

RELIGIOUS MISCONCEPTIONS: AMERICAN JEWS AND THE POLITICS OF ABORTION

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ABORTION IS A RELIGIOUS REQUIREMENT

An Open Letter from
the American Jewish
Congress, February 29,
1989; *New York Times*

“Abortion and the Sacredness of Life”

An Open Letter
To Those
Who Would Ban Abortion

AMERICAN JEWISH CONGRESS

Dear Friends,

Did you know that abortion can be a religious requirement? Not just permitted, but *required*?

In some religious traditions, if the fetus endangers the life of the mother, abortion is not a matter of choice; it is mandatory!

The conflict over abortion is not between “secularists” and “religionists,” between “moral” people who value life and “immoral” people who do not, but between different moral traditions, different understandings of the sacredness of life.

A “JUDEO-CHRISTIAN” ATTITUDE TOWARD ABORTION?

TIMES STAFF WRITER

WASHINGTON—To chants of “four more years,” Vice President Dan Quayle pledged Thursday that the Bush Administration would fight to end legal abortion during a second term and return the nation to a “commitment to Judeo-Christian values.”

"Quayle Vows White House Will Fight to End Legal Abortion," *LA Times*, June 12, 1992

ABORTION IN THE HEBREW BIBLE EXODUS, 21:22-25

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 reckoning. But if other misfortune [ASON] ensues, the penalty shall be life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, bruise for bruise.

According to Jewish interpretive traditions: the “other misfortune” refers to the pregnant woman being harmed in addition to the fetus.

In the Septuagint: Ason is translated as “form,” not misfortune. So Catholic traditions have used this verse to refer not to the pregnant woman, but to a fetus that is developed enough to have a form.

Evangelical Christians draw on Biblical texts that Jewish traditions do not hold relevant to Jewish abortion law

**STATUS OF THE FETUS
IN THE MISHNA AND
BABYLONIAN TALMUD**

(As understood by
liberal American Jewish
lawyers of the Roe and
post-Roe era)

Mishna Ohalot, 7:6: Fetus can be destroyed if it endangers the life of the woman carrying it, because her life takes precedence until the moment of birth

Talmud Bavli, Tractates Hulin 58a and Gittin 23b: A fetus is the “thigh” of its mother [ie: it is part of the mother’s body with no independent life of its own]

Talmud Bavli, Tractate Yevamot 69b: Until 40 days of gestation, a fetus is “mere water”

MAKING THINGS COMPLICATED

Maimonides (12th century philosopher) calls the fetus a "pursuer," implying that it is an independent life that can only be aborted out of self-defense if it endangers the life of the mother



“PIKUACH NEFESH,” THE IMPORTANCE OF SAVING A LIFE

For many liberal American Jews, Jewish ethics and values take priority over Jewish law

Saving lives (pikuach nefesh) is the most important Jewish value. People who cannot legally terminate their pregnancies are more likely to end up in life-threatening situations

Right: Reproductive Rights Advocate Rabbi Danya Ruttenberg



AMERICAN JEWS AND THE FIRST AMENDMENT

In the middle decades of the twentieth century, American Jewish leaders supported an absolutist interpretation of the establishment clause and a strict separation between church and state

