

Translation:

From Abu Hurairah RA verily the Prophet SAW said, **“When a person dies, his actions come to an end except in three matters: Continuous charity (jariah), knowledge from which benefit can be derived, or a virtuous son who prays for him.”** [Sahih Muslim, Volume 3(n.d.: 1255)]

4. Will organ donors be raised on the Day of Judgement with the organs that were donated?

Every Muslim believes that the Day of Judgement will come. When the Day comes, everything will be destroyed. Nothing will escape unharmed including the human body. Only Allah SWT will remain. After that, human will be resurrected in the Hereafter according to their deeds when they were alive. If a person has many good deeds, he will be resurrected in a condition which is better than when he was alive on Earth. If his evil deeds outweigh his good deeds, he will be resurrected in the worst of conditions. Thus, as faithful Muslims, the issue of whether we will be resurrected with or without the donated organs does not arise, because we believe that everything will be destroyed on the Day of Judgement. We will be resurrected by Allah SWT to be judged for all the deeds that we have done. The Might of Allah SWT to give life is stated in the Quran:

قُلْ يُحْيِيهَا الَّذِي أَنْشَأَهَا أَوَّلَ مَرَّةٍ وَهُوَ بِكُلِّ خَلْقٍ عَلِيمٌ

Translation:

Say, **“He will give them life Who created them for the first time! for He is Well-versed in every kind of creation!** [Surah Yasin (36): 79]

5. Can Muslims receive organs from non-Muslims?

There are no restrictions in Islam to transplant organs from non-Muslims to Muslims. This is because human organs cannot be categorized as Islam or otherwise, because organs are tools used by humans to perform his religious duties and his means for living. When an organ is transplanted from a non-Muslim to a Muslim, that organ will become a part of a Muslim’s body that can be used for the purpose of fulfilling his responsibilities as ordained by Allah SWT.

Furthermore, Dr. Yusuf al-Qaradawi decreed that the organs of non-Muslims are considered to be Muslim. This is because, according to him, a person’s faith – whether a Muslim or a non-Muslim – does not depend on his organs, but his soul. Thus, there are no restrictions for Muslims to benefit from the organs of non-Muslims.

6. Can Muslims donate organs to non-Muslims?

In the Malaysian context, donors cannot indicate who can or cannot receive the organs to be donated. Instead, the organs will be transplanted to those who are most suitable and with the biggest chance of success. At the same time, Malaysian non-Muslims are categorized as kafir dzimmi (non-Muslims who pledge their loyalty to the country), and hence they must be protected, aided and saved when they are in distress or pain. This includes

saving their lives through organ transplantation. Thus, in the context of Malaysia, the issue of whether it is permissible or not to donate organs to non-Muslims does not arise because they (the non-Muslims) should be helped when they are in need.

This matter is explained in the following verse:

لَا يَنْهَاكُمْ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُوا فِي الدِّينِ وَلَمْ يُخْرِجُواكُمْ مِنْ دِيَارِكُمْ أَنْ تَبَرُّوهُمْ وَتُقْسِطُوا إِلَيْهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ

Translation:

“Allah forbids you not, with regard to those who fight you not for (your) Faith nor drive you out of your homes, from dealing kindly and justly with them: for Allah loveth those who are just.” [Surah al-Mumtahanah (60): 8]

The Prophet SAW also reminded us that Muslims should always give to others and help those who are in need. This is mentioned in a Hadith from Abdullah bin ‘Umar RA which is narrated by Imam Bukhari:

عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ وَهُوَ عَلَى الْمَنْبَرِ، وَذَكَرَ الصَّدَقَةَ، وَالتَّعَفُّفَ، وَالْمَسْأَلَةَ: الْيَدُ الْعُلْيَا خَيْرٌ مِنَ الْيَدِ السُّفْلَى، فَالْيَدُ الْعُلْيَا: هِيَ الْمُنْفَقَةُ، وَالسُّفْلَى: هِيَ السَّائِلَةُ

Translation:

