

Study Guide for

The Jewish Family Ethics Textbook

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Study Guide

The Jewish Family Ethics Textbook introduces common ethical problems that arise in family life and explores them through a Jewish lens. Many of the issues will be familiar from your experiences as a member of a family or from forming your own family. Others may be unfamiliar: not everyone encounters difficulties in conception (Chapter 5) or in making medical decisions at the end of life (Chapter 7). Some chapters explore issues that have arisen so recently that many of us may not yet have thought about them: for example, using social media (Chapter

3), or the possibility of human cloning (Chapter 5). I hope that reading the book will help you clarify your thinking about familiar subjects and challenge you to consider new problems.

As outlined in the Introduction, the book adopts a specific method of studying Jewish ethics. The method assumes that Judaism expresses its ethical ideas through its long history of texts. Sometimes explicitly in legal rulings, sometimes implicitly in narratives, the traditional texts teach moral principles and debate how to apply them specific situations. As heirs to this tradition, we study the literature to understand the many voices and points of view that compose it. By entering into dialogue with the texts, we approach our own ethical dilemmas in a manner deeply rooted in Jewish teachings.

In order to engage in that process, then, the reader must learn to understand and interpret the texts of Jewish tradition. A good way to begin is to familiarize yourself with the literature and its history as described in the sections “Works and History of Classical Jewish Literature” (pages xl-xlii) and “A Brief Jewish Lexicon” (pages xliii-liii) in the Introduction. For more background information, see the suggestions for further reading later in this Study Guide.

Studying in *Havruta*

The next important step is to learn to study and understand the texts. Of course, the Comments sections in the Textbook explain what each text means, or at least the author’s best understanding of its meaning. But as indicated in the Introduction, you will get more out of the book if you treat the author as one more reader whose ideas about the material you consider. Begin by analyzing the texts on your own, using the Questions for Inquiry to guide your thinking. After that, read the Comments for more information, to clarify parts of the text you did not understand, and to

discover anything you may have missed. With practice, you will increase your facility at understanding how the Rabbis expressed their ideas.

While you can learn a lot reading the book on your own, I recommend you consider finding a partner to study it with you. Traditionally, Jews always studied texts with a partner—the Hebrew term is *havruta*, from *haver*, friend or companion. Two minds working together can uncover more meaning in the texts than either one could alone. As you and your partner learn each other’s styles and develop trust, you can work together to refine your ideas and emerge with a stronger understanding of the material.

Readers who want to learn more about how to get the most out of *havruta* study should consult the Appendix to this Study Guide.

For those interested in specific case studies

Some readers may prefer to choose one of the case studies in a chapter as the focus of their learning. Here are recommendations about which texts in the chapter will contribute the most to analyzing each individual case study.

1. Parents and Children

Case Study #1—Who Chooses Where to Go to College?

SUMMARY OF KEY POINTS

Daniel and his parents disagree over whose preferences should determine where he attends college. The case

KEY QUESTIONS FOR DISCUSSION

1. What are the boundaries of the honor and reverence children owe parents?
2. Should parents sometimes forego the honor due them?

KEY TEXTS TO STUDY

Text 1a—Exod. 20:12, p. 4

Text 1b—Deut. 5:16, p. 5

Text 6—*Kiddushin* 31b, p. 13

Text 7a—Shulhan Arukh, *Yoreh De’ah* 240:21, p. 16

Text 9d—*Mishneh Torah*, Laws of Rebellion 6:10, p. 33

Text 10a—Midrash *Tanhuma Eikev* 3, p. 36

Text 12a—*Kiddushin* 29a, p. 41

Text 16a—Jacob, “Responsibility of Children to Their Parents”, p. 51

Text 16b—Nevins, “Between Parents and Children”, p. 52

Case Study #2—Caring for a Parent With Dementia

SUMMARY OF KEY POINTS

Susan’s father, Victor, who lives with her and her husband, Bill, develops dementia. With a child in college and a child still at home, Bill and Susan both need to work full time. How can they manage Victor’s need for care with their other familial responsibilities?

KEY QUESTIONS FOR DISCUSSION

1. May adult children outsource care of their elderly parents to others?
2. How do we balance our responsibilities as children with our responsibilities as parents?

KEY TEXTS TO STUDY

Text 1a—Exod. 20:12, p. 4

Text 1b—Deut. 5:16, p. 5

Text 4a—*Kiddushin* 30b, p. 8

Text 4b--*Kiddushin* 30b, continued, p. 10

Text 6—*Kiddushin* 31b, p. 13

Text 8a—Shulhan Arukh, *Yoreh De’ah* 240:4-5, p. 20

Text 8b—*Mishneh Torah*, Laws of Rebellion 6:10, p. 23

Text 8c—Golinkin, “Institutionalizing Parents with Alzheimer’s Disease”, p. 26

Text 9a—*Kiddushin* 31a-b, p. 28

Text 10a—Midrash *Tanhuma Eikev* 3, p. 36

Text 10b—*Kiddushin* 31b, p. 36

Case Study #3-- Distancing from an Abusive Parent

SUMMARY OF KEY POINTS

Sarah’s mother abused her physically and emotionally while she was growing up. As a young adult, Sarah chose to protect herself by cutting her mother off, but wonders about her responsibilities as a Jew.

KEY QUESTIONS FOR DISCUSSION

1. What are the boundaries of the honor and reverence children owe parents?
2. Can a parent’s behavior cause them to forfeit the rights the Torah grants them?

KEY TEXTS TO STUDY

Text 1a—Exod. 20:12, p. 4

Text 1b—Deut. 5:16, p. 5

Text 3—*Mekhilta, Massekhta de-BaHodesh* 8, p. 7

Text 4a—*Kiddushin* 30b, p. 8

Text 4b—*Kiddushin* 30b (continued), p. 10

Text 7a—Shulhan Arukh, *Yoreh De’ah* 240:21, p. 16

Text 10a—Midrash *Tanhuma Eikev* 3, p. 36

Text 10b—*Kiddushin* 31b, p. 36

Text 12a—*Kiddushin* 29a, p. 41

Text 12b—Nevins, “Between Parents and Children”, p. 45

Text 13—*Kiddushin* 29a-b, p. 47

Text 14—Shulhan Arukh, *Yoreh De’ah* 240:18, p. 48

Text 15—Dratch, “Honoring Abusive Parents”, p. 49

Text 16a—Jacob, “Responsibility of Children to Their Parents”, p. 51

2. Honesty

Case Study #1: Cheating on an Exam

SUMMARY OF KEY POINTS

Sydney, an ambitious but over-extended high school student, cheats on a math test. Her classmate Eitan sees her cheating. He hesitates to fulfill his duty under the school’s honor code to report her.

