

Free Organ “Donation” by the Unfree

Description

by **Bradley Blankenship**

State legislatures around the United States are keenly watching the fate of a [Massachusetts bill](#) allowing prisoners to receive up to one year off their jail sentence by donating their organs.

According to reports, [Bill HD.3822](#), called the “Act to establish the Massachusetts incarcerated individual bone marrow and organ donation program,” would allow participating prisoners to receive a minimum of 60 days and up to a whole year off their sentence. It would be set up in a special parole hearing based similarly on commuted sentences for “good behavior.”

However, it would also encourage repeat donations, and since those incarcerated in the US are disproportionately [minorities](#) and low-income earners, it bears similarities to the country’s blood and plasma donation scheme. That system preys on low-income earners and students, encouraging them to consistently donate their blood at for-profit collection centers, effectively selling it in a sort of vampiric version of capitalism.

In a 2019 piece titled ‘Harvesting the Blood of America’s Poor: The Latest Stage of Capitalism,’ Alan MacLeod observed that “[around 130 million Americans](#) admit an inability to pay for basic needs like food, housing or healthcare, buying and selling blood is one of the few booming industries America has left.”

“The number of collection centers in the United States has more than doubled since 2005 and blood now makes up [well over 2%](#) of total US exports by value. To put that in perspective, Americans’ blood is now worth more than all exported corn or soy products that cover vast areas of the country’s heartland,” he said.

According to MacLeod, “The US supplies [fully 70 percent](#) of the world’s plasma, mainly because most other countries have banned the practice on ethical and medical grounds. Exports increased [by over 13 percent](#),

to \$28.6 billion, between 2016 and 2017, and the plasma market is projected to ‘grow radiantly,’ according to one industry [report](#). The majority [goes](#) to wealthy European countries. Germany, for example, buys 15% of all US blood exports. China and Japan are also key customers.”

But low-incomers giving blood for money is a very different scenario from prisoners literally giving their organs for freedom. The most important difference is that the proposed organ donations by prisoners would be the result of a criminal penalty.

The US Constitution prohibits “cruel and unusual punishment” of convicts, and one could argue this makes the bill unconstitutional. But the way it is framed means the organ-for-freedom contract is not technically a punishment — but simply a voluntary system that can reduce a convict’s actual punishment. Neither is it necessarily cruel, since a person can live a normal everyday life without a kidney, nor unusual, because healthy people donate organs all the time.

The United States has slavery as a form of punishment codified in its constitution, via the 13th amendment. It is also a country where the death penalty is legal at the federal level, but mainly implemented by states in capital offenses, such as murder. US prisons also routinely implement long-term solitary confinement, recognized by the UN as a form of torture. The threshold to prove “cruel and unusual punishment” is thus exceptionally high.

One of the primary arguments put forward by proponents of the bill is that prisoners have no way, as of now, to donate organs even if they choose to. That is a pretty sound case. After all, shouldn’t they be able to exercise that right if everyone else has it? And what’s the argument against them losing this right – especially if it helps everyone, including Massachusetts’ jammed-up donor waiting list?

Unfortunately, the easily foreseen problem is that it incentivizes people to literally give up organs, parts of their bodies, for their freedom. This is inherently immoral. The people locked up in US prisons are disproportionately from minority groups, subject to awful conditions, with little access to economic aid or rehabilitation.

This is one of the main reasons why the US has the highest recidivism rate in the world, with 76% of prisoners released being rearrested within five years and an astounding 44% returning to prison within only one year. The entire system is set up for failure and for people to return to prison, thus pushing them to donate their organs but without any financial compensation, only a reduced sentence.

This is another step in America’s descent into, as MacLeod described, a horror story of late-stage capitalism that one might dub vampiric and where the wealthy feed on the blood of the poor.