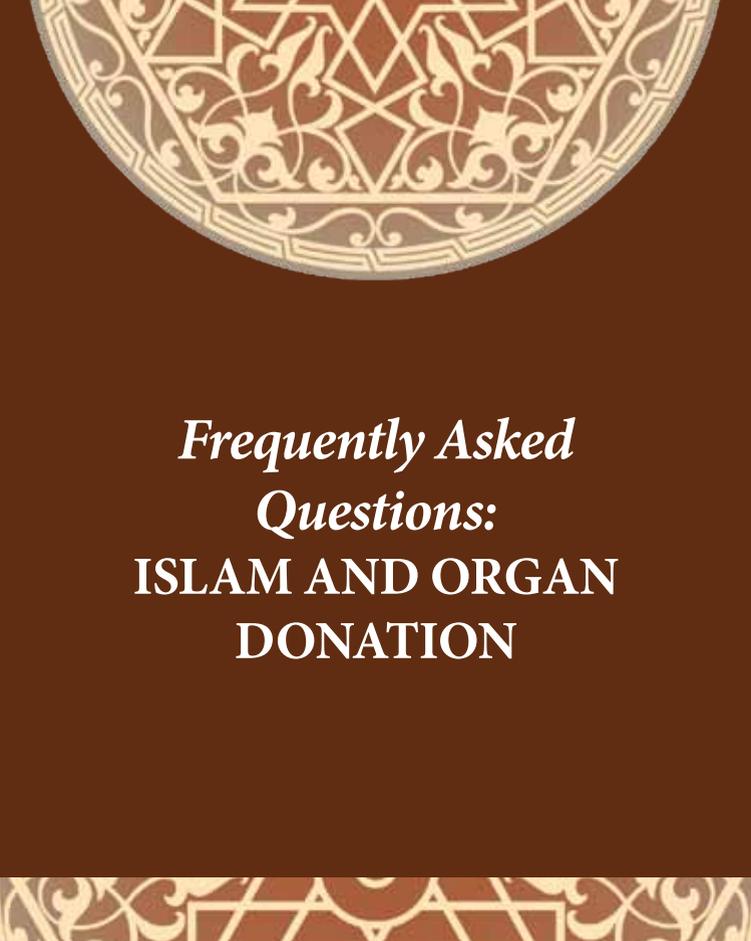
Narrated Ibn ‘Umar: I heard Allah’s Apostle SAW while he was on the pulpit speaking about charity, to abstain from asking others for some financial help and about begging others, saying, “The upper hand is better than the lower hand. The upper hand is that of the giver and the lower (hand) is that of the beggar.” [Sahih al-Bukhari, Volume 2. (1422H:112)]

Organ donation can also inculcate altruism in individuals and society. Altruism will drive people to help each other regardless of religion, race, status and wealth. Islam also encourages its followers to help each other as stated in the following verse from the Quran:

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

Translation:

“Help ye one another in righteousness and piety, but help ye not one another in sin and rancour: fear Allah. for Allah is strict in punishment.” [Surah al-Maidah (5): 2.]



Frequently Asked Questions: ISLAM AND ORGAN DONATION



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Introduction

With the rapid development in modern medicine, various treatments in treating illnesses and diseases have been discovered. One of the treatments is organ transplantation, which has proven to be successful in treating end-stage organ failure. The effort of curing illnesses is in accordance with the following Hadith:

عَنْ أُسَامَةَ بْنِ شَرِيكٍ، قَالَ: قَالَتِ الْأَعْرَابُ: يَا رَسُولَ اللَّهِ، أَلَا تَتَدَاوَى؟ قَالَ: " نَعَمْ، يَا عِبَادَ اللَّهِ تَدَاوَوْا، فَإِنَّ اللَّهَ لَمْ يَضَعْ دَاءً إِلَّا وَضَعَ لَهُ شِفَاءً، أَوْ قَالَ: دَوَاءً إِلَّا دَاءً وَاحِدًا " قَالُوا: يَا رَسُولَ اللَّهِ، وَمَا هُوَ؟ قَالَ: الْهَرَمُ

Translation:

Narrated Usamah ibn Sharik: The desert Arabs then came from here and there. They asked: Apostle of Allah, should we make use of medical treatment? He replied: Make use of medical treatment, for Allah has not made a disease without appointing a remedy for it, with the exception of one disease, namely old age. [Sunan al-Tirmidzi, Volume 4 (1975: 383)]

The National Fatwa Council which sat In 1970 have decided that **organ transplants are permissible in Islam**. This is because organ transplantation and donation fulfil one of the five objectives in *maqasid al-syar'iyah* (objectives of the Islamic law) namely the preservation of human life. Aside from the National Fatwa, five states have their own fatwas regarding organ transplantation and donation.

These states are Perlis (1965), Sarawak (1996), Selangor (2000), Johor (2001), and Penang (2010). States which do not have a specific fatwa on organ donation refer to the National Fatwa.

Frequently Asked Questions

1. Is organ donation similar to torturing the dead?

In a Hadith, the Prophet SAW said:

عَنْ عَائِشَةَ أَنَّهَا سَمِعَتِ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: "إِنَّ كَسْرَ عَظْمِ الْمَيِّتِ مِثْلُ كَسْرِ حَيًّا"

Translation:

From `Aisyah RAH, she heard the Prophet SAW said, "Verily the act of breaking the bones of the deceased is the same as breaking the person's bones while he is alive." [Musnad al-Imam Ahmad ibn Hanbal, Volume 42 (2001:431)]

Basically, the Hadith prohibits any kind of humiliation on the deceased. Islam is very strict in giving due respect to the deceased, whether they are Muslims or non-Muslims. The act of breaking the bones of the deceased is regarded as an act of torturing the deceased as mentioned in the Hadith. This is because such act is malevolent and does not bring any benefit at all.

