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Abortion in the Bible

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The Rule

Only one passage in the Bible refers to induced miscarriage, and even it governs only accidental abortion. In the Revised Standard Version, Ex 21:22-25 reads:

²²When men strive together, and hurt a woman with child, so that there is a miscarriage, and yet no harm follows, the one who hurt her shall be fined, according as the woman's husband shall lay upon him; and he shall pay as the judges determine. ²³If any harm follows, then you shall give life for life, ²⁴eye for eye, tooth for tooth, hand for hand, foot for foot, ²⁵burn for burn, wound for wound, stripe for stripe.

Identifying the Victim

An analysis of these four verses reveals that their purpose was not to protect the life of the unborn nor to prohibit induced miscarriage as an evil or destructive *per se*. The provision that the father was to be compensated by the payment of money 'if any harm follows' from the abortion suggests that killing the unborn child of another was regarded as an offence against one parent instead of against the child.¹

This suggestion is reinforced by the penalties: 'If any harm follows, then you shall give life for life . . . tooth for tooth . . . burn for burn . . . stripe for stripe.' By their very nature, these penalties can pertain only to injuries inflicted upon the mother, because:

- 1) life for life: by definition, an abortion causes the death of the child. Reading this in conjunction with the condition 'yet no harm follows' in verse 22, we must conclude that induced miscarriage was not considered in itself the taking of life or other harm. In contrast, abortion—particularly as a result of fist-fights envisaged in this passage—may or may not cause the death of the mother. Thus it was only killing or maiming her, not the foetus, which was considered 'harm' punishable by the Law of Moses;
- 2) burn for burn and stripe for stripe: it is inconceivable that a child in the womb could be burned or receive a stripe without injuries to the mother so severe that she dies or is gravely wounded. On the other hand, a burn or blow can be inflicted on the mother without the foetus showing any signs of such trauma;
- 3) tooth for tooth: unborn infants have no teeth, which means the principle of 'tooth for tooth' cannot have been intended to deter injury to a foetus. Conversely, the mother may well lose a tooth as a side-effect of the

fisticuffs posited in verse 22. Clearly, Ex 21:22–25 refers to the well-being of the mother, not the child.

Death of the child was a minor trespass, punishable only by a fine payable to the father. Additional, more severe, penalties were imposed if the mother was injured. The latter were not mere monetary fines but included amputation (as in Islamic law) and death. Although the Bible prescribes penalties for unintended abortion, it strangely does not provide for intentional miscarriage. The Law of Moses was apparently not concerned with the effect on the foetus.

Reasons for the Rule

Why did the Law of Moses penalize accidental or negligent abortion by a man not the husband, yet contain no prohibition against intentionally inducing miscarriage—either by such a man, by the father, or by the mother herself? There are two possible answers. The first is that other provisions of the Mosaic Code protected and compensated adults for deliberate injuries to their bodies while harm described in Exodus 21 is unintended or negligent. The second reason was that the ancient Hebrew value-system and mentality rendered abortion socially, economically and personally unthinkable. Throughout the Old Testament fecundity, both of oneself and of the group, was considered a blessing and a great advantage by both men and women. Sarah, Leah, Rachel, Hannah, Elizabeth and other Bible women all longed to bear children, and as many as possible (Gen 16:2, 18:12, 25:21, 29:32–30:1, 30:13; I Sam 1:10–11 and 1:19–20). For both sexes, the only known form of immortality was through producing offspring. Procreation raised the social status of both parents, especially of the mother. The barren woman was regarded with reproach (Gen 30:23; I Sam 1:6; Tobit 3:7–9; and Luke 1:25). There being no old-age pensions or homes for the aged, a large number of children was insurance against destitution after a person became too ill or too old to work. Given such a mentality and social organization, no person in the cultural milieu of the Old Testament would ever seek an abortion. Similarly, the ethos of group survival and increase ruled out any desire for a person to deliberately abort another Israelite's foetus. In fact, the Sinai Code also commanded that if a man's brother died childless, he was to marry the widow and beget children through her as well as by his own wife (Deut 25:5). King David well illustrates how highly Israelites cherished offspring. He fathered nineteen sons (1 Chron 3:1–9) even though he was too wealthy to need their labour or their support in old age, and remained devoted to the son who tried to depose him (2 Sam 18:4, and 18:32–19:50). Voluntary abortion would no more occur to the pre-Christian Jews than would it occur to anyone in our time to deliberately subvert or obstruct the activities of the Cancer Society or Alcoholics Anonymous. The unintended abortion dealt with in Ex 21:22–25 was an

