

## Reading About Abortion in Jewish Sources

### 1. Zohar, Shemot 3b

*There are three [persons] who drive away the Shekhinah from the world, making it impossible for the Holy One, blessed be God, to fix God's abode in the universe and causing prayer to be unanswered.... [The third is] the one who causes the fetus to be destroyed in the womb, for they destroy the artifice of the Holy One, blessed be God, and God's workmanship.... For these abominations the Spirit of Holiness weeps ...*

### 2. Mishnah Ohalot 7:6

הַאִשָּׁה שֶׁהִיא מְקַשָּׁה לִילֵד, מְסַתְּכִין אֶת הַיֶּלֶד בְּמַעֲיָהּ וּמוֹצִיִּין אוֹתוֹ אֲבָרִים אֲבָרִים, מִפְּנֵי שֶׁסְּחִיָּה קוֹדֶמִין לְחַיֵּיו. יֵצֵא רַבּוֹ, אֵין נוֹגְעִין בּוֹ, שֶׁאֵין דּוֹחִין נֶפֶשׁ מִפְּנֵי נֶפֶשׁ:

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 child]. 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.

### 3. Erukhin 7a

מתני' האשה שיצאה ליהרג אין ממתנין לה עד שתלד האשה שישבה על המשבר ממתנין לה עד שתלד האשה שנהרגה נהנין בשערה בהמה שנהרגה אסורה בהנאה

MISHNA: In the case of a pregnant woman who is taken by the court to be executed, the court does not wait to execute her until she gives birth. Rather, she is killed immediately. But with regard to a woman taken to be executed who sat on the travailing chair [*hamashber*] in the throes of labor, the court waits to execute her until she gives birth.

### 4. Sanhedrin 57b

שופך דם האדם (בראשית ט. ו.) משום [רבי ישמעאל](#) אמרו אף על העוברין מאי טעמיה [דרבי ישמעאל](#) דכתיב באדם דמו ישפך איזהו אדם שהוא באדם הוי אומר זה עובר שבמעו אמו

It is stated in that book of *Aggadot* that the Sages said in the name of [Rabbi Yishmael](#): A descendant of [Noah](#) is executed even for killing fetuses. The Gemara asks: What is the reason for the opinion of [Rabbi Yishmael](#)? The Gemara answers: It is derived from that which is written: "One who sheds the blood of a person, by a person [*ba'adam*] his blood shall be shed" ([Genesis 9:6](#)). The word *ba'adam* literally means: In a person, and is interpreted homiletically: What is a person that is in a person? You must say: This is a fetus that is in its mother's womb. Accordingly, a descendant of [Noah](#) is liable for killing a fetus.

### 5. Sanhedrin 72a

איתיביה [רב חסדא לרב הונא](#) יצא ראשו אין נוגעין בו לפי שאין דוחין נפש מפני נפש ואמאי רודף הוא שאני התם דמשמיא קא רדפי לה

[Rav Hisda](#) raised an objection to [Rav Huna](#) from a *baraita*: If a woman was giving birth and her life was being endangered by the fetus, the life of the fetus may be sacrificed in

order to save the mother. But once his head has emerged during the birthing process, he may not be harmed in order to save the mother, because one life may not be pushed aside to save another life. If one is permitted to save the pursued party by killing the minor who is pursuing him, why is this so? The fetus is a pursuer who is endangering his mother's life. The Gemara answers: This is not difficult, as it is different there, with regard to the woman giving birth, since she is being pursued by Heaven. Since the fetus is not acting of his own volition and endangering his mother of his own will, his life may not be taken in order to save his mother.

6. [Yevamot 69b:10](#)

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

7. [Mishnah Niddah 3:7](#)

If she miscarries on the fortieth day [since her prior immersion], she need not be concerned that it was a fetus. If [she miscarries] on the forty-first day, she should sit [for the required number of days] for a male and for a female, and for [being] a *niddah*.

8. [Gittin 23b:9](#)

Rabbi Yehuda HaNasi holds: A fetus is considered as its mother's thigh, i.e., a part of its mother's body, and it is as though the master transferred ownership of one of her limbs to her.

