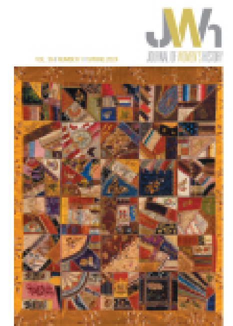
PROJECT MUSE®

# *Reproducing Seventeenth- and Eighteenth-Century Europe*

Nina Kushner



Journal of Women's History, Volume 36, Number 1, Spring 2024, pp. 152-158 (Review)

Published by Johns Hopkins University Press
*DOI:* *https://doi.org/10.1353/jowh.2024.a920134*

*For additional information about this article*
https://muse.jhu.edu/article/920134

[172.71.254.177] Project MUSE (2025-04-05 00:05 GMT)

# *Reproducing Seventeenth- and Eighteenth-Century Europe*

John Christopoulos. *Abortion in Early Modern Italy.* Cambridge, MA: Harvard University Press, 2021. 368 pp. ISBN 9780674248090 (cl).

Julie Hardwick. *Sex in an Old Regime City: Young Workers and Intimacy in France, 1660–1789.* New York: Oxford University Press, 2020. 294 pp. ISBN: 9780190945183 (cl).

Karen Harvey. *The Imposteress Rabbit Breeder: Mary Toft and Eighteenth-Century England.* New York: Oxford University Press, 2020. 224 pp. ISBN: 9780198734888 (cl).

Nina Kushner

On Friday, June 24, 2022, the United States Supreme Court issued its long-awaited ruling on *Dobbs v. Jackson Women's Health Organization*, in which it upheld the constitutionality of a Mississippi law prohibiting abortion after the fifteenth week of pregnancy. In doing so, the Supreme Court overturned the landmark 1973 decision *Roe v. Wade*, which recognized abortion as a constitutional right under the due process clause of the Fourteenth Amendment. In drafting the opinion for the majority, Justice Samuel Alito rested several legal arguments on his reading of history. He argued that abortion had been criminalized in England since the thirteenth century and, more critically, that abortion and a right to it were neither "deeply rooted in this nation's history and tradition" nor "implicit in the concept of ordered liberty" and hence do not qualify for protection under the due process clause.[1] Historians of abortion in the United States vigorously refuted these statements.[2] The Dobbs decision has since led to the limitation and even denial of access to abortion for pregnant people in numerous US states, making clear that the history of abortion matters beyond its rich and evolving historiography: it has real-world implications. For many, the ruling is a part of longer histories of the struggle over bodily autonomy and of state discipline over female sexuality more generally. The works reviewed in this essay show the complexity of these histories. While each explores numerous topics, they coalesce around two major themes, one historical and the other historiographic. The historical theme concerns how elite efforts to understand and control female fertility have been tempered by the on-the-ground realities of pregnancy. The historiographical theme is a necessary corollary, a study of how historians use and balance prescriptive and descriptive sources. If these works make any argument collectively, it is that people in sixteenth- through eighteenth-century England, France, and Italy—from those in positions of power in



[172.71.254.177] Project MUSE (2025-04-05 00:05 GMT)

the church and state to poor people living in cities and the countryside—varied widely in their attitudes toward and understandings of reproduction and its control.

In *Abortion in Early Modern Italy*, John Christopoulos tackles the present-day implications of his research directly, urging us to "resist representations that distort history to further self-interest, legitimize authority, and create a desired past" (257). He finds that the peoples of sixteenth- and seventeenth-century Italy, despite living in and around the headquarters of the Roman Catholic Church, evinced a profound ambivalence toward abortion. He explores that ambivalence through a study of the major frameworks that defined the practice in this period: medicine, the church, and the law. Christopoulos deftly moves back and forth between examining ideas and regulations on abortion on the one hand, and, on the other, analyzing how these precepts were understood and experienced by those whose job it was to implement them (judges or local priests, for example), by those seeking or aiding in abortions, and by the women who had abortions.

Christopoulos has several main arguments: abortion was widely practiced and tolerated. All kinds of women sought abortions for many different reasons. Many tolerated the practice even as civic and religious authorities were increasingly uncomfortable with it, and legislation reflected that discomfort. Abortion was a sin (the severity of which varied), and in some jurisdictions, it was a crime. But, authorities did not expect or even desire full compliance with the law. Toleration thus encompassed a range of judgments about the practice of abortion, even as some categorized it as homicide. Some authorities thought abortion was a necessary evil preventing even greater ones like infanticide, social disorder, and scandal.

