

This Shabbat, at the initiative of the National Council of Jewish Women, communities and organizations across the country are marking the third annual Repro Shabbat, a Shabbat that recognizes reproductive freedom as a Jewish value. Repro Shabbat takes place on Parshat Mishpatim because our parasha this week contains verses that set the stage for Judaism's approach to reproductive justice. This morning, as we mark Repro Shabbat, I am going to address the topic of Jewish reproduction more broadly, as well as some issues of reproductive rights from a Jewish perspective.

A few weeks ago, my friend and classmate from Rabbinical School, Rabbi Jessica Fisher, wrote an opinion piece in the Jewish Telegraphic Agency entitled, "I am a single rabbi without children. I shouldn't be made to feel I am not 'doing my part.'" Rabbi Fisher had several experiences in rabbinical school – including one assembly in particular – that sent the message that nothing she could ever do as a rabbi would have the same impact on Jewish peoplehood and the Jewish future as becoming a parent. Fisher wrote, poignantly, "How many times do I have to sit on a beit din, or rabbinical court, before the number of conversions I witness adds up to a child?"<sup>1</sup>

I also remember, all too well, that day's Rabbinical School Community Time, the weekly school-wide lunch-time assembly, about which Rabbi Fisher wrote. At that time, I was in my second year of rabbinical school, and Ethan and I had been married for just over a year. While Rabbi Fisher was allegedly damaging Jewish continuity by pursuing an advanced degree, rather than devoting all of her time to searching for a life partner for the purpose of procreation prior to age thirty-five, Ethan and I were in the process of learning that we were unable to conceive. I couldn't help but wonder, did that make us part of this so-called problem, too?

Several weeks prior, my doctor had noticed my uterine fibroid, and Ethan and I quickly made an appointment with a reproductive endocrinologist, who confirmed that the size and position of the fibroid was preventing conception. Prior to this, I had never heard of fibroids. Now I know that they are quite common, although many of them don't hinder the ability to conceive. I learned after the fact that we had been lucky. We didn't have to wait months or years, like many others, to learn that there was a problem. And, our obstacle was straightforward, and solvable. Fortunately, we were able to have two children, relatively soon after my fibroid surgery.

As a first-time pregnant person, I also learned how challenging pregnancy can be. My first pregnancy was especially difficult. I began serving this community during that time, and I also continued to pursue my rabbinic degree, albeit with limited success. My capacity was significantly diminished: Morning and evening minyan attendance was often impossible. I couldn't lead Shacharit and Musaf consecutively, and after standing through Musaf, I had to sit down during kiddush. As the new cantor, I missed important opportunities to introduce myself to some members of our community.

I am not sharing my experiences this morning in search of sympathy. To the contrary: I am telling my story, because I know that I am not the only one who has experienced

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<sup>1</sup><https://www.jta.org/2023/01/24/opinion/i-am-a-single-rabbi-without-children-i-shouldnt-be-made-to-feel-i-am-not-doing-my-part>

these, and other similar struggles. My goal in sharing, is to help normalize these struggles within our community in particular, and within the broader Jewish community as well. Knowing that my experiences were common would not have made anything significantly easier. However, as I received help, I learned that I wasn't the only one dealing with these issues, which in turn, helped me feel less alone. And that illustrates the power of what a community can be.

I am sharing my story alongside Rabbi Fisher's, because we don't talk enough about any of this in the Jewish community. Judaism offers us beautiful rituals for lifecycle events, such as weddings and welcoming Jewish babies into the covenant. These lifecycle events – celebrated publicly in community – alongside our general attitudes, expressed in ways both big and small, can send the message that the Jewish world values marriage and children above all else.

Several of my classmates who were likely at that assembly, experienced miscarriages during their time in rabbinical school. And statistics about abortion show that by the time women turn 45, nearly 25% of us will have had an abortion.<sup>2</sup> Although I am not aware of specific cases, it's likely that someone in that room had personal experience with abortion, as well. I can only imagine how these individuals must have felt.

