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Annotations on The Oath of Hippocrates
and
The Geneva Version of The Hippocratic Oath

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above for the students of the Junior Class.

THE OATH OF HIPPOCRATES

“I swear by Apollo, Physician,
and Asclepius, Health, and
all the gods and goddesses, that,
according to my ability and my
judgment, I will keep this oath
and this stipulation to reckon him
who taught me this Art equally
with my parents, and to share my
substance with him if required, to
look upon his offspring with the
same regard as my own brothers,
and to teach them this Art without
fee or stipulation, and that by precept,
lecture, and every other mode of
instruction. I will impart a knowledge
of the Art to my own sons,
and to those of my teachers, and to
disciples bound by a stipulation
or free men and slaves. Whatever,
in connection with it, I see or hear,
in the life of men, which ought not
to be spoken of abroad. I will not
divulge, as reckoning that all such
should be kept secret. While I
continue to keep this Oath unviolated,
may it be granted to me to
enjoy life and the practice of the
Art, respected by all men, in all
times! But should I trespass and
violate this Oath, may the reverse
be my lot.”

Linacre Quarterly

The Geneva version of the Hippocratic Oath as adopted by the
World Medical Association, comprising thirty-nine national medical
societies including our own American Medical Association,
reads:

Now being admitted to the profession of
medicine, I solemnly pledge to conse-
crate my life to the service of humanity.
I will give respect and gratitude to my
deserving teachers. I will practice medi-
cine with conscience and dignity. The
health and life of my patient will be my
first consideration. I will hold in confi-
dence all that my patient confides in me.
I will maintain the honor and the noble
traditions of the medical profession. My
colleagues will be my brothers. I will
not permit considerations of race, religion,
nationality, party politics or social stand-
ing to intervene between my duty and
my patient. I will maintain the utmost
respect for human life from the time of
its conception. Even under threat, I will
not use my knowledge contrary to the
laws of humanity.

These promises I make freely and upon
my honor.

ANNOTATIONS ON THE OATH OF HIPPOCRATES

1. This is a pagan oath, not a
solemn appeal to God as in the
Declaration of Independence or in
the Preamble to State Constitu-
tions. Doctors are not by law re-
quired to take an oath. This is in
contrast to attorneys and teachers.

2. . . . to share my substance
with him . . . ” Principles of Me-
dical Ethics of the American Medi-
cal Association, Article II provides
for “Professional Services of Phy-
sicians to Each Other,” and to
members of their families.

3. . . . to teach them (his off-
spring) this Art . . . without fee
or stipulation . . . ” Principles of
Medical Ethics, supra, indicates
that it is unethical for a physician
to attempt to maintain a monopoly
on knowledge about a drug or pro-
cedure which would benefit man-
kind. “An ethical physician will
not receive remuneration from pati-
ents or on the sale of surgical in-
struments, appliances and medi-
cines, nor profit from a copyright
on methods or procedures.”

4. Medical knowledge, however,
must be kept within the medical
fraternity. It shall be imparted
“ . . . to none others.” Greek phy-
sicians were forbidden to give
medical knowledge to surgeons.

5. Suicide by the drinking of the
hemlock was not uncommon be-
fore the time of Hippocrates. The
Oath condemned participation in
the giving of deadly medicine.

This is a condemnation of euthan-
asia. The International Code of

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Medical Ethics enjoins on doctors a duty to the sick in these words: "A doctor must always bear in mind the importance of preserving human life from the time of conception until death."

6. "... I will not give to any woman anything to produce abortion." Before the time of decadent morality in classic Greece, history contains no mention of abortions. The crime seems not to have prevailed in the time of Moses among the Jews or among the surrounding nations. Even the Canaanites, charged with a long list of crimes, were not charged with abortion. At the time of Hippocrates, volup- tuousness had corrupted the morals of the Greeks and Aspasia was teaching ways of procuring abortion. In the Greece of that day, there were advocates for abortion as a cure, or for a social or eugen- nic purpose. The Oath of Hippocrates, taken by all his followers, was in condemnation of the notion of Aspasia. Christianity laid down the doctrine that the human offspring is intrinsically sacred. The first systematic protection of the infant and the unborn appears in the writings of early Christians such as Tertullian, Cyprian, and Lactantius. Influenced by Christian teachings and practices, the Roman law and later the institutes of Justinian afforded legal protection to the unborn and the infant.

