

* Islamic Perspective on Organ Transplantation and Brain Death

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- * Illness is a natural phenomenon.
- * Each illness has a cure; known or unknown.
- * Cure is in the hands of Allah; humans are required to take the necessary action.
- * The imperative of treatment relates to the efficacy of treatment.

* Treatment of Illnesses

*Sources:

*Living donors:

*Related.

*Unrelated.

*Cadaver, aborted fetuses.

*Animal.

*Cloning?

*Organ
Transplantation

- * Quran does not forbid tissue donation
- * Quran states “He who saves one life as if he saves all humanity”.
- * It is allowed for an emergency to save life.
- * Different interpretations by some religious leaders,
- * Muslims honor the deceased person by burying the body- the sooner the better usually same or next day.

* Muslims & Organ Donation

- *“We have honored the children of Adam”.*
- *Mutilation (muthla), has clearly been prohibited.
- *Human body parts are not in our ownership.
- *One should not inflict harm upon himself or others.
- *When the evidence of prohibition conflicts with the evidence of permissibility, preference is given to prohibition

*View of Impermissibility

*(al-Isra, V.70).

*The view of permissibility

- *Islamic principles permit the use of unlawful things in cases of extreme need and necessity
- *If one is confronted with two evils, one should choose the lesser of the two .
- *Scholars agree to permit transfusion and donation of blood in cases of need and necessity.
- *human sanctity :
 - *does the modern procedure violate this sanctity?
- *Ownership: humans entrusted with their bodies as with their wealth.

*Shaykh Muhammad Ibrahim Al Alshaikh:

*1- Who is receiving transfusion?

* A person whose life is endangered.

*2- Who is donating?

* A healthy donor not harmed by it.

*3- Who decides the need?

* A trustworthy experienced doctor.

*Decision: Permitted, transfusion, blood banking, non commercial.

* Blood Transfusion Ruling

***KSA Fatwas Concerning Brain Death and Transplants**

- **Riyadh, Supreme Scholar Council 78.**
- **Amman, Jurisprudence council 82.**

- *It is permitted to transplant an organ from one place of a person's body to another, when the benefits of such operation outweigh any harm.
- *To transplant an organ from one person's body to another, if it is an organ that can regenerate itself, such as skin and blood
- *To transplant an organ from a dead person to a living person when his life depends on receiving that organ, or when vital functions would otherwise be impaired.

*It is permitted

- * Fatwas declared in several countries
 - * Pakistan,
 - * Bangladesh,
 - * Malaysia - 1995
 - * Indonesia

* Muslims & Organ
Donation

Important Fatwas in Transplant

<u>Source</u>	<u>year</u>	<u>Decision</u>
Sh. H. Mamoun	1959	Corneal Transplants
Sh. Hureidi	1966	Organ Transplants
Sh. Khater	1973	Harvest of Corpse Skin
Sh. Gad El Haq	1979	Live & Cadaver Transplants
Gd.Ulama;KSA	1978	Corneal Transplants
Gd.Ulama;KSA	1982	Organ Transplants
Min.Endow.Kwt	1980	Organ Transplants
Islam Conf.Mly	1996	Organ Transplants

- * Despite Fatwas Muslims reluctant to donate organs.
- * God created persons whole. They prefer to return to him whole.
- * Amputated limbs, foreskin from circumcision, amnion from delivery are buried by some groups.
- * Not religious requirement but a cultural practice.

