

When Does Life Begin?

Fred N. Reiner

As a rabbi, I deal with life and death. The recent Supreme Court decision deals with abortion rights, women's health care, and reproductive health, but at its core are issues of freedom of religious belief and practice. At the heart of the debate is: When does life begin?

In part, the answer depends on your religious belief, which is why it often falls to members of the clergy to offer advice:

When my congregant (I will call her Donna, and she has given me permission to share these details) was in her 26th week of pregnancy, she received terrible news. The fetus she was carrying had a genetic abnormality and was not developing properly. Donna's doctor told her that the fetus could not survive and that it would pose a very serious threat to her own health and even her life. This planned but life-threatening pregnancy needed to be terminated. Donna and her husband faced a difficult decision.

So what did they do?

They were guided by Judaism's belief that life begins at birth. The Jewish answer is based on several sacred texts:

- Exodus 21:22 clearly states that an individual who pushes or strikes a pregnant woman and accidentally causes a miscarriage is not liable for manslaughter or loss of life. It is only the injury to the **woman** that demands liability.
- Mishnah Oholot 7:6, completed 200 C.E., states that if a woman's life is threatened during childbirth, the fetus is sacrificed and removed to save her life, "because her life takes precedence" over the life of the fetus. It goes on to say that if the head (or the greater part) has emerged, the baby is now a new life and cannot be harmed. Clearly this text teaches that life begins at birth, with the first breath of life.
- The Talmud (completed 5th century C.E.) states (BT Hullin 58a and BT Yevamot 69b, among other places) that the fetus must be viewed as a part of the mother. There is no question that new life begins at birth.

For Jews, there are many subsequent opinions about the circumstances under which abortion is required and permitted, but all agree that life begins at birth. If the pregnancy or childbirth pose a threat to the woman's life or health, abortion is not just permitted, but is required. My congregant Donna and her husband learned Judaism's answer as they reached their decision.

“When does new life begin?” is a religious question, and a question of belief.

Different religions believe differently, just as different people do. It was not until the third century C.E. that the Christian Church Fathers adopted the Greek idea that the soul enters the body at conception.

Christian belief has changed a great deal over the centuries through the early Christian church and various papal decrees. Just as the belief in when life begins changed over the centuries of Church history, so different denominations and religions have had and still have different beliefs today.

But what is important to underscore in this debate is the line between government and religion.

When a state legislature declares that life begins when we can hear the heartbeat of a fetus, or at a certain point in a pregnancy, or the elected representatives declare that abortion is murder, they are making a religious pronouncement—and claiming that their point of view is true. They are telling Donna and all Jews that their religion is wrong. They are telling us all that their religion prevails in the community and are forcing Donna and so many other women to guide their personal and medical decisions based on someone else’s religion.

Government must respect religious faith and the diversity of faiths in our nation.

Donna's religion teaches that the fetus is a part of the woman and that her health and well-being clearly take precedence over the potential life she is carrying. The state cannot tell her that her belief and her religion are wrong. The government does not have the right to tell her that the decisions she makes guided by her religion are incorrect.

In a nation founded on freedom of religion and diversity of faiths, we cannot legislate one set of beliefs over another. How can any government know when life begins?

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