

Infanticide in Eastern Croatia

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ABSTRACT

For the layperson no crime is more difficult to comprehend than the killing of a child by his or her own parents. This is a retrospective study of neonaticide and infanticide in Eastern Croatia from 1980 to 2004. Judicial records of infanticide cases stored in Regional and County Courts were analyzed for the circumstances surrounding the offense. Twenty-four babies were discovered in various places during investigating period of time. The victims were almost equally divided between boys (12) and girls (11). The gender of one baby was unknown. The mean weight of babies was 2.7 SD=0.66 kg. The perpetrators preferred rubbish-heaps (33.4%), burying in soil (16.7%), various premises in or around the house (16.7%) and garbage cans (12.5%) as places for hiding the dead babies. The most dominant cause of death in sixteen cases of live birth was asphyxia (37%) with equal distribution of smothering, stuffing the mouth with rags and strangulation. Other frequent causes of death were placing the child in a plastic bag and abandonment (25%), brain injury (25%) and wounding using a sharp weapon (12.5%). The cause of death for six babies remained unknown due to advanced decomposition. Two babies were stillborn. The age of accused mothers varied from 16 to 33, mean 24 SD=5.2 years. Most of them were unmarried (60%) and had limited formal education. They usually kept the pregnancy a secret (73%) and gave birth (93%) without public welfare assistance. The mother lived in the terror of shame and with the guilt that accompany conception without marriage. Fear seemed to be a pronounced motivating factor for committing infanticide. The data on court proceedings were available in fifteen cases. The mothers were officially indicted in all cases for infanticide under the Croatian Criminal Code. The perpetrator remained unidentified in nine suspicious crimes. The court convicted ten mothers of the crime of infanticide. Often juries were unwilling to punish the mother, citing the mother's lifelong guilt of having killed her child as enough punishment.

Key words: *infanticide, neonaticide, forensic pathology, psychiatry*

Introduction

Infanticide is a criminal act that involves a mother killing her newborn infant, while she is still under the effects of post partum depression. Neonaticide is a special case of infanticide that refers to the killing of a baby on the day on which it was born or within the first twenty-four hours of its life. The killing of a child after that period up until the child's first birthday is referred to as simply infanticide.

The killing of a newborn infant is not a recent phenomenon. Children born with anomalies were once regarded as punishment for the inappropriate behavior of the parents. Children were often sacrificed in order to satisfy various superstitions¹. Weak and sickly children were either deliberately put to death or passively left to die. In ancient Egypt, even healthy children were buried

in tombs as escorts for their dead parents. According to the Roman patrician law, »patria potestas«, the father, head of a family, had a right to kill his children. In China and Japan, female children were, economically speaking, considered to be expenses and many of them were therefore drowned. The midwife was obliged to act according to the will of the father, and if he would not accept the newborn baby, she had to kill it. She did so according to the old Japanese custom cold »modosu«-placing a paper soaked in water over the baby's nose and mouth². Similarly, in India, the murder of a female child, psychologically, amounted to an abortion³.

In the 1920's, the opinion gained ground that, the severe stress caused by a woman's delivery and lactation effected the mind and brought about a period of madness

or psychosis wherein a woman would more likely attempt infanticide and or suicide^{4,5}.

Some of the contemporary reasons for the murder of a newborn infant are: the mother is not capable of taking care of the child, the child being born illegitimate, desire for fame, money or power, manipulating the sex and number of children, fear and denial⁶.

Today because of rapid industrialization in developing countries, labor forces come from villages to urbanized cities. Among them there are many young, poor, and under educated girls and women. Traditional culture has left them ignorant of contraceptive methods. These women often stumble into sexual relations earlier than usual and some become prostitutes. Authors from Senegal described in their study how new circumstances and attitudes produced many unwanted pregnancies with consequent infanticide⁷.

Characteristics of perpetrators

Mothers who are guilty of infanticide are usually young, passive first-time mothers who rarely make an attempt at an abortion. They lack a plan of how to deliver and to take care of the child. They usually hide their pregnancy from the family and friends. A prominent feature of their clinical condition is the strong denial of pregnancy. A smaller group is represented by those women who have no ethical limitations. They are usually older and resolute in their intention to kill the baby⁸.