Attitudes toward individuals procuring or having abortions were shaped by an additional set of factors, including gender, social status, family structure, age, and even the likability of those involved. Men, Christopoulos concludes, were often the main beneficiaries of abortion.

In his first chapter, Christopoulos focuses on the interplay of medical ideas, civic ordinances, and medical practice. He argues that while male-dominated medical institutions prohibited abortion, medical professionals (physicians, midwives, and apothecaries) often deviated from prescriptive norms. They did so when they thought a medical abortion was necessary to save the mother's health, when they were sympathetic to social pressures she faced, or when contending with what Christopoulos calls "corporal ambiguity"—symptoms that medical practitioners and even pregnant women themselves interpreted in multiple ways. For example, the same symptoms could be read as indicating a woman was pregnant, or that she was ill with a condition that requited purgatives, the same ones that could induce an abortion. Those facing tribunals for inducing, procuring, or having abortions sometimes manipulated this uncertainty to reduce their culpability.

In chapter two, Christopoulos turns his attention to how the post-Tridentine church treated what it saw as the problem of abortion, beginning with an effort to stem the practice by educating the laity on abortion's sinfulness. In 1588, Pope Sixtus V

intensified and redirected the church's response by declaring all abortion to be homicide, the absolution of which could be granted only by the pope himself. Christopoulos found that clerical reactions to the bull ranged from practical concerns to rejection of the bull's "doctrinal innovation and disciplinary severity" (169). Thus, in 1591, Pope Gregory XIV "moderated" Sixtus's bull, restoring the canonical consensus that the degree of sin depended on whether or not the fetus had been animated. Animation was the imbuing of the fetus with a soul, generally believed to occur for a male at forty days and for a female at eighty. Christopoulos found that, like medical practitioners, clerics at every level of the hierarchy had a wide range of responses to abortion, which they understood in both religious and social contexts. They were sympathetic to the problems women experienced when faced with a dangerous, scandalous, or unaffordable pregnancy.

In his final chapter, Christopoulos argues that while abortion was an important subject in jurisprudence, laws and trials concerning abortion were few. Laws were unclear in establishing what counted as abortion and what the penalties for it should be, though they generally followed the church in linking punishment to fetal development. Most judges accepted the idea of corporal ambiguity and thus were unwilling to sentence defendants to death, preferring punishments like whipping and banishment. Judges were also sensitive to the social and cultural pressures that led women to get abortions and, as a result, tempered the demands of the law with the specifics of each case. Ultimately, the testimony of those on trial contributed to legal discourse by solidifying assumptions regarding female vulnerability to economic distress, male manipulation and violence, and corporal ambiguity.

Beyond offering a full picture of abortion in early modern Italy, Christopoulos's work makes an interesting contribution to the history of gender. Christopoulos reminds us that the sixteenth-century Counter-Reformation church was engaged in a wide-ranging reform process to which the politics of "body, gender, and sexuality were central" (6). Secular and ecclesiastical authorities advocated traditional Christian teachings on sexual morality. Yet, at least around abortion, this era did not mark a particular effort to discipline female over male sexuality. Richly archival and beautifully written, *Abortion in Early Modern Italy* is field defining in its findings and in its approach.

In her monograph *Sex in an Old Regime City: Young Workers and Intimacy in France*, *1660–1789*, Julie Hardwick focuses not on the dialectic between prescriptions and their interpretations at the local level, but rather on their stark contrast. She finds that prescriptive declarations were not usually enforced. Courts supported single pregnant women who sought help in compelling an intimate partner to pay costs related to a pregnancy and childbirth, to take custody of the baby, or to marry them. Moreover, couples faced with unexpected pregnancies could access a number of community-supported and community-generated solutions. Hardwick argues that as long as the couple followed basic rules in their courtship and in dealing with an unexpected pregnancy, they would be able to go back to their lives with reputations intact. Deceptively simple, these arguments challenge the scholarship that marks the

[172.71.254.177] Project MUSE (2025-04-05 00:05 GMT)

early modern period, and even the eighteenth century, as a moment of increasing discipline of female sexuality. Like Christopoulos, Hardwick finds instead that courts and communities disciplined male sexuality, forcing recalcitrant fathers to take responsibility or face losing their reputation. Hardwick also fills in important gaps in the French historiography. Scholars have long puzzled over the sex lives of people in early modern France between the onset of sexual maturity around age sixteen and when most married in their mid-twenties. Equally unclear was what happened to women who became pregnant and failed to marry, beyond the attempted redress, by some, of going to court. Finally, Hardwick energizes the field by bringing the history of emotions to the history of sexuality, a twining that is surprisingly rare in the historiography. She deftly explores how these relationships were sites of emotional investment and how their success or failure elicited a range of emotional responses from multiple stakeholders, including the couple, their families, and community members.

