ABORTION MEDIEVAL STYLE? ASSAULTS ON PREGNANT WOMEN IN LATER MEDIEVAL ENGLAND

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In the year 1304, Matilda Bonamy of Guernsey, a young woman from one of the Anglo-Norman island's most established and affluent families, found herself in a predicament familiar to many of today's youth. A liaison with Jordan Clouet, also from a family of long provenance in Guernsey if not as comfortable, had left her pregnant. To Matilda the solution to the problem was obvious: marriage. An exchange of vows before the birth of the child would avoid any stigma or legal impediment of bastardy. Clouet, however, was not compliant with her wishes. He steadfastly refused to marry her. Faced with the shameful prospect of single parenthood to an illegitimate child, Bonamy turned to the church in an effort to find support for her cause. Jordan's obstinacy prevented the court from hearing the suit; he ignored repeated summonses to appear before the bishop. Given the church's pro-marital stance, Jordan probably supposed the best strategy was non-appearance, in the hopes that the court could not conduct a proper case in his absence (Donahue 205). What he did not count on was being excommunicated. To offer Jordan added incentive to respond to the citation, the court awarded Matilda letters informing Jordan of his excommunication. When she met with Jordan to consider the matter, he was fuming, suddenly finding himself backed into a corner. Excommunication was a serious disability in fourteenth-century society: once announced, no good Christian might converse with him without risking excommunication themselves. An excommunicate was not only prohibited from enjoying the sacraments, but was ousted also from the protections of the common law—endangering the repayment of any

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debts Jordan had coming to him and making him an open target for anyone holding a grudge. Moreover, he could remain excommunicate only 40 days; after that, the secular arm of the law was required to arrest and imprison him until he agreed to return to the church—at which point, Jordan would have to appear in court and risk being joined to a woman he did not wish to marry (Vodola *passim*). Infuriated with the situation, Jordan lost all semblance of chivalrous behavior. He threw Matilda to the ground and snatched her purse where she kept the letters. His impulsive act had grave consequences; Matilda went into early labor. The child was stillborn and Matilda died giving birth. Realizing a jury might construe the assault upon his pregnant lover as a double-homicide, Jordan abjured the islands altogether; during his absence, he applied to the king for a pardon, pleading death by misadventure (that is, accidental death). The application for a pardon was money well spent.¹ King Edward I awarded Jordan a letter of pardon forgiving him “the death, trespass and abjuration,” and ordering Otto de Grandissono, keeper of the islands of Guernsey and Jersey, to deliver to Jordan all the lands, goods and chattels that had been confiscated from him during his abjuration (Le Gros and Nicolle 157–158; CPR for 1304 303; CCR for 1305 281).

Jordan’s impulsive crime may not have had the consequences he intended; surely, Matilda’s death was not his objective. However, it did unburden him of the problems looming before him. He no longer had to marry Matilda; nor did he have to support a bastard child. Because of the spotty survival of medieval records, we have only Jordan’s version of the story and that is very much after the fact. Jordan presents his attack on Matilda as an act of rashness: stunned by the letters of excommunication, and thus acting out of character, he pushed her down without thinking ahead to the consequences. But this story was crafted explicitly to win him a pardon; what if this was not how it happened at all? Jordan knew that if Matilda were no longer pregnant, none of this would be a problem. What if he *intended* to cause an abortion when he pushed her down to the ground?

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¹Payments for a pardon typically ranged between five and ten marks (Hurnard 35).

While today “abortion” seems like an inappropriate term for a physical attack of this nature, that is exactly how the medieval world described it. “Abortion by assault” (as we will refer to it in this article to distinguish it from the more modern definition of abortion) was a variety of abortion considered a felony under English law, punishable by death.² Medieval common law endowed fetuses with human rights by equating abortion with homicide; however, the law defined abortion (even in its more usual sense) differently than do we today. Any interference with a fetus before the “quickening,” the point at which the fetus acquires a soul, roughly around the fourth month, the church considered contraception; after ensoulment, it was considered abortion, and thus a homicide (Riddle, *Eve’s Herbs* 94–95). Medieval common law focused on the result, not the process; thus, how that abortion occurred was less meaningful than that it had occurred. This expressly medieval approach makes it possible to expand the boundaries of the category to include both the woman who purposely sets about to terminate her pregnancy and the assailant who brutally beats a pregnant woman, causing her to miscarry. Modern Western law is more process-oriented: we see the result, for example a death, and distinguish the crime based on how the assailant accomplished that result, making it possible to see gradations of murder and manslaughter (Kaye). Because of our legal perspective, the medieval categorization of abortion is jarring. Still, the case of Matilda Bonamy and Jordan Clouet hints that medieval law may have had it right in the first place to make a conscious connection between these two seemingly different crimes. How often did an abortion by assault occur specifically with the goal of terminating a pregnancy? In a world in which contraception was less preventative than after the fact, and abortion was an uncertain practice fraught with danger, might assault have been seen as a viable method of ending an unwanted pregnancy?

