

Islam and bioethics



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Islam literally means 'submission to the Will of Allah (God)'. Islam is both a religion and a complete way of life. It is a universal religion comprising all nationalities of the world, holding no distinctions based on colour, race or ethnicity. Islam places the onus of practising religion on the individual.

There are over one billion Muslims across the globe and Australian Muslims come from more than 67 different countries. As you might expect, such a diverse range of races and nationalities brings an array of different cultures, all united by their common Islamic faith. In Australia, Muslims make the largest religious group after Christians, comprising 1.13 per cent of the population. More than a third of Australian Muslims were born in Australia.¹

Islam is a religion of peace, mercy and forgiveness, and the majority of its teachings bear no relation to the extremely grave events that have come to be associated with the faith in the public mind. In Islam, human beings are the crown of creation and are God's vice-regents on earth.² Humans are endowed with reason, choice and responsibilities, including stewardship of other creatures, the environment and their own health. Muslims are expected to be moderate and balanced in all matters, including health.³ Illness may be seen as a trial or even as a cleansing ordeal, but it is not viewed as a curse or punishment or an expression of *Allah's* wrath. Hence, the patient is obliged to seek treatment and to avoid being fatalistic.

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Islamic bioethics is intimately linked to the broad ethical teachings of the *Qur'an* and the tradition of the Prophet Muhammad, and thus to the interpretation of Islamic law. Bioethical deliberation is inseparable from the religion itself, which emphasises the continuities between body and mind, the material and spiritual realms, and between ethics and jurisprudence.⁴ The *Qur'an* and the traditions of the Prophet have laid down detailed and specific ethical guidelines regarding various medical issues. The *Qur'an* itself has a surprising amount of accurate detail regarding human embryological development. This informs discourse on the ethical and legal status of the embryo, and is taken by Muslims to be the direct word of God about the embryo and fetus before birth.^{5,6}

Islamic medical ethics are based on three sources of sacred law.⁸ The two primary sources of law are the *Holy Qur'an* and the *Sunnah* (the example, whether in word or deed, of the Prophet Muhammad incorporated in Islamic scriptures). The third source is *Litihad*, the law of deductive logic.

Islamic bioethics emphasises the importance of preventing illness, but when prevention fails, it provides guidance not only to the practising physician but also to the patient.⁷ The physician understands the duty to strive to heal, while acknowledging God as the ultimate healer. Islamic bioethics teaches that the patient must be treated with respect and compassion, and that the physical, mental and spiritual dimensions of the illness experience be taken into account.

The religious and cultural beliefs of Muslim women impact their healthcare needs and they face major barriers while seeking healthcare that the rest of the population, particularly healthcare providers, often are unaware of. Modesty, for example, is a key concept in Muslim women's lives. Observant Muslim women prefer to avoid unnecessary close contact with men and most choose to wear clothing that covers their bodies. They need female healthcare providers and have dietary restrictions, special needs during fasting, and personal hygiene needs related to daily prayers. Muslim practices and beliefs have implications for a variety of healthcare issues. Some are more obvious, such as those related to sexual norms and obstetrical and gynaecological care, including maternal and child health issues. Less obvious issues include the stigma associated with mental health issues and HIV/AIDS.

Ramadhan

Muslims worldwide observe total fasting (no food or water) between dawn and sunset in the month of *Ramadhan*. They do so not for losing weight or any medical benefit, but as it is ordained in the *Qur'an* which says:

'O you who believe! Fasting is prescribed to you, as it was prescribed for those before you (Jews and Christians) so that you may (learn) self-restraint.' (2:183)

According to Islamic laws, children below the age of 12, sick patients, travellers and women who are menstruating or nursing a baby are exempt from fasting. In addition to staying away from food or water for the whole day, Muslims are asked to stay away from sex, smoking or misconduct during the period of fasting. In addition, they are encouraged to do more acts of piety (for example, prayer, charity or reading the *Qur'an*) during this month.

Privacy and modesty

Islam commands both sexes to dress modestly, to maintain a moral social order and to protect a person's honour. The basic requirement for Muslim women is that clothes are neither transparent nor shape-revealing and that hair, arms and legs are covered, especially in the presence of any young adult or adult male who is not in the woman's direct lineage.

How a Muslim woman dresses is a cultural interpretation and it varies widely. Some Muslim women dress in a manner that looks no different than their Western counterparts, although they tend to be more conservative. More observant Muslim women will cover their hair in addition to wearing clothes that cover their arms and legs. Very strict observant women may choose the long, wide, black dress that covers their entire body and others may also practise veiling.

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Arab/Muslim female patients might feel more comfortable if the individual healthcare provider or team announces its arrival before entering her room, thus permitting time for her to cover herself. In addition, Muslim women specifically, and Arab women in general, do not tolerate unnecessary exposure of their bodies and will specifically prefer to breastfeed their newborn babies in private.