Hardwick sets the stage in her first chapter, situating emerging adults—workers in the decade between their first job and marriage—in the social world of work in the economic powerhouse that was Lyon between 1660 and 1789. She argues that intimate relations among emerging adults were widely accepted as long as they followed certain conventions that marked those relations as licit. Those conventions, the subject of Hardwick's second chapter, included that their relationship was monogamous, that the couple were social equals and thus eligible to marry, and that they spent their time together in public. When couples violated these norms, various community "safeguarders," from peers to employers, felt free to step in to protect reputations and prevent any "casual slippage" to sexual behavior that might result in an unwanted pregnancy. Couples did engage in sexual intercourse, but the decision to do so was supposed to be made in advance and after serious discussion with an understanding of the stakes.

In her third and fourth chapters, Hardwick explores what happened if a courting couple found themselves expectant parents. At this point, many such couples married. Some sought abortions, which during early pregnancy were considered a "feasible and legitimate option" and were mostly ignored by the courts (115). Other couples turned to notaries to make binding out-of-court legal agreements, dictating child support for example. Some women took deadbeat partners to court. The community understood that premarital pregnancy both was a predictable outcome of courting and might not lead to marriage. Thus, rather than moralize or discipline the couple, the community tended to be sympathetic. The couple was supported not only by neighbors, employers, kin, and peers (i.e., safeguarders), but also by notaries and religious figures (parish priests and the Capuchin and Dominican friars who so often served as confessors) who collectively prioritized the "safety and well-being of the young people—and the infants to be born" (177).

In chapter five, Hardwick examines how the communal complicity around monitoring and regulating courtship extended to creating mechanisms that provided single mothers with safe spaces in which to give birth, recover, and secure care for their newborns. These options were made possible by what Hardwick calls an "intimate

economy of labor": the paid work of networks of women. These ranged from landladies who rented rooms to expectant mothers and provided them with other services, to the midwives and wet nurses who delivered babies and provided postpartum care.

Other remedies for unwanted pregnancies included abandonment, infanticide, and delivery of a newborn at the Hôtel-Dieu, a public hospital. The administrators of the Hôtel-Dieu constructed the same divisions between licit and illicit sexuality as did the larger community in this story and, like it, worked to protect the baby and get the parents' lives back on track. As for infanticide, Hardwick found prosecution was usually triggered not by the marital status of the mother, an older assumption in the historiography, but by a clear indication of abuse (intentional infanticide). "Situational" infanticide, when the death was the result of neglect, was, in contrast, often met with sympathy and pragmatic responses from community members. Meticulously researched, field shaping in its findings, and limpidly written, *Sex in an Old Regime City* is accessible to undergraduates.

Like Christopoulos and Hardwick, Karen Harvey, in her tightly woven and easily readable microhistory *The Imposteress Rabbit Breeder: Mary Toft and Eighteenth-Century England*, looks at questions of reproduction. Through this case, Harvey examines common birth practices and ideas about reproduction and their tension with elite regimes of knowledge, specifically medicine and science. She further triangulates the history by showing how ideas about maternal imagination and the position and autonomy of Mary Toft, the woman at the center of the story, became subjects of debate in the emerging public sphere.

Mary Toft, a married agricultural day worker, lived with her husband in the town of Godalming in Surrey. In early September 1726, two weeks after chasing some rabbits, Toft experienced what was likely an extended miscarriage. With the complicity of her family, a network of local women, and her doctor, Toft perpetrated a hoax that she was giving birth to rabbits and rabbit parts. By October, reports of the case had appeared in the press. By early November, a number of well-respected doctors and male midwives—some attached to the royal household of King George I, to whom they reported—had traveled to Surrey to examine Mary and publish on the case. Mary was moved to London and housed in a *bagnio*, which "were multipurpose spaces where customers came in search of food, lodging, and a range of services promoting the health of the body" (53). While there, several different physicians subjected her to repeated intimate examinations. Seven weeks after the first published report of the births, a porter at the bagnio discovered the fraud, leading to an official investigation and vitriolic public backlash in the press. Mary was imprisoned along with her doctor. Both were eventually released, as the Crown could not find charges to bring against them.

