

# CONCORDIA THEOLOGICAL QUARTERLY



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## Theological Observer

### Christian Reflections on the Sanctity of Life after *Dobbs*

The *Dobbs* decision has given much to be thankful for. The U. S. Supreme Court essentially abandoned its previous undemocratic overreach.

Recall that 1973's *Roe v. Wade* and *Doe v. Bolton* undermined the sanctity of human life. They mandated abortion access across the country. They invited termination anytime during gestation and for any asserted reason. They allowed, but did not oblige, legal protections for babies, and only after viability when little ones can survive outside mother's womb. They arbitrarily divided pregnancy into trimesters and limited abortion restrictions ("the state's interest" in safeguarding fetal life) to the third, beyond the twenty-eighth of forty weeks. Of course, viability itself depends on medical intervention; advances in knowledge and technology over the last fifty years have enabled infants to endure earlier premature births, so that now about fifty percent of children born at twenty-two weeks will live.

In June of 2022, the Court's 6-3 majority corrected its earlier error. They recognized that popular rhetoric rather than legal analysis (the Constitution nowhere enumerates or even conclusively implies a "right to abortion") was propping up the jurisprudence. In *Dobbs v. Jackson Women's Health*, they extricated the government from "bench legislating," leaving it to the representative lawmaking assemblies to regulate abortion. The people's elected officials may now establish or relax the boundaries according to the public's will. To be sure, scientific reality, clear reason, and the common good clearly demand more. A truly free, fair, and safe society outlaws abortions altogether. But while *Dobbs* stops short of securing justice in entirety, it steps in the right direction.

What does this mean for the Christian church? We rejoice that God intervenes. He has mercifully interrupted and restrained the trajectory of human immorality. He has straightened crooked ways to conform more closely to his own inviolable law. We also owe appreciation to five decades of faithful veteran voices. These preceding generations have braved repeated disappointment and ridicule to speak truth and show love in advocating the sanctity of every human life. In their steadfast witness, they have delivered a precious gift to us and our posterity. Moreover, we remember that salvation does not come from government. Our comfort and motivation do not derive from laws. The atonement of Jesus Christ alone will make all things right, as sure as his resurrection from the dead. No matter who holds office or how they decide, the Lord our God reigns. Only at his pleasure and permission do they proceed this way or that.

Yet much remains at stake. Surprise pregnancies will occur, and abortions will still happen. They have transpired throughout recorded history. As I write, 9 states (Alaska, Arkansas, Kentucky, Louisiana, Missouri, South Dakota, Tennessee, Texas, Wisconsin) have prohibited all abortions (excepting procedures to save the mother's life) since *Dobbs*. Four more (Idaho, Mississippi, Oklahoma, West Virginia) sanction abortions only in situations involving mother's life, sexual assault, or lethal fetal anomaly. Five states (Arizona, Indiana, North Dakota, Utah, Wyoming) have similar provisions currently under injunction during litigation, and a further four (Georgia, Iowa, Ohio, South Carolina) forbid abortions (with one or more of the above exceptions) after detection of an embryonic heartbeat (about eighteen days' gestation). But seven states only disallow abortions after fifteen (Florida), twenty (Montana, North Carolina), twenty-two (Kansas, Nebraska), or twenty-four weeks (New Hampshire, Pennsylvania)—the presumed points of fetal pain sensation or viability. Be aware that this information may have changed.

And the other twenty-one states effectively authorize abortions until delivery. Any stipulations exist only as technicalities evaded by a concession for "mother's health" defined so broadly as to encompass any justification. Some of them have expanded abortion access and funding (including travel, lodging, and even childcare for residents and, in some cases, outside clients) or codified it into their constitutions (this remains an active initiative at the federal level as well). Though the changes have caused sixty-six facilities in fifteen states to cease abortion services, the Department of Veterans Affairs has directed its hospitals and clinics to offer them (even for civilians, and even in states with laws to the contrary).

In addition, use of pharmaceuticals for at-home abortions continues to increase. Chemical abortions now account for over half of them all. They also come with higher rates of complications (including hemorrhage, retained tissue, sepsis, subsequent surgery, and death) than instrument abortions. Most abortionists who prescribe them provide no follow-up, instead directing patients to their local emergency room if adversities arise. Federal regulations no longer require in-person consultation with a physician and instead allow videoconferencing. This prevents the doctor from screening for life-threatening ectopic pregnancy, which abortion chemicals do not remove. Women's magazines and White House websites are instructing adolescent girls (as young as eleven years) how to obtain and administer the drugs. Mail-order pharmacies and activist organizations are already distributing them to locations where abortion has become illegal. Public universities in places like California, Florida, and Illinois have committed to having their student health services dispense them. Pending lawsuits are presently appealing to make them available at pharmacies nationwide. Reports of women being deceived or compelled to take abortifacient drugs without their consent continue to accumulate.

