

## Unborn Children in God's Law and Love (Exodus 21:22-25)

Preached January 21, 2024, by Pastor Phil Layton ([www.gcb.church](http://www.gcb.church))

Turn in your Bibles to Ex 21 and I want to turn back in history exactly 40 years ago this week.

- Ronald Reagan had served as CA Governor and was now POTUS.
- As president he proclaimed the 3<sup>rd</sup> Sunday of January a 'Sanctity of Human Life' Day.
- He started with the Declaration of Independence preamble on 'unalienable rights,'
  - o including a right to life endowed by the Creator

Reagan: 'whether young or old, weak or strong, healthy or handicapped... To diminish the value of one category of human life is to diminish us all. Slavery, which treated Blacks as something less than human, to be bought and sold if convenient, cheapened human life and mocked our dedication to the freedom and equality of all men and women. Can we say that abortion—which treats the unborn as something less than human, to be destroyed if convenient—will be less corrosive to the values we hold dear? We have been given the precious gift of human life... [and he argued we're given a] responsibility to guard with care the lives and freedoms of even the weakest of our fellow human beings... I call upon the citizens of this blessed land to gather on [3<sup>rd</sup> Sunday of Jan 1984 in]... places of worship to give thanks for the gift of life, and to reaffirm our commitment to the dignity of every human being and the sanctity of each human life.'<sup>1</sup>

In God's providence and perfect timing going through Exodus that's what our next text is about.

- We're teaching through this book and ch 21 is on valuing and honoring all human life.
- This text has 'freedom for the slave' like we sing (the abused were to be set free).

This chapter calls for the end of slave-trading and execution of owners of slaves from that.

- It treats all with dignity as made in God's image, as human life has sanctity (set apart).
- The most vulnerable get special protection (even to a slave's tooth).
- God's law cares for the abused, women, and their unborn.

We pick up where we left off in Ex 21:22: *When men strive together and hit a pregnant woman, so that her children come out, but there is no harm, the one who hit her shall surely be fined, as the woman's husband shall impose on him, and he shall pay as the judges determine.*<sup>23</sup> *But if there is harm, then you shall pay life for life...*

- This is God's Word of life for us today.
- Next week we'll look more at the eye for eye principle of restitution when life isn't taken.
- Today we'll look more at how unborn life is not to be taken or harmed.
- Life is at stake and there's a price paid. God has strong penalties when men hurt the weak

### 1. Life in the Womb in God's Law

### 2. Life Applications in the Gospel

*We sang 'you have the words of life... show us Christ' – that's where we're going*

I've read books and a bunch of technical studies on what 'come out' and 'harm' mean (death)?<sup>2</sup>

- You can get lost in the details of v. 23 or the end of v. 22 and miss the start of v. 22.
- A pregnant woman has a child/children already inside of her coming out.
  - o To God the unborn is life, a *child*.
- NKJV/NASB '*a woman **with child** so that she gives birth...*' (ESV *children* allows twins)
- Don't miss the big picture, it's not a little blob: a pregnant woman is 'with child/children'
- God doesn't call the unborn a choice or a tissue, God calls him or her a child or a tiny life
- In v. 22 the Hebrew word is *yalad*, same word in Ex 1-2 for children after they're born

- In the womb or on the water of the Nile as a 3-month-old (Moses as a baby), same word
  - In the context, Pharaoh was killing male children (*yalad*) but a brave girl rescued a *yalad*
  - Moses as he writes this knew from his own story a little *yalad* is valuable and vulnerable
  - Ex 1-2 celebrates heroic women saving *yalad* babes, having pity and rescuing Moses, 2:6
- This is the normal natural word for the life of a child, but Ex 21:22 is unnatural violence to one.
- 2 men fighting, a woman with child intervening or in the area is induced, maybe injured
  - These guys try to hit each other, not the bystander or her baby, but a blow leads to a birth
  - Is it a stillbirth so v. 22-23 is about harm to mom after a baby dies? A fine if unborn dies?
  - NASB1977 has ‘so that she miscarries’ but 1995 update has ‘so that she gives birth prematurely’

Some scholars think v. 22 is induced miscarriage, treated as involuntary manslaughter.

