

DONNA DENNIS

LICENTIOUS GOTHAM: EROTIC PUBLISHING AND ITS PROSECUTION IN
NINETEENTH-CENTURY NEW YORK (Harvard, 2009) vii + 386 pp., 24 Illustrations

Reviewed by Paul J. Erickson

In *Licentious Gotham*, Donna Dennis offers a deeply researched and richly persuasive account of the evolution of erotic publishing in New York City—and the variety of legal efforts marshaled to combat it—from the 1820s to roughly 1890.

Although her scope covers the full nineteenth-century, Dennis foregrounds the period from 1840 to 1865, when New York firmly established itself as the center of the United States' burgeoning publishing industry, and particularly as the locus of the production and distribution of sexually explicit books, newspapers, engravings, and photographs, along with a range of contraceptives and sexual aids that may be surprising to readers who are accustomed to thinking of the antebellum period as being “Victorian” in the traditional sense of the term.

Licentious Gotham takes its place in the small but growing body of books that focus on the role of sex in urban culture (particularly in New York) in the antebellum U.S. and on the spread of sexual knowledge. The most notable of these books—which are mostly by historians—include Timothy Gilfoyle's *City of Eros: New York City, Prostitution, and the Commercialization of Sex, 1820-1890* (1992); Patricia Cline

Cohen's *The Murder of Helen Jewett: The Life and Death of a Prostitute in Nineteenth-Century New York* (1998); Nicola Beisel's *Imperiled Innocents: Anthony Comstock and Family Reproduction in Victorian America* (1998); Helen Lefkowitz Horowitz's *Rereading Sex: Battles over Sexual Knowledge and Suppression in Nineteenth-Century America* (2002); and Clare Lyons's *Sex Among the Rabble: An Intimate History of Gender and Power in the Age of Revolution, Philadelphia, 1730-1830* (2006). Dennis's book sets itself apart in two ways: through its attention to the business practices of smut dealers, and its clear presentation of the legal nuances of the shifting understanding of obscenity regulation in nineteenth-century America.

Trained both as a historian and legal scholar, Dennis chiefly examines the publishers of erotic materials rather than the texts themselves, and also the fitful attempts made by the New York police and district attorney to regulate the trade. In excavating the business practices of these entrepreneurs of printed erotica, she weaves together stories of impoverished boys who hawked licentious papers and images on New York's teeming streets with stories of a wide range of printers, lithographers, and book dealers who were willing to confront the legal risks of selling obscene materials. The latter group were motivated by potentially huge profit margins: by the 1870s, they could earn profits anywhere between 300 and 500 percent, compared to the 10-20 percent returns that legitimate publishers typically earned (277). But they all braved the law, undeterred by occasional waves of prosecution. Intersecting with the business histories of the frequently-pseudonymous firms that participated in the incipient pornography business is a story about law enforcement, a shifting political landscape, and changing ideas about

what “obscenity” actually was. Anthony Comstock, the anti-smut crusader whose story closes the book (and the namesake of the Comstock Act), is the figure that will be familiar to most readers, but Dennis sheds light on earlier New York reformers and politicians of varying degrees of diligence: John McDowall, whose battle against prostitution sparked outcry over the city’s sexual immorality during the 1830s; James Whiting, the district attorney in the early 1840s, who led the first crackdown on obscene publications in the city; and A. Oakey Hall, a member of the Tweed Ring who, as district attorney and later mayor of New York, turned a largely blind eye to the exploding pornography trade.

Throughout the work, however, Dennis’s main “protagonists” are a virtually unknown group of entrepreneurs in nineteenth-century New York’s teeming world of print. According to Dennis, they helped to create what “would soon become a sweeping, nationwide market for pornography” (6). They included George Akarman, William Haines, and Richard Hobbes, who combined to dominate the market in printed erotica in antebellum New York, particularly for expensive illustrated editions; the lithographer and political cartoonist Henry R. Robinson, one of the leading boosters of the Whig Party in 1840s New York, who also happened to be the city’s premier dealer in pornographic prints; and Frederic A. Brady, who sold vast amounts of cheap fiction during the 1850s and 60s, both titillating “racy” stories and more explicit “fancy” novels, many of which were circulated to Union soldiers during the Civil War.

