

INFANT RIGHTS¹

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WHEN the mother's life is menaced, and the birth bears a threat not a blessing, is the baby then an aggressor, and accordingly to be disposed of as neatly as possible? Intervention to that effect, is it not demanded by plain common-sense, clear responsibility, a humane scale of values? The Christian Church, however, can never consent to the direct destruction of innocent human life—notice the qualifications *direct* and *innocent*, through the use of force to repel aggression is approved. Nevertheless our present question, which cannot be summed up in a single brutal or sentimental statement, has been charged with anxiety and misrepresentation: on one side, the Pope has been accused of preferring the unborn baby to the mother, and of a characteristically clerical unconcern for ordinary human tragedies; on the other, materialism and paganism can be too readily ascribed to some of his critics, and their reluctance to go to extreme lengths not allowed for.

Let us begin by recognising how rare is a classical case of *Mother v. Child*; their relations, from beginning to end, should be for the health of both, and indeed so they are, when the physical, psychological, and moral rules are observed. Women are well designed by God to be mothers. We speak of an 'expectant' mother; and certainly she can look forward with happy confidence to the birth of her child. The situation is not abnormal, the condition not pathological, the business not a dangerous operation. *A woman when she is in labour hath pain, because her hour is come; but as soon as she is delivered, she remembereth no more the anguish, for joy that a child is born into the world.* Theology does not dwell with gloomy satisfaction on the fact that travail is hard, nor is there the slightest religious justification for doing nothing to alleviate the delivery, so long as mother and child be not harmed. Medical advances are causes for thankfulness, and here, as else-

1. The fourth article in the series, 'Some Contemporary Moral Problems'. It contains the substance of an additional chapter to *Morals and Marriage: The Catholic Background to Sex*, by T. G. Wayne, a new edition of which is being prepared by Longmans, Green & Co.

where, it would be tempting God—a graver sin of its kind than intemperance—to neglect his gifts of science and art.

The special cases which call for unusual concern serve to put doctors and nurses on their mettle. Pre-natal care, skilled treatment, devotion, and collaboration on the part of the parents can bring about a happy event where otherwise carelessness, bungling, impatience, and undue worry might tempt to a short cut. Since all the laws of life are from God and are for our happiness, and since happiness should be more like bread-and-butter than a piece of special cake, we should remind ourselves that good medicine is good morality, and, what is also important though more forgotten, that good morality is always good medicine in the long run.

But we are not dealing now with general practice, where theological and medical science work together in agreement, but with a rare condition, of which we may almost say that it should never have been allowed to develop, for it is avoidable, except perhaps in one in a million instances—the figures are approximate but scarcely extravagant—owing to the chance operation of forces outside human control. This is the case, an obstetric emergency, when mother and child will both certainly die unless direct action be taken to destroy the child: then the mother may be saved. No moral problem arises if what is removed is not a human being.

The question is not properly stated by comparing the two lives at stake. Were the choice between the mother and the baby, then who would deny her resolve to lay down her life for her child? Then again, who would not strive to save her at all costs? Were two lives in the balance, the issue, poignant and personal, could be settled without making it a problem for formal debate. That life would be saved first which mattered most, or that course taken which best promised success. In the case we are discussing, however, the alternatives are more dire, namely, allowing both to die or killing one to save the other. That is the moral problem we are considering in the abstract. It would not arise if directly killing the innocent were lawful on occasion; then, presumably, the less valuable and hopeful would be selected as the victim. How cold-blooded that seems! But in fact the proposition has no practical bearing on the question, for no one has the right to dispose of what he does not own, and remove from this world any human life guiltless of offence.

So misfortunate and fraught with complex strains is this tragic chance that we should hesitate about bringing it up for general discussion as though it could provide a guide for conduct. And if we do debate it, then we should be at once modest and steady-principled. We should avoid laying down rules flatly as if they comprehended every singular case, and tampering with the moral code in order to fit it to an abnormality.

The crisis is no occasion for dwelling on abstractions and hypotheses. Those in charge of the confinement must act, and often act quickly. Let the doctor be trusted. He is dedicated to do his utmost to save the lives of those committed to him, and in the order he can best decide. He is a healer, not a killer, and if he acts with high purpose and sincerity, God alone is the judge of what he should have done in the emergency. No defence need be undertaken because no accusation is laid. It is impertinent for the moralist to fuss the doctor afterwards, either with praise or blame. It is indefensible for the doctor to lower his standards because of one overriding decision.

