



Undesired Offspring and Child Endangerment in Jewish Antiquity

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Within a number of publications in recent years, some scholars have assumed or asserted without much nuance that ancient Jews, Jewish tradition, and/or the god of Israel valued children more than did their Greco-Roman contemporaries. Now, a couple of caveats are in order. First, the secondary literature to which I refer appears primarily interested in Christian or “biblical” views of children.¹ Often, scholars have highlighted Jesus’ treatment of children as

¹ Here “biblical” refers to a holistic approach to the Hebrew Bible and Christian Testament.

unique in the ancient world of the Bible,² and, since Jesus was Jewish, his cultural milieu must have influenced his openness toward children. Therefore, Jewish attitudes toward children must have been distinctly more progressive than the attitudes of their Gentile contemporaries. As a result, some scholars have begun to emphasize the distinctiveness of the Jewish regard for children as well, closer to that of Jesus and Christianity, while accentuating the chasm between Judaism and broader Gentile cultures. The second caveat is that numerous references to abortion and infanticide among Greco-Roman sources, especially among medical writers, and their corresponding paucity among Jewish sources appear to influence heavily this assessment about ancient Judaism. This emerging assessment by some, that ancient Jews, Jewish tradition, or the god of Israel valued children more than Greco-Romans, may be valid even if it is not the primary aim of these studies.

Certainly, ancient Jewish culture does provide positive valuations of children. Children were an essential cornerstone of the covenant promise of land and descendants. As heirs, they were an ideological symbol that this covenant was still operable. At some level, the statement in Genesis 1:26-28 to go forth and multiply seemingly became paradigmatic for many Jewish

² Such studies, of course, actually serve further to reassure the uniqueness of Jesus, and perhaps Christianity, for many readers. For examples, see Anthony O. Nkwoka, "Mark 10:13-16: Jesus' Attitude to Children and its Modern Challenges," *Africa Theological Journal* 14, no. 2 (1985): 100-110; William A. Strange, *Children in the Early Church* (Carlisle: Paternoster Press, 1996); Judith Gundry-Volf, "'To Such as These Belongs the Reign of God': Jesus and Children," *Theology Today* 56, no. 4 (January 2000): 469-480. Compare her wording here with the slightly altered wording in the anthology on children and religion edited by Marcia Bunge: Gundry-Volf, "The Least and the Greatest: Children in the New Testament," in *The Child in Christian Thought* (Grand Rapids: Eerdmans, 2001), 29-60.

families. God stays Abraham's hand and preserves the boy Isaac (Gen 22). Deuteronomy 6:4-9 instructs Israel's fathers to educate their children carefully and deliberately in the ways of their tradition and their god. Still, the emerging assessment above has led me to consider examining the evidence and arguments that children were valued more by ancient Jews than by their Gentile contemporaries.³

In this article, I merely want to examine one side of the assertion: Is there evidence that ancient Jews sometimes did not value children, or having children, much different from their Greek or Roman counterparts?⁴ To put it another way, is there evidence to suggest efforts to limit the raising of offspring or of child endangerment in the Jewish world of

³ Although there are some well-established studies of these issues related to early Christianity, none appears to examine Christian references according to the categories of prescriptive, descriptive, or commentary that I use here. This shall be the subject of a subsequent essay.

⁴ The secondary literature on these topics in classical and Christian studies is already vast, including monograph treatments of some of these topics. In consideration of space limitations, I shall not restate, therefore, examples of abortion and infanticide from the Greco-Roman world. A brief list of works worth mentioning includes the following: Michael J. Gorman, *Abortion and the Early Church: Christian, Jewish and Pagan Attitudes in the Greco-Roman* (Downers Grove, Ill.: Intervarsity Press, 1982); Konstantinos Kapparis, *Abortion in the Ancient World* (London: Duckworth, 2002); John Boswell, *The Kindness of Strangers: the Abandonment of Children in Western Europe from Late Antiquity to the Renaissance* (Reprint; Chicago: University of Chicago Press, 1998); Beryl Rawson, *The Family in Ancient Rome: New Perspectives* (Ithaca: Cornell University Press, 1986); Thomas Wiedemann, *Adults and Children in the Roman Empire* (New Haven: Yale University Press, 1989); Mark Golden, *Children and Childhood in Classical Athens* (Baltimore: Johns Hopkins University Press, 1990); Suzanne Dixon, *The Roman Family* (Baltimore: Johns Hopkins University Press, 1992).

antiquity? First, I shall begin with an examination of a few statements recently made by some scholars regarding the treatment of children within ancient Judaism. Then, I shall examine the source material from the Jewish tradition in antiquity that either underscores undesirability for children or that endangers children, focusing on issues of abortion and infanticide.⁵

Among the earliest examples from current studies on childhood and religion is a work by William A. Strange, *Children and the Early Church*. Strange interprets Jesus' attitude toward children as unique in his day: "Jesus' openness to children was *for their own sake*, not for *their potential*, and it was something unique to his ministry." Yet, unlike its Gentile contemporaries, Jewish culture conveyed to Jesus its sense of the importance of children.⁶ In his introductory section "Common Features of Children in the Ancient World," Strange begins by describing threats to early childhood in antiquity such as exposure, infanticide, and contraception. Then he states, "The Jews, in this as in many other matters, differed radically from their Gentile

⁵ Due to space limitations, I shall examine abandonment in a separate study. I believe John Boswell has made an important distinction between infanticide and abandonment. The former certainly results in death while the latter may or may not, and the motive must not necessarily be death. "Killing children is, moreover, not only morally different from leaving them in a place where they might be picked up and reared; it also entails dramatically different consequences. If even a small percentage of abandoned children were rescued, abandonment would have a less drastic effect on the next generation than an equal rate of infanticide," (Boswell, *Kindness*, 44-45). I shall examine material supporting the desirability and affection for children in the Jewish tradition in a subsequent project.

⁶ Strange, *Children in the Early Church*, 50.

contemporaries.”⁷ Concerning the Gentile world, he writes, “The fact that the practice of exposure continued for centuries...reminds us of the different estimation of human life, and of infant life especially, which Judaism and Christianity brought to the ancient world.”⁸ To be fair, Strange generally provides a rich and thorough discussion of childhood in the Jewish and Gentile worlds to preface his study of their presence in Early Christianity. He reminds his readers that both worlds could be quite diverse in various practices and beliefs. Nevertheless, forthright references to contraception and exposure in relation to the Greco-Roman world, and the apparent paucity of such practices among ancient Jews, appear to influence significantly his assumptions about the overall value of children in these cultures.

A few years later Judith M. Gundry published three essays that primarily involve examinations of children in the Gospels and Christian Testament. Within these, she draws on the Hebrew Bible to highlight traditional views that would have been impressed upon Jesus.

⁷ Strange, *Children in the Early Church*, 3-5. His evidence includes Exodus 21:22-25 and Philo’s *Special Laws* 3.110-119. The first he reads as a condemnation of abortion and an implicit prescription of “numerous contraceptive preparations” designed to abort a fetus. Meanwhile, he appears to take Philo as generally representative of Jewish tradition, or “Jewish writers” at the least (p. 4). See 3-37 for his comparative treatments of children in Jewish and Greco-Roman cultures. In an article over a decade earlier, Episcopal scholar Anthony O. Nkwoka used the language of distinctiveness to describe Jesus’ treatment of children among his contemporaries, where he states that aspects of Jesus’ reception and blessing of children “finds no parallel in ancient literature as a whole.” He contrasts Jesus’ behavior with contemporary scribes who “had no time for children.” See Nkwoka, “Mark 10:13-16,” 104.

