

The Meaning of Pro-Life in Judaism

Tikkun Leil Shavuot 5782

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Deuteronomy 30:19-20

I call heaven and earth to witness against you this day: I have put before you life and death, blessing and curse. Choose life—if you and your offspring would live— by loving your God ה', heeding God's commands, and holding fast to [God]. For thereby you shall have life and shall long endure upon the soil that ה' swore to your fathers Abraham, Isaac, and Jacob, to give to them.

Rashi on Deuteronomy 30:19:2

וּבַחֲרַת בַּחַיִּים THEREFORE CHOOSE THE LIFE — I show you these (“I set life and death before thee) in order that you may choose the portion of life. It is like a man who says to his son, “Choose for yourself a good portion of my real estate”, and sets him in the best portion saying to him, “Choose this!” And concerning this it states, (Psalms 16:5) “The Lord is the portion of my inheritance and my cup, גורלי”, i.e. “You place my hand on the good lot, saying, ‘Choose this!’”

דברים ל':י"ט-כ'

הַעֲדֹתִי בְּכֶם הַיּוֹם אֶת־הַשָּׁמַיִם
וְאֶת־הָאָרֶץ הַחַיִּים וְהַמָּוֶת נִתְּנָתִי
לְפָנֶיךָ הַבְּרָכָה וְהַקְלָלָה וּבַחֲרָתִי
בַּחַיִּים לְמַעַן תִּחְיֶה אִתָּה וְזַרְעֲךָ:
לֹא־הִבֵּה אֶת־ה' אֱלֹהֶיךָ לְשִׁמְעַע בְּקֹלִי
וּלְדַבְּקָה־בּוֹ כִּי הוּא חַיִּיךָ וְאַרְצְךָ יְמִיךָ
לְשִׁבְתָּ עַל־הָאֲדָמָה אֲשֶׁר נִשְׁבַּע ה'
לְאֲבֹתֶיךָ לְאַבְרָהָם לְיִצְחָק וּלְיַעֲקֹב
לֵתֶת לָהֶם: {פ}

רש"י על דברים ל':י"ט:ב'

וּבַחֲרַת בַּחַיִּים. אֲנִי מוֹרָה לָכֶם
שֶׁתִּבְחָרוּ בְּחֵלֶק הַחַיִּים, כְּאָדָם
הָאוֹמֵר לְבָנוֹ, בְּחַר לִּי חֵלֶק יִפָּה
בְּנַחֲלָתִי, וּמַעֲמִידוֹ עַל חֵלֶק הַיִּפָּה
וְאוֹמֵר לוֹ אֵת זֶה בְּרַר לִי, וְעַל זֶה
נֶאֱמַר (תהילים ט"ז) "ה' מִנֵּת חֵלְקִי
וְכוֹסִי אִתָּה תוֹמִיךָ גּוֹרְלִי" — הַנִּחַת
יָדֵי עַל גּוֹרֵל הַטּוֹב לֹאֵמַר אֵת זֶה קַח
לִּי:

Sforno on Deuteronomy 30:19:2

למען תחיה אתה וזרעך, so that both you and your offspring will experience this life אלוֹקִיךָ אתה, when I said to choose “life,” I did not mean that you should keep the laws for the sake of the reward in store for you, but that you should make this choice for the sake of true “life.” This alone is sufficient reason to choose this option. Whatever satisfaction you experience during life on earth should be with a view to the kind of life in store for you after your body has died.

Redeeming Captives

Bava Batra 8b:2-4

Rava said to Rabba bar Mari:

Concerning this matter that the Sages stated, that redeeming captives is a great mitzva, from where is it derived? Rabba bar Mari said to him: As it is written: “And it shall come to pass, when they say to you: To where shall we depart? Then you shall tell them: So says the Lord: Such as are for death, to death; and such as are for the sword, to the sword; and such as are for famine, to famine; and such as are for captivity, to

ספורנו על דברים ל':י"ט:ב'

למען תחיה אתה וזרעך לאהבה את ה' אלקיך. ואמרתי שתבחר בחיים לא כעובד על מנת לקבל פרס. אבל אמרתי שתבחר מה שהוא חיים באמת בלבד למען תחפוץ בחיי שעה לזה התכלית בלבד שתאהב את ה' אלקיך בהכירך טובו עם רב גדלו:

בבא בתרא ח' ב:ב'-ד'

