Organ Transplantation – An Islamic Perspective

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This paper discusses the ethical and Islamic jurisprudence views on organ transplantation, an expanding field in many Islamic countries. The Kingdom of Saudi Arabia is playing a major role, both in formulating these views and in implementing them in its proliferating centres for organ transplantation (eight centres for kidney transplantation and one for cardiac transplantation). The Third International Conference of Islamic jurists held in Amman 1986 accepted the concept of brain death and equated it with cardiac death. This paved the way for the rapid expansion of organ transplantation projects, especially in Saudi Arabia, the leading Islamic country in cadaveric organ transplantation where 260 kidney cadaveric transplants and 14 cardiac transplants have been performed.

The historical background of the Islamic jurists’ views on organ transplantation, the recent Fatwas and various decrees of Islamic jurists’ conferences, and the underlying Islamic rules regarding transplantation are highlighted. The Sixth International Conference of Islamic Jurists held in Jeddah 14–20 March 1990 addressed new issues and frontiers of organ transplantation such as transplantation using nervous tissue, anencephalics, embryos and the reproductive system. This article discusses these Fatwas and decrees, and their implications.

Islam differs from many other religious traditions in providing a complete code of life. It encompasses the secular with the spiritual, and the mundane with the celestial. Man is the Viceregent of God (Allah) on earth. ‘Behold thy Lord said to the angels: I will create a Viceregent on earth.’ He fashioned man in due proportion and breathed into him something of His spirit. Not only Adam was honoured by Allah, but his progeny also, provided they trod on the right path. ‘We have honoured the progeny of Adam, provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favours above a great part of our creation.’

Human life begins at the time of ensoulment, which is stated in the sayings of the Prophet to be the 120th day from the time of conception. Prior to that moment the embryo has a sanctity, but not reaching that of a full human being. Life ends with the departure of the soul (or spirit); a process which cannot be identified by mortals except by the accompanying signs; the most important of which is the cessation of respiration and circulation. Some Jurists described ‘weakening of vision, limpness of the feet, bending of the nose, whitening of the

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take much better than other xenografts and function more efficiently, despite the fact that Muslims consider the pig and its products unmentionable. Jurists allowed the use of porcine material in medicine provided there was no other or equal alternative.

**Islamic Principles and Rules that are Related to Organ Transplantation**

Islam considers disease as a natural phenomenon. It is not caused by demons, stars or evil spirits. Indeed, disease is not even caused by the wrath of God or any other celestial creature. Diseases and ailments are a type of tribulation which expiates sins. Those who forebear and endure in dignity are rewarded in this world and on the Day of Judgement. However, man should seek a remedy for his ailments. The Prophet (PBUH) told Muslims to seek remedy and treatment. He ordered his cousin Saad ibn Abi Wagas to seek the medical advice of Al Harith ibn Kaledah, a renowned physician of his time. He also declared that there is a cure for every illness, though we may not know it at the time. Muslims are encouraged to search for such a cure. New methods of treatment should be searched for and applied if proved successful.

The Prophet ordered Muslims to be compassionate to every human being. He also said ‘All mankind is the family of Allah; Those who best serve his family are best loved by God’. The human body, living or dead, should be venerated likewise. Mutilation of humans or animals is not allowed. However, doing postmortems or donating organs from a cadaver do not mean mutilation of the corpse or an act of disrespect. The harm done, if any, by removing any organ from a deceased should be weighed against the benefit obtained, and the new life given to the recipient. The principle of saving human life takes precedence over whatever assumed harm would befall the corpse. However, Sheikh Shaaraawi, a renowned commentator of the Holy Quran, but not a Mufti, refused all types of organ donation.

In the case of a living donor, the principle of doing no harm ‘premium non nocere’ is invoked. The donor cannot give one of his vital organs, which would end his life. It is an act of homicide or suicide, both of which are considered among the most abominable, and detestable crimes in Islam. The donation of an organ whose loss would usually cause no harm or a minimal increased risk to the health or life of the donor is acceptable. It invokes the principle of accepting the lesser harm when faced with two evils. The harm done by the disease, which can kill a human life,
is not to be compared to the harm incurred by donation.²⁹

Organ transplantation is a new method of treatment that can save many human lives and improve the quality of life for many others. Islam encourages a search for a cure and invokes Muslims not to despair, for there is certainly a cure for every ailment, albeit we may not know of it at the present time. The donation of organs is an act of charity, benevolence, altruism and love for mankind. God loves those who love fellow humans and try to mitigate the pains and sorrows of others and relieve their misfortunes. Any action carried out with good intentions and which aims at helping others is respected and indeed encouraged, provided no harm is done. The human body is the property of God; however, man is entrusted with his body, as well as with other things. He should use it in the way prescribed by God as revealed by His messengers. Any misuse will be judged by God in the Day of Judgement, and transgressors will be punished. Suicide is equated in Islam with homicide. Even cremation of the corpse is not allowed. The only accepted dignified way is burial of the corpse, which should be done as soon as possible.

