# *B'chesed Uv'rachamim*:
# How Creative Jewish Rituals Theologize Abortion

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## Summary

This goal of this thesis is to assesses creative Jewish rituals for individuals who have had abortions to see how they contribue to the larger Jewish conversation on abortion. Chapter one includes an overview of important writings and consequential texts on the topic of abortion. It begins with the reading of a feminist, pro-choice ethic of reproductive rights and centers feminist and pro-choice voices by reading all other texts through this lens. Chapter two is a deep dive into Ritual Studies, laying the groundwork for reading liturgical texts for their theological insights. In this study of ritual, the contributions of feminist and creative ritual are considered. Chapter three assesses seven abortion rituals individually, using the framework set out in chapters one and two. It concludes with the contributions that these rituals make to the larger Jewish conversation on abortion. This thesis takes seriously the ability of ritual to communicate theology and ideology. The Jewish abortion conversation is incomplete until it includes the deep study of these rituals and what they communicate to those who enact them. This thesis contributes to the greater Jewish understanding of abortion by beginning to include ritual in that conversation.

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## Introduction

I conceived the night of Rosh Hashanah of my second year of graduate school. I had moved to New York from Jerusalem six weeks prior. I was living in a tiny Manhattan apartment with two other Jewish young professionals, and was working three part time jobs in addition to my full time studies. It would have been a pretty typical abortion situation — a 20-something has an unwanted pregnancy and chooses her career over mostly-single parenting — if I had not been studying to be a rabbi.

I became pregnant while working at my first ever High Holy Day pulpit. I had my first bout of morning sickness in our introductory Talmud course, and my first pregnancy craving during Hebrew Literature and Grammar (I still swear that pickles on pizza is a million dollar idea). I took my pregnancy test on Rosh Chodesh Cheshvan, and whispered the blessing "*asher yatzar et ha'adam b'chochmah*, who created human beings with wisdom" when it read positive.[1] That night, I attended a required class Shabbat program at Romemu on the Upper West Side, where I discovered that morning sickness could indeed happen at night in a shul bathroom. I prayed.

I read every *halakhic* and non-*halakhic* writing on abortion I could get my hands on, and found myself focusing on the one published ritual for someone having an abortion I could find at the time. Now, as I present this rabbinic thesis on the subject of rituals for those who have abortions, there are at least seven published and easily accessible liturgies available, with two more set to be published later this year. I consulted the would-be father, and my rabbinic "friend-tor" (friend and mentor). I cried on the phone with my mom.

[1] Traditional morning liturgy.

Ultimately, I made the choice using the instinctual wisdom inside myself, heeding nobody's opinion but my own. And perhaps God's.

I left Literary Artistry of the Bible early on a Thursday afternoon to walk the few short blocks from Hebrew Union College-Jewish Institute of Religion's New York campus to the Margaret Sanger Planned Parenthood on Bleecker Street. I took the first pill in a quiet office, sitting across from a doctor who looked just like me. She was blonde and chipper and white. The next morning, my Medieval Jewish History class took a field trip to the Met Cloisters. Our professor was late because she had to prepare her brisket for Shabbat dinner. I felt so sick I could hardly stand. That night, I checked into the Marmara Hotel because my roommates had friends staying with them, and I wanted to bleed in peace. I live streamed Shabbat services while holding the four Misoprostol pills in my mouth, waiting for them to disintegrate. I bled all night, alone, by choice.

A week after the bleeding stopped I went to the *mikveh* with ImmerseNYC, a liberal *mikveh* project founded by Rabbi Sara Luria. I did an adapted version of a ritual written by Rabbi Tamar Duvdevani and published in an Israeli book of modern *mikveh* rituals called *Parashat HaMayim*. I listened to Debbie Friedman's "Those who Sow" on repeat the entire way there and the entire way home. I looked at my naked body in the giant mirror in the preparation room and saw every change that that short pregnancy had wrought. I felt weak and I felt strong. I sang to myself because I was still scared. Under the water and above. Under the water and above. Under the water and above. "*Elohai n'shamah shenatata bi t'hora hi*."[2] The next morning, our class took a field trip to the *mikveh* to learn about ImmerseNYC and liberal *mikva'ot*. I asked five of my classmates, Emily Aronson, Vanessa Harper, Andrew Oberstein, Ariel Milan-Polisar, and Zach Plesent to come early. They were

[2] Traditional morning liturgy.

pretty much my only friends in New York and some of the only people that I had told about my abortion. We stood on the corner of 74th and West End on a windy morning with a challah that I had baked and a little bit of honey and finished the ritual together. We dipped the challah in the honey, a symbol of sweeter times ahead. I cried. We stood in a circle with our arms around each other for comfort and for warmth. "*Hazorim b'dimah b'rinah yiktzoru,"* I repeated, "those who sow in tears will reap in joy."[3]

Thus began this project. The process of coping with my decision, mourning my loss, and celebrating my life led me to research every abortion ritual, liturgy, poem, story, responsa, law that I could find. Three years later, when I did my Mikveh Guide training with ImmerseNYC, they taught us that the real work of any ritual happens in the planning. I have found that to be largely true. I planned for weeks before I went to the West Side Mikveh to mark my abortion, and found meaning in reading and studying the one ritual I had. But there has been another side to my own healing as well: the research and writing I have done *since* my abortion ritual.

Not long after my trip(s) to the *mikveh,* I took a course with Rabbi Dr. Sonja Pilz entitled "Founding Myths in our Liturgy," in which I learned to study ritual deeply for the first time. I returned to the *mikveh* ritual that I had used, and discovered something I had not consciously realized during my enacting of the ritual: its use of the *tashlich* ceremony had reinforced a notion of abortion as sin, and therefore validated my guilt. One of the rituals discussed in chapter three uses *tashlich* as a frame, as well, and I discuss this problem further there. It was this discovery — the unintentional symbolism of that *mikveh* ritual — that inspired this project. I decided to research abortion rituals to understand their theological

[3] Psalm 126:5.

viewpoints, both explicit and implicit, and how those theologies contribute the greater Jewish conversation on abortion.

In order to this, I begin in chapter one by looking at the abortion conversation in Jewish thought. While our texts contain a lot of legal and ethical literature on the matter of abortion, our tradition is largely silent about the experience of an individual becoming pregnant and choosing to terminate. Perhaps this is because our Bible is so obsessed with procreation, but the lack of stories and myths in Jewish tradition on abortion reflects a deeper misunderstanding of women's and people of any gender with uteruses' experience. In order to center feminist voices in my exploration into the Jewish abortion conversation, I begin with Rabbi Emily Langowitz's ethic of reproductive choice that she outlines and explicates in her HUC-JIR rabbinic thesis. I add my own ethical category — interdependent care, based on care ethics — to hers, and use these as a lens through which to read other Jewish writings on abortion. I look at some of the classic and most consequential ancient texts on abortion, and then turn to *halakhic* responses to questions of abortion. Within the *halakhic* conversation on abortion, I focus on two themes: the debate of whether abortion is permitted because the fetus is not a *nefesh* or because it is acting like a *rodef,* and the question of the *tzorekh*, the need, of the mother. I end the chapter by looking at Reform Jewish writings on abortion, one from the Central Conference of American Rabbis (CCAR) and another from the CCAR Chief Executive, Rabbi Hara Person, and what elements of the conversation the Reform Jewish community accentuates.

I then turn to ritual studies theory in chapter two in order to prepare to read the rituals themselves. In chapter two, I define what ritual is and what ritual does, how it operates, and how feminist thought has altered ritual and ritual studies. I break ritual down into its

subsequent elements based on the work of ritual theorist Ronald Grimes. In chapter three, I use these elements to assess each abortion ritual for its theology, worldview, parameters, and arguments. While Grimes would suggest that the only way to study ritual would be to observe actual performances of ritual situated in their contexts, I will be looking at published texts and stories of rituals. In part, this is to focus on the theological ramifications of these rituals on the Jewish abortion conversation. It is also due to access; the Covid-19 pandemic has prevented my ability to be present with individuals performing such rituals. I use the liturgies of the rituals — which I call the ritual scripts — as a way to reconstruct the entirety of the ritual and its theology, based on Rabbi Dr. Lawrence Hoffman's holistic method of liturgical study.

This project has been more than researching and writing a thesis; it has been a project of bringing together my personal self with my professional, rabbinic self. The recognition that the personal is political is a feminist rallying cry.[4] If, as feminists, we reject the notion of objectivity and instead radically embrace subjectivity, then it is a feminist act for me to write my rabbinic thesis about and launch my rabbinic career with something so deeply personal. I present the following thesis as a culmination of the deepest experiences that I have had while in rabbinical school: my own abortion and ritualizing of it, and the chance to study ritual and liturgy, feminist Judaism, and Jewish feminism seriously.

[4] Kate Millet. *Sexual Politics*. New York, NY: Columbia University Press. 1970.

## Chapter 1: Abortion in Jewish Thought

### A Feminist Lens

The Jewish conversation on abortion has for centuries centered on *halakhic* decisions written by cisgender men. Beginning with a reading of Exodus 21, showing up and continuing throughout the Mishnah, Gemara, commentators, and *halakhic* codes and responsa, the Jewish discourse of abortion often excludes or marginalizes the voices of the women, transgender men, and nonbinary individuals with uteruses in whose bodies pregnancy and abortion happen. To combat this patriarchal injustice, I write the following chapter on a feminist approach to abortion in Judaism by centering the work of feminist Jewish writers. I will begin by laying out five feminist Jewish ethical categories created by Rabbi Emily Langowitz in her HUC-JIR rabbinic thesis. I will then add my own category that builds on the ethics of care as described by Virginia Held and as employed in a modern midrash by Rabbi Sue Levi Elwell. Then I will turn back to the central biblical and rabbinic texts to read them through these categories, assessing the ways in which they have sidelined the voices and actual experiences of individuals who have abortions. I will trace various elements of the Jewish discourse on abortion throughout history, selecting that which will be most relevant for my Reform Jewish readers. As I venture through these sources, I will continue to compare them to the six ethical categories described. The goal of this chapter is to review some of the relevant literature that had lasting impact on the Jewish abortion conversation while maintaining the primacy of women's voices. Dr. Ronit Irshai writes in her book *Fertility and Jewish Law*, "nonfeminist discussions...not only fail to treat the woman as central; they generally treat her as "invisible," for their analyses are centered primarily on the

question of the fetus' personhood."[5] While I will continue to engage with nonfeminist texts that focus centrally, if not entirely, on the status of the fetus' personhood, I will constantly compare those texts to the feminist ethical categories, which will follow here.

In her HUC-JIR rabbinic thesis, entitled *In Our Bodies to Do It: a Jewish Feminist Theology of Reproductive Choice*, Rabbi Emily Langowitz employs a combination of personal interviews and deep research to create five ethical categories of a feminist Jewish approach to understanding abortion: creation, bodily integrity, transmission, choice, and justice. These categories come together to create a feminist ethic of abortion in Judaism, each influencing and drawing upon the others. She writes, "Unlike the halakhic system, these ethical principles and their creative renderings are not meant as concrete legal material. Rather, they offer a new picture for how the Jewish past and present might come together to speak to this sensitive issue."[6] Very explicitly, she presents the *halakhic* narrative on abortion as insufficient, requiring the addition of the ethic she proposes, which is unsurprising given her commitment and Reform Jewish familial legacy (her grandfather was Eugene Borowitz, z"l, after all). By treating the *halakhic* discourse in this way, she sidesteps the very long and problematic patriarchal history of abortion within Jewish thought, which she lays out in her first chapter. In doing this, Langowitz makes the argument that the voices of the women and nonbinary individuals whom she interviewed carry equivalent moral — but not legal — weight to that of the ancient Jewish texts with which she pairs them. This in itself argues for Jewish women and nonbinary individuals to be seen as authoritative, ethical subjects. That these categories are founded on equal parts womens' and nonbinary individuals'

[5] Ronit Irshai, *Fertility in Jewish Law*. Brandeis University Press: Waltham, MA, 2012. p. 114.
[6] Emily Langowitz. "In Our Bodies To Do It: A Jewish Feminist Theology of Reproductive Choice." Rabbinic Thesis. HUC-JIR, 2017. p. 120.

storying-telling about themselves and a discussion of Jewish stories and texts indicates a radical feminist shift in the Jewish abortion conversation.

Langowitz's first category — unsurprising for a Jewish text — is Creation. Creation in this context is twofold, referring both to the body's ability to create and to the creative power, referenced above, of storytelling. Langowitz emphasizes the aspect of God's creation of the universe in Genesis which was evaluative, proclaiming each act and day of Creation as *tov*, good. Langowitz draws on this evaluative power as a necessary aspect to God's Creation of the universe: all things created in that story *must* be good. She uses this understanding of evaluative goodness in Creation and applies it to human reproductive creation. Langowitz writes a midrash in which she imagines God as a pregnant, female deity who, as described elsewhere in midrashic literature,[7] destroyed many worlds before settling on ours as *good*. Langowitz writes this as an abortion story: God aborting the many potential worlds from Her many pregnancies before Her pregnancy with this *good* world. She writes, "Women are in God's image not just in the fact of their pregnancy, but in their ability to evaluate such a pregnancy and determine if its creative process should continue and come to fruition. As such, we should stand for access to reproductive choices which enable all women to live with the dignity such a divine image deserves."[8]

In this category of Creation, Langowitz also emphasizes individual storytelling as creative power. Not only are women, nonbinary individuals with uteruses, and trans men capable of creative power by becoming pregnant, but they are also empowered creatively through the telling of their own stories. By telling one's abortion story, one is able to create a second time or version of Creation. This second Creation is a site of ownership,

[7] Breishit Rabbah 3:9.
[8] Langowitz, 130-131.

self-determination, and autonomy. The ability to retell one's narrative is in itself an assertion of creative power. The re-centering of gender-marginalized voices in the Jewish conversation on abortion heals centuries of doubled abortion traumas for women, nonbinary individuals with uteruses, and trans men, who experienced both the lack of total control over their decision making *and* the lack of control over the narrative around their experiences. Returning the control of this narrative to the bodies of those who experience pregnancy lends them their ethical subjecthood.

The second category Langowitz puts forth is that of bodily integrity. She defines bodily integrity as "the ability to exist fully in one's body without the violent imposition of external regulation or physical breach…[T]his goes beyond legal definitions of "privacy" whereby protections for abortion access define women's bodies as separate from the public sphere (and therefore not subject to political regulation). This is bodily integrity centered on the woman's right to control the parameters of her own life by having the power to control her physical health and well-being. The breach of such bodily integrity, therefore, is not simply a breach of the divide between the public and private spheres, but a disruption of the basic human right to a non-coercive embodied existence."[9] For Langowitz, bodily integrity is inviolability, both physical and mental. This inviolability extends beyond the parameters of the private sphere and into the public, such that governmental regulations on abortion *could not possibly* inhibit a person from seeking abortion. The ethic of bodily integrity thus protects the legality of abortion.

Langowitz takes this public/private sphere crossing ethic of bodily integrity into the concept of hospitality. Taking literally the phrase "housing another body," mentioned to her by one of her interviewees, she looks at hospitality and intersects it with Levinas' concept of

[9] Ibid, 131.

Other. If, according to Levinas, seeing the face of the Other claims responsibility on oneself, then in pregnancy, without literally seeing the face, must make great claims on the pregnant person. This concept Langowitz borrows from Dr. Lisa Guenther's work *The Gift of the Other: Levinas and the Politics of Reproduction*. Guenther argues that, by exploring Levinas' concept of Other in relation to pregnancy, one can see the pregnant person as an ethical subject. She writes, "What if we grounded women's reproductive freedom not on the assumption of an autonomous subject who owns her body and therefore has a right to choose, but rather on the ethical sensibility of an always-already embodied self whose very exposure to the Other calls for justice and equality, and therefore for women's right to choose?"[10] By becoming pregnant, the person encounters the Other embodied in the fetus, and that meeting "calls for justice and equality." This ethical subjecthood requires, then, the ability to choose to carry the pregnancy to term by determining if the conditions of that Other's life will be good.

Langowitz then turns to her third ethical category, and my personal favorite, that of transmission.[11] This concept, more so than any of the other wthical categories, stems primarily from her interviews with women and nonbinary individuals about their abortion stories. The interviews include the sharing of familial reproduction stories, from parents' or grandparents' own abortion stories to stories of familial volunteering with Planned Parenthood. These stories, Langowitz explains, informed her interviewees' experiences of deciding to terminate their pregnancies. Langowitz writes, "In this way, interviewees present a third ethical principle for approaching the discussion of abortion in Judaism. The heritage

[10] Lisa Geunther. The Gift of the Other: Levinas and the Politics of Reproduction. New York: SUNY Press, 2006. p. 143.
[11] As described in the Introduction to this thesis, my experience of deciding to terminate my own pregnancy was highly influenced by my mother's and my grandmother's pro-choice stances.

of reproductive decision-making is a manifestation of the Jewish interest in *l'dor vador,* the passing of values and stories from one generation to the next."[12] This category creates an inherent paradox: the generational transmission of pro-choice values cannot be transmitted to an aborted fetus. This paradox leads Langowitz to the logical conclusion that legacy in the concept of *l'dor vador* cannot just be biological genetic material, but instead must "[include] elements of spiritual, religious, and ethical transmission as well."[13]

This transmission of values thus leads to Langowitz's fourth, and most inevitable, ethical category: choice. She takes the story of the Oven of Achnai, which she astutely describes as a womb-like structure, and rewrites it into a midrash of Jewish women in ancient times discussing their abortion stories. God's response, like in the original story of the oven, encourages the correctness of their choosing, and ends with pride at their bodily autonomy and their support of one another. Langowitz uses both the original Oven of Achnai story and her deep grounding in Reform Jewish thought to argue that choice has been an essential element of Judaism writ large throughout history. Because the Jewish People *chose* to enter the covenant at Sinai, choice has been a foundational element in all of Jewish history and thought. All obligation stems from that original choice and the choosing that each generation does again. This focus on choice, similar to the focus on choice in the pro-abortion movement, serves as both an ethical foundation and a cumulation of the ethical categories laid out prior.

Of similar importance to the pro-choice movement is the language of reproductive justice. Langowitz again understands justice as a core Jewish value, revising the classic *tzedek, tzedek tirdof* of Deuteronomy as "Reproductive justice, reproductive justice shall you

[12] Langowitz, 138.
[13] Ibid, 138.

pursue."[14] She characterizes reproductive justice as greater than the issue of abortion itself, expanding it to all reproductive healthcare. She writes that this "is our moral outcry. This pursuit of justice is with the hope that it might lead us to a world redeemed: a world in which women of all backgrounds, classes, races, religions, and locations are given equal access to the tools they need to make caring decisions for their own lives and the lives of their families. A world in which pregnant people are honored for their divine creative potential and their powers of discernment, where the legacy of reproductive history is recognized as a lasting testament to a covenanted relationship with the Source of the universe, where the female body's generosity is never coerced, where freedom of choice is known to be a religious value."[15] It is clear that justice is the cumulative, ultimate ethical category, built from all the others. That she considers reproductive to be redemptive is worthy of special note. While each of the prior ethical categories constitute a shift in religious thinking about abortion and bodies capable of pregnancy, only justice is categorized as redemptive.

What I find to be missing from Langowitz's powerful ethical categories of understanding abortion is the concept of care. Care ethics focuses on individuals as dependent and relational beings that require care. The ethics of care is a feminist response to the dominant ethical theories that have, for centuries, focused on men's experiences in the public sphere. The centrality of these experiences has led to ethical theories that treat humans as individual, mostly bodiless, independent beings who have no relational obligations to others. Humans are, of course, emotional, embodied, interdependent beings who have many obligations to others, and who at times obligate others to themselves. Care ethics recognizes

[14] Ibid, 156.
[15] Ibid, 156.

this and responds to it with an ethical subject that is relational, emotional, and, at least sometimes, dependent on others.

Virginia Held, in her "Ethics of Care," describes the five characteristics of care ethics consistent across most care theorists. She begins with the ways in which an ethic of care understands individuals both to have responsibility for and to meet the demands of that responsibility towards particular others. "The ethics of care recognizes that human beings are for many years of their lives dependent, that the moral claim of those dependent on us for the care they need is pressing, and that there are highly important moral aspects in developing the relations of caring that enable human beings to live and to progress."[16] Held describes here that, because all individuals are at some point dependent, the claims that a dependent individual makes on another has "moral salience."[17] It is important to note that care ethicists focus on claims not of a universal Other, but of the particular others in our lives to whom we owe responsibility. While Held does not delve deeply into this aspect here, I want to draw out an element of this dynamic that will be important in my later evaluation: *because* we are all dependent on others, we are obligated to tend to others' needs. Our human dependence obligates us to care for others. This web of dependence and obligation leads to a society of interdependence.

Held's second characteristic of care ethics is the value that it places on emotions. While dominant moral theories have sought traditionally to reject emotion as subjective at best and misleading at worst, care ethics seeks to value at least certain emotions and the moral claims to which they lead. This valuing and trusting of emotions demonstrates a radical shift from previous ethical thought. Held is willing to break from tradition only to a

[16] Virginia Held. "The Ethics of Care." *The Oxford Handbook of Ethical Theory*, 2005. p 2.
[17] Ibid, 2.

certain extent, however. She writes that "such emotions as sympathy, empathy, sensitivity, and responsiveness are seen as the kind of moral emotions that need to be cultivated."[18] As if mimicking care ethics' focus on *particular* others, Held allows for only *particular* emotions to be considered in ethical decision making. I would hope that, as the ethics of care continues to develop, a more complete reckoning with a broader range of emotions would emerge. Either way, the implication of considering emotion (or even certain emotions) as a valuable element to ethical decision making is that individual contexts and the dynamics of interpersonal relationships matter.

In her third characteristic, Held emphasizes the particularistic nature of care ethics. As mentioned above, care ethics recognizes the caring work done for particular others. This shift from universality to particularity, like the valuing of emotions, is also a radical shift from traditional moral theories. That care is done for particular individuals makes sense: one cannot do the labor of raising every child in the world. And if one were to apply the same, uniform methods of care to each dependent baby, many of those babies would not thrive. Both the work of care and the recipients of care must be particular for care to happen successfully. This recognition of particularity leads to the rejection of "objectivity" or universality as the ideal for ethical decision making. Objectivity in child rearing or in elder care would fail to recognize the particular needs of the individuals receiving care *as well as those who do the work of caring*. Held writes of this phenomenon:

> Those who conscientiously care for others are not seeking primarily to further their own *individual* interests; their interests are intertwined with the persons they care for. Neither are they acting for the sake of *all others* or *humanity in general*; they seek instead to preserve or promote an actual human relation between themselves and *particular others*. Persons in caring relations are acting for self-and-other-together. Their characteristic stance is neither egoistic nor altruistic; these are the options in a conflictual situation, but the

[18] Ibid, 3.

> well-being of a caring relation involves the cooperative well-being of those in the relation, and the well-being of the relation itself.[19]

For our purposes, this is the most essential element of care ethics. Care happens between two (or more) individuals and affects each individual as well as the relation between them. One who provides care acts for "self-and-other-together," as Held puts it, in that the caring individual's interests and actions cannot be separated from the cared-for's interests and actions. As we begin to turn back towards the topic of abortion, the acting for "self-and-other-together" will be crucial.

Held's fourth characteristic of care ethics — the reconceptualizing of public and private — can be seen in Langowitz's ethical category of bodily integrity. This characteristic also deals with the inherent imbalance of power in caring relationships. Mara Benjamin, in her book *The Obligated Self: Maternal Subjectivity in Jewish Thought*, writes extensively on this power imbalance. She relates parental power to Divine power, in that both are entangled in love, anger, and constraint.[20] She also recognizes the ways in which a child has power over their parent(s): the child obligates the parent to respond to their needs. These two displays of power are in no way equal, but they both interact in the relationship formed between a parent and a child. Moving away from the parent-child example, any carer will have physical, mental, or emotional power over one being cared for, but the cared-for will also have the demanding power of their needs. This can only be reconciled through the caring relationship entered willingly (or unwillingly, i.e. a child cannot choose their parent) by the two individuals.

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[19] Ibid, 5.
[20] Mara Benjamin *The Obligated Self: Maternal Subjectivity in Jewish Thought*. Indiana University Press: Bloomington, IN. 2018. Pp. 37-58.

The final characteristic that Held describes is the fundamentally relational stance of *all* individuals. While traditional models of ethical theory have assumed individuals to be independent, rational, able-bodied people (read: men), care ethics recognizes the necessary relationships and the work of those relationships that allow any individual to survive, grow, thrive, exist. She sums up this characteristic succinctly: "That we can think and act as if we were independent depends on a network of social relations making it possible for us to do so."[21] Humans are inherently interdependent. All ethical theory, or philosophy in general, must contend with this truth. No individual can survive without the care of another.

Having sufficiently delved into care ethics, I now turn back to Langowitz's ethical categories and my additions thereto. In order to do this, I will assess a modern midrash written Rabbi Sue Levi Elwell which addresses abortion.[22] I will argue that this midrash provides a Jewish application of the ethics of care to a story of an abortion. Elwell's midrash centers on the character of Tirzah, the presumed youngest daughter of Tzelophechad. At the young age of twelve, Tirzah conceives. She decides that she is too young to carry the pregnancy to term, consults with her sisters and a midwife, and aborts. The midrash ends with an idyllic scene of women gathered together sharing their stories of fertility, terminations, and life. Told through Tirzah's eyes, Elwell's story gives agency and bodily autonomy even to young women. The only male character in the entire story, BenAv — whose name means "son of the father" or perhaps "son of patriarchy" —, is relegated to the place typical for women in biblical stories: he is present until the conception, and then fades from view. This is a story about women, girls, and sisters.

