

REFORMED THEOLOGICAL SEMINARY – CHARLOTTE

UNTANGLING THE KNOT:
AN EXEGESIS OF EXODUS 21:22–25

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IN PARTIAL FULFILLMENT OF
OT5200 — GENESIS–DEUTERONOMY

WORD COUNT: 4,151

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8 DECEMBER 2021

Even the most respected scholars admit that Exodus 21:22–25 is a “Gordian knot”¹ which is “extremely difficult”² to untangle. Indeed, there are nearly as many interpretations as there are interpreters. The complex hermeneutical debate is often loaded with emotional weight, as both supporters and critics of abortion wield this pericope in defense of their position. Exodus 21:22–25 has surely been on the minds of many Christians in recent days, as the Supreme Court of the United States is presently deliberating a landmark case regarding abortion law in Mississippi. How should the church understand such a contested text that is tied up with a similarly contested issue?

In short, Exodus 21:22–25 explicates the proper sanctions for a man who unintentionally causes a woman to give birth prematurely; the sanctions differ based on whether or not there is any significant harm to the mother or her children. Furthermore, Exodus 21:22–25 introduces the biblical principle of retribution which was to be applied in the civil courts. In order to show this, I will exegete the passage in its original context and then discuss the passage in light of further revelation. I will conclude with a few brief remarks concerning the contemporary relevance of these verses.

CONTEXT

Literary Context

Exodus 21:22–25 is located in a section of Exodus known as “The Book of the Covenant” (Exod. 24:7). The primary genre of this section is law. Exodus 20:1–21 records God giving the Decalogue. The Book of the Covenant, which runs from Exodus 20:22–24:18, lists casuistic laws which expound and illustrate the fundamental principles summarized by the Decalogue.³ These

¹ Meredith G. Kline, “Lex Talionis and the Human Fetus,” *JETS* 20.3 (1977): 193.

² J. Sprinkle, “The Interpretation of Exodus 21:22–25 (Lex Talionis) and Abortion,” *WTJ* 55.2 (1993): 234.

³ John D. Currid, “Exodus,” in *A Biblical-Theological Introduction to the Old Testament: The Gospel Promised*, ed. Miles Van Pelt (Wheaton, IL: Crossway, 2016), 84.

laws, “specifically called ‘rules’ (משפטים, 21:1),” are basically “case decisions that rest upon prior precedent” that served as ethical exemplars and taught Israel how to apply the moral law.⁴ The laws in Exodus 21 are directly related to the sixth commandment as they “all center upon the value of human life.”⁵ Thus, whatever Exodus 21:22–25 means, it is a casuistic example which teaches the importance of protecting human life.

Historical Context

The Book of the Covenant and ANE law codes discuss similar casuistic scenarios and are written in a similar style.⁶ Indeed, “several Near Eastern codes speak to the subject of miscarriage caused by an injury to the woman.”⁷ Due to the parallels between Exodus and extra-biblical texts, many interpreters of Exodus 21:22–25 consider ancient Mesopotamian law codes to be crucial in unraveling its meaning. Certainly, the extra-biblical law codes helpfully illuminate the cultural milieu in which Exodus was written.

However, Mesopotamian law codes are a limited interpretive aide because there are significant differences between Scripture and the ANE law codes. The Mesopotamian law codes “exhibit far less value on human life” than the Book of the Covenant.⁸ Also, the organizational structure of law codes like Hammurabi’s is significantly different from the organization of the Book of the Covenant.⁹ Most importantly, “the absence of spiritual and ethical principles in the

⁴ Currid, “Exodus,” 84.

⁵ Duane A. Garrett, *A Commentary on Exodus*, Kregel Exegetical Library (Grand Rapids, MI: Kregel Publishers, 2014), 495.

⁶ For a thorough comparison of Exodus and ANE law codes, see: Wayne House, “Miscarriage or Premature Birth: Additional Thoughts on Exodus 21:22–25,” *WTJ* 41.1 (1978): 105–23.

⁷ House, “Miscarriage or Premature Birth: Additional Thoughts on Exodus 21:22–25,” 114.

⁸ Currid, “Exodus,” 86.

⁹ Richard Hess, *The Old Testament: A Historical, Theological, and Critical Introduction* (Grand Rapids, MI: Baker Academic, 2016), 69.

