“When Bradlaugh Triumphs”
Due to Christian influence in Britain during the nineteenth century, the birth control movement developed slowly. Advocates of birth control spoke out cautiously because of social stigma and fear of disgrace. Although contraceptive methods were generally accepted as an immoral practice at the beginning of the 1800s, the need for birth control as a population check became apparent as Thomas Malthus’s writings on overpopulation spread. As a few men dared to publish writings explaining and advocating contraceptives as a means of family limitation the morality of birth control came into question. Artificial contraceptives were unofficially considered unnatural and seen as undermining the accepted method of abstinence that the church advocated. Despite the societal viewpoint, the need for birth control developed into a movement championed by secularists and condemned by Christians. Both sides fought over the morality of the issue – Christians maintaining the traditional view of sexual morality, and secularists redefining morality as relief for the poor. Growing quietly, the movement developed largely out of the public eye until it burst forth in the Bradlaugh and Besant trial over the legalization of publishing contraceptive methods. Developing because of the need for
relief from overpopulation, the birth control movement became a defining point of contention between Christians and secularists as both groups fought for their own version of morality – a fight that resulted in the Bradlaugh and Besant trial of 1877, which ultimately brought the issue into the public eye and furthered the organization of the birth control movement.

In 1798, Thomas Malthus, an English clergyman, published “An Essay on the Principle of Population” in which he outlined the problem with population growth.\(^1\) Wages and labor were not keeping pace with the growth of the population, resulting in poverty for the common man in England. Malthus noted that population tends to grow rapidly when not stalled by checks such as famine, war, or disease. However, far from suggesting these checks as desirable, Malthus suggested self-control and “moral restraint” as the preferred method of alleviating population-induced poverty.\(^2\) “It is clearly the duty of each individual not to marry till he has a prospect of supporting his children.”\(^3\) In his essay, Malthus endorsed restraint from marriage and the production of a family on the part of all humanity. If men were to wait and marry only once they had achieved substantial means of support, then marriages would occur later in life causing population to grow more slowly, and couples that produced children would not be


\(^3\) Ibid., 86.
destitute. The idea of alleviating poverty through control of family growth carried on into the 19th century and contributed greatly in the debate concerning the use of birth control.

A contemporary of Malthus and fellow social theorist, Jeremy Bentham, first broached the subject of contraception in a 1797 article, mentioning the use of a “spunge” – an early form of birth control – as an aid to limit the poor rates. However, Bentham’s brief mention of contraception is convoluted and obscure at best, and his enigmatic comments were buried in an article concerning the improvement of the poor laws appearing in an agricultural publication.4 James Mill, a close friend of Bentham’s, truly opened the public discussion concerning birth control in an article written for a supplement of the Encyclopedia Britannica. Mill wrote,

The best means of checking the progress of population is the most important practical problem to which the wisdom of the politician and moralist can be applied…. If the superstitions of the nursery were disregarded and the principle of utility kept steadily in view a solution might not be very difficult to be found, and the means of drying up one of the most copious sources of human evil might be seen to be neither doubtful nor difficult to be applied.5

By “superstitions of the nursery,” Mill referred to the general belief that contraceptives interfered with God’s ordained plan and were therefore morally wrong. In his statement, then, Mill suggests that if pure practicality reigned – “the principle of utility” – then birth control would be highly effective in remedying the issue of population growth. Publishing in 1818, Mill’s was the first publication to cite birth control without condemning the use of contraceptives as an immoral act. Although ceasing to write concerning birth control due to societal pressures, Mill remains the first advocate of birth

5 Ibid., 672-73.
control in England.\(^6\) Mill’s writings reached few readers and elicited responses from even less. He published nothing more on the subject because sexual subjects were completely taboo in the early 1800’s, and he felt he could not risk his reputation and livelihood by publishing on controversial topics.\(^7\)

Publishing as an advocate of birth control could easily ruin a writer’s reputation and credibility in the early Victorian period due to the infusion of Christian moral principles into all aspects of society. Although Malthus wrote eloquently on the benefits of restricting family growth, he passionately reviled the idea of contraceptives as unchristian and unnatural, endorsing the general Christian outlook on birth control during the Victorian period.\(^8\) Considering the act of sexual abstinence, or “moral restraint,” a virtue, and believing it was the solution to population growth, Malthus wrote,

The Christian cannot consider the difficulty of moral restraint as any argument against its being his duty; since, in almost every page of the sacred writings, man is described as encompassed on all sides by temptations, which it is extremely difficult to resist; and though no duties are enjoined which do not contribute to his happiness on earth as well as in a future state, yet an undeviating obedience is never represented as an easy task.\(^9\)

Malthus considered moral restraint to be necessary for Christianity, and believed that Christians should not complain of the difficulties of restraint because self-discipline was a necessary part of true obedience to God. Because Christians considered moral restraint a process of learning self-control, it follows that birth control became a sin because the