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[21] Held, 7.

[22] Sue Levi Elwell, "In the Right Time: Reflections on an Abortion" in Sue Levi Elwell and Nancy Fuchs Kreimer, *Chapters of the Heart: Jewish Women Sharing the Torah of Our Lives*. Cascade Books: Eugene, OR. 2013. 97-106. Reproduced text of the midrash can be found as Appendix A.

Elwell's midrash begins with Tirzah and her sisters "watering [their] father's sheep."[23] Already we have a backdrop in which the labor of care is focal. Despite the sheep's link to the father and, therefore, to patriarchal systems, the sisters' act of care towards the sheep sets a caring tone in the story. The sheep will become a metaphor for children over the course of the midrash. Throughout the story, different acts of care are highlighted both metaphorically and literally. The midwife is introduced as one who "care[s] for all women in their times of need."[24] Mahlah cares for Tirzah by watching her when her period does not come.[25] The sisters care for Tirzah during the physical process of terminating her pregnancy.[26] The women of the village "care for one another from first blood until the time when women no longer count their days by the moon."[27] In each of these literal moments of care, individuals tend to particular others. These acts of care are reciprocated in some cases and paid forward in others. For instance, the women care for each other in a reciprocal act of interdependence, but Mahlah and Hoglah, in apprenticing for the midwife, pay forward their acts of care to others. In each of these cases, care is highlighted not only as a worthy practice but as a crucial element to the success of the individuals receiving care. The sheep will not survive without the care of Tirzah and her sisters (and occasionally BenAv). The women will not bear children without the care of the midwife, without the interdependent care of their community. Even the hosting of the feast itself can be read as an act of care itself, providing Tirzah and the community with space to reveal and share their experiences without shame or judgment. Care in this story provides the moral backdrop against which Tirzah makes her decision to terminate her pregnancy.

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[23] Ibid, 103.
[24] Ibid, 104.
[25] Ibid, 104.
[26] Ibid, 104.
[27] Ibid, 105.

In making her decision, Tirzah begins with the emotions she feels. This valuing of emotion in her deciding reflects Held's second characteristic of the ethics of care. Elwell writes in Tirzah's voice:

> When I awoke, I saw that the sun had moved across the sky. I felt beautiful and strong and clear. This was not my time for love. I woke BenAv and we sat together, first in silence, and then with words. "Daughters of Jerusalem, swear to me by the gazelles, by the deer in the field, that you will not awaken love until it is ripe." We both knew that we were not yet ripe. We both knew that this was not our time to come together as a family. We agreed that we would not be together again in this way. We returned home with the flocks.[28]

The first verb Tirzah/Elwell uses to reflect on the moments of conceiving is "felt." This prioritizing of emotion leads her to make her first moral decision, that she will not continue to have sex with BenAv until she is older. After making this decision, she turns to the verb "knew," indicating its secondary role in her decisions. She comes to know what to do *through* her experience of *feeling* what was right in her particular situation and context.

It is in this deciding moment with BenAv that Tirzah enacts Held's third characteristic of care ethics, as well, by acting for self-and-other-together. In the reflecting on conceiving, above, Tirzah acts for herself *and* for BenAv in deciding not to continue to have sex with him. Later, when it becomes clear she is pregnant, Tirzah acts again for both of their sakes, choosing to terminate as an act of care for herself and for BenAv. Understanding abortion as an act of care might seem contradictory to our modern societal discourse on abortion, especially in a religious context. Most religious discourse on abortion in contemporary America assumes that a person who chooses to terminate their pregnancy is committing a *careless*, even cruel act against the fetus. What Elwell's midrash highlights is how choosing to abort can be an act of care done *both for self and for other(s)*. For Tirzah,

[28] Ibid, 104.

her abortion serves both her own interest and BenAv's. Mahlah, in caring and supporting Tirzah as she seeks reproductive care from the midwife, acts for herself (presumably, as the eldest sibling, she would be involved in supporting Tirzah and BenAv) and for Tirzah. And the midwife, having received payment for her services, acts in her own interest *and for Tirzah's*, demonstrating "love and consternation" in her interaction with the young girl.[29]

I want to pause here to highlight my choice to ignore the "interest" of the fetus. In my opinion, as a not-yet-human entity, the fetus' "interests" do not even exist. Those who would speak on behalf of the interests of a no more than four weeks formed fetus would instead be speaking on their *own behalf*. Irshai addresses this conflict succinctly and coherently:

> It seems to me that every liberal position on abortion, whether or not it is rooted in a feminist worldview, is required to address the question of the fetus's personhood. At the same time, I would argue that one's assessment of that status will be influenced by the weight one gives to women's interests and by regarding women as a subject in one's formulation of the abortion "narrative." I believe that those who decide that the fetus is a "person" do so not solely, and perhaps not even primarily, because they are persuaded that is is a "person" from the instant of fertilization or from some later stage in the pregnancy or because of scientific "proofs" that may be adduced on the subject. Their determination stems, at least in part, from a conscious or unconscious worldview in which women play no more than a supporting role in the drama of life...In that view, a woman can never be regarded as the subject, and the fetus will always count for more than she does."[30]

To consider abortion from a feminist standpoint, then, would be to center the voice and the interest of the woman/pregnant person over that of the fetus. While it is, in Irshai's opinion and my own, impossible to ignore the question of fetal personhood, that question cannot be the only focus of the conversation.

Returning to the story, I now turn to how Elwell engages in the feminist reconceptualizing of the spheres of public and private. In the midrash, acts that happen in

[29] Ibid, 104.
[30] Irshai, 115.

"private" enter the sphere of the "public." The conception scene happens out in the fields near the oasis at which Tirzah and BenAv were watching Tirzah's family's sheep. These fields are later referred to as "open spaces."[31] In this public space, however, Tirzah and Ben Av set up their "cloaks as a barrier from the midday sun."[32] In doing so, they make a semi-private space. The acts that happen between them are thus semi-private, which is reinforced in Mahlah's asking Tirzah about BenAv. The midwife's tent and the tent in which Tirzah drinks the potion which induces her miscarriage, are both private spaces. Yet they are followed by a feast which subversively celebrates Tirzah's abortion publicly.[33] This breaking down of the differences in moral behavior in public versus in private reflects the feminist understanding of power in the ethics of care as well the foundational feminist insight that the personal is political.[34]

The interdependence of this fictional community of women is clear. The relational stance of each individual character — Mahlah and Hoglah's reliance on the midwife's teaching, Tirzah's reliance on Mahlah, the women of the village's dependence on each other — highlights this interdependence. While Tirzah alone makes her decision to no longer engage in sexual activity with BenAv, she decides to terminate her pregnancy with the help and care of Mahlah. At the midwife's tent, Shifra emphasizes the interdependent nature of all of Tzlophechad's daughters when she asks, "have you conferred with your sisters?"[35] One might expect in this scene that the midwife performing the abortion would have asked, "have you conferred with *the father*?" Instead, by asking about Tirzah's conversations with her sisters, Shifra highlights their relational stance while Elwell highlights a feminist shift in the

[31] Elwell, 104.
[32] Ibid, 104.
[33] In a typical biblical story, a feast would follow the birth of a son. See, for example, Gen. 21.
[34] Millet, *Sexual Politics*.
[35] Elwell, 105.

discourse of abortion. Elwell makes it clear that, in a decision for a young woman to terminate her pregnancy, the opinion of the would-be father is not of importance to the medical professional providing the care. This scene also subverts the concept of consulting with a *posek*, a (male) legal decisor, when making the decision to terminate the pregnancy. Shifra does not encourage Tirzah (and BenAv) to get legal permission to make this decision; it is recognized that the decision lies with Tirzah and with her network of carers alone.

This midrash touches on each of Held's five characteristics of the ethic of care. Tirzah is a prime example of a relational subject who depends on the care of others in moments of her ethical decision making. The community plays a crucial role in providing and receiving care, thus redrawing the boundaries of public and private. Each act of care takes into account the specific context and particular others involved, meaning that all ethical decision making does the same. And characters value the experience of emotion in making choices. Thus, I argue that interdependent care, as expressed in this Jewish imagining of an abortion story, should be considered in Jewish discourse around abortion.

**Classic Texts**

Having established interdependent care as an ethical category worthy of consideration in the Jewish conversation around abortion, I add it to Langowitz's original five. This means that, in my contribution to the feminist Jewish conversation on abortion, the five ethical categories that I will address are: creation, bodily integrity, transmission, choice, justice, and interdependent care. I will now assess traditional discourses on abortion in Jewish context through these categories. The abortion discourse in Judaism is long and winding. For the sake of brevity (and my sanity!), I will focus on the two main conversations on abortion in Jewish

textual and *halakhic* discourse: the question of *nefesh* vs. *rodef* and the consideration of the mother.

There are three primary sacred texts that dominate later Jewish conversations on abortion. The first text is always Exodus 21:22-25:

> וְכִי־יִנָּצוּ אֲנָשִׁים וְנָגְפוּ אִשָּׁה הָרָה וְיָצְאוּ יְלָדֶיהָ וְלֹא יִהְיֶה אָסוֹן עָנוֹשׁ יֵעָנֵשׁ כַּאֲשֶׁר יָשִׁית עָלָיו בַּעַל הָאִשָּׁה וְנָתַן בִּפְלִלִים: וְאִם־אָסוֹן יִהְיֶה וְנָתַתָּה נֶפֶשׁ תַּחַת נָפֶשׁ: עַיִן תַּחַת עַיִן שֵׁן תַּחַת שֵׁן יָד תַּחַת יָד רֶגֶל תַּחַת רָגֶל: כְּוִיָּה תַּחַת כְּוִיָּה פֶּצַע תַּחַת פֶּצַע חַבּוּרָה תַּחַת חַבּוּרָה:
>
> 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. But if other damage ensues, the penalty shall be life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, bruise for bruise.[36]

In this case, the pregnancy lost is not the result of deliberate termination, but, because this is the only explicit text in Torah about pregnancy loss, it becomes the foundation for nearly all later discussion on abortion. In this example, the fetus and the mother are put on two completely separate planes. The fetus' worth is measured in monetary repayment, while the mother is considered a *nefesh*. In his exhaustive work, *Abortion in Judaism*, Daniel Schiff explains the importance of this text and the implications that it has for future conversation, writing:

> Perhaps of greatest significance, however, the Exodus legislation is without peer insofar as it does not merely depict the mother's life as being of a higher value, but it ascribes to her a status that is on a qualitatively different plane. It stands alone in requiring that the compensation for her loss be appropriate to the loss of a *nefesh*, while the compensation for the fetus is evaluated simply on the basis of its features...As Exodus presents it, then, fetal expulsion represented the loss of property, the value of which had to be repaid; the death of the woman, on the other hand, represented the loss of a life, an unquestionably living soul, which deserved a full restitution, the amount of

[36] JPS Translation.

> which could not be preordained, but had to befit the extinguishing of a unique, extant human being.[37]

This distinction between the value of the fetus and the value of the mother (which I will extrapolate to include any pregnant person of any gender) qualifies all future abortion discussion in Jewish sources. Specifically, the pregnant person is considered to be a *nefesh*, whereas the fetus is not. This *nefesh* status will differentiate the pregnant person from the fetus in nearly all subsequent texts.

The second text I will address builds directly on this *nefesh* status differentiation. Mishnah Ohalot 7:6 reads:

> הָאִשָּׁה שֶׁהִיא מַקְשָׁה לֵילֵד, מְחַתְּכִין אֶת הַוָּלָד בְּמֵעֶיהָ וּמוֹצִיאִין אוֹתוֹ אֵבָרִים אֵבָרִים, מִפְּנֵי שֶׁחַיֶּיהָ קוֹדְמִין לְחַיָּיו. יָצָא רֻבּוֹ, אֵין נוֹגְעִין בּוֹ, שֶׁאֵין דּוֹחִין נֶפֶשׁ מִפְּנֵי נֶפֶשׁ:

> If a woman suffers hard labor, the fetus is cut up in her womb, and taken out limb by limb, for her life (*chaiyeiha*) comes before its life (*chaiyav*); if the majority of it has [already] come out, it must not be touched, for the [claim of one] life (*nefesh*) can not supersede [that of another] life (*nefesh*).[38]

This text takes the *nefesh* status differentiation a step further and firmly into the realm of abortion. In the case of a woman suffering "hard labor" (the definition of which the text leaves vague), the fetus is terminated within her uterus. When the *majority* of the fetus has exited her body, it is *then* granted the status of *nefesh*, at which point it cannot be terminated because the two are of equal status. The fetus is only granted *nefesh* status once it has emerged from the womb. From this, it is clear that a fetus in the womb does *not* qualify as a *nefesh*, and that *nefesh* status is granted only at birth.

The third primary classical text comes from Mishnah Arakhin 1:4. In this text, a pregnant woman has been condemned to execution. If she is pregnant but not in labor, she is

[37] Daniel Schiff. *Abortion in Judaism*. Cambridge: Cambridge University Press. 2002. pp. 10-11.
[38] Translation: Schiff, p. 36.

executed quickly; however, if she has begun labor, the execution is delayed until after the birth. The text reads:

> הָאִשָּׁה שֶׁהִיא יוֹצְאָה לֵהָרֵג, אֵין מַמְתִּינִין לָהּ עַד שֶׁתֵּלֵד. יָשְׁבָה עַל הַמַּשְׁבֵּר, מַמְתִּינִין לָהּ עַד שֶׁתֵּלֵד
> The execution of a pregnant woman who is condemned to death is not postponed until after she gives birth. But one she is on the birthstool, the execution is postponed until after she gives birth.[39]

This text also will be used as a basis for subsequent *halakhic* discussion on abortion. Whereas, in Mishnah Ohalot, the majority of fetus needed to emerge for the fetus to be categorized as a *nefesh* and thus worthy of consideration, here, the fetus is considered at the onset of labor. Considering the Arakhin and Ohalot texts together, it is clear that the fetus in utero has a lesser legal status than the mother/pregnant person, and that the legal status of the fetus changes at some point during the birth process.

At this point, I would like to reflect on these three texts using our established ethical categories of abortion. In the Exodus text, the bodily integrity of the woman is considered from the standpoint not of the woman herself, but of her husband and the assumed mediator of the "reckoning." Her subjectivity is not considered; the payment for her pregnancy loss is determined by her husband. She has no creative power of voice, either through story-telling or through arguing the recompense of her loss. And most notable, she personally receives no justice in this text. Justice in the Exodus example is claimed by her husband: compensation for the loss of his property, the fetus, and retributive justice for the loss of his property, his wife. In the Ohalot mishnah, we see the first element of interdependent care. The verbs to cut up and to remove, while translated in the passive voice by Schiff, are written in the third person plural: *they* cut up and *they* remove. The woman suffering the difficult labor is

[39] Translation Schiff, 37.

receiving medical care. Not only is she receiving care, but her suffering — which could and will be read as physical *or mental/emotional* — is determined to be of value to decision making. When the text reads "*chayeiha kodmin l'chayyav*, her life comes before [the fetus's]," it is recognizing that the "life" of the woman and the fetus, which are being treated as two separate entities by virtue of that statement, are intertwined. Her life is given greater import (because of the *nefesh* status) than its life, and she is granted care. In the Arakhin text, we see a consideration of context in the choice of the executioners to kill the woman and thus abort the fetus or to stay the execution until the birth is complete. While this can hardly be read as a feminist act of care, it does align with care ethics consideration of individual need and context in ethical decision making.

**Not a *Nefesh* vs. Life a *Rodef***

From the three above texts, the greatest argument in the *halakhic* discussion on abortion stems. This argument, which I have called *nefesh* vs. *rodef*, can be summed up by looking at the opinions of Rashi and Rambam in the 12th century. These two opinions reread Mishnah Ohalot in diverging ways; the former arguing, as I have above, that the fetus is aborted because it is not a *nefesh*, and the latter arguing that it is aborted because it is acting as a *rodef* (explained below). Rashi writes, in his commentary to BT Sanhedrin 72b, "It is removed limb by limb, for, as long as the being did not come out into the world, it is not a *nefesh* and it is permitted to kill it and to save its mother. But, if the head has emerged, it may not be harmed, because it is considered as fully born, and one may not take the life of one *nefesh* in favor of another."[40] Rashi's argument follows the logic of the text as I have above. The status of the fetus is lesser than that of the mother, because the mother is a *nefesh* and the

[40] Translation Schiff, 58.

fetus does not become a *nefesh* until part of its body has emerged. Rashi clarifies the word "*rubo*, the majority" to mean "its head." What implications this has for a breech birth, he does not consider.

Rambam agreed with Rashi's assessment of *rubo* as referring to the head, and then he adds another category to the discussion, hitherto unconsidered, that of the *rodef*. The general category of *rodef* in rabbinic and *halakhic* literature is used to describe a person (or, in this case, a fetus) who is pursuing another person with the intent to kill them. It is permitted in *halakhah* to preemptively kill the *rodef* in order to save the life of the one being pursued.[41] In Hilchot Rotzeiach 1:9, Rambam applies this term to the fetus:

> אַף זוֹ מִצְוַת לֹא תַּעֲשֶׂה שֶׁלֹּא לָחוּס עַל נֶפֶשׁ הָרוֹדֵף. לְפִיכָךְ הוֹרוּ חֲכָמִים שֶׁהָעֻבָּרָה שֶׁהִיא מַקְשָׁה לֵילֵד מֻתָּר לַחְתֹּךְ הָעֻבָּר בְּמַעֶיהָ בֵּין בְּסַם בֵּין בְּיָד מִפְּנֵי שֶׁהוּא כְּרוֹדֵף אַחֲרֶיהָ לְהָרְגָהּ. וְאִם מִשֶּׁהוֹצִיא רֹאשׁוֹ אֵין נוֹגְעִין בּוֹ שֶׁאֵין דּוֹחִין נֶפֶשׁ מִפְּנֵי נֶפֶשׁ וְזֶהוּ טִבְעוֹ שֶׁל עוֹלָם:
>
> This too is a negative commandment: not to have compassion on the life of the pursuer (*rodef*). Therefore, the sages ruled that when a woman has difficulty in labor it is permitted to dismember the fetus within her, either by drugs or by surgery, because the fetus is like a *rodef* pursuing her to kill her. But once the head has emerged, the fetus may not be harmed, for we do not set aside one life for another. This is the natural course of the world.[42]

In his assessment, Rambam does not consider the morality or legality of aborting the fetus due to it's non-*nefesh* status; rather, he argues that the fetus is aborted because it is acting like a *rodef*. It is important to note that he does not commit to categorizing the fetus as a *rodef*. Instead, he uses the term "*k'rodef*, *like* a rodef" (emphasis mine). It can and will be argued from there that it is not legal to abort a fetus simply because it is of a lesser legal status than the mother/pregnant person; the fetus also must be acting like a *rodef* in jeopardizing the mother's/pregnant person's life. This shift in categorization will lead to more stringent

[41] Talmud Bavli, Sanhedrin 73a.
[42] Translation Schiff, 59.

*halakhic* rulings. Schiff argues that Rambam's inclusion of the *rodef* category is unreasonable, writing, "Maimonides' decision to deem the fetus a *rodef*, and then — seemingly arbitrarily — not to apply the *rodef* classification to the emerging newborn, appears to defy logic," especially since women literally often died in childbirth![43] That Rambam only categorizes the fetus as a *rodef*, and not the emerging newborn, seems to rely on an assumption that the *nefesh* argument also applies, without explicitly referencing it. But the addition of the *rodef* category for the fetus could be argued, as Schiff does, to be an arbitrary attempt at a more stringent anti-abortion ruling.

Nearly every *halakhic* (and many non-*halakhic*) writer will take up the question of *nefesh* vs. *rodef*. For centuries the question of the fetal status vis a vis its host (the mother/pregnant person) will remain the central conversation on abortion in Jewish settings. Conversations on what it means for a fetus to endanger the life of its mother will stem from Rambam's stringent and Rashi's lenient readings of Ohalot. Some writers will sometimes argue that one of these two original standpoints reads the text incorrectly; other writers will attempt to reconcile the two arguments. Instead of recapitulating centuries of arguments, I will focus on the divide itself through the lens of our ethical categories.

What must be stated clearly and primarily is the obvious lack of women's voices in this debate. Rashi and Rambam were cisgender men, arguing over the legality (and thus, looking at Langowitz's category of justice, accessibility) of altering the state of a fetus as it resides in or begins to transition out of a woman's body. There is no space whatsoever for the pregnant women in these scenarios to assess the value of their creation or to determine its or their own fate through story-telling or considered judgment. Bodily integrity is lost in the complete objectification (as in, the removal of subject-hood) of the pregnant women, in

[43] Schiff, 60.

whose bodies the fetuses are cut up. Without access to storytelling, transmission of reproductive histories is completely out of the question. Choice belongs completely to the male legal decisors, not the pregnant individuals themselves, and reproductive justice as well is mediated by men. Only interdependent care can be considered as present in these texts, and, even so, it barely holds any weight in the consideration of termination. Both Rashi and Rambam consider the value of the mother's life *only* in relation to the fetus' status, which pits individual against individual. They do not take into account the caring work that she has done in growing the fetus and will continue to do if raising a baby. The mother may have a higher legal status, at least according to Rashi, than the fetus, but she is not in any way an ethical subject with decision making power with regard to these texts, and, therefore, with regard to the lives of centuries of women who live by the texts' rule.

Dr. Ronit Irshai addresses the crux of the *nefesh* vs. *rodef* debate by shifting the question. Instead of asking why an abortion could be permitted in certain cases, she argues that the conversation should consider the silenced voice of women. She argues that "women are seen as objects rather than subjects, that there is little if any understanding that femininity extends beyond the reproductive function, and that there is minimal sensitivity to the woman's physical and psychological needs beyond the context of mortal danger."[44] By asking these questions with respect to the previous argument, Irshai restores ethical subjecthood to women (and, by extension, pregnant people of all genders) and considers their needs and role in decision making.

[44] Irshai, 177.

### *Tzorekh* of the Pregnant Person

While the *nefesh* vs. *rodef* debate essentially ignores the needs and wants of the pregnant person, the other central conversation in Jewish discourse about abortion does consider the mother. This conversation of the mother's needs also predicates itself on the Mishnah Ohalot text and its vagueness in defining the suffering of "hard labor," as Schiff called it. What does it mean to suffer hard labor? What does it mean when we claim that the fetus endangers the life of its mother? What is the meaning of the word "life" when the text reads "her life comes before its?" The Maharit (Joseph Trani), a rabbi in Turkey in the late 16th/early 17th centuries, was the first to create a legal characteristic that addresses these questions, that of the *tzorekh*, the need, of the mother. In a *teshuvah* on abortion, Maharit writes, "if, out of concern for the disgrace of the mother, we kill the fetus without concern over murder (*ibud nefashot*), it follows that — where Jews are concerned — for the 'need' (*tzorekh*) of the mother it is permitted to cause her to abort since it is for the mother's healing."[45] This new framing, *tzorekh*, the need of the mother, shifts the perspective of the conversation from its sole focus on the status of the fetus to considerations of the mother. According to the Maharit, the fetus is aborted not because it is a non-*nefesh* and not because it is acting as a *rodef*, but because the needs of the pregnant person, the *tzorekh*, is weighted more heavily against that of the fetus. Left ambiguous again, however, is what constitutes a *tzorekh*, what counts as a need.

Jacob Emden, an 18th century German rabbi, also uses the ambiguous language of *tzorekh* in addressing the legality of abortion. In his *She'eilat Ya'avetz*, he writes: "even with a legitimate fetus, there is reason to be permissive (*lehakel*) where there is "great need" (*tzorekh gadol*), so long as it [the fetus] has not uprooted itself [i.e., labor has not yet begun].

[45] Y. Trani, *Maharit*, Teshuvah 99, Lemberg, 1861. Cited here in a translation by Schiff, p. 70.

[This is so] even if it were not to save the life of the mother, but to save her from the adverse consequences which "great pain" would cause her. The matter requires further consideration."[46] Emden emphasizes the need, calling it *tzorekh gadol*, and then clarifies that this need is specifically non-life threatening. The "adverse consequences" from "great pain" are intentionally ambiguous, but are clearly referring to the mother's needs beyond the life-threatening contingency that Rambam's *k'rodef* assumes. At the turn of the 20th century, Rabbi Ben-Zion Ouziel will take this predicated need one step further into leniency. He will shift away from Emden's "great" need to his own "thin" need. He writes in 1935, "In any case, it is very clear that the killing of fetuses is not permitted unless there is a need, even if it is for a *tzorekh kalush* (thin need), such as to prevent the *nivul* (ניבול) of the mother"[47] Ouziel has now moved *tzorekh* to mean even the dishonor of the pregnant person. Dishonor, again, is an ambiguous term, but it is abundantly clear that these rabbis are permitting abortions based on an array of needs of the pregnant person that span beyond just her basic ability to continue living.

