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New York - Rabbinical Council Clarifies Stance on Organ Donation

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New York - 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.

Rabbi Moshe Kletenik, President.

Rabbi Shmuel Goldin, First Vice President

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