

# ASSIA ABSTRACTS

by David Fink, Ph.D.

The Schlesinger Institute for Medical-Halachic Research at the Shaare Zedek Medical Center, Jerusalem, published ASSIA Nos. 53-54 in Elul 5754 (August, 1994). The following articles are of special interest to readers of *Jewish Medical Ethics*.

## ESTABLISHING THE MOMENT OF DEATH: A SURVEY OF OPINIONS

by Prof. Avraham Steinberg

Survey and analysis of the published opinions of Rabbi Moshe Feinstein, the Chief Rabbinate of Israel, and Rabbi S.Z. Auerbach. According to R. S.Z. Auerbach brain death gives the patient the status of *safek met*, *safek gosses*; that is, there is a doubt whether he is dead or about to die. Conclusions are drawn about the permissibility of organ transplantation in Israel and abroad.

## BRAIN DEATH IN HALACHA

by Rabbi Avraham Kahana Shapira

Cessation of respiratory function is the fundamental requirement for establishing death according to halacha. When death of the brain stem is established, the patient cannot breathe independently. It follows that he is halachically dead.

## RESPONSUM ON BRAIN DEATH

by Rabbi Shlomo Zalman Auerbach, Dr. N.Z. Ringel, Dr. R.Z. Schulmann, Dr. Y. Schechter, Prof. J. Fleischmann

Full text of Rabbi Auerbach's responsum to the physicians' question about brain death. Brain death gives the patient the status of *safek met*, *safek gosses*; that is, he might be on the verge of dying. It follows that he is not yet dead as long as his heart is beating, even if this function results from artificial intervention. Death can only be established by turning off the machines and waiting thirty seconds to determine whether independent cardiac function has indeed stopped.

## LETTER ON BRAIN DEATH

by Rabbi Moshe Feinstein

Facsimile of Rabbi Feinstein's letter of Kislev 5745 in which he referred to brain death and emphasized the prohibition of causing the death of patients who are still halachically alive. The principle criterion of death according to halachah is the irreversible cessation of spontaneous breathing.

## ORGAN TRANSPLANTATION FROM CADAVERS

by Rabbi Shlomo Zalman Auerbach

Response to the previous letter by Rabbi Feinstein. Outside of Israel it is permissible to follow the law of the land in defining death; when the donor is legally dead, his organs may be accepted by a transplant recipient. In Israel halacha is binding; even if his brain stem is dead, the patient is halachically alive as long as his heart is beating.

## DETERMINING THE MOMENT OF DEATH

by Rabbi Yisrael Meir Lau

Detailed analysis of rabbinic sources from the Talmud through

contemporary authorities touching on the moment of death. Possible support for the concept of brain death is adduced from the opinion of the Gaon of Vilna.

## TRANSPLANTATION OF ORGANS FROM A GOSSES

by Rabbi Yehuda Dik

A moribund patient may agree to donate his organs under three conditions: (1) the donor will surely die within a short time; (2) there is no issue of murder; (3) the physician is reliable in determining the patient's prognosis.

## HALACHIC CONSIDERATIONS IN TREATMENT

by Rabbi Yitzchak Zilberstein and Dr. S. Dukes, et al.

Potentially hazardous treatment of an 88 year old patient without specific indications should not be undertaken; a patient whose life is clearly in danger but whose only mode of treatment is hazardous should be treated if the chances of success are around 30%; a dialysis patient should be given a transplanted kidney even though 20% of such transplant recipients die from the procedure.

## PATIENTS ON YOM KIPPUR

by Prof. Abraham S. Abraham

Comprehensive review of primary halachic sources and contemporary rabbinic opinion on the treatment of patients, including obstetric patients, on Yom Kippur.

## VIOLATING SHABBAT FOR POSSIBLE LIFESAVING

by Rabbi Mordechai Moshe Farbstein

The level of doubt required to permit violating Shabbat and Yom Kippur in cases of doubtful danger depends on commonly accepted standards of danger. Once the presence of

possible danger had been established, one may violate Shabbat or Yom Kippur even to perform therapeutic acts which are of minor value.

### **FAMILY PLANNING AFTER CESARIAN SECTION**

by Dr. Elchanan Braun, Dr. Chana Catane, Rabbi Yoel Catane

Recovery from cesarian section requires four to six weeks. Such a procedure is therefore not a reason to delay the onset of pregnancy.

### **CONTRACEPTION: MEDICAL AND HALACHIC VIEWS**

by Rabbi Yoel Catane, Dr. Chana Catane, Dr. Elchanan Braun

Many authorities permit contraception for couples who have already fulfilled the commandment to be "fruitful and multiply." In other cases there is also some room for leniency, especially to prolong lactation and following miscarriage.

### **LACTATION ON YOM KIPPUR**

by Orly Shefi

Detailed statistical analysis of mammary function while fasting including a survey of relevant literature. Includes bibliography of English sources.

### **BIBLIOGRAPHY OF MEDICAL-HALACHIC LITERATURE**

by Rabbi M. Wunder

Annotated bibliography of 150 Hebrew books, articles and responsa which appeared in 5749 (1988-89), arranged by topic and indexed by author.

ASSIA No. 55 appeared in Hebrew in Tevet 5755 (December 1994) and included the following articles of interest to readers of *Jewish Medical Ethics*.

### **IN-VITRO FERTILIZATION**

by Dr. Abbey Levin and Dr. Anat Safran

Worldwide survey of methods and results of in-vitro fertilization in the years 1985-1989 including analysis of risks and benefits. Includes detailed bibliography of English language sources.

### **FERTILITY TREATMENT AND IN-VITRO FERTILIZATION ON SHABBAT AND YOM TOV**

by Prof. Abraham S. Abraham

Halachot of medical treatment, induced labor, treatment for OHSS, and IVF on Shabbat and Yom Tov.

### **MOVING MORIBUND PATIENTS-RESPONSA**

by Rabbi Shlomo Zalman Auerbach, Rabbi Shmuel ha-Levi Wosner, Rabbi Simcha Bunam Leizeron

Full texts of responsa dealing with a moribund patient (*gosses*) in a hospital emergency room who must be moved in order to treat another patient whose life is in danger.

### **FINANCIAL CONSIDERATIONS IN LIFESAVING**

by Rabbi Yitzchak Zilberstein and Prof. Mattityahu Weissberg

As long as one is financially able, one should pay for all lifesaving treatment.

Analysis of rabbinic sources dealing with husbands' and fathers' obligation to finance their wives' and children's medical treatment.

### **STAGES OF LABOR IN THE MISHNEH TORAH**

by Rabbi Mordechai Halperin

Medical explanation of the stages of labor as described in Maimonides' *Mishneh Torah*.

### **MOURNING AN INFANT WHICH LIVED FOR THIRTY DAYS**

An nonviable infant which, due to congenital defects, cannot survive is considered stillborn even if it dies after thirty days of life.

### **ESTABLISHING THE MOMENT OF DEATH**

by Rabbi Simcha Bunam Leizeron

Both in Israel and abroad halacha forbids removing organs for transplantation from brain dead donors. In Israel it is forbidden to receive organs from such donors.

### **BIBLIOGRAPHY OF ARTIFICIAL INSEMINATION**

by Rabbi Yaakov Wienberger and Rabbi Meir Zichel

Comprehensive bibliography of Hebrew books, articles and responsa dealing with artificial insemination and its halachic ramification, arranged by topic.

