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## **The Ethics of Transplanting a Terrorist**

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# The Ethics of Transplanting a Terrorist

## PRO

Mr. bin Laden has kidney failure for which he is dialyzed, and he needs a kidney transplant. The ethical pros and cons of extending Mr. bin Laden's life and enhancing his well-being by transplantation could fill several issues of ethics journals.

But for some transplant nephrologists and surgeons, likely trained in the West and now plying their trade in Riyadh or Cairo, this must be more than an academic exercise. Certainly someone has been or will be asked to transplant Mr. bin Laden.

Although overwhelmingly physicians might choose not to take on Mr. bin Laden as a patient, there are a few arguments for treating him.

The physician has a moral obligation to treat. There are numerous precedents in recent war when combatants on both sides of a conflict are treated. Moreover, there are numerous examples every day in America's emergency rooms and OR suites where persons destructive to the common good are treated with the same energy and expertise accorded non-sociopaths. We generally accept this because it guarantees that physicians will not make decisions about who does and does not deserve care, decisions that could be capricious. It elevates medical caregiving and caregivers above the rapacity of the marketplace.

There is no opportunity cost. Mr. bin Laden will likely not receive a kidney that would have gone to another person. Living-related donor organs should be plentiful as Mr. bin Laden has a very large family.

Transplanting Mr. bin Laden conforms, perhaps in an unconventional way, to the so-called restraint of superior force. This is a

concept put forward (perhaps) by the Prussian military theorist, von Clausewitz, which proposes that if the force of one combatant is so superior to the defenses of the other combatant that victory is inevitable and the full exercise of that force will lead to total annihilation of the weaker combatant, it is better to restrain the force. Von Clausewitz avers that the stronger combatant must have in mind the postconflict period. He asks, "Who wants to rule a desert?" Tacitus described Julius Caesar's victory in Britain: "He left the land a desert and called it peace." So perhaps our long-term interests in the Moslem world would be best served by flying a transplant team from the University of Pittsburgh to Mr. bin Laden's reputed hideout in Tora Bora.

But the situation on the ground around Mr. bin Laden is likely already determined. He certainly must have funded the medical training in the West of several acolytes who have completed the MHC matching of his legions of half sisters and brothers and are ready to prep the donor and recipient. For these moles, there won't be any handwringing over the ethics and morality of transplanting Mr. bin Laden.

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## CON—Ode to Osama: For the Love of Death

Ethicists often engage in frivolous debate about trivial matters in a convoluted manner. Although this makes for interesting dialogue, it rarely fulfills its intended purpose. I will avoid this curse.

I often think of ethics in terms of 2 broad schools of thought—one rooted in religious studies and the other in secular philosophy.<sup>1-5</sup> I am most puzzled, and often irritated, when ethics comes across as little more than religion "dressed in drag." In my opinion, dogma reflects a state of cultural deprivation.

I have always considered religion and philosophy to be strange bedfellows. Whereas one appeals to a higher power, the other often denies one exists.

Ethics have a peculiar metaphysical quality about them. Protracted debates typically go nowhere. Few answers usually boil down to more questions. We should not be surprised. When people cannot agree on when life begins, and when it ends, eternal disagreement is the conclusion.

Ethics are further shackled by the disparate cultures of single countries, which grant multiple religions the freedom of expression many may not deserve. This heterogeneity makes it even more difficult to achieve consensus on fundamental ethical issues. Alternatively, although cultural homogeneity may have its advantages, it sometimes gives way to tunnel vision, while serving as a springboard for religious and political zealots in their mindless pursuit of martyrdom.

Because religion, philosophy, and culture disagree, it seems unusual that ethics are often expressed in terms of standards, or codes of conduct.<sup>1</sup> Behavior is frequently described as ethical or unethical. Strangely, the uncertain comes across as absolute.

Cultural relativism further complicates matters. Ruth Benedict—the great anthropologist—describes the situation as follows<sup>6</sup>:

No man ever looks at the world with pristine eyes. He sees it edited by a definite set of customs and institutions and ways of

thinking. Even in his philosophical problems he cannot go behind these stereotypes; his very concepts of the true and the false will have reference to his particular traditional customs.

Thus, a lunatic in one culture may well be considered a leader in another.

Likewise, a shaman from the perspective of one religion may be embraced as a saint in yet another.

Throughout history, religion, in its relentless pursuit of ethics, has been used to justify terror and related atrocities.<sup>7-9</sup> This is not a new phenomenon. Osama bin Laden has chosen to pursue a similar path in the same tradition.<sup>10-15</sup> He has merely picked up where others have left off, embracing a culture of death and destruction in the name of religion.

To understand his behavior, we have no choice but to take him at his word and interpret his actions accordingly.

Based on what he says and does, it seems reasonably clear that bin Laden places little value on American lives. The events of September 11th remarkably confirmed his previously extreme words in tragic deeds.

In February 1998, bin Laden issued a "fatwa," declared a holy war, and promoted the indiscriminant killing of Americans.<sup>16,17</sup> His decree was as follows:

The killing of Americans and their civilian and military allies is a religious duty for each and every Muslim to be carried out in whichever country they are until Al Aqsa mosque has been liberated from their grasp and until their armies have left Muslim lands.

Setting religion and culture aside, most people would have a hard time embracing bin Laden's school of ethical thought. He intends to indiscriminately destroy the people he dislikes. Although his logic defies his professed religion, he remains propped by his followers.

Bin Laden doesn't always think clearly, if he does so at all. Perhaps anemia has gotten the better part of him. In a recent interview presumably conducted in or around Tora Bora

on November 7, 2001, he commented to Pakistani editor Hamid Mir in *Newsweek* as follows<sup>18</sup>:

This place could be bombed. And we will be killed. We love death. The U.S. loves life. That is the big difference between us.

There is now persuasive, but inconclusive, evidence that Osama bin Laden has kidney failure and that he is undergoing hemodialysis.<sup>19-27</sup> This severely limits his mobility and compromises his quality of life.<sup>28,29</sup> His treatment is obviously not optimal.

Although we could carefully examine the ethical merits of extending to bin Laden the benefits of a kidney transplant, this would constitute nothing more than the frivolous debate I abhor. Therefore, rather than pursuing the ethical reasoning religion invokes, I prefer the secular approach. Assuming he is still alive, let us take bin Laden at his word and grant him his wish in the form of a charitable act.

He should be allowed to reap the benefits of the death he sows.<sup>16,17</sup> In my opinion, it would be tragic if we permitted a kidney transplant to restrain bin Laden from embracing the death he obviously enjoys, while depriving another human being of their right to life.<sup>18</sup>

Approximately 1 out of 5 American dialysis patients voluntarily withdraws from treatment before death, accepting mortality as their preferred fate.<sup>30</sup> I think it's fair to ask bin Laden to do likewise.

Death due to complications associated with renal failure might just be the fitting end of an errant martyr most Americans and Muslims would prefer to ignore.

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