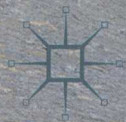


The background of the cover is a painting. It depicts a woman with long, dark, wavy hair lying in a nest or hollow within a gnarled, leafless tree. She is looking out over a landscape that includes a body of water and distant hills under a pale, overcast sky. The style is somewhat somber and historical.

ANNE-MARIE KILDAY

# A History of Infanticide in Britain

*c. 1600 to the Present*



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# A History of Infanticide in Britain c. 1600 to the Present

*Also by Anne-Marie Kilday (\*published by Palgrave Macmillan)*

WOMEN AND CRIME IN ENLIGHTENMENT SCOTLAND

HISTORIES OF CRIME: Britain 1600–2000 (*co-edited with David Nash*)\*

CULTURES OF SHAME: Exploring Crime and Morality in Britain 1700–1900  
(*with David Nash*)\*

*To my brother, John-Paul, the baby doctor!*

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# 1

## Investigating Infanticide – An Enduring Phenomenon

To die by other hands more merciless than mine.  
No; I who gave them life will give them death.  
Oh, now no cowardice, no thought how young they are,  
How dear they are, how when they first were born –  
Not that – I will forget they are my sons.  
One moment, one short moment – then forever sorrow.<sup>1</sup>

Infanticide is an intensely emotional and emotive subject – one that has been a central part of human experience from the outset. It leaves strong feelings in its wake, which has led to sorrow, anger and a desire (in modern times) for whole societies to hide this phenomenon from their population. Thus, both the taboo and the hidden nature of infanticide have made this subject area incredibly difficult for historians to approach. This work provides, for the first time, a detailed history of new-born child murder in mainland Britain from 1600 to the modern era. It examines continuity and change in the nature and characteristics of infanticide in Scotland, England and Wales over a chronology of more than four centuries. As well as offering a comparative analysis of the types of individuals suspected of the offence, and a detailed appreciation of the different ways in which the crime was carried out, the work also exposes the broad nexus of causal factors which underpinned its enactment. In addition, the work investigates the evolving attitude in social, medical and legal contexts to the killing of young infants in Britain, over a substantial time period. Thus, the work as a whole is both compelling and innovative, as it provides the reader with much more than a mere history of infanticide. The book also contributes much to our understanding of criminal history, gender history, legal history, medical history and social history in its analyses of the different contexts allied to the offence. It does this also through its exploration of the complex characteristics of accusers, commentators and perpetrators across cultures, borders and time.

This introductory chapter begins by making the case for a study of infanticide as a crime in its own right. It starts by looking at the enduring

and persistent nature of the killing of new-borns throughout history, as well as the extent and significance of the offence across cultures and civilisations. The chapter then examines the existing historiography of infanticide to uncover the key areas of scholarship on the subject and to determine the lacunae that exist, especially in the context of the British experience of this phenomenon. The parameters of the book's analysis and its key research questions are then presented alongside an overview of sources used and a brief outline of the structure of the remaining chapters. Finally, the chapter ends by explaining how the murder of new-born children came to be criminalised in Britain over the course of the seventeenth century. This explanation creates the necessary initial contextual framework for the analysis which begins in Chapter 2.

## **Infanticide as an enduring phenomenon**

Present day episodes of new-born child murder indicate that infanticide is an offence which still occurs with comparative frequency.<sup>2</sup> The enduring and persistent nature of infanticide is made more evident by Peter Hoffer and Natalie Hull's statement that the crime of infanticide (or the murder of a child by his or her own parent) '...is as old as human society'.<sup>3</sup> Certainly, infanticide can be traced back to prehistoric epochs and the very beginnings of recorded history, as archaeologists and anthropologists have offered strong evidence to suggest that Palaeolithic parents practised new-born child murder on a fairly regular basis.<sup>4</sup> Similar evidence of the commonplace nature of infanticide can be found in the ancient civilisations of Mesopotamia, Greece and Rome, as well as among early peoples such as the Vikings, Irish Celts, Gauls and Phoenicians.<sup>5</sup>

Infanticide is an international phenomenon which has been encountered in nearly every civilisation, culture and continent across the globe, so assumptions made about its exceptional nature are something of a comparatively modern invention.<sup>6</sup> As Laila Williamson points out:

