

Kidney Sale and the Challenge of Human Dignity: A Comparative Analysis of Quranic and Kantian Approaches

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Abstract

A controversial question in medical ethics is whether or not organ sale amounts to a violation of human dignity. To answer the question, we need to analyze various approaches to the problem of human dignity. In this paper, I focus on Islamic-Quranic and Kantian approaches to the problem, and examine the challenge of human dignity concerning kidney sale with a descriptive-analytic method. I show that, on both approaches, kidney sale *per se* does not compromise human dignity. Rather, it may as well protect human dignity and esteem. The key difference between the two approaches is with respect to conditions to be met in order for kidney sale to accord with human dignity. According to the Quranic account of human dignity, kidney sale will be compatible with human dignity and will thus be morally permissible if it is done for the sake of divine consent or satisfaction. However, on Kant's view, kidney sale will be permissible when it is done out of respect for the law of reason, without involving any instrumentalization of a human being and his body organs. Other differences between the two approaches consist in the origin of human dignity, instrumental or non-instrumental view of the reason, and the extent of responsibility towards others.

Keywords: human dignity, kidney sale, ethics, Kant, the Quran, Islam.

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Introduction

Today, many people throughout the world die as a result of kidney failures and unavailability of kidney transplant, and many undergo hard times under dialysis machines. According to the comprehensive international report about kidney diseases, one out of ten people throughout the world has a kidney disease (Levin et al. 2017). This, in addition to shortage of donated organs, has led to a market of kidney buyers and sellers. Kidney sale is thus an important issue, about which different views have been offered. Some people appeal to the principle of human dignity, claiming that organ sale, including kidney sale, contradicts human dignity and is thus impermissible (Cohen 2002, 59; Zümürüt et al. 2017, 7-8; Stempsey 2000, 196). For instance, some kidney sellers have analogized their own act to prostitution (Moazam et al. 2009, 35). Others take organ sale to be an exploitation of the poor (Stempsey 1996, 45-55), which contradicts human dignity in that it involves a disregard for people's free will.

However, there are views according to which organ sale is not a violation of human dignity. On the contrary, a prohibition of organ sale would contradict human dignity. Proponents of these views take the legal prohibition of organ sale for purposes of financial benefit to amount to the denial of an individual's autonomy (Cameron 1999, 728). For example, on these views, it is permissible to consensually sell one's kidney to a patient who needs it in order to protect his dignity and prevent him from "desperately begging others for kidney donation" (Dehghan Simakani, 2019).

In this way, some people have argued for the impermissibility of organ sale by making recourse to the notion of human dignity, and others have argued for its permissibility by making recourse to the same notion. The question is how two contradicting approaches and arguments can be offered based on the notion of "human dignity" or what can be referred to as the "principle of human dignity." The

answer seems to lie in different conceptions of the human dignity. Thus, we need to discuss and analyze various views of human dignity and their implications for the issue of organ sale. In this paper, we only focus on Kantian and Islamic approaches to human dignity, and then seek to provide a general picture of human dignity and different approaches to it within three steps. We will then examine and compare Kantian and Quranic approaches to human dignity, and provide an account of the justifiability of kidney sale on the two approaches.

1. Kidney Sale and the Challenge of Human Dignity

Terminologically speaking, dignity refers to value, which is either intrinsically given or acquired. This yields a division of dignity into intrinsic (or given) and acquired, and different definitions have been provided for the two kinds of dignity. Intrinsic dignity is what is possessed by all human beings *qua* human beings, without any exceptions whatsoever (Ja'farī 1370 Sh, 279).

Given this general picture of dignity, there are different conceptions of human dignity, which need to be revisited and analyzed. Some people adopt an anatomic approach to human dignity, taking it to amount to bodily integrity and totality (Stempsey 2000, 196). On this approach, it is morally impermissible to disintegrate the anatomic totality of the body, for example, by kidney sale or even kidney donation (Zümürüt et al. 2017, 8). Others have adopted a social approach to human dignity, taking it to be a construct out of social manners and beliefs as well as the individual's position in the society (Cohen 2002, 59-60). On this approach, kidney sale is deemed impermissible because it fractures the society, while kidney donation is permissible in that it promotes the individual's position in the society and reinforces its solidarity. The approach has been confirmed by research that finds kidney sale to indubitably undermine one's social position (Moazam et al. 2009, 35; Zargooshi 2001, 1796).

