Globethics Repository

Basic positions on the ethics of transplantations

This page was generated automatically upon download from the Globethics Repository. More information on Globethics see https://www.globethics.net. Data and content policy of Globethics Repository see https://repository.globethics.net/pages/policy.

Item Type	Preprint
Authors	The Bioethics Committee of the Church of Greece
Rights	With permission of the license/copyright holder
Download date	2026-07-05 15:45:57
Link to Item	http://hdl.handle.net/20.500.12424/228015

English

INTRODUCTION

The novel discoveries and impressive achievements of contemporary society in the field of biomedical sciences give rise to unfamiliar problems and challenges, generate questions that persistently ask for answers and create the need for specific guidance and deeper understanding of the existing values.

The new scientific and technological data touch upon the mystery of life and the sacredness of the human person, and affect interpersonal relations. Thus, they influence more and more the life of the faithful who constantly anticipate the guidance and support of the Church. At the same time, social carriers, legislative and parliamentary bodies as well as the medical world ask persistently for specific and well-justified ecclesiastical word.

The Bioethics Committee of the Church of Greece, after examining thoroughly and diligently the relevant bioethical issues from a theological, legal and medical aspect drew up an official document on the ethics of transplantation comprising of 55 basic articles, which was approved by the Holy Synod of the Church of Greece in October 1999.

This document analyses in detail the issue of trans-

plantations. Its aim is not to restrict the faithful's freedom within the limits of specific guidelines; but rather to contribute to the profound and detailed understanding of the various problems arising from transplantations, which will, in turn, lead them to more responsible and mature decision-making.

Moreover, although the document has been approved by the Holy Synod, it has not been distributed yet officially to the clergy or the faithful. It is not a text of indisputable ecclesiastical word but its publication aims at initiating discussion on the issue of transplantations. However, we believe that it maintains the accuracy of scientific and clinical reality and safeguards the relevant basic principles of Orthodox anthropology. The text is explicit, provides guidance to people, embraces man as an image of God and constitutes a witness of the Orthodox Christian ethos.

BASIC POSITIONS ON THE ETHICS OF TRANSPLANTATIONS

I. General Principles

1. The Church of Greece regards transplantations, and everything related to man's health and his struggle against death, with special compassion and understanding. She comprehends both the magnitude of the problem and the potentials of transplantations, along with Her great obligation towards society, the medical act, the recipient and the potential donors. She wishes both to help the recipient and respect the donor.

2. The criterion of church ethics on transplantations is spiritual. If something harms the soul or undermines spiritual principles, the Church of Greece rejects it unreservedly. On the contrary, if the scientific achievement is compatible with the theological tradition, teaching and experience, She faces the ingenious discovery with the clarity of Her spiritual originality. She has no connection with rationalistic scholasticism nor does She give way to political expedience or identify with secularisation.

3. The Church of Greece protects and supports everything that transcends individualism and dependence on biological life and joins people with a bond of mutuality and communion, as well as everything that proves the predominance of spiritual life over biological survival. But She also stands with respect and special sensitivity before the mystery of life and death as well as before the psychosomatic union of man.

II. Special Principles

4. Transplantations transform the drama of the recipient into hope for life. The Church of Greece could bless transplantations within the context of Her philanthropy, under the indisputable condition, however, that during the transplantation process the conscience of the donor is being protected and spiritual principles are not violated in the least.

5. All reasoning behind the acceptance of transplantations on the part of the Church of Greece is based on three principles:

a. The Church of Greece senses Her philanthropic duty towards the recipient –who needs to live–, but She realises more the importance of Her role by the side of the donor – who can offer freely. For no reason and in no way does She sacrifice respect towards the donor to the need of the recipient's survival. The goal is not for the recipient to live, but it is for the donor to give. The recipient receives parts from a mortal body; the donor gives from his/her immortal soul. The spiritual benefit of the donor is greater than the biological gain of the

recipient to the same extent as the soul is superior to the body. *"It is more blessed to give than to receive".* (Acts 20:35)

b. Donation of organs must always be effected with the "conscious consent" of the donor; namely, the donor must knowingly, freely and voluntarily consent to the removal of his/her organs, in case, he/she is diagnosed as brain-dead. The donor should act as a benefactor.

c. The Church of Greece can adopt transplantations only within an atmosphere of mutual love and communion, a self-sacrificing mentality, and as exodus from our egoism and pathological love for life, but never with a utilitarian logic, which alienates the "donor" from the act of his/her donation. Therefore, transplantations are regarded, in general, as a possibility to transmit life to certain people, but mainly as an opportunity to transfuse spiritual ethos to society.

