

Organ Transplant In Islam

The Fiqh of Organ Transplant
and Its Application in Singapore

قُلْ لِمَنْ مَا فِي السَّمَوَاتِ وَالْأَرْضِ قُلْ لِلَّهِ كَتَبَ عَلَىٰ نَفْسِهِ الرَّحْمَةَ

Say: “To whom belongeth all that is in the heavens and on earth?” say:

“To Allah. He hath inscribed for Himself mercy.”

(Al-An'am: 12)





Contents

Islamic rulings on Organ Transplant and Organ Donation

- | | |
|--|----|
| 1. What is the ruling on organ transplant in Islam? | 38 |
| 2. What is the ruling on organ donation in Islam? | 39 |
| 3. Aren't illnesses fated and should patients not accept it as God's will, and thus not hope for donated organs? | 44 |
| 4. Why does Islam encourage us to be organ pledgers? | 45 |
| 5. Can Muslims donate organs to non-Muslims? | 47 |

Fatwa and related issues

- | | |
|--|----|
| 6. What is the basis of fatwa decisions? | 50 |
| 7. Why has the fatwa issued by Muis on organ donation changed over time? | 52 |

Issues on Organ Transplant

- | | |
|---|----|
| 8. Does the process of transplanting organs from the deceased violate the sanctity of his/her body? | 56 |
| 9. Do our bodies not belong only to Allah and, as such, we cannot donate any part of it to save another? | 58 |
| 10. Funeral rites may be delayed because of the medical procedure to transplant organs. Is this permissible? | 58 |
| 11. Is a person who is brain dead really considered "dead"? | 59 |
| 12. Will the organ donor be considered as an accomplice if the organ recipient commits any wrongdoings in his/her life? | 60 |

الحمد لله رب العالمين والصلاة والسلام على أشرف الأنبياء والمرسلين

سيدنا محمد وعلى آله وصحبه أجمعين

Praise be to Allah, the Cherisher and Sustainer of the worlds. Peace and blessings be upon His most beloved Prophet Muhammad, his family and companions.

The problem of kidney and other organ diseases is a very serious one, as it involves saving human lives. As such, the issue of organ transplant has been discussed in-depth by Muslim jurists. In Singapore, there have been many efforts made by the relevant bodies to educate the public, and to increase awareness of the need for organ donations to save lives. Receiving new organs is often the best hope for these patients.

Despite such efforts, the suffering of these patients remain. The number of Muslim donors in Singapore is still very low. This reduces the chances of patients receiving a new organ which can potentially cure them and save their lives.

One of the main reasons impeding Muslims from becoming organ donors is the confusion and uncertainty some may have about Islamic law and the Islamic viewpoint on organ donation. This booklet addresses these questions and concerns. It explains in detail the Islamic view of organ donation, through a series of questions and answers, for easier reading.



