

ABORTION IN

WHEN THE NATION ENTERS THE WOMB

by Elana Maryles Sztokman and L. Ariella Zeller

WHEN HOLLYWOOD ACTRESS NOA TISHBI returned home to Israel for a visit recently, the local press badgered her about starting a family. “Only in Israel do people get into my womb,” she replied. Tishbi’s rejoinder provided a succinct commentary on the invasive discourse about women’s bodies that pervades conversation in Israel.

Israeli culture places a high premium on babies and families. This country has the highest per capita use of in-vitro fertilization in the world. IVF procedures are free and almost unlimited, a policy that certainly provides welcome assistance to people struggling to conceive, as well as to single mothers by choice and other aspiring parents who want to have children outside of conventional family structures. Government-subsidized HMOs spend some \$57 million a year on fertility treatments, one of the costliest policies of the health care system.

Fertility is clearly valued, but family planning is not. Motherhood is supported and encouraged, but non-mothering women are culturally and economically marginalized. “It seems there is provision for women’s special reproductive health needs only to the extent that their role as mothers is reinforced,” wrote Carmel Shalev and Sigal Gooldin in a 2006 report in the journal *Nashim*. “A complex combination of factors, including identification with the collective goal of fighting the ‘demographic threat’ (that the country’s Arab population might eventually outnumber the Jews); the need to make Jewish babies, particularly in the wake of the Holocaust; and the threat of losing a child in war or in a terrorist attack are all said to have influenced Israel’s pro-natalist culture,” Yael Hashiloni-Dolev also wrote.

The culture’s view of women’s bodies plays out in particular in the abortion experience. On the surface, women in Israel have an easier time with abortions than their American counterparts. There are no threats of clinic bombings, no political pressure to overturn women’s basic freedoms, and no need to travel far, as some American women must do. Most abortions are legal in Israel, with an estimated 20,000 legal abortions a year, according to the Central Bureau of Statistics. But they are not always simple to obtain.

THE ABORTION PANEL

Israel’s 1977 Abortion Law legalized abortion under any one of five conditions: (1) the woman is under 18 or over 40; (2) the fetus has a serious mental or physical defect; (3) the pregnancy resulted from forbidden relations such as rape, incest or adultery;

(4) the pregnancy threatens the woman’s physical or mental health; (5) the pregnancy threatens the woman’s economic stability. The fifth criterion was abolished in 1980 as a result of pressure from religious political parties who do not view finances a legitimate consideration in family planning. In practice, unmarried women can have abortions with relative ease, but not married women, according to Orly Hasson Tsitsuashvili, the Director of Shilo Family Planning Educational and Counseling Center. Abortions are illegal for a married woman whose pregnancy does not fit into one of the four categories—even a married woman suffering from poverty, or already struggling with a large family. A married woman who simply does not want a child, or who wants to practice family planning, certainly does not count.

The primary obstacle for women is the “abortion panel,” a three-person committee consisting of doctors and social workers—including at least one woman—that must approve all abortions. Irit Rosenblum, founding director of the New Family Organization in Tel Aviv, an advocate for reproductive freedom, says “It’s completely chauvinistic...Imagine a man facing prostate surgery being forced to stand in front of a panel asking if he should or shouldn’t do it. If a woman decides to have an abortion, it should be up to her and her doctor to explore the issues and that’s it.” She adds that Israel is the only country in the world to have abortion panels. “It’s a relic from the dark ages.”

Abortions performed without panel approval are punishable by imprisonment for the doctor (and, significantly, not the woman), although in practice this is not enforced, and activists agree that the panels are largely a formality. Still, the fact that the doctor is the one considered culpable reinforces the idea that women cannot or should not decide for themselves regarding their pregnancies. “Until fairly recently, women were considered by the medical establishment to be a kind of inventory, a piece of property that can’t think for herself,” Rosenblum added.

