

## LETTERS TO THE EDITOR

### Torah and Science

*HAKIRAH* SHOULD BE congratulated on another wonderful issue (no. 17). In the issue, Nathan Aviezer criticizes R. Moshe Meiselman's recent book on Torah and Science. While his points are convincing, I would like to correct one error in this review. Aviezer writes:

Finally, a word should be said about the failed geocentric theory of the solar system, in which it was erroneously assumed that all planetary orbits could be described as circles revolving around the Earth. Is that not an example of a scientific theory

that was universally believed for over a thousand years, and then replaced by the very different heliocentric theory?

The answer is “no!”. The geocentric theory was universally accepted for a millennium on religious grounds alone. The *beliefs* of the Church demanded that man's place *must be* at the center of the universe.

This is incorrect. First of all, the Ptolemaic system of geocentrism was as much science as the Copernican system, and had nothing to do with theology.<sup>1</sup> Secondly, geocen-

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<sup>1</sup> Rather than refer to any number of books on the history of astronomy, here is what the Wikipedia entry on “Geocentric Model” has to say: “Adherence to the geocentric model stemmed largely from several important observations. First of all, if the Earth did move, then one ought to be able to observe the shifting of the fixed stars due to stellar parallax. In short, if the earth was moving the shapes of the constellations should change considerably over the course of a year. If they did not appear to move, the stars are either much further away than the Sun and the planets than previously conceived, making their motion undetectable, or in reality they are not moving at all. Because the stars were actually much further away than Greek astronomers postulated (making movement

extremely subtle), stellar parallax was not detected until the 19th century. Therefore, the Greeks chose the simpler of the two explanations. The lack of any observable parallax was considered a fatal flaw of any non-geocentric theory. Another observation used in favor of the geocentric model at the time was the apparent consistency of Venus' luminosity, thus implying that it is usually about the same distance from Earth, which is more consistent with geocentrism than heliocentrism. In reality, that is because the loss of light caused by its phases compensates for the increase in apparent size caused by its varying distance from Earth. Once again, Aristotle's objections of heliocentrism utilized his ideas concerning

trism long predates the second-century Ptolemy. Aristotle was a geocentrist, and in Aristotle's view the most important part of the world is not the center. "For the medieval mind, under the influence of Aristotle, the earth as the center of the world was not a position of honor. On the contrary, as Prof. Lovejoy put it, it was 'the place farthest removed from the Empyrean, the bottom of creation, to which its dregs and baser elements sank. The actual center, indeed, was Hell; in the spatial sense, the medieval world was literally diabolocentric.'"<sup>2</sup>

Aviezer "blames" geocentrism on the Church, and yet Maimonides (and every other Jewish and Islamic thinker of his day) was a geocentrist. Maimonides also had a strong anti-anthropocentric view, as he did not regard man as the central purpose of the universe. This view of Maimonides was an important source for Norman Lamm in his famous article "The Religious Implications of Extraterrestrial Life." Only those who are convinced that they are the center of the universe would be troubled by the discovery of other inhabited worlds, and that is why Maimonides' outlook came in so handy for Lamm.

Also, on p. 224 n. 15, Chaim

Miller quotes comments I made in an online class. In this class I referred to R. Joseph B. Soloveitchik's doubt that real Hasidism could ever take root in the United States. I misspoke when I said that the tape of the Rav was from the 1970s. In fact, he made this comment in the 1950s. By the 1970s it was clear to all that Hasidism had become a success in America.

*Marc B. Shapiro*  
University of Scranton

*Professor Nathan Aviezer responds:*

Professor Marc Shapiro's thoughtful letter correctly points out that the geocentric theory was supported by many seemingly sound "scientific" reasons. However, I cannot agree with his statement that the geocentric theory "had nothing to do with theology." In fact, this theory had *everything to do with theology*, as I will show by several examples.

1. One must surely wonder why the Church took such a strong position concerning the structure of the solar system. Why did the Church care whether or not the geocentric theory was correct? The

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the natural tendency of earth-like objects. The natural state of heavy earth-like objects is to tend towards the center of the earth and not move unless forced by an outside object. It was also believed by some that if the Earth rotated on its axis, the air and objects in it

(such as birds or clouds) would be left behind."

