

IS ABORTION ALWAYS MURDER?

Christian Ethics

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INTRODUCTION

I have no doubt that those in the modern Right-to-Life movement are deeply committed to following the Spirit in all things, but I do doubt whether they have thought out the consequences of their association with the Republican Party in the United States.

Besides the general international movement reducing restrictions on women's healthcare, there has been a reduction of abortions per 1,000 women in "Countries where abortion is broadly legal..." 1990 to 2019, and an increase in abortions in "...Countries where abortion is restricted."¹ Here is evidence that the stated goals of the Christian anti-abortion worldview is at odds with reality. If believers wish to reduce abortions, they must increase support for women's healthcare, including abortion services in private and public life.

¹ United Nations Council on Foreign Relations, "How the U.S. compares with the rest of the world on abortion rights," PBS July 1, 2022, <https://www.pbs.org/newshour/politics/how-the-u-s-compares-with-the-rest-of-the-world-on-abortion-rights>.

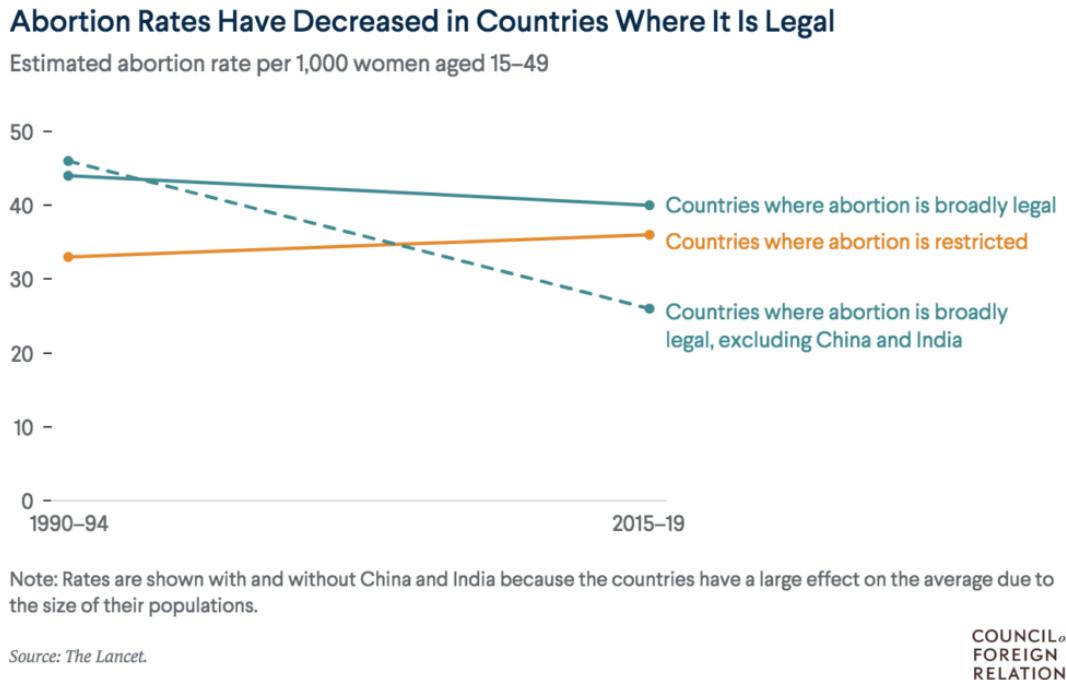


Fig 1. Abortion trends chart.²

These trends may not be intuitive for some people, where it is expected that a restrictive regime of law would be thought of as a means of reducing the number of abortions, but the significance of the drop in abortions of 43 percent in countries where abortion is broadly legal between 1990 and 2019 is telling.³ What does it tell us?

The first thing it tells us is that on the surface, the societies that broadly support women's healthcare reduce the need for and the performance of abortions. Contrarily, where abortions are restricted, the number of abortions increase—a stark contrast to the good intentions of our brothers and sisters in Christ who aim for the opposite through those restrictions. What prevents the modern evangelical from adopting a worldview that both reduces the need and performance

² UNCFR, "How the US compares."

