

# 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.<sup>1</sup> 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.

### **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."

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<sup>1</sup> 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.

1153. The *Britannica* then goes on:<sup>2</sup> "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*.<sup>3</sup> 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 in-depth 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.<sup>4</sup>
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.<sup>5</sup> 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*,<sup>6</sup> has publicly

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

<sup>3</sup> *Encyclopedia Americana*, New York, 1951, I p. 36, art. 'Abortion.'

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

<sup>5</sup> 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.

<sup>6</sup> 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.

advised<sup>7</sup> 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.<sup>8</sup> These Commandments include reproducing and taking care of one's own children (implied by the Eighth 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.<sup>9</sup> 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.<sup>10</sup> 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,<sup>11</sup> 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 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.<sup>12</sup>

### **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,<sup>13</sup> 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."<sup>14</sup>
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.

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

<sup>8</sup> 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.

<sup>9</sup> 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.

<sup>10</sup> 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.

<sup>11</sup> Acts 17:26f & Rom. 5:12f.

<sup>12</sup> 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.

<sup>13</sup> Gen. chs. 9 to 11, cf. Acts 17:24-29.

<sup>14</sup> Gen. 9:1-6.

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 writings<sup>15</sup> 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.

### **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 new-born baby around 1450 B.C.<sup>16</sup> He grew up, however, to bring about the reassertion - even from a degenerate Pagan Egypt - of the truly primordial<sup>17</sup> Law of God against murder.<sup>18</sup> Indeed, his legislation anent even

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<sup>15</sup> 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*

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

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

<sup>18</sup> Ex. 20:12-14 *cf.* Dt. 5:16-18.

the accidental killing of tiny human beings<sup>19</sup> both then and especially later - aroused intense aversion against the disembowelment alias "the ripping up of pregnant women."<sup>20</sup>

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!"<sup>21</sup> In the original Hebrew, the word "slay" (*raatsach*) here seems to have the principal meaning of: "to smash" - and, indeed, to smash intentionally.<sup>22</sup>
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 Bible<sup>23</sup> is the word used with the meaning of "justly avenge a murder" (by intentionally killing the murderer).
1178. *Raatsach* is a Hebrew word used seven times in the Older Testament<sup>24</sup> 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.<sup>25</sup>
1179. Yet the word *raatsach* is used an additional eighteen times in Holy Scripture<sup>26</sup> 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."<sup>27</sup>
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**

<sup>19</sup> Ex. 21:22-25 cf. Lev. 24:17 and n. 20 above with para. 1330.

<sup>20</sup> Cf. II Kgs. 8:12; 15:16; Hos. 13:16; Amos 1:13; etc.

<sup>21</sup> Ex. 20:13 & Dt. 5:17.

<sup>22</sup> Davidson's *Anal. Heb. & Chald. Dict.*, under *raatsach*; & Geesink's *Ordinances IV* p. 103

<sup>23</sup> Num. 35:27.

<sup>24</sup> Num. 35:6,11,12,25,26,27,28.

<sup>25</sup> 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.

<sup>26</sup> 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.

<sup>27</sup> 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).

1181. On Mount Sinai, God had just re-iterated the Fifth Commandment of His Decalogue - "you shall not murder!"<sup>28</sup> 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).<sup>29</sup> Thereafter<sup>30</sup> he went on to refer to our *locus classicus* - to an important case where "men,<sup>31</sup> while fighting,<sup>32</sup> strike<sup>33</sup> a pregnant woman"<sup>34</sup> - 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] child<sup>35</sup> is expelled" - or, if more than one, unborn children<sup>35</sup> are expelled<sup>36</sup> What then should

<sup>28</sup> Ex. 20:13.

<sup>29</sup> Ex. 21:12-21.

<sup>30</sup> Ex. 21:22-25.

<sup>31</sup> Ex. 21:22, Mass. Heb.: *w<sup>e</sup>-kiy...a:nashiyim* meaning: "and if men."

<sup>32</sup> 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 *Hifiyl* 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.

<sup>33</sup> Ex. 21:22, Mass. Heb.: *w<sup>e</sup>nogfuu* - meaning: "and they strike." The Heb. *w<sup>e</sup>nogfuu* 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 (Maenner...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 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.

<sup>34</sup> 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).

<sup>35</sup> Ex. 21:22, Mass. Heb.: *y<sup>e</sup>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 *y<sup>e</sup>laadeyaah* is from the verb *yaalad* - meaning: "to give birth." Compare the related noun *yeled* - meaning: "child." The word *y<sup>e</sup>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 (*y<sup>e</sup>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."

<sup>36</sup> Ex. 21:22, Mass. Heb.: *w<sup>e</sup>yaatsu*. 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

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: "Provided<sup>37</sup> there is no serious physical harm"<sup>38</sup> even to the woman<sup>39</sup> - but also no harm especially to her thus-expelled and consequently prematurely-delivered child or children<sup>40</sup> 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<sup>e</sup>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."

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 striker<sup>41</sup> of the woman or of the child "shall surely be punished" or fined<sup>42</sup>. 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.

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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."

<sup>37</sup> Ex. 21:22, Mass. Heb.: *w<sup>e</sup>lo* - meaning: "and no" (Lat. Vulg.: *sed* - meaning: "but").

<sup>38</sup> Ex. 21:22, Mass. Heb.: *'aasoon* - 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.

<sup>39</sup> See esp. the Lat. Vulgate's *ipsa* (compare in n. 38). Here, *ipsa* refers back to the feminine *mulierem pregnantem*, and not to the 'neuter' *abortivum*. See nn. 35 & 38.

<sup>40</sup> 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.

<sup>41</sup> 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.

<sup>42</sup> Ex. 21:22. The Mass. Heb. has *'aanoosh yee'aaneesh* - meaning: "he shall most certainly pay." The Greek Sept. has *epizeemion zeemiotheesetai* - 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.

