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EMF: STUDIES IN EARLY MODERN FRANCE

Volume 14
Obscenity

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Rookwood Press
Charlottesville

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520 Rookwood Place
Charlottesville, Virginia 22903-4734, USA
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Printed in the United States of America.

This book is printed on acid-free paper.

ISBN 13 digit: 978-1-886365-29-2
ISBN 10 digit: 1-886365-29-6

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The definition of obscene material 1570–1615: three medical treatises held to account

Valerie Worth-Stylianou

The second word of Joan DeJean's groundbreaking book on obscenity in early modern France is tantalising: *The Reinvention of Obscenity*. In her introduction, DeJean defines one of her objectives as the analysis of the point at which the concept of obscenity re-emerged in France after an apparent absence throughout the Middle Ages and Renaissance, and the mechanisms by which it did so (DeJean 5–9). The time of its reinvention is located precisely: the trial of Théophile de Viau in 1623; the mechanisms are those of public censorial repression, through the law. The book's broad thesis—that obscenity emerged and developed over the following century as a concept applied by state authorities to repress the circulation in print of some literary works held to be sexually transgressive—is clearly demonstrated, but for those of us working on Renaissance French writings, DeJean's research raises a number of intriguing questions. If we agree at the outset that the advent of the printed book, with its potential for wider circulation than manuscript productions, was a prime catalyst for the rise of such censorship, why did the first occurrence apparently take place only some 150 years after the establishment of printing in Paris? Certainly we can point to the marked predominance of publications in Latin (and, to a lesser extent, Greek) in the first half-century of print culture, written by male humanists, primarily for use by other male humanists. Thus, even if a tiny minority of published texts had some potentially obscene content, the audience was circumscribed, not requiring protection by the intervention of public authorities (although we should note that early humanists waged fierce battles about the suitability of certain Latin poets' inclusion in pedagogic texts). But from the 1530/40s, the number of vernacular texts was rising sharply, and while translations of classical works proliferated among vernacular publications, the success of the Amadis de Gaule novels is just one of many indicators of the public's desire for fictional material in French, some of which might theoretically have contained obscene content. Furthermore, the readership of vernacular writings, included not only men other than humanist scholars, but also a notable proportion of women; and many are the moralists and churchmen who inveighed against women wasting their time on unedifying romances![1] In an age when women, along with children, were still thought to need specific moral protection, we might anticipate that censorship would soon find a place in this vernacular print culture. Yet DeJean argues that a public mechanism for the censorship of obscene fictional material did not evolve in France until the 1620s.

I would suggest that it is instructive to approach the 'pre-history'[2] of sexually transgressive obscenity in early modern France through a different kind of writing, not fiction, but medical treatises, particularly those concerned with reproductive sexuality.[3] Surveillance of fiction did not fall clearly within the remit of any professional group—and DeJean points to the significant confusion between the roles of religious and secular authorities in the creation of the machinery of public censorship in the seventeenth century (DeJean 16–18). For the sixteenth century, while it is true that the Ordonnance de Moulins (February 1566) required letters of privilege to be obtained for every book printed in France, in practice certain categories of small books often fell within the remit of the local judge, so that the obligation to obtain authorisation was not always respected, and the policing of the system was very uneven.[4] However, medical works, whether published in Latin or in French, were open to judgment from the medical fraternity. Following a decree of the Paris Parlement issued on the 3rd May 1535, the Faculté de Médecine had the right to judge every work published in Paris in the field of medical science. Thus, in principle any work on medicine required an *Approbation* from the *Faculté*, and the latter had the right to refuse to grant approval and so effectively halt publication of a work deemed unsuitable. In practice, in both Paris and the provinces we find instances of both official and unofficial critical interventions which can be interpreted as early, if unsystematic, cases of attempted censorship. I propose to concentrate here on the area of reproductive medicine, since by definition it must explicitly deal with sexual material, and the possibility of transgressive sexual content is therefore present.

Among some twenty works wholly or largely devoted to what we would now term gynecological and obstetric medicine, and first published in French before 1630,[5] I have identified three cases, falling in the period 1570–1615, which will allow us to explore evolving definitions of something which would come to be termed obscenity. Interestingly, one involves a work first published in Paris, but the other two are published in the provinces, thus allowing us to extend DeJean's work by looking beyond the capital—an important element given the roles of local *parlements* in both the issue and application of edicts.[6] These three works are exceptional among vernacular medical works in terms of the high-profile criticisms and controversy they generated, but the substance of their debates is exemplary in that it is indicative of concerns which come to be echoed with increasing frequency in other works of the later sixteenth and earlier seventeenth centuries. In brief, I shall contend that a number of medical works relating to sexuality, and published in French, were perceived by their critics to be a threat to public standards of decency and thus deserving of censorship even in the half-century before the trial of Théophile.

Before turning to these texts, I wish to make some preliminary remarks on how obscenity might be distinguished from non-obscene direct references to sexuality in medical works. At its simplest, what makes a word, a statement, a chapter or a whole work obscene as opposed to inoffensively explicit? I shall argue that it is the transgressive nature of the utterance which is at issue. In his recent book *The Stuff of Thought:*

Language as a Window into Human Nature, the psychologist Steven Pinker devotes a fascinating chapter to this topic (Pinker 323–72). While Pinker looks primarily at examples of obscenity and censorship in contemporary cultures, some of his remarks are pertinent to any age; as he argues, 'these [taboo] expressions raise many puzzles for anyone interested in language as a window into human nature'(324). Since many of the taboos surround two bodily functions—sex and excretion—for which there exist respectable homonyms, why should certain other formulae be perceived as transgressive? Pinker's response will be helpful to our understanding of early modern attacks on perceived obscenity:

> Now taboo words are especially effective at snatching a reader's attention [...]. The upshot is that a speaker or writer can use a taboo word to evoke an emotional response in an audience quite against their wishes. (333)

This formula neatly encapsulates the strong charge surrounding obscenity: by its connotative function, it lends an author power over an unsuspecting and possibly unwilling readership. Not until the readers have encountered and registered the effect of the transgressive utterance will they realize that it may offend against their own moral standards. And by then it is too late: one cannot 'unread'. As far as the language used to discuss sexuality is concerned, Pinker believes the stakes are particularly high. Again, he may help us to understand the motives of those bent on outlawing perceived obscenity in early modern France when he suggests that there is a general wariness based upon the assumption that 'plain speaking about sex conveys an attitude that sex is a casual matter'(346). And his insights into the relationship between language and thought are equally relevant:

> People still set up barriers in their own mind to block certain trains of thought. The language of sex can tug at these barriers. (349)

Critics of transgressive texts may thus in part be reacting strongly to the sense that their own private defenses have been momentarily breached, against their will.