Donation of organs should not be considered as acts of transgression against the body. On the contrary, they are acts of charity and benevolence to other fellow humans, which God loves and encourages. Human organs are not a commodity. They should be donated freely in response to altruistic feelings of brotherhood and love for other fellow men.²⁹,³²,³³,³⁴,³⁸

Islamic Jurists’ Fatwas (Decrees) Regarding Organ Transplantation

Muslim surgeons practised autograft transplantation which they learned from other nations, especially Indians. They also practised teeth and bone grafting from both animal and human sources (i.e. xenograft, and homografts) since one thousand years ago, after obtaining the consent of the jurists.¹⁰,¹⁶-¹⁹ Table 1 illustrates some of the recent Fatwas on organ transplantation. In the twentieth century, Muslim jurists sanctioned blood transfusion, though blood is considered as ‘Najas’ i.e. dirt. The Fatwa of the Grand Mufti of Egypt No. 1065 dated June 9th, 1959, is an example of Islamic jurists’ attitude to new methods of treatment.³⁰

The majority of the Muslim scholars and jurists belonging to various schools of Islamic law invoked the principle of priority of saving human life and hence gave it precedence over any other argument. Sheikh Hassan Maamoon (The Grand Mufti of Egypt) also sanctioned corneal transplants from cadavers of unidentified persons and from those who agree to donate after their death (Fatwa No. 1087, dated 14 April 1959).³¹ His successor, Sheikh Hureidi extended the Fatwa to other organs in 1966 (Fatwa No. 993).³² Sheikh Khater the new Grand Mufti of Egypt issued a Fatwa (Decree) allowing harvesting of skin from unidentified corpses in 1973.³³

Grand Mufti Gad Al Haq sanctioned donation of organs from the living provided no harm is done and provided it is given freely in good faith and for the sake of the love of God and the human fraternity. He also sanctioned cadaveric donors provided there is a will, testament or the consent of the relatives of the deceased. In the case of unidentified corpses, an order from the magistrate should be obtained prior to harvesting organs (Fatwa No. 1323, dated 5 December 1979).³⁴ The Saudi Department of Research and Fatwa studied corneal transplantation in 1396H (1976) and 1397H (1977). The Saudi Grand Ulema Sanctioned Corneal transplants (Decree No. 66 1398H/1978)³⁵.

In Algiers, the Supreme Islamic Council sanctioned organ transplantation in 1972, while in Malaysia, the International Islamic Conference sanctioned organ transplantation in April 1969.³⁵

The Saudi Grand Ulema Fatwa No. 99, 1982 addressed the subject of autografts which was unanimously sanctioned. It also sanctioned with a majority of votes donation of organs both by the living and the dead, who gave a will or testament or by the consent of the relatives.³⁶ The Kuwaiti Fatwa of the Ministry of Endowment No. 132/79, 1980 sanctioned live and cadaveric organ donation.³⁵ The Kuwaiti law No. 7, 1983 reiterated the previous Fatwas and pointed out that the living donor should be over 21 in order to accept his informed consent.

The subject of brain death was not addressed in all these Fatwas. It was discussed for the first time in the Second International Conference of Islamic Jurists held in Jeddah, in 1985. No decree was passed then, until further studies and consultations were obtained. In the Third International Conference of Islamic Jurists held in Amman in 1986, the historical resolution (No.5) was passed with a majority of votes, which equated brain death to cardiac and respiratory death.³⁷ Death in the true Islamic teaching is the departure of the soul, but since this cannot be identified, the signs of death are accepted. This decree paved the way for an extension of organ transplantation projects which were previously limited to living donors. Campaigns for organ donations from brain-dead persons were launched both in Saudi Arabia and Kuwait. The unfortunate high incidence of motor vehicle accidents in the Gulf area provide many cases of brain death. This tragedy should be averted by issuing and pursuing stricter traffic laws and by other means. Meanwhile it is a pity to waste such candidate cadavers without trying to save the life.
### Table 1

