

# SJE PROGRAM NEW ORLEANS 2011

Thursday 6<sup>th</sup> January 2011

**1:30-6:40pm**                    **Jewish Bioethics Affiliate Group of the SJE**                    *Grand Ballroom A*

1:30-3:30pm                    *Session 1: Reflective Pathways in Jewish Bioethics*

Jonathan Cohen, HUC

"Halakhah, Aggadah, and Jewish Bioethics"

Jewish Bioethics is at a methodological crossroads. In recent years, a great deal of attention has been paid to "Aggadic" approaches to bioethics, approaches which some feel broaden the discourse, and which would free bio-ethicists to address some of the issues presented by an ever increasing social and technological complexity. This paper warns that the shift may not be quite as easy as it seems, and suggests that much of the use of Aggadah has, in fact, simply mirrored the Jewish tendency to seek solutions to specific problems through halachic "psak". Drawing on "post Modern" literary theory, the presenter is prepared to enrich the conversation and struggle with the consequences.

Aviad Hollander and Yitzchak Roness, Bar-Ilan University

"Modern Talmudic Research and Jewish Bioethics: Rabbinic Eugenics as a Case Study"

Talmudic research has deepened our understanding of the historical complexity of rabbinic literature. The later unification of various earlier literary strata, originating in vastly different cultural regions, obstructs the attempt to attain a true historic understanding of the rabbinic view on any given topic. Even assuming the theoretical ability to arrive at the historical "truth" regarding the original rabbinic conception, the logical foundation for the application of their understanding to present circumstances is far from simple. Through the analysis of various rabbinic statements containing eugenic assumptions, we will discuss the impact of this understanding upon the Jewish bio-ethicist's attempt to derive contemporary lessons from such early rabbinic sources.

Jonathan Crane, The Center for Ethics, Emory University

"Revitalizing a Dying Story: Narratives, Norms and Bioethics"

Rabbi Chananya ben Teradyon was burned alive by the Romans, and for contemporary Jewish bioethicists this story supports condoning or condemning euthanasia. I examine this curious bioethical practice of reading a(n ancient) narrative to make a (modern) norm. It is particularly complicated because there are multiple versions of Chananya's demise in the Judaic textual tradition, and a composite of them obscures any clear position about interfering with someone's dying process – facts that few if any bioethicists admit. Insofar as such stories are both content-wise ambiguous and normatively ambivalent, what can modern Jewish bioethicists do if they want to gain guidance from the Judaic textual tradition?

Convener:     Laurie Zoloth, Northwestern University

**3:45-5:05pm**                    *Session 2: Medical Law and Jewish Values*

Jill Abromowitz Gutmann, HUC

"Wrongful Birth Suits: a Modern Jewish Ethical Dilemma"

Advances in genetic testing and pre-natal screening have resulted in a growing number of wrongful birth lawsuits. These suits stem from an allegation of being hindered by a malady occurring in the course of one's dependent's birth. This paper explores the ethical dimensions of wrongful birth through the lens of Jewish sources. It asks the questions, "Is it permissible for Jewish people to file wrongful birth lawsuits, and what halakhic restrictions and implications are there to allowing such suits?"

David Harari, UGC & MSSM

"Medical Coercion and Patient Autonomy: Understanding the Israeli Patient's Rights Act"

Patient autonomy is perhaps the most central pillar of contemporary medical ethics. The Israeli Patient's Rights Act (IPRA) affirms the patient's right to autonomy and informed consent, but also includes an escape clause that effectively allows physicians to impose life-saving treatment on competent patients in select circumstances. The institution of medical coercion in Israel is best understood as a reflection of both normative Jewish moral theology and Israeli social structure. This thesis analyzes the IPRA's escape clause, probes its religious/cultural origins, addresses the arguments in favor of its morality, and attempts to determine the role, if any, of coercion in medical decision-making.

Convener:     William Cutter, Hebrew Union College

5:20-6:40pm      *Session 3: Respecting the Dying and the Deceased*

Neil S. Wenger, UCLA School of Medicine

"How One Defines Death has Implications for Care Provided to Dying Persons"

The definition of death according to U.S. law has important implications for ceasing inefficacious treatments and retrieving vital organs for transplant. However, religious authorities may disagree with when it is permissible and appropriate to remove "life-support" modalities. We present a case in which a conflict between a traumatized family guided by a religious authority and physicians led to disrespectful handling of the body of a dead person, interruption of loved ones' natural grieving process and wasteful use healthcare resources. We explore the tension between respect for religious mores and the professional responsibility not to treat a dead person as if he were alive.

