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Choosing Our Chosenness: Answering the Call with Spiritual Intelligence

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Introduction

You hear it all the time: "Jews are Chosen." Being Jewish means inheriting a legacy of claiming (and believing) that you are one of God's Chosen People, as the Bible is so often quoted as saying. For me, growing up in an observant household, I took this idea at face value, my adolescent mind interpreting it to mean that we were simply God's favorite, which filled me with pride.

But, of course, there's much more to it than that.

Now, as an adult, when I ruminate on the Jewish concept of being "chosen," the first feelings that emerge for me are discomfort, embarrassment, and shame. It sounds elitist and supremacist to me. I worry about how it might sound to non-Jews—or anyone who might be looking for

reasons to hate us, for that matter. I believe I am not alone in harboring these feelings.

Jews certainly are not the only tribe to claim chosenness or that they know best. In the cases of the Inuit indigenous people of the Arctic, the Eora Aboriginal people of Australia, the Ngäbe indigenous people, and many North American native tribes, their words for themselves in their respective languages are "the people," with an implied meaning of "the ancestral or original people."[1] Regarding Christians, Jesus says, "I am the way, and the truth, and the life. No one comes to the Father except through me" (John 14:6). This is further reiterated in Acts 4:12, "And there is salvation in no one else, for there is no other name under heaven given among men by which we must be saved." Similarly in Islam, the Quran states, "This day I have perfected for you your religion and completed My favor upon you and have approved for you Islam as religion"[2] (5:3).

Putting aside the matter of how *all* religions can somehow assert superiority and specialness, in this article, I'll be focusing on how one can interpret their own belief system's claims in a modern, spiritually intelligent context. My intent is to explore the psychospiritual impact of Jewish chosenness, offering a new outlook on the concept. This essay will draw from the Bible, but also from contemporary research, personal history, and the great thinkers of our time. My hope is that, on the other end, we might emerge with fresh perspectives on old ideas: deriving new meaning from the beliefs we were brought up with, choosing to see each and every one of us as chosen, and feeling newly inspired by the possibilities.

Duty, Suffering, and the Classic Interpretation of Chosenness

Many others have pondered what it means to be chosen, paving the way for our journey of self-discovery. The traditional rabbinic argument is that that being "chosen" is hardly a privilege, as the people of Israel are tasked with being a "light for the nations," as it says in Isaiah 42:6, "I am the LORD; I have called you in righteousness…I will give you as a covenant for the people, a light for the nations." Basically, being chosen does not mean kicking back and enjoying being the favorite. It is a larger responsibility that requires one to imbue one's daily life with Godliness by following the 613 commandments—serving as a role model in spreading ethical monotheism to the world by living in "*d'veikut*" (Hebrew for "attachment") and unity consciousness with the One.

None seem to argue that this task is easy or pleasurable. The prophet Isaiah (53) spoke of the

[1] https://www.rcaanccirnac.gc.ca/eng/1100100014187/1534785248701

[2] All Quran quotes are from the Sahih International version unless otherwise stated.

suffering necessary to spread the Jewish moral monotheism to the world—as the Jews subsequently will be despised, wounded, and oppressed (Isaiah 53: 3, 5, 7). As articulated by Victor Frankl, a Holocaust survivor, "What is to give light must endure burning."

But, even when it is framed as a duty (and not a fun one at that), saying Jews are chosen in this way still feels elitist and discriminatory to many. While monotheism has done much over history to bring morality into focus, so have many other religions and spiritual beliefs. It might feel uplifting in a way to imagine ourselves as servant leaders of God, spreading morality and righteousness to the world, but there is nothing to stop Christians, Buddhists, or Muslims from claiming the same. And hardly anyone likes to be told that others are the moral elite whose example one should follow.

If this is how you interpret your Judaism, your chosenness, I'm not looking to tell you to feel differently. But, especially in today's times, I am not content to accept that it's how we must see ourselves. For me, Judaism has always meant justice, righteousness, and the protection of those who have been marginalized. It has meant leadership balanced with humility. It has meant acceptance of the Other—as we are all put here by the One Creator. And it is because of those underlying feelings that I now feel so called to write—to speak out and establish this new framework.

Pride Will Be Thy Downfall

First, there is a valuable lesson to be learned in studying why so many religions and cultural traditions seem to support looking down on others. It is our fragile human ego at work. New age spirituality is not immune from these tendencies either—ironically, when I myself am able to achieve an ego-dissolving spiritual experience, my ego reconstitutes itself immediately by taking pride in my spiritual attainment. Such phenomena of spiritual materialism are all too common among modern aspirants as well.[3]

You can sense the thread of elitism in various contemporary spiritual communities and talks by "spiritual masters" advocating for non-duality and oneness. In subtle or not-so-subtle ways, their message of "our practice, our path" is implied as superior to those of others. (Perhaps you might even be sensing some of the same in this very essay, despite all my best efforts.)

