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January 07, 2011

### After Being Caught Lying And Skewing Information, The RCA Backtracks – Sort Of – From Its New Stand On Organ Donation

After facing weeks of intense public criticism, the Rabbinical Council of America issued a statement on Thursday evening clarifying its stance on the definition of death and organ donation: it has none.



#### **Rabbinical Council Clarifies Stance on Organ Donation**

By Joy Resmovitz • Forward



After facing weeks of intense public criticism, the Rabbinical Council of America issued a statement on Thursday evening clarifying its stance on the definition of death and organ donation: it has none.

“The RCA takes no official position as an organization on the issue of whether or not brain stem death meets the halachic criteria of death,” the statement says.

In November, a study by the RCA’s Vaad Halacha — a committee, according to RCA’s web site, whose job is “to formulate halachic positions, options, and views on a variety of pressing matters related to the public arena” — on the issue meant for internal use was publicized by the Jewish Week. The 110-page document aroused alarm in the medical community, which interpreted the paper as stepping away from identifying brain death as death, and vented its outrage in letters to the editor and

statements to the press.

The issue of brain death in Jewish law is important because it bears upon the permissibility of organ donation: In the first stage of death, individuals lose the function of their brains — though a machine might be able to keep their hearts pumping. This state is known as brain death. If a doctor has to wait until the heart stops to harvest organs, the vast majority of those organs are no longer viable for implantation.

The Jewish religion embraces and encourages medical progress because of the imperative of “pikuach nefesh,” a legal principle that calls for the saving of human life. But all positive commandments are canceled out by three exceptions, one of which is murder. If Jewish law does not count brain death as the end of a life, then harvesting organs is tantamount to murder — which is forbidden.

Over the years, different poskim, or religious decisors, have taken different sides on the tenacious issue. Rabbi Dr. Moshe Tendler, a professor and bioethicist, issued a Health Care proxy in the early 1990’s stating that brain death is accepted as death. The RCA’s executive committee adapted the proxy before the Vaad majority issued a 1991 response rejecting Tendler’s claim. A few years ago, Vaad halacha set ought to explore the issue. The November study was its result.

In its recent statement, the RCA acknowledges that publicly clarifying a study that came from its own auspices is an “unusual step.” The step was necessary, insiders say, because of intense internal pressure from the rabbis within the RCA who accept brain death as death. External pressure came from doctors who weighed in, some particularly incensed about the study’s claim that “All agreed that even if an organ was removed beissur [in violation of a halachic law], it may still be used.”

One of those physicians is Kenneth Prager, a pulmonary specialist who chairs Columbia University Medical Center’s Medical Ethics Committee and Organ Donor Council. “The biggest problem is, if an orthodox Jew wants to say that brain death is not death and therefore it is against halacha to remove a vital organ from a dead person because that’s killing a person, that’s fine on halachic grounds,” Prager told the Forward. “But to then justify accepting an organ from another person that is viewed as having been murdered to donate an organ is morally repugnant.”

Prager said he found that the study “left the clear-cut impression that the proper halachic approach was not to recognize brain death as death ... The bottom line is that was the Vaad’s conclusion after years of doing research on the issue.’

The clarifying statement — authored by RCA President Rabbi Moshe Kletenik and first vice president Rabbi Shmuel Goldin, who leads Prager’s synagogue — says that the study was meant to serve as an “informational guide,” and not a conclusive position paper on how rabbis should rule. In so doing, the RCA did not deal with the substantive criticisms of the study.

The statement also notes that:

\*The RCA validates both sides of the pitched debate, encouraging individual RCA member rabbis to come to their own conclusions based on the poskim they trust, along with their "own conscience."

\*Despite the debate over the halachic definition of death, "almost all authorities maintain that organ donation ... is not only allowed, but a Mitzva" when it contributes toward saving someone's life.

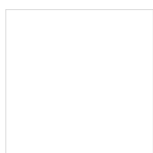
\*The RCA will "continue to disseminate information" surrounding the debate.

But Robby Berman, founder and director of the Halachic Organ Donor Society and an initial critic of the study, said the statement is not enough. "The RCA paper contains medical mistakes, citation errors, historical distortions of piskei halacha, and morally reprehensible halachic positions," he said. "Given the uproar in the medical, halachic, and transplant community about the defective and biased RCA paper, I understand why the RCA felt the need to issue some kind of statement."

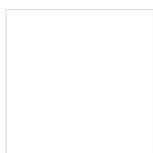
He added: "But a 'clarification' ... that rabbis should not use the document as if it is a psak does not suffice. The RCA needs to retract the document, fix its flaws, and reissue it. That would be the right thing to do."

For his part, Goldin told the Forward that defending or retracting the study's contents is not the job of RCA leadership, but rather that of the paper's authors. He said he personally accepts brain death as death. "I thought that the study was weighted to one side and therefore reflected the position of the people who were writing it," he said. "This is an area of halacha where the final determination has not yet been made. What's reflected is healthy debate around a very critical issue."

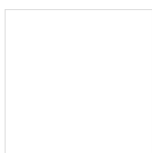
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RCA IS A JOKE...has been for the last 7 years or more. sad

Posted by: [ruthie](#) | [January 07, 2011 at 11:00 AM](#)



\*"The RCA takes no official position as an organization on the issue of whether or not brain stem death meets the halachic criteria of death," the statement says.\*

At least they are honest about it. Sometimes it is ok to say "You know what, I just don't know". There may be hope after all! I hate people who think that they know everything - that is usually a sign that they probably know nothing only how to blow hot air.

The next thing to work on is a statement on the frequency of bath takng.

Posted by: [JC](#) | [January 07, 2011 at 12:32 PM](#)



maybe a rca has to agree with whatever the agudath israel says, for political reasons. if the agudath says the rca can no longer be considered an orthodox organization, there is gonna be a lot of problems out there: specially for rca converts.

Posted by: [esther](#) | [January 08, 2011 at 10:48 PM](#)



7 years? Isn't that around when R. Gedalia Schwartz became Av Beis Din?  
He lives in Chicago, has since 1987, is part of that community, and only comes to NY at times...

<http://www.bethdin.org/staff-bio.asp>

Rabbi Gedalia Dov Schwartz, Av Beth Din. Rabbi Schwartz, a leading authority in Jewish law, was the rabbi of the Young Israel of Boro Park for 18 years, and previously held pulpits in Rhode Island, New Jersey and Pennsylvania. He has served as Av Beth Din of the Beth Din of America since 1991. He is the author of two books and numerous scholarly articles in the area of Jewish law. He is also the Av Beth Din of the Chicago Rabbinical Council.

Posted by: [Anon please](#) | [January 09, 2011 at 01:13 PM](#)



Sorry. Actually, that's about when this guy started running the CRC Beis Din and apparently Rav Schwartz:

Rabbi Alan Abramson

<http://www.crcweb.org/bethdin.php>

Beth Din Administrator

Rabbi Alan M. Abramson was ordained at Yeshiva University and holds a B.A. from Yeshiva College and an M.B.A. from Adelphi University. A past president of the CRC, Rabbi Abramson is the menahel (administrator) of the Beth Din and the Rabbi of Anshe Motele Congregation of Chicago.

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Posted by: Anon please | [January 09, 2011 at 01:27 PM](#)

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