- But it’s not intentional slaughter so this can’t justify abortion.
- Law allowed unintentional deaths to be paid for without paying your life (Num 35).
- Accidental death allowed a ransom (Ex 21:30) but not for premeditated murder (v. 13).
- This context, though, gives extra protections to vulnerable women (v. 8-11).
- I think v. 22 says more for the most vulnerable life.
- It doesn’t address others getting caught near a fistfight,
  - o it’s specifically singling out special care to a woman ‘with child.’

We see here more judgment if you’re reckless and endanger life that is more helpless

I believe v. 22 includes a legal penalty even for causing life born prematurely without injury

- The greatest and latest translations consistently render v. 22 an early birth, not a stillbirth
- This isn’t a Hebrew word for miscarry, that’s a different word Moses will use in 23:26
- There’s another different Hebrew word Moses knew and used for miscarry in Gen 31:28
- The verb in our text just means ‘come out/go out,’ used over 1,000, usually living beings

This term by itself never means or implies death, it means coming forth<sup>3</sup>

Gen 25:21: *Rebekah became pregnant.* <sup>22</sup> *The babies jostled each other within her... boys in her womb* [v. 24b].

<sup>23</sup> *The LORD said to her, “...two peoples from within you will be separated...”* God says they’re persons/people.

God’s inspired Word says in the womb is a boy or a girl, a baby [different Heb. word for child].

<sup>25</sup> *The first to come out was red, and his whole body was like a hairy garment...After this, his brother came out*  
... Jacob is grabbing the heel of hairy Esau, but that verb ‘come out’ is the same in Ex 21 for babies coming out

Ex 21 seems to address if Rebekah had been hit so she went into labor early

- ‘children come out, but there is no harm...’ doesn’t say to the mom vs. children in the grammar
- Definitely a dangerous situation, trauma-induced labor, so even if all ok there is a penalty

But if mom or baby isn’t ok, justice must be paid for life

Orthodox Jew Dennis Prager: ‘If the mother gives birth and there is no harm to either her or to the children...[the law] fines the man who induced premature birth. But if there is harm (*ason*)—whether injury or death—to either the children or the mother, then punishment is life for life, [homicide charges. In Jewish law vs liberal Judaism he says the unborn is] a full fledged human being—but not quite. In most circumstances, the fetus is treated like any other “person...”<sup>4</sup> An ancient Jewish view saw life in the womb as ‘legally a person with some measure of personal and legal rights. The unborn has spiritual life, rationality, and the ability to praise God... The biblical basis for this view of the unborn’s personhood was found in Genesis 9:6, which Rabbi Ishmael and others read...[in Jewish Talmud to include] the fetus in the mother...is a person ...The minority view, which had a sizable following, joined with the Alexandrians in granting legal personhood to the fetus... [but differed on laws for] accidental or therapeutic abortion.’<sup>5</sup>

Therapeutic—to save life of mother, not abortion on demand for any reason or no reason

An ancient Alexandrian Jew Philo wrote on Ex 21, ‘one who harms the formed fetus is guilty of the murder of a human being and is thus deserving of death... challenging the justification of abortion by legal, medical, and philosophical authorities who, he declares, claim that “the child while still adhering to the womb below the belly is part of its future mother.” ...a moral issue related not only to Exodus 21 but, more important, to the commandment against murder.’

Josephus wrote in Bible times ‘The Law orders all the offspring to be brought up and forbids ... either to cause abortion or to make away with the foetus...regarded as infanticide...’<sup>6</sup> by Jews.

**1<sup>st</sup> century Didache: ‘Thou shalt not murder a child by abortion/destruction’<sup>7</sup>**

Ex 21 impacted later common law in England. In 1290 AD ‘a pregnant woman, Alice, slammed a door on “John the Scot,” who was chasing her husband, Roger.... Then came injury: John pushed the door so hard that Alice fell and was severely injured. The twins Alice carried both died. John the Scot ran. The court declared him an “outlaw,” a word in those days taken literally: John the Scot was outside [law’s] protection...anyone who saw him could kill him.’<sup>8</sup>