9. [Sanhedrin 91b:6](#)

And Antoninos said to Rabbi Yehuda HaNasi: From when is the soul placed in a person? Is it from the moment of conception or from the moment of the formation of the embryo, forty days after conception? Rabbi Yehuda HaNasi said to him: It is from the moment of the formation of the embryo. Antoninos said to him: That is inconceivable. Is it possible that a piece of meat could stand for even three days without salt as a preservative and would not rot? The embryo could not exist for forty days without a soul. Rather, the soul is placed in man from the moment of conception. Rabbi Yehuda HaNasi said: Antoninos taught me this matter, and there is a verse that supports him, as it is stated: "And Your Providence [*pekudatekha*] has preserved my spirit" (Job 10:12) indicating that it is from the moment of conception [*pekida*] that the soul is preserved within a person.

10. [Mishnah Oholot 7:6](#)

A woman who was having trouble giving birth, they cut up the fetus inside her and take it out limb by limb, because her life comes before its life. If most of it had come out (head) already they do not touch it because we do not push off one life for another.

11. [Sanhedrin 72b:14](#)

Rav Hisda raised an objection: If a woman was giving birth and her life was being endangered by the fetus, the life of the fetus may be sacrificed in order to save the mother. But once his head has emerged during the birthing process, he may not be harmed in order to save the mother, because one life may not be pushed aside to save another life.

12. [Rashi on Sanhedrin 72b:14:1](#)

its head emerged: With a woman that is experiencing difficulty giving birth and is in danger. And it is taught in the first section [of this teaching], "the midwife extends her hand and cuts it up and extracts [the pieces];" as the entire time that it has not gone out into the environment of the world, it is not a soul, 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 soul for the sake of another.

13. [Mishneh Torah, Murderer and the Preservation of Life 1:9](#)

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 (dangerous pursuer) of its mother. If the head of the fetus emerges, it should not be touched, because one life should not be sacrificed for another. Although the mother may die, this is the nature of the world.

14. [Mishnah Niddah 5:3](#)

A baby one day old ... one who kills him is liable [for murder]; and he is thereby fully like a son-in-law to his father and to his mother and for all his relatives.

15. [Mishneh Torah, Murderer and the Preservation of Life 2:6](#)

Whether a man killed an adult or an infant of one day, male or female, he must be executed if he committed deliberate murder, or exiled if he killed unwittingly. And for a child that was born premature- If it was born in less than nine months, it is not viable until it lives thirty days. If it is killed within the thirty days, it is not considered murder.

16. Excerpts from Igrot Moshe (Reb Moshe Feinstein, 1895 – 1986)

It would be forbidden to kill it even to save someone's life. The exception would be to save the life of the mother during childbirth, not for any other need of the mother, which would definitely be forbidden.

Even for children for whom the doctors predict a very short life span, such as those children who are born with the disease called Tay-Sachs, which through newly developed tests can be diagnosed prenatally, it would be forbidden since there is no danger to the mother and the infant is not a rodef. One cannot permit an abortion even though there is very great suffering involved ... It is incontrovertible and clear as I have written, a straightforward halachah according to the words of our Masters, the traditional commentaries and halachic authorities,

that abortion would be forbidden as bona-fide murder, for any fetus; legitimate or a mamzer, genetically normal or afflicted with Tay-Sachs, are all included in the prohibition according to Jewish law.

17. Excerpts from Tzitz Eliezer (Eliezer Waldenberg, Jerusalem, 1915 – 2006)

If there is a danger to the mother from continuing the pregnancy, one should permit abortion without hesitation. Also, if her health is poor and to cure her or to relieve her from great pain it is necessary to abort the fetus, even if she is not in actual danger, there is room to permit it, based on the halachic authority's evaluation of the situation.

In the case of a baby who will have Tay-Sachs, "One should permit...abortion as soon as it becomes evident without doubt from the test that, indeed such a baby shall be born...if, indeed, we may permit an abortion according to the halachah because of 'a great need' and because of pain and suffering, it seems that this is the classic case for such permission. And it is irrelevant in what way the pain and suffering is expressed, whether it is physical or psychological. Indeed, psychological suffering is in many ways much greater than the suffering of the flesh.

18. Responsum L'vushai Mord'khai, 1913

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

-Sources 6-18 taken from source sheet by Rabbi Josh Ratner on Sefaria.com