⁸ Strange, *Children in the Early Church*, 22.

Children have a fundamentally positive significance and role in Old Testament-Jewish tradition. ... While it is true that one can also find disparaging remarks about children in the Old Testament, including the Apocrypha – for example, they are viewed as ignorant, capricious, and in need of strict discipline (see 2 Kgs 2:23-4; Isa 3:4; Wisd 12:24-25; 15:14; Prov 22:15; Sir 30:1-13) – such comments do not negate the fundamentally positive view of children and their significance in the tradition. Indeed, Jews distinguished themselves from many of their contemporaries by rejecting harsh practices toward children, including abortion and the exposure of newborns, that can be traced to less positive views of children.⁹

Her later essay in *The Child in the Bible* includes the following:

First-century Judaism was characterized by the assigning of a higher value to children than in the Greco-Roman world generally. From the perspective of the Hebrew Scriptures and Jewish tradition, all of life is the Creator's work and therefore to be valued and preserved. Children were considered a prime blessing and gift from God (cf. Gen. 1:28; Pss. 127:3-5; 128:3-6). On that basis abortion, exposure, and infanticide were condemned (e.g., Josephus, *Antiquities* 4.287; cf. Acts 7:19).¹⁰

Subsequently, David Jensen asserted in *Graced Vulnerability* that “compared with many of the cultures of the ancient Mediterranean world, Israel valued and welcomed children

⁹ Gundry-Volf, “To Such as These,” 470; Gundry-Volf, “The Least and the Greatest,” 29-60.

¹⁰ Judith M. Gundry, “Children in the Gospel of Mark, with special attention to Jesus’ Blessing of the Children (Mark 10:13-16) and the Purpose of Mark,” in *The Child in the Bible* (eds. Marcia Bunge, Terence Fretheim, and Beverly R. Gaventa; Grand Rapids: Eerdmans, 2008), 162.

wholeheartedly.”¹¹ Jensen understands this concern for children to be universal: “Perhaps most significantly, however, Israel’s regard of children as blessing was not restricted to the people of the covenant.” For the tradition of ancient Israel, “all children, regardless of heritage, were blessings of God entrusted to the [Jewish] community’s care” as attested by its treatment of orphans.¹² To be sure, the broader scope of Jensen’s work is to establish a (largely Christian) theology of childhood, not an explication of children in the Jewish world.

Meanwhile, accompanying Gundry’s essay in *The Child in the Bible*, Marianne Thompson examined the issue of children within the Gospel of John. Within her essay, she contrasted a general acceptance of infanticide and exposure in the pagan world with Jewish and Christian condemnations of such practices.¹³ Yet the adaptation of Genesis’ creation motif in John’s prologue provides an avenue for Thompson to read a biblical theology of divine benevolence toward children into this gospel. Finally, Walter Brueggemann recently argued that the god of the Bible is portrayed as decidedly concerned about the treatment of all children, exemplified by passages relating to the care of orphans (Deut 10:17-18; Hosea 14:3; Ps 10:14,

¹¹ David H. Jensen, *Graced Vulnerability: A Theology of Childhood* (Cleveland: Pilgrim Press, 2005), 2.

¹² Jensen, *Graced Vulnerability*, 3-4.

¹³ Marianne M. Thompson, “Children in the Gospel of John,” in *The Child in the Bible* (eds. Marcia Bunge, Terence Fretheim, and Beverly R. Gaventa; Grand Rapids: Eerdmans, 2008), 201-205.

17-18; 68:5; 146:9).¹⁴ Yet such divine concern did not always appear to hold true for the children of Canaanites, Philistines, Egyptians, and others who were real or potential enemies. Jewish tradition may have had a high regard for its own children, those considered part of the covenant community, but not necessarily for *all* children.¹⁵

Some scholars have more cautiously recognized, acknowledged, and even discussed complexities in assessing the plight of children among ancient Jewish, Greco-Roman, and early Christian cultures. For instance, in 1968 Rabbi David M. Feldman gave one of the best examinations of the complexities regarding children and birth control in ancient Judaism, focusing almost exclusively on the perspective of Jewish law. In the process, he provided detailed attention to the diversity of opinion within the tradition.¹⁶ Although by necessity he discussed the valuation of children, the embryo, or the fetus at points, this was not the primary

¹⁴ Brueggemann's essay draws heavily from the Hebrew Bible, while including evidence from the Christian Testament as well. Yet his chief concern is God's protection of children; it is not an essay on children in Jewish society. See Walter Brueggemann, "Vulnerable Children, Divine Passion, and Human Obligation," in *The Child in the Bible* (eds. Marcia Bunge, Terence Fretheim, and Beverly R. Gaventa; Grand Rapids: Eerdmans, 2008), 399-422. Cf. Jensen, *Graced Vulnerability*, 3.

¹⁵ A. James Murphy, *Kids and Kingdom: the Precarious Presence of Children in the Synoptic Gospels* (Eugene, Oreg.: Pickwick, 2013); A. James Murphy, review of Marcia J. Bunge, Terence Fretheim, and Beverly Roberts Gaventa, *The Child in the Bible*. *Journal of Childhood and Religion* Vol. 1 (2010): 8-9. Online: http://www.childhoodandreligion.com/JCR/Book_Reviews_files/Bunge%20review.pdf. Together, the texts presented by Jensen (Exodus and Leviticus) and Brueggemann (Deuteronomy) illustrate disagreement in Jewish tradition regarding the "alien" among them. Exodus and Leviticus command the Israelites not to oppress them; Deuteronomy demands their destruction.

¹⁶ David M. Feldman, *Birth Control in Jewish Law* (New York: New York University Press), 1968.

purpose of the book. Meanwhile, the works of Michael Gorman and Odd M. Bakke drew from Feldman their acknowledgements and discussions of the diversity of Judaism on children, particularly their discussions of abortion in light of the “Palestinian” and “Alexandrian” Jewish views on this topic (see below). Yet, the valuation of children is at the heart of their respective works, and they generalize Judaism as presenting a greater valuation of children over their Greco-Roman counterparts.¹⁷

While some childist scholarship continues to reference abortion, infanticide, and exposure in a manner that rhetorically (and ethically?) distinguishes one culture above another,¹⁸ the most recent scholarship largely avoids the same practice. After submission of the initial draft of this article for publication, I obtained copies of three new works on children in the Bible that

¹⁷ In particular, contrast how Gorman ends his chapter on “the Pagan World” (“concern for the unborn was minimal or non-existent,” p. 32) with his summary of “the Jewish World” (“The Jewish abhorrence of deliberate bloodshed and its respect for life, including that of the unborn, formed a natural foundation for the Christian writings on abortion,” p. 45). See Gorman, *Abortion and the Early Church*, 19-45; Odd Magne Bakke, *When Children Became People: The Birth of Childhood in Early Christianity* (trans. Brian McNeil; Minneapolis: Fortress Press, 2005).

