

Abortion and the Voice of Scripture

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Does Scripture speak to the matter of abortion? If so, how? I want to approach the question by responding to Professor Richard Hays' essay on abortion, the final chapter of his book *The Moral Vision of the New Testament*.¹ I take this approach for two reasons. First, in his reading of Scripture, Hays arrives at a "pro-choice" position.² While Hays speaks of abortion as a grave matter, and offers insight concerning how the Christian church might deal with crisis pregnancies without resorting to abortion, he ultimately concludes that Scripture is silent on the matter. Accordingly, Hays writes "it is perhaps inevitable that Christians will in good conscience reach different conclusions."³ The following critique of Hays' essay will seek to demonstrate that, far from being silent, Scripture speaks distinctly on behalf of unborn children and their mothers (and fathers).

The second reason for addressing Hays' work concerns his stature. Hays is an internationally recognized author and holds a chair in New Testament at Duke University. Furthermore, *Moral Vision* is perhaps the most widely read book on New Testament ethics in America today. The back cover displays the superlative praise of some impressive thinkers: N.T. Wright, Stanley Hauerwas, Leander Keck, William Klassen, and Ellen Charry. While a warm recommendation of a book does not necessarily entail complete agreement with all contained therein, such recommendations do, of course, affect its public reception. The fact that *Christianity Today* named Hays' book one of the 100 best and most enduring books of the twentieth century likewise reflects its contemporary importance.⁴ And, as we know, ideas have practical, not simply theoretical, consequences. Given Hays' stature and respect in the academic community and among communities of faith, his voice carries weight, and therefore must be addressed. Furthermore, I assume that Hays' makes his argument concerning Scripture as well as it can be made, which likewise commends the effort to engage him.

The following will begin by summarizing Hays' argument, and move toward an analysis of why, despite several helpful insights, Hays misses Scripture's teaching on abortion. In so doing, it will seek to demonstrate *how* Scripture speaks about abortion, both in condemning abortion and in offering practical instruction concerning how to counsel women in crisis pregnancy and those who have undergone abortion.

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Hays' Treatment of Scripture and Abortion

Hays frames his argument through a personal experience of a Christian couple, whom he calls Bill and Jennifer—in their mid-forties, with children almost grown. Jennifer discovers she is pregnant. Having decided to carry the unexpected child to birth, the couple finds out that the child has Down's Syndrome. Hays uses this example to focus his discussion: "Can the New Testament provide any guidance on this agonizing decision?"⁵

Before interacting with the texts, Hays makes two comments concerning his approach. First, he locates his discussion within the Christian community. His primary concern is not to instruct the world, but to ask the question, "How shall we as people who belong to Jesus Christ live faithfully under the gospel with regard to our treatment of the issues of pregnancy, abortion, and childbearing?"⁶ Second, Hays speaks of the church's need not to "get trapped by the way the world defines the issue" but "to frame its moral reflection within the categories offered to us by Scripture."⁷ In order to hear Scripture's witness, we must hear it speak in its own terms and categories.

Hays begins with a statement of the difficulty of the task, citing abortion as "a major ethical issue not addressed explicitly by any New Testament texts at all."⁸ He briefly surveys texts commonly used in the abortion discussion, showing why each "proof-text" has either limited or no relevance to the issue at hand.⁹ He finds some cursory help in the Old Testament. For Hays, Exodus 21:22-25 offers some help in understanding the status of the fetus: When a pregnant woman is injured in a fight between others, the punishment is greater in the instance of her death than it is in the instance of a miscarriage. This reading of the text has some (albeit limited) relevance to the discussion, according to Hays, because the text "seems to posit a qualitative distinction between the fetus and the mother; only the latter is legally a person with reference to whom the *lex talionis* applies." Psalm 139:13-16, which refers to God forming life in the womb, is also of some help, but must not be leaned upon too heavily, since it is poetic and not a "scientific or propositional statement." Because Jeremiah 1:5 similarly speaks poetically of God's providence (even before conception), Hays likewise finds the text to have no direct relevance to abortion. Hays finds no help in the Decalogue command "thou shall not murder" (Ex. 20:13, Dt. 5:17), arguing that the Sixth Commandment offers no insight as to whether or not abortion is murder.

Even less helpful for Hays are three New Testament texts often cited as relevant to abortion. Hays finds those who use Luke 1:44, where Elizabeth proclaims to Mary that "the child in my womb leapt for joy," to oppose abortion are guilty of "ridiculous and tendentious exegesis," arguing that the

text is Christological and not concerned with defining the personhood of the fetus. Hays concedes that “the text might indirectly shape a symbolic world: The phrase ‘the child in my womb’ implies an attitude toward the unborn that is very different from speaking clinically of ‘the fetus.’” Hays finds “hardly worthy of discussion” the argument that Paul’s condemnation of *pharmakeia* (Gal. 5:20) refers to an ancient practice of taking drugs to induce miscarriage, and he dismisses Jesus’ words “let the little children come to me” (Mt. 19:14) by flatly stating that the passage obviously refers to born, not unborn, children.

Although he finds no texts that refer directly to abortion, he does briefly comment that the Bible regards children as a great blessing from God, that childlessness is seen as great affliction, and that pregnancy is never seen as a problem in the Scriptures. Against this background, Hays says, Scripture views abortion as not so much immoral as unthinkable.

