MOTION:

“WE SHOULD INTRODUCE A SYSTEM OF PRESUMED CONSENT FOR ORGAN DONATION”
When the first successful kidney transplant took place in Boston in 1954 and the first human heart in South Africa in 1967, they were hailed as triumphs for modern medicine. Nowadays transplants are relatively common procedures: according to the British Heart Foundation [Ref: BHF], more than 5,850 heart transplants have been conducted in the UK, and patients can go on to live very active lives, some even running Ultra-marathons [Ref: Heart Transplant]. The latest NHS figures list 3,740 organ transplants as being carried out in 2010/11 [Ref: UK Transplant]. However, there are a further 10,000 people waiting for a transplant, and a lack of donors means that a percentage of these patients will die while on the waiting list. This situation has prompted successive governments to look at the system through which organs are donated – currently a voluntary ‘opt-in’ system, where the donor identifies him or herself by carrying a Donor Card [Ref: Sun]. Since 2000 the British Medical Association (BMA) has called for the introduction of an ‘opt-out’ or ‘presumed consent’ system for organ donation, where individuals would have to actively ‘opt-out’ if they do not wish to be considered donors upon death. But critics of presumed consent argue that such a step would effectively make all our vital organs national property. Is it our moral duty to donate organs to save the lives of others or is this an example of government trying to take personal decisions for us?
THE ORGAN DONATION DEBATE IN CONTEXT

The organ donation debate in context
In many European countries, including Austria, Belgium, Spain and France the 'opt out' law prevails where a person is presumed to have given consent unless they have formally recorded their objection to being a donor. However, it remains customary for the question of donorship to be discussed with relatives, even if it is not required by law. In the UK, the Human Tissue Act 2004 makes donation lawful only when a person has given consent prior to their death [Ref: National Archives] and relatives have no right to veto this decision as the patient’s wishes are considered paramount [Ref: HTA]. Supporters of presumed consent point to the far higher donation rates achieved in countries that operate some form of opt-out system. Spain has 33.8 organ donors for every million people of its population – three times the UK rate of 12.9 per million. One reason for this differential is that in the UK roughly only 19 per cent of the population have signed up to the donor register, despite surveys showing up to 90 per cent support donation [Ref: UK Transplant]. However, Sweden, which has an opt-out system, also has a low donor rate (15 donors/million). The British Medical Association points out that presuming consent is more likely to respect the wishes of the deceased person, and would relieve relatives of the burden of decision making in the absence of clearly stated wishes from the deceased [Ref: BMA]. Yet patient representatives Patient Concern argue that organ donation is a generous gift, not an obligation [Ref: Patient Concern]. Rather than alter rules around consent, they insist that the government should introduce new systems to boost organ transplants – including more transplant co-ordinators, more intensive care beds, more organ retrieval teams, and more public awareness.

What about personal autonomy and respect for individual beliefs?
A Public Research Report carried out in September 2008 for the Organ Donation Taskforce found that the main objections to an ‘opt out’ system of presumed consent related to concerns around the infringements of human rights and civil liberties [Ref: National Archives]. A sizeable minority thought that a system of presumed consent could undermine individual choice, and would hand decision-making about our own bodies over from the individual to the state. Journalist Mick Hume, writing in The Times when former Prime Minister Gordon Brown backed an ‘Opt-out’ system, underlined the importance of personal autonomy, arguing that whilst ‘the dead body is no longer a person’ neither ‘should it automatically be assumed to be a national asset’. Hume further notes the proposal has the potential to undermine trust in the medical profession, whereas a high profile campaign to persuade patients this is the humane thing to do could win widespread public support. But others disagree. Polly Toynbee, the Guardian columnist, counters that opposition to presumed consent is based on superstition and scaremongering led by ‘a few vociferous people’s misguided and primitive instincts about the sanctity and integrity of corpses’.

Financial incentive or betrayal of altruism?
For some the notion of providing financial incentives for organ donation has uncomfortable associations with the emerging black market in the sale of organs across the developing world. But others observe that the market in ‘transplant tourism’ is fuelled by a shortage of donors in the West: encouraging greater participation at home would at least counter some of
this problem [Ref: Wales Online]. Israel has recently introduced legislation that offers a non-financial incentive to consent, namely preferential access to transplantation for individuals who join the Organ Donor Registry (ODR) [Ref: BBC News]. The Ethics Committee of the American Society of Transplant Surgeons concluded that direct cash payment to families violated the ideal of altruism upon which donation should be based; however, payment of funeral expenses or a donation to a chosen charity was deemed acceptable and compatible with the concept of donation as a gift [Ref: ASTS]. The Nuffield Council on Bioethics has suggested that the government should pilot a scheme to examine whether there is public support for the idea of meeting funeral expenses, and whether it would increase the number of people signing up to the organ donor register [Ref: Nuffield Council on Bioethics].