**By common grace and common sense, even our modern State can’t get away from Ex 21**

**Question/objection: I don’t believe what the Bible says, especially not that law that’s outdated**

CA Law criminalizes ‘a violent act against a pregnant woman, causing the death of the fetus ...California has been a leader in enacting fetal homicide laws. Since 1970, California has included fetuses in its murder statute,’ per CA Supreme Court, if the fetus is at least 7 weeks.<sup>9</sup> 20 years ago Scott Peterson was convicted of murdering Laci and unborn Connor in 2<sup>nd</sup> degree

**CA Supreme Court allows murder charges even if the killer didn’t know she’s pregnant**

The Petersons were 2 hours from here, here’s a CHP report from 2021 in nearby Marysville: A driver has been arrested on a charge of murder after a February crash that forced doctors to perform an emergency C-section on a pregnant woman, with the child being pronounced dead shortly after...[suspected DUI, the mother who survived] was 38 weeks pregnant at the time... Yuba County District Attorney’s office [for premature birth/death brought] a charge of murder<sup>10</sup>

**Ex 21 isn’t antiquated or irrelevant, it’s applicable and relevant to current cases in NorCal**

On the federal level, ‘The Unborn Victims of Violence Act of 2004 (Public Law 108-212) is a United States law that recognizes an embryo...as a legal victim, if they are injured or killed during the commission of any of over 60 listed federal crimes of violence.’<sup>11</sup> That Law uses the phrase ‘unborn child’ 9x and ‘child in utero...at any stage of development...in the womb.’

- The law of man is inconsistent, but God’s law can’t be escaped
- and there’s hope in common grace. There’s hope as eyes are opened by ultrasounds

**Pray what we pledge for our nation, ‘under God...with liberty and justice for all’**

**Question: If the law forbids fetal death accidentally, what about intentional abortion for money?**

Listen to Dt 27:25 ‘Cursed is anyone who accepts payment to kill an innocent person...’ (NLT) A woman deceived by abortion lies we give care to, but a paid abortionist God gives a curse to.

- God’s law also speaks judgment on the land where innocent blood is shed (Num 35:33).

**Early in the law, Gen 4 says innocent bloodshed cries out to God**

**Question: What about a women’s right to choose?** God’s Law tells all to choose what’s right.

**Dt 30:19 ‘I have set before you life and death...choose life, so that you and your children may live’ (NIV)**

- Ex 21:12 warns to never choose death for an innocent person, or you’ll face justice.
- The same Hebrew word in v. 12 for killing is used for killing unborn in Jer 20, v. 17

There are other ancient laws after this, like the ‘Middle Assyrian Laws’ for a historical context: ‘If a man strikes another man’s wife thereby causing her to abort her fetus...they shall treat him as he treated her; he shall make full payment of a life for her fetus’ (Hammurabi code similar).<sup>12</sup> Oath of Hippocrates (5<sup>th</sup> century BC?): ‘I will not give to a woman a [drug] to cause abortion.’<sup>13</sup>  
**But ancient Rome legalized abortion that was scarily similar to 20<sup>th</sup> century methods<sup>14</sup>**

**Question: What about the pregnant in hard situations?** We see this in the law and love of God.

Back in Gen 16:11, the angel of Yahweh tells Hagar ‘*you are with child... Yahweh has heard...*’ LSB

- Abraham sinfully impregnated and let her be sent away with child, but God knew, cared
- She may be the first who saw the Lord in that form and she said the Lord looked after her
- She’s one of few to give God a name (*Elroi*=God who sees), first to see a form of Christ?
- Many scholars think she saw a pre-incarnate Jesus and His care for Egyptians and unborn
- God reappears in a special way to her as a single mom He provides for, promises grace to
- 4x Gen 21 talks about her young boy, using the same word for unborn children in Ex 21
- The story before this is God’s special words of life to women our world counsels to abort

**That’s the context of God’s extra care and protections for a woman with child**

**Question: Shouldn’t a woman be allowed to choose to abort in rare cases like rape or incest?**

- We should speak with compassion and care to any pregnant not by their choice.
- A girl in that scenario doesn’t need soundbite answers, she needs support, sisters in Christ
- But the child doesn’t deserve to die, and I’ve met a brother who adopted a child of rape.
- God’s Law says a child is not to be put to death for the sin of the father (Dt 16:14).

