

Bioethics and Islam

Being Human
Gary R. Bunt

Bioethics

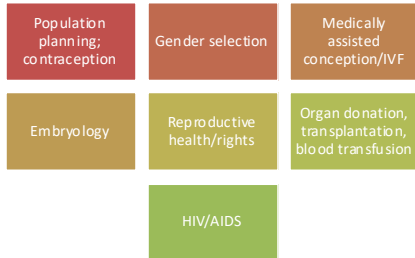
- *A field of inquiry dealing with the moral obligations of health professionals and society in meeting the needs of the sick and injured, providing a framework for moral judgment and ethical decision making in the wake of phenomenal advancements in medicine.*
- *Muslim jurists employ the principles of public interest (maskahah) and equity (istihsan) in making the majority of decisions dealing with health care policies in general.*

Bioethics

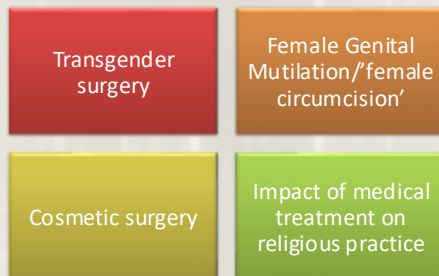
- *In dealing with patient rights and the obligations of medical professionals, the two principles of protection against distress and constriction (sar wa haraj) and refraining from causing loss or harm to oneself or to others (la darar wa la dirar) predominate. Issues such as genetic engineering and human cloning are debated, but no consensus of religious authorities has been reached.*

Source: "Bioethics." In *The Oxford Dictionary of Islam*, edited by John L. Esposito. *Oxford Islamic Studies Online*,
<http://www.oxfordislamicstudies.com/article/opr/t125/e356>

Medical issues and Islam



Medical Issues



Medical issues and Islam



Medical issues

Institutional and staff approaches to Muslim patients

Cultural barriers can impede treatment

Muslim medical staff

Interfaith approaches

General Issues

Hospital space/privacy

Dress code

Male and female separation

Hospital food/halal requirements

Standards of care and follow-up

Education on health issues

Reproductive health concerns

Contraception prohibited, unless justified on health grounds

Family size issues can lead to health damage for women

Gender selection

Problems of family balance if permitted (i.e. too many males)

Can lead to abortion of female embryos

Can be associated with ethical concerns of IVF (in relation to other forms of conception)

IVF

Modern Muslim scholars do consider certain types of artificial insemination to be permitted. However, the means of insemination are restricted. The only permitted means is the artificial transference of the husband's sperm to his wife while they are cohabiting. The use of reproductive faculties (sperm or womb) of third parties and the use of the procedure by an unmarried couple are not allowed and are considered by some jurists to be close to zina (fornication). Professor Mustafa Shalabi, for example, does not allow the wife to use the sperm of her deceased husband or her ex-husband as this causes problems with the child's nasab (genealogy) and the distribution of the deceased's inheritance.

IVF

Pakistan Case Study

These issues introduce an interpretative and ethical debate, given that 'traditional Pakistani society' can represent (in general terms) a preference for male over female offspring.

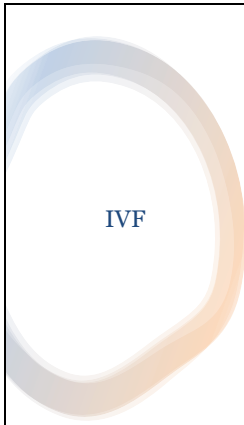
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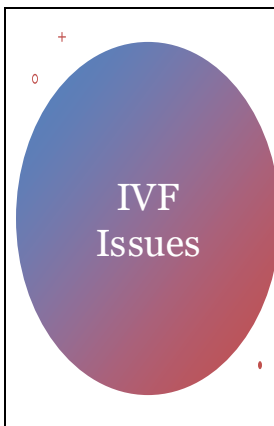
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IVF

The reasons may also be linked to a specific interpretation of Islamic sources, which argues that males are 'superior' to females.

Scholars expressed concerns about the implications of 'genetic engineering' in areas concerned with family and property rights, and in the guarantees of 'legitimacy' of any conception. Certain areas of this technology were determined as 'forbidden', including the use of anonymously donated sperm, and/or surrogate pregnancy.



IVF
Issues

Interviewees' concerns were compounded by the feasibility of after-death conception; for example, a 'test tube baby' could be conceived after its father's death through sperm or embryo preservation. The impact of this upon an Islamic 'marriage contract' would be considerable. Although a marriage is 'finished' on the death of either partner, the existence of a contractual pact or agreement stating that - for example - upon the husband's death, the wife would use preserved sperm to conceive a child raises questions of 'legitimacy'. An alternate scenario would be, after a wife's death, the husband's use of 'their' embryos in a 'surrogate mother'.

