

Two Types of Strikes: Why Exodus 21:22 Describes a Fatal Blow to the Fetus

Mako A. Nagasawa

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The Question

Does the Bible assign full human personhood to the fetus? Exodus 21:22 – 25 is the single most important and decisive passage on the topic, because it deals with the situation where someone strikes a pregnant woman, and potentially harms the unborn fetus and the mother. Much depends on understanding what kind of “strike” falls on the pregnant woman.

Option 1

The New Revised Standard Version (NRSV) translates this passage:

²² When people who are fighting *injure* a pregnant woman *so that there is a miscarriage*, and yet no further harm follows, the one responsible shall be fined what the woman’s husband demands, paying as much as the judges determine. ²³ If any harm follows, then you shall give life for life, ²⁴ eye for eye, tooth for tooth, hand for hand, foot for foot, ²⁵ burn for burn, wound for wound, stripe for stripe. (italics mine)

If the NRSV is correct, then the “strike” is an injury, the result is a forced miscarriage, and the fetus is not assigned full personhood. We can ascertain that because the standard principle of accountability – “life for life, eye for eye,” which is used for full human persons – is not used for the fetus. A fine is levied instead, which means that the fetus is important, but not assigned full human personhood.

Option 2

But if the English Standard Version (ESV) is correct, then the “strike” is a more generic “hit” which causes an early but healthy delivery, and the fetus is assigned full personhood. The ESV translates the passage:

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. ²³ But if there is harm, then you shall pay life for life, ²⁴ eye for eye, tooth for tooth, hand for hand, foot for foot, ²⁵ burn for burn, wound for wound, stripe for stripe. (italics mine)

The ESV wishes to leave the impression that the blow, other than causing an early delivery, either causes “no harm” (v.22) or “harm” (v.23). Seldom do translational problems have such high stakes, especially since abortion policy is so hotly contested in U.S. politics.

Option 3

Making matters even more complicated is the Greek Septuagint (abbreviated LXX) translation of the Hebrew Scriptures. The LXX was composed ~250 BC by Jewish scholars in Alexandria, Egypt. It was approved for synagogue use by the ruling Jewish body, the Sanhedrin in Jerusalem, and used in parallel with the Hebrew manuscript family in the diaspora Jewish community. The New Testament quotes from the LXX more often than any other version of the Old Testament. The LXX translated Exodus 21:22 – 25 yet another way:

²² And if two men strive and *smite* a woman with child, *and her child be born imperfectly formed*, he shall be forced to pay a penalty: as the woman's husband may lay upon him, he shall pay with a valuation. ²³ But if it be *perfectly formed*, he shall give life for life, ²⁴ eye for eye, tooth for tooth, hand for hand, foot for foot, ²⁵ burning for burning, wound for wound, stripe for stripe. (italics mine)

The phrase used for the “imperfectly formed” fetus in Exodus 21:22 is μη ἐξεικονισμένον, where the word μη means “not” and the word ἐξεικονισμένον means “made out of the image.” ἐξεικονισμένον uses the root word εἰκόν, the word for “icon” in English. Significantly, εἰκόνα is the Greek word used in Genesis 1:26 to denote human beings as made the “image” of God. So the underdeveloped fetus is “not made in the image” – not yet, at least.

Whereas modern antiabortion activists often make the point that the fertilized egg from the first moment is “made in the image of God,” the Greek Septuagint translation of the Old Testament disagrees. The Septuagint instead linked God's appearance in the garden theophany with the mature human body, and the fetus whose body appeared human.

Jarring as that may be, that is because of the very high view that the Old Testament placed on the human body. Psalm 139:13 – 16, for instance, uses the developmental distinction between the fetus being “unformed substance” — the Hebrew word “golem” (139:16) — and the fetus being “formed” (139:13).

The second century bishop Irenaeus of Lyons, the most important Christian writer of the second century, provides us with evidence that the earliest Greek-speaking Christians took this link quite seriously. In his *Demonstration of the Apostolic Preaching*, a document describing how he conducted the Christian education of new believers, Irenaeus says

“He traced *His own form* on the formation, that that which should be seen should be *of divine form*: for (as) the image of God was man formed and set on the earth. And that he might become living, He breathed on his face the breath of life; that both for the breath and for the formation man should be like unto God.”¹

In debating the gnostics with their low view of matter and bodies, Irenaeus celebrates the physical form of man as somehow mirroring the divine form that God took in His appearance in

¹ Irenaeus of Lyons, *Demonstration of the Apostolic Preaching* 11. Italics mine. Dragoş Andrei Giulea, ‘Simpliciores, Eruditi, and the Noetic Form of God: Pre-Nicene Christology Revisited,’ *Harvard Theological Review* 108:2 (2015), p.263 – 288 discusses how ‘anthropomorphic’ descriptions of God were perfectly acceptable in the pre-Nicene period, but became problematic afterwards.

the garden. This view resonates with the view that the fetus, prior to appearing human, was not yet in the image of God.

The Confusion

So does the Bible regard the fetus with full personhood? There are three possible answers:

1. No: forced miscarriage (Hebrew Masoretic, NRSV)
2. Maybe: forced miscarriage + stage of fetus (Greek LXX)
3. Yes: early delivery view (Hebrew Masoretic, ESV)

The Argument

In another paper, I provide all reasons – exegetical and otherwise – why the NRSV is correct and the ESV is not.² This means that Scripture does not assign full human personhood to the fetus. Central to this argument is the meaning of the physical blow that is dealt to the pregnant woman. What is the meaning of “strike” or “smite”?

The movie *The Empire Strikes Back* illustrates the lexical range of meaning of the English word “strike.” In English, a “strike” can refer to one action, like a single punch, or a series of actions, like a coordinated war effort. One human agent or multiple human agencies can deal a “strike.” The object struck can be another human, a group of humans, or an inanimate object. The intention behind the “strike” can also vary. Perhaps the intention is simply to reassert authority, like police using rubber bullets; perhaps the intention is to repel or divide an opposing army; perhaps the intention is to cause mass death. The results of the “strike” can vary: it could cause bruising or a single death or scattering or multiple deaths. The phrase “lethal strike,” by contrast, narrows down the meaning. That distinction is central to how we interpret Exodus 21:22.