אמר ליה רבא לרבה בר מרי מנא הא מילתא דאמור רבנן דפדיון שבויים מצוה רבה היא אמר ליה דכתיב והיה כי יאמרו אליך אנה נצא ואמרת אליהם כה אמר ה' אשר למות למות ואשר לחרב לחרב ואשר לרעב לרעב ואשר לשבי לשבי ואמר רבי יוחנן כל המאוסחר בפסוק זה קשה מחבירו חרב קשה ממות אי בעית אימא קרא ואי בעית אימא סברא אי בעית אימא סברא האי קא מינוול

captivity” (Jeremiah 15:2). And **Rabbi Yoḥanan says: Whichever punishment is written later in this verse is more severe than the one before it.** Rabbi Yoḥanan explains: **The sword is worse than death. If you wish, say** that this is learned from **a verse; if you wish, say** instead that it is derived by way of **logical reasoning. If you wish, say** that this is derived by way of **logical reasoning: This** punishment, i.e., death by sword, **mutilates** the body, **but that** punishment, i.e., natural death, **does not mutilate** it. **And if you wish, say** that the fact that the sword is worse than death is learned from **a verse: “Precious in the sight of the Lord is the death of His pious ones”** (Psalms 116:15). **Famine is worse than the sword. If you wish, say** that this is derived by way of **logical reasoning: This one,** who dies of famine, **suffers** greatly before departing from this world, **but that one,** who dies by the sword, **does not suffer. If you wish, say** instead that the fact that famine is worse than the sword is learned from **a verse: “More fortunate were the victims of the sword than the victims of famine”** (Lamentations 4:9). And **captivity is worse than all of them, as it includes all of them,** i.e., famine, the sword, and death.

וְהָאֵי לָא קָא מִינּוּל וְאִיבַעִית אִימָא
 קָרָא יָקָר בְּעֵינֵי ה' הַמּוֹתָה לְחַסִּידֵיו
 רָעַב קָשָׁה מִחָרֵב אִיבַעִית אִימָא
 סָבְרָא הָאֵי קָא מְצַטְעָר וְהָאֵי לָא קָא
 מְצַטְעָר אִיבַעִית אִימָא קָרָא טוֹבִים
 הָיוּ חֲלָלֵי חָרֵב מִחֲלָלֵי רָעַב שְׁבִי
 [קָשָׁה מִכּוּלָם] דְּכוּלָּהּוּ אִיתְגָּהּוּ בֵּיהּ:

Obligation to Save Lives

Mishneh Torah, Murderer and the

Preservation of Life 1:13-14

Whosoever can save [a pursued victim] by [injuring one] of the limbs [of the pursuer] and he did not bother with [limiting himself to only doing] that [measure], rather he saved [the victim] with the life of the pursuer [i.e.] he killed [the pursuer], this [vigilante] is a spiller of blood [i.e. a murderer] and is liable to death, though a [human] court does not execute him [for this crime]. Anyone who is able to save a life and doesn't transgresses the law that "You Shall not stand by the blood of your neighbor." (Lev 19:16). And such is the case for one who sees a friend drowning in the sea or if robbers come upon him, or a wild animal comes upon him. If one is able to save him oneself, or to hire others to save him but doesn't...And everything that follows from these examples. Anyone who does them is considered to transgress Do not stand by the blood of your neighbor.