And, outside religious and spiritual contexts, tribal or group membership pride seems to be a universal human phenomenon, an inclination even, as expressed by corporations, academic

[3] Trungpa, C. (2002). *Cutting through Spiritual Materialism*. Shambhala.

institutions, political parties, and even sports fans—all leading to rivalry and animosity as people regress into the similar pattern of “us versus them.” Unfortunately, we partake in these toxic identity battles while ignoring our shared belonging: we are all offspring of the One divinity and made in the image and likeness of the One. May we remember that. In doing so, we reincorporate ourselves into the shared divinity of our humanity and the inherent worth and sacredness of our lives.

Beyond Us and Them: Biblical Foundations for Universal Compassion

Despite what some may claim about Jewish chosenness (or any chosenness, for that matter), there is much in the Bible that supports the worldview that we are all One—this dissolution of the boundaries between our peoples. Proverbs 24:17-18 explicitly states, "Do not rejoice when your enemy falls, and let not your heart be glad when he stumbles, lest the Lord see it and be displeased, and turn away His anger from him.” Along these lines, the Midrash (Megilla 10) states that God is in pain when the Egyptians drown during the Exodus after the parting of the sea: "The Egyptians were drowning in the sea. At the same time, the angels wanted to sing before God, and the Lord, God, said to them: 'My creations are drowning, and you are singing before me?'" These teachings clearly emphasize a divine insistence that the suffering of any human being, even an enemy, is a cause for sorrow rather than for celebration.

And, as it says in Leviticus 19:2, "Speak to all the congregation of the people of Israel and say to them, You shall be holy, for I, the Lord, your God, am holy.” We Jews are called to be holy in our being and embody virtues like God, who "is gracious and merciful, slow to anger and abounding in steadfast love. The Lord is good to *all*, and His mercy is over *all* that He has made” (Psalm 145: 8-9). It is reinforced again and again that God not only made all, God *is* all as it says in Deuteronomy (4:35) "the Lord is God, there is none else besides Him" (Ein Od Milvado). We are part of God’s one, each of us chosen and called to serve in our own ways.

There is one more teaching in Judaism that supports this idea, often overlooked in the discussions of what it means to be Jewish. Judaism, like all religions, by nature assumes its own correctness (which many interpret as implying superiority—something to take pride in). But the Talmud (Sanhedrin 59a) also states that one need not convert to Judaism to have a share in the world to come. One only needs to abide by the Seven Noahide Laws, which represent a subset of the Ten Commandments and a much smaller subset of the 613 injunctions for observant Jews (“do not murder” and “do not steal,” etc.) Judaism recognizes the spiritual legitimacy of those outside its fold, affirming for all that righteousness is not confined to any one tribe or path.

Indeed, the Talmud specifically says (Tosefta, Sanhedrin 13), "The Righteous of all nations have

a share in the world to come." A similar yet stronger statement is affirmed in the Midrash (Tana D'bei Eliahu Rabba 9), "I call heaven and earth as witnesses: Any individual, whether gentile or Jew, man or woman, servant or maid, can bring the Divine Presence upon himself in accordance with his deeds."

Furthermore, the Jewish tradition holds that God created seventy root nations of the world, each destined to pursue its own unique spiritual path. The Babylonian Talmud explains that the sacrifice of seventy bulls once a year as commanded in the Torah (Numbers 29:12-34) represented Israel's responsibility towards the nations of the world: "Rabbi Elazar said: These seventy bulls to what do they correspond? They correspond to the seventy nations" (Sukkah 55:b). The Torah and the Jewish tradition insist our God is the one and only God, but they also implore us to honor our universal responsibility and refrain from elevating ourselves above others. This makes sense, as if God is all, then there would be nothing wrong with others worshiping their concept of divinity, however they might perceive it.

Rethinking the Foundation for Chosenness

For me, the true basis of chosenness means that we are all cells in an organism, organs in a body. Just as each of our organs plays a particular role in our overall functioning, so do each of the faiths (and the individuals who practice them) play a role in the betterment of our world.

Of course, it would follow, then, that chosenness does not imply nor require exclusivity, as each organ and each cell within it chooses and is chosen by life's intelligence, united by common stem cell DNA. This shared intelligent design specializes each cell to contribute its own unique function for the benefit of the whole. Similarly, all humans share the same essence, as we are made in the image of God and chosen to play our role, be it as individuals or as part of a nation-tribe.

I have my own ideas about what Judaism's contributions might be, as I'm sure any person from any faith might have ideas about theirs. But I'd hope we can all agree that each one of the seventy nations was chosen by God for a specific purpose: to contribute their unique gifts to this world as part of the greater whole. After all, most of our spiritual and religious traditions across the globe, despite their differences, value unity and a fairly comparable set of ideas around morality and ethics. And, just as Moses may have been chosen to receive the Torah for the Jewish people, Patanjali and Lao Tzu may have each been chosen to receive the Yoga Sutras and the Tao Te Ching for their nations.

Now, this chosenness isn't just our so-called gifts and skills. It includes the legacy of our wounds, both as individuals and as peoples, which, when healed, can then strengthen our contributions even further. Suffering, as the rabbis above might agree, is part of our enlightenment curriculum, enabling us to achieve higher highs along with the lowest lows.

