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OPINION

Judaism Is Emphatically 'Pro-Life' | Opinion



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OPINION JUDAISM ORTHODOX JUDAISM ABORTION ABORTION RIGHTS

Before addressing the claim that abortion is a "Jewish value," a few words of introduction are in order.

The ethical lessons of the Five Books of Moses, what Jews call the Torah, are today so commonly held that they are almost taken for granted. We forget that beliefs such as the inestimable value of every human life, the superiority of peace to warfare and a justice system that must treat all as equals were hardly common in the ancient world. We are fortunate to live in a country whose Founding Fathers looked to the Bible to guide them in the formation of a more perfect union.

Even in the Jewish community, those who openly discard the Torah's many ritual laws still claim a vague fealty to its ethical tenets. This is, perhaps, precisely because the Torah prescribes observances such as "going offline"

for the Sabbath and keeping kosher for Jews alone, while virtuous conduct—refraining from theft or murder and setting up courts of fair justice, for example—is incumbent upon all mankind. Everyone would like to be perceived as striving for the Bible's moral ideal, much as we all, being human, inevitably fail in that pursuit. The holy person, our Sages teach, is the one who gets up afterwards and still aims yet higher.

As a consequence, a person who eats pork or shellfish and treats Saturday like a normal day is unlikely to insist that the Torah means something other than how it has been understood since Sinai. He openly admits that the Torah says one thing, and he does another. But those who diverge from the Bible's moral instruction often prefer to reconstruct it, in order to claim that in fact the Torah endorses his or her behavioral preference, no matter how obviously untrue this may be.

The "Abortion and Jewish Values Toolkit" from the National Council of Jewish Women (NCJW) is a case study in this phenomenon. This booklet was forwarded to me by an esteemed rabbi in our community several weeks ago; he commented, simply, that "it is horrifying."

The rabbi has a gift for understatement.

The "Toolkit" begins with the claim that "Judaism permits abortion. Full stop." Few things have been said about Judaism by its purported adherents that are more clearly untrue.

The Jewish Bible's position on life is unambiguous—and unambiguously "pro-life." It is, as mentioned earlier, the source for the value placed on human life in civilized Western society. The Torah identifies human life as a soul placed (breathed) within a body by G-d Himself. Rebecca is told not only that she is carrying twins, but that they have distinct natures and characters that explain their behaviors in utero. Jeremiah is told explicitly that "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" [Jer. 1:5; emphasis, of course, added].

Orthodox Jew lighting candles during Chanukah
JACK GUEZ/AFP VIA GETTY IMAGES

Jewish legal authorities from ancient times through the present day categorize abortion as a form of murder. Throughout most of history, it was impossible to determine whether a baby in the womb would be viable once he or she emerged—that this precluded a court from imposing capital punishment upon the murderer of a fetus hardly means that the act is therefore permitted.

Jewish law also not merely permits, but demands, that the Sabbath be violated in order to save a fetal life. As lifesaving activity is the only situation in which a Sabbath violation is permitted; were a fetus not deemed alive by the Torah, this behavior would be entirely prohibited. Thus, the NCJW

document's claim that "Jewish law does not consider a fetus to have the status of personhood" is categorically false.

But the most fundamental reference to Judaism's unique perspective is perhaps found in the Mishnah. According to Jewish teaching, Moses was given most of our laws orally at Sinai, and these were only written down when later rabbis recognized that its many details were in danger of being forgotten. The Mishnah, then, is the earliest written record of this Oral Law. And it teaches us that termination of pregnancy is not merely permitted, but obligatory, when the fetus endangers the mother's life—"because her life precedes his."

It could not be more clear that a fetal life is indeed a life. Termination of pregnancy is an indescribable tragedy if the life of that fetus cannot be saved, as well; it is never a "choice." Contrary to the confident proclamation of the NCJW's "Toolkit," Jewish law does not view the indiscriminate murder of the unborn as a form of "health care."

The priority of the mother's life was not always clear in American jurisprudence, but this is no longer the case. When I asked Steven Aden, general counsel of Americans United for Life, about this particular concern, he responded that he cannot identify a single national "pro-life" organization whose ideal legislation would not recognize the necessity of termination of pregnancy when the mother's life is at stake. That is precisely the Jewish ideal and, in our efforts to support the more perfect union envisioned by the

Founding Fathers, something which all rabbis, and indeed all Americans, should hope to realize in American law.

Rabbi Yaakov Menken is the managing director of the Coalition for Jewish Values.

The views expressed in this article are the writer's own.

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