

Choose Life
Yom Kippur Morning 5782
September 16, 2021

In a recent High Holy Day conference call with rabbis of all denominations, President Joe Biden spoke about his early and extensive exposure to the Jewish community of Wilmington. At one point, he said, because of that synagogue's involvement with social justice and its role in the community, he spent more time at Congregation Beth Shalom than almost anywhere else. Then he quickly added: "well, I always went to mass, first."

This is only the second time we have had a Catholic president of the United States. Whatever else you may say about him, Joe Biden's sincerity, devotion and commitment to his faith are quite clear.

Two months ago, I watched in fascination – and trepidation – as American bishops grappled with whether, and how, communion might be denied to this faithful, practicing Catholic, because of his position on one issue.

What would be a Jewish equivalent? I can't imagine intentionally turning people away – we are too few to begin with, we need all of you. But what would this be for us? The excommunication of Baruch Spinoza? Denying an aliyah to a person known for, well, all the wrong reasons? Reading someone "out" because of their views on Israel?

A few weeks ago, that "one issue" the bishops were so focused on burst forth again, crashing into our collective awareness as an unwelcome guest, a source of rancor and fear.

הַעֲדֹתַי בְּכֶם הַיּוֹם אֶת־הַשָּׁמַיִם וְאֶת־הָאָרֶץ הַחַיִּים וְהַמָּוֹת נָתַתִּי לְפָנֶיךָ
הַבְּרָכָה וְהַקְּלָלָה וּבַחֲרָתְךָ בְּחַיִּים לְמַעַן תִּבְחַרְתָּ אֹתָהּ וְזָרַעְךָ:

I call heaven and earth as witness:
I have placed before you this day life and death, blessing and curse.
Therefore choose life, that you and your descendants may live.

These words, read as part of the Yom Kippur morning Torah portion in Reform congregations, may be familiar to us – but not just from our own tradition. You see them again, on bumper stickers and angry placards held by those who would tell others what to do with the most painful and personal choices in their lives – and who call themselves “pro-life.”

But what does it mean to choose life? And what does it mean to be pro-life?

I have seen the murderous hand and bone-chilling hate of the so-called pro-life movement up close. I have seen real blood spilled by those who are filled with righteous rage and absolute certainty that God is on their side.

As some of you know, I was a rabbi in Buffalo at the time of a very famous murder. I was there for the assassination of my congregant, Barnett Slepian. Dr. Slepian was an OB-GYN, shot through a window in his home after Shabbat services. I have shared with you before the terrible scene: hearing the sound of search helicopters over our home that night, before the phone even rang with the news.

Dr. Slepian was a fertility specialist! He loved delivering babies. He often explored alternative options with patients asking about abortion. His work in saving women's lives by terminating pregnancies never exceeded two percent of his practice. (And all the papers said about was "Abortion Doctor Killed!")

A few days following his murder I received a phone call. It came, indeed, after all the religious school assemblies where we had to comfort the kids whose classmates had lost a father, and help them make sense of what was going on. It came after the funeral where we had to drive through vile throngs screaming and holding signs saying he got what he deserved, after the cameras went away and the celebrity politicians attending shiva went back home, when the community began to take stock of who it was, and what came next.

The call was from a young woman who identified herself as a member of a local Catholic church. And she wanted to know about the Jewish position on abortion. She seemed sincere, with no apparent rage or rancor. I was being asked a question of Torah. And I remembered that I was a rabbi.

So: what is the Jewish view on abortion? Or must we ask about Jewish views?

The *Catholic* position on this subject is well-known: life begins at conception. (What is less well-known is that the Church only came to that conclusion in the year 1588, but never mind that.)

Our position is quite different. If we had more time, I would tell you the funny and borderline NSFW way in which I figured this out based on... um... other Jewish traditions. It may not be an appropriate example for Yom Kippur anyway; ask me later if you want to hear that.

And if this were a class, or text study, I would show you the passage in Exodus in which two men in the midst of a brawl bump the belly of a pregnant woman, causing her to miscarry – and the man who shoved the other is fined for the damage. Fined, that is. *Not* charged with accidental manslaughter. Or I would point out the passage in the Mishna, which states that when a woman in labor has life-threatening difficulty, the mother's life takes precedence, up until the point of delivery.

A threat to the life of the mother? The most ultra-Orthodox authorities agree that in such a case, abortion is *required*. Not may be. *Must* be.

Here Jewish law is not *pro-choice*, per se. That is not the right term. Ending a pregnancy to save the mother is mandatory. To some extent it is fair to say that in Judaism, abortion is either *required* or *forbidden*.

This is starkly different from the position held by other faith traditions. There are those who want to make it state law here -- that the fetus comes first. So: let us be very clear. If this happens, the state would be choosing one religion's view of morality over another's. A direct conflict between religious traditions exists here -- even in the classic "extreme" case.

But what about other circumstances? Is it permitted for other reasons? Just what exactly does it mean that the fetus poses a "threat" to the mother.

Here, we could share rabbinic rulings from the past two centuries allowing abortions in cases of lesser injury, even impact on older children of a continued pregnancy. Indeed, even emotional state and psychological factors are cited in permitting the procedure, as were difficult diagnoses from pre-natal tests, as well as conception arising from coercive circumstances.