Mesopotamian laws contrasts with the Mosaic law code, in which they are foundational.”¹⁰ For these reasons, I will give primary weight to the syntax, immediate context, and biblical data in my exegesis of Exodus 21:22–25.

TRANSLATION & EXEGESIS

One of the difficulties of this passage is the large number of exegetical questions it poses. A comprehensive analysis of every interpretive option falls outside the scope of this paper. Here, I will briefly overview the passage and then examine five exegetical watersheds.

Textual Boundaries, Cohesion, & Integrity

Exodus 21:22–25 displays strong literary unity and cohesion. The MT includes ¶ paragraph markers after 2:21 and 2:25, which shows that older interpreters read 2:22–25 as a single paragraph. A number of scholars make proposals that include textual corruptions or emendations at various points in the paragraph.¹¹ However, the MS evidence suggests that this text has been well preserved. Therefore, I will exegete the text as it stands in the MT.

Overview of the Passage

This paragraph can be divided into three regions. The first three clauses present the general scenario: “And if men fight together, and they strike a pregnant woman so that her children go out...”¹² The rest of verse 22 presents one possible outcome and the proper sanction (Case A): “but there is no harm, he [who hit her] shall surely be fined according to what the husband of the woman sets upon him, and he [who hit her] will pay according to the judges.” Verses 23–25 then present a second possible outcome of the strike along with the proper sanction (Case B): “But if

¹⁰ Currid, “Exodus,” 86.

¹¹ For an extended bibliography of various proposals, see: Sprinkle, “The Interpretation of Exodus 21:22–25 (Lex Talionis) and Abortion,” 235n6.

¹² All English references to Exod. 21:22–25 will be my own translations. All other references to the English Bible will be taken from the ESV. All references to the Hebrew Bible will be taken from BHS.

there is harm, you shall give life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, blow for blow.” This textual map is supported by the grammatical structure of the paragraph. The pericope opens with כִּי, and verse 23b (Case B) is introduced with אֲזַל. When these words are used in conjunction like this, “כִּי normally introduces the *general conditions* where as אֲזַל introduces *the details* of these general conditions.”¹³

The Meaning of וַיֵּצֵא

There are four main interpretive cruxes in verse 22. The first is the meaning of the verb וַיֵּצֵא. This is a third person plural Qal perfect inflection of יָצָא with a prefixed ו conjunction. The root יָצָא occurs 1,068 times in the Hebrew Bible, and its basic semantic content is “to go out.”¹⁴ In this verse, the best option is to understand וַיֵּצֵא as referring to premature birth induced by the strike. This fits with the most frequent meaning of the verb when it is used to describe parturition. יָצָא specifically refers to live birth sixteen times in the OT.¹⁵

Many interpreters disagree and argue that וַיֵּצֵא refers to a miscarriage.¹⁶ Proponents of the miscarriage view offer four main arguments in defense of their position. First, while they admit that “יָצָא usually means live birth,” they argue that “neither live birth nor miscarriage is demanded by the context.”¹⁷ Indeed, יָצָא is a relatively neutral verb for birth. It should be noted, however, “that the only two indisputable uses of יָצָא for failed birth are clearly marked (Num. 12:12; Job

¹³ BHRG § 40.29.1.1.

¹⁴ Eugene Merrill, יָצָא, *New International Dictionary of Old Testament Theology & Exegesis*, ed. Willem VanGemeren, 5 vols. (Grand Rapids, MI: Zondervan, 1997), 2:498.

¹⁵ John Makujina, “The Semantics of יָצָא in Exodus 21:22: Reassessing the Variables That Determine Meaning,” *BBR* 23.3 (2013): 15.

¹⁶ For representatives of this approach see: Robert Congdon, “Exodus 21:22–25 and the Abortion Debate,” *BS* 46.582 (1989): 132–47; Russell Fuller, “Exodus 21:22: The Miscarriage Interpretation and the Personhood of the Fetus,” *JETS* 37.2 (1994): 169–84; John Mackay, *Exodus*, Mentor (Fearn, Ross-shire: Christian Focus, 2001); Sprinkle, “The Interpretation of Exodus 21:22–25 (Lex Talionis) and Abortion.”

¹⁷ Congdon, “Exodus 21:22–25 and the Abortion Debate,” 142.

