Whose Rights Should Be Considered First: Infanticide in Nineteenth-Century England

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Abstract. This paper aims at revealing the prevalence of infanticide in England in the nineteenth century. It is based on the diachronic study on both layers: those unmarried servants and married mothers suffering from puerperal insanity. Despite the harsh condemnation and law, professionals and public opinion took much more tolerant view of the act. It concludes that neither guilty suspected mothers nor new-born babies’ rights were effectively protected, thus drawing more attention upon infant life, which made the whole thing take on a new look.

Introduction

Women are the most written about in the literary and historian works in the nineteenth century when infanticide was recorded as an ugly while common occurrence which is, more or less, linked to women. According to statistics, infanticide can be traced back to the seventeenth century. At that time, due to the effective implementation of the 1624 statue, many unmarried women, who were believed to be murderers, were convicted and hanged.\cite{1} The “frequent Murders committed on poor Miserable Infant Children at their Birth by their Cruel Parents’ early in the eighteenth century was one of the reasons for the creation of London’s Foundling Hospital in 1739.\cite{2}

Despite the lower frequency of infanticide conviction in the eighteenth century, the incidence of infanticide bounced back in the nineteenth century. In 1840s, the public and newspapers embarked on paying attention to infanticide. According to the Lancet, 76 children aged under one year were murdered in England and Wales between 1838 and 1840 (34 percent of all murders).\cite{3} In 1850s, it was believed that the way English treated infants’ lives could be comparable to that of Chinese. In the 1860s, infanticide peaked, which was called “the national stigma of an age”, and “par excellence the great social evil of our day”.\cite{4} Take London as an example, estimates of the true number of infanticides in the London area during the 1860s ranged from 300 to 1,100.\cite{5} In this period, newspapers in England zealously reported the prevalence of infanticide: Abundant evidence exists which must be familiar to a large portion of our readers, and which process that infanticide is almost as common here as it is said to be in China itself…\cite{6} and they (the police) think no more of finding the dead body of a child in the street than of picking up a dead cat or dog.\cite{7} In brief, infanticide in the nineteenth century generated wide attention in England. Despite the harsh condemnation and law, professionals and public opinion took much more tolerant view of the act. In a wider context, there were some constant concerns for the generally supposed murderers, infants’ mothers. To be more specific, many of the social, legal, political and cultural compassions were displayed. Our discussions will focus on three main areas: the marriage status of the supposed murderers, the mental conditions of the mothers who killed their babies, the priority of rights of infants or their mothers.
The Marriage Status of the Supposed Murderers

As a matter of fact, there were different forms of infanticide such as starvation, absolute indifference to children’s sickness or deliberate abandonment. However, the frequently condemned infanticide was caused by the victims’ mothers. Among other people, those unmarried mothers caught a constant attention. It seems that single women, illegitimacy, concealment and murder formed a closely-related link as far as infanticide was concerned. The majority of women accused of murdering their new-born children in the nineteenth century were domestic servants, just as they had been in previous periods. For example, in 1865, Harriet Vooght, Emilie Raw, Margaret Enwright, three domestic servants in their early youth, were accused of concealment and murder. It goes without saying that servant maids are familiar to readers of English literature. As a means of making a living, domestic service, at least, ensured that the women undertaking the job attained independence although their wages barely met subsistence levels. However, domestic servants were frequently involved some crimes such as theft, prostitution and infanticide just because of their specific situations. English literature points out two prominent factors contributed to the homicide of their own children as for the servant maids. Due to their vulnerability to being seduced by some irresponsible men or their willingness to be “fallen women”, the domestic maids were always caught in trouble once they were pregnant. Instinctively, they tried every means to conceal their pregnancy for fear that they would be kicked out of service. What remained hidden behind the superficial reason were their efforts to steer away from the stigma arising from illegitimacy, which led them to kill the new-born babies without too much contemplation. The second motive was their pressing economic condition. As the wages were in so small amount, they hardly supported themselves, raising a child was evidently beyond their means. As a consequence, the best way out of the harassment was to get rid of the annoying creature—new-born babies. In fact, in Nineteenth-century England, there was an enormous reservoir of infanticide cases concerning the unmarried domestic servant. It nevertheless turned out that sympathy with the convicts took the upper hand in the trial of the guilty unmarried mothers. For instance, the above-mentioned three domestic maids were eventually sentenced to a short period of imprisonment with hard labor in the case of Harriet Vooght, Emilie Raw or released (Margaret Enwright) although they endeavor to conceal their pregnancy, the birth of their children and evidence showed they plunged into the intentional killing of their infants. Their narrow escape of death penalty showed a lenient tendency of the court and the jury as well. That is to way, the miserable situations of the unmarried young servants stirred potential compassion of more humane treatment.