Finding no specific direction in the matter, Hays argues that Scriptural guidance must be found indirectly. He proposes two hermeneutical strategies for seeking practical guidance: placing the abortion issue in the broader framework of the symbolic world of Scripture (wherein the reader seeks to locate himself in the broader story of Scripture), and then asking if there are Scriptural paradigms that might provide useful analogies when considering abortion. Regarding the first, Hays sees the symbolic world of the New Testament as affirming God as the creator of life, particularly citing John 1:3-5. Abortion, then, is seen as destroying God’s work: “Whether we accord ‘personhood’ to the unborn child or not, he or she is a manifestation of new life that has come forth from God. . . . we neither create ourselves nor belong to ourselves. Within this worldview, abortion—whether it be ‘murder’ or not—is wrong for the same reason that murder and suicide are wrong: It presumptuously assumes authority to dispose of life that does not belong to us.”¹⁰

Regarding his second strategy, Hays proposes three Scriptural examples that might serve as paradigms for the church in responding to an unplanned pregnancy. Hays begins with the Good Samaritan, using the parable to question the categories often used in discussing abortion. The occasion for the parable is a lawyer’s question—“who is my neighbor?”—prompted by the Old Testament command to love one’s neighbor (Deut 6:5, Lev 19:18). Where the lawyer was seeking to define limits to his compassion (whom was he required to love?), Jesus’ parable in effect taught that loving one’s neighbor means *being* a neighbor, which will include compassion even to those most difficult to love (including hated foreigners). In so answering, Jesus rejected the lawyer’s use of the category of neighbor, and recast the terms of the

discussion. Hays sees the self-justifying character of the lawyer's categories as analogous to the contemporary concern over whether or not the fetus is a "person." If we rule that the fetus is not a person, we thereby define the limits of our compassion, absolving ourselves of any responsibility for caring for the child. Hays concludes the section: "The Samaritan is a paradigm of love that goes beyond ordinary obligation and thus creates a neighbor relation where none existed before. The concluding word of the parable addresses us all: 'Go and do likewise.' What would it mean for our decisions about abortion if we did indeed take the Samaritan as a paradigm?"

The second example Hays offers as a paradigm is the description of the early Christian community in Acts 4:32-35. Applied to the abortion issue, the text's description of Christian community suggests two applications. First, it is the responsibility of the church to make sure that a woman in need has the resources of the Christian community (whether spiritual, economic, personal) behind her as she works through an unplanned pregnancy. Where too often the burden has been left to the woman alone, Acts 4 suggests crisis pregnancy is a community issue. Secondly, the church community should see to it that Christian fathers are not absolved of their responsibility for caring for woman and child simply because they can walk away. The Christian church should require Christian fathers to assume responsibility. In both these ways the Christian community can support a woman with an unexpected pregnancy.

The final example Hays proposes is Christ himself, particularly the texts that call the Christian community to imitate Christ (Rom. 15:1-7, 1 Cor. 11:1, Gal. 6:2, Phil. 2:1-13). In Hays' words "the call to 'imitate Christ' means that the community is to forswear seeking its own self-defined freedom in order to render service to others, especially the 'weak.'"¹¹ Again, the issue is the community bearing the burdens of those in need, as consistent with the example of Christ.

After a brief section in which he argues that Christian tradition is unified in its witness against abortion, Hays suggests six different lines of reasoning that Scripture rules out as invalid. First, because the notion is foreign to Scripture, abortion discussion should not be set up as an issue of "rights"—such as the right to life over against the right of a woman to control her body. Hays is clear that we are accountable to God for our decisions. Second, it is inappropriate to insist that abortion is a matter of individual choice: An act should be judged by whether it edifies the community and whether it faithfully witnesses to God's will. Third, the claim that life is sacred is unfounded in the New Testament: Rejecting abortion is not a matter of any inherent right to life, but rather a recognition that we have no claim to sovereignty

over life. Sovereignty over life is God's prerogative, not ours. Fourth, the questions concerning the personhood of the fetus or the beginning of life are inappropriate and cannot be answered by science or the Bible. Furthermore, such questions often serve to justify one's position rather than to seek true clarity. Fifth, the quality-of-life argument—that unwanted children should not be born—is likewise inappropriate because Jesus came to welcome the unwanted. The community of faith should seek the “quality of life” for all. Finally, Hays finds consequentialist arguments used against abortion (e.g., “What if Mary had aborted Jesus?”) both weak (e.g., “What if Hitler's mother had aborted him?”) and foreign to the concerns of the New Testament.

Concluding his section on the church's response to the abortion question, Hays claims that “though the New Testament gives no explicit prohibition, its portrayal of God as the author and giver of life creates a general presumption against any human decision to terminate life.”¹² For Hays, if the church faithfully adopted the worldview and paradigms of Scripture, then the need for abortion would decrease to almost nothing. Concerning possible exceptions, Hays judges that abortion would be a justifiable option for Christians in cases where rape or incest has occurred, or where the life of the mother was at stake. Returning to the situation of his friends Bill and Jennifer, Hays informs the reader that the couple went ahead with an abortion. In his assessment of the morality of their action, Hays writes: “While I believe that the witness of the New Testament should have tipped the balance the other way in this decision, I respect the difficulty of their situation and the moral gravity of their action. In a case where the New Testament offers us no clear instruction, it is perhaps inevitable that Christians will in good conscience reach different conclusions.”¹³

Seeking Scripture's Voice for the Unborn

Before addressing Hays' broader argument, a word concerning his introduction is warranted. Hays sets up the conflict surrounding abortion as follows:

