Life, Lottery, for the Pursuit of Organs

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Currently, there are a limited number of organs for transplant due to the fact that it’s based on donation, however, what if organ donation were made mandatory—would such a system be just? Philosopher John Harris argues it would. He believes that ethical societies would endorse and benefit from his mandatory organ donation concept known as the “survival lottery”. In this model, citizens are each given a number and when two or more organs are needed to save patients in need of transplants, a number would be pulled at random. The individual whose number has been selected would then have their organs harvested and distributed to the patients in need. His scheme operates under the assumption that the procedure for organ transplants has been perfected, and that the program is designed to ensure equal age distribution in society. Harris provides several explanations for why this lottery would be beneficial to society and examines the possible objections to his argument. Although Harris attempts to address the flaws in his system, I will argue throughout this paper that his efforts fall short and his argument is unsuccessful.

Harris provides several reasons for why the lottery would be beneficial to society and examines the possible objections to his argument by first explaining the different roles that the people involved would play. Specifically, he examines the role of patients “Y” and “Z”: the individuals in need of organs in order to survive. He also examines the role of the doctor who, Harris argues, would be responsible for the deaths of patients Y and Z if he rejects the survival lottery. We recognize that the doctor cannot be blamed for the death of his patients if there are no available organs to perform a transplant, but Harris proposes that there may very well be available organs that a healthy man, “A”, possesses that could save multiple patients. If the doctor is obligated to treat, has the opportunity and fails to do so, he would be responsible for their deaths since there is no distinction between killing and letting die. The responsibility of having to choose whose organs to remove is taken away from the doctor as a result of the implementation of the lottery.

Harris recognizes that many philosophers say there is a significant difference between killing a person and letting them die, therefore, the doctor is morally obligated not to kill. Even though the doctor has a moral obligation to his patients to save their lives, it is of higher moral obligation that he not kill. Harris counters this idea, saying that from the perspective of patient Y and Z, A is no more innocent than they are, so it brings into question why one innocent life would seem to have greater importance over two innocent lives. This propels his argument further to say that the doctor should have a stronger moral obligation to ensure that a greater number of people are spared, and therefore a stronger ethical incentive to take one innocent man’s life in order to spare two.

There would be an immense psychological impact on the individual selected, the doctors performing the operation, and society at large surrounding the idea that someone must choose who will die, and someone will in fact die. It is for this reason that Harris offers the idea of the lottery, so that the individual would be picked at random and no one person would have the burden of choosing which life to take. He argues that although people would be apprehensive about being called to give their organs, the likelihood of one person having to do so would be just as likely as an individual being struck by lightning, or eaten by a lion. Therefore, the apprehension experienced by people would not be a likely factor for disapproving of such a scheme. On the contrary, Harris argues that people would actually feel more secure by having this system implemented. Harris concludes that there’s more distress without the lottery than there is with it, and less people would suffer as a result.
of having the lottery in their society (Harris 276).

One of the largest objections faced by the survival lottery is the opposition people have toward the notion of “natural” death, dying due to natural causes, and taking life purposely, which is what this lottery would do in order to save those who are dying of natural causes. By man orchestrating who is given life and who has it taken away, it is essentially playing God or changing destiny, which many feel great hesitancy to do. Harris addresses this objection, communicating through his argument that “It’s morally okay to violate any rule”, in this case, killing one innocent life, “if doing so will raise overall well-being”, that is, sparing two innocent lives (Shafer-Landau 128). Harris explains that if we don’t kill one, our failure in doing so is killing multiple, so either way loss is occurring. Therefore, it is not a plausible argument to say that the lottery involves killing and reject it simply for that reason alone because electing to discard the lottery results in the same consequence.

Because of what the lottery demands, the idea of saintliness would become obligatory; every individual would be mandated to give their lives when called. However, what about the rights of the individual who is chosen? The system does not require an individual to give their direct consent, which would violate their right to choose what to do with their body. This argument is addressed again through the eyes of patients Y and Z, who would contend that if arguing from a perspective of self-defense, that same right is applied to them. Their well-being outweighs the harm that would be done to A. Since they have just as much right to defend themselves against harm, if they must kill A in order to defend themselves, then they would be blameless for doing so. Otherwise, the individual who survives will be doing so “over their dead bodies” (Harris 277).

