

PJV#38

September 2008

Top Stories

- Adler's Political Week
- Report from DNC
- 6 Degree Separation
- A Half Full Cup
- Letters to the Editor

In Their Own Words

- Sam Bennett
- Joe Biden

Media Watch Post

- A Media Test

Community

- Nat'l Governors Assoc.

Raising A Mensch

- Free Kids Books

Living Judaism

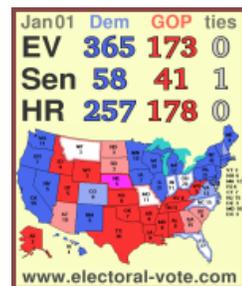
- Organ Donation

Teen Voice

- Youth Make Difference

The Kosher Table

- Meet Norene Gillett



Shabbat times for Philadelphia

Candle lighting: 5:44pm on

Friday, 30 Oct 2009

This week's Torah portion is

[Parashat Lech-Lecha](#)

Havdalah (50 min): 6:50pm on Saturday, 31 Oct 2009

1-Click Shabbat Copyright © 2009 Michael J. Radwin. All rights reserved.

Free Subscription

Past Issues

2008 JFMAMJJAS

2007 JFMAMJJASOND

2006 JFMAMJJASOND

2005 JASOND

Living Judaism

Judaism's perspectives on Organ Donation After Death

-- Gabrielle Loeb

Although many Jews believe that Jewish law forbids organ donation, most rabbinical authorities not only permit it, but also encourage it. In 1990, the Rabbinical Assembly of America approved a resolution to "encourage all Jews to become enrolled as organ and tissue donors by signing and carrying cards or driver's licenses attesting to their commitment of such organs and tissues upon their deaths to those in need." Organ donation during life is generally permitted as long as there is little risk for the donor and great benefit for the recipient, but in the case of an already deceased donor, the risk is not an issue. For already deceased donors, the main issues are *Kavod Ha-met* (honor of the dead) *Nivul Ha-met* (disgrace if the dead), and the definition of death.

Kavod Ha-met is the reason for the extensive Jewish laws regarding burial customs. The body must be treated with respect since it is God's property; we are simply borrowing our bodies for the duration of our lives and we must return them at death unblemished. This is the reason that permanent tattoos and piercings are forbidden. Because of *Kavod Ha-met*, delaying the burial of the deceased or gaining benefit from a dead body are considered *Nivul Ha-met*, disgrace to the dead, and are therefore forbidden. This obviously poses a problem since organ donation can delay the burial and allows us to benefit from the dead body.

This problem with delayed burial and benefits from the dead body, however, is superseded by the commandment *Pikuach Nefesh*, saving a life, which takes precedence over every other commandment excluding murder, idolatry, incest, and adultery. The Talmud Tractate [Yoma 85b](#) says, referring to the commandments, "You shall live by them, but you shall not die because of them." This means that we should not "stand idly by the blood of [our] neighbor" ([Lev. 19:16](#)) because of the less important commandment of *Kavod Ha-Met*. In fact, not only does this commandment cancel the *Nivul Ha-met*, it gives *Kavod Ha-met* because it enhances the respect for the deceased since it allows the donor to fulfill the mitzvah of *Pikuach Nefesh*. Donating organs is therefore an honor to the deceased. In addition, the transplanted tissue will ultimately be buried with the recipient, so the burial would not be an issue even if it were overridden by *Pikuach Nefesh*. Finally, *Pikuach Nefesh* is even more important to donors since they are thereby saving the lives of both the recipient and any potential living donor whose life might be at a slight risk due to the surgery involved in donating organs. Because of the organ shortage, the Conservative movement's Committee on Jewish Law and Standards ruled in 1995 that organ donation is an obligation because not doing so would be murder to the potential recipient and endangers the lives of living donors.

