STAND TO REASON

What Exodus 21:22 Says About Abortion

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The Torah's teaching about accidental "miscarriage"; has been hotly contested concerning the value of the unborn. Is it pro-life or pro-abortion? Here are the facts. You decide.

Most attempts to argue against abortion from biblical texts are misdirected. In the absence of specific prohibitions of abortion in the Scripture, Christian pro-lifers quote equivocal passages.

Some citations use personal pronouns to describe the unborn, but many of these are in poetry texts, so the conclusion is not entirely convincing. God's personal acquaintance with the unborn can be explained by His omniscience. After all, some texts make it clear that God "knows" us even before we're conceived.

One text, however, is strong. Exodus 21:22-25 is usually used to argue that the Bible assigns a lower value to the unborn than to other humans. Rabbis and Jewish thinkers I've discussed this point with on the radio have been especially adamant--even irate. I think the evidence shows, though, that Moses taught just the opposite. If I'm right, we have a powerful argument for the value Scripture puts on the life of the unborn.

Dead or Alive?

The New American Standard Bible (NASB) renders Exodus 21:22-25 this way:

> And if men struggle with each other and strike a woman with child so that she has a miscarriage, yet there is no [further] injury, he shall surely be fined as the woman's husband may demand of him; and he shall pay as the judges decide. But if there is any [further] injury, then you shall appoint as a penalty life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, bruise for bruise.[1]

This translation suggests that if a miscarriage takes place and the child is lost, the antagonists are simply fined, but if the mother dies in the scuffle, then the penalty is "life for life." In the Torah, it seems, the unborn is not considered fully human.

Theologian Millard Erickson notes that in this view, "the *lex talionis* [life for life] is applied only if the mother is harmed. On this basis it is concluded that the fetus was not considered a soul or a person, and thus is not to be thought of as fully human."[2]

At issue is the phrase translated "she has a miscarriage." There is an assumption made about this word that is crucial. In English, the word "miscarriage" implies the death of the child. *Webster's New World Dictionary* defines miscarriage as, "The expulsion of the fetus from the womb before it is sufficiently developed to survive."[3] In the struggle, the child is aborted, and so a fine is levied.

Here's the crux of the issue: Does the Hebrew word carry the same meaning? Is it correct to presume that the miscarriage of Exodus 21:22 produces a dead child, just like an abortion? This is the single most important question that needs to be answered here. If it does, the English word "miscarriage" is the right choice. If it does not, then the picture changes dramatically.

Are we justified in assuming that the child is dead? The answer is in the original language. There's a history of how these words are used in the Hebrew Bible, and that history is important. Let's look at it.

Yeled and *Yasa*

A word's meaning in any language is determined in two steps. We learn a word's <u>range of meaning</u>--its possible definitions--inductively by examining its general usage. We learn its <u>specific meaning</u> within that range by the immediate context.

The relevant phrase in the passage, "...she has a miscarriage...," reads *wˇyase û ye ladêhâ* in the Hebrew. It's a combination of a Hebrew noun--*yeled*--and a verb--*yasa*--and literally means "the child comes forth." The NASB makes note of this literal rendering in the margin.

The Hebrew noun translated "child" in this passage is *yeled*[4] (*yeladim* in the plural), and means "child, son, boy, or youth."[5] It comes from the primary root word *yalad*,[6] meaning "to bear, bring forth, or beget." In the NASB *yalad* is translated "childbirth" 10 times, some form of "gave birth" over 50 times, and either "bore," "born," or "borne" 180 times.

The verb *yasa*[7] is a primary, primitive root that means "to go or come out." It is used over a thousand times in the Hebrew Scriptures and has been translated 165 different ways in the NASB--escape, exported, go forth, proceed, take out, to name a few. This gives us a rich source for exegetical comparison. It's translated with some form of "coming out" (e.g., "comes out," "came out," etc.) 103 times, and some form of "going" 445 times.

What's most interesting is to see how frequently *yasa* refers to the emergence of a living thing:

Genesis 1:24 "Then God said, 'Let the earth **bring forth** <u>living</u> creatures after their kind: cattle and creeping things and beasts of the earth after their kind'; and it was so."