\(^6\) Ibid., 672.
\(^7\) Ibid., 673.
\(^9\) Malthus, 400.
use of contraceptives removed the practical need for moral restraint, cheating Christians of necessary lessons of self-discipline and allowing for sexual sins go unpunished: “To maintain the morality of the ‘restraint’…it was necessary that married couples should not practice birth control by means of contraceptive devices.”\textsuperscript{10} Additionally, some Christian arguments included the concern that birth control interfered with the natural will of God with unnatural methods. The most common argument concerned sexual fidelity, as it was “generally agreed that the ‘consequences’ of sexual intercourse were the main if not the sole barrier to immoral living… and it was feared that the removal of this barrier by the practice of birth control would have a damaging effect.”\textsuperscript{11} Although the dominant Anglican doctrine did not specifically forbid family limitation through artificial means or the general use of birth control, those who supported contraceptives came under suspicion as budding secularists because they accepted the secularist case for birth control.\textsuperscript{12} However, most churches, including the Roman Catholic and Anglican churches, largely ignored the issue until the twentieth century. Although aware of the birth control movement, church leaders were loath to speak publicly about sexual matters, and birth control remained an ambiguous topic, acceptable only in private discussion.\textsuperscript{13} Christianity at this time was so prevalent in British society that the churches’ attitude toward birth control dictated societal views as well; what the church considered immoral

\begin{thebibliography}{9}
\bibitem{10} Banks, 19.
\bibitem{12} Banks, \textit{Victorian Values}, 20.
\end{thebibliography}
was disrespectful and unacceptable. Thus, the Christian view of birth control as immoral strongly affected the general populace and their response to birth control propaganda.

Despite Christian and societal disapproval, however, writers such as Francis Place, Richard Carlile, Robert Dale Owen, and Dr. Charles Knowlton published works advocating birth control as a means to alleviate poverty inflicted by population growth. Francis Place, a self-made tailor, published material delineating and advocating birth control because he was convinced of England’s desperate need for poverty relief. Born in 1771 to a poverty-stricken family and married at the age of eighteen, Place became the father of fifteen children. Although Place was able to climb the socioeconomic ladder by establishing a successful tailoring business, he remained deeply committed to improving the welfare of the lower classes. Place knew from personal experience the agony of poverty and became convicted of the need for birth control. Agreeing with Malthus that poverty was commonly caused by overpopulation, Place advocated contraceptives as a way for the workingman to take control of his situation. Leaving his business to his sons and retiring in 1816, Place turned to a life of political activism. Although his publications concerning birth control were only a small part of his political career concerning “Combinations,” or trade unions, Place spent more than twenty years writing and publishing several editions of a pamphlet explaining methods of birth control in addition to various other forms of propaganda for the developing birth control movement. Place’s first writing was a small book published in 1822, *Illustrations and Proofs of*  

14 Chandrasekhar, 14-16.  
15 Ibid., 14-16.


Population, which mainly discussed Malthusian doctrine - that “the miseries of the poor were due primarily to the superfluity of their numbers; there were simply more workers than there were jobs available.”  

However, in the final passage of the book, Place stated:

If it were clearly understood, that it was not disreputable for married persons to avail themselves of such precautionary means as would, without being injurious to health, or destructive of female delicacy, prevent conception, a sufficient check might at once be given to the increase of population beyond the means of subsistence…If means were adopted to prevent the breeding of a larger number of children than a married couple might desire to have, and if the labouring part of the population could thus be kept below the demand for labour, wages would rise so as to afford the means of comfortable subsistence for all, and all might marry.

Believing the extreme necessity of a population check and rejecting traditional Christian condemnation of contraceptives, Place published three handbills in 1823 detailing methods of artificial birth control. The first handbill, entitled “To the Married of Both Sexes,” explained “in simple language how a workingman and his wife could prevent conception and avoid a large family.” Place’s work was the first example of published material explaining birth control techniques that was accessible financially and intellectually to the common English people. Though denounced for his “foul and devilish attempt to corrupt the youth,” Place’s handbills grew popular among the 

18 Chandrasekhar, 17. The later two versions were published under alternative titles, “To the Married of Both Sexes in Genteel Life,” and “To the Married of Both Sexes of the Working People.”
common people, spreading quickly across England from London to Manchester and particularly in the industrial districts in the north.\textsuperscript{19}

Despite Place’s avid support of birth control, publishers that followed after came under more persecution than Place. In particular, Richard Carlile came into the public eye as a target for the critics of birth control. As a bold and reckless journalist, freethinker,\textsuperscript{20} and one of Place’s converts, Carlile was the first writer to publish his name with a work concerning birth control and drew significant attention to the birth control movement.\textsuperscript{21}

However, Carlile took the first step away from the original Malthusian doctrine, speaking out against religion. Seizing on the idea of birth control as an opening for sexual freedom without fear of consequences, Carlile’s agenda contrasted strongly with Place’s philanthropic intentions. Originally contacting Carlile as another editor willing to take interest and reprint the handbills, Place was not prepared for the direction Carlile took.\textsuperscript{22}

Publishing in his journal, The Republican, Carlile printed a small article that he later expanded in response to reader’s requests for practical methods of the contraception he advocated. In 1825, this article became the controversial essay, “What is Love?,” in which Carlile elaborated on his argument that, with contraceptives, couples need not fear unwanted pregnancies and thus could be sexually liberated.\textsuperscript{23} In response to the high

\textsuperscript{19} Langer, 674-75.

