

I. THE OLDER TESTAMENT PROTECTS HUMAN FETUSES FROM ABORTION

"Look, children are an inheritance from the Lord - and the fruit of the womb is His reward! Children of youth - are like arrows in the hands of a warrior. Happy is the man whose quiver is full of them! ... As for [the ungodly in] Ephraim, their glory shall fly away like a bird...even from conception.... Ephraim shall bring forth his children to the murderer.... They [in Ephraim] shall raise no fruit.... [For ungodly] Israel is a vine emptying the fruit it yields." - Psalm 127:3-5 & Hosea 9:11 to 10:1.

1139. The Older Testament of God's Holy Word regards the intentional and unlawful killing also of prenatal human beings as the crime of murder. This is so: a) because all human beings image God, even from their very conception onward; b) because mankind as God's image intuitively recognizes that all murderers, regardless of the age of their victims, should be put to death by society; and c) because also God Himself requires that whoever slaughters a [wo]man, including a tiny [wo]man within a [wo]man, shall have his or her own blood shed by his or her fellow man - inasmuch as God made man and woman as His image. Genesis 1:26-28; 4:1-14; 6:5-13; 9:5-6.
1140. In addition, however, the Older Testament further provides for very serious penalties - whenever a pregnant woman and/or her unborn child is negligently or even only accidentally killed or harmed or disadvantaged. Much of this chapter will thus deal especially with the *locus classicus* on that matter - viz. Exodus 21:22f. For that passage indeed illustrates what a very high premium also the Older Testament puts upon the lives and the limbs of all human beings - including all those not yet born - and how it protects and honours them too. Because this text requires that even **accidental** damage to pregnant women and/or their unborn babies is to be punished - *a fortiori* it obviously implies far greater punishments for **deliberate** damage to them by way of induced intentional abortions.

Overview of this chapter on abortion in the Older Testament

1141. In this chapter, we shall examine *seriatim*: the nature of murder, miscarriage, and abortion; the testimony of encyclopaedias anent abortion; and the character of *IUDs* alias Intra-Uterine Devices. Then we shall consider the issue of human death and abortion immediately prior to and right after the fall - and the later divinely-appointed punishment by man for human bloodshedding after the great flood in terms of the Noachic Covenant. (Elsewhere, we shall see that also as regards abortion, this was later echoed: by the *Codex Hammurabi*; in Ancient Ireland and India; by Buddhism, Zoroastrianism and Ancient Paganism; and in Judaistic and Islamic Monotheism as well as in Trinitarian Christianity.)
1142. Here, from Exodus 20:13, we shall see the anti-abortionistic thrust of God's Sixth Commandment not just for the Ancient Israelites but also for all humanity. Then, we shall look at the prohibition of abortion implied in the *locus classicus* Exodus 21:22f - and examine its 'general equity' for all people of all nations and all religions for all time.
1143. Thereafter, we will look at the strong anti-abortionism of the Post-Mosaic parts of the Older Testament. In so doing, we shall see that abortion was always either explicitly or implicitly condemned as a heinous transgression of God's Moral Law.

The nature of murder, miscarriage, and abortion

1144. The **age** at which persons are murdered, is irrelevant to the sinfulness and the criminality of the murder. So the premeditated manslaughter: of an adult; suicide; the intentional euthanasia of octogenarians; or the **criminal abortive killings** of the unborn - are all simply different varieties of that unjust intentional extermination of a human being known as 'murder.'
1145. Now 'murder' alias the unjust intentional killing of a human being - including the unrighteous slaughter of unborn babies from the womb to the tomb - must be distinguished from other forms of human killing (such as unintended manslaughter, homicide in selfdefence, and capital punishment for gross crimes). Among unborn human beings, harm can be caused by unintentional miscarriage as well as by intentional abortion - both of which usually but not necessarily result in the actual death of the zygote/embryo/fetus.
1146. Here, we have just said quite **deliberately that both unintentional miscarriage and intentional abortion** "not necessarily result in the actual death of the...fetus." For compare Exodus 21:22-25 and First Corinthians 15:8. See too paragraphs 1181 to 1264, 1374 to 1391, and 1781 to 1789.
1147. In 'miscarriage' - a freakish occurrence in human nature since the fall - there is no human intent to terminate the pregnancy, and still less to kill the fetus.¹ However, in 'intentional abortion' there is always an **intended human termination of the pregnancy** (even in what some call 'therapeutic abortion'). In some cases, there are also varying degrees of **human intent to kill the fetus** (as in 'criminal abortion'). So obviously, abortion is **never** 'therapeutic' for the baby.
1148. In this present study, by 'criminal abortion' we mean - the intentional and unjust removal of any unborn human being from his or her life-supporting prenatal environment, so that he or she is killed culpably (or after removal neglected and left to die). Such a crime thus includes the intentional homicidal removal of any fertilized human ovum (or living tiny human being) from the vital environment in which he or she was conceived or alternatively nidated - resulting in his or her death.
1149. Such abortive homicide of a living tiny human being can occur either before or during his or her artificial removal (by deliberate human agency) from his or her indispensable prenatal environment. However, such abortive homicide can occur also as a result of this process of removing the fetus - whether by a post-removal extra-uterine and overt act of direct destruction, or whether by subsequent abandonment or neglect.
1150. Both Holy Scripture and Church History clearly imply that both unintentionally-miscarried and intentionally-aborted human beings are certainly accessible to God's saving love before their prenatal deaths. Job 3:11-19 & Romans 9:11-13. See too paragraphs 31 to 50, 371 to 374, 1424 to 1460, and 1492f.
1151. Also Pope John Paul has rightly pointed out in his 1995 book *The Gospel of Life*, that criminal abortionists ultimately hurt themselves far more than those they intentionally abort. For all unrepentant murderers shall spend eternity in the lake of fire. Revelation 21:8 & 22:11-15.

¹ Gen. 3:15f; Ex. 21:22-25; Num. 12:12; Deut. 28:18,41,55f; Job 3:16; Ps. 58:8; Eccl. 6:3-5; Hos. 9:11 to 10:1; om. 8:18-23; I Cor. 15:8; *cf.* paras. 1162-1264 & 1365-91 & 1969-93.

The testimony anent abortion of various encyclopaedias

1152. Fallen man's scientific knowledge is incomplete and indeed also inescapably-sinful. So Theologians and Jurists and Medicos are not always able to agree even among themselves (and still less with Thinkers in disciplines other than their own) as to **exactly** what constitutes abortion. Yet the *Encyclopaedia Britannica* **well** defines abortion as "the premature separation and expulsion of the contents of the pregnant uterus."
1153. The *Britannica* then goes on:² "It is usual to call premature labour of an **accident[al]** type, a '**miscarriage**' - in order to distinguish '**abortion**' as a **deliberately-induced act**, whether as a medical necessity by the *accoucheur* or as a criminal proceeding. See *Medical Jurisprudence*.... Otherwise, the term 'abortion' would ordinarily be used when occurring before the eighth month of gestation, and 'premature labour' subsequently.... The English Law on the subject...makes the attempting to cause miscarriage by administering poison or other noxious thing, or unlawfully using any instrument, equally a felony - whether the woman be, or be not, with child."
1154. This is still the position under current Queensland Law. See paragraphs 1786f. There are indeed differences in Abortion Law from one land to another. Japan and Scandinavia are lax. The English-speaking lands (until recently) were strict. There, the following statement was until the epochmaking 1967 British *Abortion Act* and the American case of *Roe v. Wade* (discussed in paragraphs 1804-28), essentially correct:
1155. "When abortion is produced with malicious design, it becomes a misdemeanor; and the party causing it may be indicted and punished. When in consequence of the means used to produce abortion the death of the woman ensues, the crime is designated as murder." Thus the 1951 *Encyclopedia Americana*.³ Abortion causing such a death was murder - till 1967f!
1156. Naturally, Christians must constantly strive to refine their current legal and medical and even theological definitions of abortion. This should be done in the light of their ongoing indepth study of law and medicine and theology, especially from the infallible Word of God. See here, in particular, paragraphs 1147-55 (especially at their notes 1 to 3).

Are IUDs alias Intra-Uterine Devices abortive?

1157. It must be pointed out that intra-uterine devices or "*IUDs*" alias contra-implantational "shields" neither prevent conception nor merely produce miscarriages. To the contrary, they are very clearly abortive. For they are designed to prevent an **already-living** tiny zygote from being implanted into the uterus - **after** his or her conception within, and **after** his or her exit from, the fallopian tube (where he or she was conceived).
1158. Human personality commences at conception itself (see Psalm 51:5 and Hosea 9:9f *etc.*). There is already a new human being in existence even before subsequent nidation in the mother's uterus might take place. So the utilization of *IUDs* abandons tiny human beings with personal souls (and verifiable maleness or femaleness), to certain physical death.⁴

² *Encyclopaedia Britannica*, 14th ed., New York, 1929, I p. 57; art. 'Abortion.'

³ *Encyclopedia Americana*, New York, 1951, I p. 36, art. 'Abortion.'

⁴ See D. Llewellyn-Jones: *Everywoman - A Gynaecological Guide for Life*, Faber & Faber, 1982, p. 130.

1159. It is one thing accidentally to lose an already-conceived zygote in the course of human nature, before (or even after) implantation in the womb. That occurs by direct act of God. But it is indeed altogether another matter deliberately to abort human zygotes artificially, before or after implantation, by conscious act of man.⁵ For the **God** Who says: "I kill; and I make alive; [and] I wound" (but **Who never murders**) - **also** says to man as His creature and His very **image** who is to **imitate** Him: "**you** shall not **murder!**" Compare Deuteronomy 32:39 with Exodus 20:13.
1160. Now indirect support for the above position against *IUDs* has come, quite recently, from a very unexpected quarter: Monash University's Professor Dr. Peter Singer (co-editor of the 1982 Australian book *Test-Tube Babies*). Dr. Singer, truly no opponent of *IVF*,⁶ has publicly advised⁷ that all of us should nevertheless note "the effect that some *IUDs* have....
1161. "The devices," explains Dr. Singer, "often prevent pregnancy - **not** by preventing conception, but rather by preventing the **fertilized** egg from implanting in the womb. The **embryo** is thus **destroyed** at the very earliest stage of its existence." Thus Dr. Singer (emphases ours - F.N. Lee). See too - very interestingly - the 384 A.D. testimony of Jerome (cited in paragraphs 1449f).

Violating human life immediately prior to and right after the fall

1162. Now right at his very creation, man received the Decalogue for all time - *inter alia*, also the Seventh and the Fifth and Sixth Commandments.⁸ These Commandments include reproducing and taking care of one's own children (implied by the Seventh Commandment ("you shall not commit adultery") and the Fifth Commandment ("honour your father and your mother"). They further include respect for also tiny human life (implied by the Sixth Commandment ("you shall not murder").
1163. If man had never sinned, he would indeed have reproduced within marriage alone. He would never have died, and would never have murdered. Also abortion would have remained unthinkable, and even miscarriages would never have occurred. See paragraphs 1108-18).
1164. Right after man's fall into sin, these Commandments were again re-emphasised - to Cain; to the flood generation; and again to all men immediately after that great deluge.⁹ Even since the subsequent dispersion of mankind into the various nations of humanity (Genesis 11:9f and Deuteronomy 32:8), God has continued to keep on revealing His Decalogue alias His Ten Commandments - including the one against murder (which also prohibits abortion) - to all men everywhere. He has done so, by writing that Holy Law on their hearts and by inscribing it into their consciences.¹⁰ That Law is the same as the Mosaic Decalogue, later inscribed on stone tablets.
1165. So even pagan nations and their posterity, all descended from one common ancestral pair,¹¹ without doubt know that the unjust killing of human beings (including tiny ones) is wrong. Also most pagan societies have sought to punish it. Yet Christians and Christian societies in particular, and also those

⁵ Gen. 30:2; I Sam. 2:5f; 12:15-20; II Kgs. 5:7; Job 1:18-21; 5:18; 13:15; Eccl. 11:5; 12:7; Hos. 6:1f.

⁶ See W. Walters & P. Singer (eds.): *Test-Tube Babies - A Guide to Moral Questions, Present Techniques, and Future Possibilities*, Melbourne: Oxford University Press, 1982, pp. 44-60 & 130.

⁷ In May 1981's *Age* (as cited in Walters & Singer's *op. cit.* pp. 44f).

⁸ Gen. 1:26-28; 2:9,17,20-25; Eccl. 7:29; Rom. 2:14f; 5:12-14; Eph. 4:24-28; Jas. 2:8-11.

⁹ Gen. 3:15-18; 4:5-13; 6:4-13; 9:5-7; Ex. 20:3-17; Dt. 5:7-21; Mt. 19:17f; 22:36f; Rom. 13:1-10; Jas. 2:8-12; Jude 14f.

¹⁰ Rom. 1:18-32; 2:12-16; Acts 14:15-17; 17:23-28; II Tim. 3:1-8; Job 31:33f; Hos. 6:7f.

¹¹ Acts 17:26f & Rom. 5:12f.

societies long subject to Christian influences (such as especially the Western nations in or colonized from Europe), are morally obligated to teach against murder and to demand that it be avenged.¹²

Prohibitions of bloodshed and also abortion in the Noachic Covenant

1166. Right after the Noachic flood, and some time before the human race dispersed into all the World,¹³ God said to all humanity: "Be fruitful and multiply! ... I will exact your blood of your lives...at the hand of every man's brother. Whoever kills a human being must himself be killed by man. For God made human beings in His own image."¹⁴
1167. In the above-mentioned phrase, the words "a human being must himself be killed by man" - translates the Hebrew *haa-aadaam baa-addaam*. This latter expression is somewhat fluid. However, it can very definitely also mean: "a human being within a human being" (alias a human baby within his or her human mother).
1168. So, from the first century A.D. onward, Rabbis Ishmael and Jacob bar Aha - and, later, even the mediaeval Court Physician Moses Maimonides; as well as Rabbi Ezekiel Landau - all conclude that Genesis 9:6 prescribes the death penalty also, and especially, for feticide against "the human being within the human being" (alias for the wilful murder of the unborn child within his or her mother's womb).
1169. Also Great Britain's Chief Rabbi (Dr. Immanuel Jacobovits), as well as the Ashkenazic Chief Rabbi of Israel (Dr. Isser Unterman), both regard Rabbi Ishmael's above-mentioned ruling - as an ancient Jewish protest against even Pagan Rome's abortions (before the later christianization of the Roman Empire). See too Novak's 1974 essay: *A Jewish View of Abortion*.
1170. So Genesis 9:5f explicitly condemns not only the **murder** of all those already born. It also condemns **abortion** - at the very least implicitly and, according to many Jewish authorities, even explicitly. Significantly, in Genesis 9:12 God then goes on to add: "This is the...covenant which I am making between Me and you...for perpetual generations." This means that also Non-Hebrews, such as Pagan Heathens and later even Gentile Christians are all interdicted from practising murderous abortion. Indeed, this is exactly what also the First General Assembly of the apostolic Christian Church understood to be the case. Acts 15:19-29; 16:4f; 21:25.
1171. Significantly, not just inspired Holy Scripture at Genesis 9:5f (and also in Acts 15:19-29 & 16:4f & 21:25) but also many uninspired ancient Jewish writings¹⁵ insist that the above command against each and every unrighteous shedding of blood - binds not just Jews but also all Gentiles. Many such ancient authorities consider that this universal Noachic prohibition against shedding human blood necessarily condemns the killing also of tiny human beings (through abortion). Indeed, also other Oriental and Occidental documents from uninspired ancient sources suggest something very similar. However, we defer consideration of all such uninspired documents until the first part of our next chapter.

¹² Cf. Gen. 9:5f; Matt. 5:17-26; 26:52; Rom. 1:19-21; 2:14-16; 13:1-9; Jas. 2:11-13; Rev. 13:10; & ch. N below.

¹³ Gen. chs. 9 to 11, cf. Acts 17:24-29.

¹⁴ Gen. 9:1-6.

¹⁵ Thus *Jubilees* (7:20f), *Ethiopic Enoch* (54f,60,65-69,106f), and *Slavonic Enoch* (62:1; 63:4 & 66:3-8) in the *Pseudepigrapha* - and esp. *Sanhedrin* (56a) in the Jewish *Talmud*

The anti-abortive thrust of the Sixth Commandment for all humanity

1172. Just a few centuries after Noah, it is clear - in spite of some deformation - that there was still a consciousness of the Ten Commandments in general and the Sixth Commandment against murder in particular even among the Pagan Egyptians and the Heathen Canaanites. Thus, it is recorded in Genesis 12:12-20 that the Ancient Egyptians did not kill the fearful Abraham in order to grab his wife for their Pharaoh.
1173. Indeed, where a similar situation arose in respect of King Abimelech of Gerar - he even gave gifts to Abraham. "For the Lord had closed up all the wombs of the house of Abimelech, because of Sarah the wife of Abraham." But when Abraham prayed, God healed Abimelech and his wife and his maidservants - and they bare children." Genesis 20:6-18,
1174. A few centuries after Abraham, he who later became the great Reformer Moses himself survived the attempts of others to have him killed as a newborn baby around 1450 B.C.¹⁶ He grew up, however, to bring about the reassertion - even from a degenerate Pagan Egypt - of the truly primordial¹⁷ Law of God against murder.¹⁸ Indeed, his legislation anent even the accidental killing of tiny human beings¹⁹ both then and especially later - aroused intense aversion against the disembowelment alias "the ripping up of pregnant women."²⁰
1175. The Decalogue proclaimed by Moses, was in fact pre-Mosaic. It was written on the heart of Adam for all mankind. Thereafter, it was republished by Noah; by Abraham; by Moses; by the Lord Jesus; and, after Calvary, by His Apostles. Genesis 2:17f & 4:5-11 & 6:5-18 & 9:1-12 & 18:18f & 26:4f; Exodus 20:2-17; Ecclesiastes 7:29 & 12:13f; Matthew 5:17f & 15:3f & 19:17f; Luke 4:16 & 23:56; Acts 15:18 to 16:5; Romans 2:14-16 & 13:8f; Ephesians 4:24-28f; James 2:8-12; First John 3:11-22f & 5:2f; Revelation 12:17 & 14:12 & 21:7f & 22:11-14f. The immortal words of its best known version, were written by the finger of God Himself on the tablets of stone at Mount Sinai. It is to an analysis of its Sixth Commandment that we now turn.
1176. Now God's Sixth Commandment of the Decalogue - lo-tirtsach (or "you shall not murder!") - bears the meaning: "you shall not deliberately smite with the intention and result of slaying!" In the original Hebrew, the word "slay" (raatsach) here seems to have the principal meaning of: "to smash" - and, indeed, to smash intentionally.²¹
1177. There appears to be no Hebrew word in the Bible bearing the **sole** meaning of "to murder" or "to slay by mortally piercing or smiting (with the intention of slaying)." *Raatsach* is the best Hebrew word in the Bible which **could** be used, and which indeed is used, to express the idea of "murder." Throughout Holy Scripture, *raatsach* always refers to one man's physical violence against another. Only once in the Bible²² is the word used with the meaning of "justly avenge a murder" (by intentionally killing the murderer).

¹⁶ Ex. 1:15 to 2:11 *cf.* Acts 7:17-21.

¹⁷ Genesis 12:12-20 & 20:6-18 *cf.* paras. 1162-71 & 1175f.

¹⁸ Ex. 20:12-14 *cf.* Dt. 5:16-18.

¹⁹ Ex. 21:22-25 *cf.* Lev. 24:17 and n. 20 above with para. 1330.

²⁰ *Cf.* II Kgs. 8:12; 15:16; Hos. 13:16; Amos 1:13; *etc.*

²¹ Davidson's *Anal. Heb. & Chald. Dict.*, under *raatsach*; & Geesink's *Ordinances* IV p. 103

²² Num. 35:27.

1178. *Raatsach* is a Hebrew word used seven times in the Older Testament²³ with the general meaning of: "slay intentionally." There, the word *raatsach* could be referring: to justifiable homicide; **or**, alternatively, to culpable manslaughter; **or**, yet alternatively again, to premeditated murder. Elsewhere, *raatsach* is used eighteen times in the Older Testament to refer to violent slaughter without a **specifically** murderous intent.²⁴
1179. Yet the word *raatsach* is used an additional eighteen times in Holy Scripture²⁵ to mean precisely: "premeditated murder." In suchlike cases the Jewish Scholars' B.C. 270 translation of the original Hebrew in the Greek Septuagint, always renders it by the Greek word *phoneuoo* or its derivatives. These, in the Newer Testament, always mean: "murder."²⁶
1180. Needless to say, the above Sixth Commandment **prohibits the murder of all human beings - regardless of their age**. Thus, as part of the Moral Law of God, it interdicts unrighteously killing unborn babies by way of abortion - among all peoples, of all religions, and in all times.

Context of Exodus 21:22-25 as charter of the unborn's right to life

1181. On Mount Sinai, God had just re-iterated the Fifth Commandment of His Decalogue - "you shall not murder!"²⁷ Soon thereafter, the Spirit-inspired Moses infallibly went on to discuss the many implications of exactly what this means.
1182. Moses first inspiredly went on to mention the punishments for deliberate crimes of violence (such as culpable homicide, premeditated murder, parricide, kidnapping, and servicide).²⁸ Thereafter²⁹ he went on to refer to our *locus classicus* - to an important case where "men,³⁰ while fighting,³¹ strike³² a

²³ Num. 35:6,11,12,25,26,27,28.

²⁴ Num. 35:11,25,26,28; Dt. 4:42; 19:3,4,6; 22:26; Josh. 20:3,5,6; 21:13,21; 21:27,32,38.

²⁵ Ex. 20:13; Num. 35:12,16,18,18,19,21,21,30,31; Dt. 5:17; Job 24:14; I Kgs. 21:19; II Kgs. 6:32; Ps. 94:6; Isa. 1:21; Jer. 7:9; Hos. 4:2 & 6:9.

²⁶ See *phoneuoo* (in Mt. 5:21f; 23:31; Mk. 10:19; Lk. 18:20; Rom. 13:9; Jas. 2:11; 4:2; 5:6); *phonos* (in Mt. 15:19; 19:18; Mk. 7:21; 15:7; Lk. 23:19,25; Rom. 1:29; Gal. 15:21; Rev. 9:21); and *phoneus* (in Mt. 22:7; Acts 3:14; 7:52; 28:4; I Tim. 1:9; I Pet. 4:15; Rev. 21:8; 22:15).

²⁷ Ex. 20:13.

²⁸ Ex. 21:12-21.

²⁹ Ex. 21:22-25.

³⁰ Ex. 21:22, Mass. Heb.: *w^e- kijy...a:nashiyim* meaning: "and if men."

³¹ Ex. 21:22, Mass. Heb.: *yinnaatsuu* - meaning: "while they are laying one another waste" or "while they are fighting seriously." The expression "while they are fighting seriously" here in Ex. 21:22, and also in Ex. 2:13a (*q.v.*) - compare the *Hif'iy* verb in the expression *makkeeh-aabiyv* or "smite his father" at Ex. 21:15 - is less vigorous than the expression "smite so that he die" (*makkeeh...waameeth*) in Ex. 21:12. It is also less vigorous than the expression "smite his servant (in the Heb. *yakkeeh...'obdoo*) at Ex. 21:20. Yet it is more vigorous than the word "quarrel" (or *yeryibun*) in Ex. 21:18.

³² Ex. 21:22, Mass. Heb.: *w^enogfuu* - meaning: "and they strike." The Heb. *w^enogfuu* here indicates that both (or even all) of the several men concerned, (either accidentally or negligently) strike the woman. So too does the preferred reading of the Sept. Greek translation (*pataxoos*). So too does Luther's translation (Männer...verletzen). Minority Greek manuscript versions of the Sept., however, have *pataxeei tis* (AFX). It is apparently these versions that were followed by the Latin Vulgate's *percusserit*. Throughout, however, the principle is seen quite clearly - in the following three propositions. (1) A human person or persons may sometimes either accidentally or negligently or intentionally cause bodily insult or even physical harm to another person or to other persons. (2) Those "other persons" could include anyone - from a conceived human zygote, to an old-aged human being. (3) The person or persons insulting or hurting or maiming or killing those "other

pregnant woman"³³ - though apparently **intending** to **strike** only some **other** person or persons, namely the other man or other men against whom the striker or strikers were fighting.

1183. As a result of the blow which accidentally strikes the pregnant woman, "her [unborn] child³⁴ is expelled" - or, if more than one, unborn children³⁴ are expelled³⁵ What then should thereafter be done -to try to rectify the damage caused? Or what punishment and/or compensation should subsequently be meted out, to the satisfaction of official judges later called upon to adjudicate or to arbitrate?
1184. Orders God *via* Moses: "Provided³⁶ there is no serious physical harm"³⁷ even to the woman³⁸ - but also

persons" can be required legally to make whatever compensation or to suffer whatever other penalty a court of law might find to be appropriate in terms of Biblical Law.

³³ Ex. 21:22, Mass. Heb.: *ishshaah haaraah*. Note that the Sept. here has *gunaika...echousen*. The root of the latter word (*infinitive echein*), in the New Test., is used to indicate even the earliest stage of pregnancy (as in Mt. 1:18 & Rom. 9:10).

³⁴ Ex. 21:22, Mass. Heb.: *ye'laadeyaah* - meaning: "her children." This indicates that two or more children had been conceived during that particular pregnancy (cf. Gen. 25:21-26 & 38:18,24-30). The Samaritan Pentateuch, however, has the singular (viz. "child"). So too does the Greek Sept. (*to paidion* = "the little child") - and, implicitly, also the Latin Vulgate (*abortivum* = "the aborted one"). So the Sept. and the Sam. and the Vulg. all suggest a single-child pregnancy in this particular case. Similarly, see too the next note (36 below). The word *ye'laadeyaah* is from the verb *yaalad* - meaning: "to give birth." Compare the related noun *yeled* - meaning: "child." The word *ye'laadeyaah* here indicates that the pregnant woman would generally be carrying an externally-viable fetus rather than an externally- unviable zygote or even an embryo, at the time of the premature "birth" or rather miscarriage caused by the blow from one or both of the quarrelling men. Moreover, the word used here (*ye'laadeyaah*) is derived from the noun *yeled* (meaning "child"): from the verb *yaalad*. It is not derived from the noun *golem* (meaning "embryo") -- the latter being the very noun used in Ps. 139:16 and there (in its inflected form *golmiy*) translated "my undeveloped substance." However, the possibility of the text Ex. 21:22 also applying not just (as it does) to a fetus but also to an embryo or even to a zygote (or conceptus) - is already raised by the Massoretic text's words *haaraah* and the Septuagint's word *echousen* -- as discussed in the previous note 34 (q.v.). Significantly, the Lat. Vulg. here has *et abortivum quidem fecerit, sed ipsa vixerit* - or: "and [if] he indeed causes an abortion, but she [the woman] herself shall have kept on living."

³⁵ Ex. 21:22, Mass. Heb.: *weyaatsu*. This verb is plural, and means: "so that they [her unborn children] come out." Yet note the singular form in both the Samaritan Pentateuch and the Greek Septuagint (*exelthee*). See our remark in the previous footnote regarding the similar phenomenon there (concerning the Heb. Mass. text's usage of the plural form *vis-a-vis* the singular forms used by the Sam. Pent., the Greek Sept., and the Lat. Vulg.). Well does Dr. K. Gentry observe (*op. cit.* in *Journ. Chr. Recon.*, Winter 1982, p. 152): "It is imperative to note that the verb *yaatsaa* ['go out'] does not in any way necessitate the death of the child, as would be the case if the Hebrew word for 'miscarry' [*shaaka*] were here. It simply means that the unborn child comes out into the world from within the womb. The term is commonly used for normal deliveries - as seen in Gen. 25:26; 38:28-30; Jer. 20:18; etc. Only in one lone instance does it refer to a stillbirth (Num. 12:12). Thus, what is being described here is a premature delivery, irrespective (at this point) of whether the action produces a living or a dead child."

³⁶ Ex. 21:22, Mass. Heb.: *welo* - meaning: "and no" (Lat. Vulg.: *sed* - meaning: "but").

³⁷ Ex. 21:22, Mass. Heb.: *aa'soon* - meaning: "serious hurt." This, says W.H. House in his *Miscarriage or Premature Birth - Additional Thoughts on Exodus 21:22-25* (in *Westminster Theological Journal*, Philadelphia, Fall, 1978, p. 11), means a "significant bodily injury" (cf. its usage in Gen. 42:38). Also from the immediate context of the verses Ex. 21:22-25 it is clear that the "injury" there in question was serious; even though it was sometimes less than a mortal injury to either the mother or her premature baby or to both - or to all, in those cases where the mother was then carrying twins or triplets etc. The Lat. Vulg. here implies that especially a mortal injury to the baby is under discussion. For the Vulg. here states: "if he [the smiter] causes an abortion, but the woman herself keep on living...yet if his [the fetus's] death shall have followed" (*et abortivum quidem fecerit sed ipsa vixerit...sin autem mors ejus fuerint subsecuta*). See n. 50.

³⁸ See esp. the Lat. Vulgate's *ipsa* (compare in n. 38). Here, *ipsa* refers back to the feminine *mulierem*

no harm especially to her thus-expelled and consequently prematurely-delivered child or children³⁹ here indicates that the pregnant woman would generally be carrying an externally-viable fetus rather than an externally- unviable zygote or even an embryo, at the time of the premature "birth" or rather miscarriage caused by the blow from one or both of the quarrelling men. Moreover, the word used here (*y^elaadeyaah*) is derived from the noun *yeled* (meaning "child"): from the verb *yaalad*. It is not derived from the noun *golem* (meaning "embryo") - the latter being the very noun used in Ps. 139:16 and there (in its inflected form *golmiy*) translated "my undeveloped substance." However, the **possibility** of the text Ex. 21:22 **also** applying not just (as it does) to a fetus but also to an embryo or even to a zygote (or *conceptus*) - is already raised by the Massoretic text's words *haaraah* and the Septuagint's word *echousen* - as discussed in the previous note 34 (q.v.). Significantly, the Lat. Vulg. here has *et abortivum quidem fecerit, sed ipsa vixerit* - or: "and [if] he indeed causes an abortion, but she [the woman] herself shall have kept on living."

For the Mass. Heb. word *laah* (meaning "to **her**") is **not** added here, and does **not** follow the word *aasoon*. As Gentry remarks (*op. cit.* p. 152): "**Were** it the case that only the possible harm to the mother were to be considered, the text would doubtless have specified this by use of *laah*, 'to **her**.' Cassuto, Keil, and other eminent linguists mention the exegetical significance of the omission of *laah*. So, if neither child [n]or the mother is hurt, - the striker⁴⁰ of the woman or of the child "shall surely be punished" or fined⁴¹. The nature of the punishment - or, where appropriate, the fine - would, as exactly as possible, be quite as proportionate as possible to the gravity of the damage caused.

1185. So - as seen even from the broader context of Exodus 21:19 to 22:9 - "punished" (or fined) in Exodus 21:22 is referring to an official determination by judges. It is only after his culpability has been established thus, that the culprit is fined or punished. If fined, he "shall give⁴² to the woman's husband⁴³ whatever amount shall be determined⁴⁴ before judges⁴⁵ - if and after⁴⁶ the afflicted husband institutes legal action⁴⁷ before competent judicial officers in the ancient Commonwealth of then only a fine is levied - possibly in compensation for either the emotional stress, potential danger, or economic costs incurred in terms of caring for a premature baby." Moreover, the 3rd -century-B.C. Judaeon or Israelitic scholars who translated the ancient Heb. manuscript into the Greek Sept.,

pregnantem, and not to the 'neuter' *abortivum*. See nn. 35 & 38.

³⁹ Not just injury to the pregnant woman, but esp. injury or *aasoon* to her then-being-carried child(ren), is under discussion in Ex. 21:22-25.

⁴⁰ If not merely one but in fact both of the two (or more) quarrelling men struck the pregnant woman, presumably both (or all) of the men would be fined proportionately. Ex. 21:22.

⁴¹ Ex. 21:22. The Mass. Heb. has *'aanoosh yee'aaneesh* - meaning: "he shall most certainly pay." The Greek Sept. has *epizeemion zeemiootheesetai* - meaning: "he shall be fined a fine" (unless the Greek expression is simply a Hebraism, in which case the meaning is the same as for the Mass. Heb.). The Lat. Vulg. has *subjacebit damno* - meaning: "he shall be subjected to condemnation." See too Gentry's remarks as quoted in n. 40.

⁴² Ex. 21:22, Mass Heb.: *w^enaathan* - meaning: "and he shall give." Compare the Greek Sept.: *zeemiootheesetai* - meaning: "he shall be fined."

⁴³ Ex. 21:22, Mass. Heb.: *ba'al haa-ishshaah* - meaning: "the husband of the woman." Compare, altogether similarly, the Greek Sept.: *ho aneer tees gunaikos*.

⁴⁴ Ex. 21:22, Lat. Vulg.: *judicaverint* - meaning: "[as] they shall adjudicate."

⁴⁵ Ex. 21:22, Mass. Heb.: *bip-p^elilyim* - meaning: "before judges" Lat. Vulg.: *arbitri* (meaning: "arbitrators").

⁴⁶ Ex. 21:22, Mass. Heb.: *ka'a:sher* - meaning "according to; as; as if; because; when." Compare Greek Sept.: *kathoti* - meaning "according as; in proportion as; inasmuch as."

⁴⁷ Ex. 21:22, Mass. Heb.: *yaashiyth* - meaning: "he shall impose." Compare the Greek Sept.: *epibalee* - meaning: "he shall throw upon (or impose)" Compare Lat. Vulg.: *expetierit* - meaning: "he shall sue out"

rendered the Ex. 21:22 **Mosaic** words *w^eyaatsuu y^elaadeyaah welo yihjeh aasoon* as follows: *kai exeltheei to paidion autees mee exeikonismenon* (alias "and her little child came out when it had no way been fully shaped" or imaged). Here, it is very clear that the word *exeikonismenon* is qualifying the 'neuter' noun *paidion* (alias 'little child') and not the antecedent feminine noun *gunaika* (or 'woman'). Moreover, these Greek words *mee exeikonismenon* - themselves meaning "no way fully imaged" or "not yet at all fully delineated" - clearly refer not to the mother but to her prematurely-expelled child(ren). For the word *exeikonismenon* is the nominative neuter singular perfect middle or passive participle of the verb *ex-eikon-izoo*, the (negated) participle meaning "that which had (not) been fully-formed out of" somebody or something else. Clearly, this refers not to the mother but to her unborn *yeled* (or "child") at any post-conceptual stage of development prior to normal fullterm birth. See too the similar employment of the same word *exeikonismenon* (in respect of the prematurely-born *paidion* alias "small child" in n. 51 below) Israel, against the one(s)⁴⁸ who struck the blow(s). "But if serious physical harm⁴⁹ occurs⁵⁰ [either to the pregnant woman and/or to her unborn child or children]⁵¹ - the striker shall [definitely be forced to] give: ⁵² life for life; eye for eye; tooth for tooth; hand for hand; foot for foot; burning for burning; wound for wound; stripe for stripe!"⁵³

Rabbi Umberto Cassuto on Exodus 21:22-25

1186. The great Italian Rabbi Umberto Cassuto's discussion of Exodus 21:22-25 in his 1967 *Commentary on the Book of Exodus*⁵⁴ is very thorough. There, he agrees with Keil and Delitzsch in applying the 'serious physical harm' or *aasoon* either to the mother or to the prematurely-expelled prenatal chil(dren) - or to both (or all) of them. And he argues convincingly that the application of the *lex talionis* in this Exodus 21 passage does not preclude its being carried out in monetary equivalents.
1187. The death penalty is invoked only when a death has been planned deliberately. Exodus 21:12-13. Under **those** conditions, no monetary settlement is possible. Numbers 35:31.
1188. In other cases, however, an equivalent value (in money) is to be arbitrated for the sustained injuries or losses. Exodus 21:22 compare 21:30-34f & 22:3-9f. "The one who hurts the woman accidentally," explains Cassuto, "shall be obliged to pay her husband the value of her life if she dies - and [the value]

⁴⁸ Ex. 21:22, Mass. Heb.: *'aalaayv* - meaning: "on him."

⁴⁹ Ex. 21:23, Mass. Heb.: *w^eim aasoon* - meaning: "but if a serious hurt." The Greek Sept. is lacking here (but see n.51). Here, however, compare the Lat. Vulg.: *sin autem mors ejus fuerit subsequuta* - meaning: "yet if his death shall have followed." Note that the Vulg. here defines the "serious bodily injury" as a mortal blow (*mors*) to the fetus (*ejus*) - and not just to the mother. See too at nn. 35 & 38 above.

⁵⁰ Ex. 21:23, Mass. Heb.: *yihyeh* - meaning: "[if] there shall be."

⁵¹ Ex. 21:23. Greek Sept.: *ean de exeikonismenon ee;* - meaning: "yet if he has been fully-formed." See again our remarks on this word *exeikonismenon* in n. 40. The Greek Sept. in Ex. 21:23 could here perhaps be interpreted as follows: "Whenever no wound is caused to a not-yet-fully-formed prematurely-expelled little child" or *paidion...mee exeikonis- menon* (in Ex. 21:22), a monetary fine is payable if the husband successfully sues on the delict. But wherever a wound is indeed caused to "a fully-formed [little child]" or *exeikonismenon ee;* [*paidion*] in Ex. 21:23 (where verse 22's negating word *mee* is lacking) - the judges must give an appropriate punishment to the wounder(s).

⁵² Ex. 21:23, Mass. Heb.: *w^enaathaththaa* - meaning: "then he shall [certainly] give" or pay. This fuller form of the third person singular of the verb *naathan* would here seem to be emphatic.

⁵³ Ex. 21:23-25, Mass. Heb. *nefesh thachath naafesh, 'ayin thachath 'ayin, sheen thachath sheen, yaad thachath yaad, regel thachath raagel, k^eviyyaah thachath keviyyaah, petsa' thachath paatsa', chabuuraah thachath chabuuraah.*

⁵⁴ U. Cassuto: *Commentary on the Book of Exodus*, Jerusalem: University Press, 1967, p. 277 (cf. too pp. 272-78).

of her children if they die."

The meaning of the word "fighting" in Exodus 21:22

1189. Here, we should first of all note the word "fighting"³¹ (at the phrase "men while fighting") in the above passage.⁵⁵ The Massoretic Hebrew word here, is *yinnaatsuu*.³¹ In this context, it means that the men who fight "lay one another waste" or "fight very seriously." The same word, in the past tense, is translated "strove together" - in another case where two men were fighting against one another, as described in Exodus 2:13a (*q.v.*).
1190. While not excluding the degree of violence of the word "smiting" in Exodus 2:13b and 21:15 (*q.v.*) - the word "fighting" in 21:22 (where it means "striving"), does seem considerably less vigorous than the expression "smite so that he dies" (or *makkeh...waameeth* in the Hebrew) at 21:12. Indeed, our word "striving" or "fighting" in 21:22 is also less vigorous than the expression "smite his servant" (or *yakkeh...'obdoo*) in Exodus 2:20. Yet the word "fighting" or "striving" in Exodus 21:22 is considerably more vigorous than the word "quarrel" (or *yeryibun* in the Hebrew) at Exodus 21:18.

The meaning of the word "strike" in Exodus 21:22

1191. We must also note the other word "strike"³² (at the phrase "strike a pregnant woman") in the above passage.⁵⁵ Now the Massoretic Hebrew word here, is *wenogfuu*³² - which means "they strike" or "they smite" or "they thrust" or "they push" or "they stumble against." The Hebrew word indicates that, when two or more men are fighting one another, there is more than one man who is striking the woman concerned (whether accidentally or negligently).⁵⁶ So too does the (preferred) plural reading of the Greek Septuagint translation - namely: "they smite."⁵⁷
1192. Accordingly, even Luther's German translation⁵⁸ follows this plural form. Minority Greek manuscript versions⁵⁹ of the Greek Septuagint, however, have the singular - namely "somebody smites" (a woman).⁶⁰ So too does the Latin Vulgate.⁶¹ Throughout, however, the principle at stake is clear. Indeed, it can be demonstrated in three propositions - as follows.
1193. First, one or more human persons may sometimes (either intentionally or negligently) cause bodily insult - and even physical harm - to others. Second, those "others" could include anyone - whether a prenatal human being (such as a zygote or an embryo or a fetus or an unborn child); whether an adult human being (such as an innocent passerby or a meddling mother-to-be); or whether an aged human being (such as an octogenarian sinfully requesting euthanasia). Third, the person or persons insulting or hurting those "others" can legally be required to make whatever compensation or to suffer whatever other penalty a court of law might constitutionally find to be appropriate Biblically.

⁵⁵ See paras. 1182-85.

⁵⁶ Or even with a degree of deliberateness, as in self-defence against an interfering pregnant woman (as in Dt. 25:11f)

⁵⁷ Compare too perhaps also Dt. 25:11.

⁵⁸ "Männer verletzen."

⁵⁹ Thus: A, F and X.

⁶⁰ Greek Sept.: *pataxee; tis*.

⁶¹ Lat. Vulg.: *percusserit*

The meaning of the words "pregnant woman" in Exodus 21:22

1194. We should also observe the words "pregnant woman"³³ (at the phrase "strike a pregnant woman").⁵⁵ The Massoretic Hebrew here has *ishshaah haaraah*³³ The word *haaraah* means "to conceive" or "to become pregnant."
1195. In Genesis 38:24 Tamar is said to be "with child" (or *haaraah*) - three months after she conceived. And in Genesis 16:11, Hagar is said to be "with child" (or *haaraah*) - right after she was observed to be pregnant. Genesis 16:4,5,10.
1196. Significantly, the Greek Septuagint has *gunaika...echousan* at Exodus 21:22. Indeed, this same verb (*echein*) is used to indicate even the **earliest** stage of pregnancy in the New Testament. See its usage thus, for instance, in Matthew 1:18 and Romans 9:10 (*q.v.*).

The meaning of the word "child(ren)" in Exodus 21:22

1197. Now we should also note the word "child"³⁴ at the expression "her [unborn] child is expelled" in the above passage.⁵⁵ The Massoretic Hebrew word here, is *yelaadeyaah* (meaning: "her children")³⁴
1198. This word is here plural in form, and indicates that two or more children had been conceived during the pregnancy concerned - compare Genesis 25:21-26 & 38:18-30 with Exodus 21:22. The Samaritan Pentateuch however, has the singular: "child." So too has the Greek Septuagint,⁶² and the Latin Vulgate.⁶³
1199. The Samaritan Pentateuch and the Septuagint and the Vulgate all suggest a single-child pregnancy in this particular case (as can be seen from our own next paragraphs). The Hebrew word *yelaadeyaah* is from the well-known verb *yaalad* (which means "to bear a child or children").
1200. That verb *yaalad* is, of course, related to the noun *yeled* (plural *yelaadiym*) - which means "child(ren)". Accordingly, the word *yelaadeyaah* here indicates that the pregnant woman was carrying unborn children - and not just 'bits of tissue' or 'pieces of meat.'

The "child" in Exodus 21:22 is a *yeled* and not a *gaalam*

1201. Next, we should note that the woman described in the Exodus 21:22 case law, seems to be envisaged as carrying a well-developed fetus (or well-developed fetuses). This fetus or fetuses, apparently almost about to be born naturally, is or are seen as quite capable of surviving premature birth (either with or without harmful physical consequences). This means the woman concerned was carrying an externally-viable fetus-child (or fetus-children) which **could** right then be expelled prematurely, by sudden accident, "and **yet** no mischief follow." Exodus 21:22.
1202. Indeed, the unborn child or children under discussion here, is or are presumed to be altogether capable of life on their own - even after being ejected from the womb prematurely, as a result of the blow(s) of the fighting men. Moreover, the verb used in this passage (*yelaadeyaah*)³⁴ is related to the noun *yeled* (alias "child") - and **not** to the noun *golem* (or "embryo") nor to the latter's verb *golem* (meaning "to roll up" in an embryolike way). Very significantly, *golem* is the word translated

⁶² *to paidon* - meaning "the little child."

⁶³ *abortivum* - meaning: "an abortion."

"undeveloped substance" or embryo - in Psalm 139:16.

The "*yeled*" in Exodus 21:22 - though unborn - is a "child"

1203. The *yeled* or "unborn but viable child" in Exodus 21:22, then, is apparently not necessarily or even probably a zygote - nor even an advanced embryo. He or she should, in fact, rather be regarded as having already become a very mature unborn fetus.
1204. However, the noun *yeled* is derived from the verb *yaalad* (which means "to bear a child"). Moreover, women bear child-zygotes - before the latter (if they survive) successively become child-embryos, child-fetuses, and child-babies. Hence, it is quite clear that the text Exodus 21:22-24 implicitly protects human zygotes and embryos as well as fetuses and babies.
1205. For even zygotes and *concepti* are already envisaged by the words *haaraah* (meaning "pregnant") and *echousen* (implying even the earliest stage of pregnancy) - as discussed in previous paragraphs above. Very significantly, Jerome of Bethlehem's official Roman Catholic Latin Vulgate states that the smiter "causes an **abortion**...if **his** [namely the fetus's] **death** shall have **followed**" *etc.*⁶⁴ Thus, the fetus is here seen to be a human person.

The "*yeled*" in Exodus 21:22 is a prenatal child *in utero*

1206. Furthermore, although the word *yeled* usually refers to a postnatal child - here in Exodus 21:22 it is clear that its verb *yaalad* is referring to **children *in utero* before** their birth.⁶⁵ Similarly the noun *geber* - meaning "a strong man" or a "male warrior" - usually suggests an adult male of great physical strength. Yet in Job 3:3, it is used to refer to a male human zygote right **at conception itself**.
1207. In Exodus 21:22, if the word *gaalam* had been used (instead of the actually-used word *yaalad*) - the relevant case law could have been construed as referring only to injured (or insulted) zygotes and embryos (but not to injured fetuses nor to injured children just about to be born). Yet the Holy Spirit's careful use of the word *yaalad* (rather than *gaalam*) in this context, makes it clear that the case law cited here is referring to insult or injury to an unborn child at **any** stage of development between his or her conception and his or her parturition.

The meaning of the word "expelled" in Exodus 21:22

1208. We should also note the word "expelled"³⁵ - at the phrase "so that her [unborn] child is expelled" in our Exodus 21:22f passage.⁵⁵ The Massoretic Hebrew word here is *w^eyaatsuu* - a plural verb meaning "so that they" (*viz.* the unborn children) "came out."
1209. Significantly the Septuagint⁶⁶ and the Vulgate here both have the singular. Compare the similar phenomenon and our remarks about this in paragraphs 1197-1200.
1210. Rev. Dr. Kenneth Gentry makes an important observation here, in his essay *The Christian Case Against Abortion*. Gentry there shows⁶⁷ that "the phrase 'her fruit depart from her' is literally to be

⁶⁴ Ex. 21:22, Vulg.: *et abortivum quidem fecerit sed ipsa vixerit...sin autem mors ejus fuerint subsecuta.*

⁶⁵ See paragraphs 1194-1200.

⁶⁶ Ex. 21:22, Sept.: *exethee;*

⁶⁷ Op. cit., p. 152.

translated: 'her children go out.' The noun translated 'fruit' here, is *yeled* - which is almost always translated 'child' elsewhere.... More importantly, it is imperative to note that the verb *yaatsaa* ('go out') does not in any way necessitate the death of the child, as would be the case if the Hebrew word for 'miscarry' (*shaakal*) were here" used - which it is not.

Exodus 21:22 describes a *Fruehgeburt* and not a *Fehlgeburt*

1211. Here, the Hebrew word *yaatsaa* "simply means that the unborn child comes out into the open from within the womb. The term is commonly used for normal deliveries, as in Genesis 25:25-26 and 38:30 and Jeremiah 20:18 and Hosea 9:13 *etc.* Only in one lone instance does it refer to a stillbirth (Numbers 12:12). Thus, what is being described here (in Exodus 21:22) is a premature delivery, irrespective (at this point) of whether the action produces a living or a dead child." Thus Dr. Gentry.
1212. Accordingly, the text refers not to a *Fehlgeburt* (alias a miscarriage) but to a *Fruehgeburt* (alias a premature birth). If Moses had been referring to accidental miscarriage⁶⁸ - he would not here have used the verb *yaatsaa* (meaning "expelled"), which would generally imply that the baby would live (even if injured). Instead, he would here have used the verb *shaakal* (meaning "miscarried") - as the Bible does in Genesis 31:38, Exodus 23:26, Second Kings 2:19-21, Isaiah 47:8, and in Hosea 9:4.

What is the "mischief" or "serious harm" in Exodus 21:22f?

1213. We should also note the expression "serious physical harm"³⁷ at the phrase "provided there is no serious physical harm"; and at the further phrase "but if serious physical harm...occurs" - in our passage.⁵⁵ The Massoretic Hebrew word used here, is *'aason*³⁷. This word means: "wound; hurt; injury; mischief." It suggests a "significant bodily injury" (thus Dr. House, in his article⁶⁹ Miscarriage or Premature Birth: Additional Thoughts on Exodus 21:22-25). It represents a physical hurt or "harm" (thus Frame in his essay Abortion from a Biblical Perspective).⁷⁰
1214. It denotes "some serious, or even fatal, bodily injury" (thus Jackson in his paper⁷¹ *The Problem of Exodus 21:22-25*). Compare too the usage of the word *'aason* in Genesis 42:4,38 and 44:29.
1215. However, from the immediate context of the two verses after Exodus 21:22 - it would appear that the *'aason* (alias the injury to the unborn tiny zygote-embryo-fetus baby alone) is apparently envisaged as extremely grave (and indeed often as mortal). Significantly, the Latin Vulgate here perceives that the smiter "causes an abortion."⁷²

The litigability of the torts mentioned in Exodus 21:22f

1216. The passage⁵⁵ suggests that a legal action⁴¹ may be brought - regardless whether the 'wound' was sustained by the mother, or by her child(ren), or by both the mother and her child(ren). The Latin Vulgate here understands that where the wounded mother herself survives the abortion, even her own woundedness is apparently actionable - quite apart from the separate actionability relating to the other often-mortal wound(s) sustained by her aborted child(ren).

⁶⁸ See House's *op. cit.*, p. 111.

⁶⁹ *Op. cit.*, p. 123.

⁷⁰ J.M. Frame: *Abortion from a Biblical Perspective*, in ed. R.L Ganz's *Thou Shalt Not Kill* (Arlington: New Rochelle, 1978, pp. 51-56).

⁷¹ J. Jackson: *The Problem of Exodus 21:22-25*, in *Vet. Test.* XXIII:3 (July 1973), pp. 274-75.

⁷² See n. 65.

1217. Yet the text is here discussing injury not just to the pregnant woman but especially to her unborn child(ren) then being carried. For here we do not find a Hebrew word such as *laah* (meaning "to her") immediately following the word '*aason* (or "wound") in Exodus 21:22.
1218. As Gentry points out in his study *The Christian Case Against Abortion*.⁷³ "Were it the case that only the possible harm to the mother were to be considered, the text would doubtless have specified this by the use of *laah* ('to her'). Cassuto, Keil, and other eminent linguists mention the exegetical significance of the omission of *laah*." Also Calvin vehemently insists this passage implies that the deliberate abortion of a **fetus** is indeed "a capital crime." See paragraphs 1508-12.
1219. We should also note the third-century-B.C. Judean or Israelitic translation of the Hebrew concept of "the [unborn] child[ren]" - in the Greek Septuagint rendition of our passage.⁵⁵ For this states that "her undelineated child comes out" (or *mee-exeikonismenon exeltheej*).³⁹ It is quite clear that the word "undelineated" (or *mee-exeikonismenon*) here qualifies the neuter noun *paidion* or "little child" - and not the antecedent feminine noun *gunaika* or "woman."
1220. Moreover, this Greek expression *mee-exeikonismenon* itself means: "not-yet-fully-delineated." It clearly refers not to the mother but to her prematurely-expelled child[ren]. For within that very same expression, the word *ex-eikon-ismenon* is the nominative neuter singular perfect middle or passive participle of the verb *ex-eikon-izoo*. This participle means: "that which was formed or delineated out of [somebody or something else]."
1221. Clearly, this refers not to the mother but to the unborn child (at any post-conceptual stage of development prior to normal fullterm birth). Note the similar use of the same word *exeikonismenon* regarding the prematurely-born *paidion* or "little child" (in paragraphs 1226-30).

The meaning of the word "punished" in Exodus 21:22f

1222. In the same passage, should also note the word "punished" (or "fined")¹⁶ - at the phrase "the striker[s] shall surely be punished" (or "fined").²⁹ Here, the Massoretic Hebrew has '*aanoosh yee'aaneesh*. That is an infinitive absolute construction, meaning: "he shall most surely be fined in money."
1223. The Greek Septuagint translation similarly has: *epizeemion zeemiootheesetai*. This means: "a penalty shall be forfeited." The Latin Vulgate translation has: *subjacebit damno*. That means: "he shall be subject to damages."

Who imposes the fine or other punishment in Exodus 21:22f?

1224. As Gentry states⁷⁴ in his study *The Christian Case Against Abortion*: "If neither [the] child [n]or the mother is hurt, then only a fine is levied - possibly in compensation for either the emotional stress, potential danger, or economic costs incurred in terms of caring for a premature baby." It should not need to be said it is not by the mother nor her husband but only by official "judges"⁴² that the exact fine or punishment is then to be determined (and indeed thereafter also to be ordered executed).⁴³
1225. Those judges act when⁴⁶ and after the woman's husband⁴⁵ takes correct legal action⁴⁷ against the

⁷³ *Op. cit.*, p. 152.

⁷⁴ *Op. cit.*, p. 152.

striker(s)⁴⁸ of the woman. On the subject of this fine or other punishment, see further the views especially of the great Jurist Rev. Professor Dr. John Calvin (*cf.* in paragraphs 1511-17).

The "life for a life" and the "eye for an eye" in Exodus 21:23f

1226. We should also note it is especially in respect of injury to the unborn child that the *lex talionis* 'life for a life' or 'eye-for-an-eye' penalty is to be levied. For here the Greek Septuagint explains that this penalty is to be paid "if he [the injured child] had been imaged" (*ean de exeikonismenon eej*)⁵⁰ before his birth. Significantly, this same rare verb *exeikonizoo* is used in the *Codex Alexandrinus* version of the Greek Septuagint at verse 15 of Psalm 138 (139). There, it clearly refers to a pre-fetal embryo which had not yet been shaped to perfection.
1227. Consequently, an 'eye-for-an-eye' penalty (as defined in paragraphs 1231f) is to be imposed even in respect of accidental damage (of a negligent nature) not only to human fetuses but also to pre-fetal human embryos. Here we leave aside - though only for the moment - the very important matter as to whether this requires that he who damages the eye of a fetus (or the 'developing eye' of a pre-fetal embryo) should later also himself be blinded - or whether the damager should (with or without yet other penalties in addition) instead be required by court order *via* judges, to pay the assessed value of the damagee's eye to the latter's next-of-kin in full settlement for the injury which he negligently caused.
1228. Yet even at this present point, it is clear that whosoever accidentally yet negligently and culpably damages an unborn human being in any stages of his or her growth - should be penalized. How much more so, then, should a deliberate abortionist be penalized!

Significance of "mischief" or harm or wound in Exodus 21:22f

1229. Here we would further refer back to all of our previous remarks already made in paragraphs 1219-21 above. Indeed, the B.C. 270 Greek Septuagint translation of Exodus 21:22 could here perhaps be interpreted somewhat as follows. Whenever **no** wound is caused to a prenatal "child not-yet-fully-formed" (or *paidion...mee exeikonismenon*)⁵⁰ who was expelled prematurely from his mother's womb through culpable negligence or unintended violence - a monetary fine is payable, **if** the husband decides to sue on the delict.
1230. Yet wherever a **wound** has been caused either to the pregnant woman or to her prenatal child, the position is different. In that case, the judges **must** give an appropriate punishment to the wounder. For there, the negating word *mee* - used in Exodus 21:22 LXX's clause *mee exeikonismenon* - is now omitted in Exodus 21:23 LXX's *ean de exeikonismenon eej*.

The retaliation in Exodus 21:22f was not physical but monetary

1231. We should also carefully understand the exact meaning of the *lex talionis* penalty in Exodus 21:23-24. For it says that "if a wound occurs, the striker(s) "shall give: life for life; eye for eye; tooth for tooth; hand for hand; foot for foot; burning for burning; wound for wound; stripe for stripe."
1232. This passage does **not** mean that a person who had his tooth knocked out either accidentally or deliberately by another, had the right himself to knock out his physical injurer's own tooth. That was a later misinterpretation promoted by some of the Pharisees - a misinterpretation which the Lord Jesus

Christ was at great pains to correct.⁷⁵

1233. Indeed, such a twisted literalistic view of the "eye for eye" provision of Exodus 21:24 - seems to be precluded precisely by the immediate context of the original passage in Exodus 21:22 and 21:30. For Exodus 21:22 states that he who accidentally hurts a pregnant woman and/or her prenatal child, "shall **pay** as the **judges** shall determine" - whether pecuniarily, or corporally, or capitally - as set out in Exodus 21:23's "life for life" and 21:24's "eye for eye" *etc.*
1234. Too, just six verses later, in Exodus 21:30 exactly the same principle is applied in respect of damage caused by an animal. For in that case, Moses says anent the owner of a goring ox: "If there be laid on him **a sum of money**, then he shall give for **the ransom of his life** whatever is laid upon him."
1235. Also in the next chapter, one once again encounters the same principle at Exodus 22:9. There, one further reads: "For all manner of trespass...the cause of both parties shall come before the judges; and whom the judges shall condemn, he shall **pay** double unto his neighbour."

Judaism and the Hebraist Selden on retaliation in Exodus 21:22f

1236. This is probably why the literalistic misinterpretation of the "eye for eye" provision at Exodus 21:24 (*cf.* too at Leviticus 24:17-21 and Deuteronomy 19:16-21) was regarded, rightly, as severe or cruel. The Pentateuch itself, however, here presents **maxims** for the civil magistrate - in awarding the amount of compensation to be paid for the infliction of personal injury. The sum was to be as close as possible to the worth in money of the power lost by the injured person. Thus the Jewish *Mishnah*.
1237. Asks the Mishnaic *Baba Kamma* (at 8:1) - "Does anybody cut off the hand or foot of his neighbour? They value this according to the example of selling a servant, computing at what price he would have been sold before he was maimed - and for how much less, now that he is maimed.... So much is to be paid to the maimed person, as it is said: 'An eye for an eye' &c.... This is to be understood of **pecuniary** satisfaction.... It does not mean that he should be maimed, as he has maimed another.... He deserves to pay the damage to the person maimed."
1238. Thus too that greatest of all British Hebraists, the Westminster Assembly's John Selden. (See at length on him, Dr. F.N. Lee's D.C.L. dissertation *The Roots and Fruits of the Common Law*). On Exodus 21:22-25, Selden explains:⁷⁶ This doth not mean that if I put out another man's eye, therefore I must lose my own. For what is he [thereby made] better, for that? - though this be commonly [mis]received! But it means I shall give him what satisfaction an eye shall be judged to be worth."

Calvin on retaliation in Exodus 21:22f

1239. Calvin's view of the Mosaic *lex talionis* at Exodus 21:21-30, is well worth quoting at some little length. In his *Harmony of the Four Last Books of Moses* (II:35-44), he preserves an excellent balance - prescribing the death penalty for abortion and murder ("life for life"); and prescribing the alternative of pecuniary fines, where appropriate, for lesser wounds.
1240. Thus Calvin explains: "If therefore a person had injured a member [alias a body-part] of another, the law of retaliation is enacted - which has also been in use among other nations.... God does not

⁷⁵ Mt. 5:38-41.

⁷⁶ See in G. Bush's *Notes on Exodus*, Minneapolis: James Family Christian Pub., rep. 1979, I p. 20.

command an eye to be plucked out for an eye, or a tooth for a tooth.... This was **only** to be the case **if** anyone had **knowingly** and **wilfully** inflicted the injury. Thus, He does not bring to justice accidental blows but only a premeditated crime....

