

Islamic bioethics: a general scheme

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Abstract

No doubt life in its all forms enjoys a very high status in Islam. Human life is one of the most sacred creatures of God. Therefore, it must be appreciated, respected and protected. In this regard, the paper refers to different parts. The first part studies the value of life in Islam. It helps to understand why life must be appreciated and respected. The second part sheds some light on the nature of the Islamic bioethics. Discussing the sources and authorities in the Islamic bioethics, in this part we will study the way of life protection which is regulated by the Islamic law and bioethics. Part three reflects on some important issues in bioethics from an Islamic perspective. Concerning the Islamic believes, physical health maintenance and disease treatment are two important aspects of the Islamic teachings. In respect to the beginning of human life; firstly, we will see that reproduction must occur in the context of a legitimate and stable family. Secondly, we will study family planning and abortion. With respect to the end of life, issues such as suicide and euthanasia will be studied. Finally organ transplantation will be discussed.

Keywords

Life, Abortion, Euthanasia, Brain death, Organ transplantation

Introduction

In Islam, life is sacred and one of the greatest gifts and blessings of God. Every moment of life has great value and is irreversible. Therefore, it must be appreciated and protected; even if it has a poor quality. The guiding principle in the Islamic bioethics is: "whoever slays a soul, unless it is for manslaughter or for mischief in the land, it is as though he slew all men; and whoever keeps it alive, it is as though he kept alive all men" (Qu'ran: 5: 32). According to this verse, saving life is an obligation and the unwarranted taking of life is a

major crime. In what follows, we will try to explore more the value of life in Islam and then see how life is safeguarded in the Islamic law and ethics.

Part I: Value of life

Life is a divine quality: Among God's attributes and names in the Islamic scriptures, "the Living" (al-Hayy) is one of the most obvious and outstanding one.

Sanctity of life

All forms of life are precious and are considered as signs of God. However, among all forms of life in the material world, human life is the most outstanding and the most precious.

Human life is so important that God mentions in the Qur'an its development step by step and finally after referring to the creation of spirit -which is considered as "khalqan aakhir" – says: "Blessed be the Best of creators!" (Qur'an: 23:14). If the creator of man is the best of creators, man himself must be the best of creatures – at least potentially.

Life must be appreciated and respected. Killing an innocent person not only is considered as a criminal act (i.e. murder), but also represents an underestimation or an insult to human life as a whole. The fact is interestingly expressed in the following verse:

For this reason We prescribed to the Children of Israel that whoever slays a soul, unless it be for manslaughter or for mischief in the land, it is as though he slew all men; and whoever keeps it alive, it is as though he kept alive all men; and certainly Our messengers came to them with clear proofs, but even after that many of them certainly act extravagantly in the land. (Qur'an: 5:32)

One may conclude from the above verse that:

- a. Causing death to one person unjustifiably is like causing death to all people. In the other words, lack of respect for an individual life demonstrates lack of respect for life as such and, therefore, for all individual lives (1, 2). This is in agreement with the fact that whoever commits a murder is likely to murder more people and endanger all people (2).
- b. Giving life to one person or more precisely, saving one person out of one's respect for life is like saving all people (from killing dangers).
- c. Causing death to a murderer or someone who does mischief on the earth is permitted since it demonstrates respect for the lost life and prevents further dangers and damage to life as a whole. This is why the Qur'an considers legislation of the retaliation as a source of life, though prefers pardon when there is no fear of threat to the public security (Qur'an: 2:178, 179).

Animal life: We also found in the Islamic hadiths that even killing or destroying animals unjustifiably is very severely condemned. For example, Imam Sadiq, the sixth Imam of the Shi'a Muslims, has informed about the divine punishment of a woman who had fastened a cat with a rope so the cat could not move and died out of thirst (3). A typical view among the Shi'a jurists can be found in the following passage by 'Allamah Mohammad Taqi Ja'fari:

Consideration of the whole sources of the Islamic jurisprudence (*fiqh*) leads to the conclusion that animals must not be killed unless there is a legal permission (by God) like benefiting from them or being safe from their harm. There are adequate reasons for prohibiting hunting animals for fun and one can argue from these reasons for

prohibition of killing animals without having a permitting cause (4).