Besides *Pikuach Nefesh*, *Hesed* is another reason supporting organ donation. *Hesed*, acts of kindness, are not mandatory, but we are commanded to "walk in God's ways" and this would include helping those in need. Such progress has been made in transplants in the past fifty years that they are now acceptable therapeutic options instead of experimental procedures, and therefore *Hesed*, in addition to *Pikuach Nefesh*, is more ensured. In 1954, the first kidney was successfully transplanted followed by a liver in 1967, a heart in 1968, a lung in 1983, and a pancreas in 1996. New genetic engineering techniques will soon enhance the immune system's ability to accept alien organs and immunosuppressant drugs. In 1998, 21,000 transplants took place including kidneys, livers, hearts, pancreases, and bone marrow. Success is now measured in terms of years and quality of life following transplant instead of survival of the surgery. When organ transplantation was still very experimental and endangered life, Jewish law restricted it much more; however, with all this recent progress in organ transplantation and with the organ shortage, donated organs are sure to be an act of *Hesed* as well as *Pikuach Nefesh*.

In addition to following God through acts of *Hesed*, we must practice *Kiddush Ha-Shem*, sanctifying God's name, by acting in a way to honor God and the Jewish people. With the current organ shortage (In 1998, according to Lamm's book [The Jewish Way in Death and Mourning](#), 4,855 people died waiting for donors, most of whom were cadaveric donors. Every sixteen minutes on average, one more person joins the 63,000 on the waiting list of the United Network for Organ Sharing), Jewish organ donations would make the Jews look more honorable, and it would therefore sanctify God's name. On the other hand, if Jews were to refuse to donate organs, this would look bad for God and the Jewish people, and a forbidden *Hillul Ha-Shem*, desecrating God's name. In fact, this is exactly what is happening now, and that is one of the many reasons that rabbinical authorities permit and even encourage organ donations: As Dorff explains in his book [Matters of Life and Death](#), while 60% of the general population are willing to donate organs, only 5% of Orthodox Jews are, and the statistics are similar for other Jewish denominations. As a result of Israel accepting far more organs than they provide, Israel has been banned from Europe's transplant network Eurotransplant. Israel's exclusion from Eurotransplant not only is a huge *Hillul Ha-Shem*, but it also increases the shortage in Israel of organs for people on the long waiting list for transplants.

Even with the commandments of *Pikuach Nefesh*, *Kiddush Ha-Shem*, and *Hesed* which take place in organ donation, it is not given a complete authorization. There should be an advance directive saying that the deceased wishes to donate his or her organs. If no advance directive is made, however, it can be assumed that the deceased would be honored to be given the opportunity to perform *Pikuach Nefesh*. In addition, the most restrictive Orthodox rabbis require that there be a specific patient *Lefaneinu*, "before us," who would otherwise die or lose an entire physical faculty. This means that if the potential recipient can see with one eye, they would not permit a corneal transplant. These rabbis would also reject donations to organ banks because there would be no particular known patient who would be served immediately by the donation. Most Jewish authorities agree, however, that a donation is justified to improve impaired vision, and that a donation to an organ bank is justified as long as there is enough demand for that particular organ that it can be safely assumed the donated organ will eventually be used.

The final restriction placed on organ donation concerns how death is defined. In some cases the line between life and death is hazy, so it needs a precise definition. Some rabbis go by the respiration test of placing a feather under the nostrils and seeing if it moves; they consider death to be defined as respiratory arrest. Others claim that respiratory arrest is only considered death because it is a reliable sign of cardiac arrest, which is the true definition of death. Since an organ donor must be dead according to Jewish law, the moment when organs can be collected is debated. In addition, Jewish law states that we must wait before we assume that a person is dead since they may simply be unconscious or in some other state resembling death. However, waiting would obstruct organ donation since the heart must be collected immediately, and the heart must be beating to keep the other tissues alive. This problem



Organ donation is encouraged by most rabbinical authorities.

Donate

was solved by sphygmomanometers and electrocardiograms, which can measure breath and heartbeat and remove the need for waiting. The issue of donating a heart is further complicated, however, if a person whose heart is beating is considered alive, yet the heart must be beating to collect organs. So how can it be that the Chief Rabbinate of Israel approved heart transplants in 1998?

