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## Original Article

# The Jurisprudential Basis for Buying and Selling Blood

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### ABSTRACT

Blood, a vital component of the human body, plays a critical role in preserving life. Modern medical advancements and the use of blood and its products in transfusions and saving human lives have brought the issue of buying and selling blood to the forefront as a contemporary concern. Islamic jurists have offered various perspectives in this regard. The aim of this research is to examine the jurisprudential (fiqhi) basis for the buying and selling of blood, considering its specialized applications in medical science and its role in saving human lives. This study also presents the views of contemporary jurists on this topic. This paper analyzes arguments regarding the ruling on blood buying and selling, examining the jurisprudential foundations of this issue. In this context, the evidence related to each viewpoint is carefully examined. A cognitive approach to analyzing the evidence, focusing on understanding the purposes of Sharia and the general principles governing jurisprudence, helps more accurately explain the jurisprudential basis of this subject. Examination of the evidence shows that the absolute prohibition of buying and selling blood is based on the consumption of blood and non-medical uses. In the present era, given the significant benefits of blood in medical applications and its role in saving human lives (except in specific cases, such as saving the lives of hostile non-believers), the buying and selling of blood is permissible, subject to certain conditions and stipulations. This permissibility is based on the principle of “prioritizing the greater good” and giving precedence to the preservation of human life over the initial prohibition of buying and selling blood. The prevalent benefits of blood in modern medicine, especially in saving human lives, outweigh the jurisprudential restrictions focused on non-medical consumption of blood. The permissibility of this practice is conditional on its use in medical contexts, which aligns with the overall Islamic principle of preserving life. It is worth noting that this permissibility requires adherence to more precise ethical and jurisprudential considerations, including ensuring equitable access to blood and preventing the exploitation of needy individuals. Furthermore, attention to the views of various jurists and efforts to find practical solutions that meet society's needs while respecting jurisprudential principles are essential.

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## Introduction

**B**lood, as a member of the body's organs, has very important functions that increase over time with greater knowledge of it.

Regardless of some views on the criterion for considering something an organ, it must be said that blood has an independent function from other parts. Moreover, due to the liquid nature of this

element, it has special characteristics that distinguish it from other independent organs. For this reason, its jurisprudential and legal rulings also differ somewhat from those of other organs. Sometimes, because donors may demand money in return, the issues of buying and selling blood as a commercial commodity and the legitimacy of its transactions are raised. In the field of jurisprudence, the rulings on eating blood, its purity and impurity, as well as its buying and selling and the resulting price, is discussed. In the first case, there is no disagreement among jurists that eating blood is prohibited; they consider it like carrion and their basis is the aforementioned verses and Ahadith.

Regarding the ruling on blood in terms of purity or impurity, there is also a claim of consensus on its impurity and when stating the impurities, blood is mentioned as one of its types and some consider it to be one of the necessities of religion and they consider the verse 145 of Surah al-An'am "Except it be a dead animal or blood spilled out or the flesh of swine - for indeed, it is impure" to support it. The jurisprudential rule "Original Presumption of Blood's Impurity" also confirms this. The four Sunni schools of thought also agree on the impurity of blood. This case actually refers to human blood, because the purity and impurity of animal blood have specific rulings and are pure in some cases. It is worth noting that talk of the nature of blood in jurisprudence is mostly raised from the perspective of its impurity ruling. For example, the dispute among jurists regarding the ruling on the color remaining in blood after washing falls into this category.

The buying and selling of blood is one of the newly emerging issues that have arisen following the emergence of modern medical methods for using blood and its products, as well as blood transfusions, which save patients' lives. Blood transfusion is the introduction of human blood into the body of another human. Blood transfusion into the body of another human, even the blood of a non-Muslim into the body of a Muslim, is permissible to treat a disease. Also, in the opinion of contemporary jurists, the buying and selling of blood for this purpose is permissible, although they consider it prudent to make a settlement or put the money in exchange for the right of

exclusive use or for permission to take blood from the individual.

This paper analyzes the diverse arguments and fiqhi reasoning surrounding the permissibility of blood sale. We examine the *adilla* (legal proofs/evidence) associated with each perspective, including arguments for absolute prohibition, distinctions between *najis* (ritually impure) and pure blood and the permissibility of sale for licit benefits. The fiqhi methodologies used to derive these rulings are also considered.

Regarding the ruling on buying and selling blood, there are different views among jurists, including:

1. Absolute prohibition of buying and selling blood (the majority of early jurists);
2. Differentiation between impure (*najis*) and pure blood;
3. Permissibility of buying and selling in cases where there is a legitimate (*halal*) benefit.

### **1. Absolute Prohibition**

This group has stated reasons for their view:

#### **1-1. Quranic Verses**

The first reason they have made the basis of their argument is the Quranic verses. Proponents of the prohibition refer to several verses of the Holy Quran and derive the prohibition from them. These verses include: it is mentioned in verse 173 of Surah al-Baqarah "He has only forbidden to you dead animals, blood, the flesh of swine and that which has been dedicated to other than Allah, but whoever is forced [by necessity], neither desiring [it] nor transgressing - no sin is upon him" it is also stated in Surah al-Ma'idah, verse 3 "Forbidden to you are dead animals, blood, the flesh of swine" and verse 145 of Surah al-An'am "Say, "I do not find within that which has been revealed to me anything forbidden to one who would eat it unless it be a dead animal or blood poured out" and finally, verse 115 of Surah An-Nahl states "He has only forbidden to you dead animals, blood, the flesh of swine".

