

Case 15

Since 1998 Americans have increasingly traveled to China to receive organ transplants from executed prisoners. Following successful transplants in China, these organ recipients return to their U.S. physicians for follow-up care to insure that the transplanted organ continues to function appropriately. While many of the patients are reluctant to divulge the source of their new organs, others freely admit that the “donors” were prisoners executed by the Chinese government.

As Craig Smith recently reported in *The New York Times*, “Executed prisoners are China’s primary source of transplantable organs, though few of the condemned, if any, consent to having their organs removed....”

Outsiders worry that some donors may have been innocent, political prisoners who were arrested and executed for criticizing current political leaders. Further, in keeping with its policy of zero tolerance of crime, China mounted a recent nation-wide anti-crime effort that has yielded large numbers of arrests, many followed by hasty trials and confessions extracted through torture.

China’s political history suggests that execution of some innocent persons is likely. However outsiders suffer from an information deficit about why Chinese prisoners are incarcerated and executed. Presumably some Chinese prisoners are guilty of crimes other than political criticism, and presumably some of those crimes have been capital crimes (though human rights groups, such as Amnesty International, note that even minimal offenses (e.g., stealing a pig) qualify as capital crimes in China).

The United Network for Organ Sharing (UNOS), which sets the standards for U.S. organ donations, requires that donations be chosen freely. No coercion, exploitation, or payment is permitted. Furthermore, UNOS forbids organ donations by prisoners (even death row inmates) out of concern that prison constitutes an inherently coercive environment that makes genuinely voluntary donations impossible. UNOS also forbids the sale of human organs.

Most persons who received Chinese transplants were on the waiting list for an organ transplant in the U.S. The motivation for traveling to China is undoubtedly the long, often fatal, wait for an organ in the U.S. As of September 27, 2001, 80,314 persons were on the national waiting list for organ transplants. The total number of transplant recipients in 2001 was 24,110--less than one third of those in need. By far the most commonly needed organ is the kidney; 53,000 people await a kidney donation (often for as long as six years), but in 2001 only 14,184 kidneys were donated. Until supply matches demand, desperate patients will likely seek whatever avenues are available to achieve the life-saving procedures. And, since China is executing more persons each year as part of its anti-crime effort, Chinese organs will be increasingly available.

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