<sup>2</sup> Norman Lamm, "The Religious Implications of Extraterrestrial Life," *Tradition* 7 (Winter 1965) pp. 27-28.

reason for their great interest in astronomy was that the Church had developed a theological paradigm for the structure of the universe, based on their understanding of Scripture, and the linchpin of the Church paradigm was the geocentric theory. Therefore, when Galileo publicly mocked the geocentric theory and supported the opposing heliocentric theory, the Church roared into action. Galileo was hauled before the Court of the Inquisition, forced to publicly recant the heliocentric theory on pain of death, sentenced to life imprisonment, and had his books placed on the *Index*, forbidden reading for all good Catholics. It was only the intercession of Pope Urban VIII, who commuted his sentence to house-arrest, that saved Galileo from languishing in prison for the rest of his life. *This is what happens when the argument is about theology by those who take their theology very seriously.*

2. The geocentric theory of the solar system consisted of several assumptions. Not only was it assumed that all heavenly bodies move around the Earth, it was also assumed that they move in circular orbits with constant speed. The reason for this latter assumption was the belief of the Church that the motion of the heavenly bodies is under the direct control of God and, therefore, this motion must be “ideal.” Since the circle is the “ideal” geometric figure and a constant speed is the “ideal” speed, these features must characterize planetary motion.

When this model failed to explain the details of planetary motion, medieval astronomers did not abandon circles. Rather, they invented the *epicycle*, which is a circle revolving around another circle. The epicycle introduces two arbitrary parameters, the radius of the epicycle and its speed, whose values can be chosen to fit the data. When the addition of an epicycle proved insufficient to explain the accurately known planetary orbits, the astronomers introduced additional epicycles. In the course of time, *eighty* epicycles were introduced, providing *160 completely arbitrary parameters*, all in the futile attempt to explain planetary motion in terms of an incorrect theory. The astronomers *never* abandoned circular motion and they *never* abandoned constant speed because of *theological considerations* that decreed that the orbits of all heavenly bodies *must* be described in terms of circles moving at constant speed.

3. When Nicolaus Copernicus introduced the heliocentric theory, he emphasized that his theory had *nothing at all to say about how the planets actually moved.* That subject was under the *sole jurisdiction of the Church.* Copernicus, who lived in Catholic Poland, stated that he was merely proposing a “model” on the basis of which one can calculate planetary orbits. Therefore, Copernicus was *not* put on trial by the Court of the Inquisition. Political correctness was as important then as it is now.

In fact, the heliocentric model of Copernicus did not explain plan-

etary motion any better than the geocentric model with its 80 epicycles. The reason is that Copernicus still assumed circular orbits moving at constant speed, as the Church required. However, Copernicus pointed out that his model had the very important advantage of not requiring a whole slew of arbitrary parameters. It wasn't until the non-Catholic Johannes Kepler introduced elliptical orbits for the planets moving at variable speeds, according to his famous three laws, that the planetary orbits were finally explained.

I WISH TO THANK Prof. Nathan Aviezer for undertaking the task of responding to and refuting the three books in which their rabbinic authors assert what amounts to the twin doctrines of Talmudic infallibility (in contrast to Halakhic authority) and scientific unreliability. Aviezer successfully demonstrated that this notion is not only contradicted by the facts, it also is not in accord with our Torah's principles and the foundations of traditional Judaism.

I am animated, however, to underscore an important additional point. The authors of these books, and the many other rabbinic authorities in the ultra-orthodox community who publicly support and disseminate such views, must think that their efforts are enhancing the observance of Judaism. This idea is totally divorced from reality. The precise opposite is taking place.

These individuals are actually undermining observance and bear a heavy burden for it.

Millions of our brethren have separated themselves from observance in no small measure because they perceive that the discoveries of science (and history and archaeology) have discredited the foundations of Judaism. Prominent rabbis and leaders of orthodoxy are seen as the 'face' of observant Judaism. When this 'face' insists that certain ideas are inherent to proper observance and belief, and that negating those ideas constitutes heresy, many are left with a stark choice. Since they are not about to create, on their own, a new Judaism, they must either join in the acceptance of these ideas or position themselves outside the community of those who do. And they have made their choice, in droves. They ask themselves: If the face of observant Judaism is wrong about this and that and the other thing, what else is it wrong about?

