

*Rough on Women: Abortion in 19<sup>th</sup>-Century New Zealand*

Margaret Sparrow

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Reviewed by Linda Bryder

Dame Margaret Sparrow has had a long involvement in abortion services and abortion reform since working at the student health centre at Victoria University of Wellington in the early 1970s. She served as president of the Abortion Law Reform Association of New Zealand from 1975 to 1980, and again from 1984 to 2011. She was awarded an MBE in 1987, the New Zealand Suffrage Centennial Medal in 1993, and the DCNZM for services to medicine and the community in 2002, which in 2009 became a DNZM. Her interest in the history of abortion resulted in her 2010 publication, *Abortion Then & Now: New Zealand Abortion Stories From 1940 to 1980* (Wellington: Victoria University Press), and this study of abortion in nineteenth century New Zealand is her second history.

The study includes the personal stories of 25 women who died in late nineteenth-century New Zealand, gleaned through coroners' and court reports, although it is not clear that all died in a conscious attempt to terminate their pregnancies. Nevertheless Dame Margaret writes with compassion for these desperate women who chose abortion as the only option in a restrictive society; she depicts them as victims of circumstances who had little choice and paid with their lives. She has a worthy and commendable goal in writing this history, explaining, 'When this account is concluded, we will be in a better position to see what lessons are relevant as we struggle with the issue of abortion in the 21<sup>st</sup> century. That will be a legacy of all the women who died, and they will not have died in vain' (p.xi).

Two paragraphs earlier she warns that, 'One consequence of using coroners' and court reports as the main source of information is the inevitable focus on the negative aspects of abortion to the detriment of a more realistic perspective. Most women having abortions did not die. Many women's lives would have been enhanced by the interruption of an unplanned and unwanted pregnancy. Most experienced abortionists would have practised with relative safety' (p.xi). This important caveat is too often lost sight of in the course of this history.

Sparrow has organised her material into a clear structure. She begins by leading us through choices for women who could not, or would not, keep their babies in the nineteenth century, including adoption, infanticide, baby farming and suicide. She then discusses available methods of contraception, followed by a discussion of abortion laws in the nineteenth century, when abortion was regarded as a crime. She considers procedures and practices for bringing convictions, and then discusses different groups of abortionists including doctors, chemists, 'some female abortionists', 'helping others', and various attempts at self-abortion. She concludes with a chapter on 'lessons from history'. She brings to the history her considerable medical knowledge to explain different forms of contraception and the probable side-effects of concoctions used to prevent or abort pregnancies.

Given her passion for history and for the subject-matter, not to mention the hard work in collecting and piecing together the stories, it feels uncharitable to be critical of her book. And yet if I were to judge it by the standards of the discipline, and after all it has been published by an academic press, I unfortunately have to acknowledge that it falls short in some respects.

Her sources, apart from eighteen coroners' reports, are primarily newspapers accessed through the National Library website Papers Past. She has carried out an extremely thorough search but too often she does not explain the significance of her findings or even their relevance. One wonders about the point of listing 48 newspaper references to the death of Miss Alice Mary Marshall (endnote 1, p.93). This would be understandable if she was making the point about the widespread interest the case generated, but she does not do so; she simply lists

them. This is followed by two long quotations from *Daybreak* with no reference at all and no explanation as to what *Daybreak* was (in fact it was a Wellington-based feminist publication which was in print from 1895 to 1896). Sometimes one wonders whether material is included because a search engine in Papers Past brought up the word 'abortion'. For instance a Mrs Christina Gregg was charged with the wilful murder of her husband: 'In his evidence, Edmund [Christina's lover] stated that Mrs Gregg had seen Dr Fisher for medicine to procure an abortion, although, not surprisingly, this was denied by the doctor. No further action was taken on this matter' (p.90). What was the point of including it? Similarly, she outlines the case of a husband who murdered his wife (pp. 120-1), in which an abortionist featured as a witness; what does this tell us about the practice of abortion in nineteenth century New Zealand apart from the fact that this abortionist existed? A further example is Susannah's death (p.102). Susannah miscarried and there is no evidence that she sought an abortion. The main point of the narrative was that the doctor was unregistered and seemed to have taken it upon himself to facilitate an abortion which led to her death. How does this case contribute to our understanding of the practice of abortion in nineteenth-century New Zealand?

