

# Sex in an Old Regime City – Interview with Julie Hardwick

## SUMMARY KEYWORDS

young women, people, young men, intimacy, book, court, edict, privacy, records, infanticide, women, important, married, archivist, ways, intercourse, early, space, consent, baby

## SPEAKERS

Natália da Silva Perez, Julie Hardwick

### Natália da Silva Perez 00:22

Hi, my name is Natália da Silva Perez, and you are listening to the Privacy Studies Podcast. In this episode, I interviewed Professor Julie Hardwick from the University of Texas at Austin. We talked about her newest book titled *Sex in an Old Regime City: Young Workers and Intimacy in France 1660 - 1789*. The book came out with Oxford University Press in September 2020. *Sex in an Old Regime City* focuses on intimacy among young workers who lived in the urban environment of early modern Lyon. In the book, Julie makes extensive use of archival material to examine a topic highly relevant for privacy studies. Let's now go to the interview. Julie, welcome to the show.

### Julie Hardwick 01:16

Thank you so much for having me, Natália, I'm really looking forward to talking to you.

### Natália da Silva Perez 01:19

Can we start by giving the listeners an overview of intimacy for young workers in Lyon during what you call the long 18th century? It was everywhere, as you say in the book, right?

### Julie Hardwick 01:35

Right. Yes, and I started this book, being interested in desire, if you like that is, intimacy as a kind of sexual activity between between young people. But as I worked on it more, I began to realize there's many facets of intimacy. That is it can be physical proximity, it can be emotional connection, it can be bodily contact. When I made that recognition, or that conceptualization, I realized that intimacy, these intimate relations between young people took place everywhere in the city, in different forms, but also was the subject of observation, conversation, negotiation, argument, conflict, crisis, in all different parts of the city, that is, these these conversations were going on with priests in confession boxes, they were going on with lawyers, they were going on with family members, they were going on in workplaces, they were taking... you know... intimacy was in the streets and public squares and private spaces, and domestic spaces and workspaces and legal spaces, religious spaces. And that's what I came to frame it as, as you said, so nicely that intimacy was everywhere in these cities.

### Natália da Silva Perez 02:56

That is really interesting, because it really challenges some assumptions that we might have when we think about intimacy, especially among young women, young people in the past, right, apparently, as you show in the book with very rich archival material, where you manage to mine these, these young people's subjectivity, it was not as taboo as we might assume, right?

**Julie Hardwick** 03:24

Yes, in fact, that from the first day, I looked at these records, I was amazed by them for that very reason. That is both in young woman's own accounts of their relationship histories, which I should say, the primary evidence that I have here is through paternity suits that young women filed when their intimate partners or if their intimate partners refused to marry them when they were pregnant. And, you know, even when they didn't get married, when they're pregnant, most such breakups didn't go to court. So what I'm really interested in is not as much the legal action, which was unusual, but the long histories, the timelines, if you like if these intimate relationships that were embedded in the legal record, so young women rated the relationship histories and the sexual histories, but also witnesses that friends, family, employers, neighbors, co-workers, who later served as witnesses, narrated what they had seen at the time. And I was amazed how rich the descriptions were of young people's social lives, but also, as you said, by really the wide spectrum of possibilities for young people exploring intimacy in ways that preserve their reputations and the communities sort of safeguarding their future. And I think that community saw in ways that we would say today what is being developmentally appropriate, you know, for young people to experiment with partners and with intimacy a bit. So young people who started going out the most common kind of going out that they did, the conventional respectable form, was going for walks together in the evenings after work, and especially on Sundays or on feast days. And they took what walks around the city, and especially made great use of the new public spaces that were being laid out in Lyon, like, as in many cities, at this time, the big squares and the quai sides, the page quai sides of the river. And they did walk out, they linked arms, they didn't hold hands, and the way that we do today, they linked arms. But they, they also definitely explored both lust and desire, that is their desire for physical contact with each other. And, and intimacy, you know, that neighbors, friends, co workers, employers said, they'd seen them kissing, they'd seen them, you know, touching each other's bodies, they saw, you know, young men put their hands up skirts or touch, touch women's breasts. And they all thought this was perfectly okay. As long as it was done in public, with a very sort of diffuse sense of public, that is they were outside, and people could see them, even if it was people they didn't know at all, that is like being within view of strangers, even you know, they weren't, they didn't have to be chaperoned in any way. But that sense of being in public, being tied to not... for young couples who were dating, as we would say, today, or courting... was really an important feature in the respectability of what they were doing.

