background of the term in the ancient Near East is fully attested. True, *toevah* predominates in Deuteronomy (16 times) and Ezekiel (43 times), but both books are known to have borrowed terms from wisdom literature (cf. Deut. 25:13 ff., and Prov. 11:1; 20:23) and transformed them to their ideological needs. The noun *sheqez* is found in only four passages where it refers to tabooed animal flesh (e.g., Lev. 11:10–43). However, the verb ! #,% found seven times, is strictly a synonym of & (e.g., Deut. 7:26; the noun may also have had a similar range). *Shiqquz*, on the other hand, bears a very specific meaning: in each of its 28 occurrences it refers to illicit cult objects. *Piggul* is an even more precise, technical term denoting sacrificial flesh not eaten in the allotted time (Lev. 7:18; 19:7); though in nonlegal passages it seems to have a wider sense (Ezek. 4:14; cf. Isa. 65:4). According to the rabbis (Sifra 7:18, etc.) the flesh of a sacrifice was considered a *piggul* if the sacrificer, at the time of the sacrifice, had the intention of eating the flesh at a time later than the allotted time. Under these circumstances, the sacrifice was not considered accepted by God and even if the sacrificer ate of it in the alloted time he was still liable to the punishment of **karet*, i.e., the flesh was considered *piggul* by virtue of the intention of the sacrificer. This is an extension of the biblical text according to which he would be liable for punishment only if he ate it at the inappropriate time. The rabbis based their interpretation on the biblical passage "It shall not be acceptable" (Lev. 7:18). They reasoned: How could the Lord having already accepted the sacrifice then take back His acceptance after it was later eaten at the wrong time.

: Humbert, in: ZAW, 72 (1960), 217–37.

[Jacob Milgrom]

ABOMINATION OF DESOLATION, literal translation of the Greek Βδέλυγμα ἐρημώσεως (I Macc. 1:54). This in turn, evidently goes back to a Hebrew or Aramaic expression similar to *shiqquz shomen* ("desolate," i.e., horrified – for "horrifying" – "abomination"; Dan. 12:11). Similar, but grammatically difficult, are *ha-shiqquz meshomem*, "a horrifying abomination," (disregard the Hebrew definite article?; *ibid.* 11:31); *shiqquzim meshomem*, "a horrifying abomination", disregarding the ending of the noun? (*ibid.* 9:27); and *ha-pesha shomem*, "the horrifving offense" (*ibid.* 8:13). According to the Maccabees passage, it was something which was constructed (a form of the verb οἰκοδομέω) on the altar (of the Jerusalem sanctuary), at the command of *Antiochus IV Epiphanes, on the 15th day of Kislev (i.e., some time in December) of the year 167 B.C.E.; according to the Daniel passages, it was something that was set (a form of *ntn*) there. It was therefore evidently a divine symbol of some sort (a statue or betyl [sacred stone]), and its designation in Daniel and Maccabees would then seem to be a deliberate cacophemism for its official designation. According to II Maccabees 6:2, Antiochus ordered that the Temple at Jerusalem be renamed for Zeus Olympios – "Olympian Zeus." Since Olympus, the abode of the gods, is equated with heaven, and Zeus with the Syrian god "Lord of Heaven" – Phoenician B al Shamem, Aramaic Be'el Shemain (see Bickerman) – it was actually Baal Shamem, "the Lord of Heaven," who was worshiped at the Jerusalem sanctuary during the persecution; and of this name, *Shomem*, best rendered "Horrifying Abomination," is a cacophemistic distortion.

: E. Bickerman, *Der Gott der Makkabaeer* (1937), 92–96.