In this paper, I examine the Hebrew word נָגַף, “nagaph,”³ used to denote the physical blow that the assailant lands on the pregnant woman. As will be seen below, “nagaph” means “mortal, lethal blow,” even with the intention to cause the miscarriage.

Another Hebrew word, “nakah,” is used elsewhere by the biblical writers to denote a physical blow that is more general, which does not necessarily have the effect or the intention to cause a death.⁴ The word “nakah” is used in Exodus 21, in fact, as a contrast with “nagaph,” not as a synonym.

The Greek Septuagint, the Aramaic Targums, the Latin Vulgate, NRSV, New Jerusalem Bible, and Robert Alter’s translation and commentary maintain the proper difference between “nagaph” and “nakah.” The ESV, KJV, NASB, and NIV erroneously elide this difference and collapse these two words into synonyms.

Nagaph: A Mortal, Lethal Blow

² Mako A. Nagasawa, *Abortion Policy and Christian Social Ethics in the United States: Why the Fetus is Not Assigned Full Personhood in Exodus 21:22 – 25*. Found online here: www.anastasiscenter.org/study-action-abortion-policy.

³ “Nagaph,” Strong’s Exhaustive Concordance 5062: <https://biblehub.com/hebrew/5062.htm>.

⁴ “Nakah,” Strong’s Exhaustive Concordance 5221: <https://biblehub.com/hebrew/5221.htm>.

The Hebrew word נָגַף, *nagaph*, when used in the Pentateuch, refers to a mortal, lethal blow every time it is used (Exodus 8:2; 12:23, 27; 21:35; 32:35; Leviticus 26:17; Numbers 14:42; Deuteronomy 1:42; 28:7, 25). This is true when God strikes “the land” of Egypt per se in Exodus 8:2 as well, especially when we take a literary-canonical approach to the plagues and see that God is undoing the creation boundaries of Genesis 1 that established life on the land and for the land.

Here is every instance of the word “*nagaph*” in the Pentateuch.

- Exodus 8:2, 5, 6, 7, 12, 14. God’s second plague on Egypt is described as a “*nagaph*” multiple times. While it is true that no human being is reported to have died in the second plague, that was not the objective in the first place. Rather, the object of God’s “*nagaph*” of frogs was *the land* of Egypt itself. To be overwhelmed by frogs from the Nile River is something that must have meant death and devastation for the land. From an ecological standpoint, that must have been horrifying. Also, the backdrop of the plagues is the Genesis creation story. In Genesis 1, God established boundaries between water and land, and that included some semblance of order for animals like frogs which kept to their realms. In Genesis 1, God used these boundaries to bring forth “life” for the land, and on the land. For God to relax the boundary between water and land, and to call forth frogs out of their realm in the Nile River and onto dry land in Egypt was “death” for the land. Whatever ecological damage “really happened” or whatever later Israelite readers of Exodus 8 might imagine is surely grotesque in itself, especially when all the frogs are said to have died and the land of Egypt became a stinking mess. But even more significant is the damage implied from a literary-theological, canonical perspective. From an integrated, literary-canonical perspective of the whole Pentateuch in view, God’s undoing of the creation boundary between water and land was a “mortal blow” to the land, just as Exodus 8 indicated it would be.
- Exodus 12:23, 27. The undoing of boundaries continues until the reversal of Genesis 1 happens, when God deals a “*nagaph*” on all Egypt by gathering the lives of the firstborn children to Himself (12:23, 27).
- Exodus 21:35. One ox attacks another, and the second ox dies.
- Exodus 32:35. Three thousand men had just been killed by the Levites (32:28). Moses interprets in retrospect what just happened. “The Lord smote [root “*nagaph*”] “the people” over the incident of the golden calf.”
- Leviticus 26:17. God says, “I will set My face against you so that you will be struck down [“*nagaph*”] before your enemies; and those who hate you will rule over you, and you will flee when no one is pursuing you.” Many Israelites will die.
- Numbers 14:42; Deuteronomy 1:42. After God tells the first generation of Israelites that He will not enter the promised land with them after they failed to trust Him the first time, they try to go anyhow as if to bargain. Moses warns them, “Do not go up, or you will be struck down before your enemies, for the Lord is not among you.” God said they would “fall by the sword” (Num.14:43). Many did.
- Deuteronomy 28:7, 25. God reiterates the two-way promise and warning. He promises that if Israel is faithful, He will “*nagaph*” Israel’s enemies, so that they can live in peace in the land (28:7). He warns that if they are faithless, He will “*nagaph*” Israel and their carcasses will lie there (28:25). God means that He will cause death, and that He will intend it.

Beyond the Pentateuch, “nagaph” is used of warfare strikes where someone dies and the assailant intended to cause death (Joshua 24:5; Judges 20:32, 35, 36, 39; 1 Samuel 4:2, 3, 10; 7:10; 2 Samuel 2:17; 10:15; 2 Chronicles 13:15 – 20; 21:18; Isaiah 19:22; Jeremiah 13:16; Zechariah 14:12, 18).

