

# A FREE MARKET IN HUMAN ORGANS

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Not so long ago in this country, some of those who were training in medicine were so desperate for corpses to dissect that they would pay people to dig up the remains of the newly dead. Needless to say, those who were paid to do this dirty work were not looked upon as God's chosen children, and I think that they should be looked upon less harshly now than they were looked upon then.

Put yourself in the position of one of the disinterers. You are poor, uneducated, and probably live just from one day to the next. There is somebody who is prepared to make your life tolerable for a short period by giving you money in exchange for services, and that somebody is a young medic. All the medic wants is a body that no longer belongs to the person who used to own it (for they are dead) and which has been left in a rubbish tip where similar bodies are stored to rot under a few feet of earth. When the exchange has been completed the medic is happy, and the relatives (if no visible change to the grave was done) are not hurt because they will be none the wiser. The controller of the rubbish tip will be happy too, if he is claiming a percentage from the disinterers.

## ORGANLEGGING

The science fiction writer Larry Niven has written several stories featuring a class of persons known as "organleggers". The three-story collection *The Long Arm of Gil Hamilton* describes these ruthless individuals, who made their living by selling human organs to those who required the organs to replace their own. Needless to say, neither party was too fussed about where these organs came from. The organleggers themselves lived long lifetimes, their bodies being kept going by a ready supply of human spare parts.

The disinterers of our not-too-distant history varied quite a lot as far as their morals went. No doubt a few were like the ones I have outlined above, but most would not have bothered to tidy up the grave afterwards, and some would have gone out to kill a man so as to satisfy an order for a fresh body.

How different were these disinterers from Larry Niven's organleggers? The latter ones, who were shy of digging and wanted to bypass the burial/unburial stage by killing people to satisfy demand for corpses, I claim were no different. They went out to take away a man's life when he was doing no harm to them. What about the ones who just dug up bodies? I would say that these people were trespassing on somebody's land, stealing somebody's property (the body presumably belonging to the relatives), and leaving damage behind them (a dug-up grave). They could be said to have caused a few shillings' worth of damage and to have stolen some uncooked meat, but no more than that.

On the other hand, supposing a disinterer came across a recently expired and relationless tramp on a piece of common land and sold it to the medic who was prepared to pay the most. How would he be behaving then? I think he would be behaving admirably. He would be taking nobody's property, because the tramp did not have any relatives. He would just be selling a good in an open market, and presumably the buyer would be happy about the arrangement because otherwise he would not be buying. Incidentally, the disinterer would also be performing a public good: he would be keeping the common land clean with no costs being paid by the ratepayers!

## MORALITY

Many people think that the selling of human parts should be illegal, and this is precisely the situation as it stands in this country at the moment. A private hospital, for example, cannot sell human blood to the National Health Service and make a profit. "All well and good," you might say, and you would not be alone in saying so. "How can it possibly be moral for somebody to profit out of selling human remains?" I would say that it is most certainly moral for somebody to do so, and I will here explain why.

I regard anything as being moral if it does not violate the four principles of the Libertarian Alliance, and I regard anything that violates these principles as being immoral. These principles are:

- The right of all persons to life, liberty and justly acquired property
- The voluntary exchange of all goods and services;
- Each individual's liberty to pursue his or her chosen lifestyle and to promote it by peaceful persuasion, but not to impose it forcibly on anyone else.
- Elimination of coercive intervention by the state, the foremost violator of liberty.

I have defined my moral basis. Please note that this does not require people to behave rationally for them to behave morally, and that it does not require them not to make a profit.

The selling of human organs (blood, eyes, kidneys etc.) in a free market does not violate these principles and is therefore not immoral. The person who sells the organs must of course not be violating any individual's right to ownership, and for the transaction to occur the receiver of the organs must pay a mutually agreeable amount to the seller. Of course, if the buyer cannot afford organs then he may very well die, but he would most likely have a health insurance policy to cover such circumstances or his life assurance company might voluntarily step in to avoid having to pay up too early. Or, he might borrow the money, or some altruistic individual might give him money. If all this fails, then yes, he could very well die through lack of a transplant, but of his eventual death we were pretty near certain anyway. His poor financial position decided the how and the when. If he has enough sense he might sell some non-vital organs (say an eye and a scalp) to raise money for a vital kidney (if both of his have failed).

## STATE INTERVENTION

Such a free market in human organs as described above could well have been used in debates by those who argue in favour of state intervention. They would say, without stating what moral basis they were working from, that such a situation is *self-evidently* wrong and that it requires no arguing against it. They

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**FOR LIFE, LIBERTY AND PROPERTY**

would use words like 'obscene', and 'disgusting', and phrases like 'the unacceptable face of capitalism'. Disagreement is fine, so long as people do not try to impose their ideas upon me, but I do so dislike it when people refuse to explain things to me that are so self-evident to themselves.

A state monopoly in human organs inevitably produces arbitrariness, inefficiency, and slow communications. The last two mean that more people are dying under an effective state monopoly in organs than would be dying under a free market in human organs. The fact that human organs cannot be sold for a profit means that the only incentive for the owner of a human organ to give one away is altruism. This means that fewer organs are available than would otherwise be the case. The mention of money might be the deciding factor for relatives agreeing to donate the organs of a recently dead loved one.

