SEX AND ITS CONSEQUENCES: 
ABORTION, INFANTICIDE, AND WOMEN’S 
REPRODUCTIVE DECISION-MAKING 
IN FRANCE, 1901-1940

DISSertation

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By

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ABSTRACT

This dissertation is a study of women who faced trial for reproductive crimes, including abortion and infanticide, in France between 1901 and 1940. It adds to an already rich historiography on the French demographic transition, the development of the welfare state, and the history of working class women by illuminating the relationship between women, their sexual and reproductive decision-making, and French society at the beginning of the twentieth century.

This study examines women’s individual reproductive decisions within the larger historical context of a France that was modernizing, urbanizing, and embracing demographic theories that warned that a falling birthrate would lead to the decline of the nation. Within this context of change for France, women’s reproductive options also changed, as attitudes towards sexuality and family planning slowly shifted and as the safety and accessibility of clandestine abortion improved.

Using methodologies of cultural and social history, this dissertation aims to uncover popular attitudes towards reproductive morality, the rights and duties of female citizens to be mothers, and the role of public authority in private lives during the French Third Republic. It begins in 1901, the year the French legislature eliminated the death penalty for infanticide in an effort to reverse decades of refusals by juries to convict
obviously guilty but sympathetic women. This study ends in 1940 when France fell to Nazi invasion and the democratic Third Republic was replaced by the authoritarian and paternalist Vichy regime.

While the changes that took place for women in France were significant, the continuities were also striking. Social attitudes towards unwed mothers changed slowly, but this did not necessarily mean that all unwed pregnant women were ostracized. Public sympathy for women who committed reproductive crimes after being abandoned by uncaring men remained constant from 1901 until the outbreak of the Second World War and juries continued to show pity for sympathetic criminals with lenient verdicts.

The central questions this study addresses are how and to what extent women’s reproductive decision-making changed during the turbulent first four decades of the twentieth century. In order to answer these questions, the first three chapters examine the main options available to pregnant women who did not wish to become mothers. The first explores legal avenues for pregnant women in distress, including raising one’s child with the support of family and friends, relying upon nascent state-sponsored programs to help get through the difficulties of childbirth and early childhood, or officially abandoning one’s newborn to the care of the state. The second chapter turns to the age-old strategy of killing the unwanted infant as soon as it was born. The third chapter charts important changes in the safety and availability of illegal abortions. The fourth chapter investigates the way police, prosecutors, and judges worked to enforce reproductive laws, greatly influencing the role government policy on contraception and abortion played in the reproductive decisions made by ordinary Frenchwomen. In the
fifth chapter, we ask how public opinion about women who committed reproductive crime changed as attitudes towards motherhood and sexuality shifted.
For Nick
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INTRODUCTION

WOMEN IN CRISIS

On March 6, 1901, the following anonymous letter arrived in the Prosecutor’s office in Lyon:

Monsieur le Procureur,
It might not be a bad thing if you have someone conduct an investigation around here on the subject of the clandestine delivery of a young woman who lives on the central lane of Moulin à Vent in the home of Monsieur M.… the childbirth would have taken place Thursday, February 28, and word is that after being suffocated the baby was buried in the garden. Pardon me Monsieur if I maintain anonymity but I believe it is urgent that you deal with this.¹

The subsequent investigation revealed that the young woman in question was 17-year-old Claudia “Antoinette” T., who lived in her uncle’s home where she worked as a domestic servant. Although Antoinette was engaged to marry her older cousin, it was with her uncle’s younger son, eighteen-year-old Joseph, that she conceived her child during the spring and summer of 1900. The lovers had not discussed getting married, and neither seemed to have considered the potential consequences of their sexual relations.

¹ Archives Départementales du Rhône (ADR) 2U 643, Claudia Antoinette T., infanticide, May 30, 1901, Anonymous letter, February 6 [sic], 1901. Unless otherwise noted, all translations are mine. In order to access judicial case files still protected by French privacy laws (those fewer than 100 years old), I have agreed not to disclose the full names of the people mentioned in the files. Thus most individuals from these files shall be referred to by their first name and initial. In some cases I have chosen to refer to individuals by their title (for example, Madame L.) in order to reproduce some of the hierarchies of social power in the cases.
Antoinette claimed that she did not suspect that she was pregnant, and no one in the rural neighborhood of Moulin à Vent admitted to suspecting a pregnancy either.²

On the morning of February 28, 1901, Antoinette’s uncle went to find help when his niece complained of violent stomach pains. Two female neighbors came to Antoinette’s bedside, but seem to have been of little help. Both women remembered Antoinette crying, “Oh my God! What else is coming out of me? I’m all wet!” but neither looked under her blanket to see what it might be. At least one of the women had definite suspicions that Antoinette had given birth and went so far as to tell police that she thought she heard the cries of a newborn coming from under the covers. Yet during the crucial moments when Antoinette suffocated the baby to keep it from crying, both women chose to leave the room and allow Antoinette to dispose of her child as she pleased.³ Even after Antoinette’s mother arrived and heard her daughter confess that, “I had a baby; it is dead; it was suffocated,” no action was taken to alert police or dispose of the infant’s body. Instead, after trying to revive the baby by rubbing its skin, Antoinette’s mother disposed of the placenta and left her daughter, saying, “For the moment, do what you like with your baby; settle things as you can.”⁴ Antoinette buried the body in her uncle’s garden the next day, and it seems that the whole neighborhood, despite widespread knowledge of or suspicions about the event, left it to the family to discipline

² Ibid., statement of Louise T., March 26, 1901; statement of Joseph M., March 25, 1901; statement of Claudia Antoinette T., March 19, 1901; statement of Benoite B., March 15, 1901.

³ Ibid., statement of Benoite B., March 15, 1901. One woman claimed she “lacked the courage” to stay in the room, even though she suspected a clandestine birth and infanticide.

⁴ Ibid., statement of Louise T., March 26, 1901.
their wayward daughter. It was almost a week after the baby’s death before the police were notified by the anonymous informant. Antoinette was indicted and faced trial before the Cour d’Assises of the Rhône in Lyon. Despite her candor about the events, she was acquitted on May 30, 1901.

Almost four decades later another young woman also faced an unexpected and undesired pregnancy; however, her lifestyle, the way she approached her problem, and the solutions she found indicate some of the important changes that had occurred in the intervening years. Nelly M., a 19-year-old shorthand typist in the Breton city of Rennes, met and began a sexual relationship with a university student named Guy in January 1938. By June she had missed two periods and, unlike Antoinette, knew enough to conclude that she was pregnant. When she shared this information with her boyfriend he denied that he had made her pregnant. Although he “didn’t give me any bad advice” (i.e., he did not encourage her to seek an abortion), Guy stopped seeing Nelly as soon as he knew she might be pregnant. Abandoned by Guy, Nelly asked other students of her acquaintance what she might do about her undesired pregnancy. Some suggested she

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5 It seems particularly important that the informant chose to remain anonymous. Although anonymous denunciations were frequent in France, they were rarer in infanticide cases than abortion cases. In this instance, the anonymity of the letter seems to point to the fact that the community had decided to deal with the transgression outside official law courts, and the person who informed feared repercussions for violating the community’s trust.


7 Ibid. It is unclear from the case file whether Guy was trying to shirk responsibility for an undesired pregnancy, or if he believed he had taken appropriate contraceptive precautions when he had sex with Nelly to avoid conception. In several of the cases in this study, the defendants’ lovers or husbands implied that the women must have been unfaithful to them because otherwise their “precautions” would have prevented a pregnancy. While this was sometimes the case, more often it seems that the men’s faith in their contraceptive measures was overly strong.
take a purge of quinine and *eau-de-vie allemand* (a strong purgative), but although these made her “very sick,” they failed to induce an abortion.\(^8\)

Nelly finally found help when she met a young woman named Berthe in a bar. Berthe herself had recently terminated an unwanted pregnancy and recommended that Nelly visit a certain seamstress, Madame L.\(^9\) Ignoring another friend’s advice not to have an abortion, Nelly pressed on because she was “desperate.”\(^10\) With the same procedure she had employed for Berthe, Madame L. used a speculum and rubber probe to induce Nelly’s abortion, charging the young woman 500 francs. Madame L.’s intervention successfully terminated Nelly’s pregnancy but the young woman did not come out of the experience unscathed. She became so weak from excessive bleeding that her parents, with whom she resided, summoned a doctor to their home. Respecting French law on doctor-patient confidentiality, the doctor hid the truth of Nelly’s illness from her family, but lectured the young woman on the dangers of illegal abortions, warned her she could have died as a result of her actions, and ordered several days of bed rest.\(^11\)

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\(^8\) Ibid. Many women in my two case studies, like Nelly and Jeanne Marie, tried to use purgatives to induce abortions. *Eau-de-vie allemande* was by far the most frequently cited purgative in these cases, but women reported that it was nearly always ineffective.

\(^9\) Ibid., procès-verbal de Nelly M., June 21, 1939; Recours en grâce, June 23, 1941.

\(^10\) Ibid., procès-verbal, June 21, 1939.

\(^11\) Ibid. The inability of doctors to denounce patients who had aborted became a major issue in the early twentieth-century debate about effective means to crack down on abortions. From Nelly’s testimony, we must assume that the doctor did not give her any information about measures she could take to protect herself against a new pregnancy with contraceptives. Such advice, though undoubtedly shared frequently in the privacy of many doctors’ examination rooms, was prohibited in France by the Ignace Law of July 31, 1920. This law outlawed contraceptives, reiterated the ban on abortion, and made it illegal to spread any propaganda or information about contraceptives or abortions. See chapters 3, 4, and 5 for further discussion of this law.
Apparently ignoring these warnings, Nelly began a new relationship with a medical student soon after she recovered from her abortion and became pregnant once again in December 1938 or January 1939. She sought out the same abortionist, but Madame L. told her that since their last meeting, she had become aware of a nation-wide crackdown on abortionists and had decided to get out of “that sort of work.”

Nelly initially told police that she had induced her own abortion using ivy stems (a folk remedy to restore menstruation), but later admitted that Madame L. changed her mind and performed the abortion. Nelly’s subsequent weakness and visits to a clinic for treatment brought her to the attention of the police, to whom she confessed everything. Nelly went before a magistrate’s court (tribunal de 1er instance) and received a six-month suspended sentence for her crimes. The cautious Madame L., convicted in the same trial for performing abortions on Nelly, Berthe, and another young woman, was sentenced to three years in prison and a 500 franc fine.

The differences in the sexual lives, employment, and reproductive decisions of Antoinette T. and Nelly M. underscore the immense changes that took place in women’s lives during the first four decades of the twentieth century. Neither woman took

12 Ibid. The crackdown began in 1938 and lasted until the end of the Third Republic in 1940. It was playfully called the “chasse aux avorteurs” (“abortionist hunt”) by the French press. See Chapter 4 for more on the way abortion was policed and the effects of the “abortionist hunt.”

13 Ibid.

14 ADIV 3U4, Tribunal de Rennes, “Registre 600” 1932-1942. Abortion was redefined as a misdemeanor offense in 1923, in an attempt by lawmakers to increase the rate of convictions in abortion cases by taking such cases out of the hands of the overly-lenient juries who judged felonies and instead placing them under the jurisdiction of three-judge panels charged with judging misdemeanor cases. Ironically, Nelly probably could have sought a safer abortion from the doctor who came to treat her after her second abortion, as he himself was later put on trial for abortion after his wife denounced him during their divorce.
measures to avoid becoming pregnant, but they did this for different reasons. Antoinette, more sheltered and a bit younger than Nelly, apparently did not even consider that she might become pregnant, and did not realize her condition until almost the moment she gave birth. Engaged to one brother, she “gave in” to the younger Joseph because they were “always alone together” and because he “sought” her. “Finally,” she admitted, “I let myself do it without worrying about the consequences.”

Despite the fact that she still lived with her parents, Nelly was noticeably more independent and assured than Antoinette. She was much more knowledgeable about sex and its possible consequences than Antoinette. Nelly worked in an environment where she could learn about sex and means to avoid pregnancies from her fellow typists and her boyfriends at the university and medical school were also able to give her information when she needed it. When these sources of knowledge failed, she was independent enough to seek help from a stranger in a bar. It seems she did not worry about avoiding pregnancy because she was confident she could have another abortion if it became necessary.

**Unintended Pregnancies and Desperate Actions**

Antoinette and Nelly were just two of the thousands of French women during the early twentieth century whose lives were shaped by unplanned pregnancies. This dissertation examines these individual and very personal crises within the larger historical context of a France that was modernizing, urbanizing, and, perhaps most significantly, embracing demographic theories that stressed the importance of bolstering the birthrate to

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ensure France’s stability and predominance in the world. Within this context of change for the nation, women’s reproductive lives and decision-making also changed, as old attitudes towards sexuality and family planning began to shift, and as improvements in the safety and accessibility of abortion made infanticide less frequent. While the changes that took place for women in France were significant, the continuities were also striking. Social attitudes towards unwed mothers changed only very slowly, for example, and public sympathy for women who committed reproductive crimes after being abandoned by uncaring men remained constant. Also, even as the French government and natalist groups urged citizens to have more children, the long-term trend towards family planning among French couples continued.

Using methodologies of cultural and social history, this dissertation aims to uncover popular attitudes towards reproductive morality, the rights and duties of female citizens, and the role of public authority in private lives during the French Third Republic. It begins in 1901, the year the French legislature eliminated the death penalty for infanticide in an effort to reverse decades of refusals by juries to convict obviously guilty but sympathetic women. This study ends in 1940 when France fell to Nazi invasion and the democratic Third Republic was replaced by the authoritarian and paternalist Vichy government.

The central questions this study tries to answer are how and to what extent women’s reproductive decision-making changed during the turbulent first four decades of the twentieth century. In order to answer these questions, I examine the main options available to pregnant women—married or single—who, for whatever reason, did not
wish to bear the children they had conceived. These options fell into three main
categories: first, legal paths including raising one’s child with the support of family and
friends, relying upon nascent state-sponsored programs to help get through the difficulties
of childbirth and early childhood, or officially abandoning one’s newborn to the care of
the state; second, the age-old strategy of killing the unwanted infant as soon as it was
born; and third, terminating the pregnancy through an illegal abortion. I ask what role
government policy on reproductive decisions played in influencing the choices of
ordinary Frenchwomen. How much effect did the development of new technology and
medical procedures have on women’s reproductive choices? Finally, since decisions
about childbearing and fertility are frequently as much social choices as biological
decisions, what were the expectations of and pressures on expectant mothers in French
society, and how did these change over the four decades under study?

In an effort to understand the struggles women underwent to try to control their
fertility and the forces that influenced their decision-making this dissertation analyzes the
stories of hundreds of women from the French departments of Ille-et-Vilaine and the
Rhône charged with abortion, infanticide, and other reproductive crimes. These women
risked their liberty, their reputations, their health, and even their lives to escape the
consequences of undesired pregnancies. The most important sources for this study are
the judicial records from the hundreds of abortion, infanticide, child abandonment and
birth control prosecutions that fell under the jurisdiction of the courts in Ille-et-Vilaine
and the Rhône. These records include 159 case files, with more than two hundred

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16 Departments (départements) are the county-sized administrative units into which France is divided. Each
department has a federal official called a Prefect who reports directly to the Ministry of the Interior.
defendants (most of them women), from abortion, infanticide, child abandonment and contraceptive propaganda trials that went before the *cour d’assises* (felony court) and *Tribunal de 1er Instance* (misdemeanor court) that convened in the regional centers of Rennes and Lyon. In addition to these case files are the indictment records from a portion of hundreds of cases from the larger regions surrounding the Rhône, and the records of the hundreds more investigations undertaken by the 13th Brigade of the Police Judiciaire, which was stationed in Rennes but had jurisdiction throughout Brittany. From these records we can view not only the reproductive crimes with which each woman was charged, but the longer life and sexual histories of defendants, the motivations and fears these women felt upon learning of their pregnancies, and the context of their decisions to break the law rather than bear or raise a child. These sources allow for a study of depopulation at the level of ordinary people and give a very different view than previous studies that have focused on policy and propaganda.
Figure 1: Rennes, Paris, and Lyon.
Figure 2: Department of Ille-et-Vilaine and Department of the Rhône.
Geography and Chronology

The two departments that make up the case study are quite dissimilar, although they were chosen because both included regional administrative centers and appeals courts. Ille-et-Vilaine in Upper Brittany was home to the administrative capital of the region, Rennes, but was still primarily an agricultural department during the period under study. Unlike the more remote departments of Lower Brittany where many people still spoke Breton as their first language, Ille-et-Vilaine was almost completely French-speaking by the turn of the twentieth century. Rennes was large and important enough to feature a university, a fairly-extensive hospital system, two major daily newspapers (one mainstream Republican, one Catholic), and daily trains to Paris and other regional centers. Yet outside of Rennes, at least prior to the great upheavals of the First World War, many small agricultural villages remained fairly isolated, and Ille-et-Vilaine retained a somewhat sleepy demeanor well into the twentieth century. In contrast, the department of the Rhône was second only to the department of the Seine (where Paris is located) in political, economic, and cultural importance. The Rhône was dominated by the region’s capital and one of France’s largest cities, Lyon. Although there were still agricultural villages in the department during the period under study, the Rhône was much more industrialized and urban than Ille-et-Vilaine. Most pertinent to this study, throughout the nineteenth century Lyon had the highest levels of abortion outside of Paris.\(^\text{17}\) These two departments thus allow a comparison not only of different regional

variations, but also of a highly-industrialized mostly-urban department with a more rural department.

This study begins in 1901, when the French legislature passed a bill that revoked the death penalty for women convicted of infanticide. However, the story of women’s struggles to control when and how many children they had stretches back much further than the turn of the twentieth century. Ancient Egyptian and Greek sources both tell of birth control efforts as well as of infanticide. An Egyptian scroll from around 1500 B.C.E. records a recipe “to cause a woman to stop a pregnancy,” and Aristophanes refers to the abortifacient properties of pennyroyal in two of his plays. 18 John Riddle has argued that “women’s secrets”—knowledge of contraceptive and abortifacient herbs—persisted throughout the Medieval and Early Modern periods, only to be lost in large part during the twentieth century. 19

The four decades under study marked a period of immense change for the French. From 1901 to 1940 France became increasingly urban, experienced the divisive separation of church and state in 1905, the momentous social upheavals of the First World War, the cultural clashes of the post-war period (especially the shockingly immoral “modern woman”), and the global economic crises of the 1930s. The changes

18 John M. Riddle, *Eve’s Herbs: A History of Contraception and Abortion in the West* (Cambridge, Mass: Harvard University Press, 1997), 35-36, 46-47. Riddle argues that despite a tendency by nineteenth and twentieth century medicine to discount the efficacy of traditional herbal remedies used by women to regulate their fertility, many of these herbal medicines were effective and were widely employed. Only in recent years, with the medicalization of birth control, has this knowledge been largely lost. Edward Shorter found that general knowledge of the abortive properties of certain herbs was lost when the mothers of women born during the 1930s did not pass this information on to their daughters. Shorter, *A History of Women’s Bodies* (New York: Basic Books, 1982), 223.

19 Riddle, *Eve’s Herbs*, 253-256.
that took place in women’s position in French society were especially important, and meant that even though women such as Antoinette and Nelly faced the same general problem and were roughly the same age, the time that passed between their respective reproductive crises made their worlds very different.

**Depopulation**

One reason these four decades are so significant to the history of women’s reproductive decision-making in France was the widely-held fear of “depopulation.” French demographers began to publish alarming figures about the size of France’s population in the late nineteenth century, warning that France’s birth rate was slowing compared to those of its neighbors and enemies. Natalist groups, such as the Alliance Nationale pour l’accroissement de la Population (henceforth, the Alliance Nationale), founded in 1896, dedicated their resources to fighting depopulation and worked to pass measures that would encourage women to bear more children and punish anyone who refused their patriotic duty to reproduce. Natalists proposed a broad range of measures, including prizes and medals for couples with many children, premiums paid at the birth of the first or third child, and harsher laws against abortion and contraception. The massive loss of life in the First World War only served to exacerbate perceptions of the “dangers” of depopulation. In an age of total war and massive armies, every male baby born was a future soldier, so motherhood became an important national defense problem in addition to an economic and social issue.
Fears about depopulation actually reflected a trend that began in France, but would follow in most other Western European nations during the first half of the twentieth century. As nations industrialized and populations moved from rural farms to urban areas, more and more couples decided to limit the number of children they produced. Despite widespread natalist propaganda warning of depopulation, and despite France’s decision in 1920 to outlaw not only abortion, but also contraceptives and sharing information about how to avoid pregnancy or induce a miscarriage, couples continued to choose to limit their family size. The natalist movement and the government sought to force couples (or, more specifically, women) to have more children with the 1920 Ignace Law against contraception, but there is overwhelming anecdotal and statistical evidence that French people continued to try to limit their fertility. Many of the abortion cases in this study featured married defendants or poor urban defendants in stable long-term family relationships who used abortion to keep their family size within the bounds of their resources. In many ways, then, this dissertation also is the story of struggles between individuals and the state about whether citizens had a right to control their own fertility, or a duty to reproduce to meet the military and economic needs of the nation—in other words, individual liberties versus public good.

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Historiography

This dissertation adds to an already rich body of scholarship that has grown since debates over the legalization of contraceptives and abortion in both France and the Anglophone world during the 1960s and 1970s raised questions about women’s reproductive decisions prior to World War II. Yet historical studies of reproduction predate this renewed interest. Almost from the moment demographers “discovered” depopulation during the nineteenth century, women’s reproductive decisions and the forces that influenced them have been discussed in historical context. Natalists frequently employed historical models to demonstrate the dangers of birthrates that were not actually falling, but rather growing more slowly than those in neighboring nations. Demographers who were not themselves involved in the French natalist movement also took an interested in France’s demographic transition, and as early as 1939 Joseph Spengler produced his authoritative work *France Faces Depopulation*. In this work Spengler approaches the question of French demographic change with the tools of the economic historian and with an eye to large-scale shifts in the birth rate, but with little interest in the individual decisions that led to these changes. Spengler’s work was republished in a “postlude edition” in 1979, and forms, along with work by authors such as Colin Dyer and a steady stream of publications from the members of the Institut National d’Etudes Démographiques (INED), a very large body of scholarship on the history of France’s birthrate from a demographic perspective. Such work has

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concentrated on discovering whether or not “depopulation” actually existed and seeking structural explanations for demographic changes. Although these studies link the issue of depopulation with the specific patterns of development of the French welfare state, it has fallen to historians rather than demographers to more closely study these changes in government policy and their effects on individual decision-making.

Recent historical studies pertaining to the options available to, and forces acting upon, pregnant women during the French Third Republic, fall into four main categories. The first category includes studies of the individuals and organizations that formed the two sides of the debate over “depopulation”—Neo-Malthusian birth control advocates and the politically-influential natalist movement. These studies of the Neo-Malthusians and natalists are useful because they provide a view of the opposing sides in a battle for both the attention and aid of government officials, and for the allegiance of the ordinary French couples whose daily decisions about family size and birth control strategies would determine France’s demographic future.

Some early work on women and reproduction in France during the late nineteenth and early twentieth centuries came from Francis Ronsin and the late Roger-Henri Guerrand. These scholars wrote about a small group of politically-motivated “Neo-Malthusian” activists who, in the name of socialism or anarchy, promoted birth control, offered contraceptives to workers, and even sometimes provided abortions to working-class women. They were called “Neo-Malthusians” because rather than promoting sexual restraint as the means to control population growth, as Thomas Malthus did, they advocated free love and the use of contraceptives to allow women the liberty to pursue sexual pleasure without the danger of unintended pregnancies. See Roger-Henri Guerrand, *La Libre Maternité* (Paris: Casterman, 1971); Roger-Henri Guerrand and Francis
not women should be able to choose when and how many children to bear at the forefront of French politics prior to the First World War, but ultimately the political extremism and already questionable reputation of most of the movement’s members kept the general public from paying them too much heed. Although the Neo-Malthusianism movement was essentially a fringe movement in France, the interest scholars have shown the fascinating stories of the Neo-Malthusians since the 1970s may give a distorted impression of the movement’s political importance. Only a handful of women, for example, played leadership roles in the Neo-Malthusian movement, yet three of them (Madeleine Pelletier, Jeanne Humbert, and Nelly Roussel) are the subjects of scholarly biographies.\(^\text{23}\)

Natalist activists were much more important than Neo-Malthusians in shaping French reproductive laws. Because they were the ultimate victors in the battle over reproduction in France prior to World War II, studies of natalist organizations and their efforts form an even larger and broad-reaching body of research than work on Neo-Malthusians. Most of the scholarship on these groups works to draw connections between the natalist movement and larger conservative (and fascist) trends in Third

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\(^{23}\) Felicia A. Gordon, *The Integral Feminist: Madeleine Pelletier, 1874-1939* (Minneapolis: University of Minnesota Press, 1990); Guerrand and Ronsin, *Le Sexe approvisé*; Elinor Accampo, *Blessed Motherhood, Bitter Fruit: Nelly Roussel and the Politics of Female Pain in Third Republic France* (Baltimore: Johns Hopkins University Press, 2006). I do not question the value of each of these works—indeed each is a useful contribution to our understanding of the Neo-Malthusian movement, feminism, and the tension between motherhood and aspirations to citizenship during the Third Republic. Yet, taken as a whole and compared to the relative dearth of scholarship about the reproductive motivations and decisions of ordinary women, they might be misleading.
Republic society, ultimately leading to the family policies of the Vichy Regime.\textsuperscript{24}

Natalists tended to ally with the political Right and the Catholic Church, and worked within the political system rather than trying, as the Neo-Malthusians did, to ignore legislation and instead reach out primarily to the French working class. Studies such as Cheryl Ann Koos’ dissertation on the individual natalist leaders of the most important of the natalist leagues, the Alliance Nationale Contre la Dépopulation, and their efforts to promote natalist causes, and Fabrice Cahen’s study of individual medical and legal professionals who used their local standing and influence to fight abortion each help elucidate the importance of personal lobbying and individual respectability in promoting the natalist agenda.\textsuperscript{25} Angus McLaren’s \textit{Sexuality and Social Order: The Debate over the Fertility of Women and Workers in France, 1770-1920} pulls the natalist and Neo-Malthusian debates together in a longer historical perspective.\textsuperscript{26}

The second category of historical study relating to women’s reproductive decision-making revolves around the social and political history of the development of


\textsuperscript{26} McLaren, \textit{Sexuality and Social Order}.
the French welfare state. Karen Offen’s work on depopulation as a political issue has shown that French feminists, who had thus far failed to win the political rights that most other European women already enjoyed, embraced natalism, too. Indeed, most French feminists (Madeleine Pelletier and Nelly Roussel, both Neo-Malthusians, were exceptions) became natalists, and officers of French suffragist leagues sat on the government Superior Council on the Birth Rate. Such feminists argued, Offen claims, that women’s vital role in reproduction could show reluctant legislators how important women were to France’s survival, and thus speed the political rights they had thus far been denied. Anne Cova’s research into the relationship between motherhood and women’s political standing (or lack thereof) has led to two studies that help explain how feminist and philanthropic Catholic women contributed to the construction of the French welfare state. Some of the most important research on the beginning of state intervention in motherhood has been done by historian Rachel Fuchs. Fuchs’ studies have focused on Paris and the way government programs designed to aid the most


impoverished of France’s mothers and children laid the groundwork for the French welfare state. Her second book, *Poor and Pregnant in Paris*, has inspired several of the key questions I ask in this dissertation. Fuchs asks what options were open to a poor woman who faced an unwanted pregnancy in nineteenth-century Paris, and catalogs improvements in the state structures of support at the fin-de-siècle. Fuchs’ research helped spark several research projects in the 1990s that have attempted to reconcile the national crisis of depopulation, French efforts to win political rights for women, and the rise of the welfare state.\(^3^1\) However most of these studies continue to focus on Paris, and end with the nineteenth century, leaving the daughters, granddaughters, and provincial cousins of the women who featured so prominently in Fuchs’ work without a voice.\(^3^2\) In this study I attempt to fill this gap by bringing the testimony of women from departments outside of Paris who were themselves accused of rejecting motherhood to the forefront, as well as that of their neighbors and coworkers. I attempt to place the arguments put forward by natalist leagues and Neo-Malthusians within a more balanced context that emphasizes pregnant women and the members of their local communities as the central actors in the national drama of depopulation.


\(^{3^2}\) The reasons for this are entirely practical: French judicial records (some of the best sources of the voices of poor and often poorly educated women in French archives) are protected by privacy laws that forbid access to files less than one-hundred years old. The process of applying for special permission to see these files is lengthy, and even with such permission, the researcher must agree not to disclose any individual’s name and is forbidden to photocopy or photograph the material. Under such circumstances, it is not at all surprising that most American doctoral students, who generally have very limited time to “get through” their archival work in France, choose to focus on the nineteenth century, or to use more readily available sources.
The third category of research on women’s reproductive decision-making that has helped shape my dissertation explores the development of sexuality and women’s private lives. The most important work in this category, and the most important influence on the methodology and sources I have used in my own study, is the work on everyday sexuality and private life by historian Anne-Marie Sôhn. Sôhn’s monumental thèse d’état uses judicial records from cases of abortion and infanticide, molestation, and rape, as well as divorce proceedings, to piece together the framework of nineteenth and twentieth-century private life.33

A final category of research relevant to this chapter involves the political and judicial history of women’s reproductive choices. The most important work on this subject has been done by James M. Donovan, an expert in French legal history. Donovan uses careful analysis of French crime statistics and judicial commentary to show the conflict between the legal hierarchies in France and the juries who ultimately delivered verdicts in felony cases. Donovan suggests that juries’ verdicts show “increasing permissive attitudes” towards abortion in France long before legalization.34


Motives, Fears, and Double-Standards

Defendants in abortion and infanticide trials offered many different reasons for their decision not to bear or raise the children they conceived. Underlying most of these motivations was the assumption that limiting the number of children a woman bore was desirable. Historian Anne-Marie Sôhn’s research into French attitudes towards family size suggests that French couples during the Third Republic almost universally desired some children, but most wanted to limit the number of births to some extent.\(^{35}\) How many children were too many? Sôhn found that 86.1% of women in her survey refused to have more than four children, and 66.4% refused to bear a third child.\(^{36}\) The ideal number of children varied by geographical location, and seems to have declined as time went by. Sôhn’s research reveals that until 1900 the average number of desired children was four, whereas after 1900 it fell to three.\(^{37}\) From 1890 on, more than a quarter of the women in Sôhn’s database wanted only one child.\(^{38}\) The cases in my own study confirm Sôhn’s conclusions about French women’s general assumption that unchecked fertility was not desirable. Historian Angus McLaren has argued that by the turn of the twentieth

\(^{35}\) In a survey of 77 statements about family size and 88 statements about women’s reactions to unwanted pregnancies (most from abortion cases), Sôhn found that by the Third Republic (1870-1940), limiting family size was the norm. She writes, “The deviants were not the sterile couples but prolific households.” Most of the cases (62.5%) dated from 1914 or later, 22.2% from 1870-1890, and 26.3% from 1890 to 1914. Sôhn, Chrysalides, 803-806.

\(^{36}\) Ibid., 805, Table “Nombre d’enfants des avortées et refus de l’enfant supplémentaire.” Since most of the women in Sôhn’s survey were charged with abortion (and thus had already taken great risks to limit their family size), the numbers are probably somewhat high. They nevertheless reflect the extent to which limiting family size was important to couples in Third Republic France.

\(^{37}\) Ibid., 809-811

\(^{38}\) Ibid., 811-812.
century, “even the most remote regions [of France] were penetrated by Malthusian mores.” In other words, despite natalist efforts to promote large families, couples all over France wanted to limit the number of children they produced.

The unequal expectations of male and female sexuality that prevailed in France throughout the nineteenth and twentieth centuries lay just beneath the surface of every Third Republic discussion of birth control, motherhood, or female rights and duties. All women in Third Republic France had to deal with a sexual double standard. They lived in a patriarchal society that appreciated male sexual prowess and expected young men to have a certain amount of sexual experience prior to marriage. Paradoxically (and incompatibly), French ideals also demanded chastity and almost complete ignorance on sexual matters from unmarried women. Women who engaged in pre-marital sex, or even who seemed overly-flirtatious, could be deemed “loose” and could face difficulty finding a husband. Although these ideals reflected bourgeois sensibilities, they were still influential in the behavior and decision-making of poorer women, many of whom were dependant upon middle-class employers for their livings. This double standard proved resilient: even after the momentous changes wrought by the First World War, and despite the openly flaunted sexuality of the modern woman during the 1920s, an only slightly less rigid set of gendered expectations persisted until the late 1960s.

Pregnancy had different implications for single women than for women who were married, since sexual activity was not censured, but expected, in wives. A child born to

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39 McLaren, Sexuality and Social Order, 126.

40 Married women were not vulnerable to social “ruin” from a pregnancy in the same way as single women, although several of the married women in my study needed to terminate their pregnancies in order to “get
a single woman was an unmistakable sign of immoral pre-marital sexual activity. The growing emphasis natalists placed on the necessity for French women to bear and raise every child they conceived did not lead to widespread acceptance of women who bore children out of wedlock. Although state-sponsored support for single mothers increased during the first half of the twentieth century, the social consequences of immoral sexual activity remained daunting. Had she kept her “natural” child, Antoinette would undoubtedly have been branded with the derogatory term “fille-mère” (“girl-mother”). The fact that she had borne a child out of wedlock would forever have been a legally-admissible stain on her reputation: a woman who bore a “natural” child would never again be considered fully moral. 41

The social consequences of a baby born out of wedlock did decline somewhat over the forty-year period under study. As the century progressed women charged with reproductive crimes increasingly mentioned economic motivations instead of the widely-accepted fear of loss of honor that the public imagined to be the major cause of such crimes. The growing emphasis on economics rather than honor might indicate that censure of children born out of wedlock and their mothers decreased somewhat over this period. It might also indicate a shift in public perceptions about acceptable reasons to reject motherhood, rather than an actual change in women’s motivations. At the turn of

41 In the Acte d’accusation (indictment), read to the jury at the beginning of each trial, the prosecutor included a summation of the defendant’s presumed character and included certain information in order to describe, either positively or negatively, the defendant’s morals. Being a fille-mère was a frequently-mentioned strike against a woman’s character that even a subsequent marriage could not completely erase.
the twentieth century popular opinion, largely shaped by agricultural experiences, held
that there was always room for an extra child on a farm, so an economic justification
would not have been as convincing as one based on a woman’s desire to maintain her
honor. By the 1930s, when more and more French families lived in urban areas and
struggled in a wage-based economy during an era of worldwide economic crisis,
economic motivations made more sense. Whether a woman was married or not, the
knowledge that a new baby would send her and her family further into poverty seemed a
reasonable motivation for abortion or infanticide.

The Limits of Citizenship

At the time of Antoinette’s trial for infanticide, French feminists believed they
were on the cusp of attaining full political, civil, and economic equality. French women
had rights that were limited but were comparable to those of women in all but a few other
countries in the world. Over the next forty years, however, women in France fell further
and further behind European and North American women in terms of rights. Most
women in Western Europe and North America won the vote in the period immediately
following the First World War, and were then able to use this political power to work for
other improvements in women’s status. Despite one of the oldest and most active
feminist movements in the West, French women did not win the vote until 1944, and in
terms of public attitudes towards their role in society they lost ground as fears of
depopulation placed ever-more emphasis on women’s duties to the nation and increasing less emphasis on their rights as female citizens.\footnote{42}  

Women were thus very much second-class citizens within their own nation during the early twentieth century and could not participate in the democratic Republic for which their nation was widely celebrated. In addition to their political impotence, French women who were married were further limited by their civil incapacity. The 1804 Napoleonic Civil Code remained the basis for all civil law in France during the Third Republic, and it could only be described as misogynist. Married women were defined as minors, and thus grouped with children and the insane. The Code’s requirement that wives obey their husbands remained in effect until 1938; furthermore, husbands legally controlled their wives’ property and, until 1907, their wages.\footnote{43} All this is not to suggest that French women were completely downtrodden, however. The guidelines for inheritance in France were more just to women than in many other European countries. Property had to be equally divided between all surviving children, both male and female.