*Judah Landa*  
East Brunswick, NJ

## The Soul of a Jew

I RECENTLY, though belatedly, discovered Rabbi Hanan Balk's essay, "The Soul of a Jew and the Soul of a Non-Jew" in *Hakirah*, Vol. 16 (Winter 2013). The stark contrast the author draws between the view of the kabbalists and that of the Rambam creates quite a quandary for the modern, humanistic reader

who nevertheless embraces the Jewish mystical tradition and its multifarious reverberations throughout the full spectrum of Torah thought. The reader is implicitly asked to set aside the entire kabbalistic edifice in favor of the Rambam and the prevailing philosophical rationalism of his day, which may serve as a model for contemporary religious views on more or less the same wavelength. Or just as bad, one must appoint himself the arbiter of mystical truth by “cherry-picking” the kabbalistic concepts one likes and dismissing the rest. This infelicitous labor would extend through centuries of religious thought, *ad ve-ad bikhlal* the leading *poskim* of both Ashkenazic and Sefardic *mesorahs*.

While Rabbi Balk’s summary is laudably comprehensive for a thirty-page essay, and rich in insights, it lacks nuance—and in so doing, does injustice to the kabbalists, who share the fate of all “politically incorrect” thinkers, past and present, at the hands of intellectual commissars. Our *tzaddikim* deserve better treatment than this.

A few points that would add some of this missing nuance to the discussion would be the following: Rabbi Moshe Cordovero (Ramak), a major commentator on the “prime culprit” in this essay, the Zohar, writes eloquently of the worthiness of all humanity and all creatures, which reflects upon the honor of their Creator (*Tomer Devorah*, chap. 2). He also urges us to help all beings, spiritually and mate-

rially (ibid., chap. 3). Rav Chaim Vital, the leading disciple and scribe of the Arizal (who famously consigned idolatrous gentiles to the “three completely impure *kelipos* [husks]”) writes that one who seeks to cleave to the Creator must “love all creatures, including non-Jews” (*Shaarey Kedushah* 1:5). Needless to say, it would be unthinkable to love that which is intrinsically and irredeemably evil. Following in the latter’s footsteps, 18<sup>th</sup>-century kabbalist Rabbi Pinchas Eliyahu Horowitz of Vilna includes a thirty-one-chapter discourse in his encyclopedic *Sefer HaBris* (*Chelek* II, *Maamar* 13) on how the mitzvah of loving one’s neighbor also applies to non-Jews, who contribute to the civilization we all share.

Among the Chasidic masters, Rabbi Nachman of Breslov, whose thought is profoundly rooted in the Zohar, envisions a world in which all levels of life continually ascend and attain harmony. Thus, all humanity is destined to enter the realm of kedushah, putting an end to the often adversarial relationship between Jew and gentile (*Likutey Moharan* I, 21, end). Another great Chasidic kabbalist, Rabbi Yitzchak Yehuda Eizik Yechiel of Komarno, echoing Rav Chaim Vital, enjoins us to love all humanity (*Nesiv Mitzvosekha*). The Baal HaTanya is sometimes taken to task for his reiteration of the Arizal’s view that the souls of the nations derive from the unholy. However, in the printed edition of his *shiurim* on Tanya, the late Rabbi Yosef Weinberg comments on this statement that it does

not apply to the “*chasidei umos ha-olam*,” righteous gentiles, whose souls do possess a degree of holiness (beyond the “divine spark” that all creatures possess). (And while Rambam’s criteria for such status in *Hilkhos Melakhim* 9 is somewhat narrow, other take a broader view; e.g., *Tiferes Yisrael* on *Avos* 3:17. The latter would surely include countless religious non-Jews and spiritual figures.) I have also read that Rabbi Yosef Yitzchak of Lubavitch was once approached by a non-Jewish theosophist who wished to study Kabbalah, and the Rebbe, persuaded of the man’s sincerity, took a surprisingly positive view of the enterprise. I don’t have an exact source, but there is a letter about the encounter in *Igros Rayatz*.

Rav Kook’s passionately expressed inclusivist and universalist views have already been cited, albeit briefly, by Rabbi Balk. Rav Kook’s contemporary and friend, Rabbi Yehuda Ashlag, author of the *Sulam* translation and commentary on the Zohar, similarly espoused such sentiments and actually believed that the study of Kabbalah by Jews and non-Jews alike would save the world. And the list goes on.

