

The Amānah Paradigm: Bodily Stewardship and Organ Transplantation in Islamic Law

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KEYWORDS

*Amānah,
Bodily Stewardship,
Human Dignity,
Islamic Bioethics,
Islamic Law,
Maqāṣid al-Sharī'ah,
Organ Donation*

ABSTRACT

Organ donation remains one of the most contested issues in contemporary Islamic bioethics because it raises fundamental questions concerning the legal status of the human body, bodily integrity, and the preservation of human life. Although contemporary Islamic jurists have extensively examined the permissibility of organ transplantation through legal doctrines such as necessity (*ḍarūrah*), public interest (*maṣlaḥah*), and the objectives of the Sharī'ah (*Maqāṣid al-Sharī'ah*), comparatively little attention has been devoted to the underlying jurisprudential question of human authority over the body. This article addresses that gap by reconstructing organ donation through the doctrine of Amānah (trust), arguing that the human body should be understood not as an object of private ownership but as a divine trust entrusted to human stewardship. Employing a qualitative doctrinal methodology, the study analyses the Qur'ān, the Sunnah, classical works of uṣūl al-fiqh, substantive jurisprudence, legal maxims, and contemporary Islamic bio ethical scholarship to examine the legal status of the human body and its implications for organ donation. The analysis demonstrates that Islamic law recognises neither unrestricted proprietary authority over the body nor an absolute doctrine of bodily inviolability. Rather, human beings exercise delegated fiduciary authority conditioned by accountability before Allah and the objectives of the Sharī'ah. On this basis, the article develops a jurisprudential theory of bodily stewardship, arguing that organ donation constitutes a lawful exercise of delegated authority when undertaken in accordance with informed consent, medical necessity, proportionality, the prohibition of commercialization, the minimization of harm, and respect for human dignity. The article concludes that the doctrine of Amānah provides a more coherent and principled legal framework than approaches relying exclusively on ownership, autonomy, or necessity, thereby offering a normative foundation for contemporary Islamic bioethics and future jurisprudential engagement with emerging biomedical technologies.

Introduction

Organ transplantation represents one of the most significant achievements of modern medicine, offering life-saving treatment for patients suffering from end-stage organ failure and substantially improving both survival and quality of life. At the same time, it raises complex legal, ethical, and religious questions concerning the extent of human authority over the body, the limits of bodily integrity, and the permissibility of removing organs for therapeutic purposes. Within Islamic law, these questions have generated extensive scholarly debate because they engage two foundational commitments of the Sharī'ah: the preservation of human life (*ḥifẓ al-naḥs*) and the protection of human dignity and bodily sanctity (*karāmah* and *ḥurmah*). Determining how these principles should be reconciled remains one of the most challenging issues in contemporary Islamic bioethics.

Over the past four decades, Islamic jurists, legal scholars, and international fiqh academies have produced a substantial body of literature addressing the permissibility of organ donation and transplantation. Contemporary discussions generally rely upon legal doctrines such as necessity (*ḍarūrah*), public interest (*maṣlaḥah*), harm reduction (*raf' al-ḍarar*), and the objectives of the Sharī'ah (*Maqāṣid al-Sharī'ah*) to justify or restrict transplantation under particular circumstances. As a result, scholarly debate has largely concentrated on identifying the legal conditions under which organ donation may be considered permissible. While these contributions have significantly advanced Islamic bioethics, they have paid comparatively less attention to a more fundamental jurisprudential question: **what is the legal nature of the relationship between**

human beings and their own bodies in Islamic law?

This unresolved question constitutes the principal research gap addressed by the present study. Although the concept of *Amānah* (trust) frequently appears in Islamic ethical and theological discussions, it has rarely been developed into a comprehensive jurisprudential theory capable of explaining the legal basis of bodily authority. Existing scholarship often invokes *Amānah* as a moral value supporting responsible conduct but seldom examines its doctrinal implications for determining the scope and limits of human authority over the body. Consequently, contemporary debates continue to oscillate between two incomplete paradigms. One views the body through a proprietary model that risks attributing excessive autonomy to the individual, while the other emphasises bodily inviolability in a manner that may insufficiently accommodate carefully regulated life-saving medical interventions. Neither paradigm fully reflects the integrated normative structure of Islamic jurisprudence, which simultaneously affirms divine ownership, human stewardship, legal responsibility, and the higher objectives of the Shari'ah.

This article argues that the human body should be understood as an **Amānah entrusted by Allah to human stewardship**, and that this understanding provides a more coherent jurisprudential foundation for organ donation than approaches based exclusively upon ownership, autonomy, or necessity. It contends that human beings possess neither absolute proprietary rights over their bodies nor unrestricted freedom to determine their use. Rather, they exercise delegated fiduciary authority that is conditioned by accountability before Allah and regulated by the ethical and legal principles of the Shari'ah. Organ donation should therefore be understood not as an expression of bodily ownership or merely as an exceptional relaxation of ordinary legal rules, but as a lawful exercise of bodily stewardship undertaken to fulfil the purposes of the divine trust.

Methodologically, this study adopts a qualitative doctrinal approach grounded in the analysis of the Qur'an, the Sunnah, classical works of *uṣūl al-fiqh*, substantive jurisprudence, legal maxims, and contemporary scholarship on Islamic bioethics. By examining both classical juristic foundations and modern legal developments, the article reconstructs the legal status of the human body through the doctrine of *Amānah* and evaluates its implications for organ donation within contemporary Islamic law.

