

MACHON PUAH

Posthumous Donations and Halacha *Rabbi Gideon Weitzman*

Last time we discussed the novel procedure performed in Brazil in which a uterus was transplanted from someone who had died into the body of a woman born without a uterus. She subsequently became pregnant and delivered a healthy baby girl.

The past cases of uterus transplants have all been from living donors, and, halachically it seems that using organs from a deceased donor is preferable. However there are certain halachic problems with using an organ from a corpse.

There is a prohibition from deriving benefit from a dead body, however some poskim are lenient regarding transplants since this is an irregular method of benefit. Another problem is the question of degrading the corpse; we have an obligation to treat a dead body with respect and not to remove organs and otherwise demean it. Some poskim are of the opinion that this prohibition is a rabbinic one but the majority hold that this is a Torah prohibition. There are opinions that the prohibition against degrading the corpse is only when it is done in order to degrade the body but when an organ is removed for a medical reason or for the benefit of another person this is not considered to be disgracing and humiliating the body. This is especially relevant when the organ is removed in order to save life. While transplanting a uterus cannot be considered lifesaving it is a medical benefit.

Some claim that removing a corpse from the grave is demeaning and is forbidden but removing an organ is not as severe and therefore can be permitted in cases of need. This would be true even though we are not dealing with a lifesaving procedure.

There are opinions among the poskim that any procedure that is regularly performed on a living person cannot be defined as degrading, especially if the person agrees to undergo this procedure. Since we see that living donors have been willing to remove their own uterus for another person's benefit it would appear that this is not considered demeaning to the dead person. This is even more pertinent if the donor gave explicit permission to remove their uterus after they die.

There are other problems with removing organs from a dead body, these are related to the obligation to bury a corpse and to do so as quickly as possible. Is this always the case or could there be exceptions? More on this next week.