

Organ Donations Affirm Jewish Values

by Rabbi Charles Sheer

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The hospital social worker's page was clear: "Patient is dying; please send a rabbi; the family might need support." In the room I found the patient on a respirator, surrounded by tubes, monitoring devices, wife and family. "He's been hooked up for three days," a daughter said. "We're just waiting for the doctor to declare that Dad is gone." Her voice wavered but she added, "We're prepared for this."

The doctor did tests to ascertain total and irreversible neurological death had occurred. Then, with the family's concurrence, he removed the devices that had artificially maintained his body.

I invited the family to join in a circle. Some rituals, prayers, tears, but I assessed that the daughter was correct: the family seemed "ready" for this.

At that point, someone else entered the room. He expressed his condolences and with much sensitivity and appropriate language, identified himself as a staff member of the New York Organ Donor Network. He gently asked whether the family would consider allowing their father's organs to become a life-saving vehicle for others who were gravely ill.

The family stood in silence, looking at each other. "I don't know," said the mother. "I never thought about this." One child blurted out: "Dad would not want this." Another shook her head: "How do you know? When I go, I want you to donate my organs to save another person."

"We have a brief window when organs can be transplanted; maybe you want to discuss this together," said the man. "No," said the mother, "I don't want to do this." He thanked them for considering his request, repeated his condolences and left the room.

I have gone through this with families a few times. Each instance was painful. Organ donation is not yet a topic that most families discuss, even those "prepared" for loss. But it should be. Modern advances in medicine allow for life-saving transplants after neurological death, with very high survival rates. Recent New York State legislation allows one to register consent for organ donation, and, in those instances, family authorization is no longer required by law.

More than 100,000 individuals are on the national list for an organ transplant. Each day, 18 die for lack of one. When surveyed, Americans overwhelmingly respond positively to the concept; yet, the average national consent rate (at time of death) is 69 percent. In New York it is 57 percent.

How should we, as Jews, respond?

The positions of rabbinic movements are as follows. The Central Conference of American Rabbis (CCAR, Reform) issued a responsum (1968) that fully supported organ donation. The Rabbinical Assembly (RA, Conservative) Law Committee stated that one is obligated to permit transplantations in life-saving medical procedures and withholding consent is contrary to Jewish law. Both Reform and Conservative synagogues have active campaigns to educate their congregants to register as donors. The Rabbinical Council of America (RCA, Orthodox) issued a Health Care Proxy (1991) that supported organ donation based upon the opinion of Rabbi Moshe Feinstein and the Israeli Chief Rabbinate, who accepted neurological death as death.

Some rabbinic decisors in the RCA and Israel do not accept brain death, and some have a different understanding of Rabbi Feinstein's position on brain death. The RCA is currently reviewing the issue.

It is my sense that many Jews refuse to donate because they confuse it with the Jewish position on autopsy. Judaism has traditionally opposed desecrating or receiving material benefit from a corpse; it also mandates speedy burial. Autopsies are generally opposed unless the information obtained will save the life of one who is "before us." Often, even Jews who are not traditionally observant mistakenly invoke this position to sustain their objection to organ donation.

My teacher, Rabbi Moshe Tendler, ruled that these concerns are superseded by the religious imperative to save life: "In truth, [organ donation] is not a desecration. No greater honor can be bestowed on an individual than that of being a savior of as many as eight lives through [organ] donation..."

A pastoral element supports Rabbi Tendler's position. Modern technology helps us to confront the most painful human experience — the loss of a loved one — with an act of love. We cannot overcome death. However, by donating organs our beloved continues to be present in the recipient whose life may be saved by this act. This can bring a measure of consolation.

In some ways organ donation is like bringing a child into this world. Both acts can and should be the result of human love, and the deepest caring for life and the future of humanity. The "creation" of life by bringing a child into our world, and the giving of life by organ donation, are means by which we imitate God, the ultimate Giver of life. In Jewish thought, this is the noblest deed we mortals can do.

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Rabbi Charles Sheer is Director of the Department of Studies in Jewish Pastoral Care, **HealthCare Chaplaincy**, which together with The Jewish Week, will hold a free "Community Forum on Organ Donation" on Sunday, Feb. 22, at 7 p.m. at UJA-Federation.

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