Review article:

The Application of Necessity in Medical Treatment: An Islamic Biomedical Perspective

Fazli Dayan¹, Mian Muhammad Sheraz², Abu Kholdun Al-Mahmood³, Sharmin Islam⁴

Abstract:
This research paper examines the concept of ‘necessity,’ which derives its origin both in Islamic and common law and transcended progressively into medical law. Many aspects of medical and civil law remained closely related to each other, like ‘the concept of duress’, ‘self-defense’ and other aspects of human activities are embedded in both the systems. Likewise, the common law generally allows almost all forms of treatment, whereas Islamic law permits it, when it essentially saves one’s life. All forms of medical treatments are freely and readily available to overcome sterility dilemmas in western countries, whereas in Islamic law some of the modern interventional techniques and genetic engineering are disregarded as per Shariah injections. Whereas, Islam does approve necessary measures to sustain sound and good health, since it is considered a part of one’s obligations. Hence, its sustenance senses the subjects to avoid from undue pains and sufferings. For this purpose, medications and medical treatment is considered a recognized mode in Islamic law. Therefore, on one hand, this research paper presents arguments in favor of medical treatment, while, on the other hand, it will argue the evidences given by classical and contemporary scholars in favor of medical treatment within the framework of Shariah. This may attract the essence of Shariah doctrine of necessity.

Keywords: Necessity, Medical Treatment, Camel’s Urine, Missing Organ, Medicine and Islamic Law

Introduction
Professor John Candlish argues that; “the concept of necessity has its origin both in Islamic and common law, and in this way it is progressively becoming an important area in medical law³. Thus, in this sense, many aspects of both the systems remain closely related to each other, like ‘the concept of duress’, ‘self-defense’ and some other aspects of human activities related to civil and medical matters are embedded in both the systems. Likewise, the common law generally allows almost all forms of treatment, whereas Islamic law regards it, when it essentially saves one’s life³. Certainly, many contemporary medical issues like CRISPR⁴-⁵ and other recent developments in the field of bio-medical technology appears as divergent issues.

Normally, in western countries almost all forms of medical treatments are freely available to overcome sterility dilemmas, whereas in Islamic and jurisprudence, anyhow, does not approve all sort of novel fertilization and genetic manipulation tools⁶. Muslim scholars from around the globe agree with the Islamic ethical precincts, prior to permitting one or the other procedure, since, these innovations involve ethical bars that devolves on personal morality⁷-¹⁰. In contrast, Islamic theology approves the permissible measures to withstand good health, since

1. Dr. Fazli Dayan, Assistant Professor, Department of Shariah & Law, Faculty of Religious and Legal Studies, Islamia College University, Peshawar, Khyber Pakhtunkhwa, Pakistan
2. Mian Muhammad Sheraz, Department of Law, IIU, Islamabad, Pakistan
3. Prof. Dr. Abu Kholdun Al-Mahmood, Prof. & Head Department of Biochemistry, Ibn Sina Medical College, Bangladesh. ORCID ID: https://orcid.org/0000-0002-5474-4481
4. Dr. Sharmin Islam, Associate Professor, Eastern University, Bangladesh.

Correspondence to: Dr. Fazli Dayan, Assistant Professor, Department of Shariah & Law, Ahmad Faraz Block, Islamia College University, Peshawar, 25120, Khyber Pakhtunkhwa, Pakistan,
Email: dayansherpao@gmail.com, dr.dayan@icp.edu.pk, fazli.dayan@iiu.edu.pk
it is considered a part of one’s obligations. Thus, its sustenance senses the subjects to avoid from undue pains and sufferings. For this purpose medications and medical treatment is measured a recognized approach in Islamic law. So, the main theme of this research study is medical practice and tendency towards medication in an Islamic perspective. Besides, several other areas connected to medical treatment, like ‘necessity in medical treatment’ and the usage of prohibited medicine’ will be a center of debate in this research paper in order to determine the position of Shariah law on these issues in the following manner.

