



Jewish Community Center of Paramus
Congregation Beth Tikvah
304 E. Midland Avenue - Paramus NJ 07652- 201.262.7691

A Shabbat Message from Rabbi Arthur Weiner

Friday, October 15, 2021 ~ Parsha: *Lech Lecha*

Abortion Is a Serious Issue

Dear JCCP/CBT Family,

In early September, a new law was enacted in Texas that banned most abortions. It is the most restrictive such law in the country. And lest anyone think that this law is unique, you should know that similar laws are under discussion in Mississippi and other states. Indeed, 2021 has seen state legislatures pass a record number of restrictions on abortion, part of a legislative strategy to achieve on the state level what could not be achieved on the federal level. There is no doubt that this strategy has been successful, guaranteeing that abortion will remain among the most divisive legal, cultural, and yes, religious issues in America.

This issue will remain a hot button topic because the issue of abortion goes hand in hand with a definition or at least understanding of when life actually begins. And the reason why the anti-abortion movement is by in large led by religious organizations is that when life begins is not just a legal definition but also a reflection of religious doctrine, values and law. So, it is important for you what Jewish law has to say about it. Judaism believes that the Torah provides a legal definition that sets us apart from, with all due respect to them, the Catholic Church, most Evangelical churches, and the leadership of the anti-abortion movement.

This week, I want to share some traditional Jewish legal teachings and rulings about this subject which are, to be sure, at variance with the rather extremist position adopted by the State of Texas and much the anti-abortion movement in the USA.

I do not think I am being unfair when I say that what unites the groups that I just mentioned is a theological view which asserts that life as we know it, begins at conception. Now if you hold that position, then the logical extension of that position is to defend that life and thus restricting abortion, and outlawing abortion becomes reasonable, admirable, and worthy of respect.

But let us at least acknowledge what it is - a religious determination, not a secular one. That is but one of the reasons why the law in Texas, and others making their way through the legislative process in several states are so dangerous.

Jewish theology and law assets a different understanding and definition of life and when it actually begins. According to the Torah, (based on the traditional Biblical and Rabbinic understandings of Exodus 21:22, the only verse in the Bible that Jews believe mentions the legal status of a fetus) our Rabbis have consistently ruled that the fetus, however valuable, simply does not have the same status as human life as we

determine it. Under most circumstances it must be given the chance for life. But there are many circumstances that allow for the termination of a pregnancy. Thus, no Rabbi believes or has ever ruled that abortion is murder. This is a significant theological difference, which has real implications for the free exercise of our own religious rights and sensibilities with regard to this emotional issue.

If one truly considers the implications of the Christian theological viewpoint, to my mind at least, it seems illogical to even make an exception for pregnancy as a result of rape, or incest. Please do not quote me out of context. I am certainly not in favor of this. But from a legal point of view, it makes no sense. It can only be explained by a realization that most Americans, even those who claim to oppose abortion, cannot help but be horrified by the logical extension of this rather extremist position. But at least the extremists are being honest. After all, in their view, life is life. No matter how conception happens to take place.

In Judaism, the context of conception is actually quite important.

On the other hand, let us not blind ourselves of the danger of the Jewish position, or at least how most Jews have understood it. Most Jewish organizations – indeed all Jewish organizations except for those on the extreme right of the religious spectrum, are on record as favoring unrestricted access to abortions. I agree with this position as a matter of law and conscience. But that has led many Jews to believe that this major issue is a small thing. And by doing so, they fail to appreciate our responsibility and religious obligation to do everything in our power to ensure the fetus is given every chance to come into life, as we understand it. There is a vast difference between saying abortion should be unrestricted and legal, and being meritorious. The truth is that Jewish law is generally more restrictive than the secular laws our community has regularly supported for two generations. But we have, as a public policy issue, always advocated for maximum freedoms so that all, ourselves included, could practice our religion free of government restrictions.

The deep dark secret is that most Americans believe what Jews have always believed: that abortion should be infrequent, that they are almost always unfortunate, and they should be legal for those who seek them. Let others who claim otherwise make their case and tell you honestly the sources of their wisdom. As Jews, now you know yours.

Shabbat Shalom, Rabbi Arthur Weiner