JEWISH BIOETHICS

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Office Hours: Thursdays 3:00-3:30 and 6:30-7:00 or by appointment.

Class: Thursdays 3:30-6:30. This seminar is limited to 15 students.

Prerequisites: No prerequisites, however this course will be of special interest to premedical students, and students with previous coursework in ethics (e.g. PH 350, History of Ethics), religion, law, medicine, and public health.

Course Description:
What right does a physician have to heal? What obligation does a patient have to seek care? What does the Torah, Talmud, the Codes, and Responsa Literature (Rabbinic cases), teach us about life, death and dying, abortion, the new reproductive technologies, organ transplantation, and genetic engineering?

The aim of this course is to provide an introduction to resources for and approaches to Jewish biomedical ethics. 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. We will then focus on medical ethics and the Holocaust. The historical experience of the Holocaust has had a major impact on contemporary Jewish ethicists. We will examine the relevance of the Nazi doctors, racial hygiene, euthanasia, and genocide for
contemporary bioethics. The field of Jewish bioethics affords us the opportunity to explore the complex interface of philosophy, theology, halakha (Jewish law), and secular law and ethics. Students will also consider philosophical approaches in bioethics and their significance for Judaism.

Course Objectives:
- Demonstrate a firm understanding of the intellectual content, concepts, and principles of Jewish bioethics
- Develop familiarity with the Jewish bioethics literature
- Describe the underlying arguments, methodology, and assumptions of Jewish bioethics, including sources and texts
- Understand the institutions and structures of Judaism and how they affect the ethical dimensions of practice
- Identify the nature and scope of moral dilemmas and problematic decision-making in public health, medicine, and health care
- Distinguish between religious, ethical, legal, and human rights approaches to health problems
- Demonstrate knowledge of specific topics: death and dying, euthanasia, personhood; abortion, reproduction, genetic counseling and screening; international and cross-cultural perspectives, health and human rights, the translation of bioethical dilemmas into broad public policy
- Demonstrate critical reasoning skills and be proficient in formulating well-reasoned oral and written arguments

Required Texts:

Additional Materials: (available on Blackboard)
Questions for discussion, case studies, primary and secondary texts.

Additional Required Texts for Graduate Students; Recommended Texts for Undergraduate Students:

Reference
Undergraduate Course Requirements:
Preparation of class readings, attendance, and participation (10% of final grade).

Weekly written assignments (usually of 1-2 pages) responding to questions, analysis of texts, application of principles to cases, and exploration of methodologies (30% of final grade).

A 15-20 page final research paper. The paper will focus on a Jewish response to a particular problem in bioethics. The student will demonstrate familiarity with the substance and methodology of Jewish bioethics and its application to and relevance for contemporary bioethics (60% of final grade).

Specific guidelines and details about how to write this paper will be reviewed in depth during class. A literature search and proposal (5% of final grade), extensive outline and bibliography (5% of final grade) will be handed in and approved prior to work on a draft and final paper (40% of final grade). Students will give an oral presentation of their final paper in class (10% of final grade).

Graduate Course Requirements: Additional requirements will be assigned for graduate students.
Preparation of class readings, attendance, and participation (10% of final grade).
Weekly written assignments (usually of 1-2 pages) responding to questions, analysis of texts, application of principles to cases, and exploration of methodologies (30% of final grade).

A 20-25 page final research paper. The paper will focus on a Jewish response to a particular problem in bioethics. The student will demonstrate familiarity with the substance and methodology of Jewish bioethics and its application to and relevance for contemporary bioethics (60% of final grade).

Specific guidelines and details about how to write this paper will be reviewed in depth during class. A literature search and proposal (5% of final grade), extensive outline and bibliography (5% of final grade) will be handed in and approved prior to work on a draft and final paper (40% of final grade). Students will give an oral presentation of their final paper in class (10% of final grade).

School of Public Health (MPH) Requirements: Same as Graduate Course Requirements (please see above). However, students from the School of Public Health must choose a public health paper topic.

