

Directions For The Disposition Of My (And Your) Vital Organs

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After spending sixteen years urging legal reform that would permit compensation for organ donation in order to increase the supply of transplant organs I have decided to reverse course. I will now try to increase the supply of organs by decreasing the supply of organs, that is, by urging you to commit to not donating your organs unless you are compensated. Why this radical change in direction?

The core of the various market based reform proposals seems so obvious and incontrovertible as to be banal. The principle reason that we manage to recover perhaps half the potential transplantable organs is that those who are asked to donate receive nothing in return. And yet we continue to live under a regime that criminalizes compensation and thereby condemns people to death and suffering while the organs that could restore them to health are instead fed to worms.

Those who support the current regime are inclined to mouth pieties about the dignity of human life being degraded by the trafficking in human organs. But, if the price of upholding the dignity of human life by prohibiting compensation is condemning innocent children to death by organ failure those pieties are exposed as vicious nonsense. And so, those who oppose a market solution would have it be the case that the prohibition on compensation for organ donation is costless; that is, that compensation would not increase the supply.

Those on our side of the debate are then called on to refute this “argument.” There is something more than a trifle bizarre in being required to argue for the proposition that with respect to a good that is valueless to its current owners and of enormous value to others, that permitting compensated transfer from the former to the latter will increase the number of such exchanges. The burden of persuasion in this debate rightly belongs with the opponents of markets. First, because given that market rewards are almost everywhere the most effective incentive for eliciting the provision of goods and services, it falls to the opponents to demonstrate that there is some peculiar reason why in this market, unlike virtually all others, permitting price to rise above zero will not increase the quantity supplied, and second, because the cost of erring on the side of prohibiting a market that would otherwise save thousands of lives is immeasurably greater than that cost of attempting a market that fails to increase supply.

But that is not how those who oppose markets frame the debate. They insist that a market will not work, and take the position that I must prove beyond all doubt that it will. No such standard proof is available. So I have decided to create non-standard proof.

I have now adopted and am promoting the following:

Directions For The Disposition Of My Vital Organs

Being of sound mind and body, I, Lloyd Robert Cohen, do hereby declare that in the event of my death I refuse permission for any of my major organs (i.e., kidneys, heart, liver, lungs or pancreas) to be harvested from my body unless and until at least one of the two following conditions is satisfied:

- 1. that the harvested organ be designated for transplantation into my direct descendent, wife, mother, aunt, first cousin or any of their descendents or,**

2. that all costs attendant to the preservation of my body and the harvesting of my organs be paid by a third party and:
 - a. that the sum of at least eight-hundred sixty four dollars and twenty-seven cents (\$864.27) be paid to my estate in exchange for each organ, or,
 - b. that the harvested organs be designated for transplantation into a member in good-standing of the LifeSharers list entitled to receive the organ.

Should any member of my family, in contravention to the wishes expressed in this document, permit transplantation of any of my major organs, the amount that they would otherwise inherit from my estate by devise or intestacy shall be reduced by fifty-thousand dollars (\$50,000).

The **Directions For The Disposition** are my effort to focus attention on the cost of the current legal prohibition on financial incentives. Those who insist that it is good and just that it be illegal and criminally punishable that any organs be exchanged for money, can no longer pretend that there is no cost to that prohibition. The cost of that legal regime is my organs. If I die in appropriate circumstances they could restore four or five people to health but they will not unless my estate is paid.

I do not take this path as a first choice, but as a last resort. It is fifteen years of frustration and the final recognition that our opponents can not be swayed by reasoned argument that leads me down this path. Please join me. You can find the **Directions For The Disposition** at my webpage <http://mason.gmu.edu/~lcohen2/>. Please download it, adopt it and add your name to the list. As the numbers of people who do so increase, the price of the legal prohibition will become larger and more real. It will become impossible for our elected representatives to ignore.