\textsuperscript{20} Freethinker is a term that, during the nineteenth century, denoted people who considered logic and scientific evidence the formula through which life should be understood. They were generally liberal and did not base opinions on religion, and were commonly atheists.

\textsuperscript{21} Chandrasekhar, 19, 67; McLaren, 238.

\textsuperscript{22} Langer, 676.

demand, Carlile finally published the essay as a pamphlet under the new title, *Every Woman’s Book, or What is Love?*, and included a divisive nude illustration of Adam and Eve. The book was an immediate best seller, selling 5,000 copies in the first six months.  

Place, foreseeing the trouble ahead, had attempted to stop Carlile’s publication as it caused Place, his supporters, and the birth control movement to seem part of the drive for sexual freedom. Indeed, Carlile’s work set the birth control movement back, and the argument for contraceptives remained stagnant until Robert Dale Owen got involved in the movement in 1827. Son of Robert Owen, the creator of the New Harmony experimental community in America, Robert Dale returned to England for a short while and discovered that two years ago, Carlile had falsely attributed the beginning of the birth control movement to his father. The younger Owen, considering Carlile’s writings highly offensive, demanded an apology. In the process of discovering the issue and reading Carlile’s work, however, Owen became convicted by the argument for birth control, if not by Carlile’s specific purpose in writing. Returning to America in 1830 to take on management of New Harmony from his father, Owen wrote an article that spoke positively of the English birth control movement. Receiving immediate anonymous attacks on his opinion that labeled the cause as “destructive” and “repulsive,” Owen responded defiantly with a deeper conviction that knowledge of contraceptives must be made known for the people. Before the end of 1830, Owen published *Moral Physiology*, a pamphlet that carefully examined the problem of over population for large

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24 Langer, 676.
25 Ibid, 676-77.
26 Ibid, 678.
27 Ibid.
families and rejected moral restraint as the best option, declaring that sexual relations should have more than procreative purpose. Exploring the seemingly prolific use of birth control in France and the benefits to society there, Owen concluded his booklet with brief explanations of simple birth control methods.\textsuperscript{28} His pamphlet was quickly published in England and Place praised Owen's work highly. \textit{Moral Physiology} closely mirrored Place's own ideology and presented information in a clear, dispassionate, and persuasive manner. Swiftly becoming popular, the pamphlet sold 1,500 copies in the first five months and by June, 1831, appeared in a fifth edition.\textsuperscript{29} Although not presenting new arguments, Owen's pamphlet stated the birth control movement's purpose and ideals more clearly and professionally than ever before, and Owen succeeded in bringing the original Malthusian arguments for contraceptives back into the public eye.

Additionally, Owen's pamphlet reached Charles Knowlton, an American doctor who would publish the most influential work concerning birth control of the 19\textsuperscript{th} century. Dr. Knowlton was first introduced to the problems surrounding contraception through reading Owen's work. Appreciating Owen's arguments but, as a physician, feeling Owen's recommended methods of contraception insufficient, Knowlton decided to study the issue himself.\textsuperscript{30} Owen had advocated the accepted French methods of withdrawal or drawback (\textit{coitus interruptus}), also mentioning the French use of an early form of condoms; Carlyle had advocated both of these methods as well. Rather than either French method, however, Knowlton preferred the sponge method first mentioned by Jeremy

\textsuperscript{28} Robert Dale Owen. \textit{Moral Physiology, or a Brief and Plain Treatise on the Population Question} (Boston: J. P. Mendum, 1875).
\textsuperscript{29} Langer, 678.
\textsuperscript{30} Ibid, 679.
Bentham and later endorsed by Francis Place in his handbills where he suggested the use of “a piece of sponge, about an inch square, being placed in the vagina previous to coition, and afterwards withdrawn by means of a double twisted thread, or bobbin, attached to it.” Another writer, Austin Holyoake, advocated the safe-period method, but Knowlton dismissed this method as unreliable and impractical. Also known as the rhythm method, the safe-period was the time in the woman’s menstrual cycle when conception is not possible; the theory was that if coitus took place only during the infertile period in the cycle, conception could be avoided. After studying various methods, Knowlton finally published *The Fruits of Philosophy*, in which he advocated his newly developed method of birth control: the use of a “vaginal syringe, with or without some chemical additive in the water.” Ultimately he included mentions of the sponge method as well and cited withdrawal as the most certain method. The book contained a preface by Knowlton in which he explored the nature of human desire, and then began with a chapter elucidating Malthusian theory and the necessity of population control. The second chapter, “On Generation,” introduced controversial material as Knowlton explained in detail the current theories of conception and functions of female

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31 Chandrasekhar, 65-75; Place, 545.
32 Chandrasekhar, 70. Austin Holyoake was a printer, publisher and freethinker who wrote *Large or Small Families*, a pamphlet endorsing birth control, and had earlier published the American book on birth control by Dr. Charles Knowlton, *Fruits of Philosophy*. Holyoake is not further discussed in this paper due to his relatively small impact upon the birth control movement as a whole.
33 Langer, 679.

