

## TRANSPLANTATION OF ORGANS: A COMMENT ON PAUL RAMSEY

In his admirably thorough and deservedly influential book *The Patient as Person*, Paul Ramsey deals at length with the problem of transplantation of organs from living donors.<sup>1</sup> He refers to his study as “this deliberately inconclusive inquiry.” This itself is interesting; for it is one of the few times Ramsey has wrestled with a contemporary problem and the inquiry has emerged “inconclusive.”

Ramsey's concern is above all with the way transplantation from living donors is to be justified. The basic problem is that “for the first time in the history of medicine a procedure is being adopted in which a perfectly healthy person is injured permanently in order to improve the well-being of another. . . .”<sup>2</sup> For many decades the ethics of mutilation was formulated within the perspectives of the principle of totality. That principle stated that individual limbs, organs, functions—relating to man's bodily life and health as parts to the whole—could be excised or suppressed if the excision or suppression was necessary or proportionately useful for the whole good of the organism. Increasingly moral theologians began to speak of the “whole good of the person” as best encapsulating the intentions, permissions, and limits of that principle. But whatever the formulation in the discussions of twenty years ago, there was general agreement with Gerald Kelly's contention that “no mutilation for the good of the neighbor, even a minor mutilation, can be justified by the principle of totality.”<sup>3</sup> Such statements were not meant to exclude transplantation from living donors; they were but assertions that the principle of totality could not justify them.

Recently, however, not a few theologians have seen in the principle of totality the very justification of organ donation. Obviously, if that is the case, the principle must be broadened to include the spiritual and moral wholeness of the person—a wholeness that resides in and can be pursued and achieved by charitable donation to others. Thus, Warren Reich speaks of the “subordination of the physical perfection (of the donor) to his own perfection of grace and charity. . . . This would expand the notion of the total person (psychological and spiritual, as well as physical) beyond that which was originally envisioned in the ‘principle of totality’”<sup>4</sup> Similar amplifications have been proposed by others.<sup>5</sup>

<sup>1</sup> Paul Ramsey, *The Patient as Person* (New Haven, 1970) pp. 165-97.

<sup>2</sup> Francis D. Moore, “New Problems for Surgery,” *Science* 144 (1964) 391.

<sup>3</sup> Gerald Kelly, S.J., “The Morality of Mutilation: Towards a Revision of the Treatise,” *THEOLOGICAL STUDIES* 17 (1956) 332.

<sup>4</sup> Warren Reich, *Medico-Moral Problems and the Principle of Totality: A Catholic Viewpoint* (Washington, D.C., 1967) pp. 34-36.

<sup>5</sup> E.g., Martin Nolan, O.S.A., “The Principle of Totality in Moral Theology,” in Charles

At this point enter Paul Ramsey. As I read him, he has two major objections against this broadening of the principle of totality. First, he refers to justification of organ donation in terms of the spiritual good of the donor as the "sticky benefits theory." That is, the self-mutilation of the donor is justified because in the process a positive spiritual good accrues to him through his generosity and other-concern. Ramsey formulates it as follows: "They [recent moralists] have argued that a man may rightfully consent to the removal of an organ (which does not, like blood or skin, replace itself) provided he is aiming at a higher order of values than the physical organ given and received. Just as in sacrifice of life in general one really prefers his own good of a higher order, i.e., the *bonum virtutis*, to the good of life itself, so also in the self-giving of organs one seeks a higher benefit than that which is given away."<sup>6</sup>

Ramsey sees in this a "sticky benefits theory" that is a perversion of the notion of charity. One acts charitably in order to achieve self-fulfillment. By contrast, he sees a possible Protestant justification for transplants as one that should be free "from the moorings of self-concern." He paraphrases Martin Luther as follows: "They do not good who do it from a servile and mercenary principle in order to obtain personal fulfillment." Ramsey cites a Massachusetts Court case of 1956 as a negative example of the "sticky benefits theory" he opposes. In that case the Court judged that nineteen-year-old Leonard Masden would suffer grave emotional impact if he were not allowed to donate a kidney to his identical twin Leon. The case involved prevention of detriment rather than possible gain to the donor. But of both this court judgment and the reasoning of recent moralists Ramsey concludes: "Both are strange apologies for the donation of organs."