¹⁸ E.g., within the context of discussing abortion and infanticide, Cornelia Horn and John Martens write, “These practices were linked not only to basic beliefs concerning childhood, but about the human person in general. Everywhere in the Hellenistic world, Jews rejected these practices because they believed that each child was created in the image of God (Gn 1:26-27) and so deserving of life.” See Cornelia B. Horn and John W. Martens, *“let the little children come to me” : Childhood and Children in Early Christianity* (Washington D.C.: Catholic University Press, 2009), 18-20. Although I take exception to this brief section of their book, which leans heavily on the arguments of Daniel Schwartz (see below), this book is a substantive work of childist scholarship.

are marked exceptions to what I have just outlined. In her latest monograph, Naomi Steinberg argues the ancient Israelites were likely more similar to their contemporaries in their valuation of children.¹⁹ Laurel Koepf-Taylor's work brings similar attention to the complexity of children in the Hebrew Bible, and in my judgment avoids overly simplistic cultural comparisons.²⁰ Finally, Julie Faith Parker does make a comparative statement that the Israelites probably did not practice exposure of unwanted children as did frequently the Babylonians, Assyrians, Greeks, and Romans.²¹ However, similar to the latter two scholars, her overall discussion of children in ancient Israel, in light of the Elisha Cycles, appears to situate the place of Israelite children well within the general treatment of children in the ancient Near East.

These recent exceptions aside, a few elements of the statements referring to “value” or “significance” of children in the works of Gundry and others are noteworthy. First, how does one gauge these laden terms? Are they inherently a matter of perspective and interpretation? To this end, Bonnie Miller-McLemore has vividly reminded us just how different our post-industrial valuations of children are from pre-industrial valuations, where economic benefit to the household was the primary measure of their value.²² The second element, the question of

¹⁹ Naomi Steinberg, *The World of the Child in the Hebrew Bible* (Sheffield, UK: Sheffield Phoenix Press, 2013).

²⁰ Laurel Koepf-Taylor, *Give Me Children or I Shall Die: Children and Communal Survival in Biblical Literature* (Minneapolis: Fortress Press, 2013).

²¹ Julie Faith Parker, *Valuable and Vulnerable: Children in the Hebrew Bible, Especially in the Elisha Cycle* (Brown Judaic Studies 355; Providence: Brown Judaic Studies, 2013), 152-153.

²² Bonnie Miller-McLemore, *Let the Children Come: Reimagining Childhood from a Christian Perspective* (San Francisco: Jossey-Bass, 2003), 1-23.

universality, is connected to the question of value. To what degree can we (or should we) universalize prescriptions and descriptions of the treatment of children for a culture? Ancient Judaism did exhibit some degree of diversity. For example, there were clashes between Yahwist Jews and religiously syncretistic Jews during the divided monarchy, disagreements over Hellenism, and even the embrace of ascetic, celibate lifestyles by a few despite the significant emphasis on family and lineage. Furthermore, Jewish communities existed in widely dispersed parts of the Hellenistic-Roman world between the third centuries B.C.E. and C.E. Hence, we must allow for some diversity of opinion and practice regarding choices about offspring, even when evidence is lacking.²³

In an attempt to highlight the diversity and complexity of Jewish source material concerning children, I propose to examine the evidence attentive to distinctions between what I will call *prescriptive* evidence, *descriptive* evidence, and *commentary*. Such delineations have not been a major part of the discussion over practices such as abortion and infanticide, particularly regarding the Jewish tradition. By “prescriptive,” I mean positions or views that were codified or recognized as authoritative by social, political, legal, or cultural elites for one or

²³ For an argument on the potential problems with over generalizing, even for one geographical area such as Galilee, see Sean Freyne, *Jesus, a Jewish-Galilean* (London: T&T Clark, 2004), 65-69. Freyne argues for at least two basic worldviews stemming from Genesis among Galilean Jews, which would have been prominent during the early first century C.E. One was a universalistic worldview, one a Deuteronomic worldview. For our purposes, we might infer from Freyne’s discussion that the former would present a greater empathy for children of many peoples, something closer to what most modern theological writers want to claim, while the latter suggests that Gentile children would be considered worth^{less}. They are in direct contention with children of the covenant over land, purity, and proper worship.

more segments of society. For example, the Catholic Church asserts that contraception is immoral; this is a prescription.²⁴ Meanwhile, among Catholic practitioners merely within the United States, a 2005 Harris Poll found that 90 percent supported using contraception in some form.²⁵ This constitutes descriptive evidence that most parishioners in the U.S. do not support the authoritative tradition.²⁶ Similarly, the Hebrew Bible is full of prescriptions against worshipping deities besides Yahweh. However, biblical archaeology and scholarship has increasingly asserted that much of pre-exilic Israel consisted of inclusive Yahwists, worshipping deities such as

²⁴ Catechism of the Catholic Church 2nd edition, paragraph 2370-2372. Retrieved 26 June 2013. http://www.vatican.va/archive/compendium_ccc/documents/archive_2005_compendium-ccc_en.html#The%20Sacraments%20at%20the%20Service%20of%20Communion%20and%20Mission

²⁵ Harris Interactive. "The Harris Poll, #78." Retrieved 26 June 2013. <http://www.harrisinteractive.com/vault/Harris-Interactive-Poll-Research-New-Finds-Different-Religious-Groups-H-2005-10.pdf>.

²⁶ To be sure, the social worlds of modern US Catholicism and ancient Israel are not entirely analogous. Ours is a modern religious and legally pluralistic society in which an external highly paternalist church organization cannot exercise absolute control on its members. Ancient Israel was not by choice or deliberate structure pluralistic. Yet clearly central authorities struggled to control unofficial religion, and prophets frequently railed against apostate regimes. Furthermore, the cosmopolitan nature of the Hellenistic period was pluralistic in ways unknown in earlier times and during the later centuries of Medieval Europe and Byzantium. During this period, Diaspora Judaism was more diverse than at any time prior to the modern period. The comparison is only to underscore the social complexities faced by these religious traditions in very cosmopolitan historical periods.

Asherah, Baal, or others concurrent with Yahwism.²⁷ Therefore, even overwhelming evidence of prescriptions against a practice does not constitute evidence such prescriptions were adhered to or that their sentiments were shared by a majority of the populace. By “descriptive,” I mean actions or perceived actions narrated or reported as occurring irrespective of authoritative prescriptions.

A third category of evidence involves *commentary*. The way I shall use the term, “commentary” occurs where a person who is not speaking as a sanctioned authority, but is nevertheless a cultural elite who could reasonably expect to have an auditory or literary audience, repeats and gives comment upon a prescriptive statement. For example, Josephus wrote as a member of the cultural elite who expected to have a literary audience. Yet he was not a rabbi, priest, scribe, or prophet, and could not issue decrees on Jewish life or observance. Thus, we should distinguish between when he describes a historical event and when he comments on a contemporary prescription.

With these distinctions set down, we turn to our central question. Is there evidence within Jewish contexts of unwanted pregnancies, or that infants’ or children’s lives were put at risk by

²⁷ Among various works on Israel’s pre-exilic polytheism, see Rainer Albertz, *Religionsgeschichte Israels in alttestamentlicher Zeit 1 & 2* (Göttingen: Vandenhoeck & Ruprecht, 1992); Kyle M. McCarter, “The Religious Reforms of Hezekiah and Josiah,” in *Aspects of Monotheism: How God is One*, ed. Hershel Shanks and Jack Meinhardt (Washington, DC: Biblical Archeology Society, 1997), pp. 57-80; Ziony Zevit, *The Religions of Ancient Israel: A Synthesis of Parallaxic Approaches* (London/New York: Continuum, 2001); and Mark S. Smith, *The Origins of Biblical Monotheism: Israel’s Polytheistic Background and the Ugaritic Texts* (Oxford/New York: Oxford University Press, 2001).

parents, caregivers, Jewish society or the god of Israel? A number of texts demonstrate the situation was much more complex than we often seem willing to admit.

