



## **Local rabbi sees transplant report as 'unholy'**

### **Orthodox community in heated debate over end-of-life criteria**



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Rabbi Menashe East of Mount Freedom Jewish Center is one of about 100 Orthodox rabbis who signed a petition against the RCA's revised position on brain stem death and organ

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donation.

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A debate over organ transplants and the legal definition of death is roiling Orthodox leaders, including a local rabbi who worries that a recent rabbinical report paints traditional Judaism in an unflattering light.

At issue is the notion of “brain death.” In November, the Rabbinical Council of America, the umbrella organization for about 900 Modern Orthodox rabbis, issued a report backing away from a 20-year-old proxy accepting brain-stem death as halachic — or acceptable under Jewish law.

While taking no official position on the issue, the 110-page report said a majority of halachic decisors define death as cessation of breathing and heart beat.

The report angered proponents of organ donations, who say under the RCA guidelines a Jew’s organs could not be harvested as long as a donor’s heart remains beating, even if doctors determine there is no brain activity.

Worse, say opponents of the RCA report, the report implies that a Jew may accept an organ from a brain-dead donor, even as their own donation guidelines remain more restrictive.

“Jews benefiting from organ donation but not willing to give organs is not a defensible halachic position,” said Rabbi Menashe East of Mount Freedom Jewish Center in Randolph. “I am concerned we’re acting like *chazars* [gluttons], taking more than we’re giving.”

East was one of some 100 Orthodox rabbis to sign a petition condemning the RCA’s new stance on brain-stem death.

Their petition reaffirmed that “brain stem death is a halachically operational definition of death,” and encouraged “all Jews to sign organ donor cards, in line with their halachic definition of death.” It cited prominent rabbinic decisors who accept the concept of brain stem death.

It also criticized the potential for a double standard.

“To adopt a restrictive position regarding donating organs and a permissive position regarding receiving organs is morally untenable,” according to the petition.

East called the RCA’s move an “unholy decision and a terrible *hilul hashem* [desecration of God’s name],” and one intended to woo the right wing of the movement at the expense of sound medical knowledge and authentic Halacha.

“They are trying to build credibility in the eyes of their more conservative constituents,” said East, who was ordained at Yeshivat Chovevei Torah, an “Open Orthodox” yeshiva established to counter a rightward trend within Modern Orthodoxy. The petition was signed by a large cadre of rabbis affiliated with Chovevei Torah.

### **A step back?**

RCA supporters, in turn, point out that despite decisions by prominent Orthodox rabbis embracing brain death, the issue has hardly been settled. They also criticize the petition’s signatories as focusing on the outcome rather than the analysis, a halachic no-no.

A statement issued Jan. 17 by Agudath Israel of America, representing fervently Orthodox movements, called the approach in the petition “decidedly unorthodox.”

“Defining death is a crucial halachic matter, not one to be ‘decided’ on the basis of what some consider a societal need,” according to the Agudath Israel statement

East suggested that if it were a case of deciding the issue for the first time, he would agree. But in this case, he said, “we are moving backward. We don’t need to establish new criteria — this is how it’s been. Why are we taking a step back?”

In the early 1990s, Rabbi Moshe Tendler, a professor of bioethics at Yeshiva University, issued a ruling that brain death is death under Jewish law even if the heart continues beating. His ruling gave a green light for organs to be harvested. The RCA adopted the position.

Last year they launched a study to reconsider the issue.

Other New Jersey rabbis who signed the petition objecting to the RCA ruling are Rabbi David Wolkenfeld of Princeton, Rabbi Akiva Dov Weiss of Rutgers University, Rabbi Daniel Geretz of West Orange, Rabbi Yosef Adler of Teaneck, Rabbi Yaakov Love of Passaic, Rabbi Nati Helfgot of Teaneck, and Rabbi Michael Chernick of Teaneck.

One thing all sides agree on, however, is that organ donation is permissible. As the RCA put it in a statement, “Almost all authorities maintain that organ donation, under halachically permitted circumstances, is not only allowed, but a Mitzva — when such donations are applied toward saving the life of another.”

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