Reading between the lines: Old Germanic and early Christian views on abortion

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The subject of this research is early medieval abortion. The object of my studies was to determine whether women in the early medieval Germanic West (could have) committed abortion, when confronted with an unwanted or inconvenient pregnancy. My main source was Old Germanic law, that is, the laws of the Germanic or ‘barbarian’ tribes that settled in Western Europe: the Visigoths, Ostrogoths, the Salian and Ripuarian Franks, the Burgundians, Anglo-Saxons, Lombards, Alamans, Bavarians and the gentes ultra Rhenum, the tribes that settled just outside the Roman limes (the Frisians, Saxons, Thuringians and the Chamavi or Hamaland Franks). Early medieval Christian texts, classical medicine and early medieval medicine were studied in a supplementary capacity and chosen for their ‘practicality’. Like the Old Germanic laws, sermons, penitentials and recipe books, have to do with every day life. Many of these texts were probably written down or devised as a result of concrete situations or because they were considered to be useful. They might therefore contain clues as to whether and how abortion was practiced in early medieval Western Europe.

The method of research used was ‘close reading’, because this method helps us to more easily pick up signals of textual change, modification, confusion, or distortion, and focus on the words used to describe the fetus, methods, motives and actors in the prohibitions and condemnations of abortion. I tried to discover what the texts themselves have to tell us about women and abortion in the early medieval West, as it were, to ‘read between the lines’.

Part one contains eleven papers that are concerned with women and abortion in the early medieval Germanic West; most of them were previously published (I-VII, IX). The first paper, “Genre Hopping: Aristotelian Criteria for Abortion in Germania” (I), discusses the early medieval legacy of the Aristotelian - and Augustinian - abortion criterion ‘formed - unformed’, and the various genres that adopted this distinction. Articles II-IV deal with early medieval Visigothic and Salic laws on (violent) abortion and poisoning. The fifth article (V) deals with sexual violence in the four early ninth-century Germanic law codes issued by Charlemagne for the gentes ultra Rhenum. Two papers on late medieval Old Frisian law (VI-VII) were included. Article VI discusses the unique, Old Frisian ‘hair and nails’ criterion that is used to distinguish between early term and late term abortion, and article VII offers a new explanation of the word bobbaburg, a word found in an article on injuring and assaulting a small child that was previously considered to be an article on abortion; the word was reinterpreted as a ‘baby sling’ or ‘baby carrier’, that is, a shawl or garment in which the mother can carry around her baby. The eighth paper (VIII), “Anglo-Saxon Laws on Poisoning: an Invitation to Further Investigation,” is the result of my quest for Old English laws on poisoning and abortifacients; it reviews the Old English laws that might qualify as laws on poisoning. The ninth paper (IX), “The Early Medieval Latin and Vernacular Vocabulary of Abortion and Embryology,” is concerned with the sources of the embryological terms for early term and late term abortion in the Old Germanic laws, patristic texts and early medieval penitentials. The tenth paper (X) discusses late antique and early medieval remnants of the Hippocratic Oath. The last article, “Proicit, Purgat et Sanat: Emmenagogues and Purgatives for Women’s Diseases in Early Medieval Recipe Books” (article XI), is a sample of early medieval recipes that describes the complaints and disorders associated with menstrual retention that recipes for emmenagogues and purgatives were reputed to cure, and it suggests - albeit tentatively - that these purgatives may have also been used as abortifacients.
Part two reviews the main sources studied and presents some final considerations. The first chapter is an overview of Old Germanic law on abortion. It summarizes the articles on early medieval Germanic abortion law (re)printed in part one, adds the laws that were not discussed in articles I-VII, and contains a summary and discussion of Old Germanic abortion law. Chapter 2 contains a short overview of the most important late antique and early medieval Christian texts on abortion. This chapter is followed by a study of the early medieval penitential articles on abortion (chapter 3). A summary of the results of my investigations is discussed in chapter 4. I have attempted to determine how abortion was committed, why it was committed, who had the expertise and who was (held) responsible.