Motivation

Fear seems to be a prominent factor in the motivation for infanticides. They live in fear of stigma and guilt, which often accompany illegitimate pregnancies. The young and single women are often terrified of disclosing their pregnancy to parents. Facing a mother's rejection results in great anxiety⁹. Fear is also factor in infanticide committed by married women. In these circumstances, the motivating fear is that the woman is pregnant by a man who is not the husband. The pregnant woman becomes very worried, burdened, and upset about marital infidelity.

The legal process

Judicial practice has demonstrated less punitive treatment of accused mothers. Juries and judges are less likely to send a convicted mother to prison. Probation is preferred to prison. The mother simply does not fit into any social stereotype of a killer¹⁰. Another reason why mothers were rarely imprisoned is the belief that killing her own baby has produced enough of a sense of guilt to serve as punishment¹¹. Resnik found that the likelihood of a mother killing a second newborn after standing trial for infanticide is very low⁹.

In Croatia, women who kill newborn children are traditionally indicted for infanticide and not for murder or manslaughter. Under the obsolete Infanticide Act 36 of 1984 woman would be indicted for infanticide if she had acted wilfully by commission or omission causing the

death of her child, but at the time the balance of her mind was disturbed by the effect of childbirth or lactation. Sentences prescribed by the law ranging from 3 months to 3 years¹².

There was a change in the substance of current Infanticide Act 93 of 1997 »where a woman by any wilful act of commission or omission causes the death of her child during or soon after giving birth«. The influence of puerperal state on the mother's mental functioning was removed from the new Infanticide Act. Also, the sentences for those found guilty of infanticide are more punitive ranging from 1 to 8 years¹³.

Socio-political movements may have influenced the attitude of legislators to change the substance of infanticide act and length of the sentence imposed on women convicted of infanticide.

Materials and Methods

All files of infanticide stored in the Regional and County Courts in eastern Croatia were examined between the years of 1980 and 2004. The investigation covered twenty-four dead babies and fifteen mothers who were suspected to have committed the crime of infanticide. Documents provided by the Regional court as well as by the County courts served as an important source of information about the phenomenon of infanticide.

We considered socio-demographic data pertaining to the suspected defendant-mothers, witness statements, post-mortem records evaluations, and court verdicts. The obtained data were processed by descriptive statistics.

Results

Victims

The postmortem examination was done on twenty-four infants; twelve boys and eleven girls. In one case the sex of the baby remained unknown due to the advanced post mortal changes. The dead infants' bodies were most often found on a rubbish-heap 33.3%. In 16.7% of cases, either the body was found buried in the ground and in various rooms in the house, while in 12.5% of the cases it was found in a dumpster. Sixteen (66.5%) of the infants were born alive. Two were stillborn, while for the remaining six, live birth was impossible to determine due to the putrefaction. On average the babies' bodies weighed 2.7 SD=0.66 kg. The main cause of death was asphyxia (37.5%), followed by a serious head and brain trauma (25%), abandonment in a plastic bag (25%) and stabbing (12.5%), (Table 1) and (Table 2). The pathologist who performed autopsies used standard hydrostatic test to determine if a baby had breathed. The lungs from thirteen babies floated in water. In six cases there were problems with the test because of generalized putrefaction of the bodies. In the other three bodies, the test was not mentioned. Amniotic fluid aspiration, squamous cells, lanugo hair, and fat from vernix caseosa were present in the alveoli of the lungs of two stillborn babies. The fre-

TABLE 1
INFANTICIDE VICTIMS

	N	%
Boys	12	50.00
Girls	11	45.83
Unknown	1	4.17
Total	24	
Weight (X±SD kg)	2.7±0.66	
Place of discovery	N	%
Rubbish – heap	8	33.33
Buried in soil	4	16.67
Rooms in the house	4	16.67
Dumpster	3	12.50
Laundry basket	1	4.17
Refrigerator	1	4.17
Abandoned well	1	4.17
Cemetery	1	4.17
Bank of river	1	4.17
Total	24	