Elsewhere he writes: "Hunting animals for leisure and without need is prohibited. Therefore, "if someone makes a trip for such hunting his trip will be a sinful trip" (5).

The above idea is part of a broader Islamic perspective on animal life. According to the Islamic law, there are many rights for animals that must be observed. Consideration of those rights show that not only their lives must be protected, but also the quality of their lives must be observed. For example, animals must not be bothered by forcing them to carry heavy goods or to move faster than they tolerate. Neither animals can be cursed or sworn at. It is reported that Imam Ali said: "Whoever curses an animal he himself will be cursed by God" (5).

Who is the giver of life and death? This is one of the basic questions in bioethics which can entirely influence one's approach towards life and its treatment. If one believes that life is created by chance or by man himself, then it will lose its sanctity. Therefore, it can also be destroyed by chance or by man. But if life is a gift of God for which we are held accountable, then it is not up to us to take it away.

God is the only source of life. This is an idea on which special emphasis has been put in the Qur'an. For example, we read:

Verily, it is God Who causes the seed-grain and the fruit stone (like date-stone) to split and sprout. He brings forth the living from the dead, and it is He Who brings forth the dead from the living. Such is God, then how are you deluded away from the truth? (Qur'an: 6:95)

Thus, life is a gift of God, for which we are held responsible. Not only just God gives life, but also just God brings life to an end. For example, we read in the Qur'an:

...You bring the living out of the dead, and you bring the dead out of the living. And You give sustenance to whom You will, without limit (Qur'an: 3:27, 3:156, 9:117, 10:31, 22:6, 30:4, 50:43, 53:44, 57:2, 67:29).

According to the Qur'an, refuting Nimrod's claim of deity, the Prophet Abraham said (to him): "My lord is He Who gives life and causes death." (Qur'an: 2:258) (6). Of course, it is possible to suppose that man and natural environment can have role in the process of giving life and causing death. The reason is this: *in this world God usually acts through natural rules and cause-effect system.*¹ It

¹ Of course, there have been miracles and extraordinary acts performed by the Prophets or holy people. These may seem to contradict the general rule mentioned above: "In this world God usually acts through natural rules and cause and effect system". However, it must be noted that firstly miraculous and extraordinary acts do

is also possible to suppose that natural factors and circumstances may sometimes have role in something being created or brought into existence. However, it is only God Who truly and genuinely brings into existence or gives life (Qur'an: 2:260, 3:49). We humans have no control or even complete knowledge of our existence or life. So how it is possible to suppose that we can grant existence or life to something else?

Dignity of man

Human beings have great status in Islam. They are honoured by God (Qur'an 17:70) and can act as God's vicegerents on earth (Qur'an: 2:30). They are endowed with reason and freewill and therefore are responsible for what they do. Therefore, humans bear the divine trust and can fulfill the goal of creation:

We offered the trust to the heavens and the earth and the mountains, but they refused to carry it and were afraid of it; and man carried it. Surely he is very unjust, very ignorant. (Qur'an: 33:72)

This verse suggests that the main problems which man is faced when exercising his freewill are injustice and ignorance (Qur'an: 95:61). Of course, God has provided human beings with the basic knowledge required to distinguish between what is (morally) good or bad (Qur'an: 91:8, 76:3)

Man & the world: Human beings can benefit from the world and indeed every blessing of God including their own bodies and souls in a responsible way (Qur'an: 45:13, 102:8). Therefore, everything in the world which is at our disposal is both a gift and a trust. If it were just a trust we would not have permission to use them. Since they are gifts of God, we can use them. However, we cannot waste them or use them extravagantly as it is the case with any trust. God "does not love the extravagant" (Qur'an: 6:141). In addition to this, the Qur'an (11:61) tells us that we are supposed to make efforts to improve the conditions of the globe as much as possible.

Dignity of body and soul: In Islam there is a close link between body and mind, or, more generally, between the material and the spiritual. In the same way that we need to look after our physical health we need to look after our spiritual health. Dignity of man extends to his body and therefore there is no way to harm or treat with disrespect human body, including one's own.

