Annie Besant, born 1847
In 1798, Thomas Malthus, an English clergyman, published “An Essay on the Principle of Population” in which he outlined the problem with population growth. Wages and labor were not keeping pace with the growth of the population, resulting in the reality of poverty for the common man in England. Malthus noted that the 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. He wrote, “It is clearly the duty of each individual not to marry till he has a prospect of supporting his children.” In his essay, Malthus endorsed restraint from both marriage and the production of a family on the part of all humanity. If men were to wait and marry

3 Ibid.
only once they had achieved substantial means of support, then marriages would occur later in life causing the population to grow more slowly, and couples that produced children would not be destitute. The idea of alleviating poverty through control of family growth carried on into the 19th century and contributed greatly in the debate concerning use of birth control. Francis Place, a self-made tailor, became the first English writer to publish material delineating and advocating birth control. Over a period of more than twenty years, Place worked as a Neo-Malthusian propagandist and published several editions of a pamphlet, first entitled “To the Married of Both Sexes” that 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 in England that was accessible financially and intellectually to the common English people. Place’s handbills grew popular among the common people, spreading quickly across England from London to Manchester. Works advocating birth control

4 Malthus himself never advocated use of birth control, only “moral restraint.”
5 Chandrasekhar, 14-16. Born in 1771 to a poverty-stricken family, Place climbed the social ladder, established his own tailoring business, and retired in 1816 to a life of political activism. His publications concerning birth control were only a small part of his political career which largely concerned “Combinations,” or trade unions.
6 Ibid., 73. The term “Neo-Malthusian” came into popular use in the late nineteenth century and is defined as “the ‘theory’ that accepts the Malthusian fears about the danger of overpopulation while rejecting Malthus’s proposed solution of moral restraint—involving postponement of marriage until a couple was able to support children—as being unrealistic.” However, c. 1850 the term was twisted to refer to those who advocated contraception as a form of population control—an idea expressly rejected by Malthusian theory.
7 Ibid., 17. Later two versions were published under the alternative titles, “To the Married of Both Sexes in Genteel Life,” and “To the Married of Both Sexes of the Working People.”
8 Ibid.
control continued to spread further through publications by freethinking authors such as Richard Carlile, and Austin Holyoake. In America, too, birth control advocacy grew, particularly after the publication of Dr. Charles Knowlton’s book, *Fruits of Philosophy*, published in 1832. This book, published as a medical treatise written by a qualified doctor for the edification of the general populace, became the centerpiece for a battle for freedom of the press and the legitimacy of birth control in England. After Charles Watts’ arrest for the publication of Dr. Knowlton’s book, Charles Bradlaugh and Annie Besant, Neo-Malthusians and freethinkers, purposefully published the book with the intention of their own arrestation. In the trial that followed, Bradlaugh and Besant fought for the right to publish information about methods of birth control because they saw the opportunity to make societal advances in two ways: securing rights for freedom of the press, and providing assistance for poverty relief by making information available to the common people concerning methods of population control.

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9 Freethinking 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.


11 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*.

12 Ibid., 19, 23. In America, Robert Dale Owen also published on contraception in *Moral Physiology, or A Brief and Plain Treatise on the Population Question*, after discovering Carlile’s work being secretly distributed.

13 There is some variance concerning the *Fruits of Philosophy*’s medium of publication. Some historians label the work a book, and others call the work a pamphlet. For the purposes of this paper, *Fruits of Philosophy* will be referred to as a book throughout.
Dr. Knowlton’s *Fruits of Philosophy* first came to England in 1833 and, although popular, the book did not receive any serious public attention until the trial of Charles Watts in 1877. First published by James Watson, Austin Holyoake, and then by Charles Watts, the book sold more than 40,000 copies in England before 1877. 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. Under this title, the book sold quietly and without incident until, in 1876, Henry Cook published a variation on Watts’ edition that featured a title page and two illustrations that were not previously included. Cook, a bookseller formerly imprisoned for selling pornographic material, was tried for publishing indecent material yet again, and the book was branded as “obscene” literature. When Cook lost the case in December for selling the book in Bristol and sentenced to two years in prison, Watts took swift action in London to suspend the sale of *Fruits of Philosophy*. Even though Watts’ edition did not include the illustrations that caused Cooks’ arrest, the London police arrested Watts in January of 1877 for selling a book now labeled “obscene.” For help in the case, Watts appealed to Charles Bradlaugh, his close friend, fellow freethinker in the National Secular Society, and co-worker in the publication of the *National Reformer*.

