

Navigating Islamic perspectives on *Brain Death*

Background

It has been more than half a century since the concept of brain death was introduced. Although brain death is now generally recognized by many nations worldwide as legally accepted death, the very concept is still far from being self-evident. It continues to trigger various discussions over the years, where not only scientists but also ethicists and religious scholars have been debating on a wide range of issues and have formed camps of those who defend or oppose the concept. As its birth was closely tied to the developments of modern medical technology, the brain death concept is a specific issue and phenomena unique to today's day and age. Therefore, in attempting to address this issue from the Islamic perspective, various challenges ensue as prior discussions relating to it in the primary scriptural sources, namely the Quran and the Prophetic tradition, are absent. In cases where direct guidance is absent, existing frameworks within the Islamic tradition are identified and employed to address the complexities of contemporary issues. While death is understood to be the departure of soul from the body in Islam, neither the exact moment of death nor its physical indicators were specified. Through an analytical examination of the present scholarly literature on the subject, this poster illustrates the diversity of opinions and approaches taken to assess brain death from the Islamic perspective.

Discussion

CONTEXT & RELEVANCE

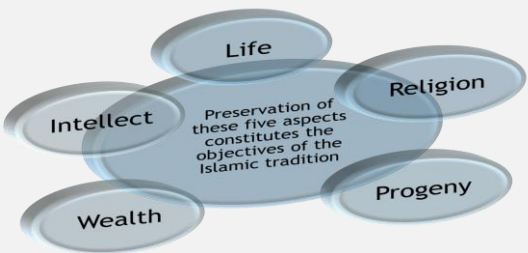
The concept of brain death that we know today stemmed from a biological and medical basis that is detached from any cultural or religious considerations. The perception towards death and dying, and how one would navigate through decision-making on matters pertaining to end-of-life is heavily influenced by one's own tradition, culture, faith, and values.

For Muslims, an accurate declaration of an individual's death is vital as it triggers diverse consequences that may involve personal, marital, legal, and religious aspects. The exact moment of death also initiates:

- Carrying out of will
- Inheritance distribution
- Initiation of burial rites & waiting period for the widow.

TOOLS & PROCESSES

General ethical issues



In dealing with novel ethical issues, frameworks such as the above (*Maqasid* framework) are applied as tools that guide to produce resolutions and best course of action.

Bioethical issues



Traversing Islamic bioethical deliberations requires joint-collaboration between disciplines and expertise to produce well-informed discussions through the process of religio-ethical analysis (*ijtihad*).

Brain Death



The existing discussions on brain death from the Islamic viewpoint can be categorized into two: Institutional and individual perspectives.

EXISTING DELIBERATIONS

INSTITUTIONAL PERSPECTIVES



International Islamic Fiqh Academy (IIFA)

Regards brain death to be true death. The IIFA resolutions were instrumental in facilitating organ transplantations in Saudi Arabia.



Islamic Organizations for Medical Sciences (IOMS)

Regards brain death to be 'unstable life', not death. The IOMS adopts the brainstem criteria, as it aligns with the cessation of the respiratory faculties.

INDIVIDUAL PERSPECTIVES



Proponents of Brain Death

- **Muhammad Sulayman al-Ashqar:** The jurist based his position on the inability of voluntary acts by the patient.
- **Ahmad Shawqi Ibrahim:** A physician himself, Ibrahim held the opinion that brainstem death equates to true death.



Opponents of Brain Death

- **Abdulaziz Sachedina:** Author of *Islamic Biomedical Ethics* (2009), Sachedina opined that brain death is not true death due to the presence of signs of life.
- **Mohammed Rady:** A neurologist by profession, Rady deems brain death to be under the disorder of consciousness.

VARIOUS APPROACHES

From the existing deliberations above and others that are not mentioned here, some forms of approaches taken to assess brain death were identified.

Tap on expertise

The Quranic verses 21:7 and 16:43 that speak on consulting those with expertise are cited to support the central role of physicians in assessing brain death.

Emphasis on certainty

With ambiguities present in brain death, the Islamic Legal Maxim 'certainty is not overruled by doubt' is highlighted by some scholars to negate it as true death.

Perception & consciousness

The absence of such capacities from brain-dead patients do not provide adequate justification for equating them as dead, as argued by several scholars.

Primary integrator

A recent discussion ties the departure of the soul with the breakdown of bodily integration. The death of the brain as the primary integrator thus indicates death.

Conclusion

In tackling the complexities of contemporary issues in which direct scriptural guidance are absent, identifying the existing frameworks that have been developed by classical Islamic scholars are employed. On the topic of brain death, the present scholarly literature demonstrates varying opinions and approaches taken by both Islamic institutions and individual scholars through the process of religio-ethical analysis. These produced categories of those who regard brain death as true death, brain death as 'unstable life', and brain death as not equivalent to death. The plurality of opinions, positions, and arguments within the Islamic deliberations is regarded as a positive feature that allows flexibility in the brain death interpretation and implementation in accordance with the varying context of individuals and situations. Like the secular domain, the Islamic perspective towards the topic of brain death remains to be actively discussed and examined further by Muslim scholars.