The goal of this article is to explore this premise by examining a sampling of eighty-three cases of abortion by assault drawn from a broad spectrum of record materials, from coroners’ rolls, patent rolls, chancery bills and assizes in the king’s courts,

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²The phrase was coined for an earlier article (Butler, “Abortion by Assault”).

to visitation records and bishop's registers in the ecclesiastical.³ Unhappily, these records have their limitations. Legal documentation is rarely as cooperative as we would like. Jordan Clouet's version of events demonstrates how the legal record is shaped consciously to achieve certain goals: in his case, an acute desire to avoid certain death and recover his property prompted him to manufacture the story most likely to gain sympathy from the king. The medieval world was more willing to ignore crimes committed in "hot blood" than crimes of deliberation (Bellamy 61–63). If Clouet had admitted he hoped to cause a miscarriage, he might as well have tied his own noose. Prevarication, though, is but one obstacle confronting the legal historian. Criminal records from medieval England have an added impediment. The purpose of these records was chiefly financial; because all goods and property of felons was confiscated to the king for a year and a day, these records exist to make sure the king got what he was owed (Gross *xiv*). Law required scribes to include only the basics of a case (names and provenance of victim and defendant, location of crime, weapon, as well as goods and chattels of the accused); consequently, motivation for the crime was a frequent casualty of the sparse nature of the records. None the less, details ferreted out from the records offer clues to transform this tentative hypothesis into a plausible explanation.

Why Assault?

Assault is a barbaric and painful method of inducing an abortion. Certainly, with better methods available, why would anyone opt for assault? Obviously, that is the crux of the issue: while the medieval world offered alternative methods of abortion, they were no less excruciating and/or hazardous. Because the medieval church was staunchly opposed to any act that limits procreation, medical treatises discussing the subject were inevitably ambiguous. For example, an English herbal recommends a mixture of rue and

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³Certainly this sampling does not offer a methodology that allows the ideal analysis geographically or chronologically. However, most likely because of the taboo of hitting a pregnant woman, abortion by assault was an infrequent crime. In order to obtain such a large sample size, I had to cast a wide net and gather material wherever it was available.

sage drunk with water to cure a “sickness which is in the womb”—that sickness, of course, being an unwanted fetus (Riddle, *Eve’s Herbs* 91). Cures for menstrual irregularity or even the removal of a dead fetus are other ways medical texts disseminated recipes for abortive substances while masking the intent.⁴ Abortifacients, venomous draughts concocted from herbal remedies such as that suggested by this recipe of rue and sage, were the most common method prescribed by the medical literature to produce an abortion (Rawcliffe 204). Recipes varied in the precision of their directions. While the recipe included above is thin on instruction, another taken from *The Trotula* for the “retention and suppression of menstruation” is much more comprehensive: “Take one handful each of calamint, catmint, fennel, pellitory, savory, hysop, artemisia, rue, wormwood, anise, cumin, rosemary, thyme, pennyroyal, and mountain organum, a gallon of wine, six gallons of water, boil them and have her take this medicine” (Rowland 147). Fennel, anise, cumin, sage, artemisia, and rue are all substances with proven abortive qualities; pennyroyal and the varieties of mint (and undoubtedly the wine) act as sedatives and may have eased the painful cramping accompanying the abortion (Riddle, “Contraception” 262–263; Garland 268; Lincoln 268). The very existence of sedatives in these recipes, though, reminds us that provoking a miscarriage, even with medication, was a painful and fearsome procedure. It was also dangerous. The 1503 death of a singlewoman from Basford (*Notts.*) reveals the hazards of employing this method of abortion. The coroner’s inquest noted that Joan Wynspere “drank diverse poisoned and dangerous draughts to destroy the child in her womb, of which she immediately died” (Hunnisett, *Calendar of Nottinghamshire* 8).

