

*Rabbi Jeremy Master*

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## Shabbat Sermon: Judaism and Abortion

One of the biggest issues this past week was the banning of abortion in Alabama and in recent weeks, restrictive anti-abortion laws in Georgia, Ohio, and Texas. Of this law, Alabama state representative Terri Collins said, "The heart of this bill is to confront a decision that was made by the courts in 1973 that said the baby in the womb is not a person. This bill addresses that one issue. Is that baby in the womb a person? I believe our law says it is." My reading of everything that the anti-abortion movement states is their central reasoning against abortion is they believe that life begins at conception. This is a belief that is derived from a certain branch of Christian theology. If life begins at conception then a fetus is a living being and terminating the fetus is murder. I understand and respect the right for Christians to hold this belief.

Judaism has a big problem with these laws because Judaism does not hold that life begins at conception. Jewish tradition is quite clear that life begins at birth or with modern medical technology, when the fetus reaches the stage when it can live outside the womb. Jewish views on the nature of the fetus is based upon a law in Exodus that states that if two men are fighting and "one of them pushes a pregnant woman and a miscarriage results, but no other damage ensues, the one responsible shall be fined...If other damage ensues, the penalty shall be life for life." According to this passage, if a you murder someone, you should be put to death, but if you cause a miscarriage, you get fined. As the commentator Abravanel says about this verse, "With regard to murder, children are treated the same as adults, but the Torah does not regard unborn children as warranting such treatment." While Jewish law is quite clear that

a fetus is not a person, the law in Exodus indicates that the fetus does have a special status since causing a miscarriage does lead to a fine.

A second central text on the nature of a fetus is found in the Mishnah, where we are told that it is permissible to kill a fetus if it is endangering a woman's life during the process of giving birth because her life comes before its life. However, if the fetus's head has come out, we do not touch it because then it has the status of a life. This view considers the unemerged fetus to be entirely part of the woman's body and just as her limbs can be amputated to save her life, so too may the fetus be destroyed.

Taking into account both of these concepts, Jewish law on abortion has generally taken the approach that since it has a special status a fetus should not be treated as nothing or destroyed for no good reason, but if the life of the mother is at risk, the fetus may be aborted since it is not the status of a person and the mother is a person. The challenge of dealing with these laws with modern medical technology is how different scholars define being a threat to the mother. Some scholars of Jewish law state that the fetus can only be destroyed if there is a serious physical risk to the mother's life while other scholars take a more expansive approach to understanding what a threat to a mother's life is, including threats to the mother's psychological state such as finding out the fetus has serious genetic defects such as Tay-Sachs. Whatever reason a woman gives for having an abortion, even if it is for no good reason, Jewish law makes clear that there are no legal consequences for abortion.

As you can see, the issue of abortion is not a political issue, it is a religious one. Since these anti-abortion laws come from a particular Christian perspective, denying women access

to abortions clearly violate our Constitutional right to religious freedom. Our Jewish values make clear since a fetus is not a person abortion should be accessible for those situations where it is permissible. Furthermore, in a nation of religious liberty, it is not acceptable to have one particular religion define when life begins when there are clearly differences of belief between religions. Just as we would not wish to impose our religious beliefs on when life begins, so too should other religious groups not be allowed to force their religious beliefs on us.