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 give<sup>43</sup> to the woman's husband<sup>44</sup> whatever amount shall be determined<sup>45</sup> before judges"<sup>46</sup> - if and after<sup>47</sup> the afflicted husband institutes legal action<sup>48</sup> 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 3<sup>rd</sup> -century-B.C. Judaeen or Israelitic scholars who translated the ancient Heb. manuscript into the Greek Sept., rendered the Ex. 21:22 **Mosaic** words *w<sup>e</sup>yaats'uu y<sup>e</sup>laadeyaah 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-conception-al stage of development prior to normal full-term 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)<sup>49</sup> who struck the blow(s). "But if serious physical harm<sup>50</sup> occurs<sup>51</sup> [either to the pregnant woman and/or to her unborn child or children]<sup>52</sup> - the striker shall [definitely be forced to] give:<sup>53</sup> life for life; eye for eye; tooth for tooth; hand for hand; foot for foot; burning for burning; wound for wound; stripe for stripe!"<sup>54</sup>

43 Ex. 21:22, Mass Heb.: *w<sup>e</sup>naathan* - meaning: "and he shall give." Compare the Greek Sept.: *zeemiootheesetai* - meaning: "he shall be fined."

44 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*.

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

46 Ex. 21:22, Mass. Heb.: *bip-p<sup>e</sup>lillym* - meaning: "before judges" Lat. Vulg.: *arbitri* (meaning: "arbitrators").

47 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."

48 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"

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

50 Ex. 21:23, Mass. Heb.: *w<sup>e</sup>im 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 subsecuta* - 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.

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

52 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).

53 Ex. 21:23, Mass. Heb.: *w<sup>e</sup>naathaththaah* - 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.

54 Ex. 21:23-25, Mass. Heb. *nefesh thachath naafesh, 'ayin thachath 'ayin, sheen thachath sheen, yaad thachath yaad, regel thachath raagel, k<sup>e</sup>viyyaah thachath keviyyaah, petsa' thachath paatsa', chabuuraah thachath chabuuraah.*

## 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*<sup>55</sup> is very thorough. There, he agrees with Keil and Delitzsch in applying the 'serious physical harm' or 'a<sup>o</sup>soon 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] 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"<sup>32</sup> (at the phrase "men while fighting") in the above passage.<sup>56</sup> The Massoretic Hebrew word here, is *yinnaatsuu*.<sup>32</sup> 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"<sup>33</sup> (at the phrase "strike a pregnant woman") in the above passage.<sup>56</sup> Now the Massoretic Hebrew word here, is *w<sup>e</sup>nogfuu*<sup>33</sup> - 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).<sup>57</sup> So too does the (preferred) plural reading of the Greek Septuagint translation - namely: "they smite."<sup>58</sup>
1192. Accordingly, even Luther's German translation<sup>59</sup> follows this plural form. Minority Greek manuscript versions<sup>60</sup> of the Greek Septuagint, however, have the singular - namely "somebody smites" (a woman).<sup>61</sup> So too does the Latin Vulgate.<sup>62</sup> Throughout, however,

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<sup>55</sup> U. Cassuto: *Commentary on the Book of Exodus*, Jerusalem: University Press, 1967, p. 277 (*cf.* too pp. 272-78).

<sup>56</sup> See paras. 1182-85.

<sup>57</sup> Or even with a degree of deliberateness, as in self-defence against an interfering pregnant woman (as in Dt. 25:11f)

<sup>58</sup> Compare too perhaps also Dt. 25:11.

<sup>59</sup> "Maenner verletzen."

<sup>60</sup> Thus: A, F and X.

<sup>61</sup> Greek Sept.: *pataxee; tis*.

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.

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

1194. We should also observe the words "pregnant woman"<sup>34</sup> (at the phrase "strike a pregnant woman").<sup>56</sup> The Massoretic Hebrew here has *ishshaah haaraah*.<sup>34</sup> 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"<sup>35</sup> at the expression "her [unborn] child is expelled" in the above passage.<sup>56</sup> The Massoretic Hebrew word here, is *y<sup>e</sup>laadeyaah* (meaning: "her children")<sup>35</sup>
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,<sup>63</sup> and the Latin Vulgate.<sup>64</sup>
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 *y<sup>e</sup>laadeyaah* 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 *y<sup>e</sup>laadiym*) - 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 *qaalam***

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

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<sup>62</sup> Lat. Vulg.: *percusserit*

<sup>63</sup> *to paidon* - meaning "the little child."

<sup>64</sup> *abortivum* - meaning: "an abortion."

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 (*y<sup>e</sup>laadeyaah*)<sup>35</sup> 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 embryo-like way). Very significantly, *golem* is the word translated "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.<sup>65</sup> 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.<sup>66</sup> 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"<sup>36</sup> - at the phrase "so that her [unborn] child is expelled" in our Exodus 21:22f passage.<sup>56</sup> The Massoretic Hebrew word here is *w<sup>e</sup>yaatsuu* - a plural verb meaning "so that they" (*viz.* the unborn children) "came out."

<sup>65</sup> Ex. 21:22, Vulg.: *et abortivum quidem fecerit sed ipsa vixerit...sin autem mors ejus fuerint subsecuta.*

<sup>66</sup> See paragraphs 1194-1200.

1209. Significantly the Septuagint<sup>67</sup> 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 shows<sup>68</sup> that "the phrase 'her fruit depart from her' is literally to be 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 still-birth (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 miscarriage<sup>69</sup> - 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"<sup>38</sup> at the phrase "provided there is no serious physical harm"; and at the further phrase "but if serious physical harm...occurs" - in our passage.<sup>56</sup> The Massoretic Hebrew word used here, is '*aa<sub>soo</sub>n*'<sup>38</sup>. This word means: "wound; hurt; injury; mischief." It suggests a "significant bodily injury" (thus Dr. House, in his article<sup>70</sup> 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).<sup>71</sup>
1214. It denotes "some serious, or even fatal, bodily injury" (thus Jackson in his paper<sup>72</sup> *The Problem of Exodus 21:22-25*). Compare too the usage of the word '*aa<sub>soo</sub>n*' 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 '*aa<sub>soo</sub>n*' (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."<sup>73</sup>

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

<sup>67</sup> Ex. 21:22, Sept.: *exethee<sub>i</sub>*

<sup>68</sup> Op. cit., p. 152.

