

Jewish Views on Abortion

At only 2.5% of the American population, the Jewish view on abortion is probably irrelevant. The abortion debate in this country has been driven largely by the Evangelical Christian community. However, that does not stop people from misrepresenting the Jewish point of view.

Only recently there was an interesting position put forward by a member of the Jewish faith that a fetus is nothing more than tissue in a woman's body which can be disregarded at will. It is argued that there is no "right" to life until birth of a fully formed baby.

Nothing could be further from the truth. Judaism, like many denominations within Christianity, is very diverse. Once upon a time, a judge demanded that I be in trial on a Jewish holiday. I told him that I could not be, because I was not permitted to work on that holiday. He then proceeded to tell me about a friend of his who was Jewish and would work on that day. I had a friendly relationship with the judge and I asked him if it was correct that he was born Catholic in a small town. He answered "yes." I said to him: "Well, Judge I am Catholic just like you." He understood and he gave me the day off.

We have within the Jewish faith those who are sometimes referred to as Haredi (black hat) or ultra-Orthodox, certain sects of Hasidic, and at the other end of the spectrum, there are those who embrace a New Age philosophy.

The National Council of Jewish Women is dominated by a group who attempt to interpret Judaism as permitting abortion on demand, with the unborn having no rights.

For Judaism the debate as to when life begins is irrelevant. The issue is not when life begins, but rather what form of protection is the unborn entitled to? In Judaism, life does not begin at conception and an individual does not have legal rights to inheritance and to the other advantages of "personhood" until they are born. However, that does mean that the fetus is not entitled to any protection or that it is tissue that may be disregarded at the whim of the woman carrying the fetus.

The most clearly enunciated view of abortion in Judaism is that when the fetus becomes a *rodef*, a pursuer, the woman is entitled to protection. In other words, if the woman's life is in danger, she is entitled to protection including abortion.

This is not inconsistent with the view that feticide is prohibited by Jewish law. Pregnancy, a baby and raising a family are core components within Judaism, not lightly to be set aside.

There is some misrepresentation as to the position of the Torah with respect to two people fighting and a woman incidentally being struck, thereby causing a miscarriage. Money has to be paid for the miscarriage, because the right of the fetus to be born alive has been eliminated. However, the person whose negligence caused the miscarriage is not put to death. That is perfectly consistent with Jewish law which prohibits the death sentence for unintentional killing. It has been written that a

Sanhedrin which pronounce one death penalty every 70 years was considered bloodthirsty.

It has been stated, quite accurately, that Judaism teaches that the body is ultimately the property of God and merely on loan to human beings. Jewish law prohibits suicide, tattoos and wounding one's self. This clearly indicates that individuals do not maintain the unabridged right to make any choice they wish concerning their body. The body is the temple of the divine.

Therefore, while it is mandatory for a woman to have an abortion if her life is imperiled by the fetus, the so-called right to choose is not unfettered. Even the most orthodox denominations within Judaism are cautious with respect to laying down absolutely firm standards as to when an abortion should be prohibited.

The decision to abort, within Judaism, should never be taken lightly. It is a serious religious and spiritual matter and abortion is never countenanced as a form of birth control. Those who distort Jewish texts, learning and legal decisions to preach that Judaism is a religion of unrestricted abortion are doing a disservice to themselves, the religion and those who treasure the Jewish way of life.

Genesis is specific in commanding that people be fruitful and multiple. In fact, it is the first *Mitzva*; requirement or obligation.

The question is sometimes asked what about abortion rights in Israel? In Israel, in order to terminate a pregnancy, an Israeli woman appears before a three-person committee. Typically, the request is granted. There are no specific laws indicating when an abortion may be performed, and even if the request is denied by the committee, the woman can seek an abortion at a private clinic.

So diverse are the views of abortion in Judaism that Chabad, one of Hasidic groups which is enormously popular, explains that there is a difference between aborting in the first 72 hours, "when it can still be classed as preventing conception" and the first 40 days, before limbs and organs form. There is even a distinction in connection with the first 3 months and until 7 months, when the fetus is considered viable. In the case of rape, Chabad takes the position that abortion may be permitted by preventing conception if medication is ingested within 72 hours and, in some circumstances, abortion is permitted up to 40 days after conception.

There is an interesting story in the Talmud, the authoritative interpretive work of the Jewish Bible, that a lamp is lit for the unborn child above its head. The Talmud goes on to say that there are no days in which a person experiences more bliss than during the days in the mother's womb. "While there, the child is taught the entire Torah.... but as soon as he emerges, the angels strike him on the mouth, causing the child to forget the entire Torah...." This is the reason for the saying below the nose, above the lip. Therefore, a Jew is supposed to spend his or her life relearning the Torah.

While there are those who like to classify Judaism as either prolife or prochoice, the Jewish people in general take a much more nuanced and thoughtful view. One suspects that America may eventually come to this realization and approach itself.

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