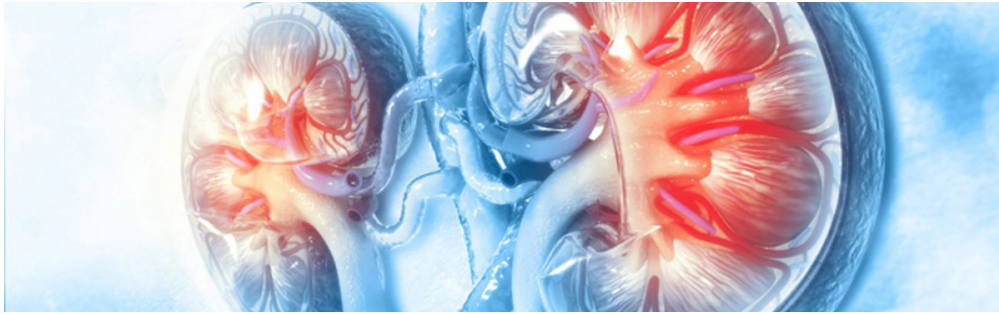


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## ORGAN MEETS: THE CHANGED LANDSCAPE OF LIVING KIDNEY DONATION

Adapted from the writings of Dayan Yitzhak Grossman

Kidney Donor Athletes, an organization promoting kidney donation, has announced:

To promote the gift of life through living donation, 22 kidney donors will represent Kidney Donor Athletes (KDA) with a summit of Mt. Kilimanjaro...KDA is using this climb to bring awareness to living donation, demonstrate what is possible post-donation, and to launch initiatives which inspire, support and educate people about the experience of living donation...<sup>1</sup>

One of the climbers, Tracy Hulick, explains:

There's a false narrative out there that you're sickly after your surgery, and that's not true. In fact, most of us actually became healthier after we donated. We pay more attention to our diets, and we get more exercise.<sup>2</sup>

The first successful living-donor kidney transplants occurred in the early 1950s, and

within about a decade, *poskim* had begun to address the permissibility of the procedure. Their analyses revolved around a debate among earlier authorities over whether it is obligatory, permissible, or prohibited to risk one's own life in order to save that of another.<sup>3</sup> In 5761 (1961), R' Yitzchak Yaakov Weiss (the Minchas Yitzchak), after briefly referring to this earlier debate, expressed concern for the danger to the donor, though he did not reach a definite conclusion about the permissibility of the procedure:

And in our situation there is certainly danger from the operation itself, and also in the future from [the donor's] missing kidney...

And all this should be clarified, and at this time I have written only to raise the issues, and if Hashem wills, I will return to the matter in the future, with the help of Hashem Yisbarach.<sup>4</sup>

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1 One Kidney Climb of Mt. Kilimanjaro on World Kidney Day. Kidney Donor Athletes.

2 Cathy Free. A group of organ donors is climbing Mount Kilimanjaro this week. They each have one kidney. Washington Post. <https://www.washingtonpost.com/lifestyle/2022/03/02/kidney-donor-kilimanjaro-climb/>

3 See our discussion of this question in III, Prepared: Avoiding Something like the Plague, Part II.

4 Shu"t Minchas Yitzchok *cheilek 6 siman 103 os 2*.

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HaRav Yosef Grossman zt"l



### PARSHAS TZAV BIG DAY, SHABBOS

Excerpted and adapted from a shiur by  
Rav Moshe Zev Granek

He shall remove his garments and don other garments, and he shall take the ash out of the camp, to a pure place.

Vayikra 6:4

The Gemara (Shabbos 114a) derives from this mitzvah that changing one's clothing is a way to show honor to Hashem, which the Shibalei Haleket (58) says refers to changing one's clothing for Shabbos.

The Gemara (Shabbos 113a) also derives that one should wear different clothes on Shabbos from the word *vechibadto*. Why are two different *psukim* required to teach this halacha?

