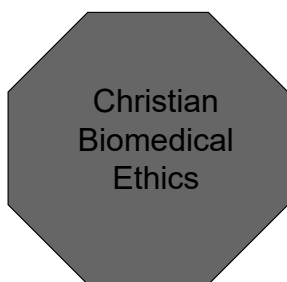


## Issues at the Beginning of Life

Abortion

### Christian Biomedical Ethics: Theological Framework



- The Sovereignty of God
- The Sanctity of Human Life
- The Stewardship of Man (cultural mandate)
- The Way of Love (Beneficence)

## A Pastoral -Theological Approach to ● Christian Biomedical Ethics

1. Is the practice/principle clearly **supported** by well-grounded biblical teaching?
2. Is the practice/principle **compatible** with well-grounded biblical teaching?
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## The Sanctity of Human Life

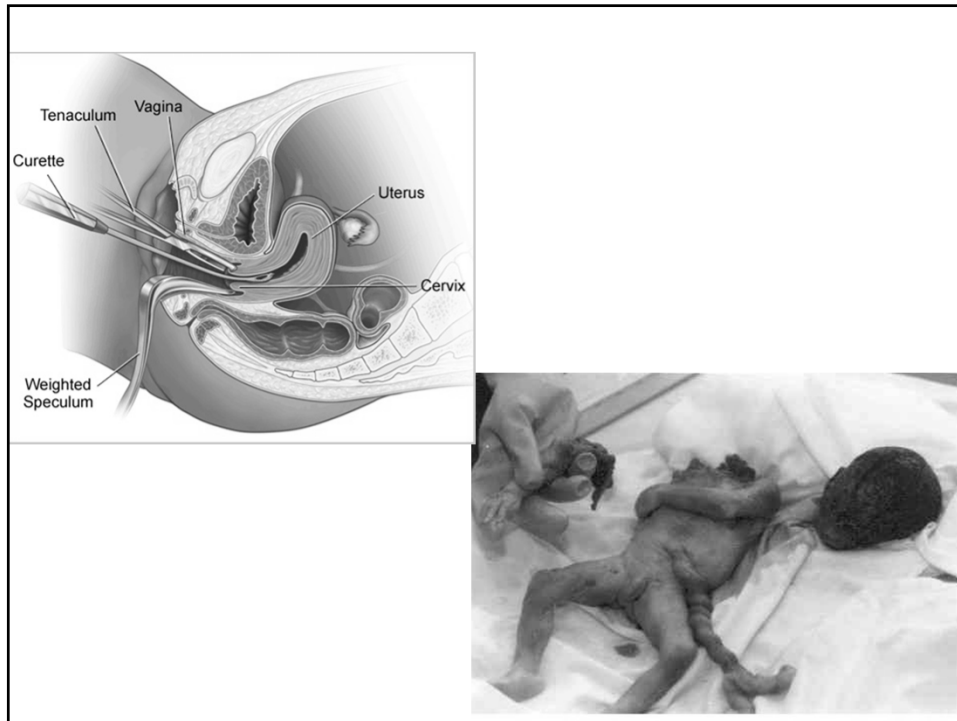
- Human dignity comes from God
- All human life have equal dignity
- Never intentionally take innocent human life
- Love your neighbour

## Abortion

‘as the premature expulsion from  
the uterus of the products of  
conception- of the embryo or of a  
non-viable foetus’

### Techniques of Abortion

- **Vacuum aspiration**
- **‘D & C’-Dilation and Curettage**
- **Toxic solution**
- **Hysterectomy**
- **RU 486 with prostaglandin**
- **‘Morning after’ pill**
- **Partial birth abortion**



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## What does the Bible say about abortion?

Exodus 21:22-25.

<sup>22</sup>When people who are fighting injure a pregnant woman so that there is a miscarriage, and yet no further harm follows, the one responsible shall be fined what the woman's husband demands, paying as much as the judges determine. <sup>23</sup>If any harm follows, then you shall give life for life, <sup>24</sup>eye for eye, tooth for tooth, hand for hand, foot for foot, <sup>25</sup>burn for burn, wound for wound, stripe for stripe (NRSV).