The texts studied indicate that we must differentiate between violent abortion or abortion by assault, that is, involuntary miscarriage caused by a third party, on the one hand, and intentional abortion by the mother that was done to terminate an unwanted pregnancy or as a method of fertility control on the other. Both intentional and violent abortion happened and were punished, but not always in the same way and to the same extent. Some texts condemn abortion, others only prohibit poisoning. In Roman law supplying abortifacients is punished, because abortifacient drugs were classed as dangerous poisons. The Roman law on poisoning was enacted to protect people from being poisoned, not to protect unborn life. The classical world took a scholarly interest in the fetus and its development, but had no qualms about ending pregnancy. It was not interested in the fetus, unless inheritance or property is involved. Christianity is concerned with the protection and preservation of life, including the life of the fetus. It considers abortion to be the murder of unborn life. The Aristotelian distinction between a ‘formed’ and an ‘unformed’ fetus is found in the Septuagint version of the biblical law on abortion and in the writings of most of the western Church Fathers, especially Augustine. It is regularly used in the penitentials to differentiate between early term and late term abortion. Late term abortion is regarded as murder, because the fetus was ‘formed’ or ‘ensouled’, and early term abortion is a less serious sin, because the fetus was not yet recognizable as a human being. Only one Old Germanic law punishes intentional abortion by the mother, the others punish ‘supplying’, and as in Roman law abortifacients are regarded as poisons. Old Germanic law on abortion by assault punishes causing a woman to abort as murder or as a serious injury equivalent to a major amputation. Some of the secular laws also employ the Aristotelian criterion for abortion. If my suggestion that the Old Germanic laws on violent abortion can be reinterpreted is followed, secular law can also punish intentional abortion. Usage of the Aristotelian criterion for abortion in secular and ecclesiastical law can be interpreted as a loophole for women contemplating abortion, because early stage intentional abortion is punished as a lighter offense.

The various texts by no means present a consistent picture of early medieval abortion. If we look at the standpoints and opinions on abortion and the punishment of abortion in our own time, we see that they fluctuate every few years. The main-stream opinions sometimes tend to be strict and uncompromising, opposing abortion whatever the circumstances, but a few years later they can become more lenient and tolerant. Secular and ecclesiastical laws are regularly altered to reflect current main-stream political, moral and/or religious opinions. The same probably holds good for western European society in the early medieval period. Because this period covers about six centuries and a huge geographical area, we should not try to read consistency into early medieval texts on abortion, nor expect or want the laws to be consistent. However, one thing is clear. There are so many condemnations and prohibitions of abortion in the secular and ecclesiastical laws, the writings of the Church Fathers, and especially the texts of practical Christianity - the sermons and penitentials - that it cannot be denied
that abortion happened. The reasons women committed abortion did not significantly differ from those of today, and a wide variety of methods of abortion could have been used and were apparently available. The method of abortion mentioned most in the Old Germanic laws and Christian texts is the abortifacient potion. One wonders what the recipes for potions looked like, and whether they were easy to prepare. This is the reason the sample of late antique and early medieval women’s recipes in article XI was added to this book. Of course, we cannot determine what abortifacient recipes were used. Many early medieval medical manuscripts are now lost or destroyed; moreover, recipes that were part of the oral tradition - almost by definition - did not survive the ravages of time. But the evidence of the medical manuscripts that we do have does offer some information. Surprisingly, there are very few recipes for abortion. This seems strangely inconsistent with the many references to abortifacient potions in the legal and Christian texts. Sigerist noticed the strange lack of abortifacients in the recipe books he edited, and suggested that some of the recipes for the expulsion of a dead fetus, difficult birth and menstrual retention were probably ‘verschleierte Abortivmittel’. Sigerist is probably right, and it seems possible that the abortifacient ‘indications’ of these - mostly originally Greek - recipes were edited out, just as pessaries were also almost completely edited out of these recipe books. The sample of recipes shows us that there were a few recipes for abortifacients, and it suggests that some of the abundant recipes for emmenagogues and purgatives could also have been used as abortifacients.

