3

Ending a Life That Has Not Begun—Abortion in the Bible

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The topic of abortion, the ending of a pregnancy by the externally induced removal of the fetus, strongly divides American public opinion. Roughly speaking, the two extreme positions are those of the pro-life movement ("life is sacred and abortion is murder") and the pro-choice movement ("a woman has the right to decide whether or not to continue her pregnancy"). Although the famous *Roe v. Wade* case of 1973 settled the law in favor of a woman's right to choose, that case still forms the eye of a storm. Not only do politicians sometimes promise to overturn *Roe v. Wade*, other legal challenges with alternative arguments have mounted. For instance, some proposed laws have raised the issue of when a fetus may legally be considered a person, with the full rights of a U.S. citizen. The U.S. Supreme Court is currently weighing the constitutionality of Texas laws implemented in 2013 that place rigorous new regulations on abortion clinics, with the effect that half had already closed by 2016 (Goodnough 2016).

In their attempts to gain the support of evangelical and other conservative Christian voters, Republican candidates have stumbled over each other in order to point out that their political views are founded on traditional Christian views and values. Donald Trump, the Republican frontrunner for the Presidency at the time of this writing, held a pro-choice stance until very recently. In 2016, he has announced

that he is pro-life, with limited exceptions for terminating a pregnancy. In this and other policy decisions, Trump seems to be appealing to an evangelical Christian voter base. He has called the Bible his favorite book, saying "The Book, it is the thing." However, his knowledge of the Bible seems to be shallow. In an address at the evangelical Liberty University in Virginia, he referred to 2 Corinthians 3:17 incorrectly by saying "Two Corinthians 3:17, that's the whole ballgame!" At an earlier occasion, Trump had answered the question as to which verse in the Bible would be his favorite by referring to a chapter (!) in Proverbs no other reader of the Bible has been able to find: "Proverbs, chapter 'never bend to envy.' "

Other Republican candidates claim the Bible legitimates their views on abortion (and other issues) as well. Senator Marco Rubio referred to his biblical faith as the foundation of his views on the sacred character of life, although Senator Ted Cruz questioned Rubio's faith in response. Cruz holds a more extreme position. He has given numerous interviews and speeches in which he has actually favored a theocratic ideal: it is God who should rule the United States. Some of the major promises of Cruz's campaign have been to defund Planned Parenthood and battle abortion.

All political rhetoric aside, it is important to note that various politicians and pundits assume that the Bible clearly speaks out against abortion and claim that this biblical view should be granted authority today. Let us, for that reason, focus on two specific questions. First, how does the Bible actually speak about abortion? Second, how should the authority of the Bible be valued in a complex discussion like the one on abortion?

Abortion and infanticide in early Judaism and early Christianity

In an evident display of anti-Judaism, the Roman historian Tacitus (ca. 56–120 C.E.) gives a survey of a variety of Jewish characteristics he considers "base and abominable" (*Histories* 5,5).

Among various characteristics, Tacitus describes how Jews set themselves apart from other human beings by abstaining from table fellowship with non-Jews, and how they deny the traditional gods their existence. The list of accusations Tacitus brings against Jewish customs is interesting from a cultural point of view: Tacitus basically reproaches the Jews for not being Romans and for practicing all kinds of habits that go against the grain of Roman culture. One of the more telling complaints Tacitus describes is this: "… [T]hey take thought to increase their numbers; for they regard it as a crime to kill any late-born child, and they believe that the souls of those who are killed in battle or by the executioner are immortal: hence comes their passion for begetting children, and their scorn of death" (Stern 1980, 26).

Tacitus's reference to the Jewish disapproval of killing late-born children indicates how the cultural clash between Jews and Romans became manifest at this specific point. It was a widely practiced Roman custom to actively or passively kill unwanted children shortly after they were born (Stern 1980, 41). The philosopher Seneca, for instance, describes how parents would expose defective children and refers to this as a completely natural thing: "Mad dogs we knock on the head; the fierce and savage ox we slay; sickly sheep we put to the knife to keep them from infecting the flock; unnatural progeny we destroy; we drown even children who at birth are weakly and abnormal." This habit is also attested for healthy children who were unwelcome for economic or other reasons.

