

Josephus Flavius Contra Opionem 24(202)

Parshat Mishpatim
Abortion - 3000 Years Ago
and Today

Melton Geshet at Shegrith - Feb 20, '12
JSI at Akiba Academy - Feb 21, '12

"He that kicks a woman with child, so that the woman miscarries, let him pay a fine in money, as the judge shall determine, as having diminished the multitude by the destruction of what was in her womb; and let money also be given to the woman's husband by him that kicked her."

Josephus Flavius Antiquities of the Jews
IV 8,23

"The law orders all offspring to be brought up and forbids women either to cause abortion or make away with the foetus; a woman convicted of this is considered a murderess, because she destroys a living creature and diminishes the race."¹⁵

Septuagint Exodus 21:22

"If two men wrestle with one another and hit a pregnant woman, and the child comes forth and is not formed yet, then the penalty shall be a money penalty . . . But if it was formed, then thou shalt give life for life."

Philo of Alexandria, The Special Laws, III, 108-109

But if any one has a contest with a woman who is pregnant, and strike her a blow on her belly, and she miscarry, if the child which was conceived within her is still unfashioned and unformed, he shall be punished by a fine, both for the assault which he committed and also because he has prevented nature, who was fashioning and preparing that most excellent of all creatures, a human being, from bringing him into existence. But if the child which was conceived had assumed a distinct shape in all its parts, having received all its proper connective and distinctive qualities, he shall die; for such a creature as that is a man, whom he has slain while still in the workshop of nature, who had not thought it as yet a proper time to produce him to the light, but had kept him like a statue lying in a sculptor's workshop, requiring nothing more than to be released and sent out into the world.

