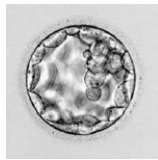


## Medical Halakhah Update 5772



Rabbi Edward Reichman, M.D.  
Associate Professor, Emergency Medicine  
Associate Professor, Philosophy and History of Medicine  
Albert Einstein College of Medicine  
Yeshiva University



### משנה מסכת אבות פרק ג משנה ז

רבי שמעון אומר  
המהלך בדרך ושונה  
ומפסיק ממשנתו ואומר  
מה נאה אילן זה ומה  
נאה ניר זה מעלה עליו  
הכתוב כאילו מתחייב  
בנפשו:

#### דברים פרק ב

(ט) כי תצור אל עיר ימים רבים להלחם עליה  
לתפשה לא תשחית את עצה לגדה עליו גורו  
כי ממנו תאכל ואתו לא תכרת כי האדם  
עץ השדה לבא מפניך במצור:

## Medical Halakha of the Past



Mummies in the  
16<sup>th</sup> century

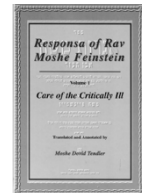


Smallpox in the  
17<sup>th</sup> century

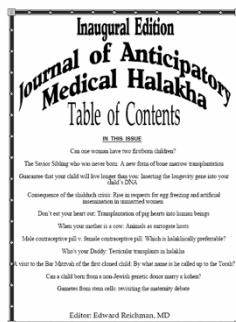


Autopsy in the  
18<sup>th</sup> century

## Medical Halakha of the Present



## Medical Halakha of the Future



## Multifetal Reduction

Oct 24, 2011 ABC News.com  
**In IVF, One Embryo Is Enough,  
Study Finds**

When it comes to in vitro fertilization, the message of a new study is simple: Less is more. In the past, doctors practicing IVF often transferred multiple embryos to a woman's body at once, in the hope that at least one of them would lead to a successful pregnancy.

But in a new study, researchers at the University of Iowa in Iowa City found that women who had only one embryo transferred during IVF didn't have lower chances of getting pregnant, but they did have a lower risk of giving birth to twins than women who had multiple embryos transferred.





## Artificial Insemination and Consanguinity

### British man allegedly fathered up to 600 children through sperm bank donations

By Eric Pfeiffer– Tue, Apr 10, 2012 (from David Yastrab)

New DNA tests suggest the owner of a British fertility clinic may have fathered as many as 600 children, while keeping his donations a secret. And in an even stranger twist, one of his newly discovered offspring says the man's belief in eugenics may have been behind the decision.

The Telegraph reports that Bertold Wiesner and his wife operated a fertility clinic in the 1940s and were responsible for helping more than 1,500 families conceive. Two of the children conceived through clinic donations, Barry Stevens and David Gollancz, took part in DNA testing that revealed both were conceived using Wiesner's sperm.

## Artificial Insemination and Consanguinity

### Assisted Reproduction

#### One Sperm Donor, 150 Offspring

Cynthia Daily and her partner used a sperm donor to conceive a baby seven years ago, and they hoped that one day their son would get to know some of his half siblings — an extended family of sorts for modern times. So Ms. Daily searched a Web-based registry for other children fathered by the same donor and helped to create an online group to track them.

Today there are 150 children, all conceived with sperm from one donor, in this group of half siblings, and more are on the way. It's wild when we see them all together — they all look alike, said Ms. Daily, 48. **Some experts are even calling attention to the increased odds of accidental incest between half sisters and half brothers, who often live close to one another.**

**Without limits, the same donor could theoretically produce hundreds of related children. And it is even possible that accidental incest could occur among hundreds of half siblings.**

#### Huge Families in Canada, Fathered by Sperm Donors

October 10th, 2011  
Many experts are expressing their concern about the lenient rules regulating the use of sperm cell donors in US and Canada and in fact, there are donors who have anonymously fathered dozens of children. As compared to France and Britain, there are no laws in Canada and US pertaining to limiting the number of children that can be fathered by a single donor.

## מכתבים הצריכים תלמוד

מנישה אדם של דודתו את האחות  
צאצאי הדורית והמלאכות

כ"ה יום ג' למד משה, י"ז תמו

ה' תשס"ב לביע

לכבוד רב הגאון ר' מאיר אהרן

שלישי, שלום וברכה וכל טוב שלום.

הגאון משה לביע שלישי, בענין שאלה

החודש שנינו י"ז ב"ב ביום השנינו רמז

נביר, אדם מהמפורסמים בקרב ראשונים, מנה

אלי קצת בנפשו שבה הוא נמצא, נראה

לנו נערים שנה החלי להקטן בהרפת

דע ענין נשים שלא יכלו להינשא באופן

טבעי במקלות, כל זוג שביקש נתינת

עבר מנה ביוקיות לברר מסגם ויכלתם

לדולר, כאלו נחשבה ליהיה בריאה נהדרת

והי בענין, הולידו והרמז למעל ביוקיות.

החוצאה מריקיות ומפיקיות, כעת גורע  
לרופא זה שבחור יתודי אחד ובחורה יהודי  
אחת שנולדו מנשים שנשפלו על ידי גויקיות  
ועומדים להתחתן בסוף הקיץ הזה, אם הבחור  
ואם הבחורה הם יהודיים, נשואות ליהודים.  
כשתחפא בוק את רשימותיו גורע לו  
שנחנה נולדו ע"י זרע שנחנה מאיש אחד.  
המתנהג היה אחד מהרופאים המלומדים  
שלמד אצל הרופא הגיל לפני עשרים שנה,  
והמתנהג הגיל הוא יתודי.