1241. "The intention of God was none other than that, being alarmed by the severity of the punishment, men should abstain from injuring others - and therefore these two things were connected together. If one killeth a man - let him die! And if one hath taken away a part of life - let him suffer a similar privation! ... The loss of an animal, may [indeed] be repaid; but...if a **man** be killed, there could be no just compensation made by money....
1242. "If the word 'death' [*ʿaṣoon*] only applies to the pregnant woman, it would not have been a capital crime to put an end to the foetus - which would be a great absurdity. For the foetus, though enclosed in the womb of its mother, is already a human being....
1243. "It is almost a **monstrous crime** to rob it of the life which it has not yet begun to **enjoy**.... It would be a **crime punishable with death** not only when the mother died from the effects of the abortion, but also if the infant should be killed - whether it should die from the wound abortively, or soon after its birth....
1244. "A delinquency (*delictum*) differs from a crime. Although it was unlawful to covenant with murderers for the remission of their punishment - still the judges were permitted on their hearing of the case to mitigate it, if a man were excused by his unconsciousness or inadvertency. This then, is a special exception which permits the judges to distinguish between the nature of offences - *viz.* that if they discovered a man not to be worthy of death, they should still punish his negligence by a pecuniary fine." See Exodus 21:22 & 21:30 & 22:3 & 22:9f.

Absurdity of construing Exodus 21:22f's retaliation physically

1245. Jesus in His 'Sermon on the Mount' - while indeed condemning all **personal** vengeance and vexatious litigation (*cf.* Matthew 5:38-40) - never rescinded the unchanging requirement of the **magistrates'** demanding 'an eye for an eye and a tooth for a tooth' (properly understood). *Cf.* Matthew 5:17-26 with Romans 13:3-10. See too paragraphs 1564-71 & 1583f.
1246. Below in paragraphs 1248f, we give what we (together with Calvin) regard as the correct interpretation of Exodus 21:24-25 and of Matthew 5:38-40. See too paragraphs 1256-59 & 1276f & 1281, for proof of the absurdity of attempting to retaliate precisely by trying to administer imitatingly the very same kind of **physical** wound as that which was inflicted.
1247. It should carefully be noted that the passage Exodus 21:22-25 is immediately **preceded** by verses requiring a **monetary** penalty.⁷⁷ Indeed, the passage is also immediately **succeeded** by verses listing various appropriate **monetary** fines for the infliction of **non-mortal** wounds.⁷⁸ Such various fines, to be fixed only by **judges** and never by injured parties themselves,⁷⁹ relate to negligent and especially to deliberate wounds resulting in the loss of health, eye, and tooth, *etc.*⁸⁰

⁷⁷ Ex. 21:19f.

⁷⁸ Ex. 21:30f.

⁷⁹ Ex. 21:19-30; 22:8f *cf.* Dt. 19:18f; 22:18f.

⁸⁰ Ex. 21:26-27 & 21:32-36.

Exodus 21:22f and intentional killing - "life for life"

1248. Too, even **quite unintentional** or purely negligent losses of human **life** were - and are - to be punished in an appropriate way. This was and is to be done, according to the discretion of judges correctly applying the Biblical laws concerned.⁸¹
1249. However, **intentional** or even **premeditated** actions resulting in the loss of human **life** - in the texts mentioned **immediately before**⁸² **and immediately after**⁸³ this passage Exodus 21:22-25 - were and are to be punished not merely by a monetary fine but instead by the judges taking the very **life** of the offender.⁸⁴
1250. This is apparently the interpretation of the A.D. 225 Clement of Alexandria. See paragraph 1425f. It is the interpretation also of that very great Jurist and Protestant Reformer, Rev. Professor Dr. John Calvin. See paragraphs 1241f and 1261-64.

General equity of Exodus 21:22f (and parallels) for all nations

1251. From a misinterpretation of Matthew 5:21f & 5:38f, it is sometimes argued that Exodus 21:22-25 applied only to the Commonwealth of the Older Testament's Israel. From that, it is misconcluded that the latter passage has no application whatsoever to the international Christian Church as the Commonwealth of the Newer Testament's Israel.
1252. The Newer Testament itself, however, clearly identifies the international Christian Church as the post-Calvary continuation of the Older Testament's Israel. Matthew 21:42-45; Romans 11:11-32; Galatians 6:16. Moreover, the Newer Testament itself also prescribes for the international Christian Church itself - in a post-Calvary way - the same judicial laws previously prescribed to the Older Testament's Israel.
1253. Here, just compare: (1) Exodus 23:1 with First Timothy 5:19f; (2) Exodus 28:1 & Numbers 16:5 with Hebrews 5:4; (3) Leviticus 6:16 & 19:13 and Numbers 4:1,30,35,42 & 8:5-22 & 18:8-19 & 18:24-32 and Deuteronomy 18:1 with First Corinthians 9:13 and Galatians 6:6; (4) Numbers 35:30 and Deuteronomy 17:6 & 19:15f with Matthew 18:15-20 and Second Corinthians 13:1 and First Timothy 5:19; (5) Deuteronomy 13:11 with First Timothy 5:20 *etc.*; (6) Deuteronomy 20:6 & 24:14 with First Corinthians 9:7b & 9:10b and Second Timothy 2:3-6; and (7) Deuteronomy 25:4 with First Corinthians 9:9 and First Timothy 5:18a. Indeed, further compare the Pentateuch and the Prophets as a whole, with the Newer Testament as a whole. Matthew 5:17.
1254. Consequently, although the outward form of these sundry laws of Moses has indeed expired together with the state of Ancient Israel, the *Westminster Confession of Faith* does quite rightly still "require" that the "general equity" of those laws remains for any "people" alias all nations also thereafter. To prove this claim, the *Confession* then footnotes *inter alia*:⁸⁵ "Exodus chapter 21; Exodus 22:1 to the 20th verse; and First Corinthians 9:8-10." This then clearly means that the "general equity" also within Exodus 21:22-25, *viz.* its teaching requiring punishment even for unintended harm inflicted upon the unborn (and *a fortiori* still more for intended abortions) - still applies also under the Newer Testament.

⁸¹ Ex. 21:18,19,21,28,30.

⁸² Ex. 21:18-20

⁸³ Ex. 21:29.

⁸⁴ Ex. 21:22,30 cf. Num. 25:30f; Dt. 16:18; 17:6-8; 19:4-6; 19:11-13; 11:17-21; 21:1-2; 21:7-9; 21:18-22; *etc.*

⁸⁵ *W.C.F.* 19:4g.

1978 American Presbyterian *Abortion Report* on Exodus 21:22-25

1255. This seems to have been recognized also in the following comment of the *Report of the Ad Interim Committee on Abortion* of the nineteenseventies. It was co-developed and co-signed by *inter alios* also three Presbyterian Medical Practitioners - and **adopted** by the 1978 All-America General Assembly of the Presbyterian Church in America.
1256. Discussing Exodus 21:22-25, the *Report* comments: ⁸⁶ "The passage is obviously not a case of deliberate abortion, the intentional killing of an unborn child. It is an accidental premature birth (or miscarriage). If such an **accident** has a penalty attached to it, any **intentional** act of this nature would **certainly** be forbidden...."
1257. "The proper understanding of this passage would, if anything, **elevate** the value of the unborn child rather than devalue his life.... This is a strong testimony to God's concern for...the unborn child."

Intentional abortion graver than the torts mentioned in Exodus 21:22f

1258. To this we ourselves would add only the following observation. If even the **accidental** harming or killing of an unborn baby is so seriously reprehended in the infallible Older Testament of God's Holy Word - **how much the more grievous** in the eyes of the Lord is the **intentional** killing of unborn human beings by way of deliberate abortion! For God is very concerned "that innocent blood should not be shed in the land..., thus bringing bloodguiltiness upon it." ⁸⁷
1259. For "the Lord hates...a proud look, a lying tongue, and hands that shed innocent blood." ⁸⁸ Thus "whoever...sacrifices any of his children to Molech," says the Lord - "I will set My face against that man, and will cut him off from among his people."
1260. Indeed, "if the people of the land in any way try to overlook the man who sacrifices his seed to Molech, and if **they** do **not** kill him - then **I** will set **My** face against that man **and** against...all that go whoring after him!" ⁸⁹

Light on Exodus 21:22-24 also from the parallel Leviticus 24:17-22

1261. A parallel passage to the above Exodus 21:22-25f, is Leviticus 24:17-22. The latter verses clearly seem to imply the appropriateness of non-capital punishments for certain crimes and delicts involving less than the actual **loss** of human **life**. Calvin's comment here is very important.
1262. Explains Calvin⁹⁰anent the Law of Moses: "We now proceed to the confirmation of the Sixth Commandment afforded by the Judicial Law. And first, the punishment of death is awarded to murderers...."
1263. "He now also subjects to punishment those who shall have mutilated the body of their neighbour by blows.... If, therefore, a person had injured a member [or bodypart] of another - **the law of retaliation**

⁸⁶ Presb. Church in America: *op. cit.*, p. 271.

⁸⁷ Dt. 19:10.

⁸⁸ Prov. 6:16f.

⁸⁹ Lev. 20:2-5.

⁹⁰ Calv.: *Harmony of the Last Four Books of Moses*, Grand Rapids: Eerdmans, 1948f, III pp. 34-36 (on Lev. 24:17-19).

is enacted, which has also been in use among other nations....

1264. "But God does **not** command an eye to be plucked out for an eye, or a tooth for a tooth.... The intention of God was none other than that, being alarmed by the severity of the punishment, men should abstain from injuring others. And therefore these two things were connected together. If one killeth a man - let him die! ... The same is the tendency of the distinction that the loss of an animal may be repaid - but that if a man be killed, there could be no just compensation made by money."

Significance of Leviticus 18:21 and 20:2-5 for tiny human life

1265. Also the passages Leviticus 18:21 and 20:2-5 are significant for tiny human life. These state that any Israelite who sacrifices the lives of his infants, and thus follows pagan practices, shall be put to death; and that any who know about but do not act against such abominations, will themselves be excommunicated.⁹¹
1266. To this, the second-century-B.C. *Zohar* (a Hebrew commentary on the Pentateuch) gives a strongly anti-abortionistic interpretation. The *Zohar*⁹² explains⁹³ that "he who causes the fetus to be destroyed in the womb...destroys the artifice of the Holy One...and His workmanship.... For these abominations - the Spirit of Holiness weeps!"
1267. Other analogous passages are Exodus 23:19 & 34:26b, Leviticus chapter 26, and Deuteronomy 14:21 & chapter 28. Three of these passages (*viz.* Exodus 23:19 & 34:26b & Deuteronomy 14:21) all state: "you shall not see the a kid[-goat] in his mother's milk!" See paragraphs 2140-47.
1268. Leviticus chapter 26 promises both fruitful crops and multiplied children to those who obey God (verses 4 & 9) - and predicts the decimation of the children of those who disobey Him (verses 22 & 29). Also Deuteronomy chapter 28 promises similar blessings (verses 4 & 11) and cursings (verse 18).
1269. In Deuteronomy chapter 28 verses 40 and 53 and 57, specifically **abortion** and **infanticide** are emphasized - as **curses**. Most of these passages, to the extent to which they deal with human abortion, will be dealt with in detail under chapters Q and R. See too paragraphs 1428f.

The significance of Leviticus 22:27f for tiny human life

1270. Another somewhat analogous text, is Leviticus 22:27f. There, we are told: "When a bullock or a lamb or a kid-goat is brought forth [or born], it shall be seven days under its dam [alias its mother].... And whether it [or its mother] be cow or ewe [or she-goat], you shall not kill both her and her young in one day" alias at the same time.
1271. Here, Calvin comments:⁹⁴ "To kill a young animal fresh from the womb, would have been a sign of contempt.... Regard was also had to **humanity** - lest, by eating of such sacrifices, they should grow accustomed to cruelty." See too paragraphs 1272-74 and 1424f and 2140-54.

⁹¹ See too Dt. 18:9-12; II Kgs. 16:2-3; 23:2,10,24; II Chr. 33:1-6,12f; Jer. 7:31; Ezek. 16:21; 23:37-39; & Hos, 9:1 to 10:1 (*cf.* paragraphs 162-73); *etc.*

⁹² Hyamson & Silbermann: *Jew. Enc.*, p. 695 (art. *Zohar*).

⁹³ *Shermoth* 3b (cited in Overduin and Fleming: *op. cit.* p. 127).

⁹⁴ *Harm. Pent.*, II p. 384.

The significance of Deuteronomy 22:6f for tiny human life

1272. There is also Deuteronomy 22:6-7f. This deals with motherbirds and their eggs. Its bearing on the value of human babies and their possible abortability, is very interesting. The Jewish *Midrash* on that text, the *Deuteronomic Rabba* (6:6), explains that "the reward for this precept" is: "If you have no children, I [Jehovah] will give you children."
1273. Also Rev. Dr. John Calvin applies this text not just to man's relationship to birds and their young. He applies it especially to man's relationship to his fellowman (and thus also to his own offspring).
1274. Regarding their attitude to birds and their young, explains John Calvin,⁹⁵ "it was God's intention to accustom His people to study **humanity**. For if there be one drop of compassion in us, it will never enter into our minds - to kill an unhappy little [mother-]bird which so burns...with love towards its little ones, as to be heedless of its [very own] life and to prefer endangering itself to the desertion of its eggs or its brood. Therefore, it is not to be doubted but that - in this elementary lesson - God prohibited His people from savageness and cruelty." See too paragraphs 2131f.

Vallentine's Jewish Encyclopaedia on the Hebrew *lex talionis*

1275. Important articles in Vallentine's 1938 *Jewish Encyclopaedia* throw interesting light on the Mosaic *lex talionis*, as found in Exodus 21:22-25 & Leviticus 24:17-20 & Deuteronomy 19:16-21. In the section on 'Penalties' in his article on *Criminal Law*, Rabbi Dr. Israel Porusch explains⁹⁶ that except in respect of murder, "the ruling of the Bible 'eye for eye [and] tooth for tooth'...has never been conceived by the interpretation of the Law as the actual **application** of the *lex talionis* - neither is it known ever to have been applied in practice in this literal[istic] sense. It is rather a maxim that punishment has to be in proportion to the damage or injuries caused. The motive of vengeance, by which not only the offender himself but also his family were doomed to suffer, is contradictory to the spirit of the Bible. See Deuteronomy 24:16."
1276. Also in its article *Lex Talionis*, Vallentine's *Jewish Encyclopaedia* further insists that 'life for life [and] eye for eye [and] tooth for tooth'...has never been interpreted literal[istical]ly - as meaning that the offender who has deprived another of an eye, shall himself lose one of his own *etc.* Only in a case of murder, was the capital penalty inflicted. In all other cases, the monetary value of a limb, an organ, *etc.*, was laid down. And that was the penalty imposed as the punishment for injury.
1277. "The purpose of the law was apparently to restrain any tendency to vengeance by demanding an excessive penalty for an offence. Incidentally, it placed all men - rich and poor, high and low - on a level. This interpretation was accepted not only by the Rabbis, but also by European Jurists such as Hugo Grotius and John Selden and by Augustine."

Rev. Dr. Adam Clark on the Hebrew *lex talionis*

1278. Rev. Dr. Adam Clark's comment on Exodus 21:24, is also most illuminating. "This is the earliest account we have of the *Lex Talionis* (or 'law of like for like') which afterwards prevailed among the Greeks and Romans" - explains Clark.⁹⁷ "Among the latter, it constituted a part of the *Twelve Tables*

⁹⁵ *Harm. Pent.*, III p. 56.

⁹⁶ Porusch: *Criminal Law* and the art. *Lex Talionis*, in eds. Hyamson & Silbermann's *op. cit.* pp. 371 & 385

⁹⁷ A. Clark, as quoted in Calvin's *Harm. of Last Four Books of Moses*, III p. 35 n. 3.

(dating from around perhaps 300 B.C.) - so famous in antiquity....

1279. "It more or less prevails in most civilized countries, and is fully acted upon in the Canon Law.... *Calumniator si in accusatione defecerit talionem recipiat* ['A false accuser, if he fails in his accusation, shall receive likewise'; Deuteronomy 19:16-21]. Nothing, however, of this kind was left to private revenge. The **magistrate** awarded the punishment **when** the fact was proved.... The punishment was...a pecuniary fine....
1280. "As even the Roman Favorinus pointed out, it was impossible for the *Lex Talionis* of the *Twelve Tables* to be kept literalistically. For if 'the like' were [indeed] inflicted 'for the like' - as one wound for another - one would have to take care that 'the like' wound was in **every** respect 'just like' the former wound" and therefore neither longer nor deeper *etc.*
1281. There is also no possible way in which exact physical retaliation could be inflicted. This become clear especially if an attempt were indeed to be made to put out the one and only eye of a one-eyed assailant - who had himself put out only one of the two eyes of a two-eyed victim.

J.K. Mikliszanski on the Hebrew *lex talionis*

1282. "In the quoted context" of Exodus 21:22-25, writes Mikliszanski in his article *Law of Retaliation and the Pentateuch*,⁹⁸ the phrase "'eye-for-eye' is preceded by 'life-for-life.'" This latter expression, **in this particular passage**, is "an expression that cannot mean 'penalty of death.' *Per contra*, however, in: Genesis 9:6; Exodus 21:12-14; Leviticus 24:17; Matthew 26:52; and Revelation 13:10.
1283. "This is so, in view of the fact that, whether the 'mischief' [alias the *·aason* in this particular passage Exodus 21:22-25] refers to the death of the unborn child or [to the death] of the woman - the killing was accidental. The Mosaic Law does not require [or even permit] death for unintentional killing" - any more than it permits any lesser penalty than death for premeditated murder (Genesis 9:5f & Numbers 36:15-33).
1284. "'Life-for-life' is not [here] to be taken in its literal[istic] sense, but in the sense of proper and full compensation.... The provisions of 'blemish-for-blemish' [too, here] refer to accidentally injuring a pregnant woman.... It would be against the spirit of the Biblical Code to assume that such unintentional injury be punished by corporal mutilation. The only possible way of restituting, is to pay an indemnity."
1285. Loss of **life**, of course, merits **capital** punishment - **if** deliberate. It merits heavy non-capital punishment and/or heavy monetary restitution, if accidental. In all cases of **non-capital** injury, however, not the amount but indeed the non-capital **mode** of punishment is the same - whether the non-mortal 'mischief' was done intentionally or accidentally. "For, as far as non-capital **damages** are concerned - there is no difference between intentional or unintentional acts." Thus Mikliszanski.

Julius Morgenstern on the Hebrew *lex talionis*

1286. Julius Morgenstern in his work *The Book of the Covenant* makes an important observation anent Exodus 21:22. Says he:⁹⁹ "It goes without saying of course that this law never contemplated that the husband could demand of the offending party any sum of money or any other compensation that he

⁹⁸ J.K. Mikliszanski: *Law of Retaliation and the Pentateuch*, in the *Journal of Biblical Literature* (1947)

⁹⁹ J. Morgenstern: *The Book of the Covenant*, Part II, HUCA 7 (1930), p. 68 n. 70.

might desire. For then, there could well be no limit to what he might claim. Some method of regulation of the demand of the husband, so that it might be kept within reasonable limits, was absolutely indispensable. And just this must have been provided for" - *viz.*, by **judges**.

1287. We are told that a man convicted of injury to a pregnant woman and/or her unborn child(ren) "shall pay as the **judges** determine." Exodus 21:22. The *Encyclopaedia Judaica* alleges¹⁰⁰ that even in Mosaic times alias "in the Biblical period, a monetary penalty was imposed for causing abortion of a woman's fetus in the course of a quarrel" whenever that injury to the woman and/or her unborn child(ren) was **unpremeditated**.

Rev. Dr. R.J. Rushdoony on the Hebrew *lex talionis*

1288. Rev. Dr. R.J. Rushdoony has made some important observations on Exodus 21:22-25 and its parallel passages - in his own 1973 volume *Institutes of Biblical Law*. There, he declares:¹⁰¹ "First, very obviously the text cites **not** a case of deliberate [or intentional] abortion, but a case of accidental abortion. If the penalty for even an accidental case is so severe, it is obvious that a deliberately-induced abortion is very strongly forbidden. It is not necessary to ban deliberate abortion [here], since it is already eliminated by this law."
1289. Second, we ourselves would point out that this text regards even **unintentional** injury to either a pregnant woman or to her fetus(es), or to both or to all, as actions requiring legal compensation. Thus, *a fortiori*, unlawful and **intentional** abortion requires an even greater degree of legal compensation - if not also capital punishment itself - for any abortionist or persons willingly party to abortion in all cases of legally-establishable wilful feticide. Genesis 9:5f *cf.* Exodus 21:22f.
1290. "Third," adds Rushdoony, even if no [physical] injury results - to either the mother or to the foetus(es) - the man who struck the mother is liable to a fine. For "the law strongly protects the pregnant woman and her foetus, so that every pregnant mother has a strong hedge of law around her."
1291. "Fourth, since even a mother bird with eggs or young is covered by law (Deuteronomy 22:6-7) - clearly, any tampering with the fact of birth is a serious matter. To destroy life, is forbidden - except where required or permitted by God's Law."

Older Testament as a whole gives grave punishments for abortion

1292. Other Older Testament texts in the Bible - to be dealt with in subsequent chapters¹⁰² - shed considerably more light on the subject of abortion. As already stated, the original Hebrew of Genesis 9:5f not only requires the death penalty for all murders, but seems to regards also and even specifically abortion as a capital crime.
1293. Exodus 21:15 & 23:19 - and Leviticus 22:28 and Deuteronomy 22:6f - seem to elevate the value of the life of a mother even above that of her precious offspring.¹⁰³ Also Exodus 22:2 & Numbers 25:2-7 teach the great importance of selfdefence - even against unintentional aggression (*cf.* Exodus 21:28-32).

¹⁰⁰ *Op. cit.*, II p. 49, art. 'Abortion.'

¹⁰¹ R.J. Rushdoony: *Institutes of Biblical Law*, Philadelphia: Craig, 1973, pp. 263f.

¹⁰² See chs. Q & R below.

¹⁰³ See paras. 2107 & 2119-63.

1294. Nevertheless, even accidental or unnecessary damage to either the life or the limb of an unborn baby merits the *Lex Talionis* of "eye for eye" and "life for life." *A fortiori*, how much more does deliberate induced abortion - for any reason other than to try to save the threatened life of a baby or a mother (and both if at all possible)!
1295. Other Older Testament texts seem to establish the importance of adequate agreement by two or three competent witnesses as regards imminent dire dangers - such as threats by whosoever against the lives of pregnant women.¹⁰⁴ See, for instance: Leviticus 13:2f & 14:35f; Numbers 35:30f; Deuteronomy 17:6-10 & 19:15-21; and Proverbs 11:14 & 15:22 & 24:6.
1296. Further, protective passages like Psalm 82:3f and Proverbs 6:16f & 31:8f - requiring those to be defended who cannot defend themselves - surely apply especially to tiny human beings threatened with abortion. Thus: "defend the poor and fatherless...out of the hand of the wicked!"; "the Lord hates...hands that shed innocent blood!"; and "open your mouth for the dumb, in the cause of all such as have been appointed unto destruction!"
1297. Indeed, the Older Testament as a whole - embracing passages like Genesis 4:23 & 9:5-6; Exodus 20:12-14 & 21:22-25; Leviticus 24:17-20; Proverbs 6:16f & 24:10f and Hosea 9:11-13 - cumulatively seems to imply that severe penalties should be meted out to all abortionists.¹⁰⁵ Thus, Amos 1:13f (especially in the Septuagint) would suggest that God would rip up the Ammonites - because they had ripped up pregnant women.

The Post-Mosaic Law of God always condemned abortion as heinous

1298. Let it never be assumed that the Holy Bible prohibits the destruction only of 'formed' human fetuses, but not also of 'unformed' human *concepti* at the pre-fetal stage. To the contrary! Also the Post-Mosaic Scriptures of the Older Testament protect not only man's fetuses. They protect also pre-fetal embryos, and even pre-embryonic human zygotes.
1299. Some may indeed **wish** to start calling the zygote a human being only at least four days **after** conception - only when significant cellular redivisions have taken place, and especially only after the zygote has imbedded himself or herself into the inside wall of his or her mother's uterus. However, a new human life and therefore indeed also a new human being already exists even at the very moment of his or her conception.
1300. For God's Word insists that even the *conceptus* is fully human. Although John the baptizer was already a six-months-old fetus when he personally recognized Jesus - the Latter Himself was right then still a zygote (and possibly only a pre-zygotic *conceptus*). This proves that even a human zygote already has a recognizable personality.¹⁰⁶
1301. Again, the mature David not only insists **he** was already in existence when only an embryo.¹⁰⁷ But he also says **he** was already being shaped when still only a *conceptus*.¹⁰⁸ Likewise, even Job of old referred not only to the day when he was born, but also to the very night in which he was conceived -

¹⁰⁴ See paras. 2162-65.

¹⁰⁵ See paras. 162-73 & 1551-58 & 1564-69.

¹⁰⁶ See paras. 12-22 & 31-33 & 60-76 & 177-204.

¹⁰⁷ See paras. 147-54.

¹⁰⁸ See paras. 140-46.

as well as to his post-conceptual and prenatal life thereafter.¹⁰⁹

1302. The Older Testament squarely opposes the looser attitudes toward abortion of the Pagans who surrounded God's people of Ancient Israel. Cain's unjust killing of Abel was clearly culpable.¹¹⁰ And Moses, from B.C. 1500f onward - after reiterating to the Israelites the Creation Law "you shall not murder!"¹¹¹ - immediately went on to insist that even accidental damage to unborn humans is at the very least an actionable delict.¹¹²
1303. Time and again, the Older Testament keeps on condemning the surrounding Pagans' feticides and infanticides¹¹³ - including the "ripping up" of pregnant women.¹¹⁴ Too, it particularly stresses the need for God's covenant people to treat with great reverence all of the circumstances relating to the origin and development of human life. Such circumstances include laws prohibiting human sterilization¹¹⁵ - as well as laws urging regular sexual intercourse and regulations anent conception and birth and the afterbirth.¹¹⁶ Accordingly, all Israelitic attempts to imitate the prenatal and post-natal abominations of the Pagans, were punished with considerable rigour.¹¹⁷

Conclusion: the Older Testament protects the life of unborn humans

1304. Conclusion. If anyone "hurt a pregnant woman so that her child is expelled" - "if any serious physical harm is caused, then he shall give: life for life; eye for eye; tooth for tooth; hand for hand; foot for foot; burning for burning; wound for wound; stripe for stripe!" This is the clear requirement of Holy Scripture.¹¹⁸
1305. As the Lutheran Rev. Professor Dr. Martin Scharlemann, Graduate Professor of Exegetical Theology at Concordia Seminary in St. Louis, rightly states in his 1973 article on *Abortion*: "Such passages as

¹⁰⁹ See paras. 115-35.

¹¹⁰ Gen. 4:5-13.

¹¹¹ Ex. 20:13.

¹¹² Ex. 21:22-27,30-34.

¹¹³ Lev. 18:21; 20:2; II Kgs. 23:10; Ezek. 16:5.

¹¹⁴ II Kgs. 8:12; 15:16-18; Am. 1:13; Hos. 13:16.

¹¹⁵ Ex. 23:26; Lev. 21:20f; Dt. 7:14; 23:1.

¹¹⁶ Cf. Gen. 1:26-28; 9:1-7; 38:2-10; Ex. 13:12-15; 21:10; 23:25-27; Lev. 12:1-8; 15:2-33; 18:18; 20:8-14f; 21:7-9; 26:9,29; Dt. 22:5-9,28f; 28:4,18,30-32,40,53,57,62; Pss. 127-128; I Cor. 7:1-9; *etc.*

¹¹⁷ Lev. 20:2-5; II Kgs. 16:3-5; II Chr. 33:6,11; Ps. 106:33-40f; Isa. 57:3-5; Jer. 7:30f; Ezek. 16:20f; 20:26.

¹¹⁸ Ex. 21:22-25.

Exodus 21:22-24 indicate that life in the womb must be thought of in terms of personal being. There the law of retaliation is made to apply in cases of injury to a mother or even a child in her womb, or both."¹¹⁹

1306. The Older Testament protects human life even from conception. Penalty payments are provided even in respect of **unpremeditated** harm culpably or negligently caused to the life or the limb of the unborn. How much **greater**, then, is the penalty required - except when (only very rarely) done for reasons of selfdefence (*cf.* Exodus 22:2) - of those who **intentionally** harm the unborn! For God's Sixth Commandment ("you shall not murder!") is a prohibition against all unlawful killing of all humans, at any stage of their development from the womb to the tomb. Indeed, its application in the case law at Exodus 21:22f makes this abundantly clear.

¹¹⁹ M. Scharlemann's art. *Abortion*, in ed. C.F.H. Henry's *Dictionary of Ethics*, Grand Rapids: Baker, 1973, pp. xxi & 2. See too the comments on Ex. 21:22-25 in Geesink, Rushdoony & Wurth.

J. ANCIENT-PAGAN, INTERTESTAMENTAL, & NEWER TESTAMENT ABORTIONS

"Then Herod...slew all the children that were in Bethlehem and in all of its surrounding areas, from two years old **and under**.... In Egypt...a king...deceived our people - mistreating our fathers to cast out their own tiny children, so as not to remain alive.... You who are stiffnecked and uncircumcised in heart and ears! You keep on resisting the Holy Spirit! For you too are doing - just what your fathers did!" - Matthew 2:16 & Acts 7:18f,51.

1307. Especially in our previous two chapters, we have dealt with many ancient texts of importance to the sanctity of human life, such as: Genesis 1:28 & 2:17 & 4:8-15 & 9:5f and Exodus 20:12-14 & 21:15. We also studies the Mosaic Law's Exodus 21:22-25 - the *locus classicus* against abortion.
1308. Then we also considered its bearing on the rest of the Old Testament. There, we noted especially: Exodus 21:28-32; 22:2; 23:19; 34:26; Leviticus 18:21; 20:2-5; 22:27f; 24:17f; 26:3f,9,21f,29; Numbers 25:2-7; 35:30f; Deuteronomy 14:21; 17:6-10; 19:15-21; 22:6f; 28:4,11,18; 28:40,53,57f; Psalm 82:3f; Proverbs 6:16f; 24:10f; 31:8f; Hosea 9:11-13f; and Amos 1:13f.

Influence against abortion of the Adamic and Noachic Covenants

1309. We have seen the Adamic Covenant's prohibition against abortion and murder.¹ We saw the republication of those requirements also after the Great Flood, so that all men everywhere are still prohibited from murderous abortion in terms of the Noachic Covenant.²
1310. Here, we shall see that the memory of this long lingered even among the Ancient Pagans. Indeed, these prohibitions were re-upheld during Intertestamental Times. Then, they were again presupposed and indeed republished also by the Newer Testament.

Memory of the sin of murderous abortion after the Tower of Babel

1311. The Adamic and Noachic Decalogues, including their implications against murderous abortion, still obtain. Indeed, they keep on resounding their echoes everywhere - even after the destruction of the Tower of Babel.³
1312. For the anti-abortionism of the Noachic Covenant was the ancestor also of lesspure forms thereof, among later men of various religions. Such would include: the anti-abortionistic stances of the *Codex Hammurabi*; of the Aryan laws of the Ancient Hindus and the Ancient Irish; of the Semitic laws of the Ancient Assyrians; of Buddhism; and of Zoroastrianism.
1313. Later, largely during the Intertestamental Period (B.C. 400 - A.D. 45f), such anti-abortionism of the Noachic Law and to some extent also of the Mosaic Law⁴ affected even: Ancient Paganism; Intertestamental Philosophy; and Postintertestamental Monotheism such as especially Judaism and

1. Gen. 1:27f; 2:17; 3:3-19; 4:8-15; Hosea 6:7-9f.

2. Gen. 6:18; 9:5-12; Acts 15:16-29; 16:4f; 21:25; James 2:8-12.

3. Gen. 9:5-12 & 10:8-12 & 11:1-9f; Dt. 32:8; Acts 17:26f.

4. Ex. 21:22f *cf.* Acts 15:21-29f.

(later) Islam. No wonder, then, that abortion is reprehended also by the Newer Testament.

Anti-abortionism of the *Codex Hammurabi* and of Ancient Ireland and India

1314. After the Great Flood, Noah's sons Shem and Ham and Japheth multiplied. For some time, especially Shem and Japheth and their descendants remained faithful to God's Moral Law.⁵ Even after the destruction of the Tower of Babel in Mesopotamia and the dispersion of mankind into all the World,⁶ abortion for long seems to have been punished everywhere. Also before the time of Moses, the Shemitic Mesopotamian *Code of Hammurabi* in Ancient Akkadia (around B.C. 2100) punished injuries inflicted on pregnant women.⁷
1315. Much later, we find similarities also in the laws of the Ancient Hindus and the Ancient Irish - going back in India and in Ireland as far as B.C. 1500f. For both of those Aryan or Japhethitic systems then regarded feticide as **murder**.⁸ At least until shortly after that, we find infanticide still being regarded as unrighteous even in Hamitic Ancient Egypt.⁹
1316. Those old laws were themselves remnants of God's Moral Law - as stamped on the hearts of humanity's first ancestors in the Garden of Eden. After the fall, the laws against murdering both old and young were repeated to Cain; to Noah and his offspring; and to their descendants. The latter includes the builders of the Tower of Babel, and the persons and nations which thenceforth spread throughout the World (such as Abraham, the Chaldeans, the Indians, the Irish, and the Egyptians).¹⁰

The contrast between the Assyrian and the Hebrew *lex talionis*

1317. Now also the Mosaic legislation to some extent influenced even some of the surrounding Pagans. This can indeed be seen in respect of the Babylonians, and also as regards the later Assyrians.
1318. Thus the Babylonians prescribed punishment for abortion. The *Jewish Encyclopaedia* has recognized this, and states¹¹ that "where a man strikes a pregnant freeborn woman so as to cause her death through miscarriage, under the old *Babylonian Code*...the daughter of the assailant should be put to death." Wrong victim; right punishment!
1319. Again, even from before B.C. 1250 onward, also Assyrian Law would declare:¹² "If a woman **by her own deed** has cast forth what was within her womb, and if she had then been prosecuted and convicted - they shall impale her on stakes without burying her." Right victim; wrong method!

5. Gen. 9:6-27f.

6. Gen. 10:8-25; 11:1-9; Acts 17:24-29.

7. *Codex Hammurabi*, paras. 209-14.

8. See, in the *Sacred Laws of the Arya(n)s* (in *SBE* ii 1897 74 & 281 and xiv 1882 133); *Hymns of the Atharvaveda* (in *SBE* xlii 1897 165 & 521); and *Laws of Manu* (in *SBE* xxv 1886 v. 90) - in Hastings' *Encyclopaedia of Religion and Ethics (ERE)*, Edinburgh, Clark, 1913, Vol. 6 p. 55 at nn. 3-5. See too, on Ancient Irish Law, H. Maine's *Lectures on the Early History of Ancient Institutions* (London: Murray, 1905, pp. 18f,23f,27f) and also his *Ancient Law* (London: Oxford University Press, rep. 1939).

9. Exodus 1:15-21 *cf.* Psalm 105:25-27f.

10. Ecclesiastes 7:29; Genesis 2:17f; 4:5-14; 6:5-11; 9:5-9; 11:26f; 12:14-19; 20:3-7,18; Acts 17:24-27; Romans 1:20f; 2:14f.

11. *Jewish Encyclopaedia*, ed. Singer, New York: Funk & Wagnalls, 1905, X p. 385, referring to the old *Babylonian Code*.

12. See S. Saggs' *Greatness that was Babylon*, New York: Hawthorn, 1962, p. 215.

1320. With respect to such violent miscarriage, it is quite true - as Dr. Bruce Waltke explains¹³ in his 1969 article *Old Testament Texts Bearing on the Problem of the Control of Human Reproduction* - that there is indeed a "contrast between the Mosaic Law and the Assyrian Law." Yet there are also several similarities between these two Semitic legal systems.
1321. Indeed, those similarities themselves probably evidence their mutual derivation from common sources among Proto-Semites: alias the descendants of Shem the son of Noah (*cf.* Genesis 9:1-7 & 10:11-24). Alternatively, they evidence a similar response to God's ongoing special and/or common revelations to both the Assyrians and the Hebrews.
1322. Thus, in a similar context to Exodus 21:22-25, a law of the (much more oligarchical) Assyrians reads: "If a seignior struck another seignior's wife and caused her to have a miscarriage - they shall treat the wife of the seignior who caused the other's wife to have a miscarriage, as he treated her" - as the striker treated the woman who miscarried because he struck her.
1323. "He shall compensate for her fetus, with a life.... If that woman died, they shall put to death the seignior" who struck her. Similarly, "he shall compensate for her fetus - with a life.... If some [striker] struck her [the pregnant woman] so that she had a miscarriage - they [the judges] shall put the striker to death. Even if her fetus is a girl, he [the striker] shall compensate with a life." Thus this law of the Assyrians.¹⁴

The anti-abortionistic stance of Buddhism

1324. Later, around B.C. 500, also Classic Buddhism condemned abortion. In Southeast Asia it taught that anyone who "intentionally kills a human being, down to procuring an abortion, is...no follower of the Sakyaputta."¹⁵
1325. Even today, this tradition is still found in Buddhism. As is well-known, that religion still adopts a basically non-violent stance.

The anti-abortionistic stance of Zoroastrianism

1326. Indeed, in the same age as that of Classic Buddhism, also Classic Zoroastrianism in Persia (and beyond) - like even the Neo-Zoroastrian Parsees of Bombay today - insisted that abortion should surely be punished by the same penalty as for wilful murder. Referring to a person's employment of an old hag to abort an unwanted baby from a pregnant young woman, the *Avesta* thus declares:¹⁶ "That man does not follow the way of the Law, O Zarasthusdra, who commits the *boadhoovarshta* crime with a damsel and an old woman."
1327. Describing this crime, the *Vendidad*¹⁷ further says: "If a maid who is pregnant unlawfully tells her lover, 'I have conceived by you'; and he replies, 'Go then to the old woman and apply to her for one of

^{13.} B.K. Waltke's *Old Testament Texts Bearing on the Problem of the Control of Human Reproduction*, in eds. Spitzer & Saylor's *op. cit.*, pp. 9-11.

^{14.} E. Pritchard (ed.): *Ancient Near Eastern Texts Relating to the Old Testament*, Princeton: University Press, 1955, p. 184.

^{15.} *Vinaya Texts* (in *SBE* 13 [1881](#) 225), in Hastings: *op. cit.*, Vol. 6 p. 55 n. 6.

^{16.} *Avesta* (in *SBE* 23 [1883](#) 335), in Hastings: *op. cit.*, Vol. 6 p. 55 n. 9.

^{17.} *Vendidad* 15.13f (*SBE* 4 [1895](#) 177f), Hastings 6:55 n. 10.

her drugs that she may procure miscarriage for you'; and the old woman brings some *banga* or *shaeeta* that kills in the womb or expels the fetus; and the man says, 'Cause your fruit to perish!' - the sin is on the head of all three" (*viz.* the man, the pregnant woman, and the old abortionist).

The anti-abortionistic stance of Ancient Paganism

1328. Most Pagan Amerindians had for centuries regarded abortion as criminal.¹⁸ Pagan Xhosas in South Africa had punished it with a fine of four to five cows.¹⁹ Indeed, the Heathen Greenlanders used to believe that the aborted fetus - transformed after his or her death into an *angiaq* (alias an evil spirit) - later avenged the crime.²⁰
1329. In his volume *Ancient Hebrew Marriage Laws*, Neufeld truly claims: "Feticide throughout the course of history [among the Hebrews] has never become a recognized social practice." Even among other nations it "has been, in the main, sporadic."²¹
1330. Yet, around B.C. 1450 - and **contrary to the customs of Egypt prior thereto** - the Egyptian Pharaoh decreed to have all of the male babies of the Hebrews in his realm killed and thrown into the River Nile at their very birth.²² Later too, those Pagan Egyptians occasionally practised even abortion; for the ancient *Septuagint*, written in Egypt just after the fourth century B.C., condemned it there. Too, the Ancient Palestinians sometimes sacrificed their own fetuses and infants to their abominable idols.²³
1331. Deformed infants and unwanted baby girls were sometimes buried alive in Pagan Ancient Arabia, in Pre-Islamic times.²⁴ From an unknown time of commencement, but certainly till our modern era, unwanted human offspring in Pagan Madagascar were sometimes fed to the ants.²⁵ Also till recently, abortion was practised among the Pagans of Cambodia²⁶ and Samoa.²⁷

Anti-abortionistic influence of Judaic and Islamic Monotheism

1332. Such practices as described in the last two paragraphs, however, were exceptional. Indeed, for the most part - even since the fall of man - most communities everywhere have recoiled from abortion. To some extent, this has been because of the increasing influence of what many call "Monotheism" - even though the latter itself represents a departure from the Trinitarian *Tanak* (alias the *Torah* and the *Nabiiym* and the *Ketavijym* or the "Law" and the "Prophets" and the "Writings") of the Older Testament, of which the still-expanding Triune Christianity of the Newer Testament represents the one and only true continuation.²⁸
1333. Unitarianizing Monotheism started after the completion of Older Testament times as described in the books of Genesis through Malachi. It grew especially with the later "monotheistic" views of post-*Tanak*

18. H. Schoolcraft: *Indian Tribes*, Philadelphia, 1853f, III:243.

19. W. Warner: *Maclean's Compendium of Kafir Laws and Customs*, South Africa: Mt. Coke, 1858, p. 62.

20. R. Rink: *Tales and Traditions of the Eskimo*, Edinburgh, 1875, pp. 45 & 439f.

21. N. Neufeld: *Ancient Hebrew Marriage Laws*, New York: Longmans, Green, 1944, p. 252 n.

22. Ex. 1:15-22 & 2:1-11f, and see *Apost. Const.* VII:3, quoting Ex. 21:23 LXX.

23. See Ps. 106:35f; Lev. 18:6 to 20:23 with Jer. 7:31f; 19:2-9; Ezek. 16:20-29 & 20:26-31.

24. See Rev. Prof. Dr. W.J. van der Merwe's *Classnotes on Islam*, Stellenbosch, 1965.

25. D. Draper: *Birth Control (in loco)*.

26. *Enc. Brit.*, 1929, art. 'Abortion.'

27. See T. Turner's *Samoa*, London, 1884, pp. 79 & 280f.

28. Mt. 21:43f; Rom. 2:28f; 11:13-19f; Galatians 3:27f & 6:16; Revelation 2:9 & 3:9.

Phariseeism and post-Christian Judaism and post-Judaic Islam - as reactionary and truncated forms of God's (original) Trinitarian Religion. Yet Unitarian Monotheism too has discouraged the murder of the unborn, in many parts of the World.

1334. Earlier, the very influential (and indeed also primordial) Trinitarian Religion of the Ancient Hebrews increasingly tended to restrain the open practice of abortion even elsewhere.²⁹ Even in its later apostasy as Unitarian Judaism, it still professed to uphold the Decalogue - including its condemnation of deliberate abortion as murder.
1335. It is sadly true that Post-Christian Judaism and Islam, in their misunderstanding of the Trinity, have gone and rejected the Lordship of Jesus Christ as the one and only Saviour - and therewith also departed from the one true Triune God of Sacred Scripture. Yet fortunately, it is also true that they have nevertheless held on to considerable other portions of the teachings of the Holy Bible: including its implicit but clear condemnation of abortion. Indeed, to its great credit (albeit at the expense of approving polygamy) also Islam should be congratulated, as already suggested above - for having put an end to the infanticidal killing of female babies (which had from time to time been very widespread in pre-Islamic Arabia).³⁰

Tiny humans in the Early Intertestamental Period (from B.C. 420 onward)

1336. Now the Older Testament was completed by the inspired inscripturation of the book of Malachi, around B.C. 420. That was followed, immediately, by the so-called Intertestamental Period. The latter lasted until the beginning of the inspired inscripturation of the New Testament. That in turn commenced no later than around A.D. 47, and was completed probably before A.D. 70 (and certainly by the end of the first century A.D.).
1337. During the Intertestamental Period, both the Hebrews and the Gentiles reflected upon and reacted to what God had thus far said - also as regards the value of tiny human life. Indeed, it was precisely the Hebrews who then often influenced even the surrounding Gentiles to formulate their own attitude toward such matters too. So then: "Those from among the Gentiles who turn to God...abstain from pollutions of idols, and from fornication, and from things strangled, and from blood. For from olden generations, in every city, Moses has them who keep on preaching him - [his writings] being read in the synagogues, every sabbath day." Acts 15:19-21.
1338. For example: the ancient though post-exilic *Samaritan Targum* - a translation of the Hebrew Pentateuch into Aramaic - itself requires the death penalty for abortion.³¹ From such translations, and by renditions into Greek (such as the *Septuagint*), even many of the Pagans throughout the then-known Mediterranean World were influenced. This was so particularly during the Hellenistic Period from about B.C. 450 - and especially from B.C. 320 onward - all the way from Macedonia through North Africa to India.
1339. The simple fact is that even some of the most celebrated pagan Pre-Christian Philosophers and Moralists and Medicos of ancient Greece and Rome - often under at least the indirect influence of the Hebrew Bible -strongly condemned all unlawful abortion. Such Medicos include the great physician Hippocrates (during the fifth century B.C.).

^{29.} See Acts 15:19-21f & 21:21-25.

^{30.} See at n. 24.

^{31.} *Ha-Mikra v^e-Targuma* (v,280f,343f).

Hippocrates: "I not give a woman an abortive pessary!"

1340. There is some evidence the Pagan Greek Physician Hippocrates himself perhaps permitted the termination of a pregnancy - but solely to try and save the life of a mortally-threatened mother.³² Yet even if so, he was clearly motivated by the desire to save as many threatened lives as possible.
1341. For the standard version of his famous and time-honoured *Hippocratic Oath* - the version accepted also by the Australian Medical Association in Glebe (New South Wales) - makes this clear. It declares:³³ "I swear by Apollo the physician and Aesculapius and Health and Allheal and all the gods and goddesses, that...I will give no deadly medicine to anyone if asked, nor suggest any such counsel, and in like manner I will not give a woman a pessary to produce abortion."³⁴
1342. Thus, in Ancient Greece, according to Lipsius's *Attic Law*³⁵ if "the fetus was in such an advanced stage as to be recognized as a *zoo-on* alias a living being - an action for murder (*dikee phonou*) could be brought by the husband." Also among the Ancient Greeks, therefore, abortion was dangerous - even to the abortionist.

Hermopolis Papyrus: assaulter of a pregnant woman to be punished

1343. An interesting Hellenistic *lex talionis* - itself doubtlessly resting upon a much more ancient precedent parallel to Exodus 21:22-25 - is found in an old papyrus dating from B.C. 89. There, a pregnant woman who was "an inhabitant of Hermopolis" - after being seriously assaulted by another woman - recorded the following account.
1344. That other woman "met me in the square," explains the writer,³⁶ "and attacked me in consequence of a dispute. She gave me many blows with her hands on every part of my body during the fifth month of my pregnancy. The blows caused me to be laid up with sickness."
1345. The writer then went on³⁷ to urge the addressee - apparently a judge whose arbitration was then being sought - that the other woman who assaulted her should "be brought up and secured, until my case be ascertained in the appointed period. Thus, if anything happens to me, she may be treated according to the enactments concerning such conduct. And if I survive, may I obtain satisfaction from her - as is right!"

Hebrew Zohar: "Spirit weeps" over the "abominations" of abortions

1346. During the (Pre-Christian and Early Post-Christian) Talmudic period of Judaism - that is, contemporaneously with the Early Christian Church, all artificial terminations of human pregnancies

^{32.} See *Ante-Nic. Fath.* III p. 206 (as quoted in the section on Tertullian in our para. 1956).

^{33.} *Handbook of the Australian Medical Association*, Glebe, N.S.W.: Australian Medical Association Pub. Co., n.d., ch. IV para. 1.

^{34.} The official Greek text of the *Hippocratic Oath* declares at this point (*Orkos* 15): "*Homoioos de oude gunaiki pesson phthorion doosoo*." The relevant words in the Greek text here are unimpeachable, for the RU merely inverts the words in order to read: *phthorion doosoo pesson*. The *pessos* was a stone put into the vagina which engineered the embryo's destruction (*phthorion*).

^{35.} Lipsius: *Attic Law*, pp. 608f.

^{36.} B.S. Jackson: *The Problem of Exodus 21:22-25 (Ius Talionis)*, in *Vetus Testamentum*, XXIII:3, July 1973 pp. 295f.

^{37.} "*laboo par' autees to dikaion hoos katheekei*."

were banned³⁸ except where the mother's own life was in jeopardy. This is reflected especially in the 2nd -century-B.C. *Zohar* (or 'Commentary on the Pentateuch').

1347. The Hebrew *Zohar* states:³⁹ "A person who kills the fetus in his wife's womb, desecrates that which was built by the Holy One and His craftsmanship." It then, sadly, continues: "For these abominations, the Spirit of Holiness weeps!"

***Mishnah*: prenatal baby is human and undismemberable after 'halfborn'**

1348. The *Mishnah* claims to have been delivered orally to Moses by God, at the same time He gave His written Law (including Exodus 21:22-25) on Mount Sinai.⁴⁰ Itself reduced to writing only during the early centuries of the Christian Era, it frowns upon abortion - especially before the beginning of the labour process.
1349. Even if the woman was threatened with death during the labour process itself, the baby may only be killed to save the life of the struggling mother if less than half of the infant had been delivered (and if otherwise both the baby and the mother would have died during that childbirth).
1350. Observes the Hebrew *Mishnah*:⁴¹ "If a woman was in hard travail (Genesis 35:17-19) - the child must be dismembered while it is in the womb and brought out member by member (since the life of the mother has **priority** over the life of the child). But if the greater part of it was already born, it may not be touched - since the claim of one life cannot override the claims of another."
1351. On the one hand, this seems to imply the *Mishnah* considers the life of a mortally-endangered pregnant mother to be even more important than that of her unborn baby. Yet also her unborn baby is very important. For if the greater part of that baby had come forth from the mother already - no part of the baby may be dismembered even to save the mother's own life. Either way - whether to be dismembered or whether to become born in his or her entirety - there can be no question that to the *Mishnah*, the unborn human fetus is already fully human and therefore of very great value.

The B.C. 30f Philo called for the punishment of abortionists

1352. The Alexandrian Jew Philo (B.C. 30 to A.D. 50) required "life for life" from anyone deliberately aborting a formed fetus. Philo was almost contemporary to the New Testament writers themselves. Significantly, he firmly grounded⁴² the conception of all children in the first woman Eve's conception of Cain and Abel.
1353. Also, he firmly grounded the criminal abortion of all murdered fetuses - together with the "life for life" penalty required of abortionists - in humanity's first murder. For after Abel had been slain by Cain, the latter had very good reason to fear retribution. Thus, he fearfully said: "Everyone who finds me, shall slay me!" Genesis 4:1-14 *cf.* Exodus 21:22.
1354. In his treatise *The Special Laws*, Philo also elaborates on Exodus 21:22f. There, he explains:⁴³ "If a

38. *Enc. Jud.*, II p. 99.

39. *Shermoth* 3b, compare *Enc. Jud.* p. 221.

40. *Aboth*, 1:1f (in Danby's *Mishna*, London: Oxford Univ. Press, rep. 1958, p. xvii).

41. *Ib.*, p. 660 (*Mishnath Oholoth* 7:6).

42. Philo's *On the Cherubs* 12-15.

43. Philo: *The Special Laws* III:108f (see too *Enc. Jud.* II p. 99).

man comes to blows with a pregnant woman and strikes her...and she miscarries...; if the offspring is already shaped and all the limbs have their proper qualities and places in the system, then **he must die** (*thneesketoō*). For that living entity (*zōōon*) which answers to this description, is a human being - which he has destroyed."

1355. To Philo, then, deliberate abortionists merit capital punishment. For though the human offspring is fathered directly by his immediate parent, indirectly he is generated by God the Father - Whose little image he is.
1356. Here, Philo combines the Noachic provisions of Genesis 9:5f with the Mosaic in Exodus 21:22f. "I shall requite the blood of your lives.... At the hand of every man's brother, I will requite the life of man. At the hand of man, I will requite it.... Whosoever sheds man's blood - by man shall his blood be shed. For God made him as His image.... If men...hurt a pregnant woman so that her fetus depart from her..., if any mischief follow - you shall give life for life, eye for eye, tooth for tooth" *etc.*

A.D. 37f Josephus: a deliberately-aborting woman is "a murderess"

1357. During the first century A.D., and still reflecting the Ancient Hebrew Law, the great Jewish Historian Josephus (A.D. 37-104) boldly held:⁴⁴ "The Law has...prohibited women from aborting or destroying seed. A woman who does so, shall be judged a murderess of children. For she has caused a soul [or life] to be lost and the family of a man to be diminished."
1358. Indeed, also according to subsequent Judaism, even having sexual intercourse with one's wife when pregnant - was to be engaged in only with great care. For when likely to harm the fetus in her womb - such an action could amount to the illicit shedding of blood.⁴⁵

Increasing apostasy of Ancient Greece had promoted abortions

1359. However, it is sad that some other influential ancient thinkers - including even the non-medical Pagan Philosopher Plato - sometimes permitted abortion. Yet to his credit, Plato did acknowledge that the fetus was indeed a human being.
1360. It was Plato who first painted a picture of what he considered to be the ideal society of the future. Said Plato in his very influential work *The Republic*,⁴⁶ written very probably before B.C. 350: "I should make it a rule for a woman to bear children to the state, from her twentieth year to her fortieth year; and a man...until he is fifty-five years old....
1361. "As soon as the women and the men are past the prescribed age, we shall allow [them]...to associate freely with whomsoever they please...but only after giving them strict orders to do their best if possible to prevent any child haply so conceived from seeing the light. But if that cannot be helped - [they are] to dispose of the infant, on the understanding that the fruit of such a union is not to be reared."
1362. Here Plato foreshadowed Aldous Huxley's *Brave New World*, if not also George Orwell's *Nineteen Eightyfour*. Already in the paganistic Plato, the discerning modern eye can see our own age's legalized abortion and the 'disposal' or 'termination' - or rather the **extermination** - of 'surplus'

⁴⁴. F. Josephus: *Against Apion*, 2:202.

⁴⁵ *Yebamoth* 62b; *Niddah* 13a & 31a; *Havvath Ya'ir* No. 31; *She'alat Yavez* 1:43; *Mishpatei Uziel* 3:46.

⁴⁶. Plato: *Republic* V:461, New York: Macmillan, rep. 1935, pp. 170f.

artificially-orchestrated human embryos 'manufactured' during *IVF*.

1363. Plato's even more famous student the absolutistic Aristotle - in his *circa* B.C. 340 work *Politics* - actually required abortion (before 'quickening'), whenever the number of state-permitted births became exceeded.⁴⁷ In this way, he surely foreshadowed the modern *ZPG* or 'Zero Population Growth' policies of the humanistic West - and paved the way for the state-required aborting of second pregnancies as now required by callous Communists in our own twentieth century A.D.'s Red China.
1364. Sad to say, after Plato and Aristotle the ever-increasing toleration of wicked abortions in Ancient Greece was not confined solely to that country and its culture. With Greek then the *lingua franca* of the whole Mediterranean World - these wicked practices, together with many other abominations from the Orient, especially from the second century B.C. onward increasingly began to influence also the rising power of Ancient Rome.

The increase of abortions also in the Pagan Roman Empire

1365. Generally, abortion was not usually regarded as being contrary to 'Roman Moral Law' in Ancient Pagan Rome. Indeed, even if the abortion failed to kill the baby the infant could still be abandoned to the weather or to the various beasts of prey after its live birth.⁴⁸
1366. Especially after the demise of the Roman Republic around B.C. 70f and under the Pagan Roman Empire (B.C. 14 to A.D. 313f), abortion was often practised if the father permitted it⁴⁹ - except from time to time when the state forbade it (in order to increase the birth rate for political reasons, or on the ground that this might deprive the father of a possible heir).⁵⁰ Perhaps to some extent under pressure from the steadily-rising power of a then-vibrant Christianity, even Rome's then-still-pagan political authorities from time to time did so forbid abortions - during the reigns of the pagan Roman Emperors Antonius Pius and Septimus Severus (during the second and early third centuries A.D.).⁵¹
1367. Accordingly, even the 'clement' Pagan Seneca (B.C. 4 to A.D. 65) defended the drowning of deformed babies.⁵² Indeed, he even recorded how pretty women practised abortion in order to try to preserve their beauty.⁵³
1368. Also the Pagan Writer Quintillian (A.D. 40-118) dramatically declared: "To kill one's own children is sometimes considered a beautiful action, among the Romans."⁵⁴ Indeed, the Early-Christian writings of Justin Martyr (150 A.D.)⁵⁵ and Tertullian (200 A.D.)⁵⁶ and Minucius Felix (210 A.D.)⁵⁷ all fairly bristle with examples of deplorable pagan feticides and infanticides still being committed even during

47. Aristotle: *Politics*, 7:16,13,35.

48. See paras. 1412f, 1422f, 1451f, & 1492f.

49. Without such paternal permission, a Roman mother would usually not be allowed to abort (nor to get somebody else to abort) her own fetus. See too our next note.

50. R.J. Rushdoony's *Inst. Bib. Law* (p. 265) and his *Abortion in the Early Church*, in *Christianity Applied*, Buena Park California: Applied Christianity, Nov. 1974, p. 13.

51. Rushdoony's *Abortion*, in *Enc. of Chr.*, I p. 20.

52. See as in n. 39.

53. *Digest* 25:3f; Sen.: *To Helvia on Consolation* 16.

54. See n. 39.

55. Just. Mart.: *1st Ap.*, 27-29 (cf. para. 1412f).

56. Tert.: *To the Nations* 1:15, and *The Apology* 9 (see para. 1418f).

57. Minucius Felix: *The Octavius* 30 (see para. 1422f).

their own times.

The Newer Testament expands the anti-abortionism of the Older Testament

1369. Now the anti-abortion provisions in the Law of God are either explicitly or implicitly reflected in many Bible passages. See, for example, in the Older Testament: Genesis 1:26f; 2:17; 9:1-7; Exodus 20:12-14; 21:22-25; Amos 1:13; and Hosea 9:1 to 10:1. These provisions are greatly strengthened and indeed even expanded - yes, 'magnified' (*cf.* Isaiah 42:21) - by many passages also in the Newer Testament. See, for instance: Matthew 2:13-20; 5:17-22f; 19:18; 26:52; Acts 15:22 - 16:5 & 21:25; Romans 13:9; James 1:15-27; 2:11,26; 3:9; 4:4,11; Revelation 13:10 *etc.*
1370. Most of those passages in the Older Testament have already been examined. Below, we shall soon explain in detail also most of the passages in the Newer Testament (relevant specifically to abortion). In general this has been dealt with previously, anent murder, under God's Moral Law. Prohibitions against murderous abortion would be reaffirmed repeatedly, throughout even the Post-Biblical History of Christianity. Reacting against unitarianizing Judaism, the Church steered her careful course in continuity with the Trinitarianism of the Older Testament - and away from the Scylla of the antinomian liberalistic Sadducees and the Charybdis of the neonomian legalistic Pharisees.

