

Jerusalem - Eda Haredit: Organ Donation Is Murder



Jerusalem - Following a Ynet report on the Chief Rabbinate's decision to recognize brain-respiratory death, thus allowing organ donations in accordance with Jewish religious laws, the Badatz, the Eda Haredit's high court, ruled that taking organs from a person in such a condition or removing him or her from life support is murder.

In an announcement published in the ultra-Orthodox organization's journal, 'HaEda', the Badatz, headed by Yitzhak Tuvia Weiss reiterated the ruling that was given almost two-years ago, "in light of the Zionist rabbinate's shocking seal of approval".

The announcement said, "We have already ruled and given a clear Torah judgment... that brain death or brain stem death are not defined as death, and if organs are taken from (a person in such a condition) it is murder.

"We repeat that such a ruling already exists, and life support must not be disconnected, the person is alive in every way."

The Eda Haredit's firm stance is in line with that of the mainstream ultra-Orthodox public's position, as it expressed in the community's Yated Ne'eman daily paper.

An editorial published after the Chief Rabbinate's ruling titled "Caution: Bloodshed" criticized the rabbis' debate over the matter, saying, "There is no place of discussions or debates in this matter" and protested the fact that "Every student is allowing himself to give 'educated opinions' and present 'halachic studies' in the matter as they please."

The editorial said that paper would "continue to express the Torah and the halacha's stance against these dangerous initiatives, as part of its role and its mission as a form of expression of the Torah world and the God-fearing public standing on the front lines of the struggle for the sanctity of life according to halacha."

Last month the Chief Rabbinate ruled that the Organ Donation Law's definition of brain death at the moment of death is in line with that of the halacha. However, arbiter Yosef Sholom Elyashiv maintains his objection to the ruling, and views cessation of cardiac rhythm as moment of death.

The Chief Rabbinate's decision ratifies a ruling given by the council in 1987 on determining the moment of death. At the time, the rabbis ruled out organ donation after the medical establishment objected to having a rabbinical representative join the team that determines death.

Now that the law has been approved, there is no concern that doctors may pronounce someone dead against halacha, and the rabbinate decided to introduce a new organ donation initiative, parallel to that of the National Transplant and Organ Donations Center.

Total 160

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1

Nov 01, 2009 at 09:59 AM Dag Says:

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So they can't receive organs either, right?

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2

Nov 01, 2009 at 09:57 AM Aharon Says:

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B'H that we have wise talmidei chachomim on the Chief Rabbinate

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3

Nov 01, 2009 at 09:49 AM Anonymous Says:

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It's open dry halacha, I don't need eda haredit to tell that.

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4

Nov 01, 2009 at 10:02 AM Anonymous Says:

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I'd like to read comments from Yidden who are alive today thanks to an organ donation.

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5

Nov 01, 2009 at 10:28 AM not so Says:

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I am not an halachic posek and will not pretend to be one. I do however know that such rulings are far from simple and given the fact that human life is at stake, one should not make such claims. Robby Berman head of Halachic Organ Donation has given much of his life to saving people and whether or not you agree with the halachic ruling, he has built his orgnaization upon the shoulders of many leading poskim across the spehere of chareidim, modern, etc, etc. Such terse comments minimize his work and dedication, and the rabbonim whose support he relies upon.

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6

Nov 01, 2009 at 10:17 AM torahyid Says:

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and b"h we have greater and wiser talmidei chachomim who are not answerable to a secular government.

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7

Nov 01, 2009 at 10:14 AM torahyid Says:

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they may receive from an organ bank that has already removed the organ, but they may not request an organ removed for their sake, just as they couldn't from a fully alive person.

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8

Nov 01, 2009 at 10:13 AM Yaakov Says:

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Isn't this the Eida that boycotts Hadassah and did not let a burn victim go there last week?

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9

Nov 01, 2009 at 10:12 AM torahyid Says:

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the rabbanut cannot be trusted on such matters that they have a negiah to conform the halacha to satisfy their funders - the state.

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10

Nov 01, 2009 at 10:12 AM Moshe Says:

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This is one of the reasons that Israel is not included in international organ donor programs and Jews have difficulty getting organs. Check R' Moshe on this.

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11

Nov 01, 2009 at 11:05 AM Anonymous Says:

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Yes Moshe do you have a clue what reb Moshe thinks on this or that reb Moshe himself says shalyos should not be paskend from his Sefer but should be askt on an indevdule basis by the way which great talmiday chachmim are part of the rabnut I'd love to meet them you here in America are do naive it boggles the mind

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12

Nov 01, 2009 at 10:47 AM Milhouse Says:

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What could they contribute to the discussion? If taking organs from a person who is still breathing but whose brain has stopped is murder, how can a recipient's experience justify it?

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13

Nov 01, 2009 at 10:45 AM Milhouse Says:

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"One should not make such claims"? You are not a posek, so how do you presume to dictate to some of the world's greatest poskim that they should keep their mouths shut? And why is it that you seem to think the poskim who permit this are allowed to speak, but the poskim who forbid it should be quiet?! Does that make sense?

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14

Nov 01, 2009 at 10:43 AM Milhouse Says:

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Indeed there are some. But what makes you think they are wiser or have more authority than those on the Eida's Beis Din?

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15

Nov 01, 2009 at 10:41 AM Milhouse Says:

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No, why would that follow? A murder victim's organs can still be transplanted.

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16

Nov 01, 2009 at 11:00 AM starwolf Says:

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One would think that they would be consistent in their rulings. Obviously, organs are harvested from someone, somewhere. If you think that that is murder, you should not accept the organ. However, we do not see that happening. The hareidi world does accept organs--they simply do not believe in donation. The next step is to pass laws giving preference for organs to those who have signed donor cards. If the Hareidi world will not be consistent, the rest of us can do it for them.

This law recognizeing brainstem death was made with consultation with doctors, medical ethicists, and Rabbanim. It is worthwhile noting that, in addition to the Modern Orthodox, Zionist Rabbanim, a number of hareidi Rabbanim also approved this law. It is now the law of the land, and the fact that certain hareidi Rabbanim oppose it means absolutely nothing as far as the general population goes.

The Hareidi world has succeeded in further isolating themselves with this ruling. While they can control what their own population does, the rest of clal Yisrael will ignore them on this. This includes the entire medical world, by the way.

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17

Nov 01, 2009 at 10:56 AM CPA Says:

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And I'd like to see comments from Yidden who were already brain dead, and woke up. (my fathers brother was brean dead 10 yrs ago, he woke up, and he is still alive and working. Although he is not as he was before. Imagine they would allow to kill him to take out his organs.)

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18

Nov 01, 2009 at 10:53 AM Anonymous Says:

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Reply to #7 [Show Quote](#)

That makes no sense.

[Reply »](#)

19

Nov 01, 2009 at 10:44 AM Anonymous Says:

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Until they need one c"v themselves, and then they'll even go to Hadassah hospital to get one...

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20

Nov 01, 2009 at 10:44 AM Charlie Hall Says:

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And Rabbi Dr. Moshe Tendler, the leading expert on medical halachah in the diaspora, not answerable to any secular government, also holds that brain death is halachic death. He also has a PhD in biology; do any of the members of the Eda Hacharedit have any learning in biology, which would seem to be necessary to pasken on issues like this?

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21

Nov 01, 2009 at 10:43 AM Albert Einstein Says:

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OK, since you ask, I will comment.

Almost three years ago I received a kidney from a LIVE donor (who is still alive today, B"H, ad me'ah v'esrim), which is perfectly Halachically permissible.

The cases under discussion, however, are different. If the Eidah BaDaTz and Maran Eliyashiv say that brain death is not Halachic death, then the Chief Rabbinate is treading on dangerous ground.

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22

Nov 01, 2009 at 10:40 AM Zissy Solomon Says:

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Since I can't eat a gota or goys food. So they may not serve me either? Or rather since I can't drive on shabbos so if I need to go to the hospital I shouldn't have a goy drive me? Yes I yid can't donate an orgon but can perfectly receive.

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23

Nov 01, 2009 at 10:38 AM Seriously? Says:

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So I'm sure all these Rabbis who say you can't donate organs under such circumstances would never receive organs for themselves or their childrne/parents under similar circumstances. I mean there is no way these Rabbis would be be hypocrites right???

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24

Nov 01, 2009 at 10:36 AM Lawyer Says:

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This is the view of the majority of talmidei chachamim. including quite a few MO gedolim. Rav Aaron Soloveichik, zt"l was adamant that what is today called "brain death" is not halakhic death and therefore, in his words, those who permit transplants based on brain death are "Matir Retzichah." Rav Herschel Schachter paskens the same way.

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25

Nov 01, 2009 at 11:18 AM Anonymous Says:

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One doesn't need to hold a medical degree to know halacha.

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26

Nov 01, 2009 at 11:16 AM Anonymous Says:

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>>>>>>>> While they can control what their own population does, the rest of clal Yisrael will ignore them on this.

You've got it wrong, Starwolf. Those who take "lo sirtzach" seriously will not ignore this ruling which just reiterates the Torah's stance that death is determined at full cardiac cessation.