³ UNCFR, "How the US compares." This figure doesn't include China and India with outsized populations that skew the figures. Still, even with China and India included, the rate of abortions per 1,000 women aged 15–49 has been reduced.

of abortions by supporting healthcare and instead drives a political system that reduces that healthcare for women? Why do they think a politician would have a more informed opinion of the health of a woman than the woman's doctor using sound medical advice? Decisions about a woman's health should not be the domain of lay persons, including politicians.

The second thing I note below is that health outcomes for women and their children decrease when abortion is restricted. That includes a variety of preventable deaths for women during and after pregnancy as well as the health and welfare of their children.

PERSONHOOD AND FREEDOM

Personhood cannot be defined outside an individual who can make legitimate choices between options having a variety of effects on the world and themselves. Those who cannot choose are, by definition, not persons. This is a legal requirement for those who have never had or no longer have the ability to choose.

Neither fate, nor biological and philosophical determinism could be considerations in the creation of laws that constrain persons because determinism and fate do not permit the instantiation of persons. If the path chosen, is chosen for us, and not by us; we are not persons but automatons or slaves. Yet the fact of humans without personhood requires constraints on those who can choose. The variety of persons without personhood is limited to those who cannot make choices about their own welfare or status. This is a gradient and not an absolute because even the free person has material and social constraints that do not permit the exercise of choice of certain kinds. Often as is the case today, the wealthy have thrown off the constraints of society and exercise freedom by domination of other people's lives.

Development of persons specifically in reference to the consideration of unborn children must be seen in the varieties of human status that can be granted. The constraints of any ethical

rule require us, without external authority, to respect the life of those who cannot choose, those who are not persons, specifically, though not exclusively, the unborn.

In the modern pro-life worldview, the unborn deserve to be born. Pro-life advocates wish to rule their neighbors by a new ethical preference. Attempting to do this by granting a fetus personhood seems wrongheaded because they have given the primacy of law and authority over a legal person, the mother, by preferring the child over the mother, as modern pro-life rhetoric has defined. So, it appears by the intentions of the law that personhood is respected, but that the child under the guise of personhood has more rights than the woman. Among other views, the Roman Catholic view we will explore later considers the interests of the mother as equal to the unborn child.

A NEW ETHICAL INSIGHT

First, I want to applaud the pro-life theorists for making the unborn child a priority to stave off the patent disrespect toward their human status. This is an ethical advance over treating the child as merely a consequence of sexual intercourse, a clump of cells with no internal value of their own under a purely material medicalized assessment. The child is not merely an agglomeration of cells but something more. The life of the child is important on its own without respect to its stage of development, as are all humans. It may be correct to secure their safety by law because persons are obligated to secure the safety of anyone who cannot secure their own safety.

However, the authors of these constraints have failed to make their case and have resorted to rejecting the factual world about women and children and have reverted to a primitive structure called patriarchy, where women are relegated to second-class citizenship, if citizens at all. We do not have to look too far back in history to note British common law concerning

women as property who have few if any rights of their own either over their own bodies or the bodies of their children.

The Right-to-Life proponents have substituted careful judgment about the disposition of humans in extremis regarding their being for a system of rules that forces the dehumanization of some persons. In attempting to secure the life of the unborn, they have subverted both the life and natural rights of the mother. This tension can be resolved but not through the ruin of pregnant people. This is an overreach in terms of law, precisely impeding what conservatives say is sacrosanct. The grasping for power in the modern pro-life movement seriously undermines the rule of law by proposing laws that contradict both the intent of the Constitution of the United States and Declaration of Independence, but also for those claiming to be Christian who have twisted the Christian Scriptures to lay their foundations without scriptural backing. Even though there is an implicit claim in their wider philosophy to *sola scriptura*, the requirement to test all theory by the Christian Scriptures has been subverted. Claiming to have a ground in historical and current Christianity, they have instead poorly substituted their advancement in moral sentiment which bypasses connection to Scripture, ignoring scriptural precedence in favor of a political ideology whose origin purely in culture and power relations has nothing to do with the Scriptures except as stating the cultural structures of the past. These structures are notable more for the abuses they perpetrated in the name of order than they are for the support and promotion of human flourishing under any regime of law.

The disconnect with the Christian Scriptures for the pro-life movement is a critical flaw, choosing rather to disagree with or misuse the Scriptures in the production of their own insight, relying on their own intuitions about what the Scripture teaches instead of incorporating those same Scriptures in a broader worldview that has consideration for all humans. Further, the use of

political tools (in the current Republican Party) that have no consideration for the effects of poorly designed legislation, leaves legitimate human persons in an automatic deficit of rights.

