

Organ Donation and Islam—Challenges and Opportunities

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The issue of organ donation in Islam has been debated for decades, with most religious authorities sanctioning both living-organ and deceased-organ donation. However, disquiet among the Islamic community on the compatibility of organ donation with their faith remains, especially in relation to deceased-organ donation. This remains a topical, controversial, and challenging component of organ procurement at both local and international levels. In this article, I will explore Islamic arguments both for and against organ donation, in the context of both living-donor and deceased-donor models. By discussing both practical and philosophical perspectives, the aim is to facilitate discussion on how best to achieve consensus on this issue by driving the debate forward in an open and all-encompassing manner. Although every attempt should be made to achieve consensus among key Muslim opinion makers (individuals, authorities, and institutions), encouraging personalized decision making by intellectual effort should be the goal to achieve genuine informed consent.

Keywords: Islam, Religion, Organ donation, Organ procurement, Ethics.

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There are concerted efforts in the United Kingdom and beyond to increase organ donation from black and minority ethnic (BME) populations. Numerous challenges to increase organ donation among BME communities have been identified, which in the United Kingdom will be tackled as part of a national policy framework (1). One of the cited challenges is the impact of religious belief on organ donation consent, with BME communities representing a heterogeneous mix of faiths. Although many religious authorities have approved organ donation, there can be a lack of consensus on some (or all) aspects of the process for certain faiths. Perhaps the greatest dispute has arisen among Muslims (2), adherents of Islam, who constitute the second largest religious group in the world (3). Islam is also the second largest religion in the United Kingdom, predominantly because of overrepresentation among BME communities (3).

Despite numerous rulings in support of organ donation, there is a lack of consensus among Muslims regarding whether organ donation is compatible with Islam (4). Although historically all organ donation was questioned, much of the contemporaneous debate primarily focuses on organ usage from deceased donors after brain death. This latter issue remain unresolved and has the potential to inhibit or-

gan procurement from a global population of approximately 1.6 billion Muslims. The aim of this article is to discuss some of the current challenges on this issue and postulate on future opportunities to overcome the current status quo.

ISLAMIC JUDGMENTS ON ORGAN DONATION

The Grand Mufti of Egypt issued the first modern *fatwa* (Islamic legal pronouncement) sanctioning organ donation in 1966. This was followed by rulings in Malaysia (1969), Algeria (1972), Jordan (1977), and Kuwait (1979). In 1982, the Supreme Council of the Ulama in Riyadh, Saudi Arabia, sanctioned organ donation and transplantation where deemed medically necessary (5). Subsequently, in 1985, the eighth session of the Fiqh Academy of the Muslim World League (Mecca, Saudi Arabia) sanctioned organ donation and transplantation as being compatible with Islam. In 1986, the Islamic Fiqh Council of the Organization of the Islamic Council (Amman, Jordan) issued a ruling in support of organ donation, both living and deceased (ruling no. 3/07/86). The ruling was in keeping with earlier advice that organ donation is “in the best interests of individuals and societies and promotes cooperation, compassion, and selflessness.” The evolution of such Islamic rulings has been previously discussed in detail (6).

In the United Kingdom, the Muslim Law Council approved organ donation as being entirely in keeping with Islamic principles in 1996 (7), and their advice mirrored the outcome from earlier meetings. Specifically, they acknowledged brain death as being a true definition of irreversible death and encouraged Muslims to carry donor cards. In line with earlier declarations, the Council also ascertained that