Undesired Offspring? - Abortion

First, ancient Jewish tradition did not bequeath medical texts to us as did the Greeks and Romans. That alone makes the comparative statements by some scholars problematic. Because we are dealing with legal, prophetic, and philosophical texts, our knowledge of what ancient Jews, particularly of the biblical period knew about fetal existence is limited. A few passages from the Hebrew Bible may provide some conceptual indicators. Jeremiah states that Yahweh knew him before he “formed [him] in the womb” and set him apart for a prophetic career from the womb in his call narrative (1:5). The author of Second Isaiah depicts Yahweh, using the second person singular, asserting that he “formed you [Israel] in the womb” (44:2; 24), a reference to the deity’s preordained relationship with the Jewish people. Psalms 22:9-10, 71:6, and 139:13 are all first person singular claims that the god of Israel knew the Psalmist(s) even in the womb; the latter passage attributes the author’s formation in the womb to Yahweh. Finally, Job attributes his formation in the womb to the handiwork of God (31:15). Whether we should understand these passages as the deity’s unique recognition of the particular person in the text (e.g., Jeremiah) or as a normative recognition of all humanity at the pre-born stage is, I think, arguable.

Abortion is mentioned in Jewish sources somewhat more than contraception,²⁸ but nothing comparable to the amount of discussion it garners in Greco-Roman literature. Evidence

²⁸ For contraception, see Gen 38 for a *descriptive* instance of *coitus interruptus*, and T. B. *Yevamot* 12b for a description of an acceptable woolen contraceptive device called a *mokh*.

shows that some of Israel's neighbors were familiar with substances thought in antiquity to have contraceptive qualities, some of which reportedly possessed abortive qualities. For example, ancient Egyptians listed certain substances including acacia gum to end pregnancy.²⁹ Acacia figures prominently in the building of the tabernacle in Exodus, so some ancient Jews were familiar with its use in construction. They knew of several such substances that surrounding cultures used, in part, for their abortive qualities. Yet Jewish sources never discuss them in medicinal or contraceptive terms. Possibly, the Israelites did not recognize the abortive qualities of such substances. Admittedly speculative, I think it more likely ancient Jews occasionally used such substances, even if in limited circumstances.

Some Jews clearly knew about abortion as a procedure that terminates a fetus at least by the late seventh century B.C.E., which merited attention well into the rabbinic period. Within this period, we find the entire range of what I call prescriptions, descriptions, and commentary. Our earliest reference is of Judean provenance, the prophet Jeremiah. Jeremiah 20:14-18 provides *descriptive* attestation that at least some ancient Jews near Jerusalem were familiar with abortive practices prior to the Hellenistic period: "Cursed be the day that I was born... Cursed be the man who brought word to my father, 'A son is born to you'... because he did not kill me in the womb, that my mother would be my tomb."³⁰ There is no way to prove that his knowledge must derive from familiarity with non-Jewish abortive practices; nor does the passage prove its practice by

²⁹ See John M. Riddle, J. Worth Estes, and Josiah C. Russell, "Birth Control in the Ancient World," *Archaeology* 47, no. 2 (March/April 1994), 31.

³⁰ Compare the similar lament by Job (3:16) and of Qohelet (6:3), where "stillborn" is probably the better rendering of נפל, but the consonantal root also could convey the notion of a violent death by falling.

Jews in Jerusalem at that time. The context is a moment of rejection and anguish specific to Jeremiah and his experience. Yet its utterance is *descriptive* evidence that abortion may have been a plausible alternative to pregnancy, that abortion was possible in his day and location.

The next indication of familiarity with abortive practices emerges from the Hellenistic Diaspora community that produced the Septuagint in Alexandria, Egypt ca. 250 B.C.E. Exodus 21:22-25 provided the source text, which is part of the ancient Covenant Code.³¹ The context is that two men are fighting and injure a pregnant woman causing “her children to come out” (i.e., an unnatural expulsion of the fetus, or miscarriage). If no “harm” occurs, then the perpetrator must pay a fine to the woman’s husband (v.22). If “harm” does occur, then the principle of *lex talionis* applies, an eye for an eye...a life for a life. As it stands this passage is vague concerning to whom the term “harm” applies. Does it apply to the woman or to the fetus? Nevertheless, the law implies an outcome that is undesirable on the part of the husband and perhaps the woman implicitly, a miscarriage. There is no prescription concerning elective abortion before the Hellenistic period. However, as Greek displaced Aramaic (and Hebrew) as the language of Diaspora Judaism, the vagueness of this passage, and its (mis)translation into Greek provided the fodder for much discussion from at least the first century C.E. into the Rabbinic period and beyond.

Hellenistic schools of thought and debate were already pervasive in the eastern Mediterranean by the mid-200s B.C.E., and the Alexandrian translators of the Septuagint were likely very knowledgeable and influenced by contemporary Greek debates over the nature of a

³¹ The Covenant Code is considered by many scholars to have been an early independent legal code consisting of Exodus 20:22—23:19 (some 21:1—23:19). See also footnote 48 below.

fetus among Platonists, Stoics, and Aristotelians.³² As a result, a tremendous change in meaning occurred when they rendered the Hebrew “harm” (חָסַד) into Greek as “fully formed” (ἔξεικονισμένον). This change lends to reading the verse: “When men fight and strike a pregnant woman, so that her children come out, but there is no *full form*, the perpetrator shall be fined...but if there is *full form*, then you shall take life for life...” (21:22-23).³³ In effect, this created a *prescription* against a form of abortion where there had previously been none. Any reader or audience who was henceforth dependent upon the Septuagint could understand this as a divine injunction against killing the fetus. In their appropriation of the Septuagint, early Christian authorities understood the Greek translation of Exodus 21:22-25 to relate to the developing embryo or fetus; killing either should be understood as murder. Subsequently, these different translations, the Hebrew and the Greek, contributed to differences of opinion within Rabbinic Judaism over the nature of the unborn.

Scholars generally see at least two perspectives concerning the developing fetus that emerged in the wake of the Septuagint translation of the Hellenistic period. One, referred to as the Alexandrian school, derived its interpretation from this Greek translation and reflected views that emerged from within the Jewish community of Alexandria. The other, which has been

³² Gorman, *Abortion and the Early Church*, 35. See also the earlier work by Victor Aptowitz who says the emerging Alexandrian view was “not genuinely Jewish but must have originated in Alexandria under Egyptian-Greek influence,” a compromise between Platonists and Stoics. See Victor Aptowitz, “Observations on the Criminal Law of the Jews,” *Jewish Quarterly Review* 15 (1924), 87, 114; also quoted in Feldman, *Birth Control*, 259.

³³ See Feldman, *Birth Control*, 255-262; Gorman, *Abortion and the Early Church*, 35.

referred to as the Palestinian school of thought, remained dependent on the Hebrew tradition and eventually resulted in the Talmudic view that emerged from early halakhic midrash on the Exodus passage. Significantly, both schools viewed abortion only in terms of necessity in their day, yet they disagreed over whether or not the fetus, at a given stage of development, acquired human form according to Exodus 21:22-25, in the event of an unintended mishap leading to miscarriage.³⁴ Greek philosophical ideas about ensoulment, the point when the fetus was thought to first experience sensation, likely influenced both of these debates and positions.³⁵ The writings of Philo and Josephus demonstrate that both positions became the topic of some extended commentary by the first century C.E.

Some scholars believe the comments by Philo on the law in Exodus 21:22-25 best represent the perspective of the Alexandrian school. For him, it is imperative to convey to his audience that this passage implies that causing a miscarriage or abortion is a capital offense against a physically formed fetus.

