

Notes

Introduction: A Call for Compassionate Engagement

1. The aggregate data suggest that the number of abortions in the United States remains close to a million per year. While the number of annual abortions has dropped considerably over the past several decades, an increase was reported in 2018, perhaps due to the rise in chemical abortions. Unfortunately, the most reliable reporting is still very incomplete and contradictory. This is due to a number of factors, including the voluntary nature of state reporting (e.g., California doesn't report abortion data). See, e.g., Rachel K. Jones, Elizabeth Witwer, and Jenna Jerman, "Abortion Incidence and Service Availability in the United States, 2017," Guttmacher Institute, <https://www.guttmacher.org/report/abortion-incidence-service-availability-us-2017>; Tessa Longbons, "New Abortion Trends in the United States: A First Look," Charlotte Lozier Institute, September 22, 2020, <https://lozierinstitute.org/new-abortion-trends-in-the-united-states-a-first-look/>; Katherine Kortsmitt et al., "Abortion Surveillance—United States, 2018," *Surveillance Summaries* 69.7 (2020): 1–29, <https://www.cdc.gov/mmwr/volumes/69/ss/ss6907a1.htm>.
2. James Davison Hunter, *Culture Wars: The Struggle to Define America* (New York: Basic Books, 1991), 42.
3. Ibid.
4. "Morality of Abortion, 2018–2020 Demographic Tables," Gallup, <https://news.gallup.com/poll/244625/morality-abortion-2018-demographic-tables.aspx>.
5. Ryan T. Anderson, "Religious Liberty Isn't Enough: Cultural Conservatives Also Need to Defend Our Views, Which Are Scientifically Sound and Popular," *Wall Street Journal*, <https://www.wsj.com/articles/religious-liberty-isnt-enough-11612125595>.
6. Admittedly, while this book models the way to speak about abortion in a healthy tone, it does not instruct the reader about how to do that. For such a helpful "how to" book, see Stephanie Gray, *Love Unleashes Life: Abortion and the Art of Communicating Truth* (Toronto: Life Cycle, 2015).

Chapter 1: A More Excellent Way: Moral Decision-Making beyond Government Law

1. Rob Reiner et al., *A Few Good Men* (motion picture), United States: Columbia Pictures, 1992.
2. Rebecca Todd Peters, *Trust Women: A Progressive Christian Argument for Reproductive Justice* (Boston: Beacon, 2018), 138 (some emphasis added).
3. Tom D. Campbell, *The Legal Theory of Ethical Positivism*, Applied Legal Philosophy (New York: Routledge, 2016), 1: “In legal theory, Legal Positivism is generally taken to be the view that the concept of law can be elucidated without reference to morality, and that it is the duty of judges to determine the content of and apply the law without recourse to moral judgments.”
4. Scott B. Rae, *Moral Choices: An Introduction to Ethics*, 4th ed. (Grand Rapids: Zondervan Academic, 2018), 23 (emphasis in original).
5. Deni Elliott, “Can’ Does Not Equal ‘Should’: Distinguishing Ethics from Law,” *Student Press Law Center Report* 6.2 (Spring 1985): 3–5.
6. Rae, *Moral Choices*, 24.
7. Alan J. Hawkins and Heather Smith, “National Survey Reveals Generation Differences in Consensual Nonmonogamy,” Institute for Family Studies, September 11, 2019, <https://ifstudies.org/blog/national-survey-reveals-generational-differences-in-consensual-nonmonogamy->.
8. Rae, *Moral Choices*, 53.
9. *Ibid.*, 54.
10. Michael Gorman surveys evidence from antiquity and concludes that while Greek and Roman society showed little concern for the unborn, early Judaism and Christianity agreed about the immorality of abortion (*Abortion and the Early Church: Christian, Jewish and Pagan Attitudes in the Greco-Roman World* [Downers Grove, IL: InterVarsity Press, 1982]).
11. “Morality of Abortion, 2018–2020 Demographic Tables,” Gallup, <https://news.gallup.com/poll/244625/morality-abortion-2018-demographic-tables.aspx>.
12. This syllogism is adapted from Francis J. Beckwith, *Defending Life: A Moral and Legal Case against Abortion Choice* (Cambridge: Cambridge University Press, 2007), xii.
13. Robert Young, “What Is So Wrong with Killing People?,” *Philosophy* 54 (1979): 515–28, at 519: “What makes killing another human being wrong on occasions is its character as an irrevocable, maximally unjust prevention of the realization either of the victim’s life-purposes or of such life-purposes as the victim may reasonably have been expected to resume or to come to have.”
14. Robert J. Spitzer, *Healing the Culture: A Commonsense Philosophy of Happiness, Freedom and the Life Issues* (San Francisco: Ignatius, 2000), 241.
15. Carol Sanger, *About Abortion: Terminating Pregnancy in Twenty-First Century America* (Cambridge: The Belknap Press of Harvard University Press, 2017), 23.
16. Brian Dale, *Fertilization: The Beginning of Life* (Cambridge: Cambridge

- University Press, 2018), ix (emphasis added).
17. Samuel Webster and Rhiannon de Wreede, *Embryology at a Glance*, 2nd ed. (Oxford: Wiley Blackwell, 2016), 2.
 18. Ronan O’Rahilly and Fabiola Müller, *Human Embryology and Teratology*, 3rd ed. (New York: Wiley-Liss, 2001), 8 (emphasis in original).
 19. For additional sources linking fertilization to the beginning of life, see the 44 quotations from medical textbooks and peer-reviewed scientific literature (published 2001–2016) compiled by Maureen Condic at <https://bdfund.org/wp-content/uploads/2016/05/Condic-Sources-Embryology.pdf-old>.
 20. Steven Andrew Jacobs, “Balancing Abortion Right and Fetal Rights: A Mixed Methods Mediation of the U.S. Abortion Debate” (PhD diss., University of Chicago, 2019), 250.
 21. *Ibid.*
 22. John Janez Miklavcic and Paul Flaman, “Personhood Status of the Human Zygote, Embryo, Fetus,” *Linacre Quarterly* 84 (2017): 130–44, <https://doi.org/10.1080/00243639.2017.1299896>; Christopher Kaczor, *The Ethics of Abortion: Women’s Rights, Human Life, and the Question of Justice* (New York: Routledge, 2011).
 23. Thomas R. Schreiner, *Galatians*, Zondervan Exegetical Commentary on the New Testament (Grand Rapids: Zondervan, 2010), 360. David deSilva says similarly: “As Christ takes shape in one by means of the working of the Spirit (2:20; 4:19), one becomes a person who similarly loves and serves as Christ did” (*The Letter to the Galatians*, New International Commentary on the New Testament [Grand Rapids: Eerdmans, 2018], 485).
 24. Peters, *Trust Women*, 138 (emphasis added).

