

**“ORGAN TRANSPLANTATION
AND
ORGAN DONATION
IN ISLAM”**

**Presented by
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Organ Transplantation and Organ Donation in Islam

Historical Background and Contemporary Prospective



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ABSTRACT

Various treatments, remedies and therapies have been discovered and successfully treated with modern medicine. Treating organ failure cases including kidney, liver, heart, lungs, bones, skin and other tissues are often necessary to save the life of a patient in critical and crucial situations. The need for this treatment is sharply increasing and multiplying every year worldwide. Different religious and cultural denominations have different opinions on organ donation and transplantation. Nevertheless, it is important that such choices should be made based on accurate and authentic

information. This paper aims to explore and understand the historical background of organ donation and transplantation in the context of modern medical treatment and advancement from an Islamic perspective. It has been reported by Usamah bin Sharik that the desert Arabs came to Nabi (SAW) and asked, "O Prophet of Allah, should we make use of available medicine (dawaa) for the ailments?" Rasulullah (SAW) answered, "Yes, of course O slaves of Allah, make use of all the medicines. Indeed, Allah has not made a disease without making a remedy, treatment or cure for it, with the exception of one disease". Then they asked, "Which disease is that ya Rasulullah (SAW)?" Then Rasulullah (SAW) replied, "Old age" (Sunan al-Tirmidzi Volume 4).

BIOGRAPHY

Imam Abdul Quddoos is an international educational entrepreneur, with more than 40 years of experience, particularly in the Australian

education system. He is a visionary Islamic scholar and well-known and accomplished leader for his activities towards progressive inter-cultural dialogue and exchange. He is fluent in English, Hindi, Arabic, Urdu and Tamil. He is the founder of the Australian International Islamic College (AIIC), which is a registered school with the Queensland and Australian Government. He is a graduate of Al-Azhar University in Egypt and holds an Australian Graduate Diploma in Education from Northern Territory University, Darwin. He also holds an ESL Degree from Massey University in New Zealand, is a Justice of Peace and a registered and authorized Marriage Celebrant. He is the founder of Darul Uloom Islamic Academy of Brisbane. He has been awarded the Australian Centenary Medal by Her Majesty Queen Elizabeth II and John Howard, former Prime Minister of Australia, for his contribution to Multicultural and Multi-faith Advancement in Australia.

Organ Donation and Organ Transplantation

In the Name of Allah, the beneficent the merciful, peace and blessings of Allah upon our beloved Nabi Mohammed (SAW).

Honourable Professor Jan Ali, the convenor of this important conference, learned presenters, Imams and participants.

Asalaamu Alaikum Wa Rahmatullahi Wa Barakatuhu

I thank and congratulate my dear friend, Professor Jan Ali for organizing and facilitating this important conference and inviting me to be part of this historical seminar. My relationship with Dr Jan Ali and his family goes a very long way. It was in 1977 when Professor Jan Ali's elder brother, Master Asgar Ali, who was the principal of Sabeto Muslim School in Fiji, where myself and marhoom Asgar Ali together established the first Darul Uloom Islamic Academy in Fiji Island. From that academy, more than 40 students had graduated and departed Fiji to Egypt, Saudi Arabia, Malaysia and many other countries to further their education. Today, Alhamdulillah, all of them are back with PhDs and Master degrees, taking care of schools, madrassahs and colleges in Fiji.

Historical Background

Organ Transplantation is not a 20th Century novelty, as some people assume, but it was known in one form or another even in pre-historic times. The dream of curing illness and injury by transplanting organs, bones and other tissues is as old as the history of healing. Tooth transplantation was practiced in ancient Egypt and China. Ancient Indian surgeons described the methodology for repairing defects of the nose and ears, using grafts from the neighbouring skin. At the time of Nabi (SAW) one of his companions Qatada Bin No'man (RA) lost his eye during Uhud. The prophet (SAW) replaced his eye and became the better of the two eyes. As it has been mentioned in another Hadith many times in our seminar, that a companion came to the Prophet and said, my nose was damaged, I repaired it with a silver one, but the silver has gone bad. The prophet advised him to replace the silver with gold. Muslim Jurists sanctioned transplantation of the teeth and bones. These transplantations have been practiced by Muslim surgeons for more than a thousand years. Imam Nawavi fully discussed the subjects of bone and teeth transplantation in his book *Al Majmou*. Ibn Sina, the great Muslim physician and surgeon in his famous book *Al Qanoon*, which is known in the west as "The Canon" as a text book for medical students in the European universities for more than five centuries also discussed bone transplantation, even though he did not like the operation.

When we talk about these intellectual giants such Ibn Sina, whose discoveries and advancements in medical science were instrumental for the modern advancement of scientific and surgical inventions and discoveries it is worth to mention that the Australian International Islamic College have compiled a book called “Muslim Contribution to Human Civilization”, in which we have discussed about forty such scientists and great inventors. We have introduced this book to our senior students. I have displayed a few on the table for your perusal.

Views of Various Religions

Judaism

Judaism approaches organ transplantation on a case-by-case basis. There is a distinction between orthodox Jews, who prohibit it, the progressive Jews who permit and encourage it, in order to save lives.

Buddhism

Buddhism provides no clear injunctions for or against. The modern Buddhist scholars though permit and encourage organ donations and transplantation in order to save lives.

Hinduism

Hinduism refers to many quotes and references from Hindu scriptures that support the selfless giving “daan” and donation. On this basis, they also encourage organ donations and transplantation.