Emerging Christianity followed in the footsteps of its Jewish prehistory and took an explicit stand against these practices. The secondcentury Christian author Tertullian wrote a defense of Christianity and criticized the habits of infanticide and abortion. Tertullian first explains how the killing of children is wrong: "[T]here is no difference as to baby-killing whether you do it as a sacred rite or just because you choose to do it" (*Apology* 9,6). Tertullian adds, by the way, that the killing of one's own child is not the same as murder. The background to this remark is the Roman legal principle that children belong to the property of their father and, therefore, the father has the legal right to destroy his property (i.e., kill his own child). He mentions the various methods by which children are killed in the Roman world: "[T]o choke out the breath in water or to expose to cold, starvation and the dogs" (*Apology* 9,7). The general principle according to which Tertullian rejects infanticide as well as abortion is this: "For us murder is once for all forbidden; so even the child in the womb, while yet the

mother's blood is still being drawn on to form the human being, it is not lawful for us to destroy. To forbid birth is only quicker murder. It makes no difference whether one take away the life once born or destroy it as it comes to birth. He is a man, who is to be a man; the fruit is always present in the seed" (*Apology* 9,8). Other apologists followed in Tertullian's wake. Thus, Christianity in its formative stage took over a Jewish line of reasoning that clearly set it apart from its surrounding pagan culture: abortion and infanticide are regarded as unlawful.

Tertullian's view has become the standard view of the orthodox Catholic tradition (Flannagan 2012, 59–60). Basically, the line of reasoning is quite simple: since every human being is a person given by God, life should be protected in all its forms. The killing of human beings should be seen as murder and, thus, the killing of a fetus falls under that verdict, too.

The sanctity of human life

The creation narratives of Genesis 1–2 depict God as the one who gives life to the first human beings. Genesis 1:26–27 indicates that God "created mankind in his own image" without any details on what exactly happened and how this came about. However, a verse from the second creation narrative (Gen. 2:7) explicitly states that the breath of life is given to man by God. By implication, this is considered the moment at which "man became a living being" (see Cassuto 1961, 106). It is this particular account that has functioned as the legitimation of the concept of the sanctity of human life throughout the history of interpretation of the Book of Genesis.

The preservation of human life is one of the most important commandments in the Ten Commandments, both in Exodus 20:13 and in Deuteronomy 5:17: "[Y]ou shall not murder." It is remarkable that Jesus quotes this particular commandment as the first in the series he mentions in Mark 10:19–20: "You know the commandments: 'You shall not murder, you shall not commit adultery, you shall not steal, you shall not give false testimony, you shall not defraud, honor your father and mother'" (see Matt. 19:18 and Luke 18:20; Gnilka 1979, 86–87).

It is clear that the Hebrew Bible considers life as a gift from God, and ancient Israel took a sharp stand against the sacrifice of children. Life is considered holy and should therefore be defended. The sacrifice of children is presented as the ultimate example of the ungodly behavior of

the nations outside of Israel, which is sometimes copied by the Israelites who are then fiercely rebuked for this (cf. Deut. 12:31; 18:10; 2 Kgs. 16:3; 17:17; Ps. 106:37–38; Jer. 7:27–31; and Ezek. 16:20–21; 23:36–39).

The narrative of Genesis 22 clearly alludes to the practice of the ritual killing of children as must have been present among the nations that surrounded Israel. In this chapter, Abraham is told to go out with his only son to the region of Moriah. The instruction is simple: "Sacrifice him there as a burnt offering on a mountain I will show you." Isaac initially does not understand the nature of the sacrifice and, by the time he does, a divine intervention prevents Abraham from killing his son. One element in the message that this story may convey is that Israel's God does not want the sacrifice of children, but the dedication of the believer (Noort and Tigchelaar 2002). The brief but compelling mention of Ahaz's sacrifice of his own son in 1 Kings 16:3 evidently pictures the king as committing one of the worst crimes imaginable. It is thus clear that the religion of Israel distanced itself from existing religious practices in the ancient Near East and condemned the practice of the ritual killing of children.

