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Arresting Nudes in Second Empire Paris

David Ogawa

This paper concerns two collections of photographs made in Paris during the 1850s and 1860s. The first archive was assembled by the Paris police in the course of enforcing laws against the production and distribution of *obscénités*. These photographs were pasted into an official arrest register and served as legal evidence. The second collection, a set of stereographs made by Auguste Belloc for clandestine commercial distribution, was seized in a police raid but never inserted into the register. The author analyzes the evolving style of the photographs in these collections, correlating the changes with patterns of prosecution documented in public records. The study reveals the intricate relationship between photography and modern notions of gender, identity and the imaging of sex.

Keywords: *Auguste Belloc (1805–1867), sex and photography, pornography and photography, nude in photography, law enforcement and photography, photography, nineteenth-century France*

In 1855 the Prefecture of Police in Paris commenced the use of a new arrest register, one dedicated to cases involving the trade in *obscénités*. The first entry records the case of Henriette Schwartz, charged with selling obscene engravings as well as photographs. After a series of appeals, her punishment was finally determined to be one year in prison and a 500 franc fine.¹ The last entry records the case of Pierre Douillet, arrested in August 1868 for having sold obscene photographs. The charges against him were dismissed.² These two cases, notably different in prosecution, show how rapidly photography triumphed over engravings and lithographs as the lingua franca of sex pictures.³

Producers and consumers of sex pictures were not alone in finding a new use for photography. The Paris police, soon after placing the *obscénités* register into service, began to paste confiscated photographs into the ledger. Each page of the ledger is neatly divided into parallel columns. One column contains verbal descriptions of the cases (e.g., the officers' accounts of their surveillance, investigation and arrest of the accused as well as the magistrates' verdicts and punishments). Alongside these notes, in a separate column, the police inserted photographs selected from confiscated materials in order to identify individuals involved in the *obscénités* trade (figure 1). In the broadest sense, the register is an important early document in the cultural history of the relationship between photography, identity and state power.⁴ More specifically, the register is a complex witness to how the authorities responded to what they perceived as the urgent, legal and moral problems of a rapidly expanding trade in sex photographs.

The police register is thus a multi-layered interpretation of contemporary sex photography. Read in conjunction with published accounts of the cases in

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3 – I purposefully use the terms 'sex pictures' and 'sex photographs' rather than 'erotica' or 'pornography'. The latter two English terms are fraught with historical and definitional problems that lay beyond the scope of this essay. They also map uncomfortably on the more generic French term '*obscénité*'.

4 – See Thomas Dominik Meier, 'Police Photography of Swiss Itinerants, 1852–53', *History of Photography* 22: 3 (Autumn 1998), 278–281. Alphonse Berthillon, the creator of modern photometric identification, was an officer of the Parisian police in the decades just after the register had been actively used. It was (and remains) a part of the police archives. It is likely that Berthillon was familiar with and inspired by it. See Peter Hamilton and Roger Hargreaves, *The Beautiful and the Damned: The Creation of Identity in Nineteenth-Century Photography*, London: Lund Humphries/National Portrait Gallery 2001.

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Figure 1. Photographer unknown, *Albert Levy*, albumen print, 1856. Register Bb3, page 18. Archives de la Prefecture de Police, Paris. All rights reserved.

the court newspaper, the *Gazette des tribunaux*, the register demonstrates how the medium of photography complicated existing definitions of the *obscénité*. Photography, in the form of commercial material subject to publication law, was a new species of representation with an unprecedented relationship to the individuals figured therein. In response to this innovation, the police refocused their enforcement efforts to the most visible participants: the models. This strategy, in turn, reconfigured the legal offence of ‘complicity in outrage against public morals’. The power of the photograph to index a subject worked to secure an indictment for the police, but became a burden for individuals as personal (and gendered) identity became inscribed onto the photographic space.

The register has a shadowy twin archive that suggests further the dynamic relationship between the Paris authorities and the *obscénités* trade. In 1866 and 1869, the *Procureur impérial* (attorney general) donated two groups of photographic *obscénités* stemming from police seizures to the department of prints and photographs at the Bibliothèque nationale. These photographs do not appear in the police register. Specific documentation on the two donations is scanty; together they include 327 photographs in stereograph and carte-de-visite format. The largest single group in the library’s collection (including figures 9–13) came from a case involving the prominent photographer Auguste Belloc. The Belloc case, which unfolded over the course of October 1860, was among the most complex of the time.⁵ It involved the seizure of thousands of prints, the prosecution of four photographers, several middlemen and accomplices, and fifteen models. The ultimate resolution of the case suggests that there were political dimensions to the prosecution as well as possible malfeasance. More significantly, the material from the Belloc case reveals some of the ways the photographers responded to police enforcement of the *obscénités* law by reorganizing their production. In this instance the tactics included masking the identity of the models appearing in the photographs.

Studied together, these two archives demonstrate how the rapidly accumulating cultural associations of photography (concerning reproducibility, the discursive claim on visual truth and status as an unforgiving mirror), simultaneously reflected and transformed modern notions of gender, identity and the imaging of sex.

The Register Bb3

The police register Bb3 was first brought to light by Elizabeth Anne McCauley in her groundbreaking study of commercial photography in Paris.⁶ As a physical object, the register is a fairly unassuming, mass-produced, bound volume of several-hundred lined, numbered pages. It was put into service by the police in 1855 as a special ledger for cases involving the trade in *obscénités*. These cases, concerned with ‘outrage against public morals’, were a reflection of the upright moral agenda of the government of Napoleon III. Maintained by the police, the register documents the cases presented by them to the *Tribunal correctionnel*, a panel of magistrates who operated without a jury (distinct from the *Tribunal criminel* which handled cases like murder and assault with jury trials). The tribunal dealt with a range of minor offences including fraudulent business deals, cases of merchants watering their milk or adding chicory to their coffee, and of butchers selling under-aged veal.⁷ The cases documented in Register Bb3 involve three principal offences: violation of laws regulating *colportage* (street peddling), unauthorized publication of drawings, and ‘outrage against public morals’.