At the start of the twentieth century, another rabbi, Mordecai Winkler, presents a *teshuvah* that takes this consideration of the mother's needs clearly into the realm of her mental health. Posed a question about a specific woman at risk for deteriorating mental health, Winkler responds that, "because mental-health risk has been considered to be akin to physical-health risk, this woman could be permitted to abort in the event that she became pregnant."[48] Basing his ruling on a previous ruling about the importance of mental health, Winkler expands the concept of *tzorekh* beyond the strictly physical needs of the pregnant individual. In terms of our ethical categories, we see a shift in these above *teshuvot* in the

[46] Jacob Emden. *She'eilat Ya'avetz*, Altona, 1739. Cited here in a translation by Schiff, p. 82.
[47] Ben-Zion Ouziel. *Mishpetei Ouziel*, Tel Aviv, 1935. Cited here in a translation by Schiff, p. 124.
[48] Schiff, 118.

way that bodily integrity is considered. The pregnant individual's *needs* have now become part of the conversation, be they physical or mental needs. While we are not yet at the point of seeing the aborting of a pregnancy as a "non-coercive embodied experience," as Langowitz puts it, we are coming closer to a legal consideration of the person whose body houses the fetus. In the aforementioned article, Virginia Held writes, "An ethic of justice focuses on questions of fairness, equality, individual rights, abstract principles, and the consistent application of them. An ethic of care focuses on attentiveness, trust, responsiveness to need, narrative nuance, and cultivating caring relations."[49] Against a history of *halakhic* rulings which tend to argue that abstract principles override individual responsiveness, these rulings engage in the ethics of care by focusing on the individual pregnant person's needs.

**Reform Judaism's Contribution**

At this point, we will turn to two contributions to the abortion conversation from the Reform Movement in North America. We see yet again, in an unprecedented resolution adopted by the Central Conference of American Rabbis in 1975, a shift in the Jewish conversation on abortion. As leaders of a non-*halakhic* movement, the rabbis of the Conference do not confer on the legality of abortion, but rather the morality of it. In this responsum, the Conference places the responsibility and ethical subjecthood of the decision making directly into the hands of the individual pregnant person and their family, rather than setting a legal standard that must be upheld in all cases. Part of the responsum reads:

> We direct the attention of individuals and families involved in such decisions to the sentiments expressed in Jewish legal literature looking favorably on therapeutic abortion. We believe that the proper locus for formulating these

[49] Held, p. 12.

> religious and moral criteria and for making this decision must be the individual family or woman and not the state or other external agency.[50]

The recommendation to read *halakhic* literature is just that, a recommendation, and also points particularly to the literature that supports abortion. It is consequential that the "proper locus for...making this decision" is the "family or woman." Not only is the Conference specifically rejecting the concept that a government should legislate uniformly for all individuals, but they are also subtly promoting the idea that it is not *just* the woman, but the family, who makes the decision. Even with the choice of the word "or" rather than "and," the placing of "individual family" before "woman" reveals their preference for this decision to be made not by the woman (or pregnant individual) alone, but in conference with a partner or other family members. Even so, this text is firmly pro-choice. Read in terms of Langowitz's category of choice, this resolution is the most feminist and choice-filled text we have seen so far. By arguing that the pregnant person has primary power over the decision to terminate a pregnancy (secondary power is attributed to the family and the advisor they seek), this resolution makes space for that individual to assess the goodness of the pregnancy, thus fitting into Langowitz's category of creation. Most clearly, this resolution addresses the unique context and individual *needs* of someone having an abortion. This places this text firmly within the category of interdependent care. Rather than setting a *halakhic* precedent which must apply to all couples in similar contexts, this resolution recognizes the pregnant individual's ethical deliberative capacities and allows her/him/them to make their own decision.

The second text that reflects the contributions of the Reform Movement towards the abortion conversation is an article by the CCAR Chief Executive, Rabbi Hara Person,

[50] Central Conference of American Rabbis. "Resolution: Abortion, 1975," https://www.ccarnet.org/ccar-resolutions/abortion-1975/

published in *Time Magazine*. This opinion article, entitled "Rabbi: President Trump's Birth Control Mandate Is an Attack on Religious Liberty," presents an argument against President Trump and his administration in response to their 2017 attempt to cut birth control provisions in the Affordable Care Act.[51] The attempted cut was presented as a protection of religious liberty, arguing that employers should not have to provide birth control if they believe it to be sinful in their (Christian) religion. Person's article argues back, saying that denying access to birth control and safe abortions is an attack on religious liberty. She defines religious liberty as "the freedom of and the freedom from religion."[52] Person does not argue specifically that it is Jews' religious liberty that is endangered — perhaps because the wide American readership of *Time Magazine*, or perhaps because her Reform Jewish values tend towards universalism — but she does reference her role as a rabbi in the following sentence, when she writes "As a rabbi, I understand this distinction."[53] It is the only place in the article where she references her religious identity and values, modeling her belief that specific religious values have no place in the American abortion debate. Despite this, the CCAR has used quotations from this article in many pro-choice statements on reproductive rights.

Person begins her article with a description of her great-grandmother's experience of having an abortion on her kitchen table using a knitting needle. In the story, she describes her great-grandmother's Lower East Side tenement apartment, an experience shared by countless Jewish immigrants at that time. She uses this story as a subtle nod to a shared Jewish story, that of coming to America and living in poverty in New York. Person then builds her article on this story and on data about birth control and abortion in America. She ends her article

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[51] Hara Person. "Rabbi: President Trump's Birth Control Mandate Is an Attack on Religious Liberty." *Time Magazine*, 17 October 2017. https://time.com/4973168/trump-birth-control-religious-liberty/?fbclid=IwAR3OS7qi9FB3xied88tnoUE49AV7_TyZccUIuaT3LZBuDq0fyVs_fZystgg

[52] Ibid.

[53] Ibid.

with a powerful statement, which reads: "Whether women should have access to birth control is not a question of religious liberty. It is a question of knitting needles. It is a question of life and death, and we must choose life."[54] This closing line — "we must choose life" — is a reference to Deuteronomy 30:19, "*uvacharta b'chayyim*, choose life."[55] The anti-abortion movement in America has coopted this phrase to mean that one must choose the (potential) life of a fetus over the needs of the pregnancy individual in which that fetus is developing. Person radically subverts that co-opted meaning, arguing that the pregnant individual, or the individual seeking birth control, has the religious obligation to choose their *own* life. This pro-abortion reading of "choose life" reflects the Reform Movement's stance on abortion, and will recur in many of our abortion rituals in chapter three. Person's article uses personal history — corresponding with Langowitz's category of transmission — and scientific facts to enforce her argument that access to abortion and birth control are nonnegotiable in the United States. Even the style of her argument reflects the Reform notion that our modern lives and sensibilities impact our understanding of Jewish tradition, and, therefore, the line from Deuteronomy can be appropriately interpreted as a pro-choice stance.

In this chapter, I have attempted to re-center the experiences of women and individuals of other genders with uteruses in the Jewish discourse on abortion. While I have hardly scratched the surface of the immense literature on the subject, I have taken us through arguably the most consequential texts and discussions on abortion in classical Jewish literature, as well as two important texts from the American Reform Movement, and reread them in terms of the feminist Jewish ethical categories laid out by Rabbi Langowitz with my emendations. I have argued for the necessity of interdependent care as a lens through which

[54] Ibid.
[55] Deuteronomy 30:19.

to make abortion decisions and assessed the ethical subjecthood of those in whose bodies abortion takes place. Having looked at primarily *halakhic* and textual sources, we will now turn to Ritual Studies to understand the ways in which ritual can add to the conversation on abortion. In the next chapter, we will learn how to read our abortion rituals so that they can adequately contribute to this conversation. The theological and ethical implications of these rituals and liturgies will further our agenda in recentering in the Jewish discourse on the subject and in related Jewish ritual the experiences of those who actually have abortions.

## Chapter 2: Ritual Studies

### Introducing Ritual

In turning to the contributions that ritual has made to the Jewish abortion conversation, we must first understand ritual—what it is, what it does, and what it says. On the surface, a ritual is a set series of actions done in a set order by a set group of actors. But this doing of the actions, in their order, by their enactors indicates much more than its readily apparent (manifest) meaning. Take, for instance, the Jewish practice of saying the prayer Modah Ani upon awakening. There are the words of the liturgy itself: "*modah ani l'fanecha, melech chai v'kayam, shehechezarta bi nishmati b'chemlah, rabah emunatecha*, I am grateful before you, King who lives and endures, for having returned within me my soul with compassion, abounding is your faithfulness." There is the sound and rhythm of the words, as well as their literal meaning. There is the religious context of the words — there is no mention in this ritual of God's name, instead God is "King who lives and endures," because one cannot say the tetragrammaton before having washed one's hands. This God is addressed entirely in the masculine singular: the individual reciting it addresses a masculinized God directly in the second person. There is the theological meaning behind "having returned within me *my* soul" (emphasis mine) — God not only takes and restores one's soul while one sleeps, but the soul itself belongs, at least for the duration of the person's lifetime, to the individual human, not to God. There is the action of reciting these words as one gets out of bed, framing one's day with words of gratitude and praise. Is this praise always genuine? Does it become perfunctory? When did this practice begin? At a time when humans were genuinely grateful to have woken up in the morning, having feared that death might accompany sleep. A healthy person with a scientific understanding of the processes of sleep

no longer fears that sleep is death, but continues to awaken with these words on their lips: the ritual continues despite its original, literal meaning. All of these aspects and more indicate the latent and manifest meaning of the ritual, and change how we understand the ritual itself, the religious context in which it is set, *and* the individuals who choose to awake with Modah Ani daily.

In this chapter, we will explore the many aspects of ritual and how those aspects reveal a ritual's meaning. We will come to understand what ritual is, does, contains, and how it portrays theological meaning. We will begin by defining ritual and, in particular, the types of ritual under consideration in this project. Then we will turn to what ritual does—how the performance of a ritual enacts a worldview, performs identity, transforms individuals or communities, and enacts desire. From there, we will look at the specific ways that feminism has impacted ritual and ritual creation, and how creative liturgies are both continuous and discontinuous with the Jewish past. Finally, we will turn to the components of ritual and what makes up a ritual: objects, sounds, liturgies, symbols, etc. While looking at these components of ritual, we will outline how to read the abortion rituals in our next chapter.

**Ritual Is**

The term ritual encompasses many meanings. A ritual can be a religious event with proscribed liturgy and choreography. A ritual can be the order in which one washes their body in the shower. It can be the rubbing of one's thumb over an amulet in one's pocket before a hard conversation or the ratio of ketchup to mustard on a hot dog in the ninth inning of the game. The snapping of a photograph as the high school principal shakes your child's hand. The waking early on Christmas morning years after the myth of Santa Claus is broken.

In each of these cases, the term ritual implies an event that does something with a specific set of rules, individuals, actions, and meaning. Some of these scenarios are repeated throughout a lifetime; some happen only once. Some bring future good fortune; some continue in memory of the past. Some are public; some are private. Some are intentional and others, incidental. Ritual encompasses each of these elements, which makes it particularly difficult to define.

Anthropologist Barbara Myerhoff, in her breathtaking book *Number Our Days*, explains that:

> Ritual may be likened to a vessel into which anything may be poured: an order-endowing device, it gives shape to its contents. This ordering function is furthered by the morphological characteristics of a ritual—precision, accuracy, predictability, formality, and repetition. Thus the characteristics of ritual as a medium suggest that its contents—whatever they may be—are enduring and orderly. By virtue of these traits, ritual always delivers a message about continuity, in addition to its other symbolic messages.[56]

According to Myerhoff, ritual provides order. To ritualize gives order through repeatedly and predictably enacting certain motions, saying or singing certain words, believing in their potency. These ordering characteristics both require and portray a sense of continuity: a ritual must be continuous enough with one's past experiences to have meaning, but will also imply continuity of self or of experience after the ritual itself is completed. While Myerhoff emphasizes the idea of repetition, it is possible for a ritual to happen only once in someone's life. This idea of singular ritual will be explored further in the next chapter. E. M. Bronner also highlights this sense of ritual as continuity, writing: "The ultimate purpose of ritual is twofold and contradictory: to maintain the status quo, to step in place, and, conversely, to change, to alter."[57] Ritual is paradoxical: it encompasses both continuity and change.

[56] Barbara Myerhoff. *Number Our Days*. Simon and Schuster: New York, NY. 1978. p. 86.
[57] E. M. Bronner, *Bringing Home the Light*. Council Oak Books: San Francisco, CA. 1999. p. 3.

Myerhoff expands on these paradoxes and adds the concept of danger:

> All rituals are paradoxical and dangerous enterprises, the traditional and improvised, the sacred and secular. Paradoxical because rituals are conspicuously artificial and theatrical, yet designed to suggest the inevitability and absolute truth of their messages. Dangerous because when we are not convinced by a ritual we may become aware of ourselves as having made them up, thence on to the paralyzing realization that we have made up all our truths; our ceremonies, our most precious conceptions and convictions—all are mere invention, not inevitable understandings about the world at all but the results of mortals' imaginings.[58]

This balance between artificial and inevitable, as Myerhoff categorizes it, falls at the center of all explicitly religious ritual. As this thesis will focus on Jewish rituals written within the last 30 years, this paradox of rituals as both created and authentic will reappear. What Myerhoff calls the awareness "of ourselves of having made them up," ethnographer Clifford Geertz names as "misfiring."[59] A misfired ritual will not convince those present of its authenticity or of its effectiveness at its stated or unstated goals.

While Myerhoff defines ritual in terms of their ordering capabilities, ritual theorist Ronald Grimes defines ritual as orientation. He writes that "ritual is a means of being oriented in the cosmos, and a cosmos is the world as ritually and mythically constituted."[60] Grimes understands ritual as a way of myth-making, and therefore is imbued with and perpetuates group values. For him, rituals both create myths about the cosmos and reinforce pre-existing myths as well. These myths can range from a version of the creation of the universe to a conception of human, and therefore, individual, behavior. Rituals orient individuals and groups to their mythical cosmos, and, in doing so, reinforce and recreate that

[58] Myerhoff, 86.
[59] Clifford Geertz, *The Interpretation of Cultures*. New York, NY: Basic Books. 1996. p. 7.
[60] Ronald Grimes. *The Craft of Ritual Studies*. Oxford: Oxford University Press, 2014. p. 258.

cosmos. Yet another ritual paradox: ritual both creates and reinforces a cosmos, and, simultaneously, is contained within that cosmos.

Ritual does not always accurately portray a community's cosmos, however. A ritual can work effectively by idealizing a community and the individuals' places in it. As Myerhoff describes, "Rituals and ceremonies are cultural mirrors, opportunities for presenting collective knowledge. Like all mirrors, these reflections are not always accurate. They may also alter images…[They are more] like myths than photographs."[61] As a mirror, a ritual can reflect accurately *or* inaccurately aspects of a community and of its cosmos. A Bar Mitzvah boy celebrated on a *bimah* can be lauded as having worked hard and accomplished something, while behind the scenes terrorizing his teachers and clergy.

Throughout this chapter, I will continue to explore what rituals do, how they do it, and what theological and cosmological meaning can be gleaned from them. I will look at the components of ritual — the actors, the choreography, the liturgy, the symbols, etc. — and how these components display theological meaning. I will pay special attention to feminist contributions to liturgy and ritual, as well as contemporary creative ritual.

## Ritual Does

### *Ritual Orders the Universe*

The enacting of ritual in itself does many things. Ritual can mark an occasion, encode the universe, transform an individual or a group, perform individual or group identity, and so on and so on. Rituals can be successful or unsuccessful in any of these goals. But, as previously mentioned, rituals can misfire for some and "fire" for others. How one measures the extent to which a ritual succeeds is as debated as the goals of rituals are multiple. To be

[61] Myerhoff, 32.

able to clarify the success of a ritual, one must first be able to clarify the goals of any given ritual, set by those enacting them and those who experience it (if those two groups are even neatly defined). To clarify these goals, let us dig into what it is that rituals actually do.

Vanessa Ochs, in her *Inventing Jewish Ritual*, presents her list of what ritual does:

> Rituals establish new communities and sustain existing ones;
> - They give us things to do and ways of being that help us to give sense and order to life;
> - They carry us through changes and crises in life that might otherwise be unendurable;
> - They coordinate our expectations of what we think is going to happen and how we are supposed to react;
> - They create boundaries and necessary separations;
> - They create bonds and links between people that can transcend time and space;
> - They allow us to recognize, experience, and be sustained through life's great joys and sorrows, and all the hard-to-categorize emotions in between;
> - They allow us to remember, to mark time, to synchronize our psyches with natural cycles;
> - They confirm a sacred presence in the word, and move us to live in ways that are more moral and more righteous.[62]

Notably, Ochs argues that even a ritual that makes one feel uncomfortable — perhaps even misfiring for a particularly individual — can be considered effective. Most of what Ochs claims rituals do can be summed up in her second element: giving "sense and order to life." As we saw with Myerhoff and Grimes above, giving order and meaning emerge as the primary goals of all ritual. Building community or establishing one's place in a community emerge as important goals as well, including the situating of oneself in a community and one's community in a cosmos.

[62] Vanessa Ochs, *Inventing Jewish Ritual*. Jewish Publication Society: Philadelphia, PA. 2007. Pp. 30-31, emphasis mine.

Along similar lines, Rabbi Dr. Lawrence Hoffman argues that, in ritual, "a group...encodes their universe."[63] Not only does ritual then situate a community in a cosmos, but ritual *encodes*, literally codifies, a community's understanding of their cosmos. In that way, we revisit the concept that the doing of ritual creates a community's ethos and, therefore, creates a community's cosmos. Not only does the enacting of a ritual create a cosmos, but it also must be situated within an already accepted set of values. This is the circular nature of ritual, that it is situated within a cosmos that it continues to define. Grimes writes that "a ritual is contained by a cosmos and located in one or more geography and ambient ecology. Usually it is entrenched in a ritual tradition or system surrounded by and suffused with its ambient societies and constituent cultures."[64] This means that, in religious systems, rituals are enacted as a way of performing the values and myths deeply held within those communities. A ritual done effectively will both perform and portray those values and myths. This also means, conversely, that in observing, reading, and studying a ritual, one can discover the values and myths present in the community or religion within which the ritual is situated. A ritual will reveal the deeply held truths and beliefs of its "ambient societies and constituent cultures," as Grimes puts it. For our purposes, this will be extraordinarily valuable: we are able to surface the underlying values, beliefs, and myths by studying the various components of a ritual.

A cosmos, however, is never fully consistent. A community will often have varying values, beliefs, interests, that will contradict each other, both between individuals within the community and also in the community's worldview as a whole. Myerhoff writes that "a group's ideology is never completely systematized or internally integrated. People mobilize

[63] Lawrence A. Hoffman, "Reconstructing Ritual as Identity and Culture," in *The Making of Jewish and Christian Worship*, Paul F. Bradshaw and Lawrence A. Hoffman, 1991. P. 38.
[64] Grimes, 55.

one norm for one occasion and an opposing norm for another, unperturbed by their contradictory premises."[65] This then becomes true in ritual, as well. We have noted already many ways in which ritual is paradoxical, but it is also true that ritual can contradict itself. An example of this internal ritual contradiction can be found in the symbolism of matzah on Passover. As the myth relays, Jews eat matzah during Passover because our ancient ancestors, while fleeing Egypt, did not have time for their dough to rise. Matzah, then, becomes a symbol of freedom: it is the bread that represents the moments of escaping slavery. But during the Passover seder, we raise up the matzah and recite, "*ha lachma anya*, this is the bread of affliction."[66] in that moment, we are making it clear that the matzah also symbolizes slavery, affliction, poverty. Matzah can, at one moment, represent freedom and at another, slavery. For the generations of Jews who have celebrated the seder, this contradiction has passed unremarkably. While, of course, there are those who have asked and answered the question of how the matzah can symbolize two opposing things, most participants in the seder do not notice and are not bothered by the ritual's double and contradictory meaning.

In addition, rituals as performance of values and myths have the ability to both stigmatize and destigmatize certain practices, behaviors, beliefs. Rituals will present communal assumptions about right and wrong, good and bad, acceptable and unacceptable behavior. For instance, the Vidui, confession of sin on Yom Kippur, lists a set of acts for which the congregation repents. This list of confessions both stigmatizes certain behaviors *and* de-stigmatizes them. By listing these sins, in the first person plural, the community seeks forgiveness from God (and from each other?) for a set of sins that surely not all of them have

[65] Myerhoff, 183.
[66] Traditional Passover Haggadah Liturgy.

committed. This list of sins then outlines unacceptable behaviors in the Jewish community, while simultaneously acknowledging that individuals within that community have exhibited these same behaviors. The transgressing of these boundaries of acceptable Jewish behavior is thus destigmatized by the act of seeking public, communal repentance for them. Those actions, beliefs, or behaviors too transgressive to make the list, however, remain stigmatized as outside of the bounds of acceptable behavior. The ability of ritual to de/stigmatize again will be important for our exploration of rituals for individuals who have had abortions, in discovering the ways in which these rituals destigmatize the act of terminating a pregnancy and they ways in which they continue to foster stigmatization.

*Ritual Performs Identity*

As ritual builds and reinforces a community's cosmos, it situates individuals within that cosmos. This reflexive situating of individuals thus becomes a performance not only of shared values and worldview, but also of identity. Hoffman argues that the performance of a shared ethos "[ritualizes] one's identity within religious communities fixes the sense of who one is."[67] An effective ritual, therefore, will be one that both orients the members of a group to their construction of the cosmos and also situates their identity within that cosmos. The ritual itself is a mirror, as Myerhoff metaphorized, in that its performance reflects one's identity. By participating in a ritual, one sees oneself reflected in the liturgy, actions, symbols, and other actors participating. Returning to our example of Vidui, we can see that an individual surrounded by an entire community of people reciting a list of sins for which they are asking repentance could see that aspects of their identity are shared with the people around them: as an individual, they are flawed and they are deserving of forgiveness. Not

[67] Lawrence A. Hoffman *Beyond the Text*. Indiana University Press, 1987. Page 173.

only is that person as an individual flawed and deserving, however, but that individual is part of a community, a whole which is flawed and deserving. Elements of identity are also reinforced through the actions of Vidui; by standing for the long confession, one learns that not only is the process of sinning repenting important, but it can be onerous and exhausting. One learns about oneself that they are able to with*stand* the difficult task of repentance.

Identity performance thus enfolds into the ritual construction of a cosmos. One must be able to see their own identity reflected in a ritual, or at least accepted into the cosmos constructed by a ritual space, in order for a ritual to be effective. Feminist ritual, discussed below, addresses the problem when women cannot see their identities and experiences reflected in ritual and liturgy. But seeing oneself reflected in ritual is only one aspect of ritual as identity performance. One also has the capability to write oneself into ritual. Myerhoff explores this in *Number Our Days*, in a beautiful description of the elderly Jews' whom she studied celebrating what they called a Graduation-Siyyum. Some members of this community had completed a course of study of Talmud at their community center (referred to as the Center), and decided to put together a graduation ceremony. They modeled this ceremony both on a traditional American graduation, and on a traditional Jewish *siyyum*, a ceremony for completing a tractate of Talmud. The ceremony they created did not really fall so neatly into either category, and instead was more of a party with speeches. But the folks enacting the ritual still insisted on its authenticity as both a graduation and a *siyyum*. In this Graduation-Siyyum, the elders of the Center ritualized their accomplishments both in having completed the course of study, but also over the course of their lives, celebrating their successes in parenting, grandparenting, making a life in the United States, and more. In describing this scene, Myerhoff explicates:

> In the ritual, [the Center people] exercised their basic human prerogative, the right to indicate who they are to the world, to interpret themselves to themselves instead of allowing accident, history, and reality to make that interpretation for them. Here eloquently demonstrated was humankind's undying insistence on stating not only that life has meaning, but also specifying precisely what the meaning is.[68]

The Graduation-Siyyum ritual therefore became a way in which the individuals enacting the ritual claimed ownership over their stories and identities in opposition to the way in which the outside world — represented by their children and grandchildren who came to celebrate with them — would have identified them. The ritual was not only about group identity and individual identity, but was a way for the individuals to *self-define*. Myerhoff describes this as "performing their self-definition as a ceremony."[69] Ritual, then, can both reflect a projected, idealized identity onto an individual, or can be a blank slate onto which an individual defines their own identity.

*Ritual Transforms*

Ritual not only situates an individual or community in their cosmos, it also transforms these same individuals and communities. While in some ways maintaining the status quo, a ritual also always moves and changes those present for its enactment. One does not leave a well performed ritual exactly the same as one entered it; that would render the ritual purposeless. Christopher Small writes of musicking — the making of music — in the same way that we can think about ritualizing. He writes that "all human musicking is a process of telling ourselves stories about ourselves and our relationships...Something has changed between the participants through the fact of having undergone the performance together.

[68] Myerhoff, 108.
[69] Ibid, 107.

Who we are has changed, has evolved a little, either through our having been confirmed in our concepts of ideal relationships and of who we are or through having had them challenged."[70] If we read "musicking" as "ritualizing," we see that his argument perfectly translates. Undergoing a ritual will leave an individual changed simply by having experienced the ritual. Even if the ritual misfires for an individual, they will walk away having their assumptions challenged or met by the experience of a failed ritual experience.

Some argue that ritual and liturgy influence action. Feminist Christian Liturgist Janet Walton writes, "Our liturgies rely on various languages: words, space, gestures, and sounds. What we say and read, whom and what we look at, and the ways in which we use our bodies; all of these factors communicate what we believe and influence how we act."[71] In describing ritual enactment of liturgy, she argues that the identity and worldview reflected in ritual influences individual action. Participation in religious ritual, then, can transform the way individuals engage in the world outside of the ritual setting.

Ritual provides transformative experiences in other ways, as well. The ritual pronouncement at a wedding transforms two individuals into a married couple. The rituals of Brit Milah/Brit Bat transform a baby into a member of the Jewish people. In these scenarios, the enactment of a ritual changes the status of an individual (or multiple individuals) within a religious tradition. It also changes the communal obligation and societal understanding of those individuals. Not only does the ritual *mark* the change, but it *enacts* the change. To successfully enact these transformations, however, the rituals must contain elements continuous both with the individual's identity and with the community's worldview. The

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[70] Christopher Small. *Musicking: The Meanings of Performing and Listening*. Hanover: University Press of New England, 1998. p. 140.
[71] Janet Walton, *Feminist Liturgy: A Matter of Justice*. American Essays in Liturgy. Collegeville, MN: The Liturgical Press, 2000. p. 33.

wedding pronouncement will only successfully marry a couple if both parties — and those in attendance — believe that the pronouncement will change them from two separate individuals to a married couple. The transformation of the baby into a member of the Jewish people will only matter if the parent(s), the friends, the community, believe that the ritual successfully inducts the child into the community. The rituals of transformation thus need to contain elements of continuity as well.