משנה תורה, הלכות רוצח

ושמירת נפש א': י"ג-י"ד

כָּל הַיָּכוֹל לְהַצִּיל בְּאֵיבָר מֵאֵיבָרָיו
וְלֹא טָרַח בְּכָף אֶלָּא הַצִּיל בְּנַפְשׁוֹ
שֶׁל רוֹדֵף וְהִרְגוּ הָרִי זֶה שׁוֹפֵךְ דָּמִים
וְחָיִב מִיתָה אֲבָל אֵין בֵּית דִּין מְמִיתִין
אוֹתוֹ: כָּל הַיָּכוֹל לְהַצִּיל וְלֹא הַצִּיל
עוֹבֵר עַל (וִיקְרָא יט טז) "לֹא תַעֲמֹד
עַל דַּם רֵעֶךָ". וְכֵן הָרוּאָה אֶת חֲבֵירוֹ
טוֹבֵעַ בַּיָּם. אוֹ לִסְטִים בָּאִים עָלָיו.
או חֲזִיהַ רָעָה בָּאָה עָלָיו. וְיָכוֹל
לְהַצִּילוֹ הוּא בְּעַצְמוֹ. אוֹ שִׁשְׁכֹּר
אַחֲרִים לְהַצִּילוֹ וְלֹא הַצִּיל. אוֹ
שֶׁשָּׁמַע עוֹבְדֵי כּוֹכָבִים אוֹ מוֹסְרִים
מִחֲשָׁבִים עָלָיו רָעָה אוֹ טוֹמְנִין לוֹ
פֶּחַ וְלֹא גָלָה אֶזֶן חֲבֵירוֹ וְהוֹדִיעָיו. אוֹ
שֶׁיָּדַע בְּעֵכוֹ"ם אוֹ בְּאוֹנֵס שֶׁהוּא בָּא
עַל חֲבֵירוֹ וְיָכוֹל לְפִיסּוֹ בְּגִלְלֵי חֲבֵירוֹ
לְהַסִּיר מֵה שֶׁבִּלְבּוֹ וְלֹא פִּיסּוֹ. וְכָל
כִּיּוֹצֵא בְּדַבָּרִים אֵלֶּה. הָעוֹשֶׂה אוֹתָם
עוֹבֵר עַל לֹא תַעֲמֹד עַל דַּם רֵעֶךָ:

Abarbanel on Torah, Exodus 20:13

You shall not murder; you shall not commit adultery, etc. All the people witnessed the sounds:

They said in the Mekhilta (Mekhilta d'Rabbi Yishmael 20:14) - How were the Ten Commandments given? Five on one tablet and five on the other. It is written, "I am the Lord your God," and opposite it, "You shall not murder" - since spilling blood is tantamount to diminishing the likeness [of God]... And behold, there is no doubt that there are other commandments included in the Commandment, "You shall not murder" - as I mentioned...And also included in this Commandment is that one not refrain from charity to the poor, and [from] the commandment of "and your brother shall live with you" (Leviticus 25:36) - as it is written (Deuteronomy 15:9), "so that you are mean to your needy brother and give him nothing, and he will cry out to the Lord against you, and you will incur sin." For one who withholds charity is killing the souls of the poor and the destitute.

אברבנאל על תורה, שמות כ':י"ג

לא תרצח לא תנאף וגו' וכל העם רואים את הקולות. אמרו במכילתא כיצד נתנו עשרת הדברות חמש על לוח זה וה' על לוח זה. כתיב אנכי ה' אלקיך וכנגדו לא תרצח שכל מי ששופך דמים כאלו ממעט את הדמות... והנה בדבור לא תרצח אין ספק שנכללו מצוות אחרות כמו שזכרתי לפי שהרציה'... ונכלל ג"כ בדבור הזה שלא תעדר הצדקה מהעניים ומצות וחי אחיך עמך כמ"ש ורעה עינך באחיק האביון ולא תתן וקרא עלי' אל ה' והיה בך חטא. כי המונע את הצדקה הוא הורג נפשות העניים והאביונים.

A World Without Weapons

Mishnah Shabbat 6:4

the Sages said that a man may neither go out on Shabbat with a sword, nor with a bow, nor with a shield [teris], nor with an alla, nor with a spear. And if he unwittingly went out with one of these weapons to the public domain he is liable to bring a sin-offering. Rabbi Eliezer says: These weapons are ornaments for him; just as a man is permitted to go out into the public domain with other ornaments, he is permitted to go out with weapons. And the Rabbis say: They are nothing other than reprehensible and in the future they will be eliminated, as it is written: "And they shall beat their swords into plowshares and their spears into pruning hooks; nation will not raise sword against nation, neither will they learn war anymore" (Isaiah 2:4).

Death Penalty

Mishnah Sanhedrin 4:5

How does the court intimidate the witnesses in giving testimony for cases of capital law? They would bring the witnesses in and intimidate them by saying to them: **Perhaps what you say in your testimony is based on conjecture, or perhaps it is based on a rumor,** perhaps it is **testimony** based on

משנה שבת ו:ד'