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27

Nov 01, 2009 at 11:29 AM Robert Says:

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actually i respectfully disagree.. if you accept the charedi definition of halachic death... and if you can receive organs, especially in israel where 80% or so of the population is jewish,

you are incentivizing murder...

maybe not directly but collectively..

since murder is one of the big sins one gives his/her life for just maybe you should be machmir here and not accept any transplanted organs (except from a live directed kidney donor maybe)

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28

Nov 01, 2009 at 11:31 AM Anonymous Says:

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You would have to Jewish to know what Rav Elyashiv and Rav Weiss know about biology. Have you ever heard about Rabbi Meilich Firer? He never got a degree in biology either. Try him. You'll be shocked out of your liberal mind.

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29

Nov 01, 2009 at 11:29 AM Anonymous Says:

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How do you claim brain dead is dead if their are many documented cases of patients waking up and speaking and sitting up after they were declared brain dead?

Before you disagree with Rav Tuvia Weiss, Rav Elyashiv, Rav Chaim Kanievsky, and the list goes on and on, you need to have an informed opinion. Simply because they are chareidi rabbonim does not mean you automatically disagree with them.

Feel free to contact any of them to discuss it and then you have a right to agree or disagree. The Chareidi world does not care about isolating themselves with this or any ruling. The only One they care about is Hashem.

By the way, you'd be surprised how many doctors tell their patients to talk to their Rabbi and get a blessing before they do a serious surgery. Even non Jewish doctors respect the Chareidi Rabbis..

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30

Nov 01, 2009 at 11:25 AM SD Says:

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I guarantee you that your father's brother did not wake up after being brain dead. This is a contradiction in terms, tartei di sasrei.

Brain death means that the brain stem has shriveled and no longer allows blood to reach the brain. The brain then begins to liquefy, as it has no oxygen on which to survive. This is irreversible. The tissue begins breaking down. It's not a matter of "waking up."

I would assume that one of your family members misrepresented or misunderstood what the doctor had told them regarding your uncle's condition.

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31

Nov 01, 2009 at 11:24 AM Anonymous Says:

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Seriously, there is a Torah and shulchan oruch that gives the way for halacha, not some bloggers with sarcastic criticism.

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32

Nov 01, 2009 at 11:24 AM Robert Says:

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please dont confuse them with facts....

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33

Nov 01, 2009 at 11:22 AM Anonymous Says:

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No, the eida has no boycott against Hadassah, the parents of the kid chose not to go to hadassah as not to put their kids well being into the hands of abusers, they simply wanted their kid to get treatment, not to be subject to abuse and experiments by Hadassah, as they proved to do with previous patients.

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34

Nov 01, 2009 at 11:35 AM Anonymous Says:

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a Little bit of respect please write at least rabbi headed by Yitzhak Tuvia Weiss

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35

Nov 01, 2009 at 12:31 PM torahyid Says:

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"the leading expert on medical halachah in the diaspora" who decides? "not answerable to any secular government" no but to his liberal adherents and his university hashkofoh. "He also has a PhD in biology; do any of the members of the Eda Hacharedit have any learning in biology, which would seem to be necessary to pasken on issues like this?" his having a PhD actually disqualifies him from making such a decision as the halocho is dependant on what the Torah deems death which is discussed in the gemoro, and not what science deems death, so clearly he is influenced from what he learnt in university. Oh, and btw is he mattir a brain dead persons wife to remarry? If not why is eshes ish more chomur than retzicha?

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36

Nov 01, 2009 at 12:26 PM Milhouse Says:

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What business have doctors or "medical ethicists" (whoever they are) mixing in to this? It's a purely halachic decision, and only gedolei hatorah have the right to an opinion. And what difference do you imagine it makes that "it is now the law of the land"? How could that possibly affect anybody's decisions?

You forget that that chareidi world is not some insignificant minority, it is the bulk of shlumei emunei yisroel. There are serious poskim on both sides of this issue, and that means charedi poskim, since there are very few serious poskim who are not charedi.

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37

Nov 01, 2009 at 12:25 PM torahyid Says:

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you mean you don't understand the simple logic. To kill someone to save a life is ossur, as shfichas domim is yehoreg ve'al ya'avov, but one is obligated to save a life with the organ of an already dead person.

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38

Nov 01, 2009 at 12:38 PM Tamud Chuchom Says:

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Guys,
You are all confused. It's not a matter if the person will live or die anyway, the question is what does halacha say do any situation as these, is the person dead or alive? As you see its a big fite between tohra figures. The same is if the person breaths only on a resperator. You see that lot of poskim agree that one is not mchuyev to go on a resperator even if he can live a full year. BTW a person can have a baby if she is brain dead,however all this is emotion not halacha.

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39

Nov 01, 2009 at 12:24 PM torahyid Says:

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If a goy already murdered another goy and removed the organ why should one not use his organ to save the life of a yid? "It is now the law of the land, and the fact that certain hareidi Rabbanim oppose it means absolutely nothing as far as the general population goes" and what the law of the land is means absolutely nothing when it is against the torah as far as torah true yidden are concerned. "The Hareidi world has succeeded in further isolating themselves with this ruling" indeed, am levodod yishkon, we live by the torah principles and the rest of the world including you live with sheker.

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40

Nov 01, 2009 at 12:23 PM Raphael Kaufman Says:

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Only if the murder victim is still halachically alive. Organs are "harvested" (don't you love that term) while the donor is still on the ventilator and the heart is still beating. In the case of the heart, the beating is stopped, the heart removed and reinstalled (I tend to think in engineering terms) in the recipient, and restarted. If the murder victim is Jewish, the Eidah's psak would still apply.

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41

Nov 01, 2009 at 12:19 PM Milhouse Says:

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"Maybe you should be machmir"? The murder victim is dead; nothing will now bring him back to life. Now we have a situation of pikuach nefesh for the recipient; how can you advise being "machmir"?

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42

Nov 01, 2009 at 12:19 PM Anonymous Says:

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Rabbi Tendler is undoubtedly a big talmid chacham, but it's not entirely honest to call him the leading expert on medical halacha in the diaspora, not even in the YU Community. Rabbi Bleich is equally well versed and respected on these issues, and as I'm sure you know holds very strongly that brain death is not medical death, is not halachic death, and quite frankly doesn't even exist.

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43

Nov 01, 2009 at 12:17 PM Milhouse Says:

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Yes, the same Tendler who waged open war against metzitzah befeh, and went to court to testify in favour of forcing a frum prisoner to trim his beard. Maybe in YU he is respected, at least to his face, but not anywhere else. Citing him as an authority against the Eidah's Badatz is ludicrous, and you can't expect anyone to be impressed.

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44

Nov 01, 2009 at 12:17 PM starwolf Says:

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A majority? I am not aware of any poll that was taken. In any event, this law was passed after consultation with a great many Rabbanim, including several hareidi Rabbanim. A great many signed off on this. Was it a majority? I don't know. Certainly, a majority of Ashkenazi Hareidi Rabbanim are against it. However, their opinions are not the only ones that count.

Certainly, amongst those Rabbanim that also have significant medical knowledge, the majority paskined for the law.

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45

Nov 01, 2009 at 12:15 PM Raphael Kaufman Says:

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You don't wake up from brain death. That's why it's called death. Brain death, according to the Harvard Criteria (which are what Rav Tendler and others who pasken is halachic death) is not to be confused with coma or even with "persistent vegetative state". Brain death is irreversible and is inevitably followed by systemic death (heart, liver, etc.) by no more than a few hours or a day. See below:

Harvard criteria for brain death

- Unreceptivity and unresponsiveness
- No movement or breathing
- No reflexes
- Flat electroencephalogram (confirmatory)

In addition, the following must be present

- Body temperature $\geq 32^{\circ}$ C
- Absence of CNS depressants

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46

Nov 01, 2009 at 12:12 PM starwolf Says:

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No, we are talking about a type of brainstem death. Kindly learn about the exact diagnosis being discussed and then provide me with one example of someone who has woken up after such a diagnosis.

On the other hand, cardiac death--which is what the Eida is considering as the criterion--has many examples of diagnosis--after which any number of people have woken up. Hmmm, so which seems to be the better criterion?

I do not disagree "automatically" on any issue with anybody--much less with Rabbanim, Chareidi or otherwise.

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47

Nov 01, 2009 at 12:04 PM borough parker Says:

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no sir,
The Dr.'s are wrong sometimes as well, they always say there is a chance of 1 in a million that the pt will wake up. and just imagine if that 1 in a million is your daughter CH"V.

in our shul we just had such a case and I totally changed my mind and agree with the chareidi rabbonim on this one.

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48

Nov 01, 2009 at 12:00 PM borough parker Says:

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just had a guy in my shuls father with the same story

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49

Nov 01, 2009 at 12:40 PM SD Says:

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You say that there are many documented cases.
Would you be so kind as to present the evidence for even ONE documented case where a patient "woke up" after two cerebral blood flow scans undertaken by two independant teams of physicians was negative?

I believe, like most laymen, you are confusing "brain dead" with persistent vegetative state.

The criteria being used in Eretz Yisroel under the new law are stricter than what any other country requires.

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50

Nov 01, 2009 at 11:58 AM borogh parker Says:

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My Dear Hareidi Basher,

I don't know where you come from but where I live (hareidi community) we see organ donations done on a daily basis (for no fee) to yiden the donor doesn't even know. We have a Torah and live by its rules and sometimes the halachah is different than your way of thinking.

For you to bash a Heilige community which does just the opposite of what you wrote is a shandeh.

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51

Nov 01, 2009 at 11:52 AM Anonymous Says:

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someone always purports to talk about the alleged "documented" cases of people waking up from brain death, but never give cites or provide the actual documentation. Either this is a bubba misa or people confusing comas with brain death.

