

Vanderbilt Historical Review

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LETTER FROM THE EDITOR

DEAREST READER,

History is the most magnificent form of time travel.

Sifting, sorting, and sitting with the words of historians, history comes alive. To read history is to jump back to another time, immerse yourself in its characters, its atmosphere, and to grapple with its social, political, and moral questions, with the weight of knowing what comes next. We are left to contemplate, “What would I have done? How would I have felt? How is this relevant to the present I live in today?” Now, it is the history we write that future readers will be transported back to, with the knowledge of what has happened next, challenging themselves to understand what we are going through today.

The act of reading and writing history is one of love. Historical research is a lengthy, meticulous, and dedicated process. Reading history is a difficult, rewarding, and enriching experience. The symbiosis between writer and reader stems from a genuine care for the people behind the history, telling their stories, consuming their stories, all to understand the mystery of people, just like us, who have lived long before we can even imagine.

We are responsible for learning about, collecting, and storing history like the precious gem that it is. We are responsible for sharing history to share the gift of time travel.

I challenge you to sit with the articles in this issue. Voyage with them to other continents and times. Parse through their contents and ponder how they resonate with you and those you love. Consider the history for all its transcendent magic.

It has been an honor to serve as *Vanderbilt Historical Review*'s Editor-in-Chief. The community behind this publication is one of thoughtful, brilliant, and dedicated minds, who I have grown to appreciate and adore for all of who they are. I am deeply grateful for the unwavering support of the Vanderbilt History Department and the instrumental help of Gianna Mosser, Director of the Vanderbilt University Press (VUPress) and Alissa Faden, VUPress' Book Design and Production Specialist, without whom the publication of this issue would not have been possible. Thank you to Desiree Hagg, our Managing Editor, who has been by my side every step of the way this year.

Now, sit back, strap in, and journey back. Travel so far you reunite with the present.

GRATEFULLY,

Davi Lennon
Editor-in-Chief

ABOUT THE ISSUE

DEAR READER,

This publication is a special issue on feminism that intends to give a platform to historically silenced perspectives. When Davi and I first took over as *Vanderbilt Historical Review's* Editor-in-Chief and Managing Editor, respectively, we wanted to center our annual publication around a theme. Not just any theme, but one that carried significance and relevance to us, modern society, and our current social-political moment. Although women constitute more than half of the population, women remain remarkably absent from historiography. Historiography in itself is a demonstration of power: those who have power will have their stories told, and this is generally the patriarchy.

The first wave of feminism dates back to 1848 at the Seneca Falls Convention when the goal of equality for all genders was formalized. *We have not yet reached this goal.* While this commitment to equality certainly has procured advancements globally, such as more women in government and education, it is not enough. Still present is the wage gap, gender-based violence, and a threat to reproductive rights. The most salient example is the 2022 overturning of *Roe v. Wade*, stripping those with uteruses of access to safe abortions and bodily autonomy. Feminism may be an older concept, but it is still as relevant and necessary. Thus, *VHR* chose the topic of feminism in order to be an active participant in the progress of equality. Every decision about the publication was made with the utmost intention—two of the typefaces, Mr Eaves and Maiola were created solely by women. In showcasing articles about women, *VHR* is able to add perspective to historiography and enrich the minds of our readers. We hope that our efforts will create and facilitate discussions on gender inequality—an issue profoundly prevalent in our global society—and women's empowerment.

PLEASE ENJOY,

Desiree Hagg
Managing Editor

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Widowhood, Remarriage, and Power

Chaucer's Wife of Bath and Medieval Sex Positivity

This paper is a cultural study which explores the social circumstances of medieval widowhood via the Wife of Bath from Chaucer's Canterbury Tales (1400). Using chancery records, legal documents, and other literature focused on remarried widows from Western Europe between 1150 and 1450, this paper concludes that the Wife of Bath is an accurate representation of a genuine minority of frequently remarried widows. To understand the culture surrounding female sexuality and the power widows held as wealthy single women, media which reflects the culture, such as literature, must be used in addition to traditional sources, such as marriage records. It is crucial to understand that widowhood was functionally a part of a woman's life cycle in this time period. Though not all women lived to be widows, it was very common for a woman to outlive her husband, especially if her husband was older. Widowers did exist and frequently remarried, but their station in society did not change at the death of their spouse like a widow. Beyond this, widows were unique in their ability to own land as women, both from their own family and from their deceased husband, and thus were far more influential than when they were married. At the center of my thesis is the character of the Wife of Bath in Chaucer's Canterbury Tales. The Wife, also known as Alisoun, is an older, sexually vocal woman who has been married six times, and is often considered to be Chaucer's most well developed character. Despite the eccentricities of the character, there is nothing within her story that is unprecedented, and women with similar histories to Alisoun's certainly existed within wealthy social circles. Through understanding the social context of widowhood, we can gain a more nuanced understanding of medieval gender. The character of the Wife of Bath in Chaucer's Canterbury Tales remains one of the most well developed and nuanced depictions of female sexuality and power in Western literature, due in no small part to her status as a five time widow seeking her sixth husband. In many ways, Alisoun, the Wife of Bath, is an exaggeration of the power and wealth that women could gain over multiple marriages, but her experiences are echoed in many real widows in medieval Western Europe. While this was uncommon, some widows were married three or four times, with some more social-climbing widows gaining influence, wealth, and even titles with these matches. I contend that despite her eccentricities, Alisoun genuinely reflects a minority of late medieval widows who frequently remarried, and how they were perceived by the society around them.

THE WIFE OF BATH, ALISOUN, is given the most attention and nuance out of any characters in Chaucer's *Canterbury Tales*, and is arguably one of the most developed female characters in the English canon. Her prologue is much longer than her actual tale, and reveals much not only about how she is seen by the other pilgrims, but also how she defies and is defined by the conflicting expectations of widowhood, and the politics of sex and power. Alisoun's prologue is a long defense not only of remarriage, but also of the lack of shame she feels for exercising her right to control her body as well as her husbands, and for using her advantages to raise her wealth and status. As a five time widow on the hunt for her next husband equipped with a remarkable intelligence and wit, and substantial financial resources, she represented a dangerous and formidable opponent to the gender roles she was expected to adhere to, not only as a widow and single woman, but as a woman at all.

Emmaline May

SEWANEE,
THE UNIVERSITY
OF THE SOUTH

Widowhood in the medieval period was more or less an expected era in a woman's life cycle. Unless one was dedicated to the church, a girl would expect to be married by her twentieth birthday in the twelfth and thirteenth centuries, with many marrying in their early to mid teens.¹ The age of their spouse could differ, but it was not unheard of for a girl to marry a man fifteen years or more her senior. Baroness Juliana of Leybourne, nicknamed the *infanta* of Kent due to her wealth, was six in 1310² when she was married to Baron John Hastings of Abergavenny, born in 1286.³ He died around her twentieth birthday, in 1324 at age 38, and she went on to have two other marriages. Even without a significant age difference, men tended to die younger due to wars and crusades, hunting accidents, and even tournaments.⁴ If a woman could survive childbirth, or avoid pregnancy completely, she would likely outlive her husband. Both the rate of widowhood and the desirability of widows fluctuated

1 Theodore Evergates, "Aristocratic Women in the County of Champagne" in *Aristocratic Women in Medieval France* (Philadelphia: Univ. Of Pennsylvania Press, 1999), 103.

2 George E. Cokayne, *The Complete Peerage of England, Scotland, Ireland, Great Britain, and the United Kingdom Extant, Extinct, or Dormant*, 1st ed., vol. 5 (London, UK: George Bell and Sons, 1893), 85.

3 Cokayne, *The Complete Peerage*, 1st ed. (1892), 350.

4 Amy Livingston, "Aristocratic Women in the County of Champagne" in *Aristocratic Women in Medieval France*, 53.

with time and place, as well as the degree of their independence. In general, France was more relaxed about female property ownership, both inheriting property and actively controlling it,⁵ maintaining a system of communal marital land, whereas England separated land between husband and wife.⁶ Widowhood brought with it vulnerability as much as it did independence, and remarriage was a compelling option not only to gain financial security, but also a physical network of security with a suitor's resources. Of course, this was easier said than done due to the prevalent culture around controlling women and their bodily autonomy. In addition to its varying legality, remarriage was heavily criticized by the church and moralists, which created a taboo fascination in literature of the sexually active widow, the most enduring and developed being the titular Wife of Bath, Alisoun. Widows were either seen as helpless and vulnerable symbols of virtue, or unfaithful, and uncontrollable, sexual objects. A sexual widow was dangerous and vilified; if a woman could control her own sexuality, she could use it to control men.

Historiography

The scholarship surrounding the study of widowhood and remarriage in late medieval Western Europe has developed rapidly in the past forty years as historical study became more oriented towards both women's history and social history. The field has shifted from a focus on a widow's property, legal rights, and involvement in the church to one based on individual women and their cultural experiences as women in a land holding society, including their sexuality and marriages. Whereas earlier work would study how the law affected widows, more recent scholarship focuses on widows' interactions with the law. The earliest works I will be using mark the halfway point in this shift- "Fifteenth-Century Widows and Widowhood: Bereavement, Reintegration, and Life Choices" by Joel Rosenthal in *Wife and Widow in Medieval England* (1993) centers its research on the opportunities for power and freedom that became available to widows after their husbands died, especially in regards to the legal consequences or advantages of remarriage as related to their inheritance. "Noble Widowhood in the Thirteenth Century: Three Generations of Mortimer Widows, 1246-1334" by Linda Mitchell in *Upon my Husband's Death* (1992) recognizes the emphasis that has been put on the legal and economic aspects of widow's lives, but not on the social context they lived in, and attempts to "reconstruct the activities of three, thirteenth century widows belonging to the powerful Mortimer family."⁷ The attention given to social context would become far more popular as the field developed, perhaps best illustrated in

Aristocratic Marriage, Adultery, and Divorce in the Fourteenth Century: The Life of Lucy de Thweng by Bridget Wells-Furby (2019), which analyzes a myriad of historical women to provide context to the experiences which a widow might endure, anchored by the events of Lucy de Thweng's life.

Joel Rosenthal reminds the reader that widowhood, obviously, begins with the death of a spouse, and puts into context how disruptive it would be for a medieval woman to suddenly be thrust into the role of the head of the household. For all the freedom and independence this new period of her life could grant her, "it opens with a closing; from an ending came a beginning. Furthermore, the closure was accompanied by isolation, loss, and vulnerability."⁸ It may be obvious that a widow's husband had died, but that emotional vulnerability can get lost in the margins of these women's history, and this vulnerability provides a backdrop for Rosenthal's argument: that widowhood was, for all its grief and vulnerability, a time where a woman was presented with a wealth of choices, more than she had ever had before. While a marriage in the medieval era was most certainly arranged, the emotional intimacy of living and having children with a partner was significant, and the change of status from a stable household to widowhood was chaotic. Rosenthal admits that he would "pick and choose statistical and anecdotal material," and that these were simply moments in a woman's life, but defends this by noting that no incident was isolated, as "we mostly act within predictable channels and not particularly wide ones," and that his data was indicative of the ways in which these women acted.⁹ It is unclear if this statistical material was representative of the entire population since it was, by his own admission, chosen specifically to support his argument. Remarriage rates fluctuated dramatically based on time and place, as the marriage market was, at its core, a market, and the availability of land could make a widow more or less desirable to bachelors.¹⁰

This is not to say that the statistical material Rosenthal presents is at odds with the general consensus found in the other works. Wells-Furby cites Rosenthal's research to illustrate the varying nature of remarriage statistics.¹¹ However, Wells-Furby uses this in addition to the multitude of other records outlining dozens of women and how their lives ran parallel to one another, showcasing that the experiences of a widow were unexceptional, if not mundane. In contrast, Rosenthal fails to mention the varying nature of marriage prospects from year to year, variables such as the plague and availability of land that could make remarriage more or less advantageous. Rosenthal asserts that his findings are more indicative of the relevance of remarriage to a widow considering her options rather than how many

5 Kimberly Loprete and Theodore Evergates, "Introduction" in *Aristocratic Women in Medieval France* (Philadelphia: Univ. Of Pennsylvania Press, 1999).

6 Cordelia Beattie and Frank Stevens, "Introduction: Uncovering Married Women" in *Married Women and the Law in Premodern Northwest Europe* (Woodbridge, Suffolk; Rochester, NY: Boydell Press, 2013), 3.

7 Linda Mitchell, "Noble Widowhood in the Thirteenth Century: Three Generations of Mortimer Widows, 1246-1334," in *Upon My Husband's Death: Widows in the Literature and Histories of Medieval Europe*, ed. Louise Mirrer (1992), 171.

8 Joel T. Rosenthal, "Fifteenth-Century Widows and Widowhood: Bereavement, Reintegration, and Life Choices," in *Wife and Widow in Medieval England*, ed. Sue Sheridan Walker (Ann Arbor, Michigan: University of Michigan Press, 1993), 35.

9 Rosenthal, "Fifteenth-Century Widows and Widowhood," 35-36.

10 Barbara A. Hanawalt, "Remarriage as an Option for Urban and Rural Widows in Late Medieval England," in *Wife and Widow in Medieval England*, ed. Sue Sheridan Walker (Ann Arbor, Michigan: University of Michigan Press, 1993), 148-9.

11 Bridget Wells-Furby, *Aristocratic Marriage, Adultery and Divorce in the Fourteenth Century: The Life of Lucy de Thweng (1279-1347)* (Woodbridge, Suffolk, UK: The Boydell Press, 2019), 130; 131; 140.

women actually remarried, that “to determine that a good half of widowed women moved on to remarriage certainly tells us something fairly concrete about how they dealt with the life options.”¹² Since there is no way to know exactly how many women remarried or the manner in which they did, we are left to speculate with the information we do have.

The anecdotes within Rosenthal’s essay are brief and cradled by caveats, such as the story of Anna, Lady Scrope of Bolton, thrice married and childless in 1498, who left her accumulated estate to various nieces, nephews, and cousins.¹³ After presenting a part of her “testamentary loquacity,” Rosenthal emphasizes how this was not exceptional, as it was not particularly unusual for widows to leave small fractions of their wealth to various family members. Rosenthal claims that her will “help[ed] establish a worldview that was a social construct, not a biological one...[A will] offered an opportunity to reknit the personal and socioeconomic threads of a now disjointed life.”¹⁴ He fails to explain how the will does this—widows were legally considered in law to still be members of their deceased husband’s family line and remarriages too close to the deceased were considered consanguinity—so her connection to the nieces and nephews of her previous marriages was both a social construct and a biological one. The idea that she did this to connect with her previous life also leaves out the possibility that she never lost contact with it in the first place; for all we know she kept up with family members long after her husbands’ deaths.

Rosenthal correctly asserts that for many medieval widows wills functioned as “scrambled segments of autobiography,” though maybe not in the way we think of an autobiography.¹⁵ This sentiment is echoed by many other medieval historians, as a will was, outside of any coercion by greedy relatives, often the only record we have written, or more likely dictated, by the women in question. The idea that “as widows reveal themselves from their deathbed, they often depict (or create) a reasonable family network” is a compelling concept, especially combined with the more metaphysical idea that they knew this was their last influence on their loved ones lives, thus they would include their close friends as well as relatives.¹⁶ Inheritance was of the chief importance for medieval widows, as it determined their living situation as single women. Perhaps they were writing their wills with this in mind for their female relatives. Regardless, wills remain one of the only resources available created by the women themselves and offer a brief look into their lives, not only recording who they considered important, but what they considered valuable:

often jewelry and fine clothing which was regarded as paraphernalia and given to their family and friends.¹⁷

The idea that these women were not involved in the writing of their own history is at the core of Wells-Furby’s work, as “[de Thweng’s] voice is missing but nevertheless can be illuminated by comparison to other women who went through the same experiences.”¹⁸ Clearly this is referring to the purpose of her book: to de-scandalize and show how Lucy was not a particularly exceptional figure. Instead, she was just a high ranking woman with a relatively eventful life that has been torn apart by historians, including in the *Complete Peerage*. As the most recent publication within my research, Wells-Furby benefits from nearly thirty years of discourse about how to write about and discuss medieval women, taking care not to put modern labels or attributes onto de Thweng. By putting every event of de Thweng’s life in sometimes exhausting amounts of context, she is able to show how some of the events were not necessarily unique, such as an abduction, while others were indeed cause for gossip and scandal, such as her divorce instead of a far more common annulment. The greatest pitfalls of the Wells-Furby work are related to form as understanding the full context of the work requires a familiarity with the genealogy of the multiple families discussed, which can become very confusing.¹⁹ While she does provide some context for the dense family trees, the repeating surnames and volume of women mentioned throughout the work make it difficult to follow the trajectory of these women’s lives.

Linda Mitchell’s essay “Noble Widowhood in the Thirteenth Century: Three Generations of Mortimer Widows, 1246-1334” in *Upon my Husband’s Death* attempts to explore medieval widows’ lives outside of exclusively legal documentation, but ultimately it just uses chancery records to achieve the same skeletal outline of these women’s lives. Mitchell argues that “a discussion of noblewomen’s position in society based only on legal status provides an incomplete picture of medieval widowhood,” and one must also consider the social context of the woman’s life to understand her choices.²⁰ Obviously one must understand the context surrounding a subject to understand the scholarship on the topic, but Mitchell takes this in a very specific direction, as if she is trying to deconstruct the phallogocentrism of the fourteenth century legal system and the masculine values of medieval society.

Mitchell asserts that, despite their lack of legal independence and the tactical reasoning behind a patriarchal inheritance system, women were not “constrained by the social view of female inferiority

12 Rosenthal, “Fifteenth-Century Widows and Widowhood,” 37.

13 Rosenthal, “Fifteenth-Century Widows and Widowhood,” 40.

14 Rosenthal, “Fifteenth-Century Widows and Widowhood,” 41.

15 Rosenthal, “Fifteenth-Century Widows and Widowhood,” 41.

16 Rosenthal, “Fifteenth-Century Widows and Widowhood,” 44.

17 Cordelia Beattie, “Married Women’s Wills: Probate, Property, and Piety in Later Medieval England,” *Law and History Review* 37, no. 1 (2019), 46.

18 Wells-Furby, *Aristocratic Marriage, Adultery and Divorce in the Fourteenth Century*, 1.

19 Linda E. Mitchell, “Aristocratic Marriage, Adultery and Divorce in the Fourteenth Century: The Life of Lucy de Thweng (1279-1347),” *Medieval Feminist Forum: A Journal of Gender and Sexuality* 56, no. 2 (2021): 229.

Mitchell actually articulates this far better in her review of the book I found while doing research into her recent publications, and concludes that, while the formatting and pacing is odd, Wells-Furby produced “a tour-de-force of archival research that can stand as a model on how such research ought to be conducted: thoroughly, fearlessly, and intensively.”

20 Mitchell, “Noble Widowhood in the Thirteenth Century,” 171.

or of female legal incompetence, but...created their own niche in the social scheme, however undefined their role might have been."²¹ Perhaps Mitchell is arguing that, in fact, it is not despite the phallogocentric military order of rank but because of it that women were able to establish their own values, finding meaning in the separate spheres. There is a difference between striving to illuminate a woman's voice in an account of her life, and projecting the language of independent female empowerment onto an individual who would not even identify with the definition of feminism, let alone be able to identify whether her culture was centered around toxic masculinity (or even have a problem with it.) Whether or not women have been colonized by the masculine gaze since the medieval period rests outside the scope of this paper, but either way, applying twentieth century critical feminist values to women who predate even the reformation is vastly oversimplifying the issue, which confuses Mitchell's essay. Unlike in literary studies where the meaning of the work can be interpreted using various critical strategies that are not exclusive to modern society, one cannot analyze interactions between women who only appear in historical records.

In many readings of *The Canterbury Tales* and other medieval writings which center around well-rounded, sympathetic women, the word "feminist" seems to sneak in. In fact, even in writings on real women, feminist terminology is applied. Indeed, in comparison to other depictions of women during the medieval period, Alisoun, the confident, assertive, sex-positive older woman embodies many modern feminist ideas. The idea that a medieval writer could be centuries ahead of his time in terms of social progressive ideas is rather attractive, especially for those who would already claim that Chaucer was progressive, but can someone who died at the turn of the fifteenth century really be called a feminist? Applying modern labels like "feminist" grossly misidentifies both the movement of feminism, which is firmly rooted in an era in which capitalism affects gender and identity, as well as the very medieval individuals in discussion and their ideas of gender and sexuality. Medieval individuals would not identify with labels like queer or straight, nor would they understand our modern gender expectations. One cannot call Chaucer a feminist simply because any medieval individual's interpretation and understanding of gender is wildly incompatible with any modern gender ideology. At the same time, one cannot deny that Chaucer's writing certainly features complex female characters and complex ideas surrounding their gender and sexuality and women's place in society. His contemporary, poet and bishop Gavin Douglas, called him "all wommanis frend," and by fourteenth century standards, he was certainly more concerned with the thought processes and desires of the fairer sex than most.²² While modern terms reflect the transgressive and progressive subjects of his writing, they are inaccurate for categorizing his ideas about gender and sexuality.

Far more productive than calling Chaucer a feminist would be to use feminist critical theory to analyze his work, exploring deeper implications in his portrayal of Alisoun and deconstructing the meaning of the work. This strategy could expose ways in which Western European medieval culture considered gender through its depictions in literature.

Chaucer, Marie de France, and Chrétien de Troyes were writing about relationships and deliberately made their characters widows, the Mortimer women that Mitchell analyzes have no say in what she is implying or explicitly claiming about them. Further, authors relinquish the meaning of the work to the audience, including the personalities of their characters. The Wife of Bath is not a real individual, whereas the Mortimer widows were, and it is problematic that Mitchell is misrepresenting them when they already had no input in the way in which they were recorded in history. These are not their words and do not infer their ideas of gender.

Mitchell goes on to describe the achievements and influence of Gôladus Du, Maud de Breouse, and Margaret de Fiennes, first describing the events of their lives available in marriage and land ownership records, before arriving at her true argument: "each of these three women represents, in her own way, a type of alliance that the English baronage often made."²³ Gôladus Du, a daughter of Llywelyn the Great, was likely a bigger asset in her first marriage to Reginald de Breouse (Reinald y Bregys in Welsh) who fought against King John in the Baron's War.²⁴ Bregys marriage to Gôladus secured his claim over his land in Wales, as he is listed as the only non-Welsh contributor to peace with King Henry III in the *Brut y Tywysogion*, a Welsh chronicle outlining the history of the Welsh royal family.²⁵ It was this marriage that led the way to a Welsh princess marrying a Mortimer, and a significant alliance made with the English baronage. In addition, as her first marriage, it is likely to be the one that Gôladus identified as significant to her role in Welsh history. Mitchell does not focus on this marriage at all, but rather her second marriage. The rest of Mitchell's essay outlines how these women helped consolidate their influence and "exemplify the range of involvement of medieval noble widows in their private lives...and public arenas," but fails to actually show how they were influential as widows rather than as wives.²⁶ Their lives as widows are relevant to the essay because of the difficulty or ease they had in acquiring their dowers, and Mitchell articulates very well the legal struggle that women often faced in order to gain their inheritance. If Mitchell's essay was focused on three generations of women and their experiences acquiring their dower and inheritance after their husbands' death, this would be a well-organized and insightful read. This is not the central argument of her essay, however, and in fact she gets caught up in the very documents that she believes are unable to show a woman's experience, only using chancery records instead of legal records.²⁷ She simply

21 Mitchell, "Noble Widowhood in the Thirteenth Century," 172.

22 Margaret Hallissy, *Clean Maids, True Wives, Steadfast Widows: Chaucer's Women and Medieval Codes of Conduct* (Westport, Connecticut: Greenwood Press, 1993), XV.

23 Mitchell, "Noble Widowhood in the Thirteenth Century," 175.

24 Caradoc of Llancarvan, *Brut Y Tywysogion*, ed. John Williams (London, UK: Longman, Green, Longman, and Roberts, 1860), 287.

25 Caradoc of Llancarvan, *Brut Y Tywysogion*, 299.

26 Mitchell, "Noble Widowhood in the Thirteenth Century," 175.

27 From 176 until the end of her essay Mitchell discusses nearly exclusively parliamentary summons, court records, and military service records and how they affected the women's lives.

fails to disprove the “social view of women as inferior to men” in the medieval period, especially since she does not use any sources which exemplify the social view of women at all.²⁸

These pieces of medieval scholarship all intend to provide insight into the lives of medieval widows and what a typical experience of widowhood consists of, to varying degrees of success. It is of no surprise that the most recent scholarship within this field is the most developed and focused on individual women rather than legal records, as the field of medieval gender studies and the study of widows has developed dramatically since the early 1990s. That being said, it is necessary to understand the legal protections and restrictions that medieval widows faced in order to understand the experiences of individuals comparable to Alisoun.

Dowers, Inheritance, and Marriage Prospects

To understand the life of the wealthy remarried medieval widow, and therefore the character of Alisoun, one must understand the legality and landholding practices which could have affected her life and marital status, such as inheritance and dower, marriage rights and restrictions, and causes for separation. A case study into three medieval women who remarried multiple times provides context for the problems a prospective bride may have faced. Margaret Graham of Menteith, Hawise la Gros of Aumale, and Eve de Clavering, a Scottish, a Norman, and an English woman, respectively, are found in the *Complete Peerage* and illustrate the ways in which these factors could affect a widow's life.

Margaret Graham was born in the early 1330s in Menteith, Scotland, and became the heiress *suo jure*, heiress in her own right, upon the death of her mother, Countess Mary of Menteith, in 1360.²⁹ According to the English common law documented in 1187 in the *Glanville*, the earliest treatise on English common law, although Margaret was the only heir to inherit the earldom, she was a vassal of her lord and had a duty to produce an heir, and thus was married.³⁰ Unmarried women could own land while married women could not, so a woman only controlled her land, selling it or bequeathing it, initiate lawsuits based on the land, in her widowhood.³¹ Widows who were heiresses *suo jure* were especially attractive marriage partners because they likely brought their own land and capital into their first union that they were then granted control of in widowhood, which they could then transfer to their husbands and any heirs that resulted from the union.³²

Margaret was married to Sir John Moray of Bothwell in 1348,

undoubtedly the result of an arranged match, which required a papal dispensation due to the couple being within four degrees of consanguinity.³³ She was likely in her mid to late teens as she was born in the early 1330s, but it was not uncommon for brides to be married in their early teens, like Alisoun who was married at twelve. Margaret became a widow just four years later in 1352, and swiftly remarried in 1354 after two papal dispensations—a result of both the consanguinity of the match and their speedy matrimony—to Thomas, Earl of Mar.³⁴ While it is unclear what exactly was left to Margaret by Sir John upon his death, she had no children in her first marriage and was in possession of her own land, an entire earldom, from her own inheritance, thus she was a very attractive prospect for a match. Most, though not all, widows were well taken care of by their husbands' wills, with many leaving their entire estate to their wife with no strings attached, and widows were free to marry whomever they wished and still receive their inheritance.³⁵ This is also why lords had control over an inheriting woman's marriage, so she would not “provide him with an unsuitable vassal, and her retainers, in turn, with an unsuitable overlord.”³⁶ A widow was able to hold this land and power that she had inherited from her husband, but she was rarely able to hold it prior to her marriage.

In the eyes of the law, remarriage was accepted, though not encouraged. Widows were vulnerable and were more susceptible to abductions and forced marriages, which is reflected in the legal protections regarding their remarriage. Many ancient English laws are quite clear on this, the laws of Canute feature a section specifying that widows had to wait a year before they could remarry, or else she would forfeit all of her dower or inheritance— at the same time, though, they were barred from joining the church too quickly.³⁷ Perhaps this law was intended to stop emotionally vulnerable women from making rash decisions so soon, or to protect widows from prospective abductors who could benefit from a marriage with a newly wealthy and unprotected heiress. The Magna Carta itself specified that no widow could be forced to remarry.³⁸

With this in mind, we turn to Hawise of Aumale, *suo jure* Countess of Aumale in Normandy, first married in 1180 to William de Mandeville, Earl of Essex.³⁹ William de Mandeville certainly seemed like a good suitor, as he had previously distinguished himself in his role as a military commander in France and in the crusades alongside Henry II and Richard I. Wars were dangerous, and he died in battle nine years later.⁴⁰ Hawise was then married off by Richard I, her lord, to William de Forg, a knight with no title, five months later against

28 Mitchell, “Noble Widowhood in the Thirteenth Century,” 171.

29 Cokayne, *The Complete Peerage*, 1st ed. (1893), 299.

30 Ranulf de Glanville, *A Translation of Glanville*, trans. John Beames, (Washington DC.: John Bryn and Co. 1187, 1900), 147.

31 Cordelia Beattie, *Medieval Single Women: The Politics of Social Classification in Late Medieval England* (Oxford, UK: Oxford University Press, 2007), 25.

32 Hanawalt, “Remarriage as an Option,” 35.

33 Cokayne, *The Complete Peerage*, 1st ed. (1893), 299.

34 Cokayne, *The Complete Peerage*, 1st ed. (1893), 221.

35 Barbara Hanawalt, “The Widow's Mite,” in *Upon My Husband's Death: Widows in the Literature and Histories of Medieval Europe* (2007), 24.

36 Hanawalt, “Remarriage as an Option,” 24.

37 Conor McCarthy, *Love, Sex & Marriage in the Middle Ages: A Sourcebook*. Abingdon (UK: Routledge, 2022), 107

38 McCarthy, *Love, Sex & Marriage in the Middle Age*, 121.

39 Cokayne, *The Complete Peerage*, 1st ed. (1910), 353.

40 George E. Cokayne, *The Complete Peerage of England, Scotland, Ireland, Great Britain, and the United Kingdom Extant, Extinct, or Dormant*, 2nd ed., vol. 5, ed. Vacary Gibbs (London, UK: St. Catherine Press, 1926), 119.

her will. Forz paid £150 to Richard I for her marriage rights with the note that “de instauratione Comitisse de Albemar’ vendito anno primo Regis quia ipsa noluit nubere Willelmo de Forz,” or “for the establishment of the Count of Albemar (Aumare) in the first year of the King because she did not want to marry Forz.”⁴¹ It is perhaps worth noting that Hawise’s heir was a result of this union, there was no concept of marital rape and both spouses were expected to fulfill their duty in the marriage debt.

Marriage fines would be imposed on a widow for remarriage without license, marriage too soon, or marriage of choice, but the king could grant that fine to another for her marriage rights, such as a military comrade who wanted land and an heir. Hawise had only been a widow for a few months, so Forz’s marriage to her incurred a fine. Forz was killed in battle in 1195, and in the same year, Hawise was once again married, to knight Robert de Bethune as a gift from Richard I. This likely was also not consensual, as upon his death in 1212, she agreed to pay 5,000 marks, or over £3,000, to the king so she could hold her own marriage rights— and would not have to marry again— by her death she had paid £1,000 to the crown.⁴² Aumale had been taken by the King of France in 1196, but Hawise was at this point extremely wealthy from her dower lands, and she had a single male heir whose marriage rights could be quite advantageous to a suitor. She did not get to enjoy the luxury of the single life, however, as she died in 1214.⁴³ While widows often had more control over their marriage than unmarried women, they were still at the mercy of their lord, or to whomever their lord granted their marriage rights. So if a widow was young and childless, she might not gain control of her second marriage either, especially if the king wanted to form political alliances. If Hawise was in her late teens in 1180 when she was first married, she would have been in her early thirties when she was married a third time, and hypothetically still able to produce an additional heir, making her a very attractive prospect for political marriages. It is of note that her second and third husbands were both military figures who fought alongside Richard I and were rewarded with the county of Aumale, and by extension Hawise, as a gift for their service. While there were some women who married up or down in remarriage, most wed men of the same status as their first husband. Thus, Hawise is notable not only for the clear lack of consent present in her second marriage and hinted at after her third, but also because she was married down to knights instead of other landowners like her first husband the Earl of Essex. Hawise is proof that not all marriages, even with the independence of widowhood, were consensual and many were for political and financial gain.

While a peerage is very advantageous, wealth and influence could exist outside of the peer system, and marriage arrangements were not only dependent on peerage. This can help explain why Margaret of Menteith’s second marriage to Thomas, the Earl of Mar, was on somewhat equal footing with her first match to Sir John Moray of Bothwell, who was merely a knight. Margaret’s first husband, John Moray of Bothwell, died before he inherited his father’s land or title, if there was one to inherit, but surely reaped the rewards of the name Moray. Moray was one of the oldest families and areas in Scotland, which later became the first earldoms alongside Beth, Mallus, Mathus, Rothri (Mar), Gartnach, and Dufugan.⁴⁴ The title Earl of Moray went extinct in the reign of King David I, so while she gained a title in her second marriage it is unclear if she gained any influence or wealth that was not granted with her first marriage.⁴⁵ The Morays could be considered equal to the Mars in the marriage market, as a similar marriage took place between Sir Andrew Moray of Bothwell and Margaret, Countess of Carrick *suo jure*, the widow of Gratney, Earl of Mar and in 1326.⁴⁶ While Margaret’s second marriage was appropriate according to their rank in society, the match, like with Margaret’s first husband and her two subsequent ones, were within a level of consanguinity that required two papal dispensations from Pope Clement VI in 1352 and his successor Pope Innocent VI in 1354.⁴⁷

Marriages within the peerage frequently consisted of couples with shared ancestors three or more generations their senior, but remarriage complicated this family tree because legally, and in the eyes of the church, one’s spouse’s relative was considered their own, i.e. someone’s brother-in-law was only one degree of consanguinity away, like a blood brother would be, and thus far out of marriageable range, by even the most lenient Pope. This can be seen in the marriage of Eve de Clavering, born around 1300 and only child of Baron John de Clavering. Eve was born an heiress *suo jure* like Margaret and Hawise, but never inherited her family’s estate.⁴⁸ “When very young,” at least age 2 or at the very oldest age 12, she married Thomas of Audley, who died in 1308 at age 19; the year of her marriage is unknown.⁴⁹ Like many medieval women, her exact age is unknown, but she was “40 and more” at her mother’s death in 1345, and her first husband died in 1308. If she was married in 1307 and was 49 at her mother’s death, she *could* have been 12, but she was likely much younger. Eve was quickly married again to Thomas de Ufford who died in battle in 1314, and both boys were heirs to baronies.⁵⁰

After this, Eve lived with, but did not marry, James Audley, and had two children with him.⁵¹ Eve could have had a number of reasons to not marry James— his father was considered a traitor and

41 Cokayne, *The Complete Peerage*, 2nd ed. (1926), 119.

42 Cokayne, *The Complete Peerage*, 1st ed. (1910), 354.

43 Cokayne, *The Complete Peerage*, 1st ed. (1910), 354.

44 Cokayne, *The Complete Peerage*, 1st ed. (1910), 142.

45 Cokayne, *The Complete Peerage*, 1st ed. (1910), 144.

46 Cokayne, *The Complete Peerage*, 1st ed. (1893), 220.

47 Cokayne, *The Complete Peerage*, 1st ed. (1893), 221.

48 Cokayne, *The Complete Peerage*, 1st ed. (1913), 274.

49 Cokayne, *The Complete Peerage*, 1st ed. (1913), 276.

50 Cokayne, *The Complete Peerage*, 1st ed. (1913), 274.

51 Cokayne, *The Complete Peerage*, 1st ed. (1910), 348.

has lost his barony,⁵² or she might not have been able to afford the marriage fine for remarrying someone of her choice.⁵³ Perhaps most importantly of all, though, he was the first cousin of her first husband, Thomas of Audley, and they could not get a dispensation for consanguinity that was so closely related— they were considered to be only two degrees away. According to the *Penitential of Theodore*, an early Christian text which laid the foundations for much of medieval legislature, a couple “are to be united in the fifth degree; in the fourth if they are found [already married] they are not to be separated; in the third, they are to be separated,” not only in one’s own family, but that of a spouse, as “it is not permitted to take the wife of another after his death [if he was related] in the third degree.”⁵⁴ Indeed, Eve and James had two children together, one of whom inherited James’s estate. Because Eve and James Audley were related in the second degree through her first husband, and they were only barons and not higher peers, they likely would not have received the dispensation required to marry. James Audley died in 1334,⁵⁵ and Eve married Baron Robert of Benhale in 1342.⁵⁶ Robert must have been significantly younger than her, because he outlived her by over thirty years, and it was not until eighteen years into their marriage that he was made a baron. This barony was not from an inheritance, but seemingly out of wealth; she may have married down for a love match to a much younger man whom she held power over and gave her land and wealth to, much like Alisoun and Jankyn. This union no doubt affected her reputation, in not only the marriage market but also regular aristocratic society, as marrying a younger man was considered marrying down and affected one’s status.⁵⁷ It is not stated in the *Peerage* why Eve, as the only child, did not inherit her father’s barony, but perhaps the two children she had with James Audley prior to her father’s death impacted the inheritance.⁵⁸

Slightly more scandalous than a union without marriage was the dissolution of marriage without proper cause, which brings us back to Margaret of Menteith. Thomas, Earl of Mar, Margaret’s second husband, was kept hostage as collateral during the captivity of King David II of Scotland in the Tower of London, and was “frequently in disgrace” with the King.⁵⁹ They were divorced by 1361, only 7 years after the dispensations, when she would have been in her late twenties.

Her age is of note because one possible reason for the divorce would be impotence—the *Red Book of Menteith* cites Thomas’s “natural desire” for children as his reason for divorcing her.⁶⁰ “Impotence” was a valid reason for a woman to divorce a man according to the *Penitentials of Theodore*, and thus it is within the realm of possibility that the reverse could hold up in court.⁶¹ Margaret, however, was only in her late twenties, at most 31 if she was born in 1330, so she was theoretically of the age to have children. Female unmarried heirs could be disinherited if they were “incontinent,” though this did not apply to widows since they already had been married, according to the *Glanville*.⁶² Ironically, Thomas did not become a father in his next marriage either, as his second wife, Countess Margaret of Angus, only had one child— a bastard born well after Thomas’s death, named George Douglas.⁶³ Divorce did not always inhibit individuals from remarrying high ranking nobility like a countess, especially one of the same rank as the Mars family.

