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Consensus found on bill to define brain death as rabbis reach breakthrough

By [Ran Reznick](#)

A breakthrough has recently occurred in the long-standing efforts to forge a broad rabbinic consensus on how to determine the time of death, which is necessary to obtain rabbinic support for organ donations, MK Otniel Schneller said yesterday.

Speaking during a Knesset panel's discussion of a Health Ministry bill on organ donations, Schneller claimed that the rabbinic establishment has now consented to a private bill he submitted on how to determine brain death.

For years, many rabbis have refused to approve organ donations by their followers because they are uncomfortable with the methods doctors use to determine brain death, and have therefore insisted that death occurs only when the heart stops - by which time, all the other relevant organs have also died. This has contributed to a severe shortage of donated organs in Israel: Less than half of all people who die here donate their organs, whereas in other Western countries, organ donation rates are much higher.

Under Schneller's bill, brain death would have to be determined by two doctors who are not directly involved in the patient's care, have no connection to organ transplants and have been licensed for this purpose by a public steering committee. That committee would determine how doctors should be trained to determine brain death, license them and monitor their subsequent decisions. Its members, who would be appointed by the Health Ministry, would include doctors, rabbis recommended by the Chief Rabbinate, and experts in ethics, philosophy and law.

While this does not satisfy the religious establishment's initial demand for rabbis to be directly involved in determining brain death, it does give rabbis a role in the process via their membership on the public committee.

In addition, once brain death has been determined, the deceased's relatives would be given all the relevant medical

documents and informed that they can consult a clergyman of their choice before deciding whether to donate the organs.

Finally, the patient's relatives will have the right to refuse to accept brain death and instead wait until the heart stops. Schneller told yesterday's meeting of a subcommittee of the Knesset Labor, Welfare and Health Committee that he added this clause last week in order to obtain the consent of a leading Ashkenazi ultra-Orthodox rabbi.

Schneller told the subcommittee, which had invited him to present the progress of his negotiations with the rabbinic establishment, that the leaders of both the Ashkenazi and Sephardi ultra-Orthodox communities have now consented to his bill, as have the Israel Medical Association and the Chief Rabbinate. Professor Avinoam Reches, head of the IMA's ethics office, said that the IMA accepts most of the elements of Schneller's bill.

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