Shrewd entrepreneurialism or accidental victim?

Madame Restell and Reproductive Rights in Nineteenth-Century New York City

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Widespread use of abortion by women in nineteenth-century New York City stimulated moral panic about respectability, femininity and nationality. This article will examine the abortionist career of Ann Lohman (May 6, 1812 – April 1, 1878), who adopted the alias 'Madame Restell', as a case-study for illustrating how the representation of individuals can become intrinsically connected to wider social and ethical debates.

Historians are unanimous in presenting Restell as a shrewd businesswoman, who skillfully used advertising to her commercial advantage.¹ Yet, they differ as to whether Restell drove the increasing demand for abortion in New York City, or whether the unique media portrayal of her personality and business was a symptom of that increasing demand. This article will locate a line between these positions: Restell was certainly an agent in the construction of her own image for business purposes. However, she could not have anticipated that her image would be enlarged to the extent that it came to personify abortion debates, with contestation over her portrayal encapsulating wider battles to negotiate and renegotiate what was respectable.²

The article will then evaluate casual factors driving the amplification and vilification of Restell’s image: the changing role of the media, Comstockery, nativism, anti-feminism and contemporary

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² David Scobey, 'Nymphs and Satyrs: Sex and Bourgeois Public Sphere in Victorian New York', *University of Chicago Winterthur Portfolio* 37, no. 1 (Spring 2002): 61.
medical practice. Together, these factors distanced Lohman the woman from Restell the public figure.³

1. Restell: the Cause?

While abortions occurred privately and domestically throughout the eighteenth century, their commercialisation from 1800 triggered moralistic concerns.⁴ In 1821, the first wave of anti-abortion legislation in New York criminalised abortions after ‘quickening’: the stage in pregnancy where a woman first perceives fetal movement.⁵ By 1840, abortion was an ‘obvious social reality,’ and thus became subject to stricter legislative attention.⁶ From 1845, abortion was a misdemeantor for both the abortionist and patient, punishable by imprisonment and capable of attracting a manslaughter charge.⁷

Within this context, Restell established a surgery and lying-in home offering abortions and private births to middle and upper class women. Demand for her services must have been immensely high.⁸ Her classified advertisements, which appeared in the New York Sun and Herald, would have cost an estimated $60,000 per annum. Flaunting her disobedience in this legislative climate, it is not surprising that Restell was brought to trial four times between 1841 and 1878.

Lloyd Morris and Marvin Olasky focus on Restell’s importance to the popularisation of abortion, and her agency in this process.⁹ Morris argues Restell was aware of her power in the community, and did not hesitate to exploit it.¹⁰ Restell allowed her image to be manipulated for business reasons, deliberately pandering to an ‘intense public fascination with vice.’¹¹ While her service was not revolutionary, her marketing approach was the ‘vanguard of business thought.’¹²

Morris and Olasky’s approach is frequently supported by primary materials. Assisted by her businessman husband, Restell deliberately appealed to a new market: framing abortion as a sensible, economical and healthy alternative for married women.¹³ Her 1839 New York Sun classified asked: ‘is it moral for parents to increase their families, regardless of consequences to themselves, or the well being of their offspring, when a simple, easy, healthy, and certain remedy is within

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⁶ Ibid, 46.
⁷ Ibid, 27.
¹⁰ Ibid.
¹¹ Homberger, Scenes from the Life of a City, 103.
¹² Ibid.
our control?’ Restell used such advertisements to distance abortion from its connections to prostitution, gradually contributing to its changing social character and acceptability.

Janet Brodie argues Restell’s agency went one step further: that she sought to bring about humanitarian change. Brodie cites accounts detailing Restell’s compassion and discretion, and the role she played salvaging reputations. Whilst this may have been a factor, Restell operated a business and not a charity. It is probably more realistic to suspect Restell was driven by profit, or at least came to be as her business grew in size and notoriety.

2. Restell: the Effect?

Whilst Restell indisputably played a role in publicising abortion, socio-economic forces were nevertheless key propellants of the reproductive freedoms movement. The rising access to abortion corresponded with increasing female autonomy generally.

