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“Organ Donation and Transplantation through the lens of Muslim Scholars”

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Islam has no concept of a central authority akin to a church to formulate uniform policies and rules binding on all Muslims. Historically, Muslim *ulema* (scholars) and *muftis* (jurists) provide *fatawa* (religious opinions) regarding the permissibility or not of specific actions/practices including those connected to medical practices such as organ donation and transplantation. The opinions are based on their interpretation of Qur’anic verses, the Sunna (practices of the Prophet), and juridical principles including *qiyas* (analogy). An *ijma* (consensus) of prominent *muftis* important as it is, nevertheless, does not preclude other Muslim scholars from taking a different position utilizing the same religious sources.

My presentation will consist of two parts. I will begin with a brief overview of *ijma* statements from notable Islamic institutions supporting organ transplantation, and also provide dissenting opinions voiced by *ulema* from the South Asian subcontinent particularly against cadaveric donations. In my experience, the latter are far better known, and quoted, by religious leaders in Pakistan who have significant influence over the population.

The second half of my talk will deal with the Transplantation of Organs and Tissues Ordinance of Pakistan, 2007 which, in order to stem kidney tourism, includes clauses prohibiting unrelated live organ donation to non-Pakistanis. I will focus on the challenge against Ordinance 2007 filed in the Federal Shariat Court (FSC) of Pakistan, the position of *muftis* appearing for and against the petition, and arguments offered by the FSC judges in support of their decision to dismiss the petition.

Attempts to enhance organ donation require moving beyond standard “medical” discourse to a better understanding of the diversity of religious and cultural traditions that are critical to public willingness or resistance towards donating organs.