

## Legal body part selling is too dangerous, says **Dr Calum MacKellar**

**S**HOULD we be able to sell our organs for cash? This is one of the recurring questions being asked by some medical experts in order to address the increasing number of people waiting for an organ in Scotland.

In July, a record of 784 patients in Scotland were waiting for life-saving organ transplantation.

And NHS figures revealed that the number of people on the waiting list for an organ had risen by 17 per cent over the past five years.

The increase is the result of advances in medicine that allow patients to wait on dialysis for longer, together with an ageing population which means that more people are needing a transplant in old age. But this is not just a Scottish problem – all around the world the waiting lists for organs are getting longer.

In the UK, about 400 people die every year while waiting for an organ.

In order to try to address this problem, new legislation was prepared by the Scottish Parliament, which came into force on September 1, with the Human Tissue (Scotland) Act.

This will now stop nearest relatives opposing the removal of an organ from a deceased person if he or she made an explicit decision to give an organ while still alive.

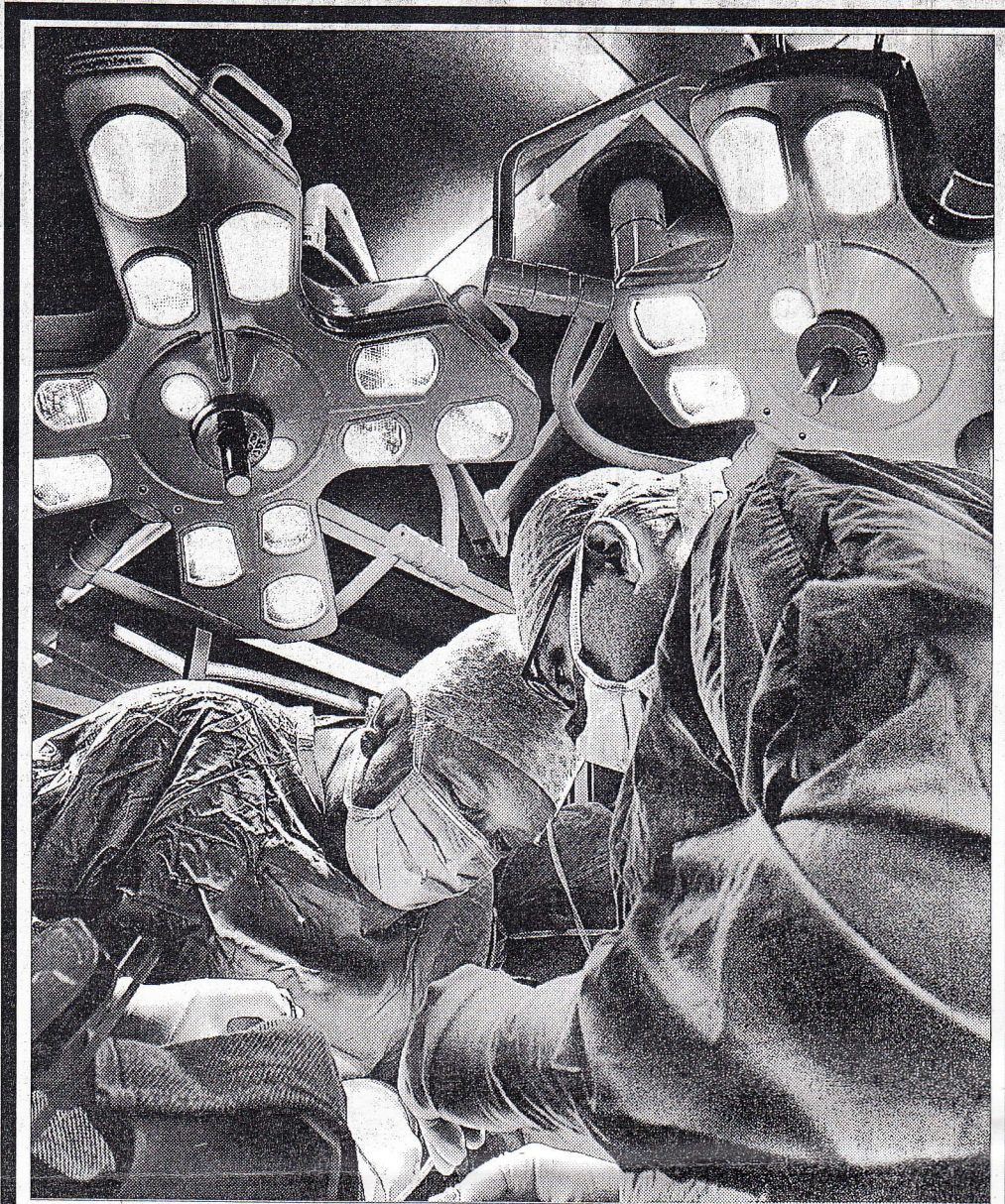
At the moment there are

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1.4 million people signed up to the organ register in Scotland which represents one fifth of the population. But this is seen, by many experts, as remaining insufficient to stop the continued increase in organ waiting lists.

In order to bypass these lists, some desperate patients in the UK, requiring a donor kidney, have already travelled to Eastern Europe, India and other poor countries for transplants.

Indeed, out of poverty, some young people in Eastern Europe are prepared to sell one of their kidneys for £1000 to £1500 while recipients are said to have paid between £50,000 and £100,000 per transplant – with the difference going to middle-men and the surgeons.



**BIG OPERATION:** Legal organ sales could see poorer people becoming exploited donors

# Inhuman cost of organ sales

However, following the illegal transplant, the donor's state of health generally worsens in the medium term, due to the absence of any kind of medical follow-up and poor social conditions in many of these counties.

As a result some medical experts have suggested that it may be time to change the law so that a person can sell or buy an organ.

One of these persons is Ms Sue Roff, from Dundee University Medical School, who indicated that people should be paid a sum of about £22,000 for donating a kidney.

This, she suggested, would stop vulnerable people from overseas being exploited since they would be paid a fair price.

