



# Scholl Institute of Bioethics

# Bioethics Review

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**The Scholl Institute of Bioethics is a nonprofit, Judeo-Christian organization that addresses bioethical issues including euthanasia, physician-assisted-suicide, the withholding or withdrawing of food and water from non-dying patients, brain death, organ transplantation, genetic engineering, and the rights of disabled or mentally ill persons.**

## Killing for Organs

By Germaine Wensley, RN

Fact: In the United States there are more people waiting for an available organ than there are available organs. And there is also a law that is supposed to prevent the removal of organs from individuals who are alive. This law, the *Uniform Determination of Death Act* has been adopted by all 50 states. It states that an individual who has sustained either 1) irreversible cessation of circulatory and respiratory functions, or 2) irreversible cessation of all functions of the entire brain, including the brain stem, is dead. This determination of death, the dead-donor rule (DDR), must be made in accordance with accepted medical standards.

A growing body of medical professionals are claiming the DDR is patently flawed. They contend that to declare a person dead using the criteria "irreversible cessation of all functions of the entire brain, including the brain stem", (aka brain death) is simply useful fiction - the patients are still alive when their organs are removed. That topic, however, merits a separate discussion. (see *Brain Death Reconsidered*, in Scholl's *BIOETHICS REVIEW*)<sup>1</sup> On the other hand, there are those who believe the dead-donor rule is too restrictive and prevents some individuals from receiving a needed life-saving organ.

More than 35 years ago, it became obvious that the list of those waiting for an organ was much

larger than there were organs to be had. Various methods and programs have been employed to encourage individuals to become an organ donor, but the waiting list today still far exceeds the donor list. This organ shortage is fueling an illegal black market for organs in different parts of the world. It's an extremely lucrative business and anyone who can afford it will be able to find a foreign country where organs can be had for a price.

The world was horrified when news reports broke about prisoners in Chinese prison camps being killed for their organs. An independent China Tribunal was formed in London to inquire into this atrocity. "Forced

organ harvesting has been committed for years throughout China on a significant scale," the tribunal concluded in 2019. Not only were organs being forcibly removed without consent, testimony before the Tribunal claimed that some removal was even carried out on live patients!

Since appeals to the public to become an organ donor hasn't worked as well as hoped, different strategies are still being explored. Would it be morally appropriate to compensate monetarily for organs? What about presumed consent for everyone? Dr. Wesley Ely, a professor of medicine and critical care at Vanderbilt University School of Medicine and a

***Choosing your death by offering to donate your organs?***

well-respected, practicing ICU physician, was shocked when hearing about another proposed solution to increase donated organs, one which is gaining frightening traction. It might even trump what went on in China. Dr. Ely reports, "At international medical conferences in 2018 and 2019, I listened as transplant and critical care physicians discussed *death by donation* — ending people's lives (volunteers even without disease, who are simply tired of living) with informed consent by taking them to the operating room and, under general anesthesia, opening their chest and abdomen surgically while they are still alive to remove vital organs for transplantation into other people. The big deal here is that *death by donation* would bypass the long-honored dead donor rule, which forbids removal of vital organs until the donor is declared dead. *Death by donation* would, at present, be considered homicide to end a life by taking organs."<sup>2</sup>

Recently the prominent Denmark journal *Bioethics* published an article by Diddie Andersen of Aarhus University titled "May I Give My Heart Away" where she gives reasons why healthy people should be permitted to become vital organ donors even if they are not about to die for other reasons. She argues that only accepting imminently dying people as eligible donors for living vital organ donation is not right and "objectionably paternalistic."

Dr. Ely points out three long term ramifications if the dead donor rule is abandoned:

- People with physical and mental disabilities have expressed that they feel stigmatized and that society devalues their lives. Would this send them a not-so-subtle message to get out of the way and do something noble with their healthy organs?
- How quickly would we see expansion whereby those who can't speak for themselves are included as donors?
- What does it mean for all of us when our healers — physicians — are in a position that directly overrides a nearly 2,500 year-long prohibition against taking life?<sup>3</sup>

Lately patient autonomy, the right of patients to make decisions about their medical/health care without their health care provider trying to influence

the decision, has become a prime consideration in medicine. Shouldn't it be a patient's right to take control of their health care? But where does patient autonomy fit into *death by donation*? In many places, even here in the U.S., it is lawful for patients to ask for and receive a lethal prescription to end their lives - in other words "physician assisted death." Does submitting yourself to be killed so that your organs can be used for another person's benefit fall under the right of self-determination? Are there limits to patient autonomy? What is the role of a physician in this scenario? If you are a healthy individual and you arrange for yourself to be killed and your organs retrieved for donation, should this fall under the category of a "health care" decision? Is it moral or ethical? In reality isn't it just a form of homicide as Dr. Ely said? There are many, many questions that need to be studied and answered. Let's hope sanity and morality guide the answers to these many questions and *death by donation* does not become accepted medical practice here in the United States or anywhere for that matter.

#### NOTES

1. <https://schollbioethics.org/bioethic-issues/brain-deathorgan-donation>
2. *Should death by organ donation be allowed*, E. Wesley Ely MD, Aleteia.org, 05/09/19.
3. IBID

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