

Article

Losing Faith in the Dead Donor Rule

Choong, Kartina Aisha

Available at <http://clock.uclan.ac.uk/11255/>

Choong, Kartina Aisha (2014) Losing Faith in the Dead Donor Rule. Journal of Medical Law and Ethics, 2 (2). pp. 23-35.

It is advisable to refer to the publisher's version if you intend to cite from the work.

<http://dx.doi.org/10.7590/221354014X14042206275951>

For more information about UCLan's research in this area go to <http://www.uclan.ac.uk/researchgroups/> and search for <name of research Group>.

For information about Research generally at UCLan please go to <http://www.uclan.ac.uk/research/>

All outputs in CLoK are protected by Intellectual Property Rights law, including Copyright law. Copyright, IPR and Moral Rights for the works on this site are retained by the individual authors and/or other copyright owners. Terms and conditions for use of this material are defined in the <http://clock.uclan.ac.uk/policies/>

LOSING FAITH IN THE DEAD DONOR RULE



Dr Kartina Aisha Choong

**The David Price Memorial Seminar Series
De Montfort University, 16 December 2013**

**INNOVATIVE THINKING
FOR THE REAL WORLD**


uclan
University of Central Lancashire

Outline

- **Organ Donation: A Religious Perspective**
- **Dead Donor Rule & Faith Communities**
- **Recommendations**

ORGAN DONATION



A RELIGIOUS PERSPECTIVE

Christianity

“Greater love has no man than this, that a man lay down his life for his friends”

The New Testament (John 15:13)

Islam

“Whosoever saves a life, it shall be as if he has given life to all mankind”

The Quran (Surah Al-Mai'dah, verse 32)

Judaism

“to sustain a single human soul is
equivalent to sustaining an entire world”

The Mishnah (Sanhedrin 4:5)

THE DEAD DONOR RULE & FAITH COMMUNITIES



The Dead Donor Rule (DDR)

- Organ retrieval must not kill the donor
- Donor must be declared dead first

Rationale

1) To protect vulnerable groups





**INNOVATIVE THINKING
FOR THE REAL WORLD**

2) To prevent premature declaration of death



3) Doctors are healers, not killers



4) To maintain public confidence

“the ethical linchpin of a voluntary system of organ donation”

- John Robertson

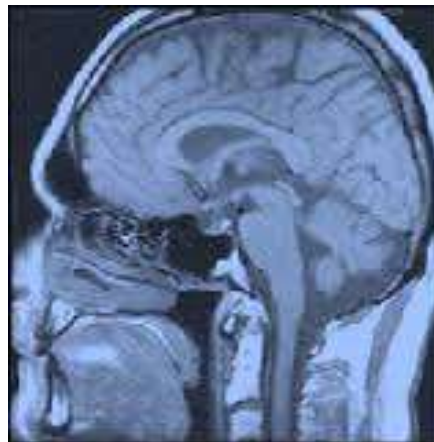
Dr Juro Wada

(1922 - 2011)

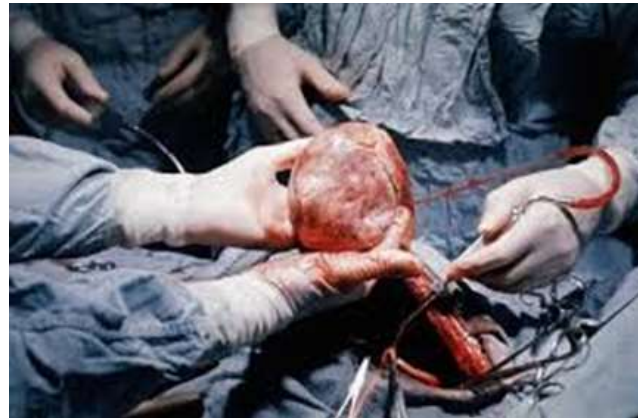


Current Definition of Death

Brain stem death



Dead person, living body



Soulless death

Death in Abrahamic Faith Traditions

- When the soul is separated from the body



- When breathing and heartbeat have stopped

Living person(!), living body

The DDR Revisited

- But organ retrieval must not kill the donor
- Donor must be declared dead first

“dead enough”

Jay Baruch (2003)

“being dead for the purposes of”

John Tuohey (2009)

“Heartbeat and blood pressure rise as the surgeon cuts into the supposedly dead organ donor, a similar reaction to a healthy person being attacked with a knife”

Dr David Wainwright Evans (Cardiologist, Queens College Cambridge)

“Postmortem examinations are carried out on dead bodies; **organs are harvested from living ones.** [The latter are] responsive to pain, requiring paralysing drugs, blood transfusion and anaesthetics for surgery”

Dr David J Hill (Consultant Anaesthetist, Huntingdon)

“No respectable, learned, and accepted Catholic moral theologian has said that the words of Jesus regarding the laying down of one’s life for one’s friend (John 15:13) is a command or even a license for suicidal consent for the benefit of another’s continuation of earthly life.”



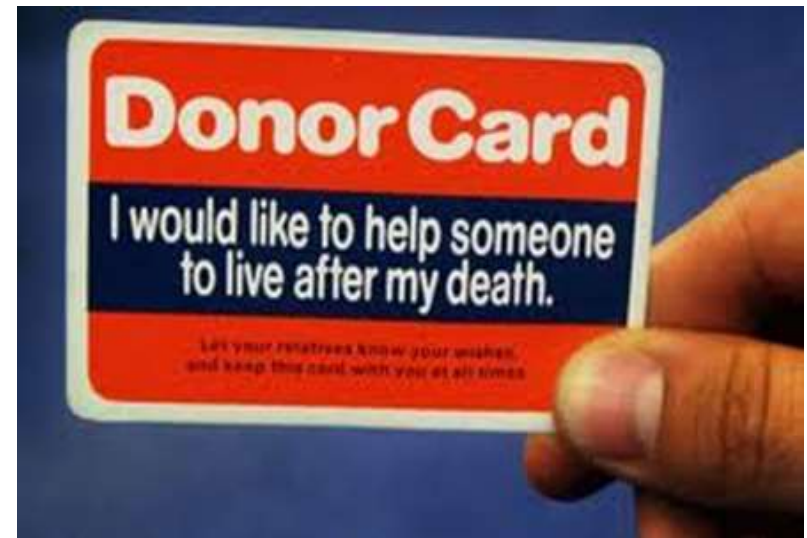
Bishop Fabian Bruskewitz

RECOMMENDATIONS

1) Honesty

- in public campaigns; &
- when obtaining consent

Current campaigns





“The current discourse between organ procurement organisations and the public is **tainted with self-interest**”

Frank Chaten (2013)



**INNOVATIVE THINKING
FOR THE REAL WORLD**

2) Legal recognition for other definitions of death

The Gift “of Life”



Thank you for your attention

kachoong@uclan.ac.uk