

The Yeshiva World News

Maran Rav Chaim Kanievsky: Death Determined With Cessation Of Cardiac Activity Only

(Thursday, January 14th, 2010)



HaGaon HaRav Chaim Kanievsky this week met with a senior member of Israel's medical community, the director-general of Beilinson Hospital, Dr. Eren Halprin, who questioned the gadol hador regarding donor organs. The Rav told the senior physician that time of death may only be determined when one's heart ceases to function, without any connection whatsoever to brain activity.

According to the report, the rav stressed that brain activity is never a determining factor regarding death and therefore, donor organs from such a person, whose death was declared based on the lack of brain activity, are forbidden.

The doctor wished to understand, to clarify, asking how it is possible that it is forbidden to donate an organ while it is permissible to accept one.

The Rav clarified, stating that if donor organs are harvested from people declared dead based on brain death alone, and their hearts are still functioning, their organs are forbidden [for transplants]. That is to say, they may not be declared 'dead'.

<http://www.theyeshivaworld.com/>Therefore, doctors may not view them as viable transplant donors for as long as their hearts continue functioning. The donor may not give them and recipients may not receive them, even with the knowledge that a Jewish life will be saved as a result. The two then discussed a number of other halachic matters.

It is important that readers are aware this is not to be viewed as a p'sak halacha and in such matters, one is to consult a posek.

(Yechiel Spira – YWN Israel)

9 Comments

1. *WolfishMusings* says:

[January 14, 2010 at 10:35 am](#)

The Rav clarified, stating that if donor organs are harvested from people declared dead based on brain death alone, and their hearts are still functioning, their organs are forbidden [for transplants]. That is to say, they may not be declared 'dead'. Therefore, doctors may not view them as viable transplant donors for as long as their hearts continue functioning. The donor may not give them and recipients may not receive them, even with the knowledge that a Jewish life will be saved as a result.

This paragraph needs additional clarification. Did R. Kanievsky mean that such organs are forbidden for transplant even after the fact? IOW, while it may be forbidden for a doctor to harvest such an organ, what if an organ becomes available from another outside source. Can the recipient accept the organ? It's not clear from his statement.

If his p'sak is that such organs are forbidden even post facto, then I wonder how it is permissible to accept such organs at all when (IIUC), most (if not all) such organs are unusable if you have to wait for cardiac activity to stop.

The Wolf

2. *akuperma* says:

[January 14, 2010 at 10:42 am](#)

1. What if the heart has stopped to function, but the persons brain is still active, and is perhaps conscious (e.g., if they have an artificial heart working). Perhaps he requires both brain death and the heart not functioning. I can't he imagine he approves of the practice of mechanically stimulating the heart of a dead person in order to keep the organs "fresh" for harvesting.

2. If one can't derive benefit from someone killed for his organs, that means a hecksher would be required over the whole transplant process, which may be beyond our ability to arrange.

3. *justajew* says:

[January 14, 2010 at 11:02 am](#)

According to this logic, why would a frum doctor try to resuscitate someone whose heart has stopped? They are halachically dead and nothing can be done for them.

4. *savelkwd* says:

[January 14, 2010 at 11:20 am](#)

every situation needs a psak.

R' Chaim may be speaking for harvesting an organ only after cardiac death may be regarding yidden who want to donate their organs.

It may be if a Eno yehude wants to donate organs anyways and will pull the plug anyways whether a yid gets the organ or not is a question to be asked. maybe then the organ is mutar. i dont know. BUT ASK.

Eash case is different and needs a psak. There are kidneys and even partial liver which are today harvested from healthy living people.

Yes The proof that cardiac should be determining fact for death is clearly a result of the success rates of organ transplant is extremely higher when a person is only brain dead and the heart is still functioning.

B"H a relative had a liver organ transplant almost 2 years ago and is a total new person.