How do we reconcile these seeming contradictions among the Jewish mystics? One possibility is by recourse to the kabbalistic concept of spiritual evolution. For example, Rav Chaim Vital writes in the name of the Arizal that Avraham Avinu’s servant Eliezer was successively reincarnated as Calev ben Yefuneh, Benayahu ben

Yehoyada and the Prophet Zechariah (*Sefer HaGilgulim*, chap. 48). He also states that Rabbi Moshe Cordovero shared a common “soul-root” (*shoresh neshamah*) with Eliezer (*ibid.*, chap. 65). The Arizal mentions numerous examples of this concept.

As Rav Kook wrote, “All existence evolves and ascends... no particularity will remain outside, not a spark will be lost from the ensemble. All will share in the climactic culmination” (*Oros HaKodesh*, Ben Zion Bokser trans., Paulist Press anthology, p. 221). This fundamental concept must especially inform our readings of the kabbalists; for as Rav Kook also states, “Great souls cannot dissociate themselves from universal concerns” (*ibid.*, p. 226).

An additional comment. Rabbi Balk mentions in passing (note 36, p. 57) a remark of Rabbi Shlomo Wolbe that may be taken to support the idea that there are highly evolved non-Jews and profoundly debased Jews, regardless of their spiritual genetics—possibly in disagreement with the kabbalistic notion that Jews are rooted in the holy and gentiles in the unholy. However, as we have attempted to show, the kabbalists themselves affirm the possibility, indeed, the reality of such evolution (though maybe not such devolution, except in extremely rare cases). This principle is explicitly invoked by diverse sources, kabbalistic and non-kabbalistic; e.g., *Tiferes Yisrael* on *Avos* 3:18 (“*chaniv adam shenivra be-tzelem*”); Rabbi Elie Mink’s “Ascent to Har-

mony” (Rabbi Munk uniquely managed to be a neo-Hirschian kabbalist); and of course throughout the works of Rabbi Samson Rafael Hirsch. I don’t think it is a point of disagreement between the various schools of thought.

Dovid Sears  
Brooklyn, NY

*Hanan Balk responds:*

I thank Rabbi Dovid Sears for his letter which challenges my depiction of the Kabbalistic perspective of the non-Jew and thereby defends the Kabbalistic literature as well as its authors. Utilizing his vast knowledge of Kabbalistic and Hasidic sources, R. Sears argues, if I understand him correctly, that the highly negative thrust that I have presented is not sufficiently broad to have offered a full picture of the Kabbalistic view. A more comprehensive evaluation reveals a very positive approach toward the non-Jew that demands a respectful and even loving attitude that a Jew must express toward him in daily living.

I must take issue with R. Sears for the following reasons (all sources, unless otherwise indicated, are from my *Hakirah* article):

1) R. Sears points out that many of the greatest Kabbalists require that a Jew recognize the value of all humanity, help each human being achieve his purpose, and love all people as God’s beloved creatures. Nothing that R. Sears states disagrees with my presentation. In fact, I completely agree with him!

But that is because he does not address my thesis and condemns me for something that I did not set out to do. R. Sears is emphasizing that in practical terms, the fact that Kabbalists and those who followed them subscribe to a view that the soul of a Jew is superior to that of a non-Jew, does not grant permission to treat gentiles with disdain or hatred of any kind. To the contrary, such behavior is not befitting to the individual who seeks to cleave to God and reach the highest levels of spirituality. My thesis, however, concerns only the status of the soul of a Jew and that of a non-Jew, as the title of the article clearly states, and was never intended to address the practical ramifications of such perspectives. The very same sources to which R. Sears subscribes to convey that a non-Jew must be treated in such a way that is worthy of one who bears the Divine image, do not in any way deny that the soul of a non-Jew is, nonetheless, akin to that of animals (*Zohar*, p. 49; *Baal HaTanya*, p. 51; R. Kook p. 53), lacking any vestige of holiness or Godliness (R. Hayyim Vital, p. 50). I am sure that R. Sears would agree for example, that if one would presume that those who are black in color are inferior to those who are white, but nevertheless argue that they should be treated respectfully and even lovingly by all, this would, nevertheless, be problematic to the ethical sense of many people.