According to this group's analysis, the apparent meaning of the verses is general and includes any benefit, use, purchase, sale or income derived from it. Therefore, buying and selling blood is absolutely prohibited.

## 1-2. Ahadith

Another reason this group refers to is the Ahadith reported in this regard. The “Ahadith” cited to prohibit the buying and selling of blood fall into two categories.

The first type is generalities and unqualified statements that generally prohibit the buying, selling and use of impure substances, such as the hadith “Indeed, Allah, when He prohibits something, prohibits its price” (1) and the mursal “hadith” in Tuhf al-Uqul (2). The second type is “Ahadith”, in which the prohibition of the buying and selling of blood is specifically stated.

“Marfu’ah Abi Yahya al-Wasiti said: Amir al-Mu’minin (AS) passed by the butchers and forbade them from selling seven things in the sheep, he forbade them from selling blood...” (3-10).

Sunnis also refer to a hadith from the Prophet (PBUH) that prohibits the price of blood (11-12).

## 1-3. Consensus (Ijma)

According to the well-known view, rather than claiming consensus, earning from an impure substance, such as blood, by selling, renting and so on, is haram and the transaction is invalid. Allameh Helli says in this regard: “Selling and buying blood is haram by consensus because of its impurity and lack of benefit” (12-13). Similar words have been narrated by Fakhr al-Muhaqqiqin in Sharh al-Irshad, Fadil al-Miqdad in Tanqih and others. Sheikh Ansari states explicitly that there is no disagreement: “It is haram to exchange on blood without disagreement, rather in Nihayah of Allamah, Sharh al-Irshad of Fakhr al-Muhaqqiqin and Tanqih of Fadil al-Miqdad, consensus has been claimed on it” (1), although consensus alone cannot be considered an independent proof.

Of course, it must be said that the consensus on the prohibition of buying and selling blood is subject to criticism because it is not based on weak narrations and religious gatherings. The prohibition of blood in verses and narrations mostly refers to eating it and the jurists' reference to the lack of benefit from blood shows that the prohibition of selling it is rooted in the lack of lawful benefit. Therefore, the consensus cannot be used as definitive proof of the prohibition of

buying and selling blood under the circumstances in which it is possible.

## 1-4. Lack of Financial Value (Maliyyah) of Blood

The next reason for proponents of the prohibition of selling blood is the lack of financial value and legitimate benefit for blood. One of the conditions for the validity of a transaction is financial value; something that has no rational or legitimate benefit is not sellable and trading in it is unjustly eating wealth.

In this regard, Ayatollah Khoei writes: “And as for according to Islamic law, the financial value of everything is by virtue of the existence of legitimate benefits” (14). Therefore, anything that does not have a legitimate benefit according to Islamic law has no financial value. Blood also has no financial value or rational benefit, so buying and selling it is haram and is an example of eating wealth unjustly. As we mentioned earlier, Allamah and many Shi’a and Sunni (15-16) jurists have relied on the lack of legitimate benefit in their fatwa prohibiting the buying and selling of blood.

## 1-5. Impurity (Najasah) of Blood

Others have cited the “impurity” of blood to justify the view of prohibition. There is no doubt among jurists about the impurity of blood and on the basis of it, consensus has been claimed (17). Therefore, all the evidence indicating the prohibition of buying and selling impure objects includes this case as well.

## 1-6. Aiding in Sin and Odvan (Helping in Sin and Enmity)

Another reason given for the prohibition of selling blood is that it constitutes aiding in sin. Furthermore, the Quran in Verse 2 of Surah al-Ma’idah states “and do not cooperate in sin and aggression”, indicating and implying a prohibition. Consequently, buying and selling blood is also prohibited because it is a form of cooperation and assistance in sin.

## 1-7. Repulsiveness (Khebasat) of Blood

Some jurists, separate from the reasons mentioned, have cited the repulsiveness (or inherent foulness, “khabaathat”) of blood as one of the theoretical foundations for their opinion that buying and selling it is not permissible.

Allamah Helli writes, “All blood is impure, so it is not permissible to sell it. Similarly, blood that is not impure, such as the blood of an animal that does not have gushing blood, [is also prohibited] because of its repulsiveness...” (18). Allamah does not differentiate between pure and impure blood in this statement and he considers the buying and selling of all blood to be forbidden.

## **2. Differentiation between Pure and Impure Blood**

Some jurists differentiate between pure and impure blood when analyzing the permissibility of buying and selling it. In Sheikh Ansari’s view, impurity is not inherently significant. According to him, mere impurity cannot prevent the permissibility of buying, selling and using something. In the matter of buying and selling the milk of a Jewish woman, he writes, “Its impurity does not prevent the permissibility of exchange for it”. Despite this, the Sheikh differentiates between pure and impure blood in the matter of buying and selling blood: “As for pure blood, if it is assumed to have a permissible benefit, such as dyeing, even if we say it is permissible, there are two views regarding the permissibility of selling it, the stronger of which is permissibility” (19).