Chapter 2: *Roe v. Wade*: Destined for the Dustbin

1. Ruth Bader Ginsburg, “Some Thoughts on Autonomy and Equality in Relation to *Roe v. Wade*,” *North Carolina Law Review* 63.2 (1985): 375–86, at 385–86, <https://scholarship.law.unc.edu/cgi/viewcontent.cgi?article=2961&context=nclr>.
2. John Hart Ely, “The Wages of Crying Wolf: A Comment on *Roe v. Wade*,” *Yale Law Journal* 82 (1973): 920–49, at 935–37, 947, <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=6179&context=yjl>.
3. Laurence H. Tribe, “The Supreme Court, 1972 Term—Foreword: Toward a Model of Roles in the Due Process of Life and Law,” *Harvard Law Review* 87.1 (1973): 1–53, at 7, <https://www.jstor.org/stable/1339866?origin=crossref>.
4. Mark V. Tushnet, “Following the Rules Law Down: A Critique of Interpretivism and Neutral Principles,” *Harvard Law Review* 96.4 (1983): 781–827, at 820, <https://doi.org/10.2307/1340904>.
5. Kermit Roosevelt, “Shaky Basis for a Constitutional ‘Right,’” *Washington Post* (January 22, 2003), <https://www.washingtonpost.com/archive/opinions/2003/01/22/shaky-basis-for-a-constitutional-right/dd30d42e-188d-42f6->

- 8fb2-b935394e63aa/.
6. Jeffrey Rosen, "Why We'd Be Better off Without Roe: Worst Choice," *The New Republic* (February 19, 2003), <https://web.archive.org/web/20030309173117/http://www.tnr.com/doc.mhtml?i=20030224&s=rosen022403>.
 7. John Keown, "Back to the Future of Abortion Law: Roe's Rejection of America's History and Traditions," *Issues in Law and Medicine* 22.1 (2006): 3–37, at 5, <https://static1.squarespace.com/static/55d78cd0e4b00365e96a9dcc/t/59e110cfd39c37ad08b742f/1507922128972/Back+to+the+Future+of+Abortion+Law.pdf>.
 8. William Blackstone, *Commentaries on the Laws of England* (Oxford: Clarendon, 1768), 1:129.
 9. See, e.g., *Planned Parenthood of Central Missouri v. Danforth*, 428 U.S. 52, 99 (1976) (J. White).
 10. Available at <https://aul.org/publications/unsafe/>.
 11. Helen M. Alvaré, "Abortion, Sexual Markets and the Law," in *Persons, Moral Worth, and Embryos: A Critical Analysis of Pro-Choice Arguments*, ed. Stephen Napier (New York: Springer, 2011), 255–79, at 256.
 12. *Ibid.*
 13. Mara Hvistendahl, *Unnatural Selection: Choosing Boys Over Girls, and the Consequences of a World Full of Men* (New York: Public Affairs, 2011).
 14. Honorable Vince Chhabria, United States District Judge, *Roundup Products Liability Litigation* (2019).
 15. Jose Russo and Irma H. Russo, "Susceptibility of the Mammary Gland to Carcinogenesis—II. Pregnancy Interruption as a Risk Factor in Tumor Incidence," *American Journal of Pathology* 100.2 (August 1980): 497–512, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1903536/pdf/amjpathol00228-0184.pdf>.
 16. Pierre Band et al., "Carcinogenic and Endocrine Disrupting Effects of Cigarette Smoke and Risk of Breast Cancer," *The Lancet* 360,9339 (Oct. 5, 2002): 1044–49, [https://doi.org/10.1016/S0140-6736\(02\)11140-8](https://doi.org/10.1016/S0140-6736(02)11140-8).
 17. J. R. Daling et al., "Risk of Breast Cancer Among Young Women: Relationship to Induced Abortion," *Journal of the National Cancer Institute* 21.2 (1994): 1584–92, <https://doi.org/10.1093/jnci/86.21.1584>.
 18. Joel Brind et al., "Induced Abortion as an Independent Risk Factor for Breast Cancer: A Comprehensive Review and Meta-Analysis," *Journal of Epidemiology and Community Health* 50 (1996): 481–96, <https://jech.bmj.com/content/jech/50/5/481.full.pdf>.
 19. See <https://www.reelhouse.org/mightymotionpictures/hushfilm>.
 20. See the NIH video archives, <https://videocast.nih.gov/watch=2258> (minute 29:25), or *Hush* at 39:50.
 21. *Hush* at 48:48.
 22. Dr. Freda Bush, in *Hush* at 1:05:01.
 23. P. S. Shah and J. Zao, "Induced Termination of Pregnancy and Low Birthweight and Preterm Birth: A Systematic Review and Meta-Analyses," *British Journal of Obstetrics and Gynaecology* 116.11 (September 16, 2009): 1425–42, <https://>