### שר"ת אגרות משה חלק אה"ע א' סימן עא

דין זרע אחר מפורש לאיסור בט"ז י"ד סימן קצ"ה סק"ז שהביא משם הר"ר פרץ  
בהגהת סמ"ק שאשה צריכה ליהרר מלשכב אסדונים ששכב עליהן איש אחר פן  
תתעבר משכבת זרע של אחר, הרי חזינו שאסור לאשה להתעבר מזרע של אחר  
אפילו שלא בביאה שהולד כשר, אבל מכיון שהשטעם מפורש שם שהוא מדון גזירה  
שמה יש אחותו מאביו וכן הוא בב"ש סימן א' סק"י, יש להחזיר בזרע של נכרי  
שכיון שהולד יהיה ישראל כיון שאמו ישראלית אין לחוש לכלום דאין לו יחוס  
להאב הנכרי אף אם היה דרך ביאה וכ"ש כשאין דרך ביאה אלא מאמבטי

## Posthumous Paternity or Postmortem Pandemonium

### Decision on 'posthumous conception'

22 May 2012 The Washington Post

Twins conceived through in vitro fertilization after their father's death are not eligible for **Social Security** survivor benefits, the Supreme Court decided Monday in its first review of "posthumous conception." There are currently more than a hundred cases pending before the Social Security Administration with claims like Mrs. Capato's. An unknown number of those were filed by the surviving spouses of military personnel, who froze sperm or embryos prior to deploying. All of these claims will turn on the law in the state where the person who died was living at the time of death. And much in those states has yet to be determined by state courts.

Thirteen states have laws that specifically allow posthumously conceived children to inherit in cases where there is no will. Four states specifically do not. But the question is simply not addressed in most state laws, leaving it very much up in the air in most of the country.



מדינת הצרפת  
Paris, France

מדינת ישראל  
מדינת ישראל

קטן, המדינת אלמנה בורע בעלה לאחר מותו.

של

רבי מרדכי ורמיהו שלישי

דיני ירושה, יורש ויורשה בעלה מדינת קטן, שהמשיך אחרי מות  
אביו

## הוצאת זרע מחייל שנהרג בכדי להזרע באלמנתו

זה שיפורסם לקראת ג' תמוז יום הילולא רבה של כ"ק אדמו"ר זיע"א ייאמר שיהיה לזכותו וזכות רעייתו  
וכל י"ח והנולדים עליהם וי"ח וזכות הגדול יגן עליהם ועל כל בית ישראל אמן.

החזיקו לנפשיכם

ד"ר יוסי גרין

המדינת חוץ-גופית לאחר מות האב

## Prenatal Testing

### Too Much Information? Noninvasive Genetic Tests for the Unborn

April 13, 2011

Blood tests can determine whether parents carry mutations for such genetic diseases as cystic fibrosis and Tay-Sachs, but they can't determine whether the baby will inherit them. And although fetuses can be tested for Down syndrome and other chromosomal abnormalities using amniocentesis or chorionic villus sampling, about 1 percent of procedures cause miscarriage, so many moms opt out. But thanks to a handful of recent breakthroughs, noninvasive prenatal tests may soon be available that diagnose genetic diseases before birth using samples of a mother's blood—an exciting possibility that also raises difficult questions about how they should be regulated and administered.

What makes noninvasive tests possible is that a pregnant woman's blood contains free-floating copies of her fetus's genes. Lo accurately diagnosed 100 percent of the fetuses who would be born with the disorder. The test, Lo says, would prevent 98 percent of invasive procedures, such as amniocentesis. The trial did, however, report three false positives, so all positive results would need to be followed up with more invasive tests. San Diego company Sequenom is developing a test based on Lo's method that should be available within two years. Tests for other conditions, including **cystic fibrosis, Tay-Sachs, hemophilia** may be four to five years away.





## Extreme Prenatal Testing

June 6, 2012 NYT

**DNA Blueprint for Fetus Built Using Tests of Parents**  
By ANDREW POLLACK

For the first time, researchers have determined virtually the entire genome of a fetus using only a blood sample from the pregnant woman and a saliva specimen from the father. The accomplishment heralds an era in which parents might find it easier to know the complete DNA blueprint of a child months before it is born. That would allow thousands of genetic diseases to be detected prenatally. But the ability to know so much about an unborn child is likely to raise serious ethical considerations as well. It could increase abortions for reasons that have little to do with medical issues and more to do with parental preferences for traits in children. They took advantage of new high-speed DNA sequencing and some statistical and computational acrobatics to deduce the DNA sequence of the fetus with about 98 percent accuracy.

The process is not practical, affordable or accurate enough for use now, experts said. The University of Washington researchers estimated that it would cost \$20,000 to \$50,000 to do one fetal genome today.



## Male Birth Control

**Male Birth Control: New Procedure Is 100 Percent Effective, Reversible**  
Huffpost.com 04/ 3/2012 3:51



"Eureka! — I've developed a cheap, reliable, male contraceptive!"

A new birth control procedure shows promising signs of becoming another viable option for people who don't want children now, but may want them some day.

The procedure has been found to be 100 percent effective.

One downside -- depending on how you feel about shots -- is that it requires the man receive an injection into the vas deferens with a polymer gel called Vasalgel, after a local anesthetic has been given. The substance works by breaking apart sperm.

The whole procedure takes about 15 minutes and lasts ten years or more and is more easily reversible than a vasectomy.

If a man decides he'd like to have his sperm up and running again, he can get another shot and, within two to three months, the baby-making can commence.