A problematic area that Harris attempts to deal with is the issue of selection. He brings up an idea that most would think would be suitable for the lottery to work, where Y and Z and the patients alike would be the pool from which to select from, putting no more outside individuals’ lives at risk. Harris again takes the position of patients Y and Z, explaining how their rights would be violated by this so called solution. Y and Z would feel that their lives are of less importance and value than those of the outside parties. This same issue extends to the terminally ill and those who are dying and cannot be spared. We would again be isolating a group of the population by telling them that since they will die anyway, their life, whatever is left of it, is less valuable than anyone else’s. Harris opposes this idea of selection from the terminally ill group by saying that the last few weeks of life for the dying can arguably be the most valuable, even more valuable than the rest of their life, so it can’t be justified to solely select from this group (Harris 278-79). The issue of trying not to discriminate against one group from another through the selection process of the lottery is one of great concern for the survival lottery’s achievement.

Harris recognizes that his argument comes under scrutiny, but he doesn’t think any rival philosophical views disprove his argument. If this is the case, it would be implausible to reject the lottery. He begins by saying that any moral theory opposed to the lottery in that it involves the death of innocent lives is mistaken because without the lottery, there could potentially be more loss of innocent lives. According to the perspective that Harris argues from, “we are not allowed to ignore the suffering of others” if we consider ourselves to be “members of the moral community” (Shafer-Landau 129). Therefore, simply allowing innocent patients Y and Z to die would be just as bad as killing them directly.

Harris acknowledges that the moral game changer in his argument is the intent of patients Y and Z, and whether it is morally permissible. Some would argue since no one intentionally wishes for the deaths of the patients, but the patients wish for the death of A, the patients would be wrong. Y and Z disagree however, they don’t want the death of A, they just want his organs. Here the patients rely upon an idea known as the Doctrine of Double Effect. As defined by Russ Shafer-Landau, the doctrine of double effect, (DDE), is the view that if your goal is worthwhile, you are sometimes permitted to act in ways that foreseeable cause certain harms, though you must never intend to cause

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those harms (219). For Y and Z the death of A is a foreseeable consequence of harvesting his organs, not the intended consequence. Harris delves deeper into this argument, addressing the belief that the system is violent and vicious, and only a tainted mind would advocate such a program. But Y and Z again would counter argue that to disagree with the lottery system would be immoral because you are not giving equal respect to all human life. If all human lives are not morally equal then we need some criteria for determining the weight of human life. If there are no such criteria available, it is safer to operate as if all lives have moral value rather than none.

Harris concludes his paper by reexamining the survival lottery, acknowledging the weak spots in its potential success such as its susceptibility to corruption, difficulties in determining who is a viable candidate to receive a transplant, the psychological damage that may ensue as a result, and other objections which we see him try to counter throughout his paper. Ultimately, Harris argues that we are incorrect to conclude that the survival lottery is wrong strictly on the basis that it results in the intentional death of one innocent life- there must be more to disqualify it for being morally impermissible. John Harris claims that although there may be apprehension and opposition to his idea, the failure to adopt such a system would ultimately result in the loss of more innocent lives. Therefore, Harris believes societies and the people within them would be more successful, morally stable, and ultimately reasonable by implementing the survival lottery into their communities.

Although Harris addresses some of the objections made to his argument and attempts to argue for the survival lottery’s moral success, ultimately it fails. There are several weaknesses to his concept that make the idea of the organ lottery unsuccessful. One of these weaknesses is the pool from which participants would be selected, and the effect that would then have on the promotion of well-being in society. By default, the survival lottery can only choose from a pool of healthy individuals who have able organs from which to give. If that’s the case, this would have the opposite effect of promoting healthy human beings. If the pool of participants must be fit enough to provide organs to those in need, people would intentionally try to eliminate themselves from the pool by engaging in activities that would deem their organs unviable, thereby counteracting the promotion of well-being that Harris argued his lottery would provide. Although Harris argues that installing this type of system into society encourages well-being, it can be argued that as a result of its installment, individuals would wish that they not be healthy in order to avoid being selected in the lottery.

