

## The Medieval Review, 2016 Reviews

---

[The Medieval Review](#) 16.06.13

Mistry, Zubin. *Abortion in the Early Middle Ages c. 500-900*. Woodbridge: York Medieval Press, 2015. pp. xiii, 342. £60.00 (hardback). ISBN: 978-1-90315-357-4 (hardback).

**Reviewed by:**

Rob Meens

Utrecht University

[R.M.J.Meens@uu.nl](mailto:R.M.J.Meens@uu.nl)

Histories of abortion are mostly written with a specific agenda in mind. They tend to defend or criticize the practice and in doing so tell only part of a much more nuanced story. This book, written on the basis of a University College London Ph.D. thesis, tells a much more nuanced story and in a very convincing way. The effort to do justice to the variety of responses to the problems associated with abortion has as a consequence that this book is unable to present a unified (and therefore simplified) narrative, but it makes up for this by its richness and by the careful ways in which the evidence--as well as a lack of evidence--is analysed and discussed. For this book the author draws heavily on the recent work of Marianne Elsackers, particularly on her unpublished 2010 Ph.D. thesis: "Reading between the lines. Old Germanic and Early Christian Views on Abortion" (University of Amsterdam). Yet this book offers a fresh and imaginative interpretation of the available sources and the ways in which they speak about early medieval abortion. It also serves as an early medieval counterpart to, and sometimes as modification of, Wolfgang Müller's book on the criminalization of abortion in the later Middle Ages.

In the introduction the author explains his methodology, the structure of the book, and the ways in which his study is indebted to and inspired by earlier authors in this field. He emphasises that the evidence we have should not too easily be connected into a bigger picture, but is better analysed in its own context. The same is true for repetitive and derivative texts, which are read as providing insight into an engagement with earlier views rather than as a simple corroboration of an existing tradition. It is clear that this book seeks to uncover uncertainties, debates, and thought, rather than firm tradition and authority.

The first chapter sets a background by discussing Roman and early Christian understandings of abortion. In Roman society abortion was discussed in a variety of contexts: a legal one, a medical one, or a moral one. Particularly in the last one, abortion was presented as a particularly female offence motivated by a desire to preserve physical attraction or to hide sexual license. Christianity built upon Jewish attitudes, but very early apologetical authors such as Tertullian used the condemnation of abortion as a distinguishing Christian feature. That rejection of abortion was engrained in Christian communities is demonstrated by the ways in which Christian authors such as Cyprian of Carthage used accusations of abortion to blacken their rivals. The early councils of Elvira and Ancyra condemned women killing their offspring, although only in the latter case was abortion explicitly mentioned. In both cases the offence was framed as a sexual one, while Ancyra exemplifies the close connection between abortion and infanticide in Christian imagination. Church fathers in the West and East rejected abortion, but framed their condemnation differently. In the West Augustine discussed the issue during his controversies over Christian marriage and thus emphasized the domestic dimension of the act: a Christian wedded couple did nothing to prevent begetting offspring. John Chrysostom in the East put more stress on male lust as the ultimate cause of abortion. While condemnation of abortion can be seen as a firm legacy of the Early Christian Church, the variety of contexts in which this condemnation was expressed suggests a world of more subtle discussions and tensions than has been acknowledged in scholarship.

In sixth-century Gaul, the topic of chapter 2, the sermons of Caesarius of Arles with their frequent condemnations of abortion, are a central piece of evidence. Although addressing his criticism of abortion in the context of a Christian domestic setting of husband and wife, the preacher Caesarius thought it useful to present it as a typical female sin and an inversion of the ideal of motherhood:

by killing her offspring in the womb the would-be-mother turned into a stepmother. If Caesarius targeted parental pressure on a pregnant girl as Mistry implies, this was done in a very subtle way, thereby demonstrating how tricky it was to criticize parental authority in this context. Caesarius can be regarded as a text-based bishop trying to build a Christian community through preaching, while Venantius Fortunatus and Gregory of Tours were establishing their communities more around the cult of saints. The former penned a fascinating story about the holy man Germanus of Paris who when in his mother's womb, did not succumb to his mother's attempts at abortion and thus saved her soul. The prolific works of Gregory of Tours say remarkably little about abortion, but they demonstrate clearly the degree to which family honour was connected to female chastity and at the same time give us an indication of the forms of gruesome punishment for women who were deemed to have endangered or besmirched such honour. As such they sketch the social pressures that could induce women to attempt abortion, something only hinted at by Caesarius of Arles.

In Gaul we find no royal intervention in relation to abortion. This is very different in Visigothic Spain. Martin of Braga criticized abortion and his condemnation was closely related to the First Council of Braga (561), which convened shortly after the conversion of the Suevic king from the Arian faith to the Catholic side. This condemnation need not be connected to the fear of Priscillianism in the region, as John Noonan did, but should instead be regarded as part of an effort to reorganize the Suevic Church on a proper canonical basis. Abortion was also condemned at the Third Council of Toledo of 589, the famous council that assembled on the occasion of the conversion of the Visigothic king Reccared to Catholicism. Mistry claims that abortion was understood at this council as a crime against the body politic, an assertion underscored by later Visigothic royal legislation on the topic. On this point Mistry modifies Wolfgang Müller's study of the criminalization of abortion in the later Middle Ages.