<sup>69</sup> See House's *op. cit.*, p. 111.

<sup>70</sup> *Op. cit.*, p. 123.

<sup>71</sup> 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).

<sup>72</sup> J. Jackson: *The Problem of Exodus 21:22-25*, in *Vet. Test.* XXIII:3 (July 1973), pp. 274-75.

<sup>73</sup> See n. 65.

1216. The passage<sup>56</sup> suggests that a legal action<sup>42</sup> 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).
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*:<sup>74</sup> "**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.<sup>56</sup> For this states that "her undelineated child comes out" (or *mee-exeikonismenon exelthee*).<sup>40</sup> 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 full-term 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")<sup>16</sup> - at the phrase "the striker[s] shall surely be punished" (or "fined").<sup>30</sup> 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 states<sup>75</sup> 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"<sup>43</sup> that the exact fine or punishment is then to be determined (and

<sup>74</sup> *Op. cit.*, p. 152.

<sup>75</sup> *Op. cit.*, p. 152.

indeed thereafter also to be ordered executed).<sup>44</sup>

1225. Those judges act when<sup>47</sup> and after the woman's husband<sup>46</sup> takes correct legal action<sup>48</sup> against the striker(s)<sup>49</sup> 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 ee;*)<sup>51</sup> 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*)<sup>51</sup> 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 ee;*

### **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.<sup>76</sup>

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:<sup>77</sup> 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 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

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<sup>76</sup> Mt. 5:38-41.

<sup>77</sup> See in G. Bush's *Notes on Exodus*, Minneapolis: James Family Christian Pub., rep. 1979, I p. 20.

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' [*'a<sub>s</sub>oon*] 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.<sup>78</sup> Indeed, the passage is also immediately **succeeded** by verses listing various appropriate **monetary** fines for the infliction of **non-mortal** wounds.<sup>79</sup> Such various fines, to be fixed only by **judges** and never by injured parties themselves,<sup>80</sup> relate to negligent and especially to deliberate wounds resulting in the loss of health, eye, and tooth, *etc.*<sup>81</sup>

#### **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.<sup>82</sup>

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<sup>78</sup> Ex. 21:19f.

<sup>79</sup> Ex. 21:30f.

<sup>80</sup> Ex. 21:19-30; 22:8f *cf.* Dt. 19:18f; 22:18f.

<sup>81</sup> Ex. 21:26-27 & 21:32-36.

<sup>82</sup> Ex. 21:18,19,21,28,30.

1249. However, **intentional** or even **premeditable** actions resulting in the loss of human **life** - in the texts mentioned **immediately before**<sup>83</sup> **and immediately after**<sup>84</sup> 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.<sup>85</sup>
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*:<sup>86</sup> "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.

### **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:<sup>87</sup> "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

<sup>83</sup> Ex. 21:18-20

<sup>84</sup> Ex. 21:29.

<sup>85</sup> 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.*

<sup>86</sup> *W.C.F.* 19:4g.

<sup>87</sup> Presb. Church in America: *op. cit.*, p. 271.

**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."<sup>88</sup>

1259. For "the Lord hates...a proud look, a lying tongue, and hands that shed innocent blood."<sup>89</sup> 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!"<sup>90</sup>

### **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 Calvin<sup>91</sup> anent 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 body-part] of another - **the law of retaliation 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

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<sup>88</sup> Dt. 19:10.

<sup>89</sup> Prov. 6:16f.

<sup>90</sup> Lev. 20:2-5.

<sup>91</sup> Calv.: *Harmony of the Last Four Books of Moses*, Grand Rapids: Eerdmans, 1948f, III pp. 34-36 (on Lev. 24:17-19).

abominations, will themselves be excommunicated.<sup>92</sup>

1266. To this, the second-century-B.C. *Zohar* (a Hebrew commentary on the Pentateuch) gives a strongly anti-abortionistic interpretation. The *Zohar*<sup>93</sup> explains<sup>94</sup> 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:<sup>95</sup> "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.

#### **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 *Deuteronomie 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,<sup>96</sup> "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

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<sup>92</sup> 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.*

<sup>93</sup> Hyamson & Silbermann: *Jew. Enc.*, p. 695 (art. *Zohar*).

<sup>94</sup> *Shermoth* 3b (cited in Overduin and Fleming: *op. cit.* p. 127).

<sup>95</sup> *Harm. Pent.*, II p. 384.

<sup>96</sup> *Harm. Pent.*, III p. 56.

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 explains<sup>97</sup> 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.<sup>98</sup> "Among the latter, it constituted a part of the *Twelve Tables* (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*

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<sup>97</sup> Porusch: *Criminal Law* and the art. *Lex Talionis*, in eds. Hyamson & Silbermann's *op. cit.* pp. 371 & 385

<sup>98</sup> A. Clark, as quoted in Calvin's *Harm. of Last Four Books of Moses*, III p. 35 n. 3.

*Retaliation and the Pentateuch*,<sup>99</sup> 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 'aasoon 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:<sup>100</sup> "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 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* alleges<sup>101</sup> 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:<sup>102</sup> "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

<sup>99</sup> J.K. Mikliszanski: *Law of Retaliation and the Pentateuch*, in the *Journal of Biblical Literature* (1947)

<sup>100</sup> J. Morgenstern: *The Book of the Covenant*, Part II, HUCA 7 (1930), p. 68 n. 70.

<sup>101</sup> *Op. cit.*, II p. 49, art. 'Abortion.'

<sup>102</sup> R.J. Rushdoony: *Institutes of Biblical Law*, Philadelphia: Craig, 1973, pp. 263f.

