



OUR SOCIAL MISSION

BY CARITAS SINGAPORE COMMUNITY COUNCIL

Are kidney patients dying because of a principle?



ON JUNE 27, 2008, Indonesian Sulaiman Damanik pleaded guilty in a Singapore court for trying to sell his kidney to retail magnate Tang Wee Sung for \$23,700. The broker of the deal, Wang Chin Sing, 43, was to collect \$300,000 from Tang on successful transaction.

Tang was fined \$17,000 and sentenced to a day's jail. Sulaiman was jailed for three weeks. Wang received the heaviest sentence, 14 months' jail.

Should Tang have been allowed to buy the kidney? His medical condition was fairly desperate and \$23,700 was for Sulaiman, the equivalent of 16 years' salary. Would it not have been a win-win situation, a fair exchange?

Organ donation or trade? Should we allow people to die for a principle? This is how the issue of organ trade is likely to crawl into people's conscience. What is heavier in the ethical scale, organ trade or human lives?

The Church has long maintained that "the human person" is at the centre of all ethical decisions. Does this not then imply that the morality of organ trade depends on how many human persons may benefit from it?

Legalising organ trading

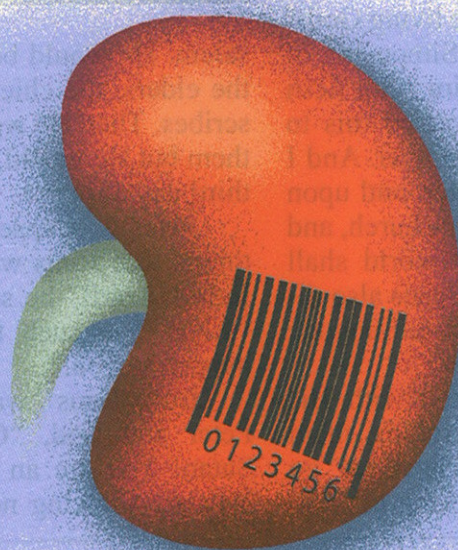
The question of legalising organ trading came to the fore with the Tang case.

Proponents argue that the shortage of kidneys and other organs for transplantation can be resolved and the lives of patients saved. An ethical and controlled kidney market will also wipe out the unethical black market that is known to exist.

Those opposing organ trading believe that it exploits the poor who sell their body parts for the money. A legalised organ trade, they argue, will increase the demand for kidneys: Those who sell their kidneys will be more likely to need one themselves eventually when their only remaining kidney starts to fail when they are older. At the same time, legalising the organ trade will discourage donors who can see others getting paid for what they would give free of charge.

In the event, Singapore amended its Human Organ Transplant Act in 2009 to pass a law that allows for cash payments to be made to organ donors (not organ sellers). Singapore is not the first to enact such legislation – donors in the United States and Britain are also financially compensated for their organs.

Previously, it was illegal for a living donor to be financially compensated but under this new law, an organ recipient can voluntarily pay the donor if he wishes to help cover expenses like hospital and surgery fees. According to then-Health Minister Khaw Boon Wan, the change of the law was about "being fair to donors who do suffer financial consequences as a result of their act of donation".



In this continuing series on Values by the Catholic Medical Guild and Caritas Singapore, we examine the difference between organ donation and organ trading.

Believing that this is a slippery slope to organ trading, some had counter-proposed that foreign donors be barred from accepting financial compensation, as they fear the rise of exploitation of poor foreigners (likely to be the sellers) by the rich (likely to be the buyers).

The moral question

Considering legalising organ trade based on demand and supply and the consequent harms and benefit is insufficient. While the consequences of an act matter, morality does not rest solely on a utilitarian scale of the number of beneficiaries. Our human actions are moral or immoral because of the impact they have on us.

When we recognise attempted murder as a crime, what we are acknowledging is that a person becomes a murderer "by intent" the moment he decides to carry out his deed – before the deed is committed.

What we choose to do affects the world around us, but more importantly, it affects us. So the main question is not, "How useful would legalising organ trade be?" but, "What do people do to themselves when they sell their organs?"

The organ is part of the human person

The organ is a part of the human body which is part of the human person. Yet, a lot of us today tend to identify ourselves only with our minds and not our bodies.

As a result, we treat our bodies as something we use, not something we are. We could then certainly sell our organs as we would our cars, or use our bodies for sexual services. The prevalent understanding of sexual freedom has the same cultural background: we own our bodies and we may use them as we want as long as no harmful consequence is derived.

Commodifying the human person

Putting a price to personal relationships like motherhood or friendship simply corrupts them. Putting a price to the intimate sexual act deprives it of any personal meaning or intimacy.

Similarly, putting a price to human organs makes the human body an item of merchandise.

Organ donation, unlike organ trade, is not just the disposal of a body part, but the gift of oneself, an act of true charity.

Organ donors are heroes; organ sellers sell themselves.

Dying for a principle?

