

Rabbi Dr. Susan Grossman

Favorable

House Bill 705 Constitutional Amendment - Declaration of Rights – Right to Reproductive Freedom

Testimony Submitted February 17, 2023

I am among the foremost authorities on women’s reproductive health for the (Jewish) Conservative Movement. I served 30 years as Chair of the Gender and Personal Status sub-committees of the Rabbinical Assembly’s Committee on Jewish Law and Standards. I co-edited *Etz Hayim Torah and Commentary* (the Bible used by hundreds of thousands across the nation) and I authored our Movement’s religious law decision on when human life begins,¹ among other decisions. I have served as Senior Rabbi (and now Emerita) of Beth Shalom Congregation in Columbia, MD since 1997.

I strongly support House Bill 705 to make reproductive freedom a constitutional right in Maryland. Such a constitutional right would protect the lives, well-being, and privacy of all women regardless of political winds or the domination of any single perspective interfering with what should be a private, personal medical decision between women and their health care providers. Such a constitutional right would also protect the rights of religious minorities, like those in the Jewish community, to follow our religious dictates that require us to heal ourselves and others, and to prioritize a women’s life and health over that of her fetus (see below).

Judaism believes that all life is sacred. Protecting human life and health is among Judaism’s highest religious values, overriding almost all other obligations. In Judaism, life begins at birth when the fetus enters into the open air. This view is defined in the Bible, Exodus 21:22-23: *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.* This verse treats the fetus as part of the mother’s body and does *not* define the destruction of a fetus as intentional murder or unintentional manslaughter. Based on this verse, all later Jewish jurisprudence determines that until the moment a fetus is born in the open air, it is *not* considered a human being. A fetus has no jurisdictional identity independent of its mother. A fetus, of whatever developmental stage, is cherished as *potential* human life. However, until its birth, the fetus is considered part of its mother’s body. Therefore, the mother’s life, health, and mental well-being are always prioritized over that of the fetus within her, according to normative Jewish law.

Judaism does not give blanket approval for abortion as a form of birth control. There must be a reason to justify abortion, based on the needs of the mother. Judaism requires abortion to save and protect the mother’s life and physical health, including her ability to have children in the future. Judaism also permits abortion to protect the mother’s mental health and the health and well-being of any children she may already have.

There are several other issues. Recent efforts to restrict access to reproductive care also serve to restrict access to women’s general reproductive health care. This is tragic for many and a direct conflict with Judaism’s commandments to heal oneself and others. Finally, recent efforts to restrict reproductive care invade one’s medical privacy. I strongly urge the House to pass this bill which ensures Maryland women the freedom to follow their own religious conscience and traditions and assures all access to proper health care treatment that protect their reproductive rights.

¹ Rabbi Dr. Susan Grossman. “Partial Birth Abortion and the Question of When Life Begins.” Committee on Jewish Law and Standards (NY: Rabbinical Assembly, 2003). Citations to the Jewish laws explained within can be found at: https://www.rabbinicalassembly.org/sites/default/files/public/halakhah/teshuvot/20052010/grossman_partial_birth.pdf.