

ABORTION WORLDWIDE REPORT: PART II

Nations Protecting Preborn Human Life: 1800s to Present

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The responsibility to protect innocent human life begins with the mother and father of each child conceived in the womb, and extends to midwives, nurses and physicians, and to legislators, government leaders and officials, and judges. What each one believes about the sanctity of human life will profoundly affect, and is revealed by, what they actually do. The overview of history in the prior brief explained that human sacrifice, child sacrifice and infanticide were common in some cultures during the past 4,000 years, as outcomes of idolatrous religious beliefs, or beliefs that some people were inferior and could be eliminated (genocide), or for political reasons to gain or retain power over people. But abortions were rare prior to the 1800s because of the high risk of death to pregnant women.

When abortion became safer for women during the 1800s, the first response of the medical communities and governments worldwide, so far as we have been able to document, was to protect children in the womb and pregnant mothers. The majority of nations that enacted laws protecting preborn children were profoundly influenced to do so by their Christian faith. But nations with other religious beliefs also acted to protect children in the womb.

Between 1803 and 1918, a total of 71 nations and their territories prohibited abortion; and not one nation authorized abortion during this time, except to save the life of the mother (see “71 Nations” list in this Part). The current majority religious affiliation¹ of these 71 nations is:

Table 1: Majority Religion of 71 Nations Prohibiting Abortion, 1803-1918 A.D.

Majority Religion	Christian	Islam	Mixed	Buddhist	Hindu	Jewish
Nations	54	9	3	2	2	1

Between 1920 and 2015, a total of 87 nations enacted laws prohibiting abortion; for some, this was a subsequent law to the prior law, or the enactment of a similar law after independence (see “87 Nations” list in this Part). The majority religious affiliation of these 87 nations is:

Table 2: Majority Religion of 87 Nations Prohibiting Abortion, 1920-2015 A.D.

Majority Religion	Christian	Islam	Mixed	Buddhist	Hindu	Jewish	Unaffiliated
Nations	50	27	3	4	1	1	1

Currently 60 nations still prohibit abortion, except to save the life of the mother (see category 1 of “196 Nations” list in Part VI), and their current majority religious affiliation is as follows:

Table 3: Majority Religion of 60 Nations Currently Prohibiting Abortion

Majority Religion	Christian	Islam	Mixed	Buddhist	Hindu	Jewish
Nations	42	12	3	3	0	0

Physician Oaths

Midwives, nurses and physicians have had an extraordinary influence throughout history of encouraging patients, couples, medical communities, and governments to cherish and protect human life. Hippocrates of Greece (c. 460-375 B.C.) wrote The Hippocratic Oath, historically the most well-known physicians oath. Part of his pledge was a specific promise to protect pregnant women and the children in their wombs, obviously because some physicians were giving drugs and other means of abortion to female patients.

I will neither give a deadly drug to anybody who asked for it, nor will I make a suggestion to this effect. Similarly I will not give to a woman an abortive remedy. In purity and holiness I will guard my life and my art.²

In 1948 A.D., soon after World War II, the World Medical Association developed an oath for physicians that respects life:

I will maintain the utmost respect for human life from its beginning even under threat and I will not use my medical knowledge contrary to the laws of humanity.³

In 1991 A.D., the Christian Medical and Dental Society developed its own Christian Physician's Oath Ethics Statement, which reflects the highest view of human life and duty of physicians:

With God's direction, I will respect the sanctity of human life. I will care for all my patients, rejecting those interventions that either intentionally destroy or actively end human life, including the unborn, the weak and vulnerable, and the terminally ill.⁴

Physicians, nurses, and midwives can profoundly impact their communities and nations for good if they use their profession only for honorable purposes and to protect human life.

