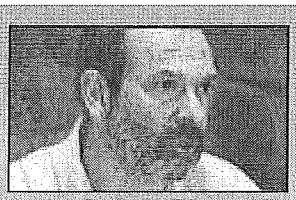

Click picture above to view highlights from Rabbi Knobel's address.

Ten Thoughts on Jewish Bioethics and Public Policy

Transcript of Rabbi Knobel's address delivered at the Kalsman Institute deliberation Brandeis-Bardin Institute, Simi Valley, CA

March 2001

by Rabbi Peter Knobel

So the first statement I'd like to make, one which I hope is unassailable...

One:
Judaism is about personal and collective meaning.

Statement two:
Personal and collective meaning comes from an ongoing reflection on texts, namely a conversation between the texts of our people, and the texts of our lives.

Three:
Whatever we mean by Jewish ethics begins with an assumption that we have a responsibility to God. That there is a sense of duty, which transcends simply the question of human meaning by itself.

Four:
Religious ethics, and Jewish religious ethics especially, are rooted in a Jewish narrative which challenges the Enlightenment narrative that reason and science can solve any conundrum and that Jewish religious ethics is also a challenge to a variety of other religious narratives, other religious ethics, and that the Kalsman Institute is in a unique place to bring those various narratives into conversation with one another.

Five:
Most Jewish bioethics today follow a halakhic or quasi-halakhic model. The question that is usually asked is what is permitted, what is prohibited. I would suggest that this is a limited view of ethics. We should be about persons and not acts and therefore we ought to be thinking about an Aggadic Ethic, which would offer a range of choices based on this collective Jewish narrative but applied to our individual stories.

Six:
Basically Jewish ethics are prophetic, Jewish ethics are subversive, Jewish ethics are about justice, Jewish ethics are about speaking truth to power and Jewish ethics ultimately are about what is the nature of a just society. Therefore, Jewish ethical reflection has to talk about questions of health, wellness, and wholeness as well as illness and brokenness. A Jewish religious bioethic has to talk about scarcity and abundance, and it has to offer a serious reflection for public policy.

Seven:
People live in communities and therefore it is necessary to think about a communal context for decision making, and to decide what the nature of the various communities are and who are those people who are in community with one another, and also to look not only at small communities, but what we mean by a human community.

Eight:
Ultimately, when it comes either to bioethics or to social public policy, we need to think about an ethics of encounter, transactions between persons, how medical care will be delivered, what is the relationship between caregiver and cared-for. We need to move beyond cost benefit analysis toward notions of justice.

Nine:

We need to do two kinds of ethics. One is what I call Academic Ethics, that is what is done by many of the ethics think tanks, that is what is done by many of us who have written in the area of ethics. But we also need to do what I would call Practical Ethics, which is the translation of academic ethics into the intimate encounters between people. Yesterday we referred to it in some ways as practical theology. I think Practical Theology and Practical Ethics are two sides of the same coin.

And finally number ten:
And for me this is probably the most important. I would like to identify what I would call either an Ethics of Imagination or Imaginative Ethics. I have a principle which is, if we can conceive of something as being possible, we will someday be able to do it. One of the things that I think has been a particular problem is that we do not have an ethics of anticipation. All of our ethics are reactive rather than proactive. And so I would like to identify several issues that I think we need to think about from a bioethical and a public policy point-of-view.

- First of all, what are the consequences of the genome project and genetic engineering for the nature of what it means to be a human being?
- Two: Issues connected with privacy.
- Three: How do we live in a society which increasingly values the less than perfect as unworthy?
- Four: I am concerned about how we understand the increasing disassociation of procreation and sexual intercourse as to what constitutes a family.
- And finally, what limits ought we to place on the use of the knowledge that we attain?

To summarize, it seems to me that what is needed today is a serious re-thinking of the way we in the Jewish community talk about the nature of what it means to be a human being, what it means to live a life of wholeness in a world in which there will be brokenness. And it strikes me that we need to move beyond the division between bioethics and social ethics, that bioethics and social ethics come together in such a way that they are intimately connected in terms of helping us to determine what would be our notion of a just society. And finally, I think that the Hebrew Union College is in a unique position to do two things. One – to provide an atmosphere for seriously bringing together those kinds of people who can think about these issues. And then the Hebrew Union College is in a unique position to take those thoughts, those ideas, those principles, those narratives, and translate them in such a way that people who are going to have to implement them both from a public policy point-of-view and a caring point-of-view will be able to, in fact, use them.