The male doctor

Male doctors should not shake hands with or hug female patients, unless the patient initiates it. Some patients may avoid prolonged eye contact out of respect and modesty. Medical treatment, entailing the inspection of the body of a patient of the opposite sex, is legitimate according to the tradition of the Prophet. Through the ages, jurists have upheld this statute. Under all other circumstances the *awra* should be covered. The *awra* is the part of the body that should be covered from strangers. In men, this includes the genital region or, more restrictively, from the navel to the knees. In women, the body should be covered except for the face and the hands (some jurists allowed feet and ankles, or sleeves down to the elbows for the necessity of work or profession). It is lawful for a medical professional of one sex to look at the *awra* of a member of the other sex for purposes of medical examination, treatment and medical education. As is polite in medical examinations anywhere, exposure should be limited to the area of medical interest.

Virginity

Many western colleagues show great surprise when told that in communities where religion is still recognised, Muslim and Christian girls do not indulge in premarital sex, and that virginity at the time of marriage remains almost universal, irrespective of age, education or social class. The regard given to virginity in Muslim societies has an obvious influence on the practice of gynaecology. Gynaecologists examining unmarried girls avoid vaginal examination whenever possible and usually resort to pelvic examination per rectum. Menstrual tampons are not used by unmarried women, only sanitary pads are used. Accidental injury of the hymen resulting from a fall on a sharp object are taken seriously and treated carefully. In cases of cryptomenorrhoea due to an imperforated hymen requiring surgical treatment, the hymen is not excised. A small cruciate incision is made, with corners stitched to the outer face of the hymen. The operation aims at creating a small hymenal opening that would not arouse inappropriate suspicion after marriage.

Female circumcision

This practice is neither Islamic nor ordained by Islam, but there is confusion in many Western countries where it is mistakenly ascribed to Islam. The procedure long antedates Islam and its geographical distribution is different from the map of Islamic peoples. For thousands of years it was prevalent in the Nile Valley (Egypt, the Sudan and Ethiopia), as well as in limited communities in Arabia, Russia and South America. Its exact origin in history is unknown. Regarding male circumcision, the ruling is different. In Islam, male circumcision is a *sunna* (commendable but not obligatory, with no punishment if omitted).

Contraception

Islamic medicine has known about birth control for centuries. For example, the Muslim writers Avicenna (980-1037) and Al-Razi (856-923) refer to different methods of contraception. Islam is strongly pro-family and regards children as a gift from God. Muslim sexual ethics forbid sex outside marriage, so its teachings about birth control should be understood within the context of husband and wife.

There is no single attitude to contraception within Islam, but eight of the nine classic schools of Islamic law permit it. However, more conservative Islamic leaders have openly campaigned against the use of condoms or other birth control methods, thus making population planning in many countries ineffective.

This resistance to birth control was reflected in 2005, when a conference involving 40 Islamic scholars from 21 countries urged fresh efforts to push population planning and better reproductive health services. Yet while the participants were in favour of promoting the use of contraceptives for married couples, they were reluctant to make it part of their joint declaration for fear of reprisals from the more conservative Islamic scholars in their respective countries.

Menstruation

Islam teaches that during the menstrual period a woman should cease to carry out her prayers. After cessation of menstruation, she will perform the *tuhr* bath and resume her prayers again. She is in no debt for the prayers she has missed and need not repeat them later. Fasting is not permissible during menstruation, whether it is obligatory *Ramadhan* fasting or voluntary fasting. The woman, however, is required to make up for the days obligatory fasting was broken and she will later fast for an equal number of days.

Sexual intercourse is prohibited during the menstrual period. Whether aesthetic or medical reasons testify for or against intercourse during menstruation, the fact remains that it is prohibited by Islam. During *Hajj* (pilgrimage) or *Umra* (ritual visit to *Kaaba*), menstruation prohibits a woman from the *Tawaf* (circumnavigation or walking around the *Kaaba* for seven turns) which is an integral part of the proceedings. It is for this reason that women have tried since the early days of Islam to have some control over the time of onset of the period and, if possible, to be able to postpone it until they have comfortably made their *Tawaf*.

Childbirth

Muslims consider a fetus after 120 days of gestation to be a viable baby. A miscarriage or intrauterine death occurring after this period requires a burial. Therefore, fetuses from such events must be given to the parents for proper burial. After delivery, the placenta should be offered to the parents for disposal. It is important for a newborn child to have a prayer call (*azhan*, 'the call to prayer') soon after birth. It is possible that the parents may want a learned person, such as an *imam*, *mufi* or *sheik* to perform this task.

Abortion

In many parts of the world, 'abortion on demand' is available. The Islamic ruling on abortion cannot ignore the goings-on in the rest of the world, nor can it blind its eyes to the impact of the changing global climate and its implications for the nation of Islam. Islam recognises, respects and protects human life in all its phases, including the intrauterine stage, and therefore abortion is not permitted except in the most dire medical circumstances.