The exact dates of Margaret of Menteith’s divorce and subsequent marriage are unclear, as many records of medieval women’s lives often are. The *Peerage* claims that they were divorced in 1360 or 1361, but the *Red Book of Menteith* claims her first child with her third husband, John Drummond, was born in May 1359. What is clear is why she married Drummond: his family was as old and powerful as hers (only six years later his daughter Annabel would marry Robert III),⁶⁴ and according to the *Red Book*, their families had been feuding for years, and the king arranged the union to create an alliance between the families.⁶⁵ Drummond died very shortly after the marriage, and Margaret, still in her late twenties as only a year had passed since her divorce, married Robert Stuart, the third son of Robert II, who would later become the Duke of Albany and Fife. She had an heir in 1362⁶⁶ and perhaps five daughters after.⁶⁷ All of her marriages were within the level of consanguinity that required papal dispensation, granting further documentation to her unions and life.

Each of these women were married multiple times to men of different ranks as a result of their wealth and independence due to their status as widows. They share many similarities with Alisoun, though we cannot glean any information about their personalities or feelings on marriage. The timeline of their lives lined up with Alisoun’s: early

52 Cokayne, *The Complete Peerage*, 1st ed. (1910), 348.

53 Cokayne, *The Complete Peerage*, 1st ed. (1913), 276.

54 McCarthy, *Love, Sex & Marriage in the Middle Age*, 49.

55 Cokayne, *The Complete Peerage*, 1st ed. (1910), 348.

56 Cokayne, *The Complete Peerage*, 1st ed. (1912), 112.

57 RàGena DeAragon, “Wife, Widow, and Mother: Some Comparisons between Eleanor of Aquitaine and Noblewomen of the Anglo-Norman and Angevin World” in *Eleanor of Aquitaine : Lord and Lady*. Wheeler, Bonnie, and John Carmi Parsons (New York, NY: Palgrave Macmillan, 2003), 100.

58 Cokayne, *The Complete Peerage*, 1st ed. (1910), 348.

59 Cokayne, *The Complete Peerage*, 1st ed. (1893), 221.

60 William Fraser, *The Red Book of Menteith [Memoirs of the Earls of Menteith, Followed by Correspondence and Charters]*, 1 (Edinburgh, Scotland: Privately Printed, 1880), 124.

61 McCarthy, *Love, Sex & Marriage in the Middle Age*, 49.

62 *Glanville*, A Translation of *Glanville*, 146.

63 Cokayne, *The Complete Peerage*, 1st ed. (1910), 154.

64 Cokayne, *The Complete Peerage*, 1st ed. (1913), 58.

65 Fraser, *The Red Book of Menteith*, 226.

66 Cokayne, *The Complete Peerage*, 1st ed. (1910), 78.

67 Fraser, *The Red Book of Menteith*, 226.

marriages to older men, gaining influence and wealth in their own name, and, in the case of Eve de Clavering, marrying a younger, less wealthy man and elevating his status.

Ecclesiastics, Poets, Moralists, Whores

To the medieval church, and to any strict moralists, preserving women's chastity and the protection of virginity was of chief importance, especially the chastity of unmarried women such as single widows.⁶⁸ This was not only because of their vulnerability and the possibility of a pregnancy outside of marriage, but also because widows had a sort of renewed virginity upon their husband's death. According to the medieval church, three levels of chastity existed: virginity, widowhood, and marriage, in that order.⁶⁹ Medievalists had an affinity for ordered positions in society, as seen in the *summae* system.⁷⁰ Virgins, obviously, were the most chaste because they were completely abstaining from sex, and widows, as long as they had not remarried, would be considered chaste as well. Wives were not chaste, but were having sex within the confines of marriage with the intent of procreation. Some early Christian theologians believed that widows accomplished an even greater feat of chastity because they had experienced sex and then chose to abstain; Tertullian, for example, believed that the chastity of a widow was "of greater difficulty," since they had tasted the forbidden fruit.⁷¹ The honor, and difficulty, of abstinence is echoed in the Wife of Bath's Prologue, with Alisoun deciding that if she could be chaste, it was better to be in marriage:

For sothe, I wol nat kepe me chaast in al.
Whan myn housebonde is fro the world ygon,
Som Cristen man shal wedde me anon,
For thanne th' apostle seith that I am free
To wedde, a Goddes half, wherever it liketh me.
He seith that to be wedded is no synne;
Bet is to be wedded than to brynne.⁷²

Widows, upon remarriage and thus the end of their chastity, would enter back into the wives category, but without the church's blessing, as remarriage was tolerated but not encouraged by the medieval church.

While widows remained unmarried, they had exceptional protection under medieval law, as penalties for harming a widow were often more severe than for harming a wife. Unmarried widows were often subjects of charity and sympathy in the eyes of the law, paying the lowest tax rate and being the subject of the "poor little widow" stereotype.⁷³ If a widow was powerless and chaste she was to be protected, if powerful or licentious she was vilified. While the church permitted

remarriage, they did not endorse it, with Augustine of Hippo repeating biblical sentiments, "I would not venture to condemn any marriage, but neither would I dare to say that a plurality of them is no cause for embarrassment" in *The Excellence of Widowhood*.⁷⁴ That said, early church figures and medieval theologians were also against sex within marriage without the intent to procreate, as lust and desire for sex outside of conceiving a child was unholy. In the church, sex was a means to an end, reproduction, so women advertising their wares, especially maidens or widows, was considered a sign of depravity. The amount of energy put into the protection of the bodily virtue of widows and virgins created a culture fixated on the control of women's bodily autonomy, not only in their sexuality, but also anything concerned with their marriage and widowhood, especially in literature. From bawdy fabliaux to conduct books, ecclesiastical and legal writing, medieval society had a fear and disdain of uncontrollable women and the power they might yield if their sexuality went unchecked. Sexual desire was often the only reason given by men for why a widow would remarry, despite the many financial, legal, and security concerns which make singledom dangerous, usually for the purpose of villainizing her and her power.

Beyond the protection of a widow's chastity, moralists were concerned with how they mourned, and for how long. If one mourned too publicly, too loudly, and for too long, then widows were being unrealistic and putting on an act, but if too softly and quietly – they were not truly grieving. Even mourning attire was scrutinized, as it signaled to possible suitors that a woman was no longer married, and thus sexually available.⁷⁵ This was of primary concern to husbands, who had much to fear about their wife's actions after their deaths. Literary works can be very indicative of the problems medieval men had with widows, especially their control over their sexuality and property. The most prolific example of this anxiety is surely the tale of the Widow of Ephesus, in which a widow is weeping over her husband's grave before falling in love with a knight guarding a hanged man. The knight, distracted by the widow, loses the body of the hanged man and the widow offers her husband's corpse as replacement to protect the knight. The story varies, with some versions offering more sympathetic details than others; for example, Marie de France's version makes the story more sympathetic to the widow, with the "devious" knight professing his love to her and the added detail of the widow's goodness and her vulnerable state.⁷⁶ Marie's version transfers the guilt from the widow, who in most versions is seen as at best easily swayed and at worst lecherous, to the knight, who uses the language of chivalry and courtly romance to trick the widow into helping him:

68 Hallissy, *Clean Maids, True Wives, Steadfast Widows*, XVI.

69 McCarthy, *Love, Sex & Marriage in the Middle Age*, 15.

70 Hallissy, *Clean Maids, True Wives, Steadfast Widows*, 2.

71 Cindy L. Carlson and Angela Jane Weisl, "Introduction," *Constructions of Widowhood and Virginity in the Middle Ages* (ed. 1999), 2.

72 Geoffrey Chaucer, "The Wife of Bath's Tale and Prologue" in *Canterbury Tales*, trans. Larry Benson (Harvard, MA: The President and Fellows of Harvard College, 1400), lines 46–52.

73 Cordelia Beattie, *Medieval Single Women*, 88.

74 McCarthy, *Love, Sex & Marriage in the Middle Age*, 37.

75 Katherine Clark-Walter, "Reading Widows: Grief, Memory, and the Parody of Chaste Widowhood in Medieval Literature" in *The Profession of Widowhood: Widows, Pastoral Care, and Medieval Models of Holiness*, 299–346 (Catholic University of America Press, 2018), 319.

76 Marie De France, *Marie de France Poetry*, ed. Dorothy Gilbert (New York: W.W. Norton & Company, 2015), line 188.

He quickly to the graveyard went
where the good widow made lament
and wept above her husband's grave.
The knight spoke, devious and suave:
"Comfort yourself! Take heart, be brave!
I would rejoice to have your love!"⁷⁷

Not only is the widow good and the knight devious, but the lesson at the end of her lai puts the blame on the knight and society and clears the widow of all charges:

Notice the import of this tale:
between the quick and dead, how frail
a trust exists; how devious
the world, how false and frivolous!⁷⁸

A widow and her sexuality, even written sympathetically by another woman, was vulnerable and easy to take advantage of. Less sympathetic versions of the tale include the widow having sex with the knight directly on the husband's grave, or going to the grave for the appearance of mourning.

The treatment of the widow in the different versions of "Widow of Ephesus," and the popularity of the tale, highlights the biggest fear for a medieval husband, that their wife will move on immediately after their death and even desecrate their body, or, more practically, take advantage of their estate for a new suitor. A truly virtuous widow must be bereaved above all else, and her bereavement must be sincere and realistic, or else she was seen as dishonest in her grieving, and thus it is assumed she did not love her husband or stay true to him.⁷⁹ If a widow remarried too fast, she received intense scrutiny and speculation over her devious sexual appetite, despite the fact that there were many financial factors which could have made a widow seek a new husband. According to stories like the Widow of Ephesus, widows were likely to remarry because "their sexual appetite explains their variability, not the other way around," there could be no other reason why a widow would enter another marriage so quickly, outside of the inherent weakness, and lustful nature, of women.⁸⁰

This standard did not apply to widowers, who were encouraged to remarry quickly after a brief mourning period, usually of a few months. A widower did not need permission from his vassal for whom to marry, as he would be the one with ownership of the land regardless of his spouse. There was a concern about the chastity of men, but far more for women, and the sexual morality of aristocratic widowers was not as important because widowers could not get pregnant out of wedlock, and any paternity was always deniable. Cordelia Beattie states that "in a society that had a patrilineal structure, there

was more of a social premium on female chastity, and this association became so embedded that it operated even when property was not at stake."⁸¹ The very foundation of Christianity relies upon a female virgin who was chosen by God, and thus chastity was a cornerstone of the feminine ideal.

One would be remiss to not mention Christine de Pizan when discussing medieval literature, widows, and chastity. Both her conduct book *The Treasure of the City of Ladies* and her work dedicated to female virtue *The Book of the City of Ladies*, cite chastity and modesty as principles to be upheld above almost all else by women. Legal, ecclesiastical, and other archival documents are necessary to understand the experiences of medieval women, but they do not, and cannot, paint the full picture. Literary and cultural media sources, especially those written by women, are helpful to clarify the nuances of medieval gender expectations.

Christine de Pizan was widowed when she was very young and never remarried, instead committing herself to the church. Her writing reflects her aversion to remarriage: "any woman ought to be very wary of remarriage, although for young women it may be a necessity or anyway very convenient. But for those who have already passed their youth and are well enough off and are not constrained by poverty, it is sheer folly...but the height of folly is an old woman taking a young man!"⁸² Pizan's *Treasure of the City of Ladies* was at its core a conduct book, meant to teach young women how to be good wives and virtuous women, and thus should be viewed as reflecting the feminine ideal. There was a difference between how women were told to act and how they actually acted, especially in regards to their sexuality and chastity, but surely there were women who did abide by Christine's advice. Pizan divided the *Treasure* into advice for princesses, noble women, and lay women, but her advice for widows was fairly universal: to devote themselves to bereavement and "keep herself secluded for a time after the funeral and obsequies, with only a little daylight and in sad and mournful weeds,"⁸³ and to seek the advice and guidance of their parents and friends before even considering remarriage.⁸⁴ Pizan cites the reason for this not as the widow's vulnerability clouding her judgment, but instead because "she ought to bear in mind that they probably know better how to recognize what is good for her than she herself does," implying that a woman should have no decision in her marriage.⁸⁵ Pizan was in many ways an anti-Alisoun, not only in her praising of chastity, but also because she often criticizes women who fought back against their husbands' decisions.

In her address to womankind in *The Book of the City of Ladies*, she instructs wives, "do not be indignant about having to submit to

77 Marie de France, "Fable 25, The Widow," 17–23.

78 Marie de France, "Fable 25, The Widow," 37–40.

79 Heather Arden, "Grief, Widowhood, and Women's Sexuality in Medieval French Literature" in *Upon My Husband's Death: Widows in the Literature and Histories of Medieval Europe*, ed. Louise Mirrer (1992), 308.

80 Arden, "Grief, Widowhood, and Women's Sexuality," 309.

81 Beattie, *Medieval Single Women*, 23.

82 Christine De Pizan, *The Treasure of the City of Ladies, or the Book of Three Virtues*, trans. Sarah Lawson, Revised Edition (1405; repr., London, UK: Penguin Classics, 2003), 144.

83 Pizan, *Treasure of the City of Ladies*, 58.

84 Pizan, *Treasure of the City of Ladies*, 63.

85 Pizan, *Treasure of the City of Ladies*, 63.

your husbands, because it is not always in a person's interest to be free."⁸⁶ Despite her strict morality and aversion to female sexuality, Pizan would agree with Alisoun in one subject. Pizan recognizes that it is men who will ruin a woman's reputation, "Remember, my dear ladies, how these men call you weak, shallow, and docile and yet how they try their best to come up with all sorts of strange and deceptive tricks to catch you, as if they were laying traps to catch animals. Flee! Flee, ladies, and avoid their company, because their smile hide painful and deadly poison."⁸⁷ Christine de Pizan surely believed in the power of chastity and grace, but also recognized the true threat to a woman: the men who talked about them and controlled the society around them. Alisoun was well aware that she was only receiving criticism from the other pilgrims, and society, because of a social construct around how men and women should act:

What rekketh me, thogh folk seye vileynye
Of shrewd Lameth and his bigamy?
I woot wel Abraham was an hooly man
And Jacob eek, as ferforth as I kan;
And ech of hem hadde wyves mo than two
And many another holy man also.⁸⁸

The Wife's tale explicitly states that the reigning social institution, the church, is misogynistic, "For trusteth wel, it is an impossible/ that any clerk wol speke good of wyves," and one of the most striking takeaway from her prologue is the exhaustingly thorough defense she has for her actions.⁸⁹ Alisoun, and no doubt many other medieval widows, faced constant criticism for their actions because of their gender, and was very practiced in defending her actions with both biblical and secular examples of men who remarried without reproach.

Alisoun, Widow, Antiwife

Widowhood in medieval literature "overwhelmingly emphasized the weakness of the women themselves and the futility of proposed continence," according to Katherine Clark-Walter.⁹⁰ Medieval men, secular as well as ecclesiastical, were extremely afraid of unmarried women's sexuality and how women, especially widows, could use their sexuality to control men. Whether or not women actually did is up to interpretation, but the vast majority of widows did not move up in status upon remarriage. Bridget Wells-Furby finds that among the 141 fourteenth century widows who remarried in the *Complete Peerage*, 29 'married up,' only 20.5% of those who remarried.⁹¹ Walter argues that "late medieval authors" preoccupation with the theme of the false widow who used her position to manipulate men suggests

that literature articulated a backlash against the image of the wealthy widow whose status and resources gave her the upper hand in choosing or refusing a mate, depicting such women as greedy, domineering, and dishonest."⁹² Widows were indeed a dangerous prospect both outside and inside marriage bed, as they were able to control their own land and wealth, challenging the patriarchal system, yet many more authors are concerned with their sexual freedom than their financial independence. This sentiment can be seen in the writing of Abbot Guibert, a twelfth century French Benedictine theologian, who claimed in his memoir that a wife with "greater vigor in the marriage bed" was deadly for any man, and that a woman with an sexual appetite was not to be trusted.⁹³ It is important to understand that in medieval society, there was no concept of marital rape, at least legally, and religious texts stated that a spouse's body belonged completely to the other.

This did not only apply to a man having control over his wife. According to the church both spouses had equal control over their spouse's body, something which Alisoun would echo in her tale and her desire for sovereignty over her husband's body as he has over hers. The answer to the question at the center of her tale, 'what do all women desire?' is answered simply by the knight after learning from the crone:

My lige lady, generally,' quod [the knight],
'Wommen desiren to have sovereynetee
As wel over hir husband as hir love,
And for to been in maistrie hym above.
This is youre moost desir, thogh ye me kille.
Dooth as yow list; I am heer at youre wille'
In al the court ne was ther wyf, ne mayde,
Ne wydwe that contraried that he sayde.⁹⁴

Women want control over their husbands and their marriage, just as their husbands have control over them. The rapist knight in the tale immediately interprets this as the crone having control over his body, but Alisoun's earlier statements regarding rape and infidelity suggests that it is more about her husband's actions than his body. The crone's desire for control is proven to be in regard to a marital debt with the subsequent conversation between the knight tasked with the quest and the old crone he married to get the answer. She, in the position of the older more powerful spouse, demands not only his body but also his love, offering to be either a faithful wife of a beautiful one. When he says he wants whatever she wants, she gives him both, becoming a young, beautiful, and faithful wife. Alisoun describes her first three husbands as being good because she could

86 Christine De Pizan, *The Book of the City of Ladies and Other Writings*, ed. Sophie Bourgault and Rebecca Kingston, trans. Ineke Hardy (1404; repr., Indianapolis; Cambridge: Hackett Publishing Company, Inc. 2018), 219.

87 Pizan, *Book of the City of Ladies*, 221.

88 Chaucer, "The Wife of Bath's Tale," 53-58.

89 Chaucer, "The Wife of Bath's Tale," 688-9.

90 Clark-Walter, "Reading Widows," 308.

91 Wells-Furby, *Aristocratic Marriage, Adultery and Divorce in the Fourteenth Century*, 172.

92 Clark-Walter, "Reading Widows," 304.

93 Abbot Guibert of Nogent, *Self and Society in Medieval France: The Memoirs of Abbot Guibert of Nogent* / Monograph, ed. John F Benton (Toronto, CA: University of Toronto Press, 1984), 138.

94 Chaucer, *Wife of Bath's Prologue and Tale*, Lines 1037-1044.

control them, and her last two as terrible for their infidelity and abuse: their decisions rather than their bodies. She does not want control over them sexually, she wants control over the state of her marriage. The ownership of a spouse's body referred to the concept of marital debt, but also to any straying which a spouse may commit.

While it was likely that women committed adultery in comparable frequencies as men, court records show that they were not prosecuted for it in the manner that men were. In a study of medieval French court records, Sarah McDougall found that men were charged and prosecuted far more for adultery than women, and when a woman was charged, she was often unmarried, and charged as an accomplice.⁹⁵ When a woman was married, it was often the man she committed adultery with that would be prosecuted; sometimes the husband the woman cheated on would be charged instead of her.⁹⁶ This could have been simply because it was easier for a court to get fines from them, as nearly all adultery cases ended with the charge of fines to be paid to the court or the church; few ended in penance and even fewer in any physical punishment. like whipping. However, it could also have been due to the expectations of a good husband at the time.⁹⁷ A respectable man controlled his wife; if she strayed the blame was on him for not being able to control her, as women were weak and easily persuaded by an extramarital encounter. Without a living husband to control her, a widow was even more unpredictable in her sexual endeavors.

The widow was only viewed in two contexts in medieval literature: the dutiful, vulnerable, and bereaved widow, and the profligate, deceitful, oversexed matron who was quick to forget her husband and move on to her next suitor. Vulnerable and bereaved widows were treated with reverence and respect by authors, while the more sexually explicit characters could be found in satires and fabliaux, as well as cautionary tales. Regardless, both types of widows were noted for their "inherent sensuality and weakness," of a woman without the protection, and control, of a husband or father.⁹⁸ This can be seen not only with the Widow of Ephesus, but also with many other female characters in medieval works, especially fabliaux due to their comedic sexual nature. One popular fabliaux, "Celle qui se fist foutre sur la fosse de son mari," features a widow weeping over her husband's grave when a squire walks by and reveals that he accidentally killed the woman he loved by having sex with her until she died, leading to the widow attempting to meet the same fate, presumably days after her husband's death.⁹⁹ Similarly, Chrétien de Troyes's "Yvain, the Knight of the Lion" features Laudine, a widow who quickly moves on from her husband, but Heather Arden argues that her desire for Yvain is "natural and sympathetic" and reflects a "more admirable

and more complex character than the typical widow" in these types of stories, especially when a young knight was involved.¹⁰⁰

Chaucer himself used widows multiple times, such as Criseyde in "Troilus and Criseyde," who is also portrayed as sympathetic despite maintaining a secret romance under the guise of chaste widowhood, as her love is portrayed as sincere and true for her new suitor.¹⁰¹ On the other hand, there were more enthusiastic portrayals of widows which would have not been seen as sympathetic. For example Boccaccio refers to widows as the ideal sexual partner, as they were both single and sexually experienced.¹⁰² Thus, the widow was a divisive figure in medieval literature, virtuous and sympathetic as well as sexually explicit, a maiden and a crone. As a romantic interest for a protagonist, the widow was not a very popular choice outside of bawdy fabliaux or cautionary tales, as ideally a widow would not submit to any sexual encounters with a hero. Chaucer is able to get around this caveat by not providing a hero for Alisoun to attach herself to, presenting her as an independent actor and character worthy of investigation.

Alisoun would have been criticized not only for her frequency of remarriage, but also her choice in her most recent husband, Jankyn: marrying a man much younger and of lower status than her would have been seen as grotesque.¹⁰³ Her marriage to Jankyn also serves as the greatest example of her exercising her wealth and sexual power and her lack of remorse for this. For all of her eccentricities of personality, she is not by any means an unrealistic character; she is an exaggeration of a trope, like all of the characters in the *Tales*, but she occupied a very real, though small, demographic of frequently remarrying widows. She was married five times, four of the marriages to men much older than her, the first being when she was only twelve years old, with the next few following in quick succession. She is proud of this fact, as it is the very first aspect of her life that she mentions, opening her prologue with:

Experience, though noon auctoritee
Were in the world, is right ynogh for me
To speke of wo that is in mariage
For, lordynges, sith I twelve yeer was of age
Thonked be God that is eterne on lyve
Housebondes at chirche dore I have had fyve.¹⁰⁴

Twelve was earlier than most marriages, especially to someone who was not born into the peerage, but the marriage was likely not consummated for a few more years and a young girl marrying a man significantly older than her as his second or third wife was not out of the ordinary.

95 Sara McDougall, "The Opposite of the Double Standard: Gender, Marriage, and Adultery Prosecution in Late Medieval France," *Journal of the History of Sexuality* 23, no. 2 (2014): 206–25; 207.

96 McDougall, "The Opposite of the Double Standard," 209.

97 McDougall, "The Opposite of the Double Standard," 214.

98 Clark-Walter, "Reading Widows," 301.

99 Arden, "Grief, Widowhood, and Women's Sexuality," 313.

100 Arden, "Grief, Widowhood, and Women's Sexuality," 315.

101 Clark-Walter, "Reading Widows," 326.

102 Clark-Walter, "Reading Widows," 306.

103 Hallissy, *Clean Maids, True Wives, Steadfast Widows*, 145.

104 Chaucer, "The Wife of Bath's Tale," 1–6.

More remarkable is the number of husbands. Even still, five marriages, while very uncommon, was not impossible. For example, Joan, Baroness of Cobham, first married at a young age in 1380, had five husbands before her death in 1433, the last of whom was significantly younger than her, much like Alisoun.¹⁰⁵ Katharine Neville's fourth husband John Wydville, younger brother of Edward IV's wife Elizabeth Wydville, was around fifty years her junior at the time of their marriage, though this was likely only a political union.¹⁰⁶ Eve de Clavinger's final husband must have been younger than her, as his death was a century after her birth.¹⁰⁷ Unlike Joan and Eve, Alisoun is never given a peerage in her prologue, but she is clearly very wealthy and owns land, even if she has no title. By her fifth husband, Jankyn, she is able to use her wealth to secure the young suitor,

This joly clerk, Jankyn, that was so hende
Hath wedded me with greet solempnytee
and to hym yaf I al the lond and fee
that ever was me yeven thebifooore,¹⁰⁸

Having accumulated wealth from her first four husbands as well as her entrepreneurship. As a cloth-maker in Bath, Alisoun would have been "within the nascent bourgeois milieu of the west country wool industry," or among the wealthiest non-noble individuals, thus making her a reasonably attractive bride despite her age.¹⁰⁹ Many widowsremarried men within the craft or guild of their previous husband, so it is likely that her first three husbands were involved in the wool industry and she was expected to carry on the business.¹¹⁰ Her fourth husband was certainly in the wool industry, as she makes reference to their sheep.¹¹¹ Her choice to marry Jankyn, who is described as an apprentice¹¹² and as a clerk, is in line with this pattern, though she had other motivations in mind when choosing to marry him.¹¹³

Conor McCarthy argues that had the *Tales* been set a few decades earlier, her status as a landowner would have been seen as much more

attractive, as post-plague England (1400) did not have the land scarcity it did in the century prior.¹¹⁴ However, she was a prospect worthy of dower in each of her marriages, as the reference to all of her marriages happening "at the church door" is likely a reference to the practice of confirming a dower at the church door before marriage.¹¹⁵ The Glanville specifically cites that a dower is "in the sense in which it is most commonly used, that which any free man at the time of his being affianced, gives to his Bride at the Church Door."¹¹⁶ If this is what Chaucer is inferring, it implies that although Alisoun seduced the young and poor Jankyn with her wealth, she still made him pay some sort of dower, which is not out of character for the wife.

The extent of Alisoun's wealth is up to interpretation. She holds a lot of land but no title. The most obvious hint to her vast wealth is in her clothing, something which Chaucer's audience would have recognized the nuances of. In fact, Chaucer makes special note to include the clothing of many of the pilgrims in the General Prologue, as well as to document the appearances of each. Before the audience learns about her gap tooth and wide hips, beauty standards signifying sexuality, Chaucer notes her fine, elaborate coverchiefs, red scarlet stockings, and new shoes in her Sunday dress.¹¹⁷ Laura Hodges notes that the coverchiefs, which "weyeden ten pound" according to Chaucer, not only highlighted her pride and wealth, but was also popular among very well-to-do women, being seen in brass burial plates throughout the 14th century.¹¹⁸ A wealthy woman wearing the coverchief would not be odd, but there is a certain irony when Alisoun wears it due to her sexual proclivity, as she does not seem the type to be overly modest. Her red scarlet stockings too would have been a sign of pride, scarlet here referring to the material of a costly woolen, with the color reserved for the noble due to the sumptuary laws. Alisoun seemingly has no issue procuring or wearing the material or the color, a testament to her influence and wealth.¹¹⁹ Her Sunday dress is not her everyday wear, and her traveling dress is far more practical – she even wears "an foot-mantel aboute hir hipcs large,"

105 Cokayne, *The Complete Peerage*, 1st ed. (1913), 345.

106 Cokayne, *The Complete Peerage*, 1st ed. (1895), 43.

She was in her late sixties and he was 19, this marriage was conducted so the Wydevilles would have a greater foothold in the English nobility and John was beheaded a few years later so it is unclear how "real" this marriage was, but Cokayne's writing indicated that Katherine was at the very least consenting to the match, "that such a match should have lead to such unhappiness is only what we might expect but the words in which this seems to be intimated by William Worchester are enigmatical to modern readers: *vindicta Bernardi*, he says, *inter cosdem postem putrit*." Unclear who "Bernardi" refers to.

107 Cokayne, *The Complete Peerage*, 1st ed. (1912), 115.

She was born as early as 1296 and no later than 1305, her first marriage taking place in 1307 "when very young," (1913, 274). His first appearance in any records was in 1336 in the French and Flemish Wars and he died in 1406. Assuming he was around 20 in 1336, he was likely around 15-20 years younger than her compared to Alisoun's 20 year age difference.

108 Chaucer, "The Wife of Bath's Tale," 627-31.

109 John A. Pitcher, *Chaucer's Feminine Subjects: Figures of Desire in the Canterbury Tales* (Palgrave Macmillan New York, 2012), 26.

110 Vanessa Harding, "Families in Later Medieval London: Sex, Marriage and Mortality" in *Medieval Londoners: Essays to Mark the Eightieth Birthday of Caroline M. Barron*, ed. Elizabeth A. New and Christian Steer (University of London Press, 2019), 27.

111 Chaucer, "The Wife of Bath's Tale," 423.

112 Chaucer, "The Wife of Bath's Tale," 303.

113 Chaucer, "The Wife of Bath's Tale," 548; 595; 628.

114 Conor McCarthy, "After Marriage" in *Marriage in Medieval England: Law, Literature and Practice*, 139-58 (Boydell & Brewer, 2004), 151.

115 McCarthy, "After Marriage," 152.

116 Glanville, *A Translation of Glanville*, 93-4.

117 Chaucer, "The Wife of Bath's Tale," 453-7.

118 Laura F. Hodges, "The Wife of Bath's Costumes: Reading the Subtexts," *The Chaucer Review* 27, no. 4 (1993): 359-76; 363.

119 Hodges, "The Wife of Bath's Costumes," 364.

pinning up her skirt so it does not get dirty.¹²⁰ While she is wealthy enough to afford fine clothes, she knows when to wear them, even if it would have been distasteful for an older woman to show off her wares. Clothing is another form of communication and would signal to the audience that Alisoun was not only wealthy, but proud of it.

Bawdy clothing was also a concern for moralists. Abbot Guibert believed that the women of the twelfth century were much more loose than those of the eleventh, “How wretchedly have modesty and honor in the state of virginity declined from that time to this present age...wantonness shows in their gait, only silliness in their behavior. So much does the extravagance of their dress depart from the old simplicity...the tightness of their dresses...they seem to proclaim everywhere modesty is a castaway.”¹²¹ From her first appearance, Alisoun is made to be read as an immoral and lubricious woman, categorized chiefly by not only her sexuality, but also her disregard for her critics.

Beyond just being a married woman, she was also a fivetime widow, and an older woman, and her appearance does not reflect this. According to Margaret Hallissy, her clothing should have been better fitted for a widow, covering herself modestly, doubly so due to her age.¹²² Beyond being married five times, she is also extremely well traveled to the Middle East and throughout the continent, trips which could have taken years each, and she has clearly dedicated significant time to studying philosophy and rhetoric. Her knowledge of these subjects makes it clear that Chaucer did not include her as a character to be laughed at, she can hold her own against the characters who, in any other widow story, would be seen as the more intelligent and, inevitably, correct, such as the Pardoner, who later tells a moral tale. Despite the sexual widow normally being a punchline, Alisoun is the one making the jokes. She makes no attempts to appear or allude to be young, but she was still “yong and ful of ragerye/stibourn and strong, and joly as a pye” when she married her fourth husband.¹²³ While she does not admit this when she marries Jankyn, she does admit she was forty compared to his twenty.¹²⁴ This age gap is unusual, but once again not unheard of, as seen with Eve de Clavering and Robert of Benhale, as well as Joan Cobham and John Harpenden. More than anything, this age gap serves as a physical reminder of Alisoun’s power and control as a result of her wealth, which is at the forefront of her tale.

Conclusion

What has made Alisoun so enduring as a character is not her tale, but her prologue. Despite the norm of the licentious widows in fabliaux, she is not a joke, but rather a character worthy of investigation as much as the rest of the pilgrims. She is meant to be read as a real woman on the same level as the other characters within the tale, and she is indeed reflective of what we can prove about remarried medieval widows: that they married young, acquired land and wealth through her marriages, were socially reprimanded for her choices,

and used their wealth to fulfill their desires. Alisoun’s social derision is indicative not only of the restrictions put on widows by the legal system and the church, but also of the cultural obsession with women’s sexuality and chastity. The independence and power she held as a result of her sexuality directly opposed the expectations for a widow and a woman and capitalized on of the fear of a woman being not only uncontrollable, but able to combat any opposition to her actions using the very system made to control her. Widowhood, as both a marital and a financial status, allowed medieval women a level of freedom and independence that they could not achieve as a wife; thus choosing to remarry brought with it considerable consequences, including criticism and speculation over their motivations for remarriage.

The primary sources are lacking for many of the medieval widows who are comparable to Alisoun: their words and ideas about sexuality and power are lost to time. The only way in which Alisoun differs from these women is her blatant resistance to the expectations of the culture surrounding her. Yet even that can be seen in the actions of certain women. Hawise of Aumale procured her own marriage rights after being sold off with her land to knights by the king. Eve de Clavering lived with and did not marry James Audley due to the consanguinity laws considering one’s previous spouse’s relatives, and then she married a man much younger than her who she made wealthy. The similarities between Alisoun’s story and many widows’ experiences are more numerous than the differences: there is nothing in her prologue that cannot be found within the lives of real medieval widows. There is no way to prove that these women shared the sentiments of Alisoun, but they certainly lived lives that ran parallel to her.

Heere endeth the Wyves Tale of Bathe 

120 Chaucer, “The Wife of Bath’s Tale,” 472.

121 Abbot Guibert of Nogent, *Self and Society in Medieval France*, 65.

122 Hallissy, *Clean Maids, True Wives, Steadfast Widows*, 129.

123 Chaucer, “The Wife of Bath’s Tale,” 455–456.

124 Chaucer, “The Wife of Bath’s Tale,” 600–1.

한 (Han) and the Statue of Peace

Transforming the Intangible into the Tangible through Sculpture

Created in 2011 by artists Kim Seo-kyung and Kim Eun-sung, the Statue of Peace and its growing number of copies around the world represent the tens or hundreds of thousands of women who were sexually enslaved by the Japanese Imperial Army during World War II. These statues have contributed to both the global empowerment of survivors and activists, and the long-standing heated tensions surrounding the issue of so-called “comfort women.” The power that the Statue of Peace emanates and the reception it provokes comes from the fact that it is a tangible embodiment of the intangible han and collective memories that survivors share. It’s the harmonized reception of the statue by all viewers that can truly drive it to fulfill its role as a channel for growth, healing, and power for survivors of sexual violence and enslavement.

WHEN A BRONZE STATUE of a girl with tight fists, torn hair, and bare, unsettled feet first made its appearance in front of the Japanese Embassy in Seoul, South Korea in 2011, it was a moment of immense emotional catharsis. Created by artist couple Kim Seo-kyung and Kim Eun-sung,¹ the *Statue of Peace* and its growing number of copies around the world represent the tens or hundreds of thousands of young girls and women who were forcibly and sexually enslaved by the Japanese Imperial Army during World War II (Figure 1). The presence of these statues has contributed to both the global empowerment of survivors and activists, and the long-standing heated tensions surrounding the issue of so-called “comfort women,” whom I will frequently refer to as victims or survivors, in Japan and South Korea.² While the Japanese government claims that apologies for the atrocities have been made, it is the continued efforts by the government and members of the public to remove all *Statues of Peace*, and most importantly, the continued cries for justice by han-filled survivors that serve as living proof that these apologies are empty, inauthentic, and not victim-centered.

The power that the *Statue of Peace* emanates and the reception it provokes comes from the fact that it is a tangible embodiment of the intangible han (한) and collective memories that survivors share. According to Dr. Leo Ching in “Shameful Bodies, Bodily Shame: ‘Comfort Women’ and Anti-Japanism in South Korea,” han is a Korean cultural “sentiment that one develops when one cannot or is not allowed to express feelings of oppression, alienation, or exploitation, because one is trapped in an unequal power relationship. The feelings of anger, pain, sorrow, or resentment that find no expression turn into han.”³ The statue’s permanence is what gives survivors something to hold on to—something tangible that can validate and express at least a fraction of the invisible han that is coiled up inside them. By

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refusing to accept the *Statue of Peace*, the Japanese government is refusing to recognize the suffering, torture, and violence enacted against these women. Therefore, a sincere apology by the Japanese government requires the full embrace and commemoration of the *Statue of Peace* that encourages dialogue and the active fight to prevent similar atrocities against humanity. It is the harmonized reception of the statue by all viewers that can truly drive it to fulfill its role as a channel for growth, healing, and power for survivors of sexual violence and enslavement.

Background

While scholarship on the history of “comfort women” has been and continues to be written, there is little scholarship in regard to the *Statue of Peace* in the field of art history. Among the few art historical analyses are Dr. Hyunji Kwon’s “Dis/locating Comfort Women Statues: Reflections on Colonialism and Implications for Global Art Education” and Dr. Dongho Chun’s “The Battle of Representations: Gazing at the *Peace Monument* or *Comfort Women Statue*.” Kwon highlights the powerful potential and implications that the *Statue of Peace* has in the global field of art education. She argues,

[C]omfort women statues and other postcolonial art should not be reduced to ‘South Korean,’ ‘Asian,’ or ‘Confucian’ art. Instead they need to be situated within the self/other and center/margin binaries to understand the implicated cultural power hierarchies, all of which persist in the multiple forms of violence and uncritical education in the US.⁴

She demonstrates her methodology by first locating the statue “in a Western context and a domestic context” and then dislocating the statue “from both contexts in order to de- and re-contextualize them

1 Kim Seo-kyung (wife) and Kim Eun-sung (husband)

2 Originating from the Japanese ianfu, the term “comfort woman” is a euphemism for prostitutes (Sarah C. Soh, *The Comfort Women: Sexual Violence and Postcolonial Memory in Korea and Japan* (Chicago: University of Chicago Press, 2008), 69). In 1992, Japanese human rights lawyer Totsuka Etsuro first used the term “sexual slaves” to refer to “comfort women” before the United Nations (Shusenjo: *The Main Battleground for the Comfort Women Issue*, directed by Miki Dezaki (No Man Productions, 2018)). In 1997, a book titled *I Am Not a Comfort Woman* was released containing the testimonies of survivors (Soh, *The Comfort Women*, 72). Zainichi photographer Ahn Se-hong’s 2020 book *I Am Not a Comfort Woman* documents the stories and photographs of 21 survivors across Asia. The title is based off of the most commonly voiced phrase that Ahn has heard from over 140 survivors in the past 25 years (Yoon-hee Huh, “Zainichi Photographer Tells Stories of over 140 Former Comfort Women throughout Asia,” *Hankyoreh*, July 19, 2020).

