

Summer 2010

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Recommended Citation

Weingarten, Karen. "The Inadvertent Alliance of Anthony Comstock and Margaret Sanger: Abortion, Freedom, and Class in Modern America." *Feminist Formations*, vol. 22, no. 2, 2010, pp. 42-59. CUNY Academic Works.

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The Inadvertent Alliance of Anthony Comstock and Margaret Sanger: Abortion, Freedom, and Class in Modern America

Karen Weingarten

This article investigates how moral-reformer Anthony Comstock, who helped outlaw the practice of birth control and to have abortion criminalized, and Margaret Sanger, founder of Planned Parenthood and birth-control activist, advanced their causes through the discourse of freedom and self-control. While Comstock's and Sanger's works are often seen in opposition, this article questions that positioning by pointing out how they both lobbied against accessible abortion using similar tactics. Finally, this article demonstrates how Comstock and Sanger, through different means, worked to present abortion as a depraved practice that would lead to the demise of American society. Presenting Comstock and Sanger side by side, this article shows one example of the reasons why it is problematic to use the language of rights and freedom to argue for fair and equal access to abortion.

Keywords: abortion / Anthony Comstock / birth control / eugenics / Margaret Sanger / self-control and freedom

There's more than one kind of freedom. Freedom to and freedom from. In the days of anarchy, it was freedom to. Now you are being given freedom from. Don't underestimate it.

—Aunt Lydia from Margaret Atwood's, *The Handmaid's Tale* ([1985]1998, 34)

This article seeks to trace a continuum between Anthony Comstock's moralizing jeremiads against "obscene acts" and Margaret Sanger's quest to legalize birth control, by demonstrating the ways in which both used disciplining tactics that condemned abortion. Most important, this article demonstrates how Comstock and Sanger succeeded in criminalizing abortion, thus completing the task begun by the American Medical Association, which by the 1880s had managed to outlaw abortion in every U.S. state. (For more on this history, see Janet Brodie's *Contraception and Abortion in Nineteenth-Century America* [1994], James Mohr's *Abortion in America* [1978], and Leslie J. Regan's *When Abortion Was a Crime* [1997].)

Comstock's contribution to this juridical process worked by lumping abortion with other "sexual crimes" and contributing to the misconception that abortion was primarily used by working-class and poor women. Similarly, Sanger promoted birth control by separating it from the issue of abortion; by emphasizing abortion's pernicious effects, she often portrayed birth control as a means to better the human race, thus paralleling Comstock's construction of abortion as degrading and destructive. While Sanger and Comstock initially appear to be working through different paradigms, the opposition between them is belied by the investment that both activists made in similar constructions of freedom and protection that subtend liberal *and* conservative ideologies.¹ Comstock's opposition to abortion mirrors Sanger's position, because both are invested in constructing laws that interpellate subjects into individualizing and moralizing persons who, if properly trained, *should* be capable of self-control. It is through laws concerned with rights that the emphasis on the individuated life becomes foregrounded; indeed, it is precisely through the emergence of rights-based laws that the concept of an entitled subject capable of self-regulation emerged, as well as the inverse concept of a subject incapable of self-control and therefore legally stripped of "choice."

Using rights-based discourse, or what is sometimes called "the right to choose," as a means to re-enfranchise historically oppressed communities has a prominent though conflicted history in the United States. From Patricia Williams's (1992) work that asserts that rights granted through constitutional law are crucial in the fight to grant African Americans equal status in the United States to Wendy Brown's (1995) critiques of rights as embedded in a liberalism that establishes identity-based politics, the discussion of rights as a tool for remedying civil and social inequality has been heated. Much has also been written about the role of rights in granting women access to abortion and control over their bodies. One of the most well-regarded and thorough texts critiquing the rhetoric of choice in abortion politics is Ricki Solinger's *Beggars and Choosers* (2001). Solinger calls choice a watered-down version of rights, and strongly advocates for a more rights-based abortion politics. On the other hand, Mary Poovey (1992) has argued that giving women the *right* to have an abortion maintains an individualistic attitude toward a procedure that should

be based in community decision and with a community's support. In rehearsing rights rhetoric from the U.S. civil rights movement, Kimberle Crenshaw (2000) provides a nuanced picture of the critique of rights that emerged from the movement, but also the necessity for those rights.² Crenshaw recites the "Crits" argument, which argues that rights discourse is often legitimated through a "victims" perspective; it focuses not on the reasons why crimes or oppressions are perpetuated, but rather on the ways in which victims' experiences are shaped. Indeed, the argument can be taken a step further: Rights then function as protection and therefore approach every subject as a potential victim that needs the shield of the law.