## **3. Permissibility**

In contrast to the aforementioned opinions, we will examine the view of permissibility regarding the buying and selling of blood by critiquing the reasons and arguments presented in the opposing viewpoint, in order.

Regarding the reliance of those who hold the view of prohibition on Quranic verses, it should be said that, firstly, considering the phrase Verse 145 of Surah an-Nahl: “blood spilled out”, it becomes clear that the prohibition of blood in these verses refers to the blood that comes out of the animal during slaughter. Based on this, it is clear that the blood that remains in the veins and arteries within the meat of the animal after slaughter is excluded from this ruling and the prohibition does not include it. Secondly, whenever a prohibition is directed at external objects, since the prohibition of the objects themselves is not reasonable, something appropriate to that prohibited object must be implied.

Islam has provided a fundamental principle in the realm of property, where God in Verse 188 of Surah al-Baqarah says: “and do not consume one another’s wealth unjustly”. Based on this principle, jurists have stated a condition for the validity of a sale contract or any transaction, saying: “The validity of a transaction is conditional on the existence of a legitimate benefit; otherwise, the transaction is not valid” and for this reason, they have prohibited the buying and selling of blood. However, the prohibition of buying and selling blood is not a fixed Islamic ruling, but rather because, in the past, the buying and selling of blood was an instance of consuming wealth unjustly. Therefore, this ruling must be acted upon. Accordingly, the ruling of prohibition revolves around the existence or absence of benefit. Based on this, if a rational benefit is associated with the buying and selling of blood, the prohibition turns into permissibility and the fixed ruling here is the word of God: “Do not consume one another’s wealth unjustly”.

A large part of jurisprudential subjects consists of customary matters, that is, these very concepts and social phenomena. These types of subjects came into existence according to the needs of social life and are also subject to change and transformation according to social changes and transformations (20).

For example, blood is considered impure and its consumption is forbidden for the Legislator and naturally, its buying and selling have been forbidden as well. Based on the evidence and rules, jurists consider buying and selling blood forbidden, like other impurities and include it among the transactions that do not have a lawful benefit that reasonable people would value.

In general, what cause the prohibition of earning from things like blood are two things: first, the non-existence of a lawful benefit in earning from it; second, the prohibition from the Legislator. In cases where these two conditions are not met or the first condition is removed, the ruling on the prohibition of earning from those matters becomes problematic. Dynamic (pooya) jurisprudence means harmonizing Islam with the real needs of every time. The buying and selling

of blood is one of the issues that did not exist in the early days of Islam and by considering the influence of time and place in Ijtihad (legal reasoning), the Sharia ruling on these issues can be inferred from the texts. The use that was made of blood in ancient times was related to its being impure or pure, but the type of use that is made of it today has nothing to do with its purity or impurity. In the past, blood was eaten to treat some diseases or as a type of food and such use of blood was considered beneficial in the folk medicine of that day. However, the Sharia, which was aware of the harms and contaminations that existed in the blood and of the harmfulness of this type of use, prevented the buying and selling of it; because the mere contact with blood and handling it, regardless of whether it was used for eating or not, caused the spread of its contaminants to the human environment and this amount of harm is enough to issue a ruling prohibiting the buying and selling of it.

Today's society, firstly, blood is not bought and sold for eating, but today blood may be bought or sold or donated for injection into the bodies of patients and saving their lives and this is a type of rational and important use that cannot be compared to the type of use that was made of blood in the past. Secondly, sterilized equipment and safe and advanced methods are used to store and transport it, which eliminates the risk of contaminating the environment of those involved.

It is observed how the incorrect and harmful function that blood had in the past has transformed and turned into the very useful and vital function of today. With this description, how can one say that the transformation in the social function of this subject does not lead to a transformation in the jurisprudential ruling of its buying and selling? (20). In this time, due to the emergence of the phenomenon of industry and the progress of the science of medicine, blood is considered one of the most vital and necessary substances for the survival and continuation of life and it is certainly one of the clear examples of the preliminaries and means of the obligation to preserve the respected soul in the eyes of the Lawgiver. Observing this point will not be achieved except by buying and selling it and using it for specific patients. Therefore, the criterion for

the prohibition of the transaction, which was its futility and unusability, is removed and will fall under the category of legitimate and permissible benefits, but the impurity and prohibition of drinking remain in place (21). This issue is not only helpful and applicable in the sale of blood but also in many emerging matters (20). So, the mention of the prohibition of blood in the same category as the prohibition of using pork and the meat of an animal over which a name other than God's has been invoked at the time of slaughter, the exception of the compelled from this ruling, the recommendation of the verses before it to eat good things and also it can be inferred from the verses after it that what is meant by the prohibition of blood is the prohibition of eating it, not any kind of use and trade with it. So the prohibition in these verses is limited to eating (22-23) and considering that the origin of this limitation is the prevalence and frequency of use (24). The proof of this is that the common use at the time of the revelation of the verse was eating it and the Arabs of the pre-Islamic era used blood in various forms in their diet and the noble verses were in the position of prohibiting them from doing this, But this verse refers to the prohibition of things that the Arabs of the pre-Islamic era did not consider forbidden and they used to eat blood in various ways (25).