The pro-life Lord Jesus Christ challenges the abortionism of Pagan Rome

1371. Behold the alien nature of the Paganistic World of the Romans into which Christianity was launched! Pagan Rome's puppet, King Herod the Idumaeon, tried to butcher the babies. Horribly, Jesus Christ Himself was threatened with infanticide at His own human birth - if not with abortion at His own human conception. Matthew 1:18 to 2:18.
1372. Yet Jesus grew up to protect His little ones and to insist that the magistrate indeed mete out the prescribed punishment to all who break the Sixth Commandment 'you shall not murder!' - regardless as to whether the one murdered is a fetus⁵⁸ or an octogenarian.⁵⁹ *Cf.* Exodus 20:13 & 21:22-25 with Matthew 5:17-22 & 5:38f & 11:25 & 15:3-9 & 18:2-6 & 19:18 & 26:52. Indeed, in in the light of Matthew 5:17-22 - see especially paragraphs 1231-45f and 1564-71 on 'an eye for an eye' *etc.*

Christ's disciples Paul and Luke agreed with His anti-abortionism

1373. His Apostles, taught by Him, agreed with Jesus - also about this matter. Acts 1:1-3f; Romans 1:18 to 2:22; 3:31; 7:12,16,22; 8:7; 13:3-9; James 2:8-12; 3:5-9; First Peter 4:14; First John 3:12-15; Revelation 12:17; 13:10; 14:12; 21:8; 22:14-19.
1374. Even the spiritually 'miscarried' or 'aborted' Paul - see our next paragraphs - not only survived that ordeal. He later also went on to remind the degenerate Pagan World that the children of a believing spouse are holy, right from their very conception itself onward - even in those cases where the other spouse is an unbeliever or even a malicious deserter. First Corinthians 7:10-15. To Paul, the committing of abortions by Christians is quite unthinkable. Indeed, to the contrary, especially Christians greatly treasure their children. Ephesians 6:1-4; Colossians 3:18-21; First Timothy 2:14f; 3:2-5; 5:9-14; Second Timothy 1:3-6; 3:13-17; Titus 1:4-7; 2:3-5.

^{58.} Compare the word *brephos* (an unborn or newly-born child) in Mt. 11:15 & 21:16 & Lk. 18:15 (as well as in Acts 7:19 & II Tim. 3:15 *cf.* 1:5) - *q.v.*! On Christ's love for little ones, see: Mt. 11:25f & 18:2-14 & 19:4-15.

^{59.} *Cf.*: Mt. 5:17-22; 15:4-9; 19:17-19; Lk. 2:36,49,51f; *etc.*

1375. Paul's companion, the Christian Physician Dr. Luke, himself linked up with the established teaching of the Older Testament. For he carefully reminds us that Jesus Christ, even when Himself but a human zygote, was already recognized as a discrete human person by His own half-cousin John when also the latter was but a fetus in his own mother's womb. Luke 1:34-44.
1376. Indeed, in the book of Acts, the same Dr. Luke also quotes that fine Greek-speaking Hebrew Christian the Spiritfilled Deacon Stephen - in indirect condemnation of abortive murders and infanticides. For, as that Stephen told the Anti-Christian Leaders of his own by-then-misguided Jews:⁶⁰ "Our fathers...cast out their own tiny children, not wanting them to remain alive.... You who are stiffnecked and uncircumcised in heart and ears! You keep on resisting the Holy Spirit - just like your fathers did...."
1377. "Our fathers...**cast out** their own tiny children, not **wanting** them to remain alive!" This is what Stephen had told the Jews that even their own ancestors had done, while living in Egypt, before their exodus. This is what also Luke now reminded his Christian readers about, in Acts 7:19.
1378. Perhaps this same Luke later felt that especially those Gentiles who had just been converted from Paganism, and then only recently incorporated into the Apostolic Church, also needed to be reminded of that same continuing unacceptability of abortion. That would then help explain the **full** depth of his statements in Acts 15:28f. For there Luke records the decrees of the first General Assembly of the Christian Church at the Synod of Jerusalem, directed specifically at previously-pagan recent converts to Christianity: "It seemed good to the Holy Spirit...that **you abstain...from bloodshed, and from stranglings, and from sexual immorality**. You shall do well to guard yourselves against these things!"

'Aborted' Paul by grace survived his own spiritual miscarriage

1379. In his First Epistle to the Corinthians, Paul (using of course a figure of speech) - disapprovingly and humbly calls himself the *ektrooma* among the Apostles. The word *ektrooma* means: 'the miscarriage' or 'the abortion' or the '(forcibly) extracted one.'
1380. Paul was the 'Johnny-come-lately'; the "last" Apostle of all.⁶¹ Yet he was not here comparing himself to a beautiful post-mature living baby "at last" delivered by Caesarean section. No! Paul was here comparing himself to an unattractive and immature fetus, which surprisingly somehow managed to survive its having been 'miscarried' or 'aborted' prematurely.
1381. The risen Christ, Paul here declares, "was seen by James."⁶² Then [He was seen] by all of the Apostles.⁶³ Last of all of them, however, "He was seen **even by me**"⁶⁴ - by a 'miscarriage' [or an 'abortion'], as it were.⁶⁵ **For**, he soon added: "**I**. am indeed **the least** of the Apostles.⁶⁶ I am indeed **not**

^{60.} Acts 6:3-15 & 7:2,18-21,51.

^{61.} I Cor. 15:8 *cf.* vv. 5 & 7 & 9 with 4:9. I Cor. 15:7-8 has Paul calling himself: "of all the Apostles, last of all" - or *tois apostolois pasin, eschaton de pantoon*. Also I Cor. 4:9 seems to be suggesting that Apollos and Paul were the "last apostles" or *apostolous exchatous*.

^{62.} I Cor. 15:7a, *oophthee lakoobooj*, dative.

^{63.} I Cor. 15:7b, *eita tois apostolois pasin*, dative.

^{64.} I Cor. 15:8, *eschaton de pantoon...oophthee kamoj*, emphatic dative.

^{65.} I Cor. 15:8, *hoosperei tooj ektroomati*, dative (in agreement with the other datives mentioned in nn. 62-64).

^{66.} I Cor. 15:9, *Egoo gar eimi ho elachistos toon apostoloon*. Here, *Egoo eimi* emphasizes the "I" as: "**I**."

sufficiently adequate to be called an Apostle.⁶⁷

1382. No doubt Paul felt inadequate, like an aborted fetus' - and was even scorned as such. Like a miscarried or aborted little fetus, he too was 'little' (*paul-os*)⁶⁸ - and also trembling, weak, and hideous.⁶⁹ Indeed, even he personally - to be quite candid - admitted he looked like this. So he called himself an *ektrooma*⁷⁰ (alias "a miscarriage" or "an abortion").

The traumatic *ektrooma* of Paul's delivery as a premature Christian

1383. As the famous Presbyterian Scholar Rev. Dr. Albert Barnes here comments: "*Ektrooma* properly means an abortion, one born prematurely.... It means, as the following verse shows, one that was **exceedingly unworthy**.... The expression seems to be proverbial - and to denote anything that is vile; offensive; loathsome; unworthy."⁷¹ See Numbers 12:12 (*q.v.*).
1384. Now this Greek word *ektrooma* occurs in the New Testament only at First Corinthians 15:8. It does not mean "a beautiful post-mature and almost-fullterm live baby" - such as one safely delivered say by Caesarean section. No!
1385. Quite to the contrary. It rather means: "a puny birth" or "a prematurely-miscarried fetus" - alias "an abortion." For *ektrooma* is derived from the verb *ektitrooskein* - meaning: "to wrench out" and hence "to wound." In First Corinthians 15:8, it was not in order to kill him but rather in order to save his "prenatal" life that Paul was "wrenched out" prematurely -- lest he otherwise prove to have been "still-born."
1386. Thus nearly all the leading commentators. Here consult: Calvin; Hyperius; Grotius; Grellius; Bengel; Meyer; Alford; Schilting; Newcombe, Wahl; Bloomfield; Barnes; Edwards; Ellicott; Schmiedel; Beet; Godet; Heinrici; Findlay; Moulton & Milligan; and Arndt & Gingrich.⁷¹
1387. Indeed, the word *ektrooma* has exactly the same meaning throughout Classical Literature. Thus, in Classical Greek; in the great ancient Medico Hippocrates - and also in Plato, Aristotle, Aristides, and Philo. So too in Classical Latin. See: Suetonius, Phrynus, Horace, and Hesychius. The same applies also to its usage in the New Testament *Apocrypha*. See: the *Revelation of Peter*; P. Goodspeed's *Cairo Manuscript*; and the *Glossaria*.

^{67.} I Cor. 15:19, *hos ouk eimi hikanos kaleisthai*. Here, *hos...eimi* again emphasizes the "I" as: "I." Observe the dictionary meaning of *hikanos* = "sufficient, enough" - of persons: "adequate, competent, qualified, fit, worthy." See Davidsons' *Anal. Greek Lex. of the New Test.*, under: *hikanos*

^{68.} Latin *paulos* (= 'little') seems to be a word-play on Saul of Tarsus's Roman name *Paul-os* (= 'the little one'), *cf.* Acts 13:9. See W. Smith's *Smaller Latin-English Dictionary*, London: Murray, 1947, p. 514 (under: *paululus* and *paulus* and *Paulus*) - compare the Greek *pauros* ('little' or 'small').

^{69.} Acts 13:9; I Cor. 1:17; 15:8; II Cor. 10:1,7,10; 11:6; 12:5,7,10,11; Gal. 4:15; *Acta Pauli et Theclae* 3 (*etc.*).

^{70.} I Cor. 15:8, *ektrooma(t)*.

^{71.} A. Barnes: *Notes on the Old and New Testaments - Commentary on First Corinthians*, Grand Rapids: Baker, rep. 1972, at I Cor.15:8. See too, on the same verse: J. Calvin's *Commentary on First Corinthians*, Grand Rapids: Eerdmans, 1948f, p. 315; S.T. Bloomfield's *Greek Testament*, London: Longmans, Green, Brown & Longmans, 1843, II p. 189; G.G. Findlay's *First Corinthians*, in *The Expositor's Greek Testament*, London: Hodder & Stoughton, 1908, p. 921; R.G. Moulton & G. Milligan's *The Vocabulary of the Greek New Testament*, Grand Rapids: Eerdmans, rep. 1980, under *ektrooma*; W.F. Arndt & F.W. Gingrich's *A Greek-English Lexicon of the New Testament and Other Early Christian Literature*, Chicago: University Press, 1952 ed., under *ektrooma*.

1388. See too in H.G. Liddell & R. Scott's *Classical Greek Lexicon*.⁷² Still far more importantly, however, in the Old Testament - at Numbers 12:12 & Job 3:16 & Ecclesiastes 6:3 *cf.* Psalm 58:8 (*q.v.*) - the Greek Septuagint uses First Corinthians 15:8's same word *ektrooma*. Indeed, also the Latin Vulgate there uses the provocative word *abortivus(-m)* - and indeed with an entirely similar meaning.
1389. In Job 3:16 and Ecclesiastes 6:3, the Greek Septuagint's *ektrooma* and the Latin Vulgate's *abortivus(-m)* translate the Hebrew word *nefel*. There the latter can **only** mean a premature embryo or fetus which miscarries or quite literally "falls down" (Hebrew *naafal*) - and thus "gets aborted."⁷³
1390. Yet a natural miscarriage or even an unintentional abortive human blow against a pregnant woman **not necessarily** kills or even injures her fetus. For compare Exodus 21:22-25 where, even after the fetus "comes out" prematurely (*abortivum*),⁷⁴ it may still be that "no mischief" alias no "serious bodily harm" is inflicted upon that fetus.⁷⁵ So too, figuratively, in Paul's own case at First Corinthians 15:8. See paragraphs 1144f and 1191f and 1371-79f.
1391. On First Corinthians 15:8, Findlay well states:⁷¹ "An **abortion**" can still be "a living, genuine offspring." See paragraphs 1145f. Indeed, Calvin too rightly comments that Paul here "compares himself to a premature child...pushed out of the womb before the living spirit had scarcely had time properly to be conceived in him."

Conclusion: abortions uncommon from Babel to the Newer Testament

1392. Conclusion. Not just the Orient but also some parts of Pre-Christian Europe had drifted away from the Triune God's pristine prohibition of unlawful abortions - since the creation of man (and again more especially since the Flood). Yet echoes of the Decalogue in the Adamic and Noachic Covenants, especially as regards the prohibition of abortion, continued to be heard even after the dispersion of mankind into the various nations after the destruction of the Tower of Babel.
1393. There are such echoes in the Babylonian *Codex Hammurabi*; the Aryan or Japhethitic Laws of the Ancient Indians and the Ancient Irish; the Hamitic Laws of the Ancient Egyptians; the laws of the Assyrians, Buddhists, Zoroastrians, and the Ancient Pagans; and the later Monotheism of Judaism and Islam. They are also in the *Samaritan Targum*, in Hippocrates, in the *Hermopolis Papyrus*, in the Hebrew *Zohar* and the *Mishnah*, and in Philo and Josephus - against the increasing abortionistic antinomianism of the Ancient World.

⁷². *Cf.* n. 71 with: Aristotle's *On the Beginnings*, An. 4,5,4 p. 773b,18; Philo's *Leg. Alleg.*, I:76; Phryn. p. 208f Lob; P. Goodspeed's *Cairo Manuscript* 15:15, A.D. 362, "to Taesis, who was pregnant, they occasioned by their violence the miscarriage of her child" (*teen men Taeesin barean ousan ek toon pleegoon autoon exetroosen/an to brephos*); *Apoc. Pet.* 11 ("hautai de eesan h[a ta brephee] phtheiousai kai ektoosasai"); Hesych. ("*ektrooma paidion nekroon aaron ekboleee gunaikos*"); H.G. Liddell & R. Scott's *Abridged Greek-English Lexicon*, Oxford: Clarendon, 1868, pp. 204 & 686, under *ektrooma* ("an abortion"), from *ek-titrooskoo* ("to be wounded in the thigh"), from *troo-oo* ("to wound, hurt").

⁷³. *Naafal* occurs with this meaning of "miscarriage" three times in the Old Testament. Job 3:16 (*cf.* 3:3-16f) & Ps. 58:8 & Eccl. 6:3-5. In all of these places, the *KJV* renders it "an untimely birth" (compare I Cor. 15:8's translation "one born out of due time"). In Num. 12:12, in the Greek Sept., *ektrooma* translates the Heb.

b^etsee' thoo mee-rechem or "one...of whom the flesh is half-consumed when he comes out of his mother's womb" (*KJV*).

⁷⁴. Thus the Lat. Vulg. See ch. I at nn. 25 & 31, and paras. 1201-74f.

⁷⁵ Ex. 21:22.

1394. Yet largely, it was left to the advent of Christianity - as the renewed resurrection and further development of Primordial Trinitarianism - to protest "the slaughter of the innocents" (*cf.* Matthew 2:16-20). This was done after King Herod "slew all the children from two years old **and under** in Bethlehem and all the places that surrounded it";⁷⁶ at the time of the incarnation of our Lord Jesus (Who was Himself "conceived from a woman")."⁷⁷
1395. Jesus Christ Himself specifically taught: "you shall not murder!" Matthew 5:17-22 *cf.* 19:18. Indeed, also Jesus' very own half-brother James would soon write:⁷⁸ "The Father of lights...begot us with the Word of truth, so that we should become a kind of 'firstfruits' of His creatures.... Help the fatherless and widows in their affliction! ... Do not murder!"
1396. No wonder either that the Apostle Paul would warn⁷⁹ evil people (such as the butchers of fetuses and babies) - to fear the civil magistrate. "For he does not bear the sword in vain. But he is God's servant - a revenger to execute wrath upon the evildoer.... You must not murder!"
1397. Inevitably, the ongoing spread of Christianity would in time even further restrict the practice of abortion - also through legislative prohibition. This is indeed what finally happened - especially after the establishment of Constantine as the first Christian Roman Emperor during the fourth century A.D.⁸⁰ Only the later triumph of the damnable 1789 French Revolution fifteen centuries thereafter, and its subsequent spread across the World, would change this. Yet, on the very edge of the twenty-first century - *anno Domini, regente Jesu* - now is the time for a resurgent Christianity to start sweeping abortion away from the life of human society, and to consign it into the mausoleums of history.

^{76.} Mt. 2:16.

^{77.} Gal. 4:4, *genomenon*, Str. Aor. partic., from *ginomai*, compare *gennaoo* in ch. C at its n. 150.

^{78.} Jas. 1:17,18,27 & 2:11.

^{79.} Rom. 13:4,9.

^{80.} *Cf.* ch. O, paras. 1700-1792.

K. PATRISTIC CHRISTIAN THEOLOGIANS STRONGLY OPPOSED ABORTION

"Your wife shall be like a fruitful vine at the sides of your home. Your children shall be like oliveplants round about your table. Look, this is the way the man who fears the Lord, shall be blessed! Yes, you shall see your children's children - and peace.... Speak psalms to one another.... Do not provoke your children.... Bring them up in the nurture and admonition of the Lord! - Psalm 128:3-6 and Ephesians 5:19 & 6:4.

1398. Very early, the Christian Church condemned unlawful abortion. Long before the Middle Ages, this trend can be seen *inter alia* also in: the *Didachee* alias the *Teaching of the Twelve Apostles*; the *Epistle of Barnabas*; the *Epistle to Diognetus*; the *Revelation of Peter*; Justin Martyr; Athenagoras; Tertullian; Minucius Felix; Clement of Alexandria; Hippolytus; Methodius; the *Apostolic Constitutions*; Basil; Jerome; the *Vision of Paul*; John Chrysostom; Augustine of Hippo-Regius; and John Cassian.

The *Didachee*: "murder not a child by abortion nor kill those conceived!"

1399. Probably still before 100 A.D., the *Didachee* (or *Teaching of the Twelve Apostles*) declared: "There are two ways; one of life, and one of death.... The way of life...is this. First, you shall love God Who made you. Second, [you shall love] your neighbour as yourself." Deuteronomy 6:5; Leviticus 19:18; Matthew 19:16-19 & 22:37-39; John 14:15 & 15:10f. For all of the Apostles were Hebrews; the Early Church was overwhelmingly a Hebrew Church; and the Hebrew Lord Jesus Christ's Commandments to His Church were Hebrew Commandments - also as regards murder and abortion.
1400. Negatively, continues the *Didachee*, Christians "shall not commit murder. You shall not commit paederasty [or 'corrupt children']!" Further: "**You shall not murder a child by abortion nor kill that which has been conceived** [*geneethenta*]!"¹ Thus the "murderers of children" and "the destroyers of the handiwork of God" - the *Didachee* goes on - are to be found only on the 'Way of Death' and not on the 'Way of Life.'²

Barnabas: "you shall not slay the child by procuring abortion!"

1401. Barnabas, the Levite of Cyprus,³ seems to have become one of the Twelve Apostles.⁴ He would have been appointed to that office probably only after⁵ the death of the Apostle James (the son of Zebedee)⁶ - in much the same way as Matthias had been appointed to the Apostleship earlier, after the death of Judas Iscariot.⁷
1402. Perhaps just after 100 A.D., the *Epistle of Barnabas* - soon attributed to the Apostle bearing that

1. *Did.* 1:1-2 & 2:1-2f (which then goes on to list other prohibitions of the Decalogue). On the word *gennaoo*, the root of the word *geneethenta* here used in the *Did.*, see ch. C n. 150 above (*q.v.*).

2. *Did.* 5:2.

3. Acts 4:36; 9:27; 11:22,30; 12:25.

4. Acts 14:4,14.

5. Acts 12:2 & 13:1f.

6. Mt. 4:21; 10:2; 20:20f; Acts 12:2.

7. Acts 1:16-26.

name⁸ - proclaimed that the covenant previously erected with the Israelites was (after Calvary) taken away from them and given instead to the Christian Church.⁹ For that *Epistle* does not speak of Christians receiving a new¹⁰ covenant opposed to that already revealed during the times of the Older Testament.

1403. To the contrary. Barnabas insisted that "the Lord has really given" to the Christians **that** testament which He swore to the fathers He would give to the people" of God.¹¹ This is the covenant of life with God which condemned the covenant of death with hell (made by Adam with Satan against God) - and which rejected abortion as murder (at Genesis 9:1-7 and Exodus 21:22-25). Cf. Isaiah 28:15-21.
1404. For the Lord God now gave that ancient covenant of life to the **Christians**, as the true people of God after the death and resurrection of the covenantal Mediator. Indeed, He gave that covenant to the Christian Church - complete with the Decalogical Commandments and their covenantal applications.
1405. Accordingly, the Ten Commandments of the Old Testament continue to bind also Christians. Declared Barnabas to Christians - "you shall not forsake the Commandments of the Lord! ... You shall not commit adultery! ... **You shall not slay the child by procuring abortion!** Nor, again, shall you destroy it after it is born!"¹²

Barnabas: don't "kill children" nor "destroy God's workmanship!"

1406. For Christians were God's true covenant people, in the times of the Newer Testament. They were not then like the Pagans, who at that time surrounded them. The Christians, explains the *Epistle to Barnabas*, are not "murderers of children." The Christians are not "destroyers of the workmanship of God" - regardless whether such 'workmanship' refers to *concepti*, zygotes, embryos, fetuses, babies, toddlers, teenagers, adults, middle-aged persons, or octogenarians.¹³
1407. The Christians do not, like the Pagans, "turn away him that is in want." They do not "oppress the afflicted" - for example, by agreeing to abort either those who suffer or those who are unwanted.¹⁴ To the contrary, as the *Epistle of Barnabas* enjoins all Christians: "you shall love Him Who created you; you shall fear Him Who formed you; you shall glorify Him Who redeemed you from death!"¹⁵

Diognetus: "the Christians...do not destroy their offspring"

1408. In the approximately 130 A.D. *Epistle to Diognetus*, a writer calling himself "*Matheetes*" (alias "a Disciple of the Apostles") - says that "the Christians...marry, as do all [other men]; they rear children; but **they do not destroy their offspring.**"¹⁶
1409. Especially the latter phrase, is extremely significant. Quite literally, the Greek text at this point reads:

8. Clem. Alex.: *Misc.* II:6f; Orig.: *Ag. Cels.*

9. Chs. 12-13.

10. *Barn.* I:63, compare Clem. Rom.: *1st Ep. to Cor.* 1:24.

11. Chs. 14-15.

12. Ch. 19.

13. Ch. 20.

14. *Idem*

15. Ch. 19.

16. *Matheetes* [alias 'Disciple']: *Epistle to Diognetus*, ch. 11.

"they do not cast away their fetuses."¹⁷

Revelation of Peter: cursed are aborters of babies in angels' care

1410. Indeed, the apocryphal *Revelation of Peter* confirms this. It was written about this same time.¹⁸ Indeed, it declares that there is a curse upon ungodly women "who conceived but cause abortion."
1411. For, postmortally, they are smitten between their eyes by sparks of fire then coming forth from their own previously-aborted children. The latter, after their own deaths, had been "delivered over to caretaker angels - so that they [the aborted fetuses] may attain a share of knowledge and gain the better abode."¹⁹

Justin Martyr: Pagans slaughter but Christians save their babes

1412. The Early-Christian Apologist Justin Martyr of Samaria roundly condemns abortion. Even as late as the middle of the second century of the Christian Era, Justin knew of "immaculate" children prematurely taken from the womb - tiny boys and girls who were sometimes slaughtered even by their own pagan parents. Indeed, such aborted children were sometimes still conscious even after being aborted. Their entrails were then inspected, in the pagan belief that such would reveal future things previously hidden.²⁰
1413. Justin addresses this well, in his approximately A.D. 150 *Apology* (or *First Defence of the Christian Faith*). Writing to the paganistic Emperor Antoninus Pius (and to other Pagans), Justin condemns²¹ "the divinations **you** practise by immaculate children - and by the evoking of departed human souls."
1414. "But as for **us**," explains Justin Martyr anent the very different practice of the early Christians - "[**we** fear to expose children,] lest some of them be not picked up, but die - and [**we** should thus] become murderers. For when **we** [Christians] marry - we bring up [or **nourish** and raise and educate] **our** children!"²²

Athenagoras: "women who use drugs to bring on abortion commit murder"

1415. Athenagoras, the Christian Apologist of Athens, in his 177 A.D. *Apology*, refutes the absurdly-untrue accusations of the Pagans (who alleged the Christians were 'murderers'). Retorts Athenagoras:²³ "Who of **them** can [justly] accuse **us** of 'murder' or 'cannibalism?'" For "**we** say that those [of **their**] women who use drugs to bring on abortion, commit **murder**" - and will have to give an account to God for the **abortion**."
1416. Well then, Athenagoras further asks: "On what principle should **we** commit 'murder?'" - as the Pagans falsely accused the Christians of doing. Indeed, "the **same** person would not regard the very fetus in the womb as a created being (and therefore as an object of God's **care**), and...then **kill** it!"

^{17.} See in *Ante-Nic. Fath.*, I p. 26 n. 10.

^{18.} *Ante-Nic. Fath.*, X p. 142.

^{19.} *Apoc. Pet.* 25 (cf. Clem. Alex.: *Eclogia* 48).

^{20.} Compare *Ante-Nic. Fath.*, I p. 169 n. 2.

^{21.} Justin Martyr: *First Apology* ch. 18, in *Ante-Nicene Fathers*.

^{22.} *Id.*, chs. 29 & 31.

^{23.} Athenagoras: *Apology*, ch. 35.

1417. Nor would a [truly] Christian person ever "expose an infant." Because, explains Athenagoras, "those who expose" infants and abandon them - "are chargeable with **childmurder!**" Neither would a Christian, when a child "had been reared," ever "destroy it!"

Tertullian: "to hinder a birth is merely a speedier man-killing"

1418. The A.D. 200 *Apology* of Tertullian the great Carthaginian Presbyter is full of instruction on, and indeed also against, the serious subject of abortion. Tertullian declares:²⁴ "Children were sacrificed openly in Africa to Saturn as lately as the proconsulship of Tiberius - namely by the Pagans. Yet, referring to Christians, Tertullian then adds:
1419. "In our case, murder being once and for all forbidden, we may not destroy even the fetus in the womb.... To hinder a birth, is merely a speedier man-killing. There is no difference - whether you take away a life that has been born, or destroy one that is coming to the birth. That which is going to be one, is a [hu]man. You already have the fruit, in its seed."
1420. Tertullian also refers to Exodus 21:22-25, in his great treatise *On the Soul*. For there he notes²⁵ that "the Law of Moses indeed punishes with due penalties the man who shall cause abortion, inasmuch as there exists already the rudiment of a human being."
1421. Indeed, in his *Against Marcion* he adds:²⁶ "What parts of the Law can I defend as good, with a greater confidence than those [which in Exodus 21:24]...require eye for eye, tooth for tooth, and stripe for stripe? Now there is not here any smack of a permission to mutual injury; but rather, on the whole, a provision for restraining violence."

Minucius Felix: women who abort "commit a parricide"

1422. The A.D. 210 *Octavius* of Minucius Felix, the Christian Jurist in the Roman Law Courts, is also very instructive. Boldly and with great disapproval does he there²⁷ accuse his pagan slanderers: "I see that you at one time expose your begotten children to beasts and to birds; at another, that you crush them when strangled with a miserable kind of death."
1423. "There are some women who, by drinking medical preparations, extinguish the source of the future man in their very bowels, and thus commit a parricide before they bring forth. And these things assuredly come down from the teaching of your gods! For Saturn did not [just] expose his children - but devoured them. This is the reason infants were sacrificed to him."

Clement of Alexandria: shame on Pagans abandoning their babies!

1424. Clement strongly favoured human reproduction. For when on the very first page of the Holy Bible the Lord commands mankind: 'Be fruitful and multiply and fill the earth' (Genesis 1:28) - this means, says Clement,²⁸ that "you...should do so in no other way than by sexual intercourse." Very clearly, this discounts *AID*, *AIH*, and *IVF*.

²⁴ Tertullian: *Apology* ch. 9, in *Ante-Nic. Fath.*

²⁵ Tert.: *On the Soul* 37, in *Ante-Nic. Fath.*

²⁶ Tert.: *Against Marc.* II:18, in *Ante-Nic. Fath.*

²⁷ Minucius Felix: *The Octavius* 30, in *Ante-Nic. Fath.*

²⁸ Clem. Alex.: *Epistles* 48. See Dr. & Mrs. J.C. Willke (M.D.): *Handbook on Abortion*, Cincinnati: Hiltz, 1972, p. 88.

1425. Even while professing the salvation of those aborted,²⁹ Clement strongly opposed abortion. For, he remarks,³⁰ God in Genesis 1:29, "when He said 'I have given you all things to eat' and to enjoy - ought you then **not** to enjoy it? And when [in Exodus 21:22-24] He says 'eye for an eye!' you should **repay** an injury - but **not by [causing] a contrary injury!** And when [in Exodus 22:1] He commands a thief to restore 'fourfold' - you should still put some obligation upon the thief."
1426. For, continues Clement, "even [the paganistic] Pythagoras seems to me to have derived his mildness towards irrational creatures from the Law. For instance, [cf. Leviticus 22:27f] he interdicted the immediate use of the young, in the flocks of sheep and goats and herds of cattle at the instant of their birth - not even allowing it on the pretext of sacrifice, both on account of the young ones and of the mothers."
1427. In this way, says Clement,³¹ God was "training **man** to gentleness - by what is beneath him; by means of the irrational creatures.... Let the [paganistic] Greeks then feel ashamed...when they expose the offspring of men! For long ago, and prophetically, the Law - in the above-mentioned commandment - threw a check in the way of their cruelty."II:18.

Clement of Alexandria: Pagans have no right to murder their infants

1428. Clement goes on: "What **cause** is there for the exposure of a child? For the man who did not desire to beget children, had no right to marry in the first place; [and] certainly not to have become through licentious indulgence the murderer of his children." Yet Clement still believed even aborted embryos were led into everlasting life by caretaker angels.
1429. "Human Law," continues Clement, "forbids slaying the offspring and the dam together on the same day [Leviticus 22:27f cf. Deuteronomy 22:6]. **Thence** also the Romans, in the case of a pregnant woman being condemned to death, do not allow her to undergo punishment till she has given birth....
1430. "The Law too expressly prohibits the slaying of such **animals** as are pregnant till they have brought forth [Exodus 23:19] - remotely restraining the proneness of man, to do wrong to **man**. Thus also, it has extended its clemency to the irrational creatures - that, from the exercise of humanity in the case of creatures of different species [*viz.* animals], we might practise among these of the same species [*viz.* humans] a large abundance [of humanity].
1431. "Those too who kick the bellies of certain [pregnant] animals before parturition [or before those animals give birth at the normal time], in order to feast on [fetal] flesh" - explains Clement - "make the womb created for the birth of the **fetus**, its grave." And this is why in Deuteronomy 14:21 (cf. Exodus 34:26) "the Law expressly commands that 'you shall not seethe a lamb in its mother's milk!' For this means that the milk which nourishes the living animal, may not become the sauce for [the human consumption of] that which has been deprived of life."

Hippolytus condemns abortifacient drugs which "murder" babies

²⁹ On the salvation of aborted embryos and slain infants, see Clem. Alex.: *Eclogia* 41 & 48 (and cf. too paras. 1411 & 1435).

³⁰ *Misc.* III:4.

³¹ Clem. Alex.: *Misc.* 2:18.

1432. In A.D. 230 Hippolytus was Presbyter-Bishop of Pontus. Sadly, the apostate Presbyter Callistus in nearby Rome then allowed pregnant women under his oversight - through using poisons - to abort their own babies.
1433. Hippolytus rebuked Callistus for permitting such women to ingest abortifacient drugs. He described such procedures, as "murder" - whenever utilized in order to "expel what had been conceived."³²

Apostolic Constitutions: "You shall not slay the child by causing abortion!"

1434. Perhaps around 275 A.D. the *Apostolic Constitutions* clearly stated:³³ "'you shall not murder!' [Exodus 20:13] - that is, you shall not destroy a human being like yourself.... For then, you would be dissolving what was well-made....
1435. "'You shall not slay the child by causing abortion, nor kill that which has been conceived. For everything that is shaped...has received a soul from God.... If it be slain, it shall be avenged - as having been destroyed unjustly' (Exodus 21:23, *Septuagint*).... But the 'way of death' is known by its wicked practices.... Thereby come murders, adulteries, fornications, perjuries, unlawful lusts..., **murderers of infants**, destroyers of the workmanship of God.... They who do such things, do not adhere to goodness."

Methodius: Abortees or "untimely births are delivered to caretaker angels"

1436. Around 300 A.D., Presbyter-Bishop Methodius of Olympus wrote about the wonder of prenatal human life. Yet he also went far beyond just that. For he also condemned abortion.
1437. Methodius insisted³⁴ that not only fetuses who accidentally get miscarried but also "untimely births" alias intentionally-aborted embryos "are delivered to caretaker angels." This is so, "even if they are the offspring of adultery." Not so, however, parents who have deliberately aborted - when **they** die! For those parents, if unrepentant, face everlasting punishment.

Basil starts first live-in hospital and stages protests against abortionists

1438. In 370 A.D., after studying Law and Theology, Basil became the Presbyter-Bishop of Caesarea. Much concerned about the poor who were then often devoid of any medical help (except for folkrecipes), he opened the very first non-ambulatory hospital.
1439. To his horror, Basil discovered a guild of abortionists in the city of Caesarea - who gave pregnant women potions and pessaries in order to induce them to abort. Those abortionists even surgically destroyed unwanted babies, and then sold their tiny corpses to traders from Egypt. There, the collagen (a protein which yields gelatine when boiled) was extracted - and then used in the production of cosmetics.
1440. So Basil now started preaching sermons on the sanctity of human life. He organized members of his church to look after women facing crisis pregnancies. He started educating the people of Caesarea, so that they too could understand the issues at stake. He anathematized the abortionists, and started

^{32.} *Ante-Nic. Fath.*, II p. 147 n. 5 & V p. 131.

³³ *Op. cit.*, VII:1:2f & VII:1:18.

^{34.} Method: *Banq. Ten Virg.* 2:6.

public protests against the Egyptians who bought the collagen.

Basil: one "purposely destroying her child is guilty of murder"

1441. Basil the Great insisted:³⁵ "The woman who purposely destroys her unborn child, is guilty of murder. With us [Christians], there is no nice enquiry as to its [the unborn baby's body] being 'formed' or 'unformed.' In this case [of deliberate abortion], it is not only the [human] being about to be born who is vindicated - but [also] the woman, in her attack upon herself.... In most cases women who make such attempts, die" - even at their own hand. "The destruction of the embryo is an additional crime, a second murder - at all events, if we regard it as done with intent."
1442. Indeed, adds Basil:³⁶ "Women frequently endeavour to draw men to love them, by incantations and magic knots - and give them drugs which dull their intelligence. Such women, when they cause death - though the result of their action may not be what they intended - are nevertheless, on account of their proceedings being magical and prohibited, to be reckoned among intentional homicides.

Basil: "Women who administer abortive drugs are murderesses"

1443. "Also, women who administer abortive drugs [to other women] - as well as those who take poisons to destroy unborn children [as too do abortion-requesting mothers] - are murderesses!" Very clearly, Basil regards both an aborting mother and a suiciding mother as guilty of murder.
1444. It is very important one notes the great care with which Basil contrasts such deliberate murder of unborn children - with the much less serious misdemeanor of negligent manslaughter (itself further quite distinct from accidental homicide). For he adds³⁷ that "we shall, without doubt, observe what is laid down by Moses in the case of wounded men (Exodus 21:19) - and shall not hold a murder to have been committed in the case of a man who lies down after he has been struck, and [later] walks again leaning on his staff" but then dies some time thereafter.
1445. Abortion, however, is not like such a case of negligent manslaughter. Still less is it like the case of accidental killing of unborn children referred to in Exodus 21:22f. For, as Basil himself points out:³⁸ "The woman who purposely destroys her unborn child, is guilty of murder."

Basil: one who "purposely kills fetuses suffers the punishment of murder"

1446. In his *First Canonical Epistle to the Bishop of Iconium*, Basil condemns the woman who "procures abortion...whether the embryo was perfectly formed or not."³⁹ An expanded version of his *Second Canon* reads: "Who purposely destroys fetuses, shall suffer the punishment of murder...whether the fetus was formed or unformed. And by this, not only is justice satisfied for the child that would have been born, but also for her who prepared the snares for herself - since the women who make such experiments very often die."⁴⁰
1447. In his *Second Canons to Amphilochius*, Basil says: "Let an indictment to murder be preferred against

³⁵ Basil the Great: *Epistles* 188:2, in *Nic. & Post-Nic. Fath.*

³⁶ *Ib.*, 188:8.

³⁷ *Ib.*, 188:11.

³⁸ See paras. 1441f.

³⁹ Bas.: *First Canonical Epistle to the Bishop of Iconium*, in *NPNF* XIV p. 604, Can. 2.

⁴⁰ *Nic. & Post-Nic. Fath.*, Eerdmans ed., Second Series, XIV p. 404.

the woman who gives birth to a child on the road but pays no attention to it."⁴¹ For this is analogous to where "he who gives a mortal wound to another" - and is thus "a murderer."⁴² Indeed, "the woman who has given birth to a child and abandoned it on the road (if she was able to save it but neglected it)...is to be judged as in a case of murder."⁴³ Yet if "on the other hand she was unable to provide for it, and the child perish from exposure and want of the necessities of life [right after its issuing forth from the mother] - the mother is to be pardoned" if charged with murder.

1448. The *Canons of Basil* were annotated by Zonaras and Balsamon and Aristenus during the Middle Ages for ecclesiastical use in adjudicating delicts. They state:⁴⁴ "Let her that procures abortion undergo ten years' penance - whether the embryo were formed perfectly, or not... But the man or woman is a murderer that gives a *philtrum* [alias a drug] - if the man that takes it, die upon it. So are they who take medicines, to procure abortion."

Jerome: abortive women who kill babies are guilty of "child murder"

1449. Shortly after this, in A.D. 384, Jerome - the great Presbyter of Jerusalem - wrote an even more remarkable letter to Eustochium. There, he states: "I cannot bring myself to speak of the many virgins who daily fall and are lost to the bosom of the Church.... You may see many women, 'widows' before [they are] wedded, try to conceal their miserable fall by a lying garb.
1450. "Unless they are betrayed by swelling wombs or by the crying of their infants, they walk abroad with tripping feet and heads in the air [Isaiah 3:16f]. Some go so far as to take potions, that they may **ensure barrenness** and thus **murder human beings almost before their conception** [cf. modern IUDs]. Some, when they find themselves with child through their sin, use drugs to procure **abortion**. And when (as often happens) they die together with their offspring - they enter the netherworld laden with the guilt not only of adultery against Christ but also of **suicide and child murder**."⁴⁵

Vision of Paul: unrepentant women who kill their babies go to hell

1451. Around 388 A.D., it was reported that what was then rumoured to be the (apocryphal) *Vision of Paul* - had been discovered at Tarsus. The document is still extant, and claims that "all the infants whom Herod slew" went to glory⁴⁶ - whence they "saluted" Paul, while he (so it is alleged) was receiving this '*Vision*.'⁴⁷
1452. On the other hand, when the scene next shifts to hell - the '*Vision*' then reveals the fiery strangling of all the "women who defiled the image of God when bringing forth infants out of the womb" - and together with "the men who lay with them." Then "their infants addressed the Lord God and the angels who were set over the punishments, saying: 'Cursed be the hour to our parents! For they defiled the image of God. They have the Name of God [received in baptism] - but they did not observe His precepts. They gave us as food to dogs - and to be trodden down by swine."

⁴¹ Bas.: *Second Canons to Amphilochius*, as cited in his *Ep.* 189:33. Too, his *Canon 33* in *Nic. & Post-Nic. Fath.*, XIV p. 606.

⁴² Bas.: *Canon 43*, in *NPNF* XIV p. 207.

⁴³ Cf. Bas.: *Canon 52*, in *NPNF* XIV p. 608.

⁴⁴ *Canons of Basil* (2 & 8), in *NPNF*, XIV p. 604 & n. 1 and pp. 605f.

⁴⁵ Jer.: *Ep.* 22.

⁴⁶ *Ante-Nic. Fath.*, I p. 149

⁴⁷ *Vision of Paul* 26, in *ANF* X p. 158.

1453. Abortive mothers did not always, however, throw their little ones to the dogs and to the swine. Those mothers then disposed of only some of their children in such ways. "Others they threw into the river [*cf.* Exodus 1:5 to 2:4 and Acts 7:18-21 & 7:51]. But their infants were [then] handed over to the angels...[so] that they may lead them to a wide place of mercy. Yet their fathers and mothers - were tortured in a perpetual punishment."⁴⁸

Chrysostom: "Abortion...is murder before birth" in "a murder-chamber" womb

1454. In A.D. 400, Chrysostom was Presbyter-Bishop of Constantinople. In the course of a sermon on Romans 13:14, he then declared: "Why sow - where the ground makes it its care to destroy the fruit; where there are many efforts at abortion; where there is murder before the birth? For in this way, the harlot not just remains a harlot - but also becomes a murderess too!
1455. "You see how drunkenness leads to whoredom; whoredom to adultery; adultery to murder - or rather to something even worse than murder [*viz.* deliberate abortion]. For I have no name to give it - since it not just removes the one to be born, but prevents him or her from being born. Why then do people abuse the gift of God and fight against His Laws and follow after that which is a curse (as if it were a blessing)?" And why do they make the womb - alias "the chamber of procreation - a murder-chamber? And why do they prepare the woman who was given for childbearing, unto slaughter?"⁴⁹

Augustine: Abortion is "notorious iniquity" and "lustful cruelty"

1456. In A.D. 420, Augustine was Presbyter-Bishop of Hippo-Regius. He speaks similarly:⁵⁰ "When she who conceived unwillingly, rages against her own [offspring], a dark injustice is brought to light by notorious iniquity. Indeed, a secret disgrace is proven guilty by manifest cruelty.
1457. "Some time or other," Augustine goes on, "this lustful cruelty or cruel lust comes through all the way - so that she even procures poisons for an abortion. And if one [of the poisons] are strong enough, she in some or other way extinguishes and casts forth the fetus conceived within her, desiring her own offspring to perish rather than to live. Or otherwise, if her child should still continue to live in the uterus, [she desires] to slay it before it is born." See too especially paragraphs 1711-15.
1458. To Augustine, the premeditated prenatal destruction of a human fetus "is **murder** - punishable by **death**." In discussing Exodus 21:22-25, he stated of him who smote a pregnant woman that if "a little unborn child...had been formed [in her womb], he himself [the smiter] should then be **killed**."⁵¹

John Cassian: an eye-for-eye penalty is required for killing an unborn child

1459. Last, around 435 A.D. John Cassian - Archbishop of Marseilles - made an important remark about Exodus 21:24. This deals with the need to take appropriate action against anyone causing the harming or the killing of an unborn child.
1460. Declared Cassian:⁵² "Moses commanded that vengeance should be taken.... The Law does not forbid

⁴⁸ *Ib.* 40.

⁴⁹ John Chrysostom: *Homily 24* (on Rom. 13:14), in *Nic. & Post-Nic. Fath.*

⁵⁰ Aug.: *Concerning Marriage and Concupiscence*, 1:15.

⁵¹ Aug: *Questions in the Heptateuch II* (Quest. No. 80 in Ex. 21:22-25).

⁵² Cass.: *First Conference of Abbot Theonas*, chs. 4 & 32, in *Conferences* 21:4 & 21:32.

retaliation for wrongs and vengeance for injuries. For it says: 'an eye for an eye, and a tooth for a tooth!'"

Conclusion: Patristic Theologians strongly opposed abortion

1461. Conclusion. Many of the very earliest Church Fathers - such as those who wrote the *Didachee*, the *Epistle of Barnabas* and the *Epistle to Diognetus* - unequivocally condemned abortion as a most serious transgression of the Divine Decalogue and its Sixth Commandment 'you shall not murder!' So too did Justin Martyr, Athenagoras, Ireaneus, Tertullian, Clement of Alexandria, Hippolytus, Basil, Jerome, the *Vision of Paul*, Chrysostom, Augustine, and Cassian. As we shall next see, so too did the Early Church's Synods.

L. THE EARLY CHURCH'S SYNODS FREQUENTLY CONDEMNED ABORTION

"They wrote letters...as follows: 'The Apostles and Elders...to the brethren from the Gentiles in Antioch and Syria and Cilicia. It seemed good to the Holy Spirit and to us, to lay upon you no greater burden than these necessary things: that you abstain from foods offered to idols, and from blood[shed], and from stranglings; and from sexual immorality. You shall do well to guard yourselves against these things!" As Paul and his synodical delegates "went through the cities, they delivered them the decrees to be observed that had been ordained by the Apostles and Elders.... Thus the churches were grounded in the faith." - Acts 15:23-29 & 16:4f.

1462. Not just many of the Early Church Fathers (in their own personal capacities) condemned abortion. In addition, also many of the Early Church's Synods (in their official capacities) were also very vocal in either condemning abortion directly - or otherwise indirectly reprehending it (by emphasizing the importance of the incarnation of Christ).
1463. Such Early Church Councils and enactments, include also those of: Elvira and Ancyra; the *Creed of Eusebius* and the First Council of Nicaea; and the Councils of First Constantinople and Ephesus (together with Cyril of Alexandria's *Epistle to Nestorius*). They also include: the *Tome of Leo* and the Council of Chalcedon; the Council of Second Constantinople and the *Anathemas of the Emperor Justinian*; the Councils of Third Constantinople and of Trullo alias Quinisext; and even other early-mediaeval and Church Councils (such as those of Second Nicaea).

Council of Elvira excommunicated adulteresses who had aborted their babies

1464. First, we note the A.D. 305 Council of Elvira alias Elibert (in what is now Spain). It not merely condemned all attempts to depict, on walls of church buildings and other places, that which is worshipped. It also excommunicated women church members who committed abortion after adultery.
1465. Indeed, that Synod further declared that such women should not be readmitted to the Church - even later, when themselves at the very point of death itself.¹ Significantly, C.J. von Hefele's *History of the Councils* rerecords the importance of the *Canons of Elvira* for the formulation of the A.D. 325 Ecumenical Council of Nicaea.²

Council of Ancyra denounces abortive women and abortifacient manufacturers

1466. Similarly, *Canon 21* of the A.D. 314 Council of Ancyra - accepted by the various Ecumenical Synods³ from 325 A.D. onward - denounces "women who...destroy those whom they have conceived." It also denounces those "who are employed in making drugs for abortion" - banishing them all from the Lord's Table for "then years."⁴
1467. Here, Dr. Routh translated: "The same punishment will be inflicted on those who assist in causing

¹ Council of Elvira: *Canons* 36 & 69f, in *Nic. & Post-Nic. Fath.* 2nd Ser. XIV p. 73; cf. Willke's *op. cit.* p. 88.

² C.J. von Hefele: *History of the Councils* I pp. 435 (citing the *Canons of Elvira*), in *NPNF* XIV 2nd. Ser. p. 51.

³ Paras. 1470-71.

⁴ *NPNF*. 2nd Ser. XIV p. 73

abortions."⁵ Indeed, the *Ancient Epitome of Canon XXI* declared: "Harlots taking injurious medicines are to be subjected to penitence for ten years."⁶

1468. Earlier, the ban was for life.⁷ In some geographical areas, it continued in that manner. Indeed, only at the hour of death was the guilty party permitted to receive communion again.⁸
1469. Significantly, the Council of Ancyra imposes similar bans against "wilful murderers."⁹ This once again suggests that Ancyra sees deliberate abortion as murder (rather than merely as unintended manslaughter). Yet "involuntary homicides" receive lesser penalties.¹⁰

Council of Nicaea: adulteresses who then abort are to be excommunicated

1470. The A.D. 325 Ecumenical Council of Nicaea was apparently much influenced by the earlier *Creed of Eusebius*. The latter itself declares: "We believe...in the Lord Jesus Christ...Who became flesh for our redemption, Who lived...amongst men." The Nicene Council reworked this and then adopted its own amendment thereof.
1471. The amendment reads: "We believe...in one Lord Jesus Christ...Who for us men and for our salvation came down [from Heaven] and was incarnate and was made man."¹¹ Significantly, the First Ecumenical Council of Nicaea then apparently gave implicit approval to the *Canons of Ancyra* (including the one which so severely condemned abortion).¹²

First Council of Constantinople: the incarnation implicitly anti-abortionistic

1472. The A.D. 381 First Ecumenical Council of Constantinople makes a similar statement. It declares: "We believe...in one Lord Jesus Christ...Who for us men and for our salvation came down from Heaven and was incarnate by the Holy Spirit and the virgin Mary and was made man."¹³
1473. This was consonant with the earlier Great Synod of Nicaea. Thus, Constantinople too implicitly reaffirmed the decisions also of the Council of Ancyra - including its canon condemning abortion.¹⁴

Council of Ephesus: the incarnation, from conception, implicitly anti-abortive

1474. Also the A.D. 431 Ecumenical Council of Ephesus is important to our subject. For there was an implicit affirmation of the anti-abortionary canon of the Council of Ancyra - in the *Acts of the Synod of Ephesus*.
1475. In addition, however, Cyril of Alexandria had written an *Epistle to Nestorius*. There he stated that "the Word, having personally united to Himself flesh animated by a rational soul, did in an ineffable and

⁵ Cf., n. 2 above.

⁶ Cf. n. 4 above.

⁷ Cf. n. 1 above.

⁸ Rushdoony: *Abortion*, p. 13.

⁹ *Canons of Ancyra*, 22.

¹⁰ *Ib.*, 23.

¹¹ *Creed of Eusebius*, in *NPNF*. 2nd Ser. XIV pp. iii & 3.

¹² See n. 1.

¹³ *NPNF* 2nd Ser. XIV p. 63.

¹⁴ See nn. 3-5 above.

inconceivable manner become man."¹⁵

1476. Indeed, He "was called the Son of man...Who for us men and for our salvation came down and was incarnate and was made man.... The Word tabernacled among us." At His conception within Mary, "He united to Himself - hypostatically - a human nature from her womb. Also, He subjected Himself to birth - as man." Indeed, He underwent **conception** for us, "in order that He might bless the **beginning** of our **own** existence."

Council of Chalcedon: Christ's incarnation is implicitly anti-abortionistic

1477. In A.D. 451, the Ecumenical Council of Chalcedon approved the *Tome of Leo*. This clearly declared that "what was assumed from the Lord's mother, was nature - not fault. Nor does the wondrousness of the nativity of our Lord Jesus Christ - as born of a virgin's womb - imply that His nature is unlike ours."¹⁶
1478. States the Council of Chalcedon: "This wise and salutary formula of divine grace...sets forth the incarnation of the Lord to them that faithfully receive it... We teach with one voice that the Son...is to be confessed as...perfect in manhood..., very man, of a reasonable soul and [human] body..., made in all things like unto us, sin only excepted..., in these last days for us men and for our salvation born [into this our World] of the virgin Mary...according to His manhood."¹⁷
1479. Needless to say, Chalcedon too - just like its preceding Ecumenical Synods¹⁸ - reaffirms *Canon 21* of the Council of Ancyra against abortion.¹⁹ Indeed, according to reliable sources, Chalcedon itself thereby even denounces abortion as a sin at least as grave as that of manslaughter. In fact, some of the delegates to Chalcedon even regarded abortion as an almost unpardonable sin.²⁰

Second Council of Constantinople: denial of the incarnation is anathematized

1480. The A.D. 553 Second Ecumenical Council of Constantinople took this yet further. It declared in its *Capitula*: "If anyone...shall not acknowledge as the holy fathers teach that the union of God the Word is made with the flesh animated by a reasonable and living soul., and that such union is made synthetically and hypstatically..." let him be *anathema!*"²¹
1481. Moreover: "God the Word, Who before all ages was begotten of the Father, was in these last days made flesh and born of her" (namely the "virgin Mary").²² Indeed, also once again: "If anyone...denies that the Word of God incarnate in Mary...was made man...: let him be *Anathema!*"²³ Needless to add, it is apparent that the anti-abortionary *Canon of Ancyra* was once again²⁴ reaffirmed at Second Constantinople.²⁵

¹⁵ *Acts of the Synod of Ephesus and Cyril's Epistle to Nestorius* (in *NFNF* 2nd Ser. XIV pp. 198, 202 & 205.

¹⁶ *Tome of Leo* (in *NFNF* 2nd Ser. XIV pp. 256).

¹⁷ *Ib.*, pp. 263f.

¹⁸ See n. 3 above.

¹⁹ *Canon of Chalcedon 1*, in *NPNF* 2nd Ser. XIV p. 267.

²⁰ Presbyterian Church in America: *Report of Ad-Int. Comm. on Abortion*, in 1976 *Gen. Ass. Minutes* p. 276

²¹ *Capitula of the Second Ecumenical Council of Constantinople IV*, in *NPNF* 2nd Ser. XIV pp. 312f.

²² *Cap. VI*.

²³ *Cap. XIV*.

²⁴ See n. 3 above.

²⁵ *Acts of the Second Ecumenical Council of Constantinople, Session I* (in *NPNF* 2nd Ser. XIV pp. 302).

The Anathemas of the Emperor Justinian: Christ human from conception onward

1482. This A.D. 553 Second Ecumenical Council of Constantinople, convened at the urging of Emperor Justinian himself,²⁶ interacted greatly with the practically contemporaneous *Anathematisms of the Emperor Justinian*.²⁷ The Emperor's *First* and *Second* and *Third Anathemas* declare:²⁸ "Whoever says or thinks that human souls preexisted..., shall be *anathema*..."
1483. So then: "If anyone says or thinks that the [human] soul of the Lord [Jesus] preexisted and was united with God the Word before the incarnation [and conception by the virgin] - let him be *anathema!* ... If anyone says or thinks that the body of our Lord Jesus Christ was first formed in the womb of the holy virgin and that afterwards there was united with it God the Word and a preexisting soul - let him be *anathema!*"

Third Council of Constantinople uphold all five holy Ecumenical Councils

1484. The A.D. 680-681 Third Ecumenical Council of Constantinople declared²⁹ it follows "the five holy Ecumenical Councils [A.D. 325 to 553] and the holy and approved fathers." With one voice, it too defined "that our Lord Jesus Christ must be confessed to be very God...and very man, subsisting of a reasonable soul and human body...in all things like unto us, sin only excepted..."
1485. "In these last days for us men and for our salvation, [He was] made man by the Holy Spirit and of the virgin Mary." Indeed, also Third Constantinople - apparently - yet once again reconfirmed the Council of Ancyra's canon against abortion.³⁰

Synod of Trullo: those poisoning the fetus are subject to penalty for murder

1486. It is the A.D. 692 Synod of Trullo (alias the Council of Quinisext) - itself later ratified by the Second Ecumenical Council of Nicaea in 787 A.D.³¹ - which summarized the Christian Church's seven centuries of reflection even on the abortion issue ever since the unaborted pregnancy of Mary the mother of Jesus. Declared Quinisext:
1487. "We recognize as inspired by the Spirit the pious voices of the one hundred and sixty-five God-bearing fathers who assembled in this imperial city [of Constantinople] in the time of our Emperor Justinian of blessed memory, and we teach them to those who come after us. For these synodically anathematized...[those who] reintroduced feigned [Pagan] Greek myths and brought back again the circlings of certain bodies and souls and deranged turnings [or transmigrations]."³² See paragraphs 1480-83 above.
1488. "We set our seal likewise upon all the other holy canons set forth by our holy and blessed fathers, that is, by the 318 holy God-fearing fathers assembled at Nicaea [in 325] - and those at Ancyra" [in 314

²⁶ See in *NPNF* 2nd Ser. XIV p. 300.

²⁷ See in *NPNF* 2nd Ser. XIV p. 320 (against Origen).

²⁸ *Ib.*, p. 320.

²⁹ See paras. 1470-71.

³⁰ *Ib.* pp. 331-45; see too paras. 1466-69.

³¹ *NPNF* 2nd Ser. XIV pp. iv & v & pp. 553f (*Acta Synodi* Session I) & pp. 555f (Canon I) - *Cf.* pp. 357f.

³² *Canons of Quinisext 1*, in *NPNF* 2nd Ser. XIV p. 360

A.D.].³³ ³⁴Likewise too the *Canons of Basil* - including those so strongly condemning abortion (as mentioned in paragraphs 1446-48).

1489. The Council of Quinisext (or Trullo) then continues in its own *91st Canon of Quinisext*: "**Those who give drugs for procuring abortion**" as well as "**those who receive poisons to kill the fetus - are subject to the penalty for murder.**" Indeed, in an *Ancient Epitome of Quinisext's 91st Canon*, we are told: "Whoever gives or receives medicine to produce abortion, is a homicide" - alias a killer of another human being.³⁵
1490. Some Church Councils make no distinctions between the **various times** of killing unborn humans - whether at gestation, or at implantation, or at embryonization, or at quickening, or subsequently. They condemn all killing of all prenatal human beings (at **any** stage of pregnancy) - as being **murder**.³⁶ See the Second Ecumenical Council of Nicaea (787 A.D.).
1491. Indeed, throughout the Middle Ages, women guilty of abortion were condemned to appropriate punishment - as required by the Sixth Ecumenical Council.³⁷ Also, even today as well, modern Ecclesiastical Bulls of the Roman Catholic Church still punish abortion with excommunication.³⁸ So too do certain consistently-Christian Protestant Churches.³⁹

Conclusion: Early Church's Synods frequently condemned abortion

1492. Conclusion. Many of the Early Church's Synods and enactments - Elvira, Ancyra, the *Creed of Eusebius*, First Nicaea, First Constantinople, Ephesus, the *Canons of Basil*, Cyril of Alexandria's *Epistle to Nestorius*, the *Tome of Leo*, Chalcedon, Second Constantinople, Emperor Justinian's *Anathematisms*, Third Constantinople, Quinisext, Second Nicaea, and also many other subsequent Councils - all repeatedly condemn abortion. They do so in the strongest possible terms. Indeed, they always regard it as a far graver crime than homicide (and usually as a species of murder itself).
1493. Small wonder, then, that the (9th or 11th century?)⁴⁰ *Apocalypse of the Virgin* so vividly expresses its revulsion against abortion. For it describes⁴¹ among the various prisoners in everlasting hell not only "whosoever ate the flesh of men" - but also "whosoever brought down their own children out of their own wombs and cast them out as food for dogs." Cf. Revelation 22:15 - "outside" of God's holy city

³³ *NPNF* 2nd Ser. XIV p. 345

³⁴ *Can. Quin.* II (in *NPNF* 2nd Ser. XIV p. 361).

³⁵ *NPNF* 2nd Ser. XIV p. 404.

³⁶ C. Coppens: *Abortion* (in *Catholic Encyclopaedia*, 1907).

³⁷ Crawley's *Foeticide* (in *ERE* VI p. 56).

³⁸ Coppens: *op. cit.*

³⁹ See for *e.g.* the Presbyterian Church in American's 1978 General Assembly.

⁴⁰ *Ante-Nic. Fath.*, X p. 167.

⁴¹ *Apocalypse of the Virgin*, 7.

are "dogs and murderers."

M. THE POST-MEDIAEVAL CHURCH OPPOSES INDUCED ABORTION

"Two prostitutes...came to the king.... The one woman said: 'Sire, this woman and I live [alone] in the same house.... I gave birth to a child.... This woman too gave birth...But this woman's child died during the night.... Yet she got up at midnight, and took my son from beside me...and laid her dead child in my bosom'.... But the other woman said: 'No! The living child is my son, and the dead one is yours'....Then the king said: 'Bring a sword and...cut the living child in two and give half to the one and half to the other woman!' Then the mother of the living child...was moved for her son, [and] said: 'O Sire! Give her the living child, but don't slay him!' But the other woman said: 'Divide it, so that neither you nor I get it!' Then the king answered and said: 'Give her [the real mother] the living child, and don't hurt him at all!' - First Kings 3:16-27.

1494. In the Late Middle Ages the development of the theory of baptismal regenerationism reached its zenith. This hypothesis held that nobody dying "uncleansed" - nobody expiring either before or after birth unbaptized - could ever get to Heaven.¹ The most that such a person could ever attain to, it was argued, is a state of 'limbo.'²
1495. Holy Scripture itself, however, had revealed that all elect human beings - even those dying in fetushood or infancy - go straight to heaven (whether baptized or not). See Job 3:3-19 and Second Samuel 12:14-23 and First Corinthians 7:14. However, under the influence of the Post-Biblical doctrines first of baptismal regenerationism and later of limbo - both doctrines later to be discarded as unscriptural by the *Westminster Confession of Faith*³ - the great Roman Catholic Theologian Thomas Aquinas seems to draw some rather startling conclusions.

