

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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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.

Sources of Islamic Law:

- Shi'a: **Quran**, **Sunnah** (tradition), **Ijma** (consensus) and **Aql** (judicial reason).
- Sunni: **Quran**, **Sunnah**, **Ijma**, **Qiyas** (legal analogy)

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.

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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



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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.

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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*

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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.

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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?

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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]

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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.

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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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Seller and Donor as One



- 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.

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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.

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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.

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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.

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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

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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.

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The death of a celebrity



Asal Badiie (1977-2013)

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



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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.

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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.

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Concluding Remarks



- 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.

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Thank You





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Mapping Out an Islamic Bioethics Workshop – Aug 2014