I- Necessity in Medical Treatment

The British medical association holds that: “the doctrine of necessity emerged from the need to give lawful emergency treatment to adults who are unconscious and unable to consent, thus in such cases, health professionals are justified in providing treatment that is immediately necessary to save life or to prevent the deterioration in the patient’s condition, unless there is a valid and applicable advance refusal.”

As regard to the refusal of treatments; normally, almost all those who suffer from illness are willingly contest for appropriate medical treatment, as a research study (which is comprised on a group of two hundred forty-four patients; facing multiple serious diseases) identified that “majority of them wanted to receive a life-saving treatment.”

Certainly, very few patients refuse to consent for prescribed treatment, while majority will follow appropriate prescription by a physician But, refusal from treatment, however, can be imagined where life survival is in question in case of lethal diseases. Such as, cancer affected patients, as they generally required radical treatment justly to prolong their lives, comparing to other patients, those who are facing usual sicknesses.

Arguably, the treatment options might change between the time and space, that in which time it must be followed. Similarly, social values, faith base understanding and cultural variation can also affect the treatment preferences, which is why cultural and religion change play a vital role transforming various decisions of medical treatment, e.g., in case of surrogacy. The surrogate-mother if undertakes such procedures; she may not be ready to be labeled only as gestational carrier after giving birth to baby. Definitely, the overall result will be altogether different to that, what the (patient) intended-mother, or those facing infertility problems would want. Since, in Muslim societies such procedure would be believed to run counter to the intention of God’s command. Resultantly, despite the moral and ethical values, cultural variation and religion(s) might affect the free choices to medical treatment.

Obviously, in case of refusal of the treatment (due to various reasons as identified), the patient has a right to deny medical treatment. Consequently, patient will face the outcome. Though, medical practitioner cannot enforce his choice of treatment against the will of the patient, but Shariah, emphasis on the right of the body on self.

II- Evidences Regarding Treatment and Remedies for Physical Ailments

In addition, the Prophetic traditions provide proper remedies for abnormal conditions and physical ailments, since the Prophet Muhammad (peace be upon him) used medicine himself and prescribed it for others. The Prophet Muhammad (peace be upon him) said that:

“لِكُلِّ دَاءٍ دَوَاءٌ فَإِذَا أُصِيبَ دَوَاءُ الدَّاءِ بَرَأَ بِإِذْنِ اللَّهَ عَزَّ وَجَلَّ”

“For every illness there is a cure, and when it is properly applied to a disease; (means that when a dieses gets medical treatment), it cured (with) Allah almighty’s willing.”

Correspondingly, the Prophet (peace be upon him) said that:

“وَا لَنْ أُنْزُلَ اللَّهُ دَاءً إِلَّا أَنْزَلَ لَهُ شِفَاءً”

“Allah has not sent down any disease, except he sent down its cure.”

So, it means that Allah does not create any illness until he creates a treatment for it.

Notably, as regard to the medical treatment and medication in Islam, a tradition was reported, when Bedouins came to the Messenger of Allah and then asked:

“فَإِنَّ اللَّهَ عَزَّ وَجَلَّ لَمْ يَضَعْ دَاءً إِلاَّ وَضَعَ لَهُ شِفَاءً، غَيْرَ دَاءٍ”

“can we use medical treatment i.e. medication?” he (the Prophet) said: “yes, oh servants of Allah”, (and he the Prophet replied to them that); “you can get medical treatment”, because; “Allah Almighty does not create an illness without a cure for it– except for one disease”, they (the Bedouins) asked, what is that ‘O Messenger of Allah?, he (the Prophet) said that: an “senility”.

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So, the main theme of this research paper in order to determine the position of Shariah law on these issues in the following manner.
Consequently, these traditions let us to mark that for every disease, Allah almighty has created a cure, but that is normally hidden from an ordinary/lay man, however, as per the Prophetic saying; where does the cure come from? Indeed “it is a sign for those who ponder”; signifies necessity for attaining treatments and cures to further diseases, since “Allah almighty has not inflicted a disease without prescribing a cure of it, known to whoever knows it, and unknown to who does not know it”.

