
The Peculiarities Of Bioethics In Judaism

Judaism ethics pervade into the everyday lives of Jewish adherents. They stem from the legal system that has developed alongside Halachah, meaning 'a going with God' and prescribes how a Jewish person should behave. The basics of ethics originated from the decalogue given to Moses, determining that ethical life requires a spirit of mishpat (justice), tzedakah (righteousness), chesed (kindness) and rachamin (compassion). Rabbi Hillel summed up how to live an ethical life for Jewish adherents, "what is hateful to yourself do not do to your fellow-man." (Talmud, Shabbat 31). For a devout Jew, the beauty of having so many laws mean they don't have to doubt how to act in ways to please God.

Bioethics are particularly important as it's the moral discernment adjoining the taking, altering or giving of human life. The value of human life is intrinsic within Judaism, as it derives from God who made human beings in his own image (Genesis 1:26-27), therefore, Jews must be aware of tampering with the natural order of life and death. The basic concept of bioethics stems from the sanctity of life, "whoever destroys a life is regarded as having destroyed the entire world." (Jerusalem Talmud 4:5). Thus, Judaism believes they are stewards of the life that is given to them (Genesis 2:7), exemplifying the importance of living an ethical life to Jewish adherents. Variants of Judaism approach bioethics slightly differently as the leniency of their beliefs fluctuate.

Orthodox are resistant to the idea that biblical mandates can change in response to changing circumstances, contrastingly, most Reform Jews believe in progressive revelation, that the will of God is constantly unfolding and his voice can be heard in his own time. For many Reform Jews, the Halachah is a guideline, not a divine law. Conservative Judaism is halfway between Orthodox and Reform with traditional practices that are interpreted in light of contemporary Jewish knowledge. This transcends to their interpretations of bioethical issues. Reform and Conservative are more open to rabbinic interpretation whilst Orthodox rabbis are more cautious about laying down standards as they believe they should use all available knowledge to heal, "and when one delays doing so, it is as if he has shed blood" (Shulchan Aruch, Yorei De'ah 336:1). In regards to euthanasia, Orthodox rabbi Eliezer Waldenberg states "no withdrawing or holding of medicine" is permitted but allows "pain medication". Contrastingly, Conservative rabbi Avraham Reisner is more lenient, "permit[ing] withholding of medication and artificial respiration but not nutrition and hydration". Reform rabbi Peter Knobel suggests that when the divine image (tzelem Elohim) is affected by extreme pain, "euthanasia may be permitted". This viewpoint is derived from Maimonides' interpretation in the 'guide for the perplexed', "God created drugs and medicine...we must use them in warding off illness and disease." The main sources of bioethics for a Jewish person are their sacred texts and writings, interpretations of these passages determine what different denominations (Orthodox, Conservative and Reform) mostly believe about bioethics. However, the way the scriptures apply to clinical decision-making differs slightly.

Traditional Jewish ethical understanding comes from three main sources. The Talmud, Talmud, a collection of discussions by the rabbis on the Tanakh, including ethics. No Jewish law was developed without reference to the Talmud, therefore, creating a lens in which Jewish adherents read the Torah. The Tanakh includes the Torah, Nevi'im (prophets) and Ketuvim

(writings) and the Mishneh Torah, written by Moses Maimonides to make the Talmud more accessible and understandable to those with limited education. Inspired by these Orthodox sources, Reform and Conservative Jews make their rulings more flexible, in which the Halacha is only one source of moral authority. Despite the contradictions, most Jewish adherents believe a prominent principle of bioethics; the sanctity of human life. This key reference is found in Micah 6:8 in the Torah, "He has told you, O man, what is good. What does God require of you but to do justice, to love kindness and to walk humbly with your God?" Pikuah Nefesh is the "obligation to save a life in jeopardy even to the extent of violating other commandments".