**Natália da Silva Perez** 06:37

And you also mentioned that as the relationship progressed, often, so it started with these walks in public in the view of other people, right? And then it might just naturally progress, and be accepted by the people who were in the environment for them to start to get access to more private spaces, sometimes at home, sometimes at work. Can you talk to us a little bit about those spaces?

**Julie Hardwick** 07:08

Yes. Space was a hugely important factor in structuring the respectability or inappropriateness, you know, of their relationships. So as you as you noted there, especially when they started talking about getting married, their discussions about getting married, were often really closely linked, in women's narratives later, with these discussions about starting to have sex. And suddenly young women emphasized that young man often badgered them for sex, you know that we'll get married and and then we'll have sex. If we have sex, I'll marry you. And I'll never, you know, sleep with anybody else. And so for young couples, those issues about shifting from more diffuse intimacy to intercourse were very tightly tied to marriage, but also to space. Because one of the ways in which they talked about intercourse, a common euphemism you see in these witness accounts, is doing what a husband and wife do. And that meant doing it in bed in a private space, even if it was private only with the curtains pulled around or it was private with the door closed. And you're one of the challenges about understanding what the how they manage privacy or respected and acknowledged privacy was that in cities like Lyon, like all big cities at this time, there were many people living in apartments and tall buildings. So they were sharing courtyard sharing wells, sharing staircases, sharing balconies, sharing communal toilets, but they were also using the space that they lived in, usually to work, to eat, to rest, to have leisure. And so so through the day, if you like many spaces, that we would think of as private inside space or private space or domestic space, were in fact constantly repurposed for these different activities. So in the morning, and the afternoon, I'm working in the space you know, in the evening, I'm having something to eat and my friends might be over, at nighttime, this is my sleeping space. And so they were repurposing the space in terms of whether it was open or social, letting people coming in and out, as well as in the sense of the activity that was going on there.

**Natália da Silva Perez** 09:45

And the way they use the spaces and then later, especially for the young women, later recounted in the in the court suits that you use also... these narratives were attached to the legitimacy or not of the claim, right? I remember the book that one of the stories that you tell is of this couple that was actually, I think picking fruit and they are actually outside... and that is a little bit more controversial...

**Julie Hardwick** 10:18

Yes, yes. Because and this, I think is related to this sense of intercourse being what husband and wife do, and they do it in a bed and inside. So if you're fooling around with your intimate partner, you know, on a Sunday, when you're taking a walk to a park, or to a rural area, picking fruit having a picnic, okay, making out us all right, but having sex out there, that's definitely a problem. And it was tied, I think, to a problem in the sense that they did think what was appropriate for intercourse was inside, and so on. But also because it breached this tie to matrimony, you know, it was more casual, if you like, as we might say at the moment, you're carried away in the heat of the moment. Whereas the thinking or constructing of appropriate... of intercourse as being appropriate inside and in, you know, in a bed, you know, tightly tied it to this notion of marriage and to a sort of transition into being married.

**Natália da Silva Perez** 11:26

Can you tell us a little bit about the cases where you noticed the, the use of, I guess, higher or lower levels of violence on the part of the male partner towards the female partner, and sort of, sometimes it was a more light touch of violence, but some of the stories are actually more scary.

