] they were doing what was right, they are to be held responsible". The jury, debating loudly (and mostly about Bradlaugh's atheism) for one and a half hours, decided that the

<sup>1</sup>Craig, Banned Books, pp. 44-45, and Stevas, Obscenity and the Law, pp. 70-71.

<sup>2</sup>It was discovered that the Fruits of Philosophy had already been available for forty years.

book was corruptive, but the defendants had no corrupt motives in publishing it.<sup>3</sup>

Cockburn decided that this verdict was guilty, a decision which understandably caused great confusion. One jury member wrote the defendants that he didn't agree with the verdict of guilty, and two others took up a collection towards the defense costs for the defendants. The next day, however, the judge was about to dismiss the case with no sentence, having rejected the defendants' motion in arrest of judgement, when another point came up. After the verdict of the jury, Besant, and Bradlaugh with her, had addressed a meeting of six hundred people, declared her intention to go on with the publication and had even sold more copies. The Chief Justice was on her side, she announced. Cockburn therefore sentenced each to six months imprisonment, £ 200 fine and ordered each to enter into recognizances for £ 500 each for two years. Then, as Bradlaugh was leaving, the judge called him back and consented to a stay of execution of sentence, providing Bradlaugh would not sell more copies until the issue was settled. He agreed and the two went free on bail.<sup>4</sup>

Eventually, on a motion for writ of error, the conviction was quashed and the order to destroy the pamphlets was withdrawn. This is not to say that there was no ultimate effect of the trial. Shortly after the proceedings were over, the sale of the

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<sup>3</sup>Stevan, Obscenity and the Law, pp. 73-74, and Craig, Banned Books, p. 46.

<sup>4</sup>Ibid.

Fruits of Philosophy rose from a few hundred copies per year to one hundred twenty thousand per year. Much free advertisement had been given by the trial in the same way as the early prosecutions by the SSV had given publicity to their intended victims. The only damage done to the defendants came indirectly; the scandal enabled Mr. Besant to deprive his wife of their daughter's company for ten years, and Bradlaugh found a scurrilous life of himself written by a fellow rationalist.<sup>5</sup>

The tight standards of the 1860's which required that sex be not discussed at all can be seen working in the Bradlaugh case and in a later case, that of Truelove. The law which had come as a reaction to hard core pornography was used to condemn any work dealing with sex. Bradlaugh and Besant escaped the moral wrath since their case had no legal basis. Edward Truelove, prosecuted by the SSV at about the same time, was not so fortunate. Here again we see the law, reinforced by Cockburn's definition, being used as a weapon for those opposed to free discussion of sex.

Edward Truelove, a bookseller in High Holburn, found his store raided and copies of Owen's Moral Physiology and a pamphlet, Individual Family and National Poverty, seized by the SSV who then instituted a prosecution on that basis. In the first trial, the jury disagreed. But after being tried the second time, Truelove was found guilty and sentenced to four

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<sup>5</sup>Stevan, Obscenity and the Law, p. 74, and Craig, Banned Books, pp. 46-47.

months imprisonment and a fine of £ 50. Though an old man of seventy, he had to sleep on a plank bed with common criminals and was forced to pick oakum with them. Such an extreme of suppression coming at the time of the ridiculous Bradlaugh trial caused Sir James Stephen, an eminent jurist, to regard with suspicion the course of the law of obscenity. His 1877 edition of the Digest of the Criminal Law contains a note on obscenity that he hoped juries would consider. He urged that the powers of ex post facto censorship which juries tended to have in some cases, would be cautiously used, especially when a man wrote in good faith on a subject of great interest and used no indecent language.<sup>6</sup>

Stephen's advice was not heeded, nor were the obviously dangerous extremes of such prosecutions considered, in one last prosecution which occurred before the literary revolt of the late nineteenth century changed the picture. In the 1888 case of Vizetelly, the law showed itself as a menace to creative writing as well. Vizetelly was a publisher who published the realistic school of French writers and Longfellow. Even though his edition of Zola's La Terre was bowdlerized in anticipation of protests, it aroused objections. Reflecting the prejudice to the French novel and a horror of impropriety, the press denounced the edition. And Vizetelly soon found himself prosecuted by another anti-vice society, the National Vigilance Society.<sup>7</sup>

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<sup>6</sup>Craig, Banned Books, pp. 47-48.

