

JEWISH APPROACHES TO BIOMEDICAL ETHICS

PHI 5317x
Fall Semester, 1993
Wednesday 1:20-3:10

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Office hours: Wednesday 3:15-4:15, and by appointment

GOALS AND OBJECTIVES

The aim of this course is to provide an introduction to resources for and approaches to Jewish biomedical ethics. The course will examine Jewish positions on such topics as abortion, medical decisions at the end of life, advance directives, transplantation, reproductive technologies, and allocation of health care resources. Selected issues will be studied in some depth to develop the ability to interpret relevant primary sources and evaluate competing readings of these sources. Attention will be given to different approaches in interpreting and applying Jewish texts and values in addressing contemporary issues such as bioethics. Students will also consider philosophical approaches in bioethics and their significance for Judaism.

TEXTS

All of the works read in this course should be available in the library in the reserve, reference, or periodicals section. All would represent valuable additions to your personal collection. Three texts in particular are strongly recommended for purchase. The Spring, 1991 issue of Conservative Judaism is available for \$6.00 from the Rabbinical Assembly (you may order a copy through the instructor). Two books are available at Judaica Emporium, 3070 Broadway:

Tom L. Beauchamp and James F. Childress, Principles of Biomedical Ethics, 3d ed. [PBE]

David Feldman, Health and Medicine in the Jewish Tradition [HMJ]

Some of the primary sources examined in this course are presented and translated in Barry D. Cytron and Earl Schwartz, When Life is in the Balance, published by United Synagogue Youth.

The symbol '+' on the syllabus indicates that a reading is optional.

SCHEDULE OF CLASSES

Week 1: Introduction: Jewish Ethics and Halakhah

David M. Feldman, Marital Relations, Birth Control, and Abortion in Jewish Law, "The Structure of Jewish Law," 3-18

Eugene B. Borowitz, Exploring Jewish Ethics, 17-25

Week 2: Abortion I

Primary Sources:

Exodus 21:22

Mishnah Oholot 7:6

Talmud Arakhin 7a (Mishnah and following)

Talmud Sanhedrin 72b (amar Rav Huna ...), Rashi

Maimonides, Mishneh Torah, Hil. Rotzeach 1:9

All except Arakhin may be found in Cytron and Schwartz, 83-90

Feldman, Marital Relations, 251-94

J. David Bleich, Contemporary Halakhic Problems, I, 325-71

Week 3: Abortion II

HMJ, 79-90

Balfour Brickner, "Judaism and Abortion," in Contemporary Jewish Ethics, ed. Menachem Marc Kellner, 279-83

Bleich and Brickner in Sh'ma, 5, no. 85 (1975): 194-200

Blu Greenberg, "Abortion: A Challenge to Halakhah," Judaism 25 (1976) 201-8

Richard Alan Block, "The Right to Do Wrong: Reform Judaism and Abortion," Journal of Reform Judaism 28, no. 2 (1981): 3-15

+ David Kraemer, "Jewish Ethics and Abortion," Tikkun 8 (1993): 55-58, 77

Week 4: Philosophical Approaches to Bioethics (first paper due)

PBE, 3-10, 25-62, 67-79, 120-27, 194-206

Albert R. Jonsen, "Casuistry and Clinical Ethics," Theoretical Medicine 7 (1986): 65-74

+ Edmund D. Pellegrino, "The Metamorphosis of Medical Ethics: A Thirty-Year Retrospective," Journal of the American Medical Association 269 (1993): 1158-62

Week 5: Jewish Approaches to Bioethics: General Considerations

HMJ, 15-33

J. David Bleich, "The Obligation to Heal in the Judaic Tradition," in Jewish Bioethics, ed. Fred Rosner and J. David Bleich, 1-44

Baruch A. Brody, "The Use of Halakhic Material in Discussion of Medical Ethics," Journal of Medicine and Philosophy 8 (1983): 317-28

David H. Ellenson, "How to Draw Guidance from a Heritage: Jewish Approaches to Moral Choices," in A Time to be Born and a Time to Die, ed. Barry S. Kogan, 219-32

+ Isaac Franck, "Understanding Jewish Biomedical Ethics," Journal of Medicine and Philosophy 8 (1983): 207-15

+ David Novak, "Bioethics and the Contemporary Jewish Community," Hastings Center Report 20, no. 4 (1990): S14-S17

+ Louis E. Newman, "Woodchoppers and Respirators: The Problem of Interpretation in Contemporary Jewish Ethics," Modern Judaism 10 (1990): 17-42

+ Matthew Maibaum, "A 'Progressive' Jewish Medical Ethics: Notes for an Agenda," Journal of Reform Judaism 33 (1986): 27-33

+ Ronald M. Green, "Contemporary Jewish Bioethics: A Critical Assessment," in Theology and Bioethics, ed. Earl A. Shelp, 245-66

Week 6: The Physician-Patient Relationship

Immanuel Jakobovits, Jewish Medical Ethics, 2d ed., 201-231

Abraham Joshua Heschel, "The Patient as a Person," in The Insecurity of Freedom, 24-38

Irving Greenberg, "Toward a Covenantal Ethic of Medicine," in Jewish Values in Bioethics, ed. Levi Meier, 124-49

PBE, 405-6, 407-8

Seymour Siegel, "Some Reflections on Telling the Truth," Linacre Quarterly 44 (1977): 229-39