Illegal abortions, those that bypass the abortion panels, are available in Israel, although nobody knows exactly how many there are. Illegal abortions have a very different connotation in Israel than in the United States. “Illegal” abortions are not back-alley, unsanitary procedures with a barely qualified doctor. On the contrary, “illegal” abortion is often better than “legal”: it evades the abortion panel in comfortable, expensive, nobody-has-to-know settings usually run by well-qualified professionals benefiting from high-fee procedures. Illegal simply means there is no panel, avoiding bureaucracy and speeding up the process to a few hours as opposed to up to two weeks. The privilege of privacy and full control over one’s fertility is thus available only

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to those who can afford to do it without anybody knowing.

Who pays for an abortion provides another window onto Israeli society. In cases of incest or rape, abortions are fully paid for by the state, a provision rooted in Jewish law. Unlike certain unilaterally anti-abortion Christian traditions, Judaism actually sees abortion as the *correct* action in such circumstances. Jewish law is governed by the principle of *rodef*, or “pursuer”; if a fetus is “pursuing” the mother, that is, threatening her life, the pregnancy should be terminated and such an abortion is usually covered by the HMOs. The government also pays for abortions for women who are serving in the army or who are under the age of 20, who do not need to notify their parents—making abortion the only medical procedure in Israel that does not require parental consent for minors. In an interesting exception, however, government payment for abortion is not available for women doing National Service (*Sherut Leumi*), the voluntary alternative to army service usually reserved for religious young women. This exemption means that a religious young woman doing national service will have to pay for her abortion herself, while her secular-soldier counterpart will not, reinforcing the idea that religious unmarried women are assumed to be sexually inactive—and are penalized when they are not.

THE CONSTRUCTION OF CORRECT FEMININITY

By dictating who can and cannot have an abortion, who should or should not pay, and who should or should not be having babies, the law is in a way regulating women’s sexuality. The law is eager to erase “incorrect” motherhood and sexuality—while impeding “correctly” married women from managing their fertility. The norm for sexuality and motherhood is presumed to be a married, heterosexual woman between the ages of 20 and 40. A woman in that category who wants to terminate her pregnancy will likely find some serious obstacles even if in the end her abortion will be approved, as most are. In fact, some married women have confessed that they told the abortion panel they were single, in order to get through the process as smoothly as possible.

“Ruti” a 38-year old accountant, had been married for two years when she became pregnant. She knew all along that she didn’t want children. “I just do not see myself as a mother,” she said, six months after her abortion. “Some women get all soft and wistful when they see babies. I don’t.” The decision to end the pregnancy was clear to her, but not to her doctor. “He looked

THERE ARE NO THREATS OF CLINIC BOMBINGS, NO POLITICAL PRESSURE TO OVERTURN WOMEN’S BASIC FREEDOMS, AND NO NEED TO TRAVEL FAR FROM HOME. MOST ABORTIONS ARE LEGAL IN ISRAEL. BUT THEY ARE NOT ALWAYS SIMPLE TO OBTAIN.

at me like I was crazy, like he had never heard of a woman who doesn’t want children. He would not help me, he would not give me information, he did not tell me what to expect or what the procedure entails. He just wanted to get me out of there as quickly as possible, not to have to deal with me.” Ruti went to the hospital with no information about what to expect and no professional support. The panel approved her abortion, but under the category of “mental disease.” “The doctor told me that I needed to get psychological help, because there’s no such thing as a sane woman who doesn’t want to have a baby,” she recalled painfully. David Ben Gurion, Israel’s first Prime Minister, once famously declared that “Any Jewish woman who does not bring into the world at least four healthy children is shirking her duty to the nation, like a soldier who evades military service.”

The abortion panels view a childless woman by choice as a strange anomaly, almost a freak of nature.

NO PUBLIC DEBATE

In Hebrew, there is no unique word for abortion. “*Hapala*” means both abortion and miscarriage, a confusion which can make it difficult for women to obtain the kind of help they need. “We get so many calls from women with unwanted pregnancies who are unaware of their choices,” says Dana Weinberg, founding director of Women and Their Bodies (<http://www.wtb.org.il/>)

In sharp contrast to the United States, where abortion is a central item on the platform of the major parties, and educational campaigns by organizations like Planned Parenthood are everywhere, in Israel, abortion is simply not part of the public discourse.

