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**Abortion in Jewish Law**

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***The traditional Jewish view does not fit conveniently into the major "camps" in the current debate.***

The Union of Orthodox Jewish Congregations of America (Orthodox Union) recently issued the following statement regarding the US Supreme Court’s potential overturning of Roe v Wade:

*The Orthodox Union is unable to either mourn or celebrate the news reports of the U.S. Supreme Court’s likely overturning of Roe v Wade. We cannot support absolute bans on abortion—at any time point in a pregnancy—that would not allow access to abortion in lifesaving situations. Similarly, we cannot support legislation that permits “abortion on demand”—at any time point in a pregnancy—and does not confine abortion to situations in which medical (including mental health) professionals affirm that carrying the pregnancy to term poses real risk to the life of the mother.*

*As people of faith, we see life as a precious gift granted to us and maintained within us by G-d. Jewish law places paramount value on choosing life and mandates – not as a right but as a responsibility – safeguarding our own lives and the lives of others by behaving in a healthy and secure manner, doing everything in our power to save lives, and refraining from endangering others. This concern for even potential life extends to the unborn fetus and to the terminally ill.*

**“The Right to Choose”**

*Abortion on demand – the “right to choose” (as well as the “right to die”) – are thus completely at odds with our religious and halachic values. Legislation and court rulings that enshrine such rights concern us deeply on a societal level.*

*Yet that same mandate to preserve life requires us to be concerned for the life of the mother. Jewish law prioritizes the life of the pregnant mother over the life of the fetus such that where the pregnancy critically endangers the physical health or mental health of the mother, an abortion may be authorized, if not mandated, by Halacha (Jewish law) and should be available to all women irrespective of their economic status. Legislation and court rulings-federally or in any state-that absolutely ban abortion without regard for the health of the mother would literally limit our ability to live our lives in accordance with our responsibility to preserve life.*

*The extreme polarization around and politicization of the abortion issue does not bode well for a much-needed nuanced result. Human life-the value of everyone created in the Divine Image-is far too important to be treated as a political football.*

Abortion in Jewish Law

**The Jewish View Does Not Fit Comfortably**

**With Either Pro-Life or Pro-Choice**

The traditional Jewish view of abortion does not fit conveniently into either “pro-life” of “pro-choice” camps in the abortion debate. Judaism neither bans abortion completely, nor does it sanction indiscriminate abortion "on demand."

A woman may feel that until the fetus is born, it is a part of her body, and therefore she retains the right to abort an unwanted pregnancy. Does Judaism recognize a right to "choose" abortion? In what situations does Jewish law sanction abortion?

To gain a clear understanding of when abortion is permitted (or even required) and when it is forbidden requires an appreciation of certain nuances of *halacha* (Jewish law) which govern the status of the fetus.1

The easiest way to conceptualize a fetus in Jewish law is to imagine it as a full-fledged human being – but not quite.2 In most circumstances, the fetus is treated like any other "person." Generally, one may not deliberately harm a fetus. But while it would seem obvious that Judaism holds accountable one who purposefully causes a woman to miscarry, sanctions are even placed upon one who strikes a pregnant woman causing an unintentional miscarriage.3

That is not to say that all rabbinical authorities consider abortion to be murder. The fact that the Torah requires a monetary payment for causing a miscarriage is interpreted by some rabbinical scholars to indicate that abortion is not a capital crime4 and by others as merely indicating that one is not executed for performing an abortion, even though it is a type of murder.5 There is even disagreement regarding whether the prohibition of abortion is Biblical or Rabbinic. Nevertheless, it is universally agreed that the fetus will become a full-fledged human being and there must be a very compelling reason to allow for abortion.

**In general, abortion is permitted only**

**if there is direct threat to the mother.**

As a general rule, abortion in Judaism is permitted only if there is a direct threat to the life of the mother by carrying the fetus to term or through the act of childbirth. In such a circumstance, the baby is considered tantamount to a *rodef*, a pursuer6 after the mother with the intent to kill her. Despite the classification of the fetus as a pursuer, once the baby's head or most of its body has been delivered, the baby's life is considered equal to the mother's, and we may not choose one life over another, because it is considered as though they are both pursuing each other.