[Harold Louis Ginsberg]

ABONY, town in Pest-Pilis-Solt-Kiskun county, Hungary, located southeast of Budapest. One Jew settled there in 1745; the census of 1767 mentions eight Jews. The Jewish population ranged from 233 in 1784 to 431 in 1930, reaching a peak of 912 in 1840. The Jewish community was organized in 1771 concurrently with the organization of a *Chevra Kadisha*. The community's first synagogue was built in 1775. The members of the community consisted of merchants, shopkeepers, artisans, peddlers and, starting in 1820, tenant farmers. From 1850 onward Jews were able to own land. A magnificent new synagogue was built in 1825 that was mentioned in a responsum by Moses *Sofer. A Jewish teacher was engaged for the community in 1788, and a Jewish school was opened in 1766 and moved to a separate building in 1855. In 1869 a Neolog community was established in town. It was in Abony that the Austro-Hungarian *kolel* of Jerusalem was established in 1863. Among the rabbis of Abony were Jacob Herczog (1837–57), author of *Pert Yaʿakov* (1830); Isaac (Ignác) *Kunstadt (1862–82), author of *Luʾah Eretz*, 1–2 (1886–87); Béla Vajda (1889–1901), author of a history of the local Jewish community; and Naphtali Blumgrund (1901–18). In April 1944, the Neolog community of 275 was led by Izsák Vadász.

According to the census of 1941, Abony had 315 Jewish inhabitants and 16 converts identified as Jews under the racial laws. Early in May 1944, the Jews were placed in a ghetto which also included the Jews from the following neighboring villages in Abony district: Jászkarajenö, Kocsér, Tószeg, Törtel, Újszász, and Zagyvarékas. After a few days, the Jews were transferred to the ghetto of Kecskemét, from where they were deported to Auschwitz in two transports on June 27 and 29. In 1946, Abony had a Jewish population of 56. Most of them left after the Communists took over in 1948 and especially after the Revolution of 1956. By 1959, their number was reduced to 19, and a few years later the community ceased to exist. The synagogue is preserved as a historic monument.

: B. Vajda, *A zsidók története Abonyban és vidékén* (1896). . : Braham, Politics; *Zsido Lexikon* (1929), 3–4; PK Hungaryah, 127–28.

[Alexander Scheiber / Randolph Braham (2nd ed.)]

ABORTION. Abortion is defined as the artificial termination of a woman's pregnancy.

In the Biblical Period

A monetary penalty was imposed for causing abortion of a woman's fetus in the course of a quarrel, and the penalty of

death if the woman's own death resulted therefrom. "And if men strive together, and hurt a woman with child, so that her fruit depart, and yet no harm follow – he shall be surely fined, according as the woman's husband shall lay upon him; and he shall pay as the judges determine. But if any harm follow – then thou shall give life for life" (Ex. 21:22–23). According to the Septuagint the term "harm" applied to the fetus and not to the woman, and a distinction is drawn between the abortion of a fetus which has not yet assumed complete shape – for which there is the monetary penalty – and the abortion of a fetus which has assumed complete shape – for which the penalty is "life for life." Philo (Spec., 3:108) specifically prescribes the imposition of the death penalty for causing an abortion, and the text is likewise construed in the Samaritan Targum and by a substantial number of Karaite commentators. A. *Geiger deduces from this the existence of an ancient law according to which (contrary to talmudic *halakhah*) the penalty for aborting a fetus of completed shape was death (*Ha-Mikra ve-Targumav*, 280–1, 343–4). The talmudic scholars, however, maintained that the word "harm" refers to the woman and not to the fetus, since the scriptural injunction, "He that smiteth a man so that he dieth, shall surely be put to death" (Ex. 21:12), did not apply to the killing of a fetus (Mekh. SbY, ed. Epstein-Melamed, 126; also Mekh. Mishpatim 8; Targ. Yer., Ex. 21:22–23; BK 42a). Similarly, Josephus states that a person who causes the abortion of a woman's fetus as a result of kicking her shall pay a fine for "diminishing the population," in addition to paying monetary compensation to the husband, and that such a person shall be put to death if the woman dies of the blow (Ant., 4:278). According to the laws of the ancient East (Sumer, Assyria, the Hittites), punishment for inflicting an aborting blow was monetary and sometimes even flagellation, but not death (except for one provision in Assyrian law concerning willful abortion, self-inflicted). In the Code of *Hammurapi (no. 209, 210) there is a parallel to the construction of the two quoted passages: "If a man strikes a woman [with child] causing her fruit to depart, he shall pay ten shekalim for her loss of child. If the woman should die, he who struck the blow shall be put to death."