TABLE 2
METHOD OF KILLING

Known cause of death	N	%
Placing in plastic bag and discarded	4	25
Blunt head trauma	4	25
Stuffing the mouth with rags	2	12.5
Obstruction of mouth and nose	2	12.5
Stabbing	2	12.5
Strangulation	2	12.5
Subtotal	16	
Generalized putrefaction	6	
Still born	2	
Total	24	

quent initial cause of death (four cases) resulted from placing the baby in a plastic bag and throwing it away on rubbish heaps or in dumpsters. A variety of mechanisms, including lack of air, lack of food, and hypothermia played roles in producing death. Head injuries were also a relatively (four cases) common method of killing. The accused mothers bashed babies' heads against tables, chairs, and doors, causing death. Two babies had been strangled by cloth ligature. The other two each had been asphyxiated by stuffing the mouth with rags and obstructing the mouth and nose by hands. One mother used a scissors to stab the baby in the chest and neck after cutting the umbilical cord. In the other case, a kitchen knife was used to stab the baby to death in the abdomen.

Perpetrators

A total of fourteen mothers were suspected of the crime of infanticide, one of them was suspected twice. The average age of the mothers was 24 SD=5.2, with the youngest being sixteen and the oldest thirty-three. Most of them 9 (60%) were first-time mothers. For four of the mothers it was their second birth, for one the third, and for one the sixth birth. The suspected mothers were predominantly (60%) low educated. They had either partly or fully completed primary education (53%) and worked as non-qualified, unskilled workers and housewives. Five women (33%) had secondary-school education and only one among them was a college student (Table 3). Only three of the suspected mothers confessed to killing the baby. All others denied their actions. They offered at police interrogation different explanations for the baby's death, such as a fall on hard surface, absence of signs of life after delivery or the baby was stillborn. One case of recidivism is illustrated. The accused mother had given birth twice over a span of five years and in both cases she discarded the baby in the hidden places. In the first case she packed the baby in a bag and buried it in the garden. After she gave birth for the second time she tried to conceal the baby in the attic of the house. The babies were discovered later in generalized putrefied states. The postmortem examinations could not produce clear evidence of the cause of death or whether live births had occurred. She avoided indictment and prosecution for two offenses of infanticide.

TABLE 3
SOCIODEMOGRAPHIC CHARACTERISTICS OF INFANTICIDAL WOMEN

	N	%
Age (X±SD, years)	24±5.2	
Total	15	
Marital Status	N	%
Single	9	60.00
Widow	3	20.00
Married	2	13.33
Divorced	1	6.67
Total	15	
Child Birth	N	%
Primipara	9	60
Multipara	6	40
Total	15	
Occupational status	N	%
Unskilled worker	4	26.67
Housewife	4	26.67
School-girl	3	20.00
Cook	1	6.67
Clerk	1	6.67
Technician	1	6.67
Student	1	6.67
Total	15	

Circumstances

In all cases of infanticide, except one, delivery took place outside of health institutions. Women most often delivered in a bedroom in the house (33%), in the bathroom or toilet (27%) and in the kitchen (20%). Two women gave birth outdoors, one in a field and the other in a restaurant yard. The pregnancy was concealed from other people (73%) in most cases. One woman attempted a self-procured abortion. The mothers tried to hide the body of new born in 73% cases. The babies were most often (40%) found after the mother had to seek gynecological examination due to bleeding, infection and other post-delivery complications. Other cases of infanticide (33%) were discovered during the police investigation following calls from local citizens (Figure 1) and (Figure 2), as well as from official statements of missing baby from (27%) public health nurses. In four cases babies were discovered on the same day of delivery, and in two others, after the first day of delivery. All other cases came to light between one and two months. The average rate of infanticide was less than one case per year during the investi-



Fig. 1. Infanticide, baby discarded in cardboard.



Fig. 2. Infanticide, baby abandoned in plastic bag.