Potential Paper Topic Ideas (Final Paper Topic Must Be Approved by Dr. Grodin):

- The Contemporary Uses of the Nazi Analogy in Bioethics - Should it ever apply?
- The Use of the Nazi Medical Data Today? Can One Derive Good from Bad? Is it Tainted?
- The Use of Nazi Eugenic Ideas in Modern Medicine? Positive vs. Negative Eugenics, Individual Choice vs. State Policy?
- The Role and Workings of a Contemporary Bet Din in Addressing Bioethics Problems?
<table>
<thead>
<tr>
<th>Topic</th>
<th>Topic</th>
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<tbody>
<tr>
<td>Public Health Dilemmas in the Ghettos and Camps during the Holocaust</td>
<td>The Jewish Attitude toward Euthanasia</td>
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<td>Rabbinic Responsa during the Holocaust</td>
<td>Autopsy and Jewish Law - Respect for the Dead</td>
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<td>The Role of Jewish Physicians during the Holocaust</td>
<td>Human Experimentation - Permissible or Mandatory</td>
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<td>Nazi and American Eugenics Policies</td>
<td>Animal Experimentation in Jewish Law</td>
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<td>Care for the Aging Holocaust Survivor and the Next Generation</td>
<td>What is a Reform (liberal) Jewish Bioethics</td>
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<td>The Nuremberg Doctors Trial</td>
<td>What is a Conservative Jewish Bioethics</td>
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<td>The Nazi Euthanasia Program</td>
<td>A Study of Maimonides Medical Writings</td>
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<td>The Nazi Doctors and Bioethics</td>
<td>Suicide and Assisted Suicide in Jewish Law</td>
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<td>Religious Exemption and Death and Dying among Orthodox Jews</td>
<td>&quot;Partial Birth Abortion&quot; and Jewish Law</td>
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<td>Jews and Genetics - Stigmatization and the &quot;Jewish Breast Cancer Gene&quot;</td>
<td>Universal Health Care - A Jewish Perspective</td>
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<td>Jewish Views on Cloning Human Beings</td>
<td>Triage and Scarce Resources in Jewish Law</td>
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<td>Truth-telling and Confidentiality - Jewish Law vs. Secular Medical Ethics Norms</td>
<td>Jewish Advance Directives for Organ Donation and End of Life Care</td>
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<td>Organ Donation after Cardiac Death in Jewish Law</td>
<td>Neonatology and Perinatology and Limitation of Care</td>
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<td>Population Genetic Testing</td>
<td>The Case of Motherhood and Gestational Surrogacy</td>
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<td>The Shoteh (Mentally Ill) and Medical Decision Making</td>
<td>Pronatalism and the Limits of the New Reproductive Technologies</td>
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<td>Medicine in the Bible and Talmud</td>
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Late Assignments: While I would like to be lenient with late assignments, giving full credit to late work (without a valid excuse or prior arrangement) is unfair to the students who hand their work in on time. So if you are absent arrange the delayed submission in advance with Prof. Grodin.

Absences: Because I care about each of you, you will be missed if absent. Attendance will be taken at all classes. If you are or have been ill or if you are unable to attend a class, you should contact Prof. Grodin as soon as possible. The positive side of this is that I care enough about you to be concerned when you are missing important parts of the course.

Academic Conduct and Plagiarism: Academic misconduct is any intentional act or omission by a student that misrepresents his or her academic achievements, or any attempt to misrepresent his or her academic achievements. The following acts constitute academic misconduct:

- Cheating on examinations
- Plagiarism
- Submitting the same work in more than one course without explicit written consent of all the instructors
- Misrepresentation or falsification of data
- Allowing another student to represent your work as his or her own
- Violating the rules of an examination or assignment

If a faculty member suspects that a student has committed an act of academic misconduct, the faculty member will offer the student an opportunity to meet with him or her to inform the student of the concern and to obtain the student’s response. If the faculty member believes that a charge of academic misconduct is warranted he or she will notify and the Dean, and provide any relevant evidence or information.

