



# Dispelling the Myths of Abortion History

*Joseph W. Dellapenna*

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## **Dispelling the Myths of Abortion History** Joseph W. Dellapenna

In *Roe v. Wade*, Justice Harry Blackmun structured the argument of the majority around the history of abortion laws. That history built on the work of law professor Cyril Means, Jr., and historian James Mohr. Means and Mohr proclaim four theses as summarizing the "true" history of abortion in England and America: (1) Abortion was not a crime "at common law" (before the enactment of abortion statutes in the nineteenth century. (2) Abortion was common and relatively safe during this time. (3) Abortion statutes were enacted in the nineteenth century in order to protect the life of the mother rather than the life of the embryo or fetus. (4) The moving force behind the nineteenth-century statutes was the attempt of the male medical profession to suppress competition from competing practitioners of alternative forms of medicine. This book dispels these myths and sets forth the true history of abortion and abortion law in English and American society. Anglo- American law always treated abortion as a serious crime, generally including early in pregnancy. Prosecutions and even executions go back 800 years in England, establishing law that carried over to colonial America. The reasons offered for these prosecutions and penalties consistently focused on protecting the life of the unborn child. This unbroken tradition refutes the claims that unborn children have not been treated as persons in our law or as persons under the Constitution of the United States.

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