On one side of the debate, “pro-life” advocates regard abortion as murder and are committed to stopping it by whatever means necessary, up to and sometimes including violent action against clinics and doctors performing abortions; on the other side, “pro-choice” advocates regard abortion as a right essential for women if they are to have dignity, equality with men, and freedom from oppressive social conditions.¹⁴

In his description of the “pro-choice” position, Hays is measured and circumspect. His characterization of “pro-choice” advocates, striving for dignity, equality, and freedom, suggests virtue. His description of the “pro-life” side, however, is less generous. Without drawing distinctions, Hays describes pro-life advocates as committed to stopping abortion by “whatever means

necessary.” Such a blanket statement is patently false. While there are opponents of abortion who have used or threatened violence, they represent a tiny minority, and such a statement ignores the public statements of many opponents of abortion repudiating any type of violent reaction.¹⁵ The difficult, underappreciated, and nonviolent character of pro-life advocacy is most often the hard work of volunteer counselors who serve at financially struggling crisis-pregnancy centers. Although he qualifies his statement later in the essay, acknowledging that violence by anti-abortion activists is only occasional,¹⁶ to set the essay up in this manner is misleading. Furthermore, Hays neglects to mention the obvious violence of abortion. To link the pro-life position with violence based upon the actions of a very small minority, while neglecting to mention the brutal violence associated with every act of killing an unborn baby,¹⁷ is a massive distortion of the truth. At best, Hays’ description of the situation is irresponsible.

His introductory remarks aside, Hays’ essay contains some helpful Scriptural reflections on crisis pregnancy. By locating the matter within the Christian community, Hays helpfully argues that the problem of a crisis pregnancy is not simply a woman’s concern, but *our* concern. In other words, the fact that a woman might feel isolated and driven to abortion is not only a comment on her (and the man involved) but can also be a comment on the Christian community. In a country such as America where Christianity is often seen individualistically, Hays locates the problem where it belongs. The Christian community has an imperative to care for the needy in our midst. If one part of the body suffers, we all suffer (1 Cor. 12:26).

Hays’ treatment of the Good Samaritan is also helpful and relevant for his discussion, since the lawyer’s move to circumscribe the extent of his responsibility by seeking to categorize “neighbors” and “non-neighbors” is precisely the move that abortion advocates make when questioning the personhood of the unborn child, or “fetus.” No elaboration on the point is necessary—Hays made the point well enough—but it goes a long way in exposing why the terms of the discussion are often laid out in the way that they are in contemporary debate. We will return to this later.

Ironically, it is in the issue of *categories* that Hays’ discussion falters. At the beginning of his essay, he states that “our deliberation about these matters should not be constrained by the categories and norms of a secular pluralistic society,” lest we become “trapped by the way the world defines the issue.”¹⁸ Yet Hays himself utilizes categories foreign to Scripture in a manner that precludes him seeing how the Scriptures speak directly and clearly to abortion. The most important category Hays imposes upon the Scripture is that of the unborn child, which has profound implications for the way

abortion is understood. If the Christian is to insist on not letting secular society define the terms of the debate, but rather work “within the categories offered us by Scripture” then the categories of “unborn child” and “born child” must be carefully examined.

In Scripture, people are distinguished by a variety of categories: Jew/Gentile, male/female, parent/child, priest/Levite, slave/master, distinctions between tribes, and the like. Closer to the discussion at hand, people are sometimes categorized linguistically in terms of their time of life—children, young men, elders, men, women, widows, young women/virgins, etc. Notably absent, however, is any term, in either the Old Testament (MT or LXX) or the New Testament, that sets the unborn child apart as a distinct category. Simply put, there is no word for “fetus” in the Bible.¹⁹ A brief survey of several of the texts Hays cites in his discussion will illustrate the point.

The NRSV translation of Exodus 21:22-25, which Hays uses, reads as follows:

When people who are fighting injure a pregnant woman so that there is a miscarriage, yet no further harm follows, the one responsible shall be fined what the woman’s husband demands, paying as much as the judges determine. If any harm follows, then you shall give life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, stripe for stripe.

In the Hebrew text, the words “so that there is a miscarriage” read literally “and her children have come out.”²⁰ The point is important. If we are to insist on Biblical categories, then our discussion of the passage must revolve around children, not (in Hays’ language) “fetuses.” This simple recognition calls into question Hays’ inference that the passage may suggest a difference in the personhood between born and the unborn. Reading the text as referring to a child (rather than a miscarriage) opens the possibility of another interpretation, such as that offered by Umberto Cassuto:

The statute commences, *And when men strive together*, etc., in order to give an example of accidental injury to a pregnant woman and . . . the law presents the case realistically. Details follow: *and they hurt unintentionally a woman with child*—the sense is, that one of the combatants, whichever of them it be (for this reason the verb translated “and they hurt” is in the plural) is responsible—*and her children come forth* (i.e., there is a miscarriage) on account of the hurt she suffers (irrespective of the nature of the fetus, be it male or female, one or two; hence here, too, there is a generic plural as in the case of the verb ‘they hurt), *but no mischief happens*—that is, the woman and the children do not die—the one who hurt her *shall surely be punished* by a fine, *according as the woman’s husband shall lay*—impost—*upon him*, having regard to the extent of the injuries and the special circumstances of the accident; *and he* who caused the hurt shall pay the amount of the fine to the woman’s husband with judges . . . *But if any mischief happens*, that is, if the woman dies or the children die, *then you shall give life for life, eye for eye, etc.*²¹

While I think Cassuto's interpretation is truer to the language of the passage, my point is not that Cassuto is right and that the text can therefore be used to argue against abortion. The text is ambiguous enough not to carry so much weight.²² My point, rather, is that to suggest a difference in status between the unborn and the born from this passage is not only speculative but goes against the text's plain language by imposing a category foreign to the thought of Scripture.

