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**Contraception and Abortion in the Early Roman Empire:**

**A Critical Examination of Ancient Sources and  
Modern Interpretations**

**Master of Arts Thesis  
By Susan Dowsing  
University of Ottawa, 1999**



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Abstract  
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The primary sources contain substantial evidence that contraception and abortion were common methods of birth control during the early Roman Empire. The medical, legal, and literary source texts support the notion that chemical means were most often resorted to. An analysis of the modern scholarship on the topic does not necessarily reflect this. Contrary to the opinions of earlier scholars, modern research has revealed that many of the contraceptives and abortifacients used by the Romans were efficacious. Despite this, the belief persists that dangerous surgical procedures were commonly used as a method of birth control. A re-evaluation of these texts in conjunction with other source material has led to conclusions that are not in accord with those contained in the prevailing modern scholarship.

## **Acknowledgments**

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## Abbreviations

LSJ<sup>9</sup> = Henry George Liddell, Robert Scott, and Henry Stuart Jones. *A Greek -English Lexicon*. Ninth edition. Oxford, 1940.

LSLD = Charlton T. Lewis. *A Latin Dictionary*. Oxford, 1879.

MMD<sup>2</sup> = Walter D. Glanze *et. al.* (eds.). *Mosby's Medical and Nursing Dictionary*. Second Edition. St. Louis-Toronto-Princeton, 1986.

OCD<sup>3</sup> = Simon Hornblower and Antony Spawforth (eds.). *The Oxford Classical Dictionary*. Third Edition. Oxford, 1996.

## Ancient Sources

Aul. Gell. = Aulus Gellius

*N.A.* = *Noctes Atticae*

Cels. = Celsus

*Med.* = *De medicina*

Cic. = Cicero

*Chu.* = *pro Cluentio*

Dsc. = Dioscorides

*M.M.* = *De materia medica*

Gal. = Galen

*Nat. Fac.* = *De naturalibus facultatibus*

Hp. = Hippocrates

*Aph.* = *Aphorismi*

*Carn.* = *De carnibus*

*Epid.* = *De morbis vulgaribus*

*Foet. Exsect.* = *De exsectione foetus*

*Jusj.* = *Jusjurandum*

*Mul.* = *De morbis mulierum*

*Nat. Mul.* = *De natura muliebri*

*Nat. Puer.* = *De natura pueri*

*Oct.* = *De octimestri partu*

*Septim.* = *De septimestri partu*

*Superf.* = *De superfetatione*

*Gen.* = *De generatione*

Hyg. = Hyginus

*Fab.* = *Fabulae*

Justinian

*Dig.* = *Digesta*

Juv. = Juvenal

*Sat.* = *Saturae*

- Min. Fel. = Minucius Felix  
*Oct.* = *Octavius*
- Mus. Ruf. = Musonius Rufus  
*Frag.* = *Fragment*
- Ov. = Ovid  
*Am.* = *Amores*  
*Fast.* = *Fasti*  
*Her.* = *Heroides*
- Plin. = Pliny the Elder  
*N.H.* = *Naturalis historia*
- Plu. = Plutarch  
*Tuen.* = *De tuenda sanitate praecepta*
- Scrib. Larg. = Scribonius Largus  
*Comp.* = *Compositiones*
- Sen. = Seneca  
*Helv.* = *Ad Helviam matrem de consolatione*  
*QNat* = *Quaestiones naturales*
- Sor. = Soranus  
*Gyn.* = *Gynaecia*
- Suet. = Suetonius  
*Aug.* = *Augustus*
- Tac. = Tacitus  
*Ann.* = *Annales*
- Tert. = Tertullian  
*Anim.* = *De anima*

### Note on Translations

All translations are from the standard Loeb editions unless otherwise stated. Square brackets within these translations indicate changes I have made. Translations marked with an asterisk are my own.

## CHAPTER 1

### Introduction

#### Abortion in the Early Roman Empire and the Modern Scholarship

The study of contraception and abortion in antiquity has attracted a growing interest during this century. It is a controversial subject, and not only in historical terms. Although this century has witnessed the acceptance of contraception and the legalization of abortion in many countries, sanction for these practices has been in no way universal.<sup>1</sup> Many organized religions still condemn birth control in any form although some beliefs permit abortion for medical reasons. In many cases, church and state legislation clash, sometimes violently. “Pro-life” factions view the practice of abortion as morally wrong and murderous, whereas the “pro-choice” movement sees a woman’s personal decision as to whether or not to terminate a pregnancy as a basic human right. The conflict continues. Abortion is a difficult subject to view dispassionately.

Was the topic of abortion in antiquity any less contentious? Even the most cursory glance at the historical evidence reveals that, like today, opinions varied and legislation changed. The Romans of the early Empire were able to limit family size by various methods of contraception and abortion and these procedures were documented. The purpose of this study, therefore, is twofold. The first aim is to examine the evidence provided by both the ancient sources and the modern scholarship in order to gain an overview of the practice of abortion and contraception within an isolated time period. Graeco-Roman antiquity encompassed a vast time frame and

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<sup>1</sup> See Riddle (1997), pp. 243-56, for a brief discussion of the development of modern abortion laws.

viewing the evidence concerning abortion and contraception from the pagan and Christian eras together would give a garbled and somewhat contradictory account that would confuse rather than disentangle certain conflicts. The time period for this study, therefore, is brief, from the late Roman Republic (c. 66 BC) until the Severi (AD 193-235), but it has been chosen for its importance. This period, beginning with Cicero's *Pro Cluentio* and ending with the Severan rescript that first made the act of abortion punishable, has been selected because it is well represented by medical, legal, and literary sources that relate to birth control. Indeed, some of the key passages pertaining to contraception and abortion in the Graeco-Roman world are from this time period. Because the Romans followed Greek medical tradition, earlier Greek medical treatises--important reference works that were frequently cited by physicians of the early Empire--will also be included. My first aim is therefore descriptive, and an attempt to determine Roman medical practices and contemporary attitudes towards contraception and abortion.

My second aim arises directly from the first. After a close examination of this source material, it becomes apparent that modern scholarship on this topic is often misleading and sometimes incorrect. An appropriate paradigm for the difficulties surrounding the study of abortion and contraception in antiquity can be found in a fascinating article by the classicist Helen King.<sup>2</sup> In this, she relates the story of Agnodike, a quasi-mythological figure for whom the sole source is Hyginus.<sup>3</sup> His work, *Fabulae*, has been described in the following way:

A handbook of mythology, compiled from Greek sources, probably in the second century AD. The work was abbreviated, perhaps for school use, and has suffered later accretions; its absurdities are partly due to the compiler's ignorance of

---

<sup>2</sup> King (1986), pp. 53-75.

<sup>3</sup> Hyg., *Fab.* 274.

Greek.<sup>4</sup>

The passage relevant to this study describes Agnodike, a woman masquerading as a man in order to learn and practise medicine, as she goes to the aid of a woman in labour. She is able to overcome the woman's modesty by revealing that she, too, is a woman.

Agnodike quaedam puella uirgo concupiuit medicinam discere, quae cum concupisset, demptis capillis habitu uirili se Herophilo cuidam tradidit in disciplinam. quae cum artem didicisset, et feminam laborantem audisset ab inferiore parte, ueniebat ad eam, quae cum credere se noluisset, aestimans uirum esse, illa tunica sublata ostendit se feminam esse, et ita eas curabat.

A certain maiden, Agnodike, wished to study medicine, and because of the desire, she cut off her hair and in men's clothing, dedicated herself to a certain Herophilus as a student. When she had learned the skill and heard that a woman was in labour, she went to her, and when the woman refused to entrust herself to her because she thought her to be a man, Agnodike lifted up her tunic and showed herself to be a woman and thus, she treated them.<sup>5\*</sup>

Although there are no other primary sources to support her existence, and, as King comments, "she appears in the *Fabulae* after the contributions to medicine of Cheiron the centaur, Apollo and his son Asclepius",<sup>6</sup> some medical writers and historians have chosen to ignore her mythical qualities and have granted her historical status with added embellishments:

From him [Herophilus] Agnodice must have learned how to perform embryotomy, using a boring and cutting instrument before crushing the child's head. She also performed Caesarian section on a dead mother and did other operations as taught by her master.<sup>7</sup>

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<sup>4</sup> OCD<sup>3</sup>, s.v. Hyginus.

<sup>5</sup> Hyg., *Fab.* 274.

<sup>6</sup> King (1986), p. 53.

<sup>7</sup> Hurd-Mead (1938), p. 45, as cited in King (1986: 56). Although "this scenario matches no known historical period" (OCD<sup>3</sup>, s.v. Agnodice), there have been attempts to identify "a certain Herophilus" with the historical figure Herophilus of Chalcedon (*fl.* in Alexandria c. 300 BC). Alic (1986), p. 29, comments that "Agnodice dressed as a man and went to Alexandria in about 300 BC to study medicine and midwifery with the famous physician and anatomist, Herophilus. She could not have chosen a better teacher, for Herophilus had made important contributions to medical science".

Although in Hyginus' account Agnodike is merely assisting a woman in labour she is now performing complex gynecological procedures. King charges that, "the shift from what is presented as informed speculation [...] to what is presented as fact [...] has encouraged subsequent writers to treat all these additional details as true".<sup>8</sup> King continues:

Towler and Bramall's history of midwifery states that, "Another charge against her was that she procured abortions. She is said to have successfully performed Caesarian sections", while Alic writes, "In Athens in the fourth century BC women doctors were accused of performing abortions and were barred from the profession".<sup>9</sup>

Agnodike's transformation is a cautionary example of the danger of "informed speculation" in the realm of scholarship. Whether or not she existed or what procedures she may or may not have performed is irrelevant. Unless speculation is supported by primary source material it must be presented as fiction and not as fact.

In relation to contraception and abortion in antiquity, a close analysis of the primary source material unearths evidence of a similar kind of tralatitious scholarship. For example, although modern acceptance of the efficacy of ancient medicinal contraceptive and abortive techniques has undergone a radical change over the last sixty years, the mute acceptance of the use of surgical abortive procedures as a method of birth control during the early imperial period has gone unchallenged, although the evidence from the primary sources does not support its widespread use in the ancient world. By isolating the inconsistencies and claims of modern scholars that are not actually supported by the primary source material I intend to provide a clear and impartial summary of the practice of abortion and contraception in the early Roman Empire, at the same time clarifying any misconceptions that have arisen. Eminent works of scholars of

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<sup>8</sup> King (1986), p. 57.

<sup>9</sup> Towler and Bramall (1986), p. 14, and Alic (1986: 28), as cited in King (1986: 57).

the early twentieth century have often been accepted without question and sometimes viewed by later scholars as holding the same weight as the primary sources with little or no account taken of the changing modern social attitudes towards the topic. While these works were ground-breaking and crucial to the development of the study, they, too, must be viewed with suspicion. Another important consideration must be the ever increasing accessibility of the extant primary source material on computer data banks, a resource that the technological age has provided, and one unavailable to earlier scholars.

Obviously, a return to the sources is necessary to clarify the facts. To this end, the medical, legal and literary evidence concerning birth control will each be presented separately, with subcategories detailing the various contraceptive and abortive methods of antiquity. The pertinent modern scholarship will also be surveyed. At the end of each section I conclude with a brief summary. In my final conclusion I will discuss the implications of the study and conclude that certain inconsistencies between the pronouncements of the authors of the primary texts and those of modern scholars merit a reevaluation of the source material, with special reference to surgical abortion as a means of birth control.



## Chapter 2

### The Medical Texts

#### 1. Introduction

The primary medical sources are rich in evidence that birth control was a concern in antiquity, and although there is no way of knowing how many medical treatises have been irretrievably lost, a remarkable number have survived. For the most part, these medical writings were written for fellow medical practitioners or scholars and not the general public. These authors were male and there are no surviving written accounts given from the female perspective. If there was secret knowledge concerning contraception and abortion that was passed down from woman to woman there is no written record of the actual procedures used, although there are references to self-treatment by women.<sup>1</sup> With the increasing interest in women of antiquity there has been much conjecture about women's secret practices and in some cases this has led to assumptions that are not supported by the information transmitted by the ancient medical treatises. Even if it was so that, "implicitly, abortions were women's secrets, the physician dealing only with those that went awry",<sup>2</sup> any discussion of the actual practice of abortion must have the full support of the written evidence that we possess, and it is necessary, therefore, to return to the sources.

In the primary medical sources, references to contraception and abortion are abundant, as are references to the reasons for termination of pregnancy and to the techniques available. In modern medical terminology the term "abortion" is used to indicate a miscarriage of birth whether

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<sup>1</sup> See Hp., *Mul.* 1.67.

<sup>2</sup> Riddle (1997), p. 76, citing Demand (1994: 58). See Demand (1994), pp. 57-70, for a discussion of the role of women in Greek medicine.

it occurs spontaneously or intentionally.<sup>3</sup> To the lay-person, an induced abortion would imply drug or surgical intervention, whereas a miscarriage suggests a natural early termination of pregnancy.<sup>4</sup> Greek and Latin terms for abortion and miscarriage, from whence the modern terminology derives, are equally vague, if not more so. For instance, the Latin terms for abortion (*e.g.* “abortus”) can be used interchangeably to mean abortion or miscarriage.<sup>5</sup> Likewise, in Greek, the term φθορά can mean either abortion or miscarriage and must be interpreted by context.<sup>6</sup> This has resulted in the misinterpretation of certain ancient medical passages and the blurring of evidence between that for abortion in the context of birth control, and that for gynecological surgery to save a woman’s life. This problem of semantics has resulted in confusion within modern scholarship on the topic, especially in relation to the medical texts, but another problem also becomes apparent. McLaren, in his discussion of Graeco-Roman abortion techniques, cites certain procedures in the context of birth control.

The Greek medical texts discussed numerous abortion techniques including the use of perforations, pessaries, oral potions, suppositories, fumigations and poultices. In addition jumping, excessive coition, fevers, vomiting and bleedings were reported as playing a role in bringing on miscarriage<sup>7</sup>

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<sup>3</sup> MMD<sup>2</sup>, *s.v.* abortion.

<sup>4</sup> An induced abortion is the “intentional termination of pregnancy before the fetus has developed enough to live if born” (MMD<sup>2</sup>, *s.v.* induced abortion). A spontaneous abortion (also called miscarriage) is “the termination of pregnancy before the twentieth week of gestation as a result of abnormalities of the conceptus or maternal environment” (MMD<sup>2</sup>, *s.v.* spontaneous abortion). Voluntary abortions are now commonly referred to as “elective”. A modern medical text contains the advice to use the term miscarriage when speaking to lay-people concerning abortion because the term “abortion” might have “connotations of criminality” (D. Cavanagh and M. Comas in Danforth (ed.) 1971: 336).

<sup>5</sup> LSLD, *s.v.* abortus.

<sup>6</sup> LSJ<sup>9</sup>, *s.v.* φθορά.

<sup>7</sup> McLaren (1990), p. 28. He cites Hippocrates (*Gen.* 10.1) for his list of possible causes of miscarriage but this passage contains no specific mention of these procedures. Lonie (1981), p. 144, however, in his commentary to this passage, cites Hippocrates (*Mul.* 1.25) which does contain a list of possible causes of miscarriage and abortion. McLaren gives no specific citations for abortion techniques.

However, a careful analysis of the passages that describe these procedures is necessary to determine whether they do, in fact, pertain to elective abortions for the purpose of birth control or whether they concern treatments for other gynecological conditions. I therefore intend to examine objectively the passages that are commonly cited by modern scholars expounding on abortion. This will permit me to analyse the existing evidence contained in the primary sources. McLaren's claim that perforations were used is a matter of some debate and will be discussed in detail in the appropriate sections.

## 2. The Ancient Authors Cited

Roman medicine had its own native tradition until the third century BC, but Greek medical influences prevailed and had gradually attained respectability by the first century.<sup>8</sup> Practitioners in Rome consulted the medical treatises of their Greek predecessors with the result that "Roman medicine was a summary of medical traditions from the Greek, Hellenistic, and Roman worlds".<sup>9</sup> Therefore, the ancient medical texts concerning contraception and abortion that will be analysed for the purpose of this thesis span from the fifth century BC to the third century AD. The compilers of these works were all male and were interested in or practised medicine and pharmacology. Just how representative of the sum of Roman medical knowledge concerning contraception and abortion these authors are is unknown but their works provide examples of specific medical procedures. In order to illustrate the diverse backgrounds of these sources, a brief chronological synopsis of their authors' careers follows.

The Hippocratic writings include the earliest Greek medical records that attest to the

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<sup>8</sup> Scarborough (1979), p. 7.

<sup>9</sup> Scarborough (1969), p. 148.

practice of contraception and abortion. Little is known of Hippocrates of Cos (c. 460-377 BC) and whether he was the author of some or all of the treatises is in doubt.

The most accepted view is that a century or so after the death of Hippocrates a collection of scrolls, left over from the books of the medical school at Cos, found its way to the great library of Alexandria. Another and rather unsettling view is that a collection of works was arbitrarily ascribed to Hippocrates by the Alexandrian librarians, and that the only reliable testimonies of the historical Hippocrates are the quotation in Plato's *Phaedrus* and a passage in the *Papyrus Anonymus Londiniensis*, written in the second century AD.<sup>10</sup>

Whether Hippocrates was the author of some or all of the treatises is not relevant to the study,<sup>11</sup> but later acknowledged medical authorities referred to the Hippocratic writings, and the information contained in them was transmitted through the medical community.<sup>12</sup> The next significant medical passages concerning abortion come from the writings of Aulus Cornelius Celsus (*fl.* in Rome c. AD 14-37), of whose encyclopedic work only the medical books and a few fragments are extant. Although a layman, he is considered an important source for Hellenistic medicine.<sup>13</sup> Scribonius Largus (c. AD 1-50) practised in Rome under Tiberius. His only extant work is the *Compositiones*. From Dioscorides Pedanius (first century AD), an army physician, we have the *Materia Medica*, a systematic list of plants, drugs, and their uses.<sup>14</sup> Soranus (*fl.* c. AD 98-138) practised as a physician in Alexandria and then Rome. His *Gynaecia*, in four books,

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<sup>10</sup> Majno (1975), p. 489 n. 40.

<sup>11</sup> See Potter (1988), pp. 13-4, for an outline of Hippocratic authorship.

<sup>12</sup> Soranus of Ephesus (*fl.* c. AD 98-138) makes numerous references to Hippocrates (*Gyn.* 1.45, 1.59, 3.29, 3.48, 4.14, 4.36) and twice makes specific reference to Hippocratic treatises (*Gyn.* 1.60, 1.65). He also discusses the controversy within the medical community concerning the Hippocratic Oath (*Gyn.* 1.60). A biography of Hippocrates (possibly spurious) is also attributed to him. Galen (see below, p. 10) wrote commentaries on Hippocratic works.

<sup>13</sup> Scarborough (1969), p. 153.

<sup>14</sup> Himes (1936), p. 85, claims that his works were so influential that, "up to the sixteenth century Dioscorides' works were consulted as if they were an oracle". His work, *The Medical History of Contraception*, published in 1936, demonstrates the increasing interest in historical contraception and abortion from a medical perspective and without religious bias.

provides fascinating insight into the obstetrical practices prevalent at the time.<sup>15</sup> Book I deals with the choosing and instruction of the midwife, menstruation, and the conditions affecting conception and abortion. Book II is devoted to parturition and the care of the newborn. Books III-IV are mostly concerned with the diseases of women. As with the Hippocratic writings, the majority of the work is concerned with aiding conception and birth. Galen of Pergamum (c. AD129- 199) after a career as a gladiators' physician, went to Rome and was court-physician under Marcus Aurelius after AD 169. His works contain numerous recipes for abortifacients, both oral prescriptions and vaginal pessaries, and three oral contraceptives.<sup>16</sup> The works of these authors all contain evidence that contraception and abortion were matters of concern to the medical community.

The medical texts are of fundamental importance to the subject of contraception and abortion in the ancient world. Certain aspects, in particular, those concerning contraception and the determination of conception as well as important points of medical procedure, are described in detail by the ancient medical authors but are given scant attention, if any at all, within the legal and literary sources. Because of the vast amount of evidence available, the logical approach to the ancient texts is to view the subjects in the natural chronology of conception and fetal development. Texts relevant to contraception will be followed by those concerning the conception of the fetus and then the termination of pregnancy, whether by accidental or intentional means or by natural birth. Because of the vagueness of some texts and the multi-purpose nature of some of the remedies, certain subgroups will necessarily overlap.

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<sup>15</sup> Himes (1936), p. 88, considers him "the greatest gynecologist of antiquity".

<sup>16</sup> See Riddle (1992), pp. 85-6, for a discussion of the ingredients of Galen's prescriptions.

### 3. Contraception

#### 3.1. Methods

In the Hippocratic writings we find evidence of the belief in contraceptive agents:

Ἀτόκιον· ἦν μὴ δέη κυῖσκεσθαι, μίσυος ὅσον κύαμον διεῖς ὕδατι,  
πίνειν διδόναι, καὶ ἐνιαυτὸν, ὡς ἔπος εἶπεῖν, οὐ κυῖσκεται.

Préparation pour empêcher la conception: si une femme ne doit pas concevoir, délayer gros comme une fève de misy dans de l'eau, faire boire, et elle reste une année, pour ainsi parler, sans concevoir.<sup>17</sup>

Dioscorides mentions numerous substances that could be taken orally, applied, or used in the form of a pessary to cause "inconception". White poplar (λεύκη) with a mule's kidney, willow (ἰτέα), asparagus (ἀσπάραγος), pepper (πέπερι), ivy (κισσός), mint (ἡδύοσμον) and axeweed (ἡδύσαρον) could all be used to promote barrenness.<sup>18</sup> A drink made from a hare's stomach taken three days after the abatement of the menses was also thought to cause sterility.<sup>19</sup> Metal (iron-rust [ἰὸς σιδήρου] and alum [στυπτηρία]) and mineral compounds (fossil oyster [λίθος ὀστρακίτης]) were also thought to be contraceptive.<sup>20</sup> Dioscorides relates that asparagus could also be used as an amulet and miltwaste (ἄσπληνος), either drunk by itself or hung in the hoof of a mule, would cause sterility.<sup>21</sup>

Not all practitioners believed in the efficacy of amulets. Soranus devotes a section of the

<sup>17</sup> Hp., *Mul.* 1.76. This advice is duplicated in another Hippocratic treatise (*Nat. Mul.* 99). Riddle (1992), p.75, identifies *misy* as a copper compound and suggests a possible correlation between its supposed contraceptive powers and the modern copper intrauterine device although no modern research statistics are available. All French translations of Hippocrates are Littré's (1839-61).

<sup>18</sup> Dsc., *M.M.* 1.81, 1.104, 2.125, 2.159, 2.179, 3.34, 3.130. See Riddle (1992), pp. 31-56, for a discussion of the efficacy of the contraceptives and abortifacients in the *Materia Medica*.

<sup>19</sup> Dsc., *M.M.* 2.19.

<sup>20</sup> Dsc., *M.M.* 5.80, 5.106, 5.146.

<sup>21</sup> Dsc., *M.M.* 2.125, 3.134.

*Gynaecia* (1.63) to the uses of abortives and contraceptives but scorns the use of magical aids, such as amulets of mule uteri or dirt from their ears, which, he says ἐπὶ τῶν ἀποτελεσμάτων φαίνονται ψευδῆ, “according to the outcome reveal themselves as falsehoods”.<sup>22</sup>

Birth control was obviously a concern and Soranus knew that, ultimately, avoidance of pregnancy was far safer than reliance on abortion to limit the population.

τοῦ φθεῖραι τὸ κωλύσαι γενέσθαι σύλληψιν ἀσφαλέστερον.

It is safer to prevent conception from taking place than to destroy the fetus.<sup>23</sup>

He also states, although his purpose is to aid conception rather than hinder it:

ἄριστος συνουσίας καιρὸς πρὸς σύλληψιν ὁ παυομένης τε <καὶ> παρακμαζούσης τῆς καθάρσεως, <καὶ> ὀρμῆς καὶ ὀρέξεως πρὸς συμπλοκὴν ὑπαρχούσης... ὁ μὲν γὰρ πρὸ τῆς καθάρσεως ἀνεπιτήδειος, βαρουμένης ἤδη τῆς ὑτέρας καὶ δυσαρέστως ἐχούσης διὰ τὴν ἐπιφορὰν τῆς ὕλης καὶ μὴ δυναμένης δύο κινήσεις ἐναντίας ἀλλήλαις ἐνεγκεῖν, τὴν μὲν εἰς τὸ ἐκκρῖναι τὴν ὕλην, τὴν δὲ εἰς τὸ παραδέξασθαι.

The best time for fruitful intercourse is when menstruation is ending and abating, when urge and appetite for coitus are present... for the time before menstruation is not suitable, the uterus already being overburdened and in an unresponsive state because of the ingress of material and incapable of carrying on two motions contrary to each other, one for the excretion of material, the other for receiving.<sup>24</sup>

Despite his overriding concern for the fertility of his patients, he advised women wishing to avoid pregnancy to refrain from intercourse at the most fruitful time, or to expel the seed immediately by squatting down and inducing sneezing. The cervix could be smeared with various ointments or

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<sup>22</sup> Sor., *Gyn.* 1.63. All English translations of Soranus are Temkin's (1956).

<sup>23</sup> Sor., *Gyn.* 160.