Igros Moshe E.H. 3:15

סימן טו

בדבר זריקה בגוף האנשים שמועיל לשה חדשים שלא יוליד ואח"כ חוזר לכתחילה שיכול להוליד שדעת כתר"ה שאסור משום שפשוט לך שאסור גם סירוס לזמן, וממילא יש לאסור גם זריקות אלו דהוא סירוס לזמן וכוונת כתר"ה דאף דלא עבד כלום באברי הזרע אסור דהא משקה כוס של עיקרון נמי אסור. הנה לא ידוע לי מאין פשוט לך שסירוס לזמן נמי הוא בלא דסירוס דהא לא מצינו בגמ' שאיכא סירוס לזמן, ואדרבה הא מפורש במתניתין יבמות דף ע"ט דסריס אדם אינו לו רפואה.

## Maternity in Assisted Reproduction

- **Mitzvot**
  - פרי עריו
  - Kibud av v'aim
  - Pidyon haben
- **Personal status**
  - Nationality
  - Marriagability (e.g., mamzer)
  - Prohibited marriages
  - Yibum
  - Family lineage (yichus)
- **Civil Law**
  - Inheritance (including first born status and inheritance)
  - Child financial support



## Who gets a card on Mother's Day?



## Jewish Personals

I was Reform as an embryo,  
Conservative as a fetus and  
Orthodox from birth,  
seeking same  
(Moish Goldish)



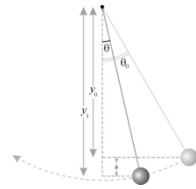


## Rabbis change views on who's the 'mother' of IVF children

Jan. 7, 2010 Judy Siegel-Itzkovich, THE JERUSALEM POST

Many of the country's most influential rabbinical arbiters have gradually changed their minds from considering the woman who undergoes in-vitro fertilization (IVF) with donor eggs the baby's halachic mother, to regarding the donor - even if she is not Jewish - as the real mother.

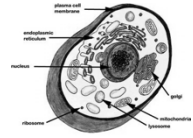
Because of the complete turnover of opinion among leading rabbis as to who is the mother according to Jewish law when ova for IVF are donated, more 'Jewish eggs' must be donated so that desperate, infertile Israeli women will not have to go abroad to purchase eggs from non-Jews.



## A Mitochondrial Mother?

Scientists are to investigate three parent IVF for preventing mitochondrial diseases **BMJ** January 20, 2012

A pioneering research laboratory has been awarded £4.4m to look into the role of a modified type of in vitro fertilisation (IVF) involving three adults to prevent the inheritance of mitochondrial diseases. If approved for use in the United Kingdom the procedure could help the estimated 12 000 people who have a mitochondrial disease to have a healthy baby. Mitochondrial DNA is inherited solely through the maternal line, as are the diseases, which affect energy hungry organs such as the heart, muscles, and brain but often vary in severity. Current options to prevent mothers passing on the diseases to their children, such as preimplantation genetic diagnosis, only reduce the risk of transmission. **If successful, the technique may be able to eradicate these incurable diseases within the next generation, he said.**



## Artificial Reproductive Seed

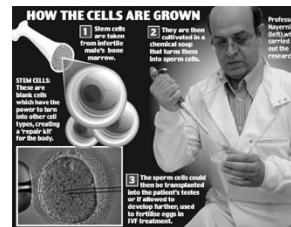
Human Reproduction Vol.33, No.7 pp. 887-893, 2006

doi:10.1080/09502688.2006.10555555

### OPINION

Embryonic stem-cell gametes: the new frontier in human reproduction

Zubin Master

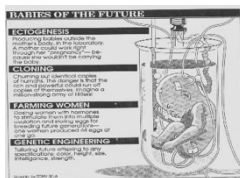


שלומי כייסיקין

הפרייה באמצעות "זרע מלאכותי"

- ראשי פרקים:
- א. זרע מלאכותי
- ב. שיתוף תאומים
- ג. קביעת אביות
- ד. מניעה מראש
- ה. יצור זרע מלאכותי של גבר
- ו. זרע מלאכותי
- ז. זרע מלאכותי
- ח. קביעת אביות בין זרע מלאכותי
- ט. הכשר מניחים ופוסלים היתרון
- י. זרע מלאכותי
- יא. סיכום

## Ectogenesis



R' Railbag, Ateret Shlomo 8(5763)

קובץ שחתפת באינקובטור קד לייצור תולד, מה יעזר של תולד

בתורת הרפואה ישנה נוסחה האפשרית לייצור עובר בביצית שהופרזה ללא צורך בהשגת הביצית בתוך גוף של אשה, אלא בתוך אינקובטור שקיימים בו תנאים הודים לדחם אשה. באינקובטור זה תופחת העובר משלב התחלה שהיה קיימת הביצית שהופרזה עד לשלב שהופרז שהיא יצירתו של עובר שלם ויצאיתו לאור העולם.

נשאלת השאלה במקרה זה לפי מתייחס תולד, הרי הוא לא נולד מאשה, התשובה היא שתולד זה אכן איך אם ואינו מתייחס לבעלת הביצית שהוא נוצר ממנה שהיה הוא לא נולד ממנה. התסקנה המתבקשת לפי זה, ולו זה מותר לישא או להנשא תולד שנולד מבעלת הביצית אם אינם מתייחסים לאותו אב, אדנים ושוכים לאותו מדאם.

## Fertility Preservation



Spanish woman becomes pregnant through ovarian tissue transplantation **BMJ**

A team of surgeons from a hospital in Barcelona has achieved the first known pregnancy through transplanting ovarian tissue. The patient, now aged 31, had both ovaries removed in 2001 because of bilateral ovarian tumors, but some viable tissue was preserved by freezing and was reimplanted when the patient said she would like to become pregnant.