Thus, we end up with a rights-based system that sounds strikingly like Aunt Lydia's description in *The Handmaid's Tale* (Atwood [1985]1998). In *Roe v. Wade*, while the Supreme Court decided that women had the freedom *to* make their own reproductive choices, because the state granted individual privacy, the court also granted women freedom *from* the potentially undue burden of pregnancy.³ The slipperiness between freedom *from* and freedom *to* points to a tension in the foundations of U.S. liberalism. Freedom *from* assumes what Crenshaw points to as a victims-based protectionist ideology: The Supreme Court is "protecting" women who, without laws protecting abortion rights, would fall prey to the potentially difficult conditions of an unwanted pregnancy, even as the same law mandates that the individual woman has a right to control her own body.⁴ Freedom *to* assumes an individuated private body that should not be subject to government interference. While Sanger and Comstock were both invested in outlawing abortion, the rhetoric they established for anti-abortion arguments mirrors a rights-based pro-abortion law and thus points to how pro-abortion policy in the United States has been so deftly undermined in the years following *Roe v. Wade*.

The House Built on Sand

While much has been documented about Sanger's investment in eugenics and birth control, relatively little has been written about her fluctuating stance on abortion. Sanger's more ambivalent positions are often elided; relatively little attention has been paid to the element of her rhetoric that is compatible with neither contemporary mainstream feminist arguments nor anti-racist nationalisms.⁵ Perhaps this has occurred because of polarization over her other views. Her work either elicits stringent criticism for its racism or effusive praise for its efforts in legalizing contraception. Some of Sanger's strongest anti-abortion claims were published in *The Birth Control Review* (BCR), which began its run in February 1917 as a simply formatted periodical to be used as a political tactic in the quest to legalize birth control. In its first few issues, the journal mainly published polemical essays by known birth-control activists like Havelock Ellis and Elizabeth Stuyvesant, as well as desperate letters from women seeking

birth-control help (only as a means to demonstrate the dire situation), but at the start of its second year, it broadened its publication scope to include short stories and poetry, and eventually added disturbing photo essays depicting dysgenic “types” overrun with children.

From the start, the journal was clearly invested in promoting the politics of eugenics; almost every issue mentions eugenics or has an article featuring the topic. Anna Blount (1918), a frequent contributor to the journal, captures its eugenic philosophy best when she writes: “God speed the day when the unwilling mother, with her weak, puny body, her sad, anaemic, unlovely face, and her despondent whine, will be no more. In that day we shall see a race of American thoroughbreds, if not the superman” (3). Essays like Blount’s made explicit that *BCR* was invested in a eugenics-like policy that would “improve” the conditions of all Americans, and eventually eliminate “undesirable” citizens through preventing or reducing their ability to reproduce. However, Sanger also distanced herself from eugenicists who argued that woman’s first duty is to reproduce for the state. In February 1919, in an article titled “Birth Control and Racial Betterment,” she strongly states that if eugenics is to succeed, it must rely on birth control and change its position on voluntary motherhood. She writes that birth-control activists contend that woman’s first duty is not to the state, as eugenicists believed, but “that her duty to herself is her first duty to the state” (11). Sanger continues to insist that birth control is the necessary foundation for eugenics, and in an elaborate gesture, she ends with a compelling metaphor, arguing: “Eugenics without Birth Control seems to us a house builded upon sands. It is at the mercy of the rising stream of the unfit. It cannot stand against the furious winds of economic pressure” (12). As her metaphor suggests, one of *BCR*’s most strident goals was to irrevocably link the issues of birth control and eugenics through its emphasis on a freedom *from* politics. Here, Sanger stresses that eugenics, and hence the betterment of U.S. citizenry, is doomed to fail unless there is a freedom *from* uncontrolled reproduction. And yet elsewhere, Sanger also insists on the necessity that women have freedom *to* control their reproductive capacities so that they can have freedom *from* abortion.

Sanger’s most explicit anti-abortion stance came in an article she wrote early in the journal’s run that is starkly titled “Birth Control or Abortion—Which Shall It Be?” (1918). She opens the article by associating abortion with working-class women, arguing that wealthy and middle-class women have discovered how to limit family size and to be voluntary mothers, while more working-class women are denied “the knowledge of the safe, harmless, scientific methods of Birth Control” and thus limit their families “by means of abortion” (3). Sanger’s disciplining tone—her juxtaposition of birth control as rational and safe, with abortion as dangerous and volatile—is the main focus of the article. She proceeds with a scientific explanation of conception, clinically describing how pregnancy occurs and then explicitly states: “When scientific means are used to prevent this meeting, and thereby to limit families, one is

said to practice Birth Control” (3). She cites a doctor to prove that abortion risks women’s health, potentially causing “hemorrhage, retention of an adherent placenta, sepsis, tetanus, perforation of the uterus . . . sterility, anemia, malignant diseases, displacements, neurosis, and endometritis” (4).

And if this long list did not scare readers enough, Sanger also adds that the “hundreds of thousands of abortions performed in America each year are a disgrace to civilization” (4). Birth control, she argues, means “health and happiness—a stronger, better race,” while abortion “means disease, suffering, death” (4). She ends by rhetorically asking “*Birth control or abortion—which shall it be?*” (4; emphasis in original), making clear that the division between the two is definitive and complete. Her logic, ultimately, depends on maintaining populations demarcated by class positions that are so well controlled they discipline themselves.