The answer is progress in medicine and more advanced ways of diagnosing death being developed. Instead of using a feather or trying to hear a heartbeat, a flat electroencephalogram is used to declare someone officially dead. If someone has a flat electroencephalogram, that person is and forever will be unable to breathe or pump his or her heart himself or herself. Almost all Jewish authorities agree that a flat electroencephalogram can be used to determine death. It indicates the cessation of spontaneous brain activity and qualifies the patient as being brainstem-dead instead of heart-dead or breathing-dead. Brainstem-dead should not be confused with brain-dead, however, which is the cessation of higher cerebral functions like intellect and memory that are lost in Alzheimer's or a vegetative state – in such cases the patient is considered alive and organ donations are therefore not permitted. Going by the heart-death definition would make less sense because a decapitated animal's heart still beats for a short while, and because the heart can beat even without a body as long as it is nourished. Both The Conservative and Reform movements accepted electroencephalograms (since they indicate the cessation of brain activity) as the moment of death, and the Orthodox chief rabbinate followed suit twenty years later, as did the Rabbinical Council of America in 1991. Since brainstem death was approved and is the major rabbinic opinion (although some rabbis reject this *halachic* decision), heart transplants and organ transplants can take place.

However, there are other impediments to organ donations besides rabbinical concerns: donors often have misconceptions about the process and cost of donating organs, and sometimes other psychological factors come into play. Donors sometimes wrongly believe that the donor's body will be mutilated and the funeral will be delayed a long time. On the contrary, the body is sewn up quickly, and the funeral can occur without much delay. In addition, closed caskets would prevent any surgery from being noticed. Secondly, some donors assume that they must pay to donate organs. The truth is that the recipient (or their insurance) pays for the organ transplant, not the donor. Other donors believe that if their doctors know that they have agreed to donate organs, the doctors would not try as vigilantly to keep them alive. This too is a myth since the physician team for the organ transplant is entirely separate from the physician team that would normally care for the patient, to serve this exact purpose. Still other potential donors are hesitant due to an aversion to even contemplate death, let alone things that would happen afterwards. People also tend to imagine donating organs as though they would be conscious when the donation would take place, and they imagine what the surgery would feel like for them although they would have to be brainstem-dead and therefore could not feel it. The body for three days after the death, during which the soul hovers over the grave. Even for the first twelve months, while the body disintegrates, the soul has a fleeting connection with the body, during which it comes and goes to and from the body. Finally, there are spirits who live on after death in bodily form. If the soul comes to the body, one might be uneasy with the idea of the body "not being complete."

Incompleteness of the body is also an issue to people when they contemplate resurrection; they believe that in order to be resurrected in one piece, they must be buried in one piece. Two main arguments contradict this thought. First, organs which are not donated simply disintegrate in the ground (unless the body is preserved, which is forbidden). Secondly, if God could make the world from nothing, it should be relatively easy for God to make something from something that once existed but just decomposed. When resurrection comes, Jews will be resurrected regardless of parts missing or even whole bodies missing. Maimonides further explains that people should not even consider a bodily resurrection since resurrection is of the soul, not the body, since the world to come will have no bodily functions of eating, drinking, anointing, or sexual intercourse. Regardless of one's beliefs about resurrection, however, the overriding rule is again *Pikuach Nefesh*: saving a life immediately is far more important than beliefs about what lies ahead.

But what if donating organs is not saving any life at all? What about donating one's body to science? As long as the body parts are preserved to bury, the deceased's (and his or her family's) wishes are respected, and the family can return to their lives even without the psychological closure of an immediate burial, most rabbinical authorities permit donating one's body to science for the same reason as they permit organ donation. It is considered *Kibud Ha-Met*, not as *Nivul Ha-met*, since dissection, necessary to train physicians, facilitates the performing of *Pikuach Nefesh*, which is a great honor. Also, it is *Hillul Ha-Shem* for Jews not to do it and *Kiddush Ha-Shem* for Jews to do it, unless there is already ample supply of bodies to dissect, in which case Jewish donations are unnecessary and therefore unjustified. Some orthodox rabbis, however, again reject donating a body to science as a justifying reason, since there is no specific patient who is to gain from the donation.