<sup>24</sup> Sor., *Gyn.* 1.36.

vaginal suppositories could be used.<sup>25</sup>

Although ancient medical practitioners believed in the use of contraceptives, scholars of the early twentieth century doubted their effectiveness.<sup>26</sup> Himes disparages the oral contraceptives of Dioscorides as “ineffective potions”, obviously considering them of the same status as his “magical prescriptions” (e.g., wearing of amulets).<sup>27</sup> Although Soranus, too, is accused of advocating “ineffective potions” Himes feels that “his main reliance was upon more rational techniques: an elaborate array of occlusive pessaries of various types, vaginal plugs, using wool as a base, and those impregnated with gummy substances”.<sup>28</sup> He concludes that “the scanty evidence available suggests that the contraceptive knowledge of antiquity was confined largely to the heads of medical encyclopedists, to a few physicians and scholars”.<sup>29</sup> Somewhat inaccurately, Balsdon states, “of the nature and use of contraceptives by the Romans we know nothing at all”,<sup>30</sup> and it was not until 1965 that Keith Hopkins established that there was indeed proof of contraception in Rome but the evidence was slight:

Nevertheless the very infrequency of references to contraception when compared with abortion and infanticide, and the silence about it in passages where one might expect it, lead me to doubt that contraception played a major role in family limitation in Rome.<sup>31</sup>

Throughout the first half of the twentieth century the consensus of modern scholars has been that ancient contraceptives were ineffective and unreliable. Therefore it seemed logical to

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<sup>25</sup> Sor., *Gyn.* 1.61.

<sup>26</sup> See Riddle (1992), pp. 16-7.

<sup>27</sup> Himes (1936), p. 86.

<sup>28</sup> Himes (1936), p. 91.

<sup>29</sup> Himes (1936), p. 100.

<sup>30</sup> Balsdon (1962), p. 196.

<sup>31</sup> Hopkins (1965), p. 142.



conclude that abortion was the obvious method to counteract the “many inefficient means of contraception”.<sup>32</sup> More recent scholarship, however, shows a trend to accept a more widespread use of contraception but the belief that recourse to abortion was far more common prevails.

Despite the pain and danger of abortion and the revulsion that many writers expressed at infanticide and exposure, their results were fairly predictable and effective and they therefore continued to take precedence over contraceptive methods.<sup>33</sup>

Research has shown the surprising evidence that, far from being “ineffective potions”, as previously believed, many of the ancient remedies and recipes actually contained the contraceptive and abortifacient qualities that they were purported to have.

Soranus and Dioscorides showed us that the ancients differentiated between contraceptives and abortifacients, and most of the agents they identified were likely effective.<sup>34</sup>

If ancient medical practitioners had reasonably effective means to hinder conception or terminate early pregnancies, it is likely that more violent and dangerous abortive methods were avoided when at all possible.

### 3.2. Determination of Conception

The first difficulty to be surmounted by the Hippocratic physician was to determine whether conception had taken place. The symptoms of pregnancy sound unlikely according to modern knowledge but the Hippocratic writers determined that, that to women of experience, the signs of conception were obvious:

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<sup>32</sup> Gorman (1982), p. 15.

<sup>33</sup> Jackson (1988), p. 111.

<sup>34</sup> Riddle (1992), p. 57. Riddle has collated the modern scientific studies available of contraceptive and abortive agents mentioned by Dioscorides and Soranus (1992: 25-56). Although not all agents have been studied his findings are suggestive.

αἱ ἐταῖραι αἱ δημόσιαι, αἵτινες αὐτέων πεπείρηται πολλάκις, ὀκόταν παρὰ ἄνδρα ἔλθῃ, γινώσκουσιν ὀκόταν λάβωσιν ἐν γαστρὶ· κάπειτ' ἐνδιαφθείρουσιν· ἐπειδὴν δὲ ἤδη διαφθαρῆ, ἐκπιπτει ὥσπερ σάρξ... Εὐδηλον δὲ καὶ ὅταν λάβῃ ἐς γαστέρα τῆσιν ἐπισταμένῃσιν, αὐτίκα ἐφριξε, καὶ θέρμη καὶ βρυγμὸς καὶ σπασμὸς ἔχει, καὶ τὸ ἄρθρον καὶ τὸ σῶμα πᾶν καὶ τὴν ὑστέρην ὀκνος.

Les filles publiques, qui se sont souvent exposées, allant avec un homme, connaissent quand elles ont conçu; puis elles font mourir en elles le produit de la conception; ce produit étant mort, ce qui tombe est comme une chair... Une femme qui a de l'expérience connaît aussi quand elle a conçu; elle éprouve aussitôt du frisson, de la chaleur, des grincements de dents, des spasmes; un engourdissement à l'articulation (*le bassin*), à tout le corps et à l'utérus.<sup>35</sup>

Other than these curious, and surely inaccurate, indications, the one sure sign of pregnancy was the movement of the fetus, believed to occur at the beginning of the third month for a male, at the beginning of the fourth for a female: τὸ μὲν γὰρ ἄρσεν τρίμηνον, τὸ δὲ θῆλυ τετράμηνον τὴν κίνησιν ἔχει.<sup>36</sup> Actually, an expectant mother usually senses fetal activity around the eighteenth week of pregnancy, commonly called the “quickening”, regardless of the sex of the fetus.<sup>37</sup> Since the Greeks were unaware of the actual time of quickening, a woman could be easily confused about the time of conception or about whether she was indeed pregnant at all. For physicians the disappearance of menstruation for most women at the onset of pregnancy was believed necessary to ensure nourishment for the embryo because the blood, ...περιστάμενον κύκλω περὶ τὸ ἐν τῆσι μήτρῃσιν ἔδον αὐξεί κείνο, “...se disposant

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<sup>35</sup> Hp., *Carn.* 19. See Hp., *Nat. Mul.* 99, for a questionable test for pregnancy.

<sup>36</sup> Hp., *Mul.* 1.71.

<sup>37</sup> Note, however, that “multiparas tend to notice quickening somewhat earlier than primigravidas, presumably because the symptom is remembered from a previous pregnancy” (D. Haynes in Danforth (ed.) 1971: 267).

circulairement autour du produit de la conception, en détermine la croissance”.<sup>38</sup> However, it was thought that grave suffering would result if menstruation was suppressed in the absence of pregnancy and this required treatment.<sup>39</sup> Although the mechanics of conception were not understood, menstruation was considered necessary for it to take place:

κενεῶν γὰρ τῶν μητρέων καὶ τῶν φλεβῶν γενομένων τοῦ αἵματος,  
λαμβάνουσι πρὸς σφᾶς αἱ γυναῖκες τοὺς παῖδας· μετὰ γὰρ τῶν  
καταμηνίων τὴν κάθαρσιν αἱ γυναῖκες μάλιστα λαμβάνουσιν ἐν γαστρί.

Les matrices et les veines étant devenues vides de sang, les femmes conçoivent;  
c'est en effet après les règles que la conception est la plus ordinaire.<sup>40</sup>

Most passages show concern for fertility rather, in fact, than birth control but in some cases, the treatments overlap. Various methods were used to provoke menstruation in order to help a woman suffering from amenorrhea (absence of menstruation) to conceive. The Hippocratic writings contain lists of oral prescriptions and pessaries, ἐπιμήνια κατασπάσαι, “de provoquer les règles”.<sup>41</sup> Emmenagogues and recipes to bring about conception were often considered part of the same treatment, the concern being fertility.<sup>42</sup> Some passages suggest the use of purgative pessaries to soften the uterine orifice, and thus encourage menstruation, similar to the treatments used to provoke abortion.<sup>43</sup> Dioscorides records asphodel (ἀσφόδελος), origano (ὀρίγανος ἡρακλεωτική), treacle clover (τρίφυλλον), hylwort (πόλιον), two forms of laurel (δαφνοειδές and χαμαιδάφνη), and two wines (οἶνος δαυκίτης and

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<sup>38</sup> Hp., *Mul.* 1.25.

<sup>39</sup> Hp., *Nat. Puer.* 15.

<sup>40</sup> Hp., *Nat. Puer.* 15.

<sup>41</sup> Hp., *Nat. Mul.* 32.

<sup>42</sup> See Hp., *Nat. Mul.* 109. “[An emmenagogue] is any agent that provokes menstruation, regardless of whether or not a fertilized egg is present and implantation has occurred” (Riddle 1992: 27).

<sup>43</sup> Hp., *Mul.* 1.84; *Nat. Mul.* 109.

ἐλελίσφακίτης) as having emmenagogic properties.<sup>44</sup> Since an accurate pregnancy test was not available to the women of antiquity and physicians were unaware that the most likely time for conception was during ovulation, a woman could easily abort an early embryo without being aware of it. Dioscorides also lists substances that besides being emmenagogic also apparently had the ability to expel an embryo: sage (ἐλελίσφακον), fleabane (κόνυζα), gilliflower (λευκοῖον γνώριμον), camomile (ἀνθεμῖς), squirting cucumber (σίκυς ἄγριος), a type of heliotrope (ἡλιοτρόπιον τὸ μέγα), and a wine containing all-heal (οἶνος πανακίτης).<sup>45</sup> As no indication is given of the size of the embryo in these texts it is difficult to determine whether pregnancy had been confirmed or was only suspected when such substances were employed. This could be an indication that such an early termination was not considered so much an abortion as a means of bringing on menstruation.<sup>46</sup>

#### 4. The Methods of Abortion

##### 4.1 Introduction

The medical sources contain many techniques to terminate a pregnancy but they are often cited out of context by modern scholars. We are assured that the Greeks employed “contraceptives, oral abortifacients, and various surgical and manipulative procedures” to perform abortions.<sup>47</sup> Although certain procedures and instruments without doubt would cause the

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<sup>44</sup> Dsc., *MM.* 2.169, 3.27, 3.109, 3.110, 4.146, 4.147, 5.60, 5.61.

<sup>45</sup> Dsc., *MM.* 3.33, 3.121, 3.123, 3.137, 4.150, 4.190, 5.62.

<sup>46</sup> Moïssidés (1922), p. 70, citing Hp., *Septim.* 9, comments that a termination between one and seven days after conception was called an “ἐκρύσις” (effluxion). That this early “flooding” differed from miscarriage (LSJ<sup>9</sup>, s.v. ἔκρυσις) further emphasizes the notion that such an early termination of pregnancy was not considered an abortion.

<sup>47</sup> Riddle (1992), p. 9.

expulsion of a fetus, the evidence of the sources does not necessarily corroborate that they were used for the purpose of birth control. In some cases modern scholars have used the ancient sources to give examples of abortion techniques where the passages actually describe the treatment of non-pregnant women. In the following sections, beginning with a description of modern abortion techniques, each type of abortion procedure cited by modern scholars will be examined from the primary sources to determine which procedures were used to initiate abortion and which were really therapies for other conditions. The modern scholarship pertaining to surgical abortion will be addressed and the section concludes with a discussion of the Hippocratic Oath in relation to abortion in the ancient world.

#### 4.2. Modern Abortion Techniques and the Age of the Fetus

An understanding of modern clinical abortive techniques helps to elucidate the ancient texts. Modern abortive procedures vary according to the term of pregnancy and the risk of complications is increased by the age of the fetus. An endometrial aspiration can be performed anywhere from twenty-eight to forty-two days after the last menstrual period (LMP) until seventy-two days LMP and is “sometimes called *pre-emptive abortion* or *menstrual regulation*”.<sup>48</sup> It is performed with a small flexible plastic tube, introduced to the uterus by way of the cervix. Dilatation of the cervix is not necessary:

The tube is hollow in endometrial aspiration. The outside end of the tube is attached to a source of suction (which can be a syringe, or an electric or mechanical pump). Using suction the tissue is gently “pulled” out from the wall of the uterus; the “tissue” that comes out by means of suction is the *endometrium* (or “lining”) that has built up over the four weeks of menstrual cycle, plus a very small, hardly visible bit [of] fetal tissue if the woman was pregnant.<sup>49</sup>

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<sup>48</sup> Ide (1986), p. 34.

<sup>49</sup> Ide (1986), p. 34.

As with any manipulative procedure there is risk, even if performed at a medical facility.

Today, uterine curettage is also performed during the first trimester, but only after the pregnancy has been confirmed. After administering a general anaesthetic or a paracervical (local) block, the cervix is dilated gradually to allow the introduction of a suction curette into the uterus and this is moved to detach the fetal matter from the uterine walls, which is then evacuated by suction. Although performed in a sterile environment, the procedure still involves risk: “The complications of suction curettage are perforation of the uterus, haemorrhage, and infection.”<sup>50</sup>

From the eighth to twelfth week of pregnancy a dilation and curettage abortion, very similar to the suction curettage technique, is performed, except that the fetal matter having been dislodged with a curette is then removed with forceps.<sup>51</sup> All these procedures run the risk of incomplete abortion, which would result in an infection that could lead to death.<sup>52</sup>

To the modern physician, late abortions are those that occur “between twelve and twenty weeks of gestation”.<sup>53</sup> At this stage, the most commonly used abortive procedure is the intra-amniotic injection:

Hypertonic saline is at present the most commonly used substance. A not too wide needle is introduced into the abdomen about two or three finger-breadths above the symphysis pubis, after infiltrating the abdominal wall with a local anaesthetic. The technique is usually most effective when the fetus is 14-20 weeks' gestation. It is important that in this technique a general anaesthetic is not used so that the patient's reaction to the intra-amniotic fluid injection can be observed. The amniotic fluid is then aspirated... The dangers are the introduction of infection, intravascular injections or the injection of too large a volume of saline causing cerebral infarction. In some cases the placenta is retained and has to be removed

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<sup>50</sup> P. W. Howie in Whitfield (ed.) (1986), p. 179.

<sup>51</sup> *Ide* (1988), p. 51.

<sup>52</sup> *Ide* (1988), p. 50.

<sup>53</sup> D. Cavanagh and M Comas in Danforth (ed.) (1971), p. 335.

after dilation of the cervix under general anaesthesia.<sup>54</sup>

Even with modern technology, the late abortion can be hazardous:

Late abortions are risky... The reason for the difficulty in these late abortions, is because from the 12<sup>th</sup> to the 15<sup>th</sup> week the uterus expands and tilts, and the walls become thinner, softer and more spongy. When this occurs perforation of the uterus and excessive bleeding is more likely.<sup>55</sup>

What becomes clear, even with modern techniques and standards of hygiene, is that the risks involved with abortion are substantial. This brief view of modern techniques will allow a greater understanding of the procedures and concerns of the ancient medical practitioner. It also emphasizes some of the more obvious deficiencies of ancient medicine.

Although the age of the fetus is of vital importance in relation to modern abortion procedures, the writers of the ancient texts often omit any mention of the term of pregnancy when discussing abortion. The Hippocratic writings contain descriptions of various manipulative methods to abort or aid in the delivery of a fetus but ancient medical instruction often provides no indication of the age of the fetus in relation to the techniques used for abortion. When fetal size is discussed, the writers' own confusion about the development of the fetus only adds to the confusion surrounding the texts. A perfect example of this is contained in the instructions the author of *de natura pueri* gives to a courtesan on how to abort an embryo. There is no moral dilemma and the advice will enable her to maintain her value in her profession:

Καὶ μὴν ἕξ ἡμέρας μείνασαν ἐν τῇ γαστρὶ γονὴν καὶ ἕξω πεσοῦσαν αὐτὸς εἶδον· καὶ ὁκοίη μοι ἐφαινετο ἐν τῇ γνώμῃ τότε, ἀπ' ἐκείνων τὰ λοιπὰ τεκμήρια ποιεῦμαι· ὡς δὲ εἶδον τὴν γονὴν ἐκταίην ἐοῦσαν ἐγὼ διηγῆσομαι. Γυναικὸς οἰκείης μουσοεργὸς ἦν πολύτιμος, παρ'

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<sup>54</sup> Walker (ed.) (1976), p. 550.

<sup>55</sup> Ide (1988), p. 52.

<sup>56</sup> Hp., *Nat. Puer.* 13.  
<sup>57</sup> Some modern scholars show a lack objectivity concerning the subject of abortion. Jones (1923), p. 296, finds this manner of producing an abortion both "singular and disgusting".  
<sup>58</sup> Moore (1973), p. 29: "By the end of the first week the blastocyst is superficially implanted in the endometrial lining of the uterus." At this stage what will eventually develop into the embryo is microscopic. Note: "Such activities would never cause the expulsion of a sound, well-embedded pregnancy, but might readily cause the expulsion of an unhealthy, already semi-detached ovum, which would have been aborted within the next few hours"

allow.<sup>58</sup>

The physician has no qualms about giving the woman advice in order for her to abort an embryo which would interfere with her value as a courtesan, nor does he deny the women's gossip that retention of semen after coitus must indicate conception.<sup>57</sup> The author goes on to describe a "seed" of six day's gestation as resembling a raw egg without the exterior shell. From the description, the fetal matter would appear to be much further developed than six days would

J'ai observé une semence qui avait séjourné six jours dans l'utérus, et qui tomba au dehors; d'après ce qui a été dit ci-dessus, je détermine du reste quelle elle m'apparut alors. Je vais expliquer comment je vis une semence de six jours. Chez une femme de ma connaissance était une baladine fort estimée, qui avait commerce avec les hommes, et qui ne devait pas devenir grosse, afin de ne pas perdre de son prix. Cette baladine avait entendu ce que les femmes disent entre elles, à savoir que, quand une femme conçoit, la semence ne sort pas, mais demeure dedans. Ayant entendu ces dire, elles les comprit et retint. Un jour elle s'aperçut que la semence ne sortait pas; elle le dit à sa maîtresse, et le bruit en vint jusqu'à moi. Ainsi informé, je lui ordonnai de sauter de manière que les talons touchassent les fesses; elle avait déjà sauté sept fois lorsque la semence tomba à terre en faisant du bruit. A cette vue, la femme fut saisie d'étonnement.<sup>56</sup>

ἀνδρας φοιτεῖν, ἣν οὐκ ἔδει λαβεῖν ἐν γαστρὶ, ὡς ἡ ἀτιμότερη ἐστὶν. ἡ κηκοῖε δὲ ἡ μουσοεργὸς, ὁκοῖα αἰ γυναικες λέγουσι πρὸς ἀλλήλας. ἐπὶν γυνὴ μὲλὰ ἡ ληψέσθαι ἐν γαστρὶ, οὐκ ἐξέρχεται ἡ γυνή, ἀλλ' ἐνδον μένει. ταῦτα ἀκούσασα ζυνηκε καὶ ἐφύλασσε αἰεὶ, καὶ κως ἦσθετο οὐκ ἐξιοῦσαν τὴν γυνήν, καὶ ἐφρασε τὴν δεσποίνην, καὶ ὁ λόγος ἤλθεν ἕως ἐμῆ. καὶ ἐγὼ ἀκούσας ἐκλευσάμην πρὸς πρηνὴν πηδῆσαι, καὶ ἐπράκτισ ἡδὴν ἐπεπληθῆτο, καὶ ἡ γυνὴ κατεβῆν ἐπὶ τὴν γῆν, καὶ ψόφος ἔγρευτο, καὶ κείνη δὲ ἰδοῦσα ἐβήτη καὶ ἐθαύμασε.



As previously mentioned, women of experience were thought to know instinctively when conception had taken place and how to destroy the fetus. As with the Hippocratic author of *de natura pueri*, the author of *de carnibus* also claims to have gained his knowledge through discussion with prostitutes (see above, p. 14-5) and the examination of an embryo, this time a seven-day-old conceptus, complete with limbs and genitalia.

Ὁ δὲ αἰὼν ἐστὶ τοῦ ἀνθρώπου ἑπταήμερος. Πρῶτον μὲν ἐπὶ τὰς μήτρας ἔλθῃ ὁ γόνος, ἐν ἑπτὰ ἡμέρησιν ἔχει ὁκόσα περ ἐστὶν ἔχειν τοῦ σώματος... ταύτην τὴν σάρκα ἐς ὕδωρ ἐμβαλὼν, σκεπτόμενος ἐν τῷ ὕδατι, εὐρήσεις ἔχειν πάντα μέλεα καὶ τῶν ὀφθαλμῶν τὰς χώρας καὶ τὰ οὐατα καὶ τὰ γυῖα· καὶ τῶν χειρῶν οἱ δάκτυλοι καὶ τὰ σκέλεα καὶ οἱ πόδες καὶ οἱ δάκτυλοι τῶν ποδῶν, καὶ τὸ αἰδοῖον καὶ τὸ ἄλλο πᾶν σῶμα δῆλον.

L'âge de l'homme est de sept jours. D'abord, dès que le produit de la conception est dans la matrice, il a en sept jours toutes les parties que le corps doit avoir... Jetez cette chair dans de l'eau, examinez la dans l'eau, et vous verrez qu'elle a toutes les parties, l'emplacement des yeux, les oreilles, les membres; les doigts des mains, les jambes, les pieds et les doigts de pieds, les parties génitales, enfin tout le corps est visible.<sup>59</sup>

Modern medicine has enabled us to chart the average growth rate of the embryo and fetus in the womb, as well as test for pregnancy and determine the approximate date of conception if it has occurred. The digits of an embryo are not clearly defined until approximately forty-eight days, when it has a sitting height of 29 mm.<sup>60</sup> From the eighth to the twelfth week the external genitalia

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or days even if she had remained quietly in bed. It is also obvious to us today that the pregnancy was many times older than six days" (Hanson 1975: 584), citing "A.F. Guttmacher in Ellinger (1952: 116-7, *Hippocrates: On Intercourse and Pregnancy*)". This thesis has been completed in West Africa and the works of certain authors have been impossible to obtain. In the instances where a work has been unavailable I shall clearly state that the citation has come from another publication and give as complete a bibliographical reference as possible in the footnote.

The publications that I have not actually seen will not be included in the bibliography.

<sup>59</sup> Hp., *Carn.* 19.

<sup>60</sup> Moore (1973), p. 67. At seven days, the site of the embryonic tissue is only 0.1 to 0.2 mm in length (*ibid.*: 33).

develop until the male and female fetus can be distinguished.<sup>61</sup> The Hippocratic physician had no way of knowing when the actual conception had taken place and was obviously incorrect in his calculation of the development and age of the embryo/fetus. A child born at seven months was believed to have the proper numerical relationship to the number seven and was therefore viable, whereas an eighth month child never survived. At nine months and ten days the correct relationship was again reached and a child born on this day or after would survive.<sup>62</sup> Hanson regards the certain belief that the death of an eighth month child was inevitable as a convenient pronouncement that “relieved parents from feelings of guilt and exonerated birth attendants from charges of negligence”.<sup>63</sup>

This confirmation that ancient doctors held beliefs that were inaccurate and sometimes blatantly incorrect has no doubt contributed to the notion held by scholars of the early twentieth century that ancient contraceptives and abortifacients must have been equally unreliable, and that therefore successful birth control had to depend on surgical and manipulative methods.

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<sup>61</sup> Moore (1973), p. 75.

<sup>62</sup> Potter (1995), p. 163 a: “For the Greeks, normal pregnancy in the healthy woman lasted exactly seven forty-day periods (280 days), and children born at that term were called ‘ten months’ [δεκάμηνοι].” The Greek calculation is quite accurate, despite the nonexistence of accurate pregnancy testing. The rough estimation of time of birth is 266 days from fertilization and 280 days from the beginning of the last menstrual period (Moore 1973: 81).

<sup>63</sup> Hanson (1987), p. 600.

### 4.3. Loss of Blood

Venesection, or the drawing of blood, was thought to provoke abortion: Γυνή ἐν γαστρὶ ἔχούσα, φλεβοτομηθεῖσα, ἐκτιτρώσκει· καὶ μᾶλλον ἦσι μείζσον τὸ ἔμβρυον, “une femme enceinte, saignée, est exposée à avorter, d’autant plus que le foetus est plus avancé”. This comment is instructive as well as cautionary.<sup>64</sup> The venesection of patients was a common treatment for all ills so that treatment for an unrelated ailment might well bring about an unintended abortion.

### 4.4. Self Wounding

In the case of a miscarriage or a self-induced abortion gone awry, a resulting wound could have arisen from a variety of causes not necessarily relating to an injury caused by a surgical implement. The author of *de morbis mulierum* implies that such wounds, because of self-treatment by women, were common:

ἦν δὲ γυνή ἐκ τρωσμοῦ τρῶμα λάβη μέγα, ἢ προσθέτοισι δριμέσιν ἔλκωθῆ τὰς μήτρας, οἷα πολλὰ γυναιῖκες ἀεὶ δρῶσι τε καὶ ἰητρεύουσι, καὶ τὸ ἔμβρυον φθαρῆ, καὶ μὴ καθαίρηται ἡ γυνή, ἀλλὰ οἱ αἱ μήτραι φλεγμῆνωσιν ἰσχυρῶς καὶ μεμύκωσι καὶ τὴν κάθαρσιν μὴ οἷαί τε ἔωσι παραμεθιέναι, εἰ μὴ τὸ πρῶτον ἅμα τῷ ἔμβρῳ, αὕτη ἦν μὲν ἰητρεύηται ἐν τάχει, ὑγιῆς ἔσται, ἄφορος δέ.

Quand la femme est affectée d’une grande plaie à la suite de l’avortement, ou quand la matrice a été ulcérée par des pessaires âcres, ce qui arrive, vu tant de pratiques et de traitements que les femmes font de leur chef, ou quand, le foetus étant chassé par l’avortement et la femme n’ayant pas la purgation lochiale, la matrice s’enflamme fortement, se ferme et ne peut donner issue à la purgation, si ce n’est à ce qui sort tout d’abord avec l’enfant, la malade, si elle est traitée promptement, guérira, mais restera stérile.<sup>65</sup>

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<sup>64</sup> Hp., *Aph.* 5.31.

<sup>65</sup> Hp., *Mul.* 1.67.

We are given possible reasons for the ulcerations, some of which the author attributes to self-treatment by women. A caustic suppository or the expulsion of a fetus could cause lesions and “wounds” that would be comparable to those inflicted by surgical instruments but the actual cause of the wounds is not specified. It is evident from the Hippocratic treatises that male physicians treated female patients but in the case of termination of pregnancy or labour, midwives were also often attendant.<sup>66</sup> Exactly how much responsibility was given to the midwives is unclear.<sup>67</sup> It is possible that male physicians were only called in after complications, but this is speculation.

