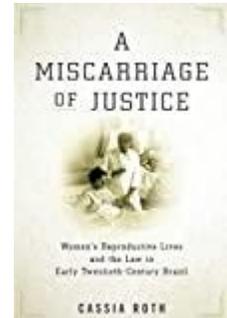


Cassia Roth. *A Miscarriage of Justice: Women's Reproductive Lives and the Law in Early Twentieth-Century Brazil.* Stanford: Stanford University Press, 2020. xv + 359 pp. \$32.00, paper, ISBN 978-1-5036-1132-0.



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Law, Medicine, and Everyday Life: The Politics of Reproduction in Early Twentieth-Century Brazil

Writing reproduction into the history of human society is a challenging task but by no means a new one. In the preface to *The Origin of the Family, Private Property and the State*, Frederick Engels declared: “The determining factor in history is ... the production and reproduction of immediate life.” The book went on to place “the production of human beings themselves, the propagation of the species” at the center of a materialist account of history.[1]

Modern anthropology took up where the nineteenth-century theorists left off. The discipline was primed to study “the propagation of the species” given its interest in kinship, marriage, and childrearing, as well the fact that all cultures—including the “traditional,” non-Western cultures that were once the discipline’s principal focus—espouse belief systems and practices surrounding reproduction. By the 1970s, the dialogue between anthropology and second-wave feminism suggested new approaches to the study of reproduction

by considering it in relation to broad dynamics of cultural and political power. In a foundational 1991 essay, Rayna Rapp and Faye Ginsburg argued that reproduction is inherently political, in the sense of being embedded in power relations within local and global registers. “By using reproduction as an entry point to the study of social life,” they asserted, “we can see how cultures are produced (or contested) as people imagine and enable the creation of the next generation.”[2]

Arriving a bit later to the game, historians too have considered reproduction in relation to power relations, social life, and cultural production. Reproduction figures as a category of analysis in a growing body of historical literature, including for modern Latin America. The field includes works both classic and more recent by authors such as Laura Briggs, Karin Felitti, Jadwiga Pieper Mooney, Marcela Nari, Raúl Necochea López, Okezi Otovo, Gabriela Soto Laveaga, Nancy

Stepan, Alexandra Minna Stern, and María Soledad Zárata Campos, among others.[3]

Cassia Roth's lively and well-researched book, *A Miscarriage of Justice*, is a welcome addition to this literature. This exploration of the politics of reproduction in twentieth-century Rio de Janeiro operates on two levels. First, the author attends to the political, medical, and legal discourses and practices that constructed and, with varying degrees of success, sought to regulate women's reproductive lives. Second, she pays careful attention to the meanings and experiences of reproduction for pregnant and parturient women themselves, as well as for their families and communities. Roth finds that reproductive events—pregnancy, miscarriage, stillbirth, childbirth—were neither private nor solely of concern to women. Rather, such issues commanded attention at the highest levels of the Brazilian state and were simultaneously of quotidian interest to poor and working-class cariocas themselves.

The book focuses on the first decades of the twentieth century, and the author contextualizes stories of intimate reproductive events within broader political, legal, and cultural transformations. These include the end of slavery, the emergence of the republic, and, after 1930, Getúlio Vargas's populism explicitly linking family and nation; the rise of a new, if always inadequate, maternal-infant public health apparatus; processes of legal codification that expanded fetal rights as well as criminal responsibility for abortion and infanticide; and cultural transformations related to gender and sexuality, such as the emergence of the "modern woman," that global touchstone of patriarchal anxieties. Overall, the author convincingly argues for "the centrality of women's reproduction to Brazil's expanding state apparatus and political agenda in the early twentieth century" (p. 4).

The *mise-en-scène* for this story is Rio de Janeiro, and the story that Roth tells is a quintessentially urban one. It is in the city that the public

health apparatus was most developed, that police had the greatest reach, and that the tensions, suspicions, and rivalries of poor tenement dwellers produced criminal denunciations against women accused of reproductive crimes. In fact, the abandoned cadavers of fetuses and infants—at times evincing acts of violence, but more frequently simple attempts to avoid the bureaucracy and expense of burial—were a banal feature of urban public space in Rio, as in other late nineteenth- and early twentieth-century Latin American cities. Reproductive events thus spilled out of homes and new maternity wards and into the canals, railroad tracks, and streets of the growing city. These small corpses also remind us of the centrality of death to the reproduction of life in an era when stillbirths, neonatal and infant mortality, and maternal mortality were common.

Combing the judicial archives in search of stories of women's lives, Roth turns up poignant details: the miscarriage associated with a domestic dispute over a cat; abortions provoked by probes fashioned from bundles of *couve* (collards—the typical accompaniment to *feijoada*). Stories from police investigations provide the reader with glimpses into the poor *cortiços* where gossip circulated and the cheek-to-jowl existence of the poor meant even intimate secrets were rarely safe from prying neighbors.

