

NEW YORK

Orthodox Organ Donors Sought

Efforts under way to spur debate, clear up misperceptions about halachic view on transplants.

Adam Dickter

Staff Writer

After nearly 20 years of suffering from kidney disease, Sol Berger feels like a new man.

Hypertension had so limited the ability of his kidneys to remove toxins from the blood that he needed a machine to do the job through a catheter in his abdomen every night from 8 p.m. to 6 a.m.

"My kidneys were basically dead," said Berger, of Midwood, Brooklyn.

When doctors told him the only hope for improving his condition was a transplant, Berger placed an ad in three Orthodox newspapers seeking a donor.

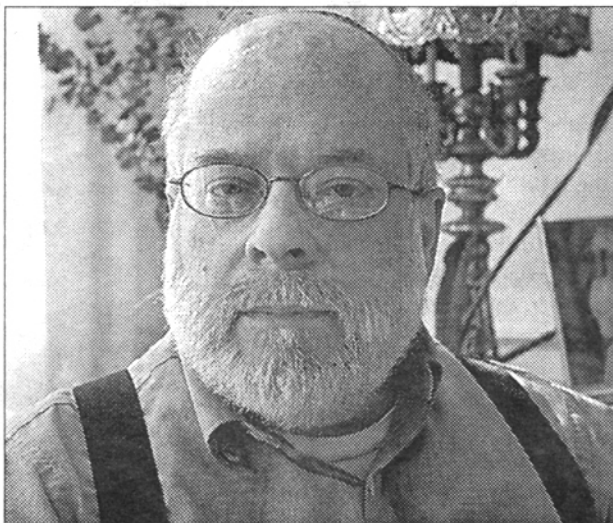
The responses — about 28 in all — came from as far away as Toronto, Baltimore and Connecticut.

The best applicant, however, turned out to be Edith Markowitz, who lives just a few blocks away. The operation was performed Jan. 16, and both donor and recipient are recovering nicely.

"Within five days I was walking and exercising," said Berger, a computer consultant before he became ill. He has removed the dialysis equipment from his home.

Heartened by the response to his predicament, Berger wants to become an advocate for organ donation in the Orthodox community, offering his phone number in a subsequent newspaper ad for consultation with prospective donors or recipients.

"People want to know about the whole process, and I want



Sol Berger: Kidney donation changed his life.

Michael Datikash

to help," said Berger.

Berger and Markowitz both are Orthodox and Markowitz consulted with rabbis before the procedure, receiving blessings all around.

Live organ donation — limited to kidneys, bone marrow or parts of the liver and lungs — is far less controversial than cadaver donation, which some rabbis proscribe.

But as medical technology progresses and the number of transplants performed annually increases — there were about 9,000 in the United States last year — there is a growing movement to increase the base of Orthodox donors.

A newly formed group, the Halachic Organ Donors Society, will host a panel conference on the subject March 13 at Congregation Ohab Zedek on the Upper West Side, hoping to shed some light on the issue.

"There is a misperception among Jews that halacha categorically prohibits organ donation," said Robby Berman, the founder of HODS.

A similar not-for-profit organization, Operation Pikuach Nefesh, was founded in 1997 by Alan Septimus.

HODS was started with the assistance of Stephen Flatow, the West Orange, N.J., lawyer whose daughter Alisa was killed in a 1995 terrorist attack in Gaza. Several of Alisa's organs, and her corneas, were transplanted in Israel. Flatow donated funds to HODS that were recovered in a recent civil judgment in federal court against Iran, which the court found liable for funding the terrorists who bombed Alisa's bus. He says he wants to help shed some light on the subject of organ donation.

"It's shrouded in mystery," said Flatow, who is Orthodox and has lectured about organ donation in synagogues of all denominations. "The Reform and Conservative movements have been much more open. With the Orthodox, it's shul by shul."

HODS offers assistance in filling out organ donor cards. "The time to think about it is now, when you can make a healthy,

informed decision," said Berman.

The group, which has a Web site at www.hods.org, is targeting Jews in America and Israel, where Berman said there were 200 cases of viable donors last year, but families of only 70 agreed to donate their organs.

"The number of people who went to their grave waiting for an organ was 114," said Berman. "All those people could have been saved."

According to strict halachic interpretation, a body must be buried completely intact, or as intact as possible. That is why autopsies are almost always forbidden, except in the case of a crime investigation or public health risk.

One question about organ donation, then, is whether the ability to save a life, which supersedes almost all other considerations in Judaism, overshadows that concern.

"The perception is that you need your organs for *techiyas hamaysim*," said Berman, referring to the belief in resurrection. "But after about two weeks, those organs have disintegrated."

A larger question concerns the condition of the donor.

To be viable, organs must be removed while the body is still functioning. That means aside from live donation, organs may only be harvested from victims of severe head trauma with no other major injuries. That leads to one of the thorniest halachic issues: brain death.

"Brain death is a medical myth and therefore a halachic hallucination," said Rabbi J. David Bleich, of the Yorkville Synagogue in Manhattan, a leading halachic decisor. "What is diagnosed as brain death is actually a terminal coma. Real brain death and cardiac death are pretty much simultaneous."

Without accepting brain death, harvesting organs would be considered killing the donor. By this interpretation, Jewish donors would only be allowed to donate corneas, which may be harvested after cardiac death, or within a 20-minute window, kidneys.

An opposing view is held by Rabbi Moshe Tendler, a biologist and professor at Yeshiva University and its rabbinic seminary. Rabbi Tendler has said that a brain dead person is halachically dead and therefore it is a mitzvah to donate organs.

Berman said his organization does not take sides on that debate, but will offer guidance to prospective donors according to their own beliefs.

"We want people to understand that there is a diversity of halachic opinions," he said.

In the case of live transplants, there are very few halachic considerations, aside from that of the health risk to the donor. The process is permitted even if the recipient is in no immediate danger of death.

"There may not be a *sakanos nefesh* [danger to life] today, but maybe tomorrow," said Dr. Stuart Greenstein of the Montefiore Medical Center in the Bronx, who performed the Berger-Markowitz transplant. He is one of a handful of Orthodox transplant surgeons in the United States.

"A person's life is impacted by dialysis," he said. "You have to restrict food and fluid intake ... women are unable to carry children to term."

Markowitz says she and her husband, Zev, who also was tested for eligibility but was found unsuitable during the intensive screening process, consulted with Rabbi David Cohen of Congregation Gvul Yavets in Brooklyn, and the rebbe of the Skverer chasidic sect. Neither raised an objection.

Family members were another story. They feared that with only one kidney, she could one day find herself in Berger's position. Greenstein told her that kidney disease affects both kidneys, which meant she would be in no greater danger than a non-donor.

"If something happens to one kidney, it happens to both," she said. "I was a little worried something might happen to the one kidney [in an accident]. On the other hand, here is someone's life I could save right now."

The Markowitz-Berger transplant was done through laparoscopy, in which only a small incision is made in the donor. The minimally invasive procedure allows a much shorter recovery period. Markowitz was back at her job as an assistant to the principal at Magen David Yeshiva in Bensonhurst within 10 days. While the recovery was painful, she said there were no lasting effects.

Except positive ones. Markowitz recently enjoyed Shabbat lunch with Berger and his grateful family, and received a warm note from his mother.

"The emotional high people get from this is tremendous," said Greenstein. "They know they are doing something for humanity at a time when all this craziness is going on in the world." □