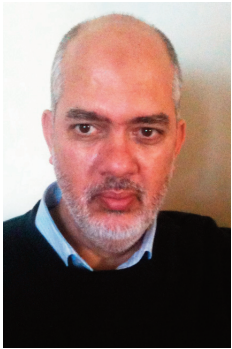


Life and Bioethics in Islam

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Islam views the human being as a vicegerent on earth. S/he was created to do that which is positive, in line with Divine will which was revealed to humanity through a large number of prophets (25 of them are mentioned in the Qur'an by name). The essence of this vicegerency is to worship the One God and to live according to the practical model set by Prophet Muhammad (Peace be upon him), and to serve the one human family by protecting life which is a gift from God. Where possible, one is encouraged to enhance its quality, using that which God availed and made lawful. Islamic ethics and morals, including the field of medical ethics, are derived from the Qur'an and the Sunnah (i.e., the teachings and practice) of the Prophet. Fostering dialogue in the field of bioethics across the perceived or real cultural "borders" and cooperation in serving humanity is a welcomed contribution to convivencia and multiculturalism. The elaborate Islamic law, which is still not known to many, can enrich the discussion when it comes to medical ethics and, indeed, to law and ethics across the disciplines.

It is important to begin with the position that the human being occupies in the Islamic worldview; s/he is dignified qua human. The Qur'an speaks about all the children of Adam being honored by God: «*Verily, We have honored the Children of Adam. We carry them on the land and the sea, and have made provision of good things for them, and have preferred them above many of those whom We created with a marked preferment*» (Qur'an, 17:70).

When Muslims face difficult decisions about life and death issues, involving medical treat-

ment, they turn to their religious sources, the Qur'an and the traditions of the Prophet, for guidance. Development in medical technology brought with it new good services, but also challenges and ethical questions.

Should one turn off life support for a brain-dead child? Can the hospital approach the parents of this child for organ donation? How to prioritize potential recipients? Who should be involved in the decision-making? As new developments in science advance medical treatment, and open new opportunities that were not possible only years ago, new ethical questions have emerged. For Muslims, especially scholars, they search the Qur'an and the traditions of the Prophet either for a direct answers, if possible, in the first place, or for relevant clues and resembling precedents, often leading to reasoning by analogy (*qiyas*).

Because life is a gift from God, the human being is considered a trustee, a caretaker of this life. Both major Islamic sources, the Qur'an and the traditions of the Prophet, reflect the sanctity of life. To reflect commonalities with the People of the Book, the Qur'an uses the story of the two children of Adam to highlight the importance of saving life as juxtaposed against the grave sin of murder: «*For this reason, We ordained for the Children of Israel that if any one slew a person - unless it be for murder or for spreading mischief in the land - it would be as if he slew the whole people. And if anyone saved a life, it would be as if he saved the life of the whole people...*» (Qur'an 5:32).

The history of revelation confirms the sanctity of life and aims at protecting the human

being from actions that undermine this sanctity. Scientists who deal with human beings are included in this call. They should not “create”, tamper with, or dispose life at will. Legislators should not create laws that permit medical practices that violate the sanctity of life. On the other hand, there should be laws that protect life on the individual level, and also laws that protect the traditional heterosexual family, as the only natural family to ensure continuum of humanity. Although there is political pressure in the west in general that attempt to pave the way for accepting same-sex marriages, with some protestant churches and reform synagogues supporting it, homosexuality is absolutely prohibited in unequivocal terms in the Torah and the Qur’an, and the Gospel did not repeal its prohibition. Divine revelation would not come with conflicting positions regarding faith or morality. Sexuality and procreation are only legitimate within the natural family, between male and female. There are no “gay genes”, in as much as there are no zoophile or necrophile genes. Saving life, in the broader sense, means upholding revealed values.

Saving a life is a daily preoccupation for those involved in medicine, and many other professions too. I often wonder if it is possible at all for people to be some kind of honorary physicians, simply to take an oath pledging to protect life and save it. While many people lead such a life anyways, the pledge might serve as an encouragement to some, for we still live in world where, in addition to famine and disease, war machinery wrecks havoc on daily bases in many parts of the world. Shamefully, in the 21st century, millions of lives are still being lost, maimed, or deformed because of military invasions, occupation and colonialism. It is heart wrenching to see what befell Afghanistan, Iraq and the ongoing Palestinian Nakba, although the list of countries that suffer is much longer.