* CULTURAL PRACTICES OF MUSLIMS

- * Issue is contemporary.
- * It is impossible for us to find express rulings in the past.
- * Follow the traditional methods of analogy, consensus, and ijtiḥād.
- * Refer back to general principles of Shari' a. (5 Essentials)

* Is Transplant
Permissible

Improve

Necessity

Essential



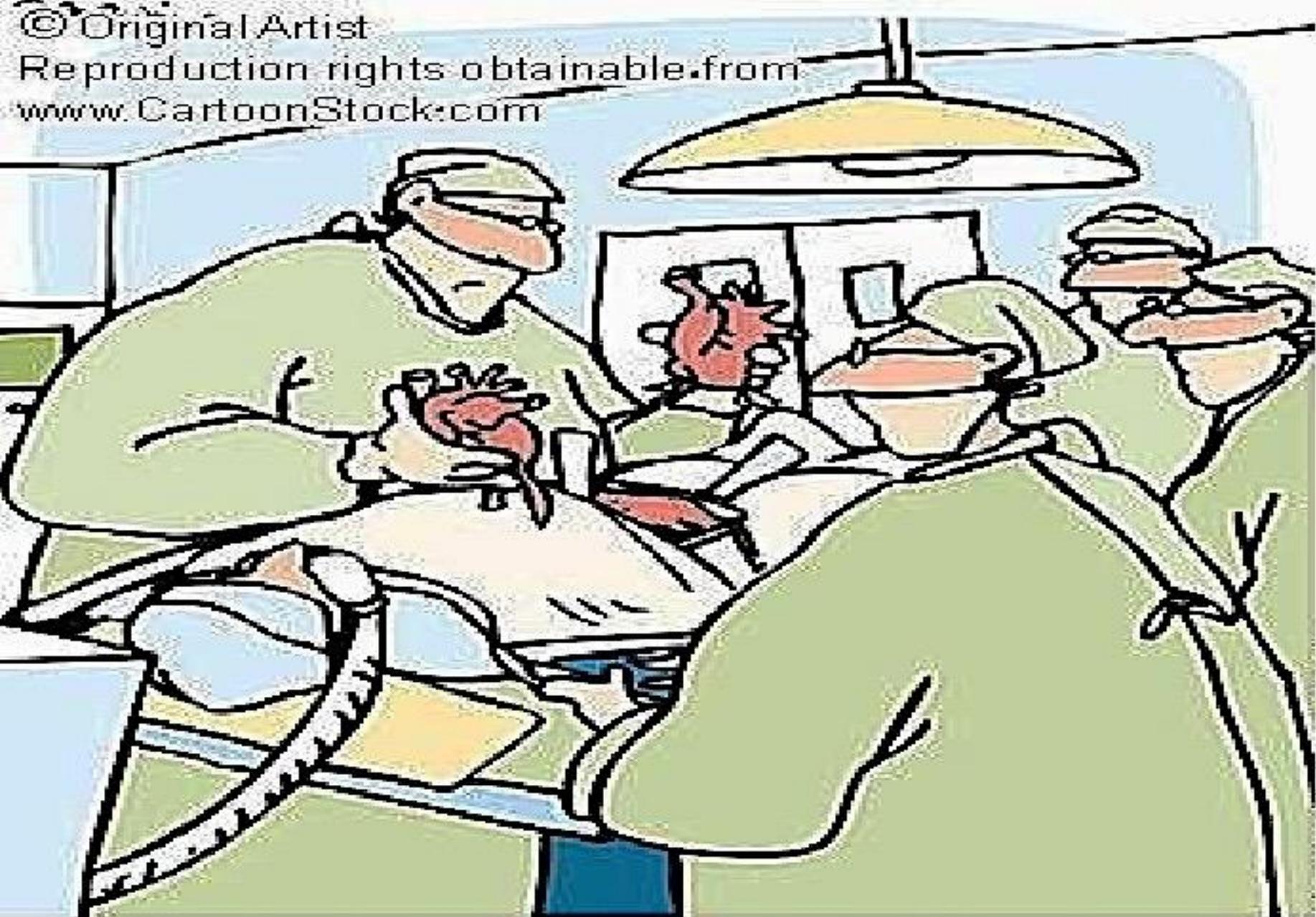
- *It is unlawful to transplant or use an organ on which life depends,(such as a heart from a living person).
- *To take an organ from a living person when doing so could impair an essential and vital function.
- *Buying or selling of organs
- *Transplanting organs of reproduction.