For the Christian physician, enhancement in human health is always subject to God’s temptation, and hence, “redemption of humanity cannot come from humans but only from God”. The Christians realize that; “from God the physician has his wisdom”, “He endows man with knowledge to give glory to his mighty works, through which the physician eases, pain, and the pharmacist prepares medication, thus God’s creative spirit continues without cessation offficacy on the surface of the earth”.

III- Prophetic Guidelines on Lifestyle

Certainly, the Prophetic guidelines for each and every aspect and activity of human life is very important, for example, the imbalance and excess in the enjoyment of God’s bounties, however, lead to physical and moral agony. Henceforth, the Prophet Muhammad (peace be upon him) recommend moderation and advised to stop eating before feeling of satiety. So, the Prophet said that:

인간이 듯시고는 두 번째로 전해진

And when I am ill, it is he (almighty Allah) who cures me.

The above verse of the holy Quran further states that: "ascribing honey which potentially cures”, that:

وإذا مرضن بفهو يشفين

“From its belly comes forth a syrup/drink of different colors, which contains a healing for mankind”.

The above mentioned statement, however, strengthen the sayings of the Prophet Muhammad (peace be upon him), and encourages people to get medical treatments, and its proper application of this commandment is possible only when treatment is applied by a competent physician i.e. al-tabīb al-khāziq. Thus, medical intervention is a hope and way to recovery a good health, however, the end result is in Allah’s hand, since it is he (almighty Allah) who cures; as the Holy Quran stated (the words of Ibrāhīm- ‘alayhi al-salām, arguing to his people):

ما ملأ آدم من وعاء شرًا من بطن يحسب ابن آدم أغلاث

human does not fill any pot that is worse than his stomach, so it is sufficient for the mankind to eat what will support his back, (however) if it is not possible, then (leave space) as third for food, and third for drinking, and third for breathing.

Resultantly, excess in eating and drinking from the God’s bounties and its enjoyment deemed as wastage in the Holy Quran, as it stated:

في كله ماء الماء الذي أنشأ جنة مغزوضة وغير مغزوضة والثمر والزهور مختلطة أكلة والزهور وشباهها وغير متشابهة كلها من ثمره إذا أظلم واولوا حفظه بهم حصاده ولا تصرفوا منه إلا يحب المشرفيين

“it is he who produces gardens, with trellises and without, and dates, and crops of different shapes and tastes (of all kinds), and olives and pomegranates, similar (in kind) and different (in variety); eat of their
fruit when they repine, but render the dues that is proper on the day of its harvest, and waste not by excess: for Allah loves not the wasters”27.

It reported from Ibn ‘Umar (May Allah be pleased with him) said that:

"A man burped in front of the Prophet (peace be upon him), so he (the Prophet) said that: “keep away (withhold) your burps from us! For the most hungry of you on the dooms day (of resurrection) will be those who ate most (here) in this world”28.

Particularly, excess in eating and drinking cause pains and severe illness and sufferings, so to release human beings from those suffering and illness, medical sciences seek to satisfy bodily cure and treatments. Thus physicians are required to treat the patients in a requisite way29. Usually, ‘the goal of medical treatment is the restoration of life’30, since those who are suffering from various diseases may possibly benefit from medical treatment.29

Definitely, it must be noted that, ‘treatment itself does not prevent or postpone the death’; however, ‘it does make one’s life better than it otherwise would be for a certain temporal period of the life’. Notably, whenever treatment is properly provided to the patients, “it may briefly postpone the life ending situation in such a way that the quality of life during the rest of life becomes high than that of the ailing conditions”29. So, in this sense, medical treatments prolong one’s life, and makes it dependable29. Thus, the purpose of medical treatment is to benefit the patient29. However, the question in case of organ transplantation; “where an organ is removed from the donor for the sake of another, then how can the physician justify causing harm to a healthy person, and also the pain he will have to borne”?31

The risk factors and the resulting disabilities during the medical treatment, however, considerations are given to various types of diseases to minimize them, hence for this purpose to achieve the required results, physicians are keenly aiming that which treatment is best to be used. Therefore, medical scientists and bioethicist are thus undertaking ethically approved research projects, like, ‘cancer’, ‘HIV-AIDS’, and other ‘degenerative neurological diseases’ are primarily under investigation, which can benefit the human beings and might enhance their life standard30.

