

Blood and Organ Donation: Jewish Views
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As I was preparing my remarks yesterday, my mind was on Queen Esther and the holiday of Purim. And what came to mind was that all-important moment of confrontation between Esther and Mordechai, when Mordechai tells the young queen of the danger to her people and how she needs to come forth and take a stand to try to save their lives. *Mi yode'a im l'et kazot hig'att la-malchut*. Who knows, says Mordechai, if it was just for this moment that you, Esther, reached this situation.

None of us can read the future, none of us knows when mortal danger can strike. But the Torah teaches us in Leviticus, Do not stand idly by the blood of your brother. Put in a positive framework, the Talmud tells us that just as we have an obligation to return a lost item to its owner – even incurring expenses and trouble to do so – so similarly we are instructed to restore another person's health, insofar as we are able. When we have in our power the opportunity to save a life, whether through regular blood donations or by being willing to become an organ donor, we are called on to step forward. Indeed, we are commanded to save a life – this is the great principle in our tradition, called *pikuach nefesh*.

As Maimonides states, Anyone who is able to save a life, but fails to do so, violates the Torah's prohibition. Saving a human life takes precedence over every law, except the three worst transgressions – adultery, idolatry, murder.

Though blood and organ donation are relatively new, Orthodox and Conservative rabbis have already written extensively about these technologies and what responsibilities and obligations they pose. Let me sketch in some of the basic principles that Judaism brings to bear on these subjects, and outline Jewish responses and thinking.

Let's first look at blood and bone marrow donations. Here there is virtual unanimity that donating blood is a praiseworthy deed; there are no halachic (Jewish legal) issues that stand in the way of blood or bone marrow donation. Now there is a prohibition on injuring one's self in Judaism, but that does not apply here because blood and bone marrow are renewed by the body, and there is minimal danger to the donor from the donation.

But while blood and bone marrow donations are halachically acceptable, they are not technically considered a physical obligation or mandatory act. People have a right to their own body parts, and it is recognized that some individuals have stronger reactions to needles or medical settings than others. On the other hand, because the need is great and the opportunity to save a life is so important, donating blood or bone marrow is considered as going beyond a *midat hasidut* – a praiseworthy action – and constituting a *moral* obligation – *lifnim meshurat ha-din* – beyond the measure of the law. So we not only praise the blood donor, but we *encourage* people to become blood donors to fulfill their moral obligations.

When we come to post-mortem organ donations, the matter is even more straightforward in Jewish law, even though Jews seem to find it more perplexing and daunting, or at least *something* is getting in the way of signing up for organ donation. In Israel, for example, only 8% of the population has elected to be organ donors compared to 35% of the general United States population. I don't have the figures for

American Jews, but it seems to be common wisdom that Jews are reluctant to sign organ donor cards or to instruct their families about their intentions.

Where does this reluctance come from? It's clear that it has some association with Jewish laws and customs. I have noticed that even Jews who consider themselves non-religious or atheist, the laws and customs surrounding death are given enormous weight. So one source of reluctance is the feeling that Jewish law prohibits desecrating the body after death, and that organ donation would be a type of desecration, like an autopsy, which Judaism generally frowns upon. Another worry that Jews mention is that all of one's body parts should be buried together when a person dies; organ donation would prevent that from happening.

So, are reluctant people right? Do these laws apply? The answer is Yes, and an emphatic NO. Yes, these ARE important Jewish laws – that go under the concept of *kvod ha-met* – doing everything possible to ensure the dignity of the deceased. It is because of *kevod ha-met* that we discourage autopsies unless necessary, that we do not have viewing of the body, that we try not to delay burial, and that we do not derive monetary benefit from the body of the deceased.

However, none of the laws of *kvod ha-met* can hold a candle to the principle of *pikuach nefesh* that I mentioned earlier. There's no contest! Saving a life by donating one's organs after death is so much greater a mitzvah that it entirely trumps *kvod ha-met*. Organ donation is not for experimental or futile procedures; transplantations are highly successful. Each organ donor can save up to 8 lives, and provide medical benefits to many others as well. Indeed, Rabbi Isaac Klein, one of the great poskim (legal decisors) of the Conservative Movement, wrote, "There is no greater *kvod ha-met* (honor to the deceased) than to bring healing to the living." I would add that organ donation not only allows for the physical healing of those who are deathly ill, it also helps the bereaved family in coping with its own grief, knowing that the loved one's organs are providing life and health and sometimes vision to others in the larger community.