3 Leo T. S. Ching, *Anti-Japan: The Politics of Sentiment in Postcolonial East Asia* (Durham: Duke University Press), 63.

4 Hyunji Kwon, “Dis/locating Comfort Women Statues: Reflections on Colonialism and Implications for Global Art Education,” *Journal of Cultural Research in Art Education*, 35, (September 2018): 68.



Figure 1. Kim Seo-kyung & Kim Eun-sung, *Statue of Peace*, 2011. Bronze. Seoul, South Korea. Source: *Korea JoongAng Daily*.

Figure 2. Charles H. Hatfield, *Four Korean comfort women after they were liberated by US-China Allied Forces outside Songsshan, Yunnan Province, China on September 7, 1944*. Photograph. National Archives & Records Administration Source: Association for Asian Studies.

Figure 3. Park Yeong-sim (1921~2006) pointing to herself. Photograph. *Records Memories: Stories of “Comfort Women,” Untold Words*, Seoul Hall Of Urbanism & Architecture.

in a global context, in a process [she terms] ‘dis/locating.’⁵ Kwon’s goal is to decolonize and promote global art education. Chun provides an in-depth formal analysis of the *Statue of Peace* and argues for how it rejects the patriarchal “sexualized image of comfort women” and instead presents the truth that these women were “helpless victims of institutional wartime sexual violence.”⁶ Chun actually refers to the *Statue of Peace* as the *Peace Monument*, arguing, “[I]t is better to call it a monument rather than a statue, because the whole structure is made up of a composite of interconnected installations consisting of the statue, a bronze chair next to it, a tiled shadow of an elderly woman, and a stone cenotaph on the ground.”⁷ Chun also argues that Japan’s relentless efforts to eliminate statues all over the world should not be considered as individual acts but as collective acts of iconoclasm.⁸

History of the “Comfort Women” System

The roots of the Japanese state-sanctioned military comfort systems trace back to Shanghai in 1932 prior to the start of World War II.⁹ According to a 1995 *New York Times* article, “Japanese commanders had

received 223 complaints of rape by Japanese troops” before WWII even started.¹⁰ Adding to these reported numbers was the infamous Rape of Nanking in 1937 in which approximately 20,000 to 80,000 Chinese women were raped and over 300,000 Chinese civilians and soldiers were systematically tortured and murdered by the Japanese Imperial Army.¹¹ Furthermore, the rising cases of sexually transmitted diseases (STDs) among soldiers led authorities to decide that a more organized system of “comfort stations” would “reduce rapes and improve relations with [Chinese] civilians.”¹² Beginning in December 1937, instructions were issued by the Japanese Imperial Army to organize “comfort stations” and by 1938, a “full scale mobilization” of Korean women was issued.¹³ Overall, “comfort stations” were “systematically established in [Japanese occupied countries] including Korea, [China], the Philippines, the Dutch East Indies,¹⁴ Indochina (present-day Vietnam, Cambodia, and Laos), and Myanmar (previously Burma).”¹⁵

Due to the lack of historical documents—attributed to a deciphered message from Tokyo ordering the burning of all decrypted dispatches and documents that would be damaging to Japan’s foreign relations—the estimated number of victims subjugated under the

5 Kwon, “Dis/Locating Comfort Women Statues,” 63.

6 Dongho Chun, “The Battle of Representations: Gazing at the Peace Monument or Comfort Women Statue,” *Duke University Press* 28, no. 2 (May 2020): 380.

7 Chun, “The Battle of Representations,” 365.

8 Chun, “The Battle of Representations,” 377.

9 Yoshimi Yoshiaki, *Comfort Women*, trans. Suzanne O’Brien (New York: Columbia University Press, 1995), 43–5.

10 Nicholas D. Kristof, “Japan to Pay Women Forced Into Brothels,” *New York Times*, June 15, 1995.

11 Iris Chang, *The Rape of Nanking: The Forgotten Holocaust of World War II* (New York: Basic Books, 1997), 6; 100–3.

12 Yoshiaki, *Comfort Women*, 56; Kristof, “Women Forced Into Brothels.”

13 Yuki Tanaka, *Japan’s Comfort Women* (London: Routledge, 2003), 13–4.

14 Documents containing evidence of Dutch victims have been noted as a “smoking gun” by Miki Dezaki, director of the documentary *Shusenjo: The Main Battleground of the Comfort Women Issue* (2018). In an interview with historian Yoshimi Yoshiaki, it is described how Dutch “comfort stations” were shut down relatively quickly due to the fact that the victims were White women, which the Japanese military believed would come with greater risks and consequences. Thus, Dezaki comments, “There may be no documents to prove Korean women were physically forced, but seeing how the Japanese military would even recruit White women at the risk of being criticized internationally, it’s not hard to believe that they did the same with Asian women.” Japanese activists like Dezaki and Yoshimi face harsh backlash—including legal lawsuits—by their own country for the information they share (Dezaki, *Shusenjo*).

15 Kwon, “Dis/Locating Comfort Women Statues,” 56.

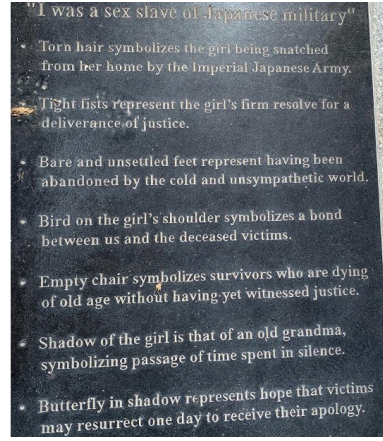
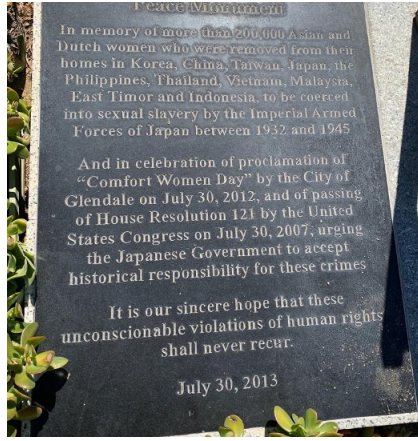


Figure 4. Kim Seo-kyung & Kim Eun-sung, *Statue of Peace*, 2013. Bronze. Glendale, CA. Photos by Arina Cho.

Figures 5–6. Inscriptions next to *Statue of Peace*, 2013. Glendale, CA. Photos by Arina Cho.

“comfort women” system ranges from 20,000 to 200,000 girls and women.¹ An estimated seventy percent of these girls and women died under this system and approximately eighty to ninety percent of victims were from Korea.² There seems to be at least three key reasons for the large number of Korean victims. First, Korea was the closest and “most strategically important colony” to Japan besides China.³ Second, since many of the victims in China had developed STDs, Japanese authorities believed that young, virgin Korean girls and women would provide safer health conditions for soldiers. Lastly, the language barrier among Korean victims was hoped to prevent chances of the spread of military intelligence as well as attempted escapes from the “comfort stations” that were far from the homes of victims.⁴

In terms of the conditions of “comfort stations,” it is documented from the testimonies of survivors that victims were subjected to “constant rape, ranging from six to one-hundred men per day depending on the population of ‘visitors.’”⁵ Furthermore, they,

suffered a lack of medical care, involuntary drug addiction, and gynecological consequences including STDs, hysterectomies, pregnancies, childbirth, and abortion. Some of them recounted their experiences of witnessing the death of other comfort women, which taught them to obey utterly in order to survive (Figures 2–3).⁶

The Statue of Peace

The original bronze *Statue of Peace* is located in front of the Japanese Embassy in Seoul. However, over eighty copies of the statue exist around the world.⁷ Figure 4 is an image of the Glendale *Statue of Peace* in California installed in 2013.

The inscription besides the statue (Figures 5–6) provided by the Korean Council for the Women Drafted for Military Sexual Slavery by Japan (Korean Council) reads,

“I was a sex slave of Japanese military.” Torn hair symbolizes the girl being snatched from her home by the Imperial Japanese Army. Tight fists represent the girl’s firm resolve for a deliverance of justice. Bare and unsettled feet represent having been abandoned by the cold and unsympathetic world. Bird on the girl’s shoulder symbolizes a bond between us and the deceased victims. Empty chair symbolizes survivors who are dying of old age without having yet witnessed justice. Shadow of the girl is that of an old grandma, symbolizing passage of time spent in silence. Butterfly in shadow represents hope that victims may resurrect one day to receive their apology.

In a 2016 interview with artists Kim Seo-kyung and Kim Eun-sung, Kim Seo-Kyung expresses,

We chose to do a girl who’s around thirteen to fifteen instead of a grandmother. They were victimized when young so it made more sense. We wanted to show how their ties to their families and country were cut involuntarily by giving the statue roughly cut hair. There were some testimonies that girls got their hair forcefully cut.⁸

The image of the young girl in a traditional Korean *hanbok* indeed proved to have a powerful effect on the public.⁹ Kim Seo-kyung and Kim Eun-sung explain how, before the installment of the original statue in 2011, survivors had been largely associated with the grandmothers who testified. In fact, the “image of young women suffering was...abstract” in the minds of the public. Furthermore, the artists

1 Dezaki, Shusenjo; Thomas J. Ward and William D. Lay, *Park Statue Politics: World War II Comfort Women Memorials in the United States* (England: E-International Relations, 2019), 16.

2 Ching, *Anti-Japan*, 59.

3 Kwon, “Dis/Locating Comfort Women Statues,” 56.

4 Jeff Kingston, “Abnesia and Everlasting Atonement” (webinar, STAND with “Comfort Women”: Historical Denialism and Revisionism, July 31, 2020).

5 Kwon, “Dis/Locating Comfort Women Statues,” 56.

6 Kwon, “Dis/Locating Comfort Women Statues,” 56.

7 Kwon, “Dis/Locating Comfort Women Statues,” 60.

8 Sun-min Lee, “Statue Planned for Another Type of Victim,” *Korea JoongAng Daily*, January 18, 2016.

9 Hanbok is traditional Korean clothing. During the World War II era, female elementary and secondary school students commonly wore hanbok consisting of a white jeogori [top] and black chima [skirt] (Elizabeth W. Son, *Embodied Reckonings: “Comfort Women,” Performance, and Transpacific Redress* (Ann Arbor: University of Michigan Press, 2018), 155).

describe their desire to portray a “suppressed emotion, grief and anger” in the statue. They wanted to make sure that the statue did not look weak, because the survivors “who have held protests [since 1992] are not mentally weak since they come forward with their painful experiences.”¹⁰ For this reason, it took the longest time for them to sculpt the face of the girl.

Dr. Elizabeth W. Son in her book, *Embodied Reckonings: “Comfort Women,” Performance, and Transpacific Redress*, also elaborates on how placing the statue close to the ground as opposed to high on a pedestal allows the statue to be more accessible and approachable. She notes how people are able to physically interact and care for the statue and that this “touching makes the past seem less distant.”¹¹

Collective Memory & han

Collective memory is the way in which “groups remember their past.”¹² This collective remembering is crucial in terms of how groups process and identify with a shared event.¹³ On August 4, 1991, sixty-seven year old Kim Hak-sun (Figure 7) became the first woman to publicly come out with her experience of wartime sexual enslavement by the Japanese Imperial Army during World War II.¹⁴ Kim’s testimony encouraged hundreds of more women across Korea, and eventually all over Asia and the Netherlands, to share their similar stories and build a collective memory.

What is distinctly common in the testimonies of Korean survivors is their *han*. *Han* is a “sentiment that one develops when one cannot or is not allowed to express feelings of oppression, alienation, or exploitation, because one is trapped in an unequal power relationship. The feelings of anger, pain, sorrow, or resentment that find no expression turn into *han*.”¹⁵ *Han* is a shared cultural sentiment understood by all Koreans who live with the intergenerational trauma from centuries of invasion, colonization, war, and the separation of families that persist to this day. For survivors of wartime sexual enslavement, this *han* has a further layer.

As Dr. Ching describes, “Korea’s comfort women were...victims of the mutually reinforcing convergence of sexism, classicism, racism, colonialism, militarism, and capitalist imperialism.”¹⁶ The majority of all victims of the “comfort women” system were “young, unmarried, and uneducated working-class girls” who were forcibly taken from their homes or in some cases, deceptively promised by Japanese soldiers or Korean brokers an education and “careers in nursing,



Figure 7. Kim Hak-sun. Photograph. South Korea. Source: Korean Council for the Women Drafted for Military Sexual Slavery by Japan (Korean Council).

clerical work, or restaurants.”¹⁷ Furthermore, the survivors who were able to make it back home to Korea after the end of Japanese colonial rule in 1945, within five years, suffered the Korean War followed by unstable military dictatorships up until the 1990s.¹⁸ During these unstable years, there was no guarantee that survivors could reunite with their families. Even those who were able to reunite “could not return to their ‘normal’ lives” due to their physical, emotional, and psychological traumas.¹⁹ Furthermore, the “strict Confucian codes of sexuality” in Korean society made it even harder for survivors to process and overcome feelings of shame and guilt.²⁰

While the rise of democracy in South Korea in the early 1990s allowed Kim Hak-sun to share her story, the physical, emotional, and psychological strength that this act required is ineffable.²¹ Only *han* can come close to describing the emotions purged by Kim Hak-sun on this day and the power that continues to emanate from the *Statue of Peace*. And while *han* is rooted in suffering, it is precisely *han* that fuels the collective memories of Korean survivors. Furthermore, because *han* is an emotion that cannot be fully described with words, it can serve as a bridge between the collective memories of all

10 Lee, “Statue Planned.”

11 Son, *Embodied Reckonings*, 158.

12 Henry L. Roediger and Andrew K. DeSoto, “The Power of Collective Memory,” *Scientific American*, June 28, 2016.

13 Huh, “Zainichi Photographer.”

14 Ching, *Anti-Japan*, 60.

15 Ching, *Anti-Japan*, 63.

16 Ching, *Anti-Japan* 61.

17 Kwon, “Dis/Locating Comfort Women Statues,” 56; Ching, *Anti-Japan*, 65; Ward and Lay, *Park Statue Politics*, 16.

18 Kwon, “Dis/Locating Comfort Women Statues,” 56.

19 Ching, *Anti-Japan*, 60.

20 Ching, *Anti-Japan*, 60. Ching further comments, “[A]ccording to Confucian tradition in patriarchal Korea, the women are no longer ‘pure’ because they were sexually violated, regardless of circumstances.”

21 Kwon, “Dis/Locating Comfort Women Statues,” 56. Even after Kim’s testimony in the 1990s, the idea of erecting a statue to commemorate victims and survivors was unfavorable among South Korean politicians as “comfort women were seen as unworthy of commemoration. It is the strenuous work of the Korean Council alongside the han-filled survivor activists that “fought to gain recognition and destigmatize the comfort women” (Dezaki, Shusenjo).



Figures 8 & 9. The 1st & 1000th “Wednesday Demonstrations.” Photographs. Seoul, South Korea. Source: Korean Council.

survivors of wartime sexual enslavement by the Japanese Imperial Army and beyond.

Han & the Statue of Peace

While both Kim Seo-kyung and Kim Eun-sung were involved in the inspiration, contemplation, and planning of the *Statue of Peace*, Kim Seo-kyung was actually the only one of the artist-duo involved in the sculpting process. Kim was “haunted and tried to empathize with everything she thought young comfort women would have undergone: fear, violence, horror of death, and the longing of families and friends.”²² She recalls how she experienced feelings of “resentment and distress, grief and agony” to the point of breathlessness and would not even allow her husband to lay a finger on the statue while sculpting it: “I felt it uncomfortable if a man’s hands touched the girl statue. The victims were all female...I felt I was possessed by a suffering comfort woman.”²³ Kim internalized and, in an incomparable but significant way, experienced the *han* that was conveyed to her through the stories of survivors. This intangible *han* was breathed into the tangible being of the *Statue of Peace* and is what makes her so powerful and precious to survivors.

Late historian Reinhart Koselleck describes the power of memorials that commemorate violent death in his book, *The Practice of Conceptual History: Timing History, Spacing Concepts*. He explains how these memorials offer a means of identification to the deceased and to surviving observers: “The war memorial does not only commemorate the dead; it also compensates for lost lives so as to render survival meaningful.” Lastly, he describes how these memorials provide a rather straightforward reminder “that the dead are remembered—as dead.” He goes on to say, “Dying happens alone; killing another takes two.”²⁴

The *Statue of Peace*, through the transformation of the intangible into the tangible, gives victims and survivors an identity and a

platform to express their *han*. Furthermore, the statue not only commemorates victims and survivors, but also holds Japan accountable for its war crimes as it stands as a reminder of what human beings are capable of doing.

Reception of the Statue of Peace

As stated eloquently by Robert S. Nelson and Margaret Olin in their book *Monuments and Memory, Made and Unmade*,

[M]onuments are prized precisely because they are not merely cold, hard, and permanent. They are also living, vital, immediate, and accessible, at least to some parts of society. Because a monument can achieve a powerful symbolic agency, to damage it, much less to obliterate it, constitutes a personal and communal violation with serious consequences. While the destruction of mere things is commonplace in our takeout and throwaway world, attacking a monument threatens a society’s sense of itself and its past.²⁵

In the following sections, I examine both the positive communal receptions of the *Statue of Peace* including attempts to protect and humanize the work, as well as the negative individual and political receptions of the monument, including attempts to deface, destroy, and remove it. Like collective memory, reception theory is understood as a “collective undertaking.”²⁶ Reception theory in art involves the notion that there is a “question’ implicit in the work which is what first awakens our interest.”²⁷ This awakening is crucial as it sparks some kind of reception by the viewer. Törnquist-Plewa, Andersen, and Erll express in *The Twentieth Century in European Memory*, “no mediation of memory can have an impact on memory culture if it is not ‘received’ ...by a group of people.”²⁸

Public Reception in South Korea

In a 2020 *LA Times* article titled “Goodbye, Guy on a Horse: A New

22 Seo-kyung Kim and Eun-sung Kim, Appointment Engraved on an Empty Chair: Girl Statue of Peace Artist Notes in “The Battle of Representations: Gazing at the Peace Monument or Comfort Women Statue,” trans. Dongho Chun (Seoul: Doseochulpan Mal, 2016): 27.

23 Kim and Kim, Appointment Engraved, 27; Seong-cheol Bae, “Girl Statue of Peace: Talk of Painful Times” in “The Battle of Representations: Gazing at the Peace Monument or Comfort Women Statue,” trans. Dongho Chun, Big Issue Korea (2016): 48.

24 Reinhart Koselleck, *The Practice of Conceptual History: Timing History, Spacing Concepts*, trans. Todd Presner (Palo Alto: Stanford University Press, 2002), 287–8.

25 Robert S. Nelson and Margaret Olin, *Monuments and Memory, Made and Unmade* (Chicago: The University of Chicago Press, 2003), 3.

26 Robert C. Holub, *Reception Theory* (London: Routledge, 2003), 13.

27 Eric Fernie, “Glossary of Concepts: Reception Theory,” in *Art History and Its Methods: A Critical Anthology*, ed. Eric Fernie (London: Phaidon Press Limited, 1995), 357.

28 Barbara Törnquist-Plewa, Tea Sindbæk Andersen, and Astrid Erll, “Introduction: On Transcultural Memory and Reception,” in *The Twentieth Century in European Memory*, ed. Barbara Törnquist-Plewa and Tea Sindbæk Andersen (Leiden: Brill, 2017), 3.

Wave of Monument Design Is Changing How We Honor History,” arts journalist Carolina A. Miranda explores various ways in which communities and artists have been reimagining the purpose and structure of monuments. Rather than laying out specific requirements of what a monument should be, people have been considering ways in which voices and memories can be integrated into a space to prompt dialogue. A key way to do this is through community involvement. Depending on each unique case, a monument could embody a cultural spirit rather than a singular incident. It could replace another monument. It could even involve simply removing a monument and allowing nature to revert to its natural state, as in Joel Garcia and River Garza’s project to center indigenous voices at the former spot of a Christopher Columbus statue.²⁹

In South Korea, these innovative ideas including community involvement and the embodiment of a cultural spirit are at play with the *Statue of Peace*. Since Wednesday, January 8, 1992, survivors and activists have gathered in front of the Japanese embassy every week for what is known as the “Wednesday demonstrations” (Figures 8–9).³⁰ The original 2011 statue was financed by citizens’ donations and since then, throughout the week, people bring flowers, knitted hats, scarves, letters, poems, hand warmers, and other items fit for the season to the girl.³¹ On rainy days, people even hold umbrellas over the girl or provide her with a raincoat (Figure 10).³² And year-round, college student activists take turns guarding the statue in their makeshift tents.³³ Several *Statues of Peace* have even been installed on public transportation buses in South Korea (Figure 11).³⁴ These personalized community efforts toward the *Statue of Peace* reflect the care and reverence that the South Korean people feel toward the survivors whom they refer to as “our *halmonies*” or “our grandmothers.” In response to people who bring the South Korean flag to the Wednesday demonstrations, the Korean Council kindly asks that they take the flag elsewhere and instead hold up a yellow butterfly, a symbol of hope for the survivors (Figures 12–14). This is done in order to protect the survivors from being utilized as nationalistic weapons for anti-Japanese sentiments. This is further crucial as dialogue surrounding victims of wartime sexual violence must be recognized as a human rights issue relevant to all nations.

Public Reception in Japan & the US

In addition to collective memory, there is also collective forgetting, which seems to deeply penetrate much of the Japanese public in terms

29 Carolina A. Miranda, “Goodbye, Guy on a Horse: A New Wave of Monument Design Is Changing How We Honor History,” *Los Angeles Times*, July 23, 2020.

30 Tae-ick Kim, “Former ‘Comfort Women’ Hold 1,000th Protest at Japanese Embassy,” *Chosunilbo*, December 14, 2011. Only one protest has been skipped since 1992, when the 1995 Kobe earthquake struck Japan. On the Wednesday following the devastating 2011 T hoku earthquake, demonstrations were held in silence.

31 Sang-hun Choe, “Statue Deepens Dispute Over Wartime Sexual Slavery,” *New York Times*, December 15, 2011; Lee, “Statue Planned.”

32 Kwon, “Dis/Locating Comfort Women Statues,” 57.

33 Youngjin Kwon, “University Student Guarding Girl Statue Keeps Vigil for One Year,” *Yonhap News*, December 27, 2016.

34 Elise Hu, “‘Comfort Woman’ Memorial Statues, A Thorn in Japan’s Side, Now Sit on Korean Buses,” *NPR*, November 13, 2017.



Figure 10. Kim Seo-kyung & Kim Eun-sung, *Statue of Peace*, 2011. Bronze. South Korea. Sources: *Insight Korea, Hankook Ilbo, Korea JoongAng Daily*.



Figure 11. Kim Seo-kyung & Kim Eun-sung, *Statue of Peace*, 2017. Bus No. 151, Seoul. Source: *Korea.net*.



Figures 12–13. *Statue of Peace* & yellow butterflies. Photographs. South Korea. Sources: *Ilyosisa, Yonhap News*.



Figure 14. Yellow butterflies at funeral ceremony of survivor Kim Bok-dong, 2019. Seoul, South Korea. Source: *21st Century Global Dynamics*.

of the lack of knowledge or interest toward wartime sexual violence, especially among Japanese youth.³⁵ Thus, Japanese public reception toward the *Statue of Peace* is often loudly expressed by right-wing nationalists who support a revisionist and denialist agenda of history.³⁶

Koichi Mera was a core denialist based in the US who led the revisionist group Global Alliance for Historical Truth (GAHT). In 2013, Mera and his supporters spoke out against the installment of the *Statue of Peace* in Glendale.³⁷ When the statue was ultimately installed, GAHT filed a lawsuit for the removal of the statue. Furthermore, “revisionists [created] websites targeted at English speakers...[held] speaking events in major US cities, and [recruited White] American men to speak for them.”³⁸ It should also be noted that, in Japan, the *Statue of Peace* is referred to as the *Comfort Woman Statue* and that in 2015, Mera published a book titled *Comfort Women Not ‘Sex Slaves’*.³⁹

Furthermore, *Statues of Peace* across the US continue to face anonymous public defacements on a regular basis. With the platform of social media, digital defacements are also widespread, such as seen in a 2019 work titled *Sexy Lady* (Figure 15) by Japanese graphic designer Dai Inami.⁴⁰ Censorship of art exhibitions related to victims of wartime sexual violence under the Japanese Imperial Army is also a major issue. In 2012, Zainichi⁴¹ photographer Ahn Se-hong had booked the Nikon Salon in Tokyo to showcase thirty-seven photographs of survivors he had met and befriended since 2001. However, when Nikon began to receive complaints by the public, the show was canceled on the basis of “safety concerns.”⁴² Fortunately, the Tokyo District Court ruled in favor of Ahn and ordered Nikon to allow the show to continue. Ahn subsequently filed a lawsuit against Nikon for attempting to censor his show where Nikon defended that “the Salon was meant to promote ‘the development of photographic culture,’ and that exhibitions there could not have political motives.” In 2015, Ahn won the lawsuit.⁴³

As Dr. Chun argues in “The Battle of Representations,” Japan’s relentless efforts to eliminate statues all over the world should not be considered as individual acts but as collective acts of iconoclasm. Just as *han* fuels the collective memories and activism of survivors and activists, politics fuel the physical and digital defacements brought upon the *Statue of Peace*. Chun cites how former Japanese

Prime Minister Abe Shinzo and his administration deliberately escalated “the crisis over the *Peace Monument* to divert Japanese voters’ attention from his other policy failures.”⁴⁴ The revisionist motives of the Abe administration certainly seem to have transfused into the Japanese public as a 2016 opinion poll found that “62 percent of Japanese people sided with their government in demanding the elimination of the statues.”⁴⁵ In “Iconoclasm and the Preservation of Memory,” art historian Jaś Elsner explains how iconoclasm is a “performance of forgetting...[that] is active, purposeful, and collectively performed.”⁴⁶

Elsner also notes that “objects...are made and adapted, damaged and repaired in every culture.”⁴⁷ This can certainly be seen today, as in the aforementioned “Goodbye, Guy on a Horse” article, through the ways in which communities deal with controversial monuments. Nelson and Olin articulate,

[W]hile physical destruction and social disruption have undeniable personal and economic costs, they also can inspire the creation of monuments, as well as their study and preservation...Because social turmoil breaks continuity with tradition and the immediate past, new monuments can represent an uncontested version of the past.⁴⁸

Defacements, removal, and other creative disruptions are often needed and beneficial for communities against controversial monuments. The iconoclasm enacted against the *Statue of Peace* is different from these instances as those who fight for its eradication are not trying to reimagine, reflect on, or progress for a better future—they are trying to wipe out dialogue and erase a shameful part of human history. Elsner expresses, “Although the direct assault may be upon a piece of stone, what is deliberately violated in the logic of iconoclasm is the assumption that the world will continue as it normally is and should be.”⁴⁹

During World War II, victims faced the physical violence of sexual abuse by the Japanese Imperial Army. After World War II and before 2011, survivors faced the intangible violence of words and accusations against their testimonies. After 2011, survivors continue to face both the intangible violence of words and accusations as well as the tangible acts of violence against the *Statue of Peace*. And while

35 Roediger and DeSoto, “Power of Collective Memory.”

36 Dezaki, Shusenjo.

37 Dezaki, Shusenjo.

38 Dezaki, Shusenjo.

39 Chun, “The Battle of Representations,” 364; Koichi Mera, *Comfort Women Not ‘Sex Slaves’: Rectifying the Myriad of Perspectives* (Bloomington: Xlibris, 2015).

40 Hye-yeon Hwang, “Japanese Graphic Designer’s Indecent Brutality in Exposing Statue of Peace’s Breasts in Work Titled ‘Sexy Lady,’” *Insight Korea*, July 19, 2019. The power and efficacy of digital defacements is worthy of further exploration in the field of art history.

41 A Korean who lives in Japan. The term usually refers to Koreans and their descendants who moved to Japan during the colonial period (Hawon Jang, “The Special Permanent Residents in Japan: Zainichi Korean,” *The Yale Review of International Studies*, 2019).

42 Sarah Cascone, “Nikon Loses Court Battle for Canceling Show of Photographs of ‘Comfort Women,’” *Artnet*, December 29, 2015.

43 Cascone, “Nikon Loses.”

44 Chun, “The Battle of Representations,” 377.

45 Chun, “The Battle of Representations,” 377.

46 Ja Elsner, “Iconoclasm and the Preservation of Memory,” in *Monuments and Memory, Made and Unmade*, ed. Robert S. Nelson and Margaret Olin (Chicago: The University of Chicago Press, 2003), 211.

47 Elsner, “Iconoclasm and the Preservation of Memory,” 210.

48 Nelson and Olin, *Monuments and Memory*, 4.

49 Elsner, “Iconoclasm and the Preservation of Memory,” 217.



Figure 15. Dai Inami, *Sexy Lady*, 2019. Digital. Japan. Source: *Insight Korea*.

these intangible and tangible acts of violence must be eradicated, the *Statue of Peace*, through its material form, creates a “space for making a ‘two-directional’ interpretation, for seeing that a deliberate change has occurred and that this has a meaning.”⁵⁰ In other words, the power of survivors’ collective memories and *han* are physically seen through the two-directional social dialogue that occurs through the iconoclasm enacted against the *Statue of Peace* and the counteracting communal efforts made to protect it.

Although the Japanese government will likely continue its efforts to support the acts of iconoclasm against the *Statue of Peace*, what the government cannot eradicate through this iconoclasm is the living *han* of victims and survivors. This living *han* will persist long after survivors pass on. Survivors need their *han* and collective memories to be validated and received in collective harmony. Small acts of solidarity by individuals and communities provide immense consolation for survivors. However, the validation that survivors need and continue to cry out for is from the perpetrators themselves: the Japanese government.

Collective Apologies

Since 1992, Japan has issued a number of collective apologies. Some of these apologies did show hope for progress. The 1993 Kono statement, for example, promised, “We hereby reiterate our firm determination never to repeat the same mistake by forever engraving such issues in our memories through the study and teaching of history.”⁵¹ To this day, however, Japanese school textbooks fail to teach the history of the “comfort women” issue.⁵² Furthermore, the *Statue of Peace* is not welcomed in Japan and extensive efforts by both the public and government are taken to try to remove *Statues of Peace* all over the world. Hence, the apologies are empty.

The 2015 agreement between Japan’s former Prime Minister Abe Shinzo and South Korea’s former and impeached President Park Geun-hye was perhaps the most flawed and damaging agreement. No public apology was made and, most importantly, the survivors themselves were excluded from the negotiation. Japan promised a “one-time [monetary] contribution” to survivors, and South Korea, in response to Japan’s concern over the *Statue of Peace*, stated they would “make efforts to appropriately address the concern.”⁵³ Finally, Japan stated that this agreement would “finally and irreversibly” resolve this issue.⁵⁴ While the following South Korean administration under President Moon Jae-in made efforts to console survivors and denounce the 2015 agreement as flawed, the Japanese government clings to the claim that apologies have been made and that the issue has been “finally and irreversibly” resolved.

With the rise of collective apologies by governments in the global era, some scholars such as anthropologist Dr. Michel-Rolph Trouillot propose that collective apologies are “abortive rituals” that “deny the possibility of transformation.”⁵⁵ With the failed history of apologies by Japan toward survivors of sexual violence, this proposal seems to hold true. However, other scholars, such as communication studies professor Dr. Jason Edwards, express,

[C]ollective apologies have the potential to unlock doors separating communities, laying the groundwork for productive associations in the present and the future...Collective apologies are a form of communication that can create a bridge to reconciliation between affected communities.⁵⁶

The Japanese government’s collective apologies have failed to appease survivors not because the attempt is abortive, but because the government fails to understand that a sincere apology is only the first step or bridge toward reconciliation. Japan cannot claim that sincere collective apologies have been made when they continue to oppose a statue of remembrance; refuse to uncover, learn, and teach the proper history; and choose to exclude survivors from their so-called negotiations for apologies.

Sincere Apologies

A sincere apology cannot include the phrase “finally and irreversibly.” A sincere apology is a commitment to begin living a life that reflects that apology whether or not survivors are able to forgive or accept the apology. As described in the *LA Times* article “Goodbye, Guy on a Horse,” there are many ways in which artists and communities can honor history.⁵⁷ Similarly, there are many ways in which political leaders and public communities can express collective apologies. One powerful way to communicate the sincerity of these apologies is through reception.

50 Elsner, “Iconoclasm and the Preservation of Memory,” 211.

51 Ji Eun Kim, “Good and Bad Apologies: Determinants of Successful State Apologies” (PhD diss., University of Notre Dame, 2017), 184.

52 Dezaki, Shusenjo.

53 Kim, “Good and Bad Apologies,” 184–5.

54 Kim, “Good and Bad Apologies,” 185.

55 Michel-Rolph Trouillot, “Abortive Rituals: Historical Apologies in the Global Era,” *Interventions* 2, no. 2 (January 2000): 185.

56 Jason A. Edwards, “Apologizing for the Past for a Better Future: Collective Apologies in the United States, Australia, and Canada,” *Southern Communication Journal* 75, no. 1 (January 2010): 58.

57 Miranda, “Goodbye, Guy on a Horse.”

In 1970, German Chancellor Willy Brandt visited the Nazi Warsaw Ghetto and, in an unscripted moment, fell to his knees (Figure 16). Dr. Jeff Kingston states, “He was so saddened and shocked. And he expressed what I think most Germans feel today: his horror at what had happened during the war. I don’t think Abe shares that horror.”⁵⁸

Many survivors and activists look to the gesture of repentance and remorse of Chancellor Brandt as an example of how a leader should express a sincere, collective apology. This gesture reflects reception. In 2020, the installment of a new pair of statues called *Eternal Atonement* (Figure 17) was commissioned by Kim Chang-ryeol, the owner of a botanical garden in Pyeongchang, South Korea. The statues depict a “comfort girl” and a man kneeling in apology in front of the girl. The unveiling ceremony of the statue, which was scheduled to take place on August 10, 2020, however, was canceled in July due to conflicts that arose when the Japanese government questioned whether the kneeling man represented former Prime Minister Abe. Mr. Kim responded, “The man could be Abe and also couldn’t be Abe. The man represents anyone in a position of responsibility who could sincerely apologize to the victims of sexual [enslavement], now or in the future.”⁵⁹ Japanese Chief Cabinet Secretary Yoshihide Suga stated that if the figure did indeed represent Abe, “such a thing [would be] unforgivable under international courtesy.”⁶⁰

Moving Forward?

In *Monuments and Memory, Made and Unmade*, Nelson and Olin express,

To be vital, the monument must exist within an actual, present-oriented network of relationships. Unlike a lifeless art object suspended on the white walls of a museum, the monument does not privilege the past at the expense of the present. Rather it engages both to make claims for and against the future.⁶¹



Figure 16. Willy Brandt falls to his knees, 1970. Photograph. Warsaw Ghetto, Poland. Source: Rare Historical Photos.



Figure 17. Commissioned by Kim Chang-ryeol, *Eternal Atonement*, 2020. Bronze. Pyeongchang, South Korea. Source: *Kyunghyang Shinmun*.

Today, survivors, through the support of activist organizations and allies, have been able to channel their collective memories and *han* to support each other and other survivors of wartime sexual violence. The Butterfly Fund, for instance, was founded by survivors Kim Bok-dong and Gil Won-ok (Figure 18) in 2012 to support survivors of wartime sexual violence, including women who were raped by South Korean soldiers during the Vietnam War.⁶² In 2015, Nguyễn Thị Thanh, a victim of violence whose family was massacred by South Korean soldiers during the Vietnam War, stood in solidarity with Kim Bok-dong and Gil Won-ok at a rally (Figure 19).⁶³ Artists Kim Seo-kyung and Kim Eun-sung also created a statue called *Vietnam Pieta* (Figure 20) in 2016 to honor the thousands of Vietnamese civilians who were massacred by South Korean soldiers during the Vietnam War.⁶⁴ Furthermore, the testimonies of survivors and works like the *Statue of Peace* have inspired other survivors to speak up and express their stories through art. Remedios Felias, for instance, a Filipina survivor of sexual enslavement by the Japanese Imperial Army, embroidered her story on a quilt (Figure 21) that was exhibited in 2016.⁶⁵ Clearly the issue of wartime sexual violence is an age-old humanitarian crisis that extends all over the world. It is not an issue that can ever be “finally and irreversibly” resolved. Rather, in order to move forward, the discussion must flourish and move with, not away from, the issue.

Even with the support of activists and members of the public, each denial by the Japanese government to properly commemorate victims and survivors of wartime sexual enslavement during World War II is an act of “second rape.”⁶⁶ As Phyllis Kim, executive

⁵⁸ Kingston, “Abnesia.”

⁵⁹ Tong-hyung Kim, “New Statues Stoke Sensitivity between South Korea, Japan,” *Washington Post*, July 27, 2020.

⁶⁰ Kim, “New Statues.”

⁶¹ Nelson and Olin, *Monuments and Memory*, 6.

⁶² Paul Kerry, “Concert to Support Butterfly Fund,” *Korea Herald*, December 2, 2014.

⁶³ J. W. Choi, “Vietnam War Victims Express Message of Support for Korean Sex Slave Victims,” *Korea Bizwire*, April 9, 2015.

⁶⁴ Jong-young Nam, “‘Vietnam Pieta’ Statues to Memorialize Civilian Victims Killed by ROK in Vietnam War,” *Hankyoreh*, January 16, 2016. The unresolved history surrounding the Vietnam Pieta is another critical topic to address and expand dialogue upon.