Parshat Mishpatim teaches that the termination of a fetus is not equivalent to murder. If a pregnant woman is injured and miscarries, according to our parasha, the responsible party is required to pay a financial penalty. The Torah continues: But if a tragedy or catastrophe ensues – וְאִם-אָסוֹן יִהְיֶה, וְנִתְּתָה נֶפֶשׁ תַּחַת נֶפֶשׁ – the penalty shall be life for life<sup>3</sup>, in contrast to the financial penalty that would be owed if only the fetus died.

I want to pause here briefly, to acknowledge that it may be hard for some of us to learn that the Torah may not consider miscarriage to be a tragedy.

But what is this tragedy, according to the Torah? The Talmud answers that the Hebrew word the Torah uses for tragedy – אָסוֹן – must be referring to a case in which the pregnant person also died.<sup>4</sup> Studying these verses with an eye toward issues of reproductive justice, not only does the Torah establish different penalties for feticide and manslaughter, it places these cases next to each other, demonstrating that the Torah considers the lives of unborn babies as not equivalent to the lives of people who are already alive.

These ideas continue throughout rabbinic teachings. Perhaps the most well-known Jewish text about abortion, comes from the Mishnah in Tractate Oholot,<sup>5</sup> in which we learn that the life of the mother takes priority over the life of the child until the child is born – שְׁחִיבָהּ קוֹדְמִין לְחַיֵּי. In the Talmud, Rabbi Yehuda HaNasi holds that a fetus is

<sup>2</sup><https://www.guttmacher.org/news-release/2017/abortion-common-experience-us-women-despite-dramatic-declines-rates>

<sup>3</sup> Exodus 21:22-23

<sup>4</sup>Sanhedrin 87b

<sup>5</sup> Mishnah Oholot 7:6

considered to be like its mother's thigh: a part of her body, rather than a separate life.<sup>6</sup> The Torah text from our parasha, as well as the accompanying rabbinic discourse make a strong case that, as Rabbi Danya Ruttenberg puts it, "A fetus is not an independent being; it is part of the body of the person carrying it."<sup>7</sup>

At the beginning of January, I attended the Rabbinic Training Institute, a conference run by the Jewish Theological Seminary. One of the courses I took was on the theme of Judaism and abortion, taught by the Jewish anthropologist, Dr. Michal Raucher. Because we were a group of rabbis, the syllabus comprised far more than merely examining Jewish sources on abortion, which were already familiar to us. We read people's personal stories and looked at interviews that Dr. Raucher had conducted. We learned statistics about the people who have abortions in our country. We went through teshuvot, responsa from the Conservative Movement's Committee on Jewish Law and Standards dating back to 1983, and we looked at the subsequent teshuvot, statements and resolutions from the CJLS and our Rabbinical Assembly. We also examined traditional and modern sources about abortion from other religious traditions, some of which were extremely powerful and moving. It was fascinating to participate in these sessions with rabbinic colleagues from all over the country, where we serve communities who now have vastly different levels of access to abortion.

Of all of the sources we examined, many colleagues and I found ourselves most drawn to the personal narratives. In 2012, Sarah Tuttle-Singer wrote an article in *Kveller* entitled "My Jewish Abortion."<sup>8</sup> In her account, Sarah, a college student at the time, described learning that even after insurance, she would still be responsible for \$250 for the procedure, which she called "a staggering figure." But the social worker, learning that Sarah was Jewish, mentioned a "philanthropic Jewish women's group" that offered a "scholarship...to help cover costs."

Reading this account, my colleagues and I were struck by the use of the word "scholarship" in this context. But we realized that was exactly what it was: a Jewish organization that helped cover costs of abortions, so that Jewish women could continue their studies, rather than dropping out of college to have children. Some of us felt a sense of pride that a Jewish women's group was enabling these young Jewish students to pursue academic degrees. Additionally, some of us questioned why this Jewish organization only provided their scholarship to Jewish students. Had I read Tuttle-Singer's article prior to the aforementioned assembly in Rabbinical School, I may have highlighted this scholarship as an example that pursuing higher education – even sometimes at the expense of starting a family at a young age – is indeed a value held strongly, by at least some in the Jewish community.