In the Talmudic Period

In talmudic times, as in ancient **halakhah*, abortion was not considered a transgression unless the fetus was viable (*ben keyama*; Mekh. Mishpatim 4 and see Sanh. 84b and Nid. 44b; see Rashi; *ad loc.*), hence, even if an infant is only one day old, his killer is guilty of murder (Nid. 5:3). In the view of R. Ishmael, only a *Gentile, to whom some of the basic transgressions applied with greater stringency, incurred the death penalty for causing the loss of the fetus (Sanh. 57b). Thus abortion, although prohibited, does not constitute murder (Tos., Sanh. 59a; Ḥul. 33a). The scholars deduced the prohibition against abortion by an a fortiori argument from the laws concerning abstention from procreation, or onanism, or having sexual relations with one's wife when likely to harm the fetus in her womb – the perpetrator whereof being regarded as "a shedder of blood" (Yev. 62b; Nid. 13a and 31a; *Ḥavvat Ya'ir,* no. 31; *She'elat Yavetz*, 1:43; *Mishpetei Uziel*, 3:46). This is apparently also the meaning of Josephus' statement that "the Law has commanded to raise all the children and prohibited women from aborting or destroying seed; a woman who does so shall be judged a murderess of children for she has caused a soul to be lost and the family of man to be diminished" (Apion, 2:202).

The Zohar explains that the basis of the prohibition against abortion is that "a person who kills the fetus in his wife's womb desecrates that which was built by the Holy One and His craftsmanship." Israel is praised because notwithstanding the decree, in Egypt, "every son that is born ye shall cast into the river" (Ex. 1:22), "there was found no single person to kill the fetus in the womb of the woman, much less after its birth. By virtue of this Israel went out of bondage" (Zohar, Ex., ed. Warsaw, 3b).

Abortion is permitted if the fetus endangers the mother's life. Thus, "if a woman travails to give birth [and it is feared she may die], one may sever the fetus from her womb and extract it, member by member, for her life takes precedence over his" (Oho. 7:6). This is the case only as long as the fetus has not emerged into the world, when it is not a life at all and "it may be killed and the mother saved" (Rashi and Meiri, Sanh. 72b). But, from the moment that the greater part of the fetus has emerged into the world – either its head only, or its greater part – it may not be touched, even if it endangers the mother's life: "*ein doḥin nefesh mi-penei nefesh*" ("one may not reject one life to save another" – Oho. and Sanh. *ibid.*). Even though one is enjoined to save a person who is being pursued, if necessary by killing the pursuer (see *Penal Law), the law distinguishes between a fetus which has emerged into the world and a "pursuer," since "she [the mother] is pursued from heaven" (Sanh. 72b) and moreover, "such is the way of the world" (Maim., Yad, Roẓe'aḥ 1:9) and "one does not know whether the fetus is pursuing the mother, or the mother the fetus" (TJ Sanh. 8:9, 26c). However, when the mother's life is endangered, she herself may destroy the fetus – even if its greater part has emerged – "for even if in the eyes of others the law of a fetus is not as the law of a pursuer, the mother may yet regard the fetus as pursuing her" (Meiri, *ibid.*).

Contrary to the rule that a person is always fully liable for damage (*mu'ad le-olam*), whether inadvertently or willfully caused (BK 2:6, see *Penal Law, Torts), it was determined with regard to damage caused by abortion, that "he who with the leave of the *bet din* and does injury – is absolved if he does so inadvertently, but is liable if he does so willfully – this being for the good order of the world" (Tosef., Git. 4:7), for "if we do not absolve those who have acted inadvertently, they will refrain from carrying out the abortion and saving the mother" (*Tashbeẓ*, pt. 3, no. 82; Minḥat Bik., Tosef., Git. 4:7).

