

המוסד למען קדושת חיי אדם



“From deceit keep yourself far away.” (Exodus 23:7)

In June 2020, the National Council of Jewish Women (NCJW) issued a statement, “The Jewish Case for Abortion Rights,” calling for rabbis and other Jewish clergy to sign on to it. Because this statement is a distorted representation of the normative Jewish tradition (halakhah) on this volatile issue, the Jewish Pro-Life Foundation (JPLF) is impelled to “speak the truth” (Zechariah 8:16) instead. What follows are some of our counterpoints to this misleading statement.

1. Nobody has the right to kill anybody else. Killing is only justified in a situation where killing an assailant is the only way to protect the right of their victim not to be killed. Hence there is only a mandate (hiyyuv) to abort a fetus when the only way to save the life of the mother is by aborting the fetus in utero mortally threatening her life there. On the other hand, if the life of the fetus is being mortally threatened, then it is equally mandated to save her or his life by whatever means are appropriate. Also, let it be noted that less than 1% of the abortions performed in the United States and Canada are done in order to save the life of the mother of the aborted fetus. In fact, justifiable abortions are very much the rare exceptions to the prohibition of “shedding innocent blood” (shefikhut damim), which the Jewish tradition recognizes to be a universal prohibition.

2. Rights in the Jewish tradition are entitlements given by God through the Torah. A right entails a duty not to interfere with the rights-holder’s exercise of her or his right, or a duty to actively save anybody from having their right violated. Duties are commanded (mitzvot) to enforce legitimate rights. Hence a fetus, from the moment of conception, has the right not to be prevented from continuing to live and grow in utero, and to be nurtured there. All of us who are able to do so have the duty to enforce this fetal right (Leviticus 19:16). Unfortunately, though, in February 2019 (reiterated in May 2019), the Jewish Orthodox Feminist Alliance (JOFA) stated, “We support every woman’s legal right to make decisions about and have control over her own body.” While this is true about a number of decisions, nobody has the moral right to kill another human body. Thus the state has the duty to protect the right to life of all human beings in its domain, especially the most vulnerable, our unborn children.

3. Although “pregnancy termination” (i.e., **abortion**) is sometimes mandated, it is never “permitted,” since a “permission” (heter) is a legal allowance of a person to act or not act as they see fit, with impunity. Since less than 1% of pregnancies present a life threatening situation for the Mother, **over 99% of abortions today transgress the law of God**, and these are certainly not permitted. These abortions are prohibited (asur). When performed, they do incur grave judgmental consequences.

4. While it is true that there have been some important halakhic authorities (poskim) who have permitted abortions in cases of less than an actual mortal threat to maternal life, nevertheless, invoking their opinions here is questionable for four reasons. (a) They are in a minority among halakhic authorities. (b) Their reading of the Talmudic sources is debatable.

(c) They ruled in very specific cases (ma`asim) from which one is not to generalize (Baba Batra 130b). (d) **They did not speak of any individual “right to abortion,” let alone that abortion be endorsed and encouraged as a matter of public policy.**

5. Jews should rejoice, not complain, that “the conversation around abortion has been driven by Christians,” and that “much of the argument for abortion access has been rooted in a very Christian perspective.” That is because despite the considerable theological differences between Judaism and Christianity, **Christians quite correctly recognize that their morality – and that of the Jews – is rooted in a common source: the revealed Torah.** As such, the “Christian perspective” here (and on many other moral issues) is in fact identical with the Jewish perspective. Whatever few differences there are between Jewish morality and Christian morality, the issue of abortion is not one of them. That is why the NCJW statement is a great distortion of both Judaism and Christianity. Indeed, those Jews and those Christians who endorse abortion have been overly influenced by a secularist culture that is in principle hostile to the morality taught by both these great, often overlapping, traditions. On questions like abortion and euthanasia, it is what the late Pope John Paul II called a “culture of death.”

6. In love and mutual respect, we reiterate the words of Rabbi Abraham Isaac ha-Kohen Kook, the late Chief Rabbi of the land of Israel: “The Tzaddikim [righteous ones] do not complain about godlessness, but increase faith. They do not complain about ignorance, but increase wisdom” (Arpilei Tohar, p. 39). **Likewise, we affirm the responsibility of every Jew to “choose life, so that you and your children may live”** (Deuteronomy 30:19). (For more information, please visit JewishProLifeFoundation.org)

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