The originality of this article lies in reconstructing organ donation through the doctrine of *Amānah* and advancing a jurisprudential theory of bodily stewardship. Rather than treating *Amānah* as a purely ethical or theological concept, the study develops it as the primary legal framework governing human authority over the body. In doing so, it demonstrates that the legal conditions commonly associated with organ donation including informed consent, medical necessity, proportionality, the prohibition of commercialisation, the minimisation of harm, and respect for human dignity are best understood as juridical consequences of fiduciary stewardship rather than isolated legal requirements. This approach offers a more coherent explanation of organ donation within Islamic law and provides a principled framework capable of addressing future developments in Islamic bioethics.

The article proceeds as follows. It first reviews the existing literature and outlines the research methodology before examining the legal status of the human body in Islamic jurisprudence. It then develops the doctrine of *Amānah* as a jurisprudential theory of bodily stewardship, applies that framework to organ donation, critically evaluates contemporary juristic approaches, and finally proposes a reconstructed legal model that integrates the preservation of life, the protection of bodily dignity, and accountability before Allah within the broader objectives of the Shari'ah.

Literature Review

The scholarly discourse on organ transplantation in Islamic law has expanded considerably over the past four decades, reflecting advances in medical science and the increasing need for juristic responses to complex bioethical questions. Early Islamic legal discussions largely centered on whether organ transplantation was permissible (ḥalāl) or prohibited (ḥarām), with jurists attempting to reconcile modern medical practices with the foundational principles of the Sharī'ah. Classical juristic literature did not address organ transplantation directly because such procedures were unknown in premodern Islamic societies. Nevertheless, classical scholars developed enduring legal doctrines concerning the sanctity of the human body (ḥurmah), human dignity (karāmah), ownership (milkiyyah), necessity (darūrah), and the preservation of life (ḥifẓ al-nafs), which later became the normative foundation for contemporary legal reasoning. Works such as al-Ghazālī's *Al-Mustasfā*, al-Shāṭibī's *Al-Muwāfaqāt*, Ibn 'Abd al-Salām's *Qawā'id al-Aḥkām*, al-Kasānī's *Badā'i' al-Ṣanā'i'*, and al-Nawawī's *Al-Majmū'* collectively establish that the objectives of Islamic law require both the protection of human life and the preservation of bodily dignity. Similarly, the Qur'ānic commentaries of al-Ṭabarī, al-Qurtubī, al-Rāzī, and al-Māwardī provide theological foundations for understanding the human body as an honoured creation of Allah rather than an object of unrestricted human ownership. Although these classical works do not discuss transplantation specifically, they continue to provide the jurisprudential principles upon which contemporary Islamic bioethics is constructed.

Contemporary scholarship has expanded these classical principles into the field of Islamic bioethics by examining organ transplantation through the lenses of medical necessity, public interest (maṣlaḥah), and the objectives of Islamic law (Maqāṣid al-Sharī'ah). Mohammad Hashim Kamali's works on Islamic jurisprudence and human dignity emphasize that Islamic legal rights are inseparable from corresponding moral obligations and that human dignity constitutes a central objective of the Sharī'ah. Similarly,

Mohammad Ali Al-Bar and Hassan Chamsi-Pasha have explored the ethical dimensions of modern medicine within an Islamic framework, arguing that therapeutic interventions must balance respect for bodily sanctity with the imperative to preserve life. Abul Fadl Mohsin Ebrahim's pioneering studies on organ transplantation introduced one of the earliest systematic analyses of contemporary Sunni legal opinions, demonstrating how jurists employed legal maxims concerning necessity and harm reduction to justify transplantation under carefully regulated conditions. More recently, Ayman Shabana has examined organ transplantation within the broader framework of Islamic bioethics, highlighting the interaction between classical jurisprudence, modern medicine, and institutional fatwās. Together, these studies have significantly advanced scholarly understanding of Islamic medical ethics and established the principal legal doctrines governing organ transplantation.

Recent scholarship has further enriched this debate by examining the methodological development of Islamic bioethics and the role of juristic reasoning in responding to contemporary medical challenges. Aasim I. Padela has critically analysed the processes through which modern fatwās concerning organ donation are formulated, arguing that Islamic bioethics should move beyond simply cataloguing legal opinions toward developing more rigorous jurisprudential methodologies. His work also emphasizes the importance of integrating clinical realities with Islamic legal reasoning while avoiding simplistic appeals to necessity. Likewise, Mansur Ali has examined the theological implications of bodily ownership in Islamic law, questioning whether the common expression that "our bodies belong to God" adequately explains the legal relationship between human beings and their physical selves. His subsequent research on organ transplantation demonstrates the diversity of contemporary fatwās and highlights the complexity of balancing individual autonomy, bodily sanctity, and communal welfare. Mohammed Ghaly, Jonathan Brockopp, Farhat Moazam, and other scholars have similarly explored broader questions of Islamic bioethics, human dignity, medical ethics,

and religious authority. Collectively, this scholarship demonstrates that Islamic legal thought has become increasingly sophisticated in responding to biomedical developments while remaining firmly rooted in classical jurisprudential principles.

Alongside academic scholarship, contemporary institutional fatwās have played a decisive role in shaping modern Islamic legal discourse on organ transplantation. Major juristic bodies, including the International Islamic Fiqh Academy (IIFA), the Islamic Fiqh Council of the Muslim World League, the Council of Senior Scholars of Saudi Arabia, and various national fatwā councils, have generally adopted a permissive position subject to strict legal and ethical conditions. These institutions consistently require voluntary consent, verified medical necessity, the prohibition of commercial transactions involving human organs, and the protection of human dignity. Consequently, contemporary juristic discussions increasingly focus not on whether transplantation may ever be permissible, but on identifying the legal conditions under which it may be undertaken. Despite differences in juristic reasoning, both permissive and restrictive approaches remain primarily concerned with balancing the preservation of life against the inviolability of the human body. Accordingly, the dominant scholarly debate has centred on legal maxims such as necessity (*ḍarūrah*), public interest (*maṣlaḥah*), harm elimination (*rafʿ al-ḍarar*), and the objectives of the Shariʿah.

