

Morals Ethics and Values, Where do you draw the line?

Not Just another Morality site

The chief rabbi's immoral stance on donor cards

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Britains chief rabbi, Jonathan Sacks, believes organs should not be donated in the event of brain-stem death.

Photograph: Liverpool Daily Echo/PA

The debate on Jewish organ donation was reignited this week with a statement on what constitutes death according to religious law (halacha). In what is a very important debate, a lot of misunderstandings of what the rabbinical authorities are arguing about are being confused, so I am writing this to clarify what is going on and explain why I am upset at the decision of Lord Sacks, the chief rabbi.

The issue of organ donations within the Jewish community was pushed back into the front pages after the footballer Avi Cohen had an accident and his family went against his wishes and decided not to donate his organs. He had been a proud organ donor-card holder in Israel, where there is a major issue of getting people to donate their organs due to the religious complexities around the issues.

The commandments of saving a life (pikuach nefesh) trumps almost all others and what to do when a family member is dying is a particularly tense time where religious guidance is sought. The high stakes involved, as well as the sanctity of the body in Jewish law, means that this issue is of vital importance.

The chief rabbi was not saying to Jews not to donate their organs. On the contrary: he was encouraging them to do so. You can read his clarification here. In the case where someone needs a kidney or any other non-life-threatening donation (for the donor) there is no issue, you should be encouraged to donate your organ. The debate flows around what counts as death in Jewish law. Is it at the point of irreversible cessation of the heartbeat occurs (when the heart stops) or irreversible cessation of autonomous breathing (brain-stem death)? The chief rabbis position is that it is when your heart stops. The difference means that if you are brain dead and on a respirator you would not be allowed to donate vital organs. If your heart stops you would be allowed to donate everything.

What the chief rabbi is asking for is that the current donor cards make this difference so that people can donate when their heart stops but not if they are only brain dead. He is asking that before the organs are removed, a rabbinical authority is consulted.

Why I and others are very upset is because the chief rabbi has said that halachic organ donor cards are also unacceptable: 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.

This has upset a lot of other Orthodox rabbinical authorities. While the chief rabbi and his bet din might decide that brain-stem death does not constitute halachic death, there are Orthodox authorities who argue that it does. These include the chief rabbinate of Israel and Rav Moshe Tendler. Tendler is a rosh yeshiva at Yeshiva University and a professor of biology not to mention the son-in-law of the late Rav Moshe Feinstein zhl, one of the most important rabbinical authorities of the past century and allowed his son in law to take a lead on these issues.

The halachic organ donor cards allows the donor to choose under which conditions (either brain death or heart failure or both) they would wish to donate.

The argument between the Hods (Halachic Organ Donor Society) and the office of the chief rabbi has become quite heated and is featured in this weeks Jewish Chronicle. They are upset as there is a major dispute among different rabbis over what constitutes death. Rather than acknowledging the dispute and giving people the option within the UK to choose which they would rather follow, the office of the chief rabbi has said that he only accepts heart failure and will not accept brain death. While this is one opinion, it is not the only opinion and to ignore those of rabbinical authorities who are also medical experts really upsets me.

Medical ethics on this level is very complex and is definitely something that not every communal rabbi will have an expertise on. What the chief rabbi has done by not allowing these halachic organ donor cards is to take the decision over whether brain-stem death will allow you to donate your organs away from Orthodox Jews in his jurisdiction – even though Orthodox Jews in America and Israel can have a choice.

The chief rabbi may be a moral philosopher but he is not a medical expert, while he is entitled to support the view that only heart failure counts as death, to make this the only view that the Orthodox community in the country can subscribe to is unfair and in my view immoral.

I still cannot see what would be the issue with the halachic organ donor cards and to impose a singular view is removing the choice for Orthodox families at a very tough time.

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