IVF Issues

Interviewee responses centred on the following question:

"A husband has a sample of his sperm 'preserved', prior to medical treatment (which could render him impotent e.g. radiation treatment for cancer). Two years later he dies in an accident. Following this accident, his wife decides to have a baby through IVF [in vitro fertilisation] treatment. What is the appropriate Islamic response to this issue?"

IVF Issues

This hypothetical situation provoked intensive discussions, prior to tentative responses being provided. The reaction of some interviewees was that they had absolutely no desire to ever face such a question:

"I don't like it in principle. The basic approach of modern secularists is if something can be done, it should be done. If you do not have a child, it's just like not having money. It doesn't entitle you to go and break open the bank. If you can't have a child, because of blocked tubes or something, then you can do something about it. If it is beyond a certain point then it spins over into the sector of 'just because it can be done, it should be done'. This is not according to Islam.

IVF Responses

The writer asked Mumtaz whether this was the kind of case in which Islamic decision-making processes had a role to play? The response was cautious:

"Yes. But now you are asking a theoretical question. I would not give you a theoretical answer at all. It must be the case brought to me. Detailing the mother, the father. Specifics. That would be possible. I will see it and then make a ruling. But not on theoretical grounds like this. As if you are giving a general fatwa [religious edict or ruling]. In this case it should not be allowed. You have to know, this is the mother, this is her situation, and this is the father. And this is the case what is happening."

Mumtaz based his initial conclusion on an opinion that 'after-death conception' represented a transgression of the boundaries of Islam.
Mumtaz

IVF Responses

Another scholar, seen by some as a 'progressive' commentator on Islamic issues, had reservations about the technological 'innovation' too:

"Perhaps I may be categorised as rather conservative when I say that despite all the knowledge of genetics that we have today, I still believe that God, creator of all humanity, has much more knowledge than all of our scientists because He has created us from nothing.

"I think these experiments work for a while, but we are not yet in a position to understand what was the wisdom when God created human beings by selecting one out of ten million genes to make successful fertilisation...



Qur'an perspective:

Some scholars felt that foetal scanning for the determination of gender was acceptable, but not if the result was abortion of a female foetus, which is specifically against injunctions contained within the Qur'an (with certain exceptions):

"When news is brought to one of them of (the birth of) a female (child) his face darkens and he is filled with inward grief!

"With shame does he hide himself from his people because of the bad news he has had! Shall he retain it on (sufferance and) contempt or bury it in the dust? Ah! What an evil (choice) they decide on!"

Qur'an, *Surah al-Nahl*, 16:58-9, Ali trans.

Euthanasia

- The opinions connected with the concept of God's provision of the human body, can also be linked with the issue of euthanasia and the 'Islamic' stigmatisation of suicide; permitting euthanasia was seen as violating the ethics of society, and the authority of God.

Euthanasia

- Do not take life, which Allah made sacred, other than in the course of justice. *Qur'an 17:33*
- When their time comes they cannot delay it for a single hour nor can they bring it forward by a single hour. *Qur'an 16:61*
- And no person can ever die except by Allah's leave and at an appointed term. *Qur'an 3:145*

Further reading:

<http://www.bbc.co.uk/religion/religions/islam/islamethics/euthanasia.shtml>

Euthanasia

- Destroy not yourselves. Surely Allah is ever merciful to you. *Qur'an 4:29*
- The Prophet said: "Amongst the nations before you there was a man who got a wound, and growing impatient (with its pain), he took a knife and cut his hand with it and the blood did not stop till he died. Allah said, 'My Slave hurried to bring death upon himself so I have forbidden him (to enter) Paradise.'" *Sahih Bukhari 4.56.669*

Organ donation

the human body is seen as being 'owned' by God:

"I think that when I am donating my eye, do I have authority? Do I own it? Is it mine? And according to the approach of Muslim scholars through the centuries, my body is owned by God and life is given by God as a trust. I am authorised to use it, but not to misuse it. I am authorised to use my body in a healthy, natural way, but if I commit an offence against my body, then the Qur'an calls it 'zulm': injustice and exploitation."

Organ Donation

Violating the human body, whether living or dead, is forbidden in Islam. However, altruism is also an important principle of Islam, and saving a life is placed very highly in the Qur'an—"Whosoever saves the life of one person it would be as if he saved the life of all mankind" (chapter 5:32).