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 chapters<sup>103</sup> - 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.<sup>104</sup> Also Exodus 22:2 & Numbers 25:2-7 teach the great importance of selfdefence - even against unintentional aggression (*cf.* Exodus 21:28-32).
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.<sup>105</sup> 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 humans 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.<sup>106</sup> 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

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<sup>103</sup> See chs. Q & R below.

<sup>104</sup> See paras. 2107 & 2119-63.

<sup>105</sup> See paras. 2162-65.

<sup>106</sup> See paras. 162-73 & 1551-58 & 1564-69.

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.<sup>107</sup>
1301. Again, the mature David not only insists **he** was already in existence when only an embryo.<sup>108</sup> But he also says **he** was already being shaped when still only a *conceptus*.<sup>109</sup> 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 - as well as to his post-conceptual and prenatal life thereafter.<sup>110</sup>
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.<sup>111</sup> And Moses, from B.C. 1500f onward - after reiterating to the Israelites the Creation Law "you shall not murder!"<sup>112</sup> - immediately went on to insist that even accidental damage to unborn humans is at the very least an actionable delict.<sup>113</sup>
1303. Time and again, the Older Testament keeps on condemning the surrounding Pagans' feticides and infanticides<sup>114</sup> - including the "ripping up" of pregnant women.<sup>115</sup> 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 sterilization<sup>116</sup> - as well as laws urging regular sexual intercourse and regulations anent conception and birth and the afterbirth.<sup>117</sup> Accordingly, all Israelitic attempts to imitate the prenatal and post-natal abominations of the Pagans, were punished with considerable rigour.<sup>118</sup>

### **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.<sup>119</sup>

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<sup>107</sup> See paras. 12-22 & 31-33 & 60-76 & 177-204.

<sup>108</sup> See paras. 147-54.

<sup>109</sup> See paras. 140-46.

<sup>110</sup> See paras. 115-35.

<sup>111</sup> Gen. 4:5-13.

<sup>112</sup> Ex. 20:13.

<sup>113</sup> Ex. 21:22-27,30-34.

<sup>114</sup> Lev. 18:21; 20:2; II Kgs. 23:10; Ezek. 16:5.

<sup>115</sup> II Kgs. 8:12; 15:16-18; Am. 1:13; Hos. 13:16.

<sup>116</sup> Ex. 23:26; Lev. 21:20f; Dt. 7:14; 23:1.

<sup>117</sup> 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.

<sup>118</sup> 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.

<sup>119</sup> Ex. 21:22-25.

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 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."<sup>120</sup>
1306. The Older Testament protects human life even from conception. Penalty payments are provided even in respect of **un**premeditated 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.

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<sup>120</sup> 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.<sup>1</sup> 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.<sup>2</sup>
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.<sup>3</sup>
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 Law<sup>4</sup> affected even: Ancient Paganism; Intertestamental Philosophy; and Postintertestamental Monotheism such as especially Judaism and (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

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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 15:21-291.

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.<sup>5</sup> Even after the destruction of the Tower of Babel in Mesopotamia and the dispersion of mankind into all the World,<sup>6</sup> 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.<sup>7</sup>
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**.<sup>8</sup> At least until shortly after that, we find infanticide still being regarded as unrighteous even in Hamitic Ancient Egypt.<sup>9</sup>
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).<sup>10</sup>

### **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 states<sup>11</sup> 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:<sup>12</sup> "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!
1320. With respect to such violent miscarriage, it is quite true - as Dr. Bruce Waltke explains<sup>13</sup> 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.

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.

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.

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.<sup>14</sup>

### **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."<sup>15</sup>
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:<sup>16</sup> "That man does not follow the way of the Law, O Zarasthusdra, who commits the *boadhoovarshtha* crime with a damsel and an old woman."
1327. Describing this crime, the *Vendidad*<sup>17</sup> 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 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.<sup>18</sup> Pagan Xhosas in South Africa had punished it with a fine of four to five cows.<sup>19</sup> Indeed, the Heathen Greenlanders used to believe that the aborted fetus - transformed after his or her death into

<sup>14</sup>. E. Pritchard (ed.): *Ancient Near Eastern Texts Relating to the Old Testament*, Princeton: University Press, 1955, p. 184.

<sup>15</sup>. *Vinaya Texts* (in *SBE* 13 [1881](#) 225), in Hastings: *op. cit.*, Vol. 6 p. 55 n. 6.

<sup>16</sup>. *Avesta* (in *SBE* 23 [1883](#) 335), in Hastings: *op. cit.*, Vol. 6 p. 55 n. 9.

<sup>17</sup>. *Vendidad* 15.13f (*SBE* 4 [1895](#) 177f), Hastings 6:55 n. 10.

<sup>18</sup>. H. Schoolcraft: *Indian Tribes*, Philadelphia, 1853f, III:243.

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

an *angiaq* (alias an evil spirit) - later avenged the crime.<sup>20</sup>

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."<sup>21</sup>
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.<sup>22</sup> 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.<sup>23</sup>
1331. Deformed infants and unwanted baby girls were sometimes buried alive in Pagan Ancient Arabia, in Pre-Islamic times.<sup>24</sup> From an unknown time of commencement, but certainly till our modern era, unwanted human off-spring in Pagan Madagascar were sometimes fed to the ants.<sup>25</sup> Also till recently, abortion was practised among the Pagans of Cambodia<sup>26</sup> and Samoa.<sup>27</sup>

### **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 *Nabi iym* and the *K<sup>e</sup>taviym* 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.<sup>28</sup>
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* 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.<sup>29</sup> 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.

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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.

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

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).<sup>30</sup>

### **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.<sup>31</sup> 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.).

### **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.<sup>32</sup> 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:<sup>33</sup> "I swear by Apollo the physician and Aesculapius and Health and All-heal 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."<sup>34</sup>

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30. See at n. 24.

31. *Ha-Mikra v<sup>e</sup>-Targuma* (v,280f,343f).