As Wynspere’s example indicates, medieval pharmacology was far from an exact science. Abortifacients were an option for those seeking to terminate a pregnancy, but they were not necessarily a good option. As Carole Rawcliffe has argued, “[s]ome

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⁴Fiona Harris Stoertz has argued that historians are being unnecessarily cynical in assuming that all “remedies designed to purge the womb or regulate the menses were intended to be abortifacients.” She is quite right that many medieval women must have suffered menstrual irregularities due to malnutrition or difficult miscarriages; however, the multiple uses of these recipes should not be overlooked (Stoertz 108).

concoctions were too revolting to drink in adequate doses,⁵ others could prove fatal and the vast majority were simply useless” (Rawcliffe 204). Given the shortcomings of abortifacients, why not look for an alternative? Assault may seem like an appalling choice, but even the finest medical literature from the period recommended violence to produce an abortion or to bring on childbirth (certainly, the same methods could be used to induce premature labor). As Beryl Rowland has noted:

The very earliest advisers on abortion demanded an agility from their patients that few women possess today. A Hippocratic treatise recommended that the woman on the sixth day of her pregnancy should perform a number of mighty leaps, making her heels touch her buttocks. After the seventh day the “seed” would fall out of her with a clatter. Giving birth could be equally strenuous: to expel a reluctant fetus, the woman in labor was advised to run up and down steps, to fasten herself to a ladder which was then shaken violently, or to lie in bed with the foot-end raised high and then dropped. (Rowland *xv*)

None of these suggestions was exceptional. The standard medical text of European universities, Avicenna’s *Canon of Medicine*, fully embraced this approach. It provided a broad range of abortion techniques, from excessive exercise to forceful jumping (Noonan 21). Even texts dedicated entirely to women’s health advocated very physical methods of abortion, all under the guise of advice to remove a dead fetus. Soranus of Ephesos in his popular *Gynaecology* repeated a well-known method to deal with difficult births by violently shaking a pregnant woman (Blumenfeld-Kosinski 17). The *Trotula* suggested induced sneezing (Mason-Hohl 24). How much of this learned knowledge was available to the common man or woman is still an unanswerable question; but we do know that even midwives normally employed force in hastening delivery by pressing heavily down on the abdomen (Rawcliffe 202). Given the recommendations of university-trained physicians, a common man resorting to beating a pregnant woman about the abdomen to terminate a pregnancy does not seem ludicrous. One has to wonder: when Master Thomas, a surgeon from Kent, struck Agnes le Deyster in 1279 so that she aborted a female fetus, was that

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⁵For example, a concoction of castor oil with wine or broth to expel a female fetus would seem to fall into that category (Ketham 46).

his plan?⁵ Was this surgeon employing a recognized method of abortion? (TNA PRO JUST 1/369, m. 37d).

Beyond the prescriptive literature, we have almost no evidence of the practice of abortion in medieval society. The vocal opposition of some ecclesiasts discouraged open discussion of the subject outside learned (and celibate) circles. Contrary to popular belief, the medieval church did not present a united front against abortion. Pope Alexander III and Thomas Aquinas, among others, may have railed against abortion, but other ecclesiasts supported the need to disseminate knowledge (Connery; Haldene and Lee). For example, Peter of Spain (later Pope John XXI, r. 1276–1277) in his *Treasury of the Poor* provided twenty-six prescriptions for contraceptives, and others to “bring about menstruation” (again, a euphemism for abortion) (Nutton 169–170). And despite copious legislation prohibiting abortion, equating it with homicide and condemning those who facilitate it, prosecutions of abortionists were almost non-existent.⁶ For medieval England, evidence of prosecution is trifling and clustered primarily in the fifteenth century, indicating a slight rise in concern that may relate to an English campaign of morality. To date, historians have uncovered only seven prosecutions of abortionists.⁷ In his study of the provincial records of Canterbury, R.H. Helmholz stumbled across two cases of abortion. A 1493 case from the diocese of Rochester accused George Hemery of “placing medicines in a drink given to a woman ‘in order to destroy the boy he had procreated.’”⁸ A 1469 record from the parish of Deal charged the servant of Joan Gibbes of having “killed the infant lately in her womb by means of herbs and medicines.”⁹ A study of the local courts of Kent by Karen Jones has uncovered three more cases of abortion (1495, 1497, and 1513). In each, the court accused the woman of “destroying her child.”¹⁰ The register of Philip Repingdon, bishop of Lincoln (1405–1419) boasts the final two cases, both from the year 1417.

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⁶For example, according to *Bracton*: “If one strikes a pregnant woman or gives her poison in order to procure an abortion, if the foetus is already formed or quickened, especially if it is quickened, it is homicide” (Bracton v. 2 341).

⁷These seven cases do not include abortions by assault.

⁸Rochester Act book DRb Pa 4, f. 232v (Helmholz, “Infanticide” 221).

⁹Canterbury Act book Y.1.11, f. 57r (Helmholz, “Infanticide” 221).

¹⁰C[entre for] K[entish] S[tudies], PRC.3.1, fol. 67v; PRC.3.1, fol. 108v; PRC.3.4, fol. 17r. (Jones 89–90).