Ramsey's second major objection against the formulation of recent moralists is that the appeal to some higher spiritual good as justifying organ donation tends to deflate our respect for bodily integrity and to remove the limits upon organ donation. Thus, he characterizes some theologians as being "busy entirely dissolving the protections of past teachings on self-mutilation." Furthermore, in the appeal to the *bonum virtutis* of the donor, Ramsey fears the weakening or removal of "the moral reason and impulse to move entirely beyond the acceptance of living donors to the use of cadaver organs. . . ." He even casts up the grisly

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E. Curran, ed., *Absolutes in Moral Theology?* (Washington, D.C., 1968) pp.232-48; Augustine Regan, C.S.S.R., in *Studia moralia* 3 (New York, 1965) 320-61; G. Ziegler, "Moraltheologische Überlegungen zur Organtransplantation," *Trier theologische Zeitschrift* 77 (1968) 153-74; Richard Egenter, "Die Verfügung des Menschen über seinen Leib im Licht des Totalitätsprinzips," *Münchener theologische Zeitschrift* 16 (1965) 167-78.

<sup>6</sup> Ramsey, *op. cit.*, p. 169.

spectre of self-immolative heart donation from a perfectly healthy donor to a cardiac patient. Of such a prospect he ominously predicts: "Those moralists will be crowned victors who say that in the self-giving of a heart the donor prefers his own perfection of grace and charity, subjecting his physical organism to the finality of his person. . . ."<sup>7</sup>

So Ramsey does not view the expanded principle of totality favorably. But when he turns to what he calls a "possible Protestant justification" for organ donation, he is also hesitant and fearful; for such a justification, avoiding any appeal to self-concern and basing itself solely on a free and informed consent, "is likely to fly too high above concern for the bodily integrity of the donor, higher than one finds in even the most 'liberal' Roman Catholic thought." Thus he ends up "inconclusive"; for while sensing the at least transitional moral legitimacy of organ donations ("transitional" = until such time as artificial or cadaver organs suffice), he can find no analysis satisfactory to himself to justify them. The possible warrants all seem to him to undermine, or to tend to undermine, bodily integrity.

Ramsey's concern for bodily integrity is altogether healthy, particularly in societies and cultures so technologically biased that man is in constant danger of being viewed merely as the sum of his disposable parts. But I should like to explore briefly the possibility that his two major objections can be satisfactorily answered.

First, the "sticky benefits theory," in which Ramsey sees an unchristian self-concern. Indeed, for Ramsey, all self-concern must eventually be unchristian. Therefore, at the root of this discussion is Ramsey's concept of charity (agape), as Charles Curran has pointed out, and as Ramsey fully realizes.<sup>8</sup> For Ramsey, there seems to be no such thing as properly ordered self-love. Paraphrasing Martin Luther, he writes: "true faith is effective in love which seeks the neighbor's good alone and not the self's compensation, fulfillment or wholeness." Some would see Anders Nygren at work here. And as Curran shrewdly notes, one has to wonder how a love so utterly unconcerned with the self can end up so concerned with one's own bodily integrity.<sup>9</sup> In other words, Ramsey wants love of neighbor to be totally free of self-concern, yet he underlines the donor's bodily integrity in a way that can only bespeak self-concern. One can suspect that his ultimate theoretical "inconclusiveness" about organ donation is due to the fact that he remains impaled on his own inconsistency.

<sup>7</sup> *Ibid.*, p. 192.

<sup>8</sup> Charles Curran, *Politics, Medicine and Christian Ethics* (Philadelphia, 1973) pp. 135-40.

<sup>9</sup> *Ibid.*, p. 140.