The first cases recorded concern the trade in non-photographic obscenities and other materials: engravings, lithographs, cardboard dolls, obscene pipes,

5 – Sylvie Aubenas, ‘Auguste Belloc et la photographie pornographique sous le Second Empire’, *Revue de la Bibliothèque nationale de France* 7 (January 2001), 57; Sylvie Aubenas and Philippe Comar, *Obscénités: Photographies interdites d’Auguste Belloc*, Paris: Albin Michel/Bibliothèque nationale de France 2001.

6 – Elizabeth Anne McCauley, *Industrial Madness: Commercial Photography in Paris, 1848-1871*, New Haven and London: Yale University Press 1994. For a concise discussion of the register in the context of the development of the stereoscope and other three-dimensional photographic technologies, see Denis Pellerin, ‘Le registre sans nom et l’image érotique sous le second Empire’, in *Paris en 3D: de la stéréoscope à la réalité virtuelle*, Paris: Musée Carnavalet, 2000, 91–95.

7 – Virtually all of the official court records of the *Tribunal correctionnel* were lost in the burning of the Hôtel de Ville during the Commune. A small number dating to the Second Empire are preserved in the Archives de la Ville de Paris, among them one set of papers on the *affaire* Grouiller and Lauffer of 1861 which had to do with obscene microphotographs. See the Chambres correctionnelles, dossiers de procédures correctionnelles, 1828–1940, cote D.2U6, carton 1, Archives de Paris. For a description of the *Tribunal correctionnel* and a discussion of the relaxation of censorship laws after 1881, see Heather Dawkins, *The Nude in French Art and Culture: 1870–1910*, Cambridge: Cambridge University Press 2002.

playing cards and *consolateurs en cahoutchouc*. Between 1856 and around 1865, photographs become the main, but by no means only, interest of the police. Indeed, in 1867, shortly before the register was abandoned, even the painter Gustave Courbet was accused of ‘having possessed and displayed an obscene painting at his public exhibition at the Rond point d’Alma’, which, upon investigation, turned out to be ‘une academie [sic]’.⁸ By the time the police stopped using the register in 1868, the majority of cases recorded there ended in a state of *non-lieu* or dismissal. In the context of the explosion of photographic enterprises of all kinds in this period, this suggests that the police were simply unable to keep up with the market for unauthorized sex photographs.

The early cases recorded in the register reveal a significant overlap between the markets for photographic and non-photographic *obscénités* and they show how asymmetrical the enforcement of laws could be. The *colporteurs* and vendors were most vulnerable since they were in possession of the goods on the street when the police went looking for *obscénités*. Depending on the wit or level of honour among this group, the distributors or the actual producers of the material might then be revealed, leading the police to the ultimate source of the contraband. The case of Hyacinthe Ledot is an early example of how a suspect might present his story to the police:

14 December 57. Flagrant violation of colportage of 29 obscene plates, rue de Rivoli ([by officers] Piel and Hamelin) at his boutique and residence rue Rivoli 169. Seizure at this address of 18 prints on paper, 4 on glass, and 22 licentious engravings. Made no admission; even asserted that the glass plates found on him were given to him just at the moment of his arrest by someone unknown who then took flight.⁹

On more than one occasion, however, the initial arrest yielded more concrete information about actual people and the investigations expanded in predictable directions toward middlemen and photographers. In the 1860 Rivemale-Gaudry case, for instance, the colourist Mme. Martin identified the photographers involved because they were unable, or unwilling, to pay her for the work she had done colouring the pictures.¹⁰

As the police refined their efforts to investigate this new, decentralized industry, they also began to find new uses for the materials they found during their searches. In addition to being among the first to deal principally with photographic *obscénités*, the 1856 case of Albert Levy is the first in the register to include a photographic component (figure 1).¹¹ Alongside the notations of his name, age, birth date, address, occupation, and marital and parental status, the police pasted in a *carte-de-visite* portrait, which they presumably found when they searched him or his home. With this act, the police record acquired a new specificity that made Levy identifiable visually. Likewise, Levy’s *carte-de-visite* became more than a token of his *petit-bourgeois* status: it bound him to the criminality inscribed in the police record. This new hybrid of photographically documented identity surely figured in one way or another in his two subsequent arrests in 1861 and 1866 noted in the register.

The *affaire* Levy also marked a new dimension in the asymmetry of police enforcement efforts against the trade in *obscénités*: the beginning of the arrests of the models. Upon his arrest, Levy informed the police of the activities of another photographer, Girardot. The latter’s mistress, Eugénie Chemin, ‘was posing the moment that we arrested Girardot’ and was arrested along with the photographer.¹² The *affaire* Maline of April 1857 saw the apprehension of five more models. Two fled and were never actually arrested; those caught were sentenced to one-hundred franc fines and jail time from one month to one year. With the *affaire* Lepage in August 1857, the *obscénités* themselves became a part of the enforcement process. Pictures of three of the fifteen women

8 – Ibid., 293.

9 – Ibid., 41.

10 – Ibid., 91. She was nonetheless convicted and sentenced to a prison term.

11 – Register Bb3, 18.

12 – Ibid., 18.

charged with posing (Augustine Guy, Amélie Rossand and Fanny Decors), were pasted into the register alongside their records (figures 2 and 3). As with the portrait of Levy, the photographs were a complement to the record-keeping needs of the police and extended the ability of the police to identify those individuals in the future. This is demonstrated most vividly in the case of Augustine Guy (figure 2). The notations in the register indicate five subsequent arrests ‘par mandat de M. Robault de Fleury’ in June 1858, September 1859, August and October 1860, and again in July 1861.¹³ The police and the magistrate apparently recognized her in materials seized from these subsequent cases and charged her on this basis. The cleverness with which the police embraced their newfound tool is clear in many ways. For example, in photographs from the *affaire* Vincent of 1862 (figures 4 and 5), the names of two of the women are penned in beneath their image; the third woman remained unidentified and is marked only with an ‘x’. In the second photograph, the identity of Céline Grandin was secured by simply scratching out the figure of the other woman in the photograph.

