

NATIONAL COUNCIL OF WOMEN OF GREAT BRITAIN
SUMMARY OF THE REPORT OF THE
INTER-DEPARTMENTAL COMMITTEE ON ABORTION
JUNE, 1939

The Report of the Inter-Departmental Committee on Abortion which was appointed by the Minister of Health and the Home Secretary, under the Chairmanship of Mr. Norman Birkett, K.C., in May, 1937, "to enquire into the prevalence of abortion and the law relating thereto, and to consider what steps can be taken by more effective enforcement of the law or otherwise to secure the reduction of maternal mortality and morbidity arising from this cause," has been recently published.*

- The members of the Committee were:—
- | | |
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| W. Norman Birkett, K.C. | Trevor Havard Hunter, Esq., K.C. |
| Countess Baldwin of Bewdley, G.B.E. | G. C. M. M'Gonigle, Esq., M.D., D.Hy. |
| Lady Ruth Balfour, M.B., B.S. | Sir Ewen Maclean, M.D., F.R.C.P.,
P.C.O.G. |
| Sir Comyns Berkeley, M.D., F.R.C.P.,
F.R.C.S., F.C.O.G. | Captain M. P. Pugh, D.S.O., M.C. |
| H. A. de Montmorency, Esq., O.B.E. | W. Bentley Purchase, Esq. |
| T. Watts Eden, Esq., M.D., F.R.C.P. | C. D. C. Robinson, Esq. |
| †Lady Forber, M.D. | Mrs. Dorothy Williams Thurtle. |
| Sir Rollo Graham-Campbell. | Lady Williams, D.B.E. |

The Report is signed by fourteen members of the Committee, including the Chairman, subject to reservations on a number of points by some of the members. One of the members of the Committee, Mrs. Dorothy Thurtle, signs a separate Report.

PRINCIPLES.

There are two main principles involved in the question of abortion which are brought forward in the Report.

par. 231. The Committee state that the teaching of Christian religion and ethics that the individual life is sacred is one of the main principles upon which social life rests. This means that life must not be deliberately taken, save in very exceptional circumstances, and any measure which would tend to detract seriously from the sanctity of life must be regarded in their view as fundamentally unacceptable.

par. 227. There is, on the other hand, the principle of voluntary parenthood adopted by the Abortion Law Reform Association which advocates that abortion should be made available to any woman who so wishes, provided only that there are no medical contra-indications to the operation.

DEFINITIONS.

par. 9. A spontaneous, or natural, abortion is an abortion due to some condition or disease in the mother or foetus or produced unintentionally by some other cause, and may be regarded as primarily a medical problem.

A therapeutic abortion is an abortion induced by a duly qualified practitioner in good faith, when he is satisfied that continuance of his patient's pregnancy will endanger her life or result in serious impairment of her health.

A criminal abortion is an abortion caused by deliberate interference with the course of pregnancy in circumstances which do not afford a lawful justification for that interference.

PREVALENCE OF ABORTION.

par. 20/26. The Committee first examine the question of the prevalence of abortion. They stress the difficulties entailed in arriving at any figure, but estimate that the number of abortions occurring annually in England and Wales at the present time is between 110,000 and 150,000, which represents 16% to 20% of all pregnancies.

* The Report of the Inter-Departmental Committee on Abortion, published H.M. Stationery Office. Price 2s. 6d.
† Lady Forber resigned in October, 1937.

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It is considered that perhaps 40% of these are criminal abortions, and certainly therapeutic abortion forms a very small proportion.

par. 33 The Committee take the view that the available evidence suggests that the proportion of total abortions to total pregnancies has not appreciably increased in recent years, but that there has been an increase in the prevalence of criminal abortion, counterbalanced by a decrease in the prevalence of spontaneous abortion. Generally speaking, all the social measures advocated in the Report tend to reduce spontaneous abortion.

par. 300 The vast majority of abortions occur in married women although the proportion of abortions to pregnancies is slightly higher in the unmarried group.

