



Bold Organ Donor Proposal Linked to Chief Rabbinate

(Thursday, June 14th, 2012)



Kiryat Ono Chief Rabbi Ratzon Arussi is proposing the establishment of special batei din to deal with the hospitals around Israel and the issues that pertain to organ transplants. The rav's proposed plan will appear in the soon-to-be-published edition of "Techumin" **released** (<http://www.zomet.org.il/?CategoryID=160>) by the Zomet Institute.

The plan would empower the beis din to address life threatening cases, recipients on waiting lists, even in cases in which the niftar did not sign an organ donor card and without consent from family members. The beis din will also be responsible for addressing all aspects of the transplant to make sure that there are no violations of halacha and that kvura is not unnecessarily delayed.

The rav explains that if there is a person in a life threatening condition, a transplant is permitted from the body of a dead person even if the deceased has not left instructions to become an organ donor. Actually, the rav adds that even if the deceased did not sign on to become an organ donor and the family objects, the beis din will be empowered to rule in favor of the transplant to save a life.

The rav feels that this compelled organ donor situation is permitted according to halacha. "We must be cautious regarding the opinion that man is the owner of his body. According to this hashkafa, they wish to permit many things that are prohibited according to halacha including suicide, self inflicting harm, adventurous activities that are viewed as too dangerous, and even euthanasia" the rav adds.

The rav rejects the given status that the family of the deceased 'owns' the body, and he feels there is no judicial or halachic integrity to a will that did not exist prior to the death.

The rav feels the main flaw with the ADI (**National Transplant Center** (<http://www.itc.gov.il/eng/merkaz.html>)) is the basic assumption that a person leaves a life and a body while life is a gift from HKBH and HKBH who decides where and how this life will end.

Rabbi Arussi adds "The ADI cards border on criminal activity, dealing in organs because in return for the bodily organs trees are planted in the ADI Forest in memory of the donor, inclusion in the memorial website, and an invitation to the families for the memorial day to the President's Residence, and moving family members of organ donors ahead on the transplant waiting list. The law states clearly that one may not be compensated for an organ donation."

It should be pointed out that the law in Israel and other countries today prohibits using organs from a deceased person over objections of the family members or the objection of the deceased. Therefore, at present, the rabbi's proposal remains in the realm of an academic and halachic discourse, at least until the state law is amended.

(YWN – Israel Desk, Jerusalem)

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