Thomas Aquinas: lethal removal of non-dying prenatal babies is murder

1498. On the one hand, in his views on abortion, Aquinas is (altogether rightly) not concerned about the "convenience" thereof - either to the baby, or to his or her mother. Correctly, Thomas is concerned only about what he regards as the right attitude toward abortion. Because of this, Thomas's views on this matter are quite the opposite of all abortionists.
1497. Thomas permits (we think quite wrongly) the premature removal from the womb of offspring deemed to be dying - in order to baptize them just before their anticipated death. But in all other situations, Thomas deems premature removal of the fetus never to be permissible.⁴ For any such removal, he suggests, clearly constitutes **murder itself**⁵ - inasmuch as the unborn embryo-fetus is truly human, even **before** his or her removal from the womb.

Martin Luther: murderers deserve death penalty at the hand of man

1498. Luther here follows Thomas (except in the latter's above-mentioned "abortion unto baptism"). All

1. Thomas Aquinas: *Sum. Theol.*, II A QQ. 92-99.

2. R.E.D. Clark's *Limbo*, in (ed.) J.D. Douglas: *The New International Dictionary of the Christian Church*, Grand Rapids: Zondervan, 1974, p. 597.

3. *W.C.F.*, 10:3.

4. Willke: *op. cit.*, p. 88.

5. Thomas Aquinas: *Sum. Theol.*, II A IIAE QQ. 63-71.

intentional killings are to be punished very severely - except, says Luther (extremely inconsistently), killings of badly-deformed babies. There, he rashly tells the Prince of Anhalt in the presence of the Elector-Prince of Saxony: "If I were the prince or the lord, I would throw this child in the water of the Moldau, running near Dessau. I would take the risk of committing a homicide, in this case."⁶

1499. For the rest, however, the great Protestant Reformer Dr. Martin Luther insists⁷ that "we must firmly establish civil law and the sword" - in order to punish murderers and other evildoers. Now "this penal law existed from the beginning of the World... When Cain slew his brother, he in turn was in great terror of being killed.... He would not have had this fear, if he had not seen and heard from Adam that murderers should be slain [Genesis 2:17; 3:3; 4:8-14]. Moreover, God reestablished and confirmed this after the flood in unmistakable terms [at Genesis 9:5f], when He said: 'Whosoever sheds man's blood - by man shall his blood be shed!'"

Luther: "wicked" are "the girls...who...expel tender fetuses"

1500. Elsewhere, while discussing Abraham's many children listed in Genesis 25:1-4, Luther comments:⁸ "God wanted to teach and attest that the begetting of children is wonderfully pleasing to Him.... He upholds and defends His Word, when He says [Genesis 1:26-28 & 9:1-7]: 'Be fruitful!'"
1501. "He is not hostile to children, as we are.... He seems to emphasize procreation to such an extent that children are born even to adulterers and fornicators, contrary to their wish. How great, therefore, the wickedness of human nature is! How many girls there are who prevent conception and kill and expel tender fetuses - although procreation is the work of God!"

Luther: Moses confirms the 'life for life' death penalty for murder

1502. Luther adds⁷ that the death penalty for murder "was confirmed also by the law of Moses...: 'If a man kill presumptuously, you shall take him from My altar so that he may die!' Exodus 21:14. And again, in the same place: 'a life for a life, an eye for an eye, a tooth for a tooth, a foot for a foot, a hand for a hand...[and] a wound for a wound.' Exodus 21:23f."
1503. It should be noted most carefully that this Luther quotation ends with the very Bible passage perhaps most germane of all to the discussion of the abortion issue - *viz.* Exodus 21:22-25. This text and reasoning, the great Protestant Reformer then proceeds to apply **also** to the Newer Testament.

Luther: death penalty for murder remains also in the New Testament

1504. For right after this, Luther very significantly indicates that the New Testament brought absolutely **no change** here. Here, Luther is still discussing the previous Exodus 21:23f passage requiring 'a life for a life; an eye for an eye; a tooth for a tooth; a foot for a foot; a hand for a hand; a wound for a wound.' In the very next sentence, Luther goes on to declare:
1505. "Christ also confirms it, when He [Matthew 26:52] says to Peter in the garden, [that] 'he who takes up the sword shall perish by the sword.' This is to be interpreted like Genesis nine - 'whosoever shed man's blood, [by man shall his blood be shed] *etc.* Doubtless Christ refers in these words to that

6. M. Luther: *Table Talk* 29, Weimer ed., V p. 8 (n^o 5207).

7. M. Luther: *Secular Authority - To What Extent It Should Be Obeyed* (in *Works* III pp. 231f).

8. *Works*, St. Louis: Concordia, 1964 ed., IV p. 304.

passage [Genesis 9:6], and incorporates and confirms it in them.

1506. "John the baptizer [also] teaches the same. When the soldiers asked him what they should do, he answered [Luke 3:14] - 'do injustice or violence to nobody, and be content with your wages!' If the sword were not divinely appointed, he should have commanded them to cease being soldiers - since he was to perfect the people, and direct them in a proper Christian way. Hence it is sufficiently clear and certain that it is God's will that the sword and secular law be used for the punishment of the wicked and the protection of the upright [First Peter 2:14]." Thus Luther.

John Calvin: "the fetus...in the womb of its mother is *already* a human being"

1507. Luther's own mention just a few paragraphs earlier above of the *locus classicus* on the premature termination of pregnancy - Exodus 21:22-25 - prompts us to enquire how Rev. Dr. John Calvin sees this passage. What, it may be asked, is here meant by the "significant bodily injury" - the King James Version's "mischief" - which Moses says might follow, when quarrelling men strike a pregnant woman?
1508. Calvin masterfully remarks⁹ that "if the word" *aasoon* here "**only** applies to the pregnant woman, it would not have been a capital crime to put an end to the fetus." Such a misinterpretation, observes Calvin, "would be a great absurdity. For the fetus, though enclosed in the womb of its mother, is **already a human being** (*homo*)."

Calvin: "to destroy a fetus in the womb" is "*more horrible*" than murder

1509. Calvin's next words are weighty indeed. Their truly momentous significance needs to penetrate deeply into the heart of every reader. For he then goes on immediately to write: "It is almost a monstrous crime to rob that human being ['the fetus'] of life.
1510. "It seems **more horrible to kill a man in his own house than in a field** (because a man's house is his place of most secure refuge)." Exodus 22:2-7,26-31; Dt. 21:1f; 23:15,24; 24:6. Calvin continues: "**It ought surely to be deemed more atrocious to destroy a fetus in the womb [or the 'house'], before he or she has come to light**" - than to kill a man outside his home!"

Calvin: "punish...with death" if in an "abortion...the infant...be killed"

1511. Calvin then derives very important anti-abortionistic arguments from Exodus 21:23. "On these grounds I am led to conclude **without hesitation**," he insists, "that the words 'if death should follow' **must** be applied to the **fetus** as well as to the mother."
1512. He then draws the inevitable conclusion. Solemnly, Calvin states: "It would be a crime punishable with death not only when the mother died from the effects of the abortion - but also if the infant should be killed, whether it should die from the wound abortively or soon after birth."

Calvin: accidental but negligent killing of fetus is punishable

1513. This passage (Exodus 21:22f), holds Calvin, not only indirectly condemns **deliberate abortion**. In addition - and indeed even more obviously - it directly relates also to **negligent harm** (or even simply to **ordinary inconvenience**) caused to a pregnant woman or her unborn child. This would include

⁹. *Works*, St. Louis: Concordia, 1964 ed., IV p. 304.

such harm or inconvenience as might cause her premature confinement.

1514. Calvin declares "that premature confinement would weaken both the mother and her offspring." So "the husband is allowed to demand before the judges a **money**-payment, at their discretion, to compensate for his loss.
1515. "For although God's command is only that the money should be paid **before** the judges, still, he thus appoints **them** as arbitrators to settle the **amount**.... We plainly perceive, by the repetition of the *lex talionis*, that a just proportion is to be observed, and that the amount of punishment is to be regulated equally - whether as to a tooth, or an eye, or life itself - so that the compensation should correspond with the injury done....
1516. "For the purpose of preventing all violence, a **compensation** is to be paid in proportion to the injury.... The **murderer** is to be punished. So too he who has [intentionally] maimed a member [or limb] of his brother."
1517. However, "a **delinquency** (or *delictum*) differs from a **crime**. Although it was unlawful to covenant with murderers for the remission of their punishment - still, the judges were permitted, on their hearing of the case, to mitigate it if a man were excused by his **unconsciousness** or inadvertency. This then...**permits** the judges - to distinguish between the nature of **offences**.... If they discovered a man not to be worthy of death - they should still punish his negligence by a **pecuniary** fine."

Counter-Reformation: Ignatius Loyola calls "abortion" a "murderous act"

1518. It should never be thought that only Protestant Reformers such as Luther and Calvin condemned abortion at the time of the Reformation. So too did Romish Leaders in the Counter-Reformation. Perhaps preeminent here, is the Founder of the Society of Jesus - Ignatius de Loyola.
1519. In the mid-1500's, the Jesuit Loyola insisted: ¹⁰ "Life is God's most precious gift. To scorn it by any sort of murderous act - such as the abortion of a child - is not merely an awful tyranny. It is a smear against the integrity of God as well. Suffer as we must, even die if need be - such rebellion against Heaven must not be free to run its terrible courses!"

Heidelberg Catechism: do not "wound or kill" but rather "prevent murder"

1520. Calvin's doctrine carries over into the various standards of the Calvinistic Churches. This is seen also in the 1563 *Heidelberg Catechism* - drawn up by Calvin's two students Caspar Olevianus and Zacharias Ursinus.
1521. The *Heidelberger* instructs, implicitly, also against abortion. For it enjoins man not "to wound or kill my neighbour...nor to hurt myself nor wilfully expose myself to any danger" - and also insists that the magisterial "authorities are armed with the sword in order to prevent murder."¹¹

Westminster Larger Catechism bars "taking away the life...of others"

1522. Also the mid-seventeenth-century Calvinistic *Westminster Larger Catechism* shows how our God's

¹⁰. L. Collier: *The Jesuits*, New York: Maethan, 1926, p. 87.

¹¹ Q. & A. 105.

Sixth Commandment (you shall not murder!) teaches "careful studies and lawful endeavours to preserve the life of ourselves and others." It even requires "avoiding all occasions, temptations, and practices which tend to the unjust taking away the life of any," and also the "protecting and defending [of] the innocent."¹²

1523. It also prohibits the abortional 'slaughter of the innocents.' For it explicitly forbids "taking away the life...of others" by "withdrawing the lawful or necessary means of preservation of life" by "striking, wounding, and whatsoever else tends to the destruction of the life of any."¹³

Modern Roman Catholicism: deliberate abortion is "direct murder"

1524. No different, on this particular point, is the teaching of modern Roman Catholicism - as to the murderous character of intentional abortion. This is clearly reflected in the December 1930 papal encyclical *Casti Connubi*.
1525. There, Pius XI asked: "What could ever be a sufficient reason for excusing in any way the **direct murder** of the innocent? This is precisely what we are dealing with here. Whether inflicted upon the mother or upon the child - it is against the precept of God and the laws of nature.... The life of each, [the mother and her child,] is equally sacred. And no one has the power, not even the public authority, to destroy it."¹⁴
1526. Quite properly, in the nineteen-sixties the Roman Catholic Second Vatican Council reiterated:¹⁵ "Life from its conception is to be guarded with the greatest care. Abortion and infanticide are horrible crimes."
1527. *The Gospel of Life* of Pope John Paul II, proclaimed¹⁶ in 1995: "The Second Vatican Council defines abortion, together with infanticide, as an 'unspeakable crime'.... Abortion is *the deliberate and direct killing, by whatever means it is carried out, of a human being in the initial phase of his or her existence, extending from conception to birth*...."
1528. "We are facing an immense threat to life: not only to the life of individuals but also to that of civilization itself. We are facing what can be called a '*structure of sin which opposes human life not yet born*...."
1529. "*The human being is to be respected and treated as a person from the moment of conception*.... Therefore from that same moment, his rights as a person must be recognized - among which in the first place is the inviolable right of every innocent human being to life." For this reason, also "*Sacred Scripture*...require[s] that God's Commandment 'you shall not kill' be extended to the unborn child as well."

Dietrich Bonhoeffer: "destruction of the embryo...is nothing but murder"

1530. Famous modern Lutherans have condemned abortion in even stronger terms. Declared Rev. Professor Dr. Dietrich Bonhoeffer, before himself being killed by the German National Socialists (alias

¹² *W.L.C.*, Q. & A. 135.

¹³ *Ib.*, Q. & A. 136.

¹⁴ In ed. Freemantle's *Papal Encyclicals*, New York: Mentor, 1956, p. 240.

¹⁵ *Ib.*, p. 90.

¹⁶ John Paul II: *The Gospel of Life - Evangelium Vitae*, Homebush NSW: Society of St. Paul, April 1995, pp. 109-14.

the Nazis):

1531. "Destruction of the embryo in the mother's womb is a violation of the right to live which God has bestowed upon this nascent life. To raise the question whether we are here concerned already with a human being or not, is merely to confuse the issue. The simple fact is that God certainly intended to create a human being - and that this nascent human being has been deliberately deprived of his life. And that is nothing but murder."¹⁷

Karl Barth: "he who destroys germinating life, kills a man"

1532. Also Dr. Karl Barth rightly concludes that "the soul and body of real men are not two real series or sides existing and observable in isolation. They are the two moments of the one human activity.... We do not have the body here and the soul there. But man himself, as soul of his body, is subject and object, active and passive - man in the life-act of ruling and serving (as the rational being as which he stands before God and is real as he receives and has the Spirit)."¹⁸
1533. He adds that "he who destroys germinating life, kills a man."¹⁹ Similarly, also the 1971 Sydney Anglican *Abortion Report* rightly concluded: "From conception the unity of the ensouled body begins to emerge."²⁰

Helmut Thielicke: in abortion "the order of creation is infringed upon"

1534. Rev. Dr. Helmut Thielicke, the Professor of Religion at the University of Hamburg, was perhaps the leading Lutheran Theologian in Germany since World War II. In his 1964 book *Ethics of Sex* he explained: "The fetus has its own autonomous life which, despite all its reciprocal relationship to the maternal organism, is more than a mere part of this organism, and possesses a certain independence.... These elementary biological facts should be sufficient to establish its status as a human being...."
1535. "This makes it clear that here it is not a question - as it is in the case of contraception - whether a proffered gift can be accepted responsibly, but rather whether an already-bestowed gift can be spurned, whether one dares to brush aside the arm of God after this arm has already been outstretched. Therefore here [in abortion,] the order of creation is infringed in a way that is completely different from that in the case of contraception."
1536. "[Indeed,] once impregnation [or fertilization] has taken place, it is no longer a question of whether the persons concerned have the responsibility for a possible parenthood. They **have** become parents!"²¹

Willem Geesink: abortions are "disgraceful practices" and murders

1537. Rev. Professor Dr. Willem Geesink, sometime Professor of Christian Ethics at the Free University of Amsterdam, is a fine representative of the modern Calvinistic position on abortion and related matters. Wrote he:²² "Children did not choose their parents. Neither did parents choose their children...."

17. D. Bonhoeffer: *Ethics*, London: S.C.M., 1955, pp. 130-31.

18. K. Barth: *Church Dogmatics*, Edinburgh: Clark, 1960, III:2, p. 429.

19. Willke: *op. cit.*, p. 90.

20. Sydney Diocese: *Abortion Report*, Sydney: Bell & Co., 1971, pp. 11 & 40.

21. H. Thielicke: *Ethics of Sex*, New York: Harper, 1964, pp. 227f.

22. Geesink: *Ordinances*, IV pp. 24f.

1538. Conception and birth and everything in between are natural events in which God - as in all natural events - is the Prime Mover.... 'You have covered me in my mother's womb.... I have been fearfully and wonderfully made.... My substance [or body-information] was not hidden from You when I was being shaped in secret and being fashioned artistically.... Your eyes saw my substance [or my embryo] while yet unperfected.'" Psalm 139:13-16.
1539. Embryonic growth from conception to birth, continues Geesink, "is a natural event which [adult] human beings are indeed able to prevent by the criminal interference of disgraceful practices." This "we will deal with later, under the Sixth Commandment [you shall not murder!] and the Seventh Commandment [you shall not commit adultery!]."
1540. All human beings, however, are in fact "obligated to promote" natural events like prenatal human growth - "just as they [are obligated to promote] other natural events too." For "even to this matter - as too throughout nature - they themselves can add nothing. God alone gives growth and increase."

Various other Protestants too all deplore the sin of abortion

1541. Other important Protestant Scholars influenced by the Calvinist tradition do not disagree. Rev. Professor Dr. Otto Piper of Princeton states that "we have no right to destroy new life." Indeed, Rev. Dr. Paul Ramsay - Professor of the School of Divinity at Princeton - has said that "there is more than one patient [or sufferer] in the case of abortion."²³
1542. Rev. Professor Dr. Herbert Richardson of the Harvard School of Divinity shares this thinking. Further, the two Neo-Calvinist Scholars Dr. Greg Bahnsen²⁴ & Rev. Dr. R.J. Rushdoony²⁵ of Valley Christian University - and even the strongly-liberal Nobel Prize Winner Pearl Buck²⁶ and Dr. Norman Vincent Peale²⁷ - are all opposed to abortion. Similarly, also the Eastern Orthodox Churches are opposed to it completely.

Orthodox Protestantism opposes abortion even more than does Romanism

1543. It should not be thought, then, that the opposition to abortion comes exclusively or even overwhelmingly only from Roman Catholicism rather than also from Eastern Orthodoxy and Protestant Christianity. The truth of the matter is that abortion has been condemned by every section of the Visible Church - nor just since the Apostolic or New Testament Age (James 2:8-11).
1544. Abortion has been condemned even since the time of Moses in the Old Testament (Exodus 21:22f) - and, by implication, also from the very beginning of history. For we are indeed our brother's keeper (Genesis 4:9). Indeed, we are to be keepers also even of our very tiniest brothers - and sisters. Would that the latter were realized especially by those feminists who are also abortionists - and who thus murder their tiny co-females!

²³ Willke: *op. cit.*, p. 90.

²⁴ Bahnsen, G.: *Theonomy & Christian Ethics*, Nutley N.J.: Craig, 1977, pp. 328 & 438.

²⁵ See Rushdoony's *opera citata*.

²⁶ See ed. R.E. Cooke's *The Terrible Choice - The Abortion Dilemma* (New York: Bantam, 1968, pp. ix-xi) and the 'Introduction' in ed. J.T. Noonan's *The Morality of Abortion - Legal and Historical Perspectives*, Cambridge, Mass.: Harvard University Press, 1970.

²⁷ Willke: *op. cit.*, p. 90.

1545. The leading Protestant Theologian John Calvin had an even stricter attitude against abortion than the leading Roman Catholic Theologian Thomas Aquinas.²⁸ The further fact is that many modern orthodox Protestant Theologians have an even stricter attitude against abortion than do some modern Romish Theologians.²⁹

Agnostics, Atheists, Humanists, Jews & Moslems who condemn abortion

1546. Nor is the modern opposition to abortion restricted only to those who claim to be Christians. Not only among Jews³⁰ and Moslems³¹ *etc.*, but even many Agnostics and Atheists too regard it as a crime. Even Communists have sometimes condemned it.³²
1547. So too have many secularized Americans. Indeed, in the very much Non-Catholic and Non-Protestant (and largely-unchurched) State of Washington in the northwestern United States - fully four times as many voters as there are Roman Catholics, opposed the passage of a permissive abortion law.³³

Conclusion: the Post-Mediaeval Church and many others condemn abortion

1548. Conclusion. So not just Roman Catholics, but leading Protestant Theologians too - both ancient and modern - are implacably opposed to all induced abortions. So too are many Jews and Moslems - and, indeed, also even many Secularists.
1549. Anti-abortionism is the view of Martin Luther, John Calvin, the *Heidelberg Catechism*, and the *Westminster Larger Catechism*. Nor is it today the view merely of twentieth-century Catholic authorities such as Pope Pius XI, the Second Vatican Council, Pope John Paul II and the Greek Catholic Orthodox Church.
1550. For abortion is also condemned out of hand also by many leading modern Protestants. Such include: Willem Geesink; Karl Barth; Pearl Buck; Dietrich Bonhoeffer; Helmut Thielicke; Otto Piper; Herbert Richardson; Norman Vincent Peale; G.L. Bahnsen; R.J. Rushdoony; and Paul Ramsay (of Princeton).

28. See paras. 1497-99.

29. Especially 'Liberal Catholics' and 'Progressive Catholics' have lax attitudes.

30. See art. 'Abortion' in *Enc. Jud.*

31. Quran 2:178 & 5:35-36, as cited in Ali, A.Y: *The Holy Quran - Text, Translation and Commentary*, Lahore: Shaikh Muhammad Ashraf Kashmiri Bazar, I pp. 70 & 152f.

32. See F.N. Lee: *Communist Eschatology*, Nutley, N.J.: Craig, 1972 (showing how Russian Communists hardened their attitude against abortion since the early nineteen-twenties).

33. Willke: *op. cit.*, p. 90.

N. THE SUGGESTED BIBLICAL PUNISHMENTS FOR ABORTIONISTS

"Don't any of you ever even begin to think I came to demolish either the Law or the Prophets! I have not come to start demolishing - but to fill up to full measure.... Therefore, whosoever lets go of even one of 'the least' of these Commandments and shall teach people thus - he shall be called 'the least' as regards the Kingdom of heaven. For I tell all of you - unless your righteousness shall exceed that of the Scribes and Pharisees..., you too shall not keep on entering into the Kingdom of Heaven.... You have all heard that it was said to the ancient ones: 'you shall not murder!'.... Reach agreement quickly with your legal adversary, while you are still on speaking terms with him; lest he suddenly hands you over to the Magistrate, and the Magistrate to the Law Enforcement Officer, to throw you into jail. Truly, I say - you won't get out of there free, until you've repaid the last cent." - Matthew 5:15-26.

1551. The laws of Western Legal Systems - until the time of the French Revolution of 1789 - are rooted in Christianity. They, as well as the laws of Judaism and Islam (to the extent that also the latter are rooted in the Holy Bible) - need to be restored and expanded. Our laws need to be purged of the influence of revolutionary humanism. They need to be renourished by Biblical Law - also in the area of abortion. See too paragraphs 1144-1303 and 1700-89.
1552. Conservative Christians and Jews and Moslems *etc.* everywhere all need to be urged to mobilize themselves politically, and to use their influence in working toward the restoration or the enactment of godly laws in the life of their societies. Wherever the fetus is removed, when the only way to save the life of a dying mother - such an act should not be punished by the courts (provided done with the approval of the fetus's mother and/or her husband). But wherever the mother's own **life** itself is **not** actually ebbing **away** because of the continuation of the pregnancy - the deliberate removal of the fetus, resulting in the death of either this offspring or his/her mother, constitutes **murder**.

The *lex talionis* in Holy Scripture according to the *Jewish Encyclopaedia*

1553. In all such cases, the crime of abortion should carry a mandatory death sentence - as too should any other kind of murder. In one word: the Biblical 'life-for-life' *lex talionis* should be applied to the guilty parties - irrespective of persons. Genesis 9:5f; Exodus 20: 12-14; 21:12-25; Luke 23:41; Acts 25:11.
1554. Rightly does Vallentine's *Jewish Encyclopaedia* remark: "'Whoso sheddeth man's blood, by man shall his blood be shed; for in the image of God, He made man [namely the murderee]'.... There is no difference between the life of an infant and that of an adult.... Parents have no rights whatsoever over the lives of their children, whether these be healthy or deformed. Deliberate homicide was punished with death."
1555. The "*Lex Talionis* (Latin: 'Law of Retaliation')" - continues the *Jewish Encyclopaedia* - is "the Biblical Law expressed in Exodus 21:23-25 ('thou shalt give life for life, eye for eye, tooth for tooth').... [Yet only] in the case of murder was the capital penalty inflicted" - *viz.* 'life for life.'¹ See too paragraphs 1181-1254.

¹ Hyamson & Silbermann: *op. cit.*, pp. 371 & 385.

The *lex talionis* in Holy Scripture according to John Calvin

1556. As also the great Protestant Reformer John Calvin pointed out in his comment on Exodus 21:23f - "it would be a crime **punishable with death** not only when the mother died from the effects of the abortion, but also if the infant should be killed - whether it should die from the wound abortively, or soon after its birth." See paragraphs 1239-43.
1557. **Right after** the above-mentioned Exodus 21:22-25 passage on the *lex talionis*, we are told something of very great importance. Whenever a domesticated **ox** causes physical harm to a human being - or even where such an ox causes harm only to another man's ox - appropriate compensation (determinable by the judges) is to be paid by the harmful ox's owner to the injured human being or to the owner of the other thus-injured animal concerned.²
1558. "But **if** the [harmful] ox had in time **past** fallen into the habit of pushing [at other animals or at humans] with his horns, and if this had been **reported** to its owner; and if **he** had then not restrained it from doing so from then on, so that his [negligently-unrestrained] ox thereafter went and killed a man or a woman - the ox shall be stoned **and** his **owner** also shall be put to death"³ (for the serious crime of **priorly-premeditated** and grossly **culpable homicide**). By necessary implication, then - how much **greater** is the guilt of a consenting mother (and/or any other assisting abortionist) who deliberately and illegally kills an unborn human being. See too paragraphs 1554 & 1708-23 & 2120.

Modern Popes: God avenges the blood of the unborn upon delinquent judges

1559. Pius XI said in his 1930 Encyclical *Casti Connubi* ('*On Christian Marriage*):⁴ "Those who hold the reins of government should not forget that it is the duty of public authority by appropriate laws and sanctions to defend the lives of the innocent - and this all the more so, since those whose lives are endangered and assailed cannot defend themselves. Among whom we must mention, in the first place, infants hidden in the mother's womb. And if the public magistrates not only do not defend them, but by their laws and ordinances betray them to death at the hands of doctors or of others - let them remember that God is the Judge and Avenger of innocent blood which cries from Earth to Heaven!"
1560. In 1965, the Roman Catholic Pastoral Constitution *Gaudium et Spes* (alias 'Joy and Hope') appeared. At that time, it represented perhaps the most important position paper on social matters issued by the Vatican during the twentieth century. It insisted⁵ that "from the moment of its conception - [human] life must be guarded with the greatest care." Moreover, it added that "abortion and infanticide are abominable crimes."
1561. Indeed, the 1966 *Report of the Papal Commission on Birth Control* clearly stated that "government...should look with great concern on subhuman conditions of families, and beware of solutions contradicting the Moral Law...in particular by propagating abortion or sterilization." For it cannot be "legitimate for anyone to attack already-existing human life, even in the first moments of its existence.
1562. "The Church has always condemned abortion as a particular[ly] vile form of murder, in that it destroys

2. Ex. 21:30,32,34,35.

3. Ex. 21:29,36.

4. Pius XI: *On Christian Marriage*, 1930 (cited in Overduin & Fleming's *op. cit.* p. 127).

5. *Gaudium et Spes*, 1965 (see in Overduin & Fleming's *Life in a Test-Tube* pp. 129 & 182 and their *Wake Up, Lucky Country!* p. 81).

a helpless and innocent human being" - continues the *Report*. "Directly willed and procured abortion, even if for therapeutic reasons, are all to be absolutely excluded as licit means of regulating births."

1563. It is sometimes asked whether intentional abortion is actually the same as murder. The Protestant Rev. William Randolph's reply in his 1979 article *God Is Pro Life* is here to the point. As he explains:⁶ "If one were strictly to define murder as killing with malicious intent, it [abortion] would not always be classified as 'first degree murder.' But two factors must be kept in mind. First, most mothers actually are able to sense that they are carrying a real baby. Even if they are ignorant of the Scriptures, they know from nature [that this is so]. Secondly, the unborn child is a real human being. And even if 'first degree murder' were not the charge of God - it is [still] a crime that He cannot allow to go unpunished."

Geesink: magistrate must wreak vengeance retaliatorily against murderers

1564. The great Christian Reformed Ethicist Rev. Professor Dr. Willem Geesink too declared:⁷ "The government is a servant of God. She wreaks vengeance in punishment of those who do evil [Romans 13:4]. She maintains the law of requital, the *lex talionis*, among men.... Whenever - so we read in Exodus 21:33-34 - anybody digs a pit but does not put a cover over it, and an ox or an ass falls into it - the one who made the pit shall requite it....

1565. "Jesus also refers to this in the Sermon on the Mount.... The crowds had often heard of the law of requital. The Romans called it the *jus talionis* or the law of the *talio*. The word is derived from *talio*, meaning 'such.' It means that, 'howsoever' somebody misbehaves, 'just so' is he also to be punished. In this way, he receives the *talio* or requital appropriate to the weight of his misdeed, so that it yields a certain 'equality.' And 'life for life' too belonged to that law of requital.

1566. "This law of requital is a very important principle. Savage man with his weapon says like Lamech: 'I have slain a man who only wounds me; I have killed a young man who merely hurt me' [Genesis 4:23]. But there is no requital there - no *talio*. For the gravity of wounding or hurting does not even begin to weigh up against the gravity of killing. Well now, this *jus talionis* obtained even in Israel. It stood in the Law.... And the crowd listening to Jesus [Matthew 5:21-38f], heard it read.

1567. "In Exodus 21:23-25, it is merely mentioned in passing. For that tells of the punishment of somebody who caused an accident to a pregnant woman...: 'life for life, eye for eye, tooth for tooth'.... We also read of this 'law of requital' in Leviticus 24:17-20, that 'he who murders anybody shall surely be put to death.... If a man causes a blemish to his neighbour - as he has done, so shall it be done to him: 'breach for breach, eye for eye, tooth for tooth'.... And so too in Deuteronomy 19:21...it is said of the false witness: 'your eye shall not pity; but there shall be life for life, eye for eye,' etc."⁸

1568. Now "particularly as regards the civil authority," continues Rev. Professor Dr. Geesink, "we believe that our good God by reason of the corruption of the human race ordained Kings and Princes and Governments - desiring that the World be ruled by laws and policings, so that the restraintlessness of humanity be bridled and so that everything should take place in good order among men. *Belgic Confession*, article 36....

1569. "That is why the Christian is to be alert to defence. Not from selfishness, but from the realization: that

⁶. *Op. cit.*, p. 23.

⁷ *Ordinances*, IV pp. 184 & 228 & 177.

⁸ *Ib.*, pp. 177f.

law must be maintained here on Earth, for the preservation of society; that unrighteousness which cannot be overcome by love, must be resisted; and that there must be a prevention of unrighteousness, and that a punishment must be inflicted upon those [criminals] whom it has pleased God to rule by human hands."⁹

Dr. A.C. Drogendijk: abortion "is equivalent to killing" and is "criminal"

1570. The opinion on deliberate abortion of the Presbyterian or Reformed Dr. A.C. Drogendijk, Professor of Medicine at the Free University of Amsterdam, is particularly valuable here. "*Abortus provocatus* [alias inciting a miscarriage] is forbidden," explains Drogendijk.¹⁰
1571. "For in that case, one destroys not cells which could form new life, but cells which have already formed a new life. *Abortus provocatus*, in the light of ethics, is equivalent to killing a child. Furthermore, it brings us into contact with judicial punishment. For *abortus provocatus*, explains Dr. Drogendijk - except strictly where medically indicated - falls under criminal misdemeanours."¹¹

Penalties for abortion to save mother's health or in cases of rape and incest

1572. Abortion is sometimes intentionally performed in rather rare and unusual circumstances. It is sometimes attempted in order to try to prevent a deterioration in the health of the mother. Again, it is sometimes also undertaken in an attempt to prevent the live birth of an offspring conceived in rape or incest.
1573. In such cases the deed of abortion, though perhaps somewhat less serious than first-degree murder, is at the very least either intentional or culpable homicide - if not (second-degree) murder itself. It should then be punished with an appropriate sentence, according to the law of the land - after careful adjudication before competent judges.
1574. Depending on the exact circumstances, the minimum sentence should ideally be a very massive fine or long-term imprisonment or both. See Exodus 21:13 & 21:18-30 and Numbers 35:22-25 & 35:30. Indeed, the maximum sentence should be death itself - administered to all who directly participate in engineering the offspring's unnecessary premature decease. See Numbers 35:15-21 & 35:30f and Deuteronomy 19:3-21.

No criminal penalty if pregnancy ended solely to save the mother's life

1575. Sometimes a pregnancy is intentionally terminated with the sole motive of dealing with that now-very-rare occurrence where an aggressive fetus is mortally threatening the mother. Here, every possible attempt is to be made to preserve also the life and welfare even of the thus-removed fetus.
1576. Still, the fetus may nevertheless die right before or while or after being removed from the mother (purely in order to save the life of the mother and if possible also the fetus). It must again be emphasized we are discussing here only those cases of terminating pregnancy prematurely where the mother and therefore the fetus too certainly seemed immediately to be threatened with death precisely

⁹. *Ib.*, p. 186.

¹⁰ See the inside front jacket-flap of A.C. Drogendijk's *Man and Woman Before and In Marriage*, Kampen: Kok, 1964.

¹¹ *Ib.*, p. 125.

by the continuation of the pregnancy.

1577. In such cases, the legally-sanctioned deed of artificially terminating the pregnancy amounts to non-culpable homicide. It is an act of vital selfdefence - or alternatively, an act of assisting in another's defence - against either voluntary or involuntary aggression. Here, though the entire procedure is indeed traumatic, there should be no legal punishment. Indeed, it could even be argued that in such circumstances it would be negligent **not** to adopt this procedure.
1578. Certainly the adopting of such a procedure - though admittedly often lethal - incurs no criminal culpability. See: Genesis 4:14; 9:5f; Exodus 20:12f; 21:15-36; 22:2; 34:26; Leviticus 18:21; 19:17f, 28, 33f; 20:2-5; 22:27f; 24:19-21; 26:3, 9, 14, 16, 22, 29; Numbers 35:15-33; Deuteronomy 14:21; 19:4-21; 20:10-20; 21:1-21; 22:6-8; 28:1, 4, 11, 15; 28:18, 30, 32, 40, 53, 57, 59, 62.

Remuneration for miscarriages through culpable or negligent accidents

1579. Where the termination of the pregnancy is purely accidental - as in an unanticipated car smash - that party who is either negligent or culpable should remunerate (as the judges may determine) **all** of the other injured parties. The claim for such remuneration may, of course, be made on behalf of the injured party through a lawyer as his or her agent - or contractually, by the insurance company with which he is a policyholder. Exodus 22:7-12; Luke 10:35; Philemon 18f.
1580. Such remuneration should benefit not just the postnatal persons thus negligently or culpably injured. But such remuneration should benefit even any prenatal fetuses alive at the time of the accident, and injured by the accident. See paragraphs 1773-85.
1581. If such fetuses or other accidentally-injured persons thereafter die - by order of a law-court, the heirs of all such injured persons should legally be remunerated by way of appropriate compensation for the losses caused by the injuries sustained. Also, a still-living fetus (or his agent) should himself be remunerated for accidental injuries sustained by the fetus.
1582. Even a thus-killed fetus's next of kin should be remunerated appropriately - for all accidental injuries to the fetus which killed or helped kill the fetus; and also for all other related expenses and losses caused by that death or injury. Either way, the exact amount of such remuneration should be determined by judges as arbitrators - through due process of law. Exodus 21:18-30; Numbers 35:22-25; 35:31; Deuteronomy 20:3-5; 20:15-21. Also see, *mutatis mutandis*, paragraphs 2161-63.

The civil magistrate's inescapable duty to punish unlawful abortions

1583. The civil magistrate has a solemn duty to protect all human life against all unjust injury and death, and to punish in various appropriate ways all negligent and/or culpable injurings and killings (except in cases of selfdefence). All wilful abortionists who live by the sword of their curette - should be required to die by the sword of the Magistrate. Exodus 21:18-30; Numbers 35:12-33; Isaiah 59:1-9; Hosea 4:6-9; 6:5-11; Matthew 26:52; Romans 13:1-7; Titus 3:1-2; First Peter 2:12-14; Revelation 13:10.
1584. Indeed, it is the duty of the Christian Church as a whole - as well as the duty of every Christian citizen in particular - constantly to make the Civil Magistrate aware of this. Acts 5:26-29; 9:15; 13:6-12; 20:27; 25:11; First Timothy 3:15; 4:12-16; Second Timothy 3:15 to 4:2f. For even Christians incur guilt if - by their negligence to protest against the civil magistrate's unwillingness to punish crime - they themselves tacitly condone criminal actions such as unlawful abortions *etc.* Deuteronomy 28:15-62;

Ezekiel 3:17-21; 33:7-16; Proverbs 24:11f.

Westminster Confession: God arms Magistrates to punish the evildoers

1585. As the *Westminster Confession of Faith* so rightly declares:¹² "God, the supreme Lord and King of all the World - hath ordained civil Magistrates to be **under** Him, over the people, for His own glory, and [for] the **publick** good.... To this end, [He] hath **armed** them with the power of the **sword** - for the **defence** and encouragement of them that are **good**, and for the **punishment** of **evildoers**.
1586. "It is lawful for Christians to accept and **execute** the office of a Magistrate, when called thereunto. Proverbs 8:15f.... They ought especially to maintain piety, justice and peace - according to the **wholesome** laws of each Commonwealth. Psalm 2:10-12; 82:3f; Second Samuel 23:3; First Timothy 2:2.... For that end, they **may lawfully** now, under the New Testament, **wage war** upon just and necessary occasions. Luke 3:14; Matthew 8:9f; Acts 10:1f; Revelation 17:14-16.... It is the **duty** of people to pray for Magistrates; to honour their persons; to pay them tribute and other dues; to obey their **lawful** commands."

Westminster Confession: Judges must proceed against peace-destroyers

1587. Again, the *Westminster Confession of Faith* carefully explains¹³ that "they who upon pretence of Christian liberty do practise any sin or cherish any lust, do thereby destroy the end of Christian liberty. Such end "is that, being delivered out of the hands of our enemies, we might serve the Lord without fear in holiness and righteousness before Him all the days of our life. Galatians 5:13; First Peter 2:16; Second Peter 2:19; John 8:34; Luke 1:74.... The powers which God hath ordained (*cf.* Romans 13:1-7), and the liberty which Christ hath purchased, are not intended by God to destroy but mutually to uphold and preserve one another."
1588. So "they who, upon pretence of Christian liberty shall oppose any lawful power or the lawful exercise of it...resist the ordinance of God. And for the...maintaining of such practices as are contrary to the light of nature or the known principles of Christianity...as...are destructive to the external peace and order which Christ hath established...they may lawfully be called to account and proceeded against...by the power of the Civil Magistrate. Romans 13:3f; Ezra 7:23-28."

Australian Presbyterianism: fallen man to comply with Moral Law

1589. It should carefully be noted here that none of the above is modified by the 1901 *Declaratory Statement* of the Presbyterian Church of Australia.¹⁴ That *Statement* insists that in spite of "the corruption of man's nature as fallen...he is responsible for compliance with the **Moral Law**" never the less. It also, and quite rightly, only "disclaims...intolerant or persecuting principles" with regard to "the civil magistrate and his authority and duty in the sphere of **religion**."
1590. The *Declaratory Statement* therefore does **not**, of course, disclaim the Civil Magistrate's obvious right and duty to inflict well-merited punishments in the sphere of **Civil Government** - for **crimes** committed by those in territories under the Magistrate's control. To the contrary. The *Declaratory Statement* very clearly states: "The [Presbyterian] Church holds that the Lord Jesus Christ is the **only** King and Head

¹² *W.C.F.*, 23:1-2 & 23:4.

¹³ *Ib.*, 20:3-4.

¹⁴ Presbyterian Church of Australia: *Declaratory Statement*, 1901, arts 4 & 6.

of the Church - **and** Head over **all** things" (including the Civil Magistrate).

1591. Accordingly, as implied also by the *Declaratory Statement*, it is not only permissible but even mandatory for the Civil Magistrate (as Christ's conscious or unconscious agent) to stamp out crime to the glory of God. Indeed, this is required precisely by the Holy Scriptures. Exodus 18:19-26; Deuteronomy 1:13-17; Psalm 82:1-8; Proverbs 31:4-9; Acts 19:34-41; 22:24-30; 23:1-3; 23:19-30; 23:34f; 24:1-3; 24:22-25; 25:1-11; 25:12 to 26:31; Romans 13:1-7; First Timothy 2:1-2f; Titus 3:1-2; First Peter 2:11-17.

Westminster Catechism: "Superiors" to protect the welfare of their "Inferiors"

1592. Now the *Westminster Larger Catechism* insists that the Fifth Commandment requires "**Inferiors**" to submit to their "**Superiors**" in authority over them.¹⁵ This means that people are to submit to all other people "such as by God's ordinance are over us in place[s] of authority - whether in Family, Church or **Commonwealth** (Isaiah 39:23)."¹⁶ Inferiors owe their Superiors "willing obedience to their **lawful** commands and counsels. Ephesians 6:1-7; First Peter 2:13f; Romans 13:1-5."¹⁷ And the sins of Inferiors toward their Superiors include "all neglect of the duties required toward them (Matthew 15:4-6)," and all "contempt of and rebellion against their persons and places in their lawful counsels, commands, and corrections. Exodus 21:15; Deuteronomy 21:18-21; First Samuel 8:7; 15:1-12; Isaiah 3:5."¹⁸
1593. Yet on the other hand, also "**Superiors**" owe "**duties**" to their "Inferiors." For Superiors are "to instruct, counsel and admonish them. Deuteronomy 6:6-7 & Ephesians 6:4." They are to do this by "discountenancing, reproof, and chastising such as do ill. Romans 13:3f; Proverbs 29:15; First Peter 2:14." They are also to do this by "**protecting** and providing for them all things necessary for soul and **body**. Job 29:12-17; Isaiah 1:10,17; First Timothy 5:8."¹⁹
1594. Here, one should note those who are "**Superiors**" in age have the "**duties**" of "**protecting**" also the "**body**" of their "**Inferiors**" in age. Thus, the needless aborting of the body of a tiny baby by anyone superior in age, should be altogether unthinkable - also in terms of the Fifth Commandment.
1595. It is one thing for a dying pregnant mother with a certainly dying unborn baby to consent to the termination of her pregnancy to save at least her own life (where nothing can be done to save that also of her dying unborn baby). It is quite another matter for a mother who is not dying - to murder her own non-dying unborn baby, or to agree to have that baby murdered by another or others.
1596. The Fifth Commandment commands all human beings: "Honour your father and your mother, so that your days may be **long** in the **land** which the Lord your God gives you!" Exodus 20:12. However, a "mother" who needlessly has her own baby aborted - acts without "honour." Not only does she thus dishonour her own baby, but she also makes it extremely difficult for that baby to honour her. For how indeed is an aborted child - who has lived but a short time in his land here on Earth - easily to "honour father and mother" unto all eternity?

¹⁵ *W.L.C.*, QQ. & AA. 125f.

¹⁶ *W.L.C.*, Q. & A. 124.

¹⁷ *W.L.C.*, Q. & A. 127.

¹⁸ *W.L.C.*, Q. & A. 128.

¹⁹ *W.L.C.*, Q. & A. 129.

Westminster Catechism: abortive sin of "Superiors" against "Inferiors"

1597. For not only do "Superiors" in age positively have the "duties" of "protecting" the "body" of their "Inferiors" in age. Negatively, those Superiors in age also need to avoid sinning against those Inferiors in age - whether by way of commission or by way of omission.
1598. The "**sins**" of "**Superiors**" toward their Inferiors, include "the **neglect** of the **duties** required of them (Ezekiel 34:2-4)" as well as "commanding things unlawful (Daniel 3:4-6 & Acts 4:17-18)" and "encouraging or favoring...that which is evil (Second Samuel 13:28 & First Samuel 3:13)" - such as unnecessary abortion. Significantly, this also includes all "careless **exposing** or leaving them to...danger. Genesis 38:11,26 & Acts 19:17."²⁰
1599. Few things could be worse than a "Superior" such as a Parent or a Doctor or a Magistrate or a Statesman "careless[ly] exposing" his "Inferiors" such as defenceless unborn children (alias unborn patients and citizens) to the "danger" of **unlawful abortion**. Cf. Exodus 20:12-13 with 21:22-25.

Sixth Commandment: preserve life and avoid taking it unjustly!

1600. Right after the Fifth Commandment, requiring our obedience to "Superiors" in Exodus 20:12 - the very next injunction, in Exodus 20:13, is the Sixth Commandment to all human beings and all human institutions (including that of the Civil Magistrate). It enjoins: "you shall not murder!"
1601. This, explains the *Westminster Larger Catechism*,²¹ **requires** "all careful studies and lawful endeavours to preserve the life of ourselves (Ephesians 5:28-29) and others (First Kings 18:4)." Indeed, this is to be done "by **resisting** all things and purposes (Jeremiah 36:15-16 & Acts 23:12,16f & Acts 23:21,27); by subduing all passions; and by avoiding all occasions, temptations and **practices which tend to the unjust taking away the life of any**. Deuteronomy 22:8; First Samuel 24:12; 26:9-11; Genesis 37:21-22."
1602. The Sixth Commandment also requires the preservation of life "**by just defence** thereof against violence. Psalm 82:4; Proverbs 24:11-12; First Samuel 14:45." It requires too "**protecting and defending the innocent**. First Thessalonians 5:14; Job 31:19-20; Matthew 25:35-36; Proverbs 31:8-9."
1603. Some of the Bible passages just referred to in the *Westminster Larger Catechism*, are very appropriate anent the prevention of baby-killing abortions. Thus, Psalm 82:4 enjoins: "Deliver the poor and needy; rid them out of the hand of the wicked!" Proverbs 24:11-12 commands every person not to **neglect** or "forbear to deliver them that are drawn to death and those that are about to be slain" - and then warns him (or her): "Shall He not render to every man according to his works?" Indeed, Proverbs 31:8-9 warns political governments: "Open your mouth for the dumb - in the cause of all such as are appointed to destruction!"
1604. In the also-cited Matthew 25:35-36, Jesus Himself declares positively to all His disciples [including the pregnant women among them]: "I was...naked and you sheltered Me; I was sick and you took care of Me." Matthew 25:40 adds: "Inasmuch as you have done it unto one of the **least of these brethren of Mine** - you have done it to Me!"

^{20.} *W.L.C.*, Q. & A. 130.

^{21.} *W.L.C.*, Q. & A. 135.

Sixth Commandment: protect especially little children!

1605. Matthew 25:43f then adds negatively: "I was...naked and you did not shelter Me; sick...and you did not take care of Me.... Inasmuch as you did not do it to one of the **least of these**, you did not do it to Me!"
1606. Very significantly, all of this follows Matthew 18:6f's warning by the Lord Jesus Christ: "**Whosoever shall offend one of these little ones who believes in Me** - it were better for him that a heavy stone were hanged about his neck and that he were drowned in the deep sea! ... **Take heed that you do not despise one of these little ones**! ... For the Son of man has come. To save those who were lost.... Even so, it is **not the will of your Father in Heaven, that one of these little ones should perish!**"
1607. Then there is also Proverbs 6:16f. That passage mentions "six things the Lord hates" - and even "seven [that] are an abomination to Him." They are: 1, a proud look [such as that of those who deny human embryos are persons]; 2, a lying tongue [such as that which asserts a human fetus is just a piece of meat]; 3, **hands that shed innocent blood** [such as those who unnecessarily abort babies]; 4, a heart that devises wicked imaginations [like murdering unborn human beings]; 5, feet that be swift in running to mischief [such as those who hasten into abortion clinics]; 6, a false witness who speaks lies [such as one testifying that aborted fetuses feel no pain]; and 7, he who sows discord among brethren [such as those modern false prophets who tell Christians that human beings do not exist already at their conception].

Sixth Commandment: do not take human life save in selfdefence!

1608. The Sixth Commandment also **forbids**²² all taking away the life of ourselves or of others (Acts 16:28 & Genesis 9:6); except in case of **public justice** (Numbers 35:31f), lawful war (Jeremiah 48:10 & Deuteronomy 20:1f), or **necessary defence** (Exodus 22:2-3)." Indeed, the Commandment further forbids all "withdrawing the lawful and necessary means of preservation of life. Matthew 25:42-43; James 2:15-16; Ecclesiastes 6:1-2." The latter passage talks about "**an evil disease**." Significantly, the very next verse goes on to talk about "an untimely birth" alias a miscarriage or an **abortion**.
1609. Hence, the Sixth Commandment clearly forbids unlawful abortion - alias that kind of murder sometimes misnamed: "washing out the womb." It also clearly forbids that other kind of murder engineered in respect of either consenting or unconsenting aged persons - sometimes misnamed: "euthanasia" (alias so-called 'good death'). For the Sixth Commandment also forbids all "striking, wounding, and **whatsoever else tends to the destruction of the life of any**. Numbers 35:16-21 & Exodus 21:18f."
1610. It is very significant that the latter passage "Exodus 21:18f" is mentioned in the footnote of the *Westminster Larger Catechism* precisely here at this very point. For that passage Exodus 21:18f is one which contains several laws **applying** the Sixth Commandment "you shall not murder!"
1611. Thus, footnote (x) at the Answer to Question 136 of the *Larger Catechism* reads: "Exodus 21:18, to the end [containing laws for smiters, for a hurt by chance, for an ox that gores, and for him that is an occasion of harm]." Here, the *Catechism* is therefore arguing that the Sixth Commandment "you shall not murder!" prohibits *inter alia*: the intentional smiting of others; the hurting of a fetus even

²². *W.L.C., Q. & A. 136.*

accidentally; and sparing oxen that gore humans or even animals.

Ninth Commandment: "standing for the truth" on behalf of the dumb

1612. The Ninth Commandment ("you shall not bear false witness against your neighbour!") **requires** "the preserving and promoting of truth between man and man. Zechariah 8:16." Thus the *Westminster Larger Catechism*.²³
1613. The Commandment also requires "appearing and standing for the truth (Proverbs 31:8-9)...in matters of judgment and justice (Leviticus 19:15 & Proverbs 14:5,25) - and in all things whatsoever (Second Corinthians 1:17f & Ephesians 4:15)." Once again, it is significant that the *Catechism* here too cites the abortion-concerned passage Proverbs 31:8f - "**open your mouth for the dumb in the cause of all such as are appointed to destruction!**"
1614. The Ninth Commandment further requires our protesting against unjust attacks on our neighbours and our "defending their innocency (First Samuel 22:14)." It requires us to love and to care also for "our **own** good name - and defending it when need requireth. Proverbs 22:1 & John 8:49."
1615. The *Catechism* goes on to say²⁴ that this same Ninth Commandment also **forbids** "all prejudicing of the truth and the good name of our neighbours as well as our own. First Samuel 17:28 and Second Samuel 1:9-16 & 16:3." This is so, "**especially in public judicature** (Leviticus 19:15 & Habakkuk 1:4)" and in "giving false evidence (Proverbs 19:5 & 6:16,19)" - such as in claiming that a human *conceptus* is not a person, when the Word of God clearly teaches that it **is**. Cf. Job 3:3; Psalm 51:5; Luke 1:31-44.

Ninth Commandment: don't plead for an evil cause like abortion!

1616. The Ninth Commandment also forbids all "pleading for an evil cause" (such as abortion on demand); and all "outfacing and overbearing of the truth"²⁵ (such as claiming that the continuation of a woman's pregnancy would imperil her life, if in fact it would merely inconvenience her desires). It further forbids all "passing unjust sentence"²⁶ - such as punishing a woman or her Doctor for defending the life of the woman or of her unborn baby.
1617. The Commandment also forbids all "calling evil 'good'" - such as calling abortion an acceptable option, *viz.* in those cases where the pregnant mother's life itself is not being threatened by the continuation of her pregnancy. Conversely it also forbids all "calling...good 'evil'" - such as calling a mother's succession of fruitful pregnancies, a threat to her own life or to the World's food supplies.
1618. The Ninth Commandment further forbids all "rewarding the wicked according to the work of the righteous"²⁷ - such as by treating a murderous Abortionist as if he were a public benefactor. It also forbids all "concealing the truth" (such as regarding a human embryo as 'just a piece of meat').
1619. The Commandment also forbids "undue silence in a just cause."²⁸ It forbids "holding our peace when

^{23.} *W.L.C.*, Q. & A. 144.

^{24.} *W.L.C.*, Q. & A. 145.

^{25.} Jer. 9:3-5; Acts 24:2-5; Ps. 12:3-4; 52:1-4.

^{26.} Prov. 17:15 & I Kgs. 21:9-14.

^{27.} Isa. 5:23.

^{28.} Lev. 5:1; Dt. 13:8; Acts 5:3,8-9; II Tim. 4:16.

iniquity" (such as the present epidemic of abortions) "calletth for either a reproof from ourselves²⁹ or complaint to others."³⁰ It even forbids "speaking the truth **unseasonably**, or maliciously to a wrong end,³¹ or perverting it to a wrong meaning,³² or in doubtful or equivocal expressions to the prejudice of truth or justice."³³

1620. Finally. It also forbids all "speaking untruth,³⁴ lying,³⁵ [and] stopping our ears against just defence."³⁶ Such latter includes all claims, where correct, that a pregnancy was terminated chiefly to protect the threatened life of a pregnant woman whose unborn baby was unstoppably dying.

Heidelberg Catechism: honour parents and do not wound or murder!

1621. Similarly, the *Heidelberg Catechism* (of the various Reformed Churches from the Continent of Europe) declares³⁷ that God enjoins (in the Fifth Commandment) "that I show all honour...to my father and mother and all in authority over me (Romans 1:30f) and submit to their good instruction and correction with due obedience." We are to do so, "since it pleases God to govern us by their hand. Romans 13:1-8 & Matthew 22:21."
1622. Also in its exposition of the Sixth Commandment, the *Heidelberg* explains that God forbids me "myself - or by another - [to] dishonour, hate, wound or kill my neighbour. Matthew 5:21-22; Proverbs 12:18; Matthew 26:52." It even commands "that I hurt not myself nor willfully expose myself to any danger. Matthew 4:5-7 & Colossians 2:23." Indeed, it even explains that "the authorities are armed with the sword [precisely] **in order to prevent murder**. Genesis 9:6; Matthew 26:52; Romans 13:4."

Westminster Confession: Church to petition State anent abortion

1623. The *Westminster Confession of Faith* rightly declares that ecclesiastical "Synods and Councils **are to handle**" even "**civil affairs** which concern the Commonwealth...[precisely] by way of **humble petition**" to the Civil Authorities. This is to be reserved for "cases extraordinary." Yet in addition, they may **at any time** make such comments to the Civil Authorities "by way of **advice** - for satisfaction of **conscience**."³⁸
1624. Philadelphia's Westminster Theological Seminary's Professor of Systematic Theology John Murray well described the full scope of these words. Said Professor Murray:³⁹ "To declare the whole counsel of God in reference to **political** matters, as well as other matters, is definitely an **ecclesiastical** function - and was surely considered to be such by the framers of the [*Westminster*] *Confession*."
1625. Thus, it is the solemn duty of the Christian - and especially of the Christian Church - respectfully to proclaim to all mankind in general, and to the Civil Magistrate in particular, the required Biblical

²⁹ I Kgs. 1:6 & Lev. 19:17.

³⁰ Isa. 54:4.

³¹ I Sam. 22:9f & Ps. 52:1-5.

³² Ps. 56:5; Jh. 2:19; Mt. 26:60f.

³³ Gen. 3:5 & 26:7-9.

³⁴ Isa. 59:13.

³⁵ Lev. 19:11; Col. 3:9.

³⁶ Acts 7:56f; Job 31:13f.

³⁷ *Heid. Cat.*, QQ. & AA. 104f.

³⁸ *W.C.F.*, 31:5.

³⁹ J. Murray: *Collected Writings*, London: Banner of Truth, n.d., I pp. 256f.

punishments for unlawful abortion (and every other crime). This might well be done in the manner previously outlined above.⁴⁰

1626. Specifically, this should also be brought to the attention of the political authorities in power - over the territory in which the Christian lives and in which the Christian Church proclaims its message. Thus, in 1978, the Presbyterian Church of America humbly petitioned the President and the Congressmen and the Chief Justice of the Supreme Court of the United States to act against all unlawful abortions.⁴¹

A Christian *Anti-Abortion Report* to send to any Political Government

1627. Following the above example, this present writer has prepared an *Anti-Abortion Report* which may well be sent off by any citizen to the political government(s) of his country in any land on Earth. He himself must urge also the Presbyterian Church of Queensland to send and to petition the State Premier and his Cabinet and the Chief Justice of Queensland (and/or to send a report such as this together with an overture), also to the General Assembly of the Presbyterian Church of Australia - requesting its adoption and then its transmission together with an accompanying petition also to the Commonwealth Prime Minister. The following proposed *Preamble* may well be a suitable way to commence such a petition:
1628. "God declares in Sacred Scripture that Civil Government, no less than the Church, is a divine institution. Indeed, also the Civil Government owes its origin and its authority to Almighty God.
1629. "The Bible is the supreme revelation of God's will for man. It teaches that unborn babies are human persons and the images of God. They therefore deserve the full protection of the Sixth Commandment: 'you shall not murder!'
1630. "We who love our nation, in the Name of Almighty God (Who alone is sovereign), humbly yet urgently call upon you together with us, to renounce the sin and crime of unlawful abortion; together with us, to repent of all tacit complicity in the mass murder of innocent unborn children; and together with us, to reverse the ruinous direction of both law and practice in this area. The obedience to Almighty God which places us in subjection to your rightful authority, requires of us to proclaim the counsel of God in its bearing upon that same God-given authority.
1631. "God has instituted Civil Government, and requires it to punish criminals. God says: 'Surely, I will require the blood of your lives.... I will require the life of man, at the hand of every man's brother. Whosoever sheds man's blood - by man shall his blood be shed! For God made man in His image.' Genesis 9:5f.
1632. "Later, a tyrannical despotism in Egypt pressured the Israelites to cast out their young children - to the end that they might not live. Yet when that wicked Civil Government tried to (ex)terminate all male babies of the Israelites, God soon said: 'you shall not murder!' Then He added: 'If men...hurt a pregnant woman so that her offspring departs from her...and if any harm follows - you shall give life for life; eye for eye; tooth for tooth!' Exodus 1:15-22 & 2:2-9 & 20:13 & 21:22f & Acts 7:19f.
1633. "By slaughtering many tiny children, also wicked King Herod tried to prevent Jesus Christ from growing up and reforming Israel's lapsed law. Matthew 2:16-20. Jesus Himself, right after His own conception, was recognized as a person by John the baptizer - even three months before also the

⁴⁰ See chapters H & I & J and O & P & Q.

⁴¹ See: *Minutes of the Sixth General Assembly of the Presbyterian Church in America*, Decatur, Ga.: Committee for Christian Education and Publications, 1978, p. 72.

latter's own birth. Luke 1:31-44.

1634. "Jesus later taught: 'All those that take up the sword, shall perish with the sword.' Matthew 26:52. Both the robber on the cross and the Apostle Paul clearly recognized the rightness of the death penalty for those who murder others. Luke 23:41 & Acts 25:11.
1635. "As God's servant, the Civil Authority is both to bear and to use the sword of the Lord. Romans 13:1-4. Unlawful abortionists should surely be punished. For God declares: "he who kills with the sword, must be killed by the sword." Revelation 13:10.

