



Black Markets: The Supply and Demand of Body Parts

By Michele Goodwin

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In direct response to indefinite delays on the national transplantation waitlists and an inadequate supply of organs, a growing number of terminally ill Americans are turning to international underground markets and brokers for organs. Offering a contemporary view of organ and tissue supply and demand, Michele Goodwin explores the legal, racial and social nuances of current altruistic institutionalized procurement schemes. It is understandably not publicized that Chinese inmates sitting on death row and the economically disadvantaged in India and Brazil are the most often compromised co-participants in the negotiation process and supply kidney and other organs for Americans as well as other Westerners willing to shop and pay in the shadow of the law. Goodwin suggests that the best alternative model for organ procurement is a market approach or one based on presumed consent and provides an alternative way of studying how to increase the supply of organs and other body parts as well.

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Editorial Review

From Publishers Weekly

Law professor and bioethicist Goodwin sheds much needed light in this disturbing examination of yet another failure of the American health care system: an organ donation process that leads to the sale of human organs. Despite some highly technical sections, the author artfully uses case law and tragic stories of people caught in the machinery of an organ marketplace that favors the well connected. Even readers well versed in current events are likely to be shocked by the prevalence of "presumed consent" legislation in 28 states that shifts the choice to donate away from potential donors —corneas, for instance, are routinely harvested by local coroners unless a specific prior refusal has been communicated (and sometimes even despite such a directive). The author does a good job of linking this country's history of medical scandals that victimized African-Americans to that community's misgivings about serving as either donors or seekers of a spot on the coveted transplant waiting lists. Her controversial recommendations, which include lifting the taboo on selling cadaveric organs to address the organ deficit, should spark much discussion. (*Mar.*)

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Review

"'Goodwin is the leading scholar and one of a relative few critically analyzing race and medicine today. Goodwin points out a global crisis that deserves very close attention from lawyers, doctors, judges, the community, and religious thinkers. Black Markets is a provocative and highly intelligent book. It brings to light issues that have been kept in the dark for far too long. This book is an outstanding accomplishment for its depth, nuance, and ability to reach so many audiences because of the legacy of 240 years of legal slavery, one hundred years of Jim Crow where access to health care was illegal for blacks. The legacy of high infant mortality rates and shorter life expectancy haunts blacks even today. This book delves into matters too long ignored. Blacks work harder and make less, pay more for less, live under stress and don't live as long. Professor Goodwin is to be hailed for the quality of her scholarship and academic excellence in Black Markets. Black Markets should be on the shelves of all people who care about the future of biotechnology.'"

Reverend Jesse L. Jackson, Sr, Founder and President, Rainbow PUSH Coalition

"A remarkable, fresh analysis of a difficult and terrible public health issue. I could not put the book down."

Donna E. Shalala, former Secretary of Health and Human Services

"'From the pillaging a century ago of Black graves to the recent sale of Alistair Cooke's bones to a tissue bank by rogue New York morticians a black market in body parts has been an unspoken but flourishing way of securing human organs and tissue. Michele Goodwin's exploration of the legal, ethical and commercial aspects of this "industry" is a macabre and fascinating study of how our present system of "altruistic donation" has failed to meet the need for such materials. Her proposal for a controlled market restricted to cadaveric organs is a change in public policy designed to meet demand without seducing the poor into selling their body parts.'"

-John J. Paris, S. J. Walsh Professor of Bioethics, Boston College

"'Black Markets powerfully exposes the fraud, bias, and commercialism that plague our supposedly altruistic system of organ donation. Goodwin places the needs and views of African Americans - those hurt most by the current system -- squarely at the center of her project. Her daring proposal will cause readers to rethink not only organ donation but the nature of altruism itself.'"

Dorothy Roberts, Kirkland and Ellis, Professor of Law, Northwestern University Law School and author of

Killing the Black Body: Race, Reproduction, and the Meaning of Liberty

“For many years I and many others in the law and economics movement have urged in vain that a blind faith in altruism leads to a senseless loss in human lives that only a legalized market in organ transplants can overcome. Our chosen tools of analysis have been supply and demand curves. It is therefore heartening to see how Michele Goodwin's all too human take on this burning issue reaches the same conclusion. When the classical economist and the modern race theorist both reach the same conclusion, maybe, just maybe, the bureaucrats who run our sclerotic system of organ transplants will take heed— before more lives are ruined or lost.”

