Journal of the British Islamic Medical Association

Ethics
Vol 12 - No. 4 | December 2022 | www.jbima.com
ISSN 2634 8071

Organ Transplant in Islam

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Keywords: *Islamic bioethics, organ donation, transplantation*

Preamble

In this paper, we discuss organ transplantation and its benefits as well as its permissibility in the Islamic faith. Due to advances in science, technology, and modern medicine, lives can now be saved by organ donation and transplantation. In this paper, we answer common questions regarding organ donation, the medical benefits of organ transplantation and the Islamic viewpoint on this issue. We have kept this paper as concise as possible while covering the most essential aspects of this issue and have addressed key critical points related to the subject.

What is organ donation?

Organ donation involves giving a healthy organ to a person who is suffering due to advanced organ damage from various diseases. The donor can be a living or a deceased donor for kidney and liver transplants. However, for other organs namely, heart, lung, pancreas, and bowel, the donation happens only after the donor is declared dead as they cannot continue to survive without these vital organs.

What are the medical benefits of organ transplantation?

Organ transplantation is one of the greatest miracles of modern medicine. In the last 50 years, there have been tremendous advances in the field of organ transplantation

with improved life expectancy and quality of life for millions of people around the world. For instance, the kidney is an essential organ which is necessary for removal of excess water and toxins and to maintain electrolyte balance in the body. Patients with end stage kidney disease cannot live without kidney replacement therapy either in the form of dialysis or a renal transplant. Although dialysis is necessary for many patients with ESRD to continue to live, it significantly reduces their quality of life, overall health and life expectancy. Of patients who remain on dialysis, more than 50% will not survive five years. According to data from Canadian Organ Replacement Registry, there were 23,125 dialysis patients in Canada in 2019. A kidney transplant offers freedom from dialysis and significantly improves quality of life and life expectancy. In one study, the projected life expectancy of patients who received a transplant was 17.2 years, compared to 5.8 years in patients who remained on dialysis (1).

The heart is another essential organ necessary for pumping blood to the lungs and to the rest of the body. Patients with end stage heart failure experience shortness of breath, swelling, fatigue and eventually death. A heart transplant is usually the last option for these patients who have failed medical procedures or other therapies. A heart transplant comes from a donor who has recently died. The recipient's own heart is removed and replaced by the healthy donor heart. Worldwide, about 4000-4500 cardiac transplants are performed every year. At 1-year post heart transplant, 91% of patients are still alive, and the average life expectancy is 12 to 13 years post-transplant. Without a heart transplant, the 1-year survival of end stage heart failure patients is only about 64%. A cardiac transplant is truly a lifesaving intervention for these patients and improves both quality and quantity of life (2,3).

The liver is an essential organ as well; with many functions including metabolism, detoxification, protein synthesis, storage of iron, and production of bile responsible for digestion. Patients with end stage liver disease experience jaundice, edema, swelling of their abdomen (ascites) and severe gastrointestinal bleeding. A liver transplant is usually the last option for many of these patients without which they would not survive. According to data from the Organ Procurement Transplant Network (OPTN), patient survival was 87% for patients who received a liver transplant from a deceased donor and 92% for those who received a transplant from a living donor.

The lungs are another essential organ responsible for breathing, thereby providing our bodies with oxygen and removing carbon dioxide. A lung transplant is a lifesaving operation in which either one or both diseased lungs are replaced by a healthy single or dual lung from a deceased donor. Like the other forms of organ transplant, a lung transplant improves recipient quality of life, as recipients can function with less shortness of breath and better activity tolerance. A lung transplant also improves life expectancy for patients who have conditions such as pulmonary fibrosis and cystic fibrosis (4).

Organ transplantation is a lifesaving intervention and provides improved quality of life and life expectancy (5). According to the Canadian Organ Replacement Register (CORR), there were 3,014 organ transplants done in Canada in 2019 and 58% of which were kidney, followed by liver, lung, heart and pancreas transplant. There are over 4,300 patients in Canada waiting for an organ transplant, and about 250 people die each year before they ever receive one. One deceased donor can save the lives of up to 8 people on the waiting list. In summary, there are tremendous medical benefits of organ transplant and organ donation should be promoted and encouraged in our communities.

Is organ donation permissible in Islam?