There are three primary methods for doing Jewish ethics: Legal (Halakhic), Covenantal, and Narrative. Louis Newman provides us with a useful description of each of these methods:

1. Legal (*Halakhic)* Method

> Advocates of the legal model analyze questions and Jewish ethics in the light of precedence found in traditional legal sources. Given a moral problem, legalists cite classical Jewish legal sources and, through analogical reasoning and other means attempt to distill the principles behind this line of precedents and apply them to questions at hand.[i]

2. Covenantal Method

> Covenantal ethicists find guidance not so much in the substance of legal tradition as in the character of the covenantal relationship between God in Israel and between God and the world, which for covenantal thinkers is the foundational of the legal tradition... In the last analysis, however, Jewish moral obligations are not determined by legal processes but by living in the covenantal relationship with God and attending to the responsibilities that are imposed by the very character of that relationship. [ii]

3. Narrative Method

Narrative ethics looks to the stories within Jewish tradition for moral guidance.... Jewish narrative ethicists believe that Jews learn to see the world in a distinctively religious way through stories. ...Hearing the stories again and again, Jews learn to internalize their structure to project themselves into the world described by the story, indeed to see the world around them as a continuation of the story

Key Texts

Genesis 1:27

בראשית פרק א פסוק כז
וַיִּבְרָא אֱלֹהִים אֶת־הָאָדָם בְּצַלְמוֹ בְּצֶלֶם אֱלֹהִים בָּרָא אֹתוֹ זָכָר וּנְקֵבָה בָּרָא אֹתָם׃
בראשית פרק א פסוק כח

וַיְבָרֶךְ אֹתָם אֱלֹהִים וַיֹּאמֶר לָהֶם אֱלֹהִים פְּרוּ וּרְבוּ וּמִלְאוּ אֶת־הָאָרֶץ וְכִבְשֻׁהָ וּרְדוּ בִּדְגַת הַיָּם וּבְעוֹף הַשָּׁמַיִם וּבְכָל־
חַיָּה הָרֹמֶשֶׂת עַל־הָאָרֶץ׃

28God blessed them and God said to them, "Be fertile and increase, fill the earth and master it; and rule the fish of the sea, the birds of the sky, and all the living things that creep on earth."

בראשית פרק ב פסוק טו

וַיִּקַּח יְקֹוָק אֱלֹהִים אֶת־הָאָדָם וַיַּנִּחֵהוּ בְּגַן־עֵדֶן לְעָבְדָהּ וּלְשָׁמְרָהּ׃

15The LORD God took the man and placed him in the garden of Eden, to till it and tend it.

שמות פרק יט פסוק יט

וַיְהִי קוֹל הַשֹּׁפָר הוֹלֵךְ וְחָזֵק מְאֹד מֹשֶׁה יְדַבֵּר וְהָאֱלֹהִים יַעֲנֶנּוּ בְקוֹל׃

. As Moses spoke, God answered him in thunder.

שמות פרק ג

ז) וַיֹּאמֶר יְקֹוָק רָאֹה רָאִיתִי אֶת־עֳנִי עַמִּי אֲשֶׁר בְּמִצְרָיִם וְאֶת־צַעֲקָתָם שָׁמַעְתִּי מִפְּנֵי נֹגְשָׂיו כִּי יָדַעְתִּי אֶת־מַכְאֹבָיו׃
(ח) וָאֵרֵד לְהַצִּילוֹ מִיַּד מִצְרַיִם וְלְהַעֲלֹתוֹ מִן־הָאָרֶץ הַהִוא אֶל־אֶרֶץ טוֹבָה וּרְחָבָה אֶל־אֶרֶץ זָבַת חָלָב וּדְבָשׁ אֶל־מְקוֹם
הַכְּנַעֲנִי וְהַחִתִּי וְהָאֱמֹרִי וְהַפְּרִזִּי וְהַחִוִּי וְהַיְבוּסִי׃
(ט) וְעַתָּה הִנֵּה צַעֲקַת בְּנֵי־יִשְׂרָאֵל בָּאָה אֵלָי וְגַם־רָאִיתִי אֶת־הַלַּחַץ אֲשֶׁר מִצְרַיִם לֹחֲצִים אֹתָם׃
(י) וְעַתָּה לְכָה וְאֶשְׁלָחֲךָ אֶל־פַּרְעֹה וְהוֹצֵא אֶת־עַמִּי בְנֵי־יִשְׂרָאֵל מִמִּצְרָיִם׃

7And the LORD continued, "I have marked well the plight of My people in Egypt and have heeded their outcry because of their taskmasters; yes, I am mindful of their sufferings. 8I have come down to rescue them from the Egyptians and to bring them out of that land to a good and spacious land, a land flowing with milk and honey, the region of the Canaanites, the Hittites, the Amorites, the Perizzites, the Hivites, and the Jebusites. 9Now the cry of the Israelites has reached Me; moreover, I have seen how the Egyptians oppress them. 10Come, therefore, I will send you to Pharaoh, and you shall free My people, the Israelites, from Egypt."