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

1342. Thus, in Ancient Greece, according to Lipsius's *Attic Law*<sup>35</sup> 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,<sup>36</sup> "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 on<sup>37</sup> 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 were banned<sup>38</sup> except where the mother's own life was in jeopardy. This is reflected especially in the 2<sup>nd</sup> -century-B.C. *Zohar* (or 'Commentary on the Pentateuch').
1347. The Hebrew *Zohar* states:<sup>39</sup> "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 'half-born'**

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.<sup>40</sup> 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).

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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*."

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).

1350. Observes the Hebrew *Mishnah*:<sup>41</sup> "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 grounded<sup>42</sup> 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:<sup>43</sup> "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** (*thnee,sketoo*). For that living entity (*zoo,on*) 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:<sup>44</sup> "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

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).

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

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.<sup>45</sup>

### 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*,<sup>46</sup> 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' 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 'quickenings'), whenever the number of state-permitted births became exceeded.<sup>47</sup> 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.<sup>48</sup>
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 it<sup>49</sup> - except from time to time when the state forbade it (in order to increase the birth rate for

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

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

<sup>47</sup> Aristotle: *Politics*, 7:16,13,35.

<sup>48</sup> See paras. 1412f, 1422f, 1451f, & 1492f.

<sup>49</sup> 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.

political reasons, or on the ground that this might deprive the father of a possible heir).<sup>50</sup> 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.).<sup>51</sup>

1367. Accordingly, even the 'clement' Pagan Seneca (B.C. 4 to A.D. 65) defended the drowning of deformed babies.<sup>52</sup> Indeed, he even recorded how pretty women practised abortion in order to try to preserve their beauty.<sup>53</sup>
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."<sup>54</sup> Indeed, the Early-Christian writings of Justin Martyr (150 A.D.)<sup>55</sup> and Tertullian (200 A.D.)<sup>56</sup> and Minucius Felix (210 A.D.)<sup>57</sup> all fairly bristle with examples of deplorable pagan feticides and infanticides still being committed even during 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 fetus<sup>58</sup> or an octogenarian.<sup>59</sup> Cf. Exodus

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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).

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,

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 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.
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:<sup>60</sup> "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.'

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see: Mt. 11:25f & 18:2-14 & 19:4-15.

<sup>59.</sup> Cf.: Mt. 5:17-22; 15:4-9; 19:17-19; Lk. 2:36,49,51f; etc.

<sup>60.</sup> Acts 6:3-15 & 7:2,18-21,51.

1380. Paul was the 'Johnny-come-lately'; the "last" Apostle of all.<sup>61</sup> 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.<sup>62</sup> Then [He was seen] by all of the Apostles.<sup>63</sup> Last of all of them, however, "He was seen **even by me**"<sup>64</sup> - by a 'miscarriage' [or an 'abortion'], as it were.<sup>65</sup> **For**, he soon added: "**I**. am indeed **the least** of the Apostles.<sup>66</sup> I am indeed **not sufficiently adequate** to be called an Apostle."<sup>67</sup>
1382. No doubt Paul felt inadequate, like an aborted fetus<sup>1</sup> - and was even scorned as such. Like a miscarried or aborted little fetus, he too was 'little' (*paul-os*)<sup>68</sup> - and also trembling, weak, and hideous.<sup>69</sup> Indeed, even he personally - to be quite candid - admitted he looked like this. So he called himself an *ektrooma*<sup>70</sup> (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."<sup>71</sup> 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

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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 apostolon*. Here, *Egoo eimi* emphasizes the "I" as: "**I**."

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(ti)*.

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*.

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."
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.<sup>71</sup>
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, Phrynios, 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*.
1388. See too in H.G. Liddell & R. Scott's *Classical Greek Lexicon*.<sup>72</sup> 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."<sup>73</sup>
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*),<sup>74</sup> it may still be that "no mischief" alias no "serious bodily harm" is inflicted upon that fetus.<sup>75</sup> 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:<sup>71</sup> "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

<sup>72.</sup> 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 Taesin barean ousan ek toon pleegoon autoon exetroososen/an to brephos*); *Apoc. Pet.* 11 ("*hautai de eesan h[ta ta brephee] phtheiousai kai ektroosasa*"); Hesych. ("*ektrooma paidion nekroon aaron ekboleē gunaikos*"); H.G. Liddell & R. Scott's *Abridged Greek-English Lexicon*, Oxford: Clarendon, 1868, pp. 204 & 686, under *ektrooma* ("an abortion"), from *ektitrooskoo* ("to be wounded in the thigh"), from *troo-oo* ("to wound, hurt").

<sup>73.</sup> *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<sup>g</sup>tsee' thoo mee-rechem* or "one...of whom the flesh is half-consumed when he comes out of his mother's womb" (*KJV*).

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

<sup>75.</sup> Ex. 21:22.

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.
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";<sup>76</sup> at the time of the incarnation of our Lord Jesus (Who was Himself "conceived from a woman")."<sup>77</sup>
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:<sup>78</sup> "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 warn<sup>79</sup> 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.<sup>80</sup> 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.

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<sup>76.</sup> Mt. 2:16.

<sup>77.</sup> Gal. 4:4, *genomenon*, Str. Aor. partic., from *ginomai*, compare *gennaoo* in ch. C at its n. 150.

<sup>78.</sup> Jas. 1:17,18,27 & 2:11.

<sup>79.</sup> Rom. 13:4,9.

<sup>80.</sup> *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*]!"<sup>1</sup> 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.'<sup>2</sup>

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

1401. Barnabas, the Levite of Cyprus,<sup>3</sup> seems to have become one of the Twelve Apostles.<sup>4</sup> He would have been appointed to that office probably only after<sup>5</sup> the death of the Apostle James (the son of Zebedee)<sup>6</sup> - in much the same way as Matthias had been appointed to the Apostleship earlier, after the death of Judas Iscariot.<sup>7</sup>
1402. Perhaps just after 100 A.D., the *Epistle of Barnabas* - soon attributed to the Apostle bearing that name<sup>8</sup> - proclaimed that the covenant previously erected with the Israelites was (after Calvary) taken away from them and given instead to the Christian Church.<sup>9</sup> For that *Epistle*

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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.