Anonymously published in New York in 1832, Fruits of Philosophy became a centerpiece of the birth control controversy as the focus of trials concerning the legality of published contraceptive information. Knowlton holds the record for being the first person tried and convicted for publishing birth control material. Despite the book’s distinctly scientific style, Knowlton was arrested and put on trial for publishing lewd and obscene sexual material. Finally convicted, Knowlton spent three months in jail and lost his good reputation as a medical professor. However, he remains distinguished in history as the most influential writer for the birth control movement. As a scientific study including medical information concerning conception, the significance of Knowlton’s book cannot be overstated. Fruits of Philosophy was the first scientific study of birth control since the writings of Soranos circa 100 A.D. Because of the shortage of study and publication on technical methods of birth control, both American and English society lacked a system to manage writings concerning contraceptives. Publications concerning

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35 Chandrasekhar, 140.
36 Ibid, 19, 23.
37 Langer, 679.
38 Ibid.
sexual relations were considered obscene and were outlawed, but scientific works purposed for education of the public had not been categorized as legal or illegal.

Because of the lack of legislation concerning birth control, *Fruits of Philosophy* remained in circulation for forty years before coming to trial in England – a trial that echoed the American prosecution of the same literature forty years earlier in which Knowlton was convicted. Although ultimately ending up as the centerpiece of a trial that would define the birth control movement, *Fruits of Philosophy* circulated relatively innocuously for forty-three years. First published in 1833 by James Watson, then by Austin Holyoake, and finally by Charles Watts, the book sold more than 40,000 copies in England before 1877 – the year the book went on trial. Altered slightly from its American publication, *Fruits of Philosophy*’s subtitle changed from *The Private Companion of Married People* to *The Private Companion of Married Couples* in England. Before the trial in 1877, the birth control movement continued to grow over four decades, slowly defining a new and stark division between Christians and secularists.

As secularism developed throughout the nineteenth century, birth control became an issue closely examined by secularists because of their search for new truth and redefinition of morality. As defined by George Jacob Holyoake – a lecturer and organizer for the Owenites movement for social reform – secularism was

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39 Chandrasekhar, 78. James Watson was a freethought printer and publisher who was Carlile’s successor in publication supporting freedom of the press. He also published Owen’s *Moral Physiology* in addition to *Fruits of Philosophy*.


41 Ibid.
a development of freethinking… Secularists consider freethinking as a double protest – a protest against specific speculative error, and in favour of specific moral truth… A Secularist is one who gives primary attention to those speculations the issues of which can be tested by the experiences of this life… Its moral basis is, that Justification by Conduct is a higher and more reliable truth than ‘Justification by Faith in Christ’.\(^\text{42}\)

As a development from the freethinking movement, the secularists believed strongly in the need for evidence when defining what is right and wrong, rather than believing blindly in religious doctrine – searching for “specific” truth without “speculative error.” Accordingly, secularists were often Deists or atheists, but never Christians. Although secularists in general advocated the use of contraceptives, not every secularist believed that contraceptives were necessary. Robert Owen, the founder of several socialist communities, believed that his communities made over-population and subsequent poverty irrelevant because “each labourer now employed in agriculture can produce five or six times more food than he can eat,” thus rendering contraceptives extraneous.\(^\text{43}\)

Additionally, Holyoake was concerned publications on birth control were indelicate and inappropriate, and that the use of contraceptives had “seriously lowered the domestic morality of this country.”\(^\text{44}\) As Holyoake proves, not all secularists were totally against accepted societal rules of morality, even if the Church originally laid down those rules.

However, the agreements between Christians and secularists were few. The arguments over birth control created a stark dichotomy between the two sides, and secularists generally supported contraceptives based on their newly developed belief.


\(^{44}\) Holyoake, 23.
system focusing on the health of the physical body and a restructuring of the definition of morality. George Drysdale, a medical doctor and freethinker, became a secularist with the goal of providing “an alternative ‘religion’ to Christianity which would endow its followers with a sense of reverence for the human body, replacing the Christian preoccupation with the soul.” For Drysdale, Christianity’s focus “with the soul” adversely affected the physical body. Believing “nature” to be the highest power, Drysdale promoted rationalism rather than spiritualism and criticized Christianity for blind faith. The birth control movement fit in perfectly with Drysdale’s arguments as an example of how “Christian emphasis on the soul was an obstacle to progress” because it kept “the believer from concerning himself positively with the pursuit of physical and, therefore, mental health” in that contraceptives were, in light of the population question, necessary for human well-being. Although some secularists, like Carlile, advocated birth control as an agent of sexual freedom, the majority of secularist birth control advocates fought for the opposite, believing that contraceptives could improve the morality of society. Place supported this point of view, writing in defense of morality in contraceptives by saying he “wished young people could marry early, while their sexual passions were at the flood.” If young couples were able to marry young, prostitution might become less rampant as youthful single men would not resort to immoral actions because of their flooding “sexual passions,” but be satisfied with their wives. Without birth control, however, it was unrealistic for young couples to marry before they were financially stable.

