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Abortion, Justice, and Religion

A Q&A With Rabbi Danya Ruttenberg of the National Council of Jewish Women

Rabbi Danya Ruttenberg of the National Council of Jewish Women shares her thoughts on *Dobbs v. Jackson* and the fight for abortion rights.



The Rev. Jacqui Lewis says a prayer during an "Act for Abortion" gathering in front of the U.S. Supreme Court on January 22, 2022, in Washington, D.C. (Getty/Leigh Vogel)

Public discourse about abortion too often frames the anti-abortion movement as a religious one, while those who support reproductive rights are assumed to be more secular. This narrative erases the fact that there's a long history of religious activism to expand access to abortion as well as public opinion polling that proves [most religious Americans](#) do not want *Roe v. Wade* overturned.

To learn more about religion and abortion access, the Center for American Progress interviewed Rabbi Danya Ruttenberg, scholar in residence at the National Council of Jewish Women. She is also the author of seven books and will release her eighth—[On Repentance and Repair: Making Amends in an Unapologetic World](#)—later this year. Ruttenberg has a regular

newsletter called “Life is a Sacred Text” and has written for *The New York Times*, *The Atlantic*, and *The Washington Post*. CAP named her one of its [“21 Faith Leaders To Watch in 2021.”](#)

This interview, conducted via email in February 2022, has been lightly copyedited and condensed.

CAP: By the end of June, the Supreme Court is expected to rule on *Dobbs v. Jackson Women’s Health Organization*. In this case, which is the first pre-viability blanket ban on abortion the Supreme Court has agreed to consider since *Roe v. Wade*, the court is explicitly being asked to overturn that landmark precedent. What message do you have as a faith leader for people across the country who are worried about *Roe v. Wade* being overturned? In addition to the Supreme Court’s upcoming ruling, what are the greatest threats to abortion access today and how is the National Council of Jewish Women responding to them?

Ruttenberg: Listen, the threat to the safety and autonomy of so many people in this country is real; I’m not going to sugarcoat it. And the truth is a lot of people are already being harmed: S.B. 8 in Texas—the six-week ban—has basically been in effect since September, give or take. More than 100 abortion bans were passed in 2021 alone. Many places have been without access or with significant barriers to access for a long time, disproportionately impacting people of color, people struggling to make ends meet, disabled people, young people, people in rural communities, immigrants, and trans and nonbinary people.

And we have two choices: We can fall down a spiral of fear and despair, or we can organize to protect people in all of the ways that we can.

Right now, there is a bill that has been passed by the House, called the [Women’s Health Protection Act \(WHPA\)](#), that would make abortion rights the law of the land regardless of SCOTUS. Yes, the Senate is a difficult place, but passing it [WHPA] would transform everything on the ground nationwide. We need to get the pressure on to make it happen before the *Dobbs v Jackson* decision comes down. (And then, we have to get the [Equal Access to Abortion Coverage in Health Insurance \(EACH\) Act](#) passed, which would expand abortion access—because *rights* are critical, but people must have *access*.) So, that’s one avenue.

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Another important piece of the picture is [medication abortion](#), which is a critical avenue for abortion access. Two pills, taken at home until up to 10 weeks’ gestation, make abortion accessible—though not yet as affordable as it needs to be—to people in rural areas and in many other situations where a surgical abortion is harder to obtain or simply less preferable.

The Food and Drug Administration (FDA) recently lifted a major restriction on access to abortion medication. There are two restrictions still in place that leave this safer-than-aspirin medication and safe abortion care method out of reach; they must be permanently lifted. So,

there's organizing and policy work to do, but it can be done. Critically, it's not clear that if *Roe* falls, medication abortion will be outlawed. So, while it certainly will not solve all of our problems—again, it is only effective up to 10 weeks—it can help people panicking get out of binary thinking and back into the place of being able to ask, “What is possible to do now, and what might we need to be thinking toward in the future?”