In short, it is the emotional charge of dysphemistic discourse, the 'affect-laden' quality of certain expressions, which will be of primary interest, allowing us to identify tensions between members of the same social group when they hold conflicting senses of what can be said, what language can be used to convey these ideas, and who may be permitted to have free access to them in print culture.

I. THE CASE AGAINST AMBROISE PARÉ'S *ŒUVRES* (1575)

Like many other obscenity trials throughout history, the surgeon Ambroise Paré's encounter with the venerable Faculté de Médecine de Paris and the city authorities in 1575 was more a battle over institutional power than a simple debate about transgressive writings. The Faculty may have accused Paré of being 'impudentissimus', but they also labelled him 'imperitissimus, maxime temerarius', betraying their professional outrage that a surgeon— Paré's position as the surgeon of the king could only have compounded the perceived threat—should have bypassed seeking the physicians' approval for the publication of his complete *Œuvres*. When the first edition of the *Œuvres* came out in 1575,[7] the Faculté quickly sought to have sales of it suspended until it had been submitted to them for approval. They appealed for support to other surgeons (some no doubt jealous of Paré's standing) and to the *Prévot* and *échevins* of the city, taking their joint case to the Parlement on 28th May. In the hearing on 14th July 1575 there were four parties lined up against Paré (Le Paulmier, ed. 91–93):

> • The Faculté de Médecine accused him of neglecting the law of 2nd May 1535, according to which he should have sought their prior approval
> • Levestz, on behalf of the surgeons, challenged some of Paré's statements on surgery
> • Galoppe, on behalf of the *Prévot des marchands* and the *échevins*, claimed the book offended public decency and asked that it be burned
> • Choppin, representing the surgeon André Malezieu, accused Paré of plagiarism

The outcome of the trial is not documented; Le Paulmier surmises that some settlement was reached. In any case, the work continued to circulate, and was to go through numerous subsequent editions.[8] So this example of an obscenity trial in Paris some half a century before Théophile's conviction seems to have had little effect. As indicated above, in early modern France, attempts to halt the publication and distribution of unsuitable books were challenged by the limited means of practical enforcement. To arrest and bring to trial an individual was one thing; effective policing of the outputs of print culture quite another, as will be clear in both the subsequent cases under discussion.

But to return to the four separate groups charging Paré: it is perhaps significant, that it is the non-specialists, the laymen of Paris (represented by the *Prévot* and the *échevins*) who level the accusation of impropriety. Paré's work is held to be an offense against *public* taste. What were the grounds for these charges? Most of them, related very precisely to the sections of Paré's work dealing with aspects of sexuality (intercourse, sterility, abortion), and concerned passages which had already appeared, in the vernacular, in his volumes published before 1575, notably in *De la generation*, in 1573.[9] It was only when they were republished in his collected works—an enterprise smacking of hubris, it would seem—that they drew this level of public criticism. Ironically, the fullest account of the charges is given by Paré who defended himself in a short pamphlet.[10] Apart from some broad sidesweeps at self-serving physicians, Paré stakes his case on his right to have expressed himself directly and in the vernacular in his *Œuvres*:

> les Médecins et Chirurgiens se sont opposez [...] non pour autre raison, que pour ce qu'ils sont mis en nostre langue vulgaire, et ce en termes fort intelligible. (Le Paulmier, ed. 222)

One man's direct reference to sexuality is another man's transgressive utterance, it would seem. Paré's defense—or counter-attack—relies upon taking each specific criticism (thus allowing us to identify the passages under dispute) and demonstrating that in many cases the same subject matter and terminology had been used by other reputable predecessors, ranging from the Ancients (Aristotle, Galen, Hippocrates, etc.) to such august figures as Jacques Dubois. While Paré's approach is linear (moving through each disputed passage in turn), my remarks here will draw together the key ideas.

First, how clear is it that his opponents are using a concept which foreshadows 'obscenity' in their criticism? Paré paraphrases his critics by using a range of French terms which fall within such a field:[11] '*vilaine* leçon' (223), 'quelle vilenie *iniurieuse*' (229), 'la preuve [...] *abominable*' (231), 'cest exemple *dangereux* de Sodomie, que vous dictes estre *indigne*, leu, recite et entendu *des Chrestiens*' (232), 'ce discours que vous dictes *deshonneste*' (233), '*trespernicieux* enseignements' (237), 'pour les juger *deshonnestes, meschantes, detestables et indignes* d'estre escrites, recitees et leues *d'un homme Chrestien*' (247). Various of the terms appeal to common standards of decency, judged to have been breached ('deshonneste', 'abominable' and 'indigne'), with the additional qualification that Paré's formulations specifically offended against shared Christian values. Others suggest that obscenity is dangerous to society ('injurieux', 'dangereux', 'trespernicieux'), as well as simply dysphemistic ('vilain', 'detestable'). In addition, all of these words are highly emotive, reminding us of Pinker's point that taboo utterances evoke a strong response.