46 Ibid.
47 Langer, 674.
and able to support a family. If a couple married young, they were more likely to have many children and the greater expense that came with larger families. Place, like many birth control supporters, considered contraceptives a practical method of keeping young families from population-related poverty and encouraging sexual morality for the young.\textsuperscript{48} According to the secularist argument, then, the use of contraceptives was not only acceptable but also advisable for the sake of morality. 

Because of differing definitions of morality and priorities concerning rationalism versus spiritualism, the birth control movement defines the ideological differences between Christians and secularists and proves why birth control became an issue dangerous enough to warrant a trial in 1877. Other than belief in God, the secularists differed from the Christians in their focus on the natural body and rationalism. For secularists, morality was measured by physical actions of fidelity and sexual purity, and the use of birth control was rational to accomplish poverty relief and morality. To rely only on abstinence for family limitation as Malthus had suggested would, in fact, decrease morality in the eyes of the secularists. “Malthus had sentenced the poor to a life of abstinence, at best, or of vice and misery, at worst. His call for late marriages, argued the birth controllers, would, if acted upon, result in increased prostitution and immorality. His plea for the ill-fed and uneducated to practice a ‘moral restraint’ not demonstrated by their ‘betters’ was strangely hypocritical.”\textsuperscript{49} Forcing the poor to live a life of “sexual misery” because of their economic level seemed unfair and immoral when there was such

\textsuperscript{48} McLaren, 240; Langer, 674.  
\textsuperscript{49} McLaren, 240.
a simple solution that provided more ease and afforded more happiness. Alternatively, Christians depended on discipline and spirituality as a guide. Morality was defined by adherence to rules laid down by the Bible and church tradition, and birth control was immoral because it violated church rules, thus violating the spiritual Christian worldview. The Christian group saw the use of contraceptives as “a system combining blasphemy, atheism, infidelity, adultery, lewdness, removing all moral and religious and legal checks upon human depravity, and leading to a community of property and striking directly at the foundation of civil society.” Afraid that changing what was moral and what was not would uproot the entire societal system, Christians maintained their stance against birth control. Unable to appreciate each other’s arguments, the birth control movement became another issue that defined the separation between Christians and secularists.

Most of these arguments, however, were not formally presented publicly until the trial concerning *Fruits of Philosophy* in 1877. Until then, some public discussion developed, but mostly, the arguments for birth control grew unnoticed. “Outside the ranks of the readers of the free-thought newspapers and journals, where the book was given rather more serious attention, the secularist case for birth control through contraception was learned in secret, if at all.” Without much recourse to speak to an audience beyond the devoted secularists, the movement for contraceptives grew only marginally until the 1877 trial brought the movement into the public eye.

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50 Ibid.
Fruits of Philosophy first went to trial in 1876 when printer Henry Cook published a variation on Charles Watts’s edition of Fruits of Philosophy. Cook’s edition featured a different title page and two allegedly obscene illustrations – most likely of genitalia – that were not previously included. Formerly imprisoned for selling pornographic material, Cook was quickly taken to trial for publishing indecent material yet again, and the book branded as “obscene” literature. When Cook lost the case in December for selling the book in Bristol and was sentenced to two years in prison, Watts took swift action in London to suspend the sale of Fruits of Philosophy. Even though Watts’s edition did not include the illustrations that caused Cook’s arrest, the London police arrested Watts in January of 1877 for selling a book now labeled “obscene.”

Panicked and needing help, Watts turned to Charles Bradlaugh, a fellow freethinker in the National Secular Society and co-worker in the publication of the National Reformer. Concerned that banning Fruits of Philosophy violated English rights to freedom of the press, Bradlaugh urged Watts to fight for his right to publish the book. However, badly

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54 Ibid., 44-45.
55 Chandrasekhar, 28-29, 78. A prominent advocate for freedom of the press and for secularism in society, Bradlaugh lead the National Secular Society, and also functioned as the editor of the society’s journal, the National Reformer. Born in 1833 and raised with little education, Bradlaugh had risen as a self-made man, powerful orator, Neo-Malthusian, and an outspoken atheist. Bradlaugh championed Parliamentary reform and strongly opposed classism. After the trial concerning Fruits of Philosophy, Bradlaugh became an even more renown figure through election to Parliament in 1886 after a long struggle that had begun with a lost election 1868 and ended with the long-awaited decision to allow Bradlaugh, as a confirmed atheist, to affirm the Parliamentary oath, rather than actually take the oath which called upon God as a witness.
shaken by his arrest, Watts quickly pleaded guilty in February of 1877, and was
discharged with a £500 fine, of which he ultimately paid only £25.56

