

## Organ donation

When someone dies in the hospital, his family might be asked to allow a medical team to remove some of the organs and transplant them into another patient. Organ transplants like this are becoming more and more common, but they pose some ethical questions, as do transplants from living donors. Why are there organ transplants?

The transplantation of organs contributes to important medical progress. Note that we are talking here about solid organs (e.g., the kidney, heart, lung, and liver) and not about grafts of tissue or cells. It is a matter of replacing a defective organ with a healthy organ for the purposes of improving the living conditions of the patient or saving him from death. Thus kidney transplants, which have become routine, allow patients with kidney disease to live for many more years.

## Methods

### Organs that can be donated

The most common organs that are donated are kidneys and skin. Donations of the heart, liver, lungs, pancreas, and grafts of corneas are less common. On rare occasions, the intestines can be donated.

### Getting organs from the dead

Once true death of the patient has been determined using criteria that have been carefully established, but before the individual organs have deteriorated, the transplant team may take the organs from the donor's body. Even after death has occurred, the body may be kept "biologically alive" with machines so the organs don't decay before the family can be consulted regarding their wishes.

### Determining death

In 1968, the Harvard Medical School Committee determined that death is no longer defined solely by the definitive loss of the spontaneous activity of the cardiopulmonary system but also by the cessation of brain functions. Thus, since 1968, the death of the brain as a whole (and not only of the superior cerebral cortex) allows a physician to certify that the person is indeed dead.

### Getting organs from a living donor

Living donors usually give a kidney or part of the liver, and, less often, a lobe of a lung. It is a directed gift (that is, the organ is for a relative), and both the donor and the recipient must freely consent to the procedure. The organ is removed only if doing so does not endanger the life of the donor.

## Frequently asked questions

**“Is a deep coma the same as death?”**

No. People in a so-called persistent vegetative state are not dead, because they still have some brain activity. The cardiopulmonary system may even be functioning naturally for some of them. Therefore, the persistent vegetative state must not be confused with the absence of brain activity or with death.

**“Are the criteria we use to determine death valid?”**

Yes. There has been broad international consensus on using “brain death criteria” to determine death since the criteria were defined in 1968. Regardless, some challenge this definition, asking if the patient is really dead when his organs are removed. They question the validity of these criteria and ask to reopen the debate. Questioning such an important decision is essential as new science and understanding become available; however, it is important to note that these criteria for determining death have been re-evaluated and sustained many times since 1968.

**“Is a person dead when his heart stops beating?”**

The criterion of “brain death” is generally accepted as legitimate. However, given the growing demand for organs, some people propose using criteria based on cardiopulmonary criteria, which state that in the case of cardiac arrest, if the heartbeat does not start again after 30 minutes of resuscitation efforts, the patient is considered dead. At that point, resuscitation is stopped for 5 minutes, then artificial ventilation and circulation are started again to oxygenate the organs while waiting for the transplant team to remove them. Is this proposed protocol better than “brain death criteria”? Organs must be removed within 120 minutes after the heartbeat stops, often resulting in a pressured decision by the family to allow the removal of organs, and in ambiguity for the medical personnel who, within a few moments, go from attempts to revive the patient to preparations for removing his organs.



## Ethical reflections

### Organ removal

In order for organ removal to be ethical, there must be free and informed consent on the part of the donor or his family. This requirement applies to both living and deceased donors. In order to remove organs from a cadaver, there must also be moral certainty of death. In the case of organ removal from a living person, the risks must be evaluated before performing the procedure.

### Respect for the deceased donor

The removal of organs violates the integrity of the human body and must not be considered without good purpose. Respect for the integrity of the body continues after death. In fact, violation of a cadaver is illegal. How, then, can this principle be reconciled with the moral good of providing for the needs of the sick through organ transplantation? For organ removal to be ethical, the donor must, during his or her lifetime, make a free choice to donate organs for the generous intention of saving another human life. One's family may make the same choice on behalf of the deceased following death. Living donors, likewise, must make the same decision, free of any moral or financial coercion.