However, is it the subject itself or the language in which it is couched which potentially falls within the realm of obscenity? Paré seeks to deflect both charges, but they are significantly bound up with his reasons for presenting such subject matter:

> Il est aisé à colliger qu'il estoit impossible d'expliquer la manière de faire les enfans en termes plus couverts, et que n'a esté pour aucune intention, sinon que pour faire génération. (226)

According to Paré, it was legitimate to discuss such subjects provided that the end is the procreation of children (a religious and therefore moral imperative in the eyes of sixteenth-century society). This explains, incidentally, why some of the opponents' harshest criticism was directed against the sections in which Paré had discussed methods of inducing an abortion—according to his account, precisely to prevent abortifacients being used misguidedly (239). Hence, he does not subscribe to the idea that topics are taboo per se; the issue is relative, depending on the purpose served. As to the language used, Paré indirectly recognizes the difficulty of speaking of sexuality both clearly and without causing offense. His choice of formulation is interesting:

'impossible d'expliquer [...] en termes plus couverts'. It is as though language itself is insufficient for the purpose. He uses a similar comparative structure to repeat this idea a few pages later:

> L'Anatomie des parties genitales de la femme que vous citez de la page 813, ne peut estre plus honnestement escrite. (231)

To describe the female genitalia is necessarily to stray into sensitive territory because of the repressed associations such terms may carry. As DeJean reminds us, in early modern Europe, unlike Ancient Rome, it was usually the female genitalia which were the object of the obscene gaze (DeJean 6 and 20). Medical texts regularly refer to the external female genitalia as 'les parties honteuses' (whereas the womb, holding precious new life, is conventionally a noble vessel). Paré has not, in fact, used any of the colloquial and obviously vulgar terms for the female anatomy, so if obscenity there were it would not lie in the choice simply of a taboo term for which an acceptable synonym exists. Rather, I would suggest—and this is clear from the passages seized upon by his opponents and by the responses of Paré in his defense—, that he has threatened some readers' standards of moral decency by explicitly discussing the role of female sexual pleasure. In the early modern period, as DeJean suggests, there is a realignment of perceptions of desire, such that it is no longer purely a question of males gazing obscenely at female genitalia; 'women were placed in the role of desiring subjects, able to articulate their desire and to describe its objects' (DeJean 20). Thus, both the gaze and its object fell potentially within the realm of obscenity. At a time when there was heated debate among anatomists about the existence of the clitoris, and a fear of the consequences of such an organ for the traditional view of male sexual domination,[12] to include such explicit material in the vernacular was a calculated risk.

What did Paré's critics fear might be the result of such corrupting material? Two answers emerge from Paré's response, and both raise the issue of who were his intended —and unintended—readers: 'vous m'objectez que telle leçon peut inciter la jeunesse à luxure' (224). The corruption of the youth is ever a concern of those wishing to police obscenity, and the more so in the Renaissance if (by virtue of the use of the vernacular) that group might include unmarried girls: 'ce que vous reprenez en la page 788. Disant. Que c'est une faulse opinion et meschante pour enhardir les filles à luxure qui n'ont point leurs marys' (236). References to the dangers of the unbridled sexuality of the young are commonplace in fiction, moral treatises and medical works, above all when it is aroused without the possibility of being safely channelled into its rightful purpose, reproduction within marriage (an idea we shall find resurfacing a few years later in the controversy surrounding Laurent Joubert).[13] If Paré's works had been available only to those for whom he claims to be writing, male surgeons desiring to improve their professional knowledge,[14] they might not have provoked moral criticism. But their publication in French (necessary in that most surgeons, unlike physicians, could not be expected to have a good reading knowledge of Latin) made

them available, thanks to print culture, to a far wider audience, and hence increased the risk of obscenity.

II. Laurent Joubert's *Erreurs Populaires* (1578): a Scandalous Success

Exactly this same issue is raised by the second case I wish to consider, Laurent Joubert's *Erreurs populaires* of 1578. In the preface by the printer, Simon Millanges, to the second edition (1579), we find, as DeJean points out (9), one of the earliest examples in French of the term 'obscene' employed in its modern sense:

> Parce que Monsieur JOUBERT parla[n]t aux quatre derniers livres de cette premiere partie, de la conception, generation, enfantement, gessine, & connoissance du pucellage, a esté bien souuent contraint en decouurant les erreurs, qui se font en tels actes, user de mots & parolles qui semblent estre un peu obscenes. (*Erreurs populaires* 56)

It is interesting that Millanges should have chosen this term to describe Joubert's language, whereas Joubert and his advocates, as well as one of his fiercest critics (another physician, Dominique Reulin) use a wide range of synonyms, but not this specific word. Its occurrence in Millanges's warning crystallizes the emergence of the concept. It is possible that the high profile of the dispute over Paré's works sowed the seeds for a fresh controversy to emerge with the publication of the *Erreurs populaires* just three years later.

Despite marked similarities in the issues at stake, which we shall explore, and which betoken a growing unease, the case of Joubert is different from that of Paré in one key respect, the absence of any involvement of legal authorities; there is, this time, no obscenity trial. While there are criticisms and evidence of a wish, on the part of critics, for public censorship, the case involves only some limited *self*-censorship, emanating from printer and author.[15] Why did Joubert escape the threat of legal intervention, unlike Paré? For several reasons, I think. As Chancellor of Montpellier's *Faculté de Médecine*, Joubert occupied a very powerful institutional position, quite different from that of any surgeon. Furthermore, his work, not least by virtue of his use of the vernacular (whereas his earlier tomes for physicians had appeared in Latin),[16] was clearly written for lay readers, itself a source of some controversy, but thus placing it outside the realm of serious medical writing which the Faculty would normally expect to scrutinize . Finally, Joubert was working in Montpellier, and was thus distant from the sights of the more conservative *Faculté de Médecine* in Paris.

Nonetheless, the absence of legal proceedings did not spare Joubert and Millanges some vituperative and wounding attacks centered on the issue of obscenity.[17] Who were Joubert's critics? The only one to have his views printed was an obscure physician from Bordeaux, Dominique Reulin, whose *Contredicts aux erreurs populaires* appeared in 1580, two years after the initial furore had passed.[18] For evidence of the criticisms levelled in 1578-79, as in the case of Paré, we must therefore fall back on the

rebuttals provided by the author and his advocates. Laurent Joubert both anticipated some criticism in his justificatory letter to his original dedicatee, Marguerite de Valois (wife of Henri de Navarre, the future Henri IV), placed at the end of the first edition of the work (1578), and returned to a much fuller defense in a letter addressed to his friends in the revised edition of the following year. Millanges provided a brief letter of justification at the head of this revised edition of 1579 (including the reference to 'paroles obscenes'), and Bertravan, a physician, addressed a lengthy epistle 'à tous les grands amateurs de vertu'. Cabrol, a surgeon and friend of Joubert's, and also a former student of Paré, offered a thorough-going exoneration in the guise of a preface to a volume of new material, the *Segonde Partie des erreurs populaires*, which was published in 1579, apparently without Joubert's permission (*Les Traités* 206-218). To what extent do these various defenses lend support to the theory that we have here a prototype case involving obscenity? And how far are the issues parallel to those we identified in the trial against Paré?