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52

Nov 01, 2009 at 11:49 AM Anonymous Says:

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For the same reasons, they should not receive medical care from an m.d. since almost all (if not all) train on cadavers and and much medical knowledge comes from cadaver studies, and that encourages desicration of bodies and delayed burial.

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53

Nov 01, 2009 at 11:45 AM Robert Says:

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i am not a rabbi but want to ask a halachic question respectfully and seriously

during open heart surgery for example, during the bypass component when the heart is stopped say for 45min to an hour and their is no breathing either(spontaneous or via a respirator) is the person halachicly dead?

(can a kohen be in the room for example)

and when they restart the heart and respirator is that a resurrection of a dead person? i am asking halachically not medically..

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54

Nov 01, 2009 at 01:34 PM Anonymous Says:

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Reply to #3 [Show Quote](#)

We will have full respect for you and your mispacha and let you die in peace without wasting an organ transplant trying to save your lives.

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55

Nov 01, 2009 at 01:08 PM Raphael Kaufman Says:

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Your concern is admirable but your facts are faulty. There is not a "1 in a million chance". There is no, nada, zilch, zero chance of "waking up" from brain death as defined in Israel and the USA. "Waking up" from currently defined brain death would require a neis niglih on the order of Elisha HaNavi's resurrection of the Shunamis's son. Not too many naviim around these days. Note that this is not a matter of of psak. Gedolei Yisroel have paskened that brain death, however irreversable, is still not considered halachic death. That does not imply that there is any chance of recovery. It just means that certification of death must wait for systemic death after which the organs, with the exception of corneas, are unuseable for transplant and would involve desecration of a meis anyway.

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56

Nov 01, 2009 at 01:01 PM Dag Says:

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Milhouse...you'd take organs from a man murdered FOR those organs?

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57

Nov 01, 2009 at 12:57 PM Anonymous Says:

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This happened to my grandmother as a young girl and she was on the way to the cemetery. This was in Parma Italy and not a small village. She was attended by well trained doctors. Thank G-d they didnt' do transplants back than or I wouldn't be here.

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58

Nov 01, 2009 at 12:53 PM SD Says:

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Sorry, I am sure that you mean well, but you are confusing a whole bunch of issues.

1)Whether or not one is michuyev to go on a respirator has no relevance to the issue of brain death.

2)The fact that a woman can give birth after brain death is irrelevant as well, given that this is only possible because she would have to be connected to machines that breath for her and keep her heart beating. In other words, she could be absolutely dead and still give birth, once she is connected to machines.

In fact, as shown in EY, it could even be done with an animal whose head had been entirely removed.

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59

Nov 01, 2009 at 01:45 PM Anonymous Says:

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On this matter, Harav Tendler, Shlita, is the gadol hador and is the only opinion that really matters to most orthodox yiddin. He is the son-in-law of rav Moshe, Z'tl the posek hador, and is the only rav with the knowledge of both the science and halacha to even be qualified to make such a critical psak. Thus. the views of the chareidi rabbonim is about as relevant as the views of my schvuger in such matters.

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60

Nov 01, 2009 at 01:58 PM starwolf Says:

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Which organs? In these specific cases, we are concerned with a number of organs which have to be removed very quickly. Why do you think that the Rabbanim who signed off on this bill--and indeed, helped draft this bill, did so? Don't you think that they live by the Halacha's rules? Yours is not the only version of halacha.

[Reply »](#)

61

Nov 01, 2009 at 01:55 PM Anonymous Says:

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These Eda Charedi can read Rambam's medical books and cure diseases in their communities, but Israel needs to move forward with this organ donation nonsense. I'm pretty sure that if one of Eda Charedi's "Gedolim" needed a new heart, they would rush him to Hadassa without objection, bypassing all of the huge organ waiting lists that exist in Israel today

because some Rabbis do not have understanding of science beyond high school anatomy course so they are afraid to listen to science about brain dead = heart dead.

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62

Nov 01, 2009 at 02:11 PM Milhouse Says:

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Nor is yours. What business do you have telling some of the greatest poskim in the world to shut up? What makes you think these rabbonim are less important than the ones who agreed to it?

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63

Nov 01, 2009 at 02:12 PM Milhouse Says:

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Most orthodox yidden completely ignore Tendler.

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64

Nov 01, 2009 at 02:13 PM Milhouse Says:

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Reply to #56 [Show Quote](#)

What difference does it make why he was murdered? The fact is that he's already dead and there's nothing that can be done about it. Now we have a choleh lefoneinu whose life can be saved; how can you NOT do so?

[Reply »](#)

65

Nov 01, 2009 at 02:12 PM Anonymous Says:

[Report as Inappropriate](#)

Reply to #57 [Show Quote](#)

This sounds like whatever happened with your grandmother was many, many decades ago well before CT scans, MRI's PET Scans, EEG and EKG's and probably even before the term "brain death". No matter how well-trained her doctors were by the standards of the time, they were very limited compared to today's drs working with the tools and knowledge that were not even dreamed of them. It sounds like she was in a coma, not brain dead, and that this story is not relevant to the current debate.

[Reply »](#)

66

Nov 01, 2009 at 02:12 PM Moty Says:

[Report as Inappropriate](#)

it bothers me that any time gedolim say anything its automatically met with cynicism, sometimes its tru they are overbearing but in this case it seems to me and rabanim ive asked that this is just modox rabbis cowntowing to peoples needs with less regard to torah than sounding like good people. its torah umadda not madda utorah, remember which one takes precedence. if u look at the rabbonim that hold of organ donation, they are all quite left wing in their theologies overall, and i would not feel comfortably paskining from what they say, regardless of their biological knowledge, i care about torah knowledge! btw to #59s haskamh that hes r moshes son in law, R' Moshes OWN SON r david feinstein has stated that his brother in law is matering retzicha, and i would hardly call r dovid feinstein extreme!!!

[Reply »](#)

67

Nov 01, 2009 at 02:08 PM formally Says:

[Report as Inappropriate](#)

lets get real

the Torah does not discuss in any shape or manner when a person in considered dead. The issue was not around at that time since they they did not have the medical knowledge that we have today. dead not dead is really a medical scientific issue.

To Robert,

some claim brain dead people have awoken and are living and walking to day. I think that is nonsense. As a doctor do you know of cases of brain dead people, recovering?

The herideim, could be the most ethically and morally challenged people in the universe. They are always there to take, but almost never to give. Like, sure we need an army to protect us, but we will not let out boys sacrifice their life, you the secular sacrifice your lives to protect us .

The same is here, if they feel so strongly about brain dead not being dead, they should say we do not to encourage this practice since to us it is murder. We will not participate in this evil practice. We will not donate or accept organ donation if is was attained through murder to harvest that organ>

That would be the moral and ethical thing to do.

But since herdiem are ethical changed they do not even see the hypocrisy of their action.

[Reply »](#)

68

Nov 01, 2009 at 02:20 PM Milhouse Says:

[Report as Inappropriate](#)

Reply to #52 [Show Quote](#)

1. The cadavers medical students use can be assumed not to have been miyisroel.
2. Even if they were, how does that change anything? If anything useful came out of Mengele y"sh's research, would you refuse to benefit from it?!

[Reply »](#)

69

Nov 01, 2009 at 02:28 PM Anonymous Says:

[Report as Inappropriate](#)

So when Rabbis like Dovid Feinstein accept halachic organ donation, that counts for nothing? Let's see what you think if you need a liver or kidney.

[Reply »](#)

70

Nov 01, 2009 at 02:24 PM Anonymous Says:

[Report as Inappropriate](#)

tendler is not a shomer torah umitzvoth so his opinion on halacha is worth what my opinion is about medicine. I learned in yu and left when he told us at a purim party in 1992 that hashem really wanted to give torah & science at har sinai but moshe rabbainu wasn't big enough to receive both so he gave him only the torah which was the one moshe would have an easier time understanding. I realized on the spot that if this was toras moshe I would have been better off remaining "under the mountain" & left yu never to return. such a heretic has no place in israel and his memory should be blotted out forever.

[Reply »](#)

71

Nov 01, 2009 at 02:23 PM formally Says:

[Report as Inappropriate](#)

Reply to #39 [Show Quote](#)

it would be mush fairer to give it to goy who signed an organ donor card. The system only work if there are donors, it cannot work if there are only takers like you.

Or maybe a id who killed a goy, what would happen then?

I see from your comment that you are a racist, and not a Torah yid at all

[Reply »](#)

72

Nov 01, 2009 at 03:31 PM Anonymous Says:

[Report as Inappropriate](#)

Reply to #57 [Show Quote](#)

Your post and every other similar one here shows that you guys are confusing brain death and coma. It is possible to wake up from coma, and happens often. Brain death is irreversible. It is impossible that your grandmother had brain death since they did not have the EEGs or scans that could determine it back then.

[Reply »](#)

73

Nov 01, 2009 at 03:28 PM starwolf Says:

[Report as Inappropriate](#)

Reply to #62 [Show Quote](#)

No, Milhouse--but the difference is that I address all Rabbanim with their title, and show them due respect. On the other hand, you refer to a man with smicha as "Tendler" (see post #63). Which of us shows more respect for the Rabbanut?

And kindly show me where I have ever posted that any Rav should "shut up".

