

REPRODUCTIVE JUSTICE

As attacks on access to reproductive health increase, Reform communities are mobilizing to protect these rights. This cohort will be run in partnership with Women of Reform Judaism.

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Rapid Response

Encourage your community to urge their members of Congress to cosponsor the [Women's Health Protection Act \(WHPA\)](#) and [Equal Access to Abortion Coverage in Health Insurance Act \(EACH Woman Act\)](#) and support abortion access and affordability.

A Reform Jewish Issue

For nearly 85 years, Women of Reform Judaism has been a leading advocate for reproductive rights and health, adopting more than a dozen [resolutions](#) affirming a strong and vocal stance and mobilizing its members to speak out for the rights of women¹ to exercise moral authority over their own bodies. WRJ was among the first in our Movement to call for access to information about contraception in 1935 and for abortion reform in 1965.

On the matter of abortion, WRJ stated: “We believe that the right to choose on the matter of abortions is a personal decision based on religious, moral or cultural values and beliefs; it should not be determined for others by special interest groups whether religious or otherwise, nor should government be the enforcing agency for their points of view” (Women’s Rights, 1977).

Similarly, the Union for Reform Judaism (URJ), Central Conference of American Rabbis (CCAR), and other Reform Movement affiliates have [long support ed a wom an’s rig ht](#) to make decisions about her own reproductive health according to her own beliefs.

Prior to *Roe v. Wade*, the Reform Movement cited a “moral imperative to modernize abortion legislation,” lamenting that “illegal abortions yearly take a tragic and needless toll” ([Abortion Reform](#), 1967). When *Roe v. Wade* legalized abortion, the Union for Reform Judaism applauded the decision and issued a resolution opposing government restrictions that would limit access to abortion services ([Abortion](#), 1975 & [Free Choice in Abortion](#), 1981).

In the decades following this landmark court decision, there have been countless attempts to erode the constitutional right to an abortion on both a federal and state-wide level. While *Roe* continues to be the law of the land, subsequent court decisions, federal laws, and state restrictions have made abortion inaccessible, unaffordable, and out of reach for millions of Americans. The state of reproductive choice has never been more at risk.

Reform Jewish Values and Texts

Values

Life is sacred in Judaism. Banning potentially life-saving medical procedures and interfering with a doctor’s decision-making runs contrary to the Jewish commandment to protect life. This belief, combined with biblical and rabbinic emphasis on human dignity, has led the Reform Movement to view the life of the pregnant individual as paramount; placing a stronger emphasis on protecting existing life than on potential life (Exodus 21:22-23).

The great physician and rabbi Maimonides stated that “if a woman is in hard labor...her life takes precedence over [the fetus’] life.” In the *Mishnah Ohalot* 7:6, a woman is forbidden from sacrificing her own life for that of the fetus, and if her life is threatened, she is allowed no other option but abortion. In addition, if the mental health of the individual is at risk, then their life should take priority, giving them no other option than to terminate the pregnancy. It is due to the intrinsic Jewish belief in the sanctity of life that abortion is viewed

¹ And other pregnant individuals

under some circumstances as both a moral and necessary decision.

Texts

When men fight, and one of them pushes a pregnant woman and a miscarriage results, but no other damage ensues, the one responsible shall be fined according as the woman's husband may exact from him. But if other damage ensues, the penalty shall be life for life.

(Exodus 21:22-23)

The common rabbinical interpretation of this verse is that the men did not commit murder if the only injury is a miscarriage. The primary concern is the well-being of the person who was injured.

[If] a woman is having trouble giving birth....her life comes before its life.

Mishnah Ohaloth 7:6

This passage forbids a pregnant person from sacrificing their own life for that of the fetus, and if their life is threatened, the text permits them no other option but abortion.

The Reform Movement interprets the use of the phrase “her life comes before its life” to not only mean abortion is permitted and necessary when someone’s physical life is in jeopardy, but that the life of the person who is already living, their future aspirations, plans, and dreams, must also be taken into consideration.

Prior to forty days of gestation the fetus is mayim b'alma [mere water].

Mishnah Yevamot 69b

The verse in Deuteronomy (4:15) “*You shall indeed guard your souls,*” has traditionally been interpreted as commanding us to protect our health. Furthermore, a passage in the Talmud commands, “*Whoever is in pain, lead him to the physician*” (Baba Kamma 46B).

The rabbis concluded that Jews should live in cities where doctors live, in order to have access to health care. Attempts to restrict access to reproductive health care is in direct opposition of this sacred commandment.