This dignity also extends to the period after death (7). There are many rulings pertaining human corpse which all indicate the continuity of the

respect to human body even after separation of spirit. For example, human corpse must be properly washed, dressed, prayed on and buried. The dead body must be buried in a respected place and the direction of Mecca must be observed. It is not allowed to dig the graves or unveil the buried body (8). Autopsy is allowed, if necessary (say, when there is the suspicion of murder) (9).

According to many hadiths, performance of any act that causes death to a living person like cutting off one's head is forbidden, even in a dead person. For example, Husayn b. Khalid says that Abu 'Abdillah (the sixth Imam, Imam Sadiq) was asked about a man who has cut off head of a corpse. The Imam replied: "Verily, God has prohibited in respect of someone who has died the same thing that was prohibited when he was alive. So whoever does to a dead person what causes death to a living person must pay the *diyah* (blood money). I asked Abu al-Hasan (the seventh Imam, Imam Kazim) about this. The Imam replied: "Abu 'Abdillah told the truth. The Prophet spoke thus." I said: "So whoever cuts off the head of a corpse, or cuts his stomach, or does anything else that causes death to the living must pay the *diyah* of a complete person?" The Imam replied: "He must pay the *diyah* of an embryo in the womb of his mother before the spirit was created into it and that is 100 *dinar* (golden coin). The *diyah* of embryo belongs to his heirs, but the *diyah* of this dead person belongs to him and not to the heirs." I asked: "What is the difference between them?" Imam replied: "Verily the embryo is something in prospect, whose benefit is hoped for (sought after), while the dead is something which has expired whose benefit has gone. Therefore, when his organs are severed (*muthlah*) after his death the *diyah* belongs to him himself and not others. With this money, *hajj* (pilgrimage to Mecca) will be performed on his behalf and other good deeds, such as giving alms, will be done." (10)

Thus, causing harm to a corpse is forbidden. Indeed, according to some hadiths, it is considered to be worse since the dead have no power to defend (7).

Part II: Islamic bioethics

The Islamic guidance on practical issues related to life in general and human life in particular can be sought in Islamic bioethics. As we will see later, because of interconnectedness of the Islamic law and the Islamic ethics, the Islamic bioethics has to consider requirements of the Islamic law (*Shari'ah*) in addition to moral considerations. As a result, everything has to be double checked, that is, first against legal standards and second against moral standards. It seems that many of those who have written on the Islamic bioethics have not made a distinction between these two. Although it is certainly true that there is an absolute harmony and compatibility between the

not represent the usual procedure, and secondly even in the case of such acts there is no exception to the cause-effect system. The only difference is that instead of natural causes supernatural causes are used. Just as there are natural causes, say, for treatment of an ill person, there may be supernatural causes, such as prayer and giving charity.

Islamic law and morality, their aims and objectives are different and, therefore, they may differ in their prescriptions. For example, one difference is that while the Islamic law tries to minimize requirements for perfection or happiness in both worlds which are manageable for the average or even lower than the average, the Islamic ethics tries to show the people who have greater ambitions how to become more perfect and closer to God.

Therefore, whatever is taken to be necessary or obligatory in the Islamic law is certainly treated the same in the Islamic ethics. However, there may be cases which are not prohibited in the Islamic law and at the same time they may be condemned in the Islamic ethical system. Or there may be cases which are not compulsory in the Islamic law but are necessary from an ethical point of view. For instance, while idle chatter is not prohibited in the Islamic law, it is considered a waste of precious time and harmful to the spiritual development of the person, and thus ethically condemned. Another example is the night prayers (which should be performed after midnight and before dawn). Night prayers are highly recommended to all Muslims, but they are not mandatory in the Islamic law. However, Muslim ethicists and spiritual masters normally hold the idea that they are necessary for those who aspire to new heights and strive for perfection (11). Therefore, if something like abortion is prohibited in the Islamic law it is certainly prohibited in the Islamic ethical system as well. However, it is quite possible to think that while something like cloning may be permissible from a legal point of view, it may still be morally challenged.

