

Respect for Human Life, I

Let us pray together.

Lord, we need You every hour, but especially in our day and at this present time, we need Your wisdom, Your strength, the power of Your Holy Spirit to enable us to be discerning and courageous in our stand for the convictions which derive from Your Word. Be with us as we sort through these high profile current issues that we may be able to minister in our generation. Guide us into Your truth, we pray, for Jesus' sake. Amen.

I promised to say something about humanitarian intervention in connection with what we were doing about just war, and I will have a few words to say about that.

When it comes to humanitarian intervention, which was the point where we were last time, whether that fits under the category of just cause was the question of the 1990s, especially in light of what has happened in Somalia in which that was a success. I think there may have been some overreaching. It resulted in some of our U.S. soldiers being killed and paraded around, and that led to immediate withdrawal. That set the stage for non-intervention in Bosnia until very late, and withdrawal from Rwanda, and it was the background for the final intervention in Kosovo. So the question of the 1990s was how to enforce the body of international law that includes genocide, crimes against humanity, and ethnic cleansing. Those are all principles of international law. The question is how do we enforce them? And this is where just war thinking is at the present time.

Beginning with Bosnia, Pope John Paul II did define as a just cause the legitimate use of force and the duty to intervene when whole populations are put at risk. And that duty falls generally to the international community, but in the last resort, to whatever powers are capable of taking action. It is an ill-defined area in international law. This now needs to be sorted out. How do we enforce these principles? It was thought after World War II that only defensive war to defend a person's own territory or those with whom you are allied was justifiable war. Now, with these stupendous and tragic events, this seems to go back to what is an earlier principle in just war theory, which is that offensive war is sometimes just and necessary. It goes under the label of humanitarian intervention, but let us not lose sight of the fact that it is a matter of justice that you intervene on the part of a people who are being persecuted, "cleansed," or killed in masses.

I think there are at least three things that need to be thought through in connection with this, and the rethinking of this has only just begun. First, I think that it is clear that there needs to be a reform of international law to accommodate this insight that military force may be used for so-called humanitarian intervention. It is unclear in international law. Second, I think that we need to think through this side of the just war picture: discrimination and proportionality. There could be a better balance than we had in Kosovo between the vulnerability of innocent non-combatants and our military strategies that are now so risk averse. The argument against sending ground troops into Kosovo was that the American public would not stand for it, and so you have those extremely high bombing raids that cause a lot of civilian death. Well, I think that that needs to be revisited. I think that the third area that is being talked about is the restoration of military honor. I do not know quite how to take this, but the premise is that military personnel can actively bear arms because they are willing to die in defense of the innocent. That is something, military honor, that you take on yourself. And when we take extreme measures that risk a billion lives in order to protect the lives of soldiers, it is not right. Now, I do not want to put soldiers in unnecessary danger, but there is a risk that may be necessary in order to fulfill the conditions of what is

just in the conduct of warfare. And let me say something about a fourth area, which is that diplomatic strategies need to be revisited. I think that in the early part of this century, they developed the term “gun boat diplomacy.” Well, I think that we now have “smart bomb diplomacy.” We know that we can bomb somebody back into the Stone Age without getting hurt. And that affects the way we go into these negotiating situations. I think that what needs to be looked at again is an emphasis on non-violent means of settling disputes that arise in these humanitarian concerns.

Well, there is obviously a lot more to say on that, but I want to move to the issues that we constantly face in terms of respect for human life. “Respecting Human Life From Beginning to End” is the overall heading for this session and next. For this session, we will deal with respect for human life at the beginning, and there are six sub points under this heading.

The first of these points is to be clear about the biological facts of life. I am mainly concerned about the chronology of the new human life. It is coordinated with the chronology of the human mother. Eleven percent of abortions are performed before six weeks, 80% are between six and eleven weeks, and so forth. In the chronology of new human life, I have noted that at 20 weeks there is a 10% survival probability outside the womb. That increases to 57% at 25 weeks. And after that, it grows accordingly. But that is our basic material that we need to know.