IV- The Use of Prohibited Substances as Medicine

Indeed, almighty Allah has created cure for every kind of diseases, and hence medicine is considered a recognized tool and hope for the patients that might benefiting them. The human body is a residence of various ailments, thus using of suitable and favorable medicine is prescribed to the sick persons by the physician in order to avoid bodily harms and disorders. Various Prophetic traditions indicating that, seeking medical treatment and medicine is an obligation,32 since the body has a right over you, and its due rights must be given properly33. The act of sending a physician towards one of his companions by the Messenger of Allah signifies that medical treatment is necessary. It is narrated from Jābir, he said that:

"وَعَنْ جَابِرِ، قَالَ مَرِضَ أُبَىُّ بْنُ كَعْبٍ مَرَضًا فَأَرْسَلَ إِلَيْهِ النَّبِيُّ ﷺ طَبِيبًا فَكَوَاهُ عَلَى أَكْحَلِهِ

"Ubay bin Ka’b fell ill, so the Prophet (peace be upon him) sent a physician to him, who cauterized (Burn, sear, or freeze the tissue) of him on his medial arm vein”334.

Another hadith which is reported by Imām Mālik in his book al-muwāṭṭā on the authority of Zayd bin Aslam said that:

"وَعَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، أَنَّ رَجُلاً، فِي زَمَانِ ﷺ أَنْزَلَ الدَّوَاءَ الَّذِي طَبِيبًا فَكَوَاهُ عَلَى أَكْحَلِهِ

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"A man received a wound/injury in the time of the Prophet (peace be upon him); and the blood clotted in his wound, so the (injured) man called two (other) men from banu anmār tribe, (in order to) looked at (to treat him), so the Messenger of Allah (peace be upon him) said to them; “which one of you is better physician?” they said, “o Messenger of Allah! Is there any good in medicine?” Zayd (further asserted that) the Messenger of Allah (peace be upon him) said; “the one who sent down the disease sent down the cure”335.

Similarly, Ibn al-Qayyim stated that Hilāl bin Yasaf said:“The Prophet (peace be upon him) visited ubayy bin ka’b, who was ill, so the Prophet (peace be upon him) sent a physician to him, who cauterized (Burn, sear, or freeze the tissue) of him on his medial arm vein”334.

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sick person and said; “send for a physician”, a man said ‘do you say that, o Messenger of Allah (peace be upon him)?’ he (the Prophet) said; “yes”; “Allah has not sent down a disease, until he sent down a cure for it”.

Questionably, various sayings of the prophet Muhammad (peace be upon him) have prohibited using of those things which are forbidden by the Allah almighty, but what if on the one hand, the nature is forbidding one thing at one time and made allowed at another time as an exemption or dispensation? For example; when the Prophet (peace be upon him) was asked about use of alcohol for medicinal purposes, he (the Prophet) expressed hatred, and said; “this is not a medicine, rather a disease”.

Commenting on the abovementioned hadīth al-Baydawī, expressed; it is possible that he (the Prophet) termed it in general sense, while Tārīq bin Sūād needed it in particular, since, he may have the knowledge of the disease, which may be cured through application of alcohol. However, he learned (from the Prophetic saying) that alcohol might cause an increase and does not absolve him (from the sin). Thus, for this reason jurists have differed in the permissibility of alcohol for medication. While, ‘Aynī explaining the hadīth stated that, medication by unlawful substance, like, using wine for medicinal purposes have the same effect. Equally, drinking it in case of extreme thirst, also to swallow and gulp-down the bread. He further stated that, according to Ibn Ḥazm; “in case of necessity’, one can use alcohol as medicine, since Allah almighty has made an exemption in case of duress. Thus, eating and drinking of the prohibited in state of necessity has the same effects as for the medicinal purpose.