Infanticide is a practice present-day westerners regard as a cruel and inhuman custom, resorted to by only a few desperate and primitive people living in harsh environments. We tend to think of it as an exceptional practice, to be found only among such peoples... who are far removed in both culture and geographical distance from us and our civilized ancestors. The truth is quite different. Infanticide has been practiced on every continent and by people on every level of cultural complexity, from hunters and gatherers to high civilizations, including our own ancestors. Rather than being an exception, then, it has been the rule.<sup>7</sup>

Although the coming of Christianity brought a change in attitudes towards the killing of infants, the practice persisted nonetheless, because in many

societies it was regarded as a conventional and accepted part of everyday life.<sup>8</sup> From ancient civilisations to modern ones, albeit to varying degrees, infanticide has been considered a permissible enterprise for some parents to engage in. Indeed, in some ancient cultures and jurisdictions (such as Roman law) children were regarded as a species of property which belonged to the patriarch of the family. Fathers thus had the right as head of the household (*patria potens*) to commit infanticide if they thought it was prudent to do so.<sup>9</sup>

As Michelle Oberman explains, ‘...infanticide was common among early people, particularly insofar as it enabled them to control population growth and to minimise the strain placed on society by sickly newborns.’<sup>10</sup> In the main, therefore, there have been two contexts for child murder throughout history: first, the killing of what were considered to be ‘defective’ offspring, and, second, the killing of ‘normal’ but unwanted children.<sup>11</sup> The exposure and/or infanticide of sickly or disabled infants was an accepted feature of ancient Greco-Roman cultures, as is evident from various contemporary literary sources such as Plato, Aristotle, Seneca and Pliny. In the city-state of Sparta, for instance, only children expected to make good soldiers or healthy citizens were allowed to survive past infancy. In Ancient Egypt, in China, India and throughout the Orient, a similar approach was adopted toward ‘defective’ infants.<sup>12</sup>

More widely, other motives dominated the practice of infanticide and prolonged its acceptability amongst early cultures and civilisations. The killing of normal but unwanted infants typically involved economic pressures, and was often tied to the social stigma of illegitimacy or the difficulties which stemmed from prolificacy. Population control, therefore, was probably the key causal factor for new-born child murder throughout antiquity. Likewise this was true in former societies where knowledge concerning the prevention of conception was limited and where the availability of abortion was virtually non-existent. Child murder was often regarded as an acceptable means to an end, whereby such poverty could be prevented and shame and destitution avoided.<sup>13</sup> Thus for many people, infanticide appears to have functioned as a late form of family planning, especially, it seems, when the offspring concerned was female.

Infanticide against female children was commonplace in a variety of societies and cultures (both early and modern) due to the perceived weakness and relative unimportance of female progeny in comparison with male. For instance, girls had little or no hope of inheritance, they were unlikely to be able to support their parents in old age, they were unable to continue the family line, and they were not permitted to legally own their possessions or belongings. Indeed, the birth of a daughter was often seen as a shameful and disappointing event and certainly not a cause for celebration. Consequently, a stark gender imbalance is evident in the victimology of infanticide in more conservative traditions, where girls were killed far more

commonly than boys.<sup>14</sup> In addition, the birth of a daughter was also deemed problematic in those cultures where it necessitated the pressure of saving for a suitable dowry.<sup>15</sup>

The other key factor which made infanticide a quasi-acceptable practice, particularly in relation to ancient and early civilisations, was the influence that superstition had on people's daily lives. The Bible, for instance, contains some significant allusions to the link between new-born child murder and ominous portents. In the book of Exodus, Pharaoh commissioned midwives to destroy all the male Hebrew offspring as he feared they would become a future military threat; and likewise Matthew's gospel describes the order made by King Herod for all new-born infants to be slaughtered at the time of Christ's birth.<sup>16</sup> In other cultures, additional superstitions and social prejudices came to the fore and could result in ritual infant sacrifice. For instance, in some cultures children were killed as an offering to the gods in order to secure an abundant harvest, or some other good fortune, as it was believed that their bodies could transfer growth and fertility. Other infants were slain for medicinal purposes as it was held that the blood and flesh of neonates could confer health, wellbeing and even youthfulness to the recipient. In various primitive societies twins were considered evil and condemned to be destroyed immediately after parturition. And elsewhere, children with deformities of any kind were often rejected and exterminated in the belief that their physical handicap was evidence that they were the soulless outcome of a liaison between a woman and the Devil.<sup>17</sup>