The original context of the verse prohibiting homicide, the story of the two children of Adam, has strong implications for life. Before the actual killing took place, one of

them made his intention clear that he was going to kill his brother, the other brother, made his intention clear that he was going to be pacifist and accept to die rather than to kill his brother as a preemptive move. Revelation is not there to entertain people; non-violence is a valid option. One can note that the two children of Adam had identical cultural background, for there was no room for serious differences to emerge. This story undermines Samuel Huntington’s “Clash of Civilizations” which depends on cultural differences. What is shocking is that people are capable of killing their next of kin. This is the true human tragedy.

Preserving life is considered one of the five major aims of Islamic law (*maqasid al-Shari’ah*): preserving life, religion, intellect, progeny, and property. One can see that these aims are related to bioethics directly or indirectly.

A Muslim may “break” the law in order to preserve life. One might eat or drink that which is prohibited in order to stay alive. From another perspective, the law (i.e, the Shari’ah) is not broken, for it includes the possibility of breaking it in the first place in order to preserve life.

The Islamic philosophy of law, *Usul Al-Fiqh*, stipulates that:

1. There should be no harm. Interestingly, the original tradition of the Prophet could be read as “You are neither allowed to harm yourself, nor you are allowed to harm others”.
2. Harm should be removed. This is an obligation if this harm is detrimental to life. This is why seeking medical treatment is optional if it is not a life-threatening medical condition.
3. Removing harm should not lead to a greater harm. One cannot improve the quality of someone’s life by taking the life of another. There are reports of horrible practices where pregnancy takes place for the sake of providing organs or tissues for others, turning women into machines!

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While there is a complex relationship between one aim of Islamic law and another, where protecting the intellect, for example, could be associated with protecting life. An intoxicated person might endanger herself and others, depending on what she is doing. Islam prohibits the consumption of alcohol, or the use of drugs (unless as a part of necessary medical procedure, such as anesthesia).

Protecting life comes to the foreground when abortion becomes an issue. Is there a difference between therapeutic and elective abortion? Whenever the life of the mother is endangered, it is either permissible or even obligatory to have an abortion, depending on the gravity of the situation. How about

the right of the fetus? There are certain circumstances that ought not to lead to abortion as those related to life style or socio-economic factors: «Kill not your children for fear of want. We shall provide sustenance for them as

well as for you. Verily the killing of them is a great sin» (Qur'an, 17:31)¹.

While I believe there should never be room for abortion for cosmetics, there are no ready answers for every possible situation such as in the following case:

Should an elderly primagravida terminate her early pregnancy before going through chemotherapy?

The advisory position of the Islamic Medical Association of North America (IMANA) regarding contraception and abortion is as follows: «Islam prohibits sex and conception out of wedlock. For married couples, contraception for several reasons, including health of the mother, social or economic reasons etc, is permitted. Abortion is "willful termination of pregnancy by artificial means (drugs, chemicals, mechanical or surgical before the age of viability 23 weeks) for any reason. Chemical or mechanical means to prevent the formation of zygote (fertilized ovum, which marks the beginning of human life) is not considered abortion. We believe that life begins at conception and unless inter-

rupted by disease or artificial means, the fertilized ovum will continue to grow and become a viable mature human being. Islam gives fetus the right to life. IMANA's position on abortion can be classified in three categories:

1. Elective abortion of a viable fetus in a healthy mother is considered a serious crime, equivalent to murder and is prohibited.

2. Abortion may be permitted if continuation of pregnancy may cause the pregnant woman to die or cause serious deterioration of her health both medical and mental.

3. The congenital conditions affecting fetus in which abortions may be sought and may be permitted are lethal malformations not compatible with extra uterine life such as bilateral renal aplasia, Trisomy 13, 18 and. But, even in these situations, it is preferable to do it before the 120 days of pregnancy. In non-lethal situations such as severe hydrocephaly, cervical spinal bifida, Down's syndrome, it may be permissible before 120 days of pregnancy after consulting Islamic scholars and medical experts in the field.

4. Pregnancy occurring because of rape, war crimes, incest may be a cause to seek abortion. In all cases, the recommendation should be made by a team of Islamic scholars and medical experts in the field.