*Ritual Enacts Desire*

Not every ritual provides transformation. Some rituals instead express the *desire* for change (change in this case being internal or external). Reciting Psalm 20 throughout a pregnancy, for instance, does not indicate an individual's belief that the recitation of the words like magic will keep their fetus or themselves from harm; rather, it provides comfort and expresses the desire for an easy pregnancy and a safe birth. Myerhoff says the same thing of rain dances, writing that "when people in a preliterate society do a rain dance, for example, they don't think they will actually cause it to rain. They are enacting their desires."[72] Ritual as an enactment of desire can also be seen in Jewish grieving rituals. The very human desire to believe that the soul, energy, spirit of a departed loved one is ritualized in the act of saying Kaddish for the year following a death. This ritual, which is intended to help the soul of the dead person into *olam habah*, the world to come, enacts a desire to see a loved one off safely, after that is no longer a possibility. It is the enactment of a desire to remain close to someone who is irrevocably far; the enactment of a desire to connect when that connection becomes one-sided. This enactment of desire — especially as it relates to grieving — will reappear in our abortion rituals.

[72] Myerhoff, 190.

**Feminist Liturgy and its Contributions**

Having now reviewed what ritual is and what ritual does, we will now turn to the effects feminism has had on the world of ritual. Vanessa Ochs presents the idea that feminism and "the spiritual stance shaped by democracy" have been the two greatest forces for change in the creation of new Jewish ritual in modern times.[73] Each of these concepts promotes the idea that Jewish ritual should be accessible and relevant to *all* Jews. Feminist ritual and liturgy, then, aims to enact the identity of women and people of all genders. Janet Walton explains, "Integral to the process of feminist liturgy is a premise that the content and forms of the liturgy are intimately connected to the lives of the people who gather to ritualize."[74] The experience of ritualizing must be reflective of the experiences of living: women must be able to see their own identities and experiences in the rituals they enact.

Ochs and Walton both delve into the many aspects of feminist ritual, what they do and how they do it. Ochs lists a series of questions that feminist Jewish ritual seeks to answer:

> Jewish feminists continue to ask these core questions that pertain to new ritual: How can we avoid replicating the mind/body split of traditional Judaism and still honor the many experiences particular to women's bodies? What place will the Law have in feminist Jewish practices? Should a patriarchal, transcendent God be replaced in feminist ritual and theology by an immanent spiritual presence? If aspects of the traditional separation of genders benefit women, should they be maintained?[75]

Ochs' first question refers to the Platonic division of mind and body which eventually became a cornerstone of Christian thought and Western philosophy. The mind, the intellect,

[73] Ochs, 39.
[74] Walton, 48.
[75] Ochs, 47.

the spirit became associated with the male, while the body, its physical needs, and its fleshiness became associated with the female. The mind and, therefore, the man, was superior. This divide made its way into Jewish ritual, although to a lesser extent than in its Christian counterparts. Feminist theory sought to subvert this dichotomy. Feminist ritualists and liturgists feared that, by creating or enacting rituals that "honor the many experiences particular to women's bodies," they would be returning to that division which had oppressed women for so long. At the same time, the need to express and mark women's lived experiences in ritual was pressing. Walton argues that this need outweighs the fears of returning to an oppressive system. She writes, "For women particularly, this performance of a corrected self-image requires a recovery of every aspect of our embodied selves. We are not bodies disassociated from our minds."[76] Creating ritual and liturgy that performed a "corrected self-image," i.e. an image that was true to women's experiences, mended the oppressive division of body and mind.

For Walton, truth-telling is a redemptive act in feminist ritual. Naming one's own experiences and portraying them ritually becomes a cornerstone for her understanding of feminist ritual. She writes "Feminist liturgies...urge truth-telling, even when the truth is painful to admit. They give space for grief, wailing, arguing, confusion, and healing."[77] In this way, making space for naming one's own experiences both allows for confrontation with difficult emotions, and also lends itself to healing. But Walton's understanding of truth-telling as a feminist liturgical act goes beyond the realm of healing and into the realm of redemption. Naming truth is the first and fundamental element of feminist liturgy and feminist ritual. Walton writes, "Feminist liturgy seeks to engage imagination, resist

[76] Walton, 41.
[77] Ibid, 25.

discrimination, summon wonder, receive blessing and strengthen hope. It intends to enact redeemed, free and empowered relationships."[78] Feminist ritual enacts redeemed relationships; feminism allows ritual to be redemptive.

For Walton, part of this naming of truth includes "resist[ing] whatever demeans or hurts."[79] The liturgy must reflect the lives of the individuals present; anything in the liturgy that is demeaning or causes pain to those individuals must be excluded. At one point in her book, she quotes Sharon Neufar Emswiler who describes her encounter with traditional Christian liturgy as an experience that makes her feel "less human."[80] Walton's notion of feminist liturgy aims to prevent such negative experiences for women. These feminist liturgical experiences, as Walton envisions them, must make the individual actors within them feel *more* human, *more* in touch with their selves and their spirituality (and their God?). To do so, Walton assumes that every participant in these rituals will listen, speak, and act: each person must participate with their full self. This participation involves both listening — witnessing — others, as well as sharing of oneself. Later in her list, Walton describes this sharing as "account[ing] to each other for what we do."[81] This sense of accountability mimics the interdependence we encountered in chapter one.

Feminist liturgy must also recognize individual human differences along with the capacity for individuals, for circumstances, and for "awarenesses" to change.[82] Feminism and feminist thought have come about as the result of these new awarenesses; therefore, feminist liturgy must be open to adapting to more changes in thought. This openness to change leads

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[78] Ibid, 31.
[79] Ibid, 31.
[80] Sharon Neufer Emswiler and Thomas Neufer Emswiler, *Women and Worship: A Guide to Non-Sexist Hymns, Prayers and Liturgies* (New York: Harper & Row, 1974) 3. Cited in Walton, 32.
[81] Walton, 31.
[82] Ibid, 31.

logically to her next assumption of feminist liturgy, that it will use both tradition and "emerging" forms and resources.[83] The textual bases of the liturgies and the forms that the rituals themselves take will maintain a balance between old and new, traditional and "emerging." As someone attuned to space and its effects on experience and mood, Walton is particularly aware of the ways in which ritual forms take shape: are the participants sitting in a circle? Are they in squeaky folding chairs, attempting to remain still? Are individuals standing, sitting, dancing, lying down? Do these forms portray an antihierarchical feminist agenda? Or are they recycling old patriarchal systems of hierarchy? The forms of rituals and liturgies will portray the expectations of decorum within its enactment. Walton expects that feminist liturgies provide space for *play* within prayer. The rituals must provide safety for the individuals to explore, to try new actions, beliefs, metaphors for God and for themselves. Feminist liturgies will allow for this exploration.

Walton writes that, within feminist liturgies, "we know God as constant surprise, more than what we've been taught, more than we can imagine."[84] Her vague language, "more than what we've been taught," alludes to an understanding that God is more vast and complicated than the primary image of God the Father in Catholic belief. God, in feminist liturgies, can be gendered female, nonbinary, transgender, androgynous. God can be metaphorized in infinite ways, and through each of those infinite metaphors, one can learn more, be more surprised, by God's vastness.

Walton's final assumption of feminist liturgy is as follows: "we expect to embody justice for ourselves, our world, and God."[85] This brings us back to her understanding of feminist ritual and relatioships as redemptive: by embodying justice, feminist liturgy can

[83] Ibid, 31.
[84] Ibid, 31.
[85] Ibid, 31.

bring about an end to the ritualized oppression of women and people of all genders. These rituals embody justice by providing a humanizing alternative to the ways in which traditional Catholic, Christian, Jewish, etc. religious liturgy has treated women. Walton writes that feminist liturgists "intend to provide rituals that model and promote an authentic vision of women's dignity."[86] Promoting women's dignity in ritual is a just and redemptive act. In the next chapter, when we turn to abortion liturgies, we will be acutely aware of how they promote women's and pregnant people of all genders' dignity.

Ochs also presents a list of what she calls the "Characteristics of the New Rituals of Jewish Women."[87] Similarly to Walton, she looks at these rituals for what they share. Ochs begins by stating that feminist Jewish rituals take two forms: they are either adapted versions of existing rituals, or they are created entirely anew.[88] She then goes on to list the characteristics. Her first characteristic, "marking the unmarked," reflects Walton's emphasis on truth-telling and sharing personal experience. These rituals which mark unmarked events will include our abortion rituals, and are reflective of experiences that pertain primarily to the lives and bodies of cisgender women, although not exclusively. Ochs' second characteristic is "fostering community." This characteristic as well references the sharing of personal stories. In describing this category, Ochs references what Walton referred to as "listening, speaking, and acting" — the collaborative building of community through the ritual setting. In her third category, Ochs combines Walton's understanding of play and of truth-telling, explaining that new feminist rituals "[allow] for improvisation and personalization." Her seventh category similarly expresses this playfulness; new rituals of Jewish women "allow for spontaneity."

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[86] Walton, 23.
[87] Ochs, 48.
[88] Ibid, 47.

Ochs' fourth characteristic strays from Walton's list for the first time: "privileging the spirituality of the individual over that of the entire Jewish people." Ochs argues that new feminist ritual focuses on personal meaning, and that this focus on personal meaning replaces a focus on "*Klal Yisra'el*, the good of all Jews."[89] By placing individual spirituality in contrast with "the good of all Jews," Ochs misses an important feminist point, that no ritual or liturgy will be good for all Jews unless there is ritual that uplifts personal meaning. Ochs assumes that there exists ritual that is good for all Jews; the need for the creation of feminist liturgy challenges that assumption. In her eighth and final characteristic, Ochs writes that these rituals "[promote] a Jewish woman's agenda." This agenda includes the celebration of women's dignity, women's contributions to the Jewish people and the world. This characteristic separates out what Ochs was missing in her fourth characteristic, that these rituals make space for what is good for Jewish women as a collective. But by separating what is good for Jewish women from what is good for the Jewish people, Ochs subtly and perhaps accidentally reinforces the traditional notion that the Jewish people is made up of *men*, and women remain outsiders.

The last of Ochs' characteristics of new rituals of Jewish women that I will address is her fifth characteristic: "taking place in less regulated space." She writes of how these rituals began in homes or in non-institutional spaces, and how, as they became more accepted as part of mainstream Judaism, they slowly moved into institutionalized spaces such as synagogues and community centers. What she does not address in this characteristic, and what will be relevant to our studies of abortion rituals, is the way in which *mikva'ot* have become sites of feminist creative ritual. *Mikveh*, which has been traditionally a *very* regulated

[89] Ibid, 49-50.

and institutionalized space, has been at the helm of new Jewish feminist ritual in the 21st century.

For centuries, *mikveh* was used primarily as a space to police women's menstruating and birthing bodies. While it was also a space of welcoming individuals into the Jewish people, a space of ritual purification before the High Holy Days and Shabbat, a space for kashering dishes, and more, the *mikveh*'s primary association and most prevalent usage has been for cisgender women who observe *niddah* laws. *Mikveh* can then carry the baggage of this patriarchal governance of cisgender women's bodies. For women who observe *niddah* laws and struggle with fertility, there will be an extra layer of association with the *mikveh* of the experience of immersing after failing to become or remain pregnant. The regulating of women's bodies in this way and the obsession with the ritual impurity of menstrual blood has, of course, been deemed by mainstream Jewish feminism as oppressive. So when Mayyim Hayyim Living Waters Community Mikveh opened its doors on May 14, 2004, they had centuries of negative associations to overcome.[90] Mayyim Hayyim opened the door for the reclamation of mikveh and mikveh rituals by feminist Jews. Since then, countless other liberal *mikva'ot* have followed in their footsteps. With these accessible, inclusive, and open *mikva'ot* have come creative *mikveh* rituals and liturgies. These rituals range from liberal conversions, to marking the end of saying *kaddish*, to celebrating a young woman's first menstruation, to mourning pregnancy loss. These creative rituals have taken both approaches of feminist creative ritual explained by Ochs: they have adapted the ancient ritual of mikveh, and created new liturgies and rituals to accompany it. Many of the rituals for individuals who have had abortions come from this vein: a renewed, feminist approach to *mikveh*. As we shift to look at what makes up rituals, and how we can read rituals to understand their theology

[90]"History," Mayyim Hayyim, December 18, 2019, https://www.mayyimhayyim.org/about/history/

and worldviews, the reclamation of *mikveh* is of important note. Abortion rituals that use *mikveh* will be asserting a dual claim: they are continuous with other *niddah* rituals of *mikveh*, while simultaneously engaging in a feminist subversion of a patriarchal institution. By marking an abortion in a *mikveh* (either in a traditional *mikveh* or in open waters), these rituals are subverting patriarchal notions of pregnant bodies, while remaining within a long Jewish tradition of immersion after vaginal bleeding.

**Rituals Contain**

Rituals contain theology. This theology can take the form of myth, of religious ideals, of societal assumptions. Sometimes a ritual's theology is stated explicitly, other times it is encoded in ritual symbols, actions, sounds, locations. Throughout this next section, we will be looking at the different elements of ritual as defined by Ronald Grimes, with a few additions of my own. As we address each element, we will focus specifically on how we will read that element in the abortion rituals, and how those elements speak to the greater worldview performed in the ritual. I will be using Hoffman's holistic methodology for reading liturgy and ritual in order to do this. Hoffman, when describing his methodology, writes,

> Above all, we should be clear about what we are doing when we insist on expanding the traditional questions to go beyond textual and ritual reconstruction and encompass also questions of public meaning and personal identity...What we are after is the slippery notion that we call identity...but I will emphasize again: the ultimate goal is cultural, not textual. We want to unpack the way a group's religious ritual encodes their universe.[91]

Hoffman asserts that it is possible to reconstruct ritual from text. In doing so, one can access the identity reflected and expected in the text, as well as the way the ritual encodes its

[91] Hoffman, "Reconstructing," 34-38.

universe. We will do this by performing a close reading of the liturgies of abortion. Our close reading will focus on the specific elements of the rituals, and how those elements come together to present the myth, theology, ethos, and worldview of each ritual.

Before delving into the specific elements of ritual, I want to take a moment to unpack the concept of symbols in ritual. In ritual, nearly every element contained is symbolic. As we know, a symbol is when an object, action, text, individual represents both itself and some else. In ritual, the thing usually symbolizes something greater than itself — a myth, a belief, a value, a story. Symbols in ritual often have more than one referent, such as the matzah discussed earlier. In his holistic reading of liturgy, Hoffman teaches two ways in which liturgy and ritual describe symbols, the manifest content and the latent content.[92] The manifest content is the way a symbol is described: "this is the bread of affliction." The latent content is the way in which a symbol is known within the ritual community: the matzah did not have time to rise on the way to freedom. Hoffman describes three aspects of ritual symbols that will be of import to our reading of abortion liturgies:

> So, a true symbol has three qualities: 1) Verbal description of a symbol's significance can never exhaust a symbol's depth of meaning….2) Liturgically, where we deal with a group experience (at least in the Jewish tradition), the symbol's significance must be shared by the members of the group...3) Since the attribute of symbolism is apprehended most immediately on an emotional level, and since words simply fail to encompass fully and clearly exactly what it is that the symbol awakens within us, we find challenges to our symbolic system frustrating to deal with." [93]

Symbols have a greater depth of meaning than the manifest content will suggest, in almost every case, and the latent meaning(s) can be very different from the explicit meaning. For a symbol to work effectively, its meaning must be shared — at least to a certain extent —

[92] Lawrence A. Hoffman,"The Liturgical Message," in: *Gates of Understanding*, Lawrence Hoffman (ed.). New York: Union of American Hebrew Congregations, 1997. p. 135.
[93] Ibid, pp. 136-137.

among all individuals present for the ritual. Finally, one's emotional response to a symbol will have great meaning in ritual. This final aspect will be most important for our abortion rituals, because they deal greatly with the complicated emotions individuals feel during and after the abortion process. Does a symbol provide comfort? Does it portray safety? Does the symbol's manifest meaning contradict its symbolic meaning, and how so? We will be addressing these questions as we discuss each element of the rituals of abortion.

Grimes creates a list of the elements of rituals in his chapter on the subject. He notes that his list is "not quite arbitrary, but neither [is it] natural or universal."[94] Sometimes it is hard to distinguish between each element of a ritual, and it is certainly hard to categorize elements together. The ritual happens in the dynamic between each element. His list includes the following elements: ritual actions, ritual actors, ritual places, ritual times, ritual objects, ritual languages, and ritual groups.[95] To his list I will be adding a separate category of symbols in order to parse out more specifically how to read symbols in ritual.

Grimes begins with ritual action. Ritual action encompasses the enacting of the ritual in its entirety, as well as the many actions that happen within the ritual. This element includes the preparatory actions (kneading the challah dough, digging wax out of the candlesticks, shouting at one's kids to come downstairs), as well as the follow-up actions (rinsing out the kiddush cup, gathering the challah crumbs and dumping them in the garbage). Ritual action never happens in a silo; each action is connected (or disconnected) from the action before and after it. How does the meaning of circling one's hands over the flames and covering one's eyes while blessing the candles change when the mother doing so peeks out between her fingers to wink at her youngest child? Each of these ritual actions is full of meaning, and

[94] Grimes, 236.
[95] Ibid, 237-241.

that meaning is relative to what else happens around the action. For our purposes — because we cannot observe the rituals as they are enacted — we will be more concerned with the proscribed actions in the liturgies. What significance can we find from the recitation of a blessing while sitting on a couch versus the recitation of a blessing while immersing in a mikveh?

Ritual action also encompasses repetition in ritual or of ritual. What changes in meaning by circling the flames three times versus one time? How does the doing of this action every week for a lifetime change its meaning? Repetition will also be important for our readings as nearly all of our abortion rituals are intended to occur only once. There are repetitive actions within some of the rituals, but a repetition of the ritual rarely occurs. Janet Walton argues that repetition of ritual brings about a deeper belief in the worldview the ritual portrays. In feminist ritual especially, she argues that repetitive ritual will destigmatize the experiences of living as women in a religious society that oppresses women. She writes that "[f]eminist liturgies, like all ritualizing, provide repeated occasions to identify and let go of false self-images. Repetition, a context for regularly challenging destructive habits, is a crucial step toward new awareness and helps to lift off the layers of self-doubt."[96] By repeating rituals that uplift women and women's experiences, feminist ritual allows women to see themselves in a stronger light.

Our next element is the ritual actors, the individuals who partake in the ritual. Ritual actors include those who lead the ritual, those who participate in the ritual, and those who witness the ritual. Each individual present for the ritual is an actor within it; even if the Shabbat candle lighting takes place on the *bimah*, the janitorial staff person standing in the back of the room counts as a ritual actor. What does that person's presence and location say

[96] Walton, 40.

about the ritual, the community, the identities present? What role does the congregant have as an observer of the ritual? Would the ritual have its same importance if these individuals were not there to observe? The category of ritual actor also includes the emotions, responses, sensory experiences, and identities of the individuals present for the ritual performance. How does the ritual build and reflect the identities of the individuals present? What scents, sounds, feelings, emotions arise in the ritual actors? Are there status differences between the individuals present? Feminist ritual, as noted above, prefers antihierarchical practice. The category of ritual actors will address the hierarchy present, and the symbols presented by that hierarchy. Grimes considers a ritual role to be the combination of a ritual actor and the symbol they represent.[97] For our purposes, we will look at the roles of clergy and witnesses particularly in the abortion rituals. What symbolic meaning does a rabbi or cantor possess in witnessing or enacting an abortion ritual? What symbolic meaning do witnesses purvey?

Grimes' third categorization of ritual elements is ritual places. Grimes looks at the location of a ritual for its meaning. Is the ritual in a sanctuary? Is it in someone's home, like Ochs described of early feminist ritual? What makes a space "holy" or "sacred?" In this element of ritual we also see the symbolization of location: is the raising of an arm a metaphor for higher spirituality? Is an individual standing on a raised platform somehow more important? How does that shift when an individual descends into a mikveh? This category also looks at how spaces are built to reflect the rituals they hold. A building with vaulted ceilings will assume ritual actors seeking the feeling of transcendence or smallness. A circle of chairs will communicate an even playing field for all actors present. As we look at our abortion rituals, we will note those that assume the ritual takes place in a specific

[97] Grimes, 251.

location. What will that location say about the ritual, the identities of the actors, and the needs of the individual having the abortion?

The fourth category, ritual times, looks at the ritual in its calendrical location. Is this ritual repeated at a certain season? At a certain time of day? How does the ritual relate to the time in which it is done? Does the calendar in which it is located follow the solar or lunar cycles? This category also looks at the concept of sacred time. How is Shabbat different from the other days of the week? How is that sacred time marked at its beginning and end? Ritual time can be mythical. A ritual can be enacted on the basis of a tradition. Ritual times also refers to the internal timing of a ritual: what happens before, during, after. Does the ordering of events have meaning? Would an action mean something different if it were placed elsewhere in the ritual? Is the language used in present, past, or future, tense? What relationship does the ritual portray between its past, present, and future? In our abortion rituals, we will look at ritual time in relationship to the abortion itself. Is the ritual meant to be done before the abortion? While making the decision? Marking it after it is done? Do any of the rituals recur over time, or are they intended to happen only once?

Grimes' fifth element of ritual is the objects present in ritual. In this category, he focuses on the objects, their uses, and how they are treated both during and after the ritual. Are there distinctions between different ritual objects? Are some treated as more important, more sacred than others? How one treats a Torah scroll is different from how one treats a Tanakh is different from how one treats a book. Not only does one treat these texts differently within a ritual — one does not parade around a copy of *Harry Potter* inviting others to kiss it or bow to it —, but one treats these texts differently before and after ritual as well. A copy of *Harry Potter* battered beyond repair will be recycled; a Torah scroll will be

buried in a funeral-like ceremony. Ritual objects also include food and drink consumed or present during ritual. The symbolism of a glass of wine untouched at the Passover seder versus a glass of wine drunk varies; this is the interaction between ritual object, ritual actor, and ritual action.

Vanessa Ochs also addresses the specific qualities of ritual objects. She argues that the symbology of an object is not its only readable aspect; the *materiality* of an object has meaning, as well. She writes:

> Typically, it is the *meaning* of the objects that is read, a meaning that is culturally constructed. Objects are said to have complex, complicated stories that transmit cultural knowledge, but in codified ways...Material objects can be read as repositories and producers of cultural memory...While objects, like texts, have meanings, both overt and symbolic, objects also have *materiality* that must be reckoned with. Like persons who have bodies, objects are embodied in matter, and that matter, so to speak, matters.[98]

Ritual objects not only have symbolic meanings, but they can both receive and transmit meaning as well. A Torah scroll, for example, serves, among other things, as a symbol of God's love for Israel, God's laws and expectations, and the codified mythical history of the Jewish People. Simultaneously, reading from a Torah scroll teaches both law and the Jewish worldview through story. The way in which a Torah is read by a teenager at their Bat/Bar/Beit Mitzvah transmits cultural expectations and values. The object itself is made not of standard printer paper, but out of sheepskin and special ink. The materiality of the ritual object matters just as much as its role in a ritual and its place outside ritual. Ochs also adds a Jewish way of categorizing ritual objects, which we may find useful. Writing specifically about new Jewish ritual objects (or objects used in new Jewish ritual), she entitles the categories "explicitly" and "implicitly" Jewish ritual objects. She suggests these categories as

[98] Ochs, 92.

a "nonhierarchical system that does not identify Jews or Jewish objects as being more or less legitimate or authentic."[99] The objects that she would consider explicitly Jewish are objects that have typically been used in Jewish ritual — kiddush cups, Torah scrolls, tefillin. Implicitly Jewish objects would be blue plates for dairy dishes and red plates for meat dishes in a kosher home, or Christmas tree lights decorating a Sukkah. We will see how ritual objects in the rituals of abortion fall into each of these categories.

Grimes titles his sixth element of ritual "ritual languages." This of course includes the literal words spoken during a ritual and the language(s) in which the words are spoken, sung, or chanted. For our purposes, we will look at the ways in which English, Modern Hebrew, and Biblical Hebrew interact in the abortion rituals. But the category of ritual languages also includes nonverbal languages and utterances. Does someone hum? Does someone translate the ritual into sign language? Grimes also includes written texts in this category (having originally placed texts in the category of "objects" and then moved them). A written liturgy, then, would cross the boundaries of ritual languages and ritual objects. Are these liturgies explained throughout the ritual? Do they offer exegesis of texts? These will be important questions in our reading of abortion rituals.

Grimes' last element of ritual is ritual groups. This is his most amorphous category, and seems to be the "kitchen sink" category. It includes the communities, organizations, or institutions within which a ritual is performed. It also includes those groups' worldviews and theologies, which we have demonstrated how to read from the other categories above. What this category presents which we have yet to see elsewhere are the politics and economics of ritual. Who is "in" and who is "out" of the ritual? What financial assumptions are being made by the ritual? When many of our abortion rituals take place in a mikveh, they assume that the

[99] Ibid, 101.

individuals having the abortion have both access to a mikveh and the physical ability to immerse. These will be important elements to look at as well.

