

Aasim I. Padela, ed. *Medicine and Sharia: A Dialogue in Islamic Bioethics*

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Given the versatility of medicine in our contemporary times and its continuous development to match the current scientific developments in physics and biology, advancement in medical ethics is important. Furthermore, the variance in different communities' social, psychological, and theological beliefs calls for flexibility in ethical discourses to meet the same communities' demands, expectations, dogmas, and beliefs. Consequently, there are ongoing efforts to forge bioethics that match societal dispensation dynamics. Among these are efforts to define Islamic bioethics that are relevant to the Muslim community. In this spirit, *Medicine and Sharia: A Dialogue in Islamic Bioethics* gains relevancy as an additional effort to the ongoing discursive work of framing bioethics that conform with Islamic Sharia. Its respected expert contributors include Aasim Padela—who also edited the volume—Vardit Rispler-Chaim, Fazlur Rahman Ebrahim, Hooman Keshavarzi, Bilal Rana, Yildran Günay, Abdullah Kholwadia, and Ebrahim Moosa, who are each professional intellectuals in Islamic jurisprudence, medicine, and ethics.

Reading through the book, one of the most important things to note is the thematic arrangement of the book. It consists of eight chapters and can be further arranged into three parts for the reader's benefit. The reader more interested in the core judicial discourses of Islamic bioethics, especially in their classical fashion, will find part one or chapters 1-3 most useful. Even though the whole book tackled Islamic ethics, much of the most relevant material is found in those first three chapters. For example, this is where some maxims of Islamic jurisprudence, like the principle of dire necessity in relation to the formulation of bioethics, are discussed.

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The second part, chapters 4-5, is more concerned with the philosophical aspects of Islamic bioethics, elaborating on the ontological and epistemological implications of the subject at hand. A reader who has more interest in the concepts related to Islamic ethics from the philosophical, ontological, epistemological, theological, and metaphysical lenses will find this part especially useful. Under this section, the author draws especially upon the work of Imam Ghazali concerning the classical essence of death. He explores the concepts from classical to modern philosophy to explain medicinal topics like the nature of death and its meaning from both physical and spiritual perspectives.

The book's final section, chapters 6-8, explores academic, ethical, and legal debates on Islamic bioethics within North America's Muslim community. It focuses on clinicians, physicians, jurists, and the broader community, using surveys to examine their views, challenges, and gaps in Islamic bioethics, pointing out areas for further development.

Given the above introduction, this review will illuminate some of its main points while making relative comments where necessary. In the introduction, Prof. Padela defines Islamic bioethics as "a discourse that uses the Islamic tradition to address moral questions and ethical issues arising out of the biomedical sciences and allied health practice." He traces its historical development from prophetic traditions to modern organizations, highlighting the importance of Islamic jurisprudence and ethics in addressing biomedical issues while also acknowledging the influence of secular bioethics. Padela notes the formation of Islamic organizations to tackle bioethical queries through *Ijtihad*, applying reasoning based on Islamic texts to contemporary health issues. He also observes that Islamic bioethics is a relatively young field, about forty years old, and still developing.

Given the ongoing effort to produce an encyclopedia of Islamic bioethics, Padela's work is a significant step in establishing a reliable source for Islamic bioethical discourse. However, the editor's attempt to establish the roots of Islamic bioethics is weakened by the lack of Quranic verses supporting the discussion. While the book emphasizes collaboration between various stakeholders, including Muslim jurists, clinicians, and physicians, in developing Islamic bioethical standards, it overlooks key aspects, such as the historical debates surrounding medical treatment in Islamic scholarship.

Also, the author's assertion on page 10 that all Islam stems from only the Quran and Sunnah is simplistic. It ignores the significant role of analogical reasoning and other sources utilized by different schools of Islamic

jurisprudence. This narrow focus undermines the complexity of Islamic legal and ethical thought, as in significant jurisprudence works where diverse juridical sources and methodologies contribute to the formulation of Islamic bioethics.

In chapter one, Vardit explores the intersection of medicine and Islam, highlighting Muslim scholars' perspectives on bioethics, including the similarities between Islamic and Western ethical principles. However, the issue's crux is defining what constitutes "Islamic" ethics when the Quran, Prophetic traditions, Islamic Law, and Fatwas are often cited as sources. However, the Quran is not a codified legal document, and the Prophet's traditions vary in interpretation across different schools of thought, making such interpretations' infallibility questionable. While the Quran's sacredness is universally accepted among Muslim scholars, there is significant divergence among these on the sanctity of the Prophetic traditions and the jurists' Fatwas. Adherence to the interpretations of Muslim scholars is not unquestionably mandatory; their binding force depends on the acceptance of individual Muslims because the interpretations, influenced by the interpreter's intellect and beliefs, are not inherently sacred.

