

## STRIKING A PREGNANT WOMAN: Exodus 21:22-24

William P. Griffin  
March 16, 2021

QUESTION: How do you translate Exodus 21:22? Miscarriage? Premie? Full term but not spontaneous labor? Or all of the above?

ANSWER:

21:22 When men fight and they strike a pregnant woman and her children go forth and there is no [additional] harm, he [the one who struck the woman] shall certainly be fined [or punished] according as the husband of the woman sets [decides, determines], and he [the husband? the perp?] shall give/set/place with the judges.

21:23 But if there is harm, then [the penalty] shall be life for life,

21:24 eye for eye, tooth for tooth, hand for hand, foot for foot.

1. The "go forth" word is an extremely common term.
2. The weird shifting back and forth between singulars and plurals is a feature which translators usually iron out. Generics are generally given in singulars (e.g., "the woman" means "women/the generic woman/any woman" who is pregnant), but the term for children is plural, so that could be whenever those of the class of women get [presumably accidentally] struck during a fight, and whatever children in general "go forth".
3. The victim is unclear.

A. The woman: the child "goes forth" (dead?), but if the woman is not injured, then there will be some kind of penalty which the husband will have judges impose. If the woman is injured further, then whatever happened to her is to happen to the perp.

B. The children: if the child is born alive, then the perp is punished. If the child is born injured, then the same injury happens to the perp. If the child is born dead or dies because of the injuries, then the perp is executed.

C. One further possibility is that some of the ambiguity concerns the potential that it is A+B: both the woman and the child are the victims.

Now to directly answer your question: the term used is so general that it could refer to anything from what we call a "miscarriage" to "full-term but not spontaneous labor". I think it is deliberately broad.

I had a Jewish professor at Harvard (Michael Fishbane) discuss this issue in a class, I think on rabbinic reasoning (I took 2 classes with him). He said the debate in rabbinic circles over time was the question: on whose behalf are the damages? He proceeded to say that if they are in behalf of the child, there are serious implications concerning elective abortion.