Well balanced legislation, which on conservative accounts should unburden the people from excessive exposure to the force of law, is now unavailable due to the ideological absolutes embedded in the pro-life worldview.

The promise of ethical development in the religious right, which their protection of unborn children reveals, is perhaps a new thing in their circles. They have begun to extrapolate the need for and reasons to support the life of a child without reference to Christian Scriptures, refining to some extent the breadth of general guidance the Scripture gives. The immaturity of the attempt at driving the law through ethical absolutes is a contradiction of their stated goals, if they are to remain faithful to the Scriptures themselves while advancing the scope of their concern. The violence of their allies in government is plain to see, especially for the unfortunate women who are the targets of poorly written legislation. This has nothing to do with a conservative vision, unless that vision has at its core the dehumanization of some people.

This emphasis by the Right-to-Life community toward an ethic of safety for the unborn, however, is a move ethicists have already made by developing a regime of modest and thoughtful responses to pregnancy crises without the unnecessary force and unforeseen brutalities of bad law. In the medical societies of the Catholic Church, modern abortion rules include moderating forces to protect the dignity and the lives of both the mother and child. Simply, at the extreme, good evidence and reason are used to determine the best outcome for both mother and child whenever possible. They use the principle of Double Effect derived from

St. Thomas Aquinas⁴ to evaluate treatments for the mother that may result in the tragic death of the unborn child.

The law is too blunt an instrument to resolve these cases, yet social conservatives have not accessed resources that might meliorate these crises of treatment. Whether or not the principle of Double Effect is defensible is argued in cases where there is clearly both knowledge and intent in a decision that results in unequal harm to some humans. It is not completely clear that the principle is sufficient. “Critics ask whether the principle adequately codifies the moral intuitions at play in the cases that have been taken to be illustrations of it.”⁵ In a broader ethical context, which includes persons outside the sphere of a well-defined Christian worldview, can the principle be defined outside of church oversight for a country or state that makes pretensions to equal treatment of all citizens? When the Bible gives unequal weights to the value of mother and child and does not forbid a procedure that was perhaps largely unknown for biblical writers, the Christian worldview that forbids abortion collapses.

The Right-to-Life movement has admirably produced an ethical framework for the protection of children in the womb, but to require that framework for those who do not share the same Christian commitment may be an overextension of its sphere of influence—requiring the state to serve as an enforcer for rules that are clearly unequal in proportion for those who do not subscribe to the same moral codes a Christian would hold themselves to. Since the equality of persons is not confined to those who are Christians but to all citizens,

⁴ Alison McIntyre, “Doctrine of Double Effect,” The Stanford Encyclopedia of Philosophy, Fall 2001 Edition, ed. Edward N. Zalta, first published Wed Jul 28, 2004; substantive revision Mon Jul 17, 2023, <https://plato.stanford.edu/entries/double-effect/>.

⁵ McIntyre, “Doctrine of Double Effect,” section 4.1

the Christian Scriptures cannot be used as a justification for restrictions on behaviors judged by some Christian communities as questionable or problematic.

The question of pluralism in the United States in the mid-2020s is answered differently by different groups. Many conservative⁶ Christians believe that the United States should be a Christian nation governing by the Bible while the rest of society, nominally or marginally Christian alongside every other flavor of belief and practice are not considered. These conservatives use an alternate set of assumptions based loosely on their assumption that the United States is a Christian nation. So, the origin stories of our nation are decontextualized from history and recontextualized in a “Christian” worldview that rewrites the intentions of the founders and the text of their Scriptures along an alternate path, an immature ideology with little corroboration in the real world. For those conservatives, there is little recognition of or stomach for the historical context when it does not affirm their views.

The Constitution of the United States is full of talk about equality under the law, but the rights of the marginalized and women are often set aside for some purpose or another based on the difference in value granted different sorts of humans, and as such sets aside rights for preferred groups that in practice are not enjoyed equally by all.

