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## Rabbis urge brain death standard for organ donors

By JANICE ARNOLD, Staff Reporter  
Thursday, 20 January 2011



**MONTREAL** — Six Orthodox rabbis in Montreal, and one in Toronto, have affirmed their belief that cessation of activity in the brain stem is an acceptable definition of death under Jewish law.

### Rabbi Michael Whitman

They made their position public as the long debate within mainstream Orthodoxy over organ donation took a contentious turn once again. Authorities within this branch of Judaism remain divided over whether a person has died when the brain stem stops functioning or when the heart has stopped as well.

Along with nearly 100 Orthodox rabbis mainly from the United States and Israel, the seven rabbis have signed a “statement of principles” endorsing brain stem death as “a halachically operational definition of death. As such, organs may be removed for transplantation under strict halachic supervision and guidance.”

Furthermore, they state that it is “both halachically permissible and desirable and ethically mandated for every Jew to be an organ donor consistent with his or her definition of halachic death.” While pressing for the brain stem determination, the rabbis allow that the cardiac definition is also halachically supportable.

The Montreal signatories are rabbis Michael Whitman of Congregation Aduveth Israel, Chaim Steinmetz of Congregation Tifereth Beth David Jerusalem, Adam Scheier and Yonah Berman of Congregation Shaar Hashomayim, Reuben Poupko of Congregation Beth Israel Beth Aaron, and Howard Joseph, retired from the Spanish and Portuguese Synagogue and a member of the executive of the Rabbinical Council of America (RCA). Rabbi Whitman said the Montrealers signed on individually and not in coalition.

The other Canadian signatory is Rabbi Aaron Levy, who heads Makom, a self-described grassroots Jewish group in downtown Toronto.

Their statement follows a Jan. 7 statement from RCA, with which all but Rabbi Levy are affiliated, intended to clarify that organization’s position on the issue. The RCA, which has close to 1,000 member rabbis worldwide, stated essentially that it has no

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official position and is leaving it up to individual rabbis to decide what is right.

The author of the statement on brain death – Rabbi Dov Linzer, rosh yeshiva and dean of Yeshivat Chovevei Torah Rabbinical School in Riverdale, N.Y – said he wrote the statement because he felt the acceptability of brain death was under attack and that the position was going to be “completely marginalized.”

Waiting for a person’s heart to stop beating, once they are brain dead, can result in organs that are not usable for donation, Rabbi Linzer said.

There are close to 2,000 people on Canada’s waiting list for organ donations, and every three days, one person on the list is going to die, said Rabbi Reuven Bulka, spiritual leader of Ottawa’s Congregation Machzikei Hadas.

Rabbi Bulka, a prominent proponent of organ donation in the Orthodox community and chair of the Trillium Gift of Life Network, said he wasn’t asked to sign the petition, but he told The CJN that brain stem death has been accepted as a halachic criterion of death by “people I highly respect, who have both halachic and scientific knowledge.”

At the same time, he added, he also respects those who have come to the opposite conclusion, but he expressed concern the issue may be a smokescreen for whether organ donation is acceptable within Judaism. “It’s lifesaving of the highest order,” he said. “This is really a transcending mitzvah.”

Rabbi Whitman, a member of the RCA executive committee who has been closely involved with the issue for 20 years, said the RCA statement is “a bit of a cop-out.” He noted that it was drawn up by RCA officers without the executive.

He said he feels the RCA leadership isn’t acknowledging that the renewed divisiveness stems from a “biased” study paper produced by the RCA’s halachah committee on how death should be determined. The 110-page document, released last June, was intended for the membership, but was obtained by certain Jewish media.

The paper provoked a strong reaction, including among the medical profession, because it appeared the RCA was moving toward a restrictive stance on organ donation.

Rabbi Whitman calls the paper “biased” in favour of the cardiac death definition, based on some faulty science.

“They worked on this paper for many years, and while it does not argue for the adoption of a policy, it has two very serious flaws: it’s inaccurate in the medical areas, and there’s a clear bias against using brain stem death as the criterion.

“In other words, it’s a loaded paper. It’s not objective, and it’s upset quite a few rabbis.”

The RCA maintains that the paper is meant as “an informational guide” only. It reaffirmed that almost all rabbinic authorities agree that live and post-mortem organ donation is permissible under Jewish law if it may save a life (or restore eyesight), and is, moreover, a mitzvah.

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The rabbis’ statement also emphasizes that it’s a mitzvah for Jews to donate organs and that even those who believe in the halachic validity solely of cardiac death should offer to make the limited donation that stance allows.

All Jews, these rabbis say, should be encouraged to sign organ donor cards, in line with their halachic definition of death. Rabbi Whitman said the Halachic Organ Donor Society supplies cards that specify under which circumstances the holder wishes to make the donation. He has been a member since the U.S.-based society was



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The statement concludes that it would be morally and politically unwise for Jews to adopt a double standard on organ donation. "To adopt a restrictive position regarding donating organs and a permissive position regarding receiving organs is morally untenable. Such an approach is also highly damaging to the State of Israel, both internally and in regards to its relationship with the larger world, and to the Jewish people as a whole."

Rabbi Whitman argued that if Jews accept to undergo organ transplants, possibly even from people who had been declared dead after brain stem cessation, but refuse to be potential donors, or only under very limited conditions, they will be perceived as "takers, but not givers."

This might antagonize the medical profession, and Jews could "find themselves lower on the waiting lists for transplants," he added.

Within Israel, such a dichotomy could worsen tension between religious and secular people, he said.

The statement is signed by such prominent figures as rabbis Shlomo Riskin and Benny Lau of Israel, and U.S. rabbis Avi Weiss and Marc Angel.

Rabbi Linzer said it was sent first to rabbis "of significant standing in the community" and then was distributed through rabbinic listservs and personal contacts.

"I think there's a perception among Jews that Jews don't give organs, and a perception among Orthodox Jews that it's not really acceptable in Halachah," Rabbi Linzer said.

The debate took yet another turn with the Jan. 11 ruling by British Chief Rabbi Jonathan Sacks and the London Beth Din that organs may be removed from Jews for transplant only at the point of cardiorespiratory failure.

"I think we are working toward a consensus [accepting the brain-stem definition] but it will be a long time," Rabbi Whitman said. "It's the older, more insular, rabbis that are likely to reject it, and the younger, more secularly educated, more sophisticated, rabbis that accept it.

"That's why I am very, very surprised by Rabbi Sacks' position. He's someone I hold in high regard, and I have no way of understanding this."

With files from Frances Kraft

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