Genesis 8:17 [to Noah] "**Bring out** with you every <u>living</u> thing of all flesh that is with you, birds and animals and every creeping thing that creeps on the earth...."

Genesis 15:4 "This man will not be your heir; but one who shall **come forth from** your own body...."

Genesis 25:25-26 "Now the first **came forth** red, all over like a hairy garment; and they named him Esau. And afterward his brother **came forth** with his hand holding on to Esau's heel, so his name was called Jacob."

1 Kings 8:19 "Nevertheless you shall not build the house, but your son who shall be **born** to you, he shall build the house for My name."

Jeremiah 1:5 "Before I formed you in the womb I knew you, and before you were **born** I consecrated you; I have appointed you a prophet to the nations."

2 Kings 20:18 "And some of your sons who **shall issue from** you, whom you shall beget, shall be taken away; and they shall become officials in the palace of the king of Babylon."

As you can see, it's common for *yasa* to describe the "coming forth" of something living, frequently a child. There is only one time *yasa* is clearly used for a dead child. Numbers 12:12 says, "Oh, do not let her be like one dead, whose flesh is half eaten away when he **comes from** his mother's womb!"

Note here, that we don't infer the child's death from the word *yasa*, but from explicit statements in the context. This is a still-birth, not a miscarriage. The child is dead before the birth ("whose flesh is half eaten away"), and doesn't die as a result of the untimely delivery, as in a miscarriage.

Yasa is used 1,061 times in the Hebrew Bible. It is never translated "miscarriage" in any other case. Why should the Exodus passage be any different?

Clues from the Context

This inductive analysis shows us something important: Nothing about the word *yasa* implies the death of the child. The context may give us this information, as in Numbers 12:12, but the word itself does not.

This leads us to our next question: What in the context justifies our assumption that the child that "comes forth" is dead? The answer is, nothing does. There is no indication anywhere in the verse that a fine is assessed for a miscarriage and a more severe penalty is assessed for harming the mother.

This becomes immediately clear when the Hebrew words are translated in their normal, conventional way (the word "further" in the NASB is not in the original):

"And if men struggle with each other and strike a woman with child so that the child comes forth, yet there is no injury, he shall surely be fined as the woman's husband may demand of him; and he shall pay as the judges decide. But if there is any injury, then you shall appoint as a penalty life for life...."

The text seems to require a fine for the premature birth, but injury to either of the parties involved incurs a more severe punishment.**[8]** Millard Erickson notes that "there is no specification as to who must be harmed for the *lex talionis* [life for life] to come into effect. Whether the mother or the child, the principle applies."**[9]**

Gleason Archer, Professor of Old Testament and Semitic Studies at Trinity Evangelical Divinity School, concludes:

"There is no ambiguity here, whatever. What is required is that if there should be an injury either to the mother or to her children, the injury shall be avenged by a like injury to the assailant. If it involves the life (*nepes*) of the premature baby, then the assailant shall pay for it with his life. There is no second-class status attached to the fetus under this rule; he is avenged just as if he were a normally delivered child or an older person: life for life. Or if the injury is less, but not serious enough to involve inflicting a like injury on the offender, then he may offer compensation in monetary damages..."**[10]**

Two Rejoinders

Two further objections need to be dealt with. First, if this is a premature birth and not a miscarriage, why the fine?

Babies born prematurely require special care. Because their prenatal development has been interrupted, they are especially prone to difficulty. Pre-term babies often can't breast feed, and there can be respiratory problems leading to permanent brain damage. The fine represents reimbursement for the expense of an untimely birth, and punitive damages for the serious trauma.

Anyway, even if the fine was for the miscarriage, this wouldn't prove the child was less than human. A few verses later (v. 32), Moses imposes a fine for the death of a slave, but this doesn't mean the slave is sub-human.

Second, was this the only word that could be used to indicate a miscarriage? No. Two other words were available to convey this particular meaning, if that's what the writer had in mind: *nepel* and *sakal*. These are used seven times in the Hebrew text.