Muslim scholars have studied the issue of organ donation over the past 5 decades. A number of Fatwas or legal rulings have been issued by a number of organizations (6-10). The majority of the scholars are in agreement that organ donation is permissible in Islam in order to save the life of the recipient under specific conditions.
The Quranic verse, "**Whoever saves a life of one person it would be as if they save the life of all mankind**" Chapter 5, verse 32 emphasizes the great value placed on saving the life of another human being.

Most scholars hold the opinion that organ donation is permissible given the following conditions: [1]

[1]Based on the verdict of the International Islamic Fiqh Academy, Saudi Arabia, February 1988. This opinion is based on the well-established legal principle '*necessities overrule prohibitions*. 'They also point to the Qur'anic verse: "Whoever saves a life of one person it would be as if they saved the life of all mankind." (5:32) The following are some of the local and international institutions which have issued legal opinions (fatwas) for the permissibility of organ donation in Islam:

• The Canadian Council of Imams (Toronto, 2008)

- The recipient requires the organ for survival
- An organ donation from a living person is permissible only if harm to the donor is negligible or relatively minor in that it does not disrupt the life of the donor.
- The donor is fully aware of all consequences of the donation to his/ her health and wellbeing
- The donor is freely and willingly consenting to the donation of the organ without any coercion or force.
- Vital organs are only donated after the death of the donor
- The organs are not being bought or sold
- Deceased organ donation and transplantation of all organs and tissues is permissible except for the gonads (reproductive glands).
- The recipient requires the organ in order to live or in order to perform an essential function.
- The donor's body, whether living or dead, is respected and treated with dignity.

Who makes the decision to donate an organ?

A living person can consent to donating a non-vital organ after fully understanding the risks and benefits of organ donation. Donation of vital organs can only take place after the donor is deceased. In this situation the consent must be given by the appropriate family member or representative of the patient. Hence, it is recommended for everyone to prepare a will with clear instructions and state their consent to donate organs to the executor. This provides an Islamic and a legal obligation for the heirs and relatives to execute the will regardless of differences of opinions among them and eliminates the need to discuss the issue at the time of grief and mourning. In addition, people who are interested in deceased organ donation are encouraged to register as organ donors online. Please visit website: (beadonor.ca).

When can organ donation take place?

Organs such as the kidney and liver can come from a healthy living donor who has made the decision to donate an organ to a family member, friend or even stranger. This decision must be free of coercion, manipulation, or financial incentives. Following completion of all necessary medical testing and clearance by the transplant team, the donor can proceed with the organ donation surgery. With regards to deceased donors, after exhausting all efforts possible to save the life and after the responsible physicians have pronounced the patient dead, the process of organ removal may take place.
Patients who die from severe brain injury after being placed on a ventilator in an intensive care unit constitute the majority ofdeceased organ donors. Once vital centers in the brain are damaged due to brain injury, life becomes impossible. Others who do not die in the hospital can become tissue donors (11).

When can the organs be removed from a deceased donor?

The organs can be removed after irreversible circulatory or irreversible neurologic death has been confirmed. In 1982 the Senior Scholars Council in Saudi Arabia approved brain death as the criteria for withdrawal of life support and for organ donation. This was affirmed in 1988 by the Islamic Fiqh Academy of OIC (7).
The organs can be removed after irreversible neurologic death has been confirmed and the heart has stopped (9).

What is transplant tourism?

Transplant tourism involves travelling to another country to buy an organ for transplant. Transplant tourism is not permitted in Islamic Law and there is consensus that it is not permissible to buy or sell human organs for the following reasons:

1. According to Islamic law, the human body and organs belong to Allah SWT (God Almighty) and it is not permissible to buy or sell that which is not owned.
2. Human beings are to be treated with dignity and respect and buying or selling human organs violates human sanctity and dignity. God Almighty says in the Holy Quran, "**Verily we have honored the children of Adam and we carried them in the land and the sea**

• The International Islamic Fiqh Academy of the Muslim World League, which comprises of scholars from around the world

• The Fiqh Academy of the Organization of Islamic Conference (representing all Muslim countries)

• Al Azhar University, Egypt

• Saudi Arabia's Council of Senior Ulema (Islamic scholars)

• The International Islamic Conference held in Malaysia

• Fatwa Committees in Jordan, Kuwait, Egypt and Algeria. February 1988.

and We provided for them from what is pure and we have favored them over most of what We have created, with definite preference. (Chap. 17, V.70)
3. Organ donation is only permitted out of necessity and it is not permissible to engage in organ procurement for financial gain. This ruling is consistent with the principle of preventing harm (*saddu al-dhara'i'* سد الذرائع) as transplant tourism may lead to vulnerable people selling their organs without consideration of their own health. It may also lead to genocide of an entire nation for the purpose of financial gain.