13 – Ibid., 35.

The police prefecture’s concern with the pursuit of the models soon became public knowledge and evidently met with efforts to circumvent it. In September 1859, Marins Moreaux was arrested for the hawking of obscene photographs. Upon interrogation, he identified the photographer who had fabricated the contraband as Frédéric Rose. The police found Rose the next day and he admitted ‘to having fabricated the obscenities found on Moreaux’, but Rose ‘refused to divulge the names and addresses of the models’.¹⁴ In another case, the *affaire* Cordier of 18 September 1861, the models themselves mounted a sophisticated defence as the report in the *Gazette des Tribunaux* states:

14 – Ibid., 79.

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Figure 2. François Lepage, *Augustine Guy*, albumen print, 1857. Register Bb3, page 35. Archives de la Prefecture de Police, Paris. All rights reserved.

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Figure 3. François Lepage, *Amélie Rosand* (above) albumen print, and *Fanny Decors* (below), hand-coloured albumen print, 1857. Register Bb3, page 36. Archives de la Prefecture de Police, Paris. All rights reserved.

Figure 4. Achille Vincent, *Jeanne Lambert, Madeleine Mouraud, and an Unidentified Woman* (above); *An Unidentified Woman and Adolphe Delordre* (below), albumen prints, 1862. Register Bb3, page 183. Archives de la Prefecture de Police, Paris. All rights reserved.

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The fourteen women implicated were charged only with complicity in outrage to public propriety and good manners; they were reproached for having served as models in the groups represented in the seized photographs. Among these women, there were several who had been convicted two years ago for a similar violation, and because the photographs represent them again, the prosecution inferred that they had once again committed the same violation. But the women protested energetically against this incrimination and affirmed that for two years they had not served as models, and that the seized photographs were only the exact and material copies of those for which they had been prosecuted two years earlier. With this position, and with the women not having been caught in the act, it became impossible for the prosecution to rebut their defence. As a consequence, all of them were released.¹⁵

15– *Gazette des Tribunaux* (19 September 1861), 916.

There are, of course, two possible explanations for this story. One is the models were telling the truth; that indeed, Cordier's photographs were pictures they had posed for two years earlier that had simply been printed again. Several of the women had been arrested three or four times already and they might have finally reached the point at which their only recourse was to 'protest energetically' to the magistrate rather than to the police officers who arrested them. It is also possible, however, that they believed they could escape punishment by invoking the still-miraculous, infinitely reproducible quality of photography. In either instance, the inability of the court and police to respond to the models' claim indicates the absence of a significant evidentiary archive from earlier seizures for confirmation and comparison. This, in turn, confirms that the police were using the register for identification rather than for the preservation and documentation of representative samples.

Figure 5. Achille Vincent, *Céline Grandin* (above); *An Unidentified Woman and Jules Bidault* (below), albumen prints, 1862. Register Bb3, pages 184. Archives de la Prefecture de Police, Paris. All rights reserved.

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16 – For this case, they received two months in prison and fines of sixteen francs; all other models in this case were sentenced to only one month in prison and fines of sixteen francs.

Indeed, three of the fourteen models who had ‘protested energetically’ were back in court again a month later for the trial of the *affaire* Rocheblanc which apparently provided enough fresh evidence to sentence them this time, and more harshly than the eight other women arrested for posing in the same case.¹⁶ The account in the *Gazette des tribunaux* reveals in several ways how problematic posing had become. In listing the accused, the writer saw fit to specify that the colourist, a woman, ‘n’a posé [...], que de la couleur sur les épreuves’. The passage that follows is worth quoting at length:

The system of defence is always the same as in the preceding cases. These are artistic *académies*, not obscenities, the same thing we see in our museums and our public gardens. In short, nudity is not obscenity. We were allowed to see the *portraits* of these women, which called to mind these lines of Bernis:

The embarrassment at being nude
Is the attraction to nudity.

We cannot resist remarking that if the lovers of these *académies* find something attractive in the way these nudes are represented, it surely is not that prudent embarrassment celebrated by the poet, with the graceful models having the air of being perfectly at ease in the various positions that the operator took them in.

The most contrary of all of the accused was the seaman, who had posed without his uniform: ‘To think’, he said, ‘that I’ve been brought here from Cherbourg by this brigade and that! I would really like to know, who is it that’s accusing me? I was in Paris, on leave. They said to me: “Would you like to come and have your portrait done? We’ll pay you”. I said, sure, so there I was. *Voilà*, they had me dance a fake polka with a girl, and then afterward I get accused: it’s disgusting!’

Those who had explanations to offer offered them; as far as the models, the visible proof of the violation is there, and burdens them.¹⁷

The two preserved photographs of the seaman (Jean Luquet) show him fully clothed, one in a casual portrait seated backward on a chair, the other sitting on a bed with a nude woman on his lap (figure 6). (On the following page a copy of the same photograph served to identify the woman.)¹⁸ Unfortunately, there is no way to know whether there truly were other photographs of the man ‘without his uniform’ (as opposed to simply being in civilian clothes, as he is here). Nevertheless, the passage is an acknowledgement of how the notion of the portrait complicated the demarcation between the nude in *académies* and in sex photographs. There was enough overlap of the categories to precipitate the pun on the term ‘n’a posé [...], que de la couleur’, and the text goes on to elide portraits with the *académies*. The seaman’s protestations also invoke portraiture as a ruse on the part of the photographers and as an index to his being unjustly accused. This invocation is closely connected to how the anonymous reporter relocates the *obscénité* of the images. The body per se is not exactly obscene, hence the slightly mocking (but fundamentally accordant) citation of the usual defence, ‘nudity is not obscenity’. The obscenity is instead some combination of lack of discomfort and ease of expression before the camera.