In the Codes

Some authorities permit abortion only when there is danger to the life of the mother deriving from the fetus "because it is

pursuing to kill her" (Maim. *loc. cit.*; Sh. Ar., ḤM 425:2), but permission to "abort the fetus which has not emerged into the world should not be facilitated [in order] to save [the mother] from illness deriving from an inflammation not connected with the pregnancy, or a poisonous fever … in these cases the fetus is not [per se] the cause of her illness" (*Paḥad Yiẓḥak*, s.v. *Nefalim*). Contrary to these opinions, the majority of the later authorities (*aḥaronim*) maintain that abortion should be permitted if it is necessary for the recuperation of the mother, even if there is no mortal danger attaching to the pregnancy and even if the mother's illness has not been directly caused by the fetus (Maharit, Resp. no. 99). Jacob *Emden permitted abortion "as long as the fetus has not emerged from the womb, even if not in order to save the mother's life, but only to save her from the harassment and great pain which the fetus causes her" (*She'elat Yavetz*, 1:43). A similar view was adopted by Benzion Meir Ḥai *Ouziel, namely that abortion is prohibited if merely intended for its own sake, but permitted "if intended to serve the mother's needs … even if not vital"; and who accordingly decided that abortion was permissible to save the mother from the deafness which would result, according to medical opinion, from her continued pregnancy (*Mishpetei Uziel, loc. cit.*). In the Kovno ghetto, at the time of the Holocaust, the Germans decreed that every Jewish woman falling pregnant shall be killed together with her fetus. As a result, in 1942 Rabbi Ephraim Oshry decided that an abortion was permissible in order to save a pregnant woman from the consequences of the decree (*Mi-Ma'amakim*, no. 20).

The permissibility of abortion has also been discussed in relation to a pregnancy resulting from a prohibited (i.e., adulterous) union (see *Ḥavvat Ya'ir, ibid.*). Jacob Emden permitted abortion to a married woman made pregnant through her adultery, since the offspring would be a *mamzer* (see *Mamzer), but not to an unmarried woman who becomes pregnant, since the taint of bastardy does not attach to her offspring (*She'elat Yavetz, loc. cit.*, s.v. *Yuḥasin*). In a later responsum it was decided that abortion was prohibited even in the former case (*Leḥem ha-Panim*, last *Kunteres*, no. 19), but this decision was reversed by Ouziel, in deciding that in the case of bastardous offspring abortion was permissible at the hands of the mother herself (*Mishpetei Uziel*, 3, no. 47).

In recent years the question of the permissibility of an abortion has also been raised in cases where there is the fear that birth may be given to a child suffering from a mental or physical defect because of an illness, such as rubeola or measles, contracted by the mother or due to the aftereffects of drugs, such as thalidomide, taken by her. The general tendency is to uphold the prohibition against abortion in such cases, unless justified in the interests of the mother's health, which factor has, however, been deemed to extend to profound emotional or mental disturbance (see: Unterman, Zweig, in bibliography). An important factor in deciding whether or not an abortion should be permitted is the stage of the pregnancy: the shorter this period, the stronger are the considerations in favor of permitting abortion (*Ḥavvat Ya'ir* and *She'elat Yavetz, loc. cit.*; *Beit Shelomo*, ḤM 132).

Contemporary Authorities

Contemporary halakhic authorities adopted a strict approach towards the problem of abortion. R. Isser Yehuda *Unterman defined the abortion of a fetus as "tantamount to murder," subject to a biblical prohibition. R. Moses *Feinstein adopted a particularly strict approach. In his view, abortion would only be permitted if the doctors determined that there was a high probability that the mother would die were the pregnancy to be continued. Where the mother's life is not endangered, but the abortion is required for reasons of her health, or where the fetus suffers from Tay-Sachs disease, or Down's syndrome, abortion is prohibited, the prohibition being equal in severity to the prohibition of homicide. This is the case even if bringing the child into the world will cause intense suffering and distress, to both the newborn and his parents. According to R. Feinstein, the prohibition on abortion also applies where the pregnancy was the result of forbidden sexual relations, which would result in the birth of a *mamzer.*