History

The rise of the anti-abortion movement in the modern age comes from a reaction to the 1973 Roe v. Wade Supreme Court decision that made abortion legal in all fifty states, legal in the eyes of the court because it was decided that the Constitution provided protections for women seeking

⁶ The word “conservative” is too broad a term to specify a particular meaning, I use it only as a self-designated descriptor of one’s own category. The use of the word conservative has taken on so many different tones and references as to become useless as a meaning understood by people in general.

healthcare. The decision for abortion was moved from the States to a woman and her doctor up to the point of viability, until the child could live outside the womb.

With respect to the State's important and legitimate interest in potential life, the "compelling" point is at viability. This is so because the fetus then presumably has the capability of meaningful life outside the mother's womb. State regulation protective of fetal life after viability thus has both logical and biological justifications. If the State is interested in protecting fetal life after viability, it may go so far as to proscribe abortion during that period, except when it is necessary to preserve the life or health of the mother.⁷

The *Roe v. Wade* decision followed the sentiment of English common law.⁸ Where generally English law applied to persons, the rules applied to the fetus after quickening, where the mother could feel the child move in her womb, not a right due to legal personhood, but a right to life guaranteed after sixteen to twenty weeks. Blackstone in his *Commentaries on the Laws of England* did not consider abortion after that time murder but by ancient precedent, homicide.

In the era of *Roe v. Wade*, the decision hinged on the right to bodily autonomy for women, an interpretation that stood with some contest and subsequent challenges for forty-nine years until a conservative Supreme Court returned the decision about abortion to the States in 2022. The point about bodily autonomy may perhaps be the core of this issue—that no other human has a right to exercise authority over a woman's body but the woman herself. Irrespective of the court's decision, the subject of restrictions has now been placed in the hands of the states, not between the woman herself and her doctor where her autonomy has been truncated by the state.

⁷ *Roe v. Wade*, 410 U.S. 113 (1973), p. 163-164, <https://tile.loc.gov/storage-services/service/ll/usrep/usrep410/usrep410113/usrep410113.pdf>.

⁸ *The Oxford Edition of Blackstone's: Commentaries on the Laws of England* (Oxford University Press, 2016). The dominant legal framework for the colonies was English common law, especially as summarized by Sir William Blackstone in his *Commentaries on the Laws of England* (1765–1769), widely read in the colonies.

The subject of this writing is not the legal consequences of the 2022 SCOTUS decision but the bodily consequences to women placed under this regime of law. The legal consequences to doctors practicing medicine for women that has driven the diminishment of availability of women's healthcare and subsequently showed a statistically relevant account of the decline of women's health in the states where abortion practice came under these legal constraints.⁹

A recent article by ProPublica reveals that Tierra Walker, after repeatedly asking for medical help, died of preeclampsia when her pregnancy threatened her life: "Walker had known that abortion was illegal in Texas, but she had thought that hospitals could make an exception for patients like her, whose health was at risk. The reality: In states that ban abortion, patients with chronic conditions and other high-risk pregnancies often have nowhere to turn."¹⁰

What could have led to this event and others, where a woman cannot trust her doctors because they were under a legal constraint that gave preeminence to an unborn child over her life? Not taking care of the mother in circumstances like these amounted to destruction of the unborn child as well as the mother. The state in this and similar cases is irresponsible, callous, and at cross purposes with the written intent of healthcare and their own legislation.

Lawmakers who wrote the bans have refused to create exceptions for health risks. As a result, many hospitals and doctors, facing the threat of criminal charges, no longer offer these patients terminations, ProPublica found in interviews with more than 100 OB-GYNs across the country. Instead, these women are left to gamble with their lives. ... More than 90 doctors were involved in Walker's care, but not one offered her the option to end her pregnancy, according to medical records.¹¹

⁹ Schrieber, Melody, "'One Death Is Too Many': Abortion Bans Usher in US Maternal Mortality Crisis" (The Guardian, 9/25/2024) <https://www.theguardian.com/world/2024/sep/25/abortion-bans-healthcare-maternal-mortality>.

¹⁰ Surana, Kavitha and Lizzie Presser, "'Ticking Time Bomb': A Pregnant Mother Kept Getting Sicker. She Died After She Couldn't Get an Abortion in Texas," Pro Publica 11/19/2025, <https://www.propublica.org/article/texas-abortion-ban-tierra-walker-preeclampsia>.

¹¹ Surana and Presser, "'Ticking Time Bomb.'