\footnote{43} James F. McMillan, Twentieth-Century France: Politics and Society, 1898-1991 (London: Arnold, 1992), 58; and André Tunc, “Husband and Wife Under French Law: Past, Present, and Future,” University of Pennsylvania Law Review 104 (8) (June, 1956): 1069-1070. McMillan calls the 1907 law “a purely theoretical advance” because, he claims, most husbands did not know they had a legal right to their wives’ wages to begin with. The February 18, 1938 law modified Article 213 of the Code Civil to do away with the requirement of obedience of wives to their husbands, but made clear that the husband remained the “head of the family.” This status meant, for example, that husbands chose the family’s living quarters and wives could only leave this dwelling, should they find it unsafe or unacceptable, with a judge’s approval.
Third Republic politicians, while steadfastly refusing to allow women to participate in
democratic government, did make some efforts to improve the civil rights of women.
From 1881 to 1907, a series of laws gave women some degree of financial independence
from their spouses. These laws allowed women to establish their own small savings
accounts in post offices, to join mutual aid societies without spousal consent, and to
legally control their own salaries.\footnote{McLaren, \textit{Sexuality and Social Order}, 179.}

A further measure passed in 1912 is extremely significant to this study. All
children born to a married woman, regardless of whether or not her husband fathered
them, were legally recognized as legitimate offspring of the marriage. However, unless
an unmarried woman’s lover chose to recognize her children as his own legal offspring,
she had no recourse under French civil law to prove his paternity. Paternity suits had
been banned for more than one hundred years, primarily for fear that unscrupulous
women would cite wealthy or married men as the fathers of their natural children,
causing scandals and obliging the bourgeoisie to pay to raise children who were not their
own (or who they preferred not to claim). Natalists and many lawmakers came out in
favor of allowing paternity suits despite these concerns because they believed the
inability of young women who had been seduced and abandoned to get support from the
father of their child during their time of crisis to be a major incentive for abortion and
infanticide. The 1912 Rivet Law allowed unmarried women to file paternity suits on
behalf of their natural children, thus nullifying one of the most important arguments in
favor extending greater leniency to women who committed reproductive crimes for fear
the father of their children would refuse to recognize or support them.\footnote{For a thorough discussion of the Rivet law and its implications, see Jean Elisabeth Pedersen, \textit{Legislating the French Family: Feminism, Theater, and Republican Politics, 1870-1920} (New Brunswick: Rutgers University Press, 2003), especially chapters four and five.}

Despite some advances in civil rights for women during the third republic, the legal system itself remained a male bastion. Women were permitted to enter the legal profession in France beginning in 1900, but the number of women with the educational background and financial means to become lawyers grew only slowly. By 1910, women made up less than three percent of the legal profession and were barred from serving as judges.\footnote{James F. McMillan, \textit{Twentieth-Century France: Politics and Society, 1898-1991} (London: Arnold, 1992), 58. The percentage of female physicians was similarly low.} None of the jurors who voted to acquit Antoinette in 1901 were women. Indeed, French women could not serve as jurors until 1944. Neither were any of the magistrates before whom Nelly appeared in 1939 female.\footnote{Women were barred from the French judiciary until the law of April 11, 1946, which read, “Tout français, de l'un ou de l'autre sexe, répondant aux conditions légales, peut accéder aux fonctions de la magistrature.”} Even the people tried and punished by the system were also far more likely to be men than women. Female defendants made up only 14.8 percent of those tried for felonies from 1900 to 1913, and 23 percent from 1919 to 1923.\footnote{James M. Donovan, “Abortion, the Law, and the Juries in France, 1825-1923,” \textit{Criminal Justice History} 9 (1988), 169 Table 5.} When the women in this study encountered the French legal system, they faced a system created by men, conceived with male criminals in mind, and populated by male police, male judges, male clerks, male jurors, and male lawyers. Frequently female defendants were able to use the maleness of the judicial
system to their advantage, playing on notions of chivalry and female weakness to win acquittal. Women charged with felonies were acquitted more than twice as often as men during the years leading up to the First World War.\textsuperscript{49}

In spite of their limited political and civil rights, women in France were already a large and essential part of the French workforce by 1901. Both Antoinette and Nelly worked outside their homes, and in that they resembled a sizeable minority of French women. Women accounted for 34.6 percent of the French economically-active population in 1901, and aside from a peak above 40 percent during the First World War, the percentage of women in the workforce remained fairly stable throughout the first half of the century.\textsuperscript{50} The vast majority of women tried for reproductive crimes in Ille-et-Vilaine and the Rhône, whether married or single, were employed outside their homes. They worked in a range of jobs, from domestic servants like Antoinette to farm laborers, from barmaids to factory workers. More highly-skilled women office workers like Nelly were much rarer. As more and more women held jobs that required their absence from the home during the day, the implications of an unplanned pregnancy became more severe. Domestic servants were the most vulnerable, since bourgeois employers would generally dismiss their unmarried maids if they became pregnant in order to keep any of the servant’s dishonor from tainting the family’s reputation. Industrial workers also had

\textsuperscript{49} Ibid. From 1900 to 1913, 28.9\% of male defendants were acquitted, compared to 58.7\% of female defendants.

difficulties. Although laws were passed guaranteeing a woman’s job would be kept for her while she was away on maternity leave, there were still few provisions for women who wanted to nurse their own babies but had to work during the day, or for women who could not afford to raise a child on a single salary. For women who worked (and increasingly that meant almost all unmarried women and many married women), a new baby could spell financial disaster.

From Infanticide to Abortion

Infanticide had been the most troubling reproductive crime during the nineteenth century, but during the first two decades of the new century abortion increasingly replaced it as the reproductive crime that caused the most concern for French lawmakers, especially during and after the First World War. Infanticide seemed to many French to be the crime of desperate but ultimately inoffensive young women, driven by heartless seducers to commit terrible but understandable crimes. By contrast abortion appeared to go hand-in-hand with immoral and sexually-dangerous individuals, especially the unsavory abortionist. Colloquially termed “angel-makers,” the popular stereotype of abortionists called for unattractive older women with little or no medical training who skirted the bounds of morality and medicine, simultaneously preying on naïve young women and helping disreputable women “get away” with fornication and adultery. Despite the unsavory perceptions of abortion and a clear willingness to convict abortionists, French juries showed a great deal of leniency towards the women who had abortions. National acquittal rates for abortion reached 67.4 percent from 1900 to 1913,
and tapered off only slightly, to 62.4 percent, as the antiabortion movement reached its peak between 1919 and 1923.\textsuperscript{51} In 1923, frustrated by the low conviction rates, the legislature “correctionalized” abortion, making it a misdemeanor offense and thus taking it out of the hands of the juries in the \textit{cours d’assises} and instead sending it to 3-judge panels in the \textit{Tribunaux de 1er Instance}. Abortion remained a misdemeanor, and a major political issue, for the rest of the Third Republic.

The chapters that follow ask how women dealt with undesired pregnancies and what these responses indicate about their place in French society. Chapter One examines infanticide, asking why women decided to murder their newborn babies and what types of women were most likely to commit this crime. This chapter underlines the importance of place in influencing women’s reproductive decision-making: infanticide was a crime that occurred much more frequently in isolated areas or among the socially-isolated domestic servants in cities. Chapter Two examines the development of legal options for pregnant women who did not wish to become mothers. The most important of these were initiatives by local governments to provide maternity homes or maternity wards for poor women or women who wished to hide their pregnancies. Chapter Two also traces the early development of welfare state programs and legislation at the national level that helped women bear the children they conceived. Chapter Three is a study of women who were tried for having and performing abortions. It asks why women decided to

\textsuperscript{51} James M. Donovan, “Abortion, the Law, and the Juries in France, 1825-1923,” \textit{Criminal Justice History} 9 (1988), 163-164. Since criminal statistics frequently did not differentiate between women charged with having abortions and those charged with performing them, it is very probable that the acquittal rates for the women who terminated their pregnancies were higher than these percentages indicated.
terminate their pregnancies, how they accessed the knowledge to induce an abortion or to find an abortionist, and what methods were used. The importance of changes in technology and improvements in sanitation were paramount to the growing reliance on abortion of many women by the 1930s. In Chapter Four we turn to the attitudes of police in Ille-et-Vilaine and the Rhône towards reproductive crimes. Although charged with enforcing natalist laws, many police seem to have been sympathetic towards women charged with abortion or infanticide. Finally Chapter Five turns to public perceptions of women’s reproductive rights and duties. Despite loud and widespread propaganda by natalists about the importance of stopping reproductive crimes and having large families, the French population remained largely sympathetic to women who refused motherhood.
CHAPTER 1

INFANTICIDE

On February 1, 1904, acting on a tip received in an anonymous letter, the gendarmerie of Bruz in the department of Ille-et-Vilaine traveled to the small commune of Orgères to investigate allegations of an infanticide. The reputed perpetrator of the crime was seventeen year old Clémentine C., one of three daughters of a well-regarded farming family. When they heard the allegations against her, Clémentine’s parents joined their daughter in denying them, explaining that Clémentine had been ill “due to the return of her period [which had been] gone for a long time as a result of a fall into a brook.”

What is notable about Clémentine’s cases is that she was so adamant in her declarations that she was a virgin and that her pregnancy was, in fact, an abscess or tumor resulting from her fall into the water that she seems to have convinced her parents (who originally suspected a pregnancy) and several neighbors that she really was ill. Indeed, her family took her to three different doctors, and although at least one of them definitely stated that she was pregnant and near full-term, Clémentine’s family doctor diagnosed a tumor

1 ADIV 2U 1120 (liasse), Marie Clémentine C., Alice Marie C., and Joseph C., infanticide and complicity, May 6, 1904, Acte d’accusation. Explanations for missed periods based on women coming into contact with water during menstruation were fairly common during the first decade of the twentieth century, but were less frequently found in testimony about reproductive crimes as the century progressed. Anne-Marie Söhn found that such excuses for late periods during the late nineteenth century were particularly prevalent among young women. One farm woman testified in 1884 that “I attributed [the cessation of menstruation] to the dirty water in which you have to walk for farming.” Another said, “I was careless enough to go do the washing while I had [my period].” Archives Départementales de la Seine D2 U8 161, Procès-verbal du juge d’instruction de la Seine, March 4, 1884 and Archives Départementales d’Haute-Vienne 57 275, Procès-verbal du juge d’instruction de Bellac, December 3, 1880, both cited in Anne-Marie Söhn, Du premier baiser à l’alcôve : La sexualité des Français au quotidien (1850-1950) (Paris: Aubier, 1996), 116-117.
The gendarmes left, but early the following morning Clémantine and her father appeared at the public prosecutor’s office in Rennes in order to demand a full investigation, including doctor’s examination, in order to prove her innocence.

In agreeing to undergo an official medical examination Clémantine either grossly underestimated the ability of medical science to detect recent pregnancies, or was more afraid of her father, a well-respected man and municipal councilor in their small commune, than of the police. Dr. Perrin de la Touch, the department’s forensic expert and the director of the School of Pharmacy and Medicine in Rennes, determined from his examination that the young woman “carries indisputable signs of a recent delivery.”

Interrogated about these findings, Clémantine retorted, “Let the doctor declare what he likes, I don’t care. When the water came out of my body, I had witnesses, my brother-in-law and Father [P.] I fell, a year ago, into a brook while I was washing tripe; since then I haven’t seen anything [of my period].”

With bravado aplenty, Clémantine accompanied investigators back to her parents’ farm, declaring, “I am sure that you won’t find [a cadaver].” When finally faced with

for which she would need an operation. It is to be wondered whether the neighbors, parents, and doctors chose to believe the story of a tumor rather than face the more uncomfortable (though less dangerous) ramifications of a pregnancy.

2 For a more thorough discussion of women’s reactions to the request for an official examinations and general acceptance of the validity of forensic evidence, see Chapter Five.

3 ADIV 2U 1120 (liasse), Marie Clémantine C., Alice Marie C., and Joseph C., infanticide and complicity, May 6, 1904, Report from Dr. Perrin de la Touche.

4 Ibid., Interrogatoire of Clémantine C., February 2, 1904. It is worth noting that even the rupture of the amniotic sac and subsequent release of “water” fit within the explanation, based on folk understandings of menstruation, that Clémantine had ceased menstruating after falling in a brook.

5 Ibid.
her infant’s corpse, which had been pulled from a slurry pit, she admitted that in mid-January 1904 she went into labor in the middle of the night in the sleeping chamber she shared with her parents. In pain, Clémentine called to her mother for help, but did not reveal the cause of her suffering. Finally, around eight thirty the following morning, Clémentine felt as though she needed to have a bowel movement and went out to the garden where she had time only to drop to the ground before the baby was born. After persistent questioning, she admitted to having squeezed the baby’s neck and, when it continued to cry, having stuffed rocks and dirt into the infant’s mouth. Once it ceased moving, she threw the baby and the placenta into the nearby slurry pit.6

Stories like that of Clémentine C. and her murdered infant appeared with regularity in the judicial records of the departments of Ill-et-Vilaine and the Rhône at the beginning of the twentieth century. Time after time a woman—usually young and unmarried like Clémentine—tried to conceal her pregnancy and delivery from family, neighbors, and employers, and either killed the newborn (in cases of infanticide) or allowed it to die naturally (in cases of suppression d’enfant, or concealment of birth).7

As the options available to pregnant women, and especially those open to unmarried

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6 Ibid., Interrogatoire of Clémentine C., February 2, 1904; Interrogatoire of Clémentine C., February 8, 1904.

7 Created by the law of May 13, 1863 and included in Article 345 of the Penal Code, suppression d’enfant included cases where the infant’s body was concealed, but where the mother did not actually kill the infant, or (frequently) where there was not enough evidence to show that the infant had lived. The maximum penalty was reclusion (a prison sentence of at least five years), but could be reduced to between one month and five years if the baby was not proven to have lived. See Code d’instruction criminelle et Code Pénal (Paris: Librairie Dalloz, 1921), 481-482. Because of the variation in sentences, suppression d’enfant was tried in both the felony courts (cours d’assises) and the misdemeanor courts (tribunaux). Many cases in this study included charges of both infanticide and suppression d’enfant.
pregnant women, increased, the number of infanticides dropped. By the 1930s, there is evidence of a distinct decline in the number of women who murdered their newborns.

In this chapter we shall ask what characteristics women who committed infanticide tended to share, what motivated women to reject their newborn babies, what methods they used to kill them, and what justifications they offered for their actions. In particular, we shall study the marked differences in infanticides committed in rural areas, such as the majority of the department of Ille-et-Vilaine, and in cities such as the Rhône’s capital, Lyon. We shall also attempt to understand how, in an era marked by the growing importance of children within middle-class families and during which childhood was sentimentalized in art and literature, so many women could kill their children, and so many middle class jurors, magistrates, and journalists could, apparently, readily forgive this crime.

Quantifying and Defining Infanticide

At the beginning of the twentieth century, infanticide was fairly common in France, although it was already declining after reaching a long-term peak during the mid-nineteenth century. James Dononvan has shown that between 1856 and 1860 the

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8 We will discuss the development of legal options for poor pregnant women more fully in Chapter Two.

9 An important question in any study of infanticide or other reproductive crimes is that of public reactions to the crimes and to those accused of committing them. Although this chapter will touch on this question, it will be addressed more fully in Chapter Five of this dissertation.

10 Infanticide was by far the most common form of murder among female defendants, although the total number of infanticides was much smaller than the number of other homicides (murder, preméditated murder (assassinat), parricide, poisoning, and involuntary manslaughter) committed by both men and women. In 1905, for example, women were accused of 91 infanticides, 14 murders, 20 preméditated murders, 2 parricides, one poisoning, and 13 manslaughters (blessures et coups suivis de mort sans
number of people tried for the crime by the felony courts reached its pinnacle, with 1259 people accused of infanticide, averaging 251.8 accusations per year. By the beginning of the twentieth century the number of accusations had fallen to around one hundred per year. These figures do not reflect the actual number of infanticides committed each year in France, however. Throughout the nineteenth century only around one third of reported infanticides went to trial, and from 1900 to 1913 the percentage of cases that went to trial fell to 17.7%. Many cases were abandoned when a newborn’s body was discovered, but no suspects were ever found. We can presume that other cases in which newborns were killed or allowed to die were never reported, but instead remained secret or were dealt with by the woman’s family or local community. Evidence from several of the cases that went before the cours d’assises of the Rhône and of Ille-et-Vilaine supports the notion that a large number of infanticides never came to official attention. Some cases were discovered only when doctors refused official permission to bury reputed

intention de la donner). However, once male defendants are added, the importance of infanticide fades: 91 people (all women) accused of infanticide, but 247 of murder, 53 of attempted murder, 170 of premeditated murder, etc. Compte général de l’administration de la justice criminelle pendant l’année 1905, 4, Table I, and 30, Table XV.


12 Donovan, Table 1, p. 159. Donovan’s calculations show the average number of people accused of infanticide to be 97.8 for 1901-1905, 93.2 for 1906-1910, and 101 for 1911-1913. A survey of the number of people brought to trial for infanticide in the cours d’assises shows a spike in the number of accusations just after World War I (data for the war years is not available). This may be due to the unsettling effect of the war, or could reflect a greater vigilance on the part of police and citizens during the height of the perceived demographic crisis. There were 125 infanticide accusations in 1919 and 178 in 1920, but the total fell back to pre-war levels by 1928. See the Annuaire Statistique volumes 38, 39, 41, and 42.

13 Ibid., 160-162 and Table 2, p. 160.
stillbirths,\textsuperscript{14} or when an outsider informed police of a family or community that had been working together to hide the evidence of a young woman’s delivery,\textsuperscript{15} or when the perpetrator was denounced after several months or years had passed and most physical evidence was gone.\textsuperscript{16} Finally, because of the perception that jurors were too lenient to women and girls accused of infanticide, many cases in which a newborn was killed were sent to misdemeanor tribunals (which did not have juries) on lesser charges such as suppression d’enfant (concealment of birth) or negligent homicide.

All of these factors make quantifying infanticide in France extremely difficult. Evidence that many more infanticides took place than ever came to official attention comes from infant mortality statistics. For example, the proportion of babies declared stillborn in the mid-nineteenth century was much higher for children born out of wedlock than those born to married couples.\textsuperscript{17} Certainly some of this disparity can be explained by differences in socioeconomic standing and access to nutritious food and medical care. However, even if this trend does not prove that “stillborn” was a euphemism for infanticide among some unmarried women, it seems likely, as historian Catherine Rollet-Echalier argues, that because the lines between voluntary infanticide, indifference and negligence were blurred, the higher rate of infant mortality among unmarried women

\textsuperscript{14} ADIV 2U 1246 (liasse), Aimée Dénise M., infanticide, November 4, 1930.

\textsuperscript{15} ADIV 2U 1127 (liasse), Françoise H., infanticide, August 1, 1905, Acte d’accusation.

\textsuperscript{16} ADR 2U 882, Lucien D., infanticide, suppression d’enfant, et non-déclaration de naissance, July 6, 1936. This was the only case in either department in which a man was the primary defendant for infanticide.

\textsuperscript{17} Catherine Rollet-Echalier, \textit{La Politique à l’égard de la petite enfance sous la IIIe République} (Paris : Institut National d’Études Démographiques/ Presses Universitaires de France. Travaux et Documents Cahier 127, 1990), 56, table 8. From 1841 to 1867 the number of stillbirths per thousand total births ranged from 30.4 to 41.5 for legitimate children, but from 63.2 to 77.7 for children born to unwed mothers.
indicated that, “these mothers, more or less consciously, let their undesired infants, probably already weakened by the conditions of their mothers’ pregnancy, perish.”\textsuperscript{18}

**Infanticide and the Law**

Legally, infanticide was a variation of murder during the Third Republic. French sanctions for infanticide can be traced to King Henry II’s 1556 Edict, which condemned to death women who hid their pregnancies and gave birth in secret. This law punished both the civil crime of murder and the denial of baptism to the newborn infant.\textsuperscript{19} In 1791 the French Revolution brought a new penal code that removed the religious considerations associated with infanticide and defined the crime as a form of non-premeditated murder. As such it was punishable by a twenty-year prison sentence.\textsuperscript{20} Nineteen years later, with the Napoleonic penal code, infanticide once again became a

\textsuperscript{18} Ibid., 58. Rollet-Echalier speculates that this blurring between the willful murder of a newborn and simply allowing neglect and nature to run their course helps explain juries’ hesitancy to convict women of infanticide.

\textsuperscript{19} Dominique Vallaud, “Le crime de l’infanticide et l’indulgence des cours d’assises en France au XIXème siècle,” *Social Science Information/Information sur les Sciences Sociales* 21 (1981): 476. Although all official religious considerations were removed from infanticide investigations, it is interesting to note that police and instructing judges in Ille-et-Vilaine continued to ask women suspected of infanticide whether or not they had baptized their newborn before its death well into the twentieth century. While this was, in part, a trick question designed to make young women admit that their infant had been full-term and born alive, it also reveals the continuing legacy of earlier understandings of what crimes infanticide entailed.

\textsuperscript{20} Ibid., 477-478.
capital crime.\textsuperscript{21} The new code’s Article 302 read, “Anyone guilty of \textit{assassinat}, of parricide, of infanticide or of poisoning will be punished with death…”\textsuperscript{22}

Infanticide continued to be a capital crime throughout the nineteenth century; however, only a relatively small number of those convicted were actually executed. From 1825 to 1901, only 97 (or 1.1\%) of the 8866 people found guilty of infanticide were sentenced to die. Of those 97 death sentences, only 22 were executed.\textsuperscript{23} In 1901 the French legislature voted to abolish the death penalty.\textsuperscript{24} The legislature’s move away from the capital punishment echoed a growing dissatisfaction in France with the harsh punishments prescribed for infanticide and related crimes. This dissatisfaction was often expressed through acquittals of obviously guilty but sympathetic defendants. In fact, no woman had been sentenced to death for killing her newborn for more than ten years before the law was passed.\textsuperscript{25} The debates about infanticide in the years leading up to the 1901 law reveal a widespread sense of pity for the women who killed their newborns, and a belief that society was as much to blame for the infants’ deaths as the mothers who

\textsuperscript{21} Ibid. Vallaud emphasizes the fact that the Napoleonic penal code reclassified infanticide as comparable to \textit{assassinat}, or premeditated murder, whereas under the Revolutionary system it was considered \textit{meurtre} (non-premeditated murder) unless evidence of premeditation existed.

\textsuperscript{22} \textit{Code d'instruction criminelle et Code Pénal}, 457.

\textsuperscript{23} Donovan, Table 5, p. 165, 167 n. 6.

\textsuperscript{24} The Law of November 21, 1901 modified Article 302 of the Penal Code to read, “Anyone guilty of murder, of parricide, or of poisoning, will be punished with death…However mothers who are the principal perpetrator or accomplice in the premeditated or non-premeditated murder of their newborn infants, will be punished, in the first case, with hard labor for perpetuity, and in the second case, with hard labor [for a specified time]...”. See \textit{Code d'instruction criminelle et Code Pénal}, 457. Donovan notes that although the removal of the death penalty was designed to increase the number of convictions in infanticide cases, the number of acquittals actually rose beginning in 1890 (from which point no one was put to death for the crime). Donovan, 167.

\textsuperscript{25} Donovan, Table 5, p. 165.
strangled or suffocated them. In a much-publicized ruling in 1900, a magistrate in a misdemeanor court found a young woman guilty of suppression d’enfant after she allowed her newborn to bleed to death by not tying the umbilical cord, but blamed society for her crime.

…[I]ndeed, [the defendant] declares that in concealing her pregnancy and her delivery, even from her family, she only acted in fear of the silent hostility and of the stupid and cruel disapproval to which, in general, filles-mères are subject… ...[I]t is therefore to society which denigrates filles-mères and [is] so full of indulgence for their seducers, that the greatest share of responsibility for the consequences, so often fatal for the infant, of concealed pregnancies and deliveries must go.26

A year earlier, in 1899, an article in the Journal du Peuple described infanticide as, “this barbarous act [which] is more or less always caused by excessive poverty, by prejudices of honor or of dishonor and by fear the young [unmarried] woman who becomes a mother has of being rejected by her family and by God-fearing society.”27 By the time capital punishment was officially abolished for infanticide in November 1901, it was clear that most of society supported greater leniency.

This leniency for mothers who killed their newborns seems to run counter to a major trend in modern European society, the growing importance of and sentimentalization of children. Historians such as Philippe Ariès have demonstrated that the status of children, at least among the upper classes, in European society shifted during the sixteenth through eighteenth centuries.28 No longer simply small adults once they

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were weaned, childhood was increasingly recognized as a separate and important part of life, and parents began to invest more emotion and material into their children’s educations and happiness. Yet this concern for their children does not seem to have been present among most of the women who committed infanticide. Rachel Fuchs has argued that these changes in attitudes towards children had not fully reached the lower classes by the nineteenth century, and that mothers who struggled merely to survive did not have the time or energy to nurture their children as the middle class did.\textsuperscript{29}

Even if this shift in attitudes towards children had not yet fully penetrated the lower classes in France by 1900, what can account for the lack of sentimentality among middle class journalists, magistrates, and jurors who were called upon, in a variety of capacities, to pass judgment on women who murdered their babies? The acquittal rate for infanticide was extremely high, even in cases where the defendant had confessed to the crime. If the upper and middle classes imagined children in such tender ways, how could they so easily forgive mothers who violated all tenderness and killed their own newborns?

Three explanations seem most plausible. First, many middle-class observers may not have thought of jailing a woman, often for several months prior to her trial, pressing her with questions about her private life, and putting her on public trial to be judged not

\textsuperscript{29} Fuchs, \textit{Abandoned Children}, 25-26. Fuchs is writing of women who abandoned their babies rather than those who murdered them, yet it seems reasonable to conjecture that for many of the women who committed infanticide, their babies were burdens or obstacles in their minds, not objects of affection or concern. Fuchs has also argued that among some destitute women, infanticide was “a back-up measure when contraception and abortion were unavailable or had failed.” She calls infanticide a “desperate strategy among destitute and isolated women.” Fuchs, \textit{Poor and Pregnant in Paris}, 202. This idea, while fascinating, does not seem to have applied to the cases of infanticide in this study of the twentieth century, primarily because few of the women seemed to have anything approaching a “strategy” in mind when they committed their crimes.
only by a jury, but also by friends, neighbors, family, and the public at large, as being lenient, no matter what her come or the eventual verdict. For many observers the mortification of the judicial process may have seemed to be punishment enough for apparently sensitive and sympathetic female defendants.\(^{30}\) Refusing to brand the defendant with a felony conviction or send her to prison may have seemed a reasonable choice.

The second reason middle-class sentimentality about children may not have extended to the victims of infanticide has to do with the way these children were portrayed. A major part of Ariès’ evidence about the growing importance of children in Europe comes from his analyses of children in family portraits, but newborns killed by their mothers were hardly portrayed in any way at all. Certainly, newspaper accounts of the discovery of infant’s bodies or of the initial investigations into a suspected infanticide would use terms like *pauvre petit* (poor little one) to describe the victim. Such words quickly gave way to the clinical pattern of judicial reporting, however, in which the victim was described in cold terms such as, “male infant, born viable and at full term.”\(^{31}\)

At the same time as this shift in description of the baby took place, journalists and magistrates had generally turned their attention to the sad story of the desperate young woman whose fate the jury would decide. Often young and clearly vulnerable, these female defendants rather than their murdered infants received the benefit of many jurors’ fatherly feelings.

\(^{30}\) See Chapter 5 for a more thorough discussion of public opinion and reproductive crimes.

\(^{31}\) Once a case went to trial, judicial reporters in Ille-et-Vilaine and the Rhône tended to simply repeat the description of the case as it was read out in the *Acte d’accusation* by the judge.
A final, if cold-hearted, explanation of this lack of sentimentality is possible. The children valued by the middle and upper classes were the legitimate heirs to their parents’ fortunes, not the natural children of maids and farmhands destined, had they lived, to drain public assistance programs or the charge of the state. Although the loss of life during the First World War made some French citizens place greater value on all children born to French mothers, lingering prejudices and fears of those born outside the bonds of marriage persisted, and it is possible that some jurors believed infanticide a kinder fate for unwanted infants than abandonment to the public assistance system and spared the mothers who carried out the grim task.

Because of this leniency, for the vast majority of women in this study, the death penalty was not a possible consequence of their crime; even for those who faced trial before the law was passed there was only the smallest of possibilities that a capital sentence would be issued. Historian James Donovan speculates that even the new reduced maximum penalties (a life sentence of hard labor for cases in which the death was premeditated and a shorter sentence of hard labor if premeditation was not established) were too harsh for the taste of most French jurors. “Juries of the period [1901-1913] seem to have settled on no more than five years’ imprisonment as a reasonable penalty for those who murdered their newborn infants.”  

Forced labor and *reclusion* (a prison sentence of not less than five years) were relatively rare. Only 457 (or 5.2%) of those convicted of infanticide from 1825 to 1901 were given the second-
harshest penalty of hard labor for life.\textsuperscript{33} None of the women in my study of Ille-et-Vilaine and the Rhône between 1901 and 1940 received hard labor for life (at the time, the maximum penalty if the crime was premeditated), and only four (all from Ille-et-Vilaine, and all sentenced in 1901 before the death penalty was abolished) received any length hard labor sentence.\textsuperscript{34} Prison sentences of five years or more were also rare: only four people in the Rhône and six in Ille-et-Vilaine were sentenced to \textit{reclusion} for infanticide during first four decades of the twentieth century.\textsuperscript{35}

The legal mechanism for this leniency came from two laws passed in the first half of the nineteenth century that allowed judges (in 1824) and then juries (in 1832) to find in favor of \textit{circonstances atténuantes}, or mitigating circumstances, for the accused. If such circumstances were allowed, the penalty would be reduced by at least one degree and the judge would have the discretion to reduce it even further.\textsuperscript{36} Another law passed in 1891 allowed the \textit{cours d’assises} and tribunals to award \textit{sursis à l’exécution de la peine}, or a suspended sentence, in cases where the convicted person had no prior convictions. If the

\textsuperscript{33} Donovan, Table 5, p. 165.

\textsuperscript{34} ADIV 2U 272, Rôle des Assises. Victoire M., Rosalie F., and Josephine L. received five years hard labor each for infanticide. Jeanne Marie B. was sentenced to five years hard labor for infanticide and attempted abortion. Her male accomplice received a six-year hard labor sentence.

\textsuperscript{35} ADIV 2U 272-273, Rôle des Assises; ADR 2U 105-106, Rôle des Assises 1811-1919; 1920-1938. Four of those sentenced to five years of prison received suspended sentences. Most of these sentences came before or during World War I. In the Rhône one married woman in 1936 received a 5-year suspended sentence, while a man convicted in the same year (and unable to benefit from the automatic reduction in penalty assured to mothers by the 1901 law) was sentenced to five years imprisonment without a suspended sentence. In Ille-et-Vilaine one woman was sentenced to eight years in prison in 1907, while another received six years of prison in 1930.

\textsuperscript{36} Ibid., 165-166. Donovan found that from 1832 to 1913 the “great majority” of those convicted of infanticide received recognition of mitigating circumstances. Vallaud finds the proportion to be “99 times out of 100,” the highest percentage of all capital crimes. (Vallaud, 480).
person committed another crime during the next five years, he or she would have to serve their sentence.  

The penalties defendants actually received for infanticide and related crimes decreased as the twentieth century progressed, thus showing no evidence that children were becoming more precious to French jurors, magistrates, or law makers as natalist propaganda about depopulation increased. Although most women in Ille-et-Vilaine and the Rhône convicted of infanticide and suppression d’enfant during the first decades of the twentieth century had to serve their prison terms, by the 1930s the vast majority of sentences in these cases were suspended. In Ille-et-Vilaine, for example, of twenty-eight people convicted of infanticide or (criminal) suppression from 1931 to 1940, twenty-three received suspended sentences. In the Rhône from 1931 to 1938, nine people were convicted of infanticide and related crimes (including suppression and involuntary homicide), and only one—a man—had to serve his sentence. One possible explanation of this growing leniency for women who murdered their newborns during the 1930s is the influence of the global economic crisis on all French family’s reproductive strategies.

France, initially relatively unscathed by the 1929 stock marked crash in New York, fell in

37 The law of March 26, 1891 amended Article 55 of the Code Pénal. It was further amended by the law of June 28, 1904. Code d’instruction criminelle et Code Pénal, 353-357.

38 ADIV 2U 272-273, rôles d’assises d’Ille-et-Vilaine. There are several lacunae in these records of verdicts from the felony court.

39 Félicien D., a married man “drowning in poverty,” strangled his ten-day-old son during his wife’s absence from their home in the Autumn of 1934, possibly on the advice of his sister. “It was destitution that pushed me to act in this way, because I could not afford to raise the child. The body was not discovered until more than a year later, when a subsequent tenant completing repairs on the floor found the infant’s body. ADR 2U 882, Lucien D., infanticide, suppression d’enfant, et non-déclaration de naissance, July 6, 1936, procès-verbal No 5042, December 19, 1935.
1931 into an economic crisis from which it did not recover until 1938.\textsuperscript{40} By the 1930s, a greater number of women charged with both abortion and infanticide were citing economic reasons, in addition to fear of dishonor, for their crimes. Jurors from the middle-class—which felt the squeeze of the economic crisis particularly—may have emphasized with the need to avoid a new mouth to feed at all costs.

**Characteristics of Infanticides**

Despite the gradual decline in tough sentences, in many other ways the primary characteristics of infanticide changed very little over the forty years under study. Women who committed infanticide tended to follow the same pattern of method, motivations, and defense efforts that was established during the nineteenth century. They also shared many traits. Unlike abortion, which was utilized by women of different ages and backgrounds during the early twentieth century, the women and girls who committed infanticide generally fit a specific pattern of youth, inexperience, and isolation. Let us now turn to some of the most important traits shared by most women who committed infanticide.

The first characteristic shared by most of the women charged with infanticide in Ille-et-Vilaine and the Rhone was youth. Only two women from Ille-et-Vilaine were older than forty when they faced trial for killing their newborns and the oldest woman charged in the Rhône was thirty-six years old. This indicates that infanticide occurred most frequently among women at the beginning of their childbearing years rather than at

\textsuperscript{40} McMillan, *Twentieth Century France*, 101-102.
the end, when, presumably, if infanticide had actually been a birth control strategy, more
couples would have wished to avoid births. More than half of infanticide and
*suppression d’enfant* defendants in Ille-et-Vilaine between 1901 and 1932 were younger
than twenty-five. In the Rhône the number of defendants under twenty-five was even
higher: eighty-two percent, with more than a quarter of defendants in their teens.\(^{41}\)
Teenagers made up a considerably smaller portion of defendants in Ille-et-Vilaine
(8.9%).

<table>
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<th>Teens</th>
<th>20-24</th>
<th>25-29</th>
<th>30-34</th>
<th>35-39</th>
<th>40 and older</th>
<th>Total Defendants</th>
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<tr>
<td><strong>Ille-et-Vilaine:</strong></td>
<td>5 (8.9%)</td>
<td>25 (44.6%)</td>
<td>15 (26.8%)</td>
<td>4 (7.1%)</td>
<td>5 (8.9%)</td>
<td>2 (3.6%)</td>
<td>56</td>
</tr>
<tr>
<td><strong>Rhône:</strong></td>
<td>12 (26.6%)</td>
<td>25 (55.6%)</td>
<td>2 (4.4%)</td>
<td>4 (8.9%)</td>
<td>2 (4.4%)</td>
<td>0</td>
<td>45</td>
</tr>
<tr>
<td><strong>Totals:</strong></td>
<td>17 (16.8%)</td>
<td>50 (49.5%)</td>
<td>17 (16.8%)</td>
<td>8 (7.9%)</td>
<td>7 (5.9%)</td>
<td>2 (2%)</td>
<td>101</td>
</tr>
</tbody>
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Figure 3: Age of Defendants in Trials for Infanticide and Related Charges in Ille-et-Vilaine and the Rhône, 1901-1932 (From ADR 2U 105 & 106, Rôle des Assises 1811-1919; 1920-1938; ADIV 2U 272-273 Rôle des Assises.)

This difference in the number of young and very young women charged with
infanticide, *suppression d’enfant*, and other related charges is due in part to the higher
percentage of young women who could be found living away from their families as
domestic servants in the highly urbanized department of the Rhône. Whereas young

\(^{41}\) Adding additional data for the Rhône from 1933-1938 brings the percentages to a more moderate 75.5% under twenty-five, with 26.4% in their teens.
people in the countryside frequently worked on their parents’ farms into their twenties, and would, presumably, be under more careful supervision, domestic servants moved away from parental supervision in their teens. Presumably, then, infanticide tended to be committed by younger women in urban areas than in the countryside because the unsupervised and inexperienced female population in cities was younger.

Women who were accused of doing away with their infants also tended to come from a particular group of professions. Among those accused in the Rhône, more than half were domestic servants. The remaining defendants worked in factories, in the textile industry, in restaurants and cafés, or made up part of the small number of farmers and agricultural workers in the primarily-urban department. As one would expect from a predominantly-rural department, nearly half (44.6%) of the women accused of infanticide or suppression d’enfant in Ille-et-Vilaine worked as farmers or farmhands. Servants (several of whom could also be classified as farmhands) accounted for twenty-three percent of those tried, and day laborers another sixteen percent. There clearly were divisions between professions of defendants based on whether they came from rural or

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42 Teenagers accounted for 26.1% of female servants in France in 1901 and were the largest single age group. Theresa McBride, *The Domestic Revolution: The Modernization of Household Service in England and France 1820-1920* (New York: Holmes & Meier, 1976), 44, Table 2.5.

43 The variation based on class between those farming land that their families either owned or rented versus those who were merely employed on others’ farms was not as significant as one might expect. Thirteen defendants were “farm hands” while twelve were “farmers.”

44 Of those tried for infanticide, suppression d’enfant, and involuntary homicide in Ille-et-Vilaine between 1901 and 1932, and for whom information on profession was available, thirteen were domestic servants, thirteen were farmhands, twelve were farmers, nine were day laborers, one was a laundress, and there were two each of seamstresses, homemakers, factory workers, and the unemployed.
urban surroundings, but almost all were in professions open to France’s young, poor, and poorly-educated.

In addition to being young, women accused of infanticide tended to have little sexual experience. Only two married women and two widows were charged with infanticide in the Rhône. A higher number—six widows and seven married women—were charged in Ille-et-Vilaine, but were still far outnumbered by women who had never been married. For eighty percent of women accused of killing their newborns in the Rhône and fifty-nine percent in Ille-et-Vilaine, it was their first (discovered) pregnancy. Many, like Thérèse P., a servant in Lyon whose newborn died of suffocation in 1924, claimed to have been surprised by childbirth and to have been unaware she was pregnant. Others, including Françoise M., claimed their infants were stillborn; however in Françoise’s case, the cord that remained around her baby’s neck gave lie to her claims. Because many of the women probably had not experienced pregnancy before and had limited knowledge about the reproductive system, many infants who were not killed outright by their mothers died because they did not receive proper care after their birth. The mothers of these infants were frequently suspected of infanticide, and could

45 A desire to hide evidence of extramarital sexual activity in Brittany’s relatively more conservative society could account for the higher number of widows and married women who murdered unwanted newborns. Several were widows who claimed to have acted in order to protect the reputations of their legitimate older children.

