

London - Doctors Criticize Chief Rabbi's Edict Against Donor Cards



Jonathan Sacks

London - Doctors have criticized the chief rabbi, Lord Sacks, for issuing an edict that organ donation 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.”

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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.”

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1

Jan 11, 2011 at 08:51 PM Anonymous Says:

I wonder if the British Medical Association is going to also raise objections about the lack of muslim organ donors?

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3

Jan 11, 2011 at 09:09 PM Leon Zacharowicz MD Says:

The majority of major rabbinic authorities do not accept the secular definition of "brain death" as equivalent to halachic death. As noted in the reasonably well written article, above, one cannot remove an organ until death has definitely occurred.

Furthermore, many of safeguards required by leading rabbinic authorities with regard to "brain death" are gone. No longer are doctors required to do any confirmatory tests. The diagnosis now relies almost completely on the clinical examination of a doctor.

The closing statement by the associate medical director for NHS Blood and Transport was quite respectful of those who cannot for reasons of religious belief agree to organ donation before cardiopulmonary cessation has occurred. This is in contrast to recent public attacks in the secular media, such as The Jewish Week and the Jerusalem Post, on the Rabbinical Council of America's

halacha committee members, for supposedly desecrating G-d's name and for "stupidity" for concluding in a paper over 100 pages in length--the product of over 4 years of research and investigation--that the RCA should not endorse "brain death" as "the criterion" for death.

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4

Jan 11, 2011 at 09:36 PM DizzyIzzy Says:

"Judaism insists that no organ may be removed from a donor until death – as defined in Jewish law – has definitely occurred."

So I can't donate a kidney to help my brother live without dialysis?

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5

Jan 11, 2011 at 09:43 PM moishek Says:

If Doctors would really put patient's interest 1st ,they would tel the the truth as written by the RAMBAM (Miamonides) all health problems are caused by bad lifestyle & diet.

many more surgical procedures would be unnecessary , the only loss would be doctors bank acount

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6

Jan 11, 2011 at 10:32 PM reb yona Says:

I think they should nominate rabbi dr. Tandler as chief rabbi. He won't disappoint them

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7

Jan 11, 2011 at 11:51 PM Anonymous Says:

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Donating a kidney is ok. The problem arises when the donation will definitely cause the death of the donee.

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8

Jan 11, 2011 at 11:54 PM Anonymous Says:

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If you are that ignorant, here is the answer, By donating a kidney the donor will not die he or she could live a very healthy life to 120, therefore it is a great mitzvah to save someone's life, by removing a lung/liver from a person who is so called "brain dead" is according to halacha "retzicha"

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9

Jan 12, 2011 at 12:21 AM Anonymous Says:

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Common Bro. You totally misread the article and its intent. Sure people are permitted and do donate kidneys and pieces of their liver to others. This however, does not cause the donee to die because of his donation. When one is brain dead, one can still give his kidney to others but not his heart or other organ which would cause him to "die" a cardiological death.

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Jan 12, 2011 at 12:23 AM Joe-Shmoe Says:

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this is not about a healthy person who donates a kidney. but rather concerning an ill person, where any operation might hasten death. according to halacha, hastening one's death is considered murder. (I'm not a halachic authority. I might be mistaken but that's according to what I have learned.)

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11

Jan 12, 2011 at 10:01 AM Aryeh Says:

Kol ha kavod Rav Sacks!

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12

Jan 12, 2011 at 01:38 PM Anonymous Says:

Let's get the numbers straight: UK population approx 60 million. Jews: approx .25 million.
7,863 people are waiting for transplants.

785 people have donated organs

1,912 people have donated corneas

2,011 people received transplants

They really picked a representative sector of the population to condemn didn't they?

What's the bet this wasn't instigated by a Jewish doctor?

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13

Jan 12, 2011 at 11:29 PM noam stadlan, md Says:

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Dr. Z. unfortunately is not being accurate. The RCA paper was a biased one sided presentation that ignored the medical and halachic data that support the concept of 'brain death.' To make matters worse, the authors tried to portray the paper as 'even handed', and just a 'study' when the purpose was to sway opinion away from accepting brain death. Thankfully the public and the RCA leadership and members were not deceived, and the reaction was, for the most part, well deserved. Those who still advocate defining death using circulation criteria need to explain how it works with the advances of modern medicine. For example, if life is defined by the presence of circulation, someone attached to a mechanical pump that pumps blood through the body can live forever as long as the pump continues to function. Theoretically they would live until the power ran out, no matter what the condition of the body. There are many other logical problems with the continued use of the circulation criteria for death, and unfortunately it appears that not only the Va'ad Halacha of the RCA, but the Chief Rabbi and the London Beit Din do not realize the inconsistencies of their position.