It is important to point out that the reason that the life of the fetus is subordinate to the mother is because the fetus is the ***cause*** of the mother's life-threatening condition, whether directly (e.g. due to toxemia, placenta previa, or breach position) or indirectly (e.g. exacerbation of underlying diabetes, kidney disease, or hypertension).8 A fetus may not be aborted to save the life of any other person whose life is not directly threatened by the fetus, such as use of fetal organs for transplant.

Judaism recognizes psychiatric as well as physical factors in [evaluating the potential threat](http://www.aish.com/jw/s/Jewish_Unplanned_Pregnancy.html) that the fetus poses to the mother. The degree of mental illness that must be present to justify termination of a pregnancy has been widely debated by rabbinic scholars,10 without a clear consensus of opinion regarding the exact criteria for permitting abortion in such instances.11 Nevertheless, all agree that were a pregnancy to cause a woman to become suicidal, there would be grounds for abortion.12

As a rule, Jewish law does not assign relative values to different lives. Therefore, almost most major *poskim* (Rabbis qualified to decide matters of Jewish law) forbid abortion in cases of abnormalities or deformities found in a fetus. Rabbi Eliezar Yehuda Waldenberg is a notable exception. Rabbi Waldenberg allows first trimester abortion of a fetus that would be born with a deformity that would cause it to suffer, and termination of a fetus with a lethal fetal defect such as Tay Sachs up to the seventh month of gestation.14 The rabbinic experts also discuss the permissibility of abortion for mothers with German measles and babies with prenatal confirmed Down syndrome.

**A Difference of Opinion**

There is a difference of opinion regarding abortion for adultery or in other cases of impregnation from a relationship with someone Biblically forbidden. In cases of rape and incest, a key issue would be the emotional toll exacted from the mother in carrying the fetus to term. In cases of rape, Rabbi Shlomo Zalman Aurbach allows the woman to use methods which prevent pregnancy after intercourse.15 The same analysis used in other cases of emotional harm might be applied here. Cases of adultery interject additional considerations into the debate, with rulings ranging from prohibition to it being a mitzvah to abort.16

I have attempted to distill the essence of the traditional Jewish approach to abortion. Nevertheless, every woman's case is and special, and the parameters determining the permissibility of abortion within Jewish law are nuanced, subtle and complex. It is crucial to remember that when faced with an actual patient, a competent halachic authority must be consulted in every case.

1. While there is debate among the Rabbis whether abortion is a Biblical or Rabbinical prohibition, all agree on the fundamental concept that fundamentally, abortion is only permitted to protect the life of the mother or in other extraordinary situations. Jewish law does not sanction abortion on demand without a pressing reason.
2. Igros Moshe, Choshen Mishpat II: 69B.
3. Shulchan Aruch, Choshen Mishpat, 423:1
4. Ashkenazi, Rabbi Yehuda, Be'er Hetiv, Choshen Mishpat 425:2
5. Igros Moshe, ibid
6. Maimonides, Mishneh Torah, Laws of Murder 1:9; Talmud Sanhedrin 72B
7. Oholos 7:6
8. See Steinberg, Dr. Abraham; Encyclopedia of Jewish Medical Ethics, "Abortion and Miscarriage," for an extensive discussion of the maternal indications for abortion.
9. Igros Moshe, ibid
10. See Encyclopedia of Jewish Medical Ethics. P. 10, for references.
11. See Spero, Moshe, Judaism and Psychology, pp. 168-180.
12. Zilberstein, Rabbi Yitzchak, Emek Halacha, Assia, Vol. 1, 1986, pp. 205-209.
13. Rabbi Shlomo Zalman Aurbach and Rabbi Yehoshua Neuwirth cited in English Nishmat Avraham, Choshen Mishpat, 425:11, p. 288.
14. Tzitz Eliezer, Volume 13:102.
15. Rabbi Shlomo Zalman Aurbach and Rabbi Yehoshua Neuwirth cited in English Nishmat Avraham, Choshen Mishpat, 425:23, p. 294.
16. See excellent chapter in English Nishmat Avraham, Choshen Mishpat, 425 by Dr. Abraham Abraham, particularly p. 293.