Another conceivable approach to human dignity and the problem of organ sale is a fascist approach, according to which people's values amount to their dependence on the government, and human individuals are in the service of a government, which decides about their life and death. On this account, it is the government that bestows people with general freedoms by means of its authoritative power (Hāshemī 1384 Sh, 148). Accordingly, the government can decide about kidney sale by individuals. The approach might particularly be traced back to legal positivists, although it was not well received, because it radically ignores people's autonomy and freedom.

Aside from these, there are two major, remarkably influential approaches to human dignity, which require a more thorough investigation. One approach is that of the German philosopher Kant (1724-1804) and the other is the Islamic-Quranic approach. The latter refers to a position implied by the Quran—as the most basic and authentic Islamic text—with regard to human dignity. In what follows, I will elaborate upon this position and its implications for the problem of kidney sale.

2. The Kantian Approach to Human Dignity and its Implications for the Problem

Kant's approach to the problem of human dignity and his position regarding kidney sale can be outlined along the following lines:

A. Autonomy: in Kant's view, human dignity as an intrinsic value is originated in rationality and autonomy (Kant 2002b, 4:428, 4:434). On this view, human dignity is not based on his social position or peculiar talents and achievements. Instead, it is based on his intrinsic rational capabilities in virtue of which he has the power to choose and to legislate laws to organize his own as well as other people's lives (Sullivan 1994, 15). That being the case, for Kant, reason is the substance of human beings and, in a sense, a divine manifestation

within the human essence (Kant 2009, 66; xxix). In his view, human beings are free and autonomous in virtue of their rationality, and they have dignity in virtue of their autonomy.

B. Human beings as ends in themselves: another crucial element of the Kantian approach to human dignity is the conception of the human being as an end in itself. In fact, Kant's second formulation of the categorical imperative concerns the respect for human dignity: "Act in such a way that you treat humanity, whether in your own person or in the person of another, always at the same time as an end and never simply as a means" (Kant 2002b, 4:429). To illustrate, we need to consider the distinction between persons and things, which is a central theme in the Kantian approach. On this account, persons are distinct from things in that the latter can be treated as means or instruments for other things, while rational beings—persons—are ends in themselves (Kant 1997a, 70). According to Kant, persons are entitled for respect because they carry with themselves the law of morality, while things do not (Kant 1997b, 37). That being so, it is a disrespect of human dignity to treat him as a means. Kant goes so far as to suggest that organs of the human body should not be instrumentally treated either (Zümrüt et al. 2017, 6-7). If kidney sale is tantamount to an instrumental treatment of human body parts, it will contradict the human dignity and will thus be morally impermissible. Kant would thus believe that if one instrumentalizes and sells a body part of his, he will thereby flout the principle of dignity and his act will be morally impermissible (Kant 1996, 423).

Kant makes the distinction between persons and things because he restricts dignity to human persons, maintaining that "things – whether they are products of nature or artifacts – have value only insofar as someone or other happens to regard them as valuable" (Sullivan 1994, 67). In fact, for Kant, human beings are the only beings that are entitled for respect: "*Respect* always applies only to persons, never to

things. Things can arouse in us *inclination* and, if they are animals (e.g., horses, dogs, etc.), even *love*—or else/ear, like the sea, a volcano, a beast of prey—but never *respect*.” (Kant 2002, 100). In this way, Kant assigns a status to human beings in the nature, which is not possessed by any other beings. No other being, even God, can legislate laws for human beings. Instead, they are their own legislators (Sensen 2011, 177-78). He thus regards human beings as being more valuable than other creatures (Rachels 2012, 136).