KEY QUESTIONS FOR DISCUSSION

1. Do any circumstances justify cheating in school?
2. Do Jewish ethics require Eitan to report his classmate’s cheating?

KEY TEXTS TO STUDY

Text 1a—Exod. 20:13, p. 60

Text 1b—Exod. 23:7, p. 60

Text 1c—Lev. 19:11, p. 60

Text 4—*Tosefta Bava Kama* 7:3, p. 68

Text 5a—Leff, “Whistleblowing”, p. 69

Text 5b—Lev. 19:17, p. 71

Text 5c—*Mishneh Torah*, Laws of Personal Qualities 6:7, p. 71

Text 5d—Lev. 19:14, p. 74

Text 6—Shulhan Arukh, *Hoshen Mishpat* 388:9, p. 75

Text 7—*Mishneh Torah*, Laws of Robbery and Lost Objects 11:3, p. 77

Case Study #2: Potential Plagiarism

SUMMARY OF KEY POINTS

Jennifer, having difficulty completing an art history assignment in college, represents opinions of authors she has read as her own, reasoning that these are not facts but intangible opinions.

KEY QUESTIONS FOR DISCUSSION

1. Has Jennifer committed plagiarism, since she shares the opinions of the other writers?
2. Does Jewish tradition protect intellectual property?

KEY TEXTS TO STUDY

Text 1a—Exod. 20:13, p. 60

Text 1b—Exod. 23:7, p. 60

Text 1c—Lev. 19:11, p. 60

Text 8—*Tanhuma Bemidbar* 22, p. 79

Text 9a—*Gittin* 10b, p. 81

Text 9b—*Berakhot* 5b, p. 81

Text 9c—*Tosefta Bava Kama* 7:3, p. 81

Text 10a—Deut. 19:14, p. 84

Text 10b—*Bava Batra* 21b, p. 84

Text 11a—Shulhan Arukh, *Hoshen Mishpat* 203:1, p. 86

Text 11b—Arukh HaShulhan, *Hoshen Mishpat* 212:3, p. 86

Text 11c—CCAR Responsum, “Copyright and the Internet”, p. 86

Case Study #3: Withholding Part of the Truth from a Prospective Employer

SUMMARY OF KEY POINTS

Jennifer from the previous case study receives a one-semester suspension for her plagiarism. She becomes ill and recovers in time to return to school the next semester. Jennifer later tells employers that she took an extra semester to finish college only because of illness.

KEY QUESTIONS FOR DISCUSSION

1. Is it acceptable to lie, or withhold part of the truth, in a situation like Jennifer’s?

KEY TEXTS TO STUDY

Text 1a—Exod. 20:13, p. 60

Text 1b—Exod. 23:7, p. 60

Text 1c—Lev. 19:11, p. 60

Text 3a—*Yevamot* 65b, p. 64

Text 3b—*Bava Metzia* 23b-24a, p. 65

Text 3c—*Mishnah Nedarim* 3:4, p. 65

Text 4—*Tosefta Bava Kama* 7:3, p. 68

Text 7—*Mishneh Torah*, Laws of Robbery and Lost Objects 11:3, p. 77

3. Social Media

Case Study #1: Social Media Insults

SUMMARY OF KEY POINTS

During a high-school election campaign one candidate, Max, makes an insulting Snapchat image about his opponent, Elizabeth. Jonathan, the current student body president, sees the image and asks the principal to treat it as a violation of the school’s values. Max insists that Jonathan violated Jewish values by sharing a private communication.

KEY QUESTIONS FOR DISCUSSION

1. Did Max violate any principles of Jewish ethics in the way he insulted Elizabeth?

2. Did Jonathan engage in forbidden speech?

3. Is a Snapchat, intended to disappear after a few seconds, different than any other medium for sending such an image?

KEY TEXTS TO STUDY

Text 1a—Lev. 19:16, p. 94

Text 1b—Rashi on Lev. 19:16, p. 95

Text 2—*Arakhin* 15b, p. 97

Text 3a—*Mishneh Torah*, Laws of Personal Qualities 7:2, p. 98

Text 3b—*Hafetz Hayyim* 1:8, p. 100

Text 3c—*Hafetz Hayyim* 3:3, p. 101

Text 4—*Yoma* 4b, p. 102

Text 5—*Hafetz Hayyim* 10:1, p. 103

Text 6—Student, “A Torah Guide for the Digital Age”, p. 105

Case Study #2: Online Privacy

SUMMARY OF KEY POINTS

A public school district allowed students to take district-owned computers home. They installed software that took photos to allow the district to monitor appropriate use of the computers. The district had to pay a settlement after falsely accusing a student, R., of using drugs based on pictures taken by the embedded software.

KEY QUESTIONS FOR DISCUSSION

1. How far does an individual’s right to privacy extend?
2. What rights does the school district have to violate privacy in order to protect its students?

KEY TEXTS TO STUDY

Text 7—*Mishnah Bava Batra* 3:7; *Bava Batra* 60a, p. 106

Text 8a—*Kurshan*, Comments on *Bava Batra* 2a–b, p. 108

Text 8b—*Dorff*, *Love Your Neighbor and Yourself*, p. 111

Text 8c—*Samlan*, “The Ten Commandments of Social Media”, p. 113

4. Sex and Intimacy

Case Study #1: Four Ideas about Jewish Sexual Ethics

SUMMARY OF KEY POINTS

Three college friends discover their Jewish youth groups taught different approaches to sexual ethics. One was based on the value of mutual respect; another, on a sliding scale of acceptable relationships; a third, on the idea that sexual activity belongs exclusively within heterosexual marriage. A fourth friend comments that such an ethical tradition doesn’t offer much to young people like them.

