



Mark Fasman - Rabbi

On Tuesday, November 7, voters will have the opportunity to express their opinion concerning several matters of public policy. This is a cornerstone of our system of government – the right of individuals to express personal opinions (and vote) on matters that affect the entire community. I have heard comments by thoughtful, politically-active, religiously-committed adults to the effect that, in a country based

upon the separation of church and state, law should be a-moral. I understand them to mean that no one religious tradition should be able to define what is “right and wrong” in our country. The point of religious pluralism is to respect the right of individual religious traditions to articulate their own moral positions without imposing those standards of morality upon other citizens.

On the other hand (and there is always another hand in Jewish discourse), the central point of our great religious traditions is to articulate standards of morality as they understand them. These standards may be based upon cultural or practical realities, but more often they are based upon a sincere belief in how God wants us to behave, as individuals, as families, as communities, and as nations. This is clearly problematic, since who can know what God wants? In fact, our Sages say, “If I knew what God thought, I would be God.” To speak on behalf of God is, in their word, *hutzpah!* And yet, to make no claim as to what God wants is to make God irrelevant and to leave us to forms of human-based morality that are simply unacceptable.

The Sages who created Judaism two millennia ago understood this quandary. But, in their minds, someone has to try – with integrity and following consistent principles of logic – to determine what God expects from humanity. They owe this to God and they owe this to the community that they serve.

The system they created to struggle with the questions of divine expectations for human behavior is called *halakhah*. Usually translated as “Jewish law,” it is in fact far more than that. From the root *la-lekhet* – “to go” or “to walk” – it is a very complex and organic system of human behaviors, some of which are understood to be direct commandments with Torah authority (*mitzvot d’oraita*), others are *mitzvot d’rabbanan*, but with only Rabbinic authority, and still others are *minhagim* (far more strong than the translation “customs” suggests). Furthermore, there are various law codes, lists of *minhagim*, and an enormous body of case law recorded over the past fifteen centuries.

The Rabbinical Assembly’s Committee on Jewish Law and Standards (CJLS) provides guidance in matters of *halakhah* for the Conservative movement. The individual rabbi, however, is the authority for the interpretation and application of all matters of *halakhah*. Too often, our membership is entirely unaware of CJLS, and even more important, with their published response concerning a wide range of issues facing the contemporary Jewish world. For those who wish to visit their website, you can use the following address: www.rabbinicalassembly.org. You can view any *teshuvot* (response to Jewish legal questions) that are available to rabbis on the same site. Additionally, you can contact the CJLS for further information on other topics.

Apropos the coming election, **Rabbi Elliot N. Dorff** has authored a *teshuvah* (approved on March 13, 2002 by CJLS by a vote of fifteen in favor and one abstention) on the topic “Stem Cell Research.” I urge you to explore this *teshuvah* before the coming election in Missouri in which we are given the opportunity to vote on the use of human embryonic stem cells in this state. There are enormous implications for Washington University and other research institutions as well as implications for health care and treatment options in coming years.

Following is the fair ballot language text of Constitutional Amendment 2. If you wish, you may find the full text of the proposed constitutional amendment at:

<http://www.sos.mo.gov/elections/2006petitions/ppStemCell.asp>.

Constitutional Amendment 2

A “yes” vote will amend the Missouri Constitution to allow and set limitations on stem cell research, therapies, and cures which will:

- ensure Missouri patients have access to any therapies and cures, and allow Missouri researchers to conduct any research, permitted under federal law;
- ban human cloning or attempted cloning;
- require expert medical and public oversight and annual reports on the nature and purpose of any stem cell research;
- impose criminal and civil penalties for any violations;
- prohibit state or local governments from preventing or discouraging lawful research, therapies and cures.

A “no” vote would not ensure that stem cell research permitted under federal law is allowed to be conducted in Missouri and that Missouri patients have access to stem cell therapies and cures permitted under federal law.

This measure will have no impact on taxes.

In the voting booth, there is only one choice, based upon the specific proposed text of the amendment: Yes or No. Based on the CJLS responsum, a “Yes” vote is the clear option consistent with the *halakhic* position of the Conservative movement.

Perhaps, in this complex world, it seems easiest just to know the “bottom line” when we vote. However, there is a power and sanctity in studying the underlying moral issues with which our Conservative movement experts have grappled. Otherwise, our decision is based on politics (party platform), cultural or humanistic values, gut feelings, an anticipated positive or negative personal consequence (financial, health, friendship), or perhaps an “anti-moral” position (that is, whatever “they” believe, we take a different position).

Rabbi Dorff’s *teshuvah* (some nineteen pages) responds to the following two questions:

1. May embryonic stem cells from frozen embryos originally created for purposes of procreation or embryonic germ cells from aborted fetuses be used for research?
2. May embryonic stem cells from embryos created specifically for research, either by combining donated sperm and eggs in a Petri dish or by cloning be used for research?

continued on page 15