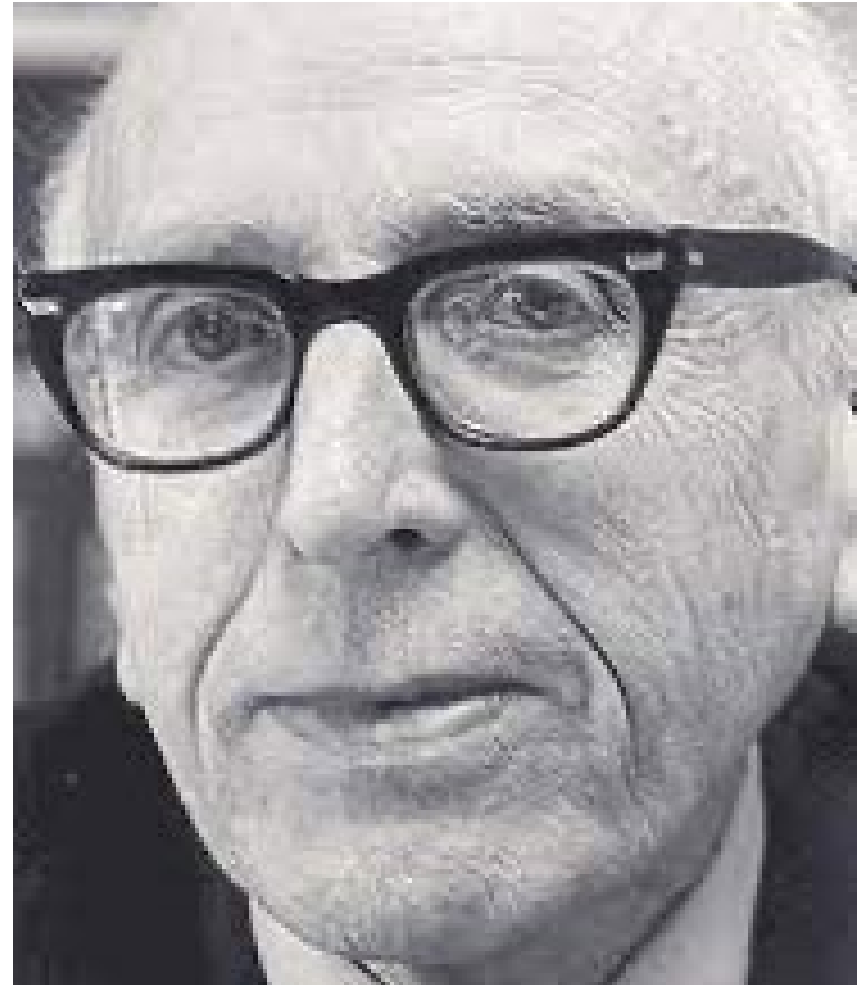
The Religion Clauses:

Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof...

LEO PFEFFER, ABORTION, AND THE ESTABLISHMENT CLAUSE

“Determining when life begins can only be decided in a theological context, and writing it into law entangles the law into religious doctrine and dogma.”

– Pfeffer to the Subcommittee on Civil and Constitutional Rights of the House Committee on the Judiciary, 1976



