

“Did you hear what she did?”

“I know, I can’t believe it either.”

“On Yom Kippur? Who would do something like that?”

“Well, I heard she did it even though her doctors said it wasn’t necessary.”

There’s a fascinating text in our tradition, part of a legal code known as the Kitzur Shulchan Aruch. A woman who was pregnant, whether that pregnancy resulted in bringing forth life or not<sup>1</sup>, is the only capable judge of her own needs. Even if she contradicts her doctors — her exclusively male doctors from that time, I would add: “הוא יוֹתֵר מִבֵּין עַל עֲצָמוֹ”<sup>2</sup> (s)he is the best judge of (her) own condition.”<sup>2</sup>

If she says she wants to eat or drink?

“שׁוֹמְעִין לָּהּ וּמֵאֲכִילִין אוֹתָהּ”<sup>3</sup> Listen to her and bring her food”<sup>3</sup> *even on Yom Kippur*.

It’s the rare text in our ancient religion that says a woman is to be taken at her word and is the final arbiter of decisions related to her personal circumstances. And lest you think it only pertains to something insignificant, like eating and drinking, let me remind you that the biblical penalty for transgressing this *mitzvah* was exile or *herem*<sup>4</sup>, elevating the status of unnecessary consumption on Yom Kippur to pretty darn serious. While I present this text as revolutionary — or at least surprising for our ancient, patriarchal religion — it feels rather unremarkable for us as 21st century progressive Jews. Of course women should be allowed to make their own decisions about what is in their best interests, medically and religiously, right?

Right?

2012. The State of Virginia...and Alabama, and Michigan, and Texas debated laws that would have mandated and forced upon women invasive, internal ultrasounds — against the guidance of the medical community<sup>5</sup> — before they could actualize the full range of their reproductive healthcare options.

2019. The States of Alabama, Georgia, Kentucky, Louisiana, Mississippi, and Ohio passed so-called “heartbeat bills”, banning abortions before most even know that they are pregnant.<sup>6</sup>

<sup>1</sup> Commentary of S’dei Chemed on Kitzur Shulchan Aruch 133:14

<sup>2</sup> Kitzur Shulchan Aruch 133:14

<sup>3</sup> Ibid.

<sup>4</sup> Leviticus 23:29

<sup>5</sup> <https://journalofethics.ama-assn.org/article/mandated-ultrasound-prior-abortion/2014-04>

<sup>6</sup> <https://www.nytimes.com/interactive/2019/us/abortion-laws-states.html>

2019. While the news cycle was saturated and distracted by tweets<sup>7</sup>, government funding for all reproductive services offered by Planned Parenthood ended.<sup>8</sup>

More attempts to curtail a woman's ability to make her own decisions about what is in her best interests, medically and religiously, have passed in 2019 than any time since 1973.<sup>9</sup> And make no mistake, these are not abstractions for us in Western Pennsylvania: Pennsylvania House Bill 1077 would have required the same trans-pelvic ultrasounds Virginia tried to mandate, and House Bill 2315 would have made abortion illegal from six weeks. They failed...and are scheduled to be reintroduced this legislative session.<sup>10</sup> These bills, this trend toward banning abortion — whether outright or through costly, emotionally-manipulative and physically-invasive extraneous procedures — are threats to our core religious values as Reform Jews. Our movement stands for free expression of religion in America; our movement stands for women's equality; our movement stands firm in our belief that there are no perfect people and that each of us is more than one singular decision. Our movement stands with unwavering commitment to the protection and preservation of the reproductive rights of women.<sup>11</sup>

### **Our movement stands for free expression of religion in America.**

Let me say this as unequivocally as possible: Judaism — and every single scholar of Torah — not only permits but demands access to abortion services anywhere a Jew might live. From our reading of Torah, where the inadvertent death of a fetus is a financial matter rather than a capitol crime<sup>12</sup>, to our understanding of Mishnah<sup>13</sup>, that a fetus *must* be aborted if it threatens the life of the mother, to the writings of later

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<sup>7</sup> Israel, at President Trump's urging, reversed its decision and refused to grant two U.S. Congresswomen visas: <https://www.wsj.com/articles/israel-weighs-blocking-omar-tlaib-from-west-bank-visit-11565859308>

<sup>8</sup> <https://www.plannedparenthoodaction.org/tracking-trump/policy/title-x-gag-rule>

<sup>9</sup> <https://www.guttmacher.org/article/2019/03/surge-bans-abortion-early-six-weeks-most-people-know-they-are-pregnant>

<sup>10</sup> <https://www.legis.state.pa.us/cfdocs/Legis/CSM/showMemoPublic.cfm?chamber=S&SPick=20190&cosponId=29980>

<sup>11</sup> <https://urj.org/what-we-believe/resolutions/reproductive-rights>

<sup>12</sup> Exodus 21:21-25 "If men fight, and they push a pregnant woman and she miscarries, but no other injury occurs, the one responsible shall surely be fined...But if an injury does occur, then you shall award a life for a life."