- Joshua 24:5. God says He struck [“nagaph”] Egypt. Many died.
- Judges 20:32, 35, 36, 39. Battles ensue between the tribes. Many die and “nagaph” is used to describe the many deaths.
- 1 Samuel 4:2, 3, 10. Israel was struck [“nagaph”] by the Philistines, and 4,000 men died on the battlefield (4:2). Israel reflects on that defeat (4:3). They try again, are struck [“nagaph”] again, and “the slaughter was very great, for there fell of Israel thirty thousand foot soldiers” (4:10).
- 1 Samuel 7:10. God struck [“nagaph”] the Philistines with fear due to unexpected thunder, and in the very next verse, “The men of Israel went out of Mizpah and pursued the Philistines, and struck them down as far as below Beth-car” (7:11). Many Philistines surely died, as the tide turned and Israel remained dominant.
- 2 Samuel 2:17. Immediately preceding this verse is the start of civil war and this particularly gruesome event: “Each one of them seized his opponent by the head and thrust his sword in his opponent’s side; so they fell down together. Therefore that place was called Helkath-hazzurim, which is in Gibeon” (2:16). Therefore, when the narrator says in 2:17 that “That day the battle was very severe, and Abner and the men of Israel were beaten [“nagaph”] before the servants of David,” some people died because other people intended to kill them.
- 2 Samuel 10:15. As above. Defeat of a larger faction is represented by the leader’s name. A representative portion is killed.
- 2 Chronicles 13:15 – 20. As above. Note especially v.17: “Abijah and his people defeated them with a great slaughter, so that 500,000 chosen men of Israel fell slain.”
- 2 Chronicles 21:18. I do think Jehoram’s death is in immediate view when the narrator says that God struck him with a disease in his bowels, even if his death took another two years. I’m sure he hoped it came sooner.
- Isaiah 19:22. God said He would strike [“nagaph”] and then heal Egypt. The ecological devastation and famine described in Isaiah 19:1 – 18 mean that many people in Egypt died.
- Jeremiah 13:16. Jeremiah poetically portrays the whole nation of Israel as one human being and God does “nagaph” Israel in that sense. In context, Jeremiah tells Israel that they will go into captivity. And many people died because of the Babylonian invasion.
- Zechariah 14:12, 18. God warns that He will strike [“nagaph”] with plague the nations who go to war against Jerusalem. The consequences are grisly and deadly: “their flesh will rot while they stand on their feet, and their eyes will rot in their sockets, and their tongue will rot in their mouth... the hand of one will be lifted against the hand of another... no rain will fall on them; it will be the plague with which the Lord smites the nations...”

Let me stress again: That list includes *every single instance* where the word “nagaph” is used – all forty-nine occurrences. The consistency with which “nagaph” refers to a lethal blow is impressive.

Therefore, when “nagaph” is used in Exodus 21:22, the meaning appears to be this: someone lands a death-dealing blow, or lethal strike, upon the pregnant woman, with the intention of causing death. In the case law, the fetus dies and there is a miscarriage. What remains uncertain in the case law is whether the woman herself is further harmed, which the case law then handles. Hence, the word “further” in the phrase “further harm” is perfectly and precisely warranted in those English translations which include it; it is not an addition or intrusion. It refers to “further harm” possibly done to the woman.

Nakah: A Strike, Generally

There are five hundred and one occurrences of “nakah” and its cognates in the Hebrew Scriptures, compared with forty-nine occurrences of “nagaph.” The difference between the Hebrew words “nagaph” and “nakah” is evident throughout, but especially in Exodus 21 – 22, where the literary case law format indicates a great deal about their respective uses. Incorporating more biblical data, including other narrative and poetic material, reinforces the sense that “nakah” and “nagaph” are not strict synonyms. A wider view reinforces the sense that “nagaph” is a subset of “nakah.”

Exodus 21 – 22

The case laws of Exodus 21 – 22 demonstrate the most precise and most relevant uses of “nakah” and “nagaph.” It should be noted that in the case laws, the words are not used poetically here, as they are elsewhere. Instead, the words are used to describe direct, physical conflicts between human persons, or between oxen in the case of Exodus 21:35. Significantly, there is a consistent delineation in the consequences of the physical blow being considered. “Nakah” occurs 7 times in this section.

- Exodus 21:12. When an adult man strikes [“nakah”] another, but not necessarily with the intention of killing him (21:12), the Law of Moses decides what should happen based on the perceived intention of the strike. If the man dies, then the assailant should die. But if the man did not “lie in wait” or premeditate the homicide – in other words, if it is manslaughter, not murder – then, the city of refuge process unfolds (Numbers 35). Exodus 21:12 – 13 uses the Hebrew word “nakah” because that word denotes a physical strike with possibly severe consequences, but which was not necessarily death-dealing in its original intent or outcome. More scrutiny and inquiry needed to be applied. The case law situation is broad, leaving the community of Israelites to do some investigative work. So the word “nagaph” is not used.
- Exodus 21:15. When an adult man strikes his parent(s), and the parents are not killed, the word “nakah” is used, not “nagaph.” Neither the assailant’s intent or effect are presumed by this particular case law. In this situation, it doesn’t matter because the violent son is removed from posing a threat in the future.
- Exodus 21:18, 19. When two men fight and one strikes [“nakah”] another and causes a temporary injury such that the second man needs bedrest and a staff to assist him in

walking, the first man will give compensation for the loss of his time. Since this was not a mortal blow, “nakah” is used, not “nagaph.”

- Exodus 21:20. When a master strikes his servant, and death may or may not result by accident, but the master’s intention was not to land a lethal blow, the word “nakah” is used, not “nagaph.”
- Exodus 21:26. When a man strikes [“nakah”] the eye of his servant and causes permanent damage to the eye, the servant will go free.
- Exodus 22:2. When a thief breaks into a home, with the implication that the entry happens at night and in the dark, and he is struck [“nakah”] such that he dies, there is no blood-guilt, or accountability for a homicide. But if the thief’s entry and the resident’s strike happen “after sunrise” (22:3), with the implication that the residents of the house can see the thief and perceive that the thief is after property and not human life, then blood-guilt *is* incurred. Notably, property theft does not justify homicide.

Exodus 21 – 22 therefore shows a major and decisive difference between “nakah” and “nagaph.” “Nagaph” designates a mortal blow, and from all appearances, the intention to cause the death in the first place. It is demonstrably a narrow term with a more precise meaning than “nakah.” Widening the lens and taking in more biblical data on how “nakah” is used confirms this difference. We begin with Genesis.

Genesis

The biblical narrator uses the word “nakah” in Genesis 12 times, each time supporting the distinction between “nakah” and “nagaph.” Since Genesis is a narrative precursor to the Exodus deliverance event and gives shape to its meaning, the uses of “nakah” have special significance relating to the theme of “brotherhood.”

- Genesis 4:15. The word “nakah” is used in the context of Cain and Abel, marking an association between “nakah” and the breakdown of sibling relations. “Nakah” is brought into close, but not identical, relation with the Hebrew word “harag,” which means “to kill.” When Cain kills his brother Abel, the narration uses “harag” (4:8). Cain then complains to God that he fears that someone else will “kill” [“harag”] him (4:14). God responds in doubled poetic verse. In the first half of the verse, God says that a sevenfold vengeance will be taken on him who kills [“harag”] Cain; and in the second half, God says that a mark shall be on Cain lest anyone strike [“nakah”] him (4:15). Given how Hebrew poetry “rhymes” concepts using direct, doubled parallelism which typically intensifies the main idea from one half to the second,⁵ we can conclude that God is stressing and intensifying His protection of Cain. God stresses His protection by saying, first, that His sevenfold vengeance will protect Cain from being murdered, and, second, that His mark will protect Cain from a “strike,” lethal or non-lethal. God does not merely ward off the threat of retaliatory murder, but the threat of non-lethal physical violence as well. Cain presumably does not only fear being killed, but being struck and injured. Thus, although Cain certainly might be killed by a strong blow or blows, “nakah” is not a strict synonym for “harag,” and does not straightaway mean “to kill.”

