

Thursday 10th February 2011

Dear Sir Robby Berman and the Halachic Organ Donor Society have done sterling work in bringing the issue of organ donation to the attention of the halachic community. However, his recent letter (Jewish News 20 January), employed emotive and rabble-rousing rhetoric in its condemnation of the recent ruling by the Chief Rabbi and London Beth Din (LBD). In suggesting that by dint of being modern-Orthodox, the Chief Rabbi should accept brain death as being halachically valid, he has demonstrated he has no understanding of what modern-Orthodoxy is about. Modern-Orthodoxy values an engagement with contemporary society and modernity but doesn't endorse, as a matter of principle, everything that modernity puts its way. He claims that only the Chief Rabbi and the LBD have issued a black-and-white ruling against brain death. That is patently untrue. Charedi authorities in Israel such as Rav Elyashiv, as well as poskim based at Yeshiva University in New York such as Rabbi J D Bleich, have also been unambiguous in this regard. He indicates that he would have preferred the Chief Rabbi and LBD to issue a statement recognising the validity of diverse opinions on this matter. In truth, the community should admire them for being able to publicise an unequivocal view. The role of rabbis who are involved in psak is to issue clear guidelines rather than just to present a range of alternatives. I doubt Robby Berman would have criticised them had they unequivocally endorsed the position that he champions. The fact that Rabbi Sacks's own rebbe, Rabbi Nachum Rabinovitch, carries a donor card simply indicates that the Chief Rabbi has reached his own conclusion on the matter. We would expect a Chief Rabbi to be able to do this and would not want him to defer to his mentors in every instance. Notwithstanding these comments, Robby Berman is correct in asserting that opposition to the validity of brain death presents its own set of religious and moral challenges that the halachic community needs to confront.

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