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## The Commerce of Human Body Parts: An Eastern Orthodox Response

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### ABSTRACT

The Orthodox Church teaches that the bodies of those in Christ are to be regarded as sanctified by the hearing of the Word and faithful participation in the Sacraments, most particularly the Holy Eucharist; because of the indwelling Holy Spirit the consecrated bodies of Christians do not belong to them but to Christ; with respect to the indwelling Holy Spirit there is no difference between the bodies of Christians before and after death; whether before or after death, the Christian body is also to receive the same veneration; and notwithstanding the physical corruptions that the body endures by reason of death, there remains a strict continuity between the body in which the Christian dies and the body in which the Christian will rise again. That is to say, it is the very same reality that is sown in corruption and will be raised in incorruption. Given such considerations, the notion of “selling” an integral part of a human being is simply outside the realm of rational comprehension. Indeed, it is profoundly repugnant to those Orthodox Christian sentiments that are formed and nourished by the Church’s sacramental teaching and liturgical worship. One does not sell or purchase that which has been consecrated in those solemn ways that the Church consecrates the human body.

*Key words:* organ sales, organ transplantation, Orthodox Christianity

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### I. INTRODUCTION

I do not intend, in these reflections, to provide full answers to the many moral questions raised by the advanced surgical procedures and other medical technologies that have, in recent years, rendered the transplanting of human organs more available than even our immediate past could have imagined possible. I have been asked, rather, to proffer an Eastern Orthodox response to the specific proposals argued in the foregoing articles by Professors Capaldi, Cherry, Torcello and Wear. In order for me to do this, nonetheless, it will be necessary to outline the properly doctrinal context

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in which Eastern Orthodox Christians typically assess matters of this kind. That is to say, we must begin our ethical discussion with doctrinal theology. Eastern Orthodox Christians have no trouble accepting the *bon mot* of Hans Urs von Balthasar: “Ethics is an echo and a thanksgiving for theology” (1998, p. 72).

Narrative being my normal and preferred form of moral discourse, I beg to begin this outline with a personal story. It involves a memory from distant childhood — what was probably my first attendance at a funeral. I must have been 6 or so, I think, and most of that liturgical service is a hazy blur in my mind now. I recall vividly, nonetheless, that what struck me most about that burial rite was its use of incense. I was quite surprised and more than slightly puzzled to see our pastor, clothed in black brocade vestments, walking around the casket three times, waving the smoking censer over the dead body repeatedly with the deepest and most intentional reverence.

This action not only made a strong impression, it also posed to my young mind a rather serious question of liturgical propriety. My experience of the liturgical worship up to that point in my young life had prompted me to associate the burning of incense solely with the veneration of the Holy Eucharist. Why, then, I wondered, would a dead body be venerated with the wafting of incense smoke, treated like the Holy Communion, as it were? What could this ritual possibly mean in such a context? I took the question to my mother.

Nearly six decades have passed since then, but to this day I hold and cherish the clearest remembrance of my mother’s very correct answer. “Well, of course, the priest incensed the body,” she said. “The bodies of Christians, after all, are the temples of the Holy Spirit.” Her answer, I recall, was delivered without the slightest hesitation or uncertainty. My mother enjoyed an intuitive grasp of the special dignity of the Christian body in properly theological terms, and she knew exactly why that body, whether living or dead, was venerated by the liturgical use of incense. Quite simply, the Christian body is holy. It is the consecrated dwelling place of the Holy Spirit.

As I reflect on the matter now, at a distance of more than half a century, I find yet another thought inescapable by way of inference: what my mother told me about the Christian body must have been a common understanding at that time. She was not especially educated; indeed, she had not even finished high school. Nor, when I was young, did my mother strike me as a particularly devout person, though I am much disposed to question and correct that impression now. Anyway, the point is that my mother’s theological assessment about the reason for incensing the dead bodies of

Christians, an assessment overwhelmingly confirmed by all my later studies in Orthodox theology, must have reflected a rather widespread understanding among believers in those days. Back during World War II, I suspect that many a child would have received exactly the same answer to the same question, and with equal quickness and assurance.