...It was recognised that gynaecology and obstetrics were a province in which specialists were required and in which women had a natural advantage over men. However, *medicae* were always less numerous than *medici* and, as Soranus records, midwives, *obstetrices*, often served in their stead: “the public is wont to call in midwives in cases of sickness when the women suffer something peculiar which they do not have in common with men.”<sup>68</sup>

#### 4.5. Termination: Purges and Pessaries<sup>69</sup>

For a woman who was convinced of her pregnancy, the Hippocratic writings contained various measures she could take to terminate it. Pessaries and purges were known to provoke abortions but, again, were also used for other conditions. The Hippocratic physician was advised to purge (φαρμακεύειν) pregnant women, but it was recognized that care was needed if the unborn child was fewer than four months old or more than seven:

Τὰς κυούσας φαρμακεύειν, ἦν ὄργᾶ, τετράμηνα, καὶ ἄχρι ἑπτὰ  
μηνῶν ἦσσαν· τὰ δὲ νήπια καὶ πρεσβύτερα εὐλαβεῖσθαι.

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<sup>66</sup> See Hp., *Mul.* 1.68.

<sup>67</sup> “Many were actively engaged as abortionists”, claims Ricci (1949: 30), but he does not name his sources.

<sup>68</sup> Jackson (1988), p. 87. Sor., *Gyn.* 3.3: μαίας ἐν ταῖς νόσοις ὁ βίος εἴωθεν παρακαλεῖν, ὅταν αἱ γυναῖκες ἰδίον τι πάσχωσιν καὶ ὃ μὴ κοινόν ἐστιν πρὸς τοὺς ἀνδρας.

<sup>69</sup> A pessary is a vaginal suppository (Riddle 1992: 7).

Évacuer les femmes enceintes, s'il y a orgasme, à quatre mois et jusqu'à sept mois, mais moins à ce terme; ménager les foetus avant quatre mois et les foetus après sept mois.<sup>70</sup>

One result of purging could have been diarrhoea, and this was recognized as a threat to the pregnancy:

Γυναικὶ ἐν γαστρὶ ἐχούση, ἣν ἡ κοιλίη ῥυτῆ πολλάκις, κίνδυνος ἐκτρῶσαι.

Si une femme enceinte est prise d'un flux de ventre abondant, il est à craindre qu'elle n'avorte.<sup>71</sup>

Purges and expulsive pessaries are frequently recommended τοῦ παιδίου ἐναποθανόντος, “quand l'enfant y étant mort dedans”.<sup>72</sup> It is unclear, in this instance, whether the fetus was killed intentionally or if it had died from natural causes. Concoctions ἐπιμήνια κατασπάσαι καὶ τὴν ἀπόπληκτον, “de faire venir les règles et l'embryon frappé d'apoplexie”, contained the same ingredients.<sup>73</sup>

Celsus lists the uses of pessaries from a purely scientific interest:

Haec tria compositionum genera [id est, quae in malagmatis, pastillis emplastrisque

<sup>70</sup> Hp., *Aph.* 5.29. The phrase ἦν ὄργα is more comprehensible in English as “if the condition is turgid”.

<sup>71</sup> Hp., *Aph.* 5.34. ἐκτρῶσαι is from the verb ἐκτιτρώσκειν, meaning to miscarry or attempt to procure an abortion (LSJ<sup>9</sup>, s.v. ἐκτιτρώσκω). Whether it is used to indicate a miscarriage or an elective abortion must be interpreted by context.

<sup>72</sup> Hp., *Mul.* 1.78.

<sup>73</sup> Hp., *Mul.* 1.78. The adjective ἀπόπληκτος means “stricken with paralysis” (Durling 1993: 64). This is, perhaps, a euphemism for the death of the fetus, a recognized symptom of which was the cessation of movement in the womb but it is unclear if there is really any distinction between the two. Nor is there any indication of the age of the fetus, because an ἔμβρυον can mean either embryo or fetus (LSJ<sup>9</sup>, s.v. ἔμβρυον). Modern medical terminology classifies the human embryo as the stage two weeks after conception until the end of the seventh or eighth week (MMD<sup>2</sup>, s.v. embryo). The fetus is “the human being in utero after the embryonic period and the beginning of the development of the major structural features, usually from the eighth week after fertilization until birth” (MMD<sup>2</sup>, s.v. fetus).

sunt] maximum praecipueque uarium usum praestant. Sed alia quoque utilia sunt, ut ea, quae feminis subiciuntur: pessos Graeci uocant. Eorum haec proprietates est: medicamenta composita molli lana excipiuntur, eaque lana naturalibus conditur.

These three classes of compositions [emollients, pastils and plasters], have very wide and varied uses. But there are other useful compositions, such as those which are introduced into women from below, the Greeks call them pessoi. Their characteristic is that the component medicaments are taken up in soft wool, and this wool is inserted into the genitals.<sup>74</sup>

Celsus then goes on to give the recipe for an emmenagogic pessary “ad sanguinem euocandum”, “for inducing menstruation”, and two recipes “ad uulvam molliendam”, “for softening the womb”.<sup>75\*</sup> Pomegranate rind was added to render expulsion more easy, “si uero infans intus decessit”, “if the infant in (the womb) has died”.<sup>76\*</sup>

In the case of an unwanted pregnancy, Soranus would first employ means that would require a minimum of medical intervention to bring on a miscarriage. If a woman did become pregnant despite precautions she was advised to reverse the advice given for the care of expectant women.<sup>77</sup> Energetic and sometimes violent activity was prescribed:

γενομένης δὲ τῆς συλλήψεως τὸ μὲν πρῶτον ἕως τριάκοντα ἡμερῶν τὰ ἐναντία ποιεῖν οἷς ἔμπροσθεν εἰρήκαμεν, εἰς δὲ τὸ διαλυθῆναι τὸ συλληφθὲν <σφοδρότερον κινεῖσθαι> περιπατοῦσαν εὐτόνως καὶ διὰ ζευκτῶν κατασειομένην, εὐτόνως καὶ πηδᾶν καὶ βαστάζειν τὰ ὑπὲρ δύναμιν βάρη, ἀφεψήμασι δὲ διουρητικοῖς χρῆσθαι τοῖς δυναμένοις καὶ καταμήνια κινεῖν, καὶ τὴν γαστέρα λαπάττειν καὶ κλύζειν δριμυτέροις κλύσμασι...

Yet if conception has taken place, one must first, for 30 days, do the opposite of what we said earlier. But in order that the embryo be separated, the woman should have <more violent exercise>, walking about energetically and being shaken by

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<sup>74</sup> Cels., *Med.* 5.21.1.

<sup>75</sup> Cels., *Med.* 5.21.1, 5.21.2.

<sup>76</sup> Cels., *Med.* 5.21.5.

<sup>77</sup> Sor., *Gyn.* 1.64. See Sor., *Gyn.* 1.46, for advice for pregnant women.

means of draught animals; she should also leap energetically and carry things which are heavy beyond her strength. She should use diuretic decoctions which also have the power to bring on menstruation, and empty and purge the abdomen with relatively pungent clysters...<sup>78</sup>

If being shaken by draught animals or venesection did not result in abortion, then pessaries or other softening agents were used. Soranus lists the ingredients for some which would produce “abortion with relatively little danger”.<sup>79</sup> However, following a list of various pessaries he warns:

φυλάττεσθαι τὰ ἐπὶ πολὺ δριμέα διὰ τὰς ἀπ’ αὐτῶν ἐλκώσεις.

One should beware of things which are very pungent, because of the ulcerations arising from them.<sup>80</sup>

Soranus’ advice is constantly interspersed with cautions, revealing his sincere concern for his patient:

πολλὰ δὲ καὶ ἄλλα παρ’ ἄλλοις εἴρηται, φυλάσσεσθαι δὲ δεῖ τὰ λίαν πληκτικὰ καὶ τὸ καταλύειν τὸ ἔμβρυον διὰ τινος ἐπάκμου, κίνδυνος γὰρ τρωθῆναί τι τῶν παρακειμένων. μετὰ δὲ τὴν φθορὰν ὡς φλεγμονὴν θεραπευτέον.

In addition, many different things have been mentioned by others; one must, however, beware of things that are too powerful and of separating the embryo by means of something sharp-edged, for danger arises that some of the adjacent parts be wounded. After the abortion one must treat as for inflammation.<sup>81</sup>

His avoidance of harmful agents, whether chemical or surgical in nature, suggests that it was the milder and therefore safer methods that were routinely employed to initiate abortions.

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<sup>78</sup> Sor., *Gyn.* 1.64.

<sup>79</sup> Sor., *Gyn.* 1.65: ἀκινδυνότερον ἐκβάλλων.

<sup>80</sup> Sor., *Gyn.* 1.61-2.

<sup>81</sup> Sor., *Gyn.* 1.65. Temkin’s translation of φυλάσσεσθαι as “beware of” is mild and “avoid” is perhaps more appropriate.

#### 4.6. Termination: Fumigation and Infusion

Other abortive treatments called for the use of fumigations and infusions. Vapours or liquids were infused by way of the vagina but the language is ambiguous. Milne uses the term “injection”, one that can have a very different modern connotation.<sup>82</sup> The Greek is equally vague.

It is difficult to separate ancient descriptions of injections into the vagina from those into the uterus, for the terms for the two parts are frequently interchangeable. It is undoubted, however, that actual intrauterine injections were made.<sup>83</sup>

Milne is certain that intrauterine injections were performed but he does not mention the context and it is not necessarily that of birth control. The issue is further complicated by the imprecision of ancient anatomical terms, an item crucial to modern understanding of the Greek medical procedures. Treatments which seem to the modern reader unlikely to succeed are prescribed alongside more convincing methods. The difficulty lies with understanding and interpreting the Greek without superimposing modern knowledge and techniques. An example of this can be illustrated by the technique of the expulsive fumigation:

Ἐκβόλιον θυμῖμα, δυνάμενον καὶ αἷμα γαστρὸς ἐξελάσαι· ἰτέης φύλλα ἐπὶ πῦρ ἐπιθεῖς θυμιῆν, καὶ περικαθίσας τὴν γυναῖκα ἐῆν ἄχρις ἂν ὁ καπνὸς ἐς τὴν μήτηρ ἐνδύνη.

Fumigation expulsive, capable aussi de faire sortir du sang hors de la matrice: mettre des feuilles de saule sur le feu et fumiger; on fera asseoir la femme et on la laissera jusqu'à ce que la vapeur entre dans la matrice.<sup>84</sup>

The process is summed up by Jackson:

...Fumigation involved the heating of substances such as bitumen, human hair,

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<sup>82</sup> See above, pp. 17-9, for modern abortion techniques.

<sup>83</sup> Milne (1907), p. 107. See Moïssidés (1922), p. 84 n. 2, for a brief but inconclusive discussion of whether injections were intrauterine or merely vaginal.

<sup>84</sup> Hp., *Mul.* 1.78.



medicinal plants and aromatic herbs in a metal or ceramic pot with a close-fitting lid. The lid was pierced by a hole in which was a reed or lead tube, the other end of which was inserted into the woman's vagina and through which the heated and supposedly healing vapours passed.<sup>85</sup>

This passive treatment was often performed in conjunction with other therapies and was also a popular treatment for correcting the position of the womb:

The most typical of Hippocratic gynaecological interventions is the fumigation, in which hot vapours are passed through a reed into the womb. This can go on for several days, with short breaks for bathing, eating specified foods, or intercourse with one's husband. It is interesting that even in this procedure, where the woman would seem very much a passive object having things done *to* her, she is allowed one way of resuming control. At intervals during the fumigation she is instructed to touch the mouth of the womb (the texts helpfully add, "if she can feel it") and report on its position. Since the purpose of the therapy is to restore the womb to its correct position so that blood can flow out and the male seed in, the answer, "Yes, I can feel it, and it's not tilted any more" will end the treatment.<sup>86</sup>

In an earlier publication, Fontanille cites the same Hippocratic treatise but has reached a completely different conclusion. She states, "la perforation est pratiquée soit avec un roseau taillé, soit à l'aide d'une plume".<sup>87</sup> Although the patient in question was not pregnant, Fontanille has interpreted this passage to mean that abortion was initiated by fumigation and that the process entailed the perforation of the uterine membranes by means of a reed:

Quand le vase s'échauffe... on fait asseoir la femme sur le bout du roseau, qu'on introduit dans l'orifice utérin, et l'on fait la fumigation.<sup>88</sup>

The complete passage in Greek reads as follows:

Ὀκόταν δὲ ὁ χύτρινος ζέση καὶ ἡ ἀτμὶς ἐπανῆ, ἦν μὲν ἡ λίην θερμὴ πνοιή, ἐπισχεῖν, εἰ δὲ μὴ, καθίζεσθαι ἐπὶ τὸ ἄκρον τοῦ καλάμου,

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<sup>85</sup> Jackson (1988), p. 91.

<sup>86</sup> King (1994), p. 109, citing Hippocrates (*Mul.* 2.133).

<sup>87</sup> Fontanille (1977), p. 123.

<sup>88</sup> Fontanille (1977), p. 127 n. 18, citing Hippocrates (*Mul.* 2.133: Littré 8: 285).

καὶ ἐνθέσθαι ἐς τὸν στόμαχον, ἔπειτα πυριῆσαι·

Quand le vase s'échauffe et que la vapeur en sort, si elle est trop chaude, on attend; sinon, on fait asseoir la femme sur le bout du roseau, qui est introduit dans l'orifice utérin, et l'on fait la fumigation.<sup>89</sup>

No mention is made of perforation nor the use of any undue force, and as Milne has remarked, the terminology used for the vaginal or uterine area is very vague.<sup>90</sup> As the patient in question was neither pregnant nor attempting abortion, Fontanille's claim is unconvincing and King's interpretation of the procedure seems the likely one. Fontanille freely admits:

Il est bien évident que la manœuvre est terriblement dangereuse. En effet, il est difficile de repérer exactement le col de la matrice et d'y pénétrer, de l'aveu même d'un gynécologue.<sup>91</sup>

It is unlikely that fumigation would have been so routinely practised if perforation, which would undoubtedly lead to infection and the possible death of the patient, was involved.

Similar in concept, the infusion was a procedure used to wash or "infuse" liquids into internal cavities. The passages describing this are concerned with treatment of internal infections after birth or abortion, and the expulsion of an already dead fetus. This abortive treatment involved an infusion of liquid into the womb after the child was already dead:

ὅταν ἡ γυνὴ ἐκτρώσῃ καὶ τὸ παιδίον μὴ ἐξίῃ, ἦν τε σαπῆ καὶ οἰδήσῃ, ἢ ἄλλο τι πάθῃ τοιοῦτον, πράσα καὶ σέλινά ἐκθλιψάς τὸν χυλὸν διὰ βράκεος ἀμφοτέρων, ῥοδίνου ἐλαίου κοτύλην, καὶ στέαρ χηνὸς ὅσον τεταρτημόριον, ῥητίνης τε ὀβολοὺς τρεῖς κατατήξας ἐν ἐλαίῳ, καὶ ποιήσας πρὸς ποδῶν ὑψηλοτέρην, ἔγχεον ἐς τὰς μήτρας· καὶ ἐχέτω κειμένη χρόνον ὅτι πλεῖστον· ἔπειτα κάθισον ἡμέρας τέσσαρας, καὶ ἐξέρχεται τὸ ἀποσαπὲν παιδίον.

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<sup>89</sup> Hp., *Mul.* 2.133.

<sup>90</sup> See above, p. 28-9.

<sup>91</sup> Fontanille (1977), p. 123, citing Perret-Gentil (1968: 75-6).

Quand, une femme se blessant, l'enfant ne sort pas, soit parce qu'il est putréfié et gonflé, soit par quelque autre cause de ce genre, jus de poireau et d'ache exprimé à travers un linge, une cotyle d'huile de rose, un quart de cotyle de graisse d'oie, trois oboles de résine fondue dans de l'huile; alors, ayant fait les pieds plus élevés que la tête, infuser dans la matrice; la femme, couchée, gardera cette infusion le plus longtemps qu'elle pourra; puis elle restera sur son siège pendant quatre jours; après quoi sort l'embryon putréfié.<sup>92</sup>

The woman has attempted to abort the fetus but still retains it although it is dead. The technique that she used is not specified nor is the term of pregnancy, although the fetus now seems too large to exit. The instrument used for the infusion is not mentioned but Milne gives a description of an existing bronze injection tube (clyster) that he believes corresponds to the vaginal or intrauterine clyster as being "13 cm. long, and it has at the end a small opening, while on the side, not far from the tip, eight small holes are arranged in two superposed rings".<sup>93</sup> The end of the clyster is smooth and does not correspond with the modern concept of syringe but rather to an enema or douche. Because the fetus has already died it is possible that liquids could reach the uterus and thus the treatment would be effective and result in the expulsion of the fetus. In a normal pregnancy the uterus is closed and unless the cervix was dilated enough to push a clyster through, a very painful and dangerous process, the infusion would not likely reach the womb.

Jackson describes the procedure and the vaginal or uterine clyster:

It comprised a pouch, made from the bladder or skin of an animal, fastened to the top of a smooth metal tube whose lower end terminated in one or more perforations above a solid, rounded tip. The patient guided the clyster into position herself at which point the physician expelled the medicament by squeezing the pouch in which it was held. The clyster was also used as an irrigator, and vaginal douching was a

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<sup>92</sup> Hp., *Mul.* 1.78. Should the procedure be unsuccessful, she is then dosed orally. Littré's translation of ἐκτρώση as "se blessant" is very suggestive of surgical abortion and the English translation of "attempted abortion" is more appropriate.

<sup>93</sup> Milne (1907), p. 107, citing "Hippocrates (Kühn, iii. 17)" for a comparable instrument. In this particular instance I have been unable to give the corresponding passage in the Littré edition.

common ancient expedient for many ills.<sup>94</sup>

If, as in fumigation, it was up to the patient to determine whether the cervix had been reached, as King maintains,<sup>95</sup> successful and routine intrauterine clustering of a pregnant woman to initiate abortion seems improbable. Littré, in his French translation of the Hippocratic corpus, also uses “injecter” to translate “κλύζειν”.<sup>96</sup> It is possible that some similarities of terms are responsible for the association of ancient methods with modern abortive procedures. “Uterine injections” to initiate abortions are suggestive of the modern intra-amniotic injection but in reality the process was probably little more than vaginal douching which, as a sole therapy, was unlikely to have been very effective.

#### 4.7. Surgical Abortion

##### 4.7.1. Introduction

In modern society, elective abortion is often associated with surgical intervention and the research of ancient medical practices clearly reflects modern interpretation. Ancient practitioners used various surgical procedures and instruments that appear appropriate for performing abortions but the question still remains as to whether the medical texts actually support their use.

Surgical or manipulated abortions were recognized as dangerous. The survival of surgical instruments and surgical texts describing the procedure, however, clearly shows that the Mediterranean and European world, whatever the time, employed abortions to control births, but their presence does not speak to the circumstances.<sup>97</sup>

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<sup>94</sup> Jackson (1988), p. 92. He says, “a vaginal or uterine clyster was described in a passage of Hippocrates”, but then actually cites Milne (1907: 107).

<sup>95</sup> King (1994), p. 109.

<sup>96</sup> See Hp., *Mul.* 1.84 (Littré 8: 205).

<sup>97</sup> Riddle (1992), p. 10, citing Hippocrates (*Mul.* 1.91.1-28): “[Hippocrates] lists the treatments as post-abortion (I.25) but states that it is after the expulsion of a dead fetus. The ancients used interchangeable terms for abortion of a dead or deformed fetus and for induced abortion of an otherwise healthy fetus ” (1992: 172-3 n. 27). In this passage the fetus is described as already dead.

Scrutiny of the relevant passages and the modern scholarship concerning them further emphasizes the confusion surrounding surgical abortion in the context of birth control.

#### 4.7.2. Termination: Sounds and Dilators

Sounds (probes) and dilators were used in gynecological procedures but again the texts describe their use after birth or abortion, or for the treatment of conditions ranging from sterility to tumours of the uterus.<sup>98</sup> The insertion of instruments into the womb and the dilation of the cervix play an important role in modern abortive procedures but the function of the sound and dilator in ancient abortive procedures for birth control still remains obscure. Milne describes the use of these instruments as a post partum treatment or after an abortion.<sup>99</sup> He then states:

A more questionable use of the sound is referred to by many authors. During the Empire the death of the foetus was frequently procured both by abortifacients and instruments.<sup>100</sup>

Milne does not elaborate, nor does he name his sources. He then describes the uterine dilator:

Hippocrates describes these dilators (ii. 799). The patient is to have fumigations for five or six days till the cervix is softened. After these fumigations, dilators (προσθέτων) made of pieces of very smooth slipping pinewood are to be introduced into the cervix.<sup>101</sup>

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<sup>98</sup> Examples of the citations describing the procedures that used the uterine sound and dilators are as follows: Introduction of a sound after an abortion or birth to treat infection (Hp., *Superf.* 28); treatment with a sound to correct a deviated cervix, thus aiding conception (Hp., *Superf.* 29); treatment with a sound to help a woman who is unable to conceive due to lesions resulting from an abortion or birth (Hp., *Mul.* 3.228); use of sound and dilators to treat the lateral obliqueness of the cervix (Hp., *Mul.* 2.132, 2133). I have not been able to locate a medical source from the Hippocratic writings which describes the use of sounds or dilators manipulated to initiate the abortive procedures.

<sup>99</sup> Milne (1907), p. 80, citing Hippocrates (Kühn, i. 471). Most modern authors cite the Littré or the Loeb editions (still incomplete) of Hippocrates. Obvious difficulties arise when authors cite page numbers from older editions. If they are not obtainable it is impossible to locate the actual passages in later editions and it is evident that some authors have relied upon secondary rather than primary sources for their evidence (see above, p. 32 n. 94).

<sup>100</sup> Milne (1907), p. 81.

<sup>101</sup> Milne (1907), pp. 81-2.

The text he describes is actually from the Hippocratic treatise, *de morbis mulierum* (2.133), and the treatment discussed was to correct “malposition of the uterus”, a condition thought to impede conception.<sup>102</sup> Although Milne does not state what the gynecological treatment was actually for, later scholars have made assumptions. McLaren states:

The greatest dangers [of abortion] were posed by the mechanical methods that entailed perforation of the sac in order to precipitate expulsion. Fumigations were first employed to soften the cervix and then dilators of wood, tin or lead inserted.<sup>103</sup>

McLaren actually cites Milne as his source.<sup>104</sup> It must be stressed that no mention of the expulsion of a fetus by the perforation of the sac is in the cited text and the treatment is to enable the woman to conceive because it was believed that pregnancy would allow her to heal. McLaren is not alone in his assertions that such methods were used to initiate abortions. Thomas also states that the sound was used as an abortive method:

Les procédés d’avortement étaient ordinairement classés en deux genres: violent (coups, usage de sondes métalliques, sauts que l’on faisait faire à la femme gravide) et pharmacologique (pessaires abortifs, diurétiques, précédés de bains émollients).<sup>105</sup>

He does not cite a specific source so it is difficult to prove or disprove his assertions. Ricci, in his work, *The Development of Gynaecological Surgery and Instruments*, discusses the use of the sound but without the assumption that it was used to induce abortion. Also quoting Milne, he says, “of interest is the Hippocratic reference to the use of the sound for the correction of uterine malposition”.<sup>106</sup> He also discusses the graduated cervical dilators mentioned by Milne, and cites

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<sup>102</sup> The Kühn edition (ii. 799) corresponds with Littré (8: 286-8).

<sup>103</sup> McLaren (1990), p. 29.

<sup>104</sup> McLaren (1990), p. 40 n. 75, citing Milne (1907: 81-2).

<sup>105</sup> Thomas (1986), p. 284 n. 88.

<sup>106</sup> Ricci (1949), p. 11, citing Milne (1907: 80-1).

Milne's translation.<sup>107</sup> For anyone unable to obtain the Kühn edition (ii. 799) the context of the procedure would still remain obscure.

Graham refers to dilators and induced abortion with assurance, yet the treatise on which his assumption is based is not cited, nor is the context of the procedure given:

In giving instructions about dilating the cervix, which was a known method of inducing abortion, he [Euryphon Cnidius] says that the dilators, which should be of wood or metal, must be inserted for a distance of four fingers' breadth, which is about right.<sup>108</sup>

Undoubtedly, sweeping statements such as these have been responsible for much of the confusion surrounding the topic of surgical and mechanical abortion.

Fontanille suggests that other objects, apart from the reed used in fumigation, were used to perforate the membranes in order to initiate abortion: feathers, or even branches and vegetables, were used for this purpose.<sup>109</sup> For the use of a feather, using Littré's translations, she cites Hippocrates (*Mul.* 1.74, 1.81, 1.84, 1.91, 2.126, 2.205; *Nat. Mul.* 109). An analysis of the passages is edifying. Following acrid pessaries to provoke blood, for the absence of menstruation could cause chills and fever, a recipe for a milder pessary follows:

Ἡ τὸ μελάνθιον τὸ ἐκ τῶν πυρῶν τρίβοντα λείον ξὺν μέλιτι, ποιέειν οἶον βάλανον· πτερῶ δὲ περίπλασσε.

Ou bien broyer exactement la nielle des blés avec du miel, et faire comme un gland; enrouler autour d'une plume.<sup>110</sup>

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<sup>107</sup> Ricci (1949), p. 13 n. 23.

<sup>108</sup> Graham (1951), 51. No citations are given. Tempkin (1956), p. 213, identifies Euryphon the Cnidian as an "older contemporary of Hippocrates. His views often resemble those found in the gynecological works of the Hippocratic collection", so it is possible that Graham is referring to a Hippocratic text.

<sup>109</sup> Fontanille (1977), p. 123.

<sup>110</sup> Hp., *Mul.* 1.74. See Hp., *Nat. Mul.* 109 for a similar procedure.

Perforation is not mentioned and the feather appears to be used, soft side up, as an applicator.<sup>111</sup>

One recipe does imply perforation but it is to expel a dead fetus that has not exited. No indication of the age or size of the fetus is given.

σικύης ἐντεριώνην τρίψας λείην ἐν κεδρίνη πίσση ἐς εἴριον  
ἐνελιξάς, προσδήσας πρὸς πτερόν λίνω, προσθέσθω ἔσω· τοῦ δὲ  
πτεροῦ τὸ σκληρόν προεχέτω σμικρὸν ἔξω ἐκ τοῦ εἰρίου· ὅταν δὲ  
αἷμα φανῆ, ἀφελέσθω.

