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# FOUR ANTHROPOLOGICAL AND RELIGIOUS ARGUMENTS IN FAVOUR OF THE ORGAN DONATION

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## **Abstract**

Organs donation is for most people a problem that is mainly connected to the medical field. The reality showed that this matter goes beyond the pure scientific or technical, communication and decision frames. Thus, the organ donation, by its issues, has a both religious and philosophic nature. It seems that, most of the times the cultural and religious data are those which shape our opinions about this phenomenon. In this paper we have identified four important arguments of anthropological and religious nature which support the idea of organ donation. The organ donation and the freedom of choice represent the first theme that emphasises the importance of the informal accept within the medical act. This, after all, represents the concrete expression of exercising the human freedom in limit conditions. The organ donation and the model of the Christian sacrifice is the second argument that proves the organ donation can be seen as a veritable expression of the Christian sacrifice in the world. The organ donation as a form of a priceless gift represents the third argumentative coordinate of our paper and its presentation as a form of loving the other will bring back to the fore a base principle of the Christianity which reaffirms the importance of the Other into the world. All these arguments can represent, in our opinion, future marks in debating the relation between the man and the challenges of the new technologies and the medical practices.

*Keywords:* organ donation, gift, sacrifice, freedom, the other

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## **1. Introduction**

The paradigm change which the development of the modern scientific spirit [1] brought along proposes new perspectives of knowing and understanding the man and the world. They privilege the rational knowledge

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based on scientific facts and proofs. As a consequence there have been accepted and catalogued as valid only the answers and the solutions which met the current scientifically criteria. The answers that religion offers have been ignored and sent under the zodiac of non-scientifically. The development of the biotechnologies in the contemporary world puts again into light a series of debates regarding the human body, the freedom of choice or issues connected to the ethic of applying these technologies. Paradoxically, in the same world, dominated by the scientific spirit, the new beneficences of the science are not always received as expected. As a consequence, a quite discreet attitude of people is observed in certain contexts or geographical areas, towards organ donation and transplant.

The statistics carried out at European level [*Europeans and organ donation*, Fieldwork October - November 2006, Publication May 2007, online at [http://ec.europa.eu/public\\_opinion/archives/ebs/ebs\\_333a\\_en.pdf](http://ec.europa.eu/public_opinion/archives/ebs/ebs_333a_en.pdf)] show that, for instance, Romania is with 25-32% behind the European average regarding the availability to donate an organ after death. A discreet attitude is also observed within the Japanese area not only at the level of the attitude but also at the level of the legislative point of view [2]. Generally, the explanations concentrate around three important ideas: institutional aspects, legislative and religious ones [3]. If the first explanations have a scientific rational logic, those of religious nature rather express a paradox. On one hand, the modern science develops its own methods and means positioning itself at the opposite pole from religion [4] but, at the same time, it cannot ignore the fact that many mental data, behaviours and attitudes can have explanations of a religious nature. In order to give another example, an interview with neurosurgeons and ATI physicians (the research has been carried out in October-December 2011 within the theme *The Organs Transplant using Organs from Deceased Donators – ethic perspectives and psycho-moral, socio-cultural, medical, juridical influences*) highlights religion as the main cause of the low rate of the organ donation in Romania.

In this case, in the contemporary world, the religion can transform itself into a veritable carrier of some ideas which can generate favourable or not attitudes towards organ donation. This is why, even in a laic State, the Churches can become partners provided that their doctrinaire principles can support understanding and assuming some conducts that are convenient to Science [5].

In Romania's case, this type of solutions can be taken into consideration because its population is in its majority Orthodox Christian. "(...) a country in which the population declares, more than 80% of them, belonging to a religious cult, in such a country it is normal that the ethic of transplant to be in concordance with the ethic of the religious cult the population appertains to and than the Church has the obligation to intervene exactly not to create artificial conflicts within the society, which are not ethical conflicts." [interview with PhD Professor V. Astarastoe, the President of the Physicians' Association from Romania on the 18<sup>th</sup> of December 2010]

Not only the statistic arguments are those which make us value more the religious aspect, but also some of theoretical nature which shows that at the foundation of any culture and social behaviour can be found a religious principle [6]. It is known the fact that the Romanian Orthodox Church was an important actor in the tentative to introduce in 2007-2008 the presumed consent in the Romanian law. The interview with PhD Professor V. Astarastoe highlights this: "Yes, it has been a conjoint lobby, a lobby carried out both by the Romanian Orthodox Church and the Physicians' Association and other representatives of the civil society, a lobby that has been supported by the fact that Romania is among the main countries regarding the illegal trafficking of organs. This fact caused concern and this is why that commission should take these elements into consideration". On the other hand, the document of the Saint Synod of the ROC which refers to bio-ethics present a clear position of the Church regarding the organs transplant and this aspect is worth analysing from the perspective of its direct implications. According to this document "the tissues and organs transplant is one of the top forms of the contemporary medical practice which turn sufferance into hope for more life is a performance of science and medical practice which the Church blesses as long as, by transplant, is solved the crisis caused by the lack of other healing solutions and is given normal life to a person, without taking it from another one: no one must be killed in order that another one to live" [The Documents of the Saint Synod of the Romanian Orthodox Church referring to bioethics].