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14 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*.
15 Ibid., 26.
16 Chandrasekhar, 26.
18 Ibid., 44-45.
Bradlaugh urged Watts to fight for the right to publish the book as a statement concerning the freedom of the press. Badly shaken by the arrest, however, Watts finally pleaded guilty in February of 1877, and was discharged with a fine of £500, of which he ultimately paid only £25. The disagreement over Watts’ guilty plea marked the breaking point of Watts’ friendship and working relationship with Bradlaugh, and also fueled the beginning of a third trial concerning *Fruits of Philosophy*—one that would challenge the concept of the freedom of the press. Frustrated with Watts’ guilty plea in a case he considered to be infringing upon the freedom of the press, Bradlaugh and his close cohort Annie Besant decided to take the book to court themselves to establish the right to publish such works.

Bradlaugh and Besant were well equipped to fight for the right to publish *Fruits of Philosophy*. 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 became 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 renowned figure through election to Parliament in 1886. Initially losing an election in 1868, Bradlaugh ended his long political struggle by being allowed, as a confirmed

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19 Ibid., 47.
20 Chandrasekhar, 78. Previously the printer and a sub-editor under Bradlaugh for the *National Reformer*, Watts was asked to resign after he pleaded guilty, and his position taken by Besant. Watts then joined the *Secular Review*, rival of the *National Reformer*, and left his position as secretary of Bradlaugh’s National Secular Society.
21 Ibid., 78.
atheist, to affirm the Parliamentary oath rather than actually take the oath, which called upon God as a witness.22

Born in 1847, Annie Besant began her career with humble origins, like Bradlaugh, but gained more formal education than Bradlaugh early on, being one of the first women to attend London University.23 As talented speakers, Neo-Malthusians, and atheists, Besant and Bradlaugh had much in common. Although she desired to be a revolutionary thinker, Besant is primarily remembered for her work as an expert publicist and propagandist.24 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.25

Bradlaugh and Besant’s most notable work together was their defense in trial concerning Fruits of Philosophy, for which they provoked arrestation in order to fight the outcome of Charles Watts’ trial that declared the book “obscene” and therefore illegal to publish. After Watts’ removal from his position in the National Secular Society and the National Reformer, Besant and Bradlaugh went into business together to create the Freethought Publishing Company, with Besant as sub-editor under Bradlaugh.26 Under their new publishing company, Besant and Bradlaugh intentionally published the banned book, Fruits of Philosophy, sans Cook’s added illustrations. Besant wrote a preface declaring their intent to challenge Watts’ plea of “guilty” and to bring the book to court

22 Ibid., 28-29.
23 Ibid., 29-30.
24 Ibid., 34.
25 Manvell, 31.
26 Ibid., 46.
for a complete and thorough trial. 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 including details concerning the time and place of the book’s sale. Owing to the attention now drawn to *Fruits of Philosophy*, over five hundred copies of the book sold within the first half hour, whereas previously, the book sold only seven hundred copies annually. After a plain-clothes police officer purchased a copy of the book, 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.

Leading up to the trial in June, Bradlaugh and Besant underwent three separate hearings on April 6, April 17, and finally May 7. Gaining notoriety and confidence, the lull between the hearings gave Bradlaugh and Besant a chance to increase public knowledge of the case and solidify their arguments. Besant’s speech at the second hearing was printed in two newspapers and even sent abroad to Germany for publication. *Fruits of Philosophy* sold 133,000 copies between March and June as news of the trial spread. Bradlaugh gained even more recognition of the case by applying to transfer the case to the Queen’s Bench in order to be heard by a special judge and jury. Because the court considered the case as a matter of human interest, the application was allowed.

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28 Manvell, 49, 55.