Each of these ritual elements come together to constitute the ritual. The dynamic between the ritual elements is where the ritual happens, how it does what it does. In this chapter, we have explored rituals: what they are, what they do, and how they do it. We are now going to turn to our abortion rituals. We will look at how these rituals build and reflect the Jewish cosmos(es) in which they are situated, how they promote certain identities and values, what symbols they use and how they use them. Through this, we will see how these rituals contribute to the ongoing Jewish conversation on abortion.

# Chapter 3: Our Abortion Rituals

## Introducing our Rituals

Now that we have settled ourselves into the Jewish conversation on abortion and studied the many elements of ritual, we are ready to begin looking at the rituals of abortion. We will be looking only at the liturgies of published rituals. Our goal is to analyze the rituals using the elements of ritual laid out in the previous chapter to understand how these rituals contribute to the larger Jewish conversation on abortion. We will be looking specifically for theology, worldview, and the values present and assumed within these rituals. How are these rituals continuous or discontinuous with previous Jewish writings on abortion? How do they portray their views through not only liturgical text, but through ritual action and symbols? What can we learn about the larger Jewish relationship to abortion through these rituals? And how do these rituals align with Emily Langowitz's ethical categories of abortion with my addition?

We will begin by looking at two rituals published on RitualWell.org. Ritualwell is an online ritual resource founded, funded, and maintained by Reconstructing Judaism (formerly the Reconstructionist Rabbinical College [RRC] and Jewish Reconstructionist Communities). It is a site where individuals can upload their own creative liturgy, poetry, and articles about liturgical and ritual moments. The site is meant for creative liturgies and rituals which — in Vanessa Ochs' words — "mark the unmarked."[100] It came about through Kolot: The Center for Jewish Women's and Gender Studies of RRC, an project that has since ceased.[101] At its core, Ritualwell is a feminist ritual enterprise. Our first two liturgies have been published only on Ritualwell. We will begin with Gabrielle Pescador's "Self-Birthing: A Ritual for

[100] Ochs, 48.
[101] "About Us," Ritualwell. accessed January 2021. https://ritualwell.org/aboutus

Termination of a Pregnancy." Then we will turn to Rabbi Geela Rayzel Raphael's "Abortion Ritual." After assessing the rituals on Ritualwell, we will turn to two short blessings. The first, "A Ritual for Abortion" by Deborah Eisenbach-Budner and Rabbi Susan Shnur, is a one line blessing to be recited as the individual undergoes the abortion. Conceived by Eisenbach-Budner during her own abortion, this blessing represents her own experience and theology. The second blessing, "A Prayer Upon Terminating a Pregnancy," was written by Rabbi Amy Eilberg. She has published this prayer both on its own — as we will address it — and part of a larger ritual which we will not address. From there we will look at two rituals which build on rituals we have seen. The first is a ritual highly influenced by Eilberg's, Rabbi Nina Beth Cardin's "Ritual for grief following a therapeutic loss," from her book *Tears of Sorrow, Seeds of Hope.* This ritual is specifically for a therapeutic abortion, the first one we will see that delineates between abortions depending on their reasoning. The second is Mayyim Hayyim Living Waters Community Mikveh's official abortion ritual, which adapts many elements from Rayzel Raphael's ritual. The last ritual I will assess is a *kavannah* entitled "Abortion" by Rabbi Hara Person, published by the Central Conference of American Rabbis' Press. All rituals can be found in their full text in the appendix.

**Rituals of Abortion**

*"Self-Birthing: A Ritual for Termination of a Pregnancy" by Gabrielle Pescador*

Gabrielle Pescador is a rabbinical and cantorial student at Aleph: Alliance for Jewish Renewal.[102] She published her "Self-Birthing" ritual with images and explanations, both of

[102] "Meet Our Guest Cantor for the High Holidays: Gabrielle Pescador," Ann Arbor Reconstructionist Congregation, September 3, 2019, https://aarecon.org/meet-our-guest-cantor-for-the-high-holidays-gabrielle-pescador/

how to do the ritual and of why she wrote it the way she did.[103] The explanations contain her inspiration for the ritual (two paintings by Frida Kahlo), her choice of objects and symbols, and instructions for carrying out the ritual actions. She narrates and explains throughout the liturgical text rather than giving an explanation and letting the liturgy speak for itself. This seems to suggest an assumption that her audience will need guidance in enacting and understanding the ritual elements. She assumes the ritual actors will not know the symbolism of the ritual objects and actions or the myths behind many of the elements. Despite this assumption, she does not include a role for a clergyperson in the ritual: it is meant for an individual to enact for themselves. This gives the individual having the abortion (who she assumes to be a woman, more on that below) ritual agency and power, perhaps reflecting the agency the individual took in terminating their pregnancy. From this, we can see that the cosmos Pescador is creating in this ritual is one of autonomy and individual agency.

Pescador's ritual begins with the dichotomy of "religious or secular values."[104] By setting up this dichotomy, Pescador assumes that there is no overlap between the religious and secular, the spiritual and mundane. She then goes on to write of her ritual, "This ritual is designed to support a woman who has decided to terminate a pregnancy to help her move forward with a peaceful mind and renewed connection to God and the community."[105] The ritual creates a world in which the individual who has an abortion must be a *woman*. There is no recognition of a gender spectrum — that the indivdiual could be nonbinary, a transgender man, genderqueer, or genderfluid — and there is no consideration that this decision could have been made by a couple. In this cosmos, only a (cisgender) woman can choose to

[103] Gabrielle Pescador. "Self-Birthing: A Ritual for Termination of a Pregnancy." https://www.ritualwell.org/ritual/self-birthing-ritual-termination-pregnancy.
[104] Pescador, "Self-Birthing."
[105] Ibid.

terminate a pregnancy. This is a cosmos in which women have profound independence and autonomy. It is also a cosmos in which the woman needs the ritual to restore her restless mind to a "peaceful" one, and that that peace will come from a "renewed connection to God and the community." Her abortion has in some way severed her connection to God and to her community, and the ritual is what will bring her back. This sentence then implies that the act of severing a fetus from her uterus is an act of severing God or community from her Self.

Pescador then goes on to describe her inspiration for this ritual, two paintings by renowned artist Frida Kahlo. Before introducing the paintings themselves, Pescador describes Kahlo's artistic journey as one in which she navigated the "pain and disappointment regarding her inability to conceive and carry a child to term."[106] This sets up a ritual paradox, in which Pescador uses images and metaphors about the pain of being unable to become pregnant to illustrate the experience of terminating a pregnancy. It is this paradoxical imagery that sets up the self-birthing narrative of the ritual. Pescador brings Kahlo's *My Birth* and *Roots* as inspirational imagery for the ritual, both of which depict Kahlo's imagining of her own rebirth through creation — the first, birthing her own adult self; the second, sprouting leaves from her body. Pescador uses these images to set the ritual's intention: "The proposed ritual for a woman deciding to have an abortion resonates with Kahlo's theme of transforming personal struggle into a self-birthing rite of passage and presents an opportunity to recognize and nurture seeds of potential within."[107] Framing the ritual as a self-birthing again reinforces the paradoxical nature of ritual. The individual who terminated their (her) pregnancy — therefore eliminating the possibility of actual birth — marks it by enacting a birth scene.

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[106] Ibid.
[107] Ibid.

Lastly, before delving into the ritual actions itself, Pescador writes that the ritual could be done either privately or in the company of "trusted loved ones."[108] This ritual, as the abortion itself in Pescador's cosmos, is primarily for an indvidual (woman) acting alone, but other individuals can be present as witnesses to the self-birthing. Pescador then outlines the four stages of the ritual, before delving into the description of the ritual itself: honoring potential, commitment to self-birthing/renewal, purification, and sanctification.

The first stage, honoring potential, begins with a very basic overview of a Kabbalistic concept of a "treasury of souls (*Guf*)."[109] Pescador explains with little citation that there is an idea that all souls exist together in the *guf*, and are assigned to infants "at the time of birth," and that this *guf* is imagined by "some rabbis" as a tree.[110] This explanation is brief — again, assuming ignorance on the part of the ritual actors — and sets up the ritual action. It is important to note that she writes "at the time of birth," emphasizing that the termination of a fetus is *not* the termination of a soul. From this envisionment of the *guf* as a tree, the ritual begins with the planting of a tree, accompanied by a *kavanah*. Before reading the *kavanah*, we should consider the imagery of planting the tree. It is both a natural and unnatural act: planting a tree engages with nature, but with (unnatural) human interference. Planting a tree will not benefit the planter, but will sustain future generations. Jews are taught that, if the messiah comes while one is planting a tree, they should plant first and go to the messiah later.[111] In addition to the imagery of planting a tree, one should also consider the practicality of the act. The ritual actor must have access and ability to plant the tree. Presumably this

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[108] Ibid.
[109] Ibid. It is also worth noting that literally *guf* translates as "body." This is based on a kabbalistic notion of a Treasury or Tree of souls. See Howard Schwartz, *Tree of Souls: The Mythology of Judaism* (Oxford: Oxford University press, 2004), pp. 164-65.
[110] Pescador, "Self-Birthing."
[111] Avot d'Rebbe Natan 31b.

implies that the ritual location is outdoors, perhaps in nature. Planting a tree requires physical work and an environment in which the tree can grow. It is then assumed in this ritual sphere that the individual who is capable of becoming pregnant and terminating their pregnancy must also be capable of the physical labor involved in planting a tree. There are, of course, plenty of individuals with disabled bodies who are capable of pregnancy and abortion who would not be capable of planting a tree.

The *kavanah* accompanying the tree planting is a blessing for the "souls in the Guf."[112] That this is framed to be for all souls in the *guf* depersonalizes the prayer; it could have been for God (addressed as "Source of Blessing") to bless the soul that would have attached to the individual's fetus at its birth. Instead, by asking for blessing for *all* the souls in *guf*, the kavanah universalizes the experience. In the *kavanah*, the woman "pray[s] for [the souls'] timely attachment to bodies so that they may experience how earthly existence benefits spirit."[113] This "timely attachment" should remind us of Rabbi Sue Levi Elwell's use of the phrase *b'sha'ah tovah*, in the right time. In praying for the universal unborn souls, the woman in this ritual acknowledges untimeliness that, in many cases, is the reason one chooses to abort one's pregnancy. This *kavanah* also makes an assertion about the nature of souls that informs the cosmos the ritual creates: souls *benefit* from "earthly existence." A woman who has chosen to have an abortion, reciting this *kavanah*, could then rightly infer that her choice to terminate her pregnancy had an adverse effect on the soul that would have eventually attached itself to her baby. In the last line of the *kavanah*, the woman commits herself to "accessing [her] highest potential," and "turning toward You [God] with all my heart and soul."[114] This asserts that her highest potential could not have been reached while

[112] Pescador, "Self-Birthing."
[113] Ibid.
[114] Ibid.

pregnant and, perhaps, birthing and mothering, and that part of one's highest potential is turning to God. There is then the option for others participating in the ritual to recite a *kavanah* that similarly echoes the first, offering the woman support as she "reach[es] her highest potential."[115] Highest potential, then, is something that can be reached alone, but can also be done with the interdependent support of others. Interdependence is reflected again in her suggestion that honoring potential can be done by giving *tzedakah*. She writes, "The idea is to connect with Jewish values of seeing our own well-being...in concert with the well-being of the community." That this is expressed more explicitly as an action that one does *for* others (by giving *tzedakah*) rather that done *with* others (the presence of others in the ritual is option) represents yet again that interdependence comes second to independence, and that the individual having the abortion is an *independent* being primarily.

The second stage of Pescador's ritual is commitment to rebirth and renewal. She begins this section again with an explanation of a ritual object and its symbolic meaning. The symbol — copper mirrors — must be explained both in its origination and in its symbolic meaning. Not only this, but she will then alter the meaning for the purpose of this ritual. The copper mirrors are mentioned in Exodus 38:8 as a gift from the women for the *Mishkan*. Rashi, commenting on this passage, claims that the mirrors' original purpose was for women to use to seduce their husbands in order to fulfill the commandment of procreation.[116] That copper mirrors, then, symbolize women's agency in fulfilling the *mitzvah* to conceive and bear children. Once again we encounter this ritual's paradox of childbearing and aborting pregnancies. Pescador then alters the symbolic meaning of the copper mirrors, encouraging the women enacting this ritual to use a copper mirror "to access inner beauty and Divine

[115] Ibid.
[116] Rashi to Exodus 38:8.

sparks."[117] But, as explored in chapter two, a symbol will always have a greater depth of meaning than that which we assign to it externally. The copper mirrors as a symbol reflect not only the inner courage and godliness of the woman having the abortion, but also the fulfillment of the *commandment* to procreate. Pescador includes the word *mitzvah* in describing this layer of meaning, unintentionally invoking the argument that an abortion violates the commandment to bear children.

After looking into the copper mirror, the woman recites another *kavanah*, highlighting her "inner sparks of holiness."[118] She (alongside the optional others) then recites an edited excerpt from the *Gevurot* blessing. The excerpt includes *umatzmiyach y'shuah*, translated by Pescador as "who causes salvation to sprout."[119] Clearly harkening back to Frida Kahlo's *Roots*, this imagery also introduces to the ritual the concept of salvation. In the traditional *Gevurot* blessing, this salvation references the coming of the messiah and the messianic time in which God will resurrect the dead. In this context, the need for the sprouting of salvation is unclear. Does this imply that the woman who had the abortion is in need of saving? The excerpt from *Gevurot* ends with a modified *chatimah*, closing line: "*m'chayei* ha'olam*,* who brings life to *the world*," (emphases mine).[120] Replacing the traditional *hameitim*, the dead, and the common liberal editions — *m'chayei hakol* or *m'chayei kol chai*, who gives life to all or who gives life to all the living — this change grounds again in the worldly, nature imagery seen in Kahlo's work. By making this change, however, a more liturgically literate Jew would notice that Pescador has altered the implication that the fetus might one day come "back" to life to instead focus on the natural

[117] Pescador, "Self-Birthing."
[118] Ibid.
[119] Ibid.
[120] Ibid.

cycles of death and rebirth found in sprouting roots. Given that Pescador assumes an uninformed ritual audience, however, we can assume this latent message would be often missed

I want to pause our assessment here to reflect on the concept of the literate Jew, which will return as we read our rituals. Any Jewish ritual will make some assumptions about the literacy level of its enactors. As we have seen thus far in Pescador's ritual, some ritual creators will assume less knowledge and therefore tend towards overexplaining. A large amount of explanation, however, makes the ritual more accessible for those who would likely not have a lot of Jewish textual or ritual experience. On the flip side, some rituals will have textual, liturgical, or symbolic references that have no explanation. In this case, the ritual creator might assume its ritual actors have a high level of Jewish literacy, and that they will recognize and understand the nuances of the references or symbols. In some rituals, the lack of literacy may negatively impact the experience of the ritual, for others, it may have no effect at all. For some of our rituals, it might even be better *not* to fully understand, say, a symbol's full meaning. With the copper mirrors, for instance, had Pescador not explicated their mythic role in procreation, the less literate ritual actor may not have to struggle with making sense of the paradoxical imagery. We will see throughout this chapter that the literacy level, real or assumed, of ritual actors greatly alters the experience of the rituals.

Let us return now to Pescador's ritual. In the purification stage, the individual woman then goes to the *mikveh*. We will explore the imagery of *mikveh* more deeply in rituals that focus entirely on this ritual location and action, but there are a few things of note to make here. First, we have moved ritual locations. Starting outdoors where one could plant a tree, the individual must now either find an appropriate outdoor water source or enter an indoor

*mikveh* space. This assumes access to either of these options, and, if going to an indoor *mikveh*, that the individual has access to a *mikveh* liberal enough to allow for this kind of immersion. Despite having assumed ignorance multiple times already throughout the ritual description, Pescador hardly explicates the *mikveh* ritual at all. She writes only that the individual immerses thrice, and then recites Psalm 51:12, "לֵב טָהוֹר בְּרָא־לִי אֱלֹהִים וְרוּחַ נָכוֹן חַדֵּשׁ בְּקִרְבִּי, Fashion a pure heart for me, O God; create in me a steadfast spirit." There is no further description or ritual instruction.

The final stage, sanctification, returns to the paradoxical imagery of birthing. The section begins with the statement, "Breathing is part of the birthing process."[121] The ritual then turns to a meditative breathing technique, described through the tetragrammaton. After enacting the ritual breathing, the individual recites the *Hatov V'hameitiv* blessing, translated as "who is good and causes good."[122] Pescador describes this blessing as the "blessing of the newborn/renewed self," explaining that it is often used in liberal Jewish circles upon the birth of a "boy or girl" (notice again the gender binary).[123] She then follows *Hatov V'hameitiv* with *Shehechyanu*. In this last section, the individual is meant to imagine herself as reborn, but nothing about the ritual actions or symbols — or even explicit linguistic content — implies this intention. Were this stage of the ritual to be enacted without having read the ritual explanations and descriptions from the introduction, the sense of rebirth would in no way be communicated. Rather, it seems that there is a focus on the individual *giving* birth. Not only is this paradoxical to the nature of the ritual as one for someone having an abortion, but it could even be upsetting and harmful. Enacting a birth that will not happen could be very

[121] Ibid.
[122] Ibid.
[123] Ibid. *Hatov V'hameitiv* is traditionally recited upon the birth of a child, as well as other blessed moments. See R. Mellamed, *P'ninei Hahalakhah* https://ph.yhb.org.il/10-17-03/.

hurtful to someone who had an abortion despite *wanting* a child. This sanctification stage, in accordance with the ongoing birth motif throughout the ritual, has the potential to have adverse effects on the ritual enactor.

Before concluding our analysis of this ritual, we must address the many different epithets and abilities afforded to God. At the beginning of this ritual, God is the "Source of Blessing," who has the capacity *only* to bless others. In the first stage of the ritual, the two *kavanot* place all other actions in the realm of the woman and her friends. God can only bless the souls in the *Guf* and the tree that the *woman* planted. In the second stage, God — again the "Source of Blessing" — becomes more active. This God can grant gifts. The "gifts" here are ambiguous; are they talents? Human qualities? Friendships? Tangible items? God can now also *help*, the very repeated twice in this next *kavanah*. God in this stage is also the God of *Gevurot*, a "Master of mighty deeds, who causes salvation to sprout." Notice that God does not directly enact salvation here; salvation itself sprouts, while God seems to only initiate. God also now "sustain[s] the living with loving kindness," implying that God's love and kindness are substantive. In the final stage, God becomes "Lord" and "King of the universe," the traditional images of God in the liturgy. This is a masculine God who "is good and causes good," and who keeps, sustains, and enables humankind to live. This is an active God who interferes in the world. Yet, throughout this entire ritual, God is addressed primarily in the second person. God is also accessible and personal, who can be reached through simple address.

Gabrielle Pescador's "Self-Birthing" ritual creates a cosmos in which individual autonomy reigns. The identity encoded in the ritual text is that of an independent individual who, with only the help of this liturgical text, enacts a ritual of rebirth. The focus on self is so

great that it practically erases the experience of becoming pregnant and terminating the pregnancy; the ritual focuses much more on an individual woman's experience of herself. This independence both destigmatizes the abortion *and* stigmatizes it. By demonstrating such clear independence, there is no space for the judgments or concerns of others. But by depersonalizing and diminishing the abortion within the ritual, it also adds a layer of silence, perhaps of hushing up, to the decision. The ritual engages in a constant tension between the marking of an abortion and the almost excessive use of birthing and procreative imagery. It indeed erases any notion that the individual may have feelings of loss regarding their abortion. The outsized application of birthing imagery presents a counter-narrative of the ritual; it becomes less about marking the abortion and more about the construction of a self. This is a dishonest representation of the experience of abortion. By altering the symbolism of the copper mirrors, the ritual subverts a patriarchal decree for women to bear children. Simultaneously, by addressing that decree as a *mitzvah* and by pairing it with a breathing meditation framed by birthing, the ritual upholds the stigma of having an abortion as shameful, painful, and inhibiting the fulfillment of the *mitzvah* of procreation. This ritual upholds the gender binary explicitly, both through the assumption that the individual having the abortion is a woman, and through the dichotomous language of "boy or girl." It also assumes access to *mikveh* or water and the resources and physical capabilities to plant a tree and give *tzedakah*. Despite all this, Pescador's ritual engages beautifully with the Kahlo paintings and their message of constructing a self amidst a painful time.

*"Abortion Ritual" by Rabbi Geela Rayzel Raphael*

Rabbi Geela Rayzel Raphael was ordained at Reconstructing Judaism (formerly the Reconstructionist Rabbinical College). She is also ordained as a Kohenet Priestess and writes creative rituals for all sorts of moments in life, from logging on to the internet to moving into a home with a partner.[124] Her "Abortion Ritual," written in the early 1990s and published later on Ritualwell, reveals her ritual expertise and comfort in creating ritual. Rabbi Rayzel Raphael's ritual reimagines the typical *mikveh* ritual and the ritual of *tashlich*, the casting out of bread into water on Rosh Hashanah.

The ritual begins with the suggestion that it "could be done at Rosh Hodesh. This is a women's holiday, connecting women to the cycles of the moon and to the earth."[125] The connection of this ritual to Rosh Chodesh seems tenuous at best. Rosh Chodesh is a communal celebration of the new moon, marking the passage of time and the *newness* of each month that has a certain special association with women.[126] Setting a personal ritual marking the end of a pregnancy feels antithetical to the joyful celebration of the holiday. The other implication of this suggestion — which is by no means prescriptive — is that the marking of the abortion would be settled in the sphere of women. The description on Ritualwell's Ending Pregnancy page writes that this ritual is for a "woman who has had an abortion [to] perform with a group of women."[127] It is clear again that this ritual world assumes that the person having and ritualizing an abortion is a cisgender woman. The

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[124] "Rituals." Shechinah: Let the Angels Be Your Guide. Accessed January 2021. https://www.shechinah.com/index.html
[125] Geela Rayzel Raphael. "Abortion Ritual," Ritualwell. Accessed January 2021. https://www.ritualwell.org/ritual/abortion-ritual
[126] Rosh Chodesh is considered a holiday given to women for not having donated their jewelry for the making of the Golden Calf in the wilderness. See Tur, Orach Chayyim, 417.
[127] "Ending Pregnancy." Ritualwell. Accessed January 2021. https://www.ritualwell.org/ending-pregnancy

introductory paragraph also includes instructions for preparation: the woman should either go to a "body of water for this ritual or have two large bowls of water wherever she chooses."[128] This ritual, like so many others, is an adapted *mikveh* ritual, but Rayzel Raphael presents multiple accessibility options for the ritual actors. The location is not prescribed; one does not need to have access to a *mikveh* or the physical ability to immerse. Accessibility is not the only conclusion from this introduction, however. It is also clear that the individual enacting the ritual has choice, not only in their choice to terminate their pregnancy, but also choice in how to enact the ritual. Throughout this ritual, we will see ritual choice echo reproductive choice, and how this constructs an identity which has autonomy both ritually and reproductively.

The ritual actors for Rayzel Raphael's "Abortion Ritual" are undefined. We saw above how the ritual is to be enacted in the presence of other women, but these women remain undefined in their identities and their roles. The ritual begins with the instruction for "All" to recite a phrase from the *Hashkiveinu* blessing, either in Hebrew (which is provided only in transliteration) or in English. Who constitutes this "all?" Later in the ritual, there is language of "in the presence of your community" and "representatives of your community," indicating that this "all" includes women chosen by the person having the abortion to be present. This, then, is a community of women who could be made of diverse religious backgrounds, as indicated by the word "representatives."[129] Following another short recitation by "all," the ritual provides an instruction for "leader" to speak.[130] Is this leader meant to be a rabbi or a cantor? Is this leader meant to be a *mikveh* attendant? A ritualist or liturgist? Just one of the women present who designates herself? The implications of

[128] Rayzel Raphael, "Abortion Ritual."
[129] Ibid.
[130] Ibid.

hierarchy in ritual roles, and the recitation of ritual goals by the leader (expounded below), indicates a sense of order and intention. That there is someone who is somehow presiding may create a sense of ritual safety: there is someone in charge to maintain the ritual and the organization of the ritual actors and actions. The leader speaks only a few times throughout the ritual, but their presence organizes the group of ritual actors. The next scripted indication of ritual actors is "Woman," who is clearly the individual who has had the abortion.[131] Her script is followed by the option to include her partner (assumed monogamy) in speaking. It is of note that this ritual *cannot* be enacted alone; it is for a group of individuals, with a leader, to enact together. While there will be some hesitance about embracing abortion throughout the ritual (addressed below), this does seem to indicate an attempt at destigmatization of abortion. That others must be present both requires the woman to have shared her decision with them and also assumes their support (also addressed below) of her decision.

As referenced above, the leader of the ritual states the ritual goals at the opening of the ceremony. They read the script: "We gather today to acknowledge that an abortion has taken place and to transform the pain that is associated with that decision. We recognize that this was not an easy process and we are prepared to offer support to _____."[132] The stated goals are clear: 1) to acknowledge the abortion; 2) to transform pain; and 3) to offer support. These goals, however, contain a few assumptions. First and foremost, this ritual is meant to take place *after* the abortion has happened. This ritual is not for someone considering an abortion or for someone marking the last moments of pregnancy *before* an abortion; it is to mark an event of the recent past. The second goal assumes that the individual (or couple) experienced pain during the decision-making process, and that the ritual itself can transform

[131] Ibid.
[132] Ibid.

pain. We discussed in chapter two how rituals can transform. This ritual, however, does not state a goal as to what that pain will transform *into*. That is left ambiguous; perhaps the enacting of the ritual will transform that pain into different things for different women. The third goal is for those present for the ritual to offer support. That there are others present for the ritual already shows that supporting the woman or couple in their decision is a requirement of this ritual, and this goal is also fulfilled by the way in which those present are equal actors throughout the ritual.