In this dilemma, the principle that reconciles the two is 'necessity overrides prohibition' (al-darurat tubih al-mahzurat). This principle has been used previously to approve the use of pork insulin and porcine bone grafts [6].

In a formal decision in 1996, the UK Muslim Law Council issued an Ijtihad (religious ruling) that organ transplantation is entirely in keeping with Islam.^[7] Accordingly, Muslims in the UK may carry donor cards, and live donation is seen as an act of merit.

Source: [Organ Donation, Transplantation and Religion](#)
Michael Oliver, Alexander Woywodt, Aimun Ahmed, Imran Saif
[Discloses Nephrol Dial Transplant. 2011;26\(2\):437-444.](#)

•One of the most intractable issues for contemporary medical practice is the worldwide spread of AIDS. Because of the officially prescribed ideals of Muslim sexual behavior, a number of Muslim governments have been reluctant to disseminate information or even to collect statistics on the epidemic, preferring to view it as a foreign danger to be stopped at the borders.

•Muslim clerics often resist any open discussion of the issue, whether it concerns preventing the spread of HIV/AIDS or the use of methods to contain it (through, for example, the distribution of condoms).

Conrad, Lawrence I., Nancy E. Gallagher, Yasmin Safian and Robert Gleave.
"Medicine." In *The Oxford Encyclopedia of the Islamic World*. Oxford Islamic Studies Online, <http://www.oxfordislamicstudies.com/article/opr/t236/e0524>

•This attitude stems from the view that the HIV/AIDS epidemic results from human acts and is, therefore, a punishment from God. No effort on the part of Muslims, so it is argued, can ever surpass God's will.

•The stigma of HIV/AIDS infection has deep roots within the Muslim community. Muslim physicians and social critics such as Munawar A. Anees, however, have argued convincingly that there is a gulf between ideals and realities, that the community is responsible for the welfare of all of its members, and that this "denial syndrome" must stop.

Conrad, Lawrence I. , Nancy E. Gallagher, Yasmin Safian and Robert Gleave. "Medicine." In *The Oxford Encyclopedia of the Islamic World*. *Oxford Islamic Studies Online*, <http://www.oxfordislamicstudies.com/article/opr/t236/e0524> (accessed 27-Nov-2014).

Alternative health approaches

Alternative health approaches

amulets,

prayer,

traditional medicines,

Exorcism

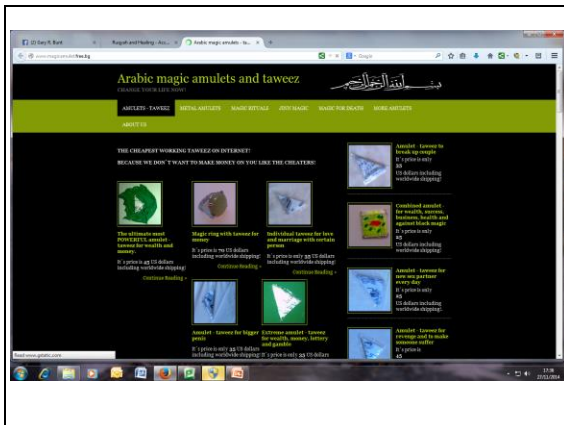
Syncretic/cultural practices

Linked to concepts associated with jinn

Can impact on mental health of 'patients'
(who may not receive conventional
treatment)

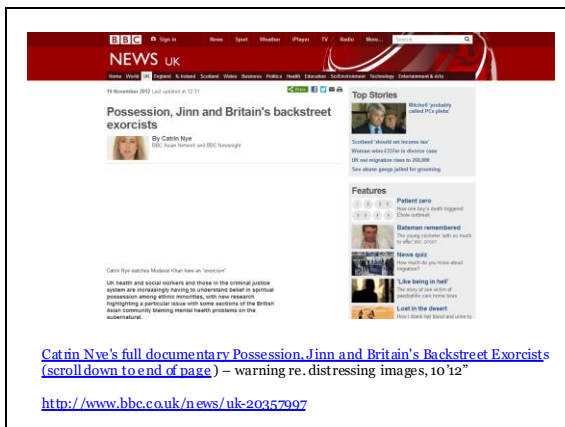
Can cause more damage

Cases of physical harm against 'possessed'
(including circumstances which have led to
imprisonment/murder)





<http://youtu.be/3OoLaGSOHEU>



[Catrin Nye's full documentary Possession, Jinn and Britain's Backstreet Exorcists](http://www.bbc.co.uk/news/uk-20357997)

(scroll down to end of page) – warning re. distressing images, 10'12"

<http://www.bbc.co.uk/news/uk-20357997>



