

# **Obscenity, Empire and Global Networks**

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**April 2008**

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**The Open  
University**



**Commodities of Empire  
Working Paper No.7**

**ISSN: 1756-0098**

# Obscenity, Empire and Global Networks<sup>1</sup>

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Englishness, as Benedict Anderson has argued, was fashioned through distance, namely through travel, colonisation, and exile, all of which served to generate the “nationalizing moment” necessary for the formation of national identities.<sup>2</sup> By the late-nineteenth century imperial space had thus come to be conceived of as space that served not only to secure Englishness but to provide the stage on which ‘English’ values such as the rule of law, morality, emotional and physical restraint, and bourgeois domesticity could be played out, contested and defined.<sup>3</sup> Yet despite the complex and constitutive role empire placed in constructing Englishness – and by extension ‘Britishness’ – English culture sought to assert its authenticity by denying the role of colonial spaces in its constitution.<sup>4</sup> The “need to define the national character against a colonial other that it must then disown,” according to Simon Gikandi, constitutes what he terms the “paradox of Englishness,” which meant that English culture was thus wrought through a “narrative of exclusiveness”.<sup>5</sup> By the second half of the nineteenth century, however, the proliferation of new technologies of transport and communications, the growing numbers of English-speaking, Westernised colonial subjects, and the creation of imperial spaces and places in the empire that served to preserve “the Englishness of the English *and* to realise the extra benefit of Anglicizing the empire’s sometimes unruly subjects” made such exclusiveness increasingly difficult to maintain.<sup>6</sup> For while the fashioning of the empire as contiguous space served to strengthen imperial ties, the presence of so many non-English individuals in English places and spaces in the colonies served both to destabilise and reformulate the very Englishness that those sites were designed to sustain and rendered the boundaries that both united and divided the imperial metropole from its colonies more unstable.

Growing imperial interconnectedness, while demonstrating Britain’s industrial, scientific and cultural achievements, thus also fostered the first serious challenges to them. The fragmentation of the boundaries of empire, both spatial and cultural, meant that the British Empire came to be conceived of as a source of contagion, as a conveyer of the diseases, pollutions and impurities of colonial spaces to that of the metropole.<sup>7</sup> Contagion, as Alison Bashford and Claire Hooker argue, “implies absorption, invasion, vulnerability, the

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<sup>1</sup> Published with the permission of Cambridge Scholars Publishing.

<sup>2</sup> Benedict Anderson, ‘Long-Distance Nationalism’, in Benedict Anderson (ed.), *The Spectre of Comparisons: Nationalism, Southeast Asia, and the World*, London: Verso, 1988, pp.58-74.

<sup>3</sup> Simon Gikandi, *Maps of Englishness: Writing Identity in the Culture of Colonialism*, New York: Columbia University Press, 1996, p.2.

<sup>4</sup> Paul Gilroy, ‘Cultural Studies and Ethnic Absolutism’, in Lawrence Grossberg, Cary Nelson & Paula A. Treichler (eds), *Cultural Studies*, New York: Routledge, 1992, p.190.

<sup>5</sup> Gikandi (1996), pp.55-6 & 139. Such a narrative extended to the constitution of Britishness, which while also forged, as Linda Colley argues, in “response to contact with the Other, and in response to contact with the Other,” in the cultural realm was viewed as largely synonymous with Englishness – a sign of English cultural imperialism over Britain’s Celtic ‘fringe’ (Linda Colley, *Britons: Forging the Nation, 1707-1837*, New Haven and London: Yale University Press, 1992, p.xviii).

<sup>6</sup> Ian Baucom, *Out of Place: Englishness, Empire and the Locations of Identity*, Princeton, New Jersey: Princeton University Press, 1999, p.20.

<sup>7</sup> Gikandi (1996), p.37.

breaking of a boundary imagined as secure, in which the other becomes a part of the self”.<sup>8</sup> The problem posed by contagion in an era in which nations were imagined somatically, as gendered and racialised bodies, and individual bodies were conceptualised in political terms, as waging battles against external enemies, was the question of margins – between ‘inner’ and ‘outer,’ the ‘self/other,’ and ‘home’ and ‘empire’.<sup>9</sup> The consolidation of imperial space hence served to mark, to draw upon Ann McClintock’s terminology, the “dread of catastrophic boundary *loss* (implosion), associated with fears of impotence and infantilization”, and to both fragment it and infect the ‘imperial’ body.<sup>10</sup>

Defined as a source of wealth and productivity to both nation and empire, British bodies came to be regarded as dangerous, uncontrollable and under threat. In British colonies such fears led to the increased grounding of imperial and colonial authority in bodily differences between rulers and ruled and to bringing the bodily practices of the British into closer alignment with their counterparts in the metropole. Women’s bodies became particularly subject to regimentation in both the empire and at ‘home’ as a means of marking the ‘distinction’ and ‘moral superiority’ of the British bourgeoisie. Reproductive bodies also assumed greater significance as the century drew to a close as evidence of a declining birth rate, rising infant mortality rate, a dramatic drop in family size, revelations about the poor health of the future soldiers of empire (namely the working classes) and astonishingly high rates of venereal disease among British troops in the empire fostered concerns about population as a national resource. Such revelations added further impetus to fears that the imperial race was degenerating, and exacerbated concerns about both British masculinity and the possibility of fashioning an Arnoldian national culture capable of combating the divisive forces of social and imperial anarchy.<sup>11</sup> The emergence of a new medico-scientific understanding of the body as a corpus, as a secularised entity subject not only to dissection but also reconstruction led, furthermore, not only to a “shift away from thinking of the body in terms of its ‘being’ to a conception of what it ‘ought to be’” but to the emergence of new systems for disciplining, organising, and managing bodies in both metropole and colonies.<sup>12</sup>

Imperial hygiene – which as one colonial health official remarked is “development by sanitation... colonising by means of the known laws of cleanliness rather than by military force” – was one of the most significant of these forms of governance.<sup>13</sup> Although the management of contagion had become a problem of empire by the middle of the nineteenth century (especially infectious diseases as cholera, plague, leprosy and venereal disease), since

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<sup>8</sup> Alison Bashford & Claire Hooker, ‘Introduction: Contagion, Modernity and Postmodernity’, in Alison Bashford & Claire Hooker (eds), *Contagion: Historical and Cultural Studies*, London & New York: Routledge, 2001, p.4.

