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Part 2: Islamic bioethics

The Islamic guidance on practical issues related to life in general and human life in particular can be sought in Islamic bioethics. As we will see later, because of interconnectedness of the Islamic law and the Islamic ethics, the Islamic bioethics has to consider requirements of the Islamic law (Shari'ah) in addition to moral considerations. As a result, everything has to be double checked, that is, first against legal standards and second against moral standards. It seems that many of those who have written on the Islamic bioethics have not made a distinction between these two.

Although it is certainly true that there is an absolute harmony and compatibility between the Islamic law and morality, their aims and objectives are different and, therefore, they may differ in their prescriptions. For example, one difference is that while the Islamic law tries to minimize requirements for perfection or happiness in both worlds which are manageable for the average or even lower than the average, the Islamic ethics tries to show the people who have greater ambitions how to become more perfect and closer to God.

Therefore, whatever is taken to be necessary or obligatory in the Islamic law is certainly treated the same in the Islamic ethics. However, there may be cases which are not prohibited in the Islamic law and at the same time they may be condemned in the Islamic ethical system. Or there may be cases which are not compulsory in the Islamic law but are necessary from an ethical point of view.

For instance, while idle chatter is not prohibited in the Islamic law, it is considered a waste of precious time and harmful to the spiritual development of the person, and thus ethically condemned. Another example is the night prayers (which should be performed after midnight and before dawn). Night prayers are highly recommended to all Muslims, but they are not mandatory in the Islamic law.

However, Muslim ethicists and spiritual masters normally hold the idea that they are necessary for those who aspire to new heights and strive for perfection (11). Therefore, if something like abortion is prohibited in the Islamic law it is certainly prohibited in the Islamic ethical system as well. However, it is quite possible to think that while something like cloning may be permissible from a legal point of view, it may still be morally challenged.

Thus, to discover the basis of the Islamic bioethics we need to reflect on both rulings of the Islamic law and prescriptions of the Islamic ethics and find out the benefits they try to secure and the harms they try to prevent. Moral considerations must not be under shadowed by the sheer legal approach, just as legal requirements cannot be compromised.

Sources of the Islamic bioethics

Like any other enquiry about Islam, the Islamic bioethics is based on the Qur'an, the Sunnah and reason (Al–'Aql). Instead of reason, Sunni Muslims may refer to things like Ijmaa' (consensus) and Qiyas (analogy). For the Shi'a, Ijmaa' and Qiyas as such are not accepted, since by themselves, they cannot prove anything.

Where does authority lie in the Islamic bioethics? In Shi'a Islam, determination of valid religious practice is left to Grand Ayatollahs (Marji' of Taqlid) who are the most qualified jurisprudents of each generation. They provide rulings on whether a given action is forbidden, discouraged, neutral, recommended or obligatory. It should be noted that every Ayatollah is required to refer directly to the main sources i.e. the Qur'an, the Sunnah and reason and discover the Islamic teachings in each case.

Although he carefully and respectfully studies his predecessors' works, an Ayatollah must develop his own original understanding and must not follow any other Ayatollah, however great the others might have been. As said above, even consensus among people or scholars by itself is not a proof. This has given some kind of dynamism and vitality to Shi'a thought (12).

What is the basis of the Islamic bioethics? If secular western bioethics is mostly based on individual rights, what is the basis of the Islamic bioethics? It has been suggested that "the Islamic bioethics is based on duties and obligations (e.g., to preserve life, to seek treatment), although rights (of God, the community and the individual) do feature in bioethics, as does a call to virtue (Ihsan)" (13). I think it is true that the Islamic bioethics is expressed primarily as duties and obligations.

However, it should be noted that in the Islamic bioethics we have to meet legal requirements and, therefore, we try to infer our duties and obligations from the original sources. In the other words, the emphasis is normally put on duties and obligations. However, there seems to be no doubt that the Islamic legislation is altogether to secure our interests. God, the Almighty, does not gain anything if we obey Him.

Neither does He lose anything if we disobey Him. It is only out of His wisdom and mercy that He has provided us with a legal system, including commands and prohibitions so that we know what benefits us or harms us in this world and thereafter. Thus, every obligation from God is indeed guidance towards some interests that one has the right to have.

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