



## Daniel Jeremy Silver Collection Digitization Project

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### **MS-4850: Daniel Jeremy Silver Papers, 1972-1993.**

Series III: The Temple Tifereth-Israel, 1946-1993, undated.

Sub-series B: Sermons, 1950-1989, undated.

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The Abortion Debate, 1979.



The Abortion Debate  
Daniel Jeremy Silver  
April 1, 1979

I have never spoken publicly on the issue of abortion. I think that this has been the case because of a deep feeling that men have spoken too often on this theme. It is really not our issue. I have broken this pattern of silence because <sup>OF</sup> the bitterness <sup>^</sup> of the current anti-abortion crusade and its political purposes require that some things be said. All of us will have to make a series of civic and political decisions because of the activities of these crusaders. When we do, we ought to be clear in our ~~own~~ mind what it is we really believe and where we really come down.

Perhaps a dozen abortion clinics have been arsoned in the last year or so. In February of 1978 a man, dressed in a blue delivery uniform, gained entrance to a clinic within a block of The Temple, threw gasoline in the face of a laboratory technician as well as the floor and ignited it. He escaped and is still at large. A single-issue political party, the so-called Right To Life party, has emerged in a number of states and has fielded candidates from local and state offices. Last year in New York the Right To Life party gained more votes than that state's traditional third party, the Liberals. Every legislator at almost every level has been pressed to state his position, even if his position would not require him to take up the issue; and he is told that his actions will be watched. Before the 1979 election <sup>there was</sup> a "hit list" of senators and representatives who would not vote the way the Right To Life group wanted them to vote and a campaign was organized to unseat these people regardless of the <sup>in</sup> record on other issues. All of us have seen the periodic picketing and placarding of the clinics, and most of us have not seen the myriad legal and administrative moves which have <sup>been</sup> attempted <sup>^</sup> to zone these clinics out of existence and to delay or prevent their operation.

The Supreme Court, in a decision delivered in June of 1977, determined that the states were not obliged to support abortion through public funds. Since then,



under intense pressure from anti-abortion groups, the Congress added the Hyde Amendment to the appropriation bill for all health, education and welfare programs, a rule which prohibits the use of Federal monies for abortion surgery; and all but a handful of states have followed suit.

First things first: What does Judaism have to say on abortion? The Torah includes only one reference to abortion. There is a law which states that if a pregnant woman is hit during a quarrel and the child is stillborn, the person who delivered the blow must pay a heavy fine. If the woman dies because of the blow, the assailant is liable to death. This law, incidentally, reproduces almost exactly the conventional practice of ~~the time in~~ West Asia and appears in almost identical language in the Code of Hammurapi. And that is all that the Bible has to say about abortion.

The Bible's limited interest in this issue reminds us that abortion was not *Then* a major problem and, certainly, did not raise the same issues it raises today. For this reason ancient literature is not particularly helpful on this issue. Our problem is that of elective <sup>abortion</sup> ~~abortion~~. ~~An~~ <sup>Elective</sup> ~~problem~~ could not even be contemplated until medical science developed the techniques of modern surgery and antiseptics. Today the procedure is routine. During the Bronze Age surgical abortion would have been a deadly procedure and no one imagined there would ever be a question involving public policy in regard to elective abortion.

In Biblical times abortion resulted largely from accidental causes. By rabbinic times medicine had developed to the point where surgery <sup>was</sup> ~~had been~~ possible at term if a difficult delivery suggested that the life of the mother was endangered. The classic text in the Mishnah, the text on which all subsequent rabbinic discussion is based, deals precisely with such a case: "If a woman is in labor and it is feared that she may die; one may sever the foetus from her womb by extracting it, member by member, because her life takes precedence."



This law was set down in the second century, though the rule certainly codifies a familiar practice. ~~By this time~~<sup>^</sup> abortion was dangerous, but possible; and the issues presented ~~were~~<sup>WAS</sup> the classic pre-modern abortion question: the life of the foetus or the life of the mother? Jewish law came down strongly on the side which gives precedence to the life of the mother. The mother is an independent being of considerable experience and capacity. The foetus is not yet born, totally dependent, and has not proven its capacity to survive. If it is a question of choosing between the two, its life is to be sacrificed to the life of the mother. Judaism accepts <sup>THE IDEA</sup> that at times subtle and elegant distinctions must be made between life and life.

