

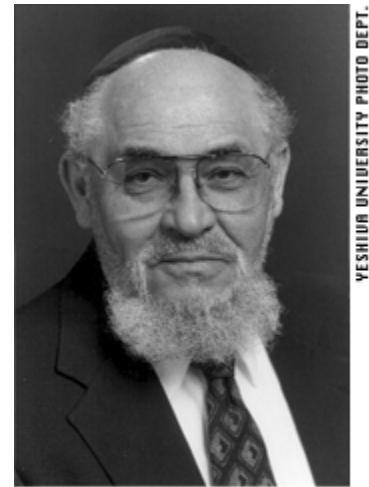
## Organ Transplant: Soon It May Be a Routine Part of the Jewish Death Ritual

"Nine people die every day waiting for an organ transplant in America. If everybody donated organs at death, there would be no waiting list. Human life is identical. Jew or non- Jew, chassid or secularist. Saving any human life is halachically mandated so that we transgress the laws of Shabbat to do so. If that law considering human life identical is violated, you've transgressed Torah law and endangered Jews throughout the world"  
- *Rabbi Dr. Moshe Tendler*

**PARAMUS** - When a traditional Jew dies, no one questions if there will be a ritual washing or a funeral. Judging by a recent assembly program at the Frisch Yeshiva High School last month, there soon may not be any question in the Orthodox community about the routine acceptance of organ transplant. It may become just another part of Jewish ritual at death.

"Nine people die every day waiting for an organ transplant in America. If everybody donated organs at death, there would be no waiting list," said Rabbi Moshe Tendler, the halachic expert on the program.

Others on the panel were Joyce Willig, a liver recipient; Dr. Stuart Greenstein, a kidney transplant surgeon at Montefiore Medical Center; and Steve Flatow, whose decision, in consultation with Rabbi Tendler, to donate the organs of his 20-year-old daughter, [Alisa](#), after she was murdered by terrorists in Gaza, electrified Israel and much of the Jewish world. Aliza Flatow was a Frisch graduate.



**Rabbi Dr. Moses Tendler**

Rabbi Menahem Meier, the school's principal, served as moderator.

### Halachic Method

*Pikuach nefesh*, the saving of human life, is the overriding value which permits the ordinarily-forbidden desecration of the dead in order to harvest the needed organs. The much more difficult halachic issue is the determination of when death occurs in order to perform the post-mortem operation.

According to Rabbi Tendler, the determination is part of the halachic process, a painstaking course-undertaken only by those wise enough and willing to spend the necessary time gaining understanding in order to make a judgment. Rabbi Tendler's father-in-law, Rav Moshe Feinstein, *zt"l*, reached the halachic definition of death after years of consultations with neuro-physiologists, neurologists, immunologists, and various other medical specialists.

Treating the halachic method as a box, which, according to Rabbi Tendler, "is not a rubber band, but does give some elbow room," Rav Feinstein applied his medical and scientific knowledge to the parameters of Torah.

"In each generation, there may be many Torah scholars, but very few *poskim*," said Rabbi Tendler. "In halacha, you can't be almost right. Either you know or you don't and if you don't know, don't talk."

### Brain Death

The halachic conclusion reached by Rav Feinstein is that brain-stem death serves as the definition. It means an individual can be declared clinically dead even though the heart is still beating. In many cases, the beating heart is necessary for the harvesting of organs.

"We look for the cessation of all brain function, including the brain stem, the top, the cerebrum, the middle, and the base. If it's all gone, the individual is dead," said Rabbi Tendler, explaining that a newly developed MRI test can clearly differentiate between a patient in coma and a patient who has expired.

"There is never a mistake if the rules are followed," he said.

### **Dead Motion**

He explained that if circulation is cut off to a limb, the organism can survive for awhile, but brain tissue, he said, dies in about four minutes. After that, the brain begins to disintegrate.

Once the patient is declared dead, it is, he said, halachically permissible to insert a ventilator to keep the lungs inflating and the heart beating. "It doesn't mean the patient is alive. It means we're providing oxygen to the organs so that they can be used to save another's life," he said.

Citing the Mishna, Rabbi Tendler explained to the students that, after a prisoner is beheaded, any extraneous body movements are disregarded. "Motion by itself isn't life," he said.

In a prophetic observation, the great physician, philosopher, and codifier of Jewish law, Maimonides, noted that death affects the organism first, then the individual organs, and, finally, the cells. There is no question about the need for organ donors or the halachic mandate of allowing a transplant, said Rabbi Tendler. Further, he said, to hinder an organ transplant is to be guilty of violating a mitzvah.

