Objections to Organ Transplantation from Brain Dead Donors

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Streszczenie

Niniejszy artykuł nie stawia sobie za cel udzielenia odpowiedzi na pytanie: „co powinno zostać zrobione, aby pokonać niechęć Japończyków w stosunku do transplantacji organów od dawców ze stwierdzoną „śmiercią mózgową". Jakkolwiek osoby, które czekają na to, aby dowiedzieć się czegoś o samej niechęci w stosunku do tej sprawy, nie będą zawiedzone. Rdzeniem tego artykułu jest przedstawienie głównych objekcji w tej kwestii, zakorzenionych w japońskiej kulturze i mentalności. Dołożę starań, aby odpowiedzieć, czego można nauczyć się na przykładzie tej „lekcji". W Japonii, tak jak i gdzie indziej, możliwości dane przez naukę oraz technologię wpływają na życie pacjentów i stwarzają wiele dylematów.

Słowa kluczowe: transplantacja organów, śmierć mózgowa, Japonia

Abstract

This paper does not aim to answer the question what should be done to overcome reluctance of the Japanese toward the transplantation from brain-dead donors. However, those who are waiting to learn something about reluctance toward this issue should not be disappointed. The kernel of this paper is to reveal the main objections entrenched in Japanese culture and mentality. I will strive to answer what can be learned from this example. In Japan – as elsewhere - the possibilities given by science and technology affect patients' lives and cause many dilemmas.

Keywords: organ transplantation, brain death, Japan

Introduction

Many bioethical and psychological problems have been associated with the issue of organ transplantation from brain-dead donors. This type of donation posed a lot of objections and controversies which seem to have not been dispelled and calmed down in Japan.

In this article I would like to acquaint the Reader with the analysis of three arguments which reveal the objections of the Japanese to the issue of organ transplantation from brain-dead donors. Firstly, I will analyze the argument from traditional beliefs about the human body. Secondly, I will scrutinize the argument rooted in Buddhism about impurity of death. And thirdly, I will reassess the argument of the specific sense of guilt, entrenched in the psychological realm in the context of Japanese culture. This article will end with the conclusion providing an answer to the query "what can be learned from this lesson?" Let me delve into the depths of this problem.

1. *Pons "animorum"*

There are several serious quandaries associated with organ transplantation in Japanese cultural context. There is a long list of difficulties, but the main problems are:

1) to find donors and undergo organ transplantation within home country, particularly for children (children under 15 could not become a donor according to the Organ Transplantation Law issued in 1997);
2) to have legal organ transplantation overseas (high cost);
3) cases of illegal acts and transplant tourism.

Those problems were the key pressure points which facilitated the changes in the Japanese law in the summer 2009 as follows: (1) children under age of 15 can become donors of organs (parents/ family must also give their consent); (2) the priority of organ donation is given to the family of the donor (which aims to facilitate "family donation"); (3) the concept of "brain-death" is legally recognized as the actual death of a person; (4) removal of organs from a brain-dead patient is allowed, if the patient did not openly reject the possibility of becoming donor and if surviving family members approve of organ donation (an "opt-out" model).

The law has been revised. However, many of the Japanese are reluctant to the issue of organ removal and also skeptical to the concept of "brain death". The *pons "animorum"*, the sphere between life and death is a very delicate one.

Let me elucidate this engrossing matter as well as three main arguments concerning organ donation from brain-dead donors.

2. Objections to Organ Transplantation from Brain Dead Donors

Three Main Arguments

In my research I examined various materials and then I conducted interviews with Japanese scientists (involved in this issue) as well as with laypeople to learn their opinions. I was seeking the *raison d'être* of this reluctant attitude. Among many reasons, I selected three main arguments and classified them as follows:

1) the argument from the traditional point of view on the human body;
2) the argument rooted in Buddhism about impurity of death;
3) the argument grounded in the psychological realm about the sense of guilt.

I would like to provide a short analysis of them.