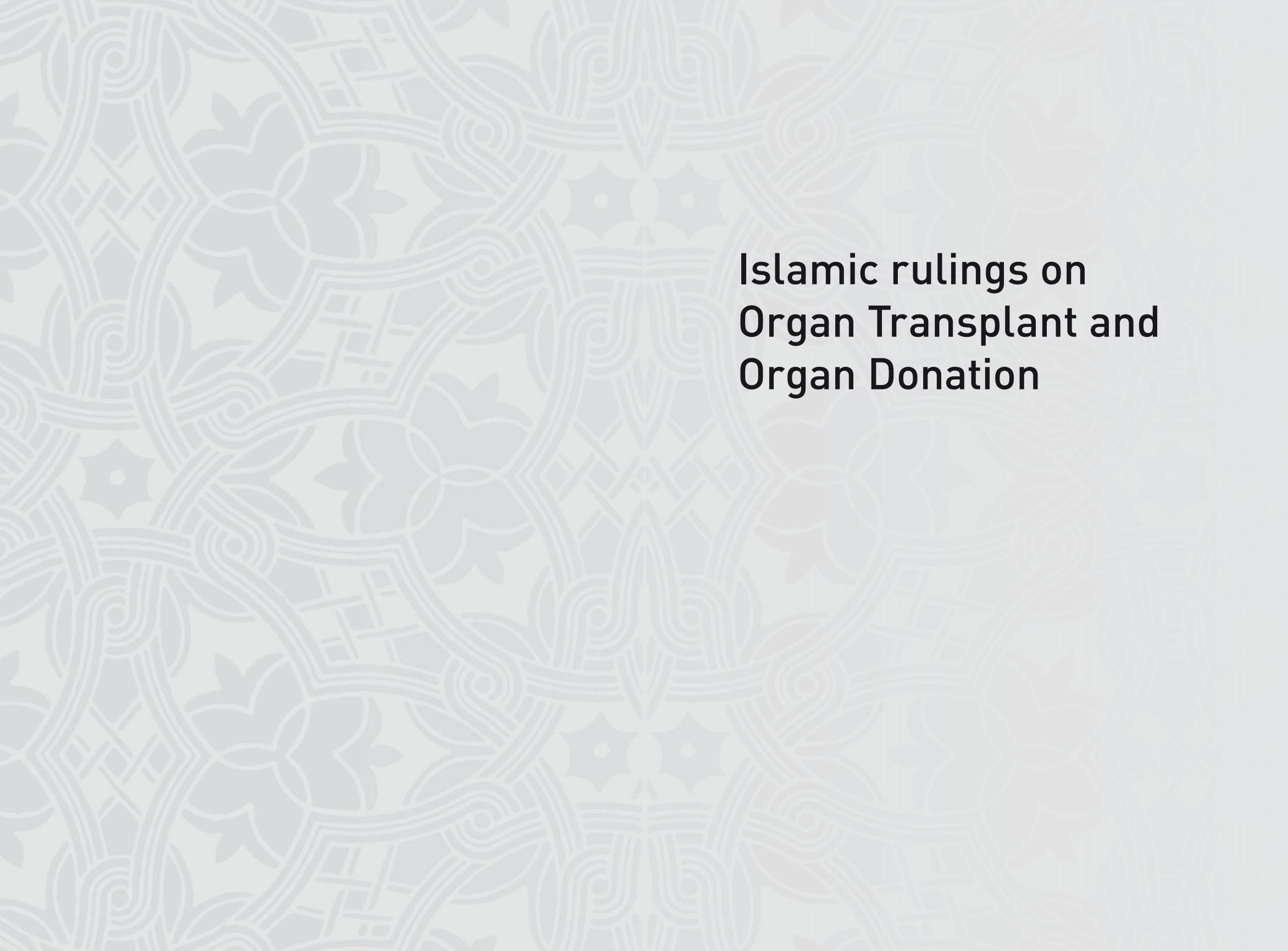
Preface

Organ failure is incurable and once an organ is damaged, nothing can be done to reverse the process. Kidneys are considered as vital organs like the heart and liver because their failure may cause death.

For kidney failure, a patient can be treated temporarily through the process of dialysis. Dialysis is a means of removing impurities from the patient's blood using a special filter and an artificial kidney machine. Dialysis is very costly. Dialysis patients have to undergo 3 sessions of dialysis each week with each session lasting 3 to 4 hours. They also have dietary restrictions and some may require various drugs during dialysis.

However, dialysis treatment is merely a temporary effort and does not guarantee a cure. It is not a good substitute in the long run to enable a kidney patient to lead a normal life. This is why a kidney transplant is extremely necessary as it is a kidney patient's only hope. In Singapore, more than 500 people are currently waiting for an organ transplant. About 24 patients die each year while waiting for a suitable organ transplant.

Organ failure causes severe problems not only to the patient, but also to his/her family. Without new organ replacements, patients normally have to go through a long and painful death, as the failure of an organ to function in the human body leads to various other illnesses and difficulties for the patient and his/her family.



Islamic rulings on Organ Transplant and Organ Donation

What is the ruling on organ transplant in Islam?

Organ transplants are performed to replace non-functional or diseased organs in order to cure patients. This medical procedure, like many other medical procedures, are permissible in Islam, because it is a form of treatment for a medical condition. Thus, in the opinion of Islamic scholars, organ transplants are permissible. This is consistent with the objectives of the *Syari'ah* (*maqasid Syari'ah*) that privileges human welfare and interest, as well as the preservation of human life. Allah S.W.T. has said:

مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا

which means: “[U]nless it be for murder or for spreading mischief in the land – it would be as if he slew the whole people: and if any one saved a life, it would be as if he saved the life of the whole people.”¹

There is no doubt that organ transplant is in the same category as saving a life. However, the transplant cannot bring harm to the donor. This is based on an Islamic legal maxim that states “a harm cannot be removed in a way that leads to another type of harm.” This maxim explains that a harm cannot be removed by creating another similar or worse condition, whether on the same individual, or on any other persons.