The noun *nepel***[11]** means "miscarriage" or "abortion," and is used three times:

Job 3:16 "Or like a **miscarriage** which is discarded, I would not be, as infants that never saw light."

Eccl. 6:3-4 "If a man fathers a hundred children and lives many years, however many they be, but his soul is not satisfied with good things, and he does not even have a proper burial, then I say, 'Better the **miscarriage** than he, for it comes in futility and goes into obscurity.'"

Psalms 58:8 "Let them be as a snail which melts away as it goes along, like the **miscarriages** of a woman which never see the sun."

The verb *sakal*[12] means "to be bereaved" and is used four times, including one time when it's actually translated "abort:"

Genesis 31:38 "These twenty years I have been with you; your ewes and your female goats have not **miscarried**, nor have I eaten the rams of your flocks."

Exodus 23:26 "There shall be no one **miscarrying** or barren in your land; I will fulfill the number of your days."

Hosea 9:14 "Give them, O Lord-- what wilt Thou give? Give them a **miscarrying** womb and dry breasts."

Job 21:10 "His ox mates without fail; his cow calves and does not **abort**.

Moses had words in his vocabulary that literally meant abortion or miscarriage, but he didn't use them in Exodus 21:22. Instead, he chose the same word he used in many other places to signify a living child being brought forth.

Yasa doesn't mean miscarriage in the sense we think of that word. Instead, the combination of *yeled* with *yasa* suggests a living child coming forth from the womb. Nowhere else is this word ever translated "miscarriage." Why? Because the word doesn't mean the baby is still-born. It simply means the child comes out.

Three Questions

When someone raises this issue with you, ask these three questions.

First, why presume the child is dead? Though the English word "miscarriage" entails this notion, nothing in the Hebrew wording suggests it. *Yasa* doesn't mean miscarriage; it means "to come forth." The word itself never suggests death.[13] In fact, the word generally implies the opposite: live birth. If it's never translated elsewhere as miscarriage, why translate it that way here?

Second, what in the context itself implies the death of the child? There's nothing that does, nothing at all. The fine does not necessarily mean the child is dead, and even if it did this wouldn't indicate that the child wasn't fully human (as in the case of the slave in v. 32).

Third, ancient Hebrew had a specific word for miscarriage. It was used in other passages. Why not here? Because Moses didn't mean miscarriage. When his words are simply taken at face value, there is no confusion at all. The verse is clear and straight-forward. Everything falls into place.

Regardless of the translation, it's clear that killing the child--and the text does refer to the unborn as a child--is a criminal act. There is no justification for abortion-on-demand from the Torah. Instead, we have a reasonable--even powerful--argument that God views the unborn as valuable as any other human being.

[1] The 1995 updated version of the NASB now renders this verse, "If men struggle with each other and strike a woman with child *so that she gives birth prematurely, yet there is no injury*, he shall surely be fined..." etc.

[2] Millard Erickson, *Christian Theology* (Grand Rapids: Baker Book House, 1985), p. 555.

[3] *Webster's New World Dictionary, Second College Edition* (New York: Prentice Hall Press, 1984).

[4] Strong's Index word #3206.

[5] Definitions come from the *New American Standard Exhaustive Concordance*. For further documentation, see the *Hebrew/English Lexicon of the Old Testament,* by Brown, Driver and Briggs, the standard lexicon of ancient Hebrew.

[6] Strong's Index word #3205.

[7] Strong's Index word #3318.

[8] The New International Version is correct in rendering this passage, "If men who are fighting hit a pregnant woman and she gives birth prematurely but there is no serious injury, the offender must be fined whatever the woman's husband demands and the court allows. But if there is serious injury, you are to take life for life."

[9] Millard Erickson, *Christian Theology* (Grand Rapids: Baker Book House, 1985), p. 556.

[10] Gleason Archer, *Encyclopedia of Bible Difficulties* (Grand Rapids: Zondervan, 1982), p. 248.

[11] Strong's Index word #5309.

[12] Strong's Index word #7921.

[13] Again, in the Numbers passage the context indicates the death, not the word *yasa* itself.

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