3:11), whereas numerous others involving live birth contain subtle and oblique contextual clues at best.”¹⁸ Another important consideration here is the absence of the verb שָׁכַל, a more specific verb for “miscarriage.” Moses employs שָׁכַל elsewhere in the Book of the Covenant (Exod. 23:26), which suggests that he likely would have employed it here as well if he intended to describe a miscarriage.¹⁹ Therefore, the context of Exodus 21:22 actually favors the premature birth view.

Second, proponents of the miscarriage view claim that “a comparison with five ANE law codes in similar case law formulations reveals that all of them refer to miscarriage and not to premature birth.”²⁰ From this, they conclude that Exodus 21:22–25 must also be referring to miscarriage. It is true that the Middle Assyrian Laws (§50–53), the Code of Hammurabi (§209–214), and the Hittite Laws (§17–18) impose sanctions for causing a pregnant woman to miscarry. But, unlike Exodus 21:22–25, none of these legal codes mention a fight between two men.²¹ Exodus and the Mesopotamian codes are depicting similar, but not identical, case studies. The situational uniqueness of Exodus limits the merits of the comparison, especially when viewed in tandem with the fundamental differences between Exodus and the law codes mentioned earlier. Thus, the argument from comparative hermeneutics does not outweigh the fact that in the OT נָצַח is more likely to refer to a live birth than a miscarriage.

Third, advocates of the miscarriage view claim that “historical exegesis of the passage has universally given it the meaning of miscarriage.”²² One writer states that the premature birth view

¹⁸ Makujina, “The Semantics of נָצַח in Exodus 21:22,” 320.

¹⁹ House, “Miscarriage or Premature Birth: Additional Thoughts on Exodus 21:22–25,” 111.

²⁰ Congdon, “Exodus 21:22–25 and the Abortion Debate,” 140. See also: Fuller, “Exodus 21:22,” *passim*.

²¹ Garrett, *A Commentary on Exodus*, 502.

²² Congdon, “Exodus 21:22–25 and the Abortion Debate,” 140.

was first proposed by John Calvin, implying that it lacks precedent.²³ While the miscarriage view is certainly well attested, the premature birth view also “enjoys considerable support” from well-respected exegetes.²⁴ Moreover, John Calvin was not the first to propose the premature birth view. In fact, “the view that the death of the fetus is not assumed has existed from ancient times, going back at least to Philo of Alexandria.”²⁵ With the recent surge of scholarly support for the premature birth view, the weight of historical precedent is virtually balanced between the two views.

Fourth, those who favor the miscarriage view argue, based on modern medical science, that it is highly unlikely that a blow would be severe enough to induce labor yet not severe enough to result in the death of the child.²⁶ Therefore, so the argument goes, Moses would have probably assumed the death of the child in Exodus 21:22–25. I grant that a child delivered via trauma-induced labor would likely sustain some sort of injury. Still, this text is a casuistic application of the law. The situation is meant to be specific and unique so that it can serve as a paradigm “which allows Israel (and the church still) to think through how to apply basic ethical principles in a variety of situations.”²⁷ Hence, the rarity of the situation does not necessarily suggest that the Book of the Covenant would not address it. Furthermore, Makujina observed that most occurrences of צָרָא “in the Pentateuch happen to describe deliveries in abnormal situations.”²⁸ The infrequency of successful trauma-induced birth does not place it outside the possible range of reference for צָרָא.

²³ Fuller, “Exodus 21:22,” 183.

²⁴ T. Desmond Alexander, *Exodus*, APOT 2 (Downers Grove, IL: InterVarsity Press, 2017), 484.

²⁵ Sprinkle, “The Interpretation of Exodus 21:22-25 (Lex Talionis) and Abortion,” 235.

²⁶ Congdon, “Exodus 21:22–25 and the Abortion Debate,” 140.

²⁷ Mackay, *Exodus*, 364. See also, William Henry Propp, ed., *Exodus 19–40: A New Translation With Introduction and Commentary*, ABC 2A (New York, NY: Doubleday, 2006), 221.

²⁸ Makujina, “The Semantics of צָרָא in Exodus 21:22,” 308.

These considerations support my argument for understanding יצא as referring to a premature birth caused by the strike.