Regarding the Ahadith that are cited as evidence, it must also be said that the chains of narrators of the first type of Ahadith are weak. For example, the hadith "Indeed, when God prohibits something, He prohibits its price" (26-28), apart from the fact that jurists have interpreted the prohibition in this case as applying to unlawful benefits or the rarity of a lawful benefit to the extent that it has no value or worth (22), its chain of narrators is weak due to differences in versions (29).

In the hadith of Tuhaf al-Uqul with this content: "As for the types of Haram (forbidden) from sale and purchase, it is every matter in which there is corruption from what is prohibited from the aspect of eating and drinking" (2), it is weak in terms of chain of narrators and many scholars, including Imam Khomeini (may God have mercy on him), say that the chain of narrators of the hadith of Tuhaf al-Uqul is more obscure than its meaning

(23) and Ayatollah Khoei says, “It is not permissible to rely on this hadith for many reasons, the first of which is its deficiency in terms of chain of narrators” (14). It is not correct to argue with the hadith of Tuhaf al-Uqul for many reasons, including the weakness of its chain of narrators. On the other hand, the very statement of the Imam (peace be upon him) in the hadith of Tuhaf al-Uqul, “Everything in which there is good in some way”, along with the principle of presumption of correctness, requires the validity of buying and selling if blood has a lawful and dominant benefit. Another point is that if a lawful benefit is assumed in the title of impure, such as blood, the prohibition turns into permissibility and lawfulness (30). Assuming the correctness of the chain of narrators and the completeness of the meaning of the prohibition in the hadith, it is a duty, not a condition, so the hadith only indicates that buying and selling blood is a sin, but the invalidity of the transaction is not inferred from it. Imam Khomeini (may God have mercy on him) states in this regard: “It is like a text in the obligatory prohibition” (23), the hadith is explicit in the obligatory prohibition. In the second type of Ahadith, including the Marfu’ah of Abi Yahya al-Wasiti, which is specifically used as evidence for the prohibition of buying and selling blood, firstly, this hadith is Marfu’ah and cannot be relied upon. Secondly, the argument based on this hadith that buying and selling blood is absolutely forbidden is not complete because it is apparent from the hadith that selling impure blood that comes out of animals during slaughter is forbidden, not absolutely blood, so the evidence is more specific than the claim (14). Thirdly, it is understood that in the case of blood, eating it is forbidden, not its other benefits (1). Imam Khomeini (may God have mercy on him) says in this regard, “It becomes clear from what we mentioned that the prohibition of selling seven things, including blood, means selling it for eating because it was common to eat it in those places and times, as testified by the Ahadith” (23), but the explicit content of the raised hadith of al-Wasti that Imam Ali, peace be upon him, was passing by the butchers and ordered them not to sell blood and glands, is intended to prohibit their sale for eating (not their unconditional sale). Therefore, if it has legal and rational benefits,

buying, selling and using it will not be prohibited (31).

The Sunni jurists have also considered it permissible for a needy patient to buy blood in cases of necessity, although they have considered the amount and compensation obtained from it to be forbidden for the seller (32).

In criticizing the claim of consensus, it has also been stated that, firstly, this consensus is based on evidence and the evidence is some of the general Ahadith that are used to argue the prohibition of the absolute sale of impurities (33); Secondly, since the prohibition of blood mentioned in the verses and Ahadith is limited to eating, the consensus that has been established is also like this, meaning that it is limited to eating (23). Thirdly, the fact that Allamah has relied on not knowing the benefit after claiming consensus (13) and Fakhr al-Muhaqqiqin and Fadil Miqdad have also given the reason for the consensus on the prohibition of buying and selling blood as not having a benefit (15), it becomes clear that the consensus on the prohibition is in truth due to not having a lawful benefit. Lack of benefit has sometimes been the basis of scholars in prohibiting it some scholars have explicitly mentioned the prohibition (15 and 34). Imam Khomeini (may God be pleased with him) had exactly this opinion, that the prohibition of selling blood is probably due to the reason of not benefiting from it and he considers this consensus to be a rescue from the consensus on not benefiting from blood (23). For this reason, they have considered earning through blood to be forbidden. Because at that time, blood had no benefit other than eating and eating it is forbidden by the text of the verses. Therefore, if blood has lawful benefits, such as benefiting from it for dyeing or curing disease (35), then its sale is naturally permissible. Some, in this regard, believe that the dominant benefit or the dominant use should be considered. If the dominant benefit is forbidden, earning from it is forbidden. It is the same with blood, unless we hold the opinion that the dominant benefit intended from blood in the eyes of reasonable people is lawful (36).

The argument for prohibition based on the lack of financial value and permissible benefit is also

questionable, considering the progress of medical science and the increasing functions of blood and its products. This issue is a clear example of Imam Khomeini's statement regarding "the influence of the elements of time and place in jurisprudence" (37-38).

Currently, blood has numerous benefits that are not hidden from anyone. Undoubtedly, just as blood is a factor of life in the human body, it is also a vital factor in many treatment centers and without the use of blood, many treatments are disrupted. Blood products, which include whole blood, platelets, plasma and its fractions, are used in surgeries and many common treatments.