The ritual begins, as mentioned above, with the entire group of ritual actors present reciting a phrase from the *Hashkiveinu* blessing in either Hebrew or English, "*Ufros aleinu, sukat shlomekha...*Spread over us the shelter of Your peace."[133] They then recite the following text; "Draw water in joy from the living well, Draw water in joy from *Mayim Hayyim*, the Water of Life. Shalom." This repetition of the phrase, "draw water in joy," reads like a mantra. Perhaps by repeating the phrase, the women emphasize their desire for joy. As discussed in chapter two, ritual can enact desire. I would argue that this reading fits with the presence of "*ufros aleinu sukat shlomekha*" immediately preceding this mantra: by asking God to spread a shelter of peace, they are expressing an explicit desire. It seems then that the ritual goal of transforming pain will be to transform it into joy. Note the directionality of the joy, coming out of the water. Perhaps the woman enters the *mikveh* in pain and comes out from the *mikveh* in joy. This is a vaunted goal for a singular ritual; does one really expect that a ritual can transform pain so quickly into joy? I think it is much more likely that the ritual can begin a path towards joy, that emerging from the water can be the starting point towards feeling joy after a difficult experience.

[133] Ibid.

After the ritual leader states the ritual goals, the woman speaks, echoing the goals in different language. She says, "I come here today to commemorate a potential life and to affirm my decision to abort."[134] These phrases, like the original stated goals, make assumptions. The first is the consideration of the fetus as a "potential life." The use of the word "commemorate" here implies a sense of mourning; this is the rephrasing of the goal of transforming pain. The second goal is "affirm my decision." That she must *affirm* her decision assumes that she had some qualms about it in the first place. The ritual could *mark* her decision, or *recognize* it. But to *affirm* implies the need to justify the decision. This implied need for justification is further confirmed by her next statement, in which she is invited to share her personal story of making her decision. Including personal narrative in this way, however, is also a strong affirmation of her autonomy and individuality as well as a way to process the (assumed) painful experience of having an abortion. After she (and her partner, if present) has shared her story, the ritual moves into the *tashlich* element of the ritual.

*Tashlich* is the custom of tossing bread crumbs into a natural body of water on Rosh Hashanah to symbolize the casting out of one's sins from the past year before repenting on Yom Kippur. This ritual evolved from the biblical scapegoat ritual, in which a goat was ritually burdened with a community's sins and sent out to the wilderness as a way to purify the community. In her description of *tashlich*, Rayzel Raphael writes:

> The crumbs symbolically represent our memories of painful decisions, troubling occurrences, or times in the past year when we feel we let ourselves or others down. It is taught that we must let these go at the High Holydays — it is psychologically unhealthy to hold on to them. During this process,

[134] Ibid.

> participants still own their actions and decisions, but they come to a place of self-acceptance and peace with them.[135]

There are a few things worth noting. First, she avoids using the words "sin," "transgression," or even "misstep" in her description. She is clearly attempting to disassociate this ritual with its primary symbolic meaning pointing to sin and its renunciation. Second, she implies that the *tashlich* ceremony transforms an individual's relationship with whatever it is they are casting away. The individual must remain accountable to their decision — this is the closest she comes to implying that these are sins — but are able to come to a place of peace. This place of peace fits neatly with the group's utterance of *sukkat shlomecha*, a literal place of peace.

In this ritual, the woman is asked to "name aloud or silently whatever losses, internal feelings, or past actions," she is casting away, and then toss bread crumbs into either the body of water or into her first bowl of water — which is here, for the first time, described as a bowl of salt water.[136] She then recites a prayer to God, addressing God as "O merciful one," asking for acceptance for her decision and her readiness to "move into a state of affirming my life." It is thus assumed that God is merciful. This ritual's usage of *tashlich* as a casting out of the difficult feelings of loss surrounding an abortion seems to be a neat metaphor for abortion; during an abortion, the body literally *casts out* the fetus and the uterine lining. But, as noted in chapter two, symbols always have deeper meaning than what can be stated in words. The symbol of *tashlich* is the metaphoric casting off of *sin* through the literal tossing of bread crumbs into water. Stating that she is casting off this "difficult experience" does not discount the deeply ingrained symbolism of the ridding of sin. By using *tashlich* as the basis,

[135] Ibid.
[136] Ibid.

this ritual subtly affirms the idea that abortion is a sin. In chapter one we saw very clearly that abortion is not sin in the Jewish tradition, but, because right-wing Catholic and Evangelical rhetoric of abortion as sin has dominated the American abortion conversation, it is nearly impossible to detach oneself from concept. It is, therefore, harmful and misleading to use *tashlich* as the basis for an abortion ritual, because it promotes the idea that abortion is sin.

The second section of this ritual is entitled "Purification."[137] It is in this section that the woman immerses in the *mikveh* (or symbolically immerses her hands and feet in the bowl of water). Rayzel Raphael opens this section by explaining the concept of *mikveh*, and how it "ritually and spiritually cleanse[s] the body."[138] She writes that this immersion in *mikveh* will be a "closure to this decision to abort."[139] The symbolism of *mikveh* is both that of ritual purification — making the body ready to perform ritual functions — and also has a longstanding connection to the patriarchal oppression of women — women following menstrual purity laws have had to immerse in *mikveh* at the approval of a *posek* (*halakhic* decisor) for centuries. It is important to note here how Rayzel Raphael subverts this secondary association by writing that the *mikveh* is the closure not to the abortion process itself (thus implying the cessation of bleeding) but of the *decision* to abort. This turns this purification ceremony from a patriarchal cleansing into an autonomous individual's closure.

The *mikveh* immersion is accompanied by three different options for ceremony. Having options, as we have seen multiple times already, affirms individual agency in both the ritual sphere and in their bodily choices. The first option focuses on the community of women's role in the ceremony. The language of the ritual uses the metaphor of water as a

[137] Ibid.
[138] Ibid.
[139] Ibid.

change agent (and women as change agents). The women present recite a *kavanah* for themselves and then a prayer asking for healing for the woman. In this prayer, God is a Healer who can heal the woman's pain. This prayer ends with the verse from Numbers 12:13, "*Ana, El na, refa na la.* 'O God, pray heal her!'"[140] In this ritual option, the group is as central as the individual, upholding a sense of interdependent community care.

The second ritual option for immersion also centers on everyone present. In this option, the entire community of women ritual actors recites a prayer focusing not on healing, but on the transition from sadness to strength. In this prayer, God is "the One who shares sorrow with [God's] creation."[141] This version clearly indicates that the woman had wanted to continue the pregnancy through childbirth, and aborted despite that want. While the first option also indicated distress through the need for healing, this option dwells in the sadness that accompanies some individuals who have abortions. By looking at this option in conversation with the previous one, it is clear that Rayzel Raphael is attempting to acknowledge the varied individual reactions to one's abortion.

The third option is the only one to center entirely on the woman who had the abortion. In this one, she speaks first, reciting the opening like from the *Elohai N'shamah* blessing in Hebrew and English, "*Elohai n'shamah sh'natata bi t'horah hi*. O God, the soul which You have placed within me is pure."[142] At this point, it is unclear whether the woman is referring to her own soul (as the traditionally liturgy suggests), or perhaps the soul of the terminated fetus. The connection of purity to the *mikveh* immersion is clear. The leader of the ritual then returns to "affirm life as it will now be,"[143] referencing perhaps an altered

[140] Ibid.
[141] Ibid.
[142] Ibid, quoting *Elohai N'shamah* from the traditional morning liturgy.
[143] Ibid.

understanding of Deuteronomy's adjuration to "choose life."[144] The leader then invites the woman (and partner) to share why the decision to abort was a *good* one, providing a closing frame to the first sharing. This option then ends with a ritual meal eaten by all present. In Biblical tradition, a feast would be eaten to celebrate the birth of a child.[145] This ritual meal, celebrating instead the decision of a woman (or a couple) to terminate a pregnancy, subverts that tradition. Interestingly, the ritual script includes a different tradition, writing, "As Jewish women through the centuries have had to make hard decisions, we remind you of our chain of tradition."[146] This harkens back to Rabbi Emily Langowitz's category of transmission, in which the transmission of values and experiences replaced the traditional transmission of genetic material.

Rayzel Raphael's ritual, similarly to Pescador's, promotes a worldview and cosmos in which individual women (or couples) have autonomy over their reproductive decisions. This ritual gives a sense of order through its hierarchy of ritual roles and a sense of community through the requirement to have other individuals present. It has consistent ritual continuity with other liturgical texts — *Hashkiveinu* and *Elohai N'shamah* — as well as other Jewish rituals — *tashlich* and *mikveh* immersion. Despite this continuity, the ritual subverts the patriarchal notion of *mikveh* through using it to mark a decision of the mind over a state of the body. It is also worth noting that the use of the liturgical texts from *Hashkiveinu* and *Elohai N'shamah* imply the assumption that the ritual actor has a very limited textual literacy. These two texts are traditionally recited daily, making them representative of the cycle of normal daily life. Perhaps this suggests that the abortion is placed firmly into the realm of normalcy, destigmatizing it as an experience. But it seems to me that an abortion is

[144] Deuteronomy 30:19, my translation.
[145] See, for example, Genesis 21.
[146] Rayzel Raphael, "Abortion Ritual."

an uncommon enough experience in a single individual's life that it deserves ritual recognition that reflects its rarity. This ritual also attempts to alter the symbolic meaning of *tashlich*, however, it fails to do so. Instead, it subtly promotes the non-Jewish and harmful idea that abortion is a sin. By doing so, it undermines its own stated ritual goal of supporting the individual who had the abortion.

*"A Ritual for Abortion" by Deborah Eisenbach-Budner with Rabbi Susan Shnur*

Deborah Eisenbach-Budner's and Rabbi Susan Shnur's "A Ritual for Abortion" appears alongside an article they wrote for Lillith Magazine entitiled "Ambivalence: When the Abortion on the Table is Your Own."[147] In the article, Eisenbach-Budner describes her experience of becoming pregnant unintentionally at the age of forty and deciding with her husband (and for the sake of their two children) to terminate her pregnancy. The ritual is a simple one-line blessing which came to her while she lay on the operating table under localized anesthesia. Eisenbach-Budner is a Jewish educator committed to innovative ritual, so it is unsurprising that, in such a state, she created a gorgeous *bracha*, blessing.[148] In their publishing of the blessing, Eisenbach-Budner and Shnur give their explanation of the blessing, and the choices they made in creating it. I will consider these explanations briefly in my assessment below.

To begin with, this is our first ritual which is made up of only a blessing. There is no prescribed choreography to this ritual, no prescribed actors or symbols; there is only the script. In Jewish tradition, a blessing is recited immediately before an action is performed. One blesses the wine and immediately drinks it, or blesses the washing of their hands as they

[147] Deborah Eisenbach-Budner with Rabbi Susan Shnur, "Ambivalence: When the Abortion on the Table is Your Own." *Lillith Magazine*, Fall 2013.
[148] Ibid.

soak their hands in water. This would imply, then, that this blessing would be recited either immediately proceeding an abortion procedure or during it. It also implies that the act of the abortion is in some way *blessed*. Unlike our previous two rituals, which seemed to *affirm* or at least *accept* abortion, this ritual *uplifts* abortion and makes it a holy act.

The blessing opens immediately with the feminine phrase "בְּרוּכָה אַתְּ, Bless You."[149] God is being addressed in the second person, as is typical in Jewish blessings, but instead of being in the traditional masculine, Eisenbach-Budner and Shnur chose to address God in the feminine. Already this subverts the typical theological assumption of God as masculine/God as man. By subverting this standard theological model, the ritual opens up the space for a new theological description of God, as well as the possibility to subvert other aspects of patriarchal tradition. God is then addressed as "רחמאמא, *Rahamaima*, Compassionate Nurturer of Life."[150] This name for God does not come from Jewish canon; rather, it was created by Eisenbach-Budner and a small group of women ritual creators. Eisenbach-Budner and Shnur explain that it is a combination of the words "*rechem*, womb," "*rachamim*, compassion," and "*ima*, mother." This amalgamated name conceptualizes God as a mother with a womb who can become pregnant. The choice to use this name for God — rather than the myriad of other traditional and innovative feminine names for God — emphasizes the relationship between the pregnant individual reciting this blessing and God Herself: God has a womb like the person has a womb; God is compassionate as the person seeks compassionate medical care; God is a mother while the individual chooses to not become (or become again) a mother, a parent, or a father, or, perhaps, chooses to be a parent in the

[149] Ibid.
[150] Ibid.

hardest way. *Rahamaima* portrays a God that is similar to the pregnant individual and, therefore, reflects the godliness within that individual.

In their translation, Eisenbach-Budner and Shnur refer to God as "Compassionate Nurturer of Life."[151] They choose to omit the maternal aspect of the name, opting instead to describe God as one who nurtures the living. In this ritual cosmos, God nurtures the individual seeking an abortion. But if God nurtures *life*, what relationship, if any, does God have to the terminated fetus? This blessing addresses a God who is present for the individual terminating their pregnancy, both in God's compassionate nurturing and, following, in God's helping. This God helps not only the pregnant individual, but also a universal "us." Does this "us" refer to other individuals who seek abortions? Does it refer to the individual's partner/s? The doctors performing the procedure? All Jews? All humanity? In her explanation of her experience creating the ritual on the operating table, Eisenbach-Budner writes that the concept of "us" referred specifically to the community of other Jewish women who had had abortions. That "us" made her feel less alone in her decision, and evokes Langowitz's category of Transmission. This God does not require "us" to choose life, but instead *helps* "us," in line with the nurturing narrative.

The blessing ends with the phrase, "לִבְחֹר חַיִּים, choose life."[152] As noted above and in chapter two, this phrase comes from Deuteronomy 30:19. Coopted by the anti-abortion movement in America, this phrase has come to connote the choosing of the *fetus'* life, despite the conditions of the pregnancy or the life of the pregnant individual. Eisenbach-Budner and Shnur's ritual completely subverts this anti-abortion meaning of choosing life, focusing instead on the lives of the pregnant individual and that of their partner/s, as well as the lives

[151] Ibid.
[152] Ibid.

of others who would have been affected by the bringing of the pregnancy to term. In this ritual cosmos, the biblical adjuration to choose life becomes a powerful argument for individual choice and autonomy.

*"A Prayer upon Terminating a Pregnancy" by Rabbi Amy Eilberg*

Rabbi Amy Eilberg's "A Prayer Upon Terminating a Pregnancy" appears in the January 1999 issue of *Sh'ma*, a pluralistic Jewish journal which addresses topics relevant to Jews' lives in America.[153] Eilberg, the first woman to be ordained as a rabbi by the Jewish Theological Seminary, works in the Bay Area of California as a "peace and justice educator, spiritual director, and kindness coach."[154] At the time of writing this ritual, Eilberg was working primarily as a pastoral counselor.[155] The prayer reflects her stance as a pastoral presence, focusing on comfort and care that the prayer itself and the God described within it can provide to an individual or a couple terminating a pregnancy. The blessing follows a traditional Jewish format, opening with "May God who blessed our ancestors Abraham, Isaac, and Jacob, Sarah, Rebecca, Rachel, and Leah, bless and bring healing to ____."[156] The formula itself represents ritual continuity with the Jewish past, both in its form and in its content. Not only would this blessing formula be recognizable to the vast majority of Jews, but it also describes a God who has blessed individuals from the Jewish collective past. This God, having blessed our ancestors, is thus capable of blessing the individual having an abortion. Not only is this God capable of doing so, but God has now been reminded that it is God's ritual role. This ritual formula, however, may remind a literate Jew that the blessings

[153] Sh'ma Journal: A Journal of Jewish Ideas. Accessed January 2021. http://shma.com
[154] "About." Rabbi Amy Eilberg. Accessed January 2021. https://www.rabbiamyeilberg.com/about
[155] Amy Eilberg, "A Prayer Upon Terminating a Pregnancy," *Sh'ma Vol. 29 Number 588*. January, 1999.
[156] Ibid.

bestowed upon these ancestors primarily took the form of progeny. The blessing promised to Abraham, Isaac, and Jacob and delivered through Sarah, Rebecca, Rachel, and Leah was that of pregnancy and childbirth. That God's blessing of these mythic ancestors manifested in the promise of children is in direct contrast to the blessing requested in Eilberg's ritual; however,, it is likely that the formulaic nature of its recitation would suppress any recognition of this paradox.

At the end of the ritual, Eilberg quotes Psalm 121:8, "יְהוָה יִשְׁמָר־צֵאתְךָ וּבוֹאֶךָ מֵעַתָּה וְעַד־עוֹלָם: God will guard your going and your coming, from now until forever."[157] This verse is less recognizable than the blessing formula, but it is still a familiar phrasing to Jewish ears. This blessing, then provides ritual continuity for individuals terminating their pregnancies, an activity they likely have not done before in their lives. This ritual continuity then indicates a continuity of identity; if one's identity might be altered by doing a new action, marking it with something familiar and continuous will create a steady sense of self in the cosmos.

This prayer assumes at least two ritual actors, the one delivering the blessing and the one receiving it. There is no prescription in the text of the ritual as to who gives the blessing, which indicates that anyone could act in the role of the one who blesses. The blesser could be a rabbi, a cantor, a chaplain, a partner, a friend. The emotional resonance of the blessing would likely change depending on the person playing the ritual role of blesser: a rabbi reciting a blessing might feel somehow holier or more hierarchical, whereas a friend reciting the blessing might feel intimate and personal. The blessing names the ritual actor who receives the blessing, and refers to the receiver as "her/them."[158] While in today's parlance this could indicate one individual — a woman or a nonbinary individual — when it was

[157] Psalm 121:8. My translation.
[158] Eilberg, "Prayer Upon Terminating."

written, it likely referred to either a woman or a couple. This ritual actor does nothing but receive, a very different stance than we have seen thus far from the other rituals' descriptions of the individuals having an abortion, in which they were much more active ritual ritual agents. Whereas all of our rituals thus far have promoted some sense of ritual and therefore reproductive autonomy, this blessing focuses instead on the pregnant individual as a receiver of compassionate care.

God, as described in this blessing, is a healing, restorative, and comforting presence. Named as "God," Holy One," "*Shekhina*," and "Source of life and peace," this God fits into a rather standard Jewish description.[159] *Shekhina*, the only gendered name of God in this blessing, serves as the comforting presence for the individual/s having the abortion. God is also defined in this blessing by the use of the excerpt from Psalm 121. In that aforementioned text, God is one who protects as humans exert their own autonomy and action. It is the human in the Psalm who "goes and comes," and God who accompanies alongside, protecting. Humanity has the action of doing, while God serves the role of carer, reflecting back on our discussion in chapter one of the interdependent ethic of care. The use of the term "*tzeitecha*, your going out" in Psalm 121:8 can also be read as a counterexample to the traditional biblical expectation that women who "go out" are necessarily endangering themselves sexually.[160] In this example, God protects all individuals as they go out and come back, undermining any claim that a woman who "goes out" is somehow culpable. God is a caring, protective, and understanding presence in this prayer, who accompanies the ritual actor in their choice to terminate their pregnancy.

[159] Ibid.
[160] For example, Dinah's rape is blamed on her going out in Genesis 34:1.

This prayer is an unoffensive one, using typical healing and comforting rhetoric to bless the individuals choosing to have an abortion. The only controversial choice is Eilberg's decision to refer to the terminated fetus as a "baby."[161] The line reads as such: "As for the baby that was not to be, shelter this baby, O God, under Your care."[162] Rather than praying for the soul that could have been attached to the "baby that was not to be," Eilberg prays for a baby as a whole being. She implies that the organic matter removed from the uterus was a living infant, and therefore died at the termination of the pregnancy. This death imagery is reinforced by the choice of the phrase, "shelter...under Your care," which is reminiscent of the request in *El Malei Rachamim*, a prayer for the dead, for God to take (often translated as "shelter") the soul of the departed individual under God's wings. In a prayer that presents no anti-abortion or anti-choice agenda, the decision to use this phrase and the term "baby" seems contradictory to the prayer's goal.

*"Ritual for grief following therapeutic loss" by Rabbi Nina Beth Cardin*

Rabbi Nina Beth Cardin's book, *Tears of Sorrow, Seeds of Hope: A Jewish Spiritual Companion for Infertility and Pregnancy Loss* contains a series of rituals, blessings, prayers, and poems for individuals and couples struggling with fertility. In her book, Cardin addresses only therapeutic abortion — the terminating of a wanted pregnancy for medical reasons — and not elective abortion — the terminating of an unwanted pregnancy or a wanted pregnancy for nonmedical reasons (i.e. financial). This in and of itself is significant, both for the goals of the ritual we will address and for the context of the cosmos in which abortion is acceptable. By including only a ritual for therapeutic abortion, Cardin argues both that

[161] Eilberg, "Prayer Upon Terminating."
[162] Ibid.

elective abortion is not an experience worth marking ritually and also that a therapeutic abortion is somehow more valid than an elective abortion. Within an American society and legal system that constantly attempts to put limits on abortion access, the validating of one kind of abortion over another can have serions repurcussions. Preceding her ritual, Cardin includes two other liturgical options for marking therapeutic abortions that we will not be assessing in depth, a "Prayer to be said when preparing for the end of a pregnancy" that she wrote herself, and "A lullaby for courage" by Debbie Perlman.[163] These both set the stage for Cardin's ritual, reflecting on the difficulty and sadness she assumes accompany the pregnant individual during the decision-making and terminating processes. It is also worth noting that Rabbi Amy Eilberg's work strongly influences Cardin's "Ritual for grief following therapeutic loss."[164] The ritual begins with a suggestion by Eilberg in another version of her "Prayer upon Terminating a Pregnancy," and includes a slightly altered version of that prayer.[165]

The very first thing noted in the ritual script is the presumption that the ritual actors include a couple. The cosmos created in this ritual world is one in which the only way someone would seek a therapeutic abortion (or an abortion at all) is in the context of marriage. The ritual ends with this assumption as well, mentioning the couple's wedding. There is no allowance in this ritual world for an individual to have wanted a pregnancy on their own, and to be mourning the choice to therapeutically terminate that pregnancy. The role of the couple, however, is not of two individuals, but rather of one whole. The couple always speaks together, acts together. The ritual role forces them to act entirely as a pair,

[163] Nina Beth Cardin, *Tears of Sorrow, Seeds of Hope*. *2nd Edition.* Woodstock, VT: Jewish Lights Publishing, 2007. pp. 108-110.
[164] Ibid, 110.
[165] Ibid, 110, 185.

rather than making space for the two individuals to have different ritual and emotional experiences. In this ritual world, there is no consideration that the two members of the couple might have different ritual needs. Perhaps this is an attempt to encourage the not pregnant (likely assumed to be cisgender male) partner to participate equally in all aspects of the abortion and ritual, but it reads as a subsuming of the two individuals into each other. The next ritual actor mentioned is a "Rabbi or participant," who speaks the opening *kavanah*.[166] Later the participant is referred to as a "friend."[167] This ritual then needs a leader, someone to facilitate and organize the ritual speech and actions. As noted before, the inclusion of a rabbi creates a hierarchy in which they maintain a sense of order. A rabbi's presence will represent a strong link to Jewish tradition, as well as a sense of holiness and gravity to the ceremony. A friend playing this ritual role will certainly maintain ritual order, but their presence will likely represent a sense of intimacy and perhaps informality.

Much of this ritual involves mimicking different traditional Jewish mourning rituals. The couple begins by sitting on "low, hard stools," which represent "the hard place in which they find themselves."[168] These stools are an adaptation of the low chairs on which an individual in mourning sits throughout the duration of *shiva*. The choice to have the couple sit on stools, rather than chairs, however, might harken to the idea of the birthing stool. Sitting on low, hard stools, then, might be an extra metaphorical layer of the pain that the couple feels. Later in the ritual, the "rabbi or friend" will extend their hand to the couple, "inviting them to symbolically rise from their place of mourning."[169] Then the ritual imitates a funeral, having all who are present stand in two parallel lines facing each other. The couple

[166] Ibid, 110.
[167] Ibid, 111.
[168] Ibid, 110.
[169] Ibid, 111.

walks through the line as the participants recite the sentence, "May God comfort you along with all others who suffer pains of loss."[170] This is an imitation of the traditional condolence recited at Jewish funerals and *shiva*s: "*Hamakom y'nacheim etchem b'toch sha'ar avlei tzion v'yirushalayim*, May The Place [God] comfort you among all of the mourners of Zion and Jerusalem."[171] The extensive mimicking of Jewish mourning practices illuminates the assumption that the couple are mourners, and, therefore, that the terminated fetus was in some sense a life. These mourning rituals are traditionally done by an individual mourning a parent, a sibling, a spouse, or a child; by imitating those rituals, this ritual implies that the terminated fetus was more like a child than an embryo. This imitation of mourning rituals also enhances the connection to Jewish tradition, making the ritual itself feel like a continuation of Jewish tradition.