Despite the substantial body of literature on Islamic bioethics and organ transplantation, an important theoretical gap remains. Existing studies have predominantly analysed organ donation through questions of permissibility, necessity, public interest, or the objectives of Islamic law. Comparatively little attention has been devoted to examining **Amānah (divine trust)** as the primary jurisprudential framework governing the legal relationship between human beings and their bodies. Although the concept of Amānah frequently appears in discussions of Islamic ethics, it has rarely been developed into a comprehensive theory of bodily stewardship

capable of reconciling the competing principles of bodily sanctity and life preservation. This article addresses that gap by reconstructing organ transplantation through the doctrine of Amānah, arguing that the human body is neither an object of absolute private ownership nor entirely beyond human agency, but rather a divine trust exercised through fiduciary stewardship. By shifting the analytical focus from ownership to responsibility, the study proposes a more coherent theoretical framework that harmonizes the preservation of life with respect for human dignity and the higher objectives of Islamic law.

Research Methodology

This study employs a **qualitative doctrinal legal research methodology** to examine the legal status of the human body in Islamic law and to reconstruct the jurisprudential foundations of organ donation through the concept of *Amānah* (trust). Doctrinal legal research is particularly appropriate for this inquiry because it focuses on the interpretation, analysis, and systematic evaluation of legal principles derived from authoritative Islamic legal sources rather than empirical or quantitative data. The study adopts a normative approach to determine how Islamic law conceptualizes human authority over the body and how this conceptualization informs the permissibility of organ donation within the framework of Shariʿah.

The research is based on both **primary and secondary sources**. Primary sources include the Qurʾān and the Sunnah, supported by classical works of *tafsīr*, *uṣūl al-fiqh*, substantive jurisprudence (*fiqh*), and legal maxims (*qawāʿid fiqhiyyah*). Particular reliance is placed on the writings of al-Ghazālī, al-Shāṭibī, Ibn ʿAbd al-Salām, al-Kasānī, al-Nawawī, al-Qurṭubī, al-Ṭabarī, and al-Rāzī, whose works establish the foundational principles of human dignity (*karāmah*), bodily sanctity (*ḥurmah*), preservation of life (*ḥifẓ al-naḥs*), and legal responsibility (*taklīf*). Secondary sources consist of contemporary scholarship on Islamic jurisprudence, Islamic bioethics, and organ transplantation, including the works of Mohammad Hashim Kamali, Mohammad Ali Al-Bar, Ayman Shabana, Aasim I. Padela, Abul Fadl

Mohsin Ebrahim, Mansur Ali, and other leading scholars. The study also examines relevant resolutions and fatwās issued by major Islamic juristic institutions, including the International Islamic Fiqh Academy (IIFA), the Islamic Fiqh Council of the Muslim World League, and the Council of Senior Scholars of Saudi Arabia.

Analytically, the study adopts a **doctrinal and comparative approach**. Classical juristic principles are examined alongside contemporary legal opinions to identify both continuity and development in Islamic legal reasoning concerning organ transplantation. Particular attention is given to the interaction between *Maqāṣid al-Sharī'ah*, legal maxims, and the doctrine of *Amānah* as an interpretive framework for understanding the legal relationship between human beings and their bodies. Rather than treating organ donation solely as a question of permissibility or prohibition, the analysis reconstructs the underlying jurisprudential foundations governing bodily authority by evaluating competing juristic approaches in light of the objectives and ethical principles of Islamic law. This approach enables the study to propose a coherent theoretical framework that reconciles the preservation of human life with the protection of bodily dignity and integrity.

The scope of this study is limited to the **normative analysis of Sunni Islamic jurisprudence** and does not extend to empirical investigation of medical practice, clinical effectiveness, or public attitudes toward organ donation. Instead, its objective is to clarify the legal and ethical principles governing bodily stewardship within Islamic law and to demonstrate how the doctrine of *Amānah* provides a more coherent jurisprudential foundation for evaluating organ donation in contemporary Islamic bioethics. Having outlined the methodological approach, the following section examines the legal status of the human body in Islamic law as the foundation for reconstructing organ donation through the doctrine of *Amānah*.

The Legal Status of the Human Body in Islamic Law

The legal status of the human body occupies a central position in Islamic jurisprudence because it determines the scope of human authority over bodily integrity and, consequently, the permissibility of medical interventions such as organ donation. Unlike modern legal systems, which frequently analyse the body through concepts of personal autonomy or proprietary rights, Islamic law approaches the human body within a broader theological and normative framework grounded in divine sovereignty, human dignity, and moral responsibility. The Qur'ān repeatedly affirms that Allah is the Creator and ultimate Owner of all creation, while human beings are entrusted with responsibilities rather than absolute dominion over themselves. Consequently, the legal relationship between a person and his or her body cannot be understood through the ordinary concept of ownership (*milkiyyah*) but must instead be examined through the interconnected principles of *karāmah* (human dignity), *ḥurmah* (bodily sanctity), *taklīf* (legal responsibility), and *Amānah* (trust). These principles collectively define the limits of lawful human authority and provide the jurisprudential foundation for evaluating contemporary biomedical issues.