The Anglo-American law has looked upon an unborn child as in esse for many purposes beneficial to the child. A child en ventre sa mere is regarded as capable of taking a legacy or devise. The word "children" or "issue" as used in a bequest, may include a child en ventre sa mere. And with respect to the right of inheritance, posthumous children are regarded as in esse from the time of conception. The Michigan Supreme Court held an unborn child, at the time the father sustained accidental injury while employed, qualified as a dependent under Workmen's Compensation Act.

In criminal law, one who feloniously infects injuries upon an unborn child, which is born alive but subsequently dies from the injuries, is chargeable with homicide as in the case of the killing of any human being. Also the criminal law protects the unborn child from being intentionally aborted. An exception in the criminal law permits a therapeutic abortion to save the life of the mother. The process of medical practice has rendered therapeutic abortion less and less important and less and less frequent. At a 1951 Clinical Congress of the American College of Surgeons it was advocated that therapeutic abortions be outlawed. It was realized that anyone who performs a therapeutic abortion today does so because he is either ignorant of the modern methods of treating the complications of pregnancy or is unwilling to take the time to treat them.

The solicitude of the law for the protection of unborn infants against the criminal conduct of others and as to inheritance and property rights has not always been extended to the protection of such infants against the negligence or malpractice of others. An old case in Massachusetts held that a child could not maintain a civil action for prenatal injuries sustained prior to his birth. The primitive reasoning was that the unborn child is a part of its mother. The recent decisions of the United States District Court for the District of Columbia (1946) and of the highest courts of the states of Minnesota and Ohio (1949), California (1939), and of Kentucky and Oregon (1955), recognize the rights of the child and permit a civil suit for negligence or malpractice based on prenatal injuries. Ohio, Missouri, Illinois and New York in former times followed the unscientific rule first adopted in Massachusetts. Now Ohio, Illinois, New York and Missouri have overruled their earlier decisions and today recognize the unborn child as a person and permit recovery for negligent prenatal injuries. In fact, New York allows recovery whether the infant was viable or not. [A Colorado case, Marquez, et al. v. Ashmun was appealed to the Colorado Supreme Court, but it was settled before a decision was rendered.] The Geneva version of the Hippocratic Oath expressly provides, "I will maintain the utmost respect for human life from the time of its conception." The International Code of Medical Ethics, in defining the doctor's duty to the sick, provides, "A doctor must always bear in mind the importance of preserving human life from the time of conception until death."

7. The followers of Hippocrates were physicians dispensing medicines. The surgeons were in a group apart.

8. "... I will not divulge, as reckoning that all such should be kept secret." The Geneva version of the Hippocratic Oath provides, "I will hold in confidence all that my patient confides in me." The International Code of Medical Ethics states, "A doctor owes to his patient absolute secrecy on all which has been confided to him or which he knows because of the confidence entrusted to him." The European civil codes impose liabilities on a physician for breach of a professional secret. In the United States such a liability exists only by statute. Such statutes are uncommon. The Principles of Medical Ethics, supra, Chapter II. Section 2, in part reads:

"Patience and delicacy should characterize the physician. Confidences concerning individual or domestic life entrusted to patients by a physician and defects in the disposition or character of patients observed during medical attendance should never be revealed unless their revelation is required by the laws of the state."

By statute, in practically every state of the United States, a doctor may not testify in court, without patient's consent, about information which he received from the patient which was necessary to treatment. In practice, patients ordinarily do give their consent to the physician to testify. Also, there are circumstances under which the law finds that the patient's privilege to "close the mouth" of the doctor has been waived.