In Canada it is illegal to pay for an organ or receive payment for it. The organ may have been forcefully removed from a person who was killed, manipulated, or coerced for this vital organ. Transplant tourism is not permissible in Islam.

Not only is transplant tourism unethical and religiously impermissible, there are significant medical risks to both the donor and recipient. One study on transplant tourism from Pakistan showed that paid donors have higher rates of hypertension, declining kidney function and hepatitis, compared to people who donate through legal and ethical means (12). In addition, these donors are usually very impoverished, uneducated and are deceived into donating their organ. The majority of donors do not receive the agreed upon financial compensation. Most donors also report that their health and financial position declined significantly after the organ donation and that they were no longer able to work in labour jobs after donating their organ (13). With regards to patients who receive organs through organ trafficking or transplant tourism, they suffer significantly higher rates of infection, hospitalization and transplant failure (14).

What is Forced Organ Harvesting?

Today we are living in unprecedented evil times. We are witnessing the mass abuse of advanced medical technology in the criminal practice of forced organ harvesting. Forced organ harvesting involves murdering a person in order to forcefully remove their vital organs. This is the most heinous crime against a person. The blood of a human being is sacred in Islam. The Quran states "**He who killed a human being without the person being guilty of killing another or of spreading tyranny in the land should be looked upon as if he has killed all of mankind**." (Chap. 5, verse 32)

Where is forced organ harvesting happening today?

Recently, the China Tribunal chaired by Sir Geoffrey Nice concluded that "In China forced organ harvesting from prisoners of conscience has been practiced for a substantial period of time. Commission of Crimes against Humanity against the Falun Gong and the Uyghurs has been proved beyond reasonable doubt" (15).

Furthermore, a 2022literature review and analysisof 2838 Chinese-language papers on organ transplantation strongly suggests that in the People's Republic of China, physicians have participated in the execution of prisoners by organ removal (16).

What should we do to stop forced organ harvesting?

We must raise awareness about this horrific crime and ensure that people do not travel to receive an organ which may have been taken by murdering an innocent person.

Prophet Muhammad (Blessings & Peace be upon him) said about taking action when witnessing wrongdoing: "whoever amongst you sees an evil action, let him/her change it with his/her hand, if he/she cannot then with his/her tongue and if he/she cannot then with his/her heart- and that is the weakest of faith" (Muslim)

Fiqh Majlis of Canada
المجلس الفقهي الكندي
FiqhMajlis.ca

Statement on Organ donation in Islam

Toronto, June 10, 2021

In the name of Allah, the Most Gracious and the most Merciful

May Allah's Blessings and Peace be showered on His Prophet Muhammad and his family and those who follow his path.

Based on the attached research paper (Organ Transplant in Islam) prepared by members of our Fiqh Majlis and after review and discussion of the many deliberations made by many reputable Islamic jurisprudence bodies and also after consultation with our medical experts, the Majlis determined that:

1. Organ transplantation is permissible in Islam but only for dire necessity as it saves lives of those in desperate situation and threatened by death so long as there is no harm to the donor and the recipient, no coercion to do so and no organ is bought or sold but only donated with consent.
2. Organ transplant alleviates pain, improves quality of life and saves many lives as per the Quranic recommendation
3. Many Islamic legal maxims, rules and principles support organ donation and transplantation such as (Necessities overrule prohibition الضرورات تبيح المحظورات), (Harm must be eliminated الضرر يزال) and more…
4. Organ donation is encouraged based on the above stated guidelines in this research paper and we encourage Muslims to become registered donors and have their consent clearly stated in their wills.

Signed: _____
Dr. Muhammad Iqbal Al-Nadvi
Chairman, Fiqh Majlis of Canada

This meeting was attended by:

Shaikh Abdalla Idris – Dr. Hamid Slimi – Dr. Jamal Taleb – Dr. Muhammad Iqbal Al-Nadvi

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