The McAnulty College and Graduate School of Liberal Arts  
of Duquesne University

Health Care Ethics Syllabus for: 651-61, Jewish Health Care Ethics
Instructor: Aaron L. Mackler, Ph.D.
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Fisher Hall 704 6:00-8:40 on Tuesday, Aug 23, Sep 13, Oct 11, Nov 8, and Dec 6

Office Hours: TTh 1:30-2:45; 5:00-5:45 before class meetings; and by appointment

1. Objectives of the Course:

A. Catalogue Description: An exploration of methodological and substantive issues in Jewish health care ethics, including decisions about life-sustaining treatment, abortion, reproductive technologies, and allocation of health care resources. Attention will be given to differing Jewish approaches and to comparisons with other perspectives, including philosophical and Roman Catholic views.

B. Type of Mastery to be Expected: Upon completion of the course, students may expect to: 1) understand general Jewish approaches to health care ethics; 2) be familiar with Jewish positions on such topics as abortion, medical decisions at the end of life, advance directives, reproductive technologies, and allocation of health care resources; 3) develop the ability to interpret relevant primary sources and evaluate competing readings of these sources; 4) be familiar with different approaches in interpreting and applying Jewish texts and values in addressing contemporary issues such as health care ethics; 5) achieve a developing sense of the comparison of Jewish and other approaches to ethics, as well as the relevance for their own critical analysis of these perspectives.

This course should contribute to students meeting general HCE program learning outcomes:
a. Fundamental knowledge: students can understand and analyze HCE theory and methods as well as major applied topics.
b. Multi-disciplinary study: students can critically relate HCE with multi-disciplinary fields in health care as a diverse and global enterprise.
c. Scholarship: students can research and write scholarly essays, teach and communicate effectively, and present academic papers that present cogent arguments, engage scholarly literature, and demonstrate critical thinking and analysis.
d. Professionalism: students can integrate academic learning with experiential learning in clinical/organizational rotations as a function of service-learning and development as a health care professional.
e. Ethical leadership: students can function as HCE expert and provide ethical leadership, with the knowledge, skills, competencies and character traits to provide ethics services
f. Co-curricular practices for life-long learning: students can foster co-curricular practices for life-long learning to personally value and engage the clinical, organizational, and professional components of HCE in a global context.
2. Textbooks Required:


3. Supplementary Materials: Selected additional readings will be posted on Blackboard or available on reserve in the library.

4. Procedures: Individual reading, thought, and writing of papers, supplemented by discussion and lecture at five class meetings.

5. Schedule:

Aug 23     Seminar 1, Introduction, primary sources on abortion
Sept 6     submit 1-page statement for oral presentation RP1
Sept 9     receive responses to statement
Sept 13    Seminar 2, oral presentations; introduce RP 2
Oct 4      submit RP2
Oct 11     Seminar 3, introduce RP3
Oct 18     submit proposal for research essay
Nov 1      submit RP3; receive responses to research essay proposal
Nov 8      Seminar 4, introduce research essay
Dec 6      Seminar 5, oral presentation of essay, essay due

6. Assignments: One oral presentation in class on September 13. Two papers of about 10 pages each, due October 11 and November 1. One final paper of about 30 pages due December 6, with proposal due October 18. For all work, please attend to: development and justification of your argument; critical analysis in the organization of the argument; and integration of the literature in making the argument.

For RP 1, present an author on abortion. Present their basic approach, reasons, a traditional text appealed to by the author, and the author’s understanding of and relation to tradition and halakhah.
For RP2, compare and contrast 2 approaches to methodology and theory, including at least one in the essays in *Contemporary Jewish Ethics and Morality*, chs. 9-12. Attend to concerns of methodology, authority, revelation, tradition and halakhah. Compare the approaches each might take to a practical issue.

For RP3, compare and contrast 2 authors on end-of-life decisions. Attend to concerns of methodology, authority, and tradition and halakhah. Include consideration of at least one traditional text important to each author.

For the research essay, explore a topic in depth, reflecting your proposal submitted October 18.

7. Collateral Reading: None required. Some additional sources for those interested in a particular topic will be noted in class; please see the instructor for additional suggestions.

Students will be assumed to have a basic knowledge of method in health care ethics and Roman Catholic approaches, provided by taking HCE 659 previously or at the same time as taking this course.

Valuable web sites include:
- bioethics.georgetown.edu (National Resource Center for Bioethics Literature, databases)
- www.bioethics.net (American Journal of Bioethics)
- rabbinicalassembly.org/jewish-law/committee-jewish-law-and-standards (Conservative responsa)
- www.medethics.org.il (Schlesinger Institute for Jewish Medical Ethics, Orthodox)
- ccarnet.org/documentsandpositions/responsa (Reform responsa)

8. Tests: None.

9. Grade Evaluation: The oral presentation will count for 10% of the final grade. Each of the two written research projects count for 10%, and the final research essay will count for 70% of the final grade. Class attendance and participation throughout the semester are required, and will be considered in determining the final grade. The plus-minus grading system will be used.

10. This syllabus incorporates the “Expectations of Academic Integrity.” Cheating and plagiarism will not be tolerated. All relevant policies of the McAnulty College and Graduate School of Liberal Arts apply.

Students with documented disabilities are entitled to reasonable accommodations if needed. If you need accommodations, please contact the Office of Freshman Development and Special Student Services in 309 Duquesne Union (412-396-6657) as soon as possible. Accommodations cannot always be granted retrospectively.