⁶⁵ Johanna Poethig, “Songs for Women Living with War,” *Johanna Poethig (blog)*, 2016.

⁶⁶ Dezaki, Shusenjo.



Figure 18 (Top Left). Survivors Kim Bok-dong and Gil Won-ok. Photograph. Source: *Tongil New*



Figure 19. Nguyễn Thị Thanh, Kim Bok-dong, and Gil Won-ok at a rally for “comfort women,” 2015. Photograph. Source: *Oh My News*.



Figure 20 (Right). Kim Seo-kyung & Kim Eun-sung, *Vietnam Pieta*, 2016. Bronze. Jeju Island, South Korea. Source: *Korea JoongAng Daily*.



Figure 21. Remedios Felias, Hand-stitched quilt by Filipina survivor Remedios Felias. Quilt. Pro Arts Gallery, Oakland, 2016 exhibition. Source: Hawaii Public Radio.

director of Comfort Women Action for Redress & Education (CARE) describes,


Whenever [the survivors] testify, they have this concern [for] how accurate they are or what kind of mistakes they make for the smallest variations. [This is due to the fact] that they are attacked by the opponents and the Japanese right-wingers that [say], “Oh she’s lying! She didn’t say that in the last testimony, now she’s saying this in this testimony.” It’s [a] tremendous stress that they are going through. And I see them at night when they have this testimony—they cannot sleep at night that day. And they have severe headache[s]. Sometimes they get ill.⁶⁷

Furthermore, the trauma of survivors has been found to infiltrate intergenerationally as studies have found that offspring of “comfort women” suffer from psychiatric disorders and show “similar shame and hyperarousal symptoms as their mothers regarding stimuli related to the ‘comfort woman’ issue.”⁶⁸

Conclusion

To conclude, *han*, a Korean cultural sentiment rooted in suffering that has a further layer for victims of wartime sexual enslavement, is made tangible through the *Statue of Peace*. And because *han* is an emotion that cannot be fully described with words, I argue that the *Statue of Peace* can serve as a bridge between the collective memories of all survivors of wartime sexual enslavement by the Japanese Imperial Army and beyond. *Han* can never fully disappear; however, it must be expressed to create a path toward healing. The medium

of sculpture provides an outlet for the tangible expression of the intangible *han*-filled collective memories of victims. However, victims need their *han* and collective memories to be validated and received in collective harmony—in other words, in order to move beyond the expression of collective memory toward healing, collective reception is crucial. An authentic, collective reception of the *Statue of Peace* by all will help pave a path toward healing for victims, offer a promise of protection against similar atrocities now and in the future, and reshape the painful collective memories of victims into something meaningful and powerful.

The *Statue of Peace* continues to offer an incredibly powerful channel for a meaningful apology toward victims that the Japanese government continuously fails to give. This is not because collective apologies are abortive, but because the Japanese government fails to understand that a sincere apology is only the first step or bridge toward reconciliation. Thus, while apologies aren’t the solution, they matter. And while Japanese politicians and right-wing nationalists may cling to the hope of a collective forgetting of the “comfort women” issue as more and more survivors pass on each year, the *han*-filled collective memories of survivors will remain. Just as crimes against women during wartime is an age-old humanitarian crisis that has seen no end, *han* is an undying spirit that will continue to resonate from the *Statue of Peace* to demand justice for all victims of sexual violence. 

67 Dezaki, *Shusenjo*.

68 Jeewon Lee et al., “Transgenerational Transmission of Trauma: Psychiatric Evaluation of Offspring of Former ‘Comfort Women,’ Survivors of the Japanese Military Sexual Slavery during World War II,” *Psychiatry Investigation* 16, no. 3 (March 2019).

Artemisia Gentileschi's Reclamation of the Power of Women Trope

Radical Female Self-Expression in Renaissance Art

Traditionally, the *Power of Women* topos—an artistic trope in which women were depicted in scenes of dominance over “great men” of history and literature—was used by men as a misogynistic illustration of women’s subversiveness and a humorous role reversal that reinforced a hierarchical, patriarchal societal structure. However, late Italian Renaissance artist Artemisia Gentileschi found in the trope an opportunity for trenchant social commentary and radical self-expression. For Gentileschi, the *Power of Women* provided an opportunity to reject expectations of female subservience and perceptions of women as subversive temptresses. Gentileschi’s works in the topos express themes of female resistance, empowerment, and virtue, ideas that directly responded to her experiences of violence, discrimination, and devaluation.

THROUGH THE END of the Early Modern Period in Italy, opportunities for female self-expression and self-determination were severely limited.¹ Notions of paternalism and female inferiority led to sweeping efforts to silence women’s voices. Not only were women barred from positions of societal and social power, but the very notions of women’s speech and knowledge were associated with female subversion of men.² This extended into the economic realm: women had few chances to receive a formal education, pursue a career, or otherwise become financially independent. Even so, a number of Renaissance women seized opportunities to become artists; their works reflect a unique perspective informed by their treatment in society, as experiences of suppression contextualized and shaped their pieces.³ This article’s primary focus will be Renaissance works within the “*Power of Women*” topos, an artistic trope in which women were depicted in scenes of dominance over “great men” of history and literature.⁴ Traditionally, the *Power of Women* was used by men as a misogynistic illustration of women’s subversiveness and a humorous role reversal that reinforced a hierarchical and patriarchal societal structure.⁵ However, late Italian Renaissance artist Artemisia Gentileschi found in the trope an opportunity for more revolutionary, trenchant social commentary. For Gentileschi, the *Power*

of Women offered a means of radical self-expression within a society that systematically disempowered women. In examining the life of Artemisia Gentileschi, we will see how personal experiences with chauvinism, violence, and discrimination featured prominently in her artwork. Gentileschi turned to and reclaimed the *Power of Women* as a means of role reversal and rebellious expression against culturally enforced repression.

Treatment of Women in Renaissance Italy

For much of European history—with the Italian Renaissance being no exception—patriarchal ideas informed how women were treated, relegating most wives and daughters to the private or domestic sphere.

Within the household, women were “lifelong subordinates” to men, relegated to the domestic sphere and largely restricted from participating in public life.⁶ Prescriptions for chastity also contributed to this confinement: the home was an environment in which women could be isolated and silenced in order to preserve chastity.⁷ Moreover, excessive speech and the pursuit of knowledge were associated with lasciviousness. These negative perspectives contributed to a broad sense of paternalism that formed one response to the “woman question” of the Renaissance.⁸ For many of the women whose daily

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1 The Early Modern Period is generally defined as the period immediately following the end of the Middle Ages and preceding the French Revolution (approx. A.D. 1450-1800). See “About the Early Modern Period,” Central European University Department of History, CEU, accessed April 27, 2022, <https://history.ceu.edu/early-modern-studies/about>.

2 The connection of female knowledge, subversion, and subservience stem from (and are supported by) Eve’s temptation of Adam in the Book of Genesis. As a result of the story, Eve was “held up as the paradigm for the evil inherent in all women.” See Pamela Milne, “Genesis from Eve’s Point of View,” *The Washington Post*, March 26, 1989, <https://www.washingtonpost.com/archive/opinions/1989/03/26/genesis-from-eves-point-of-view/dc371184-1f4c-4142-ac2d-d5efee72a0da/>.

3 This focus on the treatment of women artists is not meant to overshadow their technical achievements, but rather highlights how remarkable those achievements were in the face of such an oppressive environment. For a more extensive discussion of the barriers to success women artists faced during the Italian Renaissance, see Linda Nochlin, “From 1971: Why Have There Been No Great Women Artists?,” *ARTnews*, May 30, 2015.

4 Susan L. Smith, *The Power of Women: A Topos in Medieval Art and Literature* (Philadelphia: University of Pennsylvania Press, 1995), 2.

5 For examples, see this article’s third section, “Extension into Artwork: The Traditional Power of Women.”

6 Arcangela Tarabotti, *Paternal Tyranny*, trans. Letizia Panizza (Chicago: University of Chicago Press, 2004), xvii.

7 Tarabotti, *Paternal Tyranny*, xvi-xxiv.

8 Also known as the “querelle des femmes,” the woman question was an ideological debate of the Early Modern Period regarding the nature and proper place of women. For one of the most extensive and fundamental defenses of women offered as part of the debate, see Christine de Pizan, *The Book of the City of Ladies*, trans. Earl Jeffrey Richards (New York: Persea Books, 1982).

lives were shaped by this paternalism, such an ideology inspired anger, as it was the direct philosophical underpinning of women's oppression and domestic imprisonment. As female critics such as Arcangela Tarabotti⁹ have noted, the social and political aspects of paternalism, including double standards of sexuality, the marriage market, and women's "enforced ignorance," were deliberate attempts to cement men's tyrannical control over women.¹⁰ As such measures enabled men to dominate their wives, daughters, and women in general, they inflicted substantial harm on women. In these conditions, there existed few opportunities for female self-determination and education, and women were often placed in the hands of male authority figures who rarely had their best interests in mind.

Ideas of female submissiveness and domesticity informed treatment of women within the household, but their forced financial dependence on men, and thus their frequent domestic subjugation, was cemented by the labor market. Within the economy, Italian Renaissance women "were not free agents"—even when employment was available, it rested upon the approval of a husband or father.¹¹ The employment accessible to women was not enough to sustain them: women were "excluded from high-level productive work," the jobs with which men could support themselves and their families.¹² The status of widows in Renaissance Italy highlights the structural barriers women faced in attaining financial freedom: "In Florence, the class of senior and impoverished single women was large. Women past the years of childbearing were, for most age brackets, more likely to be poorer than men."¹³ Without the financial support of men, who held the jobs their wives and daughters could not, most women were left impoverished. Systematic discrimination within the economy left women dependent on their husbands, brothers, and fathers, who left them in positions of subordination.

Access to employment was similarly limited within the art world. Women faced institutional barriers that included exclusion from residencies, drawing classes, and apprenticeships in large studios.¹⁴ One of the only means through which women could receive a formal art education was by training with a close male relative. Artemisia Gentileschi was trained by her father Orazio, a noted Mannerist.¹⁵

Women without a talented male artist as a close relative, however, had few opportunities to receive education or successfully pursue careers as artists.

Extension into Artwork: The Traditional Power of Women

Paternalism, misogyny, and other attitudes that limited the agency of women were not endemic to the domestic and political spheres. Such notions also permeated the art world. Of course, this manifested itself in the considerable difficulties faced by women who aspired to become artists. Women artists could not and did not make specific and undeniable contributions to contemporary Western art until the early seventeenth century,¹⁶ a fact which Linda Nochlin and other historians have attributed to broad institutional barriers confronting women.¹⁷ Even the women who were able to find success in art were met with dismissal (or at least trivialization) by male contemporaries. Giorgio Vasari's *Lives of the Most Excellent Painters, Sculptors, and Architects* treats only one female artist, Properzia de' Rossi, whose biography is informed by widespread perceptions of women as overly passionate. For example, Vasari claims that de' Rossi's depiction of Joseph and Potiphar's wife is attributed to her own experiences with unrequited love.¹⁸ The idea of de' Rossi as a typical woman inspired only by passion toward men perpetuated traditional associations of women with melancholia and excessive emotion.¹⁹ Vasari's treatment is particularly important, as his *Lives* is considered "the first important book on art history."²⁰ Working within Vasari's framework, art historians largely dismissed female artists or attributed their lack of artistic contributions to a lack of talent, rather than to institutional barriers.²¹ It was not until the publication of Linda Nochlin's seminal 1971 essay "Why Have There Been No Great Women Artists?" that female artists were taken seriously and considered in the context of the discrimination they faced.²²

For the purposes of this article, more important are the ways in which perceptions of women shaped their depictions in art. The Power of Women topos is one of the best examples of misogynistic societal norms informing artwork. It is a "representational practice

9 Venetian nun and writer. Her own experiences with paternalism and male influence directly shaped the proto-feminist current of her work: at the age of thirteen, Tarabotti's family sent her to a convent due to her unfavorable marriage prospects. For more on Tarabotti's life and the misogyny she faced, see Meredith Kennedy Ray, "Tarabotti, Arcangela (1604-1652), Venetian Nun and Writer," *Italian Women Writers*, *University of Chicago Library*, 2007, <https://www.lib.uchicago.edu/efts/WWW/BIOS/A0048.html>.

10 Tarabotti's concept of "enforced ignorance" is the notion that fathers and husbands deliberately refused to educate women. To withhold knowledge was to ensure women would remain subservient and chaste. See Tarabotti, *Paternal Tyranny*, 21.

11 Margaret King, *Women of the Renaissance* (Chicago: University of Chicago Press, 1991), 71.

12 King, *Women of the Renaissance*, 71.

13 King, *Women of the Renaissance*, 61.

14 Jason Fargo, "The Renaissance Women Who Painted Against the Odds," *The New York Times*, December 16, 2021, <https://www.nytimes.com/2021/12/16/arts/design/atheneum-art-sexism-women-museum.html>.

15 Mary Garrard, *Artemisia Gentileschi: The Image of the Female Hero in Italian Baroque Art* (Princeton: Princeton University Press, 1989), 13.

16 Anne Sutherland Harris and Linda Nochlin, *Women Artists: 1550-1950* (New York: Alfred A. Knopf, 1976), 118. Harris and Nochlin except the women embroiderers of the Middle Ages, but the argument remains applicable to the post-medieval/Early Modern Period.

17 Nochlin, "No Great Women Artists."

18 Giorgio Vasari, *Lives of the Most Eminent Painters, Sculptors, and Architects*, trans. Gaston du C. de Vere (London: Macmillan Publishers, 1912-1915), 341.

19 Fredrika H. Jacobs, "The Construction of a Life: Madonna Properzia De' Rossi 'Schultrice' Bolognese," *Word & Image* 9, no. 2 (1993): 122-123, <https://doi.org/10.1080/0266286.1993.10435481>.

20 Peter and Linda Murray, *The Art of the Renaissance* (New York: Frederick A. Praeger, 1963), 8.

21 Some of these arguments are dissected in Nochlin, "No Great Women Artists."

22 Nochlin, "No Great Women Artists."

of bringing together at least two...well-known figures from the Bible, ancient history, or romance to exemplify...themes that include the wiles of women, the power of love, and the trials of marriage.²³ The trope is particularly associated with humorous admonitions against the subversion or inversion of patriarchal society.²⁴ It arrives at such commentary not only through the use of historical and literary figures, but more specifically through their depiction in the context of female domination over men. Traditional Power of Women pieces emphasize the subversiveness of women and mock the prospect of women in positions of leadership or domination. These portrayals reflect a direct extension of societal misogyny into artwork. The proper place of the woman was to submit to her husband or father—to do otherwise would be untenable and often laughable. As we have seen, the relegation of women to the home was a means of preserving chastity and thus virtue. A woman assuming a role other than obedient housewife (like the women depicted in Power of Women artwork) was salacious and subversive to gender norms and to the authority of her closest male relative. In conveying these ideas, Power of Women works served to remind audiences of the proper place of women, the consequences of women leaving the domestic sphere, and the ubiquitous power of women to seduce and corrupt men.

The image most representative of the Power of Women is that of Phyllis riding Aristotle,²⁵ a subject almost synonymous with the topos itself.²⁶ Like other Power of Women pieces, *Aristotle and Phyllis* renders a scene from the literary and historical mythologies. In one medieval legend, the classical philosopher Aristotle advises his pupil, Alexander the Great to avoid the seduction of Phyllis, which threatens to distract Alexander from his regal duties. In an ironic twist, Aristotle himself falls victim to Phyllis, who agrees to grant him sexual favors if she is allowed to ride him like a horse. In reality, Phyllis has no intention of sleeping with Aristotle, planning only to shame him publicly.²⁷ The result is the humiliating scene of Phyllis dominating Aristotle rendered by countless medieval and Renaissance artists.

Aristotle and Phyllis and similar Power of Women scenes were not only artistic reproductions of myth, but also moralizing lessons about the wiles of women. Susan Smith characterizes such pieces as *exempla*, or short narrative examples furnished as rhetorical proof of some concept.²⁸ With the Power of Women, the concept “proved” by religious and literary narratives was that women were conniving temptresses, and their attempts to seduce justified their social and political subjugation. *Aristotle and Phyllis* is the prototypical Power of Women work in that it conveys this message and does so through the humorous use of role reversal. The humor comes not only from the strangeness of the scene depicted, but also from the physical and hierarchical positioning of Phyllis. For the medieval audience, the



Image A: Hans Baldung Grien, *Aristotle and Phyllis*, 1513. Woodcut, 330 x 236 mm., Germanisches Nationalmuseum, Nuremberg, Germany.

prospect of a woman dominating a man in such a manner was implausible to the point of hilarity. Even so, underpinning the comedy is a cautionary tone. This warning was taken not as evidence of male weakness or lasciviousness, but rather as proof of women’s manipulative nature. The idea that a man so great and wise as Aristotle could be seduced by a woman reflects widespread fear surrounding female sexuality and subversion. In traditional Power of Women pieces, of which *Aristotle and Phyllis* is one, comical role reversals and an emphasis on female subversiveness combined to reinforce a hierarchy which placed men above women.²⁹

Artemisia Gentileschi: Reclamation and Revenge

The origins of the Power of Women topos and its traditional, widespread usage functioned to propagate negative female stereotypes. However, as Smith notes, the trope “proves that the normative

23 Smith, *The Power of Women*, 3.

24 Maryan W. Ainsworth and Joshua P. Waterman, *German Paintings in the Metropolitan Museum of Art, 1350-1600* (New Haven and London: Yale University Press, 2013), 59.

25 See Image A.

26 For further discussion of this subject’s popularity and pervasiveness, see H. Diane Russell and Bernadine Barnes, *Eva/Ave: Woman in Renaissance and Baroque Prints* (New York: The Feminist Press at the City University of New York, 1990), 149.

27 “Aristotle and Phyllis,” *The Art Institute of Chicago*, accessed April 27, 2022, <https://www.artic.edu/artworks/20121/aristotle-and-phyllis>.

28 The noted University of California art historian whose work centered on the Power of Women topos. See Smith, *The Power of Women*, 5-9.

29 Natalie Zemon Davis, cited in Russell and Barnes, *Eva/Ave*, 175.

hierarchy of gender was subject to inversion.³⁰ Although misogynistic themes were commonplace, the Power of Women canon also included pieces that used the topos to assail misogynistic stereotypes and to express the woman's experience. As we will see, female artists working within the Power of Women formula depicted scenes of role reversal and female domination as a means of representing personal experience with and rebellion against a male-dominated society.³¹ Such artists redefined the Power of Women: from the power of women to seduce and corrupt to the power of women to express discontent and rebel against men and subordinating patriarchal structures.

The works of Artemisia Gentileschi typify this new perspective. Gentileschi reached levels of success remarkable for a female artist, and feminist art historians including Ann Sutherland Harris and Linda Nochlin have identified her as the single most impactful female artist of the Renaissance.³² Gentileschi was an artist whose gender and personal life profoundly shaped the subjects and themes of her works. Indeed, Gentileschi's experiences of abuse and dismissal directly inspired motifs of violence, revenge, and male-female role reversal in her later works. The events most formative to Gentileschi's artistic preoccupations were her 1611 rape and 1612 rape trial, affairs that continue to shape discourse surrounding her works. In May of 1611, Gentileschi was raped and deflowered by Agostino Tassi, a colleague, contemporary, and friend of her father's. Under the pretense of future marriage, the pair maintained a sexual relationship for months following the rape. In March of 1612, Gentileschi's father Orazio launched a prosecution against Tassi for taking Artemisia's virginity. After seven months of legal proceedings, Tassi was found guilty and sentenced, but he ultimately evaded punishment.³³ The rape itself was a highly traumatic experience, as evidenced by Gentileschi's later works, but it is also likely that the failure to impose any punishment on Tassi inspired Gentileschi's dissatisfaction with broader societal treatment of women. To this point, Elizabeth Cohen notes that the assault "may have stimulated a nascent feminist consciousness" in Gentileschi, likely inspiring the strong female figures and forceful resistance to men seen in her works.³⁴

Judith: A Case Study in the New Power of Women

Conclusions regarding the relationship between Artemisia Gentileschi's experiences as a woman and the themes of her artwork are best illustrated through an analysis of the pieces themselves. Gentileschi's most iconic painting—and the one most frequently considered in the



Image B: Peter Paul Rubens, *Judith with the Head of Holofernes*, 1616. Oil on canvas, 120 x 111 cm., Herzog Anton Ulrich Museum, Braunschweig, Germany.

context of her rape—is her 1620 rendering of *Judith Beheading Holofernes*.³⁵ As a piece squarely within the Power of Women tradition, Gentileschi's *Judith* treats a notable scene from literature: in the biblical Book of Judith, the titular Israelite capitalizes on the lust of her enemies to slay the invading Assyrian general Holofernes.³⁶ While the subject is certainly traditional, Gentileschi's depiction is radically different from previous late Renaissance treatments, which fall squarely into the traditional, misogynistic Power of Women camp. In sixteenth- and seventeenth-century compositions preceding Gentileschi's work, Judith is presented as deceitful in her use of sexuality, a female characteristic illustrated clearly in *Aristotle and Phyllis* and other Power of Women works.

Peter Paul Rubens' *Judith with the Head of Holofernes* is one of the clearest examples of the subversive character male artists ascribed to Judith and other powerful women.³⁷ In Rubens' depiction, Judith directs a sinister, piercing gaze towards the audience, and her exposed breasts remind onlookers of the sexual manipulation underlying the murder. This rendering of Judith's act "recalls simultaneously every

³⁰ Smith, *The Power of Women*, 3.

³¹ In more traditional Power of Women pieces, role reversal and female domination had negative connotations associated with a subversion of the proper social order and female seduction. In this context, they are used positively to express themes of vengeance and rebellion against patriarchal norms.

³² Sutherland Harris and Nochlin, *Women Artists: 1550-1950*, 118. Also refer to the work of Roberto Longhi, cited in Rebecca Mead, "A Fuller Picture of Artemisia Gentileschi," *The New Yorker*, September 28, 2020, <https://www.newyorker.com/magazine/2020/10/05/a-fuller-picture-of-artemisia-gentileschi>, who qualified Gentileschi as "the only woman in Italy" with technical skill and fundamentals comparable to those of her male contemporaries.

³³ Elizabeth S. Cohen, "The Trials of Artemisia Gentileschi: A Rape as History," *The Sixteenth Century Journal* 31, no. 1 (2000): 48–50.

³⁴ Cohen, "A Rape as History," 73–74.

³⁵ Throughout her career, Gentileschi rendered the scene of Judith slaying Holofernes a number of times. The version reproduced in the appendix and analyzed here is the 1620 version, known as the "Uffizi Judith" after the Florentine gallery where it is housed.

³⁶ Toni Craven, "Judith: Apocrypha," *The Shalvi/Hyman Encyclopedia of Jewish Women*, *The Jewish Women's Archive*, accessed April 27, 2022, <https://jwa.org/encyclopedia/article/judith-apocrypha>.

³⁷ See Image B.



Image C: Artemisia Gentileschi, *Judith Beheading Holofernes*, 1620. Oil on canvas, 146.5 x 108 cm., Uffizi Gallery, Florence, Italy.

negative association that has attached to Judith—her sexual entrapment of Holofernes...her deceitful manipulation of him, and the unnatural masculine strength through which she confirms the inevitability of her victory over him.³⁸ In accordance with the thematic body of the Power of Women topos, Rubens' Judith is stereotypically duplicitous in her sexuality, but she also subverts what a woman should be in her lack of submissiveness. For Rubens and other early artists who depicted Judith, a woman departing so thoroughly from expectations of docility and passivity was "unnatural" and served to remind the audience of how deviant the unrestrained woman was.³⁹

Artemisia Gentileschi's *Judith Beheading Holofernes* is a radical departure from the Power of Women depictions Rubens' rendering typified.⁴⁰ Gentileschi's Judith has none of the manipulation, sexuality, or malice of other depictions. Judith is "a fully sexed, mature woman, who is physical without being beautiful, a rare female character who escapes the stereotypes of maiden, virago, and crone."⁴¹ This Judith exhibits neither an unnatural masculinity (seen in traditional Power of Women works) nor a stereotypical female docility. Viewers will certainly notice a departure from "socialized expectations of woman's



Image D: Bracelets from Artemisia Gentileschi, *Judith Beheading Holofernes*, 1620. Oil on canvas, 146.5 x 108 cm., Uffizi Gallery, Florence, Italy.

behavior," as there is significant contrast between the audience's notions of Renaissance female decorum and the brutal action depicted.⁴² In this and Gentileschi's other works, women are depicted as "nonsilent, nonhumble, powerful personalities," in clear contrast to the chastity, obedience, and silence that characterized the virtuous Renaissance woman.⁴³ While Gentileschi's Judith departs from the norms of female behavior, she does not do so in a way meant to illustrate the deviance of women. Rather, this Judith's actions illustrate that female virtue can accompany action, nonconformity, and even opposition to men. Femininity is put in a new context and is no longer tied to timidity or subservience.

Gentileschi's departure from tradition is well-explained by her own experiences with mistreatment by men, specifically her rape at the hands of Agostino Tassi. The testimony in Gentileschi's defloration trial provides a strong historical basis for interpreting her art in the context of female victimization, anger, and desire for revenge. Testifying before a Roman court in 1612, Gentileschi described her immediate reaction to the rape: "When I saw myself free, I went to the table drawer and took a knife and moved toward Agostino, saying, 'I'd like to kill you with this knife because you have dishonoured me.'"⁴⁴ Gentileschi's overall response to the assault, trial, and sentencing was desire for just, violent repayment (especially considering that Tassi's sentence of exile was never enforced)—a response that she was able to realize and articulate in visual form.⁴⁵ Gentileschi biographer and feminist art historian Mary Garrard subscribes to this autobiographical reading of *Judith Beheading Holofernes*, finding it "justifiable to interpret the painting...as a cathartic expression of the artist's private, and perhaps repressed, rage."⁴⁶ In this interpretive framework, Judith is Gentileschi and the slain Holofernes is Tassi, Gentileschi brutally exacting the justice that never was. The bracelets Judith wears in the depiction support this reading of Gentileschi's identification with her subject.⁴⁷

38 Garrard, *Artemisia Gentileschi*, 297.

39 Rubens was far from the only artist to depict Judith in such a manner. See Hans Baldung Grien, *Judith with the Head of Holofernes*, c. 1500s, oil on panel, 92 x 77 cm., Schloss Friedenstein Museum, Gotha, or *Judith with the Head of Holofernes*, 1620-1622, oil on canvas, 115 x 86 cm., Kunsthistorisches Museum, Vienna.

40 See Image C.

41 Garrard, *Artemisia Gentileschi*, 323.

42 Garrard, *Artemisia Gentileschi*, 323.

43 Raymond Ward Bissell, *Artemisia Gentileschi and the Authority of Art: Critical Reading and Catalogue Raisonné* (University Park: Pennsylvania State University Press, 1999), 112-113.

44 Cited in Bridget Quinn, *Broad Strokes: 15 Women Who Made Art and Made History (in That Order)* (San Francisco: Chronicle Books, 2017), 22.

45 Tassi's life following the trial—including his continued collaboration with Gentileschi's father Orazio—is treated in Quinn, *Broad Strokes*.

46 Garrard, *Artemisia Gentileschi*, 311.

47 See Image D.

The center image depicts a female figure aiming a bow and the lower image a woman with an animal at her feet, likely a reference to the Greek goddess Artemis, Artemisia's indirect namesake. The specific use of Artemis is deliberate and appropriate: in Greek mythology, Artemis was known for violently defending her virginity.⁴⁸ Garrard argues that Gentileschi “added the images as a kind of signature, revealing her proud identity with a strong and independent female mythological figure, and her formidable self-confidence as well.”⁴⁹ Both the painting and the symbolism within demonstrate Gentileschi's connection with Judith and Artemis—two figures whose confidence, independence, and strength in the midst of virtue defied norms of female passivity—as a result of her own interactions with a violently patriarchal society.⁵⁰

The subject matter and thematic underpinnings of *Judith Beheading Holofernes* ultimately combine in a radical reclamation of the Power of Women topos. While all Power of Women artists engaged with mythological women and their defiance, Gentileschi was one of the few to do so in a positive light. Her Judith is not used to reinforce misogynistic stereotypes or to justify oppression, but rather to model the compatibility of femininity and virtue with strength, independence, and defiance of the social order. This use of the topos was intimately connected to Gentileschi's own experiences and the conditions she faced in society. Garrard notes that “through identification with her Judith and [Judith's maidservant] Abra, the artist Artemisia found a liberating courage inspired by a heroic model.”⁵¹ Gentileschi redefined the familiar Power of Women scenes—of female domination, violence, and strength—as autobiographical analogues and as expressions of anger and disillusionment with her treatment by men. Ironically, the topos, with its status as a staple of cultural misogyny, allowed Gentileschi to depart from and rally against traditional, chauvinistic views of women.

Susanna: Away from Sexual Submission

The personal, autobiographical proto-feminist consciousness apparent in Gentileschi's *Judith Beheading Holofernes* is also seen in her other pieces. One such example is her 1610 rendering of *Susanna and the Elders*. As with Judith, the story of Susanna is a Power of Women scene with biblical origins.⁵² A narrative addition to the Book of Daniel, the story sees its titular figure falsely accused of and subsequently exonerated from charges of adultery.⁵³ Two elders spy on the naked Susanna, conspire to sleep with her, and attempt to



Image E: Alessandro Allori, *Susanna and the Elders*, 1561. Oil on canvas, 202 x 117 cm., Musée Magnin, Dijon, France.

coerce her into sex as she bathes in the garden.⁵⁴ Susanna refuses, and the elders accuse her of adultery.⁵⁵ She is exonerated by Daniel during her trial the following day, and the elders are put to death in her place.⁵⁶ Again, Gentileschi's composition differs radically from

48 Alicja Zelazko, “Artemis: Greek Goddess,” *Encyclopædia Britannica*, accessed April 27, 2022, <https://www.britannica.com/topic/Artemis-Greek-goddess>.

49 Garrard, *Artemisia Gentileschi*, 327.

50 Some critics have argued that themes of female empowerment in Gentileschi's works were motivated by a desire to commercialize and capitalize upon her rape, not by legitimate self-expression. However, the preponderance of evidence suggests that her work was genuinely self-expressive. Her rape trial testimony, for example, indicates the assault had a clear psychological effect upon her—an effect seen in the individuality and empowerment of her subjects.

51 Garrard, *Artemisia Gentileschi*, 330.

52 *Susanna and the Elders* is not a representative Power of Women scene in that it does not depict its female figure dominating men. However, the resistance Susanna presents—and the ideological and sexual corruption of the story by male artists—certainly fits into the ideological framework underpinning the Power of Women topos.

53 Jennifer A. Glancy, “Susanna: Apocrypha,” *The Shalvi/Hyman Encyclopedia of Jewish Women*, *The Jewish Women's Archive*, accessed April 27, 2022, <https://jwa.org/encyclopedia/article/susanna-apocrypha>.

54 The elders' coercion of Susanna as she bathes is the scene most frequently treated by Renaissance artists and the one Gentileschi reproduces in her *Susanna and the Elders*.

55 Glancy, “Susanna: Apocrypha.”

56 Glancy, “Susanna: Apocrypha.”

those of her male contemporaries. Art historian Raymond Ward Bissell describes Alessandro Allori's depiction⁵⁷ of the same story as "downright pornographic,"⁵⁸ while Giuseppe Cesari's rendering⁵⁹ encourages the viewer "to imagine himself in the fortunate position of the approaching Elders."⁶⁰

In these traditional Power of Women paintings, Susanna's resistance is not a virtuous display or a measured response to male cruelty, but rather something to be overcome. Garrard reads this interpretation as a "satisfying...opportunity for legitimized voyeurism," one that perverted Susanna's biblical "chastity and moral rectitude" into "a celebration of sexual opportunity."⁶¹ Allori, Cesari, and their patrons imagined the elders' attempt to coerce Susanna into sex—their attempt to rape her—as "a daring and noble adventure."⁶² As with Judith, male artists reinterpreted a scene of triumph, virtue, and power into an example of female subversiveness and the male need to overcome it. These Power of Women depictions of Susanna are underlined by the pervasive attitude that women were inherently subservient to men. Like Gentileschi's works, Allori and Cesari's compositions have autobiographical aspects, but in a far more perverse sense: the artists and their customers place themselves as the voyeurs, the individuals who seek to bend Susanna (representing women) to their will.

Unsurprisingly, Gentileschi approaches the scene of Susanna and the elders from a completely different perspective.⁶³ In this version of *Susanna and the Elders*, Susanna is not rendered as a sexual object or an inviting temptress. On the contrary, her expression is one of torment—she is clearly and completely unwilling to give into the demands of the elders. The male figures are not enviable protagonists, but rather looming conspirators preparing to inflict suffering on an innocent girl. Gentileschi "sympathized with the victim, and movingly depicted her vulnerability and the anguish of sexual violence," refusing to "show Susannah as a seductress or an object of sexual desire."⁶⁴ In this depiction, "the expressive core...is the heroine's plight, not the villains' anticipated pleasure."⁶⁵ Gentileschi once again expresses empathy with the female figure she paints, reframing Susanna's action as both the central focus of the painting and as an emotional, justified response to the cruelty of men. The emphasis placed upon Susanna is not as an idealized picture of chastity or as an object of sexual desire, but as a woman deeply and emotionally affected by the perversion of male authority figures.

Gentileschi's portrayal of Susanna draws upon Gentileschi's



Image F: Giuseppe Cesari, *Susanna and the Elders*, c. 1607. Oil on copper, 52 x 39 cm., private collection.

own experiences of assault and mistreatment. *Susanna and the Elders* "manifests a unique personal sensibility, gender-distinct and shaped by encounters with men in general and Agostino Tassi in particular."⁶⁶ While the *Susanna* predates Gentileschi's rape by about a year, Artemisia likely faced repeated sexual harassment in the years prior: in her 1612 trial, Gentileschi herself testified that Tassi and his friend Cosimo Quorli "made all sorts of efforts to have me, both before and after Agostino had had me, but never did I consent."⁶⁷ Indeed, the themes of Gentileschi's *Susanna* are strikingly similar to her own experiences with Tassi and Quorli.⁶⁸ In both situations, a young, vulnerable female figure is pressured to have sex by two older conspirators, both of whom are authority figures. The torment apparent in Susanna's face mirrored and was inspired by the emotions

57 See Image E.

58 Bissell, *Authority of Art*, 7.

59 See Image F.

60 Garrard, *Artemisia Gentileschi*, 188.

61 Garrard, *Artemisia Gentileschi*, 191.

62 Garrard, *Artemisia Gentileschi*, 192.

63 See Image G.

64 Diane Wolfthal, *Images of Rape: The "Heroic" Tradition and Its Alternatives* (Cambridge: Cambridge University Press, 1999), 25.

65 Garrard, *Artemisia Gentileschi*, 189.

66 Bissell, *Authority of Art*, 3.

67 Cited in Garrard, *Artemisia Gentileschi*, 207.

68 While the scholarly consensus is that the elders in Gentileschi's *Susanna* represent Tassi and Quorli, if anyone, Caravaggio and Gentileschi scholar Gianni Papi argues that the elders are meant to be Tassi and Orazio Gentileschi. It is Papi's contention that Orazio's hiring of Tassi and failure to prevent the rape made him culpable in his daughter's eyes. For more on this perspective, see Keith Christiansen and Judith W. Mann, *Orazio and Artemisia Gentileschi* (New Haven and London: Yale University Press, 2001), 298.



Image G: Artemisia Gentileschi, *Susanna and the Elders*, 1610. Oil on canvas, 170 x 119 cm., Schloss Weißenstein, Pommersfelden, Germany.

Gentileschi likely felt while under constant threat from Tassi and Quorli. Because of this, *Susanna and the Elders* is best interpreted not as a response to rape, but as a response to “the intimidating pressure of the threat of rape.”⁶⁹

Susanna and the Elders can be viewed as another instance in which Gentileschi subverts tradition and co-opts a Power of Women scene in order to rebel against the status and treatment of Italian Renaissance women. The mode of resistance is different from that of *Judith Beheading Holofernes*, however, because the subject matters diverge. Where Judith exhibits a murderous rage, inspired by Gentileschi’s anger and desire to avenge her rape, Susanna is anguished. Accordingly, the resistance presented in *Susanna and the Elders* is not a gruesome murder, but a quiet refusal to accommodate Susanna’s tormentors. While Allori, Cesari, and their peers connect the sexual nature of the Susanna story to female seductiveness, Gentileschi links Susanna’s virtue to her refusal to submit to men—particularly in a sexual sense and particularly with respect to older men in positions of power over women. The result is a multifaceted depiction of the woman’s relationship to sexual violence. *Susanna and the Elders* portrays the torment of sexual assault, the unquestionable evil of male abusers, and the subtle but virtuous ways through which women could refuse

to submit. Gentileschi’s personal connection to the piece deepens the pathos of these statements, but it also indicates she saw the themes of resistance within the Power of Women topos as a means to rebel and express her own internal fears when threatened with sexual violence.

Conclusion

The Power of Women topos has a long and complex history. In its most popular and widespread form, the trope combined myth and comedy to illustrate women’s duplicity and lasciviousness, and the resultant societal need for men to subjugate women. The great irony of this usage is that “examples of the dangers of powerful women to men were often indiscriminately combined with exemplary female figures meant to be seen positively.”⁷⁰ With this in mind, taking Power of Women scenes as literary evidence of women’s subversiveness contradicted the intended meanings of the original stories. Biblical figures like Judith and Susanna were paradigms for female virtue, chastity, and self-direction, yet male artists still twisted their stories to represent the corrupting power of women. Artemisia Gentileschi addressed and resolved this contradiction in artwork deeply connected to her own experiences as a woman. Her experience of rape and preceding sexual harassment directly connected to the theme of resistance in her pieces. In restoring Judith and Susanna to their places as virtuous rebels against male authority, Gentileschi rejected the typical portrayal of Power of Women figures as negative exemplars. Simultaneously, Gentileschi conflated the righteousness of her subjects with their resistance, expressing visually her just desire for revenge against the men who abused her.