¹ Al-Ma'idah, verse 32

What is the ruling on organ donation in Islam?

There are two types of organ donation. The first is organ taken from a live donor. The second is cadaveric organ donation.

In general, organ donation is allowed in Islam. It is an invaluable gift to those in pain and suffering from organ failure. Such a donation will not only help the patient but will also save his/her life.

Islamic scholars made permissible organ donations from a deceased person to a living one, if the deceased has consented to it while he was still alive, or if his next-of-kin has consented to it. The following are some fatwas on organ donation by jurists.

Islamic Fiqh Academy²

“Organs from the deceased can be transplanted to a patient, where the life of the recipient depends on the transplant, or if the continuation of the basic bodily functions of the recipient depends on the transplant. This is however, dependent on the deceased’s consent, or that of his next-of-kin after his death, or by the decision of the leaders of the Muslim community, should the deceased be unidentified, or does not have any next-of-kin.”³

² The Islamic Fiqh Academy is a subsidiary organ of the Organization of the Islamic Conference (OIC), created by the Third Islamic Summit Conference held in Makkah al-Mukarramah (Saudi Arabia) in January 1981. Its members and experts are selected from among the best scholars and thinkers available in the Islamic world in every field of knowledge such as fiqh, science, medicine and economy.

³ The decision of the Islamic Fiqh Academy in its Fourth meeting in Jeddah on 11 Februari 1988. Please see page 58 of “*Majma' Al-Fiqh al-Islami: Qararat Wa Tausiyat, 1985-1988.*”

Highest Council of Scholars, Riyadh

“It is permissible to transfer whole or part of organs from a deceased to another person, if the need for such a transplant is critical. Live organ donation is also allowed if the recipient is in urgent need of the organ.”⁴

Fatwa of Mufti of Egypt, Dr Muhammad Syed Tantawi

“Live organ donations are permissible by consensus of jurists, whether the recipient be his relative or a stranger, as long as such a donation is considered to be of benefit by a trusted doctor...[T]aking organs from the body of a dead person to transplant to someone who needs it, whether to save his life or to cure him, is permissible, and this ruling is [also] based on consensus of jurists.”⁵

Fatwa Committee of Kuwait

“If an organ to be transplanted is taken from a deceased person, the ruling is that such a transplant is permissible, no matter whether the intention for the transplant by the donor was made in the form of a will by the deceased or otherwise. This is based on exigency (*darurah*), such as saving a life, that transforms what is originally forbidden into a state of permissibility. Thus, organ transplants are permissible, as long as there is an urgent need for it.

If the donor is still alive and taking the organ is detrimental to his life, such as taking his heart and lungs, then it is forbidden, no matter whether the donor allows it or otherwise. If the organ or body part that is to be transplanted does not affect the donor’s life, that is, the donor can continue living without it, then the ruling depends on several factors. If not having the organ will physically harm the donor, or prevent him from fulfilling his obligations, for example, donating a hand or leg, then it is not allowed.

⁴ Decision of the scholars in the Highest Council of Scholars in Riyadh, Saudi Arabia. Please see decision no. 99, 6 Zulqaedah 1402H.

⁵ Issued on 5th February 1989, when Dr Tantawi held the position of Mufti then.

In the case where the life of the donor is not affected by the donation, such as that of kidneys, teeth or blood, a transplant is not permissible if it is done without the consent of the donor. [It is] permissible if it is done with the consent of the donor and if the rate of success of such an operation is high.”⁶

Fatwa of Dr Yusuf Al-Qaradhawi

“Someone who wishes to alleviate another human’s suffering, such as kidney disease, by donating one of his healthy kidneys, is allowed to do so in Islamic law. [I]n fact, it is considered to be a good act and the donor will be duly rewarded. This is based on a Prophetic tradition in which the Prophet *p.b.u.h.* is reported to have said that those who show kindness on earth will receive God’s mercy and kindness. On this, I am of the opinion that there is no prohibition from donating an organ or body part to someone who needs it to cure him/her, and to replace his/her non-functioning organ, such as the kidney or heart etc. with the intent of giving charity. And this is considered to be a continual (*jariah*) donation, and the rewards for the donor continues to be accrued for as long as there are those who benefit from it.”⁷

Fatwa of The National Fatwa Council of Malaysia

“Cadaveric transplant of the eye and heart is permissible if the following conditions are observed:

- In the case of extreme need and exigency, in which the life of the receiver depends on that organ, and there is sufficient evidence that the transplant process will be successful.
- In the case of heart transplantation, the death of the donor must be determined before the transplant can be performed. Proper action must be undertaken to ensure that there is no killing and trading of organs involved.”⁸

Even though the organs sanctioned in this fatwa are only the eye and heart, other organs may also be included.