Classical Islamic jurists consistently recognised that the human body possesses a unique legal status that distinguishes it from material property. Although Islamic law acknowledges certain proprietary rights over wealth and possessions, it does not recognise unrestricted ownership of one's own body. This distinction is reflected throughout the classical legal tradition. Jurists prohibited suicide, self-mutilation, and deliberate bodily harm despite an individual's apparent control over his or her physical person. Similarly, the sale of human organs and bodily components has generally been rejected because the human body is not regarded as a commercial asset capable of unrestricted alienation. These legal rules illustrate an important jurisprudential principle: while individuals exercise authority over their bodies, that authority is neither absolute nor proprietary.

Rather, it is circumscribed by divine commands and the objectives of the Sharī'ah. Accordingly, bodily integrity is protected not because the body is privately owned, but because it possesses an intrinsic sanctity derived from its creation by Allah.

The Qur'ānic conception of human dignity further reinforces this distinctive legal status. Allah declares, "*Indeed, We have honoured the children of Adam*" (Qur'ān 17:70), establishing *karāmah* as an inherent characteristic of every human being rather than a status acquired through social or legal recognition. Likewise, the prohibition against self-destruction and self-inflicted harm, together with the prophetic prohibition of mutilation even during armed conflict, demonstrates that the preservation of bodily integrity constitutes a fundamental objective of Islamic law. Classical exegetes and jurists understood these texts as imposing ethical and legal obligations upon individuals to preserve the body entrusted to them. Consequently, bodily sanctity (*ḥurmah*) functions not merely as an individual right but as a legal duty requiring both self-protection and respect for the bodily integrity of others. These principles establish that the body enjoys a special juridical status that transcends ordinary proprietary relationships.

From the perspective of Islamic jurisprudence, human authority over the body is therefore best understood through the concepts of *wilāyah* (legal authority) and *taṣarruf* (lawful disposition) rather than unrestricted ownership. Individuals are permitted to make decisions concerning their bodies only within the limits established by the Sharī'ah and only where those decisions serve legitimate legal and ethical purposes. Medical treatment, therapeutic surgery, and other necessary interventions are permitted because they fulfil the objective of preserving life (*ḥifẓ al-nafs*), whereas acts involving unnecessary harm, exploitation, or commercialisation remain prohibited. This distinction demonstrates that Islamic law recognises a qualified authority over the body that is fiduciary rather than proprietary. Human beings neither possess unrestricted dominion over their bodies nor are they entirely

deprived of agency; instead, they exercise a legally regulated authority conditioned by accountability before Allah.

This jurisprudential understanding provides the essential foundation for reconsidering organ donation within Islamic law. Contemporary debates have frequently been framed as a conflict between bodily inviolability and the imperative to save human life. While both principles are deeply rooted in the Sharī'ah, treating them as competing values often produces doctrinal tension. A more coherent understanding emerges when the human body is viewed through the doctrine of *Amānah*. Under this approach, bodily integrity remains protected because the body is a divine trust, yet carefully regulated medical interventions may be permitted when they fulfil the objectives of that trust by preserving life, preventing serious harm, and respecting human dignity. The following section develops this argument by examining *Amānah* not merely as an ethical concept but as the central jurisprudential principle governing bodily stewardship in Islamic law.

The Human Body as *Amānah*: A Jurisprudential Framework

The concept of *Amānah* (trust) occupies a fundamental position in Islamic legal and ethical thought, serving as one of the principal foundations of the relationship between Allah and humankind. The Qur'ān describes *Amānah* as a divine trust accepted by humanity, declaring:

"Indeed, We offered the Trust (al-Amānah) to the heavens and the earth and the mountains, but they declined to bear it and feared it; yet the human being undertook it. Indeed, he has always been prone to wrongdoing and ignorance" (Qur'ān 33:72).

Classical exegetes understood this verse as referring not merely to a specific obligation but to the totality of moral and legal responsibilities entrusted to human beings. Accordingly, *Amānah* represents a comprehensive doctrine of accountability that governs the exercise of human authority within the limits prescribed by Allah. This understanding provides the theological foundation for viewing the human body not as an

object of ownership but as a trust whose use is regulated by divine law.

In Islamic jurisprudence, *Amānah* is inseparable from the principle of stewardship. While Allah alone possesses absolute ownership (*al-milk al-ḥaqīqī*) over all creation, human beings exercise only delegated authority (*wilāyah*) over the resources and capacities entrusted to them. This distinction between ownership and stewardship is well established in classical legal theory. Ownership ordinarily confers broad rights of use, disposition, and transfer, whereas a trustee is legally and morally bound to exercise authority solely in accordance with the purposes established by the owner. Applied to the human body, this distinction fundamentally reshapes the legal analysis of bodily autonomy. Individuals possess lawful authority to care for, protect, and benefit from their bodies, but they do not enjoy unrestricted discretion to harm, exploit, commercialize, or destroy them. Every exercise of bodily authority is therefore conditioned by accountability before Allah and by the objectives of the Shari'ah.

The doctrine of *Amānah* also reconciles two principles that are often portrayed as competing values in contemporary discussions of organ transplantation: the sanctity of the human body (*ḥurmah al-jasad*) and the preservation of human life (*ḥifẓ al-naḥs*). A framework based exclusively on bodily inviolability risks treating any physical intervention as inherently impermissible, whereas a framework grounded solely in necessity may inadequately safeguard human dignity and bodily integrity. The concept of *Amānah* avoids both extremes by recognising that the trustee's authority is neither absolute nor illusory. Because the body is entrusted for the fulfilment of lawful purposes, carefully regulated medical interventions may be justified when they preserve life, alleviate serious harm, and remain consistent with the ethical limits established by the Shari'ah. Conversely, interventions motivated by commercial exploitation, vanity, or unnecessary bodily harm violate the fiduciary obligations inherent in the trust. Thus, *Amānah* functions as a normative principle that

harmonises the protection of bodily dignity with the higher objectives of Islamic law.