The second text explicitly referring to an unborn child is Luke 1:44, where Elizabeth tells Mary "the child in my womb leapt for joy." Hays contends that any attempt to use this text to speak of the personhood of the fetus "should not be dignified with the label 'exegesis.'"²³ Hays acknowledges that "the phrase 'the *child* in my womb' implies an attitude toward the unborn that is very different from speaking clinically of the fetus,"²⁴ but does not give his observation much weight, precisely because the text does not speak clinically. This, however, is precisely the point. The Scripture speaks of an unborn *child*. Must the Scripture speak of the "fetus" in a clinical manner in order for it to speak a clear word concerning the unborn? Rather than seeking to use the categories offered in Scripture, Hays insists that Scripture conform to *our* categories (and hence worldview) in order to speak a clear word in this matter. If the attitude of Scripture toward unborn children is that of *children*, are we not called to share in that same attitude, rather than adopting the world's definitions and attitudes? It would seem that adopting both the language and the attitude of Scripture is the way forward in the church's effort "to frame its moral reflection within the categories offered to us by Scripture."

The same kind of confusion is apparent in Hays' treatment of Psalm 139. In referring to the poetic language of God's creating the psalmist in the womb, Hays states that the passage is of limited value to the discussion, cautioning that it "must be interpreted within the poetic genre to which it belongs, not as a scientific or propositional statement."²⁵ Again, the question: Why must the Bible speak in a scientific or propositional manner in order to speak of the unborn? Does the Bible have to speak in scientific and propositional language to convey truth? Surely Hays does not believe this—his use of the Good Samaritan, a parable given in answer to a direct question, shows that he sees the Bible conveying truth through figurative language. Given that Hays later speaks of the question of "personhood" as inappropriate, why must the statements of God knitting the psalmist together in the womb be ruled out as having significant relevance?

Other texts could be cited (e.g., Hos. 12:3; Ruth 1:11; Jer. 20:17). Scripture clearly and plentifully speaks about the unborn as children.²⁶ Understanding

abortion within the categories given by Scripture, called for by Hays, requires that we view unborn children with the categories and attitudes given there. Hays himself writes: “It is inappropriate to approach the issue of abortion by asking, “When does human life begin?” or “Is the fetus a ‘person’?”. . . There is no basis in Scripture for answering—or indeed even asking—such questions.”²⁷ Given that Hays himself rejects an appeal to personhood, it is curious that he requires Scripture to speak *in precisely those terms* if he is to allow it a clear voice in the matter.

If the category of the “fetus” is abandoned in favor of “children,” the Scripture can be seen speaking as directly concerning abortion as it does to taking the life of other human beings. Surely the command “thou shalt not murder” applies to children as it does to adults. Given that Scripture sees both born and unborn children as children, with no qualitative distinction between them, should not the command extend to the unborn child as fully as to other children? Or to put it another way, if in an effort to conform more closely to Scripture, Christians in common language replaced the word “fetus” with the word “child,” how would that affect our reading of the Sixth Commandment and other similar Scriptures vis-à-vis abortion? If the popular distinction between born and unborn is rejected, then all the commands concerning the protection of the weak, the fatherless, and the innocent (commands which run through the entire Scripture) would apply *directly* to the unborn. Yet Hays’ central contention that Scripture is essentially silent on the subject of abortion is based squarely upon his insistence that the Scriptures he cites be read according to the modern categories of fetus/child. The terms of the discussion are everything, which is why Scriptural categories are so important. To frame the discussion in different terms will, of course, lead down a different road. Hays rightly charges the church not to conform to the categories of the world, yet fails to follow his own proposal. In fact, this presupposition of the New Testament’s silence on the matter allows Hays to give greater weight to tradition, reason, and experience, which has the effect of making the issue far more complicated than it ought to be. Hays’ ultimate acceptance of Bill and Jennifer’s decision to abort their baby is simply the logical outworking of his belief that the New Testament is silent—a presupposition he maintains because he conforms to unbiblical categories and thought.

Despite his assertion that Scripture does not speak directly to abortion, Hays still finds (indirect) Scriptural grounds for opposing abortion, particularly in his emphasis that life is a gift from God. The power of this argument is, however, greatly diminished, for two reasons. First, in arguing that life is a gift from God, Hays rejects the notion that life has any inherent value,

calling the sacredness of life a “sacred cow that has no basis in the New Testament.”²⁸ Hays elaborates his point by quoting Stanley Hauerwas:

The Christian prohibition against taking life rests not on the assumption that human life has overriding value but on the conviction that it is not ours to take. The Christian prohibition of abortion derives not from any assumption of the inherent value of life, but rather from the understanding that as God’s creatures we have no basis to claim sovereignty over life. . . . The Christian respect for life is first of all a statement, not about life, but about God.²⁹

This contention is curious, particularly when juxtaposed with the following:

And for your lifeblood I will require a reckoning: from every beast I will require it and from man. From his fellow man I will require a reckoning for the life of man. Whoever sheds the blood of man, by man shall his blood be shed, for God made man as his own image. (Gen. 9:5-6)

Genesis is saying that God will call to account those who murder, and then gives the grounds for His special concern for human life: Mankind is made as the image of God (cf. Genesis 1:26).³⁰ In other words, human life is sacred because it is made as the image of the One whose name is Sacred.³¹ This simple fact makes human life special. In other words, the sacredness, or sanctity, of life, is not simply a poignant political phrase or a “sacred cow,” but actually a deeply Biblical expression that gets to the essence of why human life is so important to God. Human life *does* have intrinsic value, precisely because it is the image of the One who is ultimately valuable. By asserting that “the Christian prohibition of abortion derives not from any assumption of the inherent value of life,” Hauerwas and Hays miss the central reason that human life is important, and therefore miss Scripture’s most important rationale for protecting human life.