In the prestigious magazine *International Transplant*, Leo Roels [7] writes about the importance of knowing social mechanisms and rituals regarding death. Practically, the social, cultural and why not the religious dimensions of death are being reconsidered. Thus, there is the will to create efficient communication strategies in order to support the increase the rate of organ donation. Programmes as EDHEP (The European Donor Hospital Education Program) or 'Diagnostic Review' took into consideration exactly this fact and the result has been an encouraging one: in France, for example, the rate of donation has doubled in two years.

As far as the cultural arguments are concerned, these are situated mainly in the area of the familial environment (the main decision maker in case of cerebral death) and of the social mentality. Recent researches and observations in the field of ethnology and anthropology show that, despite some social transformations, the family continues to remain a main mark of the Romanian society. "The essential transformations the Romanian family has been through can be reduced to the model of a more democratic family in the inside and more opened towards the world outside". [8]

This fact is less visible within the developed western societies where the family is on a second level or where one talks about family's dissolution [9]. The post modern world is characterized by the "undecided character of the kinship relations and gender relations" [10] fact that would somehow justify the not taking the family into consideration in the equation of organ donation.

We will not insist on the psychosocial arguments that might support promoting the organ donation from religious and cultural perspective but, rather, we will identify some ideas of the Romanian Orthodox Church which, if they were developed more in the context of the Romanian society, they might generate positive attitudes towards the organ donation. On its turn, each idea could be a theme for analysis and reflection.

## **2. The organ donation and freedom of choice**

The theme of freedom is not only of philosophical or juridical nature but also of religious one. The Christian doctrine states that God gave us freedom of choice. As a consequence, **all the** bad things in the world are the effect of a wrong choice. The freedom of choice becomes thus a tool for the moral change of man. The concept of freedom does not have the same meaning when it is included in the juridical terminology, here being emphasised the idea of justice and possibility. Juridical freedom becomes thus a means of ensuring social order and ethic.

The informed and presumed consent in the case of organ donation bring into discussion the theme of freedom. "(...) in the document, official of the Saint Synod are presented in a concise and clear way the moral aspects in what regards the organ transplant, I think that the freedom of decision of the one whom organs are taken is always necessary", declares IPS Teofan, the Metropolitan of Moldova and Bucovina in an interview on 24.12.2010.

It is interesting that though from Kantian perspective freedom is a necessary postulate of the moral consequences, in the vision of the Synod of the ROC "the organ donation is the expression of love and it does not create the moral obligation of donating; the donation act is the full and indubitable manifestation of the free will" [The Documents of the Saint Synod of the Romanian Orthodox Church referring to bioethics, p. 198]. Therefore, the 'conscious consent' is separated from obligation, even moral one. In ROC's vision the personal, free and informed consent is the proof of an authentic connection to the other. "Only the conscious consent of the donor reveals to him the love and the spirit of sacrifice, the trust and the interest for the other. (...) The non refusal of the relatives when it comes to organs after the patient's death cannot be interpreted as consent." [The Documents of the Saint Synod of the Romanian Orthodox Church referring to bioethics, p.198]

At a first glance, such a position could be considered as a brake in the way of making more efficient the legal mechanisms of donation. In the conditions in which it expresses not only the doctrinaire position of the Church but also a social reality sensitive to this type of ideas, then the ROC position invites to a certain type of approach of the transplant and organ donation problematic. The emphasis is on person's information, freedom and the conscious consent. Practically, within a campaign of information of the population, the Church might become a serious partner of the state's institutions more over in the

conditions in which almost all the surveys show that Romanians have the most trust in the Church.

The discreet attitude of the Church towards the presumed consent is not only a pleading for respecting the freedom of choice, but it also has a preventive character because, as IPS Teofan declared in the interview “not respecting this freedom causes great issues, the involvement of financial aspects has the same effects, using poor areas or persons as raw material for saving or improving or prolong the life of strong and rich, here are somehow some aspects. Of course, we can go on with some ethical, moral aspects which come along and which must be regarded very carefully in the context of the organ transplant”.