Margaret Knobull of Pinchbeck “confessed to bringing about a miscarriage,” and the court awarded William Clerk of Thorpe in Haydor a dispensation for assisting Margery Sherman to procure abortions (Archer 184 and 194). This meager evidence exposes a disjuncture between legal proscription and enforcement; however, it is also entirely possible that we have been looking at the records too naively. The above cases involve abortifacients; if we add to those the prosecutions of abortions by assault, we may have evidence of a church practicing what it preached.

Linking Assault with Abortion

Not all abortions by assault were deliberate attempts to terminate a pregnancy (Butler, “Abortion by Assault” 23–25). At times, a woman was simply in the wrong place at the wrong time, which often enough was a woman’s own home in the middle of the night. Home robberies led to a number of abortions by assault. A 1319 burglary of the home of Walran Wolf at Leake (*Lincs.*) ended in a miscarriage by his wife Joan (*CPR* for 1319 465–466 and 470). Hawisia, wife of William Peyvre, was also the victim of a home robbery at the manor of Thorpemarket (*Suffolk*) in 1324, causing her to give birth to an abortive child (*CPR* for 1324 71). When Elizabeth wife of John of Streatley was dragged from her Buckinghamshire home in the midst of giving birth, it was also during a home robbery, resulting in the loss of 11 horses, 12 oxen, 7 cows, 50 bullocks, 30 heifers, and 93 swine (*CPR* for 1320 543). Medieval disputes frequently turned violent; a dispute over wardship caused at least one abortion. John Fursdon of the county of Cornwall complained that Richard Trevaignon of Carhayes and others, broke into his home to kidnap his step-daughter, the heir of his wife’s former husband, John Lanyein. While there they stole goods and chattels to the value of 40*l.*, all of his charters, writings and muniments, 9*l.* in hard cash, and they beat his pregnant wife so that she miscarried and “her life was despaired of” (*CPR* for 1424 229; *TNA PRO C1/5/41* for 1424). Alice wife of Adam Cobel lost her child and her own life trying to save her husband’s: throwing herself between her husband and his assailant, she was beaten so badly that she went into premature labor and then died several hours later (Sharpe 21). Rape also triggered several miscarriages. For example, when Alice wife of Adam Prest was coming from the

city of Winchester (*Hants.*) in the year 1280, she encountered four men who threw her to the ground, trampled upon her, and lay with her with such violence that she miscarried a child of the age of one month whose sex was not identifiable (TNA PRO JUST 1/789, m. 1).¹¹ In this circumstance, her pregnancy would not have been discernible, thus the abortion was probably not the goal of the assault; but some rapists may have aspired to be abortionists. When John Moundsoun of Lincolnshire in 1361 or 1362 raped Elizabeth de Aldebarowe de Garthorpe “so that the child in her womb died,” she was six months pregnant at the time (TNA PRO JUST 1/527, m. 11d). So far along in her pregnancy, her expectant state would have been immediately apparent. Given that couples today regularly report fears regarding the safety of having sex during pregnancy, in the Middle Ages, when canonists strictly prohibited sex with a pregnant woman, popular imaginations likely inflated those same fears. To those rapists, an aggressive sexual encounter may have seemed an easy solution to an unwelcome pregnancy.

Refocusing our lens on the abortion rather than the assault, on occasion, helps us to appreciate an otherwise senseless attack. For example, in Agnes daughter of Saxe’s appeal of John of Paris from the year 1200, she noted that *while* she was in labor, he came to her house “dragged her out by the feet, and struck her with a stake so that she lost her child” (Maitland 39). No matter how livid a person is, surely it is possible to wait until after a woman gives birth to assault her. An intentional abortion is the only logical reading of this case. Even more telling is the indictment of Robert Bylling, vicar of the church of Stonesby (*Leics.*). In December of 1409 in the middle of the night, he broke into the home of John Cogerelell, attacked Cogerelell’s expectant wife, and then pressed heavily on her with his hands, killing the child in her womb. The record reports also that the vicar lay with her and that the two absconded from Cogerelell’s home for a period of seven weeks after the break-in with many of Cogerelell’s goods in tow, substantiating a prior relationship between the two (TNA PRO JUST 3/188, m. 54; Muller 93*n*). Why press heavily on his lover’s womb

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¹¹An entry in the patent rolls notes that three of her assailants (Walter Gode, Richard le Pottere, and Stephen his brother) were all pardoned (*CPR* for 1281 444).

unless he was striving to produce a miscarriage? One might almost suspect that the vicar had been reading the medical literature.

