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What will the rabbis do?

By [Shahar Ilan](#)

The religious and traditional communities will begin to donate organs only if the rabbis who are backing the law, first and foremost Rabbi Ovadia Yosef, express determined public support for it.

Here is the optimal scenario from the perspective of the sponsors of the brain-death law: One Saturday evening in the next few weeks, Yosef will tell the audience to his weekly sermon that while some people think that organ donation is prohibited by halakha, the truth is that it is a big mitzvah.

Until now, he will say, the problem was that we didn't trust the doctors. But now there's a new law that says the organs cannot be taken even a moment before real death. There are others, another Shas leader will say, who frighten people by telling them that if their organs are taken away from them, they won't have those organs when they are resurrected from the dead. But the truth is that there is no bigger mitzvah than saving a life.

After years in which the religious and secular publics were unable to agree on anything, MK Otniel Schneller (Kadima) managed to obtain a medical and rabbinic consensus and push through a law that will enable religious, traditional and even ultra-Orthodox Jews to donate their organs.

It is difficult to overstate the significance of this achievement, especially in light of the vast crisis in confidence between the medical establishment and the rabbis.

Yesterday's approval of the bill, with the support of Shas MKs, was a very important step. But the question is whether the rabbis will also issue letters calling on people to donate organs, how insistent these letters will be and whether the rabbis themselves will take part in events to increase participation, as described above.

From the point of Jewish law, organ transplant can be either murder, or a lifesaving act. There is no middle ground. If brain death is not death according to halakha, then the organs are harvested while the donor is still alive, and this constitutes murder according to religious law.

If brain death is death, as Shas spiritual leader Yosef and Sephardic Chief Rabbi Shlomo Amar have ruled, then organ donation is the greatest mitzvah possible.

In 2007, 55 percent of families who were asked to donate their loved ones' organs refused. Half cited religious reasons, half the desire to preserve the wholeness of the corpse. Now that the rabbis have ruled that the determination of brain death is reliable, it will be easy to explain to knowledgeable observant Jews the importance of donating organs.

The real problem will be with traditionally minded families who want to keep the body whole for the resurrection of the dead. It will be the rabbis' determination that decides whether these people begin to donate organs.

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