The life of every human being begins at conception. Conception is the fusion of sperm and egg. You know that every cell in the human body has 46 chromosomes, except the gametes, the sperm and the egg, each having 23. And at fertilization, they unite to produce a one-cell human being, 46 chromosomes. Now, that does not happen in a moment, in the blink of an eye. It takes between 26 and 30 hours to happen. But basically at the end of that first day, you have a new organism that has a distinct genotype never to be repeated. We know that the life of every human being begins at conception with a distinct blueprint that unfolds throughout.

The next event that I think is worth remarking on is implantation. This is between 6 and 10 days as the embryo works its way down the fallopian tubes, in natural implantation, to implant in the womb. I suppose you could say a woman is pregnant when the embryo implants itself in the wall of the womb, but she is a little bit pregnant in those days before that. There is a being, a new organism that is on its way. The practical effect of this is that you need to take a look at so-called contraceptive devices that actually prevent implantation because they have prevented an organism from implanting in the womb, preventing pregnancy but not conception. There is some confusion about that. They do not prevent conception. The IUD, for example, works by preventing implantation.

The next point is what is called individuation, which happens on about the 14th day. Individuation is, if they are going to be twins, the point at which it is clear that they are going to be twins. It is an irreversible point. Before that time, there may be some confusion as to whether there are going to be twins or not. Sometimes it appears that there are going to be twins, but the two parts recombine, and so there is only one individual. But it is called individuation, and it is documented that at the 14th day that occurs. In Great Britain, they have decided that experimentation up to the 14th day is permissible. They call these pre-embryos. Up to the 14th day, these are pre-embryos, and it is based on this idea of individuation. That started in America as well, but it has been abandoned in America. These are embryos from day one, a new organism comes into being at conception, and this is all unfolding. Part of it unfolds into the placenta, but the human being is there from day one. It implants in between 6 to 10 days. Not all are implanted, but do not be misled by the statistics on that. It is said to be as many as half are never implanted. Those may be incomplete conceptions or something gone wrong in the conception process. We do not know the status of those that are never implanted, but what we do know can be

stated with certainty is that the life of every human being begins at conception. Individuation occurs at the 14th day.

From then on the next decisive event is birth, which you know is at roughly 9 months. At 56 days, all organs are functioning: stomach, liver, kidney, brain, and all systems intact. And all future development of new life is simply that of refinement and increase in size. The name is changed from embryo to fetus at that time because of the clear human formation that you have as a child in the womb from the 56th day, from 8 weeks. Notice that by far, most abortions take place after that point, after you have a fully formed and functioning human being in the womb. I do not think that it is right to infer that we should protect the life of the fetus and not the life of the embryo, because it is a continuum. It is a developing continuum of an organism all throughout. Now, these facts are well documented, even physically photographed in *A Child is Born*. In Dr. Winters' book on abortion, he got permission to include photographs, and they have been used. And the material keeps growing. They operated on a spina bifida baby in the womb, and there is that photograph where the baby reaches up his hand and grabs the doctor's finger. It is very emotional. I can hardly talk about it. But that is what is in the womb.

Now, for the next point, biblical perspective, this is under the Presbyterian Church in America (PCA) report so that I do not feel the need to go into the biblical perspective in detail. But it is clear that God is active in the process of procreation. The mandate is Genesis 1:28, and the God-ordained means of populating the earth with human beings in His image is the generative potency of human sexuality. Human beings are not merely reproduced after their kind. The language is different, that human beings procreate human beings like themselves; they are in the image of God. Check out Genesis 5:1-3 and think through the implications of what it says there about begetting a child in His image. The Bible frequently acknowledges that conception is a matter of God's gift, an event that occurs under His providence. The story of Hannah is a good reminder of this truth. Other examples abound. The truth is preserved in the praises of Israel. Psalm 127:3 says, "Now behold, children are a gift of the Lord. The fruit of the womb is his reward." Now, in Scripture, for example, Isaiah 7:14, the Bible regularly links the events of conception and birth. "The virgin shall conceive and bear a child." That is typical biblical language. They do not know all about implantation and individuation and the rest of this, but they know that there is a beginning and that it results in a birth. Between those two events, God continues His activity in unfolding development of the child in the womb. And we know from Psalm 139:13-16 that unborn individuals are the objects of God's continuous attention. Without its form, "My inward parts thou didst weave me in my mother's womb. I will give thanks to thee for I am fearfully and wonderfully made. When I was made in secret and skillfully wrought in the depths of the earth"—figurative for the womb—"thine eyes have seen my unformed substance and in thy book they were all written the days that were ordained for me." And what King David finds so overwhelming in this psalm is the Lord's all-encompassing personal knowledge and presence. So He is there from the beginning, when David is in the womb.