⁶ Decision no. 132 issued by the Fatwa Committee of Kuwait in 1979.

⁷ Dr. Yusuf Al-Qaradhawi, “*Fataawa Mu’asarah*”, third edition, pg 532 dan 537.

⁸ The declaration made on The First Meeting of the National Fatwa Council of Malaysia for Islamic Affairs on the 23-24th of June 1970.

Fatwas issued by the Islamic Religious Council of Singapore (MUIS)

The MUIS Fatwa Committee has issued several fatwas on this since 1973. In 1973, the fatwa stated that a pledge (in the form of a will) to donate one's kidneys to a kidney patient is not permissible.

This decision was based on the consideration that one does not own one's body, including one's kidneys, or other organs, and thus does not have the right to donate his/her kidneys. In addition, there was not enough information then on the seriousness of the kidney problem, and whether there was another way to cure it. Furthermore, the advancements in medical sciences and technology at that point were not reassuring as to the success of such transplants in curing the medical problem.

The 1986 fatwa

The fatwa above was reviewed in 1986. In that year, the Fatwa Committee issued a fatwa which permits organ transplantation out of dire necessity, that is to save human lives. The decision was in line with the position adopted by many other *fiqh* councils and internationally-accepted scholars. It is also based on a legal maxim in Islamic jurisprudence which states that "exigencies (*darurah*) changes the forbidden into permissible". There had also been a vast improvement in medical knowledge which showed an increase in the success rate of organ transplants in treating patients with organ failure.

Several additional fatwas on organ donations were also issued by the Fatwa Committee. The 1995 fatwa allows transplanting corneas, on the basis of alleviating the suffering of eye patients. In 2003 and 2004, the Committee ruled that donating the heart and liver is permissible (*mubah*), as the case is for donating kidneys.

The Committee also ruled that any two male witnesses are sufficient for a pledge. Thus, the pledger no longer needs the next-of-kin to be witnesses.

These fatwas are in line with that of the common consensus (*jumhur*) of contemporary scholars and international fiqh councils, such as those quoted above.

In summary, organ transplant from the deceased is permissible, as long as the transplant is to save the life of the recipient, and the deceased has given consent. Islam thus emphasises on giving a Muslim an option to donate or otherwise, and to make the option known in his/her lifetime. In an opt-in system, such as in MTERA, consent can be given through voluntarily pledging. Whichever decision a Muslim has made, it is important to inform the next-of-kin and family members, so that the decision will be respected after his/her death.

Aren't illnesses fated and should patients not accept it as God's will and thus not hope for donated organs?

The Islamic creed teaches us that to believe in pre-destination and fate by Allah the Al-Mighty. Nonetheless, we are also required to try and find suitable solutions to the problems we face and not to be fatalistic. Thus, even though we believe that Allah S.W.T. bestows and measures out His blessings upon us, we are required to work for our daily bread. Similarly, Islam teaches us to find cures for our illnesses, and only leave the ultimate success or otherwise to Allah S.W.T. The Holy Prophet *p.b.u.h.* has said:

"ما أنزل الله داء إلا أنزل له شفاء"

which means: "Allah has given a cure for all illnesses." (Hadith narrated by al-Bukhari)

Those who need organs have a right to receive help from the community. It is also his/her responsibility to find a cure for his/her illness, and this includes trying to find organs to replace his/her failing ones. The community has a part to play to extend a helping hand to alleviate the sufferings of the sick, as long as it would not bring harm to themselves. Islam facilitates this, by allowing us to donate our organs, as long as the donation will not cause harm to our own bodies.

Why does Islam encourage us to be organ pledgers?

Pledging to donate organs is highly encouraged in Islam. This practice is congruent with Islamic principles that are universal and humanitarian. These principles include *rahmah* i.e. to show compassion, helping one another, and making continual (*jariah*) donations.

