

May 1956

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Recommended Citation

Taylor, T. Raber (1956) "Annotations on The Oath of Hippocrates and The Geneva Version of The Hippocratic Oath," *The Linacre Quarterly*: Vol. 23: No. 2, Article 1.
Available at: <https://epublications.marquette.edu/lnq/vol23/iss2/1>

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

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THE OATH OF HIPPOCRATES

"I SWEAR by Apollo, Physician, and Aesculapius, Health, and all the gods and goddesses, that, according to my ability and my judgment, I will keep this oath¹ and this stipulation to reckon him who taught me this Art equally dear to me as my parents, to share my substance with him,² and relieve his necessities if required, to look upon his offspring on the same footing as my own brothers, and to teach them this Art, if they shall wish to learn it, without fee³ 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 those of my teachers, and to disciples bound by a stipulation and oath according to the law of medicine, but to none others.⁴ I will follow that system of regimen which, according to my ability and judgment, I consider for the benefit of my patients, and abstain from whatever is deleterious and mischievous. I will give no deadly medicine to any one if asked, nor

suggest any such counsel;⁵ and in like manner I will not give to any woman anything to produce abortion.⁶ With purity and with holiness I will pass my life and practice my Art. I will not cut persons laboring under the stone, but will leave this to be done by men who are practitioners of this work.⁷ Into whatever houses I enter, I will go into them for the benefit of the sick and will abstain from every voluntary act of mischief and corruption; and further, from the seduction of females or males, or freemen 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.⁸ 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."

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 consecrate my life to the service of humanity. I will give respect and gratitude to my deserving teachers. I will practice medicine with conscience and dignity. The health and life of my patient will be my first consideration. I will hold in confidence all that my patient confides in me.

I will maintain the honor and the noble traditions of the medical profession. My colleagues will be as my brothers. I will not permit consideration of race, religion, nationality, party politics or social standing 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 Constitutions. Doctors are not by law required to take an oath. This is in contrast to attorneys and teachers. Before an attorney at law is authorized to practice, he must take a prescribed oath. A solemn affirmation, in lieu of oath, may be given by atheists. In many States before a teacher may teach, he must take an oath or affirmation to support, among other things, the Constitution of the United States, the Constitution of the State, and

the laws of the State and of the United States.

2. "... to share my substance with him..." *Principles of Medical Ethics of the American Medical Association*, Article II provides for "Professional Services of Physicians to Each Other," and to members of their families.

3. "... to teach them (his offspring) 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 procedure which would benefit mankind. "An ethical physician will not receive remuneration from patients or on the sale of surgical instruments, appliances and medicines, 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 physicians were forbidden to give medical knowledge to surgeons. *Principles of Medical Ethics*, supra, Chapter II, Section 1: "All voluntarily associated activities with cultists are unethical. A consultation with a cultist is a futile gesture if the cultist is assumed to have the same high grade of knowledge, training and experience as is possessed by the doctor of medicine."

5. Suicide by the drinking of the hemlock was not uncommon before the time of Hippocrates. The Oath condemned participation in the giving of deadly medicine. This is a condemnation of euthanasia. The International Code of

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, voluptuousness 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 eugenic purpose. The Oath of Hippocrates, taken by all of 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 inflicts 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 progress of medicine 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 reasoned 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), of 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 phys-

ics. 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 by patients to 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.