Organs Sales: At the Crossroad of Medicine, Ethics, Economics, Law, and Politics, Will We Let Human Life Be Our Guide?

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The Big Problem

Approximately, 5,000 patients who have been deemed transplant candidates die each year from complications of their ESRD and ESLD while waiting on the transplant list. This is due to a severe shortage in available donor organs.

Why is it acceptable for our patients to die when we have a viable cure for ESRD and ESLD and a potential solution for the shortage in donor organs?

“Someone on the organ list dies every 90 minutes. Tick. Tick. Tick.”
-NYT 2006
Mind the Gap

The Solution

Increase the number of deceased or living donor organs available to transplant patients waiting on the list

Resulting in decreased waiting times

Fewer wait list mortalities

Better outcomes after transplant
Solution

Gary Becker - Nobel Prize Winning Economist, University of Chicago

“When an economist sees a persistent gap between demand and supply-as in the demand for and supply of organs for transplants-he generally concludes that there are obstacles to equilibrating that market, and the obstacles are obvious in the market for transplants since (almost) no country allows monetary incentives to acquire organs either from living individuals or from cadavers.”

A Regulated Organ Market: A “Simple” Solution to the Severe Organ Shortage

The Case for a Regulated Organ Market

- Medical
- Legal
- Moral/Ethical
- Economic
The Case for a Regulated Organ Market—Medical Perspective

Recipient
A regulated organ market would increase the number of donors and help decrease the number of patients with ESRD and ESLD who die on the waiting list.

Patients who with less time on dialysis have better outcomes after kidney transplant. Better outcomes after transplant with living donor kidney.

Patients transplanted with a lower MELD score have better outcomes after liver transplant. (>30 with worse outcomes)

Donor
Living Donation for both liver and kidney deemed medically safe for the donor and allowed for altruistic donation

The Case for a Regulated Organ Market—Legal Perspective

The Case Against Prohibition of Organ Sales

good donor claim
Legal to donate and organ to someone who needs the organ to survive

sale of tissue claim
Legal to sell/rent body parts for money: egg donor, sperm donors, blood donors, surrogate mothers

The Case for a Regulated Organ Market-Moral/Ethical Perspective

Intrinsic Immorality of Selling Organs

The Kantian View

Respect for Human Dignity

Respect for Persons

We should never treat humanity, whether in ourselves or in others, merely as a means.

Not if the organ is going to save the life of another human being.


The Case for a Regulated Organ Market-Moral/Ethical Perspective

Autonomy

If a person is not harming someone else, then they should be left alone to do whatever they want, regardless of what it is or why they choose to do it. The ban on sales is paternalistic and ignores the need to respect individual autonomy.

In general, with few constraints, people make personal decisions on what they wish to buy and sell based on their own values and should be allowed to do so.

The Case for a Regulated Organ Market-Moral/Ethical Perspective

Exploitation of Vulnerable Populations
Disproportionate Burden/Inequality
- Black market vs regulated market
- Egalitarian definition of Equality
  - Economic and social power


The Case for a Regulated Organ Market-Economic Perspective

Who profits from Organ Transplant?
- Recipient-yes
- OPO-yes
- Hospitals-yes
- Physicians-yes
- Insurance Companies-yes
- Society-yes
- Donor-NO
Conclusion

“There are risks and costs to a program of action. But they are far less than the long-range risks and costs of comfortable inaction.”

John F. Kennedy