

New York - Preferring Dignity of Kidney Seller to Death of Kidney Buyer, Morally Absurd



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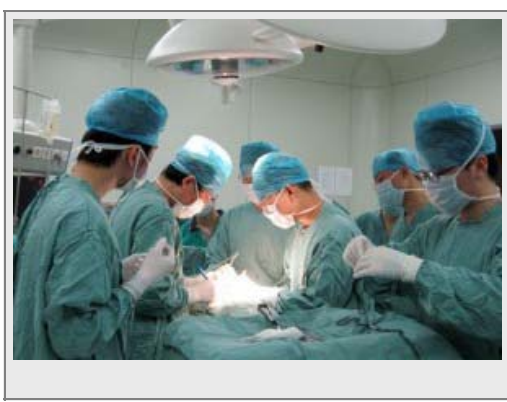
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ת"ד



New York - I am responsible for the needless deaths of more than 100 Jews. All were victims of kidney disease, literally and figuratively dying on dialysis. They pleaded with me to introduce them to people willing to sell their kidneys, and I refused to do so because it is illegal.

If media reports are true, however, Sammy Shem-Tov and Dmitry Orenstein of Jerusalem did work as a kidney shadchanim (matchmakers) - saving hundreds of lives. Their motives weren't pure. It took lots of money to get them to break the law and risk prison. So who acted morally and who did not? To me the answer is obvious. They are heroes even if

they became wealthy in the process.

A recent Gallup poll survey shows the majority of Americans support the buying and selling of kidneys as long as it is government-regulated and supervised, precluding the slippery slope situation that is rampant in China. A growing number of think-tanks, economists, philosophers, rabbis and ethicists around the world support repealing the law that makes it a crime for people to receive "valuable consideration" for giving up a part of their body to save a person's life.

The proposed program would ensure adequate compensation, full disclosure of risks, and life-long health insurance for the donor, and equitable distribution of the purchased kidneys to poor and wealthy recipients alike. But certain medical organizations and politicians insist such an amendment would be morally repulsive.

History is replete with examples where "repugnant" actions later became considered moral. In the early 19th Century, for example, the concept of life insurance was taboo. Placing a monetary value on a life, or an arm, was considered revolting. Yet today life insurance is considered moral because society realized the end result: The value it provides to orphans and widows.

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Some claim, for example, that paying a donor for his kidney is an affront to "human dignity," yet we ignore human dignity when we allow the indigent to sell their sperm, eggs, and hair and rent out their wombs as surrogate mothers.

Preferring to preserve the dignity of the would-be kidney seller at the cost of the death of the would-be kidney buyer is morally absurd. It does not withstand serious reflection. And to prevent poor people from selling their kidneys out of concern for the health risk involved is misplaced paternalism, as silly as forbidding poor people from working in coalmines.

Isn't autonomy another human value? Let the poor decide what they want to do with their kidneys as they do with their sperm and eggs. The surgical risk of donating a kidney is the same as undergoing a nose job, and living with only one kidney does not shorten the lifespan of the donor.

Motive never monochromatic

Opponents love to suggest that this logic dictates we allow the poor to enter prostitution and sell illegal narcotics. Yet this analogy merely proves my point. Remove money from the equation and these acts performed for free are still considered by society as being immoral, the end result providing a temporary pleasure, and not serving the public's best interest. But the end result of donating a kidney for free saves a human life and is currently encouraged by society.

Motive is never monochromatic. Someone can be motivated to do something for many reasons and that doesn't make their motive "impure." Many firefighters are paid for their work. When they run into a burning building and risk their lives to save a child are they any less of a hero because they receive a paycheck? People become physicians to help others as well as to make a good living; does this make their act of healing morally tainted?

Quite the opposite. Depriving the kidney-donor from "valuable consideration" is an insult to his dignity. When a soldier loses a leg in Lebanon and asks for financial compensation from the government, no one bristles. No one demands that his motives be pure - serving his country out of a sense of duty - not expecting anything in return. Society knows the soldier deserves compensation for what he sacrificed.


Where does halacha stand on this issue? While there are positions on both sides of this debate, the overwhelming majority of major rabbinic decisors, such as Rav Shlomo Zalman Auerbach and former Chief Rabbis Goren, Lau, and Ovadia Yosef, is in support of paying for organs. Their logic: Donating a kidney saves a life. It is a mitzvah. There is nothing wrong with giving someone money as an incentive for him to do a mitzvah. Receiving money does not change the nature of the act.

I urge the public to write Knesset members. If the lawmakers won't change the law, then let us change our lawmakers. At the very least, it should be legal to remunerate families for the donation of cadavers because most of the objections refer only to living donors. Over 100 Israelis and 7,000 Americans die every year as a result of the dearth of organ donors. We need to act now. Judaism is supposed to be a light unto the nations: let it be so.


