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Dear Young Israel of Scarsdale,

In June 2010, the Vaad Halacha of the Rabbinical Council of America issued to its Rabbinic membership a 110 paged study on the Halachic acceptance of brain death as death. This study was the culmination of several years of careful analysis and research into this delicate issue. The study was publicized by the Jewish Week this past November and was viewed by many as calling into question whether brain death is, in fact, considered Halachic death.

The status of brain death in Jewish law affects the permissibility of organ donation under Jewish law. In certain instances, individuals may lose the function of the brain stem, but a machine may be able to keep their hearts pumping. This state is known as brain death. From a medical perspective, this is the best time to harvest organs for transplant. If doctors must wait until the heart ceases to beat before harvesting organs for transplant, the majority of the organs are no longer viable.

After receiving significant feedback from Halachic authorities, medical professionals and lay leaders, the RCA issued a public statement clarifying the fact that this study was meant for informational and educational means for its Rabbinic members, not for taking a position in either direction on this complex matter. The statement is reprinted below and I encourage you to read it.

That being said, Rav Moshe Tendler, a professor of biology and bioethics at Yeshiva University and a Rosh Yeshiva at RIETS, ruled many years ago that brain death is considered Halachic death. Rav Tendler is the Posek on whom Rabbi Jacob Rubenstein z"l relied upon for complex medical Halachic matters such as these and that is my Mesorah as well.

This issue and that of the Halachic permissibility, and Mitzvah, of organ donation is one of great importance. I am fully supportive of the Halachic Organ Donation Society (<http://www.hods.org/>) which works to proliferate the notion that organ donation is, in fact, Halachically acceptable and perhaps, even a Halachic imperative; 200 lives have already been saved through their encouragement. To this end, I encourage everyone to become fully informed of the issues. Following the RCA statement, there are links to additional resources on this topic.

I look forward to continuing this community dialogue with you in good health and with long life for all of us.

Kol Tuv,

Rabbi Jonathan Morgenstern

Brain Stem Death and Jewish Law

RCA Clarifies its Stance Regarding Brain Stem Death and Jewish Law

Jan 7, 2011 -- The recent release to our membership of the RCA Vaad Halacha's study on the issue of brain stem death has engendered strong reactions from many quarters. Because of the delicacy of the halachic issues involved, and in light of their extraordinary ramifications, we are taking the unusual step of issuing the following clarifications.

1. The RCA takes no official position as an organization on the issue of whether or not brain stem death meets the halachic criteria of death. The study disseminated by the Vaad Halacha was the product of many years of exploration by that committee and was meant to serve as an informational guide to our membership.
2. It is true that many halachic authorities of our day, including Rav Hershel Schachter, Rav Mordechai Willig, Rav J. David Bleich and others maintain that brain stem death does not satisfy the halachic criteria for the determination of death. It is also true, however, that many other halachic authorities, including Rav Gedalia Schwartz, Rav Moshe Tendler, and the Chief Rabbinate of Israel maintain that brain stem death does qualify for the determination of death in Jewish law.
3. In light of this ongoing halachic dispute, and out of respect for these various halachic authorities, the RCA maintains that its membership is best served by allowing each Rabbi to determine for himself, based upon his own study, consultation with halachic authorities and his own conscience, which halachic position he will adopt in this extraordinarily difficult and important area of Jewish law.
4. While debate continues over the issue of brain stem death, much greater consensus exists concerning the issue of organ donation. Almost all authorities maintain that organ donation, under halachically permitted circumstances, is not only allowed, but a Mitzva- when such donations are applied towards saving the life of another. It should be noted, however, that those who do not accept brain stem death as meeting the halachic criteria for the determination of death will consequently be more limited in the cases of allowed organ donation. Live organ donations, such as kidney donation, are halachically permitted and praiseworthy,

as life-saving measures presenting only minimal risk to the donor. Most authorities also encourage post-mortem corneal transplants, based upon the principle that saving someone's sight is akin to saving their life.

5. We will continue in the future to disseminate information representing various points of view on the issue of brain stem death in order to assist the members of our organization in the proper guidance of their communities.

May God grant us the wisdom to determine His will in this frighteningly important area of Jewish law.

Additional Resources

[Rav Moshe Tendler on Organ Donation \(Video\)](#)

[Rav Moshe Feinstein's Position on Death and Organ Donation](#)

[The Brain Death Controversy in Jewish Law, Rabbi Yitzchak Breitowitz](#)

[Brain Stem Death and Organ Donation, Rabbi Marc D. Angel](#)

[Halachic Organ Donation Society](#)



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