Presbyterian protests vs. abortion to Political Governments (1978-94)

1636. Thus, in 1978 the Presbyterian Church in America proclaimed the right to life also of the unborn. It then called upon the U.S. President and Congress to "renounce (with us) the sin and crime of unlawful abortion...and to reverse the ruinous direction of both law and practice in this area."
1637. The 1983 Public Questions Committee of the Presbyterian Church of Queensland said: "Any unlawful human attempt **to abort, is murder** in the sight of God - wherever such attempt results in the death of a fertilized human ovum (Exodus 20:13 *cf.* Matthew 2:16-20)." Indeed, also in 1991, its General Assembly requested "**the reintroduction of the death penalty - when guilt of the offender has been proved...in the case of murder.** Genesis 9:5-6."
1638. In 1994, the General Assembly of the Presbyterian Church of Australia received its Church and Nation Committee's *Report*. This states "that Jesus was 'conceived by the Holy Spirit; born of the Virgin Mary; suffered under Pontius Pilate; was crucified, dead and buried; [and]...rose from the dead'.... Throughout these events, Jesus was and is the very same Jesus Who was conceived in the womb of His virgin mother.... **To abort an embryo would be viewed in the same light as killing a child or an adult - and would be tantamount to murder.**"⁴²

Pope: abortions are "unspeakable crimes" needing "severe penalties" (1995)

1639. Though laxer than this, also Pope John Paul II spoke out during 1995 - in his book *The Gospel of Life*. "Whatever is opposed to life itself - such as any type of murder, genocide, abortion, euthanasia, or willful selfdestruction" (he explained)⁴³ - "is infamous indeed." These things "poison human society.... Moreover, they are a supreme dishonour to the Creator...."
1640. "In the first centuries, murder was put among the three most serious sins - along with apostasy and adultery - and required a particularly heavy and lengthy public penance.... Nothing and no one can in any way permit the killing of an innocent human being, whether a fetus or an embryo...nor a person who is dying. Furthermore, no one is permitted to ask for this act of killing, either for himself or herself or for another person entrusted to his or her care - nor can he or she consent to it, either explicitly or implicitly. Nor can any authority legitimately...permit such an action.
1641. "From the moment of its conception, life must be guarded with the greatest care, while abortion and infanticide are unspeakable crimes. The Church's canonical discipline from the earliest centuries, has inflicted penal sanction on those guilty of abortion. This practice - with more or less severe penalties -

^{42.} 1994 GAA White Book, p. 23.

^{43.} *Op. cit.*, pp. 13, 103, 108, 118, 133f & 139.

has been confirmed in various periods of history. The 1917 *Code of Canon Law* punished abortion with excommunication.

1642. "The revised canonical legislation (canon 1398 compare *Code of Canons of the Eastern Churches* canon 1450:2) continues this tradition when it decrees that 'a person who actually procures an abortion, incurs automatic (*latae sententiae*) excommunication.' The excommunication affects all those who commit this crime with knowledge of the penalties attached, and thus includes those accomplices without whose help the crime would not have been committed.... Abortion and euthanasia are thus crimes which no human law can claim to legitimize.... There is a *grave and clear obligation to oppose them by conscientious objection*....
1643. "From the very beginnings of the Church, the apostolic preaching reminded Christians of their duty to obey legitimately-constituted Public Authorities.... But at the same time, it firmly warned that 'we must obey God rather than men' (Acts 5:29).... After Pharaoh ordered the killing of all newborn males, the Hebrew midwives refused. 'They did not do as the king of Egypt commanded them, but let the male children live' (Exodus 1:17). But the ultimate reason for their action should be noted: '*the midwives feared God*.... In the case of an intrinsically unjust law, such as a law permitting abortion or euthanasia, it is therefore never licit to obey it."

Conclusion: the suggested Biblical punishments for abortionists

1644. Conclusion. The suggested Biblical punishments merited by abortionists have been studied in the contexts of Genesis 9:5f & Exodus 1:15-22 & 20:12-14 & 21:15-25 within the Older Testament - and in the more recent contexts of Matthew 2:16-20 & 26:52 & Luke 1:31-44 & 23:41 & Acts 25:11 & Romans 13:1-5 & Revelation 13:10 within the Newer) Testament. Some of these and also similar Bible passages - have influenced Talmudic, Islamic, and Christian Jurists alike.
1645. The Pre-Constantinian and especially the Post-Constantinian Early Church Fathers for more than a millenium-and-a-half urged and finally succeeded in getting the civil magistrate to enforce more and more, against abortionists, the various appropriate punishments mentioned in the Holy Scriptures. Modern leaders urging the same, include: Catholics like Pope Pius XI and Pope John Paul II - as well as Protestant Theologians and Medical Doctors like Professors Willem Geesink and A.C. Drogendijk; and American Philosophers such as Drs. R.J. Rushdoony and Francis Schaeffer.
1646. The appropriate punishment for wilful abortionists mentioned in the Bible, is upheld in both the *Heidelberg Catechism* and the *Westminster Standards*. It is: "eye for eye; tooth for tooth; life for life." Exodus 21:22-25. For: "he who sheds the blood of man [or the blood of one human being inside of another human being] - by man shall his blood be shed. For God made man as His image." Genesis 9:5-6.

O. ABORTION A PUNISHABLE CRIME IN EARLY CHRISTIAN CIVILIZATION

"Be fruitful and multiply and fill the earth! ... I will exact your blood of your lives...at the hand of every man's brother. Whosoever murders a human being, must himself be killed by man. For God made human beings in His Own image. So you - be fruitful and multiply! Bring forth abundantly! ... If men...hurt a pregnant woman so that her fruit depart from her..., if any serious bodily harm follow - you shall give life for life, eye for eye, tooth for tooth!" - Genesis 9:1-7 & Exodus 21:22-24.

1647. In this chapter, we shall see that Early Christian Civilization always regarded abortion as a punishable crime. Christianity did so, even before Constantine the first Christian Emperor's establishment of a nominally-Christian State in A.D. 313-21f. For even Pre-Constantinian Christianity saw that both the Older and Newer Testaments took this position. So, by way of introduction to the anti-abortionism of the pre-Constantinian Church - we now summarize the anti-abortionistic teachings of the Older and Newer Testaments.

The Older Testament: murderous abortion is a punishable capital crime

1648. Both before and during Moses' lifetime, and also in subsequent Older Testament times, abortion was very severely punished.¹ As the great prophet Moses himself declared - even from at least the time of Noah onward, God had decreed: "Surely, I will requite your blood of your lives! ... I will requite it at the hand of man. At the hand of every man's brother, I will requite the life of man. He who sheds the blood of a man, by man shall his blood be shed...for perpetual generations." Genesis 9:5-12.
1649. As many Jewish Commentators have pointed out, the above includes violence also against that **little** man known as a fetus. For in the original Hebrew, the above phrase: "he who sheds the blood of man, by man shall his blood be shed" - can also be translated: "the blood shall be shed of him who sheds the blood of a [little] man inside of a (wo)man."
1650. Further, after chronicling Pharaoh's wicked murder of newborn babies in Exodus 1:15f, the same Moses also added: "You shall not murder!" Exodus 20:13. "If [a man or] men...hurt a pregnant woman so that her fetus depart from her...he shall surely be punished.... If any mischief [or serious injury] follow - then you shall give life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burning for burning, [and] wound for wound." Exodus 21:22f. A 'burning' of the fetus with a saline solution, or a 'wound' inflicted upon him or her by the abortionist's curette - should therefore be requited against the offending abortionist.
1651. "If a man...happens to meet a girl...and rapes her - only the man who has done this, shall die." Deuteronomy 22:25-27. For "the father shall not be put to death for the children, **neither shall the child be put to death for the fathers**. Every person shall be put to death for his own sin." Deuteronomy 24:14. So: slaughter the raper, but not the rapee - and still less any little fetus conceived in the rapee, as a result of that rape!
1652. Especially the book of Proverbs (6:16f) condemns "hands that shed innocent blood" and "feet that be swift in running to mischief." In 24:11, it calls upon people "to deliver them who have been drawn unto

¹. See chs. I & J.

death - and those who are about to be slain." In 31:8, it enjoins: "Open your mouth for the dumb in the cause of all such as are appointed to destruction." Yet no more clearly than in 28:17 ("a man who violates the blood of any person, shall flee to the pit") - is the punishability also of abortionists underlined.

1653. On the latter text, Rev. Dr. Matthew Henry elucidates:² "This agrees with that ancient law - *whoso[ever] sheddeth man's blood, by man shall his blood be shed* (Genesis 9:6). It speaks: 1, The doom of the shedder of blood. He that has committed murder, though he flies for his life, shall be continually haunted with terrors; shall himself *flee to the pit*, betray himself and torment himself like Cain - who, when he had killed his brother., became a fugitive and a vagabond, and trembled continually." Genesis 4:8-14 (*cf.* First John 3:10-12's "children of the devil...like Cain who was of that wicked one, and slew his brother").
1654. It speaks: "2, The duty of the avenger of blood. Whether the Magistrate, or the next of kin, or whoever are concerned in making inquisition for blood - let them be close and vigorous in the prosecution, and let it not be bought off. They that acquit the murderer, or do anything to help him off, [be]come...sharers in the guilt of blood. Nor can the land be purged from blood, but by the blood of him that shed it. Numbers 35:33."

The New Testament: murder, from fetushood onward, is a hideous offence

1655. Certainly the Newer Testament reinforces the above. Christ's incarnation - and His non-abortion despite the 'embarrassment' of His conception within an unmarried young woman - is a standing protest against all abortions by choice. Matthew 1:18f. So too is the hideous crime of ungodly King Herod's slaughter of young babies soon thereafter. Matthew 2:16f.
1656. When Jesus grew up, He Himself clearly taught: "You shall not murder - and whoever murders, shall be in danger of judgment!" Thus Matthew 5:21f. "Whoever shall offend one of these little ones..., it were better for him that a heavy stone were hanged around his neck and that he were drowned in the deep sea! ... Take heed that you do not despise one of these little ones..., for the Son of man has come to save those who were lost! ... So it is not the will of your heavenly Father that one of these little ones should perish." Matthew 18:6,10,14. "You shall commit no murder!" Matthew 19:18.
1657. Jesus taught His disciples to uphold these commands. So Stephen berated the Ancient Israelites for "cast[ing] out their young, to the end that they might not live." Acts 7:19f. Paul too insisted even the Pagan Roman State should punish violence and certain other infractions of God's Moral Law - and urged parents to raise and nurture their children even "from a fetus" onward. Romans 13:1-9 *cf.* Ephesians 6:4 & Second Timothy 3:15 (*cf.* 1:3-5).
1658. Also James (1:15f & 2:11) teaches: "When lust has conceived, it brings forth sin; and sin, when it is finished, brings forth death. Do not err...[and] do not murder!" Peter too urges people to "love life" - and adds: "Let none of you suffer as a murderer!" First Peter 3:10 & 4:15. Indeed, even the loving John declares: "Cain...was of that wicked one, and slew his brother.... No murderer has eternal life abiding in him." For "murderers...shall have their part in the lake burning with fire and brimstone, which is the second death." First John 3:12-15 & Revelation 21:8.

². M. Henry: *A Commentary on the Holy Bible*, London: Marshall Bros., n.d., III p. 567.

God's people denounced abortion even when living in the Pagan Roman Empire

1659. At the time of Christ's incarnation, the Holy Land had come under the control of the Roman Emperor. Consequently, the Israelites were not then permitted themselves to inflict capital or even serious corporal punishment in respect of serious crimes - as they had done previously, before losing their independence to Rome from B.C. 63 onward. John 18:31.
1660. As a result, also the early communities of Christians both in Palestine and elsewhere throughout the Roman Mediterranean were finally subject to the punishments - and often also to the **lack** of punishments - of Pagan Roman Criminal Law (with its fluctuation and ambivalent attitude toward abortion). Consequently, even **Hebrew** Christians were for several centuries not able to apply the **Mosaic** Criminal Code as fully as they wished. Nor were **Gentile** Christians able to develop and especially to apply, as much as they desired, an updated and specifically-Biblical **Gentile-Christian** Criminal Code.
1661. Yet, as already seen,³ even from the very time of the Apostles themselves until our own day and age, Christians roundly denounced intentional abortion as the sin of murder itself. Indeed, the Early Church Fathers all seem to have looked forward to a happier future time - which indeed started commencing at the nominal christianization of the Pagan Roman Empire and its Roman State (in A.D. 312 to 321f).
1662. For then, intentional abortion could again be punished by a godly Government - as the grave crime against humanity which it had always been ever since the foundation of the World (and especially under the Pre-Roman Mosaic legislation). So, from A.D. 321 onward, the penalties were restored.

God's Moral Law and all general equity abide everywhere even after 70 A.D.

1663. Even after the B.C. 63 to 70 A.D. fall of Israel to the Pagan Roman conqueror, abortion remained a horrible sin. For, as the *Westminster Confession of Faith* rightly states, "the Moral Law doth for ever bind **all**, as well justified persons as others, to the obedience thereof..... Neither doth Christ in the Gospel any way dissolve, but much strength, this obligation."⁴
1664. Now because "the Moral Law doth for ever bind **all** persons," it forever binds also **judicial** persons - such as **Political** Governments and **Civil** Magistrates. For, states the *Westminster Confession*, "God...hath ordained Civil Magistrates to be **under** Him, **over** the people [*supra populum*], for **His** own glory, and [for] **the public good** [or *bonum publicum*]....
1665. "To this **end** [God] hath armed them [the Magistrates] with the power of the sword for the **defence** and encouragement of them that are **good** [or *propter bonorum quidem animationem*]." God did it also "for the **punishment** of evildoers [or *ac tutamen animadversionem autem in maleficos*]."⁵
1666. So, even to the Pre-Roman Israelites, "as a Body **Politic** [or *Corpori Politico*], He gave sundry **judicial** laws [or *leges multas...judiciales*]" Those particular sundry judicial laws of Ancient Israel "expired together with the State of that people [or '*istius populi Politeia*']"⁶ - when the Romans destroyed that *Politeia* or State of Israel in 70 A.D.

3. See chs. J to M.

4. *W.C.F.*, 19:5.

5. *Ib.*, 23:1. The first Latin translation appeared at Cambridge in 1656.

6. *Ib.*, 19:4.

1667. It is quite true that those "sundry judicial laws" of Ancient Israel are "not obliging any other [people] now" to keep them any "further than the general equity thereof [or *generalis et communis earum*] may require." But conversely, it is also true (as the *Westminster Confession* itself quickly goes on to insist) that those "sundry judicial laws" of Ancient Israel do **indeed** keep on "obliging" all "other" peoples to obey them "**now**" - to the extent that "the **general equity** thereof, may **require** [or *postulari*]."
1668. This was recognized both before and after the Roman destruction of the State of Israel in 70 A.D. See: Romans 13:1-4; First Peter 2:14; Revelation 22:14-19. Of course, the politically-powerless Early Christians could at that stage do little more than condemn abortionists to hell.⁷ It was not until the time of Emperor Constantine's conversion and A.D. 321 establishment of a nominally-Christian Imperial State, that Christians received their first real taste of political power and civil clout.
1669. Meantime, abortion was specifically condemned by Post-Apostolic and Pre-Constantinian Christians. Strong extant statements against that murderous practice are found even in **Pre-Constantinian Christian Writings** such as the *Didachee*, Barnabas, the *Epistle to Diognetus*, the *Revelation of Peter*, Justin Martyr, Athenagoras, Tertullian, Minucius Felix, Clement of Alexandria, Hippolytus, Methodius, and the *Apostolic Constitutions*. In fact, Tertullian explicitly and Origen implicitly wanted abortion to be punished as a crime.
1670. The **Pre-Constantinian Christian Church Councils** of Elvira and Ancyra excommunicated Christians who perpetrated abortion. And many **Post-Constantinian Theologians** (such as Basil and Jerome and Chrysostom and Augustine *etc.*) as well as **Post-Constantinian Church Councils** (from Nicaea I till Trullo I), of course, were even more outspoken.⁸
1671. What we have just said above, was and is true of the political application of God's Moral Law in general - also as regards the appropriate punishments for all of the various kinds of serious offences. In this regard, we have in mind especially crimes leading to the termination of human life in general - and, in particular, intentional terminations of human life by way of murder (including criminal abortion and infanticide).

Clement of Alexandria: abortion equated with murder because of Exodus 21:24f

1672. Around 220 A.D., also Clement of Alexandria equated abortion with **murder** - precisely because of the abiding relevance of Exodus 21:24 & 23:19, Leviticus 22:28f, and Deuteronomy 14:21 *etc.*⁹ As Professor Dr. W.E.H. Lecky points out in his book *History of European Morals* - Christian philosophy and Christian legislation applied from the first "the value and sanctity of infant life which so broadly distinguishes Christian from pagan societies."¹⁰
1673. Especially during the third century, abortions began to decrease even in the then-still-pagan Roman Empire. This was as a direct result of the ever-increasing forthright testimony of Christians. It can be seen in the witness of Church Fathers like Tertullian and Methodius - and also in the antecedents of that famous document known as the *Apostolic Constitutions*.

7. See paras. 1410f & 1428f *cf.* 1451f & 1464f.

8. See paras. 1400-08f, 1413-19f, 1422-26, 1432-38f, 1449f, 1454-56f, 1464-66f, 1470 to 1489, and 1673f.

9. *Misc.*, II:18.

10. Lecky, W.E.H.: *History of European Morals*, London, 1890, II pp. 23f.

Tertullian: Mosaic penalties for abortionists should govern also Christians

1672. For example, Tertullian the Presbyter of Carthage, the Father of Latin Christianity, declared around A.D. 220 that "the Law of Moses [Exodus 21:22-25] indeed punishes with due penalties the man who shall cause abortion." From this text, Tertullian then drew the obvious conclusion especially for Christians that "**we** may not destroy even the fetus in the womb" - because also "in **our** case, **murder** has been once and for all forbidden."¹¹
1675. Hence, Tertullian could write in his work *To the Gentiles*: "Since your own transactions in human blood and infanticide have faded from your memory - you shall duly be reminded of them! ... You are forbidden by the laws to slay newborn infants...."
1676. "Is it, forsooth, only a trifle to lick up human blood - when you draw out the blood which was destined to live? Is it a light thing in your view to feed on an infant - when you consume one wholly, before it is come to the birth?"¹² Abortionism easily leads to cannibalism. Witness the cannibalizing of aborted human fetuses in Red China today!

Archelaus: Jesus at Matthew 10:34 upholds Exodus 22:22f's *lex talionis*

1677. Around 260 A.D., Presbyter-Bishop Archelaus of Caschar in Mesopotamia declared:¹³ "**We** [re-]establish the Law of Moses and all things which are written in it.... We also proved that the whole Old Testament agrees with the New Testament, and is in perfect harmony with the same...."
1678. "Jesus neither said nor did anything that was contrary to Moses. And first, as to the expression 'an eye for an eye and a tooth for a tooth' [Matthew 5:17-38 *cf.* Exodus 21:22-24] - that is the expression of **justice**. And as to His injunction that a man when struck on the one cheek should offer the other also [Matthew 5:39 *cf.* Lamentations 3:27-30] - that is the expression of **goodness**."
1679. "Well, then - are justice and goodness opposed to each other? Far from it! There has [here] only been an advance from simple justice to positive goodness.... Although my Lord Jesus Christ excelleth, it does not follow from this that the glory of Moses is to be scorned.... There, Moses smote down with the Word those who had set up the calf [Exodus chapter 32]. And here, the Lord Jesus said 'I came to send a sword upon the Earth and to set a man at variance with his neighbour' [Matthew 10:34] and so on."

Apostolic Constitutions: the aborted concepti shall be avenged

1680. Not long before¹⁴ Constantine became Emperor and established the beginnings of a Christian legal system for his Roman Empire, the Seventh Book of the *Apostolic Constitutions* was recorded in writing. It clearly reflects a genuine representation of the teachings of the Apostles themselves.
1681. It states¹⁵ that the Sixth Commandment 'you shall not murder!' prohibits not killing as such, but only the **unrighteous** killing of **humans**. It also says: "Not as if all killing is wicked, but only that of the

^{11.} *Ag. Marc.* II:18 & *Ap.* 9.

^{12.} *To the Nations*, I:15.

^{13.} Archelaus: *Dispute with Manes*, 39-45.

^{14.} See paras. 1434f & 1669f.

^{15.} *Ap. Const.*, VII:1:2-3.

innocent. **But the killing which is just, is reserved to the Magistrates alone.**"

1682. The *Apostolic Constitutions* add: "**You shall not slay the child by abortion**, nor slay that which has been conceived! For everything that is being shaped [after conception and during subsequent zygotehood or later embryohood or yet-later fetushood]...has received a soul from God. **If it be slain, [it] shall be avenged**: having been destroyed **unjustly**." Exodus 21:22.

Methodius: abortees will accuse their parents before God's judgment seat

1683. The comment of the A.D. 260f Methodius (alias Eubulius), the Presbyter-Bishop of Olympus and later of Tyre, is even more significant. Writing specifically about conception and abortion - and still almost a quarter of a century before the beginning of even the nominal christianization of the Pagan Roman State - he makes the following searching remarks.¹⁶
1684. "Imagine our **birth** into the World" from the womb "to be, as if it were, [from] a house.... The house," representing a woman's womb, "extends a great way down - far from the entrance" to that house. Now "suppose that a Modeller seated within, is fashioning many statues." The Modeller represents [the Creator]...God in the house of the womb, and the statues represent babies being moulded from conceived zygotes.
1685. "Imagine again," Methodius goes on, "that the substance of clay" - representing male sperm - "is being brought incessantly" from outside of the woman's womb "to the Modeller" inside the womb. "Now suppose the house to be covered with mist and clouds" representing the moisture surrounding the early development of the zygote-embryo - "and nothing to be visible to those who are outside...."
1686. "Consider further what comes after this. The Modeller within, secretly...taking for His modelling the clay which He finds..., and having in a certain number of months made His model" alias the fullterm baby - "gives it back" through the entrance of the house, and brings it forth into the outside World.
1687. "Every lump of clay" or inseminated sperm "which is capable of being moulded" or which has fertilized an ovum and formed a zygote, "shall be worked up **without distinction** - even if it has been thrown **illegitimately**" into the entrance to the house. "**For the clay**" or **zygote** "**has done no wrong** - and therefore, being blameless, **should be moulded and formed**."
1688. "**But he who deposited it**" illegitimately in the entrance to the house, "**in opposition to the ordinance and law** in another's hole, **should be punished as a criminal and a transgressor**. For the **clay should not be blamed** - but [only] **he who did this in violation of what is right**."
1689. Further: "those who have been **begotten, even if it were through adultery**" - Presbyter-Bishop Methodius then went on¹⁷ - "are committed to guardian angels.... They come into being.... If they had to accuse their own parents, they could confidently - before the judgment seat of Christ - invoke Him and say: 'Lord, **You** did not **grudge** us this common light [*cf.* Job 3:3-23]. But **these** [our own wicked and **aborting** parents] **appointed us to death**, despising Your Command[ment]!'"
1690. "For God says 'children conceived to unlawful beds, are **witnesses** of wickedness against their parents at the **trial** of the latter' [Wisdom 4:6]" - *viz.*, where abortively "**appointed to death**."

^{16.} *Banq. Ten Virg.*, II:4.

^{17.} *Ib.* II:6f (*cf.* too Tert.: *On the Soul* ch. 37, cited in para. 271).

Significantly, this "Book of Wisdom" - though not part of the infallible Holy Scriptures - is still, observed Methodius, a most sage "book full of all virtue."¹⁸

1691. Methodius's arguments here, are quite watertight. Those who generate children by way of **fornication or adultery**, **"are guilty before the judgment seat of Christ"** in all cases - even though those thus-conceived children are quite guiltless in that regard.
1692. However, **a fortiori**, a parent who would further "grudge" his or her conceived offspring the "common light" which the latter would see at their later births - by **abortively** deciding to go and **"appoint...to death"** those thus-conceived offspring - is guilty of the much greater and altogether quite **"criminal"** behaviour of **abortion**. He or she is then a heinous **"transgressor"** - **and is in "violation of that which is right."**
1693. Further, Methodius insists that fetuses who accidentally get miscarried - are carried straight to glory. So too even intentionally-aborted embryos. For "untimely births are delivered to caretaker angels." This is so, "even if they are the offspring of adultery." Not so, however, parents who have **deliberately aborted** - when **they** die. For those parents - if unrepentant - face **everlasting punishment**.

Lactantius: God views strangling of babies as "the greatest impiety"

1694. Lactantius Firmianus, the Christian Mentor of the first Christian Emperor of the Roman Empire Constantine the Great, recoiled in horror against both abortion and infanticide. He insisted:¹⁹ **"God forbids us to kill....** Let no one imagine that it is allowed to strangle **even newborn children** - which is **the greatest impiety!** For God breathes into their souls for life, and not for death."
1695. This necessarily follows from the Noachic Laws of Genesis 9:6-12. **"He who slays a [little] man within a [wo]man"** or "he who slays a man" - **"by man shall his blood be shed**. For God made man as His image.... This is the...covenant...**for perpetual generations**."
1696. Indeed, this also necessarily follows from the decrees of the **First General Assembly of the Christian Church** - which **corroborated** those **Noachic Laws**. "It seemed good to the Holy Ghost, and to us, to lay upon you...these **necessary** things: that you **abstain** from offerings to idols; and **from blood[shed]**; and **from stranglings**; and from fornication." Acts 15:28f.
1697. **"Parricides"** or slayers of their relatives (such as their prenatal or postnatal infants), continues Lactantius, "complain about the scantiness of their means - and **allege that they have not enough for bringing up more children**. As though, in truth, their means were in the power of those who possess them - and as if God did not daily make the rich poor, and the poor rich! Therefore, if any one on account of poverty shall be unable to bring up children - **it is better to abstain from marriage, than with wicked hands to mar God's workmanship!**"

Conclusion: abortion was a punishable crime according to Early Christianity

1698. **Conclusion**. Abortion had been a punishable crime in Ancient Israel, and also in certain other parts of the Ancient World. Not surprisingly, this was also very much the case during Early Christian

¹⁸. Methodius's language here shows that this 'Book of Wisdom' was not being cited as if infallible Holy Scripture, but only as "a book full of all virtue" (both to Methodius and to his Christian audience). Cf. too *Belg. Conf.* art. 1.
¹⁹ *Inst.* VI:20.

Civilization. None of the Early Church Fathers condoned it, and many condemned it. Some even urged that it be punished. Indeed, Irenaeus and Clement of Alexandria and Tertullian and Origen were all quite specific about the need for such punishment.

1699. As the time for the christianization of the Roman Empire steadily approached - the Church's strong stand against abortion was voiced with ever-increasing vigour. For churchmen like the outspokenly anti-abortionistic Presbyter-Bishops Archelaus and Methodius - and also parts of the *Apostolic Constitutions*, and Lactantius Firmianus - blessedly prepared the way for the 'infant-protecting' legislation of the first Christian Emperor, Constantine the Great and his imperial successors.

P. PUNISHMENTS FOR ABORTION IN CHRISTIAN-WESTERN LEGAL SYSTEMS

"You have taken your sons...whom you have borne for Me, and you have sacrificed them to be devoured. Of all your whoredoms - is this a small matter, that you have slain My children and handed them over and passed them through fire? ... I will judge you; as women who break wedlock and shed blood, are judged.... I will hand you over to bloodshed, in fury and jealousy!" - Ezekiel 16:20-38.

1700. Among the Ancient Hebrews - the punishment for intentional and unlawful abortion was "life for life, eye for eye, tooth for tooth," *etc.* Exodus 21:22-25 *cf.* Leviticus 24:17-21 & Deuteronomy 19:10-21. See paragraphs 1226 to 1306.
1701. The Ancient Christians, as the successors of the Ancient Hebrews, agreed. Matthew 5:21f & 26:52; Luke 23:32-41; Acts 25:11; Romans 1:29 to 3:3 & 13:3-4; Revelation 13:10 & 21:8. This is seen - even while the Roman Empire itself was still pagan and tolerant of abortion - in early Christian Writings (like those of Clement of Alexandria and Tertullian and Archelaus and the *Apostolic Constitutions* and Methodius). See paragraphs 1672-79.
1702. Significantly, the previously-pagan Roman Criminal Code began to change dramatically - from A.D. 312 to 321f. This is because then, for the first time ever, the first of a series of Christian Emperors (namely the great Constantine) took control of the Roman Empire.

Emperor Constantine the Great outlawed the abandonment of children

1703. Emperor Constantine the Great, himself a pupil of his mentor the famous anti-abortionistic Church Father Lactantius - see our frontispiece and paragraph 1694f above - in A.D. 315 and again in 321 legislated against the abandonment and also against the sale of children.¹ At the same time, the approximately contemporaneous Seventh Book of the *Apostolic Constitutions* was urging that "the child" subjected to "abortion" - if "slain, shall be **avenged** - as having been destroyed unjustly."²
1704. As stated by Rev. Dr. Cleveland Coxe (in his *Introductory Notice to Lactantius*):³ "The 'conversion of Constantine'...introduced the most marvellous revolution in human empire, in practical thought, and in the **laws** and manners [or customs] of mankind ever known in the history of the World...Constantine [himself] had read the *Apologies* addressed to the Antonines [alias the Antoninian Emperors] by Justin Martyr.... [The anti-abortionistic Church Father] Lactantius tutored Constantine's son... [Moreover,] Lactantius - moved perhaps by Hosius or Eusebius - [even] undertook the instruction of the Emperor [himself]."
1705. At this point (and again later) - especially in the light of the pronouncements about prenatal human life made by the Early Ecumenical Synods and in the *Canons of Basil*⁴ - we deem it extremely helpful to quote from Dr. Henry Percival's *Excursus on the History of the Roman Law and its Relation to the*

¹ Rushdoony: *Abortion*, p. 13.

² *Ap. Const.* VII:1:2-3,20.

³ C. Coxe: *Introductory Notice to Lactantius*, in *Ante-Nic. Fath.* VII pp. 3f.

⁴ See paras. 1438-47.

Canon Law. Declares he:⁵

1706. "It is only in the time of Constantine the Great that we find once again the lawyers rising into prominence.... It was at this time that the *Imperial Constitutions* or *Edicts* were first collected. For until then, they existed only in detached documents.
1707. "This collection was made by two lawyers, Gregory [or Gregorian] and Hermogenes.... It is interesting to note that it was about this same time that the first attempt was made to collect the ecclesiastical canons, and so the Civil Law and the Canon Law (as we know them in aftertimes) had their rise about the same period."

Emperor Valentinian proclaimed infanticide to be a capital crime

1708. Emperor Valentinian restated this Christian legislation in 366 A.D.⁶ Indeed, in 374 he proclaimed infanticide to be a capital crime.⁷
1709. "All parents must support their children conceived," he enjoined. "Those who brutalize or abandon them, should be subject to the full penalty prescribed by law."

Emperor Theodosius I's contemporary Augustine denounced abortion as murder

1710. Emperor Theodosius the Great, A.D. 346-95, ruled in the Roman Empire from 379 onward. This was the very timeframe in which the greatest of all Early Christian Theologians, Augustine of Hippo, himself flourished (354-430 A.D.).
1711. Very significantly, the Early Church Father Augustine of Hippo-Regius himself was at this very time alleging that the human destruction of the unformed human embryo was a punishable crime [*cf.* Exodus 21:22-25]. Indeed, he was also insisting that the premeditated prenatal destruction of the formed human fetus "is murder - punishable by death" to the murderer.⁸

5. H. Percival: *Excursus on the History of the Roman Law and its Relation to the Canon Law*, in *Nic. & Post-Nic. Fath.*, 2nd Series, XIV pp. i & ix & xxix.

6. Rushdoony: **Abortion**, p. 13.

7. Presb. Church in America: *Report*, p. 276.

8. Aug.: *Questions in the Heptateuch* II (Quest. No 80 in Ex. 21:22-25). See too his *Questions in the Old and New Testaments* 23. Aug. here, as elsewhere, makes the popular distinction (which he seems to derive from the Greek Sept.) between a zygote or an apparently 'unformed' pre-fetal child (*cf.* Ex. 21:22 LXX's *paidion...mee exeikonismenon*) and a fetus alias a 'formed' yet- still-unborn child (*cf.* Ex. 21:23 LXX's *exeikonismenon*). Thus, he himself renders Ex. 21:23 as: *si autem formatum fuerit (etc.)*. It is obvious that Aug. was quite rightly Anti-Pelagian. However, the Pelagians, in their hatred of the great truth anent the transmission and imputation of original sin at the very moment of conception itself (*cf.* Ps. 51:5 *etc.*) - which imputation-at-conception was so clearly taught by the Traducians - adopted a theory anent the origin of the soul in terms of which they believed that (at conception) a sinless soul is created with and within a sinless 'body' of each new tiny human being. Now the Pelagians were wrong as to the soul's untaintableness with Adam's sin, yet right as to the soul's creation at the very moment of conception itself (rather than only thereafter). However, Aug. never ceased **overreacting** against Pelagianism. For he himself (apparently under the strong influence of Jerome whom Aug. quite uncritically followed at this point) very unnecessarily embraced yet another brand of creationism - in which Augustine (as later followed also by Thomas Aquinas) rather questionably seems to have taught that the soul was created only **after** the creation of the formed body of the post-embryonic fetus. This is indeed surprising - especially so because Aug. also often tended toward Traducianism (which rightly asserts that the zygotic body present at conception did not come into existence then without first becoming fused with its own human soul).

1712. Further discussing Exodus 21:22-25, Augustine boldly declared⁹ that if "a little unborn child...had been formed [in the womb] - he [who smote the womb and killed the child] shall give 'life for life.' **What else is meant here - than that he [the smiter] himself should then be killed?** For this is already commanded in the other things of this occasion: 'eye for eye, tooth for tooth, hand for hand, foot for foot, burning for burning, wound for wound, stripe for stripe' [Exodus 21:24-25].
1713. "This is equitable. The Law therefore constituted that matter in this way, in order to demonstrate what the punishment should be.... It is through the Law that it is known what kind of punishment there should be."¹⁰
1714. Furthermore, adds Augustine, there is not "any opposition" between Exodus 21:24 and Matthew 5:39. For "the old precept [Exodus 21:24] as well as the new [Matthew 5:39] is intended to check the vehemence of hatred, and to curb the impetuosity of angry passion.... To put a restraint upon a revenge unjust from its excess - the law established the principle of compensation, so that the penalty should correspond to the injury inflicted.
1715. "So the precept 'an eye for an eye, a tooth for a tooth' - instead of being a brand to rekindle a fire that was quenched - was rather a covering to prevent the fire already kindled from spreading.... There is no injustice in asking back a debt.... There is **no** sin in wishing for what is owing - within the limits of justice.... It **is** sin to demand more than is due - though it is no sin to demand [the repayment of] a debt."¹¹

Emperor Theodosius II synthesized Law of Moses with christianized Roman Law

1716. Emperor Theodosius the Second - who started to reign during the lifetime of Augustine - enacted further reforms, promulgating the *Theodosian Code* in 438 A.D.¹² This is a collection into one body of the laws of all of the *Imperial Constitutions* published since the *Edicts of Gregory* and the *Edicts of Hermogenes*.
1717. The *Theodosian Code* contained the laws set forth by Constantine and his successors. It was promulgated in the East during 438 A.D., and it was also received by Valentinian III as the then-Emperor of the West.
1718. This, in turn, was followed by the very important *Collation of Mosaic and Roman Laws*. The latter synthesized the Law of Moses with the texts of christianized Roman Law.

Emperor Justinian: those who abort infants are subject to penalty for murder

1719. The Christian Emperor Justinian (483-565 A.D.) gave impetus to the development of a Christian Criminal Code, when the *Corpus Iuris* was completed in 529 A.D. It acquired sole authority in the law courts, to the exclusion of practically all previously-enacted constitutions.¹³ It even provided that "one

See especially para. 359* and also paras. 358-91.

^{9.} Aug.: *Questions in the Heptateuch* II (Quest. No. 80 in Ex. 21:22-25).

^{10.} See para. 1711 above, esp. at its n. 8.

^{11.} Aug.: *Reply to Faustus*, Bk. XIX ch. 25 (in *Nic. & Post-Nic. Fath.*, IV p. 249). See too especially paragraph 1456f.

^{12.} J.W.C. Turner: *Introduction to the Study of Roman Private Law*, Cambridge: L. Bowes, 1953, pp. 103f.

^{13.} *Ib.*, p. 107.

not yet born is regarded as already born as far as his commodities are concerned."¹⁴

1720. The *Code of Justinian* clearly states: "Those who expose children possibly hoping they would die, and those who use the potions of the abortionist, are subject to the full penalty of the law - both civil and ecclesiastical - for murder. Should exposure occur, the finder of the child is to see that he is baptized and that he is treated with Christian care and compassion. They may then be adopted...even as we ourselves have been adopted into the Kingdom of grace."¹⁵
1721. The great Barrister-at-Law Thomas Collett Sandars has written an excellent volume titled *The Institutes of Justinian*. There, he rightly says:¹⁶ "The influence of Christianity on Roman Law was...even more remarkable in the changes which were suggested by its spirit - rather than introduced as a necessary part of its system." Significantly, he goes on to add:
1722. "If we compare the *Institutes* of [the Christian Emperor] Justinian with those of [the earlier Non-Christian Classical-Roman Jurist] Gaius - we find changes in the law of marriage, in that of succession, and in many other branches of law in which it is not difficult to recognize the spirit of humanity and **reverence for natural ties** which Christianity has inspired. The disposition to get rid of many of the more peculiar features of the Old Roman Law, observable in the later legislations, was...in a great measure due to the alteration of thought and feeling to which the new religion [of Christianity] had given birth."
1723. So in 535 A.D., Justinian's *Digest* appeared.¹⁷ This required, among many other things, that a child in the womb is deemed 'already born' - whenever such a deeming is to the child's own advantage.¹⁸ It also stated that exposure of infants is more cruel than murder itself. It even established homes for the care of such exposed children.¹⁹ See too Justinian's *Anathematisms* on prenatal human souls (as discussed in paragraph 1482).
1724. Around the same time, Justinian's *Institutes* appeared. There, provision was made that when a man dies intestate, his "posthumous children also - who would have been under the power of the ascendant, if they had been born in his own lifetime - are among his heirs."²⁰ Indeed, even if "a child is born after the death of his [intestate] grandfather - provided he was conceived during the lifetime of that grandfather, if his father is dead and his grandfather's testament is abandoned by the [other] heir[s], that child will become the sole heir of his grandfather."²¹
1725. On the other hand, "obviously, a child both conceived and born after the death of his grandfather cannot become the sole heir."²² Furthermore, throughout the Middle Ages, women guilty of abortion (which then very rarely occurred) were condemned to capital punishment²³ - as indeed also required by the Sixth Ecumenical Council. See paragraph 1484f.

^{14.} Justinian's *Corpus Iuris* states: *Nasciturus pro iam nato habetur quoties de commodis eius agitur*. See G. Wille: *Principles of South African Law* (3rd ed.), Part II, p. 63.

^{15.} *Code of Justinian*, 18.51-52.

^{16.} T.C. Sandars: *The Institutes of Justinian*, London: Longmans, Green & Co., 1927, p. xxx.

^{17.} J.W.C. Turner: *op. cit.*, pp. 107-10.

^{18.} Justinian: *Digest*, I:5:7.

^{19.} Rushdoony: *Abortion*, p. 13.

^{20.} Justinian: *Institutes of Civil Law*, III:1:2.

^{21.} *Ib.*, III:1:8.

^{22.} *Id.*

^{23.} S. Spangenberg: *New Archive of Criminal Law* 2:16, cited in Crawley's *op. cit.* (in *EREVI*:56).

Influence of Christian laws throughout Europe from seventh century onward

1726. After the death of Justinian, his various Christian legal codices struck deep root in the various parts of the huge 'Holy Roman Empire' almost everywhere in Europe. That Empire then stretched from Armenia and Russia in the East, to Switzerland and Germany in Central Europe, and to Holland and Scotland in the West.²⁴ It then remained the chief legal code throughout Europe for many centuries - even while developing further into the various indigenous national systems in the Late Middle Ages.
1727. In addition, Christianity had an even more massive parallel influence - through the christianized Common Law of England. Yet also through channels like christianized Roman Law and Canon Law, Christianity so influenced the civil and criminal legal systems of the various parts of Europe - that abortion became forbidden everywhere on that Continent for many centuries.²⁵ See, for example, Calvin's *Juridical Lexicon of Imperial and Canon Law*.²⁶
1728. By his *Novel CXXI*, observes Dr. Henry Percival in his own *History of the Roman Law and its Relation to the Canon Law*, "Justinian had indeed given to the canons of the Church the force of law. He himself published a great number of constitutions upon church matters."²⁷
1729. Shortly after Justinian, Percival continues, "a work which is often looked upon as the origin of the Canon Law was composed by a lawyer.... This jurist was John of Antioch, surnamed Scholasticus.... While still a simple priest at Antioch, he made his *Collection of the Canons of the Councils*" - and afterward ruled in Constantinople from 564 until 578.
1730. In the seventh century, a council in Arles decreed: "An inheritance is by no means to be...spurned, children being the greatest heritage of all. Therefore any and all means must be effected to safeguard their well-being - from their quickening in the womb to their assumption of powers."²⁸
1731. The famous History Professor Dr. J.B. Bury, in his own and new edition of Edward Gibbon's greatest work, explains:²⁹ "In the troubles of the seventh century, the study of law...[and] the practical administration of justice [and] the prescriptions of the *Code* and the *Digest* were often...modified by the...precepts of Christianity.... Leo III the...Isaurian...issued a law book in A.D. 740...which changed and modified the Roman Law as it had been fixed by Justinian. The *Ecloga* - as it is called - may be described as a Christian law book. It is a deliberate attempt to change the legal system of the Empire by an application of Christian principles."

Ninth-century Basil the First's *Basilica* updates Justinian's legislation

1732. Under the A.D. 813-86 "Basil I..., the Roman Law of Justinian was partially restored" - explains Bury. Nevertheless, "the great achievement of the Basilean epoch is the *Basilica* - begun under Basil, completed under Leo VI - a huge collection of all the laws of the Empire."

24. See the art. *Roman Law* in the 1929 *Enc. Brit.*

25. Presb. Ch. in Amer.: *Report*, p. 276.

26. J. Calvin: *Juridical Lexicon of Imperial and Canon Law*, Geneva: Chouet, 1668. Also cited in R.W. Lee: *Introduction to Roman Dutch Law*, Oxford: Clarendon, 1946, p. xiv.

27. *Op. cit.*, pp. xxxi & xxx.

28. *Concilia Galliae*, 7.884.

29. As cited in Percival's *op. cit.*, p. xxxi.

1733. States Edward Gibbon in his famous work *The Decline and Fall of the Roman Empire*:³⁰ "The Basilian revival of Justinian's Law was permanent." Schoell in his *History of Greek Literature* further explains:³¹ "The *Basilica* are a body of Roman laws in the Greek language extracted from the *Institutes*, the *Pandects*, the *Codes*, and the *Novels* of Justinian - as well as from the *Imperial Constitutions* posterior to that prince....
1734. "Here is found together the civil and the ecclesiastical law of the Greeks - these two laws having been in an intimate union by reason of the authority which the Emperors exercised over the Church.... An anonymous writer prepared an *Epitome* of the *Basilica*, digested into alphabetical order and **beginning** with [a section entitled] 'Concerning the Orthodox Faith of Christians.'

14th- & 15th-century European Law Codes maintained beyond the Reformation

1735. "In the fourteenth century," remarks Dr. Percival (in his *History of the Roman Law*), "we find Constantine Harmenopulus...a Member of the First Court of Civil Justice (*Judex Dromi*). Subsequently, he was appointed Counsellor of the Emperor John Cantacuzene.... In the year 1345, he published a *Manual of Jurisprudence*.... Our chief concern with him is as the author of an *Epitome of the Divine and Sacred Canons*."
1736. "Constantine Harmenopulus was the last Greek Jurist.... Then, Constantinople fell - to the everlasting disgrace of a divided Christendom - into the hands of the infidel [Moslems].... The law of the false prophet supplanted the Roman Law, the Code of Civilization, and Christianity."³²
1737. In Western Europe, however, the influence of christianized Roman Law lived on. There - in spite of the fall of Constantinople to the Moslem Turks in A.D. 1453 - the synthesis between the Mosaic Law and christianized Roman Law was considerably strengthened precisely through the Protestant Reformation.

Roman-Dutch Law and Calvinism on the crime of aborting human fetuses

1738. We have already referred to John Calvin, who in his comment on Exodus 21:22f regarded the abortion of a fetus in the home of mother's womb also in his own time as even worse than killing an adult outside of his home. We have also referred to Calvin's great work: *Juridical Lexicon of Imperial and Canon Law*. See paragraph 1727. Indeed: 'Calvinized' Roman-Dutch Law to this very day holds that a child in the womb is deemed to have been born already, whenever such a deeming is to his or her own advantage.³³
1739. In Roman-Dutch Law, this has the following very important consequences. First, the sentence against a pregnant woman of corporal punishment (and *a fortiori* of capital punishment) is not to be executed till after the child has been delivered.
1740. Second, anyone killing or aborting a fetus - except to save the mother's life³⁴ - is a criminal, and is

³⁰. E. Gibbon: *The Decline and Fall of the Roman Empire*, Oxford: Frowde, rep. 1907, Appendix to Vol. V pp. 525f.

³¹. S. Schoell: *History of Greek Literature*, Vol. VII, book vi, ch. xcvi, pp. 226 & 229 & 238.

³². *Op. cit.*, pp. xxxii-xxxiv.

³³. Voet. 28:5:12 (*cf.* Grot. I:3:4): "*De ongeborenen worden voor menschen gehouden, tot haer voordeel, niet tot haer nadeel.*"

³⁴. See perhaps Ex. 23:19 & esp. Dt. 22:6f and Jh. 15:2, which seem to have guided the Dutch Calvinist Jurists toward their adage: 'prune the dying fruittree, so that she may thus live later to bear fruit yet again.'

subject to severe punishment. Third, an intestate inheritance is not to be distributed until an already-conceived but not-yet-delivered heir has been born alive. Fourth and finally, an unborn child may even have a right of action in respect of his father's previous death.³⁵

Ancient British Common Law: abortion is homicide if not murder

1741. In Britain too - even before the emergence first of Brythonic and then of Anglo-Saxon or English alias English Common Law - the traditional Biblical and Christian and Western view of the sacredness of human life was established most firmly. Declares the Historian Eugen Rosenstock-Huessy:³⁶ "Common Law was the product of a union between universal Christian laws and local customs... Common Law...was the dowry of Christian Baptism."
1742. So first the Celto-British Common Law and later the Anglo-British Common Law of the Britannic Isles and all lands colonized therefrom - clearly and long-lastingly reflected the deep and ongoing influence of the Holy Bible in general and Christianity in particular. Also in the area of abortion and the personality of unborn human beings, this is seen.
1743. Anglo-British Common Law has been reinforced by many centuries of judicial precedent and forensic equity - and has been massively influenced by the considerably-christianized Historic-British way of life. Consequently, in particular as regards British Common Law, very severe restrictions and penalties were administered against abortion - especially after the 'quickening' of the fetus.³⁷ Apparently, there never was a time under British Common Law when abortion was **not** regarded as a very serious crime.
1744. Both Celto-Brythonic Common Law and Germano-Nordic Common Law have always protected both fetuses and infants far more vigorously than has Roman Law. Anglo-Saxon Law before the Norman Conquest penalized abortion civilly - and by very heavy fines.³⁸ In the thirteenth century, abortion of a fetus was condemned as homicide - precisely by the British Jurist Bracton (and also in the *Fleta*).³⁹
1745. In the 1601 case *Rex v. Sims*, the English Attorney-General (and later Lord Chief Justice) Sir Edward Coke stated that if an aborted child was born alive and then died - a murder had been committed.⁴⁰ This can be seen also in Britain's mid-seventeenth-century *Westminster Confession* 19:4 - which clearly upholds the anti-abortionist laws mentioned in "Exodus chapter 21." Later during the seventeenth century the renowned legal commentator Lord Chief Justice Sir Matthew Hale called abortion "a great crime."⁴¹ Indeed, also in 1713 (in *Beale v. Beale*)⁴² and again during 1740 (in *Wallis v. Hodson*),⁴³ the above position was reconfirmed.

³⁵ Prof. Dr. W. de Vos: *The [Roman-Dutch] Law of Persons*, Class Notes, University of Cape Town, 1953, p. 4; R.W. Lee's *op. cit.*, p. 31 - quoting *Chisholm v. East Rand Mines* (1909) T.H. 297.

³⁶ E. Rosenstock-Huessy: *Out of Revolution*, 1938, pp. 270f.

³⁷ Presb. Ch. in Amer.: *Report*, p. 276.

³⁸ G. Grisez: *Abortion - The Myths, the Realities and the Arguments*, New York: Corpus, 1972, pp. 186f.

³⁹ Bracton (III:21) says: "*Si aliquis mulierem praegnantem percusserit, vel ei venenum dederit, per quod fecerit abortivam; si puerperium jam formatum fuerit, et maxime si fuerit animatum, facit homicidium.*" See too Quay's *Justifiable Abortion - Medical and Legal Foundations*, in 49 *Geo. Law Journal* (1961) pp. 395 & 431.

⁴⁰ *Rex v. Sims*, in 175 *Eng. Rep.* 1075-76 (K.B. 1601). Cf. J.S. O'Neill's *Fetus - in Law* (Dunedin: Independent Pub. Co., 1976, pp. 92f).

⁴¹ See M. Hale: *History of the Pleas of the Crown*, ed. 1736, p. 433.

⁴² *Beale v. Beale*, 24 *Eng. Rep.* 373 (cf. 1713).

⁴³ *Wallis v. Hodson*, 24 *Eng. Rep.* 472f (cf. 1740).

Blackstone: abortion is "homicide or manslaughter" and "very heinous"

1726. As Sir William Blackstone pointed out in his famous 1765 volumes titled *Commentaries on the Laws of England*:⁴⁴ "Life is the immediate gift of God, a right inherent by nature in every individual.... It begins, in contemplation of law, as soon as an infant is able to stir in the mother's womb.
1747. "For if a woman is quick with child, and by a potion or otherwise killeth it in her womb - or if any one beat her, whereby the child dieth in her body and she is delivered of a dead child - this...was by the antient law homicide or manslaughter [Exodus 21:22f &] Bracton 3:21." Indeed, Blackstone himself called it "a very heinous misdemeanor" alias a major felony.
1748. "An infant...in the mother's womb is supposed in law to be born for many purposes. It is capable of having a legacy.... It is enabled to have an estate limited to it's use, and to take afterwards by such limitation as if it were then actually born.... The edicts of the Emperor Constantine, commanding the public to maintain the children of those who were unable to provide for them in order to prevent the murder and exposure of infants, [was] an institution founded on the same principle as our foundling hospitals....
1749. "This natural life [of any human] being" is "the immediate donation of the great Creator [and] cannot legally be disposed of or destroyed by any individual - neither by the persons himself nor by any other of his fellow creatures merely upon their own authority. Yet nevertheless it may, by the divine permission, frequently be forfeited for the breach of these laws of society which are enforced by the sanction of capital punishments....
1750. Blackstone continues:⁴⁵ "Death is ordered to be punished - with death.... This is the highest penalty that man can inflict, and tends most to the security of the World - by removing one murderer from the Earth, and setting a dreadful example to deter others....
1751. "The crime of deliberate and wilful *murder*...is I believe punished almost universally throughout the World - with death. The words of the Mosaical Law - over and above the general precept to Noah that 'whose sheddeth man's blood, by man shall his blood be shed' (Genesis 9:6) - are very emphatical in prohibiting the pardon of murderers. 'Moreover ye shall take no satisfaction for the life of a murderer, who is guilty of death; but he shall surely be put to death. For the land cannot be cleansed of the blood that is shed therein but by the blood of him that shed it' (Numbers 35:31)....
1752. "Our law has provided one course of prosecution.... The king himself is excluded the power of pardoning murder.... Were the king of England so inclined, he could not...remit the penalties of murder.... To kill a child in its mother's womb is...a great misprision.... If the child be born alive, and dieth by reason of the potion or bruises it received in the womb, it is murder in such as administered or gave them."

French Revolution challenges the Law of God and God-given right to life

1753. However, especially on the Continent of Europe, Christianity had been declining - ever since the

^{44.} W. Blackstone: *Commentaries on the Laws of England*, Chicago: University Press, 1979 rep. I pp. 125f. See too Justice Tom C. Clark: *The Law As It Governs Decisions Today* (in Spitzer & Saylor: *op. cit.*, p. 359).

^{45.} *Op. cit.*, IV pp. 9,12f,194f.

horizontalism of the *Aufklärung* alias the so-called enlightenment of man independently of the Word of God. This soon resulted in the so-called naturalism of the French Revolution of 1789, alias man's coming of age - and the enthronement of his own depraved reason as the highest good of that New Age.

1754. Especially in France did the principles of the new religion first take root. The French Revolution abolished Christianity, Christian names, and the Christian calendar - jettisoning the Lord's Day each Sunday and the description of the year as being "A.D." alias after Christ - and instead then starting to calculate years from that first year of the revolutionary New Age. In the place of the Almighty Triune God, it also enthroned a prostitute as the new goddess of reason in Paris.
1755. Even though the autocrat Napoleon soon overthrew the French Reign of Terror and reinstalled the Christian calendar, the principles of the revolution then went underground - and soon reemerged as communism, socialism, feminism and humanism. Soon in Lenin's Russia and other socialist countries, abortion would become rife. Even in the West, humanism and feminism - and finally abortion on demand - would increasingly expand.

Especially the English-speaking World resisted revolutionary abortionism

1756. Fortunately, the English-speaking World in general and Bible-believing Britain and America in particular then reacted against - and thereafter long resisted - the ungodly principles of the French Revolution of 1789. Thus, during 1795, in *Doe v. Clarke*⁴⁶ a court rightly interpreted the ordinary meaning of the word "children" in a will - to include a child still in the womb.⁴⁷
1757. In *Thelluson v. Woodford*,⁴⁸ the court said that unborn children are "entitled to all the privileges of other persons." Indeed, during 1803 - and also again during 1828 - the statutes *43 George III* and *9 George IV* provided that those found guilty of "the malicious using of means to procure the miscarriage of women...shall suffer **death**."⁴⁹
1758. After the discovery of the human ovum in 1827, the British Parliament in 1837 enacted a new abortion statute effectively protecting unborn children even from the very moment of conception. In the United States (which by and large follows British Common Law), almost every State of the Union branded abortion as a forbidden crime.⁵⁰
1759. Thus a New York statute of 1829 imposed a second-degree homicide or manslaughter charge upon any abortionist who caused the death of a quickened child or its mother, unless the reason was to preserve the life of the mother.⁵¹ Indeed, Professor William Prosser, in his *Law of Torts*, has called the consequences of all of this - "sweeping."⁵²

The English-speaking World opposed abortion till after World War II

1760. It must be remembered that not just socialist France and its communist Russian daughter but also the

46. *Doe v. Clarke* (2H. Bl. 399 - 126 *Eng. Rep.* 617).

47. Willke: *op. cit.*, p. 96.

48. *Thelluson v. Woodford* (4 Ves. 277, 31 - 31 *Eng. Rep.* 117).

49. Cited in O'Neill: *op. cit.*, pp. 75 & 78.

50. Willke's *op. cit.* pp. 94f (*cf.* too the Presb. Ch. in America's *Report* p. 276 and esp. O'Neill's *op. cit.* pp. 100-108).

51. Presb. Ch. in America's *Report*, p. 276.

52. W. Prosser: *Law of Torts* (2nd. ed.), as cited in Willke's *op. cit.* p. 97.

latter's stepsister Nazi Germany all defended abortion - in their ongoing war against humanity in general and Christian values in particular. Indeed, one of the atrocities which offended the West and helped to precipitate the Second World War - was precisely the upholding of easy abortions by the Nazis, and by their initial allies the Russian Communists.

1761. Western opposition to abortion continued for several decades after its victory over the Nazis. Thus, after being a Rhodes Scholar to Oxford University, Thomas F. Lambert Jr. (A.B. & B.C.L.) became Editor-in-Chief of the American Trial Lawyers' Association. In his 1969 article *The Legal Rights of the Fetus*, he referred to the 1946 case *Bonbrest v. Kotz*.⁵³ There, stated Lambert,⁵⁴ "a trial court held that an infant born alive had a cause of action for prenatal harm suffered while in a viable state - in that case, brain damage caused by an obstetrician. The court persuasively reasoned that the unborn child was a separate biological (and hence legal) entity from the mother."
1762. The modern State of Israel was set up in Palestine during 1948. Its judicial system is a mixture between the British Criminal Law and the *Talmud*. There, illegal abortion constitutes manslaughter and carries possible life imprisonment - except where it saves the mother's life, when it is non-punishable.⁵⁵
1763. In 1957, even Glanville Williams - himself later an active pro-abortionist - made a remarkable statement. He then admitted: "At present, both English Law and the Law of the great majority of the United States regard any interference with pregnancy, however early it may take place, as criminal - unless for therapeutic reasons. The fetus is a human life, to be protected by Criminal Law - from the moment which the ovum is fertilized."⁵⁶
1764. Indeed, two years later, even the *United Nations' Declaration of the Rights of a Child* still upheld the above position. For it insisted in its preamble that "the child needs special safeguards and care, including appropriate legal protection, before as well as after birth."⁵⁷
1765. In the 1960 case of *Smith v. Brennan*,⁵⁸ a child *in utero* was born with deformity of legs and feet as a result of injuries suffered by his mother and himself in an automobile accident two months and thirteen days prior to his birth." Even at the beginning of the nineteen-sixties, the court still held: "Whether viable or not at the time of injury, the child sustains the same harm after birth and therefore should be given the same opportunity for redress."

The tide turns toward abortion after the birth of thalidomide babies

1766. Stated Rhodes Scholar, Trial Lawyer Lambert:⁵⁹ "The World has become aware that we have on our hands thousands of members of the thalidomide generation. These are the children born in the later 1950's and the early 1960's with misshapen limbs, dim hearing and other irremediable effects - of a tranquilizing drug [thalidomide] their mothers used early in pregnancy.
1767. "There were more than 10 000 of these stricken children.... Half of them, in a score of countries,

53. *Bonbrest v. Kotz* (64 F. supp. 138 D.D.C. 1946).

54. T.F. Lambert: *Legal Rights of the Fetus*, 1969 (Spitzer & Saylor: *op. cit.* pp. 370, 383, 385).

55. *Enc. Jud.*, p. 101.

56. G. Williams: *The Sanctity of Life and Criminal Law*, New York: Knopf, 1957, p. 149.

57. Cited in Willke's *op. cit.* p. 94, *cf.* Overduin & Fleming's *Test-Tube*, p. 42.

58. *Smith v. Brennan* (157 A.2d 497 & 504) N.J. 1960.

59. Lambert: *op. cit.*, p. 391.

survived infancy. When awareness finally seeped into the consciousness of parents and officials that an epidemic of monster births had afflicted West Germany, England, and to a lesser extent, other countries - the officials of the producing firm of Chemie Gruenthal were brought to court on charges of criminal negligence."

1768. Also Dr. and Mrs. J.C. Willke's *Handbook on Abortion* notes this. It observes:⁶⁰ "Children injured in the thalodamide tragedy - some of them from pills taken as early as two to three weeks after conception - have consistently won court decisions granting them sums of money for their support (because of the deformities they suffered from the drug while in the uterus)."

Cases during the early-1960s involving abortion or prenatal injuries

1769. A rather important legal decision, was that in the 1960 case of *Sinkler v. Kneale*.⁶¹ There, a 'mongoloid' child was born with Downs' Syndrome - allegedly as a result of injuries received when she was a preivable and only one-month-old fetus, at a time which her mother was the victim of an automobile collision caused by the negligence of the defendant motorist.
1770. In that case, as Mr. Justice Bok pertinently observed, "medical authorities have long recognized that a child was in existence from the moment of conception" - in existence as an individual human being distinct from his or her mother, "and not merely a part of its mother's body" until some unspecified time after conception. Then the Justice astutely added: "As for the notion that [to collect damages] the child must have been viable when the injuries were received" - a notion which had claimed attention in several of the United States - "we regard it as having little to do with the basic right to recover, when the fetus is regarded as having existence as a separate creature from the moment of conception."
1771. The previously-mentioned Legal Writer Lambert explains⁶² that "in 1962" - in *Touriel v. Benveniste*⁶³ - "a husband apparently recovered damages against an abortionist who had performed an illegal operation upon the wife with her consent. The California court ruled that the husband had a cause of action - based on injury to his 'marital interest' - against one who performs an abortion on his wife without his consent."
1772. In overruling the defendant's demurrer, the trial court held that the plaintiff-husband had a legally-protected interest in the unborn child. This husband's interest in the unborn child, held the court, was quite separate from the wife's interests in the same child [and both these interests were again quite distinct from the child's own interests]. So the husband's interest was quite unaffected by the wife's consent to have the abortion.⁶⁴

Cases during the late-1960s involving abortion or prenatal injuries

1773. In an interesting case during 1967, *Torigian v. Watertown News Co.*, the legal application of the principles of Exodus 21:22-25 is very well illustrated. There, in Boston, an automobile occupied by a pregnant mother was accidentally struck by a moving truck. This resulted in the unborn baby being injured. Damages were rightly recovered - for injury to the child wrongfully inflicted before he or she

60. *Op. cit.*, p. 92.

