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SUNDAY, JANUARY 2, 2011

Organ Donation, If You Can Receive, Shouldn't You Give?

Recently [Avi Cohen](#), an internationally known Israeli soccer player, died as a result of an accident. Years before he had signed instructions that his usable organs should be donated to save other lives. For some reason, this didn't happen.

I personally know people who are alive today because there are healthy organs in their body from others, and I know some of the people in this very powerful and moving [HOD](#) movie.

I'm not an expert in *Halacha*, Jewish Law, so my reasoning is based on my logic. If it's permitted to receive organs, then it must be required to donate to others. This way more lives will be saved, a very great mitzvah.

Posted by Batya at 1/02/2011 09:07:00 PM



14 comments:



Shy Guy said...

Consider deleting this post, consulting your rabbi(s) and putting it back up either as is or corrected.

There are tons of problems donating in Israel because of the lack of proper supervision to ensure that halachah will be followed by doctors who are often as secular as Christopher Hitchens and couldn't give a damn about Hashem's 6th out of 10 Commandment.

Accepting organs from halachically murdered donors is *less* problematic as far as receiving them goes. The logic would be that if you won't take the organs, someone else will get them, so why kill yourself just in principle - and who said you're allowed to kill yourself on such principles?

Here's the problem with HOD, from their FAQ page:

Q: What will ensure the medical establishment will follow the directives of the card and recover organs "only after consultation with a family-appointed rabbi."
A: The card is meant to convey your wishes to your family so your family will not agree to donate organs and will not sign the consent form for organ donation until it has appointed a rabbi to look into your medical situation.

HOD itself cannot and does not offer any assurances that Halacha will be kept - at any level. You or your surviving family must make sure of that and without proper supervision at the hospital and operating room level, this is like having lunch in a "kosher-style" deli. Only here the question isn't whether the food is chazer treif. Here the question is will a murder take place or not?

If there is a reasonably guaranteed resolution to this problem, I cannot find it on HOD's website nor have I read about it in any of the articles about HOD which I've read over the last several years.

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I understand that efforts are being made by possibly the Rabbanut, Eidah Haredit and other religious organizations to establish an assured halachic system. This has been going on for years. I have no idea where this effort stands.

2/1/11 22:51

Keli Ata said...

I don't know the halacha on organ donation at all, but I do know a little of the medical aspect.

In the OR the clinically "dead" person receives drugs, fluids to keep or her "alive". Weird but true. Also, drugs to paralyze the person's muscles are usually needed because when incisions are made in the "dead" person the body reacts.

Still, the person is only given the drug to make it easier to harvest the organs and to not freak out surgical staff.

No pain medications are usually given because, well, the person is dead.

I can't imagine hospitals doing this against a family's wishes.

I know a lot of people regard organ transplantation as a wonderful thing to do and let's the deceased person live on.

All wonderful if that's how you view transplantation. But I would be horrified to learn that a relative had his or her organs removed.

I guess I am too morbid.

Of course I am biased on the whole organ transplantation issue. In nursing school a fellow student was handing out T-shirts with "Recycle Your Life: Consider Organ Donation."

Recycle??

3/1/11 01:10

Batya said...

Shy, I'm leaving it, even though it's complicated. Sorry

Keli, yes, very complicated.

3/1/11 05:35

Shy Guy said...

Batya, at least do some research. Surely it would be of education and interest to hear Rabbi Bin Nun's response and append it here.

Keli, unfortunately Israeli hospitals have a history of involuntary organ removals and not even always for transplant purposes.

There's a historic total lack of trust here between hospitals and religious authorities.

Even Israel's chief forensic pathologist, Dr. Yehuda Hiss, has been caught lying about stealing body parts. [Read here](#). This creep should be rotting in jail. Indeed, things are very rotten here in Israel.

3/1/11 06:32

Batya said...

Shy, bli neder, I'll ask around. And yes, Hiss is that evil man involved with the Rabin killing.