All jurists of all Muslim sects unanimously agree that abortion after 16 weeks is a grave and punishable sin. A small minority show leniency before 16 weeks and a small minority show leniency before seven weeks. However, all jurists agree that if the pregnant woman suffers a medical condition incompatible with pregnancy and the medical opinion is that continuation of pregnancy poses a real threat to her health, then abortion is permissible. Jurisprudence considers that the mother is the root and the fetus is the offshoot and if their welfares are irreconcilable, then the fetus has to be sacrificed in order to save the mother.

Infertility

'To God belongs the dominion of heavens and earth. He creates what He wills. He bestows females upon whom He wills and bestows the males upon whom He wills. Or He couples them in males and females and He leaves barren whom He wills. For He is All-Knowledgeable All-Powerful.' (42:49-50)

To have a child is a great blessing from God. Seeking a remedy for infertility is therefore quite legitimate for Muslims and is not considered as rebellion against the fate decreed by God. Prophets of God who were childless incessantly asked their Lord to give them children, and the *Qur'an* tells us time and again about the keen prayers of Abraham and Zakaria in this respect. Modern reproductive techniques have been devised and as far as they solve the problem of many childless marriages, they have to be praised and saluted, but the expansion of their application may put them in conflict with Islamic principles in some situations.

Artificial insemination by the husband's semen (AIH)

From the Islamic point of view, this procedure is acceptable as long as it remains between husband and wife, and is carried out during the span of their marriage.

Artificial insemination by a donor's semen (AID)

Although this procedure can put an end to the problem of the fertile wife of an infertile husband, it stands unacceptable to Islam. This is for several reasons, including confusion of lines of genealogy (whose purity is so dear to Islam), potential for absolving the biological father from responsibility for his own 'flesh and blood'. As well, it is seen to enhance the chances of inadvertent brother-sister marriages in a community. Lastly, it violates the Islamic legal system of inheritance.

In vitro fertilisation (IVF)

The Islamic ruling on IVF is consistent with rulings on mating and reproduction in general. The procedure is Islamically acceptable and commendable, but only if it solely involves husband and wife and if it is performed during the span of their marriage. If the woman becomes widowed or divorced, then the marriage contract has come to a conclusion and the stored semen of the husband would be alien to her.

Surrogacy

Surrogacy is not acceptable to Islam, again on the premise that pregnancy should be a fruit on the tree of a marriage. The procedure is also condemned in Islam because it entails the carrying in pregnancy of an 'alien seed,' which is outside the marriage contract binding the husband and his second wife. At any rate, the child would belong to the woman who carried and delivered it. Islam states that although God knows we are related

to both the ovary and the womb of our mother, the reference in the *Qur'an* is always made in relation to the womb, and it was repeatedly stated in the *Qur'an* that our mothers are those who gave birth to us:

'None can be their mothers except those who gave them birth.' (58:2)

References

1. Care of the Muslim patient (clinical update). *Australian Nursing Journal (ANJ)*, August 2003.
2. *Qur'an* 2:30.
3. Al Khayat M H. Health and Islamic behaviour. El Gindy A R, editor. *Health policy, ethics and human values: Islamic perspective*. Kuwait: Islamic Organization of Medical Sciences, 1995. p 447-50.
4. Al Faruqi I R. *Tawhid: its implications for thought and life*. Kuala Lumpur: International Institute for Islamic Thought, 1982.
5. Bucaille M. Human reproduction. *The Bible, the Qur'an and science*. Indianapolis: North American Trust Publications, 1979. p198-210.
6. Al Bar M A. *Human development as revealed in The Holy Qur'an and Hadith*. (The creation of man between medicine and The Qur'an). Jeddah: Saudi Arabia Publishing & Distributing House; 1986.
7. Ebrahim A M. *Abortion, birth control and surrogate parenting. An Islamic perspective*. Indianapolis: American Trust Publications; 1989. p10.
8. Medical ethics and Islam principles and practice. *Archives of Disease in Childhood*, 2001; 84:72-75.

Further reading

Islam in Australia.

Australian Department of Foreign Affairs and Trade
www.dfat.gov.au/facts/islam_in_australia.html

Islamic Perspectives of Obstetrics and Gynaecology.

A resource reference for physicians handling Muslim patients.

Gynaecology and Maternal Care.

A medical school teaching textbook.

Islamic Perspectives of Obstetrics and Gynecology.

A resource reference for physicians handling Muslim patients.

The Full Minutes of the Seminar on Human Reproduction in Islam.

Held on 24 May 1983.

'A further overview on Judaism' continued from page 23.

Similarly, abortion is accepted if the mother's health, which includes mental health, is threatened. Abortion for social and fetal reasons is debated quite hotly and again would depend on which brand of Judaism is followed. Under 40 days of age, the embryo is considered as a drop of water and is not a complete human being until the head is delivered. While the legal penalties for unwarranted abortion differ depending on the age of the fetus, ethically and legally, unnecessary abortion is wrong at any stage of gestation. Although there is this prohibition against abortion in Jewish law, an abortion before 40 days gestation would be considered differently from later abortion, which again is not considered in Jewish law as murder and would not carry as severe a penalty as infanticide, which is regarded as murder.