

January 6, 111 Thursday 9 Shevat 3871 16:29 IST  Print  Back to original article

THE JERUSALEM POST

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Reality Check: Leave the rabbis out of it

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02/01/2011

This country has one of the Western world's highest rates of refusal to donate organs due to rabbinic opposition to the practice.

At the risk of intruding on private grief, one has to ask Avi Cohen's family what they were thinking when they got rabbis involved in the decision to donate the former soccer star's organs for transplant.

After all, Avi never consulted with rabbis as to whether he should play for Liverpool on Yom Kippur (which he did, and had a stinker of a game against Southampton), or indeed whether Halacha has anything to say about a profession that involves working on almost every Shabbat.

His son Tamir, who has grown into his father's distinguished boots and plays in the English Premier League with Bolton Wanderers, also seems to have no problem ignoring the Fourth Commandment and the restrictions the rabbis have built around it.

GIVEN THE recent outpourings of racist drivel from chief rabbis of far too many Israeli towns calling on Jews not to rent or sell property to Arabs (why haven't they been summarily dismissed for incitement?) and the equally appalling letter from rabbis' wives, appealing to the "daughters of Israel" not to work or have contact with Arab men, any self-respecting secular or traditional Jew would do well to keep his distance from such people, with their nasty, superstitious and often medieval mindset.

The rabbis' objection to harvesting organs from a body centers on the definition of death, with many relying on a centuries- old ruling which insists the moment of death is when the heart stops beating, and not when brain death is determined.

This distinction is crucial in terms of organ donation, because by the time the heart stops in a patient who has already been declared brain dead, most organs are no longer suitable for transplant.

(It is true, of course, that not all rabbis can be tarred with the same brush. Sephardi Chief Rabbi Shlomo Amar, with the approval of Shas patron Ovadia Yosef, some years ago issued a halachic ruling that holds that brain death, as opposed to heart stoppage, is the deciding factor when determining death.) JUST AS troubling as the involvement of certain rabbis in the Cohen family's decision not to donate his organs is the fact that Avi Cohen carried an ADI donor card from the National Transplant Center, but his wishes were ignored.

Assuming it's the same as the one I carry in my wallet, Cohen's card would have said: "In the hope that I can help others, I hereby bequeath and donate after my death..." and then goes on to list the organs he was prepared to donate. Avi Cohen, who in life was known for his generosity of spirit, probably ticked the box that said he was prepared to donate "any organ from my body that others can use in order to save

their life.”

According to current procedure, however, this unequivocal permission to harvest organs after death is not enough, and the hospital still needs to seek the would-be donor's family's permission. Fortunately, there has only been one other case in more than a decade in which a family ignored the deceased's wishes and refused to donate his organs.

But why is the family's consent required, given that the donor himself has made his wishes perfectly clear? It's tantamount to writing a will dividing one's property in a certain way, only to have lawyers allow the family to distribute it in a totally different manner and contrary to the deceased's desired design.

DUE TO the opposition of leading haredi Ashkenazi rabbis to disconnecting a braindead person from life support before the heart stops, and the knock-on effect this has had on traditional Israelis, this country has one of the Western world's highest rates of refusal to donate organs.

According to the National Transplant Center, 46.4 percent of families refused consent for organ donation in 2009 (although this was an improvement over the previous year, when more than 50% of families refused consent). A European Union study, meanwhile, published in the journal *Transplant*, found that Israel's refusal rate in 2007, 57.9%, was the thirdhighest among the 24 countries surveyed.

The meaning of all these statistics is that more than 100 Israelis a year die due to the lack of an available organ.

To combat these unnecessary deaths, the law regarding organ harvesting needs to be changed. Instead of relying on people to carry an ADI donor card (only around 600,000 do), consent for organ donations should be presumed and doctors should be free to harvest organs for transplant once brain death has been declared, without needing the family's permission.

Of course, the state cannot force organ donation on people, and those who object to brain death as the determining factor should be allowed to opt out of the program.

Their objection will be stored on a database to which hospitals have access and their wishes respected.

At the same time, should a person who has opted out of the program need an organ transplant, he will be told that due to his objection to organ harvesting, he will not receive one.

As Ofer Gilor, the father of 12-year-old Omri, who donated his son's organs after the boy died in an accident, recently said: “Doctors have told me that they've never encountered anyone who has a problem with accepting organ donations. There's no problem in accepting them, only in giving.”

The writer is a former editor-in-chief of The Jerusalem Post.



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