Meaning of ילדיה

The second major interpretive crux in verse 22 is the word ילדיה. This is the masculine plural construct form of ילד with a 3fs pronominal suffix. The nominal form of this root occurs 95 times in the OT.²⁹ The basic semantic content refers to a child or a young person.³⁰ Interpretations of this word fall into two broad categories: (1) something other than a living child, or (2) a living child or children. Representative of the first option, Sprinkle argues that ילדיה is a “plural of abstraction with the sense ‘the product of her womb.’”³¹ The plural form is admittedly unexpected, since bearing more than one child at once is considerably less common than bearing one child. Some scholars even propose a textual corruption here and translate ילדיה with the singular “child.”³²

Despite the oddity of the plural form, “the possibility of both an original plural and its literal meaning should not be quickly dismissed as it often is, given a narrative that has already emphasized the extraordinary fertility and proliferation of Jacob’s offspring (Exod. 1).”³³ The form ילדיה occurs only one other time in the OT, in Ruth 1:5, where it refers to Naomi’s two sons. The masculine plural construct form of ילד occurs four times in the OT in reference to children, offspring, or descendants (Gen. 30:26, Num. 13:28, 2 Kgs. 4:1, Isa. 57:4). There seems to be no precedent for translating ילדיה with the sense Sprinkle suggests. Two other suggestions would fit both the immediate context and the lexical data. Garrett helpfully posits that the plural may “imply

²⁹ I obtained this data by performing a morphological search with Logos Bible Software.

³⁰ *HALOT*, ילד, 135.

³¹ Sprinkle, “The Interpretation of Exodus 21:22-25 (Lex Talionis) and Abortion,” 249.

³² Propp, *Exodus 19–40*, 222.

³³ Makujina, “The Semantics of יצא in Exodus 21:22,” 309n11.

that the same rules apply regardless of how many children the woman is carrying.”³⁴ Similarly, Stuart notes that Hebrew regularly uses the plural to convey the abstract sense of “any children she might have.”³⁵ Therefore, the most natural reading of the text is to translate ילדיה as “her children.”

Meaning & Referent of אסון

The third hermeneutical quandary in Exodus 21:22 has to do with the word אסון, which also appears in verse 23a. אסון only appears three other times in the rest of the OT (Gen. 42:4, 42:38, 44:29), where it seems to convey the idea of some serious injury, possibly even death.³⁶ In context, Exodus 21:22–25 is part of a group of laws that “treat situations in which there are personal physical attacks against others that do not result in death.”³⁷ Most likely, then, אסון is a general term referring to any substantial injury.

Additionally, אסון has no obvious grammatical referent.³⁸ Some argue that אסון must solely refer to the mother because the death of the child is assumed.³⁹ If my previous arguments for the premature birth view of ויצאו are correct, then the “injury would be to either the mother or the infant.”⁴⁰ A reference to both mother and child fits the syntax. Without a clear referent, it seems that the clause אסון יהיה ולא modifies the whole situation presented in the previous clause. The harm clause describes the result of the previous clause, which depicts a woman giving birth prematurely (ויצאו ילדלה). The harm clause could refer to any harm that resulted from the incident, which applies

³⁴ Garrett, *A Commentary on Exodus*, 493n34.

³⁵ Douglas K. Stuart, *Exodus*, NAC 2 (Nashville, TN: Broadman & Holman Publishers, 2006), 491n135.

³⁶ House, “Miscarriage or Premature Birth: Additional Thoughts on Exodus 21:22–25,” 117–20.

³⁷ John D. Currid, *A Study Commentary on Exodus* (Darlington: Evangelical Press, 2001), 2:77.

³⁸ Garrett, *A Commentary on Exodus*, 501.

³⁹ Mackay, *Exodus*, 375.

⁴⁰ Propp, *Exodus 19–40*, 222.

to either the mother or her offspring. So, it seems that אִסוֹן refers to both the mother and the child and describes any substantial injury that might befall them.