At times, the woman's womb was, in fact, the target of the assault. In 1326, when Agnes Houdydoudy molested Lucy wife of Richard of Barnstaple, she struck her on the belly with fist and knees, "leaving her half dead" in the streets of London (Sharpe 166).¹² That such a violent confrontation would result in a miscarriage is not at all a surprise. Some stillborn children were born with wounds from the attacks visible on their bodies, confirming that the assailants were aiming for the womb. Alice daughter of Richard Baldewin of Swaffham Prior (*Cambs.*) gave birth to a male boy with one broken shin (Palmer 23). Isabella wife of S(p)erlo's child was born with "its head crushed, its left arm broken in two places, and its body bruised all over" (Riley 91–92; Chew and Weinbaum 62–63). The corpses of the dead underscore the abortive intent of the attacks.

Any assault on a woman in an advanced stage of pregnancy is similarly suspect. When Thomas Offley and others "lay in wait" for Margery, wife of John Porter, "then near the end of pregnancy," what else could they have been plotting (*CPR* for 1433 348–349)? They stole nothing from her, and she was the only victim. If abortion was not the plan, then at the very least, Offley should have expected it.

Singlewomen and Abortion

Expectant singlewomen were the ideal quarry of abortionists by assault. Pregnancy outside of wedlock was a serious problem in late medieval England in both its rate of recurrence and pervasive censure. Because some courts were vigilant in enforcing the payment of "childwyte," the customary fine imposed by manor courts on unfree pregnant singlewomen, their records offer some indication of numbers. The manorial rolls of Walsham Le Willow (*Suffolk*) for the years 1303–1350 record thirty-six cases of women who gave birth out of wedlock (Lock). The manor of Broughton (*Cambs.*) reported twenty-six cases in fifty-two years (Hanawalt, *The Ties that*

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¹²It is unfortunate that nothing is mentioned about the quarrel that began this assault. Research reveals that Agnes Houdydoudy was a prostitute (Rexroth 208). Did the fight between these two women have anything to do with her chosen profession?

Bound 196). Court rolls from the Dean and Chapter of Lincoln during the years 1336–1349 awarded penance to thirty-one pregnant singlewomen (Poos). Although all three courts probably under-represented the number of actual pregnancies outside of marriage, they still highlight a certain “casual attitude towards premarital sexual encounters” (Hanawalt, *The Ties that Bound* 195). Alan Macfarlane explains this approach as the inevitable result of English marriage practices in which men and women tended to be in their mid-to-late twenties when they married: “so many people had to wait for so many years between sexual maturity and fully sanctioned sexual intercourse within marriage” (Macfarlane 71). In this light, tolerance of extra-marital sex was simply practical. A relaxed attitude, however, did not extend to pregnant women who remained single. Late medieval lyrics, which frequently touched on the subject, expose a “deep anxiety about extra-marital pregnancy in the universal imagination of the late Middle Ages” (Cartlidge 414). While most lyrics merely ridiculed women in this predicament as being “foolish, vulgar, coarse and silly,” the thirteenth-century *Carmina Burana* collection reveals the horrors of being a pregnant single woman:

When I go outside, everybody looks at me as if I were some kind of monster. When they see my stomach here they all nudge each other, and go quiet as I walk by. They’re always poking each other with their elbows, pointing their fingers at me, as if I had done something miraculous. They point me out with nods and judge me worthy of the pyre, because I once sinned. (Cartlidge 414;400)

A pregnant singlewoman had few options available to her. If she chose to raise the baby as a single parent, the economic obstacles were overwhelming. Childwyte (or leyrwite, as it was called in some circles) was the least of her worries. Singlewomen frequently had trouble supporting themselves, let alone having to support a child. In a society where the breadwinner ideal reigned supreme, employers considered women’s waged labor extraneous and paid it at consistently the same rate as they paid boys, old men, and the disabled (Bardsley 23). In fact, the common conflation between singlewomen and prostitutes occurred precisely because many singlewomen resorted to illicit means to maintain themselves; how much more difficult might that be when burdened with a hungry, growing child (Karras, “Sex and

the Singlewoman")? The medieval church did uphold a singlewoman's right to child support from the father of her child and there are instances of jilted lovers seeking child support and the church enforcing its payment until the child reached the age of seven (Helmholz, "Support orders"). However, as was the case with alimony, even a persistent woman was faced with the limitations of the medieval church courts, which "lacked the necessary resources to coerce" men into "living up to their obligations" (Butler, "Maintenance Agreements" 79). The ease with which English society came to associate the term "singlewoman" with prostitution is revealing in yet another way; poor reputations pursued and hampered medieval singlewomen in their dealings with other villagers. Reputation was central to the workings of a medieval village community. Not only did it determine business relationships, social rank, and even eligibility for charity, but on the extreme end "the general reputation of a person in his or her community could still be the dividing line between hanging and going *sine die* ('without day,' or being acquitted)" at a court of law (Hanawalt, '*Of Good and Ill Repute*,' ix; Fenster and Smail).

