

# Answers in Exodus

## What Does Exodus 21:22-25 Actually Say About Abortion?

Steve Gilbertson D.H.L.  
President

*This passage and in particular verse 22 has been used to justify abortion claiming that the text describes the value of a child before birth as being something less than that of a person living outside of the womb. The only thing that demonstrates this is bias in the translation, not the text itself.*

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Exodus 21:22-25 is a statement in Torah that has been used to defend the practice of abortion declaring that the loss of an unborn child is of less value than that of a person outside the womb. If focus is given to verse 22, there is a range in how this text is translated in various versions of the Bible that is more commentary than textual.

Consider the following versions.

### Hebrew Names Version

22 "If men fight and hurt a pregnant woman so that she gives birth prematurely, and yet no harm follows, he shall be surely fined as much as the woman's husband demands and the judges allow. 23 But if any harm follows, then you must take life for life, 24 eye for eye, tooth for tooth, hand for hand, foot for foot, 25 burning for burning, wound for wound, and bruise for bruise.

### New International Version

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.

### New Living Translation

"Now suppose two men are fighting, and in the process they accidentally strike a pregnant woman so she gives birth prematurely. If no further injury results, the man who struck the woman must pay the amount of compensation the woman's husband demands and the judges approve.

### New American Standard 1995

"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.

The question of who is injured is paramount to understanding the principle given here. Is the injury that the child was born prematurely and the fine has to do with the implications of the time and expense of caring for a delicate life? Does it have to do with injury to the woman? Did the child survive the early birth or did the child lose its life in the process?

Additional translations give the impression that the pre-born child did not survive and the woman was not injured in the process. Prior to reading these we have to ask whether the following translations involve any particular bias in presenting a viewpoint on abortion.

#### Bible in Basic English

If men, while fighting, do damage to a woman with child, causing the loss of the child, but no other evil comes to her, the man will have to make payment up to the amount fixed by her husband, in agreement with the decision of the judges.

#### Douay-Rheims Bible

If men quarrel, and one strike a woman with child, and she miscarry indeed, but live herself: he shall be answerable for so much damage as the woman's husband shall require, and as arbiters shall award.

In these last two translations, the editors of these versions have made it clear that in their own opinion, the loss of the child was not a punishable offense beyond the imposition of a fine. Punishment would come if the woman was harmed at an equal level to her harm: eye for eye, tooth for tooth, etc. If this is a true translation of these words of Torah it becomes clear that the life of the child is considered to be of much lesser value than any harm which has come to the life of the woman. This then can be seen in the statement in verse 23-25.

23 But if any harm follows, then you must take life for life, 24eye for eye, tooth for tooth, hand for hand, foot for foot, 25burning for burning, wound for wound, and bruise for bruise.

Is it true that the unborn child is of lesser value than the woman? To find the answers to our questions we will need to explore in depth what is written in the Hebrew text.

This passage in Exodus is in a section of the Book of the Covenant (Exod 20:22-23:33) that is concerned with justice in human relationships. Contained within are laws dealing with the treatment of slaves, dealing with theft and restitution, proper sexual behavior, violence and proper living within the covenant. The Ten Words (*asaret hadevarim* in Hebrew usually called the Ten Commandments) act as a summary by category of the relationship of the covenant people to their God and relationships between people within covenant.

Our text in question follows in a section of case law dealing with acts of negligence, in this case an un-premeditated act that causes damage.

Premeditated acts are treated differently. The category, “you shall not murder” is addressed in case law as well. Premeditated murder cannot be protected even from Yehovah’s altar as commanded in Exodus 21:14: “If a man schemes and comes presumptuously on his neighbor to kill him, you shall take him from my altar, that he may die.” In our passage in question, the damage is punished by a consequence equal to the crime.

Exodus 21:22-25

We will start in this text with the phrase “so that she gives birth prematurely.” This renders the Hebrew word יצא Strong’s 3318, *yatsa’* which means “to go out, to come out, go forth, exile.” This is a very common word, translated over 160 different ways in the New American Standard Bible including over 100 instances of coming out and nearly 450 instances of going out. *yatsa’* is often used in conjunction with the coming forth of things that are living, covering a range from plants to people.

“The earth yielded (*yatsa’*) grass, herbs yielding seed after their kind, and trees bearing fruit, with its seed in it, after their kind; and God saw that it was good.” (Genesis 1:12)

“God said, “Let the earth produce (*yatsa’*) living creatures after their kind, livestock, creeping things, and animals of the earth after their kind;” and it was so.” (Genesis 1:24)

“Bring out (*yatsa’*) with you every living thing that is with you of all flesh, including birds, livestock, and every creeping thing that creeps on the earth, that they may breed abundantly in the earth, and be fruitful, and multiply on the earth.” (Genesis 8:17)

“All the souls who came out (*yatsa’*) of *Ya`akov’s* body were seventy souls, and *Yosef* was in *Mitzrayim* already.” (Exodus 1:5) TS 2009

“Before I formed you in the belly I knew you, and before you came forth (*yatsa’*) out of the womb I sanctified you; I have appointed you a prophet to the nations.” (Jeremiah 1:5)

“When her days to be delivered were fulfilled, behold, there were twins in her womb. The first came out (*yatsa’*) red all over, like a hairy garment. They named him Esau. After that, his brother came out (*yatsa’*), and his hand had hold on Esau’s heel. He was named Jacob. Isaac was sixty years old when she bore them.” (Genesis 25:24-26)

Note that in this reference regarding the birth of Esau and Jacob that Jacob had hold of his brother’s heel prior to his status of being alive outside of his mother’s womb. In fact, when the phrase “his mother’s womb” is used as most anyone would say, personhood is attributed to the baby noting that this was his womb, giving him the enough humanity to declare that he has a mother.

