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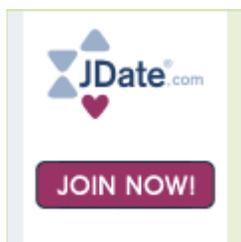
Ari Jesner

My family and I were upset and disappointed to read the inaccurate Rabbinical Council of America report on determining death ("RCA Backs Off Stand On Brain Death For Transplants," Dec. 3).

Pages 44 - 45 of the report make (anonymous) reference to the case of my late brother, Yoni Jesner, fatally wounded in a suicide bombing on a bus in Tel Aviv in September 2002. Within 24 hours of the bombing Yoni, who was 19, was declared brain dead. At the time I spoke to Rav Aharon Lichtenstein [of Yeshivat Har Etzion in Israel] on the matter of organ donation. Rav Aharon's version of events (which contradicts the RCA report) is accurately recorded in a video on the HODS (Halachic Organ Donors) website, where he states: "What I very much encouraged [the Jesner family] was that whatever indeed is defined as death ... if indeed one acknowledges and recognizes brain death as death, then I thought that the donation of organs was not only permissible but a very desirable option..."

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While Rav Aharon did not give a psak [halachic decision] on the matter, he set out the halachic

options available to us and, armed with this information, we chose to donate Yoni's organs, helping a number of individuals, including saving the life of a young Palestinian girl. The information in the RCA study is inaccurate and misleading. Factually incorrect statements of this nature, as well as being hurtful and upsetting for our family (and nonsensical in the context of the narrative the RCA report seeks to establish regarding this story), must surely call into question the validity and accuracy of the report as whole.

London

Editor's Note: Asked for comment, RCA President Rabbi Moshe Kletenick wrote that "members of the Vaad Halacha spoke extensively with Rav Lichtenstein concerning this matter, and the document was provided to him for review and comment before being distributed to our membership. There is in fact no contradiction between the account of the family and the position of Rav Lichtenstein as presented in the paper. Rav Lichtenstein recognizes, as does the RCA, that this is a complex issue in which there are differing views. His personal opinion is that he remains in doubt concerning the matter, and he does not rule that brain stem death is halachically death. However, when confronted with a situation of a family in great distress who were disposed to authorize the donation of the organs of their loved one — and who were relying on the position of an eminent authority such as Rav Shapira, who accepted the validity of brain stem death — Rav Lichtenstein affirmed their right to rely on this opinion. Further, he stated that if one accepts the opinion of Rav Shapira it is in fact a great mitzvah to donate organs. Once again, we reiterate that the RCA does not take an official position on this matter."

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