

EDITORIAL

Recognition of brain death

The Lower House, by a 263-167 vote Thursday, passed a bill to (1) recognize brain death as actual death and (2) allow organ transplants from a brain-dead person of any age if his or her family members approve and if the person had not openly rejected the possibility of becoming a donor.

The bill would revise the 1997 Organ Transplant Law, which allows organ donations from a brain-dead person at least 15 years old only if that person had indicated his or her intention of becoming a donor in writing, such as on a donor's card, and if his or her family members approve the organ donation.

At present, there is no public consensus on whether brain death should be accepted as actual death. The bill clearly represents a departure from current law, which does not recognize brain death as actual death and allows organ transplants only from people who accept brain death as actual death. It is regrettable that the Lower House passed the bill without rousing a wide public debate on the issue. The Upper House needs to examine the bill carefully and hear opinions from various segments of the public.

The current Organ Transplant Law has not led to a large number of organ transplants. Since the law went into force in October 1997, hearts, lungs, livers, kidneys, pancreases and small intestines have been transplanted from 81 brain-dead people into 345 people in Japan. The ban on organ transplants for children have forced many families to go abroad to obtain organs for their children. The new bill is designed to increase the number of organ transplants, especially for children.

But given the fairly strong resistance among people

to accepting brain death as actual death, the bill may not receive truly wide support from the public. It could also impact attitudes toward emergency medical service and medical care for terminal patients as well as bring pressure to bear on people whose family members are declared brain dead.

Therefore, the Upper House, at the very least, should strike the universal recognition of brain death as actual death from the bill. The Upper House also should discuss a mechanism to prevent organ transplants from people who suffer brain death as a result of physical abuse or domestic violence.

The Japan Times: Saturday, June 20, 2009
(C) All rights reserved

[Go back to The Japan Times Online](#)

[Close window](#)