In 1920, Sanger republished an expanded version of this BRC essay in her *Woman and the New Race*, re-titling it as “Contraceptives or Abortion?” In this piece, she further elaborates her belief that women with disposable incomes were already practicing birth control, while working-class women could only resort to abortion if unwanted pregnancy occurred. She again stresses that abortion is “abnormal” and “dangerous” (122), but adds in this version that “[t]he woman who goes to the abortionist’s table is not a criminal but a martyr—a martyr to the bitter, unthinkable conditions brought about by the blindness of society at large” (129), because she has to sacrifice “what is highest and holiest in her—her aspirations to freedom, and her desire to protect the children already hers” (129).

In both versions of her essay, Sanger assumes that if working-class women had access to birth control, as did wealthy and middle-class women, then they would have the freedom to act responsibly and to prevent the demise of civilization by ceasing to reproduce what she views as defective children. However, in the later version, she also constructs a politics of victimization that turns working-class women into martyrs who expose themselves to the evils of abortion, because the law gives them no choice. Sanger supposes that if given access to birth control, women would no longer seek abortion, and she uses wealthy and middle-class women as examples of this argument, even though Mohr (1978) documents that it was primarily white middle-class women who sought abortion during its era of illegality. If the historical data are correct, Sanger’s description of the working-class woman as martyr could only have been constructed to produce a disciplining and patronizing effect: If these women want to actualize the middle-class values of self-control and freedom, which Sanger explicitly alludes to in the previous quotation, they must distinguish between birth control and abortion. Her writing, although it seems to be addressing the conditions of a working-class population, actually functions as a disciplining tactic for middle-class women, as a means to differentiate them from the victims of abortion. In other words, her logic implies that working-class women need freedom *from* abortion, because they need the protection of law—supposedly to

protect them from the harm of abortion—while to be a wealthier woman means to know how to access the freedom *to* reproduce according to one's own self-will.

In her autobiography (1938), Sanger describes two trips she took, one to Germany in 1920 and the other to Russia thirteen years later, to promote birth control and learn about new contraceptive methods that she might export back to the United States. In both countries, she discovered that abortion rather than birth control is the primary means to prevent unwanted children. When she questioned a German doctor about his choice to perform abortion rather than offer women contraceptives, he replied: "We will never give over the control of our numbers to the women themselves. What, let them control the future of the human race? With abortions it is in our hands; we make the decisions, and they must come to us" (286). To Sanger's horror, she found that most German doctors she met had a similar response. Her dismayed reaction to German birth-control policy was not only rooted in their use of abortion instead of contraception, but also in the lack of control women had over their reproductive lives. The doctor clearly told Sanger that reproduction was too important to allow women to make their own choices, and therefore it had to be regulated by male doctors and the state—which denied women any option but abortion. Her conversation with the German doctor served as evidence for her that while birth control provides women with the freedom to control their reproduction, abortion strips them of that right. Her later visit to Russia revealed a similar opinion about abortion, but also demonstrated Sanger's more complicated eugenics-based position.

In Russia, as in Germany, Sanger documented a concern with population decline and a concerted government effort to encourage people to reproduce more. Sanger met with Dr. Kaminsky, secretary of the Commissariat of Public Health, and questioned him about whether Russia had a policy to "control families." She added: "I know you have much freedom for women and a fine technique for abortions. . . . Four hundred thousand abortions a year indicate women do not want to have so many children" (449). Kaminsky evasively responded to Sanger by not addressing Russia's abortion policy, but simply insisted that Russia desired an increase of population in both skilled and unskilled workers. In fact, Kaminsky's emphasis on Russia's desire to increase its labor pool suggested that he was informing Sanger that his country refused to engage in a birth-control policy based on eugenics. Thus, in assessing Russia's population growth, Sanger wrote:

I considered Russia's situation very serious. . . . Unless she looked ahead and educated her people in the problems which arose out of population, within two generations she would find herself with the same differential birth rate then existing in England and the United States. It would, however, have much more tragic consequences since it would lower the augmentation of the capable, skilled, shock troops of industry, the idealists and active, selfless

workers, and would multiply from the bottom unskilled, ignorant, dull-witted workers, the superstitious element which even the greatest efforts of a Soviet dictatorship running at top speed could not pull up and out of their evolutionary environment. (451)

Here, Sanger revealed her belief that a country with only an abortion policy cannot properly practice eugenics and will thus be left with a degenerate population. In her analysis of the situation in Germany and Russia, her anti-abortion position rested on desiring more control for women so that they had the freedom to prevent pregnancy. At the same time, she maintained that as long as abortion was legal or accessible, then women would not learn to be self-controlled and unwanted pregnancies would continue to occur. She concluded that this practice would eventually lead to the demise of the population. Implicit in her analysis is that as long as abortion was the only means to limit family size, people would remain uneducated and unregulated as the “dull-witted” workers reproduced, while perhaps occasionally seeking abortion—a practice Sanger called “a cruel method of dealing with the problem because abortion, no matter how well done, is a terrific nervous strain and an exhausting physical hardship” (449).