The Ben Yehoyada (Shabbos 114a) answers that these are two distinct halachos. *Vechibadto* teaches that we honor Shabbos by wearing nicer clothes, but our *pasuk* teaches only to wear different clothes on Shabbos, not necessarily nicer ones.

The Rambam (Shabbos 30:3) also alludes to these two aspects when he writes that one's Shabbos clothes should be both clean (i.e., nice) and different from those worn during the week. The Vilna Gaon also apparently agreed, as he changed all of his garments, even undergarments,<sup>2</sup> for Shabbos (Ma'asei

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1 See Tosafos (Bava Kama 37a) and Shulchan Aruch (O.C. 262:2), who imply that "clean" may mean "nice."

2 See also Mishnah Brurah (262:5), citing the Arizal, that it is best not to wear any weekday item on Shabbos. But see Chut Shani

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### Point of Sale

Q May I keep vending machines operating and selling on Shabbos?

A This question arose more than a century ago, when coin-operated vending machines became popular. There is an *issur deRabanan* of *mekach umemkar* (buying and selling) on Shabbos, and the machine owner's goods are being sold on Shabbos, but he is not actively doing anything on Shabbos. *Gedolei haposkim* at the time debated whether this is included in the prohibition.

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R' Eliezer Yehudah Waldenberg (the Tzitz Eliezer) initially ruled, in an analysis published in 5727 (1966/7), that such donations are generally prohibited, with the possible exception of the case where a team of expert physicians is convinced that the procedure poses no danger to the donor:

Where there is certainly (*vadai*) a chance (*safeik*) of fatal danger, we should incline to the view that one is prohibited to donate one of his organs to transplant it into the body of another [even] to thereby save him from certain danger, and one who does this is a pious fool (*chassid shoteh*)...

And based on what the physicians told me when I presented this issue to them, removal of a kidney and similar internal organs from a person, even if he is healthy, generally involves a chance of danger (*safeik sakanah*), and therefore one should not generally donate such [organs] and a physician should not perform this [procedure], unless a staff of expert physicians decides, after careful analysis, that the matter does not involve a chance of danger to the life donor, and even then it is not entirely certain (that it is permitted).<sup>5</sup>

In another discussion, published in 5730 (1969/70), he seems to adopt a more moderate stance, ruling that although it is prohibited to donate an organ where this entails a chance of danger to the life of the donor, nevertheless:

Where the anticipated danger from the removal of the organ is not certain, and medical science says that the likely outcome is that both of them (the donor and the recipient) will remain alive, in this case there is basis to rule leniently...<sup>6</sup>

As medical science advanced and the safety of the procedure improved, *poskim* became more favorably disposed toward living-donor kidney transplants. R' Moshe Sternbuch, in a responsum published in 5743 (1982/3), writes:

But I have heard from physicians that there is absolutely no danger to the life of the donor, and this has been demonstrated many times, and it is primarily only an issue of temporary pain, and perhaps some

minor inconvenience and warnings for the future, and with the transplant there is a good expectation that he can save her (the recipient) from a difficult life and pain all the days of her life, I do not see a prohibition in this...<sup>7</sup>

Similarly, R' Ovadia Yosef, in a responsum published in 5762 (2001/2), concludes a lengthy analysis of the question as follows:

And now, in our situation, where according to what the expert physicians say, the danger to a donor of one of his kidneys is a very small percentage, and more than ninety-five percent emerge from the operation healthy and whole and live long lives, it appears that it is certainly permissible to donate in order to save the life of a Jewish person who is experiencing real danger to his life, and it is a mitzvah as well...<sup>8</sup>

R' Ovadia subsequently cites Rav Waldenberg's stringent view but rejects it as based upon incorrect (or perhaps outdated) information:

But according to [information] we have received from expert, G-d-fearing physicians, that in general there is no danger in the removal of a single kidney from a healthy person, only to a very small percentage... it appears that the normative position is to permit a healthy person to donate a single kidney in order to save the life of a Jewish person who is experiencing danger to his life from kidney disease, and it is a mitzvah as well...