Martyrdom of Chananya ben Teradyon

1. They said that only a few days had passed since the passing 15 of R. Yosi ben Kisma when all the elite of Rome 16 went to bury him 17 and eulogize him with a great eulogy. 18 2. Upon returning , they found R. Chananya ben Teradyon sitting and engaging 19 in Torah, convening substantial gatherings, and a Torah scroll kept on his lap. 20 3. They brought him and wrapped him in the Torah scroll, and they

placed piles of twigs around him, and lit them aflame. 21 They brought tufts of wool soaked in water, and placed them upon his heart so that his soul would not depart quickly. 22 4. His daughter said to him, "Father, 23 to see you thus!" 24 He replied to her, "Were 25 I to be burned alone it would be a difficult matter for me. Now as it is me who burns and the Torah scroll is with me, 26 the one who address the affront 27 to the Torah scroll will also address the affront to me." 28 5. (a) His students said to him, "Teacher, what do you see?" He replied to them, "The parchment burns but the letters soar." 29 (b) "Also you can open your mouth and the fire will enter you." 30 "It is better that the one who takes it is the one who gave it. One should not injure oneself." 31 6. The executioner 32 said to him, "Teacher, if I increase the flames 33 and remove the tufts of wool from your heart, will you bring me to the World to Come ?" He said to him, "Yes.""Swear to me." He swore to him. 34 Thereupon he immediately increased 35 the flames and removed the tufts of wool from his heart. His soul quickly departed. 36 He (the executioner) even jumped and fell into the fire. 37 7. A Bat Kol (a heavenly voice) came and said, "R. Chananya ben Teradyon and the executioner have been assigned to life in the World to Come." 38 8. Rabbi (Judah HaNasi) cried and said, "Some acquire his [eternal] world in one moment, and some acquire his [eternal] world in many years." 39

address the affront 27 to the Torah scroll will also address the affront to me." 28 5. (a) His students said to him, "Teacher, what do you see?" He replied to them, "The parchment burns but the letters soar." 29 (b) "Also you can open your mouth and the fire will enter you." 30 "It is better that the one who takes it is the one who gave it. One should not injure oneself." 31 6. The executioner 32 said to him, "Teacher, if I increase the flames 33 and remove the tufts of wool from your heart, will you bring me to the World to Come ?" He said to him, "Yes.""Swear to me." He swore to him. 34 Thereupon he immediately increased 35 the flames and removed the tufts of wool from his heart. His soul quickly departed. 36 He (the executioner) even jumped and fell into the fire. 37 7. A Bat Kol (a heavenly voice) came and said, "R. Chananya ben Teradyon and the executioner have been assigned to life in the World to Come." 38 8. Rabbi (Judah HaNasi) cried and said, "Some acquire his [eternal] world in one moment, and some acquire his [eternal] world in many years." 39

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15 . Sh'niftar: Vilna, Paris 1337, Munich 95, Pesaro 1515. Sh'met: JTS Rab 15, Jerusalem-Schocken 3654. 16 . G'dolei romi: Vilna, Paris 1337, Pesaro 1515, JTS Rab 15. B'nei romi (the children of Rome): Munich 95. G'dolei hador (the elite of the generation): Jerusalem-Schocken 3654; #189 in Gaster (1924). 17 . L'kovru: Vilna, Jerusalem-Schocken 3654, JTS Rab 15, Pesaro 1515. 18 . V'haspiduhu hesped gadol: Vilna, Paris 1337, Munich 95, Pesaro 1515; #189 in Gaster (1924). The full phrase— l'kovru v'haspiduhu hesped gadol—is shared only between Vilna and Pesaro 1515. 19 . Yoshev v'osek: Vilna, Paris 1337, Munich 95, Pesaro 1515, JTS Rab 15. 20 . Besides its last word, Jerusalem-Schocken 3654 has an entirely different ordering, which is: Upon returning they found R. Chananya ben Teradyon with a Torah scroll resting on his lap, and sitting and convening substantial gatherings, and explicating (v'doresh). This version does not portray him "engaging in" Torah (v'osek) as do the others. Eisenstein's Otzar HaMidrash, Asarah Harugei Malkut, p. 244, interpolates a comment and context: They said about Chananya ben Teradyon that he was a pleasant man before God and people, and never a disparaging word about fellows would arise from his lips. And when the Roman Caesar ruled that teaching Torah is prohibited, what did R. Chananya ben Teradyon do? He stood, convened gatherings, and sat in the Roman market where he taught and explicated the Torah. Caesar ruled that he be wrapped in a Torah scroll and burned.