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

³⁴ Feldman, *Birth Control*, 251-254, 257-258; Bakke, *When Children Became People*, 111; Gorman, *Abortion and the Early Church*, 34. This concern over the value of the fetus is not unique to Jewish law, but fits within the general milieu of ancient Near Eastern law codes; e.g., see the *Laws of Lipit-Ishtar* P. rev. iii 2-13; *Sumerian Laws Exercise Tablet* iv 1-10; *Middle Assyrian Laws* ii 93-97; vii 63-108; translated by Martha T. Roth, *Law Collections from Mesopotamia and Asia Minor* 2nd ed. (SBL Writings From the Ancient World Series; Atlanta: Scholars Press, 1997).

³⁵ Aristotle, *History of Animals* VII.3; Gorman, *Abortion and the Early Church*, 22.

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. (*Spec.* 3.108-109)³⁶

Although she generally addresses abortion and infanticide together, Adele Reinhartz produced an excellent study of Philo's commentary on the fetus and abortion.³⁷ I shall not repeat such an intricate examination here, but key to her study is her argument that Philo's audience probably consisted of Alexandrian Jews whom he felt were forsaking their Jewish roots for the Greek life. Thus, after examining the passage above together with *Spec.* 3.110-119, which deals with the exposure of infants, she concludes that "it is conceivable that [Philo] was addressing problems (practices such as exposure and infanticide, which would appear to include abortion)

³⁶ All citations and quotations from the work of Philo are taken from *Philo in Ten Volumes*. (trans. F. H. Colson; LCL; Cambridge, Mass.: Harvard University Press, 1968-1985) unless stated otherwise. Philo has also taken liberty to change the passage from a fight between two men, to a deliberate attack by a man upon a pregnant woman.

³⁷ Adele Reinhartz, "Philo on Infanticide," *The Studia Philonica Annual* 4 (1992): 42-58. She also brings Philo's *On the Virtues* 131-132 and *Life of Moses* 1.10-11 into the discussion.

within the [Alexandrian] Jewish community itself” which he felt deplorable and against Torah.³⁸ Philo seems aware of abortive practices, even if his *descriptions* consist more of accusation than reality. It remains a probability, not a certainty, that his polemic was directed to a segment of the Jewish population. Furthermore, there is no indication as to the common or uncommon nature of the practice among his intended audience, whoever they may be. Philo’s writings were not authoritative for Judaism or the Diaspora community of his day, but they do represent the strong *commentary* of an elite voice against abortion from within his particular community as well as probable *descriptive* evidence for the practice.

The first-century writer Josephus also provides both *descriptive* attestations to abortive practices as well as assertive *commentary* against them, although it is unclear whether we should attribute his references to his earlier experience in Palestine or to his later experiences in Rome. In the process he also becomes an early witness to the Palestinian position rooted in the Hebrew tradition and eventually upheld in the Talmud. *Antiquities* IV, 8, 33 reads as follows:

He that kicketh a woman with child, if the woman miscarry, shall be fined by the judges
for having, by the destruction of the fruit of her womb, diminished the population, and a

³⁸ Reinhartz, “Philo on Infanticide,” 56. Her study was the first in a scholarly debate over whether Jews engaged in such practices in antiquity. Later, Daniel Schwartz published a heated critique of the subsequent pieces Reinhartz’s initial article generated. Although I sympathize with his lament over the lack of “restrained conclusions” (and I hope he would perceive I have attempted to take his advice seriously here), his response conveys a strong apologetic tone. See Daniel Schwartz, “Did the Jews Practice Infant Exposure and Infanticide in Antiquity?” *The Studia Philonica Annual* 16 (2004): 61-95. Because most of this debate focuses on the language of exposure and infanticide, I shall also leave discussion of these sources, including Schwartz, to a subsequent examination of exposure.

further sum shall be presented by him to the woman's husband. If she die of the blow, he shall also die, the law claiming as its due the sacrifices of life for life.³⁹

Like its Hebrew Bible precursor and the Talmud that would follow, Josephus' Greek translation takes the capital offense to be death of the mother, not the fetus. He regards the death of the fetus as a blow to "the multitude," yet considers its death to be of lesser offense than that of one fully born.

Nevertheless, Josephus must also have either been familiar with the Jewish-Alexandrian tradition of the likes of Philo or of the general Hellenistic arguments surrounding the fetus. Despite his careful translation of Exodus 21:22-25 in *Antiquities*, he answers Greek critics of Jewish legal and philosophical traditions in part with the following *commentary*:

The Law orders all the offspring to be brought up, and forbids women either to cause abortion or to make away with the foetus; a woman convicted of this is regarded as an infanticide, because she destroys a soul and diminishes the race. (*C. Ap.* 2.202).

There is a problem with Josephus' commentary. There are no such biblical injunctions, at least with the specificity he sets forth. Exodus 21:22-25 speaks of a third party harming a pregnant woman, not of a woman inducing her own abortion. Nevertheless, one must take into account that *Against Apion* is an apology against a handful of polemical works by Greek authors. As such, his primary aim in this section was to argue the integrity and antiquity of the Mosaic legal and philosophical system over that of the Greeks (*C. Apion* 2.145ff). His comment that "The Law orders...and forbids," therefore, is that of a privileged male *commenting* on an intuited or

³⁹ All citations and quotations from the work of Josephus are from *Josephus in Nine Volumes* (ed. H. St. J. Thackeray et al., LCL; Cambridge, Mass.: Harvard University Press, 1926-65).

perceived prescription against abortion in the Mosaic Law, not as a prescription in itself.

However, his belief that the Law places particular restrictions on the actions of women could suggest the knowledge or suspicion that some Jewish women might actually carry out such practices, or it could simply be a polemical allusion to the practices of Greek women. It is not an exposition detailing the actual practices of Jewish families regarding pregnancy and birth.

A few remaining texts round out our examination of Jewish sources on abortion circa the first century. The first is a passage from the Jewish stage of the *Sibylline Oracles* dated approximately to the late first century BCE and probably emerging from Jews in Asia Minor. It warns that among the wicked whom the god of Israel shall punish with fire and darkness are “as many as aborted what they carried in the womb” (2.281-282).⁴⁰ Due to its context within the *Oracles* it should probably be attributed to apocalyptic Judaism. The second is a moral tract generally dated 50-100 C.E. Discussion of provenance has also centered on Alexandria, and tended to classify it as representing a strain of Hellenistic Judaism, yet perhaps attempting to convince Jews not to abandon their faith. Now known as Pseudo-Phocylides, our particular

⁴⁰ The Greek reads: “ὅσσαι δ’ ἐνὶ γαστέρι φόρτους ἐκτρώσκουσιν” [from *ἐκτιπρώσκω* – to cause a miscarriage]; see H. G. Liddell and Robert Scott, *A Lexicon: Abridged from Liddell and Scott’s Greek-English Lexicon* (Oak Harbor, WA: Logos Research Systems, 1996) S. 245. On the *Oracles* and the English translation, see “The Sibylline Oracles,” translated by John Collins. *OTP* Vol. 1 (ed. James Charlesworth; Garden City, NY: Doubleday, 1983), 352. For discussions of date, provenance, and eschatology see Collins, “Sibylline Oracles,” in *OTP*, 330-333.

maxim states: “Do not let a woman destroy the unborn babe in her belly” (*Sentences* 184).⁴¹ Both statements are often treated under the Alexandrian school of Jewish thought⁴² and both are simple *prescriptive* declarations against abortion by unknown writers.