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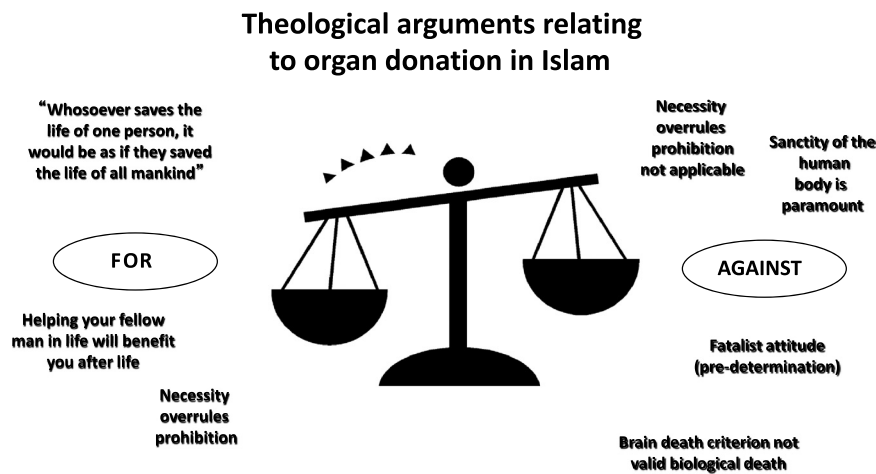


FIGURE 1. Theological arguments cited both in favor and against the concept of organ donation in the context of Islam. Some of these arguments are taken from either primary or secondary sources of Islamic law.

medical professionals were the true and authentic authority to define the signs of death (specific reference to brain death). In contrast to the earlier cited *fatwas* made in countries where Islamic law is the basis of civil law, the ruling from the (self-appointed) Muslim Law Council has no legal framework but acts as nonbinding guidance for British Muslims.

It is important to explore the arguments made both in favor of and against organ donation from an Islamic perspective (summarized in Fig. 1). These arguments have been translated into sanctioning of organ donation but reciprocally also introduced some of the uncertainty that exists today.

ARGUMENTS IN FAVOR OF ORGAN DONATION

The key Islamic argument cited in favor of organ donation is the principle of necessity overrules prohibition (*al-darurat tubih al-mahzurat*). On this basis, one can argue that whatever theological obstacles there are to Muslims donating their organs in life or death are abrogated by the ultimate priority and inherent goodness in saving a life. The frequently quoted line, “If anyone saved a life, it would be as if he saved the life of the whole people” (Qur’an 5:32) (8), is common to the Abrahamic religions and often used as evidence in Islam of the sanctity of life superseding all other considerations.

There are also traditions attributed to the Prophet Muhammad that encourage Muslims to help their fellow human being, “Whoever helps another will be granted help from Allah in the Hereafter” (9). This saying of the Prophet Muhammad has often been touted in support of organ donation and underlies the charitable goodness associated with such acts of kindness.

Some Muslims have fatalist attitudes to their illnesses and believe if their organs have failed then the Creator has preordained them to do so and organ transplantation interferes with this divine plan (10). There are two arguments against this line of reasoning. First, the Prophet Muhammad has several *hadiths* (or sayings) attributed to him regarding causality and cure for every disease in existence, of which I have selected just one: “Make use of medical treatment, for Allah has not made a disease without appointing a remedy for it” (9). Second, I would argue this fatalist line of reasoning is

flawed; if one accepts the Creator has preordained the failure of an organ, why is it inconceivable that the Creator has also preordained organ transplantation as its cure in keeping with the aforementioned *hadith*?

ARGUMENTS AGAINST ORGAN DONATION

It is fair to say concerns cited by certain individuals or authorities that question some or all aspects of organ donation from an Islamic perspective on the surface can seem equally compelling (11, 12). First, one could argue the principle of “necessity overrules prohibition” may not hold for all models of solid organ transplantation because not all organ transplants are life saving. It could be contended that kidney transplantation may not be an absolute necessity because alternative modalities of renal replacement therapy to sustain life do exist such as dialysis (albeit the outcomes may be inferior). Using this logic, it could be argued the balance between necessity and prohibition tilts more in favor of the latter because the Qur’an places a great emphasis on respect and sanctity for the human body (8). There are concerns regarding what is classed as “mutilation” of the body by surgical incisions in organ donation, whether the human being is alive or dead because such action is not in the medical interest of the donor (10).