46 ADR 2U 810, Thérèse P., infanticide, July 16, 1924, Acte d’accusation.

47 ADIV 2U 1164 (liasse), Françoise M., infanticide avec préméditation et suppression d’enfant, August 2, 1911, Rapport des Gendarmes à cheval, June 28, 1911.

48 Such cases were tried as suppression d’enfant. That fact that the women did not actively kill their babies does not, however, mean that the deaths were accidental. In several cases it seemed likely that the woman knew that her neglect would lead to the infant’s demise.
be charged with suppression d’enfant. In 1925 Marie R., a seventeen-year-old worker who had been impregnated by a former employer, faced infanticide charges after she allowed her newborn to bleed to death. Marie gave birth in secret and cut the umbilical cord with a knife, but did not tie it. The prosecutors claimed she acted with premeditation, knowing that leaving the severed cord untied would cause a hemorrhage. Marie denied this, explaining that, ignorant about childbirth and aware that she would soon experience it, she looked for a book on the subject.

…I found a medical book at my uncle’s house, [and] in this book there was a little information about childbirth. They say you have to prepare washbasins and towels. There was some mention of needles and of scissors without explaining any more [about it]. I didn’t read any instructions about cutting the umbilical cord, however I knew that you cut it with scissors and that’s why I cut it. If I didn’t make a knot…it is because I did not know that you had to do that.

It is indicative of the changing upbringing of girls during the interwar era that, rather than drawing upon the experience of attending the deliveries of relatives during her childhood, Marie tried to find out about childbirth from a book. This is in part due to her status as an orphan, but also reflects the greater emphasis on girl’s formal education and literacy.

The final characteristic shared by almost all women who committed infanticide during the early twentieth century was isolation. In general most infanticide defendants came from isolated situations: either the countryside or the crowded isolation of urban

49 ADR 2U 816, Marie R., infanticide, July 22, 1925, Acte d’accusation.

50 ADR 2U 816, Marie R., infanticide, July 22, 1925, Interrogatoire May 19, 1925. The book was La médecine nouvelle—traité théorique, et pratique par le docteur O. Dubois (Paris, 1919), and police verified that it did not, in fact, mention the danger of bleeding from the umbilical cord. Marie R. was acquitted.
domestic servants. This trend is visible in both Ille-et-Vilaine and the Rhône, although the isolation is important in different ways.

**The Importance of Isolation**

Ille-et-Vilaine was predominantly rural, with seventy-three percent of its population in rural areas in 1901. Despite the growth of the city of Rennes, two-thirds of Ille-et-Vilaine’s population remained in rural communes by the mid-1930s. Not surprisingly, then, a high percentage (three quarters) of those tried for infanticide and criminal *suppression d’enfant* in this department lived in rural areas. The isolation of rural surroundings allowed pregnant women more space in which to give birth in secret, and more places in which to conceal a baby’s corpse.

Many women gave birth in remote fields where they were unlikely to be observed and where the evidence of childbirth could easily be hidden. In 1901 a farmhand hid with her lover in a buckwheat field while she gave birth and killed her infant. Another agricultural worker in Ille-et-Vilaine squatted beside a hedge in a lonely field when she gave birth in 1904, but was reported to the police by a hunter who observed her strange behavior.

Stables also proved useful to young women who wished to shield their actions from others on the farm. Constance G. and Maria M. both engaged in the sexual relations

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51 *Annuaire Statistique*, v. 23 (1903), 4-7, 24-27; v. 53 (1937), 4-5.

52 ADIV 2U4 1107, Jeanne Marie B. and Julien S., infanticide and attempted abortion, October 9, 1901, Acte d’accusation.

53 ADIV 2U 1138 (liasse), Marie Rose L., infanticide, November 15, 1904, Acte d’accusation.
that led to their pregnancies in the privacy of barns on the farms where they worked and lived.54 Marie Louise M., a farm worker in Pleugueneuc, gave birth in her employer’s stable and, prosecutors claimed, committed infanticide by pushing a cow towards her newborn so it would kick the baby to death.55 Marie Ange L. hid in a small barn on her parents’ farm when she gave birth in 1922, then strangled the infant with her apron string. Later in the evening she buried the cadaver in the silt and mud of a nearby stream and hid the afterbirth in a manure heap.56 In each of these cases the isolation afforded by rural surroundings allowed pregnant women to conceal childbirth and, at least temporarily, hide the evidence of their crimes.

In the Rhône, where rural inhabitants made up only twenty-eight percent of the population in 1901 and only nineteen percent by 1936, the pattern of infanticide was different. Rural infanticides did take place, but they were the minority. In cities, isolation was still a key factor, but the crime took place more often than not in the upstairs bedrooms of domestic servants living in Lyon or other urban communes. Marguerite P., a domestic servant in Lyon, was nineteen years old in 1926 when she was charged with infanticide. Impregnated by a former employer who then fired her, Marguerite hid her condition from her new employer and claimed to have intended to give birth at the Charité hospital in Lyon. She went into labor sooner than she expected,

54 ADIV 2U 1174 (liasse), Constance G., suppression d’enfant, May 9, 1913 ; ADIV 2U 1252 (liasse), Maria M., infanticide, May 20, 1932.

55 ADIV 2U 1168 (liasse), Marie Louise M., infanticide, May 18, 1912, Acte d’accusation. Marie Louise denied having pushed the cow, but was convicted of infanticide and sentenced to three years in prison.

56 ADIV 1212 (liasse), Marie Ange L., infanticide, August 2, 1922, Acte d’accusation.
in the middle of the night. Alone in her room, she gave birth while standing and the baby fell to the floor, fracturing its skull. Since the infant continued to wail she strangled it with the cord of a sanitary napkin and disposed of the cadaver in a trashcan where it was found the next morning.\(^{57}\) Marguerite’s case illustrates some of the differences between infanticide in rural areas and in cities. Whereas rural women rarely had a sleeping chamber to themselves, a multitude of isolated locations throughout a farm might serve to conceal childbirth or to dispose of an infant’s cadaver. Women who lived in cities, especially domestic servants, had fewer areas in which to hide childbirth, but often had their own bedroom. Disposing of the evidence of a clandestine birth and the infant’s cadaver also proved a different challenge for urban women than for women in the countryside. Because Marguerite acted on the spur of the moment and tried to dispose of her child’s body in a place—the trashcan in front of the home where she lived and worked—that could easily bring suspicion upon her, she did not take advantage of the anonymity of the city. Many women dropped the evidence of their clandestine births into latrines or down toilets, only to be caught when the pipes clogged or the sewage tanks were emptied. Other women tried to leave their infants’ cadavers on trains or merely tucked away in their traveling trunks, but many were detected. In the age before DNA matching urban surroundings did, however, present more opportunities than the countryside for women to dispose of their dead babies in such a manner that they could not be traced back to them. A favored dumping-ground for infants’ cadavers were the

\(^{57}\) ADR 2U 822, Marguerite Marie P., infanticide, April 27, 1927, Acte d’accusation.
rivers that flowed through most of France’s major cities, and many infanticide cases in which bodies were pulled from waterways were labeled “Contre X…” and never solved.

Isolation was more than simply a matter of geography in infanticide cases. The women who committed infanticide, especially those in cities, tended to be socially isolated, as well. Women who worked in group settings such as in factories or offices were less likely to commit infanticide, perhaps because they regularly interacted with fairly large numbers of other women who might notice their condition and could share information about reproduction, contraception, and how and where to find an abortionist. Many servants and farm workers, by contrast, worked alone or in very small groups and had fewer opportunities to ask for advice or information about pregnancy. The urban isolation of domestic servants and the pastoral isolation on farms were both important contributing factors when women killed their infants. As this isolation decreased with urbanization and women’s greater regional and national mobility during the 1920s and 1930s, infanticide decreased.

Motivations

Why did women kill their infants? To what motivations did they ascribe their actions? The primary motivation most unmarried women mentioned for killing their newborns was to avoid ruining their reputations and being branded *filles-mères* (a derogatory term for unwed mothers). A twenty-year-old domestic servant, Marie Jeanne F., told police, “Above all else I didn’t want my parents or my sister to know,” about the
pregnancy.\textsuperscript{58} Another servant, Justine V., claimed that, “If I [strangled my baby], it was in order to hide the fact [that she was pregnant] from my family and from the village.”\textsuperscript{59} Marie C. was nineteen when she killed her newborn baby even though her father was willing to help her raise the child. “I tremendously regret the act that I committed, it was a feeling of shame that pushed me [to do it].”\textsuperscript{60}

Forty-one percent of the women tried in Ille-et-Vilaine, regardless of marital status, had already given birth to at least one child and could not claim that they were ignorant of their pregnancy or unsure of what to do when labor began. Shame or fear for one’s reputation was, however, frequently cited by these women as their primary motive for killing their newborn. Despite prosecutors’ claims that a woman who had already born a “natural” child no longer had a reputation to protect, several unmarried defendants claimed that it was to protect their older children’s reputations that they did away with an unwanted newborn. This seems to indicate that, among certain rural milieus, one “mistake” for a young woman could be forgiven by her family and community, but that a second pregnancy outside of marriage could not be so easily accepted.

Like unmarried women, a primary motive for married women who committed infanticide was to protect one’s reputation. Marie Esther Y. killed her baby in May 1918 in order to avoid a scandal. Her husband had been a prisoner of war in Germany since 1915, and although Marie Esther claimed her pregnancy was the result of “the brutality of

\textsuperscript{58} ADR 2U 697, Marie Jeanne F., infanticide, interrogatoire December 19, 1904.

\textsuperscript{59} ADR 2U 863, Justine V., infanticide, Rapport de la Gendarmerie Nationale.

\textsuperscript{60} ADR 2U 779, Marie T., infanticide, October 25, 1916, interrogatoire de première comparution, July 24, 1916.
a person who took me by force in the fields,” local gossip held that the father of the baby was a German civilian inmate with whom she had had an affair. Eugénie M. was newly-married when she gave birth to a child whose father was not her husband. She hid her pregnancy from her neighbors and told her husband she had never had sexual relations with anyone but him. When her baby was born, she suffocated it and told her husband she had produced a “ball of blood.”

For some women who already had children born outside the bonds of marriage, it was not fear of dishonor, but other considerations—especially economic problems—that led them to murder their babies. Marie Rose L., a 23-year-old farmhand, had just lost her job in 1904 when she gave birth to her fourth illegitimate child. Fearing economic difficulties she strangled the baby with a cord. Another woman who had previously given birth to a stillborn defended her decision not to tell her employer about her new pregnancy “because I need to earn my living.” Domestic servants were particularly vulnerable to being fired if they admitted to being pregnant. Although a law passed in 1909 protected women from losing their jobs when they took maternity leave, it was still quite easy for an employer to make up another reason for firing a pregnant domestic servant. The fears many women expressed about the negative effect a new baby could

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61 ADIV 2U 1196 (liasse), Marie Esther Y., infanticide, July 31, 1918, Acte d’accusation; procès-verbal de Marie Esther Y., May 3, 1918. She was convicted and sentenced to three years imprisonment.

62 ADIV 2U 1175 (liasse), Eugénie M., infanticide, May 10, 1913, Acte d’accusation. Eugénie was acquitted.

63 ADIV 2U 1124 (liasse), Marie Rose L., infanticide, November 15, 1904, Acte d’accusation.

64 ADIV 2U 1154, Marie Joseph R., infanticide, December 24, 1909.
have one’s employment seemed justified by the experience of Camille C. Her former employer, Madame M., told police:

At the beginning of last February, having heard numerous people…say that my servant Camille [C.] was pregnant, I questioned this girl on the subject, but she always denied it. Personally I never noticed anything, but I fired her anyway a few days later. For the fifteen years that this girl was in my employ I was never dissatisfied with her service, she was a very good servant.”

**Juries’ Decisions**

Rural and urban differences seem to have influenced the way juries reacted to cases of infanticide. In general, the juries in the department of Ill-et-Vilaine were much less sympathetic towards women accused of killing their newborns than juries in the Rhône. On a national level, juries frequently voted to acquit women accused of infanticide, even when they were clearly guilty. Lyon’s public prosecutor, William Loubat, no fan of juries, complained in a 1913 article that jurors refused to convict women charged with infanticide. “The life of newborns has even less value for the jury [than the lives of other victims of violent crimes]: the interesting moms who do away with these poor creatures as they enter the world find mercy 57 times out of 100…”

Loubat’s reaction to jury leniency may indicate that he, at least, did believe that children were to be protected and cherished, even if they were born out of wedlock. In Ille-et-Vilaine, however, convictions exceeded acquittals during all but one five-year period during this study (from 1921 to 1925). In the Rhône, by contrast, juries acquitted women

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65 ADIV 1164 (liasse), Florentine Camille C., infanticide et suppression d’enfant, August 1, 1911.

accused of infanticide twice as often as they found them guilty, and the most severe punishments handed down during the entire four-decade period under study were two five-year sentences, one in 1910 and one in 1936. Ille-et-Vilaine was quite different in the sentences handed down for infanticide. During the first decade of the twentieth century women convicted of infanticide received hard labor sentences thirty percent of the time, and sentences in Ille-et-Vilaine were consistently tougher than those in the Rhône.

Why were there such noticeable differences in court actions between these two departments? First, Brittany, the region in which Ille-et-Vilaine is located, was traditionally more conservative and more religious than the rest of France, so jurors might have been less willing to forgive transgressions of sexual and religious standards than the city-dwellers of the Rhône. Second, the women accused of infanticide in these departments themselves differed in important ways that might have influenced the way juries thought about their cases. The majority of defendants in the Rhône fit, or seemed to fit, the expected pattern of infanticide: innocent young women who, apparently through very little fault of their own, were seduced and abandoned to their fates by heartless men.\footnote{This pattern and its implications for women’s reproductive lives will be discussed in greater detail in Chapter 6.} The relative levels of youth and sexual inexperience among defendants in the Rhône was higher than in Ill-et-Vilaine, where almost half of the defendants had
given birth at least once before. It may therefore have been easier for jurors in Lyon than for those in Ille-et-Vilaine to show sympathy for the defendants they judged.

A third consideration may have been the way in which the infants were killed. Raised with a matter-of-fact approach to life and death, some women who grew up in rural areas killed their infants in ways that came across as particularly brutal to middle-class jurors. Anne Marie A. received the heaviest sentence of any woman convicted of infanticide in the two departments after the abolition of the death penalty, but her case seemed very similar to others in which the defendant was given a lighter sentence or even acquitted. A 22-year-old servant in Rennes, Anne Marie gave birth in the outhouse in January 1907, returned to her employer’s kitchen for a knife which she used to wound the baby’s head, and then squeezed its throat. She wrapped the cadaver in a petticoat and hid it in her trunk, where police later found it.

Anne Marie had no prior record and was described by those who knew her as hard-working and honest. Further in her favor, she admitted her crime but denied premeditation. The obvious reason Anne Marie received such a tough penalty when so many others did not was that the jury determined that she had premeditated her crime, but what is not obvious is why the jury made this determination. The evidence presented in the case file is no more damning than in most infanticide cases, and a good deal less so than in some. She was young, unmarried, and had never been pregnant before. Furthermore, she claimed her pregnancy was the result of her having been taken advantage of—forcibly—by a previous employer. “He tried lots of times, and I resisted.

68 The conviction rate in Ill-et-Vilaine for women who had not previously been pregnant, however, is still significantly higher than the conviction rate for all women in the Rhône.
That time my face was all scratched up against a barrel in my struggle [against him].”

Rather than showing sympathy for the young woman and demanding explanations from her former employer, the instructing magistrate told Anne Marie, “You were twenty-two years old, and you were at an age where a girl must be able to and know how to defend her honor[.]” She retorted, “All that is very well. You don’t know that without having been caught [once].”

Thus the jury saw a sympathetic young woman with a sad story and very little real evidence of premeditation—but it also saw a woman who used a knife to stab her newborn baby in the head. Jurors expected young women worthy of their sympathy—those who killed their babies in moments of madness, panic, pain, or despair—to do so in one of three bloodless ways: suffocation, strangulation, or immersion. The use of a dangerous edged weapon, even one that most women would carry with them as a matter of course, to not only kill, but mutilate the newborn, could not be reconciled with the imagined scenario of an innocent victim driven to momentary violence. Not a single defendant who used a knife was acquitted and Anne Marie almost certainly suffered for her choice of weapon.

Despite the variations by location and based on environmental factors, infanticide changed very little during the first four decades of the twentieth century. It was, and remained, the last resort of the most desperate of pregnant women. The characteristics of

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69 ADIV 2U 1138 (liasse), Anne Marie A., infanticide, May 3, 1907, interrogatoire January 30, 1907.

70 Ibid.

71 Ibid.
the perpetrators, methods used, excuses given, and motivations avowed by defendants in
infanticide trials did not vary significantly from one decade to another. From its peak in
the mid-nineteenth century, the annual number of infanticides in France had been
declining. After a brief spike in the number of newborns murdered following World War
I, the number of infanticides brought to trial in France slowly declined. The reasons for
this decline are threefold. First, as France continued to urbanize and as transportation
systems improved, fewer women were as isolated after World War I as they had been
during the Belle-Époque. Railways and tramways gave women on farms better access to
the resources of the city, and the number of women working as domestic servants also
dropped. 72 Second, this increased mobility allowed women outside of cities to find ways
to access illegal abortions. As we shall see in Chapter Four, the safety and reliability of
abortions increased during the period under study, making an illegal abortion a more
attractive choice for a woman who might otherwise have committed infanticide. Finally,
as French concerns about depopulation grew following the slaughter of the First World
War, a growing number of state and private programs targeted specifically at the unwed
pregnant women who were the largest number of infanticide defendants provided single
women with the means to hide a pregnancy without resorting to infanticide. With all of
these changes infanticide—always the last resort of the desperate—was no longer the
easiest way out of an undesired pregnancy.

Throughout the nineteenth century women who thought their pregnancies would
damage or destroy their reputations and positions in their communities, or would place

72 McBride, 35, Table 2.1. By 1920 servants made up only 2 percent of the total French population.
undue strain on their finances, resorted to concealing their pregnancies and doing away with their newborn infants. Although this desperate approach to dealing with an undesired pregnancy persisted into the twentieth century, it became less frequent; by the 1930s the number of people tried for infanticide was noticeably declining. Changes in French society—most notably increased urbanization and greater mobility for rural women—contributed to this decrease in the number of newborns killed by their mothers.

In the next chapter we shall further explore the twentieth-century developments that led to changes in women’s reproductive decision-making. Specifically, we shall investigate a variety of legislation and new programs designed to help poor pregnant women, and especially to ease the burden on unmarried women facing pregnancies society deemed to be “illegitimate.”
CHAPTER 2

REPRODUCTIVE OPTIONS AND SYSTEMS OF SUPPORT

Henriette Valet’s 1934 semi-autobiographical novel Madame 60 bis begins with the heavily-pregnant narrator’s slow reluctant progress through Paris towards the Hôtel-Dieu, where she hopes to stay until she gives birth. “So this is where poor pregnant women come to seek shelter?” the unmarried narrator asks herself as she arrives. She hesitates to open the hospital door, afraid of what experiences await her, and worries that she will not be allowed to stay. “Am I sick enough, or poor enough? …I should have waited longer to come. Today I was still able to eat; if hunger wrung my sides, I would be better able, and right away, to open this door.”¹ Over the following seven days Valet depicts the maternity ward through the eyes of the narrator, who is only ever identified as Madam 60 bis (the number of her bed, which was maneuvered between beds 60 and 61 in the overcrowded maternity ward). Valet’s rendition of the experience of childbirth for the poorest of Paris’ expectant mothers is extremely negative. The narrator’s fellow patients are a composite of the downtrodden of the metropolis: poor married women, prostitutes, Polish immigrants, peasants, and a sixteen-year-old Jewish girl with syphilis.

¹ Henriette Valet, Madame 60 bis (Paris: Editions Bernard Grasset, 1934), 1-4. Henriette Valet was the pseudonym of an intellectual who decided to have a child on her own and recorded some of her own experiences in the Hôtel-Dieu in the novel. See Françoise Thébaud, Quand nos grand-mères donnaient la vie. La maternité en France dans l’entre-deux-guerres (Lyon: Presses Universitaires de Lyon, 1986), 212, 242-245.
and a completely inadequate understanding of the mechanics of human reproduction.

Valet’s narrator moves from resigned to indignant during her stay at the Hotel Dieu, and emphasizes the fact that the women in the maternity ward receive care not simply because they are pregnant and in need, but because they present interesting medical cases for the doctors and interns to study. Valet’s critique of the public assistance available to pregnant women is most clear in the story of an unmarried peasant whose poverty makes her insensible to the indignity of her situation. Having been driven from her father’s home at gunpoint when he learned of her pregnancy, the peasant congratulates herself on the infirmity that allowed her admission to the Hôtel-Dieu.

I was scared, so I ran away without hat or coat. A neighbor gave me the money to go to Paris. She told me that one always managed there. I arrived at the Gare de L’Est one morning. I was cold and very hungry. [She tries to find a place to go, but is turned away from another maternity ward]. Well, I was desperate, I went away crying, but a nurse ran after me and said that I should go to the Hôtel-Dieu and that they would keep me because I have a limp […] How lucky that I’m crippled. ²

We cannot know to what extent Valet’s novel reflected her own experience giving birth. Valet describes a public health system in which expectant mothers are treated rudely when they are not ignored, in which the hospital staff’s casual approach to sanitary conditions threatens patients with infection, and in which after only a few days of treatment each woman is sent on her way with a baby but no guidance, encouragement, or financial support to help her raise her child. Despite Valet’s negative depiction of the Hotel Dieu in Paris, by the time Madame 60 bis was published in 1934, conditions for poor women giving birth throughout France had improved markedly. Indeed, women

² Ibid, 31-32.
facing undesired pregnancies had many more sources of support and assistance from the state before, during, and after delivery than had existed even a generation before.

What was the reality of childbearing for single and impoverished mothers in France’s cities and countryside? What options did poor women have to ease the burden of a pregnancy and help them through the physical and emotional challenges of delivery, and how did these options change during the late Third Republic? Concern about depopulation made encouraging women to bear every child they conceived a priority of the Third Republic, but what positive measures did the state actually take to help pregnant women and new mothers? Was the availability (or lack thereof) of state and charitable support for expectant mothers an important factor in women’s decisions to have abortions or to hide their pregnancies until, in desperation, they committed infanticide?

This chapter explores the development of private and public assistance for pregnant women during the beginning of the twentieth century. It examines both national initiatives and local programs designed to aid expectant mothers and women with young children, asking what resources were available, and why so many women—including all of the women in this study—chose illegal abortions or committed infanticide rather than use these programs. We shall see that as the French welfare state developed, material and monetary aid was often inadequate to the needs of pregnant women in the community. In particular, while assistance programs were designed to provide for the physical needs of poor pregnant women, they were not effective in serving all women until they also addressed unmarried women’s desire for secrecy and anonymity. As the system evolved
over the first four decades of the twentieth century it did help the neediest women and children, but sometimes allowed those who were merely poor but not desperate to fall through the cracks.

During the late nineteenth and early twentieth centuries French lawmakers and social reformers worked to improve the lives of workers, mothers, children, and families with programs that provided public or private charitable aid. For much of the late nineteenth century welfare came from a hodgepodge of public and private organizations, each with different (and sometimes conflicting) goals and priorities. By the early twentieth century programs designed to assist workers, pregnant women, families, and children were becoming more widespread, and the beginnings of a state-funded social safety net were developing. Funding for assistance programs came from national, departmental, municipal, communal, and private coffers, and most frequently from a combination of several of these sources. Many of the programs developed during the Belle-Époque and interwar period worked to assist large families (with three or more children), but some focused specifically on preventing infanticide and child abandonment by giving aid to poor pregnant women at the critical moment of childbirth. The end result of these reforms, after World War II, was the French welfare state. We shall first turn to the efforts taken at the national level to aid pregnant women and new mothers. We shall then examine the local programs in France’s cities and towns that, in many cases, were the most important assistance programs to poor pregnant women. Finally, we shall study the ways in which women in Ille-et-Vilaine and the Rhône made use of public
assistance programs, asking what groups were most in need of aid, and why so many women chose illegal alternatives to motherhood.

**Family Support**

The first and most traditional response for a single woman who became pregnant was to turn to her family for help. The belief that there was always room for another child on a farm was common in rural France, and even when young women working in cities became pregnant, many were able to send their babies to live with their families on farms in rural communes. Several of the women tried in Ille-et-Vilaine and the Rhône for infanticide and abortion already had one or more children born out of wedlock living with relatives in the countryside while their mothers worked elsewhere for much-needed wages. The stigma of having a child would hurt a single woman’s chances of making a good marriage, but French law gave some leeway to unmarried mothers by allowing children to be retroactively legitimized through the eventual marriage of their parents.

Sometimes families were able to arrange for the pregnant woman to marry the father of her child. Such seems to have been the case for Emilie M., whose undated letter to a midwife who performed abortions in Rennes indicated that for her, marriage was preferable to an abortion:

> Madame,
> I’m responding to the letter I received from you, and telling you that you needn’t trouble yourself for me because I decided not to go [presumably, to have an abortion]. We have decided to get married and I believe that we are doing better [by marrying]. … I beg you to excuse us.³

³ ADIV 2U 4 1182, Henriette B., Anne Marie G., and Jean Pierre N., abortion and complicity, November 18, 1914, letter from Emilie M., no date.
For Emily M., the problem of an undesired pregnancy was solved with a marriage. She was left only to regret having ever contacted the midwife about an abortion, declaring that “it was very poorly done on our part.”

Families were not always willing or able to accept the expense of raising their unmarried daughters’ children or of arranging a quick marriage. Moreover, some young women had no close relatives in the countryside to whom they could turn. Also, as many women hoped above all else to hide their “sin” from their parents and neighbors, turning to them for help was out of the question. Jeanne Marie J., for example, so feared her abusive and alcoholic father’s reaction to her pregnancy that she planned to sneak away from her rural commune to Lyon to give birth, leaving to her mother the task of telling her father about the baby. When labor began earlier than she expected—before she could get to the hospital in Lyon—Jeanne Marie decided to kill her newborn rather than risk her father’s fury. Because many pregnant women—both married and unmarried—needed help beyond what their families could or would offer them, local, departmental, and national programs developed to fill in the void.

**Child Abandonment and Adoption**

Abandonment, whether legally-sanctioned or criminal, was an important option for both married and single women who did not want to or could not afford to raise the children they bore. The foundling homes opened during the French Revolution and

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4 Ibid.

5 ADR 2U 856, Jeanne Marie J., 18 juillet 1932. Acte d’accusation and “Renseignements” (#15).
Napoleonic era continued to be filled with abandoned children during the nineteenth century, and abandonment remained an alternative to infanticide for unmarried women and impoverished married couples into the twentieth century. The process of abandonment varied from the official and legal handing-over of a newborn to the state to illegally leaving a baby in a bundle near a church or other public place, but one of the most important tools for safe child abandonment in the nineteenth century was the tour. Tours existed across France and were turntable doorways attached to hospitals and homes for abandoned children. A baby could be placed on the turntable, and then the tour would be rotated until the baby was inside the building, where he or she would be collected by the nurse on duty. These turntables allowed parents to abandon their babies anonymously and without risks to the child’s immediate welfare. Tours were mandated by Article II of an imperial decree “Concerning Found or Abandoned Children and Poor Orphans” in 1811. Although they became widespread throughout France during the early nineteenth century, many opponents of the tours argued that they encouraged vice by providing unwed mothers an “easy” way to rid themselves of children born out of wedlock. The tours across France were sealed shut during the late 1850s in response to concerns about their encouraging easy abandonment, and the cost to taxpayers of raising the abandoned children. The tour in the Rhône closed in 1858; that in Paris closed in

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7 Ibid., 42-43.
Despite later nineteenth-century efforts by politicians and reformers concerned about high rates of infanticide to reopen the tours, they remained closed.

Without the tours the legal options for anonymous child abandonment dwindled. Women who wished to abandon their newborns legally could not do so anonymously in most cases, unless they employed the assistance of a third party (usually a midwife or priest). Consequently, women concerned with protecting their identities may have felt abandonment was impossible for them. Despite these drawbacks, the state’s commitment to raising abandoned children remained an important form of aid to women who could not afford to raise their children themselves.

Women in France facing undesired pregnancies could not hope that children they turned over to Assistance Publique would someday be adopted by loving and wealthy parents. In fact, for several legal and cultural reasons, the adoption of abandoned children was extremely rare. First, the purpose of adoption under French law was not to provide a loving home for children whose biological parents could not or would not raise them, but to provide heirs to people without children. Thus, only individuals or couples past child-bearing age and having no heirs could legally adopt a person. Furthermore, until 1939 the Napoleonic Civil Code banned the adoption of minors. The original Code required adoptive parents to be at least fifty years of age, to lack legitimate heirs, to be at least fifteen years older than the person they wished to adopt, and to have supported that person for at least six years. If the adoptee was under twenty-five years of age and still had living parents, he or she was required to obtain their consent for the adoption to take

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8 Ibid., 23, 4; ADR 3Up 276. Protection de l’enfance du première age.
place. A provision of the Code allowed for children less than fifteen years of age to become the legal wards of people over fifty without heirs, but once again the main purpose of these articles was to create a legal means to pass on property, not to provide a nurturing family environment for abandoned children.\textsuperscript{9}

Other reasons why the adoption of abandoned children was not prevalent in France were cultural. Rachel G. Fuchs claims of the nineteenth century that the French middle-class (who were most likely to adopt children as well as in a position to make laws) believed strongly that heirs should be related to the decedent either by blood or by marriage, so that the only frequent type of adoption in France was of orphans by people to whom they were already related.\textsuperscript{10} Furthermore, children abandoned by their mothers were assumed to be illegitimate and, it was feared, might inherit their mothers’ immorality or other vices. Because they were assumed to be in some way flawed or even potentially criminal, Fuchs argues, abandoned children were “the pariahs of society.”\textsuperscript{11} Finally, again reflecting the importance bourgeois policy-makers placed on biological ties, the French Public Assistance system was designed to allow women who legally

\textsuperscript{9} Adoption was governed by Articles 343-370 of the 1803 Civil Code. The Law of July 29, 1939 somewhat relaxed the conditions for adoption, allowing minors to be adopted and permitting adoption by those forty years of age and older. While maintaining the requirement that adoptive parents have no legal heirs, the 1939 law relaxed the requirements for those who wished to adopt their spouse’s children from a prior marriage. Most importantly for our purposes, the 1939 law allowed “natural” children who had never been recognized by their parents to be adopted with the consent of a board of guardians (conseil de famille). Finally, Articles 368-370 of the 1939 law allowed children under five years of age whose parents were “unknown” (this included abandoned children and wards of the state as well as those whose origins were truly unknown) to be adopted and to receive légitimation (legitimation), including a birth certificate listing them as the legitimate children of the adoptive parents and entitling them to the same rights as a biological child of the marriage.


\textsuperscript{11} Ibid., 30, 236-237.
abandoned their children to reclaim them later, when their situation improved. Mothers who later married and whose spouses were willing to legitimize the abandoned child (by recognizing him or her as their own) could collect their offspring from the authorities by reimbursing the state for the costs of caring for the child; Fuchs argues, however, that such reunions rarely occurred.\footnote{Ibid, 31, 237, 283 Table 7.1. Fuchs found that for most of the nineteenth century fewer than two percent of abandoned children returned to their parents each year.} Because they wanted to “keep” these children for their wayward mothers, adoption by a third party was not practical.

If adoption or a reunion with their biological parents were unlikely, what became of children who were abandoned by their mothers? Fuch’s study of children abandoned in Paris during the nineteenth-century indicates that many of these children did not fare well. During much of the nineteenth century the mortality rate of abandoned infants sent to wetnurses in Avallon (a commune in the Yonne) was more than twice the national average, although by 1900 the mortality rate of abandoned babies was only slightly higher than that of other infants.\footnote{Ibid, 202 Table 6.4. Compared to a national infant mortality rate that ranged from 15.4% to 17.2% from 1819 to 1900, abandoned infants sent from Paris to wet nurses in Avallon died during the first twelve months of life at rates of at least 30%, and as high as 47%, until 1885. From 1885 to 1895 the infant mortality rate of these abandoned children fell to 20% (compared to a national rate of 16.6%), and from 1896 to 1906 the mortality rate of abandoned children sent to Avallon was 19% (compared to a national rate of 16.2%).} Once the children were weaned, they were sent to foster families in the countryside. These rural families received payments for raising the children, and were able to use them for labor as well.\footnote{Ibid., 240-243.}
National Legislation

Private charities and initiatives continued to be important parts of assistance systems in France during the period under study, especially at the local level, but what marks the Belle-Époque and interwar era as a new chapter in relief programs was the government’s increased involvement. The idea that the French state should help poor mothers and children can be traced back to the revolutionary First Republic. The constitution of 1791 called for the creation of “a general establishment of Public Assistance to raise abandoned children, relieve the poor infirm, and furnish work for the able-bodied poor who cannot find it themselves.”¹⁵ Throughout the remainder of the Revolution this ideal was advanced as some convents and monasteries seized by the Republican government became state-funded hospitals and maternity wards. In 1793 the state assumed responsibility for the cost of childbirth for poor unwed women. Napoleon I changed the focus of public assistance from mothers to children by ending direct payments to poor mothers and instead urged women to legally abandon their children to public foundling homes.¹⁶ For much of the nineteenth century, historian Rachel Fuchs has argued, aid to the poor mirrored the political situation—republican ideals of state-sponsored public assistance made way for private and religious charities during the Bourbon Restoration, Orléanist regime, and Second Empire. Only during the last quarter


¹⁶ Rachel G. Fuchs, Poor and Pregnant in Paris: Strategies for Survival in the Nineteenth Century (New Brunswick: Rutgers University Press, 1992), 100. The mortality rates in these orphanages were very high throughout the nineteenth century. For a thorough discussion of the problem of child abandonment and conditions in the orphanages see Fuchs, Abandoned Children.
of the nineteenth century, with the return to a republican government, did public assistance join with private charities in a “symbiotic relationship.”\textsuperscript{17}

Although republican ideals contributed to the resurgence in public aid to the impoverished during the first half of the twentieth century, the real impetus for spending public money on the welfare of poor mothers and babies came from the natalist movement. Susan Pedersen has argued that of all the groups interested in social reform during the interwar era, only the natalists realized any great success—and that because they could point to the dangers of depopulation as an immediate and potentially fatal threat to France.\textsuperscript{18} Legislators in the Third Republic were generally convinced by the Alliance Nationale and other natalist groups that depopulation posed a major threat to France’s military, political, and economic power. Because of natalist warnings about depopulation, there existed a general consensus among politicians that poor pregnant women should be given whatever support was necessary to bring their babies into the world and keep them healthy through early childhood. However, because they were expensive, national-level programs were slow to develop.

Two French laws that specifically helped the poorest members of French society became important parts of the support system for pregnant women. An 1893 act provided for free medical treatment (including care of a woman during childbirth) in

\textsuperscript{17} Ibid, 100-101.

one’s home or in a hospital to any French citizen without means.\(^{19}\) Similarly, a 1904 law on needy children provided mothers unable to feed and raise their infants due to a lack of resources with “temporary assistance with a goal to prevent abandonment.”\(^{20}\) These laws together meant that the most miserable of expectant mothers could receive some assistance from the national and local governments, but they left women who were merely poor, not destitute, without means of support if they missed work to give birth.

Efforts to aid pregnant women and new mothers at the national level took three primary forms during the Belle Époque. First, the November 27, 1909 Engerand Law mandated eight weeks of maternity leave for female workers and guaranteed their jobs would be waiting for the new mothers when they returned. Next, after long debate, in 1912 the Rivet Law modified the civil code to allow women to file paternity suits. Finally, the Strauss Law of June 17, 1913 provided women with payments to (at least partially) make up for the wages they lost during their maternity leave. All of these laws grew from nineteenth-century initiatives that moved very slowly through the legislative process.

The most important national legislation to help poor mothers was geared towards women workers and was intended to reduce France’s infant mortality rates through maternity leaves. Albert de Mun, a Breton monarchist deputy, began to advocate in favor of mandatory maternity leaves for female workers in 1886, calling for four weeks of

\(^{19}\) Harris, 37.  

leave following childbirth. Later proposals added four weeks of leave prior to birth as well.\textsuperscript{21} Despite general agreement that such measures would help improve the health of newborns, it was not until 1909 that the Engerand Law finally gave women the option to take up to eight weeks maternity leave (four prior to childbirth; four afterwards) with guarantees that they would not lose their jobs. This law stopped short of providing compensation for the wages women would lose, rendering it nearly impossible for most women workers to actually take advantage of the law’s provisions. Deputy Louis Marin, responding to this failing of the Engerand Law, told the French National Association for the Legal Protection of Workers in 1912 that, “I consider the brutal imposition of a [maternity] leave without compensation not only as absolutely antidemocratic and anti-liberal, but moreover as opposed to any improvement of family life, or to any move towards repopulation.”\textsuperscript{22}

The fundamental problem in providing maternity leaves for women workers was pecuniary. Everyone wanted social welfare programs to fight depopulation, but no one wanted to pay for them. Almost everyone in the Chamber of Deputies and Sénat agreed that maternity leaves were an essential step in improving infant health, and nearly as many legislators agreed with Marin that leave without some form of allowance to compensate for lost wages, was meaningless. But while some lawmakers wanted the national government to pay the full cost of maternity allowances, others thought business


\textsuperscript{22} \textit{La Protection de la Maternité Ouvrière.} (Paris: Association Nationale Française pour la Protection Légale des Travailleurs, 1912), 14-15.
owners should simply pay their female employees during their absences. Still others wanted women to be required to foot the bill themselves through mutual associations for maternity insurance. 

