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Doctors criticise chief rabbi's edict against donor cards

British Medical Association urges Lord Sacks to rethink his position on organ donorship and Jewish law

Riazat Butt, religious affairs correspondent
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Jonathan Sacks, chief rabbi. Photograph: David Sillitoe for the Guardian

Doctors have criticised the chief rabbi, Lord Sacks, for issuing an edict that organ donation as currently practised, and the carrying of donor cards, are incompatible with Jewish law.

The ruling – which says that NHS donor cards are "unacceptable" – follows years of debate and controversy among international rabbinical authorities about when an organ may be removed from the deceased for transplant purposes. The British Medical Association warned that the new guidance could reduce the number of donations and, with nearly 8,000 patients awaiting donor organs, could put lives at risk. It urged Sacks, who steps down as chief rabbi in 2013, to rethink his position.

A spokesman said: "The BMA believes it is a matter of urgency for the chief rabbi to meet with organ donation experts to discuss how to maximise donations that they consider compliant – otherwise the number of donations available may be restricted. Organ donation and transplantation is a huge success story and it will be a tragedy if the number of organs available started going down and fewer lives could be saved."

According to the NHS Blood and Transplant website, 785 people have donated organs and 1,912 people have donated corneas since 1 April 2010. In that same period 2,011 people received transplants, while 7,863 people are waiting for transplants.

In classical Jewish law – halacha – a person is dead if their heart stops beating. But some rabbis around the world have adopted brain death as an acceptable definition, even if the heart and lungs are kept working artificially. Organs recovered under these conditions, when the blood is still flowing, are more suitable for transplant use.

The chief rabbi has said he and his rabbinical court, the London Beth Din, reject the legal and medical definition of death. They have ruled that organs from Jews may only be removed for transplant at the point of cardiorespiratory failure. This position could mean that Jews opt out of organ donation in order to stay within their faith's legal parameters. It also appears to contradict an earlier official pledge of support featured on the NHS Blood and Transplant website.

In a statement the chief rabbi said: "There is a view that brain stem death is an acceptable halachic criterion in the determination of death. However it is the considered opinion of the London Beth Din that in halacha cardiorespiratory death is definitive."

He added: "We are already in consultation with the UK medical profession about the possibility of devising a method whereby the number of organs donated by Jews can be increased in accordance with halacha. For this to happen we have asked the National Organ Donor Registry to explore how they can facilitate an option for Jews to indicate their willingness for donation of their organs to be considered by their families provided that such donation is carried out within halachic parameters.

"At this point, however, since the national registry system is not set up to accommodate halachic requirements, donor cards (even those purporting to be halachic) are unacceptable."

The U-turn by the chief rabbi appears to have happened without discussion with the NHS Blood and Transplant agency. On its website, in a section dedicated to world religions, there are details on the Jewish viewpoint. The information – "prepared in consultation with the Office of the Chief Rabbi" – says that most donated organs come from people who die from a severe brain injury and who receive treatment on a ventilator in an intensive care unit.

It adds: "In principle Judaism sanctions and encourages organ donation in order to save lives (pikuach nefesh). This principle can sometimes override the strong objections to any unnecessary interference with the body after death, and the requirement for immediate burial of the complete body. It is understandable that there will be worries about organ donation. It is at this time that halachic guidance is so important. Judaism insists that no organ may be removed from a donor until death – as defined in Jewish law – has definitely occurred. This can cause problems concerning heart, lung and similar transplants where time is of the essence."

James Neuberger, associate medical director for NHS Blood and Transplant, said: "NHSBT respects the views of all religions and has received public support from all the major faiths in the UK towards organ donation. It is a very personal choice and anyone with questions around how their religion reflects the donation of organs is urged to discuss it with their local faith leader.

"We would welcome the opportunity to discuss this important issue with the chief rabbi."

• This article was amended on 12 January 2011. The original opening paragraph said that Lord Sacks had issued an edict that organ donation and the carrying of donor cards are incompatible with Jewish law. This has been clarified.

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