A student who is found guilty of academic misconduct may be subject to disciplinary action, up to and including dismissal from the School.

Seminar Topics and Assignment Schedules: The course outline, learning objectives, and assignment schedule is on the following pages. These schedules and topics are subject to change, in which case announcements will be made in class.

Course Outline and Assignments: Readings can be found in the required texts, or will be handed out as part of a reader.
## Grading Rubric for Term Papers

<table>
<thead>
<tr>
<th>Qualities &amp; Criteria</th>
<th>Poor (0-80)</th>
<th>Good (80-90)</th>
<th>Excellent (90-100)</th>
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<tr>
<td><strong>Format/Layout</strong></td>
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<tr>
<td>• Presentation of the text</td>
<td>Follows poorly the requirements related to format and layout. Does not adequately convey topic or describe subtopics to be reviewed. Lacks adequate thesis statement. Does not have evidence organized in a logical manner. Transitions unclear or nonexistent.</td>
<td>Follows, for the most part, all the requirements related to format and layout. Some requirements are not followed. Conveys topic and delineates subtopics to be reviewed. General thesis statement. All material related and logically organized. Clear transitions.</td>
<td>Closely follows all the requirements related to format and layout. Strong introduction of topics and subtopics with a specific thesis statement. All material related with strong organization and integration. Strong transitions linking subtopics and main topics.</td>
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<tr>
<td>• Structuring of text</td>
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<tr>
<td>• Follows requirements of length, font and style</td>
<td>(Weight 15%)</td>
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<tr>
<td><strong>Content/Information</strong></td>
<td>The essay is not objective and addresses poorly the issues referred in the proposed topic. The provided information is not necessary or not sufficient to discuss these issues. Does not summarized evidence with respect to thesis or the impact of researched material on topic.</td>
<td>The essay is objective and for the most part addresses with an in depth analysis most of the issues referred in the proposed topic. The provided information is, for the most part, necessary and sufficient to discuss these issues. Strong review of conclusions and integration of thesis statement. Discusses impact of researched material on topic.</td>
<td>The essay is objective and addresses with an in depth analysis all the issues referred in the proposed topic. The provided information is necessary and sufficient to discuss these issues. Strong review of key conclusions and strong integration of thesis statement. Insightful discussion of impact of the researched material on topic.</td>
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<td>• All elements of the topics are addressed</td>
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<td>• The information is technically sound</td>
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<td>• Information based on careful research</td>
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<td>• Coherence of information</td>
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<td>(Weight 50%)</td>
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<tr>
<td><strong>Quality of Writing</strong></td>
<td>The essay is not well written, and contains many spelling errors, and/or grammar</td>
<td>The essay is well written for the most part, without spelling, grammar or use of English</td>
<td>The essay is well written from start to finish, without spelling, grammar or use of English errors. The essay is well</td>
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<tr>
<td>• Clarity of sentences and paragraphs</td>
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<tr>
<td>• No errors and spelling grammar</td>
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and use of English
- Organization and coherence of ideas (Weight 20%)

errors and/or use of English errors. The essay is badly organized, lacks clarity and/or does not present ideas in a coherent way. Word choice is informal in tone. Writing is choppy, with many awkward or unclear passages.

organized, clear and presents ideas in a coherent way.

References and use of references
- Scholarly level of references
- How effective the references are used in the essay
- Soundness of references
- APA style in reference list and for citations (Weight 15%)

Most of the references used are not important, and/or are not of good/scholarly quality. There is not a minimum of 4 scholarly resources, and/or they are not used effectively in the essay. References are not effectively used, and/or correctly cited and/or correctly listed in the reference list according to APA style.

Most of the references used are important, and are of good/scholarly quality. There is a minimum of 4 scholarly resources that are used effectively in the essay. Most of the references are effectively used, correctly cited and correctly listed in the reference list according to APA style.

