

Under G-d

A FILM BY PAULA EISELT



POV

DISCUSSION GUIDE





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Film Summary



Inspired by the lawsuits filed in Florida challenging the state's abortion ban on the basis of religious freedom, *Under G-d* is a documentary short film about the national Jewish response to the Dobbs v. Jackson Women's Health Organization U.S. Supreme Court decision woven through the lived experiences of impacted Jewish women and the various lawsuits currently being launched by rabbis, Jewish organizations and interfaith leaders to challenge the overturning of Roe v. Wade, state by state. Through the lens of maintaining the separation between church and state, these nationwide efforts are predicated on ultimately protecting religious freedom – and democracy – for all.

Using This Guide

This guide is an invitation to dialogue. It is based on a belief in the power of human connection and designed for people who want to use *Under G-d* to engage family, friends, classmates, colleagues, and communities. In contrast to initiatives that foster debates in which participants try to convince others that they are right, this document envisions conversations undertaken in a spirit of openness in which people try to understand one another and expand their thinking by sharing viewpoints and listening actively.

The discussion prompts are intentionally crafted to help a wide range of audiences think more deeply about the issues in the film. Rather than attempting to address them all, choose one or two that best meet your needs and interests. And be sure to leave time to consider taking action. Planning next steps can help people leave the room feeling energized and optimistic, even in instances when conversations have been difficult.

For more detailed event planning and facilitation tips, visit <https://communitynetwork.amdoc.org/>.

A NOTE TO FACILITATORS

Dear POV Community,

We are so glad you have chosen to facilitate a discussion inspired by the film *Under G-d*. Before you facilitate, please prepare yourself for the conversation, as this film invites you and your community to discuss experiences of Jewish Americans, antisemitism, activism, reproductive rights, and U.S. political landscapes. These conversations require learning truths about society, culture, and political motivations that typically have not been taught in schools. We urge you, as a facilitator, to take the necessary steps to ensure that you are prepared to guide a conversation that prioritizes the well-being and safety of people of all faiths, Black and Indigenous people of color, and youth in your community. Importantly, this film shares experiences through a lens of joy and resilience, rather than focusing on trauma, and we hope this guide will aid you in conversations that expand understanding while maximizing care, critical curiosity, transformation, and connection.

Tips and Tools for Facilitators

Here are some supports to help you prepare for facilitating a conversation that inspires curiosity, connection, critical questions, recognition of difference, power, and possibility.

Share Community Agreements

Community Agreements: What Are They? Why Are They Useful?

Community agreements help provide a framework for engaging in dialogue that establishes a shared sense of intention ahead of participating in discussion. Community agreements can be co-constructed and created as an opening activity that your group completes collectively and collaboratively. Here is a model of community agreements you can review. As the facilitator, you can gauge how long your group should take to form these agreements or whether participants would be amenable to using pre-established community agreements.

Opening Activity (Optional): Establishing Community Agreements for Discussion

Whether you are a group of people coming together once for this screening and discussion or a group whose members know each other well, creating a set of community agreements helps foster clear discussion in a manner that draws in and respects all participants, especially when tackling intimate or complex conversations around identity. These steps will help provide guidelines for the process:

- **Pass around** sample community agreements and take time to read aloud as a group to make sure all participants can both hear and read the text.
- **Allow time** for clarifying questions, make sure all participants understand the necessity for the agreements, and allow time to make sure everyone understands the agreements themselves.
- **Go around in a circle** and have every participant name an agreement they would like to include. Chart this in front of the room where all can see.
- **Go around two to three times** to give participants multiple chances to contribute and also to give a conclusive end to the process.
- **Read the list aloud.**
- **Invite** questions or revisions.
- **Ask** if all are satisfied with the list.

COMMON CONCEPTS & LANGUAGE

Abortion

Abortion is a medical procedure that terminates a pregnancy. There are two types of abortion services offered in contemporary medical settings: a medical abortion, which is administered orally (also known as the abortion pill) as an outpatient service in which the fetus passes out of the body without surgical intervention, and surgical abortion that is administered in a clinic or hospital as an inpatient service in which the fetus is removed from the patient by a doctor.

Antisemitism

Anti-semitism is a type of discrimination directed towards ethnically Jewish people and those of the Jewish faith. Discrimination takes a variety of forms from jokes, comments, harmful stereotypes, social exclusion and becomes institutionalized when it is indoctrinated into laws that limit the freedoms of Jewish people. Anti-semitism has been documented throughout history for at least the last 2,000 years and persists today around the world.

