

AUTOPSY AND THE RELIGIOUS BELIEFS OF CHRISTAINS, MUSLIMS AND JEWS; A SHORT REVIEW OF THE HISTORICAL PERSPECTIVE

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Abstract

Even though the advantages of autopsy were acknowledged by Christians, Muslims and Jews, it is still not completely accepted by these religions due to some ethical questions raised by their religious beliefs. A good look at the literatures has shown that, none of these three religions absolutely prohibited the performance of autopsy, but Muslims and Jews will appreciate the release of the body within the shortest possible time for the purpose of burial.

Keywords: Autopsy, religious beliefs, history, christains, muslims, jews

Introduction

Autopsy literally means “Seeing for oneself”, it is the systematic examination of the body after death, for the purpose of not only determining the cause of death, but to explain the pathogenesis of the cause of death and identifying other pathology /pathologies associated with the case.¹ The necessity for this procedure was evident to our ancestors, that records from Roman times narrates the examination of wounds of Gaius Julius Caesar by the physician Antistius in the year 44BC.² Though the advantages of autopsy are acknowledged by Christians, Muslims and Jews, it presents several ethical questions that have led to lack of complete acceptance of autopsy by the adherents of these three religions.³

Autopsy and the three religions

In the early years of Christianity there was no formal church prohibition of autopsy, but certainly the general attitude of the church leaders was not in its favor. This is because the human body was regarded as the vehicle of the soul and therefore sacrosanct.^{4,5} The theologians, Tertullian (160-230) and Augustine (354-430) both wrote strongly against the dissection of the human body and the council of Tours in 1163 affirmed that 'the church abhors

blood". This was interpreted to mean that the clergy could not perform surgery on the living or autopsy on the dead. The physicians at that time mostly belong to the clergy, and thus fairly preventing autopsy but not forbidding it. However these decisions were not based on any theological basis, but more on humanitarian and aesthetic grounds.⁴ During the 12th century, a few physicians started dissecting human bodies and eventually the church attitude was modified. In 1410 Pope Alexander was autopsied by Pietro D'Argelata after dying suddenly. Pope Sixtus IV (1471-1484) issued a bill permitting studies on human bodies by students at Bologna and Padua, while Clement VII (1523-1535) confirmed it. In 1556 Ignatius Layola (1491-1556) the founder of Jesuits died and was autopsied. It therefore appears that, at that time autopsy was fully accepted by the church.⁴ The first autopsy performed in the American continent was done in 1533 by Joan Camacho at Espanola (now the Dominican Republic) specifically for religious reason. This was done to ascertain whether a Siamese twin represented two bodies and therefore two souls, because the priest baptized each child separately and was worried whether he did the right thing.^{4,6}

Muslims are guided by Shariah (Islamic law) which

comes from Qur'an (the Islamic holy book), the hadith (the words of prophet Muhammed, peace and blessings of Allah be upon him) and fatwa (legal opinion by Islamic scholars).⁷ Religious objection to autopsy in Islam is orthodoxy. The Sharia law (Islamic law) which was formulated in the 9th century based on the Qur'an and Hadith (oral tradition) didn't talk about the autopsy. The Islamic way of dealing with such an issue is through a fatwa (legal opinion) issued by a Mufti (religious scholar). This is not a binding law, and so it not surprising that there are various Islamic attitudes towards autopsy. That is why even when muslim physicians like Rhazes and Avicenna dissected bodies for education and learning from 10th to 12th century, their contemporary Ibn Alnafis avoided dissection because he considered it religiously unacceptable.^{7,8}

- ⁹ Sometimes this can also complicate the act of choosing for the lay people.³ From the Fatwa which deals with autopsy, four central sub-questions emerge. These represent the problematics of autopsy in the Islamic law;
1. Should a burial be postponed, so that autopsy may be performed?
 2. Should a human body be transferred from place to place before its burial?
 3. Do autopsies involve violation of sanctity associated in the Islamic theology with human body?
 4. Is it permitted to perform autopsy for scientific purposes and for criminal identification?

