

Dear Rabbi,

I have recently learned of a horrendous situation in China, that of the adherents of the Falun Gong religion. This is a spiritual movement in China, whose advocates adhere to three principal traits: truthfulness, compassion and forbearance. This faith has been outlawed in China, and thousands of its adherents are detained in special detention camps as enemies of the state. Since their lives are valueless in the eyes of the Chinese, they have been making a lucrative business out of killing them and harvesting their organs for sale for transplantation. I have learned that a number of Israelis have traveled to China to benefit from these organs and have transplants performed in China. Is this permitted by Jewish law?

Gabe W.

Dear Gabe,

Numerous rabbinical authorities in Israel have condemned this practice of the Chinese, and have forbidden to derive any benefit from this practice. Most notably, the world-renowned leader of Jewish law in our generation, Rabbi Yosef Shalom Elyashiv of Jerusalem, has issued a statement forbidding the use of these organs. He issued the ruling in response to a Jewish doctor who posed the question to him, asking if he could travel to China with his patient for organ transplantation. After the doctor described to the Rabbi the circumstances under which the organs are harvested, he replied it would be a desecration of G-d's name to use organs taken from political prisoners. He added, that even in life-threatening cases it would be forbidden to receive such treatment. Especially a member of the Jewish people, who were commanded "Thou shall not murder", must not travel to China to benefit from the murder of others.

The question of organ transplantation is a complicated one in any situation. It always clashes with the prohibition of "nivul hameiss", desecration of the body of the deceased. The accepted ruling, however, is that the saving of life overrules that prohibition. This is in line with the core understanding that the preservation of life overrides any prohibition of the Torah, which values life above all. We learn this from the verse "You shall observe My decrees and My laws, which man shall carry out and by which HE SHALL LIVE" (Vayikra/Leviticus 18:5). The Talmud explains this to mean that the mitzvos are to live by, not to die for.

Murder, however, is an exception to this rule. It is one of three cardinal sins which one must rather give up his own life than transgress, (the others being idol worship and forbidden intimate relations: Talmud, Sanhedrin 74a). In this case, one would be perpetuating his own life by benefiting from murder.

I find it fascinating, however, that Rav Elyashiv did not base his ruling on benefiting from murder per se. He based it, rather, on the desecration of the Name of G-d that would ensue from such benefit. This teaches us an invaluable lesson, both in Jewish law and Jewish philosophy. Our obligation as Jews, the very purpose and fiber of our existence as an "Am Kadosh" or Holy Nation, is to live a life of "Kiddush HaShem", a life filled with the sanctification of the Name of G-d. All our actions and deeds should be an inspiration to others, Jew and non-Jew alike. The performance of a contrary act, one which defiles the Name of G-d and belittles His commandments, (in this case the commandment of not murdering), is on par with the three cardinal sins. A Jew should rather forfeit his own life than to live a life which desecrates the Name of G-d. Although a certain number of Israelis may have derived benefit from this travesty, it certainly has no place in the laws, or the weltanschauung, of Judaism.