And although Hays (rightly) argues that life is a gift from God, he fails to follow his argument to its logical conclusions, particularly in the more difficult cases. I quote the following by way of illustration:

To terminate a pregnancy is not only to commit an act of violence but also to assume responsibility for destroying a work of God, “from whom are all things and for whom we exist” (1 Cor. 8:6). To put the matter in these terms does not presume any particular decision about when the fetus becomes a “person.” Whether we accord “personhood” to the unborn child or not, he or she is a manifestation of new life that has come forth from God. . . . There might be circumstances in which we would deem the termination of such life warranted, but the burden of proof lies heavily upon any decision to undertake such extreme action. . . . To understand ourselves and God in terms of the Bible’s story is to know that we are God’s creatures. We neither create ourselves nor belong to ourselves. Within this worldview, abortion—whether it be “murder” or not—is wrong for the same reason that murder and suicide are wrong: It presumptuously assumes authority to dispose of life that does not belong to us.³²

Hays' contention that abortion is destroying a work of God, the giver of life, is important. Yet here Hays makes a distinction, saying that *some* extreme circumstances would justify abortion, despite his contention that life belongs to God. Thus the question: What circumstances would justify extinguishing the God-given life of an unborn child? Or, to put it another way, given that life comes from God, what is the difference between the life of the unborn child and the life of the born child that would warrant the more resolved protection of one over the other?

The exceptions to which Hays refers are when a pregnancy may threaten the life of the mother, or when the child was conceived as a result of rape or incest. In Hays' words,

Particularly in the latter case (rape or incest), the argument to justify abortion rests heavily upon experiential warrants: We recoil instinctively from requiring a young woman to bear the burden of a child conceived through an act of violence against her. As I have already indicated, such an appeal to experience carries considerably more weight in theological argument in a case—such as this one—where there are no direct New Testament teachings on the subject. My own view would be that such exceptions are certainly justifiable options for Christians.³³

While recognizing the horrible circumstances surrounding a child conceived in rape, it is difficult to see how even the most tragic of circumstances alters the fact that life, both of mother and child, is life given by God. Here Hays appeals to experience in his judgment that abortion is justifiable in such a case. Yet to what experience does Hays appeal? To base one's argument on experience would seem to entail finding women who have been victimized by rape (some of whom have brought the babies to birth, some of whom have chosen to abort them), and inquiring as to their experience and their feelings concerning their decisions. Would the women be united in wishing they had undergone abortion, or in wishing they had given birth to their babies, or even have a clear idea themselves in retrospect? Are we to seek the experience of Christian women or non-Christian women, or both? Can it be said that experience (which will of course differ from person to person) offers a coherent basis from which to make such a grave judgment?³⁴ That we are fallen creatures with impaired moral judgment makes the appeal to experience even more problematic. Formally, Hays acknowledges the inadequacy of experience, writing that "the various claims and counterclaims [of experience] prove so inconclusive,"³⁵ yet, practically, he gives great weight to experience, particularly in these difficult circumstances. Hays' insistence that Scripture is ultimately silent on abortion is keenly felt here, for the particularly difficult cases are the ones where the guidance of Scripture is *most* needed, just as light is most urgently needed

where the road ahead is darkest.

The practical outworking of Hays' appeal to experience is again seen in his reflection on the situation of Bill and Jennifer, who ultimately decided to take the life of their handicapped child. In Hays' words, "here we confront a painfully difficult problem in which the strong general presumption of Scripture and tradition against abortion must be weighed against the heavy personal costs of bringing such a child to birth." Two comments are relevant here. First, the personal cost of bringing a child with Down's Syndrome to birth are usually no different from bringing any other child to birth. The majority of children with Down's Syndrome come to birth quite normally. The heavy personal costs—both emotional and financial—more often come *after* the baby is born. To suggest that Down's Syndrome is a pre-birth dilemma is to evade the issue—Down's babies are most often aborted because of the effect they will have in a family *after* they are born. The only reason that it becomes a pre-birth issue is that we have convinced ourselves that it is acceptable to kill unborn children, or "fetuses," but not born children. In other words, it is precisely the quality-of-life argument that Hays rejects in theory earlier in his paper:

Even worse is the "quality of life" argument that advocates abortion by declaring that "no unwanted child should ever be born." Unwanted by whom? The mother? The argument proves too much and readily slides into an argument for infanticide among the poor. The whole historic witness of Jesus and the community he founded has been to receive and love the unwanted, not to recommend that they be terminated, "put out of their misery" through death. The community of faith should commit itself to seeking "quality of life" for all who are born into the world, whether their parents want them or not.

Given Hays' categorical rejection of any quality-of-life argument, why then does he suggest that Bill and Jennifer might be justified in their decision for abortion? According to Hays' account, Bill and Jennifer had decided to have their baby before they discovered the baby had Down's Syndrome. The issue, then, that caused Bill and Jennifer to decide finally to have an abortion was *precisely* a quality-of-life issue. Rather than having to do with life *in utero*, this decision was made based upon quality of life (and here Hays speaks more of the quality of life of the *parents*) outside of the womb.