As tragic as this obviously is, these cases are not infrequent nor outliers in the states where abortion is illegal. Where this form of neglect is practiced, a wide variety of other mishandling of women's healthcare exist. In my own acquaintance, an Afghan refugee mother of four had a miscarriage. It was acknowledged as a miscarriage by her doctors. They gave her medication to help her pass the dead child and sent her home. Her nine-year-old son later found her on the kitchen floor in a pool of blood, called his father who called my wife who rushed her to the hospital to save her life. Should this have happened where a standard D&C could have been performed? Obviously not. But you must see the pattern.

In addition, I query the biblical record to find any possible justification for treating abortion procedures as contrary to the Christian Bible. At issue partially is the attribution of personhood to the unborn child, rights granted to persons, and how that contradicts the general and very specific attribution of personhood to free individuals in contrast to those who are human but not persons—a category with plain precedents in ancient and modern law and culture.

The *American Journal of Preventative Medicine* records an increase in infant mortality rates in states where there are restrictive abortion laws:

Ann Arbor, January 17, 2024 – Contrary to professed intent, the states where abortion access was most restricted experienced the highest levels of infant mortality in the United States from 2014–2018, according to new research in the *American Journal of Preventive Medicine*. ... The findings showed that states with the most restrictive laws (11-12 laws) had a 16% increased infant mortality rate (IMR) compared to states with the least number of restrictive abortion laws (1-5 laws).¹²

A greater percentage of maternal mortality is clearly noted by the *American Journal of Public Health* in a study conducted before the 2022 SCOTUS decision: "States with more restrictive abortion policy climate have higher total maternal mortality, measured as a death

¹² https://www.ajpmonline.org/pb-assets/Health%20Advance/journals/amepre/AJPM_March2024_PR_Lee_FINAL-1705485836.pdf

during pregnancy or within one year following the end of a pregnancy.”¹³ When an anti-abortion politician pleads for the life of the unborn child, that politician either fails to understand the consequences of their legal restrictions, or understanding it, counts these deaths and declines in healthcare as a cost necessary to protect unborn children. This is a tradeoff I cannot understand when the Constitution is supposed to protect us from the overweening power of the state—or in this case, individual States.

PERSONHOOD

Leave aside for the moment the cost to women, children, and the public in general. I want to explore one facet of a set of arguments provided to justify these restrictive policies. That is, the attribution of personhood to the unborn child. This is not an attempt to dehumanize the fetus; it is and always has been a human under development, genetically descended from father and mother. Contrary to the idea of “potential” life as stated in the Supreme Court ruling of 1973, the fetus is clearly already alive, but becoming a person requires more than mere existence as a living human being. Being a person requires the freedom to make a choice with responsibility for actions taken. A legal requirement of persons is that they must be morally responsible for their free choices. If those free choices result in the restriction or prevention of legitimate choices for others, that is not freedom but transgression. My freedom ends when it impinges on your rights. This is the core of laws condemning theft, murder, slavery, rape, etc.

I see a distinction between being human and being a person because I take the framework provided in those claiming a right to protections for the fetus seriously. I also think that an unborn child deserves the protection by persons in the world, including mothers, fathers, doctors, and indeed the state. I also argue following Peter Singer that personhood might not be exclusive

¹³ <https://sph.tulane.edu/study-finds-higher-maternal-mortality-rates-states-more-abortion-restrictions>

to humans.¹⁴ His is not the only voice. Some in Pentecostal circles broach the possibility of animals in a larger moral context.¹⁵

I consider following a Judeo-Christian morality based on the text of Christian Scriptures, which gives a nuanced view about the relative value of humans during their life stages. Though not strictly holding to some absolute value in a utilitarian calculus, I believe that the decision of the mother and doctor for or against an abortion is justifiable because of the mother's greater relative value than her child as reflected both in common law and biblical principles.

Alongside both genetic and moral worth of biological entities, I consider that biological humans must have rights, even as stated in the US Declaration of Independence, and that is not based on personhood in my apprehension, but implicit/genetic humanity. This includes all the vulnerable humans who do not qualify as persons. Life has value in and of itself. There is a right to life from conception to the grave as can be derived from the Declaration of Independence, even though life may have been defined at the time of its writing with some differences. Arguing that unborn children are persons weakens the argument about their right to life because it muddies the linguistic precision needed in a court of law used to determine the value of an individual.