**Julie Hardwick** 11:50

Yes. You know, that's a really important part of young woman's evidence, or when they're retelling these relationship and sexual histories. And I describe the way that young women narrated these relationship histories later, of course, in court, as parallel stories, that is, in which the opportunity for the young women to be dating and going out talking about marriage getting married, all positive opportunities, if you like, was weighed against the risks for young women of entering into these intimate relationships. And that risk could be the guy walked away from you when you were pregnant, the risk could be the danger to your health in being pregnant, and delivering at a time of high mortality, or the risk could be involving these kinds of uses of force that you that you're talking about. So one thing that's very striking is that young women in the court records usually began to talk about their experience of first intercourse in what had been consensual relationships with a lot of, you know, evening fun on these walks, and a lot of explicit talk about marriage and that their neighbors and friends knew and expect them to get married. And young women routinely answered the judge question about "ave you made babies with anybody else?" by saying, "no, I haven't been with anybody else." And then they not always, but often move into talking about this is how we came to have have sex. And in those accounts, young women, at least until the middle of the 18th century, very often describe the use of force or violence, as you said, as being pivotal in that transition, from diffuse intimacy to intercourse. And they told us, they told many versions of the same, a similar configuration, which has they've been going out, they've been talking about marriage, their parents knew, friends knew. And then one day when she was alone, he caught her off guard, came into the room, lock the door, and forced her to have intercourse with him over her resistance, and while telling her that, you know, he loved her, and he would never have any other woman. You know, and this is a jarring juxtaposition of events, the way that they describe the young men talking while forcing them to have sex and locking the doors. And so here is peak privacy in an early modern or old regime city, right, that you've locked the door. Somebody asked me a great question about that, at talk I gave, was he locking her in or locking other people out? That is because in this way of living that we were talking about where people are moving in and out of each other's rooms all the time, and most people would have been sharing anyway, in a way the only way you can get privacy is to lock the door. So I thought that was a really interesting point that he was locking other people out. And but when when when women look back on that later, what they highlighted was their anxiety and fear and this use of force, sometimes, you know, he threw me on the bed, and he held me down, that kind of discussion. Sometimes he banged my head against the headboard. So really a spectrum of unacceptable use of force. And it's, but it's very striking. You know, historians have noticed this throughout early modern Europe. So that's one thing that's very interesting, this seems to have been a recurring pattern. This points, of course, to us to a really important power dynamic in these relationships, even if they seemed more or less equal, and enjoying going out enjoying having walks, talking about getting married. There were these key moments, of course, where the differential power dynamic in early modern societies plays out in their relationships. And I think this is one. So it's very interesting to me how common this was in early modern cities, but historians, so historians have noticed that and they've explained it in two ways. One by saying, all right, this is a legal trope, young women had to say this in court, you know, because they were demonstrating that their

chastity. But I don't accept that they were just saying it, they will admit they were just using it in court, but it didn't happen, if you like. So that's one way that people... historians explain it. And another for instance, Arlette Farge, the great historian of working people in 18th century Paris, she noticed in women's reports, the police courts, actually in Paris, the police Commissioner's courts in the late 1780s, that this, this same kind of story came up. And she attributed it to women channeling fairy tales, Sleeping Beauty and so on, that is they were using the vocabulary that they had available to them in court to explain these kinds of things. And I certainly think that issue about available vocabulary is people who've worked on rape, for instance, that's important, too. But I don't, I don't think that means it didn't happen. So, you know, and especially now, we are working now in the age of #MeToo where we need to accept that, just like our records of sexual assault now, you know, our police records, our legal records are often partial, fragmentary, sometimes contradictory, imperfect in 1000 ways, that doesn't mean it didn't happen now. And I think it's really important for us to take seriously these women's claims in the, in the past that this shift from public to private space as a site of intimacy that was associated with a shift intercourse, and from courtship to marriage, if you like, that, they really was a routine use of force, by young men sort of pushing through that change, often after a lot of verbal pressure, you know, you know, which they also recounted. So these issues of public and private, especially as conceptual spaces, rather than a, you know, clearly demarcated physical space and public spaces in the way that we might say today, they were really important structures of young people's intimacy and the changing phases of young people's intimacy. And also, I think, the sort of emotional contents, where these shifts to first intercourse behind a locked door, they were, you know, multifaceted emotionally. I mean, on the one hand, these young women had been showing their desire, they've been kissing these guys, I'm making out with them and talking about marrying them. So we can think there was some excitement, you know, you know, but, but also apprehension, fear, uncertainty, risk, and pain.