Pledging organs is a practice that is imbued with the spirit of *rahmah* and compassion. A pledger will receive his/her rewards from Allah S.W.T., even if his/her organ has never been transplanted, as Allah rewards his/her good intentions and deeds which reflect the Islamic principles of *rahmah* and *ihsan*. The Holy Prophet *p.b.u.h.* said:

"الراحمون يرحمهم الرحمن ارحم من في الأرض يرحمكم من في السماء"

which means: "Allah the Most Compassionate showers His compassion to those who show compassion. Show compassion to those on earth, and He in the heavens (i.e. God) will show His compassion to you." (Hadith narrated by at-Tarmizi)

Islam also emphasizes *ta'awun* (helping one another). One who has a disease and needs an organ to continue living is definitely amongst those in need, and has to be assisted by any means possible. At the same time, the donation will also lighten the burden of the patient's family. Kidney patients, for example, have to pay a lot for dialysis and this usually results in financial difficulties for both the patient and his/her family. The children's education is usually a casualty, along with the welfare of the whole family, until the patient receives a new kidney. Thus, the community should exert

every effort to help these people, in a manner that is permissible in Islamic law. Allah S.W.T. says:

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ ۗ وَاتَّقُوا اللَّهَ ۖ إِنَّ اللَّهَ شَدِيدُ

العقاب

which means: “[H]elp one another in goodness and piety, and do not help one another in sin and aggression; and be careful of (your duty to) Allah; surely Allah is severe in requiting (evil).”⁹

In addition, organ donation is a continual (*jariah*) donation, that is, rewards for the donor is accrued even after his/her death as long as there are those who benefit from it, in whatever form. The Holy Prophet p.b.u.h. has said:

"إذا مات ابن آدم انقطع عمله إلا من ثلاث صدقة جارية وعلم ينتفع به وولد صالح

يدعو له"

which means: “All deeds of mankind will cease upon death, with the exception of three deeds; continuous charitable act, knowledge which had benefitted others, and a pious offspring who offers prayers for his/her parent.” (Hadith narrated by At-Tarmizi)

Most importantly, it will give a chance and new lease of opportunity for the patients to live, and to alleviate the pain and suffering both s/he and his/her family face.

⁹ Al-Ma'idah, verse 2.



Can Muslims donate organs to non-Muslims?

Prophet Muhammad *p.b.u.h.*, the Messenger of Allah, was sent as *rahmatan lil aalamin*, to bring blessings and *rahmah* for the whole universe, and to all human beings. Thus, Islam advocates doing good and showing compassion for *all* of Allah's creations. This evidently includes non-Muslims who live alongside Muslims in peace and harmony. The Holy Quran enjoins Muslims to do good, to offer help and to co-operate in all things that will benefit mankind.

Allah S.W.T. says:

لَا يَنْهَىٰ اللَّهُ عَنِ الَّذِينَ لَمْ يُفْتَلِحُوا فِي الدِّينِ وَلَمْ تُخْرِجُوا مِنْ دِينِكُمْ أَنْ تَبْرُوهُمْ

وَتُقْسَطُوا إِلَيْهِمْ ۖ إِنَّ اللَّهَ يُحِبُّ الْمُقْسَطِينَ

which means: “Allah does not forbid you respecting those who have not made war against you on account of (your) religion, and have not driven you forth from your homes, that you *show them kindness and deal with them justly*; surely Allah loves the doers of justice.”¹⁰

The Holy Quran also tells of the rewards that Allah S.W.T. gives to those who help others, and that such help and contributions will be blessed by Allah S.W.T.

¹⁰ Al-Mumtahanah, verse 8.

❖ لَيْسَ عَلَيْكَ هُدَاهُمْ وَلَكِنَّ اللَّهَ يَهْدِي مَنْ يَشَاءُ ۗ وَمَا تُنْفِقُوا مِنْ خَيْرٍ

فَلَا تُنْفِسْكُمْ ۖ وَمَا تُنْفِقُونَ إِلَّا ابْتِغَاءَ وَجْهِ اللَّهِ ۗ وَمَا تُنْفِقُوا مِنْ خَيْرٍ يُوفَّ إِلَيْكُمْ

وَأَنْتُمْ لَا تُظْلَمُونَ ﴿٢٧٢﴾

which means: "To make them walk in the right way is not incumbent on you (O Prophet), but Allah guides aright whom He pleases; and whatever good thing you spend, it is to your own good; and you do not spend but to seek Allah's pleasure; and whatever good things you spend shall be paid back to you in full, and you shall not be wronged."¹¹

The Holy Prophet *p.b.u.h.* had also emphasized the importance for all Muslims to conduct their affairs with *ihsan* (compassion). Having *ihsan* means to do good, help and show compassion to all human beings, including non-Muslims. The Holy Prophet *p.b.u.h.* has said:

"إن الله كتب الإحسان على كل شيء"

which means: Indeed, Allah has ordered *ihsan* in everything that is done. (Hadith narrated by al-Bukhari)

¹¹ Al-Baqarah, verse 272.