5. *jewish guy* says:

[January 14, 2010 at 11:22 am](#)

1. It's pretty clear that R. Kanievsky meant the irreversible cessation of cardiac activity. That is why we resuscitate patients, since if they 'come back' their heart was never irreversibly stopped. True, you can only tell this after the fact, but that is the definition.

2. I don't think he has ever publicized what he holds of an artificial heart, but I don't think he would say that such a patient is dead. Such a patient has something functioning instead of the heart that is keeping them alive. While you can replace the heart [and lungs and kidneys] you can't replace the brain.

3. According to what he is saying, you may not receive any organs 'donated' by a patient diagnosed as 'brain dead.' This is a big deal and disagrees with what his father in law, R. Elyashiv, has paskined in the past. However, it is unclear if R. Elyashiv was aware of the actual procedure since what he describes is not completely accurate. Vital organs are only removed when a recipient is available and present. R. Elyashiv did not address this reality directly.

6. *jlq3d3* says:

[January 14, 2010 at 11:58 am](#)

Cessation of cardiac activity isn't a good way to tell death. It is very reversible, that is why defibrillators exist. On the other hand, brain death is very irreversible.

7. *NineTwo* says:

[January 15, 2010 at 1:08 am](#)

A real sit down between the Gedolim and some top medical experts to finally address this issue would be very helpful to everyone. I have personally had the z'chus as a Hatzolah member to resuscitate patients who are in cardiac arrest. A defibrillator uses electricity to kick a heart back into a proper rhythm. But that heart still has some activity. On the other hand, when the patient has a TOTAL absence of activity in their heart (which is called asystole) we do CPR and the paramedics give medication to get the heart pumping again. It is a tremendous z'chus to be on a call like this and contribute to saving a life. However, with all due respect to the Rav, we do not stop working on a patient simply because the heart monitor shows an absence of activity in the heart. I have B"H been on quite a few calls where a "flatlined" patient has been rescued and gone on to live many more years. No it's not common, but it does happen.

So my issue is, having been blessed to see this with my own eyes, how can I accept that cessation of cardiac activity equals death. Hashem has permitted me to see otherwise.

8. *jewish guy* says:

[January 15, 2010 at 10:00 am](#)

The Rav gets it. He means irreversible cardiac arrest. That means you tried to resuscitate him. If the patient is in Vfib, then you tried to defibrillate. If he is asystolic you did CPR, a bunch of times with proper ACLS protocol.

If the person 'comes back' it proves it was not irreversible. Therefore, anytime a heart stops and we don't know that it is irreversible – then we should try to bring the person 'back.'

The Rav is stating clearly however, that when the heart is beating, then the person is alive. All brain dead patients' hearts are beating and are therefore alive according to the Rav. Taking out their hearts is retzichah.

9. *michael g feldstein* says:

[January 17, 2010 at 11:50 am](#)

The first poster, Wolf, implied that Rabbi Kaniefsky just meant you can't harvest organs from those who are brain dead, but once they are already taken, Jews can use them. The

original quotes in the article clearly imply Rabbi Kaniefsky was saying Jews cannot benefit in any way from organs taken from brain dead patients.

This is a very honest, courageous and important statement by Rabbi Kaniefsky. Prior to this, many Haredi Jews had no problem receiving organs for transplant from a brain dead person, but still refused to donate. This is not only ethically repugnant but halachically problematic, as R. Kaniefsky says. When doctors prepare a person who is brain dead to have his heart or lungs to be donated, it is specifically designated for a recipient at that time...there is no “bank” of hearts and lungs that can be utilized by recipients post facto.

It will be interesting to hear the response of other poskim who in the past have allowed Jews to receive organs from those who are brain dead.

This is a very complex topic, and people are urged to speak to their Orthodox rabbis if they have a question about halachic organ donation. For additional information on this subject (including video testimony from R. Dovid Feinstein on his father’s position on the subject), please visit <http://www.hods.org>