Indeed, misinformation always and everywhere accompanies abortion. It has certainly proliferated in the wake of the *Dobbs* findings. Contrary to widespread media claims, neither the verdict nor any ensuing statutes obstruct medical attention to miscarriages or ectopic pregnancies. They all contain explicit exemptions for measures meant to save a woman's life. However, such interventions never necessitate abortion—the intentional ending of unborn life—though they may call for premature delivery—separating baby from mother's body (and reasonably foreseeing the child's death soon thereafter despite best efforts otherwise).

No jurisdictions have approved or even entertained policies that prosecute mothers for their abortions (almost all laws against abortion specifically excuse them from punishment). Pregnancy and delivery do not cause more injury and mortality than abortions do (though nobody ought to dismiss concerns about maternal health for that reason). Forbidding abortions does not force pregnancy (biology does that, and only after intercourse, which remains elective in the vast majority of circumstances). Sexual assault does not make one automatically desire an abortion or benefit from it (many victims report either that abortion compounded their trauma or that childbearing contributed to their recovery). Neither does adverse prenatal diagnosis. Life-affirming pregnancy resource centers do not deceive about the services they offer (though they may optimize their web pages to appear in search results for "abortion"), and they do not emotionally manipulate (though they may make women aware of alternatives and assistance, and they may welcome women to explore and express their emotions). Sanctity-of-life advocates and communities do care about and care for children, women, couples, and families after birth (though they may endorse different social welfare priorities and approaches than certain abortion supporters do). No scientific or judicial dispute exists about when a human life begins (though debates do rage on about what makes a human life worthy of preserving).

Furthermore, abortion does not pose the only peril to the sanctity of human life. Even if we succeed in banishing the practice from our land, evil will discover or invent new avenues. The same "sexual revolution" that has undermined procreation and marriage is now obscuring the worth and purpose of every individual body God has made male or female. Promotion of physician-assisted suicide and euthanasia is corroding regard for persons with disabilities or terminal diagnoses. Embryocidal experimentation—whether genetic editing, cross-species hybridizing, stem cell harvesting, in vitro fertilization, or vaccine manufacture—is taking life even where abortion is not. Many hormonal contraceptives also bring about the death of embryos by preventing implantation. Investing animals and environments with personhood rights (or preferring pets to kids) diminishes the dignity of human beings, and often deliberately.

So the church has ample opportunities to confess, teach, and show mercy. Advancing and defending the sanctity of every human life proclaims the gospel of Jesus Christ and puts it into practice. Whatever political controversies, public opinions, or personal choices these matters may intersect, they concern God's truth and Christ's love above all. The Bible clearly and consistently declares that his grace gives human lives infinite significance, and that no one else's age, appearance, or ability (not even one's own) impairs or improves it. The word of the Lord extends the creating work of Almighty God and the redeeming labors of his incarnate Son to fetuses and embryos. It defines unborn children as persons, designates all children as precious, and forbids killing any of them (not even one's own). And the Christian church has upheld these convictions since her inception, not as peripheral but as central to her message and mission.

So civic action offers ongoing opportunities. We track bills and contact lawmakers, advocate, and vote in order to love neighbors. We research, educate, publicize, and dialogue in order to serve the least of these. We build relationships with acquaintances, engage in conversations with colleagues, and have interactions with relatives and friends. We listen to hurts and hopes. We identify and affirm common ground. We volunteer at charities and donate to them.

We aspire to do more than changing legislation, more even than changing behaviors. We aim to change hearts, to receive every neighbor as gift and privilege, to embrace the one right in front of us as brother or sister with whom we may enjoy every blessing the heavenly Father promises to those who trust his Son. We delight in birthdays and anniversaries. We commend husbands and wives. We applaud parents and children. We welcome widows and orphans. We speak courage, show mercy, and share life. We prepare for what to say, what to give, what to do when our congregations and households encounter surprise pregnancy. We proclaim forgiveness to those deceived into viewing death as their solution, and we apply grace to any grieving or guilty over the abortion of their own children. We pray for the Father to look with favor upon mothers, fathers, pastors, and parishioners. We pray for the Son to intervene among elected officials and medical professionals. We pray for the Spirit to visit journalists and judges. We dedicate ourselves to civil discourse and community, justice and safety, truth and logic. And we await and hasten the day when the sanctity of life prevails.

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