Christianity

Christianity says that organ donation and transplantation is a genuine act of love to save the lives of others. Many references have been given in its different testaments and denominations.

Islam

Islam very strongly promotes healing and saving lives in various places in the Holy Qur’an Kareem and the practice and sayings of Prophet Mohammed (SAW). The Prophet Mohammed (SAW) is reported to have said, “There is a cure for every illness, though we may not know it yet”. The search for new treatment methods and applications thereof, if proven successful is strongly recommended. Seeking treatment is not only an individual responsibility, but also a collective one. This Hadith implies, that it is the patients’ responsibility to seek out appropriate treatment, and that it is the state’s responsibility to establish research institutes. Meanwhile, it is the scientists’ responsibility to work cooperatively to pursue new means of treatment.

However, Islam stipulates certain rules, regulations and restrictions when dealing with the human body.

1. The preservation of human life

Organ transplantation is performed as a final option to save a person's life, who is suffering from end-stage organ failure. It is carried out only in a critical and crucial situation, where the life of the patient depends greatly on organ transplantation.

2. Matters are judged by their purpose

The purpose of organ donation and transplantation must be clearly determined, which is to save a life.

3. Elimination of harm

This procedure and process fulfil the purpose of eliminating harm as Allah has declared in many places in the Holy Quran, including the following Ayath, if anyone saves a life, it would be as if he saved all lives of Humanity" (Al Quran 5:32)

4. Hurmatul Insaan, the sanctity of the human body

The body must be accorded the highest level of respect regardless of whether it is a living or dead person. As the famous hadith states, Prophet Muhammed (SAW) stood up in honour of a janazah procession in Madinah. When he was told that it was the coffin of a Jew, he said, "Is he not a human being?"

5. Consent of concerned persons

Consent must be explicitly given by the donor or his/her next of kin without any compulsion at any point. The forthcoming new law in the UK, "Presumed concern" and "deemed concern" need to be studied and researched. The new proposal will be implemented from 2019 in the UK.

6. Commercial Deals

Commercial deals such as, buying and selling of organs or other body parts are strictly prohibited.

7. Physician's Declaration

An appropriately qualified physician must declare that the recipient needs the organ as a life necessity and the operation should have a sound success rate as well as the availability of the required organ.

8. Weighing two harms – Eliminate Harm

Given two situations with the different degrees of harm, priority is given to avoid more harm by pursuing the less harmful option. The more harmful situation is to allow the person in need of transplantation to suffer or pass away. In this situation, organ donation is encouraged. Organ transplantation provides the option to eliminate the harm. In this context, preventing harm takes priority over preserving the body of the deceased.

9. Hardships require facilitation

It is a facilitation made available to humanity as a means to overcome hardship in a stage of organ failure. As Allah states in the Holy Quran, “Allah wants ease for you and not hardship for you” 21. 85

10. Emergency situation

Islamic law permits one, who is in an emergency or urgent situation, to breach the law. Breaching the law is permitted in this situation in order to save a life under the condition that *there are no other legitimate or lawful options available. As the Quran Says, “If anyone is faced by necessity without willful disobedience, nor transgressing due limits, then he is guiltless. Allah is indeed forgiving and merciful”*. Surah 2.173

When one is enduring persistent unbearable pain and hardship, allowance should be given to him/her to eliminate the difficulty. In the context of organ transplantation, when a patient facing death, organ transplant is an option allowed in Islamic Law as an effort to save the person’s life.

11. Declaration of death

The process of organ harvesting must start when the person is confirmed and certified dead. I would like to bring to your kind attention that some of our presenters and professors have elaborated on the different stages of death, including heart failure and brain death.

In Conclusion

Some scholars of Islamic theology still have reservations about the subject. Those who oppose organ transplantation, are very concerned:

- **About the dignity of the human body. As the Al Quran says, “We have dignified and honored the progeny of Adam” (17:70). Therefore, the human body must be honoured regardless of dead or alive. Cutting, mutilation and deformation are utterly prohibited in their opinion.**
- **Ownership of the body – Our body is a trust from Allah. Therefore, the ownership of the body belongs to Allah. We have no right to give away something that, which does not belong to us.**
- **Inflicting harm – In their opinion, it is prohibited to inflict harm on our body, as Al Quran says, “cast not yourselves to perdition with your own hands and do good to others, surely Allah loves the doers of good” (2:195).**

Notwithstanding the above concerns, other scholars say that:

- **Necessity makes the prohibited lawful, so that the necessity of saving lives prevails**
- **When confronted with two harms, the lessor harm prevails, therefore prospective death is clearly a bigger harm than organ donation**
- **Modern operating techniques to implant organs definitely respect and honor the sanctity of the body.**
- **Putting oneself at risk to save others (in case of fire) may also bring harm to himself. However, it is done to save people’s lives and must be done.**
- **Donating and receiving the organs are encouraged, regardless of the faith of the donor and recipient.**
- **A living person can also donate, if not posing a risk to the life and well-being of the donor.**
- **In modern technology of advanced medical science, more information is available about the whole process. More Muslim scholars have started to accept it. More scholars have not only accepted it, but in fact encouraged it as a potential to save human lives.**

Learned professors, Dr Jan Ali, respected presenters and my dear audience, I would like to take this opportunity to thank all of you, particularly Dr Jan Ali, his team and Western Sydney University for organizing this important seminar and inviting me to contribute and to be a part of this informative event.

Thank you very much. Jazakallah Khair.

Asalammu Alaikum Wa Rahmatullahi Wa Barakatuhu

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