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Exodus 21:22-25 - Fair or Foul?

February 16, 2020 | Jewish Pro-Life, Exodus 21



This week's Torah portion, Mishpatim, includes the text, "When men fight, and one of them pushes a pregnant woman and a premature birth results, but no other damage ensues, the one responsible shall be fined according as the woman's husband may exact from him, the payment to be based on reckoning. But if other damage ensues, the penalty shall be life for life – eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, bruise for bruise."
Exodus 21:22-25.

particular misuse of Torah has resulted in many Jewish generations lost. It calls into question the foundations of Judaism as a moral and just system. It has caused many righteous born Jews to convert out of our faith in order to resolve a seemingly impossible moral dilemma.

A deeper analysis of the text corrects this distortion, bringing it into alignment with the life affirming foundations of Torah.

On his website, esteemed JPLF board member Rabbi Shlomo Nachman, states, "this verse must be carefully understood. Many translations read “and a miscarriage occurs” rather than as “a premature birth results” as I have it here. The passage, in my opinion, is to “a premature birth” when the context is considered. The text actually says that if the child “departs” [“yasa”] the womb and no other damage ensues from the event. In other words, if because of the struggle the baby is born early but is otherwise fine, then the men may be required to pay damages for their carelessness but no more. “But if other damage ensues,” i.e. the baby is born with some deformity or born dead, then the standard penalties will apply, 'an eye for eye, tooth for tooth'. If the child dies as a result the men are guilty of the murder, a life for a life. The text makes no sense any other way. The Hebrew term shachol references an abortion or miscarriage. That word is not used here. There is conclusive evidence that both Torah and Rabbinic halacha regarding the pre-birth child as fully human and subject to the same protections and respect as all other people."

Please visit http://learnemunah.com/being/abortion.html to read the entire article.

Rabbi Nachman's erudite examination of these verses harmonizes beautifully with Judaism's life affirming essence, as reflected by the psalmist, "For you created my inmost being: you knit me together in my mother’s womb. I praise you because I am fearfully and wonderfully made." Not surprisingly, it is in accordance with the science-based reality that life begins at conception. It assigns value and dignity to the unborn child, making endorsement of the cruel termination of an unborn child through excruciatingly painful abortion procedures unthinkable.

and adoption! You can help us save precious Jewish lives by sharing our life affirming faith with friends and family.

May there be abundant peace from Heaven, and good life upon us and upon all Israel. Amen.

Cecily Routman, Founder & President Jewish Pro-Life Foundation

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