If you do not think that determination of death should get any input from doctors--then you are simply a fool.

This is the real reason that hareidi Judaism is becoming isolated from the rest of Am Yisrael--because people like yourself refuse to any value of any type of knowledge except that coming from Rabbanim--and the Rabbanim that you listen to are specifically the ones ignorant of any other matters.

You are welcome to consult only Rabbanim--and not doctors--about organ donation. Do not be surprised when the rest of the world holds you to exactly the same standards when you--or anyone else in your community--wishes to receive an organ. Do not be surprised when the medical system in every country in the world--including Israel--fails to consult your community on decisions affecting the rest of clal Yisrael.

[Reply »](#)

74

Nov 01, 2009 at 04:12 PM Anonymous Says:

[Report as Inappropriate](#)

Reply to #8 [Show Quote](#)

yup those are the same rotschim who did that and the same rotzchim who throw stones at cars and the rotzchim who throw acid at women

[Reply »](#)

75

Nov 01, 2009 at 04:44 PM Robert Says:

[Report as Inappropriate](#)

Reply to #63 [Show Quote](#)

i do not agree

there are many orthodox jews who can not understand tendler because they lack his level of torah study and scientific knowledge.. but they can not ignore him.

[Reply »](#)

76

Nov 01, 2009 at 04:40 PM Robert Says:

[Report as Inappropriate](#)

Reply to #52 [Show Quote](#)

i agree with your point..and
it seems that you also agree with mine about incentivizing murder,,
if so we now have common ground

also desecration of bodies/delayed burial is terrible..
i think halachically murder is worse however,(i am not a rabbi so might stand corrected)

[Reply »](#)

78

Nov 01, 2009 at 04:27 PM Raphael Kaufman Says:

[Report as Inappropriate](#)

Reply to #58 [Show Quote](#)

The main argument of those Rabonim who accept brain death as halachic death is that those individuals who were subject to the misas Beid Din of saif (beheading) were metamei tumas meis immediatly even though it was obvious to all that their hearts were still beating (I hope I don't have to explain why it was obvious). The above mentioned Rabonim hold that total lack of blood flow to the brain is the equivalent of beheading.

[Reply »](#)

80

Nov 01, 2009 at 04:09 PM Lawyer Says:

[Report as Inappropriate](#)

"the Torah does not discuss in any shape or manner when a person is considered dead. The issue was not around at that time since they they did not have the medical knowledge that we have today. dead not dead is really a medical scientific issue"

The gemara in Yoma, which is Torah she be al peh, discusses this at length. So you have no clue what you are talking about.

And it is certainly NOT a "medical scientific issue." Science can simply describe what is taking place clinically. A person who is "brain dead" still has some basic life functions, although less than a healthy person. But he is hardly a piece of dead wood with no biological functions at all.

When a person is no longer considered "alive" is a moral and ethical issue, and for those who believe in the Torah, a halakhic issue. The Torah has several issurim -- los sirtzach, shefichas damim and pikuach nefesh -- which depend on there being a "human life". That is precisely what is discussed in Shas and Poskim.

[Reply »](#)

81

Nov 01, 2009 at 04:03 PM Anonymous Says:

[Report as Inappropriate](#)

This is such a delicate subject, because it shows that human life and the holiness of the guf has all degenerated. In one way, it's wonderful that so many innovations have been made in the saving of life, but it is, in a way, at the expense of another human's life & dignity. I understand the rulings of both sides of rabbanims' paskening one way and also the other way. Let us pray that we have the Geula Shleimah b'mheira b'yameinu and never again will such things have to be. Years

ago, when this was first introduced into the world, most g'dolei hador, etc. would not even contemplate agreeing to such desecrations of the body, but maybe with so many tzoros over the last years befalling so many yidden, that there is no choice. May every yid who needs one, have a Refuah Shleimah and never need the help of man, but only from Hashem!

[Reply »](#)

82

Nov 01, 2009 at 03:53 PM Anonymous Says:

[Report as Inappropriate](#)

Reply to #67 [Show Quote](#)

"the Torah does not discuss in any shape or manner when a person is considered dead."

See, with an ignorant statement like that, there is no point in going further.

" dead not dead is really a medical scientific issue."

Not really, because the physical situation is not in dispute. The halachic question is when the soul leaves the body. Since modern medicine doesn't recognize a soul, it is rather unqualified to speak on the subject.

"Like, sure we need an army to protect us, but we will not let out boys sacrifice their life, you the secular sacrifice your lives to protect us ."

Sorry, but that is just a figment of your imagination. How about: We have no problem participating in the army if it weren't actively hostile to our values and trying to force our youth to reject our beliefs?

"if they feel so strongly about brain dead not being dead, they should say we do not to encourage this practice since to us it is murder. We will not participate in this evil "

Participation is the harvesting. After that, the damage is done and refusal is just self-righteous preening.

[Reply »](#)

83

Nov 01, 2009 at 03:22 PM Milhouse Says:

[Report as Inappropriate](#)

Reply to #71 [Show Quote](#)

You know who or what is a Torah yid? If you think there is no difference in these matters בימעל לארשי ייב, then you need to learn what Torah says, and to stop criticising others who inform and educate you.

[Reply »](#)

84

Nov 01, 2009 at 03:21 PM Milhouse Says:

[Report as Inappropriate](#)

Reply to #69 [Show Quote](#)

R Dovid Feinstein does NOT accept brain death. What makes you think he does?

[Reply »](#)

85

Nov 01, 2009 at 03:19 PM Anonymous Says:

[Report as Inappropriate](#)

Reply to #66 [Show Quote](#)

Last year my brother was niftar waiting for a lung transplant. the family of a woman who was on life-support in EY was ready to donate her lungs if the rabbonim are mattir. Her oldest son asked Rabbi --- who assered. The other kids asked different rabbonim who were mattir. Since the oldest had priority, they didn't do the transplant, the woman died 2 hours later, and my brother passed away 2 days later. We were watching this helplessly play out before our eyes.

I read your post and u claim that all those being mattir are "modox, quite left-wing". Yet u start out complaining that "any time gedolim say anything its automatically met with cynicism". Aren't you doing the same thing? For someone of the YU bend, you're attacking their rabbonim with cynicism and labels. And you're wrong. Many "right wing" rabbonim support organ donation and it's not simple at all. The aida wrote a blanket statement which is uncalled for. They should have said that you need to consult a knowledgeable rov before deciding. The issues are far from simple and topline rabbonim are on both sides of this. Leave out the hatred, name calling and maybe one day we'll get a consensus on this.

[Reply »](#)

86

Nov 01, 2009 at 04:57 PM Anonymous Says:

[Report as Inappropriate](#)

I love the way people say chareidim are becoming isolated from the rest of am yisroel, that is the ultimate compliment, what the torah specifically tells us to do. there is nothing said in the torah as many times as the warning to keep away from evildoers, (check it up), & chareidim is a title that traneslates people that are scroupulos about ALL that the torah says, so baruch hashem we can be isolated from what you call the rest of am yisroel. every yiddishe parent has always tried ti isolate his children from bad influence, B"H AS YOU SEE IT WE CHAREIDIM HAVE SUCCEEDED!

[Reply »](#)

87

Nov 01, 2009 at 04:54 PM Robert Says:

[Report as Inappropriate](#)

Reply to #67 [Show Quote](#)

i agree with your point that if the charedim dont accept brain death as halachally dead then by taking organs from such people they are on some level connected to or promoting murder.
i personally know of no cases of a truely brain dead patient ever waking up.

in hospitals every day, people have their hearts stopped for almost an hour as well as their breathing and wake up fine after open heart surgery... ofocurse their brains stay well as they are perfused with a heart / lung bypass machine during that time frame.

as i understand halacha, are these people halachically dead during this hour or so?

after all there is no heartbeat nor any type of breathing.. any rabinacal comments here or thoughts?

(i do not know the answer nor have an opinion either way on the halachic component)

[Reply »](#)

88

Nov 01, 2009 at 05:14 PM Raphael Kaufman Says:

[Report as Inappropriate](#)

Reply to #36 [Show Quote](#)

Doctors and "medical ethicists" (I agree. What the heck is a "medical ethicist?") have the same function in this issue that engineers and technicians have in the Shabbos elevator issue. They advise the rabbonim on technical issues. The responsibility of the psak, of course, rests with the rabbonim.

[Reply »](#)

89

Nov 01, 2009 at 02:50 PM Moty Says:

[Report as Inappropriate](#)

Also, btw to all of u who r saying "well what if u needed an organ donation?" there is no issur against taking an organ, fakert, if u dont ur probably a poshea with your own life, but taking an organ to save your life and giving an organ before your dead are 2 very different things, theres no issur of hanah on a goys liver, my rebbe's father in law got a liver, how do u think he got it? but that does NOT mean that you can give

[Reply »](#)

90

Nov 01, 2009 at 05:39 PM Anonymous Says:

[Report as Inappropriate](#)

Reply to #75 [Show Quote](#)

to smell a apikorus one does not need his 'level' of 'torah'. and torah thats not learned mitoch kendusah and taharah is as much worth as the pope learning torah

[Reply »](#)

91

Nov 01, 2009 at 05:37 PM Anonymous Says:

[Report as Inappropriate](#)

Reply to #66 [Show Quote](#)

"it bothers me that any time gedolim say anything its automatically met with cynicism"

Did you stop to think why this cynicism is growing day by day. Maybe when you consider the failure of the gadolim to speak out strongly and clearly against the plague of moral failures and illegality as exhibited by the Madoffs and the almost daily stream of new story about yiddeshe ganovim while still finding time to focus on how to make daily life more difficult for yidden in areas such as shabbos elevators, bank deposits on friday or womens' clothing trends, you will understand this cynicism.