JEWISH WOMEN SERVING ON THE COMMISSION OF LAW AND SOCIAL ACTION OF THE AMERICAN JEWISH CONGRESS, 1980



ON THE COMMISSION OF LAW AND SOCIAL ACTION OF THE AMERICAN
JEWISH CONGRESS, 1980

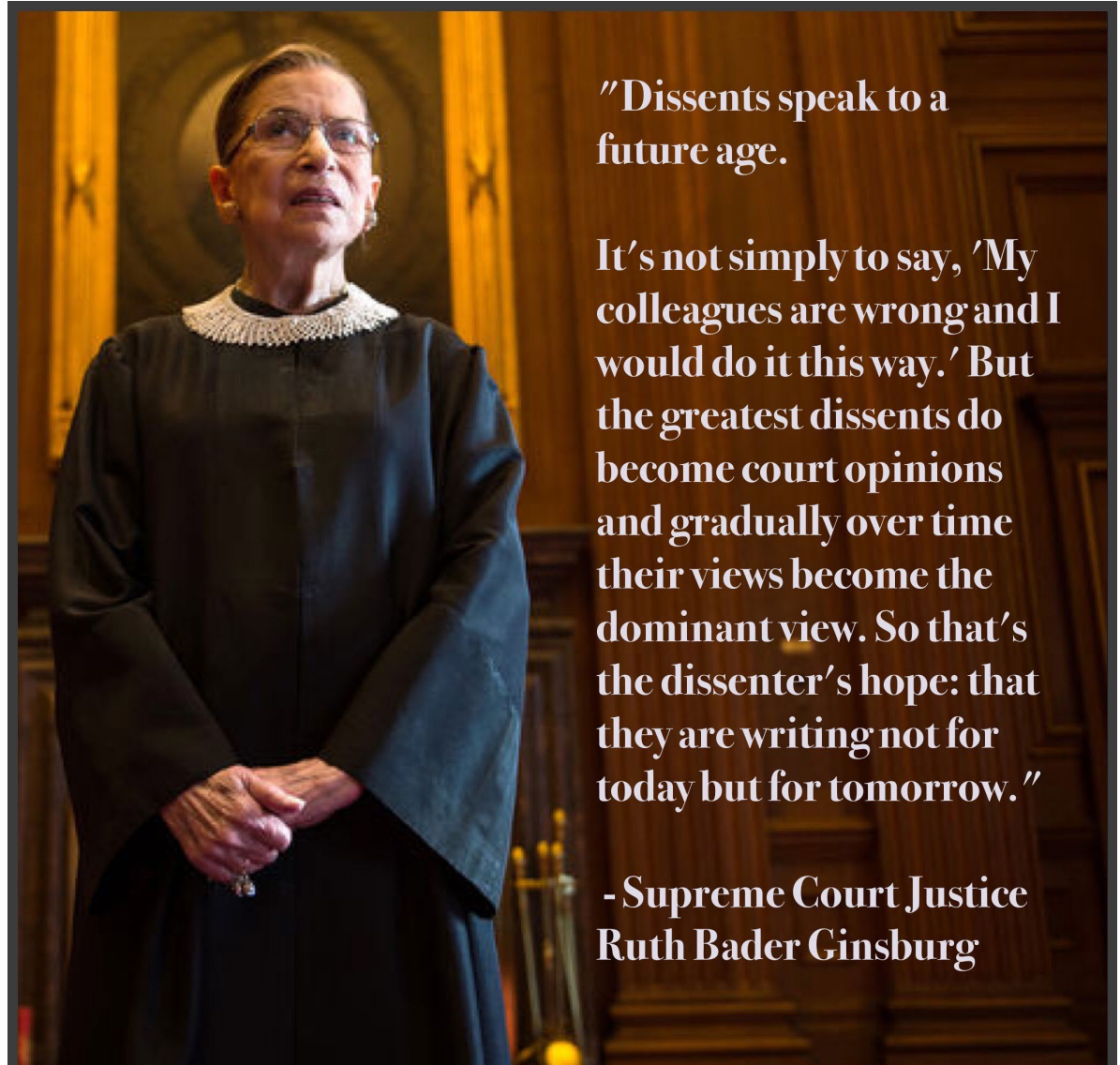
Harriet Pilpel



Ruth Bader Ginsberg



WHY DOES THIS HISTORY MATTER?



"Dissents speak to a future age.

It's not simply to say, 'My colleagues are wrong and I would do it this way.' But the greatest dissents do become court opinions and gradually over time their views become the dominant view. So that's the dissenter's hope: that they are writing not for today but for tomorrow."

- Supreme Court Justice Ruth Bader Ginsburg

WEBSTER AMICUS BRIEF, 1989:

RESTRICTIONS ON ABORTION VIOLATE THE FREE EXERCISE CLAUSE OF THE FIRST AMENDMENT

“Given the dramatically contrasting religious views about whether and when abortion is permitted or required, state statutes drastically curtailing access to abortion unacceptably interfere with constitutionally protected religious and private conscience.”

MAKING ABORTION SACRED THROUGH JEWISH RITUAL

Dr. Rachel Kranson
University of Pittsburgh

Jewish abortion rituals
countered multiple
assumptions regarding
Jewish women and
Reproduction

Resisted the claims of anti-abortion activists that abortion was incompatible with religious ethics