2. R. Sears suggests that the obligation of some authorities to love all of God’s creatures is prof

that the non-Jewish soul is not viewed as poorly as I have suggested. For if such was the case, he states, “it would be unthinkable to love that which is intrinsically and irredeemably evil.” Perhaps this is true—but it would not be unthinkable to love that which is not characterized so much as “evil,” as “mundane” or “animal”—which is the manner in which the *Zohar* and most of the mystical school envision the non-Jewish soul. Indeed, R. Sears strongly emphasizes throughout a book that he himself authored, *The Vision of Eden: Animal Welfare and Vegetarianism in Jewish Law and Mysticism*, that Jewish mystics obligated a Jew to exhibit respect, kindness, compassion and even love, to animals—as they were created with the Divine wisdom of Creation. Should it thereby be difficult to envision that such love must also be extended to all of mankind? Alternatively, one could argue that such an attitude is borne from another consideration. Ramban (a Kabbalist) understands the rationale for the prohibitions of cruelty to animals in the Torah to be founded not in our concern for their feelings but rather in the need to develop the trait of compassion within ourselves (Deut. 22:6). Such laws, therefore, serve to refine our characters and promote such behavior in interactions with our fellow man. Here, too, there is no discrepancy between the view that a non-Jewish soul is inferior to that of a Jew but for educational and spiritual purposes, that fact is excluded from consideration.

3. Finally, R. Sears makes reference to a statement of the late R. Yosef Weinberg that those who are among “the righteous of the nations of the world” do, in fact, possess a soul that contains a degree of holiness that differentiates them from other non-Jews. Suffice it to say that no proof is provided to substantiate such a view which is completely untenable with *the Zohar*, as well as the writings of the Ari  $\text{z}''\text{l}$  and R. Hayim Vital—each which makes an ontological distinction between the soul of a Jew and that of a non-Jew that has no bearing upon the righteousness or wickedness of either (R. M. H. Luzzatto, p. 50 and R. Kook, p. 53 similarly disparage the most saintly of the nations as “subordinate” to the Jew, who is his “superior”). I further remind R. Sears of R. Kook’s shocking statement (*ibid.*): “The difference of the Jewish soul...and that of all the nations...is greater than the distinction between the human soul and that of an animal. Between the latter there is merely a quantitative distinction; between the former, an essential qualitative distinction pertains.” And if this is not sufficient, I repeat what was stressed in my article, that R. Menahem Mendel Schneersohn, the Lubavitcher Rebbe, when asked in a public setting about the status of the non-Jewish soul, had the opportunity to place the righteous of the world into a separate category. He made no such distinction and unapologetically maintained that whatever goodness the most righteous of gentiles possesses in his soul, that



soul is not connected to a Divine source like that of the Jew (p. 51).

In conclusion, the difficulty created by the Kabbalistic view of the distinction of souls does not vanish because those inferior souls are still to be related to in a respectful manner. Such a view may be accepted, compartmentalized, or, if one chooses to confront the authenticity of Kabbalah (see p. 48, footnote 5), rejected, in favor of the alternative view of Maimonides that I have sought to uncover in his writings. The essential problem, however, remains.

## Home Birthing

I applaud Rabbis Lockshin and Winberg for bringing the important issue of the “*Pikuah Nefesh*” status of childbirth to the attention of *Hakirah’s* readers, but I believe that there are significant problems with their thesis as it was presented in their article.

The authors claim that “medieval halakhic codes made a clear distinction between the birthing woman and the standard critically ill patient (*holeh she-yesh bo sakkanah*)” and they bring Rambam, as interpreted by the *Maggid Mishna*, as their primary support for this claim. Their understanding of the *Maggid Mishna* follows the interpretation of the *Magen Avraham* and his understanding of the *Maggid Mishna*, which also seems to be the approach of the *Mishna Berura* and the *Shulchan Arukh HaRav*. The bottom

line is, that they all understood that Rambam differentiated between the “standard” critically ill patient and the birthing woman because childbirth is a natural process and maternal death from childbirth is rare. These *poskim* understood that Rambam required a *shinuy* only for a birthing woman, but not for an “ordinary” critically ill patient.