The God-given character of human life is probably best illustrated in a series of texts that relate God to life instead of death. Thus, the Wisdom of Solomon, a book in the Catholic Apocrypha, states that God made life, but not death:

> Do not invite death by the error of your life, or bring on destruction by the works of your hands; because God did not make death, and he does not delight in the death of the living. For he created all things so that they might exist; the generative forces of the world are wholesome, and there is no destructive poison in them, and the dominion of Hades is not on earth. For righteousness is immortal. (1:12–15)

This writing probably dates back to the first century B.C.E. and indicates that the author believes that God is the originator of life, not death. Human beings have the capacity to choose death over life, since righteousness equals the way of life. Evidence from the Hebrew Bible, supported by other ancient Jewish texts, indicates that life is thought to stem from God and is therefore considered as sacred. This idea is clearly taken up and continued in the New Testament.

Thus, approaching the question of abortion from the perspective of the sacred character of life can certainly be underpinned with biblical references (see also Verhey 2003). Now if we can safely say that the divine origin of life led to a high esteem for life in the biblical tradition, the debate on abortion raises a fundamental question: when does human life begin?

When does life begin?

It is here that the difficulties begin, since a number of biblical texts appear to reflect different ideas about this. In defending his authority as a leader to the church in Galatia, the apostle Paul argues: "God, who set me apart from my mother's womb and called me by his grace, was pleased to reveal his Son in me so that I might preach him among the Gentiles …" (Gal. 1:15). The reference here may draw from the writings of a prophet, Jeremiah, who claimed a similar status. Jeremiah wrote that God said to him: "Before I formed you in the womb I knew you, before you were born I set you apart; I appointed you as a prophet to the nations" (Jer. 1:5). A similar thought occurs in the writings of a prophet in the Book of Isaiah: "Before I was born the Lord called me" (Isa. 49:1).

These verses are often referred to as proof of the fact that, according to the Bible, the human being is already a living person in the womb, for whom God may have special plans. This would in fact mean that human life should be seen as beginning at the conception of the fetus and not at the moment of birth.

In the Book of Numbers, a census is taken with the following instructions: "The Lord said to Moses, 'Count all the firstborn Israelite males who are a month old or more and make a list of their names'" (Num. 3:40). The situation can only be explained if we assume that life was considered to really begin after one month. This text seems to reflect a practice also found in the instructions for the registration of Levites, a class of Temple servants, which is found in the same book (Num. 3:15). There, too, it is stated that all male persons aged one month or more should be registered in the list of the Levites. It would appear that in this book, infants under the age of one month are not yet counted as full persons.

The same Book of Numbers contains a piece of legislation in 5:11–31, which is not at all easy to interpret (Verhey 2003, 201–203). This particular passage deals with the situation in which a wife has had sexual

intercourse with a man other than her husband. The text states that if this is uncertain and her husband distrusts her, the same ritual is to be performed as when the adultery is proven. The wife shall approach the priest in the temple, who will utter a formula to her and subsequently will give her a magic potion to drink. What happens next depends on the biblical translation that one reads.

The English translation in the New International Version implies in Numbers 5:22 that the potion will induce a miscarriage, thereby suggesting that this passage speaks about a precept for abortion in case of adultery. In fact, what exactly happens to the woman's womb is unclear—the Hebrew verb used here means "to swell." Thus, it seems that Numbers 5:11–31 does not explicitly deal with abortion. However, the drinking of the potion does aim at having an abortive effect in case the woman has indeed had illicit sexual contact outside her marriage. The magical ritual works automatically, either the woman becomes infertile and is proven guilty or the woman is "cleared of guilt and will be able to have children" (Num. 5:28).

There is one passage in particular in the legal portion of the Hebrew Bible that deals with the injury of a pregnant woman that may shed light on ancient Israelite legal views of a fetus (Verhey 2003, 198–201). Exodus 21:22–25 states: "If people are fighting and 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. But if there is serious injury, you are to take life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, bruise for bruise." The difficulty in this passage is that it is unclear in the Hebrew text whether the "serious injury" concerns the mother or the fetus.