5. Similarly, contraceptive methods which can lead to abortion are not allowed»².

Procreation is much valued but the traditional family where marriage takes place between a man and a woman remains the only acceptable family. All forms of fornication, adultery, and homosexuality are prohibited. Some of these practices, such as homosexuality, prevent procreation. The Qur'an prohibits and condemns homosexuality. The people of Lut (Biblical Lot) incurred God's wrath and He punished them because of homosexuality: «What! Of all creatures do ye come unto the males, and leave the wives your Lord created for you? Nay, but ye are froward folk. They said: If thou cease not, O Lot, thou wilt soon be of the outcast.

He said: I am in truth of those who hate your conduct.

My Lord! Save me and my household from what they do.

So We saved him and his household, every one, save an old woman among those who stayed be-

hind. Then afterward We destroyed the others. And We rained on them a rain. And dreadful is the rain of those who have been warned. Lo! herein is indeed a portent, yet most of them are not believers. (Qur'an, 26: 165-174).

Dr. Taha Jaber Al-'Alwani, president of the Fiqh Council of North America reflected the Islamic prohibition in absolute terms: «The scholars of this Ummah are in agreement-based on what has been revealed in the Qur'an and what has been authenticated in the Prophetic Tradition (Sunnah)- on prohibiting both behaviors (gayness and lesbianism) because in each of two actions there is an assault on the humanity of a person, destruction of the family and a clash with the aims of the Lawgiver, one of which is the establishment of sexual instincts between males and females so as to encourage the institution of marriages»³.

As to the relationship of medical ethics to homosexuality, it is the role of psychologists and psychiatrists to provide reparation therapy. It is doable.

Fornication and adultery might lead to unwanted pregnancies and, ultimately, abortion. And where a woman decides to have a child out of the wedlock, or simply ends up with one due to various conditions, we are faced with violating the protection of progeny.

Within marriage, certain practices are permitted to prevent pregnancy from taking place. The origin of this is that Prophet Muhammad (Peace be upon him) allowed his companions to practice coitus interruptus. All modern forms of contraceptives, including IUD's, hormone treatment and condoms, are all allowed from this perspective. The Prophet advised Muslims to have spacing between one child and the other. Nevertheless, the Prophetic traditions reflect strong advocacy of marriage and procreation: «Get married! Multiply! For I will take pride in you, before the other nations, on the Day of Judgment»⁴.

Although his hadith encourages marriage and stresses the importance of procreation, it does not make marriage obligatory. Muslims may opt not to marry if they know that

being single does not lead them to wrong doing. There are famous Muslim scholars who never got married but this cannot be considered as an act of devotion in Islam; they never took vows to be celibate. The Qur'an and the Sunnah do not allow room for celibacy which is considered a post-revelational construct.

Helping married couples to have children including IVF (in vitro fertilization) is not only allowed, but is very much appreciated. IVF should not be extended to women outside marriage. Since marriage ends with the death of either spouse, such help should not be extended to a widow asking, for example, to harvest sperms of her deceased husband, or to use his deposited sperms.

Help should not be extended to donors of sperms or ova, under no circumstances, for it violates the aim of the Shari'ah to protect progeny. In addition, to be a parent, father or mother, entails duties and rights that have

been ruled out in the case of "donors". Surrogate mothers fall into the same category. There is evidence that these women develop attachment to the fetus; they are not machines and it is traumatic for them to give birth and to take away the children from them, abruptly.

Progeny protection makes cloning human beings a serious problem. We will never be able to pinpoint the nature of the relationship between the born and other members of the family. Having all 46 chromosomes coming from one person, male or female, not 23 of each one of them, even if married, remains problematic, and will not fit into any of the aims of the Shari'ah. This is clearly outside the domain of human enterprise, if they are capable of doing that scientifically.

Another area that concerns protection of life is suicide. Under no circumstances a human being is allowed to commit suicide. Yet, it is imperative to understand the motivation of those who commit or attempt to commit

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suicide. There are two major types of suicide, fatalistic and altruistic. In both cases, the person who decides to end his or her life begins from a position of despair. Reality becomes so dark and hopeless; they neither see the light at the end of the tunnel, nor the tunnel itself. There is no true love, mercy or kindness that could prevent a person with a fatalistic perception of reality from ending his or her life in a final act of protest at the loss of a meaning. In the altruistic case, reality is cruel and full of evil-doers that make life unbearable, yet they are not interested in a nihilistic death. It is to dig a tunnel and to provide light that they sacrifice themselves. They believe that they are improving the lot of those whom they

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leave behind. The response of the local society at large in the first case, and may be the international community in the second, is to help change the reality. Reaching out to those people is not a choice, and changing the

reality to be just is the only way to prevent further human tragedies.