I should like to pursue this inconsistency in an attempt to clarify several moral-theological assumptions or presuppositions in the discussion of organ donation. Specifically, I suggest that Ramsey's very legitimate concern with the bodily integrity of the donor should move him away from a one-sided notion of love and the doctrines of man and sin at its root. Ramsey writes that "bodily integrity must be a norm operating in the assessment of the morality of the self-giving of organs."<sup>10</sup> That is correct, I believe. But bodily integrity operating as a norm can only mean that one (the donor) is concerned with his own bodily integrity. This can only mean that one is "aiming at" this basic good in himself. I take it that Ramsey believes that one ought to do that. And he is correct. Otherwise what does bodily integrity mean? The entire treatment on one's duty to use ordinary means to preserve life simply supposes that one's own life is a good to be sought, aimed at, intended. This, in turn, means that one ought to love himself in a well-ordered way; for the proper care of one's life is an act of concern for and beneficence to oneself. And if that is true—as it unavoidably is—ought not one also aim at, support, and pursue other goods in himself, specifically the *bonum virtutis*? Does one not grow in charity by being charitable? And is not growth in charity a good for the one who grows? And if so, ought it not be intended and desired? Spiritual or moral integrity, then, the integrity one achieves precisely in his well-ordered concern for others, is a good for the self. And if that is so, it is worthy of human aim and pursuit—at least as much so as life itself.

But Ramsey would seem to be forced to deny this by his very description of love of neighbor. He must imply that "having in view" also one's own good negates "having in view" the neighbor's need and good. Why should these be separated in this way and be made mutually exclusive? Indeed, how can they be? For it can be argued that only one who knows and treasures his own good (e.g., his bodily integrity) will know and treasure what is the neighbor's good. A love that has no concern for the self is precisely the "love" that will denigrate its own *sarx* and in such denigration prepare the way for the denigration of others. Concretely, it is precisely the person whose sense of bodily integrity is so fragile—whatever be the accompanying sentiments of generosity—that he is prepared to donate his own heart, liver, and what have we, who will be increasingly ready to *take* the heart, liver, etc. from others. Therefore "having in view" one's own good should not be seen as an alternative to "having in view" the neighbor's but indeed as its condition and inseparable complement.

An analogy may help. If the act of sexual intercourse between husband

<sup>10</sup> Ramsey, *op. cit.*, p. 195.

and wife is (= ought to be) an act of love, does it follow that one may not also have in view his own sharing in the satisfactions and comforts it produces? Is it a "sticky benefits theory" if while pleasuring his wife the husband also rejoices in his own good or vice versa? I should think not. Therefore, it is not self-concern that infects and transposes an act of other-concern into selfishness; it is *inordinate* self-concern—one that, to achieve its own purposes, acts in ways that inhibit the basic goods or values in others when this is easily avoidable, fails to make efforts on behalf of these goods when they are imperiled in others, or directly suppresses them in others.<sup>11</sup> Inordinate self-concern, in other words, is one that closes others out, uses them as means only and not also as ends in themselves. A love of neighbor that has no relationship to self-concern ends up being no love at all, since it is radically discriminatory of the good: seeking and promoting it in some but not in others (the self).

Ultimately, therefore, Ramsey's first objection against the expansion of the principle of totality has confused self-love with inordinate self-love. His real concern ought to be to separate the two and discover the criteria whereby we recognize the difference. To discredit any self-love as selfishness is ultimately to discredit the self completely. And to discredit the self is in principle to discredit others as well; for love, like contrition, must be universal if it is to be at all. The root issue in all of this is the profound depravity of man in the Protestant tradition. It is this that forces Ramsey to speak of "the overruled discontinuity between God and man, between self and other, or between giving and receiving . . ." and to identify all self-love with selfishness. But if that equation cannot be maintained consistently with tenets dear to Ramsey's theological heart (e.g., the duty to use ordinary means to preserve one's own life), then should he not re-examine the doctrines of man and sin that led him to this equation?

