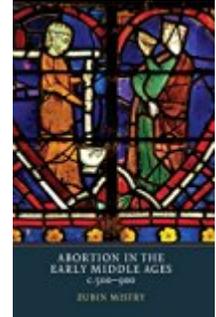


Zubin Mistry. *Abortion in the Early Middle Ages, c.500-900.* Rochester: Boydell & Brewer, 2015. 304 pp. \$99.00, cloth, ISBN 978-1-903153-57-4.



Reviewed by Rachel Stone

Published on H-Histsex (January, 2016)

Commissioned by Katherine Harvey (Birkbeck, University of London)

The history of abortion can be approached in many ways: as a topic in the history of medicine, as one aspect of the long story of women's history, or as context and/or ballast for current political arguments on the morality of abortion. Zubin Mistry, in *Abortion in the Early Middle Ages, c. 500-900*, based on his PhD thesis, starts by explaining that he looks at how abortion was "construed as a social, religious and political problem" and considers "the cultural significance of abortion in early medieval societies" (p. 3). His introduction sets out the relatively limited previous historiography on the topic, before stating that "the sources have far more to tell than the scholarship has recognized." Mistry stresses that he aims "to historicize early medieval thought without enveloping it between ancient and later medieval thought" (p. 12).

After the introduction and a chapter providing an overview of the relatively well-studied field of abortion in the Roman world before and after the Christianization of the empire, chapters 2 to 6 examine thought about abortion in a variety of

different early medieval societies (sixth-century Gaul, Visigothic Spain, Carolingian Francia, and the various barbarian kingdoms in which the penitentials and law codes were produced). Two further chapters then approach abortion from rather different angles. One provides a detailed discussion of the attempt of Lothar II of Lotharingia to divorce his wife Theutberga (a case during which allegations of abortion appear). The last chapter explores what late antique and early medieval sources say about the *abortivus*, the deliberately or accidentally aborted fetus, and its cultural meaning.

Mistry's approach to the subject of abortion in the early Middle Ages is thus somewhat abstract, focused on thought, especially learned thought, about abortion. In this, he stands in marked contrast to the most prominent previous scholar of the subject, Marianne Elsackers, who has written a number of articles and a PhD thesis on the topic. [1] As she explains in her overall introduction to her thesis: "The object of my studies was to determine whether women in the early medieval Ger-

manic West (could have) committed abortion, when confronted with an unwanted or inconvenient pregnancy.”[2] Elsackers’s work centers on the early medieval law codes, practical Christian texts (such as penitentials and sermons), and early medieval medical manuscripts. She is particularly interested in works whose substance might have been made available orally in the vernacular, since she presumes that abortion was a matter for women, who were unlikely to be literate or to know Latin. As a philologist, she has tried to “read between the lines,” combining scraps of evidence from a number of different genres and seeking to spot connections between the ideas on abortion they contain.[3]

If Elsackers’s focus is on reading between the lines, Mistry sticks firmly to reading the lines. He promises “detailed textual and contextual analysis of a broad range of texts,” and this promise is amply fulfilled (p. 15). Yet there are two potential problems with this approach. Mistry himself admits that many of the texts he cites may initially “act like sedatives on the modern reader” (p. 13). What is more, given the sources available to consider reactions to abortion, what we hear overwhelmingly is the views of elite men, mostly religious specialists. This raises the obvious question: do we *need* to hear more from male religious about abortion?

One of the merits of Mistry’s book is that his analysis of the material he has uncovered is sufficiently interesting to suggest that the answer is yes. Unlike Elsackers’s work, with its focus on connections between texts and the “genre-hopping” of ideas about fetuses, Mistry stresses the disconnection and diversity of the texts he discusses. His aim is to show that early medieval authors were not passive transmitters of late antique ideas; they actively thought about abortion, and sometimes, at least, responded to pastoral concerns.

The nature of the sources he deals with makes this diversity and responsiveness quite

hard to demonstrate. Many of the texts Mistry uses have been repeatedly reworked from earlier sources. The differences are often subtle and need careful analysis: Mistry studies only Latin texts, not vernacular ones, but is keenly attentive to the problems of accurate translation. (It is, however, slightly jarring to have “ancilla” repeatedly translated as “slave-girl” rather than “female slave.”)