[Reply »](#)

92

Nov 01, 2009 at 05:59 PM Anonymous Says:

[Report as Inappropriate](#)

Reply to #89 [Show Quote](#)

If people don't want to sign up to be donors or give consent for a dying family member to donate because they believe its murder, I respect those views and they have every right not to donate. However if you hold those beliefs, I just don't see how its possible to come up with a sensible rationale to be a donee. If you believe donation is murder, then by being a donee you are in effect encouraging, benefitting from and perhaps even aiding and abetting a murder because no harvesting would be done if there were no one willing to be a recipient. I hope those of you on the other side of this debate can understand how it sounds to say we can take but not give and, that it sounds even worse when you bring up the supposed jew/nonjew distinction.

[Reply »](#)

93

Nov 01, 2009 at 06:23 PM Anonymous Says:

[Report as Inappropriate](#)

The headline is very misleading. The Eidah is not against organ donation. Nor do they consider it murder. What they are calling murder is killing someone to take the organ. There is a machlokes what is halachic death. There are very strong proofs that brain death is NOT considered halachic death. If in factth\brain death is not halachic death, and many poskim hold that way, then there is no difference killing a healthy person and it is full fledged murder.

And I guess the Eidah is machmir on murder, more so than others. Just like so many other halachos.

As far as medical ethicist, there is a well documented story with Dr.C Everet Koop, the former Surgeon General of the US publicly saying that the most knowledgeable person in medical ethics was R Moshe Feinstein. This occurred after a case that Dr.Koop was the surgeon and R Moshe was the Rov being consulted. The true medical ethicists are the moreih horoah.

[Reply »](#)

94

Nov 01, 2009 at 06:11 PM Robert Says:

[Report as Inappropriate](#)

Reply to #90 [Show Quote](#)

i really hope i am mis-reading you

to call rabbi tendler an apikorus is probably the worst name calling i have ever seen here on VIN and then to top it off comparing his torah learning to the pope ?

i will judge you l'caff zechut here and assume you have no idea who rabbi tendler is.

[Reply »](#)

95

Nov 01, 2009 at 06:33 PM Dag Says:

[Report as Inappropriate](#)

Reply to #64 [Show Quote](#)

Milhouse, they put themselves on a organ transplant list. The only means of getting an organ IS if someone is murdered (I am not talking about live donations). That is premeditation.

[Reply »](#)

96

Nov 01, 2009 at 06:41 PM formally Says:

[Report as Inappropriate](#)

according to the people who say it was done already so I can take the organ.

By that rational I can buy stolen goods since the crime was already done. Or, if a product was made with slave labor, like during WWII you would have no problem buying those good since the product was already made.

A lack of morals on your part

[Reply »](#)

97

Nov 01, 2009 at 07:08 PM Anonymous Says:

[Report as Inappropriate](#)

Reply to #86 [Show Quote](#)

There is something seriously wrong with you in that you believe that all of Am Yisroel is evil, excepting your own little part of it. The fact that you not only think that way but have the chutzpah to write it here, where all factions of Am Yisroel read and comment, tells us you are truly a horrible person.

[Reply »](#)

98

Nov 01, 2009 at 09:02 PM formally Says:

[Report as Inappropriate](#)

question,

lets say one fills out they want to be a donor. However, what happens if that person goes brain dead, but the parents say no, since they claim the person is not dead yet.

what happens

[Reply »](#)

Nov 01, 2009 at 07:59 PM Robert Says:[Report as Inappropriate](#)Reply to #96 [Show Quote](#)

you sound like you learned alot of talmud

your intellectual deductions in this post have merit

[Reply »](#)

100

Nov 01, 2009 at 07:54 PM Moty Says:[Report as Inappropriate](#)Reply to #91 [Show Quote](#)

you are 100% correct and i very often lament about the fact that rabbonim are too often assuring basketball and shwekey to realise that the kids in israel are very quickly going insane and off the derech because they have no kosher outlets because everything is considered "krum" which btw is the reason why weve raised an entire generations of maniacs who burn garbage cans, beat women and do many many horrible things...on the other hand i think too often do we automatically condemn anything the rabbonim say just because they are "crazy rabbis." we must look into issues with a fair mind to find out whats true, not just automatically throwing anything "not progressive" into the garbage (to be burned by crazy israelis). ive discussed this issue with my rabbonim many times before and even if u disagree that its assur, its certainly not pashut and must be looked into

[Reply »](#)

101

Nov 01, 2009 at 09:11 PM Professional Says:[Report as Inappropriate](#)

Many academic neurologists will acknowledge that in a significant minority of patients labelled 'brain dead,' parts of the brain are still alive. The hypothalamus, an important part of the brain, is often still functioning. The phrase 'brain death' arose when those who were doing transplants realized that using this phrase might exonerate them from charges of murder (read EVERY SECOND COUNTS: THE RACE FOR THE FIRST HEART TRANSPLANT).

The large majority of major halachic authorities reject 'brain death' as halachic death. The list is too long to include here, but includes: Rav Shlomo Zalman Auerbach ztl, Rav Waldenberg (Tzitz Eliezer) ztl, Rav Aaron Soloveitchik ztl, Rav Yosef Soloveitchik ztl [notwithstanding what the so-called Halachic Organ Donor Society claims], and yb'mch'lch Rav Elyashiv and virtually every haredi Ashkenazic posek., including Rav Zalman Nechemiah Goldberg [again, not as claimed by H.O.D.S.]. The position of Sefardic poskim is more diverse.

This is a matter of life and death and potential murder.

To insinuate that a posek who does not have an academic degree in biology is disqualified from paskening such questions is ridiculous.

[Reply »](#)

102

Nov 01, 2009 at 07:07 PM starwolf Says:

[Report as Inappropriate](#)

Reply to #86 [Show Quote](#)

Really. the chareidim have succeeded? Sorry, the State of Israel has just passed an organ donation law, with the help of a great many Rabbanim. Not, mind you, Conservative and Reform Rabbanim-but Shomer shabbat, learned Rabbanim, including a number of Hareidi Rabbanim. So the law of the land is going against your views. So how exactly have you succeeded? Further isolating yourselves from the rest of clal Yisrael is a success?

But--fear not. Nobody is going to force anyone else to donate. You don't want to donate--for religious or other reasons--don't do it. However, do not be surprised if a corollary law is passed (some people are working at it at this time) giving preference for organ donors when it comes to receiving organs. Again, this would not outlaw giving organs to those not signing. It would simply move them down the priority list. Similar efforts are being made in other countries.

[Reply »](#)

103

Nov 01, 2009 at 06:53 PM torahyid Says:

[Report as Inappropriate](#)

Reply to #96 [Show Quote](#)

pikuach nefesh is docheh all morals

[Reply »](#)

104

Nov 01, 2009 at 06:48 PM Anonymous Says:

[Report as Inappropriate](#)

Reply to #94 [Show Quote](#)

if what poster #70 writes is true he is nothing but an apikores.

[Reply »](#)

105

Nov 01, 2009 at 06:54 PM formally Says:

[Report as Inappropriate](#)

also, as far as know the excuse it was already done, is not true. So you are the cause of murder

Organs aren't taken if recipients are not waiting for them. A brain stem dead person will not have his heart taken if a suitable match for it is not located first – even if other organs are harvested for other recipients.

[Reply »](#)

106

Nov 01, 2009 at 09:52 PM Milhouse Says:

[Report as Inappropriate](#)

Reply to #75 [Show Quote](#)

The fact is that they can and do ignore him. He is not a man de'omar.

[Reply »](#)

107

Nov 01, 2009 at 09:50 PM Milhouse Says:

[Report as Inappropriate](#)

Reply to #73 [Show Quote](#)

I show respect to the talmidei chachomim and true poskim on both sides of this question. I don't know which side is right; it's way above my pay grade. I have certainly not expressed an opinion, one way or the other. But that doesn't mean I have to respect the charlatans, on either side.

[Reply »](#)

108

Nov 01, 2009 at 09:48 PM Milhouse Says:

[Report as Inappropriate](#)

Reply to #105 [Show Quote](#)

There is usually more than one match. So the organ is removed anyway. Now the donor is dead, even if he wasn't before. So now why should a yid refuse to accept it?

[Reply »](#)

109

Nov 01, 2009 at 09:41 PM Anonymous Says:

[Report as Inappropriate](#)

Reply to #6 [Show Quote](#)

As we have well seen, organ donation for and to the Chareidi Velt is for money only. It is OK to deal in live kidneys as long as it is for Parnassa, Halacha didn't matter then. Let the Chareidi world realize, if you don't give, you can't get.

[Reply »](#)

110

Nov 01, 2009 at 11:46 PM starwolf Says:

[Report as Inappropriate](#)

Reply to #101 [Show Quote](#)

This depends on what you call "brain dead". What you are posting is not really relevant to the type of brain death described here.

As far as academic neurologists go, you would be hard-pressed to find a half-dozen who would say that brain death (as defined in this law) is not a better criterion of death than is the heart stopping. In fact, the same would be true for academic cardiologists and other clinicians familiar with this issue.