In this case, the controversy again centers on whether explicit discussion of sexuality in the vernacular is transgressive in itself; the use of some individual terms which may potentially be offensive is, in comparison, a relatively limited aspect of the criticism. Even in the first edition of 1578, before any objections had been formulated, Joubert went further than Paré in his assertion:

> sachant qu'on peut honnestemant parler (comme je fais) de touttes actions naturelles, non moins que de touttes parties du cors humain, les plus secrettes et cachées, qu'on dit honteuses [...]. (*Erreurs polulaires* 202)

In other words, Joubert does not accept the principle that any subject can, in itself, be taboo, and he discretely distinguishes between his own bold practice—'comme je fais'—and unnecessarily cautious common practice—'qu'on dit honteuses'. By the following year, he develops a full linguistic theory, justifying an author's right to speak of all subjects, and in all languages: 'Parquoy tous mots propres, sont honnestes an chaque langue, pourveu qu'on en use honnestemant [...]' (224).

The debate is thus repositioned. Propriety—the emerging concept of obscenity being its antonym—is made to depend on the context of the discussion. As in the case of Paré, the use of the vernacular is perceived to be central to the debate,[19] since it allows a far wider readership, including unmarried women, access to sexually explicit material. If Joubert is less concerned than Paré with the transgressive subject of women's sexual pleasure, he does treat an equally scandalous topic: proofs of virginity. The chapter in question was the one which gave even the printer cause for concern, such that it was marked in the table of contents with an asterisk in the second edition of 1579 in order to advise unmarried women to avoid reading it; and—through no fault of Joubert's—it was to be appropriated in the early seventeenth century by the anonymous author of a collection of erotica.[20] However, both Joubert and those

writing in his defense argue that the material is not in itself corrupting, provided it does not fall into the hands of those for whom it was not intended. In other words, they see potential obscenity as relative to the identity of the reader. Cabrol is confident that the entire work is quite suitable to be read by chaste married women: 'les plus chastes femmes du monde le peuvent bien lire.' (*Les Traités* 213) And Bertravan echoes this testimonial: 'toute femme mariée peut honnestement lire et entendre tout ce qui y est conté [...]' (*Les Traités* 221). These claims are particularly significant in that the work was originally dedicated to a married (though childless) woman, the queen of Navarre, a choice which had caused such a storm that in the revised edition of 1579 Joubert, with some reluctance, substituted a male dedicatee, the seigneur de Pibrac. Why should Joubert and his defenders make so much of this distinction between married and unmarried female readers? I would suggest that this betokens a similar moral code to that of Paré: for both physician and surgeon, sexual intercourse (and sexual pleasure, especially female sexual pleasure) is legitimized by the intention of procreation.[21] Joubert defines his subject matter precisely as 'la conception, generacion, groisse, et enfantement' (*Les Traités* 212). It may be no coincidence that he proudly reports that his own mother had borne nineteen children, and his wife five living children to date.[22] Thus, if a medical work treats sexuality explicitly in order to promote procreation, it is sanctioning a divinely-ordained human function. However, in 1579 the printer's recourse to putting asterisks against sensitive chapters in the table of contents, and warning that unmarried girls should avoid reading these sections, still betrays the awareness of the danger that a printed work may fall into unintended hands, and that in such circumstances direct statements about sexuality could cross the divide and, by virtue of the readership, be viewed by some as obscene material.

I have suggested that the specific choice of lexical items was not the main subject of criticism, but there are several points where Joubert and his advocates must respond to the charge that he used what would now be termed primary obscenities. The most serious single item concerns an alleged misprint. For Bertravan, it is the only word which could be held to be 'sale et vilain', but in fact he claims that Joubert intended to use the inoffensive Latin word 'vir' (a man), not what appeared on the page, 'vit' (a vulgar term for the penis) (*Les Traités* 212). As DeJean has shown for the seventeenth century, the emergence of the concept of obscenity is closely bound to the introduction of punctuation marks such as the ellipsis, which can simultaneously avoid and yet suggest obscenity (DeJean 15). The slippage between near-homonyms, the one innocent, the second offensive, achieves a similar effect of invoking without quite naming. In any event, the offense—if intended obscenity there were—might be thought to be mitigated by the fact that at this stage in the text (the controversial chapter on what proof there can be of a girl's virginity), Joubert is quoting from the legal statements made by midwives to the public authorities. The words are thus not his own voice, but the texts of others, furnished (ironically, if Joubert is to be taxed with obscenity) precisely in response to a legal enquiry conducted in the name of the *Prévot* de Paris. For in providing testimony of the alleged rape of a young girl, the midwives' statement concluded (in the original 1578 edition):

> Et le tout veu et visité, feulhet par feulhet, avons trouvé qu'il y avoit trace de vit. Et ainsi nous-dittes matrones certifions estre vray, à vous monsieur le Prevost, au sermant qu'avons à laditte ville. (*Erreurs populaires* 468)

It is hard for us, as modern readers, to assess to what extent the Latin primary obscenity 'vit' would have had the force to shock a sixteenth-century French readership. Was the use of a well-known Latin word more or less shocking than its vernacular equivalent? And would its occurrence in the legal report of a detailed and intimate anatomical inspection have carried a greater charge for Renaissance readers, unused to reading such documents, than for modern readers whose sensibilities may be blunted by the freedom with which the media now divulge lurid forensic reports? It is noteworthy that Joubert's very inclusion of the midwives' statements apparently caused criticism (some readers even suggesting he must have made them up), and raises another linguistic issue which also bears on our definition of obscenity. In his defense of Joubert, the surgeon Cabrol drew the readers' attention to the fact that midwives used different French terminology from male practitioners to describe the female anatomy, resulting in some lack of clarity in communications between the two groups. At the start of his chapter on proofs of virginity, Joubert had criticized midwives whose grasp of anatomy he found wanting.[23] His subsequent philosophical and theological discussion of the relationship between names and objects (in the letter to his friends which precedes the 1579 revised edition) implies that the social taboos preventing the direct naming of sexual organs are illogical—and, we might add, on the basis of Cabrol's detailed assessment, misguided because they prevented the necessary instruction of midwives.