Kidney patients are not dying because of a principle.

Even when the trade is legalised and there are not enough kidneys available, kidney patients will still die. It is an unavoidable fact that our bodies will inevitably fail sooner or later, no matter how much medicine advances.

What matters most is not how soon we die but how ethically we live.

There are two things we can learn from this debate.

First is that it is the morality of an act that matters most. Do not just consider the results of policies based on the number of people who benefit materially or physically. Who we become as a society when certain policies become part of our mentality and culture matters more.

Second is that we are still in the process of understanding who we really are and what our bodies mean to us.

Principles are not the preserve of a few. A right life and a good heart are the only things worth living for and the only luggage we are allowed to carry with us beyond the grave.

Organ Trade in a Nutshell

What It Is

- Organ transplantation is an operation to move an organ from one body (the donor) to another (the recipient).
- Organ donation is the voluntary gift of an organ from a donor to another person who needs that organ or tissue to replace damaged or absent parts. The donor can be someone who has recently died (cadaveric donor) or a living donor.
- Organ trade is the commercial transaction (buying and selling) of human organs for transplantation.

The Current Landscape

- Organs that can be transplanted are the heart, kidneys, liver, lungs, pancreas, intestine and thymus. Tissues that can be transplanted include bones, tendons, cornea, skin, heart valves and veins. Worldwide, the most commonly transplanted organ is the kidney.
- There is a worldwide shortage of organs available for transplant. Hence, the trade in human organs has developed. Trading of human organs is illegal in most parts of the world with the exception of Iran.
- To encourage organ donations, countries have legislation for voluntary systems of donations. Such legislation can be "opt-in" (only a person who has specifically given consent is a donor) or "opt-out" (anyone who has not refused is a donor).
- Singapore's Medical (Therapy, Education and Research) Act (MTERA) enacted in 1973 was an opt-in system which allowed a person to donate his body for transplantation.
- The Human Organ Transplant Act (HOTA) enacted in 1987 is based on an opt-out system of presumed consent for kidney donation in cases of accidental death. In 2004, it was extended to cover all causes of death and allowed for the inclusion of liver, heart and cornea. In 2008, HOTA was further amended to include Muslims. The latest amendment in 2009 removed the upper age limit of 60 years for cadaveric organ donation, and allowed for financial compensation to be made to donors.
- The first cadaveric kidney transplant in Singapore was performed in 1970, followed by the first heart and liver transplants in Singapore in 1990.
- 1,000 new cases of end stage kidney failure are diagnosed each year in Singapore. Of these, 400 will succumb in the first year and the other 600 will need a kidney transplant or lifelong dialysis. Only a third of the latter - 200 - are suitable or will benefit from kidney transplantation. Singapore is about 50 per cent sufficient. HOTA contributes 50 kidneys a year, and living related kidneys another 30, while 20 Singaporeans go overseas for kidney transplant annually. 600 people are on the kidney transplant waiting list and the average waiting time for a kidney in Singapore is nine years and five months.

Arguments For Organ Trading

- It saves lives. Organ trading is right because it might save human lives. With organ trading, more organs will be available for the needy patients of this world.
- Prevents the black market from flourishing. Restricting organs to those available from donations alone results in a black market. It is, therefore, better to legalise organ trading and regulate it rather than drive it underground.

Arguments Against Organ Trading

- The human being and the human body are not commodities. To allow the sale and purchase of human organs is to reduce human body parts to mere commodities which can be transacted commercially.
- Exploits the poor. Irrespective of its legal status, organ trading inevitably exploits the poor who are likely to be the majority, if not all, of the vendors. Many current poor vendors have expressed "donor regret". The selling of an organ did not help them out of poverty and in fact had significant negative impact on their health and employment.
- May reduce altruistic donation. The supply of organs may not increase and in fact, may reduce due to a decrease in altruistic donations of both cadaveric and live organs.

What the Church Teaches

- Organ donation is ethical and charitable. "...every organ transplant has its source in a decision of great ethical value: 'the decision to offer without reward a part of one's own body for the health and well-being of another person'. Here precisely lies the nobility of the gesture, a gesture which is a genuine act of love. It is not just a matter of giving away something that belongs to us but of giving something of ourselves..." (Pope John Paul II, Address to The Organ Transplant Society, 29 August 2000)
- Organ donation is to be encouraged. "Organ transplants are in conformity with the moral law if the physical and psychological dangers and risks to the donor are proportionate to the good that is sought for the recipient. Organ donation after death is a noble and meritorious act and is to be encouraged as an expression of generous solidarity." (Catechism of the Catholic Church, 2296)
- Organ trade is morally unacceptable. "Accordingly, any procedure which tends to commercialise human organs or to consider them items of exchange or trade must be considered morally unacceptable, because to use the body as an 'object' is to violate the dignity of the human person." (Pope John Paul II, Address to The Organ Transplant Society, 29 August 2000)