

On the Psycho-History of Pregnancy Conflict

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Abstract: Dealing with pregnancy conflicts has resulted in very different solutions in different eras and different societies. This article provides an overview of the history of the handling of pregnancy conflict in Western Europe. In so doing, it is possible to recognize a line of development in the sense that in early cultures and in the ancient world the relationship to the paternal, secular, and spiritual authorities was at the forefront, while in modern times the pregnancy conflict has become increasingly a conflict within the woman.

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The characteristic that man is both a biological and a cultural being means that elementary life processes can lead to conflict. This applies in particular to as central a life process as the creation and development of a new person and the associated transformation of biological parents into psychological and social parents. Historically, this conflict has assumed different forms depending on the differing social and cultural contexts. For practical reasons, I will confine myself to the historical area of Western Europe, and follow to a great extent the historical background of Robert Jütte's (1993) presentation in his book, *The History of Abortion: From Antiquity to the Present*.

It is a peculiarity of human culture to fundamentally transform the biologically predetermined relationship of the sexes, and thereby essentially determine the inner structure of the personality of man and woman. The pregnancy conflict is in turn determined by these rules and exists in quite variable historical contexts.

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We can assume that pregnancy conflict may have existed from time immemorial, and that there have always been traditions of abortive remedies in societies. However, conflicts of this nature have always been below the level of official information, so that we can only record actual pregnancy conflict indirectly through the social arrangements for terminating pregnancies. It is significant that European history is predominantly patriarchal in nature, so that termination of pregnancy was regulated by paternity law. Theologians, moralists, writers, politicians, and medical practitioners agreed from the outset that the woman, and therefore her body, had to be subject to male authority (Jütte, 1993, p.13).

A pregnancy conflict, in the modern sense of a conflict within the woman, is linked to the emancipation of women and the qualification of patriarchal attitudes. To provide orientation, I will first of all summarize the historical information.

Abortion in Early Civilizations

The harsh relations between the sexes in the early civilizations are evident in their penal codes. The laws of Hammurabi from the 17th century BC state, "Whoever kills the fruit of a (free) woman's womb by mistreatment will be punished by a fine of 10 shekels" (Jütte, 1993, p. 27). The conflict thus exists between men or with the paternal deities.

There are relatively detailed reports on abortive remedies from Egypt. Nothing is known about legal restrictions of their use.

In Greece, abortion was seen as a means of regulating population growth. Thus, Plato advised in *The Republic*, "... the best thing is to ensure that the fruit should not see the light of day after it has been created, but if this cannot be avoided to behave as if there was no food for one such" (see Jütte, 1993, p. 30). From this advice, the complete lack of empathy for the prenatal child becomes clear, which to a great extent was also the case with the postnatal child. This was partly due to the deprived living conditions of women and children. At most, one third of children born reached adult age, the marriage age was extremely early, between 14 and 18 years, and women usually did not live beyond 35 years.

In ancient Greece, however, there was variable speculation about the prenatal child. On the one hand, the assumption was that the fetus was not a living being but a part of the mother's intestines. On the other hand, however, a degree of vitality was assumed. Historically influential was Aristotle's doctrine of the "successive ensoulment," according to which the male embryo was ensouled on the 40th day after conception and the female embryo on the 80th day after conception. This is the philosophical background of deadlines which already existed in ancient medical

authors, who recommended abortion between the 2nd and 3rd month of gestation.

In Rome, abortions were probably relatively common, not only in the upper classes but also in the lower classes. There were numerous remedies, and the fetus was not regarded as a living being but as part of the woman's intestines. Thus, the incarnation or ensoulment began only with the first breath. Abortion only became criminally relevant when the patriarchal law of "Patria Potestas" was instituted.

This aspect gained importance in the late Roman Empire with the introduction of Christianity as a state religion, inasmuch as the "Patria Potestas" now lay with God the Father. Just as the earthly father had had the right over life and death of the offspring, this right now passed to the Christian father-god with the claim of universal validity. As a result, abortion, child exposure, or infanticide, which had been customary in the Roman Empire for getting rid of unwanted offspring, became a criminal offense. In so doing, parts of Aristotle's concept of "successive ensoulment" and information from the Septuagint (Greek Old Testament) were used to prove that only the formed fetus possessed a soul. With this in mind, there existed a deadline for carrying out abortions in the Roman Catholic Church until the late 19th century, but this was progressively abolished by papal edicts during the 19th century. Up to this day, this Christian rejection of abortion is not, however, based on empathy but on theological reasoning which is based on the abstract evaluation of a soul that originates from the divine father and is therefore subject to his rightful claim.

Development of Dealing with Pregnancy Conflict in Modern Times

The more powerful structuring and organization of the Western European states and societies at the beginning of modern times also led to harsher punishment of abortion or aiding abortion, as formulated in Emperor Charles V's "scrupulous justice order" of 1532. In this, an abortion is punished with the death penalty by execution or drowning. If the child was not yet living, then fines, beatings, or exile were possible. However, the practice was not as rigorous as the statutory regulations. For example, a midwife from the time of Louis XIV was executed for 2,500 abortions in 1680. However, the trials relating to abortions were much less frequent than those relating to infanticide.

The Enlightenment qualified the power of the divine father and his earthly deputies, and the purely punitive aspect of the legal regulations

on abortion also lost its absolute importance. "The main goal was the prevention of abortions" (Jütte, 1993, p. 91).

Abortion and infanticide were no longer regarded as actions against God, but against the state. The following point was important: "The purpose of punishment was no longer the reconciliation with God but the improvement and safeguarding of each individual and of society" (Jütte, 1993, p. 95).