29 Chandrasekhar, 37; Manvell, 48.

30 Manvell, 51.

31 Ibid., 51.
Bradlaugh and Besant were tried before the Queen’s Bench by Lord Chief Justice, Sir Alexander Cockburn on June 18, 1877. Sir Cockburn chose to try the case himself because his earlier ruling during the Hicklin case had set the precedent for determining whether or not written work would be considered obscene. In 1868, Sir Cockburn defined obscene literature in such a way that any publication that included material that may corrupt the young with impure thoughts was considered obscene, 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, and used to condemn the entire work. Under the Obscene Publications Act of 1857, Bradlaugh and Besant were tried for criminal offense for publication of a book that might be ruled obscene. However, 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. However, despite any confusion or delay, the trial commenced on June 18 and consisted of Magistrate Sir Cockburn presiding, and prosecutor Sir Giffard against defendants Bradlaugh and Besant, who chose to represent themselves in court.

32 Chandrasekhar, 37; Manvell, 61
33 Manvell, 51. The Hicklin case of 1868, initially under the magistrate Hicklin, was a case 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.
34 Ibid., 52.
35 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.
36 Ibid., 37.
Fruits of Philosophy was first put on trial because of Cook’s added illustrations. Furthermore, it was questioned because of its subject matter concerning conception. Finally, Bradlaugh and Besant’s intention to publish the work brought it to the court again. Although the book in question contained topics of a sexual nature, Fruits of Philosophy was written to be a medical treatise intended to educate readers on medical truths of conception, not as an explicitly sexual work. Although Cook’s illustrations may have been overly sexualized, Dr. Knowlton wrote his book in a professional, scientific manner. The book included a preface by Dr. Knowlton in which, somewhat erroneously according to Bradlaugh and Besant, he explored the nature of human desire, and then began the book with a chapter elucidating Malthusian theory and the necessity of population control. The second chapter, “On Generation,” introduced controversial material as Dr. Knowlton explained in detail the current theories of conception and functions of female reproductive organs. After explaining the process of conception, Dr. Knowlton related methods of controlling conception in the third chapter, “Of Promoting and Checking Conception.” Finally, ending the book with a chapter entitled, “Remarks

37 Knowlton, Fruits of Philosophy in author Chandrasekhar, 105.
38 Chandrasekhar, 65-75; Francis Place. To the Married of Both Sexes. In “What Is Love?” The Republican 11, no. 18 (May 6, 1825): 545-576, edited by Richard Carlile, 561-562. (London: R. Carlile, 1825), 545. Several methods of contraception were advocated in the nineteenth century; Dr. Knowlton primarily promoted the idea of a vaginal douche after coitus, and cited withdrawal as the most certain method. Dr. Knowlton also suggested the method endorsed by Francis Place - 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.” Richard Carlile and Robert Dale Own recommended condoms as another method of birth control, and Austin Holyoake advocated the safe-period method. Also know as the rhythm method, the safe-period is 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. The safe-period method, however, was unreliable, as were most of the contraception methods in the nineteenth century.
on the Reproductive Instinct,” Dr. Knowlton finished his short book with a distinctly philosophical tone.\textsuperscript{39}

The prosecution, however, rejected the way in which Dr. Knowlton presented the material, stating that \textit{Fruits of Philosophy} promoted immorality “under the guise of philosophy and medical science” but admitting that the work was “carefully guarded from any vulgarity of expression.”\textsuperscript{40} Concluding the literature to be immoral and corrupt in nature, Sir Giffard, the prosecutor, charged the defendants, 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 \textit{Fruits of Philosophy}, thereby contaminating, vitiating, and corrupting the morals.\textsuperscript{41} Sir Giffard defined “obscene” in the way that Sir Cockburn had described obscenity in the Hicklin case.\textsuperscript{42} As Sir Cockburn clarified Sir Giffard’s understanding of obscene for the court: “Meaning by obscene, tending to influence the passions, or recommending

\begin{footnotes}
\item[39] Chandrasekhar, 140.
\item[40] Charles Bradlaugh, and Annie Besant, \textit{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.
\item[41] Ibid., 31.
\item[42] 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.
\end{footnotes}
some course of conduct inconsistent with public morals.” 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.”

According to Sir Giffard’s argument, then, Fruits of Philosophy enabled sexual immorality in the unmarried, and young people would never marry because they were able to gratify their sexual pleasures without concerning themselves with the commitment or consequence of children. Indeed, many people believed that the common use of contraception would destroy society. In fact, birth control “would destroy religion, morality, and the family structure,” and it would ultimately end marriage.