- obgyn.onlinelibrary.wiley.com/doi/pdf/10.1111/j.1471-0528.2009.02278.x.
24. Catherine Glenn Foster, “What a Flawed Study Ignores about Abortion Regrets,” *Washington Examiner* (January 17, 2020), <https://www.washingtonexaminer.com/opinion/op-eds/what-a-flawed-study-ignores-about-abortion-regrets>.
 25. Priscilla K. Coleman, “Abortion and Mental Health: Quantitative Synthesis and Analysis of Research Published 1995–2009,” *British Journal of Psychiatry* 199.3 (2011): 180–86, <https://www.cambridge.org/core/journals/the-british-journal-of-psychiatry/article/abortion-and-mental-health-quantitative-synthesis-and-analysis-of-research-published-19952009/E8D556AAE1C1D2F0F8B060B28BEE6C3D>.
 26. Brenda Major et al., “Mental Health and Abortion,” 2008, <https://www.apa.org/pi/women/programs/abortion/mental-health.pdf>.
 27. Aimee Murphy and Catherine Glenn Foster, “Restore the Heart,” Rehumanize International and Americans United for Life, January 2020, <https://aul.org/wp-content/uploads/2020/07/restore-the-heart-white-paper-web.pdf>, 20.
 28. For a lengthier summary, see the AUL legal memorandum: <https://aul.org/wp-content/uploads/2020/08/2020-07-31-AUL-on-JMS-Disappointment-and-Opportunity.pdf>.

Chapter 3: Made in God’s Image: Personhood according to Scripture

1. Calum MacKellar, *The Image of God, Personhood and the Embryo* (London: SCM, 2017), 51.
2. E.g., René Descartes, John Locke, Immanuel Kant, and more recently Peter Singer and John Harris.
3. MacKellar, *The Image of God*, 59.
4. John D. Zizioulas, *Being as Communion: Studies in Personhood and the Church* (Crestwood, NY: St. Vladimir’s Seminary Press, 1985), 27.
5. MacKellar, *The Image of God*, 63.
6. According to Gerhard von Rad: “It is correct to say that the verb *bara*, ‘create,’ contains the idea both of complete effortlessness and *creatio ex nihilo*, since it is never connected with any statement of the material. The hidden grandeur of this statement is that God is the Lord of the world” (*Genesis: A Commentary*, Old Testament Library [Philadelphia: Westminster, 1972], 49).
7. von Rad, *Genesis*, 57.
8. Maass, *ādhām*, *Theological Dictionary of the Old Testament*, ed. G. J. Botterweck et al. (Grand Rapids: Eerdmans, 1974), 1:75–87.
9. John Goldingay, *Biblical Theology: The God of the Christian Scriptures* (Downers Grove: IVP Academic, 2016), 173. This idea of being made in God’s image occurs seven times in Scripture (“in his image,” occurs in Gen. 1:26, 27; 9:6; 1 Cor. 11:7; “in his likeness” occurs in Gen. 1:26; 5:1; James 3:9). In other instances, Paul refers to humans being restored to the image of God through redemption in Christ Jesus (Col. 3:10; Eph. 4:24 and Acts 17:28–29—in Acts 17 the idea is present but the term is not).

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10. von Rad, *Genesis*, 60.
11. H. Wildberger, “*šelem* image,” in *Theological Lexicon of the Old Testament*, ed. Ernst Jenni and Claus Westermann, trans. Mark E. Biddle (Peabody, MA: Hendrickson, 1997), 1080–85.
12. Robert L. Saucy, “Theology of Human Nature,” in *Christian Perspectives on Being Human: A Multidisciplinary Approach to Integration*, ed. J. P. Moreland and David M. Ciochi (Grand Rapids: Baker, 1993), 20.
13. Saucy, “Theology of Human Nature,” 20.
14. Ryan S. Peterson, *The Imago Dei as Human Identity: A Theological Interpretation*, JTISup 14 (Winona Lake, IN: Eisenbrauns, 2016).
15. Some pro-choice proponents criticize these kinds of appeals to poetic verses about life in the womb by those like me seeking to establish prenatal personhood. Margaret D. Kamitsuka, for example, asserts: “This attempt to prove biblically that an embryo is a predestined person is based on a dubious exegetical approach that extrapolates a universal theological claim from a handful of mostly poetic verses in the Hebrew Bible” (*Abortion and the Christian Tradition: A Pro-Choice Theological Ethic* [Louisville: Westminster John Knox, 2019], 50). Kamitsuka’s general critique is unwarranted, for poetry is often used in the Bible as a worshipful expression of deep theological reflection. Poetry often employs figurative language, but this hardly means that nothing it conveys is literal, or even that figures of speech can’t provide a window into the anthropological assumptions of the biblical authors. The use of poetry alone should therefore not constitute a decisive ruling out of the content being eloquently described.
Nevertheless, for additional support we can look to the New Testament, to the calling and consecration of Paul, who appeals to God who “had set me apart before I was born, and who called me by his grace” (Gal. 1:15). This passage lies outside the genre of poetry and supports the argument that Scripture reveals instances of God’s personal calling, care, and sovereign design of life from its earliest stages before birth. Indeed, the prophetic voices of Jeremiah and Isaiah, together with the apostle Paul, propound a theology of divine intention attributed to prenatal life. This divine calling is accompanied by an intimate knowledge of the person developing inside his mother’s belly at the earliest stages.
16. The phrase “in the depths of the earth” is a metaphor for the deepest concealment, in this case the “hiddenness of the womb” (Derek Kidner, *Psalms 73–150: A Commentary*, TOTC [Downers Grove, IL: InterVarsity Press, 1973], 466; J. Clinton McCann, Jr., *The Book of Psalms: Introduction, Commentary, and Reflections*, NIB IV (Nashville: Abingdon, 1996), 1236.
17. F. Brown, S. R. Driver & C. A. Briggs, *Enhanced Brown-Driver-Briggs Hebrew and English Lexicon* (Oxford: Clarendon Press, 1977), 166. Cf. Lexham English Bible.
18. John Goldingay, *Psalms 90–150*, Baker Commentary on the Old Testament Wisdom and Psalms (Grand Rapids: Baker, 2008), 634.
19. John Jefferson Davis, “The Moral Status of the Embryonic Human: Religious

