the guaranty contained in the 1st Amendment (Bill of Rights) that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..." History has repeatedly demonstrated the need for separation of church and state which our United States Constitution guarantees. By imposing the tenets of any religious group on all we would destroy the liberty of all not in agreement with the state-sponsored morality for personal individual behavior.

There can be no expectation that a woman's decision to abort will meet with universal approval nor can there be assurance that she herself in retrospect may not regret having so decided. Any social stigma which may or may not attach will vary with changing social attitudes. These attitudes will be affected by new scientific information, population growth trends and the capacity of earth to feed, shelter and healthfully maintain its inhabitants. But, the personal right of the individual to regulate her childbearing must remain paramount and not be abridged or restrained by government.

It is significant that the most vocal and concentrated opposition to abortion rights has come from individuals who oppose birth control and would deny access to information and methods of contraception. The aim being unlimited reproduction it is not surprising that opposition would arise to terminating an unwanted pregnancy. In our pluralistic society the existence of such viewpoints must be expected and the right to such expression and practice respected. But to require all persons under criminal penalties to live according to the religious beliefs or cherished values of others would be unsupportable.

My plea is that pregnant women make informed, considered decisions from as many options as possible, and that the state keep "hands off" the exercise of personal individual rights, free from government restraint or punishment.

Abortion—the need to change Jewish law

Rachel Adler

One evening last spring while I was arguing for unlimited abortion, I had a peculiar sensation. My son, then a seven month fetus, was flipping around inside my belly. Suddenly I felt oddly thankful that he could not know that the subject under discussion was his right to go on flipping. I am not suggesting that the "rights of the unborn," as they are so piously billed, take precedence over the rights of full-grown women. Moreover, everyone knows that the Jewish tradition unanimously declares that abortion is not murder, and a fetus is not yet a human being. Therapeutic abortion was commanded by the Mishnah while it was forbidden by Roman, and later Canon law. Many authorities have therefore been very lenient in permitting abortion even in cases where there was no mortal danger, but continued pregnancy would cause intense grief or pain to the mother.

Nevertheless, there are ways in which a fetus closely resembles a person. The Talmudic theories of ensoulment, whether or not they have halachic force, are attempts to account for the almost-humanness of the fetus. Myth and agada express the fetal "personality." Jacob and Esau battle for precedence in the womb.

Sh'ma

a journal of Jewish responsibility

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Abortion—a time to respect halacha

Hannah Parnes

It's particularly difficult for me to identify with the special status accorded the issue of abortion in the "consciousness raising" Orthodox world. It would seem that the conflict between Women's Liberation and the halachic limitations imposed on self determination are highlighted around the issue of abortion. It is easy to understand the inflammatory impact of "the woman alone should have the right to determine what is done with her body." Undoubtedly the emotional ramifications implicit in this controversy have contributed to a serious logical distortion of the basic questions.

An Orthodox woman by definition is one who has chosen to submit to the authority of Torah and the halachic system. She has made this choice based on her belief that the wisdom of the life style so mandated is of Divine rather than human origins. On this premise she extends limits how she will use her life in general and her body in particular. She is told what she can eat, with whom she can sleep and when, and what she can or can't carry on her body on Shabbos. In these areas there seems to be no question amongst Orthodox Jews, nor is there difficulty with the assumption that when in doubt one looks and asks for particular validations from a Rabbi and Scholar on questions in these areas. Yet somehow when we enter into issues as sensitive as a definition of what is life and when is it permissible to take it, one suddenly shifts gears and we hear how this is a matter of personal conscience and not within the purview of asking a "shaila."

The torah is timeless

Emotional lip service is given by many to the insight and sensitivity to human needs illuminating the halachic structure. Yet one hears an enormous reluctance on the part of these self same admirers to entrust their needs to the objective arbitration of those steeped in these same Torah values. It is as though the Torah in general is the repository of all moral and ethical refinements, but on the particular of abortion one can't trust the system to come up with the right answer!

I for one am terrified at the slow erosion of religious commitment that takes place when a popular social issue becomes highlighted by the secular world and the religious community feels responsible to be acceptably responsive. I believe that the glory of Torah is in its timeless truth and its confrontation...