Rabbi Dr. Edward Reichman summarizes the shift in halachic attitudes as follows:

In the very early days of kidney transplantation, a number of rabbinic authorities, including R' Eliezer Waldenberg and R' Yitzchak Weiss, forbade one to serve as a living kidney donor due to the intolerable level of risk involved for the donor. As with all medical halachic matters, however, updating the information is essential. Living organ donation is now commonplace; the donor risk has been well studied and quantified, and the success rate has significantly improved and is well within the halachically accepted risk

5 Shu"t Tzitz Eliezer *cheilek* 9 end of *siman* 45 os 13  
6 Ibid. *cheilek* 10 *siman* 25 end of *perek* 7 #16.

7 Shu"t Teshuvos Vehanhagos *cheilek* 2 *siman* 733 p. 586.  
8 Shu"t Yabia Omer *cheilek* 9 C.M. end of *siman* 12 os 10. An English summary of R' Ovadia's position and reasoning is available here.



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Rav 147).

It would seem that despite the mitzvah of wearing nicer clothes on Shabbos, one may occasionally wear Shabbos clothes during the week, as Rus

did when meeting Bo'az (see Shabbos 113a), and this is the ruling of the Netziv (Ha'amek She'eilah 1:5).<sup>3</sup>

As for *motza'ei* Shabbos, the Mishnah Brurah (262:8) says to remove Shabbos clothes after havdalah, but it is unclear whether he means

3 See Chut Shani (Shabbos Vol. 1 p. 53) who agrees about a *simcha shel* mitzvah, but see Orchos Rabeinu (Vol. 1 p. 107) that the Steipler would not wear a Shabbos jacket at a wedding during the week.

(Shabbos Vol. 1 Ch. 3) that undergarments need not be changed.

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Some cited a *teshuvah* from R' Akiva Eiger in which he discussed the question of a pidyon haben that fell on Shabbos, in which case the minhag is to perform the pidyon on *motza'ei* Shabbos. R' Akiva Eiger



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asked: Why not do the pidyon haben on Friday with the stipulation that the money only become the kohen's on Shabbos—a *kinyan le'achar zman*? He answers that this would violate the prohibition of *mekach umemkar* on Shabbos, because that's when the transaction would take place. We see from this, he reasons, that even though the deal was arranged before Shabbos and nothing was physically done on Shabbos, nevertheless, because the transfer was set up in advance to happen on Shabbos, it would violate *mekach umemkar* beShabbos. (The Nesivos (208) disagrees.)

About 100 years ago, the Maharshag wrote a landmark *teshuvah* challenging the applicability of R' Akiva Eiger's precedent to the vending machine question: In the case of the pidyon haben, the father handed over the money on Friday to be transferred on Shabbos, so the transfer he initiated on Friday culminates on Shabbos. In the case of the vending machines, however, nothing was initiated in advance. The entire transaction happens on Shabbos automatically when the customer walks up to the machine, with no involvement of the owner, so it is permitted.

category. In fact, no *posek* today forbids live kidney donation, and many, though stopping short of declaring it obligatory, encourage donation and consider it to be an extraordinary mitzvah...<sup>9</sup>

9 Rabbi Dr. Edward Reichman, *Kidney Donation in Jewish Law: A Testimony to the Progress of Science and Medical Halachah*. Jewish Action, Winter 2010.  
Cf. R' Joshua Flug, *Halachic Perspectives on Live Kidney Donations*; R' Yair Hoffman, *Kidney Donations: A Halachic Update*, The 5 Towns Jewish Times; and *Kidney Donations: A Halachic Analysis of a Shocking New Ruling*, The Yeshiva World.

they may be removed or must be removed.<sup>4</sup>

4 See, though, Orchos Rabeinu (ibid.) that the Steipler would remove his Shabbos clothes immediately after Shabbos. But see Kaf Hachaim (O.C. 300:6) that some do not remove Shabbos clothing until after *melava malka*.

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