NAJC BIOETHICS REPORT . JUNE, 2003
Rabbi Zev Schostak, Chair Rabbi Dr. Terry Bard, Associate Chair
Rabbi Lowell S. Kronick
Rabbi Joel Levinson
Rabbi Zev Wellins

NAJC BIOETHICS COMMITTEE JEWISH BIOETHICS RESOURCES
For each of our denominational groups, we have assigned members of our Bioethics Committee to serve as facilitators and coordinators for any inquiries you may have.

REFORM:

CCAR:
Rabbi Paul Menitoff, 355Lexington Avenue, New York, NY 10017
212-972-3636; e-mail: pmenitoff@ccarnet.org

Bioethics Scholars:
Richard Address, Walter Jacob

Reform resources can be found in the response collections published by the Central Conference of American Rabbis. Among the most prolific authors are Solomon Freehof and Walter Jacob. Their works include American Reform Response (1985) and New American Reform Response (1987). Additional publications have been produced by Moshe Zemer and Walter Jacob through the Freehof Institute of Progressive Halakhah. The Union of American Hebrew Congregations has produced some materials for congregations.

NAJC Contact:
Rabbi Dr. Terry Bard, Office: 617-667-3030
e-mail: tbard@caregroupharvard.edu

********

RECONSTRUCTIONIST

RRA:
Rabbi Richard Hirsch, 1299Church Road, Wyncote, Pennsylvania 19095
212-576-5210; e-mail: rraassoc@aol.com

Bioethics Scholars:
Arthur Green, David Teutsch

Reconstructionist thinking by a variety of authors can be found in The Reconstructionist. More recent work is published in Behoref Hayamim.

NAJC Contact:
Rabbi Zev Wellins, Office: 480-390-5565
e-mail: rebzev@cox.net

********

CONSERVATIVE:

RA:
Rabbi Joel Meyers, 3080 Broadway, New York, NY 10027
212-280-6000; e-mail: jmeyers@rabbinicalassembly.org

Bioethics Scholars:
Elliot Dorff, David Golinkin, Aaron Mackler, Avram Riesner and Joel Roth
UTJ:
David Feldman, David Halivni Weiss

In addition to books and articles, the opinions of the Rabbinical Assembly Committee on Law and Standards are available.

NAJC Contact:
Rabbi Joel Levinson, Office: 631-475-1882
e-mail: rabbijoel@yahoo.com

*********

ORTHODOX:

RCA:
Rabbi Basil Herring, 305 7th Avenue, New York, NY 10001
212-807-7888; e-mail: execyp@rabbis.org

Bioethics Scholars:
Abraham S. Abraham, David Bleich, Fred Rosner, Abraham Steinberg, Moshe Tendler

There is also an extensive teshuva literature such as those of Moshe Feinstein. The Israeli bio-ethics journal published in English is Ass/a.

NAJC Contact:
Rabbi Lowell S. Kronick, Office: 757-728-7603
e-mail: risk2j@cs.com

**********

POLICY STATEMENT
We are not a rabbinical organization. Indeed, in order to become a certified Jewish chaplain, one need not be a rabbi or cantor. Accordingly, we, collectively, as a professional chaplaincy association, do not issue halachic rulings even in areas where there is consensus among all the denominational groups. Moreover, when one raises a sh'ala about a particular case to his or her authority, one cannot necessarily generalize or extrapolate from that ruling. Rather, we feel that we have an obligation to our chevre to provide them with both a bibliography/publications ("the Written Law") and access to live scholars/authorities at Conferences/Ymei Yun and via phone {"the Oral Law") for their respective movements.
NAJC BIOETHICS COMMITTEE SURVEY REPORT

Dear NAJC Member,

I am pleased to share with you the results of our recent NAJC Bioethics Survey. Out of approximately 300 questionnaires mailed to our certified, regular and retired members, we received over 100 responses! We thank those who took the time to respond and help us determine several focal areas for our Committee's future work. I would also like to express my appreciation to the members of my Committee for their collaborative, team effort in designing, tabulating and evaluating the survey: Terry Bard, Associate Chair; Lowell Kronick, Joel Levinson, and Zev Wellins. We hope to get back to you soon with our programming plans.

