Reva Unterman

Reva Unterman has lived in Israel for 20 years. Both her father and grandfather were internationally respected Orthodox rabbis. She is writing a novel set against a backdrop of Halachic and Midrashic sources.

Understanding organ donation

By Reva Unterman - Sunday January 28 2007

In Israel, we're celebrating Organ Donor Month.
Baruch Hashem, I am healthy and not in need of a transplant. So, what, you may ask, is my interest on the matter? Well, it's threefold. Firstly, in my new novel, my main character needs a kidney transplant, so I am researching the topic. Secondly, Robert Berman, director and founder of HODS – the Halachic Organ Donation Society – and a very handsome young man, has just moved in across the street. (If only I were 10 years younger!) And, thirdly, Robert told me over coffee that my grandfather z'l wrote piskei din on transplants.
Since the Talmud considers a blind person – a Suna Kamet – as if he's dead, my grandfather ruled that saving a person from blindness is like saving his life. You are, therefore, allowed to remove corneas from a dead person to give another sight. This only applies to one cornea per recipient, though, because once the patient has sight, he is no longer blind. Just hearing this halachic tidbit makes me miss my grandfather and his original way of understanding halacha.
The problem, from a halachic viewpoint, is defining when exactly death occurs. With new technology in life support it is possible to keep some systems functioning long after others have ceased. Modern medicine defines death as brain stem death. One reason for this definition is that it allows for organ transplants. Many organs, the heart and liver especially, are only suitable for transplantation if they are removed when blood is still circulating in the system. No one, you see, has ever woken up from brain-stem death because the brain begins to liquefy from the onset of brain-stem death.
Halachically, however, this is a problem and is today of great controversy among rabbinical authorities. Some say that to take out an organ when a person's heart is still beating is against the principle of "Ein dochin nefesh mipnei nefesh," which states that one life may not be set aside to assure another even when the termination of life is imminent. On the other hand, transplants save lives and, according to Jewish

law, saving life takes precedence over even the holy Shabbos day.

On his Web site, www.hods.org, Robert has cited halachic arguments both for and against transplants. I was most interested, however, to see that he had addressed the issue of tchiyas hamesim – Resurrection of the dead. After all, without our organs how will we stand up in the final redemption? Robert thinks we need not worry about the end of days since our organs decompose rapidly anyway. Besides, he emphasizes,