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Rosh Chodesh Kislev 5745

To my dear friend Dr. S.S. Bondi, grandson of the great Rabbi Yosef Breuer,

My grandson, Rabbi Mordechai Tendler, has spoken with me at great length regarding several of your uncertainties and inquiries as a result of the recent ruling by NY State that accepts Brain Death as the definition of death.

In fact, the way I heard it from my son-in-law, Rav Moshe Dovid Tendler, the courts merely accepted the definition as described by the "Harvard Criteria," which is acceptable by the Jewish Law, which is that the patient's brain is "separated (from the body)", meaning the brain is in a state of decay.

Now, 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, as I have explained in my responsum in Iggerot Moshe Y.D. III, 132.

In a case of any hospital, or State, which considers a (*halachicly*) live patient to be dead, and the doctor treating the patient will be required to direct the staff to remove the patient from the ventilator, even though here, according to Jewish Law, the doctor's status is considered, [in Jewish Law terminology] as "standing on the same side of the river [as the perpetrator requesting the assistance]," since even without him, there are other doctors who will be commanded to do this, nevertheless it is preferred that he dismiss himself from the patient's care, and let it remain in the hands of the hospital to direct [their staff] as they wish.

In the case of Jewish patient, the doctor as well as other Jews, are obligated to do everything in their power to save the patient, even if only to extend his life by several days and despite the fact that he is considered a dying patient. And even if this requires the doctor to spend a great personal fortune to fund the ventilator and other treatments he is obligated to do so, within the halachic definitions of the imperative of extending momentary life. And if a situation of 'enmity' could occur [concerning a gentile patient] then they are obligated to do the same for gentiles as well.

I will conclude with the blessing that we may fully experience the fulfillment of the verse "*Ani Hashem Rof'echa*" - I am God, your Healer, with the coming of the Messiah.

Regards,
Moshe Feinstein