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¹⁷ "That which my Chapline a Mr. Turner left out of the letters of the Bishop (sic) of Exeter and Sarum about Arminianisme."

¹⁸ See M. W. Dewar, unpublished Ph.D. Thesis, "How far is the Westminster Assembly of Divines an expression of 17th century Anglican Theology?" Queen's University, Belfast, 1960., p. 135.

¹⁹ T. Fuller, *Worthies*, p. 304.

²⁰ J. Nichols, *Calvinism and Arminianism*, Vol. I, Pt. I, p. 372

J. Rushworth, *Historical Collections*, Vol. I, p. 660.

²¹ A. C. New, *Anglican and Puritan*, 1961, p. 14.

²² T. Fuller: *Worthies*, p. 299.

²³ *Acta Synodi; Dordrechtii*, Dordrecht, 1619, p. 47.

The Problem of Abortion

BY GERVASE DUFFIELD

THE subject of abortion has been much discussed of late. But with parliamentary legislation pending, it remains extremely important, so I make no apology for summarizing some of the discussion to date and trying to point up certain of the underlying issues. So far discussion has taken place on a very wide front. Abortion has been debated on a number of occasions in Parliament during the last few years (at the time of writing without any legislation emerging). The Church of England's Board of Social Responsibility has produced a report on it, which was debated in the Church Assembly on a private member's motion. Other churches have produced statements, and so have certain other interested bodies like the doctors and surgeons. The debate has reached the popular level, as can be seen from the correspondence columns of the national press.

Several factors have contributed to this widespread discussion. First, the concern of all persons of good will to curb the back-street abortionist, to alleviate physical and mental suffering in certain types of pregnant women, and to face certain general problems such as world population explosions, pregnancies in already overlarge families, and the whole tragedy of the deformed child. Second, some people feel that the law based on the 1938 *Rex v. Bourne* judgment is uncertain, and that this uncertainty should be removed, largely for the benefit of the medical profession. Third, the activities of the Abortion Law Reform Association which has been behind a number of the moves on the Parliamentary front. Fourth, the concern of Christians to make their voice heard in the current uncertainty about matters of morality. And fifth, the general tendency these days to discuss everything and anything to do with sex in great detail, a reaction to a real or imagined Victorian prudery, but a reaction which is in danger of getting out of hand.

Before we look at the debate itself, we must ask whether Christians ought to be concerned in national legislation about such matters. Ought they not to refrain, as some of their critics maintain, from trying to foist Christian standards on to a whole population by law? If that were really the question, I for one should want to agree with the

critics, but it is not the question. There is a world of difference between pressing specifically Christian moral ideals on people who are not Christians, and commending to them moral precepts which apply to all human nature, whether it recognizes God or not. Christians know this to be God's world and men His creation, but even those who do not acknowledge this can discover certain basic moral laws from the world around them. The two classes of people may arrive at their conclusions by different routes, but on certain matters the conclusions will agree.

Older theologians used to call such conclusions creation ordinances. Marriage, for example, is one of them. Monogamy is for the good of society and mankind as a whole. It is interesting that when the Jews came to catch Jesus out over the question of divorce He referred them back past Moses' bill of divorcement to the basic principle God had set out at the beginning (Mark 10). I hope I have said enough to make plain that there are certain moral laws in the Bible for all men, which they neglect at their peril. This is quite distinct from the ethical ideals for those who seek to live the life of the kingdom such as are set out in the sermon on the mount. Those are specifically Christian ideals for those within the kingdom. The question at issue in the abortion debate is that of taking life, and this is clearly part of the general moral law not just the Christian ideal.

If we can agree that Christians should speak out on such subjects, and make their views known to the state, then it is appropriate for the national church to take the lead. That is what happened when the Church Information Office published *Abortion: An Ethical Discussion*. The Report contained an exceedingly valuable collection of evidence (its arguments we shall evaluate shortly), but its conclusions were hardly revolutionary despite some sensationalist press coverage. Its basic contention was, in effect, to maintain the status quo, clarify legal obscurities, and encourage more money to be spent on welfare and educational organizations. It did attempt a sort of redraft of Lord Silkin's bill, but that was the least valuable part of the pamphlet.

Chapter 1 is a sober assessment of the present situation. Chapter 2 deals with the law, against an historical background of Christian teaching through the centuries. It shows that foeticide has been condemned since the time of Tertullian as a form of homicide, though Christians generally have not taken this as an absolute condemnation of abortion, and both ecclesiastical and common lawyers distinguished between an animate and an inanimate foetus in determining when abortion could be legal. Chapter 3 sets out the basis of the Report's case, and Chapter 4 deals with its detailed application. Chapter 5 looks at the practice of certain other countries—Japan, Sweden, Hungary—and then adds certain comments on social and educational services.