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- Perspectives,” *Ethics & Medicine* 22:1 (2006): 9–21, at 11.
20. The early Church Fathers such as Clement, Tertullian, and Chrysostom read this text with the understanding that the embryos in both Elizabeth and in Mary were alive and personal. Clement of Alexandria *Prophetic Eclogues* 41 and 48–49; Tertullian *De anima* 26.4; Chrysostom *Homily 24 on the Epistle to the Romans*.
 21. Davis, “The Moral Status of the Embryonic Human,” 15.
 22. John Jefferson Davis, *Evangelical Ethics: Issues Facing the Church Today* (Phillipsburg, NJ: P&R Publishing, 1985), 150.
 23. The Hebrew text uses the plural form for children here. This is probably to indicate the possibility that a mother in such a scenario could be carrying more than one child; however, the text naturally applies to situations in which the mother is carrying only one child. For ease of prose, I will discuss the issue in view of a singular translation.
 24. Scholars who hold to this translation generally do so on the basis of parallels found in other Ancient Near Eastern literature. For example, one is hard-pressed to find examples of a viable premature birth when a pregnant woman is struck in extrabiblical legal codes (John Makujina, “The Semantics of *Yatsa* in Exodus 21:22: Reassessing the Variables that Determine Meaning,” *BBR* 23:3 [2013]: 305–21, at 306).
 25. Brown, Driver & Briggs, *Enhanced Brown-Driver-Briggs Hebrew and English Lexicon*.
 26. The same verb is also used to refer to animals in Genesis 31:38 and Job 21:10, and in 2 Kings 2:19, 21 and Malachi 3:11 it refers to land and plants that do not yield mature fruit.
 27. Makujina, “Semantics of *Yatsa*,” 306.
 28. Gen. 25:25, 26; 38:28, 29, 30; Ex. 21:22; Num. 12:12; Deut. 28:57; Jer. 1:5; 20:18; Job 1:21; 3:11; 10:18; 38:8, 29; Eccl. 5:14. Outside the Pentateuch, the verb is often used in poetic ways rather than explicit birth narratives. For example, Job 1:21 and Ecclesiastes 5:14 describe the nakedness of a baby when it enters the world and its nakedness when it leaves this world. For more discussion on these texts, see Makujina, “The Semantics of *Yatsa*,” 308–09.
 29. See, e.g., Gen. 35:16–18 and 1 Sam. 4:19–20 for additional difficult births. Cf. Makujina, “The Semantics of *Yatsa*,” 311–12.
 30. Cf. also Job 3:11 where Job speaks hypothetically of dying at birth. Here also the verb is modified with some form of the verb *muth* meaning “to die.”
 31. Richard M. Davidson, *Flame of Yahweh: Sexuality in the Old Testament* (Peabody, MA: Hendrickson, 2007), 496; Makujina, “The Semantics of *Yatsa*,” 313.
 32. Davidson, *Flame of Yahweh*, 496.
 33. Cf. the election of Jacob in the womb of Rebekah (Gen. 25:23); David confesses he was a sinner from the time of his conception (Ps. 51:5); John the Baptist was filled with the Holy Spirit in his mother’s womb (Luke 1:15). Note that often names were divinely given before birth (e.g., Ishmael [Gen. 16:11]; John the Baptist [Luke 1:13], Jesus [Matt. 1:21]). Davis notes: “These divinely appointed names are unmistakable indications that God viewed these individuals as *persons*

before birth, from the very beginning of the human life cycle, inasmuch as a personal name is the crucial marker of human personal status” (“The Moral Status of the Embryonic Human,” 14).

34. Davis, “The Moral Status of the Embryonic Human,” 13.

Chapter 4: More Than the Sum of Its Parts: Philosophical Reflections on Human Personhood

1. For a more extended discussion of the distinction between substances and property things, see J. P. Moreland and Scott B. Rae, *Body and Soul: Human Nature and the Crisis in Ethics* (Downers Grove, IL: IVP Academic, 2000), 49–86.
2. For further information on these various markers for personhood, see Francis J. Beckwith, *Defending Life: A Moral and Legal Case against Abortion Choice* (Cambridge: Cambridge University Press, 2007).
3. Bonnie Steinbock, *Life Before Birth: The Moral and Legal Status of Embryos and Fetuses*, 2nd ed. (Oxford: Oxford University Press, 2011).
4. For discussion of this view, see Alberto Giubilini and Francesca Minerva, “After-Birth Abortion: Why Should the Baby Live?” *Journal of Medical Ethics* 39.5 (2013): 261–63; Peter Singer, *Practical Ethics* (Cambridge: Cambridge University Press, 1979). For critique, see Gordon R. Preece, ed., *Rethinking Peter Singer: A Christian Critique* (Downers Grove, IL: InterVarsity Press, 2002).
5. For further explanation of this view, see Mary Anne Warren, *Moral Status: Obligations to Persons and Other Living Things* (Oxford: Oxford University Press, 1997).
6. See Judith Jarvis Thomson, “A Defense of Abortion,” *Philosophy and Public Affairs* 1 (1971): 47–66. For further critique, see Francis J. Beckwith, *Defending Life*.

Chapter 5: Knit Together in a Mother’s Womb: The Biology of Prenatal Development

1. T. W. Sadler, *Langman’s Medical Embryology*, 14th ed. (Philadelphia: Wolters Kluwer, 2019).
2. Ibid.
3. “Prenatal Form and Function—The Making of an Earth Suit,” at Appendix A—Calculations (The Beat Goes On: Tracking the Total Number of Heart Beats During Pregnancy and Beyond), The Endowment for Human Development, https://www.ehd.org/dev_article_appendix.php.
4. “Shocking Video: Millions Dead,” Life Dynamics Inc., <https://youtu.be/ektNpslOUPM>.
5. Planned Parenthood, <https://www.plannedparenthood.org/learn/abortion/considering-abortion/what-facts-about-abortion-do-i-need-know>.
6. “Can you see the products of the abortion (placenta, embryo, blood) and what should you do with them?” Aid Access, <https://aidaccess.org/en/page/456/can-you-see-the-products-of-the-abortion-placenta-embryo-blood-and-what-shou>.

