



## Brain-Death Definition Bill on Way to Passage

(IsraelNN.com) A bill submitted by MK Otniel Schneller (Kadima) regulating when a person can be declared brain-dead has passed its first Knesset reading.

The bill is a historic one, as it may finally put to rest a decades-long dispute between the rabbinical and medical establishments - a dispute based on mutual mistrust that has prevented many would-be organ donors from willing their post-death organs to others.

The Chief Rabbinate ruled in 1986 that heart transplants could be carried out only when the donor was declared to be brain-dead by a medical committee including a doctor knowledgeable in Jewish Law. The doctors refused to accept this condition, however, and because many would-be donors could not be certain that their future deaths would be determined in accordance with Jewish Law, they withdrew their intentions to donate their organs.

The new bill has seemingly solved these problems, says MK Schneller, a religious Jew who lives in the Shomron . His proposed legislation states that brain-death will be determined not merely by the doctors who happen to be on the scene, but rather by two doctors who have been authorized and trained to do so by a special Health Ministry committee. The committee is to comprise three doctors; three rabbis recommended by the Chief Rabbinate, one of whom is a doctor; and representatives of the ethics, philosophy, and legal disciplines, including a religious non-Jew.

In addition, family members are to receive all the documentation relating to their loved one's death, upon which they may base their own final decision - in consultation with their rabbi or religious leader, if they wish - as to whether to allow his or her organs to be harvested.

Not all rabbis agree that brain-death is the main criterion for determining death. Rabbi Yosef Shalom Elyashiv, the leading sage of the hareidi-religious public, recently re-released his ruling stating that if the heart is still beating, brain-death is not sufficient to allow harvesting of organs.

Schneller explained that the law does not force anyone to accept any particular definition of death, and that for this reason, hareidi opposition to the law has been lukewarm. "In the preliminary Knesset vote," he told Arutz-7, "the hareidi MKs were against, and in the next vote [known as the first reading - ed.], one of them abstained. I hope that this trend will continue."

Schneller said he is now working on final adjustments to the bill - he has had much input from rabbis, doctors, and other experts - and that he hopes the bill will be passed within a month or so.

MK Schneller admitted that having brain-death serve as the sole determining factor could sometimes delay the determination of death and sometimes speed it up. "Brain-death has generally been shown scientifically to be the moment of death," he said, "but again, the law specifies that not everyone must accept this criterion."