



Trillium Gift of Life Network: A Moral Agent

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This paper aims to present the case that Trillium Gift of Life Network (TGLN) was ethically permitted to deny Delilah Saunders a liver transplant. Moral reasoning and impartiality as the minimum conception of morality support the claim that TGLN was a conscientious moral agent. Deontology supports the claim that TGLN took the appropriate ethical actions. Some argue that alcohol use disorder is a disease and denying her treatment was unethical, but alcohol use disorder is preventable. TGLN had the duty of allocating scarce livers, but they remained ethical in carrying out their duties.

Keywords: Deontology, Impartiality, Categorical Imperative, Kantian Deontology.

Introduction

In this paper, I will argue that the Trillium Gift of Life Network (TGLN) was ethically permitted to deny Delilah Saunders a liver transplant. Firstly, they were ethically right to deny Saunders the liver transplant because moral reasoning and impartiality guided their decision. I will discuss moral reasoning and impartiality as the minimum conception of morality and use it to support the claim that TGLN was a conscientious moral agent. Moral reasoning relies on our feelings being guided by sound rationale. Impartiality requires us to treat everyone equally and not give specific individuals special treatment. Moral reasoning and impartiality are fundamental moral principles that need to be considered when we think about what ought to be done.

Secondly, I will justify that the TGLN took the appropriate ethical actions using the moral theory of deontology and its formula of universality; it is an ethical approach based on duty. In the case of Saunders, TGLN did its duty to assess the patient on the established criteria to assign livers. Saunders failed to meet the criteria due to alcohol misuse, hence, she was denied the liver transplant. Lastly, I will respond to some critiques that argue alcohol use disorder is a disease and denying her treatment was unethical. An individual can acquire a disease due to factors out of their control, however, alcohol use disorder has preventative aspects that can be controlled. TGLN was tasked with a difficult duty of allocating scarce livers, but they remained ethical in carrying out their duties.

Applying Moral Reasoning and Impartiality

Society has voiced that the criteria relating to alcohol are not appropriate to use in assigning livers. Not all opinions that are voiced are correct, sometimes they can be guided by irrational feelings due to preconception, self-interest or cultural conditioning¹. Hence, as a society, we have to use moral reasoning to understand that TGLN made the ethically right choices that were supported by sound moral reasoning. Impartiality is closely associated with correct moral choices and is concerned with treating people consistently. For what ought to be the case, impartiality needs to exist in the assigning of livers. This implies that no special treatment is given to anyone; therefore, the concept of impartiality has an important role in the normative approach in showing that TGLN was ethical in denying Saunders the liver. The two foundational moral principles are moral reasoning and impartiality, and together they form the minimum conception of morality.

It can be seen that they are guided by the concept of the minimum conception of morality and it provides the basis for what it means to be a conscientious moral agent. Rachels explains what it means to be a conscientious moral agent.

¹ J. Rachels., "The Elements of Moral Philosophy", 2015, 11.

“The conscientious moral agent is someone who is concerned impartially with the interest of everyone affected by what he or she does; who carefully sifts facts and examines their implications; who accepts principles of conduct only after scrutinizing them to make sure they are justified; who is willing to “listen to reason” even when it means revising prior convictions; and who, finally, is willing to act on these deliberations.”²

The actions of TGLN have been that of a conscientious moral agent with regard to the creation and use of the guidelines that allocate livers. They are planning to examine the guidelines as they have accepted the scrutiny surrounding the six-month rule and finalized a three-year pilot program³. The guidelines are justified as they do follow the minimum conception of morality and TGLN has met the criteria to be a conscientious moral agent as well.

Applying Kantian Deontology

Kantian deontology can be used in addition to applying the minimum conception of morality to further justify that TGLN was ethically permitted to deny Saunders a liver. First, in deontology, an important distinction needs to be made between an act and the consequences that follow that act. The deontological perspective focuses on the obligation and duties that guide an act and not the consequences. Thus, TGLN did their duty correctly as they did not consider the consequences or any other virtue characteristics in relation to Saunders’s case. I will further apply this perspective using the first formulation of Kant’s categorical imperative to justify that TGLN took the right actions to fulfill their duty of assessing the patient on established criteria to assign livers.

The categorical imperative’s first formulation is universality. The formula of universality states that some things must not be done no matter what; because “if you accept any considerations as reasons in one case, then you must accept them as

² Rachels., 2009, 14.

³ N. Meloney., “Woman in critical condition from liver failure can't get transplant due to protocols” In CBC News. Dec.14., 2017.

reasons in other cases as well” (Rachels, 2009, p. 135)⁴. Thornton states that when supply and demand are not equal there has to be forced selection, hence there has to be universal criteria to apply to all cases⁵. Furthermore, he points out that the relationship between alcohol use and end-stage liver disease is well-known. Hence, in the allocation of scarce livers in a civil manner, the “Ontario’s Adult Referral and Listing Criteria for Liver Transplantation” (2017) had to be followed which included the alcohol criterion due to the well-known relationship. Many cases may arise when individuals demand special treatment with regard to their liver transplants; when this becomes the case, it is impossible for TGLN to carry out its duty ethically. The act of taking into providing Saunders with a liver after taking into consideration her special conditions would have been unethical according to the formula of universality because they would have not done the same for any other cases.

Responding to Objection: Causal Responsibility added to Impartially

I have established using moral reasoning, impartiality and Kantian deontology, that TGLN carried out their duty in an ethically permissible manner. However, some individuals have an objection towards this claim because they think underlying special conditions of Saunders’s particular case should have been considered. For example, she faced emotional challenges due to her sister's passing, and physical pain due to her wisdom tooth⁶. First and foremost, if the TGLN had considered these special conditions, they would have failed to remain impartial. Secondly, her condition was most likely caused because she took too much acetaminophen and she failed to abstain from using alcohol for six months prior to her needing the liver transplant⁷. Glannon presents the argument that people get a disease due to some factors out of their control but that doesn’t mean that it is entirely beyond their control to prevent it. Saunders could have prevented the worsening of her condition⁸. In order to accomplish that, she should have

⁴ Rachels., 2009, 135.

⁵ V. Thornton, "Who gets the liver transplant? The use of responsibility as the tie breaker" In *Journal of Medical Ethics*, 35(12), 2009.

⁶ E. Payne., “Indigenous advocate seeking liver transplant airlifted to Toronto for assessment.” In *Ottawa Citizen*, Dec. 15., 2017.

⁷ Payne., 2017.

⁸ W. Glannon., "Responsibility , Alcoholism , and Liver Transplantation", In *The Journal of Medicine and*

practiced control in the use of acetaminophen and alcohol. As an analogy, an example that can be considered is that of people suffering from obesity. It can be caused due to genetic factors beyond one's control; however, one can practice control by abstaining from overeating and pursuing a healthier lifestyle. Similar logic could be applied to people who use alcohol. Alcohol use disorder can result due to no fault of the individual, however, "if they do have this capacity for control, but fail to exercise it within reasonable expectations, then they may be responsible for their condition"⁹. The implications of impartiality and causal responsibility considered, the TGLN made a reasonable and ethical decision.

Conclusion

In closing, it very important to consider why TGLN has to be impartial in spite of our individual feelings. Also, while analyzing TGLN's decision, we have to use moral reasoning and leave the irrational feelings due to special circumstances out. They had to consider the interest of all persons requiring a liver regardless of their circumstances. Impartiality, moral reasoning, and Kantian deontology together present the best arguments supporting that TGLN was ethically permitted to deny Saunders a liver transplant.

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⁹ Glannon., 2017.

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