## Implication

- If the woman is killed or injured the *lex talionis* is applied
- If the woman miscarriages, a fine is imposed in accordance to property law

## Interpreting Exodus 21:22-25

- a foetus is not considered to be a fully human person and is therefore of less inherent value than an already born person. Thus the death of a fetus merit a fine while the death or injury to the mother called for the application of *lex talionis*

## What does the Bible say about abortion?

Exodus 21:22-25.

"If men who are fighting hit a pregnant woman and she gives birth prematurely but there is no serious injury, the offender must be fined whatever the woman's husband demands and the court allows. But if there is serious injury, you are to take life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, bruise for bruise." (NIV)

## Interpreting Exodus 21:22-25

- verse 22 does not refer to a miscarriage but to a premature birth. Thus causing a premature birth will merit a fine but death of injury to the premature baby or the mother will merit the *lex talionis*.

Jack W. Cottrell (1996). "Abortion and the Mosaic Law" Clark, David K. & Rakestraw, Robert V. Eds, *Readings in Christian Ethics, Vol 2* (Grand Rapids, MI: Baker Books) p. 32-35.

“Dr. Frame also examines the verb *yatza*, found in Exodus 21:22. The term means ‘go out’ or ‘depart’. *Yatza* is normally used to describe ordinary births (Gen 25:26, 38:28-30, Job 10:18; Jeremiah 1:5, 20:18). The only possible exception is the use of *yatza* in Numbers 12:12; Again, the Hebrew has a more accurate term for miscarriage and spontaneous abortion: *shakol* (Gen 31:38, Exodus 23:26, Job 2:10, Hosea 9:14, Malachi 3:11). The proper interpretation, then of the phrase *weyatze’u yeladheyla* in Exodus 21:22 would not be an induced miscarriage nor the death of an unborn child but an induced premature birth of a living child.”

RC. Sproul (1990). *Abortion: A Rational Look at an Emotional Issue* (Colorado Springs, CO: Navpress) quoted the work of Dr. John M. Frame on this exegesis. p.197-198.

## Septuagint

- Hebrew text translated to Greek
- Distinguishes a miscarried fetus as 'unformed' or 'formed';
- 'Unformed' required a fine
- 'Formed' required *lex talionis*
- Influence of Aristotle

## A Pastoral -Theological Approach to ● Christian Biomedical Ethics

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6. What can we **do about it** as Christian faith communities?




## practice/principle compatible with well-grounded biblical teaching

- “Thou shalt not kill” a human being
- “Thou shalt not murder” a human being

When does human life begins?

## When does human life begins?

**TED** Watch Read Attend Participate About



**Alexander Tsiaras**  
Medical image maker

[Home: Anatomical Travel](#) [Home: The Visual MD](#) [Book: Conception to Birth](#)