<table>
<thead>
<tr>
<th>Source</th>
<th>Date</th>
<th>Fatwa</th>
<th>Ref</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheikh Maamoon (Grand Mufti, Egypt)</td>
<td>1959</td>
<td>Sanctioned blood transfusion</td>
<td>30</td>
</tr>
<tr>
<td>Sheikh Maamoon (Grand Mufti, Egypt)</td>
<td>1959</td>
<td>Sanctioned corneal transplants</td>
<td>31</td>
</tr>
<tr>
<td>Sheikh Hureidi (Grand Mufti, Egypt)</td>
<td>1966</td>
<td>Sanctioned organ transplantation</td>
<td>32</td>
</tr>
<tr>
<td>Islamic International Conference (Malaysia)</td>
<td>1969</td>
<td>Sanctioned organ transplantation</td>
<td>35</td>
</tr>
<tr>
<td>Algiers Supreme Islamic Council</td>
<td>1972</td>
<td>Sanctioned organ transplantation</td>
<td>35</td>
</tr>
<tr>
<td>Sheikh Khater (Grand Mufti, Egypt)</td>
<td>1973</td>
<td>Allowed harvesting skin from unidentified corpses</td>
<td>33</td>
</tr>
<tr>
<td>Saudi Grand Ulema</td>
<td>1978</td>
<td>Sanctioned corneal transplant</td>
<td>34</td>
</tr>
<tr>
<td>Sheikh God Al Haq (Grand Mufti, Egypt)</td>
<td>1979</td>
<td>Sanctioned live and cadaveric donation</td>
<td>35</td>
</tr>
<tr>
<td>Kuwaiti Fatwa of the Ministry of Endowment</td>
<td>1980</td>
<td>Sanctioned organ transplants</td>
<td>35</td>
</tr>
<tr>
<td>Saudi Grand Ulema</td>
<td>1982</td>
<td>Sanctioned organ transplants</td>
<td>35</td>
</tr>
<tr>
<td>3rd International Conference of Islamic Jurists (OIC)</td>
<td>1986</td>
<td>Equated brain death with cardiac death</td>
<td>37</td>
</tr>
<tr>
<td>4th International Conference of Islamic Jurists (OIC)</td>
<td>1988</td>
<td>Sanctioned organ transplantation and deplored trafficking</td>
<td>38</td>
</tr>
<tr>
<td>6th International Conference of Islamic Jurists (OIC)</td>
<td>1990</td>
<td>Discussed transplantation from embryos, IVF projects, CNS and anencephalics</td>
<td>40</td>
</tr>
</tbody>
</table>

of many others who need these organs, which are available.

The Islamic League conference of jurists held in Mekkah Al Mukaramah (December 1987) which passed decree No. 2 (10th session) did not equate cardiac death with brain death. Although it did not recognize brain death, as death, it sanctioned all the previous Fatwas on organ transplantation. This decree had little publicity in the media, and cardiac and kidney transplants from brain dead individuals continued without any hindrance from the jurists.

The most detailed Fatwa on organ transplantation was that of the Fourth International Conference Islamic Jurists held in Jeddah, February 1988 (Resolution No. 1). It endorsed all previous Fatwas on organ transplantation, clearly rejected any trading or trafficking of organs and stressed the principle of altruism. The jurists have now started to discuss new subjects related to organ transplantation viz: (a) transplantation of the nervous tissues as a method for treating Parkinsonism or other ailments; (b) transplantation from anencephalics; (c) transplantation of tissues from embryos aborted spontaneously, medically or electively; and (d) left-over pre-embryos from in vitro fertilization (IVF) projects.

The Sixth International Conference of Islamic Jurists held in Jeddah, 14-20th March 1990, addressed these issues fully.

It sanctioned transplantation of nervous tissue to treat ailments such as Parkinsonism, if this method of treatment proves superior to other well established methods of treatment. The sources of the nervous tissue may be:

(a) The supramedullar medulla of the patient himself (autograft).

(b) The nervous tissue from an animal embryo (xenograft).

(c) Cultured human nerve cells obtained from spontaneous abortion or medically indicated abortion.

(d) Human nervous tissue obtained from spontaneously aborted fetuses or medically indicated abortions.

However, the Conference deplored doing abortions for the sake of procuring organs. It reiterated the Islamic views against elective abortion which is only allowed to save the life or health of the expectant mother. If the fetus is viable then every measure should be taken to resuscitate it and preserve its life. If, however, the aborted fetus is not viable, organs can be procured if the parents donate and only when the fetus is declared dead. The aborted fetus is not a commodity and commercialism is not allowed.

Anencephalics cannot be used as organ donors until declared brain or cardiac dead. The full informed consent of the parents should be obtained in every case.

As regards left-over pre-embryos from IVF projects, the jurists recommended that only the needed ova should be fertilized by the husband’s sperm. However, if excess fertilized ova were found, they should be left to die spontaneously. Cryopreservation or donation of these fertilized ova is not allowed.

The jurists also discussed transplantation of genital organs. They did not allow the transplantation of gonads, as they carry all the genetic inheritance from the donor. However, they sanctioned the transplantation of the other internal sex organs.

New frontiers have been opened and Islamic jurists are keeping pace with the tremendous developments in the field of organ transplantation.
advancements in medicine and technology. This review has discussed the pragmatism that prevails in interpreting the Islamic heritage as applied to present day science.

References
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3 Glorious Quran, Sura 3, Verse 9.
4 Glorious Quran, Sura 17, Verse 70.
7 Abu Dawud. Sunan Abi Dawud. Beirut: Dar AlFikir, (no date mentioned); Kitab AlGanayiz, 3: Hadith No. 3207.
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