I want to share one more personal narrative that I read quite recently. My friend, Dr. Rachel Rosenthal, a Talmud professor extraordinaire and talented writer, recently wrote about an abortion she had just two weeks ago, following a very-much desired pregnancy that stopped progressing due to a chromosomal abnormality. Dr. Rosenthal wrote:

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<sup>6</sup> Gittin 23b

<sup>7</sup> <https://www.sefaria.org/sheets/234926.28?lang=bi&with=all&lang2=en>

<sup>8</sup> <https://www.kveller.com/my-jewish-abortion/>

“I can count all of the ways in which I am lucky. I am lucky to have [my daughter], who heals some of the cracks in my heart every time she laughs or comes over just to hug me, before continuing on her way. I am lucky to have a partner who loves and supports me unconditionally. I am lucky to have the resources to pursue fertility treatment. I am lucky to live in a state where I have access to abortion pills, and to a pharmacy where the pharmacist did not refuse to fill my prescription. I am lucky to have access to healthcare, which is tragically not a given in this country. I am lucky to have a loving and supportive family, and colleagues and students who encouraged me to take time to heal physically and emotionally...And yet, I want. One of the strange things about mourning a miscarriage is that it is often invisible. There’s no ritual for it. There’s no funeral, no shiva, no kaddish, no yahrzeit. None of these would feel right anyway. [He] wasn’t a baby, he wasn’t a person. He was only the possibility of one. And yet, he is the first thing I think of when I wake up in the morning, and the loss of him is with me just as his presence was with me for those four short weeks...[He] would have been due on Yom Kippur, the holiest day of the Jewish year. He will not be there, and yet, he will be with me. I will be in shul without him but with him, aware of what isn’t and what could have been.”

I am grateful to Dr. Rosenthal for sharing her story, and doubly grateful that she gave me permission to share it with our community.

To close, I’d like to suggest two main takeaways from Repro Shabbat, both for our synagogue community and beyond. The first is sensitivity. Sometimes, in attempting to be sensitive, we say nothing at all. I want to be clear that this is not the type of sensitivity I am suggesting. Rather, we can use more inclusive, sensitive language around parenthood, that makes room for the experiences of people who are both single, and partnered, as well as for those who are parents, and those who aren’t. We can also try to keep in mind that many of us – parents and non-parents alike – have complicated feelings about the number of children we have.

We can also apply one of the major lessons of these past three pandemic years: let’s celebrate everything we can - including academic or professional accomplishments or milestones, even if these momentous occasions aren’t what’s typically celebrated in the Jewish community, or in synagogue.

Second, we can combat stigma by sharing, if and only when we feel comfortable doing so. Sharing can take many different forms: talking informally with one another about our personal priorities, or about our experiences with pregnancy, postpartum depression or anxiety, miscarriage, abortion, or loss – including pregnancy loss, perinatal loss, infant loss, death of a child, or anything else that we may be carrying. We may also choose to share more publically, by writing or speaking. Our experiences are invisible to one another unless we share them, and the only way to combat stigma is by talking about these personal and sometimes uncomfortable topics.

These are Jewish issues, not only because many of them are addressed in our traditional texts. These are Jewish topics, because they are part of our lived experience within the Jewish community. Although Rabbi Fisher – who wrote that opinion piece last month –

has no children of her own, her rabbinic training enables her to do the important, holy work of serving the Jewish community. Needless to say, our whole clergy team is here for you, if you want to talk more about these issues, or anything else. And I also believe that our greater Temple Israel Center community can grow in our sensitivity, and by sharing our stories, one small step or conversation at a time. Shabbat Shalom!

Cantor Rabbi Shoshi Levin Goldberg