And is not the Christian Gospel about laying down one's life for the brethren? Is it not about living a life of sacrifice in service of God and others, particularly the weak? Are not "the heavy personal costs" precisely what God calls His people to bear, individually and communally? Hays' argument seems to deny both the call to live sacrificially and God's blessing when we do. Given his emphasis on the cross and his call to imitate Christ,

particularly on behalf of the weak, it is difficult to understand his conclusion: “While I believe that the New Testament should have tipped the balance the other way on this decision, I respect the difficulty of their situation and the moral gravity of their action. In a case where the New Testament offers us no clear instruction, it is perhaps inevitable that Christians will in good conscience reach different conclusions.”³⁶

But it is one thing to acknowledge the difficulty of Bill and Jennifer’s situation; it is quite another to imply that their choice for abortion is a legitimate Christian option. To respect “the moral gravity of their action,” whatever that means, does not justify that action. To query, as Hays does, whether abortion might be a “necessary choice” in this circumstance is a betrayal of the Gospel, even as Hays himself expresses it.

Practical Proposals

Calling Hays’ appeal to experience inadequate is, of course, not helpful in the absence of an alternative. How would locating ourselves more firmly in the worldview of Scripture inform our judgment in the matter, and particularly in the difficult circumstances of rape or incest? The assumption that the woman would be better off killing the child is not supported by Scripture, but utterly constrained by the reasoning of the world. Here the type of paradigmatic thinking that Hays employs in his treatment is particularly helpful. To locate the circumstance in Scripture might be to remember that God is a God who brings good out of evil, as Joseph remembered when he said to his brothers “you meant evil against me, but God meant it for good” (Gen. 50:20). God has done it in the past and he will do it in the future: “And we know God works all things together for the good of those who love him, who have been called according to his purpose” (Rom. 8:28). In other words, it is vital to remember that the God we know in Scripture brings good through even the darkest of circumstances, a message that must be sensitively and confidently brought to any woman in a crisis pregnancy, particularly if she has suffered a rape. Some, of course, may see such reasoning as insensitive or unrealistic. Yet, is not this the essence of faith: believing what we cannot see, and trusting God as we seek to follow His guidance? Is faith not “the assurance of things hoped for, the conviction of things not seen” (Heb. 11:1)? Put another way, why compound the already terrible problem of rape by killing the child? If we are going to step meaningfully into the world of Scripture, these are precisely the questions that must be asked. The assumption that abortion makes the best of a bad situation shows how little we really know of faith.

Does it seem ridiculous to suggest that it might be best *for the woman’s*

sake to bring the baby to birth than to abort her? While again the suggestion may, to some, seem strange, insensitive, or unrealistic, for those who believe that God works all things together for good for those who love Him, it is simply an affirmation that, in the way God works things together, what is best for the baby will also be what is best for the mother. What is best for the baby is obvious, and it is never abortion. What is best for the mother may not seem so apparent, perhaps only seen by faith. This does not mean that bearing a baby conceived in rape will not be hard and painful. Nor does it assume anything regarding what should happen once the baby is born (such as whether or not the baby should be adopted). It is simply a way to help a woman not to be overcome by evil, but to overcome evil with good (Rom. 12:21).

This is, of course, a call for the community of faith to step up sacrificially on behalf of the woman and the child. Here is where I find Hays most helpful in his discussion of abortion—reminding the church of the too-often-forgotten truth that abortion is a community issue. Does the woman need a place to live, short or long term, in order to bear the baby, or bear and subsequently raise the baby? Who in the church will open their home? Is the woman in need of financial help? Who has an abundance to help her in her need (2 Cor. 8:13-14)? Will the baby need to be adopted? Who will take him in? Does the father need to be called back into this circumstance by other men in the church, or assisted in some way to support the mother and baby? These are all concerns that the church can address. In other words, in seeking to follow the Scripture's guidance in this matter, the mother's concern, the father's concern, and the child's concern become *our* concern.

Hays argues this point precisely, retelling William Willimon's account of a group of ministers debating abortion. The dialogue, which begins with the testimony of a black minister concerning a pregnant teenager, bears repeating:

"We have young girls who have this happen to them. I have a fourteen-year-old in my congregation who had a baby last month. We're going to baptize the child next Sunday," he added.

"Do you really think that she is capable of raising a little baby?" another minister asked.

"Of course not," he replied. "No fourteen-year-old is capable of raising a baby. For that matter, not many thirty-year-olds are qualified. A baby's too difficult for any one person to raise by herself."

"So what do you do with the babies?" they asked.

"Well, we baptize them so that we all raise them together. In the case of that fourteen-year-old, we have given her baby to a retired couple who have enough time and enough wisdom to raise children. They can then raise the mama along with her baby. That's the way we do it."³⁷

This kind of testimony shows how faithfulness to Scripture need not be inconsistent with an appeal to experience.

