

Abortion, *Halakhah*, and Religious Liberty

Freehof Institute of Progressive Halakhah, 2021 / תשפ"א

It is September, 2021. Five justices of the United States Supreme Court have just issued a ruling that many legal experts consider to be the overturning (for all practical purposes) of the constitutional guarantee of a right to abortion, enshrined in the 1973 Court ruling *Roe v. Wade*. The ruling has raised alarm within the progressive Jewish community in America. We share that alarm, and we want to take this opportunity to point our readers to two resources on our website. The first, "[On Abortion](#)," is a summary of the *halakhah* on abortion that we believe supports, in general, a woman's decision for the procedure. The other, "[On Abortion, Judaism Advocates a Middle Ground](#)," is written by our board member Rabbi Danny Schiff. It argues that Jewish law takes "a moderate approach" to abortion that if adopted in American law would do much to clam the bitter and unproductive political battles.

We have little to add. But we would be remiss if we didn't cite here from the final paragraph of "On Abortion":

"(W)e ought to oppose legislation that would ban or restrict access to abortion. Such legislation may (or may not) be motivated by good intentions, but in almost every case it denies a woman the option to make a choice that our halakhic tradition would recognize as morally justifiable. This would be an unacceptable violation not only of her personal dignity but also of the freedom of religion that liberal and democratic societies guarantee to their citizens. Indeed, it is more than ironic that the loudest opponents of abortion rights in our communities tend also to be the loudest advocates of 'religious liberty.' They should not deny to Jews and to others the possibility of making a choice that, according to our understanding of the *halakhah*, they have every right to make."

We think that pretty much sums it up.