



## Letters to the Editor

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### **The Right to Sell Organs**

The notion of owning one's own body seems odd to some, but if we don't own it ourselves, who does? Historically, after death, bodies were the property of the deceased's relatives, like the rest of the deceased's estate or as part of a family's right to bury their dead. Inherent in this traditional approach is the notion of ownership, either by the deceased or the family. But that isn't how the government sees it.

The President's Council on Bioethics, the U.S. Dept. of Health and Human Services, and the New York State Legislature are discussing presumed consent as a possible solution to the organ shortage. Presumed consent really is no consent at all. Presumed consent is a form of "conscriptioin." Unless individuals make their contrary wishes clearly known, the government will take possession of their organs and use them as they see fit. It seems rather undemocratic for the government to presume anything regarding my wishes, let alone the notion that the government has the authority to presume what I want to do with my body while alive or after death.

If not conscription, perhaps the proper analogy is eminent domain, in which case, fair compensation is due. Either way, the government is taking something of value from one set of citizens without their consent to benefit others, and those benefiting are not just the recipients dying on the organ donor waiting list. Doctors aren't expected to harvest or implant organs for free. Hospitals aren't expected to provide their surgical facilities and recovery rooms for free. Organs aren't transported from one facility to another for free. Organ and tissue banks all make nice size profits, as do the companies that use donated bone and tissue to manufacture all sorts of medical products used in surgery. It is revealing that everyone is making money except for the people who provide the raw material. No wonder some patients feel cheated when what they give for altruistic reasons is used to make others millions.

The solution to the organ shortage is to allow a free market in all aspects of organ and tissue procurement. Let the market do what it does best - match those with goods and services with those who need them. It would be nice if altruistic motives were enough to provide all the organs and tissues needed, but why, in a society where the exchange of money for goods and services is the norm, should people be limited to the two options of giving their bodies away or having the government take them without asking?

The organ shortage kills more than just the people who die waiting on the organ donor list. Transplant surgeons argue that organs should be harvested earlier by reverting back to heart/lung indications for death instead of waiting for brain death; people get sick because organs are harvested without full medical screening; selling organs on the black market has caused multiple cases where people became ill due to contaminated bone and tissue transplants; and funeral homes steal and sell organs and other body parts on the black market.

To make a real dent in the organ shortage, states don't need more laws, more police investigations, more active recruitment of donors, or more aggressive tactics to get families to donate; what they need is a legitimate market. Let people sell their kidneys while they are alive (most people have two), and let people stipulate in their wills that

they want to sell their organs, bone and other tissues at death. Insurance companies can create real incentives - financial incentives - to get people to donate. Incentives such as a partial reduction in premiums when someone signs up as a donor and the payment of funeral expenses once the organs are harvested. The real way to stop the transplant nightmare is staring us in the face. Just let people do what they naturally do - exchange money for goods and services.

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