

This response was submitted to the consultation held by the Nuffield Council on Bioethics on Give and take? Human bodies in medicine and research between April 2010 and July 2010. The views expressed are solely those of the respondent(s) and not those of the Council.

Liberal Judaism

Question 3

After death, if no wishes have been stated prior to death, it is of course no longer possible to obtain consent for use from the deceased. The next of kin would then have the responsibility of deciding. From the point of view of traditional Judaism, the body belongs to God, so a person's consent is not necessarily needed but the body should not be used after death except to directly save a life. As Liberal Jews, we would be more flexible about the use of human bodily material after death, but would also tend to consider the right of a person to determine before death the use of their body.

Question 7

Speaking personally, I would be willing to provide bodily material for the benefit of others, particularly for saving life or curing disease, but would not be willing to provide material for commercial purposes or if the results were to be patented, so restricting their benefit.

Question 9

Judaism values the saving of human life per se, although Liberal Judaism might raise questions as to whether life should be saved whatever the quality of that life, e.g. if it is known or likely that life would be spent in a coma or on life support.

Question 10

Traditional Judaism would tend to prioritise life saving over autonomy, e.g. the wish to refuse treatment. Justice and dignity have a high priority in Judaism.

Question 12

As Liberal Jews, we would consider it a moral duty to provide human bodily material after death if it could save life, e.g. organ donation. If the risk to life was minimal, it would also be a moral duty during life, e.g. blood donation. The greater the risk, the less it is a duty to provide material and if there is a significant risk to the donor, then donation would be discouraged.

Question 13

Judaism would not consider it a moral duty to participate in such trials if there is a risk, since one is not obliged to save a life at the cost of one's own. However, if the risk was minimal and the benefit likely to be great, then it might be considered a moral duty.

Question 16

I consider large financial incentives unethical, irrespective of who offers the payment, since they unduly influence those who are poorest to risk their lives.

Question 19

Judaism recognises the validity of compensation for economic loss and also factors such as loss of time, discomfort and inconvenience.

Question 21

In my opinion, large financial incentives to those in financial need would invalidate their consent.

Question 22

There should be careful counselling for someone who is considering donating human bodily material. This should help to distinguish voluntary acceptance from coercion.

Question 23

I would consider it ethically acceptable to use human bodily material to directly save a life or for research that is likely to lead to life-saving treatment even if explicit consent has not been given, on the basis that Judaism values the saving of life and does not consider a person to have ultimate 'ownership' of their body. However, there are some within Liberal Judaism who may differ on this issue, considering that a person does have rights over the use to which their bodily material is put, even after death.

Question 26

We would agree that there should be no property rights over a human body.

Question 27

UK law should not permit a person to sell their bodily material. This constitutes coercion and can lead to people putting their lives at risk because of poverty. Whilst I understand that there is an argument for people in extreme poverty having the choice to sell bodily material in order, for example, to feed their family, in the UK we should rather be creating a society where no-one should be in a position where they have to make such choices. Rather, we should continue to build a system of donation build on altruism and solidarity.

Question 28

If a company benefits from the willingness of others to donate or volunteer in a trial, then the proceeds should provide benefit to others in society to whom the research is applicable.