Intérieur d'une courge, bien broyer dans de la poix de cédros, rouler dans de la laine, attacher à une plume avec un fil, et mettre à l'intérieur; la partie dure de la plume fera un peu saillie hors de la laine; quand le sang paraît, on l'ôte.<sup>112</sup>

As of yet the passages do not imply the use of perforation to initiate abortion during a normal pregnancy. Fontanille also cites the use of a rod to accomplish the same purpose:

ἐλλέβορον μέλανα καὶ κανθαρίδας καὶ κόλυζαν τρίψας ἐν ὕδατι  
καὶ ποιήσας βάλανον μαλθακόν, ὅσον ἑξαδάκτυλον, ξήρανον,  
κάπειδαν σκληρόν γένηται, εἰρίω περιελίξασα προσθέσθω, τὸ δὲ  
ἄκρον κεδρία χρυσάτω, καὶ ἔστω ψιλόν, ὅταν δὲ αἷμα φανῆ,  
ἀφελέσθω.

Ellébore noir, cantharides,<sup>113</sup> conyza, piler dans l'eau, faire un gland mou long de six doigts, sécher; puis, quand il est durci, l'entourer de laine et l'appliquer; l'extrémité sera ointe de résine de cédros, et laissée nue; on le retirera quand le sang paraîtra.<sup>114</sup>

This recipe was also to expel an embryo that was already dead in the womb. Also included in this

<sup>111</sup> Similar recipes, without explicit instructions for perforation, are found in Hippocrates: for an all-purpose pessary (*Mul.* 1.81); a purifying pessary, capable of drawing water, mucus and skin from the uterus (*Mul.* 1.84, 2.205), treatment of a uterus attached to the breastbone (*Mul.* 2.126). Note that these recipes were not necessarily intended for pregnant women.

<sup>112</sup> Hp., *Mul.* 1.91.

<sup>113</sup> Riddle (1992), p. 76 and n. 16, citing "Scarborough (1979) 'Nicander's Toxicology II: Spiders, Scorpions Insects and Myriapods,' *Pharmacy in History* 21: 3-34", identifies this as Spanish fly.

<sup>114</sup> Hp., *Mul.* 1.91.



same list is Fontanille's citation<sup>115</sup> for the use of a branch, also six fingers long, to be inserted as far as possible.<sup>116</sup> Although it is possible to infer that the point of the pessary, or branch caused the showing of blood, the caustic qualities of the ingredients might have been solely responsible. Soranus comments that cantharis is one of the ingredients in πεσσοῖς αίμαγωγοῖς, "blood-drawing pessaries".<sup>117</sup> Temkin comments that physicians used black hellebore as "a drastic cathartic",<sup>118</sup> and Grieve identifies it as having drastic purgative and emmenagogic properties.<sup>119</sup> Lastly, Fontanille cites the insertion of a stalk of cabbage:

κράμβης καυλὸν ἀπολὸν, τὸ ἄκρον χρίσας νετώπω, τύψαι.

Prenez la tige tendre du chou, frottez-en l'extrémité avec du nétopon, et frappez.<sup>120</sup>

In context, this appears to be a preparation to be taken in oral form but the recipe does not specify. However, another recipe with similar ingredients does call for the insertion of the stalk.<sup>121</sup> Needless to say, perforation is neither implied nor likely.

Given the mortality rate that the practice of perforation would have produced and given that ancient physicians were aware of the dangers,<sup>122</sup> it is questionable whether perforation techniques would have been considered. Citing Dioscorides' recipe for a pessary containing iris

<sup>115</sup> Fontanille (1977), p. 123.

<sup>116</sup> Hp., *Mul.* 1.91: ἑλληβόρου μέλανος ῥαβδίον, "un rameau d'ellébore noir". Note that the δάκτυλος was the measurement of the breadth of the finger, or "about 7/10 of an inch" (LSJ<sup>9</sup>, s.v. δάκτυλος). Therefore, the branch would have been a little more than four inches long which seems of inadequate length to perforate the cervix.

<sup>117</sup> Sor., *Gyn.* 4.14.

<sup>118</sup> Temkin (1956), p. 227.

<sup>119</sup> Grieve (1931), p. 389. See Riddle (1992), p. 191 n. 50, for modern studies supporting the efficaciousness of black hellebore as an abortifacient and emmenagogue.

<sup>120</sup> Hp., *Nat.Mul.* 32. The substance νετώπων is the oil of bitter almonds (LSJ<sup>9</sup>, s.v. νετώπων).

<sup>121</sup> Hp., *Mul.* 1.91.

<sup>122</sup> See Sor., *Gyn.* 1.65, p. 28 above.

roots “pour *ouvrir* la matrice et faire sortir l’enfant hors de la matrice”, Fontanille then cites a modern scholar, who apparently comments, “tout ce qui pique, perce, embroche, perfore, a été utilisé”.<sup>123</sup> The two phrases from the passage that she has included in her general catalogue of recipes are ἔμβρυα κατασπῶσι and προσθεῖναι δὲ ὡς κολλύριον.<sup>124</sup> The actual phrase from Dioscorides reads as follows: προστεθεῖσαι ὡς κολλύριον μετὰ μέλιτος ἔμβρυα κατασπῶσι, “having been applied as a pessary with honey they draw out the embryo”.<sup>125\*</sup> No special preparation to sharpen the root is discussed and it is difficult to see why, indeed, an iris root, even if dried and hardened, could or would be used to perforate the cervix. Pessaries, as has previously been mentioned, were medicated vaginal suppositories. This dual usage of suppositories to apply medication and to perforate or probe the cervix is not in accord with the description of the pessary, as given by Celsus.<sup>126</sup> I have yet to discover any modern scholars who have actually cited these passages and come to the same conclusions as Fontanille.

An edifying example of the complexities surrounding modern scholarship and ancient abortion is perhaps demonstrated by an attempt to unravel a recent scholarly knot of Gordian proportions. In a discussion of abortion and its dangers in ancient Rome, Rousselle remarks:

Soranus would perform an abortion only in cases where the girl involved was so young that pregnancy threatened permanent damage to the uterus. Abortion, possibly by surgical means (probes), was then considered advisable.<sup>127</sup>

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<sup>123</sup> Fontanille (1977), p. 124, citing Dsc., *M.M.* 1.1 and Perret-Gentil (1968: 76), who discusses modern criminal abortion procedures (the quotation is not within the citation); Fontanille also cites Dalsace (1970: 27), who discusses modern abortion statistics. The abortion techniques of antiquity are not addressed within either citation.

<sup>124</sup> Dsc., *M.M.* 1.1.

<sup>125</sup> Dsc., *M.M.* 1.1.

<sup>126</sup> Cels., *Med.* 5.21.1. See above, p. 26.

<sup>127</sup> Rousselle (1992), p. 309.

In her footnote to this passage, she cites herself and Gourévitch.<sup>128</sup> The text referred to in the first citation contains a summary of Soranus' advice as to the inadvisability of impregnating a girl too young to bear the strain of pregnancy: "Pour celles qu'on marie très tôt, Soranos prévoit l'avortement". The citation does not contain a reference to probes, either historical or modern. On the other hand, Gourévitch does mention a sharp instrument, perhaps equivalent to a probe, but her evidence is far from conclusive. Reiterating Soranus' prohibition concerning the use of sharp instruments to detach the fetus (quoted above, p. 28) she says:

Quoi qu'il en soit, tous les médecins n'ont pas les scrupules que manifeste Soranos sur ce point; certains sont extrêmement imprudents, et plus encore les femmes qui agissent seules ou avec la complicité d'amies.<sup>129</sup>

Once again, no citations are given to support these claims. This could be an allusion to the Hippocratic passage concerning self-treatment by women but even if this is so, it does not necessarily support the use of probes to initiate abortion.<sup>130</sup> Rousselle makes another allusion to the use of probes but her example is hypothetical.

We know about Roman abortion from two types of sources: medical treatises and legal documents, the latter arising out of cases in which administration of a potion resulted in death. An abortion could result in murder charges if mechanical means were used (a metallic probe, for example.)<sup>131</sup>

The footnote to this passage cites Thomas, again a secondary rather than primary source.<sup>132</sup> This passage in Thomas concerns abortion in a legal context:

Si l'épouse était morte de ces opérations abortives, c'est à coup sûr à une

<sup>128</sup> Rousselle (1983), p. 51, and Gourévitch (1984: 209).

<sup>129</sup> Gourévitch (1984), p. 209.

<sup>130</sup> See Hp., *Mul.* 1.67, p. 24, above. Gourévitch also refers to a passage from Tertullian (*Anim.* 25.5), which will be discussed at length in the following section.

<sup>131</sup> Rousselle (1992), p. 309.

<sup>132</sup> Rousselle (1992), p. 518 n. 73: "Thomas (1986), 'Le "ventre,"' 1986, pp. 211-236, esp. 234, n. 88".

accusation de meurtre ou d'empoisonnement, selon le procédé utilisé (mécanique ou pharmacologique), que l'intéressé avait recours.<sup>133</sup>

The footnote to this passage does little to support the use of probes to initiate abortion:

Les procédés d'avortement étaient ordinairement classés en deux genres: violent (coups, usage de sondes métalliques, sauts que l'on faisait faire à la femme gravide) et pharmacologique (pessaires abortifs, diurétiques, précédés de bains émollients). Sur l'usage des "arma," voir notamment Tertullien, *De anima* 24, 5 (c'est probablement ce que le *Digeste* appelle "ictus," cf. *Ictus caecus* chez Ovide, *Fastes* I v. 623): fers plongés dans la cavité utérine. Les pessaires et suppositoires à base d' "herbes" étaient un procédé plus courant, décrit dans le détail par les médecins (notamment par Soranos), et c'est à eux que fait allusion le *Digeste* sous le nom de *medicamenta* (*Dig.* 48,8,3,2; 48,19,38,5; etc...). Ces deux types de procédés sont associés en opposition: ainsi, *tela/venena* (Ovide, *Amores* 2,14,27), *artes/medicamina* (Juvénal, 6, v. 595).<sup>134</sup>

The only medical reference is to Soranus, and this concerns pessaries, which Thomas definitely views as herbal rather than surgical.

Although there were many treatments used to soften the cervix, the use of the probe and cervical dilator, in all texts cited, has been for the treatment of difficulties resulting after the death of the fetus, abortion or birth, cervical malposition, or other gynecological conditions. No modern author has cited an ancient medical text that demonstrates that these instruments were used to initiate elective abortion for birth control.

#### 4.7.3. Termination: Mechanical

Certain medical emergencies did call for the termination of pregnancy by mechanical or surgical means. However, from an analysis of these passages cited by modern scholars, it becomes clear from the context of the operations that these procedures were not intended for elective

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<sup>133</sup> Thomas (1986), p. 224.

<sup>134</sup> Thomas (1986), p. 324 n. 88. All legal and literary references will be discussed in the appropriate sections. The reference to Tertullian is, in fact, incorrectly cited and should be *de anima* 25.4. The first sentence of the citation has been previously cited (above, p. 35).

abortion, but rather as treatments for conditions that endangered the life of the mother. One such condition resulted when an expectant mother, already in labour, was unable to deliver the child.

#### 4.7.3.1. Dystocia<sup>135</sup>

An understanding of the ancient theories concerning the birth process is necessary in order to fully comprehend the use of certain surgical and manipulative procedures. Galen describes the mechanism of birth, likening it to the distention of a stomach filled with food which strives to relieve itself of its burden. The same thing occurs to the uterus during birth and abortion, either by stretching or by irritation:

ἐκάτερον δὲ τῶν εἰρημένων γίνεται μὲν καὶ βιαίως ἔστιν ὅτε καὶ ἀμβλώσκουσι τηνικαῦτα, γίνεται δ' ὡς τὰ πολλὰ καὶ προσηκόντως, ὅπερ οὐκ ἀμβλώσκειν ἀλλ' ἀποκυῖσκειν τε καὶ τίκτειν ὀνομάζεται. τοῖς μὲν οὖν ἀμβλωθριδίοις φαρμάκοις ἢ τισιν ἄλλοις παθήμασι διαφθείρουσι τὸ ἔμβρυον ἢ τινὰς τῶν ὑμένων αὐτοῦ ῥηγνύουσιν αἱ ἀμβλώσεις ἔπονται, οὕτω δὲ κάπειδ' ἀνιὰ θῶσ' αἱ μῆτραι κακῶς ἔχουσαι τῇ διατάσει, ταῖς δὲ τῶν ἔμβρύων αὐτῶν κινήσεσι ταῖς σφοδροτάταις οἱ τόκοι, καθάπερ καὶ τοῦθ' Ἰπποκράτει καλῶς εἴρηται.

Now both of these conditions sometimes occur with actual violence, and then *miscarriage* takes place. But for the most part they happen in a normal way, this being then called not miscarriage but *delivery* or *parturition*. Now abortifacient drugs or certain other conditions which destroy the embryo or rupture certain of its membranes are followed by abortion, and similarly also when the uterus is in pain from being in a bad state of tension; and, as has been well said by Hippocrates, excessive movement on the part of the embryo itself brings on labour.<sup>136</sup>

Abortifacient drugs and “certain other conditions” are said to destroy the embryo/fetus and rupture membranes but Galen does not elaborate. It is not clear whether he means violence

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<sup>135</sup> Dystocia is a “pathologic or difficult labor, which may be caused by an obstruction or constriction of the birth passage or an abnormal size, shape, position, or condition of the fetus” (MMD<sup>2</sup>, s.v. dystocia).

<sup>136</sup> Gal., *Nat. Fac.* 3.12. What actually triggers the onset of labour is still not fully understood by modern medical authorities (Walker (ed.) 1976: 318).

(whether intentional or accidental) towards the mother or medical intervention.

Surgical and manipulative abortive methods are frequently associated with birth control by modern scholars. On closer examination, however, these procedures were discussed for the treatment of dystocia, rather than elective abortion. Physicians were aware that a woman unable to deliver her child would certainly die. If the fetus was in proper position but the delivery was difficult, the physician was advised τοῦ παρμικοῦ προσφέρειν, ἐπιλαμβάνειν δὲ τὸν μυκτῆρα καὶ πᾶρυσθαι, καὶ τὸ στόμα πιέζειν, ὅπως ὁ παρμὸς ὅτι μάλιστα ἐνεργήσει, “administrer un sternutatoire, et, pendant l'éternument, pincer les narines et fermer la bouche, afin que l'éternument agisse autant que possible”.<sup>137</sup> Another procedure used to aid the process of delivery was succussion:

κλίνην λαβεῖν ὑψηλὴν ῥωμαλέην καὶ ὑποστορέσαντα ἀνακλίνειν τὴν γυναῖκα ὑπτίην, τὰ δὲ στήθεα καὶ τὰς μασχάλας καὶ τὰς χεῖρας προσκαταλαμβάνειν ταινίῃ ἢ ἱμάντι πλατεῖ μαλθακῶ πρὸς τὴν κλίνην καὶ ζωννύειν, καὶ τὰ σκέλεα ξυγκάμψαι καὶ κατέχειν τοῖν σφυροῖν· ὅταν δὲ εὐτρεπίσης, φρυγάνων φάκελον μαλθακῶν ἢ τι τῶδε εἰκόδες εὐτρεπίζειν ὅσον τὴν κλίνην οὐ περιόψεται ἐπὶ τὴν γῆν ῥιπτευμένην, ὥστε ψαῦσαι τοῖσι πρὸς κεφαλὴν ποσὶ τῆς γῆς· καὶ κελεύειν αὐτὴν λαβέσθαι τῆσι χερσὶ τῆς κλίνης, καὶ μετέωρον πρὸς κεφαλὴν τὴν κλίνην ἔχειν, ὡς κατάρροπος ἢ ἐπὶ πόδας, φυλασσόμενος ὅπως μὴ προπετὴς ἔσται ἢ ἄνθρωπος· ὅταν δὲ ταῦτα ἐνεργῆται καὶ μετάρσιος ἢ ἡ κλίνη, ἐκ τῶν ὀπισθεν ὑποθεῖναι τὰ φρύγανα, κατορθοῦσθαι δὲ ὡς μάλιστα, ὅπως οἱ πόδες μὴ ψαύσουσι τῆς γῆς, ῥιπτεομένης τῆς κλίνης, καὶ τῶν φρυγάνων ἔσωθεν ἔσονται, αἶρειν δὲ ἐξ ἑκατέρου τοῦ ποδὸς ἄνδρα τῆδε καὶ τῆδε, ὡς κατ' ἰθὺ πεσεῖται ἢ κλίνη ὁμαλῶς καὶ ἴσως καὶ μὴ σπασμὸς ἢ· σείειν δὲ ἅμα τῆ ὠδίνι μάλιστα· καὶ ἦν μὲν ἀπαλλάσσεται, ἀντίκα πεπαῦσθαι, εἰ δὲ μὴ, διαλαβόντα σείειν, καὶ αἰωρέειν ἐπὶ τῆς

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<sup>137</sup> Hp., *Mul.* 1.68.

κλίνης φερομένην.

Prendre un lit élevé et solide, le garnir, coucher la femme sur le dos, disposer autour de la poitrine, des aisselles et des bras une écharpe ou un lien large et souple qui la fixe au lit; faire plier les jambes et les attacher aux talons. Quand vous préparez la manoeuvre, disposez un fagot de branchages souples ou quelque chose de semblable qui ne permettra pas au lit lancé contre terre de toucher le sol par les pieds du côté de la tête. Recommander à la femme de prendre le lit avec les mains; tenir le lit élevé du côté de la tête, afin qu'il y ait impulsion du côté des pieds, prenant garde que la femme ne fasse pas de chute. Quand cela est arrangé et que le lit est porté en haut, mettre les branchages sous les pieds de derrière, et dresser autant que possible afin que les pieds ne touchent pas le sol, le lit étant lancé, et soient en dedans des branchages. Chaque pied sera saisi de çà et de là par un homme, de manière que le lit tombe perpendiculairement avec régularité et égalité et qu'il n'y ait pas de déchirement. On fera la succussion au moment de chaque douleur surtout. Si la femme se délivre, il faut cesser aussitôt; sinon, pratiquer la succussion par intervalles, et la balancer portée dans son lit.<sup>138</sup>

This procedure was used in an attempt to turn a fetus in the womb from a breach presentation to one that would allow normal delivery. Moïssidés does not make distinctions between the treatment of dystocia and abortion, and trying to come to terms with Soranus' disapproval of abortion for reasons of vanity or infidelity he says:

...Mais dans des cas de dystocie; une femme, qui devient enceinte dans ces conditions pourra faire usage d'abortifs, attendu qu'il est préférable de tuer le produit de la conception, que de s'exposer à ne pouvoir accoucher, quand le moment sera venu, ou d'être forcé de couper le foetus pour l'extraire.<sup>139</sup>

This rather simplistic view does not take into account the detailed advice that Soranus does give for early elective abortions nor the fact that a woman suffering from dystocia would have carried the pregnancy to near or full term and already be in labour. Clearly, treatments for dystocia were

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<sup>138</sup> Hp., *Mul.* 1.68. This treatment shows similarities to the advice given in order to expel a stubborn χόριον "afterbirth" that does not respond to pessaries or abortive beverages: ὑπὸ τὰς μασχάλας λαβῶν σείειν ἰσχυρῶς, "prendre la femme par-dessous les aisselles et la secouer fortement" (Hp., *Mul.* 1.78). Soranus rejects such treatments (*Gyn.* 4.7).

<sup>139</sup> Moïssidés (1922), p. 69, citing "A. Kaminzer, Essai sur la puériculture (Thèse de Paris 1911, p. 60-1)".

not intended for elective abortion or birth control. Both Hanson<sup>140</sup> and Jackson<sup>141</sup> discuss these treatments in the context of birth, and if these methods were unsuccessful, more drastic means were resorted to because, “attention focussed instead on saving the life of the mother”.<sup>142</sup>

#### 4.7.3.2. Embryotomy<sup>143</sup>

It is evident that physicians employed certain methods to aid the mother and child with the delivery, but certain situations called for desperate measures. If the normal birth of the child was rendered impossible, either by size or position of the fetus or by fetal death, an embryotomy would be performed in an attempt to save the mother. This procedure involved the dismemberment of the fetus in order to remove it from the uterus so as to prevent corruption of the fetus in the womb because spontaneous expulsion would not necessarily occur.<sup>144</sup> Great care had to be taken in order not to perforate the uterus:

Ἦν δὲ τὸ ἔμβρυον ἔνδον μένη τετελευτηκὸς καὶ μὴ δύνηται μήτε αὐτόματον μήτε διὰ φαρμάκων ἐκπεσεῖν κατὰ φύσιν, κρίσας τὴν χεῖρα κηρωτῆ, ἥτις ὀλισθητικὴ μάλιστα, ἔπειτα ἐνείρας ἐς τὴν μήτηρην, διελεῖν τοὺς ὤμους ἀπὸ τοῦ τραχήλου ἐπερείσαντα τῷ μεγάλῳ δακτύλῳ· ἔχειν δὲ χρῆ πρὸς τὰ τοιαῦτα καὶ ὄνυχα ἐπὶ τῷ δακτύλῳ τῷ μεγάλῳ· καὶ διελόντα ἐξενεγκεῖν τὰς χεῖρας, ἔπειτα πάλιν ἐσείραντα τὴν κοιλίην ἀνασχίσει, καὶ ἀνασχίσαντα ἡσυχῆ ἐξελεῖν τὰ ἐντοσθίδια, ἔπειτα ἐξελόντα συντριῖψαι τὰ πλευρία, ὅπως ξυμπεσὸν τὸ σωμάτιον εὐσταλέστερον γένηται καὶ ῥᾶον ἐξίη, μὴ ὀγκῶδες ἔον.

Si le foetus mort reste au dedans et ne peut sortir naturellement ni de soi-même ni

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<sup>140</sup> Hanson (1991), p. 92.

<sup>141</sup> Jackson (1988), p. 104.

<sup>142</sup> Hanson (1991), p. 92.

<sup>143</sup> An embryotomy is “the dismemberment or mutilation of a fetus for removal from the uterus when normal delivery is not possible” (MMD<sup>2</sup>, s.v. embryotomy). Today, “destructive procedures are rare and are never performed on a living child” (D. Cavanagh and M. Comas in Danforth (ed.) 1971: 703).

<sup>144</sup> Hp., *Superf.* 9.



par les médicaments, oindre la main avec du cérat aussi onctueux que possible, l'introduire dans la matrice, et séparer les épaules du cou en appuyant avec le pouce. Le pouce est, pour ce besoin, armé d'un ferrement. L'amputation faite, on extrait les bras. Puis, rentrant, on fend le ventre, et, l'ayant fendu, on retire doucement les entrailles. Cela fait, on broie les côtes, afin que le petit corps, s'affaissant, devienne plus maniable et sorte plus facilement, en raison de cette diminution de volume.<sup>145</sup>

The procedure was performed to save the mother and no distinction was made between a dead or a live fetus. There appears to have been no hesitation to destroy a potentially viable fetus, and no question that the life of the mother was more important than that of an unborn child.

The reason for the apparent unconcern for a fully formed fetus may be explained by the Hippocratic beliefs involving the birth process. The birth was attributed to the movement of the child and not the contraction of the uterus, which was thought to be a passive vessel:

Ὀκόταν δὲ τῇ γυναικὶ ὁ τόκος παραγένηται, ξυμβαίνει τότε τῷ παιδίῳ κινεομένῳ καὶ ἀσκαρίζοντι χερσὶ τε καὶ ποσὶ ῥῆξάι τινα τῶν ὑμένων τῶν ἔνδον·

Quand le terme de l'accouchement arrive, alors l'enfant, se mouvant et agitant les pieds et les mains, rompt quelque'une des membranes intérieures.<sup>146</sup>

A child that was unable to fight its own way out of the uterus would be considered weak or already dead and certainly not something that could rival the importance of the mother. It would also be simple for the mother or the physician to claim that the date of conception was incorrect, and the fetus, therefore, must have been an "eighth-month-child", and one that had no chance of survival anyway.<sup>147</sup>

Celsus describes the embryotomy in great detail, to be used when the fetus "iam prope

<sup>145</sup> Hp., *Superf.* 7. See Hp., *Foet. Exsect.* 1; Hp., *Mul.* 70.

<sup>146</sup> Hp., *Nat. Puer.* 30.

<sup>147</sup> Hp., *Oct.* 10. See Hanson (1987), pp. 589-602, for a full discussion of this Hippocratic treatise.

maturus” dies inside the womb. The operation is a necessary one that involves grave risk:

...Adhibenda curatio est, quae numerari inter difficillimas potest: nam et summam prudentiam moderationemque desiderat, et maximum periculum adfert... Nam si corpus iam intumuit, neque demitti manus neque educi infans nisi aegerrime potest sequiturque saepe cum uomitu, cum tremore mortifera neruorum distentio.

...An operation must be done, which may be counted among the most difficult; for it requires both extreme caution and [restraint], and entails very great risk... For if the abdomen is already distended, the hand cannot be inserted nor can the foetus be extracted without the greatest suffering, and fatal spasm of the sinews often follows, accompanied by vomiting and tremor.<sup>148</sup>

Because the procedure involves the dismemberment of the fetus in the womb and its withdrawal by use of a hook Celsus warns that if “infans abrumpitur, et unci acumen in ipsum os uoluae delabitur; sequiturque neruorum distentio et ingens periculum [mortis]”, “the foetus is torn away from the hook, and its point then slips into the mouth of the womb itself; and there follows spasms of the sinews and great risk of death”.<sup>149</sup> It is clear that the operation could not be considered as an “elective” abortion and was only performed to save the mother if no other option was available. Given that the risks were recognized by the surgeons of antiquity it is improbable that a pregnant woman would consider a similar technique to abort an earlier term fetus.

Throughout Soranus’ extensive instructions on abortive techniques, his only reference to surgical abortion is that it be avoided. Yet he, too, gives instruction concerning the embryotomy. Although this might infer that some medical practitioners and midwives may have attempted this technique for earlier abortions, the consistent absence of any description of this procedure in the medical texts points to the fact that physicians did not.<sup>150</sup> Soranus does describe the embryotomy,

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<sup>148</sup> Cels., *Med.* 7.29.