7. "Person," Merriam-Webster Dictionary, <https://www.merriam-webster.com/dictionary/person>.
8. Ronan O'Rahilly and Fabiola Müller, *Developmental Stages in Human Embryos: Including a Revision of Streeter's "Horizons" and a Survey of the Carnegie Collection* (Washington, DC: Carnegie Institution of Washington, 637, 1987).
9. "Developmental Anatomy," National Museum of Health and Medicine, <https://www.medicalmuseum.mil/?p=collections.hdac.anatomy.index>.
10. Maureen L. Condic, "When Does Human Life Begin? The Scientific Evidence and Terminology Revisited," *University of St. Thomas Journal of Law and Public Policy* 8.1 (2013): 44–81; and idem, "A Scientific View of When Life Begins" (June 11, 2014), Charlotte Lozier Institute, <https://lozierinstitute.org/a-scientific-view-of-when-life-begins/>.
11. "For you created my inmost being; you knit me together in my mother's womb. I praise you because I am fearfully and wonderfully made; your works are wonderful, I know that full well. My frame was not hidden from you when I was made in the secret place, when I was woven together in the depths of the earth. Your eyes saw my unformed body; all the days ordained for me were written in your book before one of them came to be" (Ps. 139:13–16 NIV).
12. J. D. Watson and F. H. C. Crick, "A Structure of Deoxyribose Nucleic Acid," *Nature* 171 (1953): 737–78.
13. I. K. Suzuki et al., "Human-Specific *NOTCH2NL* Genes Expand Cortical Neurogenesis through Delta/Notch Regulation," *Cell* 173 (May 31, 2018): 1370–84, <https://doi.org/10.1016/j.cell.2018.03.067>. Also Ed Yong, "Searching for the Genes That Are Unique to Humans," October 13, 2015. Francis Collins, "Study Shows Genes Unique to Humans Tied to Bigger Brains," at *NIH Director's Blog*, June 5, 2021, <https://directorsblog.nih.gov/2018/06/05/study-shows-genes-unique-to-humans-tied-to-bigger-brains/>.
14. E. Bianconi et al., "An Estimation of the Number of Cells in the Human Body," *Annals of Human Biology* 40, no. 6 (2013): 463–71, <https://doi.org/10.3109/03014460.2013.807878>.
15. International Human Genome Sequencing Consortium, "Finishing the Euchromatic Sequence of the Human Genome," *Nature* 431 (2004): 931–45, <https://doi.org/10.1038/nature03001>.
16. J. Hirsch, "Uniqueness, Diversity, Similarity, Repeatability, and Heritability," *International Journal of Comparative Psychology* 17, no. 4 (2004): 304–14, <https://escholarship.org/uc/item/1398d56t>.
17. Ibid.
18. "Prenatal Form and Function—The Making of an Earth Suit," at Appendix A—Calculations (To the Sun and Back: Computing the Length of DNA in an Adult), The Endowment for Human Development, https://www.ehd.org/dev_article_appendix.php.
19. Ronan O'Rahilly and Fabiola Müller, *Human Embryology and Teratology*, 3rd ed. (New York: Wiley-Liss, 2001), 8.

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20. Peter Singer, *Practical Ethics*, 3rd ed. (Cambridge: Cambridge University Press, 2011), 73.
21. Margaret Sanger, "The Pope's Position on Birth Control," January 27, 1932, in *The Selected Papers of Margaret Sanger—Volume 2: Birth Control Comes of Age, 1928–1939*, ed. Esther Katz et al. (Urbana, IL: University of Illinois Press, 2006), 150.
22. Steven Andrew Jacobs, "Balancing Abortion Right and Fetal Rights: A Mixed Methods Mediation of the U.S. Abortion Debate" (PhD diss., University of Chicago, 2019), 250, <https://knowledge.uchicago.edu/record/1883?ln=en>.
23. Media report: Steve Jacobs, "I Asked Thousands of Biologists When Life Begins. The Answer Wasn't Popular," *Quillette*, <https://quillette.com/2019/10/16/i-asked-thousands-of-biologists-when-life-begins-the-answer-wasnt-popular/>.
24. "Developmental Anatomy," National Museum of Health and Medicine, <https://www.medicalmuseum.mil/?p=collections.hdac.anatomy.index>.
25. O'Rahilly and Müller, *Human Embryology and Teratology*; 3rd ed.; and The Endowment for Human Development, <https://www.ehd.org/prenatal-summary.php#fb38>.
26. For helpful resources on the entire process of human embryonic and fetal development, see the Endowment for Human Development, <https://www.ehd.org> and the Biology of Prenatal Development DVD video; Contend Projects, <https://contendprojects.org>; M. A. Hill, Embryology, https://embryology.med.unsw.edu.au/embryology/index.php/Main_Page; T. W. Sadler, *Langman's Medical Embryology*, 14th ed. (Philadelphia: Wolters Kluwer, 2019); and Charlotte Lozier Institute, <https://lozierinstitute.org/>.
27. Lenore Pereira, "Congenital Viral Infection: Traversing the Uterine-Placental Interface," *Annual Review of Virology* 5, no. 1 (September 2018): 273–99, <https://doi.org/10.1146/annurev-virology-092917-043236>.
28. Gavin S. Dawe et al., "Cell Migration from Baby to Mother," *Cell Adhesion & Migration* 1, no. 1 (2007): 19–27, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2633676/pdf/cam0101_0019.pdf.
29. "Birth Defects—Data & Statistics," Centers for Disease Control and Prevention, <https://www.cdc.gov/ncbddd/birthdefects/data.html>; Alexander C. Egbe, "Birth Defects in the Newborn Population: Race and Ethnicity," *Pediatrics & Neonatology* 56.3 (2015): 183–88, <https://doi.org/10.1016/j.pedneo.2014.10.002>.
30. Colleen Malloy, Monique C. Wubbenhorst, and Tara Sander Lee, "The Perinatal Revolution," *Issues in Law and Medicine* 34, no. 1 (2019): 15–41, <https://issuesinlawandmedicine.com/product/malloy-the-perinatal-revolution/>.
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Chapter 6: Equal Protection for the Preborn: A Case for Prenatal Personhood according to the Fourteenth Amendment