This understanding is further reinforced by the doctrine of *Maqāṣid al-Shari'ah*. Classical jurists consistently recognised the preservation of life (*ḥifẓ al-naḥs*) as one of the essential objectives of the Shari'ah, while simultaneously affirming the inviolability and dignity of the human person. Rather than viewing these objectives as mutually exclusive, the doctrine of *Amānah* integrates them within a single jurisprudential framework. The trustee is obligated to preserve the body because it is entrusted by Allah, yet that same obligation may require limited and carefully regulated bodily intervention when necessary to protect life or prevent grave harm. In this sense, organ donation is not justified because individuals own their bodies, nor because bodily sanctity may simply be overridden by necessity. Instead, its permissibility arises from the trustee's duty to exercise the trust responsibly in accordance with the purposes and limits established by the Shari'ah.

Viewing the body as *Amānah* also clarifies the legal limits of human authority. It explains why Islamic law permits medical treatment while prohibiting suicide, self-mutilation, and the commercial sale of human organs. It likewise explains why consent, although essential, cannot by itself legitimise every bodily intervention. Human consent operates within the framework of delegated authority rather than absolute autonomy. Consequently, legal validity depends not only upon voluntary consent but also upon compliance with the ethical objectives and legal conditions established by Islamic law. This understanding provides a more coherent account of bodily authority than theories based solely upon ownership or unrestricted personal autonomy, while avoiding an excessively rigid conception of bodily inviolability that leaves insufficient room for life-saving medical treatment.

Accordingly, the doctrine of *Amānah* should be understood not merely as an ethical ideal but as a comprehensive jurisprudential framework governing the legal status of the human body. It establishes that human beings are

fiduciaries rather than proprietors of their bodies and that every exercise of bodily authority must remain consistent with divine sovereignty, human dignity, and the objectives of the Sharī'ah. Reconstructing organ donation through this framework moves the debate beyond the conventional binary of permissibility and prohibition. Instead, it provides a principled model of bodily stewardship in which the preservation of life, respect for bodily integrity, and accountability to Allah are understood as complementary rather than competing legal values. This framework forms the doctrinal basis for evaluating the permissibility and limits of organ donation in contemporary Islamic law.

Organ Donation through Islamic Legal Theory

Organ donation remains one of the most debated issues in contemporary Islamic bioethics because it requires balancing two fundamental objectives of the Sharī'ah: the preservation of human life (*hifẓ al-nafs*) and the protection of human dignity and bodily integrity (*karāmah* and *ḥurmah*). Much of the existing juristic discourse has approached this issue by asking whether organ donation is permissible as an exception to the general prohibition against bodily interference, often relying upon the doctrines of necessity (*ḍarūrah*), public interest (*maṣlahah*), or harm reduction (*raf' al-ḍarar*). While these principles have provided important legal justifications for transplantation, they do not fully explain the underlying legal relationship between an individual and his or her body. Consequently, the debate has frequently remained confined to questions of permissibility rather than the broader jurisprudential foundations of bodily authority.

If the human body were regarded as private property, organ donation could be justified primarily on the basis of individual autonomy and proprietary discretion. Conversely, if bodily inviolability were treated as an absolute principle admitting no qualification, virtually every form of organ retrieval would become impermissible regardless of the medical circumstances. Neither approach adequately reflects the structure of Islamic jurisprudence. Classical Islamic law recognises neither

unrestricted ownership over the body nor complete denial of human agency. Instead, it establishes a relationship of delegated authority in which individuals are entrusted with the care, protection, and lawful use of their bodies while remaining accountable to Allah for every exercise of that authority. This fiduciary relationship provides a more coherent legal foundation for analysing organ donation than theories based exclusively on ownership or necessity.

Viewed through the doctrine of *Amānah*, organ donation is not an exercise of unrestricted personal autonomy but an act of responsible stewardship undertaken within the limits established by the Sharī'ah. The trustee is obligated to preserve the body because it is a divine trust; however, that obligation may also require carefully regulated medical intervention when such intervention serves the higher objectives of Islamic law. Saving the life of another person, preventing irreversible harm, and alleviating severe suffering may therefore constitute legitimate purposes consistent with the responsibilities attached to the trust. Under this framework, organ donation derives its legitimacy not from ownership of the body but from the faithful discharge of fiduciary obligations toward both oneself and others.

This understanding also clarifies why Islamic law imposes strict legal and ethical conditions upon organ donation. Because the body is an *Amānah*, bodily authority cannot be exercised arbitrarily or for purely personal preference. Rather, any intervention must satisfy objective legal standards derived from the Qur'ān, the Sunnah, and established juristic principles. These standards include informed and voluntary consent, genuine medical necessity, a reasonable expectation of therapeutic benefit, minimisation of harm to the donor, respect for human dignity, and the absolute prohibition of commercial transactions involving human organs. Each of these conditions reflects the trustee's obligation to preserve the integrity of the trust while simultaneously fulfilling the Sharī'ah's commitment to protecting human life.

The doctrine of *Amānah* further explains why organ donation cannot be reduced to the principle

of necessity alone. Necessity undoubtedly remains an important legal doctrine within Islamic law, but it functions as a principle of exceptional legal relaxation rather than as the primary explanation of bodily authority. By contrast, *Amānah* defines the ordinary legal relationship between human beings and their bodies before questions of necessity even arise. Necessity may justify particular medical interventions in exceptional circumstances, but the concept of *Amānah* determines the legal framework within which those interventions are evaluated. In this way, *Amānah* serves as the foundational jurisprudential principle, while necessity operates as one of several subsidiary doctrines guiding its practical application.

