

## Induced Labor

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### Introduction

For several centuries medical practitioners already knew that some chemical agents can be used to "quicken childbirth."<sup>1</sup> It was not, however, until the 1940's that chemical agents were developed for the specific purpose of inducing the start of labor, not merely to "quicken childbirth" once labor had begun. The availability of these agents has led to discussions, both in medical and in religious circles, as to the desirability, advisability and permissibility of inducing labor.

There are essentially two reasons for the induction of labor: 1) indicated induction when either the mother or fetus or both are in danger, and 2) elective induction for patient or physician convenience or, to be fair to both, on occasions that might be beneficial to the mother and to her family, though no immediate danger exists.

An example of this kind might be when the mother's regular doctor cannot be present at the expected time of birth and the mother does not have complete confidence in his replacement. Is the mother's mental well-being resulting from this circumstance a

1. All the medical information in this introduction was taken from an article by Dr. Richard Bernstein entitled "Uterotonic Agents" in the periodical "Principle and Practice of Obstetrics and Perinatology", 1981, pp. 801-811.

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significant enough factor permitting an early birth through induced labor?

Another instance might be in order to avoid the possibility of rushing to the hospital in the middle of the night when it may be more difficult and when, some suggest, the obstetrics division of the hospital may not be as fully-staffed and alert as in the daytime.<sup>2</sup> Still another example, from a purely halachic point of view, might be the induction of labor in order to avoid *chilul Shabbat*, the desecration of the Shabbat, both at the time of birth and a week later at the possible *brith milah*. Would avoidance of *chilul Shabbat* be preferable to the application of the permissive principle of *pikuach nefesh*?

Medical records indicate that the vast majority of incidences of induced labor are a result of immediate, physical danger to the mother and/or child. When, indeed, this is the case, there is no halachic question as to the permissibility of inducing labor. A determination on the part of the doctor that there is a present and immediate danger to mother or child is sufficient to permit inducing labor prematurely.<sup>4</sup> The rule that *pikuach nefesh* (mortal danger) takes precedence over all *mitzvot* is clearly applicable.<sup>5</sup>

The only time any halachic question exists at all is on those few occasions when the induction of labor is suggested for the convenience of the mother or of the doctor. This author found that virtually all *poskim* who dealt with this question responded in the

2 Walker, Morton, Yaffe, Bernice, and Gray, Dr. Parke H. *The Complete Book of Birth*, p. 245.

3 One correspondent who asked R. Moshe Feinstein about induced labor used this reason to suggest that induced labor is prohibited. Had it been permitted, he argued, surely the rabbis would recommend its practice in order to avoid the desecration of the *Shabbat* and *Yom Tov*. The fact that the rabbis have not been forthcoming with this advice indicates that induced labor is prohibited. R. Moshe, though agreeing that induced labor is prohibited for reasons that we shall mention, nonetheless discounted his correspondent's argument by declaring that the Torah does not require unusual and artificial means in order to avoid such *chilul Shabbat* that in the end would be permitted anyway.  
אבות משה השליש סי ע"ד

5 אין לך רבך שעומד לפני סקרו (פס יומא כ"ב)

negative. Seemingly cogent reasons to the contrary, inducing labor on occasions other than the existence of extreme danger to mother or child is not permitted. Discussions relating to this question ranged from the midrashic-halachic to the purely halachic.

### Midrashic-Halachic

A rather interesting, but not purely halachic, reason for prohibiting birth by induced labor is suggested in the Gemara *Shabbat*:<sup>6</sup>

It was recorded in R. Joshua b. Levi's notebook: He who is born on the first day of the week (Sunday) shall be a man without one thing in him. What does "without one thing in him" mean? Shall we say "without one virtue"? Surely, R. Ashi said, "I was born on the first day of the week!" . . . Rather it means either completely virtuous or completely wicked . . . He who is born on the second day of the week will be bad-tempered . . . On the third day of the week will be wealthy . . .

The Gemara continues to enumerate the personality traits and potentials of individuals born on the various days of the week. It is fair to say that these qualities based on the day of birth have been determined by the Almighty. Does any human being, therefore, have any justification for tampering with the choice of G-d by altering the day of a child's birth by unindicated induction of labor? Clearly the answer should be "no."<sup>7</sup>

Still another intriguing reason may be derived from another Gemara that relates a familiar *midrash*:

It (the fetus) is also taught all the Torah from beginning to end, for it is said: "And he taught me and said to me, 'Let your heart hold fast my words, keep my commandments and live' . . ."<sup>8</sup> As soon as it sees the light, an angel approaches, slaps it on its

mouth and causes it to forget all the Torah completely . . .<sup>9</sup>

Causing a birth by inducing labor has the rather obvious effect of decreasing the total time that the fetus will be in its mother's womb. Consequently, its learning time is similarly decreased. One may then ask: Does anyone have the right to deliberately withhold valuable learning time from anyone, even a fetus, and even though the latter will shortly be forced to forget all the Torah he learned? There are those who answer in the negative.<sup>10</sup>

### Halachic

Several halachic reasons have been offered prohibiting unindicated induction of labor, the primary one involving the question of placing someone, in this case the mother, into a position of *sakanah* (danger).