This article was originally intended to compare more traditional Power of Women pieces and the female portrayals that cast their subjects as virtuous in their subversion. However, it proved nearly impossible to find other artists who repurposed the Power of Women in the same way as Artemisia Gentileschi.

While this certainly speaks to Gentileschi’s unique brilliance, it also recalls the argument put forth by Linda Nochlin in “Why Have There Been No Great Women Artists?” We have examined misogynistic works from countless traditional Power of Women artists, but only one female artist is widely known for her inversion of the topos. This is not for a lack of inspiration. Paternalism, prescriptions for chastity and submissiveness, and conditions of economic dependence left the women of the Italian Renaissance with very little room to exert positive agency.⁷¹ The circumstances of female submission that bred anger in critics like Tarabotti and Gentileschi likely also stifled their expression of resistance. The lack of female art in the vein of Gentileschi’s Power of Women pieces illustrates the repercussions of the unjust male domination rallied against in Gentileschi’s work. Although Gentileschi may have been a lone voice, her use of the Power of Women was directly influenced by her personal and societal experience as a woman. Her presentation of female resistance as virtuous attacked misogyny in the real and art worlds and served as a uniquely radical form of self-expression and rebellion in a society that consistently silenced women’s perspectives. 🏛️

⁶⁹ Garrard, *Artemisia Gentileschi*, 208.

⁷⁰ Garrard, *Artemisia Gentileschi*, 292.

⁷¹ See this article’s second section, Treatment of Women in Renaissance Italy.

Catherine the Great

'Legal' Monarch & Feminist Philosopher-Queen

Following the coup d'état of Peter III, his wife, Catherine II took the throne, a staunch believer in applying Enlightenment principles for monarchical rule. Catherine II, more commonly known as Catherine the Great, sought to improve the institutional and social conditions of Peter III's empire by implementing Enlightenment reforms surrounding the natural rights of Russians, national policies on Eastern European territories, and institutional reforms for governance and social welfare. More so, Catherine II's Nakaz leverages principles from Hobbes, Beccaria, and Montesquieu to lay the framework for an enlightened absolutist legal regime. However, the social unrest in Russia during the late 1770s caused Catherine II to adopt legal principles that break away from the Enlightenment, such as serfdom, to concede the nobility and suppress the peasantry. Amidst these political struggles of reform, Catherine the Great's Enlightenment movement can be understood as a feminist one. This paper looks at her feminist work as her attempt to take on the persona of Russia's 'philosopher-queen,' or one who presents oneself as the sole proprietor of creating an idealistic Russian society. The consequence of Catherine II's approach to early feminist philosophy, and Enlightenment philosophy at large, is the backlash from European intellectuals that questions Russia's Europeanness, feminist thought, and the legitimacy of Catherine II's regime. Even though Catherine II is considered a believer in transforming Russia to become more European by incorporating principles of the Enlightenment, this does not equate to Catherine II becoming popularly defined as ruling in the period of Russia's 'Golden Age.' Her rule was also defined as one of serfdom and idealism that masqueraded Russia's true condition.

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The Rise of Catherine the Great

Ekaterina Alekseevna arrived in the Russian Empire as a teenager in 1744, soon after marrying the contentious emperor Peter III. ¹ Peter III was considered among Saint Petersburg society to be an emperor who lacked the qualities of a statesman, which kept him prone to unpredictable and destructive behaviors. ² It is because of Peter III's demeanor that Russian society viewed the actions of the Russian crown as a threat to the empire's future. Peter III's character flaws created a sense of necessity within militant factions of Russian society to stage a coup against the emperor, a sentiment with which Ekaterina herself sympathized. On June 28, 1762, a coup d'état ensued, placing Ekaterina at the helm of monarchical power in Russia under the title of Empress Catherine II. ³ Although few monarchical historians argue that the coup d'état against Peter III was not necessary for social reform, it must be noted that Peter III implemented controversial plans such as the expansion of freedoms of the *dvorianstvo* (nobility) in his 1762 decree. Historians such as Aleksander Kamenskii cohesively posit that "eighteenth-century Russia, unfortunately, lacked the legal mechanisms capable of defending the nation and its people in instances in which someone incapable of ruling assumed power. The only available mechanism of self-regulation in such situations was the coup d'état."⁴ Interestingly, Catherine the Great sought to

deliver a justification for the coup on her husband by arguing in her accession manifesto of July 6, 1762 that the takeover was in the name of Peter I (period of rule: 1682-1725), who was considered a central figure and positive leader in the memory of 18th-century Russian society. ⁵ The reason why Catherine II desired to conduct the coup d'état in the name of Peter I is because his legacy is that of Russian modernization. Catherine the Great, now seeing fit to implement an enlightened modernization of Russia, sought to symbolically claim her authority from Tsar Peter I. By viewing herself as a beneficiary of Peter the Great rather than her husband, Catherine II pursued structural reform projects for Russia. In addition to the accession manifesto, Catherine II wrote her memoir of 1762. Within this memoir, historian Monika Greenleaf finds it peculiar that Catherine II "manages to protect the requisite of military virtue, and to dissociate her feminine 'virtue' from violence and disorder, in the same brief narrative space."⁶ From the beginning of her rule, Catherine the Great desired to present herself as a maternal leader of the Russian Empire and separate the violence of the coup with traits that are associated with feminine identity.

Even though Catherine the Great attempted to delegitimize the reign of Peter III following the coup, her claim to tsarship was substantiated by the least amount of legal justification out of any

1 Cyril Bryner, *The Issue of Capital Punishment in the Reign of Elizabeth Petrovna* (Wiley 1990), 410.

2 For example, Peter III was well known to be someone who yelled during church services. He also is considered to be an alcoholic and a frequent user of tobacco. Additionally, Peter III was someone who regularly participated in military games.

Aleksander Kamenskii, *The Russian Empire in the Eighteenth Century: Searching for a Place in the World*, translated by David Griffiths (Routledge 2015), 194.

3 Kamenskii, *The Russian Empire in the Eighteenth Century*, 199.

4 Kamenskii, *The Russian Empire in the Eighteenth Century*, 200.

5 Richard S. Wortman, *Great Catherine's Many Dimensions* (Reviews & Essays 2012), 82.

6 Monika Greenleaf, *Performing Autobiography: The Multiple Memoirs of Catherine the Great* (1756-1796) (The Russian Review 2004), 414.

Russian monarch.⁷ Despite this lack of precedent, Catherine the Great still utilized the authority of the crown to restructure society through a new form of enlightened legal philosophy. By the time the regime change occurred, the Enlightenment writings of Voltaire, Montesquieu, and Beccaria became well-known in Russia. Accordingly, Enlightenment philosophies that concerned the well-regulated state and the obligations of the monarch colored Catherine's canvas for a more Europeanized Russia.⁸ Due to Catherine II's education and passion for exploring philosophy, she assumed the role of an intellectual empress that propagated theories to what is now understood to be enlightened absolutism.⁹ As an enlightened absolutist, Catherine believed that the sovereign's role was to provide security for the natural rights of Russians under her absolutist conditions, all the while holding the authority to do so through a tsarist regime. Therefore, Catherine the Great was the leading promoter of a European intellectual project during the late eighteenth century.

A Legal Monarch: Applying Enlightenment Ideals to the Crown

Prior to Catherine the Great's *magnum opus* work (the *Nakaz*), she pursued smaller philosophical projects surrounding the rights of the nobility and the sovereign, along with the duties of the state and its citizens. For instance, on the topic of the Russian citizenry, Catherine II declared in her Rules for Administration that "each citizen must be taught to recognize his obligations toward the Supreme Being, toward himself, and toward society; and one must teach that citizen certain skills, without which he will barely get along in everyday life."¹⁰ Writing in the language of natural law concepts, Catherine guides Russian society by demanding that every citizen must adhere to God, their individual natural codes, and their fellow Russian subjects. Additionally, Catherine asserts that education is vital for the survival of the citizen, and in turn, the sovereign. This opinion is very much in line with the ideas of the Enlightenment, such as the success of a nation is dependent on the intellectual and financial growth of its citizens. Beyond prioritizing the natural rights of her subjects in her early work as empress, from a philosophical stance, she also let the Enlightenment guide her early reforms. For example, she reformed the Senate in 1763 and declared void the secularization of church institutions (estates) in 1764, undoing the work of her late husband Peter III.¹¹ Although some historians perceive this as reforming to spite Peter III, these reforms rather ultimately assisted Catherine II's greater goals of achieving an enlightened legal monarchy for Russia.

One of Catherine the Great's largest legal issues during her early years was defining the boundaries of the Russian empire and ensuring that every citizen under the crown followed the same principles

of governance. Various conquered territories maintained their autonomous relationship with the Russian empire, which granted peasants the right to relocate among landlords and made collecting tax revenue difficult.¹² In a confidential message to Prince Alexander Alekseevich (A.A.) Vyazemsky, Catherine the Great explained that

Little Russia [Ukraine], Livonia, and Finland are provinces governed by privileges that they have had confirmed. To abolish them all at once would be quite unseemly. But to label foreign countries, and to deal with them on such a basis, would be more than a mistake, it would be truly stupid...once Little Russia has no more hetmen [generals], an attempt must be made to see that the very title of hetman disappears forever.¹³

Catherine II's description of the territories expresses a combative tone, it reveals her staunch perspective of the authority of the monarch in regard to statehood. Therefore, she only respected the standards of law between nations so long as the Russian Empire garnered a higher status in influence than those territories. Additionally, it must be noted that Catherine the Great viewed Ukraine as a special extension of the Russian Empire, denoted by its reference as 'Little Russia,' rather than Ukraine. It is likely that because of Catherine's perception of Ukraine as a part of the Russian empire—more so than other territories—that she takes on a more aggressive stance in the removal of regional authority positions within that territory.

Beyond her assertions of relations between Eastern European territories, Catherine II paved a way for new interpretations of immigration policy. This characteristic of Catherine II is evidenced by her allowance for Europeans to permanently move into Russian lands. By the 1760s, Catherine II's policies gave European transplants generous land allotments, religious freedoms, and exemptions from taxation and conscription.¹⁴ Breaking the tradition of tsars who feared that foreigners would cripple the legitimacy of the empire or even threaten the crown, Catherine the Great considered the utility of immigrants that would assist the Russian economy. In this way, Catherine was a leader who attempted to map out the differences in natural law and rights between the obligation of existing territories and immigrants into the Empire to cultivate a more Europeanized Russia. It is equally clear that her diplomatic opinion regarding neighboring territories, such as her short leash and monitoring of smaller Eastern Europe territories, allowed Catherine II to exert her autocratic vision of Russian influence over Europe under the auspices of enlightened absolutism.

The *Nakaz*

On July 30, 1767, Catherine the Great's centerpiece work titled *Nakaz* (Instructions) revealed the crux of her monarchical philosophy.

7 Kamenskii, *The Russian Empire in the Eighteenth Century*, 200.

8 Kamenskii, *The Russian Empire in the Eighteenth Century*, 206.

9 Kamenskii, *The Russian Empire in the Eighteenth Century*, 204.

10 *Zapiski imperatriskiy Ekateriny Vtorioi* (St. Petersburg 1907), 647.

11 Kamenskii, *The Russian Empire in the Eighteenth Century*, 204.

12 Kamenskii, *The Russian Empire in the Eighteenth Century*, 210.

13 Kamenskii, *The Russian Empire in the Eighteenth Century*, 210.

14 Kamenskii, *The Russian Empire in the Eighteenth Century*, 211.

Reaching more than 5,000 copies in the eighteenth century, the *Nakaz* is a transnational piece that draws on the writings of other philosophers.¹⁵ Specifically, out of the 526 articles in the *Nakaz*, 294 were adapted from Montesquieu's *The Spirit of the Laws* and 108 articles transpired from Beccaria's *On Crimes and Punishments*.¹⁶ Although the *Nakaz* did not constitute a legal precedent in Russia, Catherine the Great proposed a framework for Russian society that advocated for political liberties and forms of equality.¹⁷ In Chapter II of the *Nakaz*, Catherine argues, similar to Hobbes' *Leviathan*, that

The sovereign is absolute; for there is no other authority...that can act with a Vigour proportionate to the Extent of such a vast Dominion...What is the true End of Monarchy? Not to deprive People of their natural Liberty; but to correct their Actions, in order to attain the supreme Good...The Intention and End of Monarchy is the Glory of the Citizens, of the State, and of the Sovereign.¹⁸

Beyond the apparent glorification of monarchical power in the *Nakaz*, Catherine II outlines a purpose for the Russian Tsar that embraces the ideal of a supreme good and envisions the tsar as a guide for the masses. Catherine the Great also devotes portions of the *Nakaz* to approaches to criminal punishment, which is considered to be heavily inspired by the works of Beccaria. For instance, in Chapter VII, she suggests that “every punishment which is not inflicted through necessity is tyrannical. The law has its source not merely from Power [but also from] Nature...It is moderation which rules a people, and not excess of severity.”¹⁹ Catherine the Great sees no room for excessive severe punishment in an ideal Russian society. To demonstrate Beccaria's influence on Catherine II, Beccaria declares in his *On Crimes and Punishments* that “punishments and the means adopted for inflicting them should, consistent with proportionality, be so selected as to make the most efficacious and lasting impression on the minds of men with the least torment to the body of the condemned.”²⁰ It is clear that Beccaria's influence on eliminating tyranny in punishment is seen in the writings of Catherine the Great, especially on the topic of proportional punishment; however, it is not on purely moral grounds that Catherine II agrees with Beccaria. She writes with comparative reason in Chapter VIII that “experience teaches us that, in those Countries where Punishments are mild, they operate with the same Efficacy upon the Minds of Citizens as the most severe in other Places.”²¹ Similarly, Beccaria examines that “the laws, therefore, ought to be inexorable and so should their executors in particular cases. But the lawgiver ought to be gentle, lenient and

humane. The lawgiver ought to be a skilled architect, who raises his building on the foundation of self-love, and the interest of all ought to be the product of the interests of each.”²² Because Catherine II sees no additive benefits toward excessive punishment, she insists, under the influence of Beccarian philosophy, that it should cease to exist in the practice of judges in Russia. When considering where Catherine II can be ideologically situated during the Enlightenment era, it is important to note that her status as monarch weighs much influence in this interpretation. As historian Derek Beales asserts, “it is astonishing not only that a sovereign should have been so up-to-date and progressive in her reading [of criminal law]...but also that she should have been ready to publish this document and to make it available to a commission of more than five hundred persons elected from all provinces of Russia and almost all walks of life.”²³ Therefore, Catherine II's enlightened despotism must also be viewed from a perspective of governance and her attempt to maintain the integrity of the Russian crown, not merely as another prominent Enlightenment philosopher.

Even more so, Catherine the Great asserts in Chapter IX of the *Nakaz* that “no Man ought to be looked upon as guilty before he has received his judicial Sentence; nor can the Laws deprive him of their Protection before it is proved that he has forfeited all Right to it.”²⁴ In advocating for a legal philosophy of innocence until proven guilty, Catherine II posits to protect the natural rights of man when under trial. In another correlation to Beccaria, he suggests that “By what right, then, except that of force, does the judge have the authority to inflict punishment on a citizen while there is doubt about whether he is guilty or innocent?...if it is not certain, then an innocent man should not be made to suffer, because, in law, such a man's crimes have not been proven.”²⁵ Despite Catherine II's declaration having no legal precedent, Catherine the Great's announcement within the *Nakaz* demonstrates the direction she wishes the judges to follow in their jurisprudence in accordance with relatively new doctrines of legal practice brought forth by the European Enlightenment movement. Through the *Nakaz*, Catherine the Great's work consists of two main principles of Beccaria: a belief in utilitarian punishment and the educational purpose of the sovereign. Catherine the Great explains in Chapter IX that “it is better to prevent crimes than to punish them.”²⁶ By taking a utilitarian approach to punishment and implementing in Russia the concept of *nullum crimen sine lege* (no crime without law) and *nulla poena sine lege* (no punishment without law), Catherine II suggests that the goal in mind for society by carrying out punishment is for future prevention, and not merely the principle of punishment

15 Thomas L. Lowish, *Catherine the Great and the Development of a Modern Russian Sovereignty, 1762-1796* (UC Berkeley 2021), 38.

16 John D. Bessler, *The economist and the enlightenment: how Cesare Beccaria changed Western civilization* (European Journal of Law and Economics 2018), 283-284.

17 Lowish, *Catherine the Great*, 36; Kamenskii, *The Russian Empire in the Eighteenth Century*, 212.

18 Catherine the Great, *Nakaz: The Instructions to the Commissioners for Composing a New Code of Laws*, Chapter II.

19 Catherine the Great, *Nakaz*, Chapter VII.

20 Cesare Beccaria, *On Crimes and Punishments and Other Writings*, ed. Richard Bellamy, trans. Richard Davies and Virginia Cox (Cambridge: CUP, 1995), 31.

21 Catherine the Great, *Nakaz*, Chapter VIII.

22 Beccaria, *On Crimes and Punishments*, 112.

23 Derek Beales, *Enlightenment and Reform in Eighteenth-century Europe* (I.B. Tauris & Co. Ltd, 2005), 40.

24 Catherine the Great, *Nakaz*, Chapter IX, I.

25 Beccaria, *On Crimes and Punishments*, 39.

26 Catherine the Great, *Nakaz*, Chapter IX.

itself.²⁷ Lastly, Catherine the Great accentuates the role of the monarch, where in Chapter XIX she writes that “there is a certain facility in this method of governing: it is better for the Sovereign to encourage, and for the Laws to threaten.”²⁸ Within the *Nakaz*, Catherine the Great outlines not only the role of the subjects, the dvorianstvo, and the judges, but also the purpose of—to use Hobbes’ terminology—the monarch’s *Leviathan*. Through enlightened absolutism, Catherine the Great becomes an advocate for Enlightenment reforms on the penal codes of Russia, all the while maintaining the authority of the tsar.

Although there are large criticisms in scholarship that Catherine the Great was indeed a hypocrite at face value for practicing a monarchical form of enlightenment, looking more into the intention of the *Nakaz* proves that Catherine II truly grappled with the ideas of enlightened principles in her proclamation. Historian Max Okenfuss reminds interpreters of Catherine II that she “faced a dilemma: she realized that a) law was primary; b) Russia was an empire; c) differing climates, mores, and educations governed the Russians and their subject peoples; and d) to continue an inherited system of dual law would be fatal for Moscow, as it had been for the Carolingians.”²⁹ In other words, it was in Catherine II’s favor to maintain her empire through the rules of tsarism, just as much as it was for her to achieve a more enlightened-governed society. Her main objective was to generate a Russian empire that consisted of more enlightened institutions, laws, the Senate, and the monarch.³⁰ As stated in Isabel de Madariaga’s writings, Catherine II was less interested in the theoretical approaches of Enlightenment than the utility and appeal of enlightened ideals themselves.³¹ Additionally, despite the *Nakaz* having no legal bearing, Madariaga states that the *Nakaz* was interpreted in positive law in Russia, where various punishments and lawmaking documents between 1770-1773 directly cited the *Nakaz*.³² Through the *Nakaz*, Catherine II is able to be clear on her installment of a rudimentary system of checks and balances on social classes and institutions. Even more so, she set a path to alter the cultural and political orientations of Russians.

Revolutionary Reform

During the early 1770s, Russia under Catherine the Great was compelled to adopt new legal strategies after experiencing social turmoil

from Moscow’s Bubonic Plague Riot of 1771, the uprisings of 1773-1774, and the Russo-Turkish War.^{33,34} The reception of Catherine the Great’s reform projects for Russia was not well-received among factions of the Cossacks, leading to the largest social upheaval in Russia’s eighteenth-century led by hetman Emelian Pugachev.³⁵ Formally pretending to be the deceased Emperor Peter III, Pugachev developed an imposter system of tsarism within Catherine’s empire by impersonating signatures on decrees, bestowing his followers titles of dvorianstvo, and granting serfs freedom.³⁶ After the Pugachev riots which resulted in nearly ten thousand dead, it was reinforced by Catherine II’s rule that the dvorianstvo structure of tsarism was under threat and that she could no longer rely on trusting the peasantry.³⁷ Catherine the Great expedited her reforms, implementing the Fundamental Law for the Administration of the Provinces of the All-Russian Empire in 1775. Beyond centralizing all territory into the Russian empire and setting out punishments for rioters, Catherine II established local Boards of Public Welfare, which were the first institutions in Russia with the responsibility of teaching children and sustaining the sick by becoming responsible for public schools, orphanages, hospitals, and almshouses.³⁸ Catherine the Great capitalized on the social unrest to expand her principles for Russian society.

However, Catherine the Great’s enlightened principles equally generated unfortunate circumstances for the peasantry and serfdom of Russia. Historians such as Richard Pipes argue that Catherine the Great during this period became an insecure leader to the crown due to the uprisings and “sought to consolidate her authority by winning the loyalty of the dvorianstvo at the expense of other social groups.”³⁹ Yet, it was not merely about loyalty, but also the constraining ability of serfs, which constituted approximately one-half of the empire’s population at the time.⁴⁰ Likewise, in 1785 Catherine the Great implemented a charter for the dvorianstvo that established private property. Although it introduced a Lockean principle of ownership, the charter translated into serfs becoming the property of the *dvorianstvo* whereby

[the dvorianstvo] had the right to exploit serfs labor at will...they could force serfs to marry against their will...they could punish serfs in any way they saw fit short of depriving them from life... they could exile serfs to Siberia for settlement and from 1765-1807 for hard labor...they owned—legally—the assets of their serfs.⁴¹

27 Isabel de Madariaga, *Politics and Culture in Eighteenth Century Russia* (Routledge 2014), 105-106.

28 Catherine the Great, *Nakaz*, Chapter XIX.

29 Max Okenfuss, *Catherine, Montesquieu, and Empire* (Franz Steiner Verlag 2008), 328.

30 Okenfuss, *Catherine*, 328.

31 de Madariaga, *Politics and Culture*, 105-106.

32 de Madariaga, *Politics and Culture*, 108.

33 The Bubonic Plague Riot of 1771 resulted in the death of Moscow’s Archbishop Amvrosii. The icon of Mary the Mother of God at St. Barbara’s Gate was removed because Russians believed it had healing powers for the plague, and were spreading the plague by kissing the icon. The removal of the icon led to a mob storming the Kremlin and dismembering Amvrosii.

34 Kamenskii, *The Russian Empire in the Eighteenth Century*, 217.

35 Kamenskii, *The Russian Empire in the Eighteenth Century*, 217.

36 Kamenskii, *The Russian Empire in the Eighteenth Century*, 218.

37 Kamenskii, *The Russian Empire in the Eighteenth Century*, 222.

38 Kamenskii, *The Russian Empire in the Eighteenth Century*, 223.

39 Richard Pipes, *Private Property Comes to Russia: The Reign of Catherine II* (Harvard Ukrainian Studies 1998), 432.

40 Pipes, *Private Property Comes to Russia*, 432.

41 Pipes, *Private Property Comes to Russia*, 435-436.

Even though the Charter did not name serfs, then they were the de facto property of the dvorianstvo. It is because of this policy that the term “Golden Age” for Catherine the Great—now a common historical narrative exercised by twenty-first-century Russian intellectuals under the Putin regime—is misconstrued and incorrect historical practice that is reflective only of the tsars and dvorianstvo, and not Russian society with the inclusion of serfs. As the 19th-century Russian historian Vasily O. Klyuchevsky suggests “on closer examination, there was chaos and disorder [in Catherine II’s regime], a picture painted with broad and careless strokes, designed to be viewed from afar...the general mood smoothed out the rough spots.”⁴² Therefore, Catherine II utilized Enlightenment philosophy to not only bring about reforms for Russian society, but also to particularly extend expansive property rights to the *dvorianstvo* in order to restrict social instability and maintain the legitimacy of her power. Additionally, the differing interpretations of Catherine II’s rule—from nineteenth-century to twenty-first-century Russian historians—demonstrate the utility of her Empire for the Putin regime to propagate political agendas of the Russian Federation’s expansionism into Ukraine since 2014.

The Russian Empire’s Philosopher-Queen

Although much of the scholarship focuses on Catherine the Great’s enlightened absolutism in Russia, greater attention must also be devoted to Catherine the Great’s feminist intentions.⁴³ Beyond creating Russia’s Smolnyi Institute, the first female-only academic institution in 1764 (there was no formalized institutional promotion of female education prior), Catherine the Great implemented a system of education through the Commission of Establishment of Educational Institutions in 1782. This program focused on teaching enlightened ideals such as “the concept of the soul and the benefactor, one’s duties to God and to society, to the state and to those dear to one.”⁴⁴ Catherine’s focus on education during her rule both signals a reform commitment to Enlightenment ideals and an expansion of who receives an education in Russia.

Feminist analysis of Catherine II’s opinions can largely be drawn from her memoirs. Within both her ‘legal’ work and in memoirs, scholar Monika Greenleaf highlights that Catherine II positioned herself in her writings to appear as a “*le mirage russe*,” or an “Enlightened Despot, half mythological goddess, half philosopher-king, through whom the philosophies’ rational reforms would eventually be realized.”⁴⁵ For example, her 1771 memoir draws on the contrast between Russia as Catherine II found it and then Russia under a

decade of her own rule; Catherine the Great’s writings portray her as surrounded by “affairs of the state and almost exclusive association with men, she seems to encode her past as a tale of feminine captivity, tactical obedience, and illicit adolescent bonds in a fairytale women’s kingdom.”⁴⁶ Undoubtedly, Catherine II displayed vivid intentions of portraying her tsarship as a feminine experience. In this way, she sought to alter the image of the tsar and reveal that it can be a feminine authority. Likewise, Catherine the Great framed her work as the reformist and feminine monarch who sought to improve Russian society. For these reasons, Catherine II can be interpreted to be a philosopher-queen: a woman leader who places and perceives herself as the center figurehead of reform. It must be considered, however, that this reform was one from which not all in Russian society benefited, therefore it reveals a political spillover of possible contradictory intentions.

There is one depiction in her 1771 memoir that is also worth highlighting because it is one of the few passages written in the Russian language that is relevant to themes of literary feminism. Specifically, Catherine II is celebrating her coronation in 1763 dressed in an officer’s uniform and encounters a young girl, Princess Nastasie Dolgorukova, and says “how happy I am that you condescended to give me your hand, I am beside myself with pleasure.”⁴⁷ This excerpt is understood by scholars of Russian literature to be an encouragement of female leadership and a continuation of her attempts to picture herself as a figurehead for female leaders.

During the time of Catherine the Great, her critics utilized early feminist stereotypes to taint her, such as Claude-Carloman de Rulhiere in his *Anecdotes of the Revolution of Russia*. For example, in regards to the coup d’état against Peter III, he wrote that it was scandalous and derived from ‘evil’ femininity.⁴⁸ He further argues that Catherine II’s use of Enlightenment ideals gave European intellectuals permission to allow her takeover as a positive historical event rather than an “eruption of senselessness” and for her to “pass as a hero rather than a cipher.”⁴⁹ Therefore, Catherine the Great’s reception in intellectual circles in Europe did not fully amount to feminist encouragement, but was considered by many as an abuse of the Enlightenment movement for political power and legitimacy. Even more so, enlightened philosophers have mixed opinions about females in positions of leadership and power. For instance, Rousseau declared in his 1758 “Letter to M. d’Alembert on Theatre” that “public women” should not be allowed and there should be a segregated system to preserve patriarchal families.⁵⁰ Being a “public woman” and a follower of Enlightenment philosophy, Catherine the Great faced

42 Kamenskii, *The Russian Empire in the Eighteenth Century*, 243.

43 The feminist philosophy of Catherine II promotes the representation of women in power and institutional assistance for women, which was not yet promoted in Russian society from a Tsar. However, her beliefs are antiquated. Her limitations of theory mainly reside in discrimination and unequal access based on the social class of women and considering her image as an ideal embodiment of a female ruler.

44 Kamenskii, *The Russian Empire in the Eighteenth Century*, 236.

45 Greenleaf, *Performing Autobiography*, 410.

46 Greenleaf, *Performing Autobiography*, 418.

47 English translation of: “ьКак я щастлив, что вы удостоили мене дать руку, я от удовольствия вне себя.” This is one of the few passages in Catherine II’s memoirs that are written in the Russian language. Catherine the Great, *Mémoires I*, 22 April 1771, 5–69.


48 Greenleaf, *Performing Autobiography*, 417.

49 Greenleaf, *Performing Autobiography*, 418.

50 Greenleaf, *Performing Autobiography*, 416.

criticism for her reforms primarily due to her femininity. Indeed, Catherine II wielded Enlightenment texts that discriminated against her sex while simultaneously utilizing other facets of more radical tones of the European Enlightenment movement, such as the education of women, to advance female representation and opportunities for women. Yet, it must be noted, that the practical effects of Catherine II's ideas of progress were mainly accessible to women who were not serfs. In this way, modern historical perspectives of Catherine the Great must acknowledge both the philosopher-queen persona that Catherine II attempted to embody that distracts from the reality of her reformist portfolio, while recognizing the anti-feminist backlash from the European Enlightenment movement.

Conclusion

Catherine the Great crafted a quasi-legal methodology using Enlightenment ideology to solve problems presented by Peter III and his reign. Catherine II thought it necessary to compromise the rights of the serfs in order to appease the dvorianstvo structure of Russia that legitimized the title of tsarship. Although her various writings reveal her desire to become a philosopher-queen of Russia, it must be noted that European Enlightened philosophers and intellectuals at the time utilized her femininity to criticize the coup d'état of Peter III and her subsequent rule over Russia. Despite Enlightenment critiques of her reform, Catherine the Great became an advocate of enlightened principles—varying from punishment to education—in order to advance Russian society. Catherine II is by no benchmark a ruler of a 'Golden Age' Russia, however, as the condition of many Russians, including Russian serfs, was overshadowed by her monumental ideas of progress for eighteenth-century Russia. 

The Legacy of MaVynee ‘Beach Lady’ Betsch

The Fight for Black Beach Access since 1975

MaVynee Betsch, a woman many people have likely never heard of, was a historical hero to a small beach community outside of Jacksonville, Florida. Betsch was a Black, radical, eco-feminist on a mission to save the historically Black American Beach. From 1975 to her passing in 2005, Betsch tirelessly fought wealthy, white developers from overtaking the beach in an effort to preserve the history, culture, and ecology of American Beach. Like many other minority environmental activist women, Betsch’s story often goes untold. Her work resulted in the perpetual preservation of American Beach.

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FOR THIRTY YEARS, anyone who traveled to American Beach near Jacksonville, Florida, would see a tall, majestic figure standing atop the tallest dune on the beach watching carefully over the community. MaVynee Betsch, known as ‘Beach Lady,’ to the locals, was a striking figure. She stood six-feet tall with seven feet of hair wrapped around her body and fingernails that were 14 inches long on one hand.¹ Her hair was adorned with political and environmental buttons, her neck, wrists, and ankles were covered in seashells, and her feet were never without flip-flops.² Journalist Larry Copeland described Betsch as an “unusual woman who [was] obviously dedicated to the preservation of an unusual resort.”³ Old-timers would not bat an eye, visiting families would stare and hurry away, and schoolchildren would whisper that she was a shaman or a witch.⁴ Tourists were intrigued by her appearance, photographers wanted to share her image, and reporters wanted to write about her. Betsch was nothing less than extraordinary. She was a Black, radical, eco-feminist with a life mission to preserve the historically Black American Beach from white developers in the latter part of the 20th century.

In 1884 during the Jim Crow Era, there were six public beaches in Jacksonville, but public access did not include access for African Americans.⁵ From the 1890s to the 1930s, a handful of Black beaches began to develop giving Black families the same opportunity to enjoy

the ocean.⁶ One of the earliest was American Beach in Jacksonville, Florida, founded in 1935 by the Afro-American Life Insurance Company.⁷ American Beach was a place for “recreation and relaxation without humiliation” and was one of the more popular beach destinations during the Jim Crow era.⁸ The beach was built with an economically inclusive mindset and sought to give equal opportunity for all Black families to enjoy the pleasures of nature.⁹ Thriving in the 1940s and 1950s, American Beach bustled with Black celebrities, crowded boardwalks, and new Black-owned businesses. However, when the Civil Rights Act of 1964 was passed, Black vacationers chose to attend other beaches and American Beach found itself in a decline.¹⁰ In fact, most Black beaches faced a similar fate despite being a prominent part of Black history, and many Black landowners sold their desirable beachfront properties to white resort developers.¹¹ To this day, white developers have continued to buy Black-owned beach property and commercialize it into the wealthy’s playground, consequently stripping the land of its Black roots and creating a continued structure of racial exclusion.¹²

In 1975 at forty years old, MaVynee Betsch dedicated her life to the preservation of American Beach.¹³ Betsch knew the importance of the beach to Black history and understood that selling American Beach to white developers would only result in the erasure of

1 Larry Copeland, “Awash in Memories: For Black Families in the Segregated South, American Beach Was a Vacation Mecca. Now It’s Endangered by Development, but MaVynee Betsch Is Trying to Change That.” *Philadelphia Inquirer*.

2 Russ Rymer, *American Beach* (New York, NY: HarperCollins Publishers, 1998), 5.

3 Larry Copeland, “Glory days may return to Black resort,” *Detroit Free Press*, June 2, 1996.

4 “Beach Lady,” *Smithsonian Magazine*.

5 The Jim Crow Era as defined by Amanda Onion, Missy Sullivan, and Matt Mullen was a period defined by a set of state and local statutes that legally enforced segregation. This era existed from around 1865 to 1968. See Amanda Onion, Missy Sullivan, and Matt Mullen, “Jim Crow Laws,” *History.com, A&E Television Networks*, last updated February 28, 2018, accessed October 3, 2022, <https://www.history.com/topics/early-20th-century-us/jim-crow-laws>; Marsha Dean Phelts, “An African American Beach” in *An American Beach for African Americans* (Gainesville: University Press of Florida, 1997).

6 Nikki Miller-Ka, “From North Carolina to Florida, these historic Black beaches offer summertime fun,” *The Charlotte Observer*, July 5, 2022.

7 Miller-Ka, “From North Carolina to Florida.”

8 Michael Weslander, “The Unsung Hero Who Saved a Florida Beach,” *Fix*, February 19, 2021, <https://grist.org/fix/oceans/mavynee-betsch-unsung-hero-who-saved-a-florida-beach/>.

9 MaVynee “Beach Lady” Betsch (The HistoryMakers A2004.168), interviewed by Jodi Merriday, September 20, 2004, session 1, tape 2, story 7.

10 “MaVynee ‘Beach Lady’ Betsch (U.S. National Park Service),” accessed October 2, 2022, <https://www.nps.gov/people/mavynee-beach-lady-betsch.htm>.

11 Andrew W. Kahrl, “The Price We Pay for Progress” in *The Land Was Ours: How Black Beaches Became White Wealth in the Coastal South*, (Chapel Hill: University of North Carolina Press, 2016), 210–215.

12 Amy Crawford, “Racism Kept Connecticut’s Beaches White Up Through the 1970s,” *Smithsonian Magazine*, 2018.

13 MaVynee “Beach Lady” Betsch’s Biography, The HistoryMakers.

Black history along with the exclusion of Black communities due to gentrification of the beach.¹⁴ Her activism illuminates the lack of environmental equality that Black communities have faced and the continued pressures that Black land is subject to from wealthy white developers. The cycle of Black environmental oppression has been characterized by Black displacement at the hands of white developers and gentrification of beachfront land, favoring the white upper class.

MaVynee Betsch's story begins with her great-grandfather, Abraham Lincoln (A.L.) Lewis. A.L. Lewis was born in 1865 to two former slaves. His parents, newly freed through the Emancipation Proclamation of 1864, raised him in Jacksonville, Florida.¹⁵ Lewis dropped out of school in sixth grade to support his family and began working full time. In 1901, Lewis and six other Black men founded the Afro-American Life Insurance Company (also known as the Afro). Not only was Lewis a self-made man, but he found himself Florida's first African American millionaire.¹⁶

The late 1860s also brought rise to racial relationships with coastal land. At this time, coastal land was considered undesirable due to its often unlivable, swamp-like conditions, but it was cheap and available for Black land ownership. Many Black individuals took advantage, especially in southern states like Mississippi. By 1910, African Americans owned over 15 million acres of coastal land in the south, attributing to a majority of Black land ownership.¹⁷ However, in the 1920s, after Black communities had worked on and improved the area, coastal land became desirable to white developers. Developers raised the land prices above what Black beach communities could pay, forcing them to sell their land often at an undervalued price, and then privatized the beaches, resulting in the removal and exclusion of Black communities.¹⁸

Black exclusion from coastal land was occurring elsewhere as well. Around 1920 in North Carolina, beachfront land was mostly owned by whites, and although Black people were not prohibited, they were threatened to not use the space. John Hurst, a Black man local to the area, was offered a significant portion of beachfront land by his friend, William Sharpe, a white neurosurgeon. Sharpe had purchased 4,600 acres of land in 1914 but promptly left the area for work. Hurst was hired to take care of the land and did so for many years, but not without hassle. Hurst was constantly threatened by his white neighbors who believed that a white man must be in control of land in the south.¹⁹ Sharpe wanted to give the Hursts'

land in return for taking care of his property, but they declined for fear of harassment. Hurst's wife was worried about their family's safety.²⁰ The Hursts' disposition was not unique: water recreation was not an option for African Americans in the early 20th century. Even when Black people attempted to obtain land, it had to be in an area separate from white beaches. It became increasingly apparent that beaches, including public beaches that Black taxpayer dollars funded, excluded Black people.