Blood and plasma transfusions have saved the lives of tens of millions of people, doubled the life expectancy of hemophilia patients and improved health for many more. Therefore, the benefits and advantages of blood are undeniable and buying and selling it would not be considered "unjust enrichment". Among jurists, there is a sound and strong opinion based on the argument that one of the important conditions for the saleability of an item is that it has a permissible benefit. At this time, jurists recognize permissible benefits for blood, which are considered among the strongest general benefits for humanity (39).

Therefore, buying and selling it is permissible due to the predominant permissible benefit because we have no reason to invalidate the buying and selling of an impure item alone" (40).

Imam Khomeini (may God have mercy on him) says: "Benefiting from blood in ways other than eating and selling it for permissible benefit is permissible..." (41). Based on this, there is no problem with selling blood to patients and others and a fortiori, reconciliation and transfer of the right of exclusive use regarding it to others are permissible.

Ayatollah Fazel Lankarani states in this regard: "Buying and selling blood or its components for permissible benefits, such as injecting it into a patient, is permissible". However, like many jurists, he believes that the money paid is in exchange for permission to transfer, not the blood itself. "... but the precaution is to reconcile or receive the money in exchange for the right of exclusive use or in exchange for permission to

draw blood so that there is no problem in between and this precaution should not be abandoned as much as possible" (42) and in Jami' al-Masael, he stated, "Selling is permissible, but it is better to take money with the intention of relinquishing it" (43).

Ayatollah Mohammad Taqi Bahjat, in response to the question of what is the ruling on selling blood, also says, "If it is customarily considered to have financial value and a permissible benefit is intended, there is no problem with it" (44).

Ayatollah Montazeri also stated in this regard, "In cases where it has a significant permissible benefit, there is no problem with it" (45).

Ayatollah Naser Makarem Shirazi also acknowledged that "Buying and selling impure items is forbidden if they have no permissible benefit and at present, when blood is used to save the lives of patients and has permissible benefits, there is no problem with buying and selling it" (46). The most obvious opinion is the permissibility of using blood and buying and selling it in ways other than eating. Eating blood is a kind of forbidden benefit from it, which will cause prohibition and invalidity of the sale (47). Ayatollah Khamenei also says in response to a question about buying and selling blood: "Selling blood is not problematic if it is for a rational and legitimate purpose" (48). Also, to support this point, we must refer to the effective titles in the ruling and its change; these titles include necessity and exigency, the rule of no harm, hardship and difficulty, dissimulation, the more important and the important, the command and prohibition of parents, vows, oaths, covenants and the prerequisite of obligatory or forbidden (49). Changes in circumstances also have a great impact on deriving religious rulings. This impact sometimes relates to the subject matter and sometimes to the aspect of the ruling (50). In the subject under discussion, it is important to consider the constant principle for property in Islam, which is the saying of God Almighty in verse 188 of Surah al-Baqarah: "and do not consume your wealth among yourselves unjustly". Jurists have made this principle a condition for the validity of a sale contract and have considered the existence of a legitimate benefit a condition for

the validity of a transaction. The prohibition of selling blood is not a fixed ruling in Islam, but rather its prohibition in the past was because the sale of blood at that time was an instance of the above verse and the ruling revolves around the benefit. Due to the lack of realization of benefit in the instances of using blood, its sale was considered forbidden and now that a permissible benefit is associated with the buying and selling of blood, the ruling of prohibition turns into permissibility (50-52). So, fundamentally, having or not having financial value and rational and lawful benefit depends on the conditions of time and place.

Now that science has discovered a permissible benefit for blood, its ruling also changes, so buying and selling it also becomes permissible (53). In addition to blood as a member of the body, other products of the body can also be subject to sale in jurisprudential books for the same reason of permissible benefit from them (54). Shaykh Tusi in his *al-Khilaf* states: "It is permissible to sell human milk and *al-Shafi'i* and Ahmad said the same and Abu Hanifa and Malik said it is not permissible. Our proof is the verse (2/275) and the prohibition needs evidence" (55). *Muhaqqiq Karaki* in *Jami' al-Maqasid* states: "There is consideration in the permissibility of selling human milk, the closest is permissibility because it is a pure substance according to the more correct view and is benefited from in a permissible and intended way" (56). Imam Khomeini (may God have mercy on him) also states in this regard: "Indeed, people according to rational people are in control of themselves as they are in control of their wealth, but in this era, it is customary for a person to sell his blood and body for medical tests after his death and this is only because of his control over himself according to rational people" (57). Sunni jurists, except for *Shafi'i*, who considers human milk pure, drinkable and therefore permissible to buy and sell, do not consider it permissible to buy and sell human milk (16). In addition, one can rely on the generalities of "Allah has permitted sale" and "Fulfill [your] contracts", in that order, according to verse 275 of *Surah al-Baqarah* and verse 1 of *Surah al-Ma'idah*.

