

Reproductive Rights Living Talmud



Religious Action Center
of Reform Judaism

If a woman's labor becomes life threatening, the one to be born is dismembered in her abdomen... for her life comes before the life of the fetus. Once most of the child has emerged it is not to be touched, for one soul is not to be put aside for another.

- Mishna, Ohalot - 7:6.

The guiding principle of sexuality in the Jewish tradition is *K'doshim tih'yu*, "You shall be holy" (Leviticus 19:2).

The Supreme Court held that the question of when life begins is a matter of religious belief and not medical or legal fact. While recognizing the right of religious groups whose beliefs differ from ours to follow the dictates of their faith in this matter, we vigorously oppose the attempts to legislate the particular beliefs of those groups into the law that governs us all. This is a clear violation of the First Amendment.

Union for Reform Judaism, Resolution on Abortion, 1975

Prior to forty days of gestation the fetus is *mayim b'alma* (mere water) *Talmud Mishnah, Yevamot*

"Jewish values affirm the rights of women as moral decision makers, capable of making responsible choices about every aspect of their own lives."
Rabbi David Saperstein
Director,
Religious Action Center

Rashi, an 11th century sage, holds that the fetus has less of a life status than the mother until birth. He holds that there are three life statuses: none before Day 40, some from Day 40 until birth, and full status only after birth.

"I shudder when I think of how a more conservative court could put at risk all the things we hold dear; our civil rights, women's rights, disability rights, privacy rights, consumer rights, workers' rights and reproductive rights. I, for one, don't want to return to the days before *Roe v. Wade*, when women had to endanger their lives with backstreet abortions. Let's face it, this is a war against bigotry and discrimination of every kind, racism, sexism, anti-Semitism, and homophobia and we need justices who will insure our equal rights and not turn the clock back on decades of social progress." --Barbara Streisand, Jewish Actress

"It is essential to a woman's equality with man that she be the decision-maker, that her choice be controlling. If you impose restraints, you are disadvantaging her because of her sex. The state controlling a woman would mean denying her full autonomy and full equality."

- Ruth Bader Ginsberg, Jewish Supreme Court Justice, at her confirmation hearing, 1993

"No woman is required to build up the world by destroying herself."
--Rabbi Moses Sofer (19th Century)

וכי יניצו אנשים ונגפו אשה הרה ויצאו ילדיה ולא יהיה אסון ענוש יענש כאשר ישית עליו בעל האשה ונתן בפללים: ואם- אסון יהיה ונתת נפש תחת נפש: עין תחת עין...
(תורה: שמות-משפטים כב-כד)

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, eye for eye...
(Torah: Exodus-Mishpatim 21:22-21:24)

"Abortion is maternally indicated: the termination of a pregnancy is justified when the failure to do so would likely result in 'great pain,' of a physical or psychological nature, to the mother. . . . When the birth of the child would lead to severe emotional trauma for the mother, an abortion may be performed. On the other hand, abortion is not justified as a means of birth control, for economic or social reasons, or for any other consideration that does not involve severe physical and emotional harm to the mother."

Rabbi Mark Washofsky, *Jewish Living*

"They are at the core of human rights, not off to one side as an issue, or a women's issue. The fundamental question reproductive rights raises is this: do we view women as fully human, fully adult, or do we see them as part-child, part-chattel? Do we think women can assume adult responsibility for their actions, for their most important personal decisions, or do we think women are so immature that "Daddy," in the form of the government, has to decide when we get pregnant and whether we carry a pregnancy to term."

-Sara Paretsky, Jewish author

Providing health care is not just an obligation for the patient and the doctor, but for the whole of society. It is for this reason that Maimonides, a revered Jewish scholar, identified care for the sick as the most important communal service that a city had to offer its residents.

- Mishneh Torah, Sefer Hamadda IV:23)

"Those of us who rejoiced 30 years ago when women won the right to choose did not think we would be here today defending that right against an administration determined to take it away."

Jewish Representative Jan Schakowsky (D-IL)
January 22, 2003

"One's philosophy, one's experiences, one's exposure to the raw edges of human existence, one's religious training, one's attitudes toward life and family and their values, and the moral standards one establishes and seeks to observe, are all likely to influence and to color one's thinking and conclusions about abortion."--Roe v. Wade, 1973

"Women, men, children, doctors, families. We are all being threatened. The fundamental right of choice — reproductive choice — for which we have fought so hard for so long — is being, not so slowly, whittled away and is now being immeasurably diminished by this administration and its appointees. All our freedoms are in danger. Our civil rights — those to privacy, those to separation of church and state, and those to clean air and water are now challenged. And we must **not** succumb. We **must** prevail. We have no choice **but** to protect choice."

-Bonnie Franklin, Jewish Actress