This is derived from Torah, "thou shalt not stand idly by the blood of thy neighbour" (Leviticus 19:16). Rabbi Simon Glustrom explains that one is not simply allowed but "required to disregard a law that conflicts with life", justified through the Code of Jewish law (Shulhan Arukh). However, there are four exceptions to this teaching: murder, idolatry, adultery and incest cannot be transgressed. The Talmud describes multiple scenarios where the mitzvot can be broken. For example, on the Sabbath extinguishing a fire is forbidden, however, if the flame is life-threatening, a bystander or a person trapped by the flames should extinguish the fires to be ethically correct. Most Jews, according to the Halacha, treat the foetus with a status of "potential human life" and cannot be aborted without a convincing medical reason. Contrastingly, the mother's life is frequently believed to be "actual, in existence and therefore, more valuable", whilst the foetus is considered a 'rodef', indicating that the baby is subordinate to the mother's life. This is in accordance to Exodus 21:22-24 in the Torah, explicitly stating that if a "women with child[']s" "fruit departs", they persecutor will be "fined", however, "if other damage ensues, the penalty shall be life for life". However, as the Talmud additionally states the "foetus" under "40 days" is "mere water" (Yevamot 69B), Judaism's position on abortion is nuanced.

In the case of Esther and Abraham, there is often rabbinic support for aborting the baby as it has a terminal illness. This prevention of severe illness is generally regarded by the Halacha by Reform and Conservative Jews as saving a life. However, Esther should complete the abortion now as once the baby's head has emerged from the mother, "termination is no longer allowed" as the Torah says "do not murder". In 1983, The Conservative rabbinical authorities permitted abortion "if...foetus is judged...as severely defective", thus most would advise Esther to have an abortion. The Reform Jews have a similar approach, in 1958, they determined that abortion is permitted for the mother's mental well-being if there is "strong...medical opinion that the child will be born imperfect". However, the nuance is articulated through the Orthodox Jewish community, Orthodox Rabbi Ben Shaprio believes that our "bod[ies] are on loan", the majority do not support broad legal protections. However, some Orthodox rabbis are more liberal and would allow Esther to abort to avoid psychological trauma on the mother. They are more hesitant in laying down standards.

In contrast, Miriam and Simeon's case is considered "trivial". In this instance neither the life of the mother, nor the wellbeing of the child is in jeopardy. According to Rabbi Ishmael, this classifies as ordinary circumstances (if medical professionals determine the child would not severely affect the mother psychologically). He references the sages of the Talmud, "one who sheds the blood of man within man" to argue that cases such as Miriam should not abort. Kavod habriyot applies to this (respect for human dignity) and as such the possibility of potential human life must be valued. Most Orthodox and Conservative Jews would agree that Miriam should not have an abortion as the case is not severe, the baby is simply an inconvenience. Some Reform communities may be more lenient, in 1965 they passed a resolution "appeal[nig]

for liberalization of the abortion laws". Euthanasia is the painless killing of a suffering patient. The Jewish belief system has a nuanced approach to euthanasia. Active euthanasia is when death is brought about by an act whilst passive is the withholding of support.

The majority of Jews, regardless of their denomination forbid active euthanasia based on rabbinical discussions and sacred texts. The Talmud states that "one who is in a dying position (goses) is regarded as a living person in all respects" (Semahot 1:1), Dr Rachamim Melamed-Cohen expands this by stating that "it is wrong for anyone to shorten a human life" as Judaism regards life as sacred. Every book of the Pentateuch defies against murder, with the second saying, "thou shalt not murder" (Exodus 20:13). The Talmud further forbids active euthanasia, "He who closes the eyes of a dying person while the soul is departing is a murderer".

Passive euthanasia is more nuanced. 13th century Rabbi Judah the Pious ruled that one should remove obstacles (Shulchan Aruch) that prevent death, culminating in a range of rabbinical interpretations due to modern medicine. Orthodox rabbis are more cautious about laying down standards as they believe they should use all available knowledge to heal, "and when one delays doing so, it is as if he has shed blood" (Shulchan Aruch, Yorei De'ah 336:1). Orthodox rabbi Eliezer Waldenberg states "no withdrawing or holding of medicine" is permitted but allows "pain medication" to be utilised. Reform and Conservative are more open to rabbinic interpretation, Conservative rabbi Avraham Reisner, "permit[s] withholding of medication and artificial respiration but not nutrition and hydration". Reform rabbi Peter Knobel suggests that when the divine image (tzelem Elohim) is affected by extreme pain, "euthanasia may be permitted". This viewpoint is derived from Maimonides interpretation in the 'guide for the perplexed', "God created drugs and medicine...we must use them in warding of illness and disease."