One might think it easier for a singlewoman to give up her child; but, unlike medieval Italy where foundling hospitals were rife, the English made no such provisions. As a minimum, the king tasked the hospital of St. Mary without Bishopsgate in London with receiving poor pregnant women and giving them a place to live until purification, but they would only afford ongoing support for a child if the mother died in childbirth (*CPR* for 1342 434). Some singlewomen deserted their children in public places where they hoped passersby might find them alive; however, this approach was fraught with dangers. A 1249 infanticide indictment against Christian of Wroxhall (*Wilts*) conveys the hazards of this form of child abandonment: she left her newborn in a ditch, but instead of a villager, a dog discovered it first, mauling the child to death, and dragging the newborn's corpse throughout the village (TNA PRO JUST 1/996, m. 28; Butler, "A Case of Indifference?" 70). Infanticide, although not common, was an option that some singlewomen pursued. In fact, a singlewoman's anxiety documented in a Suffolkshire indictment from the assize of 1240 indicates that people anticipated singlewomen might turn to homicide: when Matilda daughter of Gunnild of Shelland miscarried, she was so fretful about being accused of

infanticide that she hid the child's body in a nearby marlpit and fled (TNA PRO JUST 1/818, m. 50). A recent study of infanticide in late medieval England observed that singlewomen dominated accusations of infanticide at eighty-four percent—although few infanticide indictments exist from the period, suggesting that it was not a popular option (Butler, "A Case of Indifference?" 69). With all the hurdles poised against singlewomen, abortion must have seemed like the most viable option to both the woman and her abortionist.

Twenty-nine of the eighty-three cases of abortion by assault involved singlewomen. Did boyfriends perpetuate these abortions out of a determination not to be saddled with wife and child? Traces of this allegation did occasionally surface in the legal record. For example, in 1344–45 John Cogges, perpetual vicar of the cathedral church of Wells, was accused of battering a woman described as a prostitute and causing her to miscarry a child he had conceived. An investigation by the church validated her story; the court awarded Cogges a dispensation to continue his ministry, but it relegated him to a sinecure benefice as punishment for his actions (*CPRGBI* for 1344–45 162–172). A member of the secular clergy had much to fear from impregnating a singlewoman; the Gregorian reform that had begun the revitalization of the clergy was intolerant of bigamous clerks. The church readily imposed suspension and deposition, or even cancellation of their ecclesiastical prebends, on clerics who flouted the vow of celibacy (Schimmelpfennig 11). Illegitimate sons of priests stirred up even greater fears; in order to prevent these sons from inheriting church property, the church concocted legislation specifically to keep illegitimate children from entering the priesthood (Schimmelpfennig 12). It is no wonder that Cogges initially denied all possibility of paternity.

The caricature of the lusty priest as sexual predator is a familiar one in late medieval literature (Cartlidge 405–406). Clergymen like John Cogges attest that this representation was rooted in reality. Legal record occasionally bears witness to instances of clergy masking evidence of their infidelity. For example, a 1519 record from the visitation of the diocese of Lincoln notes that John Wymark, chaplain of Sutton le Marsh, pitched the newborn child of Margaret Haburgh into the sea (Thomson 121). A less sinful option than infanticide, abortion must have appealed to troubled

members of the clergy desperate to keep their jobs. Secular clergy were responsible for 38% of the abortions by assault involving singlewomen (that is, 11 out of 29). Only Cogges' dispensation expressly links paternity of the child with the priestly assailant; but an impending suit for child support and possible degradation from orders would surely have provided motivation for beating a pregnant woman. Why else would Henry son of Stephen the Clerk (identified as a clerk himself) have beaten Philippa the maidservant until she aborted (Weinbaum 51)? Some cases were especially violent: Richard of Wiggonholt, a clerk from the diocese of Norwich, kicked Alice the wife of William the Couper of Pulham so forcefully that she gave birth prematurely to a daughter, "the injury of the blow being manifest" in the newborn's side; the baby died abruptly after baptism. Richard eventually purged himself before the bishop of Norwich and the court restored his lands and goods (*CCR* for 1340 354–355).¹³ In other cases, although a priest almost certainly fathered the child, he did not carry out the abortion. Matilda Curteys struck Mariota the Prioress of Crediton (*Devon*), propelling her into an early childbirth; this child also died after baptism. Matilda fled to the church of St. Lawrence and abjured the realm (*TNA PRO JUST* 1/176, m. 45). The record tells us nothing about the reason for the dispute itself: was Matilda angry over her superior's lapse in morality? And who else might impregnate a prioress if not her male confessor?