One final issue relating to the emerging construction of a concept of obscenity surfaces in the defenses of both Joubert and Cabrol: the different degree of offense caused by the use of primary obscenities or direct references to sexuality in speech as opposed to the printed text. Joubert declares (in 1579) that he had entirely avoided 'les noms propres' in this context, and that his remarks were instead 'couvers et deguisés par noms communs' (*Traités* 224). He goes further, in suggesting that even in speech he has always avoided any primary obscenities relating either to the genitalia or the sexual act, although he admits to having adopted a less serious tone when referring to the genitalia in public dissections, as was conventional.[24] Joubert is arguably treading a fine line: to speak of sex (here, the sexual organs) casually is, according to Pinker's thesis, inherently dangerous. Joubert may be innocent of primary obscenities, but his acknowledged lack of gravity in a professional context may nonetheless imply an attitude tolerant of obscenity. Is this indicative of different standards applied to the two forms of communication, speech and writing? Cabrol's defense of Joubert's direct sexual language was based on a belief that there should be parity between what it is permissible to say and what it is permissible to write: 'Est-il plus mal faict de l'escripre, que de le dire ?' (*Les Traités* 215). Yet Joubert—again—takes a particularly bold stance, claiming the right to be even freer in print than in speech, in order to be clearly understood by all the readers:

> Donques les mots propres (comme on dit an commun proverbe) ne puent pas, et d'eus mesmes sont bons et legitimes de sorte qu'on peut honnestemant user de tous, pour sinifer bien et propremant ce qu'on veut expliquer : ainsi que font tous les plus modestes et vertueus an touttes langues : et ancor plus an ecrivant que an leurs propos familiers. Car de vray, la lissance est icy plus grande : d'autant qu'on ecrit à toute qualité de gens [...]. (224)

This acceptance of a greater degree of directness in writing may, at first sight, surprise us. Experts in sociolinguistics would assure us that profanities are uttered far more frequently than they are written, and the relative formality of the act of writing, especially for publication, generally imposes some degree of self-censorship. However, Joubert's claim occurs just before the passage (discussed above) in which he denied that he himself used primary sexual obscenities in any context. I would suggest what he is championing is therefore not the right to use obscene terms in medical texts, but the ideal of clear speaking on a subject which was shrouded in so many taboos. We might say that he is exposing another 'erreur populaire', namely that not to speak directly about sexuality in a medical work is a mark of respect. For Joubert, the first six books of the *Erreurs populaires* demonstrate emphatically that he believes the opposite to be the case.

We have so far looked at the arguments mounted by Joubert and his supporters in the face of criticisms centered on a notion of obscenity. In conclusion, does the one lengthy printed criticism of the text, Reulin's *Contredicts aux erreurs populeres*, support our findings, or does it offer alternative perceptions? While there is no evidence that Reulin's reply had any public impact, and indeed the very small number of surviving copies would suggest it achieved only a limited circulation (*Les Traités* 238), it is nonetheless useful as evidence of fully articulated critical response, which reflected (bitterly) the success of the work in 1578-79.[25]

First, to what extent does Reulin's text confirm that something which will come to be called obscenity is at issue? The clearest indication lies in the author's repeated claim to be acting for the public good. His initial accusation is based on Joubert's work being composed of 'discours qui semblent incivils et prejudiciables au public' (Reulin, 7), and his own intervention is founded upon 'le zele du bien public, que après luy avoir resisté cent et autres fois, en fin m'a veincu, et contrainct de m'opposer pour l'interest public à ce livre' (8). The repetition of the term 'public' three times within several pages is striking: because print culture facilitates the widespread dissemination of Joubert's writing, Reulin perceives it as a threat to the moral fabric of society (a danger implied equally by the term 'incivils'). While he welcomes the printer's introduction of asterisks into the revised 1579 edition in order to warn unmarried girls to refrain from reading the most inappropriate material (40),[26] Reulin takes the view that the whole of Joubert's work is dangerous, and to a far wider group of readers (of both sexes). At its simplest, his fear is that the 'grasses et fretillantes matieres' (Reulin 8) will

encourage sexual desires, the consequences of which would be dangerous both in their intensity and possible perversity.[27] The *Erreurs populaires* are thus effectively viewed as falling into a category which today we would call pornographic.[28] In Reulin's eyes, his superior knowledge (as a physician) gives him a moral duty and right to censor the reading material available to others. And his responsibility is also at one point, like that of Paré's critics, explicitly linked to the imperative of Christian morality.[29]

But, equally, he upbraids Joubert for having failed to exercise self-censorship in the first place. At this juncture, Reulin's perception of obscenity becomes at least in part relative: he does not believe that Joubert's subject matter would necessarily be unacceptable in a professional context, but only when shared, through the use of the vernacular, with a lay audience. Thus, he repeatedly asserts that issues such as the youngest age at which a girl can conceive could be properly debated in the 'Écoles' (i.e. the *Facultés de Médecine*), but the arguments should not be rehearsed in front of 'le peuple'. One of Reulin's most vitriolic attacks is reserved for Joubert's inclusion of the midwives' depositions; this acquires the status of a double profanation (Reulin's metaphor explicitly draws a religious parallel), violating the secrecy proper to both medical and legal contexts: 'Ces raports ayans esté mis entre les mains de la Justice, comme en un sanctuaire, y doivent estre retenus comme choses secrettes, et non estre ainsi divulguées au peuple' (94). For Reulin, part of what is so clearly unsettling in Joubert's work is the manner in which it breaches established generic boundaries, straddling specialist medical discourse and popular writings, and among his milder rebukes are those taking Joubert to task for inappropriate use of familiar terminology, 'à la mode du vulgaire' (32).[30] It is when works treating human sexuality move outside the hitherto circumscribed and policed discipline of medical writing by specialists for specialists, that they become problematic.