God has grace for incest, too

- Gen 19, Lot’s daughter is said to be ‘*with child*’ right after incest with him (v. 36 NAS)
- The child born 9 months later is named Moab, father of the Moabites (Ruth’s grace story)
- Tamar by prostitution to her father-in-law is 3 months pregnant ‘*with child*’ (38:24-25 NKJV)
- Months later that birth became part of a scarlet thread, part of the line of Jesus to come<sup>15</sup>
- The world tells prostitutes or the pregnant by incest to abort, but Christ came through that
- If those women obeyed the counsel of modern abortion lies, there’d be no Messiah’s line
- He who can redeem rape and wrong situations was to come through sin and for us sinners
- Mt 1 lists Tamar and Ruth and Rahab the harlot and evil men in the line of the Redeemer

**Both law and gospel point to Jesus who for sinners gave His ‘*life for life*’**

**That takes us from #1 Life in the womb in the law to #2. Life applications in the gospel**

Northern CA isn’t Nazareth, but some wonder if anything good comes here? Good news can!

- We can’t save California but we have a gospel that can save Californians.
  - With hope and heart change, unborn Californians can be rescued, too!
  - Like Paul eager to be in Rome to preach the gospel there as the power of God, we need to
- To a crooked perverse generation, Phil. 2:14 says we hold forth the word of life and shine.

- We’re the salt and light of the world, not to flee from it

**Don’t let politics move you away, let people move you to stay and impact them for Christ**

The gospel story starts with God the Son as an unborn child.

- He was an unplanned pregnancy to Mary and an unwanted child to Joseph originally.
- He was fully human from day one and was alive 9 months in the womb.
- The Bethlehem trip had bumps and jostling, but no premature birth (or room in the Inn).

He came out and there was no harm, He was perfect in every way as He lived a sinless life.

- He died for our sin and rose for our salvation for all who repent and believe His gospel.

- We're murderers at heart but He was executed in our place and is now extending mercy  
He gave His life for life eternal, by grace alone through faith alone in Christ alone

He is the way, the truth, and the LIFE from embryo to empty tomb to His enthroned life above.

- The gospel calls you to give your life to Him who was born so you could be born again
- He became a human child to make us God's child and to welcome children in His name<sup>16</sup>
- He says welcome, clothe, feed or meet the needs of the least of these, you do it to Him<sup>17</sup>
- PTL for ministries like PCS Health that do that, provide needs and resources in His name
- He said '*let the little children come*' and blessed infants,<sup>18</sup> same word for unborn in Lk 1:41  
Turn to the gospel of Luke and chapter 1

### Objection: Does God say the unborn is a baby child, a person, or is that just ancient man?

- We already read He does in the God-inspired OT, and God says it clearly in the NT, too
- Lk 1:43, God Himself by His Spirit moved Elizabeth to call pregnant Mary a '*mother*'
- End of v. 42 blesses '*fruit of your womb*,' a Jewish phrase for life, 'children' in Ps 127:3
- Lk 1:44: '*the baby in my womb leaped for joy*' (that's baby John at end of 2<sup>nd</sup> trimester)
- v. 39, the angel just told Mary she'd conceive and '*in those days Mary...went with haste*'
- Days after conception, God's Spirit declares Mary to be a mother with life in her womb!
- v. 35-16 is words direct from God's messenger Gabriel '*conceived a son...child to be born*'
- God has His angel say it's a child before it's born, from conception it's a son or daughter  
That's not ignorant ancient man talking, that's an infallible angelic message in Lk 1

Mt 1:18 NAS: *Mary...was found to be with child by the Holy Spirit...<sup>20</sup>...an angel of the Lord [said to Joseph] the Child who has been conceived...you shall call His name Jesus, for He will save His people... BEHOLD, THE VIRGIN SHALL BE WITH CHILD...THEY SHALL CALL HIS NAME IMMANUEL," which translated means, "GOD WITH US."*

Personal pronouns because a conceived child is a person, as proved by the person of Jesus

- It's a gospel issue in that sense, to deny unborn personhood denies the incarnate Person
- You call the Holy Spirit a liar unless Jesus at conception was a child '*and in him was life*'<sup>19</sup>
- Before zygotes form embryos, before God forms us in the womb He knows us, Jer 1:5  
Ps 139 says the tiniest organs of the unborn are fearfully wonderfully knits in us by God