### Consent

Consent can only be valid if it is given in freedom. It may be the case that one feels coerced to "donate" one's organs. Coercion can be the result of familial or moral pressure, or in some cases financial pressure. In some parts of the world the sale of organs from living persons is a profitable business. This is a direct violation of the donor, who is often paid by "brokers" who then sell the organs at much higher prices. This leads to "transplant tourism," which has been condemned by the World Health Organization and professional transplant organizations.

### Respect for the living donor

Despite the generosity of the gesture, there are potential ethical difficulties in organ donation by a living person. The removal of organs is a voluntary mutilation, which is not done for the good of the person himself. This is contrary to the respect due to one's body and to the obligation of physicians always to perform an act for the good of the patient. These rules can be waived, however, for the sake of a higher good (saving the life of another person) provided that this is a voluntary act by the donor and that there is some proportionality between the benefit for the receiver and the risks for the donor. Finally, one must make sure that the donor's consent is free and informed.

## Testimony

...every organ transplant has its source in a decision of great ethical value: "the decision to offer without reward a part of one's own body for the health and well-being of another person" (Address to the Participants in a Congress on Organ Transplants, June 20, 1991, No. 3). Here precisely lies the nobility of the gesture, a gesture which is a genuine act of love. It is not just a matter of giving away something that belongs to us but of giving something of ourselves, for "by virtue of its substantial union with a spiritual soul, the human body cannot be considered as a mere complex of tissues, organs and functions... rather it is a constitutive part of the person who manifests and expresses himself through it" (Congregation for the Doctrine of the Faith, *Donum Vitae*, 3).

Accordingly, any procedure which tends to commercialize human organs or to consider them as items of exchange or trade must be considered morally unacceptable, because to use the body as an "object" is to violate the dignity of the human person.

This first point has an immediate consequence of great ethical import: the need for informed consent. The human "authenticity" of such a decisive gesture requires that individuals be properly informed about the processes involved, in order to be in a position to consent or decline in a free and conscientious manner. The consent of relatives has its own ethical validity in the absence of a decision on the part of the donor. Naturally, an analogous consent should be given by the recipients of donated organs.

ADDRESS OF THE HOLY FATHER JOHN PAUL II TO THE 18TH INTERNATIONAL CONGRESS OF THE TRANSPLANTATION SOCIETY

AUGUST 29, 2000

*"A new commandment I give to you, that you love one another; even as I have loved you, that you also love one another." John 13:34*

## What the Church says...

### Love as God loves

"The Gospel of life is to be celebrated above all in daily living, which should be filled with self-giving love for others.... This is already happening in the many different acts of selfless generosity, often humble and hidden, carried out by men and women, children and adults, the young and the old; the healthy and the sick. It is in this context, so humanly rich and filled with love, that heroic actions too are born.... A particularly praiseworthy example of such gestures is the donation of organs, performed in an ethically acceptable manner, with a view to offering a chance of health and even of life itself to the sick who sometimes have no other hope." *Evangelium vitae*, no. 86

### Respect of the donor

"It must be certain that the donor during his lifetime gave his free and deliberate consent and that he was not killed for the purpose of removing his organ(s). Donation by living donors is also possible, for example, in bone marrow transplants or in the donation of one kidney. Organ donation from a cadaver presupposes a certain determi-

nation of death and the consent of the donor during his lifetime or else of his representative." *YOUCAT*, no. 391

### A culture of gift and free giving

"Organ donation is a peculiar form of witness to charity. [...]"

"Indeed, a responsibility of love and charity exist that commits one to make of their own life a gift to others, if one truly wishes to fulfil oneself.

"The act of love which is expressed with the gift of one's vital organs remains a genuine testimony of charity that is able to look beyond death so that life always wins. The recipient of this gesture must be well aware of its value. [...]"

"In fact, what he/she receives, before being an organ, is a witness of love that must raise an equally generous response, so as to increase the culture of gift and free giving."

*Pope Benedict XVI, November 7, 2008, International Congress, Pontifical Academy for Life*