The view that blood is prohibited due to its impurity is also questionable, as there is no evidence to prohibit the buying and selling of an impure substance (40, 58) Although some later jurists, despite referring to the financial value of blood, have stated, "Due to its impurity, it is best not to buy and sell it, but rather to reconcile" (59). In response to Sheikh Ansari's view of distinguishing between pure and impure blood and allowing the buying and selling of pure blood while not allowing the buying and selling of impure blood, it must be said that this difference is clearly based on having a permissible benefit and financial value, not on the absence of impurity (48) and the judgment on the permissibility of sale is limited to pure blood, seemingly stemming from the fact that he did not imagine any rational benefit for impure blood. Some (60) believe that this statement of Sheikh Ansari is questionable because if it is possible to make permissible and rational uses of blood, whether pure or impure, it will be permissible to buy and sell it otherwise, it will not be permissible.

Permitting the sale of blood is also not considered aiding in sin and transgression. In this regard, Ayatollah Khomeini writes, "It may be assumed that buying and selling blood is haram because it helps in sin". Then, he himself, in the position of criticism and examination of the minor and major premises, makes 3 objections to the mentioned argument (14): Firstly, we have no evidence on the prohibition of assisting in sin, so even if we accept that it is assisting in sin, it is not haram. Secondly, buying and selling blood does not assist in sin because there is a difference between this act and sin, as sometimes buying and selling blood is not for eating, such as buying it for dyeing.

In addition to all these reasons, it must be said that the discussion of necessity in the event of prohibition can be evidence of the permissibility of buying and selling blood. Even jurists from the Sunni school of thought who believe in the prohibition of buying and selling blood and have only accepted the provision of blood as a donation have allowed a sick person in need of blood, in order to preserve his life and in cases of necessity, to pay money or anything of financial value to the blood donor in exchange for receiving blood, even

though they have considered the receipt of money or any other consideration to be haram for the blood donor or seller.

## Conclusion

All jurists believed that buying and selling blood was forbidden because it did not have a permissible benefit. This ruling remained in place until science discovered that blood has permissible benefits on which the foundation of human life is based, so that donating blood to patients is like giving life to them. Under these circumstances, blood has found another criterion and as a result, buying and selling it has become halal.

There is apparently no reason for the absolute prohibition of selling blood because the prohibition in the verses and Ahadith, according to the existing evidence, is in terms of eating and not any kind of use. On the other hand, the mere impurity of blood does not cause the prohibition of buying and selling it and there is no problem that something is impure, but buying and selling it is not haram, but rather what is the criterion for the permissibility of buying and selling is having financial value and a rational permissible benefit. In our time, blood, whether pure or impure, has lawful benefits and exchange value. As a result, there is no problem with buying and selling it and it is not one of the instances of consuming wealth unjustly.

Now that it has become clear that none of the arguments presented for the prohibition of buying and selling are correct and each is subject to numerous problems, there is no need to present proof of permissibility. Because the origin and generalities indicate the permissibility and endorsement of the transaction, such as Verse 5 of Surah al-Ma'idah "Fulfill [your] contracts", Verse 188 of Surah al-Baqarah "Trade by mutual consent" and Verse 275 of Surah al-Baqarah "Allah has permitted sale". In other words, after the prohibition is rejected, buying and selling blood becomes like other things and the generality of the evidence endorsing customary transactions includes them and this evidence applies to all types of blood, whether pure or impure and considers their transaction permissible.

Therefore, the transfer of blood from the body of one human being to the body of another human being and receiving its price after determining its weight with new instruments is permissible and if the weight is unknown, it can be reconciled. The precaution is that the money be taken in exchange for consent to donate blood, not in exchange for the blood itself and as far as possible, this precaution should not be abandoned.

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Throughout the history of jurisprudence, the buying and selling of blood was not considered permissible due to the lack of a legitimate religious benefit and was, therefore, prohibited. This view persisted until the discovery of the therapeutic and vital benefits of blood in medical science. With the determination of religiously acceptable benefits and the financial value of blood in the modern era, the ruling on the permissibility of its buying and selling has been put forward. In fact, this ruling was revised in light of changing circumstances and societal needs.

Arguments for the permissibility of selling blood:

Existing evidence in verses and narrations restricts the prohibition of selling blood to its consumption, not to any kind of use. This means that the prohibition is not absolute and is open to interpretation.

The criterion for the permissibility of buying and selling is having financial value and a lawful and rational benefit, not merely purity or impurity. Blood today possesses both qualities and is recognized as a valuable therapeutic resource.

General principles of transactions, such as “Fulfill [your] contracts” and “Allah has permitted sale”, support the permissibility of buying and selling blood, especially after the rejection of the claim of prohibition. These arguments include all types of blood, whether pure or impure.

Given these arguments, the transfer of blood and receiving its price, even with weight measurement, is permissible. However, a recommended precaution dictates that the payment be considered as consent to donate blood, not the price of the blood itself and this precaution should not be neglected as far as possible. This precaution is to eliminate any religious doubts and observe precautionary measures.

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The author declares that they have no conflicts of interest.