Even if you reject scripture but accept science, here's a University of Chicago study from 2019: '5,577 biologists surveyed, 96 percent affirmed that a human life begins at fertilization...the majority of the sample identified as liberal (89%), pro-choice (85%), non-religious (63%) and Democrats (92%). The conclusion...the vast majority of biologists agree that all human life begins at the moment of conception, because it is scientifically true and based on validated, objective, biological investigation<sup>20</sup>

### Objection: 'I'm personally pro-life but don't want to impose on all. Your body, your choice.'

1 Cor 6:13 says your body is '*for the Lord, and the Lord for the body...<sup>15</sup> Do you not know that your bodies are members of Christ?...<sup>19</sup> Or do you not know that your body is a temple of the Holy Spirit within you, whom you have from God? You are not your own,*<sup>20</sup> for you were bought with a price. So glorify God in your body.'

Rom 14:7 NLT '*we don't live for ourselves...<sup>8</sup> If we live, it's to honor the Lord...we belong to the Lord.<sup>9</sup> Christ died and rose again for this very purpose...<sup>12</sup> each of us will give a personal account to God.* Not just believers, all belong to God, no one is autonomous. All will give a personal account for their personal private decisions.

But not just scripturally, scientifically there's another body that deserves a choice and chance

Ray Comfort in his excellent film 180 asks unbelievers:

- You say you're not sure if there's life in the womb, but you're sure it's ok to end it?
- Would you demolish a building if you weren't sure if there were human lives inside it?  
As a German in the 1940s would you say 'for me, I wouldn't kill Jews personally,  
o but I'm ok if Nazi's do with their body, their choice.

- I can't say it's wrong for Hitler to choose death for all with disabilities or defects'?
  - You personally say you value life and the unborn baby, finish this sentence:
    - It's ok to kill a baby in a mom when?
- Why is not ok with a toddler or newborn or a preemie months before some abort?

Last question: what can we do? today will be a love offering for PCS Health after the service

- There are pregnant women in our community needing Christ's love and support for life
- Judy Dixon I know would love to talk with you about ways you can help out PCS Health
- There are lives at church being miscarried and women here counseled to abort their baby
- Some here have past painful situations God can redeem, PTL for grace, for adoptions, life
- The stain and shame of abortion is deep but Jesus truly has grace greater than all our sin
- This month in Sac by the Capitol I saw Planned Parenthood next to Starbucks (so casual)
- Last night I was in Sac for a Pregnancy Alternatives event, a great group in State capitol
- Like the baby-saving heroes in Exodus, we need to celebrate and support ladies like that
- I appreciate those ministries' holistic care for women to save lives and souls in the gospel
- Be a voice for unborn lives who can't speak. Vote pro-life to make your voice heard
- Speak up about this (even about this message this week) and speak about it in your prayer
- A hymn says 'Rescue the perishing, care for the dying, Jesus is merciful, Jesus will save'
- We need more men to rise up like Joseph of Nazareth, as baby killers like Herod arise.
- Joseph adopted baby Jesus, protected and provided amid the slaughter of the innocents.
- The NT says Mary was '*with child*,'<sup>21</sup> remember it's a teen pregnancy before marriage.
- She left town to be with the godly woman Elizabeth (also pregnant) who encouraged her.
- We need more Elizabeths today alongside pregnant moms supporting and celebrating life
- All of us need to speak more of life and eternal life in a grace greater than all our sin.

DeYoung sums up the SOHL:<sup>22</sup>

'Unborn life is precious. Children with special needs are precious. Aging parents are precious—even when they don't remember because they're suffering dementia, they're still made in the image of God. Children or parents who are non-verbal, those in a wheelchair, and those who are completely dependent upon you or doctors are precious. All of life matters to God... Let's pray. Our heavenly Father. We thank you for children, and for life. We thank you for the miracle that is each new organism, which all of us were at one time. We pray that you would give us a heart, a mind, and a will to love, defend, and celebrate life. We pray this in Jesus' name, amen.'

