



TRANSPLANTS AND ORGAN TRAFFICKING

"DO WE OWN OUR BODIES, OR ARE WE OUR BODIES?"

It was on a Thursday morning that she received the hospital notification for which she had been waiting for half a year. The notice that meant that a kidney was awaiting its new owner. A motorcyclist had had a collision and had been thrown off his motorcycle in such an unfortunate way as to break his neck. He had been declared brain-dead when he arrived at the hospital.

This young man was to rescue her to a new life, for her own kidney function had decreased dramatically during the past year. In the wallet of the dead man lay an organ-donor card. Not only his kidneys could be transferred to someone else, but his heart, cornea and lungs as well.

It seems so self-evident: one signs a paper that says that one will donate one's serviceable organs after one's death, and that is all there is to it – it becomes one's last gift, left behind to someone in need.

At least, here in Sweden. That is how the medical and natural sciences view the matter, not least since 1988 when the concept "brain-death" was established, something that opened up new opportunities for transplants.

But there are other concerns around organ transplants than the purely medical and technical. Philosophers, ethicists, jurists and religious scholars have also mused on questions which arise in connection with transplants.

Within Western medicine there is broad agreement that the donation is a gift. That is how we would like it to be. But increasingly refined transplant techniques and a growing demand for organs have heightened the risk that such organs may be viewed as a resource or commodity. This means that there is a greater need for more diversified knowledge of bio-medicine within the humanities. The shortage of organs, not least, has increasingly appeared on the political agenda – how is this problem to be handled?

At Södertörn University, a project has been initiated with the lengthy title "The Body as Gift, Resource or Commodity: Organ Transplants in the Baltic Area". Its leader is Fredrik Svenaeus, professor of philosophy. His working hypothesis is that there may be differences between the Baltic States.

"It may be that the experience of living in a socialist state which has made the transition into a market economy may affect people's view of the body", says Fredrik Svenaeus.

We are sitting at his kitchen table, discussing the large-scale, four-part project that has just been started. Fredrik Svenaeus will be researching the philosophical issues and writing the concluding report. Perspectives culled from cultural history, the history of ideas and ethnology will be added, where Södertörn University will collaborate with Lund University.

One of Fredrik Svenaeus's key concerns is our relationship to our own body. Initially, the question he asks may sound oddly formulated: "Do we own our bodies, or are we our bodies?"

In order to fully appreciate the importance of this question, one should know something about the think-

ing of the seventeenth-century philosopher Locke.

"In the liberal tradition that Locke represented, the right to ownership meant the right to use something; if one laid claim to and used land, one owned it. But this means that one owns one's body. How else could one grasp the hoe, hitch horses to the plough, be able to establish one's claim to the land – or own anything at all", says Fredrik Svenaeus. He adds:

"This became a problem for the liberals when they were forced to take a stance on slavery. It was necessary to repudiate the idea that people could sell themselves, even voluntarily, for if they could sell themselves, then others could buy. I can, to be sure, sell my work power, but not permanently. This amounts to a paradox in the liberal view on ownership. It was necessary to make an exception: we own our body but cannot sell it as we can our other possessions. But it is difficult to find a reason for declaring someone's claim to the right to sell his or her body invalid. Another sort of contract is needed."

The alternative is to say: "I do not own my body, I have another relationship to my body than ownership – I am my body."

But how is one one's body?

"One is one's lived body, one has corporality even if one can only wink one eye, and we exist, even think, through our corporality. No human can lack corporality; a non-corporal person would be – a god?"

Fredrik Svenaeus returns to the kitchen table after this mental excursion and notes that thinking in terms of ownership makes it difficult to prevent people from selling their organs – if one starts with the right to ownership, one will never be able to give an adequate answer to why one must not sell one's body or any body organ. And then it can be bought.

How do the concepts "donation" or "gift" come to elide into contrary concept of "resource" and, in extreme cases, "commodity" or "product"?

"A state with strong legal powers nourishes the concept of organs as resource. In China, useful organs are extracted from condemned prisoners before their execution. But to see organs as commodities is related to a perverted, hypertrophied market economy. Capitalism, when unrestrained, flourishes in the impoverished Third World. Organ-trafficking happens in countries like Moldova, Turkey and Pakistan", says Fredrik Svenaeus.

But there is, at the same time, an enormous need for organs for transplant. Is there not a danger – even here in the West – that attempts will be made to influence relatives, so as to make it possible quickly to take care of the brain-dead patient and thus make sure that the... "resource" remain usable? Fredrik Svenaeus has already answered this question in an article in the Swedish newspaper *Svenska Dagbladet* in the Spring of 2008. There exist Transplant Coordinators who receive bonuses according to how many organ exchanges they manage to coordinate – not in Sweden, perhaps, but certainly in Spain. The cost of the funeral may, in

exchange, be spared the relatives. This is the beginning of a slippery slope.