Your statement "The position of Sefardic poskim is more diverse" is amusing, since the majority of them in Israel endorsed this law, as did the vast majority of the Mamlachti Dati Rabbanim.

While I would not say that "a posek who does not have an academic degree in biology is disqualified from paskening such questions", it does make sense to give greater weight to those poskim who know more about the actual subjects at hand. Or would you propose that we give greater weight to those who know less about the matter at hand?

[Reply »](#)

111

Nov 01, 2009 at 11:23 PM Anonymous Says:

[Report as Inappropriate](#)

Reply to #109 [Show Quote](#)

shame on you...when was the last time you tested to be an organ donor?
The people in my neighborhood get kidneys from YES ads in the local newspaper.
And the last time i checked they were orthodox chareidi donors.

[Reply »](#)

112

Nov 01, 2009 at 10:30 PM formally Says:

[Report as Inappropriate](#)

Reply to #108 [Show Quote](#)

because they are not part of the program,

I hope, they make a law, that first option should always go to an organ donor and only in none are available can it go to someone who does not want their organs used

what is fair is fair

[Reply »](#)

113

Nov 01, 2009 at 10:14 PM Milhouse Says:

[Report as Inappropriate](#)

Reply to #85 [Show Quote](#)

What happened to Yossi a"h was terrible, but neither you nor I know what the correct halacha is. If removing that woman's lung would have killed her, he would not have wanted it to be done for him. Ultimately what happened was what Hashem wanted to happen. But whatever the correct psak should have been, it was a kiddush Hashem that the issue depended on rabbonim, not politicians or doctors or lawyers.

These poskim have their opinion, just as those who permit have theirs. You don't object to the matirim issuing a blanket statement; you don't demand that they should have said to consult a knowledgeable rov. They are issuing guidance for rabbonim, according to their understanding of retzon Haborei; and the osrim are doing exactly the same thing.

Just remember that one of the prominent matirim, based on his opinion on this issue, delivered himself of a very chutzpedikeh "psak din" in Sivan nun-dalet, veda"l. I am sure you were just as shocked by that pronouncement as everyone else was.

[Reply »](#)

114

Nov 01, 2009 at 11:48 PM Milhouse Says:

[Report as Inappropriate](#)

Reply to #96 [Show Quote](#)

To save a life you bet I would buy stolen goods, and I'd certainly buy something from China where they use slave labor. But I wouldn't kill someone to save someone else (unless, of course, the first person is a rodef).

[Reply »](#)

115

Nov 01, 2009 at 11:49 PM Milhouse Says:

[Report as Inappropriate](#)

Reply to #94 [Show Quote](#)

See #70.

[Reply »](#)

116

Nov 02, 2009 at 07:33 AM Anonymous Says:

[Report as Inappropriate](#)

Reply to #100 [Show Quote](#)

Our our outcasts stand out , yes they burn garbage cans etc. But percentage wise the MO community have a much higher off the derech percentage , charadishe off derech you can spot and see but MO assimilate like goyim you'd don't see a trace of them , yup they become highly intellectual goyim .

[Reply »](#)

117

Nov 02, 2009 at 12:53 AM starwolf Says:

[Report as Inappropriate](#)

The fact that some posters show a lack of respect for Rabbanim with views other than their own, starting with a refusal to use their titles, and finishing with their stating that those Rabbanim are not "not a shomer torah umitzvoth" (post #70, quoted by Milhouse) is a beautiful example of sinat chinam. Of course, motzei shem ra also comes to mind.

What this behavior does, of course, is cause further divisions among Am Yisrael, lessening kavod Morim (if it is ok to say that about a Rav, who is to say it is not ok to say that about any Rav with whom one disagrees?). One really has to wonder what kind of behavior would be more anti-Torah and anti-clal Yisrael.

Since this type of behavior is all too common among certain elements of the hareidi community, they should not be too surprised when their messages (which contain a lot of good) are not well-received among the nonhareidi community (including the shomer mitzvot community). After all, one can hardly demand respect for the Rabbanut when those demanding such respect routinely libel and slander other Rabbanim.

Had people like anonymous posters #70 and #115 put any effort into understanding Masechet Avot, they would realize that.

[Reply »](#)

118

Nov 02, 2009 at 12:20 AM PMO Says:

[Report as Inappropriate](#)

Reply to #17 [Show Quote](#)

More than likely, it was a MISTAKE, and he was not "brain dead". That has happened before. There have been people pronounced dead who "came back to life". There are many recorded cases. More than likely they were all mistakes.

[Reply »](#)

119

Nov 02, 2009 at 07:51 AM formally Says:

[Report as Inappropriate](#)

Reply to #114 [Show Quote](#)

but that is what you are doing by taking a heart

[Reply »](#)

120

Nov 02, 2009 at 09:12 AM Recipient Says:

[Report as Inappropriate](#)

Let me put this argument in proper perspective for all of you. I would not be alive today were it not for an organ transplant from a "brain dead" person. So, let's take a deep breath and understand the implications of this argument.

[Reply »](#)

121

Nov 02, 2009 at 09:08 AM Robert Says:

[Report as Inappropriate](#)

Reply to #117 [Show Quote](#)

thankyou for your wonderful post

[Reply »](#)

122

Nov 02, 2009 at 09:07 AM Robert Says:

[Report as Inappropriate](#)

Reply to #115 [Show Quote](#)

i believe #70 (annonymous ofcourse) is an outright liar or has mental problems

i have met rabbi tendler

tell me if you believe number 70 as true

[Reply »](#)

123

Nov 02, 2009 at 08:57 AM torahyid Says:

[Report as Inappropriate](#)

Reply to #117 [Show Quote](#)

if #70 is making up the story, then you are right, it is motzi shem ra, but if its true, then it is most definitely not sinas chinom, it is sinas mitzva of apikorsus, and one is most definitely obligated to publicize it, for people may follow him and sha'ani minus d'moshchi.

[Reply »](#)

124

Nov 02, 2009 at 10:20 AM Anonymous Says:

[Report as Inappropriate](#)

Reply to #109 [Show Quote](#)

When someone in my family needed a transplant, five non family members offered to do a partial liver donation. All of them so called "Chareidim". These wonderful Jews are part of a community that does Chesed for Jews across the board. They do Chesed for non-Jews across the board. They are from Williamsburg, Boro Park, Monroe, Monsey, Crown Heights etc. When you look at the list of chesed organizations, 99% of them originated in the "Chareidi" community. Not one of these chesed organizations net anyone any money at all. On the contrary, it usually ends up taking alot of money out of the pocket of the founders.

There are many Jews who knock the chareidi community and then end up using their services. Hatzoloh, Bikur Cholim etc.. FOR SHAME.

[Reply »](#)

125

Nov 02, 2009 at 10:31 AM starwolf Says:

[Report as Inappropriate](#)

Reply to #123 [Show Quote](#)

70 posted "tendler is not a shomer torah umitzvot". Which mitzvot, precisely, have posters #70 and 115 witnessed Rav Tendler not keeping?

Note that a difference in hashkafa does not apply to using that language about somebody. So did either one of these posters actually see Rav Tendler eat a bacon cheeseburger on Yom Kippur? What exactly would justify such statements about a Rav?

[Reply »](#)

126

Nov 02, 2009 at 10:18 AM Anonymous Says:

[Report as Inappropriate](#)

Reply to #118 [Show Quote](#)

So How do you know that declaring this person brain dead is not a mistake?

[Reply »](#)

127

Nov 02, 2009 at 10:39 AM Robert Says:

[Report as Inappropriate](#)

Reply to #124 [Show Quote](#)

there is good and chesed from all segments of both the religious and nonreligious communities.. while i would be considered here on VIN modern orthodox (i hope so anyway) i am aware of much chesed promulgated by the satmar chsidim for no-religious jews in terms of organ transplants and financial help.. these are the actions we all need to learn from .. unity is so critical to hastening the redemption

we all can be better .. part of our mission in the world is to do acts of kindmess.chesed (see pirkei avot)

let the discussions on brain death and organ transpalntation here be for good and to sanctify Gods name and let us all not resort to sinat chinam and name calling

[Reply »](#)

128

Nov 02, 2009 at 11:26 AM starwolf Says:

[Report as Inappropriate](#)

Reply to #126 [Show Quote](#)

Easy. What is being measured here is cessation of brainstem function. This would, or course, be accompanied by a cessation of breathing. Note that not all cessations of respiratory function mean brainstem death, but the reverse does

hold true. So several criteria are being measured here. And in no case that I know of, has anyone recovered from cessation of brainstem function.

[Reply »](#)

129

Nov 02, 2009 at 11:19 AM formally Says:

[Report as Inappropriate](#)

Reply to #124 [Show Quote](#)

When you look at the list of chesed organizations, 99% of them originated in the "Chareidi" community.

I guess all the secular Jewish organization do not count, and if yes so you really think they only represent 1% of chesed.