Dennis's argument is two-fold. The first part is an only-in-New-York story, that local conditions in New York offered a unique environment for the creation of a successful trade in erotic literature. Since the publishing industry in the antebellum U.S. grew most explosively in a city characterized by relatively *laissez faire* local regulation of sexual matters (particularly when compared with other large cities in the period, such as Boston or Philadelphia), publishers of pornography were able to develop sophisticated and diversified businesses there. The second and more salient argument is that "participants in the erotica trade, far from being cowed by the forces of decency or by threats of imprisonment, repeatedly turned ostensible conditions of repression into opportunities for promotion and profit" (8-9). Thus, Dennis concludes that "the world of obscenity law and the domain of erotic publishing influenced, sustained, and promoted each other during the formative periods of their development in the United States," with new legal restrictions giving rise to new modes of producing, selling, and distributing pornography, which in turn generated new techniques for regulation and prosecution (11). While this argument clearly is influenced by Michel Foucault's thesis (in *The History of Sexuality*) that the "repression" of sexuality actually served to constitute sexuality and promote sexual discourse, it is to Dennis's credit that her book wears its theoretical apparatus very lightly.

The eight chapters of *Licentious Gotham* range from the early nineteenth century to the 1880s, following a roughly chronological order. The first chapter helpfully surveys the state of legal thought regarding obscenity from the late eighteenth century to the 1830s, and covers some of the earliest American obscenity prosecutions. The second

chapter deals with the emergence of the “Flash Weeklies” in New York in the early 1840s. Known by titles such as the *Flash*, the *Libertine of New York*, and the *Weekly Rake*, and written in an irreverent, cheeky tone, these weekly newspapers regaled a readership of young urban “sporting” men with evaluations of various New York brothels and individual prostitutes. These papers also sought to expose the sexual peccadilloes of individual New Yorkers (and perhaps to blackmail them), which led to their initial legal trouble, for several of the editors were prosecuted for libel. (For more on these papers, along with representative excerpts, see Patricia Cline Cohen, Timothy Gilfoyle, and Helen Horowitz, eds. *The Flash Press: Sporting Male Weeklies in 1840s New York* [2008]). The final two chapters of the book deal with Anthony Comstock and his role in implementing new, much more comprehensive strictures against the publication and distribution of sexually explicit materials in the 1870s and 80s (regulations that, perhaps most notably, also prohibited the mailing of printed matter dealing with contraception or abortion). Since Comstock is perhaps one of the easiest targets of mockery in nineteenth-century America, Dennis does well to avoid painting him as an overzealous, undersexed rube. Instead she highlights his legal acumen and his cunning in using the methods of the pornographers in his campaign against them (268-69).

The heart of *Licentious Gotham*, however, and what makes it truly groundbreaking, is the research contained in Chapters 3-6, which outline the business practices of antebellum New York’s leading pornographers and trace the ways in which they altered their behavior in response to new legal threats. This story really begins in 1842, when the U.S. government prohibits the importation of obscene books and images,

unintentionally sparking a wave of import substitution that would result in the creation of a domestic porn industry based in New York City. The publishers featured in these chapters—Richard Hobbes, William Haines, George Akarman, and Jeremiah Farrell—are names familiar only to a small group of specialists in nineteenth-century obscenity, and until now we have known very little about them. While many details about them remain hidden, Dennis’s comprehensive research does a great deal to shed light on who they were and how they worked, even if they can never come fully alive. From research in New York court records, from extensive reading in the antebellum New York press, and most notably from studying the records of the R. G. Dun credit reporting agency (now held at the Baker Library of Harvard Business School), Dennis offers a never before seen picture of how the nineteenth-century smut business actually operated, and she details the strikingly innovative ways in which these publishers responded to changes in legal efforts to shut them down. (She also notes that none of the pornographers who was arrested ever attempted to defend their actions with a First Amendment argument, a difference from current understandings of legal strictures on publishing that could have been examined at greater length.)