21 . V'hatzito bahen et ha'or: Vilna, Pesaro 1515, Paris 1337, Jerusalem-Schocken 3654, Munich 95; #189 in Gaster (1924). V'hatzito bahen eish (lit them afire): JTS Rab 15. 22 . K'dei shelo teitzei nishmato meheirah: Vilna, JTS Rab 15, Jerusalem-Schocken 3654, Paris 1337, Pesaro 1515. #189 in Gaster (1924) does not include meheirah. K'dei shelo yamut meheirah (so that he will not die quickly): Munich 95. 23 . Aba: Vilna, Pesaro 1515, Jerusalem-Schocken 3654, JTS Rab 15, Paris 1337; #189 in Gaster (1924). Missing in: Munich 95. 24 . Rashi interprets this as follows: "This is the reward for [a life devoted to] Torah?!" A similar rhetorical question is uttered by ministering angels when R. Akiva is executed by iron combs raking through his flesh ; see BT Berachot 61b. See also the Higer manuscript of BT Semahot 8.12 for a similar

statement. 25 . B'iti (my daughter) is found in Paris 1337, Jerusalem-Schocken 3654 preceding this phrase. 26 . The first-person narrative is found in Vilna, Pesaro 1515, Paris 1337, Jerusalem-Schocken 3654. A third-person version, found in Munich 95, JTS Rab 15, goes as follows: akshav sh'hu nesaref v'sefer torah 'imo (now that the one who burns and the Torah scroll is with him). 27 . 'Albonah. This term, also understood as humiliation or insult, is associated with rejecting Torah study; see M Avot 6.2.

28 . In Eisenstein's Otzar HaMidrash, Asarah Harugei Malkut, p. 244, Chananya's reply to his daughter is: It is good for me that you see me thus. 29 . JTS Rab 15 reverses the order. Eisenstein's Otzar HaMidrash, Asarah Harugei Malkut, p. 244, adds: "And he began to cry. His students then inquire, for what reason do you cry? He said to them, If I alone were burning it would be a difficult thing for me, but now I burn and the Torah scroll is with me." The text then jumps to the conversation with the executioner. 30 . Af atah petach picha, v'tikanes [bechah] ha'eish: Vilna, Pesaro 1515. Petach picha v'yikanes shel'hevet beficha v'teitzei nishmatecha meheirah (open your mouth and the flames will enter your mouth and your soul will depart quickly): Jerusalem-Schocken 3654. Petach picha v'tikanes shel'hevet k'dei sh'teitzei nishmatecha meheirah (open your mouth and the flames will enter so that your soul will depart quickly): JTS Rab 15. Af atah petach picha v'tikanes shel'hevet (open your mouth and the flames will enter): Munich 95. There is a play on the verb to rest (lanuach) in Paris 1337. The phrase at this point is: Af petach picha v'tikanes bah ha'eish v'tamavet v'tanuach (Also you can open your mouth and the fire will enter it and you will die and be at rest). This echoes the Torah scroll resting on Chananya's lap (sefer torah moneach lo b'cheiko), and the tufts of wool affixed to his chest cavity (v' hanichum 'al libo). 31 . Mutav sh'yitalnah mi sh'nitenah v'al yechavel hu b'atzmo : Vilna, Pesaro 1515, JTS Rab 15, Munich 95; #189 in Gaster (1924). More will be said belowabout this phrase. On arguments about self-inflicted injury (hachovel 'atzmo), see BT Baba Kama 91b. As will be explained below, such injuries are not lethal. 32 . Kaltz'etoneiri: Vilna, Pesaro 1515. Kalisteneir[i]: Munich 95, JTS Rab15, Paril 1337. According to Jastrow (1903), these spellings are corruptions of Kostinar (quæstionarius, torturer, executioner), as is found in Jerusalem-Schocken 3654. 33 . Marbeh b'shelhevet: Vilna, Munich 95, Pesaro 1515, Paris 1337. Marbeh b'shelhevet eish (increase the flames of the fire): Jerusalem-Schocken 3654. Marbeh lecha ba'etzim (increase the timber for you): JTS Rab 15. 34 . Though all versions are the same with this exchange, it is unclear who said what to whom. The conversation could be understood as follows: Chananya said, "Yes, swear to me [that you will do as you suggest]." He (the executioner) swore to him. The swearing is absent in text #189 in Gaster (1924). 35 . JTS Rab 15 adds lo (for him): "he increased for him." 36 . Yetziah nishmato [bi] m'herah: Vilna, Pesaro 1515, Munich 95. V'yatztah nishmato (his soul departed): JTS Rab 15, Paris 1337. This phrase is missing altogether in Jerusalem-Schocken 3654. 37 . Kafatz v'nafal l'toch ha'or: Vilna. Kafatz v'nafal l'toch ha'eish (jumped and fell into the fire): Munich 95. Kafatz l'toch ha'or v'nisaref (he jumped into the fire and was burned): Paris 1337. Kafatz l'toch ha'or v'yatztah nishmato

