**Makom Shelanu - Repro Shabbat Mishpatim - 2/18/23**

Shabbat shalom and thank you so much for inviting me to share words of Torah today. My name is Rachel Gollay, and I am a proud Jew, and a proud advocate for reproductive justice and abortion access.

Today I’d like to share a few things:

1. Ground us in a shared definition of what reproductive justice is,

2. Share a little about my experiences in reproductive justice organizing,

3. Talk about what this all has to do with Judaism and this week’s parsha, and

4. I’ll share ways for you to get involved should you be inspired to do so.

I’d like to start by inviting us all to take a deep breath in, hold for three seconds, and then out. And then once more.

Now that we are hopefully just a little more grounded into our bodies and into our space: what is one word that comes to mind for you, when you hear the words “reproductive justice” Feel free to share your word aloud or hold on to your word in your mind. We’ll have another moment to reflect at the end.

**What is Reproductive Justice?**

To begin, I’d like to offer gratitude for the women and queer people who came before us, who found themselves in the sites of struggle surrounding bodily autonomy. We hold space for and uplift everyone everywhere who has ever had an abortion, for any reason. And to everyone who will have an abortion in the future. This is a topic that impacts us all, whether we can become pregnant or not - and for those who can become pregnant, nearly 1 in four people in the U.S. will have an abortion at some point in their lives. And, importantly, to the Black women, Indigenous women, women of color, and queer and trans people who have fought this fight for many generations.

February is Black History Month, and it’s essential to uplift the fact that that reproductive justice is Black history. In fact, the now widely accepted definition of reproductive justice was coined in 1994 by [SisterSong, the Women of Color Reproductive Justice Collective](https://www.sistersong.net/reproductive-justice).

And the definition is: *the human right to maintain personal bodily autonomy, to have children, to not have children, and to parent the children we have in safe and sustainable communities.*

When we view reproductive justice from this lens, it not only includes things like access to birth control and abortion. It includes the many intersecting struggles we take on in the work of [tikkun olam](https://www.myjewishlearning.com/article/tikkun-olam-repairing-the-world/), in repairing and building a world that is safe to raise children in — fighting for health care, housing for all, racial justice, communities free of violence, disability access, and LGBTQ+ rights.

**My Experiences**

I began organizing in reproductive justice spaces in 2016, when a certain presidential election shook me awake. I was looking for ways to support my community that didn’t involve waiting until the next electoral cycle to roll around. I wanted to help build power and work in solidarity right away. So, I found myself tapping into the [Texas Equal Access Fund](https://teafund.org/), a local abortion fund based here in North Texas. Abortion funds help ease the financial burdens, eliminate barriers to access, and meet the needs of individuals seeking abortions.

Working with TEA Fund is how I ended up outside the Whole Women’s Health Clinic on Lackland Boulevard at 8 am on Saturday mornings, just down the road from here, wearing this sacred garment (a rainbow vest emblazoned with the words “Clinic Escort”), shielding patients and their loved ones from anti-abortion protestors shouting us down at every turn. Men with megaphones and portable PA systems paced the fence line beside the parking lot. Sometimes they compared us to Nazis. We did our best to safely ignore them, followed our policy of non-engagement, and focused our attention on smiling and walking alongside the people simply going to their healthcare appointments, buzzing them in through the secure door, making small-talk and wishing them well as they departed.

This focused attention on those most impacted by restrictive laws and barriers to access is what has carried me and so many others forward through this work. It has led me to volunteering on the organization’s texting hotline, helping connect people to resources they needed to access clinics and appointments. It also led me to an organization called [Fund Texas Choice](http://fundtexaschoice.org/), where I am now proud to be a board member.

For over ten years, Fund Texas Choice (FTC) has helped thousands of abortion seekers with practical support in the form of travel assistance - flights, hotels, gas, and other resources. Since there were very few clinics in the state, and as we all know Texas covers vast territory, the [average number of miles an individual client would travel to receive care in 2021 was over 1,100 miles](https://fundtexaschoice.org/wp-content/uploads/sites/485/2022/08/FundTexasChoice-2021-Impact-Report.pdf). And this was *before* Roe v. Wade was overturned. In 2021, 73% of clients identified as BIPOC (Black, Indigenous, and people of color), and 62% were already parents.

