



Ziegler School of Rabbinic Studies

OF AMERICAN JEWISH UNIVERSITY

ORGAN DONATION: THE GIFT OF LIFE

Part of what makes organ donation a hard topic to discuss is that its merit seems so self-evident (comparable to whether to endorse motherhood or considering apple pie to be a problem) At one level, I don't understand why there is any discussion at all. Organ donation has so many obvious virtues to commend it – the person who's donating the organ either isn't using it any longer or doesn't need it at the time, and the person who does need that organ can literally have the gift of life given to them. So, in some sense, we shouldn't be having a conversation at all; we should simply be going out and enlisting organ donors! Discussion, in some ways, is a bow to the fact that this issue has been unnecessarily complicated. My job in this brief essay is to explain why the issue has become more complicated than it really ought to be, and then reveal that it shouldn't be as complicated as we've made it out to be.

Why is organ donation a Jewish issue in the first place? There are several laws in the Torah that pertain to the issue of organ donation, although we do need to remember that there was no organ donation in the biblical period. In terms of direct prohibition, the Torah has nothing explicit to state. There's a lot said in the Torah about, for example, improperly slaughtering a cow for sacrifice, or not eating pig meat, or a variety of things that the Torah is quite clear on; but organ donation is not on that list. Texts relevant to organ donation are either post-biblical, or involve reading backwards, or reading principles that have to do with something else but now pertain indirectly to organ donation. Applying Biblical tradition to organ donation is an act of legal creativity (in the very best sense).

The first Torah law raised in this realm is that one is not allowed to benefit from a corpse. The second is the prohibition against disfiguring a corpse; this is called *nivul ha-met*; a very important principle in Jewish practice in that the integrity of the remains is to be respected. That's why Judaism traditionally does not permit cremation, and insists for burial soon after the death.

Finally, there's an issue of the definition of death: what actually constitutes being dead? How do we measure death? The first time we have a definition of the measurement of actually being dead is in the Talmud, where a rabbi put a feather under the nose of the recently deceased. The feather's lack of fluctuation was how they determined that the person was, in fact, now deceased.

Of course, modern science has moved us beyond the feather. I say that not to belittle what they did in the Talmudic times. What the rabbi in the Talmud was doing was applying the most sophisticated and delicate technology possible in order to ascertain whether or not there was still life; at the time, the most sophisticated measurement possible was a feather. Now we have technology that can measure more precisely than can a feather under the nose. What that has meant is that until recently, death was measured by the cessation of the heart. Now, if one is about to perform a heart transplant, that definition poses a serious logistical problem. The way death is measured in hospitals is by brain-stem death. Now, if one is still relying on the traditional Jewish measure of death, which is the heartbeat, then brain-stem death doesn't enter the equation. The problem is that for some transplants, by the time you get heart stoppage, you've already lost usable organs, particularly the heart. So choosing a definition of death becomes a pressing medical/religious issue as well. A secondary Jewish issue is that of bodily wholeness. It's a tradition in Judaism that if a significant part of the body is surgically removed, then it must be buried, often in the same grave that will eventually shelter the rest of the body when the time comes.

Those are the four primary issues: (1) not benefiting from the dead, (2) not using dead tissue, (3) how you define death, and (4) bodily wholeness, that make organ donation more religiously complicated for those of us who try to live our lives by the light of the Torah and its traditions. And then I think there is actually a bigger issue underlying all of that: we don't want to admit that a loved one is gone. We don't want to admit that the loved one isn't coming back, and we certainly don't want to admit that that fate will be ours someday. So we hold onto reminders of the living person; we don't want to go through the closet and remove the clothing, and we certainly don't want to be taking organs from the body of our loved one.

Because of that understandable reticence, I need to remind you of an important religious principle in Judaism, and that is *pikkuah nefesh dokheh ha-Shabbat*, saving of a life overrides even the Sabbath. This principle is particularly stunning precisely because the Sabbath is one of the Ten Commandments. The violation of Sabbath law in the Torah and in rabbinic law is a capital offense. In other words, violating Shabbat is as big a no-no as they come, yet the saving of a life is even more important! Indeed, the saving of a life is more important than *any* ritual restriction that Judaism imposes, and hesitancy about donating an organ is ultimately a ritual issue.

Reluctance to donate an organ is not a moral issue; it is a ritual issue. No one thinks it's unethical to donate an organ. The concerns that people express are fears about proper burial or consequences in the World to Come. Let me remind you of the line in *Massekhet Sanhedrin* in the Talmud, which teaches that "one who saves a single life is considered as having saved the entire world." That's the moral lesson that the rabbis derive from the story of the creation of Adam and Eve in the Garden – through that single couple an entire world was created. Each and every human being is a potential world.

We are in part, as the song goes, material girls (or guys). But we are really, really spiritual creatures. And the material world to which we are so attracted is actually a way station on the journey. We are here but for a very brief time, and ultimately, our true home lies somewhere else. Are we less ourselves without a part of ourselves – a limb or an organ?

The process of living is the process of “embracing with open arms,” of being able to give up what we once possessed and discovering that that something wasn’t our essence after all. That process of gracefully surrendering what was once ours is a fundamental expression of human wisdom and realism. Most of us were once able to do something athletic that we’re no longer able to accomplish. If you’re like me, you once had brain functions that are no longer accessible (no coincidence that the scales fall off the salmon right after they spawn!)

We are ultimately created, we are taught, in God’s image, which is the Torah’s way of saying that our essence is not of this world, that ultimately our core is not here. We are placed within physical, material creation to do something with this brief moment we call life. What we are commanded to do is to honor creation, *k’vod ha-briot*; we are to love our fellow creatures, *ahavat ha-briot*. And we are to conduct our lives in such a way that God’s sovereignty is made more visible and more great. I cannot imagine any gift more important than to make it possible for another human soul to live their time on earth more fully. By giving someone the eyes to see; by providing them the organs to filter their blood or to pump their blood; by offering them the ability to stand yet again or to touch or to reach, in doing that, we fulfill a mitzvah of the highest order, and that is why organ donation is a mitzvah, why the Rabbinical Assembly’s Committee on Law and Standards (Conservative Movement) has ruled that the giving of an organ is not optional, it is mandatory.

According to the *Tzava’at Ha-Rivash*, an early modern work of Jewish spirituality, each Jew should regard each and every moment as an encounter with God, and say of each person in front of them, “Why is God sending me this person? Why is God sending me this challenge or this moment? What am I to learn from it?” Along similar lines, the Mishnah teaches us that you should regard the world as evenly balanced between the forces of good and the forces of evil. Your next deed will be the one that makes the difference. This assessment is no fantasy, and that delicate balance is no metaphor. We are faced now with the choice of providing the gift of life, and of giving real quality of life to other people who can then savor each moment as we do now. I want to commend you, and I want to commend Hadassah for stepping into this breach, and for standing up for a Judaism robust and strong enough to teach that the life of the body is but for a moment, the life of the soul is for eternity, and we can enhance both by giving away what is merely on loan.

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