Natalie Hull and Peter Hoffer see Restell as a product of her cultural climate, not a precipitant of change. They suggest she was not ‘an isolated aberration’, but merely the ‘most flamboyant and publicised’ member of a flourishing abortion and contraception industry. On close examination, classifieds reveal other abortionists such as Jacob Rosenzweig practised in the city. However, they did not come close to achieving the same level of notoriety. This suggests an intermingling between women independently seeking to access abortion, and Restell’s ‘extravagant and brazen’ social personality drove increasing abortion levels.

Taking this more holistic view, it is possible to simultaneously characterise Restell as an opportunist who rode existing social trends, and a pioneer who took active steps to encourage those trends. This perspective is supported by an 1847 pamphlet by ‘a physician of New York’. While Restell offered ‘inducements to sin’ and ‘proffer[ed] impunity’, the ‘physician’ argues Restell was an ‘effect’ rather than the ‘original cause.’ Her services were welcomed by many as necessary, given poor contraceptive options and health services for women. In the absence of English ‘foundling hospitals’ or Austrian ‘government homes’, he draws a direct link between perceptions of virtue and vice, and the increased willingness of women to access commercial abortions. He states: ‘the fruit of our rigid virtue is infanticide, murder, and of late, Restellism.’

14 Ibid.

15 Brodie, Contraception and Abortion in Nineteenth-Century America, 230.

16 Ibid.


18 Mohr, Abortion in America, 49.


20 Homberger, Scenes from the Life of a City, 102.


22 Ibid, 11.
obsession with righteousness ironically compelled women towards abortion as a private solution. In New York society, ‘reputation was dearer to many than purity.’

3. Restell: the Victim?

Abortion remains a controversial issue. So too in 1845, where it epitomised the deepening anxiety felt by New Yorkers at the decay of secure patriarchal society. This was true of other growing industrial American cities. However, factors such as urbanism and migration caused New York to become a particularly anxious society ‘obsessed with vice,’ in which conservatives vented fears the world was on the ‘verge of anarchy.’ Banning abortion and ‘ridding New York of the child destroyers’ became a matter of honour, a necessary step in reforming New York’s lax moral standards. Drawing upon notions of Victorian morality, the New York Gazette even questioned why ‘a community professing to be civilized will any longer tolerate this wholesale murder under their very eyes?’ Restell’s conviction in 1841 was therefore reported to have singlehandedly ‘redeem[ed] the honour of [the] city.’ It was ‘a great triumph’, with ‘every virtuous woman in the community’ owing the jury ‘an everlasting debt of gratitude.’

Yet, if Restell was merely a vehicle for anti-abortionists, why was she their chosen target? Clifford Browder’s biography cites Restell’s public notoriety as the key factor: ‘her ads, her jewels, her carriage and her brownstone.’ While society ‘may tolerate discrete offenders…it strikes down the brazen.’ Restell was a natural scapegoat for anti-abortionists: her social position and persistent advertisements made her already known to the public, and her eccentricities and controversy made her an appealing media subject. Restell offered an ideal journalist ‘angle’: a beautiful woman, who built an immense fortune through a controversial business. Penny-press papers printed elaborate descriptions and lithographs of her mansion, clothing and family. The New York Gazette went further: Restell was a ‘demon murderess,’ who was ‘too rich to be within the power of the law.’ These caricatures popularised and democratised discussion of abortion, allowing the public to access the debate (albeit in a simplified manner). Through this approach, conservative power-brokers prevented more serious media discussion about the merits and demerits of abortion. Restell therefore provides an excellent illustration of the ‘representative anecdote’:

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23 Ibid, 10.
24 Ibid.
25 Homberger, Scenes from the Life of a City, 94.
26 Ibid, 115.
29 Anonymous, The Trial of Madame Restell, 7.
30 Ibid.
32 Ibid.
34 Caldwell, New York Night, 171.
35 Anonymous, ‘Restell, the Female Abortionist.’
a process whereby isolated events or personalities are magnified for socio-political purposes. Indeed, once Restell died, discussion of abortion did not cease, but merely took new forms.