Domestic Abortion

A late 15th century bill to the chancellor from Mathew Petit, a French merchant residing in London, reminds us that assault was not a method of abortion reserved for singlewomen. Petit tells us the story of Joan Gybson, a married woman who found herself in a jam. Her husband was a debtor in prison at Ludgate. Before imprisonment, to safeguard his money he made a deed of gift of all his goods to Thomas Gybson (presumably a relative). Consequently, when Joan discovered that she was pregnant, she

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¹³Richard of Wiggonholt was not a good cleric or a good Christian. Just five years later he was pardoned at the special request of the earl of Huntingdon for having plundered goods, extortion, false imprisonment, and cattle theft (*CPR*, for 1345 486).

“had not one penny to aid herself.” Hoping for sympathy from her husband, she visited him at Ludgate; but her expectant state left him seething. Petit notes that he “had so stricken her and hurt her” that “the blood issued out” from her right side. The assault did not achieve the desired result, however. Still pregnant, she turned to Petit, her cousin’s husband, asking for “alms and charity” so that “she might be relieved with leechcraft.” “Moved with pity,” Petit arranged for Joan to visit a surgeon named Sebastian who “should relieve her with his cunning of surgery”; Petit covered the costs. That was the limit of his generosity, however. Anxious to assure the chancellor of his propriety, Petit noted that despite her penniless state, because she “was a man’s wife,” he would not take her in; although he did provide her with meat and drink from time to time “for the love of God.” Presuming that his charity implied a closer relationship than Petit was willing to admit, Joan’s husband wielded the courts as a weapon. He affirmed a plaint of trespass before the sheriff of London against Petit, who had since been arrested and imprisoned. Petit stood accused of ravishment of Gybson’s wife and goods to the value of 20*l.*, even though he swore that “he never meddled in any wise with the said Joan.” Convinced his nationality would prevent him from receiving a fair trial, Petit turned to the chancellor (TNA PRO C 1/64/105 for 1475–80, or 1483–85).

Petit does not spell out all the accusations against him, but it is apparent that Robert Gybson was looking for the man who impregnated his wife. Petit’s willingness to pay for a medical solution to the problem singled him out as the most likely candidate. How often did suspicions of a wife’s adultery lead a husband to turn to abortion? The medieval world’s censorious stance on the female sexual nature must have egged on some husbands’ fears when informed about an unexpected pregnancy. The sins of Eve held fast to her medieval descendants. As Hildegard of Bingen wrote, medieval women were thought to struggle with a “storm of sexual lust” (Salisbury 93). The sexually insatiable wife, embodied in the gap-toothed Wife of Bath, was a recognized character from popular literature and sermons alike; medieval art regularly personified lust as a “woman in the torments of hell, with snakes or toads suckling at her breasts” (Karras, *Sexuality in Medieval Europe* 89). The infamous ordeals of real-life women such as Empress Richardis, St. Cunigunda, Queen Emma, and

Marguerite of Navarre were sufficiently well known throughout the period to confirm that doubts of women's fidelity infiltrated all levels of society (Bowers).

If a husband imagined his wife was pregnant with another man's child, there was little he could do. Both common law and the laws of the church stipulated that there must be a "strong presumption" of guilt: namely, the husband's impotency or absence from the realm for over two years (Given-Wilson 45). In all likelihood, a man might believe a child to be illegitimate, but as the well-known medieval proverb proclaimed: "[w]ho that bulleth my cow, the calf is mine" (Given-Wilson 45). Were doubts about paternity behind the poor treatment some men accorded their wives? For example, Gilbert Neel of Holkham (*Norf.*) reportedly denied his wife, Amice, "sufficient sustenance or competent aid" after the birth of a child, leading to her death (*CPR* for 1355 253). Most medieval men were overjoyed at the birth of a new child (Lee). In a world that regularly judged masculinity by the number of seeds he had sown, a man had occasion to bask in the glory cast on him by a new addition to the family. Neel's actions are best explained by fears that the child was not his (and everyone knew it). In a similar case, the consistory court of Canterbury prosecuted Thomas Deneham of Minster in 1471 for imposing "such inordinate labors" on his pregnant wife that she aborted.¹⁴ Was this a deliberate abortion of an illegitimate child? A cuckolded husband might hope to fool neighbors into believing an illegitimate child was his own; but the medical literature made it clear that this was an impossible feat. Unless the adulterous wife happened to be thinking about her husband at the time of conception, the child conceived with her lover was doomed to resemble the father, "thereby making the sin forever known" (Bullough 11).