<sup>7</sup>Ibid., pp. 48-49.

The aged Vizetelly was fined and sentenced to three months in prison, much as had been the case for Truelove.<sup>8</sup> The application of the Obscene Publications Act had strayed far from the intents of Lord Campbell and those who helped frame and pass the protective measure.

The Times rejoiced over Vizetelly's prosecution and said that in the future publishers of Zola will do so at their peril. The Times, we should note, also, voiced the educated opinion of the day concerning art.<sup>9</sup> This opinion, like the laws it produced, subscribed to the severest standards of literary morality. But taste was changing, and the trends developing in underground literature were beginning to permeate even the middle class and their standards. Although laws and precedents always held out the possibility of prosecutions, public taste in the long run dictated (as it always had) what would be allowed to appear in print. Even while Victorianism maintained its stand, a new, quiet toleration of the underworld could be detected.

While examples can be cited of the deleterious effects of Campbell's law of obscenity, it cannot be shown how effective was the law in achieving its stated purpose--that of suppressing obscenity. While the publishers like Truelove and Vizetelly were being prosecuted for their literary efforts, the traffic in

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<sup>8</sup>Brodie, Devil Drives, p. 280.

<sup>9</sup>Craig, Banned Books, p. 49.

pornography continued on in many forms. Hotten, the publisher who printed Swinburne in the face of opposition, also published various works of definite pornographic nature like Margaret Anson's The Merry Order of St. Bridget (1868).<sup>10</sup> But one of the best and most revealing pieces of evidence we have concerning the extent of the underground literature in the late nineteenth century is the work of a Victorian bibliographer of pornography, Henry Spencer Ashbee.<sup>11</sup>

Twenty years after the passage of the Obscene Publications Act, Ashbee privately printed, under the name of Pisanus Fraxi, the Index Librorum Prohibitorum, the first in his trilogy of pornographic bibliographies. His work was the first bibliography in English devoted solely to pornographic and sexual writings. It dealt with works dating back to Campbell's act and before. This volume he followed with Centuria Librorum Absconditorum in 1879, and Catena Librorum Tacendorum in 1885. All three volumes, with their knowledge of the writers and their comprehensiveness, illustrate a whole sub-literature. They are not simple lists of titles and dates, but include descriptions or summaries of the works, with quotes, annotations, critical remarks, and any other relevant material Ashbee knew. His intention in all this, he tells us, is to extend bibliographic

<sup>10</sup>This book, according to Victorian Studies, has been reprinted recently by a firm in North Hollywood, California.

<sup>11</sup>Some have suggested that he was also the anonymous author of My Secret Life, cf. Grove Press edition, introduction.

studies, with thorough descriptions of books which have been neglected by other bibliographers.<sup>12</sup>

In his relations of some of the problems involved in compiling such a bibliography, Ashbee gives us some insight as to how the pornographic trade survived the strictures of Lord Campbell's law and the oppressive standards. Problems result, he says, from the obscurity and deception of the pornographic trade. The authors write anonymously or under assumed names, publishers use a false impress and wrong dates, and the titles are worded misleadingly. He also points out that often such books are printed privately for a small group and become scarce in a few years. They don't end up in libraries and are often burnt on the death of the owner.<sup>13</sup> Thus, while some objectionable periodical literature and much of the cheaper obscenity would have been wiped out by the prosecutions of the sixties and seventies, a large part of the traffic was able to go underground and maintain itself. The Victorians could perhaps have taken comfort in the fact that the higher prices which probably resulted kept it from "inferior minds" of the lower classes and helped to prevent its falling into the hands of too many young people.

Though Ashbee deviates seemingly from the Victorian standards, we still find in him one moral principle which we may perhaps with justification call the main theme of the entire

<sup>12</sup>Marcus, Other Victorians, pp. 34-38.

