

## Editorial

# Organ Donation: The Gift, the Weight and the Tyranny of Good Acts

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**Received 6 December 2006, revised and accepted for publication 22 December 2006**

There is a legal maxim that bad cases make bad law. Nancy Scheper-Hughes' article (1) gives us a relentless and eclectic series of what she feels are very bad cases indeed. Not far beneath the surface of her essay is a burning anger at cases of real abuse. There is no doubt that real abuse occurs in organ donation, but small anecdotes at one end of a complex spectrum do not make cause for generalized conclusions. Her premise seems to rest that with each gift, a complex obligation is set in motion, for which we have no quarrel as this is the nature of our often complex human interactions. However, as opposed to acknowledging this complexity of human behavior, we are met with general and sweeping conclusions.

There are at least two basic problems in the essay, even for a reader profoundly sympathetic to her anger at abuses. The first is the unearned tendentiousness of her treatment of David Biro's case. In Scheper-Hughes' discussion of Biro, the younger sister who willingly donated her bone marrow becomes the slave in Hegel's dyad of the Master-Slave dialectic (2). The whole relationship of Biro with his sister is summarized as speaking less to communion than to cannibalism. This is strong language, and is not earned, even from her elliptical quotations from Biro's essay. By taking this rather extreme interpretation, Scheper-Hughes weakens the general case she wishes to make. She ends her discussion of Biro's case with a rhetorical question: Would he have put his body on the line to serve her needs? The answer to which she tilts the discussion is 'no', but the statistic that she quotes immediately thereafter seems to indicate more likely than not he would have.

The second basic problem is the random way in which Scheper-Hughes associates cases and statistics with her general conclusions. The link between example or statistic

and her conclusions is not so much logical force as the very anger which seems to precede their discussion. Alas, this stranger at the bedside here undercuts the very value of the perspective she brings.

Scheper-Hughes supposes that anthropologists have an apparently uniform view that families can often be violent and predatory, an insight that others have had for millennia (i.e. Greek tragedy), but thinks further that they are as inclined to abuse and exploit as to protect and nurture their vulnerable members. Her data to support the equivalence are not given. Gifts invariably demand a counter-gift. Pure altruism does not exist, but are not some relationships more altruistic than others? How pure must altruism be before it counts? Organ donation within families becomes organ capture within families. This aspect of her essay is perhaps the most patronizing as it does not take an anthropologist to understand that altruism is a complex concept or that families do not have a myriad of motives in even the most loving of acts and that a continuum exists in all human behavior. Does this negate the good that can come from a gift? Would it be negated even if it came with a subtle but real price?

Scheper-Hughes supposes that there are forms of coercion within family dynamics that exist beneath the radar of the most conscientious transplant professionals, but again there are no data given to support this dismissive claim. Once again, does the fact that this may exist allow us to presume that choice is being abrogated or that one would ultimately regret their gift? She closes with a section dealing with the ethical issues involved in the use of organs from the young to support the lives of the elderly. The examples she chooses and the way they are presented is patently biased, such as the awful case of a dapper gent in his 80s who is a transplant tourist of what one gathers are appallingly callous views. She asks that we suppose that our father is 90 and an avid reader on wide topics, and then wonders if he should encourage a devoted son or grandchild to donate a kidney. Why does it matter if he is widely-read? And what if he is not 90, but 60 or does that matter? Even Scheper-Hughes does not argue that the receipt of a kidney from a live donor does not benefit the recipient. This benefit is one of potential restoration of health and prolongation of life. This is neither a trivial gift, nor should its very real impact on those who receive the gift be minimized. As Scheper-Hughes argues all gifts carry strings and ties that may bind us closer than we may like or consider. Why of all gifts decry one of such tangible good? While we can take a stance that any gift that

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potentially harms or encumbers another is not morally tenable, one can argue more strongly that to fail to allow such gifts profoundly diminishes the grace that imbues our humanity. Yes, a gift can be a weight that may bring unexpected demands, but we would also argue that the concept that the gift *per se* is tyrannical is almost ludicrous in its simplicity. The act of giving of course is a complex process that entails the full breadth of human motivation (4). One regrets that a mind and a spirit deeply attuned to ethical wrongs does not intervene more helpfully in a discussion in which distinctions must be kept scrupulously clean if one is to be equitable. Her cry for care and her belittling of wrongs are ones with which readers will profoundly sympathize, but bad cases make bad laws, and one wants her reasoned help in conceiving good ones worked

out in view of the slippery slopes on which we all must live and die.

## References

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