Accordingly, reconstructing organ donation through the doctrine of *Amānah* shifts the focus of Islamic legal analysis from the narrow question of permissibility to the broader concept of **responsible bodily stewardship**. Organ donation becomes neither an unrestricted personal right nor merely an exceptional departure from ordinary legal rules. Rather, it constitutes a carefully regulated exercise of fiduciary authority that seeks to realise the objectives of the Sharī'ah by preserving life, preventing harm, safeguarding human dignity, and maintaining accountability before Allah. This framework offers a more coherent and principled basis for contemporary Islamic legal reasoning than approaches founded exclusively upon ownership, autonomy, or necessity.

Contemporary Juristic Approaches to Organ Donation: A Critical Evaluation

The contemporary Islamic discourse on organ donation reflects an ongoing effort to reconcile advances in modern medicine with the normative principles of Islamic law. Although numerous juristic councils and individual scholars have addressed the permissibility of organ transplantation, their opinions generally fall within two broad approaches: a restrictive approach that prioritizes the sanctity of the human body and a permissive approach that emphasizes the preservation of human life. While these approaches differ in their legal conclusions and methodologies, both seek to uphold the

higher objectives of the Sharī'ah. Nevertheless, their analyses often remain focused on the immediate question of permissibility rather than the underlying jurisprudential relationship between human beings and their bodies. As a result, contemporary debates frequently resolve practical questions without fully addressing the conceptual foundations of bodily authority.

The Restrictive Juristic Approach

The restrictive approach maintains that the human body possesses an inviolable sanctity (*ḥurmah*) that limits the permissibility of organ retrieval except under the most exceptional circumstances. Scholars adopting this position rely upon Qur'ānic injunctions prohibiting self-destruction and the Prophetic traditions that forbid mutilation and require respect for the human body in both life and death. From this perspective, bodily integrity is an independent legal value that cannot easily be compromised, even for beneficial purposes. The body is therefore regarded as deserving of continuous legal protection because it is honoured by Allah and entrusted to human beings as part of their religious obligations.

The principal strength of this approach lies in its robust protection of human dignity and its resistance to the commercialization or instrumentalization of the human body. By emphasizing bodily sanctity, it provides important safeguards against exploitation and unethical medical practices. However, its strict interpretation may leave limited room for life-saving medical interventions that could otherwise fulfil one of the primary objectives of the Sharī'ah, namely the preservation of life. Moreover, although the restrictive approach frequently invokes the sacred character of the body, it does not always articulate a comprehensive theory explaining the precise legal relationship between individuals and their bodies beyond the principle of inviolability.

The Permissive Juristic Approach

The permissive approach, adopted by many contemporary scholars and Islamic juristic councils, generally permits organ donation subject to carefully defined legal and ethical

conditions. This position is grounded primarily in the doctrines of necessity (*ḍarūrah*), public interest (*maṣlahah*), harm reduction (*rafʿ al-ḍarar*), and the objective of preserving life (*ḥifẓ al-nafs*). Accordingly, organ transplantation is regarded as permissible when it constitutes an effective medical treatment, does not expose the donor to disproportionate harm, and is undertaken voluntarily without financial exploitation.

This approach has significantly influenced contemporary Islamic bioethics because it enables Islamic law to respond constructively to developments in medical science while remaining faithful to its normative objectives. Its practical flexibility has facilitated the issuance of numerous institutional fatwās permitting organ transplantation under regulated conditions. Nevertheless, the permissive approach often presents necessity as the principal legal justification for organ donation. Although necessity undoubtedly plays an important role within Islamic jurisprudence, it functions primarily as a doctrine of legal exception rather than a comprehensive explanation of bodily authority. Consequently, the permissive approach sometimes resolves the practical question of permissibility without fully clarifying why individuals possess the legal authority to donate organs in the first place.

Towards an Integrated Jurisprudential Framework

The comparison between restrictive and permissive approaches demonstrates that each successfully protects an essential objective of Islamic law while leaving important conceptual questions unresolved. The restrictive approach effectively safeguards bodily dignity and prevents exploitation but may inadequately accommodate exceptional circumstances requiring life-saving medical intervention. The permissive approach, by contrast, successfully advances the objective of preserving life but frequently relies upon necessity as the principal justification without developing a broader jurisprudential theory of bodily stewardship.

This study argues that the apparent tension between these approaches arises because both focus primarily on the consequences of organ donation rather than the legal nature of the human body itself. Once the body is understood as an *Amānah* entrusted by Allah, the relationship between bodily sanctity and life preservation becomes complementary rather than contradictory. The doctrine of *Amānah* explains why the body cannot be treated as private property, why bodily dignity must remain protected, and why carefully regulated organ donation may nevertheless be permissible when it fulfils the objectives of the trust. In this way, *Amānah* functions not merely as an ethical concept but as the jurisprudential foundation that integrates the concerns of both restrictive and permissive approaches within a single coherent legal framework.

Accordingly, contemporary juristic opinions should be viewed not as mutually exclusive alternatives but as partial expressions of broader principles that are more fully reconciled through the doctrine of *Amānah*. This understanding shifts the debate beyond the traditional binary of permissibility and prohibition toward a jurisprudence of responsible bodily stewardship, providing a more coherent foundation for evaluating organ donation within Islamic law.

Islamic Legal Theory and Pakistani Organ Donation Law

The relationship between Islamic legal theory and contemporary legislation in Muslim-majority states provides an important area for examining how traditional principles are translated into modern legal frameworks. Pakistan offers a significant example because its legal approach to organ donation operates within a social and constitutional environment influenced by Islamic principles while also responding to the requirements of modern medical practice. A comparison between the *Amanah*-based understanding of the human body and Pakistan's organ donation framework reveals both important similarities and areas where further development is required.