Meaning of בַּפְּלִיִּים

The fourth exegetical crux in verse 22, the word בַּפְּלִיִּים, is perhaps the most ambiguous. Most interpreters agree that this is a masculine plural form of the root פָּלַל with a prefixed ב preposition, but the scholarly consensus dissolves there. At least three lengthy studies of this word have been published, and they all advance different meanings.⁴¹ As Berlin admits, however, these divergent proposals all point in the same general direction.⁴² פָּלַל “undoubtedly refers to some kind of judicial process.”⁴³ I have followed Currid’s lead in translating בַּפְּלִיִּים as “judges.”⁴⁴

Jackson rejects this translation on the grounds that “one cannot imagine judicial involvement for the sake of such a passive role.”⁴⁵ The fine is apparently set by the woman’s husband, so a judge would be merely approving the fine. This renders the judge’s presence unwarranted, according to Jackson. In response, the fact that the woman’s husband sets the amount of the fine does not alleviate the need for a civil authority. Exodus 21:22–25 comes in the context of civil laws. These sanctions were not to be carried out on a personal level.⁴⁶ The civil context provides sufficient warrant for a judge to oversee the dispute. Still, the meaning of בַּפְּלִיִּים is rather elusive, so dogmatism on this point is ill advised.

⁴¹ Adele Berlin, “On the Meaning of פָּלַל in the Bible,” *RB* 96.3 (1989): 345–51; E. A. Speiser, “The Stem PLL in Hebrew,” *JBL* 82 (1963): 301–6; Propp, *Exodus 19–40*, 223–25. See also: Bernard Jackson, “The Problem of Exod 21:22–25: *Ius Talionis*,” *VT* 23.3 (1973): 277–79.

⁴² Berlin, “On the Meaning of פָּלַל in the Bible,” 347.

⁴³ Alexander, *Exodus*, 485.

⁴⁴ Currid, *A Study Commentary on Exodus*, 2:79.

⁴⁵ Jackson, “The Problem of Exod 21:22–25,” 277.

⁴⁶ I will expand on this point further when I address the *lex talionis*.

Meaning of the *Lex Talionis*

Exodus 21:23–25 is the first biblical reference to the famous *lex talionis*, or law of retaliation. Variations of this law occur in Leviticus 24:20 and Deuteronomy 19:21. The best way to interpret the *lex talionis* here is as a civil ordinance which embodies the principle that sanctions for any crime should be commensurate with said crime. In addition, Exodus 21:23–25 was not to be applied in a literalistic sense. Five lines of evidence support this interpretation. First, as observed earlier, the word בַּפְּלִיִּים in verse 22 indicates some sort of judicial context. Also, this section of Exodus lists civil laws for the theocratic state of Israel. The *lex talionis* was given for a civil rather than a private context. Second, the syntactical structure of verses 23b–25 is made up of eight “clearly formulaic” parallel phrases.⁴⁷ Motyer refers to these words as “a poetic and dramatic” illustration of the law of equivalences.⁴⁸ In other words, the eight *x for x* statements do not constitute an exhaustive catalogue of corporal punishments. Third, the *lex talionis* is introduced by the verb וְנָתַתָּה, a form of נָתַן, which is frequently used in the Book of the Covenant to indicate monetary exchange.⁴⁹ This suggests that penalties other than corporal punishments are in view.

Fourth, Exodus 21:22–25 is flanked by case laws that demand monetary retribution for bodily harm (Exod. 21:18–19, 26–27). The situation described here is one of unintentional harm. OT law “allowed for the substitution of a ransom payment instead of the death penalty” in all cases of bodily harm except for premeditated murder.⁵⁰ This supports interpreting the *lex talionis* as illustrative rather than literally prescriptive. Fifth, understanding the *lex talionis* as illustrative of

⁴⁷ Alexander, *Exodus*, 485.

⁴⁸ J. A. Motyer, *The Message of Exodus: The Days of Our Pilgrimage*, BST (Downers Grove, IL: InterVarsity Press, 2005), 240.

⁴⁹ Sprinkle, “The Interpretation of Exodus 21:22–25 (Lex Talionis) and Abortion,” 239.

⁵⁰ Mackay, *Exodus*, 376.

commensurate punishment fits with the broader biblical context. Poythress observes that “one of the most general principles of God’s justice is the principle of similar measure.”⁵¹ This principle can be found in Obadiah 15, Jeremiah 50, Habakkuk 2, Joel 3, and Matthew 7.

These five lines of evidence support my interpretation of the *lex talionis* as a civil ordinance which instates the principle that punishments should fit the crime.