However, organ donation and transplantation are not done because of any malicious intent or without

any beneficial purposes. These acts are performed as a final resort to save the lives of patients who are in need of organs. Preserving life is one of the elements in maqasid al-syar'iyah or purposes of Islamic law. The prohibition in the Hadith becomes void when there exists a more crucial and critical need (الضَّرُورَاتُ تَبِيحُ الْمَحْظُورَاتُ) that is to save human lives. The intention behind the act of donating organs is virtuous and benevolent. Organ donation will only be done when there is no other alternative to save a patient's life. In this matter, the following verse applies:

فَمَنْ اضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَلَا إِثْمَ عَلَيْهِ إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ

Translation:

But if one is forced by necessity, without wilful disobedience, nor transgressing due limits,- then is he guiltless. For Allah is Oft-forgiving Most Merciful. [Surah al-Baqarah (2): 173]

2. Are organ donors violating the rights and trust given to him in preserving his body's dignity and honour when he donates his organs?

Mankind is the best and the most noble creature created by Allah SWT. This is mentioned in the Quran as follows:

وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ
وَرَزَقْنَاهُمْ مِّنَ الطَّيِّبَاتِ وَفَضَّلْنَاهُمْ
عَلَىٰ كَثِيرٍ مِّمَّنْ خَلَقْنَا تَفْضِيلًا

Translation:

We have honoured the sons of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favours, above a great part of our creation. [Surah al-Isra' (17): 70]

The verse explains that Allah SWT ennobles mankind as His greatest creation, and this includes the human body. As a Muslim, we believe that the body that we have is a gift and a trust from Allah SWT. This means that we need to take care of our body and to duly give our body its rights both during life and death. The rights of the body include maintaining physical health, safeguarding the body from self-inflicted injuries and so on. Its rights upon death are to be bathed, shrouded, prayed upon, and buried.

The act of donating organs while someone is alive or after his death does not mean that the person is violating the trust and rights of his body, because the organ donor does not mutilate his body intentionally. On the contrary, the act of donating organs is made with good intention that is to save other people's lives. In other words, organ donation gives other people the chance to continue living. With regards to this, Dr. Yusuf al-Qaradawi President, Al-Ittihad Al-'Alami li ulama Al-Muslimin (World Association of Muslim Scholars) said that the act of donating parts of a deceased's body does not violate the dignity of the deceased.

Furthermore, if we believe that our body belongs to Allah SWT, we should not feel begrudged to donate

our organs to be used by others. As a matter of fact, the lives that are to be saved also belong to Allah.

3. Will the donor bear the sins of the persons who receive his/her organs?

No, because every mukalaf (a person who has reached the age of maturity and of sound mind) is responsible for his own deeds. Allah SWT said in the Quran:

قُلْ أَغْيَرَ اللَّهُ آبِئِي رَبًّا وَهُوَ رَبُّ كُلِّ شَيْءٍ وَلَا تَكْسِبُ كُلُّ نَفْسٍ إِلَّا عَلَيْهَا وَلَا تَزِرُ وَازِرَةٌ وِزْرَ أُخْرَىٰ ثُمَّ إِلَىٰ رَبِّكُمْ مَرْجِعُكُمْ فَيُنَبِّئُكُم بِمَا كُنتُمْ فِيهِ تَخْتَلِفُونَ

Translation:

Say: "Shall I seek for (my) Cherisher other than Allah, when He is the Cherisher of all things (that exist)? Every soul draws the meed of its acts on none but itself: no bearer of burdens can bear the burden of another. Your goal in the end is towards Allah. He will tell you the truth of the things wherein ye disputed." [Surah al-An'am (6): 164]

On the other hand, Dr. Yusuf al-Qaradawi opines that those who donated their organs will be rewarded because the act of donating organs is one of the three deeds that is continuously rewarded even after the person's death. In a Hadith, the Prophet SAW is reported to have said:

عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: إِذَا مَاتَ الْإِنْسَانُ انْقَطَعَ عَنْهُ عَمَلُهُ إِلَّا مِنْ ثَلَاثَةٍ: إِلَّا مِنْ صَدَقَةٍ جَارِيَةٍ، أَوْ عِلْمٍ يُنْتَفَعُ بِهِ، أَوْ وَلَدٍ صَالِحٍ يَدْعُو لَهُ