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Misunderstood And Misrepresented

Dear Sir

It is unfortunate that Rabbi Roselaar misunderstood, and thus misrepresented, a number of my positions on the Jewish position on organ donation (Jewish News, 10 February). I never said that the Chief Rabbi or the London Beth Din must accept brain death as halachic death.

They are entitled to their opinion even if I disagree with it. What I did say was that given that they view a brain dead patient to be alive, it is unethical, immoral, and unhalachic of them to then allow Jews to ask doctors to murder, presumably non-Jews, to get their organs.

I never said that the Chief Rabbi and the dayanim of the London Beth Din are the only rabbis who reject brain death. I said that they bear the ignominious label of being the only Modern Orthodox rabbinical organisation to do so. Both the Rabbinical Council of America and the Chief Rabbinate of Israel recognise brain-death as a valid halachic definition and allow their followers to donate organs upon brain-death.

I never said that because the rabbi who taught Rabbi Sacks Torah and gave him his rabbinical ordination has an organ donor card, that the Chief Rabbi has also to register for an organ donor card. I said that I found it curious that Rabbi Sacks would prohibit Jews from getting halachic organ donor cards given that the rabbi who gave him smicha, Rabbi Nachum Rabinovitch, had such a card from the Halachic Organ Donor Society.

Before publicly criticising my "positions", it would have been appropriate to find out what they actually are. I am always available to the public at robbyberman@hods.org and more information about brain-death and halacha can be found at www.hods.org.

Robby Berman
Founder & Director
Halachic Organ Donor Society

When Does Death Occur? Ask A Rabbi

Dear Sir

Robby Berman accuses the Chief Rabbinate of being disingenuous (Jewish News, 20 January). This charge is unfounded and ill-considered.

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Health

The point of death in Jewish law has been debated at length in the last few decades, based on Talmudic sources and subsequent authoritative opinion, as with any point of Jewish law.


It is unequivocally clear to any student of halacha that there is authoritative halachic opinion supporting both cardiac death and brain-stem death. I have no doubt that Mr Berman is aware of the opinions opposing his view, held by some of the most internationally highly-regarded scholars of halacha and Talmud, both past and present.

To state that the Chief Rabbinate is out on a limb against otherwise unanimous opinion is therefore disingenuous in the extreme.

I would add that the decision regarding the point of death cannot be a medical one. Medical knowledge provides us with a description of the physical and bio-chemical state of an individual at a given point in time, but can not determine at what point death is considered to have occurred.

This is because definitions of life and death are in the realm of the ethical, spiritual, metaphysical or philosophical. They are not, however, in the realm of the medical. I understand the desire to define death in such a way as to allow for organ transplantation, which is the route the medical world has taken. However, this means working backwards from the desired result to the preferred permissive legal definition.

This could well be construed as dishonest. It must also be appreciated that transplanting organs requires actively causing death in the donor according to the cardiac definition of death.

I would ask that future debate be less polemical. I would also encourage anyone who wishes to understand this complex area to approach their local Orthodox rabbi, rather than to rely on the soundbites available in letters  pages

Dr Ben Bradley GP
London

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