KEY QUESTIONS FOR DISCUSSION

1. Can Jewish sexual ethics contribute anything useful to the thinking of liberal young Jews who expect to postpone marriage until after they complete their educations?
2. When must tradition yield to changes in social outlook?

KEY TEXTS TO STUDY

Text 1a--Gen. 1:31, p. 122

Text 1b--*Ramban*, *Iggeret HaKodesh*, p. 123

- Text 2—*Genesis Rabbah* 9:7, p. 124
 Text 3—*Mishnah Ketubot* 5:6; *Ketubot* 62b, p. 126
 Text 4—*Nedarim* 20a–b, p. 129
 Text 5a—*Eiruvim* 100b, p. 131
 Text 5b—Shulḥan Arukh, *Even HaEzer* 25:2, p. 131
 Text 6—*Kiddushin* 81a, p. 133
 Text 7a—*Mishnah Kiddushin* 1:1, p. 136
 Text 7b—*Yevamot* 61b, p. 136
 Text 7c—*Gittin* 81b, p. 136
 Text 7d—*Mishneh Torah*, Laws of Marriage 1:4, p. 136
 Text 8a—*Birkat Eirusin*, Betrothal Blessing from the Wedding Ceremony, p. 139
 Text 8b—Blessing Six of the Wedding Ceremony, p. 139
 Text 9a—Novak Winer, “Sacred Choices”, p. 142
 Text 9b—Salkowitz, “Reform Jewish Sexual Values”, p. 143
 Text 10—Plaskow, *Standing Again at Sinai*, p. 146

Case Study #2: LGBTQ Orientations

SUMMARY OF KEY POINTS

Friends of the students in Case Study #1 wonder what Judaism says to them as a gay man and a pansexual woman.

KEY QUESTIONS FOR DISCUSSION

1. What does Jewish tradition teach about LGBTQ sexuality?
2. When must tradition yield to changes in social outlook?

KEY TEXTS TO STUDY

- Text 1a--Gen. 1:31, p. 122
 Text 1b--Ramban, *Iggeret HaKodesh*, p. 123
 Text 2—*Genesis Rabbah* 9:7, p. 124
 Text 11a—Lev. 18:22, p. 148
 Text 11b—Lev. 20:13, p. 149
 Text 12—*Sanhedrin* 54a–b, p. 150
 Text 13a—Shulḥan Arukh, *Even HaEzer* 24:1, p. 152
 Text 13b—*Bayyit Hadash* on *Even HaEzer* 24:1, p. 152
 Text 14a—*Nedarim* 51a with Rashi’s commentary, p. 154
 Text 14b—*Torah Temimah* on Lev. 18:22, p. 155
 Text 14c—Havrelock, “*Acharei Mot: Boundaries of Rituals: The Sanctuary and the Body*”, p. 156
 Text 15—*Mishneh Torah*, Laws of Intercourse 21:8, p. 157
 Text 16—*Berakhot* 19b, p. 161
 Text 17—Dorff, Nevins, and Reisner, “Homosexuality, Human Dignity and Halakhah”, p. 162

Text 18—Reconstructionist Commission on Homosexuality, “Homosexuality and Judaism”, p. 165

Text 19—Litman, “‘Bisexual’ Identity: A Guide for the Perplexed”, p. 166

5. Medical Ethics at the Beginning of Life

Case Study #1: Who Counts as a Parent?

SUMMARY OF KEY POINTS

A man and a lesbian couple entered into an agreement, under which he provided sperm for them to have a baby and relinquished all parental rights and responsibilities. After the couple split up, the mother with custody of the child needed financial help from welfare. The state sued the sperm donor for child support, but a court ruled that he was not the child’s parent, while both women were parents.

KEY QUESTIONS FOR DISCUSSION

1. What makes someone a parent, engendering a child or raising it?

KEY TEXTS TO STUDY

Text 1—Gen. 1:27-28, p. 174

Text 2—*Yevamot* 63b, p. 175

Text 3—*Mishnah Yevamot* 6:6, p. 178

Text 6—*Hagigah* 14b-15a, p. 185

Text 7—Mishneh LaMelekh on *Mishneh Torah*, Laws of Matrimony 15:4, p. 188

Text 8a—Ramban on Lev. 18:20, p. 190

Text 8b—Waldenberg, *Responsa Tzitz Eliezer*, p. 190

Text 9—Broyde, “The Establishment of Paternity in Jewish and American Law”, p. 192

Text 10—Grossman, “Choosing Parenthood”, p. 195

Some or all of the texts listed under Text Study #3, Surrogate Motherhood, may also be relevant to determining what makes someone a parent.

Case Study #2: Choosing Single Parenthood

SUMMARY OF KEY POINTS

As she approaches her fortieth birthday, with no likelihood of meeting a life partner during her fertile years, Sophia thinks about conceiving a child through a sperm bank.

KEY QUESTIONS FOR DISCUSSION

1. May a single Jewish woman choose to become a parent without a spouse?

2. If the answer to the first question is positive, *must* she choose parenthood, since “be fruitful and multiply” is an important mitzvah?

KEY TEXTS TO STUDY

Text 1—Gen. 1:27-28, p. 174

Text 2—*Yevamot* 63b, p. 175

Text 3—*Mishnah Yevamot* 6:6, p. 178

Text 5a—Jacob, “Jewish Marriage without Children”, p. 182

Text 5b—Panitz, “Must A Jew Have Children? A Conservative Answer”, p. 183

Text 8b—Waldenberg, *Responsa Tzitz Eliezer*, p. 190

Text 9—Broyde, “The Establishment of Paternity in Jewish and American Law”, p. 192

Text 10—Grossman, “Choosing Parenthood”, p. 195

Some or all of the texts listed under Text Study #3, Surrogate Parenthood, may also be relevant to issues raised by this case study.

Case Study #3: Surrogate Motherhood

SUMMARY OF KEY POINTS

In 1985, Mary Beth Whitehead signed a contract with William Stern, agreeing to carry a baby conceived from his sperm and turn over all parental rights to Stern and his wife. After the baby was born, Ms. Whitehead felt powerfully attached to it and did not want to hand her over to the Sterns. New Jersey courts had to decide who were “Baby M”’s rightful parents.