## References

1. The Holy Quran. Al-An'am: 145; Al-Baqarah: 173, 188, 275; Al-Ma'idah: 1-3, 5; Al-Nahl: 145. [Arabic]
2. A Collection of Authors. Fiqh Ahl al-Bayt. Qom: Institute of Islamic Jurisprudence on the Religion of Ahl al-Bayt; No Date. Vol.1 p.56, 681, 270. [Persian]
3. Ansari Dezfuli M. Kitab al-Makasib. 1st ed. Qom: World Congress of Commemoration of Sheikh Azam Ansari; 1994. Vol.1 p.3-4, 27-28. [Arabic]
4. Harani H. Tohaf al-Aqool. Qom: Modaresin Society Publications; 1983. p.245. [Arabic]
5. Horr al-Ameli M. Wasail al-Shia ila Tahsil Masa'el al-Sharia. 1st ed. Qom: Al-Bayt Institute; 1988. Vol.16 p.359. [Arabic]
6. Kulayni M. Al-Kafi. Tehran: Dar al-Kutub al-Islamiyya; 1986. Vol.6 p.253. [Arabic]
7. Tusi M. Tahdhib al-Ahkam. 4th ed. Tehran: Dar al-Kutub al-Islamiyya; 1986. Vol.9 p.74. [Arabic]

8. Helli Y. Nazhat al-Nazir fi al-Jam bayn al-Ashbah wa al-Nazaer. 1st ed. Qom: Razi Manuscripts; 1973. p.78. [Arabic]
9. Majlisi MT. Rawdat al-Muttaqin fi Sharh Man La Yahduruhi al-Faqih. 2nd ed. Qom: Kushanbur Islamic Cultural Institute; 1985. Vol.7 p.461. [Arabic]
10. Horr al-Ameli M. Wasail al-Shia. 1st ed. Qom: Al-Bayt Institute; 1988. Vol.17 p.175; Vol.24 p.171. [Arabic]
11. Majlisi MB. Bihar al-Anwar. 1st ed. Beirut: Al-Tabb wa al-Nashr Institute; 1989. Vol.63 p.34. [Arabic]
12. Haeri Tabatabaei SMM. Kitab al-Munahil. Qom: Al-Bayt Institute; No Date. p.247. [Arabic]
13. Bukhari M. Sahih al-Bukhari. Cairo: Ihya al-Kutub al-Arabiyya; 2019. Vol.2 p.8. [Arabic]
14. Beyhaqi A. Sunan al-Beyhaqi. Beirut: Dar al-Fikr; No Date. Vol.6 p.6. [Arabic]
15. Helli H. Nihayat al-Ihkam fi Marifat al-Ahkam. Tehran: Al-Bayt Institute for Revival of Tradition; 1989. Vol.2 p.8, 468. [Arabic]
16. Mousavi Khoi SAQ. Misbah al-Fiqh fi Sharh al-Makasib. Najaf: Al-Haydariyya Press; No Date. Vol.1 p.54-55, Vol.2 p.4. [Arabic]
17. Hoseyni Ameli SJ. Miftah al-Karamah fi Sharh Qawaed al-Allamah. 1st ed. Qom: Islamic Publications Office; 1998. Vol.4 p.13-20; Vol.12 p.65. [Arabic]
18. Ghalib al-Mahdi AR. Al-Sirasi Sharh Fath al-Qadir. Beirut: Dar al-Kitab al-Alamiyya; 2003. p.390, 426. [Arabic]
19. Naraghi MA. Mustanad al-Shia fi Ahkam al-Sharia. 1st ed. Qom: Al-Bayt Institute; 1994. Vol.1 p.160. [Arabic]
20. Helli H. Tadhkirat al-Fiqaha. Qom: Al-Bayt Institute; 1993. Vol.1 p.464. [Arabic]
21. Ansari M. Al-Makasib. Edited by Mirshafi Khansari. Qom: Institute of Imam al-Mahdi; 2004. p.28. [Arabic]
22. A collection of authors. Fiqh Ahl al-Bayt. Qom: Institute of Islamic Jurisprudence on the Religion of Ahl al-Bayt; No Date. Vol.3 p.216-217; Vol.45 p.280-281; Vol.46 p.75-76. [Persian]
23. Hosseini Tehrani SMM. Treatise on Human Purity. 1st ed. Qom: Shahriar Publications; 2004. p.30-31. [Persian]
24. Montazeri Najafabadi HA. Studies in Forbidden Gains. 1st ed. Qom: Takkar Publishing; 1994. Vol.1 p.276, 284. [Persian]
25. Mousavi Khomeini SR. Al-Makasib al-Muharramah. 1st ed. Qom: Institute for Compilation and Publication of Imam Khomeini's Works; 1994. Vol.1 p.29, 38. [Arabic]
26. Muzaffar MR. Usul al-Fiqh. Qom: Ismailian; No Date. Vol.1 p.189. [Arabic]
27. Fazel Meqdad JM. Kanz al-Irfan fi Fiqh al-Quran. 1st ed. Qom: Majma'-e Jahani-ye Taqrib-e Madhahib-e Eslami; 2001. Vol.2 p.300. [Arabic]
28. Sobhani Tabrizi J. Al-Mahwah fi Tahrir Ahkam al-Makasib. Qom: Imam Sadiq Institute; 2003. p.31. [Arabic]
29. Najafi Kashif al-Ghita J. Sharh Qawaed al-Allamah Ibn al-Mutahhar. Najaf: Kashif al-Ghita Institute; 1999. p.13. [Arabic]
30. Allameh Helli H. Mukhtalaf al-Shia fi Ahkam al-Sharia. 2nd ed. Qom: Islamic Publications Office; 1992. p.337. [Arabic]
31. Ameli MH. Al-Maalem al-Mathura. 1st ed. Qom; 1985. Vol.4 p.23. [Arabic]
32. Irvani A. Hashiyat al-Makasib. Tehran: Rushdieh Printing House; 1974. Vol.1 p.5. [Arabic]
33. Lari SAH. Al-Taliqa ala al-Makasib. 1st ed. Qom: Al-Maarif al-Islamiyya; 1997. p.43. [Arabic]
34. Al-Nawawi al-Damashqi AZ. Rawdat al-Talibin. Cairo: Al-Maktaba al-Islamiyya; No Date. Vol.5 p.194-195. [Arabic]
35. Tabrizi J. Sirat al-Najah. Qom: Selected Publishing House; 1995. Vol.1 p.21. [Arabic]
36. Bahrani H. Anwar al-Lumah fi Sharh Mafahim al-Sharia. 1st ed. Qom: Scientific Research Complex; No Date. Vol.11 p.286. [Arabic]
37. Najafi Kashif al-Ghita M. Ahkam al-Matajir al-Muharramah. 1st ed. Najaf: Kashif al-Ghita Institute; 2002. p.39. [Arabic]

