

Traducianism, from L. “traducere” meaning to transfer. This view teaches that both the material body and the immaterial soul are transmitted through physical procreation. This position was first developed by Tertullian, AD 155–220

Creationism

teaches that only the body is generated through physical generation, the soul is directly created by God.

Hence, for Creationists, the body is created by God INDIRECTLY through intermediate means and the soul is created DIRECTLY by God through immediate means.

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נְשָׁמָה
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breath of God,
breath related
to life.

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חַיָּה *ḥayyāh*: A feminine noun meaning a living thing, an animal, a beast, a living thing. The basic meaning is living things, but its most common translation is animals or beasts. The word refers to all kinds of animals and beasts of the field or earth (Gen. 1:24, 25; 1 Sam. 17:46).

נֶפֶשׁ *nepeš*: “wind, breath, soul, animating principle, emotion, a person, passion, desire.

Gen 7:22, “All in whose nostrils was the breath of the spirit [ruach] of life, all that was on the dry *land*, died.”

Deut 20:16, “But of the cities of these peoples which the Lord your God gives you as an inheritance, you shall let nothing that breathes remain alive,”

Josh 10:40, “So Joshua conquered all the land: the mountain country and the South and the lowland and the wilderness slopes, and all their kings; he left none remaining, but utterly destroyed all that breathed, as the Lord God of Israel had commanded.”

Josh 11:11, “And they struck all the people who *were* in it with the edge of the sword, utterly destroying *them*. There was none left breathing. Then he burned Hazor with fire.”

**Ps 150:6, “Let everything that has breath
praise the Lord. Praise the Lord!”**

Abortion

The Jewish legal and moral attitude toward abortion based on biblical, talmudic and Rabbinic sources including the *responsa* literature has been described in detail in English by Feldman, Bleich, Jakobovits, and Rosner. In Jewish law, an unborn fetus is not considered to be a person (Hebrew: *nefesh*, literally: soul) until it is born. The fetus is regarded as part of its mother's body and not a separate being until it begins to egress from the womb during parturition. Until forty days after conception, the fertilized egg is considered "mere fluid." Intentional abortion is not mentioned directly in the Bible, but a case of accidental abortion is discussed in Ex. 21:22–23, which states:

When men fight and one of them pushes a pregnant woman and a miscarriage results, but no other misfortune ensues, the one responsible shall be fined as the woman's husband may exact from him, the payment to be based on judges' reckoning. But if other misfortune ensues, the penalty shall be life for life.

Most biblical commentators interpret “no other misfortune” to mean no fatal injury to the woman following her miscarriage. In that case, the attacker pays only financial compensation for having unintentionally caused the miscarriage, no differently than if he had accidentally injured the woman elsewhere on her body. Thus, when the mother is otherwise unharmed following trauma to her abdomen that causes the fetus to be lost, the only concern is to have the one responsible pay damages to the woman and her husband for the loss of the fetus.

The major talmudic source for abortion rulings in Judaism discusses a case of danger to the mother (M. Oh. 7:6):

If a woman is having difficulty in giving birth [and her life is in danger], one cuts up the fetus within her womb and extracts it limb by limb, because her life takes precedence over that of the fetus. But if the greater part was already born, one may not touch it, for one may not set aside one person's life [*nefesh*] for that of another.

The commentators explain that the fetus is not considered to be a *nefesh*, or person, until it has left the womb and entered the air of the world; one is, therefore, permitted to destroy it to save the mother's life. Once the head or greater part of the body of the infant comes out, the infant may not be harmed, because it is considered as fully born and, in Judaism, one may not sacrifice one life to save another.

There are many other talmudic sources which support the non-person status of the unborn fetus. In fact, during the first forty days of conception, the Talmud (B. Yeb. 69b, B. Nid. 30b, and M. Ker. 1:3) considers the fertilized zygote to be nothing more than “mere fluid.” However, after forty days have elapsed, the fetus is deemed to have been fashioned or formed. Laws of ritual uncleanness must be observed for abortuses older than forty days, implying that the unborn fetus, although not considered to be a living person, still has considerable status. In fact, Jewish law allows one to desecrate the Sabbath to save the life or preserve the health of an unborn fetus so that “the child may observe many Sabbaths later.”

The permissibility to kill the unborn fetus to save the mother's life rests upon the fact that such an embryo is not considered a person (*nefesh*) until it is born. Maimonides and Karo present another reason for allowing abortion or embryotomy prior to birth where the mother's life is endangered—the argument of “pursuit,” which understands the fetus to be “pursuing” the mother. Maimonides (Mishneh Torah, *Hilchot Rotzeach* 1:9) states:

Thus the discussion of ensoulment, for all practical purposes, is necessarily confined to those religious circles, especially but not only Christian ones, who do believe that man has a soul.

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The question of “ensoulment” cannot be answered scripturally, as the Scripture makes no reference to the process at all. But even if we could answer it, naming, in contrast to the prevailing views, a late point in pregnancy, our answer would not be relevant to the current legal discussion, inasmuch as it would move on a theological plane and deal with issues of which the legislatures and the courts are supposed to take no notice.

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If a pregnant woman is having difficulty in giving birth, the child inside her may be excised, either by drugs or manually [i.e., surgery], because it is regarded as pursuing her in order to kill her. But if its head has been born, it must not be touched, for one may not set aside one human life for that of another, and this happening is the course of nature [i.e., an act of God: the mother is pursued by heaven, not the fetus]. An identical statement is found in Karo's Code (Shulchan Aruch, *Choshen Mishpat* 425:2). Many Rabbinic authorities ask, How can the argument of pursuit be invoked here? Since the child does not intend to kill the mother, it appears to be a case of heavenly pursuit.

Job 3:3, “May the day perish on which I was born, and the night in which it was said, ‘A male child is conceived.’”