And Abraham stretched forth his hand, and took the knife to slay his son. The strange Old Testament story tells us how he was moved thereto by God, who is the Lord of life and therefore can do no murder. But would anybody claim such inspiration, or share the purpose Abraham had in mind when he climbed the mountain? The difficulty remains, although in fact the sacrifice was not exacted. *The angel of the Lord called to him from heaven, and said, Lay not thine hand upon the boy, and neither do thou anything.*

The prospect before us is different. Here we are not required to penetrate into mystery, or to sound the depths of individual history, but to expose the firm and unalterable *rules* of human conduct. Two points should be made clear: first, that the moral law defends human nature itself, and secondly, that a reasoned defence must needs recognise and operate within well-defined boundaries. As a strict science, moral theory deals directly with patterns of real meanings, not with personalities; with second, not with first substances.

With regard to the first point. The Catholic attitude springs neither from the Church's own domestic legislation, which can always be modified to suit any decent human convenience, nor from the truths first proclaimed by the Christian Revelation which become dogmas held by faith, though admittedly many

Catholics might not have the courage to maintain their stand but for supernatural authority and witness. The conviction is based on the natural law, declared, but not instituted, by the Church, and which no ecclesiastical power, however august, has the power to change.

The second and more delicate point is that juridical ordinances command or forbid *kinds* or *types* of human action without entering fully into the variety of individual motives and circumstances. Through the Roman temper of the canonists and the Aristotelean temper of the scholastic moralists, the Church recognises limitations on legislation. The people concerned, who include the ministers of the Sacrament of Penance and other responsible judges and trained advisers, are left to apply general doctrine to concrete instances. No insight is claimed into the recesses of the private mind and will. *God alone can search the heart. He seeth not as man seeth, for man looketh at the outward appearance, but he looketh at the heart.*

It is not hinted that any warrant exists for dispensing from the traditional Christian application of the moral law or for re-interpreting its exposition. On the contrary: for if the teaching Church proposes the plain rules of fair conduct and leaves the rest to God, still more should a private person show reserve. If he defends his nonconformity by alleging that what he did was the right sort of thing to do under the circumstances, then he is setting up a model for others to copy. He is instituting a new code, the grounds for which will not be convincing if they are narrowed to one personal moment. Exceptions make bad law, and, in moral matters, highly dubious precedents. The contrast, and even the conflict, of equity and legalistic justice should be kept going in human law, civil and ecclesiastical, but the moral law, divine and natural, calls for no system of internal checks and self-denying ordinances.

The scholastic moralists enumerate three moral factors in a human act: namely, the type of action it is, for instance, almsdeeds or murder; the motives inspiring it, i.e., ostentation or pity; and the surrounding circumstances, which are indefinitely variable. To be good an act must be sound on all three counts; a defect anywhere, and the act is correspondingly vitiated. Almsdeeds is a good kind of act, and somebody has benefited; that the donor is acting from vanity rather spoils it from his point of view, and if his display wears an affectation of religion then it is spoilt still

more. Similarly, it is all very well to have the best intentions, but we are also judged by the kind of actions we do from them.

The first factor, which decides the type of action, alone concerns us at present, and this, the part of the problem which cannot be evaded, is the painful centre which stays stubborn in the swirl of reasons for and against. The surroundings cry out for the mother to be saved at all costs. Generous service bids us respond. But we are still brought up sharp against a right inherent in human life, a right which is violated by the type of action we are bidden to perform or advise. This violation is called murder. However exalted the motives and urgent the circumstances, we cannot defend the doing of evil that good may come. The positive action which directly kills an innocent human being does a wrong, and this cannot be palliated by the principle that the end justifies the means.

The teaching, stern but not cruel, helps to brace people to their dignity of living true to the knowledge that death in this world is not the worst of evils or the finish to everything. The skeleton of doctrine is not enough. It needs to be filled out by lively faith and hope and set going by consciences enlightened by Christian teaching, and so robust that external decrees are not used as substitutes for personal responsibility. It is perhaps not difficult for bystanders to insist on the reign of law, but obedience may load a grievous burden on those implicated in the problem. By themselves they could not bear it, but God is with them, and he has given his promise: *Amen, amen, I say unto you, you shall be sorrowful, but your sorrow shall be turned into joy.*

NOTICE

The next issue of *BLACKFRIARS* will be a double number (July-August). It will include 'Human Reproduction' by Mark Brocklehurst, O.P., 'Introduction to Modern Logic' by Ivo Thomas, O.P., 'The Lollard Bible' by Eric Colledge, 'The University Apostolate' by Mgr Gordon Wheeler and a study of St Teresa's Letters by Dr Edward Sarmiento.