**Worldwide, 13 live and healthy children are known to have been conceived through transplantation of ovarian tissue, but Justo Callejo, team leader and clinical chief of the gynaecology and obstetrics department Hospital Sant Joan de Déu, told the *BMJ* that to the best of his knowledge "this is the first time in which [this procedure] is performed without [the patient] having any traces of ovarian tissue."** "We obtained two mature oocytes that were fertilised through intracytoplasmic sperm injection," Dr Callejo said.



## The Limits of Ovarian Cryopreservation

**"Preserving the Right to Future Children"** by Gwendolyn Quinn et. al. We report on the case of a 2-year-old female, the youngest person ever to undergo ovarian tissue cryopreservation (OTC). This patient was diagnosed with a rare form of sickle cell disease, which required a bone marrow transplant, and late effects included high risk of future infertility or complete sterility.



## Social (Elective) Egg Freezing

**Egg Freezing: Taking a Closer Look March 7th, 2012 biopolitical times**  
Should young women who aren't ready to have children have their eggs extracted and frozen as an "insurance policy" for future motherhood?

### So Eager for Grandchildren, They're Paying the Egg-Freezing Clinic

By **ELISSA GOOTMAN**  
At the Colorado Center for Reproductive Medicine, a popular destination for women hoping to preserve their fertility by freezing their eggs, Dr. William Schoolcraft, the founder and medical director, has started to notice something different: more of the women are arriving with company.

"I see these patients come in, and they're with two elderly people," The gray-haired entourage, it turns out, are the parents, tagging along to lend support — emotional and often financial — as their daughters turn to the fledgling field of egg freezing to improve their chances of having children later on, when they are ready to start a family.

### Aging Ovaries and Age-Old Tradition: Elective Egg Freezing in Jewish Law

Dr. Eli A. Rybak

Age-related fertility decline presents a challenge to women seeking to conceive during the later portion of their reproductive years. Married women can account prospectively for this inevitable biological reality: single women in their thirties and forties, however, often find their related efforts at finding a suitable spouse and building a family confounded by a dual dilemma: inevitable ovarian decline and an increasing threat to their (perceived) marriageability stemming, in part, from an appreciation of this specific phenomenon.

## Postmenopausal Pregnancy

Could Ovary Transplants Defy the Female Body Clock? JULY 5, 2012

Women may be able to have babies later in life thanks to ovary transplants. A handful of women worldwide have undergone the experimental procedure and had babies after menopause. Did science just reset how we think about the female body clock?

The idea is that women could have ovary tissue removed and frozen while they're still fertile, and then have the tissue grafted back on later in life. 28 women worldwide have undergone the procedure and had babies after their ovaries stop working. Besides allowing women to have babies much later in life, the procedure could offset other effects of menopause like the increased risk of osteoporosis, heart disease, and cancer.



**בראשית פרק יא פסוק ל**  
ותהי שרי עקרה אין לה ילד:

**בראשית פרק יח פסוק יא**  
ואברהם ושרה זקנים באים בימים קדל להיות לשנה אחר כנשים:

**רש"י בראשית פרק יח פסוק יא**  
(יא) חדל להיות - פסק ממנה:  
אחר כנשים - אורח נדות:

### Scientists rewrite rules of human reproduction

22 April 2012 The Independent

**Exclusive: Lab-grown egg cells could revolutionise fertility - and even banish menopause**  
The first human egg cells that have been grown entirely in the laboratory from stem cells could be fertilised later this year in a development that will revolutionise fertility treatment and might even lead to a reversal of the menopause in older women.

**Some scientists are even suggesting the possibility of producing an "elixir of youth" for women, where the menopause is eradicated and older women will retain the health they enjoyed when younger.**

Researchers at Edinburgh University are working with a team from Harvard Medical School in Boston to be the first in the world to produce mature human eggs from stem cells isolated from human ovarian tissue.

**"This age-old belief that females are given a fixed 'bank account' of eggs at birth is incorrect," Professor Tilly said.**

**"In fact ovaries in adulthood are probably more closely matched to testes in adulthood in their capacity to make new germ cells, which are the special cells that give rise to sperm and eggs," he said.**

Dr Telfer added: "The important thing is that if you can show you can get ovarian stem cells from human ovary you then have the potential to do more for fertility preservation."

## Animal- Human Chimeras

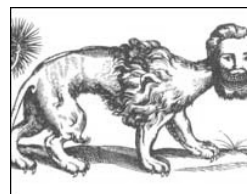
### Interspecies chimeras – will farm animals be regenerative medicine vehicles of the future?

06/26/12

Hiromitsu Nakauchi has a vision for regenerative medicine. In this vision, he sees a renewable source of human organs for transplantation that are grown within the bodies of farm animals.

Here's how it works: pluripotent stem cells would be injected into an early animal embryo that is not capable of generating a specific organ. As the animal embryo develops, the human pluripotent cells would differentiate into the missing organ. This human organ would then be removed and transplanted into a patient.

This month in the *Journal of Cell Biology*, Nakauchi's group published the generation of kidney from induced pluripotent stem cells in a mouse lacking a key kidney developmental gene using the same technology.



**ועיניי עוד בפר"ח נסקיין) מוז שחאריך בוז,**  
וחביא את דברי תירושלמי (נדה פ"ג ח"ב) שחכל  
ולוי בצורת חפנים, שאם כולו אדם ופניו  
כבתמה אפילו קורא בתורה ואומרים לו בא  
ונשחוט אותך, ואם חיו פניו כאדם וכולו  
כבתמה וחורש בשדה ואומרים לו בא וחלוץ  
לאשת אחיך, ומיירי חתם בגולד מאשה, ועיני  
בפרי תאר (שם) סקייין) משייב לחשיב על דברי  
חפ"ח, ובתבוא"ש שם.



