

First Laws Prohibiting Abortion

(selected excerpts)

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Law of God: I am the LORD your God . . . You shall not murder (Exodus 20:2, 13).

Neither shall you give any of your offspring to offer them to Molech, nor shall you profane the name of your God; I am the LORD (Leviticus 18:21; see also 20:1–5).

United Kingdom, 1803.

WHEREAS . . . if any person or persons . . . shall . . . wilfully, maliciously, and unlawfully administer to, or cause to be administered to or taken by any of his Majesty's subjects, any deadly poison, or other noxious and destructive substance or thing, with intent such his Majesty's subject or subjects thereby to murder, or thereby to cause and procure the miscarriage of any woman, then being quick with child; . . . shall be and are hereby declared to be felons, and shall suffer death. (“Lord Ellenborough Act”)

France, 1810.

317. Whoever, by reason of substances to be swallowed, either solid or liquid; by medicines; by violence; or by any other means; shall have caused the miscarriage of a woman with child, whether she has consented to it or not, shall be punished with solitary imprisonment.

The same penalty shall be awarded against the woman who shall have procured her own miscarriage, or shall have consented to make use of the means prescribed to her, or administered for that purpose, if the miscarriage has actually ensued therefrom.

The physicians, surgeons, and other officers of health, who shall have prescribed or administered such means, shall be condemned to hard labour for time, if the miscarriage has actually taken place. (“Penal Code Book the Third”)

United Kingdom, 1861.

58. Administering drugs or using instruments to procure abortion.

Every woman, being with child, who, with intent to procure her own miscarriage, shall unlawfully administer to herself any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, and whosoever, with intent to procure the miscarriage of any woman, whether she be or be not with child, shall unlawfully administer to her or cause to be taken by her any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, shall be guilty of felony, and being convicted thereof shall be liable . . . to be kept in penal servitude for life.

59. Procuring drugs to cause abortion.

Whosoever shall unlawfully supply or procure any poison or other noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman, whether she be or be not with child, shall be guilty of a misdemeanor, and being convicted thereof shall be liable . . . to be kept in penal servitude. (“Offences Against the Person Act”)