III. The Role of Medicine

6. Medicine looks after the rehabilitation or improvement of man's health and the prolongation of his life. Theology does not impede medicine in its effort to achieve this goal, but it also acknowledges its relativity. In parallel, it projects certain conditions for the proper development and exercise of medicine. These conditions are two: the respect for the human person and the benefit of our fellowman.

7. Medical science and research should be exercised within the context of medical and bioethical deonto-

logical rules that protect man as a person. The doctors should also work with humility, feeling that they are instruments of God in the service of human beings.

IV. The Right to Donate Organs

8. Life is a gift from God that is not granted to us in order to experience our egoism and our possessiveness, but it is offered to us so that we can offer it in return with love. The best way of returning our life to God is to offer it, out of love, to our fellowman, *"you cannot be otherwise saved but through your neighbor"* (Saint Makarios the Egyptian).

9. Self-offering constitutes the spiritual basis of the ethics of the Church of Greece on the subject of transplantation. The words of the apostle St. John *"by this we know love, that he laid down his life for us; and we ought to lay down our lives for the brethren"* (Jn. 3:16), dissolve every doubt that the offering of our life, and, consequently, the donation of our body, are acts of suicide or euthanasia; instead they can form expressions of "greater love" about which the Lord Himself speaks to His disciples at the last covenant: *"greater love has no man than this, that a man lay down his life for his friends"* (Jn. 15:13). If the offering of life is the *"greater love",* then the offering of organs is a "minor", yet blessed act of love. The above biblical references transfer the ethical problem of transplantations from the scholastic determination of brain-death to the respect and expression of the free will.

10. Even if brain-death is not identified with the fi-

nal separation of the soul from the body, as some people claim, when someone wishes to offer his/her organs, along with his/her organs he/she would also offer his/her life. His/her act would not only include the element of offering but also the one of self-sacrifice.

11. The Church of Greece favours and encourages the offering of one of the twin organs (kidneys) or tissue (skin, bone marrow, or blood) by a living donor.

V. On Brain-death

12. The Church of Greece respects and trusts medical research and the clinical act. For this reason, even if She is not qualified, She could accept the internationally unanimous view that brain-death is identified with the irrevocable biological end of man.

Brain-death constitutes a final and irreversible destruction of the brain and a state of total loss of sense and consciousness. In the state of brain-death, the respiratory function is maintained only artificially, and the termination of artificial ventilation leads to an almost immediate interruption of the heart's function.

13. Artificial support of respiration succeeds in temporarily retarding the process of decomposition of the body, but not of the departure of the soul.

14. Brain-death should, by all means, be differentiated from the vegetative state, which oftentimes is called clinical death. In this state, the brain stem functions and, most of the times, artificial ventilation is not required.

15. Since, in rare cases, there is a danger of careless-

ness, error or even disrespect towards death, the Church of Greece, along with the majority of physicians, nurses and competent social carriers, demands the accurate compliance with the internationally accepted criteria for the diagnosis of brain-death. Therefore:

a. A documented and explicit ascertainment of the causes of brain-death is required.

b. The certification of brain-death should be made on the basis of the existing clinical and laboratory criteria by a committee of experts without any reliance on the transplantation teams.

c. The criteria of brain-death are not adequate if they are only clinical. Laboratory criteria should be added (CT-scan and electroencephalography) so that the cessation of the function of the brain stem as well as of the cortex be confirmed. When there is no apparent cause of brain damage, the tests should be repeated for more accurate confirmation even if this type of delay leads to the loss of the organs.

d. Biochemical examinations should be performed prior to brain-death tests, which should present normal findings (not urea or electrolytic disorders). Also, in order to confirm the brain-death condition, the tests should be run at least 24 hours after the moment of its occurrence and should be video recorded.