Fatwa and Related Issues



What is the basis of fatwa decisions?

Fatwa is an important tool of Islamic jurisprudence, especially in times of change and new challenges. Our society face many new issues that need to be studied in-depth, in order to offer the appropriate Islamic response and solution. In this regard, fatwa plays an important role and has a significant impact on the religious life of Muslims. This is especially true in Singapore, where Muslims are a minority in a secular and multi-religious state.

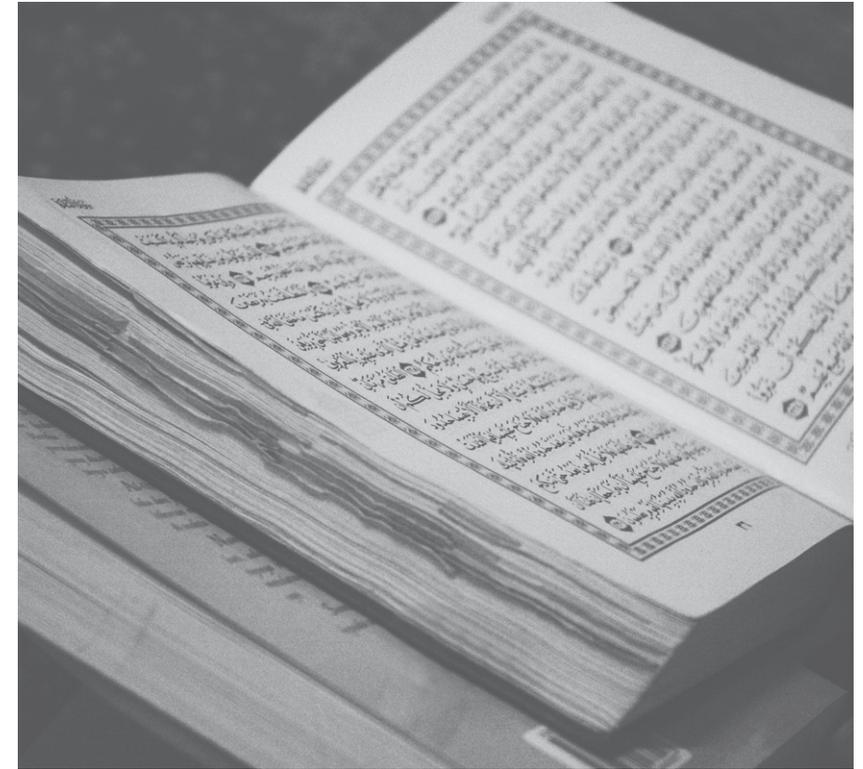
In addressing such challenges, fatwas are issued based on several principles:

- Fatwa makes reference to the main sources of the Syariah, as well as the spirit and objectives (*maqasid*) of the Syariah.

Other than the Holy Quran dan *Sunnah* (Prophetic traditions) as the main sources, *Ijma'* and *Qiyas* are also sources of the law that have been agreed upon by scholars. The objectives of the law, such as the protection of religion, life, intellect, property and lineage, are also considered for any fatwa decision.

- Fatwa seeks to safeguard the interests and welfare of the community

Fatwa has to ensure that the rights and duties of individuals, as well as the common interests and welfare of the community, are safeguarded. Thus, before issuing a fatwa, the situation, needs and context of a particular community, need to be taken into consideration.



- To opt for an approach or solution which is relevant and better suited to a particular context, in this case, the Singaporean context, without contradicting Islamic precepts.

This is to facilitate Muslims to practice their religion, so that the Muslim community does not encounter difficulties in fulfilling their obligations as Muslims, or become burdened by the laws, and at the same time, being able to address contemporary issues effectively.¹²

¹² "Prinsip dan pengurusan Fatwa di negara-negara ASEAN", Prof. Dr. Hj. Abdul Samat Musa, Dr. Adel M. Abdul Aziz, Haliza Harun, Nik Salida Suhaila Nik Saleh, pg 123.



Why has the fatwa issued by Muis on organ donation changed over time?