KEY QUESTIONS FOR DISCUSSION

1. What makes someone a parent, engendering a child or raising it?
2. How does traditional Jewish law determine parenthood?

KEY TEXTS TO STUDY

Text 1—Gen. 1:27-28, p. 174

Text 2—*Yevamot* 63b, p. 175

Text 3—*Mishnah Yevamot* 6:6, p. 178

Text 11a—Gen. 16:1-4, 16:15, p. 197

Text 11b—Gen. 30:1-6, p. 197

Text 12a—Gellman, “The Ethics of Surrogate Motherhood”, p. 200

Text 12b—Freundel, *Contemporary Orthodox Judaism’s Response to Modernity*, p. 201

Text 12c—Jakobovits, *Jewish Medical Ethics*, p. 201

Text 13a—Jacob, “Surrogate Mother”, p. 203

Text 13b—Spitz, “On the Use of Birth Surrogates”, p. 203

Text 13c—Loike and Tendler, “Gestational Surrogacy”, p. 204

Text 13d—State of Israel Ministry of Health, “Surrogacy in Israel”, p. 206

Case Study #4: Parenthood through Cloning

SUMMARY OF KEY POINTS

Sonoma, as the end of her childbearing years approaches, does not wish to introduce an unknown donor’s genetic material into her family line. She would like to clone herself and raise the cloned baby as her daughter.

KEY QUESTIONS FOR DISCUSSION

1. Do Jewish ethics allow cloning, especially of human beings?
2. As human technological abilities advance, are there limits to what we *should* do simply because we *can*?

KEY TEXTS TO STUDY

Text 1—Gen. 1:27-28, p. 174

Text 2—*Yevamot* 63b, p. 175

Text 3—*Mishnah Yevamot* 6:6, p. 178

Text 14—Sanhedrin 65b, p. 208

Text 15a—Menachem HaMeiri on Sanhedrin 67b, p. 209

Text 15b—Ashkenazi, *Responsa Hakham Tzvi* 93, p. 209

Text 16—Mishnah Sanhedrin 4:5, p. 212

Text 17—Waldenberg, *Responsa Tzitz Eliezer* 15:45, p. 214

Text 18—Grazi and Wolowesky, *Overcoming Infertility*, p. 216

6. Abortion

Case Study #1: Fetal Reduction of Twins

SUMMARY OF KEY POINTS

Jenny and her husband, in their early forties, decided to have a third child. She conceived twins through fertility treatments. Feeling that she was now too old to raise two more babies, Jenny asked her doctor to reduce her pregnancy—essentially, to abort one twin and allow the other to develop until birth.

KEY QUESTIONS FOR DISCUSSION

1. Does Jewish tradition allow abortion for reasons like Jenny's?
2. Is there any ethical difference between aborting a single fetus and reducing a multiple pregnancy?

KEY TEXTS TO STUDY

Text 1a—Exod. 21:12, p. 225

Text 1b—Exod. 21:22–23, p. 225

Text 2—Mishnah Ohalot 7:6, p. 226

Text 3a—Exod. 22:1–2, p. 229

Text 3b—Rashi on Exod. 22:1–2, p. 229

Text 3c—Sanhedrin 73b, p. 230

Text 4—Sanhedrin 72b, p. 232

Text 5a—Rashi on *Sanhedrin* 72b, s.v., “If its head came out”, p. 234

Text 5b—*Mishneh Torah*, Laws of Murder and Preservation of Life 1:9, p. 236

Text 11—Meacham (leBeit Yoreh), *Encyclopedia of Jewish Women*, p. 250

Case Study #2: Abortion of a Fetus With a Deficit

SUMMARY OF KEY POINTS

Amy and Bruce's fetus will be born with Down Syndrome. They do not want to subject their child to the difficulties of a life with that condition. They also agree that they doubt their own ability to handle the challenges of raising a child with special needs.

KEY QUESTIONS FOR DISCUSSION

1. Does Jewish tradition permit abortion because the fetus will be born ill or defective?

2. Do Amy and Bruce’s worries about raising a child with special needs matter in thinking about abortion ethics?

KEY TEXTS TO STUDY

Text 1a—Exod. 21:12, p. 225

Text 1b—Exod. 21:22–23, p. 225

Text 2—Mishnah Ohalot 7:6, p. 226

Text 3a—Exod. 22:1–2, p. 229

Text 3b—Rashi on Exod. 22:1–2, p. 229

Text 3c—Sanhedrin 73b, p. 230

Text 4—Sanhedrin 72b, p. 232

Text 5a—Rashi on *Sanhedrin* 72b, s.v., “If its head came out”, p. 234

Text 5b—*Mishneh Torah*, Laws of Murder and Preservation of Life 1:9, p. 236

Text 9—Feldman, “Abortion: The Jewish View”, p. 244

Text 10—Bleich, *Judaism and Healing*, p. 248

Text 12—Waldenberg, *Responsa Tzitz Eliezer*, p. 253

Text 13—Feinstein, *Responsa Igrot Moshe*, p. 254

Text 16—Alpert, “Sometimes the Law is Cruel,” p. 260

Case Study #3: When Contraception Fails

SUMMARY OF KEY POINTS

Candice and Ari did not expect her to become pregnant. They do not want to start a family until she finishes her education and they can afford to buy a house. Therefore, they want to abort.

KEY QUESTIONS FOR DISCUSSION

1. Does Jewish tradition permit abortion when the parents do not feel ready to raise a child?
2. When thinking about abortion, are financial concerns ethically relevant?

