



## AFTER ROE: A JEWISH RESPONSE

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Joshua Holo: Welcome to the College Commons Podcast, passionate perspectives from Judaism's leading thinkers, brought to you by HUC Connect, the Hebrew Union college's online platform for continuing education. I'm Joshua Holo, Dean of HUC's Skirball campus, and your host. Welcome to this episode of the College Commons Podcast and our conversation with Rabbi Hara Person. Rabbi Hara Person is the Chief Executive of the central conference of American Rabbis, the first woman to hold that position. As Chief Executive, Rabbi Person oversees the critical resources and thought leadership, including the CCAR press for 20200 Rabbis who serve more than two million reformed Jews throughout North America, Israel and the world. Prior to joining the CCAR, she worked at the Union for Reform Judaism, but she was the Managing Editor of The Torah, a women's commentary, which was named the National Jewish Book Award Book of the Year in 2008. To my friend and colleague, Rabbi Hara Person, thank you for joining us on the College Commons Podcast.

Hara Person: Happy to be here with you, although I wish we had a happier subject to talk about.

JH: Indeed, today we're going to talk about events and consequences following the Dobbs case in the Supreme Court which overturned Roe versus Wade and the constitutional right to an abortion. In one of your most long-standing and staunchest positions, you make a point of reminding people that, that which we think of as the "religious perspective" does not necessarily conform to the conservative Christian perspective. Why do you think it is that the Christian conservative point of view has the capacity to monopolize or at least to dominate the American imagination of that which we think of as religious?

HP: I'm not a political analyst, but as a Rabbi, I would say I think perhaps it's because this sort of conservative Christian way of looking at the world in general, and not just this particular issue, is a more black and white and therefore easy to grasp point of view, so even if you don't necessarily agree with it, you can sort of get it, whereas certainly the Jewish point of view is very nuanced, and I can make a lot of pronouncements about Judaism thinks this or Judaism thinks that... And it's true, it's not that I'm not speaking truthfully, but behind those statements, there's a whole lot of nuance and kind of careful consideration that I think is harder to just make blanket statements about.

HP: I mean, look, there are a lot of political reasons for veering to the right rather than to the left or to somewhere in the center, and part of it also has to do with control, because the conservative Christian perspective on reproductive rights as well as on many other issues about people's personal lives really winds up with the lawmakers having a tremendous amount of control over people's personal lives and personal decisions in a way which I suppose for some is quite satisfying because it maintains a kind of status quo, which is comfortable to the kind of ruling class, it maintains there being in charge by them, I mean, for the most part, white men that is somewhat of an over-simplification, but for the most part, it does mean white men, because one of the things that we know about reproductive rights is that when they are limited or banned, the people who are gonna be the most affected by this, are gonna be poor women, women of color, communities of color, people of color, poor communities in general.

HP: So I think there is something to that, that it is a way to keep people from advancing in our society, keep people out of educational opportunities, out of professional advancement, and to keep in particular, those communities in a state of being unable to move ahead and lift out of poverty, out of the circumstances in which they're in, and I think that that benefits white men in charge, so I've just given you a very over-simplified answer, but I do think that those are some of the elements.

JH: Well, let's jump in and talk specifically then about the current storm surrounding reproductive rights and the recent overturning of *Roe v. Wade* in June of 2022. Speaking descriptively, would you agree that the Jewish tradition, echoing some of the nuance that you cited in your previous answer, holds a variety of positions over time, and also depending on the Rabbinic authority, and that those varieties span a pretty wide gamut of positions roughly from... Avoid abortion in all cases, except for the physical safety of the mother, and in some cases for the benefit of her emotional needs on the one hand, all the way to the other side that we might call today, something pretty close to pro-choice. Is that an accurate description of the gamut that the Jewish tradition and Jewish religious authorities have adopted over time?

HP: Yeah, I think that's pretty accurate. But I would say that Judaism has always allowed for abortion under certain circumstances, it's never been the kind of blanket taboo that we see in certain other religious traditions, Part of that is because the idea of life beginning at conception is just not a Jewish idea at all.

HP: Judaism has always allowed that there are circumstances under which abortion, it is the preferred choice, and in some cases it's the required choice. So there is nuance around what exactly does that mean, and how does this Rabbi interpret it versus this Rabbi? But basically, we have always had space in our tradition that allows for abortion, and even today in the more conservative, and I don't mean the Conservative movement, I mean the Right Flank of Judaism in today's world, even in that world, abortion is allowed and in some cases, again, required. I do also wanna say that there are other issues involved in the abortion question that speak to other Jewish values beyond abortion itself, and I think one of those is the concept, for example, of

[0:06:54.2] \_\_\_\_\_... So the idea of that we honor the dignity of other human beings, and I think part of having a kind of total ban on abortion, on reproductive rates, part of what that does is it takes away people's dignity, because it takes away their autonomy, and it takes away the ability to make their own decisions, to make decisions in private, to make decisions with a partner, a spouse, a Rabbi, a doctor, it really does not recognize the dignity of each human being, and I think that's another important piece of this conversation as well.