<sup>9</sup> Michael Anton Budd, *The Sculpture Machine: Physical Culture and Body Politics in the Age of Empire*, Houndmills, Basingstoke: Macmillan, 1997, p.x.

<sup>10</sup> Anne McClintock, ‘Family Feuds: Gender, Nationalism and the Family’, *Feminist Review* 44 (1993), pp.61-80; Mary Douglas, *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo*, London & New York: Routledge, 1991 [1966] (emphasis in original).

<sup>11</sup> E. M. Collingham, *Imperial Bodies: The Physical Experience of the Raj, c.1800-1947*, Cambridge: Polity Press, 2001, p.8; Anna Davin, ‘Imperialism and Motherhood’, in Frederick Cooper & Ann Laura Stoler (eds), *Tensions of Empire: Colonial Cultures in a Bourgeois World*, Berkeley: University of California Press, 1997, p.88; Budd (1997), p.12; Kenneth Ballhatchet, *Race, Sex and Class under the Raj: Imperial Attitudes and Policies and their Critics, 1793-1905*, London: Weidenfeld & Nicolson, 1980, p.90; Seth Koven, ‘From Rough Lads to Hooligans: Boy Life, National Culture and Social Reform’, in Andrew Parker, Mary Russo, Dorris Sommer & Patricia Yaeger (eds), *Nationalisms & Sexualities*, New York & London: Routledge, 1992.

<sup>12</sup> Budd (1997), p.13; George Mosse, *Nationalism and Sexuality Middle-Class Morality and Sexual Norms in Modern Europe*, Madison: University of Wisconsin Press, 1985, p.53.

<sup>13</sup> Alison Bashford, *Imperial Hygiene: A Critical History of Colonialism, Nationalism and Public Health*, Basingstoke, Hampshire and New York: Palgrave Macmillan, 2004, p.13.

the increased mobility of peoples and things had made contagion not simply an imperial but a global problem, attempts to manage it generated one of the earliest internationalist movements – what W. D. Bynum has termed “medical internationalism”.<sup>14</sup> Emerging through the coordination of diverse national, imperial and global networks of bureaucrats, medical practitioners, scientists and social-moral reformers, one of the main foci of medical internationalism until the early twentieth century was on quarantine, or the development of *cordons sanitaires*, as a means of both the containment and prevention of infectious disease. Such public health measures operated as a spatial form of governance that sought to erect “lines or barriers drawn *across* these global, local, and bodily circulations and connections”, which while designed ostensibly to police public health through separating the diseased from the clean and the ‘fit’ from the ‘unfit’ also served to manage the racial boundaries through which imperial regimes sought to construct and consolidate their power.<sup>15</sup>

This paper aims to explore the role that national, imperial and global networks played in fashioning the regulation of ‘obscenity’ as a project of imperial hygiene in the late-nineteenth and early-twentieth centuries.<sup>16</sup> While a new bio-political genealogy for regulating obscenity first emerged in Britain in the eighteenth century, enacted through both disciplinary and governmental methods, the late-nineteenth century marks a distinct transition in the production, distribution and regulation of obscenity.<sup>17</sup> The emergence of new forms of obscenity – such as sexually explicit postcards, photographs, mutoscopes and stereoscopes, ‘penny’ publications and popular ephemera such as advertisements for birth control products and aphrodisiacs, and sexology texts – was not only, as Colette Colligan argues, “critically underscored” by empire, so too were new patterns of production, distribution and consumption, including the development of imperial networks for both the distribution and regulation of obscenity.<sup>18</sup> The expansion of the material networks of empire (through nodal

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<sup>14</sup> W. F. Bynum, ‘Policing Hearts of Darkness: Aspects of the International Sanitary Conferences’, *History of Philosophy and Life Sciences*, 15 (1993), pp.422-23; Tony Ballantyne & Antoinette Burton, ‘Bodies, Empires, and World Histories’, in Tony Ballantyne & Antoinette Burton (eds), *Bodies in Contact: Rethinking Colonial Encounters in World History*, Durham, NC: Duke University Press, 2005, p.8; Bashford 2004, 83-84).

<sup>15</sup> Bashford (2004), p.2 (emphasis in original).

<sup>16</sup> ‘Obscenity’, as Peter Michelson argues, is the “bringing onstage of what is customarily kept offstage” (*Speaking the Unspeakable: A Poetics of Obscenity*, Albany: State University of New York Press, 1993, p.xi); or, as Linda Nead defines it, is the representation of matter “which is beyond the accepted codes of public visibility” (Nead, Linda, *The Female Nude: Art, Obscenity and Sexuality*, Routledge: London & New York, 1992, p.90). While such a conception encompasses representations of or references to sex and sexuality it can also include other things that have been commonly viewed as unrepresentable, such as references to excremental functions or images of violence, hence while all pornography is obscene, not all obscenity is pornographic.

<sup>17</sup> Discipline and governmentality together constituted the two poles of bio-power, a modern form of power that according to Michel Foucault works on transforming the lives of individuals rather than operating in relation to a series of acts. While “[d]iscipline operates on particular individuals in a particular space” (which it does through the aegis of institutions such as schools, families, and hospitals, which collect information about an individual and act on it), “[g]overnmentality... operates on particular groups of individuals” (which it does through gathering information through such means as statistical analyses, censuses, and reports on health and hygiene, which it uses, through such means as legislation, to manage population) (Victor Tadros, ‘Between Governance and Discipline: The Law and Michel Foucault’, *Oxford Journal of Legal Studies* 18:1 (1988), p.78; Michel Foucault, ‘Governmentality’, in Graham Burchell, Colin Gordon & Peter Miller (eds), *The Foucault Effect: Studies in Governmentality: With Two Lectures by and an Interview with Michel Foucault*, Chicago: University of Chicago Press, 1991).