KEY TEXTS TO STUDY

Text 1a—Exod. 21:12, p. 225

Text 1b—Exod. 21:22–23, p. 225

Text 2—Mishnah Ohalot 7:6, p. 226

Text 3a—Exod. 22:1–2, p. 229

Text 3b—Rashi on Exod. 22:1–2, p. 229

Text 3c—Sanhedrin 73b, p. 230

Text 4—Sanhedrin 72b, p. 232

Text 5a—Rashi on *Sanhedrin* 72b, s.v., “If its head came out”, p. 234

Text 5b—*Mishneh Torah*, Laws of Murder and Preservation of Life 1:9, p. 236

Text 8b—Agudath Israel of America, National Public Policy Position Paper, p. 243

Text 9—Feldman, “Abortion: The Jewish View”, p. 244

Text 10—Bleich, *Judaism and Healing*, p. 248

Text 11—Meacham (leBeit Yoreh), *Encyclopedia of Jewish Women*, p. 250

Text 15—“Israel: Reproduction and Abortion: Law and Policy”, p. 258

Text 16—Alpert, “Sometimes the Law is Cruel,” p. 260

7. Medical Ethics at the End of Life

Case Study #1: Defining Death

SUMMARY OF KEY POINTS

At the age of thirteen, following a tonsillectomy, Jahi McMath developed complications that left her breathing with the help of a ventilator, but without measurable brain activity. Doctors declared her dead, but her family, believing they saw indications she was still alive, went to court to have her transferred to a different facility. Jahi lived another five years.

KEY QUESTIONS FOR DISCUSSION

1. What constitutes death: the loss of measurable activity in the brain, or the end of breathing?
2. Can a person be considered “alive” if they breathe only with mechanical assistance and do not respond to most stimuli?

KEY TEXTS TO STUDY

Text 1a—Ps. 24:1, p. 270

Text 1b—*Mishneh Torah*. Laws of Proper Conduct 3:3 and 4:1, p. 270

Text 2a—*Mishnah Yoma* 8:6-7, p. 271

Text 2b—*Yoma* 85a, p. 272

Text 3a—Exod. 21:18-19, p. 274

Text 3b—*Bava Kamma* 85a, p. 274

Text 3c—*Mishneh Torah*, Laws of Murder and Preservation of Life 11:4-5, p. 275

Text 9a—Uniform Determination of Death Act (1980), p. 294

Text 9b—*Mishneh Torah*, Laws of Shabbat 2:19, p. 294

Text 9c—*Mishnah Ohalot* 1:6, p. 294

Text 9d—Rosner, *Biomedical Ethics and Jewish Law*, p. 295

Text 9e—Waldenberg, *Responsa Tzitz Eliezer*, p. 295

Text 9f—Veatch, “The Evolution of Death and Dying Controversies,” p. 295

Case Study #2: Extending Life at What Cost?

SUMMARY OF KEY POINTS

Eighty-year-old Robert has advanced dementia; he no longer speaks or recognizes his own children. Now he has suffered a heart attack and his doctors recommend heart bypass surgery as the only way to keep him alive. His children must decide whether to authorize the surgery.

KEY QUESTIONS FOR DISCUSSION

1. How far must we go to keep a person alive?
2. Does Jewish tradition allow us to consider quality of life in deciding to try to keep someone alive?

KEY TEXTS TO STUDY

Text 1a—Ps. 24:1, p. 270

Text 1b—*Mishneh Torah*. Laws of Proper Conduct 3:3 and 4:1, p. 270

- Text 2a—*Mishnah Yoma* 8:6-7, p. 271
 Text 2b—*Yoma* 85a, p. 272
 Text 3a—Exod. 21:18-19, p. 274
 Text 3b—*Bava Kamma* 85a, p. 274
 Text 3c—*Mishneh Torah*, Laws of Murder and Preservation of Life 11:4-5, p. 275
 Text 4a—*Semahot* 1:1-1:4, p. 276
 Text 4b—Shulhan Arukh, *Yoreh De'ah* 339:2, p. 277
 Text 5—*Avodah Zarah* 18a, p. 279
 Text 6—Shulhan Arukh, *Yoreh De'ah* 339:1, p. 282
 Text 7a—HaLevi, Natural and Artificial Life, p. 286
 Text 7b—Waldenberg, *Responsa Tzitz Eliezer*, p. 286
 Text 8a—Reisner, “A Halakhic Ethic of Care for the Terminally Ill,” p. 288
 Text 8b—Sinclair, *Tradition and the Biological Revolution*, p. 288
 Text 8c—Sherwin, *Jewish Ethics for the Twenty-First Century*, p. 292

Case Study #3: Physician-Assisted Dying

SUMMARY OF KEY POINTS

At the age of sixty-eight, Eleanor receives a diagnosis of terminal cancer. Doctors told her that her illness cannot be treated, and she can expect to live for six to nine months. Rather than suffer the pain and loss of independence typical of the final stages of her cancer, Eleanor wants to avail herself of a state law allowing her to request a prescription that she can take to end her life at a time she chooses.

KEY QUESTIONS FOR DISCUSSION

1. Does Jewish tradition approve of suicide in a situation like Eleanor's?
2. Can Jewish physicians ethically participate in physician-assisted dying?

KEY TEXTS TO STUDY

- Text 1a—Ps. 24:1, p. 270
 Text 1b—*Mishneh Torah*. Laws of Proper Conduct 3:3 and 4:1, p. 270
 Text 2a—*Mishnah Yoma* 8:6-7, p. 271
 Text 2b—*Yoma* 85a, p. 272
 Text 3a—Exod. 21:18-19, p. 274
 Text 3b—*Bava Kamma* 85a, p. 274
 Text 3c—*Mishneh Torah*, Laws of Murder and Preservation of Life 11:4-5, p. 275
 Text 10a—*Semahot* 2:1, p. 301
 Text 10b—II Sam. 31:3-4, p. 302
 Text 11a—Lev. 19:14, p. 303
 Text 11b—*Sifra Kedoshim* 2:14, p. 303
 Text 12—*Mishnah Gittin* 5:9, p. 304
 Text 13—Cahan, “Who Shall Live...”, p. 305

Suggestions for Further Reading

For those who wish to learn more background about the subjects covered in the textbook, here are suggestions organized by chapter.

Introduction

On ethics as a field of study:

Simon Blackburn, *Being Good: A Short Introduction to Ethics, 2nd edition* (Oxford & New York: Oxford University Press, 2001)

An accessible, witty introduction to basic principles of the philosophy of ethics. The author's unusual approach walks the reader through some of the major schools of ethical thought.