For Carol Gilligan in her landmark study, *In a Different Voice: Psychological Theory and Women's Development*,¹⁶ the biggest marker that pointed to the likelihood of a woman getting an

¹⁴ Singer, Peter, *Practical Ethics*, (Cambridge University Press: Cambridge , UK, 2011) Chapters 4, 5. In *Practical Ethics* (specifically the second and third editions), Peter Singer develops his defense of the personhood of non-human animals by first decoupling the term "person" from "human being." He defines a person as a being possessing self-awareness and the capacity for future-directed preferences. He concludes that since some non-human animals are likely persons, they should be granted the same "right to life" (in a preference-utilitarian sense) that we grant to human persons.

¹⁵ Rizzo, Daniella, "Animal Glossolalia: A Pneumatological Framework for Animal Theology" in *Pneuma* 46.1, Brill, 2024, p. 60-79.

¹⁶ Carol Gilligan, *In a Different Voice: Psychological Theory and Women's Development* (Harvard University Press, 2016), chapters 4 and 5.

abortion was the status of the woman's relationship to her partner. Toxic relations with men leading to abortions helped women to get back on their feet again, with or without their partners. The women who decided to abort their children took time to readjust to their lives, as did the women who carried their children to term. The tragedy of needing to abort a child had consequences, but generally the women who aborted their children were able to get their lives back on track.

ETHICAL REQUIREMENTS

Any ethical decision where conflicting values are exposed as weights for an argument, one requirement must be that no absolutes of law can be claimed even though any decision must take the constraints of the law into consideration. Parties must be willing to compromise where no agreement can be found. That does not mean there are no absolutes¹⁷ but that they are few and far between when it comes to someone else's life. Understandably, a person may see the issue of abortion as a sticking point, but to blank out all other considerations in their public declarations is tantamount to suggesting that preserving the life of an unborn child is of more value than *any* other consideration. This shows in practice the denial of other legitimate claims, even those of life itself. Some US Christians claim God intends to prevent every woman from getting an abortion.

Just because the biblical record defends life does not mean that it defends life in every case. The Bible also defends the *taking* of life in a wide variety of circumstances for a wide variety of reasons. If we are to take the Bible seriously, we must also recognize that God

17 Concerning absolutes: They may exist, and it is easy to see that our logic requires fundamentals, but they can only be expressed in terms of probabilities because of the kind of observers we are. We believe absolutes may be correct, but humans do not have access to the certainties that would provide proofs for those absolutes. Our resources are limited to what we observe after the fact of a decision. The rest is speculation. The speculation may be true, but is not provable because it is outside our domain of logic.

commanded the death of persons in a variety of cases. Also, there are places where God commands the death of infants and all women, including, it must be said, pregnant women if there were any (1 Sam 15:2-3).

Can those defending the life of the fetus in every case give any substantial biblical justification for it? One passage in the Law in one stroke shows both the relative legal value of an unborn child and justifies the killing of a person who took a life. It may be instructive to look at the Exodus 21:22-25 passage in detail and understand the logical structure and the rabbinic sentiment that arose from it:

If men who are fighting strike a pregnant woman and her child is born prematurely, but there is no further injury, he shall surely be fined as the woman's husband demands and as the court allows. But if a serious injury results, then you must require a life for a life—eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, and stripe for stripe (BSB).

First the context, “men who are fighting” each other accidentally injure a pregnant woman who then delivers the child prematurely. That is curiously specific, requiring a generalization to be applied in any case today. If the child is otherwise unaffected, then the husband of that woman can exact a legal fine from the perpetrator within the constraints of the court’s latitude. That seems fair for the increased inconvenience and possible injury of the mother and the likely cost to her husband. In the case of injury, however, the legal principle of an eye for an eye goes into effect. This is curiously *unspecific* on the other hand, because the injury to the child is not mentioned as over against a possible injury to the mother or both. The penalty can be exacted perhaps for either or both.

