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January 02, 2011

Protect Organ Donation

In the last two decades, Orthodoxy has been increasingly hijacked by religious fundamentalism. A growing number of rabbis seem bent on adhering to the strictest interpretations of ancient talmudic dictates, even if doing so leads to an untenable moral position. Protecting the “life” of a Jew with irreversible brain-stem damage has become more important for these irresponsible figures than saving the life of another human being.



Protect organ donation

The traits that made Cohen so admired led him to want to donate his organs after death, but rabbis blocked him from doing so.
 Jerusalem Post Editorial



Israeli soccer icon Avi Cohen was laid to rest Wednesday after failing to recover from a severe head injury suffered in a motorcycle accident on December 20. As The Jerusalem Post's sports reporter Allon Sinai pointed out, when Cohen was handpicked by top English club Liverpool's manager Bob Paisley in 1979, Liverpool's soccer was “on a different planet” to Israel's.

Yet despite Cohen's meteoric rise to such elevated surroundings, he always remained modest, down-to-earth and accessible. Testimony to his noble character, and to the esteem in which he was held, was the large turnout of fans and friends to pay their final respects to Cohen, whose coffin was presented at Ramat Gan's National Stadium before burial.

Sadly, the tragedy of Cohen's death was compounded by a group of meddling rabbis. A day before he passed away, Cohen was pronounced brain dead by a medical team at Ichilov Hospital in Tel Aviv. Cohen had signed an ADI organ donation card. Out of respect for and empathy with Cohen's wishes, his grieving family began authorizing the removal of organs to save other lives.

Sephardi Chief Rabbi Shlomo Amar personally called the Cohen family to assure them that organ donation was a mitzva.

Already in 1986, the Chief Rabbinate had ruled that in certain cases, brain death constituted clinical death according to Halacha. Irreversible cessation of spontaneous respiration as a result of brain damage caused by a severe blow to the head permitted heart donation, according to that ruling, which was endorsed by leading halachic authorities. In the early 1990s, the Rabbinical Council of America also developed a health care proxy that determined that brain-stem death constituted halachic death.

But in the last two decades, Orthodoxy has been increasingly hijacked by religious fundamentalism. A growing number of rabbis seem bent on adhering to the strictest interpretations of ancient talmudic dictates, even if doing so leads to an untenable moral position. Protecting the “life” of a Jew with irreversible brain-stem damage has become more important for these irresponsible figures than saving the life of another human being. Jew or non- Jew. For these rabbis, removing organs before the heart stops, even if the brain-stem is dead, is tantamount to murder. Refraining from helping a terminally ill patient whose life can be saved by an organ donation is not.

This fanaticism has swept America as well. In November, a special committee of the RCA backed away from its previous stance. While it did not

adopt a clear position on the issue, the 1986 chief rabbinate's decision was harshly criticized.

Particularly galling has been the sense that halachic authorities, in America and in Israel, are permitting Jews to receive organs, but not to donate them.

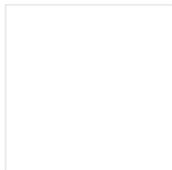
MEDDLING rabbis holding to these morally despicable positions contacted the Cohen family last week and managed to persuade them not to listen to Amar. Distraught over the tragedy, the Cohens were undoubtedly easy prey for pushy rabbis armed with the overflowing self-confidence of fundamentalists certain they know God's will. It was murder to remove organs from Cohen before his heart stopped beating, they argued, perhaps even hinting that the family would suffer heavenly punishment. Clinging to the hope that the former soccer star, whose physical vitality had been so central to his very being, might yet return to life, Cohen's family heeded the calls of these rabbis, disregarding Cohen's own wishes as expressed by his signing a donor card.

We will never know what good his organs could have done. We do know that the ease with which his firm desire to do that good was disregarded is untenable. In the case of Avi Cohen, and all others who have made a carefully considered decision to donate their organs should the circumstance arise, this disregard risks the lives of others and thus becomes a threat to society.

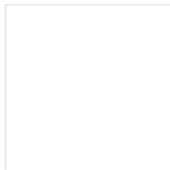
We recommend that legislative steps be taken to ensure the ADI card carries the weight of a will. In light of the split within Orthodox Jewry – between spiritual leaders such as the chief Sephardi rabbi, who hold a morally upright position on organ donation, and others who have lost touch with Judaism's guiding morality – we recommend that every potential organ donor clearly indicate which of the two approaches suits his or her religious sensibilities.