The Afro, like many Black communities in the 1930s, was tired of being excluded from beaches and decided to develop their own. The Afro founded American Beach in 1935, the same year that MaVynee Betsch was born. She jokes that the beach was made for her, and that she had a special bond with the beach.²¹ American Beach was Lewis' vision: originally, he thought it would be a retreat for Afro employees and investors but quickly converted it into small lots for the Black public to purchase.²² By 1949, the available lots were advertised in historically Black papers like *The Miami Times* as part of an all-Colored Township development with low down payments and small monthly installments.²³ Black families flocked to this beach, excited for the opportunity to finally enjoy the ocean and safely own waterfront property.

True to A.L. Lewis's vision of inclusion, the low plot prices on American Beach gave any Black individual the opportunity to own beachfront land, making American Beach unique in both Black and white coastal spaces.²⁴ The residents of the beach ranged from Florida Supreme Court justices to the first Black man to graduate Harvard to a janitor.²⁵

MaVynee Betsch's childhood was spent in Sugar Hill in Jacksonville, FL. Betsch grew up in the peak of the Jim Crow era when Black communities lived life parallel to white communities without much, if any, interaction. Insurance companies, banks, restaurants, and other businesses were either for Black people or for white people. Betsch's community was reliant on these structures, and by doing so, removed themselves from white interaction. Betsch recalled going days without seeing a white person.²⁶ In this environment, Betsch developed a deep love and understanding of Black history. Her exposure to and connection with the Black community only deepened with day trips and vacations to American Beach, and everywhere she went, her family and community instilled the importance of history in her. As a religious family, she attended church every Sunday from Easter to Labor Day, and at two o'clock when the service ended, her

14 MaVynee "Beach Lady" Betsch, *The HistoryMakers*, session 1, tape 3, story 7.

15 Suanne Z. Thamm, "Local African American Trailblazers: Abraham Lincoln Lewis," *Fernandina Observer*, February 11, 2021.

16 Michael Card, "A.L. Lewis was a giant in Jacksonville," *The Florida Times Union*, February 16, 2020.

17 Karhl, "Introduction," 7.

18 Karhl, "Introduction," 7.

19 Crystal R. Sanders, "Blue Water, Black Beach: The North Carolina Teachers Association and Hammocks Beach in the Age of Jim Crow," *The North Carolina Historical Review* 92, no. 2 (2015): 145-64, 155.

20 Sanders, "Blue Water, Black Beach," 154-155.

21 MaVynee Betsch (Southern Oral History Program Collection #4007), interviewed by Kieran Taylor, November 22, 2022, tape 1, side A.

22 "MaVynee 'Beach Lady' Betsch (U.S. National Park Service)."

23 "American Beach Offers Ocean Front Lots Near Jacksonville." *The Miami Times*, August 13, 1949.

24 Southern Spaces. "Race, Capitalism, and the Rise and Fall of Black Beach Communities."

25 Kate Santich. "The Spirit of the American Beach: [3 STAR EDITION]," *Orlando Sentinel*, April 17, 1994.

26 MaVynee "Beach Lady" Betsch (The HistoryMakers A2004.168), interviewed by Jodi Merriday, September 20, 2004, session 1, tape 2, story 2.

family always went to the beach.²⁷ Ever since she was little, the beach held strong, cultural memories for her. She saw the impact on the Black community that her great grandfather had with the Afro, providing houses, support, and recreational opportunities when white structures would not let them in. Betsch saw that during a dark time in Black history, her community persevered, and she did not want those stories to be forgotten.

However, her call towards environmental and racial activism did not come until the 1970s. As a child, MaVynee recalled her mother singing and teaching a church quartet. Every Thursday night, the group would rehearse, and MaVynee fell in love with music: "I'm growing up with all this music, all the time. It makes a difference."²⁸ She went on to study vocal performance at the Oberlin Conservatory of Music in Ohio and followed that with an opera career in London and Germany. Her career was glamorous. She performed in big operas like *Salome* in Germany at twenty years old, and *Madama Butterfly* and *Carmen* closer to thirty. Betsch had performed in so many operas, she felt as if her career had peaked.²⁹ In the mid-1960s at thirty years old, Betsch found herself drawn back to Florida, tired of breathing in the coal-polluted air in London and Germany, to reunite herself with her family and the beach.³⁰ Meanwhile, the 1940s and 1950s brought American Beach its heyday. Black people owned and ran mostly everything: businesses, bars, and hotels were created by and for Black people. These companies were a bitter reflection of the white structures Black people were excluded from. Betsch described the scene with buses from

Atlanta and Chicago and Birmingham and Charleston, arriving by caravan halfway through the summer nights, and the pocket hotels had bellhops to unload the luggage, and big-name brands and burlesque troupes played the clubs, and the restaurants were mobbed, and the motel was booked up years in advance.³¹

American Beach was the "best beach around," and people came from all over the country to enjoy the community and the ocean.³² Marsha Dean Phelts, a resident of American Beach, equated it to Disney World "in terms of its popularity and prestige."³³ American Beach was an opportunity for the Black community, rich or poor from all over the country, to join hands and celebrate in a time of exclusion.

Betsch's return to Florida ushered in a new phase of her life. Her

opera career was over, and she was reevaluating her priorities. She inherited her grandfather's beach house in 1975 which became her permanent home. As she stood outside of her house, breathing in the clean, fresh beach air and no longer choking on the smog that saturated Europe, it hit her.³⁴ The beach, the environment, and her community's history were important to her. She was going to dedicate her life to saving what was left.³⁵ Her first action as an environmentalist was to donate her inheritance to environmental causes, including whale research and butterfly conservation. She sold her house and lived in a motorhome on the beach.³⁶ Betsch became a self-made pauper living off \$150 a month funded by her sister, \$25 of which Betsch still managed to donate to various environmental causes.³⁷ Her dedication to various environmental causes was her sole focus from the late 60's and into the early 70s. It wasn't until 1975 that Betsch's journey to save American Beach began.

The Civil Rights Act of 1964 marked the beginning of the end for many of these Black beaches. The act enforced desegregation across the country, and Black families took the opportunity to enjoy beaches that they had previously been banned from. American Beach took an additional hit, as Hurricane Dora damaged many of the homes and businesses in the same year.³⁸ These Black beaches were struggling financially. Their loss of business was directly attributed to the Civil Rights Act, and many of them could not recover.³⁹ As historian Andrew Kahlr put it, the loss of patronage was the price Black coastal communities paid for progress.⁴⁰ At the same time, wealthy white developers began creating exclusive resorts and beachfront hotels, raising the expenses to live in the area. This itself forced many families to sell their homes and relocate, allowing white developers to take hard-earned Black land. In 1970, Amelia Island Plantation, a white-owned resort company, began development directly to the south of American Beach and placed pressure on the beach community to sell.⁴¹ Thus began a cycle seen before: white developers were driving Black communities out of coastal towns and privatizing it for the use of the elite.

A prime example of this was the Amelia Island Plantation. The Plantation was built on an area called Franklinton. At one point, Franklinton was completely owned by Black landowners.⁴² In the 1960s and 70s after integration, investors took advantage of the economic struggles of Black-run beach towns, buying the land for less

27 MaVynee "Beach Lady" Betsch (The HistoryMakers A2004.168), interviewed by Jodi Merriday, September 20, 2004, session 1, tape 1, story 8.

28 MaVynee "Beach Lady" Betsch (The HistoryMakers A2004.168), interviewed by Jodi Merriday, September 20, 2004, session 1, tape 3, story 3.

29 MaVynee "Beach Lady" Betsch (The HistoryMakers A2004.168), interviewed by Jodi Merriday, September 20, 2004, session 1, tape 3, story 3.

30 MaVynee "Beach Lady" Betsch (The HistoryMakers A2004.168), interviewed by Jodi Merriday, September 20, 2004, session 1, tape 3, story 3.

31 Rymer, *American Beach*, 95-96.

32 Rymer, *American Beach*, 95; Santich, "The Spirit of the American Beach."

33 "Tales of American Beach Varied as Seashells Along the Shore," *Los Angeles Sentinel*, 1997.

34 MaVynee "Beach Lady" Betsch (The HistoryMakers A2004.168), interviewed by Jodi Merriday, September 20, 2004, session 1, tape 3, story 3.

35 MaVynee "Beach Lady" Betsch (The HistoryMakers A2004.168), interviewed by Jodi Merriday, September 20, 2004, session 1, tape 3, story 3.

36 Russ Rymer, "Beach Lady," *Smithsonian Magazine*, June 2003.

37 Rymer, "Beach Lady."

38 The Jacksonville Historical Society. "Remembering Hurricane Dora," September 8, 2016.

39 Kahlr, "The Price We Pay for Progress," 210.

40 Kahlr, "The Price We Pay for Progress," 210.

41 Kate Santich, "The Spirit of the American Beach."

42 Allison Schaefer, "Plantation May Buy Cottage in American Beach Amelia Island: Black Community Hurt," *Florida Times Union*, October 31, 2001.

than it was worth and then developing a luxury resort. Not only did the white developers force the Black community to sell their land by raising property taxes and utilities but went on to make millions off of it.⁴³ The Black community was sufficiently displaced from Franklinton and most could not afford to enjoy the resort.⁴⁴ The same thing happened at Hilton Head Beach in South Carolina which was originally owned by African Americans. But these two beaches were not unique; Black-owned beaches from Maryland to Texas were experiencing the same pressures.⁴⁵ White developers pushed the Black community out and gentrified the beach, resulting in the erasure of the beach's history, millions of dollars in profits to the developers, and nothing but a loss of land for the Black community.⁴⁶

Further, resorts like these often attempted to depress Black patronage by catering to the white middle-class. Private beaches in Connecticut would ban non-members from using parks, beaches, or even streets in the area, and they would purposely not sell property to African Americans or Jews. Other beach towns in Connecticut would declare resident parking only. Because its patronage consisted mostly of white people, these small tactics would make it extremely difficult for Black people to get to the beach.⁴⁷ So, resorts took advantage of the faltering economic state of many Black coastal beaches, bought their land, displaced the Black coastal communities that lived there, then actively attempted to keep them away.

By 1975, MaVynnee Betsch found American Beach in shambles. The town was not what it used to be—with empty streets, boarded up businesses, and few crowds to fill the silence.⁴⁸ In fact, many Black beaches up and down the coast were deteriorating. By the Gulf of Mexico, residents in Arundel-on-the-bay noted the extremely low house prices. Resident John Moses commented that “white people wouldn’t live here because Black people lived here and Black people wouldn’t live here because Black people lived here.”⁴⁹ All over the country, integration led to Black people wanting to enjoy the same businesses, restaurants, and beaches that white people did, which led to the abandonment of Black coastal communities. Highland Beach in Maryland saw the same consequences. By the mid-1970s, Ray Langston, a resident of a nearly Black summer village, thought that American Beach was the “last place in the world [young Black people] wanted to go.” By the time that Black communities realized the value in these beaches, both historically and economically, white developers

and rich investors had already begun to move in and buy the land.⁵⁰

American Beach was no different and felt immense pressure from raising property taxes and utility rates due to the bordering resorts. Betsch made it her mission to protect and preserve the beach community. Betsch’s motivation was two-fold: she wanted to preserve the natural beauty of the beach and preserve the memory of what it meant to the Black community. To Betsch, American Beach represented how the Jim Crow era forced the Black community to be resilient. It represented the success and vibrancy that the Black community brought to the beach. It represented a sanctuary for all Black people then and now. She was worried that the erasure of the beach and its history would minimize the struggles the Black community endured to have access to beaches.⁵¹

Betsch began her journey of preserving the history of the beach by rifling through the abandoned Afro headquarters. She stood in the dusty building, flipping through stacks and stacks of documents, newspapers, and artifacts. She collected anything and everything, ranging from an old sign welcoming families to American Beach to newspaper clippings announcing Duke Ellington’s performance at a local pub.⁵² Each item carried significance, a reminder of what the beach was and what it meant to the community. Betsch stored everything back in her motorhome on the beach, calling it her “Revolutionary Headquarters.”⁵³ Her dream was to someday include it all in a museum. She dragged tourists, locals, and strangers alike to her motorhome to teach them about the history of the beach.⁵⁴ However, Betsch knew that the motorhome museum couldn’t be the permanent structure containing all American Beach’s history, so she helped found the A.L. Lewis Historical Society. The group lobbied for the development of an official museum and for the addition of American Beach to the National Register of Historical Places.⁵⁵

By the 1990s, American Beach residents were feeling extremely pressured to sell their land. At this point, American Beach was surrounded by two large, white-owned resorts: Amelia Island Plantation and Summer Beach resort. William Watson, a homeowner on American Beach, confirmed the community’s concern that taxes would increase as these wealthy developers encroached on their land. Watson stated that “taxes [were] going up, and the people who were here years ago don’t have the same income to keep up with it.”⁵⁶ Frances Jones, another resident of the beach, was receiving so many offers to

43 Glenda Simmons-Jenkins, “A Culture in Peril,” *Fernandina Observer*, June 11, 2022.

44 Simmons-Jenkins, “A Culture in Peril.”

45 Greg Hanscom, “How Black Land Became White Sand: The Racial Erosion of the U.S. Coasts,” *Grist*, May 30, 2014.

46 Hanscom, “How Black Land Became White Sand.”

47 Amy Crawford, “Racism Kept Connecticut’s Beaches White Up Through the 1970s,” *Smithsonian Magazine*, July 2, 2018.

48 Vivian Wakefield and Monica Richardson, “Heyday at American Beach Gone, Not Forgotten Vacation Spot a Mecca for African-Americans,” *Florida Times Union*, February 11, 1996.

49 Kahl, “The Price We Pay for Progress,” 3.

50 Kahl, “The Price We Pay for Progress,” 3.

51 Santich, “The Spirit of the American Beach.”

52 “About,” A.L. Lewis Museum.

53 Danielle Dorsey, “Wading Through History At American Beach, Florida’s First Black Beach Resort,” *Thrillist*, September 28, 2020.

54 Dorsey, “Wading Through History.”

55 Peggy Macdonald, “For the love of American Beach: MaVynnee Oshun Betsch,” *Florida Humanities*, June 28, 2021.

56 “Residents try to save town history,” *Sun-Sentinel*, February 23, 1992, 27.

buy her property from the nearby resort developers that she considered putting up a “not for sale” sign.⁵⁷ This was a common occurrence and strategy by many of these resorts. They thought that they could force Black homeowners to sell because of the increase in taxes and utilities. In 1996, Amelia Island Plantation bought 80 acres of land, making American Beach around half its original size.⁵⁸

Among the land bought by the plantation was a large dune named NaNa Dune after the African goddess of mounds. NaNa Dune was an important landmark of American Beach. Not only was it an important habitat for the vulnerable gopher tortoise and migrating birds, but it also overlooked the community and divided their land from the resort next door.⁵⁹ Betsch recalled playing in the dunes as a child and finding peace sitting atop it as an adult.

People have so little place[s] to go now where it's quiet... Come to American Beach; come, you can go sit up on the dune and just look out there on the ocean. And, it's like nothing else matters now. All your troubles [are going to go away].⁶⁰

Nana Dune gave the community something the world could not: a moment of peace and relaxation. Betsch wanted to preserve peace for the community through NaNa, the division between American Beach and the new, wealthy, white developments.

The land was put up for sale by her cousin, James Lewis, in a desperate ploy for money. MaVynne wanted it back but couldn't afford the \$3 million asking price, so she wrote and met with lawyers to do everything she could to prevent the land from falling into the wrong hands.⁶¹ She ultimately failed as Amelia Island Plantation took control of the land. The resort planned to turn this land into a golf course and residential units, bulldozing the wildlife that existed and raising property taxes for American Beach residents. The residents attempted to block the resort's development by claiming environmental damage to concerns of increased taxes, but ultimately were rebuffed.⁶² Because the economic make-up of these Black beach communities was diverse, not all residents would be able to afford an increase in taxes. Potential buyers of American Beach lots noted that after the purchase of NaNa dune, a \$100,000 lot consisted of land unable to be built upon, already demonstrating the impact that these resorts had on American Beach. Betsch lamented about these changes as they opposed what A.L. Lewis had originally founded American Beach for: an opportunity for all Black people to enjoy the coast.⁶³

Betsch was not deterred by the initial loss of NaNa Dune. She and the community continued to push against the resort's development plans and ultimately gained some concessions, including the protection of NaNa Dune from construction.⁶⁴ Betsch's form of activism centered around historical education about the beach. Over the years, she traveled around the nation to give speeches at historical societies about American Beach. One of her main goals was to land American Beach on the National Register of Historic Places, and thus provide eternal protection for the beach and its history.⁶⁵ By doing so, she hoped that the history of American Beach, and others like it, would be heard. She wanted the coastal challenges that the Black community had faced in the Jim Crow era to be remembered and not repeated. Her worry was that Black beaches would be stripped away and put into the hands of white developers, leaving Black communities without undeniable access to beach land which happened in the 20s. A month after the American Beach community failed to block the resort's plans to develop, the Amelia Island Museum of History had an exhibit on Black history. The Amelia Island Museum, founded in 1977 eight miles away from American Beach, never once had any mention of Black history, nevertheless American Beach.⁶⁶ They revealed an exhibit featuring the achievements of Black women in history, and the museum stated that there were many more African American exhibits to come. Betsch was ecstatic. She had been voicing her concerns to the museum about the lack of Black history which influenced the museum to include these exhibits. Betsch even got the museum to include a future exhibit on American Beach using historical artifacts, newspaper clippings about the beach, and documents from the Afro-American Life Insurance Company that she had collected throughout the years.⁶⁷

Betsch's success was aided by her charisma and an appearance that put her at the center of people's attention. People traveled to see the famous “Beach Lady” with the crazy hair and nails, and in return, they received a history lesson.⁶⁸ Students who would come by bus would be welcomed by her eccentric personality as she narrated the history of the beach. She would open by asking, “when I was young, were Black people allowed to visit most Southern Beaches? Unh-unh!”⁶⁹ Her conversations walked the students through the development of the beach, the important players, the vibrancy of it all, and why the history of the beach should be important to all Black people. Around town, she gave tours to anyone and everyone who would listen, walking them through the mostly abandoned streets of the

57 John Craddock, “AMERICAN BEACH // A Black Landmark Struggles to Survive,” *St. Petersburg Times*, September 15, 1991.

58 Derek L. Kinner, “Beach Lady Grins at Win for Her Town,” *Florida Times Union*, October 23, 2004.

59 Derek L. Kinner, “‘Beach Lady’ Strives to Preserve City,” *Florida Times Union*, June 23, 1996.

60 MaVynne “Beach Lady” Betsch, *The HistoryMakers*, session 1, tape 4, story 9.

61 Rymer, *American Beach*, 108.

62 Derek L. Kinner, “American Beach its Residents are Battling Internal Strife to Save their Sanctuary,” *Florida Times Union*, June 23, 1996.

63 Kinner, “Battling Internal Strife to Save Their Sanctuary.”

64 Derek L. Kinner, “Amelia Golf, Homes on Tap,” *Florida Times Union*, March 13, 1997.

65 Copeland, “Awash in Memories.”

66 Amelia Island Museum of History, “Organization History.”

67 Derek L. Kinner, “American Beach History Gains Museum Exposure,” *Florida Times Union*, October 21, 1996.

68 Santich, “The Spirit of the American Beach.”

69 Rymer, *American Beach*, 95.

town where every street was named after the beach's founders. She would explain that Leonard Street was named after J. Leonard Lewis who was the Afro-American Insurance Company's legal counsel or that Mary Avenue was named after her mother and worked as a bookkeeper for the Afro.⁷⁰ Every part of the town had a story, and Betsch would make that clear.

When she was not wandering around the town, Betsch could be found at the Fernandina City Commission, the Port Commission, or the Nassau County Commission meetings. She had become such a staple of these meetings that the commissioner would drawl, "I guess we can begin now. MaVynee's here."⁷¹ Her persistence in lobbying for American Beach made her impossible to ignore, and the grace with which she handled herself meant her advocacy engaged a wide range of people, from poor to rich and Black to white. In many Nassau County meetings, Betsch would bring up new housing developments from the resorts bordering the beach. She consistently pushed for larger buffers, restrictions on water use, and preservation of the natural habitat that existed there. Although she wasn't always successful, her persistence was unmatched.

In 1991, Betsch successfully lobbied for the inclusion of American Beach on the Florida Black Heritage Trail. Betsch saw this placement as "overdue recognition of what the Black community did to survive segregation."⁷² As her motivation to protect the beach centered around preservation of its history, any official historical recognition brought her one step closer to saving the beach. She feared that American Beach, if not protected, would have the same fate as Hilton Head Beach or the Amelia Island resort. The Black history of these beaches was easily overlooked and left undiscussed, and the successes that Black coastal communities found despite their harsh reality went unnoticed. An article written by Alexa Hazel in 2021 testifies to the fact that the residents of Hilton Head, when confronted with the history of the beach, did not know that the land they lived on was a historically Black beach.⁷³ The overarching issue was that white developers continued to take advantage of and scam Black people out of their coastal land, and after development, they could erase the history such that their residents don't recognize the injustices at hand. The lack of knowledge combined with the lack of effort to learn about this issue led to legislative and social gaps that failed to accommodate the coastal struggles the Black community faced and still faces.⁷⁴

Back at American Beach, Betsch was struggling with even more developers encroaching on her land. In 1994, Betsch was concerned about the northern border of the beach. There was a new development there that threatened her community, so she stopped to check it out. The land used to be a majestic, picturesque oak forest that separated the Ritz from the beach. Now, Betsch looked around to see trees falling to the ground. "We bitched and bitched to get a public beach access and a buffer zone. Now... Oh, my God! Look where they've got the fence. Baby, they're right up there to it, look!"⁷⁵ The new development, dubbed Ocean Village, had pushed their land to the very edge of the border, ignoring the requirement of a buffer. Although Betsch had fought previously with the county inspector and zoning office and thought that she had reached an agreement, the developers clearly did not care, and the county was not going to enforce it.⁷⁶ Betsch knew the power developers had. These multi-million-dollar companies know how to concede to Betsch's wishes without limiting their own plans, working loopholes and technicalities supported by seemingly endless capital. The actions of the developers were a reminder that her activism and efforts to save her town could always be manipulated, twisted, and taken advantage of by wealthy, white developers. This dichotomy between white wealth and white power structures continues to fuel Black displacement from coastal land. For Betsch, knowing this was even more reason to fight.

Betsch worked tirelessly to create legislative changes, but that was only a fraction of her activism. The other part was centered around the media. She wanted the story of American Beach to be public because she believed publicity would be the most effective way to promote and save the community. She wanted museum exposure, television exposure, and news exposure, and she did as much as she could to travel and spread the word. Her unique appearance coupled with her bold and entertaining persona attracted the interest of travel writers and reporters starting in the 90s. In the latter half of 2000, she appeared as a guest on a PBS special on American Beach.⁷⁷ The special documented the evolution of American Beach from a Black beach built out of necessity during Jim Crow to its current struggles against development.

In 2001, the beach community once again faced development pressures, this time internally from the American Beach Property Owners' Association. Members of the association made up 100 of

70 Rymer, *American Beach*, 99.

71 Rymer, *American Beach*, 102.

72 "Heritage Trail Honors Black Communities," *Orlando Sentinel*, June 20, 1991.

73 Alexa Hazel, "Hilton Head Island – Haunted by its Own History," *Public Books*, July 20, 2021.

74 As mentioned before, developers were able to scam Black communities out of their land in multiple ways. One was by developing near the beach and therefore raising the property tax and utility prices. This often would smoke the poorer Black families out from their houses, forcing them to sell. Because they often did not have a choice in affording the property, negotiations were not in play either. Therefore, the developers could take advantage of their situation and buy the land for cheap. Another way that white developers stole Black land was by legislative loopholes. In Hilton Head, there existed internally governed land covenants. Once Black land was considered appealing to the white community, the white community found a way to charge the Black community with being in violation of the proposed restrictions. Then, the white people would buy out or claim the land under the guise of "preservation". Further, the titles to the Black land were often linked back to deeds that were destroyed after the Civil War. Developers took advantage of this condition and bought a share of the Black land. Anyone with a share of land, when there is no given deed, could subsequently force a sale of land. So, the developer would sue the owner to sell their property and ultimately would be able to acquire it at a fraction of the price. See Hazel, "Hilton Head Island," 2021 for more.

75 Rymer, *American Beach*, 106.

76 Rymer, *American Beach*, 106.

77 Susan P. Respass and Derek L. Kinner, "American Beach Subject of PBS Show," *Florida Times Union*, September 30, 2000.

286 lots on American Beach and comprised of both Black and white landowners. Membership was optional, and today, the dues are only sixty dollars a year.⁷⁸ Therefore, it is likely that a range of economic statuses were represented within the group in 2001. Their plan was to upgrade the beach, including new sewer lines, sidewalks, parks, and playgrounds. Part of the motivation was that much of American Beach was not developed, and the utility systems were not robust. Another change was that the members of the association wanted to explore building larger houses. Betsch, however, was skeptical of these changes. When A. L. Lewis planned out the beach, he separated it into many small parcels of land to prevent large mansions from dominating beachfront land. Betsch thought that the association was trying to reverse this, and thus erase the economic diversity American Beach attracted. Betsch was mostly worried that the association would push for resort development in the same way Hilton Head, SC was transformed.⁷⁹ Betsch's fear was that the beach would become like any other resort: plain, boring, repetitive, and economically and racially exclusive. There would be nothing unique about the beach even though it had such an important history. This in her mind was a loss to the Black community and to Black history. Although Betsch was not officially part of the Property Owners' Association, she showed up to meetings and shared her opinions around town. She wanted American Beach to remain a haven for any Black beach goer.⁸⁰

Betsch continued to voice her concerns and widen the support system for American Beach through media appearances. Locally, she spoke about Black history in Nassau County at the end of the 2001 Martin Luther King Jr. Day Parade. Betsch emphasized that American Beach was living proof of King's dream: it was an opportunity for Black communities to feel free, equal, and powerful: "Let's rejoice in the reality of American Beach. We are living the dream."⁸¹ Betsch also appeared in a documentary on American Beach, aired at the African American Heritage Preservation Conference in Jacksonville.⁸² From all the publicity she was receiving, Betsch performed a small role in the movie *Baby of the Family* and dedicated all her earnings to an American Beach Museum. In 2002, Betsch performed slave songs at the Kingsley Heritage Celebration.⁸³ She advocated through her media presence the importance of all Black history, not just the beach.

Betsch took every opportunity, whether written, televised, or in conversation, to discuss American Beach, its complex history, and the need for historical and environmental preservation. "I'd like to [travel] even more and bring the awareness of what our poor earth, darling, it's being polluted to death. And, African Americans suffer much worse in proportion to the [predominant race]."⁸⁴ Betsch understood the tolls that environmental racism had on the Black community and continued to voice her opinions through the story of American Beach.⁸⁵ American Beach reflects the environmental racism that interacts with land ownership, development, and gentrification. The pressures that American Beach and other Black coastal communities felt in the late 70s at the hands of white developers disproportionately affected Black communities. Developers were not specifically targeting Black beaches, but as mentioned before, the new developments built on Black coastal land would attempt to exclude the Black community as much as possible. Many developers could do this through gentrification of the community which economically limited Black people from enjoying the resort. Others used private membership boundaries to racially exclude potential patrons. Comparatively, white coastal communities could typically afford these resort developments and would always be welcomed as customers. The environmental oppression demonstrated by the struggles of American Beach was exactly what Betsch wanted to illuminate and prevent.

In 2002, Betsch's goal of getting American Beach on the National Register of Historic Places finally came true. This meant that the community could apply for state and federal grants to upgrade the area. The historic district designation also kept developers at bay.⁸⁶ In 2009, historical signs explaining the significance of certain landmarks around American Beach were erected.⁸⁷ This was a big victory for the preservation of the community and its history.

In 2003, Amelia Island Plantation announced that they would donate NaNa Dune in honor of MaVynee Betsch to the National Park Service's Timucuan Ecological and Historic Preserve.⁸⁸ Although specifics are sparse, Betsch likely wrote letters, showed up at meetings, and haunted the Amelia Island Plantation developers for the past nine years until they could not ignore her concerns. The *Florida Times Union*, *Smithsonian Magazine*, and *Amelia Island Living* recognize Betsch's work as tireless, unrelenting, and the main catalyst

78 "Membership," American Beach Property Owners Association Inc., 2021.

79 Allison Schaefers, "American Beach Suffers Growing Pains Amelia Island: Land Owners Contentious on Development," *Florida Times Union*, July 21, 2001.

80 Schaefers, "American Beach Suffers Growing Pains Amelia Island."

81 Derek L. Kinner, "Hundreds Celebrate King with Parade, Party for Youth," *Florida Times Union*, January 17, 2001.

82 Derek Kinner, "New Park, Familiar Problem," *Florida Times Union*, October 19, 2002.

83 Kinner, "New Park, Familiar Problem."

84 MaVynee "Beach Lady" Betsch (The HistoryMakers A2004.168), interviewed by Jodi Merriday, September 20, 2004, session 1, tape 4, story 3.

85 Environmental racism, as defined by MaVynee Betsch, relates to the environmental conditions that minorities often face. In other words, the industrial parts of town, areas with polluted water and poor infrastructure, or communities faced with environmental difficulties in other ways typically are poor, minority communities, often African American. See MaVynee "Beach Lady" Betsch explains the links between environmental activism and racial justice (The HistoryMakers A2004.168), interviewed by Jodi Merriday, September 20, 2004. Session 1, tape 4, story 2. Kevin Turner, "MaVynee Betsch: 1935-2005 'an Extraordinary Force' for American Beach 'Beach Lady' Helped Preserve Area, Stave Off Developers." *Florida Times Union*, September 10, 2005.

86 Allison Schaefers, "American Beach Gets Designation Nassau: It's Officially Historic," *Florida Times Union*, February 16, 2002.

87 "A Dune System Called 'NaNa' Historical Marker," The Historical Maker Database.

88 "Beach Lady," *Smithsonian Magazine*.

for the preservation of the dune.⁸⁹ It seemed that the years of Betsch's persistent activism were coming to fruition.⁹⁰

In the same year, the county finally announced that they would reserve space for an American Beach Museum.⁹¹ Two years prior, her motorhome, overflowing with pamphlets, deeds, and artifacts related to American Beach, was towed away by the county for code violations.⁹² Betsch was lucky enough to save most of the artifacts and the promise of a new museum gave her the perfect opportunity to finally showcase them. Until then, Betsch convinced the Ritz Theatre & LaVilla Museum, a historic African American museum, to store the materials.⁹³

In October of 2004, President Bush signed legislation that made American Beach officially part of the Timucuan Ecological and Historic Preserve. Betsch had been pushing for this legislation to be passed for years. The beach's designation as part of the reserve meant indefinite government funded ecological and environmental conservation. The Florida Senator Bill Nelson said that "the Beach Lady [was] the inspiration for this legislation."⁹⁴ A year later, MaVynee Betsch passed away, but the ripples of her work had not yet settled. In 2014, the American Beach Museum finally opened its doors to the public. The museum was a direct consequence of Betsch's work. Without her effort, perseverance, and collection of historical artifacts, the museum would not exist.⁹⁵ Since her death, MaVynee Betsch has been featured in countless articles and papers that are finally recognizing the importance of historically Black beaches.

Betsch's history lessons were bigger than American Beach. She wanted to emphasize American Beach's role in Black history. The beach exemplified the racism, oppression, and exclusion that Black people endured in the Jim Crow Era, the strength they had to overcome and create their own successes, then finally, the success and failure of integration. By protecting the beach, this legacy is preserved and remembered, and Black communities are given the constant assurance that there is Black coastal land that welcomes them. The white developers that continue to erase Black beachfront property take that narrative away, and gentrification of the land disproportionately pushes Black communities out of coastal areas. Betsch successfully placed American Beach on the National Register of Historic Places and found NaNa Dune a home with the National Park Service. NaNa Dune can never be touched and will always serve as a barrier between the beach and the resort below it. Its designation as a historic place promotes its continued preservation and historical documentation as the years go on.

Today, only a handful of historically Black beaches remain alongside American Beach, including Highland Beach in Maryland, Oak

Bluffs on Martha's Vineyard, and Sag Harbor in New York.⁹⁶ In more recent years, attention has been brought to many of these beaches' stories clearing a path for the preservation of their complex history. But still, the story is often overlooked in favor of the privileged ignorance of the freedom of beaches. Betsch's tireless activism demonstrates the amount of time and effort it takes to enact change. Despite her many appearances on different networks, coverage in newspapers, and success with the National Register of Historic Places, her work was not easy to find. Betsch's story demonstrates how easily history is forgotten and how difficult it can be to confront. To uncover historical roots is unveiling a messy, harsh reality that must be done to prevent pervasive racial discrimination, like the white development and gentrification of Black owned beaches. 🏠

89 "Beach Lady," *Smithsonian Magazine*. Matt Soergel, "Vintage TU: Renowned 'Beach Lady' championed Amelia Island's beach for African Americans," *The Florida Times Union*, February 15, 2022; Wendy Lawson, "American Beach Museum on Amelia Island," *Amelia Island Living*, September, 2014.

90 U.S. Congress, Senate, Committee on Energy and Natural Resources, Subcommittee on National Parks, *Timucuan Ecological and Historic Preserve; Martin Luther King Land Exchange; Establish Lewis and Clark National Historical Park; And Sand Creek Massacre Historic Site*, 108th Cong., 2nd sess., 2004, 108-626.

91 Alison Trinidad, "American Beach Celebrates Efforts Amelia Island: Donation Will Preserve Dunes," *Florida Times Union*, February 26, 2003.

92 Allison Schaefer, "'Beach Lady' Faces a Problem Nassau: Her Papers May Be without Home," *Florida Times Union*, December 29, 2001; Allison Schaefer, "American Beach Loses 'museum' Memento-Filled RV Towed Away after Violation," *Florida Times Union*, April 7, 2002.

93 Judy Wells, "Lewis Papers Have Safe Haven The LaVilla Museum Is the Temporary Home for Papers of State's First Black Millionaire," *Florida Times Union*, March 11, 2004.

94 "Timucuan Ecological and Historic Preserve."

95 "Origins & History," A.L. Lewis Museum.

96 Angela Dennis, "Six Historically Black Beaches to Visit This Summer," *Medium*, February 28, 2019.

For Riveters of the Past, the Future Isn't So Rosy

An Analysis of Women in the Workforce after WWII

Since 1943, the image of Rosie the Riveter, immortalized as a woman flexing her blue jumpsuit clad bicep and proudly proclaiming that “we can do it!” has been a powerful reminder of the heroic role of women in World War II, inspiring women today to continue breaking barriers in male-dominated occupations. However, the fate of the famed riveter is far from rosy. As the war drew to a close and the once bright colors of propaganda posters faded to gray, peeling off the walls of train stations and grocery stores, Rosie the Riveter became emblematic of all the women who made fundamental contributions to the war effort and were now rapidly fading away. Though the war effort resulted in a surge of opportunities for women in the workplace, in the military, and in science, the end of the war brought with it major setbacks for women in all fields, erasing progress that would take decades to recover. Today, women have continued to play a fundamental role in responding to periods of national crisis, like the COVID-19 pandemic, but their labor remains often unrecognized and undervalued. The historic devaluation of women's labor is not only socially endemic, but systemic, as prominent measures of economic strength like GDP do not take the significant amount of unpaid domestic labor performed by women worldwide into account. In order to properly recognize, honor, and support the economic contributions of women, more inclusive economic measures and substantive policy change, including pay equity, paid maternal leave, and robust improvements to education and healthcare systems, are necessary.

AS THE BRASSY TONES OF President Truman's voice filled the airwaves, proclaiming “a victory of liberty over tyranny,” old propaganda posters began to peel off the walls.¹ Triumph was in the air and with it the promise of the return of the 8 million servicemen fighting abroad.² Since 1943, the image of Rosie the Riveter, immortalized as a woman flexing her blue jumpsuit clad bicep and proudly proclaiming that “we can do it!” has been a powerful reminder of the heroic role of women in World War II, inspiring women today to continue breaking barriers in male-dominated occupations. However, the fate of the famed riveter is far from rosy. As the war drew to a close and the once bright colors of propaganda posters faded to gray, peeling off the walls of train stations and grocery stores, Rosie the Riveter became emblematic of all the women who made fundamental contributions to the war effort and were now rapidly fading away. Though the war effort resulted in a surge of opportunities for women in the workplace, the end of the war brought with it major setbacks for women in all fields, erasing progress that would take decades to recover. Women have continued to play a fundamental role in responding to periods of national crisis,

but their labor remains undervalued, both socially and in the structure of prominent measures of economic strength. To truly evaluate and honor the contributions of women across the economy, policy change is necessary.

World War II was a breakthrough moment for women in the workplace, especially those who wanted to enter into the male-dominated fields of science and engineering. More than nine million women entered the workforce, with six million employed in factories and three million volunteering as nurses.³ Women's labor participation increased across all industries, but especially in manufacturing, as employment rose by over 140 percent and, in the defense industry, by 462 percent.⁴ Many of these women constructed aircraft, assembled munitions, and manned the federal service. Over the course of the war they manufactured more than 300,000 airplanes, 100,000 tanks and over 44 billion rounds of ammunition.⁵ The women performing this work were largely young childless White women, though women of color and those with children became increasingly involved as the war went on. In many regions, practically the entire female workforce became an essential component of the war effort.⁶

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- 1 Harry Truman, “Announcing the Surrender of Japan” (transcript), *UVA Miller Center* (1945), <https://millercenter.org/the-presidency/presidential-speeches/september-1-1945-announcing-surrender-japan>.
- 2 “Home Alive by ‘45’: Operation Magic Carpet,” *The National World War II Museum*, October 2, 2020, <https://www.nationalww2museum.org/war/articles/operation-magic-carpet-1945>.
- 3 “Research Starters: Women in World War II,” *The National World War II Museum*, <https://www.nationalww2museum.org/students-teachers/student-resources/research-starters/research-starters-women-world-war-ii>.
- 4 Bilge Yesil, “‘Who Said This is a Man's War?’: Propaganda, Advertising Discourse and the Representation of War Worker Women in the Second World War,” *Media History* 10, no. 2 (2006): 103–117, <https://doi.org/10.1080/1368880042000254838>.
- 5 Julie Zauzmer, “Real-Life ‘Rosie the Riveter’ Women Share Their Stories and Philosophy,” *The Washington Post* (2014), https://www.washingtonpost.com/local/real-life-rosie-the-riveter-women-share-their-stories-and-philosophy/2014/08/10/75ccdc86-20a9-11e4-8593-da634b334390_story.html.
- 6 Evan Rose, “The Rise and Fall of Female Labor Force Participation During World War II in the United States,” *The Journal of Economic History* 78, no. 3 (2018): 673–711, <https://doi.org/10.1017/S0022050718000323>.

