OVID, THE LAW AND ROMAN SOCIETY ON ABORTION

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"She who first taught abortion techniques deserved to die by this assault of her own devising." Such is the apparently savage attack made by Ovid, of all writers, in, of all places, one of the *Amores*. In view of the intense controversy now going on, it may be intriguing if not helpful to consider the Roman view or views on abortion and the legal and social background to Ovid's two poems touching this subject. It will be found that except for some doctors, pagan and Christian writers alike generally agreed that deliberate abortion was an evil, but the chief interest for us is that this common conclusion was reached by different though not incompatible lines of reasoning starting from rather distinct assumptions. In fact, this delicate issue takes us to the very core of Roman society and reveals the contradictory attitudes which lie behind the seemingly consistent and logical view adopted in the *Digest*.

Ovid's two poems, *Amores* II xiii and xiv, probably are 'singularly tasteless', but a close examination of them reveals that they are not entirely out of place in the collection of poems as a whole. Whether or not written separately, they should be read together. To clarify my interpretation of the Latin, I offer the following prosaic and pedestrian translation:

In the foolish attempt to destroy the weight in her belly, Corinna lies exhausted near death. For taking such a risk without my knowledge she deserves my anger, but out of fear I forget my anger. I was the father, or so I believe; often I take possibilities as facts. O Isis, ruler of Paraetium and Canopus' rich fields, Memphis and Pharos rich in palms, and where the broad Nile swiftly pours into the sea through seven mouths, by thy sistrum I pray, by fearful Anubis' face (so may Osiris ever piously love thy rites, so may the snake unambitiously slip past thy gift-horde, and so may horned Apis accompany thy processions) – I pray thee, turn thy face to us and in one woman spare us both, for thou shalt give her life, and she to me. Often on the appointed days she has dutifully sat where the group of eunuch priests dips thy laurels and thou dost pity girls in labour, whose bodies are distended by the hidden load; be gracious and grant my prayers, O Ilythya, for any girl thou biddest deserves thy munificence. I myself

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1. Ovid *Am.* II xiv 5f. My translation: by 'abortion' I shall here mean 'induced abortion', not natural miscarriage, unless it is specified otherwise.

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shall dress in white and offer incense until thine altars smoke, I shall lay the promised gifts at thy feet; I shall add an inscription, OVID GIVES THANKS FOR CORINNA’S LIFE, do thou but justify those gifts and that inscription. – If advice, Corinna, is appropriate in such an emergency, let this be an end of such combat. (xiii)

What pleasure can it be for girls, though exempt from military service, to hold back and refuse to follow the heartless troops, armed with a shield, if in peacetime they endure wounds inflicted by their own weapons and arm their unseeing\(^3\) hands against their natural fate?\(^4\) She\(^5\) who first taught abortion techniques deserved to die by that assault of her own devising. Can it be to avoid the suspicion of a wrinkle on your belly that the sands which witness your distressing fight will be drenched with blood? If this had been customary among women of yore, mankind would have been in danger of disappearing through depopulation, and in an empty world we \([1]\) would have had to obtain another [Deucalion] to toss his pebbles in order to get our family started again. Who would have smashed Priam’s opulence if the sea-nymph Thetis had refused to undergo her natural pregnancy \([i.e. \text{bear Achilles}]\)? If Ilia had killed the twins in her womb all swollen \([i.e. \text{Romulus and Remus}]\) the future founder of our city would himself have fallen. If Venus had abused Aeneas in her womb, the earth would have been bereft of the Caesars. You, too, Corinna, would have perished instead of being born to a life of beauty, if your mother had tried an abortion. I myself, though happier far to die of love, would never have seen the light of day if my mother had aborted. Why defraud\(^6\) the heavy vine of its ripening grapes, or heartlessly tear unripe fruit from the tree? Ripeness will come about naturally; let things grow, once conceived. Life is well worth a little waiting. Why excavate your bellies by driving in a needle? Why give lethal poison to the unborn? Men find fault with Medea, stained with her children’s blood, and they complain of Itys whom his own mother killed. Both women were cruel mothers, no doubt, but driven by drastic motives to wreak vengeance on their husbands by destroying