The author postulates from *al-Hajji* that a proven scientific idea cannot contract the Quranic teaching. Bridging the gap between medicine and Islam has never faced an obstacle more significant than that of science and Islam. One might as well argue that prejudice and resentment from some Muslim groups towards Western scientific and technological advancements hinder Muslim scholars' acceptance and understanding of this knowledge. The author cautions that doctors should not be blindly trusted as they also err. He cites an example of sex preselection, which appears to be 98% accurate. The remaining two are a manifestation of God's intervention. However, attributing scientific failures to God's intervention is problematic, as God's influence exists in all human actions, not just when science fails. While science may achieve high accuracy rates, failures should be acknowledged as opportunities for improvement rather than as evidence of divine intervention. Ultimately, historical beliefs about divine involvement should not overshadow scientific progress.

The second chapter discusses Islamic perspectives on the permissibility of using porcine products for medical treatment, including vaccines, and the concept of "dire necessity" as outlined by Imam al-Ghazali (Page 59). It also addresses the sanction of abortion in some instances by the Council of Muslim World League (Page 63). There is disagreement among Islamic jurists about the definition and application of what constitutes dire necessity. The author argues for a collaborative approach between

religious and medical professionals. Another argument is that due to the subjective nature of the concept, a fixed definition that applies to all Muslims can be problematic, as it depends on the interpreter's intellectual capacity and perspective. The ambiguity surrounding dire necessity is expected and accepted, as it is not incumbent upon scholars to agree on a universal definition. Instead, the concept should be relative to the stakeholders involved.

The third chapter delves into the development of a jurisprudential framework for Islamic bioethics, drawing on al-Shatibi's work and insights from clinical discourses (Page 72). The authors, Muhammed Volkan Yildiran Stodolsky and Mohammed Amin Kholwadia explore the concept of brain death and its significance in determining the death of a person in both Islamic and clinical contexts. They express skepticism regarding jurists' tendency to accept clinicians' assertions of brain death as the criterion for confirming death. Rather, they emphasize the importance of the Quran and Sunnah in shaping Islamic bioethics and defining death.

In the fourth chapter Moosa explores the essence of death, noting its complexity from an Islamic perspective compared to a clinical view focused on neurological criteria. While he provides insights into death's metaphysical aspects, he neglects to categorize different levels of death or address the possibility of revival, which various scholars have discussed. Despite these omissions, the chapter offers valuable information on ongoing debates about brain death.

Chapter five explores Muslim jurists' perspectives on mental status, drawing on a survey by Bilal and Hooman (Page 121). The study highlights the importance of forensic psychology in guiding jurists' understanding of mental states. It analyzes how jurists categorize mental statuses, including *Majnun* (insane) and *Waswasa* (scrupulosity), and suggests a need for incorporating medical advancements into legal frameworks.

In chapter six Padela discusses health insurance from an Islamic perspective, citing views from American Muslim scholars and Imams. While some organizations, like the Islamic Medical Association, sanction medical insurance, others, like the Fatwa Centre of America, deem it impermissible. Some scholars make an exception for health insurance due to so-called dire necessity. Some jurists, particularly from Saudi Arabia regard health insurance illegal in Sharia because they view it as subject to the same uncertainties just as other insurances. This stance sparks debate on the relevance of foreign rulings in local contexts. Padela's claim that Sunni Orthodox theology negates the ontological authority of human reason is problematic. Assuming "Sunni" refers to Muslims excluding

Shia, many jurists and theologians have indeed affirmed the role of reason. Even within Sunni subgroups like the Asharites and the Maturidites the authority of reason has been recognized, albeit variably. The assertion could partially hold true for some Salafists within the Hanbali School of Law, who are known for putting less emphasis on human reasoning. Despite this, most Muslim scholars, including non-extremist Salafists, have pragmatically utilized intellect in interpreting complex Islamic concepts. Historically, debates on the ontological authority of the intellect in Islam have been prevalent among Muslim scholars, indicating a nuanced understanding of reason's place in religious doctrine. Another important aspect discussed is the prohibition of insurance in Islamic law based on concepts like *riba* (usury) and *gharar* (uncertainty) because these notions are ambiguous and debated. Using these concepts to rule out insurance, especially when it serves the public interest, is problematic, especially under schools of thought emphasizing the idea of public interest in Islam.

Chapter seven highlights a study from the National Survey of Muslim Physicians in the U.S. It reveals that while many Muslim physicians acknowledge their religion's influence, few actively use Islamic bioethics resources for decision-making. Such illustrates a disconnect between consumers and producers of Islamic bioethics (Page 194). Padela notes that the survey's limited scope may not fully capture this disconnect. In chapter eight again Padela proposes a comprehensive Islamic bioethics framework involving direct and indirect stakeholders, including clinicians, social scientists, and scholars from diverse fields like biomedical sciences, moral philosophy, and Islamic Law, to integrate and enhance the development of Islamic bioethics.

Given all the above remarks and comments concerning the book at hand, it is a great piece of work from professionals with diverse knowledge and understanding about Islamic jurisprudence and medicine ethics. I would argue that is a big step towards the ongoing work of compiling the encyclopedia of Islamic medical ethics