***It Is Unlawful (Haram)**

- *First do no harm.
- *Accepting the lesser of two harms.
- *Act of charity, cooperation and benevolence.
- *Who owns the body and organs?
- *Avoiding organs of reproduction.

***Living Donor**

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“OK, the old one’s in my right hand,
the donor’s in my left. Right?”

- *Reliability of death indicators.
- *Non-heart-beating donor.
- *Deseccration of corpses.
- *Trade in human organs.

***Concerns of
Objecting People**

Concepts of Death

- **Metaphysical concept.**
- **Legal definition.**
- **Clinical criteria.**

*Communication about brain injuries

- *Confusion usually exists in definitions.
- *Different members of the same team may describe the same patient as brain dead, comatose, unconscious, vegetative or locked-in.

BUT

- *These are mutually exclusive terms.

*
**Vegetative State:
Eyes Open Unconsciousness
WAKEFUL UNRESPONSIVENESS**

- * The Vegetative state was first described in 1972
- * a disassociation between being awake and being aware
- * Lack of evidence that the upper brain receives or projects information – a lack of integration between upper brain and midbrain but the brain stem is generally intact.

The condition of Karen Quinlan, Nancy Cruzan, and Teri Schiavo.

***Two Basic Questions**

Does the essence of life reside throughout all organs or is it represented in a single organ of the body?

How can we avoid the inaccurate diagnosis of death with maximum certainty?

*When Does Death Occur?

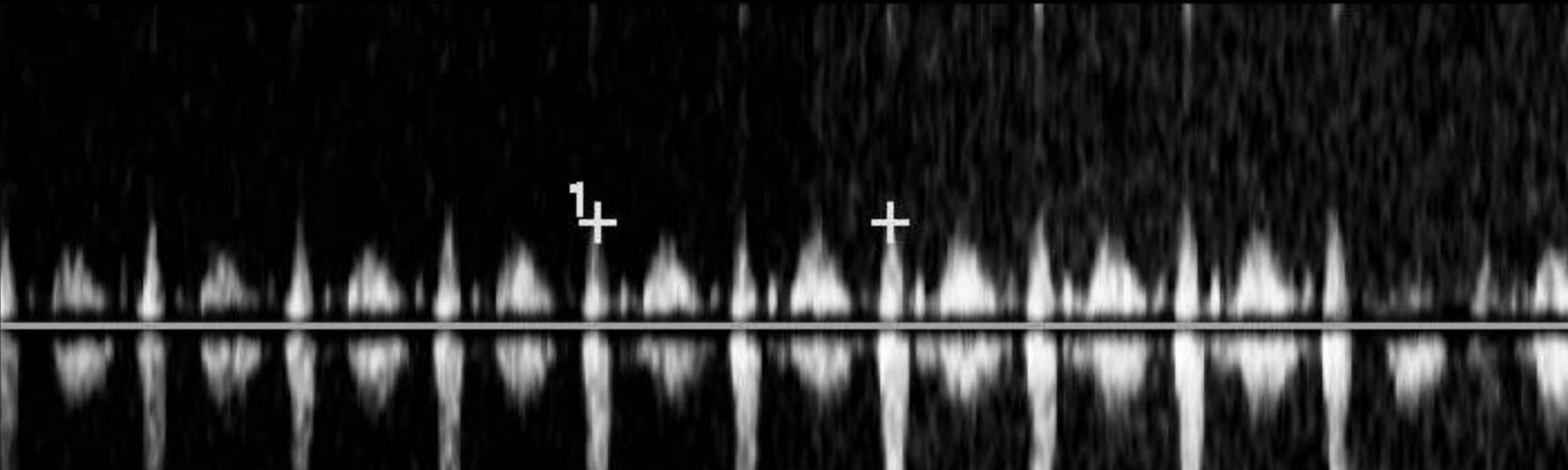
- *Departure of soul:
 - *When does ensoulement occur?
 - *When does the soul depart?