The wry conundrum articulated by the press report (quoted above) points to the unstable boundaries between the photographic *académie* and the *obscénité*.¹⁹ The passage suggests that the notion of ‘art’ as justification for the photographic nude was widely understood to be little more than a pretext. The sober concluding paragraph, however, points towards the way the methodology employed by the police in the register began to alter law

17– *Gazette des Tribunaux* (17 October 1861), 1013. *Académies* is italicized here to indicate that genre of photograph; *portrait* is italicized in the original.

18– Register Bb3, 143–144.

19– See McCauley, *Industrial Madness*, chapter 4, ‘Braquehais and the Photographic Nude’ and Sylvie Aubenas et al., *L’art du nu au XIX^e siècle: le photographe et son modèle*, Paris: Hazan/Bibliothèque nationale de France 1997. Susan Waller, ‘Censors and Photographers in the Third Republic of France’, *History of Photography* 27: 2 (Autumn 2003), 222–235.

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Figure 6. Rocheblanc, *Jean Luquet and an Unidentified Woman* and *Jean Luquet* (above); *Amélie Rabeau* (below), albumen prints, 1861. Register Bb3, page 143. Archives de la Prefecture de Police, Paris. All rights reserved.

enforcement efforts. By using the photographic *obscénités* to identify the models, the police effectively collapsed the distinction between the obscene object (e.g., the engraving or the dildo) and the obscene subject (the individual). The indexicality of the photographs provided the police with ‘visible proof of the violation’. In addition to selecting which photographs to use, the police also had to re-orient the photographs in order to fit them into the allotted space of the register. Stereographs, for instance, had to be cut in half to fit the page (figure 7). This was a literal act of recomposition and a metaphorical intervention in the enticing three-dimensionality offered by this format. The illusionistic frisson of bodies in space is rendered impossible, but the image of the model is preserved. The binocular visual structure permitting the effect of relief is replaced by a binary of text and image that attaches identity to guilt in the bureaucratic apparatus of the record. ‘Outrage against public morals’, which had traditionally resided in the *obscénité*, could now be embodied in the guilty individual.

Penalizing Gender

An analysis of the cases recorded in Register Bb3 suggests that patterns of gender-specific persecution and punishment were at work. These patterns correlate to the ascendancy of photography within the obscenity industry. In all, the register names about 140 individuals as having posed for photographic *obscénités*; 109 of whom were women, 31 of whom were men (approximately a three-to-one ratio). Not all individuals listed were actually arrested and punished due to the fact that they were minors, took flight, or for reasons otherwise unknown. The first male to be identified photographically in the

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Figure 7. Rocheblanc, *Marie Bedel and Charles Picard*, series of four hand-coloured albumen prints, each from one-half of stereograph card, 1861. Register Bb3, page 149. Archives de la Prefecture de Police, Paris. All rights reserved.

register was Jules Ulysse Bernard, arrested in connection with the *affaire* Ledot in December 1857 (figure 8). With one exception, Bernard was the only male model arrested more than once, and this not for posing but for being an operator for the photographer Dubourjal.²⁰ This example stands in stark contrast to the thirty-five female models who were arrested more than once. Twenty women among this group were identified with photographs in the register; fifteen were not. They were presumably identified through other means. All of the men were arrested for posing with women in sexually explicit acts, whereas individual women were consistently arrested for posing either alone or in groups.

As the police selected pictures to include in the register, they gave a specific shape to the visual discourse of ‘complicity in outrage against public morals’ with regard to gender. Of the approximately 124 individuals who were charged with posing and were identified with photographs, women outnumber men by about four-to-one (slightly more than the ratio of the total numbers charged with posing).²¹ The visual discourse of femininity in the register is overwhelmingly phrased in terms of the nude, partially clad or sexualized body. This discourse keeps the female body firmly attached to notions of sexual and moral corruption. Masculinity in the register is represented most often in the form of the conventional, clothed portrait. This pattern places the nudity and sexualization of the female body into still higher relief by keeping the men dressed and in public, presentable visual form. Throughout the register, the nude or sexualized female body becomes the generic sign of sexual availability. In linking faces and addresses, the register in effect becomes a visual catalogue

20– This was Léon Boncourt, who had posed with a woman for the photographer Courrier in 1863 and then was found with obscenities in Ste.-Pélagie prison while he was serving his sentence. *Ibid.*, 193.

21– I cite these numbers and ratios only as approximations. The term ‘model’ is used, but the majority of the women were florists, garment workers or laundresses and *filles publiques*. The men arrested came from a variety of occupations, including an accordion tuner, a pharmacy student and several military men. On the ‘profession’ of modelling, see Susan Waller, ‘The Invention of “the model”’: Artists and Models in Paris, 1830–1900’, PhD dissertation, Northwestern University 1999; on literary constructions of the model, see Marie Lathers, *Bodies of Art: French Literary Realism and the Artist’s Model*, Lincoln NE: University of Nebraska Press 2001.

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Figure 8. Hyacinthe Ledot, *Two Portraits of Jules Bernard* (above); *Ephrosine Renaudin* (below), albumen prints, 1857. Register Bb3, page 43. Archives de la Prefecture de Police, Paris. All rights reserved.

of sexually available women, a distorted mirror image of the trade the police were trying to disrupt.

The manner in which the photographs in the register work to convey conventions of gender and sexuality is clearly evident in the records of the *affaire* Ledot and the *affaire* Rocheblanc. In both cases the photographs articulate a distinct dichotomy of clothed/nude and male/female through the inclusion of conventional portraits of the men. In the account of the *affaire* Rocheblanc, the upper two photographs of the seaman exceed the simple function of identifying him (figure 6). The pictures imply a narrative in which the nude woman appears as an *accoutrement* to his portrait; a narrative not too distant from the story he apparently recounted in the courtroom. The sex act they are performing amounts to a singular moment; in the visual discourse of the register, it is deliberately set in contrast to the image of his public self. In contrast, the two pictures of Amélie Rabeau, which appear on the same page of the register (figure 6), represent her in partially clothed and nude states and feature two different hairstyles and sexualized poses. The pictures the police chose to affix to the page articulate her identity entirely and exclusively through her sexual availability.