Also relevant is the historical beginning of the incarnation, whereby the Son of God took to Himself human nature, being conceived by the power of the Holy Spirit in the womb of the Virgin Mary. The uniqueness of that event and its miraculous mode does not affect the relevance from conception, however that event happened. The Son of God in human nature has the right to life by no other law than that which is granted to every human being. Jesus, as to His humanity, was made like us in every way. So the biblical data is clear. Exodus 21:22-23 is thought to make a strong difference between the child in the womb and the mother. But it is possible that it is not a miscarriage or a spontaneous abortion that is brought on, but a delivery brought on by trauma. If you want to take a thorough look at that text, there is an article by Meredith Kline in the *Journal of the Evangelical Theological Society*, volume 20, from 1977. It is pages 193-201. You should be aware of the article. It does review that text and shows that

there are a number of exegetical possibilities. It would be hazardous to develop a right to take human life on the basis of that text.

The next question, given the biological facts and the biblical perspective, is what should we think about the morality of abortion? Now, I think that the issue should be framed this way. The moral issue in abortion is whether the life of the fetus—we refer to fetus from conception to birth, not just from eight weeks on. I think that is appropriate. The moral issue in abortion is whether the life of the fetus is to be preserved just as the life of every human being. I guess we would have to say “just as the life of any born human being,” or whether, as a developing human being, the life of the fetus may be taken away in circumstances that would not otherwise justify the willful taking of human life. The moral issue in abortion is whether the life of the fetus is to be preserved just as the life of any human being after birth, or whether, as a developing human being, the life of the fetus may be taken away in circumstances that would not otherwise justify the willful taking of human life. To put it another way, are the unborn included in the respect and protection we are morally bound to accord to human life? Well, I think in light of the biological facts, we can leave aside for the moment the biblical perspective, which I think gives to us a further motivation in our understanding of how God works in the womb. But at a minimum, the significance of the biological data in reference to the morality of abortion is to establish the burden of proof. The pro-life people do not have the burden of proof; pro-choice people have the burden of proof. Since abortion is an act of human initiative that interrupts this continuum of developing human life, the burden of moral justification rests upon those who defend the morality of abortion. My point is this: if human life is held at one point to be inviolate, but not from conception when a new biological organism comes into being, then the burden of proof is on those who would inflict death to show that the point at which you may inflict death is not arbitrary but is grounded in something in reality.

As we get into this, the most common argument for some protection of fetal life but not full protection, not as any human being, is the potential person argument that justifies taking the life in the womb though it does not justify the taking of life of actual persons. A number of evangelicals have taken this view. Arthur Holmes of Wheaton College, now retired, says in his book on ethics, “Biologically, any human fetus is of course human life.” That is widely acknowledged now. It did not used to be, but it is acknowledged now. Even Naomi Wolf, in a famous 1995 article in the *The New Republic*, made that argument. She is a prominent feminist. Most recently she received notoriety by being Al Gore’s consultant on being alpha male. But Holmes writes, “Biologically, any human fetus is of course human life. And even though it is not yet an actual person in the sense of a self-conscious and reflective being relating meaningfully to others, it is a potential person likely to develop all the powers that adults have. As such, its life is to be received and protected as a gift from God.” So abortion on demand for one’s own personal convenience as a means of birth control fails to recognize this, but that is not to say that an early fetus as a potential person shares full human rights equally with actual persons. So there are exceptions to this.