This debate was typical of contemporary print media, which had swiftly become the central mouthpiece for moral commentary about abortion. Papers became platforms to fight ‘moral wars’ in front of the masses. Thus, whilst pieces about Restell were frequently trivial, others were ‘deeply cautionary’: warning readers about the dangers of sex and transgression. For example, a report on her 1847 trial for medical students was also pitched more broadly as ‘a warning lesson to females not to resign their lives to the infernal practices of…abortionist[s].’ Pamphlets also presented foreboding warnings to other potential abortionists, detailing Lohman’s decline from an ‘innocent merry country girl’, into ‘an old hag…who had obtained such an awful notoriety.’

Despite the evident social demand for abortion, this media coverage reveals deliberate attempts to cast Restell as a sinful disgrace to womanhood, and her patients as innocent victims of economic exploitation. Restell came to personify ‘evil’: labeled in the Surgical Reporter as a ‘monster who speculates with human life…as if she were engaged in a game of chance.’ She became so despised that crowds stormed her house in 1846, yelling ‘where’s [sic] the thousand children murdered in this house?’ Her business was the ultimate affront to womanhood’s core criterion: maternity and chastity. She was accused of ‘destroying the germ of nature…for the sake of base lucre.’ As well as criticising her services, commentators denounced Restell’s advertisements as indecent and manipulative. Interestingly, contemporary critics did not blame the press for including her classifieds given it was the ‘duty of the editor to disclose information’. Instead they blamed only Restell.

Central to Restell’s negative portrayal was the use of literary techniques, including theatrical metaphors and biblical allusions. In an 1897 pamphlet, she is depicted with a dagger as a lapel pin, standing over dead children. Even official court documents are not devoid of rhetoric. In the transcript of her 1847 trial, Restell is pictured nursing a devil, which is eating the corpse of a

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38 Carlson, The Crimes of Womanhood, 134.
43 Carlson, The Crimes of Womanhood, 124.
45 Olasky, ‘Advertising abortion during the 1830s and 1840s’, 52.
47 Anonymous, The Trial of Madame Restell, alias Ann Lohman, for abortion and causing the death of Mrs. Purdy: being a full account of all the proceedings on the trial, together with the suppressed evidence and editorial remarks (New York: ‘For the sale at the book stand in Wall St, at the cottage, at the news office, and Bowery News Office, 1841), 12, the Medical Heritage Library hosted by the U.S. National Library of Medicine, USA, https://archive.org/details/101521473.nlm.nih.gov, viewed 13 March 2014.
49 Huntington, Restell’s Secret Life, 1.
baby. These images are hyperbolic in the extreme, as if indicating only the most severe images are capable of expressing society’s disgust at Restell’s business. Further, the prosecutor’s address casts Restell as a disgrace to womanhood: ‘nature is appalled, that woman, the last and loveliest of her works, could so unsex herself, as to perpetrate such fiend-like enormities.’ This perhaps alludes to a monologue of the ultimate female villain, Lady Macbeth, who stated ‘unsex me here!’ In theatrical contrast, Restell’s patient Bodine is cast as a ‘broken figure’: wearing a veil, ‘deadly pale’ and quivering. Restell is the antithesis of her innocent victims. In reality, although these women were often in difficult circumstances, their decision to access abortions in this context could demonstrate they were empowered both ideologically and financially.

The media gained and increased their audience through incorporating salacious sexual and medical detail. For example, the *Gazette* proclaimed to have ‘inside knowledge’ that Restell’s fatalities were ‘thrust uncleansed into a sack, lugged to some secret death house, and there tumbled out for a medical orgy.’ These descriptions were merely speculative, and were incompatible with the first-hand accounts and testimonies of her patients. Yet, it has often been the case that the truth is sacrificed for the scandal-hungry public - ‘sex sells.’ Gory descriptions transported readers to a sinister underworld, inviting them to participate in a scandalous sphere beyond their imagination. Semi-fictional novels and stories using pseudonyms also utilised Restell’s notoriety to gain exposure. Indeed, Edgar Allen Poe’s 1845 reprint of ‘The Mystery of Marie Roget’ hinted Mary’s death was caused by a botched abortion, possibly by Restell.