Ellen Chesler (1992) argues that Sanger dissociated abortion from contraception to make her arguments for legalizing birth control more palatable to contemporary legislators, and that Sanger took this position because “[i]n respectable circles, illegal abortion was universally condemned as primitive, dangerous, and disreputable” (271). Following a similar line of argument, Joan Jensen (1981) traces the evolution of Sanger’s position in *Family Limitation*, a pamphlet of Sanger’s that provided information for women about contraception, sex, and, in the early days of its publication, abortion. Initially printed in 1914, the pamphlet went through several revisions, including one in 1921 that expurgated information about abortion techniques. From its first to ninth editions, Sanger advised women in the early stages of an unwanted pregnancy to take quinine to “restore the menses.” However, she warned that this procedure might not work past the first month of gestation, and that women further along should consult a doctor (Sanger 2003, 88–89, 359).

By its tenth edition, Sanger had omitted this advice. Jensen contends that this shift in position is reflective of Sanger’s move to more right-wing politics, away from her earlier socialist-inflected stance. As institutionalized support for birth control from radical organizations waned, Sanger strategically approached middle-class suffrage organizations and other liberal feminists for financial and political support. Additionally, *Family Limitation* faced threats from postal censors, who under the 1873 Comstock Act deemed the material obscene and inappropriate for public circulation. Jensen argues that the combination of political changes and personal hardship pushed Sanger to revise the tenth edition of the pamphlet so that no references to abortion, either direct or oblique,

were included.⁶ Jensen views these edits as purely pragmatic: Sanger needed a new source of funding, and she found one most readily in a more conservative middle class.

Was Sanger's view rooted in sheer pragmatism as Chesler and Jensen suggest? A closer look at Sanger's writings on abortion, including her personal letters to friends and political associates, reveal a more complicated position. These writings evince that her stance on abortion changed as she became more concerned with medical issues, health, and what was then popularly called "dysgenics"—the passing on of negative traits to progeny. In a letter to her friend and activist ally Marie Stopes, one of the leading birth-control activists in early twentieth-century England, Sanger revealed her ambivalent feelings about abortion. She confided that she understood that women resorted to seeking abortion out of desperation, but she also stressed her firm belief that once contraception was legal and accessible, the necessity for abortion would be eliminated (Sanger 2003, 164–66). Thus she justified her condemnation of abortion as a practice that would soon become null if her efforts succeeded.⁷

By the time she started publishing *BCR*, Sanger was intent on putting forth her anti-abortion position, and her tactics were so forceful that it is difficult to consider them merely an attempt to please an anti-abortion public. In November 1917, she wrote a letter to the editor of *Medical World* expressing her dismay that the American Medical Association approved of laws that allowed women access to abortion if continuation of pregnancy would severely impact their health. Sanger angrily wrote that "abortion laws were broad enough to allow in such cases a 'duly licensed physician' to perform an abortion in order to save the life of either the woman or the child. It all seemed such a chaotic state to me—that it was perfectly legal to go thru the sufferings of an abortion, but illegal to prevent conception" (Sanger 2003, 199).⁸

This was a position she would put forth in many of her arguments against abortion in *BCR*. Furthermore, she widely publicized stories about the "dangers" of abortifacients; she believed that if a woman did not successfully abort her pregnancy using these drugs, the fetus would be negatively impacted and the woman had a high chance of giving birth to an infant with defects (see Sanger's *Women and the New Race* 1920, 126–27). She continually stressed that her opposition to abortion was based on health factors, citing statistics (miscalculated in the above quotation according to the editors of *The Selected Papers of Margaret Sanger* [Sanger 2003]) about the number of women who died during or after the procedure (Sanger 2003, 381). Thus, she emphasized that if she sought to outlaw abortion, it was only for women's own protection, because she aimed to grant them the freedom *from* the dangerous effects of abortion.

In reading Sanger's work, Lealle Ruhl (2002) points out that Sanger's fight to legalize birth control rests on two separate platforms. On the one hand, she argued that until birth control was accessible, women could not be free and equal citizens; birth control was a feminist issue. Yet, on the other, she also

stressed that birth control was necessary to prevent overpopulation, especially since “dysgenic types” tended to produce the most children. Ruhl notes the slipperiness between these two positions: one demands that women have the freedom to control their bodies, whereas the other argues for the medical management of “unfit” women and their reproductive functions. Subtending these positions, Ruhl sees Sanger as putting forth an argument about responsibility, stating that women “need to uphold their end of the bargain of reproductive freedom: Contraception in exchange for a guarantee to act ‘responsibly’ where reproductive decisions are concerned. . . . To act responsibly means to conform to an essentially middle-class, educated, and scientifically oriented worldview” (656).