Richard Burnor and Yvonne Raley, *Ethical Choices: An Introduction to Moral Philosophy with Cases, 2nd edition* (Oxford: Oxford University Press, 2017)

A readable introduction intended for college-level courses. Assumes little philosophical background on the reader's part.

Louis Pojman, *Life and Death: Grappling with the Moral Dilemmas of Our Time* (Wadsworth Publishing, 2000)

The author, who taught philosophy at the U.S. Military Academy, wrote this textbook for college courses in ethics. His introduction to the study of ethics discusses different philosophical schools in approachable terms. See suggestions for Chapter 6 below for information on the discussion of abortion ethics in this book.

On Jewish ethics:

Elliot N. Dorff, *To Do the Right and the Good: A Jewish Approach to Modern Social Ethics* (Philadelphia: JPS, 2002)

Readers interested in learning more about how Jewish ethics derives from close study of Rabbinic and related sources may consult the first chapter, “Fundamental Beliefs That Guide Jewish Social Ethics” and the appendices, which describe the philosophical bases of Rabbi Dorff’s ethical thinking.

Louis Newman, *An Introduction to Jewish Ethics* (United Kingdom: Taylor & Francis, 2019)

Written as a text for undergraduate courses, this book describes how Jewish ethical traditions evolved from biblical times to the present. The last chapter uses three cases, sex ethics, abortion, and war, to show “continuity and diversity” in contemporary Jewish ethical thinking.

For the history of the Dual Torah and its component works, consult:

Elliot Dorff, *Conservative Judaism: Our Ancestors to Our Descendants* (New York: United Synagogue, Revised Edition, 1996)

Originally written for United Synagogue Youth, this book is accessible to high school students. Chapter III includes a helpful section on “The Historical Development of Jewish Law”.

Jacob Neusner, *Rabbinic Literature: An Essential Guide* (Abingdon Press, 2005)

One of the leading scholars of Rabbinics in the late 20th century provides a readable explanation of how the various works and genres of Rabbinic literature shaped Judaism.

To learn more about different genres of the Dual Torah and how to study each of them, consult:

Barry Holtz, *Back to the Sources: Reading the Classic Jewish Texts* (Simon & Schuster, reprint edition 2008)

Each chapter explains the history, contents, and style of a genre of classic Jewish text and leads the reader through a sample of study.

To view the standard Talmud page with the text surrounded by commentaries, go to

[**A Page from the Babylonian Talmud**](#)

On contemporary American Jewish understandings of the halakhic tradition, consult:

Isaacs, Ronald H., *Every Person's Guide to Jewish Law* (Israel: Jonathan Aronson, 2000).

Appropriate for high school and above, this book provides a brief introduction to the nature and history of *halakhah*.

Barry L. Schwartz, *Jewish Theology: A Comparative Study* (A.R.E. Publishing, 1996),

especially Part III on *halakhah* from Orthodox, Reform, Conservative and Reconstructionist perspectives.

For approaches of specific movements in American Judaism to halakhah and ethics, consult:

Robert Gordis, Commission on the Philosophy of Conservative Judaism, *Emet Ve-emunah: Statement of Principles of Conservative Judaism*, New York: Jewish Theological Seminary of

America, 1988.

“A Statement of Principles for Reform Judaism,” Adopted at CCAR Convention in Pittsburgh, 1999, available at

<https://www.ccarnet.org/rabbinic-voice/platforms/article-statement-principles-reform-judaism/>

Jonathan Sacks, “Orthodox Judaism and Halacha,” available at

<https://www.myjewishlearning.com/article/orthodox-judaism-halakhah/>

Rebecca T. Alpert and Jacob J. Staub, *Exploring Judaism: A Reconstructionist Approach*,

Wyncote, PA: Reconstructionist Press, 2000.

1. Parents and Children

Gerald Blidstein, *Honor Thy Father and Thy Mother: Filial Responsibility in Jewish Law and Ethics*, (New York: Ktav, 1975).

A readable scholarly study of the Torah's commandments concerning children's responsibilities to their parents, the Rabbinic expansion of the commandments, and approaches taken by the medieval halakhists to applying the laws to real-life situations.

M. S. Cohen and M. Katz, editors, *The Observant Life: The Wisdom of Conservative Judaism for Contemporary Jews* (The Rabbinical Assembly, 2012).

The chapter excerpted in Texts 12b and 16b, by Daniel Nevins, offers a worthwhile survey of laws and traditions affecting the parent-child relationship. The author addresses a number of interesting problems caused by children's behavior that go beyond the scope of the chapter in *The Jewish Family Ethics Textbook*. Bear in mind that the volume expresses the point of view of Conservative Judaism.

2. Honesty

Sissela Bok, *Lying: Moral Choice in Public and Private Life* (New York: Vintage Books, 1999)

A carefully reasoned and accessible discussion of various aspects of deceit by a leading philosopher.

Steven H. Resnicoff, "A Jewish View of Cheating in School," [jlaw.com \(available here\)](#)

Concise delineates some of the Jewish values at stake to show why cheating in school is a specifically Jewish, not just a general moral issue.

Rabbi Joseph Telushkin, *A Code of Jewish Ethics, Vol. 1: You Shall be Holy*, (New York: Bell Tower, 2006)

Several chapters of this volume explore the ethics of truth-telling and avoiding falsehood.

3. Social Media

Elliot N. Dorff, *Love Your Neighbor and Yourself: A Jewish Approach to Modern Personal Ethics* (Philadelphia: JPS, 2003)

Chapter 2 presents a thoughtful approach to issues of privacy.

Elliot N. Dorff et. al., *The Oxford Handbook of Jewish Ethics and Morality* (New York: Oxford University Press, 2013)

Each chapter presents a stand-alone essay on an ethical theory in Jewish literature or a moral challenge, some of which are covered in this textbook. While the volume does not address social media directly, it includes a helpful summary of the ethics of speech that sheds light on one section of this chapter.