## Artificial Life

### Artificial life?

#### Synthetic genes 'boot up' cell

By Maggie Fox, Health and Science Editor

**WASHINGTON** Wed May 26, 2010 (Reuters) - Scientists working to make a synthetic life form reported a major step forward Thursday, saying they had created an artificial genome and used it to bring a hollowed-out bacterium back to life.

They hope to use their stripped-down version of a bacterium to learn how to engineer custom-made microbes.



## Cloned Meat

### Slaughter-Free Stem Cell Meat Sausage Coming Soon

September 01, 2011

MAASTRICHT, The Netherlands --

Scientists are on the verge of growing artificial meat in laboratories without the need for animal slaughter with one expert predicting a stem cell sausage might be just six months away. "I'm hopeful we can have a hamburger in a year," he told New Scientist. Post said the meat -- **pig cells fed with horse fetal serum** -- he had grown did not look appetizing because it was white.



PARVE MEAT

#### Conclusion

*Pareve* meat would have to be grown in a medium or culture, which one cannot automatically assume would be kosher. Consequently, the entire process would require kashruth certification. It is unclear whether kashruth authorities would eventually determine the finished product to be *fleishig* or *pareve*. However, even if it is considered *pareve*, one must be aware of potential *meat-eat* issues, at least until the product becomes widespread. More to the point, it is highly questionable if any reputable kashruth organization would even be willing to provide *hashgacha* for such a product, inasmuch as the entire product is based on numerous *heterim*.

#### Pareve Meat

Rabbi Daniel Friedman

## Disclosure of Genetic Information

### College or Funeral Is Mother's Wish Denied on DNA Results

By John Lauerman on May 14, 2012

Camilla Grondahl asked genetics researcher Gholson Lyon a simple, heartbreaking question: Was she carrying a lethal gene that might kill her unborn baby? Grondahl, 29, didn't want to terminate her pregnancy, which began in 2010. She just wanted to know what the scientist knew. "What do you plan for? Do you plan for him going to college or for a funeral?" Lyon said he couldn't tell her. A few months earlier, Grondahl had given blood for a DNA study Lyon was conducting on her family. She signed a form that said she would be notified of findings that had "direct medical significance," without defining what that meant. Grondahl is one of thousands of people in the U.S. who have undergone DNA testing for research purposes and aren't receiving the results, **even when the information has life-or-death consequences**. That's prompting a burgeoning ethical debate that has led to soul-searching among scientists and doctors.

## Wrongful Birth

### Judge orders Spanish doctor to pay for child support after a failed abortion

BMJ 1 June 2012 Aser García Rada

A judge has ordered a private clinic and a gynaecologist from Palma de Mallorca to pay €420,000 (£340,000; \$520,000) to a 24 year old woman after a failed abortion resulted in a normal pregnancy.

It is believed to be the first time that a Spanish woman has been awarded compensation for an unwanted healthy baby.

Considering that the mother did not want to have the child and did what was legally possible to prevent it, the judge, Francisco José Pérez Martínez of the Court of First Instance Number 2 in Palma de Mallorca, ruled that the doctor and the clinic should cover the costs of the child's upbringing.

### תביעת פיצויים מהורים בגין הולדת ילדים בעלי מום

#### שאלות:

1. האם רשאים ילדים - אשר נולדו ניכים, או בעלי מום אחר - לתבוע מהוריהם פיצויים, בטענה שההורים הורשו מראש ע"י הרופאים שעלולים הם להוליד ילדים מוגמרים?
2. האם יש באפשרות ילד לתבוע פיצויים מאמו אשר לא יזיחה להוראות הרפואה בבעד הרצון, וגורמת בכך לזיווג נכה או בעל מום אחר?
3. האם אבא נולד עם ילדים מוגמרים, האם ההורים מותרים בכל תשלומי גניקון לילדיהם בניו כן?
4. האם משגבות וזיזולה בהרפאה רפואית, ואם נמנעת מפגישות גניקון נוק לילדה, יש מקום לחיבה בתשלומי גניקון לבנה, והאם זאת פשעית הייתה בגדר פשע? (לכן שהתחשלה בצורה מסוכנת ופגעה בגורל) ואם בגדר גרמא גניקון, ותיכ"כ הייתה חייבת בתשלומי לנאת ידי שמו.

### ד"ר מיכאל וינדל הרהורים על "הולדה בעוולה" לאור מקורות המשפט העברי

#### ראשי פרקים:

1. מבוא
2. ליהנות בסבל או לא ליהנות
3. האם הולדה יכולה להיחשב לניקון?
4. האם חיסומות מופגלת יכולה להיחשב לניקון?
5. סוף דבר

אסאי ציא-צ'יב (כרך ג, כ"ג-כ"ד) סיוון תשע"ב

#### 5. סוף דבר

העולה ממקורות המשפט העברי שסקרנו הוא שאף שמותר ואף רצוי למנוע הוראתו של ילד העתיד להיוולד בעל מום, הרי הבאנו בירושלמי לעולם, יהא מצבו קשה ככל שיהיה, אינו מוגדר כעוולה גניקון כלשונו (להבדיל מעוולה כלפי ההורים), שכן קיומו וזומו באין כאחד ולפני שגילד לא היה בעל זכויות. זאת ועוד, הגדרת החיים, ולא חיי סבל, כנוק מונעת בקדושת החיים וזאת גם משילה טעינה בבעלי מוגבלויות קשות, כשהמסר הוא שאף שבאו לעולם עדיף היה לילד נולדו (ולא כגישה השופטת בן פורת).