Good Laws Prohibiting Abortion

In 1803 A.D., the United Kingdom enacted what may have been the first civil law prohibiting abortion both before and after quickening. Sir Edward Law, Lord Chief Justice of England and Wales, introduced a bill in Parliament called the Malicious Shooting or Stabbing Act. It was designed to protect subjects of the kingdom from injury, murder, poisoning, and other offenses, including murder of children born out of wedlock, malicious poisoning to produce miscarriage, or voluntary attempts to produce abortion.

An Act for the further prevention of ... the malicious using of means to procure the miscarriage of women [June 24, 1803]. ...

WHEREAS ... if any person or persons ... shall ... wilfully, maliciously, and unlawfully administer to, or cause to be administered to or taken by any of his Majesty's subjects, any deadly poison, or other noxious and destructive substance or thing, with intent such his Majesty's subject or subjects thereby to murder, or thereby to cause and procure the

miscarriage of any woman, then being quick with child; ... shall be and are hereby declared to be felons, and shall suffer death

II. And whereas it may sometimes happen that poison or some other destructive or noxious and destructive substance or thing may be given, or other means used, with intent to procure miscarriage or abortion where the woman may not be quick with child at the time, or it may not be proved that she was quick with child; be it therefore further enacted, That if any person or persons ... shall wilfully and maliciously administer to, or cause to be administered to, or taken by any woman, any medicines, drug, or other substance or thing whatsoever, or shall use or employ or cause or procure to be used or employed any instrument or other means whatsoever, with intent thereby to cause the miscarriage of any woman not being, or not being proved to be, quick with child at the time of administering such things or using such means, that then and in every such case the person or persons so offending, their counsellors, aiders, and abettors, knowing of and being privy to such offence, shall be and are hereby declared to be guilty of felony, and shall be liable to be fined, imprisoned, set in and upon the pillory, publicly or privately whipped, or to suffer one or more of the said punishments, or to be transported beyond the seas for any term not exceeding fourteen years, at the discretion of the court before which such offender shall be tried and convicted.⁵

In 1810, A.D., France enacted its Penal Code to prohibit intentional miscarriage (abortion).

317. Whoever, by reason of substances to be swallowed, either solid or liquid; by medicines; by violence; or by any other means; shall have caused the miscarriage of a woman with child, whether she has consented to it or not, shall be punished with solitary imprisonment.

The same penalty shall be awarded against the woman who shall have procured her own miscarriage, or shall have consented to make use of the means prescribed to her, or administered for that purpose, if the miscarriage has actually ensued therefrom.

The physicians, surgeons, and other officers of health, who shall have prescribed or administered such means, shall be condemned to hard labour for time, if the miscarriage has actually taken place.”⁶

In 1860 A.D., India enacted their Penal Code with the following provisions:

312. Causing miscarriage.

Whoever voluntarily causes a woman with child to miscarry, shall if such miscarriage be not caused in good faith for the purpose of saving the life of the woman, be punished with imprisonment ... for a term which may extend to three years, or with fine, or with both; and, if the woman be quick with child, shall be punished with imprisonment ... for a term which may extend to seven years, and shall also be liable to fine.

Explanation—A woman who causes herself to miscarry, is within the meaning of this section.

313. Causing miscarriage without woman's consent.

Whoever commits the offence defined in the last preceding section without the consent of the woman, whether the woman is quick with child or not, shall be punished with [imprisonment for life], or with imprisonment ... for a term which may extend to ten years, and shall also be liable to fine.

314. Death caused by act done with intent to cause miscarriage.

Whoever, with intent to cause the miscarriage of a woman with child, does any act which causes the death of such woman, shall be punished with imprisonment ... for a term which may extend to ten years, and shall also be liable to fine; ... And if the act is done without the consent of the woman, shall be punished either with [imprisonment for life], or with the punishment above mentioned.

Explanation—It is not essential to this offence that the offender should know that the act is likely to cause death.

315. Act done with intent to prevent child being born alive or to cause it to die after birth.

Whoever before the birth of any child does any act with the intention of thereby preventing that child from being born alive or causing it to die after its birth, and does by such act prevent that child from being born alive, or causes it to die after its birth, shall, if such act be not caused in good faith for the purpose of saving the life of the mother, be punished with imprisonment ... for a term which may extend to ten years, or with fine, or with both.