*Reprinted from the current Aish.com website. This updated article was originally published in 2004.*

**Thoughts that Count**

This distressed Moshe greatly, and he said, "I have not taken a single donkey of theirs" (Num. 16:15)

This showed Moshe's connection to G-d, that he was the true and correct leader. Moshe is referring to the donkey he used to travel back to Egypt. This particular donkey was one of the things that G-d created at twilight on Friday. This same donkey was used by Avraham when he brought his son Yitzchak to Mt. Moriah to be sacrificed, and this same donkey will used by Moshiach when he reveals himself. Therefore, Moshe said, "I didn't use one of their donkeys, but this special and unique one that shows my connection to G-d." *(Midrash Raba)*

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**Rav Avigdor Miller**

**On Lazy or Happy**



**QUESTION: What’s the difference between an עצל, the lazy man who is criticized by the sages for not working to improve his situation, and the שמח בחלקו, the one who is happy with his lot, and who is praised by the sages?**

**ANSWER:** A lazy man, he’s not necessarily satisfied with his lot, only he doesn’t have the energy to change it. But he could be quite dissatisfied! In the slums you have a lot of people who are not שמח בחלקם – they’re very angry that they have to be poor; they’re complaining all the time. Only that they’re too lazy, they’re too irresponsible or shiftless to do anything about it.

A samayach b’chelko on the other hand is a man who has plenty of energy to do things but he feels that his lot is so satisfactory that there’s no need to change. He’s actually satisfied with his lot!

**QUESTION: But according to this definition, a man would never become richer, because if he’s samayach b’chelko he has everything that he needs?**

**ANSWER:** So there are two things to consider however. First of all, what’s the misfortune if he wouldn’t become richer? If he’s samayach b’chelko then he’s rich enough. And secondly, there are plenty of fellows who no matter how much they have, they’ll never be happy. So they’ll be the ones who keep working to make more money – it’s almost everyone.

**QUESTION:,But then the שמח בחלקו will never work harder, he’ll never look for more opportunities to make money, right? So he’ll never become rich.**

**ANSWER:** So who says that there’s a mitzvah to be rich? It’s not so terrible. If he doesn’t want to become rich, if he’s happy, so let him remain that way. And secondly, sometimes a person becomes rich even without trying. It happens too.

**QUESTION: So you think that there are rich men who aren’t samayach b’chelko, right?**

**ANSWER:** I think all of them are not. And all of the poor people are also not samayach b’chelkom. The answer is nobody is samayach b’chelko. Only a very great man will stimulate his mind with the proper thoughts and create a mind that is truly happy with his lot. It takes work! You have to be an exceptional person, and exceptional people are very few and far between.

*Reprinted from June 2, 2022 email of Toras Avigdor. Adapted from Tape #R-22 (December 1972)*

**More Thoughts that Count**

The earth opened its mouth and swallowed them (Num. 16:32)

G-d rewards or punishes measure for measure. Just as Korach and his followers sinned by opening their mouths and telling lies about Moshe, they were punished by having the earth open its "mouth" and swallow them. *(Reb Shalom M'Belz)*

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**How a Jew Should Use the Choice Morning Hours to Better Serve G-d**

**From the Talks of the Lubavitcher Rebbe**

**Rabbi Menachem Mendel Schneerson, Zt”l**



As we read in this week's Torah portion, Korach, the kohanim (priests) were to be given only the finest of all the offerings that were brought by the Jewish people. These contributions consisted of all kinds of commodities and were of the highest quality. Likewise, every Jew must dedicate the better part of himself to his Divine service.