⁵ Robert Alter, *The Art of Biblical Poetry* (New York, NY: HarperCollins, 1985), chapters 3 and 5.

- Genesis 8:21. After God floods the earth, He pledges to never again “nakah” “every living thing,” or alternatively, “all living things.” Like God’s “nakah” against Egypt, Genesis 8:21 provides an example of where “nakah” is used in a general sense. In actuality, God did not kill “every living thing,” even though the NASB and NRSV translate this use of “nakah” by the English word “destroy,” and the ESV uses “strike down.” Indeed, Noah and his family, along with the animals saved on the ark, and presumably sea creatures not affected by flooding were not killed or destroyed. But they did suffer deep losses. They faced turbulence, were uprooted from their homes, stayed confined in the ark for a significant time, and suffered the losses of the people, communities, lands, and regions which they had known. They had to completely start their lives over. In that sense, God did “strike” “every living thing,” including those who would survive. Here, “nakah” means “strike” in the same sense that the movie title *The Empire Strikes Back* indicates one movement with many constituent actions and different impacts. When God first announced the flood as directed against “all flesh” (Genesis 6:11 – 13), there was still some indeterminacy about how each human person would be impacted. Given that Noah was a preacher (2 Peter 2:5), and given that the size of the ark was about the size of the Titanic (Genesis 6:15), it appears that God made space on the ark available for people who might have repented, but no others did. Hence, “nakah” in this instance is used in its most general form.
- Genesis 14:5, 7, 15, 17. The past, completed tense of “nakah” is used to indicate military attacks. Initially, the Mesopotamian kings led by Chedorlaomer “struck,” meaning, “invaded and conquered,” the Palestinian region and the Canaanite kings (14:5), then the Amalekites and Amorites (14:7). The Mesopotamian kings “took all the goods of Sodom and Gomorrah, and all their provisions, and went their way” (14:11). This led to Lot and his family being captured, and Abram launching a military attack to rescue them. An important background part of this story is the fact that Abram had avoided conflict with Lot over grazing lands and parted ways amicably on the grounds that they were “brothers” (13:8), even though their biological relation was that of uncle and nephew. This mention of “brothers” recalls Cain’s betrayal of brotherhood when he killed Abel. In the larger sweep of Genesis, the narrator presents Abram as restoring bonds of relationship, however gradually, that God intended from creation: brotherhood with others, and marriage and parenthood with Sarai. So it is of interest that Abram and his forces “struck” the much larger Mesopotamian force by night and rescued not only Lot and family, but also the people of Sodom and Gomorrah (14:15), which sets up a larger context for understanding the betrayal of brotherhood by Sodom and Gomorrah towards Lot and his family. Abram’s military operation is immediately referred to as a “strike,” as in, “defeat,” of that Mesopotamian alliance (14:17). It is of course almost certain that some people died in these battles, but “nakah” is being used in a general sense where the stress is laid on the overall outcome of the battles. Therefore, we are on reasonable grounds to conclude that the lexical range of “nakah” could encompass a military action where one side is “repulsed” or “defeated” without even suffering a casualty, which is beside the point regarding how we interpret Genesis 14, but quite to the point regarding how we understand the term “nakah.”
- Genesis 19:11. The angelic visitors “struck” with blindness the men of Sodom menacing Lot and his family. Thus, “nakah” is used in a non-lethal sense which is not a physical

blow with a fist or weapon per se, even though the ramifications involve physical blindness.

- Genesis 32:8, 11. Jacob, returning to face his brother Esau, fears that Esau will “strike” him and Rachel and their sons (32:8). Jacob then pleads with God to protect them from Esau, lest he “strike” them all (32:11). Jacob’s use of “nakah” carries a range of meanings reflecting Jacob’s own uncertainty, from captivity to physical blows, up to and including putting everyone to death by the sword. But since Jacob is not sure what the impact of Esau’s potential hostility would be, or who exactly might be harmed, he uses the more general term “nakah” and not “nagaph.”
- Genesis 34:30. Jacob, now fearing the hostility of the Canaanites and the Perizzites on account of their sheer numerical superiority and Simeon and Levi’s betrayal of brotherhood or neighborliness, says that if they gather against him, they will “strike” him and utterly destroy him and his household. Jacob uses “nakah” to mean a military attack with the result being death. This confirms that the intention and result of an act denoted by the term “nakah” might mean death, but in a lexical sense, more information must be provided to indicate that. Thus, “nakah” per se is not identical with a lethal strike.
- Genesis 36:35. Hadad is listed as a king of Edom. He is identified as the one who “struck,” as in, “defeated,” Midian in the country of Moab. “Nakah” is used to mean a military attack. Although individual Midianites almost certainly died in that battle or series of battles, Midian as a community continued; they were simply repelled from that area.
- Genesis 37:21. Reuben appeals to his brothers to spare Joseph’s life. He says, “Let us not “nakah” his life.” The Hebrew word for “life” is “nephesh,” the same term used for the breath God breathed into Adam (2:7). Because “nakah” takes Joseph’s “nephesh” as an object, there can be no doubt that in this case, “nakah” would mean a lethal strike. Also, the other brothers had just expressed murderous intent using the Hebrew word “harag,” the same word used to denote Cain killing Abel. The narrative and spiritual question for the brothers is whether they, like Abram and Lot, will continue to restore true “brotherhood” as God intended, or whether they will fail like Cain. Reuben attempts to restore true brotherhood. Here we see that additional narrative information and context is needed to say that the result of the “nakah” would be death.

Exodus 1 – 17

Several other uses of “nakah” occurring in Exodus affirm that the term “nakah” designates a generic strike whose intent and impact may or may not have been lethal. In Exodus 1 – 17, “nakah” occurs 19 times.