Harvey asks why the hoax occurred, why it garnered such widespread interest, why the backlash was so intense, and why Toft remained of interest decades after the hoax and even centuries after her death. In the tradition of the best microhistories, Harvey answers these questions by putting the case in varying contexts as she telescopes out from Surrey to London to the press, forming three of the book's four sections. She uses

[172.71.254.177] Project MUSE (2025-04-05 00:05 GMT)

the case as a lens through which to examine social, economic, and political tensions of early eighteenth-century England; shifts in scientific and medical epistemologies; developments in art and architecture; and the history of the press and a widening public sphere. These examinations result in multiple interventions, a number of which are relevant to the themes of this essay.

The first concerns the autonomy and agency of Mary Toft. As an individual, Toft appears to have had very little agency, at least if her claims that the entire scheme was the idea of others—her intimidating midwife mother-in-law and her doctor—were true. Perhaps it is ironic, then, that Toft was considered quite dangerous by the judiciary and a hungry press. In the context of rising protests by the poor and growing anxieties about women as criminals, the hoax itself showed that "a poor woman could come very close to making a fool of the King" (86). Toft was disciplined—not as a sexual being but as a poor woman who fooled elites—by the press and by a judiciary that sentenced her to hard labor for four months.

Toft's bodily autonomy was also compromised. Harvey traces control over Toft's body from a group of women in Surrey to a group of educated doctors, who performed internal exams on Toft, to those officials controlling the prisons of London. who did numerous internal exams to the prisons of London. Once Toft was moved to London, she was subject to internal, often painful exams performed in front of onlookers. At least one doctor attempted to induce pain through his exams as a way to stimulate labor. He later threatened her with a "painful experiment" to get her to confess to the hoax (70). Unlike Toft, the historical subjects in Christopoulos and Hardwick's books experienced a range of forms of bodily autonomy. Women in seventeenth- and eighteenth-century Lyon agreed to have sex and, like women in early modern Italy, made choices regarding what to do with unwanted pregnancies. In Harvey's telling, Toft was reduced to an object of medical practice and a voyeuristic press; her reproductive organs (vagina, uterus, and breasts) were exposed to public scrutiny.

A second set of arguments concerns why there was so much interest in the case to begin with and, relatedly, what the case meant. Harvey argues that the rabbit births marked a wider, jagged epistemological shift away from a supernatural reading of the world (disenchantment) to "an Enlightened materialist application of reason to the creation of knowledge" (148). Ultimately, Harvey argues, both epistemologies existed simultaneously in this period. Nevertheless, medical science which was at a turning point, "became subject to scientific practices of knowledge" that had already shaped the fields of math and physics (141). The rabbit births were a test case for arguments around the power of maternal imagination, the fantastical idea that what a mother saw or thought during pregnancy could impact the characteristics of her fetus. The doctors examining Toft all made a claim for empiricism—that they would not report what they had not observed personally. Harvey argues that at least part of the early press coverage and increasing public interest focused on the idea of genuine scientific discovery. Yet, the idea of maternal imagination was threatening. In suggesting that the "rational mind was in peril of being subsumed by the unthinking, impulsive, and

uncontrollable body, here represented by Toft," the rabbit births brought into question the primacy of reason, the hallmark of the Enlightenment (93). The rabbit births also came to represent a number of other anxieties and disorders "in government, in social relations, and within the female body" (128).

Harvey makes a compelling case for how ideas about reproduction were not just interwoven into varying discursive registers but also of paramount importance to them. Thus, when read against each other, the three works under review argue that ideas about and the management of reproduction both were part of the fabric of communities and were sites of contestation and mediation between prescriptive norms and lived realities.

## Notes

[1]Dobbs v. Jackson Women's Health Organization, 597 U.S. (2022), accessed October 10, 2022 (page 5, 15–25), https://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf.

[2]Lauren MacIvor Thompson, "Women Have Always Had Abortions," *New York Times*, December 13, 2019, accessed October 23, 2022, https://www.nytimes.com/interactive/2019/12/13/opinion/sunday/abortion-history-women.html.