The mimicking of mourning rituals is not the only form of ritual adaptation present in "Ritual for grief following therapeutic loss." The ritual ends with a meal, similarly to Gabrielle Pescador's "Self-Birthing" Ritual. In this ritual script, the text says that this meal "symboliz[es] comfort and life."[172] Interestingly, however, it is again mimicking a mourning ritual, the *Seudat Havra'ah*. The foods suggested are the same foods intended to be eaten at the *Seudah*, which are all soft and round, including hard-boiled eggs and lentils, among others. In the *Seudat Havra'ah*, these foods represent the circular nature of life.[173] Eggs especially are meant to symbolize the closeness of life and death. For our purposes, the egg is a specifically poignant symbol of the "death" of the embryo in utero. Hard-boiled eggs are also associated with Passover, a time of year in which we focus on rebirth. All of these

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[170] Ibid, 111.
[171] Traditional mourning liturgy.
[172] Cardin, 111.
[173] Ronald L. Eisenberg, "Meal of Consolation (Seudat Havra'ah)." My Jewish Learning. Accessed at: https://www.myjewishlearning.com/article/meal-of-consolation/

conflicting meanings are attached to the hard-boiled egg at this ritual meal. The meal ends with another imitated ritual, a blessing over wine. This is where the ritual references the couple's marriage, claiming that this glass of wine is to be shared, "just as they did at their wedding."[174] The blessing asks God, who has blessed the fruit of the vine, to also bless the couple. This harkening back to their *Sheva Brachot* seems to remind the couple of the hope for children expressed in that ceremony. By ending with this hope, the ritual is expressing hope that the couple may come to have a successful pregnancy and birth in the future.

Throughout Cardin's ritual, God plays a traditional role as one who hears blessing and responds to it. Because so much of the *kavanot* are based on Eilberg's above ritual, we do not need to delve further into the description of God. The only element of the *kavanot* that deserves further exploration is the following section, in which the "rabbi or participant" addresses the necessity of terminating the pregnancy. In this section, that ritual actor says the following:

> It is the blessing and curse of being human that we have the capacity to make choices. Sometimes the choices are approached with joy and daring. Sometimes the choices are filled with pain. Nothing can make the choice to end a pregnancy easy, even knowing that we did what had to be done.[175]

This *kavanah* expresses for the sentiment that having the choice to terminate a pregnancy is both a blessing and a curse. While we have seen the concept of choice as blessing, this is the first time we have seen explicitly the idea that choice might be a curse. What might it imply that human beings are cursed with the ability to choose? Is that curse a punishment? Or is it just the state of being human? I would argue that choice, even when difficult, is indeed never a curse. When Deuteronomy 30:19 reads, "choose life," as discussed in chapter one, it is

[174] Cardin, 112.
[175] Ibid, 110-111.

presented as an obligation. We are *obligated* to make difficult choices, but we are certainly not *cursed* with them. Embracing choice is an act of embracing the complexity of life. Even when it is an extraordinarily painful choice, as this ritual assumes, the opportunity to choose one's own life and evaluate the goodness of the potential life of their fetus is, indeed, a blessing. Langowitz highlights this in her category of Creation. God's Creation and humanity's creating must be *good*; therefore, the choice to create must address this goodness. Choosing to terminate a pregnancy that, for any reason, was not *good* cannot be a curse. This *kavanah* ends with the idea that the abortion "had to be done." This implies that the abortion was an undesirable act, justified only by its necessity. Clearly in the context of a couple who wants a child, abortion would be undesirable, but the framing of it as "what had to be done" seems to provide an unnecessary justification, as if the ritual (or the ritual creator) needed to excuse the abortion. It places the abortion in the realm of *not good*, as if the decision to terminate was not somehow better than the option to carry an unhealthy or dangerous pregnancy to term.

Cardin's ritual has perhaps the narrowest audience thus far, focusing only on a couple who terminated a pregnancy despite wanting to carry the pregnancy to term. While this is an important situation to ritualize, it adversely affects the validity of abortions (even halakhically permissible abortions!) that are effected for non-therapeutic reasons. It follows traditional Jewish mourning rituals in a way that makes it feel almost like a ritual mourning the death of a child rather than the termination of a fetus. Because of the imitation of these other mourning rituals, however, it is clear that this ritual is deeply grounded in Jewish tradition. This is the first choreographed ritual that we have seen that does not include the *mikveh*, making it an important contribution to our study thus far.

*"Following an Abortion: An Immersion Ceremony" by Matia Rania Angelou, Deborah Issokson, and Judith D. Jummer for Mayyim Hayyim Living Waters*

Mayyim Hayyim Living Waters Community Mikveh has published a series of creative *mikveh* rituals in which individuals can mark a myriad of life's moments, from gender transition to finalizing a divorce to, of course, terminating a pregnancy. Their rituals all include a form of the traditional blessing for immersing, as well as *kavanot* for the three immersions. Their ritual "Following an Abortion: An Immersion Ceremony," written by Matia Rania Angelou, Deborah Issokson, and Judith D. Kummer, uses many adapted elements from Geela Rayzel Raphael's "Abortion Ritual." The ritual opens with a *kavanah* for preparing to immerse, includes three short *kavanot* to be read as one emerges from each immersion, and a *kavanah* at the end. It is a short ceremony, punctuated by the immersions themselves. Any Hebrew is provided vocalized, transliterated, and translated into English, making it accessible for those of all Hebrew levels. The simplicity and accessibility of the ritual script allows for the action of immersing to take precedence over the reciting of words or blessings. This is a ritual in which the ritual actions matter much more than the ritual script.

The ritual script includes prescribed choreography for each moment throughout the ritual. The first *kavanah* is to be read "before preparing for immersion," meaning likely as one enters Mayyim Hayyim's spa-like preparation rooms.[176] Because this ritual was written and published specifically for Mayyim Hayyim, its location is assumed to be their *mikveh*, or the few other liberal *mikva'ot* which use Mayyim Hayyim's rituals (ImmerseNYC in

[176] Matia Rania Angelou, Deborah Issokson, and Judith D. Kummer. "Following an Abortion: An Immersion Ceremony." Mayyim Hayyim Living Waters Community Mikveh.

Manhattan, for example). The second *kavanah* is to be read as one stands at the edge of the *mikveh*, before immersing. The third is after immersing "completely, so that every part of your body is covered by the warm water."[177] This scripted choreography again tends towards ritual accessibility; the writers do not assume that the individual has experience with *mikveh* immersion. Before the second immersion, the scripted choreography includes a new instruction: "Take a deep breath and exhale completely, while gently and completely immersion for the second time."[178] This additional action seems to correlate with the *kavanah* following the second immersion, which is the recitation of "*Elohai, n'shamah shenatata bi tehora hi,* My God, the soul You have given me is pure*."*[179] The similarity between the Hebrew word for soul, *n'shamah*, and for breath, *n'shimah*, likely inspired the writers to include the choreographed deep breath. Before the final immersion, the choreography changes yet again: "Relax, and let your body soften, as you slowly and completely immerse."[180] The addition of softening the body and slowly immersing portrays the image of an individual savoring their last immersion before completing the ceremony.

All aspects of the ritual choreography focus on the bodily experience of the individual who had the abortion. Nothing about the ritual points to anyone else, not a rabbi, a partner, a friend. This is a ritual choreographed for an individual to enact within their own body. The ritual again assumes that this individual is a (cisgender) woman; after the first immersion God is addressed as the "One who blesses all women," implying all women including the one person who is enacting this ritual.[181] No other ritual actors are present, unless the individual enacting the ritual asks for a *mikveh* guide or attendant to witness the immersion.

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[177] Ibid.
[178] Ibid.
[179] Ibid.
[180] Ibid.
[181] Ibid.

Traditionally, a *mikveh* attendant will observe the immersion to make sure that it is *kosher*, i.e. that the individual immersing is fully surrounded by water on each immersion. The typical role of a *mikveh* attendant is often invasive, involving the inspection of the individual's body before immersion. At Mayyim Hayyim — and similarly at ImmerseNYC — there is always the option to have a *mikveh* guide witness the immersion and assist in all ritual matters (including holding a towel or handing the individual a laminated copy of the script while in the water).[182] Unless a *mikveh* guide is present, however, this ritual is enacted entirely alone. I would interpret this aloneness in two diverging ways. First, the ritual autonomy given to the individual marking their abortion may reflect the bodily autonomy they performed in choosing to abort their pregnancy. This would reflect the ritual autonomy that we have seen throughout the majority of our abortion rituals. The second interpretation of this aloneness in ritual enacting is a reflection of the aloneness one might feel in having an abortion. In an American society that continues to stigmatize the choice to terminate a pregnancy, an individual may seek to keep their abortion private. This ritual then allows (encourages?) the individual to keep their abortion a secret, perhaps even creating a ritual cosmos in which one *must* remain silent about their choice. I am inclined to believe the first interpretation, that this ritual is designed to promote ritual autonomy, because the language within the *kavanot* does not point towards any stigmatizing or shaming elements. It seems to me that it is more likely that this ritual is intended to be an individual transformative experience, and that the exclusion of other ritual actors points solely to the individual's autonomous experience.

[182] "What to Expect." Mayyim Hayyim Living Waters Community Mikveh. December 6, 2017, https://www.mayyimhayyim.org/your-experience/what-to-expect/

Because much of the *kavanot* are adapted from Rayzel Raphael's "Abortion Ritual," we will look only at those which are original to this ritual, beginning with the opening *kavanah*. In it, the ritual actor addresses God directly — yet another ritual which assumes God's presence — by asking for help to "begin healing."[183] Whereas our other rituals have asked simply for healing, this one recognizes that the healing process will be longer than the length of this one ritual. This ritual cosmos is more realistic in its understanding of human healing. This *kavanah* ends with another ask for help from God, in which the actor states, "Let the living waters of the *mikveh* wash over me and soothe me. Help me find peace in the warm water of this *rechem*, womb."[184] The *mikveh* is metaphorized as a womb, into which the individual who chose *not* to grow life in their womb descends. It is paradoxical that the individual seeks comfort in a metaphorical womb, given that they chose to have theirs return to emptiness.

The other element of this ritual which is not adapted from Rayzel Raphael's is Mayyim Hayyim's *t'vilah*, immersion, blessing. They adapt the traditional blessing upon immersion to read as such: "*Baruch atah, Adonai Eloheinu, Melech ha'olam asher kidshanu bi-t'vilah b'mayyim hayyim,* Blessed are You, God, Majestic Spirit of the Universe who makes us holy by embracing us in living waters."[185] This adaptation alters the traditional "*asher kidshanu b'mitzvotav vitzivanu al hat'vilah*, who has sanctified us through the *mitzvot* and commanded us regarding immersion," by removing the element of commandedness.[186] Because immersing in the *mikveh* after an abortion is not a commanded immersion, the blessing is slightly altered to reflect this. In this iteration of the blessing, it is not the *mitzvot*

[183] Angelou, Issokson, and Kummer, "Following an Abortion."
[184] Ibid.
[185] Ibid.
[186] Traditional *mikveh* liturgy.

that are sanctified, but the individual immersing. The blessing creates a cosmos in which the act of immersing in a *mikveh* makes one holy.

This cosmos is affected by the name of the *mikveh* itself, Mayyim Hayyim, and the use of that language in the immersion blessing. The phrase *mayyim hayyim* originates in the Torah, first to connote a wellspring of fresh water (Gen. 26:19) and later to invoke the concept of ritual purity (Lev. 15:13). It is the latter category from which the concept of *mikveh* arises. *Mayyim hayyim*, fresh or living waters, have the capacity to purify one's body for ritual purposes after it is put into a state of ritual uncleanliness. In the example from Leviticus, a cisgender man's body can become unclean through seminal discharge, and purified through a waiting period and washing in *mayyim hayyim*.[187] In Mishneh Mikva'ot, a *mikveh* of *mayyim hayyim* is the most desired type of *mikveh* in which to immerse.[188] The use of the word *hayyim*, living to describe the waters of the *mikveh* connotes a sort of power contained by the waters. They are *living*, meaning they symbolically contain all of the beautiful complexity of life. For an individual immersing after an abortion, the use of the phrase *mayyim hayyim* in the immersion blessing may bring up notions again of "*uvacharta v'chayyim*, choose life."[189] The life made holy in those waters is not the life of the terminated fetus, but the life of the individual who has chosen to terminate their pregnancy. The cosmos of this ritual, then, is one in which the waters themselves live and sanctify the life of the individual immersing.

Mayyim Hayyim's abortion ritual centers on the immersion of an individual seeking healing and comfort after an abortion. This ritual, unlike our other *mikveh* rituals, guides the individual through each of the three immersions with specific choreography and language,

[187] Leviticus 15:13.
[188] Mishneh Mikva'ot 1:8.
[189] Deuteronomy 30:19.

and includes a blessing for immersing. It is the only one of our *mikveh* rituals to recognize the womb-like structure of a *mikveh*, and present the interesting paradox of an individual who terminated a pregnancy seeking comfort in a metaphorical womb. It is also the only one of our rituals which is explicitly enacted alone. The location of this ritual is in the *mikveh*; it is a world in which in the waters themselves provide much of the ritual effect. The solo ritual actor directs God directly, while using the immersion as the singular focal action.

*"Abortion" by Rabbi Hara Person*

The Central Conference of American Rabbis' Press *Mishkan R'fuah: Where Healing Resides* is a short book of liturgies, poems, *kavanot* and prayers for many different scenarios which involve healing. These pieces range from blessings for an individual entering a rehabilitation facility to a *kavanah* to recite over someone else nearing their death. *Mishkan R'fuah* organizes the texts by categories; "Abortion" falls under "Undergoing Treatment or Procedure" rather than "Pregnancy Loss."[190] Perhaps this is an attempt to reconcile the difference in the experiences of an abortion versus a miscarriage, but it also seems to treat an abortion as if it is akin to a cyst removal rather than the choice not to remain pregnant and give birth. The rituals in *Mishkan R'fuah* are mostly for an individual ritual actor to recite for themselves, but can also be read by one ritual actor for another. Person's "Abortion" *kavanah* fits into the former category, for an individual (of any gender identity) to recite on their own. There is no ritual timing, choreography, or location; it is up to the ritual actor to choose how, when, and where to recite the *kavanah*.

[190] Eric Weiss and Shira Stern. *Mishkan R'fuah: Where Healing Resides*. New York: CCAR Press, 2013. p. viii.

Person frames her *kavanah* through the language of Ecclesiastes, beginning and ending with the line, "To everything there is a time and a season."[191] The implication is, of course, that this pregnancy did not come at the right time. This language will remind us of Sue Levi Elwell's abortion *midrash*, in which she employs similar language. The end of her first stanza makes this even more explicit, referencing "the choice / that is right at this time and this season."[192] Person continues with Ecclesiastes' language, writing, "There is a time for planting, and a time for uprooting the planted."[193] In its original context, this is the second half of the verse whose first half is, "A time to be born and a time to die."[194] The meaning of the second half of the verse mimics but slightly changes the first half; in our case, birth and death are largely uncontrollable, while planting and uprooting imply human agency and choice. Her last reference to Ecclesiastes, introducing her third stanza, references the time for weeping and for laughing, from Ecclesiastes 3:4. These references to Ecclesiastes' poem imply that an abortion in its right time is as natural as planting or uprooting, being born or dying. This is one of the few times that we see a ritual cosmos in which abortion is considered to be a natural part of life's cycles.

Person's *kavanah* is our only ritual which addresses the potential for doubt in making the decision to terminate a pregnancy. Her second stanza includes the lines, "Allow me my doubts / even as I remain steadfast in my decision."[195] This is a powerful recognition of the honest experience that many individuals face when choosing to terminate a pregnancy. This ritual cosmos allows for the very human response to doubt oneself and one's decision,

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[191] Hara Person. "Abortion." in Eric Weiss and Shira Stern. *Mishkan R'fuah: Where Healing Resides*. New York: CCAR Press, 2013. p. 40. Adapted from Ecclesiastes 3:1.
[192] Ibid, p. 40.
[193] Ibid, p. 40. Adapted from Ecclesiastes 3:2b.
[194] Ecclesiastes 3:2a.
[195] Person, p. 40.

especially when that decision ended a *possibility*. By creating a cosmos in which an individual could recognize their doubts while remaining "steadfast" in their choice, Person allows for an entire range of emotions that no other rituals have yet addressed. It also means that this ritual could be recited for any abortion, regardless of the pregnant individual's reasons for choosing to terminate. This ritual cosmos, through Ecclesiastes' merisms and Person's mimicking of those merisms, creates space for a much larger range of emotions and responses than any other ritual we have addressed.

**Concluding Thoughts**

In this chapter, we have surveyed seven rituals for individuals having abortions. These seven represent a larger corpus of creative rituals that address the manifold experiences and emotions of terminating a pregnancy. In these rituals, we saw a variety of different ritual settings, actions, actors, theologies, and cosmoses. Some of our rituals required multiple actors, like Rayzel Raphael's, while some were intended to be done individually, like Mayyim Hayyim's. Some required *mikveh* immersion while others had no choreography or specific location at all. Some were highly scripted rituals (Pescador's, Cardin's), while others were merely blessings (Eisenbach-Budner and Shnur's) or prayers (Eilberg's). One ritual obsessed over birthing imagery (Pescador's), while another mimicked Jewish death and mourning rituals (Cardin's).

Many referenced Deuteronomy 30:19, "choose life," and many contained words like "healing," "comfort," and "renewal." God sometimes took the form of a comforting presence who could bestow healing if petitioned, and sometimes appeared as a Compassionate Mother with a womb.

Despite these many ritual differences, there were quite a few themes that reappeared throughout these rituals. The first was that each of these rituals is intended to be enacted only once. None of these rituals are repetitive, recurring rituals that could, for example, mark individual transformation and healing over time. The only time in which one of these rituals would be repeated would be if an individual had more than one abortion, and chose to mark both with the same ritual. This indicates an overall assumption within Jewish ritual that an individual would only *need* one, one-time ritual to mark their abortion. In the conclusion of this thesis, I will argue that this is insufficient.

Three rituals used *mikveh* immersion as a space for transformation. In the *mikveh* rituals, an individual — often problematically assumed to be a cisgender woman — would mark their abortion by immersing in water and emerging somehow transformed. Whether or not the transformation was believable — in Rayzel Raphael's "Abortion Ritual" it was difficult to believe that someone in distress could immerse in the *mikveh* and emerge suddenly joyful — the womb-like waters of a *mikveh* served as a way to mark transformation in the individual who had terminated their pregnancy. This focus on the pregnant individual's transformation from a state of distress or sadness to a state of healing or, perhaps, joy is unlike any other aspect of the Jewish conversation on abortion.

Womb and birthing imagery appeared in many of these rituals, as well. In Eisenbach-Budner and Shnur's blessing, God is imagined as a Mother with a womb. Pescador's ritual in its entirety centered around the imagery of birthing. Mayyim Hayyim's ritual referred to the *mikveh* explicitly as a womb, and all the other *mikveh* rituals had that image, whether or not it was explicitly stated. This seems to me the most concerning element of these rituals (besides, perhaps, the assumptions around gender). All of these rituals were

marking the intentional termination of a pregnancy, yet they so often defaulted to womb and birth imagery. While rituals certainly can successfully contain paradoxes, this seems to be antithetical and perhaps even damaging imagery for an individual who has chosen not to give birth.

I also found troubling the number of times these rituals implicitly, probably unintentionally, referred to abortion as undesirable, unfortunate, or even sinful. The use of *tashlikh* in Rayzel Raphael's ritual was the clearest example of this. In it, the choice to terminate was treated symbolically like a sin to be cast out on Rosh Hashanah, reinforcing the damaging notion in American religious rhetoric that abortion is sinful. This was less explicit, but also present, in Cardin's ritual for therapeutic abortions. In hers, she implies that the choice to terminate a pregnancy is a cursed one. And, by creating a ritual only for a medically necessary abortion, she disparages abortions done for any other reason.

Despite these occasional negative attitudes towards abortion, all but one of our rituals presented ritual autonomy as indicative of individual autonomy. Through the ritual agency given to the individual who had the abortion, each of these rituals argued for bodily autonomy and integrity around the reproductive choices these individuals made. Langowitz's ethical category of bodily integrity could be seen throughout the many ways in which these rituals promoted individual autonomy.

This individual autonomy was balanced by communal interdependence. Many of our rituals required the presence of other ritual actors besides just the individual who had an abortion. These community members, clergy, friends, and partners represented the interdependent network of people who support an individual making this decision. From prayers that had to be recited by someone else over the individual who had the abortion, like

Eilberg's, to rituals that required witnesses and participants to act, like Rayzel Raphael's and Cardin's, these rituals reflected our sixth ethical category of interdependent care. That some of these rituals could not be enacted without others present reflects the interdependent care received in the acts of making the decision and aborting a pregnancy.

Finally, every single one of our rituals focused on the needs of the individual who sought the abortion. Not a single one of our rituals puts another individual's needs before theirs. The majority of these rituals do not even take into consideration anything but the experience of the individual who had the abortion (and, in some cases, their partner/s). The only exception is Eilberg's prayer, which includes a sentence praying for the soul of the "baby," which is only done as a way to provide comfort to the individual who terminated. That these rituals so singularly focus on the healing and comfort of the individuals who had abortions is a radical step forward in the Jewish conversation on abortion.

## Conclusion

This thesis applied ritual theory to seven creative rituals for individuals who have had abortions and assessed them for the ways in which they contribute to the Jewish conversation on abortion. In order to ground the conversation on abortion within Jewish thought, I began with a selective read of typical writings and consequential texts that have furthered the conversation. I did not consider in this thesis the vast majority of the *halakhic* and ethical literature on the subject of abortion. Because I wanted to focus this thesis on the contributions of these rituals through a feminist lens — and because, unfortunately, time is limited — I chose to omit a vast majority of the literature. It is no surprise that the majority of Jewish intellectual, ethical, theological, and legal history is patriarchal. In order to maintain a firmly feminist, pro-choice stance, I disregarded much of that literature. A deeper look into this literature would of course benefit any study on abortion in Jewish thought.

I then turned to ritual studies in order to set up the lens through which I read and assessed the abortion rituals. In chapter three, I assessed each of the seven rituals for its theology, cosmos, and overall contributions to the understanding of abortion in Jewish thought. The rituals contributed to the conversation on abortion by focusing primarily on the needs — especially the emotional needs — of the individual who had the abortion. They also recognized both the ritual agency and bodily autonomy of these individuals, putting them firmly into Langowitz's ethical category of bodily integrity. These rituals used the language of choice in an overwhelmingly positive and affirming light, recognizing again the bodily autonomy and reproductive choice that individuals have when they become pregnant. Despite the strong stance towards individual agency and autonomy, the vast majority of these rituals also recognized the very real need for the presence, care, and support of others. Many of

these rituals required the presence of community members to be enacted, emphasizing the need for communities of care in which individuals can mark life events such as abortions. Unfortunately, despite these many positive and pro-choice contributions these rituals have made towards the Jewish abortion conversation, some of them still maintained an ambivalent or even negative stance towards abortion. Just as the *halakhic* and ethical conversations contain opposing views on abortion, so too does the ritual conversation.

There were, of course, some rituals which I considered but did not assess in this thesis. The first is the *mikveh* ritual that I enacted for myself after my own abortion, a ritual by Israeli Rabbi Tamar Duvdevani published in *Parashat hamayim*, a book of creative Israeli *mikveh* rituals. I chose not to address this ritual in this thesis because of its Israeli context, in which the greater societal influence is vastly different to North America. This ritual is similar in structure to Rabbi Geela Rayzel Raphael's ritual and the official Mayyim Hayyim ritual, and uses *tashlich* as well as other Rosh Hashanah imagery. It is the ritual that inspired this thesis, but because I firmly believe that any ritual reflects its greater societal context, I decided that it was outside the scope of this thesis. Two other rituals which I did not address will be published in the CCAR Press' new supplement to *L'chol Z'man Va'eit: For Sacred Moments*, the Reform Movement's new rabbi's manual. One of these rituals is for an abortion for medical reasons, written by Cantor Natalie Young and Rabbi David N. Young. The other is for an abortion for any reason, which I wrote.

What none of these rituals offered — the seven I addressed and the three I did not — was a sustained, repetitive, ritual for long-term mourning and healing. Because each of these ten rituals are intended for one-time use, none of them can mark transformation and healing over time; the most they can do is mark the beginning of a healing journey. Healing from

anything takes time, and an abortion is no different. Rituals for mourning, healing after, or simply remembering abortion over time need to be added to this corpus. In my pre-Covid-19 pandemic vision for this thesis, I began to interview individuals who had done some sort of ritual to mark their abortions. Each individual shared my own experience of ritualizing differently over time, and returning to the need for ritual each year around either the time of their abortion or the time of their anticipated due date. In my own experience of ritually marking my abortion, I created a short ritual inspired by the medieval Christian sacred practice of creating floralegia, new texts out of inspiring quotations from the Bible.[196] I compiled verses from Tanakh that reflected my own needs, and recited the compilation daily from when I determined that I needed a more sustained ritual practice through my anticipated due date. Every year since, on the anniversary of my abortion, I recite the ritual again. It reflects my personal pain at that time, and my steadfast belief in God's presence in my life. Many of the verses reference God's חסד and רחמים, love and compassion. Of course, *rachamim*, compassion, is the plural of the word *rechem*, womb; God's compassion, bound so tightly with God's love, is expressed through the parts of our bodies which function only to provide care. But God's compassion is not singular, through a single womb, but plural, in our interdependent relationships to each other. I conclude this thesis with this ritual, as an example of what more could be, and a ritual presentation of my theological response to my abortion.

*This ritual is meant to be recited daily during the months following the pregnancy loss. It is suggested that, at the end of the time period of recitation (suggestions include: through*

[196] The term *floralegia* literally refers to any anthology. It comes from the Latin for "gathering flowers." In medieval Christian practice, the creation and subsequent reading of *floralegia* was a common sacred reading practice. It has been implemented and popularized by the podcast "Harry Potter and the Sacred Text," led by Ariana Nettleman, Casper Ter Kuile, and Vanessa Zultan.