61. 164 A.2d 93 (Pa. 1960) 26-27 *NACCA L.J.* 143-46.

62. *Op. cit.* (in Spitzer & Saylor at p. 392).

63. *Touriel v. Benveniste*, Civil Docket No. 766790, Los Angeles Super. Ct., Oct. 20th 1961.

64. Lambert: *op. cit.*, p. 393.

could be born normally.⁶⁵

1774. Held the Supreme Court of Massachusetts in *Torigian's case*: "In the vast majority of cases where the present issue has arisen, recovery has been allowed.... Text writers and legal commentators...are unanimously of the view that non-viability of a fetus should not bar recovery."⁶⁶
1775. In the 1967 Wisconsin case *Kwaterski v. State Farm Mutual Automobile Insurance*,⁶⁷ the court allowed recovery for the wrongful death of a child stillborn as a result of prenatal injury.⁶⁸ Stated the court: "Such a legal rule [as a live-birth requirement] would produce the absurd result that an unborn child who was badly injured by the tortious acts of another, but who was born alive, could recover - while an unborn child, who was more severely injured and [who] died as a result of the tortious acts of another, could recover nothing" through any action instituted by another interested party (such as his own mother).
1776. Rightly does the legal writer Del Tufo therefore claim (in his 1960 *Recovery for Prenatal Torts*):⁶⁹ "It is intolerable to hinge the right to sue upon the circumstances of birth.... In terms of a right of action, no justifiable distinction exists for example between the stillbirth of a fetus in an advanced stage of development and the birth alive of a comparable fetus with death shortly ensuing."
1777. Stated Justice Tom C. Clark in 1969: "The general rule (of U.S. Law) was to outlaw all abortions performed after conception. This conferred, by inference, a legal status upon the fetus at conception. See the 1967 case of *Gleitman v. Cosgrove*" (referred to in paragraphs 2048-51).
1778. There, the court had protected a Doctor who refused to abort a baby at the request of his parents - after the pregnant mother herself contracted German measles alias rubella.⁷⁰ For, said the court, "these statutes made no provision for the performance of an abortion in case of rape, incest, or complications that might endanger the woman."

Cases during the epoch-making 1970s involving abortion or prenatal injuries

1779. In the December 7th 1970 edition of the *Journal of the American Medical Association*,⁷¹ in the article *When Does Life Begin?* the following legal facts are noted: "A fetus can maintain an action for the death of a parent while it is still *in utero*.... An action can be maintained on behalf of the child who was born deformed because of prenatal injuries negligently inflicted upon it....
1780. "An action can be maintained against a tortfeasor, if the child dies - regardless of whether the death occurred before or after birth.... American courts, when dealing with cases in tort law, followed a biological approach and...hold that life begins at conception - thereby according legal personality to the zygote."
1781. Both medically and legally, aborted babies are living human beings when *in utero*. Indeed, it is a fact that some children are sometimes born alive even **after** having been aborted. This is not a new

⁶⁵. See *Unborn Baby Ruled Person*, in *The Register*, Santa Ana, Apr. 29th, 1967, p. A-7.

⁶⁶. See Willke: *op. cit.*, p. 98.

⁶⁷. *Kwaterski v. State Farm Mutual Automobile Insurance*, 34 Wis. 2d 14, 148 N.W. 2d 107-110.

⁶⁸. Lambert: *op. cit.*, p. 387.

⁶⁹. R. Del Tufo: *Recovery for Prenatal Torts*, in 15 *Rutgers Law Review* 61 (1960).

⁷⁰. *Gleitman v. Cosgrove*, 49 N.Y. (1967) 22.

⁷¹. *When Does Life Begin?* (in *Journal of the American Medical Association*, 214:10 p. 1993).

phenomenon. In 1970, at least one baby 'aborted' by hysterectomy refused to die - and was adopted subsequently into a good home.⁷²

1782. Indeed, many similar facts related by the well-known Theologian Rev. Dr. Francis A. Schaeffer and Dr. C. Everett Koop (M.D.) - the latter later to become the U.S. Surgeon-General - are well worth rehearsing. "In 1972," they explain,⁷³ "a brief in one case before the Supreme Court - *Markle v. Abele* - contained a table listing twenty-seven live births after abortions." Then again: "In the first year of liberalized abortion laws in New York State before the [1973] Supreme Court decision regarding abortion on demand, some of those 'products of abortions' were eventually adopted."
1783. Even after the epoch-making and revolutionary 1973 U.S. Supreme Court pro-abortion decision in *Roe v. Wade* (see paragraphs 1339f & 1414f *cf.* 1430), the obvious truth that human fetuses are living persons nevertheless still continued to assert itself. As Schaeffer and Koop pointed out: "Dr. William B. Waddill Jr., an obstetrician in California, was indicted and tried in January 1977 - for allegedly strangling to death a baby born alive following a saline abortion."

The abortive 1789 French Revolution triumphs during the 1980s

1784. In July 1982, a U.S. District Court in Connecticut ruled in a \$250 000 damages suit that little Paul Douglas, then nine months old, had an equal and independent right to his mother to sue the Hartford Police Department. The suit was for unspecified serious injuries, sustained when the Department's employee[s] beat up his mother just over a year earlier - some three-and-a-half months before he was born.⁷⁴
1785. Indeed, in November 1982, little Timothy John was deliberately assaulted in a hormone-induced abortion - and then abandoned to die in a hospital in Great Britain. Subsequently, he started screaming. Mercifully, he was then rescued from his abortionistic attackers - and thereafter put forward for adoption. See *The Courier Mail*, Brisbane, 20th November 1982.

Queensland Criminal Code still upholds the Common Law against abortion

1786. The *Queensland Criminal Code Act* still reflects our historic Common Law. Thus, even in 1995, it still provides:⁷⁵ "Any person who, with intent to procure the miscarriage of a woman whether she is or is not with child, unlawfully administers to her or causes her to take any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years...."
1787. "Any woman who, with intent to procure her own miscarriage, whether she is or is not with child, unlawfully administers to herself any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, or permits any such thing or means to be administered or used to her, is guilty of a crime, and is liable to imprisonment with hard labour for seven years.... Any person who unlawfully supplies to or procures for any person the miscarriage of a woman, whether she is or is not with child, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for seven years."

⁷². *United Press International*, Dec. 19th 1970 (cited in Willke's *op. cit.* p. 28).

⁷³. F.A. Schaeffer & C.E. Koop: *Whatever Happened to the Human Race?*, Old Tappan N.J.: Revell, 1979, pp. 42f.

⁷⁴. See *The Australian*, July 9th 1982, p. 7.

⁷⁵. *Queensland Criminal Code*, sections 224-26.

1788. Significantly, the historic punishment in South Australia was even more severe. For its Criminal Law used to provide even for life imprisonment for anyone who intentionally and unlawfully attempts to abort a human fetus.⁷⁶ Sadly, this was changed by the new (humanistic) *Criminal Law Consolidation Act Amendment Act* No. 109 of 1969 - assented to on January 8th 1970.
1789. Even in Queensland, the application of the anti-abortion laws has been weakened. Yet there, they are still on the books - and certainly enforceable. All it takes is a courageous court - to stand, as it should, against the wicked spirit of our revolutionary new age.

Conclusion: Western legal systems have historically punished abortionists

1790. Conclusion. Early Christianity reiterated the Old Testament's implacable opposition to intentional abortion - condemning it as murder. Just as soon as Christians were able to take control of the Roman Imperial Government (at the beginning of the fourth century) - they progressively christianized Pagan Roman Law, until abortion was punished throughout the realm as the serious crime it indeed is.
1791. The Christian Emperor Justinian's legal documents form the basis of the later criminal codes throughout Europe - and indirectly even under the Common Law in Britain, the Commonwealth, and the United States of America. Indeed, **it is only during the last twenty years** - starting especially with the historic 1973 case of *Roe v. Wade* - that indeed revolutionary changes have been made anent abortion laws.
1792. For it is only now that humanism and socialism and feminism - those three ugly triplet daughters of the Anti-Christian French Revolution of 1789 - have finally succeeded (at least for the moment) in challenging the hegemony of Christianity in Western society. This we shall see in our next chapter "After '1984': the 'new morality'? - or the old immorality!"

⁷⁶. *South Australian Criminal Law Consolidation Act* (1935-1966), as amended, section 81a (11).

Q. AFTER '1984': THE "NEW MORALITY"? - OR THE OLD IMMORALITY!

"The wrath of God keeps on being revealed...against all ungodliness and unrighteousness of men who keep on suppressing the truth in unrighteousness.... Professing themselves to be wise, they became fools...[in] changing the truth of God into a lie and worshipping and serving the creature more than the Creator.... Therefore God gave them over to vile affections.... [Such men are] devoid of understanding; covenant-breakers; devoid of natural affection....He who is filthy - let him become still more filthy!" - Romans 1:19-31 & Revelation 22:11.

1793. In this chapter, we shall see that the road to Aldous Huxley's *Brave New World* and George Orwell's ominous year of '1984' was paved with the increasing incidence of abortion and other illicit experiments on tiny human beings. Anti-abortionistic and pro-family Christian Western Civilization had ruled the West for over fourteen centuries (after Constantine's christianization of the state in A.D. 321). But ever since Humanism grabbed control in the French Revolution and attacked Christianity there in 1789 and elsewhere later, Christian values have been attacked increasingly.

"Brave New World" of Red Russia & Nazi Germany legalizes abortion (1925-31)

1794. The Bolshevik Revolution (truly the heir and descendant of the 1789 French Revolution and the 1848 *Communist Manifesto* of Marx and Engels) came to power in Russia during 1917. Then in 1925, abortion was legalized in the Soviet Union as the foremost citadel of International Socialism.
1795. In 1931, that cousin of international socialism, Adolf Hitler's National Socialism (see note 45) - legalised abortion and launched its even more radical 'racial eugenics' programme in human engineering, for its 'New Order' in Europe. This soon resulted in experimenting on human foetuses. This foreshadowed the later advent: of test-tube babies; of attempts to crossbreed humans and animals; of the development of non-human wombs for humans; and of genetic engineering upon human *DNA* (Di-Oxyribose Nucleic Acids) and even upon tiny human beings themselves.

The collapse of civilization: increasing abortions in Free West (1938-59)

1796. Yet the legalization of abortion was not confined to totalitarian dictatorships such as Communist Russia and Nazi Germany. In 1938, the allegedly 'neutral' Sweden - in actual fact long alienated from true Christianity - by way of humanist legislation expedited abortion, and thus reverted to pre-Christian neo-Paganism. From 1944f, even America saw the (aborted) first attempts at human *in vitro* fertilization alias *IVF* - by Harvard's Dr. John Rock. Indeed, between 1949 and 1956, abortion was legalized in eleven other countries throughout Europe.
1797. In 1945 and 1948 the excommunist George Orwell first published his famous books *Animal Farm* and *Nineteen Eighty-Four*.¹ By A.D. 1984, he pessimistically predicted already during the nineteen-forties, the truly brutal principles of animalistic communism will have triumphed everywhere. Freedom, he added, will then have perished from our planet forever.

¹. G. Orwell's 1945 *Animal Farm* and his 1948 *Nineteen Eighty-Four* (republished by Penguin of Harmondsworth from 1951 onward).

1798. Orwell's books each quickly sold over a million copies. Indeed, the very year '1984' soon became ominous to many. Many gazed on, helplessly, as the West continued to slide toward socialism - and as, increasingly in all the World, the *Communist Manifesto* continued to be implemented.
1799. With the collapse of one country after another to communism in the mid-seventies, observers viewed the advent of the ominous year 1984 with increasing apprehension. Fears of the advent of an elitist society manipulated by Geneticists, as foreshadowed in Aldous Huxley's *Brave New World*, strengthened the anxieties of many. Precisely during this timeframe, the 'legalization' of abortion, the perfecting of artificial insemination techniques and the pioneering of *in vitro* fertilization (with planned subsequent embryo transplants into surrogate wombs) - all increased apace.
1800. This period 1948 to 1984, was marked also by many subtle attacks against the sacredness of human life itself. It will be recalled that for more than two thousand years the *Hippocratic Oath* contained the promise: "I will not give to a woman a pessary to produce abortion." See paragraphs 1340f. Significantly, however, in 1948 - the very year of publication of George Orwell's book *Nineteen Eighty-Four* - the General Assembly of the World Medical Organization adopted the *Declaration of Geneva*. That declaration then soon started to replace the time-honoured *Hippocratic Oath* - at the graduation services of more and more medical schools.
1801. The *Geneva Declaration* softens the anti-abortion statement in the original *Hippocratic Oath*. For the *Geneva Declaration* simply states: "I will maintain the utmost respect for human life - from the time of conception. Even under threat, I will not use my medical knowledge contrary to the laws of humanity."
1802. During 1959 the Italian Dr. Petrucci created a monstrous human *IVF*-embryo. Yet even in Roman Catholic Italy, that embryo was then "terminated" - just several weeks after having been brought into being.

The spread of abortion in English-speaking lands in the nineteen-sixties

1803. Then, in 1963, frozen sperm was used - for the first time - in attempts trying to engineer human *IVF*. Also during those early nineteen-sixties, a revised version of the *Hippocratic Oath* itself was produced. This revision, not even referring to the original's promise not "to produce abortion" - was put on display in the vestibule also of the Queensland University Medical School² in Australia.
1804. In 1967 the rapidly-dechristianizing if not dechristianized United Kingdom legalized abortion. Then, in just three years thereafter, seven states within the U.S.A. enacted legislation for abortion on demand.
1805. Britain's *Abortion Act* of 1967 marked the first really major movement in the English-speaking World - away from centuries of Christian Medical Ethics. It certainly helped prepare the way for the infamous 1973 American Supreme Court decision in *Roe v. Wade*.³

² See J.C.A. Dique (M.D.): *Abortion, Euthanasia, and Hippocrates* (in the *Medical Journal of Australia*, Feb. 21st 1981). Also see his *Right to Life* (in the *Maryborough Times* of Sep. 9th 1981). Dr Dique built Australia's first artificial kidney machine, and developed a new type of blood transfusion set. The new Queensland University Medical School version of the original *Hippocratic Oath* reads: "I solemnly swear by all that I hold most sacred that...I will give no deadly drug nor perform any operation for a criminal purpose even if solicited, nor will I suggest any such counsels etc. See too *The Sunday Mail* of Nov. 24th 1979, which printed the entire Queensland Medical School revision of the original *Hippocratic Oath*.

³ Paras. 1829f & 1914 & 1927.

1806. The 1929 British *Infant Life Preservation Act*⁴ had condemned as an offence the causing of death before birth to a child capable of being born alive - namely subsequent to twenty-eight weeks after conception, unless the act causing death were done in good faith for the sole purpose of preserving the actual life of the mother. But the 1967 *Act* would change this radically and, in practice, basically decriminalize abortion as such.
1807. The British *Abortion Act* of 1967 (see Sections 1:1-4 & 4:1-2) made new provision for abortions to be conducted in England. This could thenceforth be done if - in the opinion of "two registered medical practitioners" - the continued pregnancy "would involve risk to the life of the pregnant woman or injury to the physical or mental health of the pregnant woman or any existing children of her family, greater than if the pregnancy were terminated." The *Act* then also further provided that abortions could be executed with impunity if there "is a substantial risk that if the child were born it would suffer from such physical or mental abnormalities as to be seriously handicapped."
1808. To facilitate arriving at either of these opinions advocating abortions, continues Britain's permissive 1967 *Abortion Act*, "account may be taken of the pregnant woman's actual or reasonably foreseeable environment" - whatever that may mean. Now, even if only one "registered medical practitioner...is of the opinion, formed in good faith, that the termination is immediately necessary to save the life or to prevent grave permanent injury to the physical or mental health of the pregnant woman" - he may proceed with the abortion by his own decision. He may even render a nurse prosecutable if he or she, having conscientious objections, refuses to assist him.
1809. Later, the Scottish Presbyterian Theologian Rev. Professor Dr. Thomas Torrance attacked all experimentation on human embryos. Tellingly, he added:⁵ "Scientists must accept that from the moment of conception the human embryo is genetically complete and must be treated as such.... The ground for proper law has already been cut away by the *Abortion Act* [of 1967] – the greatest moral blot on the British Parliament and people this century."

Nobel Prize-winner Dr. Crick's book *The Origin of the Genetic Code* (1968)

1810. In his very influential 1968 book *The Origin of the Genetic Code*, Nobel Prize-winner Dr. Francis Crick sometimes spells 'nature' with a capital 'N'⁶ - thus suggesting his perception that the ultimate reality is not the personal Triune God but rather the impersonal natural order. Then, in the Spring 1971 *Washington University Magazine*, Crick's article *Why I Study Biology* called for the complete genetic engineering of prenatal human beings.
1811. Crick admits he conducts biological research for "what you might call 'religious' reasons.... The future," he says, "is in our own hands.... It is not acceptable at the moment to discuss who should be the parents of the next generations, who should be born, and who should have children. There's a general feeling that, if we are all nice to each other, and if everybody has 2.3 children, everything will pan out. I don't think that is true.... Some group of people should decide that some people should have more children, and some should have fewer.... You have to decide who is to be born."⁷
1812. The next year, 1969, England experienced the World's very first successful **IVF** of a human egg - yet

⁴ Infant Life Preservation Act 19-20 Geo. 5 c. 34.

⁵ Australian Church Record, Nov. 25th 1984.

⁶ Dr. Francis Crick's *The Origin of the Genetic Code* (cited in Schaeffer's *How Should We Then Live?*, Old Tappan N.J.: Revell, 1976, p. 232).

⁷ *Ib.*, pp. 230-34.

not to independent viability. Then, two years later - when the University of Pittsburgh changed from the *Hippocratic Oath* to the *Declaration of Geneva* - the University's medical students truncated even the latter. From the very clause beginning "I will maintain the utmost respect for human life" - they deleted the next words "from the time of conception."⁸ Very significantly, that was also the very same year when the American Dr. Landrum B. Shettles for the first time successfully implanted a human IVF embryo into a second woman - before later excision.

Neo-Paganistic sacrifices of fetuses in the West during the nineteen-seventies

1813. Of course, not all human embryos aborted today are excised or cut out of their mothers. Instead, some are **burned** to death - by being injected **with caustic saline solutions**. This is very reminiscent of the practices of the various pagan nations which inhabited Ancient Palestine, among whom also the Israelites went to live from B.C. 1450 onward. So the Lord warned them: "you shall not learn to do the abominations of those nations! There shall not be found among you - anyone that **makes his son or his daughter to pass through the fire**." Deuteronomy 18:9f. "And you shall not let any of **your** seed pass through the fire to Molech" the false god of the Ammonites. "Whoever of the **Israelites or of the sojourning strangers**...that gives his children to Molech...**shall surely be put to death**." Leviticus 18:21 *cf.* 20:2f.
1814. For this is what the Lord says: "I will send a fire upon Teman, which shall devour the palaces of Bosrah" in what was then Edom (just south of Ammon and Moab). "For three transgressions of the children of Ammon...I will not turn away its punishment, because **they have ripped up the pregnant women**" - says the Lord. "I will kindle a fire in the wall of Rabbah [the capital city of the Ammonites], and it shall devour its palaces." Amos 1:12-14.
1815. The fact is: the pagans of the Ancient Near East widely practised child sacrifice. In what is now Lebanon, the Phoenicians manufactured images of their false god Baal - with outstretched arms above hollow chests within which fires were ignited. The false priests then carried the babies sacrificed by mothers devoted to Baal, laying the tiny victims in the outstretched arms of that horned idol. Then, while prostitutes practised ritual sexual orgies, the babies were consumed in the flames.⁹
1816. Also the Canaanites practised child sacrifice. Indeed, the various pagan religions of all the surrounding nations required mothers to have their firstborn pass through the fire, as a sacrifice to their demon gods - in much the same way the modern neo-paganistic Chinese Communist Government requires all of its citizens to abort their second and all subsequent babies.
1817. Ancient Egypt sometimes slaughtered newborn babies. See Exodus 1:15-22. It was only the nation of Israel which then required its parents to dedicate their firstborn son to the lifelong service of Jehovah - thus sparing the infant, but slaughtering an animal sacrificed in his place.
1818. Yet even the Israelites, when influenced by such evil neighbours, sometimes fell into the paganizing sin of infanticide. So God had to rebuke even His own people: "**you have taken your sons and your daughters whom you have borne unto He, and sacrificed them...to be devoured.... You have slain My children, and handed them over, to permit them to go through the fire.... You gave the blood of your children [to idols].... I will give you blood-[shed], in fury and jealousy!" Ezekiel 16:3,20f,36-38**

8. F.A. Schaeffer & C.E.Koop: *Whatever Happened to the Human Race?*, Old Tappan N.J.: Revell, 1979, pp. 17-20.

9. P. Hammond: *The Abortion Holocaust* (in M. Cain's *Fight for Life*, Cape Town: Africa Christian Action, 1995, p. 33).

cf. Acts 7:19f.

1819. Yet, even before their exodus from Egypt, God had said to Israel as His ancient people: "When the Lord shall bring you into the land of the Canaanites, as He swore to you and to your fathers, and shall give it to you - you must set apart unto the Lord all who open the matrix.... These you shall redeem with a lamb.... All the firstborn of man among your children, you must redeem!" Exodus 13:11f.
1820. Ancient Israel's practice of not slaughtering but sparing babies and dedicating them to the lifelong service of Jehovah, was followed by the Christian Church as the New Testament Israel. Matthew 18:2-14; 19:13f; Mark 9:36; 10:13-16; Luke 18:15-17; Acts 16:14-34; Romans 2:28; 4:11-25; 11:25-32; First Corinthians 1:16; 7:14; 16:15; Galatians 3:16-29; 6:15f. Paganism in the Near East and Greece and Rome, was conquered by the Christian Church.
1821. Yet the prince of darkness and his empire would strike back. Since its comeback in the French Revolution of 1789, Paganism (as Humanism) has especially during the last two decades (1973-93f), challenged Christianity for the role of being the West's leading religion. So revolutionary legal changes have been enacted - especially as regards the rights of the unborn.

The road to *Roe v. Wade* (1973): the cheapening of human life also in the West

1822. Thus, one American State after the other had begun - and indeed very rapidly - to liberalize its own anti-abortion laws. Most governments of Western countries had also begun to abolish their own Christian-legal capital punishments and other severe penalties for abortion (and for other heinous crimes).¹⁰ In one word, the West had begun to return to the Pre-Christian and Pan-Pagan view that the father or the mother has a 'right' to demand an abortion regardless of the real interests of the unborn child.¹¹
1823. By 1972, almost 500 000 'legal' abortions were being performed in the U.S.A. every year. By 1973, the first known American attempt at *IVF* was thwarted - and the foetus killed. Then, in that same year, for the whole of the United States of America, the U.S. Supreme Court reached its epoch-making *Roe v. Wade* decision. That set aside the preponderant anti-abortion laws in all fifty states - through mere forensic fiat and deadly decree.

***Roe v. Wade*: the end of the right to life in the U.S. Constitution**

1824. In the 1973 historic case of *Roe v. Wade*, the dykes broke through the Christian *Constitution of the United States of America* - for humanism. For the U.S. Supreme Court then alleged that all women have a "constitutional right" to receive abortions. In a seven-to-two decision, the court declared all anti-abortion laws to be "unconstitutional" (*sic*).¹²
1825. This demonic decision is **contrary** to the *Declaration of Independence* of the United States of America. For that document regards the right to life of "all men" as "self-evident." Also the *U.S. Constitution* forbids any State "to deprive any person of life...without due process of law."¹³

^{10.} See H. Ellis: *Studies in the Psychology of Sex*, VI (1910), p. 605.

^{11.} Crawley: *Foeticide*, in *ERE* VI pp. 56f.

^{12.} P. Robinson: *Is Abortion Biblical?* (in *Christianity Applied*, Buena Park, Ca.: Applied Christianity, Nov. 1974, p. 9).

^{13.} 1868 Fourteenth Amendment (to the U.S. Constitution).

1826. This latter prohibition in the *U.S. Constitution* was - until the infamous *Roe v. Wade* decision in 1973 - **always** interpreted to include unborn persons too.¹⁴ As Rev. Professor Dr. Harold O.J. Brown of the World-famous Trinity Christian Theological Seminary in Illinois rightly states,¹⁵ *Roe v. Wade* has confronted us with the formal challenge of Paganism. Indeed, as also Dr. Kenneth Gentry insists in his 1982 work *The Christian Case Against Abortion*.¹⁶ "America is in the midst of a radical de-Christianization." The same, of course, is true also of the rest of the West.
1827. With the iniquitous *Roe v. Wade* decision, not just the Christian Bible but even the very words as well as the heart of the American Declaration of Independence itself was attacked. For that *Declaration* clearly states that "all men are created...with certain inalienable rights" - and "that among these rights are life" (alias the '**right to life**').¹⁷
1828. Yet what, if anything, did **that** matter to all of the humanists of America - or to the majority of the nine judges installed in her 1973 Supreme Court? For fully seven of those nine men then purported to banish all unborn Americans from any protection under the *U.S. Constitution* - and, in effect, also even from membership in the human race as such.

***Roe v. Wade*: the road to feminism's feticide (also of tiny little females)**

1829. So, if any particular date could be given as marking the end of the West's Christian Civilization and the beginning of Humanism's New Age -1973 might well be that date. The insidious principles of the so-called 'Enlightenment' preceding the French Revolution of 1789 had been advancing steadily against Christianity for some two centuries. Triune Christianity had declined. By 1973, the apostate trinity of humanism and socialism and feminism was ready to challenge the right to life itself of tiny human beings.
1830. That challenge occurred on January 22nd 1973. It was then that the U.S. Supreme Court reached its epoch-making decision in *Roe v. Wade*. Completely breaking with centuries of Common Law - and also with the commitment to preserve the life of "all people" (as well guaranteed in the American *Declaration of Independence*), and to protect every "person" (as required by the *U.S. Constitution*) - the Court now made the following abominable rulings:
1831. First, every woman in the United States has the automatic right to a federally-funded abortion during the first three months of her pregnancy. This means feministic feticide (also of tiny little females).
1832. Second, abortion is allowed even during the second three months or trimester. Here, the mother's Medico as the agent of the allwise state merely needs to pontificate that such an abortion is "healthy" for the mother.
1833. Third, the foetus is not necessarily protected even during the final trimester. This is so, because the word "health" (of the mother) can be and has been very broadly interpreted - even during the last three months of her pregnancy.
1834. Fortunately, the Bench was not unanimous. Well did Supreme Court Justice White disagree. In his dissenting judgement from the decision in *Roe v. Wade*, he rightly described the Court's decision as

¹⁴. See paras. 1835f.

¹⁵ H.O.J. Brown: Legal Aspects of the Right to Life (in ed. Ganz's op. cit. p. 123).

¹⁶ *Op. cit.*, p. 121.

¹⁷ Willke: *op. cit.* p. 94.

"an exercise of raw judicial power" - and as "improvident and extravagant."¹⁸

Interpretation of *Roe v. Wade* by jurisprudence Professor Dr. J.P. Witherspoon

1835. Dr. Joseph P. Witherspoon is Professor of Jurisprudence at the University of Texas School of Law. He referred to the above decision, in the 1974-75 Texas Tech Law Review. There, he ominously alleged:¹⁹ "In this 1973 decision, the Court...held that the unborn child is not a 'person' within the meaning and protection of the term 'person' utilized in the fourteenth amendment [of the U.S. Constitution] - so as to strip all unborn children of all constitutional protection for their lives, liberty, and property.... Thus, the failure of the Court in *Roe v. Wade* to have examined the actual purpose and intent of the legislature in framing the fourteenth amendment and the thirteenth amendment...was a failure to be faithful to the law or to respect the legislature which framed it.
1836. "Careful research of the history of these two amendments will demonstrate to any impartial investigator that the...actual purpose of their framers was to prevent any court" from denying protection to any person living in the United States. They were directed especially against "the Supreme Court of the United States" - because of its earlier performance in the *Dred Scott* case, where that Court questioned whether the U.S. Constitution in fact protected the 'citizenship' if not the 'personality' of negro slaves.
1837. These amendments to the *U.S. Constitution*, explains Witherspoon, were designed to prevent the U.S. courts "from ever again defining the word 'person' or 'persons' so as to exclude any class of human beings from the protection of the *Constitution* and the safe-guards it established for the fundamental rights of human beings." For 'persons' in the *U.S. Constitution* means all 'human beings' in America - "including slaves, peons, Indians, aliens, women, the poor, the aged, criminals, the mentally ill or retarded, and children - including the unborn from the time of their conception."

The increasing murder of babies: the homicidal results of *Roe v. Wade*

1838. The above-mentioned January 1973 U.S. Supreme Court decision had immediate effects. Whether intentionally or not, it unquestionably helped promoted not just feticide - but even postnatal infanticide.
1839. In 1979, the anti-abortionistic Drs. F.A. Schaeffer & C. E. Koop co-authored the book *Whatever Happened to the human Race?* Very influential, it appeared just before Koop became the Surgeon-General of the United States after nominated to that important office by U.S. President (Ronald Reagan).
1840. In their book, Drs. Schaeffer and Koop bemoaned²⁰ the fact that already in May 1973 Dr. James D. Watson (the Nobel Prize Laureate who had discovered the double helix of *DNA*) had granted a somewhat unfortunate interview to *Prism* magazine - then a publication of the famous American Medical Association. For *Time* had there and then reported Dr. Watson as having said: "If a child were not declared alive until three days after birth, then all parents could be allowed the choice only a few are given under the present system. The doctor could allow the child to die, if the parents so choose - and save a lot of misery and suffering. I believe this view is the only rational, compassionate attitude to have."

^{18.} *Ib.*, pp. 218-22.

¹⁹ Cited in Schaeffer's *How Should We Then Live?*, pp. 219 & 222.

^{20.} *Op. cit.*, p.73.

1841. Since 1973, even in America alone, **more** human beings have been butchered before they could be born - than the **total** number of people alleged to have been exterminated by the Nazis during the Second World War. The protest is deafening by its very silence - the stillness of the silent scream of aborted fetuses, and the cowardly silence of their adult older brothers. Meantime the adult humanists in the rest of the West, equally with hardly a whimper, follow their leaders in America.
1842. However, the wrath of the one true Triune God Jehovah-Jesus has been kindled.²¹ His Anti-Western tools are now being sharpened in the Orient - perhaps to inflict His sore displeasure against the unrepentant nations of Japheth, for having so willfully abandoned the tents of Shem.²²

Ex-socialist Muggeridge opposes abortion and human genetic engineering (1975)

1843. Rightly, then, did England's celebrated ex-socialist philosopher Malcolm Muggeridge assess the situation in his important 1975 article *What the Abortion Argument is About*. For there,²³ Muggeridge - previously himself not averse to abortion - now to the contrary magnificently insisted: "The abortion issue raises the question of the very destiny and purpose of life itself - of whether our human society is to be seen in Christian terms as a family with a loving Father Who is God - or [as] a factory-farm whose primary consideration must be the physical wellbeing of the livestock, and the material wellbeing of the collectivity." Very clearly, then, the issue is the socialists' communal collectivism - *versus* the Christians' Trinitarianism with its unity in diversity.
1844. Yet during that same year, at the Brookhaven National Laboratory, human cells and tobacco plant cells were (con)fused and grown in combination. Thrilled, Professor Dr. Paul Segal of the University of California Department of Microbiology predicted that the first human being would be cloned probably before the year 2000 A.D. Equally elated, also Hungarian biologists then reported they have successfully (con)fused and grown HeLa human cancer cells - with those of carrots.

The pro-abortionistic *Situation Ethics* of Dr. Joseph Fletcher (1976)

1845. Already by 1976, the renowned pioneer of *Situation Ethics* - Dr. Joseph Fletcher - had alarmingly stated that "the legalistic temper [by which he meant 'Biblical Ethics'] gives first place to 'right.' But the humanistic temper [by which Fletcher meant his own 'Situation Ethics'] puts 'needs' in the driver's seat." Thus Fletcher's *Ethical Aspects of Genetic Controls*.²⁴
1846. Fletcher then continues: "If human 'rights' conflict with human 'needs' - let needs prevail! If medical care can use genetic controls preventatively to protect people from disease or deformity or to ameliorate such things - then let so-called 'rights' to be born, step aside. If research with embryos and foetal tissue is needed to give us the means to cure and prevent the tragedies of 'unique genotypes,' even though it involves the sacrifice of some conceptuses - then let 'rights' take a back seat!"
1847. In the U.S. Right to Life's *News* of January 1977, the leading Black American social activist Jesse L. Jackson provocatively stated: "There are those who argue that the right to privacy is of higher order than the right to life.... That was the premise of slavery. You could not protest the existence or

21. Ps. 2: 1-12.

22. Gen. 9:27 & 10 1-5.

23. M. Muggeridge: *What the Abortion Argument is About* (in *Human Life Review* 1:3, 1975, p. 4).

24. J. Fletcher's *Ethical Aspects of Genetic Controls* (in ed. T.A. Shannon's *Bioethics*, New York: Paulist Press, 1976, p. 338).

treatment of slaves on the plantation, because that was private and therefore outside your right to be concerned.... The *Constitution* [Article I Section 2] called us [black slaves] 'three-fifths human.' And the whites further dehumanized us by calling us 'niggers.' It was part of the dehumanizing process....

1848. "These advocates [of] taking life prior to birth, do not call it killing or murder. They call it 'abortion.' They further never talk about aborting a **baby** - because that would imply something **human**.... 'Foetus' sounds less than human. And therefore [aborting a fetus] can be justified.
1849. "What happens to the mind of a person, and the moral fabric of a nation, that accepts the aborting of the life of a baby without a pang of conscience? What kind of a person and what kind of a society will we have twenty years hence - if life can be taken so casually? It is that question - the question of our attitude, our value system, and our mindset with regard to the nature and worth of life itself - that is the central question confronting mankind. Failure to answer that question affirmatively, may leave us with a hell - right here on Earth."²⁵

The abortive Dr. Crick *versus* the anti-abortionist Dr. Nathanson (1978f)

1850. It will be recalled that Nobel Laureate Dr. Francis Crick seemed to deify impersonal nature itself (by spelling the very word 'nature' with a capital 'N') even as early as 1968. Indeed, by 1971 he was arguing that only approved people should be permitted to bear children (and a very limited number of children at that).²⁶ Later, in January 1978, Crick was quoted in the Pacific News Service as saying that "no newborn infant should be declared human, until it has passed certain tests regarding its genetic endowment... If it fails these tests, it forfeits the right to live."²⁷
1851. In that same year, 1978, England produced the World's first human test-tube baby. Fortunately, Dr. B. Nathanson - an atheist and former leading U.S. abortionist - by the common grace of God then experienced a considerable change of heart. In 1979, he then wrote his anti-abortion book *Aborting America*.²⁸ There, he assured his readers that pro-abortionists falsify statistics in order to confuse the public.²⁹ On the other hand, in the very same year the famous Dr. Landrum B. Shettles successfully engineered a human nucleus derived from a human spermatological cell.

Dr. Hartshorn's Concerning Abortion: An Attempt at a Rational View (1981)

1852. The Presbyterian Theologian Rev. Dr. Francis Schaeffer, in his 1981 book *A Christian Manifesto*, gives³⁰ an alarming quotation by one of the leading "nonreligious humanists" (in one of the leading theologically-liberal 'Christian' magazines). Schaeffer refers to "the article by Charles Hartshorn in the January 21st 1981 issue of *The Christian Century* (pages 42-45)." Its title is *Concerning Abortion: An Attempt at a Rational View*.
1853. Hartshorn's article, explains Schaeffer, "begins by equating the fact that the human foetus is alive - with the fact that mosquitoes and bacteria are also alive. That is, he begins by assuming that human life is not unique. He then continues by saying that even **after** the baby is **born**, it is not fully human -

²⁵ Cited in Schaeffer & Koop: *op. cit.*, p. 209 n. 13.

²⁶ See paras. 1810f.

²⁷ Cited in Schaeffer & Koop: *op. cit.*, p. 73.

²⁸ B. Nathanson: *Aborting America*, New York: Doubleday, 1979.

²⁹ Thus Bishop John Kelly, in *The Value of Human Life* (in *The Leader* of Sept. 12th 1982 p. 21).

³⁰ F.A. Schaeffer: *A Christian Manifesto*, Westchester, Ill.: Crossway, 1981, pp. 21f (citing C. Hartshorn's 1981 art. *Concerning Abortion: An Attempt at a Rational View*, in *The Christian Century* of Jan. 21st 1981, p. 42-45).

until its social relations develop."

1854. Not unexpectedly, Hartshorn concludes: "I have little sympathy with the idea that infanticide is just another form of murder. Persons who are already functionally persons in the full sense" - by which Dr. Hartshorn apparently means adult human beings - "have more important rights even than infants.... Does this distinction apply to the killing of a hopelessly senile person, or one in a permanent coma? For me, it does!"

Dr. Schaeffer's vigorously anti-abortionistic *Christian Manifesto* (1981)

1855. In his 1981 book *A Christian Manifesto*, Schaeffer also rightly remarks that "the issue of abortion" is "a current issue that is crucial for the future of the Church.... What is involved, is the whole issue of the value of human life. A recent report indicates that for every three live births, one child is aborted...."
1856. "In order to operate, many hospitals and abortion clinics receive tax money in some form - at least from individual States. Our Representatives [in Congress] must be confronted with political force (if they will not do so out of principle) into introducing legislation cutting off such funds. If this fails, then lawsuits should be initiated to stop such funds from flowing to such institutions."
1857. "Simultaneously with these steps, some Christians have picketed. I greatly admired Dr. William S. Barker, President of Covenant Theological Seminary in St. Louis, when he supported Seminary Students who had been arrested for picketing an abortion clinic." Thus Dr. Schaeffer.³¹
1858. Yet already - humanly speaking - it was too late. For in the same year, 1981, the secularized Australia started to lead the World in prenatal technology. The World's first test-tube twins were born in Melbourne.
1859. Shortly thereafter, in Sydney, an Australian lesbian gives birth to a baby. That lesbian had conceived, after she had inseminated herself with a 'semen cocktail' which she had mixed from sperms masturbated by four of her male friends.
1860. The next year, 1982, matters did not improve. For then the Melburnians Drs. Walters and Singer insisted at the very end of their (pro-IVF) book *Test-Tube Babies*: "The embryo does not count as a person.... There is no objection to experimenting on it without consent."
1861. Indeed, on television, Britain's Dr. Snowdon soon accused certain Australian doctors of buying British embryos for the purpose of experimentation. Undeterred, however, Melbourne's Queen Victoria Medical Centre Ethics Committee proceeded to give its approval to anonymous embryo adoption.
1862. Rightly did New Zealand's Dr. Peter Strang resign from his job as an Abortion-Certifying Consultant in 1982. For by then, he could no longer believe that all of "the decision making lies within the bounds of the medical profession...to be high priests" - viz. "to say its okay not to be responsible for what we do."³²

Epoch-making prenatal breakthroughs in the year before '1984'

1863. The year 1983 was studded with many important prenatal events. In Melbourne, after 13 previously-

³¹ *A Chr. Manif.*, pp. 118f.

³² New Zealand Challenge, Oct. 1982.

failed attempts, the World ' s first frozen test-tube human embryo was thawed out - and successfully implanted within a woman's uterus. Soon thereafter, and again in Melbourne, the World's first human embryo from a donated sperm and a donated egg was implanted with success. In England, however, the World's first (unexpected) Coloured baby was born to a White woman - angering the White couple which had requested an *in vitro* fertilization from donor sperm (alias an *IVF* by *AID*).

1864. Later that year, the High Court of Germany ruled that a nine-month foetus is not a person. However, also in 1983, the Public Questions Committee of the Presbyterian Church of Queensland agreed that "any unlawful human attempt to abort, is murder in the sight of God - wherever such attempt results in the death of a fertilized human ovum. Exodus 20:13 *cf.* Matthew 2:16-20."
1865. After the World's first ongoing pregnancy from a frozen embryo was engineered in Melbourne, the 1983 General Assembly of the Presbyterian Church of Queensland condemned: artificial insemination from donor; complete human ectogenesis; surrogate motherhood; cloning; and abortion. Regarding the latter, it affirmed that "abortion is always unacceptable except where at least two competent medical authorities (other than the one under consideration to perform the abortion)" deem the termination of the pregnancy "essential to protect the life of a mother or of her prenatal child (or children), when threatened with immediate death. Numbers 35:30; Deuteronomy 19:15-21; Hebrews 10:28ff....In such a case, everything medically possible [should] also be done to try to ensure the continuation of the lives of all that are thus being threatened."
1866. Several weeks later, the Presbyterian Church of New South Wales requested the state to limit *IVF* to married couples alone - and indeed also by only-one-embryo-at-a-time. It also urged legislation forbidding [human] cloning, genetic engineering, surrogate motherhood, human/ animal hybrids, and embryo-freezing.
1867. Yet the prenatal human experimentation still continued apace. In Adelaide, the World's first test-tube triplets were born. In Canberra, the National Health and Medical Research Council said it is quite in order to experiment on dying human foetuses not yet dead. And also in Melbourne, the Victorian Government gave the go-ahead for all forms of *IVF*, despite much opposition. Further, it allowed *IVF*-babies from donated sperms and eggs to be implanted even into unmarried alien women - and to become their "legal" children.

Orwell's 1984 : prenatal human engineering and Huxley's *Brave New World*

1868. In 1984, the Presbyterian U.S. President Ronald Reagan – ably supported by his fellow-Presbyterian and Christian Surgeon-General Dr. Koop - stated: " How can we survive as a free nation when some decide that others are not fit to live and should be done away with? ... We've permitted the death of fifteen million helpless innocents since the Roe *versus* Wade decision.... Doctors confirm that when the lives of the unborn are snuffed out, they often feel pain."
1869. Yet Gamete Intra-Fallopian Transfer (alias *GIFT*) now proceeded to be used on humans for the first time ever - and often producing deformed or retarded babies. In Britain, the Immunologist Dr. David White speculated on the possibility of hybridizing men with monkeys - and crossing humans with fishes. In Melbourne, the World's first test-tube quadruplets were born - and also the first human transplant (resulting in the World's first baby born to a mother from an embryo formed by her husband's sperm and a donor's egg.
1870. In Sydney, test-tube twins were born to a previously-sterilized woman. In Melbourne, when the World's

first frozen-embryo baby girl was born, the State Premier remarked: "The *Brave New World* is now upon us!" Then, in Adelaide, the South Australian Government approved of the freezing of human embryos - for purposes of their later birth up to ten years thereafter.

1871. In Melbourne, the *IVF*-expert Professor Carl Wood - referring to a report that a human female had been mated with a monkey in China and that "the resulting pregnancy had been aborted" - added that "theoretically an attempt at hybridization could be made." He also said that a survey of 25 test-tube babies showed they were more intelligent and superior in many ways to natural babies.
1872. In Brisbane, Veterinary Anatomy Professor Tim Glover said a world of genetically bred superathletes was on the way. But feminist Dr. Robyn Rowland resigned as the Director of Melbourne's Queen Victoria Infertility Clinic, saying: "The state is actively creating babies.... Some developments are morally reprehensible.... 95% of the new human beings created in the program die soon after fertilisation.... It was impossible to expect self-restraint from the experimenters."

The ever-increasing prenatal nightmare throughout the year 1984

1873. In Melbourne, *IVF*-scientists announced that transsexual 'ex-men' could achieve pregnancy - by having test-tube embryos transplanted into their abdomens. In the U.S.A., the World's first two egg-donated babies were born who had been "flushed-out" of one woman and then implanted into another. And in South Australia, the Minister of Health (Dr. Cornwall) said that all frozen human embryos stored in state hospitals would be destroyed if the domestic relationship of the "parents" was terminated through death or separation - and that all couples entering the program would be required to sign papers to this effect.
1874. In France, Mrs. Corinne Parpalaix, whose husband had died during 1983, successfully sued a French sperm bank the following year for custody of her deceased spouse's sperm so that she could then receive artificial insemination from the sperm of her dead husband. In the U.S.A., a man who had paid a married woman \$10 000 to bear him a child by *AID*, repudiated his offspring when the woman gave birth to a mentally-retarded baby. Then, in Germany, perhaps presaging its stocking up supplies of 'ideal' sperm with the chromosomes required for the 'Aryan' production of blue-eyed blondes - a clinic advertised that its donors include: "no fat men; no long ears; no hook noses."
1875. Dr. Nigel Cameron of the Rutherford Institute in Edinburgh then remarked in his book *Life and Work*: "Until not so long ago the idea that children, before they are born, could be made the subjects of laboratory experimentation...would have been associated with the horrors of medical science under the Nazis or with some dreadful science fiction scenario. It is now recommended by the Warnock Committee [in Britain]...that human embryos be used, up to a certain age, for scientific research...."
1876. "This is the reversal of centuries of Jewish and Christian thinking, and to many it is the beginning of the end of civilisation.... The direction of test-tube research is toward the development of an artificial womb. There is no technical reason why the embryo should not develop all the way to term, never having seen the inside of its mother.... If the unwanted unborn can be painlessly experimented to death for the good of science - there will come a time when the born as well as the unborn, the unloved handicapped infant, the aged and the infirm, anyone whom nobody wants...and maybe you and I among them - will be fodder for science and its experiments."
1877. What a prenatal human harvest George Orwell's 1984 had delivered! For in that one year alone, mankind noted: a warning against abortion by U.S. President Ronald Reagan; the first use on humans

of Gamete Intra-Fallopian Transfer; the birth of the World's first test-tube quadruplets; the birth of the first human **transplant** of an embryo formed from a husband's sperm and a donor's egg; test-tube twins born to a previously-sterilized woman; the birth of the World's first frozen-embryo baby girl; and the World's first governmental approval of the freezing of human embryos for purposes of their later birth up to ten years thereafter.

1878. Indeed, 1984 also witnessed: a report that a human female had been mated with a monkey in China and that "the resulting pregnancy had been aborted"; the birth of the World's first two egg-donated babies "flushed-out" of one woman and implanted into another; the World's first lawsuit by a wife to recover her deceased spouse's sperm from a clinic; a father's repudiation of his paternity of a mentally-retarded baby born to a married woman he had paid to be impregnated with his own seed; and the exclusion of non-Aryan material from a German sperm bank. Mercifully, 1985 saw only the first pregnancy from a previously-frozen thawed human egg.

1984: conservative doctors react against both abortion and IVF

1879. In October 1984, the World Federation of Doctors Who Respect Human Life - a conservative consortium of now above 350 000 Members in more than seventy countries - issued several statements. The latter clearly show the overlap between abortion and IVF and euthanasia. For *inter alia*, the Federation states "that human life is sacred from fertilisation to natural death - and that one may never end the life of a patient, no matter his/her age or illness."³³ In other words, even abortion could be claimed to be 'euthanasia'; and all forms of 'euthanasia' are in some sense 'abortive'.
1880. "In accordance with the *Declaration of Helsinki* (1975)," the Federation goes on, "we affirm that a human being may never be used as an object of experimentation or exploitation; and consider that extracorporeal fertilisation, which inevitably involves experimentation and deliberate selection in the youngest human beings, is therefore unacceptable.
1881. "Euthanasia, that is the act of commission or omission with the deliberate intention of ending the life of a patient, even at the patient's own request or at the request of close relatives [such as the parents of the mother of an abortable foetus], is unethical. This does not prevent the physician from respecting the desire of a patient to allow the natural process of death to follow its course in the terminal phase of sickness."
1882. Membership in that organization is open to all Doctors who sign a *Declaration*. That reads: "From the moment of fertilisation, that is, from the earliest moment of biological existence, the developing being is alive and entirely distinct from the mother who provides nourishment and protection.
1883. "From fertilisation to old age, it is the same living human being who grows, develops, matures and eventually dies. This particular human being with his or her characteristics is unique and therefore irreplaceable.
1884. "Just as medicine is at the service of life when it is failing, so too it should serve life from its beginning. It should have absolute respect for human life regardless of age, illness, disability or degree of dependence.
1885. "When confronted with tragic situations, it is the duty of the doctor to do everything possible to help

³³. P. Schepens (M.D.): *In Vitro Fertilization- A Wrong Way in Medicine?* (Miami: Human Life International Conference, April 1990, pp. 2f.

both the mother and her child. The deliberate killing of an unborn human to solve social, economic, or eugenic problems is directly contradictory to the role of the Doctor."

The nightmare of prenatal experiments on humans deepens during 1987

1886. During 1987, Victoria's Waller Committee unanimously approved the injecting of sperm under the shell of a human egg in the first 20 hours after its fertilisation. This experiment, however, would destroy that human life.
1887. In Sydney and at an international Conference on Health, Law and Ethics that same year - it was stated that a man in West Germany was already carrying twins in his abdomen - and that it is feasible for animals to carry implanted human babies. It was stated too that cow-eggs had been impregnated with human sperm - and terminated before getting beyond the two-cell stage.
1888. That 1987 Conference was addressed by the Australian Philosopher and Animal Liberationist Professor Dr. Peter Singer. He is a Director of the Centre for Human Bioethics at Monash University - and frequently argues for the lifting of many of the present restrictions against human embryo research.
1889. Speaking of the human embryo, Dr. Singer told the Conference:³⁴ "I believe, in terms of its rights or moral status, it doesn't even reach the level of the standard laboratory animal. It is more like a vegetated existence, a lettuce if you like."
1890. At that very same time, there were also many recent newspaper reports that a special chimpanzee in China was now about to deliver. Certainly that animal had earlier successfully been impregnated with human sperm. The remaining question was whether the resulting little chimaera would live till birth or not; and, if so, what its appearance would then be like.
1891. In Sweden, the ruling Social Democratic Government was then proposing to amend the Swedish Penal Code to legalize homosexual "marriages" and also the promotion of homosexuality through public education. And in South Africa, a young married woman had three of her eggs fertilized *in vitro* with her husband's sperm - and then implanted into her mother, who consequently later produced unidentical triplets from those eggs of her own daughter.
1892. It is arguable that the advance of modern medical technology, when accompanied as it often is by a relapse in medical ethics, results in more murders and less rescues of the unborn than ever before. Well does Dr. Philippe Schepens M.D., General Secretary of the World Federation of Doctors Who Respect Human Life, state in his booklet *The failure of Medicine at the Service of the Human Person and the Family*: "There are no medical indications anymore to perpetrate abortion.... What should one think of those Gynecologists who practise a systematic '**search and kill**' of unborn handicapped children? This is by amniocentesis and/or chorion villi sampling.... I accuse those Doctors of perpetrating the most subtle kind of RACISM. What they are really doing, is leading the way to chromosomal racism!"

The nightmare of prenatal experiments on humans continues in the 1990s

1893. In Britain, during 1991, a virgin conceived - through artificial insemination from a donor. The same year, in the U.S.A., a man deliberately impregnated his 43-year-old wife so as to be able to harvest

³⁴. C. Wieland (M.B., B.S.): *Of Lettuces and Cow-humans* (in *Creation Ex Nihilo*, 9:4, 1987, pp. 27-30).

rare bone marrow from the baby about two years later - for implantation into his 19-year-old and life-threatened other daughter. *Time* stated this calls up brutal images of baby-farming - cannibalizing for spare parts.

1894. During 1993, in Rome, a 59-year-old woman produced twins – after receiving *IVF*. Also in Italy, the Black wife of a White British husband gave birth to a White baby - from the donor egg of a White woman. In the U.S.A., the NIH *Revitalization Act* was enacted by order of President Clinton. It also opened the door to various forms of experimentation upon human foetuses. Then, within months, a George Washington University Team multiplied seventeen human embryos into forty-eight clones which then grew for six full days - even while the Hawaii Supreme Court ruled in *Baehr v. Lewin* that the state ban against same-sex marriages violated the State Constitution.
1895. The same year, the revised edition of Dr. Singer's work *Practical Ethics* appeared. There, he insisted:³⁵ "The life of a newborn baby is of less value than the life of a pig, a dog, or a chimpanzee.... We can see that the grounds for not killing persons do not apply to newborn infants.... My comparison of abortion and infanticide was prompted by the objection that the position I have taken on abortion also justifies infanticide. I have admitted this charge.... Neither the early not the late foetus has a full right to life, and neither does the newborn infant. This right, I would suggest, emerges gradually during the first few months after birth."
1896. In his other book *Rethinking Life and Death*, Singer has elaborated:³⁶ "After ruling our thoughts and our decisions about life and death for nearly two thousand years, the traditional Western ethic has collapsed.... Perhaps it is now possible to think about these issues without assuming the Christian moral framework which has, for so long, prevented any fundamental reassessment.... We have an historic chance to shape something better, an ethic that does not need to be propped up by transparent fictions no-one can really believe.... Human babies are not born self-aware or capable of grasping that they exist over time. They are not persons. Hence their lives would seem to be no more worthy of protection than the life of a foetus."
1897. In 1994, President Clinton signed legislation to allow testing on the abortion pill RU486 even before it became available in the U.S.A. It had been formulated by the French-based company Roussel Uclaf - which had recommended that cardiovascular monitoring equipment, emergency resuscitation medication and emergency theatre facilities be available when the drug is used.
1898. The Chairman of Roussel Uclaf himself admitted that his "RU486 is not at all easy to use.... A woman who wants to end her pregnancy, has to 'live' with her abortion for at least a week using this technique. It is an appalling psychological ordeal. We have only developed an alternative method of abortion, nothing more."³⁷
1899. Twelve years after Mr. George Howcraft had deposited some of his semen in a sperm-bank and then had a vasectomy in England, he emigrated to Australia - taking his more-than-a-decade-old sperm with him. There from, his daughter Jessica was born subsequently to his second wife - by *IVF*, at a Gold Coast Hospital, during 1994.

³⁵. Cambridge, England: C.U.P., 1993 ed., as cited in van Gend's *op. cit.*, pp. 7f (see next n.).

³⁶. Singer: P.: *Rethinking Life and Death*, as cited in Dr. D. van Gend's *On the 'Sanctity of Human Life'* (in *Primum Non Nocere*, Camp Hill Qld: Qld Branch of World Federation of Doctors Who Respect Human Life, Sept. 1995, p.7).

³⁷. *Guardian Weekly*, 19th Aug. 1990 (as cited in G. Grant's *The Quick and the Dead*, Wheaton: Crossway, 1991).

1900. In the same year, the British Medical Association even publicly endorsed the transplant of ovaries from dead women - to enable infertile living women to become pregnant. Thereafter, English Doctors decided to implant a Black mother with a White woman's egg in order to ensure that she conceived a baby of mixed race.

1994 General Assembly, of Presbyterian Church of Australia on tiny human life

1901. Also in 1994, the General Assembly of the Presbyterian Church of Australia received its Church and Nation Committee's *Report*. This states "that Jesus was 'conceived by the Holy Spirit; born of the Virgin Mary; suffered under Pontius Pilate; was crucified, dead and buried; [and]...rose from the dead'.... Throughout these events, Jesus was and is the very same Jesus Who was conceived in the womb of His virgin mother.... To abort an embryo would be viewed in the same light as killing a child or an adult, and would be tantamount to murder."
1902. The General Assembly of the Presbyterian Church of Australia then resolved: "Abortion is always unacceptable except when at least two competent medical authorities (other than the person under consideration to perform the operation) deem the abortion essential to protect the life of the mother when that is threatened with immediate death should the pregnancy continue.... If and when the rare contingency noted in the previous clause arises, everything medically possible should be done to seek the continuation of the lives in danger.... Marriage is the union before God, and at law, of a heterosexual couple. The family ought not to be redefined so as to permit homosexual marriage or to permit homosexual couples to adopt or foster children."

1994 Monash Conference on the Termination of Pregnancy

1903. Also during 1994, Dr. Peter Singer of Monash University's Centre for Human Bioethics convened a Conference on Ethical Issues in Prenatal Diagnoses and the Termination of Pregnancy. There, on the 31st August, Dr. David Grundmann (the Medical Director of Planned Parenthood of Australia) stated³⁸ in Victoria: "In the 20 years since *Roe v. Wade*, medical science has made such tremendous advances that the boundaries of reproductive technology have been pushed beyond all known limits...."
1904. It is my belief that abortion is an integral part of family planning.... Theoretically this means abortion at any stage of gestation.... I have been an abortion provider for 18 years and I have always been an advocate for women's rights to choose abortion on request. So I approach this topic from a particularly biased pro-choice point of view. This exciting topic presents a number of interesting challenges....
1905. "Dilatation and extraction...is my method of choice. It is achieved by serial dilatation using a combination of mechanical dilatation and passive osmotic dilators.... The principle...is to extract an intact foetus whose soft tissues protect the cervical canal. The pelvis is the most incompressible part of the foetus. Cranial decompression then allows the delivery of the foetus with ease either by breech or vertex extraction...."
1906. "As we approach the 21st century in a World beset with overpopulation famine and ecological disasters - it makes no sense to take the right to make decisions about fertility, contraception or abortion away from...the women and to place this right in the hands of mostly male-dominated

³⁸. Dr. David Grundmann: *Abortion After Twenty Weeks in Clinical Practice - Practical, Ethical and Legal Issues*, Melbourne: Monash University Conference on Prenatal Diagnosis and the Termination of Pregnancy, Aug. 1994, pp. 1f & 46-51).

legislative, judicial or religious bodies.... Abortion beyond twenty weeks is unavailable anywhere in Australia other than at my clinic in Brisbane.... We must allow women to make these difficult and important choices themselves, and we must be prepared to use all of our skills and abilities to help them with these choices."

1907. Dr. Peter Singer himself told the conference two hours later: "If we must have a point at which the developing human being has the same right to life as you or me, then...it is plausible to base this on the capacity of the being to want to go on living ~ and this needs at least a minimal awareness that one is a being existing over time, with a past and a future. On this basis, neither the early nor the late foetus has a full right to life – and neither does the newborn infant. This right, I would suggest, emerges gradually during the first few months after birth."
1908. Commenting on Singer's statement, Dr. David van Gend – Secretary of the Queensland Branch of the World Federation of Doctors who Respect Human Life - later pointed out:³⁹ "It takes a remarkable man to achieve such empathy with infants only a few months old, enabling him to discern the first humanising flicker of *joie de vivre* in their hitherto lifeless faces, and to know with a deep inexplicable knowing that they now want to go on living."
1909. In the main, Dr. van Gend is right. We ourselves would not call either a born or a prenatal baby "it"; yet we agree that he or she obviously desires to "go on living" (both prenatally and postnatally). We also agree with Dr. van Gend that Dr. Singer is certainly a very "remarkable man."