לֹא יֵצֵא הָאִישׁ לֹא בְּסִיף, וְלֹא בְּקֶשֶׁת, וְלֹא בְּתַרְיֵס, וְלֹא בְּאַלָּה, וְלֹא בְּרֶמֶחַ. וְאִם יָצָא, חַיֵּב חֲטָאת. רַבִּי אֱלִיעֶזֶר אוֹמֵר, תִּכְשִׁיטִין הֵן לוֹ. וְחֻכָּמִים אוֹמְרִים, אֵינָן אֶלָּא לְגִנָּא, שְׁנֵאמַר (ישעיה ב) וְכָתְתוּ חֲרִבּוֹתָם לְאַתִּים וְחֲנִיתוֹתֵיהֶם לְמִזְמֵרוֹת, לֹא יִשָּׂא גּוֹי אֶל גּוֹי חֶרֶב וְלֹא יִלְמְדוּ עוֹד מִלְחָמָה. בִּירִית, טְהוֹרָה, וְיוֹצֵאִין בָּהּ בְּשַׁבָּת. כְּבָלִים, טְמֵאִין, וְאֵין יוֹצֵאִין בָּהֶם בְּשַׁבָּת:

משנה סנהדרין ד:ה'

כִּי־צִד מְאִימִין אֶת הָעֵדִים עַל עֵדֵי נִפְשׁוֹת, הָיוּ מְכַנִּיסִין אוֹתָן וּמְאִימִין עֲלֵיהֶן. שָׁמָּה תֹאמְרוּ מֵאֲמֹד, וּמִשְׁמוּעָה, עַד מִפִּי עַד וּמִפִּי אָדָם נֶאֱמָן

hearsay, e.g., you heard a witness testify to this in a different court, **or** perhaps it is **based on the statement of a trusted person**. Perhaps you do not know that ultimately we examine you with inquiry and interrogation, and if you are lying, your lie will be discovered. The court tells them: **You should know that** cases of **capital law** are **not like** cases of **monetary law**. In cases of **monetary law**, a **person** who testifies falsely, causing money to be given to the wrong party, can **give** the **money** to the proper owner **and** **his sin is atoned** for. In cases of **capital law**, if one testifies falsely, **the blood of** the accused **and the blood of his offspring** that he did not merit to produce **are ascribed to** the witness's testimony **until eternity**. The proof for this is **as we found with Cain, who killed his brother, as it is stated** concerning him: "The voice of **your brother's blood** [*demei*] cries out to Me from the ground" (Genesis 4:10). The verse **does not state: Your brother's blood** [*dam*], in the singular, **but** rather: "**Your brother's blood** [*demei*]," in the plural. This serves to teach that the loss of both **his** brother's **blood and the blood of his** brother's **offspring** are ascribed to Cain. The mishna notes: **Alternatively**, the phrase "**your brother's blood** [*demei*]," written in the plural, teaches that **that his blood** was not gathered in one place but was **splattered on the trees and on the stones**. The court tells the witnesses: **Therefore, Adam** the first man **was created alone, to teach you that** with regard to **anyone who destroys one soul from the Jewish people, i.e., kills one Jew, the**

שְׁמַעְנוּ, או שָׁמָא אִי אַתֶּם יוֹדְעִין שְׁסוּפֵנוּ לְבִדֵּק אֶתְכֶם בְּדִרְשָׁה וּבַחֲקִירָה. הָיוּ יוֹדְעִין שֶׁלֹא כְּדִינִי מְמוֹנוֹת דִּינִי נִפְשׁוֹת. דִּינִי מְמוֹנוֹת, אָדָם נוֹתֵן מָמוֹן וּמִתְכַּפֵּר לוֹ. דִּינִי נִפְשׁוֹת, דָּמוֹ וְדָם זִרְעִיּוֹתָיו תְּלוּיִין בּוֹ עַד סוֹף הָעוֹלָם, שָׁכֵן מְצִינוּ בְּקִינָה שֶׁהָרַג אֶת אָחִיו, שְׁנֵאמַר (בְּרֵאשִׁית ד) דְּמֵי אָחִיךָ צֹעֲקִים, אֵינֹו אֹמֵר דָּם אָחִיךָ אֵלֹא דְּמֵי אָחִיךָ, דָּמוֹ וְדָם זִרְעִיּוֹתָיו. דָּבָר אַחֵר, דְּמֵי אָחִיךָ, שֶׁהָיָה דָּמוֹ מְשֻׁלָּה עַל הָעֵצִים וְעַל הָאֲבָנִים. לְפִיכָךְ נִבְרָא אָדָם יְחִידִי, לְלִמְדָה, שֶׁכָּל הַמֵּאֲבֵד נֶפֶשׁ אַחַת מִיִּשְׂרָאֵל, מַעֲלָה עָלָיו הַכָּתוּב כָּאֵלֹו אֵבֶד עוֹלָם מָלֵא. וְכָל הַמְקִיִּים נֶפֶשׁ אַחַת מִיִּשְׂרָאֵל, מַעֲלָה עָלָיו הַכָּתוּב כָּאֵלֹו קָיָם עוֹלָם מָלֵא. וּמִפְּנֵי שְׁלוֹם הַבְּרִיּוֹת, שֶׁלֹא יֵאמַר אָדָם לַחֲבֵרוֹ אָבָא גָדוֹל מֵאָבִיךָ. וְשֶׁלֹא יְהִי מִיָּיִן אוֹמְרִים,