However, the authors lament the fact that in modern times, these *halachot* have “changed.” In their words, “Even a brief examination of a respected 1979 halakhic compendium will show how much these laws have changed. According to Rabbi Joshua Neuwirth, a woman should travel to the hospital at the onset of the slightest sign of labor... There is no attempt to justify these radical changes; *piquah nefesh* apparently speaks for itself.”

In truth, these halachot have not “changed” at all. The modern *poskim* are simply following the halakhah according to a completely different understanding of this issue and the *shita* of Rambam. R’ Neuwirth is an excellent example of the generally accepted approach of the overwhelming majority of modern *poskim* regarding the laws of childbirth on Shabbat. This approach completely equates the birthing woman and the “ordinary” critically ill patient. Allow me to briefly explain.

For starters, in that very same *Maggid Mishna* that is quoted by the authors of the article, he brings the opinion of Ramban who clearly states that the *yoledet* has exactly the

same *halakhot* as any critically ill patient. There is thus no dispute at all that Rambam disagrees completely with the idea that there is any halachic difference between the two.

Furthermore, the idea that Rambam differentiates between the two categories is highly controversial, and there is a preponderance of *poskim* who don't agree with the *Maggid Mishna* and his understanding of Rambam. They posit that Rambam also felt that a woman in childbirth has exactly the same status as a critically ill patient, and they disagreed with the inferences that *Maggid Mishna* made from the language of Rambam.

Other *poskim* understood the *Maggid Mishna* differently, and applied the idea that a birthing woman was less of a *pikuah nefesh* than a critically ill patient only to certain limited circumstances, but in general they felt that the two categories followed the same rules.

*Tur* and the *Shulkhan Arukh*, when they bring the halakhah of a woman in childbirth, deliberately choose a language that absolutely equates a woman in childbirth with a critically ill patient. They do not elaborate that there should be any difference between the two, nor do they bring the reasoning of the *Maggid Mishna*. This leaves their intentions somewhat vague, so we have to rely upon the "*Nosei Keilim*" in order to understand their intent. The *Arukh HaShulkhan* brings the *Magen Avraham* who claims that they are separate categories based on the *Maggid Mishna*, but he has a difficult time understanding why the rarity

of death in childbirth should make any difference to her status as being in a critical situation. The bottom line should be, that if an intervention is necessary to save her life, it should be done, and a *shinuy* should not be required. He therefore applies the idea of requiring a *shinuy* only to interventions that are being done "*L'yashev da'ata*" to calm her fears. The net result of the *Arukh HaShulkhan's* analysis is that there is no difference at all between the critically ill patient and the birthing woman, even according to Rambam. Only when it comes to calming the fears of the birthing woman do we require a *shinuy*, and even then, only when it is possible to do so without a delay in her care.

Many other *poskim* simply disagree with the *Maggid Mishna* and claim that Rambam never differentiated at all between a birthing woman and other critically ill patients. These *poskim* include the *Beit Yehuda*, the *Kiryat Melekh Rav*, the *Mikra'ey Kodesh*, the *Orah V'Simcha* and more. They all contend that the *Maggid Mishna* was basing his assumptions on an inference from Rambam that they don't believe is correct.

One of the reasons for the *Maggid Mishna's* claim, is that he had a different version of the text of Rambam from what we have today. In his text, he had a "Bet" in place of a "Kaf" in the word "*B'sakanat nefashot*." So while in *Maggid Mishna's* reading Rambam stated that a birthing woman is "*in a state of danger*" that may be different from other states of danger, in the reading of

the other *poskim* Rambam was actually outrightly comparing a birthing woman with other critically ill patients when he stated that she is “like someone in danger.” For this reason, some *poskim* (see *Mikraey Kodesh* and *Orah V'Simha* for example) disagree with the entire premise of *Maggid Mishna*.

Other *poskim* (see the *Beit Yehuda* and the *Kiryat Melekh Rav*, for example) did not necessarily bring up the textual issue, but they still disagreed with *Maggid Mishna* and claimed that there is no reason to infer that Rambam differentiated between the two categories. They held that *Shulchan Arukh* and *Tur* were careful to use a language that unequivocally compared the birthing woman to other critically ill patients, and that the need for a *shinuy* would apply to both.