+ Bleich, Contemporary Halakhic Problems, II, 74-80

+ Fred Rosner, Modern Medicine and Jewish Ethics, 2d ed., 5-19 (chs.1-2)

Week 7: End of Life Decisions I

PBE, 417-23

Talmud, Yoma 82a-85b

Shulhan Arukh, Yoreh Deah 339:1-2 (including Isserles) (in Cytron and Schwartz, 150-53)

Baruch A. Brody, "A Historical Introduction to Jewish Casuistry on Suicide and Euthanasia," in Suicide and Euthanasia, ed. Brody, 39-75

HMJ, 91-105

+ Bleich, "The Quinlan Case: A Torah Perspective," in Jewish Bioethics, 266-76

Week 8: End of Life Decisions II

Avram Israel Reisner, "A Halakhic Ethic of Care for the Terminally Ill," Conservative Judaism 43, no. 3 (1991): 52-89

Talmud, Avodah Zarah 27b, Tosafot l'chayei sha'ah lo cheyshinan

Elliot N. Dorff, "A Jewish Approach to End-Stage Medical Care," Conservative Judaism 43, no. 3 (1991): 3-51

Reisner, Amy Eilberg, and Joel Roth, papers in Conservative Judaism, 90-96

Week 9: End of Life Decisions III

New York State Task Force on Life and the Law, When Others Must Choose, 47-69, 79-82, 205-23 (chs. 3, 4, and 15)

American Reform Responsa, 253-74 (selections by Solomon Freehof, Israel Bettan, et al.)

PBE, 134-47

Advance directives: "A Time to Prepare" (Reform), "Jewish Medical Directives for Health Care" (Conservative), "Appointment of a Health Care Agent/Advanced Directive" (Orthodox)

+ PBE, 127-84

Week 10: Transplantation (second paper due)

HMJ, 103-108

Rosner, Modern Medicine and Jewish Ethics, 2d ed., 263-311
(chs. 20-22)

American Reform Responsa, 288-96 (papers by Freehof)

Bleich, "Fetal Tissue Research," Tradition 24 (1989): 69-90

+ Isaac Klein, Responsa and Halakhic Studies, 34-42, 126-27

Week 11: Reproduction I

HMJ, 55-78

Michael Gold, And Hannah Wept, 17-53, 103-130

Bleich, "Test Tube Babies," in Jewish Bioethics, 80-85

Richard V. Grazi and Joel B. Wolowelsky, "Donor Gametes for Assisted Reproduction in Contemporary Jewish Law and Ethics," Assisted Reproduction Reviews 2 (1992): 154-60

Week 12: Reproduction II

American Reform Responsa, 501-7 (papers by Freehof, Alexander Guttman, et al.)

J. David Bleich, "In Vitro Fertilization," Tradition 25, no. 4 (1991): 82-102

PBE, 426-28

Marc Gellman, Seymour Siegel, David M. Feldman, and Moshe D. Tendler, in Sh'ma 17, no. 334 (1987): 105-10

+ Rosner, 101-21 (ch. 9)

Week 13: Allocation of Resources

PBE, 256-306 (ch. 6); 440-41, 451-52, 453 (cases 30, 35, 37)

Rosner, 375-90 (ch. 26)

Aaron L. Mackler, "Judaism, Justice, and Access to Health Care," Kennedy Institute of Ethics Journal 1 (1991): 143-61

Article on Clinton health reform proposal (if available)

+ Moshe Sokol, "The Allocation of Scarce Medical Resources: A Philosophical Analysis of the Halakhic Sources," AJS Review 15 (1990): 63-93

+ Martin P. Golding, "Preventive vs. Curative Medicine,"
Journal of Medicine and Philosophy 8 (1983): 269-86

Week 14: Genetic Engineering; Animal Experimentation

PBE, 236-37

Siegel, "Genetic Engineering," Linacre Quarterly 50 (1983):
45-55

Rosner, 181-93 (ch. 15)

Bleich, "Animal Experimentation," in Contemporary Halakhic
Problems, III, 194-236

+ Ronald M. Green, "Genetic Medicine in the Perspective of
Orthodox Halakhah," Judaism 34 (1985): 263-77

+ Rosner, 353-73 (ch. 25)

COURSE REQUIREMENTS

Course requirements include completion of all required readings and active participation in class discussion. Each student will be asked to offer a fifteen-minute introduction to one class discussion. The introduction should highlight a few of the most important or interesting issues raised in the readings for that week, and suggest one or two questions to discuss.

There will also be two short papers (about 5 pages) and one longer paper (10-15 pages). The first written assignment, due October 13, will be a comparison of the positions of two or more writers on abortion. Attention should be given to the use of traditional sources, and the relationship to and understanding of halakhah.

The second written assignment, due November 24, will focus on advance directives. You may 1) develop a model advance directive that you would use for yourself or use to advise patients, congregants, or clients, and briefly explain the reasons for your choices (with some reference to class readings); or 2) discuss more generally the issues that you find central in considering issues of advance directives, or end-of-life decisions more broadly, from the perspective of Jewish bioethics.

The third paper, due December 15, may explore any of the topics studied in class, or another aspect of Jewish bioethics. The topic should be chosen in consultation with the instructor; please submit a statement of the topic by November 24.