<sup>18</sup> Collette Colligan, ‘Obscenity and Empire: England’s Obscene Print Culture in the Nineteenth Century’, Ph.D. diss., Queens University, Ontario, 2002, p.2). The emergence of a mass market for obscenity in both metropole and colonies was vital to all of these transformations, as is evident in the dominance of postcards in the trade in obscene ephemera following the gaining of full authorization of the Congress of the Universal Postal Union in 1886 (Lisa Sigel, ‘Filth in the Wrong People’s Hands: Postcards and the Expansion of Pornography in Britain and the Atlantic World, 1880-1914’, *Journal of Social History* 33:4 (2000), p.861).

points such as ports) during the latter half of the nineteenth century was accompanied by discursive ones, as the “differentiated knowledges” of various sites within the imperial network “were connected by the communicative circuits of empire” (forged through nodal points such as newspapers, telegrams, dispatches, letters, travel reports, parliamentary commissions, personnel – and ‘obscene’ publications).<sup>19</sup> Since networks, as Stephen Fuchs contends, “are not of one piece” but have “various bounded parts”, the ‘core’ of such imperial networks was thus generally in the metropole.<sup>20</sup> However, since networks are “more sensitive to empirical reality” on their “peripheries”, Britain’s colonies played a crucial role in their construction – particularly since “colonial groups... strove continually to fashion circuits of communication with vital metropolitan interests”.<sup>21</sup> Rather than playing a passive role in the material and discursive networks through which ‘obscenity’ permeated the empire, Britain’s colonies thus also played a vital role in their construction.

In addition to fostering the permeation of obscene publications throughout the empire, transformations in the production and distribution of ‘obscenity’ also led to renewed efforts to regulate it through the coming together of what Edward Bristow has termed “vigilance networks”.<sup>22</sup> All networks are relational (“intellectual, socio-economic, technological, symbolic”), including those through which ‘obscenity’ is rendered into art, which involves a “network transubstantiation” in the matter in question.<sup>23</sup> I am interested here, however, in understanding such vigilance networks through what Grahame Thompson regards as two key conceptual frameworks for theorising networks: as discourses (which “involve a certain ‘alignment’ of events or assemblages of elements, scrutinies, narratives, practices and mechanisms”); and as assemblages (which are “made up of diverse components – like persons, forms of knowledge, technical procedures, and modes of scrutiny, judgment and sanction, and rationalities”).<sup>24</sup> Forged by socio-moral reformers (such as ‘purity’ campaigners, evangelicals, and feminists), the newly emergent medical profession and the state in a ‘medico-moral alliance’ that shifted the focus away from viewing ‘purity’ as a moral question to regarding it as a medical and racial concern, such vigilance networks can be conceived of, firstly, as discursive networks linked through the language of socio-moral reform, particularly that of social hygiene, in which ‘obscene’ publications such as contraceptive and sexology literature and advertisements for aphrodisiacs were regarded as “plagues which would interfere with the moral health of the people” and that would lead to

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<sup>19</sup> Alan Lester, *Imperial Networks: Creating Identities in Nineteenth-Century South Africa and Britain*, London & New York: Routledge, 2001, p.6; Miles Ogborn, ‘Historical Geographies of Globalisation, 1500-1800’, in B. Graham & C. Nash (eds), *Modern Historical Geographies*, London: Prentice Hall, 1999, pp.43-69.

<sup>20</sup> Stephen Fuchs, *Against Essentialism: A Theory of Culture and Society*, Cambridge & London: Harvard University Press, 2001, p.274.

<sup>21</sup> Fuchs (2001), p.281; Lester (2001), p.7.

<sup>22</sup> Edward Bristow, *Vice and Vigilance: Purity Movements in Britain since 1700*, Dublin: Gill & Macmillan Ltd, 1977, p.43.

<sup>23</sup> Grahame P. Thompson, *Between Hierarchies and Markets: The Logic and Limits of Network Forms of Organization*, Oxford: Oxford University Press, 2003, p.10. The matter in question thus becomes, as Stephen Fuchs argues, “related to other art, the art that is already there” (Fuchs 2001, p.9).

<sup>24</sup> Thompson (2003), pp.8-10.

the British being “swept away by manlier and purer races”.<sup>25</sup> Such discursive networks thus served as a “constituent moment in the buttressing and securing of social order”.<sup>26</sup>

These vigilance networks can also be understood, however, as assemblages that brought together diverse individuals, knowledge systems and modes of regulation. The chief nodes through which such assemblages operated were, firstly, socio-moral reform organisations such as the National Vigilance Association (NVA). Upon the formation of the NVA in 1886 its Executive Committee consisted of Samuel Smith, MP (parliamentary spokesman for a number of socio-moral reform causes and organisations and advocate of women’s rights), W. T. Stead (a prominent British journalist, editor, nonconformist, social reformer, and purity campaigner and pacifist with links to organisations ranging from the Salvation Army to the Law and Liberty League), the noted feminist Millicent Fawcett (who later became a prominent Suffragist and head of the National Union of Women’s Suffrage Societies) and Dr. Elizabeth Blackwell (not only the first woman doctor, but the organiser of the National Health Society in Britain and the School of Medicine for Women, an author of books on health, morality and sexuality, and by the time of her association with the NVA a Christian socialist).<sup>27</sup> Such organisations functioned as nodes – which “are what they become as the result of their various and changing relations” within a network – through bringing together the various strands (forms of knowledge, narratives, practices, rationalities, mechanisms, and so on) of socio-moral reform and forging new relationships between them.<sup>28</sup> A second key set of nodes in such vigilance networks was health agencies and Customs departments, through which they elaborated a system of ‘quarantine’ to regulate obscenity in Britain and its empire. Vigilance networks thus transformed the regulation of the obscene into a project of imperial hygiene enacted through the erection of a *cordon sanitaire* to keep ‘unhealthy’ literature outside the geographical boundaries of both nation and empire.

