During the past decades, the demand for organ transplantation has grown rapidly all over the world, mainly because of the increased incidence of organ failure, and that organ transplantation, in many cases, is the best, if not the only method of treatment of end-stage organ disease. Recently, there has been a large increase in live organ donation and donation after brain death. However, the supply still lags far behind the demand, causing a global crisis of organ shortage. So far, the organ shortage remains to be the greatest challenge facing organ transplantation. One possible solution to this global organ shortage crisis that was proposed by Aaron Spital is the conscription of cadaveric organs (Spital, 2005). The program will incorporate the recovery of all transplantable organs without consent.

In his paper, Spital has described that the conscription of cadaveric organs would greatly increase the availability of transplantable organs and also eliminate issues that would arise if other methods to retrieve organs were used. Despite these great benefits, several concerns related to the right to autonomy and bodily integrity, and religious and cultural belief were raised. To understand public opinion on compulsory cadaveric organ procurement, a survey was launched in the US. Though the result showed that a majority of participants would oppose the idea, the author insisted that it is worth pursuing the program.

In specific, one major concern about the conscription of cadaveric organs is that it will violate consent. The author defended by pointing out that the right of autonomy does not apply to cadavers since dead bodies are not persons and the interests of the dead should not outweigh those of the living. Hence, in the author’s opinion, the idea of granting a dead body the right to autonomy, bodily integrity is not legitimate to justify not allowing the program. The most convincing reason for not conscripting cadaveric organs is that if there were anyone to be truly harmed, that could be the members within the dead person’s social relationships. Other reasons to not allow such an act include religious and cultural beliefs and public outrage. The author compared reasons on religious and cultural grounds to military service as military service is mandatory regardless of the person’s background. The public outrage would cease as the public became more accepting of the program once they understood the benefits of it. When the author conducted his survey, it was clear that many were opposed to the idea of “draft organs after death” with more than half would say no. Surprisingly, the more educated group of participants were less supportive of the compulsory cadaveric organ procurement than the less educated, and the younger the participant was the more they were likely to support the program. It was concluded by the author that the educational program in the US plays an important role in instilling an individual opinion on organ recovery.

The most prominent reason to allow conscription of cadaveric organs that the author has proposed was based on Utilitarianism. From a utilitarian perspective, enabling the recovery of all transplantable organs without consent would bring the happiness that far outweighs the unhappiness that it would place upon the society. Many would rely on their cultural background to oppose the program, such an example was surviving interests. But, it was agreed by several physicians and bioethicists that corpses cannot have autonomy over their bodies since they lack the capability of experiences and forming social relationships to be considered persons (Warren, 1985). Hence, surviving interests are meaningless as the interest of a dead is non-existent. Currently, there is no consensus about what constitutes fair distribution concerning the scarce number of organs. Discouraging conscription of cadaveric organs will certainly worsen the situation. According to the theory of justice from Ross’s Deontology, resources should be directed equally to those who are in need. Based on this theory, the needs of patients with end-stage organ diseases should be placed above the interests of the dead or those of their surviving family members since these patients are actually the ones in need of transplantation. One particular example of the interests of the dead or their family members is to have the dead body intact even though this is unachievable due to the natural process of decomposition. As mentioned by the author, mandatory organ procurement after death is no different from a military draft. Since ancient times, it has been acceptable by society to draft men of young age, and sometimes old age, into the military despite potential traumatic events. From a Kantian point of view, conscription of cadaveric organs can be considered a moral obligation or moral duty similar to a military draft. Therefore, allowing people to withdraw from the program because of their religious or cultural background would violate the theory of justice as well as Kant’s Deontology.

The survey conducted by the author was in 2005. At that time, most participants opposed the idea of conscription of cadaveric organs, mainly due to misunderstandings. Despite the opposition, it was suggested that the program was in coherence with most ethical theories that were used by the authors, such as the right to autonomy, Utilitarianism, the theory of justice, and Kantian Deontology. The author has concluded that giving up the conscription of cadaveric organs would be a mistake since there has not been any attempt from the government to introduce the program to the public.

(896 words)

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