

Prompt #3: Waiting for a Transplant

Craig B. Merow, November 1, 2009

Over 80,000 US patients are currently on the waiting list for a kidney transplant. It takes between one and six years to move to the top of the list and get a chance for life with a new organ. Thousands will die waiting. The scarcity of transplantable kidneys forces health care providers to make difficult life-and-death decisions. Who should get the next available kidney?

Most of the kidneys transplanted today come from cadavers. The kidneys of an automobile accident victim who is brain dead upon arrival at the emergency room may be used to extend the life of two patients suffering from renal failure. That is, they may be used *if* the accident victim has indicated a desire to be an organ donor and there is no objection from the surviving relatives.

Perhaps we should change our policy. Perhaps we should assume consent rather than insisting on explicit consent. Is organ donation heroic, or is it to be expected?

Transplants from living donors have a greater chance of success. Most of us are born with two kidneys but can live relatively normal lives with one. We thus have the option of giving life to another human being. There are organizations that match willing donors with needy recipients. Should we encourage kidney donation to strangers? Should the government provide economic incentives to do so? Would you be willing to donate a kidney to save a life?

Some argue that it should be legal to sell a kidney. This might solve the scarcity problem and provide a windfall to those in economic distress. Others insist that the commercialization of organ “donation” would lead to the exploitation of the poor. What do you think? Read what Rachel and Justin have to say about this issue, do a little research, and join the conversation!

Get Started:

Rachel: Hi, Justin. Want a ride home after X-country practice?

Justin: You got your license! Congratulations!

Rachel: I passed on my first try. I must admit, I was a bit lucky with the parallel parking. I usually hit the curb. But, when it counted, the Force was with me.

Justin: Did you agree to be an organ donor?

Rachel: What are you talking about?

Justin: When you get a license, they ask you if you want to be an organ donor. Let me see your license. Does it identify you as an organ donor?

Rachel: No.

Justin: Why not?

Rachel: It creeps me out! I'm interested in driving a car, not giving away my parts.

Justin: No one is planning on taking your "parts" until you are dead. What if you were killed in a traffic accident? Wouldn't you want your kidneys to give life to others? Do you realize that almost 5,000 people died last year waiting for a kidney?

Rachel: I feel sorry for the people who need a kidney, but I'm sixteen, and I don't want to think about dying and being cut up and scattered here and there.

Justin: But if you *did* think about it ... Think about it! Don't you think it is the right thing to do?

Rachel: I don't know.

Justin: That's why we need an "opt out" system rather than an "opt in" system.

Rachel: What's an "opt out" system?

Justin: It should be assumed that you want to be a donor unless you petition not to be.

Rachel: What?

Justin: Instead of an action being required to become a donor, an action should be required to opt out of the donor system.

Rachel: I don't want anyone "assuming" anything about the disposition of *my* body. If I own anything, I own my body! No one has the right to my parts. I don't see why organs are not treated like other valuable possessions. Why can't they be passed on to surviving family members along with stocks and bonds, silverware, and oriental rugs? Why can't the survivors sell their departed's organs? That would increase supply!

Justin: Perhaps it would. But do you really want human organs treated like a commodity? Like oil futures, tin, or pork bellies? And what about living donors? Should they be allowed to sell one of their kidneys to the highest bidder?

Rachel: *You* are the one commodifying body parts: counting up our annual shortfall, exploring new methods of procurement, and pressuring your significant other to contribute. Why shouldn't I be allowed to sell my kidney? It's *my* kidney!

Justin: Rachel! If the sale of human organs were legal, the poor would be exploited. Organs would move from healthy poor people to sick wealthy people. A few thousand dollars is very tempting to someone who is having difficulty feeding their children.

Rachel: As well it should be. They have a responsibility to feed their children.

Justin: Rachel, it is not right for the rich to use the less fortunate as a source of spare parts! Relatively small amounts of money can be used coercively when dealing with the needy.

Rachel: What is the difference between increasing the supply of kidneys with economic inducements and increasing the size of our "volunteer" army with promises of high wages and educational benefits? Isn't it the poor who are attracted to these offers as well? And, some of them end up donating a lot more than a kidney. Some poor young men come home in body bags!

Justin: I can't believe you said that! I'm not happy about the poor fighting our wars for us either! You can't justify one wrong with another!

I think I want to take the bus home.

Get Informed:

Caplan, Arthur L. Smart Mice, Not-So-Smart People. Lanham, MD: Rowan & Littlefield Publishers, Inc., 2007.

See "Part XI: Donation and Transplantation of Organs" for a series of short essays that can be used in the classroom.

Caplan, Arthur L., and Daniel H. Coelho, eds. The Ethics of Organ Transplants: The Current Debate. Amherst, NY: Prometheus Books, 1998.

Thirty-four articles by experts in law, medicine, ethics, and politics, address the most vexing issues involving organ transplantation. How can we meet the growing need for organs? Should an individual be allowed to sell his organs? Should non-human animals be used as a source of transplantable organs?

Card, Robert F. Critical Thinking About Medical Ethics. Upper Saddle River, NJ: Pearson Prentice Hall, 2004.

See the essays by George Annas, and Carl Cohen, et al, concerning rationing schemes, pages 455-463.

