

Submitter: Rabbi Elias Herb

On Behalf Of:

Committee: House Committee On Behavioral Health and Health Care

Measure: HB2002

To whom it may concern:

I support the measures outlined in HB2002. As a religious leader, and as a representative of my Jewish community and my denomination, it is important for you to know that I support measures that protect reproductive rights and gender-affirming care. While I will write further on the religious arguments that support my beliefs, as an American, I believe in a clear line separating "church and state" as established in the first amendment. Ultimately, I do not believe religious views should prevail in matters of American civil law. So from a purely secular point of view, I think it is essential to protect reproductive rights and gender-affirming care because these are basic freedoms that should not be taken away because of the religious views of policymakers. As a religious Jew, I will restate two basic principles supporting this position.

First, Judaism views abortion as a form of murder and therefore condemns it, especially after the first trimester. However, since ancient times, our Sages have taught that because the fetus is dependent on the mother to survive, the fetus is less important than the life of the mother. "Life of the mother" includes situations that threaten the mother's financial, physical, or psychological well-being, not simply situations that represent a mortal threat to the mother. Therefore, in many cases, abortion is "legal" in our tradition. Bottom line is that if Jews are to practice our religion freely, abortion must be both legal and safe for the mother. Therefore, to pass laws that would make abortion illegal, especially because of views that are ultimately shaped by other's religious views, is understood by as a violation of our freedom to practice our religion. Because Judaism has always understood human beings to be sexual creatures, we also advocate for contraception and other aspects of reproductive health and family planning. While we also believe that sex should not be engaged in for purely carnal reasons, we recognize that this happens and therefore advocate for reproductive health, favoring well-being and prevention over laws that put sexually active individuals in danger for their behavior.

Second, with regard to gender-affirming care. There is a serious misconception among non-Jews that Jews and Christians essentially share an understanding of the Hebrew Bible (aka the Old Testament) and how we are to live with the laws and values presented there. Judaism is a post-Biblical tradition; one that has continued to evolve for 3500 years, changing dramatically since the Bible was codified in the beginning of the common era. As such, we do not default to common understandings of Biblical verses in the way that many Christians do. For example, while we certainly

agree that the "norm" is cis-gendered, heterosexual mates. However, for at least 1500 years, we have also understood gender to be something both holy and non-binary. In our most sacred text, the Talmud, there are six identifiable genders. Different individuals both exhibit and manifest different genders. According to our sacred texts, the first human being was intersexed (from our reading of Genesis in which one of the myths says that G-d created the first humans "male and female.") All human beings are made in the image of G-d. Therefore, any expression of gender (or sexuality) is a reflection of G-d's own being and is ineffably holy. So from a religious point of view, all individuals must be treated as holy. So, as with reproductive rights, gender-affirmative care is a religious freedom, one packed with moral overtones regarding how human beings should be treated. Even if I were not religious, I would support this bill for gender-affirmative care because I do not believe we should be legislating views that are ultimately rooted in religious views of gender normativity. This is important to me, personally, as I have a non-binary Jewish child.