TED Speaker

*Using art and technology, Alexander Tsiaras visualizes the unseen human body.*

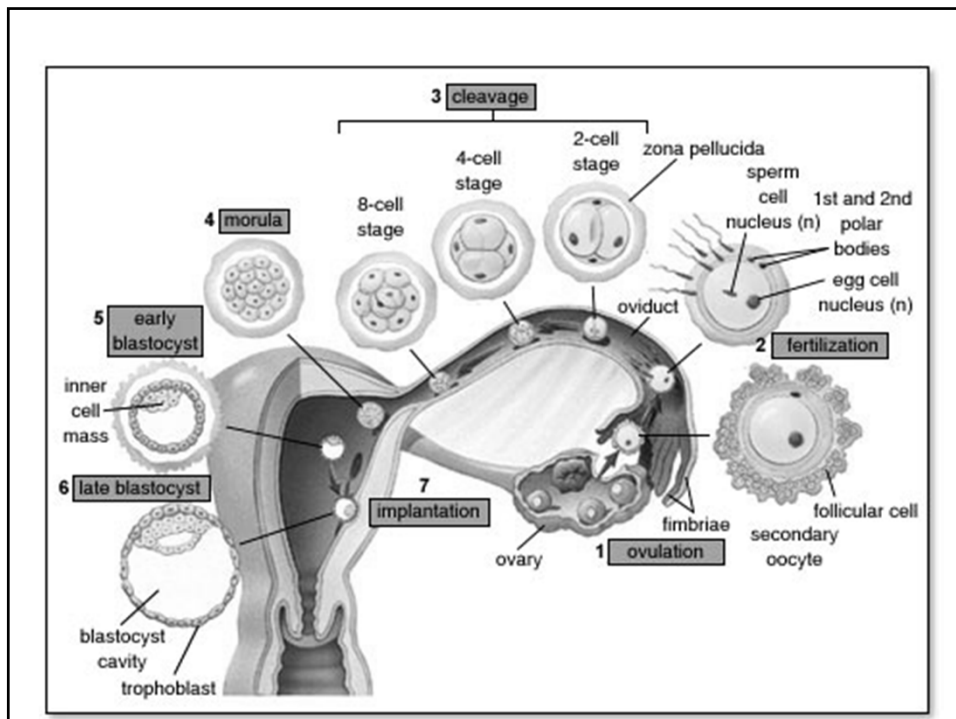
### Why you should listen

Alexander Tsiaras is an artist and technologist whose work explores the unseen human body, developing scientific visualization software to enable him to “paint” the human anatomy using volume data. He’s the author of *Body Voyage* and co-author of *Information Architects*. Most recently, he is the author of *From Conception to Birth: A Life Unfolds* and *The Architecture and Design of Man and Woman: The Marvel of the Human Body, Revealed*.

His latest project is [The Visual MD](#), an online compendium of health visualizations.

## When does human life begins?

- Conception, fertilisation, chromosomal fusion
- Implantation (6 days)
- Cell differentiation, individualisation (14 days)
- Formed and unformed (28 days)
- Ensoulment (40-90 days)



## When does human life begins?

- Human appearance (10 weeks)
- Quickening (16 weeks)
- Sensitivity to pain, nervous system (18 weeks)
- Viability (24-28 weeks)
- Birth (9 months)
- Naming (birth + 1 week)
- Self-conscious, cortical development (? 2 years)

## When does human life begins?

- Conception, fertilisation, chromosomal fusion
- Implantation (6 days)
- Cell differentiation, individualisation (14 days)
- Formed and unformed (28 days)
- Ensoulment (40-90 days)

Most abortions are done after 6 weeks

## Conception, fertilisation, chromosome fusion

- The Roman Catholic Church, the Orthodox Church and some of the Protestant denominations regard conception as the point when the spermatozoa penetrates the ovum and fertilises it
- The philosopher Aristotle believed that at conception the future child is endowed with a principle of only vegetative life. This is exchanged after a few days for an animal soul

## Conception, fertilisation, chromosome fusion

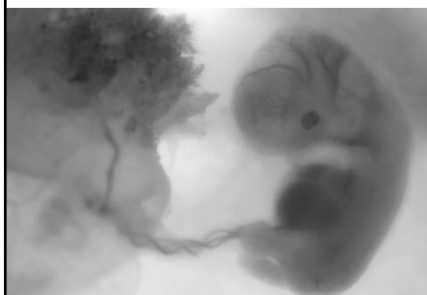
- fourth century, Gregory of Nyssa, who was well educated in Greek teaching, advocated the view that at the time of conception, the embryo is given a life principle (soul)
- Thomas Aquinas, the great Dominican theologian, reverted to Aristotle's teaching that a male was given a soul after 40 days and the female after 90 days.
- This was accepted by the church and later became widely accepted as a church tradition until 1875.

## Formed and unformed (28 days)



- The formation of all body systems and organs is complete after 28 days. The embryo can now be considered 'formed'
- early and medieval church: soul creation
- early and medieval church: traducianism
- Roman Catholic canon law 1591 to 1869, excommunication for abortion of a 'formed' fetus

## Ensolment (40-90 days)



- Aristotle wrote that the male embryo develops a male soul about 40 days after conception, whereas a female embryo acquires its soul 80 days after conception
- Thomas Aquinas – human embryo did not possess a soul and was not human until 40 days (male) or 90 days (female)

## Ensoulment (40-90 days)

- At 40 days, primitive undeveloped brain waves can be detected.
- High resolution ultrasound-foetus begins to look like a baby.
- In the Jewish rabbinic understanding of the Talmud and subsequent teachings, a developing foetus before 40 days is 'like water'. It is only worthy of consideration after 40 days.

