Ruling of the Chief Rabbinate of Israel
Organ Donation

The Council of the Chief Rabbinate of Israel met this day, the first day of the month of Cheshvan on 5747 (1986), and unanimously affirmed the following recommendations by the Committee of Transplantation as follows:

1. The Chief Rabbinate was requested by the Ministry of Health to determine its Halachic position concerning heart transplantation in Israel. To that end, the Chief Rabbinate appointed a joint committee of Rabbis and physicians who studied the halachic and medical issues in depth. The committee consulted with renowned physicians in the field of transplantation from Hadassah Hospital and Shaare Zedek Hospital, both located in Jerusalem.

2. In the early years of heart transplantation (17 years ago), both Rabbi Moshe Feinstein and the Chief Rabbi of Israel, Rabbi Unterman forbade heart transplants and ruled it to be a double murder: that of the donor and that of the recipient. In the past decade there has been a fundamental change concerning the medical facts that concern heart transplantation as follows:
   a. The successes of heart transplants among recipients now reach 80% (that live at least one year) and 70% that live up to 5 years.
   b. It is now possible to reliably determine that the cessation of breathing of the donor is final and irreversible.
   c. Testimony has been brought before us that Rabbi Moshe Feinstein, in his later years, permitted heart transplants in America. We are also aware that many great Rabbis now recommend to heart patients to undergo the procedure.

3. Since this question concerns life and death, we are obligated to take a clear decisive halachic position such as that of "Yikov Hadin et HaHar - The law will cut through the mountain."

4. Relying upon the Talmud Yoma (85A) and the ruling of the Chatam Sofer (Yoreh Deah, 338) death is determined by irreversible cessation of breathing. (See Responsum "Igrot Moshe," Chelek 3, 132). Therefore, concerning a donor it should be ascertained that the cessation of breathing is irreversible. This can be determined by proof of complete brain destruction, including the brain-stem which controls autonomous breathing.

5. It is accepted in the medical establishment, that in order to determine irreversible cessation of breathing (as outlined in paragraph 4) there ought to be 5 met conditions:
   a. Knowledge of the cause of injury.
   b. Complete cessation of natural breathing.
   c. Detailed clinical proof that the brain-stem is destroyed.
   d. Objective proof of the destruction of brain-stem though scientific tests, such as the BAER.
   e. Proof that complete cessation of breathing, and inactivity of the brain-stem, have continued for 12 hours - all the while the patient being cared for properly.

6. After investigating the criteria for establishing death, as was suggested by physicians in Hadassah Hospital in Jerusalem on 8th of Tammuz 5745 and given to the Chief Rabbinate on 5th of Tishrei 5747, we find that it is acceptable according to Halacha - if the objective clinical test BAER was performed on the brain-stem.

7. In light of everything that has been said above, the Chief Rabbinate of Israel is prepared to allow heart transplants (from accident victims) in the Hadassah medical center in Jerusalem based on the following conditions:
   a. Establishment of all the conditions for determining death of the donor as mentioned above.
   b. Participation of a representative of the Chief Rabbinate of Israel as a full member in the medical team that determines the death of the donor.
   c. The representative will be chosen by the Ministry of Health from among a list that will be supplied to the Ministry of Health by the Chief Rabbinate of Israel once a year.
   d. Permission was given in advance by the donor, or alternatively by his/her family, to donate the heart.
   e. Establishment of a Review Committee under the aegis of the Ministry of Health but with participation of the Chief Rabbinate of Israel to oversee all heart transplants.
   f. The Ministry of Health will establish national regulations according to the above protocol.

8. Until the acceptance of all the specific conditions as outlined in Paragraph 7, there will be no permission for heart transplants in Israel.

9. If there will be acceptance of all the specific conditions as outlined in Paragraph 7, then a Review Committee of the Chief Rabbinate will be established to verify full compliance of the conditions as stated above.

Appendix (not included here):
   a. Criteria to determine brain-death by recommendation of Hadassah Hospital Jerusalem.
   b. Protocol for implementing a BAER exam.
The Chief Rabbinate of Israel

A Resolution of the Chief Rabbi

Issued by the Chief Rabbi of Israel:

The Chief Rabbi of Israel hereby resolves:

1. To extend a warm welcome to all Jews who have decided to settle in Israel.
2. To ensure the spiritual and cultural continuity of Jewish life in Israel.
3. To promote Jewish values and traditions in all spheres of life.
4. To uphold the principles of Torah and tradition in all educational institutions.
5. To strengthen the bonds of Jewish unity.
6. To support the efforts of the Jewish community in all parts of the world.
7. To encourage the development of Jewish culture and education.
8. To foster the growth of Jewish settlements in Israel.
9. To promote the values of peace and security.
10. To ensure the continuation of the spiritual and cultural heritage of the Jewish people.

This resolution is made in the name of the Chief Rabbi of Israel, and it is binding on all Jewish communities and organizations.