Senator Paul Strauss introduced a law that would remedy this situation in 1909, but it would not be enacted until June 17, 1913. The Strauss law created a hybrid national/local effort to provide partial compensation to female wage-earners for the income they missed while giving birth. The law required the national and local (communal and departmental) governments to split the cost of these payments. Working women were eligible for eight weeks of maternity leave regardless of their marital status and would receive corresponding payments, as long as they were in need, were of French nationality, and met certain hygienic standards. Women were to receive a paid leave for the four weeks preceding childbirth upon certification of their due date by a physician, with an additional four weeks rest afterwards. The payment was not enough to fully compensate for lost wages, but was nevertheless a welcome aid to impoverished women. The amount of the payment was to range between .50 and 1.50 francs per day, to be determined by the communal government with departmental approval. There was also to be an additional prime d’allaitement (nursing mother’s allowance) of 50 centimes per day

23 Such “mutualités de la maternité” exited in many industrial areas of France prior to the Strauss law. Women could pay a monthly premium (which ranged between three and six francs per year) and, when they became pregnant, could receive medical attention, payments, and home visits from volunteers. Such mutual associations were heavily dependent upon the donations of “honorary members” and suffered financially because married women who already had two or three children would stop paying into the fund because they were “finished” having children.

24 Harris, 40.
for the four weeks following birth if the woman breastfed her baby. Because local
governments helped determine the amount of the payments, there was significant
variation within France. In Lyon in 1921, for example, the daily payment leading up to
childbirth was set at the maximum amount, or 1.50 francs, with women who breastfed
receiving 2 francs per day for four weeks after giving birth, but payments were much
smaller in many other areas.

In addition to agreeing not to work during the period for which she received the
benefit, women were also required to follow “prescribed hygienic rules” as described in a
pamphlet that was to be distributed, and open their homes to a visiteuse. Visiteuses were
female volunteers who were to be of “high standing” in the community. The pamphlet
stressed the need for proper hygiene and medical care, and urged all women to
breastfeed. “Every mother’s duty is to nurse her child,” it read. “The child has a right to
the mother’s milk. For the mother not to fulfill this duty and to deprive the child of this
right, there should be some compelling reason beyond her control.”

France’s benefits were comparable to those offered by its neighbors. Although it
was one of only three nations that did not have a nationwide health insurance system,
France offered payments for both maternity leaves and breastfeeding. Although
maternity leaves were late coming to France compared to other nations, this was due to

25 Harris, 40-46.

Rhône was also the only department at the time to offer parents a bonus for producing more than two
children: parents in the Rhône could receive 200 francs upon the birth of their third child, 300 francs for the
fourth, and 100 francs for each additional child. Hervier estimated that this program cost the Rhône
1,100,000 francs per year.

27 Ministère de l’Intérieur Circular of December 24, 1913, cited in Harris, 42-46.
parliament’s unwillingness to mandate leaves without also providing a stipend to offset lost wages. In one aspect France’s system did fall short compared to other western nations. The Strauss Law provided payments to women who earned wages. This was interpreted to include most industrial workers and domestic servants, but excluded homemakers, farm workers, and women who did piecework at home.28

By 1934 the options available to poor pregnant women through national programs had further improved. The 1930 law creating the Assurances Sociales, or social security for wage earners, brought about the “medicalization” of French society, and an increased emphasis on encouraging prenatal care among the working class.29 Women who declared their pregnancy early (three or four months before giving birth) and participated in free regular medical checkups during pregnancy and while nursing could receive a daily allowance, with 10 franc bonuses paid at each of the three mandated prenatal checkups.30 The emphasis of this program was to ensure the health of France’s babies, but it also helped provide a way for poor women to bear their children rather than to resort to abortion.

28 Henry J. Harris, Maternity Benefit Systems in Certain Foreign Countries (U.S. Department of Labor Children’s Bureau, Washington, D.C.: Government Printing Office, 1919), 11-16, 37-47. The nations included in the study were Australia, Austria, Denmark, France, Germany, Great Britain, Italy, Luxembourg, the Netherlands, New Zealand, Norway, Russia, Sweden, and Switzerland.


30 Ibid., 41-43. In some cases women were not permitted to have checkups with midwives, but had to consult medical doctors.
Local Assistance for Pregnant Women

Although maternity leaves and daily payments were undoubtedly welcome and essential to women who relied upon their own wages, their overall importance was limited. Most of the women in this study seemed unaware of the possibility of maternity leaves, probably in part because most rural women did not benefit from the Strauss Law (which applied only to workers, employees, and domestic servants). National programs, while essential to many pregnant women’s survival and especially helpful to married women and women who wanted to raise their child they had conceived, were not as important to unmarried women who did not want a baby and might contemplate abortion or infanticide. For these women, the most important resources available were local initiatives, especially maternity homes and maternity hospitals. Municipal, departmental, and private initiatives worked to give pregnant women and new mothers much-needed care and support before, during, and immediately following childbirth, in efforts to reduce depopulation, stop infanticide, and encourage healthier infants.

The earliest and most important public assistance programs developed at the municipal level. Paris (where the need was the greatest) led the way. By the end of the nineteenth century, the capital boasted a free maternity hospital, la Maternité, and payments of 35 francs per month for the first ten months after birth to cover the cost of a wetnurse for women unable to nurse their own babies.31 Other programs developed in Paris during the late nineteenth century included initiatives designed to encourage women to breastfeed their infants and public day care centers (crèches) which charged about the

31 Paris also boasted two other smaller maternity wards: the Tarnier birthing clinic and the Maison d’accouchement Baudelocque. See Thébaud, 64.
cost of a loaf of bread per day.\textsuperscript{32} Despite these programs, though, the demand for aid always exceeded the amount available.

The quality of care in early maternity hospitals was not stellar. Historian Françoise Thébaud has described the mid-nineteenth century maternity hospital as a “veritable death house for women” populated only by those who had no other place to give birth.\textsuperscript{33} Measures taken to curb contagion during the final decades of the nineteenth century led to a notable decrease in death rates among women in childbirth at maternity hospitals. However, in public perception these hospitals remained, according to one woman who gave birth in 1919, “for \textit{filles-mères} and needy women.”\textsuperscript{34}

Women who lived outside the capital city had access to various forms of public assistance, but these resources were often inadequate for the needs of the community, and in most cases they did not allow women to remain anonymous. Lyon and Rennes, for example, both had public maternity hospitals and some public assistance programs, but the amount and quality of support available to pregnant women and mothers of young children decreased outside urban centers.

Residency requirements aside, if a poor unmarried woman were going to have to face an unexpected pregnancy in France during the early twentieth century, Lyon was one of the best places in which to do it in terms of available aid. The department of the

\textsuperscript{32} Fuchs, \textit{Poor and Pregnant in Paris}, 138-142. Since 35 francs represented a full month’s wages for a day laborer in Paris, eligible women relied upon these payments for the full ten months they were available, but then often abandoned their infants once the payments stopped. Fuchs estimates that between 2,200 and 2,700 women per year received these payments in the Department of the Seine during the last two decades of the nineteenth century.

\textsuperscript{33} Thébaud, \textit{Quand nos grand-mères}, 63.

\textsuperscript{34} Ibid, 63-64.
Rhône offered a number of public and private assistance options to pregnant women, without the extreme overcrowding of Paris. Marcel Hervier’s self-congratulatory 1921 essay on children’s charities in Lyon traced the city’s great charitable tradition back to the founding of a hospital in 542 CE by King Childebert and Queen Ultrogoeth, then described more recent efforts to help women and children. “All human life is respectable and deserves protection in its initial weakness, even if a sin caused it,” he wrote, reminding readers why even the children of “unworthy” mothers deserved aid. In this spirit, any woman who was at least five months pregnant could receive a meal at the municipal Restaurant des Mères-Nourrices (Restaurant for Nursing Mothers), “without even furnishing a name or address.” Lyon’s charities for pregnant women were decidedly paternalistic, in line with Hervier’s belief that it “is necessary to guide and advise pregnant women.” Very often unwed pregnant women who turned to these charities and sources of public aid had to endure moralizing lessons from middle-class doctors or philanthropic ladies in the guise of visiteuses. Even married women who accepted some forms of charity were required to open their homes to the scrutiny of

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35 Although Paris had much more extensive assistance programs than even Lyon, the large population and overwhelming numbers of people who migrated to the capital each year meant the system was always overburdened, and led to strict residency requirements for access to many resources. See Fuchs, Poor and Pregnant in Paris.

36 Hervier, 5. “Toute vie humaine est respectable et demande protection pour sa faiblesse première, même si une faute est sa cause.”

37 Ibid., emphasis mine. The problem of furnishing a name and address was very important to the level of success any charity or public assistance program aimed at pregnant women could have. Although Hervier does not go into detail for his (presumably) bourgeois audience, a woman who was not obviously pregnant would have had to prove she was still nursing by showing the restaurant’s monitor that her breasts were producing milk.

38 Ibid., 4.
*visiteuses*. For example, La Natalité Lyonnaise, founded in 1917 by local industrial leaders, allowed pregnant workers to take advantage of cash payments and a free baby’s layette, but also insisted they accept the supervision of a doctor and *visiteuse*. La Natalité Lyonnaise worked to help pregnant women give birth in their own homes, so even if a young unmarried woman was willing to endure the *visiteuse*, it was not an option for women who wished to hide their pregnancies or who were live-in domestic servants.\(^{39}\)

Of all the alternatives to infanticide and abortion available, *Maisons maternelles* were the most important assistance programs, private or public, to help unwed pregnant women since the *tours* had been closed in the mid-nineteenth century. Historian Anne Cova writes that there were sixty-seven *maisons maternelles* in France by 1928 (not counting the Department of the Seine, where Paris was located), with fifteen more planned. Ninety-five percent of the women in these homes were unmarried *filles-mères*.\(^{40}\) These homes took many different guises, but they generally sought to offer shelter (and anonymity, if need be) to pregnant women prior to their births, and sometimes during the first months of breast feeding. In the Rhône, for example, a work-home (*asile-ouvroir*) called La Samaritaine was founded by Monsieur and Madame Sabran in 1891 to care for unwed mothers giving birth for the first time. In La Samaritaine, up to 40 women could recover from childbirth, receive aid in finding jobs once they were fit, and receive instruction to improve their morality. In 1918 the city of Lyon opened a similar home, the Château de Gerland, which had 35 beds and would

\(^{39}\) Ibid., 5-6.

receive any pregnant woman who was homeless or wished to keep her pregnancy secret. She could return to the Château de Gerland after giving birth at the Charité hospital, until such time as a doctor decided the baby could go to a wetnurse. These establishments were designed to take some of the pressure from the overburdened hospitals, which could not admit pregnant women more than two weeks prior to their due dates. The need for them also indicates the importance of secrecy and, perhaps, that the maternity leave stipends mandated by the 1913 Strauss Law had proved insufficient to cover the expenses and medical needs of poor expectant mothers.

The shining star in the universe of Lyonnais public assistance was the Maison Maternelle de Gerland, a maison maternelle designed to provide shelter, moral lessons, and medical care to women during the months surrounding childbirth. Funded by the municipal and departmental governments, as well as private gifts, the Maison de Gerland was run by a woman, Madame Krebs. When it opened in 1919 the Maison de Gerland provided only prenatal care, but in 1926 it added a wing for nursing mothers. Women at the Maison were expected to work making layettes and helping with the upkeep of the building, for which they were paid a small wage. Expectant mothers also had the opportunity to take courses and learn about the proper way to care for their infants. By the end of its first decade of existence, the Maison de Gerland had taken in more than 2,500 women. Ille-et-Vilaine, too, boasted a maison maternelle. Unlike the Maison Maternelle de Gerland in Lyon, which charged women who could afford to pay seven

41 Hervier, 5.

francs per day,\textsuperscript{43} the Maison Maternelle Départementale de Pontchaillou was free of charge to any resident of the department. It took in women prior to childbirth and then, after sending them to the maternity ward at the Hôtel Dieu in Rennes to give birth, would house new mothers until the baby was six months old.\textsuperscript{44}

The \textit{maisons maternelles} seemed to be key arms in the fight against depopulation in France, and they received a great deal of positive attention from prominent natalists and lawmakers. They were supposed to reduce infanticide, abandonment, and suicide by single women who were pregnant, encourage breastfeeding, improve morality, and teach women to be better mothers. Yet a series of proposals to create state-sponsored \textit{maisons maternelles} in every French department failed during the 1920s.\textsuperscript{45} Anne Cova suggests that this was due in part to the strained finances in France following World War I, and in part to the reluctance of lawmakers to pledge so much money to aid the “least worthy of mothers: filles-mères.”\textsuperscript{46}

\textbf{Domestic Servants and Public Assistance}

One group of women who were in particular need of assistance during pregnancy was domestic servants. By 1900 about half France’s prostitutes were former domestics who had “turned out badly”—frequently a euphemism for a servant who became

\textsuperscript{43} Cova, 298.


\textsuperscript{45} Cova, 299-301.

\textsuperscript{46} Ibid., 302.
pregnant. Domestics were more likely than other categories of workers to use public services, including the maternity wards in hospitals. In 1913 there were more than one million women classified as domestic servants in France, and although the number of domestics decreased after World War I, there were still around 680,000 female domestics in 1930. Domestic servants were subject to the strict expectations of morality imposed upon them by their bourgeois employers, and could be fired if they were perceived to have violated them. Although the maternity leave law of 1909 made it illegal to fire any employee, including a domestic servant, solely because she became pregnant, domestics remained extremely vulnerable. The nature of domestic service made it a very simple matter for an outraged employer to find or contrive a perfectly reasonable excuse for dismissing an “immoral” servant who became pregnant, and for the majority of servants who “lived in,” losing one’s job meant losing one’s home as well. Furthermore, very few employers would allow their servant to bring a newborn baby into their home, so even servants who did use the available assistance resources could not hope to both keep their job and raise their child.

Domestic servants make up the vast majority of defendants in infanticide cases in this study, and a sizeable percentage in abortion cases, as well. Nearly all of these servants claimed that they hid their pregnancies from their employers because they feared


49 *Historire de la France Urbaine. Tome 4.*, 549.
losing their jobs. This fear was not unfounded. When Madame B’s former servant was accused of infanticide in 1923, the young woman told police that the baby was the fruit of sexual relations with her employer’s grandson, Prosper. Madame B. denied this, arguing that she, “never noticed the slightest reprehensible gesture from my grandson towards the maid…I don’t need to add that had I the least suspicion of a lapse of conduct between them, I would have fired my maid and sent my grandson back to his parents in Creteil.”

In 1925 Marguerite P., a nineteen year old servant in Lyon, similarly suffered both pregnancy and dismissal at the hands of her employer. One day when she was cleaning the first-floor bedrooms, she told police, her employer “insisted” she have sexual relations with him. When she told the man she was pregnant he refused to believe her and “showed me the door.” She found a new position, but hid her pregnancy from her employers. Marguerite told police she intended to go to the Hôpital de la Charité to give birth, but was caught unaware by a delivery before term in the middle of the night. After giving birth the young woman strangled the baby with the umbilical cord and a sanitary cloth.

Not all employers dismissed their servants when they learned of an impending birth. Surprisingly supportive employers who wished to be helpful to their young servants appear more frequently in the infanticide cases that went before the cours d’assises than those who were determined to fire them. Other employers refrained from firing their pregnant employees, but did nothing to help their servants. The Gondais

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51 ADR 2U 822, Marguerite P., infanticide, 27 avril 1926.
farmers who employed Aimée J. in 1912 fit the latter description. The head of the household freely admitted that he knew Aimée was pregnant when she began working for him, adding that, “I warned her that I didn’t want her to give birth at my place.” Instead, the man and his wife suggested that Aimée go to the Hôtel Dieu (general hospital) in Rennes or home to her parents. On the morning of 22 April when Aimée went into labor and requested leave to return to her parents’ home, her employer told her to go but made no effort to help her get there. Aimée claimed to have walked until she “could go no further,” then gave birth in a field and stuffed grass into her baby’s mouth to suffocate it. When pressed by police as to why she had not gone to the Hôtel Dieu, Aimée repeated that “no one told me how to do it.”

Going to Paris

Because the French capital was known to have facilities and assistance programs for poor pregnant women, a common response to an undesired pregnancy among unmarried women from the provinces was to go to Paris. Thousands of young men and women moved to the French capital every year as part of a large urban migration during the late nineteenth and early twentieth centuries, and with increasingly rapid and

52 ADIV 2U 1169 (liasse), Aimée J., infanticide, 1 août 1912. Rapport de l’inspecteur de Police Mobile Lagader, 2 mai 1912.

53 ADIV 2U 1169 (liasse), Aimée J., infanticide, 1 août 1912. Interrogatoire 15 mai 1912.

54 ADIV 2U 1169 (liasse), Aimée J., infanticide, 1 août 1912. Interrogatoire 3 mai 1912 ; Interrogatoire 15 mai 1912 ; Acte d’accusation.

55 ADIV 2U 1169 (liasse), Aimée J., infanticide, 1 août 1912. Interrogatoire 3 mai 1912.
inexpensive train travel, a young woman could move to Paris for a few months—
ostensibly in search of employment—and return to her home commune after she gave
birth and had disposed of her child. During the last two decades of the nineteenth
century, women from Brittany became the largest percentage of single women from
outside the city giving birth at the Parisian maternity hospital, La Maternité—even
though the illegitimacy rates in Brittany were quite low. Although historian Rachel G.
Fuchs believes this indicates that women who were celibate in Brittany became sexually-
active once they arrived in the capital, evidence from this study shows that some women
from Brittany went to Paris to hide existing pregnancies from their neighbors and
families.56

For example, in 1911 Célina B., a widow from Saint-Servan who was already
mother to five children fathered by her late husband, traveled to Paris in an attempt to
hide her “scandalous” pregnancy from her community. “When I thought the end of my
pregnancy was near, I left for Paris so I could give birth there discreetly, either in a
maternity hospital or else in whatever other establishment were indicated to me. I would
have then abandoned my child [legally] to Public Assistance, in order to avoid a
scandal.”57 Although she stayed in Paris for more than a month, Célina did not go into
labor.58 Having exhausted her savings, she returned to Saint Servan. Ten days later

56 Fuchs, Poor and Pregnant in Paris, 27-34. Breton women made up 15% of the single women giving
birth at La Maternité, but only 5% of Paris’ migrant women.

57 ADIV 2U 1164 (liasse), Célina B., infanticide, August 2, 1911. Interrogatoire of Célina B.

58 As she was not a resident of Paris, she would have to actually be in labor to be admitted to the city’s
maternity wards. Célina probably did not consider a local maison maternelle because such refuges were
usually reserved for women who had never been married and were having their first child.
Célina gave birth in an outhouse to a baby girl. After verifying the sex of the infant, Célina intentionally dropped the newborn into the cesspool below.59

Women like Célina B. came from all parts of France, hoping to find in the bustling anonymity of Paris a safe and secret place to give birth. This was in part because Paris had the most developed system of maternity hospitals and aid to new mothers in the nation, but the number of women from the provinces coming to the capital to give birth strained the resources of city’s assistance programs. Parisian municipal authorities responded with strict residency requirements for women wishing to access public assistance and public maternity hospitals (although exceptions were made for women who arrived at La Maternité when they were already in labor).60 Even with these restrictions, the demand for assistance continued to exceed resources in Paris.

Regional migration was also very frequent, particularly in the case of young women who worked as domestic servants. Several of the women who faced trial for infanticide in the Rhône, for example, had come to Lyon (France’s third-largest city) from rural areas in the department or from neighboring departments in search of both employment and a way to hide their pregnancies. The same was true for Rennes, the regional capital and principal city of the department of Ille-et-Vilaine. Women from small communes found the relative anonymity of the cities advantageous and could also hope to find temporary employment if they needed to earn cash during their stay. Even in these smaller cities, however, residency requirements sometimes kept migrant or rural

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59 Ibid., Acte d’accusation.
60 Ibid., 24-25.
women from accessing free services. A 1928 letter from the Conseil Général of Ille-et-Vilaine to the bursar of the Hôtel-Dieu (General Hospital) in Rennes demanded to know why a young unmarried woman from La Bouëxière (a commune of around 2,200 people) had been charged two-hundred francs when she gave birth at the maternity hospital in Rennes instead of the one-hundred francs her family had expected. The councilman explained that the woman’s father was disabled and that he and his family had only the revenue produced by two cows to support them.61 The bursar’s response underlined the unequal urban/rural divide in public assistance programs during the interwar period: all patients in the maternity ward who were not destitute were required to pay for their stay, he explained, and only residents of Rennes were eligible for any reduction in the charges.62

Public Assistance and Reproductive Crimes

If maisons maternelles, public maternity hospitals, and other assistance programs were available in both Rennes and Lyon, why did so many women living in these cities continue to resort to infanticide and dangerous illegal abortions? Many women who had abortions simply believed a short procedure, even if it was illegal and practiced by an amateur, was preferable to the potential disgrace of carrying a pregnancy to term. Furthermore, as we shall see in the next chapter, at the same time maternity hospitals and

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maisons maternelles were being founded, abortion was becoming safer and more accessible.

Some women who could not or did not choose to terminate their pregnancies were unaware of the existence of local facilities for pregnant women. “Unfortunately,” wrote Marcel Hervier in 1921, “one must always account for ignorance and negligence. How many women are unaware that, often only a short distance from their lodgings, they could find advice, a direction, a material aid? How many others wait too long before going to seek these things and thus make the task more difficult, the result more uncertain?”

Hervier’s final comment brings up the other reason many women in the 1920s and 1930s, at least, failed to use public assistance. Many women charged with infanticide told police that they knew about the maternity wards in local hospitals, but were unable to use them because they went into labor suddenly and earlier than they had anticipated. Such “plans” may have been, as prosecutors frequently claimed, merely an excuse for a woman who did not intend to raise her child and either made no plans or premeditated the infanticide, but in several cases in this study women who did not conceal their pregnancies and who had even prepared diapers and baby clothes committed infanticide when they went into labor sooner than expected. Women also hesitated to turn to public assistance programs because they wished to remain anonymous—something that was theoretically possible in many institutions, but not always guaranteed.

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63 Hervier, 6.

64 At least five women charged with infanticide in the Rhône between 1904 and 1926 claimed they had planned to go to a public hospital’s maternity ward to deliver their baby, but were, for a variety of reasons, unable to do so.
A lack of available resources also played a role in some reproductive crimes. For women who could not go to Paris or another large city to hide their pregnancies, the options for governmental support dwindled. Women outside of large cities often did not know about the resources available to them, were not eligible to receive many forms of aid (this was especially the case for farming women), or could not travel to reach hospitals or *maisons maternelles*. There were also fewer hospices, maternity wards, and medical professionals available to help such women in smaller towns and rural areas. For example, in 1896 there were 106 doctors in the department of the Rhône, but most of these were concentrated in Lyon and its suburbs. Six rural cantons with a combined population of 76,620 had only eleven doctors serving them. These discrepancies were gradually lessened with better transportation options (especially rural train routes and the introduction of automobiles) but expectant mothers in rural parts of France still had fewer choices than their urban counterparts, accounting, perhaps, for the persistence of infanticide in rural areas.

Most women charged with abortion and infanticide in Ille-et-Vilaine and the Rhône never made use of France’s developing public assistance programs. This was in part because the majority of the women who committed infanticide or had abortions, while poor, earned fairly steady wages and could support themselves without assistance under normal circumstances. It was, perhaps, in order to preserve this more secure position that so many women resorted to illegal means to deal with undesired pregnancies rather than making use of assistance programs for pregnant women. Although benefits

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improved for expectant mothers as the twentieth century progressed, women who bore children still usually earned less money on maternity leave than they would have if they kept working.

There were also specific reasons why both married and unmarried women might not want to take advantage of these programs in the event of an undesired pregnancy. First, a married woman may have objected to opening her home and life to the scrutiny of a *visiteuse*, or might have feared censure from family or community if she decided to legally abandon a child she could not afford to raise. As we shall see in the next chapter, abortion was socially acceptable for married women of the working class throughout the early twentieth century, and must have presented a much more attractive solution to undesired pregnancies than public aid programs. For single women, the essential problem was the lack of secrecy afforded by some forms of public assistance. The development of *maisons maternelles* after World War I was an important step towards convincing some young unmarried women to carry their pregnancies to term because they could do so in secret, but, as we shall see, the increased availability and safety of abortion during the same time period proved a stronger temptation for many women afraid of being labeled a “fille-mère.”

Women in France in the late nineteenth- and early twentieth-century could watch the welfare state slowly being crafted, but the extent to which they could use it depended largely upon where, and when, a woman became pregnant. By the interwar era major cities, such as Paris and Lyon, boasted extensive webs of private and public charitable programs designed to aid pregnant women—both married and single—during their
confinement. Beyond the major urban areas, though, aid programs were much sparser and even access to a properly-trained doctor was not always readily-available. Under these circumstances it is unsurprising that many women sought extralegal solutions to their undesired pregnancies.
In 1901, when Jeanne Marie Blandel was twenty-seven years old, her world fell apart. Like so many daughters of impoverished farmers in her native Brittany at the turn of the twentieth century, Jeanne Marie left her parent’s home to earn cash as an agricultural laborer on a more prosperous farm. There were few other choices for a girl like her who was illiterate and possessed no dowry to speak of. After working on several other farms, she was hired by Anne Marie Souffleux in June 1899. By the following March, Jeanne Marie believed she had discovered more than a source of wages on Madame Souffleux’s farm; she had become the mistress of her employer’s son, Julien, and hoped to become his wife. When Jeanne Marie realized she was pregnant with Julien’s child she asked him to marry her, but he refused. “He told me that he would give me medicines to get rid of my baby,” Jeanne Marie said. “It’s true that every morning for the last month he has given me drugs in a bowl of cider …which have certainly induced miscarriages [sic] since the baby hasn’t moved in my womb for at least a week.”¹ The

¹ Archives Départementales d’Ille-et-Vilaine (henceforth ADIV) 2U4/1107 (1901), dossier Blandel & Souffleux, infanticide et tentative d’avortement. Rapport de la gendarmerie nationale, brigade de Bain, 10 juillet 1901.
drug Julien gave his mistress turned out to be a medication for livestock, and police later learned that he also attempted to induce an abortion by exerting violent pressure on Jeanne Marie’s abdomen, and by giving her common purgatives.\(^2\) These efforts, however, failed to provoke an abortion.

Early on July 9, 1901 Jeanne Marie went to work at the washhouse, but almost immediately felt “violent pains,” and had to return home. Later, feeling “very sick,” she went out to a buckwheat field. There, under the shade of an apple tree, with Julien Souffleux by her side, she gave birth to a baby girl. Initially she told the police that the infant was stillborn, but under further interrogation she admitted that it had moved and cried. “Squeeze its neck quick so no one hears it!” Souffleux ordered his mistress, and, Jeanne Marie testified, “Unfortunately that is what I did.”\(^3\) Both lovers were convicted and given hard labor sentences.\(^4\)

Jeanne Marie Blandel’s story was all too common at the turn of the twentieth century and is remarkable primarily because her lover knew of a potentially effective abortifacient. During the Third Republic French women like Jeanne Marie Blandel never possessed means to control their fertility that were at once safe, reliable, and legal.\(^5\) As we saw in Chapter One, prior to the First World War many rural women, domestic

\(^2\) Ibid., Acte d’accusation.

\(^3\) Ibid., Rapport de la gendarmerie nationale, 11 juillet 1901.

\(^4\) ADIV 2U 272, Rôles de la cour d’assises.

\(^5\) Contraception (with the exception of male condoms, which were considered essential in the fight against venereal disease) was banned by the July 31, 1920 Ignace Law. Since contraceptive devices were illegal, early withdrawal was the most common form of birth control (and was widely practiced), with illegal abortion as the common back-up method. See Angus McLaren, *Sexuality and Social Order*, especially chapters one and nine.
servants, and women workers felt compelled by social expectations, economic pressures, and a lack of support structures for expectant and new mothers to commit infanticide. Yet after a brief spike after the First World War, the number of infanticides in France fell steadily beginning in the 1930s, due in part to important changes in public welfare structures during the late nineteenth and early twentieth century. As the last chapter demonstrated, by the interwar era a number of government and private programs helped many poor women survive financially during pregnancy and helped them pay wet nurses after their babies were born, reducing the number of women who felt compelled to kill or abandon their infants for economic reasons. Additionally, attitudes towards unwed mothers, while remaining negative, softened somewhat in the face of wartime experiences and the threat of depopulation. This chapter turns to what many women decided was their best option when facing an undesired pregnancy: abortion.

Abortion had been practiced by women desperate to terminate pregnancies for thousands of years, but changes in the twentieth century made it a more accessible and attractive alternative to giving birth to an undesired child. This chapter examines the transformation of abortion into an increasingly employed and accepted (if still illegal) part of French reproductive culture. Three important factors contributed to the development of abortion as a viable and attractive choice for pregnant women who did not want a child. First, the typical age and marital status of women who had abortions shifted. In addition to married women, who had long relied on abortion for family

6 See Chapter Six for more on public perceptions of unwed mothers and of women who committed infanticide or had abortions.

planning, increasing numbers of unmarried women sought abortions, and the average age of women who terminated their pregnancies dropped. As the demographics of women seeking abortions changed, the ways in which they accessed abortions shifted as well. Women who had relied on informal networks of women for information about abortion and abortionists could turn, by the 1920s, to coded newspaper ads and widespread common knowledge. The second factor that contributed to abortion’s ascension in the pantheon of reproductive choices was the remarkable continuity of the French public’s acceptance of abortion as a reasonable and justifiable action. Even in the face of strong governmental and religious pressure to condemn abortion and the women who had them, the French public in general did not sway in its understanding of abortion as morally-neutral and necessary (if unfortunate) part of women’s reproductive lives. The final and arguably most important factor in the growing importance of abortion in France was the professionalization of abortion. Amateur abortionists with no medical training were largely replaced during the interwar period with doctors and midwives who provided safer and more effective abortions. This shift in the training of those performing abortions brought with it changes in the techniques abortionists used, making abortion less perilous. In combination, these three factors shaped the way women experienced undesired pregnancies and abortion prior to World War II. The combination of changing accessibility of abortion, continuing tolerance by the public, and increasing professionalization meant that by the time Jeanne Marie Blandel’s daughters or granddaughters (if she had any) became sexually-active they would have had much easier access to abortion, and the procedure, though still dangerous, would have been much
safer. They also laid the foundation of public support for abortion rights that would lead, generations later, to the legalization of early-term abortions by the Veil Law in 1975.\(^8\)

**Marital Status and Abortion**

Abortion was illegal in France throughout the period under study, so women who chose to terminate their pregnancies assumed certain legal risks, in addition to the physical dangers they braved.\(^9\) Who were these women and why were they willing to risk their lives and liberty to terminate their pregnancies? How did they differ from women who committed infanticide or used public assistance programs to help them give birth and raise their child? The experience of abortion varied enormously based on a woman’s socio-economic and marital status.

Abortion traditionally had helped poor married women regulate their family size. Abortion was necessary in France in part because the government did not allow other forms of birth control. For legal and economic reasons, French couples of all classes wished to—in many cases felt obligated to—limit the number of children they bore. This was particularly the case for small landholders because French inheritance law mandated that all property be equally divided amongst all of a couple’s children. This meant an end

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\(^9\) Abortion was outlawed by Article 317 of the French penal code. Abortion was not legal in case of rape. This became politically sensitive when women near the German border became pregnant with “Boche” babies resulting from rapes by German soldiers during the German invasion of Eastern France at the beginning of World War I. See Stéphane Audoin-Rouzeau, *L’Enfant de l’ennemi, 1914-1918 : viol, avortement, infanticide pendant la Grande Guerre* (Paris: Aubier, 1995). Doctors could perform abortions to save patients’ lives (this generally occurred in cases of botched abortions that were only partially completed).
to preference for the oldest son, but also meant that family farms could, over several generations, be carved up to small parcels incapable of producing enough to support a family. Many couples in cities chose to limit the number of children they had because they lacked space for more, or because the family could not afford to lose the wages of the mother while she gave birth to and nursed a new baby. Finally, as children became more important to the family, parents chose to have fewer children so that they could give more time, resources, and attention to each of their offspring.

At the same time that couples increasingly chose to limit their family size, natalists in the government cracked down on birth control advocates and worked to prevent couples from using contraception. In 1920 the legislature banned all contraceptives and information on contraceptive techniques. For many French couples, then, the only way to limit family size was to use rudimentary birth control (such as periodic abstinence or early withdrawal). Because these methods were unreliable, abortion was widely employed by married women as a backup method.

By the twentieth century, however, abortion was no longer primarily utilized by married women with families. The case files from Ille-et-Vilaine and the Rhône indicate that the shift in the marital status of women having abortions took place around the First World War. Married women continued to have abortions, but most women charged with the crime after the war were in fact unmarried. As more unmarried women lived in urban areas or were able to travel more freely, they increasingly chose abortion as an alternative

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10 The Ignace Law of July 31, 1920 modified Article 317 of the Penal Code to punish not only those who practiced abortions, but also those who shared information about it or about contraceptives.

11 McLaren, Sexuality and Social Order, 16, 136-137.
to giving birth to undesired children, thus avoiding the mortifying label “fille-mère” (girl-mother) assigned to women who gave birth outside the bonds of marriage. This increase in abortions among single women also coincides with the long-term decline of infanticide as, presumably, some women who might have killed their newborns were instead able to terminate their pregnancies.

Class Differences

A woman’s socio-economic class played an important role in determining whether she would need an abortion, and under what conditions the procedure would take place. Popular opinion held that wealthier women could easily access reliable birth control and, if that failed, safe abortions. In a 1909 article economist Charles Gide cited a letter he received from an anonymous working class woman frustrated with the discrepancy of sexual knowledge between classes.

Our poor working class mothers are terrified to see their number of children grow unceasingly. They cannot raise them. [They] often lose half of them and the ones who remain are sickly and puny. They are physically and mentally exhausted. The great majority are ignorant of the means [to avoid pregnancy] used for a long time, it seems, by the wealthy… Unfortunately what they do all too often is attempt to terminate the beginnings of a pregnancy. In this way they spoil their health…

According to this author working class women were driven to have abortions (“terminate the beginnings of a pregnancy”) because they lacked the means to prevent

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12 Charles Gide, “Le Dépeuplement de la France. Y a-t-il quelque remède à la dépopulation de la France?” La Revue Hebdomadaire 18 t. 5 (mai 1909), 143 note 1. Gide assumed the author was a “femme du people” because of the poor handwriting and spelling of the letter.
conception—means which were accessible to the bourgeoisie.\textsuperscript{13} Natalists and Neo-Malthusians alike claimed that women of all classes sought abortions, but the women who were charged with abortion in Ille-et-Vilaine and the Rhône were overwhelmingly from the lower strata of French society. Most of the women charged with abortion or infanticide were domestic servants or farm workers and only one—the wife of an industrialist who was suffering a financial crisis—was a member of the privileged middle or upper-middle class. This discrepancy does not indicate that wealthy women never became pregnant unintentionally or had abortions, but rather reflects the deep inequalities present in most aspects of Third Republic France—including access to medical care and the likelihood of facing charges for reproductive crimes.

Upper and middle-class women were shielded in several ways from the reproductive dangers poor women faced. First, a young unmarried woman from the bourgeoisie would have been less likely than her less affluent counterparts to become pregnant outside the bonds of marriage because her parents would have possessed the means to maintain stricter surveillance and control over her daily activities and provide greater protection from physical (including sexual) danger. In wealthy families reliance on chaperones did not decline until World War I. By contrast, in the late nineteenth century young women from poor families frequently left their families while in their early teens, working in cities as domestic servants or factory workers and in the countryside as farm hands. Without parental protection and censure such young women were considerably more vulnerable to seduction or rape.

\textsuperscript{13} The women having abortions, it is implied, were married women, not sexually active single women.
A second reason why wealthier women were less likely to be charged with abortion was that, even when sexually active, they had better means to avoid becoming pregnant. Married women of the upper classes had long been supposed to possess greater knowledge of and access to contraceptives than poorer women.\textsuperscript{14} Natalist Paul Bureau complained in 1913, “[T]he people know that Malthusian practices are commonly adopted in certain bourgeois milieux, in the richest milieux, the most comfortable, even in the governmental milieux.”\textsuperscript{15}

Abortion prosecutions were also more frequent among working class women because they were more likely to suffer economically from an unplanned pregnancy. A pregnancy could be catastrophic for a working class woman whether she was married or not. Middle and upper-middle class women did not need to work outside their homes in order to feed themselves and their families as poorer women did, greatly reducing the economic dangers a pregnancy posed to them. Since daily chores in wealthier households were generally carried out by servants, a long confinement would not have the same disastrous results for them as for working class households. The physical dangers of pregnancy, while still very real, were lessened for affluent women whose families could afford the best care for them during childbirth and its aftermath. Wealthier women almost certainly had recourse to abortion under more favorable conditions than

\textsuperscript{14} This idea, widely repeated by natalists and Neo-Malthusians alike, is not supported by Bonnie Smith’s study of bourgeois women in the Nord. Smith found that nineteenth century bourgeois women were very poorly informed about reproduction and sexuality. Bonnie G. Smith, \textit{Ladies of the Leisure Class: The Bourgeoises of Northern France in the Nineteenth Century} (Princeton: Princeton University Press, 1981, 82-84.

poor women. Women with means could turn to a discrete physician for an abortion performed in relative safety and in the sanitary conditions of a private clinic. While the existence of such clinics was well-known to the public, the doctors who ran them and their wealthy patients almost never faced criminal prosecution.

**Accessing Abortion**

Wealthy women could pay for the comfort and security of a private clinic, but how did ordinary working class women access abortions? How, in an era of repressive laws against abortion, did working-class women find competent abortionists?