Social worker Joanne Zack Pakes, who served as director of the Shilo Family Planning and Education Center in Jerusalem for 16 years, described the irony of the current climate in Israel in which educated modern women do not know the abortion law. She is working on a project with *Isba L’Isba* (Woman to Woman), the Haifa feminist center, training a group of feminist women and researchers to strategize about women’s reproductive rights and to run a hotline on these issues. “The women, all professionals in the field, did not have a clue what the abortion

law was in Israel. So if you have knowledgeable educated feminist women who do not know the abortion law, the mainstream population certainly does not know it," she said.

ENTER EFRAT

The public vacuum is starting to be filled by anti-abortion groups backed by religious ideologues.

An ad recently placed on the front page of *The Jerusalem Post* reads: "Efrat's success: The Health Ministry reports [a] 19% decrease in [the] number of abortions! But 150 unborn babies are still aborted every day. Tens of thousands of children have been already saved by Efrat." This is one of the many media spots of Efrat, formerly known as CRIB, "The Committee for the Rescue of Israeli Babies". The goal of the organization, according to its own statements, is to "rescue" babies from abortion, to make up for the Holocaust and "to increase the Jewish birthrate in Israel."

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Women who seek abortions threaten the Jewish people, much the way the Nazis did, according to this narrative. The Efrat materials proclaim, "Since 1977 Efrat saved the lives of over 25,000 Jewish children in Israel." The suggestion is that women's independent decision-making will impede Jewish growth and hold back the vital expansion of the Jewish people.

In the world-view of Efrat, an organization run by a religious man, Dr. Eli Schussheim, and supported by an eclectic group of Israeli rabbis, international donors, and some American Republican members of Congress, women's bodies serve the Jewish collective. To the broad Israeli public, Efrat tries to come across as a type of family planning organization, seeking to "assist" women who are considering abortion. Indeed, according to Ruth Tidhar, assistant director of Efrat they are simply providing "information." This "information" includes one million pamphlets distributed each year that describe the early development of the fetus. "Our job here really is to give the women a true choice," Tidhar says. "Women don't know about the development of the embryo, they don't know how they are going to feel. You want to have an abortion – fine. But just know that 90% of the women who have abortions are really sorry about it afterwards. We are the real pro-choice." So she claims.

Hedva Eyal, coordinator of the Isha LIsha reproductive rights project, recalled a recent incident with a pregnant woman who approached her organization for assistance after being traumatized by an overeager Efrat

ARIELLA'S STORY: ABORTION IN MY HOMELAND

It was the end of a dry, hot, Israeli summer in 1991 when the two pink lines appeared on my pregnancy test. I never expected that at 21, during that year I spent working and studying in Jerusalem with my new husband, I would become pregnant. All I could do was kneel down in the bathroom in our small apartment and cry.

Chaim began calling abortion advertisers, and unknowingly ended up at two different pro-life organizations (one of them Efrat) run by Americans living in Israel. We clearly needed a new plan. I eventually called a medical center staffed by English speakers where I received the number for Shilo. For the first time since learning of my pregnancy I breathed a sigh of relief.

When we arrived at the Shilo offices the next day, an English-speaking volunteer told us abortion was next to impossible for married women living in Israel, unless the expectant mother could

prove she was insane. Our best and least expensive option was to lie—that is, to have an abortion in an Israeli hospital for about \$300 while hiding the fact that I was married. She also told us that doctors did not perform abortions until the 10th week, and that I needed to have an ultrasound to see exactly how far along I was. The ultrasound clinic, with baby pictures on all the walls, was run by ultra-Orthodox women who asked all sorts of questions about my pregnancy, putting me in a position of having to pretend that I was actually excited to be having a baby. Then I spent five long, nauseous difficult weeks waiting to have my abortion.

When the day arrived, we went to a private hospital in Tel Aviv where we were sent straight to the room called "the pregnancy committee"—an ironic euphemism for the committee that approves abortion. The "committee" consisted of a friendly woman who asked me questions

having nothing to do with my abortion and then sent us to pay. Then, a man began listing the risks involved—that I could never become pregnant again, that they might not get the embryo out on the first try and would have to repeat the procedure, that they could tear some part of me and that I would have to have surgery, and more. By the time he finished I was a nervous wreck. I kept reminding myself that *Our Bodies Ourselves* said abortions were safer than childbirth.