12 weeks



16 weeks



20 weeks



## viability (24-28 weeks)



- About 24 weeks, the foetus becomes viable
- The World Health Organisation (WHO) defines abortion as any product of conception delivered before 28 weeks
- At 26 weeks, the foetus has greater viability and is more developed. Brain wave patterns show waking and sleeping stages

## 36 weeks





## Birth (nine months)



- The Jewish rabbinic commentary regards the foetus to be part of the mother's body and it is only at the moment when the head or the greater part of the breech is delivered that the foetus becomes an individual.
- But it continues to be regarded as a non-souled entity until after 30 days.
- Roman and Stoic stress that there is no soul until birth

## Self consciousness, cortical development

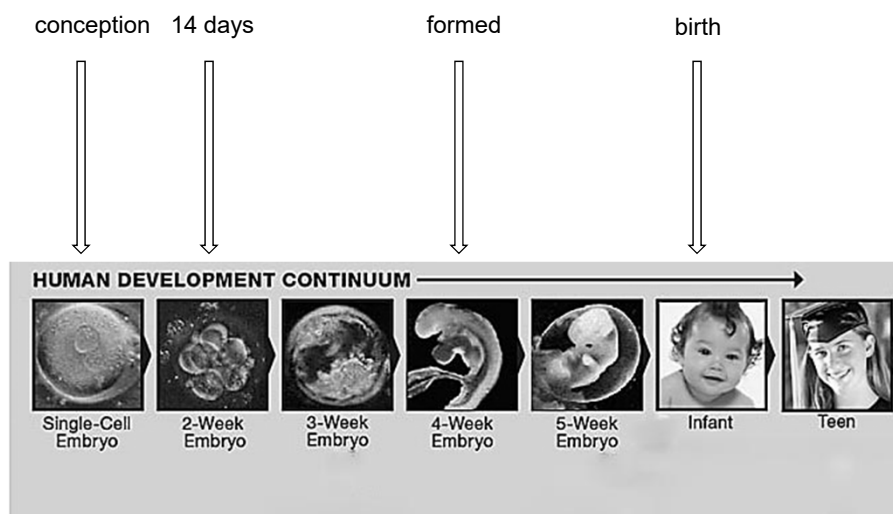
- Self consciousness as definition of human life
- Peter Singer  
“suggest that a period of 28 days after birth might be allowed before an infant is accepted as having the same right to live as others. This is clearly before the infant will have a sense of its own existence over time...”

Peter Singer, 1994, *Rethinking Life and Death: The Collapse of Our Traditional Ethics* New York: St. Martin's Griffin, 217

## Naming after birth

- Jewish children are not named or admitted to the community until after the eighth day and for those who die in the perinatal period (30 days), the rituals of death are not necessary
- No Catholic funeral rites for abortus or still born. The Holy Office in 1713 forbade baptism of a fetus not well formed

## When does human life begins?



## A Pastoral -Theological Approach to ● Christian Biomedical Ethics

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Stormie Omartian • Methodist Turmoil • Photo Essay: Somalia to Chicago