Jewish commentaries, especially in the Babylonian Talmud, tractate Sanhedrin 79a¹⁸ sets the tone for most other Jewish commentaries and legal opinions on this topic. The rabbis make a

¹⁸ “Sanhedrin 79a,” Sefaria, accessed January 15, 2026, <https://www.sefaria.org/Sanhedrin.79a.3?lang=bi>.

distinction between the mother and the child in terms of personhood, as this paper defines. The child is not yet a fully legal person and so does not incur the rule of *lex talionis*, though a fine can be imposed. However, for the mother, being a full legal person, an eye for an eye is a pertinent measure to judge the penalty against the perpetrator. But normally the rabbis took *lex talionis* figuratively in the case of harm to the child, dealing out an appropriate fine as punishment.

Here in the singular passage defining a value for the unborn in the Law, the substantial difference between mother and child is laid out with some plainness in terms of personhood. The working principle is that the unborn child carries less value in the law than the mother.

By itself, this passage gives more weight to the legal status of persons and not the unborn child. However, that is not the only statement in the Christian Scriptures that carries weight. A variety of passages note the relation between God and the unborn—none of which carry the weight of law. They do, however, speak of God’s consciousness of, and activity in, the child’s formation and future. Certainly, on this account, the unborn qualify as humans, incipient or future persons even with purpose invested in their formation. Besides that, other passages define the consciousness of the unborn child—both awareness of their surroundings, the suggestion of willfulness, prophetic calling, and response to stimulation (Genesis 25, Psalm 135, Jeremiah 1:5, Luke 1, and Galatians 1). The Luke 1 passage is especially noteworthy, because John the Baptist leaps in the womb in recognition of the presence of Jesus in Mary’s womb (v. 41).

Some have tried to make the case for personhood in John the Baptist *in utero*, but the definition of personhood in this case may be an overreach of reason where no other substantial scriptural evidence is provided. John in this case was not choosing anything or willing himself to leap in the womb—simply reacting to the presence of one with whom his destiny was entangled.

Part of the difficulty in protecting the child in the modern era has been the opinion of some that reduced the humanity of the unborn to a mere cellular mass, requiring consciousness for the attribution of humanity. Much ink has been spilled in the modern age denying the presence of consciousness as an element for scientific examination. However, the tide of research is changing in favor of inclusiveness for consciousness as a central feature of our physical world as observers, even essential to the entire development of intelligence. The point about observers here is that consciousness seems essential to being human. That I acknowledge happily but in some substantial meaning of the word, being an observer begins passively. There is no will behind it until there is willing of an individual choosing one path over another because of the probability of freedom, safety, or reward in one direction or another. Though the mechanics of the flesh compute deterministically, biologically, as observers consciousness of that determinism is absent and inaccessible as knowledge because choice between two or more probabilistic paths is all that is observable. Choice is not something an unborn child has. Their consciousness is purely reactive evidenced by the primal urge to fight or flee in response to some stimulation, or even to leap in the womb in John the Baptist's case.

To attribute personhood to someone who has no probabilistic future in mind, having nothing but incipient language to express themselves or any choices they could decide between other than the deterministic line of gestation to birth or miscarriage. Even after birth, a child is completely dependent on others for survival at whatever age personhood emerges and choice presents itself inside the probabilistic life of an observer as a person. For observers, it may be impossible to tie oneself to any deterministic inevitability outside the physical constraints imposed on everyone. For humans, there is no specific fate outside of being a human in the world. Our choices change the world and us. For the prophet John the Baptist, there was no

inevitability to his responding affirmatively to the call on his life. In whatever circumstances he found himself, he had to assent to the call at each step, or until he took the next step in it. If he could not have denied or resisted the call, we cannot really say he was a free man vested with choice and authenticity. He could not even be considered a person on any recognizable human terms.

From another point of view, John Dewey believed that prisons are both unnecessary and wrongheaded as institutions of punishment. As a determinist, he could not consider that the thief had a choice in their theft. The theft was as inevitable as gravity because of the thief's relative poverty. To punish a person for taking the inevitable path is both cruel and unusual, tantamount to powerful people expressing their will against the weak in a classed society—using the law to keep the riffraff out of circulation. Contrary to that expression, the best forms of law for people derive their force from the ability of persons to choose a future that does not interfere with another's freedom to choose their own future. The ideal this embodies is a foundation of law in most civilized countries today where justice for free persons in that society is trusted, even if reluctantly, by those who would restrict the freedom of others to increase their own, or those who would rob the poor to increase their wealth.