16. The inquiry of whether a person is a donor or not (namely, whether he has signed a consent) should be performed after the final diagnosis of brain-death, so that the inquiry is as impartial and uninfluenced as possible.

17. According to the above-mentioned statements,

the organ donation of brain-dead patients as well as the sober and conscious decision of a healthy person to offer one of his/her organs to a suffering fellowman, as an act of love and altruism, is in accordance with the teachings and ethos of the Church of Greece.

VI. On Conscious and Presumed Consent

18. Donation presupposes the "conscious consent" of the donor to his/her act. Anything that "presumes" his/her volition constitutes an intervention in his/her free will and, therefore, it is not possible to be accepted.

19. The "conscious consent" constitutes an act of self-denial and love, which connects the donor with the event of his/her death, that actually occurs in a tragic way and in a relatively young age. Also, it contains the virtues of altruism, of denial of his/her natural rights, of trust and care for other people, of self-offering and the overcoming of one's attachment to this earthly life.

20. The Church of Greece, in exercising her pastoral ministry on transplantations, may secure a number of organs and, in this way, contribute to the survival of a respective number of men and women (depending on the percentage of success of the transplantation operations). However, with the prerequisite of conscious consent, She does not only address the actual donors, but also the potential donors.

The donor may benefit others through his/her offering, but mainly benefits himself/herself through his/her act of consent. He/she saves biologically the recipient and spiritually works for his/her salvation.

21. The consent is not a matter of secondary importance that could be overshadowed by any other act (i.e. a census, the issuing of identity card, etc.). Its declaration should be free and absolutely conscious; it should form a fruit of mature thinking. For this reason, it is good to be expressed independently of any other social act, provided that there is also a correct and unforced updating on the subject.

VII. On the Consent of Relatives

22. The Church of Greece, under certain terms and according to a spirit of dispensation as well as within the perspective of sacredness of family bonds and the pursued cultivation of interpersonal relationships, could also accept the substitution of the donor's volition by the one of his/her relatives, provided, of course, that it is not set against his/her own will. The care for our relatives constitutes an expression of faith (1 Tim. 5:8) and the inherent obligations towards them a proof of sacred family rights.

For the relatives, the donor's life and the price of his/her body may have greater value than they have for himself/herself. Given that family love exists, the decision on the donation of the other person's body may be even harder than the one on the donation of our own body. In this sense, the real donors are the relatives.

23. Since in society and in our era, all kinds of interests, especially financial interests, often defile even the most sacred relationships, the law should provide for

the avoidance of all suspicion of transplants' commercialisation on the relatives' part.

24. It would be preferable if, during the procedure of signing the consent, the donor grants beforehand to his/her relatives the right to donate his/her body.

VIII. The Reservations of the Church of Greece

25. The development of communication technology and computer sciences (internet, electronic filing with a wide range of data and limited potential of checking) on one hand, and the spiritual poverty of modern societies on the other, can lead to abuse, exploitation or sacrifice of transplantations for the sake of great financial interests. Therefore, the Church of Greece ought to protect the institution, the act and the persons involved from a probable profanity (hasty diagnosis or carelessness in applying the brain-death criteria, commercialisation of human organs, selection of recipients on the basis of racist criteria, violation of waiting list, etc).

26. In order to avoid violations of waiting lists, it is good to keep an electronic registration file of the donors, which will be checked by a flawless central mechanism.

27. The international and Greek legislation, in order to protect transplantations from the threat of commercial transactions, request the anonymity of the recipient and the donor and prohibit the organ donation to a friend or relative designated by the donor (kidney transplantations from a living donor form an excep-

tion). This alone is not necessarily set against the ethics of the Orthodox Church.

28. The Church of Greece cannot consent to the removal of organs from infants with congenital anencephaly. Such donors are very rare, a fact that limits the hopes of infant-recipients. Nevertheless, since the anencephalic infants are not deprived of the stem, they are not brain-dead, and since they are deprived of a conscience, they are not able to consent - and, naturally, no one can make a presumption. This creates a legal impediment to the removal of the organs. Moreover, society should reject every utilitarian consideration of these infants. The need to respect them does not allow their passage through this world to become entirely utilitarian.