Now, I think that this argument has become very common, making a distinction between human life, which is undeniable, and personal life. The problem is that on these criteria of self-consciousness, reflection, and meaningfully relating to others, infants can be taken away. As a matter of fact, that is Peter Singer’s argument. He has been arguing this for years. He published a book in 1985. He mentioned the case of a child named John Pearson, born June 28, 1980 with Down syndrome, who died of neglect on July 1, 1980 when he was three days old. Because he was a Down syndrome baby, his parents refused to let him be fed and so he was made comfortable, but he died of neglect. Peter Singer goes beyond allowing the child to die. That is in a way cruel; it is more compassionate to kill a child. Why does Peter Singer believe that in such a case like this, infanticide, killing a newborn human baby, is

ethically justified? Well, there are too many reasons. Such an infant is not a person. Infants are sentient beings; that is, they can feel pain so you have to painlessly kill them. He says, "Infants are sentient beings, they are neither rational or self-conscious. Their species is not relevant to their moral status." Singer would not inflict pain on animals either. But, the fact that these are human infants is irrelevant to his argument, because they are not persons. So if the consequences of killing that infant may be better than the consequences of not killing in terms of relief of suffering, what is in the best interest of the child, and what is in the best interest of the family (making room for a better baby down the line, one without Down syndrome), then you have at least 28 days. That is his round figure, although with his criteria an infant is not a person at 28 days, but you can assess the prospect for those first four weeks, and not only neglect them but painlessly euthanize them. Now, I think that is where, if you take the potential person argument, it virtually removes all protection from the embryo through the infant state.

I think that the idea that these are not actual persons is mistaken. I would say that we ought to say something like this: the fetus is an actual human being who in due course will exhibit the personal characteristics of human nature. Now, those characteristics as a functioning human being are as yet unrealized, because the fetus is still developing. So he is not functioning as a self-conscious, rational, free, moral agent, but that is what he is. I would put it this way and say that these characteristics are as yet unrealized, because the fetus is still in that developing stage. But here is my point. It is crucial to note the child does not become a person when these things are realized; rather, these things are realized because he or she is a person. A human being is a person. And given the development, he will exhibit personal characteristics. He does not become a person when he starts thinking; rather, he starts thinking because he is a personal human being. And I think there is a vast difference between a potential person and a person who has not yet reached his or her potential. I think it is worth recalling the old nonfunctional definition of a person as "an individual subsistence in human nature." It will not fit on a bumper sticker. It is an individual subsistence in human nature, not a choice. But it is the truth and the way we ought to look at it. It is an individual subsistence in human nature; that is what a person is. A human being by definition is a person.

The child does not become a person when these characteristics are realized; that is, when he starts functioning as a thinking being relating meaningfully to others. That takes a while, at least a month. Well, it is early. Rather, they are realized because he or she is a person. In other words, you would not start thinking if you were not already a person. You do not become a person when you start thinking; you are a developing person that starts thinking. If you take the definition of a person as rational, reflecting, and relating meaningfully to others, an infant is not any more of a person than a fetus in the womb, if that is your definition. And so, it is a matter of being consistent. We cannot say it is a potential person in the womb; then we lose the argument against Peter Singer, because he is making the same argument. It is basically the same. If you define a person in terms of these functioning characteristics, then you remove the protection of Down syndrome babies as well.

My fourth point is on the legality of abortion. Before we get to that, there is something I want to say by way of conclusion on the morality of abortion. I am taking the view that the life of the fetus is to be preserved just as the life of any human being. You cannot find a point that will enable you to make an arbitrary distinction between this. We make the exceptive clause for the life of the mother when the life of the fetus and the life of the mother are in conflict. That is not different from the necessary defense argument in the case of adults. Now, I need to say something about a Roman Catholic distinction that I think is helpful. Roman Catholics distinguish between direct and indirect abortion, because abortion is a termination of pregnancy that results in the death of the fetus. A direct abortion is one in which the immediate purpose is to destroy the human fetus. That is a direct abortion, and that is what most abortions are. The purpose is to have a dead delivery, or the purpose of the procedure is to destroy the

human fetus. An indirect abortion is one in which the immediate purpose is to treat the mother to ratify threatening pathology, that is, some circumstance that is life-threatening. It is to treat the mother to ratify life-threatening pathology, such as an ectopic pregnancy. Both are going to die. Under rare cases, ectopic pregnancies have been brought to term. But the prospects are really very limited in that regard. Normally, if allowed to proceed, both will die. And so an indirect abortion is one in which the immediate purpose is to treat the mother to ratify life-threatening pathology but in which the death of the fetus is an inevitable result. It would have been avoided had it been possible, but it is not always possible. That is when we mean “except to save the life of the mother,” that is, where the mother’s life is threatened by the presence of the fetus. There is a direct conflict between life and life. You try to save both, but in the event that you cannot save both without taking the life of the one, it is permissible as a matter of necessary defense to take the life of the fetus.