Later, in the Rabbinic period, the Palestinian position of the Mishnah and Talmud remained true to the Hebrew reading of Exodus 21:22-25 and understood the term “harm” to refer to the woman, not the fetus. Therefore, if no “harm” occurs [to the woman], then the perpetrator must pay a fine to the woman’s husband. If “harm” does occur [to the woman], then the perpetrator must give an eye for an eye, *et cetera*. The woman ranked more important than the fetus. The Hebrew thereby permitted the much later rabbinic allowance that an abortion was necessary if the life of the mother was in jeopardy.

If a woman was in hard travail, the child must be cut up while it is in the womb and brought out member by member, since the life of the mother has priority over the life of the child; but if the greater part of it was already born, it may not be touched, since the claim of one life cannot override the claim of another life. (*m. ’Ohal. 7:6*)

Furthermore, the Talmud asserts the unborn child is not an independent life but dependent on the mother’s body. In a passage theorizing about the execution of a pregnant woman, *b. ’Arak. 7* states: “If a woman is about to be executed, one does not wait for her until she gives birth. But if she had already sat on the birthstool, one waits for her until she gives birth.” The Gemara

⁴¹ “The Sentences of Pseudo-Phocylides,” translated by Pieter van der Horst. *OTP* Vol. 2 (ed. James Charlesworth; Garden City, NY: Doubleday, 1983), 580. See pages 81-82 for discussions of background to the text.

⁴² E.g., Gorman, *Abortion and the Early Church*, 37.

immediately comments on the first sentence, “But that is self-evident, for it is her body!”⁴³

Certainly, the latter passage does not actually deal with abortion, but it prescriptively asserts the unborn is part of its mother and not an entity on its own and therefore holds implications for Jewish views of abortion. The unborn in the Palestinian tradition is not legally a person until birth, and there is no moral or capital offense for killing the unborn.⁴⁴ When it comes to other possible reasons for abortion, virtually the rabbis are silent.⁴⁵

The point is that simple statements that claim ancient Jews rejected “harsh practices toward children, including abortion”⁴⁶ obscure the complex nature of the limited references. We have two prescriptions from unknown writers (in the *Sibylline Oracles* and *Pseudo-Phocylides*), and two sharp commentaries against abortion (Philo and Josephus) that all date from the early

⁴³ English Babylonian Talmud. <http://halakhah.com/pdf/kodoshim/Arachin.pdf>

⁴⁴ Feldman devotes careful attention to the question and conclusion that “foeticide” was not homicide in the Palestinian (halakhic) tradition (*Birth Control*, 254-257).

⁴⁵ At this point Gorman makes the unsubstantiated assertion: “This fact can be explained by the extreme rarity of abortion in Judaism.” He tries to support the point by highlighting positive valuations of propagation in the Talmud and from Josephus below (*Abortion and the Early Church*, 42-43). His assertion may well be correct, but prescriptive evidence that bearing offspring is commanded or valued is not evidence that elective abortions did not occur. To be sure, there is also no evidence that they did. We are left with intuitive speculation, not categorical assertion. He also correctly draws attention to a “minority” position within the Palestinian tradition although he arguably gives undue emphasis to it. Gorman largely gives an objective presentation of texts, but summarizing statements and his concluding chapter clearly mark the work as a Christian polemic against abortion. Cf. Feldman, *Birth Control*, 259-262.

⁴⁶ E.g., Gundry-Volf, “To Such as These,” 470.

Roman period. It is unclear whether they are merely responses to a Gentile practice, or to practices known or surmised within their own communities. Philo's accusation probably represents the latter. The prophet Jeremiah attests familiarity with the practice in Judah before the Hellenistic age, and there is no hint of condemnation of the practice, while the Rabbinic period demonstrates that, while limited, there was no absolute rejection of the practice.

Child Endangerment - Infanticide

Aside from abortion post-natal practices such as infanticide (including sacrifice) endangered children's lives in antiquity. Here I consider infanticide broadly and include practices such as child sacrifice with parental infanticide. However, since I primarily engage these topics in the interest of children's studies and their endangerment, my interest is in how our sources discuss the treatment of children broadly. Therefore, this examination is not limited to a culture's own children but also considers depictions of children as explicit or implicit victims of warfare.⁴⁷ With this in mind, we turn to an examination of ancient Jewish sources for infanticide.

Descriptions of infanticide, the deliberate killing of infants or young children, or its attempt are more widely attested through prescriptive material, descriptions, and commentary in Jewish sources, from no later than the eighth-seventh century B.C.E. to the second century C.E.,

⁴⁷ Recent archaeological analysis has challenged the argument that the ancient Canaanite/Phoenicians engaged in large-scale infant sacrifice, based on the high number of infant remains in burial urns at the Tophet in Carthage. Jarrett A. Lobell, "Child Burials: Carthage-Tunisia," *Archaeology* 64, no. 1 (Jan/Feb 2011). [cited Feb. 12, 2011] Online. www.archaeology.org/1101/topten/tunisia.htm.

from Judah to Babylonia, from Alexandria to Asia Minor.⁴⁸ Arguably, the earliest text that perhaps betrays the practice of child sacrifice among the ancient Israelites is from the Covenant Code, where their god commands the Israelites:

The firstborn of your sons you shall give to me. You shall do the same with your oxen and with your sheep: seven days it shall remain with its mother; on the eighth day you shall give it to me. (Exodus 22:29b-30; NRSV)

Here, human and animal offspring are treated as offerings to the deity, and although redemption of the firstborn can certainly be raised as an objection (Exod 13:11-16), the command above is given devoid of such context.⁴⁹ Therefore, in isolation the Covenant Code appears to preserve a *prescription* demanding the sacrifice of first-born sons to the god of Israel.⁵⁰

Traditionally attributed to the Elohist and probably no later than the 700s B.C.E. in Israel, the *Akedah*, the “Binding of Isaac” narrative, best illustrates an attempted infanticide (Gen 22:1-14). In its current form, it presents both *prescriptive* and *descriptive* evidence regarding the

⁴⁸ A more condensed summary of most of these instances of infanticide in the Jewish tradition are included in Murphy, *Kids and Kingdom*, 2013.

⁴⁹ The Covenant Code was incorporated at some point during the process of textual development into the Elohist source. Therefore, it is thought to have been originally separate from redemption passages such as Exodus 13:11-16, which is attributed to the Elohist. See Richard E. Friedman, *The Bible with Sources Revealed* (New York: HarperSanFrancisco, 2003), 154 (footnote), 156-157. Reserved for a separate study, the redemption passages like Exod 13:11-16 point toward the obverse, the benevolence of Jewish tradition toward children.