DANGERS TO LIFE OR HEALTH.

par. 43 The Committee review the evidence submitted to them on the subject of maternal mortality and morbidity arising from abortion. The great majority of deaths occur in cases in which there has been criminal interference, the death rate being at least double the death rate in all cases of abortion.

pars. 45 47 55 They conclude that any abortion may involve danger to life or health, but that artificially induced abortions even when performed by skilled medical operators, entail greater risks than spontaneous abortions which receive skilled treatment: the risk is greatest when they are procured by the woman herself or by any unqualified person in unhygienic conditions.

pars. 50/53 The Report refers to the experience of the U.S.S.R. where between 1920 and 1936 any pregnant woman who so desired was able to have abortion procured during the early months of pregnancy in special hospitals staffed by surgeons of high skill. In June, 1936, however, a decree of the Soviet Government referring to the "proven harm" of abortions forbade their induction. Mrs. Thurtle does not accept the view of her colleagues that the repeal of the law was due to the incidence of sequelae after a number of years, but considers that it was due to reasons of a political rather than a medical nature.

RECOMMENDATIONS TO AMEND THE EXISTING LAW.

The Committee discuss the existing law and briefly analyse the motives for criminal abortion and the methods employed, and examine proposals for amending the law.

par. 201 They recommend that the law should be amended to make it unmistakably clear that a medical practitioner is acting legally, when, in good faith, he procures the abortion of a pregnant woman in circumstances which satisfy him that continuance of a pregnancy is likely to endanger her life or seriously to impair her health.

pars. 203 222 The Committee are not unmindful of the opinion expressed by witnesses that such an amendment of the law might give greater security to the medical practitioner who induces criminal abortions.

For that reason they recommend the introduction of certain safeguards:—

par. 204 (i) It should be made obligatory (subject to a saving clause with regard to urgent cases) for a medical practitioner, before he induces an abortion, to consult a second medical practitioner, and obtain his agreement—which must be based upon a personal examination of the patient—that the operation is medically justified.

pars. 213 215 (ii) Medical practitioners who have induced abortion should be required to notify the operation to the Medical Officer of Health of the Local Supervising Authority under the Midwives Act. The forms would be confidential, except that the police would have access to them. Notification should be made not more than 48 hours after the operation. The form of notification would be signed both by the practitioner who had operated and the practitioner who had expressed his concurrence; or, if the view had been taken that the case was too critical to admit of the delay involved in obtaining a second opinion, an explanation would be required of the reasons for that view.

This recommendation should be considered in conjunction with paragraph 270, in which, after very careful consideration of the issues involved, the Committee do not recommend the introduction of legislation to make all spontaneous and criminal abortions compulsorily notifiable.

Two reservations on this subject of notification are made.

page 129 Mr. de Montmorency and Dr. M'Gonigle dissociate themselves from the recommendations as to the compulsory notification of therapeutic abortion, chiefly because of the fact that records would be available to the police.

page 130 Lady Baldwin, Lady Ruth Balfour, Sir Comyns Berkeley, Captain Pugh, Mr. Purchase and Lady Williams recommend that all abortions should be notifiable to a Central Medical Authority which should be set up for statistical and research purposes.

CONSIDERATION OF NON-MEDICAL REASONS FOR THE LEGALISATION OF ABORTION.

par. 230 The Committee very strongly oppose any broad relaxation of the law on social, economic and eugenic reasons.

par. 241 With regard to rape they are unable to devise any scheme which while eliminating the possibilities of abuse, would ensure that the victims of rape who so desired would be able to exercise their right to the operation. The same difficulties occurred in cases of incest.

par. 247 They are unable to recommend that specific legal authority should be given for the termination of pregnancies resulting from unlawful carnal knowledge.

par. 252 They do not feel disposed to support the suggestion that eugenic reasons should be legally recognised as a ground for the induction of abortion.

The unwillingness on the part of the Committee to recommend that abortions should be made legal in the case of incest and rape should be read in conjunction with paragraphs 246 and 249. The Committee clearly envisage that certain cases of this type will admit of abortions being performed legally on therapeutic grounds.

page 139 The findings of the Committee regarding legalisation of abortion for economic, social and eugenic reasons should be read in conjunction with the Minority Report of Mrs. Thurtle, who advocates that abortion should be legal in cases of rape, unlawful carnal knowledge, incest and for women of high fertility.

ABORTIFACIENT DRUGS.

par. 169 The Committee examine carefully the question of abortifacient drugs, and are impressed by the evidence showing that on the whole such drugs were ineffective in procuring abortion, and that their sale represented a "fraudulent trade upon human weakness which with all the misery and suffering it produces forms one of the most distressing aspects of the problem of abortion."