In addition, Ibn al-Jawzī, said: the above mentioned hadīth indicates that, it is not permissible to drink alcohol, even for the sake of necessity, such as quenching thirst and medication, and that is the view of Imam Ahmad. Whereas, according to Imam Abū Ḥanīfah; it is permissible, and Imam al-Shāfi‘ī have three views in this regard: the two of his views are similar to (Hanbali’s) doctrines, while the third view is about the permissibility for medicinaluse and not to alleviate the thirst”. Now the question arises whether alcohol and other unlawful substances can be used as medicine? So, this question will be responded separately under the head of ‘medication by unlawful substance’ right after the brief discussion on the subsequent interconnected issues, as follows:

i- Using Camel’s Urine as Medicine

There is another issue of medication by unlawful i.e. other than alcohol; the Prophetic tradition;

“drink from their (camels) milk and urine”

as a medicine, is very famous hadīth, which is reported by authentic books on hadīth. Commenting on the said hadīth, ‘Aynī, stated: Muhammad bin ‘Aṭā said; ‘there is nothing wrong with the urine of camel’s, cattle and sheep, so these can be used for medication’. Whereas, according to Muhammad bin al-Hassan; ‘it is permissible to use (camel’s urine) for medical treatment because of necessity, however, it does not mean that it is factually pure, and that is why it is not permissible (to use it for treatment) except for necessity’. Ibrāhīm said; ‘they are getting treatment with camel’s urine, and (he does not see) there is any wrong in it’. ‘Attā tendered that; ‘everything we eat their meat, there is nothing wrong with its urine’. Whereas, Abū Ja’far said; “there is nothing wrong with the camel’s urine to use it for medication”.

Additionally, al-Shawkānī stated that: Ibn Raslān maintained in sharh al-sunan; the most authentic view of our school (i.e. al-Shāfi‘ī’s): ‘it is permissible to get treatment by impure things except for alcoholic due to the Prophetic hadīth of ‘urniyyin; in which the Prophet (peace be upon him) commanded them to drink from camels urine (as medicine)’. He (al-Shawkānī) further stated that; according to al-Bayhaqī these two hadīths if proved as Šabīḥ, then these will be subject to the meaning of prohibition, so to bring them together then it is not necessary to get treatment by prohibited, i.e. with alcohol and by unlawful substance, thus these will be deemed as prohibited except for necessity, since we cannot combine them without having necessity. Moreover, Ibn Shās al-Mālikī stated that; Imam Mālik said; ‘there is nothing wrong with drinking cattle’s urine (as medicine)’. As, due to the Prophetic tradition; treatment by impurities (unlawful substances) is permissible.

Resultantly, from their argumentation, it seems that the rule of permissibility of camel’s urine can be extended to other unlawful substances, if no lawful alternative is available. ‘Aynī, stated; according to al-Baghwāš; ‘it is permissible (due to the facts/reason mentioned); drinking of urine, blood and carrion for treatment; if a Muslim physician indorses/recommends it as curable, provided that if he does not find other permissible things what is sufficient
necessity granted permission to the patients (ill/sick persons), and not for others. In the same way usage of gold out of necessity, such as tying teeth with it, and in this regard; if a nose is made of silver (for nose) is rusted, as "necessity override prohibition" is a golden rule in Islamic law. Similarly, this rule can be extended to other organs, like finger, ear, etc., so, if necessity demands, auxiliary damaged organs can also be made of gold. The view of Ibn al-Humām is very important to note in this regard, as he stated; according to Imām Abū Ḥanīfah: originally it is prohibited, but permissible out of necessity.

