

Slate

FAITH-BASED

Organ Failure

The arrests of rabbis who trafficked body parts uncover more complicated issues.

By Benjamin Cohen

Posted Friday, July 24, 2009, at 4:11 PM ET

With the right ingredients of salaciousness and scandal, the news appeared to be straight out of a Hollywood screenplay: corrupt politicians, money laundering, people being arrested by the busload, raids on synagogues, an Apple Jacks cereal box [stuffed with \\$97,000 in cash](#), and rabbis trafficking organs. Allegedly, one paid \$10,000 to an impoverished Israeli for his or her kidney and tried to sell it for upward of \$150,000 in the United States. The criminal complaint quotes the rabbi as saying he was in the organ business for a decade. (And in a you-can't-make-this-stuff-up twist, it wasn't even the day's only story on [Israelis trafficking human body parts](#).)

The rabbis' organ trafficking was only one of their many indiscretions. In addition to being against the law, it raises a complex bioethical issue for Jews, one laced in a culture of moral imperatives. Is illegally buying an organ really wrong if it's saving someone's life? Is paying for altruism, by definition, counterintuitive? Jews have been battling this quandary for a long time, especially when you consider how little they themselves actually help the cause of transplantation.

"Jews don't like to donate organs," says Rabbi Michael J. Broyde, one of the founding members of the Beth Din of America, the equivalent of the Supreme Court of the Jewish justice system. "They don't donate at the rate of other social groups." This imbalance—of taking more from organ banks than they are putting in—has put Jews around the world at odds with transplant technology. Israel has suffered for years with an organ shortage, forcing its residents to engage in "transplant tourism" in places across Europe and, most notably, in China. According to statistics from Israel's transplant authority and the United Network of Organ Sharing, the number of people who hold an organ donation card in Israel is at a paltry 8 percent. Most Western countries hover closer to 35 percent.

In an attempt to repair the disparity, Israel passed a law last year that made it easier to become an organ donor. But it took a while. Earlier versions of the bill failed because people feared it would lead to "[rabbinical supervision](#)" of the time of death: They thought doctors and rabbis might conspire to hasten a patient's death if they knew they could harvest organs. An Israeli organization called Adi, formed by a family who lost their son while he was waiting for a kidney transplant, has worked tirelessly to try to promote awareness among the Israeli populace of the moral imperatives of being an organ donor. But for a religion that prides itself on being a "light unto the nations," it's an oddly uphill battle. Some in the ultra-Orthodox community oppose the Adi initiative so fiercely that they have actually created "[life cards](#)" that state explicitly that the cardholder does not want to donate organs under any circumstances.

There are a whole host of reasons why Israelis—and Jews in general—don't wish to part with their anatomy even after they die. For some, it's simply taboo, yet another guilt-laden stigma in an already guilt-laden religion. Others believe it is a biblical commandment to be buried whole without any missing organs.

Judaism is riddled with hundreds of laws that dictate our daily existence. Interestingly, the Torah itself rarely, if ever, connects a specific commandment to a specific reward; the logic being, if you knew the "value" of each commandment, it would be easy to pick and choose which ones to obey. Only twice in the entire Old Testament are rewards mentioned—by the commandment to shoo away the mother bird before taking her chicks (a mere flick of the wrist) and the commandment to honor your parents (an often lifelong difficult task). The Bible states that the reward for both those commandments is exactly the same: long life. In a sense, what Moses was teaching was that the value of the seemingly simplest commandment and of one of the hardest are actually in the same.

But Jewish law, just like secular legal theory, is filled with judicial loopholes. A major one is that for the sake of saving



a life, a Jew is allowed to break just about any commandment. For example, if a Jew is injured on the Sabbath, he is certainly allowed to go to the hospital even though he normally doesn't drive on Saturday. Life or death matters trump all but a handful of commandments. And as far as organ donation goes, two biblical verses are trotted out to quell the uneasiness among Jewish donors. "You shall surely heal" (Exodus 21:19) and "You shall not stand by the blood of your neighbor" (Leviticus 19:16).

While this all sounds well and good, there's another Jewish law that can put a hamper in that artery you were about to donate: the prohibition against desecrating a dead body. Is posthumously donating an organ considered desecrating? Complicating this is determining what actually constitutes "dead"—does brain-dead count? Doctors might say one thing, while some rabbis might say another. Taking a Jew off life support can fast become an exercise in intellectual gymnastics once rabbis are consulted.

But most mainstream American rabbis agree on one thing: Organ donation is not only allowed but is considered something to strive for. Enter the [Halachic Organ Donor Society](#), a nonprofit whose mission is to dispel the myth that Jewish law opposes organ donation. Their rabbinic advisory board, a veritable who's who of the spiritually elite, is promoted on their Web site next to the HODS version of an organ donor card. Even the HODS cards can't seem to define death perfectly: Carriers [choose](#) whether their organs may be harvested after "[i]rreversible cessation of autonomous breathing (as confirmed by brain-stem death)" or "[i]rreversible cessation of heartbeat."

Rabbi Broyde, a professor of law at Emory University and himself a member of HODS advisory board, favors making posthumous organ donation mandatory to provide a surplus of organs. "The real question is, Why is there a shortage? Why do people go out and buy kidneys? Because they desperately need kidneys and there aren't any," he says matter-of-factly. "There's no black market for feces," he adds. "There's no black market for things that nobody wants."

A 62-year-old friend of mine is the recipient of two organ donations—a kidney and a pancreas. It's why he's still alive and breathing. I asked him what he thought about the rabbis trafficking organs. Surely, he must be upset. After all, these rabbis were cheating the very organ bank system that had saved his life. His response surprised me: He said he had no problem with it. For him, it's all about saving lives.

On that level, it actually doesn't surprise me to find out rabbis were trafficking organs. It's salacious, yes, but not far-fetched. They sincerely felt they were not hurting anyone; indeed, by giving life to another, they probably felt they were mimicking the divine. They were in the business of saving lives. It certainly doesn't justify their illegal activities, but it does help explain it. As Broyde put it bluntly, "They probably wouldn't deal heroin."

Benjamin Cohen is the author of [My Jesus Year: A Rabbi's Son Wanders the Bible Belt in Search of His Own Faith](#), named one of the best books of the year by Publishers Weekly. He is also the content director for the [Mother Nature Network](#). Visit him online at www.myjesusyear.com.

Article URL: <http://www.slate.com/id/2223559/>

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