Ironically, it was efforts to control the trade in ‘obscenities’ in Britain that fostered not only its professionalisation but that also led, by the 1880s, both to its social marginalisation and internationalisation as British traders were driven overseas (primarily to Europe) to sell their wares. While the seizure and destruction of “van loads of filthy publications” had made it “difficult for any-one [sic] to procure in London obscene literature or prints,” they were soon able to obtain them elsewhere thanks to the post, which British traders used to market their merchandise throughout both Britain and its empire, and to forge transnational networks of producers, purveyors, and purchasers.<sup>29</sup> Networks of traders operating between the Continent and Britain had long played a role in disseminating ‘obscene’ wares in Britain. As a member of the Society for the Suppression of Vice reported to the Police Committee of the House of Commons in 1817:

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<sup>25</sup> National Library of Australia, Canberra, Report of proceedings of deputation to the Hon. T. W. White, DFC, VD, Minister of State for Trade and Customs, RE Censorship of Books held at Commonwealth Public Offices, Treasury Gardens, Melbourne, 1935. Folder ‘Book Censorship’, T. W. White Papers, MS 9148; *Vigilance Record*, 15 August 1888.

<sup>26</sup> Thompson (2003), p.10. Discourses, as Thompson defines them, are “rules that define the ordering of objects, practices that systematically form objects of which they speak” (Thompson 2003, p.10).

<sup>27</sup> Women’s Library, London, 4/NVA/104, Executive Minutes, June 1886 to April 1890, Meeting of Executive Committee, 8 June 1886.

<sup>28</sup> Fuchs (2001), p.251.

<sup>29</sup> National Archives, Kew, HO 45/10930/1149778, Memo on ‘Indecent Publications’, 1906; Bristow (1977), p.50; Lisa Sigel, 2002, *Governing Pleasures: Pornography and Social Change in England, 1815-1914*, New Brunswick, New Jersey & London: Rutgers University Press, 2002, Ch. 4.

It was early ascertained, from indubitable testimony, that several foreigners (having their head quarters in London) of apparent respectability and considerable property, were united together in partnership for the principal, and almost exclusive purpose of carrying on an extensive traffic in obscene books, prints, drawings, toys, & c. The agents, by whom [sic] the partners of this house disseminated their merchandise, were about thirty in number, chiefly consisting of Italians, under the assumed character of itinerant hawkers, by whom they established a systematic trade throughout the great part of the United Kingdom.<sup>30</sup>

By the end of the nineteenth century, however, the spectre of networks of foreigners who had invaded and pervaded the geographical boundaries of the British nation-state hawking their wares had been replaced by that of expatriate Britons who operated international networks for whom borders and boundaries – national, moral, and racial – were irrelevant and who operated through surreptitious, imperceptible and virtually undetectable means. Since most of the material sent by such dealers from the Continent to Britain was in ‘closed covers’ it took some time for British postal officials to become aware of the extent of the trade. Following a rising barrage of public complaints in the 1890s regarding the reception of advertising circulars from dealers on the Continent for ‘obscene’ English-language materials or photographs – including a number of prominent cases involving public school boys – the British Home Office (the government branch responsible for dealing with obscenity) had come to the conclusion that “there has been of late a greatly increased use of the international post for the purpose of introducing obscene matter into this country”.<sup>31</sup> While the Home Office had managed to compile a list by 1912 of forty-one of the most notorious “Dealers in Indecent Wares on the Continent who are Known to attempt to do business in England through the Post,” the accuracy of the information it contained was questionable.<sup>32</sup> Not only did such dealers have bases in countries such as France, Spain, Switzerland, Germany, Belgium, Hungary and Italy, through which they operated networks of local, national and transnational production and distribution, but they were also extremely mobile, moving about from country to country throughout Europe as they were hounded by the police (often at the behest of the British government).<sup>33</sup>

By the early-twentieth century dealers in obscenity had thus clearly become “clever at seizing every means for increasing [their] profits,” particularly through “those facilities of expansion, of publicity and of communication so widely opened up to human activity by modern discoveries”. The obscenity trade had become international in scope, with firms soliciting clients through the post and operating networks of correspondents, travellers and depots “in the most important towns in every country”.<sup>34</sup> While the new globalised nature of the obscenity trade was a source of concern to many states in the late-nineteenth and early-twentieth centuries, for Britain it posed both a national and an imperial threat. In addition to the lively trade in ‘obscene’ publications, photographs and ephemera conducted by British booksellers overseas with Britain’s colonies, new forms of ‘obscenities’, along with new modes of distribution and consumption, had emerged within Britain’s colonies. Such new

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<sup>30</sup> Colligan (2002), pp. 7-8.

<sup>31</sup> National Archives, Kew, HO 144/238/52539B, draft letter, Under Secretary of State for the Foreign Office to the Secretary of State, Home Office, 1892.

<sup>32</sup> National Archives, Kew, HO 144/10130, 1912.

<sup>33</sup> See, for example, National Archives, Kew, FO 371/1032/7221 and FO 83/2101.

<sup>34</sup> Women’s Library, GB/106/4/NVA/S.88/K Box 107. Correspondence respecting the International Conference on Obscene Publications and the ‘White Slaver Traffic’. Held in Paris, April and May 1910., pp.2-3.

forms of ‘obscenities’ included *kamashastra* literature, or popular sexology texts, which began to appear in India in the late-nineteenth century. While prior to 1900 such texts were “impossible to get except through secret channels,” by the 1920s they were “openly advertised and published” and were obtainable almost anywhere.<sup>35</sup> The British Empire had thus come to serve as a vast network for the purveyance of obscenity, not simply between metropole and colonies but *between* colonies.