The Sharia encourages the burial of the dead as soon as possible after death, so as to bring the dead person closer to what God has prepared for him or her. Abd AL-Halim Mahmud who was Sheik Al-Azhar in 1973-1978, states that "any delay in burial is held against those responsible for it and that those people are sinners".³ But Rashid Rida (d 1935) the famous Egyptian scholar published a fatwa entitled 'postmortem examinations and the postponement of burial' in 1910 allowing the extension of time between death and burial. He also states that "when a non-Islamic government made autopsy mandatory thus causing a delay in burial, it should not be seen as an anti-Muslim measure". Others like Al-Shafi (d 820) and Ibn Quadama also allows postponement until the usual physical signs of death appeared.³ In Islam, it is preferred that the dead are buried at the site of their death or the cemetery of the nearest community. The Prophet (peace and blessings of

Allah be upon him) ordered the internment of those slain in the battle of Uhud (625) near the battle field, although the cemetery of Al-Medina was not too far. Ahmad b Hanbal (d 855) permitted the transfer of the deceased body for any distance; if there is a justifiable reason.³ H. M. Makhluaf an Islamic scholar admitted that autopsy is a violation of the body, but since autopsy result in more benefits than damage it should be allowed. This is based on the principle of *Malasha* (Islamic principle of public benefit) which states that "when the benefits outweigh the damages, the beneficial approach should be taken".^{3, 10} Sheikh Yusuf Al-Dajawi also agreed on the same issue, but contrary to them is the Fatwa issued by Sheikh Abd Al-Fattah which consider it a major sin, because the Prophet Muhammad (peace and blessings of Allah be upon him) stated that "to break the bone of the dead is like breaking the bone of the living".^{10, 11, 12} Autopsy for scientific purposes suffers from all the problematics of autopsy in the sharia law, but the Fatwa committee at Al-Azhar concluded in January 1982 that 'if students learn from it, the benefits outweigh the damages'. Again, this is also based on the principle of Malasha on which Sheikh Al-Fattah and H. M. Mukhluf approved of the autopsy. Although autopsy involves elements unacceptable to Islamic law the benefits it provides are now considered indispensable and so it is allowed.^{3, 10, 12}

The Jews believed that God created man in his own image and that the dead human should be treated respectfully and be buried promptly. They also believed that handling dead bodies makes a man unclean. These were interpreted by Rabbis to forbid autopsy. However, it is recorded that about 100 AD the students of Rabbi Ismael boiled the body of an executed young harlot in order to count the number of bones in the body.⁴ According to the principles of *Pikuach nefesh* (saving of human life), Which is perhaps the most important item in the Jewish law, Jews are obligated to do anything possible to save life even if it means disregarding other Jewish laws (with some exception e.g. murder). Rabbi Landau in the 18th century did not agree on the performance of an autopsy for any future gain. This was maintained by orthodox Jews until 20th century when the Knesset (Israeli parliament) passed a law permitting autopsies under very strict conditions.^{3, 4} Bodies like Zaka in isreal and Masaskim in the United States generally guide families on how to ensure that unnecessary autopsy is not done.¹³ With all these it

Has become very clear that none of these major monotheistic religions has completely forbid the conduct of autopsy, even though Muslims and Jews will appreciate the release of the body within the shortest possible time for the purpose of burial.^{3,10,11,12}

Conclusion

Autopsy is an important tool in both clinical and forensic medical practices, however the practice have suffered due to lack of proper understanding of the delicate Ethical questions that it raises within the adherents of these three religions. This is caused by the lack of clear information that will guide patient relatives as well as doctors in taking decisions. Although Christianity has been calm about it, while Moslems and Jews abhor it, none of these three Abrahamic religions prohibited the practice of autopsy completely.

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