⁵⁰ See Francesca Stavrakopoulou, *King Manasseh and Child Sacrifice: Biblical Distortions of Historical Realities* (Berlin: Walter de Gruyter, 2004), 179-191.

sacrifice of children. Over time, it provided Israelite prescriptions against child sacrifice with an authoritative etiology explaining why Jews should not sacrifice their children. Yet it also provides evidence that child sacrifice was not only plausible to Abraham and the author, but thought to have been contextually acceptable in the culture of the figure Abraham. Therefore, in addition to a prescription against child sacrifice, I take the story as *descriptive* of a practice known as late as the period of the Elohist.⁵¹ Interestingly however, Richard Friedman has provided a list of source-critical arguments as to why Genesis 22:11-15 should be attributed to the Redactor of J and E (RJE) rather than original to E alone. Assuming his arguments for the moment, the resulting E narrative minus the RJE material would read:

And Abraham put out his hand and took the knife to slaughter his son. And [Elohim] said, “I swear by me that because you did this thing and didn’t withhold your son, your only

⁵¹ On an entirely interpretive note, it makes little difference to some interpreters whether this is an etiological story explaining the prescription against child sacrifice by theologians during Israel’s monarchy or one meant to demonstrate the faithfulness and mercy of Israel’s god to uphold his part in the covenant promise. Either way, placing the child Isaac at the center of the text rather than God, Abraham, and theological hindsight leaves us with a child who faces annihilation; society would charge Abraham with attempted murder by today’s standards.

one... And Abraham went back to his boys [יְרֵאָה]; or *young men*] and they got up and went together to Beer-sheba, and Abraham lived in Beer-sheba. (translation, Friedman)⁵²

If he is correct, Abraham's successful sacrifice of Isaac could seem derivative of the apparent prescription to *offer one's firstborn son* above. Although the narrative does not depict Isaac as his firstborn, he is nevertheless the victim chosen by the deity. And although such a reconstruction lies beyond proof, the narrative in its current form does not depict Isaac returning with Abraham

⁵² To be clear, Friedman refers to the idea that Abraham did sacrifice Isaac in "the original E story" as "possible," he does not argue for the certainty of this reading. Nevertheless, he writes: "The evidence that vv.11-14, in which the sacrifice is stopped, were added by RJE is as follows: (1) [Gen 22:1-9, 16-19] is an E text, referring to the deity as God (Elohim) in narration three times (vv. 1, 3, 9), but suddenly, as Abraham takes the knife in his hand, the text switches to an angel of YHWH. (2) Verses 11-15, which describe the angel's instructions to Abraham not to sacrifice his son after all, are enclosed in a resumptive repetition in which the angel calls out two times. (3) Following this resumptive repetition, the angel (or God) says, 'because you *did* this thing and *didn't* withhold your son.' (4) The story concludes, 'And Abraham went back to his boys.' Isaac is not mentioned—even though Abraham had explicitly told the boys, 'We'll come back to you.' (5) Isaac never again appears in E after this. (6) In the E story of a revelation at Mount Horeb in Exodus 24, there is a chain of eighteen parallels of language with this story of Isaac, but not one of those parallels comes solely from these verses (11-15)... (7) There is a group of midrashic sources that say that Isaac was in fact sacrificed." See Friedman, *The Bible with Sources Revealed*, 65 and footnote. Similarly, Francesca Stavrakopoulou states: "It maybe be that the biblical story contains traces of a tradition in which Abraham does sacrifice Isaac, for in Gen. 22.19 Abraham appears to return from the mountain without Isaac," *King Manasseh and Child Sacrifice*, 193, footnote 212.

back to the “boys” mentioned in 22:5 and 19. Others have noted that Abraham and Isaac never again converse in the narrative. Their relationship seems to suffer a remarkable rupture.⁵³

That Exodus 22:29b-30 from the Covenant Code may have once existed apart from orders to redeem the firstborn sons of Israel could shed light on a passage in Ezekiel. In the sixth century B.C.E., writing from his perspective among the Babylonian exiles, Ezekiel laments a particular law of Israel’s god:

Moreover [God] gave them statutes that were not good and ordinances by which they could not live; [He] defiled them through their very gifts, in their offering up all their firstborn, in order that [he] might horrify them, so that they might know that [he] is the LORD. (20:25-26; NRSV)

When you offer your gifts and make your children pass through the fire, you defile yourselves with all your idols to this day. (20:31a; NRSV)

As it stands, he not only provides *commentary* on an earlier prescription he seems to think has been understood by some to condone child sacrifice, his prophetic call and the eventual scriptural status of his book earn the passages above the designation of a *prescription against* the practice.

⁵³ Terence Fretheim “God Was with the Boy,” 14-23. In a separate story that probably derives from a relatively early period, the story of Jephthah’s daughter (Judg 11:29-40) probably provides descriptive evidence of child sacrifice in the pre-Hellenistic era, though she is clearly not an infant. Nevertheless, while the author of Judges seems to condemn Jephthah’s actions, neither the men of Gibeon nor the god of Israel take action to save the child, a sharp contrast to the Isaac tradition. Stavropoulou observes that both stories refer to these figures as an “only child” (Judg 11:34; Gen 22:2) and argues that the sacrifice of the firstborn to YHWH “is clearly bound up with human fertility,” *King Manasseh and Child Sacrifice*, 195-196.

In the process, they provide a *descriptive* hint to the non-quantifiable existence of infanticide during his time and among his people.

Was there a great discrepancy between the prescriptive tradition against infanticide and actual practice? Ezekiel was one of several sources that attest to such practices just prior to, and perhaps during, the Exile, most of which would have originated from Judah, and very likely Jerusalem. As a possible corrective to Exodus 22:29b-30, two passages from the Deuteronomic law code, 12:31 and 18:10a, are *prescriptive* laws *against* the practice, as well as an exilic or post-exilic reference in the Holiness Code (Leviticus 18:21a). Yet, the majority of references from the Deuteronomistic tradition are *descriptive* polemic, suggesting the practice actually occurred over a length of the divided kingdom's pre-exilic history. This tradition frequently accuses the royal houses of Israel and Judah of child sacrifice (e.g., 2 Kgs 16:3; 17:17; 21:6) and credits Josiah with ending the practice among Jewish monarchs (2 Kgs 23:10). Perhaps this suggests that only the Jewish economic and social elite practiced child sacrifice. However, Jeremiah accuses "the people of Judah" of the practice (Jer 7:30-31; 32:35).⁵⁴

⁵⁴ Numerous scholars have argued that child sacrifice was probably widespread in pre-exilic Judah, even among Yahwists. Among them, see Susan Ackermann, *Under Every Green Tree: Popular Religion in Sixth-Century Judah* (Atlanta: Scholars Press, 1992); Jon D. Levenson, *The Death and Resurrection of the Beloved Son: The Transformation of Child Sacrifices in Judaism and Christianity* (New Haven: Yale University Press, 1993); Mark S. Smith, *The Early History of God: Yahweh and the Other Deities in Ancient Israel*, 2nd ed. (Grand Rapids: Eerdmans, 2002), esp. 172-178; Stavrakopoulou, *King Manasseh and Child Sacrifice*.

Significantly, this entire discussion of child sacrifice within the context of infanticide reveals much about our modern Western values as childist interpreters. For us, the question might be: *If you value your child, how could you possibly sacrifice it?* Yet, as Stavrakopoulou indicates, it may have been precisely in order to secure the blessings of fertility or protection from Yahweh or other deities that inhabitants of the Levant sacrificed their firstborn child.⁵⁵ Securing safety and inheritance comes at a high price.

Meanwhile, in addition to child sacrifice, there are unfortunate references to cannibalism by adults during times of disaster as well as the killing of children by Israel's deity. For instance, according to the authors of Leviticus (26:29) and Deuteronomy (28:53-56) God warned the Israelites that if they break the covenant they shall suffer, in part, such devastation by foreign powers that some shall "eat the flesh of your sons, and you shall eat the flesh of your daughters."⁵⁶ In terms of death by the deity, the author of Kings conveys the troubling story of Elisha's cursing forty-two young boys for mocking his baldness. As a result, the deity sends a bear to slaughter them (1 Kgs 2:23-24). What would this "man of God" say to their parents and kinsmen? In a story likely from pre-exilic Judah, the god of Israel commits infanticide in 2 Samuel 12:15 where a newborn baby is doomed for the sin of David with Bathsheba. Finally, the Flood story of Genesis implicitly obscures the destruction of all infants and young children not part of Noah's immediate family (Gen 7:22-23).