2.1. The Argument from the Traditional Point of View on the Human Body

From the traditional point of view, life and death are two inseparable elements creating unique continuity – the history of a certain person. Human being is a unity of two inseparable elements: corporal and spiritual. This unity continues also after death. The crucial moment is the funeral ceremony. This is a very special time of metamorphosis, from the "old" body to the "new" body (after special cremation bones are placed into the ceremonial jar in a certain order and it is this "new" body), and from the "old" identity to the "new" one. Dead person is given a new name (*Kaimyo*) [1]. It is strongly believed, that body cannot be harmed, particularly after death, because it will destroy the mind-body unity [1]. And that is why human organs should not be taken from one person and transferred to another. Let me show in detail the main components of this argument:

1) The body must be complete (only if this is possible; of course this rule should not apply in situations such as catastrophes, accidents, inevitable amputations or cancer operations, etc.);
2) The complete body can start to wander in the world of the dead and arrive at the Pure Land;
3) In the moment of a funeral the body must demonstrate extreme beauty which that person did not show even in their lifetime;
4) It is believed that if the body is not complete and perfectly prepared for the way to the Pure Land, it cannot achieve the status of an ancestral deity and might wander, bringing various kinds of evil to the next family generations;
5) After achieving the status of an ancestral deity (through offering memorial ceremonies by the surviving family for 30 or 40 years) a dead person can bring blessing and happiness to family descendants [1].

And that is why transplantation, particularly from brain-dead donors, poses many objections.

2.2. The Argument about Impurity of Death

If the deceased was not treated in a proper way (was harmed), then he or she cannot achieve the Pure Land and cannot become an ancestral deity. In such case it is believed that the deceased might bring calamities, diseases and other curses to the surviving family and their next generations. However, the attitude to death and dead people is very ambiguous; it can be expressed as a "dangerous *sacrum*". It is strongly believed that there is nothing more contaminating human being than death itself. That is why death and people who are "touching death" absolutely must be purified, as it is said in Buddhism [1]. The argument about impurity of death strongly underlines that the living should not use what belongs to the world of the dead. "Using" organs from dead people is a cause of contamination (physical and mental) of the living. This contamination can be transferred to the next generations as a trans-generational fault (a kind of curse) [2]. This is a sufficient reason for fear of becoming a donor.

2.3. The Argument Grounded in the Psychological Realm about the Sense of Guilt

To maintain an impeccable harmony with people and nature is the most important idea in the Japanese society. Thus, the strong desire to save your life when it is intertwined with someone else's death stands in opposition to the idea of "equality of life for all creatures"and the idea of maintaining a friendly attitude toward all living entities [3]. How can a gift remain without reward? It is believed that an egoistic desire of a human being to live at all costs breaks the harmony of his community. In what way can we reciprocate? What can we give in exchange for organs, for the gift of life? When a gift cannot be rewarded, it is a serious reason to feel guilty in this social context and to refrain from giving or receiving an organ.

3. Conclusion: What Can We Learn from This Lesson?

1. We can learn that as important issues as the concept of brain death and organ transplantation cannot stand in opposition to traditional/religious beliefs of laypeople – potential donors and recipients of organs.

2. The law has been revised. And this is just a small step, but very crucial. However, objections to organ donation from brain-dead donors have not been dispelled. I strongly believe we have to appeal to common morality of laypeople while deciding and considering so important issues. And that we can learn from this example.

3. We can also learn (or rather be reminded) from this discourse about the important role of family in giving the consent ("comprehensive family consent").

4. This lesson shows us the need to change the perspective. Arguably, such a change can bring a lot of benefits. The Reader can look at the problems of the Japanese from a third-person perspective and at the same time can learn how to cope with similar problems on His/Her own ground. The changing of perspective enables the Reader to see the Japanese point of view, namely that the physical element (body) is an important part of personhood and death itself cannot reduce the personhood of the body[1].

Take Home Message

I argue in favor of respecting and listening to the voice of laypeople, their beliefs and convictions. Objections indicated by them show some traces of "common morality". In their thoughts - like in primeval rules of some forgotten enchiridion - we can discern a lot of precious clues, which can be treated as an essential contribution for establishing current bioethical frameworks.

References

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