*the duration of what the pregnancy would have been, nine months from the date of the loss, or eleven months as is standard to recite Kaddish), the mourner/s go to the mikveh to mark the end of the mourning period. All translations are my own, adapted from JPS.*

*Lamentations 3:17-18*

וַתִּזְנַח מִשָּׁלוֹם נַפְשִׁי נָשִׁיתִי טוֹבָה:

My life was bereft of peace, I forgot what happiness was.

וָאֹמַר אָבַד נִצְחִי וְתוֹחַלְתִּי

I thought my strength and hope had perished.

*Jonah 2:8*

בְּהִתְעַטֵּף עָלַי נַפְשִׁי אֶת־יְהוָה זָכָרְתִּי וַתָּבוֹא אֵלֶיךָ תְּפִלָּתִי

As my soul wrapped itself around me, I called the Eternal to mind; and my prayer came before you

*1 Samuel 1:15*

קְשַׁת־רוּחַ אָנֹכִי...וָאֶשְׁפֹּךְ אֶת־נַפְשִׁי לִפְנֵי יְהוָה:

I am hard of spirit ... therefore I will pour out my heart to the Eternal.

[Three times]

*Psalms 31:10*

חָנֵּנִי יְהוָה כִּי צַר־לִי ... עֵינִי נַפְשִׁי וּבִטְנִי:

Have mercy on me, Eternal One, for I am in distress...my eyes, my soul, my womb.

*Aicha 3:21-22*

זֹאת אָשִׁיב אֶל־לִבִּי עַל־כֵּן אוֹחִיל:

This do I call to mind, therefore I hope:

חַסְדֵי יְהוָה כִּי לֹא־תָמְנוּ כִּי לֹא־כָלוּ רַחֲמָיו:

The kindness of the Eternal has not ended, God's mercies are not spent.

*Psalm 145:9*

טוֹב־יְהוָה לַכֹּל וְרַחֲמָיו עַל־כָּל־מַעֲשָׂיו

The Eternal is good to all, and God's compassion is upon all God's works.

*Psalm 69:17*

עֲנֵנִי יְהוָה כִּי־טוֹב חַסְדֶּךָ כְּרֹב רַחֲמֶיךָ פְּנֵה אֵלָי

Answer me, Eternal, according to your great compassion; in accordance with Your abundant mercy turn to me

*Psalm 126:4-5*

שׁוּבָה יְהוָה אֶת־שבותנו [שְׁבִיתֵנוּ] כַּאֲפִיקִים בַּנֶּגֶב:

Return to us in our returning, Eternal, like watercourses to the Negev.

[Three times]

הַזֹּרְעִים בְּדִמְעָה בְּרִנָּה יִקְצֹרוּ׃

They who sow in tears will reap in joy.

*Psalm 40:12*

אַתָּה יְהוָה לֹא־תִכְלָא רַחֲמֶיךָ מִמֶּנִּי חַסְדְּךָ וַאֲמִתְּךָ תָּמִיד יִצְרוּנִי׃

Eternal, you will not withhold from me your compassion; your steadfast love will protect me always.

*Jeremiah 17:14*

רְפָאֵנִי יְהוָה וְאֵרָפֵא

Heal me, Eternal One, and I will be healed

## Appendix A: Rabbi Sue Levi Elwell's abortion midrash

I was twelve years old and had recently joined my sisters in counting our cycles by the moon. It was my custom to join one or more of my sisters in watering my father's sheep at the oasis not far from our compound. We loved skipping together and singing to the sheep as we accompanied them across the open spaces. Some days we were joined by BenAv, my companion and playmate from the days when we were very young. He and I often ran ahead of my sisters, racing one another to the top of the ridge, and then collapsing in laughter, trading stories and secrets.

One day, Hoglah and Milcah remained at home to help with the barley harvest. BenAv and I set out with the sheep for a long day in the sun. I noticed that he had suddenly grown tall, and that his voice had deepened. We took the sheep to graze, and then we set up our cloaks as a barrier from the midday sun. When we lay down in the shade to rest, our bodies touched, and I felt a strange and delicious fire sweep through me. BenAv looked into my eyes. "You are beautiful, Tirzah, fair and striking." We both knew the words of *Shir haShirim*, the courting song, the wedding song. The power of our connection amazed and slightly frightened us, but we continued to let our bodies speak to one another in this new language.

When I awoke, I saw that the sun had moved across the sky. I felt beautiful and strong and clear. This was not my time for love. I woke BenAv and we sat together, first in silence, and then with words. "Daughters of Jerusalem, swear to me by the gazelles, by the deer in the field, that you will not awaken love until it is ripe." We both knew that we were not yet ripe. We both knew that this was not our time to come together as a family.

We agreed that we would not be together again in this way. We returned home with the flocks.

In the days that followed, my sisters and I returned to the open spaces with the sheep; BenAv was busy with his family's herds. One day, Mahlah asked after BenAv. I told her that we had delighted in one another, and had decided that it was not time for us to be together. When the moon became round, my sisters began to bleed. I did not. Mahlah watched me when we rose in the morning and I checked my garments. She drew me close, and told me that it was time for us to visit the midwife. Shifra, named for the mother of midwives (Exod 1:15), cared for all women in their times of need. My sisters Mahlah and Hoglah were now her apprentices, learning the ancient craft of those who work as partners of the Holy One, helping women. A few months before, I had attended a neighbor's birth, and had watched in silence and wonder as a tiny, wrinkled baby had entered the world. My sisters stood at the neighbor's side. Together the women chanted "*B'sha'ah tovah, b'sha'ah tovah*": "this is the time, this is the good time."

Mahlah and I approached Shifra's tent. I carried a shofar, a ram's horn, I had carved the previous spring. Shifra looked at me with love and consternation as I offered my gift.

“Five moons ago, we welcomed you into the circle of women who bleed with the moon. Why are you here today?” I met her kind eyes shyly. “I awakened love before it was ripe. This is not my time.”

“Have you conferred with your sisters?” Shifra knew that since our mother died, the love between us had become a great source of strength.

“Yes.” Mahlah added, “I speak for Noah, Hoglah, and Milcah.”

Shifra turned to me. “With God’s help, your moon cycle will be restored.”

The midwife gave me a small vessel, and we returned to our tent. I followed Shifra’s direction and drank the strange-smelling potion. My sisters held me as the liquid entered my body, and they cared for me and sang to me as the hours passed and my body expelled the unripe seed. On the second day, I joined my sisters at the evening meal. By the third day, I returned to the oasis with my sisters and the sheep.

When the moon was round again, I bled with my sisters. To celebrate my return to the sacred cycle of women, our family hosted a feast for the women of the village. My sisters crowned me with a garland of delicate desert flowers, and we feasted on a freshly-killed lamb from our flock. As the sun set and the stars rose, the women joined in ancient songs of thanks to the Holy One for my recovery. Their voices danced through the dark as they shared their stories of healing, singing to the Healer of all flesh. I watched their faces glow in the light of the fire and I learned how the women of my village care for one another from first blood until the time when women no longer count their days by the moon. I learned of seeds planted in love and in war, of other shoots, like mine, that were uprooted. Some women wept as they shared their stories. Other women uttered victory cries as they recalled their triumphs. As each woman concluded her story, her sisters and mine joined in a chant that gave wings to her words. One of the chants sounded like a lullaby; I remembered it from the birth I had attended. “*B’sha’ah tovah, b’sha’ah tovah*.” As the women’s voices sparked in the night, these words promised a future I could not yet see, a future when my “time” would be “right.” Surrounded by the circle of my sisters’ love, I fell asleep on a soft lambskin. Under the night sky, I dreamed of leading my sheep, a flock of ewes and new lambs, and watching them prance together across the hills.

## Appendix B: Abortion Rituals

**"Self-Birthing: A Ritual for Termination of a Pregnancy" by Gabrielle Pescador**

The decision to have an abortion is emotionally charged, whether a person has religious or secular values. Many *poskim* have allowed a degree of leniency and have ruled that abortion is permitted according to *halakhah* in circumstances in which a pregnancy is not only harmful to a woman physically but also psychologically. This ritual is designed to support a woman who has decided to terminate a pregnancy to help her move forward with a peaceful mind and renewed connection to God and the community.

The creation of this ritual was inspired by the work of Frida Kahlo, who used art to navigate through pain and disappointment regarding her inability to conceive and carry a child to term. Through her art, she reinterpreted life events and created alternate realities in which she authored her own journey of psycho-spiritual transformation. Although Kahlo desperately wanted to have a child and could not, she tried to come to terms with her situation by seeing her life circumstances as ongoing trajectories of becoming or re-birthing. Two of Kahlo's paintings that speak to the notion of personal transformation through pain are *My Birth* and *Roots*. *My Birth* is a graphic portrayal of Kahlo giving birth to her adult self. In *Roots*, Kahlo imagines herself as a seed or tuber which sprouts new life.

The proposed ritual for a woman deciding to have an abortion resonates with Kahlo's theme of transforming personal struggle into a self-birthing rite of passage and presents an opportunity to recognize and nurture seeds of potential within. The self-birthing ritual, which could be done privately or with trusted loved ones, has four basic elements:

1. Honoring Potential

2. Commitment to Self-Birthing/Renewal
3. Purification
4. Sanctification

**Honoring Potential**

Schwarz's *Tree of Souls: The Mythology of Judaism* discusses various sources in the Talmud, Kabbalah and Tanakh on the origin of the soul. One of the prevailing myths is that there is a treasury of souls (*Guf*). A soul is released from the treasury to attach to an infant at the time of birth by means of angelic assistance.

In acknowledgment of the Treasury of Souls, which some rabbis envision as a celestial tree, the first part of the ritual involves planting an actual tree accompanied by the following *kavannah*:

*Source of Blessing, as I plant this (tree/plant/seed), may You bless the souls in the Guf. I pray for their timely attachment to bodies so that they may experience how earthly existence benefits spirit. In their incarnations, may they have loving families, friends and communities to guide and support them on their earthly journeys. In the act of planting I also commit to accessing my highest potential on my own earthly journey and to turning toward You with all my heart and soul.*

If others are present, they say the following:

*Source of Blessing, may You bless the souls in the Guf with timely attachment to physical bodies and with loving families and communities. May You bless the tree that has just been planted to grow and flourish and may You bless [Name of Woman] with the ability to also grow and flourish and reach her highest potential physically, emotionally, psychologically and spiritually.*

Honoring the spirit of potential is also achieved through giving *tzedakah* with the *kavannah* of being supportive of the life journey of the recipient(s). The idea is to connect with Jewish values of seeing our own well-being (physical-psychological-spiritual) in concert with the well-being of the community. All present may commit to giving *tzedakah* in honor of the woman's rite of passage.

**Commitment to Re-Birth/Renewal**

This part of the ritual is inspired by the stories of the copper mirrors in the rabbinic commentaries. According to Rashi on Exodus 38:8, when the Israelites were enslaved in Egypt, the Israelite women used copper mirrors to reflect their beauty in order to ignite the libido of their over-worked husbands in order to fulfill the mitzvah of procreation. The mirrors became ritual objects for conception and the eventuality of birth.

Ideally a copper mirror would be used in the self-birthing ritual, the reflective surface functioning metaphorically to access inner beauty and Divine sparks. The woman then looks into the mirror and calls out her gifts, acknowledging that they are sources of healing for the self and others.

*Source of Blessing, thank you for the gift(s) of _____. Help me to recognize my inner sparks of holiness, that they are a source of healing for myself and others. Help me to express and utilize my gift(s) in the highest good for myself and others.*

If trusted loved ones are present, they respond to the above with the following:

*Source of Blessing, I/we see the gift(s) of _____ that you have given to [Name of Woman] and I/we promise to nurture her so that she recognizes her inner sparks of holiness and expresses and utilizes her gift(s) in the highest good for herself and the community.*

All participants say the following:

מְכַלְכֵּל חַיִּים בְּחֶסֶד. מִי כָמוֹךָ בַּעַל גְּבוּרוֹת וּמִי דוֹמֶה לָּךְ, וּמַצְמִיחַ יְשׁוּעָה. בָּרוּךְ אַתָּה ה', מְחַיֵּה הָעוֹלָם:

*You sustain the living with loving kindness. Who is like you, Master of mighty deeds, who causes salvation to sprout. Blessed are You, Source of Life, who brings life to the world.*

**Purification**

The copper mirrors were also used in the making of the laver in the *mishkan* (Exodus 38:8). The priests used the laver to wash their hands and feet before doing holy service. Thus, the copper mirrors were transformed into a ritual object for purification. Drawing inspiration from this idea, the re-birthing ritual also involves purification but through *mikveh*. After immersing three times, the participant recites/chants Psalm 51:12:

לֵב טָהוֹר בְּרָא־לִי אֱלֹהִים וְרוּחַ נָכוֹן חַדֵּשׁ בְּקִרְבִּי׃

*Fashion a pure heart for me, O God; create in me a steadfast spirit.*

**Sanctification**

Breathing is part of the birthing process. To facilitate childbirth women are taught special breathing techniques, for example. In Genesis 2:7, God breathes life into the Adam and thus he became a living being. Because of the connection of [Divine] breath to life, the self-birthing/renewal part of the ritual involves a YHVH breathing meditation. All present are invited to participate in the breathing meditation which goes as follows:

*Envision the Yod of Divinity and inhale Heh. Envision Vav drawing the breath down the central channel. Breathe out Heh in praise of the gift of blessing/life. (Repeat for several breath cycles).*

The final part of the ritual involves blessing of the newborn/renewed self. Many Jewish parents say blessings to God on the birth of a newborn. In liberal Judaism, Hatov V'hameitiv is said for the birth of a boy or girl, to acknowledge the pleasure that the newborn brings to the individual and the community.

In this ritual Hatov V'hameitiv followed by Shehekhiyanu are recited to mark the process of spiritual renewal, the acknowledgment that God is good and has the power to grace us with good, and the specialness and timeliness of the event.

All participants are invited to say the following blessings:

בָּרוּךְ אַתָּה ה׳ מֶלֶךְ הָעוֹלָם הַטּוֹב וְהַמֵּיטִיב

*Blessed are You, oh Lord, our God, King of the universe, who is good and causes good.*

בָּרוּךְ אַתָּה ה׳ אֱלֹקינוּ מֶלֶךְ הָעוֹלָם, שֶׁהֶחֱיָנוּ וְקִיְּמָנוּ וְהִגִּיעָנוּ לַזְּמַן הַזֶּה

*Blessed are You, oh Lord, our God, King of the universe, who has kept us alive, sustained us, and enabled us to reach this season*

**“Abortion Ritual” by Rabbi Geela Rayzel Raphael**

This ritual could be done at Rosh Hodesh, the new moon festival according to the Jewish calendar. This is a women's holiday, connecting women to the cycles of the moon and to the earth. She could either go to a body of water for this ritual or have two large bowls of water wherever she chooses. The first is for casting out, and the second is for purifying, or cleansing.

**All:**

*Ufros Aleinu, sukat shlomekha. O*r read in English: Spread over us the shelter of Your peace.

**All:**

Draw water in joy from the living well, Draw water in joy from *Mayim Hayyim*, the Water of Life. Shalom.

**Leader:**
We gather today to acknowledge that an abortion has taken place and to transform the pain that is associated with that decision. We recognize that this was not an easy process and we are prepared to offer support to _____.

**Woman:**

I come here today to commemorate a potential life and to affirm my decision to abort. This has not been an easy decision for the following reasons: (she elaborates)

[If woman has a partner, partner can speak to this as well: I also come to commemorate a potential life and to support my partner's (and my own) decision to abort. This has not been an easy decision for the following reasons:]

**Leader:**

We recognize your pain in this decision and are here to help you move through this in the presence of your community.

<u>Casting out</u>

The first bowl of water is for *tashlich* (casting out). On Rosh Hashanah, the Jewish new year, it is customary to walk to the ocean, a river, creek, or lake with bread crumbs or any other substance which will dissolve or scatter in water. The crumbs symbolically represent our

memories of painful decisions, troubling occurrences, or times in the past year when we feel we let ourselves or others down. It is taught that we must let these go at the High Holydays – it is psychologically unhealthy to hold on to them. During this process, participants still own their actions and decisions, but they come to a place of self-acceptance and peace with them.

If it is not possible to go to a body of water, this can be done with a large bowl of salt water. The woman should be encouraged to name aloud or silently whatever losses, internal feelings, or past actions she wishes to attach to the bread crumbs before casting them into the water. When they are immersed into the water, they start to dissolve, symbolizing that she has let those difficult experiences go, and can begin to move on.

After the crumbs have been cast, the woman may say:

**Woman:**

O merciful one, grant me the hope and courage I need to accept my decision to have an abortion. My tears, represented by the salt water, wash away my pain, and I am ready to move into a state of affirming my life, moving on from this difficult place.

Purification

The second bowl of water is for purification. *Mikveh* is the Hebrew term for ritual bath. A *mikveh* consists of *mayim chayim*, living waters, or natural waters. The living waters ritually and spiritually cleanse the body and ready it for renewal. Water, the fluid state, the agent of change, has the capacity to connect the physical with the spiritual. Immersion in the *mikveh* not only cleanses the soul but also renews the body. The act of completely immersing in a *mikveh* [either an actual ritual bath, or body of natural water], or symbolically cleansing the hands or feet with water, suggests a closure to this decision to abort. *Mikveh* literally means gathering. It can refer to a gathering of water or a gathering of time – the past and future brought together in the present. It also means hope, which is surely part of putting closure to the abortion by bathing oneself in hope for the future. (Susan Berrin, 1985)

**Reader:**

As water creates change, so women are often the agents of change. May we be witnesses today, not only to this transition, but also be witnesses to women as changemakers in our larger world. As water cleanses the spirit, may we be filled with renewal, with energy, power, and direction.

Using a cup, another participant can pour water over her hands and/or feet over the bowl of water.

**The following prayer can be recited:**

May the One who blessed our foremothers, Sarah, Rebecca, Rachel and Leah, bless, heal and renew _____. May the Healer give her support and strength, patience of spirit and courage. May her pain and suffering now be alleviated and may she be thoroughly healed, in spirit and in body. Let the healing begin. *Ana, El na, refa na la*. "O God, pray heal her!" (Numbers 12:13)

OR:

**All say:**

May the One who shares sorrow with Your creation be with us now as we experience the loss of potential life. We are sad as we think of our hopes for this unborn one, as in our minds we imagine what might have been. Life is a fabric of different emotions and experiences. Now, while we experience life's bitterness and pain, be with us and sustain us. Help us to gather strength from within ourselves, from each other, and from our friends. Blessed are You, O Divine Presence, who shares sorrow with Your creation. (Rebecca T. Alpert, *Sh'ma*, September 1985)

OR:

**The woman, herself, may say:**

*Elohai n'shamah sh'natata bi t'horah hi.*

O God, the soul which You have placed within me is pure.
**Leader:**

We are ready to affirm life as it will now be.
Woman [and partner] share why this has been a good decision.

We now share in a meal together. With this food, we help you affirm your life. By nourishing you in this difficult time, we let you know that we are here as support. We acknowledge that you made the best decision for your life at this time and honor your right to do so. We stand by you in times of hard decisions and are here to help you as representatives of your community. As Jewish women through the centuries have had to make hard decisions, we remind you of our chain of tradition. We urge you to find strength in it. We offer these foods to remind you that life – although at times bitter, salty, or sour – is also a mixture of sweetness. We appreciate the variety of tastes available to us from God's universe and know

that we would be deprived if all we tasted was sweetness. We offer these to you as nourishment – of all that life has to offer.

**“A Ritual for Abortion” by Deborah Eisenbach-Budner with Rabbi Susan Shnur**

בָּרוּכָה אַתְּ רחמאמא שֶׁעוֹזֶרֶת לָנוּ לִבְחֹר חַיִּים

*Brukhah At Rahamaima, sh’ozeret lanu, livhor hayyim. Amen.*

Bless You, *Rahamaima*, Compassionate Nurturer of Life, who helps us choose life. Amen.

**“A Prayer upon Terminating a Pregnancy” by Rabbi Amy Eilberg**

May God who blessed our ancestors Abraham, Isaac, and Jacob, Sarah, Rebecca, Rachel, and Leah, bless and bring healing to _____. May the Holy One mercifully restore (her/them) to strength and wholeness. May God grant (her/them) health of spirit, mind, and body, abundant love around (her/them), and the comfort of *Shekhina*’s presence. As for the baby that was not to be, shelter this baby, O God, under Your care. For You, O God of parents, God of children, God of us all, are the Source of life and peace. Guard our coming and our going, now and forever. And let us say: Amen.

**“Ritual for grief following therapeutic loss” by Rabbi Nina Beth Cardin**

As suggested by Rabbi Amy Eilberg, the couple begins by sitting on low, hard stools, reflecting the hard place in which they find themselves.

Rabbi or participant:

We had hoped to gather soon to celebrate with you the birth of your child. Instead we are here, joined in your sadness. In your womb, _____ [mother’s name], was the stirring of life. This baby had begun to grow inside you, and so, too, in your dreams and hopes and longings. Now joy has been replaced by emptiness.

Couple:

Out of the depths I call to you, God. Hear me fully when I call.

God is with me, I have no fear.

I was hard pressed and about to fall. God came to my help. God, You are our strength and our courage. I thank You, God, for having heard me. God, be my deliverance.

Rabbi or participant:

It is the blessing and curse of being human that we have the capacity to make choices. Sometimes the choices are approached with joy and daring. Sometimes the choices are filled with pain. Nothing can make the choice to end a pregnancy easy, even knowing that we did what had to be done.

(If the fetus was not viable, say:

The baby you were carrying could not be. No human hand caused this to happen; no human act could have enabled this baby to emerge in health and wholeness)

Still, in the shadow of such a choice, we feel small and limited and out of control.

The rabbi or friend offers a hand to the couple, inviting them to symbolically rise from their place of mourning. All present (except for the couple) form two even lines, about five feet apart, with the participants facing toward each other as is customary for Jews at moments of bereavement. The couple then passes slowly through the lines.

As the couple passes by, each participant says:

May God comfort you along with all others who suffer pains of loss.

The rabbi or a friend offers the following prayer on behalf of all who have gathered or who have sent their prayers of comfort:

> May God, who blessed our ancestors Abraham, Isaac, and Jacob, Sarah, Rebecca, Rachel, and Leah, grant this family a full healing of body and spirit, abundant blessing from loved ones and awareness of God's loving presence. God, shelter within your wings the baby that was not to be. For You, God, are the protector of all of us, parents and children. Guard our coming and our going, grant us life, and children, and peace, for You are the source of life and peace. Hear our prayers, God, along with the prayers of all parents and children in Israel and around the world.

A meal symbolizing comfort and life, with round, soft foods like hard-boiled eggs, bagels, lentils, grapes, and the like can be served. The couple may be given a glass of wine to share, just as they did at their wedding. Here, however, before making the blessing and drinking the wine, they can say together:

> God, just as you have blessed the vine, causing it to bring forth fragrant and pleasing fruit, so may you bless us.

**“Following an Abortion: An Immersion Ceremony” by Matia Rania Angelou, Deborah Issokson, and Judith D. Jummer for Mayyim Hayyim Living Waters**

**Intention**
**כוונה KAVANAH**
*To be read before preparing for immersion:*

Help me, God,
to begin healing from this difficult decision to interrupt the promise of life,
to decide not to see this beginning of life into the world.
Let the living waters of the *mikveh* wash over me and soothe me.
Help me find peace in the warm water of this *rechem*, womb.

**Immersion**
**טבילה T’VILAH**
*To be read at the mikveh’s edge before you enter the water:*

Oh God, grant me the hope and courage I need to accept my decision.

May my tears wash away my pain.
I am ready to move into a state of affirming my life,
moving on from this difficult place.

וּפְרוֹשׂ עָלֵינוּ סֻכַּת שְׁלוֹמֶךָ *Ufros aleinu sukat sh'lomecha*

Spread over us the shelter of Your peace.

FIRST IMMERSION
*Slowly descend the steps into the mikveh waters and immerse completely so that every part of your body is covered by the warm water.*
*When you emerge, recite the following prayer.*

May the One who blesses all women, heal and renew me.
May I receive support and strength, patience and courage.
May I be healed in body, mind and spirit.

SECOND IMMERSION
*Take a deep breath and exhale completely, while gently and completely immersing for the second time.*
*When you emerge, recite the following:*

My God, the soul You have given me is pure.

THIRD IMMERSION

*Relax, and let your body soften, as you slowly and completely immerse for the third time.*
*When you emerge, recite the following blessing:*

בָּרוּךְ אַתָּה יְיָ, אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם. אֲשֶׁר קִדְּשָׁנוּ בִּטְבִלָה בְּמַיִם חַיִים.

*Baruch atah, Adonai Eloheinu, Melech ha'olam asher kidshanu bi-t'vilah b'mayyim hayyim.*

Blessed are You, God, Majestic Spirit of the Universe
who makes us holy by embracing us in living waters.

**A Closing Intention**
**כוונה KAVANAH**

I came to this place hoping for self-acceptance and peace.
As I leave these waters,
may I be filled with renewal, energy, power and direction.
Just as water creates change, I honor my own changes at this time of transition.
I am ready to affirm life as it will now be.
Thank you God for Your embracing spirit.

**“Abortion” by Rabbi Hara Person**

To everything there is a time and a season.
Adonai, the author of beginnings and endings,
be with me now as I let go of this potential life.

There is a time for planting, and a time for uprooting the planted.
Allow me my doubts
even as I remain steadfast in my decision.
Strengthen my soul as I make the choice
that is right for this time and this season.

There is a time for weeping and a time for laughing.
Adonai, help me to remember
that as sure as morning follows night,
I too will emerge once again into a new day.
Be with me as I move forward into a time of healing;
be my support as I knit myself back into wholeness.
To everything there is a time and a season.

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