

Judaism and the Sanctity of Life: A response to traditional Jewish support of Abortion

It is true that most Jewish people, at least in the USA believe that abortion is an acceptable form of healthcare. Yet it is also true that at its core, traditional Judaism emphasizes the sanctity of human life and requires that unborn life be protected. There are some serious contradictions at stake here.

*"Being anti-abortion is a minority position among Jews. Recent Pew surveys have found that American Jews (83 percent) are much more supportive of legal abortion than the general population (57 percent)."*¹

As Rabbi David Novak states: *"In the case of abortion, there is little doubt that the inclinations and opinions of many Jews have been strongly influenced by the secular culture in which they live."*²

It would appear to me that this pro-abortion stance is a result of some serious distortions of Rabbinic understandings and especially Biblical mandates over a great many years as well as the strong influence of secular culture, as mentioned by Rabbi Novak.

I suspect that this is also in part because Jewish traditions have built so many fences to 'protect Torah' that few Rabbinic authorities return to the underlying Biblical texts as foundations to their interpretations and rulings but rather rely on the interpretations of the Rabbi's that have gone before them in a long line that appears at times to suffer the fate of 'Chinese whispers'³.

We see some of the same problems in the Rabbinic rejection of 'that man', Yeshua ben Yosef while at the same time his teaching on adultery⁴ where he wrote in the sand is apparently used in Yeshiva's as a good example of an authentic Torah-centric ethical exchange.

Before I address the two most commonly mis-interpreted Biblical texts that are often used to argue in favour of abortion, some quotes from a great article by Rabbi Novak are helpful to set the scene.

*"... The most basic question on any discussion of abortion is whether the fetus, or unborn child (one's very terminology frequently indicates an underlying moral position on the question), is a human person or not. Two differing Jewish views can be identified on this point. On one side are those who see the fetus as "a human within a human" (Sanhedrin 57b, re Genesis 9:6). On the other side are those who regard the child as a human person only after it emerges from the womb (Rashi on Sanhedrin 72b, re Ohalot 7.6); before that, it is simply a part of the mother's body. ..."*⁵.

Also:

"... On the other hand, the "pro-choice" stance is clearly inconsistent with the whole thrust of Jewish tradition, for it is based on a notion of human ownership of the human body, an idea that directly contradicts the Jewish dogma that everything belongs to God--men's bodies, women's bodies, anyone's body (Ezekiel 18:4). Rights over any being, including ourselves, are but limited privileges, ..."

Rabbi Novak in his article goes on to consider these two opposing alternatives and the moral implications of them. Clearly the majority Jewish position today though is to regard the child as a human person only after birth.

But this is in total conflict with science, technology and medical experience. We now know that a human life begins at conception. We now know that by 12 weeks gestation all the major organs have been formed and that the next 28 weeks of a normal pregnancy only involve the on-going development and growth of the unborn baby. Further, from 4D Ultrasounds we can see the full humanity of the developing baby in the womb. And from the advances in medicine in recent decades, the gestational stage of 'viability' has continually

¹ <https://jewishchronicle.timesofisrael.com/local-woman-adds-jewish-pro-life-voice-to-abortion-debate/>

² <https://www.peopleforlife.org/novak.html>

³ 'Chinese whispers' refers to a sequence of repetitions of a story, each one differing slightly from the original, so that the final telling bears only a scant resemblance to the original.

⁴ <http://circumcisedheart.info/The%20Pericope%20Adulterae.pdf>

⁵ <https://www.peopleforlife.org/novak.html>

improved to the stage where babies have survived when born after only 21 weeks. If born after 24 weeks their survival probability is now between 40 and 70%. Clearly these babies are human at 21-24 weeks.

Therefore, any argument that the unborn are not human until born (normally after 40 weeks gestation) is really no longer tenable. Yet, this has essentially been the basis for the general Jewish acceptance of abortion. Some still argue that this acceptance, which often seems to also include a serious antagonism towards pro-lifers is a result of a credible Biblical perspective.

While it is possible to list an enormous number of passages from the Tanakh (the Hebrew Bible) that clearly espouse and promote the sanctity of human life from the womb⁶, there are only a few that are used to argue that the Bible does not speak against abortion.

So let us look at two commonly cited examples.

Exodus 21:22–25:

“And if men struggle with each other and **strike a woman with child so that the child comes forth**, yet there is no injury, he shall surely be fined as the woman’s husband may demand of him; and he shall pay as the judges decide. But if there is any injury, then you shall appoint as a penalty life for life...”

Or the NASB version:

“If people are fighting and hit a pregnant woman and she gives birth prematurely but there is no serious injury, the offender must be fined whatever the woman’s husband demands and the court allows. But if there is serious injury, you are to take life for life, ...”

This is not how many translations present these verses though. Most translate the phrase ‘**strike a woman with child so that the child comes forth**’ as something like ‘strike a woman with child so that she has a miscarriage’. Here the implication is that the unborn child has died. But the two Hebrew words used here for ‘she has a miscarriage’ are a combination of a Hebrew noun, *yeled*, and a verb, *yasa*, and literally means “the child comes forth.”! There is a massive difference here!

The Hebrew word ‘*yasa*’ is very commonly used in the Tanakh to describe the “coming forth” of something living, frequently a child and only once to describe a dead child⁷, that is from a still-birth not a miscarriage. In this case the child has died before any incident where a pregnant woman has been struck in a fight.

For an excellent and thorough study of this passage please refer to ‘*What Exodus 21:22 Says about Abortion*’⁸.

Numbers 5:11-31:

This passage relates the “bitter water ordeal” or test for adultery. Pregnancy is not part of the requirement for the ritual. Nor is pregnancy mentioned anywhere in the process. It has nothing to do with a unborn child or a miscarriage and yet some have tried to argue that it endorses abortion as acceptable to the Almighty!

For a couple of good articles on this passage and how it has been totally mischaracterized and mis-used by abortion advocates please check out:

‘Is Numbers 5:11-31 referring to God causing an abortion?’⁹ and ***‘Numbers 5 and Abortion: Does the Old Testament Law Condone Abortion?’***¹⁰

⁶ See my presentations at <https://circumcisedheart.info/prolife.html> for some of these.

⁷ Numbers 12:12

⁸ <https://www.str.org/w/what-exodus-21-22-says-about-abortion>

⁹ <https://www.gotquestions.org/Numbers-abortion.html>

¹⁰ <https://answersingenesis.org/sanctity-of-life/numbers-5-and-abortion/>

So, in conclusion it would seem that the general Jewish acceptance and even advocacy for abortion is based on some very seriously flawed interpretations and understandings that are neither biblical nor scientifically based, but rather in stark contradiction to the sanctity of human life that is so foundational to the whole Bible, both the Tanakh and the New Testament.

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