- Exodus 2:11, 13; 5:14, 16. Moses saw an Egyptian “beating” or “striking” [“nakah”] a Hebrew; in that case, the Hebrew did not die. Several other uses of “nakah” fall into this non-lethal category where Egyptians beat the Hebrews (2:13; 5:14, 16).
- Exodus 2:12. Moses did “strike” [“nakah”] the Egyptian with a blow hard enough to kill him. Why not use “nagaph” here? Again, “nakah” *can* indicate a lethal blow, but “nagaph” *never* indicates a non-lethal blow. So while this is not a problem for the argument presented here, it is a curiosity.
 - First, the biblical narrator may be presenting Moses as intending to knock the Egyptian unconscious as opposed to killing him. Moses appears to have little

doubt that he could overpower the Egyptian. Given that the Egyptian is a slave-driver, he is presumably carrying a whip or is physically strong. Moses may be physically strong himself, or may simply be relying on the element of surprise.

- Second, relatedly, the narrator appears to be looking ahead to two case laws being closely juxtaposed in Exodus 21. The killing of a person by a strike is in 21:12 – 13 and the kidnapping and enslavement of a person in 21:16. Since the consequence for the latter is the death penalty, the case law would at least partly vindicate Moses' moral intuition when he saw the Hebrew enslaved and beaten by the Egyptian. Since the consequence for a homicide was to discern the killer's motivation, this would also cause us to reflect back on Moses' action. Did Moses, in effect, "lie in wait" or not (21:13)? And was Moses' flight into the wilderness a prototype of the "city of refuge" process? Perhaps. The narrator seems to be connecting Exodus 2:12 thematically and topically to Exodus 21:12 – 13 using the word "nakah" and other connecting elements.
- Exodus 3:20. God says that He would "strike" Egypt. This was an introductory summary statement to the "signs" that He would do in Egypt. Significantly, God as a character in the biblical narration does not take as a foregone conclusion Pharaoh's later resistance to God, where God eventually claims the Egyptians firstborn. The narrative portrays God as a character, and God was not sure which of the "signs" would persuade Pharaoh and his court. The evidence for that is found in Exodus 6:8 – 9, when God was setting Moses' expectations about the conflict, God said, "If they will not believe you or heed the first sign, they may believe the second sign. If they will not believe even these two signs or heed you..." Although this phrasing raises questions about God's omniscience and foreknowledge, the construction "if" indicates uncertainty on God's part in this particular case. Consequently, the "strike" on Egypt, where "strike" is used in an umbrella sense encompassing multiple actions, did not necessarily need to progress as far as the taking of human life. Thus, in Exodus 3:20, when God is introducing His response to Pharaoh, He uses "nakah" and not "nagaph." In Exodus 12, however, by the time Pharaoh has chosen to resist God, God commits to taking the lives of the Egyptian firstborn in the tenth plague, and uses both "nagaph" and "nakah" to describe that act.
- Exodus 7:17, 20, 25; 8:17. God did "strike" inanimate objects. He "struck" the water of the Nile (7:17, 20, 25) and the dust of the earth (8:17).
- Exodus 9:15, 25, 31, 32. God warns Pharaoh of a future sign, saying He "could have stretched out my hand and struck ["nakah"] you and your people with pestilence, and you would have been cut off from the earth" (9:15). Then in Exodus 9:25, 31, and 32, God "struck" the crops with hail. This being the seventh plague, there appears to be no loss of human life yet. Hence, the narrator uses "nakah" and not "nagaph" despite the hyperbolic warning about being "cut off from the earth."
- Exodus 12:12, 13, 29. Three occurrences of "nakah" occur, in connection with "nagaph" and introducing its subsequent use. By way of introducing the tenth plague and the Passover ordinance, God warns Moses and Aaron that He will "strike" ["nakah"] every firstborn in the land of Egypt, both human and animal (12:12). The blood on the doorpost will prevent this death, God says, "when I strike the land of Egypt" (12:13). When Moses relays this message to "all the elders of Israel" (12:21), Moses uses the word "nagaph" (12:23, 27), presumably because he wants there to be no ambiguity about

what is about to happen. The narrator then describes God's action at midnight with the more general "nakah" (12:29).

- Exodus 17:5, 6. God uses "nakah" twice to indicate that, just as Moses "struck" the Nile River with his staff (17:5), he will "strike" the rock at Mount Horeb to bring forth water from it (17:6).

Leviticus

In the book of Leviticus, "nakah" occurs 5 times.

- Leviticus 24:17, 18, 21 (2x). God says that whoever strikes ["nakah"] the life ["nephesh"] of a man shall surely be put to death (24:17). The phrasing is unusual but grammatically makes clear that the verb "strikes" takes the direct object "the life of a man." This stands in contrast with when "nakah" takes a direct object like an individual person where it means "a physical blow" of some sort with variable impact, or when "nakah" takes as direct object a community of people where it means "military action." The principle is extended further to animals, with lesser consequence: He who strikes ["nakah"] the life ["nephesh"] of an animal shall make restitution for it (24:18). God then reiterates both principles, contrasting them one with another. "Whoever kills ["nakah"] an animal shall make restitution for it, but whoever kills ["nakah"] a man shall be put to death." In this dense context where the principles have been established, and "nephesh" has been identified as the object of the strike, "nakah" means "to kill" (24:21).
- Leviticus 26:24. God warns Israel that if they are faithless, He will strike them sevenfold for their sins. From the context of Leviticus 25, where God says that He will use the garden land itself to bless Israel, in particular during the sabbath year of rest for the land and the jubilee year, it is evident in Leviticus 26 that God has the land in view if Israel obeys Him (26:1 – 13) or disobeys (26:14 – 33). In this latter description, God uses "nagaph" before "nakah." God will allow terror and disease (26:16), then enemies to strike them down ["nagaph"] (26:17). Lack of rain will mean the land shall not yield fruit (26:19 – 20). Wild animals will overtake the land (26:21 – 22). If Israel continues to be unfaithful (26:23), God will strike ["nakah"] Israel sevenfold (26:24), through the sword of the enemy (26:25). And so on. The sequence of narrative predictions and the prior use of "nagaph" makes clear that the later use of "nakah" implies that people will die.