Although new-born child murder was tolerated by some societies, it was also outlawed by others. We have already seen how pantheistic cultures prescribed infanticide as a form of population control. However, the practice came to be rejected by those monotheistic civilisations, characterised as the 'Peoples of the Book', who followed the Judeo-Christian-Islamic tradition. In these faiths, over time, infanticide came to be regarded as a grave sin as it all too flagrantly broke the precious bond of normal maternal instinct where a mother is supposed to act as the ultimate protector of her child.<sup>18</sup>

In addition, from the late medieval period onwards, there was a growing desire to restrict the perpetration of behaviours which had come to be regarded with particular horror. Infanticide, blasphemy, heresy, witchcraft, parricide, incest, sodomy, arson and homicide were activities thought to threaten the existing moral and socio-political order amongst many early European societies, and so they became increasingly 'criminalised' and subject to serious disciplinary sanction by the authorities of the day.<sup>19</sup> This sharpened, punitive attitude towards infanticide in particular is evidenced by the specific and exacting punishments that were advocated for those individuals convicted of killing their new-born children in many countries during the Middle Ages and beyond. Torture (such as being flogged, blinded and then clawed at the breast with red-hot pincers) typically preceded execution via decapitation (sometimes with quartering) or live burial after

impalement. Alternatively, those convicted might likewise be sewn into sacks along with dogs, cats, roosters and/or vipers and be thrown into a local river and left to drown amidst the frenetic and fatal struggle which must have ensued.<sup>20</sup> Savage and inhumane punishments such as these are illustrative of a wider historical truism related to infanticide, namely that the crime has always been treated, and indeed regarded, as somewhat 'different' from other mainstream criminal offences brought before the authoritative and public gaze.<sup>21</sup> New-born child murder, as this volume will clearly demonstrate, has always been an emotive, debated and highly controversial practice, which seems to occasion response and reaction of an arbitrary and unpredictable nature.

## The scholarship of infanticide

In the early 1960s, the discovery of 'battered child syndrome' by the American physician Henry Kempe stimulated early works on the history of infanticide which defined the phenomenon as a form of child abuse and thus took for granted the inclusion of all children up to the age of eight (or even older) as falling within the remit of the term 'infanticide'.<sup>22</sup> Maria Piers, for example, clearly inspired by her realisation that children in the past had commonly been victims of abuse and deprivation, used evidence from a range of periods and cultures to demonstrate the prevalence of child murder and child abuse, and sought to understand why parents and indeed the state had allowed this to happen. In the process, Piers identified factors that have since become a regular aspect of studies of child murder in the British Isles and elsewhere: unrelieved poverty, the shame of unmarried motherhood, and the lack of emotional engagement between mothers and their infants.<sup>23</sup>

Other early works, several of which appeared in the first issues of the psycho-historical-oriented journal *History of Childhood Quarterly*, focused largely on the medieval period.<sup>24</sup> Like Piers, the authors of these articles adopted a survey approach, and from a legal perspective concluded that the killing of infants was not considered as serious a crime as the killing of an older child or an adult.<sup>25</sup> Some years later, Zefira Rokeah queried these findings. She conducted a closer investigation of thirteenth-century English sources that addressed cases of child murder (of individuals under the age of twelve and not just infants). She offered a tally of unnatural deaths of young victims and briefly concluded that where death was caused deliberately, the accused were dealt with harshly.<sup>26</sup> Most recently, Sara Butler has revisited the question of whether child murder was treated with indifference during the medieval period. She has concluded that it was not, although few defendants stood trial: flight, outlawry and abjuration were by far the most common outcomes of the cases uncovered.<sup>27</sup>

Whilst early work on the history of infanticide was carried out by a mixed group of doctors, psychologists and historians who sought to explain why

the authorities were seemingly uninterested in child murder, the eighteenth century was identified as a key turning point in the softening of attitudes both to children and to unmarried mothers who killed their newborn infants. This finding was strengthened by the work of a new group of scholars in the 1970s and 1980s. They approached the subject from the perspective of social history and, increasingly, the history of crime (now very much a discipline in its own right), drawing on sources generated by the criminal justice system such as the records of the Old Bailey, assize indictments and depositions, and coroner's records. This led to an allied concentration on perpetrators and legal definitions.<sup>28</sup>