The application of Islamic law has to be appropriate for its place, time and context. Imam *Ibnu Shihab Al-Qarafi* has explained that laws which are made in consideration of a particular culture or context will evolve together with the culture/context. Thus, such laws will undergo change when that culture changes, and will remain as long as that culture remains.¹³ This is true for the flexible components in the Syariah. These flexible components change with the milieu of the era, place and conditions. This flexibility and dynamism allows the religion to remain relevant for all times.

On the basis of the above, the fatwas issued by the Fatwa Committee on organ donations have changed over the years. Some of the other reasons why the fatwas had undergone change are as follows:¹⁴

- **The views of Muslim jurists**

A general juristic consensus on this issue was a recent development. In the past, the Fatwa Committee had issued the first fatwa on kidney donation based on the situation then, and also the prevailing opinions of scholars. With the change in context, fatwa needs to be reevaluated from time to time, in order for it to remain relevant. (Please refer to page 42-43 for a detailed review of the fatwas issued by MUIS on organ transplant.)

¹³ *Al-Wajiz fi Usul Al-fiqh*, Abdul Kareem Zaydan, pg. 257.

¹⁴ There are 10 situations where a fatwa is permitted to change. Both contemporary and classical jurists have made a consensus regarding this matter and they are as follows:

Change in time and era, change in place, change in situation, change in customs, change in information, change in needs, change in ability, change in social, political or economic conditions, change in opinion and thought and prevalent disasters. (عموم البلى) Please refer to: <http://www.aljazeera.net/NR/exeres/7FC2B909-D2F6-4C81-AF0B-73400FDF8C12.htm>

- **The urgency and existing need of the moment**

Medical research has shown that organ donation is very necessary, and there is no other medical procedure that can cure patients who suffer from failed organs. The number of patients requiring organs far outstrips the number of potential donors, thus indicating a critical need for more donors. The situation has reached a point of *darurah* (exigency), which calls for a suitable solution.

- **Advances in the medical sciences and technology**

Decisions on fatwas need to keep pace with advancements and the ever changing needs of the community. Knowledge of medicine has grown in leaps and bounds in the last few decades. As a result of new discoveries and new techniques from research, the success rate of organ transplants has improved tremendously. Consequently, organ transplant has become a viable treatment and hence, is accepted in Islam. This is not the case before, when it was not clear that transplants are successful in treating patients.

In Islamic history, we find examples where fatwas on certain matters were changed over time. For example, during the time of the great jurist Imam Abu Hanifah, his society had lived in justice and fairness, which has led him to conclude that a vow or declaration is not needed except in the case of *qisas* or *hudud*.

Nevertheless, his two students, the mujtahids of his mazhab, Imam *Abu Yusuf* dan *Muhammad*, made such a declaration necessary, because of the decline in moral integrity within the Muslim community during their time, when there was widespread fraud and violation of basic human rights, etc. In such cases, scholars explain that *ikhtilaf* or differences in opinions leading to different expositions of the law, do not stem from differences in interpretation *per se*, but is a result of different circumstances and contexts.

As such, a reevaluation and changing of fatwas are the means by which we can always secure the welfare and interests of the community, as had been pursued by earlier Muslim jurists. This is especially so when social conditions require that a different ruling compared to the precedent is needed. Such reevaluations can be done for matters of the Syariah which are dynamic and not fixed.

Issues On Organ Transplant



Does the process of transplanting organs from the deceased violate the sanctity of his/her body?

Generally, it is forbidden to violate the sanctity of the deceased, as has been explained by the Prophet *p.b.u.h.*:

"كسر عظم الميت ككسره حيا"

Which means: "Breaking the bones of a corpse, is similar to breaking the bones of someone who is alive." (Hadith narrated by Ibn Majah)

Thus, the same respect accorded to someone who is alive has to be accorded to someone who is deceased. However, the hadith above refers to a violation or act on the body that is not permissible in Islam. The hadith above forbids mutilating corpses as was practiced in the pre-Islamic era, especially done to those who died in battles.

However, Islamic law allows performing operation on corpses, such as a post-mortem caesarean on a deceased mother to save her baby's life, or to extract valuable objects such as diamonds from the body of the deceased, etc. As such, an operation on the body of the deceased for the purpose of saving a human life is allowed in Islam. This does not fall under the category of mutilating corpses which is prohibited by the Prophet.

Dr. Yusuf Al-Qaradhawi explains as follows:

"Removing a body part from a corpse does not violate the sanctity of the dead. The sanctity of the body is preserved and has not been violated. This is because the operation performed on the corpse is similar to that done on those who are alive, that is with care, meticulousness and respect."¹⁵

Human dignity requires that corpses be respected and that the surgical team that performs the operation should carry out the operation responsibly. In Singapore, the Ministry of Health ensures that the process of transplantation is done ethically and is closely monitored.

