

Chief rabbi's edict on organ donation raises supply concerns

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LONDON LETTER: Lord Sacks says organs should not be harvested while a respirator is keeping a brain-dead patient breathing, writes **MARK HENNESSY**

THE WORLD of British Jewry can be a contentious place, frequently riven with splits, discord and animosities. Now the community is in turmoil again following a declaration by Lord Sacks, the chief rabbi of Orthodox Jews in London, that organ-donor cards are not permissible under the Jewish law of Halacha, which, he says, does not allow for organs to be taken from people on life support.

Most of the Jewish Liberal, Reform and Orthodox schools, including Israel's chief rabbinate in Jerusalem, permit the removal of organs from patients left brain dead by accidents or illness; but a few of the Orthodox schools, including London's Beth Din, believe that a patient is only dead when the hearts and lungs have stopped and bar organ removal from those deemed to be brain dead.

The issue of organ donations within the global Jewish community came to the fore after the family of Israeli footballer Avi Cohen – a holder of an organ-donor card – refused to donate his organs after a motorcycle accident.

Lord Sacks, who is an influential figure in international Jewry because many Orthodox communities take their lead from the Beth Din religious court he heads, is not against organ donation. Indeed, he encourages it in most cases, such as kidney transplants.

The difficulty arises over when people accept death is deemed to have occurred: when the heart and lungs cease to function, “the irreversible cessation of autonomous breathing”, or in the case of brain-stem death.

In the first stage of some deaths, a patient's brain stem, which sends breathing instructions to the lungs, may cease to function, though a respirator may keep the heart pumping until a final decision is made by family and doctors.

The chief rabbi believes that the point of death is reached when the heart stops, leading

to a situation where organs could be removed if the heart has ceased, but not if a patient is brain-dead but kept alive on a respirator.

However, if doctors have to wait until after the heart has stopped before harvesting organs then they are often of no use for transplantation.

The conditions laid down for Orthodox followers by Lord Sacks, who does not carry an organ-donor card himself, mean that “an observant Jew could donate kidneys, livers or corneas, for example, but not heart or lungs”, said the London-based *Jewish Chronicle*, which has carried numerous reports and comments from readers on the issue.

Demanding changes to existing donor cards, Lord Sacks said donors should be able to make it clear that they agree to the removal of organs after their heart stops, but not if they are brain-dead. Either way, a rabbinical authority should be consulted before anything is done.

The British Medical Association and the National Health Service's Blood and Transplant Service already face a shortage of organ donors as they try to care for 8,000 patients who desperately need transplants. They now seek meetings with the chief rabbi, fearful that the controversy could cut the number of Jewish donors, who are vitally needed if the close tissue matches needed for patients from ethnic minorities are not to be affected.

In the United States, the Rabbinical Council of America – the country's largest modern Orthodox body – has taken a different line, though only after it overturned a report by conservatives in their ranks that mirrored the line taken by Lord Sacks.

In a statement earlier this month, the council declared its neutrality: "The RCA takes no official position as an organisation on the issue of whether or not brain-stem death meets the Halachic criteria of death."

The position taken by the London Beth Din has been roundly criticised, most particularly because while Lord Sacks has ruled that Orthodox Jews should not donate organs in such circumstances, he has not banned one of his followers from accepting a transplant from a non-Jew who was brain-dead at the time organs were removed.

Robert Berman of the Halachic Organ Donor Society, which campaigns to increase such donations, told the London *Independent* : "The London Beth Din has a right to reject brain death but it has to be consistent and not cynical. If Jews don't donate organs, they should not receive organs. If a Jew who is brain dead is alive in their eyes, then so is a gentile."

Questioned by the *Jewish Chronicle* , the chief rabbi rejected the argument as "spurious", saying: "The only question was whether the organ was given freely by the consent of the donor."

Clarifying his position further, Lord Sacks reminded opponents of a recent article, where he had written that "a good society is one in which organs are available according to need, and donated according to conscience.

"That applies to Jew and non-Jew, religious and secular. Even those who do not accept brain-stem death would still be able to donate organs in 70 per cent of cases, and a small addition to the procedure will allow all Jews to register. I will myself, and will encourage others to do so," said Lord Sacks.

If the changes he wants are made to donor cards he will, he said, carry one himself.

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