Other *poskim*, including R' Eliezer Waldenberg and RYZ Soloveitchik of Brisk, felt that Rambam required a *shinuy* only during the stages leading up to labor, but once labor began, even Rambam agreed that there is no difference between a critically ill patient and a birthing woman, and neither require a *shinuy*. There are other approaches as well amongst the *poskim*, but I think we have already made it clear that there is an abundance of *poskim* who disagreed with the idea that there is any halakhic difference between a birthing woman and a critically ill patient.

While the authors presented the halakha as presented by Rav Neuwirth as if it was a “radical change” from accepted *psak*, a review of the

halakhic literature reveals that this is not the case. Starting with Rambam and ending in modern times with Rav Waldenberg and Rav Neuwirth the *poskim* have ruled that a birthing woman has exactly the same status as any critically ill person whose life is in danger.

I believe that a few more points need to be addressed. The Halakhah is quite clear as to when the stage of labor begins that qualifies a woman as being in a critical state. This is generally accepted as the time that “blood begins to drip.” In today’s common language, this is usually called “bloody show,” which happens as a result of the dilation of the cervix. This is not only during the “final stages of labor” as claimed by the authors of the article. This usually occurs at 3-4 centimeters of dilation, which is generally when most doctors and hospitals will consider a patient in active labor and admit the woman to the hospital.

The authors go on to attribute the permissive attitude of modern *poskim* to male physicians delivering babies to our understanding that a birthing woman is in a state of *pikuah nefesh*. They quote from the SA in YD 335:10 the laws of *bikur holim* (which is discussing a layman—not a physician—taking care of a woman who is ill), but seem to miss the fact that the laws specific to physicians treating female patients is treated at length in YD 195, and has nothing to do with *pikuah nefesh*.

The authors further suggest, that halakhically speaking, we need

to reconsider our use of drugs in labor because they may be dangerous. They make this suggestion as if it can be assumed that drugs in labor are inherently dangerous, but they do not have any evidence to back up this claim. In fact, every treatment used in labor is subjected to controlled clinical trials and years of experience that have attested to their safety and efficacy. It is beyond the scope of this letter to review every pain treatment and its specific risk/benefit profile. However, the medical literature on every type of treatment is easily accessible to anyone interested in doing the research. Halakhah strongly supports the treatment of a woman's pain in a safe and efficient manner, and thus the accepted medical treatments for pain have been almost unanimously permitted by modern *poskim* without significant reservation.

Finally, the article suggests that having a baby in a hospital may actually be more dangerous than a home birth, and thus they suggest that we need to consider if it is even halakhically permissible to have a baby at a hospital. They are absolutely correct that when done properly, a home birth can be a safe and halakhically viable option for many women. Studies have shown, that in an integrated health care system, with properly trained midwives, proper protocols for choosing the right candidates for home birth, and transportation protocols and agreements with nearby hospitals, home birth can be safe for

healthy pregnancies and non-anomalous (congenitally normal) babies.

However, the best available scientific evidence available today still shows that the risk of neonatal death is 2-3 times higher in home births, even when all of the safeguards mentioned above are put in place. This evidence was quoted in the American College of Obstetricians and Gynecologists (ACOG) Committee Opinion No. 476 in February 2011, and reaffirmed in 2013. Since the risk of neonatal is small, ACOG still advised that home birth can be done safely, as I stated above, but to claim that it is somehow safer and somehow more halakhically preferable than hospital birth, is simply wrong.

*A Concerned Obstetrician*

*Martin Lockshin and Seth Winberg  
respond:*

We appreciate the concerned obstetrician's lengthy discussion of Rambam. We are still convinced that the best understanding of Rambam's position is the one we suggested in our article.

We invite interested readers to check the sources the concerned obstetrician cited and compare them with the sources we cited in our article outlining the proven dangers of anesthesia and analgesia in childbirth and the statistics we cited from many countries of the world proving that home birth has better outcomes than hospital birth for a healthy woman.

## The Enlightenment

Many thanks for the latest issue of *Hakirah* and *yashir kofakha* for stimulating reading.

R. Maimon's piece on divergent approaches to the enlightenment was very thoughtful. I would suggest, however, that Hasidic disapproval of the Romm Press emanated from competitive motives,

although it is not impossible that in the minds of some hasidim a haskala publication could possibly contaminate the Shas being printed there.

*Elijah Judah Schochet*  
Los Angeles, CA