You might ask about exceptions that politicians frequently cite, in the cases of rape, incest, and danger to the mother’s life. I think that the first two are inconsistent with this view that I am taking. It is not that the American Republican party platform itself includes those, but various Republicans define it that way. I think that the platform itself has always called for sanctity of life from the beginning. But various high profile candidates for Republican office sometimes take those other two exceptions to remove these highly emotional debates from the table. They are a mere fraction of the number of abortions, so it is an inconsistent pragmatic rationale.

I was brought up short in the 1960s when I first got into this area. I started teaching in 1967. My first ethics class was in 1968. I had a student in the class ask me, “Mr. Jones, are we going to talk about abortion in this class?” Well, I had not had anything in my seminary that talked about abortion, but it was getting to be the cutting edge issue, so I began to try to think about it. And I thought that rape would be an exception, because I thought, here you have an aggressor, and I identified the child with the aggressor. And in the solidarity with the aggressor, you could take the life of the fetus that was conceived by rape. And I was expounding this view to a ruling elder down in Carbondale, Illinois, and he said, that is very interesting. He had adopted three children. And he turned to the third child and said, “This child was a product of a rape.” Well, the Lord has a way of getting your attention. How could I say that this child is just the aggressor, or part of the aggressor, and deserves to die? That made me rethink that whole argument. Now, in connection with rape, there are treatments after rape that do not impinge upon human life. So the treatment of rape victims is a separate topic. And I have not written on that, but I know from Roman Catholic sources that there are ways of avoiding pregnancy immediately after rape. You know, it takes some while for conception to take place. It takes at least 26 to 30 hours for there to be conception, so before that there is time even before the sperm begins to penetrate the egg. So it is not only the horrific thing that is always available. But requiring a woman as a matter of law to continue a pregnancy under promptly reported rape is something about which there would be hesitancy to include within the law, which I understand.

On this subject, I am dependent on the book *Healthcare Ethics* by Benedict Ashley and Kevin O’Rourke. Ashley is at Aquinas Institute, and O’Rourke is at St. Louis University Healthcare Center. Their *Healthcare Ethics* is the best treatment that I have seen in terms of the strongest pro-life view written for Catholic hospitals as to what is permissible in the Catholic situation, and it is more than what we think of.

Now, under the legality of abortion, it seems to me that it is not possible to not have some concern for abortion as a matter of public justice, or restrictive abortion laws as a matter of public justice. In other words, it seems to me that this is a legitimate area for the state, whose basic role is to protect human life, and the state has an interest in that.

Our next section is legalization of abortion in the United States. It was said in the case of *Webster versus Reproductive Health Services*, “The life of every human being begins at conception,” a phrase I have adopted. I think that is very well practiced. “And unborn children have protectable interests in life, health, and well-being.” That was the preamble to the Missouri law, and the Supreme Court allowed that to stand on the record. The law that they had was framed to be subordinate to *Roe versus Wade*, but they were able to make the point that “the life of every human being begins at conception. Unborn children have protectable interests in life, health, and well-being.” A local newspaper a while back had an editorial calling for prenatal healthcare for these most vulnerable of our citizens. I thanked the paper for acknowledging something that the Supreme Court has not, that these are our most vulnerable citizens and we should be on the side of prenatal healthcare. We should get behind that.