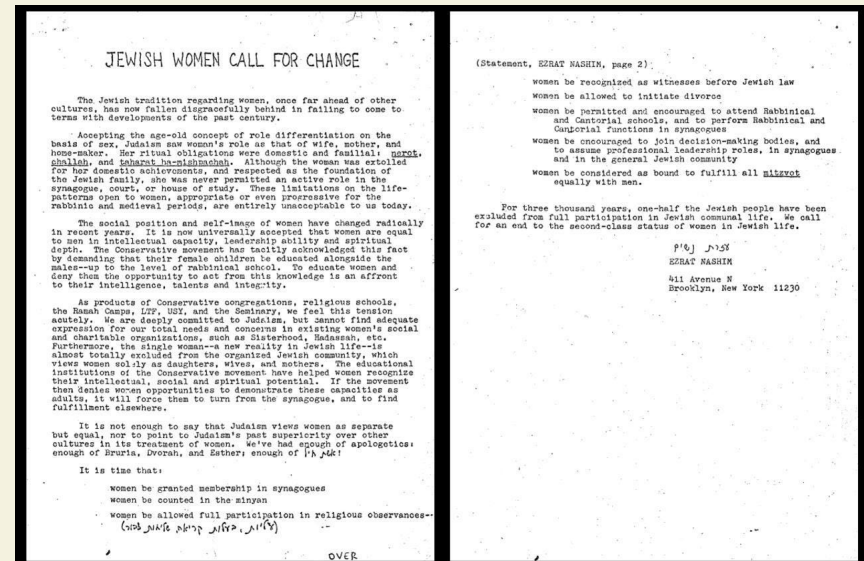
Resisted the “Jewish continuity” ideology that encouraged Jewish women to prioritize birthing Jewish babies over other ways of contributing to the Jewish community

THE EVOLUTION OF JEWISH FEMINISM, 1970-2000

The initial efforts of the Jewish feminist movement tackled basic inequalities in Jewish religious life (right: Ezrat Nashim's Call for Change)

By the 1980s, Jewish feminists invented transformative Jewish traditions that centered women's experiences

Creating feminist rituals and liturgy proved central to this effort



RITUAL FOR MISCARRIAGE OF ABORTION, RABBI REBECCA ALPERT, 1985

A Prayer on the Occasion of a Miscarriage or Abortion

During the past decade, Jewish women have become aware of gaps in the tradition, primarily surrounding events in the lives of women. New ceremonies introducing female children into the covenant of Israel, prayers at the onset of menstruation, and reevaluations of wedding and divorce proceedings have been attempts to redress the imbalance.

The following prayer is another such effort. It might be recited privately, or in the company of friends; soon after the miscarriage or abortion, or to coincide with what would have been the time of childbirth — when the period of mourning might naturally be concluded. As with other issues raised in the context of Jewish feminism, it points to a larger problem: How should contemporary Jews deal with painful feelings of loss which arise at the time of abortion or miscarriage? Perhaps this prayer will be taken as a stimulus for thought in that direction.

—Rebecca T. Alpert

May the One who shares sorrow with Your creation be with us now as we experience the loss of potential life. We are sad as we think of our hopes for this unborn one, as in our minds we imagine what might have been.

Life is a fabric of different emotions and experiences. Now, while we experience life's bitterness and pain, be with us and sustain us. Help us to gather strength from within ourselves, from each other, and from our friends.

Blessed are You, O Divine Presence, who shares sorrow with Your creation.

Reconstructionist

ABORTION RITUAL, RABBI GEELA RAYZEL RAPHAEL, EARLY 1990S

“ May our future sexual relations be fruitful in a way that is a blessing to us”



ABORTION RITUAL, OPTION A: HEALING FROM A MEDICALLY-RECOMMENDED ABORTION

(RABBI DEBRA ORENSTEIN, LIFECYCLES VOL 1, 1994)

*Option A: In the event of a medically-recommended abortion, one woman says: We know the Torah teaching: When we must choose between a being not yet born and the life of a mother, the choice is very clear. The being you were carrying could not be. No human hand caused this to happen; no human act could have allowed this being to emerge in health and wholeness. Still, in the shadow of such a choice, we feel small and limited and out of control (adapted).**

Women say together: We who stand with you today are witness to the terrible choice that was no choice at all. We affirm you in choosing life. You made a choice,

*El maleh raḥamim, shokhen bameromim, hamtzeh menuḥah
nekhonah taḥat kanfei hashekhinah, et nishmat hatinok/hatinok
shelo noldah/nolad le'olameinu. Anna, ba'al haraḥamim, hastirehah/
hastirehu beseter kenafekha le'olamim, utzeror bitzror
haḥayyim et nishmatah/nishmato, adonai hu naḥalatah/naḥalato,
veyavi'eha/ veyavi'ehu leshalom. Venomar amen.*