## II. THE TEMPLE OF THE HOLY SPIRIT

According to Eastern Orthodox theology, the rhetorical question “Who shall separate us from the love of Christ?” is one that pertains to the body every bit as much as it pertains to the soul. While it is certain that the soul leaves the body at the time of death, we Orthodox find no reason in Holy Scripture for supposing that the Holy Spirit takes leave of the body simultaneously. Indeed, why suppose that the Holy Spirit leaves the body at all? Were the Holy Spirit to depart from the body at the time of death, what could it possibly mean to say that death has been swallowed up in victory? Why should we imagine that the corpse of a Christian has become less holy, less sanctified, than it was five minutes before it died? On the contrary, we affirm that the body remains forever the temple of the Holy Spirit.

This emphasis on the holiness of the Christian body is an essential feature of Eastern Orthodox dogmatic theology. We believe and confess that the dynamisms, the ενεργειαι, of the Holy Spirit are poured out, through the sacraments, upon the Christian’s body, its corporeal substance, in a divine action that is no less physical for being spiritual. By the transforming presence of the Holy Spirit there is effected a spiritual, divinized alteration in the very nature (φυσικ) of the Christian’s flesh, the seed of its future resurrection and immortality. In this sense, the alteration is physical.

In Orthodox theology, moreover, we believe that the soul itself is sanctified through the body. Holiness is experienced and thought of as quite physical, meaning that it involves our entire φυσικ, or nature. Sanctification is not “spiritual” in the sense of non-material. It is spiritual, rather, in the sense that divine grace transforms the entire human constitution, including the very structure and organic composition of the body’s living cells. The anatomy itself is spiritually altered. For the Orthodox, “spiritual” does not mean “bodiless.” We believe that there is no part of human experience — and most emphatically not the experience of holiness — that is separated from the body. Indeed, the expression “bodiless” is reserved entirely for references to the angels. It does not pertain to human beings.

According to Orthodox theology, then, salvation and holiness come to man through his flesh. Just as Jesus' dying in the flesh and rising again in the flesh are the cause of man's redemption, so this redemption comes to him through the physical channels of the preaching and sacraments of the Church. Man's soul is saved and sanctified through his body. Divine grace reaches the human spirit through the medium of human flesh. We have it on good authority that even faith comes through something so physical as the act of hearing. Tertullian's famous sacramental dictum says it all: *Caro cardo salutis*, "the flesh is the hinge of salvation" (On the Resurrection 8.2; 1954, p. 931).

According to Eastern Orthodox theology, furthermore, what in the West is known as the doctrine of "the mystical body of Christ" is not a simple analogy. When, in First Corinthians 12:12, St. Paul says that "as the body is one and has many members, but all the members of that one body, being many, are one body, so also is Christ," this is not understood in the East as implying some merely metaphorical comparison of the social order to the correct functioning of a living organism, a comparison such as one finds in Cicero. Rather, it is the very bodies of Christians that are made "the members of Christ."

This interpretation is appropriate to the ethical context in which it appears in First Corinthians. In fact, Saint Paul takes this principle of bodily holiness to be a self-evident premise from which a number of moral inferences are necessarily derived. "Do you not know?" he asks three consecutive times in this context: "Do you not know that your bodies are members of Christ? ... Or do you not know that he who is joined to a harlot is one body with her? ... Or do you not know that your body is the temple of the Holy Spirit who is in you, whom you have from God, and you are not your own" (First Corinthians 6:15,16,19)? The body, in short, is "for the Lord, and the Lord for the body" (6:13). The holiness of Christians, that physical sanctification by which they can no longer even claim their bodies as their own property, is treated as a standing principle that places definite moral limits on what sorts of things can be done with those bodies (see also Romans 6:13).

### III. THE DRUG OF IMMORTALITY

As earlier noted, the childhood question that I put to my mother was spawned by a sense that the corpse in the coffin was being treated in much the same way that I had come to associate with the veneration of the Blessed Sacrament. That seemed to my young mind very inappropriate.

