

What Jewish Law Requires

Knowledge of our tradition

Knowledge of physical reality

A culture of healthy debate

A compelling argument

What “Brain Death” Presents

~~Knowledge of our tradition~~

Unclear sources

~~Knowledge of physical reality~~

Evolving scientific information

~~A culture of healthy debate~~

An inflammatory culture

~~A compelling argument~~

Conflicting “good guys”

Rav Pappa said: There is debate as to whether checking the lower portions suffices, but after one has checked the nose, no further checking is required. (Talmud, Yoma 85a)

- ⦿ *Does this recognize heartbeat and respiration?*
- ⦿ *Or does this recognize only respiration?*
- ⦿ *Is respiration merely a sign of cardiac function?*

Humans... as well as domestic and wild animals do not communicate *tumah* until their lives depart. If their heads are cut off, then they communicate *tumah* even if they still spasm, as in the case of a spasmodic tail of a lizard. (Oholot 1:6)

This occurs in some types of creatures, when the mobilizing force is not spread through all of the organs from a single foundation and source, but is scattered through the body. (Commentary of Maimonides)

- *How do we reconcile this with Yoma 85a?*
- *What about “spasms” which last longer?*
- *What about integrated function which does not originate in the brain?*

If the neck and most of its flesh are broken, the body communicates *tumah*. (Talmud, Chullin 21a)

If the neck and most of its flesh are broken, or its back is torn open as is done to fish, or most of its trachea is severed, or its esophagus is punctured in the spot that would be suitable for *shechitah*, this animal is considered to be a living corpse. (Maimonides, Laws of Shechitah 3:19)

- Why does Maimonides group the severed neck with the punctured esophagus?
- Why does Maimonides term this person “living”?

Important Ethical Questions

Is the organ recipient murdering the donor?

Should society impose a litmus test upon organ recipients?