While the British government was aware of the existence of trading networks linking metropole and colonies prior to the First World War, it was not until after the War, when it began compiling reports on the regulation of obscenity in its colonies, that the scope of the inter-colonial trade became apparent. ‘Obscene’ “pictures, photographs, postcards and books” from Singapore were to be found in Burma, ‘obscene’ pamphlets from India in Zanzibar and Rhodesia, and ‘obscene’ pictures from Madagascar in Tanganyika.<sup>36</sup> Moreover, photographs and postcards from Europe, particularly France and Germany were to be found almost everywhere, circulated by seamen and hawkers plying global, imperial, and colonial trade networks. Such networks often intersected, as was evident in cases such as that of the southern Indian moneylender in the Unfederated Malay States who was found in possession of two hundred obscene postcards of French origin obtained from a Chinese hawker in Malacca.<sup>37</sup>

The problem for Britain was that it was virtually impossible, under existing national and international laws, to put a stop to such trade, and attempts to do so had instead merely served to drive it underground. Publishing in one country while conducting business in another made it possible to evade existing networks of surveillance and control in both, since neither the manufacture nor possession of obscenity was punishable under existing European legislation. As the report on the International Conference on Obscene Publications held in Paris in 1910 noted:

Shops and stalls in the street are no longer to be seen: only a simple room in a private house, no sign or name upon it and the door fast closed and opening only to the initiated. Advertisements in the newspapers and prospectuses distributed openly from house to house, couched in terms calculated to cause a guess at the nature of the wares without coming within reach of the law, invite amateurs of sensational lit or rare photographs to write privately for detailed catalogues.<sup>38</sup>

The problem was exacerbated by the fact that the means of regulating the trade in obscenity were modelled on the same lines as those of the purveyors, namely through non-official networks. While the British state played a role in such efforts through legislative and judicial means, for most of the nineteenth century it served more as a mediator between contending print cultures and bodily norms rather than playing an active or initiative role in shaping

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<sup>35</sup> National Archives, New Delhi, Home Dept. 669/25, George Grierson to Sir Arthur Hirtzel, 27 August 1925.

<sup>36</sup> National Archives, Kew, FO 371/17387/W1409, League of Nations’ Traffic in Women and Children, Obscene Publications, Summary of Annual Reports for 1931, FO 371/18533/W923, League of Nations, Traffic in Women and Children Committee, Summary of Annual Reports for 1932-33; FO 371/19669/W8989, Letter from Governor of Rhodesia H. J. Stanley to the Right Hon. J. H. Thomas of the Dominions Office, 1 Oct 1935.

<sup>37</sup> See, for example, National Archives, Kew, FO 371/17387/W1409 and FO 371/18533/W923.

<sup>38</sup> Women’s Library, GB/106/4/NVA/S.88/K Box 107. Correspondence respecting the International Conference on Obscene Publications and the ‘White Slaver Traffic’. Held in Paris, April and May 1910., pp.2-4. The report went on to note that “Thus the circulation and sale elude all methods of detection, and even should a complaint be laid against the sender, he entrenches himself behind the defence - which is often accepted - that the sale is private and that he is asked to supply the wares”.



them.<sup>39</sup> The primary responsibility for regulating obscenity was instead undertaken by vigilance networks. Such associations undertook prosecutions against sellers of obscene wares, pressured the state to initiate more stringent legislation to regulate the obscene, and sought stimulate the production of ‘healthy’ literature. While the state could take over a prosecution initiated by moral reform organisations, it rarely did so before the 1880s. As Colin Manchester argues, in the case of obscene libel while Law Officers of the Crown could prosecute such offences:

Instituting a criminal prosecution was normally a matter for the private individual, although cases were brought in the name of the King, and it seems that few individuals felt sufficiently aggrieved by the dissemination of pornography to go to the trouble and expense of instituting proceedings.<sup>40</sup>

Scholars of British censorship have attributed the rationale behind the British state’s reluctance to take a more active role in regulating the obscene to such factors as the initiative taken by voluntary associations, the inadequacy of the law, and the overlapping system of courts responsible for regulating obscenity.<sup>41</sup> This does not explain, however, not only what led to increased state involvement in the regulation of obscenity in Britain from the 1880s onwards, but also its role in developing an imperial system for the regulation of obscenity by the early-twentieth century. I would argue that until the late-nineteenth century the state in Britain abrogated primary responsibility for the regulation of the obscene to voluntary associations because it was caught between the demise of a particular form and type of regulation (religio-moral, conducted by the Church courts and by the Stationers’ Company) and the rise of a new (bio-political, enacted by voluntary associations, the state and later the emergent medical profession), and between older and emergent forms of print culture, readerships and body politics. As Bristow argues, in the face of the demise of the so-called bawdy courts in the seventeenth century (which dealt with ‘moral’ crimes such as bastardy, adultery, incest, homosexuality and brothel-keeping, primarily among the working classes) the “state now inherited the function of punishing religious and moral offences,” which was deemed necessary for maintaining social order. The inadequacy of state institutions to do so, however, led to what he terms “the first wave of vigilantism”, namely the emergence of vigilance networks.<sup>42</sup>

The problem for the state was that the two poles of bio-power, discipline and governmentality, had yet to become connected “in the form of concrete arrangements... that would go to make up the great technology of power in the nineteenth century”.<sup>43</sup> Sovereignty, rather than bio-power, was still the key concern of the state. As Lisa Sigel astutely observes,

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<sup>39</sup> Since the repeal of the Licensing Act in 1695, the British state in fact had no effective means to regulate obscenity in print, although it regarded obscenity as a serious misdemeanour.

<sup>40</sup> Colin Manchester, ‘Lord Campbell’s Act: England’s First Obscenity Statute’, *Journal of Legal History* 9 (1988), pp. 224-5; Sigel (2002), p.22.

<sup>41</sup> Sigel (2002), pp.21-2, Bristow (1977), p.45.