316. Causing death of quick unborn child by act amounting to culpable homicide.

Whoever does any act under such circumstances, that if he thereby caused death he would be guilty of culpable homicide, and does by such act cause the death of a quick unborn child, shall be punished with imprisonment ... for a term which may extend to ten years, and shall also be liable to fine.

Illustration

A, knowing that he is likely to cause the death of a pregnant woman, does an act which, if it caused the death of the woman, would amount to culpable homicide. The woman is injured, but does not die; but the death of an unborn quick child with which she is pregnant is thereby caused. A is guilty of the offence defined in this section.⁷

In 1861 A.D., the United Kingdom enacted a law titled, Offences Against the Person Act, which subsequently became the law, or the model for the law, in most of its territories.

58. Administering drugs or using instruments to procure abortion.

Every woman, being with child, who, with intent to procure her own miscarriage, shall unlawfully administer to herself any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, and whosoever, with intent to procure the miscarriage of any woman, whether she be or be not with

child, shall unlawfully administer to her or cause to be taken by her any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, shall be guilty of felony, and being convicted thereof shall be liable ... to be kept in penal servitude for life

59. Procuring drugs to cause abortion.

Whosoever shall unlawfully supply or procure any poison or other noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman, whether she be or be not with child, shall be guilty of a misdemeanor, and being convicted thereof shall be liable ... to be kept in penal servitude⁸

In 1892 A.D., Canada enacted its Criminal Code with the following provisions:

272. Every one is guilty of an indictable offence and liable to imprisonment for life who, with intent to procure the miscarriage of any woman, whether she is or is not with child, unlawfully administers to her or causes to be taken by her any drug or other noxious thing, or unlawfully uses any instrument or other means whatsoever with the like intent.

273. Every woman is guilty of an indictable offence and liable to seven years imprisonment who, whether with child or not, unlawfully administers to herself or permits to be administered to her any drug or other noxious thing, or unlawfully uses on herself or permits to be used on her any instrument or other means whatsoever with intent to procure miscarriage.⁹

In 1899 A.D., the small island nation of Nauru enacted its Criminal Code with these provisions, which remain in effect today:

224. Attempts to Procure Abortion

Any person who, with intent to procure the miscarriage of a woman, whether she is or is not with child, unlawfully administers to her or causes her to take any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, is guilty of a crime, and is liable to imprisonment for 14 years.

225. The Like by Women With Child

Any woman who, with intent to procure her own miscarriage, whether she is or is not with child, unlawfully administers to herself any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, or permits any such thing or means to be administered or used to her, is guilty of a crime, and is liable to imprisonment for 7 years.

226. Supplying Drugs or Instruments to Procure Abortion

Any person who unlawfully supplies to or procures for any person anything whatever, knowing that it is intended to be unlawfully used to procure the miscarriage of a woman, whether she is or is not with child, is guilty of a misdemeanour, and is liable to imprisonment for 3 years.

282. Surgical Operations

A person is not criminally responsible for performing in good faith and with reasonable care and skill a surgical operation upon any person for the patient's benefit, or upon an unborn child for the preservation of the mother's life, if the performance of the operation is reasonable, having regard to the patient's state at the time and to all circumstances of the case.

294. Death by Acts Done At Childbirth

When a child dies in consequence of an act done or omitted to be done by any person before or during its birth, the person who did or omitted to do such act is deemed to have killed the child.

313. Killing Unborn Child

(1) Any person who, when a female is about to be delivered of a child, prevents the child from being born alive by any act or omission of such a nature that, if the child had been born alive and had then died, the person would be deemed to have unlawfully killed the child, is guilty of a crime, and is liable to imprisonment for life.