In Sweden, the person who donates blood is given a few crowns and a cheese sandwich; the sperm donor does not even get that much. But one should not take it for granted that this applies to all Western countries. Why is it acceptable to buy blood in some countries, but not all?

"In Sweden, the fact that both blood and sperm are renewable has influenced the official position. The donation does not really involve the loss of something that affects your health. A kidney – that type of donation by a living person cannot be reversed", answers Fredrik Svenaeus.

But none of this involves the illegal sale of organs, which is implied in trafficking. Susanne Lundin is professor of ethnology at Lund University, and the question of trafficking is one of her areas within the research project. She will look at what attitudes and practices are manifest when one speaks of the body as a commodity in the different countries to be investigated, with an emphasis on Lithuania. Could it be that the many years of Soviet rule and the subsequent transition to a capitalist system have influenced people's view of the body?

"No one speaks of body organs as resource or commodity, at least not officially, and especially not when it comes to one's own body. But there exists an illegal traffic in organs. In Europe's poorest country, Moldova, young men sell their kidneys in order to get a job in Russia. The kidney is transported to someone who has ordered it, perhaps in Israel or the Philippines or Japan or – for that matter – anywhere at all. The lad is then told that he will get no money, his stay at the clinic or the care he received there has eaten it all up. He gets to return home, short of one kidney, without money and without access to the kind of health-care that such an intervention requires."

Susanne Lundin sighs a little. Poverty changes one's perspective when it comes to selling one's body. And the buyer?

"When it comes to one's own body, all rules are voided. It is one thing to have principles, but when one is staring death in the eye, moral norms are put aside."

Her own engagement in the issue has led her and a medical colleague to initiate collaboration with the Moldovan government for the country's Victim Program. (See essay on page 6.)

One may wonder about the possible influence of religion on this type of thinking. Brain-death is a concept upon which most nations agree, but it was accepted in Swedish legislation only twenty years ago. One could imagine priests pointing an admonishing finger a hundred years ago, but today even the Pope says OK, albeit with many reservations. How can Orthodox Jews, who want to be buried with all their organs intact, still agree

to receive organs? Receive, but not give? And what does the Imam have to say?

Ulf Görman (professor of ethics and the science of religion at Lund University) has written a good deal about different religions' attitudes towards new biomedical and genetic technologies.

"It is a complex question, not so easy to answer. Islam encompasses both modernists and traditionalists, where 'tradition' does not always mean referring to the written sources, but to just that - traditions. This way of thinking is to be found in Saudi Arabia, among other places. The modernist does not turn away from the Koran. Rather, he or she searches - and finds - statements that can be used as arguments for, for instance, organ transplants."

Is it possible to imagine that attitudes both to one's own body and to organ donations might change with an increase in Muslim immigration to the old Eastern European countries?

"Certainly. We will see changes in several different directions. There may be an increase in conservative voices; but Muslims integrated in the West may, on the other hand, take different stances. There will be more discussion, not only in this area. During the past ten years, more and more religious arguments have been heard in the debate", says Ulf Görman

This is not the first time humanists attack issues related to organ transplants, but this project differs in the sense that it tries actively to combine knowledge from different perspectives - the illegal trade in organs, the legal transfer of organs, historical parallels with the sterilization laws of the twentieth century, and a philosophical elucidation of our concepts of personhood and body. The ethics of organ transfers - are they clear to us, considering the rapid changes that modern biomedicine has engendered? Body parts as a gift - is it really that simple?

"Yes, given that one takes the perspective that one is one's lived body", responds Fredrik Svenaeus.

What does this perspective say about exchanging body parts?

"The difference between your body and mine is not as great - the gift idea becomes more valid, we are in the world, together, as lived bodies. The gift is so strange, it can never be reciprocated, it is given without any afterthought of repayment, it is the finest thing that one can do for another human being."

Advances in bio-technology have meant that transplants today involve technological know-how at a level never before experienced. And yet one may feel that the idea of moving body parts is really quite primitive in its way.

"It is quite possible that this will be seen as a mere parenthesis in the future. One catches glimpses of future chances to do alternative things, like create organ banks. To me, growing organs from the patient's own cells seems completely ethically acceptable."

ann-louise martin

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THE VALUABLE BODY.