Another area where Harris’ argument falls short is his attempt to eliminate unfairness. Harris recognizes that it would be unfair to kill A so that patients who are responsible for the decline of their own organs from things like excessive drinking and smoking, can continue these behaviors of overindulgence with their newly gained organs. But Harris fails to give a solution for this major issue. It also may be difficult to determine who actually is responsible and who isn’t. He also argues that it would be unfair to strictly select from the terminally ill and the individuals in need of organs because that would be singling them out from society. The fault with this argument is that by excluding the ill from the lottery, you are still discriminating against another group of individuals: the healthy. Harris recognizes this flaw, but fails to acknowledge that by accepting this as part of the survival lottery, he is ultimately giving higher value to the unhealthy, contradicting his prior claim that the survival lottery makes it so no life has higher value over another’s. According to Nelson, “if Y and Z are members of the community and if they are not immune from the lottery due to the unhealthy lifestyle choices that would also exclude them from the lottery, it follows that they should be liable to the lottery, too” (399). If it truly were the case that all lives were viewed equally under such a scheme, then the people in search of an organ would also be subject to the lottery alongside the other healthy individuals with viable organs to give.

One point that Harris uses for the basis of his argument that can be argued against is the concept that the lottery ensures all lives are viewed as equal. It’s difficult to say however that if, say, the president of the United States were to have his organs harvested, there would not be an exception made for him. It could be argued that his role in society is of great instrumental value and importance.
since it promotes a high level of well-being, and his maintenance of life would promote the most overall good than if he were to participate in the lottery. Although he has no more right to life than Y or Z, it would be reasonable to excuse him from the program. It seems that excuses could plausibly be made for certain individuals in society, rendering the lottery unsuccessful since not everyone is on an equal playing field for being subject to the lottery. An objection could be made to this argument though, that if one can be excused from the lottery based on their immense contribution to society, if the lottery were implemented, we should only select from a group which makes little to no contribution to society to promote overall well-being for the greatest number of people. This line of thinking would then essentially justify the killing of the disabled and other groups alike, which as a society we know to be morally impermissible, but would seem justifiable if the lottery were to be employed. Because it seems we can make excuses for some individuals to be excluded from the lottery, it makes the idea Harris has that all lives are equal and should be taken to spare others, implausible, thereby making the lottery scheme ineffective. Speaking within the context of the survival lottery, the medically needy are favored; therefore, life does not appear to be as equal as Harris claims under such a system, making it inoperable within society.

Another idea that can be criticized in John Harris’ argument is whether or not it would truly be morally obligatory for a society to function under such a system. Consider Judith Jarvis Thomson’s analogy of the violinist where you are kidnapped and hooked up to a world famous violinist and told that if you unhook yourself from him, he will die. If you don’t unhook yourself, then you will die from the strain he is putting on your kidneys. No one would say you are morally obligated to stay hooked up to the violinist because you have been put there against your will, and you are dying as a result. Therefore if you unhooked yourself, you certainly wouldn’t be considered a murderer. The cost, which is your own life, is far too great a price to ask to pay for a stranger (353-54). As it would be morally praiseworthy for you to stay hooked up to the violinist, it would be morally praiseworthy for an individual to volunteer to give their organs to save another life, but certainly not obligatory. Because in the lottery you are forced to give up your organs and in the analogy of the violinist are kidnapped and forced to be hooked up to him, “it wouldn’t be morally wrong to neglect helping the violinist, if selected, if one never intended to in the first place” just as it wouldn’t be morally wrong to refuse the mandatory organ lottery because no one is electing to be in it in the first place (Nobis and Jarr-Koroma 60). And just as if you were to unhook yourself from the violinist you would not be thought of as a murderer, your opposition to the organ lottery and Y and Z’s resulting death would not be thought of as murder by your hand.