29. In regards to the probability of the use of artificial organs or xenografts (genetically processed organs from animals), as well as of cloning products, the Church of Greece will present in due time Her positions and viewpoints, since research does not have any explicit results at present and its course is not clear.

30. With the loose international ethics on euthanasia and the tendency for its legalisation, there is danger, in the immediate future, that transplantations may be associated with euthanasia. Therefore, individuals who will choose this method of terminating their lives will probably become organ donors. This is one more reason why the legislation on transplantations should be founded on a highly spiritual basis.

IX. Criticism on the New Law on Transplantations

While the Church of Greece accepts the idea of transplantations, She is unable to agree with the recent legislation on transplantations in our country, which is dominated by a utilitarian perception and narrow-minded rationalism. The only way of protecting the ethics and practice of transplantations from the probability of their abuse is for the relevant legislation to be explicit, thoroughly studied, spiritual but not utilitarian.

31. In the recently voted law, the legislator interprets the "non-refusal" of the relatives as "consent of the donor" (Article 12, par. 4). The organs are removed not when the relatives "consent", but when the relatives "do not oppose". It is not possible for transplantations to be based on a "non-refusal" of the relatives, when we are all struggling for the "consent" of the donors.

32. The lack or inability to find the relatives could be interpreted as "non-refusal". In this case, every foreigner, illegal immigrant, unknown deserted person, or gypsy, etc, who is diagnosed brain-dead and whose relatives are not found in Greece or it is impossible to locate them, or any person found alone in a hospital after a car accident whose relatives are unaware of his/her condition should be automatically considered as a donor. Should we add to the tragedy of these persons' loneliness the arbitrary removal of their organs? The law of the "non-refusal" constitutes a blackmail of the conscience.

33. The “consent” has no relationship to the “non-refusal”. “Giving something that is mine” is entirely different from “taking away from me something that belongs to me”. In the second case the volition of the state and society substitutes the expression of personal freedom.

34. The state has no right to intervene in the private sphere of the citizens’ life. Such an act is opposed to articles 2, par. 1 (on respect and protection of human dignity) and 5, par. 1 (on free development of the individual’s personality) of the Greek constitution.

35. Moreover, the state cannot oblige the citizen to express his/her opinion without securing his/her right not to express it. What are the consequences if the citizen refuses to express his/her volition?

36. The substitution of the term “brain-death” by “necrosis of the brain stem” is considered medically ambiguous and philosophically suspicious. The reconfirmation of the irrevocable cessation of all brain functions (brain stem and cortex) is required.

37. The legal termination of the artificial ventilation of a brain-dead individual who is not a donor (Article 12, par. 6. is spiritually and ethically anti-deontological. The law should protect the doctor who, for reasons of his/her conscience, does not wish to terminate the artificial ventilation and, surely, not punish him/her (Article 20, par. 1).

38. The difficulty of the relative to consent to the donation of the body, which is due to personal, sentimental, religious or philosophical reasons, should be absolutely respected and not be dealt with by the

threat of interrupting artificial ventilation (Article 12, par. 6).

X. Pastoral Options of the Church

39. On the basis of the above principles, the Church of Greece should struggle for the prevalence of Her principles and Her positive influence on the transplantation policy; moreover, She should create Herself a spiritual tradition on transplantations oriented towards the need to donate organs. In this way, the finding of organs and the promotion of transplantations will not constitute a pursued goal but a natural result.

40. The Church of Greece can organise educational programmes for donors aiming at the cultivation of significant virtues among Her faithful (remembrance of death, self-offering, sacrificial mentality, etc.). Thus, She will give a witness of her ethos to society in a contemporary manner.

41. The Church of Greece does not sacrifice the truth nor subjugates the person. If someone desires to become a donor, She blesses him/her. If he/she has difficulty in doing so, She sympathises with him/her. This is the protection of the person. Her spirit is not subdued to the need for transplantations, but serves the respect of the person, mainly the person as a donor.