O God filled with womb-like compassion, who resides in the high places, grant perfect peace in Your sheltering Presence, to the soul of this being who was not born into our world. Please, compassionate Mother-God, shelter her /him beneath Your protective wings for all eternity and bind her /his soul to the

1994)

100

Affirming One's Self

(After option A or B continue here.) "Focus" woman says:

אֱלֹהֵי, נִשְׁמָה שְׁנַתַּתָּ בִּי טְהוֹרָה הִיא. אַתָּה בְּרָאתָהּ, אַתָּה
יָצַרְתָּהּ, אַתָּה נִפְחַתָּהּ בִּי, וְאַתָּה מְשַׁמְרָהּ בְּקִרְבִּי...

Elohai, neshamah shenatatta bi tehorah hi. Attah veratah, attah yetzartah, attah nefahtah bi, ve'attah meshammerah bekirbi....

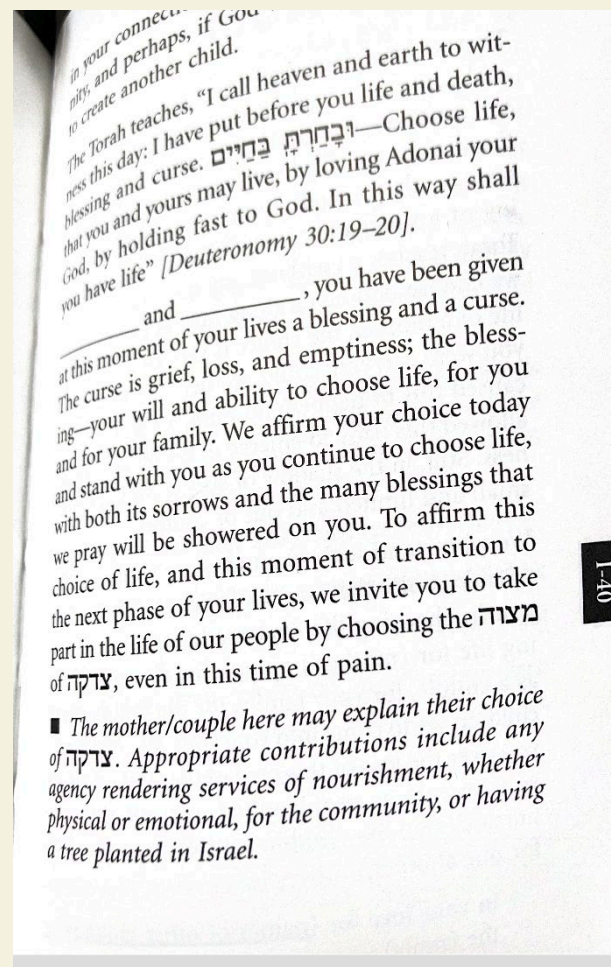
My God, the soul You have given me is pure. You created it, You formed it, You breathed it into me (BT *Berakhot* 60b and traditional morning liturgy).

I know that I am created *betzelem elohim*, that a divine spark resides within me. I know that I am free to make choices—about my body and my future. I have made my choices, painful as they may be, in harmony with the divinity that dwells within me. I affirm my freedom, I affirm my self, and I honor my choices in the face of enormous complexity and still-lingering questions.

בָּרוּךְ אַתָּה יי, שֶׁעָשִׂנִי אִשָּׁה. בָּרוּךְ אַתָּה יי, שֶׁעָשִׂנִי בַת-חֹרִין.
Barukh attah adonai, she'asani ishah. Barukh attah adonai, she'asani bat-horin.

You Holy One, who has made me a woman. I bless
You Holy One, who has made me free (adapted from BT
...).