Chapter 4 tackles the difficult subject of the treatment of abortion in handbooks for confessors, the so-called penitentials, which form "the most significant corpus of material on how early medieval clerics and bishops thought about abortion" (127). Mistry interprets these texts with a fine eye for detail as well as for the contexts in which the specific clauses on abortion appear, thereby revealing, for example, that in some cases abortion was particularly linked to clerical sexual offences. He also nicely discusses related sources such as the *Laterculus Malalianus*, a text attributed to Theodore of Canterbury, when analysing the latter's penitential *iudicia*. Most of all I was delighted by his discussion of these texts in terms not just of rules to be followed, but rather of invitations to think about abortion and its implications, invitations not only for the priest hearing confession but also for the penitent himself.

The penitentials take the story to the Carolingian period, in which the condemnation of abortion formed part of a wider program for pastoral care, clerical education, and social reform. This history is explored here through Carolingian sermons, episcopal statutes, and canon law collections with a keen eye for the manuscript context of particular texts. Mistry notes, for example, the appearance of two texts in the same manuscript containing different rulings on abortion that were both attributed to the council of Ancyra, but in fact were totally different in content. In the Carolingian period we can furthermore see that there were sometimes serious reasons for querying the simple condemnation of abortion, mainly in the cases of rape and overpopulation. Peter Biller's ingenious connection between a penitential handbook, Regino of Prüm's handbook for episcopal visitations, and the polyptique of Prüm demonstrating population pressure on the monastic domain, is scrutinized carefully and to a major extent confirmed.

The sixth chapter turns to secular legislation that concentrated more on disputes that arose out of violence and ensuing abortions and in most cases prescribed a form of financial satisfaction for such acts. These clauses were meant to prevent or end cases of feud. The discussion of secular law codes carefully examines their nature and purpose and again the manuscript context of these texts is taken into account, but what is most interesting is the discussion of the connections between tort, crime, and sin. Particularly in the *Lex Baiuvariorum* abortion is treated as a crime while the punishment is regarded as contributing to the salvation of the soul. In the Carolingian world, Mistry concludes convincingly, there was no clear distinction between sin and crime, nor between ecclesiastical and secular legislation.

After having thus set out the prevailing rules in Carolingian society, the book continues with a case study of a famous episode in ninth-century history in which an accusation of abortion plays an intriguing role: the divorce case between Lothar II and Teutberga, which involved prominent authors such as Hincmar of Reims and Pope Nicholas I. It is a puzzle how the accusers of Teutberga could blame her for unnatural intercourse as well as abortion. This is not only a puzzle for us but it was also a problem for ninth-century correspondents of Hincmar of Reims, who queried him whether it was at all possible to conceive in this way. The accusation of abortion gradually disappears from our sources, probably because of its implausibility. In this case abortion was connected to an accusation of incest as well, which leads to the question why our normative sources that so regularly discuss incest and abortion, never connect these two offences. According to Mistry, "a wall of silence" guarded off the world of the family from ecclesiastical authority, which would imply that abortion as a social phenomenon was more frequent than our sources suggest. This case study invites pondering about the ways in which legal norms were applied in practice and suggests that these could be applied in imaginative ways according to the specific political and social circumstances.

The last chapter discusses the meanings attached to aborted fetuses. In this context eschatology is an important issue. Were aborted fetuses part of the resurrection at the last judgment? Augustine felt uncomfortable about this question. Where he felt assured that babies would be resurrected with a grown body, he expressed doubts about the resurrection of aborted fetuses. For someone like Braulio of Saragossa it was even harder to imagine that the combination of menstrual blood and the impure substance of semen would form a human being at the end of time. Images of fetuses thrown out of the womb functioned also as a strong metaphor to think about Jews, sinners, and heretics, who were cast out of the womb of the Church. Early medieval discourse about fetuses does not emphasise the outlook that the fetus should be regarded first of all as a living creature, but uses it rather as a symbol of alienation.

The chapter on imagining the fetus closes an imaginative and thoughtful book, which excels in putting the fragmented sources speaking about abortion carefully in context. In doing so it opens many a refreshing window on the subject, inviting the reader to consider carefully the possibilities and the problems in interpreting the sources. The book keeps its distance from current debates about abortion and in the first instance tries to understand the early medieval evidence. This is also demonstrated by the careful translations, where the author does his best to translate as neutrally as possible, which is not always easy, distinguishing, for example, between abortion and miscarriage, or to translate *fetus*, *conceptus* or *partus*. The book is not flawless, I noted a few incorrect details, and it could have benefited from more careful copy editing, but overall this is a truly impressive, historical study of an intriguing topic.