# ChristianityToday

July 2004

**When Does Personhood Begin?**  
And what difference does it make?

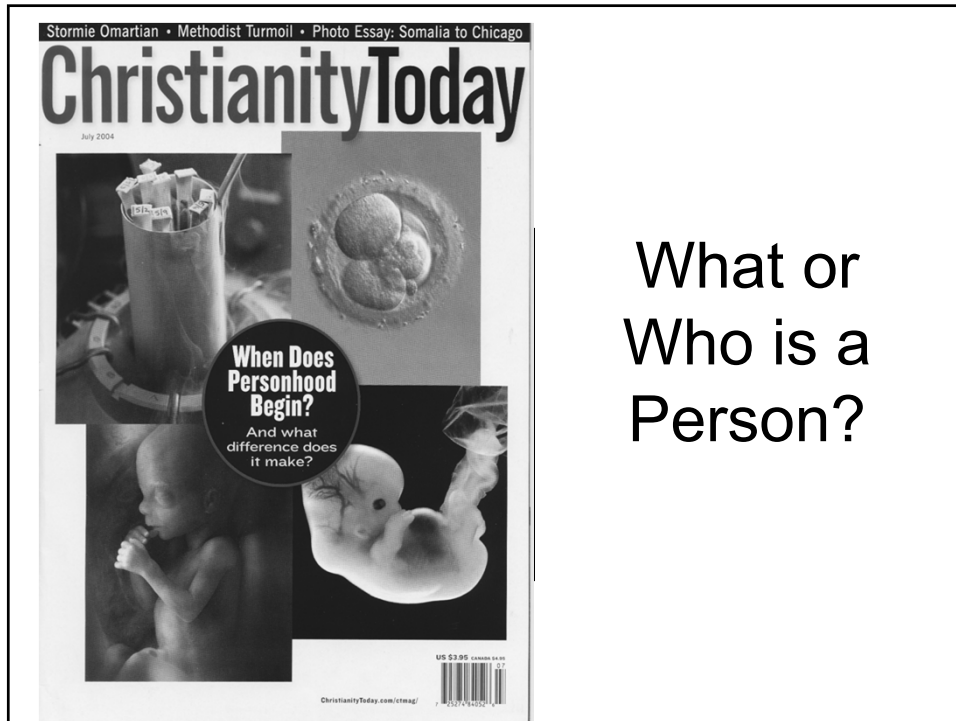
US \$3.95 (Canada \$4.95)

ChristianityToday.com/ctmag/

1527-4124(04)001-001

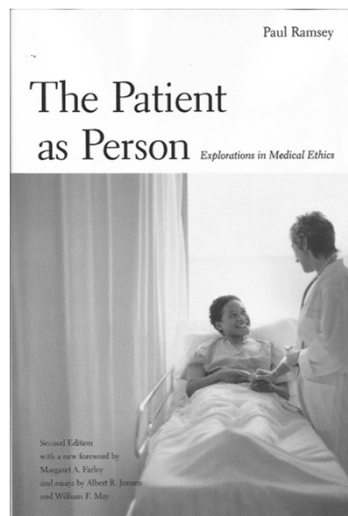
What or Who is a Person?



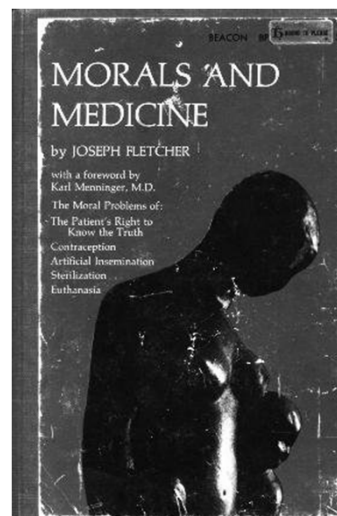


What or  
Who is a  
Person?

## Theological Dispute on Personhood



(1970, 2002)



(1954)

## Theological Dispute on Personhood

### **Paul Ramsey**

- Embodied soul or ensouled body
- Image of God
- Richard McCormick-social embodied souls (persons-in-relation)

### **Joseph Fletcher**

- Human capacities for self consciousness and self determination
- Image of God (intelligent causal action) and resurrection (of the spirit)
- Personalism
- Dualism

## Who is a Person?

- Only beings with a developed capacity for conscious self-reflective intelligence has a right to live (actuality principle)
- Beings with either a developed capacity or a 'natural potential' for conscious self-reflective intelligence has a right to life (potentiality principle)
- All members of the human species have a right to life, whether or not there is a potential for conscious self-reflective intelligence (species principle)

## Mary Anne Warren

- Consciousness (of objects and events external and/or internal to the being), and in particular the capacity to feel pain;
- Reasoning (the *developed* capacity to solve new and relatively complex problems);
- Self-motivated activity (activity which is relatively independent of either genetic or direct external control);
- The capacity to communicate, by whatever means, messages of an indefinite variety of types, that is, not just with an indefinite number of possible contents, but on indefinitely many possible topics;
- The presence of self-concepts, and self-awareness, either individual or racial, or both.