Next, we went to the room to have the abortion, where I had to say good-bye to Chaim. I was assigned a bed in a room full of beds, some with sleeping women in them and some empty. I was given a robe and told to wait. I watched women being rolled in on stretchers. I thought I would be sick, since I was fasting before the procedure and also had morning sickness. Finally, when it was my turn, I walked half naked in my white robe into a tiny room

volunteer recounting horrific stories about what would happen if the woman had an abortion. “They eventually stopped hounding her, but meanwhile we have a traumatized woman on our hands,” Eyal said.

Tidhar also claims that her group is “feminist,” a statement not only startling for its absurdity but also raising the questions why they want to be considered feminist any more than they would want to be pegged as pro-choice. Efrat is an anti-abortion, anti-women’s-empowerment movement that wants to appear pro-choice and pro-women. Indeed, Efrat’s frequent Hebrew-language radio spots often use benign language like, “Are you pregnant? Contact us, we can help.” We cannot help but wonder if the two-faced nature of the organization reflects a desire to deflect feminist criticism—or perhaps to appeal to certain donors.

Efrat’s marketing campaign works. Guidestar Israel reports that Efrat is working with a \$4 million budget, all from “private donations,” including approximately \$300,000 budgeted for advertising. Meanwhile, Shilo, Israel’s real pro-choice organization, operates with an annual budget of \$150,000, none of which is allocated for advertising. Moreover, while Efrat claims to have helped 3,000 to 4,000 women a year with over 2,000 volunteers on the street, Shilo’s numbers are going down. This disparity is also gendered: the Efrat board and senior staff are predominantly male, while the Shilo staff and board are predominantly female. Thus far, Efrat is winning the battle for the public arena and the pregnant womb—without much of a fight.

BETWEEN FEMINISTS AND RABBIS: ABORTION POLITICS

Meretz Knesset member Zehava Galon stands lonely on the legal battlefield for women’s reproductive rights. In 2006, she proposed a private bill to revoke the 1977 abortion law and thereby do away with the panels and preconditions.

Galon argued that the legislative process over women’s reproductive rights is not connected to any particular public struggle, but is rather about behind-the-scenes political wrangling far from the public eye. Her bill aimed to “create a new discourse around pregnancy and abortion that is not about motherhood but rather about equality and women’s rights to control their bodies and their fertility,” she said, “one in which the woman is at the center. I wanted to advance a change in the societal ethos via legislative action.”

Galon’s bill failed to pass. Surprisingly, even some feminist lawmakers voted against the law, perhaps afraid that by undoing the abortion bill, abortions will become harder for women rather than easier. “Nobody wants to wake a sleeping bear,” said Zack Pakes. “The religious parties have such power that if we bring it to the foreground, there is a fear that the law will get more restrictive. So therefore everything is hush-hush around abortion.”

Feminist legislators may be justified in their fears of the religious parties. Chief Rabbis Shlomo Amar and Yona Metzger wrote in opposition to Galon’s proposal that the “killing of fetuses in their mothers’ wombs” is akin to “murdering souls” and “delays the Redemption,” introducing language that had until this point been absent from the legislative process in Israel, and which is arguably an imposition of Christian politics onto Israel and Jewish law. Two

where three men closed the door behind me. They told me to put my legs up on the stirrups and they strapped them up. There I was, naked and tied up. All I wanted was a woman in the room with me. Before they gave me anesthesia, one of the younger men said, “What, are you an American?” He asked as if I was a young sleazy-easy American who came to Israel and slept with Is-

to eat! My spirits lifted; I just felt relieved that it was over.

Initially after my abortion, I wanted to excuse the doctor. *Surely he must not have looked at me that way. He did not really mean to ask those questions. He must have meant something else. I must have misunderstood him.* Now I let myself say yes, I was tied up with my naked legs in the air and

in knowing whether I was Jewish—and American? Was he insinuating that Jewish women—American Jewish women—were easy? Slutty? Good in bed? Irresponsible?

And what did it mean that only a married woman who proved herself insane could have an abortion in Israel? Which Jewish women, after all, were considered insane? Only a Jewish woman *crazy enough*

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raeli men. Then, he asked me if I was Jewish. Finally, I was given the shots and the next thing I knew, I was being rolled onto my bed and was asking, “Is it over?” and it was.

Immediately I felt terrible cramps, but by the end of the day I was fine, with almost no cramps. Finally for the first time in weeks, I was not nauseated, and I wanted

yes, I was silenced at my core, where I could not speak back. Yes, those were dirty comments, and yes, hurtful.

Recognizing that this doctor’s comments to me were not only misogynist but also anti-Semitic has been even more difficult. Did he assume that I was a Jew, but needed to be sure? What was the purpose

not to want a baby? Who, anyway, got to decide Jewish women’s sanity?

I was thankful that I did not have to prove that I was insane in order to have my abortion, when I actually was quite sane and quite sound in deciding not to become a mother at the age of 21, before I was ready.

L.A.Z.

years later, in 2008, Shas MK Nissim Zeev proposed an opposing bill to make late-term abortions illegal. “What is happening in Israel is murder, every day,” he told the press. His party leader, Eli Yishai, supported him, as did Rav Eliyahu—the “Rishon L’Zion,” who wrote that “millions [sic] of children have been cut alive since the beginning of the State,” and compared it to what the ancient Egyptians did to Jewish babies. Eliyahu also called the midwives and the doctors “murderers.”

In all of Israel’s history there have been only a handful of public demonstrations on the issue, according to feminist activist Hannah Safran, author of *Don’t Wanna Be Nice Girls: The Struggle for Suffrage and the New Feminism in Israel*. In the absence of real public debate, the status quo remains, and it seems that those with the most money have the most power on the street.

ISRAEL’S MOST VULNERABLE WOMEN

Meanwhile, religious Jewish women, often among the poorest citizens, are particularly vulnerable. They are pressured to have large

families from a young age. An estimated one in four ultra-Orthodox children lives below the poverty line in Israel. Yet religious leaders are emphatic that economics should not figure into the discussion about abortion. It’s no wonder Efrat’s package of economic support for women who decide not to abort is so attractive.

Still, some religious women are quietly having abortions. Dr. Jordana Hyman, an obstetrician and gynecologist, who specializes in reproductive endocrinology and infertility said “Haredi [ultra-Orthodox] women are also having abortions. Usually they involve a rabbi in making the decision. I have seen women terminate an unintentional pregnancy in a case of severe postpartum depression.”

Statistics about religious women having abortions are difficult to obtain. Tsitsuasuhvili told us that one out of six women who come to Shilo are religious. She says that they come after deciding to end the pregnancy and they know they’ll get support at Shilo—as opposed to from their rabbis or from Efrat. “Most are young and married but not ready to have a child yet,” she said. “It’s family planning.” She also says that most

have not used birth control pills properly, reinforcing the idea that family planning is not properly taught in Israel, especially not in the religious communities. She also claims that the prevalence of information on the Internet, as well as the ease of accessing over-the-counter RU486, the so-called morning-after pill—which has been legal in Israel since 1999—have made it easier for women to get abortions while retaining privacy. But it is not clear that religious women are getting good information from the Internet. A search of religious Jewish women’s counseling centers online comes up with zero information about elective termination of pregnancy. The Nishmat online database of halakhic questions about women’s gynecological issues does not cover elective abortion.

There are other groups of women who are also vulnerable. A 2007 study showed that Ethiopian immigrant women’s abortion rates tripled from 10.5% in 1994 to 29.2% in 2001. By contrast, Russian women’s abortion rates have been decreasing in Israel with access to better contraception. Shilo says that of the number of women who walk into their clinic, 15% are Ethiopian while only 5% are Russian.

Palestinian women are also vulnerable. Without access to safe and legal abortions, they often resort to unsafe techniques to abort an unwanted pregnancy.