### **3. Organ donation and the Christian sacrifice model**

The theme of sacrifice is a very current one in Anthropology or Theology. But the Church prefers the Slavonic term ‘jertfa’ (sacrifice). It refers to the same thing, but in time it got new Christian meanings. From the etymological point of view, the concept of sacrifice directly suggests the idea of devotion [11]. According to the definition, the main element is a religious one and the organ donation interpretation in this respect cannot avoid the sacrificial system done by the French sociologists Mauss and Hubert [11, p. 11, 12, 125]. Thus, when it comes to organ donation, the one who sacrifices and the sacrifice itself are one and the same person. For example, the donor sacrifices himself when donating an organ to another person. He somehow follows the Christian model. Such a situation is perfectly superposed on K.G. Jung’s approach. In his opinion, “the conscious ego totally sacrifices itself for the self” [12]. From the religious point of view, this self sacrifice is not one that can exist because of the collective moral consciousness or because of respecting any ethic code. “In fact, organ donation in Christian version doesn’t come and shouldn’t come with any advantage to people and shouldn’t be done as a consequence of a moral or ethical constraint. This aspect is quite difficult to understand and follow in modern societies which, as we have mentioned above, belong to rationality and rule.

In Christianity, sacrifice appears rather as an inner necessity and the ways by which it can be expressed may be different. The benefit is of another kind: the self gains itself; it recovers its metaphysical dimension. Paraphrasing N. Steinhardt one can say that ‘we will win by offering’ [13]. Thus, the documents of the Holy Romanian Orthodox Church Synod that refer to bioethics very often emphasize the sacrificial dimension of transplant. Almost every page of the document contains reference to the theme of sacrifice: “the act of conscious life offering” [The Documents of the Saint Synod of the Romanian Orthodox Church referring to bioethics, p. 196], “only the conscious consent of the donor can discover love and sacrifice spirit” [The Documents of the Saint Synod of the Romanian Orthodox Church referring to bioethics, p.198], “the offering of an organ (...)means the offering of the whole person inside the same mystical body of Christ”, “the donor is a person capable of self sacrifice”, “the Church blesses

the people who can eventually make sacrifice“ [The Documents of the Saint Synod of the Romanian Orthodox Church referring to bioethics, p.203] etc.

It is possible that organ donation together with some other exceptional manifestation of man in the world to be one of the few actual forms of sacrifice such as it appears in Christianity [14].

Moreover, if taking into account the fact that this sacrifice can be made in life and death as well (there are the living donors, but also the deceased ones, who are in cerebral death), the whole argumentative construction gets new dimensions. By his death, the donor regains life. By dying he keeps on living not just in other people's memory, but also through the saved person's body. In fact, there aren't other actual situations that fold in a better way on Christ's sacrificial model.

This fact may represent a starting point for developing a convincing discourse regarding organ donation, discourse that could be approached by the Church towards its believers.

#### **4. Organ donation and priceless gifts**

The idea of offering frequently appears in theological discourse and not only. Eventually, the 'donation' of an organ is also a form of offering. Yet, it is a special form of gift: a sacrificial gift. In the classical manner, studied by anthropologists and ethnologists, the gift implies the existence of a whole changing mechanism: give to yourself for receiving something in return [15]. The initiators of some formulas of rewarding the organ donation probably pay attention to such a perspective. Apart from the mercantilism that could be reproaches to this approach, one could easily notice its compensating character. Almost all religions oppose to the commercialization of the parts of the body and organ selling [16].

However, there are two types of gifts: *the Christian gift*, which is altruistic and dedicated to other close people and *the ritual gift*. From the Christian point of view, organ donation belongs to the domain of priceless gifts. They are the symbol of a genuine altruism [17] and of self offering and through this they can't be materially rewarded by any means. They are priceless. Following the logic of gift, the reward is usually discovered on spiritual plan. Giving thanks, respect, attachment, and gratitude may become mundane social formulas of it. The financial rewarding would trivialize the exceptional character of organ donating and it would also transform the transplant organs in common goods that can be quantified in money.

Moreover, in the metaphysic of gift, what is given does not identify with what is material. The same is the Christian gift: it has something priceless, a spiritual existence. The anthropological writings, and not only, emphasizes the special nature of the gift. Thus, we discover that in the culture of many people the gift has a soul, a spirit or ghost. It is the one that creates obligations and not the social, ethical, moral nature aspects. M. Mauss states that "what causes obligation in the case of the present (gift o.n.) received or exchanged is the fact

that the received thing does not have a soul. Even abandoned by the donor, it still appertains to him. Through it influences the beneficiary (...).” [15, p. 60]

These reasoning become much more interesting when at stake is organ donation. In these conditions, the transplant and organ donation problematic brings back to the fore the relation between body and soul. If the old cultures saw in every thing a spirit or made distinctions between spirit and matter, soul and body, for Christians *the body is spirited* or the other way around, *the soul is alive*.