Instead of bemoaning the persecution of our people, Jews can come together in celebrating the

ways it has made us stronger—the miracle of our survival as proof of the promise God made Abraham. These gifts, this history, and indeed this suffering are all passed down as part of our lineage, personally, collectively, and genetically. We are strengthened by our suffering, not defined by it. Being born to Jewish parents, I have a Jewish spark in my soul, a gift that then calls on me to serve and play my role. And, of course, part of that calling includes writing this very piece.

Chosen and Called: How Purpose, Privilege, and Responsibility Converge

I stated earlier that I feel called to write this. Feeling "called" has become quite a popular phrase in spiritual circles. It is how we describe that voice inside, pulling us to embark on a journey. We can accredit this voice to whomever or whatever we like: our soul, spirit, God, higher-self, essence, or true nature, etc.

Often, those in the Bible who are called upon for great undertakings are, in the process, chosen by God. Take Abraham, for example—God's first emissary for the religion. In Genesis 18:19, God says of Abraham, "For I have chosen (known) him, that he may command his children and his household after him to keep the way of the Lord by doing righteousness and justice, so that the Lord may bring to Abraham what He has promised him." Following this calling, God asks Abraham to leave everything behind—his country, his family of origin, his entire past—and to travel to "the land that I will show you" (Genesis 12:1)—a journey into the unknown, fraught with uncertainty and challenges. God also makes a covenant with Abraham and promises that his descendants will be as numerous as the stars in the sky. It is the covenant that serves as the basis for Abraham's descendants (Jews, Christians, and Muslims) as chosen.

Later on, God calls upon Moses to lead the Israelites out of slavery. Yet Moses resists. Repeatedly, he argues with God, insisting he is the wrong man for the job. Eventually, Moses (albeit reluctantly) accepts his charge—a task we know would never be an easy one. He must go up against the mighty ruler Pharaoh, lead his people out of slavery, and guide them through the desert as they constantly resist. More than once, Moses despairs, pleading, "The burden is too heavy for me. If you will treat me like this, kill me at once, if I find favor in your sight, that I may not see my wretchedness" (Numbers 11:14-15). But he knows he can't turn back now.

Moses is called *and* chosen by God. In Letters to a Young Poet (W.W. Norton, 1993, p. 42-43) the German poet Rilke writes similarly of the, "…great exact claim upon us, something that chooses us out and calls us to vast things." Being chosen and being called are two sides of the same coin, two roads that lead to the same destination: an actualization of the self in service of something greater.

Whatever your calling might be, whatever faith you might come from, and even if the journey is not easy, just like Abraham and Moses, you have a

role to play and contributions to make.

Our World to Come

Let us all come together and remember we are all brothers and sisters—children of, and here to serve, the One. As The Bible says, “You shall not abhor an Edomite, for he is your brother” (Deuteronomy 23:7).

In fact, Isaiah (56:7) prophesized the day when all the nations of the world will gather around the rebuilt temple, "for My house shall be called a house of prayer for all people." The Jewish sage Maimonides (Rambam) states in his Mishna Torah, "Ultimately, all the deeds of Jesus of Nazareth and the Ishmaelite who arose after him will only serve to prepare the way for Maschiach's (Hebrew for Messiah) coming and the improvement of the entire world, motivating the nations to serve God together."

Furthermore, in my own research interviewing seventy-one spiritual teachers across all of the world's spiritual traditions (including those that don't speak of God such as Buddhism, Hinduism, Taoism, Shamanism) who were nominated by their peers as people who embody their spiritual values in daily life, I identified universal qualities common to all such as: a sense of purpose, service, service, compassion, trust, truth, and dis-identification from their ego. No matter their theology and cosmology, these subjects all worked to cultivate these values—a collection I then used to form the basis for a universal, ecumenical theory of spiritual intelligence.

These shared values are not a coincidence, and this unity should be encouraging. Everyone from atheists to the “spiritual but not religious” to evangelical Christians to devout Muslims or Jews can *choose* chosenness, embodying and applying the insights of spiritual intelligence to daily life.[4]

Striving for Divinity: A Call That Echoes for Each of Us

Let us remember the meaning of the name “Israel,” derived from the word's Hebrew spelling Yod, Shin, Reish, Aleph, Lamed. The name is first given to Jacob by the angel he wrestles with all night. At the end, to be released by Jacob, the angel agrees to bless him: “Your name shall no longer be called Jacob, but Israel, for you have striven with God and with men, and have prevailed” (Genesis 32:28). *Striven* is the translation of the Hebrew *sarita* with the root letters of Shin, Reish, Yod. Thus, the people of Israel are those who strive towards, and wrestle with, God. Alternatively, the word Israel consists of two parts: first Yod, Shin, Reish (pronounced *Yashar* and meaning “straight”*)*, followed by Aleph, Lamed (pronounced *El*, meaning “God”). Thus, the people of Israel are also those aiming

[4] Amram, Yosi (2007). *The Seven Dimensions of Spiritual Intelligence: An Ecumenical Grounded Theory.* (PDF). Paper presented at 115th Annual (August 2007) Conference of the American Psychological Association, San Francisco, CA. Available at https://intelligensi.com/spiritual-intelligence/.

straight at God.