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3. Ibid., 158.
4. John Hart Ely, "The Wages of Crying Wolf: A Comment on *Roe v. Wade*," *Yale Law Journal* 82, no. 5 (1973): 920–49.
5. See Robert A. Destro, "Abortion and the Constitution: The Need for a Life-Protective Amendment," *California Law Review* 63.5 (1975): 1250–1351, at 1278, <https://doi.org/10.2307/3479846>.
6. *Roe*, 410 U.S. at 156–57.
7. U.S. Const. amend. XIV, § 1.
8. UN General Assembly, "Universal Declaration of Human Rights," 217 (III) A, art. 6 (Paris, 1948), <http://www.un.org/en/universal-declaration-human-rights/>.
9. Nathan Schlueter, "Constitutional Persons: An Exchange on Abortion," *First Things*, January 2003, <https://www.firstthings.com/article/2003/01/constitutional-persons-an-exchange-on-abortion>.
10. The scientific and medical answer as to whether a prenatal life qualifies as a distinct human being had been available for over a century at the time of *Roe*. The *Roe* Court confused the scientifically and medically answerable question about when a new human organism's life begins with the ethical and legal question of whether that life possesses intrinsic value and demands protection. But since the scientific discoveries of the nineteenth century, disagreement has existed only over the latter question.
11. Schlueter, "Constitutional Persons."
12. E.g., "Person," in *A New Law Dictionary and Glossary*, A. M. Burrill (New York: John S. Voorhies, 1850): "A human being, considered as the subject of rights, as distinguished from a *thing*." "Person," *The Law-Dictionary*, T. E. Tomlins, 1st Am. ed. (Philadelphia: R. H. Small, 1836): "A man or woman." "Person," *An American Dictionary of the English Language*, Noah Webster (New York: S. Converse, 1828): "An individual human being. . . It is applied alike to a man, woman, or child."
13. "Person," *An American Dictionary of the English Language*, Noah Webster (Springfield, MA: G&C Merriam, 1864).

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14. "Human," *An American Dictionary of the English Language* (1864). "Man" is in turn defined as, "An individual of the human race; a human being; a person" ("man," *An American Dictionary of the English Language* [1864]).
15. John D. Gorby, "The Right to an Abortion, the Scope of Fourteenth Amendment Personhood, and the Supreme Court's Birth Requirement," *Southern Illinois University Law Journal* 4 (1979): 1–36, at 23.
16. William Blackstone, *Commentaries on the Laws of England* (Oxford: Clarendon, 1768), 1:119.
17. Michael Stokes Paulsen, "The Plausibility of Personhood," *Ohio State Law Journal* 74 (2013): 13–74, at 26.
18. Blackstone, *Commentaries on the Laws of England*, 1:125.
19. Paulsen, "The Plausibility of Personhood," 28.
20. Intratextualism compares the uses of a term within a document to infer that term's meaning. Akhil Reed Amar, "Intratextualism," *Harvard Law Review* 112 (1999): 747–827.
21. *Ibid.*, 792.
22. See *Roe*, 410 U.S. at 157; see also Amar, "Intratextualism," 792.
23. U.S. Const. amend. XIV, § 1.
24. Aliens, Indian natives, and even African slaves were generally considered persons, even though in most cases they were not citizens. See Paulsen, "The Plausibility of Personhood," 20. The term "person" has always been larger than the subset "citizen," and the Supreme Court's longstanding interpretation of the Fourteenth Amendment reflects that traditional understanding. See *Plyler v. Doe*, 457 U.S. 202, 212 (1982) (quoting *Yick Wo v. Hopkins*, 118 U.S. 356, 369 [1886]).
25. Paulsen, "The Plausibility of Personhood," 36.
26. Gorby, "The Right to an Abortion, the Scope of Fourteenth Amendment Personhood, and the Supreme Court's Birth Requirement," 15.
27. James S. Witherspoon, "Reexamining *Roe*: Nineteenth-Century Abortion Statutes and the Fourteenth Amendment," *St. Mary's Law Journal* 17 (1985): 29–71, at 48.
28. *Ibid.*
29. *Ibid.*
30. Robert M. Byrn, "An American Tragedy: The Supreme Court on Abortion," *Fordham Law Review* 41 (1972–1973): 807–62, at 861.
31. *Ibid.*, 849.
32. *Ibid.*, 819–20, quoting Sir Edward Coke, *The Third Part of the Institutes of the Laws of England: Concerning High Treason, and Other Pleas of the Crown, and Criminal Causes* (London: E. and R. Brooke, 1797), 50.
33. Byrn, "An American Tragedy," 824.
34. See *Roe*, 410 U.S. at 132–39.
35. John Keown, "Back to the Future of Abortion Law: *Roe*'s Rejection of America's History and Traditions," *Issues in Law and Medicine* 22 (2006–2007): 3–37, at 6.
36. Byrn, "An American Tragedy," 825.

