

Yifat Monnickendam | Killing a Pregnant Animal and Executing a Pregnant Woman: The Evolution of the Legal and Exegetical Discourse

The Jewish and Christian commentaries on Leviticus 22:28, “and an ox or a sheep, it and its offspring, you shall not slaughter in one day,” juxtapose two issues, slaughter of a pregnant animal and execution of a pregnant woman sentenced to death. These two issues and the ways they intersect reflect two processes in the development of the Jewish and Christian literature of late antiquity, the relation between theological and legal discourse, and the transfer of biblical exegesis from one community to another.

Following a survey on the topics standing in the background of our discussion, namely, the status of a fetus and abortions, execution of a pregnant woman, and the early polemic on the commentary on Leviticus 22:28, this paper focuses on Philo’s commentary on Leviticus 22:28 in relation to contemporaneous discussions on abortions and executions, its later use by early Christian writers, and the vestiges of this exegesis in late aggadic literature. The paper concludes with a discussion on the role of legal discourse in relation to the theological and exegetical discourse. On the one hand, the Christian discussion on execution of a pregnant woman follows Imperial law, ignoring Christian theological claims regarding the status of a fetus. On the other hand, the flexibility of aggadic literature enables the preservation of halakhic traditions that are rejected in main halakhic sources.