**Natália da Silva Perez** 19:10

I think that your comments, just now were so brilliant, because they also highlight the fact that consent can be so multifaceted, right? It's not really a question of yes or no. But there are so so many layers there, right? So the woman might have wanted to consent to something. But all of these apprehensions that were in the background could have made her hesitate. And then the use of force, sometimes verbal, sometimes physical, played a role in actually making the relationship happen in that particular moment. It's really a really interesting discussion that you have in the book. And this also ties very well with my next question for you, which has to do with the ways in which women could Bringing young men also to be accountable for the results of these relationships, right, which sometimes ended up in a pregnancy that was, you know, untimely, like you call it in. And before they were actually married, before they actually had the resources to actually get married. And then they had a variety of different solutions available to them. And some of them are actually recorded in these court cases that you use in your book, right? So can you tell us a little bit about how the young women could hold their partners accountable?

**Julie Hardwick** 20:38

Definitely. Let me first say on your point about consent, I think that's really important. Especially from about the middle of the 18th century, sometimes young woman did start to say they consented, instead of giving this argument that it was a fight, and what does that mean? Does it mean that it's a movement

towards the modern family, which we often argue, you know, as historians, that couples have a more sense of a romantic love, of being in a conjugal unit, you know, all of these kinds of things. I mean, it's striking, but I'm not sure what it means. I mean, does it mean that they thought they ought to say that they consented, because they had some new vision of being in a relationship in mind? Does it mean that they consented after he badgered them for weeks, putting a lot of verbal pressure on them? We know in young people's intimate relationships today that the verbal pressure can be very heavy. And then at the end, well she consented, well, yes and no. So we really need to problematize that notion of consent. And also, what does consent mean, in a context of... where coverture is still in family property law, and you know coverture gave men legal access to women's bodies, as well as their property, and to represent them in court and all these other kinds of things. So that's a really complicated question for us on consent. But on young holding the young men accountable. Yes, I was so excited, I must say, when I first started reading this material on something was also very striking to me early on, was that when young women were came to court to file a legal complaint, that often the young men were detained and held in prison while the complaint was going on. And you know, that's the reverse of what we might usually expect, where women were the ones being disciplined and then when more or less, you know, getting away with it. Here, we see that, you know, being being held in an early modern 18th century prison was a fairly unpleasant experience, you know, so for young men, their reputation might be damaged by that, but also, the literal threat of that, you know, was something nobody, nobody would have wanted. And then of course, we can also ask, what does this mean that sometimes, the young woman said, she wanted the court to require him to marry her? Well, who wants to marry someone, when you've had to have him held in prison to marry you? I mean that that itself raises all kinds of questions about these relationships, but usually, she just wanted him to be held responsible, young women, when they went to court and by all kinds of other informal means out of court, young women in their communities, expected men to be responsible for the reproductive consequences of this sexual activity. So the one that's most visible to us is young women going to court. And it's so striking how the court routinely ruled in the favor of the young women. Sometimes, in fact, lawyers would be complaining that the courts was so favorable to young women. And what that meant, then, was that the court would judge in favor of the women, and that their intimate partners had to pay the costs of their delivery. So pay the midwife you'll pay all the associated costs, and had to take custody of the baby. And that's very striking for us, too, that responsibility meant not only financial responsibility, but the young men taking physical custody. And so for young women this solution, which is so striking to us in so many ways--he might have been held in prison, he has to pay financial costs, and he's going to be charged with physical custody of a baby--is so at odds with our recent patterns, you know, of handling these kinds of situations. And what I also discovered was that even when young women didn't go to court, their communities help them reach very similar arrangements. That is, clergy negotiated that for them, notaries negotiated for them, employers help them negotiate, the staff of the Hôtel Dieu, the Foundling Hospital in Lyon help them negotiate, the family members and friends help them negotiate, and what they were all negotiating was this type of settlements, he had to pay her costs, and he had to take physical custody of the baby. So I think, in fact that community arrangements, which were far more common, you know, mostly in the case of these untimely pregnancies, as you were saying, it was far more commonly settled informally than by going to court. But these informal arrangements were very closely aligned with what a court would rule. So we see the sort of concerted effort that I call community safeguarding, in which, you know, courts, clergy, employers, friends, family, neighbors, landladies, all kinds of people work together to clarify to the young man that he had to take responsibility. And that's