The process would then be more acceptable and would help desperate people on waiting lists in need of a transplant.

However, other medical experts

have responded with concern to this proposal indicating that such commerce would be completely unethical since it would result in poorer people becoming the exploited donors for the rich recipients.

In addition, some experts question whether we can actually sell our organs without undermining the important concept of human dignity. They note, for example, that since it is impossible to sell oneself or even one's children into slavery, people do not really own their bodies or their children but are just "entrusted" with them.

In a similar manner, these experts indicate that we do not own our organs since we have neither paid a price nor worked for them. In other words, we cannot sell our organs for a monetary value and to do so would be a form of slavery or exploitation.

These medical experts do, however, recognise that in a spirit of solidarity and responsibility it is ethically acceptable to donate "entrusted" organs either before or after death. But this should be

done freely, without payment and only if there are no unacceptable risks.

Some commentators also suggest that the legalisation of organ sales may encourage a similar trade in bodies made infamous by Burke and Hare, the Edinburgh body snatchers-cum-serial killers at the beginning of the 19th century. Their unethical commerce eventually resulted in the murder of between 13 and 30 people whose bodies were supplied to the Edinburgh medical school before they were arrested for murder.

Personally, I agree with the position that existing social and political inequalities are such that the possibility of selling organs would put deprived persons at still graver risk.

Nor does the fact that poor persons already accept risks that others may refuse (such as working in dangerous occupations), justify adding yet another danger to their burden.

But I believe that one of the most important arguments against organ sales is that the free consent

of the persons involved does not exist when money changes hands. If one was able to sell organs, it would also promote the principle that anything can be consented to so long as the price is right, including the most unethical practices that go against the very nature of international human rights.

■ *Dr. Calum MacKellar is director of research at Scottish Council on Human Bioethics.*

■ *The question of whether human organs should be bought and sold will be debated at the Edinburgh Filmhouse on Lothian on Saturday, November 11 as part of the cinema's Film Festival on Organ Transplantation which takes place from November 10 to 12. Among the speakers will be Sue Roff.*

**YOUR SAY**

Should humans be able to sell their organs legally? Tell us your views.

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