Now, many ultra-Orthodox authorities today would limit the procedure to maternal distress, to the point of mortal peril. But if the answer is based on where you draw the line then we have something fairly unusual in Jewish life: actual agreement. There is a bottom line on a tough topic. For us, it is clear: on this question, *circumstances count*. (In more sophisticated terms, we are utilitarian, or a consequentialist moral system, not an absolutist one.)

And if circumstances count, then, whatever your views may be on what *you* might do, we must make sure that these difficult decisions in tragic times are made between a woman, her caretakers, her health providers, supported by whatever moral and spiritual guidance she seeks out.

A side note, on a sticky subject. I am aware that some of the latest and loudest voices in the pro-choice community bristle at the idea, the sort of consensus-seeking statement that abortion should be "rare." That, they say, implies something problematic! It internalizes a social stigma. Many resent

the idea that there must be *any* reason, *any* mitigating factor in their decisions.

Never mind for now the medical fact that the very high number of elective abortions in places like the former Soviet Union had a negative impact on future fertility when women did want to bear children. There is sound science behind the stance of “safe, and legal, but rare.” Some would say that this very discussion – and by a man, no less – is judgmental, and intrusive.

I hear this claim of “it’s my body, I can do anything I want with it.” But I am *not* ready to *altogether* abandon the notion that we should have some level of concern for the well-being of other people, including decisions they make for themselves. One can, of course, cut off a limb, to save a life or in other dire situations. I am not sure, however, that doing so *just because you feel like it* can really be described as an authentic Jewish position.

What I can live – not that any woman, ever, asked me what I could live with here, but my understanding of Judaism can accept the idea that whoever makes the choice to terminate a pregnancy has her reasons -- and she should not necessarily have to articulate them or justify them to anyone else. There should be a “why.” But I don’t need to know it.

As a rabbi, I will stick with the idea that Judaism supports a woman’s right to make this choice -- as a result of weighing and balancing competing concerns and considerations.

What, then, can we do? I said, last night, that a sermon should either help frame our identity, shape our story -- or propel us towards action. What can we do, in particular, about a Texas law deliberately designed to allow *anyone at all* to intervene and interfere with other people's decisions? And what can we do in general, as a grave threat grows to an option our tradition, and many of us individually, believe is moral and should be available?

I will never forget some of the signs we saw at the Women's March on the Mall in 2017. Again, and again, variations on the theme, in posters held up by older women: "I can't believe we have to do this all over again."

For now, we should begin with help from afar, donations to organizations such as Planned Parenthood, NARAL, or the National Council of Jewish Women. The NCJW website, as one example, has specific ideas and suggestions for action we can take to protect reproductive freedom.

"*Hinei yamim ba'im,*" say the prophets. "Behold, days are coming..." We may be called upon for new kinds of assistance, aid in transportation across state lines, support for clinics under fire – even advocacy to preserve medical education and training in specific procedures.

In our own communities, I believe we must be vocal voices for frank talk and full communication about health. *All* evidence shows – consistently, repeatedly -- that where honest sex education occurs, teen sexual activity *goes down*, natural adolescent experimentation takes place in a healthier and more

responsible way, and, when teens are sexually active, the rates of STD's and unwanted pregnancies significantly decrease from where they would otherwise have been. Evidence also shows that more mothers-to-be will make the choice to put babies into the arms of eager adoptive parents, where communities support this *as one choice among many options*. *Real* education about health and social support, and non-coercive information about all alternatives where the procedure is also permitted... both bring down the number of abortions.

וּבַחֲרָתְךָ בַּחַיִּים לְמַעַן תִּחְיֶה אֶתְּךָ וְזַרְעֶךָ

What does it mean, to choose life? The prevalence of those who are pro-gun, pro capital punishment, put military spending over social needs, and are against programs which support families – that alphabet soup of WIC, AFDC, TANF, are against Head Start, and, yes, the enemies of Planned Parenthood, those who hold these positions and call themselves pro-life are incoherent. That position is absurd. It is not pro life at all; it is simply hostile to any remotely modern sense of a woman's role in the world.

Yes, of course, there are always questions that can be asked, and you can obviously be against one particular program or another for very valid reasons. But to choose life means to care about what happens *in* this world, not just restricting the rights and options of others before a new life emerges into it.

We face a true inflection point, a fork in the road, a parting of the ways. There are two vastly different visions and sets of values before us now. As I have said in another context, the talk is so hot, because the stakes are so high. Life, and death; blessing, and curse.

Let us come to a space where we can share pain and listen with love instead of pointing fingers, where we can lift each other, even hold each other up, instead of tearing each other down.

I want to see a world in which we cherish children, support families, and craft a culture in which no woman feels forced, coerced, or trapped. I want to see a world in which love is real, commitment flows from deep relationship, and intimacy is expressed in joyous and reciprocal ways. And I pray for a place where comprehensive and accurate health education serves as a bottom line, and a common ground.

We live in a land where the President takes time to reach out to a faith community beyond his own, at an important time for us. I feel blessed, as well, that, at least for now it is still the case, that he, and we, can embrace our heritage, struggle with aspects of it, bring forth our own sense of what is right, and freely live that faith according to the dictates of our heart.

L'shanah Tovah.