

Rav Chaim Kanievsky On Organ Donation and Swine Flu Shot

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The issue of organ donation has gained attention in Eretz Yisroel, with the *poskim* having ruled that a patient can be pronounced dead only when the heart stops beating, thus forbidding organ donation while the brain still works.

A number of doctors in Israeli hospitals have questioned this: "How can they [*chareidim*] expect to donate their organs, if they do not agree to do so after a patient has suffered brain death? Once one waits until cardiac death it is too late to donate," they contend.

These and other similar questions have been posed, and addition attention was shed upon this matter last month with the case of a young girl, Tamar Kahanovitz *a"h*, who was classified as brain dead at Schneider Children's Hospital. Doctors there actually refused to continue providing medical treatment, though her heart still beat regularly. Deputy Health Minister and MK Rabbi Yaakov Litzman subsequently took up the cause of this young girl.

The hospital staff members' intransigence actually stood in stark contrast to the law, which obligates physicians to notify family members regarding a patient's condition, and as long as the heart continues to beat, they are required to consider the patient fully alive and honor the family's wishes.

Rabbi Litzman, at the time, paid several visits to the medical center to clarify to the hospital administration and staff the Health Ministry's stance on the issue - which conforms with the *halacha* - that a patient can be pronounced dead only when the heart stops beating.

The standoff resulted in a flurry of media reports, with medical establishment figures clamoring to support the doctors at Schneider.

Litzman later visited Maran Rav Yosef Shalom Elyashiv to report to him on the ongoing saga regarding the determination of death in Israeli hospitals. During their meeting, Rabbi Litzman showed Rav Elyashiv a letter from the Health Ministry that states that a patient's family had the right to determine death as being only after the heart ceases to beat and that the family members can thus require a hospital to continue providing medical treatment. Rabbi Litzman related that he has gotten much flack for his stance amongst many in the secular medical community, though it is 100% in accordance with the law. Rav Elyashiv praised Rabbi Litzman for his firm stance and said that what he is doing is a "*Kiddush Hashem*."

With the issue of organ donation grabbing headlines, leading *rabbonim* have issued a clear *p'sak* that states that until final cardiac death, organs may not be removed from a patient's body.

The latest development in this saga occurred today, during a visit this afternoon by Dr. Oron Halpern, head of the Yitzchak Rabin Hospital, to the home of Rav Chaim Kanievsky on Rechov Rashbam in Bnei Brak.

First, the doctor asked Rav Chaim for a *bracha*. Rav Chaim answered him, "You should not have any work" (i.e., people shouldn't be ill and you will thus not need to work).

The doctor later asked Rav Chaim regarding the definitive time of death according to *halacha* with regard to removing organs from a patient. Rav Chaim answered that as long as the heart is beating, the person is alive and one is not, in any way, permitted to take his organs.

Dr. Halpern then asked, "How can the *chareidi* public take organs when they are needed for a patient, and yet, at the same time, are unable to donate organs? If it is *assur* to give, it should be *assur* to take. And is one who ceases from performing rescue operations on a brain dead patient considered a *rotzeiach* and those organs not be used?

Rav Chaim replied, "We may certainly not take organs from a patient who is only suffering brain death. It is forbidden to take organs from the patient, even if it will save another Jew."

On another topic, in recent days, many have been asking Rav Chaim about the shots to prevent one from contracting the swine flu. Should one take it or not?

Rav Chaim responded that he heard from a *shliach* who went to the home of Rav Aharon Leib Shteinman that the shots are dangerous and that, in this situation, a "*shev ve'al taaseh*" approach is appropriate.

Dr. Halpern told Rav Chaim that only a minority of the population have taken these flu shots. Rav Chaim replied that there is no need to take it, as he has heard from several sources that they can be harmful.

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