Frustrated by Watts’s guilty plea and feeling Watts’s conviction an infringement
on freedom of the press, Bradlaugh and his cohort, Annie Besant,57 provoked arrest in
order to fight the outcome of Charles Watts’s trial. To that end, Besant and Bradlaugh
created the Freethought Publishing Company, with Besant as sub-editor under
Bradlaugh.58 Through their new publishing company, Besant and Bradlaugh defiantly
published the banned book, Fruits of Philosophy, in its original form without Cook’s
illustrations. The edition also included a preface Besant wrote declaring their intent to
challenge the conviction of birth control information as “obscene” and to bring the book
to court for a complete and thorough trial.59 The two freethinkers sent a copy of the book
to the London police, informing the authorities of their intent to sell the book for sixpence
starting on March 23, 1877, including details concerning the time and place of the book’s
sale. This was the first publicity boom for the trial, selling over five hundred copies of

56 Manvell, 47.
57 Chandrasekhar, 29-34; Manvell, 31. Like Bradlaugh, Annie Besant began her
career with humble origins, born in 1847, but gained more formal education than
Bradlaugh early on, being one of the first women to attend London University. A talented
speaker, Neo-Malthusian, and atheist, Besant and Bradlaugh had much in common,
including interest in freedom for India—a cause that filled the last seventeen years of her
life. Although she desired to be a revolutionary thinker, Besant is most commonly
remembered for her work as an expert publicist and propagandist. Bradlaugh and Besant
first crossed paths in 1874 when Besant joined the National Secular Society, of which
Bradlaugh was then the president, and the two freethinkers began to work together for a
time.
58 Manvell, 46.
59 Annie Besant. The Law of Population. In Reproductive Physiology and Birth
Control: The Writings of Charles Knowlton and Annie Besant, ed. by S. Chandrasekhar
Fruits of Philosophy were sold within the first half hour compared to the usual annual sales of only seven hundred copies.\footnote{Manvell, 49, 55.} After a police officer purchased a copy of the book as evidence, and after a slight lull in which Bradlaugh continued to inform the police of his whereabouts, Bradlaugh and Besant were arrested on April 6, 1877, for the publication of obscene literature.\footnote{Chandrasekhar, 37: Manvell, 48.}

In the time before the trial, Bradlaugh and Besant took advantage of any publicity they could. Undergoing three separate hearings, they used their time in court before the main trial to speak out for birth control as much as possible and gain recognition from the press.\footnote{Manvell, 51. The hearings took place on April 6, April 17, and May 7 of 1877.} Besant’s speech at the second hearing was printed in two newspapers and even sent abroad to Germany for publication. As news of the trial spread, Fruits of Philosophy sold 133,000 copies between March and June.\footnote{Ibid.} In order to gain even more public attention for the trial, Bradlaugh applied to transfer the case to the Queen’s Bench to be heard by a special judge and jury.\footnote{Ibid, 51.} Because the court considered the case as a matter of human interest, the application was allowed, and Bradlaugh and Besant were tried before the Queen’s Bench by Lord Chief Justice Sir Alexander Cockburn on June 18, 1877.\footnote{Chandrasekhar, 37: Manvell, 61.} Sir Cockburn took on the case intentionally because his ruling concerning the definition of obscene literature in the Hicklin case of 1868 set the precedent for determining whether
or not written work would be considered obscene. For the Hicklin case, Sir Cockburn defined obscene literature as any publication that contained material that had potential to corrupt youths with impure thoughts, and a ruling could be made without consideration of the context or the purpose of the larger work as a whole. With this precedent set, a single passage could be taken out of context, quoted in court, could then condemn the entire work. Bradlaugh and Besant were tried under the Obscene Publications Act of 1857 for the possible criminal publication of *Fruits of Philosophy*. Conducted by Magistrate Sir Cockburn, with Sir Hardinge Giffard prosecuting the defendants, Bradlaugh and Besant chose to represent themselves in court so that they might speak as much as they could to gain public attention for the issue.

Despite Knowlton’s scientific approach and distinctly medical tone, the prosecution rejected the way Knowlton presented the material, stating that *Fruits of Philosophy* promoted immorality “under the guise of philosophy and medical science” allowing that the work was “carefully guarded from any vulgarity of expression.” Using

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66 Manvell, 51. The Hicklin case was a trial to determine the obscenity of the pamphlet, *The Confessional Unmasked; Shewing the Depravity of the Roman Priesthood, the Iniquity of the Confessional, and the Questions Put to Females in Confession*, published in the early 19th century.

67 Manvill, 52.

68 Chandrasekhar, 38. Also know as Lord Campbell’s Act, the law made publication of obscene material a statutory offense and allowed for the legal destruction of all materials considered obscene.

69 Ibid., 37. The prosecution was never satisfactorily declared because the court could not identify who had accused the defendants. Although prosecuted during the trial by Tory Solicitor-General, Sir Hardinge Giffard, it never became clear who had initiated the prosecution.