(he jumped into the fire and his soul departed): JTS Rab 15. 38 . A parallel story of a Roman official seeking and negotiating for eternal life can be found at BT Ta'anit 29a . There, the Roman officer (hegemon) found Rabban Gamliel hiding from the decree against him. The officer said to him, "If I save you from your death, will you bring me to the World to Come?" Gamliel replied , "Yes." He said, "Swear to me." And he swore to him. The officer then ascended to the attic, threw himself down, and died. A Bat Kol then came forth and declared that the officer has been assigned to life in the World to Come (mezuman l'chayei ha'olam habah). 39 . The same closing lament is found elsewhere (BT Avodah Zarah 17a) in regard to Elazar ben Durdia, who was tempted by carnal relations with every earthly harlot, and yet when he ultimately resisted the last one and repented, he died . And elsewhere (BT Avodah Zarah 10b) it is also related to Ketiah bar Shallum, a righteous Roman minister, who defended the Jews against a genocidal Caesar's plan to eliminate the Jews because they were, in his eyes, like a wart needing excision. Ketiah was put into a round furnace or chamber for besting Caesar in argument. He took off his own foreskin so that he would merit the World to Come without passing through Gehinnom. Eisenstein's Otzar HaMidrash, Asarah Harugei Malkut, p . 244, inserts "like this executioner" for the first part, and to the latter "and there is a person who worships Adonai all the days of his life and suffers his reward in one moment, like Yohanan the High Priest, who served 80 years as the High Priest, and whose end was vindicated (ul'b'sof na'aseh tzaduki)."

Crane, Jonathan K. (2013-03-20). Narratives and Jewish Bioethics (Content and Context in Theological Ethics) (Kindle Locations 1187-1203). Palgrave Macmillan. Kindle Edition.

אמרו : לא היו ימים מועטים עד שנפטר רבי יוסי בן קיסמא, והלכו כל
גדולי רומי לקברו - והספידוהו הספד גדול, ובחזרתן מצאוהו לרבי חנינא
בן תרדיון שהיה יושב ועוסק בתורה ומקהיל קהלות ברבים וס״ת מונח לו
בחיקו. הביאוהו וכרכוהו בס״ת, והקיפוהו בחבילי זמורות והציתו בהן
את האור, והביאו ספוגין של צמר ושראום במים והניחום על לבו, כדי
שלא תצא נשמתו מהרה. אמרה לו בתו : אבא, אראך בכך? אמר לה :
אילמלי אני נשרפתי לבדי היה הדבר קשה לי, עכשיו שאני נשרף וס״ת
עמי, מי שמבקש עלבונה של ס״ת הוא יבקש עלבוני. אמרו לו תלמידיו :

רבי, מה אתה רואה? אמר להן: גליון נשרפין ואותיות פורחות. אף אתה פתח פיך ותכנס [בך] האש אמר להן: מוטב שיטלנה מי שנתנה ואל יחבל הוא בעצמו. אמר לו קלצטונירי: רבי, אם אני מרבה בשלהבת ונוטל ספוגין של צמר מעל לבך, אתה מביאני לחיי העולם הבא? אמר לו: הן. השבע ליְ נשבע לו. מיד הרבה בשלהבת ונטל ספוגין של צמר מעל לבו, יצאה נשמתו במהרה. אף הוא קפץ ונפל לתוך האור. יצאה בת קול ואמרה: רבי חנינא בן תרדיון וקלצטונירי מזומנין הן לחיי העולם הבא. בכה רבי ואמר: יש קונה עולמו בשעה אחת, ויש קונה עולמו בכמה שנים.