Sanger’s contradictory programs point to the slipperiness of the language of rights, choice, and control. Rights and choice are *granted* to individuals when they can prove themselves to be responsible citizens, abiding by certain normative conditions. And as demonstrated most clearly by current federal abortion laws that set age limits on who can responsibly seek an abortion without guardian permission and that force women to view fetal ultrasounds so that decisions can be *responsibly* made, the discourse of self-control itself disciplines subjects into normative categories. In Sanger’s writings, abortion comes to represent irresponsible and reckless behavior, meant to highlight how the use of contraception can construct a self-controlled woman, one who can responsibly choose when pregnancy occurs. Sanger was invested in constructing a birth-control discourse that both managed and disciplined bodies. Furthermore, she appealed to class status in her constructions of familial and reproductive norms: Subjects *should* be properly interpellated, and if they refused to be, they were abnormal and needed to be managed or else they posed a threat to the supposedly well-managed, properly demarcated American.

Exposing Frauds Through Family Values

Anthony Comstock is perhaps best-known for his anti-prostitution and anti-obscenity reforms. In 1872, the U.S. Congress, after pressure from his organization, the New York Society for the Suppression of Vice (NYSSV), and the Young Men’s Christian Association (YMCA), passed what are now known as the Comstock laws, banning all forms of “erotic” material, from the distribution of pornography to the availability of contraception.⁹ Even information about how to limit family size was deemed obscene under these laws, and Comstock himself volunteered to sort through the mail at the post office to seize any material that was suspect. Although Comstock never attacked access to abortion specifically, he classified abortion with all the other immoral acts and ideas that he saw corrupting American society. The language of his act concerning abortion reads:

Every obscene, lewd, or lascivious, and every filthy book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character, and every article or thing designed, adapted, or intended for preventing conception or producing abortion, or for any indecent or immoral use; and every article, instrument, substance, drug, medicine, or thing which is advertised or described in a manner calculated to lead another to use or apply it for preventing conception or producing abortion, or for any indecent or immoral purpose; and every description calculated to induce or incite a person to so use or apply any such article, instrument, substance, drug, medicine, or thing—Is declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier. (18 USC Section 1461)

Comstock, even more than Sanger, was explicitly engaged in a discourse of protection and a concern for freedom *from* harmful materials and practices. By deeming any abortion-related instruments and information “nonmailable,” the law allowed for a breach of privacy, because a postal agent could open any suspect package or letter. Yet, this violation of privacy was justified because it provided a freedom *from* “indecent” materials that could infiltrate innocent lives.

Comstock’s response to the case of Cora Sammis in his book *Frauds Exposed; Or, How the People Are Deceived and Robbed, and Youth Corrupted* ([1880]1969) illustrates this point more precisely. Here, Comstock writes about Sammis, a twenty-two-year-old woman from a middle-class home who sought an abortion after she became pregnant. Although she was engaged, both she and her fiancé agreed to seek an abortion before the marriage. Unfortunately, Sammis died shortly after the procedure, and her abortionist was arrested and imprisoned. In response to the case, Comstock lamented “the anguish of the parent who wakes up to the knowledge that the beloved child is debauched” (43). Interestingly, Comstock decried Sammis’s abortion more than her death, and contended that her parents’ pain must come from knowing that their daughter was led astray even more than from the loss of their child. In great detail, he imagined how Sammis’s father must have felt as he received news that his daughter had died of an abortion, and he urged his reader to aid in abolishing this daughter-destroying practice. Sammis is portrayed as an innocent victim, one who fell into the hands of the wrong people and was thus defiled. Employing this logic, he urged his readers to agree that young women like Sammis must be protected and freed from the harmful agents that circulated unfettered in American society.

Comstock’s encounter with the infamous New York abortionist Madame Restell is another example of his relentless anti-abortion pursuits. Restell’s given name was Anne Lohman (sometimes also printed as Caroline Lohman). An immigrant from England, Madame Restell sold pills that claimed to abort fetuses. Her business was so successful, she moved to Fifth Avenue in New York City and worked among the most elite New Yorkers, many of whom were her

clients. Comstock initially pursued Restell on a dare that he could not succeed in finding grounds for her arrest, despite the fact that the nature of her practice was an open secret. In 1886, Comstock went to Restell's home disguised as a man seeking to help his pregnant lover obtain an abortion. When Restell agreed to sell him an abortifacient, he arrested and charged her with distributing illegal and obscene material. Before Restell's case came to trial she committed suicide, which stirred much controversy in the New York media. As sociologist Nicola Beisel (1997) documents, most of the circulating newspapers condemned Restell, although the *World* also denounced Comstock for luring the woman to sell him an illegal product. In the words of the newspaper, "[n]o matter what the wretched woman was who took her life with her own hand yesterday, *her death has not freed the world from the last of detestable characters. Whatever she was she had her rights*" (47; emphasis added). The *World's* representation of the case again points to an important tension in discourses of freedom. Although the editorial asserted that Restell had rights, which Comstock violated when he tricked her, it also contributed to Comstock's conviction that to rid the world of debased people like Restell was to free us *from* their dangerous influences.