C. A close connection between persons and their body organs, or a one-dimensional monistic approach to human beings: as pointed out, Kant maintains that selling one’s body organ is an instrumental treatment of oneself, even if it is done voluntarily (Stempsey 2000, 200). Indeed, for Kant, one should never see himself as being entitled to selling a body organ, even a tooth. In fact, one’s body is part of one’s own self. Kant sees the soul and the body to be integrated and unified, avoiding troublesome dualistic accounts of the relationship between souls and bodies. For him, the body and the soul constitute a single reality which makes up the human identity and character (Stempsey 2000, 200). He has made it explicit in some cases that he is not a fan of the dualistic conception (Louden 2006, 352). Now that the soul and the body are integrated, if one sells part of his body, he has indeed sold part of his character or self.

D. The Golden Rule: in his *Groundwork of the Metaphysics of Morals*, Kant formulates the law of morality (the categorical imperative) as follows: “*I ought never to act except in such a Way that I could also will that my maxim should become a universal law*” (Kant 1997a, 233; Kant 1997b, 15). This is a formulation of the moral Golden Rule according to which one should love for others what he loves for himself and not love for others what he does not love for himself. One should decide and act in such ways that they can will their action to become a universal law. For example, if a person sells his kidney out of poverty, then he should contemplate whether he wills his action to become a universal law.

These are the most crucial elements of the Kantian account, which provide us with an approximate picture of his approach to human dignity. In the next section, I will outline the Quranic picture of dignity, and will then compare and analyze the two accounts with respect to the issue of kidney sale.

3. The Islamic-Quranic Approach and Its Implications for the Issue

There are different elements in the Islamic approach to the issue of human dignity. The elements are as follows:

A. Essential dignity grounded in reason and “divine breathing”: on the Islamic approach, human dignity is grounded in the character or status given to him by God in virtue of his reason and free will (Quran 17:70). This is the God-given or essential dignity, which is implied by many Quranic verses, such as “And We have certainly honored the children of Adam” (Quran 17:70), “So blessed is Allah, the best of creators” (Quran 23:14), and “and breathed into him of My [created] soul, then fall down to him in prostration” (Quran 38:72). As suggested by these verses, when God created the human being from clay, He breathed into it from His great “soul,” related it to Himself, and called it the “soul of God” (Quran 15:29). The human being is in this way both mundane and heavenly (*malakūtī*), and is endowed with innate knowledge (Mullā Ṣadrā 1383 Sh, 1:406). In other words, human beings possess such God-given or intrinsic dignity in virtue of the divine soul or breathing, which is missing in other creatures. The divine soul is the origin of the human cognitive and conative faculties, his knowledge and power, his volition, his passion and consciousness, his free will, and the right to choose. Human beings have such dignity by dint of possessing rational souls and faculties. As put by ‘Allāmah

Ṭabātabā'ī,¹ “the human being is dignified in virtue of being endowed with reason, which is exclusively given to the human being, and with which he discerns good from bad” (1370 Sh, 13:156).

B. Acquired dignity: in addition to intrinsic dignity, Quranic verses also point to a kind of human dignity acquired through his rational choices and efforts. There are verses indicating that if one exercises his capacities, he will have greater dignity, such as “Indeed, we created man from a sperm-drop mixture that we may try him; and we made him hearing and seeing” (Quran 77:2) and “And those who strive for us - We will surely guide them to our ways” (Quran 29:69).

C. The human being as God’s successor on Earth: according to Quranic verses, the human being is selected by God as His successor on Earth, partly material and partly spiritual, with innate self-knowledge, free, autonomous, God’s trustee, in charge of himself and the world, with unlimited cognitive and conative capacities (Muṭahharī 1372 Sh, 2:272). This is stated in the Quranic verse, “I will make upon the earth a successor” (Quran 2: 30). That is just to say that all human beings have the capacity to serve as God’s successors, and they can actually become His successors only if they actualize the capacity. Notwithstanding this, what distinguishes human persons from other beings is that they have the potentiality for God’s succession.

