

Judaism and Abortion

Torah

Exodus 21:22-23

וְכִי-יִנָּצוּ אֲנָשִׁים וְנִגְפוּ אִשָּׁה הָרָה וַיִּצְאוּ לְדִיָּהּ וְלֹא יִהְיֶה אָסוֹן עָנוּשׁ יַעֲנִשׁ כַּאֲשֶׁר יִשִּׁית עָלָיו בְּעַל הָאִשָּׁה וְנָתַן בְּפִלְלִים. וְאִם-אָסוֹן יִהְיֶה וְנִתְמָה נַפְשׁ תַּחַת נַפְשׁ.

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.

Rabbinic Texts

Mishnah Ohalot 7:6

האשה שהיא מקשה לילד מחתכין את הולד במעיה ומוציאין אותו אברים אברים מפני שחייה קודמין לחייו יצא רובו אין נוגעין בו שאין דוחין נפש מפני נפש.

If a woman is having difficulty in childbirth, one cuts up the fetus inside her and takes it out limb by limb, for her life comes before its life. If most of it had come out, one does not touch it, for one does not push off one life for another.

BT Sanhedrin 72b

R. Huna said: A minor in pursuit may be slain to save the pursued. Thus he maintains that a pursuer, whether an adult or a minor, need not be formally warned. R. Hisda asked R. Huna: we learnt: Once his head has come forth, he may not be harmed, because one life may not be taken to save another. But why so? Is he not a pursuer? – There it is different, for she is pursued by heaven.

Mishnah Arakhin 1:4

If a woman is about to be executed, they do not wait for her until she gives birth. But if she had already sat on the birth stool, they wait for her until she gives birth.

BT Sanhedrin 57b

R. Ishmael's interpretation of the verse from Genesis 9:6

שִׁפְךָ דַם הָאָדָם בְּאָדָם דָּמוֹ יִשְׁפָּךְ כִּי בְצַלְם אֱלֹהִים עָשָׂה אֶת-הָאָדָם.

Contemporary Commentary

Blu Greenberg, “On Abortion”, 1976

“Emotionally, theologically, as a Jew, and most of all as a mother who is daily nurtured by the sights and sounds of her children, I am opposed to abortion.”

When “conditions do exist,” Greenberg writes, “such as the need to support self and/or husband through school, the need for time for a marriage to stabilize, overwhelming responsibilities to other children and so forth then abortion should be seen as a necessity rather than an evil. Many mitzvot (commandments) are interdependent functions of timing and of the conditions which they regulate.”

Dr. Sandra Lubarsky. “Judaism and the Justification of Abortion for Non-Medical Reasons,” 1984

“Judaism can uphold such positions without denying either the tragedy of abortion— ‘What might have been and was not’ —or the life-affirming aspects of abortion— ‘What can be.’”

Rachel Adler, *Engendering Judaism: An Inclusive Theology and Ethics*, 1998

“To argue that the system requires no system critique, a liberal halakhist must ignore or discount that halakhic rules, categories, and precedents were constructed and applied without the participation of women, that they reflect perceptions of women as a commodified sub-class, and that they are often inadequate or inimical to concerns that women themselves possibly would raise if they were legal subjects rather than legal objects.”

Rabbi Emily Langowitz, “In Our Bodies To Do It: A Feminist Jewish Theology of Reproductive Choice”, 2017

“Reproductive justice, reproductive justice you shall pursue,” is our moral outcry. This pursuit of justice is with the hope that it might lead us to a world redeemed: a world in which women of all backgrounds, classes, races, religions, and locations are given equal access to the tools they need to make caring decisions for their own lives and the lives of their families. A world in which pregnant people are honored for their divine creative potential and their powers of discernment, where the legacy of reproductive history is recognized as a lasting testament to a covenanted relationship with the Source of the universe, where the female body’s generosity is never coerced, where freedom of choice is known to be a religious value. I hope this thesis has done its part to advance this vision. I hope that it represents the redemptive possibility of looking at our Judaism with a changed perspective, of asking new questions of old texts and ideas, of promoting the truth that our lives are made of many overlapping identities. We deserve integration. We deserve a Judaism which represents the whole of who we are. We deserve rich religious language for our moral convictions. I hope this project will be only the first step in building such a reality.