Historian Janet Brodie (1994) notes that Comstock frequently passed moral judgment on women he deemed immodest. As she explains it, Comstock viewed women who put effort into their appearance as seeming "too independent, not 'belonging' to any man" (273). Brodie traces Comstock's involvement in curtailing contraception access to his conflict with Victoria Woodhull, the nineteenth-century feminist and "free love" activist, who was also the first woman to run for President and become a stockbroker on Wall Street. According to Brodie, Comstock felt threatened by Woodhull, because she was precisely the type of woman who refused to belong to any man and insisted on pursuing ambitions that were usually reserved only for men. Comstock had Woodhull arrested on charges of libel, only to face humiliation when the judge dismissed the case. Brodie notes that the case reflected so poorly on Comstock that both the YMCA and his sympathetic biographer made no note of the incident in their records. Soon after this setback, he began his aggressive campaign to outlaw access to abortion and contraception. Brodie argues that the proximity of these two events suggests that Comstock, after his failure in prosecuting Woodhull, became driven to root out the causes that he saw "ruining" women. Implicit in this new quest was Comstock's concern with containing female bodies that could potentially exceed what he viewed as the norm for family, reproduction, and sexuality.

Comstock's construction of these norms was tied to ensuring the hegemony of the middle-class family—a construction that in the late nineteenth century was built on the subservient positions of women and children. His commitment to "respectability" was tied to a classed notion of family. For example, in his description of Cora Sammis, he bemoaned the loss of a daughter in "a respectable" family—one that went to church and lived in a "quiet village on

the eastern end of Long Island” (Brodie 1994, 417). In other words, this family had all appearances of existing apart from the moral debauchery to which Comstock dedicated his life to eradicating. In this example, as in others, Comstock revealed that he is most intent on protecting the Christian, middle-class family from the seedy elements infiltrating society. Thus, his polemic against open displays of sexuality in general became a technology for regulating and controlling the bodies that posed the greatest danger to hegemonic norms.

Worse yet was when people from a “good, upstanding home” were so polluted by lust and desire that they began to embody the moral degradation of society—a slippage difficult to return from. As Comstock preached: “Lust defiles the body, debauches the imagination, corrupts the mind, deadens the will, destroys the memory, sears the conscience, hardens the heart, and damns the soul. . . . Like a panorama, the imagination seems to keep this hated thing before the mind, until it wears its way deeper and deeper, plunging the victim into practices he loathes” (Brodie 1994, 416). Clearly, Comstock was focused not only on protecting society—and Christian families in particular—from debauchery, but also on protecting individuals from themselves. He did not merely fear evil men (or women) who seduced innocent persons, but he also depicted lust as affectively entering the bodies of the seducers and turning them into something/someone they were not. “The victim,” as Comstock wrote, was most often a young man or woman from a “good” middle-class home who became drawn in by more powerful forces to become the immoral debaucher he was never *intended* to be. And what *Frauds Exposed* made clear was that Comstock viewed abortion, or the possibility of abortion, as one of those dangerous moments: Once abortion was inflicted, the subject quite literally aborted her possibility of returning to the respectable positions of her birth. Thus, Comstock’s work was bent on preventing women from having access to abortion so that they could be protected and freed from being victims that acted against their own best interests.

Procreative behavior is socialized to interpellate reproducing subjects into an ethic of “responsibilization,” so that reproduction can be controlled through generating particularized knowledge about what constitutes responsible behavior.¹⁰ This ideology is precisely what Comstock constructed to regulate sexuality and to tie it to a number of other “perverse” acts and discourses. By lobbying for laws that banned the distribution of obscene materials and the practice of abortion, because innocent women would then be protected, Comstock’s anti-abortion measures not only outlawed abortion, but also discursively framed women as potential victims that needed discipline and security.

Comstock differed from Sanger in that he refused to allow for the possibility that women could be self-controlled citizens; for him, the ability to be responsible was tied to masculinity, which was why he only imagined how Sammis’s father felt after her death and why women like Woodhull and Restell were so threatening. In Comstock’s world, men must be disciplined so that

they can protect and rein in women. As Sally Shuttleworth (1990) writes about Victorian body politics:

Notions of gender differentiation fulfilled the ideological role of allowing the male sex to renew their faith in personal autonomy and control. Unlike women, men were not prey to the forces of the body, the unsteady oscillations of which mirrored the uncertain flux of social circulation; rather they were their own masters—not automatons or mindless parts of the social machinery but self-willed individuals, living incarnations of the rational individualists and self-made men of economic theory. (55)

This worldview aptly describes Comstock's motivation to outlaw abortion: While men should be self-willed, rational, and individualist, women are incapable of attaining these traits because of the more "natural" conditions of their bodies and therefore need to be given freedom *from* the harmful elements in society. Therefore, despite Comstock's critiques of liberals, his ideologies are ultimately embedded in a liberal construction of the state and its societal structures that discipline citizens—albeit only male ones—to be self-controlling individuals. Yet, a key point to understanding Comstock's investment in male autonomy is that the autonomous, self-willed man is also a classed construction that works to discipline middle-class men into seeing themselves according to class. Depicting men as autonomous and self-willed already imagines them as having a certain degree of disposable income or job security; when Comstock imagined the dismay Sammis's father must have felt after learning about his daughter's abortion, he appealed to a middle-class man who had the luxury of constructing a rational and individualist identity because of his class status.¹¹

Comstock's writings put forth that abortion, because it is both keenly tied to procreative behavior and presumably control, becomes a linchpin of responsabilization. Anti-abortion laws function not only to prevent the practice, but to construct a knowledge about how subjects should behave according to certain gender norms—through what is defined as "responsible" behavior—as a means of disciplining and controlling the body-as-machine, the individual, and the demarcation of populations so as to deem which bodies and populations are "deserving" of responsibility and which need to be regulated and enclosed. In other words, law functions as judgment, but it also produces subjectivity. For Comstock, a society that allowed abortion was a society in demise, because it demonstrated men's lack of control and women's exposure to lustful forces: It both disallowed men the freedom *to* and it impeded women's freedom *from*. However, more importantly, his texts became technologies of discipline through their distribution of knowledge about the supposed inherent evil of abortion, and their attempts to interpellate middle-class Americans into their disciplinary apparatus.

First Encounter: Final Thoughts

Sanger's first encounter with Comstock occurred in 1913, after Sanger had published several columns in *The Call*, a popular New York socialist daily. Her column "What Every Girl Should Know" provided women with information on topics ranging from menstruation to masturbation and was one of the first explicit sex manuals for women written by a woman. Comstock banned its circulation for several weeks, citing it for containing obscene material, although after relentless protests calling for First Amendment rights its publication was resumed (Chesler 1992, 66). Later, Comstock prosecuted Sanger's husband, William, for distributing materials related to birth control; however, during the trial, Comstock fell ill with pneumonia and died eleven days later. In her autobiography, Sanger attributed his death to William's release from jail, writing that "[t]here was a terrific demonstration in Court which made the three judges turn pale & gave Comstock a shock from which he never recovered" (2003, 165). She wrote about his death and her husband's acquittal with triumphant glee, which points to how strongly she perceived Comstock a major opponent in her fight to legalize birth control. And after all, her perception was not inaccurate, because the Comstock laws inscribed some of her major legal constraints. Yet, despite this apparent opposition, this article reveals that, in some ways, Comstock and Sanger depended upon a similar ideology.

Sanger's and Comstock's works, while seeming to profess conflicting political paradigms, actually both share discourses based on individuated freedoms that work to manage bodies and populations. They were committed to outlawing abortion by employing two intertwined ideologies. First, they argued that middle-class values were a foundation for the betterment of the race. In Comstock's logic, if abortion were outlawed, then (middle-class) families, and specifically daughters, would be protected and preserved; whereas in Sanger's logic, if access to abortion were prohibited, then people would see the need for the "cleaner," better-"controlled" form of birth control, which would also ultimately lead to a better human race. And second, both activists appealed to elements of a liberal discourse: Americans had the right to be protected, to monitor their homes, and to maintain their individualism. Neither asked about the rights of those that presented the threats, that contributed to an "unclean" America, and that destabilized the "house built on sand."

This article covers a rather long span of time, from Comstock's polemics beginning in the 1870s to Sanger's politics in the 1920s and '30s. Still, when their arguments are juxtaposed, similar principles emerge that reveal the limitations of contemporary mainstream abortion politics both on the Right and Left. Abortion debates that are rooted in discourses of rights and individual liberties are inherently limited. The discourses of Comstock and Sanger—and the gaps in them—reveal how problematic it is to support abortion by using the rhetoric of rights and choice, which can so easily be argued in reverse.

Wendy Brown (1995) presents one of the most compelling challenges to contemporary rights-based politics. She begins her speculation on the role of rights in U.S. politics by asking: “What is the emancipatory force of rights claims on behalf of politicized identities in late-twentieth-century North American political life?” (96). Brown is not interested in whether rights actually free subjects from repressive structures, but rather how rights work to shape those subjects into identity-based individuals, thus pointing to the impossibility of the universal claims that many rights-oriented arguments posit. As she astutely argues, in order to be persuasive, those arguments must provide the illusion that they are granting access based on a naturalized and universalized paradigm; however, it is precisely their ahistoricity that works to curtail their potential emancipatory force, because of the power these claims have to foreclose identity and refuse the recognition of those subjects outside its boundaries. Similarly, abortion rights maintained through legal provisions that grant either freedom *from* or freedom *to* always result in a granting of rights that is less than universal. Some populations can be excluded based on arguments that appeal to a lack of self-will, responsibility, or maturity, in much the same way that Comstock and Sanger attempted to free women from abortion for their own protection.

