

## Gifts of the Body

*Amending the Jewish take on organ and whole body donation*

By **Regina Sandler-Phillips** | June 12, 2015 12:00 AM



*A large manila envelope lies on my desk. Marked “To Be Opened in the Event of My Death,” it contains the most recent version of my ethical will and related documents.*

*Ethical wills have a long and honored history in Jewish tradition, dating back millennia to the requests of biblical figures like Jacob and Moses. While a legal will deals with matters of tangible personal property, an ethical will, sometimes called a legacy letter, is a statement of intangibles: the experiences, values, hopes and related instructions that we leave for our survivors.*

*But some intangibles—like human equality and reverence for life—need to be expressed in practical terms. My papers in the manila envelope are arranged in the order my survivors will need to see them. My simple burial instructions are on top, along with confirmation of **enrollment** in my state registry as an organ and tissue*

donor.

*The belief that Jewish law prohibits anatomical gifts after death is a myth—one that does not acknowledge the impact of scientific advances on the halakhic process. Pikuakh nefesh, saving a life, is a supreme Jewish value. And with growing transplantation success rates, it is much easier for rabbis across **denominational lines** to affirm the direct lifesaving benefits of organ donation. In fact, the Halachic Organ Donor Society, or **HODS**, was founded in 2001 to bring this vital message to Orthodox Jewish audiences and to demystify the range of halakhic, medical, and social considerations.*

*Beyond the evolving Jewish consensus on organ donation are challenges of whole body donation, since there can be no lifesaving medical advances without hands-on research. In either case, the myth that Jews shouldn't offer gifts of the body after death needs to be laid to rest. There are lives at stake.*

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*I was living in Israel in 1991 when I wrote the first version of my ethical will, as the Gulf War loomed. Some of my brief original text is preserved in the current version.*

*This much has not changed: If I am to meet my death through violence, please know that I confronted this possibility in advance, and that it does not negate any of the work I have done or the values I hold dear.*

*I came through that war and returned safely to the U.S., but violence in the region has claimed the lives of many others. Two decades ago, 20-year-old Alisa Flatow was left brain dead in a terrorist attack. “Over the previous year or so, I had heard lectures in Jewish law on the permissibility of organ donations under certain conditions,” recalled her father, **Stephen Flatow**. “I also knew the Talmudic dictum that ‘one who saves a life is as if he has saved an entire world.’ ... So we donated Alisa’s organs—heart, pancreas, liver, lungs, and two kidneys—to six people.”*

*In 2002, when **J.J. Greenberg** was killed in an Israeli traffic accident, his organs were also donated to six recipients. I have heard the Orthodox feminist author **Blu Greenberg**, J.J.’s mother, speak three times about Jewish organ donation from her personal experience, and I would willingly hear her story many more times. It is a transformational mitzvah of telling and listening, honor and consolation that cannot be shared enough.*

*According to the Department of Health and Human Services, an average of 21 people die every day in the United States for lack of donated organs. Certain rabbinical authorities do not accept **brain death** as the halakhic end of life, and this significantly limits options for transplantation. But for most Jews, the primary obstacle today is not halakhic—it’s an often unconscious restriction of what it*

means to care for “our own.”

*“I will lecture and spend an hour explaining how the Torah supports organ donation,” HODS founder Robby Berman has **reported**, “and they say, ‘Yes, yes, yes,’ and then they walk out and say, ‘Still, I think Jews don’t do that.’ ... I think to a large extent people hide behind the skirt of halakhah and use it as an excuse.”*

*The connection between saving one life and saving an entire world has been passed down in two Jewish variants. The teaching recorded in the **Tosefta** and Jerusalem Talmud is the universal one quoted by Stephen Flatow, while the teaching recorded in the Mishnah and Babylonian Talmud restricts concern to “one Jewish life.” This classic **tension** between the universal and the tribal seems to lurk at the core of a particularly Jewish resistance to anatomical donation—since organ donations after death are allocated according to universal principles of need, without regard to religious or ethnic background.*

*I have heard the argument that, as a statistical minority, Jews should not be expected to bear the majority burden of anatomical gifts. But there are always more Jews—including **rabbinical authorities**—willing to receive such gifts than to donate them. More than 100 Orthodox rabbis have **countered** that “[t]o adopt a restrictive position regarding donating organs and a permissive position regarding receiving organs is morally untenable.”*

*Nowhere is this clearer than in the State of Israel, with its Jewish majority, where deceased organ donation rates are **among the lowest** in developed nations. **Policy changes** over recent years have begun to curb Israeli organ trafficking and reduce “transplant tourism”—but the ethical dilemmas of **whole body donation** are even more formidable.*

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*While organ donation may save lives directly, whole body donation is necessary to develop lifesaving medical expertise and skills over time. Though the weight of Jewish law remains disinclined toward Jewish anatomical gifts for experimental purposes, the medical advances from which Jews benefit would not be possible without access to bodies for research.*

*One prominent Israeli rabbinic authority, who accepted brain death and supported organ donation, still **ruled** in 2010 that Jews who donate their bodies for research should not be mourned. Ironically, some Jews among the dwindling numbers of **Israeli body donors** are happy to forgo the rituals of mourning, hoping also to avoid the difficult emotions of grieving—but such rulings amplify the reticence of many potential donors.*