Inspired by the Church Fathers, the formula preferred by Christian theology is somehow paradoxical: ”(...)my body is and is not myself at the same time. Following a symbolical logic, this paradoxical formula is also found in the case of gift. ” [17] Not being entirely yours, the offered gift is rather ‘yours’, which continues to belong to’ the others’ at the same time. It expresses the own presence, only its appearance as object, but it brings with itself and for itself the presence of the great absence of the other So there is and there isn’t a gift at the same time (...) [12]

Naturally, we wonder: Under what circumstances does the organ donation keep the paradoxical character of gift and remain genuine and Christian? Altruism, free-will, love for the others around us and the sense of sacrifice are some conditions that make the organ donation to be a priceless gift. The donated and transplanted organ becomes part of the person who receives it, remaining part of the other one as well. Thus, the modern medical technique succeeds in making real what once was just a thought and abstractly expressed. In a way, one can say that the new technologies don’t only come up with challenges, but also offer the chance of a genuine Christian living or that of a concrete checking of gift paradox.

Furthermore, the genuine gift allows an authentic connection between us and the others. (Paul) Camenish states that the concept of agreement reflects a part of what makes the relations based on gift to be different from the relations based on contract: ”If there is anything such as obligation in the agreement, it can be considered that the agreements go beyond the stipulated obligations, proving that their essence is not in the changing of some functions or values carefully defined in a contract, but in a real meeting of people” [19].

## **5. Organ donation as a form of love of the other**

Love of the other is one of the basic principles of Christian doctrine and the indispensable premise for the existence of the gift and Christian sacrifice. As noted above, the latter do not, in any way, imply the existence of any moral or ethical obligations. They are the expression of genuine love for the close ones. The interview with Metropolitan of Moldavia and Bucovina IPS Teofan captures also this dimension “starting from the word of Christ, that there is no greater love than the one of giving your life for another person, it was concluded that if your whole life you are allowed to sacrifice for the other, the more a part of your body can be used for other’s health. Based on the Gospel text and the others

texts, which are present in the Scripture, or the writings of the Fathers they reached this conclusion, that the transplantation itself is not a negative act insisting, of course, as I believe do even others outside the ecclesiastical area, that the contribution, by donation, to other's life does not jeopardize the life of the donor. Fulfilling this requirement the Church showed that it is opened, certain openness to organ transplantation."

We must not forget that from a Christian perspective, love of the other cannot be possible without loving God. This fact is not present only in religious writings, it can be found even in Nietzsche and Dostoyevsky. The writings of the two "over legitimate the indestructible link between the two great biblical commandments: *love of God* and *love for the close one*" [20]. Thus, the religious message may run into a metaphysical dimension, the love of the close one is nothing more than a consequence of the love for God. Therefore, the one who sacrifices, from love for the other, does not necessarily make an act of choice [21]. We speak in this case about a natural contamination on a mundane level from love experienced on a spiritual level.

Therefore, the decision of acceptance of organ donation during lifetime or in cases of brain death overcomes the expression of free will. This may explain why people who have agreed to donate a kidney, for example, motivate their gesture by formulations like 'so I felt', 'I knew I had to do it'. Certainly, the Christian commandment of love is neither simple nor easy to be put in words. The religious message, often metaphysical, is often difficult to understand and assumed in its essence. The role of the Church ministers is precisely of opening the Christian message and thereby this makes possible to spread His work around the world.

## 6. Conclusions

The four arguments in favour of organ donation and transplantation presented above are an example that we have enough reasons to believe that religion can find answers to the contemporary world problems and challenges. Inside the doctrine and the theological discourse we can discover unsuspected resources that, through a creative hermeneutics, could produce not only attitudinal changes, superficial changes but also profound spiritual and moral changes. A study carried out in Spain [22] provides arguments in this respect exactly by its contradictory results (subjects who showed a high religious commitment were those who had apparently opposite attitudes: some showing increased reluctance to donate organs and other agreement). Similar attitudes we encounter in the Romanian different press releases of the donors or physicians.

An argument is that, on the one hand, religion is an important variable in life and our choices and on the other hand, contradictory attitudes to transplantation issues, are perhaps the most striking example of two kinds of interpretation of the religious message.

Thus, this justifies our pleading in favour of a partnership between the state's institutions and the Church, from the perspective of the possibility of interpreting and understanding the religious discourse.

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