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Notes

1. I see the rhetorics of rights and choice as related, because they are both grounded in a liberal and individuated understanding of law: Both assume a universal, ahistoricized subject with no attention to particularities, which often make the access to rights or choice impossible or even more oppressive. There is a rich scholarship critiquing the legalization of abortion through rights and choice. See, for example, Drucilla Cornell's *The Imaginary Domain* (1995) and Ricki Solinger's *Beggars and Choosers* (2001) for a critique of choice, but a defense of rights; Rosalind Petchesky's *Abortion and Woman's Choice* (1990) for a critique of choice that avoids valorizing rights; and Mary Poovey's “The Abortion Question and the Death of Man” (1992) for a critique of both rights and choice, which the argument made here follows most closely. I will argue here that Comstock's positions, traditionally seen as conservative, contain components of liberal ideology, because they are invested in an individuated and self-controlled (male) subject.

2. Crenshaw begins her article, “Were the Critics Right About Rights? Reassessing the American Debate About Rights in the Post-Reform Era” (2000), by asserting that the era of civil rights is dead. She notes, for example, that whenever “civil rights” are invoked in legislation, the words often signal a reactionary attack on gains made during the civil rights era, such as affirmative action, thus demonstrating the slipperiness of rights language. In tracing the history of critiques of rights, Crenshaw identifies the

critics of rights as “Crits”—those that during the civil rights movement opposed the rights-based attempts to overcome U.S. racism.

3. In *Roe v. Wade*, the rhetoric of *freedom to* appears in Justice Blackmun’s opinion as follows: “This right of privacy, whether it be founded in the Fourteenth Amendment’s concept of personal liberty and restrictions upon state action, as we feel it is, or, as the District Court determined, in the Ninth Amendment’s reservation of rights to the people, is broad enough to encompass a woman’s decision whether or not to terminate her pregnancy.” And *freedom from*: “We repeat, however, that the State does have an important and legitimate interest in preserving and protecting the health of the pregnant woman, whether she be a resident of the State or a nonresident who seeks medical consultation and treatment there, and that it has still another important and legitimate interest in protecting the potentiality of human life.”

4. The April 2007 Supreme Court case decision on abortion rights, in *Gonzales v. Carhart*, made this point even more explicit when Justice Kennedy argued that “partial-birth” abortion must be outlawed to protect women from making a harmful decision for themselves.

5. For example, a Google search for “Margaret Sanger” turns up Planned Parenthood sites praising their founder for work to make birth control accessible, as well as feminist organizations exalting Sanger as a role model for women, while also revealing sites that vilify her, accusing Sanger of racial genocide for her involvement in the U.S. eugenics movement.

6. Jensen (1981) acknowledges that her theory is speculative, since the eighth and ninth editions of *Family Limitation* are missing, which perhaps could have provided important clues regarding Sanger’s seemingly new position on abortion.

7. The editors of *The Selected Papers of Margaret Sanger* (Sanger 2006) include a different reading in their notes. They argue, “since MS never strongly reprimanded BCCRB [Birth Control Clinical Research Bureau] workers Marjorie Prevost and Anna Lifshiz for referring patients for abortions, her private views may not have changed much since 1914,” referring to Sanger’s earlier more lenient view of abortion. However, as I demonstrate here, almost all of her writing, including personal letters, suggest that she did view abortion as personally irresponsible behavior, even if she was occasionally forgiving of the circumstances that led women to seek the procedure.

8. Allowing women access to abortion if pregnancies presented health risks (physical or mental) gave rise to “therapeutic abortions,” which were legal in the United States until *Roe v. Wade* made all abortions legal.

9. The official title of the law is “An Act for the Suppression of Trade in, and Circulation of, Obscene Literature and Articles of Immoral Use.” Comstock objected to the colloquial reference to this law by his name. In *Frauds Exposed* ([1880]1969), he tries to show that he was not responsible for its passing, but that several members of Congress strongly supported anti-obscenity laws and championed their passage. However, with the act’s passing into law, Comstock was made a special agent of the U.S. Postal Service, which inextricably associated him with its enforcement. These laws would not be federally overturned until the 1965 Supreme Court case *Griswold v. Connecticut*.

10. The concept of “responsibilization” comes from Michel Foucault’s *The History of Sexuality* (1990, 104–05). Foucault also adds that procreative behavior is socialized as one means to construct sexuality, which he writes should “not be thought of as a kind of natural given which power tries to hold in check, or as an obscure domain which

knowledge tries to gradually uncover” (105). In other words, there are no normative sexualities such as Comstock and Sanger wanted their audiences to believe; rather, they both constructed sexualities that fit into their political agendas, which were concerned with maintaining a hegemonic status quo.

11. My point here about how autonomous and self-willed men are a middle-class construction is also reflected in Comstock’s temperance crusades during the late nineteenth century; see Nicola Beisel’s conclusion to *Imperiled Innocents* (1997), where she argues that temperance movements were based in preserving class divisions and maintaining a well-disciplined middle class.

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