The 1994 American Southern Baptist Convention opposes Abortion

1910. The anti-abortionistic yet illegal shootings of Florida abortion clinic personnel in Pensacola during 1994 - shocked pro-abortionists and was an embarrassment to anti-abortionists. This vigilante-type action was condemned by many church groups, including the Christian Life Commission of the Southern Baptist Convention in the U.S.A. (the largest Protestant denomination in the whole World). Yet, even while briefly condemning the shootings, the Commission then went on at some length to formulate its own September 1994 statement of conscience. That proclaimed,⁴⁰ *inter alia*:
1911. "We reiterate our unshakable conviction that the life of each human being begins at conception, and we implore all Christians to oppose legalized abortion on demand.... This is the meaning of the divine prohibition of murder in the Ten Commandments.... In the Sermon on the Mount (Matthew 5:21f), Jesus affirmed the prohibition against murder.... Thus, we are compelled to consider elective abortion the killing of a human being....
1912. The Federal Government has wrongfully abdicated its responsibility to protect the innocent...[yet] it is morally forbidden for a private citizen to end a human life, except in the act of selfdefence. Only in cases when gestational life poses a serious threat to the physical life of the mother...does elective abortion clearly meet this selfdefence criterion....
1913. "A significant number of pro-life Christians are willing to grant the possibility that abortion in the cases of rape, incest, and/or radical foetal deformity - also ought to be included among those exceptions to the general prohibition of abortion that should be recognized by law. [However:] We disagree.... Truly,

³⁹. D. van Gend: *On the 'Sanctity of Human Life'* (in *Primum Non Nocere*, Camp Hill Qld: Queensland Branch of World Federation of Doctors who Respect Human Life, Sept. 1995, p. 7).

⁴⁰. Southern Baptist Convention's Christian Life Commission: *The Struggle Against Abortion - Why the Use of Lethal Force is Not Morally Justifiable*, September 1994 (in *Ethics & Medicine*, 11:2, 1995, pp. 26-32).

the blood of the murdered cries out from the ground. Genesis 4:10; Leviticus 18:28.... Each participant in this act of unjustifiable killing, including the Government of the United States (and ultimately 'we the people' who are the sovereign of this Government and have elected its officials), bears a share of the responsibility....

1914. "For 21 years since the 1973 *Roe v. Wade* and *Doe v. Bolton* [U.S.] Supreme Court decisions...over thirty million abortions have been performed in this country.... Christians, anguished at this state of affairs, are rightfully involved in the wide-ranging kinds of political engagement afforded us.... Such involvement includes voting, lobbying, campaigning for pro-life candidates, drafting legislation, writing letters to government officials, getting involved in political party platform drafting, running for office, initiating boycotts, and so on....
1915. "There is no doubt whatsoever that such activity is our right as citizens and our obligation as Christians.... The Bible teaches that [we] Christians are morally permitted, and sometimes even obligated, to violate a civil law that is in direct specific conflict with the Law of God. Cf. Exodus 1:16 to 2:10; Daniel 6; Acts 4:1-31; 5:12-42.... Such nonviolent civil disobedience should follow the failure of a range of other less radical forms of action.... Christians involved in civil disobedience related to abortion should expect to be prosecuted."
1916. However: "We strongly contend that killing abortion doctors is not a moral option for Christians.... The killing of an abortion doctor in actuality does not constitute a meaningful defence of unborn life.... It is the woman seeking an abortion who drives the process.... If we wish to save the lives of unborn children, we must influence the actions of women who are considering abortion.... Whatever right there may be to execute a criminal, is reserved exclusively to governing authorities - and is never the prerogative of a private citizen." Romans 13:1-7.

The epic struggle for and against tiny human life during 1995

1917. Early in 1995, the United Nations hosted several meetings of the Preparation Committee (for its September 1995 World Conference on Women in Red China). There the Lesbian Caucus was prominent, and the Gay and Lesbian Human Rights Commission declared: "We, the undersigned, call upon the Member States to recognize the right to determine one's sexual identity; the right to control one's own body, particularly in establishing intimate relationships; and the right to choose if, when, and with whom to bear or raise children - as fundamental components of all human rights of all women regardless of sexual orientation."
1918. After reports that human foetuses are the latest health food fad in China, in March 1995 Pope John Paul II said:⁴¹ "The contemporary scene is...alarming by reason of the proposals...to justify even *infanticide*, following the same arguments used to justify abortion.... We revert to a state of barbarism which one hoped had been left behind forever.... God alone is the Lord of life from its beginning until its end. No one can...claim for himself the right to destroy directly an innocent human being."
1919. In May 1995, the General Assembly of the Presbyterian Church of Queensland called⁴² for the "vigorous application of the...*Criminal Code* dealing with abortion, so that the lives of the unborn are better protected." It called upon "the Government of Queensland to reframe the laws relating to abortion in accordance with the position held by the Presbyterian Church" (set out in 1983 & 1990 against abortion, in 1991 against murder, and in 1992 against embryo experimentation).

^{41.} John Paul II: *The Gospel of Life*, Homebush NSW: Society of St. Paul, April 1995, pp. 30 & 100f.

^{42.} Minutes of the Presbyterian Church of Queensland, 1995, min. 73.21.

1920. Then, in Holland, it was conceded that what had been regarded as unidentical twin baby boys - were in fact 'half-twins' (one White and one Coloured), born by *IVF* simultaneously to the same married White couple. Too, in Thailand, a photograph of a male orangutan(g) holding hands with two Thai women on either side of him appeared in a Lismore NSW newspaper. Beneath the photograph, the Australian report declared: "Mike, a nine-year-old orangutan, is escorted by two traditionally-clad Thai women...after an announcement that he would wed Sue-Sue of Taiwan in a December ceremony" during 1995.
1921. In August 1995, Norma McCorvey, the formerly-abortionistic "Jane Roe" of the 1973 "John Doe/Jane Roe" (*Roe v. Wade & Doe v. Bolton*) American Supreme Court decisions granting women the right to abort their babies – who had shed her "Jane Doe" anonymity and then gone public as an abortion activist in 1980 - renounced abortion. Quitting her job at a Dallas abortion clinic in August 1995, she now professed to have become a Christian. Submitting to the ordinance of baptism, she said: "Abortion is wrong.... What I did was wrong.... [Now,] I just had to take a prolife position."⁴³
1922. The National Abortion and Reproductive Rights Action League Head '(Kate Michelman) had been a colleague of the previously-abortionistic Norma McCorvey. Henceforth her opposite number, Michelman now responded: "The real threat we face is not Norma McCorvey defining her different position but the radical right that now controls Congress and wants to make abortion illegal."
1923. Sadly, in Red China alone at least half a million healthy human female foetuses and infants are slaughtered yearly just because of their gender - usually after detecting it prenatally, by chorionic villi sampling or by ultrasound.⁴⁴ Yet in September 1995, the United Nations World Conference on Women met in Red China - the land of one-child-per-family, of forced abortions, and of cannibalizing upon human foetuses. Many delegates at that Conference feministically favoured women's alleged "rights" to abort and to regulate their own [homo- or hetero-]sexuality, and demonstrated a callous disregard of both paternity and masculinity. The Conference then had the gall to issue a document calling for an end to what it called "religious extremism."
1924. In the same timeframe, also the New Jersey Trial Court dutifully cracked down on precisely such "religious extremism" - ruling in *Presbytery of Orthodox Presbyterian Church v. Florio* that the state has a "compelling state interest" in prohibiting anyone (including transients) from condemning homosexuality even from pulpits. This present author himself then publically objected to the mass manufacture and kidnapping and marketing of *IVF*-embryos in the United States of America - for airmail and transfer into their non-mothers overseas, even without the knowledge of their true parents.⁴⁵

Conclusion: after '1984' no "new morality" but the old immorality !

1925. Conclusion. The ungodly and indeed also inhumane principles of the antichristian French Revolution finally came into their own during the twentieth century. This was seen especially in Communist Russia's Union of Soviet **Socialist** Republics (which legalized abortion in 1925) - and also in its

^{43.} *Courier-Mail*, Aug. 12th 1995.

^{44.} Thus: *Human Rights*, as reported in *Time*, September 15th 1995.

^{45.} The objection, in a letter dated 28th Nov. 1995, was published in the Jan.-Feb. 1996 ed. of *Australian Presbyterian Living Today* - following the revelations on the Phil Donahue Show as telecast in Brisbane on 27th Nov. 1995. See paras. 3279-82.

fellow-socialistally,⁴⁶ **National-Socialist** Nazi Germany (which legalized abortion in 1931, and later started its 'racial eugenics' Programme of human genetic engineering).

1926. After the expansion of revolutionary socialism into Europe and of evolutionary socialism in the West since the Second World War till 1984 - Orwell's *Animal Farm* and Huxley's *Brave New World* drew steadily closer. Thus the 1967 British *Abortion Act* largely 'decriminalized' the murder of defenceless unborn human beings. Indeed, even Nobel Prize-winner Dr. Francis Crick said he wanted "some group" to decide who should be allowed to be born.
1927. In *Roe v. Wade*, the 1973 U.S. Supreme Court declared every U.S. woman has a 'constitutional right' to have a federally-funded abortion during her first three months of pregnancy. In the same year, *DNA* Nobel Prizewinner Dr. James D. Watson urged parents be given three days after the birth of their child to decide whether he/she should live - or be allowed to die.
1928. In 1975 Dr. Fletcher approved "the sacrifice of some conceptuses" - in the interests of experiments on embryos which could benefit the human race as a whole. In 1978, Dr. Crick suggested that "no newborn infant should be declared human" without first passing "certain tests" - failing which he or she "forfeits the right to live." In 1978, the World's first test-tube baby was produced. In 1979, the famous ex-abortionist Dr. B. Nathanson accused pro-abortionists of falsifying statistics - in order to confuse the public. And in 1981, the leading nonreligious humanist Charles Hartshorn seriously compared living human foetuses - with mosquitoes and bacteria.
1929. But in the Orwellian year 1984, He Who rules from Heaven laughed. Derisively, He keeps on laughing - as He beholds man's subsequent: test-tube quadruplications; donor egg babies; embryo-implanted grandmothers; births from sterilized women; frozen embryo gestations; rent-a-womb births; attempts to hybridize men with monkeys; embryo flushing; and a whole variety of ongoing experiments (including even noncoital births by lesbians, attempted male pregnancies, *GIFT*, insemination of women with semen from dead men, *AID* virgin-births, production of White babies from Black women and *vice-versa*, human cloning, impregnation of ova from dead women and even from aborted female babies, and eating or salvaging trashed human embryos for their spare parts).
1930. God patiently keeps on beholding the ungodly with derision - until He at length speaks in His wrath, and vexes them in His displeasure. Psalm 2:4-7. Yet God also smiles, and did so on Norma McCorvey. She was formerly an abortion activist - the notorious "Jane Roe" in the infamous 1973 case of *Roe v. Wade*. But in 1995, she quit working at an abortion clinic in Dallas - after now becoming an anti-abortionistic born-again Christian.

⁴⁶. Long before the Soviet-Nazi pact which resulting in their rapacious joint attack on Poland in 1939, the Nazi Propaganda Chief Dr. Joseph Goebbels wrote on 25th Oct. 1925 that 'it would be better to us [Nazis] to end our existence under Bolshevism than to endure slavery under capitalism.' Indeed, on 31st Jan. 1926 he wrote in his diary: 'Where can we get together sometime with the leading Communists?' He then published an open letter to a communist leader assuring him that Nazism and Communism were really the same thing. 'You and I,' he declared, 'are not really enemies.' See W.L. Shirer's documentation in his great book *The Rise and Fall of the Third Reich*, London, 1980, p. 126.

R. MAY HUMAN PREGNANCIES EVER JUSTIFIABLY BE TERMINATED?

"You shall not murder.... He who smites father or mother shall surely be put to death.... If you come across a bird's nest on the road, in a tree, or on the ground - if there are young ones or eggs and the mother bird is sitting upon the young or the eggs - you may not take the mother bird together with the young! But you shall always let the mother go free if you yourself take the young." - Exodus 21:15 and Deuteronomy 5:17 & 22:6f.

1931. According to the *Encyclopaedia Judaica*,¹ in 1942 the Nazis decreed that every pregnant Jewess in Kovno should be killed together with her fetus. The ghetto rabbi, Ephraim Oshry, then decided that abortions were then to be permitted - in order to save the pregnant women themselves from the consequences of that decree.
1932. While much sympathizing with the rabbi's plight in the above story, we strongly disagree with this reasoning. After all, not the babies but the Nazis were threatening the mothers' lives. So an attack against the Nazis by those adult Jews and Jewesses would have made far more sense than an attack by those Jews against their own defenseless prenatal Jews and Jewesses.
1933. Again, it was not certain that the Nazis would in fact carry out the announced decree. Indeed, they would not need to, once the pregnant Jewesses themselves had heeded their own misguided rabbi.
1934. Even if the Nazis had gone ahead and killed the fetuses and/or the pregnant women, the mothers would still have been spared the remorse of having done it themselves. For then, the Nazis could have accused aborting Jewesses (and probably did) of callously killing their own babies.

Duty to save the threatened lives of both pregnant mothers and unborn babies

1935. In every painful dilemma such as the above, every effort must be made to save not just the life of the mother but also that of her unborn baby. Indeed, every true mother would certainly want to see her own child saved - often even to her own personal disadvantage.² Sometimes, indeed, a mother would gladly die herself - if in so doing, that would probably guarantee the preservation of the life of her own offspring.³
1936. Yet she also has the duty of preserving her own life, too. This is: for her own sake; for the sake of her husband; for the sake of her other kinfolk - but above all, for Christ's sake and for the sake of God's Word which prohibits the unlawful taking away of human life. See: Exodus 20:12f; Matthew 22:39; Acts 16:27-34; Ephesians 5:22-24; First Thessalonians 5:21-23; First John 5:21.
1937. The attempts to give due emphasis to **all** of the above important considerations - in a complex fallen World where terrible dilemmas sometimes do confront us - may very occasionally present us with some very difficult problems. Accordingly, a survey of the history of the interpretation of the relevant material in the Bible - will provide a very helpful perspective.

¹ *Enc. Jud.*, II p. 100.

² See: Gen. 21:14-19; I Kgs. 3:26f; Isa. 49:15; Jer. 31:15-20.

³ See: Ex. 21:20-25; 23:19; 32:31f; 34:26; Lev. 22:24f; Dt. 14:21; 22:6; Jh. 15:13; Rom. 5:7f; Eph. 5:25,31; 6:1-4; II Jh. 1,13.

Samaritan Targum gives death for abortion and Zohar says aborter "desecrates"

1938. During the (Pre-Christian and Early Post-Christian) Talmudic period of Judaism - that is, contemporaneously with the Early Christian Church - all artificial terminations of human pregnancies were prohibited,⁴ except where the mother's own life was in jeopardy. This is seen especially in the *Samaritan Targum*, which requires the death penalty for abortion.
1939. It is reflected also in the 2nd-century-B.C. *Zohar* - a commentary on the Pentateuch. The *Zohar* calls abortions "abominations." It also states that "the Spirit of Holiness weeps" whenever "the fetus" during pregnancy is "destroyed in the womb"⁵ - and that "a person who kills the fetus in his wife's womb, desecrates that which was built by the Holy One and His [Own] craftsmanship."⁶

Philo: once the fetal limbs have their proper qualities, an abortion is murder

1940. Philo the Alexandrian Jew (B.C. 30 to A.D. 50), in his treatise *On the Cherubs* (12-15), required "life for life" from anyone aborting a formed fetus. In his work *The Special Laws* (III:108f), he discussed Exodus 21:22f.
1941. In that regard, he explained: "If a man comes to blows with a pregnant woman and strikes her...and she miscarries...; if the offspring is already shaped and all the limbs have their proper qualities and places in the system - then **he must die** (*thneesketo*). For that living entity (*zooion*) which answers to this description, is a human being which he has destroyed."

The *Mishnah*: abortion is forbidden but mother's life more valuable than baby's

1942. The *Mishnah* claims to have been delivered orally to Moses by God at the same time He gave His written Law (including Exodus 21:22-25) on Mount Sinai.⁷ The *Mishnah* itself was reduced to writing during the early centuries of the Christian Era, and is to some extent a valuable comment at least on the Early Post-Christian Judaistic interpretation of many passages in the Older Testament. The *Mishnah* frowns upon abortion, and states:⁸
1943. "If a woman was in hard travail (*cf.* Genesis 35:17-19) - the child must be dismembered while it is in the womb and brought out member by member (since the life of the mother has **priority** over the life of the child). But, if the greater part of it was already born - it may not be touched (since the claim of one life cannot override the claims of another life)."
1944. This implies that the *Mishnah* considered the life of a mortally-endangered pregnant mother to be even more important than that of her also mortally-endangered unborn baby. However, if the greater part of that baby had come forth from the mother - no part of the baby may be dismembered even to save the mother's own life. Either way - whether to be dismembered or whether to become born in his or her entirety - there is no question that the human fetus is already fully human.

4. *Enc. Jud.*, II p. 99.

5. *Ib.*, p. 221.

6. *Zohar*, 3b (ex ed. Warsaw).

7. *Aboth*, 1:1f (in Danby's *Mishna*, London: Oxford Univ. Press, rep. 1958, p. xvii).

8. *Ib.*, p. 660 (*Mishna Oholoth* 7:6).

1945. The above is implicitly yet clearly recognized also by Rabbi Solomon Ganfried. He states⁹ in his *Code of Jewish Law*: "If a woman has suffered a miscarriage...even if it had no shape of a child...she must consider herself unclean - as [too] after the birth" of a full-term baby.

Flavius Josephus: deliberate abortion is murder and treason *versus* the family

1946. The great Jewish Historian Josephus (A.D. 37-104) boldly held:¹⁰ "The Law has...prohibited women from aborting or destroying seed. A woman who does so, shall be judged a murderess of children. For she has caused a soul [or life] to be lost and the family of a man to be diminished."
1947. According to subsequent Judaism, even having sexual intercourse with one's wife - when likely to harm the fetus in her womb - could amount to being a shedder of blood.¹¹ This clearly shows that to Early Rabbinic Judaism the life of the unborn baby was regarded as being more important than the exercise of conjugal rights by his or her parents during the pregnancy.

Mediaeval Judaism: abortion only to save the life of a dying mother

1948. The 1050 A.D. Rashi taught in the work *Sanhedrin* that a fetus endangering the mother's life "may be killed and the mother saved."¹² Also the A.D. 1249-1306 Meiri said that "the mother may regard the fetus as pursuing her"; and thus in such a case view him or her as an assailant.¹³ See paragraph 2181. For "if we do not [thereafter] absolve those who have acted inadvertently [so as to save the mother's life] - they will [next time] refrain from carrying out the abortion, and from saving the mother."¹⁴
1949. During the 13th century, Maimonides permitted the artificial termination of human pregnancy only where the **life** of the mother was endangered by her fetus "because it is pursuing her."¹⁵ Yet permission to "abort the fetus...should not be facilitated [in order] to save from **illness**" - and especially not as regards a sickness of the mother "deriving from an inflammation not connected with the pregnancy."¹⁶
1950. Understandably, then, as Rabbi Dr. Israel Porush of Sydney has stated: "Abortion is acceptable only on the ground that continued pregnancy would seriously [*i.e.* gravely] endanger the mother's life. The destruction of an unborn child is a grave offence." See Duffy's *Politics of Abortion*.¹⁷
1951. Abortion was so viewed by Non-Christian and Post-Christian Orthodox Judaism, as distinct from the true religion of Ancient Israel. We now look at the approach maintained by God's Israel - Non-Judaistic Christianity, as the one and only true successor to the Older Testament people of God.

⁹. S. Ganfried: *Code of Jewish Law*, New York: Hebrew Publishing Co., 1961, p. 33, ch. 158:3.

¹⁰ F. Josephus: *Against Apion*, 2:202. See too paras. 230 above.

¹¹. Yebamoth 62b; Niddah 13a & 31a; Havvath Ya'ir No. 31; She'alat Yavez 1:43; Mishpatei Uziel 3:46.

¹². *Sanhedrin* 72b (in *Enc. Jud.* II p. 101).

¹³. *Enc. Jud.*, II p. 100.

¹⁴ *Tashbez*, pt. 3, n. 82; Minhath Bikkurim, Tosefath Gittim 4:7.

¹⁵. *Shulchan Aruch H.M.* 425:2; *Enc. Jud.* p. 100.

¹⁶. *Rah* ad *Yitzchak*, under *N^efalim*.

¹⁷. P. Duffy: *Politics of Abortion*, 1971, p. 79.

Tertullian: remove an unborn infant which is killing the mother

1952. Around 200 A.D., the great anti-abortionistic Early-Christian Theologian Tertullian gave a magnificent account anent the commencement of tiny human life. See paragraphs 21f & 253f.
1953. He also gave an evaluation of the abortion techniques practised by the physicians of the Ancient Classical World - in their endeavours to alleviate serious situations threatening the lives either of pregnant women or of their unborn infants (or of both). Thus, Tertullian observed:¹⁸
1954. "Sometimes, by a cruel **necessity**, whilst yet in the womb, an infant is put to death. When lying awry in the orifice of the womb, he impedes parturition and kills his mother - before dying himself.
1955. "Accordingly, among surgeon's tools, there is a certain instrument...furnished with an annular blade, by means of which the limbs [of the fetus] within the womb are dissected with anxious but unfaltering care - its last appendage being a blunted or covered hook with which the entire fetus is extracted by a violent delivery. There is also [another instrument in the shape of] a copper needle or spike, by which the actual death is managed.... Surgeons [even from antiquity onwards] give it, from its infanticidal function, the name of *embryo-sphaktees*, 'the slayer of the infant'" (which was, of course, **alive**).
1956. "Such apparatus was possessed by both Hippocrates and Asclepiades - and by Erasistratus and Herophilus (that dissector of even adults), and by the milder Soranus himself. These all knew well enough that a **living** being had been **conceived**. And they all pitied this most **luckless infant which first had to be put to death** - in order to escape being tortured alive. Of the **necessity** of such harsh treatment, I have no doubt even [Dr.] Hicesius was convinced."
1957. There is some evidence that Tertullian was here reflecting the understanding not only of the Early Church and of many Medicos of good will. There is further evidence that also the later Patristic Church shared this perspective. For there is some clear evidence that, after Tertullian, also the Scholar Priscianus¹⁹ - at the end of the third century - recommended the termination of a pregnancy when and where the mother's life was threatened thereby.

Did Thomas Aquinas refuse abortions to dying pregnant mothers?

1958. It is widely assumed even today that Thomas Aquinas, the great late-mediaeval anti-abortionist, would rather let a pregnant woman die - than advocate the termination of her pregnancy. However, study of various statements made by Thomas rather indicate that he too reflected the views of the Early Church on this matter as expressed by Tertullian. Declared Thomas:²⁰
1959. "He who at God's command kills an innocent man, does not sin - as neither does God, Whose behest he executes.... The act of selfdefense may have two effects. One is the saving of one's [own] life; the other is the slaying of the aggressor. Therefore this act, since one's intention is to save one's own life, is not unlawful - seeing it is 'natural' to everything to keep itself in being, as far as possible....
1960. "If a man, in selfdefense, uses more than necessary violence - it will be unlawful.... It is lawful to repel

¹⁸. Tert.: *On the Soul*, ch. 25.

¹⁹ At the end of the third century A.D., Priscianus recommended the termination of a pregnancy if that appeared to be the only way of saving the life of a dying pregnant mother.

²⁰. Thos. Aq.: *Summa Theol.*, IIa-IIae, Q. 64, art. 6, Reply to obj. 1; art. 7, ans.

force by force - provided one does not exceed the limits of a blameless defense. Nor is it necessary for salvation that a man omit the act of moderate selfdefense in order to avoid killing the other man - since one is bound to take more care of one's own life than of another's." Also John Paul II concurs. See paragraph 1966.

1961. Somebody once objected to Thomas: "It would seem that one is guilty of murder - though killing someone [even] by chance.... [For] it is written: 'If...one strike a woman with child and she miscarries [and]...if her death ensue thereupon - he shall repay life for life.'" Exodus 21:22.
1962. Thomas, however, then replied to that objection as follows:²¹ "On the contrary! ... It sometimes happens by chance that a person is killed as a result of something done for a good purpose.... He that strikes a woman [pregnant] with child, does something unlawful. Wherefore, if there result the death either of the woman or of the animated fetus, he will not be excused from homicide" (which is not the same as premeditated murder). However, "chance happenings, strictly speaking, are neither intended nor voluntary. And since every sin is voluntary, according to Augustine (*De Vera Religione* 14) - it follows that chance happenings as such are not sins."

Does Roman Catholicism sacrifice life-threatened mothers to their fetuses?

1963. Many have wrongly assumed that the modern Roman Catholic view so prohibits any artificial termination of a human pregnancy for any reason at all - that if necessary even the life of the pregnant mother must be sacrificed finally, in order to try to preserve that of the child.²² The characteristic Roman Catholic viewpoint, however - **permitting** some circumstances in which human pregnancy may indeed artificially be terminated - clarifies Rome's actual position.²³
1964. Thus the [*Roman*] *Catholic Encyclopaedia* has stated²⁴ that "the embryonic child...has a human soul, and therefore is a [hu]man from the time of its conception.... It has an equal right to its life with its mother. Therefore, neither the mother nor Medical Practitioners nor any human being whatever can lawfully take that life away.... But, if medical treatment or surgical operation necessary to save a mother's life is applied to her organism - though the child's death would, or at least might, follow as a regretted but unavoidable consequence - it should not be maintained that the foetal life is thereby directly attacked."
1965. Roberti's Roman Catholic *Dictionary of Moral Theology* simply speaks of the mother's "serious illness" as sufficient ground for permitting the removal of her fetus in the course of treating her illness. D.M. Prummer's *Handbook of Moral Theology* speaks of the artificial termination of a human pregnancy being permissible "for grave reasons." Henry Davis's *Moral and Pastoral Theology* allows that "many actions may rightly be done, the secondary effect of which is abortion not intended but foreseen and permitted." Significantly, Davis then adds: "Thus, if a mother is in serious danger of death [while pregnant], she may take medicines or submit to treatment *etc.*"
1966. Also John Paul II, in his anti-abortionistic book *Gospel of Life*, cites with approval Thomas Aquinas's

21. *Ib.*, art. 8, objs. 1 & 2.

22. See *Casti Connubi*, p. 25.

23. Sydney Diocese (of Anglican Church in Australia): *Abortion Report*, Sydney: Bell & Co. 1971.

24. Herbermann & Others' *The Catholic Encyclopaedia* (Encyclopaedia Press, 1913, C. Coppens's art. *Abortion*, I pp. 47f); Roberti's *Dictionary of Moral Theology* (Burnes & Oates 1962 p. 11); D.M. Prummer's *Handbook of Moral Theology* (Mercie Press, 1963, p. 130); Henry Davis's *Moral and Pastoral Theology* (Sheed & Ward 1959 p. 169).

advocacy of a pregnant mother defending herself against life-threatening aggression by her own fetus. The Pope then himself refers²⁵ to "the duty to love oneself" as "the basis of a *true right to selfdefense*.... The need to render the aggressor incapable of causing harm sometimes involves taking his life...even though he may not be morally responsible because of a lack of the use of reason." See: Exodus 21:22-28f *cf.* Leviticus 19:18 and Matthew 19:19 & 22:39 and Ephesians 5:29.

Roman Catholicism's commendable and very firm stand against abortion

1967. Of course, the Roman Catholic Church has nonetheless - and quite properly so - stood very firm against abortion. Pope Pius XII clearly stated in his 1951 *Address to the Association of Large Families*: "Innocent human life, in whatever condition it may be, from the first moment of its existence, is to be preserved from any direct voluntary attack. This is a fundamental right of the human person, of general value in the Christian concept of life; valid both for the still-hidden life in the womb, and for the newborn babe."
1968. Christianity, continues Pius XII, is "opposed to direct abortion - as it is to the direct killing of the child before, during, and after birth. No matter what the distinction between those different moments in the development of the life (already born or still to be born) for profane and [for] ecclesiastic law and for certain civil and penal consequences - according to the Moral Law, in all these cases, it is a matter of a grave and illicit attempt on inviolable human life."²⁶

Modern Lutheranism's commendable and very firm stand against abortion

1969. It is, however, not just the Roman Catholic Church which rejects abortion. Protestant Churches have done so too. Conservative confessional Lutheran Churches - following the views on this of Martin Luther himself - also oppose abortion, while conceding that doctors may terminate pregnancies with the sole objective of preventing expectant mothers from dying.
1970. Thus, in his 1968 paper *The Christian View of Abortion*, the important Lutheran Professor Rev. Dr. Hermann Stasse wrote²⁷ that "Christianity promoted the restoration of the biblical concept of the sanctity of the life of an unborn child.... Christianity came into a World which did not recognize this sanctity...."
1971. "The legislation of the Christian nations followed...the Christian understanding of pregnancy.... The destruction of an embryo is equal to killing a human being. All members of the Church knew this, as the old catechetical documents such as the *Doctrine of the Twelve Apostles* (around 95 A.D.) show. This probably also belonged to the material of the proselytes to the synagogue. Also the Christian women knew this.... Violation of the divine commandment led to the excommunication of the sinner."
1972. The Lutheran Church of South Australia, where Professor Stasse taught, adopted a very similar position. Thus, in 1969, it clearly considered that "abortion for reasons other than mortal danger to the mother to be contrary to God's will and also a violation of the basic rights of the life of the fetus."

^{25.} John Paul II: *Gospel of Life*, Homebush N.C.W.: St. Pauls, pp. 104f n. 45 (citing Thomas's *Sum. Theol.* II-II q. 64 a.7).

^{26.} Pope Pius XII's 1951 *Address to the Association of Large Families* - as cited in D.C. Overduin & J.I. Fleming: *Life in a Test-Tube. Medical and Ethical Issues Facing Society Today* (Adelaide: Lutheran Publishing House, 1982, pp. 128f).

^{27.} Cited in *ib.*, p. 129; and at pp. 89-94 of their *Wake Up, Lucky Country!*

Modern Anglicanism's commendable and very firm stand against abortion

1973. This is also the position of the various Lambeth Conferences of the Anglican Church. In the 1930 Conference, a record was made of "its abhorrence of the sinful practice of abortion."
1974. In 1958 (and again in 1968), the Anglican Conference said: "In the strongest terms, Christians reject the practice of induced abortion or infanticide - which involves the killing of a life already conceived...save at the dictate of strict and undeniable medical necessity.... The sacredness of life is, in Christian eyes, an absolute which should not be violated."

Modern Baptists' commendable and very firm stand against abortion

1975. In 1994, the Christian Life Commission of Protestantism's largest denomination, the American Southern Baptist Convention, resolved to "implore all Christians to oppose legalized abortion on demand." It said: "In the Sermon on the Mount...Jesus affirmed the prohibition against murder.... We are compelled to consider elective abortion the killing of a human being...."
1976. "The Federal Government has wrongfully abdicated its responsibility to protect the innocent...[yet] it is morally forbidden for a private citizen to end a human life, except in the act of selfdefense. Only in cases when gestational life poses a serious threat to the physical **life** of the mother...does elective abortion clearly meet this selfdefense criterion."
1977. "A significant number of prolife Christians are willing to grant the possibility that **abortion in the cases of rape, incest and/or radical fetal deformity also ought to be included among those exceptions** to the general prohibition of abortion that should be recognized by law. **We disagree....** Truly, the blood of the **murdered** cries out from the ground. Genesis 4:10; Leviticus 18:28." All of the above emphases are mine - F.N. Lee.

Modern Presbyterians' commendable and very firm stand against abortion

1978. We have previously seen that John Calvin, in his comment on Exodus 21:22f, considered the aborting of a fetus inside the home of his or her own mother's womb - to be worse than the murdering of an adult outside of the house in which he dwells. We have also seen that the *Westminster Larger Catechism* implicitly condemns abortion under the Sixth Commandment. We shall now see that also modern Presbyterians have consistently upheld this position.
1979. In June 1976, the General Assembly of the Presbyterian Church in America "expressed its grave concern over the murder of hundreds of thousands of the unborn through widespread practice of abortion." In 1978, it further resolved that "because Scripture clearly affirms the sanctity of human life and condemns its arbitrary destruction, we affirm that the intentional killing of an unborn child between conception and birth, for any reason at any time, is clearly a violation of the Sixth Commandment."
1980. The Public Questions Committee of the General Assembly of the Presbyterian Church of Queensland resolved in 1983: "Abortion, both natural and artificial, consists of the interruption or termination of the development of a fertilized human ovum which is a tiny human being. Exodus 21:21-25; Numbers 12:12; Hosea 9:11 to 10:1. Natural abortions (including 'miscarriages') occur as acts of God. As such, they are devoid of human guilt. Job 3:16; Psalm 58:8; Ecclesiastes 6:3-5.
1981. "However, any unlawful human attempt to abort is murder in the sight of God wherever such attempt

results in the death of a fertilised human ovum. Exodus 20:13 *cf.* Matthew 2:16-20. It is attempted murder in those cases where the foetus unexpectedly survives. First Corinthians 15:8 *cf.* Exodus 21:22. Indeed, even where unsuccessful, all human attempts to produce unlawful abortions are both sinful and criminal.

1982. "Under these circumstances, we cannot see any ground for artificial abortions, except when the life of the mother or child is threatened with imminent death and where such is certified to be the case by at least two competent medical authorities other than the one under consideration to perform the abortion. *Cf.* Numbers 35:30; Deuteronomy 19:15-21; Hebrews 10:28ff. Even then, everything possible must be done to try to save the lives of all threatened. In such rare cases - if there is only enough time or opportunity to save one, the life of the mother is more crucial. Exodus 20:12-14; 21:15-17,22-24; 23:19; 34:26; Leviticus 22:27-28; Deuteronomy 14:21; 22:6-7; Matthew 15:3-6; John 11:50; 18:14; 19:25-27; Ephesians 5:25 to 6:3; Colossians 3:19-20; First Timothy 1:9; 3:4-5; 5:1-4; Second Timothy 1:3-5; 3:2,15; Titus 1:6; 2:3-6."

Queensland Presbyterians' ever-increasing condemnation of abortion

1983. In May 1983, the General Assembly of the Presbyterian Church of Queensland itself received the above statements and then itself resolved *inter alia* to: "Affirm that abortion is always unacceptable - except where at least two competent medical authorities (other than the one under consideration to perform the abortion) deem the abortion essential to protect the life of a mother or of her prenatal child (or children), when threatened with immediate death should the pregnancy continue." It then further resolved to: "Affirm that if and when the rare contingency mentioned [above]...should ever arise, everything medically possible also be done to try to ensure the continuation of the lives of all that are thus being threatened."
1984. In 1990, the same General Assembly of the Presbyterian Church of Queensland resolved to "request the Clerk to express its support to 'Right to Life Australia' in its opposition to the planned 'decriminalisation' of abortion in Queensland by the present State Government." It further resolved also to "request the Clerk to write to the Premier and the Attorney-General of Queensland reaffirming...that the Assembly opposes any law which allows, or encourages, the destruction of human life by abortion."
1985. In 1992, the same General Assembly of the Presbyterian Church of Queensland further resolved to "declare that personhood is to be considered to occur from the commencement of conception, which is from the penetration of the wall of the ovum by a sperm" - and that one should "treat the developing embryo as a person from the commencement of conception." This means that any removal and/or destruction of a zygote even less than a day old, such as one produced by two sperm-heads which penetrated the shell of the ovum and very likely to be grossly deformed, is abortive - whether so removed from a woman after natural conception, or whether removed from a test-tube after *IVF*.
1986. In 1994, the General Assembly of the Presbyterian Church of Australia received its Church and Nation Committee's *Report*, which states "that Jesus was 'conceived by the Holy Spirit; born of the Virgin Mary; suffered under Pontius Pilate; was crucified, dead and buried; [and]...rose from the dead'.... Throughout these events, Jesus was and is the very same Jesus Who was conceived in the womb of His virgin mother.... To abort an embryo would be viewed in the same light as killing a child or an adult - and would be tantamount to murder...."
1987. "The General Assembly of the Presbyterian Church of Australia then itself resolved: "Abortion is

always unacceptable except when at least two competent medical authorities (other than the person under consideration to perform the operation) deem the abortion essential to protect the life of the mother when that is threatened with immediate death should the pregnancy continue.... If and when the rare contingency noted in the previous clause arises, everything medically possible should be done to seek the continuation of the lives in danger."

1988. In 1995, the General Assembly of the Presbyterian Church of Queensland unanimously condemned abortion in a public statement and press release. It "calls for the vigorous application of the current sections of the Criminal Code dealing with abortion, so that the lives of the unborn are better protected; and calls upon the Government of Queensland to reframe the laws relating to abortion in accordance with the position held by the Presbyterian Church of Queensland" (as set out in 1980 and further in 1983, 1991 and 1992). It also noted it "is opposed to trials of RU486 on the grounds that it is an abortifacient."

Modern unbelief's uncommendable and very firm stand in favour of abortion

1989. The anti-biblical views on ethics of those who do not even claim to submit themselves to the God of the Scriptures, however - whether the views of Gynecologists or even of so-called 'Theologians' - need hardly detain us. For the views (and especially the ethical views) of unbelievers, are only worth serious consideration at all - to the extent to which those insights do not clash with the teachings of the Holy Bible.
1990. Jesus said to the 'Theologian' Nicodemus that unless a man be born again, he cannot even see (and still less enter into) the Kingdom of God. John 3:3-10. Paul warns against the "profane and vain babblings and oppositions of science falsely so-called." First Timothy 6:20. So too should we.
1991. Jeremiah 7:29-31 adds that "the Lord has rejected this generation in His wrath. For...they have set their abominations in the house which is called by My Name...to pollute it [as in apostate humanism]. And they have built the high places of Tophet [like humanism's human abattoirs], to burn their sons and their daughters in the fire [like the abortionists' saline solutions]." Concludes Jeremiah (8:9) - "See! They have rejected the Word of the Lord! And what wisdom is there in them?"

1974 Abortion Report of 2500 Protestant Christian Medical Doctors

1992. We should certainly listen to the results of a 1974 report²⁸ on this important subject - compiled from the views of some 2500 Protestant Christian Medical Doctors surveyed - including those from various Baptist, Brethren, Lutheran, Methodist, Presbyterian and other denominations. Of the responses given, more than half said abortion should only "rarely" be utilized to terminate a pregnancy (and almost four percent said "never").
1993. Almost sixty percent of their responses said they had never "recommended" and over eighty percent indicated they themselves had "never" performed an abortion. More than half of them said they would only do so in respect of danger to the mother's life. Almost three-quarters said they would never perform an abortion on a pregnant minor without parental consent. And almost seventy percent of these doctors themselves said that some types of abortion could be considered to be murder itself.

²⁸. Listening to Doctors Speak About Abortion, in Christianity Applied, Buena Park, Ca., Nov. 1974, pp. 33f.

The Roman Catholic Theologian Dr. Clifford on "therapeutic abortion"

1994. We should also listen to the 1947 arguments of Roman Catholic Seminary Professor Rev. Dr. J.J. Clifford S.J., in his *nihil obstat* article on *Medical Ethics* (appended to the New York Benziger edition of Thomas Aquinas's *Summa Theologiae*). Writes Clifford:²⁹ "A surgical attack on some organ, such as the appendix of a *gravid*a [or a pregnant woman] - the shock of which might cause abortion - would be designated as 'indirect killing' [of the fetus], and for adequate reason would be permissible." In such cases, there is obviously no intention of killing the fetus.
1995. However, in all those cases where "the extinction of fetal life becomes the object or purpose of the interruption of pregnancy" - Clifford adds - "there, 'direct killing' [alias murder] takes place.... 'Direct killing' [alias murder] is prohibited. About that, there is no dispute."
1996. Yet, continues Clifford, "whether certain actions are direct killing" - or whether those certain actions are only indirect killing - "becomes at times a moot matter truly difficult of determination. This is especially true of actions which produce a twofold effect - one, death; the other, saving of life.... There is a difference of fact when a man, to save himself from a fiery death, leaps from the fortieth story of a skyscraper - or a surgeon excises a pregnant tube" of a gravely-ill woman.
1997. "If the Church [of Rome] or Catholic Moralists have ever 'changed sides' on [the question as to the permissibility of] a lethal surgical operation - the reason has not been that they abandoned the principle: 'direct killing [alias murder] is forbidden.' No, the reason has been that further investigation, more light and better understanding - have demonstrated to a moral certainty that the **fact** at issue is, as the case may be, **either** 'direct killing' [alias 'murder' on the one hand] **or** 'indirect killing' [alias non-murderous homicide' on the other]."
1998. Generally, explains Clifford, "in 'therapeutic abortion' murder is committed to save a mother's **life**." We ourselves - F.N. Lee - would much rather here prefer to say that "killing" (rather than "murder") is committed in such a particular context. Clifford correctly continues: "In criminal abortion, murder is done to save a mother's **reputation**."
1999. Yet, Clifford goes on, "therapeutic abortion...is...murder.... There exists, therefore, the greatest difficulty in justifying the assistance of a nurse at 'therapeutic abortions.' No permission [by the Church] is possible where a nurse approves, advises or persuades to such an abortion....
2000. "When her aid is strictly exterior, coupled with conscious internal disapproval of the abortion - even so, her co-operation, although only material, **may** remain culpable. But **if** such aid is an action sinless in itself and simultaneously placed under a motive serious enough to offset or compensate for the harm done, then the person co-operating with the one performing the principal act - does not participate in the latter's guilt."
2001. Dr. Clifford concludes³⁰ by pointing out how even the greatest of all Roman Catholic Theologians, Thomas Aquinas, says that charity - while it indeed urges us to try to prevent our neighbour from sinning - does not so command us to do so, under pain of serious loss to ourselves. *Summa Theologiae*, IIa-IIae, Question 48, answer 8. So the Roman Catholic Church also allows some of her nurses even to assist at so-called 'therapeutic abortions' in Non-Catholic hospitals - **provided** they

²⁹ J.J. Clifford: *Medical Ethics*, appendix to Aquinas's *Sum. Theol.*, Benziger ed., New York, 1947, III pp. 3547f.

³⁰ *Ib.*, p. 3551.

thereafter quickly baptize the aborted fetuses, purportedly to 'regenerate' them and at least temporarily to reclaim their souls from the stain of sin. See paragraphs 418-20 & 1496f.

The medical dangers accompanying the performance of abortions

2002. What are the medical dangers which accompany the performance of an abortion? The baby himself or herself is usually killed by it; or shortly thereafter as a result of it; or yet a little later, whether by abandonment or by the deliberate extra-uterine murder of that previously-wounded child. But the mother too undergoes a great risk to her own health - even in recognized hospitals where abortions can be performed under optimal conditions.
2003. The Royal College of Obstetricians and Gynecologists in Great Britain rightly regards abortion as major surgery on the mother. Thus it declares:³¹ "Those without specialist knowledge - and these include members of the medical profession - are influenced in adopting what they regard as the humanitarian attitude to the induction of abortion, by a failure to appreciate what is involved. They tend to regard induction of abortion as a trivial operation free from risks.
2004. "In fact, even to the expert working in the best conditions, the removal of an early pregnancy after dilating the cervix can be difficult and is not infrequently accompanied by serious complications. This is particularly true in the case of a woman pregnant for the first time. For women who have a serious medical indication for termination of pregnancy, induction of abortion is extremely hazardous - and its risks need to be weighed carefully against those involved in leaving the pregnancy undisturbed. Even for the relatively healthy woman, however, the dangers are considerable."
2005. Also important to the discussion, are the medical complications which can easily follow induced abortions. The American College of Obstetricians and Gynecologists has stated:³² "The inherent risk of a 'therapeutic abortion' is serious, and may be life-threatening. And this fact should be fully appreciated by both the medical profession and the public. In nations where abortions may be obtained on demand, considerable morbidity and mortality have been reported."

Drs. Willke and Cavanaugh on the terrible danger of abortion to the mother

2006. We must, then, be alert to the terrible danger of abortion **also to the mother**. As Dr. Willke explained,³³ "hepatitis kills [not only] four to eight out of every hundred thousand mothers who have an abortion." Also, "for every one woman who has hepatitis severe enough to be fatal - there are dozens of women who have milder cases of hepatitis with the resulting lengthy illnesses and often some degree of permanent loss of physical health."
2007. In "Japan, where abortion has been legal for twenty-two years..., in the 1959 *Mainichi Survey* 28% of those who had had abortions reported 'some kind of bad effect.' In the 1963 *Aichi Survey*, 24% indicated they were physically unwell since the operation. In the 1968 *Nagoia Survey* by the Women's Association, 59% indicated...they were severely troubled with adverse after-effects.... The 1969 *Survey of the Office of the Prime Minister of Japan* listed the following complaints after abortion: 1) 9% sterility; 2) 14% subsequently-habitual spontaneous miscarriage; 3) 400% increase in tubal pregnancies; 4) 17% menstrual irregularities; 5) 20-30% abdominal pain, dizziness, headaches, *etc.*"

31. P.C.A.: *Report*, p. 273.

32. *Id.*, and Spitzer & Saylor's *op. cit.* pp. 174f.

33. *Op. cit.*, pp. 68f.

2008. Continues Dr. Willke:³⁴ "Other damage to the mother includes perforation of the uterus with the curette (resulting in peritonitis and occasional death, but more frequently emergency removal of the uterus, and often development of adhesions that may give problems in later life).... Blood clots...are also a cause of death in healthy young women who have abortions performed.... Dr. Ian Donald of Glasgow University reports that the prematurity rate among women who have had previous abortions, has risen to an 'alarming' rate of 15% of all deliveries."
2009. In his article *The Challenge of Prematurity*, Dr. Dennis Cavanaugh M.D. declared in 1971 that "prematurity was a direct or contributory cause in over 50% of deaths during the first month of life. The death rate of the premature baby ran about thirty times higher than among full-term infants. If premature infants survive, they face a higher frequency of the tragic aftermath of mental retardation, neurological disease, and blindness." For a woman contemplating an abortion, there would therefore seem to be greatly increased risks of bearing deformed children during subsequent pregnancies.

Greatest need to assess abortion not medically but ethically

2010. The final assessment of abortion, however - and indeed even the first assessment - cannot be a medical one. Both initially and ultimately, the evaluation must be an ethical one.
2011. True Christians can certainly never accept the ethical advice of Non-Christian Doctors as decisive in a matter such as this. Nor can true Christians regard the ethical advice even of Christian Physicians (and still less of Non-Christian Ethicists) as determinative. Nor can they finally be guided by the pronouncements of Sub-Christian Philosophers - or even of authentically-Christian Theologians.
2012. No! It is the ethical teaching only of the **Bible** - and of the Bible **alone** - that must here be decisive. Indeed, even the views of Bible-believing Christians themselves, are only of value here - to the extent to which they are based on a careful and meticulous and systematic understanding of the ethics of the Bible alone as the infallible Word of God.
2013. Various grounds for abortion are sometimes adduced. These include: **A**, the promotion of birth control; **B**, the disposal of unwanted and/or illegitimate children; **C**, the prevention of the birth of children thought or known to be deformed or seriously ill; **D**, the prevention of the birth of incestuous children; **E**, the obviation of the social disadvantages incurred by the mother (or by the child conceived) after interracial *coitus*; and **F**, the alleviation of the trauma of a woman impregnated as a result of rape.
2014. Further grounds on which some seek to justify abortions, include: **G**, the alleviation of a woman psychically disturbed during or disturbable by her getting pregnant; **H**, the alleviation of physical discomfort or disease in a pregnant woman not mortally ill; **I**, the preservation of the life of a saveable unborn baby whose mother is physically dying and cannot be saved; and **J**, the preservation of the life of a saveable pregnant mother where her unborn baby is unsaveably dying. Together with Romans 4:3, let us now briefly inquire - in respect of each of these above conditions - "what does the Scripture say?"

Abortion unacceptable as a means of birth control

2015. **A**, abortion as a means of birth control, hardly needs discussion. Even if there may well be other

³⁴. *Op. cit.*, pp. 71f (citing Dr. D. Cavanaugh's 1971 *The Challenge of Prematurity*).

acceptable means of birth control within marriage - means such as "calendar intercourse" (Leviticus 15:19-28 & First Corinthians 7:1-5) or perhaps even "partial lovemaking" (*cf.* Genesis 26:8 & 38:9 and Proverbs 5:18-20) - abortion as a means of birth control should surely be quite unthinkable.

2016. For abortion always involves the mortally-dangerous premature removal of a tiny human being from his or her natural life environment. Such removal often causes the direct death of such a tiny human being.
2017. Dr. J.C. Willke (M.D.), in his *Handbook on Abortion*, rightly states:³⁵ "Birth control attempts to prevent a new life from beginning. Abortion kills the life of the human person already conceived. There is a vast difference" between the two.
2018. Again, also *Planned Parenthood* rightly observes: "An abortion kills the life of a baby after it has begun. It is dangerous to your life and health. It may make you sterile, so that when you want a child you cannot have it. Birth control merely postpones the beginning of life."
2019. Consequently, the American College of Obstetrics and Gynecology stated³⁶ in 1968 that "the College will not condone nor support the concept that abortion be considered or performed as a means of population control." Indeed, also the Presbyterian Ethicist Rev. Professor Dr. G. Brillenburg Wurth rightly observed that abortion as a means of birth control is "a public sin against the Sixth Commandment 'you shall not murder!'"³⁷

Abortion unacceptable as a means of disposing of unwanted children

2020. **B**, abortion as a means of disposing of unwanted and/or illegitimate children, is also unethical. Here, we would make the following observations. First, however illicit the deed of intercourse may be (namely the intercourse which produced the conception of the new child) - especially after nidation, God usually wants the mother to carry her already-conceived and now-nidated child in her womb **unto viability**. Otherwise, He would hardly have permitted and brought about both the conception and the nidation of the child. Genesis 30:1-2; 30:22; 38:6-30.
2021. Second, the conceived and nidated child's mother (and/or father) should only desire the will of God. At that state, it would certainly seem that the will of God is presumably that the nidated child should continue to be carried in the womb. Judges 13:3-5.
2022. Third, the mother (and/or father) has no right not to want any of her descendants who are already in existence. Every child is to be carried, which God has already caused to be conceived and nidated. See: Luke 1:38.
2023. Fourth, the mother is not the absolute possessor of her own body. Her husband has property rights to the sexual use of her body (and *vice-versa*), and presumably also to the fruits thereof (including the fetus). First Corinthians 7:14. Yet God alone has absolute ownership over her body and its contents. Psalm 50:10-12 *cf.* First Corinthians 6:19-20.
2024. Fifth, the woman herself does not have power or authority over her body in matrimonial matters. Under

35. *Ib.*, p. 121.

36. *Planned Parenthood*, as cited in Willke's *op. cit.* p. 57.

37. G.B. Wurth: *Christian Living in Marriage and Family*, Kampen: Kok, 1950, p. 268.

God, her husband has that power or authority. First Corinthians 7:4. Presumably, this gives him power or authority also over her offspring. First Corinthians 7:14 & Ephesians 6:4.

2025. Sixth, the unborn baby belongs absolutely to God alone (*cf.* Exodus 13:2f with Psalm 50:10-12). Absolutely, the baby does not belong even to his or her own father, nor to his or her own mother. See Ezekiel 16:20f.
2026. Seventh, the unwanted prenatal baby would better be 'disposed' of **after** full-term birth. For it is far better to hand him or her over to be raised by an adopting couple that wants such a baby, than for the baby to be rejected and destroyed during his or her fetushood - unwantedly, and wantonly. See Genesis 16:1-11.
2027. Last, such 'postnatal disposition' by way of adoption is not only fully permitted by the Holy Scriptures. Genesis 17:12-27. It is, unlike prenatal abortion, much less hazardous to the life and health of both mother and baby. See Exodus 21:22-25.

Many originally-unwanted children are later much loved by their parents

2028. Accordingly, the Holy Scriptures never permit the aborting of bastards. Deuteronomy 23:2. Nor do they permit the destruction of the unwanted children of prostitutes. Genesis 38:15-30 *cf.* First Kings 3:16-28. Indeed, at least one such unwanted illegitimate child lived to become a great hero of the people of God - and to save them from oppression. Judges 11:1-3 *cf.* Hebrews 11:32.
2029. Also the U.S. Federal Judges agreed with the above kind of reasoning - in their January 1971 upholding of the constitutionality of the State of Ohio's anti-abortion law. The Federal Judges then expressed themselves in language that is indeed weird. Yet the meaning of their language is quite clear. Said the Federal Judges:³⁸
2030. "Equating the necessity of giving birth to a child, with the necessity of rearing the child, has no foundation in law or fact. The law may take permanently from its natural parents a child who is neglected by them.... Practically all States provide for the voluntary surrender of children. When the statutes are complied with, the child is legally and practically as 'dead' to its natural parents as if it had been aborted, stillborn, or had died in infancy.... There is no need for parents to terminate an undesired pregnancy by killing the unborn child physically when, with less risk to themselves, its legal 'death' can so easily be procured."
2031. Furthermore, many unwanted pregnancies produce ultimately-treasured children. As Dr. J.D. Willke M.D. has stated: "After more than twenty years of medical practice, your author personally can say without hesitancy that he has seen many unwanted pregnancies, but has yet to see the first unwanted newborn child. If we permit abortion for an unwanted pregnancy we will be destroying vast numbers of children who by the time of their birth and through their childhood, would have been very dearly wanted and deeply loved...."
2032. "Most unwanted pregnancies become wanted.... Some wanted children [later] become unwanted ones! Unloved babies sometimes become dearly loved, and *vice versa*. To make the assumption that because a woman is unwillingly pregnant, the child will be unwanted and therefore neglected and abused, is totally inaccurate and wildly unrealistic. Some will [remain unwanted], of course - but many will not. Why kill them all, before birth? Why not sort them out after birth...and [then] take unwanted children from [those] parents

³⁸. Cited in Willke's *op. cit.*, pp. 47f.

who are [unwilling and therefore] unworthy to raise them?" Why not then give such children as are unwanted by their own parent(s), to adoptive parents or to orphanages who **want** them?"

Untrue that originally-unwanted children end up being battered by parents

2033. Nor is it true that many unwanted pregnancies produce children who then get battered by their parent(s). Dr. Edward Lenoski, Professor of Pediatrics at the University of Southern California, did a four-and-a-half year study of 674 battered children. He discovered that 91% of the battered children, in his study, were from planned pregnancies - so that those children had at the outset and before their births definitely been desired by their parents.
2034. Now ninety percent is far above average, for planned pregnancies. One could therefore apparently kill all 'unwanted' babies in the early stages of pregnancy - but still not significantly reduce the numbers of battered children. Indeed, Dr. Lenoski also determined that, since the advent of the contraceptive pill (which has certainly reduced the number of unwanted pregnancies), child-beating is up threefold.
2035. Surprisingly, Dr. Lenoski also determined that some 63 percent of all U.S. pregnancies - were planned. So, among abused children, a higher percentage had been 'desired children' - than is the case of the percentage of 'desired children' in society at large.³⁹ On the other hand, **all** aborted children are battered - *viz.* precisely while being aborted.

Untrue that mothers have a right to exterminate their own babies

2036. It may perhaps still be asked whether a woman doesn't have a right to the privacy of her own body (and therefore also a right to exterminate another human being within her own body). But, as Dr. Willke M.D. has again stated: "We think it is an entirely fallacious bit of reasoning. If you as a citizen stand outside of a door and listen to a mother battering her child even to the point of killing it - what would you do? Would you respect the privacy of her home?"
2037. "You would not! You would open, or break down, the door [or at the very least call the police] - and rescue the child. By virtue of her assault upon and abuse of another human person, she has surrendered her constitutional right to privacy in this case. The same analogy applies to abortion. The right of the child to live, is greater than and supersedes any right that a woman may have to the privacy of her own body."⁴⁰ Compare too First Kings 3:16-28.
2038. Rev. Dr. Charles Carroll, Protestant Chaplain of the University of California at Berkeley, was formerly a Student of International Law at Yale and at Harvard, and also at the University of Berlin during the Hitler period. Right after World War II, he was also an Officer of the U.S. Military Government in Germany at the trial of the Nazi doctors at Nuremberg. Significantly, he made the following very important statement also about abortion.
2039. "As I would reject the law of *paterfamilias* of Ancient Rome, so I would also reject the proposed law of *materfamilias* in presentday America. As I would not sympathize with the grant by the state of the power of life and death over his offspring to the [Ancient] Roman father, so I cannot sympathize with the grant by any state of the power of life and death over her offspring to the American mother. Surely I would hope our legislators would be as humane as the [Pagan] Emperor Hadrian, who abolished that

^{39.} *Ib.*, p. 49.

^{40.} *Ib.*, pp. 49-50.

article of the [Pagan] Roman Law!"⁴¹

Abortion unacceptable as a way to be rid of a deformed baby

2040. C, abortion is sometimes advocated as a means of preventing the birth of a child thought or known to be deformed. This 'ground' Dr. J.C. Willke M.D. appropriately calls "prenatal euthanasia"⁴² - *sic!*
2041. The Rabbinical Council of America, however, has made an obvious observation. It has rightly remarked that "even if the fetus is the product of incest or rape - or [even if] an abnormality of any kind is foreseen - the right to life is still his."⁴³
2042. Also Rabbi Paul seems to have regarded himself - as others too probably did - as congenitally abnormal. First Corinthians 15:8 *cf.* perhaps Second Corinthians 12:5-14 & 10:7-10 and Galatians 4:13-15. Yet who can deny that the World is a much richer place because of his having lived in it, postnatally? Romans 15:18-28.
2043. Indeed, who can deny that the abnormal Apostle Paul laboured more abundantly than all the other 'more-normal' Apostles? First Corinthians 15:10. Moreover, the Apostle Paul himself infallibly insists - following the teaching of Jesus Himself (Matthew 20:14-16) - that God has chosen the foolish and the weak and the ignoble and the despised, to shame those that the World regards as wise and mighty. First Corinthians 1:27f.
2044. A story told to the famous Medical Doctor Jerome Lejeune well illustrates the above. "Many years ago," related the narrator, "my father was a Jewish Physician in Austria. One day, two babies had been delivered by one of his colleagues. One was a healthy boy with a strong voice, which made his parents extremely happy. The other was a little girl born with mongolism (or Down's Syndrome), which made her parents very sad. I followed them both for nearly fifty years. The girl grew up, living at home, and nursed her mother through a very long illness. I do not remember her name. But I do remember the boy's name. He died in a bunker in Berlin. His name was Adolf Hitler."
2045. This also calls to mind the Medical School Professor who gave his students a case study in whether or not to advise an abortion. Discussing the immediate ancestors and older brothers and sisters of the fetus concerned, the professor disclosed: "The father had syphilis and the mother tuberculosis. Of four previous children, the first was blind; the second died; the third was both deaf and dumb; and the fourth had consumption. What advice would you give the woman when you diagnose she is again pregnant?" One of the students declared: "I would advise an abortion." The Professor replied: "Congratulations! You have just killed Beethoven."
2046. How grateful we should be that nobody aborted the congenitally-defective Beethoven - composer of "joyful, joyful, we adore Thee!" How extremely joyful and even overjoyed we should be that the Saviour of the World was never aborted - just to try to avoid the 'socially undesirable' (?) circumstances of His prenatal fetushood and His later birth from a virgin engaged to and then being cared for by His non-father Joseph! John 10:19 & 10:41.
2047. Now some might say that Beethoven's congenital deafness, as his greatest prenatal defect, could

41. *Ib.*, pp. 50-51.

42. *Ib.*, p. 79.

43. *Ib.*, p. 81.

have been diagnosed and accepted - had he but been conceived in our own day. However, a Doctor's diagnosis can be wrong - and sometimes, itself, even harmful. Thus amniocentesis, commonly used to diagnose Down's Syndrome, itself carries a 1.5 percent risk of causing a miscarriage. See *New Perspectives on Human Abortion* (by Hilgers & Horan and Mall). So a forty-year-old woman undergoing amniocentesis faces a greater risk of miscarrying a healthy child because of that procedure, than she faces of having a Down's Syndrome baby. See D.C. Reardon's *Aborted Women*.