According to the Southern Poverty Law Center, antisemitism is a form of racism distinct from anti-Black racism or other types of xenophobia that supports the belief that Jewish individuals are a separate race, making it a form of racism in itself. Harmful stereotypes uniformly portray Jewish persons as deceitful and predatory. Like any form of racist or supremacist beliefs, these ideas have historically and contemporarily inspired violence, murder, and genocide against Jewish people.

Discrimination

The unequal treatment of members of various groups based on race, gender, social class, sexual orientation, physical ability, religion,

and other categories. In the United States, the law makes it illegal to discriminate against someone on the basis of race, color, religion, national origin, or sex. The law also makes it illegal to re-taliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. The law also requires that an employer reasonably accommodates applicants' and employees' sincerely held religious practices, unless doing so would impose an undue hardship on the operation of the employer's business.

Equity

In basic terms, to achieve equity is to treat everyone fairly. An equity emphasis seeks to render justice by deeply considering structural factors that benefit some social groups/communities and harm other social groups/communities. Sometimes for the purpose of equity, justice demands an unequal response.

Fascism

Fascism is a far-right political ideology, theory of governance, and organization of society around the belief in the supremacy of a nation or ethnic group, an abhorrence of sovereignty, and unquestioning loyalty to central, demagogic leadership.

The Fifth Amendment: Pleading the 5th

The Fifth Amendment to the Constitution of the United States states: "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the

Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." It was enacted on December 15, 1791 in order to protect people from incriminating themselves when asked to bear witness or speak with law enforcement.

The First Amendment: Separation of church and state

The First Amendment to the Constitution of the United States of America states "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." The law was enacted on December 15, 1791 in order to keep the United States secular. It affords individuals the freedom to practice their religion without the infringement of the government, and requires the government to leave religious beliefs and practices out of governance. It also affords people the right to voice their opinions without censorship, to gather and protest peacefully and to voice their grievances regarding governmental policy freely.

COMMON CONCEPTS & LANGUAGE

Jewish Faith and access to abortion

According to Jewish law abortion is considered part of healthcare. Most contemporary Jewish people believe that life begins at birth, not at conception, and thus the choice to terminate a pregnancy is one for the pregnant person to make. The precedent traces back to early Jewish texts, including Exodus 21:22-23, Rabbanic texts Talmud and Mishnah, texts from the Middle Ages, and modern interpretations of these texts that support the belief that life begins at birth. For excerpts from these ancient texts see the “Jewish Texts of Abortion” section of the JOFA Abortion Access Guide listed in the resources section below. There is a long historical precedent of Jews seeking out and advocating for abortion healthcare.

the freedom to exercise their religious practices that may not otherwise be lawful. RFRA has overwhelmingly been used to protect Christian citizens when accused of discrimination. The activists in Under G-D seek to use the law in order to argue that Dobbs is unconstitutional because it interferes with their religious beliefs that state that abortion is a person’s choice, not the choice of the state.

SCOTUS

SCOTUS stands for the Supreme Court of the United States, it is the highest judicial court in the United States. The role of SCOTUS is to interpret the Constitution and legal precedent when determining judicial cases that have been appealed from the State level.

Jewish Law

The Jewish Law, Halakha, translates as ‘the way’, or ‘to go’ from Hebrew, it is the governing law of Jewish faith. It is comprised of written law, intergenerational traditions (minhag,) oral law, and the ways in which the written and oral laws are interpreted in contemporary contexts. The laws are rooted in the Biblical event in which God handed Moses the Ten Commandments at Mt. Sinai.

Religious Freedom and RFRA

The Religious Freedom Restoration Act (RFRA) was passed by Congress in 1993 and provides a stricter framework for the freedom to practice religion as outlined in the Constitution. It “imposes a heightened standard or review for government actions [...] that substantially burden a person’s religious exercise. The law builds on First Amendment rights that guarantee the separation of church and state by giving individuals and closely held corporations

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<https://crsreports.congress.gov/product/pdf/IF/IF11490>

Participants

Elly and Arcati

A Jewish Indiana couple that had an abortion at 18 weeks due to medical complications, Trisomy 18, a chromosomal abnormality that is largely incompatible with life. They had their abortion before abortion restrictions were enacted in Indiana. Elly is one of the leaders of Hoosier Jews for Choice.

Rabbi Barry Silver

A Jewish Rabbi and Lawyer based in Florida who fights for abortion rights. Filed a lawsuit against Florida HB 5. Florida HB 5 prohibits abortion after 15 weeks and holds those who participate in abortions criminally liable for them. The Rabbi filed his suit on novel grounds that the law forces another's religious viewpoints onto citizens. He seeks to use RFRA for Jewish religious freedom, when historically it has only been used to protect those with Christian faiths.

Professor Marci Hamilton

Constitutional Law Professor at the University of Pennsylvania who supports Rabbi Silver's case.