Avodah Zarah 18a

On the day when Rabbi died the Rabbis decreed a public fast and offered prayers for heavenly mercy. They, furthermore, announced that whoever said that Rabbi was dead would be stabbed with a sword. Rabbi's handmaid ascended the roof and prayed: The immortals desire Rabbi [to join them] and the mortals desire Rabbi [to remain with them]; may it be the will [of God] that the mortals may overpower the immortals . When, however, she saw how often he resorted to the privy, painfully taking off his tefillin and putting them on again, she prayed: May it be the will [of the Almighty] that the immortals may overpower the mortals . As the Rabbis incessantly continued their prayers for [heavenly] mercy she took up a jar and threw it down from the roof to the ground. [For a moment] they ceased praying8 and the soul of Rabbi departed to its eternal rest. Go , said the Rabbis to Bar Kappara, and investigate He went and, finding that [Rabbi] was dead, he tore his cloak and turned the tear backwards. [On returning to the Rabbis] he began: The angels and the mortals have taken hold of the holy ark. The angels overpowered the mortals and the holy ark has been captured . Has he , they asked him, gone to his eternal rest? You , he replied, said it; I did not say it .

תלמוד בבלי מסכת כתובות דף קד עמוד א

ההוא יומא דנח נפשיה דרבי, גזרו רבנן תעניתא ובעו רחמי, ואמרי: כל מאן דאמר נח נפשיה דר', ידקר בחרב. סליקא אמתיה דרבי לאיגרא, אמרה: עליוני מבקשין את רבי והתחתוני מבקשין את רבי, יהי רצון שיכופו תחתונים את העליונים. כיון דחזאי כמה זימני דעייל לבית הכסא, וחלץ תפילין ומנח להו וקמצטער, אמרה: יהי רצון שיכופו עליונים את התחתונים. ולא הוו שתקי רבנן מלמיבעי רחמי, שקלה כוזא שדייא מאיגרא [לארעא], אישתיקו מרחמי ונח נפשיה דרבי. אמרו ליה רבנן לבר קפרא: זיל עיין. אזל אשכחיה דנח נפשיה, קרעיה ללבושיה ואהדריה לקרעיה לאחוריה, פתח ואמר: אראלים ומצוקים אחזו בארון הקדש, נצחו אראלים את המצוקים ונשבה ארון הקדש! אמרו ליה: נח נפשיה? אמר להו: אתון קאמריתו ואנא לא קאמינא.

31 The Philistines attacked Israel, and the men of Israel fled before the Philistines and [many] fell on Mount Gilboa. 2The Philistines pursued Saul and his sons, and the Philistines struck down Jonathan, Abinadab, and Malchi-shua, sons of Saul. 3The battle raged around Saul, and b-some of the archers-b hit him, and he was severely wounded by the archers. 4Saul said to his arms-bearer, "Draw your sword and run me through, so that the uncircumcised may not run me through and make sport of me." But his arms-bearer, in his great awe, refused; whereupon Saul grasped the sword and fell upon it. 5When his arms-bearer saw that Saul was dead, he too fell on his sword and died with him. 6Thus Saul and his three sons and his arms-bearer, as well as all his men, died together on that day.

Jewish Publication Society of America (2000-12-01). Tanakh: The Holy Scriptures--The New JPS Translation According to the Traditional Hebrew Text (Teal Leatherette) (pp. 467-468). Jewish Publication Society. Kindle Edition.

שמואל א פרק לא

(א) וּפְלִשְׁתִּים נִלְחָמִים בְּיִשְׂרָאֵל וַיָּנֻסוּ אַנְשֵׁי יִשְׂרָאֵל מִפְּנֵי פְלִשְׁתִּים וַיִּפְּלוּ חֲלָלִים בְּהַר הַגִּלְבֹּעַ׃

(ב) וַיַּדְבְּקוּ פְלִשְׁתִּים אֶת־שָׁאוּל וְאֶת־בָּנָיו וַיַּכּוּ פְלִשְׁתִּים אֶת־יְהוֹנָתָן וְאֶת־אֲבִינָדָב וְאֶת־מַלְכִּי־שׁוּעַ בְּנֵי שָׁאוּל׃

(ג) וַתִּכְבַּד הַמִּלְחָמָה אֶל־שָׁאוּל וַיִּמְצָאֻהוּ הַמּוֹרִים אַנָשִׁים בַּקָּשֶׁת וַיָּחֶל מְאֹד מֵהַמּוֹרִים׃