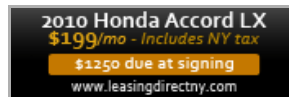
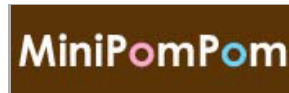
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1

Nov 13, 2009 at 12:03 PM

[Anonymous Says:](#)

Very, very well written. Points taken and accepted.

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2

Nov 13, 2009 at 12:28 PM

[Anonymous Says:](#)

I found this to be insightfull, thought provoking and extremely well written
I find it hard to argue conceptually with many if not all of his points. However, I would posit that if these types of transactions should ever be legalised, there would have to be extreme safeguards put into place to prevent predatory shadchanim such as those mentioned in the article from deriving most of the financial benefit, and only compensating the actual donor a small percentage of the money.

[Reply »](#)

3

Nov 13, 2009 at 12:24 PM

[Boruch Says:](#)

Yes, this is a very worthwhile movement. I also believe that once selling organs becomes legal, the price of such organs can also become more affordable due to a potentially large supply of donors.

However, you should put in here the adress of where the letter should go to, and also a sample letter or guidance on what to put in.

[Reply »](#)

4

Nov 13, 2009 at 12:14 PM

[mark Says:](#)

I agree 100 percent, that it ought to be legal. The surgeon, as well as every hospital employee gets paid real money, yet the donor doesn't even get compensated for his loss of income due to many many hours of lost work. Just like money incentivizes people into life saving via the study of medicine (becoming doctors) why not incentivize saving lives via kidney donation?

There are waiting lists for people requiring kidneys which usually takes 7 years until they can have their request fulfilled. A huge amount of patients die in the process of waiting. Why not give these patients a chance at life, via incentivizing giving.

[Reply »](#)

5

Nov 13, 2009 at 12:00 PM

Midwestern Guy Says:

So, if the "shadchan" holds a gun to the head of a "donor" who tries changing his mind, does that make him a hero?

Don't get me wrong, I think that there is plenty of room for a better system for organ donation (even with profit), but the recent cases were just plain disgusting.

[Reply »](#)

6

Nov 13, 2009 at 11:54 AM

I'm pro this. Says:

Fantastic idea. Infact its a shame its not already legal. Thousands die a year for no reason. There are many poor people who once informed of the risks will be ok with it. I hope it passes.

[Reply »](#)

7

Nov 13, 2009 at 11:49 AM

Anonymous Says:

Wow.....good article.

[Reply »](#)

8

Nov 13, 2009 at 01:44 PM

Robert Says:

there are points well taken and i for one would like to see organ selling legalized in a fair open and transparent process.

on the other hand if there is no transparency then this is a form of stealing and morally wrong even if it saves lives.. I know the rebuttal but if it was my life etc..

taking it to the absurd extreme is it ok to kidnap someone to harvest his kidney and set him free so as to save a life? i hope we all agree that is wrong even if a life is saved, so the life saving argument is not absolute.

also for people who are so highly principaled that they are saving lives and that is their motivation (ofcourse money has nothing to do with it) then brokering openly as a form of civil disobedience and bringing attention to this will hasten the necessary legal reform .. as long as

we live in the diaspora we need to follow the civil legal structure especially in a country such as the usa which is a righteous country. in fact a legal system is one of the 7 noahide laws that God places on the nonjewish world..

[Reply »](#)

9

Nov 13, 2009 at 12:56 PM

Dave Says:

So in the western countries, millions of people volunteer to be organ donors.

In Israel, very few.

And your argument is that legalizing the sale of organs in Israel would make Jews a "light to the nations"?

[Reply »](#)

10

Nov 13, 2009 at 12:56 PM

Anonymous Says:

Reply to #5 [Show Quote](#)

So if someone holds a gun to ur empty head so that you sell him a car we should ban car sales. RIGHT?

[Reply »](#)

11

Nov 13, 2009 at 12:30 PM

Anonymous Says:

I've always felt the same way

[Reply »](#)

12

Nov 13, 2009 at 04:16 PM

Anonymous Says:

Reply to #2 [Show Quote](#)

it's only because it's illegal that the price is that high and such a big percent goes to the "shaddchan" (because of the big risk he is taking!)

If it had been legal one could put his own classified in the paper for \$20!

The free market would set the price for the seller and the supplier appropriately!

[Reply »](#)

13

Nov 13, 2009 at 03:46 PM

Anonymous Says:

Actually very few westerners volunteer their kidneys to non relatives, much more Jews by percentage do.

[Reply »](#)

14

Nov 13, 2009 at 03:40 PM

formally Says:

I am responsible for the needless deaths of more than 100 Jews. All were victims of kidney disease, literally and figuratively dying on dialysis.