At this point, we have several descriptive markers that suggest that ritual infanticide in the form of sacrifice may have been common, and several prescriptions against the practice

⁵⁵ Stavrakopoulou, *King Manasseh and Child Sacrifice*, 192-201.

⁵⁶ For other passages, see Jer 19:9; Ezek 5:10; Lam 2:20; and 2 Kgs 6:28-29.

dating to around the late seventh to mid sixth century C.E. Next, we have the handful of non-sacrificial, atypical examples in the tradition just listed. These need not be of historical certainty to express the concept that children's existence could be just as precarious in Jewish sources as in those from Greco-Roman literature. To be clear, however, there remains no normative *descriptive* evidence of non-sacrificial infanticide as a practice before the Roman period in the Levant.

From the late Hellenistic period through the first centuries of the Roman Empire, prescriptions and commentary against infanticide by Jewish voices continued, and vehemently so with the Alexandrian Jewish philosopher Philo. Collectively, Philo provides *commentary* on the perceived Jewish prescriptive tradition against abortion (actually derived from the Septuagint, and Stoic philosophy?) and infanticide, asserting the moral depravity of such treatment. I have isolated his discussion of each subject for the purposes of this study. His comments on infanticide are as follows:

Men-haters too, for who could more deserve the name than these enemies, these merciless foes of their offspring? [...] As to the charges of murder in general and murder of their own children in particular the clearest proofs of their truth are supplied by their parents. Some of them do the deed with their own hands; with monstrous barbarity and cruelty they stifle and throttle the first breath which the infants draw or throw them into a river or into the depths of the sea, after attaching some heavy substance to make them sink more quickly under its weight. Others take them to be exposed in some place, hoping, they themselves say, that they may be saved, but leaving them actually to suffer the most distressing fate. (*Spec.* 3.113-115)

As pointed out by Reinhartz, Philo may be commenting on and attacking the practices of some Alexandrian Jewish families rather than pagan families. Are his statements mere polemics by a man vaguely familiar with what he interprets as social ills of his day, without knowledge of particular instances? Alternatively, is he familiar with actual occurrences of which he is troubled? In either case, it also seems appropriate to classify his commentary as descriptive evidence that instances of infanticide occurred, presumably around Alexandria.

Other voices contribute to the evidence on infanticide during the Hellenistic-Roman period. Wisdom of Solomon 12:5 may represent Hellenistic Jewish *commentary* against it dating from the period just prior to the first century. The author of *Sibylline Oracle* 3.765-766 provides a *prescriptive* statement against it followed by *commentary*: “Rear your own offspring and do not kill it, for the Immortal is angry at whoever commits these sins.”⁵⁷ Meanwhile, scholars often quote non-Jewish writers such as Hecataeus of Abdera, Strabo, and Tacitus as support that Jews did not engage in such practices.⁵⁸ However, as Reinhartz has pointed out, their descriptions often contain glaring inaccuracies about the Jewish tradition, some in the same context as their remarks on Jewish treatment of children. Therefore, these writers do not necessarily provide descriptions.⁵⁹

Much of what we have examined thus far largely involves the relationship between parents and their own offspring, which is perhaps what most scholars intend in their assessments, stated or not. My final assessment on deliberate killing involves children beyond the covenant

⁵⁷ Collins, “Sibylline Oracles,” 379.

⁵⁸ Diodorus Siculus, *Library of History* 40.3, 5; Strabo, *Geography* 17.2, 5; Tacitus, *Histories* 5.5.

⁵⁹ Reinhartz, “Philo on Infanticide,” 44.

community, the plight of children during war. Here, the ancient Israelites and their god were not particularly exceptional from their contemporaries. Israel's divine warrior did not opt for the moral high ground when Pharaoh issued his edict to slay the firstborn males of all Israel but retaliated in kind with greater effect.⁶⁰ Meanwhile, the Deuteronomistic tradition *prescribes* the destruction of entire peoples, among which children are implied:

But as for the towns of these peoples that the LORD your God is giving you as an inheritance, you must not let anything that breathes remain alive. You shall annihilate them—the Hittites and the Amorites, the Canaanites and Perizzites, the Hivites and the Jebusites—just as the LORD your God has commanded. (20:16-17; NRSV)⁶¹

Finally, in his lament over the destruction of Jerusalem, the Psalmist expresses his frustration toward the Babylonians: “Happy shall they be who take your little ones and dash them against the rock!” (Ps 137:9; NRSV).

⁶⁰ Murphy, “Kids and Kingdom,” 43; Claire R. Matthews McGinnis, “Exodus as a ‘Text of Terror’ for Children,” in *The Child in the Bible* (ed. Marcia J. Bunge, Terence Fretheim, and Beverly Roberts Gaventa; Grand Rapids: Eerdmans, 2008), 30-37. Cf. Wisdom of Solomon 18:5, 10, 12-13: “When they had resolved to kill the infants of your holy ones, and one child had been abandoned and rescued, you in punishment took away a multitude of their children... But the discordant cry of their enemies echoed back, and their piteous lament for their children was spread abroad. ...since in one instant their most valued children had been destroyed. ...when their firstborn were destroyed, they acknowledged your people to be God’s child” (NRSV).

⁶¹ See A. James Murphy, “Children in Deuteronomy: the Partisan Nature of Divine Justice,” *Biblical Interpretation* 20 (2012), 13-14; “Kids and Kingdom,” 43.

Conclusion

This perusal through ancient Jewish literature suggests that just as with Greco-Roman sources there is also a complexity to child history within Jewish sources. A closer look reveals that when one separates commentary and remarks that should be taken as descriptive from the seemingly “official” prescriptive tradition, with attention to time and place, a more nuanced depiction of ancient Jewish practices emerge. Regarding infanticide, most references occur during and prior to the Exile, and are references to ritual infanticide, i.e., child sacrifice. Geographically, references to child sacrifice and the implied slaughter of non-Jewish children through war appear limited to the vicinity of Israel and Judah, which conforms to the pre-exilic period. The largest share of references is descriptive, whether historical or purely literary in character. Those deemed to possess a prescriptive quality appear nearly equal in instances to descriptions. Some of these are shared instances. However, not all prescriptive instances condemn infanticide; some appear to demand it (e.g., Exod 22:29b-30). What I have categorized as commentary is limited to Ezekiel, Wisdom of Solomon, and Philo. It is in the early Roman period, in the Diaspora community of Alexandria where we find the clearest reference to non-ritual parental infanticide, as well as perhaps Asia Minor.

In terms of abortion, our earliest secure description is that of Jeremiah, who makes no prescription regarding the practice. Beyond this reference, Jewish tradition appears silent on the issue prior to translation of the LXX. Most references to abortive practices occur from the late Hellenistic period forward. Geographical references to abortion occur in Alexandria, and suggest Judah and Asia Minor as well.

In conclusion, although Jewish sources are much less explicit about abortion and infanticide among their own than are Greco-Roman sources, such practices were known among various Jewish populations in antiquity. Given the data in the sources at our disposal, it is probable that they occurred to varying degrees between locales and times, which led to prescriptive stories, proclamations, or polemical commentary by some who took exception to such practices. Above all, contrasting commentary, prescriptions, and descriptions of these practices should caution us against absolute claims that ancient Jews did not engage in such practices or that they valued children more than their neighbors. Did they engage in such practices less than their contemporaries did? There are instances in many Jewish and Greco-Roman sources that affirm and celebrate children in one way or another, yet each tradition also contains occurrences that will likely offend many modern Western sensibilities surrounding the child.