Protectable interest means that the state does have an interest. If you follow it through the 1960s, you find that there was a reform movement within the United States. Even Christians were involved with that, the Christian Medical Society in 1968. The earliest reform legislation was California, Colorado, and North Carolina in 1967, basically following the model penal code. In 1970—this was a watershed event—New York permitted abortion on demand within the first 24 weeks. That passed the legislature by one vote. I only know that because the *New York Times* ran a series of pieces on that on the 30th anniversary, but that is how close it was. And then in 1973, *Roe versus Wade* went even beyond the New York law. The New York law permitted it up to the first 24 weeks, and this is now the standard that we always refer back to. It is the most open abortion law in the Western world. France is more restrictive on abortion than the United States. We think of France as really liberal. In France, a woman, if she is determined to have an abortion in the end may have one, but there are various hurdles that force her to face the question of respect for life in the womb. If you want to read about that, there is a book by Mary Ann Glendon called *Abortion and Divorce in Western Law*. Her specialty is international law, and she compares our abortion and divorce laws with those of other Western countries. And the pro-choice movement here has been adamantly against adopting the kinds of things that France has introduced, such as independent counseling, a waiting period, and so forth. Even the least restriction is just too restrictive.

You might ask about the right to life that is mentioned in the Declaration of Independence. Well, this is the way the Supreme Court interpreted it in *Roe versus Wade*. “We need not resolve the difficult question of when life begins.” Well, the truth is, we know when life begins and they did not want to say. But they go on to talk about the “important and legitimate interest in potential life.” You see how the potential argument gets inserted there? And then they divided into the trimesters. You should know these, because I find that often people do not know, and even the hosts of radio call-in programs have misstated what that law is. People are very surprised sometimes to learn that you can have an abortion for any reason up to birth. So familiarize yourself with those trimesters. In the same year, there was *Doe versus Bolton*. This is the health clause. In the third trimester, the state can proscribe abortion except where it is necessary for the preservation of the life or health of the mother. This is why we always have this fight over whether to include health in these decisions. *Doe versus Bolton*, the same year, defined health as all factors relevant to the well-being of the patient, meaning the mother: physical, emotional, familial, woman’s age, and virtually anything that subjectively is taken to affect her life. Health is so broad; that is the problem. It is so broad that it is virtually anything, folks know that, and that is why the plea is to make this health exception. Why can you not make a health exception? The reason is because it is so broad as to be virtually open-ended. That is the issue.

One of the latest Supreme Court decisions is *Planned Parenthood versus Casey*, which reinforced *Roe versus Wade*. Notice how they reason. “We are satisfied that the immediate question is not the soundness of *Roe’s* resolution of the issue.” Supreme Court justices, even the liberal ones who support abortion, do not think *Roe* is argued rightly, notably, Justice Ginsburg. “But the precedential force must

be accorded the ruling. For two decades of economical and social development, people have organized their intimate relationships and made choices that define their views of themselves and their places in society in reliance on the availability of abortion in the event that contraception should fail.” Abortion is a backup birth control measure. The Supreme Court says that. The Supreme Court now acknowledges that. That is what abortion is; it is a failsafe birth control method, and this is now precedent. And you have a whole generation that has grown up with this, and we cannot go back on it—this is what they are saying. And then there is the last clause, “At the heart of liberty is the right to define one’s own concept of existence, of meaning of the universe, and the mystery of human life.” That is often commented on as one of the most puzzling things that the Supreme Court has said, but it means that it is all subjective in terms of those things. So that is where we are.

James Hunter, I think, had an insight: “People do not want to hear pro-lifers talk.” His point is that people just do not want to hear about it, so it is a difficult thing to talk about, and you get intimidated on this issue. People will make gratuitous remarks about it to intimidate, and they do not want to hear or think about it.

Now, I have two more points, a brief point on infanticide, and then another point on biomedical research as it relates to human embryos. Read the article from the *Weekly Standard* on “Partial Birth Revisited.” This will show you how the argument changed from when it was broached, in 1996 and 1997, how the argument of the pro-choice side changed from those years. They do not use the arguments that they used then. The argument has shifted from the present day, where the Nebraska law has said you cannot have that, because it would impinge upon abortions that we know are constitutional from *Roe versus Wade*. It has some disturbing stuff in it, but you need to read it. You need to know what the argument is and why it has developed the way it has. It is the best place I know in two pages that does that. You should also familiarize yourself with the basic idea of what is going on with stem cell research.