Even images representing intercourse reiterate gendered sartorial or bodily codes. Another set of images from the *affaire* Rocheblanc (figure 7) juxtapose the nude female body with the clothed male one. As with the pictures of the seaman above, the police chose images which work visually to encode the women as manifestations of a male sexual desire, while the male retains a protected, public form.²² Although these examples probably represent simulations rather than actual intercourse, the judicial discourse involved points toward another axis across which gender seems to have been a factor: that of the distribution of punishments. The two men arrested for modelling in the *affaire* Rocheblanc (Jean Luquet in figure 6 and Charles Picard in figure 7) were punished more strongly than the women with whom they posed. In the case of Luquet, both he and his female companion were fined sixteen francs, but he was sentenced to six months in jail as compared to her one month in jail. The difference may indeed have been inflected by the fact that Luquet was a military man and had served as a ‘courtier’ to the photographer, but Charles Picard was sentenced to one month in jail and fined sixteen francs while his female companion in the photograph was acquitted.

After the first few cases, punishment for women models routinely became one or two months in jail and a sixteen franc fine. The men routinely faced heavier penalties. The majority of those arrested received jail time of up to six months or more and most fines were approximately 100 francs. Other factors, of course, influenced the sentences. For example, since men who posed were in some cases also colourists, photographers or *colporteurs*, the sentence would be heavier. The *affaire* Vincent (figures 4 and 5) suggests how the magistrates considered the level of involvement in the enterprise, as well as gender, in distributing punishment. The photographer Vincent, who had both posed for and sold the contraband, was sentenced to a year in prison and received a 100 franc fine. Another photographer, Jules Maréchal, who had also posed, was sentenced to a year in prison and fined fifty francs. Three other men, who had only posed, were sentenced to six months in prison and fined fifty francs. All of the women in the case were punished with four months in prison and fined sixteen francs.²³ This case is one of eight recorded in the register in which men with no apparent connection to the photographic operation, except for having posed, received harsher sentences than the women involved.²⁴

It is difficult to ascertain exactly which factors determined the penalties in these cases concerning obscenities. A number of variables could influence the

22 – Though I emphasize the decision by the police to include these particular pictures, I realize the convention of clothed versus nude in the photograph is an articulation of the photographer’s *mise-en-scène*. I address the issue of the simulation of sex in a forthcoming study of early sex photography.

23 – Register Bb3, 181–186. One of the women in this case took flight and was never arrested; she was sentenced for default to six months in prison and a fine of sixteen francs.

24 – These include the *affaires* Darnay, Lelong, Colombier, Courier, Ledot and Veyrat/Brious/Lamiche.

decision: the lesser legal status of women in the period, the differences in magistrates, the potential multiple charges against any given individual. Based on the pictures that are preserved, however, there does seem to have been some effort on the part of the magistrates to scale the penalties to the explicitness of the photographs. Women who posed alone consistently received the lightest punishments, while models of both genders who posed in groups engaged in sexual activity generally received heavier ones. It is possible, however, to read the differences in punishment within certain cases as the judicial manifestation of fundamental cultural concerns about how gender would be represented in the new medium. The punishments, read alongside the images, are readily understood as self-fulfilling prophesies with regard to female sexuality as the nude female bodies are identified and repeatedly recorded throughout the register. When it came to the male models, however, the tendency toward stronger punishment can be read as a sign of profound anxiety about the visibility of male sexuality.²⁵

L'affaire Belloc

Register Bb3 of the Archives of the Paris Prefecture of Police had a limited spectatorship. The police and magistrates who assembled and used it were mostly seeking to identify the accused and document the cases. Their principal goal was the disruption of the trade in sex photographs. The register mediates two radically opposed kinds of desire: the public, official desire to identify and punish those complicit with moral offences, and the private, illicit desire to see sex through photography. A comparison between materials in the police register and a small sample of a group related to it, but omitted from it, suggests that the cultural associations unique to photography precipitated, by 1860, a departure from established traditions that restructured the visual representation of sexual desire. The materials related to the *affaire* Belloc provide a second archive of *obscénités* which confirm this shift.

Auguste Belloc (1805–1867) was a prominent member of the Parisian photographic community, active since 1845, and one of the founding members of the Société française de la photographie. He was known for his technical manuals as well as his portraits and cartes-de-visite. He had been signalled by the police as early as 1856 for the production of obscenities and in 1857 was fined 100 francs for ‘publication of unauthorized photographs and offence to public morals’. In October 1860, his studio in the rue de Lancry was raided once more and the police discovered 1200 stereographs packaged in hinged-boxes fashioned to appear as sets of books entitled *Oeuvres complètes de Buffon*.²⁶ (One three-box set was included in the 1866/1869 donation to the Bibliothèque nationale mentioned above. Figures 9 through 13 are among the eighty or so contained in those three boxes.) The raid also yielded an additional 3000 obscene photographs on paper, 307 negatives, four albums of nudes and 102 large-format prints of ‘nude women in licentious poses’.²⁷ This seizure was the single largest recorded in the register and clearly represented a major case in several respects.

After the raid and arrest, Belloc was released on bail through the intervention of his cousin who was a division general in the Imperial army. The case came before the magistrate M. Bonnefoy Desaulnais on 24 October 1860. As the *Gazette des Tribunaux* reported two days later:

Following a considerable seizure of obscene photographic prints (one of the photographers valued it at more than 10,000 fr., the provocation for the seizure at his studio), a considerable number of individuals were implicated, some as authors of the violations, others as accomplices, [all of whom] were brought to justice.

25– On aspects of this issue in French academic history painting in the first half of the nineteenth century, see Abigail Solomon-Godeau, *Male Trouble: A Crisis in Representation*, New York: Thames and Hudson 1997. Though I disagree with her characterization of the ‘feminization’ or ‘disempowerment’ of masculinity and its operation in the images she discusses, her general notion of anxiety about the representation of male sexuality in the period has informed my interpretation of these photographs.

