

Tablet

A NEW READ
ON JEWISH LIFE

Organ Donation's Legality, Jewish and Otherwise

Arrested kidney broker raises big questions

BY [MARC TRACY](#) | 3:32 PM JUL 30, 2009 | [Print](#)

Perhaps the most memorable of the 44 people arrested in last week's FBI sting was the Orthodox Brooklynite accused of trying to sell a human kidney for \$160,000. Such a transaction would violate a U.S. law, similar to those in most developed countries, banning the sale of human organs. A [piece](#) in today's *The New York Times* poses the question of whether such prohibitions really make sense. The argument for keeping them on the books is simple and powerful: as the *Times* puts it, "society's poorest people should not be enticed to sell their own bodies and ... its richest should not be able to buy their way out of the existing system." But these bans have not prevented an estimated 10% of the 63,000 kidneys transplanted annually in the world from having been illegally purchased; nor have they prevented the rich from buying organs from the poor—if anything, the bans exacerbate that dynamic by globalizing it, with the rich in rich countries buying from the poor in poor countries (where selling is legal). Additionally, one need not be an Ayn Rand acolyte to sympathize with a decriminalization argument premised on free markets and personal liberty. Finally, legalizing the practice would lower long wait times (an average of nine years in New York state), probably save lives, and, by bringing already-existent organ-selling under regulation, make it safer.

Meanwhile, last week *Slate* [tackled](#) the question of whether organ donation, illegal or not, accords with Jewish law. As to Jews serving as organ donors, the short answer is, Yes, Jewish law permits it, despite the claims of some that one may only be buried with all one's organs. As to Jews selling their organs, the question is more complicated, though there is an argument that it can be considered okay if done under the Jewish injunction to do practically anything you can to save a life. Yet despite organ-donation's kosher status, Jews are significantly less likely to be donors than Gentiles: only 8% of Israelis hold donor cards, compared to 35% of the residents of most Western nations.

The [Halachic Organ Donor Society](#) exists to educate Jews and to encourage Jewish organ donation to Jews and non-Jews. They are doing the Lord's work in several senses of the phrase. Certainly it would be a great pity, and a real damage done, if the sordid example of one disgraced Brooklyn kidney broker dissuaded Jews, or anyone else, from making a decision that could save one life (and save the world entire).

[Worldwide Market Fuels Illegal Traffic in Organs](#) [NYT]

[Organ Failure](#) [Slate]

[Whistle-Blowing Prof Played Key Role in Trafficking Case](#) [JTA]

Previously: [Insider Led Agents to Rabbis, Pols](#)

More in: [Ayn Rand](#), [Jewish law](#), [organ smuggling](#), [Syrian Jews](#)

Leave a Reply

Name (required)

Mail (will not be published) (required)

Website

Submit Comment

2009 Nextbook Inc. All rights reserved.

[Home](#) | [Arts & Culture](#) | [Life & Religion](#) | [News & Politics](#) | [The Scroll](#) | [About Tablet Magazine](#) | [About Nextbook Inc.](#) | [Contact](#) | [Terms of Service](#) |