Jason Weiner, Cedars-Sinai Medical Center

"Jewish Legal Perspectives on Burial in a Mausoleum"

This article seeks to trace and analyze Jewish burial customs and law through primary sources from Tanach, through the Talmud, Rishonim and classical and contemporary Poskim, including Conservative and Reform response and academic research, as they apply to interment in a "mausoleum," "crypt," or "wall space." The analysis focuses on the traditional reasons behind Jewish burial customs and how they apply to contemporary circumstances, offering an organized and nuanced approach to this complex issue.

Convener:      Elliot Dorff, American Jewish University

## Friday 7<sup>th</sup> January 2011

**9:00-10:30am**

**Plenary**

*Grand Ballroom CD*

Speaker: Charles Curran, Southern Methodist University

"How Are Theological Ethics Theological?"

Respondent: Diane Yeager, Georgetown University

In my view, Christian ethics from a theological perspective also recognizes human sources of moral wisdom and knowledge that Christians share with others. However, an overemphasis on quandary ethics has tended to downplay the uniquely Christian aspects. These uniquely Christian aspects come to the fore especially in considering the subject pole of ethics--the Christian person and the virtues that mark the Christian person. However, Christian ethics in general has not developed enough this aspect of the discipline.

Convener:      Lisa Sowle Cahill, Boston College

SESSION 1

11:00am – 12:30pm

*Toulouse B*

ACJB Sponsored Session: Jewish Worldviews and the Challenges of Biological Science

Presenters:

1. Heidi M. Ravven, Hamilton College:

Title: "What Maimonides and Spinoza can teach us about Moral Psychology and Agency"

Abstract:

After summarizing the new evidence from the brain sciences that is challenging the standard notion of free will agency, I argue two main points. First, I provide historical evidence that the free will model of moral agency that is still culturally dominant today has its origins in an Augustinian Christian theological anthropology that was secularized (but not fundamentally changed or relinquished) within the course of the standard history of philosophical ethics. Second, building upon what I argue is Maimonides' radical naturalism, Spinoza's philosophical anthropology anticipated a

biological and systems model of the human person that is only now being confirmed and extended by the neuro- and cognitive sciences. It provides the resources for a revised and scientifically plausible model of moral agency.

2. Paul Root Wolpe, Emory University and Laurie Zoloth, Northwestern University:

Title: “Jewish Approaches to Synthetic Life: Comparative and Ethical Reflections”

Abstract:

The development of a so-called artificial cell — really a natural cell with a computer-generated genome — brought to the attention of the public the enterprise of synthetic biology, which tries to use genetic and biological technologies to create new forms of life on the microbial level. The artificial cell created by Craig Venter was the first living thing in history to have a computer as its parent and a DNA synthesizer create its genome. Synbio is a further step down the road of biotechnological power, and it raises questions of safety and harm, hubris and the limits of human creativity, and speed and incrementalism. We will look at these questions through a Jewish lens, and compare other religious approaches to synbio as well.

Convener: Noam Zohar, Bar-Ilan University

## SESSION 2

Friday 7<sup>th</sup> January 2011  
2:00pm – 3:30pm

*Bienville*

Presenter:

Michael Chernick, Hebrew Union College – Jewish Institute of Religion:

Title: “Lore That Subverts Law – The Case of bKetubot 62”

Abstract:

Law and non-legal narratives often appear on a single page of Talmud. This paper presents a study of how lore sometimes serves as an ethical subversion of law. A talmudic law states that Torah scholars may leave their wives for several years to pursue their studies. This borders on legal violation of the couple’s marriage contract and is a likely source of pain and deprivation to a wife. The talmudic story is about a student who fails to return to his wife after a single year’s absence. He dies as punishment for causing her to cry. Later commentary on the passage reveals how this ethically problematic law’s authority was formally maintained but was actually neutralized in favor of ethics.

Respondent: Lisa Fullam, Jesuit School of Theology, Santa Clara University

Convener: David Teutsch, Reconstructionist Rabbinical College

## SESSION 3:

Friday 7<sup>th</sup> January 2011

*St. Louis*

4:00pm – 5:30pm

Presenter:

Chaya T. Halberstam, King's University College at the University of Western Ontario

Title: "Reclaiming Justice: A Rabbinic Response to Job"

Abstract:

When Job protests the injustice done to him, he does not invoke the covenant; instead, he appears to evoke something larger: a sense of natural justice; a belief in the intrinsic, necessary connection between sin and punishment and virtue and reward. In this paper, I argue that much like Job, the early rabbis upheld an independent standard of justice of which procedural justice—the right to a fair hearing, the right to speak in one's own defense, the right to have your verdict proven through empirical evidence—was a cornerstone. I draw on John Rawls' delineation of the four different forms of procedural fairness in order to read chapters 5 and 6 of Mishnah Sanhedrin and Piska 307 of Sifre Deuteronomy through the lens of procedural justice. I bring together these halakhic and aggadic texts to show that just as the rabbis crafted a transparent system of procedural justice for their own, human courts, they also, through the device of narrative, imagined God abiding by such a standard.

