

Risk-Benefit Analysis Second Edition

Harvard Center for Risk Analysis



BOOK DETAILS

- Author : Richard Wilson
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BOOK SYNOPSIS

This study subverts the conventional ideal of Jewish law and ethics (halakhah) as a self-contained system. It advances a jurisprudential model and cultural redescription of halakhah as a permeable discourse, shaped by Christian and secular normative worlds. Aside from discrete borrowings from sovereign jurisdictions, halakhah is expected to be normatively self-contained in its interpretations of rabbinic literature. For legal positivists, halakhah is conceptualized as a unified system of rules and official sources. The cultural practices of modern Orthodox and haredi Jews reinforce this ideal of linguistic closure, keeping the foreign out of halakhic discourse. However, neither law nor language are insular. Historians discern ad hoc parallels between halakhah and the features of ancient and medieval law. Drawing on linguistic anthropology, this dissertation posits that parallel features are unavoidable and pervasive: language interactions have normative implications. This hypothesis is tested through discourse analysis of diaspora Judaism in post-war America, where Orthodox halakhah faces public controversies in medicine and health risks. First, the dissertation investigates new rabbinic genres, in English, on end-of-life care. Immanuel Jakobovits pioneers a comparative Jewish medical ethics, which triangulates halakhic views of passive euthanasia in dialogical relation with the Catholic sanctity-of-life and secularized liberal bioethics principles of quality-of-life and patient autonomy. Halakhah is shaped by the semantic effect of allusions to foreign vocabulary, rhetoric, and concepts. Second, the dissertation argues that Christian-oriented discourses permeate even the authoritative judgments of Rabbi Moshe Feinstein on end-of-life dilemmas. His *Igrot Moshe* responsa are recontextualized for English-speaking readers via interpretation and translation by J. David Bleich and Moshe Tendler. Third, the dissertation asks if rabbinic reasoning absorbs non-Jewish values as it gleans facts from technocratic discourse. The moral valence of expertise is reflected in Jewish and Israeli reflexivity to the legal strategies, industry-sponsored tobacco science, and risk discourse of the smoking and health debate. Fourth, a hybridity with non-Jewish moral choices is traced by the genealogy of a Talmudic principle, *The Lord Preserves the Simple*. This principle echoes the sociological construction of risk. A counterpart to quantitative risk analysis, it applies non-Jewish risk preferences to biomedical, environmental, and occupational health hazards.

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