Another place where there is a noticeable lack of analysis is in the brief discussion of late nineteenth-century feminism, where Sparrow referred to the first female graduates of medicine and law and concludes: 'There were many other notable achievements that have been documented elsewhere. But safe abortion was not a consideration of early feminists; in fact, it was ignored – unmentionable'. A goal of a history of abortion would surely have been to unpack why it was 'ignored' and 'unmentionable' by nineteenth-century feminists, or to provide readers with a context.

Some information provided is not strictly relevant. In her concluding chapter she mentions the modern development of ultrasound recording fetal abnormalities. What is the relevance of that to a discussion of nineteenth-century abortion when concerns about possible fetal abnormalities were not voiced. As a chronicler there was clearly the temptation to include extraneous interesting information; for instance, what is the relevance of the sentence about the wife of abortionist Dr Wilkins: 'Julia was proud of her Scottish ancestry and was a cousin of British statesman Mr William Gladstone' (p.78)?

Had someone with a background in the discipline of history written this book we would have expected more engagement with the historical literature, both local and international. It seems odd to reference a discussion of an 1803 Act in Britain to a *New Zealand Law Journal* article in 1974. The same article covered New Zealand's 1893 Criminal Code Act and cited an unknown member of the House of Representatives during its passage through parliament as stating that 'it contained clause after clause containing [sic] the punishments of flogging and whipping' (p.35). This statement in itself is not very illuminating. As an international source Sparrow cites the 2006 reprint of Edward Shorter's 1982 *History of Women's Bodies*, which some scholars would not regard as authoritative. Recent historiography, admittedly with more of a focus on the early twentieth century than the nineteenth, such as Kate Fisher in Britain and a 2010 PhD history thesis on New Zealand by Joanne Richdale, suggests a more nuanced interpretation of the history of abortion than simply women resorting to it in desperation.

Indeed, in Sparrow's account there are indications that abortion was more integral to women's lives than simply being a last-ditch attempt to save them from infamy, poverty, or an 'intolerable burden' (p.92). When Dr Arthur Orpen was tried for carrying out an abortion a letter was cited in which he stated, 'It was the first accident or mishap I had in over 300 cases', (p.67) indicating he practised it regularly. When the jury found Dr Orpen not guilty, 'the announcement was received with cheers and applause, led by women in the gallery' (p.68), suggesting that women were appreciative of his services. The law might have been harsh and some figures of authority such as Mr Justice Connolly (p. 138) might have railed against the

inequities of abortion (significantly, 'it shocked him that there should be women with such indifference on this subject'), but Sparrow's account shows clearly it was very difficult to get a conviction. Indeed she writes, 'These cases demonstrate the inability of the judicial system to control abortion' (p.63). Again on page 91, 'This demonstrated clearly that public opinion accepted the necessary for abortion despite the severe censure from the medical profession, the churches and the state. The deterrent effect of heavy penalties imposed by the law was ineffective in suppressing this need'. She refers to chemists providing 'patient-friendly abortion services' (p.106), and writes that, 'Women helping women has been one of the themes that has emerged in this account. Most communities openly supported a role for women in childbirth and miscarriage and clandestinely supported their role in providing abortion. The majority of abortionists would have carried out these functions discreetly and to the best of their ability' (p.122). She even concedes that the accounts she proceeds to provide were 'not necessarily representative of the many women who provided a service for their community', and writes of the lawsuit against midwife Mrs Thorpe that, 'no doubt Mrs Thorpe would have benefited from the publicity' (p.125).

In her final chapter on modern society Sparrow writes of the 'community acceptance of this disconnect between law and provision of services' (p.163). Could the same not be said of the nineteenth century? What historians found for the early twentieth century probably also applied to the nineteenth century, that is that abortions were commonly practised, despite the legislation and some public censure. The deaths of the women referred to were indeed sad, as were the deaths of women in childbirth, and both were reflective of the state of medicine at the time.