Zev Schostak, Chair

A. BACKGROUND INFORMATION

Nearly 50% of the respondents indicated that they worked in at least 2 settings. 87% of the respondents are employed by the institution they serve. 55% of the respondents are employed full-time. 52% of the respondents work in chaplaincy settings that include palliative care teams.* 46 serve on an organizational or facility bioethics committee/forum. 56 are consulted by patients/residents. 57 are consulted by families. 48 are consulted by staff. 38 are consulted by administration. 9 are consulted by others. 7 serve as a community resource, while 9 serve as a consultant/resource on bioethical issues in other ways.

71% of respondents have informal training in bioethics (92 respondents—informal training – 65; formal—27) 6 did not participate in bioethics issues.

B. ISSUES AND CONCERNS

The questions or issues addressed most frequently (in priority order):

1. Jewish Medical Ethics (Halachic Questions) 80%
2. Treatment Decisions and/or Withdrawal of Treatment 77%
3. Family Decision Conflicts and/or Medical Dispute Mediation 68%
4. DNR/DNI Issues 66%
5. Nutrition and/or Hydration 62%
6. Reproductive, Genetic, and/or Abortion Issues 32%
7. Other Issues 12%

C. NAJC BIOETHICS PROGRAMMING OPTIONS

1. Chaplains interested in the availability of ongoing educational programming 86%
2. Chaplains interested in the availability of professional Jewish resources 99%
3. The most helpful ways to gain a better understanding of Jewish bioethics are (in priority order);
   1. Written Jewish Literature 71%
   2. Professional Consultation 47%
   3. Thematic Workshops 43%
   4. Formal Lectures 42%
   5. Small Group Discussions 37%
   6. Video Presentations 26%
   7. Other 8%
NAME: _______________________

A. BACKGROUND INFORMATION

1. My chaplaincy setting is: Acute Care __  LTC __  Hospice __  Mental Health __  Community __  Corrections __  Other __ (specify) _______________
2. I am employed at the institution where I work, __  Other__ (specify)____________________________
3. My current chaplaincy position is: F/T __  PfT (>20hrs) __  P/T (<20hrs) __  Retired __
4. I am a professional chaplain for __ years. / I am a volunteer chaplain for __ years.
5. My chaplaincy setting includes a Palliative Care Team. __(Y) __(N)
6. My experience in bioethics:
   a. I serve on an organization or facility Bioethics Committee or Forum __
   b. I am consulted by: Patients/Residents  Families  Staff  Admin.  Other: __
   c. I serve as a community resource on bioethical issues (lecture, advise local clergy, publish) __
   d. I serve as a consultant/resource on bioethical issues in other ways,  (please describe): __
   e. My training in bio-ethics is: __formal     __informal   (specify): ________________
   f. I have not participated in bioethics issues thus far because __

B. ISSUES AND CONCERNS

The questions or issues I address most frequently are:   (List on a scale of frequency from 1-5)

1. Nutrition and/or Hydration: __
2. Treatment Decisions and/or Withdrawal of Treatment questions: __
3. DNR/DNI issues: __
4. Jewish Medical Ethics (Halachic Questions): __
5. Family Decision Conflicts and/or Medical Dispute Mediation: __
6. Reproductive, Genetic, and/or Abortion issues: __
7. Other issues: __ (specify): ______________________________

C. NAJC BIOETHICS PROGRAMMING OPTIONS

1. I would be interested in the availability of ongoing educational programming to better prepare me for addressing bioethical issues and concerns: __(Y) __(N)
2. I would be interested in the availability of professional Jewish resources to better inform me regarding bioethics! and/or halakhic questions: ' __(Y) __(N)
3. The most helpful ways for me to gain a better understanding and knowledge of Jewish bioethics information would be in the following forms:
   a. __ small group discussion
   b. __ formal lectures (email, consult service, etc)
   c. __ thematic workshops
   d. __ written Judaic literature
   e. __ professional consultation
   f. __ video presentations
   g. __ other (please describe): __
4. The areas of greatest concern to me in Jewish bioethics are: ___________________and ___________________

Thank you for taking the time to participate in this most important survey.
**General Readings:**
*Medical Ethics*, Thomasma
*On Mora/ Medicine*, Lammers and Verhey
*Drawing the Line*, Gorovitz

**Journals:**
*Assia* (English edition -- Schlesinger Institute, Jerusalem)
*Hastings Center Report*
*Journal of Bioethics*
*Journal of Law, Medicine and Ethics*
*Kennedy Institute of Ethics Journal*

**Jewish Bioethics Websites:**
http://www.aecpm-shul.com/medlinks.html
http://www.szmc.org /[I/index.asp?id=94
http://www.jiaw.com/Articles/
http://www.us-israel.org/source/Judaism/medtoc.html