JH: So let's talk about some of the jostling pieces of this conversation. In my family lore, we cite my grandfather who used to say that religion is a matter of degree, meaning that religion is not an all or nothing proposition. In my arrogance, I've since modified my grandfather's dictum to say that religion is a matter of emphasis, that is, it's not just that we only live out part of our religions ideals, but more pointedly that we choose which parts to live out over and above other parts of our religions ideals. In a 2019 blog post, in the Times of Israel, you challenge the use of religion, "raising the flag of faith" as you describe it, to undermine LGBTQ plus rights, and you cite Jewish religious values to justify the protection of those same rights. Is the invocation of religion on either side of this debate, including the abortion debate, merely a matter of emphasis? Do not all religions offer justification on either side? And does that mean religion neutralizes itself as a voice altogether because of its internal competition on the topics of any of these issues?

HP: Well, that's a really interesting question. For me as a Jew, I think there are certain overriding values which shape the way that I approach the world. There should be no overriding religious principles about how we live our lives as Americans. My religion, someone else's religion, none of those have the right to tell other people who don't choose to follow those religions how to live their lives. That is one of the beautiful things about the United States in theory, that we are not a country based on theology, we can each be free to practice our own religion or to have freedom from religion entirely. That said, for me, Judaism does give me this kind of platform or basis to respect the dignity of other people, to respect the privacy of other people, and goes totally against the idea of the government telling people how to make decisions about their personal lives based on a theology that they may or may not buy into. So who we love, how we identify, what we do with our bodies, I don't believe that that is the government's place and it should not be a religious decision, because how do you privilege one religion over the other in a country that is supposed to be a haven of religious freedom.

JH: So let's zoom out for a minute and speak about the intersection of rabbinic authority and politics, and I'd like to break it out into two sides of coin, the role of politics in religion and the role of religion in politics. So in the first instance, is Judaism an inherently political undertaking or not, and does your opinion about that question color your feelings as a Rabbi about the proverbial politics from the pulpit?

HP: I think that this question has been raised up a lot in the last, let's say, six or so years, and of course it depends how we define politics. But I don't think that talking about issues like, let's say hunger, health, bodily autonomy, respect of other people, caring for other people, those to me

are not political issues, those are Jewish values, and those are topics that are deeply embedded in our core texts. I think often people will hear a rabbi preaching a sermon on a topic that is connected to some contemporary issue and they may take issue with it, "Rabbi, I don't come to synagogue to hear about politics," but for us as Jews, these are deeply compelling issues that are embedded in our core text. We can't really separate the ways in which we're called to care for the powerless, to give voice to the voiceless, to care for the widow and the orphan, as it says over and over again in Torah. If you look at the books of prophets, they're out there calling for justice, so when a rabbi takes that part of our textual tradition and connects it to contemporary issues, that is what a Rabbi should do. That is part of being a Rabbi. It's not about politics in the sense of Democrats or Republicans, it's about our core values as Jews of seeking justice, of seeking fairness, of caring for those who need a hand. That's not about politics.

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JH: You very compellingly explained why we have to protect in our civic political forum each other from the religious assumptions of one another that may not apply to us, and therefore justify what we might call in the United States, the separation of church and state. If that's not the role of religion, namely to impose itself on other citizens who may not share their religion, what then is the role of religion or the religious leader in the political forum of the United States?

HP: So, I think the role of the religious leader is to be a sort of voice of conscience, to advocate for values that are or can be shared values in a civic society, but not to impose, so I think there's a difference in sort of teaching or preaching about a religious perspective on a particular contemporary issue, that is very different than actually making that a law and imposing that on everybody else. The United States is not a theocracy or not supposed to be. So to say we've made a decision at the highest levels of government, that life begins at conception, and we're gonna now allow states to make their own laws based on if they choose to on that perspective, and we are not gonna allow people to make decisions for themselves based on their own faith or lack of faith, and that is imposing one opinion and essentially taking away religious freedom from people who may believe differently based on their own faith's traditions. And that to me as an American is highly, highly problematic. And actually goes against the very foundation of what this country is built on. It's also clear that this isn't just about abortion, I mean we've heard comments from Supreme Court Justices about birth control, it seems pretty clear that gay marriage could be under threat.