D. Knowledge: in addition to their rational souls and faculties, human beings are characterized by their possession of knowledge, in virtue of which they are dignified. This is suggested by the Quranic verse, “and He taught Adam the names—all of them” (Quran 2:31), in which the human being is said to have been taught by God. It is also in virtue of potential possession of knowledge and the power to discern

1. Muḥammad Ḥusayn Ṭabātabā'ī (1902-1981) is a contemporary Islamic and Shia thinker. He was one of the most important professors of Islamic philosophy and jurisprudence in the Shiite Seminary of Qom (*Hawza 'Ilmiyya*).

good from bad, and voluntarily choose the good that human beings are entitled for a special dignity. It is safe to say that they do not lose these features by kidney sale.

E. The assignation of dignity to the soul and the divine test: on the Quranic approach, the features in virtue of which a human being is dignified belong to his soul. Indeed, it does not make sense to ground the human dignity in natural aspects of the human body. The more one trains his soul the greater dignity he will acquire. In this sense, dignity is manifested in the human servitude for God. Imam ‘Alī—the first Shiite Imam—regards all his honor to boil down to his servitude for God and takes pride in having Him as his Lord, as he says in a supplication, “O God! It suffices for my esteem that I am your servant and it suffices for my pride that you are my Lord” (Karājakī 1410 AH, 1:386). On this view, rationality, free will, autonomy, financial possessions, beauty, volition, knowledge, and other perfect attributes, which are not everlasting, are not features in virtue of which human beings are dignified. Instead, they are things with which they are tested by God in this world (Jawādī Āmulī 1381 Sh, 82).

4. Comparison of the Implications of the Two Approaches

4.1. Implications of the Kantian Approach

On Kant’s account of human dignity, we should keep the following in mind in considering the challenge of human dignity for kidney sale:

A. In Kant’s view, an action is valuable only when it is done out of duty. The value of an action depends on one’s intentions, not the action in and of itself (Kant 1997b, 1112). In fact, what is crucial for Kant is the intention of kidney sellers and buyers. He believes that organ sale for the purpose of money or any other such purposes violates the principle of human esteem and dignity (Akhavan 1390 Sh, 154). This, of course, is not the only possible interpretation of Kant. It is a matter of debate whether Kant believes that an action would be

moral only if a person performed the act as a duty, or whether different motives could play a role in a moral act in Kant's view. Some believe that according to Kant if an action is to be deemed morally good, it requires the agent to act from duty. But this is not enough, and a second factor is also effective in the act's morality. The second factor is that the act must be performed out of respect for the law of morality (Stratton-Lake 2000, 62). We need to pay attention to the distinction between acting from duty and acting solely from duty on this latter view. So, we have at least two common interpretations of Kant. On the first, all that is needed for a right action to be morally good is for it to be done out of duty. However, on the second, an action is valuable only when it is done out of duty and also solely out of respect for the moral law. Both interpretations obviously presuppose that morality is grounded in rationality because, according to Kant, there is an essential and direct connection between morality and rationality (Stratton-Lake 2000, 60). On Kant's account, kidney sale would not violate human dignity and would be permissible only if the intention for which it is done was to do it from duty, rather than relieving oneself from sufferings, which is a satisfaction of one's internal desires. In fact, if one sells his kidney with the intention to relieve himself from sufferings, then he will have sold part of his own self and has treated himself as a means to an end. If one sells kidney only in order to gain more money, he will have done something wrong because, on Kant's approach, this will contradict his self-esteem in that he has treated himself only as a means for an end (Sullivan 1994, 69).