All the references used are important, and are of good/scholarly quality. There is a minimum of 4 scholarly resources that are used effectively in the essay. All the references are effectively used, correctly cited and correctly listed in the reference list according to APA style.

Score: ____________________________

Adapted from Dr. Stella Porto
## Rubric for Presentation Papers

<table>
<thead>
<tr>
<th>Overview</th>
<th>EXEMPLARY</th>
<th>PROFICIENT</th>
<th>ACCEPTABLE</th>
<th>INACCEPTABLE</th>
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<tbody>
<tr>
<td>Identify problem/question</td>
<td>Accurately and compellingly identifies the problem/question and summarizes it in a way that evidences depth of knowledge and understanding of its cause(s) and nature</td>
<td>Accurately identifies problem/question and summarizes it in a way that evidences solid but general understanding of its cause(s) and nature</td>
<td>Identifies problem/question in general, vague terms and summarizes it in a way that demonstrates a somewhat superficial understanding of its cause(s) and nature</td>
<td>Inaccurately identifies and summarizes the problem/question, identifies an inappropriate problem or fails to do so at all; likewise fails to demonstrate any understanding of its cause(s) and nature</td>
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| Organization              | Presentation moves logically and succinctly through background and analysis toward conclusion, including identifying still-to-be filled in gaps given work-in-progress timing of presentation | Presentation is well organized and, taken as a whole, covers all major points but has some gaps that student may not have recognized | Presentation jumps around somewhat, making the evaluator work hard to follow student’s thinking, but while there are gaps or missteps, taken as a whole, presentation covers most of the major points | Presentation leaves evaluator confused about focus or point of project |

| Content                   | Student demonstrates high-level critical thinking about (i) relevant concepts and principals of human rights; (ii) epidemiology of public health problem; (iii) what this information/data reveals about why the problem remains a problem as well as (iv) what this information/data reveals about what | Student demonstrates solid, workman-like understanding (i), (ii), (iii) and (iv). | Student demonstrates solid, workman-like understanding of (i) and (ii), and demonstrates some promise of developing a solid understanding of (iii) and (iv). | Student fails to demonstrate solid understanding of even (i) and (ii). |
| Presentation | Is engaged, engaging, articulate and evidences significant effort in terms of preparation and practice | Is engaged and engaging and evidences effort in terms of presentation and practice | Is engaged with topic but relies on notes or reads from PPT slides in a way that demonstrates lack of practice and engagement with class | Demonstrates lack of interest in subject and lack of effort putting presentation together |
Class 1: Introduction
January 16

Learning Objectives
• Why now? Why is this relevant today?
• What makes an ethical dilemma?
• Definition of normative ethics
• Distinguish between ethics vs. law vs. theology
• Outline the principles of biomedical ethics
• Distinguish between procedural vs. substantive approaches in ethical dilemmas.

Required Reading
1. Newspaper Articles
2. Steinberg: Jewish Ethics, Secular Ethics
3. Dorff: The Jewish Tradition: Religious Beliefs and Health Care Decisions
4. Munson: Intro to Bioethics (graduate students)

Assignment
• Newspaper article questions (due next class)

Class 2: Jewish Medical Ethics
January 23

Learning Objectives
• Recognizing sources and methodology of Jewish laws
• Compare and contrast approaches and methodology in religion vs. law vs. ethics
• Become familiar with historical roots and structures of The Torah, Talmud, Codes, Responsa

Required Reading
1. Feldman: Introduction 1-40, 49-53
2. Sinclair: 1-11

Required Reading (on Blackboard)
3. Dorff: Introduction and Appendix (graduate students)
4. Freedman: Duty and Healing (graduate students)
5. Melbaum: Reform Judaism
6. Hippocratic Oath
7. Prayer of Maimonides
8. Maimonides Mishneh Torah on Prevention
9. Kiddushin 82a
10. Avot de Rabbi Nathan
11. Exodus, Shemot 15:26, 21:18
12. Brachot 60a
13. Midrash temurah
Assignment
- What have you learned? Questions? (due next class)