Thus, to discover the basis of the Islamic bioethics we need to reflect on both rulings of the Islamic law and prescriptions of the Islamic ethics and find out the benefits they try to secure and the harms they try to prevent. Moral considerations must not be overshadowed by the sheer legal approach, just as legal requirements cannot be compromised.

Sources of the Islamic bioethics

Like any other enquiry about Islam, the Islamic bioethics is based on the Qur'an, the Sunnah and reason (*al-'aql*). Instead of reason, Sunni Muslims may refer to things like *ijmaa'* (consensus) and *qiyas* (analogy). For the Shi'a, *ijmaa'* and *qiyas* as such are not accepted, since by themselves, they cannot prove anything.

Where does authority lie in the Islamic bioethics?

In Shi'a Islam, determination of valid religious practice is left to Grand Ayatollahs (*marji' of taqlid*) who are the most qualified jurists of each generation. They provide rulings on whether a given action is forbidden, discouraged, neutral, recommended or obligatory. It should be noted that every Ayatollah is required to refer directly to the

main sources i.e. the Qur'an, the Sunnah and reason and discover the Islamic teachings in each case. Although he carefully and respectfully studies his predecessors' works, an Ayatollah must develop his own original understanding and must not follow any other Ayatollah, however great the others might have been. As said above, even consensus among people or scholars by itself is not a proof. This has given some kind of dynamism and vitality to Shi'a thought (12).

What is the basis of the Islamic bioethics?

If secular western bioethics is mostly based on individual rights, what is the basis of the Islamic bioethics? It has been suggested that "the Islamic bioethics is based on duties and obligations (e.g., to preserve life, to seek treatment), although rights (of God, the community and the individual) do feature in bioethics, as does a call to virtue (*Ihsan*)" (13). I think it is true that the Islamic bioethics is expressed primarily as duties and obligations. However, it should be noted that in the Islamic bioethics we have to meet legal requirements and, therefore, we try to infer our duties and obligations from the original sources. In the other words, the emphasis is normally put on duties and obligations. However, there seems to be no doubt that the Islamic legislation is altogether to secure our interests. God, the Almighty, does not gain anything if we obey Him. Neither does He lose anything if we disobey Him. It is only out of His wisdom and mercy that He has provided us with a legal system, including commands and prohibitions so that we know what benefits us or harms us in this world and thereafter. Thus, every obligation from God is indeed guidance towards some interests that one has the right to have.

Part III: Jurisprudential and ethical reflections on some issues in bioethics

I. Treatment of the sick

Islam emphasises the importance of maintaining one's health and preventing illness, but when prevention fails, all efforts must be made to restore the health. One way of saving lives of people is to treat them when they become sick. It is a mutual responsibility of the patient and physician (or society in general). In the other words, seeking the treatment is a duty for the patient himself and everybody in the society is obliged to help the patient in treatment. On the necessity of treatment, the Prophet said:

O servants of Allah, seek treatment, for Allah has not sent down any illness without sending down its treatment (14).

This is a sample of a set of narrations that makes treatment mandatory under the situation of availability of a treatment or considering the adverse effects of holding off a treatment. On the other hand, healing people is considered as a sacred job. The physician must do his best to heal the illness, but at the same time he must know that the

real healer is God. In the Qur'an, the Prophet Abraham is quoted as saying: "And when I am sick, He restores me to health" (Qur'an: 26: 80). Indeed, one of the names of God is "the Healer" (*al-Shafi*).

The physician must also treat the patient with respect and compassion. The Oath of the Muslim Doctor includes undertaking "to protect human life in all stages and under all circumstances, doing [one's] utmost to rescue it from death, malady, pain and anxiety. To be, an instrument of God's mercy all the way, extending medical care to near and far, virtuous and sinner and friend and enemy" (13) is necessary.

II. Reproduction

Due to the high value of human life, Islam attaches a very special attention to it before it starts and this continues after ending life with death. Marriage is the only proper and legitimate way for having a child. In the other words, a male and female may have a child only when they appreciate the value of human life and therefore are committed to take the full responsibility of bringing up a child in the sacred institution of family. Marriage is not just a financial or physical arrangement for having sexual relation or living together; neither it is just a legal contract between a man and woman. Marriage is a sacred covenant between the two and God is the witness of it. Marriage is a gift of God for human beings to supplement each other and to console themselves with each other (Qur'an: 30:21).