The traits that made Cohen so admired in his lifetime led him to want to donate his organs after death. Unfortunately, a group of meddling rabbis blinded by fanaticism succeeded in preventing him from doing what he was convinced was the right thing. This betrayal must not be allowed to happen again.

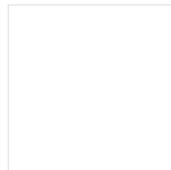
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Protect Organ Donation

There is only one way to protect a person's wishes is to take the family out of the equation. If one carries a donor card then it is between him and the medical personal as to if and when to use whatever organs that can be harvested. No family, no rabbis, no priests, no imans - no one should be consulted.

Posted by: JC | [January 02, 2011 at 08:31 AM](#)



When do you poor excuses for Jews want to adhere to Jewish law? When it's convenient? You think you have a better understanding of what G-d wants? Oh that Talmud it's ancient, we know better. FYI Jews thought the same way in Berlin in the late 1800's. Your so desperate to appease people who don't care about you your willing to cast your religion aside. Good luck in no mans land fellas.

Posted by: L I L | [January 02, 2011 at 09:22 AM](#)



Beyond any moral imperative, an Adi organ donor card may save your life or the life of someone you love.

<http://nofryers.com/with-an-adi-organ-donor-card-the-life-you-save-may-be-your-own/>

Posted by: [Matzliach](#) | [January 02, 2011 at 11:03 AM](#)



Does anybody know who these rabbis were?

Posted by: [Bartley Kulp](#) | [January 02, 2011 at 12:49 PM](#)



Does anyone here with any knowledge on the subject know which Orthodox authoritative poskim in Israel and in the USA allow organ donation according to halacha?

Thank you.

Posted by: [Abracadabra](#) | [January 02, 2011 at 01:09 PM](#)



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Thank you.

Posted by: [Abracadabra](#) | [January 02, 2011 at 01:09 PM](#)

Go to [HODS.org](#) and check out the list.

Posted by: [Shmarya](#) | [January 02, 2011 at 01:16 PM](#)



Don't you become "unclean" when you even so much touch the dead body, not to mention putting semi-dead organs into yourself (Numb 19)?

IMHO this issue is very complex, especially so much for our not-so-educated rabbis...

Posted by: [Aleksandr Sigalov](#) | [January 02, 2011 at 03:14 PM](#)



shmaya checked out the hods website (thanks for the link).it says that rav eliyashav and rav kanevsky prohibit donating and receiving organs based on brain death.who are the poskim who prohibit donating but permit receiving?

Posted by: [marrtin nerl](#) | [January 02, 2011 at 03:38 PM](#)



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Posted by: [marrtin nerl](#) | [January 02, 2011 at 03:38 PM](#)

Either HODS made a mistake or you have.

Rabbi Elyashiv holds you can receive organs, but you cannot donate them – which is the position of every posek I'm aware of who prohibits donating organs.

Posted by: [Shmarya](#) | [January 02, 2011 at 04:34 PM](#)



shmarya are you sure? is any psak in writing? can you check with hods where they are getting their information? they claim rav kanevsky made a PUBLIC declaration.

Posted by: [marrtin nerl](#) | [January 02, 2011 at 04:50 PM](#)



shmarya the hods website claims rav sternbuch av beis din of the badatz agrees with brain death. is that your opinion as well? if that is the case, the followers of badatz would be allowed to give or take organs without being hypocrites. do you agree?

Posted by: [marrtin nerl](#) | [January 02, 2011 at 04:58 PM](#)



Rabbi Elyashiv's position is as I stated.

Rabbi Kanievesky normally hold like him. I suspect Rabbi Kanievesky's decision was issued befor he clarified his father-in-law's position.

As for Rabbi Shternbuch, the problem is that he has only a handful of followers. The rest of Badatz Yerushalayim follow their own poskim, and those generally oppose organ donation but allow taking organs.

Posted by: [Shmarya](#) | [January 02, 2011 at 05:05 PM](#)



shmarya look at hods website issues #4. they tell of rav elyashav's psak about the chinese prisoners. perhaps they inferred from there that rav elyashav prohibits taking in all cases. if you know that to be wrong, can i ask you who your sources are? in any event, they claim rav kanevsky publicly prohibited it. does this mean there is a machlokes between rav elyashav and rav kanevsky? or do you claim they are wrong and rav kanevsky permits taking as well?

Posted by: [marrtin nerl](#) | [January 02, 2011 at 05:05 PM](#)



I already answered your question in my comment immediately above yours. (We left them at the same time, you probably did not see it.)