Although all of these instances of *yatsa’* are connected with bringing forth creatures that are living, from plants to animals to people, the conclusion that *yatsa’* only connects with

living things cannot be drawn with conclusiveness. This Hebrew word is used however, only one time with the bringing forth of someone who is not alive.

“Let her not, I pray, be as one dead, of whom the flesh is half consumed when he comes out (*yatsa*) of his mother's womb.” (Numbers 12:12)

*Yatsa*’ itself does not infer the condition of this baby, it has to be inferred from the context. This is not a baby who dies in childbirth, but is a description of a still birth, of one whose “flesh is half consumed” when born. This one is not even described as a child being born, but is called a *כמת* *kamet*, a “dead one.” Nevertheless, again, even though the one coming forth from the womb is apparently dead, the status of personhood is established noting that it again is “his mother’s womb.” If the baby in the womb were really just an extension of the mother’s body, it would have to say “the mother’s womb” (although mother implies a separate life) or simply “the womb.” The woman is still counted as a mother, only she is the mother of a dead baby.

With this in mind, let’s return again to our text in Exodus. If the use of *yatsa*’ cannot direct us to the conclusion that there is the death of a child or children in the text, where is the conclusion drawn that there is a fine for a miscarriage and death of a baby and another punishment for harm to the mother that mirrors the harm caused to her? Let’s see if the answer is in the context.

Although this text written by Moses uses the word *yatsa*’ regarding the birth of the baby, he did have the option of at least two other words he could have used that do refer to a miscarriage or untimely birth that did not survive.

The first is *נפל* Strong’s 5309 *nephe*l from the verb *naphal* which can mean among a host of options, to fall down, to die. *Nephe*lim in Genesis are “the fallen ones” and in the following cases those who have fallen have fallen from life.

“For now should I have lain down and been quiet. I should have slept, then I would have been at rest, with kings and counselors of the earth, who built up waste places for themselves; or with princes who had gold, who filled their houses with silver: 16 or as a hidden *untimely birth* (*nephe*l) I had not been, as infants who never saw light.” (Job 3:13-16).

“If a man fathers a hundred children, and lives many years, so that the days of his years are many, but his soul is not filled with good, and moreover he has no burial; I say, that a *stillborn child* (*nephe*l) is better than he.” (Ecclesiastes 6:3)

Another word that could have been used is *שכל* Strong’s 7921 *shaka*l which means to miscarry, to suffer abortion

“These twenty years I have been with you. Your ewes and your female goats have not cast their young (*shaka*l), and I haven’t eaten the rams of your flocks.” (Genesis 31:38)

“No one will miscarry (*shakal*) or be barren in your land. I will fulfill the number of your days.” (Exodus 23:26)

In our text in Exodus 21, that which came forth is given as neither a *nephef* a dead one or a *shakol*, a miscarriage but is rather a *yeled* יָלֵד Strong’s 3205 referring to something born, a child, boy, son. Again, there is absolutely nothing in this text that describes the bringing forth of something deceased. In fact, in every use of *yeled* in Scripture it refers to a child who comes forth. Nowhere other than in this passage is it ever translated to refer to a miscarriage. *Yatsa* plus *yeled* always simply refers to a child who comes forth. Rather, the passage when translated correctly simply says:

“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....”

This passage cannot be used to justify abortion, and any translation that presents the loss of a child through miscarriage as not an injury is biased and not presenting the passage as it stands. This passage refers to injury to either the child, the mother or both. And the punishment is equal to the damage, up to and including life for life. However this is only true if it is an accident. If this is premeditated, even the altar of Yehovah will not protect the guilty one.



At Answers in Exodus, we strive to bring the complete truth revealed in Scripture from Genesis through Revelation into conflict with the world’s wisdom. In doing that we cannot help but confront the evils of our age. Scripture is our foundation and we are intent on honoring God’s Word from cover to cover without acting as judges over Scripture. James 4:11c states “But if you condemn the Law, you are not a practicer of the Law but its judge.”

We strive to be practicers of the Law of God. This is particularly true of the first five books, which we call *Torah* (Hebrew for “teaching”) and in particular the Book we call Exodus. This is foundational to our approach and rests on Exodus 20:13 that is written in two words. The two words in Hebrew we will not compromise: לֹא תרצח *lo tirtsach* - no murder!

We are not content with incrementalism. We are not aligned with any belief in or advocacy of change by degrees; making progress through gradualism. We will not compromise with child sacrifice. Rather, we are abolitionists, intent on seeing child sacrifice abolished in our day.

Contact Answers in Exodus for materials, application through the Hebraic Life Alliance and training through HeartReachers® that will equip you to use all of Scripture, from Genesis to Revelation, to defend the pre-born and make abortion unthinkable. We are here to equip you in *Bringing Torah to Life!*