That is to say, while I knew without doubt that the Holy Eucharist, as the true body and blood of Christ, is worthy of the most profound veneration, it was not yet clear to me that participation in the Sacred Mysteries actually effected a change in the human body itself. My mother's answer to my question, then, served to throw a new light on the meaning of the Eucharist. My later study of Eastern Orthodox theology, also, would in due course attest to the correctness of the instincts involved in my question. There was more connection between the Holy Communion and the Christian's body than I had ever imagined.

According to Orthodox theology, just as the action of the Holy Spirit, whose descent is sought in the Church's epikletic prayer, transforms the nature (φύσις) of the bread and wine to make them be the true body and blood of Christ, so this sanctification passes into the very bodies of those who share in the blessed Eucharist. The mystery of the Holy Communion is the foundational reason for saying that the bodies of Christians are the temples of the Holy Spirit.

The Orthodox believe it is in the Holy Eucharist that we are incorporated into the body of Christ: "The cup of blessing which we bless, is it not the communion of the blood of Christ? The bread that we break, is it not the communion of the body of Christ? For we, though many, are one bread, one body, for we all partake of that one bread" (First Corinthians 10:16f). According to Orthodox dogma the very flesh and blood of Christians are sanctified, theologically defined, by their living, sacramental contact with the flesh and blood of the risen, perfected Christ, in whom they place their trust in life and in death. Their members are thereby suffused with the dynamisms of the Lord's resurrection. Those very members will rise again by reason of the Holy Communion: "Whoever eats my flesh and drinks my blood has eternal life, and I will raise him up at the last day" (John 6:54). That is to say, the Holy Communion places within the believer's body the dynamics of its final rising from the dead, and this is the reason why that body in the coffin was being incensed by my boyhood's parish priest. That body shared in the transforming, mystic consecration of the bread and wine by the outpouring of the Holy Spirit. That incensing was a veneration of the indwelling Holy Spirit, who would continue to abide in that fallen flesh, no matter what its state of decay and degradation, until the Lord himself returned to call it from its resting place.

The goal of the Holy Eucharist is not the consecration of bread and wine, but the consecration of human beings. According to Saint Justin Martyr in second century, "we have been taught that the food that is eucharisticized (εὐχαριστηθεῖσθαι) by the prayer of the word that comes

from Him, by which our flesh and blood are fed by metabolism (καταμετβολην), is the flesh and blood of that Jesus who became flesh.” Hardly can our bodies any longer be considered common bodies if it is true that “we do not receive these as common bread and common drink” (First Apology 66, 1955, p. 197).

This persuasion with respect to the sanctification of the flesh through the Eucharist appears likewise in the ancient Church’s literature of martyrdom. Thus, in the *Martyrdom of Polycarp*, a work contemporary with Justin, we are told the blessed martyr referred to his own death as a sharing in the cup of Christ (14.2), and the narrator describes his body, surrounded by the flames of the pyre, as resembling a loaf baking in the oven (15.2). Even earlier in the second century, Ignatius of Antioch, on his way to martyrdom at Rome, had referred to the power of the Holy Eucharist with respect to the Christian’s eternal transformation, speaking of the “one bread which is the drug of immortality, the antidote that we may not die (φαρμακον αθανασιας, αντιδοτος τον μη αποθανειν) but live in Jesus Christ forever” (Letter to the Ephesians 20.2, 1968, p. 76). With specific reference to his own impending death, Ignatius wrote of the Holy Eucharist in similar terms: “It is the bread of God that I desire, which is the flesh of Jesus Christ, of the seed of David, and for my drink I desire his blood, which is incorruptible love” (Letter to the Romans 7.3, 1968, p. 116).

