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Donation of Organs Has Support of Most Rabbis

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It was a decision based on a widespread misunderstanding in the Jewish community, locally and nationally. A young boy not yet 10 years old lay brain dead in a Los Angeles hospital after suffering a severe head injury in an accident. The attending physician explained to the parents that their son was brain dead.

Then a representative of the organization that arranges organ donations in the Los Angeles area approached the boy's parents and discussed the possibility of having their son's organs donated; by doing so, they were told, the lives of as many as eight people might be saved.

The parents gave their consent. Shortly thereafter, their rabbi paid a visit to them in the hospital. When they told him about agreeing to have the son's organs donated, he quickly responded:

"Oh, absolutely not. You can't donate organs. You're Jewish."

At that, the parents rescinded their offer to donate.

Now, as the chief executive of the organ procurement organization serving most of Southern California, I was distressed to learn about the parents' change of heart. Not only did it mean that several people on waiting lists for organs might die; it also deprived the parents of the comfort that would come from having their son leave a legacy of generosity.

But their withdrawal of consent didn't surprise me. While most Jews and Jewish organizations support organ donation, there are still some Orthodox groups that ardently oppose it.

Although I'm a non-Jew, I have become aware of *nivul hamet*, the biblical prohibition against the needless mutilation of a cadaver. According to the Halachic Organ Donor Society (HODS), this prohibition is the reason why autopsies should not be performed on Jews.

I'm also aware of *halanat hamet*, a biblical prohibition against delaying burial of a body, and *hana'at hamet*, a prohibition — some say biblical; others say rabbinical — against anyone benefiting from a dead body, such as selling it for medical research.

But as the HODS points out, a basic tenet of Jewish law — *pikuach nefesh* — overrides both of these prohibitions and commandments because it says: "Save one life and it is as if you have saved the entire world."

HODS, on its Web site, goes on to note that rabbis who object to organ donation do not do so on the basis that a body must be buried whole. Rather, says HODS, "Their objection makes sense if they believed that organ donation was taking critical organs from a live person, and that would, in effect, be killing the person."

But it is very clear in law and medical practice around the world that brain death is, in fact, "death," a determination that was confirmed just a few weeks ago by the President's Council on Bioethics.

And the distinguished Orthodox rabbis who support organ donation through HODS strongly agree that brain death is death and disagree with those who contend it's wrong to take organs from a person who is brain dead but whose heart is still beating. In the Winter 2008 issue of the national publication, *Jewish Action*, HODS says these rabbis "all agree that brain-stem death [the medical requirement for a brain death declaration] is halachic death, even though the heart is still beating [because it is supported by mechanical ventilation] — and [they] support organ donation."

(The six rabbis quoted by HODS are Shaul Yisraeli z"l, former dayan, Chief Rabbinate of Israel; Dovid Shloosh, chief rabbi of Netanya; Avraham Shapira z"l, former Ashkenazi chief rabbi of Israel; Shlomo Amar, Sephardic chief rabbi of Israel; Ovadya Yosef, former Sephardic chief rabbi of Israel; and Mordechai Eliyahu, former Sephardic chief rabbi of Israel.)

It is my fond hope that this discussion will clear up the misunderstandings harbored by some members of the Los Angeles Jewish community. At any given moment, there are some 100,000 people, many of them Jews, on those waiting lists for organs. A decision to donate by families who lose loved ones to brain death will enable many of those desperately needy people to live.

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and six other Southern California counties. He is also past president of the Association of Organ Procurement Organizations (OPOs), which comprises OneLegacy and 57 other federally designated OPOs, and is a director of UNOS, the United Network for Organ Sharing.

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