Prior to 1920 most abortionists in Ille-et-Vilaine and the Rhône were amateurs and relied on already existing networks of women, connected by friendship, a shared neighborhood, or common workplace, to find clients. By the 1920s, abortion had become a profitable business, at least in major cities, and abortionists tried new methods to compete with one another to attract the attention of potential clients. Doctors and midwives could make much more money performing abortions than they could in most legitimate practices, so it was in their best interest to find as many clients as possible. As we shall see, by the interwar era several abortionists employed modern advertising methods, such as newspaper advertisements, to spread word of their services instead of relying on more traditional informal networks of women.

Women’s informal networks based on acquaintance were the most common means of spreading word of an abortionist’s services early in the century. In 1907 Anne

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16 This follows a trend present in Paris as early as the turn of the century.
F., a midwife in Lyon, used well-placed acquaintances to spread word of her expertise and send customers to her. A fortune teller was one of these “helpers”.

“Miss B… took Miss N. to a fortune teller, Madame G…, thinking that this woman would herself proceed with the abortion. [But she] merely gave Miss N. one of her cards on the back of which she wrote the address of [Anne F.], midwife, recently established at 1 rue Tupin.”

The reliance on such helpers was fairly common among abortionists, especially those who did not practice professions that justified the presence of unfamiliar women in their homes. In the case of Miss N., she told her friend Miss B. that she was pregnant. Miss B., we must assume, asked one or more other people where a woman could go if she wanted to end a pregnancy. One of these people sent Miss B. to the fortune teller, who gave Miss N. Anne F’s card.

Such networks based on acquaintance and proximity rather than ties of kinship were a product of rapid urbanization and served many purposes in addition to helping women find abortions. Women in cities and towns who had moved away from the more traditional support of family members frequently relied upon such networks for child care, finding lodging, and finding work. Leslie Page Moch and Rachel Fuchs’ discussion of poor women’s networks in nineteenth-century Paris shows how workers who migrated to Paris from other parts of France relied upon networks of other women in similar situations to survive. According to Moch and Fuchs, networks served a myriad of

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17 ADR 2U 732, Marie Madeleine N. and Anne Josephine F., abortion, 27 November 1907, Acte d’accusation.

18 Ibid.
purposes, including helping to spread forbidden knowledge about abortion.¹⁹ Elinor Accampo argues that women’s networks came into being specifically “because women so systematically lacked power.”²⁰ The networks represented a way for women to take some power into their own hands—and there is no more obvious example of this struggle for power amid powerlessness than in the case of women’s abortion networks.

An abortion network was essentially a grouping of people which served to direct women facing unexpected or unwanted pregnancies to an abortionist or to transmit knowledge of techniques of abortion or birth control. Abortion networks were exceedingly fluid and varied, but shared several basic characteristics. Abortion networks always centered around one or more abortionist(s). The women who were their clients, women with heartbreaking stories of poverty and desperation, were on the periphery, and might not even be consciously aware of the network’s existence. Networks were generally made up exclusively of women and drew upon a sense of female solidarity in the face of women’s legal powerlessness.

Many of the networks that appear in the court records of Ille-et-Vilaine and the Rhône were fairly simple in structure. One network in Rennes surrounded a qualified midwife, Marie Q. Her network should have been fairly secure from the prying eyes of the law, since all of the members of the network were “respectable” married women who ought to have been above suspicion. All of the women upon whom Marie Q. was


accused of performing abortions had called her into their homes for other reasons, and she had personal relationships with them. She had nursed one woman’s sister during her fatal bout with cancer, had assisted several with their previous births, and had come by to apply some leeches to another whose period had stopped.\textsuperscript{21} The ease with which women such as Marie Q. were able to spread word to customers that they had only to ask to be saved from an unwanted pregnancy, is one of the reasons midwives were viewed with such suspicion by natalist activists. Midwives such as Marie Q. and Anne F. held a privileged position from which they could approach women without incurring suspicion, and in which they could keep secrets even from a woman’s husband. A servant remembered that when Marie Q. assisted her 45-year-old mistress with the delivery of her fifth child, the midwife told her, “if she got pregnant again, she had only to call upon her, she would get rid of it.” Using her professional access to the privacy of women’s homes and her own discretion in choosing when and to whom she would broach the subject of abortion, Marie Q. spread word of her willingness to terminate pregnancies in a way that was relatively safe and limited the number of people who knew her secret. Marie Q.’s network was comprised entirely of adult women of the same class and reputation, which helped minimize her vulnerability to prosecution.\textsuperscript{22}

Madame D., a slipper-maker in a factory in Fougères, a city about forty kilometers northeast of Rennes, was at the center of a similarly structured network when

\textsuperscript{21} Although saying a woman’s period had stopped was frequently code for a suspected pregnancy, dietary deficiencies among working class women in France could also lead to missed periods.

\textsuperscript{22} ADIV 2U4 1178 (liasse), Marie Félicité C. et al, abortion, November 21, 1913. The youngest of her clients was 24; all the others were between 39 and 45.
she faced trial. The women in this network were also all married, but were poorer working class women who lacked the social standing of Marie Q.’s clients and thus were more vulnerable to police suspicion. All of the women upon whom Madame D. was accused of operating were also slipper-makers and it seems likely that the person who wrote the nearly-unintelligible anonymous letter denouncing Madame D. to the Fougères prosecutor was another slipper-maker. All the slipper-makers in the town seemed to know that Madame D. had learned from her lover how to induce abortions, and that one had only to let her know if there was an unexpected pregnancy; she would take care of it. Although this network was fairly simple in structure, it was unique in the means by which the abortionist, Madame D., attracted new clients. She employed a word-of-mouth system, in which word of her skill spread from women she had already helped to their friends and coworkers. The fact that Madame D. did not have the same professional access to women’s intimate lives, and the lower level of education among her clients made an oral system both necessary and practical. The word-of-mouth system of advertisement meant that unlike Marie Q., Madame D. could expand her network beyond just her immediate circle of acquaintances. On the other hand, since word-of-mouth made her illegal activities common knowledge among the slipper-makers of Fougères, Madame D.’s network was potentially more vulnerable to police scrutiny.  

A more complex network centered around Widow L., a cleaning woman and reputed alcoholic who went to trial for involuntary homicide after a botched abortion in 1912. Her network branched out through helpers like Albertine G., a dressmaker who

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23 ADIV 2U4 1140 (liasse), Eugénie D. et al, abortion, September 5, 1907.
had herself been a client of Widow L.’s, to reach clients outside the abortionist’s own
circle of friends and acquaintances. This network allowed women who did not personally
know the abortionist, and who might not even live in the same city, to access Widow L.’s
specialized knowledge. Although she was not a midwife, Widow L. was able to devise a
system that both explained the presence of unfamiliar women in her house and allowed
her to get business from outside her local area. Albertine sent women from the small city
of Dinan, where she resided, to L.’s home in Rennes on what seems to have been a fairly
regular basis, and was paid for her efforts. It is likely that other past clients who lived in
Dinan or elsewhere may also have received money or presents for sending their friends or
neighbors to Rennes to be “fixed up.” From the outside everything about Widow L.’s
taking poor girls in for short stays seemed above-board, even charitable. The women or
girls would come to Rennes on the pretext of searching for employment, would undergo
the abortion, and, when they were recovered enough to travel, would return to their
homes. Widow L. thus relied upon the fairly new fluidity of movement for young
working-class women, as well as upon France’s regional rail network, to bring her
customers. Surprisingly, since she was illiterate, as were Albertine and many of her
customers, Widow L. also relied heavily upon the French postal service. Police searching
Widow L.’s home found a large collection of letters from women she had helped, letters
which Widow L. had her neighbor’s young daughter read aloud to her.24

Female networks played an essential role in facilitating women’s access to
abortions. Yet these networks seem to have been a temporary part of France’s transition

24 ADIV 2U4 1175, Thérèse Marie A., attempted abortion and negligent homicide, May 15, 1913.
to urbanization; by the 1920s and 1930s, larger percentages of abortionists were medical professionals and pregnant women were less reliant on networks to locate abortionists. The easiest of these was looking in the daily newspaper. One famous Lyonnais abortionist, Anne F., for example, used straightforward advertising to spread word of her special skills. On the same day that the Lyon Républicain gravely announced to its readers that “A Serous Abortion Case Has Just Been Discovered,” in response to this midwife’s 1925 arrest, readers could also find the small advertisement shown in Figure 1 in the newspaper:

![Abortionist's Newspaper Advertisement](image)

**Figure 4: Abortionist’s Newspaper Advertisement.** “1st Class MIDWIFE, accepts pensioners at any stage [of pregnancy]. Consultations every day. Will take charge of the child. Discretion.” Anne F.’s newspaper ad from Lyon Républicain, 29 March 1925. An identical ad ran in Lyon’s other daily newspaper, Le Progrès, on 25 November 1924.

This was the way that many women found their way to the abortionist’s door on the rue Tupin. On the surface, no illegal activities seem to be promised in this ad—it simply offered a solution to women who were pregnant but wished to hide that fact from their friends and families. Historian Angus McLaren has argued, however, that such ads were
actually thinly-coded messages to women that abortion services were available upon demand.\textsuperscript{25} Some ads specifically mentioned that they would help with “menstrual problems” while others, like the ad above, mentioned that they would take patients at “all periods [of the pregnancy].” Not only would the midwife help an unmarried woman give birth in secret and take the child to Enfants Assistés in the mother’s stead, but she would also help to terminate an undesired pregnancy.\textsuperscript{26} The above advertisement was no more explicit than those of the abortionist’s competitors, four of whom also advertised in the same edition of \textit{Lyon Républicain}.\textsuperscript{27} Although the ads in \textit{Le Progrès} and \textit{Lyon Républicain} did not clearly spell out the full array of services offered in the abortionist’s clinic, several of her clients told police that they found the midwife through her newspaper advertisement and understood from the ad that abortion was one of the services available.

\textbf{Abortion and Morality}

Abortion grew in importance in France in part because of its continued acceptance by most French people as necessary and morally-neutral. Even when bombarded by an

\textsuperscript{25} Police certainly could read such advertisements as easily as women searching for abortionists, but as we shall see in the next chapter, they rarely took the initiative to seek out abortionists for investigation. McLaren, \textit{Sexuality and Social Order}, 142-143. McLaren discusses the prevalence of such advertisements in Paris at the turn of the century; however they seem to have been popular in smaller cities following World War I.

\textsuperscript{26} Such clues were not always infallible—some of the women in Lyon, especially, went to an unwilling midwife before they found one amenable to performing abortions.

\textsuperscript{27} Ibid. At least one, Marie Emma D., was also convicted for abortion, and was the midwife whom Anne F. was accused of helping in 1939. See ADR Ucor 1024, Marie Emma D. et al, abortion, 31 July 1939, REQUISITOIRE, 5 July 1939.
organized natalist campaign that stressed the importance of saving innocent lives for the
good of the nation and when instructed by the Catholic Church that abortion was akin to
murder, the French public remained largely unmoved by any concern about the morality
of doing away with a fetus. Women who had abortions sometimes expressed concern for
their spiritual well-being in addition to their physical health, but in general it was sexual
activity leading to the abortion that was understood to be the sin, not the termination of a
pregnancy itself.

Not everyone agreed, however. In a 1939 pamphlet entitled, Le Massacre des
Innocents (The Massacre of the Innocents), French natalist activist Fernand Boverat
informed the French public that, “Abortion is murder.”28 In a strictly legal sense Boverat
was incorrect: After 1923, abortion in France was in fact a misdemeanor while murder
was a felony. This distinction, however, owed more to lawmakers’ desire to take
abortion cases out of the hands of overly-lenient juries than their belief that it was not a
serious crime.29 More revealing of abortion’s real status in France was the Ministry of
Justice’s official classification of it as a “moral crime” whereas murder, including
infanticide, was a “crime against a person.”30 Although abortion was wrong according to
the French justice system, legally it had no specific victim. Boverat disagreed with this
definition of abortion and strove instead to portray the act of intentionally inducing a

28 Fernand Boverat, Le Massacre des Innocents (Paris: Editions de l’Alliance Nationale contre la
Dépopulation, 1939), 2. Emphasis his.

29 A 1923 law “correctionalized” abortion, reducing maximum penalties in order to send it to 3-judge
panels rather than the lenient juries of the Assizes courts.

30 Compte Général de l’administration de la justice criminelle pour l’année 1900. France—Algérie—
Tunisie. Paris, Imprimerie Nationale (1902). These classifications are repeated in subsequent editions of
the Compte Général throughout the period under study.
miscarriage as one of the most heinous sins imaginable. A fetus, he wrote, has “all the characteristics of a living being…of the human race.” He therefore believed abortion was “a form, scarcely mitigated, of infanticide and thus of murder.”  He further argued that the fetus had more right to live than other humans. “The younger a being is, the more criminal it is to take its life…. What should we think of the mother who kills…the tiny being that she created? How could we think of her as anything other than a murderer?”

Boverat doubtlessly enjoyed support in his condemnation of abortion as the murder of the most innocent of creatures from fellow natalists, the Catholic Church, and from influential lawmakers who would pass ever-more restrictive anti-abortion and anti-contraception laws as the twentieth century progressed. However Boverat’s characterization of abortion did not carry much weight with the French population as a whole.

Many witnesses and defendants understood abortion to be a normal, if somewhat unfortunate, part of life. Even people who opposed specific instances of abortion usually located the crime in the suffering of the pregnant woman after the procedure went wrong, or the greed of the abortionist, rather than in the destruction of the fetus. In fact, representations like Boverat’s of the fetus as a living human being with the right to be born are almost entirely absent from the cases I have studied. Much more common were depictions of the bodily secretions that followed an abortion as “lumps of blood” and

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31 Boverat, 2.

32 Ibid., 2-8.
“bits of meat,” and condemnations of the illicit sexual acts that made the abortion necessary in the first place.

Of twenty-three anonymous letters sent to mayors, police, and judges denouncing women for having or performing abortions over the course of this study, only seven mentioned concern for the “fetus,” “baby,” or “kid.” One person who wrote in 1923 did give priority to the unborn child, asking “Why kill an innocent [?] [I]t is a crime for a mother. We must punish the criminals.” Another letter sent from Guichen on June 11, 1914 informed police about the activities of a “well-known angel maker [faiseuse d’anges]…[who] has already killed ten kids this year.” A third wrote, “they do enough to help fille-mères so she (sic) don’t need to destroy their babies.” Such concern for unborn children was exceptional, however. Most of the letters instead demanded that officials investigate alleged abortions in order to punish women for promiscuity or other sexual misbehavior, or abortionists for selfishness. A few, particularly those sent immediately after World War I, mentioned the sacred duty of women to bear children for the fatherland, but these letters speak of potential children rather than giving value to extant fetuses. Ideas in these letters about who suffered because of abortion ranged from the young women who were injured or died following botched abortions to the nation which lost future soldiers and mothers, but generally did not include the fetus.

33 ADR 2U 801, Marie Rose S. and Marius B., abortion and complicity, January 26, 1923, Anonymous letter dated July 9, 1922.
Similarly, most of the women charged with abortion in Ille-et-Vilaine and the Rhône did not perceive their crime as one of killing a child, and they did not recognize the fetus as an unborn child. Timing was everything. For many who aborted during the first three or four months of pregnancy the tissue they expelled following an abortion simply bore no physical resemblance to an infant. As such, their act could easily be chalked up to “getting my period back,” unrelated to ending a human life. For example, a married woman with two children gave hardly a thought to the presence of a fetus when she underwent an abortion in 1939. Under police interrogation, she readily admitted to the abortion, but said, “I didn’t notice whether or not I expelled a fetus or unusually large blood clots.”

The evidence from Ille-et-Vilaine and the Rhône suggests that many people in France distinguished between a woman taking steps to restore her menstrual cycle and killing an unborn child based on the belief that a fetus was not formed and had no soul until the end of the first few months of gestation. This position had for centuries been supported by the Catholic Church. Prior to 1869 the Vatican classified abortion as homicide only if it took place after the fetus was formed and had received its soul, commonly dated from quickening—the moment fetal movements became apparent to the expectant mother. The Church’s policy changed in 1869 when Pope Pius IX stated that

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36 ADR Ucor 1024 (1939), #40bis, statement June 1939.

37 The fetus was officially “ensouled” after forty days, but popular beliefs aligned it with quickening.
all abortions were homicides and should be punished with excommunication. Pope Pius XI’s December 31, 1930 encyclical Casti connubi further clarified this position, stipulating that even therapeutic abortions performed to save a woman’s life were homicide. Thus the Church’s position during the early twentieth-century crystallized: the fetus, an innocent being, possessed an immortal soul from the moment of conception and took precedence over the pregnant woman because it was defenseless.

Although the power of the Catholic Church decreased significantly after the 1905 official separation of church and state, most French people remained at least nominally Catholic throughout the early twentieth century. Nonetheless, the Church’s change in doctrine did not lead to widespread changes in French perceptions of abortion. Even half a century after Casti Connubii, French women and men seem to have largely maintained earlier understandings of the first months of pregnancy as a period during which women could take measures to restore their menstrual cycles without moral consequences.

On the eve of the First World War a Breton woman arranged for an early-term abortion without ever acknowledging that the procedure was in fact an abortion. Madame N. went to visit a midwife in St-Aubin du Cormier after she had gone seven weeks without having her period. The midwife recommended the application of leeches

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39 In paragraph 64 of the encyclical Pius XI wrote of abortion, “As to the “medical and therapeutic indication” to which, using their own words, we have made reference, Venerable Brethren, however much we may pity the mother whose health and even life is gravely imperiled in the performance of the duty allotted to her by nature, nevertheless what could ever be a sufficient reason for excusing in any way the direct murder of the innocent?” Casti Connubii, December 31, 1930; (accessed June 12, 2007) available from http://www.vatican.va/holy_father/pius_xi/encyclicals/index.htm.
to bring back her menstrual cycle, but warned Madame N. that “that is not very effective.” Instead, the midwife proposed to “see if you haven’t got something on the inside.” The midwife announced, “You have a little lump of blood the size of an egg in your uterus, I’m going to pierce it with a needle for you.” Madame N. claimed that she had no idea she had been pregnant and said no one had mentioned an abortion. The presence of a fetus was of no concern to Madame N. or her midwife; they shared the primary goal of restoring menstrual flow. The fact that the midwife charged only four francs for the procedure while abortions could cost hundreds of francs is further evidence that neither she nor her patient thought of this early-term intervention as an actual abortion.

A slipper-maker and abortionist in Fougères similarly believed that the level of development of the fetus made a great deal of difference for the moral (and legal) consequences of abortion. Defending herself against abortion charges, after one of her codefendants told police the fetus she expelled was “well-developed” and “a boy,” Madame E. retorted, “…despite what [that woman] said, it was not well-developed. It was a shapeless piece of meat.” Madame E.’s use of the word “shapeless” (informe) is probably a direct reference to earlier Catholic beliefs about the fetus taking form at the moment it received its soul. “Meat,” too, conjured images of lifeless carrion, not a living being. Madame E. wanted the police to understand that she did not kill fetuses, but merely helped women with the morally-neutral task of reestablishing regular menstrual

40 ADIV 2U4 1178, statement 27 June, 1913.

41 ADIV 2U 4 1140 (1907).
flow. Similarly, a street sweeper in Rennes called the material she expelled following an abortion in 1922, “a bloody lump” and denied charges that she had murdered a viable child.\(^{42}\)

As late as 1939 the belief that getting one’s period back during the first few months of pregnancy was a reasonable and morally-neutral action still enjoyed widespread public, if not legal, acceptance. During a crackdown that year on women who self-aborted, suspects continued to defend themselves by denying the presence of a fetus. One woman said that her actions “brought a few clots of blood; then her period returned to normal.”\(^{43}\) Another told the medical examiner that she had expelled a blood clot “the size of a peach,” but no fetus.\(^{44}\) A year later when Irène C. faced abortion charges she denied having expelled a fetus, or even knowing what a fetus looked like. “…I remember seeing a big blood clot,” she told police. “As to whether it was a fetus, I couldn’t say seeing as I don’t know what that is, I mean to say, what it’s like.”\(^{45}\) This idea that a fetus was nothing but a blood clot was widespread, despite the efforts by the Church and natalists to humanize fetuses. A married woman who performed her own abortion in Lyon in 1939 described her fetus as “a clot of blood the size of an egg.”\(^{46}\)

\(^{42}\) ADIV 2U 4 1212 (1922).

\(^{43}\) ADR Ucor 1029 (1939), Réquisitoire.

\(^{44}\) ADR Ucor 1032 (1939), Rapport médical.

\(^{45}\) Ucor 1038 (1940), Rapport du médecin-expert, 29 février 1940.

\(^{46}\) ADR Ucor 1029, #3 Proces-Verbal No. 3665, August 10, 1939.
The physical descriptions women gave police of the products of an abortion—“bits of meat” and “lumps of blood”—emphasized understandings of human reproduction and Christian beliefs, neither of which were fully up-to-date. Even individuals who possessed better education and firmer knowledge of recent scientific discoveries found the traditional understanding of quickening a useful shield when confronted with hostile state authorities. Anne F., a midwife who clearly did have up-to-date knowledge of scientific models of human reproduction, nevertheless maintained the discourse of restoring delayed menstruation. When questioned in 1939, she described to police the act of detaching the fetus during an abortion, using terms that stressed the inanimate nature of the fetus. “Most times,” she told police, “it is a month-and-a-half or two-month fetus that consists of blood clots that I detach [with a curette].” With very few exceptions, women and men in the Rhône and Ille-et-Vilaine rejected Boverat’s belief that abortion was akin to infanticide.

Professionalization of Abortion

Arguably the most significant factor in abortion’s growing importance during the Third Republic was the increased availability of abortions performed by people with at least some medical training. Abortion remained dangerous and illegal, but once practitioners assumed at least a veneer of professionalism, more women found abortion to be a realistic option. The professionalization of abortion occurred along with urbanization and modernization, but the widespread disruption of social and familial

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47 ADR Ucor 1024, #47, 1er interrogatoire.
patterns caused by the First World War serves as a useful dividing point. Generally speaking, prior to 1914 abortion was a secretive practice typically carried out in bedrooms, kitchens, and stairwells by amateur abortionists with no medical training using methods ranging from dispensing purgatives and other liquids to inserting sharpened sticks or knitting needles into the cervix. Many single young women left their homes to earn wages during the First World War and, it seems, many of them who were not already informed learned about abortion from coworkers and friends. Following the war abortion became more visible (particularly in newspaper advertisements that used code words to announce abortion services), more frequent, and more often performed by people with medical training. These changes seem to follow the social upheaval of the 1920s that saw new job opportunities for women, new courting practices, and new attitudes towards pre-marital and extra-marital sex, but may also be related to a healthy respect for the dangers of infection and injury learned from the experience of war.

One midwife’s numerous encounters with the judicial system in Lyon illustrate the movement towards professionalization during the first four decades of the twentieth century. Anne F. was twenty-five years old and had only recently qualified as a certified midwife in 1907 when she received her first conviction from the Cour d’Assises du Rhône for performing an abortion. She was charged with a single act of abortion, performed, she said, only when a pregnant young woman begged her for her help and threatened to kill herself rather than allow her family to learn of her pregnancy. She told

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48 Many may also have read about suggestions to legalize abortion that were circulated in 1915 after some French women were raped by invading German soldiers. See Stéphane Audoin-Rouzeau, *L’Enfant de l’ennemi, 1914-1918: viol, avortement, infanticide pendant la Grande Guerre*, (Paris: Aubier, 1995).
prosecutors, “I don’t usually do such things. It is the only time that I’ve committed such a crime.”

In many respects Anne F.’s initial appearance in the judicial files of the department of the Rhône was typical of abortion cases prior to World War I: it involved an isolated incident, both the abortionist and her patient begged forgiveness and swore they had learned their lesson, and the jury and court chose to be lenient. Anne F. was sentenced to five years prison, but because it was a first offense, and because the information gathered on her “behavior and morality” was favorable, her sentence was suspended; Marie Madeleine N., the young nurse who had the abortion, was acquitted despite having confessed.

Although her first brush with the law was typical, her career as a whole would be far from it. As the most notable of only five “repeat offenders” in forty years of abortion case files from the Rhône or Ille-et-Vilaine, the ups and downs in Anne F.’s career highlight the changes taking place in the way abortion was viewed, the way it was carried out, the way it was investigated and punished, and the level of demand for abortions throughout the first four decades of the twentieth century. The 1907 trial for abortion was the first of five Anne F. would endure during her career as a midwife and the best known abortionist in Lyon.

ADR 2U 732, Marie Madeleine N. and Anne Josphine F., abortion, 27 November 1907, 1er interrogatoire, 2 October 1907. “Je ne suis pas coutumière de pareils actes. C’est la seule fois que j’ai commis ce crime.”

ADR 2U 732, Marie Madeleine N. and Anne Josphine F., abortion, 27 November 1907. Acte d’accusation. Anne F. had actually been convicted in a separate case about two weeks earlier for illegally practicing pharmacy, but was only sentenced to a fine for this misdemeanor.
After leaving her husband and her career as a seamstress in 1904, she began two years’ study of midwifery, and had just been licensed when she was arrested in 1907. Over the next two decades, she built up a profitable business as a midwife and, presumably, abortionist. By the 1920s Anne F. had become a successful businesswoman who excelled in her chosen career.

In 1925 Anne F. presided over a clinic on rue Tupin in Lyon where she employed two other midwives, a nurse, and a housekeeper. She also owned an auxiliary maternity home managed by another employee in Parcieux, a small commune in the neighboring department of Ain. Two doctors regularly visited the clinic to help with difficult cases and perform surgeries when necessary. Her clinic provided a wide variety of gynecological services, from traditional aid during childbirth to treatments for venereal diseases and vaginal infections. The maternity home in the countryside was a for-profit version of the maisons maternelles. It allowed pregnant women to conceal their pregnancies in a safe and remote place, away from their families and employers. And, for women who could not be convinced to bear their children, Anne F. could provide abortions using safer and more effective techniques than most other abortionists in the area.

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52 The earliest alleged abortion in the 1925 case occurred in 1917 or 1918. ADR Ucor 950, Anne Jospehine F. et al., abortion, 27 March 1925, Rapport au sujet des déclarations verbales faites par la femme B…, Procès-verbal No 4, 28 Novembre, 1924.

53 Several women who were interviewed about their visits to Anne F.’s clinic complained that she had tricked them by taking a large sum of money (usually one-thousand francs) for an abortion, then merely treating them with cotton tampons (which, they did not immediately realize, could not provoke an abortion). Anne explained that she did this to try to convince women to carry their pregnancies to term—
able to afford an automobile), Anne F. claimed that she would charge only what a woman could afford to pay. She and her staff would demand between 1,000 and 4,000 francs for an abortion depending on the relative wealth of the woman. In several cases they charged less than 1,000 francs for poor women’s abortions.

Anne F. was very good at her job: even when she was under suspicion for numerous abortions in late 1924, one investigator noted (with some bewilderment) that, “This woman enjoys a rather good reputation in the medical world.”54 Prior to performing an abortion, she administered a vaginal injection containing antiseptic to ensure cleanliness, and while her technique was more difficult to perform than the procedure most abortionists employed, it was also less likely to fail. She came across as so professional and open about her work that one of her clients believed that Anne F.'s clinic was a special abortion clinic sanctioned by law.55 The clinic was very well-stocked, complete with operating table, surgical instruments, and bedrooms where several women could recover at once. In fact, her clinic was too well-stocked, leading investigators to add a charge of practicing medicine without a license to the abortion

she would keep the money as a deposit towards a stay in her maternity home and the cost of childbirth. If a woman kept coming back demanding an abortion, she would then use a more effective procedure. Anne F.’s motivation for this trickery may have been (as she claimed) a sincere desire to reduce the number of abortions, or (as some of her clients believed) to secure the higher fees associated with childbirth and postnatal care.

54 ADR Ucor 950, Anne Jospehine F. et al., abortion, 27 March 1925, Procès-verbal, Service de la Sûreté, September 28, 1924. “Cette femme jouit d’une assez bonne réputation dans le monde médical.” (Text was underlined in the file, with “?” written in the margin.)

55 ADR Ucor 950, Anne Jospehine F. et al., abortion, 27 March 1925, #73, procès-verbal de Clotilde V., 14 mai 1925. There were no legal abortion clinics in France in 1925.
charges she faced in 1925. After an investigation that lasted several months, required many hours of surveillance, and included hundreds of interviews, Anne F. was once again convicted of performing abortions in March of 1925. This time she was not treated leniently by the court: she was banned for life from practicing midwifery and sent to prison.

Things went downhill for Anne F. after this second conviction. After serving a four-year prison sentence following her 1925 trial, she was convicted of abortion for the third time in 1929 and a fourth time in 1930. For the 1929 conviction she received a five-year prison sentence, a 5,000 franc fine, and was banned from practicing her profession; the 1930 conviction added thee more years to her sentence. By the late 1930s when Anne F. was once again a free woman, the political tide had shifted against people who performed abortions. The center-right government that replaced Léon Blum’s Popular Front was enacting pro-family measures and harsher antiabortion laws, embarking on a path towards the paternalist family policy which would be realized during the Vichy regime. The fierce natalism, which during the Vichy regime would lead to the application of capital punishment for professional abortionists, had already led to a nation-wide crackdown on abortion by 1939. As part of this crackdown, local law enforcement officials were required to submit monthly updates on abortion

56 Anne Joséphine argued through her lawyer that the instruments were there for the doctors’ use, when they visited, and it seems that she did, indeed, regularly schedule appointments for her patients to see the doctors. ADR Ucor 950, Anne Joesphine F. et al., abortion, 27 March 1925, #109, « NOTE POUR LA DAME [F.], 7 October 1925.

57 3593 W 10, « Registre 600 », Répertoire du Tribunal de Lyon, 1929 ; and ADR Ucor 1024, Marie Emma D. et al, abortion 31 Julyl 1939, casier judiciaire for Anne Joséphine F.
investigations, arrests, and convictions. Anne F., now on parole and penniless, returned to midwifery despite being banned from the profession. No longer in a position to run a clinic or maternity home, she moved in with a woman rumored to run a *maison de rendez-vous* (a place where lovers could meet discretely) and began performing abortions using her landlady’s name. She was arrested again at the height of the government’s *chasse aux avorteurs* (abortionist hunt) in 1939. She faced two different trials on the eve of the Second World War, one for helping another midwife when an abortion went wrong, and one for possession of a controlled substance and the abortions she performed using her landlady’s name. For the first time in her life, Anne F. was acquitted of an abortion charge—for her role in helping the other midwife. But she was found guilty of the second charge and sentenced to eight years in prison, a 1000 franc fine, a five-year *interdiction de séjour* (banning a person from entering a specified place; in this case, Lyon), and another lifetime ban on practicing midwifery. From this point Anne F.’s trail disappears. It is likely, since she had been in poor health, that she did not survive her incarceration during World War II and the chaos of the postwar years.

Among the abortionists charged in Ille-et-Vilaine and the Rhône Anne F. is perhaps most notable for her professionalism. She used sanitary facilities, up-to-date methods, and relied on the assistance of other medical professionals and the intervention of medical doctors in her practice. In this she was emblematic of the most important changes in women’s reproductive options taking place in France during the early twentieth century—new and better methods of performing abortions and better qualified

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people performing them. Following the First World War, as medical professionals continued an effort begun in the nineteenth century to drive unlicensed quacks, traditional healers, and wise women out of business, some doctors and midwives simultaneously worked to professionalize the illegal but lucrative business of abortion. This also reflects the increasingly professional process of training and certifying midwives in France that gradually replaced women who learned their craft from their mothers with hospital-trained midwives with legal certifications. These changes were most evident in the highly-urbanized department of the Rhône, dominated by France’s third-largest city, Lyon. By the 1920s in the Rhône, amateur abortionists with no professional training seemed for the most part to have been replaced by women and men who were certified medical professionals. Of fourteen abortion cases that went to trial before the end of World War I half of the accused abortionists were amateurs. Of the sixteen cases for which the files have been preserved that followed the Armistice in 1918, ten involved an abortionist who was a professional midwife. If the number of cases implicating doctors (2) and nurses (2) and an herbalist are added to this number, only one case in more than two decades involved an abortionist with no medical training.59

59 For the sake of clarity, I have omitted cases of self-abortion in these statistics. During the abortion crackdown of 1938-1939, prosecutors in the Rhône charged at least five women with inducing their own abortions. See ADR Ucor 1038, 1033, 1032, and 1029.

This trend towards professionalization was not as marked in the department Ille-et-Vilaine, perhaps because it was a less urbanized department. It likely also reflects the fact that the doctors of Ille-et-Vilaine were less politically active and less energetic in their efforts to root out midwives performing abortions than their colleagues in the Rhône. At first glance, midwives seem an insignificant portion of abortionists in Ille-et-Vilaine both before and after World War I. Only thirty percent of abortion cases that went to trial in Ille-et-Vilaine before the end of World War I implicated midwives. The percentage of midwives among those charged with performing abortions actually dropped from 1918 to 1940, when only three out of eighteen cases included midwives. These percentages are misleading, however, because midwives were far more likely than untrained abortionists to have a large clientele and perform abortions frequently, but...
New Abortion Techniques

The movement towards professionalization was accompanied by a shift in the methods used to induce abortion. Abortion was an old technology that became increasingly important as the twentieth century progressed and as it was employed in better and safer ways. The early twentieth century marks a significant turning point in both the way abortion was practiced and in the competence of the people practicing it.  

Five major categories of abortion techniques were used. First, in following with the most traditional method of abortion, some women took a variety of herbs and medicines in attempts to terminate undesired pregnancies. Edward Shorter has argued that abortion had long been available to women who were determined to terminate their pregnancies, but because the herbs and drugs employed as abortifacients were sometimes deadly to the woman who took them, “abortion was confined to women who were desperate.” Shorter identifies ergot, rue, tansy, and savin as the four most frequently mentioned herbs taken to induce an abortion, although many others were used as well. Historian John M. Riddle similarly examines the herbs women used to control their fertility and induce abortion in pre-modern times, arguing that although many were effective, modern medical science tended to discount their efficacy. By 1900, Riddle argues, most of the

usually had a single trial for multiple abortion charges. Midwives also were more protected from police scrutiny than amateurs because they could find legitimate excuses for their clients’ visits.

60 Edward Shorter calls the period from 1880 to 1930, “The first abortion revolution,” explaining that during this period the number of abortions increased and the methods used moved from primarily medical (herbs and drugs) to primarily instrumental. See Edward Shorter, A History of Women’s Bodies (New York: Basic Books, 1982), 191-208.

61 Shorter, 177-178.

62 Ibid., 183-188.
knowledge of these drugs had faded. In Ille-et-Vilaine and the Rhône women charged with both abortion and infanticide frequently admitted to having tried to induce abortions themselves using purgatives such as *eau-de-vie allemande*, or by taking medicine such as quinine or aspirin. Because these drugs and herbs were non-surgical, many women hoped they would be safer than other methods of abortion. Most efforts to induce abortions with herbs and medicine by women in this study seem to have failed.

A second frequently unsuccessful method of abortion was violence. Like herbs, using violence to cause a miscarriage had a long history and was used by those who did not possess advanced medical training and who did not have access to an abortionist. Some men tried to make their lovers abort by applying heavy pressure or blows to the abdomen. This means of provoking an abortion was very difficult to prove in court, and only two men were tried in Ille-et-Vilaine and the Rhône from 1900-1940 for this type of abortion, although it is likely that close scrutiny of assault charges would reveal more instances of attempted abortion through violence.

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63 John M. Riddle, *Eve's Herbs: A History of Contraception and Abortion in the West* (Cambridge: Harvard University Press, 1997), especially chapters 6 and 7. Shorter found that the knowledge ceased to be passed from mothers to daughters in the 1930s (Shorter, 223).

64 ADIV 2U4 1107, Blandel and Souffleux, attempted abortion, infanticide, and complicity, 9 October 1901. Of course, the fact that the attempts to use quinine and purgatives to induce abortion failed in the cases in this study does not necessarily mean that all such attempts failed. In fact, the widespread belief that such medicines would work could indicate that some women were successful in using them to terminate their pregnancies. See Michael J. O’Dowd, *The History of Medications for Women* (New York: Parthenon Publishing Group, 2001), 229 and 382.

65 ADIV 2U4 1107, Blandel and Souffleux, attempted abortion, infanticide, and complicity, 9 October 1901 and ADR 2U 816, Alexandrine G., Albert P., Virginie G., and Henri E, infanticide, suppression d’enfant, complicité, and attempted abortion, 28 July 1925. Both of these men were tried for attempted abortion, since in both cases their efforts failed.
The most popular method among amateurs, and particularly prevalent among working class abortionists, was injecting liquid into the uterus in order to detach the fetus from the uterine lining. Shorter describes intrauterine injections as “par excellence, the accomplishment of nineteenth-century technology.”\(^66\) Abortionists used slightly modified douches or enema syringes to force liquid into the uterus, although without modification these tools did not work well. Abortionists usually added *savon de Marseille* (household soap), cooking salt, bleach, or iodine to the water, and generally heated or boiled it before injecting it into the uterus. Such maneuvers typically took place in the bedrooms, kitchens, and stairwells of working class homes—a far cry from the private clinics of the wealthy in terms of comfort, security, and sanitation. Dr. Perrin de la Touche, the director of the School of Medicine and Pharmacy in Rennes and the *médicin légiste* (forensic pathologist) for Ille-et-Vilaine, testified in 1913 that intrauterine injection was “one of the most efficient and most rapid methods to procure an abortion easily.”\(^67\) Because it was easy, it was frequently used by amateur abortionists and even by some midwives who performed abortions. The expulsion of the fetus would follow within a few days or even a few hours after the injection, and in many cases involved pain that resembled strong menstrual cramps, but few other complications. The danger, though, was infection, and abortionists who did not boil the water, did not sterilize their instruments, or did not maintain a clean environment could make a patient seriously ill or

\(^{66}\) Shorter, 199-203.