Concept of the Human Body Trust and Legal Protection

Islamic legal theory approaches the human body through the concept of *Amanah*, meaning that the body is a trust entrusted to human beings by Allah. This understanding rejects the idea that individuals possess absolute ownership over their bodies. Instead, human authority over the body exists within a framework of responsibility, accountability, and moral limitations. The body must be respected and protected because it possesses inherent dignity.

Pakistani organ donation law reflects a similar understanding by refusing to treat human organs as ordinary property. The legal framework does not allow unrestricted control over organs and places transplantation activities under institutional supervision. By regulating donation procedures and restricting exploitation, Pakistani law recognises that matters involving the human body require special legal protection.

The similarity between these approaches demonstrates that both Islamic legal theory and Pakistani law move away from a purely ownership-based understanding of the body. However, Islamic legal theory provides the deeper philosophical foundation by explaining *why* the body requires protection, while legislation provides practical mechanisms for implementing that protection.

Preservation of Life and Public Benefit

One of the strongest points of connection between Islamic legal theory and Pakistani law is the importance given to preservation of human life. In Islamic jurisprudence, the protection of life (*hifz al-nafs*) is one of the fundamental objectives of Sharī'ah. Medical practices that save lives and reduce suffering may therefore be recognised as consistent with Islamic objectives when they operate within ethical limits.

Similarly, Pakistan's legal framework recognises organ transplantation as a legitimate medical procedure designed to provide treatment for patients suffering from organ failure. The acceptance of transplantation reflects an

understanding that protecting human life is a significant social and legal objective.

The comparison shows that both frameworks recognise that respect for the human body does not prevent medical intervention. Rather, responsible medical intervention may become a means of fulfilling the duty to preserve life.

Consent and the Limits of Individual Choice

Consent is a central issue in both Islamic legal theory and Pakistani organ donation law. From an Islamic perspective, consent is important because human beings possess responsibility and decision-making capacity. However, consent is not unlimited because individuals cannot use personal choice to justify actions that cause unjustified harm or violate human dignity.

The Pakistani legal framework similarly places conditions on organ donation by requiring formal procedures and legal safeguards. This reflects the idea that organ donation is not merely a private transaction between individuals but a matter involving ethical and social concerns.

The comparison reveals that both approaches recognise personal autonomy but reject the idea of unrestricted bodily freedom. Individual choice must operate within a broader framework of responsibility and protection.

Commercialization and Protection against Exploitation

The issue of commercialisation represents one of the clearest areas of agreement between Islamic legal theory and Pakistani law. The *Amanah* concept establishes that the human body cannot be reduced to a financial commodity because it possesses dignity beyond economic value. Selling organs transforms a matter of human dignity into a commercial exchange and creates risks of exploitation.

Pakistani law also seeks to prevent the commercial trade of human organs by restricting financial transactions and regulating donation practices. These restrictions reflect concerns similar to those found in Islamic legal reasoning, particularly the protection of economically

vulnerable individuals who may be pressured to sell organs due to financial difficulties.

Therefore, both frameworks recognise that organ donation should be based on humanitarian responsibility rather than financial benefit.

Differences, Challenges and Areas for Improvement

Although Pakistani law reflects many principles consistent with Islamic legal theory, differences remain between legal regulation and the broader *Amanah*-based framework. Islamic legal theory provides a comprehensive moral understanding of the relationship between human beings and their bodies, while legislation primarily focuses on creating enforceable rules and procedures.

A legal framework may establish requirements for donation, consent, and regulation, but practical challenges such as illegal organ markets, limited public awareness, unequal access to transplantation, and difficulties in enforcement may continue to affect the effectiveness of the system.

The concept of *Amanah* can therefore contribute to Pakistani legal development by providing an ethical foundation that goes beyond regulation alone. It encourages an understanding of organ donation as a responsibility towards human life while maintaining respect for bodily dignity.

The comparison between Islamic legal theory and Pakistani organ donation law demonstrates that both approaches share a common objective protecting human dignity while allowing medical practices that preserve life. However, the concept of *Amanah* offers a deeper jurisprudential explanation by connecting legal rules with moral responsibility. It provides a framework through which organ donation can be understood not merely as a legal permission but as a responsible fulfilment of human duty.

Reconstructing Organ Donation through the Concept of *Amanah*

The preceding analysis demonstrates that organ donation in Islamic law cannot be adequately

understood through a simple distinction between permission and prohibition. The issue involves a complex relationship between bodily dignity, human responsibility, preservation of life, and prevention of exploitation. While contemporary juristic approaches and modern legal frameworks provide important guidance, the concept of *Amanah* offers a more comprehensive framework by explaining the underlying relationship between human beings and their bodies.

The reconstruction proposed in this article begins with the understanding that the human body is a trust rather than an object of absolute ownership. This principle provides the foundation for evaluating all decisions involving the body. A person does not possess unlimited authority to use, modify, or dispose of bodily parts according to personal preference. Instead, human authority exists within the limits of responsibility established by Sharī'ah. The body must therefore be protected from harm, exploitation, and commercialisation.

However, understanding the body as a trust does not mean that every form of bodily intervention is prohibited. A trust does not eliminate responsible use; rather, it guides the manner in which that use should occur. When a person donates an organ for the purpose of saving another human life, the act may represent responsible management of the trust rather than a violation of it. The relevant question is therefore not whether an individual owns the organ in an absolute sense, but whether the action fulfils the responsibilities attached to that trust.

An *Amanah*-based approach establishes several conditions for legitimate organ donation. First, the donation must pursue a recognised Sharī'ah objective, particularly the preservation of human life and the reduction of suffering. Organ donation should not be based on personal benefit, social pressure, or commercial motivation, but on a genuine intention to achieve a legitimate humanitarian purpose.