The matter is important enough to demand restatement. Several of Ramsey's phrases suggest that the benefits and motivations of the recipient and donor in transplants are mutually exclusive. Thus, in contrasting the Protestant and recent Catholic approaches to the justification of transplants, he says: "the benefit aimed at would be the benefit to the recipient, not the donor's wholeness." Similarly, when dealing with the formulation of Martin Nolan, O.S.A. ("the total good of the whole person" is "achieved in self-gift"), Ramsey adds that "everything depends on whether the gift (and the recipient) or the achievement of wholeness is in view."<sup>12</sup>

<sup>11</sup> These phrases are drawn from the writings of Germain Grisez, especially *Abortion: The Myths, the Realities, and the Arguments* (New York, 1970).

<sup>12</sup> Cf. n. 5 above and Ramsey, *op. cit.*, p. 181.

Ramsey's "aim at" refers, of course, to the motivation of the donor. Why must "gift (and the recipient)" and "achievement of wholeness" be mutually exclusive? If what exclusively moves the donor to donate an organ is his own fulfillment and not also the good of the recipient, then indeed we are in trouble. But that need not be and, in my judgment, is not what those Catholic authors mean when they refer to the benefits (spiritual) that accrue to a donor through his generous donation of an organ. It is not an either-or matter, either the neighbor's good exclusively or the donor's higher good exclusively. The need of the neighbor, the good of life that is imperiled in him, is the proximate motivation. The wholeness that accrues to the donor through his generosity is not the exclusive or even dominant motivation. The expanded principle of totality simply recalls the fact that the mutilation of the donor not only confers a good on the recipient, but also that it may not be viewed as an unqualified disvalue for the donor. Thus the *bonum virtutis* of the donor, while not the exclusive motivation of the action, is in some very real if general sense its justification. It can and should be weighed as a positive factor in deciding whether the mutilation involved in organ donation is altogether to be prohibited or can, at least in certain instances, fall within a reasonable stewardship of one's person.

A charitable action can be for the good of the actor without that good being the exclusive motive of the action. Ramsey's either-or approach implies that one cannot continue to intend the good of the neighbor if in doing so he is *also* intending his own good. We are back again to the doctrine of man and sin. In biblical perspective, however, is it not precisely a departure from self that guarantees a satisfying return to self—without that being the exclusive motive of the departure or self-giving? This point should recommend itself most persuasively to a tradition so thoroughly steeped in and instructed by meditation on scriptural utterances such as "He who will save his life must lose it" and "Love your neighbor as yourself."

Ramsey's second major objection against the expanded principle of totality is that it undermines bodily integrity and tends to remove limits to transplantation. Here, I believe, it ought to be argued that the principle of totality does not, in any more than a most general sense, justify organ donation on the part of the living donor. It says only that, given the sociality of man, the purpose of organs is not necessarily exhausted in the original organism, that our organs do have a meaning, even if secondary and subordinate, in the service of others. Thus the principle of totality does not altogether justify individual transplants; rather it explains the context of their moral possibility. What finally justifies the mutilation of a healthy donor is the benefit to the recipient and a due proportion between this benefit and the loss of the donor.

In other words, there are two levels of justification: the very general and the particular. The very general yields only the possibility that a transplantation is not unethical by pointing to the fact that there are goods for persons other than the good of the physical organism. It does not say what specific organ donations are justified; that belongs to the particular level of justification. The particular level determines whether there is a proper proportion between the benefit and loss in an individual transplant. It is at this level that limits are to be articulated.

I agree with Ramsey that there must be a thrust away from use of living donors and that such use must be viewed as only transitionally justifiable. Such a statement rests on the altogether reasonable conviction that the causing of harm to the donor is ethically justified only where it is proportionately grounded. Where artificial or cadaver organs will provide the same benefit, there is obviously no proportionate reason for the loss to the living donor. However, the amplified understanding of the principle of totality does not support a contrary view if it is remembered at what level and how this principle is thought to justify transplants. In summary, then, while Ramsey's fears are well founded and while his emphasis on bodily integrity is well taken, neither the fear nor the emphasis need necessarily find opposition in the amplified principle of totality.

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