Richard A. Epstein, James Parker Hall Distinguished Service Professor of Law, University of Chicago

“While everyone may dream of being a hero, when it comes to giving away organs, the reality is starkly different. Despite multi-million dollar publicity campaigns, not enough individuals make the “Gift of Life.” The gap between organ supply and demand continues to grow exponentially. These numbers don't lie, and Michele Goodwin is not afraid of the truth. In her provocative book, she reveals how exclusive reliance on altruistic donations has failed, disproportionately affecting African American patients. As she sheds light onto the current organ procurement system and examines alternatives - from compelled donations to presumed consent and the black market- she finds more exploitation and racial bias. Her solution is bold. The business of saving lives can thrive if we let tissues and cadaveric organs enter the market place and regulate their sales. It takes courage to read this book. As a reward, readers will better understand the historical roots of the problem, and the challenge it presents to the legal system and to our moral assumptions.”

Karine Morin, LLM, Director, Ethics Policy, Ethics Group, American Medical Association

"With her extensive research and graceful prose, Michele Goodwin takes us behind the scenes of the organ transplant industry. *Black Markets* is a pioneering work that weaves together compelling interviews with patients, gripping health care statistics, fascinating legal cases, and sound policy proposals that could transform health care for everyone."

Lori Andrews, JD, Professor of Law, Chicago-Kent College of Law and author of *Sequence*

“In *Black Markets: The Supply and Demand of Body Parts*, Michele Goodwin provides an interesting and provocative look at the brave new world of human organ and tissue donation and transplantation. Professor Goodwin explores the many legal and ethical dilemmas that surround this subject, and her wide-ranging research places these issues in their historical, legal, and cultural contexts. Her book provides a thorough and insightful critique of our present-day altruistic system of donation, and she proposes, and ably defends, an alternative system that would combine elements of altruism and compensation. *Black Markets* is an important contribution to the field and is certain to help shape the debate on these questions in years to come.”

Benjamin K. Miller, Former Chief Justice, Supreme Court of Illinois

"This book says important things to lawyers, doctors, and others interested in healthcare law and bioethics. Recommended for academic libraries."

Library Journal

"This exceptional book is a rational and well-referenced treatise."

James F. Trotter, MD, *The New England Journal of Medicine*

"Goodwin thorough analysis and proposal offer a great contribution to a pressing public health issue that can no longer be ignored."

New York University Journal of International Law and Politics

"Black Markets is impeccably researched and persuasively argued ... Goodwin's book provides provocative and insightful material with which to continue the conversation about transplant policy."

Barbara A. Noah, The Law and Politics Book Review

"Black Markets is a fascinating look at an issue fraught with social, ethical, and legal challenges. Michele Goodwin is an academic, and her work reads as such, with a plethora of sources and statistics to back up her assertions ... Black Markets is a useful addition to any academic law library's collection on health care law."

Stephanie Karnosh, Reference Librarian, McMillan LLP

About the Author

Michele Goodwin is the Everett Fraser Professor in Law at the University of Minnesota. She holds joint appointments at the University of Minnesota Medical School and the University of Minnesota School of Public Health. Prior to teaching law, Goodwin was a Gilder-Lehrman postdoctoral fellow at Yale University, Connecticut. She serves on the editorial boards of several journals, including Law and Social Inquiry and the Harvard/Stanford/Duke Journal of Law and the Biosciences. She is the author or editor of four books and more than sixty articles and book chapters. Her editorials and commentaries have appeared in the Los Angeles Times, New York Times, Forbes, Gene Watch, Christian Science Monitor, Cleveland Plain Dealer, Houston Chronicle, Chicago Sun Times, and the Washington Post. She is a columnist for "The Conversation" at the Chronicle of Higher Education.

Users Review

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Sherry Spears:

Playing with family in a park, coming to see the sea world or hanging out with good friends is thing that usually you may have done when you have spare time, after that why you don't try thing that really opposite from that. One particular activity that make you not experience tired but still relaxing, trilling like on roller coaster you have been ride on and with addition associated with. Even you love Black Markets: The Supply and Demand of Body Parts, you may enjoy both. It is good combination right, you still need to miss it? What kind of hang-out type is it? Oh seriously its mind hangout guys. What? Still don't get it, oh come on its referred to as reading friends.

Troy Jones:

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