In defense, Besant stated at the beginning of her long-winded argument that she fought for the people, and framed herself as a champion of the poor. “It is not as defendant that I plead to you today—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.”

Bradlaugh and Besant fought for the publication of Fruits of Philosophy because they, according to Malthusian theory, saw the need for population control. As Francis Place had identified when he first published concerning birth control, large families could not be sufficiently sustained by poor families. In the trial, Besant stated, “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

43 Bradlaugh, and Besant, In the High Court of Justice, 17.
44 Ibid., 21.
45 Lawrence Lader, Ideas Triumphant: Strategies for Social Change and Progress (Santa Ana, Calif: Seven Locks Press, 2003), 5.
46 Bradlaugh, and Besant, In the High Court of Justice, 28.
food, and air, and clothing and sustenance.” 47 Moreover, morality would not be
decreased by contraception, but increased. Holding that “men will not stay single,” 48 and
that at a young age, men will find sexual gratification in some way, Besant held that it
was better for the men to marry young than to engage in immoral acts with prostitutes.
However, according to Malthusian theory, if a man married young, he also started a
family young and would not be financially stable before having children. For many
young men, then, prostitution became what seemed the only avenue available to them to
gratify their natural instinct. According to the defense, birth control solved these
problems: it provided increased morality with sex inside of marriage because committed
sexual relationships no longer necessitated offspring, and consequently, young couples
would be able to wait until they were able to support a family before they had children. In
this way, birth control provided a much-needed method of population control for poverty
stricken people.

Setting the defense in this light, Besant pointed out that she argued not
specifically for Dr. Knowlton’s work, but for the right to publish any work like *Fruits of
Philosophy*.

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

47 Ibid., 73
48 Besant, 181.
to public discussion by means of publication, and that question is bound up in the right to sell this sixpenny pamphlet.\textsuperscript{49}

In this statement, Besant summed up their purpose in coming to trial: Bradlaugh and Besant fought not for the publication of \textit{Fruits of Philosophy}, but for the right to publish it as a means of public discussion; the issue concerned freedom of the press. The people needed to be enlightened concerning the necessity and the methods of population control for their own good and possible relief from poverty. “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.”\textsuperscript{50} Considering over-population one of the great evils in the world, and considering the publication of material for the purpose of edifying the common people necessary to alleviate poverty, Bradlaugh and Besant defended \textit{Fruits of Philosophy}.

Bradlaugh and Besant, despite their humanitarian efforts, lost the case after five days of debating. Both were sentenced to prison for six months and fines of £200 each. Fortunately, at the last moment, Sir Cockburn reconsidered the sentence on the grounds that Bradlaugh and Besant had appealed the case, and he delayed the sentence on the condition that Bradlaugh and Besant discontinue circulation of the book in question.\textsuperscript{51} Accepting these conditions, Bradlaugh and Besant stopped the book’s sale, until the

\textsuperscript{49} Bradlaugh, and Besant, \textit{In the High Court of Justice}, 49.

\textsuperscript{50} Charles Bradlaugh, \textit{Jesus, Shelley, and Malthus; or, Pious Poverty and Heterodox Happiness} (London: Freethought, 1877), 9-10.

\textsuperscript{51} Manvell, 156.
appeal in February of 1878. At the appeal, Bradlaugh and Besant moved for a writ of error based upon the technicality that “obscene” was not satisfactorily defined in a legal way. The Court of Appeal accepted the writ of error, and Bradlaugh and Besant escaped the court sentence.

Whether or not *Fruits of Philosophy* was actually an obscene book was never declared; thus, Bradlaugh and Besant essentially achieved their goal in the trial: the court allowed the book to remain in circulation. Unhindered by restriction of press, *Fruits of Philosophy* would continue to inform the common people of methods of population control. As they had hoped, the trial of *Fruits of Philosophy* enabled Bradlaugh and Besant to achieve two ends in one case. Not only were Bradlaugh and Besant victorious in the matter of the freedom to publish Dr. Knowlton’s book, but—more important to the freethinkers—they brought the matter into the public eye and gained a wider audience in the discussion of birth control, its necessity as population control and poverty relief, and established a precedent of free publication of birth control materials.

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52 Chandrasekhar, 40.
53 Ibid., 41.