Maimonides writes: "The law, as it pertains to everything that is for the sake of G-d, is that it must come from the finest and the best. For example, when one is feeding a hungry person, he should be served the tastiest and sweetest food on one's table. When one clothes a poor man, he should be given the nicest garment. When one builds a house of prayer, the edifice should be more beautiful than one's private abode, as it states, 'All the best to the L-rd.'"

**Dedicating One’s Finest and Best to Matters of Holiness**

Of all the commodities a person possesses --- food, clothing and shelter --- the finest and best must be dedicated to matters of holiness.

There is, however, another commodity to be dedicated to G-d, and that is time.

Time is extremely precious; it is therefore fitting that in addition to one's material blessings, a person dedicates the very best portion of the day to G-d.

**The Advantage of Time in the Morning**

The morning, the beginning of one's day, is the optimal time of the 24-hour period. In the morning, a person's mind is at ease. He is not yet concerned or perturbed by problems that may plague him later. Thus the morning is the most appropriate time of day to dedicate oneself to holy matters.

The Previous Rebbe explained the verse "From the first of your dough...you shall give an offering to G-d" in the following manner:

The Hebrew word for dough, "arisa," also means a cradle or bed. From this we learn that as soon as a person wakes up in the morning he is to give an "offering" to G-d --- an offering consisting of the first and finest portion of the day.

One way to do this is to thank G-d immediately upon arising by declaring "Modeh Ani," thanking Him for having restored our souls. Another way is to reserve the first few hours of the day for prayer and Torah study. In schools where secular subjects are taught, students should study them only in the afternoon, the second half of the day. The morning, the best time of all, is to be utilized for praying and learning Torah.

**Reserving Our Best for G-d**

Just as the contributions that were made to the priests were of the highest quality, so too must the very best of whatever we possess be reserved for our service of G-d. For it is in this manner that we merit the fulfillment of the Priestly Blessing, "May the L-rd bless you and guard you."

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**Rabbi Berel Wein on**

**Parshat Korach 5782**



This week's reading describes the rebellion of Korach and other disastrous incidents that occurred to the generation that left Egypt, who were destined to expire in the desert of Sinai. After the previous debacles: the complaints against Moshe by Miriam and Aaron, the demand for food, the ingratitude towards the manna that fell from heaven, the failed mission of the spies who visited the land of Israel and the military defeat suffered by the Jews at the hands of the Canaanites, it seems that this generation would have learned its lesson by now.

Instead of internalizing the reasons for these events and their reactions, we read in this week's portion about the anger and frustration by many of the leaders that was turned upon Moshe instead of the self-examination that would have been proper and beneficial. Korach and his group spoke in the name of high-sounding democracy and equality. It is quite common in history that dangerous, corrupt, and nefarious political groups always claim the high moral ground for themselves.

One of the great shams of Marxism was that it always used high sounding moral adjectives to describe itself. When it was the aggressor, it called itself peace loving. When it was totalitarian and dictatorial in its rule, it always titled itself Democratic and progressive. The high-sounding words of fairness and equality that were hurled against Moshe by Korach and his group of followers, sound hollow to us even today, thousands of years later.

We have witnessed in our own time the fact that disparate groups and differing individuals unite because of a common hatred or dislike of another group or person. According to the Midrash, each of the 250 followers of Korach had a different agenda and ambition for themselves. It was the opportunity to strike down Moshe, whose presence and greatness so tormented them, that it brought all of these differing personalities together and ironically guaranteed them a common fate of destruction.

Because of his piety and innocence, Moshe is the greatest thorn in the side of the rebels who are only looking for their satisfaction and advancement. Moshe understands it is not his personal honor that is at stake here, but rather the entire concept of Torah leadership and the essence of being a special people with a divine mission. It is not his personal reputation alone that he is defending but, rather, the spiritual future of the Jewish people.

The rebellion of Korach is not a small offense but a great personal failing like the sin of the Golden Calf. It is a mortal blow to the continuity of the Jewish people and to its very survival. The Torah describes the events throughout the desert of Sinai so that we will be aware of the pitfalls that lie at the footsteps of personal ambition and unwarranted hubris.