## Abortion and Maternal Illness

### Dominican Republic abortion ban stops treatment for pregnant teen with cancer

July 25, 2012

**Santo Domingo, Dominican Republic (CNN)** - The Dominican Republic, a ban on abortion is preventing a teenage girl from receiving treatment for a life-threatening disease.

At the Semma Hospital in the capital city of Santo Domingo, a 16-year-old girl is dying of acute leukemia. Doctors say the girl, whose name is being withheld to protect her privacy, needs an aggressive chemotherapy treatment. But there's one problem: the teenager is nine weeks pregnant and treatment would very likely terminate the pregnancy, a violation of Dominican anti-abortion laws.

According to Article 37 of the Dominican constitution, "the right to life is inviolable from the moment of conception and until death." Bautista Rojas Gomez, the Dominican minister of health, has publicly indicated he favors chemotherapy over protecting the pregnancy, but doctors are still reluctant to act for fear of prosecution.

Pelegrin Castillo, one of the architects of Article 37, says the constitutional ban does not prevent doctors from administering the treatment. It does, however, prevent them from practicing an abortion in order to treat the patient with chemotherapy.



## Milah

### Foreskin Bio-Colonialism? August 15, 2011

In South Africa, the is reporting a bioethical controversy over using foreskins taken from circumcised babies in making cosmetics. No, really. In fact, some cosmetics companies do derive skin cells known as fibroblasts, a cell in connective tissue that produces collagen and other fibers, from discarded foreskins.

About 150 patients in the U.K. have already received injections of *Vavelta*, a foreskin-derived skin treatment aimed at rejuvenating and smoothing skin withered with age or damaged by scarring from acne, burns and surgical incisions, according to a spokesperson for *Intercytex*,



בלישת העורלה העלתה את השאלה האם אכילת בשר אדם מותרת ועל כך דנו בהרחבה לעיל<sup>1</sup>. יש שהתייר את הדבר מפני הצורך הרפואי שכדבר, אולם רבים מהפוסקים אסרו לעשות כן. ר' שלמה בן שמעון דוראן (הרשב"ש, אליג'יר מאה 15) הציג את חילוקי הדעות בעניין:

הרב מרדכי הלפרין

הצלת האם תוך כדי פגישה בחיי העובר

מסקנה דמילתא:

אשה מעוברת שהמלחמה בטופס מחלה כמארת, וכדי להורסא מהמחלה, או כדי להאריך את תוחלת החיים עם המחלה, יש צורך בטיפול רפואי כאשר עצם הטיפול הרפואי באם אמור להמית את העובר. מותר לאם לרפא את עצמה בכל אופן, גם אם פעולת הטיפול הפגע בחיי העובר, בין אם עצם ההריון מחמיר את מצב האם, ופסכן או פקצר את חייה, ובין אם עצם הטיפול וההריון לא משפיע על תוחלת החיים של האם, אלא שידחת הטיפול פלילה לקצר את חיי האם<sup>2</sup>.

ובן כחב בשורת מהרי"ש<sup>3</sup>, הביאו לחלכה הגרי"ש הלוי ואגנר<sup>4</sup>, והביאו שוכן היה פשוט גם לחוקן אריש; ובן פסק הגרי"ש אריזניק<sup>5</sup>; ובן פסק הגרי"ש וולברשטיין<sup>6</sup>; ובן פסק הגרי"ש חיים חיים דוד וויס<sup>7</sup>; ובכ"כ הגרי"א לויניץ<sup>8</sup>.

ובן ראוי להודות ע"פ דברי גדולי טרם – ראשונים ואחרונים שהובאו למעלה – ולא להשתדלות ולשנון ח"ו את דמי האשה הנזקקת לטיפול רפואי להצלתה או להארכת חיה<sup>9</sup>.

שו"ת צוץ אליעזר חלק ט' סימן נא – קול רפואה במשפחה פרק ג  
י"ז אשה שחולה במחלה מסוכנת שעומדת למות ממנה וההריון שהרה בו אם תמשיך בו יקרב מיתתה והאשה מתחננת שלא לסדר לה הפלה ולא איכפת לה אם זה יקרב מיתתה ובלבד שישאר אחריה זכר, יש מקום להתיר להיות בזה שב ואל תעשה.

## Milah- Metzitzah

### Another Baby Gets Herpes After Controversial Circumcision

wplx11.com July 2, 2012 BROOKLYN, NY (WPLX11)

Rabbis in the city's ultra-Orthodox Jewish communities are resisting a possible change to the city and state health code, which would require parents to sign a consent form, before their infant boys undergo a controversial type of circumcision.

The ritual, known as metzitzah b'peh, involves a mohel using his mouth to remove blood from the baby's penis. The New York State Health Department has renewed concerns, after another infant recently was diagnosed with herpes, shortly after undergoing a metzitzah b'peh.

The Orange County baby, who is one month old, was transferred to New York Presbyterian/Columbia University Medical Center for treatment.

### Infant's Death at Maimonides Hospital Linked to 'Metzitzah B'Peh' At Bris-Milah March 4, 2012

Borough Park, NY - A two-week old boy died at a Brooklyn hospital in September after contracting herpes through a religious circumcision ritual that ignited controversy in 2005 after another infant died, the Daily News has learned.

The cause of death was listed as "disseminated herpes simplex virus Type 1, complicating ritual circumcision with oral suction."



### NEW YORK MEDICAL JOURNAL:

A MONTHLY JOURNAL OF

MEDICINE AND THE COLLATERAL SCIENCES

Vol. XVIII. DECEMBER, 1878. [No. 6.]

Original Communications.

Art. L.—On the Question of the Transmission of *Rhaphiditis Gonorrhoica* in the Rite of Circumcision. By Dr. W. Tarnan, M.D., Surgeon to the New York Dispensary, Department of Venereal and Skin Diseases.