Over the centuries the interpreters of traditional Judaism have accepted no other ~~frame of reference~~<sup>Approach</sup> <sup>to</sup> on the question of abortion. All agree that abortion is permitted when it is a matter of saving the life of the mother. A minority have elaborated on what they mean by "endangering the life of the mother", and have ruled that the term includes psychological as well as physical harm. Here or there among the halachists, those who decide these things in traditional Judaism, a decision can be found ruling that an abortion may be allowed in a case of rape or a thalidomide birth; if the mother is paralyzed by fear or guilt, or if she is in danger of a serious and debilitating mental breakdown. The argument is that in such a case her life is actually endangered. But even those who allow abortion in such cases make it clear that they base their decision solely on the principle of saving the mother's life. Otherwise, a foetus' claim on life is absolute and cannot be compromised just because there is a risk that the infant may be deformed.

Many who are affiliated with traditional Jewish organizations have joined the Right To Life movement. They argue that the concept of abortion on demand, the idea that a woman has the right to choose whether or not to deliver the child, is morally unacceptable. In their eyes elective abortion is not based on the principle of saving



life. What is involved, they would say, is little more than a woman's selfishness and misunderstanding of duty. How can you weigh a child's right to life against a woman's desire for a career? A career can always be picked up again. The mother may find the child inconvenient; but convenience is a hedonistic, not a moral, category.

The traditionalists would add that the woman's God-given role is to bear children. The first law of the Bible is to be fruitful and multiply, and God's law must not be cavalierly set aside.

They argue further that accepting the principle of abortion on demand would simply fuel the already fiercely hot hedonism of modern society. The purpose of life is not to satisfy ~~one's~~ private desires, but to live in community, to love, to share and to be related with another, to live usefully. A selfish decision not to have a child because it will get in my way legitimizes cold-bloodedness and callousness and reinforces human insensitivity.

They insist that strict abortion laws build necessary fences around the rules designed to reverence life. The concept of fences is an old one in rabbinic Judaism. It argues that elaborations of a basic law are necessary to protect the core principle. The Torah requires Sabbath rest. All the Sabbath "don'ts" that appear in the Talmudic literature are there to raise fences around Sabbath rest and worship so that its holiness is never in danger of being compromised.

By permitting abortion on demand do we contribute to the growth of spiritual callousness and encourage people to adopt the immoral position that they have an absolute right to determine what they want to do without limits or restraint? The domino approach that we must prohibit abortion in order to preclude eugenics or euthanasia is not as conclusive as many believe. During the 1920's Sweden had liberal abortion laws. During the same period Germany's laws were ~~very~~ restrictive. It was in Germany, not



in Sweden, that Dr. Mengele and the rest of Hitler's doctors engaged in human experimentation. It was in Germany, not in Sweden, that the S.S. emptied the old folks' homes because the patients were no longer contributing to the Reich. The argument cannot be made, at least not from historical evidence, that when a society permits elective abortion it necessarily plunges down the road which ends in killing the aged and infirm. ~~¶~~ The argument that parents have the right, arbitrarily, to dispose of a foetus which stands in the way of personal satisfaction gives many of us pause; for, when all is said and done, the pressure <sup>FOR</sup> ~~from~~ abortion on demand does reflect, at least in part, ~~the~~ moral indifference <sup>AND A</sup> ~~of those who~~ demand radical independence <sup>FOR</sup> ~~and so are impatient with~~ bonds and restraints. In our society some do grow up with great opportunity and use that opportunity only for personal advantage. All of us would wish that certain rules would say to them; "yours is not an acceptable way"; <sup>AND help them understand that</sup> the gift of life demands that you develop your human traits: empathy, sympathy, love and compassion - those sensitivities which allow us to create community. Without community there is no freedom.