If we were still to question whether Reulin's attack uses a notion anticipating obscenity as one of its key charges, we should look at the fate that Reulin would wish upon Joubert's work. At intervals throughout his treatise, with a rhetorical flourish Reulin recommends that offending chapters or even the whole work should be consigned to the flames: 'Pourtant que tout ce chapitre avec plusieurs autres soit baillé à Vulcan' (44). It is a means of destruction which symbolizes official censorship; in sixteenth-century France, the burning of books was reserved for the most serious cases in which simply banning further sales or editions was judged insufficient.[31]

III. Jacques Duval on Hermaphrodites (1612): The Test of Public Interest

In the cases of Paré and Joubert, we have examined a posteriori reactions and criticisms which focus upon an emerging notion of obscenity. That is to say, it was not until the works under dispute were already published, and thus in the public domain, that the issue was addressed. The final case for consideration offers a unique example (to the best of my knowledge) within the field of medical writings, with the possibility of censorship on the grounds of obscenity being taken into account by the legal authorities *before* publication. Over the last twenty years, Jacques Duval's

treatise on childbirth and hermaphrodites has attracted much critical attention, from Greenblatt's use of it to recreate the 'shared code, a set of interlocking tropes' which might shed light upon Shakespeare,[32] to Kathleen Long's fascinating recent study of hermaphrodites in Renaissance Europe.[33] I have argued elsewhere (*Les Traités* 401–04), that part of the complexity of Duval's approach, which has been overlooked by most critics, lies in his combination of the subject of pregnancy and childbirth. The latter could be treated even in the vernacular without obscenity, as had been proved, for example, by the circumspect and highly esteemed volume *De l'heureux accouchement des femmes*, published only several years earlier, in 1609, by Jacques Guillemeau (*Les Traités* 361–98). Hermaphroditism, on the other hand, was necessarily much more problematic since it involved the specter of homosexual / lesbian relationships. Duval's approach was the more inflammatory in that he draws specifically upon his personal involvement in the case of Marie / Marin Le Marcis, a hermaphrodite saved from execution only by the physician's examination in 1601, in the course of which he established, by manual stimulation, that Le Marcis indeed possessed a penis capable of ejaculation. A recent article by Joseph Harris has demonstrated the taboos which Duval's account of this breaches, and emphasizes particularly the ways in which the text may be perceived simultaneously to eroticize the hermaphrodite body and to defend a conservative social and moral order.[34]

To what extent did Duval's text incur identifiable censorship? First, in his preface the author acknowledges an act of self-censorship in having delayed publication of his work for over a decade after the original trial. Early modern society was remarkably wary of individuals whose sexual identity could not be definitively classified, and in the case of Le Marcis, the legal reprieve from execution carried the condition that the individual should abstain from any sexual relations until his sexual identity had clearly settled. Only once Duval has been assured that 'ce gunanthrope est de present rendu en meilleure habitude virile qu'il n'estoit auparavant' does he believe it timely to publish his work (*Les Traités* 411).[35] However, even at this juncture the potentially obscene nature of his work caused legal intervention. According to the nineteenth-century bibliophile Edouard Frère (*Manuel du bibliographe normand*, 415), an edict issued by the Parlement in Rouen on 12 April 1612 halted the production of the book and copies were seized, but it has proved impossible to trace any record of this edict. The date cited by Frère is problematic. While it is possible that the edict was one of various records in the Rouen archives lost during a fire in the Second World War, the fact remains that the Privilège is dated 'le dernier jour de Febvrier' 1612, and the additional 'Approbation faicte par les medecins ordinaries du Roy' the 12 March 1612. Yet Frère's date is a month later, which would pose the question why the work should have been banned after the Approbation had been granted. Furthermore, there is no evidence of such a ban being enforced, nor does Duval refer to one in 1615 in his detailed account of the hurdles the book overcame before publication. In the absence of any alternative evidence, it is tempting to speculate that Frère's account contains an error as to the month (February not April?), and in fact refers to the *temporary* suspension of publication, alluded to (though without the date), by Duval himself.

What were the circumstances of this temporary censorship, and to what extent did it involve the notion of obscenity? Duval's medical scholarship on hermaphrodites had been attacked by Jean Riolan (the younger) in 1614, and the following year Duval published a lengthy response—which, with the exception of Long, most critics have overlooked.[36] In the dedicatory *Epitre* to Messieurs de l'Orme, who were responsible for granting the Approbation for the publication of his book in 1612,—the father and son were both members of the *Faculté de Médecine de Paris*, and respectively *Premier Médecin* of Marie de Medici and *Médecin ordinaire* of Louis XIII—Duval outlines the sequence of events.[37] The key point for our purposes is that when, in the standard way, the title of his work came before the Chancellor for a privilege to be granted, it was—exceptionally—referred for expert advice 'sous le pretexte des choses jouieuses et delectables qui y sont deduittes'. Again, one man's notion of pleasure may be another man's definition of obscenity. Duval is careful not to criticize the Chancellor, whom he describes as 'faisant l'office d'un bon pere de famille pour toute la France', but he reports that the subject matter had caused the Chancellor to be concerned lest 'quelque chose pourroit glisser, qui par inadvertence seroit pernitieux à la republicque'. If we are to construe obscenity as an offense against *public* standards of decency, this is precisely the charge which Duval faced. Since the two physicians (with whom he had had no previous contact, and who can therefore be presumed to have acted as disinterested parties) (*Response* 82–83) found in his favor, it is unsurprising that he is willing to relate the incident in full.

In itself, the episode demonstrates that the risk of obscene sexual content in a medical work could indeed, in practice, trigger a legal mechanism requiring anticipatory censorship by the medical authorities. Had the physicians found against Duval, undoubtedly the privilege would not have been granted, and the work would effectively have been banned from public circulation. But even though the book was approved, to what extent were the reasons for its being called to account similar to those which had drawn criticism in the cases of Paré and Joubert? Once again, the best indications are furnished by the author's own identification of several points of contention in the context of his self-defense (namely the *Response* of 1615).

As in both the previous cases we examined, the dispute centers on two issues: the use of direct language to describe human sexuality, and the context in which it occurs. Riolan is reported as having wished that Duval:

> eust plus honnestement escrit, et qu'il ne l'eust entremeslé des discours anatomiques des choses qu'il n'a jamais veues, ou mal aprises, comme il faict manifestement, voulant rendre la raison de la conformation de Marie le Marcis. (*Response* 20)

It is evident that the issue relates specifically to the last third of Duval's original work, dedicated to the discussion of the natural processes which produce hermaphrodites.

