

(Continued)

in the matter, but objections to organ donations coming from parents, sisters, brothers and children all have to be honored. And many surgeons tell stories of the bribes demanded of them before widows would comply with their dead husbands' expressed wishes.

Two important components of any new law, whether federal or state, should be one to assure that potential donors are not pressured by physicians into willing their bodies, and one to assure that only qualified personnel in authorized hospitals be allowed to remove organs—a measure intended to prevent growth of a black market in human spare parts.

The other major legal question transplant surgery raises is, perhaps, more complicated than the matter of willing organs. It calls for a definition of death. The traditional, but non-legal, idea that death occurs when the heart stops beating is losing relevance as electronic means of keeping the heart functioning improve. And this criterion is a major handicap to transplant surgeons who need to remove the donor organ from the dead man's body before or soon after the supply of oxygen is cut off.

If a body is all but dead, technically alive only because an artificial respirator maintains heart beat, is it homicide to take out a heart or kidney before pulling the plug? The law has no answer, but physicians are urged to err on the side of caution. Legal precedents offer little help.

In one case in England, a man from Newcastle who had fallen backwards and injured his head was connected to an artificial respirator some 14 hours after hospital admission. Twenty-four hours later, with his wife's consent, physicians removed his kidney for transplantation, and the man died as soon as the respirator was disconnected after the operation.

At the inquest, a medical examiner testified that the patient-donor died of cerebral damage from his fractured skull, not from loss of his kidney. The jury acquitted the surgeons of responsibility. "But," Prof. Louisell warns, "this is only one case."

Ethical as well as legal problems emerge. The Hippocratic Oath, the 1947 Nuremberg Code and the 1964 international Declaration of Helsinki all affirm the physician's prime responsibility to his patient is that he must do no harm. And removing an organ from one man to give it to another constitutes harm in most cases, if the donor is alive. But the medical profession and society have to come to some decision about when life ceases. If heart beat is no longer the deciding factor, should brain function be the criterion?

Barbara J. Culliton

ideas OF THE WEEK

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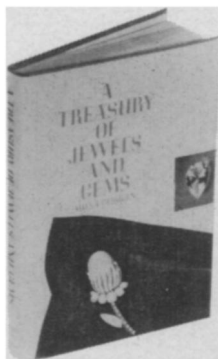
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(Continued from p. 221)

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