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

9. Chs. 12-13.

does not speak of Christians receiving a new<sup>10</sup> 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.<sup>11</sup> 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!"<sup>12</sup>

### **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.<sup>13</sup>
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.<sup>14</sup> 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!"<sup>15</sup>

### **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.**"<sup>16</sup>
1409. Especially the latter phrase, is extremely significant. Quite literally, the Greek text at this point reads: "they do not cast away their fetuses."<sup>17</sup>

### **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.<sup>18</sup> Indeed, it declares that there is a curse upon ungodly women "who conceived but

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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.

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

18. *Ante-Nic. Fath.*, X p. 142.

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."<sup>19</sup>

### **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.<sup>20</sup>
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 condemns<sup>21</sup> "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!"<sup>22</sup>

### **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:<sup>23</sup> "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!"
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:<sup>24</sup> "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:

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<sup>19.</sup> *Apoc. Pet.* 25 (cf. Clem. Alex.: *Eclogia* 48).

<sup>20.</sup> Compare *Ante-Nic. Fath.*, I p. 169 n. 2.

<sup>21.</sup> Justin Martyr: *First Apology* ch. 18, in *Ante-Nicene Fathers*.

<sup>22.</sup> *Id.*, chs. 29 & 31.

<sup>23.</sup> Athenagoras: *Apology*, ch. 35.

<sup>24.</sup> Tertullian: *Apology* ch. 9, in *Ante-Nic. Fath.*

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 **mankilling**. 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 notes<sup>25</sup> 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:<sup>26</sup> "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 there<sup>27</sup> 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,<sup>28</sup> that "you...should do so in no other way than by sexual intercourse." Very clearly, this discounts *AID*, *AIH*, and *IVF*.
1425. Even while professing the salvation of those aborted,<sup>29</sup> Clement strongly opposed abortion. For, he remarks,<sup>30</sup> 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."

<sup>25</sup> Tert.: *On the Soul* 37, in *Ante-Nic. Fath.*

<sup>26</sup> Tert.: *Against Marc.* II:18, in *Ante-Nic. Fath.*

<sup>27</sup> Minucius Felix: *The Octavius* 30, in *Ante-Nic. Fath.*

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

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

<sup>30</sup> *Misc.* III:4.

1427. In this way, says Clement,<sup>31</sup> 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**

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."<sup>32</sup>

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

1434. Perhaps around 275 A.D. the *Apostolic Constitutions* clearly stated:<sup>33</sup> "'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."

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<sup>31</sup> Clem. Alex.: *Misc.* 2:18.

<sup>32</sup> *Ante-Nic. Fath.*, II p. 147 n. 5 & V p. 131.

<sup>33</sup> *Op. cit.*, VII:1:2f & VII:1:18.

### **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 insisted<sup>34</sup> 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 public protests against the Egyptians who bought the collagen.

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

1441. Basil the Great insisted:<sup>35</sup> "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:<sup>36</sup> "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

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<sup>34.</sup> Method: *Banq. Ten Virg.* 2:6.

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

<sup>36.</sup> *Ib.*, 188:8.

murder of unborn children - with the much less serious misdemeanor of negligent manslaughter (itself further quite distinct from accidental homicide). For he adds<sup>37</sup> 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:<sup>38</sup> "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."<sup>39</sup> 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."<sup>40</sup>
1447. In his *Second Canons to Amphilochius*, Basil says: "Let an indictment to murder be preferred against the woman who gives birth to a child on the road but pays no attention to it."<sup>41</sup> For this is analogous to where "he who gives a mortal wound to another" - and is thus "a murderer."<sup>42</sup> 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."<sup>43</sup> 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:<sup>44</sup> "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**

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<sup>37</sup> *Ib.*, 188:11.

<sup>38</sup> See paras. 1441f.

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

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

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

<sup>42</sup> Bas.: *Canon 43*, in *NPNF* XIV p. 207.

<sup>43</sup> Cf. Bas.: *Canon 52*, in *NPNF* XIV p. 608.

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

**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**.<sup>45</sup>

### **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 glory<sup>46</sup> - whence they "saluted" Paul, while he (so it is alleged) was receiving this '*Vision*'.<sup>47</sup>
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.'"
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."<sup>48</sup>

### **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?"<sup>49</sup>

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

1456. In A.D. 420, Augustine was Presbyter-Bishop of Hippo-Regius. He speaks similarly:<sup>50</sup>  
"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

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<sup>45</sup> Jer.: *Ep.* 22.

<sup>46</sup> *Ante-Nic. Fath.*, I p. 149

<sup>47</sup> *Vision of Paul* 26, in *ANF X* p. 158.

<sup>48</sup> *Ib.* 40.

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

<sup>50</sup> Aug.: *Concerning Marriage and Concupiscence*, 1:15.

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**."<sup>51</sup>

#### **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:<sup>52</sup> "Moses commanded that vengeance should be taken.... The Law does not forbid 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 *Didache*, 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.

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

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



## 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.<sup>1</sup> 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.<sup>2</sup>

### **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 Synods<sup>3</sup> 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."<sup>4</sup>
1467. Here, Dr. Routh translated: "The same punishment will be inflicted on those who assist in causing abortions."<sup>5</sup> Indeed, the *Ancient Epitome of Canon XXI* declared: "Harlots taking

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

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

<sup>3</sup> Paras. 1470-71.