Early Greek translations of the Hebrew Bible clear up a number of ambiguities in the passage. These translations inserted a clarifying statement into the text: the situation changes once the fetus is "fully formed." An English translation of the Greek of the passage goes as follows: "Now if two men fight and strike a pregnant woman and her child comes forth not fully formed, he shall be punished with a fine. According as the husband of the woman might impose, he shall pay with judicial assessment. But if it is fully formed, he shall pay life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, stripe for stripe" (Perkins 2009).

The first-century Jewish philosopher Philo of Alexandria discusses this same passage in one of his works. There, Philo gives his own version

of the passage, probably going back to a Greek version of it, and summarizes the commandment as follows:

> If a man comes to blows with a pregnant woman and strikes her on the belly and she miscarries, then, if the result of the miscarriage is unshaped and undeveloped, he must be fined both for the outrage and for obstructing the artist Nature in her creative work of bringing into life the fairest of living creatures, man. But, if the offspring is already shaped and all the limbs have their proper qualities and places in the system, he must die, for that which answers to this description is a human being, which he has destroyed in the laboratory of Nature who judges that the hour has not yet come for bringing it out into the light, like a statue lying in a studio requiring nothing more than to be conveyed outside and released from confinement. (Philo, *Special Laws* III,108–109)

Philo applies this argument to infanticide, a practice well known in his day, which is the actual practice he intends to attack. According to Philo, the exposure of children is a punishable sin. This is absolutely clear from the instruction of Exodus 21:22–25: "For if on behalf of the child not yet brought to the birth by the appointed conclusion of the regular period thought has to be taken to save it from disaster at the hands of the evil-minded, surely still more true is this of the full-born babe . …" (Philo, *Special Laws* III,111).

Modern legislation both in the United States and in many other Western countries uses the criterion that the fetus should be able to survive by itself as the moment when abortion becomes illegal, what is sometimes referred to as the "point of viability." After this moment, abortion is not allowed for any reason. Debates about the gestational limits on abortion rage in the United States and differ from country to country. The U.S. court case *Roe v. Wade* legalized abortion under certain circumstances beyond twenty weeks, but not after the stage that the fetus is viable outside of the womb.

The Greek translation of Exodus 21:22–25 and its interpretation by Philo of Alexandria apply a different standard: whether or not the fetus is fully formed and the limbs are fully grown. It is not easy to pinpoint this to a particular moment, but all in all this seems to point at the sixteenth rather than the twentieth or even twentyfourth week of a pregnancy. Application of the measure used in Exodus would in fact

mean that the gestational limit on abortion should be put at around sixteen weeks.

In sum, the Bible is not very explicit about abortion. The sanctity of life is clearly asserted. However, Exodus 21:22–25 is the only passage in the entire Bible that explicitly deals with the fate of an unborn child. The Hebrew of this passage is rather ambiguous and may refer to the fate of the mother rather than to that of the fetus. The Greek version of the same passage does introduce a clear criterion: the question whether or not the fetus is fully formed. At the same time, however, Numbers 5:11–31 appears to contain instructions for the drinking of a potion that may cause infertility and perhaps even abortion. The same book, in 3:40, seems to imply that a baby was counted as a member among the Israelites only after a month of age. Given the silence of the New Testament on the subject of abortion, the only conclusion we can draw here is that the Bible is less outspoken in its verdict on abortion than might be expected.

For this reason, it is time to turn the attention to interpretive strategies for reading the instructions of especially Exodus 21:22–25. As will become clear in the final section of this essay, interpretations of this passage in early Christianity and among the early Jewish rabbis differed significantly. It is the difference between these interpretations that raises our final question: How should we interpret the biblical evidence today?

The authority of the Bible in early Christianity and early Judaism

Already in antiquity, the Bible's views of abortion gave rise to competing interpretations. The question that the Hebrew Bible left open—when does life begin?—was explicitly answered by Christian authors such as Athenagoras, Clement of Alexandria, Tertullian, and Lactantius. Their position is plain and simple: the human person is formed at the moment the soul enters the body and this happens at conception (Ricks 1992).