Warren, Mary Ann, 1978 *Do Potential People Have Moral Rights?* In R Sikora and B Barry, eds. *Obligations to Future Generations*. Philadelphia, PA: Temple University Press.; 14-30

## Actuality Principle

- This principle holds that an individual possess a right to life only when that individual possess self-awareness and self-reflective intelligence
- This view is notorious because of the group with no right to live it will include fetus, infants and the irreversibly comatose.

## Actuality Principle

- There are no one 'harmed' in an abortion because the foetus is not a person and thus has no right to life
- No one has a right to come into existence
- They only have a right to remain in existence

## Potentiality Principle

- The potentiality principle endorse the concept that it is wrong to kill what will naturally and in due course will develop into a person
- The potential is taken into consideration.

## Species Principle

- The species principle declares that human life is rendered inviolable by virtue of membership in the species *Homo sapiens*
- Those who have the genetic code for a *Homo sapiens* will automatically have a right to life
- A fertilised ovum will be included into this category.

## Who may live?

	Actuality principle	Potentiality principle	Species principle
Foetus		yes	yes
Infants		yes	yes
Children	yes	yes	yes
Adults	yes	yes	yes
Reversible comatose	yes	yes	yes
Irreversible comatose			yes
Severely retarded			yes
Less severely retarded	yes	yes	yes



## Biblical/Theological Rationale

- Actuality Principle?
- Potentiality Principle?
- Species Principle?



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## Abortion in Malaysia

- Global statistics- 48% of unintended pregnancies end in abortion
- no statistics available in Malaysia → if 8 million women are in reproductive age, estimated abortion in Malaysia may be 224,000 per annum
- Malaysian women dying from abortion related complications 5-8 per year (confidential Enquiries into Maternal Deaths data)

## Penal Code Section 312

“Causing miscarriage: Whoever voluntarily causes a woman with child to miscarry shall be punished with imprisonment for a term which may extend to three years or with fine or both; and if the woman is quick with child, shall be punished with imprisonment to a term which may extend to seven years, and shall be liable to fine”

## Penal Code Section 312 amended 1989

“This section does not extend to a medical practitioner registered under the Medical Act 1971 [Act 50] who terminates the pregnancy of a woman if such medical practitioner is of the opinion, formed in good faith, that the continuance of the pregnancy would involve risk to the life of the pregnant woman or injury to the mental or physical health of the pregnant woman greater than if the pregnancy was terminated”

## 22 January 1973 Roe versus Wade



## 22 January 1973 Roe versus Wade



- The Supreme Court held that a pregnant woman has a constitutional right, under the Fourteenth Amendment, to choose to terminate her pregnancy before viability as part of her freedom of personal choice in family matters.

## 22 January 1973 Roe versus Wade



- The ruling came after a 25-year-old single woman, Norma McCorvey under the pseudonym "Jane Roe", challenged the criminal abortion laws in Texas that forbade abortion as unconstitutional except in cases where the mother's life was in danger.
- Henry Wade was the Texas attorney general who defended the anti-abortion law.
- Ms McCorvey first filed the case in 1969. She was pregnant with her third child and claimed that she had been raped. But the case was rejected and she was forced to give birth.
- However, in 1973 her appeal made it to the US Supreme Court where she was represented by Sarah Weddington, a Dallas attorney.