The fact that the laws and Christian teachings - but also written medical texts such as recipes - were written in Latin complicates our understanding of the transmission of normative and medical information on abortion. The texts on abortion that have come down to us were only directly available to an upper class of educated, mostly male, literates, and therefore relatively inaccessible to their intended audience. First-hand knowledge of Greco-Roman recipes was restricted to literate medical practitioners, pharmacists, monks with medical training, and possibly some midwives. There was a low rate of literacy among women, but it is likely that methods of transmission such as reading out loud were used. It is also likely that there was a separate oral tradition in which recipes and advice on gynecological matters were handed down from woman to woman and perhaps also through the local herbalist. Oral recipes probably circulated among illiterate, semi-literate and literate women for generations. The fact that we have relatively early Old English translations of important medical texts, such as the Old English Herbarium, indicates that the literary and oral medical traditions were not completely separate, even though information on the methods, recipes and other practical medical aspects of abortion was probably mainly transmitted orally. With regard to the laws the illiterate were probably informed periodically through law speakers or asegas at public court sessions. The tenets and rules of Christianity reached the illiterate masses on a more regular basis, because they were conveyed through the texts of practical Christianity, the sermons and penitentials.

Whereas abortion is now a relatively safe procedure, this cannot be said for medieval abortion. It was a risky procedure. The repeated warnings in the laws and Christian texts indicate that abortifacients could be dangerous and poisonous, not only lethal for the unborn child, but also potentially lethal for the mother. Being pregnant itself involved risks, miscarriages were probably not infrequent, and maternal and infant mortality were high, but having an abortion was probably more dangerous than carrying a pregnancy to full term. Why, then, was intentional abortion committed? Why did women resort to abortion? The Christian church condemned and outlawed it, considered it morally reprehensible, equated it with murder, and punished it as a serious sin, and whether secular law punished intentional abortion or not, it certainly penalized those who aided and abetted.
However, abortions were carried out, despite warnings of toxicity and health risks, the lack of a guarantee of efficacy, and rational, legal and moral objections. Options such as infanticide, exposure or abandonment were sometimes simply not feasible, and a decision to abort could not be put off for very long. The anguish, the fear the pregnancy would be discovered, and the fear of the consequences probably increased the woman’s stress, putting pressure on her, so that decisions were made quickly, and sometimes naïvely, ignoring the warnings, objections and prohibitions. In most cases abortion must therefore have been a last resort, and whatever the original motive for abortion was, it is clear that desperation was - and still is - an important factor in the decision to abort. Interestingly, some of the penitential authors seem to feel compassion for poor women who are driven to abortion. They seem to understand that a woman expecting a child she cannot take care of can be at her wit’s end.

The question ‘how often were abortions committed’ is difficult to answer. The evidence presented here indicates that abortion happened, but we must not overrate or overstate it, and its occurrence can certainly not be said to have been ‘widespread’, nor was it as easy to ‘arrange’ an abortion as it is today. That it happened is evident, and it happened so frequently that secular and ecclesiastical authorities noticed it and condemned it. The early medieval texts studied in this book indicate that women were the ones who were punished for fertility management, and also that they were the ones who were responsible for family planning - men are hardly mentioned. Women were also the ones who took responsibility, and in many cases probably no one else besides the pregnant woman and her (female) helpers would ever know about the abortion. It seems that resourceful women would have been aware of how their bodies worked, they would have known what to do, and whom to consult, when coping with an unplanned or unwanted pregnancy.

Many studies of medieval abortion have appeared in the past twenty or thirty years. The studies in this book focus on evidence from a variety of practical sources, especially Old Germanic law. This study hopes to have contributed to the study of abortion in the early medieval West, but it is certainly not the last word on early medieval abortion. I hope to have been able to show that, whether one is pro or contra, the condemnations and prohibitions of abortion in the early medieval secular and ecclesiastical texts indicate that abortion happened.