

THE JUDAEO-BIBLICAL PERSPECTIVE ON ORGAN DONATION: YOU SHALL CHOOSE LIFE [DEUTERONOMY 30:19]

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The infinite worth of a human being is the axiom of Biblical ethics and morals. No ritual obligation impedes the effort to save a life unless it would require one to commit the sin of idolatry, adultery or murder. Three verses in the Bible obligate the individual and society as a whole to provide life-saving care to all: Exodus 21:19; Leviticus 19:16; Deuteronomy 22:2.

The above statement should dispel much disinformation concerning the donation of life-saving organs. The oft repeated query “Is it really permissible to desecrate the dead by removing their organs?” is answered by the undisputed affirmation that the saving of a life takes precedence over all other ritual concerns. In truth, it is not a desecration! No greater honor can be bestowed on an individual than that of being a savior of as many as eight lives through donation of heart, liver, kidneys, pancreas, lungs and small intestines. In addition, in the Judaeo-Biblical tradition, blindness is equated with death. The donation of corneas to restore sight is, therefore, also considered to be life-saving.

Having said that, there are a number of pressing issues that raise questions and need a response from a Jewish perspective. They include the remuneration for organs; the status of living organ donors; acceptance of brain stem death; and the role of xenotransplantation. Allow me to address each of these issues here.

Altruism or Remuneration?

Altruism is the gold standard for organ donation. But the shortage of organs is so acute that many have suggested that remuneration should be considered to increase the donor pool. To date, the consensus has been to forbid payment to the family of the deceased to encourage them to respond positively to the request for organ transplantation. However, the stark reality that seventeen Americans die daily for want of an organ, has led to a reevaluation of the ban against remuneration.

The leading medical journals (New England Journal of Medicine in the USA and Lancet in England) have published thoughtful articles suggesting that remuneration will not lead to the commodification (treating as a commodity) of body parts, or exploitation of the indigent, if the organs are donated to the national organ bank and not directed to a specified individual. The Jewish tradition reluctantly concurs with this analysis because of the overarching consideration of “saving a life”.

Live Donor Organs

The Judaeo-Biblical tradition forbids self-sacrifice even to save the life of a loved one. Live donation of kidneys has proven to be a low-risk procedure for the donor. The same cannot be said for adult/adult liver lobe transplant. Until the surgical technique improves, the risk to the donor who must donate a major portion of the liver, is too great to encourage this procedure. Adult/child transplants, however, requiring only a small lobe of the liver (which has the ability to regenerate in a short time) can be approved.

Brain Stem Death (B.S.D.) or Neurological Indicia of Death

When ventilator technology improved enough to provide adequate oxygenation to a patient who could not breathe at all on his or her own, it became possible to maintain organ viability even if the brain lost all function. Brain Stem Death (B.S.D.) is defined as the total cessation of all brain functions including the brain stem (which controls breathing). This indicia that death has occurred is fully acceptable under Jewish law. Thus transplants of vital organs can be done from a heart-beating patient.

The greatest authorities of Jewish law, including the Chief Rabbinate of Israel, have declared B.S.D. to be legally equivalent to cardio-pulmonary death so that a B.S.D. individual can donate all life-saving organs and have to his or her merit the saving of many lives. Religious mentors who refuse to equate B.S.D. with “true” death cannot allow their adherents to receive vital organs.

Xenotransplants

If and when specially bred animal organs will be proven to be both safe and efficacious when transplanted to humans, Jewish law would fully approve. The admixture of species organs does not violate the Divine intent of fixed speciation but rather fulfills the Lord’s dictum of “Be fruitful and multiply and master my world” for the benefit of mankind [Genesis 1:28].

Conclusion

Our sages taught that the world rests on three pillars:

- To observe the Divine Law
- To be in G-d’s Service
- To do acts of loving kindness

Organ donation supports all three pillars on which our world rests.

Reprinted from the New York Organ Donor Network’s publication ON THE BEAT, Summer/Fall 2002



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