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Autopsy Issues in German Federal Republic Transplantation Legislation until 1997
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Abstract:

This article analyzes the relevance of autopsy issues for German Federal Republic transplantation legislation until 1997 against the background of legal traditions and the distribution of constitutional legislative powers. It is based on Federal Ministry of Justice records and German Parliament documents on transplantation legislation. Transplantation and autopsy legislation started with close ties in the 1970s. Viewing transplantation legislation as relevant for future autopsy regulation contributed to the decision to stall transplantation legislation, because the interests of the federal government and the medical profession converged to avoid subsequent restrictions on the practice of conducting autopsies and procuring tissues for transplantation. Sublegal norms were insufficient for the prosecution of the organ trade and area-wide transplantation regulation after the reunification of Germany. In contrast to autopsy issues, legislative power for transplantation issues was extended to the federal level by an amendment to the constitution, allowing decision making for Germany as a whole.

Keywords:

transplantation history, autopsy history, German health system, history of health policy