***Gleitman v. Cosgrove*: doctor not to abort even if baby is deformed**

2048. We are in agreement, then, with the reasoning of the New Jersey Supreme Court in the 1967 case of *Gleitman v. Cosgrove*. There, the parents had sued - because the Doctor had refused the mother an abortion after she had contracted rubella (alias German measles) early in her pregnancy. Their suit was filed, after the child had been deformed.
2049. Held the Court:⁴⁴ "It is basic to the human condition to seek life and to hold on to it, however burdened. If Jeffrey [the deformed child] could have been asked as to whether his life should be snuffed out before his full term of gestation could run its course, our felt intuition of human nature tells us he would almost surely choose life with defects as against no life at all.
2050. "The right of life," continued the Court, "is inalienable in our society. A court cannot say what defects should prevent an embryo from being allowed life - such that 'denial of the opportunity to terminate the existence of the defective child in embryo' can support a cause of action. The examples of famous persons who have had great achievements despite physical defects come readily to mind, and many of us can think of examples close to home. A child need not be perfect to have a worthwhile life.
2051. "We are not faced [here] with the necessity of balancing the mother's life against that of her child. The sanctity of the single human life is the decisive factor in this suit. Eugenic considerations are not controlling. We are not talking here about the breeding of prize cattle. It may have been easier for the mother, and less expensive for the father, to have terminated the life of their child while he was an embryo. But these detriments cannot stand against the preciousness of the single human life."

How much deformity is needed in order to 'justify' aborting a baby?

2052. Here, we could indeed ask the abortionist what **degree** of foreseeable (if not actually foreseen) deformity he or she feels would be necessary to justify the abortion of an unborn baby. Would foreseeable undersize (when becoming an adult) justify the abortion of a conceived human being? If so, Paul and Napoleon would never have been born! And would foreseeable oversize (when becoming an adult) justify an abortion? If so, King Saul and today's Watutsis (including their tall women) would never have seen the light of day!
2053. Does the foreseeable femaleness of at least half of all babies now conceived in Red China justify their doctors in aborting so many of them, with impunity? Would foreseeable maleness of Hebrew fetuses have justified either their own parents or Pharaoh's lackeys killing them off prenatally? See Exodus 1:16-21 and Acts 7:19f for the answer to this!
2054. Was Mohammad wrong to spare the lives of female infants? Should it rather have been as acceptable for him to butcher them prenatally - as it was among the Pre-Islamic Arabs to bury them alive

⁴⁴. Cited in Willke's *op. cit.*, p. 82.

postnatally? Even to ask these questions, is indeed also almost to answer them.

2055. Would it be right to (ex)terminate unborn babies today (as soon as we can predetect their sex) - if the predetected gender is not the one we might have desired? See Numbers 27:1-7! Is it right to (ex)terminate unborn babies whose ethnic race is deemed to be undesirable by the (ex)terminator? See Exodus 12:38 & 12:48!
2056. Is it in order for an abortion team, considering itself to be a 'jury of mercy'(!), to exterminate a normal unborn child because he or she has or **might** have a predictable abnormal future development - or even to exterminate an unborn child clearly **known** to be already grossly abnormal? If so - **how much** of an abnormality would need to be foreseen, to justify the abortion?
2057. Should those anticipated to be born with twenty-four fingers and thumbs and toes, be aborted? See Second Samuel 21:20! Should Doctors abort those foreseen to be blind or deaf - whether partial or total; whether temporary or permanent - just because that is anticipated, after the mother contracts rubella or gonorrhoea early in her pregnancy? See John 9:2,3,20,32!
2058. Should those anticipated to be born either slightly or severely mongoloid, be aborted - whenever an aging pregnant mother contracts Down's Fever? Cf. First Corinthians 15:8-10 with Galatians 4:15 & 5:11. Does foreseeing either partial or total insanity in the maternal parent or in her unborn baby or both, justify an abortion? Cf. Daniel 4:24-26 with Luke 8:27-39!

Are limbless babies and inseparable Siamese twins abortable?

2059. But what - some may here interject - what about the foreseeable birth of a baby having no limbs at all? Well, such was the case of the German girl Violetta, a happy lady of superior intellect and super-keen eyesight and hearing - born totally without arms and legs.⁴⁵
2060. Then perhaps one would **only** consider aborting those foreseen to be unseparable Siamese twins? Yet even such a consideration would have imperiled the lives of those very-difficult-to-separate (yet nonetheless successfully separated) Siamese twins made famous by their surgeon - the celebrated anti-abortionist Dr. Everett Koop M.D. (alias President Reagan's choice for the Surgeon-Generalship of the United States of America)!
2061. We must conclude, then, by agreeing with the 1971 Australian Anglican *Abortion Report* as regards "the problem of deformity."⁴⁶ Declares that *Report*: "Jesus Christ is present in the Bible as the ideal man - the **only** man truly in God's image [after the fall].... All human beings other than He, represent a falling away from true humanity....
2062. "Some are physically, mentally, and morally stronger than others.... Nevertheless, all men share in the general plight of our human estrangement from our Maker.... We live out our discordant lives under the shadow of His wrath (Ephesians 2:3)" - and also under the shadow of His love. Psalm 90:1 and Song of Solomon 2:10-17 & 4:1-7.
2063. This means, then, that even prenatally-detectable deformities in unborn human beings can never legitimize even state-permitted abortions. It is very significant that also in modern Judaism, abortion

^{45.} See R.L. Ripley: *Omnibus Believe It Or Not*, London: Stanley Paul, n.d., p. 128.

^{46.} Sydney Diocese, *Ab. Rep.*, pp. 28f.

is generally prohibited - even where the pregnant mother contracts German Measles or Down's Fever, or takes dangerous drugs (such as thalidomide) - which could increase the likelihood of her finally delivering a deformed child.⁴⁷ Indeed, since the fall of man, with the sole exception of Jesus Himself every fetus ever conceived - has been subject to some or other degree of deformity.

Abortion unacceptable as a means of disposing of incestuous children

2064. **D**, abortion is also sometimes recommended in respect of an unborn child known to be incestuous. To this, the same objections apply as in respect of the paragraphs immediately above - except that the chances of even a slight deformity here are less than twenty-five percent.⁴⁸
2065. Again, the incestuous sexual intercourse alleged by the pregnant woman to have occurred - although it should indeed be punished in all those personally guilty of witting and willing incestuous *coitus* - would almost invariably be denied by the true father, and could not easily be proved legally. But even if admitted by the true father - what kind of justice is it that would slaughter a little fetus or infant simply because of the incestuous crime of his father and/or his mother? Compare: Genesis 4:17; 19:30-38; 38:24-30; Leviticus 18:9-15; 18:29 & 20:12; and Ezekiel 18:2-20f & 22:11.
2066. More importantly. If Abraham had not married his own half-sister Sarah - Isaac would not have been born. Genesis 17:21 & 20:12. If Isaac had not married his uncle Nahor's granddaughter Rebekah - Jacob would not have been born. Genesis 24:15. If Jacob's son Judah had not consorted, unwittingly, with his own daughter-in-law Tamar - their son Peres would never have been born. Genesis 38:6-30. Indeed, if Peres had not lived to become an ancestor of Jesus the only Saviour (Matthew 1:3-21) - it would have been better for all of us if we too had never been born! *Cf.* Mark 14:21.

Pregnancies from interracial intercourse not to be aborted

2067. **E**, abortion is also sometimes entertained in respect of a child conceived after interracial sexual intercourse. In this kind of abortion - Hitler rides again!
2068. Would the abortionists have felt free prenatally to murder the 'half-caste' Hebrew people - who gave our World the Bible? See Ezekiel 16:2f & 16:45. Did the Hebrew people prenatally murder their own half-caste children, born to them of foreign consorts? No! See: Exodus 12:38; Leviticus 24:10; Deuteronomy 23:3.
2069. Had all half-castes been aborted - even many Eastern European Gypsies and most Americans south of the Rio Grande would never have been allowed to continue existing; to grow up; and then to reproduce. Moreover, were all of the Eurasian Finns and Hungarians and all of the 'Polynesafrican' Madagascans and Cape Coloureds (*etc.*) to be liquidated - one might well even ask who then **would** be left. Not even the half-Greek and half-Jewish Timothy of old (Acts 16:1-3) - Timothy, who knew the Holy Scriptures from infancy, if not from fetushood or "*apo brephous*" (Second Timothy 3:15 *cf.* Luke 1:41)!

^{47.} Enc. Jud., art. Abortion.

^{48.} See here the various works of Dr. J.C.A. Dique (M.D.) listed in our Bibliography, and also: P. Phelan (M.D.)'s *Offspring of Incest* (in *Medical Journal of Australia*, April 8th 1978, p. 388); R. Ryan & D. Swinneton's *Hypersensitive Children and Maternal Incest* (in *Medical Journal of Australia*, Nov. 1st, 1980, p. 514); and E.D. Wilson's *On Human Nature* (Cambridge, Mass.: Harvard University Press, 1978, pp. 36f).

Pregnancies resulting from rape not to be aborted

2070. F, abortion is often proclaimed to be a way to 'take care' (!) of a child produced by rape - as distinct from a child produced by seduction. Genesis 34:2f. Many Bible-believing Christians would indeed rightly be less than satisfied if the raping father himself did not receive the death penalty. Deuteronomy 22:25 & Second Samuel 13:14,20,28,32. But the raped woman should surely not be killed. Deuteronomy 22:26; Exodus 22:16f; Second Samuel 13:20f. Neither should the thus-produced child. Cf. Ezekiel 18:2 & 18:20.
2071. As Dr. J.C. Willke M.D. rightly observes: "Isn't it a twisted logic that would kill an innocent unborn baby - [only] for the crime of his father?"⁴⁹ The fact is, however, as Dr. Willke explains (and as many others too explain): "Pregnancy from rape...is extremely rare."⁵⁰ For even if the raped woman is **not** medically treated during the first day after the rape - for psychological and physiological and statistical reasons, the chances of pregnancy resulting are nevertheless almost nil.
2072. Pregnancies reported in the old Czechoslovakia, amounted to about 0.025% (or one in four thousand) of all reported rapes. In at least one major hospital in the U.S. Midwest, over a stated period of time, true rape pregnancies - as distinct from many pregnancies in seduced women who later falsely alleged rape - were totally unknown. Significantly, none of the rapes mentioned in the Bible are stated also to have produced pregnancies!
2073. Very few rapes indeed, then, ever result in pregnancy - even where the raped woman did not receive medical treatment soon after being assaulted. In those extremely rare cases where a raped woman nevertheless does get pregnant, however, we agree with Dr. Willke's assessment. "Most of the trauma," he explains, "has already occurred. She has been raped. That trauma will live with her, all of her life" - whether she become pregnant or not; and, if so, whether she then has an abortion or not.
2074. "Furthermore," continues Dr. Willke, "this girl did not report for help" immediately - as required by law. "But [through fear or for whatever other reason she] kept this to herself. For several weeks she thought of little else, as the panic built up. Now she has finally asked for help"- after correctly becoming convinced that she is indeed pregnant. Now, and only now, "has she shared her upset."
2075. However, continues Dr. Willke, if she now goes ahead and obtains an abortion: "Will she be able to live comfortably with the memory that she killed her developing baby? Or would she ultimately be more mature, and more at peace with herself - if she could remember that, even though she was unwillingly pregnant, she nevertheless gave her child life and a good home" both prenatally in her own womb and (should she feel so inclined) by postnatally giving that child up for adoption by a couple who want that child?

Even rapes ultimately promote the humanly-unplanned enlargement of the Church

2076. Rev. William Randolph correctly states in his article *God Is Pro Life*:⁵¹ "Rape can be ugly and vicious. And the resultant child may be socially unacceptable, etc. But the Scriptures declare there are no accidents. Ephesians 1:11. 'All things work together for good, to them that love God.' Romans 8:28. It

49. *Op. cit.*, p. 37.

50. *Ib.*, pp. 32-35.

51. W. Randolph: *God Is Pro Life*, in *Journal of Pastoral Practice*, Philipsburg, N.J.: Presb. & Reformed Pub. Co., 1979, pp. 23f.

is necessary to do what is right in God's eyes, and trust Him to control all of the consequences.

2077. "Even rape can work together for God.... A mother will find that one of the greatest fulfillments...is available through...her child. If she will lose her life in God's will, she will actually find it.... Speaking of mothers, the Scriptures state: 'Notwithstanding, she shall be saved [or 'made happy'] in childbearing [which also includes 'child-rearing']. First Timothy 2:15.... The word 'saved' [alias '*sootheesetai*' here] has a non-soteriological significance.... The point is that a woman receives fullness of life from God - through the child.... A woman who really wants a rich and rewarding life, achieves it through godly children. This is the opposite of the thinking of those having abortions."
2078. Randy Alcorn, a public speaker and outspoken opponent of abortion (and author of the book *Pro-Life Answers to Pro-Choice Arguments*), relates⁵² the story of a woman who had been conceived as a result of rape. She came to him after one of his anti-abortion meetings, and said to him: "Thank you! I've never before heard anyone say that a child conceived by rape deserved to live. My mother was raped when she was twelve years old. She gave birth to me, and gave me up for adoption to a wonderful family. I'll probably never meet her, but every day I thank God for her - and for her parents. If they hadn't let me live, I wouldn't be here to have my own husband and children, and my own life. I'm just so thankful to be alive."
2079. Jean Garton sums it up so well in her book *Who Broke the Baby?* Exposing the hypocrisy of pro-abortion feminists, she rightly remarks:⁵³ "When a woman exercises her 'right' to control her own body in total disregard of the body of another human being, it is called abortion. When a man acts out the same philosophy [by ravishing a woman], it is called rape!"
2080. Certainly all such aborting feminist "mothers" are murderesses, and deserve the death penalty. So too do all such raping "fathers." But the little babies conceived as a result of their lust, have done nothing to deserve extinction. To the contrary, decent societies will protect them.
2081. The plain fact is that even women impregnated through rape, after much trauma, may well blossom forth into extremely compassionate Christians. Sometimes even their rapers may repent, and thus themselves gain - by entering into the Kingdom of God before receiving what should be their mandatory death penalty. Indeed, as seen above, also those conceived by rape may grow up into solid Christians - and then adorn any church fortunate enough to enrich itself by taking them into its membership.

Pregnancies in psychically-deranged women not to be aborted

2082. **G**, abortion is sometimes resorted to in trying to relieve a woman psychically disturbed during, or disturbable by, her getting pregnant. However, not abortion but psychiatric therapy is what should be prescribed in such cases. Most of the psychoses occurring in mothers do not occur during their pregnancies but after their giving birth and are generally curable.⁵⁴
2083. San Francisco Psychology Professor Vaughan points out an interesting fact in his *Abortion and Psychiatry*. There, he refers⁵⁵ to "344 women who (for various reasons) were refused legal abortion in Sweden.... 62 specifically stated that they would commit suicide.... None of them did."

⁵². R. Alcorn: *Pro-Life Answers to Pro-Choice Arguments*, Portland: Multnomah, 1994 rep., p. 4.

⁵³. J. S. Garton: *Who Broke the Baby?*, Minneapolis: Bethany, 1979, p. 77.

⁵⁴. Cited in Willke's *op. cit.*, p. 41.

⁵⁵. *Ib.*, p. 39 (citing R. Vaughan's *Abortion and Psychiatry*).

2084. Miami University Medical School's Psychology Professor Dr. Carl Marlow states there was only a very minimal risk of threatened suicide actually taking place if the demanded abortion were not performed. In fact, the 1967 *Maternal Committee Report* of Minnesota University's Department of Obstetrics and Gynecology found that the suicide rate among pregnant women is less than one-quarter of that of the general female population of the same age.⁵⁶
2085. It is sometimes alleged by pro-abortionists that there are sometimes serious psychiatric reasons necessitating abortion. But Dr. Frank Ayd (M.D.), Medical Editor and renowned Psychiatrist, notes:⁵⁷ "True psychiatric reasons for abortion have become practically non-existent. Modern psychiatric therapy has made it possible to carry a mentally-ill woman to term."

No known mental disease can be cured or alleviated by abortion

2086. Thus, Medical Practitioner Dr. J.C. Willke states in his *Abortion Handbook*:⁵⁸ "It can flatly be stated that no mental disease known to man can be cured by abortion." Indeed, Yale University Psychiatrist Dr. Theodore Litz declares:⁵⁹ "It is practically impossible to predict when an abortion will not be more detrimental to the mental health of the mother, than carrying her child to birth."
2087. Dr. R. Bruce Sloan, of Temple University, wrote⁶⁰ (in the 1969 *New England Journal of Medicine*) that "there are no unequivocal psychiatric indications for abortion." If the pregnancy is **not** interrupted, he added, "the risk of flare-up or precipitation of psychosis is small...and suicide is rare."
2088. Where pregnant women are mentally disturbed, declares the Australian Anglican *Abortion Report*,⁶¹ "psychiatrists vary widely in their advocacy or disapproval of therapeutic abortion. This variation in psychiatric opinion as to indications for and against termination of pregnancy in cases of maternal mental anguish, are obviously "related to the psychiatrist's own personal religious and philosophical orientation - for example, his attitude to the sanctity of life...."
2089. "Abortion itself," continues the *Report*, "may seriously affect the woman's mental health.... Some women feel robbed or deprived after a therapeutic abortion, even if they requested it in the first place. Some have guilt-feelings. Consciously or unconsciously, they interpret abortion as infanticide. No matter how much Theologians and others may argue about the nature of the product of conception in the first three months - to many pregnant women it is 'my baby' and fantasized as such."
2090. "The foetus is thus personalised as a new life, a new person, and perhaps as an extension of herself and of her husband. It rapidly becomes an object of love. Destruction of the foetus is fantasized at deep levels as murder - whatever the conscious surface rationalisations about the need to get rid of it. And its loss is followed by grief reaction, involving - as in all grief - mixed feelings of depression, anxiety, resentment and guilt." Consequently, abortions for psychiatric reasons are usually, to say the very least, counter-productive.⁶²

^{56.} 1967 *Maternal Committee Report* of Minnesota University's Department of Obstetrics and Gynecology (cited in Willke's *op. cit.* pp. 39 & 45).

^{57.} Cited in Willke's *cit.*, p. 38.

^{58.} *Op. cit.*, p. 39.

^{59.} *Ib.*, pp. 38f.

^{60.} See n. 58.

^{61.} Sydney Diocese: *Abortion Report*, pp. 31-34.

^{62.} Dr. Bruce H. Peterson (M.B., B.S., F.A.N.Z.C.P., D.P.H.) gives the following statement as a professional

2091. Not only do abortions not diminish mental illnesses in pregnant women. To the contrary, they often aggravate such diseases incipiently present. Indeed, they may even help cause mental diseases in somewhat unstable (yet otherwise mentally-normal) pregnant women.

Diseases and especially psychiatric malfunctions rather worsened by abortion

2092. In 1966, the Council of the Royal College of Obstetrics and Gynecology stated⁶³ that "the incidence of serious permanent psychiatric aftermath (from abortion) is variously reported as being from between 9 and 59%." Here, it may perhaps be objected that it is the aftermath of Britain's still-lingering remnant of a formerly-national Christian Ethic which induces the guilt-feelings in such women. Yet it is interesting to note that even in Japan - probably both yesterday and today the least-evangelized country on Earth - the 1963 *Aichi Survey* reported that a considerably higher percentage (73.1%) of women aborted, felt "anguish" about their having had abortions.
2093. Even in liberal Sweden - where abortion today attracts no moral stigma - the aftermath is similar. Thus, Dr. M. Ekblad reported⁶⁴ in the 1955 Swedish Medical Journal *Acta Scandinavica* that many aborted women later "seriously regret" that occurrence - while "the psychiatrically-abnormal woman finds it more difficult than the psychologically-normal woman to stand the stress of abortion." So we need to trace these ongoing feelings of anguish in aborted women to guilt-feelings caused not by lingering Christian tradition but by God's continuing wrath-revelation toward sinful humanity everywhere. See Romans 1:18-32 & 2:14-16.

Therapeutic abortion often harms the woman both physically and psychically

2094. **H**, abortion is sometimes also advocated - in order to try to alleviate physical disease or discomfort in a pregnant woman who is not mortally ill. Already in 1951, Dr. R.J. Hefferman of Tufts University - speaking to the Congress of the American College of Surgeons - said:⁶⁵ "Anyone who performs a 'therapeutic abortion' (for the sake of the mother's physical disease), is either ignorant of modern

Psychiatrist and a professing Christian: "My own position, then, is that a pregnancy should only be terminated for psychiatric reasons if continuance of the pregnancy would involve serious risk to the life or mental health of the woman.... I usually feel the need of the opinion of another psychiatric colleague. When each case is carefully considered on its merits, I find myself in agreement with the great English Psychiatrist Sir Aubrey Lewis, who wrote: 'Termination [of pregnancy] for purely psychiatric reasons is on the whole seldom necessary.'" Thus the Australian Anglican Sydney Diocese's *Abortion Report*, pp. 31f. The *Abortion Report* itself then very much less happily adds: "This extreme form of self-protection - involving the death of the aggressor could, however, be justified not only in cases where there is a threat to life but where an innocent party is being deprived of his liberty or sanity or some other right which the social conscience in line with biblical teaching regards as fundamental. If the threat is one of maximum significance and there is no way of alleviating it other than by killing the aggressor, selfprotection could assume this very extreme form without being morally culpable.... This means that the threat posed by the foetus is directed not towards the actual life itself but towards the effectual life - when the mother is in danger of being reduced to 'a mental and physical wreck.' The reasons for a threat of this latter kind may vary widely." *Op. cit.*, pp. 13-15. Here, we ourselves strongly disagree. For we think it far more likely that a pregnant mother's insanity would probably get worse **after** an abortion than if no abortion were resorted to. Indeed, we think it entirely possible that the insane woman's mental health could only deteriorate further if she procures an abortion - but that her mental health may very well improve precisely by carrying the baby to full term and then delivering him or her alive. Compare Daniel 4:4-37 with John 16:21.

63. See Willke's *op. cit.*, p. 43.

64. *Ib.*, pp. 43-44.

65. *Ib.*, p. 37.

methods of treating the complications of pregnancy or is unwilling to take time to use them."

2095. Dr. Vincent Rue and others, in their *Report on the Psychological Aftermath of Abortion* - submitted to the Surgeon-General of the United States - sets out especially the psychological problems often caused in women by abortion. The report focusses particularly on that malady known as PAS (or Post-Abortion Syndrome). Some of the symptoms identified in the report as constituting part and parcel of PAS, include: depression; suicidal tendencies; broken relationships; drug/alcohol abuse; sexual problems; phobias; phantom pregnancies; infertility; anorexia; *etc.*⁶⁶
2096. Clinical Psychologist Catherine Barnard concluded in a 1991 study that almost half of the women who have had an abortion, may suffer some kind of emotional trauma as a result. Indeed, Dr. J.R. Ashton established that "about half of all abortion patients" experience psychical disturbances for up to eight weeks - including guilt feelings; nervous symptoms; sleeplessness; and feelings of regret. A longer-term study showed that some 10-30% of all abortion patients experience even serious ongoing psychiatric problems.⁶⁷
2097. Attempted suicide rates are nine times higher in women who have had abortion, than in women in the general population. In an article titled *Abortion: The Pain No-one Talks About*, Martina Mahler reported⁶⁸ a study of women who have had abortions in which 45% said they had thought of suicide following their abortions. The article quotes women who describe the aftermath of abortion as "devastating"; "insidious"; "misery"; and "prolonged anguish." One woman said: "I was completely overwhelmed with grief." Another: "I was depressed; nothing mattered"; and "I wished I was dead."

Pregnancy termination as a means of preserving the life of the unborn baby

2098. I, artificial termination of pregnancy is attempted also - very occasionally - to try and preserve the life of the saveable unborn baby (when the mother is physically dying and cannot be saved). Here, think of a pregnant woman mortally injured not in her womb but in her head in a car smash.
2099. Everything possible must be done to save both lives, especially the mother's. But if her life cannot be saved, yet that of the viable baby can (by removing him or her from the mother before the latter dies) - this should, we believe, be done even if such removal hastens the death of the already-dying mother. See First Samuel 3:16-28; Isaiah 49:15a; Romans 5:7f.

Pregnancy termination to preserve the life of the bearing mother

2100. J and last, artificial termination of a human pregnancy is indicated also - very occasionally - to try and preserve the saveable life of the mother (wherever she would die together with her baby if the pregnancy were to continue). Here, think of a pregnant woman seriously injured not in her head but in her womb (with also the fetus mortally injured) as a result of a car smash. Even Maimonides, who regarded feticide as a capital crime in terms of Genesis 9:6 - also regarded a fetus threatening the life of an ailing mother, as a removable "pursuer" (*cf.* Second Samuel 2:19-23).
2101. Everything possible should be done to save both lives. But if the baby's life cannot be saved (whatever

^{66.} V.M. Rue & Others: *A Report on the Psychological Aftermath of Abortion* (submitted to the U.S. Surgeon-General by the National Right to Life Committee, 15th Sep. 1987), 7.

^{67.} J.R. Ashton: *The Psychological Outcome of Induced Abortion*, in *British Journal of Obstetrics and Gynaecology*, Dec. 1980, pp. 1115-22.

^{68.} M. Mahler: *Abortion: The Pain No-one Talks About*, in *Women's World*, 24th Sept. 1991, p. 6.

be done or left undone), yet the life of the mother can be saved by terminating the pregnancy so as to be able to treat the otherwise medically-untreatable mother - this should be done, even if such removal of the already-dying baby hastens his or her own death. See: Exodus 20:12-14; 21:15-25; 34:26; Deuteronomy 22:6-8; 22:15-25f.

2102. In previous centuries, and perhaps even today here and there in an ever-shrinking number of third-world countries and other places inaccessible to modern medicine, there were no doubt infrequent cases where pregnant women would die if their pregnancies continued. We shall address how to deal with those situations, just a little later, from the Holy Scriptures. However, as Dr. & Mrs. J.C. Willke (M.D.) have observed in their 1972 *Abortion Handbook*.⁶⁹ "Abortion is rarely necessary today to save a mother's life.... Abortion is almost never necessary anymore."

Pregnancy termination permissible only if pregnant woman's life in danger

2103. One gets asked: 'Are there any real grounds for abortion?' Rev. Randolph, in his *God Is Pro Life*, rightly replies: "No! Except in the rare case when either mother or child must die, there are no grounds. Some have indeed been suggested - such as advanced psychosis in the mother, rape, or simply that the mother does not want the child. But all of these...omit the fact that there is someone in the womb who is made in the image of God."⁷⁰
2104. Stronger still is the testimony of Dr. C. Everett Koop, while he was U.S. Surgeon-General during the 1980s. "Protection of the life of the mother as an excuse for an abortion," insisted Koop,⁷¹ "is a smoke-screen. In my 36 years of paediatric surgery, I have never known of one instance where the child had to be aborted to save the mother's life. If toward the end of the pregnancy complications arise that threaten the mother's health, the doctor will either induce labour or perform a Caesarean section. His intention is to save the life of both the mother and the baby. The baby's life is never willfully destroyed because the mother's life is in danger."
2105. There is indeed the rare situation where newly-born Siamese twins are conjoined in such a serious way that doctors deem first the one and shortly thereafter also the other will soon die, unless separated. In such a sad scenario the doctors also know that even the very separation might well hasten the death of the first dying, though improve the survival prospects of the other - whereas not to separate them would, medically speaking, hasten the death of both.
2106. In such a case, the doctors who operate should do everything they can to preserve both lives - even while frankly expecting the weaker twin to die and the strong one to survive precisely as a result of their surgery. Analogously, doctors should see the situation of a life-threatened pregnant woman and her yet unborn baby in a similar light.

Scripture suggests mothers' lives even more precious than their youngs'

2107. Let us now again look at the Sacred Scriptures - which do seem to teach the greater worth of a mother than that of her (extremely valuable) offspring. If we are interpreting Holy Writ correctly, God's Word would certainly justify the procedure mentioned in the previous nine paragraphs. Moreover, if we are interpreting Holy Writ correctly, God's Word would also justify a procedure giving preference to saving

^{69.} *b.*, p. 38.

^{70.} *Op. cit.*, p. 23.

^{71.} Cited in M. Green: The Questions Most People Ask About Abortion, in Last Days Magazine, 2.

the mortally-imperilled life of a pregnant mother (rather than that of her mortally-imperilled unborn baby) in those very distressing circumstances where there is only enough time available to save either the pregnant woman or her unborn baby (but not both).

2108. Rev. Dr. R.J. Rushdoony had already referred to the possible significance (to human abortion) of the Deuteronomy 22:6f text dealing with the protection of a mother bird (even when also still incubating her fertilized eggs).⁷² So too, obliquely, has Rev. Professor Dr. John Calvin.⁷³
2109. We ourselves believe, with Clement of Alexandria,⁷⁴ that even Exodus 23:19 and Leviticus 22:28 are of some considerable significance here. We also believe that the Fifth Commandment ("honour your father and your mother!") means that minor children and their interests - everything else being equal - are ultimately subservient to those of parents. Consequently, all other things being equal, the life of a mother ultimately takes precedence over the life of her child.
2110. We also believe that the Sixth Commandment ("you shall not commit murder!") implies it is the duty of both husband and wife to prolong the life of the wife as much as possible. Indeed, we further believe that the same Sixth Commandment ("you shall not commit murder!") implies that while God **always** condemns the **unjust** taking of life - He also fully permits (and indeed may even require) the taking of the life of others in selfdefense. Exodus 22:2 & Numbers 35:27. Accordingly, let us now look at the issue of abortion from this twofold perspective (positive and negative).

Selfdefense to preserve the life of an attacked mother

2111. The Sixth Commandment, declares the *Westminster Larger Catechism*, forbids "all unjust taking away the life of ourselves or of others - **except** in case of public justice, lawful war, or necessary defense."⁷⁵ It should be noted that this Commandment **requires** all persons - and a pregnant woman too is surely a person! - to do what is necessary, in order to prevent the unjust taking away of all human life (**including** "the life of ourselves").
2112. Indeed, the *Catechism* permits (if not indeed commands) "the life of others to be taken away...in case of public justice, lawful war - or **necessary** defense." This is primarily to be done, in order to uphold the honour of God. However, it is also (and only secondarily) to be done, in order to preserve even the **lives** of those under unjust mortal attack proceeding from injurious aggressors.
2113. In Exodus 22:2, violent resistance to an aggressive nighttime robber - resistance even to the point of killing that robber, if necessary - is in itself clearly presumed to be guiltless. So too, in Numbers 35:27, action is clearly to be taken by the relative of a manslaughteree - to repel the illegal re-intrusion of the manslaughteree into territory forbidden to him or her. So what bearing does this have on the termination of pregnancies?
2114. Now many of those who strongly argue that premature removal of an externally-unviable fetus from a pregnant woman is **never** just(ifiable), often base their argument on the doctrine of "intention." Their argument runs as follows. It is wrong for a pregnant woman to "defend" herself against such a fetus as might be threatening her life - because, they say, the fetus cannot **intend** to do so.

^{72.} See paras. 1288f.

^{73.} See paras. 1293f.

^{74.} See paras. 1425-31.

^{75.} Q. & A. 136.

2115. In the light of Covenant Theology (which rightly stresses the ability of even fetuses to **believe** in God)⁷⁶ - we must boldly challenge the undemonstrable and Arminian assumption that a fetus cannot "intend."⁷⁷ Yet even if a total lack of fetal intention to attack the mother **were** demonstrable in a specific case, this would still not preclude the mother's right of self-defense even against her own fetus.

The duty of self-defense even when attacked by one's next-of-kin

2116. Similarly, a life-threatening attack by an insane wife against her loving husband - whose normal duty it is to protect his wife - would not preclude the rightness of his warding off her blows with the necessary amount of force (even up to and including killing her in his own self-defense). It is obvious that she here lacks the intention to kill him. Yet her attack upon him is just as dangerous - if not more so - than in those cases where she might so intend.

2117. Now it is obviously right for a person to defend himself against the attack of a dangerous animal (which always lacks intention anent the way in which a normal human being intends). Here compare Genesis 9:5-6 with Exodus 21:28-32. Similarly, it is clearly appropriate for a woman to defend herself against the unintentional attack of her (either temporarily or permanently) insane husband - and, if absolutely necessary, even to kill him.

2118. For example, she must repel him - forcibly, if necessary - if he becomes a mindless lunatic or an intoxicated drug addict or an enraged "as- hashish-ed" assassin,⁷⁸ and launches what seems to her to be a mortal attack against her life. Indeed, the deranged husband's temporary or permanent lack of intention to harm his wife - and/or his temporary or permanent inability to defend himself from being harmed by her as she defend herself against his intentional or unintentional attacks against her, hardly prohibits the woman - even to the point of killing him (if necessary) - from violently warding off his blows against her.

Attacker's lack of intention irrelevant to the duty of self-defense

2119. We have a similar case where that same woman is being threatened - mortally - by her own deranged adult son. But if she may indeed rightly ward off the intended or unintended blows of that son when he is an adult (even to the point of killing him, if necessary) - by what standard of logic can she be prohibited from warding off threats to her own life made by that very same son prior to his birth (regardless as to whether he then "intends" such threats or not)?

2120. Exodus 21:28-32 - which follows **immediately** after the "miscarriage" passage Exodus 21:22-25 - seems to speak very pertinently about the above matter. For Exodus 21:18-32's **mindless** ox clearly lacks "intention" - while attacking or goring and even killing people. And yet, it is still to be restrained or - if unrestrainable or not successfully restrained - it is even to be put to death. See paragraphs 1234f and 1557f.

2121. This passage concerning a mindless ox which attacks people is very important in teaching us correct behaviour especially toward human beings. For from this passage, we can again clearly see that also a human attacker's absence of intent to kill another human being - no way precludes an attacked

^{76.} Ps. 22:9f; 139:16; Jer. 1:5; Lk. 1:15; 1:35-44; I Cor. 7:14; II Tim. 1:3-6; 3:14-17.

^{77.} See too: Mt. 18:1-14; Jh. 3:3-8; Heb. 11:6.

^{78.} In olden times, assassins were frequently doped up with marijuana, in order to remove all

pregnant mother or her agent in selfdefense (if absolutely necessary) from counter-attacking and even killing an attacker: even if the latter be her own attacking fetus.

2122. "For it is written in the Law of Moses [Deuteronomy 25:4], 'you shall not muzzle the mouth of the ox that keeps on trundling corn!' Does God restraints against their accomplishing a 'murderous' mission to kill others. Hence, the word "assassin" - from "hashish" alias marijuana. take care [only] of oxen? Or does he [not] say this - altogether for our sakes? For our sakes no doubt it is written [Second Timothy 2:6] that 'he who plows, should keep on plowing in hope.'" First Corinthians 9:9f.

The life of a mother-bird must be preferred to that of her eggs and young

2123. In addition, there is the Deuteronomy 22:6f passage (previously touched upon by Rev. Dr. Rushdoony).⁷⁹ This is found **precisely** within the context of Deuteronomy 19:1 through 22:8's extended exposition of the application of the Sixth Commandment ('you shall not murder!').
2124. In the passage concerned, God declares: "If you chance to come across a bird's nest in front of you on the road, in any tree, or on the ground - whether there are young ones, or eggs, and the mother bird sitting upon the young or upon the eggs [and hence incubating them] - **you shall not take the mother-bird together with the young!** However, you shall **certainly let the mother-bird go** [while taking her young for yourself] - so that it may go well with you, and so that you may prolong your days."
2125. Here, we should note the following. First, even when men take a mother-bird's eggs or her baby-birds, the mother-bird herself must be spared - apparently so as to be able to incubate more eggs again, at a later stage.
2126. Second, although it is birds and not humans that are here under discussion - the text still establishes the principle of the greater degree of preciousness of adult life (here represented by the mother-bird) when compared to the also-precious (yet less-precious) young life here represented by the mother-bird's chickens. *A fortiori*, also the baby-birds are more precious than the also-precious prenatal bird-life (represented by the mother-bird's eggs).
2127. Third, the passage seems to say: 'Spare the irreplaceable mother-bird - so that she may lay yet more eggs again later!' It is **not** saying: 'Spare the replaceable bird-eggs at all costs!' Still less does it say: 'Destroy the egg-laying mother-bird together with the replaceable eggs she laid!'
2128. Fourth, the promises annexed to the end of the Deuteronomy 22:6f bird's eggs' passage - are very important. The two reasons given for sparing the mother-bird, are - "so that it may go well with you; and so that you may prolong your days."
2129. These two reasons remind one of the similar promises made to reward those who honour their own fathers and mothers. Those latter promises remind human beings of the duties of human Inferiors toward their human Superiors, and are annexed to the Fifth Commandment ('honour your father **and your mother**, as the Lord your God has commanded you - so that your days may be prolonged, and so that it may go well with you!'). Deuteronomy 5:16 & 22:6f *cf.* Exodus 20:12f & 21:15-22f and *Westminster Larger Catechism* Questions & Answers 123-127f.

⁷⁹. See paras. 1288-91.

Calvinistic comments on Deuteronomy 22:4-7 and Exodus 23:5

2130. Last, abortion-hating Classic Calvinist Theologians apply this text to justify the removal of the fetus when threatening the **life** of the mother. Compare their time-honoured maxim: "Prune but spare the mother tree - so that she may live, and bear fruit again yet later!" Cf. John 15:1-8.
2131. Calvin's own comments on Deuteronomy 22:4-7 and Exodus 23:5 are very illuminating. Writes he:⁸⁰ "God exhorts His people to exercise the duties of humanity towards brute animals **in order that** they may be the more disposed to assist their **brethren**. For we must bear in memory what Paul teaches - where God commands oxen to be treated kindly, *viz.*, that in this He does not care so much for them as for **mankind** (First Corinthians 9:9)....
2132. "Since by this precept God instructed His people in the law of kindness, it is a Supplement to the Sixth Commandment ('you shall not murder!'). Regard was had - indeed - to the preservation of the breed [of bird].... Still, there is no question but that it was God's intention to accustom His people to study **humanity**. For if there be one drop of compassion in us, it will never enter into our minds to kill an unhappy little bird!" Thus Calvin. See too paragraphs 1272-74.

The Pulpit Commentary on the application of Deut. 22:6f to motherhood

2133. Accordingly also *The Pulpit Commentary* remarks⁸¹ on Deuteronomy 22:6f that "the **parent** bird may be presumed to be taken only in **wantonness** - the **young** ones being [the only ones] **really** of service [to the human eater of bird-eggs]. This [taking of the **parent** bird] would be an act of cruelty.
2134. "**Humanity** may be a motive.... The female sex is intended for **motherhood**. It binds the generations each to each.... On the exercise of this function, the continuance of the species depends. Hence, the command here is at once humane - **and** intended to ensure the continuance of the species.... The idea, sacred in the woods among the wild birds, would become sacred elsewhere.
2135. "The mothers in Israel, instead of being sacrificed **to** their children, would be honoured **by** them - which is the divine order. The young generation should bear the burden, rather than the old. To such a line of thought, the law about birds' nests would **naturally** give rise.... To spare the life of the parent bird, is to secure in return many other lives. A source of future profit should not thoughtlessly be destroyed" - whether that source be the mother-bird, or a human mother, or both.

Dr. Craigie on motherhood and reproduction in Deuteronomy 22:6f

2136. Rev. Professor Dr. Peter Craigie in his commentary *The Book of Deuteronomy* also has some enlightening information on this point. "The Law," explains Craigie⁸² of chapter 22:6-7, "has to do with the conservation of food supplies....
2137. "If a nest was found with a mother-bird and eggs or young birds in it, the 'natural' [or rather the greedy] thing to do would be to take all of them - thereby acquiring more food. The effect of such action, however, would be bad. In commercial language, it would be exchanging a longterm profit for an immediate gain.

^{80.} *Harm. Pent.*, III pp. 57 & 56.

^{81.} *The Pulpit Bible*, New York: Funk & Wagnalls, n.d., pp. 359,362,5.

^{82.} P. Craigie: *The Book of Deuteronomy*, Grand Rapids: Eerdmans, 1976, pp. 288f.

2138. "To take and kill the mother, would be to terminate a potential future supply of food. To take the mother and leave the others, would not be possible - for they would not be able to survive without the mother.
2139. "Thus, by taking the young birds [or the bird's eggs] but letting the mother go, food was acquired - without the **source** of food for the future being cut off. The legislation thus has something in common with modern conservation laws. The largescale killing of any species can lead to a serious diminution in its numbers, and to eventual extinction."

The possible bearing on abortion of Ex. 23:19 & 34:26 and Dt. 14:21

2140. Even Exodus 23:19 (*cf.* 34:26 & Deuteronomy 14:21) also speaks - at least indirectly - to the problem of abortion. The text Exodus 23:19 is discussing the dedication to the Lord of the first fruits of plants and animals (and perhaps even of the animals substituted for **human** firstfruits).⁸³ For there, God says: "you shall not seethe a kid [goat] in its mother's milk!"
2141. Now there are probably at least five different applications that could [or even should] be made of this text. However, as Keil and Delitzsch rightly point out, the previously-explained command in Deuteronomy 22:6f - *cf.* at paragraphs 2123f above - is indeed also related to the other commands in Leviticus 22:28 and Exodus 23:19.
2142. Consequently, one of the correct applications of Exodus 23:19 would seem to be that the life of the mother of a little kid-goat is probably somewhat more important than the valuable life of that mother-goat's little kid. By implication, this would then perhaps also imply that the life of a fully-mature adult human mother is also somewhat more important than the valuable life of her kid-goat - her fully-human but immature and indeed only potentially-adult human offspring (whether zygotic or embryonic or fetal or infantile). See paragraphs 1270f & 1428f.

Calvin on the significance to life of Ex. 23:19 & 34:26 and Dt. 14:21

2143. Calvin's own comments on the above three rather analogous passages concerning kid-goats - Exodus 23:18f and 34:26 and Deuteronomy 14:21 - are very illuminating. The first of these three Bible passages itself reads: "you shall not offer the blood of My sacrifice...[and] you shall not bring the first of the firstfruits of your land into the house of the Lord your God! [For] you shall not seethe a kid-goat in its mother's milk!"
2144. Comments John Calvin:⁸⁴ "I have no doubt that the prohibition [not to seethe a kid-goat in its mother's milk] relates to the **sacrifices**. For...it is added in connection with the offering of the firstfruits [Exodus 23:19]....
2145. "In the second [passage, at Exodus 34:26], we read as follows - 'The first of the firstfruits of your land, you shall bring unto the house of the Lord your God. [For] you shall not seethe a kid in its mother's milk!'
2146. "And so also in the third passage [Deuteronomy 14:21] - 'you shall not eat anything that dies of its own

⁸³. *Cf.* Ex. 13:12-15 & Num. 18:15-18 & 18:21.

⁸⁴ *Harm. Pent.*, II p. 385.

accord!' ['You shall not eat the carcase of any animal you chance to find dead, but you may eat only of those animals slaughtered by man and specifically killed for meat!'] 'For you are a holy people before the Lord your God. Nor shall you see the a kid in its mother's milk!'"

2147. From all three of the above passages, Calvin now draws a general conclusion. "God would not admit anything monstrous in His sacrifices. [So he would not permit] that the flesh of the young [animals] should be cooked in its **mother's** milk - and thus, as it were, in its **own** blood."

Lev. 22:27-28 significant to abortion for saving a mother's life

2148. As indicated above (already by Clement of Alexandria but especially by Keil and Delitzsch),⁸⁵ the same principle seems to be taught even in Leviticus 22:27-28. For there, God commands: "Whether it is a cow, or a ewe [or even a she-goat, *etc.*] - you shall not kill both her and her young in one and the same day!"

2149. Comment Keil and Delitzsch:⁸⁶ "A young ox, sheep, or goat was to be seven days under its mother.... The young animal had not attained to a mature and self-sustained life during the first week of its existence. For this reason, the following rule was also laid down [even] by the [Pagan] Romans: 'the foetus of a pig is pure as a sacrifice on the fifth day; that of a sheep, on the eighth day; and that of a cow, on the thirtieth day' (Pliny)."

2150. In Leviticus 22:27-28, explain Keil and Delitzsch, "the command not to kill an ox or sheep **at the same time** as its young is related to the law in Exodus 23:19 and Deuteronomy 22:6-7." For it was to be "a duty on the part of the Israelites to keep sacred the relation which God had established between parent and offspring."

2151. Here again, **human** fetuses and babies and mothers are all - of course - of very much greater importance than the fetuses and the young and even the dams of animals (like cows and ewes and goats). For no animal but only **human** fetuses and babies and mothers are the very images of God Himself. Yet, if the human fetus is dying inside a life-threatened mother anyway, to allow even the mother to die **at the same time** (when at least **her** life could be saved by terminating her pregnancy) - is somewhat analogous to allowing cows and ewes to die **on the same day** as their young or their fetuses.

2152. The passage in Leviticus 22:27f reads: "Whenever a bullock or a little lamb or a kid-goat is born, it is to remain **under its dam** for seven days. Only from the eighth day and thereafter, shall it be acceptable as a burnt offering to the Lord. And whether the mother is a cow or a ewe [or a she-goat] - you shall not kill both her **and** her young **on the same day!**"

2153. Calvin's comment on this passage is very important. "Cruelty was indeed condemned in this precept," he observes.⁸⁷ "Yet I do not doubt that Moses is speaking primarily about the sacrifices.... If any prefer to extend it further, I will not contest the point. And thus, **this sentence will be a supplement to the Sixth Commandment ['you shall not murder!']....**

2154. "All barbarity and cruelty was thus prohibited in the sacrifices. And in them, the rule was laid down that

^{85.} See paras. 1424f & 2140f.

^{86.} *Op. cit.*, II pp. 436f (on Lev. 22:27f).

^{87.} *Harm. Pent.*, II p. 384 (on Lev. 22:28).

men should not be cruel in reference to [the ways of acquiring] their daily food. **It is a sight by no means pleasant to gentle minds, to see the dam [or mother-animal] killed together with her young.** And, if it were a common custom, men would easily grow callous as to **blood-shedding in general!**" See too paragraph 1270.

Bible analogies on abortability of human fetus where life threatened

2155. What can we learn by Biblical analogy - from Genesis 9:5-7 & Exodus 23:19 & Leviticus 22:27f & Deuteronomy 22:6f - as regards the abortability of the **human** fetus? Certainly, all human life is of extremely great value. For even from their very conception, all human beings are the [expanding] images of God Himself. Indeed, a human *conceptus* is not just **potentially** human. To the contrary, a human *conceptus* is **fully** human. Yet, a human *conceptus* does not have the actuality but only the potentiality to become a **fully-developed** human being.
2156. That human *conceptus* (an **undeveloped** image of God) - even if never miscarried - may not live long enough even postnatally to grow up to adulthood during his or her present earthly life. Even if that *conceptus* later indeed attains adulthood, he or she may still never become a parent.
2157. Of course, **everything possible** should certainly be done to save both mother and fetus - in the case of a difficult pregnancy. Yet even in such a case, for the reasons given above, **if** both lives are imperilled **equally**; and **if** the life of only one of the two **can** be saved (humanly speaking) - it is probably more crucial to preserve the life of the adult **mother** (rather than that of her *conceptus*).
2158. This is especially so, if the mother is **already** the mother of another still-living minor child or of other still-living minor children (born on a previous occasion or occasions). For then, she not only directly supports the life or welfare of her present *conceptus* - but to a large extent **also** that of those of her previous child or children.
2159. Her new *conceptus* - very unlike the mother herself - does not either directly or indirectly support the life or welfare of any person (including the life also of the new *conceptus*). Nor is the *conceptus* a married person (as is the mother). Unlike a spouse and *a fortiori* a parent, a *conceptus* has no duties to support a spouse as long as possible (and also to support children until they leave home).⁸⁸
2160. Even today, in spite of the sophistication of modern medical techniques, there are still those excruciating (but fortunately now very rare) cases where the lives of the mother and of her *conceptus* are both equally saveable (**and** both equally loseable). In the latter event, non-termination of that pregnancy would probably result in the death of **both** the mother and the *conceptus*. So, where such is indeed the clear prospect and medically-certain expectation in the opinion of at least two and preferably three Gynecologists - we are of the opinion that preference should be given to the life of the mother above that of her *conceptus*.
2161. We believe the above, because we are taught in the Holy Bible that - **all other things being equal** - the human mother is of ever greater worth than is or are her own very valuable offspring. See: Exodus 20:12-13; 21:15-28; 23:19; 34:26; Leviticus 22:27f; Deuteronomy 14:21; 22:6f; Matthew 15:3-6; John 11:50; 18:14; 19:25-27; Romans 9:10-14; First Corinthians 5:1-5; Ephesians 5:25 to 6:1-3; Colossians 3:20; First Timothy 1:9; 3:4f; 5:1-4; Second Timothy 1:3-5; 3:2; 3:15; Titus 1:6; 2:3-6; Revelation 2:20-23; *etc.*

⁸⁸. Gen. 2:22-25; Rom. 7:1-3; I Cor. 7:14; Eph. 6:1-4; *etc.*

Three doctors to agree pregnancy threatens life before abortion attempted

2162. We also believe - again, only from the analogy of Holy Scripture - that the excruciating decision to remove the fetus solely to try and save the life of the mother (where both appear to be dying), should be taken only upon the authority of two or three competent witnesses. Compare: Leviticus 13:2f; 14:35f; Numbers 35:30; Deuteronomy 17:6-10; 19:15-18; Proverbs 11:14; 15:22; 24:6; Matthew 18:15-18; John 8:17; Second Corinthians 13:1; First Timothy 5:19; Hebrews 6:18 & 10:28f. This we believe in such cases requires the consensus of at least two, and preferably three, competent (and preferably Christian) Gynecologists. What is needed here is an informed and unanimous testimony that only the removal of the fetus could, medically speaking, save the life of a dying pregnant mother.
2163. For, as the 1968 *American College of Obstetricians' Statement* rightly declares:⁸⁹ "Termination of pregnancy by therapeutic abortion is a medical procedure.... A consultative opinion **must** be obtained from **at least two** licensed Physicians **other than the one** who is to perform the procedure. This opinion should state that the procedure is medically indicated."
2164. On the necessity of having three competent witnesses in such and similar cases, the famous 375 A.D. anti-abortion activist⁹⁰ Basil the Great made the following statement:⁹¹ "If, as in a Court of Law, we were at a loss for documentary evidence but were able to bring before you a large number of witnesses - would you not give your vote for our acquittal? I think so. For 'at the mouth of two or three witnesses, shall the matter be established!' Deuteronomy 19:15."
2165. As the great modern anti-abortionistic⁹² Christian Ethicist Rev. Professor Dr. Willem Geesink states about this text, "it indeed applied first of all in criminal cases. But it found even broader application, and went over from [Hebrew and] Jewish Jurisprudence even into the Ecclesiastical Law of the Christian Community.... Matthew 18:16." Compare too "Leviticus 5:1" and Exodus 23:1" *etc.*⁹³

Australian Anglican Ethics and Social Questions Committee Report

2166. On this point, we find ourselves in substantial agreement with the *Report of the Ethics and Social Questions Committee of the Sydney Diocese of the Synod of the Church of England in Australia*. States that *Report*:⁹⁴ "In prenatal crises where the mother's life is either directly or indirectly threatened by the foetus - *i.e.*, where it [the foetus] is the direct cause of [or is directly threatening to cause] the mother's death, or where its presence impedes the success of a life-giving operation which is not directly an abortion - the alternatives generally are that either the mother's life is saved, or both lives will be lost. Either way, the foetus cannot be saved.
2167. "The obligation to save the mother's life by aborting the foetus, under these circumstances, should be obvious. We cannot argue that because of the inappropriateness of the notions of 'guilt' and 'blame' our hands are tied and we are unable to discharge our obligation of saving a human life.
2168. We are, of course, extinguishing a life [if the aborted baby's life cannot be saved] - but only because it

^{89.} *American College of Obstetricians' Statement*, 1968 (in Spitzer & Saylor pp. 174f).

^{90.} See paras. 1438f & 1488.

^{91.} Basil: *On the Spirit*, ch, 29, in *Nic. & Post-Nic. Fath.*

^{92.} See para. 1537f.

^{93.} *Ordinances*, IV pp. 257f *cf.* 356.

^{94.} *Op. cit.*, pp. 12-17.

could not be saved in any case, and because this action is the only means of saving the one life which could be saved" (*viz.* that of the life-threatened pregnant mother). The similarity between this situation, and the loss of civilian life during retaliatory bombing raids conducted by an attacked nation - against the nation of its attackers - is striking.

2169. Accordingly, continues the *Report* of the Sydney Diocese, where "the foetal crisis is of such a kind that either one of the two lives [but not both] could be saved - the obligation to save life will necessitate a choice being made between the two. This choice [however rapidly it must be made] will involve the assessing of the respective priorities of the two lives....
2170. "This judgment will be based on the number and kind of relationships in which the two lives are involved. Normally, the mother's life will emerge as having the priority, because of the many and important relationships into which the mother has entered - compared with the foetus, which has not yet formed any relationships [save with God, with the mother, and perhaps too with the foetus's father]....
2171. "There is an obligation to save life - which involves an obligation not even to risk it (unless there is the possibility of achieving some positive comparable good). It is because of this obligation to save whatever life can or ought to be saved, that the right of the mother to have the pregnancy terminated must be allowed in these situations of foetal crises....
2172. "Where the foetus poses a threat to the life of the mother, the foetus can be viewed as an unconscious aggressor, and can therefore be opposed. Although the aggression is [presumably] unconscious and unintentional - the right of the foetus to live, is nevertheless forfeited; and it can be interfered with. (The menacingly aggressive behaviour of a lunatic in adult life, would involve the same principle.)" So too, in any war, would that of an unmalicious footsoldier (of either side) who either erred in his own judgment - or who was simply "following the orders" of his superior officer.
2173. "One needs to be assured," ends the Sydney *Abortion Report*, "that the threatened deterioration in the mother's condition could be alleviated in no other way than by the abortion of the foetus. Where the mother's condition can be alleviated by other means, it is imperative that it should be. For the decision to take a life [albeit foetal life] can only be made when all other means to solve the tension are obviously not going to succeed....
2174. "Everything in the Bible points to the sanctity of human life and the continuity of all life - from conception to the grave. Interference with foetal life, therefore, raises the same questions which interference with [human] life at any other stage raises.... Foetal life is human life.... Only when that life itself constitutes a threat to the life of the [biological] mother...can any interference with it be condoned."

Dr. P.R. Norris's Principles of Therapeutic Termination of Pregnancy

2175. We thus find ourselves in complete agreement with the *Principles of Therapeutic Termination of Pregnancy* as formulated by Dr. Philip R. Norris - Chairman of the British Section of the World Federation of Doctors Who Respect Human Life. Dr. Norris writes:⁹⁵
- Therapeutic termination of pregnancy" is one thing. But: "Abortion has as its intention the destruction of the fetus.
 - The doctor must at all times be mindful that during a pregnancy he has a duty to both mother and

⁹⁵. Cited in Overduin and Fleming: *op. cit.*, pp. 122f.

fetus.

- The well-being of the fetus depends upon the health of the mother. It follows, therefore, that if the health of the mother is threatened - the health of the fetus is also threatened. Steps to remove it from an unhealthy hostile uterine environment may become urgently necessary for its survival.
- The fetus should be removed from the uterus at a time and by a method which will ensure its best chance of survival (compatible with the safety of the mother).
- Once removed, the fetus must receive such medical assistance as is presently available and is appropriate to its stage of development.
- Methods of termination which, by their nature, cause the death of the fetus - must never be used if an alternative is possible.
- Medical or surgical treatment of the mother is, indirectly, treatment of the fetus. No therapeutic termination is valid if the mother has not received, before termination, adequate and proper treatment - unless the fetus is likely to be harmed by such treatment.
- If the **intention** of the doctor is to do his best for both mother and fetus according to circumstances, it is a true termination of pregnancy and fulfils the highest standards required of medical practice. If on the other hand it is the intention of the doctor to destroy the fetus to achieve his ends, then this is an abortion - an abomination...unacceptable to those who respect human life and who are committed to the *Geneva Declaration of 1948*' stating members of the World Medical Association 'will maintain the utmost respect for human life from the time of conception.'⁹⁶

Conclusion: pregnancy termination justified only to save life

2176. Conclusion. We ourselves can justify the artificial termination of a human pregnancy **only** as a last resort to save not merely the health but indeed precisely the **life** of a **mother** - and/or of her unborn **baby** - where there is a serious and an **immediate** danger that one or both would otherwise **die**. Here, even then, it should be the considered specialist opinion of at least two and preferably three highly-competent and honorable Gynecologists (who preferably are also themselves Christians) that the baby and/or his or her mother - and, if the latter, therefore her unborn child too - is immediately threatened with death. Only if it appears that the mother's imminent and natural death would probably kill also her own *conceptus*, or that the *conceptus*'s imminent and natural death would probably kill also the mother, could such artificial termination of the pregnancy ever be entertained. Even then, everything possible should naturally be done to preserve the life and the health also of the unborn child.
2177. This procedure should only be given any consideration at all, if the removal of the fetus might very well save either the mother's life or the fetus's life (and preferably both of their lives). "Greater love has no human being than this, that He lays down His life for His friends." John 15:13. Indeed, greater love has no prenatal child than this - that he or she lay down his or her life for his or her own mother, in situations where there is nothing that the mother herself or any other human being **can** do to save the life of that otherwise-dying *conceptus*.
2178. Wherever a *conceptus* either wittingly or unwittingly yet nevertheless directly threatens the life of his or her own mother - that *conceptus* is thereby also suicidally and directly threatening even his own life too. Suicide (with varying degrees of intent) is at least manslaughter - and also very often murder (which itself **deserves** the death penalty). Nevertheless, the decision to remove the *conceptus* and thereby in all probability (humanly speaking) to hasten the loss of the life of even that slowly-dying

⁹⁶. *Ib.*, p. 225.

conceptus - is in our opinion an excruciating yet a Biblically-justifiable decision.

2179. In such cases, it is indeed very expedient that one person (the *conceptus*) should die - so that the marriage as such, if not also the entire family, should not perish (by the husband's wife and the family's mother dying too). Thus, the Chief Priest told the Israelites: "It is expedient...that one human being should die for the people and that the whole nation should not perish."⁹⁷
2180. As Jesus said to His disciples: "It is expedient for you that I go away: for if I do not go away, the Comforter will not come to you." John 16:7. Indeed, it "was expedient that one man [*viz.* Jesus Himself] should die - for the people." John 18:14. As Augustine once observed (without then expressing his disapproval), sometimes "the young...are cut out [or 'aborted'] - lest, if they were left there, the mother too should die."⁹⁸

Rationale: injuries to others permitted if inflicted in selfdefense

2181. Rationale. Such an act of emergency artificial termination of pregnancy as that described in paragraph 408 above, would be justifiable selfdefense by the mother and/or her agent(s), in warding off a mortal attack by her own fetus against her own life. Exodus 21:18-25 & 22:2 & Numbers 25:37.
2182. As far as that woman's gynecologist-agent is concerned, such an act of pregnancy-termination during or as a result of which the fetus dies, would be an act of justifiable homicide. It is somewhat comparable to the act of a soldier-agent in the protection of his own client-country - when he intentionally kills an enemy-aggressor immediately threatening the life of the soldier himself, and ultimately threatening the lives of the soldier-agent's client-countrymen. Deuteronomy 20:4 & 20:11-20.
2183. In no other cases, however - not even in the case of rape or incest (and still less in the case where a mother contracts German Measles or Down's Fever *etc.*) - is there any Biblical justification at all for the termination of the pregnancy in a way likely to result in the death of the fetus. A child born blind still has life, and serves a glorious purpose⁹⁹ which even **man** can sometimes perceive. Even the birth of an incestuous child - though the **parents** themselves should then indeed be punished - is not the end of the World, nor a fatalistic guarantee of that child's uselessness.¹⁰⁰
2184. Indeed, why should even a rapist's unborn **child** be killed - just on account of the sin committed by his **father**?¹⁰¹ For how can the human killing of innocent **offspring** ever be justified - simply because of the sin of his or her **parent**?¹⁰²

97. John 11:50.

98. Aug.: *Encheiridion*, ch. 86.

99. Jh. 9:1-3f.

100. Gen. 4:17 & 5:4 with 11:27-31 & 12:11-20 & 20:2-13f.

101. See Dt. 22:23-27 & 24:16 *cf.* Ezek. 18:4-20.

102. Dt. 22:23-27; 24:16; II Kgs. 14:6; II Chr. 25:4; Jer. 31:29-31; Ezek. 16:2a-21; 18:4; & 18:14-20.