On Abortion

The purpose of this document is to outline the traditional Jewish perspective on abortion and the sanctity of human life prior to birth. Far from being a position unique to the Coalition for Jewish Values and like-minded organizations, the views herein are mainstream Jewish beliefs found in our Rabbinic texts and legal codes.

Abortion was common in the ancient world, characteristic of a general attitude of callous disregard for human life. Infanticide was similarly widespread, practiced in places as diverse as China, Japan, India, Greece and Rome. Aristotle wrote in *Politics* [VII. 16] that "there must be a law that no imperfect or maimed child shall be brought up. And to avoid an excess in population, some children must be exposed [to die]. For a limit must be fixed to the population of the state." Contrary to common belief, the Hippocratic Oath merely proscribed an abortifacient known to be harmful to the woman.

Throughout history, Judaism has opposed murder, child sacrifice and, with modest exceptions, abortion. The Jewish Bible identifies human life as a soul placed (breathed) within a body by G-d Himself, with inestimable sanctity and value [Gen. 2:7]. Rebecca is told not only that she is carrying twins, but the nature of each of her children is used to explain their behavior *in utero* [Gen. 25:23]. Jeremiah is told explicitly that his unique soul was placed into his mother's womb [Jer. 1:5], "Before I placed you in the womb I knew you, before you left the uterus I sanctified you, I appointed you a prophet to the nations."

A fetus is clearly deemed to be an independent life. The Talmud [Arachin 7a] and Code of Jewish Law [O"Ch 330:5] instruct us to violate the Sabbath, which is permitted only to save a life, to open the womb of a deceased woman whose fetus may have survived. The Mishnah similarly teaches that from the moment a stillborn child leaves the womb, he or she confers the same spiritual impurity as does any deceased person [*Ohalos* 7:4-5]. Abortion is permitted only in order to save the life of the mother, "because her life precedes his" [*Ohalos* 7:6]. In his legal code, Maimonides records this unique exception as part of his Laws of Murder [1:9].

The general prohibition against abortion carries through Rabbinic literature to our present day. Rabbi Moshe Feinstein (of blessed memory), Dean of Mesivta Tifereth Jerusalem in Manhattan, was widely considered the world's foremost authority in Jewish law at the time Roe v. Wade was decided in 1973. In multiple written responsa, he describes the infinite value of every moment of life and calls abortion "on demand" akin to murder.

The Consistent Traditional View

As said at the outset, this view is part and parcel of traditional, Orthodox Judaism. Five years before Roe v. Wade, the Rabbinical Council of America published an essay by Rabbi J. David Bleich entitled "Abortion in Halakhic Literature" in its journal *Tradition.* The article details positions of various legal authorities throughout Jewish history on the severity, rationale and possible punishments for abortion, all ultimately concluding that it is clearly prohibited (barring life-saving circumstances as detailed above). It begins with a quote from the *Zohar*, the famous repository of Jewish mysticism, which describes one who destroys a fetus as having destroyed G-d's handiwork and having pushed away the Divine Presence [Exodus 3b].

In 1999, Agudath Israel presented a Position Paper to the 106th Congress which stated as follows:

> Jewish tradition teaches that a human fetus has status and dignity; and that termination of pregnancy raises profound moral concerns. Agudath Israel accordingly has urged the Supreme Court to reconsider its holding in Roe v. Wade, and supports legislation that restricts abortion on demand. At the same time, in line with its support for religious freedom, Agudath Israel opposes initiatives that would make abortion unlawful even in situations where termination of pregnancy is mandated by religious law...

In a recent interview, an Agudath Israel spokesman said that abortion is opposed "uneasily" by Orthodox Jews because "our position does not neatly overlap that of the Christian right." He points out that "we must protect a woman's right to rely upon a religious decision being made conscientiously to terminate a pregnancy."

We note, however, that at present no proposed legislation would prohibit abortion when mandated by Jewish law, or, indeed, by any other conventional religious code. Abortion was legal in exceptional circumstances long before Roe v. Wade, and few imagine state laws would prohibit abortion entirely should Roe v. Wade be reversed.

In summation, Jewish beliefs and ethics treat fetal life, as all life, as possessing inestimable sanctity. Our beliefs permit termination of a pregnancy only under extreme circumstances, and never as a matter of choice. We therefore support legislation which limits on abortion "on demand," while permitting it where the mother's life is threatened.

For Further Reading

Abortion in Halakhic Literature, Rabbi J. David Bleich, Tradition: A Journal of Orthodox Jewish Thought, Vol. 10. No. 2 (Winter 1968), published by the Rabbinical Council of America.
https://www.jstor.org/stable/23256253

The Jewish Approach to Abortion, Rabbi Aharon Meir Goldstein, Morasha.
https://www.morashasyllabus.com/class/Abortion.pdf

National Public Policy Position Paper, Agudath Israel of America, June 29, 1999.
Section on "The Sanctity of Human Life."
http://jlaw.com/LawPolicy/OU4.html

The Coalition for Jewish Values
http://cjvalues.org/

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