המליצין

17 (29) Октябрь 1899.

שאלתי את הרבם פאסטור (Pasteur) אם תוכל המציעה לחוק למציין והוא השיב לי שלא תוכל לחוק לו בשום אופן, אם לא יורה לו נגע בחוד פיו, א' נשיבה בלב שינא וא' כל מום אשר בו סם, ריני בן.

## Milah

### German circumcision ban unites religions, worries doctors

Thu, Jul 12 2012 By Elisa Oddone

BERLIN (Reuters) - A German court's ban on circumcising baby boys has provoked a rare show of unity between Jews, Muslims and Christians who see it as a threat to religious freedom, while doctors warn it could increase health risks by forcing the practice underground.

European rabbis meeting in Berlin on Thursday promised to defy the ruling by a court in the city of Cologne last month. Goldschmidt says the ban poses a threat to the existence of the Jewish community in Germany and is a new example of creeping prejudice in European law against non-Christians, after a Swiss ban on minarets, French and Belgian bans on Islamic veils in public, and an attempted Dutch ban on halal meat.

### VIDEOS IN CLINICAL MEDICINE

Neonatal Circumcision

Colleen K. Cagno, M.D., and Paul R.

Gordon, M.D., M.P.H.

N Engl J Med 2012; July 12, 2012

## Possible Remedy to Anti-Milah Legislation

### New York - A common heart disease drug may have the unusual side effect of combating racism, a new study suggests.

March 10, 2012

Volunteers given the beta-blocker, used to treat chest pains and lower heart rates, scored lower on a standard psychological test of "implicit" racist attitudes. They appeared to be less racially prejudiced at a subconscious level than another group treated with a "dummy" placebo pill.

Co-author Professor Julian Savulescu, from Oxford University's Faculty of Philosophy, said: "Such research raises the tantalising possibility that our unconscious racial attitudes could be modulated using drugs, a possibility that requires careful ethical analysis."



## Separation of Conjoined Twins

MSNBC.COM November 1, 2011  
PALO ALTO, California — Twin 2-year-old girls who were joined at the chest and abdomen were separated Tuesday during a lengthy, complex procedure at Stanford University's children's hospital.



Shvus Yaakov (R' Yaakov Reischer 1670-1733)

**שאלה ד** כנס רמ"א דברי חיים במחנה הקמיל סופר וז"ל לשי"ת ע"י כעדים גוים חלופים זכרים צדוקים אז נזם קדקד לאפי"י וכל אחד מהם חיים לו כל ילדיו ומושי"ת נזם מאל כל אלם וכל מלחם פריסם דסיני ע"י פגלופין אז נלך אז עין פלדריס דסיני און קפאל ע"י סילר מללר דסיני פריס קמון לאון יעני"ת ע"י סילר מללר מללר וקדקד רמ"א דקדקס יסד ע"י מללמריסם כמלם כמלר סוף דק רלם אחד רמב שולד עמלר כל מלחם מלחם אז מלם וכל אחד מהם יוסק מלחם ומוכר ומושי"ת מללר וס' כמ' כמ' פריס יוסק נזם צפ"י



R' Yaakov Chagiz (17th century)

שו"ת חלכות קטנות חלק א סימן רמ"ה  
ומכריני ישראל. במחנה אשכנז ג"ר א' כב"ה שנים שגורר דבוק עם חמור עד הסבור חזק כנגד חזק וזשם דבוקין הוא היה ודלד ושלם כשאל כ"י שאל ורש"י קטן משה לבי"י ורש"י חלוצי המסעות עד ארכובתו של גודל ולא היה בו הרואה כלל אלא כאבר שנתגל חמור ונתקיים כך כמ' שנים עם חמור, [מחנה] הורגו חמורם מלח אומו ומכרינו הוא מחקים מה שחמורם צ"ל שגורר דבוק עם של חמור והוכרז של אחיו שולח עם דוד שריון ללכד על מלחם כיוון כמ' כמ' און ומושי"ת חמור כיון שיש מלח חמור מנסע עליו ודמם וכלי דבר ידנו גורם נזם צפ"י חמור מורידים כמכרינו כ"י ח"י"ע דעל הגודל אין דבר ועל הקטן אומר כי רוב גופיםם לריחה ומכרז על הגוסס אפטר ד"א

## Stem Cell Research

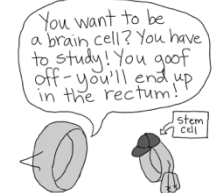


"We're doing our best, Mr Winsborrow. But you have to remember, stem cell research is still in its infancy..."

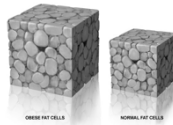
## New Developments in Stem Cell Research

**First vein grown from human stem cells successfully transplanted into a young girl**  
15 Jun 2012

First came bladders. Then pulmonary arteries. Followed by urethras, arteriovenous shunts and tracheas. Now, in another first for the world of tissue-engineered body parts, Swedish surgeons have successfully transplanted a bioengineered vein into a 10-year-old girl suffering from portal-vein obstruction.



## Stem Cells and Cholent



**Human Body's Fat best Source of Stem Cells For Regenerative Therapies 8/28/2011**

The human body's usually unwanted fat tissue may end up, after all, as a very useful contributor to regenerative medicine, a rapidly expanding set of innovative medical technologies that restore human function by enabling the body to repair, replace, or regenerate damaged, aging or diseased cells, tissues, and organs. Several young biotech firms are already using an adult's own stem cells not for cosmetic effects alone but to meet the rising demand for anti-aging and rejuvenation treatments, as well as addressing more serious medical conditions, including acute cardiovascular disease, chronic fatigue syndrome, inflammation, arthritis, and hypertension.