\(^{67}\) ADIV 2U4 1175: renseignements, dossiers de procédure, 15 May 1913, Cour d’Assises de Rennes
even kill them. The vast majority of the abortion cases in this study involved intrauterine injections.

Another older method favored both by amateur and professional abortionists involved piercing the “egg” with a long, sharp, pointed object, such as a medical probe, a knitting needle, or a crochet hook. Early in the twentieth century women with no medical training relied on knitting needles or, in at least one case, a sharpened stick to perform abortions.68 These were dangerous operations and when performed by clumsy abortionists frequently led to tears in the uterus and serious infections. Amateurs largely abandoned this method by World War I in favor of injections, but doctors and midwives employed a more sanitary and refined version of this method throughout the period under study, using flexible medical probes or catheters which had rubber-covered wires. These probes would be carefully inserted in the opening of the uterus and fixed in place with cotton batting or sanitary pads. Abortionists frequently told their patients to keep the probe in place until it came out on its own, at which time a miscarriage would follow. Even under sanitary conditions and performed by doctors or midwives, this remained a dangerous operation and was usually employed only after other methods failed to induce an abortion. Probes also posed material difficulties: they were not part of normal household medical supplies and thus must be procured from a pharmacist or herbalist. The most harrowing aspect of using this method for the pregnant woman was often obtaining a probe. Pharmacists were supposed to be on the lookout for people buying suspicious material, including probes, which could be used to induce abortions. Several

68 ADIV 2U4 1121, Lohat and Regeard, abortion, 3 August 1904.
women told of having been turned away or lectured by pharmacists before finding one willing to sell a probe, but many pharmacists did a brisk and discrete business in such supplies.\textsuperscript{69} This was the method Anne F. employed in the abortion for which she was convicted in 1907, although she abandoned this procedure in her later practice. Her patient was lucky in that this method caused her very little discomfort. “On Friday,” Miss N. told police, “during the day, I had cramps; I went up to my room and lay down and, without too much pain or too much blood, I expelled a fetus about 8 centimeters in length. My friends…took care of me.”\textsuperscript{70}

By the 1930s doctors and a few highly-trained midwives, including Anne F., also used curettes to scrape the fetus from the uterus.\textsuperscript{71} This method, essentially the same used today in Dilation and Curettage (D&C) abortions, required expert knowledge and the use of a speculum. Since it was rarely practiced by amateurs, it does not seem to have produced the same numbers of fatalities as the other methods. No abortionists who were not medical professionals were charged with performing this type of abortion in Ille-et-Vilaine or the Rhône, and such abortions seem to have been rare.

\textsuperscript{69} Just as some midwives developed a reputation for helping women get rid of unwanted pregnancies, certain pharmacists in Lyon and Rennes were frequently mentioned by abortion defendants as being willing to provide the necessary equipment (from probes to speculums) for abortions to people with no medical credentials. One pharmacy in Rennes was linked to four different cases (ADIV 2U4 1182, 2U4 1212, 2U4 1213, and 3U4 7250), including at least ten separate abortions. In another case a pharmacist testified that while his former assistant, who was charged with having an abortion, had been employed with his pharmacy an unusually high number of probes had been sold. (ADIV 3U4 7363, abortion, 1929).

\textsuperscript{70} ADR 2U 732, Marie Madeleine N. and Anne Joséphine F., abortion, 1\textsuperscript{st} Interrogatoire, 19 November 1907.

\textsuperscript{71} This method was developed in the 189s and was particularly useful for early-term abortions. See Shorter, 205-207.
The development of new and more effective techniques for inducing abortion, including the use of intrauterine injections, rubber-covered probes, speculums, and curettes combined with an increasingly high number of abortionists who were medical professionals to make abortion in interwar France safer, more effective, and more easily accessible. During the 1920s and 1930s we begin to see professional abortionists such as Anne F. dominate the market for illegal abortions in Rennes and Lyon. This dominance made professional abortionists an easy target for natalists. With abortionists more or less openly becoming wealthy from their illegal trade at the same time that natalists finally gained political power, the stage was set for the eventual crackdown on abortionists just before the Second World War, and the redefinition of professional abortionists as “enemies of the race” during the Vichy regime.

**Motivations of Abortionists**

The use of new methods of abortion, and especially the attention to maintaining sterile conditions during these procedures, made abortion safer for women. Yet abortion remained illegal, and the risks of conviction were substantial, particularly for abortionists. The legal risks taken by abortionists and their clients were not equal. Women who chose to terminate their pregnancies risked their health, and even their lives, but their *legal* risk was not that great. Women who had abortions often benefited from public sympathy in trial situations and hence faced real, but somewhat mitigated danger of conviction. Even when they were found guilty, women who had abortions were frequently given suspended prison sentences and were merely fined for their crimes. Those who helped
pregnant women find abortionists could be charged as accomplices to abortion (and under French law would face the same penalties as the abortionist). Yet accomplices rarely faced the same harsh sentences as abortionists, and their involvement was quite difficult to prove in court. Abortionists assumed the greatest amount of legal risk. They faced higher fines and longer prison terms than their clients, and were almost always convicted when put on trial, sometimes even when the women on whom they were supposed to have performed abortions were acquitted for the same act. They were also less likely to benefit from sympathy: the same people who might forgive a woman who chose to terminate her pregnancy reviled abortionists, labeling them faiseuses d’anges (angel-makers) or sale avorteuses (dirty abortionists).

Why, then, if the legal danger was so great, would an individual choose to risk performing abortions? Money was clearly one of the most important motivating factors. Historian Angus McLaren has shown in the case of Paris that there was a surplus of midwives, all competing to be hired to assist at a relatively small number of annual births. Abortion was a lucrative way to supplement their generally low income.72 Madeleine Pelletier, a doctor and Neo-Malthusian activist who herself faced investigation for inducing abortions in 1933 and 1939, wrote in 1911 that the price of an abortion in Paris could vary from ten to 200 francs.73 The price of abortion kept up with inflation, which was not a small matter during the turbulent economy of the interwar years.

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Whereas Anne F. charged Miss N. 100 francs for an abortion in 1907, women who came to her clinic during World War I and the 1920s had to pay between 1,000 and 4,000 francs. As mentioned earlier, this revenue allowed her to operate a large well-equipped clinic, open a maternity home in Parcieux, and even afford the luxury of an automobile. Even after she had been in prison and was performing abortions only in secret under an assumed name, Anne F. continued to make between 500 and 800 francs per abortion. Midwives could thus make a much better living providing abortions than assisting with births. It is clear from testimony in the abortion cases in Ille-et-Vilaine and the Rhône that the price of an abortion was significantly lower outside of Paris and the larger cities (such as Lyon), but performing abortions was still clearly a means for midwives, and even women who were not medical professionals, to make significant additional income.

Money, however, was certainly not the only motivating factor for abortionists. Anne F. told the instructing magistrate in 1907 that she was motivated by pity.

I admit that I gave in to the desperate pleas of [Miss N.]. She threw herself, crying, at my knees, saying that she would rather kill herself than allow her father to learn of her dishonor. The first time I hesitated and I did not insert my probe into this young woman’s uterus [thus not inducing an abortion]. I left it in the vagina, but since she came back a second time to plead with me again, this time I inserted the probe into the interior of the uterus.”

The difference in price is due, in large part, to inflation, which was very significant once France left the gold standard when World War I began.

ADR Ucor 950, Anne Jospehine F. et al., abortion, 27 March 1925; and ADR Ucor 1024, Marcelle G. et al, abortion, 25 July 1939.

ADR 2U 732, Marie Madeleine N. and Anne Josphine F., abortion, 27 November 1907, 1er interrogatoire, 2 October 1907. « Je reconnais que j’ai cédé aux supplications désespérées de la dame [N.] Elle s’est jetée, en pleurant, à mes genoux, disant qu’elle préférait se suicider que de laisser son déshonneur arriver à la connaissance de son père. La 1ere fois j’ai hésité et, je n’ai pas introduit ma sonde dans l’utérus de cette jeune fille. Je l’ai laissée dans le vagin, mais comme elle est venue une seconde fois me supplier encore, j’ai introduit cette fois, la sonde à l’intérieur de la matrice. »
Similarly, Doctor H., the mayor of a village northeast of Lyon near the Swiss border, was not motivated by money when he performed abortions during the First World War. He charged women only nominal fees when they traveled from the local industrial center, Oyonnax, to his village of St. Germain for an abortion. At the same time that Anne F. was making hundreds or thousands of francs per procedure, this doctor refused all but the smallest payment. The officials in the prosecutor’s office and in the Ministry of Justice marveled at Doctor H.’s apparent motivation. “It should be noted, in effect,” wrote the Chief Prosecutor in Lyon, “that this doctor seems to have acted not for his own gain, but through kindness towards women who begged him to get them out of trouble. For this operation [an abortion] he asked only the price of a visit or of an examination with a speculum, either 3f or 10f. Sometimes he did not even ask for payment.”

Madame D., a slipper-maker from Fougères who performed abortions for others of her profession, explained to police that although she initially refused one man’s pleas that she help his wife to abort, she eventually gave in because she knew the family was barely able to support the two children they had and “that [the wife] was very worried about having a third child to care for.” Whether or not it was their primary motivation for breaking Article 317, many of the abortionists who came before the cour d’assises believed, like Doctor H., that they were performing an important public service by helping women attain a certain degree of control over their reproductive lives.

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77 Archives Nationales BB18 2594 922, Letter from from the Procureur Général of Lyon to Garde des Sceaux, direction des affaires criminelles, 15 décembre 1917.

78 ADIV 2U4 1140, Eugenie D. et al, avortement, 5 septembre.
Although Jeanne Marie Blandel and Julien Souffleux were not aware of it when they were tried in 1901, their attempt to terminate Jeanne Marie’s pregnancy with abortion as a first resort and use of infanticide as a desperate last resort was on the leading edge of an important trend. The number of infanticide cases tried nationally peaked in the mid-nineteenth century and then began a long, slow decline.\textsuperscript{79} By the first decade of the twentieth century infanticide remained a persistent problem, with four to five times as many trials for infanticide as trials for abortion in France.\textsuperscript{80} By the 1930s, however, the ratios had shifted dramatically. From 1932 to 1938 on average 427 people were tried for abortion each year, compared to only 78 per year for infanticide.\textsuperscript{81} These changes occurred gradually in time with urbanization and modernization, however the widespread disruption of social and familial patterns caused by the First World War serve as a useful dividing point for this study. Changes in abortion may also help explain the fact that during the 1920s, a period of perceived, if not real sexual liberation, the number of children born outside of marriage declined.\textsuperscript{82} It is open to debate whether or not women became more promiscuous during the \textit{Années Folles}, but there is no reason to suspect that fewer unmarried women engaged in sexual activity than in earlier decades.


\textsuperscript{81} \textit{Compte Général} [1933, 1934, 1935, 1936, 1937, 1938]. The ratio of annual abortions to infanticide is further skewed when on considers that only a tiny percentage of women who had abortions were discovered by police, whereas urbanization and other factors made infanticide more difficult to conceal.

\textsuperscript{82} Mary Louise Roberts, \textit{Civilization Without Sexes: Reconstructing Gender in Postwar France, 1917-1927} (Chicago: University of Chicago Press, 1992), 182. The illegitimacy rate rose immediately following the war, then declined steadily from 1922 to 1936.
Abortion and contraception, then, are the most likely explanations for both the decline in infanticide and the drop in illegitimacy rates.

In spite of official denouncements and legal restrictions, abortion was an important part of twentieth-century French society. The act, which was already common among married women at the turn of the century, became more accepted and more frequent following World War I, when increasingly independent women sought means to gain some measure of control over their reproductive functions. As abortion became more frequent, it also became safer as medical professionals replaced amateurs as abortionists. These professionals, most notably midwives such as Anne F., applied modern notions of sanitation and more effective abortion methods to their (illegal) practices, decreasing the risk women took when they decided to have an abortion. By the end of the 1930s, abortion had replaced infanticide as the most common extralegal means for women to deal with unwanted pregnancies.

Three factors—the growing reliance upon abortion as a form of birth control by both unmarried and married women, the continued acceptance of abortion as a morally-neutral necessity by much of the French public, and the increased safety and effectiveness of abortion when practiced by medical professionals—led to abortion’s unprecedented importance in French reproductive culture by World War II. Yet all of these developments took place within the context of a natalist state that passed ever-strictener measures to stop abortion and make French women bear more children. In the following chapter we shall turn to the ways in which the French police worked to enforce
antiabortion and pro-natal laws, and how the largely-male police force dealt with women accused of reproductive crimes.
CHAPTER 4

POLICING PREGNANCY

On 31 March 1921 the Nouvelliste de Bretagne, a daily Catholic newspaper that served Rennes and much of Brittany, announced to its readers that a newborn’s body had been discovered in the Vilaine. The autopsy determined that the female infant was born alive and had drowned. “We find ourselves in the presence of an infanticide,” the newspaper reported. “[A] criminal hand—doubtless the mother—threw this infant into the Vilaine while it was still alive.”¹ The article went on to warmly introduce M. Morel, the police captain in charge of the investigation, and then asked for the public’s assistance.

It is now important to know who the mother of the poor little one is so she can answer for her criminal act. Who is she? M. Morel has opened an investigation that, he hopes, will bring about a positive result. But to be able to usefully direct police investigations, it is desirable that those persons […] who know who the unhappy mother is, make it known to the police. *It is a duty to openly denounce criminal acts.*²

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¹ “Une Mère Criminelle—On retrouve dans la Vilaine le cadavre d’un nouveau-né,” Le Nouvelliste de Bretagne, 31 March 1921.

² Ibid. Emphasis mine.
Two days later the *Nouvelliste* ran a second article lauding Morel’s progress and making much of the fact that the police now knew from which point the baby had been dropped into the river and on which day the death occurred. Yet, in spite of the *Nouvelliste’s* efforts on his behalf, Morel and his colleagues never discovered who killed the newborn. On 22 April a captain of the 13th Brigade Mobile in Rennes reported that no new progress had been made, and the case was filed away with others like it, under the initial X, for an unknown perpetrator.

Captain Morel and his colleagues in local police forces, the gendarmerie, and the Brigades Mobiles of the Police Judiciaire faced a daunting task in tracking down suspects in reproductive crimes, including infanticide, abortion, concealment of birth (*suppression d’enfant*), and, after the Ignace law in 1920, the use or distribution of birth control. This chapter asks how police and the judicial officials charged with finding and investigating reproductive crimes went about this task, and what police responses to reproductive crimes meant for women’s reproductive decision-making in France as a whole.

These crimes were difficult to detect because they were tied up with the most intimate aspects of a woman’s life, involved physical evidence that could disappear quickly as a woman’s body healed or as a fetus or cadaver decomposed, and frequently generated more public sympathy for the suspected criminal than for the nameless, faceless victim. How, then, did police and judicial officials go about detecting these crimes and gathering sufficient proof to secure convictions? What sources of information

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did they use, and what types of evidence did they gather? What problems could hold up their investigations? In this chapter I first consider the various techniques police employed to detect, investigate, and ultimately provide proof of reproductive crimes. I focus on three of the most important strategies police used: locating crimes and suspects through denunciations and tips, building a case with material and forensic evidence, and convincing suspects to confess before trial. As we shall see, although police and examining magistrates worked hard to build cases once reproductive crimes had been reported to them, for much of the period under study they did not seem to go out of their way to seek out instances of such crimes, and appeared fairly lax, especially about abortion and birth control. The second part of this chapter turns to the reactions of the natalist movement to this apparent lack of diligence among police, and focuses in particular upon the changes that came in 1938 and 1939 as international tensions mounted and natalist propaganda about the dangers of depopulation gained more sway with the new Daladier government. During this period, several of the natalists’ long-cherished proposals were put into effect, which had important results for the way police and judicial officials approached reproductive crimes.

As we have seen in previous chapters, abortion, contraception, and, to a lesser extent, infanticide, were all portrayed by natalists as causes for depopulation. In response to this threat and to frustrating results when reproductive crimes went to trial, the National Assembly passed several laws on abortion, infanticide, and contraception during the first four decades of the twentieth century. The most famous of these laws was the Ignace Law passed on 31 July 1920, which expanded the ways in which a person could
be charged with abortion and banned all contraceptives, all discussions of contraceptive methods, and all discussions of abortion. The 1901 abolition of capital punishment for infanticide and the 1923 redefinition of abortion as a misdemeanor to be tried by a panel of magistrates rather than a jury were both geared towards increasing the number of convictions and mitigating the effects of jury sympathy for vulnerable female defendants. A final set of laws in the Third Republic, the Code de la Famille, came via governmental decree in 1939, increasing the penalties for abortion and making it easier for police to gain evidence and build their cases.

The Investigators

Who were the people charged with finding, investigating, and prosecuting the women charged with reproductive crimes? I use the term “police” in this chapter to indicate members of one of several law enforcement organizations, rather than a single unified entity. In fact, the teams of officials that investigated reproductive crimes included members of four different groups, both from law enforcement and from the judiciary. Depending upon whether the crime was discovered or suspected in a rural area or in a municipality, the first responders would be members of either the gendarmerie or

5 An important exception to the ban on contraceptives was male prophylactics, which were considered essential to public health because they provided protection from venereal disease.


7 The Procureur de la République, or public prosecutor, was also an important part of the state’s criminal justice structure, but in the cases in this study their role during the investigation of each crime is less important than that of the instructing magistrate.
the local municipal police. The gendarmerie was responsible for policing smaller towns and rural areas and could trace its origins back to the *ancien régime* mounted military police. Although technically under the overall supervision of the Ministry of War, by the twentieth century Gendarmes answered to the Ministry of the Interior in matters of law and order and to the Ministry of Justice in investigations. Gendarmes were thus uniformed local police forces required by a 1903 decree “not to intervene in political matters under any circumstances.”

In smaller towns where the population did not exceed 5,000 the gendarmerie might be supplemented with municipal police—frequently just one part-time officer—who took orders from the local mayor and was paid by the local community. In larger towns and cities gendarmes coexisted with municipal police forces which in most of France were jointly controlled by the local mayor and the Prefect, a representative of the Minister of the Interior. In cities of more than forty thousand people, such as Rennes, the municipal police were entirely controlled by the Prefect. This centralization went even further in Lyon, in Paris and, eventually in Marseilles, Toulon, La Seyne, and Nice, where police were placed under direct control of the national government. For the purposes of this study, gendarmes and municipal police served roughly the same purpose

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10 Ibid.

11 Horton, 13.
as first-responders to suspected crimes: their primary role in policing was preventative rather than investigative.

The third part of the quartet that investigated reproductive crimes was the *juge d'instruction*, or examining magistrate. This official was charged with directing the investigation into suspected felonies, and could issue warrants for searches, seizures, and arrests. The examining magistrate was able to decide whether to keep a suspect in preventative custody, an important tool when dealing with female suspects. The fourth and final part of the investigative team were members of the Police Judiciaire. Rather than working to prevent crime, as did the gendarmerie or municipal police forces, the Police Judiciare were charged exclusively with investigating crimes that had already been committed. These officers were either *commissaires* of municipal police forces or members of the Brigades Mobiles. Created in 1907 by then-Premier and Minister of the Interior Georges Clemenceau, the Brigades Mobiles were elite mobile units charged with providing special assistance to local police forces during particularly important or difficult investigations.\(^\text{12}\) Lyon and Rennes were each headquarters to one of the Brigades Mobiles.\(^\text{13}\)

**Discovering Reproductive Crimes**

Police were generally overworked and under-funded during the Third Republic, so it is no surprise that crimes involving first-time offenders who posed little immediate

\(^{12}\) Martin, 46-47, 75-76, 82-89.

\(^{13}\) ADIV 4M 517-711, Dossiers d’enquêtes de la Police Judiciaire de Rennes.
threat to society, such as abortion and infanticide, were rarely sought out actively.\textsuperscript{14} In the case of infanticide, suspected cases came to police attention in one of two ways. First and most frequently, authorities were alerted when a cadaver, placenta, or unexplained evidence of significant blood loss was discovered. The discovery of an infant’s body was not an unusual event at the beginning of the twentieth century. Parisian and local newspapers announced such grisly finds almost daily, and even after the First World War infants’ cadavers turned up with disturbing regularity. In major cities and large towns, newborns’ cadavers were pulled out of rivers and canals, drains, sewers, trashcans, and toilets. In the countryside they turned up in fields, along roadways, buried in gardens, and in manure heaps.

The second common means by which infanticides came to police attention was through information given to officials by concerned citizens. Neighbors often remained silent when they noticed that a woman seemed pregnant, but would inform police if that woman suddenly lost a great deal of weight, but did not appear with a new baby. A woman’s laundry could also give her away because she would not have menstrual bleeding while pregnant, but would lose a great deal of blood in childbirth. Domestic servant Justine V.’s secret was revealed in this way in 1933. Her employer noticed, as she collected the household sheets to be laundered, that Justine’s sheets were freshly washed. Curious, she looked more closely and noticed that beneath the sheets the mattress was soaked in blood. After persistent questioning Justine admitted that she had

\textsuperscript{14} Martin, 46-48.
given birth in secret, strangled her newborn, and buried the baby’s body in the garden.15

The gendarmerie was then notified.

Abortion, too, primarily came to police attention in one of two different ways. First, and least frequently, women whose abortions led to severe medical problems might come to the attention of police when they asked neighbors, family members, or employers for help, or when they went to hospitals or clinics for medical treatment. Doctors were not legally permitted to inform on their patients. The secret médicale, or doctor-patient confidentiality, was an constant source of irritation to natalists (and many doctors), who dismissed claims that women would die of complications following botched abortions rather than seek medical help if their physicians could turn them in to authorities. Despite efforts throughout the interwar period to do away with the secret médicale, it was not until the implementation of the Family Code in 1939 that doctors were permitted to inform police when their patients showed signs of an illegal abortion. Thus the doctors who treated these women were bound by doctor-patient confidentiality not to inform on their patients, but, through one means or another, police were sometimes informed.16

15 ADR 2U 863, Justine V., infanticide, 23 October 1933, Acte d’accusation.

16 It is impossible to prove with the evidence that remains in judicial files, but it seems likely that many of the tips police received directly “from a source whose probity cannot be questioned,” were from doctors or priests who could not ethically inform on their patients or parishioners, but who felt it was their duty to do so. Since these tips were given directly to police officers, mayors, or other officials they were not in actuality anonymous, but police concealed the informants’ identities in official records.
The second and more usual way for police to find out about suspected abortions was through denunciations. Remarkably, fully fifty-three percent of all abortion cases in this study came to police attention through only one type of denunciation: anonymous letters. Most other cases were the result of non-anonymous tips or suspicions raised by “public rumor.” Unlike most tips police received about infanticide, which were generally made openly and out of an apparent sense of justice, the majority of tips police received about abortions came in unsigned letters, and many were quite nasty. Why did people choose to write anonymous letters accusing their neighbors, coworkers, and acquaintances of abortion? Some, like the following letter, were written by people concerned primarily with the welfare of others, including the women who had abortions.

Monsieur le Commissariat [sic]

Would you be so obliging to come if you could, inspect [the case of] an unfortunate young girl, who died on the 18th at twelve thirty […]

This young girl it seems that she was two months pregnant and this old lady where the girl died, everyone says that she wanted to make the baby come out make her have a miscarriage, that old bitch [it] sounds like she already did prison…this girl died at this old bitch’s house, as soon as the girl died she locked her inside and she left and the poor girl is lying on the floor

Well I can’t tell you more you ask for information in the house especially ask a tall widow…she will tell you

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17 Denunciations have been an important topic of discussion in European history, particularly with reference to periods of warfare or totalitarian rule. See the special issue of The Journal of Modern History on the topic (JMH 68 (4) (December, 1996)). Yet the strong emphasis scholars have placed on denunciation in undemocratic states can be misleading. The millions of letters sent during Vichy and the Occupation of France were not without precedent: Thousands of people wrote such letters to police, elected officials, and prosecutors during the democratic Third Republic. The difference, of course, lies in what was at stake. In the case of abortion or infanticide there would be a trial and, presumably, punishment would only be given to those who earned it through wrongdoing. Under Vichy and the Occupation, people who were denounced for being Jewish, for example, could not count on a trial and had not “earned” their punishment.

18 By contrast, only 6% of the infanticide cases in this study originated with anonymous letters.
it is wretched to leave a young person like that without knowing what she died of
she is sprawled on the ground like a Dog

The author’s dislike of the old woman is apparent, but it seems likely that this antipathy was not the only reason the informant wrote to the police: A girl was dead, and someone needed to do something about it.

Other authors of anonymous letters denouncing women for having abortions had ulterior motives unrelated to the alleged reproductive crime. For example, during the final months of the First World War an anonymous author accused a woman named Berthe of terminating a pregnancy of five months. The author hoped that the Mayor (to whom the letter was addressed) would see fit to correct Berthe’s “bad behavior.” But the “bad behavior” of which the author disapproved was not the alleged abortion, but Berthe’s immorality and financial dealings. The anonymous author emphasized the fact that Berthe continued to receive a separation allowance to which she was not morally entitled, because she was living with a Belgian lover while her child’s father was in the army.

Other anonymous letters received by police, mayors, and prosecutors were motivated by jealousy, a desire for vengeance, or spite. For example, Joseph L., a

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19 For clarity, I have not attempted to replicate the original spelling of this letter in this translation, and have preserved only a small number of the grammatical problems it contains. ADR 2 U 765, Rosalie Y., Tentative d’avortement, 4 October 1911, anonymous letter.

20 Because police generally did make efforts to discover who wrote anonymous letters during the course of their investigations, we have at least some knowledge of the motives of the authors of such letters.

21 ADIV 2U4 1198, Berthe L., abortion, February 11, 1919, anonymous letter dated 14 September 1918.
married man, was furious that his ex-mistress was about to marry someone else rather than live with him. In a fit of jealousy a week before her wedding in 1923, he penned an anonymous letter denouncing her for having an abortion three years earlier. His plan backfired. Not only did the young woman go ahead with her marriage, but Joseph found himself charged and convicted as an accessory in the resulting trial.\(^2\)  

In some cases anonymous letters proved useful to police and helped them open investigations that led to arrests, charges, and convictions for reproductive crimes, but such letters were not always taken seriously. Anne F., whose multiple trials we examined in Chapter Four, was notorious in Lyon during the 1920s for performing abortions in her downtown clinic. She had been the subject of a number of anonymous letters to the police, but by 1924 no arrests had been made. Finally a local newspaper, *Le Cri de Lyon*, decided to print its own “tip” about the midwife’s clinic:

*Each week, a Parisian DOCTOR comes to an office in the center of our city to practice ILLEGAL ABORTION. It’s an open secret!*\(^3\)

Like many denunciation letters, the notice was incorrect in its details. The doctor in question was not in Lyon to perform abortions and was never charged with the crime.

Yet the newspaper’s “tip” finally did succeed in forcing the police to open an

\(^2\) ADIV 3U4 7250, Marie G. et al., abortion, attempted abortion, and complicity, April 28, 1923. Joseph admitted to being the author of the anonymous letter under interrogation.

\(^3\) *Le Cri de Lyon*, October 11, 1924.
investigation into the midwife’s practices and led them to run surveillance and a sting operation on her clinic.  

Women who had abortions, or who had natural miscarriages but feared they might be subject to investigation for abortion, feared denunciations. A cache of letters from clients to a midwife in Rennes ranging in date from 1899 to 1913 reveals some of the fears women had about what their families, neighbors, or acquaintances might do with sensitive information. One woman wrote in 1899 that she was suffering debilitating blood loss and was concerned about her condition, but “I am obliged to hide all this. I can’t nurse myself and I am afraid that with this [blood] loss the weakness is getting the better of me.” She asked the midwife to answer her letter *poste restante*, adding “I’m hurrying [as I write this letter] because I’m afraid of being discovered.” An unmarried woman identified only by the initials E. M. wrote from Paris to the midwife of her fears of denunciation:

Madame,
I am on the worst terms with the Berniers, they have behaved disgracefully towards me: The old lady went so far as to say that she will do everything possible to cause troubles for me. She made an allusion to my last trip to Rennes, about four years ago. You know Madame in what state of health I was in when I arrived at your place. You even had tears in your eyes. Moreover you know that I was three months pregnant and that the baby was dead because it was rotten (*n’était qu’une pourriture*) and was already halfway out because you examined me and showed me, you know perfectly well that it was not an abortion and I don’t see why this woman is making allusions to it. This woman is very mean and very

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24 ADR Ucor 950, Anne Joséphine F. et al, abortion, 17 March 1925.

25 ADIV 2U4 1182 Henriette B., Anne Marie G., and Jean Pierre N., abortion and complicity, November 18, 1914, letter from D. Lefall dated May 13, [18]99. This woman may have been hiding her abortion from her neighbors, or, given her extreme caution, from her husband. Many husbands knew of and even encouraged their wives’ abortions, but this was not always the case.
untruthful and is capable of inventing a pack of lies. Happily you can confirm what I say because you know what happened.\footnote{ADIV 2U4 1182 Henriette B., Anne Marie G., and Jean Pierre N., abortion and complicity, November 18, 1914, letter from Mademoiselle E. M., no date.}

While it is not clear from this letter whether the author was, indeed, the victim of meanspirited allusions, or whether she wrote the midwife (who did, in fact, perform abortions) in order to get their stories straight in case of an investigation, it is clear that the power of denunciation was not only important for initiating legal investigations, but a powerful weapon in social disputes.

Denunciations were rarely motivated only by a desire to uphold the law, but because police so rarely took an active interest in seeking out instances of reproductive crimes, they were essential to the way abortion and infanticide were policed during the Third Republic. Furthermore, the people who wrote denunciation letters often had access to private and personal information that even thorough police investigations would not be able to reveal. Although many denunciations seem to have resulted from petty dislike or a desire for revenge, they were sometimes able to provide police with tips without which no investigation would have been possible.

**Investigation Techniques**

Just as instances of abortion and infanticide came to official attention in different ways, police went about investigating these crimes differently. Once a case of infanticide was brought to their attention, police usually arrested a suspect almost immediately, or not at all. In most cases of infanticide, the guilty party was obvious: a cadaver or traces
of heavy bleeding might be found in a woman’s bedroom, or her physical appearance would alter significantly enough for neighbors, family, or employers to notice the change.

If the identity of the mother was not immediately apparent, physical evidence came into play. For infanticide the location of the cadaver (if one was discovered) and any wrappings around it could tie a particular woman to her murdered infant. In 1927, for example, men working on an access road in the commune of St-Jean-d’Ardières in the Rhône discovered a newborn baby’s body wrapped in cloths from which the laundry marks had been carefully removed, before being placed in a cardboard shoebox marked “Judith chaussures de haut luxe.”27 The cadaver was in an advanced state of putrefaction, making forensic clues difficult to obtain, and the gendarmes’ initial investigation into the suspected infanticide did not result in any suspects. No one in the commune could think of any local woman who might have given birth in secret, and police suspicions focused on an unknown outsider.28 A week later, though, the Brigade Mobile arrested a local woman, Benoite P., and a search of her home revealed both a pair of shoes marked with the “Judith” brand and blood-stained linens that matched those wrapped around the cadaver. Benoite was a 23-year-old widow who worked for the railway and lived in the community with her three children. Her already stout build had disguised her advancing pregnancy. Faced with the evidence of the linens and shoebox, Benoite confessed that after she gave birth, she simply wrapped the infant in a cloth and shoved it under the covers, where, according to the medical examiner, it died from lack of

27 ADR 2U 833, Benoite P., infanticide, 27 October 1927, Acte d’accusation.

28 ADR 2U 833, Benoite P., infanticide, 27 October 1927, Rapport de la Gendarmerie Nationale, 1 juillet 1927.
In a similar case, a man wrapped the body of the infant his fiancée had just delivered in a shoebox, weighted it with a stone and dropped the whole thing into the Canal Saint-Martin in Rennes. Police were able to identify the man and his fiancée by working backwards from the markings on the shoebox. The style of shoe, size, and marked-down price from the annual sales were still legible on the box, so the police were able to learn from the sales staff at the store which young women had purchased those particular shoes.  

Suspects were more difficult for police to locate in cases of abortion. Abortion investigations generally began with a single crime, then multiplied as the police focused their investigation on the abortionist rather than the women who had abortions. Unlike infanticide, which was almost always a solitary crime, police were able to pit abortion suspects against one another by intimating that things would be easier for one suspect if she informed on others. Suspects would be kept separate during initial interrogations, only to be brought together during an official “confrontation” in which police or the examining magistrate would read selectively from each suspect’s testimony in order to provoke more candid replies from all.

**Forensic Evidence**

Forensic medicine was an extremely important tool for police and prosecutors in proving both abortion and infanticide, but most of the public was unaware how much an

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29 ADR 2U 833, Benoite P., infanticide, 27 October 27, Procès-verbal 8 July 1927; and Rapport d’expert, Dr. Camille Meunier 24 July 1927.

30 ADIV 3U 7285, Marcelline L. and Jules C., infanticide et suppression d’enfant, 10 October 1925.
examination of a cadaver or a woman’s body could reveal. Almost every woman who
denied charges of abortion or infanticide agreed to undergo a physical examination, and
most were unpleasantly surprised by the results. A common defense used by women
charged with abortion was to claim they had suffered a natural miscarriage, but this
defense could be overturned by medical evidence if the forensic expert found scars or
injuries made by a probe or other object that had been inserted into the cervix to cause an
abortion. Medical experts could also determine if a woman who had never before given
birth had been pregnant, although they had more difficulty drawing conclusions from
examinations of women who had already borne one or more children. Forensic experts
could also draw damning conclusions from their examinations of infants’ cadavers,
placentas, and fetuses. A common defense used in infanticide cases was claiming the
baby was premature or stillborn. Fingernail marks, bruising patterns, and skull fractures
could all point to infanticide rather than death by natural causes. Experts also used
standard weight and length tables to determine the length of gestation of a fetus or infant,
and were able to test an infant’s lungs to determine whether or not the baby had breathed.

Medical evidence in the form of infants’ cadavers and fetuses, as well as traces of
“violence” on a woman’s body, often represented the strongest proof that a reproductive
crime had been committed. Yet a constant problem for prosecutors, and a constant
source of irritation for forensic experts, was the public’s lack of faith in medical evidence
as proof. Even when medical experts drew specific conclusions from available physical

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31 The official records of interrogations show suspects routinely agreeing to such examinations, but it is
impossible to say what pressure was brought to bear on them.
evidence, early twentieth-century juries hesitated to convict on such evidence, and tended to believe defendants’ protestations of innocence rather than forensic proof of guilt.\textsuperscript{32}

The reluctance of juries to convict sympathetic female defendants on the basis of forensic evidence was a familiar problem for Paul Brouardel, the great professor of forensic medicine at the University of Paris and author of a series of textbooks for training forensic experts. In his 1897 textbook on infanticide, Brouardel warned forensic experts that infanticide cases were “those in which the medical expert’s reputation is most often compromised.” This was not, he explained, “because any particular difficulties arise from the autopsy of the cadaver or the examination of the mother, but because throughout the country this crime puts public opinion into a peculiar state…”\textsuperscript{33} Brouardel went on to explain that while police and forensic examiners maintained their focus on the tragedy of the murdered infant, by the time a jury heard the case public sympathy had shifted to the poor young woman whose guilt seemed secondary to her suffering. “Three months later,” Brouardel warned, “at the Assizes, the jurors, the judges, the public no longer see the cadaver. They have before them a poor girl, seduced, with a good reputation, abandoned by an individual from whom justice demands no

\textsuperscript{32} Public sympathy for many women charged with reproductive crimes also explains juries’ unwillingness to convict, even when faced with forensic evidence. It is probable that acquittal rates for trials in which substantial forensic evidence of guilt existed remained high both because juries did not understand or trust the science behind the evidence and because they felt sorry for the sympathetic female defendants.

\textsuperscript{33} Paul Brouardel, \textit{L’Infanticide} (Paris: Baillière et Fils, 1897), v. Brouardel (1837-1906) was a member of the Academies of Medicine and Science, professor of Forensic Medicine and Dean of the Faculty of Medicine at the University of Paris. He succeeded Ambroise Tardieu as France’s leading expert on forensic medicine, and although he died in 1906, the medical examiners throughout the period under study (1900-1940) continued to reference his work as the standard in the field.
accountability; everyone pities her…”34 He urged medical examiners to be unerringly neutral in their testimony and to “guard against any expression that might betray one’s personal assessment.”35

The Importance of Confessions

Because it was so difficult to obtain proof that would convince jurors to convict sympathetic female defendants, the best hope police had of winning a conviction for infanticide or abortion was to convince suspects to confess. Confessions were essential for a successful prosecution in cases involving reproductive crimes because jurors were likely to give the benefit of the doubt to a woman who persistently denied her guilt in a crime so tightly bound to her honor. Making her confess, even in part, served two purposes: it showed that at least some of the prosecution’s case was true, and, if the woman had previously denied the charges, it tarnished her sympathetic demeanor by showing her to be less than truthful.

One way police tried to persuade defendants to confess to reproductive crimes was by presenting an apparently watertight case built on material and medical evidence to the defendant during an interrogation. Although juries might find material evidence lacking, defendants frequently bowed under the apparent weight of physical evidence against them and made full confessions. Police routinely searched the homes of infanticide suspects for soiled sheets, evidence that the woman had prepared to receive

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34 Ibid., vii.