38. Hakim Tabatabaei SM. *Jurisprudential Discourses*. 1st ed. Beirut: Al-Manar Institute; 1995. p.318. [Arabic]
39. Mousavi Khomeini SR. *Al-Rasael*. Qom: Ismailiyan Institute; 1965. Vol.2 p.96. [Arabic]
40. Mobaleghi A. *Familiarity with the Thoughts of Imam Khomeini*. Qom: Institute for Compilation and Publication of Imam Khomeini's Works; No Date. p.7-10. [Persian]
41. Meshkini MA. *Jurisprudential Terminology*. Qom: Mehr Publications; 2017. p.247. [Persian]
42. Makarem Shirazi N. *Fiqh al-Hayat*. 1st ed. Qom: Imam Ali ibn Abi Talib School Publications; 2001. p.230, 251. [Arabic]
43. Mousavi Khomeini SR. *Tahrir al-Wasila*. 1st ed. Qom: Dar al-Ilm Publications; 2005. p.615. [Arabic]
44. Lankarani MF. *Ahkam Pezeshkan va Bimaran*. Qom: Amir Qalam Publications; No Date. p.174-175. [Persian]
45. Lankarani MF. *Jame al-Masail*. Qom: Amir Qalam Publications; No Date. p.241. [Persian]
46. Bahjat MT. *Istiftaat*. 1st ed. Qom: Office of Ayatollah Bahjat; 2007. Vol.3 p.156. [Persian]
47. Najafabadi HA. *Treatise of Istiftaat*. Qom: Daftar-e Ayatollah al-Uzma Montazeri; 1996. Vol.2 p.270. [Persian]
48. Makarem Shirazi N. *Medical Rules*. 1st ed. Qom: Imam Ali ibn Abi Talib School Publications; 2008. p.136. [Persian]
49. Ansari Dezfuli M. *Kitab al-Makasib*. 3rd ed. Qom: Dar al-Kitab Press; 1989. Vol.1 p.85. [Arabic]
50. Hosseini Khamenei A. *Answers to Questions*. Beirut: Al-Dar al-Islami; 1999. Vol.2. [Arabic]
51. Sobhani Tabrizi J. *Al-Rasael al-Arbaa*. 1st ed. Qom: Imam Sadiq Institute; 1994. Vol.3 p.90. [Arabic]
52. Sobhani Tabrizi J. *Al-Masail al-Fiqhiyya*. 1st ed. Qom: Imam Sadiq Institute; 1982. Vol.15 p.97; Vol.26 p.90. [Arabic]
53. Sobhani Tabrizi J. *Al-Insaf fi al-Masail al-Mukhtalaf Fiha*. Qom: Imam Sadiq Institute; 2002. Vol.2 p.107. [Arabic]
54. Sobhani Tabrizi J. *Al-Itesam bil-Kitab wa al-Sunnah*. 1st ed. Qom: Al-Majma al-Alami li-Ahl al-Bayt; 1996. p.205. [Arabic]
55. Sobhani Tabrizi J. *Sources of Islamic Jurisprudence*. 1st ed. Beirut: Dar al-Adwa; 1998. p.19. [Arabic]
56. Shahid al-Awwal M. *Al-Lumah al-Damashqiyya*. 1st ed. Qom: Al-Ham Institute; 2008. p.73. [Arabic]
57. Tusi M. *Al-Khilaf*. Qom: Islamic Publishing Institute; 1996. Vol.3 p.187. [Arabic]
58. Mohaqiq Karaki A. *Jame al-Maqasid*. 1st ed. Qom: Al-Bayt Institute; 1987. Vol.4 p.244. [Arabic]
59. Mousavi Khomeini R. *Kitab al-Bay*. 1st ed. Tehran: Institute for Compilation and Publication of Imam Khomeini's Works; 2000. Vol.1 p.23, 42. [Arabic]
60. Najafi Kashif al-Ghita A. *Al-Nur al-Sati fi Fiqh al-Nafi*. Najaf: Al-Adab Press; 1961. Vol.1 p.350. [Arabic]