Examining this idea further, individuals are not obligated to promote the well-being of strangers, unless voluntarily obligating themselves to such an individual, which we don’t see happening within the context of the survival lottery. When reviewed from a feminist perspective, “…care cannot be parcelled out to everyone equally”, therefore “impartial benevolence” is an unrealistic expectation and certainly not a mandatory one for rational individuals to be moral (Shafer-Landau 279). According to Judith Jarvis Thomson, “having a right to life does not guarantee having either a right to be given the use of or a right to be allowed continued use of another person’s body—even if one needs it for life itself”, thereby disproving the claim Y and Z have for their right to use another’s organs for their survival and ultimately the survival lottery in itself (359).

One problematic portion of Harris’s argument is Y and Z’s use of the doctrine of double effect. Y and Z explain that the death of A is not part of their plan, they just want to use his organs, and if he cannot live without them, then that’s too bad (Harris 279). This line of thinking that only the intention of the action can deem it moral or immoral is highly problematic, and can justify what reasonable human beings would deem as horrendous and immoral actions. According to Lisa Day, “Using the PDE to allow the hastening of death as a foreseeable but unintended effect of preserving organs blurs the rule…[that] organ procurement cannot be the cause of death; the donor must have already died of causes unrelated to organ recovery before procurement takes place” (336). Would a
reasonable person say that there is a difference between harvesting someone’s organs and having them die versus killing someone by harvesting their organs? Take for example, that my dog is obese and needs to lose weight. My intention is to have him lose that weight as fast as possible, so I choose not to feed him for a week. As a result, he dies from starvation. It’s common knowledge that without food and water, animals will die. Just because my intention was good, it seems unlikely that someone would say my actions were justified and not call ASPCA for animal cruelty. But, according to the DDE, this sort of thinking can be justified because my intentions were good; I foresaw my dog’s death, but my actions were still acceptable. Any reasonable human being would seem to disagree with such a sentiment. Likewise, it would be just as absurd to argue that Y and Z are justified in taking A’s life. It’s common knowledge that harvesting someone’s organs would result in their inevitable death. In this case, there is no way to distinguish between the actions which Y and Z intend and the actions which they foresee, which is a good reason to believe that the DDE fails in this situation.

Therefore, reasonable people would not accept the survival lottery as a plausible solution to the issue as Harris suggests. As Russ Schaefer-Landau explains by even using an example similar to that of Harris’ argument, “if we were to abduct a number of healthy people…and cut them up to distribute their vital organs to those who would otherwise die…we could minimize misery…but [this] way of minimizing harm [is] deeply offensive”(219). Our natural repulsion towards the idea of the selection of death, even to save one or more people and minimize misery, is in part, evidence of its own for the moral difference between letting die and killing. There is a clear distinction between allowing someone to die of natural causes and bringing about another individual’s death, and the lottery breaks this moral line.

This paper has been an analysis and evaluation of John Harris’ argument for the moral success of the survival lottery. Although Harris exemplifies potential benefits and attempts to address the flaws within his argument, there are still detrimental gaps within the scheme that make the survival lottery unsuitable for reasonable societies to adhere to. One potential argument against my criticism of John Harris’ survival lottery could be that I have not specified the conditions in which there is a relevant moral difference between killing and letting die. It hasn’t been my purpose to say that there always is a distinction between the two, just that in this circumstance, things are not as equal as Harris suggests. Although it may be argued that there’s no difference between letting die and killing, and it is of highest obligation to promote the well-being of the most people, the intentional death of A, and the unintentional hand that Y and Z were dealt, speaks against this objection. Y and Z’s death would be brought on by no one in particular, while A’s death would be brought on by the hand of Y and Z. There seems to be a clear distinction of how death would be brought upon the individuals involved, proving why this potential weakness in my argument does not threaten the validity of my evaluation. Although at face value, saving two lives versus one seems appealing, when implemented through John Harris’ survival lottery, it is deemed unsuccessful, and ultimately immoral.

Works Cited