<sup>13</sup>Ibid., pp. 38-39. Ashbee himself, the DNB tells us, had one of the largest collections of pornography ever assembled by a private person.

question of Victorian literary morality. This is the principle that young persons must be protected from indecent works.

Although he described the contents of the books because "the student wants to be informed. . .wants to get into the contents. . . must have an estimate of what is in the book", and quotes Buckle and Macaulay to the effect that the vices of a period are as important to understanding it as are the virtues, he still makes it clear that he doesn't intend for indecent, immoral, arousing books to be put into the hands of young people. He even, at one point, refers to the works in a phrase reminiscent of Lord Campbell as "poisons". Ashbee shows us at one and the same time the extent of the pornographic underworld, and the basic reason for attacking that underworld, and while he says that he doesn't intend to "preach or moralize", he also adds that he hopes his extracts will disgust readers enough that they will have learned enough about the books and have nothing more to do with them.<sup>14</sup> Here, it seems, is just the opposite of the attitude of the anti-vice crusaders who hoped to preach and moralize, but wouldn't take the chance that a reader might be disgusted enough by just a taste of obscenity to swear off it. Ashbee's attitude, in a way, suggests that the reader's taste should determine his choice of literature; in this he anticipates the trends to follow the era of prudish standards.

Besides what Ashbee can tell us about the extent of pornographic book trade in the years following Lord Campbell's

<sup>14</sup>Marcus, Other Victorians, pp. 48-49.



act, we may note the revival of pornographic periodicals in the publication between July, 1879, and December, 1880, of The Pearl.<sup>15</sup> Although it mysteriously disappeared after a year and a half, it was evidently not legally suppressed. The Pearl was dedicated to erotica of all kinds, for every taste. In explaining the title, the editor wrote in the first number that he had "hit upon the modest little 'Pearl' as more suitable, especially in the hope that when it came under the snouts of the moral and hypocritical swine of the world, they may not trample it underfoot". He also slyly expressed the hope that some might become secret subscribers and explained to them how they might keep up appearances at the same time "by regularly attending church, giving to charities and always appearing deeply interested in moral philanthropy, to ensure a respectably and highly moral character".<sup>16</sup> The editor has here hinted at the same attitude implicit in Ashbee's suggestion that the reader's taste determine the choice of literature, and the attitude reflected in the quiet growing toleration of literature mentioned above. It was on this covert attitude that the "literary revolt" of the later years was built.

This literary revolt, foreshadowed earlier by Swinburne, occurred in the late nineteenth century. It succeeded in the

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<sup>15</sup>The Pearl: a Journal of Facetiae and Voluptuous Reading (New York, 1968). Hereafter cited as The Pearl. Another Grove Press reprint; this information appears on the cover of the paper back edition.

<sup>16</sup>The Pearl, I, 1.

face of the strict legislation and traditions of moral censorship we have examined, only because the public taste was becoming receptive to it. Ruskin's suggestion that "taste. . . is the only morality" began to find a favorable public reception. In the eighties and nineties came protests against the "tyranny of the young person".<sup>17</sup> This, as well as the tyranny of the reviews, was ended. Rigid standards softened to allow the works of Wilde, Zola, Ibsen and Ellis to appear on the market.<sup>18</sup> And that Victorian peculiarity--literature of flagellation--reached its peak in 1888 when Swinburne contributed to the Whippingham Papers.<sup>19</sup> While discussions of Oriental sexual customs translated by Sir Richard Burton could only be presented in restricted publications, the fact that his Arabian Nights and Kama Sutra were available to his private subscribers without interference shows that a less oppressive standard was beginning to prevail.<sup>20</sup> By 1900 a writer for Blackwood's, perhaps a little shocked by new trends, stated that the taste had so altered that lady writers could mention situations which would have embarrassed the earlier women.<sup>21</sup>

<sup>17</sup>Tillotson, Novels of 1840's, p. 51.

<sup>18</sup>Stevas, Obscenity and the Law, pp. 73-84, shows this in detail.

