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'If the heart is beating, it's murder'

By Yair Ettinger and Yuval Azoulay

Harvesting the organs of a patient who has been declared brain-dead but whose heart has not stopped is "shedding of blood" according to a statement released yesterday by ultra-Orthodox Ashkenazi rabbis.

The statement came in response to the law passed by the Knesset earlier this week governing the determination of brain and respiratory death as a criterion for declaring the patient dead.

The law is to go into effect within 14 months.

Rabbi Yosef Shalom Elyashiv and Rabbi Zalman Auerbach yesterday published a statement in Yated Ne'eman, the newspaper identified with the ultra-Orthodox Lithuanian stream, that said that even if the organs are intended for another "dangerously ill" person, "when the donor's heart is beating and his brain, including the brain-stem, is not functioning at all, known as 'brain-death,' our opinion is that there is no permission to remove any organs and [to do so] constitutes shedding of blood.

"There are people who want to suit the world of Jewish law to the modern world and permit themselves to express opinions against pure Jewish law on serious questions like those involving human life," the rabbis said.

The statement was a veiled criticism of the support for the law of the senior Sephardic authority on Jewish law, Rabbi Ovadia Yosef. Yosef backed the law based on understandings reached between representatives of the chief rabbinate and the health-care system.

"Every Jew knows that only the great leaders of Israel have the authority to decide, especially on serious questions involving Jewish life," the rabbis also wrote.

The anti-Zionist rabbis of the Edah Haredit also criticized the law and Shas, publishing an ad in Jerusalem under the heading "Thou shalt not murder."

Also yesterday, the family of an 18-year-old girl who had been

declared brain-dead at the Meir Hospital, Kfar Sava, decided to donate her organs. The girl remained on life-support for a day while the family sought the advice of rabbis as to whether she could be disconnected from the ventilator.

The head of the Israel Medical Association's ethics bureau, Professor Avinoam Reches, yesterday called on the chief rabbis to openly support the new law. The previous processes to determine brain death were correct, he said; nevertheless, the medical establishment had bowed to the religious establishment, and now "the chief rabbis should express themselves positively on the issue so the law will serve its public goal."

According to the new law, a machine called a transcranial doppler, which measures blood-flow to the brain, will be used to determine brain death. It was presented at a press conference Tuesday at the Wolfson Medical Center, Holon.

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