Essential Criterion for Death

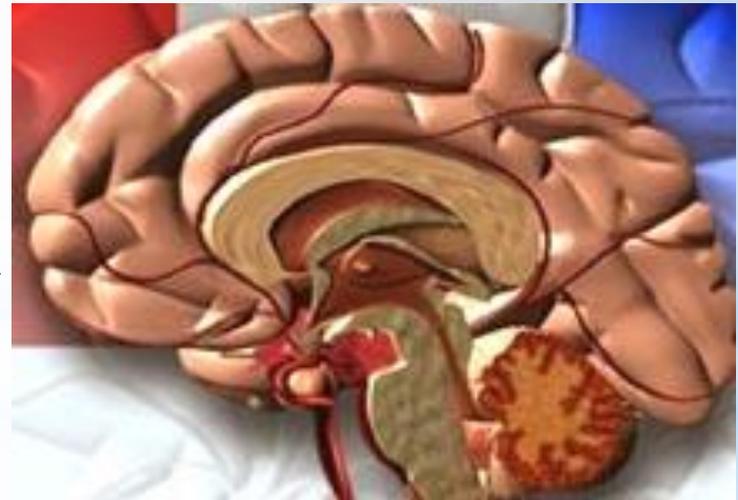
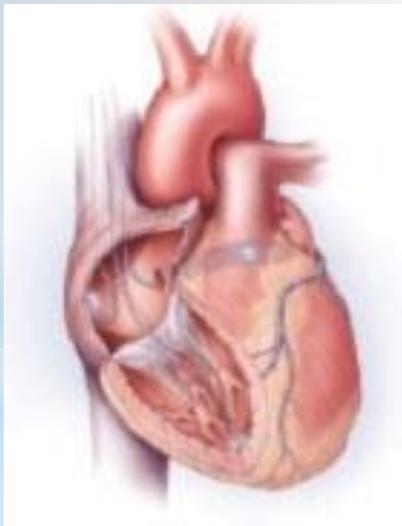
- Departure of soul.
- *Allâh takes away the souls at the time of their death, and those that die not during their sleep.*
- *He keeps those (souls) for which He has ordained death and sends the rest for a term appointed.*
- The Point of no return to life.
 - (AlZumar)^{ALKAWI}