(ד) וַיֹּאמֶר שָׁאוּל לְנֹשֵׂא כֵלָיו שְׁלֹף חַרְבְּךָ וְדָקְרֵנִי בָהּ פֶּן־יָבוֹאוּ הָעֲרֵלִים הָאֵלֶּה וּדְקָרֻנִי וְהִתְעַלְּלוּ־בִי וְלֹא אָבָה נֹשֵׂא כֵלָיו כִּי יָרֵא מְאֹד וַיִּקַּח שָׁאוּל אֶת־הַחֶרֶב וַיִּפֹּל עָלֶיהָ׃

(ה) וַיַּרְא נֹשֵׂא־כֵלָיו כִּי מֵת שָׁאוּל וַיִּפֹּל גַּם־הוּא עַל־חַרְבּוֹ וַיָּמָת עִמּוֹ׃

(ו) וַיָּמָת שָׁאוּל וּשְׁלֹשֶׁת בָּנָיו וְנֹשֵׂא כֵלָיו גַּם כָּל־אֲנָשָׁיו בַּיּוֹם הַהוּא יַחְדָּו׃

Key Quotations

1.tension between domination and stewardship. This tension is elegantly described by Yitzchok Breitowitz [iii] we have both the power to redeem the world and to destroy it. He writes that being formed in the image of God connotes:

> autonomy, power, and the ability to make moral judgments. Such an exalted view of the human being rejects quiescence and passivity in the face of misery. We are, as it were, collaborative partners with the Divine in improving the world, in conquering illness, and in trying to make the

world better for others, rather than taking the attitude that we must accept what we are handed.

So in effect, Genesis Chapter 1 calls on the human being to be an actor, to be an intervener, to be a changer, to be a transformer....the emphasis is on conquest, domination, and control....Genesis Chapter 2 offers a strikingly different vision of man. ...he is ... given the mission ... of *l'shamra*-preservation and protection.

Therefore, in effect, human beings must live in a perpetual state of tension and contradiction between realizing their divinity by the exercise of power, wisdom, and control and at the same time recognizing the need to submit to that which is greater and all-knowing....Judaism rejects the pat answers, specifically that either anything goes or "it is wrong to play G-d." [iv]

2.Secular bioethics uses the language of rights rather than the language of duty. Benjamin Freedman reframes the discussion on autonomy using the language of duty rather than the language of rights:

Judaism supports self regarding duties[v]....The ultimate source of all obligations, including duties to the self, is to be found within the self, through a covenant with God. The covenant requires persons to care for their own health as for that of others (duty as object). But it is this latter meaning that it is in most clear contradiction to the current view of informed consent, which sees consent as a mechanism for extending unfettered self regarding decisions. That is, if informed consent means that one has the right to decide about medical care is one chooses, it is in conflict with the view that one is duty bound to act toward the self in certain ways --in self regarding duties as object.[vi]

3.Borowitz

First the Jewish self is personally and primarily involved with God... Second,...is the Jewish self's participation in the Jewish people as part of its ongoing relationship to God. All forms of radical individualism on the human level are all negated by this stance. Third, the Jewish self, through the covenant, is historically rooted as well as divinely and communally oriented. Modern Jews not only did not initiate the covenant, they are not the first to live it.... Fourth the Jewish self, because of its intimate connection with the God, folk and tradition is sensitized to more than the present and its call to the decision.[vii]

4.Feminist thought emphasizes that we live in relationship with others. These relationships are best described in narratives. It is through our relationship with others that God is often experienced[viii] and that ethical decisions are made.[ix] The face of the other provides a limitation on our autonomy and is the starting point of an ethics of encounter.[x]

5.Leon Kass in his book *Life Liberty and the Defense of Dignity: The Challenge for Bioethics* sets an important frame for our discussion

> Every human encounter is an ethical encounter, and occasion for the practice and cultivation of virtue and respect and between doctors and patients, for the exercise of responsibility and trust on both sides.[xi]

> No guidelines can cover all real cases; much less touch the critical nuances that distinguish one case from another [xii]

6. William Cutter in his own discussion of narratives ethics and quality of life concerns identifies that the crucial factor in making the decision it is not the law but suffering of the patient that often dominates, even when people try to follow the *halakhic* process:

