

Report On Criminal Abortion By Homer Owen Hitchcock (1876) Quotes

Among all the nations of antiquity, there prevailed to a greater or lesser extent the horrid custom of exposing newborn children, or putting to death not only the newborn but even older children. Sometimes they were strangled, immolated, drowned, buried alive, or thrown to wild beasts or voracious reptiles. These innocent victims were among some nations sacrificed to their gods in barbarous but religious ceremonies; while among others, their destruction was required by law if, upon legal examination, they were found to be weak or deformed; and still among others, the custom was encouraged to prevent the population from increasing too rapidly. "This practice," says Dr. Beck, "was not upheld merely by the sanction of law, it was defended by the ablest men in Greece. Aristotle, in his work on government, enjoins the exposure of children that are naturally feeble and deformed, in order to prevent an excess in population." He adds: "If this idea is repugnant to the character of the nation, fix at least the number of children in each family, and if the parents transgress the law, let it be ordained, that the mother shall destroy the fruit of her body before it shall have received the principles of life and sensation." This custom was by no means confined to the low, ignorant, and degraded nations, but "when the Roman empire was at its highest pitch of grandeur, the destruction of infant life, in all its various stages, was practiced by high and low—rich and poor. Abortion was perpetrated, and children were exposed, almost without censure—certainly without punishment." The Jews, while continuing steadfast, faithful in their own religion, were free from these crimes. Indeed, abortion and infanticide were not forbidden because they were unknown among them. But when they became idolatrous through their intercourse with the Philistines, even the Jews offered up their infant children in sacrifice to Moloch, and Tophet was made horrid by these practices. But to the pure Jewish religion, as well as to real Christianity, infanticide after, as well as before birth, was abhorrent. Tertullian, as quoted by Dr. Beck, says: "Christians now are so far from homicide that, with them, it is utterly unlawful to make away with a child in the womb when nature is in deliberation about the man; for to kill a child before it is born, is to commit murder by way of advance; and there is no difference whether you destroy a child in its formation or after it is formed and delivered; for we Christians look upon him as a man who is one in embryo." And wherever Christianity has been introduced among modern heathen nations, infanticide has at once ceased to prevail and has been forbidden under severe penalties. Abortion too has been, and is, held to be a crime of equal enormity among all persons who have really learned and accepted the principles of the Christian religion. But notwithstanding the custom of exposing or killing children after birth, for any cause, has fled away

from every nation before the advance of these pure and benignant principles, and the act is now considered everywhere under the sway of Christianity as murder the most heinous, yet there still remains a shadow of the false philosophy and the ignorance of the laws of life, which prevailed among the ancients.¹

Many a nominally Christian home is desecrated by child-murder, by abortion being procured in the early months of pregnancy. Many a nominally Christian mother, who would be horrified by even the thought of strangling the babe upon her breast, and would refuse to produce miscarriage upon herself after the fifth month of pregnancy, nevertheless readily consents to an abortion being produced before the fourth month, and, if her 'conscience is not wholly void of offense,' yet she considers the act, if not justifiable, at least venial. Whence comes this impression, if not conviction, that is so widely spread among even Christian people, and which excuses, if not justifies, so many child murders in our land, and which furnishes so large and so tempting and so comparatively safe a field for so many devilish-minded abortionists to labor in? Does it not come directly from the false philosophy and the ignorance of the true laws of life which prevailed among the ancients? And is it not perpetuated and justified by the laws even of Christian lands which to some degree were molded by, and which now perpetuate that ignorance and false philosophy of the ancients? In discussing the question when the fetus is to be considered as endowed with life, Dr. Beck says: 'In reviewing the various opinions which have been advanced on this subject at different periods, it will abundantly appear that too often fancy has usurped the prerogative of reason, and idle speculation been substituted in the place of rational investigation. The consequence has been that doctrines have been promulgated, not only the most erroneous and absurd in their nature, but the most dangerous in their tendencies to the best interests of society.' 'The ancients believed that the sentient and vital principle was not infused into the fetus until some time after conception had taken place.' 'According to Hippocrates, the male fetus became animated at thirty days after conception; while the female required forty-two.' 'The Stoics believed that the soul was not united to the body before the act of respiration, and consequently that the fetus was inanimate during the whole period of utero-gestation. This doctrine prevailed until the reign of Antoninus and Severus, when it gave way to the more popular sentiments of the sect of the Academy, who maintained that the fetus becomes animated at a certain period of gestation.' This erroneous idea crept into the 'canon law of the church of Rome, which also distinguished between the animate and inanimate fetus,' in their punishments for its destruction. 'Galen considered the animation of the fetus to take place on the fortieth day after conception.' 'Another contended that eighty days were requisite for the animation of the female, while only forty were necessary for the male.'

¹ 57

Others again made a distinction between the imperfect embryo and the perfectly formed fetus, and considered abortion of the latter only as a crime deserving the same punishment as homicide; a distinction of which it is justly remarked by a celebrated writer on medical jurisprudence, 'enemy to morals and humanity worthy of the ignorance and prejudices of its authors.' 'All the foregoing opinions,' says Dr. Beck, 'wholly unsupported either by argument or experiment, might be dismissed without a comment, were it not to point out the evils to which they have given rise.'²

It is right here that much good can be done by physicians and by all hygienists in giving prevalence to the truth, that at the very moment of conception life begins in the fetus, and that no other time can be named so reasonable when the human fetus becomes a living soul; and that to destroy it at any time before birth is as much murder as at any time after birth. That the consciences of the people be aroused upon this subject is quite as much a necessity as that the people be informed upon it. The reality and enormity of the crime need in every suitable way to be pointed out, and made pungent by explicit law and condign punishment. It is true that at present abortion, especially in the early months of pregnancy, is far too prevalent, and that far too few of those who engage in it are brought to punishment. The fact that abortionists do their deeds mostly in darkness, explains in some degree why so few of them are brought to punishment. But how many whose guilt has been proven beyond a question, have escaped merited punishment by the disagreement of a jury—a disagreement accounted for by the want of real intelligence, in some of the jury, of the true laws of life in the fetus, or the demoralized consciences of others who had perhaps availed themselves of such services in the desecration of their own homes? Our laws upon this matter, changed as I have suggested, would threaten condign punishment to this crime whenever committed, would tend to give intelligence to jurors now ignorant of the true laws of fetal life, and would, I am sure, be the strongest and most natural barrier to the commission of this crime.³

Read online: <https://archive.org/details/reportoncriminal00hitc/mode/2up>

² 58

³ 61-62