

The last mitzva of your life

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Death doesn't often spawn life. But the tragic deaths last month of 17-year-old Netanel Goodman and 16-year-old Rachel Theler did just that. Their families donated their organs for transplant, saving the lives of seven people.

These selfless act of kindness are rare for two reasons. First, Jews among all ethnic groups have the worst record of organ donation. European countries, which share organs based on supply and demand, have thrown Israel out of the European Union Organ Donor Network. And justly so.

The second noteworthy fact is that both the donors and their families are Orthodox. They donated organs in spite of the misperception among Orthodox and secular Jews alike that Jewish tradition categorically prohibits organ donation. While there are legitimate halachic issues concerning the moment of death that might, in certain circumstances, forbid donation, Judaism places the highest priority on saving and preserving human life. Most rabbis agree that saving a life overrides the biblical and rabbinic prohibitions of mutilating, delaying burial, and getting benefit from a corpse.

Religious culture seems to propagate superstitions that would contraindicate organ donation, such as the necessity to retain organs for resurrection. Firstly, organs deteriorate almost immediately upon burial; and, assuming the Almighty is all mighty, creating new organs shouldn't be a problem.

Others claim that signing a donor card invites the "Evil Eye" to cause them harm. This assertion is irrational and unsubstantiated; if all the people in Israel who have signed donor cards were fatally injured there would be plenty of organs to go around.

The primary debate among halachic authorities concerning organ donation is whether or not a brain-stem dead person is halachically dead.

It should be made clear that brain-stem death is not coma. People can wake up from a coma because their brain stem is alive, but no one has ever woken up from brain-stem death. With the help of a respirator the organs of a

brain-stem dead person can continue to function for a few more days, but complete systemic failure is inevitable.

The disturbing question of our day is why Orthodox Jews don't donate organs after cessation of heartbeat. According to all halachic authorities once the heart irreversibly stops beating, the person is dead. In certain medical circumstances, organs such as kidneys and corneas can be recovered for up to 40 minutes after the heart stops beating. This is no small thing – more than 700 of the 1,100 Israelis waiting for organs are waiting for kidneys.

With that in mind, the newly formed Halachic Organ Donor Society provides a new type of organ donor card that allows people to donate organs according to their particular halachic belief. One can indicate one's desire to donate after brain-stem death, or, alternatively, after cessation of heartbeat. By introducing this new element of control we will hopefully raise people's comfort level in signing organ donor cards.

Last year in Israel, 130 people died in such a way that made them viable organ donors, but their families refused to donate. In the same year 114 people died waiting for organs that never came.

This summer, a religious man was shot by terrorists and was brain-stem dead. An organ transplant coordinator gently approached his wife and told her that her husband's organs could save eight other people. She refused to donate. Her reason: "Halacha forbids it." The coordinator, a religious man, accepted her decision.

He didn't tell her that the Chief Rabbinate of Israel has ruled that brain-stem death is halachic death, based on *responsa* of Rav Moshe Feinstein, another major halachic authority. Why not? Because the moment of death is not the appropriate time to discuss with the newly bereaved the different halachic opinions concerning brain-stem death.

The time to learn about this topic and make an informed decision is now, when you and your family are healthy and clear-headed. The number of people who need organs is dramatically increasing every year. We need to dispel superstitions, clarify Jewish law, and focus our energies in overcoming the emotional barriers that make it difficult to consent to donate the organs of a loved one. For further information visit the Web site www.hods.org

The writer is founder and executive director of the Halachic Organ Donor Society, a non-profit organization supported by Stephen Flatow.