### **Jew or Gentile**

Asked if a Jew's organs could be donated to a Gentile or vice-versa, Rabbi Tendler was unequivocal. "Human life is identical. Jew or non-Jew, chassid or secularist. Saving any human life is halachically mandated so that we transgress the laws of Shabbat to do so. If that law considering human life identical is violated, you've transgressed Torah law and endangered Jews throughout the world," he said.

In Israel, where the death rate from traffic accidents is so high, there should never be a shortage of organs, said Rabbi Tendler. The fact that so few families allow organ donation is evidence of how much work must be done to change attitudes.

In fact, the shortage of donors is so severe in the Jewish state, the country has an agreement with Cyprus: In exchange for organs, Israel will train their surgeons. According to Rabbi Tendler, Israeli authorities have handled the problem this way because it would be forbidden to buy organs.

Recently, permission has been granted in Israel to offer bereaved families a financial incentive to donate the deceased's organs. "We allow this because saving a life is more important than getting over the squeamishness felt at buying an organ from a dead person. We would never allow buying an organ from a live person, but the fact that we offer the family money shows how important halacha views saving a life," said Rabbi Tendler.

He said he was encouraged by recent progress in the use of animal organs for human patients. Scientists have been experimenting with genetic engineering in animals to make their organs more compatible with human needs.

### **Looking Down**

After listening to Rabbi Tendler, Mrs. Willig, the liver recipient, seemed moved almost to tears. In 1971, Mrs. Willig, then 32, was diagnosed with a rare, incurable liver disease, and was not expected to live to see her daughter graduate from high school. Eleven years later, her liver stopped working all together, and she was given a transplant. She told the Frisch students she believes her donor is "looking down on us and blessing the work we do."

"Take what you heard today and share it with the world as you grow," she urged the students.

From Dr. Greenstein, the students heard some of the statistics. There are more than 40,000 Americans waiting for some organ to become available, not including those who need bone marrow transplants. Ten years ago, there were only 25,000 Americans waiting. One third of them will die while waiting for a heart or liver. Those waiting for a kidney can usually be helped with dialysis until an organ is available.

Greeted as a hero, Mr. Flatow reminded the students that Jews have a responsibility each to the other. "How does a Jew say no, especially in a country where our daughter had been taken into the homes of Israeli families for Shabbat. How can you say no to people on the forefront of building a country where Jews can live with their heads held high and not be dependent on any earthly ruler and know that G-d will bless His people with peace," he said.

### **Participating**

For many Frisch seniors, the excitement of learning about the importance of transplants increased after the assembly program, when Dr. Greenstein invited them to be present in the operating room during a kidney transplant. Another Frisch parent, Dr. Myron Schwartz, a liver transplant surgeon at Mt. Sinai Hospital, has invited them to sit in on a transplant-candidate deliberation, in which doctors must decide which patient is eligible to receive a precious organ.

Rabbi Meier encouraged the students to participate in both procedures. Those considering careers in the health professions would find the experiences academically challenging, he said, and it would help sensitize all the students to the mitzvah of organ donation.

At the end of the month, four seniors who watched the surgery sat down to discuss the experience. In December, they will sit in on Dr. Schwartz's deliberations sessions.

### **Inner Debate**

"For a long time, I've been debating with myself on how I felt about organ transplants. But after the assembly, I am all for it, and I want to learn as much as I can," said Moshe Harrison, who is interested in medicine as a career.

For Menachem Feit, it took the surgical experience, in which he watched a 21-year-old woman donate a kidney to her 17-year-old brother, to turn him on. "I couldn't get over the miracle we had witnessed," he said.

Rivka Keller, who is also interested in medicine, said she now believes the decision to donate organs will become routine, at least in the Orthodox community.

### **Living Will**

Helping that decision along, the Frisch school distributed Health-Care Proxy-Living Will cards, prepared by the Orthodox Rabbinical Council of America, to students and their parents. On the card, the individual names a health-care proxy-usually a close relative-who, if the situation arises, is designated to make all decisions in accordance with Orthodox Jewish law.

In the secular community, there has long been a call for individuals to sign cards or a line on their drivers' licenses permitting doctors to harvest organs in case of accident. The RCA's card does not allow doctors to make the decision.

"Halacha does not want an accident victim to be in the situation in which the hospital becomes more interested in the patient as source of organs than it is in saving the person's life," said Rabbi Meier.

### **Scary Subject**

Signing the card was, however, an issue in some Frisch homes. "My mother doesn't even want to think about it," said Mr. Harrison.

But Zvi Landsman, who also participated in watching the transplant, said his father approved of the card, because it assures proper behavior each step of the way.

The Frisch assembly program was taped, and copies are available in video and audio formats. The Health Care Proxy cards are also available. For more information, contact Rabbi Meier at Frisch, Frisch Court, Paramus, NJ 07652. The phone number is (201) 845-0555.

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