Remember, the best cure for despair is action. Even now, and certainly if the worst happens in June without WHPA in place, we can and must give to abortion funds, to practical support organizations to help people fund their travel, hotels, child care. And we must fund the practitioners in “good” states who will feel the consequence of the people traveling across many state lines.

CAP: Why do you consider abortion access to be a religious freedom issue, and how have anti-abortion activists redefined religious freedom to restrict access?

Ruttenberg: Jewish law [permits abortion](#) and, if needed to protect the life of the pregnant person, requires it. We do not hold that life begins at conception; rather, the fetus is regarded as “mere water”—according to the Talmud—for the first 40 days and as part of the pregnant person's body for the duration of the pregnancy after that. (Forty days from conception correlates to about seven to eight weeks' gestation by contemporary pregnancy counting, which starts from the last menstrual period. Interestingly, about 66 percent of abortions happen in that time, and Islam also [regards](#) the first 40 days to be a unique first chapter of time.) But again, abortion is permitted beyond that time frame in Judaism—mental health is considered as serious as physical health; emotional pain is considered as significant as physical pain. Human dignity is regarded as a valid basis for other decisions in Jewish law, and so, too, here.

So, laws banning abortion are a freedom of religion on two fronts. First of all, they theoretically impose one notion about when life begins or the nature of the fetus on an entire nation of people—secular people, Hindus, Sikhs, Buddhists, Muslims, Jews, Christians of various perspectives on the matter, and others.

The [establishment clause](#) states: “Congress shall make no law respecting an establishment of religion.” Much of the argument for abortion access has been rooted in a very specific Christian perspective; those who seek to restrict abortion rights are seeking to [impose](#) their [religious views](#) on [others](#), which is inherently unconstitutional. This was implied by a question that Justice Sonia Sotomayor asked during the *Dobbs v. Jackson* arguments on December 1. (Incidentally, it's possible that she was turned on to that line of questioning from the [amicus brief](#) that the National Council of Jewish Women co-authored for the *Dobbs* case, as that was very much our argument.)

And, of course, “Congress shall make no law... prohibiting the free exercise” of religion, meaning that it is a problem to make it impossible for Jews to freely access abortion according to our own understanding of Jewish law. We should be allowed to be able to access medical procedures that are permitted to us, and we certainly should not be forbidden from those

mandated by our tradition, as saving the life of the pregnant person is a paramount obligation. While this argument probably would not fare well in court given the “religious liberty exemptions” in [current legal interpretations](#) of the Religious Freedom Restoration Act (RFRA), a federal bill—the [Do No Harm Act](#)—was reintroduced last year that would clarify that RFRA was meant to be used as a shield to protect free exercise rather than a bludgeon with which to harm others.

CAP: Advocacy for abortion access is often viewed as a secular movement, while the anti-abortion movement is viewed as a religious movement. How has this narrative taken hold, and how does it harm the cause of expanding abortion access?

Ruttenberg: The anti-abortion movement has succeeded in stigmatizing conversations about religion and abortion access and made it harder for people to talk about their experiences in all of their complexity and nuance—which is to say: Everyone’s abortion experience is different, and over the vast array of stories, there is no one experience to have or one way to feel or be in relationship to pregnancy termination. They [anti-abortion advocates] have made it harder for people to get the pastoral care that they deserve. Silence from clergy doesn’t mean that congregants don’t have legitimate pastoral needs in this department.

The majority of people of every religious tradition believe in abortion justice—and not despite our religious or spiritual or faith commitments, but because of them. *Rabbi Danya Ruttenberg* Abortion touches each and every religious community, regardless of whether it is officially sanctioned. One in 4 people who can get pregnant will terminate a pregnancy by the age of 45. And they live in every religious community, in every walk of life, even if it’s not always discussed. Renee Bracey Sherman, the founder of [We Testify](#), an organization that focuses on storytelling around abortion, said: “Everyone loves someone who has had an abortion, whether they know it or not.”

And on the level of organizing, it’s an untapped opportunity.