One of the other philosophical dilemmas in Islam is the conflict between free will and predetermination (*qadar*). Divine foreordination has entered Islamic theological thought, but this results in several philosophical challenges. If the omniscient and omnipotent God has foreordained the failure of an organ, what right do humans have to replace the function of that organ by transplantation? In the Qur’an, the Prophet Abraham is quoted while arguing with his people regarding the omnipotence of God that, “(Allah) is He who created me, and it is He who guides me, who gives me food and drink, and when I am ill, He cures me” (8). Muslims have a perception that they are not owners of their own body or bodily organs and have no right to give their organs away (10). Another theological dilemma is that Muslims believe that on the Day of Judgment their bodily parts and organs will testify before God the catalog of good and bad deeds attained through the

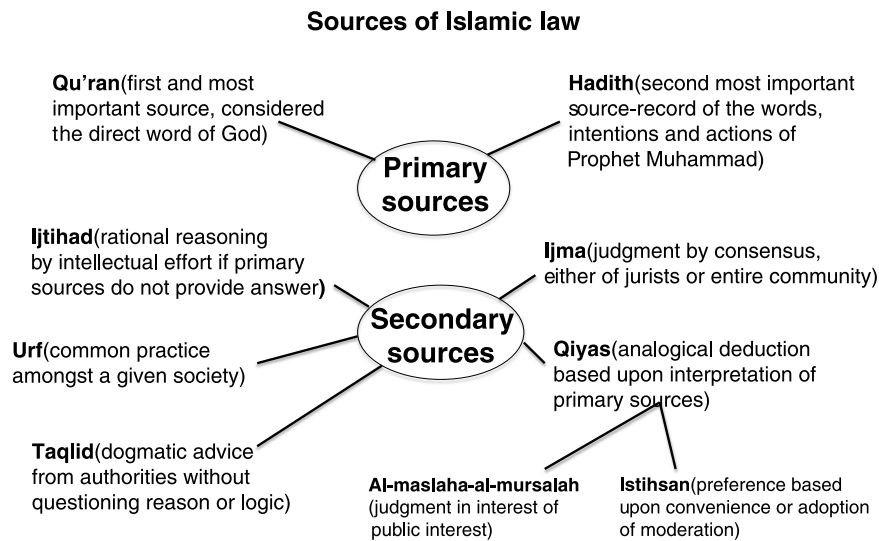


FIGURE 2. Illustration of the sources of Islamic law for Muslims. The most important are the primary sources, of which the Qur'an is the undisputed source of unrivaled knowledge. This is followed by the *hadith*, which are a collection of sayings and actions of Prophet Muhammad. Some debate can arise with regard to the authenticity of select *hadiths*. The secondary sources listed are by no means exhaustive and highlight some of the juristic terminology that can be used by scholars.

entirety of life (10). How can such testimony occur if an organ has been donated away in life or after death?

The final major difficulty in achieving universal consensus on the subject of organ donation in Islam is whether our current medical definition of death adequately satisfies the Islamic definition of death. Islamic bioethics has deliberated on the issue of brain death, and although a majority of individuals and authorities accept brain death as irreversible death, doubts remain as to whether brain death is true biologic death from an Islamic perspective. This issue is the major contemporaneous controversy with regard to organ donation within Islam that remains largely unresolved.

VALIDITY OF BRAIN DEATH CRITERION IN ISLAM

Practicalities Versus Principles

Although living-donor transplantation has developed among Muslim nations, this is not reciprocated with deceased-donor models, with the latter constituting a small minority of overall transplantation rates in the example of the Middle East (13). The practicalities of facilitating deceased-donor transplantation may contribute to this, such as lack of robust national frameworks or transplant coordinators (14). However lack of logistics is not the sole explanation. Even in the United Kingdom, BME living-donor transplantation has been on the increase, but deceased-donor rates have not mirrored this improvement (1). Some Muslims question whether the current scientific definition of death genuinely represents true biologic death from an Islamic perspective (15). However, it must be appreciated such steps to adequately define death only emerged in the last century because of scientific and technological advances that facilitated cardiorespiratory support in the absence of brain function (16–18). Scholars have therefore been left to interpret religious scriptures for such contemporary “modern day” issues (19).

How Do You Define Death?