David E. Teutsch, *A Guide to Jewish Practice, Volume One: Everyday Living* (RRC Press, 2011)

This volume, from a series presenting a Reconstructionist approach to living a Jewish life, contains useful sections on “Ethics of Speech” and “Ethics of Technology.” The “Ethics of Technology” section discusses email, online discussion groups and other technology-based topics, but says little about social media specifically.

For a detailed look at the privacy issues raised by Google’s decision to sell inexpensive computers and software to school districts, see this New York *Times* [piece](#), “**How Google Took Over the Classroom**” (May 13, 2017).

4. Sex and Intimacy

Elliot N. Dorff, “This is My Beloved, This is My Friend:” A Rabbinic Letter on Intimate Relations (New York: Rabbinical Assembly, 1996)

Speaking for the Conservative Movement, Rabbi Dorff asks contemporary Jews to seek ways to live modern lives in accord with traditional Jewish sex ethics.

Lisa J. Grushcow, (ed.), *The Sacred Encounter: Jewish Perspectives on Sexuality* (New York: CCAR Press, 2014)

This collection of essays from the Reform Movement describes values for making sexual decisions and includes interesting personal reflections by several individuals.

Maurice Lamm, *The Jewish Way in Love and Marriage* (Middle Village, NY: Jonathan David, 1991), **Chapter 3: The Sexual Component in Love and Marriage**

This chapter offers a clear presentation of traditional Jewish sex ethics.

Danya Ruttenberg (ed.), *The Passionate Torah: Sex and Judaism* (New York: New York University Press, 2009)

This collection of essays by various writers includes interesting efforts to reimagine values from the traditional sources for modern, liberal Jews.

5. Medical Ethics at the Beginning of Life

J. D. Bleich, *Bioethical Dilemmas* (Hoboken, NJ: Ktav, 1998)

Chapter 7, “Artificial Procreation” and Chapter 9, “Surrogate Motherhood” concisely review Orthodox approaches to problems covered in this chapter.

-----, ***Judaism and Healing: Halakhic Perspectives*** (Hoboken, NJ: Ktav, 2002)

Chapters 15 through 18 provide Bleich’s Orthodox perspectives on assisted reproductive technologies; chapter 24 discusses human cloning.

Elliot N. Dorff, *Matters of Life and Death: A Jewish Approach to Modern Medical Ethics* (Philadelphia: JPS, 1998).

Part Two, “Moral Issues at the Beginning of Life,” includes detailed analysis of the techniques of assisted reproduction available as of the 1990s. Dorff, an expert in Jewish medical ethics, is a Conservative rabbi.

Elliot N. Dorff and Laurie Zoloth (eds.), *Jews and Genes: The Genetic Future in Contemporary Jewish Thought* (Philadelphia: JPS, 2015)

A collection of essays that can help readers understand the new science of genetics and its potential ethical implications. Strong sections on stem-cell research and genetic testing.

Michael Gold, *And Hannah Wept: Infertility, Adoption and the Jewish Couple* (Philadelphia: JPS, 1988)

While mainly interested in promoting adoption, the author, a Conservative rabbi, surveys ethical issues relating to infertility in an accessible manner. The book reflects the medicine and technology of the mid-1980s.

Miriam Z. Wahrman, *Brave New Judaism: When Science and Scripture Collide* (Brandeis, 2004)

Clearly explains the science behind various technological advances in terms those untrained in science can understand. Chapter 5, “Bone of My Bones and Flesh of My Flesh: Human Cloning” informed some of the thinking about cloning in this chapter.

6. Abortion

“Abortion: The Greatest Moral Problem of Our Generation,” in Louis Pojman, *Life and Death: Grappling with the Moral Dilemmas of Our Time* (Wadsworth Publishing, 2000)

Written for a college-level introductory course in ethics, this chapter provides an excellent survey of issues in abortion ethics and approaches to their solution. The author evenhandedly

describes strengths and weaknesses of each idea considered. We learn not only about the ethics of abortion, but how to construct successful arguments about difficult ethical topics. Instructors may want to explore chapters of this book on other hot topics in ethics.

Bleich, J. David, “Abortion,” in *Judaism and Healing: Halakhic Perspectives* (Jersey City, NJ: Ktav, 2002)

This chapter presents the views of a leading Orthodox halakhist and bioethicist affiliated with Yeshiva University. It offers another view of how contemporary Jews should understand the classical textual traditions about abortion. Reading it also illustrates T. Meacham’s thesis (Text 11) that Orthodox decisors adopted rhetoric of the pro-life movement in the wake of the *Roe v. Wade* decision of the Supreme Court of the United States.

Dorff, Elliott, *Matters of Life and Death: A Jewish Approach to Modern Medical Ethics* (Philadelphia: JPS, 1998)

The leading Conservative authority on Jewish medical ethics covers a variety of topics. See pages 101-102, in the chapter on “Having Children Using Donated Genetic Materials,” a brief section about “The Problem of Selective Abortions.” Rabbi Dorff briefly discusses Jewish ethical principles involved in thinking about fetal reduction.

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

Chapter 15 discusses abortion. The author interprets the texts related to abortion in a manner that creates a strong sense that abortion is prohibited except in the rarest of circumstances. Worth reading to understand a contemporary Orthodox perspective on the issues.

Schiff, Daniel, *Abortion in Judaism* (Cambridge and New York: Cambridge University Press, 2002)

This book surveys the history of abortion in Jewish legal literature without having a position on the question that it wants to substantiate. Schiff examines sources in their historical context, shedding light on developments in Jewish thinking about abortion over time.

The website Religioustolerance.org provides a number of articles delineating the abortion debates in the U.S. today. The authors achieve an admirable degree of objectivity, fairly presenting all sides of the controversy.

7. Medical Ethics at the End of Life

Elliot N. Dorff, *Matters of Life and Death: A Jewish Approach to Modern Medical Ethics*
(Philadelphia & Jerusalem: JPS, 1998)

Articulates reasons for using the halakhic tradition as a primary source of Jewish medical ethics.
Offers clear and incisive analyses of typical dilemmas that arise during illness and dying.

Stephen G. Post, ed., *Bioethics for Students: How Do We Know What's Right? Vol. 1: issues in Medicine, Animal Rights, and the Environment* (New York: Macmillan Reference USA, 1999)

While slightly dated, this volume is written to help high school students understand the issues.
Teachers may find the discussion of the complexities of defining death and the various aspects of euthanasia helpful.