The conclusion is this: "The problem of abortion is precisely the problem of weighing the claims of the mother against the claims of the foetus and *vice versa*, when they conflict" (p. 61). The Report rejects the old *inanimatus-animatus* distinction (p. 25), and justifies abortion in certain circumstances as the lesser of two evils. Abortion

would be at the request of the woman after consultation with the various people professionally interested (medical and social personnel), and then only if there was danger to the woman's "life or well-being, and hence inescapably to her health" (p. 61). They consider that such a procedure would cover cases of possible deformed infants, rape, and incest, but that the ground would be the effect on the mother, not the possibility of deformity or the incest or rape itself (p. 62).

The resolutions of the Church of Scotland have followed much the same line. Roman Catholic reaction is more critical, as might be expected. I find it hard to know just what can be regarded as typical of Roman reaction, and all those Roman Catholics I asked were exceedingly guarded and cagey, so perhaps I may select Seymour Spencer's article in *New Blackfriars*, April 1966. Spencer is politely but vigorously critical in two scores. First, "the indeterminate, even muddled, attitude taken up by the Committee towards the status of the foetus", and, second, "the psychiatric possibilities in the mother" (p. 374). I am in no way competent to comment on the second, so I just record his view. On the first he accuses the Committee of muddling themselves with their own semantics, and thinks they "unwittingly attenuate foetal rights through wishy-washy argumentation" (p. 376).

The medical profession has spoken through a unanimous report of the Council of the Royal College of Obstetricians and Gynaecologists published in the *British Medical Journal* for 2 April 1966. They say that "current medical practice in the United Kingdom is not seriously hampered by the present legal position", and that when a gynaecologist thinks a woman's health is endangered he consults a colleague, and then, if they agree, he does not hesitate to induce abortion. Such a statement from the medical authorities would seem to indicate what most people suspect, namely that the controversy is not really about clarifying obscurities in the law, but about deeper matters of principle.

The Times, in a leader strongly critical of the unfortunate Lord Silkin who had tried to rewrite his abortion bill to meet criticisms (22 February 1966), said the crucial issue centred on the provision for abortion if "the pregnant woman is or will be physically or mentally inadequate to be the mother of a child or of another child". After listing the sort of hard case Lord Silkin had in mind, the leader said that one object of all this was to rid the world of unwanted children, but that if social eugenics were the aim, Parliament should debate the matter openly before sanctioning a move for abortion on demand, which would assimilate it to contraception, and regard it as an operation like any other.

The point about its relationship to contraception is vital, and one that the Anglican report overlooked. Another basic point arose in the ensuing correspondence. Mr. Norman St. John Stevas, a Roman Catholic apologist, member of parliament, and lawyer, said that the provision cited was "to confer a licence to kill with no clear limiting terms". This is a familiar Roman and Anglo-Roman argument; abortion means murder, unless it is one life against another in which case something has to be done. Mr. Stevas's letter evoked a strong denial from another M.P., who said the aim of the provision was quite

different, and a letter from Mr. Glanville Williams of Cambridge which went right to the basic point. The latter stated that the life which was being snuffed out was that of an undeveloped foetus, not that of a child. Phrases like "unborn child" were "highly tendentious". "A fertilized ovum, blastocyst or early foetus is not a child, and is therefore not an unborn child. The term 'unborn child' is acceptable when the foetus has reached such a stage of organization as to be viable, but terminations are not performed then." He went on to show the importance of this in demonstrating that abortion is not child-murder, and "has never been so regarded in law or (I think) in theological ethics". His next statements are so important that I cite them in full:

The foetus is a potential child—we can all agree on that: but so is the unfertilised ovum. The only point is that the further back one goes the more conditions are implied in the concept of potentiality. That a foetus has a moral status distinct from that of a human being is shown by the fact that almost everyone now agrees that pregnancy can properly be terminated in order to preserve the woman's health, whereas it would not be right to kill a child for that reason. What, then, is the moral status of the foetus? This is the question on which opinions differ so radically."

Indeed they do, but it is interesting to note that a little later the *Daily Telegraph* (19 July 1966) reported the Archbishop of Canterbury as saying: "We really do not know at what point in the pre-natal life of a human foetus it is possible to say that the person comes into being". The Archbishop at least is agnostic as to when a foetus may be regarded as a human being.