## 22 January 1973 Roe versus Wade

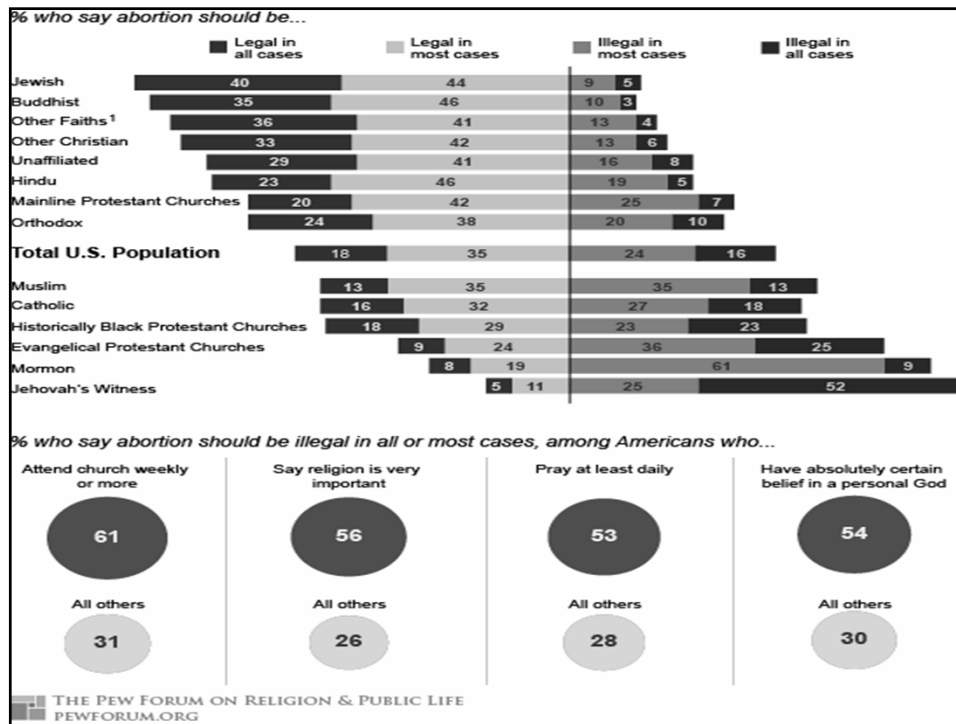


- gives American women an absolute right to an abortion in the first three months of pregnancy
- allows some government regulation in the second trimester of pregnancy
- declares that states may restrict or ban abortions in the last trimester as the foetus nears the point where it could live outside the womb; in this trimester a woman can obtain an abortion despite any legal ban only if doctors certify it is necessary to save her life or health.
- The British law upheld abortion at 24 weeks limit (1990)

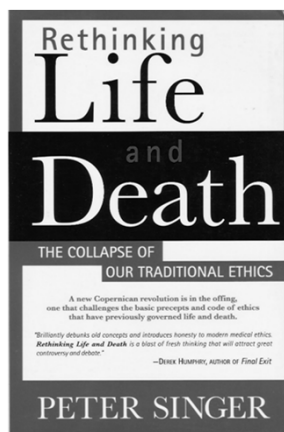
## 22 January 1973 Roe versus Wade



- Norma McCorvey announced in 1987 that her rape testimony in 1969 had been false.
- Now a born-again Christian, she converted to the pro-life lobby



## Rewriting the Commandments



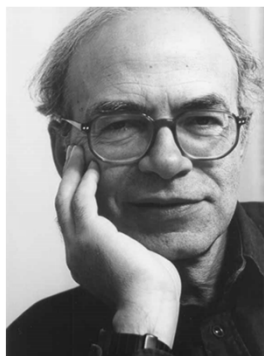
- First Old Commandment: Treat all human life as of equal worth
- First New Commandment: Recognise that the worth of human life varies
- Second Old Commandment: Never intentionally take innocent human life
- Second New Commandment: Take responsibility for the consequences of your decisions

Peter Singer, 1994, *Rethinking Life and Death: The Collapse of Our Traditional Ethics* New York: St. Martin's Griffin, 189-206

## Rewriting the Commandments

- Third Old Commandment:  
Never take your own life, and always try to prevent others from taking theirs
- Third New Commandment:  
Respect a person's desire to live or die
  
- Fourth Old Commandment:  
Be fruitful and multiply
- Fourth New Commandment:  
Bring children into the world only if they are wanted

## Rewriting the Commandments



- Fifth Old Commandment:  
Treat all human life as always more precious than any nonhuman life
- Fifth New Commandment:  
Do not discriminate on the basis of species