(2) Any person who unlawfully assaults a female pregnant with a child and destroys the life of, or does grievous bodily harm to, or transmits a serious disease to, the child before its birth, commits a crime. Maximum penalty—imprisonment for life.¹⁰

In 1907 A.D., Japan enacted its Penal Code with these provisions:

Chapter XXIX. Crimes of Abortion**Article 212. Abortion.**

When a pregnant woman causes her own abortion by drugs or any other means, imprisonment with work for not more than 1 year shall be imposed.

Article 213. Abortion with Consent; Causing Death or Injury.

A person who, at the request of a woman or with her consent, causes her abortion, shall be punished by imprisonment with work for not more than 2 years. If the person thereby causes the death or injury of the woman, the person shall be punished by imprisonment with work for not less than 3 months but not more than 5 years.

Article 214. Abortion through Professional Conduct; Causing Death or Injury.

When a physician, midwife, pharmacist or pharmaceuticals distributor, at the request of a woman or with her consent, causes her abortion, imprisonment with work for not less than 3 months but not more than 5 years shall be imposed. If such person thereby causes the death or injury of the woman, imprisonment with work for not less than 6 months but not more than 7 years shall be imposed.

Article 215. Abortion without Consent.

(1) A person who, without the request of the woman or her consent, causes her abortion shall be punished by imprisonment with work for not less than 6 months but not more than 7 years.

(2) An attempt of the crime prescribed under the preceding paragraph shall be punished.

Article 216. Abortion without Consent Causing Death or Injury.

A person who commits the crime prescribed under the preceding Article and thereby causes the death or injury of the woman shall be dealt with by the punishment prescribed for either the crimes of injury or the preceding Article, whichever is greater.¹¹

In 1930 A.D., Kenya enacted its Penal Code with some provisions similar to the United Kingdom law, as Kenya was part of the British Empire from 1895 to 1963. Interestingly, Article 158 is identical to Article 224 of the Nauru Criminal Code above; and Article 159 to 226; Article 160 to 226; Article 228 to 313 (1); and Article 240 to 282. The first, Article 158, is given as an example.

158. Attempts to Procure Abortion.

Any person who, with intent to procure miscarriage of a woman, whether she is or is not with child, unlawfully administers to her or causes her to take any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, is guilty of a felony, and is liable to imprisonment for fourteen years.¹²

Constitutional Protections of the Right to Life

The first inalienable human right is the right to life. If that first right is violated, then all other rights are meaningless to a dead person, preborn or born. Since 1776 A.D., many nations have affirmed the right to life in their constitutions, bill of rights, declarations, and laws.

Declaration of Independence, United States, 1776:

We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed (par. 2).¹³

When some individual states, and then the entire United States, authorized elective abortion, the governments violated this self-evident truth and founding principle of our nation.

The following are examples of other nations that guarantee the right to life, and endeavor, though imperfectly, to uphold that unalienable human right:

Constitution of the Republic of Honduras, 1982 (as amended to 1991):

Article 65. The right to life is inviolable (Title III, Declarations, Rights, and Guarantees).

Constitution of Malta, 1964:

33. (1) No person shall intentionally be deprived of his life save in execution of the sentence of a court in respect of a criminal offence under the law of Malta of which he has been convicted.

Constitution of the Republic of The Marshall Islands, 1979:

(1) No person shall be deprived of life, liberty, or property without due process of law (Article II, Bill of Rights, Section 4).

Constitution of the Federal Republic of Nigeria, 1999:¹⁴

33. (1) Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.

Constitution of the Republic of The Philippines, 1987:

Section 12. The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. It shall equally protect the life of the mother and the life of the unborn from conception.

Multi-National and International Declarations and Covenants

There are regional, multi-national covenants, and international declarations and covenants that raise a righteous standard for member nations to protect innocent preborn human life.

In 1948 A.D., after World War II, the 58 Member Nations of the United Nations approved the Universal Declaration of Human Rights with this provision:

Article 3. Everyone has the right to life, liberty and security of person.