B. Kidney sale is morally impermissible if it leads to one's humility in the society. Although Kant does not adopt a social approach to human dignity, he nevertheless believes that "the

worthless man prefers servitude, almost as if it were already the proper thing for him.” (Kant 1997a, 150). Interviews with some kidney sellers in Pakistan confirm Kant’s view. They analogize their acts of kidney sale to prostitution (Moazam et al. 2009, 35). They perceive kidney sale as a humiliation, which on Kant’s account violates human dignity and will hence be impermissible. Kant suggests that no one has the right to risk his or her body to make money. Those who pay money to someone to risk his life will be ill-reputed. One cannot satisfy other people’s desires without instrumentalizing himself (Kant 1997a, 150). Thus, cases in which kidney sale or purchase amount to violation of human dignity are deemed wrong by Kant. Proponents of the connection between one’s social identity and human character take the sale of vital human body organs to amount to selling one’s human identity (Kerstein 2009, 160).

C. Although Kant’s teleological view of human beings involves intrinsic human values, and hence, human body organs should not be priced in that any pricing for body organs by the seller and the buyer will contradict the human integrity and dignity. However, donation or sale of body organs is not necessarily impermissible within Kant’s approach. It depends on the intention with which the sale or donation is done. There might as well be cases in which we are obligated to risk our body and sell or donate our body organs. For instance, Kant permits the murder of enemies in certain battles and defends capital punishment (Sullivan 1994, 81). Put alternatively, it depends on whether one sells his body organs with the intention of instrumentalizing himself or others, or he does it out of duty. The Kantian rule that humans should never be treated simply as means includes self-treatments as well; that is, one has to respect his own humanity as well and is not permitted to acquiesce to humiliation in order to achieve an end (Kant 1997a, 395). On this account, if kidney sale leads to one’s own humiliation, then it will contradict human dignity and

morality. For in this case one will have disrespected his own identity and violated his own dignity.

On the Kantian approach, then, if kidney sale is done to satisfy one's internal desires or to obtain more pleasure and well-being, then it contradicts human dignity. Thus, Kant can say about kidney sale what he has said about suicide—that it involves a contradiction because “as anyone destroys his body, and thereby takes his own life, he has employed his choice to destroy the power of choosing itself; but in that case, free choice is in conflict with itself.” (Kant 1997a, 149). This is because the human being is an end, not a means (Kant 1997Aa, 395). For Kant, the human being should deploy his capacities for his survival. For instance, suicide would contradict one's obligation towards himself, because with it one will no longer be able to discharge any of his obligations. That is to say, it will block the source of human free will (Kant 1997a, 149).

4.2. Implications of the Quranic Approach and Its Similarity to the Kantian Approach

Although there is no explicit ruling about the sale and purchase of human body organs in the Quran, some Quranic verses nonetheless imply that a consideration of kidney sale in terms of the challenge of human dignity requires us to have the following in mind:

A. On the Islamic approach, kidney sale is impermissible if it contradicts human dignity. Quranic verses according to which believers are honored (63:8) imply that a believer is not permitted to dishonor or humiliate himself. On Islamic doctrines, “dignity consists in doing good conducts and refraining from humility” (Āmidī 1410 AH, 87). That is, if kidney sale leads to humility, then it contradicts one's dignity and ought not to be done.

B. Given that, on Quranic verses, the human soul is intrinsically respected, and the murder of a single human being is deemed

tantamount to the murder to all human beings (Quran 5:32), then if kidney sale risks a person's life—a respected soul—it thereby contradicts human dignity.

C. The Islamic approach also takes account of the intention with which an action is done in an assessment of its permissibility. In order for kidney sale to be morally permissible, not only should it accord with human dignity, but it should satisfy other conditions as well, such as the action being done by both sides for the sake of divine consent and not for the satisfaction of personal desires. This is because, according to Quranic verses, righteous people only embark upon actions that accord with the divine consent and will (Quran 76:30).

D. However, in terms of Islamic doctrines, there might be cases of kidney sale in which one's dignity is not violated, but rather it contributes to his dignity and esteem. For instance, consider a case in which one is in need of a kidney and would only stay alive if he received a kidney transplant. He thus needs to buy a kidney, and he is wealthy enough to afford to do so. He can happily pay 100,000 dollars to buy a kidney. On the other hand, there is a poor individual who cannot afford to have a respectful life unless he undergoes sufferings to sell his kidney and receives 100,000 dollars. On the Islamic approach, kidney sale will not contradict human dignity if it does not lead to one's humiliation and does not risk the seller's life, because in this case the two sides respect one another's wills and needs. To pay or receive money in such consensual and well-intended cases is to respect and dignify one another. This is especially so because about 80 percent of kidney sellers are motivated by poverty (al-Khader 2002, 213-15). And to save a person from poverty or a fatal disease is, according to Quranic verses, tantamount to the revival of all human beings and to dignify their humanity (Quran 5:32). In Quranic terms, therefore, kidney sale and purchase are not always impermissible. Indeed, their permissibility is relative to circumstances.

On the whole, it seems that the Islamic-Quranic and Kantian approaches are strikingly similar in a variety of respects. Both do not prohibit kidney sale in an unconditional way. Instead, on both views its prohibition is a matter of one's intention. And on both views, human beings are endowed with an intrinsic dignity which cannot be taken away from them. For if an intrinsic feature of something is taken away from it, its identity will change. Moreover, on both approaches, the human being is pictured as the end of the creation, and on both, it is forbidden to harm one's body because of the close relationship between the soul and the body. Kant believes that "since the use of our freedom is possible only through the body, we see that the body constitutes a part of our self" (Kant 1997a, 144). And Islamic doctrines prohibit any harms to the body, as suggested by jurisprudential rules such as "there is no harm to oneself and others in Islam" (Bujnūrdī 1401 AH, 1:253-54) and the Quranic verse, "do not throw [yourselves] with your [own] hands into destruction" (Quran 2:195).

4.3. Discrepancies between the Two Approaches

Notwithstanding all the similarities, there are remarkable differences between the Islamic and the Kantian approaches to human dignity. Some such differences are in order.

A. Although both approaches make the permissibility of kidney sale conditional upon the intentions of the seller and the buyer, they pick out different objects for the relevant intentions. On Kant's account, the action has to be done with the intention of doing one's duty, without taking God's consent into account, while on the Islamic account, the intention should be to comply with God's consent.

B. On the Quranic approach, God has endowed human beings with dignity, and the closer a person becomes to God the more dignified he becomes. A human being is dignified in virtue of being related to God.

This is absent in Kant's approach because of the autonomy he assigns to human beings. As pointed out before, on the Islamic approach, human dignity is manifested in his servitude for God. This is why prominent figures of Islam see their esteem and honor in serving God (Karājakī 1410 AH, 1:386). This implies that in various circumstances in which a kidney is sold, one needs to contemplate whether or not it is in line with the divine command or will. To put the idea differently, on the Quranic approach, God's will, command, or consent has priority over everything else. The act of kidney sale should thus be appraised in terms of the divine consent. If kidney sale is in keeping with the divine consent and will, then it is permissible. However, on Kant's view, an action is not rendered valuable in virtue of being done for the sake of divine consent. On the contrary, its value will in this case be diminished.

C. Difference with respect to the instrumentalization of reason in terms of the divine test: on the Quranic view, human endowments such as reason and free will are not intrinsically valuable, while they are intrinsically valuable in Kant's view. Put otherwise, in the Islamic literature, transient attributes and features such as rationality, free will, autonomy, volition, possessions, beauty, knowledge, and other positive attributes are not features in virtue of which human beings are dignified. Rather, they are means of the divine test for human beings in this world (Jawādī Āmulī 1381 Sh, 82). Accordingly, if one decides on the basis of reason to sell his kidney when it is contrary to the religion, then religion should be given the priority in the overall moral status of the action—an implication that Kant would not endorse.