Numbers

In book of Numbers, "nakah" appears 30 times.

- Numbers 3:13. God narrates the story of the Passover-Exodus, explaining that He claims the Levites as the firstborn of Israel in a parallel way to claiming the Egyptian firstborn. In that narration, God refers to the moment "when I struck ["nakah"] all the firstborn in the land of Egypt" (3:13). In this narrative context, "nakah" means "killed."
- Numbers 8:17. God ordains the Levites, and again explains His claim on the Levites as the firstborn of Israel. God parallels this claim to His claim on the Egyptian firstborn. "On the day I struck ["nakah"] all the firstborn in the land of Egypt, I consecrated them for myself" (8:17). Because of the narrative context provided, "nakah" means "killed."

- Numbers 11:33. God struck [“nakah”] the people with a plague resulting from quail meat, and those people who tired of manna and craved meat, craving a return to Egypt for meat, died. This plague was a continuation of the fire of the Lord burning against some “outlying parts of the camp” (11:1 – 2). The specificity of the result of this “nakah” indicates death.
- Numbers 14:12. God threatens to strike the Israelites with pestilence, disinheriting them, and to make of Moses, Aaron, Joshua, and Caleb “a nation greater and mightier than they” (14:12). The reason for God’s threat is the Israelites’ lack of faith that God will lead them victoriously into the land of Canaan; they complain once again about leaving Egypt, saying they should have died there (14:1 – 10). Such a “nakah,” if God carried it out, would mean the death or scattering of most of the people.
- Numbers 14:45. The Amalekites and Canaanites defeat [“nakah”] the Israelites after the Israelites have second thoughts and try to enter the land without God’s blessing and presence. This use of “nakah” makes clear that various Israelites must have died, because in the narrative, it follows the use of “nagaph” (14:42) when God warns that the enemies will strike them down, also specifying that they will “fall by the sword.”
- Numbers 20:11. Moses struck [“nakah”] the rock twice with his staff, although he disobeyed God in doing so. These were ordinary physical blows. Since the rock is an inanimate object, it cannot “die” per se, and in addition, there is no literary pattern of creational boundaries working in reverse as there was with the land of Egypt being overwhelmed by the waters of the Nile, as in Exodus 8. Thus, the use of “nakah” conforms to the pattern where it is the more general term than the more specific “nagaph.”
- Numbers 21:24. Israel struck [“nakah”] King Sihon and the Amorites with the sword, after Sihon refused to let Israel peacefully pass through Amorite lands and instead marshaled his forces to battle them. The narrative context of battle indicates that this “nakah” brought about defeat and deaths.
- Numbers 21:35. As Israel struck Sihon in 21:24, they struck [“nakah”] King Og of Bashan and his forces. The narrative context of battle again indicates that this “nakah” brought about defeat and deaths.
- Numbers 22:6. King Balak of Moab responded to Israel’s approach by first enlisting the mysterious magician Balaam. Balak notes that Israel had spread out over the face of the earth, settling next to him (22:5), which is the language of God’s original creation vision from Genesis 1:28. Balaam had some power to curse and bless, or at least Balak so believed (22:6), which also recalls the language of God’s original blessing from Genesis 1:28, and God’s assertion to Abraham and Sarah that He is making of them a new Adam and Eve of sorts, because He has the power to bless and curse, in Genesis 12:1 – 3. So as far as the biblical narrative is concerned, Balaam is a much more serious threat. Balak asks Balaam to curse Israel so that he might strike [“nakah”] them militarily and drive them from the land (22:6).
- Numbers 22:23, 25, 27, 28, 32. The angel of the Lord stood in front of Balaam as he rode on his donkey, making the donkey turn off the road. Balaam struck [“nakah”] his donkey three times (22:23, 25, 27). The donkey miraculously spoke by God’s power and complains to Balaam about being struck [“nakah”] three times (22:28). The angel unveiled himself and also questioned Balaam about why he struck [“nakah”] his donkey three times (22:32). The angel then warns Balaam to speak only what he will tell him.

The use of “nakah” in these instances indicate that “nakah” is the more general term for “strike” and here means ordinary physical blows.

- Numbers 25:14 (2x), 15. Phinehas took a spear and killed both an Israelite man and the Midianite woman with whom he was both having sexual relations and sharing in the worship of Baal of Peor (25:1 – 9). What is tersely implied by the narration – he “pierced the two of them... through the belly” (25:8) – is that he speared them while they were having sex. The narrator then adds detail afterwards by providing the names of the two who were struck [“nakah”]. The word “nakah” alone does not make clear that Phinehas’ spear thrust caused their death; the narrative does that.
- Numbers 25:17, 18. God told Moses to strike [“nakah”] the Midianites because the Midianite women had corrupted and subverted the faithfulness of the Israelite men. As before, when “nakah” is used to indicate the military action of one community against another, it summarizes the individual actions of many into one movement. What is notable in this instance is that the narrative makes clear that the intent of this “nakah” is the death of all the Midianites. After God takes a census of Israel (26:1 – 65) to enroll Israelite men for war, and God and Israel make various organizational, ethical, and ritual preparations for war (27 – 30), the war itself is summarized quickly (31:1 – 12). Yet, despite the original intention of this military strike, some of the young girls were ultimately allowed to live (31:13 – 24).
- Numbers 32:4. The land of Jazer of King Sihon of the Amorites and the land of Gilead of King Og of Bashan (32:1, 33) are said to be the land that God struck [“nakah”].
- Numbers 33:4. Moses wrote down Israel’s departure from Egypt to that point. He recorded that God struck [“nakah”] the Egyptian firstborn.
- Numbers 35:11, 15, 16, 17, 18, 21 (2x), 24, 30. The city of refuge legislation is given, which is quite significant to understanding the meaning of “nakah” in an interpersonal context involving a physical blow. English legal language provides a contrast to the Hebrew. In English, we can ask, “Did the assailant commit murder or manslaughter?” It is customary to use different words to reflect clarity or uncertainty about *the action* an assailant took to cause a victim’s death. The term “murder” indicates clarity that the assailant *did intend* to cause the victim’s death. The term “manslaughter” indicates clarity that the assailant *did not intend* to cause the victim’s death. The term “homicide” indicates uncertainty about intent, or it could serve as a blanket term for violent deaths including both murder and manslaughter.