<sup>149</sup> Cels., *Med.* 7.29.

<sup>150</sup> Soranus intended *Gynaecia* to be an instructional text and one of his necessary qualifications of a midwife was that she be literate (1.3). He also instructed “she must not be greedy for money, lest she give an

again in the context of an abnormal labour:

εἰ δὲ μὴ ἐπακούοι πρὸς τὴν διὰ τῶν χειρῶν ἐφορκὴν διὰ μέγεθος ἢ νέκρωσιν ἢ καθ' οἷονδηποτοῦν τρόπον σφῆνωσιν, ἐπὶ τοὺς εὐτονωτέρους τρόπους δεῖ μετελθεῖν, τὸν τῆς ἐμβρυουλκίας καὶ τῆς ἐμβρυοτομίας· καὶ γὰρ εἰ τὸ κυηθὲν διαφθείρει, τὴν κυοφοροῦσαν τηρεῖν ἀναγκαῖον. διόπερ τὸν μὲν ὑποκείμενον δεῖ προλέγειν κίνδυνον πυρετῶν ἐπιγινομένων καὶ νευρικῆς συμπαθείας, ἔσθ' ὅπου δὲ καὶ φλεγμονῆς ὑπερβαλλούσης, καὶ γάγγραιναν μάλιστα ὑποφαίνειν ὀλίγας ἐλπίδας ἔχειν (ἐφ' ἧς ἐκλυσίς, περιίδρωσις, περίψυξις, σφυγμῶν ὑπόδυσις, πυρετὸς οἷζύς, παρακοπή τε καὶ σπασμός)· μὴ ἀφίστασθαι δὲ ὅμως βοθηθείας.

If the fetus does not respond to manual traction, because of its size, or death, or impaction in any manner whatsoever, one must proceed to the more forceful methods, those of extraction by hooks and embryotomy. For even if one loses the infant, it is still necessary to take care of the mother. Therefore, one should warn of the underlying danger of supervening fevers, sympathetic nervous troubles, sometimes even of excessive inflammation, and that there is little hope particularly if gangrene appears; in the latter case, there is weakening, profuse perspiration, chills, imperceptible pulse, sharp fever, delirium and convulsions. Nevertheless, one should not withhold assistance.<sup>151</sup>

Soranus obviously did not view the procedure as elective but as a last resort.

Ironically, one of the citations most often used as proof of the practice of surgical abortion is from a literary rather than a medical source. Tertullian, the Christian theologian (AD 160-240), gives a chilling account of the dismemberment of a fetus in the womb:

Atquin et in ipso adhuc utero infans trucidatur necessaria crudelitate, cum in exitu obliquatus denegat partum, matricida, ni moriturus. Itaque est inter arma medicorum et cum organo, ex quo prius patescere secreta coguntur tortili temperamento, cum anulocultro, quo intus membra caeduntur anxio arbitrio, cum hebetate unco, quo totum facinus extrahitur uiolento puerperio. Est etiam aeneum spiculum, quo iugulatio ipsa dirigitur caeco latrocinio; ἐμβρυοσφάκτην appellant

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abortive wickedly for payment" (1.4). If midwives were commonly known to perform "surgical" abortions, it would seem likely that he would have mentioned it.

<sup>151</sup> Sor., *Gyn.* 4.9.

de infanticidii officio, utique uiuentis infantis peremptorium. Hoc et Hippocrates habuit et Asclepiades et Erasistratus et maiorum quoque prosector Herophilos et mitior ipse Soranus, certi animal esse conceptum atque ita miserti infelicissimae huiusmodi infantiae, ut prius occidatur, ne uiua lanietur.

However, an infant, still in the very womb is killed by cruel necessity, when, lying breach at the orifice, impedes birth, killing the mother unless he is to die. Therefore, there exists among the instruments of the doctors, by which the womb is first forced to open, a balanced instrument of a twisted construction with an annular blade, by which the limbs within are dissected with anxious care and with the blunt hook the entire victim is extracted by violent delivery. There is also a copper spike by which the murder itself is accomplished with blind robbery. It is called an ἐβρυσσάκταν from its function, in particular, the extinction of a living infant. Hippocrates, Asclepiades, Erasistratus, Herophilos, the dissector of even adults, and mild Soranus himself, possessed this since they were sure that a living creature had been conceived and felt such pity for the luckless infancy that it was killed first so that it would not be torn to pieces while still alive.<sup>152\*</sup>

From the similarities of technique and circumstance Tertullian's description of the procedure is unmistakably that of an embryotomy and not an elective abortion. The fetus, unable to be delivered normally, must be destroyed in order to save the mother.

Perhaps one of the most important passages to give the modern scholar insight into the understanding of the mechanics of ancient abortion, yet one mostly overlooked by scholars interested in ancient birth control, is where Galen discusses the uterus:

Ταῦτα δ' οὐχ ἡμεῖς νῦν ἀναπλάττομεν ἡμῖν αὐτοῖς, ἀλλ' ἐκ μακρᾶς πείρας δοκιμασθέντα πᾶσι γέγραπται σχεδόν τι τοῖς περὶ τούτων πραγματευσαμένοις. Ἡρόφιλος μὲν γε καὶ ὡς οὐδὲ πυρῆνα μήλης ἂν δέχοιτο τῶν μητρῶν τὸ στόμα, πρὶν ἀποκυεῖν τὴν γυναῖκα, καὶ ὡς οὐδὲ τοῦλάχιστον ἔτι διέστηκεν, ἦν ὑπάρξῃται κύειν, καὶ ὡς ἐπὶ πλέον ἀναστομοῦνται κατὰ τὰς τῶν ἐπιμηνίων φοράς, οὐκ ὄκησε γράφειν· συνομολογοῦσι δ' αὐτῶ καὶ οἱ ἄλλοι πάντες οἱ περὶ τούτων πραγματευσάμενοι καὶ πρῶτός γ' ἀπάντων ἰατρῶν τε καὶ φιλοσόφων Ἴπποκράτης ἀπεφήνατο μύειν τὸ στόμα τῶν ὑστέρων ἐν

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<sup>152</sup> Tert., *Anim.* 25.4-5.

τε ταῖς κυήσεσι καὶ ταῖς φλεγμοναῖς, ἀλλ' ἐν μὲν ταῖς κυήσεσιν οὐκ ἐξιστάμενον τῆς φύσεως, ἐν δὲ ταῖς φλεγμοναῖς σκληρὸν γιγνόμενον.

Now we are not inventing this for ourselves: one may say the statement is based on prolonged experience of those who occupy themselves with such matters. Thus Herophilus does not hesitate to state in his writings that up to the time of labour the os uteri will not admit so much as the tip of a probe, that it no longer opens to the slightest degree if pregnancy has begun— that, in fact, it dilates more widely at the times of the menstrual flow. With him are in agreement all the others who have applied themselves to this subject; and particularly Hippocrates, who was the first of all physicians and philosophers to declare that the os uteri closes during pregnancy and inflammation, albeit in pregnancy it does not depart from its own nature, whilst in inflammation it becomes hard.<sup>153</sup>

If the belief among physicians was indeed that the cervix closed completely during pregnancy, to such an extent that it would not even admit the tip of a probe, this gives the explanation why the use of probes is only referred to after the death of the fetus, for postpartum treatment, and for uterine corrections in a non-pregnant women. Therefore, although the Romans possessed a technique that could have been used for elective “surgical” or “manipulative” abortion, as is demonstrated by the embryotomy when the fetus was already dead or the birth process had been halted by dystocia, it is likely that it would not have been considered by the medical profession for a live fetus unless labour had already commenced:

ἔστι δὲ καὶ τοῦτο θαυμαστόν τι τῆς φύσεως σόφισμα, τὸ ζῶντος μὲν τοῦ κυήματος, ἀκριβῶς πάνυ μεμυκέναι τὸ στόμα τῶν μητρῶν, ἀποθανόντος δε παραχρῆμα διανοίγεσθαι τοσοῦτον, ὅσον εἰς τὴν ἔξοδον αὐτοῦ διαφέρει.

A wonderful device of Nature’s also is this—that, when the foetus is alive, the os uteri is closed with perfect accuracy, but if it dies, the os at once opens up to the

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<sup>153</sup> Gal., *Nat. Fac.* 3.3. Hanson (1987), p. 598, cites this passage but in the context of conception, not of abortion or birth.

extent which is necessary for the foetus to make its exit.<sup>154</sup>

#### 4.7.3.3. The Modern Scholarship

In the light of the foregoing analysis of the primary medical texts pertaining to surgical abortion, an investigation of the modern scholarship concerning the topic is now crucial to understanding the complexities faced by those studying ancient medicine and ancient women, and in particular, the possibility that surgical abortion was used as a means of birth control. Sheila Dickison, in her review of Nardi's *Procurato aborto* salutes the vast amount of primary source material he collected but criticizes his "underlying theme: the fetus' right to life".<sup>155</sup> She says:

Take abortion as a medical problem, for example. On the factual side, *Procurato aborto* is a storehouse of information on ancient abortifacients, if the reader will take the trouble to sort out and assemble the evidence himself. The same information can be found in digested form in W. A. Krenkel's, "Erotica I: Der Abortus in der Antike."<sup>156</sup>

In Krenkel's section on surgical abortion he cites "Hippocrat., De mul. 1, 5 p.183; Hippocrat., De foetus exsectione, vol. 23 p. 376; Hippocrat., De mul. morb. 1, vol. 22 p. 701 f. K; Soranus 2,1,9,62; Tertull., De anima 25,5; Soran. 4,9 f.; 4, 10, 2; Cels. 7,29,4".<sup>157</sup> His method of citation for the medical works is sometimes difficult to decipher but from his brief description of their contents all accounts describe either the removal of an already dead fetus or an embryotomy. The one passage that he quotes fully, in a German translation, is Celsus' description of the

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<sup>154</sup> Gal., *Nat. Fac.* 3.3.

<sup>155</sup> Dickison (1973), p. 162, reviewing Enzo Nardi, *Procurato aborto nel mondo greco romano* (Milan, 1971). His collection of primary sources pertaining to abortion is indeed extensive but I have found no occasion to cite him.

<sup>156</sup> Dickison (1973), p. 162.

<sup>157</sup> Krenkel (1971), p. 445. I have been unable to identify his first Hippocratic reference. The second can be found in Littré (8: 512) and describes the embryotomy. The third (Littré 8: 146) describes the procedure to correct a breach presentation. His first reference to Soranus is undecipherable, but the second also pertains to the embryotomy.

embryotomy.<sup>158</sup> None of the examples cited is an elective surgical abortion.<sup>159</sup>

Eyben, for general methods used to perform abortion, cites: “M. Moïssidés, p. 129 ff; A Krenkel, p. 447ff.; E. Nardi, index s.v. abortivi”.<sup>160</sup> Of surgical abortion, he says:

Surgical abortion was also known, a hazardous intervention (and therefore rejected by Soranus), in which sharp objects were employed.<sup>161</sup>

He describes Krenkel’s work as “a clear survey of different facets and methods of abortion”, and Nardi’s as, “a thorough discussion of *all* ancient texts concerning abortion”.<sup>162</sup>

Gorman, in his book, *Abortion and the Early Church*, discusses mechanical abortion:

The crudest method, used most often by (probably desperate) women themselves, was to bind the body tightly around the womb or to strike it so as to expel the fetus [Ovid *Fasti* 1. 621-24; Hippolytus *Refutation of All Heresies* 9.7; Origen *Against Heresies* 9] Another method required the use of abortive instruments.<sup>163</sup>

He cites Tertullian (*Anim.* 25.4), giving a cropped English translation that fails to mention the circumstance of the procedure, that it was a full-term breech birth, or that it was done to save the mother’s life. Noting similarities between Tertullian and Celsus he comments:

This surgical method of abortion is undoubtedly similar to the method of removing a dead fetus in the third trimester described by Celsus in *De medicina*.<sup>164</sup>

However, it must be stated that Roman doctors were well aware of the risks involved, and this

<sup>158</sup> Cels., *Med.* 7.29. See above, p. 46-7.

<sup>159</sup> Under the heading “Abortus criminalis mit spitzen Instrumenten”, all his primary sources are literary, save for Soranus’ (1.65) warning against the use of sharp instruments (Krenkel 1971: 449-50).

<sup>160</sup> Eyben (1980-1), p. 11. Moïssidés cites the same passages later used by Fontanille (see above, p. 36) to suggest perforation and here maintains that intrauterine injections were used to provoke abortion. Feen (1983), p. 289 and n. 18, also cites Moïssidés (1922: 29-38 [these pages do not exist]), saying “...Marcel Moïssidés, in an extensive study, describes in detail the various instruments and procedures found among Greek medical treatises for producing abortion.” I have found Moïssidés’ article extremely biased and neither thorough nor accurate.

<sup>161</sup> Eyben (1980-1), p. 11. No specific primary source citations are given for surgical abortion.

<sup>162</sup> Eyben (1980-1), p. 10.

<sup>163</sup> Gorman (1982), pp. 16-7.

<sup>164</sup> Gorman (1982), p. 17, citing Soranus (*Gyn.* 1.65).

technique could not have been used to avoid discovery of an unplanned pregnancy because in the cited examples the pregnancy was already full term. One reason for the practice of abortion was the desire to avoid the very real risk of the birth process, so it seems unlikely that a pregnant woman wishing to terminate pregnancy would consider such an extreme and dangerous option. Gorman does not furnish other sources to bolster his claim so his premise is reduced to mere conjecture.

Circling the same texts, Gourévitch says of surgical abortion, “ceux-ci n’ont pas l’approbation de Soranos, qui les juge dangereux”.<sup>165</sup> Apparently unaware of Soranus’ passage on embryotomy she continues:

Soranos ne semble donc pas être la source de Tertullien, lorsque celui-ci évoque une aiguille de bronze, qui n’aurait pas servi seulement dans les accouchements désespérés, mais aussi dans les avortements chirurgicaux.

Quoi qu’il en soit, tous les médecins n’ont pas les scrupules que manifeste Soranos sur ce point; certains sont extrêmement imprudents, et plus encore les femmes qui agissent seules ou avec la complicité d’amies.<sup>166</sup>

Gourévitch gives no other sources for surgical abortions although she states that such techniques were used. Regardless of the likelihood of whether surgical abortions were performed by unscrupulous doctors or women, the fact remains that there is no medical documentation to positively support such claims. Concerning surgical abortion, Thomas also finds Tertullian’s passage significant.<sup>167</sup>

Perhaps because of his extensive research concerning birth control and abortifacients in the

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<sup>165</sup> Gourévitch (1984), p. 209.

<sup>166</sup> Gourévitch (1984), p. 209. See Sor., *Gyn.*, 4.9-13. Soranus does not refer to a bronze needle in these passages, but a small knife and hook are used to dismember the fetus in the womb and Tertullian (*Anim.* 25.5) claims that even “mitior ipse Soranus” had such a tool.

<sup>167</sup> Thomas (1986), p. 234 n. 88. See above, p. 40-1.



ancient world, Riddle is not convinced that surgical abortion played an important role in limiting the population:

The agreement in the sources about abortion's dangers, notably in late-term abortions, causes modern historians to believe that resort to them was avoided unless the situation was truly desperate. The various medical and social sources present little evidence that abortions were routinely employed for birth control.<sup>168</sup>

Because his subject is the efficacy of contraceptives and abortifacients in the ancient world his discussion of surgical abortion is brief, and, unfortunately, he has not taken the argument further.

However, in his more recent publication he observes:

In addition to the texts, Greek surgical instrument[s] for abortion have survived. The Christian Church Father Tertullian accused Hippocrates of possessing one of the brutal instruments designed to dismember a fetus in a breech birth. Although no surviving Hippocratic treatise has instructions on this procedure, it was performed in those years to save the life of the mother.<sup>169</sup>

Although once again Tertullian is the primary source of surgical abortion procedures, in this instance, Riddle clearly views the operation as therapeutic rather than elective.

Despite Riddle's optimism, modern scholarship has not reached a consensus concerning the use of surgical abortion as a means of limiting birth, and confused notions continue to be supported by references to modern scholarship rather than the ancient medical sources. An example of this is illustrated by Wells, who states that Roman instruments appropriate for performing abortions have been found.<sup>170</sup> As further emphasis, he then cites the findings of a fellow archeologist:

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<sup>168</sup> Riddle (1992), p. 10.

<sup>169</sup> Riddle (1997), p. 76. For evidence of Greek surgical instruments he cites Moïssidés (1929 [actually 1922]: 59-85); Tert., *Anim.* 25. Riddle appears to be unfamiliar with the Hippocratic text *de exsectione foetus* and others concerning embryotomy.

<sup>170</sup> Wells (1975), p. 1241, who cites himself (1967: 139-41). Jackson (1988), p.109 n. 93, also cites Wells (1967: 139-41 pl. 17b): "Although the 'foeticide' (Tert., *Anim.* 25) is named as the instrument used to pierce the amniotic membrane around the foetus, this operation might have been performed to equal effect with a uterine sound (probe), an example of which was found at Hockwold, England". A similar example of the superimposition of modern techniques can be found in Bliquez (1981: 16), who gives no specific citations: "Needless to say, the

Janssens has even noted the skeleton of a Gallo-Roman woman with an instrument in her pelvis which he believes indicates sudden death from air embolism while she was secretly trying to induce a miscarriage.<sup>171</sup>

Without the supporting evidence of the ancient medical records the argument is fallacious and does not take into account the possibility that the woman was a murder victim or that grave goods were buried with her corpse. What becomes increasingly clear is that the ancient medical sources do not support the notion that surgical abortion was used as a means of birth control, despite the claims of modern scholars.

#### 4.7.3.4. The Hippocratic Oath

Having observed the medical treatises pertaining to abortion, the question of the Hippocratic Oath arises. The passage alluding to abortion is curious: in that it contradicts the abortive advice given in the other Hippocratic writings.<sup>172</sup> The Hippocratic author states:

Οὐ δώσω δὲ οὐδὲ φάρμακον οὐδενὶ αἰτηθεὶς θανάσιμον, οὐδὲ ὑφηγήσομαι ξυμβουλίην τοιήνδε· ὁμοίως δὲ οὐδὲ γυναικὶ πεσσὸν φθόριον δώσω. Ἄγνωσ δὲ καὶ ὁσίως διατηρήσω βίον τὸν ἐμὸν καὶ τέχνην τὴν ἐμήν. Οὐ τεμέω δὲ οὐδὲ μὴν λιθιῶντας, ἐκχωρήσω δὲ ἐργάτησιν ἀνδράσι πρήξιος τῆσδε.

Je ne remettrai à personne du poison, si on m'en demande, ni ne prendrai l'initiative d'une pareille suggestion; semblablement, je ne remettrai à aucune femme un pessaire abortif. Je passerai ma vie et j'exercerai mon art dans l'innocence et la

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speculum was of great use in treating fistulas, hemorrhoids, ulcers, some types of tumors, and in performing abortion and the ancient equivalent of the d. and c. For the latter operations, special curettes were available, that is, spoon-shaped devices for scraping and cleaning the uterus". For "l'opération de curettage", Moïssidés (1922: 84), cites Littré (7: 386 = Hp., *Nat. Mul.* 42), but the treatment using a ξύστρα (scraper) is for a non-pregnant woman. Ricci (1949: 16) maintains that "the curette as known today was not in use among the ancients. We have no exact knowledge of how Hippocrates managed a case of retained products of conception. John Stewart Milne translated the Greek word ξύστρα as curette, but obviously this definition was somewhat far-fetched".

<sup>171</sup> Wells (1975), p. 1242, citing "Janssens, P. A., 'De benen stilet uit een Gallo-Romeins vrouwengraf gevonden te Tongeren' (*Hades* 15: 34-7, 1966)".

<sup>172</sup> See Jones (1923), pp. 291 ff., and Edelstein (1967: 9 ff.), for a discussion of the Oath, its interpretations and possible authorship.

pureté. Je ne pratiquerai pas l'opération de la taille, je la laisserai aux gens qui s'en occupent.<sup>173</sup>

The Oath prohibits the administering of abortive pessaries but does not forbid the practice of mechanical or surgical abortions, just as physicians are prohibited from performing lithotomies<sup>174</sup> yet the procedure is permitted to the proper craftsmen. The recipes for abortive pessaries contained in the Hippocratic writings are numerous yet this is in no way reflected by the Hippocratic Oath. Riddle says, “modern scholars have come to the conclusion that whoever wrote the oath ascribed to Hippocrates was a member of a fringe group and not representative of those practitioners who traced their tradition through their teachers to Hippocrates”.<sup>175</sup> However, to scholars willing to grant the Oath more authority, surgical abortion would still be in keeping with the letter of the law if not the spirit.

The Hippocratic authors show more concern for the treatment of sterility but the treatises themselves contain no prohibition of abortion and the evidence points to the fact that abortive pessaries were commonly used, although very caustic ones that would cause lesions were not recommended. Jones states that, “the *Oath* was admitted to be genuinely Hippocratic by Erotian”, but then adds that “the clause forbidding operative surgery [lithotomy] may be an addition of late but uncertain date”, because Hippocratic authors are not forbidden to operate in the Hippocratic treatises.<sup>176</sup> Although the Hippocratic treatises give ample confirmation that abortive pessaries

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<sup>173</sup> Hp., *Jusj.*

<sup>174</sup> Edelstein (1967), p. 27, maintains that procedure concerns lithotomy [removal of kidney-stones?] and not castration.

<sup>175</sup> Riddle (1997), p. 39, citing Edelstein (1967) and “Charles Lichtenhaeler, *Der Eid des Hippokrates: Ursprung und Bedeutung* (Cologne, 1984).”

<sup>176</sup> Jones (1923), pp. 291-6: “It is possible that the degradation of surgery did not take place until Christian times... and the sentence of the *Oath* may well be very late indeed.”

were used, nevertheless, the Hippocratic physician was fully aware of the risks of abortion:

καὶ κινδυνεύουσιν αἱ φθείρουσαι μᾶλλον· αἱ γὰρ φθοραὶ τῶν τόκων χαλεπώτεραί εἰσιν· οὐ γὰρ ἔστι μὴ οὐ βιαίως φθαρῆναι τὸ ἔμβρυον ἢ φαρμάκῳ ἢ ποτῶ ἢ βρωτῶ ἢ προσθέτοισιν ἢ ἄλλῳ τινί· βίη δὲ πονηρὸν ἔστιν· ἐν γὰρ τῷ τοιούτῳ κίνδυνός ἔστι τὰς μήτρας ἐλκωθῆναι ἢ φλεγμῆναι· τοῦτο δὲ ἔστιν ἐπικίνδυνον.

Les dangers sont plus grands pour la femme qui avorte, les avortements étant plus pénibles que les accouchements. Il n'est pas possible, en effet, qu'il n'y ait pas violence dans l'expulsion de l'embryon, soit par un purgatif, soit par une boisson, soit par un aliment, soit par des pessaires, soit par toute autre cause. Or, la violence est mauvaise, amenant le risque ou de l'ulcération ou de l'inflammation de la matrice; ce qui est très périlleux.<sup>177</sup>

The method of obtaining an abortion ἄλλῳ τινί is not specified, nor are we privy to procedures that the midwives employed or women used on themselves.<sup>178</sup>

From Scribonius Largus (c. AD 1-50), who practised in Rome under Tiberius, we have the first evidence of a misreading of the Hippocratic Oath:

Hippocrates, conditor nostrae professionis, initia disciplinae ab iureiurando tradidit, in quo sanctum est, ut ne praegnanti quidem medicamentum, quo conceptum excutitur.

Hippocrates, the founder of our profession, passed on the first principles of the discipline by the oath, in which the medicine that caused the embryo to be expelled was forbidden to a pregnant woman.<sup>179\*</sup>

He explicitly views Hippocrates as the author of the Oath and makes no attempt to account for the many abortive treatments contained in the Hippocratic writings.<sup>180</sup> The abortive pessary, one

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<sup>177</sup> Hp., *Mul.* 1.72.

<sup>178</sup> See Hp., *Mul.* 1.67, above, p. 24.

<sup>179</sup> Scrib. Larg., *Comp. Praef.* 5.20-3. See Riddle (1992), pp. 7-10, for a discussion on the misreading of the Oath.

<sup>180</sup> This possibly predates Erotian's identification of Hippocrates as the author of the Oath.

specific treatment, has been expanded to include any abortive medication.<sup>181</sup>

Scribonius Largus clearly does not approve of abortion, a fact which perhaps led to his interpretation of the Oath.<sup>182</sup> Nevertheless, he does give an emmenagogic remedy, saying:

[compositio] item menstrua mouet mulieribus, quae difficulter purgantur. dandum autem erit his ex aqua medicamentum, in qua decoquitur herba, quae artemisia dicitur aut quam dictamnion appellant.

Likewise, in women, a compound provokes the menses that are difficult to purge. They ought to take a medicinal tisane, in which herbs are steeped, which it is said are called artemisia and dittany.<sup>183\*</sup>

Either he has unwittingly provided an early-term abortifacient, not understanding the connection between the cessation of the menses and pregnancy, or it is possible that such an early termination of pregnancy was not found to be objectionable.

For Soranus, the question of the morality of abortion was much in debate and the contradictions between the Hippocratic writings and the Oath had obviously caused confusion:

γεγένηται δὲ στάσις. οἱ μὲν γὰρ ἐκβάλλουσιν τὰ φθόρια τὴν Ἱπποκράτους προσκαλούμενοι μαρτυρίαν λέγοντος: “οὐ δώσω δὲ οὐδενὶ φθόριον”, καὶ ὅτι τῆς ἰατρικῆς ἐστὶν ἴδιον τὸ τηρεῖν καὶ σφῆζειν τὰ γεννώμενα ὑπὸ τῆς φύσεως. οἱ δὲ μετὰ διορισμοῦ συντάσσουσιν αὐτά, τοῦτ' ἐστὶν οὐχ ὅτε διὰ μοιχείαν τις βούλεται φθειραὶ τὸ συλληφθὲν οὔτε δι' ἐπιτήδευσιν ὠραιότητος, ἀλλ' ὅτε διὰ <τὸ> κίνδυνον κωλύσαι γενησόμενον ἐν ταῖς ἀποτέξεσιν, μικρᾶς τῆς μήτρας ὑπαρχούσης καὶ μὴ δυναμένης χωρῆσαι τὴν τελείωσιν, ἢ κατὰ τοῦ στομίου κονδυλώματα καὶ ῥαγάδας ἐχούσης, ἢ τινος ἐμφεροῦς περιστάσεως ἐγκειμένης.

