

PHI 334: October 29 Lesson Plan | Organ Trade

We are now entering a new unit. The issues we will discuss concern the question of what is and is not for sale, and what is and should not be for sale. This is important to discuss in a business ethics class since commerce is a part of business, and what is and is not for sale presents difficulties for living a good life. How so? Because various markets have negative externalities, which means effects and impacts that go beyond the transaction itself. For example, imagine drugs. Suppose someone, X, sells someone else, Y, a drug, D. The market analysis would simply reveal the price and demand and supply of the drug. Suppose D cost \$50. However, Y, upon consuming D, ends up dead. He had a family with 5 kids. They all go destitute since he was the main income producer. The kids go on to grow up and commit crime and kill people. The cost of that transaction is not \$50. It is far, far more. Thus, it is important to discuss what we permit to be sold and bought, since, what is for sale, ends up impacting our ability to live well.

We will discuss the following markets: organs, drugs. You will also work on an assignment for the market of bodies. I will provide instructions for that Wednesday, since you will be doing this assignment on your own Friday in lieu of attendance.

Today, however, we discuss organs.

Organ Trade

First of all, I should like to ask the class:

How many of you would sell an organ, such as a kidney?

Let us count and remember the number. Now:

How many of you would buy an organ, such as a kidney?

Let us record this too.

Now, let us talk about the organ trade. First of all, by organ trade I mean that market where people buy and sell organs necessary for life. Most of the market is confined to organs that are such that the seller can stay alive with only one. Here, I am mostly referring to kidneys. There is a market where organs are harvested from the dead as well, and then sold. This is common in China, where prisoners sentenced to death often have their organs harvested to maintain supply.

The fact of the matter is this: there is far greater demand for organs than there is a supply of them. However, in the western world, there is no market for organs. You cannot, in other words, pay someone for a kidney or buy one at the open market. You go on a waitlist and so on.

So, because of the imbalance, there is an illegal trade going on. The question is this: should there be a market for organs?

Statistics and Facts

Scale: According to World Health Organization (WHO) estimates, roughly 10% of the global demand for organ transplants is met through illegal means. This suggests that thousands of organs are illegally transacted each year.

Supply: The majority of illicit organs are believed to come from developing nations. This includes countries in Asia, Africa, and Latin America, where economic hardships, corruption, and lax law enforcement may make the illegal trade easier to facilitate.

Demand: The demand for organs, especially kidneys, far outstrips the legal supply. In many countries, waiting lists for transplants are extensive, leading some desperate patients to turn to the black market.

Health risks: Black market organ transplants pose significant health risks to both donors and recipients. Because these operations are conducted clandestinely, they may not meet medical standards, leading to complications or organ rejection. Additionally, donors might not receive adequate post-operative care, which can result in health complications or death.

Organ trafficking and related crimes: The illegal organ trade is often intertwined with other forms of criminal activity, including human trafficking. Vulnerable populations, such as refugees or impoverished individuals, might be coerced or tricked into donating organs.

Legal frameworks: Many countries have laws prohibiting the sale of human organs, but enforcement varies. The Declaration of Istanbul is an international agreement aimed at stopping organ trafficking and transplant tourism, but adherence and enforcement are inconsistent globally.

Awareness and advocacy: There are several NGOs and international organizations working to combat the illegal organ trade and promote ethical transplantation practices. Their efforts include raising awareness, pushing for stronger legal frameworks, and promoting living and deceased donor programs to meet the demand for organs legally.

Some Arguments

In Favor of Legalizing Organ Trade:

1. **Reducing the organ shortage:** Legalizing and regulating the organ trade could increase the supply of available organs, thereby saving lives. The current system, in many countries, doesn't meet the demand, resulting in preventable deaths.
2. **Eliminating the black market:** Legalization and regulation could undermine and eventually eliminate the black market for organs, which often involves unethical practices and exposes both donors and recipients to significant health risks.
3. **Safety and oversight:** Legalization could pave the way for standardized medical procedures, ensuring that both donors and recipients receive the highest quality of medical care. It would also allow for health screening

of donors to ensure organs are healthy and not carrying transmissible diseases.

4. **Compensation:** People who choose to donate could be compensated fairly for their contribution, recognizing the economic value of the act and possibly providing a financial boost for those who decide to donate.
5. **Autonomy:** From a libertarian perspective, individuals have the right to decide what they want to do with their bodies, including selling an organ if they so choose.

Against Legalizing Organ Trade:

1. **Exploitation of the poor:** There's a significant concern that the organ trade would disproportionately target impoverished and vulnerable populations, effectively leading to a system where the rich buy organs from the poor.
2. **Coercion:** Even in a legalized system, there's potential for coercion, where individuals might feel pressured to sell organs because of financial incentives, even if they're hesitant about the procedure.
3. **Medical ethics:** The foundational principle of medical ethics is "do no harm." Harvesting organs from living donors, especially in cases like kidneys, poses medical risks to the donor.
4. **Reduced altruistic donations:** There's a possibility that introducing financial incentives might decrease altruistic donations. Some might argue that if they can be paid for an organ, why should they give it for free?
5. **Complexity in determining "fair" compensation:** Determining a fair price for organs can be complex. How do you place a monetary value on an organ? There's also the risk that organ prices might fluctuate based on economic factors, creating potential inequality in access.
6. **Potential for organ trafficking:** Even with a legal market, there's still potential for illicit activities, especially if there's a price difference between countries or if some countries refuse to legalize the trade, leading to "organ tourism."

Price

Question: What do you think the price for a kidney is?

Let us discuss this.

Now. Let us play a game. We covered some details about this topic. I want to argue that for the right price, most of you would sell your kidney.

Finally, some statistics on price.

The price for organs can vary widely. For instance, a kidney might fetch \$160,000 or more in the black market, but the donor might receive only a fraction of this sum, sometimes as little as \$5,000 or less. Middlemen and medical professionals involved in the illegal trade often take the lion's share of the profits.