TABLE 4
TIME OF INFANTICIDE

Total	Month	Year
1	May	1980
1	January	1981
1	January	1982
2	March	
1	May	
1	August	
1	August	1983
1	September	
1	November	
1	February	1984
1	May	1985
1	April	1986
1	January	1987
1	February	
1	April	1989
1	July	
1	March	1990
1	January	1995
1	March	
1	October	
1	January	1999
1	March	2002
1	June	
24		

gated period (1980.–2004.) of time. Interestingly there were three peak years of the incidence of infanticide. Five cases occurred in the year 1982. Also, three cases occurred in the year 1983 and in the year 1995 (Table 4).

Motivation

In nine cases the suspected mothers stated a reason for the infanticide. The most frequent factor was conception without marriage (47%) and fear of the parents' rejection in the cases of young unmarried mothers (14%). However, in other cases the mothers remained silent and were not willing to explain why the baby was killed.

Legal Process

The police charged fifteen mothers with the crime of infanticide. Fourteen of them were officially indicted by the state attorney under the Croatian Criminal Code. During the trials in which the prosecution tried to establish the guilt of the defendants, ten mothers were found guilty for the crime of infanticide. The court judgment in nine cases was suspended sentence. The convicted mothers were put on probation from one to three years provided they did not commit another crime. Only one mother was sent in prison for nine months. Her first trial in front of The County Court ended with a court judg-

ment of a suspended sentence. The state attorney successfully appealed arguing that the indicted woman had not proven a case of diminished capacity. The woman was convicted and sentenced to prison after the second trial. (Table 5).

TABLE 5
LEGAL PROCESS

	N
Charged by police	15
Indicted	14
Convicted	10
Sentence	N
Suspended sentence	9
Imprisonment	1
Suspect unidentified	9

Discussion

This is an attempt to investigate the characteristics of infanticidal women, their victims, the offences and the ensuing legal outcome in eastern Croatia for a period of twenty-five years (1980-2004). During the investigating period an average of 12000 babies were born in the region each year¹⁴. In the same period sixteen mothers were officially charged for infanticide. The Infanticide rate was 5.3 per 100,000 newborns per year. This corresponds with the rate of infanticide registered in other countries¹⁵. Most of the accused women (73%) consciously concealed their pregnancies. Isolation from acquaintances, friends, and relatives was a constant trait exhibited by unmarried pregnant women^{15,16}. The mothers were identified by either finding the baby's body (33%) or women (40%) being seen in gynaecologic departments complaining of vaginal bleeding. Suspected mothers in our series delivered secretly without help in, and rarely outside of, family houses. Widows, divorced and married (40%) represented a substantial proportion of the accused women. A few of them gave birth for the second, the third and sixth time before committing infanticide. This is somewhat different from the stereotype of young unmarried women as perpetrators of infanticide¹⁷. The socioeconomic factors or fear of marital infidelity could be motivating elements in these cases.

Recidivism in killing another baby was a rare phenomenon⁹. One of the suspected mothers had been prosecuted twice in the time span of five years. A study from Japan presented unbelievable infanticide with a total number of nine babies killed consecutively by the same mother¹⁸.

Marks and Kumar categorised the method of killing of a baby to the degree that it involved uncontained physical aggression. They defined two major categories: »wound-

ing violence« involving killing by throwing to the ground, hitting, stabbing, while »non-wounding violence« involving killing by suffocating, gassing, drowning and poisoning¹⁹. The accused mothers in our series preferred wounding violence but a proportion of babies were abandoned in plastic bags in secret places.