### **DONOR CARDS**

In a free market there would be financial advantages in carrying a donor card. Health insurance companies would offer lower premiums to those who would carry donor cards made out in favour of the companies themselves. Holders of insurance policies would then be offering each other protection, and the insurance companies would also of course be swapping organs with each other. If somebody were worried about a particular insurance company's interpretation of brain death and thought that they might have their heart ripped out when they still had a small chance of surviving, then they could change insurance companies, or just refuse to carry a card and put up with subsequently higher insurance premiums.

A supporter of state intervention would argue that the organs of a dead person should be put in the care of the state for the benefit of society. But who decides when a person is brain dead and whom the organs should go to? The answer is that a committee of health specialists decides, with a few token laymen who are led by the nose. Also, somebody has to decide how many transplants are to be carried out, because they are very expensive and each person who receives an organ will only be living for a finite further length of time. I think it is better that an individual should decide how much health insurance he should take out and under what circumstances he would wish to donate/sell organs, than to have his destiny decided for him when he is on the operating table by a group of people with whom he has made no contract.

### **GOING A LITTLE BIT PUBLIC**

'Going a little bit public' is what happens when only some of a company's shares are made available in the market place. There are arguments for and against a company doing this, a lot depending on a company's particular circumstances. I think the same situation should happen with human organs, and that a healthy person should be allowed to sell a few of their organs (e.g. one of their two functioning kidneys) under contracts that they agree to. Doing this would involve some benefits and some risks.

Here some libertarians will disagree with me about encouraging people to sell their organs whilst they are alive. Allowing something is one thing, but advocating it is another. They would be in favour of people being allowed to sniff glue, but very few would advocate it. They would be in favour of allowing people to sell their organs, but would advise them against doing so. I think such advice, universally applied, would be wrong. Selling an organ which is duplicated in the body is risky for the owner since the duplicate organ not removed may in the future fail. You might have one of the following reasons for selling one of your organs whilst you are still alive: (1) you need the money to pay your way through college; (2) you need the money to invest in your business; (3) you need the money to pay off some debts; (4) you want some money to spend on consumer goods. Doing the last might not seem rational, but the decision to do so is up to the person involved; it is not up to

anybody else. If you were worried about the backup organ failing (say, the last of the two of your kidneys), you could take out an insurance policy to cover the cost of you buying a new one should the circumstances arise.

### **PAYING ONE'S DEBTS**

The supporter of a state monopoly in human organs with every organ going into a pool on the owner's death would regard this confiscation of property as ensuring that a person pays his debt to society after he has gone. After all, he has benefitted from a state health service throughout his life, so why should he not contribute to it when his life is over? My answer to this is that no contract ever took place between the state and the individual. The concept of social contract is just a con carried out by the state on the conscripted citizen to justify anything that the state does 'for the good of society'. However, whilst I might not agree with the concept of social debt, the concept itself leads to interesting parallels ...

If a company goes bankrupt lots of interesting things happen. A not uncommon result is that the employees get a good proportion of their owed pay, the creditors who run other businesses get a small proportion of what they are owed, and the shareholders (quite rightly) get nothing. The company has been liquidated because it could not meet the contractual arrangements it had made with others.

If somebody steals an object of yours, sells it, and then lives it up on the proceeds, it would be reasonable for you to take steps to obtain compensation from him, by force if necessary. You would not be violating the above four principles so long as you used the minimal force necessary. You would be taking his property, but you would be seeking compensation for his violation of the four principles affecting to you. You might choose to do it yourself, or to hire a protection agency. Personally I am a wimp, and would leave the dirty work to the specialists.

A libertarian might agree to somebody being locked up for a very serious crime. Again, the decision would have to depend on the individual circumstances. So we can, under some circumstances, justly take away somebody's property and somebody's liberty if he does something immoral. Can we take away his life too? I will ignore for space reasons whether somebody should be killed as a punishment, and will concentrate on whether somebody should be killed to pay back debts.

I find the idea very appealing. Consider a businessman who has lived the life of an unscrupulous rogue: piling up debts, insuring none of his commitments, and generally giving capitalism a bad name. One day he is finally called to account by his creditors and he does not have limited liability arrangements with any of them. He cannot raise enough cash to pay them. No bank will lend to him. No moneylender will lend to him. The only way he can pay some of the debts he owes is by selling his organs, but even by converting his entire body into human spare parts he cannot raise enough cash. The creditors settle for cannibalising him completely, this being the best option available. They might also get a bit of extra money by selling the TV rights for this process (the operation is done under general anaesthetic — the creditors are not animals).

A vast majority of libertarians might find this involuntary winding up of a human being appalling, but appalling also is the damage that such individuals leave in their path.

### **CONCLUSION**

I hope I have convinced you that selling organs is a 'good thing'. I also hope that you found it interesting reading all of this. I could have made it a bit controversial by discussing the probable direction of net organ flow between the Third World and the West, and why such a net flow would not have to be a bad thing since all the transactions would be happening between consenting adults. I could even have made this article shorter, but then you can't have your cake and eat it, can you?