HP: That is a very scary place to be, as somebody who doesn't ascribe to conservative Christian beliefs. It feels incredibly un-American, it feels like a huge slide backwards, and it's hard to even understand how we can have a real democracy in a country, which is allowing some to impose their personal faith beliefs on everyone.

JH: Share with us your rabbinic position on abortion rights, and I would like to ask that in so doing, you address both sides of the debate as defined in the American Public Square, meaning I'd like to hear your rabbinic opinion about abortion in a way that addresses the autonomy of the mother, but that also addresses and explains for us your position in relation to the status of the embryo or fetus.

HP: Having read, having studied Jewish texts and sources on this, it seems clear that Judaism prioritizes the life of the mother over the life of a fetus, and to me that makes good logical sense, or let me say parent, because of course I wanna recognize that not everyone who is pregnant is a woman, but the pregnant person is the person, right? That is who is alive in the world, functioning in the world, part of a community, part of a family, may have other children who they're already taking care of, whereas the fetus is only a potential life. I'm thinking about what's going on right now where a person comes into the hospital bleeding or has an incomplete miscarriage or has an ectopic pregnancy, or one of the many ways that people's lives can actually be threatened by a pregnancy, and we're seeing all these stories of hospitals that are now unwilling to take the medical intervention that's necessary, because they're afraid of being sued, being arrested, whatever. That's insane to me. So here you have a massive cells that... Let's say in the case of an ectopic pregnancy or an incomplete miscarriage is never going to develop, it's never going to be a fetus, it's never going to be a person, but you're gonna risk the life of the person who...

HP: Is carrying that mass of cells and put their life at risk, sepsis, all the terrible things that can happen because you're trying to preserve something that there is nothing to preserve. That to me goes against every value that I believe in as a Jew, and that I believe in as a feminist too. It is making... And I am gonna use the word woman here, it is making women disposable, and it is making trans men who are carrying embryos, fetuses, also disposable. It's making the lives of pregnant people disposable in a way that I think is absolutely a, disgraceful and b, misogynistic and c, about really disregard for human life entirely. So this whole... I hate the pro-choice, pro-life binary because I don't think that people who believe in this are actually pro-life. We see all the ways in which they are not in fact pro-life because there's no support for the pregnant person, there's no financial help for people who do bring forth children they can't afford to raise or emotionally unable to raise, we don't have universal day care, we don't... I mean just all the ways in which in fact, they are not pro-life. I can't help but go back to the stories that I was raised on as a child in which roughly 100 years ago, my great-grandmother gave herself not just one, but two abortions. We're talking lower east side, the 1910s and to maybe the early 1920s, a poor immigrant woman with a bunch of other kids gave herself abortions with a knitting needle.

HP: The fact that a, she survived is incredible, and that she survived to tell the story to her daughter, my grandmother who told me these stories, she was a fervent supporter of birth control and family planning, which was kind of amazing in those years, because she understood that this was the only way she was gonna be able to provide for the children she already had, and to get all of them out of poverty and get them educations and get them better chances in life, and I just... I can't help keep going back to that story and those kind of lessons. There's so much wrapped up in all of this, as a Rabbi and as a Jew, I'm also concerned about things like hunger, health care, and all of those issues are impacted by lack of access to abortion.

JH: Can you imagine a compromise position in the context of the American debate around abortion rights?

HP: To me, the compromise is if you don't want to get an abortion or you don't believe in abortion, don't get an abortion. I don't really see a reasonable compromise that doesn't over extend control into people's personal lives. Either you have access to the full range of reproductive health care or you don't. It's hard to imagine what a compromise would really look like, but I think what we have to keep in mind is that the majority of Americans actually believe in access to abortion care and to reproductive healthcare. So I'm not sure that a compromise makes any sense. I think that if we are true to who we're supposed to be as Americans and we take church out of the state, then there is no basis on which to create limitations to reproductive care.

JH: So in light of all of this complexity, what has surprised you in recent months since the Dobbs decision?

HP: In Kansas, they voted overwhelmingly to not restrict access to abortion. Kansas is a place of access for a lot of the neighboring states, and so those neighboring states where abortion has now become inaccessible, at least now, the people in those neighboring states have somewhere nearby that they can get to. So I'm taking that as a kind of bright sign but there's a lot of darkness.

JH: Well, Rabbi Hara Person, thank you so much for your conversation with us and your committed advocacy and publications in this regard, and here's to our next conversation.

HP: Sounds good. I hope we can have a conversation about how glorious it is when this is all overturned.

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