



New England Journal of Medicine: 'Brain death' is not death - organ donors are alive

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by John-Henry Westen

In an article that is sure to rock the world of organ donation, the highly respected New England Journal of Medicine (NEJM) has published an article which backs up the objections of various pro-life groups, as well as some scientists and physicians, to certain types of organ donation which involve the removal of vital organs from patients believed to be dead. The problem, say the authors of the NEJM article, is that in many cases these patients may not be dead at all.

Key experts in the medical field have, since its inception, considered the 1968 invention of 'brain death' and the more recent criteria of 'cardiac death' as unsupportable criteria for true death. If it is true, however, that brain death and cardiac death are invalid as criteria for true death, it would make morally illicit vital organ donation, since such donation would in some cases result directly in the killing of the donor for the purpose of harvesting his organs.

The two authors of the article in the NEJM, both proponents of organ donation, argue that "as an ethical requirement for organ donation, the dead donor rule has required unnecessary and unsupportable revisions of the definition of death."

The article was co-authored by Dr. Robert D. Truog, a professor of medical ethics and anesthesia (pediatrics) in the Departments of Anesthesia and Social Medicine at Harvard Medical School and the Division of Critical Care Medicine at Children's Hospital Boston and Dr. Franklin G. Miller, a faculty member in the Department of Bioethics, National Institutes of Health, Bethesda, MD.

The many cases hitting the media of patients pronounced 'brain dead' and living to tell their stories have already led the public to question the notion of 'brain death'. A recent case in France where a patient revived on the operating table as surgeons were about to remove his organs, is only the latest in a string of such events.

Truog and Miller, after admitting that the scientific literature does not support the criteria for 'brain death' and 'cardiac death' as being real death, suggest instead that ethicists should simply remove the requirement for dead donors. "The uncomfortable conclusion to be drawn from this literature is that although it may be perfectly ethical to remove vital organs for transplantation from patients who satisfy the diagnostic criteria of brain death, the reason it is ethical cannot be that we are convinced they are really dead," they write.

Similarly they note that with 'cardiac death', "although it may be ethical to remove vital organs from these patients, we believe that the reason it is ethical cannot convincingly be that the donors are dead." Truog and Miller suggest that, rather than insisting on dead donors, "ethical requirements of organ donation" should be looked at "in terms of valid informed consent under the limited conditions of devastating neurologic injury."

However, the dead donor criteria is precisely the thing that most moral ethicists agree makes it ethical to remove vital organs for transplant. Doing otherwise would constitute actively killing a person via removal of their vital organs.

In his August 29, 2000 address to the 18th International Congress of the Transplantation Society, Pope John Paul II stressed: "vital organs which occur singly in the body can be removed only after death, that is from the body



of someone who is certainly dead.” He added: “This requirement is self-evident, since to act otherwise would mean intentionally to cause the death of the donor in disposing of his organs.”

Now that a prominent medical journal has come out and stated that brain death and cardiac death are invalid criteria for true death, some are hoping that the Catholic Church, which has not issued a formal position on vital organ donation, will officially come out in opposition to the practice – a practice which takes place in many Catholic hospitals throughout the world.

“The setting out of these facts should by all rights lead to a cessation of complete removal of any vital organ at Catholic hospitals”, said Dr. John Shea, medical consultant to LifeSiteNews.com, who has written extensively on the subject of organ donation.