Duval's defense (which is couched throughout in the third person, as though a lawyer were speaking on behalf of Duval) is similar to Joubert's in that he asserts direct language was essential for comprehensibility, but with the additional argument that such an unusual case required particularly clear description:

> En quoy faisant s'il a usé de dictions fort significatives de ce qu'il traitoit ce n'a esté pour offencer les chastes oreilles de ceux qui desireroient un discours qui paroitroit plus serieux, ce qui ne pourroit estre toutesfois qu'à grande difficulté, comme cy apres sera dit, mais pour se rendre intelligible en une chose tant abstruse et remotte des sens, comme estant renfermée au plus secret cabinet de cette excellente Princesse la gratieuse nature. (*Response* 20–21)

It has been widely acknowledged that the period 1570–1630 saw a marked rise in medical interest in unusual cases,[38] and this is particularly true in the case of birthing tales.[39] As physicians grapple with the intellectual or scientific challenges posed by such phenomena, the language necessary to describe them came under pressure. However, it is the placing of such an explicit narrative within the framework of an obstetric treatise in the vernacular which caused the particular tension. Duval argues at various points in both the original work and his *Response* that one of his main aims was to provide better instruction not only for surgeons, but also for midwives in order to reduce the high rate of maternal and infant mortality in childbirth, which he ascribes to the latter's ignorance.[40] Like Joubert, he argues that a failure to use direct language to describe the reproductive organs has diminished midwives' professional competence:

> [ces particules sont] trop peu cogneus par celles qui en doivent bien user, assister et servir les femmes, en ce qui depend des accouchemens, ce sont les obstetrices et gardes : occasion pour laquelle nous voyons journellement advenir des inconveniens infinis de sorte que soubs pretexte de vereconde en ne leur exprim[a]nt ce que elles sentent assez, il se commet de grands et formidables erreurs. (*Response* 21)[41]

Particularly striking is his use of the formula 'en ne leur exprimant ce que elles sentent assez': it implies that midwives already know the truth through sensory experience, making the obfuscatory language to which male physicians resort both unnecessary and misleading.

However, is this argument not missing the point that, in civilized society, to put an experience into words, in this case for publication, can paradoxically be more transgressive than the original experience, whence derives the notion of obscenity? Harris has argued that Duval's account of his examination of Le Marcis was expressed in terms designed both to record a liminally transgressive act and to recreate for the reader the libidinal sensory experience. In the *Responce*, Duval acknowledges the undesirable risk that an explicit description of sexuality could function in a way we would now describe as pornographic:

> il est certain que la modestie est fort requise, et la fuitte des dictions et termes qui semblent donner quelque aleichement et inclination à saleté et lubricité, grandement recommendable. (*Response* 31)

But when there is a stark choice between the dictates of propriety and the effective medical instruction of midwives, he opts for direct speech, the potentially transgressive consequences notwithstanding. Again, his moral standpoint is similar to that of Paré and Joubert: ensuring procreation and safer delivery in childbirth are among a physician's primary Christian duties. Duval argues his case with surprising urgency and passion. His conviction allows him to turn on its head Riolan's implicit accusation of obscenity—writing in a way offending the public interest—for Duval believes that his work, far from offending, fulfils a necessary public function other physicians had failed to meet:

> [Duval] maintient que son effort d'avoir voulu instruire ces obstetrices et gardes [...] doit estre loué, et luy estime d'avoir librement fait un acte meritoire pour toute la France, plustost que d'estre blamé et accusé comme il est par ledit Sieur Riolan. (*Response* 35)

The benefits of direct language are thought to outweigh the risks, specifically in the case of female readers.

From the three cases examined, we may conclude that in the half century before the trial of Théophile brought obscenity to the fore in the literary sphere, many of the issues around both the use of direct language to speak publicly of sexuality and the definition of transgressive writing had been rehearsed in medical texts published in the vernacular. DeJean argued that, for literary works:

> differences in circulation explain why, in the space of a century [after 1623], obscenity was transformed from a minor literary phenomenon available only within a restricted, elite audience into a veritable societal problem: literature that became the object of official, state-sponsored repression because it could be viewed as a threat to civic well-being. (DeJean 3)

In the case of medical works, I have demonstrated that it is from the mid-sixteenth century, when these works first achieve a far wider circulation than either manuscript culture or publications in Latin had allowed, that anxieties over civic well-being are voiced. A mechanism for identifying potential obscenity was also already in place,

through the need for the *Faculté de Médecine* de Paris to approve publication prior to the granting of a privilege. In practice, however, we have seen that debates may surface after rather than before publication, nor is censorship particularly effective—it was the original 'uncorrected' version of Joubert's *Erreurs populaires* which provided the basis of all new editions between 1580–1608 (*Les Traités* 227–33). As the scale of the problem grew within the literary sphere, so over the next century tougher powers of policing and enforcement evolved. But to write the 'pre-history' of obscenity in early modern France necessarily implies taking account of the period before the term is widely used, and of genres other than fictional writing.

Notes

[1]Ambroise Paré also ironically comments on women's knowledge of the racy tales of Poggio and Boaistuau (Le Paulmier, ed., 229 and 245).

[2]In studying the emergence of a concept before society readily uses the term by which it will shortly come to be defined, DeJean is using an approach similar to that so fruitfully established for early modern French studies by Terence Cave in his two volumes, *Pré-histoires: textes troublés au seuil de la modernité* and *Pré-histoires II: langues étrangères et troubles économiques au XVIe siècle*. This article is indebted to both DeJean and Cave for the methodological insights their work has provided.

[3]I explore elsewhere, notably on my website devoted to 'Birthing Tales' in medical treatises (www.birthingtales.org) the ways in which medicine and fiction can share a common discourse in this period, such that boundaries between the genres may temporarily be blurred. However, for the purposes of the present article, this is not an issue, since all the texts discussed under the heading of gynecological or obstetric treatises were written by health professionals (physicians / surgeons / a midwife) as factual works of reference or information.

[4]See Babiche's article on 'Le régime de l'édition' (367–77).

[5]I provide a full survey and critical bibliography of this field for the period 1536–1627 in my recent study, *Les Traités d'obstétrique en langue française au seuil de la modernité. Bibliographie critique des « Divers Travaulx » d'Euchaire Rösslin (1536) à l'« Apologie de Louyse Bourgeois sage femme » (1627).*

[6]DeJean acknowledges this limitation of her study, imposed by her selection of primary texts (DeJean, 135, n. 126).