There are different causes for infanticide including socio-economic and environmental factors. The hidden pregnancy of single a woman and the stress of raising an additional child as well as postpartum psychosis are still other factors. The stigma of an illegitimate child was identified as a primary reason (47%) for the infanticide by young unmarried women. We could not exactly explain the high manifestation of infanticide in the two elevated periods (1982/83. and 1995.). It could be accidental or that different personal, educational, social, or economic factors had influenced the incidence rate. During the eighties Croatia operated under a socialistic socioeconomic system. Today it is in a transition to a market economy and pluralistic political system. The availability of an abortion and the Abortion Act 97 has not changed during the past twenty eight years, having remained liberal, permitting every woman the choice of terminating a pregnancy up to ten weeks. But the low level of education observed in a predominant number of infanticidal women and familial conservatism were constant factors during whole period. The absence of infanticide from the beginning of the 1990s to 1995 was not realistic. During that period there was sociopolitical turmoil in the country. The Far Eastern part of the country was ravaged by war and was temporarily out of Croatian sovereignty. Statistical and legal data for that period were insufficient and/or missing. It was recognised that the crime of infanticide differs in many respects from the more typical case of murder. There is rarely premeditation and the dominant factors may be fear and shame⁶. In cases of Infanticide committed by a young woman in denial, or isolated, or functioning at a diminished capacity level and ignorant of her options, courts should consider alternatives to imprisonment²⁰. The Croatian Criminal Code also views infanticide specifically and to a lesser degree. While the Law prescribes maximum sentences ranging from 1 to 8 years, judges usually make decisions in favour of suspended sentences (9:1). Another plausible cause for light sentences is the belief that a woman who has killed her child is saddled with lifelong guilt which is sufficient punishment. This belief must be balanced, however, with the need to deter this type of crime by the criminal justice system. A continued effort is needed for more »sexual« education, better communication within families and more outreach by pregnancy service providers to prevent future infanticide²¹. A desperate young woman needs to be advised that alternatives to infanticide exist in their communities. Hence, more research and further attention to this problem is warranted.

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ČEDOMORSTVA U ISTOČNOJ HRVATSKOJ

SAŽETAK

Običnom čovjeku je teže shvatiti ubojstvo djeteta od strane roditelja nego li bilo koje drugo kazneno djelo. Retrospektivna analiza čedomorstva je provedena kroz period od 1980 do 2004 godine u istočnom dijelu Hrvatske. Sudski spisi o čedomorstvu su analizirani s obzirom na sve važne podatke povezane s ovim kaznenim djelom. Dvadesetičetiri novorođenčeta je pronađeno skriveno ili odbačeno na različitim mjestima tijekom istraživanog perioda vremena. Muška (12) i ženska (11) novorođenčad su bila gotovo jednako zastupljena. Spol jednog novorođenčeta se nije mogao utvrditi zbog uznapredovale dekompozicije. Srednja težina novorođenčadi je bila 2.7 SD=0.66 kg. Izvršitelji čedomorstva su odabirali razna mjesta za skrivanje tijela novorođenčadi, između kojih najčešće; odlagališta smeća (33.4%), zakapanje u tlo (16.7%), prostorije u kućama i oko njih (16.7%) te kante za smeće (12.5%). Glavni uzrok smrti je najčešće bila asfiksija (37%) s jednako često zastupljenim prekrivanjem nosa i usta, opstrukcijom ždrijela gazom, kao i stezanjem vrata vrpcom. Drugi česti uzroci smrti su bili; stavljanje novorođenčeta u plastičnu vreću i odbacivanje (25%), trauma glave i mozga (25%), ubodne i rezne rane (12.5%). Uznapredovala dekompozicija je onemogućila utvrđivanje uzroka smrti u šest, dok su dvoje novorođenčadi bili rođeni mrtvi. Optužene majke za čedomorstvo bile su prosječno stare 24 SD=5.2 godine, a najmlađa 16 i najstarija 33 godine. Čedomorke su trudnoću skrivale (73%) od okoline i porodile su se (93%) same izvan rodilišta. Optužene majke su bile obuzete osjećajem srama i krivnje koji prate izvanbračnu trudnoću. Strah koji ih je prožimao tijekom trudnoće značajno je utjecao na izvršenje čedomorstva. Tijek sudskog procesa bio je poznat u petnaest slučajeva čedomorstva. Poznate majke su bile optužene za kazneno djelo čedomorstva u skladu s Hrvatskim kaznenim zakonom. Počinitelj čedomorstva nije otkriven u devet slučajeva. Sud je proglasio krivim desetero majki. Sudovi su uglavnom bili neskloni kažnjavanju čedomorki zatvorom, prevladavala je uvijetna kazna, jer se uzimalo da je ubojstvo vlastita djeteta već dovoljna kazna za cijeli život.