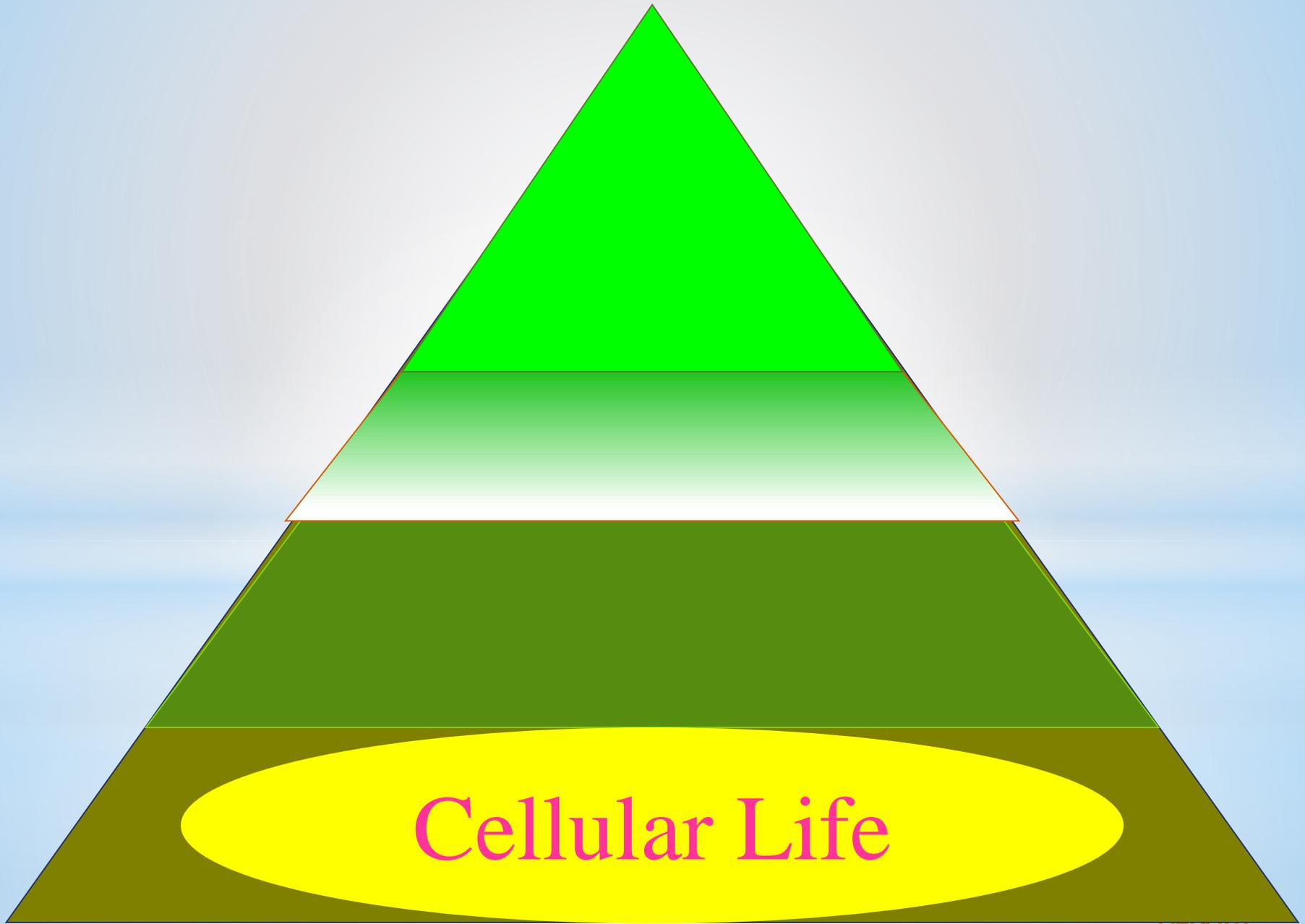
*When does ensoulement occur?

- * According to Hadith, 120 days gestation (quickening)
- * Islamic jurisprudence: full personhood rules apply from 120 days on.