Thus, if you are a Jewish person, to the extent that you strive toward, aim for, and wrestle with God—the One—then in spirit you are among the community of Israel. All of us humans are wrestling with the ONE, with the truth. And as we are all offspring of the One, wishing to unite with our Source—this unitive yearning lives and can be cultivated in all of us humans, regardless of if we call the One, God, Source, True Nature, Self, Great Spirit, or any other name, as different traditions each use different language.

But more important than any group, tribe, or religious affiliation, if *you* feel called by the spirit of the One, I hope you will choose to devote your life in service to that calling, actualizing your unique gifts in service of Life. For you, I, and all of us have no independent existence separate from the One—the single web of life we are all embedded in.

And when enough of us humans aim and devote our lives in service of the One, we will realize the peace and prosperity we desire for all of humanity. For as the prophet Zechariah (14:9) says, "On that day the LORD will be One and his name One." LORD in this verse is the English translation of the tetragrammaton, the ineffable four-letter Hebrew name: Yod-Hey-Vav-Hey (YHVH), which contains all tense permutations of the verb "to be," namely, was, is, and will be. The day will come when each one of us can recognize our divinity along with the humility of our shared humanity, all as offspring of the One. As John Lennon invites us in his song "Imagine," "I hope someday you'll join us, and the world will live as one."

Choose Your Chosenness, Follow the Call

You—yes, you—have been chosen, chosen by the One. We have been endowed by the One life we are all a part of, so we may actualize our highest potential to serve it. May we choose to ignite our sacred spark and fan our flame, so we may radiate its light out into the world—living in love and emanating joy. In doing so, we become co-creators with our Creator, the greatest privilege and honor we may receive. Furthermore, even if we cannot do the so-called "great things," like Moses and Abraham, as the saying commonly attributed to Mother Teresa reminds us, "We can all do small things with great love…We shall never know all the good that a simple smile can do."

It is here—in acts of service big and small, in spreading justice, righteousness, mercy, and compassion—that we feel most connected and re-sourced by our life force: our gift from the Source. It is the only way for our souls to live in integrity and connection—the truest and highest expression of our spiritual intelligence.[5] [6]

In the end, being "chosen" is not about superiority

[5] Amram, Yosi (2022). The Intelligence of Spiritual Intelligence: Making the Case. *Religions*, 13:1140. Available at: https://www.mdpi.com/2077-1444/13/12/1140

[6] Amram, Yosi (2023). *Spiritually Intelligent Leadership: How to Inspire by Being Inspired.*

or exclusion—it is a call to embrace our shared humanity and recognize that each of us has a unique role in the collective journey of striving towards the divine, however we define it. It is an invitation to see ourselves and each other not as competitors or enemies, but as fellow humans in an unfolding story that guides us towards greater dignity, harmony, and unity for all of humanity. If we can redefine chosenness this way—as a calling—we move closer to the day when we no longer feel compelled to divide ourselves into separate competing tribes. Instead, we can celebrate the diversity of our paths, all while honoring the truth that we are all part of one human family, chosen in that we are alive, and called to shine our light in the way only we can.

Editor's Note: This piece was originally published in April 2023.

The Pregnant Sotah: A Case Study in the Ethics of Abortion

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Much ink has been spilled on the Jewish view of abortion. This essay explores an obscure set of sources that have received little attention in the literature. My purpose in this article is not to take a halakhic or philosophical stance on the status of fetal life, but rather to shed light on some neglected rabbinic texts relevant to this issue. *Tractate Sotah* (the "wayward wife") elaborates on the miraculous biblical ritual (Numbers 5:11-31) for testing the fidelity of a suspected adulteress. The Sotah drinks bitter water mixed with dirt, and a priest erases into it a scroll containing God's name. In the rabbinic view, if she is guilty, she dies, but if she is innocent, she will be blessed with children. A dispute between Rashi and Tosafot regarding the case of a pregnant Sotah addresses the ethics of performing a ritual potentially fatal for a fetus.

The *locus classicus* of this case, *Sotah* 26a, discusses which women are eligible to undergo the Sotah ritual. There, a *baraita* rules that a woman "pregnant from [the husband] himself either drinks [the bitter water] or forfeits her *ketubah*." According to Rashi, whose reading seems to be the most straightforward interpretation, this passage permits a pregnant Sotah to drink the bitter water, despite the fatal potential for the fetus.[1] Tosafot, by contrast, reject Rashi's read, instead explaining that when the *baraita* says the pregnant Sotah may drink the

[1] An aggadic source implies that the purpose of the Sotah ritual is to determine the paternity of a pregnant woman's fetus; see *Tanhuma* [Buber ed.], *Naso* 5; Lisa Grushcow, *Writing the Wayward Wife: Rabbinic Interpretations of Sotah* (Leiden: Brill, 2006), 103. The *baraita* also records a dispute between R. Meir and the Rabbis whether a woman pregnant from a previous husband is eligible for the Sotah ritual initiated by her current husband. Cf. *Sotah* 24a; *Tosefta Sotah* 5:1-2; *Mishneh Le-Melekh, Hilkhot Sotah* 2:7; Avi Gurman, *The Origins and Evolution of the Prohibition Forbidding the Remarriage of the Pregnant or Nursing Widow in Jewish Law* [Heb.] (Jerusalem: Karmel, 2020), 169-188. However, *Sifrei Zuta* cites a dissenting view of Rabban Gamliel that, unlike the *baraita*, excludes a pregnant Sotah

bitter water, it means she may undergo the ritual only after she gives birth. It is possible that this dispute revolves around the status of fetal life, which may have broader implications regarding the issue of abortion in Jewish law; however, theories elucidated in later commentaries complicate the ethical implications of the pregnant Sotah and undermine its relevance to abortion.