Michal Raucher, PhD

Professor of Jewish Studies at Rutgers University who offers historical context of Jews advocating for abortion rights.

Rabbi Jeremy Wieder, PhD

Rosh Yeshiva (Dean) at Yeshiva University. Offers perspective on Jewish law and its interpretation in contemporary circumstances.

Maya Malay

A Buddhist leader who advocates for access to abortion from a Buddhist perspective.

Rachel Laser

Laser partnered with Americans United for Separation of Church and State and the National Women's Law Center to file a lawsuit against Indiana's abortion ban in 2023.

Rev. Jennifer Butler

A Christian pastor who advocates for access to abortion from a Christian perspective.

Wajahat Ali

A Muslim woman who advocates for abortion access from a Muslim perspective.

Key Issues

Under G-d is an excellent tool for outreach and will be of particular interest to people who want to explore the following topics:

- 1st and 5th Amendment Rights
- Democracy & Maternal Healthcare
- Feminism
- Interfaith political coalitions
- Judaism
- Legal activism
- Religious Freedom Laws
- Reproductive Rights and abortion
- SCOTUS
- Women's Rights



Background Information

The Film in Context

Under G-d focuses on abortion access through the lens of the religious beliefs of Jewish people in the United States. The film explains how access to abortion is part of the Jewish faith and how a recent Supreme Court case, *Dobbs vs. Jackson Women's Health Organization*, interferes with Jewish women and childbearing people's right to exercise their religious freedom as protected under the 5th amendment. On June 24, 2022 the case overturned *Roe vs. Wade*, a landmark case that has protected access to safe and legal abortion in the United States since 1973. It takes the opposite stance to or flips the script on many recent cases that invoke religious freedom in order to avoid offering birth control or abortion services, most often coming from western Christian organizations and businesses.

Jewish History and Persecution in the United States

A very small number of Jews first came to the Americas in the 15th Century, established a community in the 16th century in New Amsterdam (now New York) and were given full federal constitutional rights when the constitution was adopted in 1778. The vast majority of Jewish people came to the United States in the early to mid 20th century. Although given federal protection under the constitution, state laws did not have the same protections for Jews and they have been persecuted throughout the history of the USA, most notably by the Klu-Klux-Klan (KKK) and

during times of economic hardship in the US, such as WWI and the Great Depression. Until the Civil Rights Act, Jews were often barred from establishments such as hotels and country clubs. In addition, many universities such as Harvard and Yale, as well as hospitals and medical schools, enforced Jewish quotas that limited Jewish access and employment.

Antisemitism has long been a feature of Jewish life, prior to large-scale immigration to the U.S., throughout U.S. history, and in our contemporary society. Due to this discrimination and bigotry, Jewish individuals and communities have often allied themselves with causes that affect marginalized and targeted groups. This has included labor rights (see: Jewish activism following the Triangle Shirtwaist Fire in 1911, and Muriel Rukeyser's work around the Hawk's Nest Tunnel disaster), in the movement against legalized racial injustice during the Civil Rights Era, and beyond.

Religion and Reproductive Rights

In the United States abortion has been at the center of debates and legal battles over freedom and healthcare since its inception. The landmark case *Roe v. Wade* decided on January 22, 1973 was the first case that solidified abortion access as a constitutional right. The case found abortion to be a constitutional right based on the 14th Amendment's right to privacy and personal liberty. It solidified abortion as a fundamental human right in the eyes of US law. Prior to *Roe*, abortion law was widely set at the state level. The ongoing debate over how and when abortion should be allowed has been in legal discussion since the 1600's in which "quickenings" or what is now termed fetal heartbeat was the determining factor, prior to quickening abortion was permitted and after quickening it was criminalized. By the end of the 19th century thirty-seven states had formally criminalized abortion.

In 2022, *Dobbs v. Jackson Women's Health Organization* overturned *Roe v. Wade* and determined that access to abortion is not constitutionally protected by the fourteenth amendment. The law put regulation back in the hands of the states. Since the law took effect dozens of states have banned or severely restricted access to abortion.

Current social/political landscape in regards to abortion access in the USA

Abortion access in the United States is deeply intertwined with partisan politics and religion. Most politicians run their campaigns with either a Pro-Life (anti-abortion) or Pro-Choice (pro abortion) stance. Republicans are most often pro-life and Democrats pro-choice. Protestant and Catholic leaders are often anti-abortion, but recent polls indicate that most Catholic parishioners are pro-choice, along with those of Jewish, Buddhist, Muslim, and Sikh faiths. Even within a single church, temple, or mosque there are often divided opinions.