[7]The *achevé d'imprimer* is dated 22 April 1575.

[8]For full details of all the editions of Paré's work, see Doe, *A Bibliography of the Works of Ambroise Paré.*

[9]On this work, see *Les Traités* (135–40).

[10]The only known copy (15 sides in length) was discovered and transcribed in the nineteenth century by Le Paulmier in *Ambroise Paré d'après de nouveaux documents.*

[11]I furnish one example of the use of each adjective; some of them occur a number of times in the pamphlet. The italics in the quotations are my own, for emphasis.

[12]See the detailed discussion by Katherine Park: 'The rediscovery of the clitoris. French Medicine and the tribade, 1570–1620' (171–93).

[13]Cf. Rondibilis's final piece of advice to Panurge in ch. 31 of François Rabelais's *Tiers Livre.*

[14]This claim is repeated several times in the treatise, e.g. 'Mon intention n'est autre que d'instruire en ce fait le Chirurgien' (239).

[15]The key acts of self-censorship between the original 1578 edition and the revised edition in 1579 concern: (1) a change of dedicatee; (2) the introduction of an asterisk in the table of contents against the chapters deemed unsuitable for unmarried women to read; (3) the correction of the alleged offensive misprint 'vit' to 'vir'—see discussion above.

[16]*Paradoxorum decas prima atque altera*, Lyon, Senneton frères, 1566; *Medicinae practicae priores libri tres* , *Isagoge therapeutices methodi, De affectibus internis partium thoracis tractatus alter*, Lyon, Antoine de Harsay, 1577.

[17]Joubert himself was so distressed by the criticisms that he chose not to continue his projected publication of the next part of the *Erreurs populaires*. The *Segonde Partie des erreurs populaires et propos vulgaires* was apparently published without his consent, by his friends. See *Les Traités*, 217.

[18]On Reulin's career and on the significance of the *Contredicts aux erreurs populaires*, see *Les Traités*, 235–42.

[19]See my article '"Que tout cela eust mieux esté en latin, que en françois" : l'emploi de la langue française dans la diffusion du savoir obstétrical au XVIe siècle en France'.

[20]See Mercier, ed., *La Seconde Après-dînée du caquet de l'accouchée et autres facéties du temps de Louis XIII* (63–85).

[21]It is significant that it was common medical belief in this period, a century before the discovery of the ova and spermatozoa, that female orgasm was necessary for conception to take place (resulting from the joining of male and female emissions or 'seeds').

[22]See the extracts from Joubert on www.birthingtales.org.

[23]The start of the chapter alludes to professional rivalry: legal cases requiring a medical verdict on the virginity of a girl (he cites the dissolution of marriages on the basis on non-consummation, and cases of rape) looked to midwives, rather than surgeons or physicians, to act as expert witnesses.

[24]'Ce neantmoins je me suis abstenu de tous mots propres aus parties honteuses (car celuy de la page 468 n'est pas mien : et s'est un mot corrompu pour dire *vir*) comme aussi ils ne furent onc prononcés de ma langue : ja-soit qu'és anatomies publiques, je m'egaye assés libremant, à traiter joyeusemant de ces parties là, ainsi que le sujet m'invite. Mais je prans an tesmoins, mille et mille de mes auditeurs an divers tams, medecins, chirurgiens et apoticaires, qui sont epars an divers androis de l'Europe, s'ils m'ont ouy jamais proferer un mot propre aus dittes parties, ou à l'acte venerien.' (See *Les Traités*, 224).

[25]Reulin argues that he had initially held fire, hoping Joubert would withdraw the work himself, but the publication of the second edition of the *Erreurs populaires* in 1579 had impelled him to publish his criticisms (*Contredicts aux erreurs populaires*, 7).

[26]Reulin never considers that the asterisks might achieve the opposite effect from that intended, directing readers precisely to the most salacious passages.

[27]For example, Joubert's discussion of the earliest age at which a girl may become pregnant could, according to Reulin, encourage men to seek very young brides, whose 'seed' would be deficient for conception, leading to the birth of a race of pygmies (32–33).

[28]For a survey of the development of pornography in later seventeenth- and eighteenth-century France, and its relationship with medical discourse, see Mainil, *Dans les règles du plaisir… Théorie de la différence dans le discours obscène romanesque et médical de l'Ancien Régime*. The volume of studies edited by Hunt (*The Invention of Pornography: Obscenity and the Origins of Modernity, 1500–1800*) also offers a valuable investigation of the emergence and construction of pornography as a literary practice in early modern Europe.

[29]'la charité Chrestienne m'a contraint d'écrire mon avis touchant ces erreurs, et de les reprendre, et contredire.' (Reulin, 72).

[30]For example, referring to 'fleurs' instead of 'menstrues' (Reulin, 32).
[31]See Babiche,'Le régime de l'édition' in *L'Histoire de l'édition* (vol. 1, 369).
[32]Greenblatt, *Shakespearean Negotiations: The Circulation of Social Energy in Renaissance England* (86).
[33]Long, *Hermaphrodites in Renaissance Europe: Women and Gender in the Early Modern World.*
[34]'"La force du tact": Representing the taboo body in Jacques Duval's *Traité des hermanphrodits* (1612)'.
[35]The term 'gunanthrope' is derived from the Greek words for 'woman' and 'man', thus designating a hermaphrodite.
[36]On the *Responce au discours fait par le sieur Riolan*, see *Les Traités*, 414–17.
[37]The full text is reproduced in *Les Traités*, 416–17.
[38]See the seminal study by Jean Céard, *La Nature et les prodiges: L'insolite au XVI*^e^ *siècle*.
[39]See the number of incidents falling into the category of 'monster' on my Birthing Tales website (www.birthingtales.org), and the study by Bates, *Emblematic Monsters: Unnatural Conceptions and Deformed Births in Early Modern Europe*.
[40]In the preface to *Des Hermaphrodits*, he estimates that some 500 deaths a year in Rouen result from midwives' ignorance (*Les Traités*, 413).
[41]Compare also his statement: 'les designant par leurs noms propres et termes significatifs, à fin que celles qui ont plus de besoin d'en avoir cognoissance exacte, qui sont les gardes et obstetrices, soient à ce moyen mieux instruites et dressez à l'exercice de leur service et ministere' (Duval, 30–31).

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