

# Legality and Kinship in Transplants: A Contemporary Ethnography



## Matching Organs with Donors: Legality and Kinship in Transplants (Contemporary Ethnography)

by Marie-Andrée Jacob

★★★★★ 5 out of 5

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Organ transplantation is a complex and transformative medical procedure that has a profound impact on the lives of recipients and their families. The legal and kinship dimensions of transplantation are particularly salient, as the procedure involves the transfer of an organ from one person to another, and often raises questions about who is considered a family member and who has the right to make decisions about the transplant.

This article explores the legal and kinship dimensions of organ transplantation, drawing on ethnographic research conducted with transplant recipients, their families, and healthcare professionals at a large teaching hospital in the United States.

## **The Legal Framework of Organ Transplantation**

The legal framework of organ transplantation in the United States is governed by the National Organ Transplant Act (NOTA), which was passed in 1984.

NOTA establishes a national system for the allocation of organs, and it also sets forth the legal requirements for organ donation and transplantation. Under NOTA, organs can only be donated by individuals who have given their consent, and organs cannot be bought or sold.

NOTA also establishes a legal framework for determining who has the right to make decisions about organ donation and transplantation. In general, the person who is donating the organ has the right to make the decision about whether or not to donate, and the recipient of the organ has the right to make the decision about whether or not to accept the organ.

## **Kinship and Organ Transplantation**

Kinship is a key factor in organ transplantation, as it often influences who is considered a suitable donor for a recipient. In the United States, organs are typically transplanted between family members, such as siblings, parents, and children.

However, organs can also be transplanted between unrelated individuals, such as friends or strangers. In these cases, the recipient and donor must undergo a series of tests to ensure that the organ is a good match.

Kinship relations are often negotiated and redefined in the context of transplantation. For example, a recipient may develop a close relationship with their donor, even if they are not related by blood.

In some cases, a recipient may even come to view their donor as a member of their family.

## **The Impact of the Law on Transplant Patients and Their Families**

The law has a significant impact on the experiences of transplant patients and their families. For example, NOTA's requirement that organs can only be donated by individuals who have given their consent often means that transplant patients must wait a long time for an organ.

Additionally, NOTA's prohibition on the sale of organs can make it difficult for transplant patients to find a suitable donor.

The law also affects the relationship between transplant patients and their families. For example, NOTA's requirement that recipients have the right to make decisions about their own treatment can sometimes lead to conflict between recipients and their families.

Organ transplantation is a complex and transformative medical procedure that has a profound impact on the lives of recipients and their families. The legal and kinship dimensions of transplantation are particularly salient, as the procedure involves the transfer of an organ from one person to another, and often raises questions about who is considered a family member and who has the right to make decisions about the transplant.

This article has explored the legal and kinship dimensions of organ transplantation, drawing on ethnographic research conducted with transplant recipients, their families, and healthcare professionals. It has examined how the law shapes the experiences of transplant patients and

their loved ones, and how kinship relations are negotiated and redefined in the context of transplantation.

The article has argued that organ transplantation is a unique and transformative experience that challenges traditional notions of family and kinship, and that the law plays a significant role in shaping these experiences.



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