The book includes material not covered in previous studies of the Christian tradition on abortion, for example, Mistry’s discussion of the charges against Queen Theutberga. Some of the texts discussed include imagery that is strikingly unfamiliar to modern Western thought, such as the chilling ideas of the seventh-century bishop Julian of Toledo that aborted fetuses would be resurrected into fully developed bodies in order to be damned (since they had been condemned to hell by original sin). Mistry’s analysis of miracles concerning abortion in saints’ lives is particularly interesting, but might perhaps be pushed even further.[4] Venantius Fortunatus claimed that the mother of St. Germanus of Paris attempted to abort him; given that Fortunatus had been close to Germanus, is it possible that this very unusual miracle reflects negative statements about his mother that the bishop himself had made?

Mistry’s thorough analysis of sources allows him to counter some previous arguments on medieval abortion. Contrary to the view of Wolfgang P. Müller (*The Criminalization of Abortion in the West: Its Origins in Medieval Law* [2012]), there are legal texts suggesting that abortion could have been considered a crime before the twelfth century. Elsackers saw a reference to Aristotle’s theories of fetal developments in penitentials that gave a greater penance when the aborted fetus was more than forty days old. Mistry, however, neatly exposes the problem with using medical texts to explain differential punishments. As he points out, Theodore of Tarsus, the seventh-century archbishop of Canterbury associated with the first penitential ruling to mention forty days,

probably also wrote an exegetical text, the *Laterculus Malalianus*. This referred to the fetus becoming fully formed in forty-five days, rather than forty, suggesting that the forty-day limit was determined by symbolic more than medical factors.

The book's careful querying of the specific language used by texts also reveals interesting details about whose problem abortion was seen as. Some texts refer to men as well as women as responsible for abortion (and as guilty of the sexual sins that were normally thought to lie behind the resort to abortion). Comparing penitentials and law codes reveals both conceptual differences (unlike penitentials, the law codes' focus is very much on harm to the fetus by a third party, not by the parents), but also the influence of Christian thought on some of the later law codes.

Mistry's most intriguing results occur in chapters 4 and 5 on the penitentials, often underrated by previous scholars who have seen them as repetitive and bizarre sources which were marginalized in the Carolingian period. Following in the footsteps of considerable recent scholarship on such penitential texts, Mistry makes a careful analysis of the varied provisions on abortion, showing the development of different sets of statements, which were then expanded and combined in a variety of different ways throughout the early Middle Ages. He also notes innovations that may reflect particularly difficult cases, such as abortion or infanticide carried out by poor women. The variations in these texts do indeed, as he suggests, imply that their compilers were endeavoring to respond to potential or actual pastoral situations, rather than writing purely in a vacuum.

Unfortunately, these chapters are rather heavy going, reflecting wider problems in the book's structure. The general plan of chapters focused on thought about abortion in particular societies breaks down with penitentials, which are often hard to date and locate and whose textual

borrowing repeatedly crosses the boundaries of kingdoms and centuries. The resultant mix of society-specific and genre-focused chapters leads to some incongruities. For example, a discussion of Salic law is placed after a section on Carolingian attitudes to abortion, although the *Pactus legis Salicae* was written several hundred years earlier.

The book's arrangement also makes it hard to follow the development of some key texts; this difficulty is increased by weaknesses in cross-referencing and indexing. Mistry refers in abbreviated form to some repeated clauses in penitentials, such as "Voluntarie": this term is difficult to find in the index, making it hard to remind oneself of the details of the text on its later appearances. Similarly, an important point about how the Carolingian theologian Rabanus Maurus reacted differently to abortion in his penitential and exegetical works is blunted by incorrect cross-referencing between chapters (p. 292).

The richness of the material and the thoroughness with which it is treated also sometimes hinders the reader's sense of wider narratives. For example, in between discussing penitentials, Mistry spends a couple of pages introducing readers to the *Collatio Alexandri et Dindimi*. This was a collection of letters supposedly to and from Alexander the Great in which Carolingian readers (including Charlemagne) could learn about the alleged practices of Indian "Brahmans," including their opposition to abortion. While the existence of this text is fascinating in itself, it is not made clear how, if at all, it influenced other Carolingian thinking. Similarly, his detailed and subtle discussions of the abortion allegations made about Queen Theutberga are not really connected to the other chapters of the book.