Rashi and Tosafot

Rashi's position, as reflected in his brief and ambiguous comment on the *baraita* in *Sotah* 26a, indicates that he does not consider abortion to be murder, which appears to inform his approach to the case of the pregnant Sotah. Tosafot's interpretation, on the other hand, suggests a more restrictive view of abortion. Both texts require careful analysis to identify the precise point of contention.

Rashi seems to read the *baraita* in *Sotah* 26a as indicating a lack of concern for fetal life, which is perhaps its most straightforward interpretation. Rashi comments, "We do not say that the child should not be killed."[2] This double negative implies that causing the death of a pregnant Sotah would not be considered feticide (murder of the fetus). Accordingly, the *mitzvah* (biblical commandment) of performing the Sotah ritual[3] outweighs the value of ensuring the fetus carries to term; conversely, if abortion is feticide, it would be difficult to understand why the *mitzvah* of Sotah would outweigh the prohibition of murder, which is *yehareg ve-al ya'avor* (categorically inviolable). However, the implications of this position beyond the context of Sotah remain unclear from this source alone. It does not necessarily follow from here that Rashi would allow an abortion in cases that do not have the mitigating factor of fulfilling a *mitzvah*; and as I will demonstrate below, many sources identify Sotah as a unique exception to general rules about abortion.

To better understand the reasoning behind Rashi's assumption that abortion is not feticide, we must consider another relevant source, which appears outside the context of Sotah in *Arakhin* 7a. There, the Mishnah states, "A woman who is taken to be executed, we do not wait until she gives birth. A woman in the throes of labor, we wait until she gives birth." By allowing the execution of a pregnant woman, the Mishnah does not seem concerned by the death it will inevitably cause to the fetus. The Gemara initially characterizes the first ruling as "obvious" given that the fetus is "her body." Subsequently, the Gemara suggests that

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from the ritual; see *Keren Orah*, *Sotah* 26a; *Hazon Yehezkel, Tosefta Sotah* 5:1; *Sapirei Efraim, Sifrei Zuta* 5:28.

[2] *Sotah* 26a, s.v. *o shotot*. Similarly, Rambam glosses that a pregnant Sotah undergoes the ritual "as she is [now]" (*Hilkhot Sotah* 2:7); for commentary on Rambam's position, see R. Sheraga Faivel Shternfeld, *Sefer Parashat Sotah* (Bnei Brak, 5782), 146-149. See also Meiri, discussed below in this essay.

[3] See, e.g., Rambam, *Sefer Ha-Mitzvot*, Positive Commandments 223, and the introductory heading in print editions of Rambam's *Hilkhot Sotah*; *Sefer Ha-Hinukh* 365; *Sefer Mitzvot Gadol*, Positive Commandments 56.

one might have thought to delay the execution based on Exodus 21:22, which indicates that the fetus is the "property of the husband" (i.e., a separate entity from the mother).[4] As to why the Mishnah did not accept that argument, R. Yohanan cites a scriptural source, interpreting "and they shall also both of them die" (Deuteronomy 22:22)—the mandate of capital punishment for adultery—to include both a mother and her fetus.

Rashi's statement on Sotah seems consistent with his approach to *Arakhin* 7a. Commenting on the Mishnah there, he explains, "We kill her fetus with her, since it is one body." Rashi implies that the fetus is considered part of the mother's body (*ubar yerekh imo*), and thus the execution of a pregnant woman does not amount to feticide.[5] Here, too, however, one cannot necessarily extrapolate broader leniency for abortion beyond the context of capital punishment, which also fulfills a biblical commandment. Nevertheless, Rashi seems to apply the logic of *Arakhin* 7a to *Sotah* 26a, suggesting the existence of at least two Talmudic rulings that appear to disregard the value of preserving fetal life.

Tosafot, however, reject Rashi's read of the *baraita* in *Sotah* 26a, insisting that the passage should be interpreted to allow a pregnant Sotah to undergo the ritual only *after* giving birth. They challenge, "Why let it be killed? Why would we care [to rush the ritual]? Let us wait until she gives birth."[6] The rhetoric of Tosafot implies that they take issue with Rashi's read for its apparent lack of care for the life of the fetus. Granted, performing the ritual fulfills a *mitzvah*, yet it is possible to do so without endangering the fetus by simply waiting until the mother gives birth before drinking the bitter water. But this reading of *Sotah* 26a seems to conflict with the implication of *Arakhin* 7a, which emphasizes the need for an urgent execution. Tosafot therefore distinguish between Sotah and capital punishment: R. Yohanan's derivation for executing a pregnant woman in *Arakhin* 7a implies that absent a *gezeirat ha-katuv* (inscrutable Scriptural commandment), the rational approach is to refrain from causing the death of a fetus, "because it is the husband's property" (i.e., a separate entity from the mother). Thus, since no such exegesis exists regarding Sotah, delaying the ritual is warranted.[7]

In *Arakhin*, Tosafot elaborate an argument that bolsters distinguishing between *Arakhin* 7a and *Sotah* 26a. They explain that after *gemar din* (conviction), the reason for not delaying execution stems from the concern of *inui ha-din* (affliction of judgment), the psychological agony of remaining

[4] Cf. *Bava Kamma* 49a.