Second, the dignity and safety of the donor must remain protected. Since the body is a trust, the donor cannot be exposed to unreasonable harm. Medical assessment,

informed consent, and professional oversight are therefore essential elements of any acceptable donation process. The protection of the recipient's life cannot justify neglecting the rights and dignity of the donor.

Third, the framework requires a clear distinction between donation and commercial exchange. A person may voluntarily contribute an organ as an act of responsibility and compassion, but the human body cannot become a source of financial profit. Commercialisation contradicts the nature of *Amanah* because it transforms a divinely entrusted aspect of human existence into a market commodity.

Fourth, the state and medical institutions have an important role in protecting the trust. Since organ donation affects both individual dignity and public welfare, regulation is necessary to prevent abuse, coercion, and inequality. The role of law is therefore not to restrict beneficial medical practices unnecessarily but to ensure that such practices operate within ethical boundaries.

The Pakistani legal framework demonstrates the practical importance of this approach. While legislation provides mechanisms for regulating donation and preventing exploitation, the concept of *Amanah* provides the moral and jurisprudential reasoning behind such regulation. It explains why organs require special protection, why consent must be meaningful, why commercial trade must be restricted, and why saving life remains a significant objective.

Through this reconstruction, organ donation can be positioned within Islamic legal theory as a practice that reflects both respect for the human body and commitment to human welfare. The concept of *Amanah* creates a balanced framework that avoids two extremes: unrestricted bodily autonomy that ignores dignity and complete restriction that ignores the Islamic obligation to preserve life. It recognises the human body as sacred while allowing responsible actions directed towards compassion, healing, and social benefit.

Therefore, the *Amanah*-based approach does not merely provide another argument for or against organ donation. Rather, it offers a foundational theory explaining how Islamic law can engage with modern medical developments while maintaining its core principles of dignity, responsibility, and justice.

Conclusion

The question of organ donation in Islamic law has long been debated through the competing lenses of bodily inviolability, necessity, and the preservation of life. While contemporary juristic discourse has produced significant scholarship and numerous institutional fatwās permitting organ transplantation under carefully defined conditions, much of the discussion has remained focused on the immediate issue of legal permissibility. As a result, insufficient attention has been given to the more fundamental jurisprudential question concerning the legal relationship between human beings and their own bodies. This article has argued that addressing this foundational question is essential for developing a coherent Islamic legal theory of organ donation. Through a doctrinal analysis of the Qur'ān, the Sunnah, classical Islamic jurisprudence, and contemporary Islamic bioethics, this study has demonstrated that Islamic law does not recognise the human body as an object of unrestricted private ownership, nor does it regard bodily inviolability as an absolute principle that excludes all medical intervention. Rather, the human body occupies a distinct juridical status grounded in divine ownership, inherent human dignity (*karāmah*), bodily sanctity (*ḥurmah*), legal responsibility (*taklīf*), and the higher objectives of the Shari'ah (*Maqāṣid al-Shari'ah*). These principles collectively establish that human beings exercise delegated authority over their bodies as trustees accountable to Allah rather than proprietors possessing unrestricted dominion. Building upon these foundations, this article has advanced the doctrine of *Amānah* as a comprehensive jurisprudential framework for understanding bodily authority in Islamic law. Unlike approaches that rely primarily upon necessity (*ḍarūrah*) or public interest (*maṣlahah*) to justify

organ transplantation, the proposed framework conceptualises organ donation as an exercise of fiduciary stewardship undertaken within the limits prescribed by the Sharī'ah. Under this paradigm, legal conditions such as informed consent, medical necessity, proportionality, the prohibition of commercialisation, the minimisation of harm, and respect for human dignity are not merely procedural safeguards but logical consequences of the trustee's obligation to preserve and responsibly administer the divine trust entrusted to humanity.

The article has further shown that the apparent tension between restrictive and permissive juristic approaches can be better understood through the doctrine of *Amānah*. Rather than viewing the protection of bodily sanctity and the preservation of human life as competing objectives, the proposed framework demonstrates that they represent complementary dimensions of the same fiduciary relationship. Bodily integrity safeguards the trust against abuse and exploitation, while life-preserving medical intervention fulfils one of the trust's highest purposes when undertaken in accordance with the ethical and legal limits established by Islamic law. This integrated understanding offers a more coherent explanation of organ donation than models based solely upon ownership, autonomy, or necessity. The principal contribution of this study therefore lies not in arguing that organ donation is permissible under particular circumstances a conclusion already reflected in much contemporary Islamic jurisprudence but in reconstructing the jurisprudential foundations upon which that permissibility rests. By placing the doctrine of *Amānah* at the centre of the analysis, the article proposes a theoretical model of bodily stewardship that unifies classical legal principles with contemporary biomedical realities while remaining faithful to the normative structure of Islamic law. This framework provides a more systematic basis for evaluating not only organ donation but also future bioethical questions involving bodily integrity, human agency, and emerging medical technologies.

Although this study has focused on Sunni Islamic jurisprudence and a normative doctrinal analysis, its findings open several avenues for future research. Comparative studies incorporating Shī'ī jurisprudence, empirical analyses of how *Amānah*-based reasoning is reflected in contemporary fatwās and judicial decisions, and examinations of emerging issues such as regenerative medicine, stem-cell therapies, gene editing, and artificial organs may further refine and extend the jurisprudential framework proposed in this article. Such research would contribute to the continuing development of Islamic bioethics that remains rooted in the classical legal tradition while responding thoughtfully to the ethical challenges of modern medicine.

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