This conviction led to extreme positions. The second-century Christian text *Apocalypse of Peter*, sacred to some ancient Christians but not a part of the New Testament, contains a graphic detail which describes the punishment of women who practiced abortion: "And near this flame there is a pit, great and very deep, and into it flows from above all manner of torment, foulness, and excrement. And women are swallowed up therein up to their necks and tormented with great pain. These are they who have caused their children to be born untimely and have corrupted the work of God who created them" (Elliott 1993, 605,

Ethiopic version). Apparently Christianity in its formative stage was so thoroughly concerned with taking a stand over against the practices of abortion and infanticide of the surrounding pagan cultures, that it translated this concern into this nightmarish vision. It undoubtedly served as a threat that should keep women from practicing abortion.

The Mishnah, a Jewish law code from around 200 C.E., and the Talmud, a later compilation of Jewish laws and interpretations of Scripture from around 500 C.E., both appear to use a stricter criterion than the instructions of Exodus 21:22–25. In the Mishnah, the moment the baby's head leaves the mother's body is seen as the moment life begins (see, e.g., m.Nid. 3:5 and m.Ohol. 7:6; Schiff 2004, 27–57). In this line of reasoning, which was continued in discussions in the Talmud, the focus is on the legal status of the person. For this reason the question of who should be seen as "a person" is of the utmost importance: "Given that the fetus was not designated as a *nefesh* or an *adam* (human) or an *ish* (man), and was, therefore, without any legal standing as a 'person', the category of murder was altogether inapplicable" (Schiff 2004, 28). This does not mean that abortion or feticide was allowed in early Judaism—on the contrary, it was not—but it did lead to the idea that such a crime should be punished by a fine rather than a more severe punishment.

The authority of the Bible today

The different lines along which early Christians and Jews approached the matter of abortion still pose difficulties for Christians and Jews today who invoke the authority of the Bible to settle the debate on abortion. The decisive question in this debate seems to be the question of the formation of the human person: when does life begin?

Thus, the legal principle applied in early Judaism by the rabbis and the biological principle applied by the early Christian theologians arrive at different positions. Legally speaking, the unborn fetus cannot be seen as a human person. However, biologically the reverse seems true: far before birth the fetus moves and appears to behave as a person. In some early translations of Exodus 21:22–25, the condition of being fully formed in the physical sense is used as the point of no return in the consideration of personhood for a fetus.

In all their diversity, the writings collected as the Bible, be it in its Jewish or its Christian form, do indicate that life is to be preserved, at

least from the moment onward that the child is recognizable as a human being. It is important to underline here, by the way, that especially in the Hebrew version of Exodus 21, the mother's life and well-being are taken as the prime focus of legislation: this certainly opens the possibility of negotiating an abortion in case the mother's health should be in serious danger.

One notable exception with regard to the preservation of life is explicitly addressed in the Book of Numbers, which concerns extramarital pregnancy (Num. 5:11–31). An adulteress should become infertile, and in case she should be pregnant, the fetus will not survive. The magical ritual that is prescribed there is so much determined by its historical context that the idea of reintroducing this practice would probably not find many adherents. A literal application of the biblical story does raise the question, however, of how to deal with pregnancies caused by rape. Choosing to ban abortion in cases where rape caused pregnancy would be difficult to argue as biblically supported, as the Book of Numbers prescribes a potion that should cause sterility and perhaps even abortion as the enforced consequence of infidelity. As a result, it is hard to argue that the Bible always speaks out against abortion.

All in all, the Bible does not speak as clearly about abortion as some politicians might wish. Where it does speak about pregnancy and abortion, the God-given character of human life is an important point of departure. On the one hand, there are passages that state how God has plans for some special human beings, his prophets, already during their stay in their mother's womb. This implies that already at that stage God had selected them as the persons they would become. On the other hand, some passages indicate that human life was only thought to begin either at the moment the fetus was fully developed or even up to a month after the baby's birth. It is therefore difficult to refer to anything like "the Bible's teaching on abortion." The Bible contains a diverse collection of views on the origin of human life. Any attempt to base a political strategy on the Bible should always indicate, for honesty's sake, that such a "biblical view" is based on a conscious choice of passages and interpretations by each individual speaker.

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