The Qur'an contains various references to the notion of death, but conceptually, death is classified as more than simply a physical act—death represents the cessation of “being” rather than simply cessation of cardiorespiratory function. The difficulty thus arises to distinguish the duality of body and soul, determining when death begins and life ends (20). If death is the passing of the soul and not just the physical body, how can we truly determine the moment of death from an Islamic perspective? If we physically consider the human being to be a higher entity, superior to the mere sum of the individual parts of the body and their functions, then loss of cerebral regulation renders the body a mere collection of organs that are sustainable only by artificial support. By contrast, from a philosophical perspective, death can be described as the loss of consciousness and cognition. How can we therefore reconcile physical versus philosophic death? This conundrum has challenged Muslim physicians and scholars (21, 22), but its importance to the brain-death debate is clearly relevant. Interestingly, this particular issue also remains controversial in the context of Jewish law and mirrors the debate within Islamic circles, reflecting the significant overlap in theological thought between these two Abrahamic religions (23).

Who Should Define Death—Physicians or Theologians?

The major issue that stems from such debate is who should be deemed the ultimate authority to determine the eventuality of death—physicians or theologians? It is clear from this discussion that opposing views on the subject of brain death criterion can be broadly but not exclusively categorized into physicians versus theologians (supporters of a physical vs. philosophical definition of death, respectively). In Islam, passing of the body may be different from passing of the soul, but we can only rely on physical rather than metaphysical examination to determine the moment of death. From that perspective, as philosophically challenging as the issue may be,

Evidence for *ijtihad* (decision making by personal intellectual effort)

The Prophet sent Mu'adh ibn Jabal to Yemen as a governor and asked him:

"How will you judge if you are asked to do so?"

Mu'adh: "I will judge according to the Book of Allah."

The Prophet: "And if you do not find it in the Book of Allah?"

Mu'adh: "Then I will judge according to the example of His Messenger."

The Prophet: "And if you do not find it in the example of the Messenger, or in the Book of Allah?"

Mu'adh: "Then I will exercise my opinion and I will not be negligent with it."

The Prophet then patted the chest of Mu'adh with his hands and said: "All praise is due to Allah, Who has guided the emissary of His Messenger towards that which He guided His Messenger."

FIGURE 3. A well-documented *hadith* that provides an example of the importance placed within Islam on personal decision-making by intellectual effort.

I would argue physicians are the true determinants of cessation of (physical) life because the metaphysical is beyond any human assessment. This is in keeping with advice from numerous religious authorities sanctioning organ donation that give gravitas to physician opinion (5–7). Although a minority will continue to offer diametrically opposed advice on the matter, we should give more weight to the consensus of the majority rather than the opinion of the minority. This leads us to our final discussion regarding interpretation of Islamic teachings on decision-making processes for organ donation consent. Who ultimately should be responsible for the decision to donate?

CONTEMPORARY VERSUS TRADITIONAL ISLAMIC THOUGHT

A discussion of the evolution of legal and philosophical schools of Islamic thought is beyond the scope of this article, but the reader is directed to excellent scholarly material for further reading (19, 24). I will limit my discussion to the aspects that can be extrapolated to the issue of organ donation and are pertinent.

Interpreting the Qur'an

The material contained within the Qur'an has challenged theologians for many centuries on numerous intellectual levels. One of the debates has been regarding whether the Qur'an is a created entity as opposed to being an intrinsic part of the Creator. Why is this important and how does it translate to the issue of organ donation? Put simply, if one believes the Qur'an is a creation then it can be justified that the issue of organ donation was not reality in the seventh century (when the Qur'an was revealed), and therefore, the Qur'an cannot provide guidance on such a contemporary issue. However, if one believes the Qur'an is not created but part of the Creator then, synonymous with the Creator being eternal, the Qur'an must also be eternal, and thus, the guidance contained within can be translocated to different times and eras. With this logic, it therefore transpires that there is guidance contained within the Qur'an pertaining to organ donation, and it is simply a matter of correct interpretation of the Qur'anic verses. For Muslims, the latter argument concerning the eternal wisdom contained within the Qur'an is considered the norm and partly explains the contemporary Muslim dependence

upon scholarly advice on topics such as organ donation. However, it is important to appreciate that there is no religious hierarchy within Islam and neither is there an "official" jurisprudential authority to issue guidance (see Fig. 2).