The Mental Conditions of the Mothers Who Killed Their Babies

While more and more tolerant concern about the poor women from law professional aroused some doubts, some people maintained that it was such a lenient attitude towards the convicted murderers that led to the peak of infanticide in the 1860s. Others whereas refuted that the guilty mothers were condemned and sentenced while the more sinful fathers always got away with their invisible crime. The renowned surgeon and man-midwife William Hunter was one of those who firmly sympathized with weak, credulous and deluded mothers. He believed that the destruction of bastard children was committed when the women were under a phrensy from despair or violently agitated. Such symptoms are typical of puerperal insanity which came to serve as a defense plea in the trial of a married woman in infanticide. In 1867, Warwick Advertiser reported a sad story of the death of a child. It happened in the Warwick and Napton Canal when a local woman, Elizabeth Barnwell went there for a walk. Later, a fish man managed to survive the mother, but his attempts to revive the drowned child failed. The surgeon who came to the scene told the court that at the very moment of the accident, the mother was suffering from mental derangement resulting from her recent childbirth. Since there was no reason for the concealment of the birth of the child, the medical, legal and lay participants tended to believe that the infanticidal mother committed the crime just because of mental excitement as she was a loving and respectable mother in the eyes of the people around her. In fact, some mothers suffering from puerperal insanity claimed they killed
their babies knowingly; however, they could not control their act. Before the 1867 tragedy, there was another horrible story in Warwick Advertiser: a mother killed her three children, worrying that they might die from hunger. Although there was a strong protest, the mother was acquitted of crime as she was proved insane after the birth of one child. The feebleness, anxiety, and sometimes insomnia caused mothers under pressure of disturbance of mind, which frequently gave rise to female suspects’ despair and subsequently horrible homicide of their own children. Taking physical and mental stress into full account, the legal system was severely blamed since most of crimes could be attributed to imbalance of mind or irresistible desire. Whatever, the infanticide verdict viewed suspected mothers sympathetically.

The Priority of Rights of Infants or Their Mothers

Confronted with the dilemma in which infants’ life or their mothers’ life should be considered first, the medical, legal as well as common public began to promote a campaign to figure a way out. Undoubtedly, in most of infanticide cases, the legal professionals, together with the laymen gave priority to the rights of suspected mothers in a broad social, cultural, or even biological context. The diachronic study shows that law concerning infanticide displayed a lenient tendency towards murderers. 1623 statute wrote that anyone convicted of infanticide was to be hanged, while 1803 statue showed that if evidence was not adequate, then the suspect was to be imprisoned for at most 2 years. After the mid-century, most convicts met with lesser offence. In essence, two hundred years witnessed a gradual compromise between indignation triggered by infanticide and sympathy for the suspected mothers. Zedner has stressed the tendency for Victorian evaluations of women’s crime to concentrate on socio-moral issues such as reputation, respectability, status and past conduct, rather than on the consequences of crime. In this sense, romanticized angels in homes changed into wronged angels. After the exposure of infanticide, women as model of maternity had vastly different images. At the same time, the vulnerable gendered female became victims of so-called public morality. Especially for those unmarried women, they tried every means to conceal their pregnancy, birth of a child, homicide, while courts, jury, press, general public endeavored to dig the truth out. The sharp confrontation between them made the suspected mothers haunted by their act forever. Then their rights were violently violated, much less their dead infants. Hence we are inclined to believe that in infanticide neither suspected mothers’ nor infants’ rights were well preserved in nineteenth-century England although there was tendency that compassion went to suspected mothers first. With time slipping by, particularly after 1860s, the peak of infanticide, the newspapers including the Times, the Lancet, and the British Medical Journal paid much attention to the preservation of infant life. With efforts from medical, legal and public personnel, Infant Life Preservation Society was eventually founded. 1897 amendment to the Infant life Preservation Act further ensured the betterment of infant care.

Conclusion

To sum up, infanticide was prevalent in nineteenth-century England. On the one hand, professionals and public rendered lenient attitudes to the suspected mothers, especially their marriage status and mental conditions were taken into full account. On the other hand, the suspected mothers failed in their attempts to keep their reputation and fell upon victims of the exposure of details of infanticide. What made things better was that infant life captured attention, and the whole things took on a new look.

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References