ABORTION RITUAL, *MOREH DEREKH*, 1997

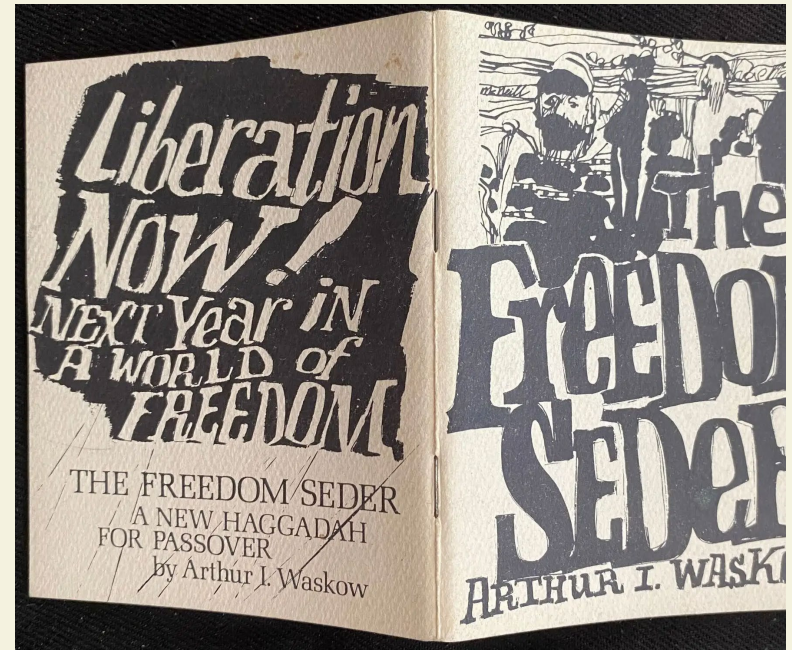


THIRD (DREITE) SEDERS

Image from the arbiter ring third seder, 1950s



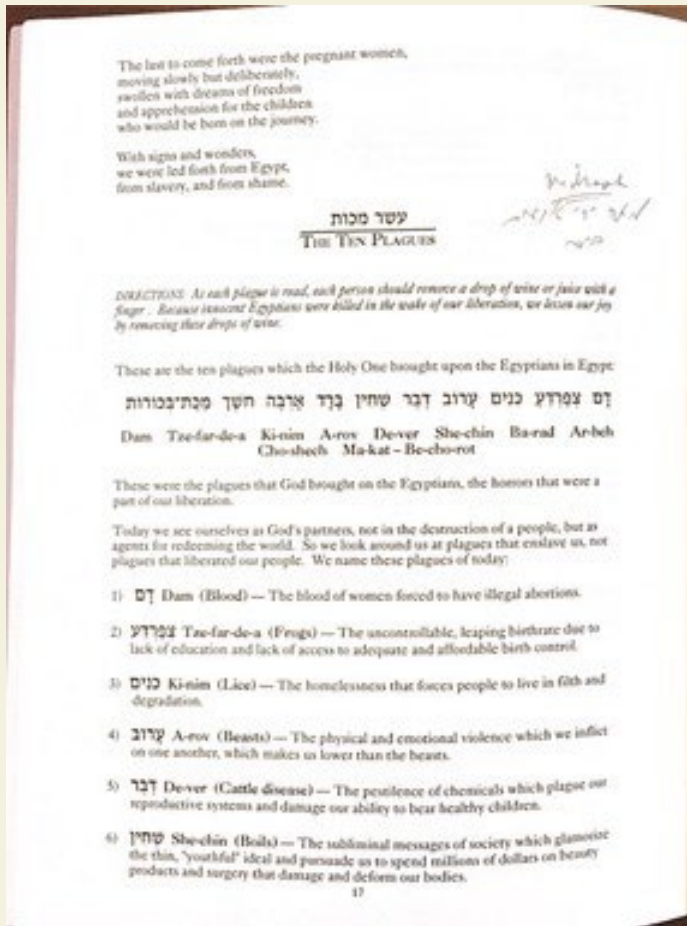
Freedom seder Haggadah, 1968



SEATTLE JEWISH LESBIAN GROUP HAGGADAH, 1979 "LO DAYENU" (IT WILL NOT BE ENOUGH)