Husbands bore responsibility for sixteen of the eighty-three abortions by assault. In several instances, abortion and the mother's death went hand in hand. In 1331-32, Godfrey the tailor of Letherden (?) (*Yorks.*) was indicted for feloniously slaying his pregnant wife Isabella (TNA PRO JUST 1/1124, m. 5). Richard of Brente, a clerk in minor orders, struck his wife with a stick, so that

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¹⁴Canterbury Act book Y.1.11, f. 126r (Helmholz, "Infanticide" 381).

she miscarried and died herself the next month (TNA PRO JUST 1/186, m. 3d). Royal officials imprisoned Walter the Heyward of Hormewode in 1275 for the death of his wife Agnes, and the child he caused her to abort (*CCR* for 1275 189). Certainly, some of these deaths may have been abortions that simply ended badly; on occasion, homicide was also plainly the goal, as was the case with Thomas le Chapman of Tenterden (*Kent*), indicted in 1293-94 for stabbing his wife Rose in the back, killing her and the male child in her womb (TNA PRO JUST 1/374, m. 13). At least one case hints that adultery lay behind both the abortion and the wife's death: in 1348, William of Garton of Newsome in Rydale (*Yorks.*) slew his wife Ellen "with an infant living in her womb." He then went on to drown an unnamed man—was this his wife's lover (TNA PRO KB 27/354, m. 66; Butler, "Abortion by Assault" 22)? The thin nature of the medieval records prevents us from reaching a definitive conclusion that these husbands were seeking abortion to resolve an embarrassing situation; however, it is clear that abortion was a powerful tool for a husband hoping to safeguard both property and honor.

Admittedly, the premise of this article is necessarily tentative. Proving that abortion was the purpose of the assaults discussed on these pages is well nigh impossible. But slowly and cautiously, as evidence is gleaned and mulled over from the sparse and formulaic records of these eighty-three cases, the balance tips delicately in favor of abortion. The inadequacy of medical procedures, the location of the attack on the body of the victim, the visibility of a victim's pregnancy, the desperate circumstances of the assailant—taken together, these elements imply that some abortions by assault were very much abortions in the modern sense of the word.

This conclusion forces us to rethink our position on a number of issues. First, abortion is not just a woman's crime. While these eighty-three cases of abortion were obviously not consensual (why else would a woman or her representative initiate court proceedings against her assailant), how often did couples, in the privacy of their homes, collude in an abortion by assault? Miscarriages were a common problem in the medieval period; malnutrition, hard labor, ill-timed pregnancies (in which the mother was too young, too old, or the pregnancies too close together) all collaborated to create conditions ripe for

miscarriage. Did deliberate miscarriages inflate those numbers? The taboo nature of the subject means that we will never definitively know if the peasantry resorted to any form of aggressive physicality as a consensual means of abortion; one only hopes that, if they did, it did not frequently lead to the woman's death, as it so often did in non-consensual abortions by assault. Knowing that singlewomen, in particular, those most frantic to alleviate themselves of the burden of an unwanted and embarrassing pregnancy, were sometimes victims, possibly even willing participants, in abortions by assault provides yet another disturbing insight into the reality of life for the medieval singlewoman.

Second, medieval Christianity has frequently been the recipient of criticism because its words and actions were out of step (modern condemnation and apologies for both the Crusades and the Inquisition should make the point). Seeing abortion by assault as primarily abortion indicates that the Christian world, as medieval legislation indicates, was concerned to prosecute abortionists. The prevalence of abortions by assault in court records is best explained by the non-consensual nature of these cases, which provided better evidence for prosecution than any other form of abortion. Granted convictions were almost non-existent; but as I have argued elsewhere, a whole host of factors, including a deeply entrenched sentiment that death was an inappropriate punishment for most felonies, conspired to acquit those abortionists who actually stood trial (Butler, "Abortion by Assault" 17–21). The very fact that courts prosecuted eighty-three abortionists in the late Middle Ages highlights that the English courts were taking their Christian duty seriously.

Abortion in history is a subject from which many historians have shied away.¹⁵ Given the paucity of the historical documentation (among other various and sundry political and ethical factors), it is not a surprise. This article, with its tentative conclusions but passionate craving for greater knowledge, stands as a call to research. A better understanding of abortion in the Middle Ages is critical. Not only does it stand to offer us a clearer perception of power relations in marriage, household manage-

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¹⁵John T. Noonan (1970) and J.M. Riddle (1997) are the only serious historians to address the subject for the medieval period.

ment, affective relations within the family, infanticide practices, and Christian values, but above all, as this article indicates, a better sense of the obstacles encountered by singlewomen in a world that tolerated them best by denying their existence. Pregnant singlewomen, much like adulterous wives, defied the norms of a medieval world centered on family and inheritance. While the medieval world worked hard to hide these women from history, the more we know about them and their difficult paths, the more we can appreciate the independence of those women who refused to slip neatly into the passive molds prepared for them in a highly gendered world.

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