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5. It is assumed, perhaps reasonably, that it was women (midwives?) who first promoted abortions. This is an important if natural assumption and is found in Dig. XLVIII viii 3.2.
6. Cf. Dig. XLVII xi 4 ‘eam marum liberos fraudasse’. Ovid had undergone some public service and knew enough of Roman law to be aware of its terminology and exploit it when he pleased, even metaphorically in treating erotic themes. He may well have been responsible for introducing some such terms into poetic vocabulary. In any case he had to use language drawn from actual courtroom usage rather than declamation. Cf. E. J. Kenney, ‘Ovid and the Law’, Yale Class. Stud. XXI (1969), 252–4, 259.
their blood-kin. What Tereus, what Jason drives you to pierce your bodies in distraction? Even tigresses in Armenian forests have never done this, and no lioness ever presumed to destroy her litter. But young women do, though not with impunity, for often the girl who kills her own in her womb dies herself and is carried out to the pyre, her hair dishevelled, and the people call out, as they catch sight, 'Quite right, too!' But may my words vanish in the breeze, and these words of omen count for nought. O ye gods, allow us safely to transgress once, and it is enough: let the second trespass bring the penalty. (xiv)

It is helpful first to understand the attitude taken by Roman law, which so often reflects the ideals if not the actualities of its society. Rarely is there recorded in the *Digest* the idea that the unborn was considered a *persona*, a human being legally defined as such with certain guaranteed rights. Therefore it was difficult for abortion ever to be strictly equated with murder. In Republican times it was up to the Censor or the *paterfamilias* to inflict punishment and generally to discourage the practice. Augustus' legislation favouring fecundity naturally was aimed indirectly against abortion, but the first legal sanctions specifically against it occurred under the Severi (about AD 200) in a period when various sorts of humanitarian legislation were being introduced, e.g., concerning the treatment of slaves. The new anti-abortion sanctions were imposed by

7. Evidently Medea and Philomela considered themselves as more than flower pots. See the main text below.
8. Note the change from the singular Corinna to the rhetorical plural you and bodies: we are now into a harangue.
9. Contradicting the idea stated a few lines earlier that the child was principally the father's.
11. Despite Juvenal's comment, VI 596f, 'homines in ventre necandos / conducit'. Contrast *Dig.* XXXV ii 9.1. *Dig.* I v 7.1 suggests, 'Qui in utero est, perinde ac si in rebus humanis esset custoditur, quotiens de commodis ipsius quaeritur:' but adds, 'quamquam alii antequam nascatur necquam acquaquam prosit', indicating that the family is the real centre of interest rather than the child per se. *Dig.* I v 7.26 also is insistent that the unborn is in almost (paene) every way regarded as already existing: but the examples that follow all suggest to me that it is property and family rights, and especially inheritance, that are the true centre of interest, and again not the child per se.
12. Cf. Mayer-Maly's article, *Der Kleine Pauly* (Stuttgart 1964), I 17-18, s.v. ABORTIO, for this and the following details. M. K. Hopkins, *Class. Quart.* XV (1965), 73 claims, 'In the Roman law of the Digest there is no prohibition of abortion as such'.
13. Through the *Leges Juliae de maritandis ordinitibus* of 19 BC and the *Lex Papia Poppaea of AD 9 against celibacy, childlessness and adultery.
14. Not long before, Antoninus Pius had ruled that killing one's own slave without reason was to be considered as serious as killing another's slave. 'This incursion into the right of life and death granted to the dominus by the jus gentium was justified by the jurist Gaius on the basis of the spirit of the time ...' (Inst. I 53), W. L. Westermann, *The Slave Systems of Greek and Roman Antiquity* (Philadelphia 1955), 115. Direct legal sanctions against abortion as such would represent a similar extension of state control over a formerly private matter. Under Diocletian, the exposure and sale of unwanted children was forbidden (Theod. *Codex* V ix; *Cod. Just.* IV xlii 1).
the significant extension of the *Lex Cornelia de sicariis et veneficis*; even so, abortion was considered a *crimen extraordinarium* and legally was always a crime not against the gods or even society but against the husband himself—the wife being regarded as ‘no more than a sort of flower pot in which the father’s seed grew’, Aristotle’s idea long afterwards perpetuated by St. Thomas Aquinas. Therefore a single woman could not be prosecuted for seeking an abortion, though a divorcée, ‘si qua visceribus suis post divorcium, quod praegnas fuit, vim intulerit, ne iam inimico filium procrearet’, was to be sent into ‘temporali exilio’. Abortion had at one time been considered grounds for divorce. We could hardly have clearer demonstration that the sole legal grounds for punishing a woman who sought abortion in Rome was the violation of the father’s patriarchal rights over all his family, born or potential, whether legal *persona* or not. In Roman law it was the father’s rights, not the child’s, that were essentially at stake. The mother’s rights were not considered.