The issues arising and needing further thought from Christians are at least three, I suggest. First, and most basic, the question Glanville Williams raised—the moral status of the foetus. How far can we attribute human life and personality to it? The Roman Catholic Seymour Spencer averred that the Report "never seems clear-cut upon the status of the foetus as a living human person with human rights" (p. 375). He then illustrates the vacillation between talking of it as living and regarding it as a potential human life. I think he is right in his negative criticism, though the tendency seems to me to be for the Committee to talk mainly in terms of potential life, while treating the foetus as almost an actual life. He understands "the embryo's property of humanity to consist negatively in its inability to be classed as anything else and in its progressive distinction from all other forms of embryo as it develops; positively in its progressive acquirement of the characteristics of a born human being so that, from at least the 24th week of pregnancy, it is recognized universally as human on delivery" (p. 376). But the very mention of the week seems to suggest that it is something rather different early on, and in any case, as Glanville Williams observed, the ovum is potential life and so for that matter is the spermatozoon. If we are to treat them as living personalities in essence, then we are right back in the traditional Roman Catholic position on contraception, which it is not my intention to discuss here.

The Anglican report seems to want to draw the line at conception

(p. 25), but, rather than making somewhat arbitrary decisions like this, surely what the Christian needs to do is to go back to first principles and examine what the Bible says about life. This is precisely what the Report does not even attempt, and more is the pity. We shall not of course find a clear-cut answer, and certainly we shall not find anything to help us on the scientific side, but perhaps we shall find something to enable us to determine whether a foetus can meaningfully be regarded as a living soul, the life of which is sacrosanct.

A brief study of the idea of life in the Bible seems to me to suggest that one of the essential characteristics of being a living soul means to have a separate existence and independent personality. After all the very Hebrew word *nephesh* literally means that which breathes, and that cannot be applied to a foetus. Under *man*, the *New Bible Dictionary* says that soul "may emphasize his individuality and vitality . . .", and Von Allmen's *Vocabulary of the Bible* says that "the 'soul' is human life regarded as the life of an individual being with consciousness and will". Then at times in the Bible we find life associated with welfare and happiness as in Proverbs 15 : 16. This is of course only a cursory glance at the biblical evidence, but *prima facie* it seems to suggest that it is very doubtful if the biblical understanding of life could be stretched to cover the human foetus in its early stages. Life is, rather, associated in the Bible with fullness of personality, vitality, independent existence, etc. If that is so, it supports Glanville Williams's case that abortion is not child-murder. The case for abortion need not be based entirely on the lesser of two evils argument. If abortion is not wrong in principle, a wider use of it may be theologically legitimate. Such a case, if established, would solve the basic moral problem, but it would not of course settle all issues. There are emotional, psychological, gynaecological, and social problems yet to tackle, but those cannot concern us here. If once we establish that human life in its biblical connotation cannot be stretched to cover the early stages of foetal existence, we have at least removed the theological objection to a more liberal concept of abortion, and destroyed the argument from "potential life".

The second issue needing consideration is the relationship between abortion and contraception. If we are to speak, as the Report does, of potential life, we surely cannot logically deny such a description to the sperm and ovum, and if they are so sacrosanct, what justification have we to interfere with nature by contraception and forestall the potential life? On one line of argument (i.e., that of "potential life") contraception as well as abortion is virtually child-murder. I am not myself impressed by this kind of argument, but it does expose the logical weakness of "potential life" language and thinking. Must we as Christians say the Japanese were wrong when they legalized abortion-on-demand to meet a population problem? The Christian who is thinking about world population problems must face such an issue. For myself I cannot think there is anything objectionable in Japan's action in terms of theological principle, though there may be all sorts of other objections. Sweden is a country with a strong Christian tradition, but the Swedes have legalized a carefully controlled abortion system. Most of the Iron Curtain countries legalize abortion-

on-demand, but it is interesting that they seem to be shifting the emphasis on to contraception. What is surely absolutely clear is that once one progresses beyond the lesser of two evils justification, one must consider contraception and abortion as very much part of the same problem. Consideration of abortion in isolation is liable to lead to inconsistencies, as in the Anglican Report, or even absurdities.

The third issue concerns the persons responsible for making a decision to abort. The Report wants two doctors in consultation with others and of course the woman concerned, but the real decision seems left to the medical men. There is a tendency to leave decisions entirely to the specialists these days, especially when they might be controversial if others were involved, but is this wise? Ideally, I believe the woman herself ought to have the final decision, but the trouble here is that all too often she may not be in a suitable state of mind. There are bound to be differences between doctors; indeed I am reliably informed that among young ladies in London today, it is well known that certain doctors are known to be "easier". Would it not be better to take a leaf out of the Swedish book and set up a small committee procedure whereby the committee work within strict terms of reference. Termination must be before the 20th week or exceptionally the 24th, and the committee consist of a gynaecologist, a psychiatrist, and a laywoman representing "common sense"—a very necessary commodity, we might add, in these matters. In Sweden such committees deal with 125-150 cases a week.

Such, then, are three at least of the issues arising out of the present debate. What is important is that Christians make their contribution, make it now, and insist that the question of abortion be decided on grounds of principle, not merely pragmatically as a compromise between the various pressure groups.
