

Jews, Judaism and Transplantation

(Delivered at launch of faith leaflets organised by NHS Blood and Transplant)

The Jewish community, which has had the longest experience of the “non – Christian” faiths in such discussion with UK Government, has a particular obligation to help other faiths (and minority ethnic groups) get recognition for our mutual worries and concerns about biomedical issues.

I am neither a Rabbi, nor a general authority on Jewish law – “*halachah*”; I work in immunopathology, so have some background in transplantation science; and as an observant Jew I am expected to live within the framework of “*mitzva*” – of obligations that act as guidelines to one’s behaviour.

Introduction

“Judaism is a religion of life, not death”.

(Head of the London Beth Din for Jewish presentation to Human Bodies Human Choices discussion with the Chief Medical Officer)

Concerns about organ donation are common to all. Jews are no different in this respect.

At a time of stress and grief, often linked to sudden unexpected illness and death, talking about donation, and reaching a decision, can be difficult for a family.

Each person is different, each donation is different - Judaism emphasises the individual nature of donation.

Judaism stresses the importance of seeking *halachic* guidance and advice to help in the decision and implementation process.

What are the terms of reference within which guidance and advice re organ donation is given?

In Judaism:

There is a strong tradition of caring for the sick.

“*Pikuach nefesh*” – “saving of life” – takes priority.

Any new development in medical treatment for serious illness raises questions:

Does the treatment indeed save life?

How do the beneficial effects balance with the risks?

Judaism and transplantation:

For the sick recipient, transplantation is life-saving.

To-day we know that the benefit of many types of transplant outweighs risk.

Organ donation falls within the caring tradition.

Donation for “*pikuach nefesh*” is not forbidden in Jewish law.

Some Rabbinic experts have expressed the view that there are circumstances where donation may be a “positive obligation”, or “*mitzva chiyuvit*”.

Judaism and donation

Blood donation is permitted

Jews participate actively in bone marrow transplant registries.

Jews have donated kidneys in “live related donor” programmes.

Jews donate corneas after death: blindness may not itself be life-threatening, but the consequences of blindness – falling, placing oneself in danger – might be so.

Questions raised by Jews about organ donation

Judaism holds that the body of the dead person must be treated with the utmost respect.
With the same honour and respect as in life – “*kavod hamet*”
Avoiding needless mutilation - “*nivul hamet*”

In addition Judaism teaches that:

No benefit may be derived from a dead body - “*hana 'at hamet*”.
Taking an organ may delay burial – “*halanat hamet*” – may result.
A concern that is often expressed – that “missing organs” are a problem for Jews at the time of future resurrection – is incorrect.

Halachic approaches to organ donation

Before advising donation, in the halachic approach the Rabbi involved would help the Jewish family to address several questions:

The idea of “*choleh lefanecha*” – you must not stand idly by when there is a sick patient before you.
(To-day modern communications, with rapid transfer of organs, means that “*choleh lefanecha*” does not mean a patient necessarily in the same hospital, town or country).

The concern that death of the donor, as defined in Jewish law, needs to have occurred before donation.
(Like all other religions, Judaism has grappled with this problem in recent years. No organ may be removed from a donor until death, as defined in Jewish law, has occurred. This creates specific problems where time is of the essence).

The respect due to the body after death

The balance between this respect and the concern for “*pikuach nefesh*”.

Future tasks within the Jewish community

Remember that there are two ways that you may be involved in organ donation:

as a donor

as the close family member whose opinion is sought.

The donor does not participate in the decision at the time

Discussion within families, and resultant better understanding of the Jewish approach to organ donation, is very important.

The individual case approach, with discussion within the family, and with time for consultation, is central.

It is for this reason that the Office of the Chief Rabbi and the Beth Din have been addressing the issue.

An ongoing educational process is necessary, which needs to be supported by Government – and not only for short term projects, as the expertise gained is soon lost, and as natural personnel changes means that this must be a continuing process.

The Jewish community has had serious concerns about proposals to move to a so-called “opt-out” system or organ donation, and does not favour the concept. If this is indeed being considered, then we hope that all religious groups will be involved at an early stage in any discussions.

The requests of the Jewish family involved in organ donation:

Request: adequate opportunity for consultation with Rabbinic authorities expert in this field during the decision making process.

Request: the principles of “*kavod hamet*” should be observed.

Request: burial in a Jewish cemetery should follow as soon as possible after donation, without unnecessary further procedures.

Request: organs donated and not used (or rejected), should be returned to the community for burial.

Remember: the donor can no longer perform the “*mitzva*” – it is the family that are the agents in it’s fulfilment

Useful references:

Leviticus 18:5 *Pikuach nefesh* “you shall therefore keep my statutes and my rules; if a person does them, he shall live by them”

Deuteronomy 21:23 “his body shall not remain all night upon the tree but thou shall surely bury him the same day” (Rabbinical commentary “how much more so for someone who is not a criminal”).

Talmud Tractate Sanhedrin 46b – “whoever leaves his dead lie overnight transgresses both a positive command (but thou shall surely bury him the same day) and the negative command (his body shall not remain all night upon the tree)”

Genesis 50:10 *Shiva* “...and he made a mourning for his father seven days”

Chronicles II 32:33 *Kavod Hamet* “Hezekia slept with his fathers...and the inhabitants of Jerusalem did not honour him at his death”

Organ Transplants in Jewish Law. Rosner F in Selected Topics in Jewish Medical Ethics ed Rosner Goldstein and Reichman pub Hojers Forlag Denmark 2003 p52-69

Judaism and Organ donation: NHS Blood and Transplant leaflet

https://nhsbtdbe.blob.core.windows.net/umbraco-assets-corp/11350/judaism_and_organ_donation.pdf