70 Charles Bradlaugh and Annie Besant, *In the High Court of Justice, Queen's Bench Division, June 18th, 1877, the Queen V. Charles Bradlaugh and Annie Besant* (London: Freethought Publishing Company, 1877), 9.
Sir Cockburn’s definition of “obscene” as established in the Hicklin case, the prosecutor, Sir Giffard, believed the literature to be immoral and corrupt, and accused Bradlaugh and Besant with

unlawfully and wickedly devising and contriving and intending…to vitiate and corrupt the morals…and to incite and encourage…subjects to indecent, obscene, unnatural, and immoral practices, and bring them to a state of wickedness, lewdness, and debauchery, therefore, to wit…unlawfully, wickedly, knowingly, willfully, and designedly did print, publish, sell, and utter a certain indecent, lewd, filthy, and obscene libel, to wit, a certain indecent, lewd, filthy, bawdy, and obscene book, called *Fruits of Philosophy*, thereby contaminating, vitiating, and corrupting the morals.\^71

Sir Giffard condemned the book as undeniably obscene, and Sir Cockburn clarified Sir Giffard’s understanding of obscene for the court as “tending to influence the passions, or recommending some course of conduct inconsistent with public morals.”\^72 The prosecution’s main point, however, was that the obscene nature of the book would cause young, unmarried persons to “gratify their passions without the mischief and the inconvenience and the destruction of character which would be involved if they gratified them and conception followed.”\^73 According to Sir Giffard’s argument and following the general Christian view, *Fruits of Philosophy* enabled sexual immorality and infidelity for the married, and young people would stop choosing to marry because they could gratify their sexual urges without marriage commitment or consequence of children. Many people considered that the common use of contraception would destroy society; birth

\^71 Charles Bradlaugh and Annie Besant, *In the High Court of Justice, Queen’s Bench Division, June 18th, 1877, the Queen V. Charles Bradlaugh and Annie Besant.*, 31.

\^72 Bradlaugh, and Besant, *In the High Court of Justice*, 17; Manvell, 64. Sir Cockburn allowed Bradlaugh’s objection to Sir Giffard’s references to the Hicklin case on the grounds that equating the two cases might bias the jury, but the definition remained present and relevant in the case.

\^73 Bradlaugh and Besant, *In the High Court of Justice*, 21.
control “would destroy religion, morality, and the family structure,” and it would ultimately end the institution of marriage. The prosecution’s argument against *Fruits of Philosophy* and Bradlaugh and Besant’s actions reveals once again the prevalent Christian moral thought in society. Although “religion, morality, and the family structure” are listed separately, for the Victorians, they were one and the same. The family structure was the center of morality in Victorian society, and religion shaped the definition of morality. Under the influence of Christian tradition, society functioned under the “belief that the family was the source of all public morality and the sacrifice of individual pleasures the basis of social cohesion.” As a part of the Christian argument concerning the immorality of contraceptives, this societal norm was fundamental.

As Sir Giffard spoke out against *Fruits of Philosophy* using Christian arguments, Besant and Bradlaugh represented the secularist fight for free publication of birth control methods. While the Christians believed family structure, marriage, and sexual purity were mainstays of the utmost importance to society and fought to secure them, the secularists prioritized the plight of the poor. “It is not as defendant that I plead to you today,” Besant stated in her first speech during the trial, “—not simply as defending myself do I stand here but I speak as counsel for hundreds of the poor, and it is they for whom I defend this case.” Emphasizing the dire nature of the situation, Besant challenged the court by saying “that it is more moral to prevent the birth of children than it is after they are born to murder them as you do today by want of food, and air, and clothing and

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75 McLaren, 249.
76 Bradlaugh, and Besant, *In the High Court of Justice*, 28.
Following Francis Place’s argument for increased morality in birth control use, the defense considered birth control a method of allowing younger marriages, thus eliminating sexual promiscuity for the youth. “Men will not stay single,” Besant stated, and it was much better for them to marry young than to engage in immoral acts with prostitutes. Besant’s statement directly rejected Malthus’s suggestion for late marriages and moral restraint, and the secularists argued for birth control as a method for young couples to marry before becoming financially stable; prostitution and sexual immorality would decrease as a result of contraceptive methods. Bradlaugh, too, furthered the case by discussing Malthus’s writings: “Mr. Malthus taught that the population question was one which ought to be rightly understood by the masses, and involved the investigation of the most prominent, if not the entire, cause of poverty, the most fruitful cause of misery, to the human race.”

Besant and Bradlaugh spoke out as secularists against a Christian-based prosecution to further the birth control movement by advocating morality in the use of contraceptives.