D. Although Quranic and Kantian approaches have similar positions concerning the extent to which a person is responsible towards others, there are still differences between the two. Kant says, "Respect for persons [is] "necessary" in the sense of being morally obligatory. We have an unconditional duty to recognize the dignity of

every person” (Sullivan 1994, 70). In fact, Kant puts emphasis on other people’s well-being, holding that we would not have sufficiently respected others if we did not contribute to their well-being (Sullivan 1994, 79). We should consider other people’s interests as our own interests and we are morally obligated to help them and pave their paths towards a rational life, although we might lose part of our well-being in this way (Sullivan 1994, 79.). This is originated in Kant’s Golden Rule according to which we should do an action that we will to become a universal law: “If you slander another, you slander yourself; if you steal from another, you steal from yourself; if you strike another, you strike yourself; if you kill another, you kill yourself” (Rachels 2012, 142). However, the Quranic approach has a different view of our responsibility towards others. In the Quran, righteous people are characterized as giving others preference over themselves—giving their wealth to them—even though they are in privation (Quran 59:9). In Kant’s view, nevertheless, we are not obligated to sacrifice our own well-being in order to contribute to the well-being of others. One is thus more responsible towards himself and less towards others (Sullivan 1994, 79-80). On Islamic doctrines, if one has to sell his kidney out of poverty, other people who are responsible towards him are more blame-worthy. If others could, but did not, help him so that he did not have to sell his kidney, then they would be accomplices in the immoral act. On Islamic teachings, if necessary, one must donate his kidney to another person so that he could survive. If the kidney donor cannot then live as good a life as before due to ensuing physical troubles, he will reach happiness because of his sacrifice.

E. Difference in dualism or monism regarding the soul and the body: Kant’s view of the relationship between the soul and body organs is very close to monism. In his view, if one sells his body organ, he not only sells part of his body, he indeed sells both his soul

and body, because they are inseparable in that there is no duality between them. The Islamic approach rejects monism, because, for one thing, dualism of the soul and the body is explicit in the Quran (39:42), and for another, since the agent's intention is crucial for the moral status of kidney sale, it might as well lead to the perfection of the soul. Other scholars adopt the same approach as that of Islam, rejecting the claim that selling a body organ amounts to selling the whole person (Gill and Sade 2002, 30).

Conclusion

On both Kantian and Quranic approaches, kidney sale is morally permissible by default unless there is a reason to think that it violates human dignity. In other words, on both approaches, human beings possess intrinsic dignity in virtue of their free will and reason, and the fact that intrinsic dignity cannot be taken away implies that kidney sale does not in and of itself contradict human dignity. If, in certain cases, it does, it is because required conditions have not been met. On Kant's view, kidney sale will contradict human dignity if the seller and the buyer treat one another as means to ends, or do not have an intention to act from duty or their action is not compatible with the rule of reason. The verdict on whether kidney sale contradicts human dignity will thus be contingent upon the agent's intentions. However, since Kant takes human beings to be ends in themselves, he comes up with the principle that "one should never deploy himself for the sake of his own and other people's well-being." This principle sheds light on Kant's position concerning many circumstances in which kidney sale takes place. On this principle, kidney sale for the sake of alleviating the sufferings of another person, or out of poverty, or for the sake of one's own well-being, contradicts human dignity. For, in these cases, one deploys his free will against himself and abuses his own self.

The Islamic-Quranic approach, while emphasizing on intrinsic human dignity and being in various respects on board with the Kantian account, parts company with regard to the object of the moral agent's intention, the origin of human dignity, taking human rational powers to be matters of divine test, and broadening the range of one's responsibility towards others. On the Quranic approach, kidney sale can be morally permissible if it is done in accordance with the divine consent, does not cause humiliation of the soul, is not in conflict with divine commands and wills¹, and does not risk the agent's life. Overall, one may not resort to the violation of human dignity as a ground for the impermissibility of kidney sale, because it is only in certain circumstances that it counts as a violation of human dignity.

1 . This does not mean that kidney sale depends on divine commands, in order to be deemed morally permissible, or divine prohibition, in order to be deemed morally impermissible. In addition, compatibility with the divine command is considered as only one condition among others. Accordingly, even if God's command is to sell one's kidney, but there are no other conditions mentioned above, this may still not be morally permissible.

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