The same logic can be said of the robonum who do not let a kidney to be taken from a brain dead person. So let make it halacha legal

[Reply »](#)

15

Nov 13, 2009 at 03:24 PM

LARRY LENNHOFF Says:

Chulin 92b-

Rough translation:

"Ullah said, '...thirty commandments [were] accepted by the sons of Noah, but they only kept three: they don't write ketubahs for homosexuals, they don't sell human flesh in the marketplace, they honor the Torah..."

Does this have any bearing on selling organs for money? I'm inclined to think so.

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16

Nov 13, 2009 at 04:48 PM

Dave Says:

[Reply to #13](#) [Show Quote](#)

So few Israeli's are organ donors that Israel risks limitations on receiving organs

[Reply »](#)

17

Nov 14, 2009 at 03:04 PM

Yonason Herschlag Says:

[Reply to #14](#) [Show Quote](#)

Some people who have been declared dead have had full recoveries. In fact this is quite

common, and such cases have been reported in the news as well. Had such a person had his organs removed, that would certainly have hampered their recovery. The rabonim have a word for this:

Murder.

[Reply »](#)

18

Nov 14, 2009 at 06:01 PM

Robby Says:

Reply to #5 [Show Quote](#)

I don't believe that to be true. But if it turns out to be true of course we should condemn it. A legalized system with oversight, checks and balances, etc, should prevent that type of behavior.

[Reply »](#)

19

Nov 14, 2009 at 05:57 PM

Dave Says:

Reply to #17 [Show Quote](#)

Quite common? Please define "quite common".

[Reply »](#)

20

Nov 14, 2009 at 06:05 PM

to number 17 Says:

Reply to #17 [Show Quote](#)

A person can be mistakenly declared dead. But no one has ever "woken up" from brain-stem death if all the testing required has been done and then repeated after 24 hours.

[Reply »](#)

21

Nov 14, 2009 at 06:37 PM

Anonymous Says:

why does the article writer not have the guts to give his name?????

[Reply »](#)

22

Nov 14, 2009 at 07:30 PM

Anonymous Says:

I think your referring to kidney from dead. From live it is different.

[Reply »](#)

23

Nov 14, 2009 at 08:27 PM

Anonymous Says:

great article. if it was legal it would lower the cost to buy. One and that would take away most of the problem .just saying

[Reply »](#)

24

Nov 14, 2009 at 09:53 PM

Anonymous Says:

Organ-selling is a form of slavery, in essence, partial slavery. It is exploitation of the poor.

"And to prevent poor people from selling their kidneys out of concern for the health risk involved is misplaced paternalism, as silly as forbidding poor people from working in coal mines." There's a lot more to say about this subject than this breezy comment. Surgical removal of a kidney is far more invasive than donating hair, sperm, or blood. Organ donors have died at even the best hospitals. There are long term effects. I'd like to read more about the arguments against the commercialization of organ donation.

[Reply »](#)

25

Nov 14, 2009 at 10:49 PM

Charlie Hall Says:

Reply to #17 [Show Quote](#)

Please cite such a case. I've never seen one where someone has been declared brainstem dead for 24 hours.

[Reply »](#)

26

Nov 14, 2009 at 10:48 PM

Charlie Hall Says:

Reply to #14 [Show Quote](#)

The author is the founder and director of the Halachic Organ Donor Society (www.hods.org). I am pretty sure that he supports the position of Rabbi Dr. Tendler and most rabbis in Israel who hold that brainstem death is halachic death.

[Reply »](#)

27

Nov 14, 2009 at 11:11 PM

mark Says:

I have no idea why it isn't commonplace in the frum community, to remove a kidney from an accident or murder. In such victims, the organs are usually healthy as it was not disease that took their life. I'm pretty sure halacha is against donating an organ to an organ bank, but when they have people waiting for it, that it would be used immediately. And by techias hameisim, they will live fine with one kidney.

[Reply »](#)

28

Nov 14, 2009 at 11:51 PM

mark Says:

I meant to say, that when it isn't just to send the organ to a bank, but rather they identify an actual sick patient waiting for the organ, that in this instance, I believe it's halachikally sanctioned (permissible) to donate his/her organ.

[Reply »](#)

29

Nov 14, 2009 at 11:07 PM

time 4 change Says:

great article, let's get these guys off and bring in MORE kidneys and save more people. its my kidney let me do what I want with it .

[Reply »](#)

30

Nov 15, 2009 at 10:55 AM

Anonymous Says:

There are a lot of chareidy kidney donors donating their kidney to unrelated people thru wonderful organizations such as Renewal.

These donors are Malachim giving the gift of life to people they never met

[Reply »](#)

31

Nov 30, 2009 at 08:06 PM

Anonymous Says:

Are you people crazy? There is a reason it is against the law to buy organs. The poor become livestock for the wealthy. Nothing more than Human cattle to be harvested. The reason this is illegal is BECAUSE people can feel desperate enough to sell their organs. Enough people die every day to provide more than enough organs. So here is a thought why don't you head on down and get yourself a donor card. So, should something happen to you someone else will get the organ they need.

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32

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