<sup>19</sup>Stevas, Obscenity and the Law, p. 39. Flagellation forms a distinct sub-literature as a pornographic subject in Victorian England. Marcus offers an interesting analysis and psychoanalysis of it in The Other Victorians, chapter six, "A Child is Being Beaten".

<sup>20</sup>Craig, Banned Books, p. 50.

<sup>21</sup>"Literary Decency", BEM, CXLVII, 364.

The moral reaction expressed by Sir Walter Scott's aunt in the early part of the century had gone full course and was beginning to swing back in the other direction.

## CONCLUSION

The term "Victorian", coined and used before the end of Queen Victoria's reign, has come to have a negative connotation for us a century later. "Old-fashioned" moral ideas, exaggerated prudery, are labeled Victorian to imply our disapproval of them. But for the Englishman of the nineteenth century they were seen as a justifiable reaction to and a protection against the evils created by a society in upheaval.

We have seen how the Victorians, owing to their respect for the powers of the printed word, sought to maintain the propriety and decency of the press. The moral standards erected by Victorianism were applied through the mediums of editors, librarians, critics and acts of legislation. In judging the effectiveness of these attempts at censorship, a few points can be noted. It would seem that the more negative attempts at restriction were the least successful, while the more positive approaches came closer to the desired results. The efforts made by editors and librarians to supply only the best and most decent materials for their readers affected those readers in a positive way. Their taste to a large part was formed by what they read, and this was often well regulated, since much of it was intended for family reading. Within the family itself, good taste was encouraged from youth; we can expect that many children learned to appreciate the finer qualities of literature and reject the improper and indecent.

The more negative attempts at suppression, however,

such as vehement denunciations in the reviews and the most extreme of all, anti-obscenity legislation, were ultimately not very successful. Although Campbell saw some immediate effects of his law, in the long run it was not successful. Pornography and other objectionable works merely increased in popularity after 1857, partly because of the clandestine nature of the pornographic business and partly because of the publicity given it by new laws and court cases. The literary trends that led to the late nineteenth century literary revolt were in no way hindered by the passage of the Obscene Publications Act. The bibliographer, H.S. Ashbee, hit upon a significant truth when he noted that, "The desire to possess that which is forbidden is as strong in the man as in the child, in the wise as in the foolish".<sup>1</sup> A blanket prohibition of obscene works, like the later American prohibition of alcoholic beverages, could not in the long run solve the problem, and perhaps only increased the evil. Both were matters of taste which simply could not be legislated away.

Ruskin's belief that "Taste. . . is the only morality" generally sums up the effect of Victorianism on the standard of literary decency. Throughout the century, in relatively relaxed or highly serious periods, the one force that was consistently strong and effectual was that of public opinion. This was a public taste of great moral seriousness. We have seen it in the attitudes of those who represented educated public opinion, the attitudes of the more sophisticated and learned literary

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<sup>1</sup>Marcus, Other Victorians, p. 47.

journals and newspapers. We have seen the power of public opinion in the side effects of the Bradlaugh and Besant trial. Although they, in effect, won their case, Mrs. Besant lost custody of her daughter and Mr. Bradlaugh suffered a great loss of dignity as a condemning biography of him appeared. In the final analysis, it was public taste which truly determined standards, and mostly through molding public taste that Victorianism was really able to affect literary morality.

## APPENDIX

An Act for More Effectually Preventing the Sale of Obscene Books,  
Pictures, Prints, and Other Articles<sup>1</sup>  
(59 & 60 Vict. c. 14.)