**General Bioethics Websites:**
http://www.bio.org/links/bioethics -asp
http://www.nih.gov/sigs/bioethics/
http://www.georgetown.edu/research/nrch/nrbac/
http://www.georgetown.edu/research/nrch/
http://lib.law.washington.edu/ref/legend.htm
http://www.library.ualberta.ca/subject/bioethics/websites/index.htm
HALACHIC BIOETHICS BIBLIOGRAPHY
Compiled by Rabbi Eddie Reichman, MD


Abraham S. Abraham, *Lev Avraham*, 2 volumes (Feldheim, Jerusalem, 5737 and 5738) halacha for the choleh and those who attend to him. (Hebrew)

Abraham S. Abraham, *Nishmat Avraham* - six volumes (Schlesinger Institute, Jerusalem 5744-5760) medical halakhic essays arranged according to the simanim in *Shulchan Arukh*. The sixth volume is an index to the previous five volumes. (Hebrew)

Assia - Eight volumes of collected essays from the Hebrew language periodical on medical halakha from the Schlesinger Institute.

Ateret Shlomo (Hebrew) - Seven volumes devoted to the memory of Rabbi Auerbach which contain essays on science and medicine and halakha.


R’ Yaakov Eisenbach, *Vachai Bahem: Dinei Refuah biShabbat* (Derei Emet Publications, Kiryat Sefer, 5761) 242 pgs. (Hebrew)


Louis Fiancbaurri, "*And You Shall Live By Them": Contemporary Jewish Approaches to Medical Ethics* (Mirkov Publications, 2001)


Avraham Freidlander, *Chasdei Avraham, vol. 1* (Brooklyn, NY Hakulmus, 1994) treatise on halakhot relating to the hospitalized patient (Hebrew)

Avraham Freidlander, *Chasdei Avraham, vol. 2* (Brooklyn, NY Hakulmus, 1999) treatise on halakhot relating to the hospitalized patient (Hebrew)


Avraham Yaakov Goldmintz, *Chen Moshe* (self publication, Jerusalem, 5762) - on medical care/treatment of one's parents and the prohibition of chavalah. includes an appendix, *Kuntres Chayai Refuah*, on halachos for the patient and the physician. 200 pgs. (Hebrew)

Aaron Goldring, *Vachai Bahem: pikuakh nefesh hadocheh shabbat v’yom tov* (Brooklyn, 1992), 99 pgs. (Hebrew)

Aaron Goldring, *Ubacharta Bachaim* (????) (Hebrew)


R. Levi Yizchak Halpern, *Ma’aseh Choshev*, volumes 3 and 4 (also titled *Inyanei Refuah biHalakha* volumes 1 and 2 (Institute of Technology and Halakah, 5757) (Hebrew)

Halperin and D. Fink (Edits.), *The Proceedings of the First International Colloquium on Medicine, Ethics, and Jewish Law*, Jerusalem, Schlesinger Institute at the Shaare Zedek Medical Center, 1996,341 pages. *HaRefuah L’OrhaHalakha, vol. 1* (Machon f’Cheker haRefuah v’Halakha, Jerusalem, ???) ?? topics

*HaRefuah L’Or haHaiakha, vol. 2* (Machon f’Cheker haRefuah v’Haiakha, Jerusalem, 5743) three sections- autopsy, organ transplants, human experimentation

*HaRefuah L’Or haHaiakha, vol. 3* (Machon f’Cheker haRefuah v’Halakha, Jerusalem, 5744) two sections- bikur cholim and birkat hagomel for a choleh

*HaRefuah L’Or haHaiakha, vol. 4* (Machon f’Cheker haRefuah v’Halakha, Jerusalem, 5745) two sections- hatzalah v’sakanah (rescue and the definition of danger) in halakha and suicide


Mordechai Koenegsberg, Halacha and Medicine Today (Feldheim, 1998) translation and expansion of selected essays from Rav Hershler's Halacha U'Refuah, with some additional essays.