Because of the nature of these arguments, the defense turned the trial away from discussion of one book, Fruits of Philosophy, and made the trial about all birth control material publication. In Besant and Bradlaugh’s statements, they moved the trial’s focus from the book’s perceived obscenity to reveal the purpose for the book’s publication. Besant clarified what was at stake in her statement to the court:

77 Ibid., 73.
78 Besant, 181.
79 Charles Bradlaugh, Jesus, Shelley, and Malthus; or, Pious Poverty and Heterodox Happiness (London: Freethought, 1877), 9-10. In Jesus Shelley, and Malthus, Bradlaugh reiterated the arguments presented at the trial. The referenced quote above was not directly stated at the trial, but does represent Bradlaugh’s arguments during the trial.
Do you, gentlemen, think for one moment that myself and my co-defendant are fighting the simple question of the sale or publication of this sixpenny volume of Dr. Knowlton’s? Do you think that we would have placed ourselves in the position in which we are at the present moment for the mere profit to be derived from a sixpenny pamphlet of 47 pages? No, it is nothing of the sort; we have a much larger interest at stake, and one of vital interest to the public, one which we shall spend our whole lives in trying to uphold. The question really is one of the right to public discussion by means of publication, and that question is bound up in the right to sell this sixpenny pamphlet.\(^80\)

For the secularists, people needed to be enlightened concerning the necessity and the methods of population control for their own good and possible relief from poverty, and for the happiness and well-being of English people. Equally, however, Besant and Bradlaugh attempted to use this trial to subvert the common Christian doctrine of morality and prove the legitimacy of rationalist doctrine of morality. The trial of 1877 became not just the battle for legalization of birth control publications, but also a battle between Christians and secularists for the public definition of sexual morality.

Despite Bradlaugh and Besant’s best efforts, the defense lost the case after five days of debating. Both defendants were sentenced to six months imprisonment and charged with £200 fines. However, at Bradlaugh’s request, Sir Cockburn reconsidered the sentence on the grounds that Bradlaugh and Besant had appealed the case, and he allowed a delay on the sentence with the condition that Bradlaugh and Besant discontinue circulation of *Fruits of Philosophy*.\(^81\) Accepting these conditions, Bradlaugh and Besant appeared at the appeal in February of 1878 where they moved for a writ of error on the technicality that the word “obscene” was not satisfactorily legally defined. The Court of Appeal accepted the writ of error, and Bradlaugh and Besant escaped the court.

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\(^80\) Bradlaugh, and Besant, *In the High Court of Justice*, 49.

\(^81\) Manvell, 156.
sentence. However, because of the appeal court, *Fruits of Philosophy* was never officially declared “obscene,” and the book remained in circulation.

Although Bradlaugh and Besant’s conviction was a slight set back, the trial overall was a success for the secularists and supporters of the birth control movement. The trial brought the birth control movement into the public eye, selling thousands of copies of *Fruits of Philosophy* and newspapers printing the defense’s secularist arguments for morality. Rather than stopping the movement, the book’s conviction at trial spurred the birth control movement on, initiating the establishment of the Malthusian League in 1877 as a response to the trial. As an organization for the promotion of contraceptives, the League chose their name based on the use of the term “Neo-Malthusian” to describe secularists who shared Malthus’s “fears about the danger of overpopulation” but rejected Malthus’s “proposed solution of moral restraint—involving postponement of marriage until a couple was able to support children—as being unrealistic.” Before the trial, circa 1850, the term lost its prefix and became “Malthusian,” and was used to describe those who specifically advocated contraception as a form of population control – ironically, an idea expressly rejected by Malthus himself. After the 1877 trial, secularists including Bradlaugh and Besant came together to form the Malthusian League as the first organized institution advocating birth control. Because of the publicity gained from the trial and the development of the League, the birth control movement spread and became highly influential. “Whatever the sexual

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82 Chandrasekhar, 40-41.
84 Chandrasekhar, 73.
attitudes of the generation of the 1870s and 1880s, the next generation wholeheartedly embraced the use of birth control."\textsuperscript{85} Despite the jury decision against publication of contraceptive methods, the Bradlaugh and Besant trial concerning \textit{Fruits of Philosophy} advanced the birth control movement’s cause by publicizing the issue and providing a platform for the explanation of secularist arguments.

Before the 1877 trial brought the issue into the public view, however, the birth control movement developed slowly and often anonymously due to Christian societal disapproval. Malthus’s discussion of overpopulation and the necessity of family limitation convicted many people, but not everyone agreed with Malthus’s recommended method of moral restraint. After James Mill mentioned birth control as a possible method of alleviating the population problem, Francis Place dared to publish an explanation of contraceptive methods. Richard Carlile was the first to publish his name on a work advocating birth control, but his boldness actually set the movement back due to his agenda for sexual freedom. Robert Dale Owen brought the movement back to life with his publication in America, and his work informed Dr. Charles Knowlton of the issue and the need for more medical study concerning contraceptives. The product of Knowlton’s study, \textit{Fruits of Philosophy}, circulated in England for forty years until finally becoming the center focus of the debate between Christians and secularists over birth control. In the Bradlaugh and Besant trial, the Christian arguments fought against publication of birth control material as promoting unnatural acts of contraception, sexual immorality, and publicizing obscene literature that would corrupt society and destroy marriage. The secularist defendants fought for the right to publish information about contraceptives

\textsuperscript{85} Ittmann, 233.
because birth control seemed a rational solution to a significant population problem resulting in poverty and because of the belief that sexual morality would be improved by contraceptives. Ultimately, the trial brought to light both Christian and secular sides of the argument and resulted in greater publicity and organization of the birth control movement in the Malthusian League.