[5] *Arakhin* 7a, s.v. *ha-ishah*; cf. Rabbeinu Gershom ad. loc; *Ran al ha-Rif* (19a) to *Hullin* 58a (first explanation); *Tosafot R. A. Eiger, Arakhin* 1:4; R. Y. S. Elyashiv, *He'arot be-Masekhet Sotah*, 26a and *He'arot be-Masekhet Bava Kamma*, 49a; *Dvar Shaul*, *Sotah* §45.

[6] *Sotah* 26a, s.v. *me'uberet atzmo*.

[7] See *Mishneh Le-Melekh, Hilkhot Sotah* 2:7; *Beit Shmuel, Even Ha-Ezer* 11; *Torat Ha-Kenaot*, *Sotah* 26a; R. Y. S. Elyashiv, *He'arot Be-Masekhet Sotah*, 26a; *Netivot Ha-Kodesh*, *Sotah* 26a; Netziv, *Meromei Sadeh, Sotah* 26a.

on death row.[8] The analogue of *gemar din* in the context of Sotah is not clear, but the factor of *inui ha-din* would not seem to apply here. Although performing the Sotah ritual fulfills a *mitzvah*, it remains optional; the wife is not forced to undergo it, and either spouse has the power to cancel it before God's name is erased.[9] Not only is there no rush to complete the process, but the judges intentionally delay it and attempt to convince the woman to confess instead.[10] It follows that a pregnant Sotah may not undergo the ritual before she gives birth, since doing so may unnecessarily kill the fetus. Thus, whereas Rashi seems to view Sotah as analogous to *Arakhin* 7a, Tosafot view R. Yohanan's teaching in *Arakhin* 7a as exceptional to *dinei nefashot* (capital cases), rather than the basis for potentially allowing one to cause the death of the fetus in the case of a pregnant Sotah.

The commentary of Meiri potentially provides support for Rashi's reading of the *baraita* in *Sotah* by analogizing Sotah to capital punishment. Unlike Tosafot, Meiri maintains that the *baraita* in *Sotah* 26a allows a pregnant woman to undergo the ritual during her pregnancy and does not require a delay on account of the fetus. He explains that if the Sotah is innocent, there is no concern, and if she is guilty, she does not deserve a delay any more than she would in *dinei nefashot*, and he invokes the ruling in *Arakhin* 7a that we execute a pregnant woman.[11] Evidently, Meiri sees the potential outcome of death to the Sotah as analogous to capital punishment, which thus explains why he does not require a delay in the case of a pregnant Sotah. This conceptual framework supports Rashi's read, which assumed that the pregnant Sotah has the same rule as *Arakhin* 7a. Tosafot, by contrast, implicitly reject the conceptualization of Sotah as an analogous capital case, instead noting that *Arakhin*'s harsh ruling is the result of scriptural exegesis that does not apply to Sotah.

There is conflicting evidence in the Talmud regarding the place of Sotah in Jewish law. On one hand, Meiri's view analogizing Sotah to *dinei nefashot* has support from several sources. Firstly, the Sotah appears before the High Court of seventy-one judges in Jerusalem, typically reserved for grave cases of national significance. There, "we threaten her like the way we threaten witnesses in capital cases," an analogy that Meiri interprets as referring to procedures similar to those prescribed in *Mishnah Sanhedrin* 4:5, which includes questioning, "inquiry and interrogation" (*derishah ve-hakirah*), and emphasizing the gravity of shedding innocent blood; in the context

[8] *Arakhin* 7a, s.v. *yashvah*; cf. Tosafot, *Sanhedrin* 80b s.v. *ubar*; *Ran al ha-Rif* (19a) to *Hullin* 58a (second explanation). The author/editor/compiler of Tosafot printed in the Vilna edition of the Talmud may differ across tractates, and thus we should not necessarily assume consistency between the passages discussed here, or other discussions of Tosafot elsewhere about abortion.

[9] *Sotah* 6a, 20a. See Tosafot, *Sotah* 7b, s.v. *mah* and 17b, s.v. *mah*.

[10] *Sotah* 7a-7b; see also *Torat Ha-Kenaot*, *Sotah* 26a.