The ideal of libertarian freedom, which acknowledges the path of observers as non-deterministically alive in the world, requires a system of justice that can adjudicate the needs of all people equally. Otherwise, those with advantage will undermine the liberty of those less advantaged. The path that people travel in the world is the subject of biblical teachings in the Christian Bible. The entire weight of a person's life under the scrutiny of God depends on the choices a person makes, even *in extremis*. This does not make God's person dependent on humanity's relative values but rather moves the world toward an egalitarian system of justice,

both as fairness and as response to one's movement toward the left, center, or right on the best possible path for that individual choosing between probabilities.

Christ defined the path believers should follow as a way, or even *the* way to live.

Included in the way by necessity is the concept of libertarian freedom in which the path a person takes and the words a person speaks will be evaluated by God and rewards meted out appropriately. So, one who mistreats the “least of these” is mistreating Christ with obvious punishment for the choice that led to mistreatment.

There may be absolutes by which people are judged, but free people of the Spirit recognize the failure of human judgment to apply anything like an absolute in any absolute fashion to those who live in a probabilistic frame. The judgment of those who would judge absolutely is an overextension of their permissible scope of judgment. We are temporal and temporary creatures with limited conditional access to divine power distributed not by our choice but rather by God's sovereign decision. Let us not ignore the fact that persons are legitimate causes in themselves whom God respects. At least, outside of his guidance he does not prevent the poor decisions people make, or force by fate or determinism the path people take. If this were not so, all the legal systems in the human world have always been and are now completely in vain, and Dewey is correct.

CHALLENGES TO THIS LINE OF REASONING

Scientific, sociological, ethical, and other domains of causality are in wide agreement with my thesis. The parochial and politically expedient justifications for a restrictive regime of healthcare are statistically and socially equated with bad actors and bad law, no matter what the justifications for the restrictions happen to be, or who supports the laws.

Though the Bible is not structured in the same way as the Constitution of the United States, (in terms of lawful rights of a citizen), it can't be read to promote the loss of rights for those who do not comply with laws formed within religious contexts. Besides, in the history of the West, it is plain to see the catastrophic effects of religious law for citizens in a pluralistic society for people who define themselves by a different creed. The sensible step of the Constitution and Bill of Rights prevents the state from defining any religious structure as obligatory. Strictly, the state cannot adopt any religion at all, leaving religious choice to the individual and their conscience. The state is another kind of organism than religious, and religions are not capable of defining for society—and do not have the authority to do so—what the rules of that society affecting the pluralist public must be.

CONCLUSION

Though the Right-to-Life community has advanced an ethical value of unborn children beyond the scope of stated scriptural limits, they have allied themselves with a group of political actors who promise delivery of their purpose at the price of the rights, health, well-being, and life of women and children moving toward an historical culture of cruelty resulting in dehumanization on a broad scale. These political actors for whatever reason satisfy their atavistic goals motivated by patriarchy, racism, classism, and treating people as second-class or non-citizens.

The damage to a society whose ideals have long bent toward egalitarianism is treated as a necessary byproduct of bringing the rest of society to heel under a regime that contradicts both the founders' documents and the Christian Scriptures in law and spirit.

In answer to the rhetorical question whether abortion is always murder, the Bible, historical interpretations of it as instantiated in law, and modern statistics dissent. Good

biblical scholarship requires that what the Bible is stating does not go far enough to support unreasonable abortion restrictions; neither is it a science text that authoritatively gives commands to support the anti-abortion position.

Contrarily, is abortion sometimes murder? Yes, a case can be made for the restriction of abortions in some cases, including a restriction of abortion as birth control. What the rules should be is a matter of debate, preferably about the evidence. What do humans have to work with besides consensus about the facts and the truth of their relation to them?

The state can decide what restrictions must be in place, but for every restriction there must be a response of support for the mother and child, prenatal and postnatal medical services, birth control, and adoption services that do not eviscerate the economy of adopters or enter legal for-profit charges against them or the society. The modern Republican Party in the United States has done none of these things besides restricting access to abortion and is culpable for cruelty to citizens and non-citizens alike in its promotion of Christian Nationalism.

The last forty years of flawed assumptions driving social and political war should be left behind in favor of a scientific assessment of reality with conscience and our obligations concerning our neighbors, spouses, and the nations around the world.