<sup>42</sup> Bristow (1977), pp.11-12, 40. The state made greater efforts, however, to regulate blasphemy and sedition, as in the case of the passage of the Six Acts, including the Blasphemous and Seditious Libel Acts, in 1819. While aimed at targeting the radical press, since obscenity emerged in Britain in conjunction with working-class radicalism, obscenity was, to some extent, regulated through such means. The complex relationship between sedition and obscenity – as Bristow argues, by the end of the eighteenth century “sexual indiscipline was widely equated with disloyalty” (which he attributes to the Napoleonic wars and English fears of the contaminatory nature of French ideas and immoralities) – is one reason that it took the state some time to evolve separate obscenity legislation.

<sup>43</sup> Michel Foucault, *The History of Sexuality*, Vol.1, *An Introduction*, Trans. Robert Hurley, New York: Vintage Books, 1990 [1978], p.140.

“[t]he Crown saw the publication of... pornographic works as attacks on the religious and social order, which undercut the monarchy’s *sovereignty*”.<sup>44</sup> Regulating the obscene had not, in short, become a bio-political project; rather than seeking to regulate the obscene as a means of managing population, the state still regarded obscenity largely in terms of a threat to its sovereignty, and hence sought to regulate it through deployment of the law.<sup>45</sup>

As Victor Tadros posits in an insightful argument on governmentality and the law, the law, alongside sexuality, was one of the key institutions through which the connection between discipline and governmentality was made during the course of the nineteenth century. Prior to this connection, “the law presented itself as a threshold of transgression and as the right of the Sovereign to use violence where the laws that constituted his sovereignty were violated” – hence the sale of obscenity (but not its publication or consumption, which did not constitute a social threat that undermined the power of the sovereign) was punished with considerable prison terms and hard labour.<sup>46</sup> Once the connection between discipline and governmentality was made, however, the law began to “[operate] as a field through which techniques of governance can intervene in the disciplinary network,” which it does through acting “as an interface through which governmental decisions can take effect by adjusting the operations and arrangements of the disciplinary mechanisms”. Tadros argues that this function of modern law remains largely unrecognised, particularly in liberal theories of power, since “by connecting itself to both of the poles of bio-power law, in justifying itself... masks the need of each of these forms of power to legitimate themselves”.<sup>47</sup> Since obscenity law served as a tool that vigilance networks used to discipline popular culture, and the state not only cooperated with such disciplinary mechanisms but gradually altered the law to serve more governmental ends, what was occurring during the course of the nineteenth century was thus the emergence and gradual evolution of the bio-political regulation of the obscene.

We can see the beginning of this shift in the mid-nineteenth century with the passage of the Obscene Publications Act of 1857. Emerging out of the frustration of the Lord Chief Justice, Lord Campbell, at the futility of the efforts of vigilance networks to regulate the obscene, the Act shifted the regulatory balance between voluntary associations and the state by granting magistrates the power to issue warrants to the police to search for and seize obscene publications and to secure their destruction before a magistrate (as well as the destruction of plates and type, which put a serious damper on trade), and to further embody the offence through increasing punishment to a maximum of two years’ imprisonment with hard labour.<sup>48</sup> While considerable attention has been devoted to the opposition surrounding the Act, particularly to fears that it would encompass ‘serious’ literature, critiques of the powers it accorded to the police, and concerns about the liberty of the individual and the

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<sup>44</sup> Sigel (2002), p.22 (emphasis added).

<sup>45</sup> Print culture was still nonetheless regulated through what Richard Burt has termed “*dispersal and displacement*” (namely the dispersal of censorship among a number of different regulatory agents and methods of regulation, which was in turn both productive as well as prohibitive) rather than through “*removal and replacement*,” (namely the cutting of texts and the insertion of less incendiary material) as conceptualised in liberal understandings of censorship (emphasis in original) (Burt, Richard, ‘(Un) Censoring in Detail: The Fetish of Censorship in the Early Modern Past and the Postmodern Present’, in Robert Post (ed.), *Censorship and Silencing: Practices of Cultural Regulation*, Los Angeles: The Getty Research Institute for the History of Art and the Humanities, 1998, p.17).

<sup>46</sup> Tadros (1988), p.87.

<sup>47</sup> Tadros (1988), p.79.

<sup>48</sup> Manchester (1988), pp.225-7; Sigel (2002), p.27; Bristow (1977), p.46; M. J. D.Roberts, ‘Morals, Art and the Law: The Passing of the Obscene Publications Act of 1857’, *Victorian Studies*, 28:4 (1985), p.613; David Saunders, ‘Victorian Obscenity Law: Negative Censorship or Positive Administration?’ in Paul Hyland & Neil Semmels (eds), *Writing and Censorship in Britain*, London and New York: Routledge, 1992, p.157.

relationship between public and private, state and society, such attention has in fact overlooked what was really at issue in debates over the bill, namely a two-fold anxiety over the governmentalisation of the moral realm and the governmentalisation of the state.<sup>49</sup> Modelled by Campbell on legislation to regulate gaming houses and inspired by the passage of an Act to restrict the sale of poisonous drugs (for Campbell the Act was designed to control a “poison more deadly than prussic acid, strychnine, or arsenic – the sale of obscene publications and books”), as David Saunders argues British obscenity law emerged in conjunction with “the elaboration of social programmes in public health and sanitation, domestic economy, education (in literacy and morality) and penalty” as part of the development of a governmental state.<sup>50</sup>

Unlike blasphemy and sedition, which “were never medicalized into a social problem,” obscenity law extended the “normative domain of sexual medicine into the governmental sphere” in order to protect certain vulnerable populations from moral and physical contagion.<sup>51</sup> The debates over the Obscene Publications Act thus reflect disquiet with the shift that was taking place during the course of the nineteenth century in the operation of law away from the juridical concern with aberrant acts to the development of law as a governmental tactic, part of the continuum of apparatuses through which the modern subject was constructed and managed and which served to alter the relationship between the individual and the state.<sup>52</sup>