Notes

37. *Regina v. Wycherley*, 173 Eng. Rep. 486 (1838).
38. Thomas Percival and Chauncey D. Leake, *Percival's Medical Ethics* (New York: Ams Press, 1975 [1827]), 135–36.
39. 12 Trans. of the Am. Med. Assn. 76 (1859) (quoted in *Roe*, 410 U.S. at 141).
40. *Ibid.*
41. Byrn, “An American Tragedy,” 836.
42. Keown, “Back to the Future of Abortion Law,” 6.
43. Gorby, “The Right to an Abortion, the Scope of Fourteenth Amendment Personhood, and the Supreme Court’s Birth Requirement,” 15 (quoting *Mills v. Commonwealth*, 13 Pa. 631, 632–33 [1850]).
44. *Smith v. State*, 33 Me. 48 (1851).
45. Keown, “Back to the Future of Abortion Law,” 27.
46. *Ibid.*, Witherspoon, “Reexamining *Roe*,” 33.
47. Keown, “Back to the Future of Abortion Law,” 27.
48. Witherspoon, “Reexamining *Roe*,” 48.
49. *Ibid.*, 48–49.
50. *Ibid.*, 40.
51. *Ibid.*, 44. That some states did not treat abortion as murder does not indicate that the victim had less value or lacked personhood. Rather, it suggests the perpetrator was less culpable in some way, or that policy reasons dictated a lesser punishment.
52. *Ibid.*, 42–44.
53. *Ibid.*, 42–43.
54. *Ibid.*, 61.
55. *Ibid.*, 62.
56. *Ibid.*, quoting 1867 Ohio Senate J. App. 233.
57. *Ibid.*, quoting 1867 Ohio Senate J. App. 233.
58. *Ibid.*, quoting 1867 Ohio Senate J. App. 233.
59. *Ibid.*, 63, quoting 1867 Ohio Senate J. App. 233.
60. *Ibid.*
61. *Ibid.*, 65.
62. *Ibid.*, 65–69.
63. *Ibid.*
64. Byrn, “An American Tragedy,” 813.
65. Cong. Globe, 39th Cong., 1st Sess. 2766 (1866).
66. *Ibid.*
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68. Cong. Globe, 38th Cong., 1st Sess. 1753 (1864).
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70. Cong. Globe, 40th Cong., 2nd Sess. 514–15 (1868) (emphasis added).
71. Destro, “Abortion and the Constitution,” 1289.

72. Paulsen, "The Plausibility of Personhood," 51.
73. *United States v. Palmer*, 16 U.S. 610, 631–32 (1818).
74. *Conn. General Life Ins. Co. v. Johnson*, 303 U.S. 77, 87 (1938) (Black, J., dissenting).
75. 109 U.S. 3 (1883).
76. 378 U.S. 226, 309–11 (1964) (Goldberg, J., concurring).
77. Charles E. Rice, "Overruling *Roe v. Wade*: An Analysis of the Proposed Constitutional Amendments," *Boston College Industrial and Commercial Law Review* 15.2 (1973): 307–41, at 336.
78. See *Reitman v. Mulkey*, 387 U.S. 369 (1967); see also John E. Archibold, "Re-Examine State Abortion Law, Opponent Urges," *Denver Post*, July 7, 1968 (applying *Reitman* to the abortion context). Typically, "a State's failure to protect an individual against private violence [does] not constitute a violation of the Due Process Clause." Charles I. Lugosi, "Conforming to the Rule of Law: When Person and Human Being Finally Mean the Same Thing in Fourteenth Amendment Jurisprudence," *Issues in Law and Medicine* 22 (2006–2007): 119–303, at 291 (citing *DeShaney v. Winnebago Cty. Dep't of Soc. Serv.*, 489 U.S. 189 [1989]). Nevertheless, the *DeShaney* Court qualified its holding by recognizing that "the State may not, of course, selectively deny its protective services to certain disfavored minorities without violating the Equal Protection Clause," 489 U.S. at 197 n. 3 (citing *Yick Wo*, 118 U.S. 356). The Court's reference to *Yick Wo* is telling. In that case, which extended Fourteenth Amendment guarantees to all persons (not just citizens), the Court condemned the "unjust and . . . discriminat[ory]" exercise of "purely personal and arbitrary power" over weak and disfavored groups (*Yick Wo*, 118 U.S. at 369–70). Thus, based on these precedents, if states were to systematically deny human beings *in utero* the protection of generally applicable laws against homicide, it would violate equal protection.
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81. Gregory J. Roden, "Unborn Children as Constitutional Persons," *Issues in Law & Medicine* 25 (2010): 185–273, at 186.
82. U.S. Const. amend. XIV, § 5.
83. U.S. Const. art. II, § 3.

Chapter 7: Whose Body? The Illusion of Autonomy

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7. "Rising Cost of OB/GYN Medical Malpractice Insurance," *eQuoteMD*, March 8, 2016, <https://equotemd.com/blog/obgyn-medical-malpractice-insurance/>.
8. I. B. Van den Veyver, "Prenatal Genetic Testing and Screening," in *Chimerism*, ed. N. Draper (New York: Springer, 2018), https://doi.org/10.1007/978-3-319-89866-7_5.
9. Emilie C. Rijnink et al., "Tissue Microchimerism Is Increased during Pregnancy: A Human Autopsy Study," *Molecular Human Reproduction*, Volume 21.11 (November 2015), 857–64, <https://doi.org/10.1093/molehr/gav047>.
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27. Jane Doe, “There Just Wasn’t Room.”
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29. *Ibid.*, 29.
30. *Ibid.*, 32–33.
31. David M. Fergusson, L. John Horwood, and Joseph M. Boden, “Abortion and Mental Health Disorders: Evidence from a 30-Year Longitudinal Study,” *British Journal of Psychiatry* 193.6 (2008): 444–51, <https://doi.org/10.1192/bjp.bp.108.056499>.
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Chapter 8: Marvelously Revealed: The Symphony of a Woman’s Body

1. There are two drugs now on the market that block the action of progesterone in a woman’s body. One of these drugs is Mifeprex, also known as mifepristone. This drug was FDA-approved to be used to cause abortions. The other drug is Ella. This drug was approved as a “morning after pill contraceptive,” to be taken in the second half of the cycle to “prevent pregnancy.” They are both the same type of drug, called *progesterone blockers* (for a full discussion, see AAPLOG Medical Management of Elective Induced Abortion [<https://aaplog.org/wp-content/uploads/2020/03/FINAL-PB-8-Medical-Management-of-Elective-Induced-Abortion.pdf>]). Both drugs block progesterone from causing the changes in a woman’s womb that would allow her body to nourish and feed her preborn child. If her embryo has not yet implanted, both of these drugs interrupt the preparation of the womb, which allows the baby to implant. If her embryo has implanted and is growing, both of these drugs can cause the lining of the womb to disintegrate, starving the preborn child until it dies.