Simcha Bunim Lazerson, Mishnat Chayai Sha'ah (self publication, Jerusalem, 5754) 261 pgs. discusses the definition of death and organ transplantation in halakha. (Hebrew)

Aaron Levine, Zichron Meir al Avelut v'Inyanai Refuah v'Choli (Zichron Meir Publications, Willowdale, Ontario, 1985) (Hebrew)


Yosef Oppenheimer, Rofeh Yisrael - halachos relating to physicians and the practice of medicine (Machon iCheker haRefuah biHalakha, Jerusalem, 5748), 231 pgs. (Hebrew)


Ravitz, Kilayot Yo'atzot (self publication, 75761) - case of a man who needed a kidney transplant and his five sons all wanted to be donors, addresses the halakhic issues of which son merits the mitzva to donate. 79 pgs. (Hebrew)


Fred Rosner, *Biomedical Ethics and Jewish Law* (Hoboken, NJ: Ktav, 2001) ^”

Rabbi Tsvi G. Schur* illness and Coping the Jewish Way*(1987: National Conference of Synagogue Youth (NCSY), New York City)

Rabbi Yigal Shafran, *A Lack of Authority: On the Borders of Life and Death* (Religious Council of Jerusalem, Department of Medicine and Halacha, Jerusalem, 5754. This volume is intended to supplement a video discussing a case of a brain dead pregnant woman, and whether halakha would allow a caesarean section in this case.

Rabbi Yigal Shafran, *Compelling Issues: Involuntary Treatment of Parents* (Religious Council of Jerusalem, Department of Medicine and Halacha, Jerusalem, 5754.


Nisson E. Shulman, *Jewish Answers to Medical Ethics Questions: Questions and Answers from the Medical Ethics Department of the Office of the Chief Rabbi of Great Britain* (Jason Aronson, 1998)


Rabbi Menachem Slae, *Smoking and Damage to Health in Halacha* (1990: Acharai Publications, Jerusalem; distributed by Feldheim)


Abraham Steinberg, *Encyclopedia HHkhatit Refu'it*, 6 volumes (Schiesinger Institute, Jerusalem, 1988-1998) (Hebrew) - six volume encyclopedia with essays arranged alphabetically according to topic, covering the gamut of medical halakhic issues.

Avraham Steinberg, ed., *European Colloquium on Jewish Medical Ethics* (1989: Magnes Press of Hebrew University)


Moshe Dovid Tendler, *Responsa of Rav Moshe Feinstein: Care of the Critically HI* (Klal, 1996)


Yehoshua Zev Zand, *Birchat Banim* (Machon Haiakha uRefuah of Ma'aynai Hayeshua Hospital, Jerusalem, 5754) (Hebrew) - treatise on issues relating to reproduction, including abortion, adoption and forms of assisted reproduction.

R' Yitchak Zilberstein, *Torat haYoledet* (Machon Halakha uRefuah of Ma'aynai Hayeshua Hospital, Bnei Brak, 1983) laws of pregnancy and childbirth. (Hebrew)

R' Yitchak Zilberstein, *Shoshanat haAmakim* (Koliel Halakha uRefuah of Ma'aynai Hayeshua Hospital, Bnei Brak, 5759-1999) (Hebrew)

R. Yitzchak Zilberstein, *Shabbat Shabbaton* (Self publication, Bnei Brak, 5757) 324 pgs. (Hebrew) the halakhic aspect of fasting and medical treatment on Yom Kippur.
NAJC BIOETHICS REPORT SYLLABUS FOR JEWISH BIOMEDICAL ETHICS (RRA)
David A. Teutsch Spring 2003

This introduction to Jewish approaches to health, medicine, and medical research will provide an overview of the major issues in biomedical ethics, and help students to formulate Jewishly based positions regarding these issues.

Outcomes for students should include:
1. Knowledge of basic approaches to biomedical ethics;
2. Capacity to do research and formulate a substantial Jewish approach to biomedical issues.
3. Ability to analyze moral arguments concerning these issues and to evaluate them.

Requirements for the class include:
1. Completing the assigned reading before class.
2. Active participation in class discussion.
3. Writing a paper on one of the topics covered by the course. The paper will lay out the issue, explore alternative approaches to it based at least in part on halakha and other Jewish resources, and argue for a particular approach. The paper should be written so that it is accessible and helpful to a lay reader facing a similar decision.

Background
Over the last few decades, there has been explosive growth of interest in biomedical ethics. The field of Jewish biomedical ethics has developed into a substantial discipline of its own since the publication of Immanuel Jakobovits's *Jewish Medical Ethics* (1959,1975), the first major work in the field. Therefore the readings selected for this course must be viewed as samples of a large and evolving literature that were selected for their usefulness in developing students' views. The readings are never exhaustive and not always representative of all Jewish opinions on each issue. The secular literature is too large to summarize here, but particular note should be taken of Hastings Center publications, which have played a major role in the field.