The most intriguing example of this cat-and-mouse game is that of George Akarman, who in 1856 began publishing an obscene newspaper, *Venus’ Miscellany*, targeting a middle-class, national readership. Where the earlier “flash” papers had been intensely local, focusing on specific details of New York’s sexual subculture, Akarman’s paper had no geographic locale in mind for its strikingly explicit sexual tales and illustrations. The paper’s most notable feature, in Dennis’s telling, are the “letters” from

“readers” (likely written by Akarman himself) proclaiming their love for the *Miscellany* and testifying to its usefulness in spicing up the sex lives of married couples; in the process, it set explicit sex scenes in the home rather than in the street or the brothel. One correspondent, “Maria,” describes how, inspired by scenarios described in the *Miscellany*, she began a lesbian relationship with her married neighbor, “Mrs. S.” Maria’s husband, far from being put off by the news, declared that “he must be a witness of the scene,” and the episode ends with the three characters entangled in a *ménage a trois* (178).

Akarman knew that his paper would have been considered obscene even by the relatively lax New York courts. His solution—based on a view of the American legal system rooted in theories of federalism—was to distribute *Venus’ Miscellany* only through the mail, thus selling it in every jurisdiction *except* New York City. Like most Americans, Dennis writes, Akarman “conceived of morals regulation, including obscenity prosecutions, as a function of local, or perhaps state, governance...” (182). So instead of reaping profits by selling his paper at local bookstalls and through street vendors, he tried to create a national market for Gotham-produced pornography. He still ran afoul of the law. In the wake of complaints from out-of-state sources (the parents of a boy who had received Akarman’s catalogue in the mail), New York authorities arrested him twice, raiding his warehouse and seizing thousands of sexually explicit books and prints, along with many books that were merely “racy” rather than obscene, or “fancy.” But Akarman pressed on. Though he ceased publishing the *Miscellany* in 1857, he kept

producing pornography until 1872, eventually selling his remaining stock and stereotype plates to a young Anthony Comstock, who destroyed them.

Filled with stories of the louche demimonde of antebellum New York, *Licentious Gotham* has more than enough excerpts from the works described to make for lively reading. (It also contains some illustrations that are sufficiently explicit to make for some slightly awkward sidelong glances on a crowded subway or airplane.) So besides being enormously informative, Dennis's book is also a lot of fun to read. But the quoted passages (and the illustrations) are not simply window dressing, for they help Dennis clarify the distinction between works labeled "racy"—which often featured titillating scenes of sexual activity that stopped just short of any explicit description, thus treading the legal side of the obscenity line—and those marketed as "fancy," which were significantly more explicit and were also more likely to be illustrated.

Some of the finer points of the distinction Dennis draws between raciness and obscenity, however, might be questioned. Indictments for obscenity, she writes, show that what authorities found "most offensive were often representations of female sexual desire or sexual pleasure, usually narrated by women in the first person" (96). In suggesting an "emerging connection between female erotic subjectivity and obscenity," Dennis does not sufficiently address the much larger body of sensational antebellum writing that engages in what one critic referred to as "literary coitus interruptus." Produced by authors like George Thompson (whom she discusses) and George Lippard (who is not mentioned), these narratives also often featured sexually voracious women

(who are typically not satisfied by their elderly husbands) but stopped short of the explicit description that would have made the stories subject to prosecution as obscene. Clearly, then, it is not simply *who* is shown enjoying sexual activity (or whose perspective it is narrated from) that matters from a legal perspective, but *what* is being described (and, often, illustrated). Greater attention to a wider body of sensational literature might also help highlight the ways in which female sexual agency often resulted in violence against women. (As Dennis notes, American erotica of the period was notable for its lack of violence, while other sensational genres were bloody beyond belief).

This book offers relatively little literary analysis of specific texts that will be familiar to students of literature. The works repeatedly invoked in antebellum indictments for selling obscene books—a sort of canon of smutty “steady sellers”—include such largely forgotten titles as *The Curtain Drawn Up; or, The Education of Laura*; *The Life and Adventures of Silas Shovewell*; *The Lustful Turk*; and *The Secret Habits of the Female Sex*. Perhaps the only title that was regularly prosecuted as obscene and that contemporary literary scholars will recognize is John Cleland’s *Memoirs of a Woman of Pleasure*, better known as *Fanny Hill*. But for readers in any field who are interested in the rise of the “obscene” as a literary category, and who wish to know more about the long dance of mutual innovation between producers of pornography and those who sought to regulate it, *Licentious Gotham* is essential reading.

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