

Islamic Medical Jurisprudence

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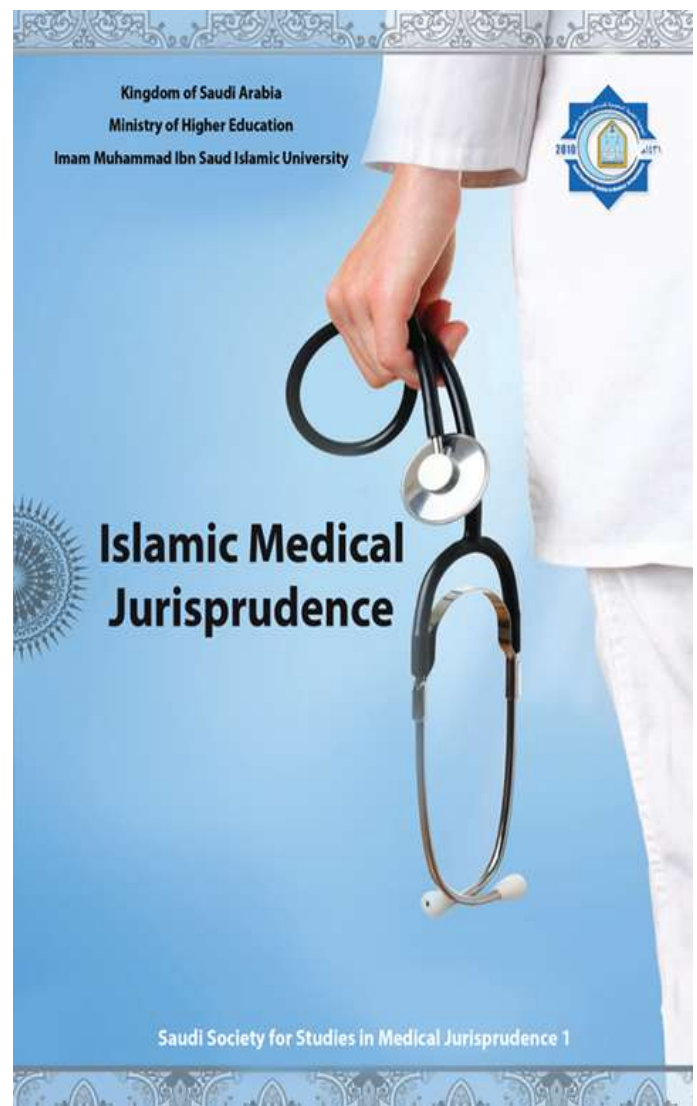
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The Saudi Society for Studies in Medical Jurisprudence (SSSMJ) was established in 2010 and four years later, it published its magnum opus, a glossy, well laid-out Arabic version of the Islamic medical jurisprudence. This Arabic version pre-dated a book in the same genre, “Contemporary Bio-ethics: Islamic Perspective” by five years¹. It was nine years later (2023) that the English version was published. This review is for the English version, with passing mention of the Arabic version. The main audience of the book are non-Arabic speaking Muslim healthcare practitioners. While the primary audience is for the healthcare practitioner working in KSA, it is equally useful for Muslim healthcare practitioners working out of KSA.

The book has twelve chapters, starting with a preface to the English version, followed by a preface to the Arabic version and ending with a glossary. The chapters are very diverse and comprehensive. Chapters 1, 2, and 3 lay the foundation for Islamic jurisprudence.

The higher objectives of the shariah are explained as well as the maxims (principles) in Islamic jurisprudence. Chapter 4 covers the ethics of seeking medical treatment. Chapter 5 covers the different kinds of medical substances allowed in the Shariah. Chapters 6 and 7 cover the standard ethical topics of medical consent and confidentiality, respectively. Chapter 8 covers the legal topics of negligence and liability. Chapter 9 covers the rules of worship of relevance to patients and physicians. Chapter 10 covers the thematic area of reproductive and gender issues. Chapter 11 covers the ethical issues pertaining to death and dying. The crown of all the



chapters is chapter 12, titled, 'contemporary issues.' The chapter boldly cover covers the following contemporary topics: plastic surgery, DNA analysis, genetic engineering, organ transplantation, body banks, gifts from medical companies, and medical insurance.

The book takes a very well-balanced and non-apologetic approach to contemporary bioethical issues. It uses the Sunni Islamic approach of basing evidences on the Quran, followed by the Sunnah, then ijma (consensus reached by Islamic scholars). It builds on decisions reached by classical scholars (reputable Imams), Islamic fiqh councils, fatawas by contemporary scholars and opinions of medical professionals. In the case of issues for which there are differing opinions, the different opinions are given and comment is made of which of the opinions is backed by the strongest evidence.

The strongest merit of the book is that it gives the Islamic evidences for judgements reached on the different bioethical topics. For example, it explains why breast milk banks are unacceptable in Islam. It explains the fine points about the time of the ensoulment of the fetus and what is permissible before and after the ensoulment and the conditions under which they are permissible. It explains about the merits of vaccinations and the conditions under which it is not permissible to use them. It explains the conditions under which certain practices can be done, for example, autopsy, the different kinds of plastic surgery, organ donations, etc. All are based on the internal logic established in the first three chapters. The book reads very well. For someone interested in Islamic bioethics, it is hard to put down once you start reading it.

There are a few shortcomings that do not affect the merits of the book. For one, the section on circumcision is very brief. The proven medical benefits of circumcision are not mentioned. There are a few typos but hardly any grammatical mistakes. An odd part in the English edition is the multiple usage of square brackets ([]). This is usually used for interpolations in quotations (words not used by original author of a quotation but which will increase the clarity of the sentence). In the English version, these brackets are not used in quotations but in the regular text. Perhaps it should have been clarified in the introduction that square brackets denote words/expressions included to improve the meaning of the Arabic text.

Reviews usually conclude by making simple recommendations, in most cases, for libraries or subject-specific programs. In this case, considering the importance of the subject, I wish to go beyond these

standard recommendations. I would like to make four recommendations. The first is that second editions should be prepared for both the Arabic and English versions. This should be done by a professional publishing house, giving the full library details, clearly showing the author and the year of publication. This will help raise the international profile of this good piece of work. The second recommendation is that SSSMJ should consider developing an online certificate course on the book, modeled along the lines of the research certificate of the National Institute of Medicine (NIH) (subsequently adopted by The National Committee of Bioethics (NCBE) at King Abdulaziz City for Science and Technology (KACST)). For certain types of research, Saudi-based IRBs could consider asking the applicant to produce both the research ethics certificate as well as the Islamic Medical Jurisprudence certificate. The third recommendation is that the Saudi ministries of education and health should consider mandating a one-credit hour course on Islamic Medical Jurisprudence for all medical and health-related colleges in KSA. The last recommendation is for countries outside Saudi Arabia. If those countries have active 'Islamic Medical Associations' these could take up the task of promoting the book among its members. If those countries are Muslim majority countries, the relevant bodies (eg ministry of health or IRBs) could take up the task of including Islamic medical jurisprudence as a component of their medical ethics programs or as one of the prerequisites of the IRB certificates. If Muslim medical and research institutions do not promote Islamic medical jurisprudence, can any other institutions do that for them?

Conflict of interest

The editor of the English edition is a close colleague with whom I have had several collaborations on research ethics, bioethics and Islamic medical ethics.

References

1. Al-Bar MA, Chamsi-Pasha H. Contemporary Bioethics: Islamic Perspective [Internet]. Cham (CH): Springer; 2015. PMID: 29809384.