107690 - Is Organ Donation Haram?

the question

In Islam, is it allowed to donate your organs to people that need them, when they die?

Summary of answer

Organ donation is not haram so long as the donation will not lead to the death of the donor. For more, see the resolutions of the Islamic Fiqh Council of the Organization of the Islamic Conference on the different forms of organ transplants.

Detailed answer

Praise be to Allah.

Organ donation in Islam

In the answer to question no. 49711 , we stated that the (scholarly) view that it is permissible to donate organs is most likely to be the correct view, so long as the donation will not lead to the death of the donor.

Here we will quote resolutions of the Islamic Fiqh Council of the Organization of the Islamic Conference, which support the fatwa mentioned above. These resolutions were issued after lengthy discussions among a number of fuqaha, doctors and specialists. We will quote them here in full because of the medical and shar'i information they contain.

In statement no. 26 concerning one person benefiting from the body parts of another, living or dead, it says:

"The Islamic Fiqh Council which convened in the fourth conference in Jeddah in the Kingdom of Saudi Arabia from 18-23 Safar 1408 AH/6-11 February 1988 CE, after studying fiqhi and medical

research submitted to the Council concerning the issue of one person benefiting from the body parts of another, living or dead, has determined the following:

In light of the discussions that highlighted the fact that this issue is something that came about as a result of scientific and medical advances, with clear positive results that in many cases are accompanied by psychological and social harm if it is practised without shar'i guidelines and controls that protect human dignity and also seek to achieve the aims of shari'ah which tries to achieve all that is good and in the best interests of individuals and societies and promotes cooperation, compassion and selflessness,

And after highlighting the main points of this topic whereby it may be discussed and categorized, the following was determined:

With regard to definition:

Firstly: What is meant here by 'organ' is any part of a person, be it tissues, cells, blood and so on, such as the cornea, whether it is still attached or has been separated.

Secondly: The use or benefit that is under discussion is a benefit that is dictated by necessity in order to keep the beneficiary alive or to keep some essential or basic function of his body working, such as his sight and so on, provided that the beneficiary is one whose life is protected by shari'ah.

Forms of organ transplant

Thirdly: These kinds of benefits or use are divided into three categories:

(i)Transplant of organ from a living person

(ii)Transplant of organ from a dead person

(iii)Transplant from a foetus

Transplant of organ from a living person

(i) This category includes the following:

1. Transplant of an organ from one place in the body to another place in the same body, such as transplanting skin, cartilage, bones, veins, blood and so on.

2. Transplant of an organ from the body of a living person to the body of another person.

Organs in this case may be divided into those on which life depends and those on which life does not depend. With regard to those on which life depends, they may be singular organs, of which there is only one in the body, or there may be more than one. The former includes organs such as the heart and liver, and the latter includes organs such as the kidneys and lungs.

As for those on which life does not depend, there are some that control basic functions in the body and some that do not. There are some that are renewed automatically, such as blood, and some that are not; there are some that have an effect on offspring and on the genetic makeup and personality of the individual, such as testicles, ovaries and cells of the nervous system, and some that do not have any such effect.

Transplant of an organ from a dead person

(ii) It may be noted that death falls into two categories:

1- Brain death in which all bodily functions cease completely and cannot be brought back medically.

2- Where the heart and breathing cease completely and cannot be brought back medically.

Both of these categories were discussed in the resolution passed by the Council in its third session.

Transplant from a foetus

(iii) Use or benefits in this case fall into three categories:

1- Where the foetus is aborted spontaneously (miscarriage)

2- Where the foetus is aborted deliberately by medical or criminal means

3- Where fertilization is done outside the uterus.

Shar'i rulings on organ transplants

With regard to Shar'i rulings:

1- It is permissible to transplant an organ from one place in a person's body to another place in the same body, but attention must be paid to ensuring that the expected benefits outweigh any possible harm; that is subject to the condition that this is done to replace a lost organ or body part, or to restore its regular shape or function, or to correct a fault or remove a deformity that is causing the person psychological or physical harm.

2- It is permissible to transplant an organ from the body of one person to another if it is an organ that renews itself automatically, such as blood and skin. But attention must be paid to the condition that the donor be fully qualified and fulfil the shar'i conditions.

3- It is permissible to make use of organs that have been taken from the body of another person due to sickness, such as taking the cornea from the eye of a person whose eye has been removed due to sickness.

4- It is haram to transplant an organ on which life depends, such as transplanting the heart from a living person to another person.

5- It is haram to transplant an organ from a living person when its removal may cause an essential function to cease, even though his life does not depend on it, such as taking the corneas of both eyes. But if he will still have partial function after removing it, then the matter is subject to further

discussion as we shall see below in section 8.

6- It is permissible to transplant an organ from a dead person to a living person whose life or basic essential functions depend on that organ, subject to the condition that permission be given by the deceased before his death, or by his heirs after his death, or by the authorities in charge of the Muslims if the identity of the deceased is unknown or he has no heirs.

7- It should be noted that the agreement on the permissibility of organ transplants explained above is subject to the condition that this is not done by selling the organs, because it is not permissible to subject human organs to sale under any circumstances.

As for the beneficiary spending money in order to obtain the required organ where necessary or offering compensation or honouring the donor, this is subject to ijtihad and further discussion.

8- All cases having to do with this topic are subject to further research and discussion, and they should be studied and discussed in a future session in light of medical data and shar'i rulings.

And Allah knows best."

Quoted from *Resolutions of the Islamic Fiqh Council*.