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What does Judaism have to say about organ donation?

Response by Rabbi Peter Schweitzer

Today's shoppers turn to eBay, the on-line auction emporium, for anything they want including, briefly in 1999, a "fully functional kidney" that was placed for sale. Whether or not the offer was a prank or for real, and whether or not the bids themselves were authentic or fabricated, the bidding quickly rose to more than \$5 million, until eBay intervened and canceled the sale. Trafficking in human organs is a federal felony and eBay has a zero tolerance policy for illegal items on the site.

In my neighborhood I regularly pass by a dialysis center and often see patients being wheeled in and out of the building. I wonder what kind of quality of life they have. How do they cope with the bleakness of their illness? Are they on a transplant list and, if so, will they live long enough to rise to the top of that list. For these people, "who shall live and who shall die" must have a feeling of immediacy. In their case, they do not fear death by sword, by wild beast, by famine or by thirst but by transplant shortage. Because demand far exceeds supply thousands die each year because there are not available organs to go around.

Across all Jewish denominations, despite myths to the contrary, and across all religions generally, the predominant view is that making organ and tissue donations is a good thing. While some groups leave it to the conscience of the individual, others not only give permission but strongly encourage if not require this act of ultimate giving.

For Humanistic Jews, who are guided by self-imposed standards of ethics and behavior, there is no greater value than the sanctity of life. We honor the traditional notion of *pikuah nefesh*, the concept that one must act to save a life even at the expense of transgressing other prohibitions, not because this is halachically-mandated but because it is the right thing to do, independent of any religious system. It so happens that "You shall not stand idly by the blood of your neighbor" (Lev. 19:16) comes from our Bible, but there is nothing ethnocentric about this verse. It is good teaching for all people.

Organ and tissue transplants, beyond dispute, save lives and extend the quality of lives. The primary way these donations occur is as cadaveric transplants following elaborate protocols that determine the brain stem death of an individual. Traditional objections to these transplants – that they lead to a callous acceleration of death, a desecration of the body, or the dehumanization of the person – have long been dismissed by a series of safeguards. And yet there remains a resistance by many to offer up their organs or the organs of their loved ones in this way. Where does this resistance come from? Perhaps from a mixture of vanity ("I don't want my body to be marred"), fear of reprisal ("I don't want the deceased person's soul to be angry with me for giving away some of her organs") and plain anxiety ("I'm afraid that if I sign up to be a donor I'll jinx myself and have my life cut short").

The answer to these views is a simple one. On the one hand, we dismiss a belief in ghosts, a culture of narcissism, and old-fashioned superstition. More positively, we declare that there can be no higher legacy and tribute to the deceased than to serve in this final capacity as a life giver to others. And rather than deepen our pain at the time of our loved one's death, this ultimate act of generosity may actually soften our loss and even be uplifting. This has certainly been the case in Israel when the organs of a young Jewish woman, killed in a terrorist attack – or those of a teenage Arab boy killed by Israeli soldiers – were donated indiscriminately to Jews and Arabs alike, making what has been called a bridge to peace.

The ultimate act of altruism, of course, even greater than these noble deeds, is for a living donor to make the gift of an organ to a spouse, a sibling, or a friend. This is indeed a heroic act. Some will make it in a heartbeat. Others, perhaps under great pressure, may nonetheless be unwilling or unable to do the same, or they may be able and willing only to discover that they are medically ineligible. Who is to stand in judgment? How are we to understand their anguish? How are we to know what we would do if we found ourselves in the same position?

Finally, there is the matter with which we began – of selling human organs on the open market. This is not a theoretical question. The trade in human organs, primarily kidneys, already exists and is quite extensive. It thrives at the expense of the poor and destitute, whose sale of their body parts – ostensibly “legitimized” by the right to use one's own body as one pleases – is generally only a temporary salve to debts they have incurred. Moreover, their own post-operative health care is inadequate, their health condition is often worse after their donation, and their capacity to earn money – largely through physical labor – is likely to be diminished. Perhaps, one day, with improved medical techniques, guaranteed door-to-door medical care of the donor, and market regulation, all this will change. But for now, the freedom of the poor to sell their kidneys has been characterized as a “false liberty.” It is really nothing more than exploitation by the rich and ought to be deplored.

What can we each do individually? We can develop greater awareness of the need for organ and tissue donations and work through any resistances we have personally to becoming a donor ourselves. We can sign an “Anatomical Gift” card so that we have gone on record of our intentions to be a donor. And, finally, we need to discuss these wishes with our family so that they are prepared to deal with these issues in the time of crisis and loss. Then, our names will truly be for a blessing.

Rabbi Peter Schweitzer presents a view of Humanistic Judaism as a regular contributor to Moment Magazine's “Ask the Rabbis” column. The response printed here may be slightly altered from the version that first appeared in the magazine. You can find Moment Magazine on-line at www.momentmag.com.