

Topple the taboo against organ donation in Israel

Forcing families by law to donate the organs of their donor card-carrying relatives won't defuse the suspicions and superstitions that even secular Israelis have about organ donations.

By Robby Berman | 18:06 | 21.01.14



Surgeons carrying out an operation. Photo by Getty Images

Israel has the lowest organ donor registration rate in the Western world. Only 14% of Israelis carry a donor card, as opposed to 45% of Americans. This week, the Israel Transplant Center announced a record number of new registrants for organ donor cards in 2013. This statistic implies that more organs in Israel will be donated in the future. But to me, this looks like a red herring.

The phenomenal growth in registration for ADI organ cards (managed by Israel's National Transplant Center) over the past few years is the result of a new law that enables any Israeli signed up for an organ donor card will get priority treatment on the organ waiting list if they ever require a transplant. This run on cards is, in fact, one of the consequences that motivated legislators to create the new law in the first place: Not only to ensure a just, symmetrical system of commitment and compensation, but also to increase the overall number of card holders.

But I believe that Israelis, somewhat cynically, are signing up en-masse for organ donor cards just for the benefits. It is their insurance policy. If they ever need an organ they will get one, but they are also hedging

their bets: If and when it comes time for them to donate, I believe their families will refuse. And families in Israel have the right to say no even if their loved one has an organ donor card, as we saw last year in the infamous case involving Avi Cohen, a soccer star who died in a motorcycle accident; it was widely reported that rabbis visiting the family in the hospital after his death persuaded them not to follow through with his express wishes to be a donor.

Consequently and understandably, well-intentioned people have been asking for a new law that enables the transplant community to forcibly remove organs from an organ donor card-holder in spite of the family's objections.

This is simply bad policy. I'm all for personal autonomy. I'm all for justice. But imagine the scenario: Your brother has an organ donor card and now he is brain-stem dead. You don't really understand the finality of brain-stem death. You see your brother's beating heart and you are wondering how he can possibly be dead. Hopeful spiritual healers are telling you he is going to wake up and religious family members are saying psalms pulling at God's prayer shawl petitioning for an extra-terrestrial intervention. And all the while, deep down, you suspect that your brother never really wanted to be an organ donor in the first place. You suspect he only signed the ADI card to get the benefits. Now the transplant surgeons are coming down the hall with their unsheathed scalpels to remove your brother's organs. What are you going to do?

If Israeli doctors went on strike this week because of the constant physical abuse they are subjected to by unsatisfied patients and their families, often complaining about the long waiting times to see a doctor, it doesn't take much imagination to visualize the level of violence that will happen in a scenario where organ donation will take place by force. Appeals for this new 'by force' legislation are justified in terms of fairness and personal autonomy - but as a public policy, it doesn't survive further reflection. And if implemented, I don't think the medical transplant staff would survive either.

If we want to increase organ donation in Israel we need to listen to the people who are refusing organ donation and ask them why. The majority of Israelis are secular Israelis – but this is not secularism as understood in other Western countries. Secular Israelis may not follow halakha during their lifetime, yet often when death intrudes, there is an instinctual 'return' to caring about halakha; many believe Judaism forbids organ donation.

We need to let them know that over 200 Orthodox rabbis in Israel carry organ donor cards and support organ donation. We need to let them know that years ago the Ashkenazi and Sephardi Chief Rabbis of Israel reviewed the medical and halakhic aspects of brain-stem death and concluded that it constitutes the death of the human organism, even while the human organs remain alive. That they ruled organs should be donated. We need to publicize the fact that more than a dozen chief rabbis around the world support organ donation. Passing laws will not sway the critical mass of Israelis. The answer to this problem is education and not legislation.

Robby Berman is founder and director of the Halachic Organ Donor Society, www.hods.org, that works to increase Jewish participation in organ donation programs.