As is evident in the passage of the Obscene Publications Act (an Act that would, moreover, go on to serve as the legal basis for the regulation of obscenity not only in Britain, but throughout its whole empire), empire was vital to spurring this transformation of obscenity regulation from juridical to governmental forms of power. Although amendments to the bill and public support undoubtedly played a role in securing the passage of the Act, a more vital role was undoubtedly played by a particular crisis of empire, namely the Indian Revolt (or as British commentators referred to it, Mutiny) of 1857. News of the revolt, which reached England two days after Campbell’s initial disastrous presentation of the bill to the House of Lords, had an electrifying impact in dissolving opposition to it. As M. J. D. Roberts contends, the Revolt not only “strengthened the resolve of Evangelical[s]... to purify the home society and make it worthy of its imperial mission,” it also helped to “detach a section of the progressive elite from the libertarian ranks of domestic political tradition and to make it more receptive to a paternalist-imperial set of social priorities at home as well as abroad”.<sup>53</sup> It hit home, in short, the collapse of space between metropole and colony, and of the role of empire in constituting the British/imperial body, a collapse of which Campbell was well aware when he compared, in his first report on the enforcement of the Act, the police “‘siege of Holywell-street’ with the siege of Delhi”.<sup>54</sup> Such a collapse led to the demise of fears of the development of the governmental state, and irretrievably bound empire, obscenity and governmentality together.

The process was, however, a gradual one, spurred by both the development of regional, global and imperial networks for the dissemination of obscenity and of the emergence of transnational vigilance networks for its regulation. The latter first emerged

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<sup>49</sup> Roberts (1985), p.623; Manchester (1988), pp.227 & 231; Saunders (1992), p.157.

<sup>50</sup> Bristow (1977), p.47; Allison Wee, ‘Trials & Eros: The British Home Office v. Indecent Publications 1857-1932’, Ph.D. diss, University of Minnesota, 2002, p.58; Saunders (2002), p.160.

<sup>51</sup> Saunders (1992), pp.163-4.

<sup>52</sup> Tadros (1988), p.93.

<sup>53</sup> Roberts (1985), p.626.

<sup>54</sup> Roberts (1985), p.625.

with the establishment of a new crop of voluntary associations for which the regulation of obscenity was deemed, along with efforts such as campaigns against prostitution and the abolition of the ‘white slave’ trade, as a biopolitical project.<sup>55</sup> While organisations such as the NVA regarded their project as a national one, they understood that the expansion of the trade in obscene publications and ephemera beyond national borders necessitated its internationalisation. The impetus for the internationalisation of the regulation of obscenity thus came not from states but, as the League of Nations later acknowledged, from “the initiative and enthusiasm of voluntary societies working on international plans”.<sup>56</sup> Such societies began to convene international conferences and leagues in the 1880s to pressure governments to implement more stringent national and international measures to deal with obscenity. The first such international conference appears to have been that held at Neuchatel on 2 October 1888, organised by the Genevese Committee for Opposing the Spread of Licentious Literature, the Swiss Association against Immoral Literature and the Genevese Society for Promoting Popular Libraries, the end result of which was the formation of a committee charged with the task of creating an International League to deal with “licentious literature and immoral works of art”.<sup>57</sup> It was not until 1908, following the convening of an international conference in Paris in which eighty-six societies participated, that sufficient international impetus was generated to encourage state involvement in such endeavours.<sup>58</sup>

Britain, however, was in little need of such impetus. Although it left the task of organising international conferences to voluntary associations, the British state began to internationalise its endeavours to regulate the British trade in obscenity at the same time as British networks started to forge transnational links. Beginning with attempts to curtail the activities of British traders on the Continent (through searching the mail they sent to Britain and pressuring European governments to prosecute or expel them), the coming to light of evidence in the mid-1890s of the efforts of international traders to infiltrate boys’ schools led to the establishment of an immense diplomatic and bureaucratic machinery to protect the future fathers of the race.<sup>59</sup> The problem, however, was not only that European governments often refused to cooperate with such endeavours, but that they lacked either sufficient legal machinery or the regulatory networks necessary to do so.<sup>60</sup> It was such hindrances that led the

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<sup>55</sup> In Britain and its empire the most prominent of these campaigns was against the Contagious Diseases Acts.

<sup>56</sup> National Archives, Kew, FO 371/8334/W8196, ‘Report of the Fifth Committee to the Third Assembly, submitted by the Rapporteur, the Delegate of South Africa’. The League of Nations became involved in the international regulation of obscenity following the First World War, when it was accorded responsibility for implementing the 1910 International Agreement for the Suppression of Obscene Publications.

<sup>57</sup> *Vigilance Record*, 15 November 1888.

<sup>58</sup> Women’s Library GB/106/4/NVA/S.88/K Box 107. Correspondence respecting the International Conference on Obscene Publications and the ‘White Slaver Traffic’. Held in Paris, April and May 1910.

<sup>59</sup> See, for example, National Archives, Kew, FO 83/1786 and HO144/192/A46657D. The first step taken by the British government to deal with the importation of ‘obscene’ advertising ephemera and other items from the Continent was the issuance of warrants by the Home Secretary to enable postal officials to search the outgoing mail of suspected offenders, although the efficacy and ethics of doing so were hotly debated throughout the 1890s. The inability of the warrant system to stem the tide at its source, however, led to the incorporation of the Foreign Office into the British state’s regulatory efforts to deal with obscene publications, which operated, in conjunction with the Home Office, through the Post and Customs departments. See National Archives, Kew, HO 45/9752/A59329; HO 144/238/52539B; CUST 46/199 and CUST 49/1638.

<sup>60</sup> For examples of the efforts – and difficulties – of the Foreign Office to pressure foreign governments to regulate the trade within their own borders see, for example, National Archives, Kew, FO 371/254/10798, FO 371/1032/5583, FO 371/746/20081 and FO 371/667/10035.