offence against the parents' social standing, chances of genetic immortality, opportunities to benefit from the labour of a wife and offspring, and security in old age.

Early Christians and the Rule

Although Jesus in Matt 5:38 forbade Christians to apply the principle of an 'eye for an eye', he did not pronounce on the ethics of the abortion which was the background to it. Nor does any other passage of the New Testament comment on the morality of inducing miscarriage. Christian authors in the second and third centuries discountenanced artificial miscarriage,² but the only Christian commentary on Ex 21:22-25 surviving from this formative period of the faith is Origen's *Homilies on Exodus* (c.AD 240).³ Even it does not reflect on the ethics of abortion but gives the whole passage a purely spiritual meaning: 'eye' means eye of the soul or understanding, 'tooth' means ruminating on the Scriptures, 'burn' means that the clergy will burn in Hell after death if they neglect their duties. In fact, Origen stated that a literal interpretation of the passage would be absurd and meaningless.

Problems of Application in the Twentieth Century

In any event, there are major difficulties in relating the abortion passage in Exodus to the English-speaking nations of the late twentieth century:

- 1) compensation for injuries flowing from an abortion was payable only to the father, not the mother. This was because in Old Testament times a wife or child was no more than the property of the man, like a house, draft animal or slave (Ex 20:17). The fact that Ex 21:22-25 appears between two pieces of legislation on slaves adds weight to this interpretation. In contrast, Christianity has long taught the general equality of the sexes and contended against regarding one person as the property of another.
- 2) human fecundity is no longer considered an asset in the industrialized world. Individual couples and entire nations go to great lengths to reduce the chances of conception. Population growth is seen as an evil.
- 3) where contraception fails, some expectant parents voluntarily seek abortions, whether provided gratis by government health schemes, legally for a fee, or illegally through clandestine operators. They actively seek an operation which would never have occurred to the early Hebrews.
- 4) the number of children or wives no longer has a bearing on social standing.
- 5) although cutting back some of its benefits in the 1990s, the welfare state continues to provide the economic benefits available only through one's children in early Israelite society, and
- 6) today, immortality is customarily conceived in terms of fame or the fate of one's soul after death, rarely in genetic terms.

Conclusion

Fundamental differences in societal structures, family relationships and ways of perceiving the world between Moses' time and ours make it difficult, if not impossible, to formulate a principle from the Mosaic Code for the guidance of Christians in the late twentieth century. Unfortunately, the Bible contains no other clear rule on the subject. Christians must adapt more general principles from elsewhere in the Scriptures to find God's will in the matter. Or we must look outside Holy Writ entirely, say to the early church fathers and the traditions they preserved from the preaching of Jesus and the apostles. The ancient Christian sources which commented on abortion were unanimous in their view,⁴ which raises the strong inferences that they reliably recorded Christ's teaching.

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NOTES

- 1 Roman law was the same: Robin Lane Fox *Pagans and Christians* (New York Alfred A Knopf 1987) p 346
- 2 *Didache* 2 (circa AD 70–150); *Epistle of Barnabas* 19 (circa AD 100); *Revelation of Peter* 25 (before AD 150); *Athenagoras A Plea for the Christians* 35 (circa AD 177); *Minucius Felix The Octavius* 30 (circa AD 166-210); *Tertullian De Anima* 37 (AD 202) and *Exhortatione Castitatis* 12 (AD 204); and Hippolytus *Philosophumena* 9.7 (early 3rd century AD).
- 3 Origen *Homilies on Exodus* hom 10:1–2
- 4 See note 2.

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