

Medicolegal Forum: Maternal Addiction, A Shakespearean Approach

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There is no doubt that in today's society, drug addiction has become epidemic and frustrating to all healthcare providers. If a mother uses drugs is there a medical-legal issue when there is an effect on the fetus and newborn? Is the problem of alcohol abuse and its effect on the fetus and newborn similar from the standpoint of legality? We must remember that the fetus or newborn can be exposed transplacentally, through second-hand smoke and when a mother breastfeeds.

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Consider the most famous soliloquy spoken by Hamlet in Shakespeare “Hamlet Act I, Scene II.”

O, that this too too solid flesh would melt
Thaw and resolve itself into a dew!
Or that the Everlasting had not fix'd
His canon 'gainst self-slaughter! O God! God!
How weary, stale, flat and unprofitable,
Seem to me all the uses of this world!
Fie on't! ah fie! 'tis an unweeded garden,
That grows to seed; things rank and gross in nature
Possess it merely. That it should come to this!
But two months dead: nay, not so much, not two:
So excellent a king; that was, to this,
Hyperion to a satyr; so loving to my mother
That he might not beteem the winds of heaven
Visit her face too roughly. Heaven and earth!
Must I remember? why, she would hang on him,
As if increase of appetite had grown
By what it fed on: and yet, within a month—
Let me not think on't—Frailty, thy name is woman!— (1)

AN UPDATED VERSION

Hamlet II: The Cocaine Addicted Infant

Hamlet II is now eight weeks old. Unknown to his father, Hamlet I, his mother, Ophelia, used cocaine during her pregnancy and continues her habit even though she is breastfeeding. The infant had irritability and jitteriness at birth and now shows signs of poor feeding and neurobehavioral abnormalities. Hamlet I has just received the report of a positive cocaine immunoassay screen on Ophelia.

Hamlet hangs up the phone. He is alone in their two-bedroom condominium. The hazy sunshine filters through the vertical blinds. He turns, looks outside, squinting.

Hamlet:

O that this too solid flesh would melt,
Thaw and resolve itself into a dew!
Or that the Everlasting had not fix'd
His canon 'gainst self-slaughter.
O God! O God!
How weary, stale, flat, and unprofitable
Seem to me all the uses of this world.
Fie on't! ah, fie! 'tis an unweeded garden
Filled with cannabis and coca leaves.
These grow to seed; things rank and gross in nature
Possess it merely. That it should come to this!
But two months born! Small in size, irritable.
Lack of bonding thought to be colic.
....Heaven and earth!
Must I remember? He would hang on her
As if increase of appetite had grown
By what it fed on; and yet, through her milk,
Poor growth, fits of crying—
Let me not think on't.

Parens patriae (the state as a parent)

Jurisdiction, constitutional protection...

Child abuse, Is there a legality

For protection of the fetus from socially unacceptable

And dangerous maternal abuse?

.....Frailty, thy name is addiction!

References:

1. 1. O That This Too Solid Flesh Would Melt: Hamlet Soliloquy .., <https://www.nosweatshakespeare.com/quotes/that-this-too-solid-flesh-would-melt/> (accessed May 04, 2019).

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