In Hebrew, and specifically in the city of refuge legislation, the certainty or uncertainty about the action of the assailant is designated by further describing the *assailant*, not by using different words for the *action*. The English translations give the appearance of semantically focusing on the action when they say a person who “accidentally killed” someone else was to flee to one of the six cities of refuge scattered throughout Israel (35:11). In Hebrew, that person is denoted by two terms taken together. The first term is the noun form of the verb “ratsach,” which, if taken by itself, ordinarily means “to murder.” The noun form is, therefore, “murderer.” But the second term is “shegagah,” which means “without intent.” Without this second term, there would be no distinction based on the first term alone whether the person was a murderer or an accidental manslaughterer, in the sense of how modern day English legal language makes that distinction.

The city of refuge process itself imposes further criteria to evaluate the “*nakah*” in question. The legislation assumes that if the assailant used an object of iron, stone, or wood, or pushed the victim because of hatred, or hurled an object while lying in wait, that he or she had the intent to kill, and must be considered a “murderer” (35:16, 17, 18). Whereas pushing the victim accidentally or in jest, or dropping an object accidentally on the victim, made the assailant an “accidental manslaughterer” in English (35:22 – 23). The *conceptual and legal* difference between the murderer and manslaughterer categories was the assailant’s intent behind the “*nakah*,” as discerned by the congregation, using witnesses (35:24, 30). The *linguistic* difference, though, was indicated by the presence of the second term, “*shagah*,” related to the assailant, not the “*nakah*.”

This combination of two terms taken together is absolutely important because “*nakah*” in this instance refers, without question, to the lethal physical blow dealt by the manslaughterer. But this particular lethal “*nakah*” is stripped of lethal *intention*, which is highly germane. To be clear to the point of painstaking tediousness, the Hebrew word “*nakah*” is not stripped of lethal intention everywhere and anywhere it is used in Scripture; that remains an open question in other places. Rather, the use of “*nakah*” to describe only the *particular* lethal action of the “murderer without intent,” also known as the “accidental manslaughterer,” strips it of lethal intention because of the way the *person* is described.

The city of refuge legislation demonstrates how “*nakah*” is the much more general and flexible term, whereas “*nagaph*” is quite specific. The legislation strongly suggests that “*nagaph*” retains the meaning of both lethal *intention* and *result*, including in the case of the forced miscarriage of Exodus 21:22.

Moreover, the concern to determine the assailant’s intent is strangely absent in the case of the striking of a pregnant woman in Exodus 21:22 – 25. In the Hebrew Masoretic text, if the harmed fetus were treated as a fully human person, and miscarried, then by the principles of the city of refuge legislation, we would expect the judges (Ex.21:23) or the congregation (Num.35:24) to discern whether the assailant meant to cause the miscarriage or not. Since such discernment is not called for, it follows that the prior premise is incorrect: the fetus is not assigned full human personhood in the Hebrew Masoretic.

Deuteronomy

The book of Deuteronomy contains 21 occurrences of “*nakah*.”

- Deuteronomy 1:4; 2:33; 3:3; 4:46. Moses described Israel’s past military battles using the word “*nakah*.”
- Deuteronomy 7:2. Moses described Israel’s future battles with the Canaanites using the word “*nakah*.” Readers must note the idiomatic language that follows this term here. Although the English translations typically say, “then you must utterly destroy them,” as if every single Canaanite inhabitant needs to be killed by the “*nakah*,” this was clearly idiomatic and hyperbolic victory language, which was also common throughout the

Ancient Near East, without carrying the meaning of killing every single inhabitant. For example, the commandment immediately following this phrase includes not intermarrying with them, or giving one's children to their children in marriage (7:3), which implies coexistence in the land. Stress is instead laid on destroying the *religious* practices of the Canaanites; Israel had to specifically destroy their altars, pillars, poles, and idols (7:4 – 5). This patterned use of language occurs again and again in Scripture. Moreover, even though God commanded Israel to make no covenant with the Hivites (7:1), they did so. Under Joshua, the Hivites of Gibeon pretended to be another people, and under this false pretense, made a covenant with Israel (Joshua 9:6 – 7), which God instructed Israel to honor (Joshua 9:22 – 27), even going so far as to defend them from other Canaanites (Joshua 10 – 11).

- Deuteronomy 13:15. Moses admonished Israel to “surely strike” idol worshipers and the towns that harbor them. In Hebrew fashion, Moses used the term “nakah” twice, and adds the phrase “with the sword,” to lay stress on the importance of this judicial action, and the specific outcome of death that was intended.
- Deuteronomy 19:4, 6, 11. Moses repeated the city of refuge legislation. See Numbers 35, above.
- Deuteronomy 20:13. Moses gave instructions for approaching enemy towns, offering peace terms, and if refused, striking [“nakah”] it by putting all its males to the sword. The specificity connected to the word “nakah” indicates death was intended.
- Deuteronomy 21:1. If a dead body was found in open country, and it is unknown who struck [“nakah”] the person, Moses instructed the elders of the nearest town to follow a procedure. Presumably it was obvious that the person died by some act of violence rather than natural causes or attack by a wild animal. Thus, the context envisioned by the legislation makes this use of “nakah” a lethal act.
- Deuteronomy 25:2, 3. Beatings or lashes are a possible consequence to impose on certain offenders. The term “nakah” is used to indicate non-lethal physical blows of that sort.
- Deuteronomy 25:11. A case law situation is given where two men are fighting. While one man is striking [“nakah”] the other, his opponent's wife seizes his genitals. The use of “nakah” indicates non-lethal physical blows between the men, however unruly.
- Deuteronomy 27:24, 25. Israel agreed to the curses and blessings of the Sinai covenant. Two of the curses involve striking a neighbor in secret (27:24) and taking a bribe to strike someone and cause innocent bloodshed (27:25). Both strikes indicated by the word “nakah” are physical blows with outcomes ranging from injury to death.
- Deuteronomy 28:22, 27, 28, 35. Moses warned Israel that if they prove unfaithful, God will strike [“nakah”] them with various physical illnesses, poor weather, pestilence, and mental conditions. Death might be the result (28:22), but not necessarily.
- Deuteronomy 29:7. Moses reminded Israel that, with God's power, they struck [“nakah”] King Sihon and King Og in battle.