In its most simple definition, *sakanah* is a situation that is presently life-threatening. At that moment the principle of the Talmud "*vechai bohem*<sup>11</sup> *ve-lo sheyomus bohem*<sup>12</sup>" (they shall live by the *mitzvos* of the Torah, and not die because of them) is universally and unhesitatingly applied. But what of childbirth? Is it also classified as *sakanah*? It would seem so from a medical point of view. A great deal of medical and surgical preparations are made and emergency equipment readied for the various dangerous situations that may arise at childbirth. The fact that most births take place without the need of employing all this emergency equipment is to the credit of the medical profession, but does not diminish the danger that exists at the time of birth.

Almost all *poskim* agree with this view, and halachic support can be drawn from several sources. For one, the Shabbat may be violated without hesitation for childbirth.<sup>13</sup> In addition, do we not

9. דה דף ר' עיב.

10. ר' מנשה קליין; שערי הלכות חלק ט.

11. וקרא ייה יה.

12. ומא דף פיה עיב.

13. שבת דף קביח עיב, שו"ע או"ח סי' שיל סעיף א.

6. דף קני' ע"א.

7. ר' מנשה קליין, שערי הלכות חלק ט' 7.

8. ט' ד"ר.

offer the prayer for the recovery of the sick for every mother after childbirth<sup>14</sup>. Further, there is the very familiar Mishna that is recited every Friday evening in Ashkenazic congregations:

For three transgressions women die in childbirth: for having been negligent in regard to the laws of *niddah*, the separation of *challah*, and the lighting of Shabbat candles.<sup>15</sup>

What connection is there between the three *mitzvot* and death at childbirth? Why should the punishment for the failure to be careful in fulfilling these *mitzvot* be meted out at childbirth? In response to this question the Gemara<sup>16</sup> and the commentaries<sup>17</sup> declare that childbirth is a moment of extreme danger for the mother, who thus requires the intercession of G-d in performing a miracle effecting her survival. To be worthy of such a miracle the mother's deeds and merits are presented for examination before the Almighty. If she is found wanting in any of these three *mitzvot*, such a miracle might not be performed on her behalf.<sup>18</sup>

This view is further supported by Tosafot in *Ketubot*<sup>19</sup> who declare that in the majority of cases a woman is in *sakanah* at the time of childbirth.<sup>20</sup>

14. It may be argued that the *mishbeirach* is offered for the mother's recovery from the dangers resulting immediately *after* childbirth, and not the childbirth itself.

15. שבת רף ל"א ע"ב

16. *ibid.*

17. The *trifecta* of the *mishna*, for example.

18. Why these three *mitzvot*, in preference to any other *mitzvot*, is an interesting question dealt with by the commentaries, but has no bearing on this discussion.

19. רף פ"ג ע"ב ד"ה מיתה

20. Some have raised the general question that if in fact childbirth is a *sakanah*, why should it be permitted altogether? Surely one has no right to place oneself in *sakanah*, thus violating the command of protecting and preserving one's life, in favor of the *mitzvah* of *וירבו* (similar in concept perhaps to the prohibition of violating *שבת חרות* (a *derabbonan*) in order to hear the shofar on Rosh Hashonah (a *d'oraita*). All the more so since the woman who is endangering herself is not required (according to the majority of *poskim*) to fulfill the *mitzvah* of *וירבו*. However, there appear to be varying degrees of *sakanah*. Since the Torah ordained the population of the earth (וירבו) פרך הארץ (ומלאו את הארץ) the *sakanah* of childbirth is of a natural kind and thus permitted, though this does not diminish the introduction of any applicable halachic rules pertinent to this *sakanah*.

This is not, however, the opinion of Hagaon R. Moshe Feinstein, שליט"א. R. Moshe maintains that a natural, full-term birth is not in itself a dangerous occurrence.<sup>21</sup> The punishment for Eve's consuming fruit from the *eitz hada'at* (Tree of Knowledge), he declares, was not death at childbirth or even the danger of death, but rather *pain* at the time of childbirth.<sup>22</sup> This applies, however, only to a natural, full-term birth. Birth through the induction of labor, coming as it does at a time other than "natural", does not fall within G-d's declaration in this passage in *Braishit*. Therefore, such a birth should be treated, even in R. Moshe's opinion, as a full-fledged *sakanah*.