*Reprinted from the current website of rabbiwein.com*

**What Is the Difference Between Love and Respect?**

**By**[**Chana Cotlar**](https://www.chabad.org/search/keyword_cdo/kid/23465/jewish/Cotlar-Chana.htm)



A husband on his way home from work takes a detour to pick up his wife’s favorite ice cream. He knows she’s had a hard day; this will be the perfect pick-me-up.

This husband has just expressed his love.

Another husband is on his way home from work. He’s had a really long, stressful day at work. All he wants to do is pick up some ice cream along the way. He can already envision his relaxing plans for the night: the comfy couch, favorite show and a good few helpings of vanilla ice cream. He’s about to get off the exit for the ice cream shop, but then his wife calls. She could really use his assistance at home. With a deep breath, he keeps on driving past the exit. Dessert will have to wait.

This husband has just expressed his respect.

Love and respect. Love is often expressed through what I do for another. Respect is often expressed through what I do *not*do because of another.

Love fills space. It reaches out to give and connect, filling the space between two individuals with beauty, warmth and closeness.

Respect creates space. It puts ego, desires and logic aside to make space for the other.

Both are key elements in a healthy and wholesome relationship.

*M’bsari echeza Eloka*—from our earthly experiences, we can come to know and understand G‑d. Our human relationships and interactions mirror our connection with the Divine.

If our earthly relationships thrive on love and respect, so does the soul bond we share with [G‑d](https://www.chabad.org/library/article_cdo/aid/433240/jewish/God.htm).

We often express our love for G‑d through the affirmative mitzvot. Think family Shabbat dinner. Charity. Prayer.

We often express our respect for G‑d through the actions we do *not*do. Think not turning on the TV on Shabbat. Not eating dairy and meat together. Not gossiping about another.

Love may seem to carry more warmth, passion and inspiration, whereas “not doing” for another, may seem lackluster.

But it is so much more than “not doing.” Within the void of inaction lies a connection and bond that runs deeper yet. Listen closely. You’ll hear the voice of pristine altruism in that sacred space—a place in which it is truly about the “other.” There are no promises of glamor and excitement; its motivation is pure and simple.

“This space is just for you,” it says. “Just because that’s what you need. Just because you’re that important to me.”

Love and respect are so important in all of our human connections. And in our bond with the Divine.

Let’s embrace both.

Reprinted this week’s website of Chabad.Org Magazine

**Additional Thoughts on the Parsha**

Everything that is separated from the holy things...have I given to you and your sons...it is an eternal covenant of salt (Num. 18:19)

There is a connection between salt and priestly donations. A person may be reluctant to give charity, because it may cause his wealth to shrink. The Torah shows us that charity is like salt. It may cause meat to shrink a little, but the preservative effect far outweighs the loss. When a person gives charity, his wealth may seem to shrink a little, but his earnings are actually being preserved. *(Shaar Bat Rabim)*

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**17th Century Dutch Prayer Book**



This diminutive pocket-sized prayer book would have provided for the complete liturgical needs of a seventeenth century Dutch Jew. It includes the entire daily liturgy as well as all necessary prayers for Sabbath, Holidays, pilgrimage festivals, and fast-days, as well as Torah readings for every Monday, Thursday, and Sabbath afternoon. Two additional sections, each have a discrete title page (though they are numbered sequentially within the volume).

These contain the entire book of Psalms and the Ma'amadot (separate sections of scriptural, Mishnaic, and Talmudic selections for each day of the week, recited after the Shaharit service.) The work was printed in 1668 by Joseph Athias, descendant of a Spanish converso family. On the first title page, Athias pays tribute to his martyred father Abraham, who, still living secretly as a Jew in Spain, was burned at the stake at an auto da fe in Cordoba in 1665. Athias, who printed both in Hebrew and in vernacular languages was the first Jewish printer accepted into the Amsterdam Bookprinters Guild.

*Reprinted from a 2013 Sotheby’s Judaica Auction Catalogue. The prayerbook sold at the auction for $17,500, in excess of the auction’s estimate of $5,000 - $10,000.*