> I would argue that knowing the narrative of people has helped many rabbis respond more tolerantly to stickier questions in our current culture, like sexual orientation, some instances of intermarriage, and definitions of family law and mental illness, domestic violence, alcohol and drug abuse. Rabbis have often modified their positions once they experience the narrated reality of the dilemma which they might have judged more narrowly from a purely abstract and *halakhic* point of view. Narratives have prevailed to make points either those supporting norms or those support a subverting them.[xiii]

7. Phillip Cohen correctly notes:

> Aggadic reasoning ... is a hermeneutic act, the participation of the writer with the text in a way that preserves the literalness and hence the continual utility of the text, which at the same time creating new contemporary meaning from the text. ... Aggadic reasoning is the rather

more open-ended manner of Jewish though. It is the method that can tolerate multiple views simultaneously. Aggadah is therefore the means through which we can enter into dialogue with one another as a community consisting of multiple views.[xiv]

8. Zoloth

> 8. What Ruth teaches us is that citizenship is solidarity, that meaningful discourse starts with the recognition of the other, and that justice is prior to any human freedom. The text insists on the radical recognition of primary responsibility as calling into being a community that is both prior to and responsible for the just flourishing of any human self[xv]

> It argues for the association of justice with encounter, with response: in short, with friendship, the deep and enmeshed friendship... Using this language as a starting pattern for public response to scarcity allows for a reframing of the basic pattern of isolation it and self- regarding action that now is the dominant tone of contemporary policy discourse. [xvi]

9. Melissa Raphael in her book *The Female Face of God in Auschwitz* writes:

> The social transformation of human relationships by love and justice is the means by which God's judgment is manifest. God's return is enabled by religio-political structures that legislate the correction of injustice exploitation and victimization within historical order. Relational care rather than quasi military intervention or the miraculous suspension of the laws of cause-and-effect is the sign and medium of God's power within the world...God's power is invested in power of interpersonal and social relation to mediate its blessings and institute justice and judgment on those who violate it.[xvii]

It is human beings who are preserve God's presence in the face of suffering and injustice.

Raphael writes:

> But within the logic of the model of God I am proposing it is not meaningful to ask why God did not protect us at that time because it is not the nature and function of God to be reduced to that of a fortification against particular suffering. God is not a supernatural arsenal. Rather it should be asked how we could and can protect God's

presences as it is this which makes it possible to know God in the other and for God to know God-self in creation[xviii]

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[i] Louis E Newman *An Introduction to Jewish Ethics* (Upper Saddle River, New Jersey: Pearson Prentice Hall, 2005) p139..

[ii] Ibid. p.141. In my article "Suicide, Assisted Suicide, Active Euthanasia: A Halakhic Inquiry" in *Death and Euthanasia in Jew Law* ed Walter Jacob and Moshe Zemer (Pittsburgh: Rodef Shalom Press, 1994) p.28-34. I attempted to apply a covenant approach to a liberal interpretation of the halakhic method.

[iii] Breitowitz, Yitzchok "What's So Bad About Human Cloning?" *Kennedy Institute of Ethics Journal* 12, no. 4 (Dec 2002): p. 325-341

[iv] Ibid.

[v] Instead of the language autonomy Freedman substitutes "self regarding duty" these are the obligation we owe ourselves as individuals created in the divine image and responsible for moral decision making.

[vi] Freedman, pp140-141.

[vii] Eugene Borowitz "Jewish Autonomous Self." in *Exploring a Jewish Ethic: Papers on Covenant and Responsibility*. (Detroit: Wayne State University press, 1990). pp. 182-183. Borowitz' concept embeds autonomy in both a relationship to God and to the Jewish people. It is the beginning of a rejection of a purely atomistic concept of autonomy.

[viii] Zoloth pp.154-57.

[ix] Melissa Raphael *The Female Face of God in Auschwitz: A Jewish Feminist Theology of the Holocaust* (New York: Routlege, 2003).pp.86-106. Zoloth p.126,145-147

[x] Raphael p.42 God's power is manifest in the power of the interpersonal and social relation to mediate its blessing and to institute justice and judgement on those who violate it"

[xi] Leon Kass *Life Liberty and the Defense of Dignity: The Challenge for Bioethics* (San Francisco: Encounter Books 2002) pp 62-63

[xii] Kass p.63.

[xiii] Cutter "Do the Qualities" p.60.

[xiv] Philip Cohen "Toward a Methodology of Reform Jewish Bioethics" in *CCAR Journal* (New York CCAR, Summer 2005) p.5

[xv] Zoloth p. 218

[xvi] Ibid. 219

[xvii] Raphael p. 42

[xviii] Ibid. p.156.