Restell’s 1878 suicide also provided a prime vehicle for media objectification and sensationalism. Moral commentary and gossip-based conspiracy theories flourished in its aftermath. Mark Caldwell describes it as the ‘bombshell in an already notorious case.’ A pamphlet vividly recounted the scene: ‘she knew where to cut, and the carving knife drops from her dying hand with a little splash into the water...’ Some stories speculated her death was ‘supernatural’, or that she had escaped to Europe leaving a patient’s corpse in her place. Others hazarded a ‘more serious charge impelled her suicide’: that she had murdered her late husband, and she would soon be exposed. The *Herald* flamboyantly suggested her ‘epitaph should be a curse...[her] tomb a pyramid of skulls.’ Almost universally, the media added a moralistic spin, framing Restell’s suicide as the inevitable end to a scandalous life. The *Herald* rationalised her death as having ‘merely added one more life, that of her own, to the many she had taken.’

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51 Ibid, 9. 
55 Homberger, *Scenes from the Life of a City*, 97. 
57 Ibid, 171. 
61 Anonymous, ‘Restell, the Female Abortionist’, *New York Gazette*, 21 February 1846. 
Unlike her earlier trial in 1847, by 1878 the coverage embodied a level of pathos and sympathy. An 1878 *Tribune* article suggested her death 'was undoubtedly caused by mental anxiety and dread,' and described her 'wandering from room to room of her magnificent house' while deliberating. The downfall of Restell herself was the ultimate fable of abortion's ruinous potential.

These media extracts reveal a divide between feminine private practices and masculine public behavior. Abortion is revealed as a paradox: increasingly used in private but maliciously condemned in public. Restell 'survived in the no-man's land between public moralism and private need,' taking advantage of a rapidly expanding demand for abortion in the Northern cities, despite public criticism of her business. This highlights a methodological dilemma; the historical record regarding abortion is overwhelmingly negative, because women who accessed abortions in private did not intervene to explain themselves in the public arena. Equally, the press did not seek to understand their perspective.

Whilst this article has so far demonstrated the media quasi-selected Restell for this controversial role, historians remain divided as to the underlying factors influencing this process. Most likely, Restell was constructed as a symbolic enemy for the anti-abortion movement by a range of opponents. An amalgamation of four factors crafted a society publically united against abortion: Comstockery, nativism, anti-feminism and the nature of the medical profession. These issues are linked by an attempt to reassert traditional masculine white control over an evolving and modernising society.

The first influence upon Restell’s portrayal was the Comstock Movement, which led to a hardening of public opinion against ‘immoral’ behaviour. Anthony Comstock’s campaign was rooted in Victorian moralism and Christianity, and sought to ban ‘instruments of obscenity’ including pornography, contraception and abortion. In his capacity as ‘Head Vice Hunter’ in the New York Society for Oppression of Vice, his lectures and publications about the atrocity and blasphemy of abortion drew attention to Restell’s practices. His influence over media sources would certainly have affected her negative portrayal, as well as resulting in the destruction of much of her advertising material. As a result, Americans were ‘no longer...willing to afford abortion salutary neglect.”

The second key influence on Restell’s image, as promoted by Caron, was the nativist movement. In the context of rising immigration and rapid decrease in the native birthrate, abortion was seen

64 Caldwell, *New York Night*, 166; Reagan, *When Abortion was a Crime*, 2.
65 Ibid, 7.
68 Ibid.
69 Ibid.
70 Mohr, *Abortion in America*, 199.
72 Simone Caron, ‘Race, class and reproduction: the evolution of reproductive policy in the United States, 1800-1989,’ (Ph.D
to contribute to Anglo-Saxon Protestant America’s ‘race suicide’.\textsuperscript{73} Abortion’s visible use by native protestant women heightened these anxieties. An 1868 feature in \textit{The Revolution} proclaimed: ‘half a dozen children in every Irish family. Only two in the modern American family. What is the matter? Answer – Restellism.’\textsuperscript{74} A growing fear that immigrant overpopulation was threatening ‘Yankee’ political power and the white cultural hegemony amplified the importance of the abortion debate, and in turn, Restel’s portrayal.