11. Course content: The schedule of topics and readings is subject to revision by the instructor. Selected additional readings may be assigned for some topics.
Seminar 1, August 23: Introduction to Jewish Ethics and Halakhah, primary sources on abortion

Please read these texts before the first class, and bring to class hard copies of “Primary Sources on Abortion”

Mackler, Introduction, Introduction and chapter 2

Primary Sources on Abortion:
   Exodus 21:22
   Mishnah Oholot 7:6
   Talmud Sanhedrin 72b, and commentary of Rashi
   Maimonides, Mishneh Torah, Hil. Rotzeach 1:9
All may be found in Barry D. Cytron and Earl Schwartz, When Life is in the Balance, 83-90

Readings before Seminar 2

GENERAL

Eugene B. Borowitz, Exploring Jewish Ethics, 17-25

David M. Feldman, Birth Control in Jewish Law, 3-18

ABORTION

Mackler, Introduction, chapter 5

Feldman, “This Matter of Abortion,” Contemporary Jewish Ethics, ch. 27 (or Health and Medicine, 79-90)

David M. Feldman, Birth Control in Jewish Law, 251-94

J. David Bleich, “Abortion in Halakhic Literature,” Jewish Bioethics, ch. 11


Bleich and Brickner in Sh’ma, 5,85 (1975): 194-200


September 6. submit statement for oral presentation

Seminar 2, September 13: RP1, student presentations on abortion essays; introducing
General Approaches to Jewish Ethics

Readings before Seminar 3

JEWSH HEALTH CARE ETHICS

Contemporary Jewish Ethics, chs. 1-5, 7, 9-12, 15
Optional: Contemporary Jewish Ethics, chs. 6, 8, 13-14


Abraham Joshua Heschel, “The Patient as a Person,” in The Insecurity of Freedom, 24-38

Feldman, Health and Medicine, 15-33

Rosner, “The Physician and Patient in Jewish Law,” Jewish Bioethics, ch. 2

Zohar, Introductions and ch. 1 (pp. 1-36, 85-97)

Benjamin Freedman, Duty and Healing, 139-90

END OF LIFE DECISIONS

Mackler, Introduction, chapter 4, 3

Talmud, Yoma 82a-85b


October 4: RP2 DUE

Seminar 3, October 11: introducing End of Life Decisions

Bring hard copies of Shulhan Arukh, Yoreh Deah 339:1-2 (including Isserles) (in Cytron and Schwartz, 150-53); Talmud, Yoma 82a-85b

Readings before Seminar 4

END OF LIFE DECISIONS

Feldman, Health and Medicine, 91-108

Baruch A. Brody, “A Historical Introduction to Jewish Casuistry on Suicide and Euthanasia,” in Suicide and Euthanasia, ed. Brody, 39-75

Bleich, “The Obligation to Heal in the Judaic Tradition,” Jewish Bioethics, ch. 1
Zohar, ch. 2

Avram Israel Reisner, “A Halakhic Ethic of Care for the Terminally Ill,” Life and Death Responsibilities, chs. 16-17

Dorff, “A Jewish Approach to End-Stage Medical Care,” Life and Death Responsibilities, chs. 18-20

Reisner, Amy Eilberg, and Joel Roth, papers, Life and Death Responsibilities, chs. 15, 21-22

Talmud, Avodah Zarah 27b

Teshuvot for the Nineties: Reform Judaism’s Answers to Today’s Dilemmas, ed. W. Gunther Plaut and Mark Washofsky, 337-58

Advance directives: “A Time to Prepare” (Reform)
“Jewish Medical Directives for Health Care” (Conservative), Life and Death Responsibilities, ch. 23
“Appointment of a Health Care Agent/Advanced Directive” (Orthodox)

ASSISTED SUICIDE AND EUTHANASIA

Dorff, “Physician-Assisted Suicide and Euthanasia” and “Statement on Assisted Suicide,” Life and Death Responsibilities, chs. 25-26

Contemporary Jewish Ethics, chs. 25-26 (Rosner and Sherwin)

ORGAN TRANSPLANTATION

Zohar, ch. 5


Prouser, “Hesed or Hiyuv?” and “Organ and Tissue Donation Card,” in Life and Death Responsibilities, chs. 28-29

American Reform Responsa, 288-96 (papers by Freehof)

Avraham Steinberg, Encyclopedia of Jewish Medical Ethics, 1094-1102

OTHER TOPICS

Mackler, Introduction, chs 6-7

November 1 RP3 DUE
Seminar 4, November 8 RP 3; anticipating research essay

POSSIBLE AREAS OF RESEARCH: ARTIFICIAL REPRODUCTION

Mackler, Introduction, chapter 6

Feldman, Health and Medicine, 55-78

Dorff, “Artificial Insemination: General Considerations and Insemination Using the Husband’s Sperm,” Life and Death Responsibilities, ch. 1

Bleich, “Test Tube Babies,” Jewish Bioethics, ch. 6

Mackler, “In Vitro Fertilization,” Life and Death Responsibilities, ch. 4

Reform responsa on IVF (IVF Reform on Bb)

Zohar, ch. 3

Dorff, “Artificial Insemination,” Life and Death Responsibilities, chs. 2-3


Reform response on donor gametes (Donor Gametes Reform on Bb)

Mackler, “On the Use of Birth Surrogates,” Life and Death Responsibilities, ch. 5

Optional: papers by Spitz and Mackler, Life and Death Responsibilities, chs. 6-8

Mackler, Introduction, chapter 7

ACCESS TO HEALTH CARE

Dorff and Mackler, “Responsibilities for the Provision of Health Care,” Life and Death Responsibilities, ch. 30

Texts on Health Care Reform (HC Reform texts on Bb)

“Choosing Which Patient to Save” (Which Patient Reform on Bb)

Zohar, chs. 4, 6

Review Zoloth-Dorfman, in Contemporary Jewish Ethics

Seminar 5, December 6 Student Presentations Final paper due