Respondent: Jonathan Rothchild, Loyola Marymount University

Convener: Toby Schonfeld, Emory University

#### SESSION 4:

Saturday 8<sup>th</sup> January 2011  
9:00am – 10:30am

*St. Louis*

Presenter: Yechiel Michael Barilan, Tel Aviv University

Title: "Beyond Consent: Mutual Affectionate Joy in Rabbinic Sexual Ethics and the Rabbinic Treatment of Homosexuality"

Abstract:

The presentation consists of three parts. First, it will be argued that rabbinic construction of homosexuality differ substantially from its image in Pagan, Christian and Muslim cultures. In the second part, some synthetic explanations to the rabbinic attitudes to homosexuality will be offered. The third part is even more speculative. It will explicate an ethics of sexuality inspired by the sources discussed and by Maimonides' unique definition of proper consent to sex. This ethics of sexuality is already hinted upon in Genesis – by the association of procreation and the blessing of dominion with the Image of God in humans.

Respondent: Margaret Farley, Yale University

Convener: Susan Albersheim

**2:00-3:30pm**

**Plenary**

*Grand Ballroom CD*

Speaker: Susan Frank Parsons, Editor of Studies in Christian Ethics  
"How Are Theological Ethics Theological?"

Respondent: Samuel K. Roberts, Union Theological Seminary - PSCE  
Convener: Robin Lovin, Southern Methodist University

SESSION 5:

Saturday 8<sup>th</sup> January 2011  
4:00pm – 5:30pm

*St. Charles B*

“How Theological Ethics Are Theological: Christian, Jewish, and Muslim Perspectives”

Panelists:

Ayesha Chaudhry, Colgate University (SSME)  
James Calvin Davis, Middlebury College (SCE)  
Aaron Gross, University of San Diego (SJE)

Abstract:

Panelists representing the SCE, the SJE, and the SSME will present papers and participate in an interfaith discussion of the question, "How are theological ethics theological?" The purpose of the discussion is to explore and compare constructive answers, and so, rather than survey of how the question has been treated (or not) in her or his own faith tradition, each panelist will outline her or his own views.

Convener: David True, Wilson College

SESSION 6:

Sunday 9<sup>th</sup> January 2011  
9:00am – 10:30am

*Grand Ballroom C*

Presenter: Michael Fishbane, University of Chicago

Title: “The Ethics of ‘Sacred Attunement’”

Abstract:

My lecture will undertake two tasks. The first will be to recapitulate the ethical components presented in my theological work *Sacred Attunement*, and thus underscore the central place of ethical reflection and action in its consideration of Jewish spiritual practices (with particular emphasis on the hermeneutics of sacred scriptures). The second task will seek to formulate a phenomenology and dialectics of ‘sacred attunement’ as the deep structure of a living ethics. The ultimate and unfolding divine ground of this matter will be considered.

Respondents: Robin Lovin, Southern Methodist University

Convener: Jonathan Schofer, Harvard Divinity School

SESSION 7:

Sunday 9<sup>th</sup> January 2011  
11:00am – 12:30pm

*Bienville*

Presenter: S. Daniel Breslauer, Emeritus Professor University of Kansas

Title: “Prophecy, Ethics, and Social Involvement: Moses Maimonides, Baruch Spinoza, Abraham Heschel”

Abstract:

Abraham Joshua Heschel, as is well known, actively participated in movements to improve American society. His moral approach is characterized by three elements: a positive view of religion’s task in speaking to social and political issues, a reliance on prophetic rhetoric to influence his audience, and an ethics built on broad general principles rather than on detailed Judaic legislation that allowed him to speak to Jews and non-Jews alike. Despite his explicit criticism of philosophers such as Moses Maimonides and Baruch Spinoza, Heschel drew on their teachings when developing his own approach. His stance promises the possibility of a religious moral coalition today just as it did during his lifetime.

Respondent: Joe Keith Green, East Tennessee State University

Convener: Moses Pava, Yeshiva University