26– This is a reference to Georges Louis Leclerc, comte de Buffon (1707–1788). Philippe Comar, in his essay ‘Sous le manteau de photographe,’ points out the wit of Belloc’s reference to this well-known naturalist. In Aubenas and Comar, *Obscénités*, 24.

27– Register Bb3, 104.

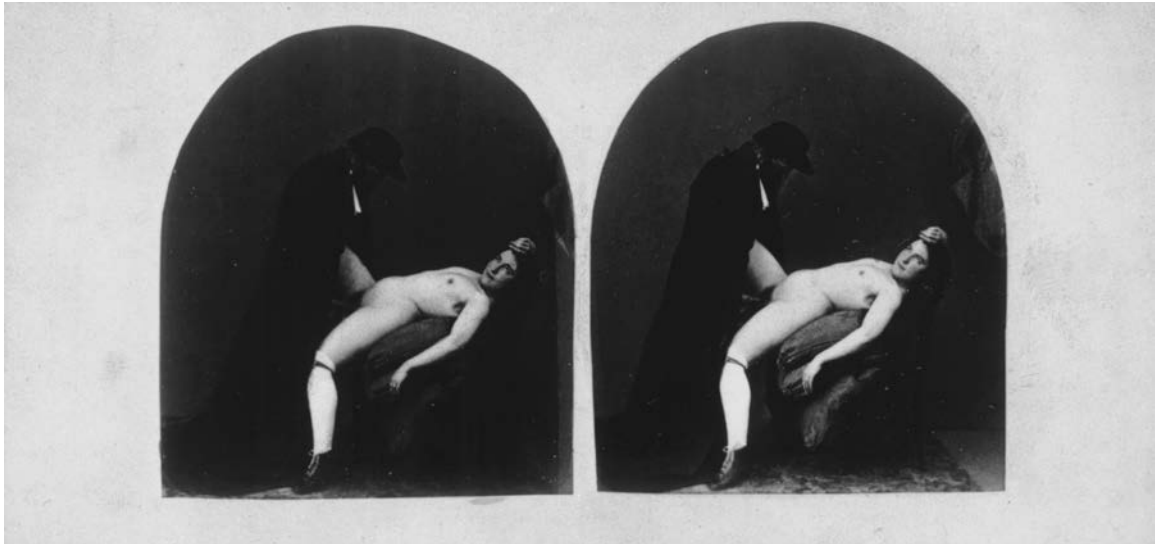


Figure 9. Auguste Belloc, *Caped Figure and Woman*, varnished, hand-coloured albumen print stereograph, 1860. Département des estampes et de la photographie, Bibliothèque nationale de France, Paris.

These days, it's not just pretty girls who pose for those pictures called *académies*; the majority of the incriminating prints represent groups of a revolting obscenity, groups called by the name of Polkas, but why? ... We can see the cavalier and his lady, but we can see neither a character from a dance nor a dance of character.

The female personnel are more or less always the same, and beside some new models, we see the incorrigible recidivists whose convictions we have mentioned in related cases.

The authors of the seized prints are the sirs:

1. Veyrat, photographer, rue faubourg du Temple, 109
2. Brious, self-titled musician, rue de Vincennes, 16 (19th arrondissement)
3. Lamiche, photographer, Près-Saint-Gervais, Grand Rue, 82.²⁸

The article continues with a description of the multiple other parties involved, including the middlemen and the male and female models. As in the

28 – *Gazette des Tribunaux* (26 October 1860), 1028. 'Brious' is spelled 'Briousse' in the police register. As with other names I employ these spellings (rather than those in the *Gazette*), because the latter were probably only heard aloud in the courtroom by the reporters.

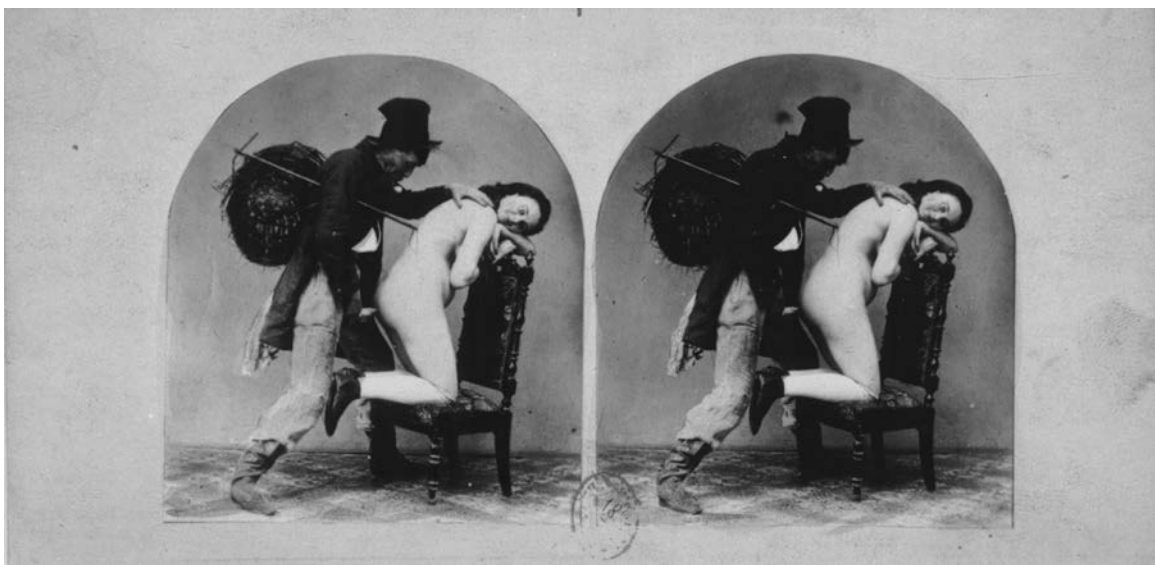


Figure 10. Auguste Belloc, *Rag-picker and Woman*, varnished, hand-coloured albumen print stereograph, 1860. Département des estampes et de la photographie, Bibliothèque nationale de France, Paris.

affaire Vincent the photographers bore the brunt of the punishment: a total of a year in prison and a fine of 800 francs for Veyrat and Briousse; seven months in prison and a fine of 500 francs for Lamiche. The other accomplices saw penalties ranging from one to two months in prison and fines from 200 to 400 francs. Among the models, Jules Bergerois received a year of prison and a fine of fifty francs; Henri Fricot received eight months and a fine of 300 francs.²⁹ All nine of the women were punished with one or two months in jail and fines of sixteen francs, another example of how much more aggressively the male models could be punished for *obscénités*.³⁰ The report concludes with the following brief paragraphs:

In another small case of the same nature, but less serious, we saw presented four models: the women Guy, Horry, Rosand et Decorps; the last figured in the preceding case; they posed for M. Belloc, calling himself manufacturer of chemical products, rue de Lancry, 16.