V- Conclusion

Consequently, the Prophet Muhammad (peace be upon him) permitted the silk and gold for men out of necessity, since silk was considered a cure for the itch, however, initially it was not allowed for them to wear, becausethe companions were aware of its prohibition due to the text. But, the Messenger of Allah upon necessity granted permission to the patients (ill/sick persons), and not for others. In the same way usage of gold was made allowed in case of dire need and the story of Ṭarfajah bin As'ad is worth noting. Similarly, using camel's urine as medicine; the Prophet of Islam also granted permission to the patients from the tribe of 'Uraina ('urnūn) and 'ukl. Nevertheless, consuming camel's urine is factually impure, but its proscription is relaxed for medical necessity. Accordingly, Ibn Raslān asserted that, unlawful items become permissible in case of necessity for medication. Save for, using ḥarām substances as medical remedy is permissible when there is certainty of cure, in the absence of a ḥalāl alternative as per 'Uthmān's assertion. Correspondingly, the Quranic verses: "make not your own hands contribute to (your) destruction", and "do not kill yourselves", undoubtedly indicates impermissibility for the patients to refuse from getting treatment through unlawful substances in case of non-availability of lawful alternatives. Aynī contended that, the evidences regarding 'wearing of silk dress, drinking of camel's urine and using of gold' envisages permissibility out of necessity and one cannot deny it permissiveness due to the text. Resultantly, same is the case with wine; which is absolutely harām, but patients may use it as medicinewhen the absence of ḥalāl, on the recommendation of an expert Muslim physician.64

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FD perceived, conceived and designed the study, while MMS participated in its design and helped FD in critical review. FD solely did data collection and its analysis. FD did manuscript writing and drafting.

AKA did final review of the manuscript. FD takes responsibility/accountability for all aspects of work in ensuring that queries related to the integrity of the study are appropriately investigated and resolved. All the authors read and approved the study.
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6. The issue of AIH and AID was discussed by the author in Shari`ah perspective keeping in view the bio-medical norms in his doctoral research (op. cite. note 2, Fazli Dayan).

7. Fazli Dayan’s PhD Thesis, (op. cite. note 2). Further, the issue of surrogacy and AID involves several ethical, legal and religious questions.

8. Fazli, Dayan, Surrogacy and Inter-Related Issues: A Legal Analysis from the Perspective of Islamic Law. J. Appl. Environ. Biol. Sci., 7(6):31-40, 2017.

9. Fazli, Dayan, The Status of Surrogacy, Surrogate Mother in Islamic Law: A Critical Analysis. J. Appl. Environ. Biol. Sci., 7(7):31-38, 2017. Furthermore, many other contemporary genetic techniques confront ethical, moral and legal questions (op. cite. note4).

10. Dayan, F., et al. A Medico-legal Perspective on the Termination of Pregnancies Resulting from Wartime-Rape. Bangladesh Journal of Medical Science. 2020;19(3):372–385. https://doi.org/10.3329/bjms.v19i3.45852.

11. ‘Aynī, maintained that, ‘proof of medicine and medical treatment is present in the Prophetic traditions’, ‘Aynī, Nukhbū al-Afkār fī Tanqīḥ Ma`ānī al-Akhbār fī Sharḥ Ma`ānī al-Āthār, vol. 14, p. 167(Wizārat al-Aqwāf wa-Shūwoon al-Islāmīyah, Qatar, 2008). Therefore, medication is permissible for all, and they (human/patients) are obligated to take medicine. ‘Aynī, at, p. 173

12. BMA; is a professional body of doctors in London, comprised of various committees, including medical, forensic legal, civil and public committees. The aim is to “look after doctors so they can look after you”, in order to insure the highest quality of treatment and healthcare services through medical technology.

13. Everyday Medical Ethics and Law, (A handbook compiled by eight members board of BMA, UK), p. 101 (British Medical Association, Ethics Department, London, 2013).