The stories in turn reveal wider social patterns. Roth finds, for example, that the working-class women accused of abortion tended to have the social networks to seek out the clandestine procedure and the economic resources to pay for it. Infanticide, in contrast, was the quintessential crime of the poorest and most desperate, especially young, illiterate, migrant women of color who worked as domestic servants. Meanwhile, the author finds, the persecution of alleged reproductive crimes followed predictable prejudices of class and race—although the latter must typically be inferred, as Brazilian records tended to hew to race-blind language, if not practice.

The author seeks to write “a feminist history of reproduction that centers the lives and deaths of women,” and she certainly does that (p. 4). Yet this is not a history of sorority and solidarity among pregnant and parturient women, their *companheiras*, *comadres*, and *parteiras*. Instead, it is striking how central men were to women’s reproductive lives. The protagonists of this history include male doctors and jurists, of course, but also “distraught fathers,” “anxious husbands,” and “scurrilous lovers” (p. 165), as well as the male community members who served as witnesses to police investigations. Indeed, the testimony of men appears first in police records and was accorded greater investigatory weight.

One takeaway of the book is the centrality of law, specifically criminal law and local law enforcement, in the management and framing of reproduction in early twentieth-century Rio. The municipal police in particular play an outsized role in the story because they mediated access to public hospitals and also served as coroners. Thanks to these administrative responsibilities, the police came into frequent contact with reproductive events. Yet these administrative tasks could all too easily become law enforcement operations. When poor women sought admission to the hospital or requested permission to bury an infant, they could find themselves investigated for criminal abortion or infanticide.

The fact that the deaths of fetuses and infants—common occurrences in an era of high mortality—could so easily provoke criminal suspicion suggests not only that women’s reproductive lives were targets of surveillance but that because pregnancy and childbirth could never be decoupled from sexuality, they harbored intrinsic associations with immorality and wrongdoing. Reproductive events were not simply criminalized, in other words; for certain classes of women, reproduction had *inherent* criminal potential. Meanwhile, observers assumed that women accused of abortion and infanticide were motivated by an at-

tempt to cover up illicit sexual behavior. Rarely did they recognize that poor, working women might seek out fertility control due to the material circumstances that made it impossible for them to raise all of the children that they conceived. Roth argues that such cultural ideas were espoused not just by medico-legal elites but also by working-class Brazilians. Of course, it is a poignant irony that the association of reproduction with wrongdoing produced the archives that allowed the author to reconstruct its quotidian expressions in such vivid detail.

Over time, a burgeoning public health system displaced policing, reflecting a broad shift in authority over reproduction from law to medical science. But as Roth notes in the book’s conclusion, in contemporary Brazil, abortion remains both illegal and extremely common; astonishingly, almost one million abortions happen in the country annually (p. 216). The continuing criminalization of fertility control, and the hundreds of women who die as a result of these restrictions each year, make the history that Roth reconstructs deeply relevant down to the present.

Notes

[1]. Friedrich Engels, “Preface to the First Edition,” *The Origin of the Family, Private Property and the State* (New York: Penguin Books, 1985), 35-36.

[2]. Faye Ginsburg and Rayna Rapp, “The Politics of Reproduction,” *Annual Review of Anthropology* 20, no. 1 (1991): 311–43; 312.

[3]. Laura Briggs, *Reproducing Empire: Race, Sex, Science, and U.S. Imperialism in Puerto Rico* (Berkeley: University of California Press, 2003); Karina Felitti, *La revolución de la píldora: sexualidad y política en los sesenta* (Caracas: Edhasa, 2012); Jadwiga Pieper Mooney, *The Politics of Motherhood: Maternity and Women’s Rights in Twentieth-Century Chile* (Pittsburgh: University of Pittsburgh Press, 2009); Marcela Nari, *Políticas de maternidad y maternalismo político: Buenos Aires, 1890-1940* (Buenos Aires: Biblos, 2004); Raúl

Necochea López, *A History of Family Planning in Twentieth-Century Peru* (Chapel Hill: University of North Carolina Press, 2014); Okezi T. Otovo, *Progressive Mothers, Better Babies: Race, Public Health, and the State in Brazil, 1850-1945* (Austin: University of Texas Press, 2016); Gabriela Soto Laveaga, *Jungle Laboratories: Mexican Peasants, National Projects, and the Making of the Pill* (Durham, NC: Duke University Press, 2009); Nancy Stepan, *The Hour of Eugenics: Race, Gender, and Nation in Latin America* (Ithaca, NY: Cornell University Press, 1991); Alexandra Minna Stern, “Responsible Mothers and Normal Children: Eugenics, Nationalism, and Welfare in Post-Revolutionary Mexico, 1920–1940,” *Journal of Historical Sociology* 12, no. 4 (1999): 369–97; and María Soledad Zárate Campos, *Dar a luz en Chile: De la “ciencia de hembra” a la ciencia obstétrica* (Santiago: Ediciones Universidad Alberto Hurtado, 2007).

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