The latter was condemned to three months prison and 500 francs fine, for outrage against public morals and to good manners, and to one month and 300 francs for contravening the decree of February 1852.

The models were condemned to one month of prison and sixteen francs fine.

In these two cases, the Tribunal said that these punishments are not to be confused with those previously pronounced.³¹

Certainly the material was found in Belloc's studio, but the ultimate resolution of the case, the distribution of punishments, and the court's insistence that the two cases not be confused, points to a complicated legal situation as well as potential malfeasance. This report, along with supplementary evidence from the police register, argues for a theory first advanced by the scholar Sylvie Aubenas, namely that Belloc's studio may well have served as a production facility where both his and other photographers' negatives were printed and hand-coloured prior to distribution.³²

According to entries in the police register, the police were aware of a major network in early October 1860. Alexandrine Cardot, one of the models, 'had Fricot Henri arrested, with whom she had posed *chez* Briousse'.³³ Fricot was Briousse's brother-in-law. Léontine Ruche 'modeled for Briousse, her lover, she admitted having posed'.³⁴ Briousse had also been identified to the police on 5 October 1860 by the vendor Lelong. When the police searched Briousse's studio in Belleville, they found 'a certain number of photographs called Polkas having the same origin' as those found on Lelong.³⁵ Julia Cordani, another model in the case, was, according to the register, the lover of Veyrat, and may have informed upon him.³⁶ Telegraphic as these entries are, it is clear that a number of leads proved fruitful for the police in the first weeks of October. Not only were models and dealers providing useful information about the photographers, but the notation about the 'Polkas having the same origin' indicates that the police had begun to think in terms of a decentralized network of production and distribution.³⁷ Lamiche, who had been known to the police for his production of *obscénités* since 1856, was also known to have used the tactic of protecting himself by having his photographs printed elsewhere. He was implicated indirectly in the *affaire* Rivemale-Gaudry (mentioned above) in which the colourist betrayed the photographers for not having paid her. A model in that case, Marie Détourbet, 'claimed to have posed for these photographs *chez* Mr. Lamiche', despite their having been being printed by Rivemale and Gaudry.³⁸

Aside from his production of *obscénités*, Lamiche may also have been implicated in the Belloc case for political reasons. In 1857, he and his associate Dessoye (or Desoye) circulated a bulletin among photographers, convening a meeting. The intention was to petition the Minister of the Interior and the

29 – These two names are spelled 'Bergeron' and 'Fricaud' respectively in the *Gazette*. There is also a discrepancy between the fines recorded in the register and those reported in the *Gazette*. According to the register, Fricot received eight months in prison and a 900 franc fine. Bergerois received one year in prison and a 500 franc fine. If these punishments are correct, this case represents one in which the male models were punished even more harshly than the photographers. Register Bb3, 123–126.
30 – *Gazette des Tribunaux* (26 October 1860), 1029.

31 – *Gazette des Tribunaux* (26 October 1860), 1029. There is also a discrepancy between the names of the models in the report of the *Gazette* and the citations in Register Bb3. See note 35 below.

32 – Sylvie Aubenas, 'Auguste Belloc et la photographie pornographique', 57.

33 – Register Bb3, 97.

34 – *Ibid.*, 123.

35 – *Ibid.*, 122.

36 – *Ibid.*, 76.

37 – It is tempting to consider this as another motivation for the courts to keep the female models 'circulating', as it were, with short jail terms, so they could continue to lead the police to the photographers.

38 – Register Bb3, 31 and 91.

39 – Ibid., 31.

Emperor with complaints about the seizures of photographs of nudes. The pretext was surely that their work could be trusted to be sufficiently *académique*. The signatories of the petition included Blot, Belloc and Malacrida, among others, all of whom the police listed in the register. In October 1860, the register records that, in addition to ‘licentious transparencies’, the police seized ‘a certain number of prints on paper of which three represent a review of the Imperial Guard with the caption Review of the Informal Guard’ in Lamiche’s studio.³⁹ The combination of having initiated the petition, the continued production of *obscénités*, and this satirical political material might have made Lamiche vulnerable and a desirable target.

If we take the account in the *Gazette des tribunaux* as reporting a more or less ‘official’ statement about the Belloc case, it would appear that the court sought to punish Belloc while publicly and explicitly separating him from the others. Based on the testimony of the models and the evidence of a fairly elaborate network, it seems certain that Belloc’s studio was indeed a production house or packaging/staging venue for the work of some number of photographers. Unlike the handfuls of prints that a *colporteur* might have on his person, Belloc’s studio contained thousands of prints when the police raided it. The reference in the *Gazette* article to Belloc as ‘manufacturer of chemical products’, not as a photographer, is odd given the fact that Belloc had published several complete photographic treatises by this time. His total punishment (of four months in prison and a fine of 800 francs) is scaled in line with those handed out to the other photographers. But this begs the question as to why the court would pronounce his ‘another small case of the same nature, but less serious’. Belloc’s prominent status and political connections may have encouraged the court to publicly attach responsibility for the operation to Lamiche and his colleagues.