But of course the social implications of abortion were much wider than the legal, and it is here that Ovid’s two poems, supplemented by other sources, are useful as documents of popular attitudes. (It is of course true that literary views, especially commonplaces, need not accurately reflect the views of the readers or of society as a whole.) Ovid’s arguments may be analysed as follows.

1. ABORTION IS DANGEROUS

Abortion has caused extreme danger to Corinna, whom Ovid greatly loves (xiii, 1–6, 27f). It is significant that her life is considered valuable only insofar as the poet’s love is involved:

nam vitam dominae tu dabis, illa mihi. (16)

15. I.e., ‘beyond the normal order of things’. ‘The term is mostly applied to procedural institutions’. (Adolf Berger, *Encyclopedic Dictionary of Roman Law* (Philadelphia 1953), 466.) A *cognitio extra ordinem* represented in Imperial times an extension of the state’s right to interfere in matters previously private, a public official taking charge in place of the former private juror. (Berger, loc. cit., also p. 394.)


17. A curious parallel is the freedman’s continuing obligation to act respectfully toward his ex-master, now patron, and fulfill certain duties, in default of which he could be prosecuted. Cf. R. H. Barrow, *Slavery in the Roman Empire* (London 1928), 189f.


19. Note the use of *parens* to mean *pater* in Cic. *Cluent.* 32.

20. Quint. VII vi I suggests that even apart from school usage in public life the courts were much preoccupied with *aequitas* vis-à-vis the letter of the law; so that Ovid’s arguments could be in keeping with ordinary courtroom appeals. Cf. the emotions in Cicero’s outburst, *loc. cit.*

21. Sen. *Contr.* II ii 12 tells us that Ovid preferred *suasoriae* and *eticae controversiae* where, as we know, psychology was more studied than in ordinary legalistic *controversiae*.
Although Ovid never specifically says so, it is presumably not only concern that the world might be deprived of potential genius, but also the feeling that his own masculinity has been assailed, which leads him in xiv to cite examples (like our perennial Beethoven) of the sort of people who might have been aborted.\textsuperscript{22} He implies, perhaps with some truth, that he might have sired a genius. This is also the reason why he is so anxious, at first sight rather mystifyingly, to claim paternity.\textsuperscript{23} Otherwise we might logically have expected him to disclaim paternity where the lady had been involved in such danger. From the start we find that egocentrism of many males which has led to strictures against abortion through laws penned and passed by men. Danger to Corinna is essentially a threat to Ovid. At best he has lost a perpetuation of himself; at worst, he could have lost his mistress. Admittedly she qualifies here somewhat higher than a flower pot.\textsuperscript{24} 

2. ABORTION IS UNNATURAL 

(a) It is abnormal psychologically for a woman to desire an abortion (xiv, 1–4). The frailty of such an argument need hardly be exposed. In the first place, there is the common confusion of the biological and the psychologically fit mother, a distinction of which a sensitive man like Ovid from experience must have been aware. Of course he is only quoting commonplaces of no great inspiration:

Sponte fluant matura sua. Sine crescere nata. (25)

If disinclination to follow pregnancies through was so unnatural, why was abortion as widespread as Ovid seems to imply it was? The height of fatuous reasoning (if there is any conscious reasoning) is reached when Ovid points out that no tigress or lioness would be so unnatural as to kill her own cubs. Apart from the obvious fact that aborting the unborn and killing the born are

\textsuperscript{22} Cf. Dr. Goodhart’s humorous comment, art. cit., 391f.: ‘Anti-abortionists like to talk about Beethoven, who was one of a large and somewhat disreputable family produced by a drunken father and a tuberculous mother, himself afflicted by inherited deafness and other disabilities, apart from his genius. He would certainly have come within the terms of the Abortion Act nowadays, as a prime candidate for destruction before birth. So I wondered if there mightn’t be some comparable personalities in science, relevant to my subject. But I couldn’t find any, as almost all scientists seem to be persons of impeccable origin and irreprouachable character, mostly enjoying very fair physical and mental health. Perhaps there were some bastards around however, for it looks as though bastards are now going to be lucky to be allowed to see the light of day. But scientific bastards seem to be very thin on the ground . . . ’ (He goes on to mention Da Vinci and d’Alembert.) 