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## Historical Perspective

- Abortion is acceptable in Greek and Roman culture.
- The earliest written references to abortion are those in the *Didache* and the *Epistle of Barnabas*.
- Clement of Alexandria (ca 150-ca 215) in his *Prophetic Eclogues* argued that that foetus has a soul and is a living person. However he was opposing abortion as a cover-up for fornication



## Historical Perspective

- Tertullian (ca 160-ca 240), one of the most eloquent apologists in the West, considered the foetus a human being though still dependent on the mother. In his *Apologetica*, he seemed to take the Jewish view on animation at birth.
- After the 'Christianisation' of the Roman Empire under Constantine, the practice of abortion increased in the church. According to Epiphanius of Cyprus (ca 315-ca 403), pagan influence in the church was the cause of the increase.

## Historical Perspective

- In AD 305, the Council of Elvira became the first Christian body to enact punishment for abortion and five major Church Fathers—Basil, Jerome, Ambrose, Augustine and Chrysostom—commented on the practice
- Fourth century, Christian teaching is in a crisis. Celibacy was idealised. Augustine revised Christian ideas about sex

## Historical Perspective

- 12th century Christians begin to separate abortion from homicide by distinguishing between “formed” and “unformed” embryo
- 13th century Thomas Aquinas held that God ensouled male embryos at 40 days of gestation and female embryos at 90 days. *Summa* do not mention abortion at all.

## Historical Perspective

- around 1850, Catholic teaching doctrine of “immediate animation” in that personhood start at conception. ***Each new life that begins at this point is not a potential human being but a human being with potential***
- 22 January 1973 Roe versus Wade

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## Positional Response to Abortion

- Abortion is never justified



## Positional Response to Abortion

- **Abortion is never justified**
- **Some abortions are justified**
  - **Mother's life in danger\***
  - **Therapeutic abortions**
  - **Justifiable or 'hard cases' abortions**

\* Principle of "double effect". Origins from Thomas Aquinas' justification of self defense, *Summa Theologica*

## Is abortion justified?

- the pregnancy endangers the life or health of the mother
- there are too many fetuses in the womb for them all to survive
- the foetus is so defective that it will die later in the pregnancy
- the foetus is so defective that it will not live after the birth

## Is abortion justified?

- pregnancy caused by rape
- pregnancy caused by failure of contraception where the potential parents are not to blame
- pregnancy caused by a badly done vasectomy
- pregnancy caused by the parties not knowing that sexual intercourse causes pregnancy
- such cases would include persons who are not mentally capable of understanding this

## Is abortion justified?

- having a child would prevent the mother achieving some life objective
- the mother is incapable of looking after a child
- the mother is incapable of looking after another child
- another child would lower the family's standard of living
- there is not enough food to support the child

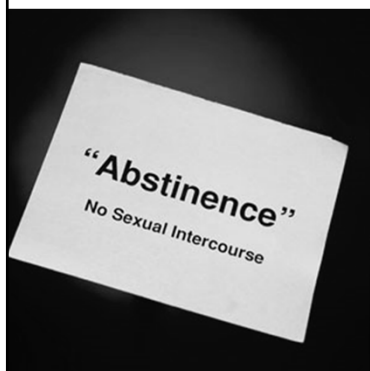
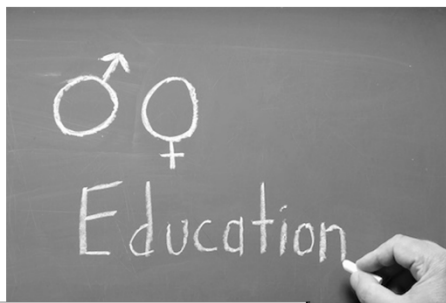
## Is abortion justified?

- having another child would result in criminal proceedings against the parent
- the child is not of the preferred sex
- coping with the child's disability would damage the family's lifestyle
- coping with the child's disability would disadvantage existing family children

What can we do about  
abortion?

## Christian response to abortion

- **Sex Education**



## Christian response to abortion

- **Sex Education**
- **Adoption**
- **Love and Compassion**
- **Victims of incest and rape**
- **Early prenatal diagnosis: what are you going to do about it?**
- **Teen pregnancy**