

**Testimony of Rabbi Dennis C. Sasso, Jewish Community Relations Council
before the Senate Health and Provider Services Committee
February 15, 2006
House Bill 1172**

Thank you Madame Chair and members of the Committee. My name is Dennis Sasso. I am Senior Rabbi of Congregation Beth-El Zedeck in Indianapolis, a member of the Executive Committee of the Jewish Federation of Greater Indianapolis and of the Board of the Jewish Community Relations Council. I teach courses in theology and Jewish/Christian relations at Christian Theological Seminary.

For purposes of the testimony I will present, it is pertinent to note that I am a co-author of a publication of the Indiana University Center for Bioethics directed by Dr. Eric Meslin, entitled "Diverse Perspective: Considerations About Embryonic Stem Cell Research". (Excerpt attached)

As an American, as a leader in the Jewish religious community and as a citizen of the State of Indiana, I am deeply troubled at the thought that legislators in my state are seeking to enact legislation that would be offensive to the standards of my faith and indifferent to well considered ethical postures of a vast numbers of Hoosiers. I rise in opposition to House Bill 1172, but my remarks will also bear upon House Bill 1080, both of which propose intrusive measures on women's reproductive rights, with negative impact on a broad range of health considerations and with indifference to the diversity of religious beliefs and ethical concerns among our citizens.

Writing into state law what is essentially the doctrinal view of a particular segment of the faith community would impair the freedom of religion of Hoosier citizens whose religious traditions and ethical stances call them to a different understanding of when does human personhood begin. It is regrettable use of political and religious ideology to trump science, threaten pluralism, assault tolerance and encroach on the privacy of citizens.

The issue is not "When does life begin?" Life exists even before conception. The sperm is life. The ovum is life. Every cell and organism is a living entity. Adherents of the Eastern faith, Jainism, gently sweep the path in front of them as they walk in order to avoid stepping on living creatures.

The issue is not "when does life begin", but when is human personhood, that intangible moral and legal category upon which hinge so many privileges and responsibilities of identity and citizenship, established. And on this issue, science offers no answers and theologians and ethicists have and will continue to differ.

While some people of faith may choose to affirm that human personhood begins at conception, at the moment when the ovum and sperm meet, Judaism affirms that personhood begins at birth. In a contest between the fetus and the mother, the Jewish moral tradition will not only permit, but require, that preference be given to the mother.

Until birth, while the fetus is certainly to be cherished and protected, it is not considered an independent legal entity. Judaism honors and protects the fetus. Ours is a tradition that celebrates parenthood and family life, but in a contest between the embryo or the fetus and the mother, Judaism preeminently protects the rights of the mother as a viable human person. Both her physiological and psychological needs are to be given preferential status over the rights of the developing fetus.

I want to be clear that on this matter there is universal consensus among all Jewish denominations, from the most liberal Reform to the Conservative, Reconstructionist and most traditional Orthodox.

The Rabbinate of the Orthodox Movement, has spoken as follows:

Judaism...rejects the Catholic or fundamentalist view of abortion, particularly in those cases in which the life, physical or even mental well-being of the mother is threatened. ...When the life of the mother is threatened, Jewish law unambiguously prefers the life of the mother. Even when the health of the mother is threatened most authorities would permit an abortion before the onset of labor because the fetus has not yet reached an independent status.

We are fearful, therefore, of government interference with the freedom of the Jewish community to apply its time venerated Torah standards to the question of abortion. The intrusion of government into an issue which so often can be determined only by religious consciousness would involve a grave violation of the first amendment.

As a whole, the consensus of the Jewish tradition and American Jewish community is:

1. To affirm the right of women to choose a safe, legal abortion;
2. To oppose the limiting of Federal and State funding of abortions for poor women.
3. To oppose those medical policies and legal harassments that would limit access to abortion.
4. To encourage comprehensive sexuality education among our youth in order to prevent unwanted pregnancies and reduce the number of abortions.
5. To oppose anti-choice legislation, including any constitutional amendment that would make abortion illegal, a threat to both the Establishment and the Free Exercise clauses of the First Amendment.

The protection of life, the enhancement of health services, the advancement of sex education, the respect of privacy and tolerance for religious diversity are principles for which we stand and which we trust the State of Indiana will continue to uphold.

Thank you for your kind attention.