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<https://www.plannedparenthood.org/blog/what-are-the-different-types-of-abortion>

DISCUSSION PROMPTS

Starting The Conversation

Immediately after the film, you may want to give people a few quiet moments to reflect on what they have seen. You could pose a general question (examples below) and give people some time to themselves to jot down or think about their answers before opening the discussion. Alternatively, you could ask participants to share their thoughts with a partner before starting a group discussion.

- How did the film change or expand your understanding of Judaism?
- What did you learn about US laws and religion that surprised you?
- What is one thing you'd like to discuss with others from the film?

Religious Freedom

- Why do you think religious freedom is important?
 - Why is religious freedom important to people of faith? How about secular individuals and communities?
- What points of view from the film resonate, expand, and/or differ from your ideas about religion?
- In what ways does the United States protect religious communities? In what ways are U.S. policies discriminatory toward religious communities?
- How do you think the government should intervene to help people exercise their rights to practice their religion?

Judaism and Discrimination in the US

- Have you seen discrimination on religious grounds occur in American society or your community? How?
 - In what ways is antisemitism present in the US today?
- Do you think Christianity is favored in US laws? Why or why not?
- How do you navigate having different religious beliefs than other people in your family or community?
- Do you think a society made up of differing viewpoints, belief systems, and traditions can both protect religious freedoms and human rights? Why or why not?

Abortion

- Why is access to abortion important to many Jewish people?
- What are some benefits of interfaith alliances in regards to advocating for social or policy changes, such as those concerning reproductive rights?
- What is the importance of organizing across distinctions of belief and identity to effect social and political change?
- Do you think the government should be allowed to regulate medical care access, or do you think it should be up to an individual to decide on their own healthcare? Why or why not?

OPENING/ CLOSING ACTIVITY

OPTIONAL

At the end of your discussion, to help people synthesize what they've experienced and move the focus from dialogue to action steps, you may want to choose one of these questions

- What can you do to support and learn about people who practice a different religion than yours? This could be at the national, state, city, or community level.
- Why is it important for women and people with uteruses to be able to make their own medical choices? How can you
- How could you raise awareness about religious minorities' rights that are not being protected by current US laws?

Optional: TAKING ACTION

If the group is having trouble generating their own ideas for next steps, these suggestions can help get things started:

1. *Learn more & build community.* Research community of faith in your area that you're unfamiliar with and use your research to help educate others to help support understanding and acceptance between different religious and cultural communities in your area. This could involve organizing an interfaith meeting, or attending services at a place of worship of a community of faith you've researched.
2. *Speak up and out in local, state and federal politics.* If you see a bill that restricts access to abortion and other healthcare, make an appointment to testify to share your opinion, go to the site with signs to show your support for others who testify, write letters to your representatives, and/or vote or encourage others with voting privileges to do so if you are unable to vote.
3. *Get talking.* Share what you've learned today with someone you know who doesn't know that access to abortion is an important part of some religious practices.
4. *Organize.* Get together with other people who want to make a difference and see what you can do together to help support religious minorities. Organize a letter-writing group, a local protest, interfaith/ community meeting to discuss the issue at hand, volunteer, fundraiser, etc.

Resources

73 Forward

73Forward is a Jewish movement for Abortion Justice administered by the National Council of Jewish Women.

Americans United for the Separation of Church and State

Americans United for the Separation of Church and State is a national coalition of bipartisan and interfaith people that advocate for first amendment rights.

Hoosier Jews for Choice

A grassroots Jewish coalition committed to safe and legal access to abortion, one of the organizations featured in the film that filed and won a lawsuit challenging the abortion ban in Indiana.

Lilith

Lilith is an independent Jewish Feminist magazine and online publication.

National's Women's Law Center

is a national organization that fights for gender justice through legal action, policy advocacy and public engagement. Key issues include abortion access, Title IX, child care, and the wage gap among others.

S.A.F.E. by JOFA

S.A.F.E. is a guide created by the Jewish Orthodox Feminist Alliance that stands for Supporting Advocacy Funding Education. The guide covers the history of abortion as a religious practice in Judaism, personal accounts of discrimination and steps for taking action to support access to medical abortion for Jewish people.

Credits & Acknowledgments



About the Author

Christine Gwillim is a performance studies scholar and artist. She writes about culture, art and performance for academic and general audiences. Her work has appeared in *Performance Matters*, *Sightlines*, and *Glasstire* among others, and she has been a writer in residence for Fusebox, Time-Based Art Festival at Portland Institute for Contemporary Art, Concept Animals, and Deeply Fascinating. She holds a PhD in performance studies from the University of Texas at Austin with certificates in Women’s and LGBTQ+ studies, Museum Studies, and Integrated Behavioral Health.

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