Two important conclusions emerged from this pioneering research. Firstly, it became clear that infanticide was a more nuanced crime than was at first assumed by those who thought it a crude form of population control or the reaction of a deranged new mother. Rather, as historians like Keith Wrightson, John Beattie and Ann Higginbotham showed, infanticide was largely confined to the illegitimate, for clearly defined reasons rooted in social norms and practices. Secondly, the conclusions of early work tended to diverge when it came to the ages of the children under discussion, from new-born to several years old. Increasingly, however, and following the legal definitions adopted in Britain and elsewhere, the word 'infanticide' came more and more to refer to the murder of the newly born. This distinction was fixed in the historiography largely as a result of the work of Mark Jackson, which formed a watershed in the British scholarship on infanticide.<sup>29</sup> Although legal records prior to the nineteenth century often used the word 'infant' to refer to an older child, and the legal definition of infanticide in present day Britain embraces babies up to the age of one year, most historians have followed Jackson in adopting the term 'new-born child murder'. Consequently, when the word 'infanticide' is used, it is generally understood to mean 'new-born child murder'.

The late 1980s witnessed the beginning of a steady production of publications on the history of infanticide, primarily regional studies that focused on female perpetrators in various parts of the world.<sup>30</sup> The British historiography was particularly strong in its concerted effort to unravel the motivations of, and socio-cultural pressures on, the women accused of the crime, and thus investigated everything from economics to shame, rage and insanity.<sup>31</sup> Work on the medical understanding of infanticide has been particularly innovative, and in fact, infanticide continues to be a regular feature of the fairly small literature on the history of forensic medicine in the British Isles.<sup>32</sup> The focus of interest here is two-fold. A larger literature has considered the mental health of the accused mother,<sup>33</sup> but there has been some detailed work on the medical difficulty of proving the cause of death in new-borns.<sup>34</sup> In this volume, the author maintains all of these strands in the exploration of the socio-economic, medical and emotional aspects of new-born child murder in Great Britain since 1600.



By the mid-1990s, then, the history of infanticide had become an established facet of research on the history of crime (particularly female offending), discipline and morality, childbirth, illegitimacy and insanity. It was at this point that a rather different approach to the subject developed, one which adopted a more explicitly literary methodology. Whilst making use of historical documents such as trial accounts, this literature adopted a more cultural focus by examining contemporary writings such as novels, poems and ballads in order to draw links between the crime of infanticide and the wider societal anxieties about motherhood, feminine virtue, gender and civilisation that they highlighted.<sup>35</sup> The most sophisticated exemplars of this new form of writing on the history of infanticide are Josephine McDonagh and Jennifer Thorne, who published their volumes in the same year.<sup>36</sup> Both scholars show how important the subject of new-born child murder was as a point of reference for journalists, doctors, lawyers, writers and novelists. They sought to create authority amongst audiences during a time when the expansion of print media transformed society's ways of thinking. This impacted upon both popular and professional attitudes to individuals who were charged with the most barbaric of crimes, yet treated with the greatest leniency.

The 1990s also marked the beginning of a distinctly national appreciation of infanticide within the British Isles. Previously, the historiography had focused on England, but there is now a separate, though small, historiography of infanticide in Ireland, Scotland and Wales.<sup>37</sup> Key continuities with other areas have emerged, such as the fact that young single women were the main culprits; that there was a high proportion of domestic servants charged with concealing their pregnancy, giving birth in secret and killing the infant almost immediately after delivery; and that there was clear evidence of a growing degree of leniency around the offence after the mid-eighteenth century.

More recent scholarship, which largely falls outside the British context of new-born child murder, has extended this analysis still further. By looking more specifically at the causal factors for infanticide, studies have analysed the variable reactions to the crime and have tried to better understand those individuals who perpetrate it.<sup>38</sup> Perhaps more importantly, the current literature is far more interested in discussing means of detection and methods of prevention than was previously the case. Nevertheless, modern research still places great emphasis on the need for a more consolidated historical and medico-legal appreciation of the offence.<sup>39</sup> This volume is indebted to the work which precedes it, and makes a significant contribution to the increasingly refined national, European and indeed global picture of the crime of new-born child murder. The work also adds to our understanding of the men and women who committed this offence in the past and offers some suggestions as to why this offence persists in the present.