However, recently another perspective within Judaism has arisen. Reform Rabbi Peter Knobel suggests that in cases of extreme suffering "active euthanasia is permitted" when the patient has "waived his/her right not be killed" and agrees to the proceedings. Most rabbis generally accept the use of IVF programs as it assists infertile couples to fulfil the mitzvah, "Be fruitful and multiply" (Genesis 1:28). Rabbinic authorities additionally base the agreement on the experiences of the Matriarchs in the Talmud. Rachel was infertile and utilised dudaim (plants that promoted contraception) to conceive. She then states she was "remembered" by God and he "has taken away [her] disgrace" (Genesis 30:14), exemplify that God agreed with her 'assisted reproduction'. Thus most halakhists have "embraced the development of technology to assist fertility" (C. Hartney, Cambridge SOR) where the donors of the egg and sperm are husband and wife. However, there are differing objections raised within Jewish denominations.

Many Orthodox rabbis require trained supervisors present during IVF of Jewish couples to ensure that halachic protocol is followed and an accuracy is maintained. Some rabbinical authorities reject the idea of donor eggs, others believe it is acceptable if the husband consented. However, this the identity of the mother is vital because Jewish identity is based on matrilineal descent. Some halacha authorities regard the birth mother as having maternal status, others the egg donor.

There is additional controversy regarding how semen may be produced. The Torah regards "spilling of seed" to be "evil" (Genesis 38:9) and some rabbis insist other techniques should be used.

There are serious moral considerations in regards to the excess eggs and embryos. The Committee on Medical Ethics of the Federation of Jewish Philanthropies of New York decided “that a fertilised egg not in the womb, but in...the test tube...does not have humanhood”. Most Reform and Conservative Jews agree and allow extra embryos for research; however, it is not generally accepted by Orthodox Jews as they believe Jewish law forbids destruction of a pre-embryo as it has the potential to implant. They additionally object to the donation of these embryos to another couple because of the potential the children may inadvertently commit incest, condemned by the mitzvot. However, they still widely accept IVF, Dr. Richard V. Grazi claims that about “1/3 of [his] practice...are Orthodox Jews”. Rabbi Moshe Hershtler raises more protests that could become relevant with future technology. He claims that a foetus incubated may be considered a “golem (artificially created human being), however this is not largely considered within the Jewish community. Therefore, IVF is still widely accepted but the how it is achieved slightly differs between different Jewish groups along with their objections. Organ donation is widely accepted across all denominations within the Jewish community within parameters. Jewish tradition considers organ donation under pikauch nefesh (value of saving a life), compounded by the Talmud, “whoever saves a single life is considered...to have saved the whole world”. Rabbis and scholars have upgraded organ donation when patient is dead to a mitzvah chiyuvit (obligatory). The Conservative movement endorsed that position in 1995, establishing that organ donation is required. However, many Jewish people may view organ donation as unacceptable. In a 2005 study of Jewish College students in Sydney, it discovered that 40% knew Judaism permitted it, 40% thought they didn't and 20% did not know whether Judaism had a position. This has resulted in various sects creating non-profit organisations to increase organ donation within the Jewish community. Orthodox Judaism has begun a Halakhic Organ Donors Society, dedicated to increasing organ donation.¹ Reform Judaism encourages donation and promotes Jews to carry a card that signifies their consent.

However, views change if a live transplant would place the donor in mortal danger, it should not be undertaken. Deuteronomy 4:9, says to “take heed to thyself and keep thy soul diligently”, this is interpreted by Talmud and Maimonides to mean that a person is obligated to avoid dangerous situations. Kidney is the most common and the dangers are low so the risk is not great. However, liver transplant is considered riskier and may be prohibited by some Orthodox rabbis. They can only donate organs that you can live without or replenish.

Donating organs after death is controversial. In the late 1960s the Jewish community accepted the cessation of brain activity as the definition of death. The Reform movement's position, according to Rabbi Mark Washofsky is to “permit transplantation of organs for any medical reason” as it overrides all traditional prohibitions against deriving benefit from the dead. Conservative and Orthodox usually endorse the principle of k'vod ha-Met (honouring the deceased), found in Deuteronomy 21:22-23, that include prompt burial and respectful treatment of remains whilst continuing to support organ donation.