Mistry rightly places much emphasis on the textual context of key sources, whereas previous studies have often ripped out of context fragmentary statements seen as pro- or anti-abortion. He also provides some useful hints about topics that

are missing from early medieval texts. For example, he points out that abortion is rarely connected by early medieval thinkers to incestuous sexual activity, and that references to abortion in penitentials do not mention contraceptive practices until relatively late in their transmission history. It would have been helpful, however, to learn more about abortion in sermon collections, since one of the early chapters focuses on a number of sermons by Caesarius of Arles that discuss abortion. Was there a particular interest in these specific texts when Caesarius's sermons were copied and reworked? And do other early medieval sermon collections also deal with abortion or was Caesarius's interest unusual?

Given Mistry's interest in abortion as a social as well as a religious problem, it is slightly disappointing that he does not always provide a full social context for the texts he cites. Demographic considerations are mentioned only briefly, in a discussion of historian Peter Biller's research. Yet reactions to abortion are probably at least subconsciously affected by prevailing rates of infant mortality and life expectancy. An unwanted fetus, who, if born, will nevertheless probably survive for sixty or more years, as in the modern West, is a rather different prospect from an early medieval infant who as likely as not will die before the age of five. And did a move away from the classical ideal of the Roman city (and its relentless demand for new citizens) change ideas about abortion as well as procreation?

A number of other wider questions are also implicitly raised but left unanswered. Why did Visigothic Spain specifically see a string of rulings by both church councils and kings on abortion not matched elsewhere? Did the particular interest of Carolingian writers on the question of the overlaying of infants (their accidental or less-accidental smothering in bed) reflect specific eighth- and ninth-century material practices or a different mental framework from that of other early medieval societies?

My raising of these questions reflects the thought-provoking nature of the book, but also its biggest weakness. There is a lack of synthesis; Mistry provides only a relatively brief afterword, which does not really pull together the many ideas raised within the main chapters. Perhaps the diversity of responses he highlights makes this difficult, but the effect is to lessen the contribution of his book to the wider history of abortion and sexuality. Mistry's relentless focus on early medieval sources reveals their varied attitudes to abortion, complicating the picture provided by such scholars as John Noonan, who wanted to see Catholic teaching as unchanging on the matter. His book will therefore prove valuable to early medievalists interested in marriage, sexuality, and religion. However, by refusing all "enveloping" of his material within wider narratives of the church's attitudes to abortion, he makes his work less accessible to those interested in longer-term change or continuity in views on the subject.

Perhaps, however, this reflects the reality of the place of the early Middle Ages in thought on abortion. It is not clear how much lasting effect the diverse thinking of penitential writers, lawmakers, and hagiographers had; the afterlife of these texts is not always discussed. In contrast, as Mistry shows, passing remarks on abortion, made by popes while discussing the overlaying of infants, were taken up by later canonists. Mistry's book may leave us with a paradox about the cultural significance of abortion in the period: that those writers who thought most deeply about abortion in the early Middle Ages may have had less long-term influence than those who did not.

Notes

[1]. Elsackers's work takes the form of a series of articles, followed by a PhD thesis, "Reading between the Lines: Old Germanic and Early Christian Views on Abortion" (PhD diss., Instituut voor Cultuur en Geschiedenis, 2010), <http://dare.uva.nl/record/1/327030>.

[2]. *Ibid.*, 1.

[3]. Ibid., 5.

[4]. Mistry discusses some of these abortion miracles in more detail in Zubin Mistry, "The Sexual Shame of the Chaste: 'Abortion Miracles' in Early Medieval Saints' Lives," *Gender and History* 25 (2013): 607-620.

If there is additional discussion of this review, you may access it through the network, at <https://networks.h-net.org/h-histsex>

Citation: Rachel Stone. Review of Mistry, Zubin. *Abortion in the Early Middle Ages, c.500-900*. H-Histsex, H-Net Reviews. January, 2016.

URL: <https://www.h-net.org/reviews/showrev.php?id=45277>



This work is licensed under a Creative Commons Attribution-Noncommercial-No Derivative Works 3.0 United States License.