<sup>13</sup> Mishnah Ohalot 7:6 "If a woman was in hard travail, the child must be cut up while it is in the womb and brought out limb by limb, since the life of the mother has priority over the life of the child."

commentators who expand the category of when a woman's life is imperiled<sup>14</sup> to include mental and emotional health, access to abortion services is seen as necessary for the Jewish community.

According to Rabbi Mark Dratch, the executive vice president of the Rabbinical Council of America, the largest Orthodox rabbinical association, Orthodox Jews “feel that abortion is not just permissible, but in some cases necessary.”<sup>15</sup> “The Rabbinical Assembly (of Conservative Judaism) supports full access for all women to the entire spectrum of reproductive healthcare and opposes all efforts by government, private entities, or individuals to limit such access or to require unnecessary procedures.”<sup>16</sup> The Reform Movement has long affirmed “the legal right of a woman to act in accordance with the moral and religious dictates of her conscience with respect to abortion.”<sup>17</sup>

Even the Haredi, Ultra-Orthodox umbrella organization recently said: “In line with its support for religious freedom, Agudath Israel opposes initiatives that would make abortion unlawful...”<sup>18</sup> and this gets to the core of the issue: Restricting — or attempting to ban altogether — legal abortion on the basis of fundamentalist Christian interpretation is an explicit violation our First Amendment rights.<sup>19</sup> Our religion **demand**s access to abortion services to fulfill the mandates of our faith, and to remove this option is to force Christian values and interpretation upon us. Our tradition views abortion as both a morally serious and a morally **justifiable** procedure, and while our sages take more and less lenient views on the specific cases that abortion is permitted, Jews of all streams believe that these nuances of Jewish legalism are for debate in the confines of the study hall, not the halls of State Houses or Congress. Efforts to ban abortion — or place it out of reach — directly contradict our freedom of living our Jewish faith...

...and they contradict our unwavering belief that a woman is the only person — not you, not state legislators, not Supreme Court justices — who has to live with her

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<sup>14</sup> Rashi on Sanhedrin 72b: “It is removed limb by limb, for, as long as the being did not come out into the world, it is not a *nefesh* and it is permitted to kill it and to save its mother. But, if the head has emerged, it may not be harmed, because it is considered as fully born, and one may not take the life of one *nefesh* in favor of another.” By labeling the mother as a *nefesh*, a class separate from and elevated above the fetus, there is considerable room to debate at which point her needs become subservient to the status of the fetus.

<sup>15</sup> <https://forward.com/news/national/420165/orthodox-jews-abortion-pro-life-christians/>

<sup>16</sup> <https://www.rabbinicalassembly.org/story/statement-reproductive-freedom>

<sup>17</sup> <https://urj.org/what-we-believe/resolutions/free-choice-abortion>

<sup>18</sup> <http://agudathisrael.org/statement-of-agudath-israel-of-america-on-the-ny-reproductive-health-act/>

<sup>19</sup> <https://www.lilith.org/blog/2019/09/why-molly-wernick-is-an-advocate-for-the-separation-of-church-and-state/>

decision and thus has the responsibility for making it according to the dictates of her conscience.

### **Our movement stands for women's equality.**

We believe that *mitzvot*, our sacred obligations and Judaism's blueprint for a more moral and uplifted life, apply equally to men and women. We believe that the matriarchs have a place in our prayers, that Sarah and Rebekah and Rachel and Leah should be mentioned right alongside patriarchs Abraham, Isaac, and Jacob. We believe that women can become rabbis and cantors and educators and teachers and doctors and lawyers and engineers and presidents — and, if **they** choose, mothers — as women are full, autonomous individuals created in God's image with the same inalienable capabilities and rights as men. We believe that individuals, including women — which is ridiculous to have to say — should be the ultimate decisors and shapers of their own life.

Reform Judaism does not claim that a woman's decision for abortion is always "right," only that self-determination, in the context of her own life and values, is her right.<sup>20</sup> Attempts to strip a woman of this right, to remove her power and agency, are an affront not only to our sense of equality but ultimately to our religious values.

