

Rabbi David M. Glickman, Senior Rabbi Congregation Beth Shalom
Overland Park, Kansas
Opponent

Special Committee on Federal and State Affairs
Hearing date: January 21, 2020
Room: 346-S
Topic: HCR 5019
Written Testimony Only

As a rabbi for Congregation Beth Shalom in Overland Park, I am a rabbi of the state's largest synagogue affiliated with the United Synagogue of Conservative Judaism – known in the Jewish community as Conservative Judaism. We are a centrist denomination that both adheres to traditional religious doctrine within a modern philosophical outlook.

It is my belief that HCR 5019 is a clear violation of the Establishment Clause of the United States Constitution. The Constitution clearly states, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

This bill works under the assumption that there are specific rights afforded the fetus. Judaism does not view the fetus in this way.

The Hebrew Bible clearly states in 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 according as the woman's husband may exact from him, the payment to be based on reckoning (23). But if other damage ensues, the penalty shall be life for life.

The understanding of these verses is that while there is significant damage that occurs when a woman is forced to miscarry her fetus, it is neither considered murder nor manslaughter. This injury is considered to harm a limb of the mother's body. The "other damage" referenced in verse 23 is understood to mean another injury which caused the death of the mother.

This verse, and others, has given Jewish law throughout history latitude in permitting abortion under many circumstances. In the Talmud, Jewish law states clearly that until forty days after conception, what is inside the mother's uterus has the legal status of "mere water." (see Babylonian Talmud, Yevamot 69b). The Talmud and later codes of Jewish law give permission for very late term abortions if the woman's life is in danger (see Babylonian Talmud, Sanhedrin 72b, and Maimonides' Mishneh Torah *Laws of Murderer and the Preservation of Life* 1:9).

Within the religious Jewish community there are many disagreements about the specific circumstances that would constitute a threat to the mother's life. There are also disagreements about if this "threat" includes mental health or only physical health. However, within all Jewish denominations there is no disagreement about the personhood of a fetus during the first 40 days, and the permissibility of abortion in a potentially fatal situation for the mother. In all of the cases of an abortion permitted by Jewish law (to reiterate would be permissible in all cases in the first 40 days, and have different opinions according to denomination thereafter) this is considered a medical procedure. To deny this medically necessary procedure any legal

protections afforded all other medical procedures would be to prevent Jewish Kansans their free exercise of religion.

To deny access to abortion as this bill attempts to do, and to not treat it as a medical procedure (certainly within the first 40 days after conception) is to force one religious view upon the many. The Jewish community has many God-fearing individuals that take scripture seriously and live lives of religious piety who would disagree with the assumptions of this bill. The passing of such legislation negates the religious authenticity and ability to practice one's faith for the Jewish people of Kansas.

Respectfully,

A handwritten signature in black ink that reads "David M. Glickman". The signature is written in a cursive, flowing style with a long horizontal tail at the end.

Rabbi David Glickman