

Islamic Views on Organ Donation & Transplantation



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Introduction

One of the new problems faced by the Shi'a mujtahideen (the jurists) is the issue of organ donation and transplantation. The human body, in life as well as in death, is governed by Divine laws in Islam. There are certain limitations on what we can and can't do with our bodies.

The primary ruling of Islam about a Muslim's corpse is that it should be disposed of in a dignified way through a special procedure of washing, shrouding and burial.

Relying on guiding principles extracted from the Qur'an and the sunnah of the Prophet and his Ahlul Bayt, the jurists formulate the rules governing the newly occurring circumstances.

What you see below is a series of questions and answers that I had written and published in July 1993.

It is being presented here with additions reflecting the latest views of the contemporary Shi'a jurists.

Question 1

Can a person donate some of his organs to a patient who is in need of transplantation?

(A) During your life-time

The late Ayatullah al-Khu'i had different verdicts on "major organs" and "minor organs". He had allowed donation of minor organs but disallowed donation of major organs.

A criterion of defining "minor organ" is its ability to regenerate by itself. So donating blood, skin grafting and bone-marrow transplants would be considered as donation of minor organs and would therefore be permissible. But the kidney would be classified as a major organ and, therefore would not be permissible for donation. This is also the view of Ayatullah Jawad Tabrizi.

Ayatullah Sistani, however, does not differentiate between the minor and major organs. As long as the donor would not be seriously handicapped himself or herself, there is no problem in donating one's

organ, minor or major. Therefore, donating a kidney also would be permissible provided the donor has another healthy kidney. Ayatullahs Nasir Makarim and Khamanie would concur with this view.

(B) After your death

According to the late Ayatullah al-Khu'i, donating some of the organs (whether minor or major) after the death is permissible provided you have expressed your intention clearly in your will.

Ayatullah Nasir Makarim also holds the same opinion.

Ayatullah Khamenei allows this provided the body does not look like a mutilated body — so donating internal organs would be permissible but cutting off the external organs would amount to mutilation of the corpse which is not permissible.

However, Ayatullahs Sistani and Jawad Tabrizi do not recognize the validity of such a will at all; and, therefore, donating an organ after death is not permissible in their views.

Question 2

Is it necessary for the recipient of my organ to be a Muslim?

The recipient of your organ does not necessarily have to be a Muslim; you can donate your organs, wherever permissible, even to a non-Muslim.

Question 3

Can I as a Muslim accept the transplantation of a non-Muslim's organ to my body? If yes, what will happen to the issue of najasat?

There is no problem in transplanting a non-Muslim's organ to your body. As for the issue of najasat (ritual impurity): if it is an internal organ (heart or kidney), then there is no issue of najasat at all.

If the transplanted organ is external, then for the first few days after the transplantation, that particular area of your body will obviously remain najis because of the surgery done on you and you will have to do ritual ablution in the tayammum or jabira form. ("Jabira" means the wuzu or ghusl done over a bandage. For details, see my *Ritual & Spiritual Purity*.)

But after the area has healed, there should be no problem at all because the former organ of the kafir has become, after transplantation, your organ and, as such, it will be considered tahir (pak, ritually pure). This is based on the rule of intiqal.

The same would apply if an animal's organ (e.g., a baboon's heart or a pig's organ) was transplanted to your body.

Question 4

If a minor child dies, does the parent have the right to donate an organ of the child for transplantation to another child/adult who needs it?

According to the views of the Ayatullahs Khu'i and Sistani, no parent has a right to donate his or her child's organ or body to anyone. However, Ayatullahs Nasir Makarim and Khamenei recognize the consent of the heir as sufficient for extracting an organ from the deceased.

Question 5

Keeping in mind the belief in resurrection and life after death, what will happen to my organ which has been transplanted to another person, probably a non-Muslim? Will I be responsible if my organ was used for a crime or a sin?

First of all, after transplantation onto someone else's body, your former organ will no longer be considered legally yours so there is no need to worry about being held accountable for crimes or sins committed through it!

Secondly, the God who created us from nothing will absolutely have no problem in putting us together on the day of resurrection. Read the following verses from surah Ya Sin:

And he (i.e., man) gives us an example and forgets his own creation; he says, "Who will give life to the bones when they are rotten?"

Say: "The same God will give life to them Who brought them into existence the first time, and He is Aware of all creations...Is not He who created the heavens and the earth capable of creating the like of them? Sure! And He is the Creator, the Knower.

"His command, when He intends anything, is only to say to it, 'Be,' and it comes to existence. Therefore, glory be to Him in whose hand is the kingdom of all things, and to Him you shall be brought back." (36: 78-83)

Let us worry about our own deeds and let Allah worry about how He is going to resurrect us!

Final remarks

Medical science is gradually moving towards therapeutic cloning which will help scientists in using the body's master stem cells to replace damaged or diseased body parts.

Hopefully, with the perfection of therapeutic cloning, the need for organ donation will be reduced drastically. (Insha Allah, I shall soon publish my 2002 article on Human Cloning in Islam.)

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