Class 3: History and Grounding of Judaism and Medicine (LCD, VCR)
January 30

Learning Objectives
- Maimonides- discuss the importance of the field of Jewish Bioethics through his writing
- Attitude towards physicians- discuss the attitude of Jewish laws in medical practice
- Mishneh Torah- identify and discuss medical issues
- Prevention- identify and discuss the perspectives of Jewish laws and health preventions

Required Reading
1. Feldman: 41-47
2. Sinclair: 145-180

Required Reading (on Blackboard)
3. Maimonides selected medical writings

Class 4: Brain Death and Organ Transplantation (LCD, VCR)
February 6

Learning Objectives
- Why is it important?
- Certainty- discuss problems and uncertainty in Jewish laws
- Philosophical and theological definitions
- Controversy of definition in texts
- Organ transplantation- Jewish laws and perspectives on organ transplants
- Live donor- discuss acceptability of live donor and understanding the applications
- Cardiac death vs. death by brain criteria- understanding certainty, intentionality, causation and probability

Required Reading
1. Feldman: 103-108
2. Sinclair: 228-253

Required Reading (on Blackboard)
3. Grodin: Religious Exemptions, Brain Death, and Jewish Law. *Journal of Church and State*
4. Bleich chapters *(graduate students)*
5. Dorff chapters *(graduate students)*
6. New York and New Jersey statutes
7. Yoma 85a
8. Mishneh Torah Hilchot shabbat
9. Shulchan Aruch Orach Chayim
10. Case Study: Jacob Cohen

***PAPER TOPIC DUE***

Assignment
- Shiavo case (due next class)

Class 5: End of Life, the Right to Refuse Treatment (LCD, VCR)
February 13

Learning Objective
- To be familiar with the position of Jewish law on end of life, the right to refuse treatment

Required Reading
1. Feldman: 91-102
2. Sinclair: 181-225

Required Reading (on Blackboard)
3. Bleich chapters (graduate students)
4. Dorff chapters (graduate students)
5. Shulchan Aruch
6. Talmud: Abodah Zarah
7. Responsa on death and dying
8. Waldenberg
9. Eleazer
10. Grosnas
11. Freihof
12. Advance Directives

Assignment
- Massachusetts PAS (proposed) legislative referendum (due next class)

Class 6: Euthanasia and Assisted Suicide (LCD, VCR)
February 20

Learning Objectives
- Identify Jewish perspective on standard for decision making including:
  - Capacity, substituted judgment, and best interest
  - Intentionality, foreseeability, and causation
  - Murder, manslaughter, suicide, and assisted suicide
  - Active, passive, voluntary, and involuntary euthanasia
o Advance directives

Required Reading
1. Feldman: 91-102
2. Sinclair: 181-225

Required Reading (on Blackboard)
3. Bleich chapters (graduate students)
4. Dorff chapters (graduate students)
5. Grodin: Religious Advance Directives: The Convergence of Law, Religion, Medicine, and Public Health

***PAPER OUTLINE AND BIBLIOGRAPHIC SOURCES DUE***

Assignment
• Rambam vs. Rashi on abortion (due next class)

Class 7: Abortion
February 27

Learning Objectives
• Knowing why the following are important in Jewish Bioethics:
  o Status of the fetus
  o Catholic perspectives
  o Roe v. Wade
  o Ensoulment
  o Maternal/fetal conflict

Required Reading
1. Feldman: 79-90
2. Sinclair: 12-67

Required Reading (on Blackboard)
3. Bleich chapters (graduate students)
4. Dorff chapters (graduate students)
5. Exodus, Shemot 21:6, 21:21
7. Deuteronomy, Devarim 22:18, 25:10
8. Mishnah Ohalot
9. Responsa

Assignment
• Work on paper
Class 8: The New Reproductive Technologies  
March 6 (Rabbi Benjamin Samuels)