14. Bonnie Steinbock; (edits), the oxford handbook of bioethics, p. 327& 353–354 (oxford university press, 2007).

15. Bonnie Steinbock, (op. cite. note 10, at. p. 379, & 14).

16. An event, in which Salmān told to Abū Dardā that, “your soul has a right on you, your Lord has a right on you, and your family has a right on you; so you should give rights of all those who has a right on you”, after which Abū Dardā came to the Prophet and narrated the whole story. The Prophet (peace be upon him) said, “Salmān has told (spoken) the truth”. Al-Bukhārī, Šahīḥ al Bukhārī, in book reference: book no. 30, chapter no. 51, ḥadīth no. 75, English translation: vol. no. 3, book no. 31, ḥadīth no. 189; At-Tirmidhī, Jāmi’at-Tirmidhī, In book reference: book no. 36, chapter no. 63, ḥadīth no. 111, English translation: vol. 4, book no. 10, ḥadīth no. 2413, further verses of the Holy Quran in chapter no. 2, verse no. 195: (لاَ تَقْتُلُواْ أَنفُسَكُمْ (لاَ تَقْتُلُواْ أَنفُسَكُمْ), and chapter no. 4, verse no. 29, stated that: (لاَ تَقْتُلُواْ أَنفُسَكُمْ (لاَ تَقْتُلُواْ أَنفُسَكُمْ)), indicates that it is impermissible for a patient to refuse from getting medical treatment.

17. Al-Muslim,Šahīḥ Muslim, in book reference: book no. 39, chapter no. 26, ḥadīth no. 95, English translation: book no. 26, ḥadīth no. 5466; Bonnie Steinbock; (op. cite. note 10, at. p. 18). The first caliph has a similar view, “when he was asked that, if he wanted to see a physician”, he replied; “the physician has already seen me, (he was then asked that), what did he say?, he (the caliph) said; (and recited a verse no. 16, chapter no. 85, of the Holy Quran’; ‘Allah has the performer of what he desires’. Al-Ghazālī, Iḥyā’ ‘Ulūm al-Dīn, vol. 4, p. 212 (Cairo, 1986).

18. Al-Bukhārī, Šahīḥ al Bukhārī, in book reference: book no. 76, chapter no. 1, ḥadīth no. 1, English translation: vol. no. 7, book no. 71, ḥadīth no. 582; Ibn Mājah, Sunan Ibn Mājah, Arabic reference: book no. 31, ḥadīth no. 3565, English reference: vol. no. 4, book no. 31, ḥadīth no. 3439, and Arabic reference: book no. 31, ḥadīth no. 3564, English reference: vol. no. 4, book no. 31, ḥadīth no. 3438.

19. Šahīḥ al Bānī, Arabic reference: book no. 14, ḥadīth no. 291, English translation: book no. 1, ḥadīth no. 291.

20. Ibn al-Qayyim, the Prophetic Medicine; Al-Tibb al-Nabawi. ‘Abd el-Qader Abd el-Azeez, pp. 19-20, 21 & 25 (Dār al-Ghād al-Jadeed, al-Mansūrah, Egypt, 2003).

21. Al Quran, chapter no. 26, verse no. 80.

22. Al Quran, chapter no. 16, verse no. 69.

23. Al-Shawkānī, Nayl al-Awkār min Aḥādīth Sayyid al-Akhbār fī Sharḥ Ma`ānī al-Āthār, vol. 9, p. 89 (Dār al-Hadīth, Egypt, 1993). Ibn al-Qayyim, (op. cite. note 16, at. p. 165).

24. “Book of Sirach”, New American Bible, chapter no. 38, verses no. 2 & 6-8, (New York: Bishops Committee of the Confraternity Christian Doctrine Catholic Publishing Company, 1970). C. Ben Mitchell, et al. Biotechnology and human good, pp. 133 & 135 (Georgetown University Press, Washington, D.C. 2007).