Violation of this sacred covenant by adultery or by homosexual relations is unlawful and is unanimously rejected by all Muslim scholars. Also it seems immoral to use modern biotechnology to bypass marriage and reproduce human beings artificially and out of the context of family. Of course, a married couple may use legitimate biomedical techniques for parenting.

III. Family planning

Islam considers child having as a great gift of God and highly recommends people to get married and establish family ties and have child. However, Islam does not compel people to get married or have child after marriage unless there is an overriding (secondary) reason which makes marriage and formation of family or having child necessary. For example, if the only way to protect one's piety and chastity is to get married or if the protection of the people of faith from the attacks of enemies depends on the increase in the number of the members of society it becomes compulsory to get married and have child (15).

Thus, Islam allows family planning to prevent pregnancy, but does not allow its termination.²

² Family planning in itself is not forbidden, but there are methods of family planning which are not allowed. The details are discussed by Muslim jurists.

Now, naturally the question arises as to when pregnancy starts and whether the beginning of pregnancy coincides with the beginning of human life or not.

IV. Abortion

Islam prohibits abortion unless there is an exceptional situation in which Shari'ah permits it as a lesser evil (16). A typical Islamic point of view can be found in the following statements by the Islamic Organization for Medical Sciences:

1. The inception of life occurs with the union of a sperm and an ovum, forming a zygote which carries the full genetic code of the human race in general and of the particular individual, who is different from all others throughout the ages. The zygote begins a process of cleavage that yields a growing and developing embryo, which progresses through the stages of gestation towards birth.

2. From the moment a zygote settles inside a woman's body, it deserves a unanimously recognized degree of respect, and a number of legal stipulations, known to all scholars, apply to it.

3. When it arrives at the spirit-breathing stage...the foetus acquires greater sanctity, as all scholars agree, and additional legal stipulations apply to it. (17)³

Abortion especially after the spirit is blown is a case of infanticide and the Qur'anic condemnation of killing one's children applies to it (Qur'an: 6:151 & 81:2). Islam severely condemned the practice of the pagans who killed their children for poverty or for the shame of a girl's birth. Unfortunately we see that today millions of abortions take place every year. Most of these abortions take place because the "liberated" people of our age would like to enjoy the life of sexual freedom.

When does the prohibition of abortion apply?

The general Islamic view is that, although there is some form of life after conception, full human life begins only after the ensoulment of the foetus. Most Muslim scholars including the Shi'a believe that ensoulment occurs at about 120 days after conception (10)⁴. There is a minority who hold that it occurs at about 40 days after conception. Of course, as soon as the zygote settles inside a woman's body, it deserves a unanimously recognized degree of respect and it cannot be aborted. The Qur'an uses the word "*haml*" to describe pregnancy (Qur'an: 19:22; 31:14; 46:15).

³ It has to be noted that although this organization mainly follows Sunni understanding of the Islamic law, what has been mentioned above is in general acceptable to both Sunni and Shi'a Muslims.

⁴ For example, see (7). My humble view is that the reason for fixing 120 days is to provide a practical guideline for settling the cases in which parents or medical staff need to make a decision. Otherwise, in reality it may be possible that in some cases the ensoulment would take place slightly later.

In Arabic, the term "haml" means to carry, and this starts when the zygote is implanted in the uterus and not before it. The late Ayatollah Khu'i said: "The criterion in applying the [word] 'pregnant' for a woman is correct only after settling down (*istiqrar*) the zygote in her womb because just entering the sperm in her womb does not make her pregnant" (15).

Thus, from the very beginning of the pregnancy its termination is prohibited and the zygote must be protected. The showed respect to the zygote at this early stage does not necessarily mean that it is a real or actual human being.⁵ After starting pregnancy, the zygote is in a state of active potentiality to become a human being with the full genetic code of the human race in general and of the particular individual. As we can see above in the verse 23:13, implantation of the ovum in the uterus constitutes the first stage of the creation of man. According to a hadith, Ishaq b. 'Ammar asked Imam al-Kazim whether it is permissible for a woman who fear pregnancy to drink some liquid to abort what is in her uterus or not. Imam replied: "No." Ishaq said: "That is the zygote (*nutfah*)."
Imam replied: "Verily the first thing to be created is the zygote" (18). However, after creating the spirit, it becomes a real human being. For this reason, the Shi'a jurists like late Ayatollah Khomeini, Ayatollah Khamenei, Ayatollah Lankarani and Ayatollah Sistani declare that it is allowed to abort foetus to save the mother's life before the ensoulment. But after that, it is not allowed to sacrifice foetus for the sake of the mother (19).

In his famous medical work called, "*Canon*", Ibn Sina studied techniques of bringing embryo out of womb.⁶ Although his discussion is medical in nature and not jurisprudential, he makes it very clear that such operations can only take place in clearly defined situations when there is no other option. In order to block the way for any misuse by those who may want to commit abortion, he restricts such operations to three cases (20).

V. Death

Islam places great emphasis on the sanctity of life and at the same time on the reality of death. Indeed, to have a better appreciation of life one needs to remember death and that there is no way to escape from it. So everybody can realize that one

⁵ As we saw earlier in the discussion about animal life, the necessity of respect for life is not limited to human life.

⁶ *The Canon of Medicine* (original title in Arabic *Al-Qaanun fi al-Tibb*) is a book by the great Persian philosopher, scientist and physician, Ibn Sina. The book was based on both his own personal experience and on the medieval Islamic medicine in general, as well as traditional Persian and Arabian medicine. It is considered as one of the most famous books in the history of medicine and remained a medical authority for centuries.

must benefit from his/her life optimally. Thus, Islam considers remembrance of death as a source of vitality and spiritual power. "Everyone is created for a life span and dying is a part of the contract (with God) and the final decision (of term) is up to God. The quality of life is equally or more important than duration of life" (21). In his supplication for noble characters (*Makaarim al-Akhlaaq*) Imam Sajjad, the fourth Imam of the Shi'a, asks God:

Let me live as long as my life is used in serving Thee. When my life becomes a pasture for Satan, be pleased to call me back to Thee before Thy wrath advances towards me or Thy anger be fixed upon me.

Death consists of separation of soul from body. In the same way that we cannot define empirically the time of ensoulment with certainty and accuracy, we are unable to define the exact time of departure of the soul scientifically. Therefore, death is diagnosed by its physical signs. However, when there is a doubt, maximum caution must be taken into account. It should be noted that there is a difference between reaching an irreversible state in which death becomes decisive and actually dying. Second if a person still shows some vital signs like heart beating and even if (this is really an if) we can scientifically confirm that his soul has departed from the body, nothing must be done which people may consider it as hastening one's death or a disrespectful act to human life.

It seems to me that one can distinguish between saving a respected life (which is compulsory in Islam) through medical treatment or financial support or something else and prolonging life artificially.⁷ For example, suppose that someone is dying definitely because of an advanced cancer and lack of cure for him and that the most that can be done for him is using some medicine just to keep him alive for few days. The cost of the medicine is so high which is not affordable for the whole family and they will be greatly troubled. Is it necessary for the patient himself or for his relatives or for the others to take this measure? Or if this can be done by a very painful and major surgery is it necessary for the patient to undergo such an operation while there is no possibility of cure? I think it seems reasonable to suggest that "the physician and the family should realize their limitations and not attempt heroic measures for a terminally ill patient in order to prolong the artificial life (or misery). The heroic measures taken at the beginning of life (i.e. saving a premature baby) may be more justified than at the end of a life span, though each case has to be individualized" (21).

⁷ This is the author's humble view which he takes to be in compliance with the views of Muslim jurists. However, the issue needs further investigation.

VI. Suicide

If we have not created our life and it is just a gift of God for which we are held responsible, it is obvious that we have no absolute power on our lives. Life is a trust of God and we must take care of it to our best. This is the case with all blessings of God, whether they are physical or spiritual. We can benefit from them, but we cannot destroy them or waste them. No one should say I like to burn my property or harm my health or damage my reputation. Our situation in this world is like a guest who is invited to a guesthouse. Whatever there is in the guesthouse was put by the host for the benefit of the guest. However, the guest cannot burn himself inside the house or destroy the guesthouse or the things put there. It seems more interesting when considering our body as a guestroom for the spirit; so we must observe regulations for using this room which set out by God. We must try to please God by preserving life and health, promoting quality of life and alleviating suffering.