been that was a really striking dynamic for me, both community safeguarding aspect of that, their involvement, and this really clear cut quite black and white expectation, at least in these working families, that young men knew that, at least anyway, in stable, ongoing relationships, that if she became pregnant, which was very likely, he was going to be held responsible. That sense of being a kind of ongoing commitment to helping young couples and young women mitigate the risks of intimacy by managing it in these ways. It's very striking.

**Natália da Silva Perez 26:35**

Yeah, that's very interesting. I will say that the community assistance in this, it was really interesting to read this in your book, it was sort of like, in a way, reinforcing a suspicion that I had that this kind of thing was happening. However, the part about the young man being held responsible with the particular task of actually getting custody of the baby, that was completely unexpected for me, I was not really expecting to find that out. And I was wondering if you know of other places or was this something particular from Lyon? Was this widespread in France?

**Julie Hardwick 27:18**

Firstly, let's talk about what custody meant here, and then about how widespread it was. So when young men were charged with taking custody of the baby, it wasn't simply a legal guardianship. Sometimes people say to me, so the baby stayed with her, but he was the legal guardian. No. The custody part was real there. And what young men did in those situations was a variety of things, they of course, did not usually have the baby living with them, because they weren't living in any situation where that could, could work. So sometimes I think this is really hard to discover, the baby went to live with a young man's mother, and since a lot of young workers in Lyon, where migrants from the surrounding rural areas, I think that quite often meant that he took the baby home to his rural Parish, his rural village, and his mother looked after the baby. That's really hard to find in the records, like occasionally you see a reference to that. In the records what we see is young men sending the baby immediately to wet nurses, who were also usually working in the villages around the city. And honestly, there was nothing unusual about that. Most working families in Lyon with a marriage, spouses, married spouses, married partners, also sent the newborn babies to wet nurses, so in that sense, that was a very routine way of handling young children. Mortality of infants who were sent to witnesses was very high and so probably a lot of times that solved the problem for the young man, because the baby died at the wet nurse. Young men also charged the baby to the Foundling Hospital and that was a more long term rupture, or intentional long term rupture, because you could retrieve a child who you'd left at the Foundling Hospital, but mostly people did not. So people, children, babies and children who entered the Foundling Hospital usually grew up as de facto orphans. Again, if they survived, and the the mortality rates for infants who went to wet nurses hired by the Foundling Hospital, was even higher than the regular wet nursing rates. And thirdly, you know, sometimes the young couple tried to interrupt reproduction in other ways, either while she was pregnant, or with what I described in the book as situational infanticide. That is they knew, I think they knew, that if you did not provide any newborn care, the baby would probably die quickly. And as you know, most of the women we know who were prosecuted for infanticide, who we see in the criminal records were young, isolated women. The partner wasn't on the scene, apparently not closely networked in the community. And so again, that sense of community safeguarding, of people being nested in a community, that was clearly, for me, one of the ways in which situational infanticide worked. That is, people in the community either helped, like the

