

## EXODUS 21:22-25

The following analysis of Exodus 21:22-25 comes from “Biblical Perspectives on Abortion” by Pastor Jack Hughes, Pastor/Teacher at Calvary Bible Church in Burbank, CA.

Exodus 21:22-25 is a special text to consider. This text is a pivotal text in the abortion debate. It has two primary interpretations. The text is cited below, then the two views are stated and pro’s and con’s are listed.

<sup>22</sup> “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 as the woman’s husband may demand of him, and he shall pay as the judges decide. <sup>23</sup> But if there is any further injury, then you shall appoint as a penalty life for life, <sup>24</sup> eye for eye, tooth for tooth, hand for hand, foot for foot, <sup>25</sup> burn for burn, wound for wound, bruise for bruise.”

1. *Miscarriage interpretation* says that Exodus 21:22-25 allows for abortion. Some see this passage as teaching that an unborn baby is only potentially a human. The text is interpreted to mean that if a woman is struck in a conflict between two men and she has a miscarriage and the baby dies, though the woman is uninjured, the man who struck the woman shall pay a fine as the judges decide. But, if the woman is injured the law of *lex talionis* i.e., eye for an eye, tooth for a tooth, life for a life will be enforced. It is argued that since the penalty for ending the life of a fetus is less than ending the life of a mother, the fetus must not be human. Therefore, abortion does not constitute the termination of a human life and is permissible. The problems of this interpretation are many:

- a) The usual term for miscarriage is not used in this text but the normal term for live child birth.
- b) The text makes no distinction between the harm done either to the mother or the child, it merely addresses cases of injury or no injury with no subject stated. If only the mother was in view, the Hebrew would use the feminine pronouns “she” or “her.”
- c) Even if one assumes the above interpretation is true, the text does not condone abortion.
- d) The text cannot apply to abortion because the law is applied to an accidental injury, abortion is not accidental but purposeful.
- e) Even if you agree with the above interpretation, you would still have to conclude that the death of the infant was evil as a penalty is still required, if in fact it is talking about miscarriage.
- f) If the above interpretation were correct it is in keeping with the law of Moses which normally does not require the death penalty for accidental death (Ex. 21:13-14, 20-21; Numb. 35:10-34; Deut. 19:1-13).

g) The text cannot argue that a fetus is less human or not a person because there is a lesser penalty for ending its life. For instance, in the preceding context a master who accidentally kills his slave escapes without penalty (Ex. 21:20-21) but this does not mean that the slave is any less human or not a person.

h) **Conclusion:** Though the above interpretation of Ex. 21:22-25 is the weaker of the two, even if granted it still does not hold up under scrutiny and hence must be rejected as allowing for abortion.

2. *The Premature live childbirth* view of Exodus 21:22-25 does not allow for abortion but defines abortion as murder punishable by death. The text is interpreted to mean, if a woman is accidentally struck when two men are fighting and she gives birth prematurely but no injury is sustained by either her or her baby, then the courts shall fine the man who injured the woman and payment shall be made to the husband. But if either the woman or the baby is injured or killed, the law of eye for an eye, tooth for tooth, and life for life will be enforced. This view is the best view for reasons listed below.

a) The normal Hebrew word for miscarriage is not used in this text but the word for normal live child birth, see Gen. 25:26; 38:28-30.

b) Moses knew the normal word for miscarriage for he used it both before and after this text, but he did not use it here which tells us he did not have a miscarriage in mind but premature live birth (see Gen. 31:38; Ex. 23:26; Job 2:10).

c) The word "injury" both in vss. 22-23 is indefinite in that it does not designate either the mother or the child but is left indefinite so that it applies to both mother and child.

d) The fact that this is the only place in all of the Bible where the death penalty is required for accidental death is significant. It shows us the value God places on both mothers and their unborn children. The death of either the mother or her child by accident would bring with it the death penalty!