*The computer simulations that supplement cadaver dissection cannot replace the*

*experiential, cooperative, hands-on skills training that a cadaver provides. In 2014, Michigan State University published the first known scientific **study** that compares the two methodologies. When faced with an actual human body, students who had previously learned on a cadaver scored significantly higher on identification and explanation than did students who had learned only on a multimedia simulation system.*

*Twenty years earlier, Rabbi Gilah Dror challenged rabbinical directives that Israeli medical schools should import non-Jewish cadavers rather than seek body donations within Israel. “We should not learn medicine at the expense of people of other faiths,” she wrote. “Halakhic rulings based on such a distinction suffer, in our opinion, from an ethical flaw and should not serve as a precedent in an independent Jewish state.” Dror’s **responsum** permitting the donation of Jewish bodies to medical schools—provided that such bodies were treated respectfully and all parts buried afterward—was approved unanimously by the Masorti (Conservative) movement.*

*As compelling as the ethical imperatives are, donation **logistics** need to be thought through carefully and communicated clearly. “Donate my body to science” seems well-intentioned, but its assertion leaves many more questions than answers for bereaved survivors.*

*Medical students learn anatomy from intact bodies, so the body of an organ donor generally does not qualify for subsequent whole body donation. (If the only organs donated are the eyes, whole body donation is still possible in most cases.) And the circumstances of one’s death and bodily condition may rule out either or both forms of donation. If one’s organs are not deemed suitable for transplantation at death, they may still be accepted as donations for research purposes.*

*The bodies of those who donate organs or tissues can usually be prepared for burial soon afterward. Those whose whole bodies are donated for research in the United States are generally cremated after the research period—but **cremation** cannot fulfill the primary Jewish imperatives of protection against desecration, whether of the natural environment or of the human body.*

*Jews committed to saving lives as well as to a sustainable, accompanied return to the earth are beginning to connect these values in advance, with arrangements that provide specifically for burial after anatomical donation. For example, a body may be used within 10 days after death for practice surgery in certain jurisdictions (rather than warehoused until the beginning of a yearlong gross anatomy class) and then returned to the family for burial.*

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*In the medical community, an awareness of the shortage of cadavers necessary for*



education has helped humanize the ways that students approach donated bodies. Many medical schools, like the University of North Carolina, hold an annual **memorial service** attended by faculty, students, and families of body donors. At the University of Iowa, students write a **narrative** of their dissection experiences. Some address their cadavers directly. “Your body was the book I couldn’t buy, the class only you could teach,” wrote Emily (Isaak) Schindler.

Similar narratives of gratitude and empathy have appeared elsewhere. “We only expose the parts we are working on that day,” wrote Ranit Mishori of her **cadaver** experience as a medical student at Georgetown University. “Unexplored areas remain hidden under the plastic. ... But when the day arrives to uncover her head and neck ... I understand why our teachers saved this moment for last. The face makes the body a person.”

Mishori’s description provides a mirror image of how the **hevra kadisha** approaches a body. Taharah, the purification process, begins at the head and proceeds downward, but any body part not being washed remains covered—especially the face. This is done to honor the privacy of someone who can no longer return the viewer’s gaze.

“I am memorizing her anatomy, inch by inch, because that is what the exam will cover, but I am also preoccupied. Who was she? What did she do with her life?” Mishori’s questions echo those of **hevra kadisha members** .

Now on the Georgetown faculty, Mishori concluded in her student reflection: “My journey with ... that old woman, courageous enough to leave her body to science ... was so intimate, so illuminating, so elemental that she will always stand as my idea of what human beings are made of.”

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I hesitated while answering the questions on my state organ donor registration form. I work to reclaim the Jewish practices of the **hevra kadisha**, and I knew that certain forms of donation preclude full ritual purification and dressing of the dead. I corresponded with HODS staff in a dialogue to clarify the **tradeoffs** involved.

I also knew that I am committed to **pikuakh nefesh**. My registered choices are summarized in the opening statement of my burial instructions:

*At the time of my death, any of my body organs and/or tissues that are fit for transplantation should be donated immediately. Ask the doctors to stitch up my body carefully afterwards, to facilitate my subsequent taharah.*

Given the sometimes chaotic realities of life and medicine, I am aware that the careful stitching I request may not be performed, or the circumstances of my death may leave my body otherwise compromised—with anatomical donation and/or

*taharah limited as a result.*

*There are respectful taharah traditions for these contingencies. Many results are out of my hands, as well as out of the hands of others. In the donation of his daughter's organs, Stephen Flatow noted that three of the six recipients did not survive transplantation. Yet the efforts to save them were no less sacred.*

*It is natural to avoid thinking about these issues if they don't affect someone close to us, but death eventually touches us all. We have the responsibility to communicate our intentions while we can. To paraphrase **Pirkei Avot 2:21**, while it is not ours to complete the task, we waste our freedom—and our bodies—when we avoid it.*

*“I leave these instructions and requests with the awareness that they involve matters over which, ultimately, I have no personal control,” I concede in the ethical will on my desk. “And so I leave you with love.”*

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