



NATIONAL COUNCIL *of* **JEWISH WOMEN**

What Judaism Really Teaches About Abortion

Leadership Webinar with Rabbi Danya Ruttenberg

Welcome, and a question.

On a scale of 1-10, how comfortable do you feel explaining why abortion is a Jewish value?

Share in the chat box.





What are some of the reasons that it could be important or useful to be familiar with Jewish sources on reproductive health, rights and justice?

Let's begin at the beginning. Torah.

וְכִי־

יִלְדוּ אֲנָשִׁים וְנִגְפוּ אִשָּׁה הָרָה וַיִּצְאוּ יְלָדֶיהָ וְלֹא יִהְיֶה אָסוֹן עָנוּשׁ יַעֲנֹשׁ כְּאִשֶּׁר יִשִּׁית עָלֶיהָ בְּעַל הָאִשָּׁה וְנָתַן בֶּטֶן

When men fight, and one of them pushes a pregnant woman and a miscarriage 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

What do Rabbinic sources say about the status of the fetus?

אי מיעברא עד ארבעים מיא בעלמא היא

If she is found pregnant, until the fortieth day it is mere fluid.

Talmud Yevamot 69b

מאי טעמא דרבי בהא קסבר עובר ירך אמו הוא

What is the reason for Rabbi Yehuda HaNasi's position [in the above conversation]? He holds that a fetus is considered as its mother's thigh.

Talmud Gittin 23b

Now, a few sources on ending pregnancies...

If a woman is having trouble giving birth, they cut up the child in her womb and brings it forth limb by limb, because her life comes before the life of [the baby]. But if the greater part has come out, one may not touch it, for one may not set aside one person's life for that of another.

Mishnah Oholot 7:6

As the entire time that that it has not gone out into the air of the world, it is not [considered] a life, and [so] it is possible to kill it and to save its mother. But when its head came out, we cannot touch it to kill it, as it is like a born [baby]; and we do not push off one life for the sake of another.

Rashi (Rabbi Shlomo Yitzchaki, 11th c.) on the previous Mishnah

God formed the human from the dust of the earth. God blew into the human's nostrils the breath of life, and man became a living being. (Genesis 2:7)

Abortion as self-defense

This, indeed, is one of the negative mitzvot - not to take pity on the life of a *rodef* (murderous pursuer). On this basis, our Sages ruled that when complications arise and a pregnant woman cannot give birth, it is permitted to abort the fetus in her womb, whether with a knife or with drugs. For the fetus is considered a *rodef* of its mother.

Maimonides (12th c.) Mishneh Torah, Murderer and the Preservation of Life 1:9

Some modern sources:

The questioner asks about an adulterous married woman (who is pregnant) is a good question. It appears to me to permit her (to abort)...And even in the case of a legitimate fetus there is reason to be lenient if there is a great need, as long as the fetus has not begun to emerge; even if the mother's life is not in jeopardy, but only so as to save her from woe associated with it that would cause her great pain...

Rabbi Jacob Emden (18th c.)

We see clearly that this permission of Rabbi Yaakov Emden is even when it is not a matter of saving the mother's life, and it is only to save her from great pain because of the child, and that in general there is room to be lenient for great need. ...And suffering and emotional pain in great measure are greater and more painful than physical pain.

Rabbi Eliezer Waldenberg
(1915-2006)

Mental-health risk has been definitely equated with physical-health risk. This woman, in danger of losing her mental health unless the pregnancy is interrupted, would therefore accordingly qualify.

Rabbi Mordechai Winkler (1845-1932)

It is clear that abortion is not permitted without reason. That would be destructive and frustrative of the possibility of life. But for a reason, even if it is a slim reason, such as to prevent disgrace, then we have precedent and authority to permit it.

Rabbi Ben Zion Chai Uziel, (1880-1953)

Here it is clear that saving a life is not the only sanction for permitting an abortion.... other ethical and humane factors may also be taken into account. It would seem to me that issues such as *kevod ha-beriyot* (dignity of persons), *shalom bayit* (domestic peace) and *tza'ar* (pain), which all carry significant [Jewish legal] weight in other contexts, should be considered in making these decisions.

Rabbi Aharon Lichtenstein, (1991)



- We would love to see every section participating!
- Contact your local synagogues, JCCs, etc. to partner on an event
- An email template and program resources will be sent after this webinar.
- What do you need to help make Repro Shabbat a smashing success?

Upcoming Events

Interfaith digital action marking the 48th anniversary of the landmark *Roe v. Wade*

Friday, January 22

Questions? Contact Shannon Russell at srussell@ncjw.org

Repo Shabbat

February 12-13 (Friday & Saturday)

THANK YOU!