Posted by: [Shmarya](#) | [January 02, 2011 at 05:12 PM](#)



shmarya do you know when rav kanevsky made his statement? i am not knowledgeable where hods gets their information. have you contacted them to let them know they are mistaken?

Posted by: [marrtin nerl](#) | [January 02, 2011 at 05:25 PM](#)



shmarya sorry for the extra comment. you are right. we must have sent them at the same time. are these views well-known (those of rav elyashav and rav kanevsky)? if rav shternbuch is not the main posek for the badatz, who is? the hods website says he is the AV beis din? doesn't that make him the chief justice? how many other members are there? also, i haven't seen rav wosner's or rav yosef's opinion mentioned. where do they stand?

Posted by: [marrtin nerl](#) | [January 02, 2011 at 05:32 PM](#)



Rabbi Kaniefsky made whatever statement he made. But like so many other haredi poskim, that pesak changes based on politics and on the what other poskim may have ruled afterward.

It isn't as if these rabbis regularly issue corrections or collate their rulings in a way they can be accessed by anyone.

All that happens is certain select rulings may be published in book form, sometime after they are written. That could be the next month or many years later.

And then they have the unfortunate habit of orally changing rulings and not publicly noting those changes.

So it comes down to who heard it when, and who is considered to be more believable.

HODS has an email address or contact for on their site. You can ask them to clarify the positions.

Posted by: [Shmarya](#) | [January 02, 2011 at 05:38 PM](#)



shmarya sorry for all these comments, but one more question. of israel's total population of 7.5 million people, how many are followers of rav elyashav, rav kanevsky and the others who hold like them? if 6 million people in israel are not signed up as organ donors (i have no idea of the actual number, i'm just taking a guess) but only 1 million are followers of these poskim, that leaves 5 million who don't sign up for other reasons (laziness, spooked out, selfish...whatever). are those 5 million better than those who don't sign up for religious reasons? do they deserve organs even though they don't donate? do you advocate a very fair system, simply put, if you join the organ donor "club", you can take as well, if not, regardless of the reason, you can't? that seems fair, what is your opinion? would you support legislation to back this up?

Posted by: [marrtin nerl](#) | [January 02, 2011 at 05:43 PM](#)



But like so many other haredi poskim, that pesak changes based on politics and on the what other poskim may have ruled afterward.

And I think this nicely points out the problem of lack of unity of the Jewish people...

At better times, say, kohen gadol would be the sigular ultimate authority on the matter... but now... its just sad...

Posted by: [Aleksandr Sigalov](#) | [January 02, 2011 at 07:11 PM](#)



Posted by: [marrtin nerl](#) | [January 02, 2011 at 05:43 PM](#)

You have to make a difference between those people who affiliate with groups that ban organ donation and those that do not.

Of those who do not, many are influenced by rabbis who do to them what was done to Avi Cohen's family.

Everyone who has looked at this issue agrees haredi rabbis have made organ donation far less common that it otherwise would be.

I think a fair system in this case is to give organs only to those who agree to donate them, but even that type of system can be scammed.

Posted by: [Shmarya](#) | [January 02, 2011 at 07:24 PM](#)



Rabbi Avraham Steinberg from Sharei Zedek hospital said he spoke to Rav Shternbuch who said to him that a beating heart is not a sign of life and you can donate from a brain dead patient. The HODS site simply says that Rav Elyashiv prohibited from taking organs from Chinese prisoners because they are being murdered. If he doesn't accept brain death as death I'm not sure why he would allow taking organs from anywhere in the world where the person is brain dead. I am the director of HODS and I am more than happy to answer any more questions about the HODS site.

Posted by: [Robby Berman](#) | [January 03, 2011 at 01:27 AM](#)



Robby –

What I understand to be true is that when people who follow RYSE need organs, as long as the organs are not from Chinese prisoners killed to order, rabbis have been telling them to take the donated organs. There was a case reported in the Israeli media not long ago, where a haredi family took an organ but said very clearly they would never give one for halakhic reasons.

As for Rabbi Shternbuch, I think most of Badatz follows its own rebbes and hasidic courts in matters like this. Rabbi Shternbuch's personal following is quite small.

I don't mean this to weaken organ donation in any way, God forbid. I only want to point out that the haredi double standard of I take but will not give is in very much in operation.

Posted by: [Shmarya](#) | [January 03, 2011 at 07:27 AM](#)



r'berman,

why doen one have to pay to register with HODS?

Posted by: [meir ben-lazar](#) | [January 03, 2011 at 08:47 AM](#)

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