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Routine recovery of organs for transplantation can be acceptable

Accepted: 5 March 2015

Published online: 14 May 2015

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A response to these comments can be found at: doi:[10.1007/s00134-015-3831-0](https://doi.org/10.1007/s00134-015-3831-0).

Dear Editor,

Is the routine recovery of organs after the declaration of death by neurologic criteria morally permissible? This can be examined in view of three dominant theories about the nature of what morality requires: consequentialism, contractualism, and Kantianism. Consequentialism is an outcome-based theory; under the premise that routine donation would lead to a significant increase in available organs it can be naturally seen as a utilitarian proposal.

John Rawls's social contract is that which he argues rational individuals would agree to if they were each placed behind a veil of ignorance. In a society where most people see the value of transplantation and where saving a life with minimal cost is an obvious moral imperative, it becomes plausible to accept routine recovery as a Rawlsian social contract. Kompanje and de Groot [1] argue from the perspective of people in front of the veil where reactions may be justified by emotions but cannot be considered just.

So how would routine recovery measure against Kant's categorical imperative (CI)? The first formulation states that you are to "act only in accordance with that maxim through which you can at the same time will that it become a universal law." This in effect summarizes a decision procedure for moral reasoning: First, formulate a maxim that enshrines your reason for acting as you propose [2]. The relevant maxim here is that saving a person when minimal cost is involved is imperative, and organ donation involves zero cost for the brain-dead donor [3]. Second, recast that maxim as a universal law of nature governing all rational agents, and so as holding that all must act as you yourself propose to act in these circumstances. Third, consider whether your maxim is even conceivable in a world governed by this law of nature. If it is, then, fourth, ask yourself whether you could rationally will to act on your maxim in such a world. If you could, then your action is morally permissible. Routine recovery is both conceivable and willable, and thus does not contradict any of the above steps.

The next challenge is the humanity formulation of the CI [2]. This formulation states that we should never act in such a way that we treat humanity as a means only but always as an end in itself. This is often understood as the idea of "respect" for rational agents. Procuring organs from a properly diagnosed brain-dead organism cannot mistreat a rational agent. There is no person to be treated as a means; it is the live organs of a brain-dead organism that are used as a means to save a person. In fact, failure to procure a needed organ "disrespects" a person in vital need.

In summary, routine recovery has positive overall consequences since it preserves the life of persons in need. It also though fulfills our non-instrumental duty to recipients with significantly lesser cost or disrespect to dissenting family members. While we may not be ready to accept or implement what morality demands of us, the first step is to acknowledge the demand.

Acknowledgments I would like to thank Professor Julian Savulescu for his constructive and encouraging comments.

Conflicts of interest Christos Lazaridis is the single author and reports no conflicts of interest in relation to this manuscript. No funding has been received in relation to this manuscript.

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