Women were not only active on the home front, they were also active directly within the military itself. Over 200,000 women served in the Women's Army Corps, Women Accepted for Volunteer Emergency Service, and Women Airforce Service Pilots.⁷ One such woman was Grace Murray Hopper. Hopper initially attempted to enlist after Pearl Harbor, but she was rejected due to her age of thirty-four and the fact that she was over fifteen pounds underweight for her height by military standards. A woman of indomitable spirit, she persisted and was ultimately able to join the US Naval Reserve. There, Hopper worked on the MARK I, the United States's first electromechanical computer, to determine rocket flight paths, plan launches, and coordinate minesweepers. As one of the first programmers, Hopper independently authored MARK I's user manual—over 560 pages long.

Like many of her contemporaries, the end of the war brought a change in Hopper's prospects. Permanent positions at institutions like Harvard, at which she had been a Naval Research Fellow, were not available for women. Thus, Hopper entered the private sector, quickly establishing herself as a pioneer in the programming field. She originated the concept of automatic programming, systemized code into word form, and played a vital role in developing COBOL: a common business-oriented coding language that would go on to become the most widely used in the world. Her work made coding much more user-friendly and accessible to those without conventional STEM backgrounds, resulting in its broader appeal within the private sector.

However, one of her greatest impacts came not from developing programming languages, but from developing people. Affectionately nicknamed "Amazing Grace" by those she mentored, Hopper cited those she trained as her greatest accomplishment. She supported the young people in her field and continued to challenge them as they got older so that, as she put it, "they [didn't] forget to take chances."⁸ She was the first woman to receive the National Medal of Technology for her many contributions to the field and was posthumously awarded the Presidential Medal of Freedom, the United States's highest honors in technology and civilian service.

World War II also provided breakthrough opportunities for women in physics. Leona Woods Marshall Libby was one of the brightest minds within the wartime scientific community. One of the only woman scientists working on the Manhattan Project, Libby had endless curiosity, passion, and drive that propelled her through school at an astounding rate, graduating from high school at 14, from college at 19, and earning her doctorate in chemistry at 23.⁹ Despite

her academic accreditations, Libby was repeatedly discouraged by male mentors who remarked that she would "starve to death" in physics because she was a woman.¹⁰ On the contrary, however, Libby flourished. She invented the boron trifluoride counter, marking the first step in developing the atomic bomb, and was on the team that built the world's first nuclear reactor, called the Chicago Pile. Her ideas and work were vital to the United States's victory, making possible the atomic bombs that prompted Japan's surrender and ultimately ended the war.

However, for women who had newly entered the workforce, for Libby, and for the riveters, this breakthrough moment was simply that—a moment. While the government had utilized mass media campaigns to mobilize the labor of women during the war, it soon became clear that women were only wanted in the workplace during wartime. As conflicts dissipated, so too did opportunities. Fundamentally short-lived, job placements for women plummeted when veterans returned home. Once the war was over, the government campaign to empower women in the workplace pivoted to encourage women to give up their jobs so that there would be enough for veterans.¹¹ For Iris Kleintop, who worked as a riveter in Fairburn, Ohio, during the war, "it felt like [the riveters] were kind of being deserted."¹² Kleintop and the other riveters at her factory were let go the day after Hiroshima was bombed—"they didn't need us anymore," she recollected.¹³

Hopper's post-war success and ascendancy through the naval ranks was an exception, rather than the rule. Back in New York, Libby was not so lucky in her continued prospects with the federal government and university research. Following her work on the Manhattan Project, Libby returned to academia, holding positions at various universities, all untenured and less prestigious than those of her male counterparts. As a married woman, it was socially and financially unnecessary for her to advance in academia, precluding her from earning the acclaim and resources available to her male counterparts.¹⁴ Libby was far from the only one affected by these conditions. After the war, policies discriminating against wives on university faculties were institutionalized, likely contributing to the decline of women in university faculty positions which dropped from 27 percent in 1940 to 19 percent in 1960.¹⁵

There was a major push to recognize veterans for their service as men returned to the workforce, and rightly so. Congress passed the G.I. bill, securing important and long-lasting educational and financial benefits for veterans, though Black veterans were structurally

7 "Research Starters: Women in World War II," *The National World War II Museum*.

8 Lane Wallace, "The Complex Legacy of Rosie the Riveter," *The Atlantic* (2011), <https://www.theatlantic.com/national/archive/2011/01/the-complex-legacy-of-rosie-the-riveter/69268/>.

9 Michael Lucibella, "November 10, 1986: Death of Leona Woods Marshall Libby," *American Physical Society* (2014), <https://www.aps.org/publications/apsnews/201411/physicshistory.cfm>.

10 Lucibella, "November 10, 1986: Death of Leona Woods Marshall Libby."

11 Wallace, "The Complex Legacy of Rosie the Riveter."

12 Camille Pendley, "The Real Rosies," *The Bitter Southerner*, <https://bittersoutherner.com/the-real-rosies-rosie-the-riveter#Y3Rnvi-B1KM>.

13 Pendley, "The Real Rosies."

14 Judith Fingard, "Gender and Inequality at Dalhousie: Faculty Women Before 1950," *Dalhousie Review* (1985).

15 Fingard, "Gender and Inequality at Dalhousie: Faculty Women Before 1950"; Bonnie Freeman, "Faculty Women in the American University: Up the Down Staircase," *Higher Education* 6, no. 2 (1977): 165-188, <http://www.jstor.org/stable/3445603>.

excluded.¹⁶ Socially, veterans were preferred candidates for jobs as companies rushed to prove their patriotism. As more roles and funds were allocated for men, women were, at best, relegated to lower-level positions or they were pushed out entirely. Despite the vital role they played throughout the war, the portrayal of women now paled in comparison to the triumphant glow of the returning heroes. While wartime media empowered women for work outside the home supporting the war effort, postwar media recentered the role of women as homemakers while men returned home to take up the mantle of sole breadwinner. In short, women were drawn into the labor market in times of necessity and “sent back to the kitchen when they were not.”¹⁷

Notably, this shift in the role of women impacted their academic pursuits as well, as many chose to return to the home and start families with the servicemen returning from war. While women were earning 20 percent of doctoral degrees and making up almost half of undergraduate students between 1920 and 1940, the number of women in higher education dropped dramatically in the years after the war. Partly due to the rise in prospective male undergraduates driven by the G.I. bill and partly due to the renewed social emphasis on women as mothers and homemakers after the war, women only made up one third of undergraduate students and 10 percent of doctoral students in the 1950s and 1960s.¹⁸ Only 6 percent of doctors,¹⁹ 3 percent of lawyers,²⁰ 11 percent of natural scientists and 1.2 percent of engineers were women.²¹ The narrative around women centered them firmly in the home with limited prospects beyond it, as the most common jobs for women, by a significant margin, were secretaries, sales clerks, teachers, bank tellers, and domestic workers.²²

It took until the 1970s for women to return to higher education at the prewar rates. Since then, women have been seeking out and completing higher levels of education at a growing rate, earning 57 percent of undergraduate degrees, 59 percent of master’s degrees,

and earning roughly 48 percent of legal and medical degrees, nearly achieving parity in these fields.²³ Despite this positive trajectory and the growing number of women employed across the economy, the most common jobs for women today are far too similar to their prospects in the ‘50s: secretary, nurse, elementary and middle school teacher, nursing aide and cashier.²⁴ In contrast, the most common jobs for men today are managers, software developers, and sales supervisors²⁵ – an improvement on the primarily agricultural and industrial blue collar jobs of the ‘50s.²⁶ Despite broader progress, there are still vast gender disparities in company leadership roles. Today, only 9 percent of CEOs at Fortune 500 companies are women.²⁷

Women continue to take on active roles in responding to periods of national and global crisis, however. Though not perfectly comparable to World War II, the COVID-19 pandemic provided a similar reminder of the importance of women’s roles in society and the workforce. In the war against the virus, women were on the front lines, constituting 70 percent of all healthcare workers, 76 percent of teachers,²⁸ and over 66 percent of fast food and grocery store employees.²⁹ Furthermore, community groups and women-led organizations played a large role in coordinating response efforts and forming broader networks of support, despite their continued lack of recognition and exclusion from disaster planning.³⁰ As a result, they faced greater rates of exposure and greater risk of infection. Simultaneously, they faced increased strains on their time and resources at home, as they managed online school, took care of their kids for a greater portion of the day, and often ran errands and picked up groceries for elderly and at-risk family members for whom it was not safe to go out.

Yet, just as it was after World War II, the contributions and sacrifices of women during a national time of need went largely unrecognized. After the worst of the pandemic passed, women were the ones

16 Quil Lawrence, “Black Vets Were Excluded From GI Bill Benefits - A Bill in Congress Aims to Fix That,” *NPR* (2022), <https://www.npr.org/2022/10/18/1129735948/black-vets-were-excluded-from-gi-bill-benefits-a-bill-in-congress-aims-to-fix-th>.

17 Bilge Yesil, “‘Who Said This is a Man’s War?’: Propaganda, Advertising Discourse and the Representation of War Worker Women in the Second World War,” *Media History* 10, no. 2 (2006): 103-117, <https://doi.org/10.1080/1368880042000254838>.

18 Patricia Graham, “Women Histories in Academia: The 1970 Rose Report,” *Perspectives on History* (2020), <https://www.historians.org/research-and-publications/perspectives-on-history/december-2020/women-historians-in-academia-the-1970-rose-report>.

19 Jeff Nilsson and Maude Warren, “The Fight for Women Doctors,” *The Saturday Evening Post* (2016), <https://www.saturdayeveningpost.com/2016/01/fight-women-doctors/>.

20 “Women in the Legal Profession,” *American Bar Association* (2022), <https://www.abalegalprofile.com/women.php>.

21 Alice Rossi, “Women in Science: Why So Few?” *Science* 148, no. 3864 (1965): 1196-1202, <https://www.jstor.org/stable/1716182>.

22 Cheryl Lock, “The Most Common Job for Women is the Same as it Was in 1950,” *The Week* (2015), <https://theweek.com/articles/467944/most-common-job-women-same-1950>.

23 Judith Warner, Nora Ellmann, and Diana Boesch, “The Women’s Leadership Gap,” *American Progress* (2022), <https://www.americanprogress.org/article/womens-leadership-gap-2/>.

24 Lock, “The Most Common Job for Women is the Same as it Was in 1950.”

25 Statista Research Development, “Gender Wage Gap for the 20 Most Common Occupations in the United States in 2021, by Median Weekly Earnings,” *Statista*, <https://www.statista.com/statistics/244192/us-gender-wage-gap-for-the-20-most-common-occupations-for-men/>.

26 Jane Conroy, “Business and Jobs in the 1950s,” *Career Trend* (2018), <https://careertrend.com/info-8214885-business-jobs-1950s.html>.

27 Women Business Collaborative, “Women CEOs in America: Changing the Face of Business Leadership,” (2022), https://www.wbcollaborative.org/wp-content/uploads/2022/09/Women-CEOs-in-America_2022-0920221847.pdf.

28 “Who are the nation’s 4 million teachers?” *USA Facts* (2020), <https://usafacts.org/articles/who-are-the-nations-4m-teachers/>.

29 OECD, “Women at the Core of the Fight Against the COVID-19 Crisis,” (2020), <https://www.oecd.org/coronavirus/policy-responses/women-at-the-core-of-the-fight-against-covid-19-crisis-553a8269/>.

30 Sabine Freizer, “COVID-19 and Women’s Leadership: From an Effective Response to Building Back Better,” *UN Women* (2020), <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2020/Policy-brief-COVID-19-and-womens-leadership-en.pdf>.

to face the negative impacts of its fallout. Economically, women's jobs were "1.8 times more vulnerable than men's jobs" as a result of the increased burden of care they faced at home. This was a truly global problem, as over half of those surveyed in South Asia, the Middle East, and North Africa "agreed that men have more right to a job than women when jobs are scarce."³¹

However, the economic rebound that came six months into the pandemic brought with it some progress. Jobs within the hospitality industry, including food service, administrative and waste management roles, health care assistance, construction, and retail rebounded. Many of these jobs were classified as "essential" during the pandemic and their economic value was rewarded as employers sought to overcome the newfound labor shortage with higher wages. Six months after lockdowns began, average wages for workers in this sector rose 18.4 percent. Yet, this re-calibration did not provide solvency for the deeper-seated issue. Though some received higher wages, jobs in this industry dropped sharply to just 38 percent employment for the same period.³² Similarly, women's employment has failed to rebound at the same rate as the rest of the hospitality industry and those who choose to return to the labor market are having a more difficult time finding a new job, largely due to the increased domestic care burden they faced during the pandemic.³³

The historic devaluation of women's labor is not only socially endemic, but also systemic. Unpaid domestic labor, largely performed by women, goes unaccounted for in major economic models of a country's growth and success, most impactfully in the calculation of a nation's Gross Domestic Product (GDP). While many factors, including individual consumption, business investment, government spending, and the value of goods a nation exports, factor into GDP, unpaid domestic labor is not included. Nevertheless, this labor makes possible the vast majority of capital-producing activities that are counted in GDP. Often, the primary breadwinner is not able to leave the home and engage in the labor market if someone else is not there to take care of the children and maintain the safety and security of the home and community—a role largely filled by women.³⁴ This economically necessary labor has long been left out of GDP calculation, not because of ignorance, but rather because of a conscious decision to exclude it.

During the development of GDP, British economists Roger Stone and James Meade were exploring its applications for national economies. As a part of this work, they hired Phyllis Deane, a young

twenty-three-year-old woman who had recently graduated with a master's degree in Economics and History from the University of Glasgow. Deane was assigned to apply their newly-developed method of GDP on a global scale, specifically focusing on its implications in the British colonies of Nyasaland and Northern Rhodesia, now known as Malawi and Zambia.³⁵ After reviewing the hard data, Deane traveled through the nations she studied in order to gain a more accurate understanding of these nations and glean their economic nuances firsthand.

While there, Deane witnessed the importance of women's daily activities to their local economies, including retrieving water from the well, making mats, and preparing corn. These were the activities that made all formal economic labor possible, yet they were not being counted in the new method that she had been hired to evaluate. To Deane, the exclusion of such work from the formal calculations was "illogical."³⁶ In response, she spent the next of her time developing the existing data into a system with a more inclusive definition of production. Upon her return, she published a book – *Colonial Social Accounting*, in the hopes that her data would inform better economic policymaking in these regions.

However, when Deane reported back to Stone, her work created some major problems for him. Stone and Meade had worked to create a system that could be leveraged for post war development. While Deane was in Africa, Stone spent much of his time promoting this new tool for assessing National Income within the League of Nations. By the time she returned, their method had already been decided upon as the one that the newly developed United Nations (UN) and economists broadly would use. The same year that Deane published her book, the UN Statistical Office published the first edition of the *System of National Accounts and Supporting Tables (SNA)* analyzing global national incomes with Stone's method.³⁷ As such, it would have been both professionally embarrassing for Stone and difficult logistically to readapt the system around Deane's work. Further complicating the issue, her data differed quite extensively from Stone's and transitioning to her system would have required the collection of even more data from nations worldwide due to her expanded system of production and the lack of a financial trail for the bulk of these activities.

In the end, Stone and the others behind the SNA decided to prioritize the more immediate "international comparability of national income estimates" made possible by the existing "strict limitations

31 Anu Madgavkar, Olivia White, Mekala Krishan, Deepa Mahajan, and Xavier Azcue, "COVID-19 and Gender Equality: Countering the Regressive Effects," *McKinsey Global Institute* (2020), <https://www.mckinsey.com/featured-insights/future-of-work/covid-19-and-gender-equality-countering-the-regressive-effects>.

32 Drew Desilver, "Many U.S. Workers are Seeing Bigger Paychecks in Pandemic Era, But Gains Aren't Spread Equally," *Pew Research Center* (2021), <https://www.pewresearch.org/fact-tank/2021/12/22/many-u-s-workers-are-seeing-bigger-paychecks-in-pandemic-era-but-gains-arent-spread-evenly/>.

33 Akur Barua, "Gender Equality, Dealt a Blow by COVID-19, Still Has Much Ground to Recover," *Deloitte* (2022), <https://www2.deloitte.com/us/en/insights/economy/impact-of-covid-on-women.html>.

34 Luke Messac, "How Women's Unpaid Work was Nearly Included in GDP Calculations," *The New Humanitarian* (2018), <https://deeply.thenewhumanitarian.org/womensadvancement/community/2018/06/22/how-womens-unpaid-work-was-nearly-included-in-gdp-calculations>.

35 Messac, "How Women's Unpaid Work was Nearly Included in GDP Calculation."

36 Phyllis Deane, "Measuring National Income in Colonial Territories," *Studies in Income and Wealth* (1946): 145–174, <https://www.nber.org/books-and-chapters/studies-income-and-wealth-volume-8/measuring-national-income-colonial-territories>.

37 Luke Messac, "Outside the Economy: Women's Work and Feminist Economics in the Construction and Critique of National Income Accounting," *The Journal of Imperial and Commonwealth History* 46, no. 3 (2018): 552–578, <https://www.tandfonline.com/doi/epdf/10.1080/03086534.2018.1431436?needAccess=true&role=button>.

on the production boundary.³⁸ While this decision to exclude what is primarily the unpaid labor of women was not made out of malice, but instead a sense of simplicity and expediency. It is important to note the context in which it was made. The group of experts responsible for writing the *SNA* did not contain a single woman and of the broader advisory groups affiliated with the report at the UN, just 8.3 percent of those represented were women.³⁹

The choice made to interpret the data in this way is important not just because of who it excludes but because of the many ways that GDP is used to make policy decisions, both domestically and internationally. States and cities use it to determine what public spending is feasible, nations use it to make decisions about domestic economic policy, companies use it to make decisions about investment at home and abroad, and international organizations like the World Bank and the UN rely on it when distributing foreign aid and laying out development plans.⁴⁰ As a result, many policy decisions are not based on the fullest picture of our economies, limiting their effectiveness and impact.

Today, some high-profile thinkers in the economic community, including those at *The Economist* have emphasized the limits of GDP and expressed interest in a new method that will better evaluate all labor performed, thereby better informing policy decisions.⁴¹ From 2006-2008 the World Bank produced a study to specifically examine

a country's economic wealth, a measure which better captures the true value of infrastructure, foreign assets, and human capital.⁴² However, while these data are available, GDP has become so deeply entrenched at all levels of economic understanding, from the everyday worker to the CEO to the economic expert to the policymaker, that it is extremely difficult to extricate economic conversations from its influence.

No longer immortalized, even on propaganda posters, the women providing fundamental support to our global economy, our nation, and our world in times of crisis are quickly forgotten. Perhaps it would be better to recognize them in some way that is not quite so fleeting. Instead of paper plastered to a wall with glue that will melt in the heat and a colorful message that will gray in the sun, a better monument to their contributions is in order: economic and social policy that empowers and supports women's growth and expansion into the workplace beyond moments of crisis. By passing policies enshrining pay equity and paid maternity leave, strengthening our healthcare and education systems, and implementing inclusive, accurate measures of economic strength, our society's structures could better recognize and empower the contributions of women at all levels of the economy. In this way, "we can do it" would no longer be an empty promise but instead a commitment to the generations of women, past, present, and future, who propel our nation forward. 🏛️

38 Messec, "Outside the Economy."

39 Messec, "Outside the Economy."

40 Doreen Fagan, "What is GDP, and Why is it Important?" *St. Louis Federal Reserve Bank* (2022), <https://www.stlouisfed.org/open-vault/2019/march/what-is-gdp-why-important>.

41 "How to Measure Prosperity," *The Economist* (2016), <https://www.economist.com/leaders/2016/04/30/how-to-measure-prosperity>.

42 Glenn-Marie, Lange, Quentin, Wodon, and Kevin, Carey, "The Changing Wealth of Nations 2018: Building a Sustainable Future," *World Bank* (2018). <https://openknowledge.worldbank.org/handle/10986/29001>.

Legal Intervention by the Medical Field Under National Moral Crisis

The Vilification of Abortion Practitioners Under Nineteenth-Century Abortion Policy

In the case of Dobbs v. Jackson Women's Health Organization, the Supreme Court of the United States concluded that American history contains no positive legal right to abortion in America. By the 1840s in the United States, abortion through the use of medical instruments or abortive substances was a widely practiced form of reproductive control and almost completely unrestricted. However, the termination of a pregnancy previously governed by the common law and quickening doctrine were steadily replaced with increasingly restrictive abortion regulations from 1840 through the 1870s. The legal history examined by the US Supreme Court in Dobbs v. Jackson disregards how a tradition of restrictive abortion regulations became the status quo and diluted a social acceptance of a highly used form of birth control. This article follows the efforts of the professionalized medical field, composed of male physicians, that led a national crusade against abortion practitioners and women who sought abortion as a viable means of reproductive control. The professional medical field used arguments of morality, medical safety, and social expectations to support the criminalization of abortion as it gradually became encoded in state and territory legal codes. The process of abortion criminalization with the professional medical field at the helm controlled the social narrative around the legality and morality of abortion. This reinforced a maternal destiny ideology among married women who wished to use abortion as a form of family limitation and lacked legitimate reasons perceived by society to delay motherhood. Moreover, professional medical physicians transformed abortion practitioners into a villainized population that supported a method of reproductive control and accessibility.

A GENDERED SOCIAL AND LEGAL STRUCTURE has not been an uncommon experience for women in the United States. Most notably, as seen in recent news, the legal prospects of persons who are or could become pregnant in their lifetime have drastically been altered.¹ The individual lives of all Americans have been pushed into a new status quo where access to abortion is no longer a constitutional right conferred by *Roe v. Wade*. After the May 2, 2022, leak of *Dobbs v. Jackson Women's Health Organization* United States citizens awaited the final decision of the Supreme Court on the highly monitored legal case.² On June 24, the Supreme Court released its decision that *Roe v. Wade* and *Planned Parenthood v. Casey*, the precedents for the constitutional right to safe and legal abortions in America, would be overturned.³ The Court's verdict considered "whether the right to obtain an abortion is rooted in the

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Nation's history and tradition and whether it is an essential component of 'ordered liberty'" for overturning the *Roe* and *Casey* legal precedent.⁴ The Court concluded its opinion, stating that "the right to abortion is not deeply rooted in the nation's history and tradition [emphasis added]."⁵ The "right" to abortion access may not be codified in the nation's Constitution, but persons finding and using access to abortions, abortifacients, and contraceptives have always played an essential role in the political, social, and legal lives of all Americans.⁶

There is a question of how the nation got to this recent stage of abortion policy in its state and federal laws.⁷ In the nineteenth century, women that solicited and people that administered abortions suffered the casualties of changing state statutes on the practice of procuring, administering, performing, or obtaining abortions by

1 I would like to recognize that in the twenty-first century it is not just women that can be pregnant but any person that has the reproductive anatomy to become pregnant.

2 Josh Gerstein and Alexander Ward, "Supreme Court has voted to overturn abortion rights, draft opinion shows," *POLITICO*, accessed June 17, 2022.

3 *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 7–8 (2022). Justices Alito, Thomas, Gorsuch, Kavanaugh, and Barrett joined the majority opinion. Justice Roberts also filed a concurring opinion, while Justices Breyer, Sotomayor, and Kagan filed dissenting opinions.

4 *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 2 (2022).

5 *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 2 (2022).

6 Following a binary gender system in the US during the nineteenth century, women are the focus of *who* could get pregnant and would have need for abortions, abortifacients, and contraceptives.

7 The stages of abortion policies of the United States can first start with that of the quickening doctrine as the ruling legal precedent, which changed after the 1880s to a period of complete illegalization of abortions following the statutes of each state, followed by the ruling by the U.S. Supreme Court in 1973 of *Roe v. Wade* that legalized abortion on the federal level overruling all state level abortion restriction laws.

medicinal or instrumental means. Yet, before these laws were enacted in almost every existing state and territory by the mid-1800s, the US followed the English common law for determining the legality of abortions. The only legal precedent related to abortion in the early republic was the quickening doctrine. Quickening refers to the moment a woman feels the first movement of the fetus in utero, roughly around the fourth month of the gestational period.⁸ The quickening doctrine was the social and legal definition that gave a fetus sentience or imbued it with “life,” making abortion a criminal act after a fetus had “quickened.” In 1812, the Massachusetts Supreme Court in *Commonwealth v. Bangs* decided that abortion was not a criminal offense until the fetus had quickened.⁹ Thus, the quickening doctrine, adopted by the American judicial and legislative systems, determined what conditions someone could be prosecuted for in regards to procuring and performing an abortion. By 1840, Maine became the first state representative of transitional abortion policy as it wrote into law that an abortion, regardless of its method, was punishable whether the fetus was “quick or not.”¹⁰

At a woman’s discretion, it was their decision to end a pregnancy whether or not the woman knew she was with child. Since quickening was the only sure way to know that a woman was pregnant, prior to that period if she had been without her menstrual cycle she could obtain ways of “restoring her menses” or removing an “obstruction” or “blockage.” Women could employ the help of friends, female family members, midwives, druggists, apothecaries, or physicians to aid in restoring their natural menstrual cycle. Home medical literature also supplied substantial abortifacient information of procedures or medicinal substances used to terminate a pregnancy or restore the menstrual cycle.¹¹ Before the possible quickening of a fetus, the suspected pregnancy of a woman was within her control to terminate without any legal consequences.¹² In front of a court, the woman was the only person capable of informing with absolute certainty that she was “quick with child” upon the procurement of abortion, and no other individual had an equal level of power to dispute her claim regarding the fetus.

The Court’s opinion in 2022 determined that the Constitution by 1868 did not guarantee a right to abortion as statutory restrictions “expanded criminal liability for abortions” on a state level.¹³ By the definition of historical precedent on abortion policy in the US, the

Court feels it is necessary to extend the authority of making abortion policy back to “the people and their elected representatives” to mirror the first wave of abortion laws in the US.¹⁴ However, the originalist perspective that the Court upholds ignores the moral, social, legal, and political implications that such a decision brought about for individuals living during the criminalization period of abortion. From the 1840s to the 1870s, the professional medical field demoralized and assisted in the criminalization of abortion as a viable method of reproductive control used by women assisted by abortion practitioners in the termination of inconvenient pregnancies. Because abortion assumed the role of a chief immoral medical practice, it imbued the users and practitioners of abortion as dishonorable members of society. Therefore, the professional medical field and agreeing members of society took to the state legislatures and media publications to impede the continuation and practice of the “unwarranted destruction of human life” by abortion practitioners.¹⁵ The heightened moral tension championed by regular physicians will be examined through the use of medical and surgical resources, manuscripts, and newspaper reports that all provide evidence of accumulating publicity and pressure to change the common law. The transitional period of abortion legislation, whereby it was criminalized at every stage of pregnancy, is representative of current modified legislation and judicial decisions that do not follow a ubiquitous standard. The *Dobbs v. Jackson* decision reflects the “unbroken tradition” of States’ ability to follow the directives of their constituents who utilized varying regulator statutes until 1973 with the passage of *Roe v. Wade*.¹⁶

The individuals linked to the era of criminalization were abortionists, women seeking an abortion, and medical professionals that facilitated the transitional and new restrictive state laws. Each of these groups highlights a different connotation of the repercussions—or benefits—the criminalization of abortion had for American citizens. The criminalization period of abortion from the 1840s to 1870s was a time of increasing legal and social restrictions on reproductive control due to the involvement of medical and legal men who had invaded the private and unrestricted sphere of women’s maternal futures. This resulted in the ostracization of women who had created businesses facilitating women’s access to reproductive choices. At the same time, the law and men attempted to annihilate the practice of abortion, bringing into question the morality of

8 Valentine Seaman, *The Midwives Monitor, and Mothers Mirror: Being Three Concluding lectures of a course of instruction on midwifery, no. 189* (Pearl Street, NY: Isaac Collins, 1800); *Eighteenth Century Collections Online*, accessed July 6, 2022, 71–72; James C. Mohr, *Abortion In America: The Origins and Evolution of National Policy, 1800-1900* (New York: Oxford University Press, 1978), 1.

9 *Commonwealth v. Bangs*, 9 Mass. 387, 8 Tyng 387 (1812); Mohr, *Abortion In America*, 5–6. This remained the legal precedent in all states and territories of the U.S. for the first half of the nineteenth century and remained so for some states past that time.

10 Mohr, *Abortion In America*, 143. This signaled the end of the first wave of legislation enacted by the states and territories.

11 Mohr, *Abortion In America*, 6; N.E.H Hull and Peter Charles Hoffer, *Roe v. Wade: The Abortion Rights Controversy in American History* (University Press of Kansas, 2021), 13. For an examination of a legal case using abortifacients in early America see Cornelia Hughes Dayton, “Taking the Trade: Abortion and Gender Relations in an Eighteenth-Century New England Village.”

12 Mohr, *Abortion In America*, 5–6.

13 *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. 8, 16, 23 (2022). By 1868, twenty-eight of the thirty-seven existing states had statutes criminalizing abortion at any stage of pregnancy.

14 *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. 8 (2022).

15 *Roe v. Wade*, 410 U.S. 113, 142 (1973).

16 *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. (2022), 23–25.

abortion-seeking white women and creating discord with those who would help retain their reproductive control.¹⁷

The criminalization of abortion created not only consequences for some individuals but additionally benefited others in the process. Men already dominated the public sphere in American society, but their power in the medical and legal world only grew with their command of reproductive choices. An integral example is the role of the professionalization of the medical field in the US. In the early 1800s, the practice of abortion was relatively a private matter in which a woman dealt with their obstetric and gynecological health.¹⁸ Through the end of the eighteenth century and into the nineteenth century, a growing number of male physicians entered the obstetrics field, replacing the traditional roles of midwives as they were perceived to guarantee a better outcome during the birthing process.¹⁹ The chance of a better outcome with the presence and intervention of a male physician in the birthing room remained to be seen. The reality was that economically advantaged women could choose who attended them in labor and the perception of an easier and safer childbirth through use of forceps and professional medical training made women favor male physicians.²⁰

Furthermore, the knowledge of abortifacients existed in the right places for women to utilize in an effort to control their reproductive future. Numerous folk cures existed in home medical manuals for the purpose of restoring the normal menstrual cycle, as well as activities to prevent the possibility of abortion or miscarriage.²¹ Likewise, as the nineteenth century progressed, newspaper advertisements announced the use of women's drops, pills, and herbs to "cure the suppression of the menses."²² The use of all such remedies was left to the discretion of women and their partners, emphasizing a woman's bodily autonomy in these matters.²³ The early nineteenth century also exhibited a progression of early birth control options for family

limitation among all socioeconomic classes and races.²⁴ Some birth control methods included *coitus interruptus*, homemade condoms, vaginal sponges, opium, spermicides, and douching with a sulfate solution.²⁵ Some advertisements warned married women of the danger of using these remedies if the cause of their issues was in reality a pregnancy.²⁶ The use of abortions and abortifacients among affluent, married, white, Protestant women gained the predominant attention of regular physicians impacting the readily accessible forms of birth control.²⁷ However, the introduction of men in the obstetrics field, and the general medical profession waged a moral, medical, and legal war on procuring any method of abortion they could not justify based on their beliefs.

The system of highly popularized medical schools and intense training that doctors must obtain today did not always exist. By the nineteenth century, medical professionals existed in a range of names and skills, but in this case, the focus shall be on the differentiation between "irregular" physicians as abortionists and "regular" physicians as part of the male-dominated traditional medical profession. The change in abortion policy came about as legislators and regular physicians sought legal redress for fetal "rights" and wanted to protect women from dangerous medical practitioners or treatments.²⁸ The most prominent lobbyist for criminalizing abortion and increasing the penalty for those who participated in the practice was Horatio Robinson Storer. Storer, a physician trained formally in midwifery, was one of many men who was part of the development and expansion of obstetrics and gynecology.²⁹ As a doctor part of the newly-founded American Medical Association (AMA), Storer led the "physician's crusade" against abortion and the breakdown of motherly instinct.³⁰ Starting in 1857, Storer and the AMA's Committee on Criminal Abortion advocated against the growing practice of abortion and the prominence it obtained in newspapers and

17 For an example of women and abortionists being set at odds by the law and regular physicians see A. Cheree Carlson's synopsis of Madame Restell and Mary Applegate in "Bodies at the Crossroads: The Rise and Fall of Madame Restell," in *The Crimes of Womanhood: Defining Femininity in a Court of Law*, 111–35 (University of Illinois Press, 2009), 120–22.

18 Nancy M. Theriot, *Mothers and Daughters in Nineteenth-Century America: The Biosocial Construction of Femininity* (Lexington: The University Press of Kentucky, 2015), 40.

19 Judith Walzer Leavitt, *Brought to Bed: Childbearing in America, 1750-1950*, 30th anniversary ed. (New York, NY: Oxford University Press, 2016), 36.

20 Leavitt, *Brought to Bed*, 38–47. "'Science' Enters the Birthing Room: The Impact of Physician Obstetrics" of Leavitt's book provides a detailed explanation of nineteenth century benefits and caveats to physician obstetrics and its strive to override traditional birthing practices.

21 N.E.H Hull and Peter Charles Hoffer, *Roe v. Wade: The Abortion Rights Controversy in American History* (University Press of Kansas, 2021), 13–14. The terms abortion and miscarriage were sometimes used synonymously by people depending on the context.

22 "Dr. JNO Lyon's French Periodical Drops," *East Saginaw Courier*, July 21, 1863, *Chronicling America Historic American Newspapers*, Library of Congress; "Dr. Cheeseman's Female Regulating Pills," *Daily State Sentinel*, April 14, 1864, *Chronicling America Historic American Newspapers*, Library of Congress.

23 Hull and Hoffer, *Roe v. Wade: The Abortion Rights Controversy in American History*, 14–15.

24 Theriot, *Mothers and Daughters in Nineteenth-Century America*, 40.

25 Theriot, *Mothers and Daughters in Nineteenth-Century America*, 41.

26 "Dr. Egbert's Female Periodical Drops," *New York Dispatch*, November 6, 1864, *Chronicling America Historic American Newspapers*, Library of Congress.

27 Leslie J. Reagan, *When Abortion Was a Crime: Women, Medicine, and Law in the United States, 1867-1973, with a New Preface*, 1st ed. (University of California Press, 2022); Mohr, "The Social Character of Abortion in America, 1840-1880," in *Abortion In America*. The upsurge in abortion among Protestant women and married couples was attributed to the desire to limit the number of children and hesitation toward parental responsibility. It is among Protestant women that the medical profession became most involved with as women sought out abortion whereas those of Catholic faith held a fetus at greater spiritual value. Because procuring an abortion was a costly expense among irregular and regular physicians alike, the growing attention on abortion became associated with women and married couples that could afford it. However, abortion was practiced across socioeconomic lines across the continental US. As it was regular physicians leading the charge for anti-abortion regulations, they came into contact most often with white, married, Protestant women that could afford their services and further wrote into medical journals these predominant demographics.

28 Mohr, *Abortion In America*, 31–32.

29 Leavitt, *Brought to Bed*, 40. Storer was part of the mechanical and intellectual development of obstetrics and gynecology education in the United States.