Learning Objectives
- Identify Jewish perspective on standard for decision making including:
  - Definitions of new reproductive technologies
  - In vitro fertilization
  - Artificial insemination
  - Surrogate motherhood
  - Sex vs. procreation
  - Infertility

Required Reading
1. Feldman: 55-78
2. Sinclair: 68-144

Required Reading (on Blackboard)
3. Bleich chapters (graduate students)
4. Dorff chapters (graduate students)
5. Talmud Chagigah
6. Ben Sira
7. Talmud Niddah
8. Responsum

Religious Bioethics -- Catholic, Protestant, Islamic, Buddhist

Assignment
- Work on paper

Class 9: Clinical Jewish Bioethics and Jewish Chaplaincy  
March 20 (Rabbi Joseph Polak)

Learning Objectives
- To be familiar with the topic of Clinical Jewish Bioethics and Jewish Chaplaincy
- Guest Lecturer: Rabbi Joseph Polak, Rabbi Benjamin Samuels

Required Reading (on Blackboard)
1. The Role of the Rabbi and Rabbinic Bet Din
2. Glick – Who Decides? The Patient, the Physician or the Rabbi?

Assignment
- Complete paper draft (due next class)
Class 10: The Holocaust: Antisemetism, Prewar Poland, History, Eugenics (LCD, VCR)
March 27

Learning Objectives
- Identify Jewish perspective on standard for decision making including:
  - Social Darwinism
  - Life unworthy of living
  - Sterilization

Required Reading
1. Michalczyk: 3-15, 19-21, 35-41, 42-49, 73-86, 153-160, 197-198, 213-216 (graduate students are required to read the entire book)

***PAPER DRAFT DUE***

Assignment
- Nazi eugenics

Class 11: Medical Ethics in the Shadow of the Holocaust (LCD, VCR)
April 3

Learning Objectives
- Understanding the importance of history for Jewish and contemporary bioethics:
  - Nazi doctors, racial hygiene, murder, and genocide

Required Reading
1. Michalczyk: 3-15, 19-21, 35-41, 42-49, 73-86, 153-160, 197-198, 213-216 (graduate students are required to read the entire book)
2. Bibliography
3. Milestones of Medicine in Nazi Germany

Class 12: Mad, Bad or Evil: How Healers Become Killers, Responsa; Caring for the Aging Holocaust Survivor and the 2nd and 3rd Generation (LCD, VCR)
April 10

Learning Objectives
- Understanding the importance of history for Jewish and contemporary bioethics:
  - Nazi doctors, racial hygiene, murder, and genocide
- What do we know about the psychological effects of the Holocaust
Required Reading
1. Michalczyk: 3-15, 19-21, 35-41, 42-49, 73-86, 153-160, 197-198, 213-216 (graduate students are required to read the entire book)

Required Reading (on Blackboard)
2. Physicians as Torturers: Lessons from the Nazi Doctors
3. Grodin: Mad, Bad, or Evil: How Physician Healers Turn to Torture and Murder
4. Grodin, Kor, Benedict: The Trial That Never Happened: Josef Mengele and the Twins of Auschwitz
5. Grodin: Caring for Aging Holocaust Survivors and Subsequent Generations

Class 13: Student Presentations of Final Papers (LCD, VCR)
April 17

Learning Objectives
• The diversity of Jewish bioethics

1. Student handouts and outlines

***FINAL PAPER DUE***

Class 14: Summation and Future
May 1

Learning Objectives
• What have we learned, future directions and study

Required Reading
1. Sinclair: 254-267

Required Reading (on Blackboard)
2. Rebbe Pinhas of Koretz

***FINAL PAPER RETURNED***
Additional Sources in Jewish Bioethics
American Fertility Society, Ethics Committee. “Ethical Considerations of Assisted Reproductive Technologies.” *Fertility and Sterility* 62 (Nov. 1994, supp.): 1S-125S.