The advancement in biotechnology should not lead practitioners to playing a role other than that of humility. The machine, when seen as an extension of the human being, creates a false sense of superiority that the human being is the absolute master of this universe, that s/he has jurisdiction of life and death, including the belief that it is possible to “create” life! Cloning human beings and active euthanasia are but two examples where things went wrong.

Sheikh Yusuf Al-Qaradawi, the scholar par excellence in the Muslim world today, stated the following in his religious ruling (fatwa) on active euthanasia: «*This act is Islamically forbidden for it encompasses a positive role on the part of the physician to end the life of the patient and hasten his death via lethal injection ... This is an act of killing, and, killing is a major sin and thus forbidden in Islam, the religion of pure mercy... But in cases when sickness gets out of hand, and recovery happens to be tied to miracle,*

in addition to ever-increasing pain, no one can say treatment then is obligatory or even recommended. Thus, the physician’s act of stopping medication, which happens to be of no use, in this case may be justified, as it helps in mitigating some negative effects of medications, and it enhances death. But it’s different from the controversial “Mercy Killing” as it does not imply a positive action on the part of the physician; rather, it is some sort of leaving what is not obligatory or recommended, and thus entails no responsibility»⁵.

In case of brain-dead patients, removing the life-support machine is permissible, for it does not support life anymore. Al-Qaradawi stated that, «*If a patient is medically presumed dead through what is known as brain death, in the sense that he no longer has any feelings, switching off the life support may be permissible, with due consultation and care, especially when it’s clear that the life support machine becomes of no use for the already-dead patient*»⁶.

Transplantation could also be considered as a medical ethics issue related to life and death, as long as the transplantation is not cosmetic. Transplantation is permissible from an Islamic perspective as long as there is consent on the part of the donor (or, whoever is in charge in case s/he is capable of making a decision), and the same applies to the recipient. Another condition is that by donating an organ, the donor does not end up in life threatening condition, or losing life. Nor it is permissible to donate organs such as the cornea, while alive. No sexual organ (testicles, ovaries...etc) can be donated or received regardless whether the donor is alive or dead, for it violates Islamic teachings on the protection of progeny. Donating or receiving blood is permissible; only medical restrictions apply (for example, prohibiting groups, such as MSM, with relatively higher risk for HIV/AIDS and some type of hepatitis from donating blood or tissue). The cultural background or gender of the donor/recipient does not carry weight. Donating organs should be done without any commercial transaction, for one does not own his or her body; the human being is only a trustee. Unnegotiated gifts are permissible.

This paper began with the discussion of life, as a gift from God. It is only suitable to end it with a comment on death, from an Islamic perspective. Life on earth is a transit station that leads beyond itself, to the Hereafter, to a Day of Reckoning. It does not permit people to hang around forever for they have to return the gift, for He giveth and He taketh. Life always takes place in the shadow of death, with every single action or idea being an expression of a relationship with death. From seatbelts to crèmes that promise to get rid of wrinkles, are all expressions of anti-death measures or wishes. A meaningful and fulfilling life takes place without losing sight of death: «*Blessed be He in Whose hands is Dominion; and He over all things hath Power;- He Who created Death and Life, that He may try which of you is best in deed: and He is the Exalted in Might, Oft-Forgiving*» (Qur'an, 67: 1-2).

NOTES

¹ Prohibition of infanticide is also mentioned in following verses in Quran, 6:151, and 60:12.

² <http://www.isna.net/Leadership/pages/Islamic-Medical-Ethics.aspx>.

³ <http://www.islamopediaonline.org/fatwa/scholars-debate-punishments-homosexuality-giving-textual-citations>.

⁴ This tradition, in various forms, was narrated by Ibn Hibban in his Sahih, and Al-Bayhaqi in his Sunan.

⁵ http://www.islamonline.net/servlet/Satellite?pagename=IslamOnline-English-Ask_Scholar/FatwaE/FatwaE&cid=1119503544774#ixzz19AG62YHV.

⁶ *Ibid.*