The majority of people of every religious tradition believe in abortion justice—and not despite our religious or spiritual or faith commitments, but because of them. Because we are called to pursue a more just world and know that abortion bans deepen every inequality that exists in our society. Because we know that every person has the right to dignity, autonomy, and self-determination. Because we believe in a world based in liberation, not one based in oppression. That has not been the narrative the media, or broader society, has heard; and it needs to. I believe that this could be a catalyzing message to activate many people who perhaps have been on the fence or perhaps believe in abortion justice but have not gone from voting once every couple of years to taking more action on the ground now—raising money, pushing for law and policy, helping to defend clinics, and engaging in all the ways that they can.

We launched [Rabbis for Repro](#) in 2020—a network of Jewish clergy who have pledged to preach, teach, and advocate for abortion justice—and now have more than 1,500 of every denomination and stripe. Our second annual [Repro Shabbat](#) just happened, and almost 1,000

Jewish communities jumped at the chance to show up—and as is inevitable, people have been asking what is next, how to take the work deeper. Because everyone understands that this is not a drill, and once you activate people, real work can get done.

There are so many of us, and we could be, and can be and will be, a much stronger force if and when we show up in full force—church by church, mosque by mosque, synagogue by synagogue, all of us together as part of the movement pushing for reproductive health, rights, and justice.

CAP: How have you partnered with people from other religious traditions who support abortion and reproductive justice overall?

Ruttenberg: We have lots of friends across traditions. We work closely with the wonderful folks at the Religious Coalition for Reproductive Choice (RCRC) and Catholics for Choice all the time on panels, teaching. (And I just got to be on “[Full Frontal with Samantha Bee](#)” with Jamie Manson from Catholics for Choice and the Muslim lawyer Rafa Kidvai of the Repro Legal Defense Fund. Talk about public education!) We also, for example, planned an interfaith service with SisterReach, RCRC, Catholics for Choice, Auburn Seminary, Interfaith Alliance, and, of course, the Religion and Faith team at the Center for American Progress to precede the large main rally/protest outside the Supreme Court on December 1, as oral arguments for *Dobbs v. Jackson* were being heard. We also worked with a number of folks to integrate some prayerful messaging into the main rally.

We will not allow those who seek to oppress and control to define what it means to serve the Holy. *Rabbi Danya Ruttenberg*

It was important to make space to mark the “because of, not despite”—to sanctify our work as activists and advocates for abortion justice at such a momentous time, as well as to make sure that everyone understands that while there is no requirement to be religious (of course!), there is room in the abortion justice movement for people to show up fully with their religious or faith commitments. We will not allow those who seek to oppress and control to define what it means to serve the Holy, because what they do is the opposite of that.

CAP: What are a few of the tools that you explore in [On Repentance and Repair: Making Amends in an Unapologetic World](#) that you think will be useful for policymakers and advocates?

Ruttenberg: Honestly, I hope that the lens as a whole will be useful. I bring a specific framework from the Jewish tradition—more specifically, from the thinking of the 12th-century philosopher Maimonides—on how to approach healing, repair, and transformation. It offers, I think, a new way for people in our culture to see and understand harm, to name it and respond to it, and to think about what is possible moving forward, centering those who are harmed, of course, but also offering a path toward transformation on the part of the harm-doer(s).

Notably, this is true not only in individual relationships but with harm committed in the public square, harm perpetrated by institutions and even by entire nations. So, Maimonides' lens can offer a powerful new tool to approach the questions of how to meet the injustices that exist in our society with integrity; and the questions of what policy solutions, and what advocacy approaches, might come out of that will flow organically from there, I think.

Conclusion

Since the Supreme Court ruled in *Roe v. Wade*, the stakes around the future of abortion access in the United States have never been higher. Thankfully, courageous religious leaders such as Rabbi Danya Ruttenberg are advocating for reproductive rights as an expression of their faith and not letting the religious right control the religious perspective on the issue. We know that even if the federal constitutional protections for abortion are virtually eliminated in *Dobbs v. Jackson*, the faith-based reproductive rights movement will continue, because we know from history that religious leaders helped people access abortion even before *Roe v. Wade* became the law of the land.

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