intimate partner could dispose of the newborn's body, if he was there, or a neighbor, landlady, someone else, midwife, even, would do it. And those are the fetal remains that we have records of now being found around the city, but also in Lyon, there are two fast running rivers right there. And I think also, very commonly, they probably disposed of the fetal remains just by putting them in the river, and they would be, you know, far, far downstream before anybody realized anything. So that, you know, what it meant for a young man to take custody wasn't what it may mean, in a common sense, where "Oh, like, you know, the child lived with his young dad until he was 14 and then went out to work or anything" but most of the ways in which young men handled that were very typical for all working class or working rank, let's see better, Lyonnais residents in this period. So um, how common is this? I think it's entirely common, entirely common legally for men to be charged with custody, in France. Also, a colleague who works on Spain told me it was very routine there. And in England, men were not routinely charged with custody, although they were sometimes, but they will often be charged with the financial costs, even working men, so I think it's one of those things that has not been very visible to us in the records at all, but was very visible to them. And like, you know, I certainly don't want to say, you know, there wasn't a sexual double standard, but I am arguing it's not the one that we think. That it was much more complicated and nuanced. And that, as we were saying earlier, gender power hierarchies, legal hierarchies, what all kinds of hierarchies, gendered hierarchies did play out in their relationships, but not in what are predictable-to-us ways.

**Natália da Silva Perez 32:27**

I think this is brilliant, because this is actually what we need to be able to understand the nuances in which the sexual double standard existed in historical periods, but they are not necessarily just a copy of what we experienced today, or what we would assume would be an antiquated way of dealing with sexual difference, right? It's really interesting what you say about that in the book. Before we end, I would like to ask you to comment because there was something also that I learned from you from the book and it was quite intriguing: you make a very nuanced reappraisal of the 1556 edict on infanticide, or presumed infanticide, which I find it quite compelling.

**Julie Hardwick 33:19**

Yes. So this 1556 edict the edicts on clandestine pregnancy, which was passed by under the regime of Henri II in France, the French King Henri II, I think it's one of the most famous pieces of legislation in early modern French history, in an early modern European history... it's become so well known. And it became so well known because sort of myth about it became entrenched, not only among historians, but among archivists and you know, everyone else really was part of that. And the myth is this, the myth is that the edict requires young single women who were pregnant, to register their pregnancies with a public authority, and to make a declaration to a public authority, declaring literally that they were pregnant and who the father... ideally who the father was, too. And this is this became an immensely important piece of legislation in this guise is requiring single pregnant women to declare their pregnancies because it shows it was... historians argued, and archivists, that it demonstrated the state's interest and families and in and in reproduction, and it demonstrated the state's interest in regulating young woman's sexuality and punishing young women's... single women's sexuality. Because who wants to tell a judge who you don't know, that you are pregnant and not married? You know, and so that's the disciplinary part of that. And that became a very important pillar of a wave of really incredible work on early modern Europe about states and sexuality, that is, the desire of the



state, and then the Catholic Church as that argument progressed, to regulate women's sexuality as a central plank of the emergence of stronger states and of a reformed Catholic and Protestant church. So I've taught this hundreds of times, I've written it myself, I must say, all too many times, I'm so sorry, now. And I see that that I, myself also fell into that hole. And I must say, you know, it's really an interesting example of what we used to call a Kuhnian version of the scientific revolution. That is that even when you see something doesn't fit, that rather than changing your model, you keep adjusting, you know what you're doing to make it fit. So when I was first reading these records, the very first... well firstly, they're archived as pregnancy declarations. So when you open the catalog, and you see that your mind immediately goes to the 1556 edict. And you start looking from single woman telling public authorities that they're pregnant. And that first afternoon, I thought, this is really strange, because it seems to me the young man who are being disciplined here, and these young women are telling the judges that yes, you know, I had sex when we weren't married, and yes, I'm having a baby, or I've had a baby. Sometimes I've had two babies already with him, and then he still won't marry me. And the judges are fixed on the young man, not on her at all. And so I thought, well, this is not what I expected. But I don't even know how long I worked on this material. By just thinking like, this is not what I expected before I realized, okay, that's an actual mistake here. And I wasn't alone, obviously, all too many of us made this mistake. And, you know, one thing is just we keep reading something over and over again, in many different places, and we start to accept that it's true. So the way I discovered painfully, was that I actually went to check the language of the edict myself and then it wasn't there. And I just I was, I was floored. I think that was the most jaw-dropping day of my career. And I said to a colleague, I emailed a couple of colleagues and said, like, wait, wait a second, where is this language? Because it's not in the edict. And one of them said, I don't know I must have it somewhere on this jurist note, so they are certainly out there, let me find it for you, and then she couldn't find it. And then the other person, Matthew Gerber, actually, a great early modern French historian, told me very sheepishly that it was in his book that it was not correct. But he had just hidden it, mid-paragraph, mid-page, because that wasn't his project, you know, to deal with that, he wasn't using those records, really. And I was even more amazed, because I read that book for Oxford has an external reviewer and as a promotion evaluator, and I had sort of skipped over twice. So you know, our bias, you know, that when we're expecting something, that's what we see, suddenly overwhelmed me there, as it overwhelmed anybody else. And then when I found out okay, that isn't true. I was like, okay, this is important. And it's really important, because it means that the archives are organized on the presumption that it was a declaration like that. So when you open the archive, and you see pregnancy declaration, *déclaration de grossesse*, you think, okay, this is it, this is the 1556 edict. But what, in fact, we see is not this way. In historiography, we've coded these legal actions, as young women being disciplined by the state, what we actually see is young women actively using the state through the legal system to defend their reputations and their futures. And that's the complete opposite relationship, you know, and so, it's been... um... it's been a painful--for me, I must say--but also fascinating discovery. And I think it's a really important reminder to us to be careful to really understand what we're reading in the archives and not presume.