\textsuperscript{23} xiii 5. 

\textsuperscript{24} On the question of danger, Pliny the Elder shows that Romans believed that not all abortions were equally risky (NH VII 40.43). Those abortions of the fourth and eighth months were thought more dangerous than others. Tert. De Anima 37.4 accepts this: ‘Sed et cum septimo mense nativitas plena est facilius quam octavo’ (in honour of the Sabbath day, since it is the Dei imago which is coming forth!).
not the same thing (even if they are equally bad), it is evident that the tigress and lioness could not have induced an abortion even if they had conceived the desire to do so. Ovid really means that no lioness or tigress is cruel or unloving enough to want her cubs dead; but how can a woman be expected to love something which she does not yet even know? The preceding citation of Medea and Philomela is equally and similarly inappropriate, even though Ovid mentions them only to excuse their acts as due to temporary frenzy. They were guilty of infanticide and punishable thereby under Roman law; no doubt they were abnormal too, but they did not commit abortion. By implicitly comparing himself with Jason and Tereus, Ovid appears as the outraged father frightened by an imagined attack upon himself, jealous of his property rights, and uncomplimentary to Corinna!

(b) Also unnatural is the violence with which abortion is accomplished. As we saw, 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. The Digest is replete with the language of war or else personal hostility in its treatment of abortion: ‘Si mulierem visceribus suis vim intulisse, quo partum abigeret, constiterit’ (‘If it is established that the woman has perpetrated an assault on her womb in order to drive away the unborn, [i.e., the enemy]’);26 ‘sed et si qua visceribus suis post divorium ... vim intulerit’, her husband now being an ‘inimico’.27 Such language is even more fully exploited by Ovid throughout xiv: ‘immunes belli’ (1), ‘nec fera peltatas agmina velle sequi’ (2), ‘sine Marte’, ‘vulnera’ (3), ‘caecas armant in sua facta manus’ (4), ‘sternetur pugnae tristis harena tuae’ (8), ‘necasset’ (15),28 ‘temerasset’ (17), ‘temptasset’ (20). It is of some interest that at a late date Roman law recognized the mother’s rights in providing the death penalty where a person in administering a poculum abortionis aut amatorium caused another’s death.29 But even this is not a direct attack on abortion as such; the fact remained too that most women obtaining an abortion do so out of choice.

c) There also seems to be the unconscious assumption that pregnancy was good for women, even out of marriage if it so happened. If Ovid is to be taken

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25. This is reminiscent of the language of Dig. XLVIII xix 39, ‘ne iam inimico filium procrearet’. In the case of Medea and Philomela ‘procrearet’ would be replaced by ‘edu­caret’ or ‘nutriret’. Dr. Goodhart raises a more pertinent point, that a pregnant woman may be subject to moods and take decisions which she might later regret (art. cit., 385f).

26. XLVIII viii 8.

27. XLVIII xix 39. This word is of course to be distinguished (strictly speaking) from hostis, an enemy in war.

28. Cf. necante (22), necat (38).

29. Dig. XLVIII xix 38.5. M. K. Hopkins, loc. cit., points out, ‘In a law of Septimius Severus, which penalized a wife who aborted in deceit of her husband, it was the deceit, not the abortion, which was unlawful; the abortion, which was unlawful; another law penalized the sale of abortifacients, but grouped them with aphrodisiacs under the law of poisons’.
literally, this was the popular attitude.\textsuperscript{30} He speaks vaguely of both \textit{puellae}\textsuperscript{31} and \textit{matres}\textsuperscript{32} as giving birth. Apart from the question of the wife’s responsibility to her husband, all arguments against abortion are more or less equally applicable to both married and single women. The natural and no doubt commendable disinclination to tamper with nature where unnecessary meant that even in a case of rape the alternatives were either to carry on with the pregnancy if one developed (and in some cases marry the couple by force if need be), or else resort to suicide.\textsuperscript{33} The somewhat unusual number of cases in which a human girl was impregnated by a god (very rarely was a goddess impregnated by a human male), whatever its metaphysical implications and allegorical value, seems to reflect a widespread tolerance of illegitimacy once the deed was done and discovered.\textsuperscript{34} Quite possibly a full pregnancy in those days was indeed safer than an abortion in general.