I must add that one of the unhappiest themes to be heard from anti-abortion platforms is <sup>that</sup> ~~the~~ claim only those concerned with limiting or prohibiting abortion <sup>AND</sup> ~~care~~ <sup>dedicated to</sup> ~~about~~ the sanctity of life. Not so. Many ~~quite~~ sensitive folk who are devoted to the sacredness of life see merit to the argument that to bring into our overcrowded world unwanted children who will be deprived of love and, therefore, never know how to be human, <sup>is to</sup> show a measure of contempt for life rather than reverence <sup>to</sup> ~~to life~~, and add <sup>to</sup> ~~to~~, rather than reduce <sup>to</sup> ~~the~~ sum total of human suffering.

When we look at the Jewish tradition we must respect it for not having taken an absolutist stance such as has been taken in recent years by the Roman Catholic Church. The absolutist argument is that abortion, for any reason, is an act of murder. Our tradition knew that there were reasons to take the foetus. The preservation of life is, after all, an overwhelming reason.



Many are surprised when they hear that the absolutism of the Roman Catholic Church in this area is of rather recent vintage. Until 1869 the Church was of two minds. Some early Church Fathers argued, more on the basis of their interest in Pythagorean Greek philosophy than on the basis of New Testament support, that the soul entered the body at conception; therefore, from that moment, the foetus had the right to the sacraments, and abortion must be considered murder. Yet, if you read Augustine or the sixth century Justinian Code or study many pronouncements of the medieval Church; you will hear the argument that the soul does not enter the body until the fortieth day. On the basis of this position it could be argued that the taking of the foetus before the fortieth day would not be an act of murder.

During the nineteenth century the Church felt itself threatened by the rise of nationalism in Italy and by the rise of secularism throughout the western world. The nineteenth century church responded to these challenges exactly as did the traditional nineteenth century synagogue by drawing up the drawbridge <sup>AND</sup> by becoming less rather than more flexible. An embattled Church hunkered down to preserve itself from the batterings of modern thought and the seductive attraction<sup>s</sup> of modern life. Attitudes which would have allowed greater flexibility <sup>IN RESPONDING TO</sup> ~~in the Church's response to~~ the problems of modern life were summarily dismissed. In 1869 Pope Pius IX, one of the most conservative men to occupy the papal seat, established the Church's present absolutist position.

Had the Church or the traditional synagogue the wish and desire to rethink its attitudes, many arguments could <sup>have been</sup> ~~be~~ found within their ~~own~~ traditions. This has not happened and adamancy has bred adamancy. The no-abortion position has led to <sup>AS</sup> ~~The~~ abortion <sup>A</sup> an absolute-right position. Polarization is never the way to wisdom.

I suggested earlier that the historic discussions of this problem by the church and the synagogue are not particularly helpful ~~to us~~ because they addressed a



condition unlike our own. Surgery was not safe. Today we can almost guarantee that a woman can be aborted in the morning and be back at her work the same day. There were one and a half million abortions in the United States last year and most were never noticed. The Church Fathers and Talmudic sages responded to the question of therapeutic abortions when someone had to balance the foetus' and the mother's claims on life. <sup>had to be balanced out.</sup> We are concerned not with abortion at term but at a much earlier stage in the pregnancy. We face the quality of life arguments which <sup>passed</sup> ~~are~~ far more complex ~~as~~ ethical issues.

I cannot fault the Supreme Court decision of 1973 which prohibited the states from interfering <sup>with</sup> ~~in~~ the right of a woman to have an abortion. I take that position without joy. The legalization of elective abortion is not <sup>the</sup> ~~the~~ sign of the progress of civilization. I look at our posture as I do at one of those oil spills which occur when a giant tanker runs aground. We need energy. There are accidents. We must clean up the spill in the most effective way we can; but, much more should be done to avoid such mishaps.

I would argue that in a heterogenous society such as ours, where equally well-motivated and sensitive people come down on different sides of a social issue, it is wrong for the society to impose a particular rule. Where there is no unanimity as to the existence of a crime, democracy must not coerce. In any case, coercion will not work. All of us remember the Eighteenth Amendment.

