

RABBI SHABTAI RAPPAPORT

Machon Hagavoa Letorah
Bar Ilan University, Israel



"In Rav Moshe's earliest tshuva from 1968, he wrote organ transplantation was double murder because back then he had heard they were removing organs from patients whose EEG was flat, which only meant they were in a coma. Since

the person was autonomously breathing he was alive according to halacha so removing the heart was murder. And the recipients died just a few days later so it was like a double murder. But the later tshuva from 1976 talks about a person whose breathing is not autonomous but simply mechanical via a ventilator. Rav Moshe said this type of "breathing" is not a sign of human life, and if the brain is dead the person is dead. And by this time the recipients began to live for years after the transplant. So there is no contradiction between the teshuvot of 1968 and 1976. It was a change in circumstances. The first tshuva talks about someone who is breathing on his own and the second tshuva talks about someone who is not breathing on his own. That's the difference. It's as simple as that.

"I called Rav Moshe twice to discuss his teshuvot on this issue and he explained to me that when the brain is destroyed it is equivalent to the severing of the head because when the mishna says "head" it does not mean the skull, it means the brain. I heard Rav Moshe say that once we know that the person's autonomous breathing has irreversibly stopped by using the Apnea test he is dead.

"In the summer of 1975 I met with Rav Moshe and my father-in-law in Monsey and we discussed the issue of pulling the plug. It was Rav Moshe's opinion that an unconscious person in the hospital who seems to be dead and his brain-stem is dead, even if his heart is still beating, the plug should be pulled and the organs should be donated."

DR. IRA GREIFER Z"L

Professor Emeritus of Pediatric Nephrology
Montefiore Hospital, NY



Dr. Ira Greifer understood Yiddish and met and spoke with Rav Moshe Feinstein about organ donation. "Rav Moshe told me that a beating heart alone was not an indication of human life, and he felt very strongly that if the person's brain was dead the person was dead."

DR. ARTHUR EIDELMAN

Professor, Neonatologist, Department Head
Shaare Zedek Hospital, Jerusalem



Dr. Arthur Eidelman understands Yiddish, and he met and spoke with Rav Moshe Feinstein about organ donation. "There is no doubt from my meeting with Rav Moshe that he understood the medical and the biological basis of what he was giving his halachic psak on. I heard him explicitly say that brain death is death and that he supported organ transplantation. He did not believe a heart had to stop beating for a person to be declared dead."

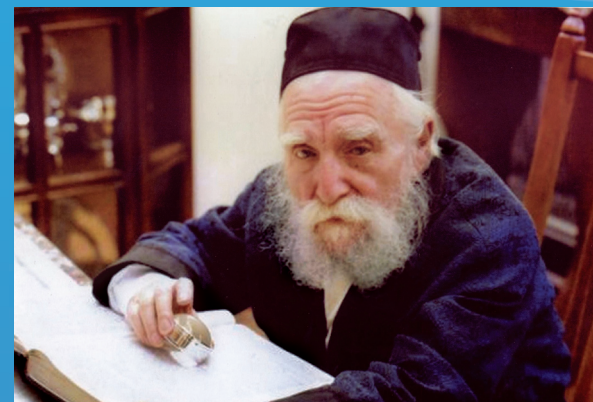
DR. FRANK VEITH

Professor, Department of Surgery
NYU Langone Medical Center, NY



Dr. Frank Veith met and spoke through a translator with Rav Moshe Feinstein about organ donation. "Rabbi Feinstein told me he accepted brain death and the analogy that a person or a patient who is brain dead is analogous to someone who has been decapitated. He said that a dead patient is just as dead as a person who is decapitated even though his heart might be beating a short while after decapitation."