Like so many other practical support networks and abortion funds, Fund Texas Choice and the incredible people who keep it running are doing what some organizers refer to as “iceberg work.” Picture an iceberg: what we can see is an impressive structure emerging out of the water, seemingly floating, but just below the surface is a much, much larger structure supporting it. We might think of the tip of the iceberg as the big public moments, the rallies and the press that can happen after a big newsworthy moment. But the largely invisible work — of spreadsheets, database maintenance, individual contributions big and small, both monetary and volunteer labor alike — is what sustains an entire movement and ensures that there is a support system for all of us, whenever we need it, and no matter what comes our way.

**Judaism & Repro Shabbat**

This week’s parsha, Mishpatim, finds us just after the fire and smoke and dramatic revelation of the Ten Commandments (or in some translations, the Ten Utterances) at Mount Sinai. It’s climactic! If this awe-inspiring, pivotal moment is the tip of the iceberg, then what follows is the structure below. Mishpatim starts to flesh out the beginnings of a support system that holds it all up in the form of more granular, detailed civic laws.

This passage gets to the heart of why this parsha is connected to Repro Shabbat:

*“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, the payment to be based on reckoning. (23) But if other damage ensues, the penalty shall be life for life, (24) eye for eye, tooth for tooth, hand for hand…”*

In other words, if someone causes a miscarriage to take place, they are obligated to pay financial damages only; the case is not treated as manslaughter or murder, which would demand the death penalty. The “other damage” that would demand the death penalty (“life for life”) would be the death of the pregnant person herself (or some other serious punishment relating to the damage caused—”eye for eye, tooth for tooth…”) In other words, causing the termination of a pregnancy is not, in the Torah, considered murder.

The commentators in the Talmud also provide commentary surrounding the status of fetuses:

In tractate Yevamot 69b:

*“If she is found pregnant, until the fortieth day it is mere fluid.”*

In tractate Gittin 23b, *“What is the reason for Rabbi Yehuda HaNasi’s position [in the above conversation]? He holds that a fetus is considered as its mother’s thigh [that is, as part of its mother’s body].”*

We can take this to understand that the pregnant person is the primary rights holder with autonomy over their own decisions, and their own bodies, especially key in situations that impact physical and psychological safety.

To me, the most compelling piece of Torah as it is connected to reproductive justice, is the concept of [pikuach nefesh](https://www.myjewishlearning.com/article/saving-a-life-pikuach-nefesh/), found in Talmud tractate Yoma 85b. Pikuach nefesh can be thought of at its core as an ancient concept of harm reduction - translated, it means “protecting a soul” or “watching over a soul.” In this concept, the preservation of human life overrides virtually any other religious rule. For, we are to “live by the mitzvot, not die by them.” It follows, then that if pregnancy endangers a life - physically, or even mentally and emotionally - there is reasonable justification to terminate that pregnancy.

And even so, if the words of old patriarchs in the Talmud don’t do it for you, take it from Judith Arcana, one of the Jewish founding members of the Janes, the clandestine collective that helped thousands of women get extralegal abortions in the U.S. before Roe v. Wade as passed.

Judith is quoted in a [Jewish Women’s Archive podcast](https://jwa.org/episode-70-jane-abortion-roe):

*“There was a higher percentage of Jews in the abortion service than in the population at large. At first, I don’t think I sort of noticed. But then I got a big kick out of it. You know, I thought, well, look at this, here are these nice Jewish girls, as the saying goes, and what are we doing? Well, we’re committing a crime in order to do what we think is good for women and girls. Why did we join an underground criminal abortion outfit? You know, what is that about?*

*The element of responsibility for the society, of taking on responsibilities beyond the basic—that’s part of the deal for Jews. And I grew up knowing that. When I was very young and I thought, well, if I don’t believe in God or any more then am I still a Jew? Well, the answer is yes. And the ‘yes’ is about this stuff.”*

Like Judith, my Judaism gets at this ethical core - of challenging systems of domination, of holding people in power accountable, and openly denouncing unjust laws in pursuit of a better society.

**What do we do?**

So where are we now? And what do we do about it?