In 1966 A.D., Member Nations of the United Nations completed the International Covenant on Civil and Political Rights, requiring that Party Nations uphold the following human right:

Article 6.1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

In 1969 A.D., governments from nations in the Americas and Caribbean, through the Organization of American States, approved the American Convention on Human Rights.

Article 4.1. Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life.

Concluding Comments

For over two centuries, countless physicians and medical professionals, legislators, government officials, and diplomats, have nobly labored to protect human life, particularly the lives of

preborn children and pregnant women. Those of us continuing to stand in this great tradition should not be discouraged by relentless efforts in our time to devalue and destroy human life, but should continue to raise up high the unchanging standards of the sanctity of human life and righteous purposes of civil government and law. On the following pages are the two chronological lists of nations who have enacted good laws protecting life.

“Abortion is advocated only by persons who have themselves been born.”

— former U.S. President Ronald Reagan

Endnotes

¹ The religious affiliation information for Tables 1, 2 and 3 is primarily from the “The Global Religious Landscape,” done by the Pew Forum on Religion and Public Life, December 2012, on line at *Pew Forum* [<http://www.pewforum.org/files/2014/01/global-religion-full.pdf>]; supplemented by data from Pew Research Center, 2016, *Pew-Templeton Global Religious Futures Project*, on line [<http://www.globalreligiousfutures.org/countries/>]; Brian C. Stiller, Todd M. Johnson, Karen Stiller, and Mark Hutchinson, eds., 2015, *Evangelicals Around the World: A Global Handbook for the 21st Century* (Nashville, TN: Thomas Nelson); and the *CIA World Factbook*, 2016 ed., on line at *CIA* [<https://www.cia.gov/library/publications/the-world-factbook/>].

² Original oath by Hippocrates. Translation from the Greek by Ludwig Edelstein. From [The Hippocratic Oath: Text, Translation, and Interpretation, by Ludwig Edelstein \(Baltimore, MD, USA: The Johns Hopkins Press, 1943\)](http://guides.library.jhu.edu/c.php?g=202502&p=1335752). <http://guides.library.jhu.edu/c.php?g=202502&p=1335752>

³ Declaration of Geneva (1948, amended 1966 and 1983).

<http://www.aapsonline.org/ethics/oaths.htm#geneva>

⁴ Christian Medical and Dental Society (passed in 1991; amended in 2005).

<https://cmda.org/resources/publication/christian-physicians-oath-ethics-statement>

⁵ The law was written by Lord Chief Justice of England and Wales, Edward Law, 1st Baron of Ellenborough. https://en.wikisource.org/wiki/Lord_Ellenborough%27s_Act_1803

⁶ France Penal Code of 1810, transcribed by Tom Holmberg.

http://www.napoleon-series.org/research/government/france/penalcode/c_penalcode3b.html

⁷ Indian Penal Code, 1860 (Act No. 45 of 1860).

<http://www.advocatekhoj.com/library/bareacts/indianpenalcode/index.php?Title=Indian%20Penal%20Code,%201860>

⁸ United Kingdom, Offenses Against the Person Act 1861 (1861 Chapter 100 24 and 25 Vict).

<http://www.legislation.gov.uk/ukpga/Vict/24-25/100/contents>

⁹ http://archive.org/stream/criminalcodevic00canagoog/criminalcodevic00canagoog_djvu.txt

¹⁰ Nauru Criminal Code 1899. <https://www.hsph.harvard.edu/population/abortion/NAURU.abo.htm>

¹¹ Japan Penal Code, 1907 (Act No. 45 of April 24, 1907).

<http://www.cas.go.jp/jp/seisaku/hourei/data/PC.pdf>

¹² Kenya Penal Code (1930, amended through 2014)

<https://www.hsph.harvard.edu/population/abortion/Kenya.abo.html>

¹³ Declaration of Independence, or The Unanimous Declaration of the thirteen United States of America.

¹⁴ <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm>