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Interview

CWBR AUTHOR INTERVIEW: SEX AND THE CIVIL WAR: SOLDIERS, PORNOGRAPHY, AND THE MAKING OF AMERICAN MORALITY

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Interview with Judith Giesberg, author of *Sex and the Civil War: Soldiers, Pornography, and the Making of American Morality* Interviewed by Tom Barber

Civil War Book Review (CWBR): Today the Civil War Book Review is pleased to speak with Judith Giesberg, Professor of History at Villanova University and author of several articles including: “Waging War in Their Own Way: Women and the Civil War in Pennsylvania” and she is co-editor of *Emilie Davis’s Civil War: The Diaries of a Free Black Woman in Philadelphia, 1863-1865*. Today we are here to talk with her about her new book, *Sex and the Civil War: Soldiers, Pornography, and the Making of American Morality*. Professor Giesberg, thank you for joining us today.

Judith Giesberg (JG): Thank you so much for having me.

CWBR: What led you to consider the topic of sex and the Civil War?

JG: I was reading a book about the sexual conversation that occurred in the antebellum period; and this book that I was reading was for a class I teach on gender. I was surprised to learn that Anthony Comstock had served in the U.S. Army during the Civil War. So these two time lines that I always thought of as very distinct--that is the post war backlash against women and the Civil War which is the period I study regularly, I had always thought that they were distinct to those two things--then I discovered Comstock served in the Army which seemed to me something I needed to explore further.

CWBR: Right, and so your book does a great job of taking this narrative from antebellum America to post war America. Can you describe the contours of antebellum censorship and pornography in terms of law and printed material?

JG: Sure. In the decades leading up to the Civil War there was in the United States, in Great Britain, and in France an ongoing legal back and forth about controlling--or how each of these nations would control access to, and the arrival at their shores of erotic material. There were a cluster of laws and regulations that appeared in the decades leading to the Civil War. In the United States in particular, but also in the U.K. these items were seen as a foreign threat; something that was coming in imported from abroad, so the first attempt to control the flow of these materials. And again this is a conversation between these three countries, and reformers in all three of these countries, was an 1842 customs law that was passed in the United States that covered a lot of different materials, but one section of it referred to the importation of erotic materials, and instituted the first attempt to control the flow of these, or to ban these items from being imported into the United States. And similar things were attempted in the U.K. as well, and in France a lot of the regulation or the conversation about these materials happened more often in the courts. Their (France's) sort of antebellum conversation about pornography was actually much more public than it was in the United States and in Great Britain. In the United States, it was tucked into this customs law. Of course, it won't surprise anybody that the passing of this customs law didn't do anything to control people's access to erotica, what it actually did was encourage the production of domestic porn. Entrepreneurs in New York City saw this as an opportunity to produce this stuff locally. Of course, with no copyright laws or anything else protecting this stuff, a lot of this stuff they produced and printed in New York City was simply forgeries of the stuff that had been previously imported. Just a few years before the war began you really see an explosion of this stuff produced domestically and available cheaply and much of it was produced in New York City.

CWBR: But I get the feeling that even though there was the customs law, you mentioned passed before the Civil War, there wasn't much of a regulatory mechanism or desire to regulate before the War. Can you talk about that?

JG: Right. Absolutely. There really wasn't. Like I said, it was subtly tucked into this series of regulations on imports, and it was really up to local enforcement for this regulation to have teeth. And there was very little of that it would seem. There were a few pretty well covered cases in New York City

where some well-known producers of this stuff--printers and marketers of this stuff--stood trial, but really very few of them were ever charged with a crime, and those who were charged with a crime they got slaps on the wrist and back to producing this stuff within a year or two of prosecution. There really wasn't a strong will to use this customs law to prosecute producers of erotica and the result that very little happens, there very few consequences to those who produced this stuff. And it depended on the political winds. If somebody was elected into office on a platform of reform there was an uptick in at least the threats of a cleaning up of this business, and prosecution, but in the end there really wasn't that will, and there certainly wasn't any federal mechanism at all for regulation of these materials.

CWBR: In addition to being more and more available, you also suggest that much of the content deemed pornographic, or what would eventually be deemed pornographic, was far from foreign from the reading public. How did abolitionist literature overlap with, and reflect the erotic imagination in antebellum America?

JG: Some of the particular themes that arise, that appear pretty regularly in antebellum erotica--you know flagellation--and sometimes interracial sex and other sorts of things appear in antebellum erotica. Of course, when abolitionists are trying to educate the Northern public about the dark secrets of the slave South, some of those same themes and illustrative moments will appear in antebellum abolition publications. And, I think a lot of your listeners are probably familiar with the work done by Katherine Haltunen, who talks about this pornography of pain, which is a theme that gets developed in a lot of antebellum reform literature in this Anglo-American world, and you certainly see that in American abolition. So, at the same moment they are tut-tutting and critiquing the aggressive sexuality that they see developing in the slave South, or what they see as the ultimate condemnation of the slave South, they are (those critical of abolition) also using those same tropes in their literature to raise awareness about the evils of abolition. So there is this sort of careful tightrope that they walk, so at the same time condemning the erotic imagination, but also exploiting it for the purposes of spreading the word about why we should all be morally outraged by slavery.

CWBR: You also talk about how in the antebellum United States this material wasn't heavily regulated and then Civil War happens, so can you talk about how the Civil War helped grow the domestic pornographic industry and what sorts of technologies helped the spread of erotic literature during the Civil

War?

JG: Those who had been active in marketing, and selling this stuff, during the antebellum period and had on occasion had run-ins with the law, and had faced at least court cases had wound up in court because of these here-one-day and gone-the-next-day efforts to control this stuff. They had also begun to experiment with sending this stuff through the mail, which allowed them to avoid local prosecution--because all of it was done locally, then one solution they innovated during the antebellum period, in New York at least, was to mail the stuff. So you can see how that was probably the most important thing erotica dealers experimented with before the War. So you can see in some of the flash weeklies, ads taken out by these erotic dealers, some of them in not very coded language, and some of it much more coded, in which they are selling this stuff cheaply through the mail. And in the ads, they guarantee they'll protect the purchaser's identity and it will all be very discreet. So you can see some of that stuff appearing by the mid-to-late 1850s you can see these ads appearing in flash weeklies in New York, so that stuff is there, and that process is there; or, that way to avoid local prosecution is already in place when the war begins. And then when the war begins, these some of these ads and these circulars that are produced by erotic dealers adapt very quickly to the moment of the war. So they use language elides themselves with the war. Talking about this stuff that it is produced in particular for the men, and they certainly create new erotic materials that seem to be responding in particular to the exigencies of war; or, this sort of moment in time that men find themselves--and they mail the stuff to the men, and conveniently these men were concentrated in U.S. military camps. The stuff gets there easily, and of course, mail delivery is improved throughout the Civil War and the stuff gets there faster and faster at least in the Union. And erotica dealers are ready to exploit that opportunity. Of course, printing is also another thing that we should add to our list of innovations that make this stuff more widely available. And then of course all the new photographic images that are available--the *cartes de visite*. The erotica dealers mass produce erotic *cartes de visite* of famous women that they circulate to the men and that are widely available. There are erotic playing cards, stereographs--pretty much any new kind of imaging or photographic technology--the erotica dealers are ready to exploit it and turn it into profits for themselves.

CWBR: With all of this, the technology, the concentration of men, basically suggests that pornographic material was ubiquitous in U.S. Army camps. How did this material impact camp life and how did it influence social relationships

between men of different classes, military ranks, and ethnic backgrounds?

JG: It is hard to find the stuff in camps as you can imagine--it wasn't collected by people who collect; it wasn't achieved by local historical societies; it doesn't show up often in personal collections. It was hard to find the stuff, and put it in men's hands, but they do mention their reading and they mention moments when they see this stuff. Or when they interact with each other over the stuff that they are reading or the images they are looking at. And most importantly it winds up, or at least I found a concentration of these references, in U.S. Court Martial records. In order to find this stuff in men's hands, the trickiest part of it, and they'll even say, a couple of men mention, they are very careful what they have on their person when they go into battle. We do have some soldiers referencing stuff they find discarded on the side of the road. This is not stuff they want to wind up in their last effects and sent home, but because sometimes these guys who are reading the stuff, or circulating this stuff, are also just bad soldiers, we do find references to the stuff in U.S. Court Martial records. And that for me was a really important source to answer that question that you just posed: How does this material work? And how does it become part of the exchanges between men from different classes, different regions, different ranks, and experience. What I found interesting about it is a few things. First, how much of this stuff they all seemed to know and be aware of and share. There was this shared language and this shared knowledge of these materials that became obvious in the court martial records. Men didn't have to say a whole lot in testifying against each other to have other people on the court martial records to know exactly what book they were talking about or what bawdy song they might have been mentioning. So clearly, there was a shared knowledge of this stuff. People knew what it was and had that kind of shared knowledge of this corpus of erotic material that was circulating around the camps.

What I also found interesting about it was that officers and their men could share, across ranks, in a way that could bring men together, but it could also be used, and it was often used oftentimes, as a way to discredit men. It could be used to discredit men who held rank over their men, and were trying to use the stuff to bond with their men, but it was also a dangerous thing. Because men could use it against their officers in a way that suggests to us that they through erotic material they could still exercise some of their own authority. There wasn't this settled hierarchy when sharing this stuff, and that it could go back and forth, which I thought was very interesting. Also this sort of expectation that men should be able to be aware of what other men were doing in camps at any given

time--this way of looking, and seeing, that comes with reading this stuff was very interesting too and it underscores how very little privacy any of these men expected while they were in the U.S. Army, but the expectation that they should be able to watch one another become very obvious when you look at these court martial records.

CWBR: And as you go on to talk about, some men didn't want to, right? So, you spend a reasonable amount of time thinking and writing about Anthony Comstock, a man who served in the war, but only gained national notoriety after the conflict for his campaign against pornography. First, who was Anthony Comstock? Second, what was the relationship Comstock's military career and his anti-pornography campaign after the war?

JG: He is one of those characters that I think, for anybody who studies this period, you want to try and find the story behind the man. He is not a very sympathetic character in most histories of this period. On the other hand, his brother had died as a result of his wounds at Gettysburg and like a good younger brother, he followed his brother and took his brother's place in his brother's regiment. They're from Connecticut, so they both severed with the 17th Connecticut. And he was sort of in that way, very traditional. Right, his brother had severed and when his brother passed away, he believed it was his responsibility to take his brother's place. He came into the regiment very late and unlike his brother never really found his place in the U.S. Army. He kept a diary of his time and that's all we really have to go on, other than official records--the regimental order book and other regimental histories of the 17th. It was an awkward fit for him to be in the Army. I think he came into a regiment that was very seasoned and he was a green recruit and throughout his time in the 17th he didn't seem to ever settle into that life. He recorded his unsettling feelings throughout his time with the 17th in his diary. And he sort of imagined himself, at least based on his diary, and then on the biographies, the sort of officially sanctioned biography written after the war, he fancied himself to be an army man and certainly created that image for himself after the war. The truth of matter is that he didn't see combat and what he did more than anything he served as part of an occupying force--he drilled and he sort of chaffed against the culture of the camp. Whereas men, as I mentioned in the court martials, knew the language and shared an interest in and a knowledge of these erotic materials. For Comstock these kinds of conversations, and his own sorts of feelings, provided a great level of discomfort for him.

In the aftermath of the war, and toward the end of his army career, he gets involved, and gets recruited by the United States Christian Commission and through his connection there will be involved with the YMCA in New York. And, Through the support of these institutions will lobby for, and successfully oversee the administration of the really rigorous anti-pornography laws that will become known as the Comstock Law.

CWBR: And again, with the censor hip of erotic literature, the first censorship attempt, well the second attempt after the earlier customs law, appeared as a war measure in 1865, and still garnered little attention. But less than a decade in 1873, like you mentioned, Congress passed the Comstock Law which expanded the law's original and appointed a special agent to enforce the law, who will be Anthony Comstock. So what was the original law's scope and purpose? And how were anti-pornography advocates able to transform censorship into this national issue, and what kind of common concerns were they able to seize upon to do this?