My days of clinic escorting have, for now, come to an end - when all abortion clinics closed their doors in Texas, so too did the program. Sadly, many abortion funds and practical support networks in the state have also had to pause their operations as legal battles play out due to the Dobbs decision overturning Roe v. Wade. Now, abortion is banned in 12 states and significantly restricted in half the country. Now, every day, families face a manufactured crisis of abortion bans. So, what to do we do now, especially if initial aftershocks wear away?

**We can de-stigmatize abortion by talking about it.**

If it’s safe for us to do so, and with an understanding of the different levels of privilege we each have: now is not the time to play small. The anti-abortion right is counting on us to shrink back. We cannot cede ground. One way we do this is by sharing our stories. [NCJW has partnered with We Testify](https://www.ncjw.org/wp-content/uploads/2021/01/Booklet_AbortionStories_NSJW_2021.pdf), collecting narratives in many forms from people who’ve had abortions. By bringing stories into the light, we can end stigma, shame, and bring compassion and care to one another.

**We can get to know and share resources that are available to us now.**

[needabortion.org](http://needabortion.org/) is a rigorously vetted website that include up-to-date information on where Texans can find clinics, and resources to help pay for their appointments.

[Plan C Pills](http://plancpills.org/) is another public resource that demystifies and shares information about medication abortion. In 2020, the Guttmacher Institute reported that 53% of abortions in the U.S. were medication abortions.

**We can donate our time and our money to abortion funds.**

The TEA Fund text hotline is currently offering up practical support like emergency contraceptives (Plan B), ultrasounds, and other needs relating to reproductive care.

Fund Texas Choice also operates a textline that helps connect folks with publicly available information on abortion access and where to find vetted information.

[ineedana.org](http://ineedana.org/) is a free tool that is maintained by significant volunteer labor. Once a month, volunteers come together virtually to comb through information about clinics and make sure details like phone numbers, addresses, and pricing are up to date for anyone seeking help.

We can [send words of gratitude](https://www.aafront.org/thank-bank/) to independent clinics and their staff to let them know that we value the work they do, and [send items from their wishlists](https://www.aafront.org/support-real-clinics/).

And above all, we can hold ourselves and others with compassion, knowing that the landscape we find ourselves in is undoubtedly challenging, but through mutual support and solidarity we find a way together.

Before we conclude with a prayer for reproductive freedom written by the National Council of Jewish Women, I’d like for us to return to that initial question from the beginning: what word comes to mind when you think of reproductive justice? Is it the same word, or different? What may have changed or shifted for you? Has anything been strengthened, or made clearer? May we hold these words and these emotions with care and let this be the energy that guides us forward.

**In closing, a prayer for reproductive freedom written by the NCJW:**

*May we always remember that each person is created in the image of the Divine, endowed with the inherent right to autonomy and respect*

*May we create a caring and loving community and nation that reveres this dignity in each of us. May we understand our obligations to one another; we are all inherently holy and should be treated as such.*

*May we find within ourselves the collective will to create a just society in which reproductive justice — the holy right to own the personhood of one’s own body, to have or not have children, to raise any children in safety and community — is foundational.*

*May we endow each other with the strength, resolve, and courage we need as we walk together towards a liberatory world.*

*May we always follow the leadership of those most impacted by the harms of reproductive oppression. May we listen and learn.*

*May our country become a place of true liberty and justice for all. May our relationships with each other be ones of care and deep respect. May we walk together on the path of community as we work together to ensure truly accessible abortion care for all.*

Amein, and Shabbat shalom.

**Resources**

[National Council of Jewish Women](https://www.ncjw.org/)

[Jews for Abortion Access](https://www.jewsforabortionaccess.org/)

[We Testify](https://www.wetestify.org/) – abortion storytellers

[The Torah of Abortion Justice](https://www.sefaria.org/sheets/234926.42?lang=bi&with=all&lang2=bi) — Sefaria source sheet

[Abortions Welcome](https://abortionswelcome.org/) – a pro-choice spiritual companion

**Get Involved**

[Fund Texas Choice](https://fundtexaschoice.org/take-action/)

[TEA Fund](https://teafund.org/advocate/)

[Plan C Pills](https://www.plancpills.org/support-abortion)

[Ineedana.com](https://www.ineedana.com/donate)

[Buckle Bunnies Fund](https://www.bucklebunnies.org/)

*Disclaimer: Opinions expressed are solely my own and do not express the views or opinions of Fund Texas Choice. —RG*