BY SUSANNE LUNDIN

There is much activity on the website of Dialysis & Transplant City. Here, people with a special interest in transplantation meet. For example, someone with the signature "Lojackd" places the following advertisement: "I am a potential donor, contact me for arrangements." "Babybutterflyblue" is not selling, but rather looking for a kidney, and writes: "I have heard many people suggest looking for a kidney transplant overseas. Many suggested India or the Philippines. Does anyone have any information?" Other special offers can be found at www.liver4you.org, which promises kidneys at a price of between \$80,000 and \$110,000 - which includes both the operation and the fees of the surgeons, who are licensed in the U.S., Great Britain, or the Philippines.

The development of organ transplantation technology is an extraordinary achievement that has saved the lives of many, but which also has created an endless need for body parts. Globally, the need for transplanted organs is outstripping the availability of organs. In Europe alone, 60,000 people were waiting for a new kidney in 2007. It is to these people that www.liver4you.org and other intermediaries target their offers to bypass hospital waiting lists. Highly qualified care and complete legality are promised. The recurring guarantees about lawfulness should be seen in the context of the emerging market in organs. The market includes both a kind of organ trafficking where people sell their organs, which then, via so-called organ brokers, are sold to a third party, as well as what is known as medical tourism, which exists in a legal gray area.

According to the WHO, around 50,000 kidney transplants that can be traced to medical tourism take place each year, of which thousands are estimated to involve kidneys obtained via illegal trade¹. One of the more high profile cases in recent times is discussed in the report from 2006, by former Canadian Secretary of State, Asia-Pacific, David Kilgour, and Canadian lawyer David Matas, on a large scale theft of organs in China². The kidneys of imprisoned practitioners of Falun Gong were taken and sold at high prices. The WHO's ongoing survey of the global trade in organs indicates a rapid expansion of organ trafficking in Asia and South America. But, of course, trade in organs is not restricted by geographic boundaries but flourishes wherever economic misery and governmental corruption exist. In recent years, the WHO and others have received reports that the trade in organs is increasing primarily in the former Soviet states. It is this that is the focus of my article. My empirical starting point is Moldova - a republic which is one of Europe's poorest countries and which has been greatly affected by organ trade.³ In August 2008, I did fieldwork in Moldova that was part of a pilot study for a newly started project on trafficking in Eastern Europe. My data consists of interviews and discussions with people from the Renal Foundation, the Center for the Prevention of Human Trafficking, the Organization for Security and Co-operation in Europe (OSCE), the International Organization for Migration (IOM), as well as discussions with doctors at the transplant clinic in

the Moldovan capital, Chisinau. In addition, there were meetings with various others including teachers, police officers, and social workers in one of the Moldovan villages that is most affected by organ trafficking.

This article seeks to provide insight into the criminality surrounding one of the largest types of coveted commodities in short supply - cells, tissues, and various types of organs. Connected to the illegal activity and resulting destitution are basic ways of thinking that bear on how the organ trafficking takes place. It is these connections between people's sense of themselves, their ideas about the body, and social relations that are the focus of this discussion.

The trade in organs follows a clear pattern that can be described in terms of a social but also a geographical flow. Organs are retrieved from poor countries such as Argentina, Brazil, India, Moldova, and Russia to be transplanted into people from richer countries such as Israel, the United States, Germany, Great Britain, and Japan. The operations take place in yet other countries - for example in the Philippines, Turkey, or a country in South America. It is not surprising, then, that it is people from rich countries who buy the organs and people in poor countries who sell them. This structure becomes obvious after an examination of what takes place on Internet websites as well as in the "real" world. Some of these people - far from www.liver4you.org and the discussions on Dialysis & Transplant City - who have already sold or are about to sell organs are in Moldova. Moldova, which since 1991 has been an autonomous republic bordering Ukraine and Romania, was, in the Soviet era, the main supplier of wine, vegetables, and fruit to other Soviet republics. Today, the country is destitute, and of its approximately 4 million inhabitants, around 1 million have had to leave the country in order to find work.⁴ In many cases, the work done abroad involves illegal activities - black labor and prostitution, but also the selling of organs. People in the countryside, the agricultural regions that previously were relatively prosperous, are particularly affected. The countryside is also where organ brokers go to try to entice people to sell their kidneys. For it is largely kidneys that are the most internationally marketable biological commodity, the main reason being - and this is also one of the brokers' recruitment pitches - that people have two kidneys but can get by with just one.

On a sweltering morning in August, I am with the Moldovan association, the Renal Foundation, in a village in Orhei, about 60 kilometers from the capital, Chisinau, to participate in a discussion with teachers, doctors, the head of the post office, police, and others from the region.⁵ The Renal Foundation organizes regular meetings with key people in rural areas in order to prevent organ trafficking, but also to provide help for those already affected via their "victim program".