There is one very, very important thing to note, however. If a woman takes the abortion drug Mifeprex and she changes her mind about the abortion, the

- progesterone-blocking effects of Mifeprex may be overcome if she takes large doses of progesterone to counteract the effects of the progesterone blockade. There is evidence that taking progesterone quickly, within 72 hours of taking mifepristone, increases the chances that the baby will survive, from about 25 percent to about 68 percent. It is not perfect. But taking “progesterone rescue” gives the baby a second chance at life.
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 5. For a full discussion, see *ibid.*
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Chapter 9: The Myth of the Unwanted Child: How Adoption Powerfully Disperses the Lie

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2. *Ibid.*, 74, <https://www.bartleby.com/1013/6.html> (paragraph 5).
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Chapter 10: Mom, Thank You for Choosing Life: The Perspective of an Abortion Survivor

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Chapter 11: Embracing Life’s Bump: Experiencing God’s Grace in Teenage Pregnancy

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 5. “Get Help Paying for Child Care,” *ChildCare.gov*, <https://childcare.gov/consumer-education/get-help-paying-for-child-care>.
 6. “Kids on Campus: Colleges Offering Child Care,” *Accredited Schools Online*, December 7, 2020, <https://www.accreditedschoolsonline.org/resources/colleges-offering-child-care/>.
 7. Sarah’s story is told in Amy Ford, *A Bump in Life*, 111–17.

Chapter 12: Hope Is Found in Hard Places: Pregnant during Financial Hardship

1. See <https://www.youtube.com/watch?v=I6XfU8KVkzI>, or the film’s official website, <https://www.maafa21.com>.

Chapter 13: But God Intended It for Good—Finding Purpose in Pregnancy from Rape

1. A few days after the rape, I went to my OB-GYN to be examined, to check for STDs, and so on. The police department in my area had come under scrutiny for not testing rape kits. I knew this because of extensive research I had done in college that I actually presented to the city government. I was far too familiar with the lack of care shown by the police to want to go through the extremely intense process of having a rape kit done after being violated, knowing it wouldn’t make much of a difference. I encourage every woman to make her own decision about whether or not to report a rape.
2. <http://www.HopeAfterRapeConception.org/>.
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Chapter 14: Fearfully and Wonderfully Made: Reimagining Pregnancy When the Baby Has Disabilities

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3. Randy Alcorn, *Pro-Life Answers to Pro-Choice Arguments* (New York: Crown Publishing, 2009), 228. Cf. J. Lloyd and K. Laurence, “Response to Termination of Pregnancy for Genetic Reasons,” *Zeitschrift für Kinderchirurgie* 38, suppl. 2 (1983): 98–99; B. Blumberg et al., “The Psychological Sequelae of Abortion Performed for Genetic Indication,” *American Journal of Obstetrics and Gynecology* 2 (1975): 215–24.

Chapter 15: Are Abortions Ever Medically Necessary? A Life-Affirming Approach to Complex Pregnancies

1. For the RHA, see <https://legislation.nysenate.gov/pdf/bills/2019/S240>.
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Chapter 16: The Truth about Post-Abortive Trauma: The Personal Account of a Survivor and Activist

1. As Angela Lanfranchi, Ian Gentles, and Elizabeth Ring-Cassidy lament, “Because of the highly controversial nature of the mental health consequences of abortion, it is extremely difficult to carry out objective, scientific research in this area. Abortion’s impact on women’s mental health is simply too politically charged an issue. As in other areas, such as climate change or nutrition, once a politically correct position has been established, any publications that challenge that position tend to be ignored, dismissed or undermined” (“Depression, Suicide, Substance Abuse: Contested Research,” in *Complications: Abortion’s Impact on Women*, 2nd ed. [Toronto: deVeber Institute for Bioethics and Social Research, 2018], 277–89, at 277). These authors also acknowledge that many post-abortive women are overlooked in the research: “Post-abortion studies can never accurately measure the experiences of many women. Many of those who struggle with mental health problems following an abortion are not represented in the statistic studies of abortion and yet these women exist. We know about them through their stories, their affidavits and their testimonies” (289).
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4. The scientific research shows much the same: “The testimonies of post-abortive women reveal their psychological pain in a variety of ways: a woman may become depressed or anxious; . . . she may also engage in harmful behaviours in an attempt to suppress the pain. Regardless of its expression, the psychological pain associated with elective abortion is inextricably linked with guilt” (Lanfranchi, Gentles, and Ring-Cassidy, “Depression, Suicide, Substance Abuse,” 289).
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solid sense of identity, working to impress moral leaders, keeping women at bay, trouble bonding, fearing impending tragedy, failing to own mistakes, feeling inadequate as a leader (*Fatherhood Aborted: The Profound Effects of Abortion on Men* [Carol Stream, IL: Tyndale House Publishers, 2001], 2–9).

Chapter 17: An Expedient Tool: The Harmful Effects of Abortion on Society

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Chapter 18: The Voices and Values of the New Pro-Life Generation

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Charlotte has connections with Live Action and will be attending Live Action’s gala this year at the expense of the organization as a guest.

Chapter 19: The Hands and Feet of Jesus: How Pregnancy Centers Care for Women and Men

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Chapter 20: The Pro-Life Movement: A Last Line of Protection for Black Women and Their Babies

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