

## Transplanting kidney of healthy person into sick one

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allaah, the Most Merciful, the Bestower of Mercy

**Question:** My full sister is ill, bedridden in the hospital and needs a kidney. She has asked me to give her one of mine. So, is donating one's kidney to someone permissible in the Sharee'ah?

**Shaykh Aboo `Abd-al-Mu`iz `Alee Ferkous al-Qoobee:** All praise is due to Allaah, the Lord of the Worlds. Peace and blessing be upon whom Allaah sent as a mercy to the Worlds, upon his Family, his Companions and his Brothers till the Day of Resurrection.

The principle is that the organs of the human being are not his property, but the property of Allaah جَلَّ جلاله. So, he needs an authorisation (from the Book or the Sunnah to give them to others). We have no legal text stipulating that such deed is permissible. On the other hand, there are verses which stipulate that we should absolutely preserve our body and that of others. Among them Allaah's جَلَّ جلاله saying:

[وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا]

The meaning of the verse:

**[And do not kill yourselves (nor kill one another). Surely, Allaah is Most Merciful to you]<sup>1</sup>**

This verse indicates that it is prohibited to take the life of someone, and amputating an organ without the need of the body to it is considered a mortification of the organ. Allaah جَلَّ جلاله also said:

[وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ]

The meaning of the verse:

**[...and do not throw yourselves into destruction]<sup>2</sup>**

This verse shows that it is forbidden to throw oneself into perils as it states the obligation to keep the deposit entrusted to his safekeeping. Allaah جَلَّ جلاله said:

<sup>1</sup> [Soorah An-Nisaa' (The Women): 29].

<sup>2</sup> [Soorah Al-Baqarah (The Cow): 195].

## Transplanting kidney of healthy person into sick one

إِنَّا عَرَضْنَا الْأَمَانَةَ عَلَى السَّمَاوَاتِ وَالْأَرْضِ وَالْجِبَالِ فَأَبَيْنَ أَنْ يَحْمِلْنَهَا وَأَشْفَقْنَ مِنْهَا وَحَمَلَهَا الْإِنْسَانُ إِنَّهُ  
كَانَ ظَلُومًا جَهُولًا

The meaning of the verse:

**[Truly, We did offer Al-Amaanah (the trust or moral responsibility or honesty and all the duties which Allaah has ordained) to the heavens and the earth, and the mountains, but they declined to bear it and were afraid of it (i.e. afraid of Allaah's Torment). But man bore it. Verily, he was unjust (to himself) and ignorant (of its results)]<sup>3</sup>**

For this reason, it is not permissible for a person to harm himself or a part of his body, save with an established right by the Sharee'ah. As if he commits a crime which deserves Al-Qisaas (the law of retaliation), like death sentence or a penalty like cutting off (a part of the body) or punishing by the same wound, in such case, the ruler will punish him by what he deserves. Indeed, Allaah جَلَّ جَلَالُهُ honoured the sons of Adam and this requires the preservation of their bodies as it is ordered by the Sharee'ah.

Moreover, the contemporary scholars diverged on transplanting a steady part of the body into another by way of necessity and adopted many opinions. The correct one - in my view - is the absolute interdiction of transplanting parts of the body unless there are organs stored and preserved at hospitals and are taken with the consent of their owners either they are alive or after their death, on the basis of the fatwas that allow such operation, or the others which give details concerning this matter. In such a case, it is permissible if necessary to transplant them into a patient in order to avoid his death, as it is useless to leave the (stored) organ unused.

The perfect knowledge belongs to Allaah سُبْحَانَهُ وَتَعَالَى. Our last prayer is all praise is due to Allaah, the Lord of the Worlds. Peace and blessing be upon our Prophet, his Family, his Companions and his Brothers till the Day of Resurrection.

Makkah, Ramadhaan 23rd, 1427 H. October 16th, 2006.

<sup>3</sup> [Soorah Al-Ahzaab (The Confederates): 72].