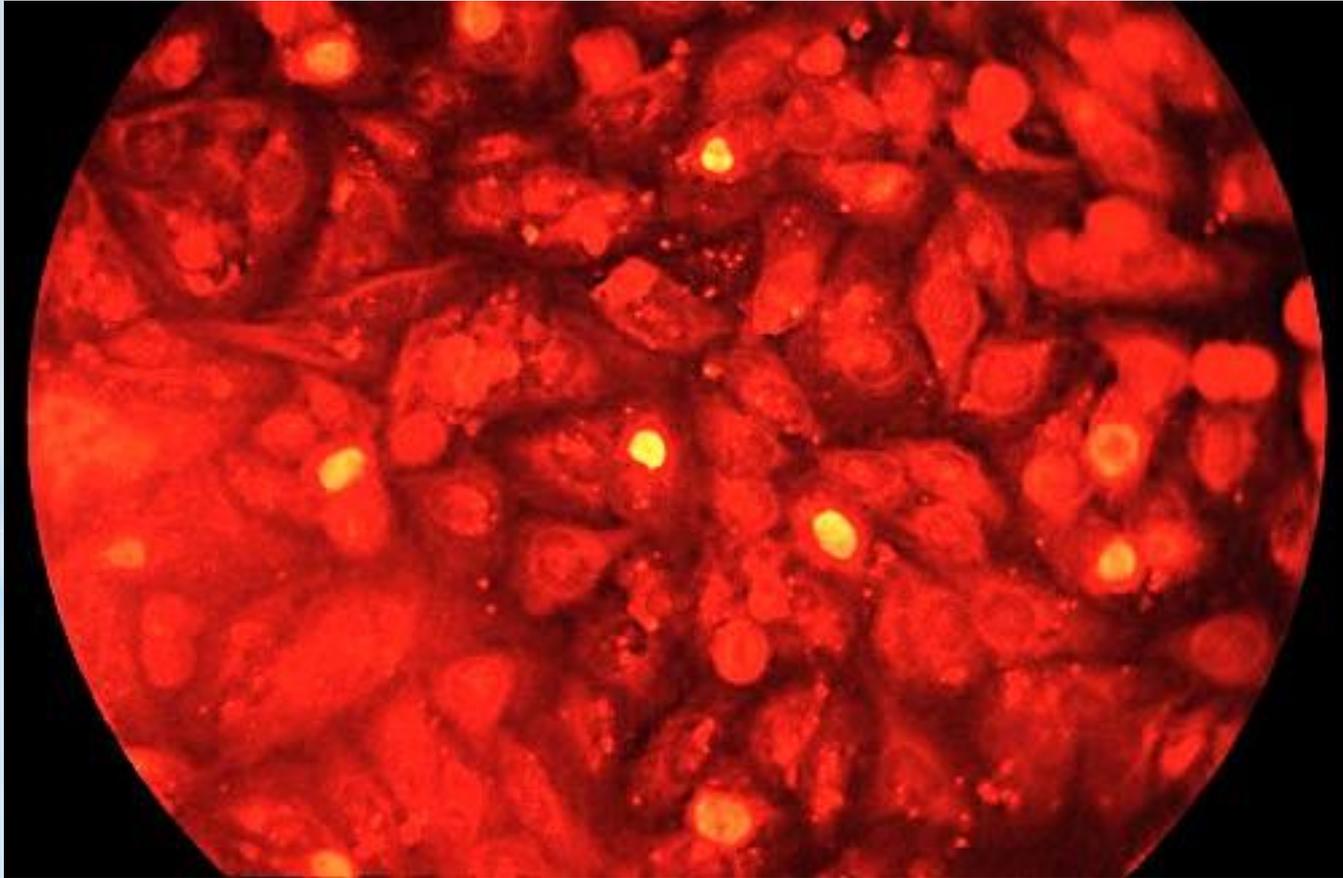
Death Determination Criteria





Cellular Life

HeLa Cells



Cells infected with *Chlamydia trachomatis*
(magnified about 400)

**Full
Personhood**

**WAKEFUL UNCONSCIOUSNESS
PVS**

Organs Life

Cellular Life

- * Sanctity of human body.
- * Dissection for medico-legal purposes or teaching anatomy.
- * Post mortem donation permissible if:
 - * Living will and non objecting heirs.
 - * Consent of next of kin.

* Cadaver Organs

- * Living will acceptable with heirs consent.
- * No expressed objection in life.
- * Unidentified victims may be donated by authorities within limits of necessity.
- * Acceptable from a non-Muslim donor.

* Conditions for Cadaver Donor

- * Necessities are to be assessed.
- * Acceptable even from non-edible animals.
- * Prohibition is for consumption as food.
- * Prohibition of carrying filth does not apply to internal organs.

* Transplant from Animals

* Aborted Fetuses

- * Spontaneous abortion:
 - * After 120 days gestation: cadaver rules.
 - * Before 120 days gestation: less strict.
- * Medical abortions:
 - * Justification.
 - * Timing.
 - * Abuse potential and trafficking.

- * Cloned embryos:
- * Stem cells

*** Cloned Organs**

The Promise of Stem Cell Research