[11] Sotah 26a, s.v. *kinei*.

of Sotah, the judges similarly warn the wife that the bitter water is lethal and she should not jeopardize her life.[12] Additionally, another source derives from the Sotah ritual that deliberations in capital cases must first proceed with arguments for acquittal.[13] These sources provide a compelling basis for Meiri's analogy.[14]

Some sources, on the other hand, support Tosafot and undermine the analogy between Sotah and capital punishment. As Ramban emphasizes, the miraculous intervention is *sui generis* in Halakhah. Sotah uniquely weaves divine judgment into the framework of human law.[15] Ultimately, if the Sotah dies from the ritual, it is not an execution in the conventional sense. Although the Sotah travels to the High Court, Tosafot do not view this step as dispositive for fulfilling the ritual.[16] Additionally, capital punishment requires two witnesses of the offense, a criterion definitionally absent in the case of the Sotah. Although the ritual is initiated on the basis of two witnesses who verified the husband's *kinui* (formal warning) and the wife's subsequent *setirah* (suspicious act of seclusion), the Sotah is only eligible for the ritual if there are no witnesses for the act of adultery itself.[17] Perhaps due to these sources, Tosafot concluded that the analogy between Sotah and capital punishment remains incomplete beyond the specific procedural rules invoked by the Talmud.

Regardless of the question of how to conceptualize the legal nature of the Sotah ritual, a fundamental dispute seems to emerge between Rashi and Tosafot on the status of fetal life. Rashi appears to assume that abortion is not murder, whereas Tosafot implies that it is. Such a conclusion is bolstered by the fact that Rashi does not appear to contend with Tosafot's ethical challenge to not unnecessarily endanger the fetus. His lack of insistence on delaying the ritual might lead one to infer a broader position that takes the rejection of fetal personhood to a very lenient conclusion. However, as I explore below, later thinkers offer novel explanations of Rashi's position that undermine such claims.

Modern Perspectives

Within Rashi's school of thought that allows the testing of a pregnant Sotah, postmedieval rabbinic commentaries provide new arguments that complicate the ethical implications of the ritual. Some suggest that the divine nature of the Sotah

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[12] *Sotah* 7a, Meiri ad. loc; see also Rashi ad. loc; cf. *Tiferet Yisrael*, *Sotah* 1:4; Ishay Rosen-Zvi, *The Mishnaic Sotah Ritual: Temple, Gender and Midrash* (Leiden: Brill, 2012), 49-66.

[13] *Sanhedrin* 33a; cf. *Sifrei Bamidbar* 12. See also Tosafot, *Sotah* 17b, s.v. *mah*.

[14] For halakhic discussions, see *Minhat Sotah*, *Sotah* 26a; *Tosafot R. A. Eiger, Mishnah Yevamot* 6:1; *Shu"t R. A Eiger*, *Responsa*, vol. I, 222:18; *Shu"t Hatam Sofer, Hoshen Mishpat* 77.

[15] *Ramban al ha-Torah*, Numbers 5:20.

[16] *Sotah* 7b, s.v. *mah*.

[17] See, e.g., *Sotah* 2a-2b, 31a.

ritual absolves us of moral responsibility for the potential feticide, either because God will delay the Sotah's death to protect the fetus, or because we are not responsible for God's judgment. Other more recent thinkers offer a radical theory that the Sotah is presumed to be innocent, thus negating the risk of death for the fetus.

Whereas Meiri conceptualized the Sotah ritual as *dinei nefashot*, thereby locating it within the jurisdiction of human (Jewish) law, some offer a different conceptualization that considers the divine element. A letter from R. Joseph Rosen (the Rogatchover Gaon) to R. Elhanan Halpern discusses the possibility that a fatal outcome of the Sotah ritual would fall under the category of *mitah be-yedei shamayim* ("death at the hands of heaven"). [18] If God determines the fate of the Sotah, one could also suggest that God determines the fate of the pregnant Sotah's fetus, absolving the court of responsibility. R. Elazar Moshe Horowitz takes this idea in one direction, pointing out that God can choose to temporarily suspend the effects of the bitter water to protect the fetus: "Everything is in the hands of heaven, and by His will He can delay her [death] for some time." [19] In this read, we are not morally responsible because the fetus may very well live. More recently, some have sought to avoid R. Horowitz's implication that the presence of a fetus could undermine the efficacy of the Sotah ritual and cause the woman to live when she otherwise should have died. Instead, these thinkers suggest that if the bitter water kills the woman, we are not morally responsible for a divine action; it is not our place to question or speculate why God would allow the death of the fetus. [20] Either way, according to this school of thought, the ethics of the pregnant Sotah are subordinated to inscrutable divine judgment, much like the execution of a pregnant woman, which R. Yohanan ultimately justifies through a *gezeirat ha-katuv*. Those who emphasize the role of divine intervention here cannot conclusively extrapolate broader implications for abortion from the case of the pregnant Sotah.

Another crucial distinction between *Sotah* 26a and *Arakhin* 7a is the possibility of innocence. In the latter case, the court has already convicted the pregnant woman, and the execution will inevitably cause the death of the fetus. The Sotah's guilt, however, is definitionally doubtful, and she may survive the ritual. At most, the ritual presents a *risk* of death, which is mitigated by a variety of caveats that can render the test ineffective. According to rabbinic law, the bitter water will not be fatal if the husband himself ever committed a sexual sin; if witnesses to the adultery are overseas and did not come forward; if the

[18] *Shu"t Tzofnat Paneah* 212. Cf. *Tzofnat Paneah al Masekhtot Sotah Gittin* (Mehon Ha-Maor ed., 2016), pp. 7-8.