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<sup>181</sup> “A third-century AD papyrus text of the Oath justifies the reading abortive suppositories and therefore stands contrary to Scribonius’ earlier reading” (Riddle 1992: 8). The actual text reads, πεσσον[.] θοριον (*POxy XV 2547*).

<sup>182</sup> As Riddle says, “let us not overlook the inference that the expected means of abortions were drugs” (1992: 8).

<sup>183</sup> Scrib. Larg., *Comp.* 106.

But a controversy has arisen. For one party banishes abortives, citing the testimony of Hippocrates who says: "I will give to no one an abortive"; moreover, because it is the specific task of medicine to guard and preserve what has been engendered by nature. The other party prescribes abortives, but with discrimination, that is, they do not prescribe them when a person wishes to destroy the embryo because of adultery or out of consideration for youthful beauty; but only to prevent subsequent danger in parturition if the uterus is small and not capable of accommodating the complete development, or if the uterus at its orifice has knobby swellings and fissures, or if some similar difficulty is involved.<sup>184</sup>

Soranus' reading of the Oath is more in keeping with that of Scribonius Largus than with the traditionally accepted reading of "abortive pessary". Abortion was now viewed with disapproval if pregnancy was brought about by immoral conduct or if the woman wished to terminate the pregnancy out of vanity. However, if it was advisable for medical reasons, abortion was then sanctioned.

Some earlier scholars of this century have given the Oath perhaps more authority than it deserves and have tried to cloak the Hippocratic writings in an aura of Christianity that does not seem appropriate. Moïssidés says:

L'avortement défendu par le Serment est sans doute l'avortement criminel, destiné à faire disparaître le produit d'une grossesse mais non l'avortement thérapeutique, auquel l'obstétrique est quelquefois obligé à recourir, et dont fait mention Hippocrate dans le I livre des maladies des femmes.

Ce passage du Serment, comme l'ensemble, dénote une grande pureté de mœurs, une haute idée de la médecine, un perpétuel souci de la dignité médicale, un vif sentiment des devoirs de la profession, ce qui distingue surtout le père de la médecine. Malheureusement, une fâcheuse exception s'observe dans la Collection hippocratique. L'auteur du traité "De la nature de l'enfant" raconte avec complaisance qu'il a fait avorter d'une semence séjournée six jours dans l'utérus, une baladine fort estimée, en lui ordonnant de sauter de manière que les talons touchassent les fesses.<sup>185</sup>

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<sup>184</sup> Sor., *Gyn.* 1.60.

<sup>185</sup> Moïssidés (1922), pp. 67-8. Within this passage he cites; "Siebold, *Essai d'une histoire de l'Obstétricie*, trad. de l'Allemand par Hergott; Daremberg, *Oeuvres choisies d'Hippocrate* Introduction XLII ed. 2. 1855; Hippocrate, d. Littré tom. VII, p. 488-90".

The “Lacedaemonian leap” is by no means the only exception to the high ideals that Moïssidés alludes to, nor is the prohibition of abortive pessaries mentioned in the Hippocratic medical texts.

This view is not restricted to earlier scholars. Laale, in his discussion of this passage, gives the Loeb translation, “neither will I administer a poison to anybody when asked to do so, nor will I suggest such a course. Similarly I will not give a woman a pessary to cause abortion”.<sup>186</sup>

Although he specifies the use of pessaries, he presumes that this text represents a “prohibition against the taking of life, including the unborn”.<sup>187</sup> The Oath does not prohibit all forms of abortion and Laale’s presumption does not reflect the sincere and ultimate concern that the Hippocratic physician had for his patient rather than that for an unborn fetus.

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<sup>186</sup> Laale (1993), p. 164.

<sup>187</sup> Laale (1993), p. 164.

## 5. Conclusion

After a close examination of the various abortive methods mentioned in the ancient medical texts, it is evident that despite similarities in terminology, the techniques described do not necessarily correspond to modern medical elective abortive procedures. Because of anti-abortion legislation, criminal abortions performed by unqualified individuals have been and still are performed and it is common knowledge that these are often accomplished by the insertion of a foreign object into the uterus. A modern text reports of a patient "in whom an umbrella stay had been introduced through the uterus, through the abdominal cavity, and ultimately perforated the diaphragm".<sup>188</sup> Techniques that appear similar to Hippocratic gynecological treatments are also found:

Other methods which have been developed by the criminal abortionists involve the introduction of foreign bodies into the uterus. The crochet hook and other similar implements were commonly and possibly still are used. Rubber catheters, sounds, needles, slippery elm and even slivers of wood have been used in the past. Soap or antiseptic solutions introduced into the uterus by a syringe or douche are commonly used methods. The complications which may occur are haemorrhage, infection, renal failure, soap intoxication, air embolism and trauma of the vagina, cervix, uterus or bladder.<sup>189</sup>

Modern scholars have assumed the existence of the practice of surgical elective abortion in the ancient world on the basis of very few medical citations, and those few, upon further analysis, prove to be therapeutic and not elective. With such risks involved even with modern technology, the absence of description of surgical elective abortive procedures in the ancient medical texts strongly suggests that these techniques were not used. Either works containing these procedures are no longer extant, or medical practitioners avoided these methods, being well aware of the

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<sup>188</sup> D. Cavanagh and M. Comas in Danforth (ed.) (1971), p. 355.

<sup>189</sup> Walker (ed.) (1976), p. 549.



grave risks that were involved. Of procedures performed by non-professionals we have no medical records. Unpalatable as it may be, modern society associates these practices with abortion, albeit criminal, and modern scholars have found it logical to assume that an ancient society with inferior medical knowledge would use similar means.

What *has* become clear is that ancient chemical abortifacients were far more efficacious than previously believed. Once this is accepted, the common use of more dangerous and possibly fatal methods of elective abortion seems unlikely. Although the views of modern scholars concerning birth control and abortion are, in some ways, radically different from those of scholars from the first half of the century, many of the latter's pronouncements on the subject, although outmoded, remain unchallenged and accepted.

## CHAPTER 3

### The Legal Texts

#### 1. Introduction

The laws of any society point to societal problems and the need to protect the population. Roman laws concerning contraception and abortion did exist but an analysis of these laws reveals that the societal concerns of the early Empire were not necessarily parallel to those of the modern world. As with any modern interpretation of Roman laws there is the temptation of superimposing modern concerns upon these particular laws and thus upon ancient society in a wider sense. From the evidence of existing laws we can determine the concerns of antiquity only from a purely legal standpoint. However, there are two types of evidence that can be found in the Roman legal texts. There are those laws that specifically mention contraception and abortion, and then there are the laws that are more general and may possibly cover aspects of birth control, although these aspects are not explicitly mentioned. These general laws are open to subjective interpretation. I intend to isolate the procedures definitely covered by extant laws and analyse the general passages that have been interpreted to cover contraceptive and abortive procedures by modern scholars.

Few chronological landmarks exist in the legal evidence concerning abortion between Cicero's *pro Cluentio* (c. 66 BC) and the Severan rescript (c. AD 193-235) that actually made abortion punishable. During the late Republic the act of abortion, in itself, was not a crime but changing mores over the next two-hundred years of the early Empire ensured that, by the time of the Severan rescript, abortion had become punishable. The study of the legal texts during the intervening time permits the isolation of the aspects of abortion that Romans found objectionable and also allows a study of the changing attitudes towards the practice during the time period in question.

Concerning abortion, the classical period is often viewed as a whole with little regard to the fluctuating status of women and to external influences responsible for societal change. The issue is further clouded by the fact that the bulk of the information pertaining to abortion is contained in Justinian's codification of laws, the *Digest* (AD 533). Since ninety-five percent of the work is actually from jurors living between AD 100-250,<sup>1</sup> we have evidence that the laws were in application at that time but we cannot be sure when exactly they came into being.

## 2. Inheritance

Late Republican law might not have found the act of abortion criminal but the legal texts concerning the laws of inheritance reveal that illicit abortion, namely the termination of pregnancy without the consent of the spouse, was viewed with distrust and was considered a very real threat to the rights of an heir. Cicero, in the *pro Cluentio* (66 BC), sums up the Roman viewpoint on abortion:

Memoria teneo Milesiam quandam mulierem, cum essem in Asia, quod ab heredibus secundis accepta pecunia partum sibi ipsa medicamentis abegisset, rei capitalis esse damnatam: nec iniuria, quae spem parentis, memoriam nominis, subsidium generis, heredem familiae, designatum rei publicae ciuem sustulisset.

I remember a case which occurred when I was in Asia: how a certain woman of Miletus, who had accepted a bribe from the alternative heirs and procured her own abortion by drugs, was condemned to death: and rightly, for she had cheated the father of his hopes, his name of continuity, his family of its support, his house of an heir, and the Republic of a citizen-to-be.<sup>2</sup>

He then continues, discussing a similar situation, this time concerning a Roman matron, the widow of Magius:

Quo illa pretio accepto multisque praeterea muneribus, quae tum ex tabulis

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<sup>1</sup> OCD<sup>3</sup>, s.v. *Digesta*.

<sup>2</sup> Cic., *Clu.* 11.32.

Oppianici recitabantur, spem illam, quam in aluo commendatum a uiro continebat, uicta auaritia sceleri Oppianici uendidit.

She took this fee--as well as many other presents which at his trial were quoted from his accounts--and, yielding to avarice, sold to [that crook] Oppianicus the promise of her womb, the special object of her husband's trust.<sup>3</sup>

He disapproves of abortion on behalf of the father and the state, but certainly not on behalf of the child. It is interesting that he refers to the death penalty of the Milesian woman but remains mute concerning the widow of Magius, who remained unpunished. Although he implies that she deserves to be punished it must be remembered that at this point in time, abortion, in itself, was not punishable by Roman law:

Both the women he mentions, the Milesian, given capital punishment, presumably under Greek law, for her abortion, and the widow of Magius, who, far from being punished, was married a few months later to the man who had bribed her to have an abortion, were carrying posthumous children and accepted a bribe from people who had an interest in there being no direct heir.<sup>4</sup>

Although abortion was clearly disapproved of, unless her husband objected, it appears that a woman was able to terminate her pregnancy without fear of actual legal punishment.

Much of the legal interest in abortion was due to the concerns of the heir rather than the welfare of the mother or her offspring but pronouncements on the subject are sometimes contradictory. According to Ulpian, jurist and chief advisor to Alexander Severus (ruled AD 222-35), whose work amounts to approximately one-third of the *Digest*,<sup>5</sup> although the unborn child was considered part of a woman's entrails and therefore, part of herself, once the child was born it was completely under the father's jurisdiction:

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<sup>3</sup> Cic., *Clu.* 12.34.

<sup>4</sup> Gardner (1986), p. 159.

<sup>5</sup> OCD<sup>3</sup>, *s.v.* Ulpian.

partus enim antequam edatur, mulieris portio est uel uiscerum. post editum plane partum a muliere iam potest maritus iure suo filium per interdictum desiderare aut exhiberi sibi aut ducere permitti. extra ordinem igitur princeps in causa necessaria subuenit.

For the child is a part of the woman, or of her entrails, before it is born. After it is born, however, it is clear that the husband can, in accordance with his rights, by means of an interdict, demand that the child shall be produced in his presence, or that he shall be permitted by an extraordinary proceeding to remove it.<sup>6</sup>

Just how much control over the fetus this gave a woman is unclear. The same jurist states that a divorced woman could be summoned to the house of a respectable matron in order to be examined by three midwives, “probatae et artis et fidei”, “experienced in their profession and trustworthy”, in order to force her to have a custodian by the order of her ex-husband, presumably to guard against the abortion of his unborn heir, if she was suspected of being pregnant.<sup>7</sup> Apparently, a woman could be compelled to admit to the praetor as to whether she believed herself to be pregnant or not:

Secundum quod rescriptum euocari mulier ad praetorem poterit et apud eum interrogari, an se putet praegnatem, cogendaque erit respondere.

In accordance with this rescript, a woman may be summoned before the Praetor and, having been interrogated as to whether she believes that she is pregnant, can be compelled to answer.<sup>8</sup>

However, Ulpian also states:

Quod dicitur “si putetur esse praegnas”, sic accipiendum est, si dicat se praegnatem.

The statement, “If [s]he thinks that she is pregnant”, must be understood to mean if she asserts she is in that condition.<sup>9</sup>

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<sup>6</sup> *Dig.* 25.4.1.1 (Ulpian). All translations of the *Digest* are from Scott (1932).

<sup>7</sup> *Dig.* 25. 4. 1. pr. (Ulpian).

<sup>8</sup> *Dig.* 25. 4. 1. 2 (Ulpian).

<sup>9</sup> *Dig.* 29.2.30.3 (Ulpian).

A woman in the early stages of pregnancy would be able to disguise her condition or deny it if she so wished. If she was pregnant, by implication it appears that she was in control of her own viscera as long as a living husband did not object to her actions.

### 3. Status of the Fetus

The laws of the early Empire clearly attempted to protect the rights of an heir and therefore certain provisions were made for the fetus. However, Laale's assertion that, in the eyes of Roman law, "the principle that the unborn child is as one already in existence, or already born, and a subject of human rights", is somewhat misleading.<sup>10</sup> He cites Julian (c. AD 100 - c.169):

Qui in utero sunt, in toto paene iure ciuili intelleguntur in rerum natura esse. nam et legitimae hereditates his restituuntur: et si praegnas mulier ab hostibus capta sit, id quod natum erit postliminium habet...

Those who are unborn are, by almost every provision of the Civil Law, understood to be already in existence; for estates legally descend to them, and if a pregnant woman is taken by the enemy, her child has the right of *postliminium*...<sup>11</sup>

This is true, in so far that in anticipation of a live birth, an estate would be held for a possible heir:

Sicuti liberorum eorum, qui iam in rebus humanis sunt, curam praetor habuit, ita etiam eos, qui nondum nati sint, propter spem nascendi non neglexit. nam et hac parte edicti eos tuitus est, dum uentrem mittit in possessionem uice contra tabulas bonorum possessionis.

The Praetor not only provides for the welfare of children who are already born, but also does not neglect those who are as yet unborn; for he protects their interests in one of the Sections of the Edict by placing an unborn child in possession of an estate instead of praetorian possession contrary to the terms of the will.<sup>12</sup>

However, Tryphoninus (date unknown) gives this proviso:

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<sup>10</sup> Laale (1993), p. 40.

<sup>11</sup> *Dig.* 1.5.26. pr. (Julian).

<sup>12</sup> *Dig.* 37.9.1. pr. (Ulpian). See *Dig.* 37.9.1.15; 37.9.1.27. Also of interest: "Septimo mense nasci perfectum partum iam receptum est propter auctoritatem doctissimi uiri Hippocratis", "on the authority of Hippocrates, a live child born after seven months is legitimate" (*Dig.* 1.5.12).

Quod dicimus eum, qui nasci speratur, pro superstate esse, tunc uerum est, cum de ipsius iure quaeritur: aliis autem non prodest nisi natus.

When we say that a child, who is expected to be born, is considered as already in existence, this is only true where his rights are in question, but no advantage accrues to others unless [he is] actually born.<sup>13</sup>

The laws protected the potential inheritance of an unborn fetus but under normal circumstances, its right to be born was not an issue. The fetus did have certain rights to survival, however, under very specific conditions. It was protected in the case of a pregnant mother's death:

Negat lex regia mulierem, quae praegnas mortua sit, humari, antequam partus ei excidatur: qui contra fecerit, spem animantis cum grauida peremisse uidetur.

The Royal law refuses permission for a woman who dies during pregnancy to be buried before her unborn child is removed from her; and anyone who violates this law is held to have destroyed the hope of a living child by the burial of the pregnant mother.<sup>14</sup>

It is possible that this is the surgical operation that Ulpian refers to:

Quod dicitur filium natum rumpere testamentum, natum accipe et si exsecto uentre editus sit: nam et hic rumpit testamentum, scilicet si nascatur in potestate.

When it is said that the birth of a child breaks a will, the term "birth" must be understood to also apply where it has been taken from its mother's womb by means of a surgical operation. For in this case a child breaks a will, provided it is born under parental control.<sup>15</sup>

The operation in question could also refer to surgical assistance in the case of dystocia but the mother's condition is not stated.

The fetus would also be protected if the mother had committed a crime. Torture or

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<sup>13</sup> *Dig.* 50.16.231 (Tryphoninus). See *Dig.* 1.5.7.

<sup>14</sup> *Dig.* 11.8.2 (Marcellus [*fl.* second century]). See *Dig.* 38.8.9 (Ulpian), for a similar decree.

<sup>15</sup> *Dig.* 28.2.12. pr (Ulpian).

execution would be deferred:

*Praegnatis mulieris consumendae damnatae poena differtur quoad pariat. ego quidem et ne quaestio de ea habeatur, scio obseruari, quamdiu praegnas est.*

The execution of the penalty imposed upon a pregnant woman should be deferred until she brings forth her child. I, indeed, am well aware of the rule that torture must not be inflicted upon her as long as she is pregnant.<sup>16</sup>

Despite the finer points of the laws of inheritance, “until born, however, the fetus was not legally a person, and so abortion did not constitute a crime”.<sup>17</sup> Until a live birth took place, the fetus had no independent status:

*Qui mortui nascuntur, neque nati neque procreati uidentur, quia numquam liberi appellari potuerunt.*

Still-born infants are not considered either to have been born or begotten, because they have never been able to be called children.<sup>18</sup>

The fetus did have a monetary worth, however, not only as potential heir but as potential property:

*Si Arethusae libertas ita sit data, si tres seruos pepererit, et per heredem steterit, quo minus pepererit (puta quod ei medicamentum dedisset, ne conciperet), statim liberam futuram esse: quid enim expectamus? idemque et si egisset heres, ut abortum faceret, quia et uno utero potuit tres edere.*

If Arethusa was granted her freedom under the condition that she should bring forth three slaves, and the heir was responsible for her not doing so (for instance, because he gave her some drug to prevent her from conceiving), she will immediately become free. For why should we wait? It is just the same as if the heir should cause her to have an abortion, because she could have three children at birth.<sup>19</sup>

The slave has been promised freedom by the previous owner on the condition that she bears three children. If she has been prevented from having children by the heir, not only by forced abortion,

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<sup>16</sup> *Dig.* 48.19.3 (Ulpian). See *Dig.* 1.5.18, for deferral of execution.

<sup>17</sup> Gardner (1986), p. 158.

<sup>18</sup> *Dig.* 50.16.129 (Paul [*fl. c.* AD 210]).

<sup>19</sup> *Dig.* 40.7.3.16 (Julian).



but by contraception, she is to be manumitted. The potential fetus is viewed as a financial asset but is no way protected in its own right. Likewise, it is not the act of abortion or contraception that is found objectionable but the breaking of a financial contract. This pronouncement concerns the fulfilment of a testator's bequest and has nothing to do with the prohibition of contraception and abortion.

A woman's worth, whether she was of slave status or not, was also bound to her ability to conceive and bear a healthy child:

*Si mulier praegnas uenierit, inter omnes conuenit sanam eam esse: maximum enim ac praecipuum munus feminarum est accipere ac tueri conceptum.*

Where a female slave, who is pregnant, is sold, it is held by all the authorities that she is sound, for it is the greatest and most important function of a woman to conceive and preserve a child.<sup>20</sup>

A woman who willfully aborted a fetus might not be punishable under the law but in the eyes of society she was shirking her duty.

#### 4. Musonius Rufus and the Augustan Marriage Laws

Although his comments are not substantiated by any known extant legal text, Musonius Rufus, the Stoic philosopher (first century AD), refers to laws that prohibit both contraception and abortion:

τοῦτο μὲν γὰρ ἀμβλίσκειν ἀπεῖπον ταῖς γυναιξὶ καὶ ταῖς ἀπειθούσαις ζημίαν ἐπέθεσαν, τοῦτο δ' ἀτοκία προστίθεσθαι καὶ τὴν κύησιν εἶργειν ἀπηγόρευσαν αὐταῖς, τοῦτο δὲ πολυπαιδίας ἔταξαν γέρα καὶ ἀνδρὶ καὶ γυναικί, καὶ τὴν ἀπαιδίαν ἐπιζήμιον κατέστησαν.

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<sup>20</sup> *Dig.* 21.1.14.1 (Ulpian).

So it was for this reason that they forbade women to suffer abortions and imposed a penalty upon those who disobeyed; for this reason they discouraged them from choosing childlessness and avoiding parenthood, and for this reason they gave to both husband and wife a reward for large families, and set a penalty upon childlessness.<sup>21</sup>

Hopkins proposes a textual emendation, reading “ἀτόκια”, instead of “ἀτοκία”, thus reading “contraceptives” instead of “childlessness”.<sup>22</sup> He justifies this, saying “we have then a good logical sequence, well expressed. They forbade (a) abortion, (b) contraception; they rewarded high fertility and punished childlessness”.<sup>23</sup> His interpretation does seem the most appropriate, but the real problem is to determine who exactly it is that Musonius refers to. Hopkins comments, “it is difficult to identify the lawgivers (νομοθέται, θεῖοι καὶ θεόφιλοι ἄνδρες) [godlike men and dear to the gods] who were, according to Musonius, responsible for these prohibitions”.<sup>24</sup> Lutz believes that Musonius “refers to the *Lex Julia de maritandis ordinibus* which was passed in 18 BC and the *Lex Papia Poppaea* passed in 9 AD”,<sup>25</sup> and cites Suetonius to substantiate this:

Leges retractavit et quasdam ex integro sanxit, ut sumptuariam et de adulteriis et de pudicitia, de ambitu, de maritandis ordinibus.

He revised existing laws and enacted some new ones, for example, on extravagance, on adultery and chastity, on bribery, and on the encouragement of marriage among the various classes of citizens.<sup>26</sup>

Although Suetonius discusses the moral legislation enacted, he does not allude to the prohibition of contraception and abortion. Tacitus, too, refers to the Augustan reform, and likewise, omits any

<sup>21</sup> Mus. Ruf., *Frag.* 15. The Greek text and English translation are from Lutz (1947: 96-7).

<sup>22</sup> Hopkins (1965a), p. 72: “The accentuation ἀτοκία instead of ἀτόκια in the manuscript tradition may be due to confusion, through itacism, with a *Nebenform* of ἀτόκιον, namely ἀτοκεῖον.” Eyben accepts this reading (1980-1: 20 n. 60).

<sup>23</sup> Hopkins (1965a), p. 73.

<sup>24</sup> Hopkins (1965a), p. 73.

<sup>25</sup> Lutz (1947), pp. 96-7 n. 12.

<sup>26</sup> Suet., *Aug.* 34.

mention of the prohibition of birth control:

Relatum dein de moderanda Papia Poppaea, quam senior Augustus post Iulias rogationes incitandis caelibum poenis et augendo aerario sanxerat. Nec ideo coniugia et educationes liberum frequentabantur praeualida orbitate.

A motion was then introduced to qualify the terms of the *Lex Papia Poppaea*. This law, complementary to the Julian rogations, had been passed by Augustus in his later years, in order to sharpen the penalties of celibacy and to increase the resources of the exchequer. It failed, however, to make marriage and the family popular--childlessness remained the vogue.<sup>27</sup>

Eyben agrees to Musonius' possible reference to the Augustan reforms, although with caution.

...It is difficult to establish exactly what the texts refer to. It is by no means certain that these authors actually had concrete laws in mind, but the references may perhaps have to do with a broad interpretation of the Augustan marriage laws.<sup>28</sup>

Riddle concurs with this but is more emphatic:

Musonius Rufus was wrong, because the legislation did not prohibit contraceptives or abortifacients. But his words are important because it reveals the assumption that the laws had done so. He likely reasoned as follows: There were too few children, and the legislators recognized this problem. Contraceptives and abortifacients were the means that families used to limit size; therefore, the legislators forbade their use.<sup>29</sup>

It is generally agreed that if Musonius Rufus was referring to Augustan reforms his assumption of the prohibition of contraceptives and abortion was incorrect. Nevertheless, there is still the possibility that such a law did exist but that no record of it survives:

The absence from the Digest of the law against abortion and contraception, and the silence of surviving classical authors is not necessarily a clinching argument. Moreover the silence may not be complete... Tacitus [*Ger.* 19] implies that the Romans by contrast with the Germans both limited the number of their children and killed their late-born children and were not prevented from doing this by good laws. This could mean that there was a law in Rome against artificial limitations of the

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<sup>27</sup> Tac., *Ann.* 3.25.

<sup>28</sup> Eyben (1980-1), p. 20.

<sup>29</sup> Riddle (1997), p. 86.

family. Such a law would be an easy corollary to the Augustan laws on the birth rate, but in the present state of knowledge it must remain unproven.<sup>30</sup>

If such a law did exist, there is ample proof in the *Digest* that it was ultimately unsuccessful, but in all likelihood, Musonius Rufus was indeed incorrect. It seems improbable that all reference to such a law, one that would have provoked much resentment and rebellion considering the apparent widespread use of contraceptives and abortifacients, should have vanished so completely from the legal records.

## 5. The *Digest* and the Practice of Abortion

### 5.1. Abortifacients

Although early Classical law did not punish a woman for using birth control certain methods of administering contraceptives and abortifacients could be punishable. Under the *lex Cornelia*, relating to assassins and poisoners, anyone causing a death could be liable.<sup>31</sup> Therefore an abortion, presumably by any means, that caused complications resulting in the death of the mother would make the abortionist accountable:

Item si obstetrix medicamentum dederit et inde mulier perierit, Labeo distinguit, ut, si quidem suis manibus supposuit, uideatur occidisse: sin uero dedit, ut sibi mulier offeret, in factum actionem dandam, quae sententia uera est: magis enim causam mortis praestitit quam occidit. Si quis per uim uel suasum medicamentum alicui infundit uel ore uel clystere uel si eum unxit malo ueneno, lege Aquilia eum teneri, quemadmodum obstetrix supponens tenetur.

