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## A Medical Dimension to a Religious Debate

By [ANTHONY RAMIREZ](#)

The bearded men looked at the slide on the screen, reading the old words from right to left, parsing each Hebrew phrase, as if they were debating life and death.

They were.

At an unusual conference this week at Albert Einstein College of Medicine in the Bronx, rabbis from all over the world and local health care professionals grappled with how to reconcile the eternal certainties of religion with the temporal, and unfolding, realities of medical science.

The question: According to Jewish law, when can an observant Jew donate a loved one's organs for life-saving transplant operations? More broadly, when does life end and death begin?

"Life and death means, 'Is the soul still in me or has it left me?'" Rabbi Tzvi Flaum, 57, the leader of Congregation Kneseth Israel in Far Rockaway, Queens, told the audience in the medical school's auditorium. "Is there a physical change in the body that indicates that metaphysical change?"

Rabbi Shlomo Kiesel, 52, of Buenos Aires said earlier, after a morning session, "This is a debate with enormous ramifications for other rabbis and, through the rabbis, ramifications for the rest of the religious community. It is a debate done for the sake of heaven."

What Judaism says about the issue is open to fervent debate among scholars because the Torah, like other religious texts, predates organ transplantation and does not address it directly.

But religious concerns, including a reluctance to not bury a corpse intact, contribute to a widespread hesitancy about donating, medical experts say.

Based on the number of people with organ donor cards, Israel has the lowest rate of people willing to contribute organs, at about 4 percent.

In other countries, including the United States, the rate is 30 percent or more, according to organ donation groups.

In the United States, there is a scarcity of available organs, with less than 2 percent of all hospital deaths producing transplantable organs.

Nationwide more than 90,000 patients are waiting for transplants. In the metropolitan region, the New York Organ Donor Network ([www.donatelifeny.org](http://www.donatelifeny.org)), the second largest organ procurement group in the nation, receives 56,000 phone calls a year from hospitals with news of imminent patient deaths. Families give permission

for transplants in only 300 of these cases.

Most families prefer not to discuss death and organ donation because the topic is unpleasant.

Elaine Berg, president of the New York network, said, "People also think, and this is not just Jewish people, that they must be buried whole and that their religion doesn't support organ donation.

"But virtually all religions very much endorse donation as the ultimate good deed," she said.

The two-day conference at [Albert Einstein](#) medical school was organized by the Halachic Organ Donor Society ([www.hods.org](http://www.hods.org)), which was founded by Robby Berman, an American journalist who became interested in the issue while working in Israel.

On the first day, doctors discussed physiology and on the second rabbis talked about philosophy.

The debate at Albert Einstein turned on what the Torah and Jewish figures, like Moses Maimonides, the 12th-century Jewish thinker, said about issues that might touch on organ transplants.

Many in the audience who work in the school or nearby hospitals were surprised to find near-unanimity among rabbis on the criteria for organ donation.

Rabbi Shmuel Eliyahu, the chief Sephardic rabbi of the holy city of Safed, or Tzfat, in Israel and the son of the former Sephardic chief rabbi of Israel, said that Jews can donate organs because, according to his analysis, death occurs when the brain stem stops functioning.

The brain stem connects the brain to the spinal cord. Its death leads to an irreversible loss of consciousness, although the rest of the body, including transplantable organs, may remain alive.

Rabbi Shabtai Rappaport, 56, of Jerusalem, cited numerous chapters and verses from the Torah, and commentary on it, to support using brain-stem death as the standard for organ harvesting.

"Life is the context of the brain connected to the body," he said.

Rabbi Flaum argued that the criteria be the shutdown of the heart and lungs, citing Jewish religious commentators. Rabbi Flaum is a member of the medical ethics commission of the Rabbinical Council of America, an organization of mostly Orthodox rabbis.

After his talk, Rabbi Flaum said he supported organ donation in principle but wanted the "when, why and where" of donation to be specific.

"If life persists in the rest of the body," he said, "therefore some part of the soul remains."

For Ted Lawson, 63, of the Upper East Side, the rabbis' debate was far from Talmudic.

A Presbyterian and a former investment banker, Mr. Lawson was dying of heart disease last year when he received the heart of a 55-year-old woman who had died of a gunshot wound.

"I am a heart recipient," Mr. Lawson said, "and if the donors of the heart had stuck to cardiac death, I wouldn't

have a heart. I don't agree with the rabbi's stand, otherwise I'd be dead."

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