By way of summary, it is the teaching of the Orthodox Church that (1) the bodies of those in Christ are to be regarded as sanctified by the hearing of the Word and faithful participation in the Sacraments, most particularly the Holy Eucharist; (2) because of the indwelling Holy Spirit the consecrated bodies of Christians do not belong to them but to Christ; (3) with respect to the indwelling Holy Spirit there is no difference between the bodies of Christians before and after death; (4) whether before or after death, the Christian body is also to receive the same veneration; and (5) notwithstanding the physical corruptions that the body endures by reason of death, there remains a strict continuity between the body in which the Christian dies and the body in which the Christian will rise again. That is to say, it is the very same reality that is sown in corruption and will be raised in incorruption (First Corinthians 15:42).

#### IV. AN ORTHODOX RESPONSE

The foregoing doctrinal considerations provide a brief but necessary setting for understanding how the Orthodox Church deals with the moral

questions attendant on the uses of bodily members separated from their bodies.

Candidly, it is the absence of an adequate doctrinal setting that I find most striking about the articles of Capaldi (2000), Cherry (2000), Torcello and Wear (2000) on the moral problems associated with commerce in body parts. Moreover, even the authoritative theological sources cited in these articles seem bereft of a sufficiently doctrinal perspective. One thinks, for example, of the quotation from Pope Pius XII to the effect that a “corpse no longer is a subject of a right in the strict sense of the word” (1960, p. 379). Why appeal to “rights” in this matter? Why not invoke some aspect of theology in a properly dogmatic sense?

Needless to say, in the light of the theological reflections just given, it is not to be expected that an Orthodox theologian will agree with the conclusions of these four professors with respect to commerce in human body parts. The Orthodox Church regards as morally reprehensible the tattooing of a living body and, except under the gravest and most compelling necessity, the cremation of a dead one. The notion of “selling” an integral part of a human being is simply outside the realm of rational comprehension.<sup>1</sup> Indeed, it is profoundly repugnant to those Orthodox Christian sentiments that are formed and nourished by the Church’s sacramental teaching and liturgical worship. One does not sell or purchase that which has been consecrated in those solemn ways that the Church consecrates the human body.

That question settled, what further may be said about the surgical removal of body parts at all? Two sorts of cases present themselves in this connection. First, the surgical removal of a diseased part of the body for purposes of keeping the whole alive. In these circumstances I am familiar with no teaching of the Orthodox Church that would preclude such an intervention, nor has the conscience of any Orthodox Christian, as far as I know, ever been troubled by the amputation of gangrenous limbs or the removal of infected tonsils or the extraction of rotting teeth.

Second, the removal of some “dispensable” part of the body for purposes of donating it to another human being who has need of it. Inasmuch as the Orthodox Church does not object to the donation of human blood, it would appear that this instance provides adequate analogy for making the same determination about other body parts.

Once again, there are two types of cases in which this latter determination may be made. First, body parts from a living person. One thinks here of the gift of bone marrow, a kidney, a portion of the liver. Provided that the donor is under no coercion except that of charity, it is my view that this kind of gift, which does not involve the death of the donor, is not only blameless but even heroically generous.

Second, body parts from someone who has died. In this case, of course, the range of possibility is much larger, involving such major organs as the heart and lungs. Once again, it is my view that such donations are morally legitimate for Christians as expressions of their love for others in Christ. Indeed, I have already left instructions with my own family that, in the event of my meeting the Lord somewhat ahead of schedule, the medical profession may remove any part of my body that might be of service to someone in need. What must be strenuously avoided, however, is any behavior suggesting that the body parts of a deceased Christian are (to quote Cherry) “very much like other types of things.” Most emphatically, they are not “parts of a former person” (p. 187).

Finally, it must be remarked that the censure placed against commerce in human body parts should not be taken to imply that there are to be no commercial aspects to the transplanting of these members. That is to say, those who do this important work may expect to earn their living thereby. What is reprehensible is the actual sale of human organs (whether by the donor or by the agency that handles the gift), not the paying of a reasonable fee for the services involved in the removal, preservation, and transplanting of the organ.

#### NOTE

1. The adjective “integral” is inserted here to remove some parts of the body from this prohibition. One would hardly raise a moral scruple about a young lady’s selling her hair to a wig-maker, for instance, even though the Bible calls that hair her “glory.”

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