(d) Predictably, Ovid cannot resist a brief swipe at female vanity (xiv, 7f). He reinforces the unpleasant references to unsightly stretching by comparing Corinna, as it were, with a gladiatrix staining the arena sand with her blood.\textsuperscript{35} Selfishness has always been imputed to women who practise abortion, either because they desire to amass wealth and luxury for themselves (see below), or else because they value beauty inordinately. Seneca openly congratulates Helvia for never having been ashamed of her pregnancies, let alone having sought an abortion. ‘Numquam more aliarum, quibus omnis commendatio ex forma petitur, tumescentem uterum abscondisti quasi indecens onus, nee viscera tua conceptas spes liberorum elisisti.’\textsuperscript{36} Such an argument was sure to appeal also to Christian apologists, who inherited misogynist inclinations.

3. \textbf{ABORTION IS A SOCIAL EVIL}

Moving on from the element of personal danger and the psychological abnormality of abortion, Ovid presents another perennial argument, from a general social viewpoint: if women had acted like this in the past, mankind might already have died out (xiv, 9–12). Obviously the truth of this assertion depends upon the relative rate of abortions to live births. The case of Hungary since World War II shows that a sufficiently high abortion rate, in conjunction with contraception and emigration, can contribute to actual depopulation.\textsuperscript{37} There

\begin{itemize}
  \item \textsuperscript{30} xiv 40.
  \item \textsuperscript{31} xiv 1, 37.
  \item \textsuperscript{32} xiv 9.
  \item \textsuperscript{33} Lucretia committed suicide (Livy I lvii 10), earning the approval of Tertullian (\textit{Exhort. Cast.} 13; \textit{Monog.} 17; \textit{ad Mart.} 4) and Jerome (\textit{ad Iovin.} I 49 fin.) but Augustine’s disapproval (CD I 19). Verginia (Livy III xlv–li) was killed by her father.
  \item \textsuperscript{34} A good example of this kind of attitude is found in Pindar’s third Pythian Ode on Coronis and Apollo (and healing). Juvenal (II 12, VI 58f) implies that these amours merely amused Romans of his day.
  \item \textsuperscript{35} Cf. Juv. II 53, VI 246–66 for a description of gladiatrices.
  \item \textsuperscript{36} \textit{Cons. Helv.} 16.3.
  \item \textsuperscript{37} Cf. Goodhart, \textit{art. cit.}, 390f, for statistics and discussion. The question then becomes whether depopulation in some areas of the world is not highly desirable.
\end{itemize}
is also substantial evidence that at certain periods the Roman world did suffer depopulation thanks to heavy war casualties, avoidance of pregnancy, abortion, and a generally high death-rate from disease. Polybius in a famous passage claims that Greece in the second century BC was depopulated either because people failed to marry, or if they married they refused to raise more than one or two children at most, so as to amass wealth and luxury. In Rome an insufficient fertility, whatever the causes, deliberate or involuntary, did mean that many aristocratic families died out and sometimes an heiress through circumstance was possessed of great wealth. Such arguments against abortion were more justified then than now, but they are still occasionally heard.

There are actually two factors here: the demographic changes, and the causes of these changes. A number of Roman authors comment on the refusal to conceive or to give birth to children. Juvenal attacks rich women who refuse to have children, though he admits that their morals are in any case such that abortion may be preferable to finding oneself presented with some dusky bastard of an Ethiopian slave. (Better still a eunuch-lover.) In the Nux we read, "Raraque in hoc aevō est quae velit esse paren't." The real objection here is not so much against abortion as against the refusal to accept social responsibility, and social responsibility was an ideal accorded an unusually high regard by ancient Romans. This explains Juvenal's horror at Julia's abortions: first because she had (supposedly) committed incest with her uncle Domitian, but also because she, at the very pinnacle of society, had resorted to abortion.

