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Destroying Jewish myths about organ donation

By RABBI REUVEN BULKA

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Once an idea gets crazy glued into the brain, it is hard – indeed, almost impossible – to detach. We Jews have our fair share of such myths, so many, in fact, that I have written two books about them, *What You Thought You Knew about Judaism* and *More of What You Thought You Knew about Judaism*.

A few teaser myths are that we are the chosen people (really we are the choosing people), that the term *goy* means someone non-Jewish (we are often referred to as *goy*, a nation, including in the Shabbat afternoon *Minchah* service), or that Judaism is anti-pleasure.

For the moment I would like to zero in on one myth (and a very significant one at that): the myth that Judaism is against organ donation.

In a word, this is simply untrue.

Just recently, a highly respected sage, Rabbi Zalman Nehemiah Goldberg, son-in-law of the late, great venerated sage Rabbi Shlomo Zalman Auerbach, shocked many by stating that Judaism is in favour of organ donation. He attached the usual caveat that one should consult one's rabbi on this. But the message is clear and unequivocal.

The question is, will it make a difference?

Why would it not? Because it remains an entrenched myth in the mind of so many that Judaism is against organ donation. Jews and non-Jews are convinced of this.

Why do so many people believe this? There are a number of possible reasons. One is simple: ignorance. People don't know, and therefore assume, often incorrectly. Another is that it is convenient to believe that Judaism is against organ donation, because that way, you are off the hook and don't need to contemplate this urgent and life-saving matter. People generally avoid all conversation regarding their eventual demise, including buying burial plots. Organ donation fits with this avoidance response.

Or, people might actually be afraid of donating an organ. Why? Perhaps they give credence to the preposterous statements they may have heard, and attributed to some otherwise sage individuals, to the effect that if you donate an organ, you will come into the afterlife without that organ, as a punishment for having saved someone's life! This is so ridiculous as to defy comment, yet it circulates and does its own incalculable damage.

Imagine that God would punish someone for having fulfilled the supreme mitzvah of saving a life. Or that God, who generates life, cannot generate another kidney. Or that someone who donates a heart will walk around in the afterlife without a heart!

By the way, what happens to those who did not donate a life-saving organ, but nevertheless had a lung or kidney removed because of cancer? Do they likewise get punished for having cancer? The more we splice this, the more absurd it sounds, because it is absurd.

Not absurd is the presumption made by many that Judaism insists on burial after death, and that by donating an organ, that body part is not buried. The premise is correct, but the conclusion is not. The Torah obliges us to bury those who have died. That is clear. Equally clear is that saving a life is a vital mitzvah that is praised and encouraged as the most noble deed that we are humanly capable of.

Until this generation, these two concepts never met after death, because organ donation was not a viable medical procedure. That has changed in the past few decades, such that organ donation is now part of after-life care. The human body is sacred, both in life and after death. If after death, one can save a life with a body part, that is an overriding mitzvah, pikuach nefesh, that pre-empts the other competing mitzvah obligations.

We understand that one must treat the Shabbat as an ordinary day in order to save a life. The same logic applies to the mitzvah of burial, namely that the rule of mandatory burial is waived for that organ or part (cornea) used to save life, or sight, as the case may be. Admittedly, it will take more than a few years to have an entire faith community re-adjust thinking that dates back thousands of years, thinking that has given birth to a noble Jewish reflex: death followed by funeral and burial, done as soon as possible with no delays.

The reality is that donating organs after one has passed from the world is a difficult concept, and it takes only a slight blip to convince people to back off from it. We continue to face an acute shortage of organs, to the extent that every three days, a person in Ontario dies waiting for an organ.

And to be fair, there are challenges, the most critical of which is assuring that the person donating an organ is dead according to halachic definition. For this, we have a major difference of opinion surrounding the issue of brain stem death, specifically whether it is a sufficient criteria to establish that the person is dead according to Jewish law.

The Halachic Organ Donation Society (HODS) has many rabbis associated with it who have signed their organ donor card. They have made this known in a public manner, and they have endorsed the brain-stem death concept. The issue is still not finalized, but it's still possible to be an organ donor even with this challenge. And in many places in Canada, DCD, short for donation after cardiac death, has been implemented to help save lives.

Since the principle of organ donation is a most laudable concept, it remains for us to find acceptable halachic mechanisms to make this possible. Those mechanisms are readily available.

Perhaps the best imagery to help change our mindset is to think of what we would want to happen if, God forbid, we would need an organ, for ourselves or for a loved one. We would want that organ to be readily available. In other words, we have no trouble being recipients. Therefore, we should think about being donors, because without donors, there are no recipients.

Another piece of imagery issue deals with the legacy we want to leave for posterity. Our wills deal mainly with our material possessions – who gets what after we are gone. Of even greater importance is what values and ideals we leave for our children and grandchildren for them to enlarge upon in their own lives. And added to the equation is what we want to do with our bodies – how much life we are ready to save with the body entrusted to us by God. What a marvellous legacy that gift of life would be.

Speaking of legacy and myths, I'd like to venture into another end-of-life-care matter related to the late Sam Golubchuk, of blessed memory. He is the Winnipeg man who wanted to live, who wanted to be treated so he could continue to live. He had suffered brain damage and was in a compromised state, but he was still able to communicate with his family in some manner.

His wishes clashed with the desire of some doctors and other health care providers to remove him from life support and let nature take its course, a course regarding which you can well imagine its direction and intent. This dispute, as it developed, was scheduled to be aired in court. Sam passed away before his case came to trial.

Sam did not leave any organs for donation, but he left his heart and soul with us. He left his courage, his

determination and his fighting spirit. And he left a most important legacy.

There is a myth about this case that needs to be addressed. The fight that Sam's children waged on his behalf was not about imposing Jewish law on Canadian society. It was about the right to live, which is a most fundamental human right. The fact that most Canadians in Sam's state might have opted for being kept comfortable is totally irrelevant. What is relevant is that Sam – for reasons that he, like everyone else, is entitled to – wanted to live. No one had a right to deny him, or anyone else, that choice, that right.

The media, in their frenzy on this matter, poured a goulash of issues into the mix that were at best misleading and at worst inflammatory. The picture painted was of a fundamentalist Jew who was costing the province a fortune, who was jeopardizing health care, who was putting doctors into the uncomfortable position of having to care for someone they did not want to treat, to the point where a few of them actually resigned so as not to have to look after him.

The Golubchuks held their ground, and good that they did. In so doing, they did everyone a supreme favour. Until the next challenge, if it ever comes, people can rest more assured that if they want to live, even if others in their state would not, they will be looked after. Even more important is that no one, no matter what their position, will have the right to decide unilaterally, and against a patient's desires, who should live and who should, well, you know what.

The Golubchuk matter was not, is not, and should never be allowed to become a "Jewish" issue per se. The Golubchuk case transcends Jewish borders. It is a Canadian issue, a human rights issue, a "right to live" issue. As Jews, we are obligated to be concerned, because a Canadian human rights issue is by definition a Jewish issue.

And Sam Golubchuk, in his own way, was more than a organ donor. He was a donor, and champion, of life itself.

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