**Explicit consent: a challenge of deceased altruistic organ donation**

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**Abstract**

Explicit consent is a system where organs are removed from a deceased who had expressly consented to organ donation. The effect of explicit consent is organ shortages yet, human-organs are buried every day. While some have argued that explicit consent is the ethical response to the problem of organ shortages but it has not done enough to the long term problem. Using the method of philosophical analysis, we suggest the common good of the deceased organ, if included in the organ donation pool, would downplay the explicit consent for candidates on the organ waiting list.

**Keywords:** *common good, deceased altruistic organ donor, explicit consent, general will, organ donation*

**Introduction**

There is an organ crisis worldwide, and the rationale for organ crisis is lack of donors' consent. The shortage of organs affects the number of patients, who would have benefited organ transplantation. The reason for organ shortage is the unfair distribution system of the donated organs. In addition, the potential donors may receive less aggressive medical care (1-2). These fears, of course, have contributed to worsening the organ crisis.

In Nigeria, organ transplantation is based on informed (3). An explicit donor is a person who decides to donate an organ, typically a kidney, to a stranger with no compensation or reward (4-5). The question is, is explicit consent sufficient for the expansion of the organ donor pool? For instance, in any given year, as many as 100,000 Americans need a kidney transplant, while fewer than 20,000 will receive them from live or cadaveric donors (6). We argue that attempts by governments to increase organ donation through explicit consent had failed because of the individualistic nature of the consent of donor. We suggest a practical approach, the common good of the deceased organ.

There are many methods of organ donation; xenotransplantation, the use of incentive, mandated choice, that presume consent but the common good of the deceased would expand the organ donation pool.

**Deceased altruistic organ donation**

Deceased organ harvesting is one area in which scientists have achieved amazing results in the 21st century. Nonetheless, the shortage of cadaver-organs imposes severe limits to the number of patients who would potentially benefit organ transplantation, yet thousands of human organs are interred every day, especially from brain-dead trauma victims for lack of informed consent (7).

The deceased altruistic organ donation is the process whereby an individual consents his/her very own organ, be surgically removed for clinical transplantation (8). Amit Abraham argues, “When I die if I am buried, I will rot. If I am burnt, I will become ash but if my organs are donated, I will live to give life and happiness to many.” (9).

The deceased altruistic organ donations have saved lives, especially the introduction of immunosuppressive agents as aftercare to avoid organ rejection (10). Deceased Organs harvesting is the registration of brain dead- trauma victims, whose respiration and circulation are maintained artificially. Organ harvesting from cadavers is getting increased attention, as the waiting list far exceeds the supply. In a country like India, despite a large population, the number of brain dead donors undergoing organ donation is very less (2% in our study) due to a lack of informed consent (11).

**Explicit consent**

The cadavers are the best candidates for the expansion of the organ pool. Cadaveric organs are beneficial in many ways; it provides multi-organ donations (9). Center for Bioethics reports that one deceased donor can provide organs for several different people whose organs or tissues are failing (12). However, organ donation from cadavers requires an explicit consent (11).

Organ harvest from registered brain dead-trauma victims is an ethical response to the challenges associated with living organ procurement (13). The registration of a potential organ donor is called an explicit consent. Explicit consent is a clear and voluntary indication of preference or choice, usually oral or written, and freely given in circumstances where the available options and their consequences have been made clear (informed consent) (1).The World Health Organization (WHO) defines explicit consent, as a system where organs may be removed from a deceased person, if the person had expressly consented to organ donation during his or her lifetime (1). We argue that explicit consent could not expand the organ donation pool because it leads to individualism (14).

Upon reflection of the above, we maintain that explicit consent is individualistic. We suggest that it would be morally justified, expanding the organ donation pool, through common good of the deceased organs.

**Common good for organ donation**

From the era of the ancient Greek city-states through contemporary political philosophy, the idea of the common good has pointed toward the possibility that certain goods, such as security and justice, can be achieved only through citizenship, collective action and active participation in the public realm, politics or services. In effect, the notion of the common good is a denial that society is and should be composed of atomized individuals living in isolation from one another (15). The common good is a pattern of practical reasoning, a way of thinking, which constitutes the appropriate form of mutual concern among members of a community (15).

Additionally, the common good refers to those facilities whether material, cultural or institutional - that the members of a community provide to all members to fulfil a relational obligation they all have to care about certain interests, which they have in common (16).According to Thomistic and Neo-Thomistic ethics, the common good is the common goal of all, it promotes justice in a community. The common source of fulfilment is to share a just arrangement among the citizens. This view is the Aristotelian notion of us, as a social and political animal, only capable of flourishing when involved in doing things together, rather than exclusively concerned with private ends (17).

In any group, the common good is the good that applies to a group in virtue of membership to that group. For a sports team, the common good of the sports team is what helps that sports team to be good. Sports teams are not the only groups that have a common good. Every single group has a common good. This means that if governments exist, then there is a common good for governments (15).However, the notion of the common good is active and voluntary commitment of citizens, which negates the pursuit of an individual’s will (18).

The common good also refers to a communitarian approach to organ donation, and it negates individualism. The common good is the shifting of the social norm, from personal altruism to a spirited collectivism among the citizens. In this sense, every individual is a potential donor and a potential recipient. The implementation of the common good might be difficult because of individual worldviews or rights.

Communal organ donation, respect the freedom of the actual organ donors. The interference to the freedom of the individual is negation of the autonomous choice of the individual. The interference of the individual freedom is illegitimate unless their actions have shown a serious harm to others.

The existence of human right permits the activity of explicit consent. Although explicit consent does not mandate responsibility to others, the choice of deceased organ donor should be respected for the common good. Human Tissue Authority reports that the worldview about organ donation varies among cultures and religions. All healthcare professionals should work in line with the principle of bioethics (18). However, the rationale for allowing organ donation in the above form is the "will" of organ donors or recipients. We argue that organ donors should collapse their rights into the general will of the community. The General Will is the pure "ambition" for the common good.

The general will is the view shared among members of a moral community. André Munro cites Rousseau all men are capable of taking the moral standpoint of aiming at the common good and that, if they did so, they would reach a unanimous decision (19).The general will is the deliberations of individual wills, for the expansion of the organ donor pool. It is for the common good if identified, and implemented. The heeding will of the community is to save fellow citizens dying on the waiting list.

**Conclusions & Recommendations**

Explicit consent is a method of organ donation but insufficient for candidates on the waiting list. Thus, we suggest that the integration of the common good is necessary for the expansion of the organ donation pool. We further contend that the common good is a collection of rights, private and sectional interests. In this sense, organ donation is pursued from the standpoint of social arrangement, which answers to the general will, to saving fellow citizens suffering from organ failure.

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