Organ donation: the heart or the brain?

As we explained last week, the issue of cadaveric organ donation in Jewish Law depends directly on the criteria applied to define death. First of all, as we said, there is a practical issue. Vital organs like the heart cannot be removed for transplant unless the heart is beating. And according to certain Rabbinical criteria, while the heart is beating, the patient is still alive, even if he is brain dead (see for example here). The Biblical source for this opinion is that when man was created the Torah describes that God insufflated in Adam's innert earthly body a "breathing of life" (*nishmat chayim*), which indicates that life is determined by breathing. Because of the complexity of this issue and its repercussions in Israeli society (hospitals, army, etc.), the Chief rabbinate of Israel issued a ruling a few years ago, indicating that in their opinion irreversible brain-death should be considered death, even if the patient is still attached to a ventilator, and his heart is still active. They explained that although there seem to us that the patient is still breathing, once the brain-stem death is determined, the control-center of autonomous breathing is irreversibly deactivated and it has lost forever its control over the heart. They based their opinion on the same source in Bereshit: life is "breathing", meaning: **autonomous** breathing, i.e. the capacity to breathe. A patient with a dead brain who still breathes is not really 'breathing'. It is as if a decapitated body would be, somehow, connected to a ventilator: the heart would still beat because the hearth is an autonomous muscle and it could be kept functioning "mechanically" even when it is not controlled anymore by the brain-stem. But, since there is no possibility for an autonomous breathing anymore, the patient is considered dead and under certain conditions, his organs might be removed for transplant.

(*to be continued…*)