

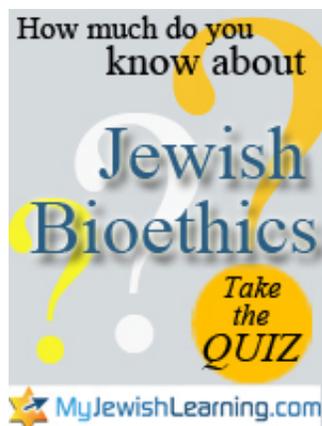


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Abortion in Jewish Thought

The Jewish position on abortion occupies a middle ground, neither condoning it nor categorically prohibiting it. Indeed, while Judaism disapproves of [abortion on demand](#), in certain cases it not only permits, but [requires](#) it.

The Jewish discussion about abortion begins with a biblical text. [Exodus](#) 21:22-23 discusses a situation in which two men are fighting. During the fight, one of the men accidentally hits a [pregnant](#) woman. The [Torah](#) says that if the woman is killed then, “a *nefesh* shall be given for a *nefesh* (a life shall be given for a life).” The man who struck her is considered a [murderer](#) and is punished accordingly. If, however, the woman [miscarries](#) but does not die, the man must pay monetary damages.



He is not liable for murder because the fetus is not considered a *nefesh*, a human being.

While establishing the status of a fetus, this text tells us nothing about the permissibility of abortion. It is another source—the [Mishnah](#) (redacted c. 200 CE), in Tractate Ohalot—that provides us with the underlying principle: “If a woman is undergoing a perilous pregnancy, the fetus may be destroyed since her life takes precedence over its life.” When a woman’s life is in danger, abortion is permitted. However, the range of this permissibility is subject to debate and hinges on a single question: Why does the woman’s life take precedence over the fetus?

The medieval commentator [Rashi](#) (1040-1105 CE) interprets this Mishnah in terms of the verses from Exodus cited above. Accordingly, the woman’s life takes precedence over the fetus because the fetus does not have the status of a *nefesh*, a human being. [Maimonides](#) (1135-1204), on the other hand, believes that aborting the fetus is permissible because the fetus is considered a *rodef*, one who “pursues” another with the intent to kill. According to Jewish law, it is permissible to kill a *rodef* in order to preempt his act of murder. Because in this case the fetus threatens the life of the pregnant woman, it is permissible to abort it. These two interpretations yield the same result for this specific case—the fetus is aborted and the woman is saved—but they serve as the basis for two differing approaches to abortion in general.

As we have seen, if a woman’s life is in danger it is permissible—in fact, obligatory—to terminate her pregnancy. But what about cases where the danger is of another sort? For example, a woman can suffer [psychological harm](#) by bringing to term a child who is the product of rape or who suffers from a genetic disorder. Is this psychological harm sufficient to warrant an abortion?

Rashi’s belief that the fetus is not considered a human life is the basis for the position that, in certain circumstances, psychological damage is sufficient danger to permit abortion. Eliezer Waldenberg employs

this reasoning in allowing abortions for fetuses carrying Tay-Sachs, a terminal [genetic disease](#) common to [Ashkenazic](#) Jews. Those who rely upon Maimonides' interpretation, however, do not focus on the non-human status of the fetus. They allow abortion only when the fetus threatens the life of the mother. When the fetus is not life-threatening—even if it threatens the woman in other ways—abortion is not permitted. This was the position taken by the former chief rabbi of Israel, Issar Unterman.

While many liberal authorities do permit abortion even for unwanted pregnancies when there is the potential of psychological damage to the mother, it should be noted that Judaism's qualified support for abortion is not rooted in the language of "a woman's right to choose." A fetus is considered equivalent to a limb; just as Jewish law would prohibit someone from choosing to cut off their own limb, it would prohibit abortion without good reason. Conversely, most authorities would agree that a woman may not choose *not* to have an abortion if pregnancy or childbirth puts her life in danger.