It is only in the context of this transformed mindset that the pregnant woman's conflict becomes evident. Well-documented is the court case of Eleonora Schulzen from the year 1768. She became unintentionally pregnant by a manservant and endeavored to obtain an abortive remedy from the midwife (Jütte 1993, p. 97). Abortions were typical among maids and servants.

Due to the efforts of modern criminal law, in 1871 the Reichsstrafgesetzbuch (German Penal Code) was produced, which dealt with "Crimes and Offenses against Life" in Section 218. However, this did not mention killing, but "the abortion of the fruit of the womb." This allowed for a medical indication for the well-being of the woman.

The notable thing about this paragraph was that despite the strict regulations, with a five-year jail sentence, or under mitigating circumstances a term of six months, between 300,000 and 500,000 abortions were carried out in Germany at this time. This was particularly dangerous for women of the lower classes. Compared to the frequency of abortions, judicial proceedings were minimal.

In the 1920s, there was very intense discussion about Section 218, which was loaded with political polarization. The Communists advocated its complete abolition because it had criminal consequences, especially for working women, and abortion was safer than before as a result of growing medical knowledge. Despite the legal regulations with their high moral demands, the "practical" aspects seemed to prevail in the reality of life. Any empathy for the prenatal child was little developed: "... for many women, a pregnancy of two or three months was not much more than a bloating, an irregularity that could be eliminated" (Jütte, 1993, p. 143).

From a somewhat different perspective, women's emancipation questioned Section 218 in the sense of a consequent self-determination of woman. This also meant that contraception became more and more a matter of course. Abortion was "a self-evident alternative to contraception" (Jütte, 1993, p. 143).

Birth control became more a self-evident part of personal life plans. If abortions had earlier been mainly among unmarried women, now abortions were more likely among married women with several children, who often wished to prevent further births for economic reasons. The

increased knowledge of anatomy also enabled women to bring about abortion with knitting needles and infusions of soapy water or even vinegar. Informative books like "Bilz" sold millions of copies.

From the lively discussion about Section 218, the deadline regulation for carrying out abortions had already crystallized in the 1920s, which was later enacted in the Federal Republic of Germany. On the right, the tendency was towards tightening Section 218 and from the left came the plea for abolition. At an international congress on sexual reform, the following was formulated: "Section 218 is a representative, and the most visible representative, of the authoritative procreation, a representative of a vanquished epoch, a remnant from the time of the sovereign state, a pillar which is only a witness of vanished splendor. Whoever supports the state of today must be against them" (Jütte, 1993, p. 158).

At that time, leaving the responsibility entirely in the hands of the woman was still a minority opinion. As the feminist Helene Stöcker expressed in 1922: "Only when this paragraph, which is meant to protect a growing life from its own mother, is abolished, only then, when every compulsion is removed, when every pregnancy termination takes place freely and under personal responsibility, can the maternal sense of responsibility develop completely" (Jütte, 1993, p. 162).

Overall, the discussion about Section 218 in Germany had an enormous public impact. There were plays titled, "Paragraph 218: Tortured People" and "Cyanide." The former was filmed and was seen by millions. Therefore, it came about that the pregnancy conflict was shifted from the level of legal, theological, and political discussion to the level of the people's responsibility. However, empathy for the prenatal child and its situation still played virtually no role: "Compared to today's discussion, it is striking that abortion was barely treated as a question of conscience. It was not about the right to life of the embryo but was about the existence and strength of the nation" (Jütte, 1993, p. 167).

A certain degree of practical clarification was brought by a court ruling of 11 March 1927, which ruled that the "physically indicated pregnancy termination" by the pregnant woman herself or with the consent of the pregnant woman, was not "unlawful" "if it was the only means of releasing the pregnant woman from an existing danger of death or serious health damage" (Jütte, 1993, p. 169). This qualified Section 218 in the sense of an indication regulation.

Under National Socialism, the regulations regarding pregnancy termination were tightened again, because "the vigor of the German people" would be impaired. The liberal spirit of the sixties as well as the seventies permitted a new and critical discussion of social politics in

Germany and the revision of Section 218 in terms of a deadline regulation with obligatory counseling, which has been the case since 1976.

In this way, the responsibility of the woman and the parents is now acknowledged as being largely as important as the interests of the state and ecclesiastical values. It was only at this stage that the empathy for the actuality of the prenatal child became increasingly felt, and for the first time, in 2005 the “rights of the unborn child” were described in qualitative and differentiated terms in a corresponding charter of the ISPPM (see website www.isppm.de).

Based on these new framework ideas and the resulting extended responsibility, the problem of “pregnancy conflict” can now be discussed at a new level. It is evident to me that all legal, moral, and theological arguments remain relative compared with the reality of 130,000 pregnancy terminations per year in the Federal Republic of Germany, the background to which is largely an insufficient preparation for the realities of adult life. For a long time, the project of a “parenting license” has been considered by ISPPM. However, this parental preparation would have to go much further in the sense of “learning for life” in our schools, which should not only prepare for professional competencies, but also social and psychological competencies such as responsible relationship, ability to resolve conflict, dynamics of couples, father identity, mother identity, life plans, etc. (Janus, 2010). The present preparation for parenting is exceedingly insufficient, as a glance at the given statistics of pregnancy terminations shows. If a driving school qualification led to every fifth participant causing a fatal accident, this would not only be a catastrophe in itself, but would also leave considerable reservations with regard to the qualities of the driving skills of the other four.

This must provide the impulse for a real change in our school education. In the present state of lack of preparation, parenthood becomes an overwhelming situation for a large proportion of those affected, which shows itself not only in the high number of pregnancy terminations, but also in the failings of parenting competencies.

With regard to pregnancy conflict, there can only ever be era-related solutions, which must be further developed according to the understanding of the causes and the background.

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