Other halakhic authorities – foremost among them R. Eliezer *Waldenberg – continued the line of the accepted halakhic position whereby the killing of a fetus did not constitute homicide, being a prohibition by virtue of the reasons mentioned above. Moreover, according to the majority of authorities, the prohibition was of rabbinic origin. In the case of a fetus suffering from Tay-Sachs disease R. Waldenberg ruled: "it is permissible … to perform an abortion, even until the seventh month of her pregnancy, immediately upon its becoming absolutely clear that such a child will be born thus." In his ruling he relies inter alia on the responsa of *Maharit* (R. Joseph *Trani) and *She'elat Ya'vetz* (R. Jacob *Emden), who permit abortion "even if not in order to save the mother's life, but only to save her from the harassment and the great pain that the fetus causes her" (see above). R. Waldenberg adds: "… Consequently, if there is a case in which the *halakhah* would permit abortion for a great need and in order to alleviate pain and distress, this would appear to be a classic one. Whether the suffering is physical or mental is irrelevant, since in many instances mental suffering is greater and more painful than physical distress" (*Ẓiẓ Eliezer*, 13:102). He also permitted the abortion of a fetus suffering from Down's syndrome. Quite frequently, however, the condition of such a child is far better than that of the child suffering from Tay-Sachs, both in terms of his chances of survival and in terms of his physical and mental condition. Accordingly, "From this [i.e., the general license in the case of Tay-Sachs disease] one cannot establish an explicit and general license to conduct an abortion upon discovering a case of Down's syndrome … until the facts pertaining to the results of the examination are known, and the rabbi deciding the case has thoroughly examined the mental condition of the couple" (*ibid.*, 14:101).

In the dispute between Rabbis Feinstein and Waldenberg relating to Maharit's responsum, which contradicts his

own conclusion, R. Feinstein writes: "This responsum is to be ignored … for it is undoubtedly a forgery compiled by an errant disciple and ascribed to him" (p. 466); and regarding the responsum of R. Jacob Emden, which also contradicts his own conclusion, he claims that "… the argument lacks any cogency, even if it was written by as great a person as the *Ya'veẓ*" (p. 468). In concluding his responsum, R. Feinstein writes of "the need to rule strictly in light of the great laxity [in these matters] in the world and in Israel." Indeed, this position is both acceptable and common in the *halakhah*, but in similar cases the tendency has not been to reject the views of earlier authorities, or to rule that they were forged, but rather to rule stringently, beyond the letter of the law, due to the needs of the hour (see Waldenberg, *ibid.*, 14:6).

In the State of Israel

Abortion and attempted abortion were prohibited in the Criminal Law Ordinance of 1936 (based on English law), on pain of imprisonment (sec. 175). An amendment in 1966 to the above ordinance relieved the mother of criminal responsibility for a self-inflicted abortion, formerly also punishable (sec. 176). In this context, causing the death of a person in an attempt to perform an illegal abortion constituted manslaughter, for which the maximum penalty is life imprisonment. An abortion performed in good faith and in order to save the mother's life, or to prevent her suffering serious physical or mental injury, was not a punishable offense. Terms such as "endangerment of life" and "grievous harm or injury" were given a wide and liberal interpretation, even by the prosecution in considering whether or not to put offenders on trial.

The Penal Law Amendment (Termination of Pregnancy) 5737–1977 provided, inter alia, that "a gynecologist shall not bear criminal responsibility for interrupting a woman's pregnancy if the abortion was performed at a recognized medical institution and if, after having obtained the woman's informed consent, advance approval was given by a committee consisting of three members, two of whom are doctors (one of them an expert in gynecology), and the third a social worker." The law enumerates five cases in which the committee is permitted to approve an abortion: (1) the woman is under legally marriageable age (17 years old) or over 40; (2) the pregnancy is the result of prohibited relations or relations outside the framework of marriage; (3) the child is likely to have a physical or a mental defect; (4) continuance of the pregnancy is likely to endanger the woman's life or cause her physical or mental harm; (5) continuance of the pregnancy is likely to cause grave harm to the woman or her children owing to difficult family or social circumstances in which she finds herself and which prevail in her environment (§316). The fifth consideration was the subject of sharp controversy and was rejected inter alia by religious circles. They claimed that the cases in which abortion is halakhically permitted – even according to the most lenient authorities – are all included in the first four reasons. In the Penal Law Amendment adopted by the Knesset in December 1979, the fifth reason was revoked.