If the above analysis is correct, and the Bible does speak clearly on the matter of abortion, what is the practical effect? I want to suggest several implications for the life of the church. First, if unborn children are seen simply as children, then it follows that God is very serious about abortion, and does not see it differently than any other shedding of innocent blood (e.g., Jer. 22:3). The issue needs to be in the foreground of the church's understanding of what it means to live as a faithful people who are concerned to do justice, love mercy, and walk humbly with God (Micah 6:8). The fact that 1.5 million babies are killed annually in the United States alone means that the issue is not far off, but in fact very near. Isaiah's exhortation to Israel is relevant today: "Seek justice, correct oppression; defend the fatherless, plead for the widow" (Is. 1:17). Who are the fatherless? Might not they include unborn babies whose fathers have left, leaving the mother alone with the baby and all that surrounds childbearing and childrearing, or those babies whose fathers seek to deal with the "problem" through encouraging (or sometimes insisting upon) abortion? Who are the widows? Might not they include the many pregnant women in crisis pregnancies who find themselves alone and vulnerable, like the widow of whom Scripture speaks? The different ways the Christian community might go about correcting oppression, defending the fatherless, and pleading for the widow are very important questions, but perhaps beyond the scope of this discussion (although some ways have been suggested already). Suffice it to say at this point that the Christian church is not given the option of simply sitting back.

Second, it is important for the church to remember that the issue includes *both* the fatherless and the widow. Too often the discussion gets set up as a conflict between the best interests of the woman and the best interests of the child. Scripture would say that God works together for the best of both. The welfare of the mother should be as important to the church as the welfare of the baby. Where the welfare of the mother is not also squarely in view, the church loses its authority to speak in the matter.

Third, understanding unborn children as *children* should clarify the church's position on abortion. Too often abortion is approached as an unfortunate matter with valid points on both sides. When the Israelites were engaged in child sacrifice (Jer. 32:35, Ezek. 16:20), it is not difficult to imagine that some rather vigorous debate took place within the covenant community concerning the morality of the practice. It is difficult, however, to imagine the faithful Israelite deciding that there was merit on both sides, and remaining in a state of ambivalence. Rather, the prophets were decisive in their

denunciation of the practice, and left no room for ambiguity. Without belittling the difficulty of crisis pregnancies in people's lives, the church must respond with a clear word. In fact, it is precisely because circumstances surrounding crisis pregnancies can be so difficult that the church must be clear. While there may be a place for debate, under particular circumstances, God's word concerning children is primarily a matter to be proclaimed and acted upon.

Fourth, if the church would take on the worldview of Scripture that the unborn are children, we would do well, insofar as possible, to adopt the language of Scripture. Language, as we have seen above, can be used to conceal things, or bring them into the open, and is powerful in forming our perception of truth. Euphemisms such as "terminating a pregnancy," "fetus," and even "abortion"³⁸ should be avoided. Such language tends to cloud the truth, both for ourselves and for those to whom we speak. For the sake of public discourse, such euphemisms should be exposed, then abandoned.

Finally, any proclamation that the unborn are children must be brought hand in hand with the Gospel. There are too many people who have been involved in abortion one way or another not to realize that abortion is a painfully personal discussion for many. No one can hear the truth concerning abortion unless he or she has ears to hear. For those who have been involved in abortion (whether undergoing one or enabling one in some way), it will often be too painful to admit they have participated in taking the life of a child, unless they can understand that God forgives abortion. It is therefore imperative that the Scriptural truth concerning forgiveness and restoration be kept at the center of the discussion: "If we confess our sins, he is faithful and just to forgive us our sins and cleanse us from all unrighteousness" (I John 1:9). For many, abortion is a not a head issue, but a heart issue. If one does not have a sense that he can handle the guilt of admitting the truth concerning abortion, it is easier to hide behind arguments. The Gospel must be brought to the forefront. This recognition is another way of allowing Scripture to mold our reflections.

Clearly, approaching the issue of abortion from a Scriptural perspective is a far more encompassing task than is often understood, and yet imperative if the church is going to respond faithfully to the issue, both in word and in deed.

One final thought concerning a Christian response to the reality of abortion. Roughly 45 million children have been killed due to abortion since 1973 in the United States. Assuming that the mother and the father were both parties to the death of the child (as is often the case), then 90 million people have been involved in abortion. There are, of course, abortionists

and clinic workers, those who fundraise for organizations that promote abortion, and others, adding to the number, as well as women who may have had multiple abortions, subtracting from it. The exact numbers are not really important, save that they bring to mind the vast extent of the problem—there are millions of people in the United States who bear the guilt of abortion. The practical implication for the church? Here is a tremendous opportunity for the sharing of the Gospel. If one were to put it into the perspective of a missionary, it could be said that there is a people-group in the United States well over 100 million strong joined by a common experience of being involved in abortion, some of whom may have turned away from God simply because they believe that they have forfeited their place with Him. In other words, the church's call in responding to abortion is not only in defending the unborn and supporting their parents, but to bear witness to the world that "there is now therefore no condemnation for those who are in Christ Jesus" (Rom. 8:1). I have heard it best said by a father of six:

The challenge for the Christian churches: Make sure that 80 million or more people in this country, and hundreds of millions throughout the world, hear the Good News, and make sure they hear, specifically, that it is Good News for people who have killed their own children. To many, it will be very Good News that God, the Creator, knows them and knows their sin—and that He loves them! Our sin does not change the fact that God loves us! It is very good news that Jesus died for the sins of the world, and that we can stand in the presence of the living God, forgiven and free, with a new life bound up in the life of our risen Lord and Savior. People need to hear this, and people whose lives have been destroyed by the sin of abortion will at least listen to the message of forgiveness. They know abortion not as an abstraction, but as the father or mother of a slain child knows it, and they need the kind of help they can find only in the Gospel, only in Jesus.³⁹

How best to reach such people is a matter for much thought and prayer, but the opportunity is there for the taking (Eph. 5:16, Col. 4:5).