1. It shall be lawful for any metropolitan police magistrate or other stipendiary magistrate, or for any two justices of the peace upon complaint made before him or them upon oath that the complainant has reason to believe, and does believe, that any obscene books, papers, writings, prints, pictures, drawings, or other representations are kept in any house, shop, room or other place within the limits of the jurisdiction of any such magistrate or justices, for the purpose of sale or distribution, exhibition for purposes of gain, lending upon hire, or being otherwise published for purposes of gain, which complainant shall also state upon oath that one or more articles of the like character have been sold, distributed, exhibited, lent, or otherwise published as aforesaid, at or in connexion with such place, so as to satisfy such magistrate or justices that the belief of the said complainant is wellfounded, and upon such magistrate or justices being also satisfied that any of such articles so kept for any of the purposes aforesaid are of such character and description that the publication of them would be a misdemeanor, and proper to be prosecuted as such, to give authority by special warrant to any constable or police officer into such house, shop, room, or other place, with such assistance as may be necessary to enter in the daytime, and, if necessary to use force by breaking open doors or otherwise, and to search for and seize all such books, papers, writings, prints, pictures, drawings, or other representations as aforesaid found in such house, shop, room, or other place, and to carry all the articles so seized before the magistrate or justices issuing the said warrant, or some other magistrate or justices exercising the same jurisdiction; and such magistrate or justices shall thereupon issue a summons calling upon the occupier of the house or other place which may have been so entered by virtue of the said warrant to appear within seven days before such police stipendiary magistrate or any two justices in petty sessions for the district, to show cause why the articles so seized should not be destroyed; and if such occupier or some other person claiming to be the owner of the said articles shall not appear within the time aforesaid, or shall appear, and such magistrate or justices shall be satisfied that such articles or any of them are of the character stated in the warrant, and that such or any of them have been kept for any of the purposes aforesaid, it shall be lawful for the said magistrate or justices, and he or they are hereby required, to order the articles so seized, except such of them as he or they may consider necessary to be preserved as evidence in some further proceeding, to be destroyed at the expiration of the time herein-after allowed for lodging an appeal, unless notice of appeal as herein-after mentioned be given, and such articles

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<sup>1</sup>The Statutes, VI, pp. 745-746.

shall be in the meantime impounded; and if such magistrate or justices shall be satisfied that the articles seized are not of the character stated in the warrant, or have not been kept for any of the purposes aforesaid, he or they shall forthwith direct them to be restored to the occupier of the house or other place in which they were seized.

Ss. 2, 3 rep. in general terms 56 & 57 Vict. c. 61. s. 2.

4. Any person aggrieved by any act or determination of such magistrate or justices in or concerning the execution of this Act, may appeal to the next general or quarter sessions for the county, riding, division, city, borough, or place in and for which such magistrate or justices shall have so acted, giving to the magistrate or justices of the peace, whose act or determination shall be appealed against, notice in writing of such appeal, and of the grounds thereof within seven days into a recognizance, with sufficient surety, before a justice of the peace for the county, city, borough, or place in which act or determination shall have taken place, personally to appear and prosecute such appeal, and to abide the order of and pay such costs as shall be awarded by such court of quarter sessions or any adjournment thereof; and the court at such general or quarter sessions shall hear and determine the matter of such appeal, and shall make such order therein as shall to the said court seem meet; and such court, upon hearing and finally determining such appeal shall and may, according to their discretion, award such costs to the party appealing or appealed against as they shall think proper; and if such appeal be dismissed or decided against the appellant or be not prosecuted, such court may order the articles seized forthwith to be destroyed: Provided always, that it shall not be lawful for the appellant on the hearing of any such appeal to go into or give evidence of any other grounds of appeal against any such order, act, or determination, than those set forth in such notice of appeal.

5. This Act shall not extend to Scotland.



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## VITA

Joseph Paul Eckhardt, the son of Paul Anthony Eckhardt and Marian Laria Eckhardt, was born in Beaver Falls, Pennsylvania, on December 13, 1944. He was educated in the Beaver Falls Area Public Schools and was graduated from high school in 1962. That year he entered Clarion State College, Clarion, Pennsylvania, from which institution he received a Bachelor of Arts degree in 1966.

He was married in 1966 to the former Judith Elaine Housler of Smethport, Pennsylvania. Also in that year he was awarded a position as a graduate teaching assistant in the History Department of Lehigh University, Bethlehem, Pennsylvania. The assistantship was renewed for the 1967-68 academic year.

While holding this position, he worked towards a Master of Arts degree in History. In 1968 he was hired by Montgomery County Community College, Conshohocken, Pennsylvania, as Instructor in History for the 1968-69 academic year.