42. Furthermore, She respects and fully understands the natural desire of these patients, who by receiving organs desire to prolong the length of their biological life, believing that this event may contribute to

the fulfilment and achievement of the purpose of their existence.

43. Due to the spiritual importance of the act of donating organs of our body, it is suggested that the hospital priests read an appropriate prayer or perform a sacred act (anointing with holy oil, or blessing by crossing, etc.) prior to the donation.

44. A relevant spiritual education may also take place for the preparation of the recipient so that he/she does not feel as the well-favoured recipient of an organ, but as the blessed recipient of love and the grace of God.

45. Conclusively, the pastoral ministry of the Church of Greece towards donors, recipients and doctors should be of one through which God is praised in all these ways. Thus, human beings will become spiritually integrated and the disease or prolongation of life will form a condition of fulfilling the deeper purpose of their creation.

XI. Suggested Church Policy

46. It is a common belief that the role of our Church in the development of transplantations in Greece is significant. Transplantations are perhaps one of the few issues for which the state has the immediate need of the Church. This creates essential rights and great obligations on the part of the Church of Greece.

47. Given the fact that transplantations may easily lead to the misuse and violation of fundamental ethical principles and values and that there is a great differ-

ence in the ethos and approach between the secular and ecclesiastical perception of the issue, the Church of Greece is very careful in Her actions and prudent in Her words.

48. In cooperating with the state, the Church of Greece places explicit terms so that She differentiates Herself from secular decisions and acts, that have an entirely different spirit and purpose. The probability of organising a donor's day or a campaign to support transplantations, aiming at collecting the greatest possible number of organs, will be decided by the Church alone, provided there is a definite guarantee of respect for Her principles and terms.

49. The absence of an official Church position on the issue led to an arbitrary acceptance or rejection of transplantations by specific competent or incompetent persons of the Church of Greece. This has created confusion, sometimes also discord, between the faithful and the theological world.

In the present stage, the Church of Greece proclaims explicitly but in a low tone that, within the context of the afore-mentioned theological principles, She could accept the idea of transplantations, and through them exercise Her pastoral ministry and transmit Her spirit and ethos.

Moreover, She will provoke a dialogue and create educational opportunities for the faithful (seminars for spiritual fathers, homilies, etc.), and She will try to cultivate a spirit of understanding, agreement and wide acceptance of Her basic theological positions among the faithful so as to erase every unjustified negativism.

A third step will be the issuing and circulation of informative pamphlets, explaining Her positions, or even the organisation of a conference open to the public, through which She will proclaim Her viewpoints to our society.

A final move will be the issuing of an encyclical letter which will express the essence of the Church positions and proposals and will formulate with clarity the outline and practice of the Orthodox Christian ethos in regards to transplantations.

50. Concerning the new law, the Church of Greece differentiates Her position without passion but with discretion and clarity so that She neither harms transplantations nor demotes the importance of Her viewpoints. Simultaneously, She has publicized Her position on the points on which She has reservations and objections. Also, She is ready for immediate legal interventions and will request amendments and legislative improvement that will safeguard the principles of Her logic and will permit Her essential support.

51. An indispensable term for cooperating with the state is for the latter to understand that it is overburdened with an immense obligation to protect transplantations legislatively and practically from every form of dishonesty, utilitarianism or financial exploitation and to secure the scientific expertise, updating and training of competent doctors and carriers. In this way, the donor will not become a victim of depraved interests, disrespect or scientific carelessness and ignorance.

52. Moreover, the medical community and the state

ought to help in imposing and establishing legislatively the most accurate criteria of brain-death, the application of which should be strictly checked.

53. The founding of trustworthy centers of transplantations is necessary. These will provide the appropriate scientific and technological base so that the removal of the organs from the donor and then their transplantation to the appropriate recipient will be effected with the highest percentages of success and fewer losses.

54. The Church of Greece will see that Her representatives participate in scientific medical conventions on transplantations in order to update Her knowledge and present Her principles.

55. Finally, Her role and representation in the National Organisation of Transplantations will be central and active and not just figurative or secondary. Her purpose is to make the centers of transplantations operate as much as possible on the basis of Her own principles of respect, freedom and love for the human person.