**Natália da Silva Perez** 39:41

That is really interesting. I read someone who was reading it. Let me just actually look for the name for you so that I am not... the last name is Phan, but I think it's Marie Louise or Marie...

**Julie Hardwick** 39:57

Yes, Marie Claude Phan. That's right. She said in her book and an article in the early 1970s. She said they were not required.

**Natália da Silva Perez** 40:06

exactly who I was reading her work. I think it was based in Dijon, she should carefully differentiate when they are *déclaration de grossesse* and *plainte de grossesse* and there is a whole historiography of how this edict got sort of reiterated, right?

**Julie Hardwick** 40:24

Yes, yes, I know. I know. That also amazed me because, you know, I think it's... I think the article was 1974 and the book wasn't long after that. So all these people, me and all the other historians who wrote the declaration was required, after that... I had read her book! The dynamic, this sort of bias, you know, that you bring, to find what you're expecting to find, it's amazing. And she does a great job with that, you know, of showing that. And I really can't explain why people subsequently ignored that, because she said very clearly then, and she also helped me out in some other ways. For instance, she did an inventory in that book, you might remember, of where these records first survived in different courts around France. And so she, in Lyon, she said, there were no surviving records before 1700. But by the time that I started working on this, on this case, there were over 2000 pages of records in the same archival series for before 1700. So I talked to an archivist, who told me that they had recataloged since the early 1970s. And they had gone through the entire Series B, the *Sénéchaussée* records, again, and that they must have pulled out the ones that they missed in the first cataloguing, so they added this material after she worked on it. And that was very helpful for me, because it really consolidated my sense, as I write about in the book, that one part of this was an archivist's decision. And you see that in departmental archives all around France, so there must have been some meeting of archivists in the late 19th, early 20th century, and they made decisions about what to pull out, and one of the things that they decided to pull out was what they identified as *déclarations de grossesse*, even though they were nothing to do with the edict, in fact, you know. And so that's, that's super interesting, I think, on the way in which archivist's decisions made decades ago, also, you know, shape the way that we access our research materials today. And, you know, shape our attitude about what it is.

**Natália da Silva Perez** 42:53

Help us interpret it... Yes, it's really... a master class in historiography, how we have to be aware of our own biases. Very, very interesting. I have recently used and quoted that *déclaration*, and talked about how it was reiterated during the reign of Louis the 14th, as an effort from the part of the state to practice surveillance towards what was visible in illicit sexuality, let's say, right, yes, unwanted pregnancy ends up being what is visible, right. And people can hide behind doors to have sex if they want, and that might not necessarily be captured, right?

