

HODS TAKEAWAYS

SUPERSTITIONS:

1. Evil Eye
2. Need to be buried whole **in order to enable God** to resurrect you.

EMOTIONS

TIMING: Should organs be donated at brain-death or at cessation of heartbeat? See sources below.

HALACHA: Three halachic prohibitions trumped by פיקוח נפש (Noda B'Yehuda allows for autopsy):

1. *Thou shall not desecrate from a dead body* איסור ניוול המת
2. *Thou shall not benefit from a dead body* איסור הנאת המת
3. *Thou shall not delay burial of a dead body* איסור הלהנת המת

Sources for Definition of Death

1. **Decapitation is death no matter if the body is moving.** One camp says brain-stem death (aka whole brain death) is similar to decapitation. The other camp says the text says decapitation and it is not actual decapitation. (משנה אהלות 1:6)
2. **A building falls down on a person... What is missing to determine him to be dead?** (85 יומא א)

A. Although this is a debate about whether you need cessation of breathing or cessation of heart beat to establish death, the Talmud, the Rambam and Shulchan Aruch all conclude that if a person looks dead and he **doesn't breathe** he is dead. This seems to imply that brain-stem death is death. But some think this opinion is not decisive because it most likely assumed the heart had also stopped beating because they had no ventilator at that time.

On another point, Rashi describes the person as not moving his limbs. Some say if his heart is beating this is as if he is moving his limbs. The counter-argument is the heart beats automatically and is not controlled by

the person. He is not voluntarily or purposely moving his heart and Rashi's language is הפעיל which is causative meaning he purposely moved his limbs.

B. Two indications the Christian printer of the Talmud chose the wrong manuscript:

A. Majority of manuscripts extant don't mention heart but rather navel (11 out of 14). The Yerushalmi, the Rosh, Rif, the Ran, for example, all record the debate as between nose vs. navel. In other words, all we care about is cessation of breathing and it is simply a diagnostic debate: what is the best way to tell if a person is not breathing; check the nose or check the navel?

B. In our printed Talmud it says this debate about nose vs heart reminds me about the debate between head and navel. This association does not make sense because the body parts are not the same and the issues are different (one is about formation of a fetus and one is about death). The association does make sense, however, if the original debate was between nose vs navel and that reminded the Talmud of the debate between head and navel.

Things You Can do to Help

1. Email your parents and siblings and ask them if they have an organ donor card.
2. Register for your organ donor card and make a financial donation at www.hods.org.
3. Try to secure for HODS a lecture at your former high school or shul.
4. Call your local rabbi and ask him to give a lecture on organ donation.

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QUIZ

1. It is impossible to recover from:

- a. Clinical Death
- b. Coma
- c. PVS
- d. Brain Death
- e. All of the above

2. If a person is on a ventilator and then his brain dies, his heart will continue to beat on the average for:

- a. Ten Years
- b. Ten Months
- c. Ten Weeks
- d. Three Days

3. Which organ is critical to being a human being and cannot be replaced with a machine?

- a. The heart
- b. The lungs
- c. The kidney
- d. The brain

4. The heart:

- a. Can be replaced by a machine
- b. Is not attached to the brain in any significant way
- c. Has a natural biological pacemaker that allows it to beat even outside a human body
- d. Is significant only because it pumps oxygenated blood to the brain and other organs
- e. All of the above

5. While the medical establishment understands brain death to be death, Halachic opinions vary as to whether or not it is death according to Halacha.

- a. True
- b. False

6. The following rabbis believe brain death to be death according to Halacha:

- a. Rabbi Moshe Feinstein, Rabbi Dovid Feinstein, Rabbi Moshe Tendler
- b. Sephardic Chief rabbis Ovadiah Yosef, Mordechai Eliyahu, and Moshe Amar
- c. Rabbi Zalman Nechemia Goldberg, Rabbi Avraham Steinberg, Rabbi Mordechai Halperin
- d. All the above and many more

7. Rabbis who are against organ donation are against it because:

- a. The Torah prohibits us from delaying burial, benefiting and desecrating a corpse
- b. They magically believe organs don't decay upon death and we need them for resurrection
- c. They don't agree that brain death is actually death according to Halacha