Moreover, where a midwife administers a drug to a woman and she dies in consequence, Labeo makes a distinction, namely: that if she administered it with her own hands she is held to have killed the woman, but if she gave it to the latter in order that she might take it, an action *in factum* should be granted, and this opinion is correct: for she rather provided the cause of death, than actually killed the woman.

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<sup>30</sup> Hopkins (1965a), p. 74.

<sup>31</sup> *Dig.* 48.8.1 (Marcian, *fl.* c. AD 198-211). The *lex Cornelia* was Sulla's.

(1) Where anyone, either by force or persuasion, administers a drug to another, either by mouth or by [clyster], or anoints him with some poisonous substance; he will be liable under the *Lex Aquilia*, just as the midwife who administers a drug is liable.<sup>32</sup>

In this case, it is the use of drugs that is specified, either taken orally or internally by clyster, both known methods of abortion as recorded in the primary medical texts. The midwife is liable only because she has killed her patient. Giving an abortifacient that didn't result in harm to the pregnant woman appears to be permissible under this particular law. However, later laws pronounced by jurists during the reign of the Severans indicate changing sentiments:

Qui abortionis aut amatorium poculum dant, etsi dolo non faciant, tamen quia mali exempli res est, humiliores in metallum, honestiores in insulam amissa parte bonorum relegantur. quod si eo mulier aut homo perierit, summo supplicio adficiuntur.

Those who administer [an abortion-producing drink or a love potion], although they may not do so with malicious intent, still, because the act offers a bad example, shall, if of humble rank, be sent to the mines; or, if higher in degree, shall be relegated to an island, with the loss of a portion of their property. If a man or woman should lose his or her life through such an act, the guilty party shall undergo the extreme penalty.<sup>33</sup>

This particular law accounted for only one method of administering a drug and Riddle believes that abortion sanctioned by a spouse was still permissible.

First, note that, once again, the means specified was a drink. Furthermore, it is clear from this quote that the drugs were not always safe...[ ] The law provided recourse neither for a self-administered birth control drug that resulted in harm nor for the result when a husband administered the drug.<sup>34</sup>

Whether the drug caused harm or not was now not the only consideration, although ultimately, the

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<sup>32</sup> *Dig.* 9.2.9 (Ulpian). The *lex Aquilia* was a statute of the third century BC relating to damage of property but was later extended to cover other kinds of damages (OCD<sup>3</sup>, s.v. *damnum iniuria datum*).

<sup>33</sup> *Dig.* 48.19.38.5 (Paul).

<sup>34</sup> Riddle (1997), pp. 87-8.

primary purpose of the law was one of protection. Gardner states “‘the bad example’ is the administering of dangerous drugs, even with good intent. Clearly abortion as such is not what is being punished”.<sup>35</sup> Pomeroy agrees:

In the reign of Caracalla, the penalty of exile (and death if the patient died) was established for administering abortifacients, but this law was directed against those who traded in drugs and magic rather than against abortion itself.<sup>36</sup>

It is clear from the wording of the law that both Gardner and Pomeroy are correct. Abortifacients and aphrodisiacs are viewed with equal disfavour, but it is the person responsible for administering them who is punished. Abortion does appear in a negative context but only because the procedure involved the sale of drugs.

Although abortifacients were viewed as potentially dangerous drugs and therefore discouraged by law, the enforcement of any prohibition of their use would have been difficult. The ingredients of oral abortifacients were often “all-purpose” and purging the system was a cure-all for many ailments. For an abortionist to be prosecuted, the patient would have to admit to her pregnancy and that she had taken an abortive drug. Any accusation without the woman’s collusion would, in the case of an early abortion, have been difficult if not impossible to prove.<sup>37</sup> If a woman had had an early abortion to hide an adulterous affair the act would obviously have been accomplished under secrecy. In the case of a divorced woman, it would have been in her own interests to conceal a pregnancy by her former husband and to rid herself of the fetus as quickly and as quietly as possible.

As to the association between abortifacients and poisons, it is unclear whether all

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<sup>35</sup> Gardner (1986), p. 159 n. 54.

<sup>36</sup> Pomeroy (1975), p. 168.

<sup>37</sup> See Riddle (1997), p. 88.

ingredients were regarded as such:

Qui ‘uenenum’ dicit, adicere debet, utrum malum an bonum: nam et medicamenta uenena sunt, quia eo nomine omne continetur, quod adhibitum naturam eius, cui adhibitum esset, mutat. cum id, quod nos uenenum appellamus, Graeci φάρμακον dicunt, apud illos quoque tam medicamenta quam quae nocent, hoc nomine continentur: unde adiectione alterius nomine distinctio fit.

Those who speak of poison, should add whether it is good or bad, for medicines are poisons, and they are so called because they change the natural disposition of those to whom they are administered. What we call poison the Greeks style φάρμακον; and among them noxious drugs as well as medicinal remedies are included under this term, for which reason they distinguish them by another name.<sup>38</sup>

It is possible that not all abortifacients were viewed as poisons and abortion by means of certain drugs for reasons of the mother’s health, as sanctioned even by Soranus,<sup>39</sup> was overlooked. The laws only cite certain specific instances. Marcian, again referring to the *lex Cornelia*, cites the “bad example” of administering drugs, this time to produce conception, but clearly states that the woman who administered the drug was punished for causing a death:

Eiusdem legis Corneliae de sicariis et ueneficis capite quinto, qui uenenum necandi hominis causa fecerit uel uendiderit uel habuerit, plectitur. Eiusdem legis poena adficitur, qui in publicum mala medicamenta uendiderit uel hominis necandi causa habuerit. Adiectio autem ista ‘ueneni mali’ ostendit esse quaedam et non mala uenena. ergo nomen medium est et tam id, quod ad sanandum, quam id, quod ad occidendum paratum est, continet, sed et id quod amatorium appellatur: sed hoc solum notatur in ea lege, quod hominis necandi causa habet. sed ex senatus consulto relegari iussa est ea, quae non quidem malo animo, sed malo exemplo medicamentum ad conceptionem dedit, ex quo ea quae acceperat decesserit. Alio senatus consulto effectum est, ut pigmentarii, si cui temere cicutam salamadram aconitum pituocampas aut bubrostim mandragoram et id, quod lustramenti causa dederit cantharidas, poena teneantur huius legis.

Anyone who has prepared poison, or sells it, or keeps it for the purpose of killing human beings, is punished by the Fifth Section of the same Cornelian Law relating

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<sup>38</sup> *Dig.* 50.16.236 pr. (Gaius, fl. second century AD).

<sup>39</sup> *Sor.*, *Gyn.* 1.60.

to Assassins and Poisoners.

(1) The penalty of the law is imposed upon any one who publicly sells injurious poisons or keeps them for the purpose of homicide.

(2) The expression “injurious poisons” shows that there are certain poisons which are not injurious. Therefore the term is an ambiguous one, and includes what can be used for curing disease as well as for causing death. There are also preparations called love philtres. These, however, are only forbidden by this law where they are designed to kill people. A woman was ordered by a decree of the Senate to be banished, who, not with malicious intent, but offering a bad example, administered for the purpose of producing conception a drug which, having been taken, caused death.

It is provided by another Decree of the Senate that dealers in ointments who rashly sell hemlock, salamander, aconite, pine-cones, buprestis, mandragora, and give cantharides as a purgative, are liable to the penalty of this law.<sup>40</sup>

It is interesting that two laws (*Dig.* 48.19.38.5 [see above, p. 73]; 48.8.3), both pronounced by jurists active during the reign of Caracalla, contradict one another. Marcian states that love philtres, which Paul associates with abortifacients, are only forbidden when they are used to cause death. Both laws refer to the “malum exemplum”, not of contraception or abortion, but of the giving of drugs. Also noteworthy is the fact that although Hippocrates is cited as a medical authority (see above, p. 67 n.12), the use of certain ingredients employed in his treatments was found punishable under Roman law.<sup>41</sup>

It was the Severan rescript (c. AD 198-211) that ultimately made the actual act of abortion a crime:

*Diuus Seuerus et Antoninus rescripserunt eam, quae data opera abegit, a praeside in temporale exilium dandam: indignum enim uideri potest impune eam maritum libereis fraudasse.*

The Divine Severus and Antoninus stated in a Rescript that a woman who purposely produces an abortion on herself should be sentenced to temporary exile by the Governor; for it may be considered dishonourable for a woman to deprive

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<sup>40</sup> *Dig.* 48.8.3 (Marcian).

<sup>41</sup> See Hp., *Mul.* 1.59, 1.78 (Cantharis); 1.71, 3.233 (Buprestis).



her husband of children with impunity.<sup>42</sup>

The term “maritus” would remain unchanged regardless of whether the woman was actually divorced or widowed. The implication of this appears to be that a woman could have an abortion with her husband’s consent and go unpunished. The means of abortion is unspecified but another reference, possibly to the same the rescript, implies the use of drugs:

Cicero in oratione pro Cluentio Habito scripsit Milesiam quandam mulierem, cum esset in Asia, quod ab heredibus secundis accepta pecunia partum sibi medicamentis ipsa abegisset, rei capitalis esse damnatam. sed et si qua uisceribus suis post diuortium, quod praegnas fuit, *uim intulerit*, ne iam inimico marito filium procrearet, ut temporali exilio coerceatur, ab optimis imperatoribus nostris rescriptum est.

Cicero, in his oration for Cluentius Avitus, said that when he was in Asia, a certain Milesian woman, having received money from certain substituted heirs, produced an abortion on herself, by means of drugs, and was sentenced to death.

If, however, any woman, after a divorce, should commit a violent act upon her viscera, for the reason that she was pregnant and did not wish to bear a son to her husband, whom she hated, she ought to be punished by temporary exile; as was stated by our most excellent Emperors in a Rescript.<sup>43</sup>

Here, the woman’s status is that of a divorcee and abortion was found punishable only if performed without the ex-husband’s consent. Gardner believes that Marcian and Tryphoninus are citing the same rescript.<sup>44</sup> If this is so, the implication of this ruling becomes radically different. It is possible that Tryphoninus gives the full account and that Marcian has just omitted the marital status of the woman in a very specific case. Rather than a general prohibition of abortion, the rescript might, in fact, refer only to abortion that would defraud the husband, divorced or not, of his heir. Unfortunately, we have no way of knowing which reference to the rescript came first, or

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<sup>42</sup> *Dig.* 47.11.4 (Marcian).

<sup>43</sup> *Dig.* 48.19.39 (Tryphoninus). The italics are mine.

<sup>44</sup> Gardner (1986), p. 159.

if, indeed, they allude to the same ruling. As to the method of abortion, a woman's use of force on her viscera, "uim intulerit", is treated in parallel with the use of abortifacients, "medicamenta", but whether this phrase was used only to apply to drug use is uncertain as the wording is ambiguous.

Ulpian uses the same phrase:

Si mulierem uisceribus suis *uim intulisse*, quo partum abigeret, constiterit, eam in exilium praeses prouinciae exiget.

If it should be proved that a woman has employed force upon her abdomen for the purpose of producing abortion, the Governor of the province shall send her into exile.<sup>45</sup>

Gardner believes that Ulpian's pronouncement is also a "probable"<sup>46</sup> reference to the same Imperial rescript and this is indeed likely. All three rulings (*Dig.* 47.11.4, *Dig.* 48.19.39, *Dig.* 48.8.8) are linked, whether by reference to the Imperial rescript, by similar phraseology, and by the fact that all three pronounce the act of abortion punishable. By inference, it was the defiance of a husband's wishes rather than abortion in itself that was to be punished. As Gardner states, "the implication is that abortion with the husband's consent still did not constitute a crime, and neither, one must assume, did abortion by unmarried women".<sup>47</sup> As to the method of abortion, the jurists specifically mention drug use, in some cases actual ingredients, or the technique is not stated at all. Many abortifacients were powerful and dangerous substances<sup>48</sup> and could produce reactions that were in keeping with the phrase "uim intulerit". Whether or not this could also allude to surgical abortion remains most uncertain. As we have seen from Galen's description of the birth process

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<sup>45</sup> *Dig.* 48.8.8 (Ulpian).

<sup>46</sup> Gardner (1986), p. 159.

<sup>47</sup> Gardner (1986), p. 159.

<sup>48</sup> Soranus (*Gyn.* 1.61-2, 1.65) warns that certain substances are to be avoided because they are too potent or cause ulcerations (see above, p. 28).

and abortion (see above, p. 42), both were thought to occur with violence. To assume that the phrase “*uim intulerit*” definitely implies surgical abortion would be unwise and unwarranted.

## 5.2. Surgical Abortion

There is no specific and unambiguous reference to surgical abortion in the legal texts. It is curious that while abortifacients are frequently referred to, the use of surgical abortion, surely a procedure more likely to result in harm or death, is not reported. If a surgical procedure resulted in death, presumably, the act would be covered under the *lex Cornelia*. However, if surgery was necessary to save a life, but was unsuccessful, it is possible that the surgeon could escape punishment:

Diuus Hadrianus rescripsit eum, qui hominem occidit, si non occidendi animo hoc admisit, absolui posse, et qui hominem non occidit, sed uulnerauit, ut occidat, pro homicida damnandum.

The Divine Hadrian stated in a Rescript that anyone who killed a man, without the intention of doing so, could be acquitted; and that anyone who did not kill a man, but wounded him for the purpose of killing him, should be convicted of homicide.<sup>49</sup>

Based on the assumption that surgical abortion was indeed practised, certain law texts have been interpreted to cover this procedure:

...Roman law sought to punish the abortionist by an extension of the *Lex Cornelia*, originally directed against ‘cut-throats and poisoners.’ Presumably it was easy to draw a double parallel in the two means of abortion: mechanical and chemical.<sup>50</sup>

Despite his comments on the two means of abortion, Watts translates “*Si mulierem uisceribus suis uim intulisse, quo partum abigeret, constiterit*” (*Dig.* 48.8.8, quoted above, p. 79), as “if it is established that the woman has perpetrated an *assault* on her womb in order to *drive away* the

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<sup>49</sup> *Dig.* 48.8.1.3 (Marcian).

<sup>50</sup> Watts (1973), p. 94.

unborn”, wording that would cover any means of abortion.<sup>51</sup> Thomas finds other allusions to surgical abortion.<sup>52</sup> The improbable use of the embryotomy as a method of birth control has previously been discussed but Thomas believes that the word “ictus” possibly encompasses this procedure. However, the root “ictu” occurs sixteen times in the *Digest* and is generally used to describe “a blow”.<sup>53</sup> It is not mentioned once in the context of abortion. His use of Ovid’s poetical allusion to abortion, the “ictu caeco”, (blind thrust), that the Ausonian wives used in protest to deprive their husbands of offspring, seems, at best, a tenuous support for a practice that is unsubstantiated by the law texts.<sup>54</sup>

## 6. Conclusion

The law texts corroborate that contraception and abortion were indeed practised as methods of birth control. To judge from the frequency of appearance in the *Digest*, chemical means were the favoured techniques. As to establishing the use of other abortion procedures, the legal texts are unhelpful. However, the absence of any mention of surgical abortion does not necessarily indicate that it was not practised:

...Specific mention of the means of abortion referred invariably to chemical means--namely a drink. For the sake of comparison, note that the first English criminal abortion law (1803) mentioned explicitly only one kind of abortion--chemical.<sup>55</sup>

However, the *Digest* is a compilation of laws encompassing over three hundred years of legislation, which seems ample time to specify all abortion procedures, if indeed it was the act of

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<sup>51</sup> Watts (1973), p. 94.

<sup>52</sup> Thomas (1986), p. 234 n. 88. See above, pp. 40-1.

<sup>53</sup> See *Dig.* 3.2.22. pr. 1; 9.2.7.7.2.; 9.2.11.2.2; 9.2.15.1.2; 9.2.27.22.1; 9.2.27.34.5; 9.2.51.pr.2; 9.2.51.pr.3; 9.2.51.1.2; 9.3.1.pr.4; 14.2.6.pr.2; 39.1.5.10.3; 48.5.24.4.3; 48.8.17.pr.2; 48.19.10.2.5; 48.19.28.1.3.

<sup>54</sup> *Ov.*, *Fas.* 1.623.

<sup>55</sup> Riddle (1992), p. 64.

abortion that was being punished and not just the circumstance. The rulings of the jurists were made on individual cases and were not all-purpose laws to cover all eventualities so it seems likely that a botched surgical abortion would have created a spectacular lawsuit that would have set the precedent for later cases. Instead we find that the law texts contain very limited information as to the methods of abortion that were in practice at the time. Two possible implications come to mind: either specific references to chemical abortion were assumed to encompass all forms, or certain procedures were not normally performed. If surgical abortion was routinely used as a means of birth control, the obvious risks inherent to mechanical/surgical procedures make their absence from the law texts somewhat surprising.

## CHAPTER 4

### The Literary Texts

#### I. Introduction

The literary evidence concerning birth control derives from a variety of sources. They corroborate the practice of contraception and abortion in the Roman world and provide an interesting social commentary, albeit a one-sided one. Once again, the sources are all written by male authors and the underlying message throughout is one of disapproval. Aulus Gellius (*c.* AD 130-80) declares that a woman who, for reasons of vanity, refuses to breast feed is as detestable as one who aborts a fetus:

Quod cum sit publica detestatione communique odio dignum, in ipsis hominem primordiis, dum fingitur, dum animatur, inter ipsas artificis naturae manus interfectum ire, quantum hinc abest, iam perfectum, iam genitum, iam filium proprii atque consueti atque cogniti sanguinis alimonia priuare?

But since it is an act worthy of public detestation and general abhorrence to destroy a human being in its inception, while it is being fashioned and given life and is still in the hands of Dame Nature, how far does it differ from this to deprive a child, already perfect, already brought into the world, already a son, of the nourishment of its own familiar and kindred blood?<sup>1</sup>

Abortion, viewed as an unnatural act, is used to symbolize the crime of unwomanliness.

Due to the subjective nature of many of these works it is difficult to gauge just how much relevance may be given to the evidence of these sources, especially if their testimony seemingly contradicts that of the medical and legal texts. The references to contraception and abortion are often couched in vague terms, leaving their meaning subject to interpretation. In this chapter I intend to present the texts within the categories of superstition, abortifacients, and possible references to surgical abortion. Passing references to abortion without a description of the

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<sup>1</sup> Aul. Gell., *N.A.* 12.1.9.

procedure have been omitted. Certain passages have provoked much speculation and an analysis of the modern interpretations will further an understanding of the problematic nature of this study.

## 2. Superstition

Not all abortive remedies were based on medical knowledge, and Pliny the Elder (c. AD 23 - 79) attests to certain beliefs that modern scholars have dismissed as pure superstition. Himes gives him short shrift:

The *Natural History* by Pliny the Elder (23-79 AD) is an uncritical, largely unorganized, gossipy, dilettante encyclopedia, on the medical side based largely on folk medicine. Pliny's occasional statements on contraception are merely incidental, unsystematized; but they deserve to be winnowed from the chaff of a quarter of a million words simply as a matter of record... To summarize: Pliny's account is diffuse, the techniques mainly ineffective and sometimes purely magical.<sup>2</sup>

Pliny also refers to certain substances that would provoke miscarriage if a pregnant woman merely were to step over them.<sup>3</sup> His belief that yawning or sneezing following intercourse caused miscarriage is reminiscent of Soranus' instructions to help avoid conception.<sup>4</sup> Even the smell of certain plants<sup>5</sup> and the odours of common household items could be responsible for spontaneous abortions:

Miseret atque etiam pudet aestimantem quam sit friuola animalium superbissimi origo, cum plerisque abortus causa odor a lucernarum fiat extinctu.

One feels pity and even shame in realizing how trivial is the origin of the proudest of animals, when the smell of lamps being put out usually causes abortion!<sup>6</sup>

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<sup>2</sup> Himes (1936), pp. 83-5. See Himes (1936), pp. 83-5, for a discussion of Pliny's contraceptive techniques.

<sup>3</sup> Plin., *N.H.* 25.9(67), a root; 28.7(23), menstrual blood; 30.14(43), a viper; 30.14(44), a raven's egg was thought to cause miscarriage through the mouth; 32.1(3), sea hare; and 32.10(46), beaver oil or a beaver. The methods used by modern scholars for citing Pliny are varied and often confusing. I have cited the passages from the Teubner edition giving the corresponding chapters (in brackets) from the Loeb edition.

<sup>4</sup> Plin., *N.H.* 7.6(5); Sor., *Gyn.* 1.61.

<sup>5</sup> Plin., *N.H.* 24.16(92), tarragon.

<sup>6</sup> Plin., *N.H.* 7.7(5).

This belief in the apparent fragility of the pregnant state would have provided ample convenient excuse for women who intentionally took abortifacients without the knowledge of their spouses. It emphasises, if these folk beliefs were widespread, how difficult it must have been to enforce the laws meant to regulate the sale of contraceptives and abortifacients.

### 3. Chemical Abortifacients

Of all the allusions to birth control in the primary literary texts, the use of chemical abortifacients is the one most frequently specifically attested to. The wording is clear enough that there can be no doubt as to their use. Unlike the medical texts, the literary references to abortion are often critical in nature, reaffirming a civic disapproval that further confirms the widespread use of abortion as a means of birth control.

Despite Pliny's numerous references to abortifacients, he clearly states that he does not condone their use:

ego nec abortiua dico... nec alia magica portenta, nisi ubi cauenda sunt aut coarguenda, in primis fide eorum damnata. satis operae fuerit abundeque praestatum, uitae salutare dixisse ac pro ea inuentas.

I personally do not mention abortives... nor yet any other unholy magic, unless it be by way of warning or denunciation, especially as I have utterly condemned all faith in such practices. Enough pains, and more than enough, will have been taken if I point out plants healthful to life and discovered in order to preserve it.<sup>7</sup>

Nevertheless, he does give information concerning abortifacients, even if under the guise of issuing warnings to avoid the substances.<sup>8</sup> Although many of his ingredients for abortifacients "had marginal value, if any", Riddle believes that Pliny was responsible for passing on valuable

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<sup>7</sup> Plin., *N.H.* 25.3(7).

<sup>8</sup> For example, see Plin., *N.H.* 14.16(19), abortion wine; 20.2(4), squirting cucumber; 20.21(84), goose grease. For a discussion of abortifacients and their chemical properties as mentioned in Pliny, see Riddle (1992: 82-4).



information concerning birth control.<sup>9</sup>

Juvenal (c. AD 50 -127) implies that abortifacients were commonly used and effective, at least for those of rank:

sed iacet aurato uix ulla puerpera lecto.  
tantum artes huius, tantum medicamina possunt,  
quae steriles facit atque homines in uentre necandos  
conducit.

But how often does a gilded bed contain a woman that is lying in?  
So great is the skill, so powerful the drugs,  
of the abortionist, paid to murder mankind within the womb.<sup>10</sup>

The abortifacients are so efficacious that wealthy women rarely bear children. His scornful view of Imperial Rome presents us with the picture that abortion was a necessary remedy to prevent the results of rampant adultery despite Domitian's concerns with public morality:

gaude, infelix, atque ipse bibendum  
porrige quidquid erit; nam si distendere uellet  
et uexare uterum pueris salientibus, esses  
Aethiopsis fortasse pater, mox decolor heres  
impleret tabulas nunquam tibi mane uidendus.

Rejoice, poor wretch; give her the stuff to drink whatever it be,  
with your own hand: for were she willing to get big  
and trouble her womb with bouncing babes, you might  
perhaps find yourself the father of an Ethiopian; and someday  
a coloured heir, whom you would rather not meet by daylight,  
would fill all the places in your will.<sup>11</sup>

Again, although it is presented from a different perspective, inheritance is the focal point of importance.

Minucius Felix, the Christian apologist (fl. AD 200-40), although on the cusp of the time

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<sup>9</sup> Riddle (1992), p. 84.

<sup>10</sup> *Juv., Sat.* 6.594-7.

<sup>11</sup> *Juv., Sat.* 6.597-601.

period of this study, presents the Christian sentiment that abortion is infanticide:

sunt quae in ipsis uisceribus medicaminibus et potis originem futuri hominis  
exstinguant et parricidium faciant, antequam pariant.

There are women, who, having taken drugs and draughts into their own viscera,  
destroy the beginning of a future man, and commit parricide before they give  
birth.<sup>12\*</sup>

As we know, the Christian view that abortion should be termed as “parricidium” was not supported by Roman law. However, Stoic thought, although not recognizing the fetus as a human being until birth, would seem potentially receptive to this sentiment. Seneca (c. 5 BC -AD 65) recognizes the potential.

Ut in semine omnis futuri hominis ratio comprehensa est et legem barbae canorumque  
nondum natus infans habet.

In the semen there is contained the entire record of the man to be, and the not-yet-born infant has the laws governing a beard and grey hair.<sup>13</sup>

That abortion was found punishable because of the “bad influence” cited in the Severan rescript<sup>14</sup> does not necessarily represent concern for the fetus but it is possible that increasing Christian influence was responsible for the gradual change in the laws and mores of Roman society. The most relevant point of Minucius Felix’ dialogue is the allusion to drugs as a means of abortion. Obviously, to him, any form of abortion is abhorrent. He specifically cites chemical abortifacients as the method of abortion, and if surgical abortion was commonly practised, it is odd that he would have omitted any mention of it as it would have provided a much more powerful example of “parricidium”. Ultimately, the literary sources proclaim a disapproval of the practice of abortion

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<sup>12</sup> Min. Fel., Oct. 30. 2.

<sup>13</sup> Sen., N.Q. 3.29.3.

<sup>14</sup> See Dig. 47.11.4 (Marcian), as quoted above, p. 77.

but this had little to do with an inherent belief that the fetus had the right to survival.