25. ‘Abdulaziz Sachedina, Islamic Biomedical Ethics: Principles and Application, pp. 76-86 (Oxford University
32. The judge further ruled that, “the surgeons to a strange person. Bonnie Steinbock (op. cite note 21).

33. (This transplants is not carried out, and ‘Leon’ the way, “the twins parents petitioned the Massachusetts patients. ‘Aynī, Nukhbu’t Al-Afkār fi Tanqīḥ Mabānī al-Akhbār fi Sharḥ Ma’ānī al-ʿĀthār, vol. 2, pp. 378-384 (Wizārat al-Aqwāf’ wa-Shūwoon al-Islāmiyah, Kuwait, 2012).

34. ‘Aynī, Ṭaḥāt tabbāt Al-Muwaṭṭā, Arabic reference: book no. 36, chapter no. 47, hadīth no. 77, English translation: vol. 4, book no. 10, hadīth no. 2380.

35. Ibn al-Qayyim (op. cite. note 16, at, pp. 164-165).

36. ‘Aynī, Nukhbu’t Al-Afkār fi Tanqīḥ Mabānī al-Akhbār fi Sharḥ Ma’ānī al-ʿĀthār, vol. 2, pp. 378-384 (Wizārat al-Aqwāf’ wa-Shūwoon al-Islāmiyah, Kuwait, 2012).

37. Al-Baydāwī, Tuhfat al-Abār Sharḥ Maṣābīḥ al-Sunnah, vol. 2, p. 537 (Wizārat al-Aqwāf’ wa-Shūwoon al-Islāmiyah, Kuwait, 2012).

38. He was, (Abū Muḥammad ‘Ali bin Aḥmad bin Sa‘īd ibn Ḥazm az-Zāhirī, died. 456 H), a prominent jurist and codifier of Zāhirī fiqh which is founded by Dawūd bin Khālāf az-Zāhirī, so al-Zāhirīyyah or aẓ-Ẓāhirī considered as 5th school of thought in Islamic law and jurisprudence.

39. ‘Aynī, Nukhbu’t Al-Afkār fi Tanqīḥ Mabānī al-Akhbār fi Sharḥ Ma’ānī al-ʿĀthār, vol. 2, pp. 378-384 (Wizārat al-Aqwāf’ wa-Shūwoon al-Islāmiyah, Kuwait, 2008).

40. Ibn al-Qayyim (op. cite. note 16, at, pp. 164-165).

41. ‘Aynī, Ṭaḥāt tabbāt Al-Muwaṭṭā, Arabic reference: book no. 36, chapter no. 47, hadīth no. 77, English translation: vol. 4, book no. 10, hadīth no. 2380.

42. Al-Qistāwī,dorf. 5th

43. Al-Qistāwī,dorf. 5th

44. Al-Qistāwī,dorf. 5th

45. Al-Qistāwī,dorf. 5th

46. Al-Qistāwī,dorf. 5th

47. Al-Qistāwī,dorf. 5th

48. Al-Qistāwī,dorf. 5th

49. Al-Qistāwī,dorf. 5th
Al-Shawkānī (op. cite. note 10, at vol. 8, p. 234).

49. He was (Aḥmad bin Ḥusayn bin ‘Ali bin Mūsā al-Kurāsānī, Abū Bakr al-Bayhaqī al-Shāfi‘ī, died. 458.H).

50. (op. cite. note 44).

51. (op. cite. note 45).

52. (op. cite. note 46).

53. (op. cite. note 49).

54. (op. cite. note 50).

55. (op. cite. note 51).

56. (op. cite. note 52).

57. (op. cite. note 53).

58. (op. cite. note 54).

59. (op. cite. note 55).

60. (op. cite. note 56).

61. (op. cite. note 57).

62. (op. cite. note 58).

63. (op. cite. note 59).

64. (op. cite. note 60).

65. (op. cite. note 61).

66. (op. cite. note 62).

67. (op. cite. note 63).

68. (op. cite. note 64).

69. (op. cite. note 65).

70. (op. cite. note 66).