## Stem Cell Treatment for ALS

**Unprecedented Medical Miracle:  
1st ALS Patient to be Cured is Mir Rosh Yeshiva  
Baltimore Jewish Life 07/04/12**

What took place this past month at Hadassah Hospital's Department of Neurology was not expected even by the most senior neurologists.

An ALS patient- a chronic disease with no known cure that causes a slow and painful process of muscular dystrophy- who was wheelchair-bound and had difficulty speaking and breathing, underwent an complete turnaround. From being handicapped and dependent on others for his most basic daily needs, suddenly Rabbi Rafoel Shmulevitz stood on his feet, and returned to teaching at the flagship Mir Yeshiva, which he heads.

The treatment that is responsible, it appears, for the dramatic improvement in his condition was developed by the Israeli biotechnology company Brainstorm, and is based on stem cells. This is the first time that someone who has been treated with stem cells has regained abilities which were previously lost. Rabbi Rafoel Shmulevitz recalls, "I couldn't talk. It was difficult for me to breathe, and my lack of balance made it impossible to get up from my wheelchair. Even when they supported me I was able to walk only with difficulty. My students couldn't understand me when I spoke."...



## Non-Vital Organ Transplants

### Transplants Bring New Faces 2011

If there's a medical advance that seized the public imagination this year, we'd venture to say it was facial transplant surgery.

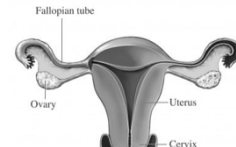
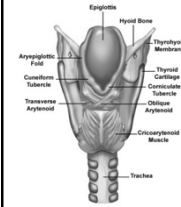
Three transplants gave severely injured patients completely new faces in 2011. Now the doctors involved have revealed details about the complex cases in the *England Journal of Medicine*.



"Why the long face?"



## Non-vital Organ Transplants



## Transplantation and Stem Cells



**Cancer patient receives stem cell-made windpipe, first in U.S.** January 16, 2012 (CBS) In only the second operation of its kind, a Baltimore man has received an artificial windpipe made from stem cells to replace one destroyed by cancer. Christopher Lyles, 30, had tracheal cancer that had progressed so far it was considered inoperable, the *New York Times* reported. In November, doctors made him a new windpipe - or trachea - made out of tiny plastic fibers seeded with stem cells from his own bone marrow. Two months after his successful operation, Lyles arrived home in Md. last week. Surgeon Paolo Macchiarini, a professor of regenerative surgery at Karolinska Institute in Stockholm, performed the surgery. He's also the doctor who performed the first surgery of this kind on a **31-year-old Brit** last July.

## Uterus Transplant

### World's First Turkish Womb Transplant Is A Success October 5, 2011

Derya Sert is the 21 year old who had the world's first successful womb transplant at a Turkish hospital. On August 9th, 2011, doctors at Akdeniz University Hospital in Turkey, successfully transplanted a uterus to Derya Sert, who was born without a uterus, without any major complications.



### Embryo to be transferred to world's first uterine recipient July 27, 2012

Another international medical success could be in the making as doctors at Akdeniz University Hospital prepare for an embryo implant in September for Derya Sert, who was the first woman in history to have received a womb from a deceased donor, and is the world's first successful uterus transplant patient.

The transplant recipient has had 11 menstrual periods since the transplant operation, and it is reported by the university that the transplanted uterus is fully functioning.



### יח'ל ילקוט ספר ש' סיון כב

מכבוד הרב הגאון מו"ה יעקב גאדארן ר' מנחם שטינהפארט (ענגלאנד) י"ז.

אצבע בזה שאלה שנחשפות להלכה, הרפאים המציא פה תחבולה להשיב כל לידה מאשה, באשה שגרה וליכ תוכל להליד, אם מותר לו ליקח הכלי לידה מהאם וליתן בהבת? ואולי דמותר מוח הדון לענין בכור שחליא בפטר רחם ואם הרחם של אשה אחרת? ובכלל מי היא האם בזה האשה הא' או האשה הב' - והנה לעד' יש גילוי לדון זה שש' בפטר רחם: את הוא ברי הוא ע"ש ויתורץ בזה קוש' התוס' שם דו"ק, וגם ראיה מיבשות יח'ל: דמשכחת לפי'ל אמו דתפול ליבום, ונש'ל פיר' מ"ט אבא אמו דידעין דילידתה כו', אבא מסתפא למסוך על דעת עצמי בזה, וליכ אמרת' לשאל זאת בויקלט יוסף ומי יודע פטר דבר?

## Medical Record

A Weekly Journal of Medicine and Surgery

Vol. 69, No. 18,  
Whole No. 31852.

NEW YORK, MAY 5, 1906.

\$5.00 Per Annum.  
Single Copies, 10c.

### Original Articles.

A CASE OF HETEROPLASTIC OVARIAN GRAFTING, FOLLOWED BY PREGNANCY, AND THE DELIVERY OF A LIVING CHILD.\*  
By ROBERT T. MORRIS, M.D.,  
NEW YORK.

blades, thereby avoiding the possibility of leaving ovarian tissue behind. I have been particular in developing this point of technique in ovarian grafting, and in our experimental work with rabbits, my associate, Dr. L. A. di Zerega, has insisted that we must not allow even a particle of scraping from an excised ovary to fall back into the peritoneal cavity, because a single detached ovum might live in contact with the peritoneum long enough to invaginate







## The End



החותם של חזקיהו המלך



Comments, inquiries or suggestions  
welcome  
[saranneddie@optonline.net](mailto:saranneddie@optonline.net)