Cental do Brasil. Dir. Walter Salles. Perf. Feranda Montenegro, Matheus Nachtergaele, Marilia Pera, and Vinicius de Oliveira. Europa Films. 1998.

An outstanding film that opens with an interesting utilitarian calculation. A poor woman, a homeless boy, and organ traffickers.

Farber, Steve, and Harlan Abrahams. On the List: Fixing America's Failing Organ Transplant System. Emmaus, PA: Rodale Press, 2009.

Two attorneys write about our seriously flawed organ transplant policies. Discussion of the legal, ethical, economic, and political issues is interwoven with Steve Farber's personal experience as a kidney transplant recipient.

Harris, John. "The Survival Lottery." Philosophy 50 (1975): 81-87.

This often cited paper provides a nice segue from discussions concerning the difference between killing and letting die, that arise during discussions of Prompt #2 ("End of Life Decisions"), to the present topic ("Waiting for a Transplant"). While Harris' paper is serious philosophy written for philosophers, it is accessible to determined high school seniors. It is *sure* to stimulate discussion.

Levine, Carol. Taking Sides: Clashing Views on Controversial Bioethical Issues, 11th ed. Dubuque, IA: McGraw-Hill/Dushkin, 2006.

See "Issue 19: Should There Be a Market in Body Parts?" pages 313-328.

McLaughlin, Abraham, Ilene R. Prusher, and Andrew Downie. "What is a Kidney Worth?" The Christian Science Monitor, 9 June 2004. 12 p. Online. Internet. 31 August 2009. Available <http://www.csmonitor.com/2004/0609/p01s03-wogi.html>.

An engaging story of the international trade in human organs. Reads like a detective story; raises lots of important questions.

MATCHINGDONORS Paired Kidney Exchange Program.
<http://www.matchingdonors.com/life/index.cfm>.

Commercial website that matches donors and recipients. Lots of film clips and magazine articles documenting successful matches.

Pence, Gregory E. Classic Cases in Medical Ethics, 5th ed. New York: McGraw-Hill, 2008.

See Chapter 13: "Allocation of Artificial and Transplantable Organs: The God Committee," pages 257-275.

Ravitsky, Vardit, Autumn Fiester, and Arthur L. Caplan, eds. The Penn Center Guide to Bioethics. New York: Springer Publishing Company, 2009.

See "Part XI: Organ Transplantation: The Challenge of Scarcity," pages 677-747, for a series of readings concerning such issues as scarcity, organ trafficking, and protecting live donors.

Satel, Sally, and Nadey Hakim. "What's Wrong With Selling Kidneys?" The New York Times. Online. Internet. 31 August 2009. Available <http://www.nytimes.com/2008/06/20/opinion/20iht-edsatel.1.13856658.html>.

Brief introduction to the issues surrounding the sale of human organs.

Siemionow, Maria. Transplanting a Face: Notes on a Life in Medicine. Cleveland, OH: Cleveland Clinic Press, 2008.

The story of a Cleveland Clinic surgeon who is determined to perform an extremely controversial operation.

Suddath, Claire, and Alex Altman. "How Does Kidney-Trafficking Work?" Time Magazine 27 July 2009. Online. Internet. 31 August 2009. Available <http://www.time.com/time/printout/0,8816,1912880,00.html>.

An introduction to the trade.

Thaler, Richard H. "Opting in vs. Opting Out." The New York Times 27 September 2009. <http://www.nytimes.com/2009/09/27/business.economy/27view.html>.

Short, up to date, discussion of the advantages of European presumed consent rules.

Tilney, Nicholas L. Transplant: From Myth to Reality. New Haven: Yale University Press, 2003.

The history of organ transplantation by the director of the Center for Transplantation Research at Brigham and Women's Hospital.

United Network for Organ Sharing. Website: <http://www.unos.org>.

The United Network for Organ Sharing (UNOS) is a non-profit organization, established by Congress to administer the national Organ Procurement and Transportation Network (OPTN). Their website is filled with useful information.

Get Involved:

1. Compare the selling of body parts by living donors with other practices in which people put themselves in harm's way for money. Is selling a kidney different from being paid to be a surrogate mother? How does it compare to a young, poor coed who sells her eggs to make a tuition payment? To a homeless man who sells his blood? Are all these practices morally objectionable? Should we legalize the sale of organs? Justin and Rachel lost their cool over this issue. Help them out. Let's have reason rule!
2. Is donating an organ heroic, or just the right thing to do, something that we should expect?
3. Discuss the advantages of an "opt out" organ procurement rule over an "opt in" rule. What does the data suggest?
4. Should the United States legalize the use of monetary incentives to increase the supply of organs from cadavers and/or living donors?
5. Read "The Survival Lottery" by John Harris. Would you willingly participate in such a lottery? Why or why not?
6. In the award winning film, *Central do Brasil*, Dora, a retired school teacher in need of a little cash, is promised a considerable sum if she can coax a nine year-old homeless boy to an address she is given. After delivering the boy to the prescribed address and collecting the money, she is told by a neighbor that the boy will be killed for his organs. Are people really being killed for their organs? Investigate the problem of organ trafficking. How widespread is it? How can it be controlled?