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Acceptance of brain-stem death reaffirmed by rabbis

By [JONAH MANDEL](#) | Jerusalem Post

In the wake of the recent revival of the debate among Orthodox rabbis over the halachic definition of death and its ramifications for organ donations, nearly a hundred prominent rabbis in North America and Israel had by Tuesday added their names to an online petition reaffirming that “brain stem death is a halachically operational definition of death,” and encouraging “all Jews to sign organ donor cards, in line with their halachic definition of death.”

The Rabbinical Council of America (RCA) last week issued a clarification to a highly controversial study from a few months ago that had reversed a long-time policy of accepting brain-stem death as halachic death so as to facilitate organ donations.

The clarification, in effect, backed away from a position on the topic and gave RCA rabbis the liberty to determine their own stances on the issue.

On Friday the “rabbinic statement regarding organ donation and brain death” that encourages the original RCA stance of enabling organ donations in the case of brain-stem death, was posted online.

Noting that “the halachic definition of death is a long-standing debate amongst gedolei haposkim [major halachic adjudicators], it should not be forgotten that, among others in the US and Israel, the former Chief Rabbis of Israel, Rabbi Avraham Shapira and Rabbi Mordechai Eliyahu [...] and Rav Gedalia Dov Schwartz, the [head] of the Beit Din of America, are proponents of the position that brain stem death constitutes the halachic definition of death.”

The rabbis continue to affirm that “brain stem death is a halachically operational definition of death. As such, organs may be removed for transplantation under strict halachic supervision and guidance.

“In light of the serious moral issues and profound lifesaving potential presented by the possibility of organ donation, we strongly recommend that rabbis who are rendering decisions for their laity

on this matter demonstrate a strong predisposition to accept the halachic view of the gedolei haposkim who define the moment of halachic death to be that of brain stem death, or that they refer their laity to rabbis who do so,” the statement says, and go on to “encourage all Jews to sign organ donor cards.”

“To adopt a restrictive position regarding donating organs and a permissive position regarding receiving organs is morally untenable,” the rabbis continue.

The opponents of defining brain-stem death as acceptable to enable organ removal, such as the authors of the recent 110-page RCA study and the Chief Rabbi of the UK Jonathan Sacks, have not prohibited their adherents from receiving the organs of a person whose death was defined as brain stem death, an act that could be considered murderous.

“Such an approach is also highly damaging to the State of Israel, both internally and in regards to its relationship with the larger world, and to the Jewish People as a whole. This approach must thus be unequivocally rejected by Jews at the individual and the communal level.”

Signed on the statement are several Israeli rabbis, such as Shlomo Riskin, Yuval Cherlow and Binyamin Walfish – who is the past Executive Director of the RCA, and dozens of rabbis from the United States and Canada, including Haskel Lookstein, Avi Weiss and Marc Angel.

Weiss and Angel in 2008 broke off from the RCA to form the International Rabbinic Fellowship, a more liberal coalition of modern Orthodox rabbis.

Labels: [brain death](#), [Halachic criterion for organ donation](#), [Israel organ donor debate](#), [Modern Orthodox American Rabbis](#), [North American Rabbis](#), [Orthodox Jew](#), [Orthodox Rabbinical Council of Armerica](#) Posted by Glenn Matsuki