**Walking in the footsteps of our Forefathers: seeking a redeemed world**

**From Covenant to Fulfillment - Abraham to Shlomo**

**Class # 16– Organ donation: Act of kindness or Act of murder?**

Senior Fellowship Leadership Program

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Review: Last week, we discussed the various lessons and messages from the Manna in the desert. What were the main points?

<https://www.youtube.com/watch?v=z7V9Pere_SM>

1. What lessons about success in Hashem’s creation is Pete not understanding?
2. In what way Shabbat observance help Pete understanding “opportunity” - As the passuk says – “You should work during the six weekdays and do all your tasks. 20:10 But [Saturday](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=2&CHAPTER=20#C1353) is the Sabbath to God your Lord. Do not do anything that constitutes [work](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=2&CHAPTER=20#C1354)....” ?
3. What assumption about my body is underlying the word “donation” in the phrase, “organ donation”?

Source #1 - Ethics of the Fathers - 4:22

“...against your will you are formed, against your will you are born, against your will you live, against your will you die….

1. Testimony of the birth experience. – <http://youtu.be/4MhQOGNipg0>
2. Denying the reality of my body as an independent natural system is the cause of all unhealthy living. Namely, I fantasize that I can “do what I want” rather than seek being in harmony with natural processes. What examples can bring?

Source # 2 – Psalms 24:1 א לְדָוִד מִזְמוֹר לה' הארץ ומלואה תבל ויושבי בהּ: תהלים כ"ד

The earth is the Lord’s, and everything in it, the world, and all who live in it;

  Source # 3 - *Ethics of the Fathers, 1:14*

*Hillel says, "If I am not for myself, who will be for me? But if I am only for myself, who am I? If not now, when?"*

Source # 4 -Dvarim 21:22-23

22. When a [man](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=5&CHAPTER=21#C4197) is legally sentenced to death and executed, you must then [hang him](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=5&CHAPTER=21#C4198) on a [gallows](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=5&CHAPTER=21#C4199).

23. However, you may not allow his body to remain on the gallows overnight, but you must [bury it on the same day](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=5&CHAPTER=21#C4200). Since a person who has been hanged is [a curse to God](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=5&CHAPTER=21#C4201), you must not [let it] defile the land that God your Lord is giving you as a heritage.

Source #5 - Laws of Sanhedrin – Ch. 15:7-8

**Halacha 7 -** How is the mitzvah of hanging carried out? After the convicted is stoned, a beam is implanted in the ground with a rafter protruding from it. The two hands of the corpse are intercrossed and he is hung close to sunset.

He is released immediately. If not, a negative commandment is transgressed, as *Ibid.*:23 states: "Do not let his corpse tarry overnight on the beam."

**Halacha 8**

It is a positive mitzvah to bury the persons executed by the court on the day of their execution, as *Ibid.* states: "For you shall surely bury him on that day."

Not only those executed by the court, but anyone who leaves a deceased overnight without burying him transgresses a negative commandment. If, however, a burial is delayed overnight to honor the deceased, e.g., to bring a coffin or shrouds, there is no transgression.

Source # 6 – **Chief Rabbi Jonathan Sacks’ clarifies that there are two valid halachic opinions about brain death**

“…Wherever we can save life, we should. That is a fundamental proposition of Judaism, and it means that we favour organ donations.

At the heart of Judaism is the principle of the sanctity of life, which flows directly from the proposition in the first chapter of the Bible that we are all in the image and likeness of God. The secular counterpart is Kant’s principle that we should treat others as ends in themselves, not as means to an end.

This generates several moral consequences, two of which are: honour life and save life. Usually these two principles coincide, but sometimes they conflict.

There are two kinds of organ transplants that raise no ethical problems. There are organs – kidneys for example – that can be taken when the donor is alive and whose removal is not life threatening. The donor can continue to live. We commend such donations.

At the other extreme, there are additional organs that can be taken when the donor is clearly dead, for example, corneas. Here too we would fully support such a decision.

There are, however, other cases that no one would countenance. The obvious case is taking the heart of someone who is still alive. We may not take one person’s life to save the life of another. That is using someone as a means, not an end.

What then of cases where there is reasonable disagreement as to whether a patient is alive or dead. This can happen when, for example, there is no brain stem activity but the patient’s heart continues to beat. Is brain stem death the only possible criterion of death?

On this specific question, religious and medical authorities, both Jewish and otherwise, have disagreed, some accepting brain stem death as a criterion of death, others insisting that the only criterion is cessation of cardiac activity. Opinion on this one point remains divided.

This is serious because of the gravity of the issues involved: honouring life and saving life. We may not sacrifice the one to fulfil the other. **For those for whom brain stem death is not the criterion of death, we may not take a vital organ from a patient still alive….”**