The Right To Life people are, in effect, promoting another prohibition amendment. It <sup>would</sup> ~~also will~~ not work. It has been estimated that there were four hundred thousand illegal abortions in the United States in the year before the Supreme Court ~~decision~~ legalized abortion. The symbol of the broken coathanger which pro-abortion groups raise is a compelling one for it reminds us of the back alleys, the butchers, the blackmail and the unnecessary guilt and fear which accompanied abortion before



1973. An anti-abortion amendment would not end abortion. All it would accomplish would be to drive abortion underground. There would still be hundreds of thousands of abortions and, since they would be illegal, they would ensure needless loss of life and much needless pain, guilt and cost.

~~Many of us do not look on abortion as a crime and~~ it seems to me that it is far better for our society to deal with this abortion problem openly and medically rather than criminally. It troubles me that those who pressure for prohibition seem so indifferent, indeed callous, to the psychic and physical harm that would result from their success. Their victories, ~~such as they are~~, have been won at the cost of added pain and suffering to the least advantaged in the society. The Hyde Amendment, which prohibits the spending of Medicaid funds for abortions and similar acts on the state level, have not stopped abortions, but have penalized the poor by denying them a right which the well-to-do enjoy by virtue of their pocketbooks. These restrictions have increased the social distance between the rich and the poor. Is this a moral plus?

We carry about many misguided stereotypes about abortion. Fifty-two percent of the women who undergo an abortion have one or more children. Many who seek abortion are not opposed to motherhood but simply cannot care for or support another infant. One-third of those who have an abortion are below twenty: young, unmarried, perhaps careless. One-third of those who have an abortion are over twenty-five, married, for whom the burden of another child financially, psychically and emotionally is just too much. Some are too involved in their careers to be bothered with children. Most are simply overwhelmed or overburdened and quite conflicted about the decision they must make.

I find it difficult to accept the domino theory <sup>which holds</sup> that if we do not draw the line here our society will become increasingly dehumanized and we will soon treat the aged with the callousness presumedly being shown the unborn. To be sure, you will find



among those who argue for elective abortion the selfish and the self-centered; but you will also find the sensitive and compassionate. On balance I am rather convinced that there is as much moral understanding and high moral principle among those who argue for the right to choose as among those who crusade for the right to life. The dead fetus is only one element in the equation. A young girl who has been swamped by the sizzling pressures of our society and who, without an abortion, will miss forever the opportunity to finish her schooling and become herself is also an element in the ~~same~~ equation. So is the welfare mother burdened with three or four children who cannot begin to take care of those she now has, much less another crushing responsibility.

I would suggest <sup>that</sup> the <sup>Fuels</sup> passion ~~with~~ which this issue ~~is debated~~ begins in the conflicted and contradictory pressures ~~and opportunities~~ which all our women know. They must make choices no other generation of women have had to face. This is the first generation of women who have had the opportunity to emerge from sex-determined roles into personhood, and it is not easy for any of them. Listen to any woman and you will hear confusion as to her values and goals. Some have gone too far one way and some have gone too far the other; too far in their own minds, not in the judgments of others. Some make a start at freedom, pull back and make another start. Some pull back and never venture into the world of freedom. The models and advice provided by their mothers and grandmothers are not adequate. The mothers and grandmothers had neither the opportunity nor the challenge. The inherited wisdom of the religious traditions is not necessarily relevant, since it raises up the stable values of an older society where woman's role was fixed in the home and was so glorified and honored.

Given where they are some women find - and the right-to-lifers never fully understand this - that a child would shatter their painfully-won independence and actually destroy them by destroying their ability to fulfill themselves, to know themselves. Conversely, some women find - and the pro-abortionists never fully understand this -



that many women do not consider motherhood a restricting submission to biology, have little sympathy with the liberation theme, <sup>is fully satisfied and not</sup> <sup>Such women</sup> and see home and children as sufficient fulfillment. <sup>Indeed, they see it as culversive to all they hold dear.</sup> Neither group understands the other and neither seems to be willing even to make the effort.

