

JAHLF DECLARATION ON ORGAN DONATION AND “BRAIN DEATH”

Organ donation has been an issue of concern in many countries because the demand for transplant organs continues to rise while the numbers of organ donation have increased minimally or even decreased. Vigorous campaign and presumed-consent policy are some of the strategies seeking to boost the numbers of organ donation. Recently, Pope Francis made a universal appeal urging Catholics to donate organs in the name of solidarity.

While the Pope's intent is good, his promotion of organ donation overlooks several serious ethical problems, namely those concerning "Brain Death" and Organ Donation. The upcoming Conference on "Brain Death" is designed to address these serious problems. The Conference will take place at Hotel Massimo d'Azeglio in Rome, Italy on May 20-21, 2019.

For more information and registration:

<https://www.jahlf.org/eventi/brain-death-a-medicolegal-construct-scientific-philosophical-evidence/>

Below is a brief sketch of the problems raised by organ donation:

1. It is true that organ donation is good, but only insofar as it does not bring about harm, especially, the death of the donor.
2. Today, the bulk of organ donation is the so-called "post-mortem", i.e., after death.
3. Does the so-called "post-mortem" truly mean after death when the bulk of organ donation is obtained from “brain-dead” donors? This crucial question lies at the heart of the debate on organ donation.
4. Ample medical data have shown the irrefutable evidence that “brain-dead” donors are not dead, but alive. A dying person is a person who is still alive. A deeply comatose person is a person who is still alive.
5. The philosophical rationales, which have been advanced to justify the declaration of death based on the "brain death" protocol, contradict reason as well as the sound tenets of Christian anthropology as taught and held by the Church.

6. The necessary and important details about "brain death" (e.g., that brain dead individuals are still alive and can move) have been carefully kept from the public at large. As such, the so-called informed consent for organ removal on their part is not truly informed consent. More often than not, families of brain dead individuals have been nudged into giving consent for the removal of organs of their loved ones. Not a few of the families have subsequently regretted bitterly having given their consent.

7. Many countries follow the presumed consent policy so that organ removal occurs automatically unless the donors have registered their refusal to organ donation while still alive. Presumed consent does not qualify as a true consent, however, just as "brain death" is not true death.

8. Hence: to enforce presumed consent in organ donation is to impose a double falsehood.

9. Any person, whoever he or she is, before making this kind of declaration to encourage organ donation, must know what it is about. In other words, in order to make a moral judgment on an issue, a "thing," or a phenomenon – all of which are henceforth referred to as "X" – one is obligated to know the ins and outs about "X." First, to know the concrete complexities of "X" (the reality of "X" as is); second, to know the philosophical aspects about "X," and only then can one make any moral declaration. To make a moral declaration without having made a thorough "walking" through of the first two steps amounts to committing an act of utter irresponsibility, which in the case of "brain death" results in the vivisection of thousands.