There is, however, another issue that frequently comes up in considering organ donation, and that is the question of the determination of death. There have been fears in the past that doctors are too eager to harvest organs and might therefore hasten one's death. Of course as we know, safeguards are in place now to avoid that possibility, but much of the debate surrounding organ donation in the Orthodox community stemmed from the question of when death occurs in Jewish law. Most organs are taken from people who are brain-dead. There are some rabbis who believe that since the heart is artificially kept alive then the person is alive, even though the brain is not functioning. They forbid organ donation in this case because they think it would be "killing" the donor. But the preponderance of Orthodox and other rabbis have ruled that brain death is indeed death. As Rabbi Moshe Tendler put it, "Brain death is the finest criterion of death, according to halakha, precisely because the classic criteria of irreversible respiratory and cardiac arrest are dependent upon the death of the brain."

As a result, every branch of Judaism supports and encourages postmortem organ donation for the purpose of saving lives. This includes the Reform, Reconstructionist, and the Orthodox movement as well.

One well-known Orthodox rabbi, Moshe Tendler, has said, "if one is in the position to donate an organ to save another's life, it's obligatory to do so, even if the donor never knows who the beneficiary will be. The basic principle of Jewish ethics - 'the infinite worth of the human being' - also includes donation of corneas, since eyesight restoration is considered a life-saving operation." In 1991, the

Rabbinical Council of America (Orthodox) approved organ donations as permissible, and even required, from brain-dead patients. Rabbi Shlomo Riskin says, “It’s a wonderful way to go before the Divine Throne, if you have to go - -to come at least with the merit of having helped someone else live.” There is even an organization called HODS – Halachic Organ Donor Society – which issues organ donation cards. Its mission is to save lives by encouraging organ donation from Jews to the general population (including non-Jews).

But the strongest and most unequivocal statement in favor of postmortem organ donation for saving lives has come from the Conservative Movement. Over 10 years ago, the Rabbinical Assembly's Committee on Jewish Law and Standards declared that “the preservation of human life is obligatory, not optional.” Rabbi Joseph Prouser explains: “Since all conflicting halakhic duties are suspended, and specific, readily identifiable human lives are at stake, *withholding* consent for postmortem organ and tissue donation when needed for lifesaving medical procedures is **prohibited** by Jewish law.” The in effect **mandatory** consent for postmortem organ donation applies not only to each of us while we are alive, but to the families, next of kin, and health care proxies who are legally empowered to make donation decisions on behalf of the deceased. The Conservative Movement has also published and distributed an Organ Donor Card through the United Synagogue of Conservative Judaism and Rabbinic Assembly.

Finally, let me say a brief word about live kidney, liver-lobe and lung-lobe donations. Naturally, such donations are regarded as heroic and greatly respected acts of altruism by all branches of Judaism. But although our tradition mandates saving lives – whoever saves a life is considered as though he had saved an entire world – still, we are not required to accept serious risk in order to save another’s life. Fortunately, most live donations do not pose a serious risk, but there is always some risk in donating a part of one’s body. Thus, to the extent that postmortem donations can alleviate the necessity for live donations, it is all the more reason to urge our community as a whole to register as postmortem organ donors and to let our families know of our intentions. Interestingly, because in Judaism a live organ donation is not an obligation, Jewish law would permit payment for such a donation, as long as there is no benefit derived by third parties which could encourage trafficking in body parts.

I need hardly tell you about the shortages of organs for donation, and the frequent shortages of blood. Our distinguished panelists come to us from the front lines of the issue, and they will share with you the considerations of those who are in need of organs and those who devote their lives to helping those in need.

To close, I will direct our attention to this week’s Torah portion, Ki Tisa, which begins with the words, *Ki tisa et rosh bnai Yisrael* – when you take a census of the Israelites. But the Hebrew words are literally *ki tisa et rosh*, when you lift up the head of each person. It goes on: *V-natnu ish kofer nafsho Ladonai* – each adult to be counted must give a ransom of his or her soul to God – that is, a half shekel offering to the community. The Torah specifies: The rich shall not pay more and the poor shall not pay less – each person is equal to every other when it comes to making this offering.

I think you can see the parallels to our topic tonight. We each need to be counted, to lift up our heads and step forward, and to the best of our ability fulfill our moral obligations to sustain life. Becoming regular blood donors and registering as organ donors are in a sense an offering that each of us can make, a way of ransoming our souls before God – indeed, a declaration that we each owe our life to God. There is no richer or poorer in this offering; we are all essentially equal regardless of our income or wealth. Giving of ourselves in this way is truly an act of hesed, of solidarity with our fellow human beings, and of gratitude to God for the gift of our lives.