<sup>4</sup> *NPNF*. 2nd Ser. XIV p. 73

<sup>5</sup> Cf., n. 2 above.

injurious medicines are to be subjected to penitence for ten years." <sup>6</sup>

1468. Earlier, the ban was for life.<sup>7</sup> 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.<sup>8</sup>

1469. Significantly, the Council of Ancyra imposes similar bans against "wilful murderers."<sup>9</sup> This once again suggests that Ancyra sees deliberate abortion as murder (rather than merely as unintended manslaughter). Yet "involuntary homicides" receive lesser penalties.<sup>10</sup>

### **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."<sup>11</sup> 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).<sup>12</sup>

### **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."<sup>13</sup>

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.<sup>14</sup>

### **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 inconceivable manner become man."<sup>15</sup>

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

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<sup>6</sup> Cf. n. 4 above.

<sup>7</sup> Cf. n. 1 above.

<sup>8</sup> Rushdoony: *Abortion*, p. 13.

<sup>9</sup> *Canons of Ancyra*, 22.

<sup>10</sup> *Ib.*, 23.

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

<sup>12</sup> See n. 1.

<sup>13</sup> *NPNF* 2nd Ser. XIV p. 63.

<sup>14</sup> See nn. 3-5 above.

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

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."<sup>16</sup>
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."<sup>17</sup>
1479. Needless to say, Chalcedon too - just like its preceding Ecumenical Synods<sup>18</sup> - reaffirms *Canon 21* of the Council of Ancyra against abortion.<sup>19</sup> 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.<sup>20</sup>

### **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!*"<sup>21</sup>
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").<sup>22</sup> Indeed, also once again: "If anyone...denies that the Word of God incarnate in Mary...was made man...: let him be *Anathema!*"<sup>23</sup> Needless to add, it is apparent that the anti-abortionary *Canon of Ancyra* was once again<sup>24</sup> reaffirmed at Second Constantinople.<sup>25</sup>

### **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,<sup>26</sup> interacted greatly with the practically contemporaneous *Anathematisms of the Emperor Justinian*.<sup>27</sup> The Emperor's *First* and *Second* and *Third*

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

<sup>17</sup> *Ib.*, pp. 263f.

<sup>18</sup> See n. 3 above.

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

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

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

<sup>22</sup> *Cap. VI*.

<sup>23</sup> *Cap. XIV*.

<sup>24</sup> See n. 3 above.

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

<sup>26</sup> See in *NPNF* 2nd Ser. XIV p. 300.

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

*Anathemas* declare:<sup>28</sup> "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 declared<sup>29</sup> 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.<sup>30</sup>

### **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.<sup>31</sup> - 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]."<sup>32</sup> 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 A.D.].<sup>33</sup> <sup>34</sup>Likewise 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.<sup>35</sup>
1490. Some Church Councils make no distinctions between the **various times** of killing unborn

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<sup>28</sup> *Ib*, p. 320.

<sup>29</sup> See paras. 1470-71.

<sup>30</sup> *Ib*. pp. 331-45; see too paras. 1466-69.

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

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

<sup>33</sup> *NPNF* 2nd Ser. XIV p. 345

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

<sup>35</sup> *NPNF* 2nd Ser. XIV p. 404.

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**.<sup>36</sup> 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.<sup>37</sup> Also, even today as well, modern Ecclesiastical Bulls of the Roman Catholic Church still punish abortion with excommunication.<sup>38</sup> So too do certain consistently-Christian Protestant Churches.<sup>39</sup>

### **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?)<sup>40</sup> *Apocalypse of the Virgin* so vividly expresses its revulsion against abortion. For it describes<sup>41</sup> 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 are "dogs and murderers."

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<sup>36</sup> C. Coppens: *Abortion* (in *Catholic Encyclopaedia*, 1907).

<sup>37</sup> Crawley's *Foeticide* (in *ERE* VI p. 56).

<sup>38</sup> Coppens: *op. cit.*

<sup>39</sup> See for e.g. the Presbyterian Church in American's 1978 General Assembly.

<sup>40</sup> *Ante-Nic. Fath.*, X p. 167.

<sup>41</sup> *Apocalypse of the Virgin*, 7.



## 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.<sup>1</sup> The most that such a person could ever attain to, it was argued, is a state of 'limbo.'<sup>2</sup>
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*<sup>3</sup> - 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**

1496. 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.<sup>4</sup> For any such removal, he suggests, clearly constitutes **murder itself**<sup>5</sup> - 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 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

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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.

a homicide, in this case."<sup>6</sup>

1499. For the rest, however, the great Protestant Reformer Dr. Martin Luther insists<sup>7</sup> 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:<sup>8</sup> "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 adds<sup>7</sup> 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 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]."

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6. M. Luther: *Table Talk* 29, Weimer ed., V p. 8 (n<sup>o</sup> 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.

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 remarks<sup>9</sup> 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 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....

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<sup>9</sup>. Works, St. Louis: Concordia, 1964 ed., IV p. 304.

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: <sup>10</sup> "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."<sup>11</sup>

### **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 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."<sup>12</sup>
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."<sup>13</sup>

### **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*.

<sup>10</sup>. L. Collier: *The Jesuits*, New York: Maethan, 1926, p. 87.

<sup>11</sup> Q. & A. 105.

<sup>12</sup> *W.L.C.*, Q. & A. 135.

<sup>13</sup> *Ib.*, Q. & A. 136.

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." <sup>14</sup>
1526. Quite properly, in the nineteen-sixties the Roman Catholic Second Vatican Council reiterated: <sup>15</sup> "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, proclaimed<sup>16</sup> 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 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." <sup>17</sup>

#### **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)." <sup>18</sup>
1533. He adds that "he who destroys germinating life, kills a man." <sup>19</sup> Similarly, also the 1971 Sydney Anglican *Abortion Report* rightly concluded: "From conception the unity of the ensouled body

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

<sup>15.</sup> *Ib.*, p. 90.

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

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

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

<sup>19.</sup> Willke: *op. cit.*, p. 90.

begins to emerge."<sup>20</sup>

### **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!"<sup>21</sup>

### **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:<sup>22</sup> "Children did not choose their parents. Neither did parents choose their children...."
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-in-formation] 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."<sup>23</sup>
1542. Rev. Professor Dr. Herbert Richardson of the Harvard School of Divinity shares this thinking.

