

## Organ Transplantation ♦

The problems and issues related to transplantation of human organs were discussed threadbare in the First Fiqh Seminar held on 1-3, April 1989. There was almost a consensus on some issues. For the rest of issues, in order to arrive at a final decision, a sub-committee was formed to prepare a questionnaire in the light of issues that emerged in the Seminar and to send it to *'Ulemā* (theologians) and *Fuqaha* (jurists) for their opinion, which was obtained accordingly. After going through those deliberations and the opinions so received, the following conclusions were unanimously arrived at.

- 3.1 If an organ of a person stops functioning and for the purpose of restarting it's functioning it becomes necessary to replace that organ, it is lawful to use:
  - a) Organic or inorganic objects such as metal, plastic, etc.
  - b) Organs of *Halāl* animals, which have been slaughtered according to Islamic methods.
  - c) For replacement the organs of such animals whose meat is *Harām*, or of such animals whose meat is *Halāl* but which have not been slaughtered in the prescribed Islamic manner, in cases where there is no alternative available and either the life of the person is in danger or the organ is in the danger of being completely damaged.
  - d) If there is no strong danger to life or the organ being damaged, the use of the organs of pigs is not permissible.
- 3.2 It is valid to replace a part of a person's body with another part of the same person if necessity so demands.
- 3.3 It is not permissible to sell one's organs. It is *Harām*.
- 3.4 In case a patient has reached the stage where his organ has stopped functioning and there is strong danger that he will lose his life if that organ is not replaced through transplantation, and there is no substitute for it except the human organ, and medical experts are of the opinion that there is a strong likelihood of his life being saved if transplantation of human organ is made and that the needed organ is also available, in such a

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desperate and unavoidable situation, transplantation of human organ will be permissible for the patient to save his life.

- 3.5 If a healthy person, in the light of the opinion of medical experts, is sure that he/she can live with one kidney only, it will be valid for him/her to donate one kidney to an ailing relative, if it be necessary to save his life while no alternative is available, but without charging any price.
- 3.6 If someone expressed his wish that after his death his organs may be used for transplantation purpose (testamentary disposition as it is commonly known) it cannot be considered as *Wasiyat* (will) according to Shariah and is invalid according to Shariah and such a wish is not to be honored.