**Julie Hardwick** 43:41

I think you make an important point there about the state's desire, because the edict was reissued in the 17th and the early 18th century. And one of the reissues I know you've seen this, is that parish priests had to read it out every three months to keep reminding people and I think what they were doing there, they suddenly the state suddenly wanted to deter infanticide. I mean, they, the elites were very

anxious about infanticide. And this sort of, I don't know, I think fantasies about how many women you know, were evil and killing their children. But even with something as serious as infanticide, we see that the state had very few resources to actually carry that out. In Martin Ingram's book on sex and the church courts in England, he has this phrase I love: that there was no sex police. And so this, I think, early modern states or 18th century states, they did aspire to regulate sexuality, women's sexuality and they did aspire to regulate men's sexuality in terms of sodomy and so on, but they had very little means for making that a reality, because all prosecution or all investigation rested on a member of the community reporting it to the judges. So sometimes they did report their neighbors or workmates, or whatever. But I think mostly they didn't. And so I do think as you're setting that aspiration is hugely important. But that doesn't mean that they were able... that they were making good on that.

**Natália da Silva Perez** 45:24

This was a brilliant conversation, Julie. This was really, really a pleasure. Thank you so much for talking to me about this. It's also very illuminating for my own work on sexual and reproductive privacy, and, you know, the converse, which is surveillance, is there anything that we should say to the listeners that I didn't ask you, you wish I had?

**Julie Hardwick** 45:47

You asked me some great questions here and I've really enjoyed it, too. I think just on the issue of privacy studies, you know, one aspect of these efforts of young couples to negotiate their own relationships and manage their untimely pregnancies, you know, in a variety of ways, led me to really understand in a new way, that they had very little ability to have a physical experience of privacy. That is, you know, in a sort of space, separate from everyone, else where they could be secure, or even in a way in which people might look the other way at what they were doing, that kind of privacy, you know. So later on domestic violence became constructed as a private matter and even people who met a woman who had been battered or heard, it would just push that away, because it was regarded as a private matter. But, you know, in the early modern period, or in the old regime city, these issues about privacy, as the sort of concept of privacy, we can see that emerging, I think one of my most telling moments about that was a young woman who had to live with her baby on her own, she was living in a rented room, which boyfriends, which often for boyfriends was part of taking responsibility, find a room for her to stay and deliver the baby. But her landlady was out. And so she delivered the baby on her own. And she wrapped the baby up and about one of her bodices and hid the baby in the little space, well, as we say, in French, between the wall and the bed. And when the landlady came back and said, what's happened here? Because I all of this blood, amniotic fluid, and that just detritus of delivery on the floor, she denied anything happened. But of course, the landlady was suspicious, and she got her friend, and they searched the room, and they found the dead baby, wrapped in this bodice and hidden in this space. And I thought, Oh, my gosh, obviously, this young woman expected that they would not look there, that is, that was a private space for her, even though it wasn't closed off, you know, in any way. And yet, they didn't get they did look there and in that sense, they violated, you know, customs of what was private space there. So, so that, you know, this issue of understanding what they might think about of privacy as a concept, you know, and a practice really, I think it's so important for us as historians to get a hold of, and one of the ways in which privacy as a concept and practice worked, was also a practice of silences, that is, when the community would not talk about something they know, they also afforded these young couples privacy in those ways, especially with these interruptions of

reproduction. And so on the one hand, I talk a lot about this chatter, as we said, at the start about intimacy in every place, every kind of space, all kinds of people. But on the other hand, people also observed these practices of silence, which were very important in giving young people some privacy to manage what communities thought were these pragmatic, predictable events, that young couples, who are going to get married, were going to start having sex and get pregnant and sometimes they aren't going to get married.

**Natália da Silva Perez** 49:30

This is brilliant. Thank you so much, Julie. That was that was really, really closing it with a golden key. Thank you so much. And I will put the information about the book in the show notes. And if people would like to get in touch with you, they can find you on Twitter @DrJulieHardwick and they can also check your page at the University of Texas at Austin. Thank you so much, Julie. This was a pleasure.

**Julie Hardwick** 50:05

It was a pleasure for me to thanks so much. Bye.

**Natália da Silva Perez** 50:09

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