Another question that is brought up concerning organ donation is whether the donor can be paid. Even the United States is hesitant to condone such a practice, although Pennsylvania does allow payment of renewable tissues such as blood, hair, and semen. While the United States does not favor such practice because vulnerable populations could be abused and exploited (while not being able to afford organs which they may need), Jewish law does not favor such practice because the body belongs to God, and we cannot sell what is not ours. [The Halachic Organ Donor Society](#) in New York City, whose mission is to spread information about Jewish legal matters and rabbinic beliefs about organ donation, helps Jews donate organs in accordance with their specific halachik beliefs. They try to raise awareness about the importance of organ donation and to combat the myth that organ donation is contrary to Jewish law.

There are numerous reasons for Jews to become organ donors; most reasons against that choice are simply misconceptions. Jews should consult their own rabbi to discuss the issue of organ donation. Most rabbis agree, however, that it is our responsibility as Jews to honor God's name and to save lives by giving the gift of life even after one's life has terminated through the act of organ donation. As [Mishnah Sanhedrin 4:6](#) says, "Whoever saves one life, it is as if he saved the entire world."

Previous Features

- August 2008: [250 Africans Convert to Judaism](#) and [Rethinking Jewish Environmentalism](#)
- July 2008: [Agriprocessor Scandal](#)
- June 2008: [Leonard Bernstein's Kaddish](#) and [Auschwitz Torah](#)
- April 2008: [The Life of the Skies](#)
- March 2008: [Shall This Too Pass?](#)
- February 2008: [The Honey and The Sting](#)
- January 2008: [Sharing God's Fruitfulness](#)
- December 2007: [A Joyful Noise](#)
- November 2007: [Naomi Chazan](#)
- October 2007: [Soferet](#)
- September 2007: [Keep My Tongue From Doing Harm, Teach Me To Forgive](#) and [Earth Day is Coming!](#)
- August 2007: [Arrival Time](#)
- July 2007: [The Big Picture](#)
- June 2007: [Whose Life Is It Anyway?](#)
- May 2007: [When the Sacred Candle Casts a Laser Beam of Light](#)
- April 2007: [Rabbi Shawn Zevit: an instrumental instrumentalist](#)
- March 2007: [She Was](#)
- February 2007: [Core Values](#)

- January 2007: [A Musical Midrashist](#)
- December 2006: [Ribbon Tying](#)
- December 2006: [Living Judaism](#)
- November 2006: [Parshat Noah](#)
- October 2006: [Leviticus 17, Prophecy Sadly Fulfilled, New Year and Nu You, Gay Marriage](#)
- September 2006: [The Meaning of Being Jewish, The Meaning Of An Eruv](#)
- August 2006: [Organ donation?](#) , [Halacha Of War](#), [Tahara Experience](#)
- July 2006: [Why The Bat Mitzvah Girl Wept](#)
- June 2006: [Mitzvah Child](#) and [Reclaiming Mikveh](#)
- May 2006: [Travelogue Israel](#) and [Judaism & Democracy](#)
- April 2006: [Just and Rightful Authority](#)
- March 2006: [Silence is not always golden](#)
- February 2006: [What does Judaism have to say about organ donation?](#) and [Gratitude](#)
- January 2006: [A Community of Voices](#)
- December 2005: [Thoughts on Intelligent Design](#)
- October 2005: [Justice, Pursue Justice](#) and [Why Are Jews Like Baking Powder?](#)
- September 2005: [Is Judaism the Religion of Love?](#)
- August 2005: [What Kind are You?](#)
- July 2005: [Loving and Listening: Mezuzah Consciousness](#)

Did you enjoy this article?

If so,

- [share it with your friends](#) so they do not miss out on this article,
- [subscribe](#) (free), so you do not miss out on the next issue,
- [donate](#) (not quite free but greatly appreciated) to enable us to continue providing this free service.

If not,

- take us to task with a [letter to the editor](#),
- [write](#) something better for us to consider for a future issue,
- send corrections, comments and offers to volunteer to our [editor-in-chief](#).



© 2008. Permission is hereby granted to redistribute this issue of The Philadelphia Jewish Voice or (unless specified otherwise) any of the articles therein in their full original form provided these same rights are conveyed to the reader and subscription information to The Philadelphia Jewish Voice is provided. Subscribers should be directed to <http://www.pjvoice.com/Subscribe.htm>.

[Web Hosting By Brinkster](#)