

Book Review

*The Schlesinger Institute has recently published, **Establishing the Moment of Death**, second edition (Editors: M. Halperin, L. Moshe, E. Moshe; Publisher: The Schlesinger Institute; Jerusalem, 2007. ISBN 965-460-030-7). This collection of essays in Hebrew are an important reference source to any library. The translated forward of this newest edition is reproduced below:*

Determining the moment of death is an extraordinarily complicated, sensitive, and highly charged subject embracing law, ethics, and halacha. There are many reasons for this as any discussion of life and death is inevitably very emotional. The question of establishing the moment of death has many ramifications, including the cessation of artificial respiration, the halachot of yibbum and inheritance, the onset of mourning, and the halachot of burial. It also touches on the question of harvesting organs for lifesaving transplantation in desperate cases where every moment counts.

“Skin for skin! Certainly, all that a man has he will give for his life (Job 2:4),” replied Satan. In our generation as well, the immense pressure to secure organs for transplantation has left numerous victims in its trail. In the past, this pressure led to crime and murder as there were times and places where living children were kidnapped for purposes of organ “donation”. News articles have appeared about even more shocking practices in China. Even in more morally attuned places we can expect shortcuts and new definitions of death in order to save others. There is a good reason why western morality limits the determination of brain death, placing it exclusively in the hands of a group of qualified physicians whose interests lie with the donor rather than the recipient of any transplanted organs.

Halacha, as a living Torah system, does not avoid discussing and deciding difficult cases in matters of life and death. But such decisions rest on sober thought, examination of sources, balancing of

opinions, broad knowledge, and traditional decision making rules. The final decision in matters of life and death must of course be based on the opinions of the Talmudic Sages and later halachic authorities. The tradition of halachic decision-making is unbroken since antiquity. It includes, as is the way of Torah, rules for balancing and deciding delicate issues.

Years ago, I visited the home of Rabbi Y.E. Waldenberg ר"צ, the author of Resp. Tsits Eliezer. Before leaving to return to the hospital, he told me what Rabbi Y.Y. Weiss ר"צ, the former head of the Eida Hareidit in Me'a Sh'earim and author of Resp. Minhat Yitshak had said: “ASSIA deserves help.” “In ASSIA,” he continued, “there appear rabbinic articles on medical matters with no political moment. True Torah approaches are presented to the readers without any censorship and the reader can choose. This is the way of Torah.”

In the matter at hand, the determination of the moment of death, the great contemporary authorities disagree with each other. We are unable to make a definitive decision. In this second, enlarged edition, we remain true to the policies of ASSIA in presenting a broad spectrum of opinions from various periods regarding cardiac surgery and establishing the moment of death. The articles have been rearranged in five sections. Several articles appearing for the first time have been added. The spectrum of thought presented to the reader here is free of any political platform. We are pleased to present these Torah articles to the reader without any censorship, all for the greater glory of Torah.