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Yeshivat Ateret Yerushalayim

IN THE HEART OF THE OLD CITY OF JERUSALEM

Ha-Rav Shlomo Aviner on...

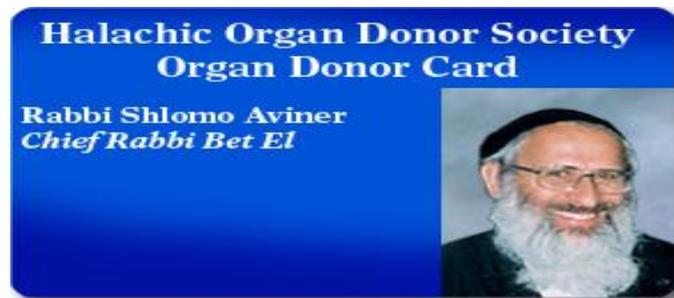
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It is a Great Mitzvah to Donate Organs



Every Jew knows that saving a life is a great mitzvah which overrides nearly all of the Torah's prohibitions – "Do not stand over your fellow's blood!" (Vayikra 19:16). The donation of organs therefore overrides the prohibitions of desecrating the dead, benefitting from the dead and leaving the dead unburied.

There are over one thousand people in Israel waiting for organ donations. If they do not receive them, they have a death sentence, G-d forbid. In the meantime, they live lives of horrible physical suffering. I know of cases where one person saved seven people from death.

This obviously must be performed according to Halachah. We do not take organs from people until after they have died, which means brain stem death. We must distinguish:

- A. Coma. The person is considered alive for every purpose, but does not wake up.
- B. Cessation of cardiac activity: This situation is reversible, with the help of Hashem.
- C. Vegetative State: The brain is irreversibly damaged, but the brain stem is normal.

This person is considered alive according to Halachah.

D. "Brain death": Irreversible cessation of respiratory activity. This is caused by complete and irrevocable damage to the entire brain. According to Halachah, a person in this state is considered dead even though the body of this deceased person has the ability to function with artificial respiration, and to maintain other bodily functions dependent on breathing. This, however, is like breathing into the body. The person will not be revived through this action.

The Gemara in fact states that respiratory cessation is death (Yoma 85a). The Chatam Sofer also rules this way (Shut Chatam Sofer, Yoreh De'ah #238). This means that independent breathing, without artificial aid, is dependent on the brain stem. Based on this, Ha-Gaon Ha-Rav Moshe Feinstein ruled that irreversible damage to the brain stem is the definition of death (Shut Igrot Moshe, Yoreh De'ah vol. 3 #132). The Chief Rabbinate of Israel also ruled this way under the leadership of Ha-Gaon Ha-Rav Avraham Shapira and the Rishon Le-Tzion, Ha-Gaon Ha-Rav Mordechai Eliyahu in the year 5747.

It is therefore a great mitzvah to donate organs for transplantation from a person who is definitely deceased. It is also a mitzvah for the family to agree to donate the organs from a loved one who passed away – especially if he expressed his desire to do so while he was still living. At such a moment, the family should turn to a halachic expert in the field of donating organs. If the family wants, they are permitted to oppose this decision and cancel the agreement of the deceased, but we are confident that the family will respect his wishes.

Perhaps you will claim: The doctor may murder one person in order to save another person. This is a wicked lie! We have never heard of a doctor descending to such depths in our country! Incidentally, death is established according to the precise parameters of the law and with the aid of doctors unrelated to transplants. Even if a doctor committed such a transgression, the sin is his, but the mitzvah is the donor's. As we said, however, such a thing has never happened. It is a blood libel.

And if you ask: What will happen during the Resurrection of the Dead? Will he be lacking limbs? Nonsense! He will not be lacking anything. Someone who was sick or a wounded soldier will arise whole. Regardless, everything decays in the ground after a short time. On the contrary, a limb which was used for a great mitzvah will appear illuminated with a double light (see Shut Tzitz Eliezer 13:91 who is one of the main proponents who holds otherwise).

And if you ask further: Perhaps there is an "evil eye" in committing to donate organs which will cause one to die soon? This is also nonsense without a source. There is no "evil eye" in this matter, just as there is no such thing in obtaining life insurance. On the contrary, this is a "segulah" (an action which will bring about a particular consequence) for a long life like every mitzvah.

Do not stand over your brother's blood! Have mercy on your brother!

Question: Is it permissible to accept organ donations from China?

Answer: It is absolutely forbidden. They murder people in order to take their organs for donation. They anesthetize people, harvest their organs so they are fresh and then they murder them. They do this to criminals as well as to innocent people. I have read much material on this subject. There are pictures, testimony, etc... It is pure evil.

Question: Rabbi Shmuel Jablon asked, is it permissible to donate organs outside of Israel when they may be given to non-Jews?

Answer: It is also mitzvah to donate organs outside of Israel. While the donation may be given to a non-Jew, non-Jews donate organs and they are given to Jews. If we do not donate to everyone, they will not donate to us. By donating to non-Jews, you are helping Jews as well, because then they will donate to us. I am therefore connected to the Halachic Organ Donation Society (www.hods.org) and I have a donor card.

[Rav Aviner's hand-written response can be viewed at www.rabbijablon.com/RavAvinerShmitta.pdf]