<sup>1</sup> <https://www.reaganlibrary.gov/archives/speech/proclamation-5147-national-sanctity-human-life-day-1984>

<sup>2</sup> Journal articles include D. Dunnett, 'Evangelicals and Abortion,' *JETS* 33 (1990): 215–25; R. Congdon, 'Exodus 21:22–25 and the Abortion Debate,' *BibSacra* 146 (1989): 132–47; J. M. Sprinkle, 'The Interpretation of Exodus 21:22–25 (Lex Talionis) and Abortion,' *WTJ* 55 (1993): 233–53. A helpful inexpensive resource on Kindle with good exegetical summaries of the live birth view and "life for life" including a fetus is in Greg Koukl, "What Exodus 21:22 Says About Abortion," also available from [www.str.org](http://www.str.org).

<sup>3</sup> Numbers 12:12 uses other terms for "dead" and flesh already corrupted when a child came out to indicate death, but the verb *yatsa* by itself without those modifiers is often life going out (Genesis 8:17, 15:4, 25:25-26, 1 Kings 8:19, Jeremiah 1:5, 2 Kings 20:18).

<sup>4</sup> Dennis Prager, *Exodus* (Regnery Publishing, 2018), 297-8.

<sup>5</sup> Michael J. Gorman, *Abortion and the Early Church* (Wipf and Stock, 1982), 43-45. The ancient Babylonian Talmud, Sanhedrin 57b asks "Who is the human-in-human? It refers to the fetus in the mother's womb." The Hebrew of Genesis 9:6 reads *adam-dam-ish* (human-from-man, using different words for humanity from Genesis 1-2). While most English translations don't apply that phrase to

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the unborn specifically, it does mention blood which is within unborn mankind. No lifeblood of innocent mankind is to be shed because all humanity is made in the image of God (thus the sanctity of human life).

<sup>6</sup> Philo and Josephus quotes as cited by Gorman, 36, 43.

<sup>7</sup> Gorman, 49.

<sup>8</sup> Marvin Olasky and Leah Savas, *The Story of Abortion in America: A Street-Level History, 1652–2022* (Crossway, 2023), 22.

<sup>9</sup> <https://jlsplaw.columbia.edu/wp-content/blogs.dir/213/files/2017/03/43-Pedone.pdf> (see page 12 of the PDF, page 88 of original).

<sup>10</sup> <https://www.cbsnews.com/sacramento/news/marysville-dui-arrest-unborn-baby-killed/>

<sup>11</sup> <https://www.congress.gov/108/plaws/publ212/PLAW-108publ212.pdf>

<sup>12</sup> Duane Garrett, *Exodus: Kregel Exegetical Commentary* (Grand Rapids, 2014), 501.

<sup>13</sup> Gorman, 20-22: ‘it is generally agreed that most Greek physicians opposed all nontherapeutic abortions... Plato recommends both abortion and infanticide when “necessary.” Although the believed that the fetus is a living being, the state’s ideals and needs take precedence over the life and rights of the unborn. Aristotle [added]... “the line between lawful and unlawful abortion will be marked by the fact of having sensation and being alive...life is present in a fetus when distinct organs have been formed, forty days after conception for males...” While ethically and scientifically Aristotle was off, that would make most modern abortions ‘unlawful.’

<sup>14</sup> <https://earlychurchhistory.org/medicine/ancient-roman-abortions-christians/>

<sup>15</sup> Compare Genesis 38:27-30 to Matthew 1:1-6 (note “the Moabite” descended from Genesis 19 also).

<sup>16</sup> Luke 9:48.

<sup>17</sup> Matthew 25:35-40.

<sup>18</sup> Luke 18:15-16, *brephos* is the word there for infant/baby when Elizabeth was 6 months pregnant, same word in or out of womb.

<sup>19</sup> John 1:5, compare v. 1 and v. 14 where God became flesh with Matthew 1:25 (“God with us”).

<sup>20</sup> John Goodrich and Jeanette Hagen Pifer, *Choose Life: Answering Key Claims of Abortion Defenders with Compassion* (Chicago, IL: Moody Publishers, 2022), 119. Study source cited: Media report: Steve Jacobs, “I Asked Thousands of Biologists When Life Begins. The Answer Wasn’t Popular,” Quillette, <https://quillette.com/2019/10/16/i-asked-thousands-of-biologists-when-life-begins-the-answer-wasnt-popular/>

<sup>21</sup> Matthew 1:18.

<sup>22</sup> <https://www.christianity.com/wiki/bible/30-pro-life-bible-verses-and-christian-quotes.html>