[Reply »](#)

130

Nov 02, 2009 at 11:39 AM favish Says:

[Report as Inappropriate](#)

Reply to #127 [Show Quote](#)

our mission in the world is to keep the taryag mitvos with all details to it. 1 mitzvah does not override all others

[Reply »](#)

131

Nov 02, 2009 at 11:49 AM favish Says:

[Report as Inappropriate](#)

Reply to #122 [Show Quote](#)

we didnt judge him by just this article but his overall disregard of true ehrliche heilige tzddikum..and by MO followers rooting for him like in this and other articles just proves the point. 'motze min es mino'. i have yet to see a holy tzaddik root for him.in our circles we label such person as a 'kal'. it has nothing to do with knowing kol hatorah

[Reply »](#)

132

Nov 02, 2009 at 01:39 PM starwolf Says:

[Report as Inappropriate](#)

Reply to #131 [Show Quote](#)

So when people show grave disrespect to your particular Rabbanim--and then justify their behavior by saying "this is how "true ehrliche heilige" people behave"

---you will know that you have contributed to zilzul morim, motzei shem ra, and sinat chinam. You are really on a winning streak, and it is just the middle of Mar Cheshvan. Who knows what you can come up with by the time Elul comes around?

[Reply »](#)

133

Nov 02, 2009 at 02:52 PM Milhouse Says:

[Report as Inappropriate](#)

Reply to #122 [Show Quote](#)

I don't know. I do know that he has given the frum world enough reasons not to respect him, and enough reasons not to dismiss this story out of hand.

[Reply »](#)

134

Nov 02, 2009 at 02:51 PM Milhouse Says:

[Report as Inappropriate](#)

Reply to #120 [Show Quote](#)

Do you think nobody understood that before? What does your comment add to the discussion? So you're alive. Well, maybe you shouldn't be. If saving your life required killing someone else, then you shouldn't have been saved. What makes your life worth more than his?

[Reply »](#)

135

Nov 02, 2009 at 02:44 PM Milhouse Says:

[Report as Inappropriate](#)

Reply to #119 [Show Quote](#)

No matter how many times you say that, it still won't be true.

[Reply »](#)

136

Nov 02, 2009 at 02:41 PM Anonymous Says:

[Report as Inappropriate](#)

Reply to #96 [Show Quote](#)

"By that rational I can buy stolen goods since the crime was already done."

True, that is the halacha (you can look it up concerning Schach). There is a difference if you create the market for it, but in the case of organ donation the demand is so high putting yourself on a list to receive one doesn't in any significant way encourage more organ harvesting.

If there were people who were just left to die without harvesting their organs due to lack of demand, that would be a whole different matter.

[Reply »](#)

137

Nov 02, 2009 at 03:03 PM Milhouse Says:

[Report as Inappropriate](#)

Reply to #132 [Show Quote](#)

This isn't random or equally distributed. The fact is that this particular person is almost universally disrespected in the frum world. There's a reason for that. And all you've done is splutter and act outraged; you have not given us any reason why it's wrong.

[Reply »](#)

138

Nov 02, 2009 at 02:32 PM Anonymous Says:

[Report as Inappropriate](#)

reply to #125, he transgresses the first or the ten commandments 24/7, & on a more public note "Es Mikdoshi Tirahu" (most of us do avairot privately & then are ashamed, we don't blast them over the web) sorry there are more mitzvot than the mitzva of being dan lecaf zechut - which isn't even a mitzva & definately doesn't apply to reshaim, see how rambam & rabbainu yonah explain the mishne.

[Reply »](#)

139

Nov 02, 2009 at 02:11 PM favish Says:

[Report as Inappropriate](#)

Reply to #132 [Show Quote](#)

you just dont worry your little head about our 'elull'...'im hurav dome lemalach hashem tevuous yevackshu torah mipihu vim lav ...' v'hamaskil yovin.

[Reply »](#)

140

Nov 02, 2009 at 03:43 PM formally Says:

[Report as Inappropriate](#)

Reply to #135 [Show Quote](#)

if you want something changed you boycott it. Like sign in billboard in Israel. If you want to stop murder, you refuse to participate in any actions that contributes to it.

But I guess looking at a woman is more of a concern then committing murder

[Reply »](#)

141

Nov 02, 2009 at 03:40 PM starwolf Says:

[Report as Inappropriate](#)

Reply to #138 [Show Quote](#)

The way that you behave toward others--others will behave towards you. If you are okay with that, no problem.

[Reply »](#)

142

Nov 02, 2009 at 03:56 PM starwolf Says:

[Report as Inappropriate](#)

Of course, the bottom line is that the new law is the law of the land. And, like it or not, Bnei Brak is still within the land--and the law applies to all hospitals within the land. Perhaps soon we will have an additional law--those that don't donate--don't receive--or at least their priority is much further down the list. Enough people here support it.

Those who are completely sure that the medical system in Israel (and other places) participate in murder via this law should show their commitment to their ideals. They can always go elsewhere, where medicine is practiced according to their particular Rabbanim. Except--they cannot. They have nowhere else to go.

The Eida Hareidit can continue to rail against organ donation--and nobody will pay any attention to them at all. Just as when they railed against Hadassah hospital. Their mindless followers boycott (at their own and their childrens' expense)--and their leadership continues to patronize Hadassah. Eida Hareidit indeed. More like Eida Hypocrite.

[Reply »](#)

143

Nov 02, 2009 at 06:07 PM torahyid Says:

[Report as Inappropriate](#)

Reply to #140 [Show Quote](#)

you just keep on repeating the same illogical statement (but I suppose why let logic get in the way of your agenda), how many times do we have to repeat until you understand that no boycotts or morals or ethics or campaigns stand in the way of pikuach nefesh that is in front of presently, the only thing that stands in front of pikuach nefesh is ACTUALLY murdering a person (and giluy aroyos and shfichas domim).

[Reply »](#)

144

Nov 02, 2009 at 06:03 PM Robert Says:

[Report as Inappropriate](#)

Reply to #133 [Show Quote](#)

can you list those reasons?

[Reply »](#)

145

Nov 02, 2009 at 07:34 PM Milhouse Says:

[Report as Inappropriate](#)

Reply to #144 [Show Quote](#)

Here are just a few examples:

1. His war on metzitza befeh, including mesirah.
2. His attack on pria betziporen
3. He went to court to testify in favor of forcing a frum prisoner to trim his beard
4. His going up to the har habayis (this alone wouldn't be enough, but in combination with everything else, it doesn't endear him to the frum world)
5. His chutzpedike comment about the Lubavitcher Rebbe during the last month of his life

But his record goes back many years, and each detail just piles on to everything else. It's the cumulative effect of the way he has behaved over decades that leads to his being held in contempt by so many.

[Reply »](#)

146

Nov 02, 2009 at 06:19 PM torahyid Says:

[Report as Inappropriate](#)

Reply to #142 [Show Quote](#)

"Of course, the bottom line is that the new law is the law of the land" and so what if its the law of the land, so was murdering jews in nazi germany.

"Those who are completely sure that the medical system in Israel (and other places) participate in murder via this law should show their commitment to their ideals. They can always go elsewhere, where medicine is practiced according to their particular Rabbanim. Except--they cannot. They have nowhere else to go." again, when there is a question of pikuach nefesh how do commitment to ideals come into it?

"The Eida Hareidit can continue to rail against organ donation--and nobody will pay any attention to them at all" nobody from the population who couldn't care less about lo sirtzach, that is. But all charedi jewry in EY most definitely pays attention to them..

"and their leadership continues to patronize Hadassah. Eida Hareidit indeed. More like Eida Hypocrite" and whos the one busy giving mussar on slandering rabbonim, you know very well that they never called for a boycott of Hadassah, at least not in cases where this a health risk otherwise.

[Reply »](#)

147

Nov 02, 2009 at 08:41 PM Robert Says:

[Report as Inappropriate](#)

Reply to #145 [Show Quote](#)

your first 4 comments are disagreements on halacha..

for example if you can protect a new born from infection during his brit yet still according to most rabbis do it according to halacha well.. you can disagree

but it does not make him an apostate/apikores

in terms of number 3 look at the VIN post yesterday about rabbi elior chen where the "frum' community wants him to remove his payot and kippa..

the man you refer to above was at least convicted and is in prison

number 4 is a cheap shot on your part that you ofcourse know it doesnt make him an apostate
i dont know what number 5 refers to, but regardless even if true it doesnt make him an apostate ..

you may legitimately disagree with his halachic positions however your conclusion about who he is halachically is
illogical to me.. he is not an apikores

i onced prayed with him at the same minyan in washington dc.. i suspect he is holier than you (ofcourse i dont judge only
God does) maybe you are indeed more holy and righteous.. he appears zealous in his following of the commandments
and is an inspiration to many.. fortunately you are on a level where you dont need or want to learn from him.

[Reply »](#)

148

Nov 03, 2009 at 01:23 AM Milhouse Says:

[Report as Inappropriate](#)

Reply to #147 [Show Quote](#)

He's entitled to his halachic opinion; he is NOT entitled to wage war on those who disagree with him, and continue to
practise unreformed Judaism as our ancestors did. He is NOT entitled to masser on them. He is NOT entitled to go to
court and testify to FORCE a Jew to lower his halachic standards. These items and more are why he is held in contempt
by the frum world. Whether you like it or not, it is a FACT that he is not respected; you wanted to know some of the
reasons, so I've given you some.

[Reply »](#)

149

Nov 03, 2009 at 12:06 AM starwolf Says:

[Report as Inappropriate](#)

Reply to #146 [Show Quote](#)

Perhaps you did not see the pashkevilim plastered in Jerusalem and Bet Shemesh. Members of the Eida Hareidit
certainly called for a boycott of Hadassah, and that has come at a cost to at least 2 children recently. If something is done
in the name of a movement and the leadership disagrees, it is their responsibility to communicate this to their followers.
They have most certainly not done so.