Islamic Jurisprudence

Although some Islamic bioethicists or scholars often use Islamic jurisprudential concepts to question whether organ donation is right (24), Islamic jurisprudence can reciprocally be cited to support organ donation. From the (nonexhaustive) secondary sources outlined in Figure 2, the concept of *taqlid* (following dogmatic advice without examining the reasoning or basis for such guidance) is probably the de facto current practice for the majority of today's Muslims (the opposite to *ijtihad*, rational reasoning by intellectual effort). Although this can pose a challenge, there are opportunities to espouse such as the overwhelming consensus (*ijma*) from Muslims is in favor of organ donation. As transplant professionals, we must continue to emphasize this fact to potential Muslim donors—a vocal minority should not deafen the silent majority that approves of organ donation in Islam.

Some critics may challenge the validity of *ijtihad* on the topic of organ donation, suggesting Muslims (and non-Muslims) do not have the intellectual capacity to understand the complexity and divine nature of the Qur'an. They would argue such interpretation should be left to experts in the matter. However, Muslims believe the Qur'an is divine revelation given directly to humans for guidance and wisdom. It therefore seems paradoxical to suggest that humans do not have the capacity to understand what has been gifted to them. This also goes against supportive evidence from *hadith* advocating personal decision making by intellectual effort (see Fig. 3).

Informed Consent—A Personal Decision

Of course, the decision to give organ donation consent is an informed decision based upon provision of both comprehensive and comprehensible information. As transplant professionals, we should not hesitate in openly discussing the aforementioned controversies to aid the individual Muslim consent process and provide relevant sources of information as requested. Although Muslims may simply abide to perceived scholarly advice, we should encourage open discussions on that advice to guide an informed, personalized, decision-making process. We should be confident that Muslims consider such acts of generosity in keeping with their religious belief (especially the key Islamic pillar of charity). In fact, there is evidence that times of heightened religious spirituality encourages organ donation among Muslims, with organ donation consent among Muslims increasing during the holy month of Ramadan (154% increase in registrations for organ donation during Ramadan compared with the month prior) (25). Therefore, encouraging personal decision-making processes among Muslims may still be a challenge but also represents an opportunity for transplant clinicians, policy makers, and parliamentarians, respectively.

CONCLUSIONS

Healthcare professionals and providers should be aware that the majority of scholars, authorities, and institutions have sanctioned organ donation to be entirely compatible with Islam, in both living-donor and deceased-donor models. Although, theologically, there is uncertainty on the legality

of brain-death criterion in the context of deceased-organ donation, it should be acknowledged that, for mainstream Muslims, there seems to be no distinction between living-organ or deceased-organ donation with regard to whether they agree or disagree with donation or transplantation.

There is no specific guidance from religious scriptures regarding organ donation, but I and several others believe organ donation is entirely compatible with Islam and is a noble act of charity. For the transplant professional, the advice is to appreciate the challenges of this debate and to support the organ donation procurement process for Muslims with this knowledge in mind. For healthcare providers, we must continue to engage with the Islamic religious community (key stakeholders and opinion leaders where easily identifiable) to discuss such closed issues in an open and constructive dialog because their opinion can influence organ donation among Muslims. However, greater emphasis should be placed on engaging with Muslims directly on an individual basis to guide informed decision making.

Although other sociocultural confounders are also likely to influence the decision-making process for BME communities, it is clear that religion is an important aspect of the decision-making process for individuals. To that effect, health care professionals and providers should be aware of the problems to help facilitate targeted solutions. Although not the sole contributor to organ donation disparities among BME groups, it is clearly an important contributor to organ donation consent and as such requires targeted strategies. These will include (1) open discussion with key religious authorities in positions of influence to generate a consensus agreement that is exclusive of demographic-specific ethnocentricities; (2) targeted use of media outlets to promote organ donation awareness among age-specific and ethnocentric-specific demographics; (3) direct engagement with individuals, families, and communities to discuss the above issues; and (4) encouraging personal decision-making by intellectual effort. This may be a difficult subject to discuss, but it is an important one to resolve because it has the potential to promote organ donation among an approximate fifth of the world population.

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