

Ethics and Medics

A CATHOLIC PERSPECTIVE ON MORAL ISSUES IN THE HEALTH AND LIFE SCIENCES

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MEDICAL-MORAL DILEMMA: *Organs For Sale?*

(SECOND OF A SERIES)

CASE: A few years ago, following upon the extensive publicity resulting from the early heart transplantations, a hospital in eastern Canada was approached by a Mr. Smith who offered to sell one of his kidneys for some \$10,000. The hospital firmly declined the offer with little comment. What are the ethical aspects of remuneration for organ donation?

DISCUSSION: One indication of the societal attitude to the question of selling a kidney is found in the "Statement of the Committee on Morals and Ethics of the Transplantation Society (*Annals of Internal Medicine* 75: 631-633, 1971): "The sale of organs by donors living or dead is indefensible under any circumstances."

Another insight is afforded by a Canadian study which noted that the Province of Quebec, for example, had, up to 1968, no statute which forbids someone from selling his body or parts thereof. Nonetheless, notwithstanding the absence of a specific statute, actual practice recognized, apparently, the French principle that it was against good morals to dispose of one's body without proper motivation. (J.-G. Castel, "Legal Aspects of Human Organ Transplantation in Canada," *The Canadian Medical Association Journal*, 99:604-618, September 28, 1968).

Price Taints Motive

Asking a price for the "donation" of one's kidney seems to subtract from the generous and charitable act which it ordinarily represents. [Some of the complications of motivation are discussed by C. H. Fellner and S. H. Schwartz, "Altruism in Disrepute," *New England Journal of Medicine*, 284: 582-85, March 18, 1971; N. K. Hollenberg, "Altruism and coercion: Should children serve as kidney donors?" *New England Journal of Medicine*, 296: 390-91, February 17, 1977; C. H. Fellner, "Organ Donation: For Whose Sake?," *Annals of Internal Medicine*, 79: 589-592, 1973]

Church vs. Mutilation

The applicable Church's teaching focuses on the question of mutilation. Because God has given man only a partial dominion over his body he is not free to dispose of his life or any part of his body without a proportionate reason. Pope Pius XII had taught with regards to this subject that a part of one's body—a limb or organ, for example—could be removed only if it was necessary for the life or health of the whole body. ("*The Pope Speaks*," Vol. 5, 1958-59, p. 437.) Donation of a kidney, for one example, would not be permitted *unless* it could be seen that normally the individual can survive adequately with one kidney. Hence, the donation of one or two healthy kidneys to preserve the health and life of another person is permitted providing that the donor retains adequate renal function with the one remaining kidney. The proportionate reason which would allow the donor to undergo the risk of surgery and the loss of one healthy kidney is the intention to preserve the life of another. Were *money* to be the primary reason, the action would lack adequate and proper motivation.

Exchange For Life

But suppose that the donor was selling his kidney to preserve his own life, that he had exhausted all other means of obtaining the necessary funds to keep himself and his family alive; would such a motivation be acceptable? Granted it is hardly likely that such a scenario would take place in our country today, the question could be answered with a qualified "yes"—if the person had exhausted *all* legitimate means available to him. It is important to note the supposition is that both of his kidneys are healthy so that he is not significantly endangering his health or life; thus the action is not mutilation in the strict moral sense, as explained above.

A further variation is the situation where the donor is willing to help another person, a stranger,

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