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

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

<sup>22</sup>. Geesink: *Ordinances*, IV pp. 24f.

<sup>23</sup> Willke: *op. cit.*, p. 90.

Further, the two Neo-Calvinist Scholars Dr. Greg Bahnsen<sup>24</sup> & Rev. Dr. R.J. Rushdoony<sup>25</sup> of Valley Christian University - and even the strongly-liberal Nobel Prize Winner Pearl Buck<sup>26</sup> and Dr. Norman Vincent Peale<sup>27</sup> - 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!
1545. The leading Protestant Theologian John Calvin had an even stricter attitude against abortion than the leading Roman Catholic Theologian Thomas Aquinas.<sup>28</sup> The further fact is that many modern orthodox Protestant Theologians have an even stricter attitude against abortion than do some modern Romish Theologians.<sup>29</sup>

### **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 Jews<sup>30</sup> and Moslems<sup>31</sup> etc., but even many Agnostics and Atheists too regard it as a crime. Even Communists have sometimes condemned it.<sup>32</sup>
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.<sup>33</sup>

### **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

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

<sup>25</sup> See Rushdoony's *opera citata*.

<sup>26</sup> 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.

<sup>27</sup> Willke: *op. cit.*, p. 90.

<sup>28</sup> See paras. 1497-99.

<sup>29</sup> Especially 'Liberal Catholics' and 'Progressive Catholics' have lax attitudes.

<sup>30</sup> See art. 'Abortion' in *Enc. Jud.*

<sup>31</sup> 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, 1 pp. 70 & 152f.

<sup>32</sup> 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).

<sup>33</sup> Willke: *op. cit.*, p. 90.

*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).

## 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 murderree]'.... 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.'<sup>1</sup> See too paragraphs 1181-1254.

### 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

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<sup>1</sup> Hyamson & Silbermann: *op. cit.*, pp. 371 & 385.

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.<sup>2</sup>
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"<sup>3</sup> (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*):<sup>4</sup> "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 insisted<sup>5</sup> 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 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:<sup>6</sup> "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

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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).

6. *Op. cit.*, p. 23.

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:<sup>7</sup> "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 *talis*, 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."<sup>8</sup>
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 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."<sup>9</sup>

### **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.<sup>10</sup>

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<sup>7</sup> *Ordinances*, IV pp. 184 & 228 & 177.

<sup>8</sup> *Ib.*, pp. 177f.

<sup>9</sup> *Ib.*, p. 186.

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

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."<sup>11</sup>

### **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 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

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<sup>11</sup> *Ib.*, p. 125.

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:<sup>12</sup> "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 explains<sup>13</sup> that "they who upon pretence

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<sup>12</sup> *W.C.F.*, 23:1-2 & 23:4.

<sup>13</sup> *Ib.*, 20:3-4.

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.<sup>14</sup> 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 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.<sup>15</sup> 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)."<sup>16</sup> Inferiors owe their Superiors "willing obedience to their **lawful** commands and counsels. Ephesians 6:1-7; First Peter 2:13f; Romans 13:1-5."<sup>17</sup> 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."<sup>18</sup>
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, reproving, and chastising such as do ill. Romans 13:3f; Proverbs

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

<sup>15</sup> W.L.C., QQ. & AA. 125f.

<sup>16</sup> W.L.C., Q. & A. 124.

<sup>17</sup> W.L.C., Q. & A. 127.

<sup>18</sup> W.L.C., Q. & A. 128.

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."<sup>19</sup>

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?

#### **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."<sup>20</sup>
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*,<sup>21</sup> **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

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19. W.L.C., Q. & A. 129.

20. W.L.C., Q. & A. 130.

21. W.L.C., Q. & A. 135.

"**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!"

### **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**<sup>22</sup> 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."

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<sup>22</sup>. W.L.C., Q. & A. 136.

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 goeth, 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 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*.<sup>23</sup>
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 say<sup>24</sup> 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"<sup>25</sup> (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"<sup>26</sup> - 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

<sup>23.</sup> W.L.C., Q. & A. 144.

<sup>24.</sup> W.L.C., Q. & A. 145.

<sup>25.</sup> Jer. 9:3-5; Acts 24:2-5; Ps. 12:3-4; 52:1-4.

<sup>26.</sup> Prov. 17:15 & I Kgs. 21:9-14.

righteous<sup>27</sup> - 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."<sup>28</sup> It forbids "holding our peace when iniquity" (such as the present epidemic of abortions) "callesth for either a reproof from ourselves<sup>29</sup> or complaint to others."<sup>30</sup> It even forbids "speaking the truth **unseasonably**, or maliciously to a wrong end,<sup>31</sup> or perverting it to a wrong meaning,<sup>32</sup> or in doubtful or equivocal expressions to the prejudice of truth or justice."<sup>33</sup>
1620. Finally. It also forbids all "speaking untruth,<sup>34</sup> lying,<sup>35</sup> [and] stopping our ears against just defence."<sup>36</sup> 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 unstopably 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) declares<sup>37</sup> 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**."<sup>38</sup>
1624. Philadelphia's Westminster Theological Seminary's Professor of Systematic Theology John Murray well described the full scope of these words. Said Professor Murray:<sup>39</sup> "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*."

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27. Isa. 5:23.

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

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.

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 punishments for unlawful abortion (and every other crime). This might well be done in the manner previously outlined above.<sup>40</sup>
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.<sup>41</sup>

### **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

<sup>40</sup> See chapters H & I & J and O & P & Q.

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

also the 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**."<sup>42</sup>

#### **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 self-destruction"<sup>43</sup> - "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 - 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

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<sup>42</sup>. 1994 GAA White Book, p. 23.

<sup>43</sup>. *Op. cit.*, pp. 13, 103, 108, 118, 133f & 139.

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.