[19] *Ohel Moshe*, vol. I, *Sotah* 26a; see also *Netivot Ha-Kodesh*, *Sotah* 26a (citing an oral teaching of R. Yisrael Meir Kagan [Hafetz Hayyim]). Cf. *Radal*, *Sotah* 20b.

[20] See *Sefat Emet*, *Sotah* 26a; R. Yosef Shalom Elyashiv, *He'arot be-Masakhet Sotah* 26a; and *Alei Ba'er* ibid.

husband knows she is guilty; and according to several opinions, if she had merit protecting her, the effect could be delayed for a significant amount of time, which would enable the pregnancy to come to term safely.[21] It would be impossible for anyone to know with certainty that all the conditions of efficacy have been met. Thus, enabling a pregnant Sotah to undergo the ritual is not conceptually analogous to a direct act of abortion.

Some take this argument even further by suggesting that the Sotah who chooses to undergo the ritual is assumed to be innocent. In this view, a pregnant Sotah would pose no risk to the fetus. As mentioned above, the Sotah ritual is optional for the woman. R. Yehiel Michel Epstein (*Arukh Ha-Shulhan*) suggests that the Sotah's innocence is "close to certain" because she chooses to undergo the ritual; presumably, a woman who knows her own guilt would refuse the ritual for fear of death.[22] Similarly, R. Yaakov Kamenetsky suggests that the purpose of the Sotah ritual is not to punish adultery but rather to prove the wife's innocence, since the husband's jealousy and doubt will not be assuaged without divine intervention. As evidence, he cites the Gemara's comment that by allowing God's name to be erased into the Sotah waters, the Torah demonstrates the importance of peace between husband and wife; the goal to restore marital harmony, he implies, can only be achieved if the wife remains alive.[23] Other sources, however, suggest a more punitive purpose; at various stages throughout the process, the judges humiliate the Sotah and immensely pressure her to confess.[24] Arguably, though, even if one accepts the punitive view, a woman who nevertheless insists on proceeding with the ritual would very likely be innocent. Accordingly, it would follow that a pregnant Sotah would almost never pose a risk to the fetus, thus limiting the relevance of the case to the issue of abortion.

Conclusion

Some understandings of the pregnant Sotah potentially intersect with the issue of abortion. A straightforward reading of the dispute between Rashi and Tosafot revolves around the status of fetal life. Rashi seems to maintain that the fetus is considered part of the mother's body; thus, just as we execute a pregnant woman, we allow a pregnant Sotah to undergo the ritual. Tosafot, by contrast, seem to reject this possibility based on a concern for the life of the fetus, and they understand the case where a pregnant mother receives capital punishment as the exception to the rule against abortion. However, the broader

[21] *Sotah* 47b, 6a-6b, 20a-21a, 22b; *Sifrei Bamidbar* 7-8. Cf. *Tosefta Sotah* 2:4; *Yerushalmi Sotah* 3:5; Rambam, *Hilkhot Sotah* 3:20; *Radal*, *Sotah* 20b; *Netivot Ha-Kodesh*, *Sotah* 26a.

[22] *Arukh Ha-Shulhan*, *Even Ha-Ezer* 178; see also *Minhah Hareivah*, *Sotah* 26a.

[23] *Emet Le-Yaakov*, Numbers 5:15; *Hullin* 141a; for further discussion, see Yosef Lindell, "Was the Sotah Meant to be Innocent?" (*Lehrhaus*, 6/9/22). See also *Alei Ba'er*, *Sotah* 26a, n. 103.

[24] *Sotah* 7a-7b, 14a; Rambam, *Hilkhot Sotah* 3:3; cf. *Guide to the Perplexed* III:49; Rosen-Tzvi, *Mishnaic Sotah Ritual*, 3.

implications of Rashi's position remain inconclusive. One postmedieval school of thought conceptualizes Sotah as a unique divine punishment, which undermines its relevance to the issue of abortion. Similarly, a group of modern thinkers reinterpret Sotah as a presumptively non-fatal ritual which would present no risk to the fetus, again limiting the relevance of the case to abortion.

Notwithstanding these limitations, we must still contend with *Arakhin* 7a. While there is disagreement about the case of the pregnant Sotah and whether it is analogous to capital punishment, all sources seem to agree that we execute a pregnant woman despite the inevitable abortion it entails. Whereas the implications of *Sotah* 26a remain inconclusive, given its atypical place in Jewish law, *Arakhin* 7a seems directly relevant to the issue of abortion. Yet, because it has received attention in the literature, a full analysis of *Arakhin* 7a falls beyond the scope of this essay, which focuses on the case of the pregnant Sotah.[25] Further research is necessary to determine how the positions of Rashi, Tosafot, and other commentaries on *Sotah* 26a and *Arakhin* 7a might fit with their approaches to additional sources relevant to abortion in rabbinic literature. Despite its obscurity, the intellectual history of the pregnant Sotah offers a rich case study with significant implications for Jewish thought.

[25] For discussion, see, e.g., R. J. David Bleich, "Abortion in Halakhic Literature," *Tradition: A Journal of Orthodox Jewish Thought* 10, no. 2 (1968): 72-120; R. Eliezer Melamed, *Simhat Ha-Bayit U-Birkhato* 9:3, n. 4.