The right-to-life movement can be defined by socio-economic class. The more active crusaders are young, middle-class mothers who have opted not to make a career outside their homes. They consider their home and their children their career. Those who seek freedom from family and who demand the right to choose, in their eyes, ~~help us to~~ ridicule all that gives them their sense of dignity and worth and is, therefore, praiseworthy. This sense of being mocked helps explain why some of these women seem to be modern versions of Madame Lefarge. Abortion throws into question all the values to which their lives are dedicated, values which cannot be compromised, for these are the values on which they base their sense of self-worth. They are lobbying for their dignity. Abortion is murder because it kills all they consider sacred. They have devoted their lives to their children and they do not understand and are, therefore, scandalized by those for whom family, marriage, the bearing of children is not the central value.

Women's rights groups have been surprised at the extent of the opposition by women of the Equal Rights Amendment. They need not be. Those who argue for the <sup>of</sup> right ~~for~~ elective abortion have been surprised by the number and anger of the women who argue that ~~their pro-abortion position~~ is immoral. They need not. Those who argue about the right to life have been surprised at the number of women who do not look on marriage and family as their ultimate fulfillment. They need not be.

If you want to see the confusion in the lives and souls of women ~~today~~ take a hard look at the abortion debate. You have good women on both sides. You have in



both camps women who are fighting for their dignity and their commitments. The anger and vindictiveness they often evidence witnesses to the inability to understand the other's point of view. It is like a medieval religious debate. Everyone is busy making points and no one is listening. When all is said, each group believes that there is only one road to salvation - theirs.

What we are watching is a fierce ideological battle over the nature of a woman's identity. This suggests that the answer to the abortion debate will not be found by adjusting the law; it will be found only when women of different needs and attitudes speak to each other and understand that no one speaks in the name of all women, as if there were only one way, the way of career and liberation, or the way of home and family.

This time it is not men who are at the center of a political debate. It is the women. What the women's groups need to do, I humbly suggest as an outsider, as a man, is to sit down and talk, to dialogue as Catholics, Jews and Protestants began to do these past years. They need to begin to understand and appreciate each other so that when they speak they speak with some respect and some understanding of needs other than their own, and of attitudes towards motherhood and family which are not theirs.

At this point the abortion debate is not so much a debate between orthodox religious groups and the rest of society, but, largely, a debate among women. The abortion debate centers on the role that a woman should have. Those who argue that freedom is a healthy condition must recognize that many are retreating from freedom. Freedom can be overwhelming and none can argue that greater freedom has brought greater happiness. The statistics of mental breakdown, of addiction, of alcoholism, of divorce in the freest societies on our globe suggest otherwise. We have lost the strengthening of the extended family. We have lost the strengthening of stable marriages.



We have lost the strengthening of rootage in a given place. We have lost the strengthening of traditional religious forms and teaching. All of us are more exposed and none of us should wonder that there are those who would go back to the old ways which, from the vantage of hindsight, seem so solid and strengthening.

I do not look upon a society which permits abortion by choice <sup>As</sup> having achieved a major breakthrough. ~~At best~~ <sup>Today</sup> Abortion is a political necessity. We are long past the time when a religious group or a political state has the right or the ability to impose a particular attitude towards such an issue upon the community. We are too different now, each from the other, in our needs and conditioning to expect that one view could gain universal compliance. ~~WE CAN NOT CONSIDER THIS AS PROVEN TO SUFFERING.~~ I look on abortion as a social necessity. If, as the statistics reveal, a million and a half abortions take place each year in the United States we had better begin to worry about the number of oil spills. Why are there so many accidents? Why is there so much to clean up behind? Few, if any, women go through an abortion for the joy of the experience.

~~A million and a half abortions suggest an unhealthy society. A society shows disease when for some sex is simply sport; when, for some, children are a hindrance; when, for some, fulfillment is measured only in terms of material success; when, for some, pleasure is the only accepted goal. A society shows disease when some, who argue for the sanctity of the family, also campaign against the existence of family life education in the schools. Both better moral and practical education is called for.~~

How did we come to the present confused state where so many grow up physically but remain morally and spiritually uninformed? What is it in our society that makes us argue heatedly over abortion but unite in protest against taxes to support those who want to have children <sup>but</sup> whom ~~they~~ <sup>them</sup> cannot adequately support? What is it that makes marriage such an uncertain institution that one in four children is being raised in a



one-parent home? What is it that allows us to treat relationships of lust as though they were relationships of love?