### **Our movement stands firm in our belief that there are no perfect people and that each of us is more than one singular decision.**

I believe that our world is better when women can commit to education and work and dreams without having the concern at the back of their mind that maybe it's all provisional, because at any moment a missed pill, or a broken contraceptive device, or reproductive coercion, or yes: a mistake could force someone else's priorities upon them.<sup>21</sup>

What about the woman who, just that once, forgot to inspect her partner's condom through a magnifying glass before use? Multiple studies<sup>22</sup>, from Brown University and UPMC Children's and others, report that 1 in 8 women experience reproductive coercion in their lifetime. Sometimes it takes the form of verbal pressure, including threats to leave, and sometimes it's contraceptive sabotage, poking holes or replacing pills. In Louisiana or Mississippi or Ohio or — if a majority of Pennsylvania legislators

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<sup>20</sup> Washofsky, Mark. Jewish Living. Pages 239-242.

<sup>21</sup> PRO:Reclaiming Abortion Rights by Katha Pollitt. Page 38.

<sup>22</sup> Reproductive Coercion and Co-occurring Intimate Partner Violence in Obstetrics and Gynecology Patients in American Journal of Obstetrics & Gynecology: 2014 Jan, 210 (1):42; Reproductive Coercion and Relationship Abuse Among Adolescents and Young Women Seeking Care at School Health Centers in Obstetrics & Gynecology: 2019 Aug, 134 (2): 351-359.

have their way — **here**, she alone is forced to change the entire trajectory of her life as punishment for someone else's crime.

We know that Ashkenazic Jews are at elevated risk for Tay-Sachs disease, a fatal genetic disorder. Do you also know that interfaith couples are statistically more likely to give birth to a child with Tay-Sachs than in-married couples<sup>23</sup> Let that sink in. Were **you** thinking about this in college? When you were starting a family? Even people who desperately want a child may morally, religiously-justifiably choose to have an abortion lest they be forced to spend every single day for the next five years of life watching their infant die; unless they live in Alabama or Georgia or Kentucky or — if a majority of Pennsylvania legislators have their way — **here**.

There is no perfect contraception; there are no perfect screenings; there are no perfect people. We are each the total of our brains and our experiences and our character and how we live our values, not defined by one singular decision. Life is always complicated, and we are each striving to do the best we can. It's something of the theme of this day. To be able to create a world in which our mistakes and regrets are missteps along life's journey rather than the sum total of our identity is the most Jewish response possible.

It's part of why **our movement stands with unwavering commitment to the protection and preservation of the reproductive rights of women**. On Yom Kippur we think about our actions from the past year, the decisions **we** have made, and who we want to be. On this Yom Kippur, we also think about how to actualize our values in this world. The fast desired by God, according to the Prophet Isaiah, is one where we work to break the bonds of injustice and remove the chains of oppression...and if you share my concern about restricted access to abortion services, I would invite you to be informed and get engaged.

Be informed: Learn more about Jewish views on reproductive healthcare, perhaps by attending the *Beit Midrash* session following this service in the *Beit HaT'filah*. Learn more about the upcoming legislative efforts in Pennsylvania, and how your representatives are inclined to vote. Learn more about the magnitude of federal funding cuts to Western Pennsylvania abortion providers while they are struggling to accommodate an influx of patients from Ohio and West Virginia.

Be informed...and get engaged: Perhaps you are willing to escort women trying to enter an abortion service provider through the walls of protestors and their signs. Maybe you are willing to contribute financially to help alleviate the newly introduced budget shortfalls. Or maybe you want to work upstream, engaging with the political system to defeat abortion restrictions or pushing Pennsylvania to join states like New York, Vermont, and Illinois that have expanded or affirmed access to abortion.<sup>24</sup> There's

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<sup>23</sup> <https://www.haaretz.com/jewish/non-jews-increasingly-hit-by-jewish-diseases-1.5319996>

<sup>24</sup> <https://fortune.com/2019/06/13/state-abortion-laws-women-rights/>

much work to do, and the Jewish community has a religious obligation to ensure that a woman's right to choose, and our Jewish values, are protected.

2019 has already witnessed more attempts to end a woman's access to reproductive healthcare than any time since 1973. And make no mistake, the very same bills are scheduled to be introduced again right here in Pennsylvania. State level threats against abortion access — whether through outright bans or overly-cumbersome procedural hurdles — are clear and present dangers to our core religious values. Our movement stands for free expression of religion in America; our movement stands for women's equality; our movement stands firm in our belief that there are no perfect people and that each of us is more than one singular decision. Our movement stands with unwavering commitment to the protection and preservation of the reproductive rights of women, and as the Supreme Court inevitably takes up this issue — again — I pray that the actions of our movement, that our actions, will be enough. Ken Yehi Ratzon — May this be God's will.