British government to support the efforts initiated by vigilance networks to develop international measures through which to regulate the trade in obscenity.<sup>61</sup>

While the convening of an international conference in 1910, attended by fifteen states, led to the establishment of an International Agreement for the Suppression of Obscene Publications (modelled, notably, on a 1904 Agreement to combat the ‘white slave’ trade), British frustration that the Agreement was only administrative in nature and did not require signatories to undertake any legislative changes led to a second conference in 1923.<sup>62</sup> Attended by thirty-six countries, the conference led to the passage of an international treaty for the regulation of obscenity, which Britain used to erect a *cordon sanitaire* around the empire through which it sought to police the trade in obscenities within and between both metropole and colonies. Britain sought to maintain this imperial anti-obscenity *cordon sanitaire* through informing colonial and dominion governments as to what publications they should refuse entry to, notifying them of discoveries made through the post about the trade in obscene publications within their borders and advising them as to what course of action should be taken in regard to the recipients of such wares. It also exerted pressure on its colonies, dominions, protectorates and mandated territories not only to comply with and enforce the treaty, but to notify the British government of all possible infractions against it. These were then compiled into annual reports which were submitted to the League of Nations.<sup>63</sup>

The increasing role of the state, in both Britain and its colonies, in regulating obscenity did not, however, herald the demise of the role played by vigilance networks of socio-moral reformers. While the British state often critiqued the activities of such networks, particularly from the 1920s onwards, they in fact began to expand notably rather than to decline.<sup>64</sup> The most prominent voluntary society involved in regulating the obscene, the NVA, expanded its linkages in this period not only with like-minded associations in Europe and the United States, but with those in the empire as well. While the NVA had begun to forge links with other voluntary bodies within Britain’s colonies from the late-nineteenth century onwards (and even founded its own branch in Calcutta), it also coordinated activities with other British associations that were active in the empire, such as the Association for Moral and Social Hygiene (which was particularly active in India in the 1920s and 1930s).<sup>65</sup> As the Home Secretary, Reginald McKenna, informed a deputation led by the National Council of Public Morals in 1912 seeking the introduction of more stringent legislation for the regulation of obscene publications in Britain, while it was the task of the state to deal with publications that were “blatantly obscene,” those that were “poisonous and demoralizing” but did not fall within the purview of existing obscenity laws should be regulated through “voluntary action”. The task for voluntary associations such as the National Council, according to McKenna, was to mould public opinion, for:

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<sup>61</sup> Impetus for such internationalisation was also spurred by the *Report from the Joint Select Committee on Lotteries and Indecent Advertisements* (1908), which asserted that “the only what to check the trade in such goods [from abroad] is by international arrangement” and urged the Foreign Office to initiate an international agreement to tackle the trade (p.vii).

<sup>62</sup> National Archives, Kew, FO 371/1028/480, FO371/8334/W8196 and FO 371/9417/W5207.

<sup>63</sup> While the archival record pertaining to the treaty in both Britain and its former colonies is voluminous, see, for example, National Archives, Kew, CO 323/1656/6 and HO 45/20913.

<sup>64</sup> British officials tended to question both the methods and the agents deployed by moral reform organisations such as the National Vigilance Association or the London Public Morality Council, particularly with growing state involvement in the regulation of the trade in both Britain and its empire. See, for example, National Archives, Kew, HO 144/478/X28111 and HO 45/15139.

<sup>65</sup> Women’s Library, London, GB/106/4/NVA/s.88/2 Box 107 and 4/nva/s.88/n box 108.

in legislation of this kind no Government is ever all powerful, and the House of Commons itself is not all powerful. It is you gentlemen outside who to a large extent direct public opinion. It is on you that the responsibility for the success or failure in legislation of this kind really lies.<sup>66</sup>

As McKenna was well aware, by the early twentieth century the British government had little chance of regulating obscenity within both Britain and the empire *without* the assistance of vigilance networks. They were, in fact, vital to the governmental state in its efforts to discipline, organise, and manage bodies in both metropole and colonies.

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<sup>66</sup> National Archives, Kew, HO 45/10930/1149778.

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**Commodities of Empire** is a joint research collaboration between the Open University's **Ferguson Centre for African and Asian Studies** and London Metropolitan University's **Caribbean Studies Centre**. These two institutions form the nucleus of a growing international network of researchers and research centres.

The mutually reinforcing relationship between 'commodities' and 'empires' has long been recognised. Over the last six centuries the quest for profits has driven imperial expansion, with the global trade in commodities fuelling the ongoing industrial revolution. These 'commodities of empire', which became transnationally mobilised in ever larger quantities, included foodstuffs (wheat, rice, bananas); industrial crops (cotton, rubber, linseed and palm oils); stimulants (sugar, tea, coffee, cocoa, tobacco and opium); and ores (tin, copper, gold, diamonds). Their expanded production and global movements brought vast spatial, social, economic and cultural changes to both metropolises and colonies.

In the Commodities of Empire project we explore the networks through which such commodities circulated within, and in the spaces between, empires. We are particularly attentive to local processes – originating in Africa, Asia, the Caribbean and Latin America – which significantly influenced the outcome of the encounter between the world economy and regional societies, doing so through a comparative approach that explores the experiences of peoples subjected to different imperial hegemonies.

The following key research questions inform the work of project:

- 1) The networks through which commodities were produced and circulated within, between and beyond empires;
- 2) The interlinking 'systems' (political-military, agricultural labour, commercial, maritime, industrial production, social communication, technological knowledge) that were themselves evolving during the colonial period, and through which these commodity networks functioned;
- 3) The impact of agents in the periphery on the establishment and development of commodity networks: as instigators and promoters; through their social, cultural and technological resistance; or through the production of anti-commodities;
- 4) The impact of commodity circulation both on the periphery, and on the economic, social and cultural life of the metropolises;
- 5) The interrogation of the concept of 'globalisation' through the study of the historical movement and impact of commodities.

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