NOTES

1. Richard B. Hays, *The Moral Vision of the New Testament* (Edinburgh: T&T Clark, 1997), 444-461.
2. I do not assume that Hays himself would call his position "pro-choice." Whether or not this is a fair designation of Hays' position I leave for the reader to decide.
3. Hays, 457.
4. "Books of the Century" in *Christianity Today*, vol. 44, No. 5 (April 24, 2000), p. 92. CT's list was the result of a survey of religious leaders.
5. Hays, 445.
6. Hays, 445.
7. Hays, 445.
8. Hays, 445. While primarily concerned with New Testament ethics, Hays' treatment of abortion uses the Old Testament as well.
9. For Hays' treatment of the Biblical "prooftexts," see 446-448.
10. Hays, 450.

11. Hays, 452.
12. Hays, 456-7.
13. Hays, 457.
14. Hays, 444.
15. E.g., the 1994 statement of Fr. Frank Pavone, director of Priests for Life: "The shooting of abortionists is wrong." Later, in 2000 (after Hays' work was published), Pavone declared that "Priests for Life strongly condemns violence against any abortion provider, and is saddened to hear of the stabbing of [abortion provider] Dr. Gary Romalis." In fact, in 2001 Priests for Life offered \$50,000 to anyone who might provide information leading to the arrest of those involved in shooting abortionists. The offer was made on April 4, 2001, precisely in recognition (and admiration) of the nonviolent work of Martin Luther King Jr. See <http://www.priestsforlife.org/articles/rejectviolence.htm>.
16. Hays, 458.
17. Hays, 450, mentions abortion violence, almost in passing, when speaking of abortion as destroying God's work. Curiously, Hays is clear that anti-abortion violence is "incompatible with the Gospel" (458), but is willing to view certain cases of abortion violence as "justifiable options for Christians" (456). Why he allows for violence in one case and not the other is never addressed.
18. Hays, 445-46.
19. "MT" is the Masoretic Text (Hebrew); "LXX" is the Septuagint (Greek). "Fetus" is a Latin word that means offspring.
20. That many contemporary English Bibles translate the words *weyatse'u yeladeyha* with "there is a miscarriage" is itself an example of how our modern Western worldview differs from that of the Bible. The Hebrew phrase brings the *child* into the foreground, whereas the English rendering hides the child from view, focusing instead on an *event*, the miscarriage. While this may seem a small point, it is exactly the same move made by many who seek to justify abortion by minimizing or removing altogether the presence of the child, whether by declaring the child a non-person, or by refusing to refer to the child altogether. It is for this reason that one never sees advocates of abortion rights publicly refer to the unborn child as a child or baby. If the child is referred to at all, it is always as a "fetus," "embryo," or similar terms. Likewise, it is much easier to speak of the termination of a pregnancy, or even an abortion (both of which do not refer to the child, but to an event), rather than the killing of a child or baby (which again brings the child into view).
21. Umberto Cassuto, *A Commentary on the Book of Exodus*, trans. Israel Abrahams (Jerusalem: Magnes Press, 1967), 275.
22. Even if the text is speaking of a child who has died in "coming forth," there is still reason to question the inference that the child was considered less important because the punishment was less severe. Biblically there is a great difference between intentional and unintentional sin. The intentional sin is covered by sacrifice (Lev. 4:2, 13, 22, 27), the defiant sin requires the offender to be "cut off" from his people (Num. 15:22-31). The intentional murderer is to be condemned to death, while the one who kills unintentionally may flee to a pre-appointed city of refuge (Exod. 21:12-15). One could reasonably assume that the death of an unborn child would be the unintended consequence of striking the woman (which itself appears unintentional here as well), and therefore not liable to capital punishment. Whether or not this legal distinction concerning intentionality is behind the law of Exod. 21:22-25, it is nonetheless a plausible possibility, which should give us pause before using this text to suggest a distinction between born and unborn children.
23. Hays, 448.
24. Hays, 448, italics original.
25. Hays, 447.
26. In places figures of speech are used, such as "fruit of the womb" (Is. 13:18; Ps. 127:3), or "cherished ones" (Hos. 9:16). Genesis 25:23-24 refers not only to twins, but to nations in the womb.
27. Hays, 455, cf. 451.
28. Hays, 454.
29. Hays 454-55. Hays quotes from Hauerwas, *A Community of Character: Toward a Constructive Christian Social Ethic* (Notre Dame, Ind.: University of Notre Dame Press), 225-26.
30. For a defense of the translation "as the image of God" see David J.A. Clines, "The Image of God

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- in Man," *Tyndale Bulletin* 19 (1968), 51-103.
31. Isaiah 57:15: "Thus says the high and lofty one, whose name is Holy. . . ." The traditional English rendering "holy" could just as easily be rendered "sacred," for both are faithful renderings of the same Hebrew root, *qadosh*.
 32. Hays, 450.
 33. Hays, 456. Since Hays focuses on the case of rape, rather than the life of the mother, I will follow him by addressing his argument concerning rape.
 34. On how experience might function in the church in a manner consistent with Scripture, see below.
 35. Hays, 455.
 36. Hays, 457.
 37. Hays, 459.
 38. Although itself a euphemism, because of its currency the word "abortion" is a more difficult term to avoid in general discussion.
 39. Peter Barry, "80 Million Need to Hear," *The Mountainsky Journal*, website address <http://www.mountainsky.com/Journal1999/Doc013.htm>. The last point of this essay is taken from Barry's article.