A bad example was set by one who ought to have been a model of propriety, like the vicar's wife. The Digest more than once condemns those who adminis-

42. VI 597–601, where Juvenal invites the cuckolded husband to prepare the potion himself! Ambrose, Hex. V xviii 58 also accuses rich women of taking abortifacient drugs.
43. VI 366–8.
45. Hence Pliny's recommendation (NH XXIX 27.85) of a contraceptive amulet only to a woman already overrun with pregnancies and seeking relief.
46. Suet. Dom. 22 and Pliny Epp. IV xi 6 both say that Domitian committed incest with Julia, his brother's daughter, and when she was pregnant forced her to have an abortion which resulted in her death. (Cf. Juv. II 32f.) This may be factually unreliable but it is important corroboration of Juvenal's attitude. Claudius (Suet. Claud. 26) had at least legally married Agrippina II.
47. Juvenal's strictures on aberrant Empresses to some extent reflect the puritanism characteristic of many leading figures of this period in Rome following the excesses of Nero and Domitian.
ter *pocula abortionis* even if their intentions toward the mother are good, because the deed is a bad example. 48

Generally the Roman did not explicitly state that the unborn was a person with a soul, whom to kill was thereby murder. In one of Cicero's speeches, in a passage later cited by the *Digest*, 49 we do meet a real revulsion not wholly unlike the revulsion attaching to murder. Cicero reminisces that the divorcée who obtained an abortion (i.e., of a child conceived before her divorce) at Miletus deserved her severe punishment, for she 'spepm parentis [=patris only], memoriam nominis, subsidium generis, heredem familie, designatimum rei publicae civev sustulisset ...' It was bad enough to deprive the people of a citizen, but worse to defraud the father of his hopes, and worst of all to risk the extinction of the family (memoriam nominis, subsidium generis, heredem familie). This argument is not even hinted at by Ovid, but it is based upon the Roman's deepest feelings and explains the widespread if not dogmatic revulsion at induced abortion, and distress over natural miscarriages. Cicero elsewhere laments the natural miscarriage suffered by Tertia, Brutus' half-sister and wife of Cassius, 50 while Pliny the younger apologizes at length to his young wife's grandfather for her miscarriage as a result of her carelessness. 51 This letter keeps the idea of perpetuating the family foremost, and the mother's health is strictly secondary: this is hard for us to accept, but it was so. It is never the child's right as such to individual life on this earth which is at stake, but his right to life insofar as he perpetuates the family.

(b) Ovid's other social argument is another hardy perennial, that abortion potentially, and eventually, robs the world of great men. It is instructive to observe the order in which examples are suggested:

(1) Achilles, but also Priam, a mythological Trojan vaguely connected with the founding of Rome (xiv, 13f).

(2) Romulus and Remus, whose destruction would have prevented the founding of Rome (15f), in which case the subsequent examples are irrelevant:

(3) Caesar Augustus, a flattering touch (17f)

(4) Corinna (19f)

(5) Ovid himself (21f).

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48. *Dig.* XLVIII xix 38.5 'Qui abortionis aut amatorium poculum dant, etsi dolo non faciant, *tamen quia mali exempli res est*, humiliores in metallum', etc. Cf. XLVIII viii 3.2 'Sed ex SC relegari missa est ea quae non quidem malo animo, sed *malo exemplo* medicamentum ad conceptionem dedit, ex quo ea quae acceperat discerserit'. ('Ad conceptionem' could even refer to a fertility drug rather than to a contraceptive or an abortifacient.) The *dolo, malo animo* concept was new in Cicero's day (*De Off.* III 60). J. T. Noonan, *Contraception* (Cambridge, Mass., 1966), 27, claims that the 'bad example' was the use of magic (i.e., medicine, potions).


The crescendo to a climax is cleverly calculated and, one supposes, humorous in its egocentrism. This sort of argument is highly emotive but not at all logical, for in logic once one hypothetically changes one factor in the past, one might as well change one million. (The theory of relativity now complicates the question of what is past, what present and what future.) If Ovid had never been born, *quid ad eum pertinet* whether Corinna had or not — or Augustus, Romulus or Achilles? We are in varying degree able to conceive of the non-existence of others; what we cannot do is to imagine our own non-existence.