One 2006 study with 146 Palestinian women at Bethlehem University concluded that approximately 10% of Palestinian women self-induced abortions. A quarter of the women also talked about abortion being

ATTITUDES MUCH THE SAME AS 20 YEARS AGO

To test out the experience of obtaining an abortion in Israel today, we approached two clinics—one that performs “legal” abortions and one that performs “illegal” abortions. One of us described herself as a 38-year-old mother with four children who was eight weeks pregnant and wanted an abortion. At both clinics the employees—including the doctors—tried to convince us not to have the abortion. In the case of the legal abortion, an employee by the name of Sigal first asked, “Why did you wait so long?” then asked us not to wait too long because “We are people too.” In other words, the abortion practitioner herself expressed discomfort with abortions undertaken beyond the very first weeks of pregnancy. Her anti-abortion pitch then went up a tone when she asked, laughing, “Why are you worried about having a fifth child? So have a fifth child. What’s the big deal?” However, she eventually said, “If you decide that this is what you want to do, come in and I will help you.”

When we presented at the “illegal” abortion clinic, the doctor initially responded, “How sure are you that you don’t want the pregnancy? You know, you’re 38 years old and you have to think about it, because at the age of 38, having an abortion means you really don’t want another baby and this is probably your last pregnancy. If you want another baby, then I suggest you don’t terminate now. But whatever you want.” He added that he would evade the abortion panel—making this abortion illegal—because, “If you go to the panel, I’m not sure they will give you the permission.” Despite his own reservations, he quickly added, “I think it’s the woman’s choice and the woman’s right to decide if she wants it or not.” In both of these exchanges with abortion clinics, the professionals expressed a reluctant willingness to perform the abortion while at the same time unabashedly voicing their own strong opinions that it was the wrong decision. A married mother in her 30s is not supposed to have an abortion. This attitude reflects abortion in Israel generally: legal but discouraged; rightfully protected but frowned upon; acceptable in an emergency, but not a tool for family planning.

E.M.S. AND L.A.Z.

necessary for unmarried women to prevent “honor killings” where a woman is murdered by her male relative because of her perceived sexual misconduct.

A CULTURAL FREE-FOR-ALL

Many people believe that Israel is a generation behind America when it comes to social issues concerning race, class and gender. Certainly when it comes to the separation of religion and state, Israel is far behind, as religious parties currently run the health ministry and several other key ministries according to their own agendas. While some may argue that the absence of a public struggle works in women’s favor—after all, abortions are basically legal and only a few radical religious leaders are putting up a fight—the public vacuum leaves frightening space for a cultural free-for-all. Right now, the organization Efrat is win-

IN SHARP CONTRAST TO THE UNITED STATES, ABORTION IS SIMPLY NOT PART OF THE PUBLIC DISCOURSE. THE PUBLIC VACUUM IS STARTING TO BE FILLED BY ANTI-ABORTION GROUPS.

ning the battle for public education, with an ideology that bull-dozes women’s actual economic, emotional, and family-planning needs, and smacks of manipulation of women’s bodies and lives. And their budgets mean that they are not going away any time soon. Right now, Efrat has the last word because nobody powerful enough is challenging them.

The absence of public discourse also maintains the tradition of delegitimizing women’s overt, active control over their bodies and lives—physically, emotionally and economically. Discussion of women’s management of their own fertility is completely absent from the public arena, and thus many women lack the platform and the language to legitimize their own family planning and choices. Given the current religious-political climate in Israel, and the multiple battles that women are waging for equality in the public sphere and in economic and political life, it is possible that taking this battle public would indeed ignite a fire, one for which even many Israeli feminists seem unprepared. ■

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POETRY

FATHER AND SONS

For David, Daniel, and Jonah Akiba

There is a space between them,
in that space they hold cameras.
The father with his old-fashioned lens,
the son with a modern video camera.
The third man, the other son,
is the one who is the subject
of both their viewfinders.
That is the way it has always been.
There are those who plunge in,
searching and yearning,
like salmon swimming upstream
till they find their home to spawn.
The others watch, tell the story,
wait for the story to include them.
Loss is inevitable.
It happens whether they expect it or not.
When it comes
they are filming, photographing,
writing, crying, and laughing.
“Chazak chazak veneetchazek,”
my mother took to telling me
shortly after my grandfather
left this world.
“Be strong, be strong, and let us strengthen one another.”
This person who dances and davens and laughs before you,
who loves somebody or some life
you cannot understand or approve.
He is still the person
you held in your arms
with whom you waited
until the school bus picked him up.
He is still yours.

EVE LYONS