The instructor can be reached either in his office in the library building (x253; dteutsch@rrc.edu) or at home (215-438-6836/3936). I will be happy to chat with you on the fly or to schedule an appointment.

Books that will appear repeatedly in the weekly readings below include:


FATB Rosemarie Tong, *Feminist Approaches to Bioethics* (Westview Press, 1997),

MOLAD Elliot Dorff, *Matters of Life and Death* (Jewish Publication Society, 1998)


It is strongly recommended that Dorff’s MOLAD and Mappes and DeGrazia's BE be purchased. BH and other RRC Ethics Center publications will be made available by the instructor. Other readings (asterisked below) will be in the electronic packet.

Seminar Topics and Readings

**Session One:** Approaches to Moral Philosophy, Halakha and Ethics Dorff, MOLAD, 1-13, 395-417

*Zohar,AiJB. 1-12 Teutsch inBH, 3-11
*Tong, FATB, 37-52, 75-98
Mappes, BE 1-50
Benjamin Freedman, *Duty and Healing* (Routledge, 1999)
Jeffrey Stout, *Ethics after Babe!* (Beacon, 1988)
Session Two: Jewish Attitudes toward Medicine, Science, and Preventive Healthcare
Dorff, MOLAD, 14-33, 245-254, 270-274
*Zohar, AJSB, 19-36

Session Three: The Patient-Physician Relationship, Truth-telling, and Informed Consent
Bill Kavesh and Paul Wolpe in BH, pp. 12-39
Mappes, BE 56-221

Session Four: Birth Control
Dorff, MOLAD, 116-127 Teldman, BCIJL, 60-248
*Moshe Tendler, "Contraception and Abortion," in Rosner, MAJL Vol. 1, 105-117
*Tong, FATB, 110-124

Session Five: Genetic Testing; Autopsy; Organ Donation
Dorff, MOLAD, 151-164, 224-239
Long, FATB, 129-155, 231-242

Session Six: Abortion
Teldman, BCIJL, 251-294 Dorff, MOLAD 128-133
Moshe Tendler, "Abortion and Its Technologies" in Rosner, MAJL Vol. 1, 117-120
Mappes, BE, 446-526

Session Seven: Infertility and Artificial Insemination
*Zohar, AJSB, 69-84 Dorff, MOLAD, 37-115 "Caplan, AIMBK, 3-21, 194-210 Mappes, BE, 527-560
*Tong, FATB, 162-173, 181-186, 199-212

Session Eight: Chronic illness, Long-term Care, Healing and Hospice
Dorff, MOLAD, 193-195, 218-220, 255-264
Kavesh, Wolpe, Segai, Klotz and Elberg in BH, 40-133
Dawn Rose and Mychal Ros' enbaum, "Care of Elder Parents— A Perspective from Jewish Ethics" (RRC Center for Jewish Ethics Study Guide)

Session Nine: Preparing for Death, Defining Death, Ending Life
Dorff, MOLAD, 167-180, 198-218
*Zohar, AJSB, 37, 54 Yaakov Friedman, "Defining a Goses" in Rosner, MAJL Vol. 2, 105-115
Abraham Steinberg, "The Defective Newborn— Halakhic Considerations" in Rosner, MAJL Vol. 2, 121-132
Mappes, BE, 299-365

Session Ten: Active Euthanasia and Suicide
Dorff, MOLAD, 180-193, 195-198
Wolpe in BH, 134-147
Zohar, AJSB, 54-62
Abraham S. Abraham, "Euthanasia" in Rosner, MAJL Vol. 1, 123-136
Mappes, BE, 381-443

Session Eleven: Mental Illness
Dorff, MOLAD, 264-267

Session Twelve: Human and Animal Experimentation
Dorff, MOLAD, 239-241, 310-324
Zohar, AJSB, 123-141
*J. David Bleich, "Using Data Obtained through Immoral Experimentation" in Rosner, MAJL Vol. 2, 144-162
Caplan, AIMBK, 22-49, 211-218
Mappes, BE, 223-295, 561-594
Session Thirteen: Healthcare Resource Distribution and Insurance
Dorff, MOLAD, 274-310
*Zohar, AiJB, 99-121, 143-152
*Caplan, AIIMBK, 95-126,136-180 Mappes, BE, 593-677