**CHRISTIAN ATTITUDES**

It is of interest to consider briefly the ancient Christian attitude, vis-à-vis the pagan one, to abortion. Generally there was nothing in the pagan propaganda against abortion to which a Christian apologist might wish to take exception, inasmuch as those arguments were founded on 'Natural Law' as it was then understood, and on practical considerations. But, to the Christian, the pagan views were strictly ancillary to the one crucial consideration, that the fetus was possessed of a soul and the inalienable right to an existence on earth and the chance to accept grace and thereby save that soul, damned through original sin. Christianity has always stressed the unique individuality of each soul (in combination with a deep sense of collective social duty), and in a sense was directly opposed to the Roman idea that the child was ultimately worth preserving insofar as it perpetuated the family. In both cases the mother's life was a secondary consideration.

However, the practical question about the timing of the 'animation' of the fetus, still very much disputed now and never likely to be answered, was anything but agreed on even among the various Christian apologists. Tertullian himself wavers on the issue. Plato had never made a clear statement of his view, whereas the Stoics and one Aenesidemus said that the soul entered the body on its first drawing breath after birth. It is true that if the soul existed before birth and continued to exist after death, then both birth and death, and abortion, were ultimately irrelevant. It was in fact largely to combat a belief in metempsychosis that the early Fathers insisted that the fetus received a soul (previously non-existent?) at some precise point. The Epicurean belief

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52. A similar idea is found in Lucretius III 830–842: when we are dead, we might as well never have been, for all that it matters to us then.
that the soul was purely physical and resolved into scattered atoms after an
inevitable death was equally anathema to orthodox Christians; such a belief,
of course, would make abortion morally irrelevant. The mystery religions
promised immortality, but only to adult initiates who fulfilled the required
rites; there was no suggestion of endless woe for others. It required a Christian
belief in an indestructible soul and one which needed to be saved, for abortion,
however correct the logic, to be widely considered an inconceivably evil
practice.60

Tertullian, well read and forceful, adopted the language of his pagan prede-
cessors in an impressive attack which gives evidence of his having consulted
Soranus and other medical writers, though his interest is not clinical but
ethical:

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 hebete unco, quo
totum facinus extrahitur violento puerperio. Est enim aeneum spici-
ulum, quo jugulatio ipsa dirigitur caeco latrociniio; ἐμβρωσφάκτην
appellant de infanticidii officio, utique viventis infantis perempto-
rium. Hoc et Hippocrates habuit et Asclepiades et Erisistratus et
maiorum quoque prosector Herophilus et mitior ipse Soranus, certi
animal esse conceptum atque ita miserti infelicissimae hujusmodi
infantiae, ut prius occidatur ne viva lanietur.61

Tertullian stresses the violence of the operation and its supposed cruelty; he
also argues that if these doctors killed the child sometimes in order to save the
mother, even they, as pagans, must have believed it was alive in order to be
able to 'kill' it.62 The confusion and inaccuracies in the argument are discussed
in detail by Waszink,63 but the point is that Tertullian did try to come to terms
with pagan theory and adapt it to revealed truth. Others could be more emo-
tional in their exhortations: Montanus cries, 'Nolite in lectulis nee in abs­
orsibus et febribus mollibus optare exire, sed in martyriis, uti glorificetur qui est passus
pro vobis!'64

The reader may have noticed that no ancient writer, pagan or Christian,
mentions the appeal much heard these days, that abortion may in some cases
be the lesser of two evils. The only exception I have come across is Juvenal’s

60. Cf. Tert. De Anim. 37.2. 'Ex eo fetus in utero homo, a quo forma completa est.
Nam et Mosei lex tunc aborsus reum talionibus indicat, cum iam hominis est causa, cum
iam illi vitae et mortis status deputatur, cum et fato iam adscribitur, etsi adhuc in matre
vivendo cum matre plurimum communicat sortem'; and Apol. ix 8, 'homo est qui homo
futurus'.
61. De Anima 25.5.
62. Ibid.
64. Ap. Tert. De Fuga ix 4, according to Waszink (q.v. ad loc.).