35 Ibid.
her new baby, or the placenta. They raided suspected abortionists’ homes and offices in search of incriminating letters, caches of unexplained money, banned apparatus, or medicines that could not be justified. Because obtaining confessions was so important to successful prosecutions, police and examining magistrates spent hours interrogating and re-interrogating suspects in order to wear them down and make them admit their guilt. In this way police in Ille-et-Vilaine were able to use a speculum found during their investigation to make a domestic servant from Paris admit to having planned to have an abortion, and were thus able to convince her to testify against the abortionist.\footnote{ADIV 2U 1204, Lucille H. and Anne Marie G., abortion, July 29, 1920.}

Confessions were sometimes easy to come by. In many cases police merely had to arrive at a woman’s doorstep in order for her to confess. In a Catholic nation the importance of the habit of confessing one’s sins cannot be overstated. Particularly in the case of very young women who had abortions or committed infanticide, the fear of discovery by their parents or friends drove them to break the law. Once confronted with an unknown (and therefore seemingly neutral) person in the form of the police officer, the urge to confess could be gratified with the police officer taking the place of a priest. In other cases women would deny their involvement in abortions or infanticides for some time, but would ultimately confess when faced with the findings of the medical examiner, the discovery of seemingly damning material evidence, or, in abortion cases, new and contradictory statements from a co-defendant.

In the case of women who persisted in denying their guilt, police and examining magistrates had many tricks up their sleeves. In several cases women were made to
understand during the early interrogations that asking for an attorney was akin to admitting guilt, meaning that very few defendants sought legal advice in the initial stages of investigations. This allowed police and prosecutors a bit more freedom in their interrogations. In addition, women accused of infanticide were sometimes threatened with the prospect of being made to attend the baby’s autopsy if they refused to cooperate or confess. Finally, the most important tool examining magistrates in France possessed for making female suspects confess to reproductive crimes was the ability to hold suspects without bond. Women could be detained for months while awaiting the next session of the Assizes courts, and police and examining magistrates used the prospect of temporary release until the trial as incentive for women, especially those whose other children were left without care while they were incarcerated, to “cooperate”—in other words, to confess. In late 1919, for example, one woman accused of performing abortions remained in custody for more than seven months while awaiting her trial before the Assizes. Despite her arguments that she was not a flight risk because she had three children and a permanent home, her requests for provisional liberty were repeatedly rejected. She was the only one of her three co-defendants who was not granted provisional liberty—and the only one of the three who maintained her innocence throughout the investigation and trial.37

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Police and Reproductive Crimes

Let us now turn from the way police investigated crimes to the attitude they displayed towards the laws they were to uphold. France did not want for laws on reproductive crimes, yet passing a law is not the same as enforcing it. Although police did their duty in investigating instances of abortion, infanticide, and contraception when they were presented with them, there is little evidence to suggest that during most of the forty years under study police officials or ordinary policemen followed the suggestion of natalists to give greater priority to reproductive crimes than to other crimes, or to spend more time searching for them. Natalist Jacques Bertillon complained of police indifference to abortion in an article in *L’Éclaire* shortly after the passage of the Ignace Law. He related an anecdote about a former deputy and mayor of Tourcoing, a northern industrial town, who was given a list of 21 abortionists active in his area. When he presented this list to the local prosecutor and police detective, each told him that without a complaint, nothing could be done (“Pas de plainte? rien à faire…”). An official memo from the Ministry of the Interior dated 17 August 1920 instructed all mayors and police agents to “put all their zeal into taking note of all the crimes targeted by the new law.” There is little evidence, however, that police changed their usual habits in investigating reproductive crimes as a result of this memo or as a result of the new law.

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39 Ministère de l’Intérieur, Direction de la Sûreté Générale, 3e Bureau (Outrages aux bonnes mœurs, Propagande anticonceptionnelle), Circulaire No. 128, 17 August 1920.
For most of the early twentieth century police were left more or less to their own devices to determine how best to enforce reproductive laws, including the 1920 law, and for the most part they decided to take a passive approach. Instead of actively seeking violations of laws pertaining to reproductive crimes, as natalists would have desired, most police officers waited for abortion, infanticide, and concealment of birth cases to be brought to them. In general, the 1920 law thus seems to have had few consequences for the behavior of the populace or the activities of police. The number of annual abortion prosecutions remained miniscule when compared to the hundreds of thousands of abortions that were estimated to be performed in France each year, and although the ban on contraception led to several prosecutions of known birth control advocates around France, it had almost no impact on the two departments in this study.\(^{40}\)

**M. Zamaron’s Squad**

In the late 1930s, however, a change of political regimes brought a new and more stringent policy for policing reproductive crimes. Léon Blum’s leftist Popular Front government fell in April of 1938, and Blum was replaced with centrist republican Edouard Daladier as Prime Minister. Daladier’s government presented a more favorable political climate for natalists than the previous governments they had been lobbying, and Historian Cheryl Koos argues that the leaders of the Alliance Nationale launched a campaign to take advantage of the fact that “natalists and familialists suddenly found

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\(^{40}\) I found only one trial for “contraceptive propaganda” in either of the two departments under study.
themselves in the political limelight.”

Over the ensuing two years, natalists were able to push through several of their favored measures. Natalist Fernand Boverat used letter-writing campaigns and personal visits to officials to encourage the new government to more effectively enforce the 1920 law on abortion and contraception and to implement his proposal for a new special police squad that would investigate only abortion. An early success came near the end of 1938, when a special department of the police devoted to hunting down instances of abortion and Neo-Malthusian propaganda was formed under the direction of M. Zamaron. This special squad was able to make rapid progress in investigating and prosecuting suspected abortionists, including the prominent Neo-Malthusian doctor, Madeleine Pelletier, who was sent to a mental hospital, the female director of the Clinique des Buttes Chaumont, and an Italian pharmacist and political refugee. Focusing on Paris, this special squad was not merely trying to stop specific instances of abortion, but also increase the public profile of the hunt for abortionists. One progress report celebrated the fact that, “Finally, in the course of the investigations, even when no legal action has been contemplated the maximum noise (bruit) has been made so

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41 Koos, 194.

42 Ibid., 195-196.

43 Ibid., 199-200.


45 Ibid.
that the largest stratum of the population will be convinced of the severity of the

In a booklet reproducing a talk he gave to the 1st Brigade Mobile in January of 1939, Boverat lamented the numerous professional abortion clinics that he claimed were being run all over France.

These clinics are not difficult to detect, for they have a large clientele; it is difficult for them to hide their activities from local police; as the government is firmly decided to put an end to their activities, the Brigades Mobiles won’t have any difficulty in reaching this goal… The first thing to do, to find these \textit{faiseuses d’anges}, is to read the ads in the newspapers, for, in large cities, they do not fear, up to now, to use real advertising.\footnote{AN F\textsuperscript{60} 607 (Santé Publique—Familles Nombreuses), booklet published by the Alliance Nationale entitled “Le péril de la Natalité et la répression de l’avortement” (exposé fait le 7 janvier 1939 à la 1er brigade régionale de police mobile par Fernand Boverat), 11-12.}

Boverat believed that for too long police had looked the other way when confronted with evidence of abortion. He was pleased with M. Zamaron’s special department. Others, such as the Union des femmes et mères de France, were less pleased with M. Zamaron’s efforts. Madame E. Roussel, writing on behalf of the group complained that the new Brigade unfairly targeted women.

And if the Messieurs of the High Commission on the Birthrate know the mentality of their wife, of their mother, they would well know that it is not with BRUTAL FORCE any more than by unleashing the judicial machine nor by POLICE BRIGADES that they will succeed in giving ONE SINGLE ADDITIONAL CHILD TO FRANCE who needs thousands.\footnote{AN F60 605 (Natalité), letter from Mme. E. Roussel, n.d.}
Instead, argued Madame Roussel, the government ought to concentrate on stopping abortionists, closing brothels, and ending the poverty that drove so many women to terminate their pregnancies.

**The Family Code**

In February of 1939 Prime Minister Daladier created the aforementioned High Commission on Population and charged the five-member panel with drawing up a *Code de la famille* or Family Code. This commission’s primary focus was on creating family allowances and stifling abortion.\(^49\) On Saturday, July 29, 1939, newspapers around France, including *Lyon Républican*, reprinted some of the provisions of the new Family Code that had appeared in that day’s *Journal Officiel* (the government publication in which all laws must be printed before they take effect). In addition to provisions to assist families and reward couples who had several children, the new government decree cracked down on those who practiced abortion.\(^50\) The new penalties for convicted professional abortionists were between 5 and 10 years of prison and 5,000 and 20,000 francs in fines. Furthermore, in the case of both professional abortionists and “the occasional abortionist,” the ability for magistrates to reduce penalties by acknowledging mitigating circumstances or awarding suspended sentences for first-time offenders was

\(^{49}\) Koos, 204. Three of the five members, including Boverat, were well-known natalists and belonged to the Alliance Nationale.

abolished. 51 Women who had abortions faced lighter penalties, between six months and two years in prison and a fine between 100 and 2000 francs. 52 Perhaps most significantly, the new law also abolished doctor-patient confidentiality in cases of abortion, making it a doctor’s duty to report suspected cases of induced abortion. 53

Along with this new set of penalties for women who had abortions and those who performed them came a campaign by police to crack down on abortion all across France. The Ministry of the Interior began requiring police to submit monthly reports detailing the number of investigations of reproductive crimes in progress and the results of these investigations. 54 With this supervision, the number of abortion trials increased significantly, with self-abortion, which was almost never prosecuted, accounting for a large part of the increase.

These new measures brought a momentary increase in journalistic interest in depopulation and efforts by police to stop abortion, but seem to have had very little influence on the attitudes of ordinary French citizens towards abortion and contraception. Instances, such as the case of Capitan Morel, in which police received positive publicity from their investigations of reproductive crimes were rare, but multiplied after 1938. This was particularly true in abortion cases, in which the police and instructing magistrate

51 “Les nouveaux décrets-lois,” Lyon Républicain, July 31, 1939, 1-2. A similar article was carried in the Parisian newspaper Le Temps. See Koos, 206.

52 Abortionists who were not deemed to be “professionals” (i.e., were not repeat offenders) could receive between one and five years in prison with a fine of 500 to 10,000 francs.

53 Koos, 209.

54 Archives Départementales du Rhône (ADR) 2Up (56) Circulaire ministerielle, 13 March 1939.
could more easily be portrayed as the forces of good battling greedy immoral and
dangerous abortionists. The period during which police received the most glowing praise
of their efforts to curb reproductive crimes came in 1939 with the approval of the Family
Code. In August of that year Lyon Républicain began to run articles about the *chasse aux
avorteuses* (abortionists hunt) at the same time it presented a series of articles about the
new Family Code. After a general announcement about the Tribunal de Lyon’s recent
rulings in three abortion cases in which each of the principle abortionists had received
hefty prison sentences, the newspaper announced that, “In general, the accused were
sentenced harshly. The campaign against depopulation is not an empty phrase.” The
following day the same newspaper again cheered on police and the judicial system for
their efforts to find and punish abortionists. “The authorities have begun a ruthless fight
against abortionists, a true social scourge,” the article began. “The Brigade Mobile of
Lyon, resolutely directed by M. Delsahut, just scored three lovely specimens for its
hunting bag.” The article then mentioned the arrest of an herbalist in nearby Villefranche
who sold special probes to women who wanted to abort, a new arrest in an ongoing
abortion investigation in Grenoble, and the discovery of a dozen cases of self abortion in
Pélussin. The article terminated with more praise for the efforts of M. Delsahut and the
Brigade Mobile. Lacking any local news for their “Abortionist Hunt” update the next
day, the newspaper reported on convictions from Metz.

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55 “La chasse aux avorteuses,” Lyon Républicain, August 1, 1939, 4.
56 “La chasse aux avorteuses,” Lyon Républicain, August 2, 1939, 4.
57 “La chasse aux avorteuses,” Lyon Républicain, August 3, 1939, 3.
The police charged with detecting and investigating reproductive crimes had a thankless task. Detecting these crimes and finding irrefutable proof of guilt was challenging because of their hidden nature. Even when police, examining magistrates, and forensic experts did everything in their power to show evidence of a person’s guilt in reproductive crimes, there was a good chance that the defendant would be acquitted anyway. James Donovan has found that in 57.7% of infanticide cases tried in France between 1902 and 1913 the defendant was acquitted, and jurors were even more forgiving of women who had abortions. The result of this was an uneven and lackluster approach by French police forces to enforcing laws regarding reproductive behavior. While this passive attitude towards policing pregnancy certainly fell short of the diligence expected by the natalists who wrote the laws police worked to enforce, it did largely reflect widely-held pity for single mothers and the general attitudes of the French people towards limiting family size. Because France’s Third Republic fell shortly after the implementation of the 1939 Family Code we cannot be certain how effective its new provisions for hunting down and punishing those guilty of abortion and contraception might have been. At least for the short term, sympathy for women in crises appeared to have taken a back seat to natalist vigilance, and the number of prosecutions grew rapidly.

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58 Donovan, “Infanticide and the Juries in France,” 160-162; Donovan, “Abortion, the Law, and the Juries in France,” 163-164. Donovan’s calculations, based on the annual Compte general crime statistics, show that 67.4% of abortion defendants were acquitted from 1900-1913, and 62.4% from 1919-1923. Between 1902 and 1913, only 17.7% of reported infanticides even made it to the cour d’assises, where 57.7% of defendants were acquitted.
CHAPTER 5

REPRODUCTIVE CRIMES AND THE FRENCH PUBLIC IMAGINATION

In 1902 Minister of Justice Ernest Vallé lamented to Emile Loubet, the President of the French Third Republic, in an open letter that served as introduction to the annual compilation of national crime statistics, that acquittal rates for abortion and infanticide were higher than for other felonies. He further noted that the rate of acquittal for infanticide had been rising steadily during the last two decades of the nineteenth century. Vallé blamed this leniency on overly-harsh penalties for abortion and infanticide mandated by law, which he called a “frequent source of absolute impunity.” Of abortion Vallé wrote, “as with infanticide, juries recoil more and more before the severity of the law.”¹

James Donovan’s analysis of French crime statistics on a national level confirms Vallé’s impression of juror behavior: during the decade preceding World War I, 67.4% of people accused of abortion were acquitted, almost double the rate for other felonies.² For infanticide, 57.7% of defendants who went to trial were acquitted, and only 17.7% of

¹ Compte Général de l'administration de la justice criminelle pour l'année 1900. France—Algérie—Tunisie (Paris: Imprimerie Nationale, 1902), xv-ix.). In 1900 juries acquitted 62% of those charged with abortion, and 81% of the people who were convicted of this crime received acknowledgement of “mitigating circumstances” which allowed reduced sentences.

² Donovan, “Abortion, the Law, and the Juries in France, 1825-1923,” Criminal Justice History 9 (Fall 1998): 163-4, Table 3. There was a 33.3% acquittal rate for all felonies from 1900-1913.
reported infanticides made it to the cour d’assises.³ Although there were some differences in jurors’ reactions to reproductive crimes in the Rhône and Ille-et-Vilaine, evidence from this study supports the notion that, in general, juries frequently acquitted women charged with reproductive crimes who were obviously guilty, and magistrates often showed great mercy in sentencing those who were convicted.⁴

Why was this the case? Certainly reproductive crimes were simply more difficult to prove than other crimes because the evidence would disappear fairly quickly of newborn cadavers or fetuses, or from women’s bodies as they healed.⁵ This explanation, however, does not account for the high acquittal rates even in cases where there was a full confession or compelling physical evidence. Did these court decisions demonstrate, as Vallé believed, that the French public disliked the penalties set out for reproductive crimes to the point that they preferred women who killed their babies or took illegal means to terminate their pregnancies, to go free rather than risk an unduly long prison sentence? In the case of abortion, did juries refuse to punish women for taking measures to limit their fertility because the practice, as Angus McLaren suggests, was so widespread by the beginning of the twentieth century as to make abortion “thinkable”

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⁴ We find a comparatively low acquittal rate for infanticide defendants (just under 50%) for Ille-et-Vilaine and a somewhat higher rate for women accused of having abortions (ranging between 60% & 75% for cases tried before juries). The true leniency of the juries is clearer in light of the fact that in 30 of the 59 infanticide cases in Ille-et-Vilaine the defendant made a full confession. Of these 30 defendants who confessed to infanticide, twelve (40%) were acquitted anyway.
⁵ Donovan, “Abortion,” 166.
while unplanned pregnancies were “abnormal.”\(^6\) Or did juries perhaps acquit women who had refused motherhood under less-than-desirable circumstances because they hoped the traumatic experience of arrest, investigation, and trial would be a strong enough encouragement to make women embrace maternity when their situations were more appropriate to the role?

This chapter will explore the reactions of juries, the press, and the general public to reproductive crimes and the women who committed them. In an effort to understand what information the public had about reproductive crimes, depopulation, and the consequences of fertility control for France, we shall begin with a brief examination of the two special-interest groups that worked to shape public opinion during the early twentieth century, namely the Neo-Malthusian activists and natalist groups.

Next we shall turn to the treatment of reproductive crimes in the French press. Although their messages varied with their political leanings, French newspapers generally echoed both the Neo-Malthusians’ concern that very poor families and single women were forced by poverty and social pressures to commit reproductive crimes, and natalist fears that if women continued to restrict the number of children they bore France might lose its prominence in world affairs. We shall examine the coverage of abortion in the local newspapers of Rennes and Lyon as well as in the national coverage of the Parisian daily newspapers. How did newspapers present reproductive crimes when they occurred, and what could potential jurors or women learn from press coverage of what was expected and acceptable behavior for women pregnant despite their wishes? Finally,

in an effort to understand the leniency juries and magistrates so often extended to women who committed reproductive crimes, we shall examine several of the specific cases that went before the courts in Ille-et-Vilaine and the Rhône, searching for clues as to why juries chose to forgive some women but not others.

**Natalists and Neo-Malthusians**

Two groups squared off in the battle to shape French public opinion and public policy about women’s reproductive rights and duties: Neo-Malthusian birth control advocates on one hand, and familialist and natalist activists on the other. Neo-Malthusian activists—usually socialists or anarchists—argued that unrestricted fertility led to poverty among the working classes while generally conservative natalist and familialist groups wanted to use whatever means necessary to increase the French birth rate. Both Neo-Malthusians and natalists worked to win over public opinion in France to their way of thinking about the rights and duties of French citizens to reproduce. They used similar tactics to spread their propaganda, but each had a different target audience and a different relationship with the French state.

These two categories of activists, each encompassing numerous individual organizations, began their struggle with one another in the 1890s and continued until the 1920 law effectively gagged Neo-Malthusian organizations.\(^7\) The Neo-Malthusians primarily targeted the industrial working class and worked to provide French workers

\(^7\) The 1920 law essentially outlawed the Neo-Malthusian message by making it illegal to discuss or provide contraceptives. Although a few Neo-Malthusian activists continued to risk prosecution throughout the 1920s and 1930s by writing articles and giving speeches promoting family planning, the 1920 law was a near-fatal blow to the Neo-Malthusian movement.
with the information and equipment necessary to limit their family size. Strongly influenced by Catholic teachings and conservative values, natalists claimed a much more universal audience for their pro-family messages and their warnings about depopulation, but the leadership of natalist organizations was hardly representative of most of French society. A significant number of natalist activists hailed from the upper- and middle-classes and many were members of the liberal professions, especially physicians.8

Thanks to the natalists and Neo-Malthusians, women’s sexual and reproductive decision-making became prime fodder for public discussion in France during the first half of the twentieth century. Story after story in French daily newspapers described the general malaise, called depopulation, which justified public interest in private matters and which was reputedly destroying France’s international prestige and security. Most mainstream papers adopted pro-natalists tones, stressing through their editorials and news coverage the duty women owed their nation to pay a “blood tax” through childbirth.9 Some left-wing and anarchist newspapers, though, chose to embrace the Neo-Malthusian cause and wrote about workers’ duty to use contraceptives to limit their family size.

Newspapers were not the only venue for such discussion: during the first half of the twentieth century jurists, doctors, and social commentators regularly published dissertations and scholarly tracts discussing the dangers of depopulation, the rights or

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9 This “blood tax” was to be the female citizen’s equivalent to French men’s military service.
duties of women to bear children, and appropriate measures to stop or more effectively punish criminal abortion, infanticide and child abandonment. In one such tract, published in 1918, Dr. J.A. Doléris wrote:

What is women’s great duty? What is her shining mission, the sacred task she owes to the nation? To give birth, to give birth again, always to give birth! To carry out the labor of life, of civilization and of the future! Either she is a mother, and thus man’s equal…Or else she renounces motherhood! …But then she must not complain if she is considered to be an accessory, a waste.\(^\text{10}\)

French natalist organizations strongly promoted Doléris’ fundamental idea—that in order to be womanly, a woman must be (or aspire to be) a mother and they found a receptive audience among many influential lawmakers. Yet the natalists were not unopposed in their efforts to give the fight against depopulation a prime place in the French national consciousness. Madeleine Pelletier, a prominent Neo-Malthusian, doctor, and feminist, countered Doléris’ contention that women were made only to give birth in a 28-page pamphlet entitled *Le Droit à l’Avortement* (*The Right to Abortion*). Pelletier argued that only animals reproduced thoughtlessly, as “blind slaves to instinct.”\(^\text{11}\) Like most Neo-Malthusians, Pelletier argued for *l’amour libre* (free love), claiming that if women were to be free they must have a choice in reproduction. Pelletier looked forward to a time when economic independence would allow even single women to be mothers at will, but argued for the time being that in order for “motherhood not to

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turn to servitude it must not be imposed.”

Pelletier directly replied to natalist calls for larger families in order to counter the military threat posed by a healthy German birthrate. “The number of births is diminishing in France a little more than before, it is true, but it is diminishing in all of Europe…If France is less prolific than surrounding nations, that is to its credit; it is playing the role of a precursor on a path where [others] shall follow…”

Although by no means limited to anarchists and outlaws, enough of the French Neo-Malthusian movement’s leadership had strained relationships with the French government that the movement’s interactions with the state were tense at best. Until the law of July 31, 1920 birth control advocacy remained legal but police kept careful tabs on Neo-Malthusian groups, prosecuting them for violations of indecency laws whenever possible. For example, French courts sentenced a Neo-Malthusian doctor to three months in prison and a two-hundred franc fine in 1913 for pornography. He had included anatomical drawings of female reproductive organs in his pamphlet *La preservation sexuelle*. A sympathetic journalist wrote that since the government had decided to treat all Neo-Malthusian propaganda as pornography, “one can convict men who just gave useful hygienic advice to the needy mothers of families.”

Had their relationship with the state been less adversarial, Neo-Malthusians would still probably not have made many efforts to curry favor with government officials because their primary concern lay elsewhere—with the workers. Most Neo-Malthusian

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12 Ibid., 6-7.

13 Ibid. 27.

14 *La Bataille Syndicaliste*, 26 janvier 1913.
efforts revolved around convincing workers that uncontrolled births formed a root cause of poverty and misery among the proletariat and urging workers to use contraceptives. Poking fun at the apparent hypocrisy of those in power and of the natalists also featured prominently in Neo-Malthusian propaganda. Pelletier underlined the hypocrisy of the upper and middle classes who clamored for an end to depopulation but expected the working class to do the actual childbearing.15 The theme of natalist hypocrisy surfaced frequently in left-wing publications. The Bataille Syndicaliste, for example, gleefully reported on a speech given by a natalist author, Madame Aurel, to a working-class crowd in the proletarian Faubourg Saint-Antoine neighborhood of Paris in 1913. The newspaper gave voice to the crowd’s reaction though a fictional character named “Gavroche.” This representative of the people was portrayed as objecting to middle-class expectations that the working class would undertake the task of repopulating France. “‘Let messieurs les bourgeois begin [to repopulate France]!’ punctuated Gavroche, at the conclusion of Madame Aurel’s speech. And Gavroche is right.”16 The newspaper followed this quip with a list of “Average births per thousand households in Paris,” which showed that the neighborhoods deemed “working class” or “very poor” already had significantly higher birth rates than “aristocratic,” “rich,” “well-off,” or “bourgeois” neighborhoods.17 Such geographical analyses were common features of Neo-Malthusian

15 Pelletier, Le Droit à l’Avortement, 7.

16 “Propagande qui se trompe de porte,” La Bataille Syndicaliste 18 novembre 1913.

17 Ibid. The numbers were taken from Eugène Lericolais’ brochure La Grande Utopie, and gave the following births per thousand households: “arrondissements aristocratiques—69; arrondissements riches—91; arrondissements aisés—95; arrondissements bourgeois—110; arrondissements ouvriers—130; arrondissements très pauvres—140.”
arguments in favor of birth control for the working classes. A tract distributed by Neo-Malthusians following a speech by well-known anarchist Sébastien Faure in 1920, for example, addressed “workers of all countries” as follows:

The despots call for births, lots of births!...And they want to impose [children] on you! ...Thwart their calculations, scorn their advice and...follow their example.

**In 1919 there were, for 1,000 inhabitants:**

1st in the opulent neighborhood of the Champs-Élysées.....9 births
2nd in the working-class neighborhood of Belleville.....22 births

*Proletarians of all countries, imitate the propertied class, the idle, the leaders, the elite! Don’t be baby-makers anymore!*18

Dedicated Neo-Malthusians such as Eugène and Jeanne Humbert, G. Hardy, and Paul Marestan relied upon several methods to spread their message to working-class people: public meetings that promised workers the “secrets” to limiting births; handbills and leaflets outlining birth control methods and Neo-Malthusian ideas distributed in working-class areas; and publications such as *Génération Consciente, Régénération, Rénovation*, and *Le Malthusien*.19 Although Neo-Malthusian groups spoke primarily to male workers, some of the propaganda was aimed directly at women. The group that published *Génération Consciente*, for example, distributed a handbill addressed “To Women! To Proletarians! To Propagandists.” “We all have reason to abstain from giving birth to undesired children,” the handbill proclaimed, “for whom we lack the resources to

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18 AN F7 13955, Néo-Malthusianisme, “Aux Travailleurs de tous pays,” n.d. [1920].

properly feed and raise.” Other handbills specifically targeted mothers and wives of workers; and prominent female Neo-Malthusians such as Pelletier, Jeanne Humbert, and feminist journalist Nelly Roussel often gave speeches to and wrote pamphlets for female audiences.

Neo-Malthusians clearly were “opposition” groups—thorns in the side of French state authority. French law enforcement officials spent a great deal of time and energy tracking the movements and efforts of Neo-Malthusian activists and harassing them with frequent prosecution. In contrast, police tolerated and even collaborated with natalist organizations. Jacques Bertillon and his son and fellow natalist and demographer Louis-Adolphe Bertillon founded the leading French natalist league, the Alliance Nationale pour l’accroissement de la population française (National Alliance for the Growth of the French Population), in 1896. From the beginning, the Alliance Nationale was to combat the neo-Malthusian Ligue de la régénération humaine, which birth-control advocate Paul Robin established the same year. The adversarial relationship between natalists and Neo-Malthusians continued until the French parliament effectively outlawed Neo-Malthusian propaganda with the 1920 law. Once their Neo-Malthusian enemies


21 Fernand Boverat, who served as president of the Alliance Nationale, wrote pamphlets for and gave speeches to law-enforcement officials about the dangers of depopulation and the best methods for fighting abortion.

22 According to Joseph Spengler, by 1922 there were at least 78 French organizations sponsoring natalist measures. Spengler, France Faces Depopulation: Postlude Edition (Durham: Duke University Press, 1979), 23 n. 35.

were vanquished the Alliance Nationale and similar organizations continued their natalist propaganda, reaching the pinnacle of their power under the paternalist Vichy regime during World War II.\(^\text{24}\)

The Alliance Nationale’s official goal was “to attract the attention of all to the danger which depopulation brings to the French nation, and to demand measures, fiscal or other, which would increase the birthrate.”\(^\text{25}\) In order to achieve this goal, the Alliance National used methods not unlike those employed by their rivals, the Neo-Malthusians: they published a monthly newsletter, wrote alarmist pamphlets about depopulation and its dangers, and encouraged the publication of natalist articles and books. Unlike the Neo-Malthusians, natalists worked with the government, first through lobbyists and later through natalist representatives appointed to serve on important governmental bodies.\(^\text{26}\)

Natalists enjoyed very good relationships with the French government, and tried to effect change from within the system. Natalist propaganda campaigns encouraged doctors, professors, and other intellectuals to study the perceived problem and come up with measures that would help solve the *crise de natalité* (birth crisis). Natalists teamed

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\(^{24}\) See Koos, “Engendering Reaction,” for a detailed study of the activities of the leading French natalists during the Vichy regime. The most notable achievement of the natalist movement under Vichy came when the death penalty was prescribed to punish professional abortionists—a measure natalists had championed unsuccessfully throughout the interwar period. Only two people were sentenced to death under this measure and the state only carried out the punishment on one of them, Marie-Louise Giraud, who was guillotined in 1942.


\(^{26}\) One of the natalists’ most important achievements was convincing the government after World War I to establish the Conseil Supérieur de Natalité, an official body specifically charges with coordinating the government’s efforts to fight depopulation and reward couples who chose to have large families. See Joshua Cole, *The Power of Large Numbers: Population, Politics, and Gender in Nineteenth-Century France* (Ithaca: Cornell University Press, 2000), 214.
up with familialists (groups that worked to solve the problems faced by large families and lobbied to give the fathers of five or more children more political clout) to form a core of conservatives working to increase the birth rate and support French families. Leaders of natalist organizations used their carefully-cultivated personal relationships with government officials to lobby politicians for legislation that would encourage large families and punish those French citizens who chose not to marry or have children.\(^{27}\)

The experience of World War I led both natalists and Neo-Malthusians to step up their efforts to win over the French public. On the one hand natalists pointed to the 1.5 million French soldiers killed during the war as proof of the need for more babies to replace the war’s heroic casualties. They further stressed alarming statistical evidence that the German population, already larger than France’s, was growing more rapidly and thus promised future military threats to France. Neo-Malthusians, on the other hand, believed that the four and a half years of warfare had shown just how ready the French bourgeoisie was to sacrifice the happiness, health, and lives of workers in order to line their own pockets. They painted natalist rhetoric about the urgent need to “repopulate” France as a militarist call for working class babies to be the “\textit{chair de canon}” (cannon fodder) of the next war, and urged working-class mothers to stage a “\textit{grève des ventres}” (strike of the womb).\(^{28}\)

\(^{27}\) One frequent natalist suggestion was a tax on single men whose “selfishness,” according to the natalists, was primarily responsible (along with married women who used contraceptives and abortion to limit the size of their families) for depopulation. Spinsters, their theory held, were not to blame but were hapless victims of men who decided not to marry them. The revenue from the tax was to be used for natalist measures such as reducing the tax burden on the fathers of large families. This measure never passed the legislature.

\(^{28}\) Archives Nationales (AN) F7 13955, Néo-malthusianisme. Undated pamphlets, handbills, and postcards. For a thorough examination of Neo-Malthusian propaganda, see Francis Ronsin, \textit{La grève des}
The conflict between these two sides of the population debate came to a head in early July 1920, when Neo-Malthusians in the northern industrial region around Roubaix launched a major propaganda campaign. From July 1-5 a communist Neo-Malthusian labor union distributed handbills to workers in tramways and at the gates of factories. They even slipped propaganda under the doors of working-class homes. The handbill denounced natalist calls to increase the birthrate as contrary to workers’ interests and invited workers to a “soirée artistique” featuring a free comedic play. It also specifically drew women’s attention to brochures containing “methods to avoid pregnancy” and “means to avoid large families” that would be available for sale at four addresses in nearby industrial cities.

The bourgeois industrialists in the area who employed these workers in their textile mills—dedicated natalists—took offense at this blatant distribution of material they deemed immoral and dangerous to the nation. These industrialists wrote in protest to the Minister of the Interior, complaining that no legal action had been taken against the Neo-Malthusians. They pointed out that they, the factory owners, had been spending more than 25,000 francs per day on natalist initiatives (mostly in the form of daily bonuses for workers with children) since March 1 that year. “We can only regret that so much money spent and so many efforts are rendered useless by such loathsome

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propaganda practiced in broad daylight.”  Although this particular bit of contraceptive propaganda was legal, it marked the final straw for natalists: they used the situation in Roubaix to push through the infamous law of 31 July 1920, banning all contraception (except male condoms), all information about birth control methods, and all information about abortion. While this law was fairly ineffective at stopping contraception or abortions, it essentially outlawed all Neo-Malthusian activity, effectively banning the natalists’ competition for French public opinion about reproductive rights and duties.

Although this law marked the natalists’ victory over the Neo-Malthusians, merely defeating their ideological enemies did not mean that natalists were fully successful in their dual goal of convincing the French public that there was a population crisis and promoting measures designed to increase the French birth rate. How successful were they in accomplishing these goals and in convincing the French that it was the duty of all citizens (and especially of French women) to bring to term, bear, and raise all the children they conceived? Thanks in large part to powerful natalist leagues like the Alliance Nationale and the prominent politicians who embraced their cause, natalist sentiment was broadly disseminated in France during the early twentieth century, especially after the Great War exacerbated the struggling birth rate. Yet such condemnations tended to be theoretical rather than concrete, and were aimed primarily at couples who practiced Neo-Malthusian techniques to avoid pregnancies within marriage or at abortionists rather than at women who sought abortions or who committed

31 AN F7 13955, letter from the Consortium de l’industrie textile de Roubaix-Tourcoing, 8 juillet 1920.
infanticide. Many people truly believed that if the French continued to limit the size of their families, their nation could face economic, cultural, and military ruin, but the same people also recognized the cruel reality of France’s social and economic structures.

Public sentiment was much more complex than natalist propaganda, and even those who believed that abortion and infanticide were, generally speaking, terrible crimes might find individual defendants worthy of pity and even forgiveness. Just because natalists urged French women to welcome all the children they conceived did not mean that “filles-meres” (the official, yet derogatory term for single mother, literally meaning “girl-mother”) would be spared the disdain and recriminations of their neighbors and families when their situation became known, or that their bourgeois employers would let them keep their jobs once their immorality had been exposed.33

Ultimately, neither natalists nor Neo-Malthusians seem to have exerted overwhelming influence over French public opinion. Natalists were much more successful in swaying public policy to align with their cause, most notably with the 1920 ban on information about abortion and contraception, but their influence on the thoughts and actions of ordinary French citizens seems to have been quite limited. Neo-

32 Indeed, natalists seem to have been split about what should happen to a woman who procured an abortion. Some natalist propaganda tried to paint these women as selfish and unnatural; others tried to frame them as the victims of society and greedy abortionists. One pet proposal of some natalists would have automatically given amnesty to any woman who denounced her abortionist, thus framing her as the victim, not the criminal.

33 As we saw in Chapter Two, it was common—and expected—practice for bourgeois women to dismiss servants who became pregnant while in their employ, as obviously “immoral” servants might taint the reputation of the entire household. Although I have run across a few cases in which kindly mistresses promised to take their servants back into their employ once they gave birth, servants—especially prior to World War I—lived in a double and justified terror of pregnancy. Not only would they face censure from neighbors and friends, but they would likely also face unemployment. This was the case primarily for household servants in urban settings; female farm laborers who became pregnant could hope to retain their positions.
Malthusians, who were far more interested in disseminating information to workers than in encouraging government support of their platform, were able to instruct a certain number of French men and women in the use of modern contraceptives, but with limited budgets and hamstrung by restrictive laws, their influence, too was limited.

In reality, demographic evidence indicates that many French couples were already using at least some method of birth control before the twentieth century began. In 1911 demographer and natalist Jacques Bertillon, seeking to explain the decline in France’s birth rate, found in a survey of 156 doctors from four departments that early withdrawal was by far the most frequently used form of birth control among married couples. Although it was much more prevalent in the countryside, Bertillon’s survey showed that it was also used more than other forms of birth control “in cities or in rich families.” Abortion, however, was reported to be less frequently employed than either injections or condoms. Historian Angus McLaren hypothesizes that this widespread use of early withdrawal—a very unreliable birth control method—led many couples to also rely upon abortion as a backup method. This may have meant that many jurors were themselves practicing birth control or had wives who had aborted.

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34 Jacques Bertillon, *La Dépopulation de la France: Ses conséquences—ses causes. Mesures à prendre pour la combattre* (Paris: Librairie Félix Alcan, 1911), 99-100. Bertillon wrote to “all the doctors” in the departments of Côte-d’Or, Lot-et-Garonne, Orne, and Vienne (500 in total) and received replies from 156. He classified the birth control methods as being found “Very frequently,” “Fairly frequently,” “Rare, but noteworthy,” and “Very rare or unknown.” He also divided the responses between those from the countryside and those from cities or from wealthy families. Of birth control methods described by these doctors as being found “Very frequently” early withdrawal (“Crime d’Onan”) was mentioned 105 times, whereas other all other methods were mentioned as being found “Very frequently” only 25 times. Perhaps more to the point, not a single one of his respondents described early withdrawal as “Very rare or unknown,” and only two said it was “Rare but noteworthy.”

35 McLaren, “Abortion in France,” 469.
Abortion and Infanticide in the Press

Abortion and infanticide were not rare occurrences at the beginning of the twentieth century. During a six-week period of the spring of 1900 thirteen articles related to these crimes appeared in the *Petit Parisien* (a popular Parisian daily newspaper) including the discovery of abandoned babies; women facing abortion or infanticide charges; the discovery of and search for newborn cadavers; and a pair of stories about one young woman who was presumed to have been murdered until the autopsy revealed that she was in a “position intéressante” and was thus immediately marked down as a suicide.\(^{36}\) While such articles appeared with most frequency in the Parisian press, stories about abortions, infanticides, and child abandonment were regular features in regional newspapers as well.

