

Rabbinic Reflections on the Overruling of Roe v. Wade

June 29, 2022 / 30 Sivan 5722

Dear Friends,

It was one week ago that the Supreme Court issued the ruling of Dobbs v. Jackson Women's Health, overturning that which for five decades has been a constitutional right– the right of a woman to terminate pregnancy. Between then and now we have witnessed every sector of our society– political, corporate, civic, communal, and personal– grappling with what this means. I'm far from expert on women's health, and as a man I have to be honest- to myself and others- regarding the psychosocial limitations to the depth of my own understanding of the pain and trauma associated with abortion rights. Yet, as a human being, a father of a daughter and husband to a wife, and a rabbi I find the ramifications of this ruling inhuman and massively abusive. And while I know I stand with the great majority in a progressive community such as our own, I nonetheless wish to share a word from my rabbinic perspective.

I'm grateful to our partner organizations such as the [National Council of Jewish Women](#) (NCJW), the [Religious Action Center of Reform Judaism](#), and [Carolina Jews for Justice](#), for helping to deepen our understanding of reproductive rights from a distinctly Jewish perspective. We believe that *limud*, the study of our sacred texts, is a core obligation. Jewish law (halakha) addresses abortion rights, and unequivocally prioritizes the life of the mother over the fetus.

That said, I also want to add another perspective, which I believe is no less “Jewish” than that of our traditional sources. Conventional rabbinic perspectives turn to Jewish texts in order to credential our views on moral issues. It is indeed validating to know that when it comes to abortion rights, Judaism is clear. It's important that we correct the false belief that “traditional religious views” are anti-choice. That said, it's not lost on me that these texts and Jewish laws were developed and created by men, in rooms where women were shut out. What do we make of this? What if the generations of men who shaped Jewish law had arrived at a different conclusion. Would we, as Reform Jews, then find ourselves having to choose between Jewish law and our Jewish values? It strikes me, therefore, as disingenuous to say, “I support abortion rights primarily because of Jewish law on the matter.”

When it comes to this particular issue, I am less inclined to rely on the traditional texts pertaining to abortion, though it is convenient that the Jewish legal perspective is that life begins at birth. As a Jew, I feel far more “commanded” by the confluence of three callings: (1) Jewish values of *chesed* (compassion), *tzedek* (justice) and *pikuach nefesh* (saving an individual life); (2) the real-world facts regarding women's health; (3) the voices of women whose bodies have been- or are- endangered or abused as a result of governmental law. The three of these commanding sources arrive at the same horrific conclusion: as a result of this Supreme Court ruling, many more women will die, many more women will suffer from abuse and trauma, and this denial of women's civil rights affects people of all gender identities, directly or indirectly.

Finally, I'd like to include three resources here:

- 1) [Resources](#) from our friends at Carolina Jews for Justice.
- 2) [A Prayer for Reproductive Rights](#), from the National Council of Jewish Women.
- 3) A letter to me from JRC congregant Kathy Swartz. She wrote me this letter following my remarks at the start of our Kabbalat Shabbat service. Her reaction to my comments, including her wise critique, is far more important than any of my own remarks last week. (I share this with Kathy's permission).

Y'hi shalom u'shleimut— may we find wholeness and healing, as we relentlessly pursue a more just and compassionate society,

Rabbi Matthew Soffer

A Prayer for Reproductive Rights
By National Council of Jewish Women

God of our ancestors, *Elohei Avoteinu v'Imoteinu*

We affirm that you have created each of us in Your sacred image, endowed with the inherent right to dignity and autonomy

We ask that you guide us towards a caring and loving community and nation that reveres this dignity in each of us.

We affirm that reproductive freedom— the sacred right to own the personhood of one's own body—is a fundamental part of the just society for which we strive in Your name.

We ask that you endow us with the strength and resolve we need because the path that lays ahead is challenging and we all need resilience, strength, and courage.

We ask that you protect the most impacted and marginalized among us, because it is they who are most at risk.

We do this work in your name, O God, because we are the compassionate loving creations of a compassionate, loving and just God. This is holy, sacred work.

May our country become a place of liberty and justice for all, and may our care for one another include care and respect for each other's right to good and affordable healthcare, including abortion care, and right to live safely and securely as we each follow our path of conscience and the God we each do or do not believe in.

Amen.

Dear Rabbi Soffer,

In your opening comments in the service on Friday and then with the choice of prayers as well as songs that the women cantors sang, the focus seemed to be on providing a safe, understanding and supportive place for women who may have had an abortion (for whatever reason) or may be contemplating having an abortion. I understand the desire of you and many others to reassure women that JRC as an organization is supportive of them. Given the many varied and personal reasons that women have abortions, I am sure that message was appreciated.

I would urge you, however, to expand your future discussions of the overturning of Roe v. Wade. The ruling puts half the population between the ages of 10 and 60 in this country at risk for terrible health outcomes if they become pregnant. For women who know they are pregnant, between 10 and 20 percent of pregnancies end in miscarriage (which is when a fetus dies in utero before 20 weeks of pregnancy). When a fetus dies in utero, the standard of medical care is a D&C procedure; without it, women can lose their ability to have future children or they can die from sepsis or hemorrhaging. A far less common (but not uncommon) pregnancy risk for women is an ectopic pregnancy, which occurs in 1 to 2 percent of all pregnancies. Untreated ectopic pregnancies can result in a fallopian tube rupturing and causing excessive bleeding and infection, and in some cases death of the woman. When an ectopic pregnancy is diagnosed and the pregnancy is still in early weeks, the standard for medical care is a drug (methotrexate) given by injection that stops cells from growing. Both of these standards of medical care are banned or their lawfulness is threatened by a number of states' laws prohibiting abortion. In addition, women who become pregnant may be at risk for other very serious physical and mental health issues. Although men may fear for the well-being and lives of their wives, partners, mothers and sisters should they become pregnant, none of these pregnancy risks are risks that men face.

This leads to what I see as yet a broader danger from the Supreme Court's overturning of Roe v. Wade. The decision has far-reaching implications for the rights of freedom that have been the hallmark of our democracy and our republic. Chief among those rights are that women are equal to men, people of color are equal to whites, and people may

practice whatever religion they wish. In my view, the Supreme Court's decision is an assault on the equality of women and men. I can't see how the decision can be discussed without recognizing it in that light.

I hope in your sermons and remarks in the coming months you will find a way to bring these dangers to women into your framing of what the overturning of Roe v. Wade means for Reform Judaism and for our country. You have a great way of getting people to think about issues.

Sincerely,

Katherine Swartz