JG: Great, yeah. So the 1865 law, was a war measure and it was passed in Congress as part of a series of regulations securing the mail from many different threats mail delivery had experienced during the war, and again, like the antebellum measures were sort of slipped into this larger measure about allocating money for and the securing delivery of the U.S. mail during war time. And it elicited a little bit of conversation in Congress, one congressman went back and forth and what were we really trying to protect men from, and whether this was simply political effort to censor speech. Was this a Republican administration attempting to paint the loyal opposition as obscene? Because the measure outlawed the mailing of obscene material through the U.S. mail and there was some of that conversation in Congress about sort of how far this law would go, and whether or not postmasters would be authorized to open mail that was suspicious and whether or not they would empower these men to destroy these materials. And there was that interesting moment that this is just a political move on the part of the Republican party to censor the opposition, but the measure passed. And there really wasn't, in its first few years, there were very few arrests under the 1865 measure, but it set a very important precedent for the Comstock law that would be passed in 1873, which really was much more ambitious effort. The Christian Commission was behind the 1865 measure and then a lot of them same people would wind up at the YMCA who was behind the Comstock law in the 1870s. And by that time too, these reformers have sort of woven this narrative about these young men who need to be protected, which

was in the '65 measure as well, and the certainly in the '65 debate, about what the measure meant. By the 1870s this has become in their minds, they have taken this out to its logical extreme. For these reformers they were worried about what kinds of behaviors men would exhibit who read this material. And Comstock would provide that fulcrum on which this argument would turn, which was that men who read this stuff-- he says this in the books he writes in the post war era--men who read this stuff become violent--that the sort of problem of violence we see in post war and among young people, is a result of reading this erotic material. And by the 1870s, they are helped along by organizations like Women's Christian Temperance Union which is also interested in reform and urban reform, and protecting families from things like alcoholism and violence and things like that. So there is this sort of opportune moment when this stuff is being supported by a groundswell of support by reformers who have identified a problem, and they have this foundation from which they can argue that they have also identified the source of the problem and the solution.

CWBR: Right, and you also mention another really important part of this coalition were doctors who saw a sort of natural, or at least a temporary ally in Comstock and these moral reformers. So what were the medical profession's objectives with aligning with Comstock?

JG: Right, so there are on a state by a state level there are laws passed regulating the people qualified to practice and there is sort of interesting dynamic where they also get involved with some of these local anti-pornography measure, and there are lots of doctors in the Comstock lobbying. At the last minute, the Comstock law also includes regulating, not only the classic antebellum erotica that we had seen in some of those local prosecutions, but [it] also talk about materials that included in obscene materials those materials usually associated with birth control and abortion. So those materials get added on to these laundry lists on some of these local initiatives, but also in the Comstock law. And the Comstock law—the local state laws get longer and longer—and the Comstock law reads like a laundry list of materials and stuck into those materials are materials that are associated with women's reproduction. And, that is the sort of moment where you have to scratch your head. None of that stuff was of interest to anybody in the antebellum period and it certainly wasn't part of local efforts to eradicate this erotic material, but in the post war era Comstock's efforts are very attractive and very appealing to medical professionals who are seeking to professionalize and also to control the administration of medical care. And of course, this jibes really well with Comstock's campaign, and in the end what the

Comstock laws do more than anything, is not really eradicate that erotica at all, but he and the laws are used very effectively to run abortion providers, birth control providers out of business as I'm sure a lot of your listeners know. He takes particular pleasure in naming how many these "irregular practitioners" he has rounded up and brought in for prosecution.

CWBR: Exactly, that is where we get this new, rather expanded form of American morality. Professor Giesberg, I appreciate you taking the time to sit and discuss your most recent work *Sex and Civil War: Soldiers, Pornography, and the Making of American Morality*.

JG: Thank you so much for asking me to talk about it.

CWBR: Thank you.