As far as the chareidim paying attention to the Eida--they are welcome to do so. Far be it form me to deny someone the
freedom to follow their Rabbanim. The important thing is that we now have a law that ensures that I do not have to
follow the psak of the Eida. As far as comparing the law to Nazi Germany--sorry. This law was formed with the advice
af any number of Rabbanim. Are you comparing them to Nazis?

[Reply »](#)

150

Nov 03, 2009 at 09:24 AM torahyid Says:

[Report as Inappropriate](#)

Reply to #149 [Show Quote](#)

I most certainly saw them, and none were signed by the eida hachareidis.
And no I did not compare anyone to nazis, you missed the point, the point is that acc. to the poskim that assur, it is

murder, so the fact that it is law has as much bearing on making it correct, as the law in germany allowing murder of jews had.

[Reply »](#)

151

Nov 03, 2009 at 08:40 AM Robert Says:

[Report as Inappropriate](#)

Reply to #148 [Show Quote](#)

thank you for your list and point of view

i knew from the get go you dont respect him (rabbi tendler).and you tell me why and i respect your right to anopinion.

we did however digress from the original question as to whether you agree with number 70 as to whether he is an apostate/apikores..heretic....(reread number 70 if you have a moment)

do you agree with number 70

is he an apikores in your opinion?

(in my heart i know you know the correct answer)

i will openly state he is a God fearing jew who observes 613 commandments (to the best of my knowledge) and is NOT an apikores/ heretic etc...

even if you and i disagree on some issues (and i do like your salty tone sometimes) anonymous name calling such as number 70 on people such as rabbi tendler have no place here on VIN (at least in my opinion)

[Reply »](#)

152

Nov 04, 2009 at 06:01 AM shmuel Says:

[Report as Inappropriate](#)

Reply to #148 [Show Quote](#)

to further your point..since these 'YU 'gedolim' are tainted with secular education which includes many sifrei minos it is impossible for their haskafah not to be affected. the gemmorah states regarding this subject 'kol boaihu lo yeshuvin'..which the gemmorah per. chelek states 'veilu shein loham chelek lolom haba'. one thing i can assure, you these secular tainted posters who are products of the 'UNIVRSITIES' are not proud of these rulings because of 'asike hilchese bishmatin'..no, only because they bent dass torah to dass imos huoilom. and thats what all these debates are all over with these posters in this and other torah haskafa article. By us we follow the holy tzaddikum who learned torah with kedusha and taharh who learned torah mitoich 48 ways torah is nknus..who we can say 'im huravedome lemalach hashem tzevouous' not some one who has a good head etc EG: chasam soifer, reb akivah eiger ..muchas yitzchak, divrei yoel , igrs moshe etc etc . so which of these UNIVESITIES' gedolim' whould compare to to such holy people. so you can bring reious aher and ahin it is totally irrelvent.

[Reply »](#)

153

Nov 04, 2009 at 08:31 AM shmuel Says:

[Report as Inappropriate](#)

Reply to #148 [Show Quote](#)

cont'd from #152.. by us a 'rabbi' who holds his hands in his pocket, has a megadlei blurious . etc is not a 'rav hadome lemalach hashem tzevous' .yes , you can say whats wrong with that, this gado that gado had it, the rambam had this or that education.....yes you can farefer the shach in hilchos akum(megadlei borious) like that , the magan avrohom simon 4 (holding hands in pocket) like this ..not being medakdek with 'al tarbeh sicho' with something else, bottom line they dont come accross as holy tzddikum...so see #152

[Reply »](#)

154

Nov 04, 2009 at 09:13 AM shmuel Says:

[Report as Inappropriate](#)

Reply to #148 [Show Quote](#)

cont'd from #153..now lets not yell hate etc..i am just pointing out how in our circles we accept a manhug, poisek hador...your rav, gadol, i have seen teaching mixed classes with hands in pocket..so you'll say whats wrong etc etc but i cant picture the holy tzaddikum (see # 152...etc) teaching co-ed with hands in pocket...so we are not pitting here geonus against geonus, we are comparing prishus, taharah kedusha, yiras chet (see mesilas yeshurim, base on the gemmorah soif sote ...reb pinchas ben yair torah mavaiah liday etc')and regrading these 10 steps forget it...

[Reply »](#)

155

Nov 04, 2009 at 09:33 AM starwolf Says:

[Report as Inappropriate](#)

Reply to #152 [Show Quote](#)

So your idea is that anyone who has any secular education at all is tainted, and one should not listen to their psak. Of course, expertise in biology and medicine would come under secular education. So your opinion is that the psak of a Rav who is completely ignorant of medical matters is preferable to that of one who has studied the matter deeply.

Thank heaven that the vast majority of Jews, as well as the entire medical community, completely rejects your view. Most of us prefer the opinions of people who actually know something about the subject matter.

To be a religious Jew it is not necessary to glorify ignorance.

[Reply »](#)

156

Nov 04, 2009 at 09:55 AM shmuel Says:

[Report as Inappropriate](#)

Reply to #155 [Show Quote](#)

this is not my 'idea', this is the shittah of all tzaddikum of the caliber of the likes mentioned in # 152, you are just rehashing what 'YOUR' gedolim think. by the the way, you mean the 'vast majotity' of your kind of jews. and according to your shitta we should all be christians(first reform jews) or reform jews, conservatrive as they are the 'vast majority'...so you see the fallacy of your 'vast majority'" statement. the torah already dealt with your vast majority' ..'ki atem hameat' and ehrliche yidden was and will be m'at min h'mat.. and please dont 'thank heaven' when your shitta is against what 'heaven' wants

[Reply »](#)

Nov 04, 2009 at 01:15 PM starwolf Says:

[Report as Inappropriate](#)

Reply to #156 [Show Quote](#)

Comparing Modern Orthodoxy to Christians only shows your bigotry. Do you think that Rabbanim who studied (and taught) secular knowledge were akin to Christians? Let's take an example. Do you think that Rav J. B. Soloveitchik was a Christian? How about Rav D. Y. Abarbanel?

But since you are against secular knowledge (and we are discussing medicine in particular here) of all kinds, do you have the honesty to stick to your beliefs?

Do you go to your Rabbi for advice when you get ill, or do you see a doctor? A doctor who studied in a Medical School (and University) that are treif by your standards? Why should you need to go to a doctor? Surely everything is included in Torah--so your Rebbe ought to be able to cure you.

In addition to glorifying ignorance, your hashkafa will not stand up under analysis. But I doubt that you mind. Analysis and thought are also probably treif disciplines to such as yourself.

[Reply »](#)

Nov 04, 2009 at 02:48 PM shmuel Says:

[Report as Inappropriate](#)

Reply to #157 [Show Quote](#)

3rd parag..'do you go to your rabbi for ...' i mean this is a real silly statement .so i shouldnt learn torah go learn car mechanics because my rebbe cant fix a car and ill have to go to mecanic..., learn pediatrics becuse may rebbe doesnt know pediatrics so i'll have to go to ..by the way this was a slip up of your tongue and shows what apikores you are.but its too deep to dwelve into.but no surprize seeing who you root for

[Reply »](#)

Nov 04, 2009 at 02:32 PM shmuel Says:

[Report as Inappropriate](#)

Reply to #157 [Show Quote](#)

take it easy, i touched a raw nerve? i didnt get insulted with your rantings but seems the truth hurts. did i compare? i brought out a point (about going after roiv according to your logic and now you have to eat your words you fly off your handle...adious ,.when you grow up we can discuss furthe.r so brush up on your reading comprihension. so far you havent mentioned any real tzaddik for you hashkafos (see #152)so like i said me and you come from different al titosh toras imacha, rather i come from there , where you come from ...is different matter.

[Reply »](#)

160

Nov 04, 2009 at 02:52 PM shmuel Says:

[Report as Inappropriate](#)

Reply to #157 [Show Quote](#)

last parag. '.. glorifying ignornce." oich nir a ben torah,one who knows kol hatorah is ignorant..nu, nu, gotcha again

[Reply »](#)

161

Nov 04, 2009 at 09:35 PM Milhouse Says:

[Report as Inappropriate](#)

Reply to #151 [Show Quote](#)

I don't know whether the story in #70 is true. But knowing what I do about him I can't rule it out.

[Reply »](#)

162

Nov 05, 2009 at 12:06 AM starwolf Says:

[Report as Inappropriate](#)

Shmuel: it is a hallmark opinion of Hareidim of your type that someone who knows secular subjects cannot be a Ben Torah, nor excel in Torah knowledge.
Wrong.

And yes, if one does not learn a particular subject, one is ignorant about that subject, no matter how much Gemara he has learned. You do not go to a Rabbi for pediatric advice.

So, a Rav who has never studied biology, anatomy, or physics--how can his psak about brain death, which is dependent on all of the above--be compared with that of a Rav who has studied all of those topics? And yes, such a Rav would have studied Torah as well. The Modern Orthodox world would say that obviously, knowledge in a given field is necessary to give a psak halacha about that field. Someone of your caliber, however, seems to feel that that is not the case, and as usual, when called on the logical implausibility of his position, relies on the old standby of your hashkafa (from Post 158): "shows what apikores you are".

As far as my reading comprehension, it is fine. It is somewhat taxed when reading posts in which spelling, punctuation, and capitalization are complete strangers.