Reshaping the obscénité

A number of the 327 prints donated to the Bibliothèque nationale by the *Procureur impérial* in 1866 and 1869 differ significantly from the photographs preserved in police Register Bb3. These prints, securely connected to Belloc on the basis of technique and provenance, are distinguished by the high level of photographic craft. The delicate hand-colouring and light coat of varnish, correspond directly to technical recommendations that Belloc made in his published photographic manuals.⁴⁰ In terms of *mise-en-scène* and compositional sophistication, two particular examples (figures 9 and 10) embody a complex balance between traditions of the *académie* and the new conditions under which sex photographs were produced. In these two stereographs the men are outfitted in hats and dark coats, their faces obscured in profile, while the unclothed women look directly into the camera. This juxtaposition of the clothed male and nude female bodies echoes the conventions evident in the police register, but more to the point, the elaborate costumes render the male figures anonymous. The magistrate may have envisioned these male figures as a model (as it were) for what to do with Belloc.

The anonymity of the men in these two examples correlates with the pressures of the law and with the way these pressures transformed the sexualized pictorial space of the photograph. Setting the generic character of the males against the specificity of the women (like the police register’s repetition of the nude female body against clothed men), reiterates a generalized notion of the sexual availability of women. In terms of images of women, this took a related and specialized form in many of the eighty or so stereographs packaged in boxes disguised to appear as volumes of Buffon. These stereoscopic views concentrate on the exhibition of female genitalia

40 – Aubenas, *Obscénités*, 14.

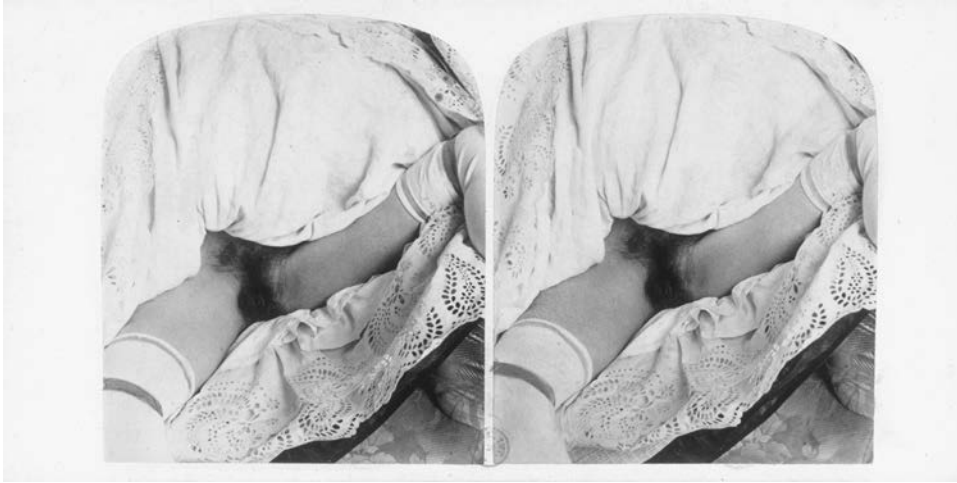


Figure 11. Auguste Belloc, *Woman Lifting Her Skirt*, albumen print stereograph, c.1860. Département des estampes et de la photographie, Bibliothèque nationale de France, Paris.



Figure 12. Auguste Belloc, *Woman Covering Her Head*, albumen print stereograph, c.1860. Département des estampes et de la photographie, Bibliothèque nationale de France, Paris.



Figure 13. Auguste Belloc, *Woman Reading*, varnished, hand-coloured albumen print stereograph, 1860. Département des estampes et de la photographie, Bibliothèque nationale de France, Paris.

41 – Scholars have long recognized that Belloc's images served as the conceptual and visual model for Gustave Courbet's notorious *L'origine du monde* of 1866; this is discussed most recently in John Sillevs, *De naakte waarheid; Courbet en het 19e eeuwse naakt*, Den Haag, Gemeentemuseum, 2006.

42 – Abigail Solomon-Godeau, 'Reconsidering Erotic Photography: Notes for a Project of Historical Salvage', in *Photography at the Dock: Essays on Photographic History, Institutions, and Practices*, Minneapolis MN: University of Minnesota Press 1991, 233.

(figures 11, 12 and 13). They do not fetishize the female body as a whole but rather work through fragmentation. This conception is virtually unprecedented in the history of sex imagery and, seen in the context of the operations of the police, represent a complementary, profound transformation of the sex photograph as it operates in the register.⁴¹

As Abigail Solomon-Godeau remarked, such images 'appear fully formed, as it were, in [their] earliest incarnations. It is as if these ritual displays are invented for the camera'.⁴² I would argue alternatively that, seen in the context of the paradoxes of the early years of sex photography, they might have been invented for the police. As *obscénités*, Belloc's photographs defy the authorities to identify the models, simultaneously exploiting the women's willingness to pose while protecting their identities. The uselessness of these images to the police in establishing even 'complicity' in outrage against public morals serves to subvert the very tools of law enforcement that were being used against sex photographs. In the process, they also reflect the judicial ideal version of the *obscénité* by eliminating masculinity from the photographic space entirely. In representing the spread limbs or the genital organs as the centrepiece of the composition, Belloc completely aligns the sexualized view with the physical gesture of intercourse, polarizing the space between viewer and photograph along a sexualized and gendered axis. While some sex photographs (figures 9 and 10) operate through the use of social cues about sexual activity and, for the normative heterosexual gaze, require at least some combination of identification (with the rag-picker or his mysterious cloaked counterpart) and objectification (of the nude woman as sexual object), the fragmented, anonymous genital organs featured in other photographs foreclose identification entirely.

Though the themes, conventions and strategies at work in all of Belloc's images are ubiquitous in sex photography, they were formed in a historical moment structured by a particular set of ideological and social pressures. The photographic enterprise in general was undergoing its first great explosion as a trade and a dynamic new element in Parisian visual culture. By using the sex photograph literally as *obscénité* and proof of individual guilt, the authorities unwittingly challenged photographers to explore even further the opportunities presented by the new medium to signify sex. The stereographs of Belloc represent an especially deft response to this challenge in their recombination of identity and gender. They are not only important early examples of sex photography but a significant moment in the history of resistance to censorship and state control.