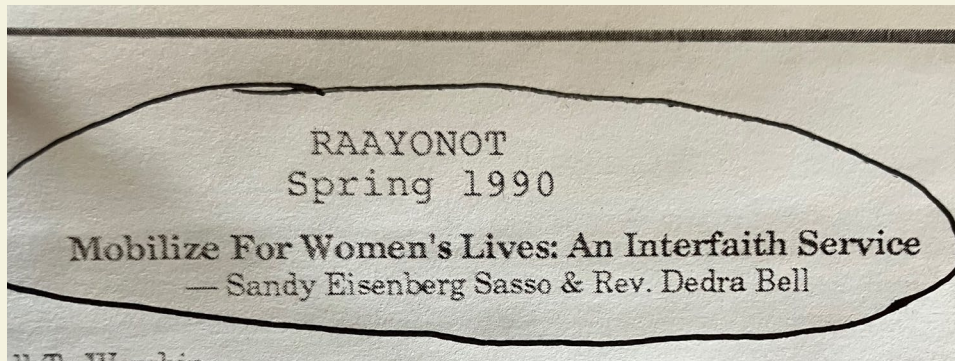
... war II. - LO DAYENU.
... in concentration camps in this country during
For the millions of awful, alienating, death producing jobs this capitali
system forces on so many of us. - LO DAYENU.
Until immigrants in this country are given equal opportunities in work
and housing and are given due respect. - LO DAYENU.
Until women like Yvonne Wanrow can protect themselves and their children
without being persecuted, until the streets are safe for women and
children. - LO DAYENU.
Until right wing groups like the Ku Klux Klan, Nazis, John Birchers -
self-destruct. - LO DAYENU.
Until poor women are also granted the right to legal abortion, and
forced sterilizations on Third World women are stopped. - LO DAYENU.
Until women in Chile, Iran and every woman in all the world is free. -
LO DAYENU.
Until no discrimination exists for people who are physically or mentally
or emotionally different. - LO DAYENU.
Until we are aware of the history of all oppressed people and know that
no one ever again will be incarcerated in concentration camps. - LO
DAYENU.
Until the prison system in this country is changed and destroyed. - LO
DAYENU.
Until the celebration of Jewish identity that we share tonight is also
... Soviet Jews. - LO DAYENU.

AND WE WERE ALL THERE: FEMINIST PASSOVER HAGGADAH OF THE AMERICAN JEWISH
CONGRESS FEMINIST CENTER, LOS ANGELES, 1993



Dam (blood): the blood of women forced to have illegal abortions

INTERFAITH SERVICE AT THE MOBILIZE FOR WOMEN'S LIVES MARCH, 1990



I will choose what enters me, what becomes of my flesh. Without choice, no politics, no ethics lives. I am not your cornfield, not your uranium mine, not your calf for fattening, not your cow for milking. You may not use me as your factory. Priests and legislators do not hold shares in my womb or my mind. This is my body. If I give it to you I want it back. My life is a non-negotiable demand.

**RABBI LAUREN GRABELL
HERMANN, SOUNDING THE
SHOFAR IN A POST-ROE
WORLD**

The abortion rituals of the Roe Era nurtured a new generation of Jewish feminist activists, poised to fight for abortion access after Roe

Tekiah.

One blast.

Pay attention. This is not a test.

Shevarim.

Three sounds, the sound of weeping.

The weeping of a pregnant child forced to carry a baby to term.

The weeping of a person for whom it was not the right time.

The weeping of a mother of four who has nothing left to give.

The weeping of young girls and women unable to move out of poverty.

The weeping of family members whose loved one died having an illegal abortion.

The weeping of doctors forced to make medical choices that go against their oath to do no harm.

The weeping of a generation that fought for rights only to see them lost in their lifetime.

The weeping of a generation of women whose autonomy is denied.

A weeping for all who will be put in harm's way.

Teruah.

Nine staccato sounds. The fierce urgency of now.

Let the **shofar** wake us up, so that we speak out, vote, stand up and volunteer.

Let us shake off complacency!

Let us fight for dignity, freedom and justice.