Anti-feminist ideology was the third influence on Restell’s image, occurring in response to the perceived revolution of gender roles facilitated by abortion. Male jurors and journalists instinctively defended traditional gender roles by condemning abortion for having ‘grossly perverted’ femininity, affronting the American Cult of the True Woman.\textsuperscript{75} A woman’s reproductive capacity defined her social purpose, and was strongly linked to patriotism.\textsuperscript{76} Attempts by women to control their reproduction threatened male power in marriage, where constant child-bearing secured female dependence and fidelity to male breadwinners.\textsuperscript{77} One advertisement condemning Restell stated ‘seamen, you are going on a three year’s voyage, and have this security for the good behavior of your wife.’\textsuperscript{78} This suggests that men feared women would commit adultery unnoticed by having abortions.

The fourth key factor underlying the opposition to abortion was the struggle for control over American medical practice. Due to ‘failings’ of conservative professionals, civilians were turning to ‘quackery, self-dosing and medical sectarianism.’\textsuperscript{79} The campaign by the American Medical Association (AMA), a peak powerful conservative body, represented a desire of male physicians to regain control from these midwives, homeopaths and business people.\textsuperscript{80} Mohr encapsulates this concern as ‘the desire of regulars to eliminate competition from irregulars.’\textsuperscript{81} Restell suggested their ulterior profit-based motives in a defence she published in 1855, stating ‘they [the AMA] think if they can get me in trouble and out of the way, they can make a fortune.’\textsuperscript{82} The abortion industry posed a particular threat to the AMA. Although women could not be admitted as doctors until 1876, abortionists were often female.\textsuperscript{83} Female abortionists and midwives were perceived as more approachable, and sympathetic to desires to end unwanted pregnancies.\textsuperscript{84} By condemning these female abortionists as immoral and dangerous, male doctors sought to

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\item \textbf{dissertation, Clark University, 1989}, 2.
\item \textit{73 Nicola Beisel and Tamara Kay, ‘Abortion, Race and Gender in Nineteenth-Century America’, American Sociological Review 69, no. 4 (August 2004): 499.}
\item \textit{74 ‘Restellism’, The Revolution, May 7 1868, quoted in ibid.}
\item \textit{75 Homberger, \textit{Scenes from the Life of a City}, 110.}
\item \textit{76 Christine Stansell, \textit{City of Women: Sex and Class in New York 1789-1860} (New York: Knopf, 1986), 135; Reagan, \textit{When Abortion was a Crime}, 13.}
\item \textit{77 Linda Gordon, ‘Voluntary motherhood; the beginnings of feminist birth control ideas in the United States’, Feminist Studies 1, no. 3/4 (Winter-Spring 1973): 5.}
\item \textit{78 Anonymous, \textit{The Trial of Madame Restell}, 9.}
\item \textit{79 Homberger, \textit{Scenes from the Life of a City}, 91.}
\item \textit{80 Reagan, \textit{When Abortion was a Crime}, 10.}
\item \textit{81 Mohr, \textit{Abortion in America}, 167.}
\item \textit{82 ‘Madame Restell Repudiated’, Newport Mercury, 24 March 1855.}
\item \textit{83 Caron, ‘Race, class and reproduction’, 3.}
\item \textit{84 Ibid.}
\end{itemize}
reassert control over procreation. As ‘the queen of them all,’ Restell needed to be publically discredited as an untrained and uneducated interloper to re-legitimise professional medicine.85

Ultimately, Madame Restell’s public portrayal personified debates about the acceptability of abortion, and the moral status of society more widely. Facilitated by the rise of accessible media, Restell’s negative image was disseminated for both entertainment and educational reasons. Articles about her life and practices came to encompass more than her business, or even the abortion issue, and come as a reminder that individuals can take on an enlarged metaphorical significance. Rather, they contested morality and immorality, attempting to reestablish conservative social values that were threatened by the scandals of reproductive technology.

85 Carlson, The Crimes of Womanhood, 114.