Summary

So far, I have argued that Exodus 21:22–25 is a casuistic code that explicates sanctions for a man who unintentionally causes a pregnant woman to give birth prematurely. The sanctions are to be proportionate to the harm he caused. If neither the mother nor her offspring suffer any substantial injury, then the court will assess a fine, which will be set by the woman’s husband. If either the mother or her offspring sustain any substantial injury, then the court will impose sanctions in proportion to the damages. This interpretation seeks to privilege the syntactical, contextual, and canonical evidence. Before moving on, it should be noted that while my interpretation has solid exegetical support, this is an elusive paragraph and no interpreter can claim infallible exegetical certainty. In general, interpretations other than the one presented here should not be treated dismissively.

JESUS’S TEACHING ON THE *LEX TALIONIS*

The *lex talionis* is directly addressed by the Lord Jesus in Matthew 5:38–39. Jesus’s teaching here has ramifications for how this law is understood in its original context and also for the contemporary relevance of this law. In this section, I will briefly analyze what Jesus says in Matthew 5:38–39 and discuss how his teaching impacts the interpretation of Exodus 21:22–25. In short, Jesus does not abrogate the *lex talionis* but rather shows that the law of retributive

⁵¹ Vern Poythress, *The Shadow of Christ in the Law of Moses* (Phillipsburg, NJ: P&R Publishing, 1995), 123.

punishment was not to be applied in personal situations.

Jesus's words are worth quoting in full: "You have heard that it was said, 'An eye for an eye and a tooth for a tooth.' But I say to you, do not resist the one who is evil. But if anyone slaps you on the right cheek, turn to him the other also" (Matt. 5:38–39). This statement is made during the Sermon on the Mount in a section commonly referred to as "The Six Antitheses." The six antitheses all address some sort of misunderstanding or abuse of the law that was common in Jesus's day.⁵² In Matthew 5:17–20, Jesus speaks positively of the Mosaic Law. It is also noteworthy that Jesus says "you have heard that it was said" rather than "it is written." In Matthew 4, Jesus employs the verb γέγραπται to cite three passages from Deuteronomy.⁵³ Indeed, this is the typical NT formula for quoting from the OT.⁵⁴ These considerations suggest that in Matthew 5:38, Jesus was not referring to the Mosaic codification of the *talion* law *per se* but misinterpretations of it. In other words, Jesus explains "the true, transcendent meaning of the law by reaffirming it without merely repeating it."⁵⁵

In Matthew 5, Jesus is not concerned with the judicial application of the *lex talionis*. "His concern is only with the inappropriateness of such a formula to personal ethics."⁵⁶ The Sermon on the Mount is a description of what life looks like in the Kingdom of God. Jesus is speaking about the law as a guide for the life of a disciple. Therefore, Jesus's teaching here does not nullify the principle of commensurate punishment found in Exodus 21:22–25.

⁵² Poythress, *The Shadow of Christ in the Law of Moses*, 257.

⁵³ All references to the Greek New Testament will be taken from the NA²⁸ critical edition.

⁵⁴ G. K. Beale, *Handbook on the New Testament Use of the Old Testament: Exegesis and Interpretation* (Grand Rapids, MI: Baker Academic, 2012), 29.

⁵⁵ David L. Turner, *Matthew*, Baker Exegetical Commentary on the New Testament (Grand Rapids, MI: Baker Academic, 2008), 158.

⁵⁶ R. T. France, *The Gospel of Matthew*, NICNT (Grand Rapids, MI: Eerdmans, 2007), 217.

CONTEMPORARY APPLICATION

Now that I have explained the passage in its original context and in light of the NT, I will briefly outline three points of contemporary application.

Abortion

Exodus 21:22–25 is often cited and discussed in relation to abortion. It should be noted that this passage does not directly discuss elective abortion. Rather, this case law addresses a specific instance of criminal negligence which involves a pregnant woman and her offspring. Virtually all commentators agree that the woman was struck unintentionally. While this may seem to be an obvious point, some evangelicals give this passage undue weight in the abortion debate. Indeed, one scholar considers this the “most decisive positive evidence in Scripture that the fetus is to be regarded as a living person.”⁵⁷ To be sure, the interpretation I have proposed here does indeed affirm the sanctity of unborn children. However, the Scriptural argument against legalized elective abortion need not hang on this text alone.