3/1/11 06:56

Shy Guy said...

What's going on? Where's my post about Hiss?

Batya, did you accidentally delete it?

3/1/11 08:37

Robby Berman said...

I am the founder and director of HODS. The answer to Shy is in the quote that he brings from the HODS site. Unless a rabbi is called in to oversee the process the

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- goyisherebbe
- Yossi
- Sara Layah
- Ellen
- Netivotgirl
- Risa
- Batya
- Catriel
- Shifra
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- yitz
- Akiva
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Shiloh, Our
Heritage



family will not sign the consent form to donate.

3/1/11 09:30

Shy Guy said...

Hi Robby. Thanks for confirming.

Can someone from HOD, perhaps a rabbi associated with HOD, give us a rundown on the current situation in Israel? What's being done? What's stuck? What are the prospects for strict halachic oversight?

Thanks.

3/1/11 10:28

Shy Guy said...

Keli, a response of mine to you got swallowed up.

In short, there is very little set up in Israel in the way of guaranteed halachic supervision to make sure that nothing wrong is done in such cases.

In addition, Israeli doctors have an ugly past record of removing body parts postmortem without approval of the deceased or family.

To give you a taste of the "ugly Israeli doctor" in this sense, read up on Yehuda Hiss.

If I understood correctly, Israel recently passed a law which brings the definition of death (for the purposes of organ donations) in line with at least the lenient halachic opinions. From what I understood, the problem is that a certain monitoring device is needed to confirm this state of death and there aren't enough in Israel's hospitals.

All this is still beside the point that there is no supervision on these events.

3/1/11 10:46

Batya said...

Shy, I rescued your comment.

3/1/11 16:50

Anonymous said...

Thank you very much for the information, Shy.

What Hiss did was absolutely horrible.

It's surprising that in Israel there isn't the same or great supervision of organ transplantation as there is in an slaughtering animals properly.

Keliata

3/1/11 22:53

Shy Guy said...

Keli, you got the Israeli kashrut scene wrong, too.

Israel's kashrut supervision scene is a mirror image of the fragmentation of religious Israeli society.

Besides having a dozen or two Glatt/Mehadrin hechshers to chose from, each city/town/district has its own Rabbinat kashrut supervision, providing no assumed standardization at all.

What's worse is that there are very few Kashrut consumer laws on the books and even blatant kashrut fraud is hard to enforce against.

4/1/11 05:14

Shy Guy said...

Related JPost articles of interest:

YU ethics expert censures rabbis over brain-stem death

The above article leaves me void of information regarding why the RCA recently

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- Better Late

backtracked on the brain stem death position and what they based themselves on. The JPost has some of the laziest reporters.

Another article:

Cohen's widow: Organ donation my decision, not extremists'

This article contradicts the assertions at the end of the 1st article. This seems to have been a purely personal family decision.

5/1/11 08:59

Keli Ata said...

TY TY for the J Post link, Shy.

I found many aspects of it downright chilling. One example:

"After seeing patient after patient who were brain dead, and the protocol according to which the death was determined, [Feinstein] was confident to say that breathing by machine was no evidence of life, nor was a beating heart.

"Death occurs in three stages," Tendler continued. "There is organismal death, in which an organism no longer functions - that is brain-stem death. There is then organ death - but after the organism [the body in this case] dies, the organs stay alive for a period of time, enabling transplants. The third stage is cellular death - putrefaction. In Halacha, we are required to bury our dead early, to prevent desecration.

"Removing an organ [from someone organismically dead] to enable another person to live is not desecrating; rather, [it is] honoring the dead," Tendler said."

They're making it sound as though unless someone rotting their organs can be harvested.

Another issue. the majority of organs are obtained from young people who have died violent deaths. What's to say that these cards indicating you don't want to be an organ donor won't get lost (accidentally or intentionally)?

6/1/11 18:36

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