Noonan, Himes, and Feen cite the numerous instances in Hebrew, Greek, and Latin sources in which the subjects of abortion and contraception are encountered, and they see no consensus in antiquity about when it was morally wrong to contracept potentially fertile intercourse or to abort once fertilization had occurred. The Stoics had a notion of potentiality at conception but believed that the soul was not present until birth.<sup>15</sup>

#### 4. Possible References to Surgical Abortion

The citations of the primary medical and legal sources used by modern scholars to attest to the practice of surgical abortion as a widespread means of birth control are inconclusive. However, certain literary sources have been interpreted to allude definitely to surgical abortion for this purpose. Eyben states, “Ovid is also the author of two poems (*Am* II 13 and 14) addressed to his beloved Corinna who has procured a surgical abortion and whose life is in danger”.<sup>16</sup> Krenkel cites both poems under the heading “Abortus criminalis mit spitzen Instrumenten”.<sup>17</sup> Thomas compares surgical abortion, “fers plongés dans la cavité utérine”, and chemical abortifacients, suggesting that “ces deux types de procédés sont associés en opposition: ainsi, *tela/venena* (Ovide, *Amores* 2, 14, 27), *artes/medicamina* (Juvénal, 6, v. 595)”.<sup>18</sup> Dickison also concludes that Ovid refers to surgical abortion but raises some interesting points:

Much is made of the instruments used to procure the abortion: *vestra quid effoditis subiectis viscera telis* (14.27), although drugs are far more commonly attested ([...] Ovid, in fact, contains the first mention in Roman sources of the use of instruments to perform an abortion). Ovid thus uses Corinna’s abortion to give a new twist to the imagery of love as warfare and to develop the paradox that, while women do

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<sup>15</sup> Riddle (1992), p. 22.

<sup>16</sup> Eyben (1980-1), p. 51.

<sup>17</sup> Krenkel (1971), p. 448.

<sup>18</sup> Thomas (1986), p. 234 n. 88. See above, pp. 40-1, for the complete quotation.

not actually go to war, they suffer, unlike men, real wounds in the combat of love.<sup>19</sup>

Ovid's violent imagery has been accepted as a definite allusion to surgical abortion despite absence of corroboration from the medical and legal sources. It is an interpretation that merits caution.

Along with Tertullian (*Anim.* 25), Ovid (*Am.* 2.14) is most frequently cited as a reference to surgical abortion. The poem is pivotal to the acceptance of the view that surgical abortion existed and was used as birth control. Therefore, although procedural references to abortion are few, it should be viewed in its entirety:<sup>20</sup>

1	Quid iuuat immunes belli cessare puellas nec fera peltatas agmina uelle sequi, si sine Marte suis patiuntur uulnera telis et caecas armant in sua fata manus?	5	quae prima instituit teneros conuellere fetus, militia fuerat digna perire sua. scilicet ut careat rugarum crimine uenter, sternetur pugnae tristis arena tuae? si mos antiquis placuisset matribus idem,	10	gens hominum uitio deperitura fuit, quique iterum iaceret generis primordia nostri in uacuo lapides orbe, parandus erat. quis Priami fregisset opes, si numen aquarum iusta recusasset pondera ferre Thetis?	15	Illia si tumido geminos in uentre necasset, casurus dominae conditor Urbis erat; si Venus Aenean grauida temerasset in aluo, Caesaribus tellus orba futura fuit. tu quoque, cum posses nasci formosa, perisses,	20	temptasset, quod tu, si tua mater opus. ipse ego, cum fuerim melius periturus	What is the good of girls living an easy life exempt from war and refusing to join the fierce battle-lines armed with Amazonian shields, if, without Mars, they suffer wounds from their own weapons and blindly equip their hands for self destruction? She who first started the practice of tearing out the tender foetus (5) should have perished as a result of her own bout of action. It will be to prevent your stomach from becoming disfigured by wrinkles, I suppose, that the grim sand is strewn for your personal battle? If the mothers of ancient times had seen fit to behave in the same way, the human race would have died out altogether through their wrong-doing (10), and someone would have had to be found to throw stones again - the seeds of our species - in an empty world. Who would have crushed the might of Priam, if Thetis, divinity of the waters, had refused to bear her rightful burden? If Ilia had killed the twins in her swollen belly (15), the founder of our mistress-city would have died. If Venus had violated Aeneas in her pregnant womb, the world would have been bereft of Caesars. You too would have perished, when you could have been born a beauty, if your own mother had attempted the deed that you have (20). I myself, when it may be my destiny to die more agreeably of love, would never have seen the light of day, if my mother had killed me.
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<sup>19</sup> Dickison (1973), pp. 164-5.

<sup>20</sup> Ovid, *Amores* 2.14. The translation is from Booth (1991: 67-8).

	amando, uidissem nullos matre necante dies. quid plenam fraudas uitem crescentibus uuis	Why rob a laden vine of its grapes when they are swelling and with a cruel hand pick fruit when it is sour? Let things come forth of their own accord when they are ready; allow things which have germinated to grow (25): no small reward for a little patience is life.
25	pomaque crudeli uellis acerba manu? sponte fluant matura sua; sine crescere nata: est pretium paruae non leue uita morae. uestra quid effoditis subiectis uiscera telis et nondum natis dira uenena datis? Colchida respersam puerorum sanguine culpant	Why do you women gouge out your flesh and blood with weapons introduced from below and administer deadly poisons to your unborn children? People condemn the Colchian, spattered with the blood of her sons, and they lament for Itys, butchered by his own mother (30): each of those parents was cruel, but each had grievous cause to wreak vengeance on her husband by the sacrifice of their common blood. Tell me, what Tereus, what Jason provokes you to pierce your own bodies with a distressed hand? Tigresses in their Armenian lairs do not do this (35), nor does a lioness dare to do away with her own cubs. And yet 'gentle' girls do it - but not with impunity: often she who kills her own children in the womb dies herself. She dies herself and is carried out to the pyre with her hair undone, and all who see her cry 'It serves her right' (40).
30	aque sua caesum matre queruntur Ityn: utraque saeua parens, sed tristibus utraque causis iactura socii sanguinis ulta uirum. dicite, quis Tereus, quis uos irretet Iason figere sollicita corpora uestra manu?	
35	hoc neque in Armeniis tigres fecere latebris, perdere nec fetus ausa leaena suos. at tenerae faciunt, sed non impune, puellae: saepe, suos utero quae necat, ipsa perit. ipsa perit ferturque rogo resoluta capillos, et clamant 'merito' qui modo cumque uident.	But let these words of mine melt away into the airy breezes, and let my ominous utterances carry no weight. Gods, be lenient and allow her to have sinned once safely. And that is enough: let a second offence bring punishment.
40	ista sed aetherias uanescant dicta per auras, et sint omnibus pondera nulla meis. di faciles, peccasse semel concedite tuto; et satis est: poenam culpa secunda ferat.	

The question arises as to whether Ovid's references to abortion, given poetic license and his use of war imagery, should be interpreted literally. The woman's weapons, or "telis" (line 3), have been associated with surgical tools but the usual terminology for these is "arma".<sup>21</sup> Booth finds "caecas" as "doubly suggestive": "the abortionist probes where she cannot see (Ovid is obviously

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<sup>21</sup> LSLD, s.v. arma. See Tertullian (*Anim.* 25.5), "arma medicorum".

thinking of a surgical abortion; see 27-8n.), and does it without heed”.<sup>22</sup> However, this could also be an allusion to the use of pessaries. “Conuellere fetus” is a term meaning “to cause abortion”, although the actual procedure is not specified.<sup>23</sup> Vanity, or the avoidance of wrinkles (i.e. stretch marks) (line 7), is the apparent reason for the abortion, and this would point to an early termination, one most commonly dealt with with fumigations, infusions, pessaries and oral abortifacients. “Sternetur... harena” (line 8), is an allusion to the gladiatorial sands, spread to soak up the blood of the battle<sup>24</sup> but admittedly, all forms of abortion result in the letting of blood. “Effoditis... uiscera” is a poetic term, again with the generic meaning “to cause abortion”.<sup>25</sup> She has caused abortion by introducing weapons or “telis” (line 27) from below and/or by giving poisons to her unborn child. Booth’s translation clearly assumes surgical abortion and this has been the traditional interpretation of this line.<sup>26</sup> A nineteenth century translation reads “why pierce your own entrails, by applying instruments”.<sup>27</sup> Watts provides “why excavate your bellies by driving in a needle”, and Lee translates “why jab the needle in your own flesh”.<sup>28</sup> Although Gamel accepts that Ovid alludes to “mechanical abortion” she raises an important point:

Next, a female reading might try to determine what method Corinna used. But even though he provides a vivid evocation of two abortion techniques (*vestra quid*

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<sup>22</sup> Booth (1991, 162 n. 4). Watts (1973), p. 90 n. 3, also makes this association and refers to “caeco latrocínio” (Tert., *Anim.* 25.5).

<sup>23</sup> LSLD, s.v. conuello. The sole citation for the phrase is Ovid (*Am.* 2.14.5).

<sup>24</sup> Booth (1991), p. 162 n. 8.

<sup>25</sup> LSLD, s.v. effodio. Once again, the citation for the phrase is Ovid (*Am.* 2.14.27).

<sup>26</sup> Booth (1991), p. 165 n. 27-8. She comments, “two of the commonest methods of abortion in antiquity (for a comprehensive list see Krenkel 446-8). *telis* revives the emotive military metaphor of vv. 1-6”.

<sup>27</sup> Riley (1864), p. 327. He says (n. 43), “he alludes to the sharp instruments which she had used for the purpose of procuring abortion: a practice which Canace tells Macareus that her nurse had resorted to. Epistle xi. l.40-3”. The lines he refers to read “quas mihi non herbas, quae non medicamina nutrix attulit audaci suppositque manu... (Ov., *Her.* 11. 40-1), for which he himself gives the following translation: “what herbs, what drugs, did not my nurse bring to me, and apply them with rash hand” (1864: 107).

<sup>28</sup> Watts (1973), p. 90; Lee (1968), p. 99.

*effoditis subiectis viscera telis/ et nondum natis dira venena datis?* 14.27-8), the *amator* uses the generalizing plural; he does not say which one she used. He consistently veers away from concrete physical details; blood for example (the result of either mechanical or pharmacological abortifacients), here appears only in stipples, not as a river.<sup>29</sup>

Here we have a doubt as to the abortive technique but the overwhelming consensus of modern scholars agrees that Corinna's abortion was the result of surgical intervention. However, the primary medical sources do suggest a possible alternative. Dioscorides writes of "ξίφιον", which the Romans called "gladiolus" because of its sword shaped leaves, as having emmenagogic properties when used as an ingredient in pessaries.<sup>30</sup> Pliny also refers to its use but as an abortifacient.<sup>31</sup> Although no modern evaluation of the plant is available, Riddle says "...gladiolus contain[s] isoflavonids (irigen and tectorigenin), which can have a contraceptive effect and, possibly, an abortifacient one as well".<sup>32</sup> It is possible that the use of the word "tela" is a pun on "gladiolus", or "little sword", a "weapon" introduced from below in the form of a pessary. The imagery is consistent with Ovid's allusion to the gladiatorial sands and, unlike surgical abortion, conforms with the early-term abortion techniques attested to by the primary medical sources. Booth translates "figere" (line 34), as "pierce", definitely implying surgical abortion but the sense of the line, too, is ambiguous. It could refer to the application of an abortive pessary.

Traditionally, it has been accepted by modern scholars that Corinna, perhaps a wholly fictional character, procured a surgical abortion and nearly died as a result. Perhaps the severity of

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<sup>29</sup> Gamel (1989), p. 191.

<sup>30</sup> Dsc., *M.M.* 4.20.

<sup>31</sup> Plin., *N.H.* 21.18(69).

<sup>32</sup> Riddle, (1992), p. 42; He notes: "The gladiolus and iris are reported in Farnsworth et al. 1975, p. 718 ['Potential Value of Plants as Sources of New Antifertility Agents.' Part I, *Journal of Pharmaceutical Sciences* 64 (May): 717-54], where the action of isoflavonids is discussed as well" (p. 183 n. 75).

her illness after the abortion has contributed to the belief that surgical abortion was employed but the Roman legal texts provide examples showing that chemical abortifacients could be equally dangerous.<sup>33</sup> The possibility that Corinna's abortion was produced by other means must be admitted.

The possible interpretations of this poem are ultimately highly subjective and therefore it cannot be accepted as a major proof of the practice of surgical abortion in the early Empire. Besides, Ovid was not a doctor or a gynecologist so his poem cannot be read like a medical text, nor can it be given the authority of one.

Other literary source texts also emphasize the modern problems of interpretation. Laale believes that Seneca also refers to surgical abortion:

In one of his letters he eulogizes his mother Helvia for never having destroyed her unborn offspring; he conveys the expectancy of the unborn child for an existence permitting intellectual, moral and spiritual development, the inalienable attributes of humanity that all too often are crushed by the surgical instruments of the abortionist.<sup>34</sup>

He chooses to interpret Seneca's words literally:

Non te maximum saeculi malum, impudicitia, in numerum plurium adduxit... nec intra uiscera tua conceptas spes liberorum elisisti.

[Unchastity], the greatest evil of our time, has never classed you with the majority of women... nor have you ever crushed the hope of children that were being nurtured in your body.<sup>35</sup>

Laale believes that this is a reference to the embryotomy, which he mistakenly equates with surgical abortion as a means of birth control:

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<sup>33</sup> See *Dig.* 48.19.38.5 (Paul), above, p.73.

<sup>34</sup> Laale (1993), p. 25.

<sup>35</sup> Sen., *Helv.* 16.3.



The reference to the crushed hope of children nurtured in the womb suggest that Sececa may have been familiar with the writings of Aulus Cornelius Celsus (53 BC to AD 7), who, in his *De Medicina*, graphically describes the manual and surgical procedures employed in the dismemberment and extraction of the foetus from the womb of an endangered mother.<sup>36</sup>

Indeed, the literal translation of the verb “elidere” is “to crush” but “elidere partum” means “to produce abortion”.<sup>37</sup> As it is hope, not an actual child, that is being “crushed”, the sense of the word is more “to destroy”, so it is unlikely that this passage was meant in the literal sense.

However, Laale does cite a much more plausible reference to surgical abortion:

In the essay *De tuenda sanitate praecepta*, Plutarch depicts induced abortion as unnatural and contrary to nature. He calls those resorting to drugs and instruments for the inducement of miscarriage “licentious,” and with some originality he compares the haste with which some women resort to abortifacients to the hurried manner in which people often take to medication when suffering from digestive discomforts.<sup>38</sup>

At first glance, this seems to present a challenging argument. He presents the following Loeb translations of the passages:

The use of emetics and cathartics, abominable “comforts for an over-loaded stomach,” ought never, except under the stress of great necessity, to be inaugurated, as is the way of most people, who fill up their bodies for the sake of emptying them, and then empty them for the sake of filling them up again, thus transgressing against nature, and they are vexed no less at their fullness than at their emptiness- or, better, they are utterly depressed over their fullness, as being a hindrance to enjoyment, but set about bringing on emptiness with the idea of making room always for pleasures.

...The drinking of water for several days, or fasting, or an enema, should be tried next rather than disturbing and pernicious dosing to which most people hurriedly resort, *after the manner of licentious women who employ drugs and instruments to produce abortion for the sake of the enjoyment of conceiving again.*<sup>39</sup>

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<sup>36</sup> Laale (1993), p. 26. See Cels., *Med.* 7.29, above, p. 46-7.

<sup>37</sup> LSLD, s.v. elido: The citations for this phrase are: Cels., *Med.* 17; Plin., *N.H.* 25.3.7, 25.

<sup>38</sup> Laale (1993), p. 33.

<sup>39</sup> Laale (1993), p. 34; Plu., *Tuen.* 134 B, 134 F. I have italicized the relevant section.

The use of “emetics and cathartics” for disgoring excesses is compared with the use of abortion by drugs and instruments but an examination of the Greek reveals the subjectivity of the translation:

...καθάπερ ἀκόλαστοι γυναῖκες, ἐκβολίῳις χρώμεναι καὶ φθορίῳις ὑπὲρ τοῦ πάλιν πληροῦσθαι καὶ ἡδυπαθεῖν.

...just as there are licentious women, who use expulsives and destructive means to produce abortion, for the sake of once more conceiving and enjoying themselves.<sup>40\*</sup>

The definition of the word “ἐκβόλιον” is a “drug or other means for expelling the fetus or placenta”.<sup>41</sup> The citations for the use of the word are found in Hippocrates (*Mul.* 1.78), Soranus (*Gyn.* 1.60), and Plutarch (*Tuen.* 134 F). The word “ἐκβόλιον” occurs numerous times within the Hippocratic passage but always in the context of an oral medication, a pessary, or fumigation. Recipes follow to provoke menstruation, to cause abortion, and to expel the placenta. Littré translates an “ἐκβόλιον” as an “expulsif”.<sup>42</sup> In the passage from Soranus it only occurs once and Temkin also translates it as an “expulsive”.

τὸ δὲ “ἐκβόλιον” οἱ μὲν συνωνυμεῖν τῷ φθορίῳ λέγουσιν, οἱ δὲ διαφέρειν τῷ μὴ ἐν φαρμάκοις νοεῖσθαι, κατασεισμοῖς δὲ καὶ πηδήμασιν...

And an “expulsive” some people say is synonymous with an abortive; others, however, say that there is a difference because an expulsive does not mean drugs but shaking and leaping...<sup>43</sup>

The definition of the adjective “φθορίος” is “destructive”, especially “of means to produce

<sup>40</sup> Plu., *Tuen.* 134 F.

<sup>41</sup> LSJ<sup>9</sup>, s.v. ἐκβόλιον.

<sup>42</sup> See Littré (8: 181).

<sup>43</sup> Temkin (1956), p. 62 n. 118, leaves the sentence open, commenting that “Dietz’ emendation, accepted by Pberg (ἐί τύχοι), is not convincing”.

abortion”.<sup>44</sup> The citations for this entry are Hippocrates (*Jusj.*), Dioscorides (*M.M.* 5.67, 2.164), and once again, Plutarch (*Tuen.* 134 F). The Hippocratic reference is the “πεσσὸν φθόριον”, or the “abortive pessary”, that the Oath forbids. In Dioscorides, the first reference is to a “φθόριος οἶνος” (destructive wine), and in the second, “φθόρια” (destructives), are mixed with wine and then anointed. None of the references imply the use of instruments, except those used for the procedures of fumigation and infusion.

### 5. Conclusion

The primary literary texts definitely attest to the use of contraceptives and chemical abortifacients. As to the practice of surgical abortion as a means of birth control, the primary sources most often cited by modern scholars have proved ambiguous. While this does not rule out the possibility that surgical abortion was indeed practised, other interpretations are possible, although it is admittedly a daunting task to defy the consensus of the prevailing modern scholarship.

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<sup>44</sup> LSJ<sup>9</sup>, s.v. φθόριος.

## Chapter 5

### Final Conclusion

There is substantial evidence from the primary medical sources that contraception and abortion were common methods of birth control during the early Roman Empire. The primary legal and literary sources corroborate this fact. By frequency of appearance, chemical means used during early pregnancy appear to have been the practice most often resorted to for both contraception and abortion. Contrary to the beliefs of earlier scholars, modern research has revealed that many of the contraceptives and abortifacients used by the Romans were efficacious, yet the belief that dangerous surgical procedures were commonly used, once thought to be the principal truly effective means of abortion, is still widespread. The argument proposed by earlier scholars seems logical. Contraceptives and abortifacients were believed to be ineffective yet low birth rates were obviously achieved by Roman women. Therefore more reliable methods (ie. intrauterine injections, perforation and surgical abortion) must have been commonly resorted to. This belief has persisted despite the revelations of modern research, and the pronouncements of earlier scholars are still accepted without reservation.

The medical texts attest the use of numerous contraceptive and abortive agents, some unlikely to succeed, but many have been proven surprisingly efficacious by modern scientific testing. Chemical contraceptives and abortifacients, administered orally or in pessary form, or by way of fumigation or infusion, often contained similar ingredients so that in spite of the lack of reliable early pregnancy tests and certain inaccurate beliefs regarding fetal development, it is very possible that women had access to a range of treatments that could inhibit conception, or failing that, could provide a fairly safe early termination to an unwanted pregnancy. If these were unsuccessful it is probable that harsher measures were taken, ones that doctors cautioned against,

such as caustic pessaries or harsh emetics. The Hippocratic Oath prohibits the administering of abortive pessaries but does not contain mention of any other form of abortion. Regardless of the authorship of the Oath or how widely it was adhered to by the medical profession, by implication the pessary represents the most common method of abortion, and was probably considered the most efficacious.

Although doctors reported self-treatment by women, which often resulted in wounds or lesions, just how these injuries were caused was not documented, although caustic substances could have been responsible. Some modern scholars have assumed that elective abortion was initiated by the use of probes and dilators but the evidence does not support this surmise. In many instances, the wording of the texts is too ambiguous or they concern the treatment of non-pregnant women. The absence of any texts clearly relating to the initiation of abortion by such means is explained by Galen's emphatic belief that the mouth of the uterus was completely closed, so much so that it was impossible to insert the head of a probe, until the commencement of labour or the death of the fetus.

A return to the primary medical sources for evidence of the practice of surgical abortion has been revealing. Analysis of the citations commonly used as proof of this practice has contradicted the notion that surgical procedures were a common method of elective abortion and instead suggests that they were not used at all. Destructive surgery was used, but in all the cases cited, it was for the treatment of dystocia, and was performed in an attempt to save the mother's life. Chances of a mother's survival in such circumstances were so slim that the use of embryotomy or similar procedures for an elective abortion is most unlikely.

Analysis of the legal source texts has uncovered another side to the question of

contraception and abortion during the early Roman Empire. Of primary concern for the Romans was the question of inheritance. Although a woman had some control over her own body, even after a divorce she could be forced to submit to an examination and if found to be pregnant was supervised until the birth of a possible heir. The fetus itself had no legal rights but its property was provisionally protected in anticipation of a live birth. Until this took place, however, it did not legally exist. Musonius Rufus' comments on the Augustan marriage laws have given rise to the conjecture that contraception and abortion were legally prohibited but there are no extant legal sources that support such a law during the early Empire. The rulings from legal texts imply that the act of abortion was not punishable at this time and it seems that a woman was free to have an abortion if she had her husband's consent.

It is clear from the *Digest* that contraceptives and abortifacients were in common use. Although the act of abortion in itself was not punishable, the act of administering contraceptive and abortive agents was, not only for the harm that could be caused but especially for the bad influence that the practice of administering noxious drugs created. It is, however, unlikely that attempts to regulate the sale of dangerous drugs were successful. Although the Severan rescript pronounced the act of abortion a crime, a summation of the texts that probably allude to the same rescript suggests that, once again, the ruling actually concerned abortion without the consent of a husband or ex-husband, rather than a general prohibition against the act. The legal texts commonly cited, therefore, contain no clear reference to surgical abortion for birth control. The only method that is specifically mentioned or alluded to is chemical.

The literary source texts have provided insight into the societal views concerning contraception and abortion, but using this as historical evidence is problematic. The tone of the

texts is moralistic and disapproving, and it is difficult to assess whether it is truly representative of the views held by the majority of the Roman population. Pliny's pronouncements on contraception and abortion derive from a mixture of superstitious beliefs and medical lore, for the most part couched in terms of condemnation. Other sources allude specifically to chemical abortifacients. Juvenal implies that their use was widespread, at least within the upper classes. Most modern scholars have resolved that Ovid definitely alludes to surgical abortion, but other interpretations are possible. Furthermore, Ovid provides the only literary support for surgical elective abortion cited by modern scholars. In view of the possibly metaphorical nature of his language and the isolated nature of his evidence, his poem provides extremely weak support for the acceptance of surgical elective abortion in the Roman period. I am not willing to accept that surgery was a standard method for elective abortion on the sole basis of this poem. Until more tangible evidence can be found within the sources I consider the practice of surgical abortion as a common means of birth control highly unlikely. Nevertheless, the literary sources do substantiate the use of chemical contraceptives and abortifacients. Other than that, the very nature of the literary texts provides ambiguous evidence that is very much subject to interpretation and so must be used in conjunction with other sources, not in isolation.

The analysis of the medical, legal, and literary source texts concerning contraception and abortion in the early Empire has led to an inevitable evaluation of the modern scholarship on the topic. The paradigm of Agnodike suggests that a problem exists within the modern scholarship. An examination of the source texts reveals that this is indeed so, particularly in relation to the subject of contraception and abortion in the ancient world. The purpose of this part of the thesis has been to neither prove nor disprove the practice of surgical abortion as a means of birth control

in the late Republic and early Empire, but to draw a comparison between information contained in primary sources and the interpretations of modern scholars. What has been revealed is the distressing tendency among many modern scholars to rely upon the prior scholarship on the topic rather than upon the source texts. Ample proof attesting to the common practice of surgical abortion might very well exist in the medical sources, but it is not to be found within the very few citations that are used by modern scholars in the attempt to substantiate the practice. I believe that this merits a reassessment of all primary sources that concern abortion, ideally with the collaboration of modern medical scholars. Certain subjects--for example the debate as to whether intrauterine injections were used to initiate abortion or not--obviously require a more precise medical knowledge than that usually possessed by most classical scholars. It remains to be seen whether certain areas of dispute will be resolved.

Although my analysis of the modern scholarship has often been critical, this is not to say that any of it should be ignored or dismissed, even if later research has proved it to be erroneous. Each stage in the development of the scholarship is vital to a more complete understanding of the topic. While abortion in today's society still remains a contentious issue, because of cultural, political, and religious differences, this field of study will remain a difficult one. However, changing attitudes and an increasing interest in the women of the ancient world has resulted in the increased accessibility of the primary sources. Fresh interest in the primary medical texts has encouraged the publication of new editions and translations, in some cases the first ever to appear in English. This influx of material will hopefully generate a return to the primary sources and decrease the reliance upon the prior scholarship on the topic.



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