¹⁵ Dr. Yusuf Al-Qaradhawi, *Fatawa Mu'asarah*, vol.3, pgs 665-666.



Do our bodies not belong only to Allah and, as such, we cannot donate any part of it to save another?

Human beings have been entrusted to take care of their bodies. Thus, we are required to use our body well, and not to inflict harm upon it. As such, we are not allowed to sell or buy human organs. Nevertheless, our organs can be used to save human life, especially when no longer used, such as upon death. In fact, by donating our organs to those in need, our organs continue to function, although in someone else's body. This does not contradict that our bodies belong to Allah S.W.T. Instead, it is congruent with the injunction for mankind to use the blessings of Allah in the best way possible.

Funeral rites may be delayed because of the medical procedure to transplant organs. Is this permissible?

In Islam, funeral rites should not be delayed without valid reasons. However, the process of transplanting organs for the purpose of saving human lives is considered to be a valid reason in Islamic law for such a delay. Thus, it is permissible in Islam to delay the funeral rites in this case. However, hospital authorities seek to ensure that the delay is minimised as much as possible.



Is a person who is brain dead really considered “dead”?

Brain death refers to the total and irreversible cessation of all functions of the brain. A person who is brain dead will not be able to breathe on his own and will need to be supported on a ventilator. Once the ventilator is switched off, all bodily functions including the beating of the heart will cease, since the brain has already stopped functioning.

A person who is brain dead is truly and unequivocally dead. This is the scientific position of international medical communities. In determining death, medical professionals need to satisfy strict, internationally-recognized conditions in order to determine brain death. This definition has also been accepted by the Fatwa Committee of MUIS.



Will the organ donor be considered as an accomplice if the organ recipient commits any wrongdoings in his/her life?

In Islam, there is no such issue of whether one will become an accomplice of another person's misdeeds. The assumption that an organ donor will be considered as an accomplice and is in a state of sin by donating his/her organs to a person who may commit misdeeds after the transplant, is incorrect. If the organ recipient commits any misdeeds, such as bringing harm to oneself to the extent of damaging the new organ, or generally committing any other form of wrongdoings, he/she will be responsible for his/her own actions, without implicating in any way the donor. Allah S.W.T. has mentioned in the Qur'an:

وَلَا تَكْسِبُ كُلُّ نَفْسٍ إِلَّا عَلَيْهَا وَلَا تَزِرُ وَازِرَةٌ وِزْرَ أُخْرَىٰ

which means: "No person earns any (sin) except against himself (only), and no bearer of burdens shall bear the burden of another."¹⁶

¹⁶ Al-An'am, verse 164.

References

1. *Al-Quran Al-Karim*.
2. *Sahih Al-Bukhari*.
3. *Sunan At-Tirmizi*.
4. *Sunan Ibnu Majah*.
5. *Al-Wajiz fi Usul Al-Fiqh*, Dr. Abdul Kareem Zaydan, Mu'assasah Ar-Risalah, 2003.
6. *Contemporary Bio-Medical Issues in the Light of Islam*, Prof. Dr. Hossam E. Fadel, Prof. Dr. Muhammad A.A. Khan, Dr. Aly A. Misal, Dr. Hafeez-ur-Rahman, Federation of Islamic Medical Associations (FIMA) Year Book, 2002.
7. *Contemporary Issues in Islamic Medicine*, Dr. Wan Hazmy C.H., Dr. Zainur Rashid Z., Dr. Hussaini R., Islamic Medical Association of Malaysia, 2003.
8. *Fataawa Mu'asarah*, Dr. Yusuf Al-Qaradhawi, 1994.
9. *Islam dan Peminahan Organ*, Dr. Ismail Hj. Ibrahim, Institut Kefahaman Malaysia (IKIM), 1999.
10. *Prinsip dan pengurusan fatwa di negara-negara ASEAN*, Prof. Dr. Hj. Abdul Samat Musa, Dr. Adel M. Abdul Aziz, Haliza Harun, Nik Salida Suhaila Nik Saleh, Institut Pengurusan dan Penyelidikan Fatwa Sedunia (INFAD), Kolej Iniversiti Islam Malaysia (KUIM), 2006.
11. *Qararaat Wa Tausiyaat*, Majma' Al-Fiqh al-Islami, 1985-1988.