RAV MOSHE FEINSTEIN ON ORGAN DONATION

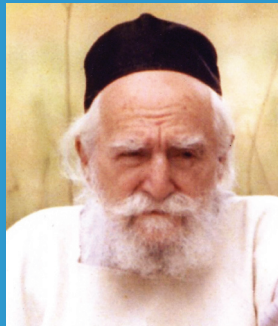


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RABBI MOSHE FEINSTEIN ZT"l

Rosh Yeshiva
Mesivta Tiferet Yerushalayim, NY



"According to Halacha there is no obligation to donate organs... but there certainly is a mitzvah to do so... It is human nature to be distraught over the death of a loved one... nevertheless there is a mitzvah for the family not to let those emotions interfere with saving a life through organ

donation... Concerning a heart transplant (in 1968): It is forbidden because it kills two people [the donor & the recipient]."

July 1968 (19 Tammuz, 5728), Igrot Moshe, Y.D., Vol. II, Siman 174 & mentioned again March 10, 1978 (Rosh Chodesh Adar II, 5738), Igrot Moshe Vol II, Siman 72.

"[In some cases] the ventilator inflates the lungs even though [the patient] is actually dead. Breathing of this kind is not regarded as a sign of life... Breathing by means of a machine does not satisfy the halachic definition of respiration, and therefore the patient is considered to be dead as long as the other criteria [no response to any stimuli] is met. If it is determined that the blood circulation does not reach the base of the brain, it is obvious that the brain must have begun to show the physical signs of destruction referred to as lysis... after extensive lysis it is as if the head had been removed from the body or the person decapitated."

May 5, 1976 (5 Iyyar 5736), Letter from Rav Moshe Feinstein to Rav Moshe Tendler, Igrot Moshe, Y.D. Vol. III, Siman 132.

"In a patient presenting the clinical picture of death, i.e. no signs of life such as movement or response to stimuli, the total cessation of independent respiration is an absolute proof that death has occurred."

May 24, 1976 (24 Iyar 5736), in a letter from Rav Moshe Feinstein that was sent to New York State Assemblyman Mel Miller, and which was published in Jewish Medical Ethics, Vol. II. No. 2, May 1995.

"Even though the heart is capable of pumping for several more days, nevertheless, as long as the patient is unable to breathe on his own, he is considered dead."

November 14, 1985 (Rosh Chodesh Kislev 5746) in a letter from Rav Moshe Feinstein to Dr. Elliot Bondi, which was published in the ASSIA Book, Vol. 7, page 148 -148(a).

RABBI DOVID FEINSTEIN

Rosh Yeshiva
Mesivta Tiferet Yerushalayim, NY



"My father's position was very simply that the stopping of breathing is the point of death. It doesn't matter if the heart is functioning or it doesn't function. As long as he stops breathing he's considered dead. That's the way he explained the Gemara in Yoma, that's the way he said they always did in

Europe when the Chevra Kadisha would test if a person is dead or not. He always used to test his breathing and nothing else... If you're talking about here's a patient available for a heart transplant, fine. He would definitely encourage it."

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VOLUMES OF IGGROT MOSHE



RABBI MOSHE TENDLER

Rosh Yeshiva & Professor of Biology
Yeshiva University, NY



"I went with Rav Moshe to Downstate Medical College in Kings County to observe brain-stem patients. He observed that the patients seemed dead and did not respond to any stimuli. He met with surgeons and neurologists to discuss the issue and

Rav Moshe was very clear that he felt medically and halachically that a comatose patient is alive, even though he is unconscious and can't move, but a brain-stem dead patient was dead. Rav Moshe was unequivocal that it is a tremendous mitzvah to donate organs. He said so orally quite explicitly, and he did not differentiate whether or not you donated the organs to a Jew or to a non-Jew. He paskened this way halacha lemaaseh many times.

"Rav Moshe told Rav Yitzchok Yaakov Weiss z"l, the Av Bet Din from Manchester who became the Av Bet Din of Beis Din Tzedek in Jerusalem, that organ donation was a great mitzvah. Rabbi Weiss responded that donor families would suffer emotionally and halacha does not require one to suffer anguish in performing a mitzvah. Only two mitzvahs require one to suffer, circumcision and Yom Kippur. Rabbi Feinstein responded that the mitzvah is not to feel any anguish because you are saving a human life. That's the main mitzvah and there is no greater joy."

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