99
sardonic comment quoted above. The idea that one might as well legalize a widespread practice and at least assure its safety was not likely to commend itself to a society which put so much store by appearances. It must remain uncertain whether in fact abortion was ever, in view of ancient hygiene and the lack of efficient anaesthetics, reliably safer than and generally preferable to a full pregnancy and childbirth. As noted above, even young girls who were raped, unless they chose suicide, were generally expected to grin and bear any consequences.

It is clear that we have at one pole the law, which was quite permissive about abortion per se, and intervened only where the husband/father's rights, and eventually the mother's safety, were concerned; at the other pole are the Christian apologists who, even on purely moral grounds, and even where practical considerations were disregarded, agreed (though differing on details) that induced abortion was always an evil. In falling between these two poles, Ovid's two poems reflect the normal attitude of Roman society. It is hard to believe, however, that the ordinary Roman, had he the time or intellect to devote to such musing, would have given credence to threats of a world totally depopulated or deprived of many a genius, even of Ovid. Philosophical appeals such as 'sine crescere nata' would have been equally unimpressive. The attack on women's vanity was more congenial to both pagan and Christian male readers, but was so trite as to be mainly amusing at least to the majority of Ovid's contemporaries. The unnaturalness of the violence with which abortion was accomplished, and of women who were a party to such violence, struck closer to the male reader's heart. But the only really serious argument that Ovid raises is the danger of the operation to the woman; and this, it will be noted, is a purely practical point.

Whether or not these two poems are singularly tasteless, what was Ovid's object in writing them? Certainly these are no anti-abortionist pamphlets, medical or ethical: hence the criticisms of the previous paragraph are against the logic of these poems, but not against their literary worth. However, there is, in my judgement, little of literary value in either poem. Admittedly, Ovid as

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65. Note 41.

66. Here there is an interesting parallel between the Roman treatment of prostitution and of abortion. Prostitution was not, until Christian political ascendancy, prohibited, but married women guilty of adultery, if caught, were subject to severe penalties. As with abortion, the marriage-bond was the factor (and of course legitimacy and property-rights), but even within marriage the ideal most often have been departed from undetected. Of course, many prostitutes were slaves or freedwomen, who had special reasons to seek an abortion. Cf. Balsdon, op. cit., 191f.

67. In the case of potions; cf. note 27 above.

68. It would be difficult to try to relate Ovid's expressed views to one or another class of Romans. Arguments which relate abortion to wealth imply that rich women sought abortion where poor women put up with pregnancy. This seems to be Juvenal's view (VI 592ff, cf. 7-10). But the persisting exposure or sale of unwanted children (Ambrose Hex. V xviii 58) suggests that the poor were not so altruistic about large families either, and that given the opportunity they were not less amenable to abortion.
usual cannot resist a mot, and the metaphor of battle, if common, is at least efficiently developed. Perhaps the youthful Ovid nods. These poems are neither effective as pamphlets, which they were not intended to be, nor readable as literature, which they may have tried to be, but they are interesting as documents in the history of ideas, as this study has attempted to show. They also do form part of Ovid’s corpus of elegies about Love, for he does not shrink to treat of one small but important aspect of Love and its complications. 69 Let us remember that the real centre of interest here is neither God and salvation, nor society and its interests, nor the child and his rights, nor even Corinna; it is the love relationship between poet and mistress, and the threat which abortion in various ways appeared to the poet to offer to that relationship. Abortion, especially Corinna’s, is the topic, but Love is the theme. 70

69. Later, in the Ars Amatoria, even in Book III directed to the ladies, Ovid never discusses abortion, although he does descend to personal details in hygiene (III 192ff). Perhaps our two poems in the Amores had proven generally unacceptable. Some of Horace’s early Epodes are equally unappealing.

70. Even if we assume no real Corinna, and no actual abortion here, it is still natural if fruitless to speculate whether Ovid began with this topic and seized the opportunity to enlarge and generalize his argument (hence the change to the plural, vestra effoditis, at xiv 27); or whether he started with a general harangue in mind and introduced Corinna to integrate these poems into the whole collection. She is, of course, not present in all these poems, notably not in III ix, the elegy on Tibullus’ death, a poem suitable enough because Tibullus was a love-poet.
Acta Classica is published annually by the Classical Association of South Africa. The journal has been in production since 1958. It is listed on both the ISI and the SAPSE list of approved publications.

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