The Israeli Supreme Court has also dealt with the question of the husband's legal standing in an application for an abortion filed by his wife; that is, is the committee obliged to allow the husband to present his position regarding his wife's application? The opinions in the judgment were divided. The majority view (Justices Shamgar, Ben-Ito) was that the committee is under no obligation to hear the husband, although it is permitted to do so. According to the minority view (Justice Elon), the husband has the right to present his claims to the committee (other than in exceptional cases, e.g., where the husband is intoxicated and unable to participate in a balanced and intelligent consultation, or where the urgency of the matter precludes summoning the husband). According to this view, the husband's right to be heard by the committee is based on the rules of natural justice, that find expression in the rabbinic dictum: "There are three partners in a person: The Holy One blessed be He, his father and his mother" (Kid. 30b; Nid. 31a; C.A. 413/80 *Anon. v. Anon.*, P.D. 35 [3] 57). Elon further added (p. 89): "It is well known that in Jewish law no 'material' right of any kind was ever conferred upon the parents, even with respect to their own child who had already been born. The parents relation to their natural offspring is akin to a natural bond, and in describing this relationship, notions of legal ownership are both inadequate and offensive" (C.A. 488/97 *Anon. et al. v. Attorney General*, 32 (3), p. 429–30). This partnership is based on the deep and natural involvement of the parents in the fate of the fetus who is the fruit of their loins, and exists even where the parents are not married, and *a fortiori* is present when the parents are a married couple building their home and family. When the question of termination of a pregnancy arises, each of the two parents has a basic right – grounded in natural and elementary justice – to be heard and to express his or her feelings, prior to the adoption of any decision regarding the termination of the pregnancy and the destruction of the fetus.

BIBLIOGRAPHY: J. D. Bleich, *Judaism and Killing* (1981), 96–102; M. Elon, *Jewish Law (Mishpat Ivri): Cases and Materials* (Matthew Bender Casebook Series, 1999), 609–24; J.D. Bleich, "Abortion in Halakhic Literature," in: *Tradition,* 10:2 (1968), 72–120; E.G. Ellinson, "*Ha-Ubar be-Halakhah*," in: *Sinai*, 66 (1970); M. Feinstein, "*Be-Din Harigat Ubar,*" in: *Sefer Zikharon le-Grych Yehezkel Abramsky* (1975); D. Feldman, *Birth Control in Jewish Law* (1968). **ADD. BIBLIOGRAPHY:** D. Frimer, "*Ma'amad shel ha-Av be-Hapalat ha-Ubar be-Mishpat ha-Ivri,*" in: *Gevurot le-Elon* (2005); A. Lichtenstein, *Nispaḥ le-Doḥ ha-Ve'adah al Hapalot Melakhutiot* (1974); D. Maeir, "Abortion and Halakhah: New Issues," in: *Dinei Yisrael*, 7 (1970), 137–150, Eng. section; C. Shalev, "A Man's Right to be Equal: The Abortion Issue," in: *Israel Law Review*, 18 (1983); D. Sinclair, "The Legal Basis for the Prohibition on Abortion in Jewish Law (with Some Comparative References to Canon, Common and Israeli Law)," in: *Shenaton ha-Mishpat ha-Ivri*, 5 (1978), 177–218; idem, *Jewish Biomedical law* (2003), 12–61; A. Steinberg, *Hilkhot Rofim ve-Refu'ah* (1978); I.Y. Unterman, "*Be-Inyan Piku'aḥ Nefesh shel Ubar,*" in: *No'am*, 6 (1963); E.Y. Waldenberg, *Ẓiẓ Eliezer* (1959), 1:14; I. Warhaftig, "*Av u-Veno*," in *Meḥkarei Mishpat*, 16 (2000), 479 ff.; M. Weinfeld, "The Genuine Jewish Attitude Toward Abortion," in: *Zion*, 42 (1977), 129–42, Heb.

[Menachem Elon]