They recommend that where necessary the Law should be amended to prohibit the sale of the chief drugs now used as abortifacients and in particular suggest that:—

pars. 156 (i) The Home Secretary should consider the question of including oil of savin and ergot in the Fourth Schedule to the Poisons Rules.

157 (ii) The sale of machine spread plasters containing an appreciable amount of lead should be restricted.

158 (iii) Apiol and penny-royal should be added to the Poisons List.

167 (iv) The advertisement and sale of "female pills" should be suppressed by the introduction of legislation on the lines of the relevant provision in the Medicines and Surgical Appliances (Advertisement) Bill of 1936.

par. 173 The Committee also recommend that the sale of sticks of slippery elm bark should be prohibited.

MORE EFFECTIVE ENFORCEMENT OF LAWS AGAINST CRIMINAL ABORTIONS.

par. 133 The Committee recommend that every citizen should co-operate with the police in the enforcement of the law. Doctors should, in particular, act upon the recommendation of the Royal College of Physicians that patients who have had criminal abortions should be urged to consent to having the matter reported to the police. The reservation signed by six members on compulsory notification also urges that the Royal College of Physicians should consider afresh the position and duties of doctors in such cases.

par. Legislation should be enacted authorising the issue by a magistrate to a police

137 officer, upon the production of prima facie evidence, of a warrant to search any house or other place suspected to be used in connection with offences of this kind.

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138 The words "any poison or other noxious thing" should be replaced by some such expression as "any substance whatever" wherever they appear in the Offences against the Person Act, 1861.

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143 Coroners should be notified by the Home Office of the importance of full investigation of all deaths following abortions reported to them, so that it may be ascertained if there has been any criminal interference.

RELATION OF CONTRACEPTION TO ABORTION.

pars.
174 The Committee examine the evidence they received on the subject of the relation of contraception to abortion. The majority of members of the Committee are not prepared on general grounds to recommend that the public health services should be utilised for the unrestricted dissemination of birth control advice, but feel that the existing powers of Local Authorities to arrange for contraceptive advice to be given to married women whose health would be adversely affected by pregnancy should be more fully utilised and should not be limited in value by too narrow an interpretation of medical grounds.

page
127 Two members of the Committee, Lady Ruth Balfour and Dr. T. Watts Eden, are of opinion that Local Authorities should be authorised to give advice in their clinics to married persons who desire it on economic grounds. This is cordially supported by Mrs. Thurtle in her minority report, who discusses the whole subject in considerable detail and considers that if proper advantage of such extended facilities were taken the incidence of criminal abortion would be very greatly reduced.

SOCIAL, ECONOMIC AND EDUCATIONAL MEASURES.

par.
278 The Committee consider that to attempt by social and economic measures to relieve the financial difficulties frequently associated with childhood and parent-hood is fundamentally a sound approach to the problem of criminal abortion.

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281 Any improvement of the facilities for maternal health and well-being provided through the agency of local authorities is likely to be of value.

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282 The extension, as widely as possible, of the use of analgesic preparations at confinement, provided that they are properly and competently administered, is to be welcomed.

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286 The provision of family allowances sufficient to cover a substantial part of the cost of upbringing would be a valuable step towards lessening the pressure under which resort is often had to criminal abortion.

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288 The provision of better and larger housing accommodation and cheaper rents is also urged.

pars.
290 Reference is made to the importance of rendering parenthood attractive, and to this end it is suggested that more nursery schools should be provided, and that special care services should be organised to afford occasional help to young mothers.

pars.
300 The Committee recognise that the tendency for the gratification of sexual desires by unmarried persons is becoming more common, and believe that often the only weapon to create a clearer understanding is proper sex education.

They give sympathetic consideration to the problem of the unmarried woman who becomes pregnant and realise that there are many reasons, both economic and social, why she might wish to procure an abortion.

Valuable assistance is rendered to unmarried mothers by a number of organisations, including excellent Homes and Hostels with accommodation both for the mother and the child, and the Committee believe that further social and economic measures such as those outlined earlier would usefully reinforce the work of these organisations.

Throughout the Report, the Committee are conscious of the vital necessity of creating a more enlightened opinion on the whole subject of abortion through wider education.

92, Gower Street,
London, W.C.1.

July, 1939.

Price 2d. per copy post free, or 1/6 a dozen.

Printed by Wadsworth and Company, The Rydal Press, Keighley.