The abortion debate must give us pause about the community we have created. It should also move us to resolve to extend ourselves to sensitize youth and adult to the dignity of self, to the value<sup>s</sup> of restraint and ~~of~~ discipline and to the empathy required in ~~true~~ <sup>meaningful</sup> relationships. We need to be reminded that marriage is a sacred institution and that the bonds of marriage are meant to be lifelong and <sup>CAN be so only if they are</sup> need to be supported by the disciplines of personal loyalty and <sup>A</sup> ~~the~~ sensitive awareness of another's person. ~~The~~ <sup>A</sup> adultery of the grown-up world contributes to the abortion statistics at least as much as adolescent impetuosity. We need to remind ourselves that pleasure does not lie in breaking the bonds but in strengthening the intimacy of sound relationship. We need to relearn the old wisdom that pleasure is not out there but in here, in the fulfillment of a good life, in the web of satisfactory love-filled relationships which can only exist within the context of home, family and community.

I hope, though I have no reason for confidence, that the anti-abortion debate will become less frenzied and less bitter. Given its source in the confusion of women, I am afraid that it is destined to be one of those issues which will remain at fever pitch for a long time. The role of women in our society will not be quickly resolved, yet, some response is possible. We need to look again to that which is compassionate, loving and caring so that we lift up the sanctity of family and of marriage and our own responsibilities within those bonds.

In one sense the right-to-lifers are right. Our society needs to develop a new reverence for life. They are right, dead right, when they point a finger of guilt at the society and say: "Abortion is an issue because of your indifference to some old



concerns and old virtues with which you, the society, have played fast and loose. "

However, they are wrong, dead wrong, in their belief that they have the right to impose their particular attitudes towards this operation on anyone else. <sup>And</sup> They are wrong, dead wrong, when they demean the moral concerns of others.

Abortion is the oil spill. There are ways to limit the number of such spills without prohibiting the tankers from sailing.





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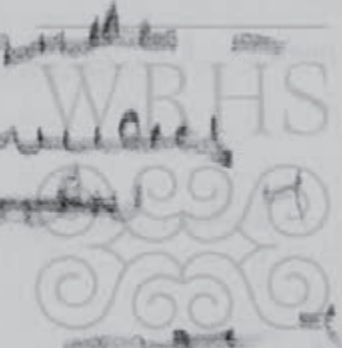
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capt. - ~~unpleasant~~ ~~unpleasant~~ ~~unpleasant~~ ~~unpleasant~~ ~~unpleasant~~

moving to parents - ~~unpleasant~~ ~~unpleasant~~ ~~unpleasant~~  
which ~~unpleasant~~ ~~unpleasant~~ ~~unpleasant~~ ~~unpleasant~~ ~~unpleasant~~  
regarding ~~unpleasant~~ ~~unpleasant~~ ~~unpleasant~~ ~~unpleasant~~ ~~unpleasant~~  
appeal ~~unpleasant~~ ~~unpleasant~~ ~~unpleasant~~ ~~unpleasant~~ ~~unpleasant~~  
for ~~unpleasant~~ ~~unpleasant~~ ~~unpleasant~~ ~~unpleasant~~ ~~unpleasant~~  
less ~~unpleasant~~ ~~unpleasant~~ ~~unpleasant~~ ~~unpleasant~~ ~~unpleasant~~





Don't see the single sheet returned outside (12  
to the letter - was but only added down to  
note on (173) -

Exhibit

12.4 small ( 1007 small

vs

2.2 / 1007 small

1/3 down over 6/2 over 25

5271 down over a row = 1007 small

Hand as marked in  
Hand corner in bill book  
rule of measure -  
Tried to find  
Tried to find

WRHS  
ARCHIVES  
JAN 19 1973

Drift of Teller of self, hidden, money in case of self, servant, companion, friend in a social sense, life as a friend to self, Had to tell of not trust as every word would be taken as more about to reveal also -