It was initially assumed by some<sup>23</sup> that all births induced before full term were delivered by Caesarian section. If that were the case there would be no question at all that induced labor would be prohibited. Every operation, however minor and however common, carries with it some element of risk, and birth by Caesarian section is classified as an operation. Thus no one, not even the individual involved, has a right to place one's life in jeopardy by agreeing to an unnecessary operation.

From the point of view of fact, however, babies born as a result of induced labor are delivered either "naturally" or by Caesarian section, just as babies delivered at full term. Now the question that must be answered is: Is one permitted to enter into a dangerous situation (childbirth) at a time chosen by that individual, knowing that she would have to face the very same danger at a later time anyway? Must a person wait for an unavoidable *sakanah* to arrive, or can she advance the time and, for whatever reason, "get it over with"?

The response of the *poskim* is that she does not have that right.<sup>24</sup> R. Moshe phrases his response by saying that life without illness even for a short period of time is deemed sacred and cannot

21. לידה במונה לא נחשב לסכנה ככל שש"ג, סימן ע"ד

22. בעצב תלדי בנים (בראשית ג' י"ט)

23. איגרות משה, תשל"ג, סימן ע"ד

24. ח"מ, סי' תכ"ו סעיף ו"ד, though it may be argued that this *halacha* refers to where the individual will not face the same *sakanah* at a later time.

be curtailed.<sup>25</sup> The phrase used consistently is אקדומי בורענייתא לא, מקדומינן we do not advance the time of troubles. R. Menashe Klein adds that the benevolent protection of G-d extended at the time of childbirth is true only of a full term birth (*bizmanah*) and not of one which occurs at a different time, i.e. through induced labor (*shelo bizmanah*). Rabbi Klein<sup>27</sup> also adds that the introduction of the medication designed to induce the labor may in itself be a dangerous act and one cannot be sure of its effectiveness. Some women, he declares, may become disabled as a result. There is some medical support for this view. Dr. H. Fields in an article in *Obstetrics and Gynecology* outlined these risks in detail.<sup>28</sup>

A number of additional reasons have been offered prohibiting birth through induced labor, all involving the fetus. Medical statistics indicate a higher than normal rate of deaths among babies born through elective induction. In New York City in 1974, 160 babies were born through induced labor with a weight indicating pre-maturity. Of these, twelve died. Bad medicine, as Rabbi Moshe Tendler succinctly put it, is halachically *assur*.<sup>29</sup>

In addition, in spite of the tremendous medical strides made in recent decades, no system has yet been devised to determine with absolute accuracy the exact day of the completion of the nine months of pregnancy. Even mothers and fathers themselves quite often err in their calculations, sometimes overestimating, sometimes underestimating, the nine-month period. As a result, inducing labor at a time when the fetus is thought to be full-term, may in fact result in the birth of a child in its eighth month. The consequences of this occurrence are stated in the Gemara: "An eight-month infant is (from a halachic standpoint) like a stone and may not be handled (on the *Shabbat*)."<sup>30</sup> Rashi variously explains the statement

by declaring that it is as if the child were born dead,<sup>31</sup> or is a non-viable birth.<sup>32</sup> Certainly no one has the right to risk such a birth by inducing labor at a time that might in fact be earlier than the ninth month.

## Conclusion

Halacha is not alone in looking askance at the practice of unnecessary induced labor. A widely publicized editorial in the medical journal *Lancet*, dated Nov. 16, 1974, declares that "...induction on the grounds of social convenience is a pernicious practice which has no place in modern obstetrics."<sup>33</sup> Morton Walker, Bernice Yaffe and Dr. Parke H. Gray in their book "The Complete Book of Birth" declare that the "vast majority of doctors don't want to induce labor."<sup>34</sup>

From a halachic point of view, two conclusions seem to be indicated from our brief discussion:

- 1) Inducing labor when the mother or child is in a life-threatening situation is not only permitted but even required.
- 2) Inducing labor when no such danger exists is not acceptable.

31. רש"י שם ה"ה בן.

32. רש"י יבמות דף פ"ג ע"א ה"ה בן.

33. pp. 1183-4.

34. p. 244.

25 אגרוח משה, תש"ג, סימן ע"א.

26 מגילה דף ה ע"א.

27 שערי הלכות חלק ט.

28 Vol. 13, pp 476-80. "Complications of Elective Induction."

29 Letter to author.

30 et al. שבת דף קל"ה ע"א.