30 "Report on Criminal Abortion," *The Transactions of the American Medical Association* XII (1859): 67; Theriot, *Mothers and Daughters in Nineteenth-Century America*, 45–46.

other literature.³¹ The predominance of advertisements available in newspapers demonstrated a business geared towards persons seeking abortions from “pseudo-doctors and doctresses” as irregular physicians targeted a wide market of men and women.³² Irregular physicians supported a business of reproductive control that regular physicians aspired to suppress. In the process of criminalizing abortion at any point in the gestational period, Storer and the Committee brought the matter of women’s reproductive choices further into the public arena to be judged and politicized.³³ The regulation of abortion by state and local medical societies outlined abortion policy throughout the rest of the nineteenth century in accordance with their medical, moral, and legal beliefs.³⁴

In Storer’s most prominent and empirical work, *Criminal Abortion*, he acknowledged that “[a]t the Common Law, and by many of our State codes, foetal life, per se, is almost wholly ignored and its destruction unpunished; abortion, in every case, being considered an offence [sic] mainly against the mother, and as such unless fatal to her, a mere misdemeanor, or wholly disregarded [original emphasis]” by the law.³⁵ Storer defined criminal abortion to encompass the intentional, artificially induced, premature expulsion of the fetus from the uterus that disregarded the potential for life.³⁶ With these sentiments in mind, in May of 1857 the Committee on Criminal Abortion, created by the AMA, began their efforts to influence doctors of the Association to lobby their legislators to alter the existing laws on abortion. The Oneida Medical Society is one of many that adopted similar resolutions to uphold their “respectable and conscientious medical men” to the standard of preserving any “unborn” lives under threat by criminal abortion.³⁷ By the standards of the law and medical professionals, criminal abortion was only justifiable to preserve the life of the woman, fetus, or both.³⁸ Without the quickening doctrine, women were left with limited reproductive and medical decisions available to them by regular physicians. With the introduction of codified statute restrictions, the AMA dedicated itself to the suppression of the criminal and immoral acts of all women who

had sought or provided abortions and increased the legal protection afforded to the fetus in utero.³⁹

In addition to seeking legal redress against abortion, regular physicians sought to medically and professionally attack the safety of the practice as cause for its illegality. The laws, until roughly the 1850s, prohibited abortions administered to a woman “quick with child.”⁴⁰ Yet, the statutes did not prosecute the woman seeking an abortion, only the person that caused the abortifacient substance to be administered or through the employment of instruments.⁴¹ Between 1820 and 1850, regular and irregular physicians were in a professional battle to obtain paying patients.⁴² Irregular physicians had the advantage since they were not restricted by any medical rules or codes allowing them to perform abortions unrestricted to those seeking the procedure. As a result, regulars turned to medical legislation to defend their credentials and prowess as superior professionals to sustain their livelihood. In medical terms, regular physicians argued that it was safer for women to bring their pregnancy to term than it was to procure an abortion by any other method.⁴³ Regulars supported this theory when many women were able to trace their ill health conditions back to obtaining an abortion, or in extreme cases as the cause of a woman’s death.⁴⁴

The enacted anti-abortion legislation guaranteed regular physicians protection from the laws and put irregular physicians’ commercial businesses in jeopardy. In the midst of suppressing abortion, the majority of transitional statutes contained a clause that excused regular physicians from any legal repercussions for procuring an abortion if two regular physicians advised it was necessary for a woman’s or fetus’s health.⁴⁵ The regular physicians’ medical ideology of preserving the life and health of the mother and fetus translated itself into the rewritten codified laws. By the 1860s, a majority of the states and territories included similarly worded clauses that “no physician shall be affected” by the law if they found an abortion justifiable.⁴⁶ This adjustment to the law was also a strategy by the medical profession to prevent their colleagues from being persuaded

31 Frederick N. Dyer, “The Physicians’ Crusade against Abortion,” *New Oxford Review* 73, no. 10 (November 2006): 27.

32 “Restellism,” *Olive Branch*, June 3, 1848, *American Historical Periodicals from the American Antiquarian Society*, accessed August 1, 2022.

33 Reagan, *When Abortion Was a Crime*, 22.

34 Mohr, *Abortion In America*, 31.

35 Horatio Robinson Storer and Franklin Fiske Heard, *Criminal Abortion: Its Nature, its Evidence, and its Law* (Boston: Little, Brown, 1868), *The Making of Modern Law: Legal Treatises, 1800–1926*, accessed June 13, 2022, 1.

36 Storer and Heard, *Criminal Abortion*, *The Making of Modern Law*, 5.

37 “Criminal Abortion,” *Buffalo Medical and Surgical Journal* IX, no. 3 (1869), *Nineteenth Century Collections Online*, accessed July 28, 2022.

38 Morse Stewart, “Criminal Abortion—Read before the Wayne County Medical Society, at Its December Meeting,” *The Detroit Review of Medicine and Pharmacy* II, no. 1 (1867), *Nineteenth Century Collections Online*, accessed July 10, 2022. This sentiment is also reflected in all the state statutes on abortion.

39 “Report on Criminal Abortion,” *The Transactions of the American Medical Association* XII (1859): 1.

40 Mohr, *Abortion In America*, 21–7; Eugene Quay, “Justifiable Abortion—Medical and Legal Foundations,” *The Georgetown Law Journal* 49, no. 3 (1961): 395–538.

41 Mohr, *Abortion In America*, 22.

42 Mohr, *Abortion In America*, 34.

43 “The Pathological Consequences Incident to Induced Abortion,” *The Detroit Review of Medicine and Pharmacy* II, no. 4 (1867), *Nineteenth Century Collections Online*, accessed July 28, 2022.

44 E. Hale, Jr., “Observations on Abortion,” *Massachusetts Medical Society Medical Communications* FOURTH (1829), *Nineteenth Century Collections Online*, accessed July 28, 2022, 386.

45 Quay, “Justifiable Abortion,” 448–93.

46 Quay, “Justifiable Abortion,” 492

by money, sympathy, or pity to procure an abortion, saving themselves and the patient from legal or health ramifications.⁴⁷ Either way, the clause removed any regulars from being criminally prosecuted for their professional opinion and left irregular physicians professionally handicapped in the face of the legal threats to their practice.

The continuous push for the AMA and regular physicians to lobby for more restrictive laws was to emphasize the moral complications of having and performing an abortion. Storer stated that “[b]y the Moral Law, the willful killing of a human being at any stage of its existence is murder [original emphasis].”⁴⁸ Classifying conception as the start of life rather than at the first movement of the fetus allowed a greater suppression of abortion. Another respected regular physician and member of the Committee on Criminal Abortion, Hugh L. Hodge, promoted the idea of a fetus in utero having a separate state of existence apart from the mother, establishing an early example of fetal “rights.”⁴⁹ A report given to the AMA by the Committee on Criminal Abortion stated “[t]he heinous guilt of criminal abortion, however viewed by the community, is everywhere acknowledged by medical men” and that “a wide-spread popular ignorance of the true character of the crime—a belief, even among mothers themselves, that the foetus is not alive till after the period of quickening” was motive for the AMA to change popular reproductive beliefs that had held up for decades.⁵⁰ The AMA had to balance their beliefs in the scientific medical field with the “law and public sentiment, both by their theory and their practice,” while advocating “that the offense is one of the deepest guilt, a crime *second to none* [original emphasis].”⁵¹ The attack on the quickening doctrine and changing the definition of when life commenced was enough to alter which members of society were allowed to legally declare a fetus sentient. Consequently, pregnant women lost even more control of their reproductive future as the medical jurisprudence transitioned in the mid-century to protect the development of human life before birth.

Regular physicians also obeyed the Hippocratic Oath that went against performing abortions as both a moral and practical means of reproductive control.⁵² In Horatio Storer’s gold medal Prize Essay, *Why Not? A Book for Every Woman*, he states that the oath prevented a pledging physician “to be guilty of unnecessarily inducing miscarriage [abortion].”⁵³ The oath became the ethical standard for regular physicians in all regards. For abortion, the oath stood as a reason to

prevent the disruption of fetal development. Regular physicians further impaired reproductive choices for women by backing up their moral beliefs with religious notes indicating to female patients that “she is responsible to her Creator for the life of the being within her.”⁵⁴ Regular physician, Dr. Edwin M. Hale decisively stated that from the moment of conception “the ovum [becomes] a distinct human being, with a human soul” and that the presence of the mother is to provide the embryo with the necessary environment to develop “by forces and powers entirely its own, and derived through nature from God.”⁵⁵ All moral considerations by regular physicians created legal reasoning to criminalize abortion before and after quickening. For, how could one justify the termination of human life by moral and ethical logic?

The “physician’s crusade” against abortion mounted a respected and unified prosecution against the reproductive revolution irregular physicians unwittingly provided women of the nineteenth century. Despite the increased restrictions on procuring an abortion, irregular physicians not included in the professional medical field still provided the service. The law meanwhile threatened to prosecute irregular physicians if caught administering any substance or employing any instrument with the intent to procure a miscarriage. Ann Lohman, under the infamous alias of Madame Restell, was the most well-known abortion provider in New York if not the entire United States. As an immigrant to the United States, she began her business as an abortionist without any restrictions against her establishment and ended her career—and life—under conviction of violating a federal law that prohibited the selling, publishing, or distribution of obscene contraceptive material.⁵⁶ Abortionists in the nineteenth century became a villainized group of individuals under legal and professional threat by regular physician medical societies and those in American society that denounced the changing morality of abortion.

Madame Restell symbolized abortion in the United States through the growing number of women she had as patrons, the wealth she accumulated from her business, and the malicious press that besmirched her character and name by dubbing the practice of abortion “Restellism.” Restell excelled as a businesswoman supplying options for reproductive control through abortifacients, contraceptives, and a boarding house for women to give birth anonymously from inconvenient pregnancies.⁵⁷ She, however, did not provide

47 “Prize Essay,” *The Transactions of the American Medical Association XVI* (1865), *Nineteenth Century Collections Online*, accessed July 29, 2022, 686–87.

48 Storer and Heard, *Criminal Abortion, The Making of Modern Law*, 1.

49 Hugh L. Hodge, *On Criminal Abortion: A Lecture Introductory to the Course on Obstetrics, and Diseases of Women and Children* (Philadelphia: T. K. and P. G. Collins, 1854), *Crime, Punishment, and Popular Culture, 1790-1920*, accessed July 25, 2022.

50 “Report on Criminal Abortion,” *The Transactions of the American Medical Association*.

51 Storer and Heard, *Criminal Abortion, The Making of Modern Law*, 8.

52 Mohr, *Abortion In America*, 35.

53 Horatio Robinson Storer, *Why Not? A Book for Every Woman* (Boston: Lee and Shepard, 1866), *Nineteenth-Century Collections Online*, accessed June 14, 2022, 22.

54 “Abortion—Its Frequency and Criminality,” *New England Medical Eclectic, and Guide to Health X*, no. 6 (1855), *Nineteenth Century Collections Online*, accessed July 11, 2022, 40.

55 “A Systematic Treatise on Abortion,” *The United States Medical and Surgical Journal*, July 1, 1866, *American Historical Periodicals from the American Antiquarian Society*, accessed July 29, 2022, 84.

56 A. Cheree Carlson, “Bodies at the Crossroads: The Rise and Fall of Madame Restell,” in *The Crimes of Womanhood: Defining Femininity in a Court of Law*, 111–35 (University of Illinois Press, 2009), 130; the federal that she was found to have violated in 1878 was the Comstock Act that controlled sexual acts and their consequences as they were viewed as pornographic.

57 Carlson, “Bodies at the Crossroads: The Rise and Fall of Madame Restell,” 112.

instrumental abortions herself—except for one—if the pregnancy was too far along for abortifacients to work, instead sending the woman to a surgical abortionist.⁵⁸

As presented in medical literature and newspapers the portrayal of abortion and abortionists were further denounced to encourage public disapproval. Madame Restell may have been the most widely known abortionist of her time, but according to *The Medical and Surgical Reporter*, “scores of professed abortionists in our large cities who ply their iniquitous business, and go unwhipt [sic] of justice. Much of it is done under the guise of medicines ‘for female diseases,’ which are advertised in the newspapers, accompanied with the warning that medicines should not be used at ‘certain times.’ The law should deal severely and promptly with these criminals.”⁵⁹ This exemplifies one facet of criticism abortionists faced upon their practice in a time of growing legal repercussions. It became a fact that some abortionists were promptly convicted as criminals in the social and legal minds of society. Newspaper publications started to reflect the opinions of regular physicians and fostered the criminalization of abortion through their rhetoric. Such as the New York publication, *Revolution*, pronounced Restellism as “the crime of this age” and expressed the prevalence that the practice held among all classes of women.⁶⁰ The use of Restell’s alias as a symbol of abortion in the press depicted the denunciation of abortionists and demonstrated a campaign launched by the press that mirrored negative social constructs around abortionists.

Likewise, the law and society persecuted any mere perception of what could be deemed an abortion or who could be classified as an abortionist. The most common occurrence of abortionists charged and tried for procuring abortions was upon the death of the woman who underwent the procedure or was given an abortifacient. As the criminalization of abortion progressed, legal statutes placed the death of the woman as a more erroneous offense than the death of an un-quick fetus.⁶¹ Therefore, the easiest way for the medical profession and the law to successfully prosecute the crime of abortion at the death of an un-quick fetus was to permeate a social belief of criminality against abortionists who committed an egregious crime

against a woman and for terminating a developing life.⁶² The ensuing criminalization and alteration of state statutes created a byproduct of persecution against abortionists even if they did not knowingly administer an abortion.

In the instance of the Thompson Street abortion case, two “female physicians”⁶³ were charged with the death of Mary E. Visscher.⁶⁴ The Thompson Street abortion paralleled Madame Restell’s and other abortionists’ persecution as the midwives’ character, financial means, and medical treatment were brought into question. Of the “female physicians” or midwives, Elizabeth Byrnes was ultimately charged with the homicide of Visscher, while Mary Smith was charged as an accessory before the fact.⁶⁵ The facts of the case dictated that both women were long-practicing midwives and denied any hand in the miscarriage, but the court would later pronounce the medical service provided to Visscher as an abortion.⁶⁶ The women attributed the miscarriage and “its fatal consequences to the imprudence of deceased herself” as Visscher did not inform them of her “peculiar condition”—meaning her pregnancy—upon seeking medicine for back pain at their residence.⁶⁷ In view of the fact that Smith and Byrnes had no knowledge of Visscher ever coming to them to seek an abortion, it was not until she fell sick that she told the midwives she had been “with child” for two months.⁶⁸ Before and after Visscher “had been delivered of a small foetus” the midwives whose charge she was under treated her with the utmost care to the extent of their professional abilities. Even going as far as to seek out several doctors on multiple occasions when Visscher’s condition became too severe for the midwives to treat themselves.⁶⁹ Despite the so-called “female physician’s” vilification, they cared for their patients, similar to the manner of Madame Restell with her patrons. Unlike the frequent dogma that portrayed abortionists as untrained professionals in the medical field, Smith and Byrnes were knowledgeable enough to realize when the care of Visscher was beyond their skill set. It was the actions of Visscher that lead up to the events of her “abortion” and death which could have been prevented if she had informed the midwives of her pregnancy before the medicine had been administered.

The homicide of Mary Visscher may not have had the same press

58 Carlson, “Bodies at the Crossroads: The Rise and Fall of Madame Restell,” 112–113. This was the one time that Restell performed a surgical abortion under the request of a man; she was subsequently charged and prosecuted for procuring an abortion.

59 “Abortionists,” *The Medical and Surgical Reporter* [Philadelphia], December 5, 1863, *American Historical Periodicals from the American Antiquarian Society*, accessed July 18, 2022, 434.

60 “Report on Criminal Abortion,” *The Transactions of the American Medical Association*.

61 The penalty for the death of the woman between the 1840s and 1870s was typically manslaughter. However, the death of an un-quick fetus ranged from being charged with a felony, a fine, and/or imprisonment. The legal consequence for administering or procuring an abortion without the death of either the fetus or woman was a lesser offense than if it resulted in death, usually being deemed a misdemeanor.

62 The reason for the increased penalties and wanting to get rid of the quickening doctrine was for regular physicians to greatly suppress the immoral acts they saw abortionists performing and women subjecting themselves to.

63 Carlson, “Bodies at the Crossroads: The Rise and Fall of Madame Restell,” 115; “Female physician” became a term synonymous with that of “abortionist” in the nineteenth century.

64 “Alleged Abortion Case in Thompson Street,” *New York Herald*, September 7, 1859, *Nineteenth Century U.S. Newspapers*, accessed July 13, 2022.

65 “Alleged Abortion Case in Thompson Street,” *New York Herald*.

66 “Alleged Abortion Case in Thompson Street,” *New York Herald*. However, the criminal case did not prosecute for the termination of the fetus because at this point it was not seen as a crime in 1859 to abort an un-quickened fetus in the state of New York. This is why the death of Mary Visscher was the only charge sought after in the case that under the 1849 New York law would be charged with second degree manslaughter for the death of a woman in the case of an administered abortion.

67 “Alleged Abortion Case in Thompson Street,” *New York Herald*.

68 “Alleged Abortion Case in Thompson Street,” *New York Herald*.

69 “Alleged Abortion Case in Thompson Street,” *New York Herald*.

or popularity as the several unsuccessful trials of Madame Restell, yet it portrayed similar aspects and scenarios of the proclaimed abortionists' actions. The press constantly vilified Restell for her economic growth as an abortion provider amongst wealthy patrons that could afford the care and treatment she offered as a businesswoman. The recollections of the New York Chief of Police, George W. Wallings wrote that "[h]er patrons from the wealth and fashion of the metropolis flocked to her, and they laid their money at her feet. The services she knew were invaluable" hinted at her knowledge of increasing demand for the means to reproductive control.⁷⁰ Restell embodied a wealthy entrepreneur as her income helped her obtain multiple real estate lots in Manhattan, carriages, horses, and expensive clothing all from her profession that supported the "murder" of children.⁷¹ This sentiment by Wallings and her accumulation of wealth is reminiscent of the Thompson Street case that stated the midwives "occupy quite a stylish house" remarking on the supposed wealth the women would receive if they knowingly provided abortions for other patients.⁷² The amassment of luxury and money by alleged abortionists did not correlate with the immoral acts that society perceived their services to convey. The perception of abortionists was pertinent to their persecution by society, the law, and regular physicians as their actions ended the gestational period before fetal viability and was an increasing service provided to wealthy patients.

However, the death of Mary Visscher and the women that Restell assisted in obtaining abortions resembled the regular physicians' tirade against the enemy of an "unschooled abortionist" that provided services unregulated and to the detriment of women's health.⁷³ Madame Restell, as a popular and self-proclaimed abortionist, received severe backlash against her business and her character. Restell was brought to trial for procuring an abortion for a married woman, Maria Purdy, who on her deathbed (due to tuberculosis) confessed to having obtained an abortion from the abortionist. Upon the trial for the procuring of abortion, Restell was declared "a monster in human shape" and was "convicted of one of the most hellish acts ever perpetrated in a Christian land!"⁷⁴ Abortionists were portrayed as harbingers of destruction and death as untrained medical professionals that committed harmful acts against their "victims." Literature characterized the act of procuring and administering an abortion as one of malicious intent. One source describes the services provided by abortionists as an expanding "disgraceful and murderous business...

carried on in our cities" and thus they wished to "aid in bringing the penalty of the law upon the guilty perpetrators."⁷⁵ Another notorious "female physician," Madame Costello, continued to treat "with astonishing success all diseases peculiar to females"⁷⁶ at the same time being defaced as a "wretch" awaiting the trial of her "infamous and murderous mystery."⁷⁷ All abortionists came under great supervision as their practices spread throughout urban and rural areas. *National Police Gazette* recommended that all women that leave an abortionist's doors should be tracked, recorded, and their families informed of their actions as a way to monitor and "break up their murderous trade."⁷⁸ The vulgar and inhumane names used against abortionists dehumanized their character because of the reproductive control they provided women relatively easy access to.

In the process of criminalizing abortion regular physicians in medical and press reports invoked derogatory language in order to condemn abortionists and the practice they supported despite the growing legal repercussions for their involvement and aid. Male abortionists also faced bad press. For example, *National Police Gazette* named abortionist Dr. Thiers "[a] fiend in human form, who ekes out a miserable existence and profits pecuniarily by wholesale murder [of "infants"], which he calls acts of sympathy and relief to distressed females, for which, however, he makes ample provision to charge exorbitantly, and should be compelled to suffer the most extreme penalty of the law."⁷⁹ The rhetoric used against the abortionists presented a professional threat against them and ostracized their capabilities as medical men and women dismantled their credibility. This is proposed in another abortion case reported by *New York Herald* on the death of Rose Abner who died from "the effects of malpractice at the hands of a Williamsburg quack"⁸⁰ The prosecution and vilification of abortionists presented itself through public documents and legal proceedings that increased with the attention of the birth control practice. The awareness and scrutiny of abortion garnered greater support among the public that the role of irregular physicians in reproductive determination for men and women warranted abortion's termination with the changing legal statutes.

The third active participant in the criminalization of abortion consisted of women who sought to retain their reproductive control through abortion. These women were not only affected by their actions, but by regular physicians, the law, and abortionists alike. For irregular physicians that supplied abortions, the practice became

70 George Washington Walling and A. Kaufmann, *Recollections of a New York chief of police: an official record of thirty-eight years as patrolman, detective, captain, inspector, and chief of the New York police: and Historic supplement of the Denver police*, by A. Kaufmann (1890), *The Making of Modern Law: Legal Treatises, 1800-1926*, accessed July 11, 2022, 434.

71 Carlson, "Bodies at the Crossroads: The Rise and Fall of Madame Restell," 129.

72 "Alleged Abortion Case in Thompson Street," *New York Herald*

73 Carlson, "Bodies at the Crossroads: The Rise and Fall of Madame Restell," 115.

74 "Trial of Madame Restell, alias Ann Lohman, for abortion and causing the death of Mrs. Purdy," Court of General Sessions (1841).

75 *Licentiousness; its Effects, Extent, and Causes*, Boston: B. Marsh, 1846, *Nineteenth Century Collections Online*, accessed July 19, 2022, 8.

76 "Mrs. Bird, female physician To the Ladies--Madame Costello," *Photograph*, New York, 1842, <https://www.loc.gov/item/2002719613/>. This source comes from the *New York Sun* newspaper stating a Mrs. Bird is offering pills for the treatment of menstrual irregularity and Madame Costello addressing women who want to be treated for "obstruction of their monthly periods."

77 *Licentiousness; its Effects, Extent, and Causes*, 8.

78 *Licentiousness; its Effects, Extent, and Causes*, 8.

79 "Murder of Infants," *National Police Gazette*, April 6, 1867, *Crime, Punishment, and Popular Culture, 1790-1920*, accessed July 14, 2022.

80 "Shocking Abortion Case in Stanton Street," *New York Herald*, January 21, 1863, *Nineteenth Century U.S. Newspapers*, accessed July 14, 2022, 2.

a detriment to their legal, social, and medical lives. However, for a time, the practice of abortion was a beneficial phenomenon of reproductive determination for those wanting to terminate a pregnancy. Continuously, irregular physicians acting as abortionists were put on trial for their actions of procuring abortions. Meanwhile, women who sought out their services became participants in abortionists' maltreatment and persecution through testimonies or martyrdom.⁸¹

In reports on the trials of persons charged with procuring an abortion, a line had been drawn between the alleged abortionist and to whom they provided the abortion for. The consequences were amplified for everyone involved in the resulting legal actions if a woman died after soliciting an abortion. Routinely, the events started again when a woman found herself with the knowledge of her pregnancy:

the services of a Madam [sic] Restell, if the parties have the means to obtain *entree* to her august presence, are secured, and the situation is usually successfully relieved, in a scientific manner [procured an abortion]. But lacking the *open sesame* to this aristocratic relief, second, third and fourth rate resorts according to cost, are put in demand. And when the information, means, and courage to do either of these are lacking, then washes, teas, tonics and various sorts of appliances known to the initiated, are resorted to

Those who could afford the monetary rates of Madame Restell's services occasionally were brought into the trials in which she was being charged for her crimes. When Maria Bodine sought an abortion from Restell she was too far along in her pregnancy—in the opinion of the abortionist—to successfully administer the service without doing so surgically.⁸² Despite Restell's hesitation to perform the procedure, she did so once offered the right price by an anonymous "sponsor" helping Bodine.⁸³ Bodine eventually faced health consequences from the abortion that made her seek out a regular physician for help who then turned her in to authorities suspecting an abortion had been performed on her.⁸⁴ By 1847, the state laws of New York would have convicted both the "aborter" and abortionist, yet the opportunity to convict the "Big Fish" of abortionists in the nation presented itself in this case for prosecutors and to the benefit of Bodine.⁸⁵ The resulting trial, therefore, was to convict Madame Restell of manslaughter, with Bodine having become the state's evidence to aid in conviction.⁸⁶

In the examination of Bodine for the prosecution, she detailed the process of the abortion after the surgical operation and her interactions with Restell. Eventually, the abortionist sent Bodine on her way after treating her with great care and cautioned the woman "against saying a word to any one in relation to what had transpired, as [they] were both liable to go to the State prison" since Bodine had no right to be there and Restell had no right to administer the medicine.⁸⁷ In Bodine's testimony to the prosecution, she highlighted one of the biggest concerns of lawmakers and regular physicians. She emphasized that the abortion caused the state of her health to decline and result in "constant and distressing pains" to her head, back and "a general weakness and trembling feeling throughout [her] body."⁸⁸ Part of the rationale for medical and legal men to change abortion policy stemmed from the belief that abortion caused adverse health results for women, which doctors hoped to avoid. In the opinion of the law and society, regardless of Bodine's complacency of having the procedure performed, it was Restell that suffered the greatest villainization for ending the possibility of life. Yet, Bodine was conveyed as a hapless victim having suffered at the abortionists' hands, subjecting Restell to a narrative of the malicious abortionist destroying the lives of women and developing children.⁸⁹

The victimization of women continued as newspapers promoted the narrative of abortionists as untrained professionals when on trial after the death of one of their patrons. The women who died as an unexpected consequence—though not a rare occurrence—had the opportunity of becoming victims for society to shape a narrative around. Women who sought abortionists of their own volition participated complacently in the act were instead painted as victims, not perpetrators, of the degenerate and immoral act of abortion. One woman, Zulma Marache, was forced to undergo a mechanical abortion by Madame Costello after already taking a tonic for months at the threat of her fiancé poisoning her if she did not abort the pregnancy.⁹⁰ Marache is one example of a woman being forced into having an abortion and the administering abortionist, Madame Costello, went to trial for procuring the abortion by instrumental means.⁹¹ Furthermore, Mary Luisa Morehouse died as a consequence of an abortion when she decided she no longer wanted more children.⁹² Eighteen months prior to her death, Morehouse told her husband of her lack of interest in having more children, indicating her future

81 Carlson, "Bodies at the Crossroads: The Rise and Fall of Madame Restell," 121.

82 "Law Intelligence," *New York Herald*, October 27, 1847, *Nineteenth Century U.S. Newspapers*, accessed July 13, 2022.

83 "Law Intelligence," *New York Herald*; Carlson, "Bodies at the Crossroads: The Rise and Fall of Madame Restell," 123. It is possible that the sponsor that aided Bodine in obtaining the abortion was seeking a way to indict Restell for administering abortions. With the help of a willing woman (Bodine) this made it possible to entrap Restell in an illegal act.

84 "Law Intelligence," *New York Herald*.

85 Quay, "Justifiable Abortion," 500. The laws would convict any person that procured, administered, or advised a woman pregnant and quick with child with the intent to miscarry with manslaughter in the second degree or imprisoned from three months to one year. For the woman seeking the abortion with the intent to miscarry would be deemed guilty of misdemeanor and sent to county jail for three months to one year, a fine not exceeding one thousand dollars, or both.

86 Quay, "Justifiable Abortion," 498. By 1847, any woman that solicited an abortion for herself by any method could be charged with a misdemeanor in New York.

87 "Law Intelligence," *New York Herald*.

88 "Law Intelligence," *New York Herald*.

89 "Law Intelligence," *New York Herald*.

90 "Memoires De Zulma Marache," *New York Herald*, March 27, 1844, *Nineteenth Century U.S. Newspapers*, accessed July 21, 2022.

91 "Memoires De Zulma Marache," *New York Herald*.

92 "A Brooklyn Abortion Case," *National Police Gazette*, November 30, 1867, *Crime, Punishment, and Popular Culture, 1790-1920*, accessed July 17, 2022, 6.

intent to seek out the illegal practice.⁹³ As a result of the instrument used in the abortion procedure, a puncture wound perforated Morehouse's reproductive organs, causing her death.⁹⁴ The testimonies and deaths of patrons who willingly or involuntarily had an abortion were integrated into the popular narrative of abortionists as the evil entity the law needed to be rid of. This presented itself in the actions and rhetoric of regular physicians who removed women as immoral participants because they had fallen susceptible to abortionists' commercial influence. Women that survived or died after having an abortion all became pawns in the successful attempt to suppress abortion during the nineteenth century.

Nevertheless, women that solicited their reproductive control through abortion still suffered adverse social consequences of their actions. Through the nineteenth century, Americans gradually perceived abortion as a moral crisis in the community and society as a whole.⁹⁵ This, additionally, can be attributed to the growing numbers of white Protestant women part of the largest religious denomination in the US seeking out abortion as a means of reproductive agency.⁹⁶ Different women sought to end a pregnancy for different reasons including poverty, ill health, maintaining a "fashionable" lifestyle, anxiety surrounding pregnancy and childbirth, adultery, seduction, and more.⁹⁷ Largely, the term "fashion" became a way for regular physicians and legislators to further suppress abortion by insinuating the selfish nature of women who terminated a pregnancy, rather than raise a child, for the benefit of a better social standing.⁹⁸ One newspaper declared, "[t]he vices of fashionable society are, some of them, rapidly taking on the character of downright crimes," and implored married couples to follow the advice of Horatio Storer to fulfill their natural duties of married life by having children.⁹⁹

However, the "duty" of having children undeniably rested on the shoulders of women. Therefore, how, why, and when a woman refused or delayed motherhood was overridden by the restrictive laws gradually moving into place during the nineteenth century. Consequently, society was most concerned with *married* women having abortions as it was the logical path to follow into motherhood after marriage. One source blames the growing knowledge readily available to women on abortion stating, "[a] large proportion of the increase of abortion among married women in our own times can be

traced to the dissemination of immoral and criminal advertisements in daily journals, and also of obscene and ungodly publications, informing any woman who can read, how to prevent conception, and how to dispose of her own offspring, with a promise that the mother is scarcely ever injured by committing the act."¹⁰⁰ The cultural and social implications of life for women meant the protection of a maternal destiny. Still, contraception by means of abortion instituted a challenge against the traditional path of a woman's life.

The idea of "selfless motherhood" that a woman must put aside her self-interests in favor of a fetus' equal or surpassing individual interests before birth that historian Cynthia Daniels gives voice to in the twentieth century progressed from the social and gendered standards that existed in the nineteenth century.¹⁰¹ The natural order was for a woman to set aside future aspirations other than that of motherhood. To delay a woman's maternal destiny demonstrated a basic undermining of claims to abortion access as a reproductive option for women in the nineteenth century. In letters by feminist Henry C. Wright, he promotes the trying process of childbirth and the large responsibility of motherhood and fatherhood as a reason why maternity might be undesired.¹⁰² Wright recognizes the parental partnership as two individuals being responsible for the "existence of their children [original emphasis]" and that a woman "alone, has a right to say when, and under what circumstances, she shall assume the office of maternity, or subject herself to the *liability* of becoming a mother [original emphasis]."¹⁰³ Women, individually and in partnerships, dictated their reproductive future until they too began to be prosecuted for obtaining abortions.¹⁰⁴

Additionally, amid women seeking to remain in control of their reproductive choices, their own moral character was scrutinized by society. Once again, the rhetoric by medical physicians displayed a negative connotation concerned with the morality of abortion, but in the instance of women soliciting abortion as a form of reproductive control. Medical doctor, J.C. Stone, debased the practice of abortion as something only excusable for non-white societies, the European middle ages, early Christians, and people that had been long deceased, such as Aristotle and Plato who defended the moral permissibility of abortion.¹⁰⁵ Stone references the "moral sense of the community is so low on [abortion] that mothers, in many instances,

93 "A Brooklyn Abortion Case," *National Police Gazette*, 6.

94 "A Brooklyn Abortion Case," *National Police Gazette*, 6.

95 "Abortion—Its Frequency and Criminality," *New England Medical Eclectic, and Guide to Health X*, no. 6 (1855), *Nineteenth Century Collections Online*, accessed July 11, 2022, 39. Medical doctor Hugh L. Hodge, a member of the AMA and the Committee on Criminal Abortion, wrote about the pervasiveness of abortion as a moral crisis in the community and society.

96 Reagan, *When Abortion Was a Crime*, 10.

97 Mohr, *Abortion In America*, 175.

98 Mohr, *Abortion In America*, 108; 189.

99 "A Nameless Crime," *Banner of Light*, June 23, 1866, *American Historical Periodicals from the American Antiquarian Society*, accessed July 11, 2022, 4.

100 LeProhon, *Voluntary Abortion, or Fashionable Prostitution, with Some Remarks upon the Operation of Craniotomy* (Portland, Maine: Press of B. Thurston & Co., 1867), *Crime, Punishment, and Popular Culture, 1790-1920*, accessed July 6, 2022.

101 Cynthia R. Daniels, *At Women's Expense: State Power and the Politics of Fetal Rights* (Harvard University Press, 1996), 1-3.

102 Henry Clarke Wright, *The Unwelcome Child; Or, the Crime of an Undesigned and Undesired Maternity*, Boston: B. Marsh, 1858, *Nineteenth Century Collections Online*, accessed June 13, 2022.

103 Wright, *The Unwelcome Child*, 23.

104 By 1890, eight states criminalized abortion for the pregnant woman that obtained the abortion through another party or self-induced it.

105 J. C. Stone, "Report on the Subject of Criminal Abortion," *Iowa Medical Journal V*, no. 2-3 (January-April, 1868), *Nineteenth Century Collections Online*, accessed July 9,

in order to get rid of their fruits of illicit pleasure, do not hesitate to destroy their own progeny, in violation of natural sentiment, and in opposition to the laws of God and man.”¹⁰⁶ The language used to suppress the morality of abortion simultaneously called out an abortionist as a “murderous charlatan” while also expressing the guilt of the “so-called moral woman” in the affair.¹⁰⁷ The doctor believed it unfathomable that a married, well-off woman would intend to derail her maternal duty by procuring an abortion as it grew into a “premeditated and intentional” crime.¹⁰⁸ Similarly, read before the Michigan medical society, Dr. Morse Stewart denied the validity of a woman’s thoughts on choosing to terminate a pregnancy. Stewart expressed that at any stage of the gestational period without any “legitimate cause”—being to save the woman’s life—abortion was otherwise an act of “moral degeneracy.”¹⁰⁹ The medical rhetoric circles back to claims of abandoning a woman’s duty to motherhood by seeking out an abortion, as the “young ladies of the highest respectability sometimes meet with the misfortune which may blast their reputation for life. They prefer the secret and criminal mode of relief, to exposure and ruin.”¹¹⁰ While abortionists spread a system and business granting a choice for women in society, the regular physicians did the opposite. Instead, they distributed damaging connotations about the “mothers who are devoted, with an ardent and self-denying affection, to the children who already constitute their family—[but] are perfectly indifferent respecting the foetus in utero.”¹¹¹ The decision for a woman to terminate a pregnancy was undermined by regular physicians and the legal system they instituted to reflect the importance of fetal “life,” therefore, making women victims of the transitional legislation against abortion.

The expanding restrictive laws on the reproductive control women sought to retain through abortion were bolstered by the actions of regular physicians and legislators who suppressed and criminalized abortion. The alteration of the private and unrestricted control offered to women changed into a system of ostracization of abortionists and magnified the attention of the women who sought to end a pregnancy. In the meantime, women became victims of a changing medical and legal system that annihilated their access to reproductive choices. Lawmakers and regular physicians further utilized women’s complacency in abortion practice to incriminate irregular physicians. The ability for irregular physicians to retain control over reproductive access as a business dwindled gradually throughout the nineteenth century. A small examination of the criminalization period of abortion in the nineteenth century does

not encompass all of the elements behind the history of abortion policy in the United States. However, this examination highlights how the law and society crucified women as “abortionists” and abortionists through moral vilification and gendered social standards. The victimization of women in the same process destroyed an integral part of connections between women: the ability to give birth and control it. The American Medical Association as a prime “suspect” and lobbyist for pursuing restrictive abortion laws beyond that of the quickening doctrine created one of the first steps in the breakdown of women’s reproductive control. Ultimately, the transitioning abortion policy relied on medical and legal men as agitators who indoctrinated society to support a new idea of what justified individual control of reproductive choices.

Today, the re-criminalization of abortion by the US Supreme Court has signaled yet another shift in the abortion policy of America. The laws and manner in which abortionists were tried with procuring an abortion in the mid-nineteenth century can be drawn back to the successful and unsuccessful crusade of regular physicians that criminalized abortion. Not all the state laws on abortion were identical and had trouble drawing a line of when an abortionist or woman could be convicted of criminal abortion before and after quickening. Yet, this process of events during the first round of criminalization is similar to the current debate on the legality and morality of abortion. Since the Supreme Court passed down their decision of *Dobbs v. Jackson*, state and federal legislators contemplate abortion policy and continuously propose varying degrees of regulations to abortion legislation. When a Texas woman riding in the high-occupancy vehicle lane proclaimed her fetus to be a person according to the *Dobbs v. Jackson* decision and the Texas Heartbeat Act, it brought into question how far the law and society are willing to go in the name of “fetal rights.”¹¹² The validity of the decisions and laws brought by the judicial and legislative systems does not clarify what “rights” a fetus has beyond that of being brought to term. Moreover, all persons supporting safe and legal abortion access have exhibited agency to combat the re-criminalization of abortion. People have done this by means of raising funds for easy and safe abortion access, protesting, and encouraging menstruating persons to keep secret all information that could incriminate abortion seekers. Unlike the legal success of regular physicians in the nineteenth century, universal abortion criminalization has not succeeded in the twenty-first century where state legislatures have taken action to protect safe access to abortion.¹¹³ The regional criminalization of abortion has moved

2022, 33–34.

106 Stone, “Report on the Subject of Criminal Abortion,” 34.

107 Stone, “Report on the Subject of Criminal Abortion,” 34.

108 Stone, “Report on the Subject of Criminal Abortion,” 34–36.

109 Morse Stewart, “Criminal Abortion—Read before the Wayne County Medical Society, at Its December Meeting,” *The Detroit Review of Medicine and Pharmacy* 11, no. 1 (1867): 2.

110 “Abortion—Its Frequency and Criminality,” *New England Medical Eclectic, and Guide to Health* X, no. 6 (1855), *Nineteenth Century Collections Online*, accessed July 11, 2022, 38.

111 “Abortion—Its Frequency and Criminality,” *New England Medical Eclectic, and Guide to Health*, 40.

112 Eric Levenson, “A pregnant woman got a ticket for driving in the HOV lane in Texas. She says her fetus was her passenger,” CNN, July 11, 2022, <https://www.cnn.com/2022/07/11/us/pregnant-woman-hov-lane/index.html>. The fetus carried by the Texan woman was thirty-four weeks in the gestational period at the time of the event.

113 “Tracking the States Where Abortion Is Now Banned,” *The New York Times*, May 24, 2022, <https://www.nytimes.com/interactive/2022/us/abortion-laws-roe-v-wade.html>. Currently twenty states and the District of Columbia protect legal access to abortion.

in another direction to limit the options available to people with the capacity for pregnancy to control their reproductive health and future. 