James D. Torr, ed., *Current Controversies: Medical Ethics* (San Diego, CA: Greenhaven Press, 2000)

Provides articles arguing both sides of controversial issues in biomedical ethics, including:
should physicians ever hasten patients' deaths; organ transplantation; reproductive technologies;

and aspects of biomedical research. Scientific knowledge has outstripped some of the material in the book, published in 2000.

Jason Weiner, *Jewish Guide to Practical Medical Decision-Making*, (Jerusalem/New York: Urim Publications, 2017)

Offers thoughtful discussions of dilemmas that arise in the work of an Orthodox chaplain at a large, academic hospital. The author combines extensive research in halakhic literature in the U.S. and Israel with sensitive understanding of the needs of patients, their families and those who care for them.

APPENDIX
THE SKILLS OF HAVRUTA STUDY

Havruta study exercises a specific set of skills; like any new skill, it requires practice.

The best available study of how havruta learning works is Holzer and Kent's *A Philosophy of Havruta: Understanding and Teaching the Art of Text Study in Pairs* (see Suggestions for Further Reading). Most readers likely will not feel the need to study the philosophical sections of closely. Those new to havruta study, or with limited experience in it, will benefit from thinking about the five skills of havruta study the authors describe, and from the exercises they created to help students practice the skills. What follows is a brief description of the skills of *havruta* study based on Holzer and Kent's work.

The first skill set to develop is *questioning for interpretation*. Asking good questions serves the goal of reaching the best possible interpretation of a given text. Before asking questions or taking any other step toward deciding what the text means, it's important to read the text slowly and carefully. Holzer and Kent recommend reading a new text at least twice. I train all my students to do this, because you will usually notice something on the second pass that you missed the first time. Some havrutot will ask a few questions or point out something of interest after the first reading; others will go directly to the second.

After reading the text carefully, the next step is to pose questions that will lead to interpretations of the text's meaning. Not all questions contribute equally to that objective. Sometimes you may need to ask a question with a straightforward answer: "What does this term mean?" "When did this rabbi live?" But fruitful havruta discussion is most likely to follow from what Holzer and Kent dub "open" questions. Such questions do not lend themselves to a single, right-or-wrong answer. Open questions offer a choice between alternative interpretations.¹

¹ Holzer and Kent, 93.

Posing open questions invites you and your partner to consider different possibilities for understanding the text in front of you. As you debate the answers, you will arrive at interpretations and decide which answers better suit the words of the text you read.

The second skill set, *listening for interpretation*, requires you to think about your interpersonal relationship with your study partner. *Havrutot* naturally exchange ideas with each other. Text interpretation happens quickly in the course of discussion. Each partner needs to practice not only saying what they think, but also listening to the other person.

While listening to your study partner may sound simple, even obvious, two pitfalls complicate the situation. One is what Holzer and Kent call a “narcissistic attitude.” A person may make up their mind what the text means and pay little attention to any alternatives offered by their interlocutor. At the other extreme, a student may adopt an “attitude of self-effacement,” adopting whatever their partner says about a text without trying to work out their own sense of its meaning. Instead, every student should try to achieve an “attitude of listening,” genuinely absorbing and processing what they hear both from the words of the text and the ideas of their *havruta* partner.²

The next pair of skills in Holzer and Kent’s framework of *havruta* study is *supporting and challenging*. These skills contribute to the overall goal of arriving at the most compelling possible interpretations of the text. They are two sides of the same coin. Partners must support each other in developing their ideas to their fullest potential. One need not agree with a partner’s idea in order to help them improve it. Similarly, one need not reject a partner’s idea in order to challenge them. Pointing out weaknesses in a suggestion may cause them to rethink it; but it may

² Holzer and Kent, 113.

also help them find evidence to overcome the objections and thereby strengthen their theory. Both possibilities lead to the desired outcome of a better understanding of the text.

Supporting and challenging in *havruta* work require a good understanding of your own personality. For some people, offering others support comes naturally. They find it harder to challenge their partner, fearing that any negative feedback might lead to tension. If that is true for you, practice gentle ways of pointing out weaknesses in your partner's ideas. Asking questions works well. Questions such as "Where do you find that in the text?" or "What evidence do you have for that way of reading it?" guide the other person to clarify their thinking without implying rejection or telling them they are wrong. If, on the other hand, you have trouble supporting your partner, perhaps out of a desire to show that you understand the text better, practice ways of encouraging your partner to pursue their own understanding. A useful way of doing that is to find a piece of evidence that favors their reading. You do not need to be convinced by it to support your partner's efforts at interpreting the text in front of you.

The next step in good *havruta* study is *evaluating interpretations*. Questioning, listening, supporting, and challenging lead a *havruta* to a variety of possible understandings of the text. But not all interpretations are equally compelling. Some succeed better than others at making sense of the text and unraveling its layers of meaning. While traditional Jewish sources contain many, often conflicting voices (see the Introduction for more on this subject), the fact remains that some interpretations work better than others. *Havrutot* need to do the work of deciding which of the interpretations they discuss make the most sense.

If not all interpretations are equal, students must evaluate them. Practice discussing with your partner the strengths and weaknesses of the interpretations you generate. Listen to criticism

of your ideas with a view to improving your interpretations and be prepared to change your mind if you cannot.

These conversations lead naturally to the last set of skills for *havruta* study, which Holzer and Kent call *dialoguing with texts and partners*. The authors ask us to consider the text itself as the third partner in any *havruta*. Like the human students, the text asks a question or questions; poses answers; and expresses a point of view. When we study an unfamiliar source, we try to reconstruct the text's question and understand its answer and point of view. In response, we think of our own answers to the same question. We bring to bear our own point of view, which may differ dramatically from that of the text. As we study, we should try to become consciously aware of this process. We need to hear the metaphorical voice of the text (or its authors) as much as we listen to the ideas our study partners express. Treating the text in this way leads to more complete understanding and helps us achieve interpretations that do justice both to the text and to ourselves as readers.³

³ Holzer and Kent, 167-183.