Reform Movement Resolutions

CCAR

[Resolution on Abortion \(1974\)](#)

[Resolution on Violence Against Women \(1990\)](#)

[Resolution on International Women's Rights \(1994\)](#)

[Resolution on Violence Against Reproductive Health Clinics \(1995\)](#)

[Resolution on State Restrictions on Access to Reproductive Health Services \(2008\)](#)

URJ

[Abortion Reform \(1967\)](#)

[Abortion \(1975\)](#)

[Resolution on Free Choice in Abortion \(1981\)](#)

[Reproductive Rights \(1990\)](#)

[Resolution on Women's Health \(1993\)](#)

WRJ

[Resolution on Reproductive Rights \(1989\)](#)

[Resolutions, Statements, and Advocacy Alerts on reproductive rights starting in 1935 \(40+ statements\)](#)

Action Opportunities

The actions below are not intended to be an exhaustive list of ways to make change, rather serve as a guide or starting point. After determining with your community where your priorities lie, feel free to think creatively about the types of actions you would like to take.

Abortion Access

Recently, we have witnessed [unprecedented efforts](#) by states throughout the U.S. to severely restrict or ban abortion. While the overall number of anti-abortion bills introduced in U.S. states thus far in 2019 is essentially the same as in 2018, the nature of the recent bills is more harmful and restrictive than anything introduced previously.

There has been [a rise in anti-abortion bills](#) such as targeted regulation of abortion providers (TRAP) laws and fetal heartbeat laws – banning abortion once a fetal heartbeat is detected, which can be as early as six weeks' gestation, earlier than many women even know they are pregnant. Advocate for abortion access in your state or at the federal level. [See what your state's policies are here.](#)

Steps to take to advocate for abortion access

1. First gather a team to research your state laws to identify if you will be promoting supportive laws or opposing hostile laws.

- a. Organizations such as the [Guttmacher Institute](#) and [NARAL Pro-Choice America](#) are helpful resources for tracking what types of legislation are moving in your state.
2. Also consider reaching to the local [Planned Parenthood Affiliate](#) or other local organizations for more information and as a potential partner(s).
3. Identify the state or local legislative issue you will be working on and continue to build your justice team.
4. The team will need to research the policy or legislative process that the issue will need to go through.
5. Identify the key targets – who are the decision makers that need to be contacted? Consider the best ways to raise awareness in the community and the best time to bring the issue to the decision maker. It is important to lay the groundwork and show that there is community interest in this issue before meeting with the decision maker. This can then be referenced during the [meeting](#) with an elected official or decision maker.
6. [Plan a meeting](#) with an elected official or decision maker. During this meeting try to get a commitment from this individual. Also identify if there are other elected officials or decision makers who you will need to meet with to move this issue forward.

Comprehensive Sexuality Education

Comprehensive sex education includes information about sex, sexuality, relationships, contraception and condoms. Sex education is directly linked to reproductive justice. Without it, individuals cannot make informed decisions about their bodies, sexual activity, or futures. Advocate for comprehensive sexuality education and/or sex education funding in your local school district. [See what your state's policies are here.](#)

Steps to take to advocate for Comprehensive Sexuality Education

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 - a. Organizations such as the [Guttmacher Institute](#) and [NARAL Pro-Choice America](#) are helpful resources for tracking what types of legislation are moving in your state.
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Federal Legislative Issues

[The Women's Health Protection Act \(WHPA\)](#) assures the right to access abortion care free from bans, obstacles, and medically unnecessary restrictions not required for similar health care services (i.e. TRAP laws).

[The EACH Woman Act](#) promotes affordability of abortion care by eliminating federal coverage restrictions on abortion services. The EACH Woman Act would ensure that an individual's access to abortion services is not dependent on their health insurance nor their income.

Learn more about how the Women's Health Protection Act and EACH Woman Act work in tandem to promote abortion access and affordability through this [helpful one-page resource](#).

Community Action

- Volunteer to be a clinic escort at your local abortion clinic. Contact your local [Planned Parenthood Affiliate](#) or local provider to find more information about what is needed.
- Host a menstrual hygiene product packing day to deliver to homeless shelters or domestic violence shelters. Sisterhood Congregation Rodeph Sholom in New York, NY received a [2018 WRJ Or Ami Award](#) for their monthly [Days for Girls](#) program, creating reusable menstrual hygiene kits for women in New York City and around the world.

Educational Opportunities

Glossary of Terms

[Crisis Pregnancy Center](#): Commonly referred to as CPCs, crisis pregnancy centers are fake health clinics who exist to persuade individuals from having an abortion. CPCs are mostly staffed by volunteers (not medical professionals) and have a reputation of providing inaccurate information about healthcare. There are over 4,000 CPCs in the United States, many of which are run by religious groups.