The attitude in the newspapers towards the women who committed infanticide or abortion, or who abandoned their babies or committed suicide to hide their pregnancies, ranged from critical to compassionate. In this, the newspapers mirrored public opinion as a whole, which tended to alternate between condemnation of reproductive crimes and pity for women in hopeless situations. Most newspapers accepted natalist warnings about the dangers of depopulation and passed these warnings on to their readers, but they also tended to acknowledge that some women were in positions where a new baby could spell disaster. On one hand, for example, the Parisian daily *Le Journal* entitled columns about infanticide “Mères Coupables” (“Guilty Mothers”) and columns about child

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\(^{36}\) An “interesting position”: a common euphemism for pregnancy in an unwed woman. *Le Petit Parisien*, 1 April – 16 May 1900. The fact that the police and journalists considered a pregnancy a reasonable—indeed an unquestionable—reason for a young woman to throw herself into the Seine underlines the importance of “honor” and feminine virtue in early twentieth-century France.
abandonment “Mère Dénaturée” (“Unnatural Mother”). On the other hand, Le Journal also ran frequent articles that sympathetically described the misery and poverty that could make motherhood a devastating prospect for some women.\textsuperscript{37} For stories about abortions, journalists alternated between describing women who had abortions as dangerously immoral, or as victims of greedy (and universally vilified) professional abortionists.\textsuperscript{38}

An example of journalists’ dislike of abortionists was published on Friday, February 19, 1904 in the daily newspaper Lyon Républicain’s coverage of an abortion trial that took place in the Cour d’Assises of the Rhône the previous day. Entitled, “An Angel-Maker,” the article reminded readers that the original affair had created “something of a stir” in Lyon several months earlier and involved “an old woman whose principal occupation was to help the young women and, if need be, married women who turned to her, as she put it, to ‘get rid’ [of their undesired pregnancies].” The author of the article sarcastically pointed out that, but for the inconvenience of an “unfortunate accident” that left a young woman dead, “this fine profession could still be exercised, and profitably.” The author’s opinion of abortionists in general and this woman in particular was clearly negative, but the jury does not seem to have shared this attitude. After finding the woman guilty of abortion but acquitting her on the charge of deadly violence, the jury seems to have had a more favorable view of the accused than the reporter. The defendant was sentenced to five years prison, which was the minimum sentence mandated by Article 317 of the Penal Code, but the jury immediately took action to

\textsuperscript{37} Le Journal, November 1-20, 1905.

\textsuperscript{38} Ibid.
“forgive” her. “The jurors immediately signed a plea for a pardon in favor of the convict.” 39

Such an open display of clemency by jurors in abortion cases was rare. In general, the public seems to have largely shared the distaste for abortionists evinced by Lyon Républicain’s staff writer. Juries, magistrates, and the press frequently showed pity to abortionists’ clients and women who committed infanticides, however. In August of 1906, for example, the same newspaper reported on an infanticide trial, giving extremely sympathetic descriptions of the 21-year-old defendant who had been “abandoned by her seducer who left her to ‘get by on her own.’” The reporter revealed that she had a good reputation and added that it was with “hot tears streaming down her face” that she told her “lamentable story.” Afraid of losing her job, she hid her pregnancy, gave birth in secret and, “in a moment of distraction,” suffocated her newborn baby. 40 The clearest indication of the sympathy inspired in both jurors and the reporter came in the final paragraph of the article:

The jurors accompanied their verdict with a handsome gesture of pity. They took up a collection among themselves to give the young P… some aid…and allow her to return to her home [region]. 41

Newspaper editors and reporters shaped the way the general public—including future jurors—reacted to infanticides through their manner of reporting the relatively

39 “Une Faiseuse d’Anges,” Lyon Républicain, February 19, 1904. The abortionist was fifty-six years old, and her advanced age may have influenced their actions.

40 “Infanticide,” Lyon Républicain, August 3, 1906.

41 Ibid.
frequent occurrences. Journalists walked a fine line: many enthusiastically embraced the natalist cause and regularly used their publications to further it; but they also believed, along with many of their readers, that sometimes even the most heinous crime against the most innocent of victims could be justified. Of course many were also loathe to pass up a sensational story that might sell more papers.

Whether or not the jury or the public believed a specific abortion or infanticide could be justified almost always depended on the balance of desperation and likeability displayed by the defendant. One of the most important ways in which newspapers could shape public opinion through their coverage of trials was therefore through the descriptions they gave of defendants’ behavior and demeanor during the trial. Describing a farmwoman from Feins on trial for infanticide in Brittany in 1920, a reporter for the *Ouest-Éclair* wrote, “The accused is not disagreeable [antipathique]. Her crime is surrounded by so many unfortunate circumstances that she inspires pity.” The reporter seemed quite pleased to announce her acquittal. Although this particular journalist specifically mentioned the “unfortunate circumstances” that inspired pity, often the most important factors cited by journalists were the appearance and deportment of the defendant while she appeared in court. Journalists and their readers expected women worthy of pity and a second chance to act like “real” women. Journalists’ descriptions of defendants sobbing while wearing dark mourning attire could sway public sympathy in her favor, as could an impression of youth and (relative) innocence. Reserved emotions, cool-headedness, or an apparent dislike of children in general were unlikely to result in

42 “Suppression d’Enfant,” *Ouest-Éclair*, 4 May 1920, p. 3.
public pity. These expectations reflected general attitudes towards female defendants in other cases of crimes passionnels (a particular sort of stereotypically-feminine crime committed unthinkingly in a moment of passion) and rewarded defendants who acted the role of the weak or hysterical woman.

While juries in France were not prohibited from reading about the cases they judged in local newspapers, journalists’ influence on specific verdicts was probably minimal. A large abortion investigation might feature prominently in local newspapers half a dozen times before the trial, but smaller abortion cases and infanticides occurred relatively frequently and almost never made the front page of local newspapers.

 Abortions and infanticides usually appeared only twice in the press: once upon the discovery of the fetus or cadaver or upon the arrest of a suspect, and once more when the tribunal or jury delivered its verdict. Nonetheless, the long-term cumulative influence of newspaper coverage of abortion and infanticide cases was immense: it is probable that most jurors who entered the courtroom to judge such crimes brought with them a complex set of expectations about the defendant and the defense she would use based on the observations and opinions expressed in newspapers about previous cases. From the newspapers the public and the jurors learned what to expect from “sympathetic” criminals and what signs pointed to maternal monsters.

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43 In other types of trials, on the other hand, newspapers played an immense role. See, for example, Edward Berenson’s description of the Paris press during the Caillaux murder trial just before World War I in The Trial of Madame Caillaux.

44 It is very difficult to estimate how frequently an average person in Rennes or Lyon would read about or hear about an infanticide, abortion, or child abandonment. A person who read only a regional newspaper might read about 4-10 local infanticides per year, and probably as many abortion cases, too. Many regional newspapers also reported particularly sensational infanticide cases from elsewhere in France and large-scale abortion cases in Paris often featured in newspaper such as Ouest-Éclair (Rennes) and Le Progrès.
Let us take, for example, an article in Brittany’s *Ouest-Éclair* about two cases tried before the *cour d’assises* of Ille-et-Vilaine on the same day, 4 May 1920. Both “Victorine J.” and “Désirée P.” had been married (Désirée was a war widow), both were already mothers, and both were older than most infanticide defendants (aged 27 and 35, respectively). Both women’s pregnancies resulted from sexual activity outside the bonds of marriage, although only Victorine was an adulteress. Even the method the women used to kill their newborns (suffocation) was the same. But the descriptions that the *Ouest-Éclair* gave of the two women could not have been more different.\textsuperscript{45}

The anonymous reporter for the paper began by telling the reader that Victorine J. “hid her features in hands that kneaded a handkerchief.” “To the questions the President [of the *cour d’assises*] asked her about her identity,” the reporter continued, “she only responded with barely-intelligible monosyllables.” The reporter decided to let part of the exchange between the *président des assises* (the presiding judge) and the defendant speak for itself:

\textsuperscript{45} “A LA COUR D’ASSISES. Deux infanticides,” *Ouest-Éclair* 4 May 1920.
Le Président.—Do you admit to having killed your baby?
L’accusée.—I didn’t hurt it, of course.
Le Président.—No, except that you took the trouble to suffocate it and squash it into a case.46

The reporter’s descriptions of the rest of the proceedings drip with his disapproval of the defendant. She earned this disfavor by abandoning herself to drink and debauchery while her husband was away fighting in the Great War and by continuing her bad behavior even after the war ended and her husband came home, discovered her misbehavior, and forgave her. The reporter made sure his readers knew that the woman had shoved her child’s cadaver into a wooden box with such force that the thorax was “smashed in,” and he shared the prosecutor’s moving characterization of the box “un colis pour l’éternité” [a parcel for eternity].47 The jury found the Victorine J. guilty of infanticide and, remarkably, did NOT award mitigating circumstances to her. The judge sentenced her to five year’s forced labor. 48

The second defendant of the day probably benefited from comparison with the first, and it is clear that while the reporter found Victorine J.’s crime unpardonable, he felt immense pity for Désirée P. He begins his article by noting that she was wearing “a

46 Ibid. French judges were not expected to show the same impartiality during trials as judges in the American legal system but rather were charged with providing jurors with often highly-biased summaries of the evidence and instructions for their deliberations. Donovan has posited that some of jurors’ willingness to acquit obviously guilty, yet sympathetic, defendants came from a sense that the whole courtroom, including the judge, was “against” the defendant, leaving only the jury to protect her interests. Donovan, “Abortion, the Law, and the Juries in France, 1825-1923,” Criminal Justice History (9) 1988: 172.

47 Ibid.

48 Ibid. This sentence stands out as one of the harshest I have seen in either the Rhône or Ille-et-Vilaine during the forty-year period of my study. Fewer than ten percent of the infanticide convictions in my case studies failed to receive acknowledgement of “mitigating circumstances.”
long mourning veil,” a clear (and possibly calculated) signal to the jury that here was a woman who sincerely regretted her act. Désirée’s mourning attire served as a public acknowledgement of the child she had born out of wedlock and of loss she suffered with its death. It painted her as a woman mourning her lost child rather than a selfish woman who put her own desires before her child’s life. The reporter presented Désirée’s story in a much more sympathetic light than he had Victorine’s even though the events were actually nearly identical. “The accused is a victim of the war, a widow, mother of two children… [she] had the misfortune to know a dandy who did his thing and, when he found out she was expecting, abandoned her to her fate.” The reporter did not describe anything about the condition of the cadaver or the suffering of the baby, as he had with Victorine. Instead he merely noted that Désirée faced charges of both infanticide and poisoning and that she was acquitted on both charges.49 Potential jurors could clearly see the article as a demonstration of the “sympathetic” and the “unforgivable” in infanticide defendants.

Potential jurors were not the only ones to learn from newspaper coverage of infanticide and abortion. Anecdotal evidence reveals that the public was fascinated by articles about young unwed women “in trouble,” particularly with respect to infanticide cases. Stories about infanticides were especially popular features of the daily press; indeed references to this public fascination with such crimes even appeared in actual trials. In Lyon in 1939, a woman charged with having had an abortion told police that she had known where to look for an abortionist because she sought out a woman whose

49 Ibid. Neither this nor any other article in Ouest-Éclair explained why Désirée faced poisoning charges.
trial for multiple abortions had been highly publicized more than a decade earlier.\textsuperscript{50} André Gide recalled the particular importance he and his fellow jurors attached to the fact that the employers of a young servant on trial for killing her baby often read the newspaper aloud in the evenings—and that their favorite bits were the infanticide columns.\textsuperscript{51} A defendant from a small farming commune in Brittany explained in 1931 that she decided to give the cadaver of her infant to the pigs, which left no trace of it, rather than to bury it, because of a newspaper story. She told police, “I read in the newspaper that this method had been used several times and had worked perfectly.”\textsuperscript{52}

Although newspaper publishers almost certainly did not intend it, their frequent stories on infanticide and abortion gave their readers—including young women who might someday be “in trouble”—a knowledge base from which to draw about these crimes and their punishments. Women who grew up reading infanticide columns could draw on the combined experience of other women to know which courses of action (to hide their pregnancies, to dispose of the cadavers) would be most effective.

Schooled by natalist propaganda, the daily press, and popular novels that emphasized both the joys of motherhood and the terrible decisions faced by young women seduced and then abandoned by uncaring men, the French public had a complex moral relationship with abortion and infanticide defendants. The murder of an innocent or the unpatriotic termination of a pregnancy was certainly an immoral, repugnant crime;

\textsuperscript{50} ADR Ucor 1024, Marie Emma D. et al, abortion, July 31, 1939.

\textsuperscript{51} André Gide, \textit{Souvenirs de la cour d’assises} (Paris, 1912).

\textsuperscript{52} Archives Départementales d’Ille-et-Vilaine (henceforth ADIV) 3U4/7397, procès-verbal, 24 septembre 1931.
and such crimes seemed to occur with alarming frequency. As we have seen, too, the
dangers women who limited their fertility represented to the health of a nation already
plagued by depopulation were oft-repeated mantras of natalist groups. But in the same
newspapers that reported these crimes, and with even more regularity, the French public
read about the abject misery of the nation’s poor and the precarious financial stability of
many working-class families.\textsuperscript{53} What was the public to think? Were these criminals
really criminal, or were they themselves, as one judge argued in a much-publicized
verdict in 1901, victims of a society that made them choose between murder and honor?\textsuperscript{54}

Let us now turn to some specific cases of abortion, infanticide, and suppression
d’\textit{enfant} that went before the \textit{cour d’assises} in the departments of Ille-et-Vilaine and the
Rhône to answer three questions. What information did juries seek when deciding if an
infanticide or abortion was a justifiable action? When was such a crime acceptable, or at
least understandable? Under what conditions would society “forgive” this transgression?
The case files from these cases reveal specific examples of the strategies women
defendants from the Rhone and Ille-et-Vilaine employed—with varying degrees of
success—to represent themselves as conforming to the public’s image of the sympathetic
criminal in order to win public forgiveness and acquittal.

\textsuperscript{53} For example, while the frequent articles about the discovery of newborn babies’ cadavers generally
appeared in the local news (page 5) of \textit{Le Journal} in 1905, the (extremely compassionate) story about a
dockworker’s wife driven by intense poverty to attempt to kill her five children and commit suicide made

\textsuperscript{54} See “La Maternité,” \textit{Le Matin} 9 octobre 1900; and “Filles-Mères,” \textit{La Fronde} 22 Septembre 1900.
Juries and the Public Imagination

What did ordinary French citizens think of women who took criminal measures to terminate pregnancies before they came to term or who murdered their infants as soon as they were born? Were these women not only criminal in the eyes of the law, but, as one natalist wrote, “society’s rubbish”? It is difficult to determine public opinion as a whole, but we can draw some useful conclusions from the reactions of juries to reproductive crimes. In general, juries did not join natalists in condemning all women who rejected motherhood, but instead were sympathetic to most women accused of reproductive crimes. There could be little doubt in the mind of an early twentieth century juror that there were valid reasons why a woman might be willing to take desperate measures to avoid becoming a mother. A review of verdicts from abortion and infanticide cases that went before French juries during the early twentieth century indicates that under certain conditions juries were ready to extend broad leniency to defendants who fit—or could be imagined to fit—a certain image of the female criminal-as-victim. However, juries did not choose to acquit all women who rejected motherhood, or even all the women who had reasonable explanations for their actions. What, then, did the juries expect of a sympathetic criminal?

It was no secret that frequent conflicts occurred between magistrates in French courts, who were charged with upholding the French penal code, and juries, who often


56 Juries in France were all-male. Until 1908, juries were almost entirely composed of middle-class men, as workers, domestic servants, and people who had “need of their manual and daily labor in order to live” were excluded from service. (Donovan, 176).
put their own nuanced understanding of culpability before the letter of the law.\textsuperscript{57} James M. Donovan’s research in French judicial history has demonstrated the antagonistic relationship between the Third Republic’s magistrates and the juries who (in the magistrates’ opinion, at least) were far too eager to heed public opinion and personal sentiment rather than the letter of the law in their verdicts.\textsuperscript{58} In fact, these conflicts indicated a marked disconnect between certain laws passed by the parliament and public sentiment about what constituted a crime and especially about what punishments were appropriate for each crime. Generally speaking, juries found the sentences mandated by the French penal code to be overly harsh. Rather than to risk condemning a defendant to a disproportionately heavy punishment, French juries sometimes preferred to acquit individuals who were guilty but sympathetic.

Some of the most blatant examples of jurors and public sentiment undermining the written law came in trials for abortion and infanticide. The number of acquittals in abortion, infanticide, and suppression d’enfant cases, even when the police or Instructing Judge had obtained full confessions, is striking. In Ille-et-Vilaine, for example, police and the instructing magistrate obtained full confessions in thirty of the fifty-nine infanticide cases that went before the cour d’assises between 1900 and 1940. Yet the juries in twelve of these cases in which there was a full confession chose to find the

\textsuperscript{57} Juries, of course, are not perfect expressions of public opinion, particularly since no women sat on them. Nonetheless, they are an important means by which French citizens who were not legal professionals could directly influence the judicial system.

defendant not guilty on at least the infanticide charge.  

It is clear that while jurors may have been repulsed by crimes such as infanticide, they did not always find the women accused of them to be very criminal. The battle, then, was between defendants and prosecutors to determine which image of the defendant the jurors would see: bad, unnatural woman or sympathetic victim.

Abortion and infanticide were very different crimes according to the French public imagination, and jurors’ reactions to female defendants differed depending upon which crime had been committed. In general, public opinion was more sympathetic to women and girls who committed infanticide than to those who had abortions, although this did not always result in more acquittals. Abortion was officially defined as a “crime against morality” whereas infanticide fell under the rubric “crime against a person.” Women who had abortions and women who murdered their newborn babies both refused to accept the “duty to reproduce” that natalists claimed faced all French women. Yet the imagined stereotypes of each “sort” of criminal—the woman who murdered her infant, the woman who sought an abortion, and the abortionist—were quite distinct. Abortionists were nearly-universally vilified as greedy, unattractive, unprincipled old hags who made immoral profits by exploiting young, attractive women and girls. Infanticide defendants were more kindly imagined as young inexperienced victims of men’s treachery (and society’s cruelty and coldness) who committed

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59 I have counted as an acquittal cases in which the defendant confessed to an infanticide, but received a “Not Guilty” verdict on the infanticide charge, but a “Guilty” verdict on suppression d’enfant or other lesser charge.
their criminal acts only in moments of utter desperation and temporary madness. There seems not to have existed as solid a stereotype of women who had abortions, perhaps because journalists and other observers could not decide whether they deserved censure for their loose morals, or pity for their situation (which, after all, would be just as desperate as the infanticide’s if she did not have the abortion). The ambiguity attached to abortion also could result from the fact that the women who had illegal abortions had vastly differing professions, family backgrounds, and ages whereas infanticide defendants tended to fit a specific template of isolation, youth, and inexperience.

Defendants who managed to project the proper balance of candor, remorse, and naïveté (separate from all questions of actual guilt and innocence in the specific circumstances) could hope to win the court’s (or at least the jury’s) sympathy and pity. The rewards for women who could make themselves seem worthy of pity could be significant. Women and girls who convinced the jury that, rather than cold-blooded murderers, maternal monsters, or loose women, they were actually themselves victims of the longer series of events leading to the commission of reproductive crimes, and could benefit from the leniency juries often showed sympathetic criminals. Many female defendants tried to win clemency—either deliberately or driven merely by the instinct born of knowing the world in which they lived—by painting themselves as the victims of society: emphasizing their relative inexperience in the world, their victimization by selfish and uncaring men, and their determination to make amends by becoming, when the time was more propitious, productive mother-citizens. However, defendants who did
not fit the public’s imagination of the “criminal-as-victim” rarely met with full clemency. This included defendants who did not seem suitably contrite, who frequently changed their stories and thus seemed less than frank, or who for whatever reason were shown to have a sufficiently thorough and cynical knowledge of the world to make claims of ignorance or fear ring false.

Women who committed infanticide were more successful in convincing their jurors of their status as victims than women accused of abortion, possibly because they suffered the physical agonies of childbirth and thus seemed to have already been punished. While public comment in newspapers and the ever-present natalist propaganda characterized women who had abortions as “selfish” and “egotistical” as often as they expressed pity for them, most infanticide defendants benefited from an underlying assumption among the French population that only a woman driven by the most desperate of problems would kill her own baby.

The classic imagined scenario of the criminal-as-victim was repeated throughout the early twentieth century in newspaper stories, novels, and plays. It included a naive young woman, a carefree cad, stolen innocence, broken promises, and, ultimately, abandonment. In this scenario, the young woman is left alone, brokenhearted, and with a pregnancy threatening to proclaim her dishonor to the world. It would be very easy for jurors, imagining the defendant to be a present-day version of Victor Hugo’s seduced and abandoned heroine Fantine, to take pity on such a woman.

Although almost no real defendants could hope to fully conform to this image, women and girls who convincingly claimed to have had abortions or killed their babies in
order to protect their honor almost always received more lenient treatment than girls and women who, in the jury’s opinion, no longer had honor to protect. This second group included women who were married and carrying on affairs, women who already had illegitimate children, women with notorious or openly “loose” conduct, and women who did not make efforts to hide their pregnancies. A young woman from Givors denounced in two different anonymous letters for having had an abortion was able to convince jurors to acquit her, even though she made a full confession and even though the midwife who performed the abortion received a sentence of twenty years forced labor for the same act. “I was seduced,” she told investigators, “by Monsieur L… a wounded evacuee from Germany, who was married last Saturday despite his promises to marry me…”60 Faced with such a terrible situation, she argued, she had little choice but to seek an abortion.

Juries were also willing to believe that the ravages of modern society might be to blame for such crimes. A former employer and neighbor of a girl accused of infanticide and suppression d’enfant in the Rhône in 1905 expressed her immense surprise at the charge because the girl had always been so “kind and serious.” She described the girl as a victim of urbanization. “Unfortunately for her, she wanted to find a job in the city—it is the ambition of all the girls who are in the countryside, and I really regret what happened to her.” The jury agreed with this neighbor that the girl was herself society’s victim and voted to acquit.61

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60 Archives Départementales du Rhône (henceforth ADR) 2U 780 (abortion, 1917), interrogatoire.

61 ADR 2U 697, renseignements, 27 décembre 1904.
By contrast, Célestine C., a recent war widow described as “loose” and whose “conduct had always left something to be desired,” even when her husband was alive, did not at all strike the jury as a sympathetic victim of society. Indeed, the jurors may well have been repulsed that she frequently entertained American soldiers in her home, seemed to show little respect for her heroically dead husband, and had demonstrated a single-minded determination to get an abortion. She received a three-year prison sentence for having had two abortions during World War I.

Women and girls who committed particularly brutal—and therefore “unwomanly”—acts were also unlikely to win the public’s sympathy. Marie-Sainte E. should have been a good candidate for clemency when she went before the cour d’assises of Ille-et-Vilaine in August 1905. Only eighteen years old at the time of her trial, she was the legitimate daughter of a Breton farmer and his late wife and had good prior conduct. She furthermore could argue that, aside from the two occasions when she had “given in” to her father’s farm hand, she was sexually inexperienced. She had shown enough moral conviction to baptize the baby, which she claimed gave no sign of life, and since the forensic pathologist could not conclusively determine the cause of her infant’s death, she only faced suppression d’enfant charges, not infanticide. Given the sympathetic tendencies of French juries at the beginning of the century towards young, well-behaved girls who killed their babies in moments of weakness and extreme duress, all of these considerations should have guaranteed Marie-Sainte at least a suspended

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62 ADIV 2U (liasse) 1204 (abortion, 28 July 1920), Acte d’accusation.

63 Ibid.
sentence, if not an acquittal. But whether or not Marie-Sainte murdered her infant, her treatment of the baby’s corpse was brutal enough to convince the jury that all the other factors in her favor did not merit acquittal. After giving birth in the farm’s courtyard, Marie-Sainte tried to feed the cadaver to her rapacious farm dog, which regularly gobbled up the dead goats and rabbits that she fed him. By morning, to her dismay, the dog had only eaten the arms from the corpse, so she used her knife to slice bits of flesh from the cadaver to tempt him to eat the rest. Thoroughly repulsed by Marie-Sainte’s treatment of her baby’s cadaver, the jury convicted her and she received a two-year prison sentence.64

Public opinion, and jury verdicts, also tended to punish women who betrayed their “natural” maternal instincts. In 1906 an unmarried rural day laborer, Marie Henriette M., who already had one illegitimate child, gave birth around six o’clock in the morning to a new baby. She cut the umbilical cord with a pair of scissors, baptized her newborn and then strangled the baby with one of her garters.65 How, she was asked during her interrogations, could an experienced mother have done such a thing? “How, when you were fully conscious, did maternal instinct fail to take over, and why didn’t you spare your little girl, who asked only to live?”66 “I don’t know,” was her inadequate reply, confirming the image the prosecutor was trying to paint of her as an unnatural, uncaring

64 ADIV 2U (liasse) 1127, cour d’assises d’Ille-et-Vilaine, dossier de procédure (2 août 1905).

65 One of the most important questions that instructing judges almost always asked women accused of infanticide prior to World War I was whether or not they baptized their baby. For women and girls who had made full confessions, it was an opportunity to frame themselves in a better moral light, but for defendants who tried to argue that they had only “passed” a blood clot or other inanimate object, it was a “trick” question, designed to cast doubt on their motivations and truthfulness.

66 ADIV 2U (liasse) 1133.
mother. “I was so irritated. …I was like a madwoman.” The jury found her guilty and she was sentenced to three years prison and lost custody of her other child.

Women who were perceived by the jury to be rejecting *motherhood* itself rather than simply a specific pregnancy at a specific time for specific environmental or circumstantial reasons were also unlikely to be forgiven in court. The reverse was also true: it helped a woman’s chances enormously if she could convince the jury that her maternal instinct was only temporarily misplaced and that she did not actually reject motherhood wholesale.

Philippine M., a 30-year old distiller charged in 1904 with abortion, is a good example of this. Despite “loose” prior conduct, a detailed denunciation, a damning witness, and her own full confession, she managed to walk away from the *cour d’assises* of the Rhône with an acquittal. In 1900, Philippine had begun an affair with Claude, a married man. In August 1902, after two years of “frequent” sexual intercourse, Claude noticed that his mistress seemed to be pregnant. “[A]fter some hesitation on her part,” Claude told the police, “she finally admitted to me that she was four months pregnant, and that the baby was even beginning to cause her some pains.”

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67 Ibid.  
68 The denunciation that brought Philippine to trial was made anonymously (but in person) to a police officer, and specifically mentioned that Claude would be in a position to further enlighten the police. The *dénonciatrice* turned out to be Claude’s embittered wife, out for revenge against both her husband and his mistress.  
69 ADR 2U 683, statement 15 October 1903.
The description of Philippine that Claude gave the police was hardly complimentary; he stressed that he had “not been the only one to benefit from Mademoiselle [M.’s] favors,” and that “numerous lovers” came to visit her in her apartment. In his description, Philippine fit the natalists’ description of the egotistical individual unwilling to allow the noise and bother of a child to disrupt her merry, self-centered life. “[Philippine] also told me that she was very annoyed [about the baby] and that her greatest desire would be to get rid of the intruder who threatened to disrupt her pleasant existence… I tried to dissuade her, showing her that if she underwent an abortion, she would regret it later. But she took no heed of my advice….” Not only was Philippine a loose woman with multiple lovers, Claude implied, but she was also selfish and lacked maternal instinct.

When interrogated in her turn, though, Philippine did her best to counteract Claude’s negative descriptions of her. While she admitted that she had, indeed, carried on affairs with several lovers, Philippine tried to retell the story so that she and Claude fit the innocent victim/predatory seducer pattern that the pubic expected. “I can assure you,” she told the instructing judge, “that he was my first lover and that I never had intimate relations with men before him.” She was quite frank, though, about the impact a baby would have had upon her life. “This news was a sad revelation for me, for I saw my future shattered by the coming child.” With her confession and the details she gave

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70 Ibid.
71 Ibid, interrogatoire.
72 Ibid.
police, there was no doubt as to her guilt. Thus, if actual guilt was the point of the process, Philippine should certainly have been convicted.

Yet Philippine ultimately convinced the jury, not of her innocence, but of something much more important—her value to French society. She made a convincing case that she was genuinely sorry for her actions and that she had turned a new page in life. “Since then,” she explained, “I have felt a lot of remorse…but at the time I was so worried about a baby coming that I had decided to kill myself when [a friend] told me about [the abortionist].”\(^{73}\) Even more important to the jury than her expressions of remorse were Philippine’s recent actions. At the time she faced trial, she was newly married (to someone other than the rascally Claude), and, the jury must have presumed, ready to take on her maternal duty now that she was in a more appropriate situation for it. The jury chose to agree with one police officer’s assessment of the case that “it seems that her current behavior should make us forget her past.”\(^{74}\) Despite her full confession, she was acquitted.

The conflict between French public opinion about abortion and infanticide and official government policy and legislation was not as straightforward as the French people, represented by juries, simply refusing to enforce laws they found objectionable. First of all, France was a democratic republic, and the fact that laws such as the 1920 ban on contraception and birth control information remained in place for decades indicates at least tacit acceptance of the law. Secondly, although many women who went on trial for

\(^{73}\) Ibid.

\(^{74}\) Ibid, Rapport (5 décembre 1903).
reproductive crimes received acquittals and forgiveness from juries, this was by no means a rule. Some women did serve jail sentences for abortion and infanticide, and some juries even denied defendants “mitigating circumstances,” which could reduce the length of their sentence. So French juries did not object to trying some women for abortion and infanticide—they just believed that some women and girls did not deserve the punishments mandated by law.

Juries called upon to decide the fate of women and girls accused of abortion and infanticide wanted to “save” those individuals who seemed to be innocent (or mostly innocent) victims—and especially those who still had the potential to become productive mothers for France—from the overly harsh punishments mandated by the penal code. On the other hand, jurors did not hesitate to punish women who clearly failed to meet the moral and maternal expectations of womanly behavior—unnatural mothers who seemed devoid of maternal instinct. The French public and the juries derived from it sympathized with women and girls forced by circumstances beyond their control to choose between a criminal act and misery or loss of honor—as long as those women and girls fit the public’s imagined image of the female criminal-as-victim. The line between victim and monster was very fine, and there was a constant struggle between the defendant and the forces of the law (the instructing judge, the prosecutors, etc.) to shape the defendant’s image to fit one extreme or the other. The most important questions to determine guilt or innocence in these cases, then, were not about facts, but instead about motivations, prior conduct, future plans, and remorse.
The women charged with reproductive crimes during the first four decades of the twentieth century committed their crimes in an atmosphere of official condemnation of any effort to avoid pregnancy, but also of general support and forgiveness for those who were driven by circumstances to murder their infants or have abortions. Press accounts of reproductive crimes helped to shape public opinion by depicting defendants as either worthy of pity and themselves the victims of a cruel world, or else as monsters who killed innocent babies or practiced immoral maneuvers in order to avoid the consequences of sin. In many cases the French press, the public, and the jurors who represented it in the judicial system were lenient because they believed that the punishments mandated by law were too heavy for the crimes committed. In other cases jurors believed the defendant was worth “saving” because she still could become a contributing member of society, specifically by getting married and having children when her situation had improved. Finally, in many cases jurors chose to acquit or judges decided to award suspended sentences because they believed the long and very public ordeal of arrest, interrogations, and trial were punishment enough for a sensitive woman who was concerned about her reputation and status in society. The process of the law thus became the punishment as well, regardless of whether a guilty verdict was delivered. This was a modern form of public shaming that forced women to discuss their intimate lives with strangers, exposed their lack of sexual chastity to the curious eyes of the newspaper-reading public, and forced women who wished to receive clemency from jurors to admit their sexual missteps in open court.
CONCLUSION

Throughout this dissertation, we have surveyed the primary options available to poor women who became pregnant despite their wishes during the first four decades of twentieth-century France. We saw the slow but steady decline of the solitary crime of infanticide as women became less isolated and had greater access both to public assistance for expectant and new mothers and to safer and more effective clandestine abortions. We have heard from many of the women charged with reproductive crimes in the departments of Ille-et-Vilaine and the Rhône about what influenced their actions, how they felt about their crimes, and the experience of an undesired pregnancy in a natalist nation. Several important themes emerge from the experiences of these women.

The first of these themes is the effect improved technology and mobility have on women’s reproductive decision-making. The long-term decline in the number of infanticides in France is due in part to women’s greater mobility, as trains, trams, bicycles, and automobiles gave some women the option of hiding their pregnancies by temporarily relocating to Paris or a regional center such as Lyon or Rennes, and the ability to travel with relative ease to assistance centers, maternity wards, and maisons maternelles. The decline in infanticides may also have been influenced by improvements in the way abortionists advertised their services, which made finding an abortionists to
terminate a pregnancy seem more feasible to some women who might otherwise have committed infanticide.

The influence of technology was most apparent in the development of relatively safe and reliable professionalized abortion. Catherine E., a former brothel manager charged in 1903 with abortion, complained that she was facing punishment for something that was a banal part of life for women. “It is a terrible thing to be in prison at age 56 for [such] a trifle…everyone does it today, even married women in high society…”1 In 1903 many French observers would have disagreed with Catherine’s assessment. Although abortion was fairly common among some married women at the turn of the twentieth century, few would have classified it as a “trifle,” if only because the danger of infection, injury, or death at the hands of an amateur abortionist who did not use sanitary methods was so great. By the end of this study in 1940, however, Catherine’s thoughts on abortion would have been much more in the mainstream of public opinion. Advances in technology and the professionalization of abortion meant that women who wished to terminate their pregnancies could do so with greater safety and reliability than ever before. This change in abortion represents the most important development in women’s reproductive options during the early twentieth century.

Second, this comparison of abortion and infanticide cases demonstrates the importance of place and isolation to women’s reproductive decision-making. Rural women and isolated urban women (such as domestic servants who were migrants from

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1 Archives Départementales du Rhône (ADR) 2U 681, Interrogatoire 4 et 17 décembre 1903. The same woman had complained loudly in front of police secretaries that “This would never have happened to me if I continued to only do it [perform abortions] to married women.” (ADR 2U 681, Testimony 20 October 1903.)
the countryside) were far more likely to commit infanticide than women who were less isolated, such as factory workers. Abortion, by contrast, was primarily an urban phenomenon and, except for a few cases of self-abortion, required the complicity of another person with specialized knowledge. As more French women moved to cites, and as the number of domestic servants dropped, women were less isolated, and thus less likely to commit infanticide. The importance of place extended to jury reactions to crimes, as well. In the more rural and more Catholic department of Ille-et-Vilaine, juries tended to be less forgiving of women who committed reproductive crimes than their counterparts in the urban department of the Rhône. This may reflect a difference in values among jurors, a difference in expectations of female morality, or jurors’ knowledge of different realities for unwed mothers in their area.

A third theme of this study is lack of effect natalist propaganda about the dangers of depopulation seems to have been. None of the women tried for reproductive crimes in Ille-et-Vilaine or the Rhone even mentioned depopulation as a consideration when she was faced with an undesired pregnancy. Although the natalists were the clear winners in their battle with Neo-Malthusians during the Third Republic, it was birth control, not large families, that most ordinary French couples ultimately chose to adopt.

Finally, the stories of women who were tried for reproductive crimes underscore the inherent limits to a democratic state’s ability to enforce restrictions on decisions considered to be private. Reproductive laws were passed by the paternalist state for the public good, but met with widespread resistance because they conflicted with popular conceptions of reproductive morality and compassion for unwed mothers. Women
refused to abide by the laws, police neglected to seek out those who violated reproductive laws, and juries (and eventually magistrates) declined to punish those who broke the law. As long as such resistance was tolerated, the French state’s ability to dictate private action was severely curtailed.

Indeed, with the exception of Catherine E.’s aforementioned complaints about being jailed over a “trifle” like abortion, none of the women tried for reproductive crimes in Ille-et-Vilaine or the Rhône made any comment about the existence or justice of laws governing their reproductive choices. The decision made by hundreds of women to go ahead and terminate their pregnancies in spite of the law and government efforts to provide legal alternatives to abortion, however, would seem to indicate that few women believed state restrictions on abortion were serious impediments to individual decision-making. Many women did make use of the public assistance programs designed to help poor expectant mothers, and it is likely that the positive measures enacted by the national and local governments did ultimately help convince some women not to risk illegal abortions. The repressive measures, however, were not successful.

Over the long term, the developments we see during the late Third Republic, and especially the accession to power by natalist sympathizers during the Daladier government, laid the natalist political foundations that would reach their apex with the decidedly natalist population policies under the Vichy Regime. Under Vichy and its leader Philippe Pétain, the French Republic’s slogan liberté, égalité, fraternité (freedom, equality, brotherhood) was replaced with travail, famille, patrie (work, family, homeland), and natalists would make an (ultimately unsuccessful) effort to remake
France along traditional gender lines. Yet even with all this power, natalists were not able to convince a majority of French couples to have large families.

Although cracking down on reproductive crimes—especially abortion—featured prominently in natalists’ plans for Vichy, the same lack of enthusiasm from police and the public fettered their plans as during the Third Republic. Famously, two professional abortionists, Marie-Louise Giraud and Desirée P., were guillotined in 1943 after trials before the special wartime Tribunal d’État. Yet, as historian Miranda Pollard argues in her study of family policy under Vichy, the notoriously harsh punishment of these two abortionists was an exception. Most cases of suspected abortion continued to come to police attention as they had in Ille-et-Vilaine and the Rhône under the Third Republic—following denunciations or when a woman fell ill—and most continued to be tried by the civil courts.

The women who went on trial for reproductive crimes in Ille-et-Vilaine and the Rhône at the beginning of the twentieth century faced undesired pregnancies at a time when few legal options for poor or unwed mothers existed. Over the course of the next forty years, the development of government aid programs, the professionalization of abortion, and increased mobility of women throughout France women facing unwanted pregnancies a greater range of choices to deal with their crisis. In spite of natalist propaganda and government crackdowns, women continued to assert their desire to choose when to become mothers.

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3 Ibid., 190-192.
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