VII. Euthanasia

Islam is against euthanasia (mercy killing). Muslim jurists regard euthanasia as an act of murder. Murder can be performed with a gun or with a syringe by a serial killer or by a physician or even by the murdered himself. For example, Ayatollah Khomeini declared that any measure for hastening death of someone is considered as a murder (22). Also Ayatollah Makarim Shirazi declares:

Killing a human being even out of mercy (euthanasia) or with the consent of the patient is not allowed (22).

He adds that the main argument for such prohibition is applying the verses and hadiths which indicate prohibition of murder (*qatl*) to such cases. The philosophy beyond this prohibition may be the fact that permitting such acts leads to many misuses; for any weak and trivial excuses, acts of euthanasia or suicide may take place. Moreover, medical judgements usually are not certain and there have been cases in which people who had no hope for life were mysteriously saved from death.

VIII. Organ transplantation

This is practised in almost all Muslim countries. Three situations can be imagined here:

a. Donor is living and is willing to donate some organs. This is normally allowed, provided that such donation does not pose any danger to the donor's life. For example, a healthy person can donate one kidney to another person and still live reasonably. Indeed, this may become obligatory when it turns to be the only way to save a respectful life and is not going to put himself in an unbearable situation or harm him. One cannot donate any organ on which his life depends like heart or brain (23, 24).

- b. Cadaveric donation: As said above, Islam has high regard for the dead and this determines many religious and moral decisions regarding cadavers. However, many Muslim scholars have permitted cadaveric organ donation, if the person has made this decision before death or his guardian (*wasiyy*) approves that (25, 26).
- c. Donation after brain death: This depends on whether to accept legally brain death as death or not. Therefore, it will be reduced either to a or b. Many Shi'a scholars like Ayatollah Khamenei, Ayatollah Bahjat and Ayatollah Tabrizi, do not allow any transplantation that leads to the termination of life even in this state and even if the donor has put in his will that after death his organs can be given to those in need (27). This is to show maximum care and respect for human life. However, there is a ground for suggesting the possibility of donating organs after brain death in order to save lives of the recipients whose lives cannot be saved otherwise. Of course, this can be carried out only after permission is granted by the guardians or after approving organ donation by the donor before brain death. In the year 2000, the parliament of the Islamic Republic of Iran passed a law which allows organ transplantation after brain death under certain circumstances. The Guardian Council (that is responsible for checking the laws passed in the parliament against the constitution and the Islamic Shari'ah and endorsing them when there is no conflict) once rejected the proposed law, but in the second time made no comments during the legal time. As a result, practically the law is now in effect in the country.

Conclusion:

In this paper, we saw how great emphasis has been attached by Islam to life in all forms. Indeed, life is considered as one of the most important qualities of God as well. Among divine creatures, human life is certainly one of the most sacred ones. We studied human dignity from an Islamic perspective and saw how this has been extended to human body both before and after the ensoulment. Since human life is both a gift and a trust of God, it must be regulated according to divine instructions, that is, to its best and towards a *fully* human one. Therefore, it must be appreciated, respected and protected. The Islamic law and bioethics are responsible for introducing the Islamic teachings in this regard. Maintenance of physical health and treatment of patients are two important aspects of the Islamic teachings. In respect to the beginning of human life, we realised that reproduction must occur in the context of a legitimate and stable family. We also saw that as soon as pregnancy starts, abortion is prohibited in the Islamic law and

bioethics, though there are differences in the level of respect given to foetus before and after ensoulment. With respect to the end of life, we saw that death consists in the departure of the soul from body and as long as we are not sure about that, we must practically assume that the person is still

alive. The standard view among the Shi'a jurists is that nothing can be done to hasten the death of one's self or the patient. Therefore, suicide and euthanasia are condemned since they demonstrate lack of respect for human life.

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