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# Just Health Care?

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## **Why are we not allowed to sell that which we are encouraged to donate?**

Under what conditions, if any, can a market for transplant organs be fair? In this presentation I will propose a general, analytical framework for discussing the commercialisation of human organs. Previous attempts have, in my view, made insufficient use of some of the major contributions to the philosophy of property made by legal and political philosophers, e.g. Felix Cohen and Tony Honoré. Failure to pay proper attention to the analytical tradition in liberal political thought, which treats property as a socially constructed bundle of separable social relations rather than as an indivisible unit that is analytically prior to society, makes it difficult to account for why we allow for the donation of organs but not the selling of them. I will analyse and critically evaluate the three most common arguments against organ commodification i.e.

- A) It exploits the prospective vendors, assuming that they are poor and unable to make an informed choice.
- B) It would have severely negative side effects, e.g. reduce our view of both our fellow man and ourselves and because it reduces altruism.
- C) It is intrinsically wrong, e.g. because we have a special relationship to our bodies which makes selling them, or parts thereof, unacceptable.

Against the backdrop of the current organs shortage I will then proceed to discuss the rights not only of those who wish to sell (drawing on arguments proposed by e.g. John Harris, Janet Radcliffe-Richards and Julian Savulescu) but also of those who face a not too distant death due to the low supply of organs.