[Domestic Gag Rule: The Title X Family Planning Program](#) is the United States' only program dedicated to providing affordable birth control and reproductive health care on a national scale. Title X provides approximately four million people across the United States with access to affordable family planning health services.

Currently, organizations such as Planned Parenthood, may receive Title X funding so long as the money is used for non-abortion services (ex: cancer screenings, pregnancy care, preventative services). However, in June 2018, the Department of Health and Human Services (HHS) issued a proposed rule, referred to as the “domestic gag rule,” that would bar any organization from receiving Title X federal grant money if they even mention abortion as an option, perform abortions using their own private money, or refer patients to other physicians performing these services.

Hyde Amendment: Three years after *Roe v. Wade*, Congress passed the Hyde Amendment, which bars the use of federal insurance for abortions unless in the instance of rape, incest, or if the pregnant individual’s life is in danger. This provision disproportionately impacts low-income women, students, and women of color who depend on federal health insurance plans such as Medicaid, Indian Health Services, and TRICARE.

Reproductive Health: Primarily focuses on reproductive health care services (i.e. abortion and birth control) for patients and clients with a focus on improving and expanding research and medical services.

Reproductive Rights: Analyzes the core issue as the lack of legal protection, laws, or enforcement of laws that protect the legal right to reproductive health care services (i.e. abortion and birth control).

Reproductive Justice: Links reproductive rights with the social, political, and economic inequalities that impact access to reproductive health care services. Core components of reproductive justice include equal access to safe abortion, affordable contraceptives, and comprehensive sex education, as well as freedom from sexual violence.

Targeted regulation of abortion providers (TRAP) laws: Medically onerous regulations on abortion providers and clinics. Examples of TRAP laws include mandating abortion providers have admitting privileges at a nearby hospital or that abortion facilities meet the same medical standards for ambulatory surgical centers.

Undue burden: the standard of judicial scrutiny applied to restrictions on abortion. To establish that a regulation of abortion constitutes an “undue burden,” and is therefore unconstitutional, plaintiffs must establish that the regulation places a substantial obstacle in the path of an individual seeking an abortion.

Educational Programming

- Host an interfaith panel on reproductive rights. In a time when religious liberty is often pitted against reproductive choice, it is vital that we remain committed to both. Fortunately, there are many faith groups to partner with that support reproductive rights and believe in women’s moral authority to make such decisions autonomously. The [Religious Coalition for Reproductive Choice](#) and the [Religious Institute](#) are great resources for interfaith dialogue on reproductive justice.
- Host a Judaism and Reproductive Justice event and learn what the Torah and Talmud say about reproductive rights.
- Work with the clergy of your congregation to speak about reproductive justice from the bimah. Speaking about abortion and other reproductive rights from the bimah will reduce the stigma and

shame that has surrounded these conversations for so long.

- Create a space for open conversations about abortion. Many of us may believe we don't know anyone who has had an abortion, but statistics show that 1 in 4 women have had an abortion. Provide a safe space to share stories.
- Utilize the [NCJW Reproductive Justice discussion guide](#) as a resource for your conversations.

Federal, State, and Local Partners

- [American Civil Liberties Union \(ACLU\)](#): The ACLU is a leading civil liberties organization and works actively on reproductive rights. The ACLU's website contains updates on some of the major reproductive rights cases and pieces of legislation around the country. ACLU also has state-wide chapters
- [Center for Reproductive Rights](#): The Center for Reproductive Rights is the only global legal advocacy organization dedicated to reproductive rights, with expertise in both U.S. constitutional and international human rights law.
- [Guttmacher Institute](#): Guttmacher is a leading research and policy organization committed to advancing sexual and reproductive health and rights in the United States and globally. Their website is an excellent resource for graphics, maps, and other visual devices to track reproductive rights across the globe.
- [NARAL Pro-Choice America](#): NARAL is one of the leading organizations fighting for reproductive rights. Both NARAL's national office and its [22 state affiliates](#) actively monitor state legislation and are great resources for education and advocacy.
- [National Women's Law Center](#): NWLC is a leader in advancing gender equity through litigation and policy initiatives. In addition to providing helpful resources on reproductive rights, NWLC is a helpful tool in learning more about pay equity, gender-based violence, and other women's rights issues.
- [Planned Parenthood Action Fund](#): PPFA has great educational information as well as resources for action on a federal and state-wide level. The "State News" section of their website provides useful information to track legislation in your state, as well as how to become connected with local Planned Parenthood chapters.