verse ascribes him blame as if he destroyed an entire world, as Adam was one person, from whom the population of an entire world came forth. **And** conversely, **anyone who sustains one soul from the Jewish people, the verse ascribes him credit as if he sustained an entire world.** The mishna cites another reason Adam the first man was created alone: **And** this was done **due to** the importance of maintaining **peace among people, so that one person will not say to another: My father, i.e., progenitor, is greater than your father. And** it was also **so that the heretics** who believe in multiple gods **will not say: There are many authorities in Heaven,** and each created a different person. **And** this serves **to tell of the greatness of the Holy One, Blessed be He, as when a person stamps several coins with one seal, they are all similar to each other. But the supreme King of kings, the Holy One, Blessed be He, stamped all people with the seal of Adam the first man, as all of them are his offspring, and not one of them is similar to another. Therefore, since all humanity descends from one person, each and every person is obligated to say: The world was created for me,** as one person can be the source of all humanity, and recognize the significance of his actions.

הַרְבֵּה רָשִׁיּוֹת בְּשָׁמַיִם.
וְלַהֲגִיד גְּדֻלָּתוֹ שֶׁל הַקָּדוֹשׁ
בָּרוּךְ הוּא, שְׂאָדָם טוֹבֵעַ
כְּמָה מְטַבְּעוֹת בְּחוֹתָם
אֶחָד וְכֵלֶן דּוֹמִין זֶה לָזֶה,
וּמִלָּךְ מַלְכֵי הַמַּלְכִּים
הַקָּדוֹשׁ בָּרוּךְ הוּא טָבַע כָּל
אָדָם בְּחוֹתָמוֹ שֶׁל אָדָם
הָרִאשׁוֹן וְאִין אֶחָד מֵהֶן
דּוֹמֶה לַחֲבֵירוֹ. לְפִיכָךְ כָּל
אֶחָד וְאֶחָד חַיֵּב לוֹמַר,
בְּשִׁבְלִי נִבְרָא הָעוֹלָם.
וְשָׂמָא תֹאמְרוּ מָה לָנוּ
וְלַצָּרָה הַזֹּאת, וְהֵלֹא כָּבֵר
נֶאֱמַר (וַיִּקְרָא ה') וְהוּא עַד
אוֹ רָאָה אוֹ יָדַע אִם לוֹא
יִגִּיד וְגו'. וְשָׂמָא תֹאמְרוּ
מָה לָנוּ לַחֲבוֹב בְּדָמוֹ שֶׁל
זֶה, וְהֵלֹא כָּבֵר נֶאֱמַר
(מִשְׁלֵי יֵא) וּבִאֲבֹד רְשָׁעִים
רָנָה:

משנה מכות א'י'

Mishnah Makkot 1:10

.... **A Sanhedrin that executes a transgressor once in seven years is characterized as a destructive tribunal.** Since the Sanhedrin would subject the testimony to exacting scrutiny, it was extremely rare for a defendant to be executed. **Rabbi Elazar ben Azarya says:** This categorization applies to a Sanhedrin that executes a transgressor **once in seventy years.** **Rabbi Tarfon and Rabbi Akiva say:** **If we had been members of the Sanhedrin,** we would have conducted trials in a manner whereby **no person would have ever been executed.** **Rabban Shimon ben Gamliel says:** In adopting that approach, **they too** would **increase** the number of **murderers among the Jewish people.** The death penalty would lose its deterrent value, as all potential murderers would know that no one is ever executed.

סנהדרין ההורגת אחד בשבוע
נקראת חבלנית. רבי אלעזר בן
עזריה אומר, אחד לשבעים שנה.
רבי טרפון ורבי עקיבא אומרים,
אלו היינו בסנהדרין לא נהרג אדם
מעולם. רבן שמעון בן גמליאל
אומר, אף הן מרבין שופכי דמים
בישראל: