Organ Donation in Iran
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Dissertation Research

- Over 18 months of ethnographic research between 2008 and 2013
- Examining the social, institutional and religious aspects of the development and implementation of the **Iranian program for compensated living-unrelated kidney donation** (‘kidney selling’)

- Researched at: the Kidney Patient Foundation and dialysis wards in Tehran, Shia seminary in Qom

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Mapping Out an Islamic Bioethics Workshop – Aug 2014
Sources of Islamic Law:
- Shi’a: Quran, Sunnah (tradition), Ijma (consensus) and Aql (judicial reason).
- Sunni: Quran, Sunnah Ijma, Qiyas (legal analogy)

Background

- Iran is a Shi’a Muslim majority country (over 90%)
- The constitution of the Islamic Republic mandates that laws and policies do not contradict Islamic rulings.
Organ Transplant Landscape of Iran

- General attitude of Shi’a jurists as well as the public is **positive** towards organ donation.
- Number of organ donors on a steady rise.
- In a study of 706 adults in Tehran, 84.6% were willing to donate after death. (Broumand et al. 2012)
- 64.3% of those who believed their ‘marja’ was against organ donation stated they were willing to donate.

Donor card

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Organ Transplant Landscape of Iran

Brain death donation
- 3-6 thousand cases of brain death a year
- 20-30% of kidney transplants (increasing)
- Coordinated through hospitals (not centralized)
- Very difficult to coordinate (ex. Shiraz vs. Tehran)

Living organ donation (kidney selling)
- Over 65-75% (decreasing)
- Coordinated by the Kidney Patient Foundation in collaboration with public hospitals
- Easier to coordinate and implement.
Paid Living Unrelated Kidney Donation

- Iran has implemented the only sustained, bureaucratically organized program for paid kidney giving in the world.
- Program was initiated by the Kidney Patient Foundation (KPF)
- KPF obtained fatwas to allow the transplantation and sale of kidneys.
- Donor and recipient of same nationality
- Must be matched by KPF
- Donor must be 20-40 yrs old
- Have parental or spousal consent
- Transplant performed at university hospitals
- Donor entitled to one year of health insurance
Fatwas and Transplant Policy in Iran

- First unrelated kidney transplant in 1987.

- Then, fatwa requests sent to Shi’a jurists. Permission granted by majority for **living donation**.

- Unrelated Kidney Donation coordinated by KPF since 1997 (financial incentive provided).

- Many jurists also allowed **brain death donation**, but law did not pass through parliament until 2000, implemented in 2002.
Organ Donation and Fatwas

- **Transplantation: permissible**
  - Ritual purity of the organ
  - Desecration of the body
  - Undue harm to Muslim donor

- **Kidney selling: permissible**
  - Same concerns as for transplantation
  - Since altruistic donation is permissible, so is selling

- **Brain death: permissible**
  - Definition of death
  - Desecration of Muslim donor body (‘Hurmat’)
  - ‘Maslaha’: saving the life of a Muslim patient
  - Preference for procuring from a non-Muslim body*
Trust in Medicine

- General attitude of Iranian Shi’a jurists towards medicine/biotechnology is that of trust.

- Since Islamic Revolution (1978), advancing jurisprudence and science/technology has been seen as pathway to building an independent, Islamic modern state.

- Many medical doctors, loyal to Islam and the Islamic Republic, influential in building medical infrastructure.

- The emergence of a powerful, “native”, locally trained body of medical practitioners.

→ relative positive attitude of jurists and general public towards medical/biotechnological advancements.
Fiqhi Position on Kidney Sales

- For Shi’a jurists in Iran, the issue of kidney sales has been eclipsed by the issue of transplantation.

- Legal concerns:
  1) Can a kidney be removed from the human body?
  2) Can the removed kidney be implanted into another person?
  3) Can the kidney giver be paid?
Nephrectomy

- Is man the **owner** of his body? Does he have such jurisdiction over his body that he may choose to cut a part out of it?

