

CORRESPONDENCE

Organs for sale, philosophy for hire

'What is the aim of philosophy?
'To teach the fly the way out of the
fly-bottle'

Leonard Wittgenstein

Throughout human civilisation, philosophers have been showing us the way out of the fly-bottle. Unfortunately, there has never been a consensus on who the flies are. Hence we have had philosophers who have taught princes how to cheat their subjects, philosophers rationalising Hitler's cruelty, philosophers explaining why one religious group or another needs to be 'cleansed' out of this or that country. No one should then be surprised that we have philosophers explaining why the sale of human organs may not be a bad thing after all and may even have much to commend it.'

Before going into the arguments offered by Janet Radcliffe Richards, I must question her basic methodology. She bases a lot of her arguments on the foundation that the alternative to selling human kidneys is having them donated. She completely ignores the possibilities of dialysis and cadaver transplantation. She also ignores the final option - choosing death with dignity in preference to life at the risk of harming another. She accepts as inevitable, and by implication, desirable, that 'each of us will do everything we can to save our lives...' I find these premises questionable.

Civilisation and morality

The aim of civilisation is to secure the greatest good for the greatest number. An individual's 'strong feelings of a moral kind' may certainly not be reliable guides for action as exemplified by some reactions to inter-racial marriages, 'unfeminine women' (whatever that means) and homosexuality. Those reacting adversely to the situations just enumerated do so out of prejudice. Opposition to the sale of kidneys is based on the fact that one section of society (the rich) are sought to be benefited **at the expense of another section** (the poor). Civilisation is based on morality, liberty, equality and fraternity. When one individual is permitted to buy parts of another, these principles are violated.

Harm to vendors and recipients

On a superficial level it does appear that the sale of human organs benefits both the buyer and the seller. The sale of a kidney undoubtedly provides financial relief to a family in abject poverty. I am sure that many poor individuals in India

and other Third World countries will exercise their 'autonomy' and 'consent' to sell their organs. When we oppose the sale of kidneys, we do so in the full realisation of this fact but also feel that humankind should not be thus degraded. We believe that by equitably distributing wealth and curbing the greed of the industrialised West, it is possible to provide a reasonable standard of living for all.² This is not wishful thinking, it is a political agenda. We are aware that in the meantime there is much pain for many. Wishy-washy liberals with their piecemeal reform miss the wood for the trees. They are busy applying a **Band-Aid** here and some medicines there, ignoring the basic causes that compel large segments of mankind to live in such degradation.

Rhetoric and reality

While all of us must guard against tricks of rhetoric, we must also guard against flawed logic. Letting people decide what to do with their own bodies is certainly very important. I must be excused for not being overjoyed at this so-called autonomy permitting individuals to sell themselves piecemeal. Ms. Richards, so critical of those opposing the sale of organs for not adducing proof to back their arguments, has no hesitation in stating without proof: 'many vendors may feel an increase in self-respect'.

Will and power

'We', meaning the comfortable academics, may lack the will if not the power to remove poverty. The poor are not going to remain silent and allow themselves to be exploited forever. The march of civilisation is inexorable even if it takes two steps forward and one step backward.

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References:

1. Richards Janet Radcliffe: Organs for sale. **Issues in Medical Ethics** 1996;4:37-38
2. Antia NH: Global policies and people's health. **The National Medical Journal of India** 1993;6: 1-2.

Organs for sale (continued)

Dr. Richards deserves applause for making us think

In her essay entitled Organs for sale¹, Dr. Richards puts forward arguments that make you ponder. She points out that the banning of sale of organs might,

in fact, restrict the options available to the already poverty stricken person, in need of funds for dire needs and that this might be unethical. The examples she has cited are eloquent. At the same time - as can be judged from the uproar against the sale of organs by donors not related to the recipient, and against clandestine 'deals' of organ sale/organ transplants - public opinion overwhelmingly supports the ban of such sales. It would indeed be sad if the issues raised by Dr. Richards do not generate debate. Dr. Richards confines her observations to the scene in the west and to the sale of kidneys. My response to her essay is confined to the scenario in India (which has recently witnessed the most unethical marketing/procuring of organs for sale) and will, I hope, stimulate readers to debate the subject.

Individuals surrender some rights when they form society

Laws regulate society and any regulation that is unjustified ought to be considered unethical. The liberty and autonomy of individuals comprising society are paramount. It is also true, however, that individuals voluntarily give up a measure of their freedom when they agree to form any society. The justification for such limitation on freedom follow upon the additional advantages which, without the formation of society, would not be available to that individual. One **example** of such a limitation of an individual's freedom that is beneficent to society is that on intrusion on the freedom of others. Such limitations attempt to balance the good of the individual against that of society.

This is the ultimate goal of ethics. In an ideal society, where such a balance exists, there would be no need for laws. Legal regulations - viewed from this perspective - must be considered as pragmatic measures, to be jettisoned as soon as they become redundant.

Sellers and buyers : both victims of circumstance

Those selling or donating organs and those purchasing or receiving them are equally victims of circumstance. One is stricken by poverty and the other by disease. For us to accuse or blame one victim or the other is unfair, unjustified and in poor taste. None would contest this point made by Dr. Richards.

Deserving of condemnation - the middle men and the regulatory agencies

What is repugnant is the attitude of the