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**RECOMMENDS:**

‘Frankenstein’ (PG), 1931

‘All About My Mother’ (15), 1999

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ESSENTIAL READING

FOR
- Relatives over-rule organ donor wishes of loved ones
  Rebecca Smith Telegraph 22 December 2011
- Kidney sale proposal sparks medical ethics debate
  Guardian 3 August 2011
- The potential impact of an opt out system for organ donation in the UK: an independent report
  Organ Donation Taskforce 17 November 2008
- New laws could make everyone an organ donor
  Linda Geddes New Scientist 14 September 2008
- Opt in or opt out
  UK Transplant March 2008

AGAINST
- Why presumed-consent is not the right choice for Wales
  John Fabre and Glyn Davies Western Mail 19 December 2011
- RCN against opt-out policy on organ donation
  Graham Clews Nursing Times 4 August 2011
- Too many presumptions
  Rafael Matesanz and John W Fabre Guardian 17 November 2008
- Dead people do matter
  Dominic Lawson Independent 18 January 2008
- Presumed Consent for Organ Donation
  Parents Association

IN DEPTH
- For
  Organ donor rules must change, say doctors
  Terri Judd Independent 29 June 2011
  ‘Opt-out’ organ donation plan offers hope to transplant patients in Wales
  Tracy McVeigh Observer 9 May 2011
  Living people matter. When you’re dead, you’re dead
  Polly Toynbee Guardian 15 January 2008
  One transplant kidney can save my son’s life
  Denis Campbell and Jo Revill Observer 13 January 2008
  Organ donation – parliamentary briefing paper
  British Medical Association

Against
- Why presumed-consent is not the right choice for Wales
  John Fabre and Glyn Davies Western Mail 19 December 2011
- RCN against opt-out policy on organ donation
  Graham Clews Nursing Times 4 August 2011
- Too many presumptions
  Rafael Matesanz and John W Fabre Guardian 17 November 2008
- Dead people do matter
  Dominic Lawson Independent 18 January 2008
- Presumed Consent for Organ Donation
  Parents Association

ORGAN DONATION:
“We should introduce a system of presumed consent for organ donation”
Five year old boy saves five lives
Donna Bowater Telegraph 1 December 2011

Organ gangs force poor to sell kidneys for desperate Israelis
Michael Smith, Daryna Krasnolutska and David Glovin Bloomberg 1 November 2011

Do your bit for the rich. Sell your body parts
Kevin McKenna Guardian 7 August 2011

Transplants save lives
UK Transplant August 2011

Medical Tourism
National Travel Health Network and Centre August 2011

Organ donation and Hindus: Mother-of-two begs to be given the ‘gift of life’
Ruth Gledhill The Times 8 July 2011

Shopping for an Organ Transplant? The Pitfalls of Medical Tourism
Dr. Katrina A. Bramstedt Rowman & Littlefield Publishers 3 June 2011

Organ transplants at risk as donors become fatter and older
Chris Smyth The Times 11 November 2010

Health Secretary apologises for organ donation errors
Sam Lister The Times 12 April 2010

The enigmatic nature of altruism in organ transplantation
Marie-Chantal Fortin, Marianne Dion-Labrie, Marie-Josée Hébert and Hubert Doucet BMC Research Notes 2010

Can this success be transplanted?
Johnjoe McFadden Guardian 19 November 2008

‘People are dying. It’s human to help’ says health chief
Gaby Hinsliff Observer 16 November 2008

Kidneys in Parliament
Evan Harris All-Party Kidney Group 6 July 2007

Postnote: Organ Donation
Parliamentary office of Science & Technology 1 October 2004

Organ transplants
Parliamentary Office of Science and Technology October 2004

It is immoral to require consent for cadaver organ donation
H. E. Emson Journal of Medical Ethics 2003

Organ and tissue transplantation in the NHS
Department of Health

House of Lords Inquiry into the EU Commission’s Communication on Organ Donation and Transplantation

ORGANISATIONS

British Medical Association (BMA)
British Transplantation Society
Ethics Committee of American Society of Transplant Surgeons
European Society for Organ Transplantation
Human Tissue Authority
Patient Concern
IN THE NEWS

Church leaders unite in opposition to presumed consent for organ donation in Wales
Wales Online 23 January 2012

Transplant waiting lists leaving patients ‘forced to buy organs in Asia’, debate told
Wales Online 21 January 2012

Doctors told to ask the dying for their organs
The Times 12 December 2011

Welsh government’s ‘opt out’ organ donor consultation
BBC News 8 November 2011

Organ donor question for driving licence applicants
Guardian 31 December 2010

Ethicist urges tax credits to spur organ donation
Science Daily 3 June 2010

Opt-out organ donor system ‘would increase transplants’
Telegraph 5 May 2010

Organ donors could be paid: consultation
Telegraph 20 April 2010

NHS ‘organ donor error’ review to take place
BBC News 11 April 2010

Girl saved by heart transplant calls for compulsory organ donation
Telegraph 28 March 2010

Israeli organ donors to get transplant priority
Adam Brimelow BBC News 17 December 2009

Change the law to force adults to decide on organ donation, say doctors
Daily Mail 2 November 2009

Transplant first a giant leap for surgery
Guardian 19 November 2008

Gordon Brown defies advice and threatens opt-out law to solve donor crisis
The Times 18 November 2008

Chief medical officer condemns organ donor decision
Observer 16 November 2008

Nurses support assumed organ donation policy
Telegraph 29 April 2008

The Sun could save your life
Sun 28 March 2008

Organ donor opt-out scheme ‘treats body like spare parts’
Scotsman 21 March 2008

Doctor ‘hastened death of patient for organs’
Telegraph 29 February 2008
ABOUT
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