The rest of Scripture unequivocally condemns abortion. First, Scripture indicates that human life begins at conception. One scholar observes that in the Pentateuch, “there seems to be no distinction in Moses’ mind between a fetus and a normal child.”⁵⁸ Other specific texts confirm this (Ps. 51:5, 139:13–16; Jer. 1:5; Luke 1:41). Second, God always regards the taking of human life as unrighteous, except in cases of capital punishment by a legitimate authority (Gen. 9:6; Exod. 20:13; Rom. 1:29). Therefore, killing a human being who is in his or her mother’s womb is strictly forbidden. Due to the disputed nature of Exodus 21:22–25, it may be advantageous for those seeking to abolish the practice of abortion to appeal to other texts in order to avoid unnecessary

⁵⁷ Kline, “Lex Talionis and the Human Fetus,” 193.

⁵⁸ House, “Miscarriage or Premature Birth: Additional Thoughts on Exodus 21:22–25,” 112.

quarrels which could distract from the issue of protecting unborn children.

Criminal Justice

What Scripture says about how governments should run is another hotly debated topic. Space permits only a brief sketch of a few points related to Exodus 21:22–25. The Book of the Covenant applies “the principles of the Decalogue to specific social contexts of Israel as a nation, and it was valid only in that particular era.”⁵⁹ The United States, for instance, is not meant to adopt the case laws of Exodus 21–24 as its justice system. Nonetheless, there is a transcendent principle, a “general equity,” behind the *lex talionis* in Exodus 21:22–25 that should inform how modern society structures its criminal justice system.⁶⁰ As Poythress says, “state authorities in the NT as in the OT derive their authority from God (Rom. 13:1–7) and perform legitimate functions in bringing ‘punishment on the wrongdoer’ (Rom. 13:4);” therefore, “all actions of the state ought to conform to God’s standards of justice revealed in Christ.”⁶¹ One generally equitable principle in Exodus 21:22–25 is the principle of commensurate punishment. A civil punishment that is either too severe or too lenient undermines judicial integrity by either inflicting damages beyond what was incurred or allowing the law to go unenforced. Exodus 21:22–25 is a reminder to Christians engaged in the civil sphere that God calls them to execute their duties justly.

A Sign of the Gospel

Lastly, Exodus 21:22–25 points forward to the work of Christ in the gospel. The previous discussion on criminal justice raised the issue of God’s justice. Ultimately, “all of God’s justice finds its climax and fulfillment in Jesus Christ.”⁶² The cross of Christ was about justice. In Romans

⁵⁹ Currid, “Exodus,” 84.

⁶⁰ See WCF 19.4.

⁶¹ Poythress, *The Shadow of Christ in the Law of Moses*, 155–56.

⁶² Poythress, *The Shadow of Christ in the Law of Moses*, 155.

2–3, Paul argues that every person who has ever lived (except Jesus) is guilty of breaking God’s law. God’s justice demands the punishment of the law-breakers. For God to simply overlook sin would be for God to act against his nature.

Jesus, the Son of God incarnate, never broke the law. And although he knew no sin, he bore the penalty of divine justice in the place of law-breakers. Christ’s penal substitutionary atonement is how God can be “both just and the justifier of the one who has faith in Jesus” (Rom. 3:26). The principle of justice found in Exodus 21:22–25 should remind us that we deserve punishment. Out of gratitude for the cross, it should also drive us to “do justice” ourselves as God calls us to (Mic. 6:8). In this way, Exodus 21:22–25 points forward to the most wonderful mystery of all which says God is both just and the justifier of those who believe in Jesus.

SUMMARY & CONCLUSION

I sought to do three things in this paper. First, I contended that Exodus 21:22–25 is an illustrative case law explaining how Israel was to punish the crime of negligent violence towards a pregnant woman. If the trauma which induced labor resulted in no substantial injuries to mother or child, then the perpetrator would pay a fine set by the woman’s husband. Serious injury called for civil punishment that was proportionate to the damages inflicted. This specific case law was only applicable in civil contexts in Israel under the old covenant administration.

Second, I argued that Jesus did not contradict this law. Some argue that Jesus nullified this law in Matthew 5:38–39. Closer examination of Jesus’s words reveal that he was actually correcting a false understanding of this law. Jesus confirms that the *talion* is not suitable for personal ethics. Third, I sketched an outline of how this text speaks to abortion, criminal justice, and the work of Christ. In conclusion, Exodus 21:22–25 will indeed test the mettle of any exegete. Even so, it contains rich and relevant teaching that is well worth the sweat.

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