Old Testament: Prophets and Writings

The Pentateuch contains 91 occurrences of the word “nakah,” out of a total of 501. As of this writing, I am preparing comments on the biblical material outside the Pentateuch, which is a rather sizable task. None of the remaining occurrences, however, will change the conclusion we reach on the basis of the Pentateuch's use of “nakah.” That is because the Pentateuch's uses of the word already have the most varied contexts.

Joshua, Judges, Samuel, and Kings together contribute 243 of those 501 occurrences. The vast majority of those occurrences take place in military contexts. That is, one group strikes another group or a city. There are fewer cases where an individual strikes another individual, resulting in a wounding or a death. In still fewer cases, an individual strikes an object, like Elisha struck the waters (2 Kings 2:8, 14). In a few cases, God strikes someone with a condition, like blindness (2 Kings 6:18). The Pentateuch already uses “nakah” in those contexts and comprehends the range of uses. Thus, we do not learn anything new about the word usage of “nakah.”

Furthermore, the Pentateuch already uses “nakah” and “nagaph” in the material that is most relevant and important to understand: the Jewish case law of Exodus 21 – 22 and the city of refuge process of Numbers 35. In those passages, there are clear differences between “nakah” and “nagaph.” Especially relevant is the fact that a “nakah” which had a lethal outcome required that the community discern the assailant’s intention. The fact that this community discernment process did not happen with a fetus indicates that the fetus was not assigned full human personhood, at least in the Hebrew Masoretic manuscript family.

Words, Contexts, Meanings, and Translations

Now it is important to consider why and how the KJV, NASB, NIV, ESV, and other such translations go wrong. Recall what is uncontested in Exodus 21:22: People are fighting and someone “strikes” a pregnant woman. But is there harm done? To who?

The KJV, NASB, NIV, ESV, and other translations claim that “nagaph” means an ordinary physical blow, which then causes the pregnant woman to go into labor early and deliver a healthy baby. But if there is “injury/harm” done, then there are consequences to be laid upon the assailant who struck her. They claim that the word “further,” which is inserted by other English translations, is misleading because it would mean that a miscarriage was already accomplished by the strike, and moves the readers to consider “further” harm done to the mother alone. They claim that the phrase “injury/harm” dealt by the strike refers to “either the fetus *or* the mother.” Defenders of these translations often claim that they are reading a “more literal translation” from Hebrew to English.

These are all false claims.

The KJV, NASB, NIV, and ESV shift the lexical range of “nagaph” into the *same* lexical range as “nakah,” since “nakah” could refer to a physical blow that results in no lasting bodily harm at all. They do not pay attention to the biblical context in which “nagaph” is consistently and always used as a much more narrow term indicating that a death occurred. Forcing that equivalence is a profound mistake. It is disproven by considering the literary context of both “nagaph” and “nakah,” which in this case is the biblical canon itself.

Context always determines the meaning of words. Consider this English phrase: “I’m mad about my flat.” What does that phrase mean? You do not know, despite knowing all the words. Why not? Because you don’t know the cultural context. If I say that to you as an American in the U.S., then that phrase means, “I’m angry about my flat tire.” But if I’m a Brit in the U.K., then the phrase means, “I’m happy about my apartment.” Just because you know the words does

not mean that you know the meaning. You must know the cultural context. The question is not about being “literal.” There is no “literal” interpretation of the phrase, “I’m mad about my flat.” The question is about being “contextual.” There are only “contextual” interpretations.

In the case of “nagaph” in Exodus 21:22, what is the context? The biblical record itself. Significantly, I am not stepping into other extrabiblical sources, although it is certainly relevant that the historical paper trail of Jewish commentary on the passage leaves no doubt.

I am taking the biblical record itself as the primary cultural context, with the Pentateuch as the data set that sufficiently and decisively proves the point. In fact, the human authors of Scripture from Joshua to Zechariah maintained the terminological pattern they observed in the Pentateuch. Joshua, for example, portrays himself as having studied and meditated on the Pentateuch, in Joshua 1:8. This observation touches on complicated debates about when the biblical books were written and what level of awareness did the human authors have of previous literature. Suffice to say here that I do not think the Pentateuch simply originated at some late date, like in the Babylonian exile. There are many reasons for this, based largely on literary exegesis.⁶

While I believe in the divine inspiration of Scripture and God’s role in its authorship, I also maintain that the human role in its authorship is also vital, and that God did not simply make the human hand move to produce an inspired text, but that God inspired the conscious minds of the human authors. This includes following terminological decisions like how and when to use the word “nagaph” and how to distinguish it from other words, like “nakah.”

Exodus 21 and the Fetus

The phrase “if no injury/harm” refers to the woman, if indeed she suffered no harm other than the miscarriage. That is why, in some English translations, the word “further” is inserted to make it clear. “And no further harm” to the woman... The miscarriage is already assumed based on the use of “nagaph” just prior to it.

So every time someone claims to have “a literal translation” from Hebrew to English based on those translations, they follow or incorporate a major mistake. They have elided the difference between “nakah” and “nagaph” and collapsed them so they are synonyms. What gives them the right to do that? What understanding of the cultural context can they supply to justify that move?

To repeat, in Exodus 21:22, the person who landed a “nagaph” on the pregnant woman caused the death of the fetus, at minimum. Potentially, more harm befalls the woman, but that is what the case law leaves open for further treatment. In fact, by all appearances based on the use of “nagaph” in every other of its 48 occurrences, that assailant *intended to cause that death*. Which

⁶ For example, the book of Samuel demonstrates an awareness of the book of Genesis, because it reverses major themes from Genesis, using specific motifs and plot elements in that way. This means that the book of Genesis, in some close-to-final, if not final, form, must have preceded the book of Samuel. Since Samuel was, with a high degree of confidence, written before the Babylonian exile, we must also conclude that Genesis reached its final or near-final form before the Babylonian exile as well. For specifics, see Mako A. Nagasawa, *Who Will Intercede? The Book of Samuel as Cautionary Tale About Politics, Institutions, and Control*. Available online: www.anastasiscenter.org/bible-prophets-samuel.