

*Criminal Code*

that must be done. The best would be, as I said earlier, to take a quick sweeping glance at this burning issue.

Before discussing the problems facing us, we might perhaps have a look at artificial abortion, a practice which goes back as far as 4,600 years B.C. In those days, the reason for such a practice was to limit the number of children. Infanticide was sometimes practised, for the same reason.

The oldest known texts about abortion are those from Chaldea, and go back to 2,000 B.C. The Chaldeans had a penalty for the man who had beaten the daughter of a free man—as opposed to that of a slave—and who had messed up her innards. If the girl died, the daughter of the aggressor was put to death. Of course, penalties were always lighter when the woman was a slave.

In the eleventh century B.C. the Hittite code, in Assyria, provided a fine and flogging for a man responsible for the abortion of the daughter of a free man. If the husband had no other son, the aggressor was put to death. The woman who from her own free will, had committed abortion was impaled on a piece of wood and was denied a grave.

I tell you all this to show you the philosophy which has inspired all the countries in the world and led them to accept legislation on abortion.

There is no mention, in the Old Testament, of abortion practised intentionally.

The only reference made is to miscarriage: if men, while quarreling, knocked down a pregnant woman, thus causing a miscarriage, they were fined; the fine was decided upon by the husband of the woman—imagine that—and paid in front of the judges. In case of further accident the rule was: a life for a life, an eye for an eye, a tooth for a tooth, etc. In brief, the law of retaliation.

Egyptian texts do not show either any sign of prohibition.

In Gaul the woman is glorified. They are described as: "beautiful and well-proportioned, tall and fiercely brave, prolific mothers and excellent nurses, skilful in the fields and in gestation, sowing crops of children and wheat; in Gallic life they personified the ever-creating force while man was often simply the destroying force".

At the time the Gaul had the right of life and death over his wife and children—all the more that of destroying the unborn child.

Hippocrates, father of medical science, in his oath stated:

I shall give poison to no one even upon request nor shall I take the initiative of such a suggestion; similarly I shall not give to any woman an abortion pessary.

However, Hippocrates went further and even advised midwives, giving them details of a preparation which could hasten the delivery of a child.

It must be noted that in Hippocrates' times, abortion was not punished since the foetus was not endowed with life.

A lot is still written today on the subject.

• (3:30 p.m.)

Athens followed the most ancient policy of democratically limiting population. Aristotle described this philosophy in these words:

If a woman conceives beyond this determined number of times, she shall have to have an abortion before animation of the foetus, but it would be criminal to make an attempt on its life, as soon as it has received the breath of life.

Further on, Plato asked that abortion be made compulsory for women over 40. In ancient Rome, this type of abortion was widely practiced, but in a secret way.

About the end of the Republic and under the Empire, it seems that there was some craze for this type of abortion, which became then more and more frequent. It should be noted that in those days abortion on consent was not punished. As I said earlier, the foetus was part of its mother and there was no penalty as long as the child was embryonic or inanimated.

If we refer to those ancient times, Ovid stated that in Rome, women were considered as old at 25 or 30. Therefore, to keep their physical beauty and the nimbleness of their muscles, they should no longer conceive. They wanted to keep their bust young and attractive and their belly flat. However, the State reacted violently, and Cicero is quoted as saying:

She is destroying the hopes of a father, the pillar of his name and his kind, the heir of his family and, for the Republic, a citizen to be.

He was then referring to a woman sentenced to death for abortion. In the light of the increasing popularity of abortion, severe measures were enforced but still that offence often went unpunished. We had to await the influence of Christianity to see the enactment, under Septimus Severus, 200 years after Christ, of severe repressive sanctions