

POSTMORTEM - DID SOROKA DOCTORS DO THE RIGHT THING?

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The organs 'harvested' from an accident victim saved five patients. Judy Siegel-Itzkovitch writes that the case gave life to a debate on ethics

WOULD you want doctors to remove your heart, lungs, liver and kidneys after your death if you had forgotten to take your ID card with you and your family couldn't be reached to give permission? If you were suffering from a severe chronic disease and needed a vital organ for a second chance at life, would you accept one taken without permission from an unidentified road-accident victim?

These two questions underline the moral dilemma faced a week ago by doctors at Beersheba's Soroka Hospital, when confronted with the body of Yefim Kipnis, a 55-year-old recent immigrant from Russia who had been living for six months at the Beka'a caravan site.

Hit by a motorcycle a few blocks from Soroka and lacking any hint of his identity - except four gold teeth, his clothes and a house key - he was declared brain dead. Although his photograph was shown on TV and in the newspapers, no one reported him missing. Hospital staffers said they made a reasonable effort to identify him but failed.

Hospital lawyers used a little-known section of the 1981 Anatomy and Pathology Law that allows taking organs from unidentified bodies, and three Soroka doctors approved the "harvesting" of the five organs. Five people, from an 18-year-old girl with liver failure to a woman in her 50s suffering from kidney failure, underwent transplants and are apparently on their way to recovery. The Kipnis family, finally located when a neighbor reported Yefim's disappearance, had no complaints: They would, they said, have donated his organs if asked.

The ethics postmortem is nearly as complicated as the organ transplants themselves. Prof. Ami Barzilai, a senior Rambam Hospital surgeon, insists that the Soroka doctors had no choice but to remove the organs. "The sanctity of life is foremost for doctors. It's a holy principle for us." Barzilai was named president of the Health Ministry's new National Transplant Organization in April.

Barzilai - whose job it is to promote organ donation - said the fuss over this unusual case will quickly die down. "There is obviously no intention of stealing organs or of killing people to get them."

PROF. DAVID Heyd of the Hebrew University's philosophy department supports conducting transplants, but argued that Kipnis's organs should not have been taken, even to save lives. "You could say all's well that ends well, because the family didn't object after the fact, but the organ removal still raises serious ethical questions."

Heyd points out that opinions on this controversial and emotional issue cross conventional lines of thinking. He, a secular Jew "who doesn't believe a dead body is holy or that there is life after death," agreed with haredi politicians who opposed the organ removal.

Even the religious weren't unanimous; former chief rabbi Shlomo Goren said it was a "great mitzvah" to remove the organs to save lives, even if the donor or his family had not been able to grant permission. The religious argument is not so much over taking organs from an unidentified body, but how to determine the moment of death - when the

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heart stops or when the lower brain loses all functioning.

"A person's organs belong to him even after his death," insists Heyd. "If one may not take property unless it is stipulated in a will, how may doctors remove organs without an individual's permission? Even the sanctity of life is not more important than his personal autonomy."

Dr. Avraham Steinberg, director of the center for medical ethics at the Hebrew University-Hadassah medical faculty, says the problem is "a real ethical dilemma. It isn't easy to take a position." An observant Jew, he personally believes the organs should not have been removed from an unidentified body without family approval.

"I don't speak for all ethicists; one could have one view while another takes the opposite position," stresses Steinberg, who is also a neurologist at Shaare Zedek Hospital. But he thinks that while five people were given new life, potential donors may have been dismayed by the case and fear that their organs will be "snatched."

There are three models in dealing with organ transplants: the then-Communist bloc, the European view and the American view. "The Communists and other dictatorships regard the body as their property after a person dies, so his organs can be disposed of any way the state wishes. This, of course, is unacceptable in Jewish, Islamic and Western law."

Several European countries, including Belgium, Holland and France, have passed laws that allow taking organs for saving lives if the deceased had not signed a statement in his lifetime objecting to this. "Then there is the American view, according to which most of the Israeli pathology law goes, that one can't remove organs without permission," Steinberg says.

One solution might be to ask all citizens to register their personal decision about organ donation in a state data bank. But even this could be objectionable, because of the right to privacy and the proliferation of data banks with personal information.

The current law is not a good one, he continues. A more ethical rule, the Hebrew University's Heyd says, might be giving high priority as potential organ recipients in the future to people who themselves agree to donate their organs.

Steinberg says that proposal is also problematic, especially for the physicians, who must treat the most seriously ill patient and not those high on a preferred list.

Steinberg suggests that ethics committees, like those in a growing number of American hospitals, be established here to decide such morally sensitive problems as the Kipnis case. Not a single hospital here, not even Hadassah, has such a body. "These committees are composed of doctors, psychologists, social workers, ethicists, religious leaders and others. If necessary, a judge could have the last say."

The best way of increasing organ donations, he concludes, would be to launch a serious educational campaign.

Illustration

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Abstract (Document Summary)

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