- Is man entrusted (**amanatdar**) with his body by God, or does he have “domination” (**saltanat**), or “ownership” (**malekiat**) of his body? (Each entails authority with varying degrees of freedom/limitation)

- The differences of opinion yield similar results – that man’s authority over his body is limited to actions that:
  1) do not constitute a “violation of the dignity” (**hatk-e-hormat**) of the Muslim body, and
  2) that do not cause the body “harm” (**zarar**). [Medical papers claim a person can live with a single kidney]
Implantation

- Can a severed kidney be permanently implanted into the abdomen of another person?
- Some jurists like Ayatullah Khomeini initially prohibited transplantations (issue of ‘mordar’ and ‘nejasat’ - impurity)

- Doctors argued that the implanted organ became a living part of the recipients body once blood flowed through it.

→ transplantation rendered legally permissible.
Sale

• Hebbeh’ (gifting) versus bei’ (sale)
• At this final layer of analysis the question is not: “Can a kidney be bought and henceforth removed and transplanted into a new body,” rather it’s:

  “now that a kidney has been removed for the legitimate purpose of being transplanted, can the owner of the kidney receive payment for it?”

→ Concern for the intention of the organ giver as seller, is avoided and made irrelevant.

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Pervasive assumption is that kidney donation poses negligible harm.

Saving the life of another Muslim eclipses concern for organ seller.

Organ seller and dead or altruistic donor collapses into a single subject.
A Change in the Fatwa

- A secondary ordinance could over-rule the primary ordinance permitting organ sales.

- **Primary ordinance**: based on the “essence of the matter”

- **Secondary ordinance**: based on secondary considerations, such as hardships that may befall the subject.

- Social concerns often fall outside the purview of primary ordinances.
Public Attitudes Towards Donation

- Kidney selling:
  - Socially stigmatized
    - Sellers did not express concern for religious perspective.
    - Buyers: many assume it is NOT prohibited since it is permitted in Islamic Republic.
    - Doctors sought out fatwas

- Brain death donation:
  - Will I really be dead?
  - Will my body be desecrated – improper for Islamic burial

Fatwas necessary for policy formation, but not formative of public opinion.
CREATING A “CULTURE” OF ORGAN DONATION
Creating a “Culture” of Organ Donation

Public Hospitals have launched an extensive campaign to promote brain death donation.

Objectives:

- Spreading knowledge about brain death donation.
- Building trust in brain death diagnoses.
- Emphasizing the life-saving role of organ donation.
- Highlighting the Islamic virtue of, and heroism in saving a human life.
Creating a “Culture” of Organ Donation

- Wide-scale distribution of organ donor cards
- Easy online registration
- Advertisements on TV, newspapers, magazines, radio, sports fields, billboards, public transportation
- Organ donation themed TV shows, soap operas, documentaries
- Annual celebration of “Jashne nafas” - donor families and recipients meet and organ donation is celebrated as a **heroic** and **virtuous act**.
- Celebrities selected as ambassadors
اهدا ی عضو
اهدا ی زندگی

IRAN-EHDA.COM

واژه است راز
جاودانگی

کلیه / مریم ناجبخش
Message of the Campaign (not entirely based on Islamic theology)

- Brain death is real death → the soul has departed the body.
- Brain death is a test and opportunity from God to show our willingness to sacrifice for another human being. A test of faith.
- Organ donors are heroes, as are their families.
- The life of the donor continues in the renewed life of transplantee.
The death of a celebrity

Asal Badiee (1977-2013)

Father: “now that my daughter has passed, her body parts live on in 7 people, and now I have 7 children.”
Concluding Remarks

- Fatwas are formative in shaping policy (enabler of policy)
- But fatwas not sufficient for motivating action.

- More than letter of the fatwa, we must:
  look at how medical fatwas are rendered legible and actionable to doctors, and to the public through policy, media, textbooks, etc.
Concluding Remarks

- A plurality of jurists with varying opinions exist
- Fatwas are dynamic
- Fatwas change as common sense (‘urfi’) understandings of various social problems change.
- The making of fatwas is a dialogical process
  - Fatwas can be persuaded by the technical opinions of other experts such as scientists, medical doctors, economists, psychologists, etc.
To formulate interventions to alter the attitudes of Muslim populations on organ donation, we must assess to what extent we are responding to concerns that may exceed the content of fatwas.
Thank You