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Ahsan M. Arozullah & Mohammed Amin Kholwadia

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***Wilāyah* (authority and governance) and its implications for Islamic bioethics: a Sunni Māturīdi perspective**

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Abstract Juridical councils that render rulings on bioethical issues for Muslims living in non-Muslim lands may have limited familiarity with the foundational concept of *wilāyah* (authority and governance) and its implications for their authority and functioning. This paper delineates a Sunni Māturīdi perspective on the concept of *wilāyah*, describes how levels of *wilāyah* correlate to levels of responsibility and enforceability, and describes the implications of *wilāyah* when applied to Islamic bioethical decision making. Muslim health practitioners and patients living in the absence of political *wilāyah* may be tempted to apply pragmatic and context-focused approaches to address bioethical dilemmas without a full appreciation of significant implications in the afterlife. Academic *wilāyah* requires believers to seek authentication of uncertain actions through scholarly opinions. Fulfilling this academic obligation naturally leads to additional mutually beneficial discussions between Islamic scholars, healthcare professionals, and patients. Furthermore, an understanding derived from a Māturīdi perspective provides a framework for Islamic scholars and Muslim health care professionals to generate original contributions to mainstream bioethics and public policy discussions.

Keywords Biomedical ethics · Islam · Islamic ethics · Decision making

Introduction

Juridical councils serve as a primary means for determining Islamic rulings on bioethical issues for Muslims living in non-Muslim lands. However, many participants in these councils, including Muslim health care practitioners, may have limited familiarity with the foundational concept of *wilāyah* (authority and

A. M. Arozullah (✉) · M. A. Kholwadia
Darul Qasim, 999 S. Main Street, Glen Ellyn, IL 60137, USA
e-mail: ahsan.arozullah@gmail.com

governance) and its implications for the authority and functioning of these councils [1]. The purpose of this paper is to delineate the concept of *wilāyah* as understood within Sunni Islam, to describe how levels of *wilāyah* are directly related to levels of responsibility and enforceability, and to describe the implications of *wilāyah* when applied to Islamic bioethical decision making.

Sunni theology, which is adhered to by approximately 85% of Muslims worldwide, is represented by two main schools: the *Māturīdi* and the *Ash'ari*. The *Māturīdi* school is named after Imam Abū Maṣṣūr Muḥammad bin Muḥammad bin Maḥmūd al-Māturīdi as-Samarqandi (853–944 CE) who was from Māturīd, near Samarkand in Uzbekistan [2]. The *Ash'ari* school is named after Imam Abū 'l-Ḥasan 'Alī bin Ismā'īl al-Ash'ari (873–935 CE) who was from Basra in Iraq [2]. Both of these schools believe that Divine revelation, not the human intellect, is the only valid source for defining matters of theology and for determining the manifestations of actions in the afterlife. However, a key difference is each school's assessment of the ability of human reason to determine moral value in this world, independent of Divine revelation. The *Ash'ari* school maintains that the human mind is not a reliable source for determining moral value in human actions independent of the sin or reward ascribed to these actions by Divine revelation. In contrast, an approach derived from the *Māturīdi* school maintains that sound human reason may determine moral value in human actions in this world, such as goodness in speaking the truth or evil in lying, while upholding that Divine revelation is the only source from which to determine sin or reward for these actions in the afterlife.

One major challenge to developing an Islamic bioethics discourse in the absence of political *wilāyah* (governance) and legal *wilāyah* (authority) is to maintain adherence to the tenets of Islamic faith and to the sources of Islamic knowledge throughout the entire deliberative process. When the outcome of an Islamic bioethics discourse is not concordant with mainstream medical practice or understanding, Muslim health practitioners and patients, particularly those living in the absence of political *wilāyah* and legal *wilāyah*, may be tempted to apply pragmatic and context-focused approaches to understanding Divine revelation during bioethical decision making. For these Muslim health practitioners and patients, an understanding of the role of reason and the goals for ethical deliberation derived from the Sunni *Māturīdi* School provide a useful perspective from which to develop an Islamic bioethics discourse. This is particularly so when they may have limited knowledge of the tools (e.g., the Arabic language) and methods (e.g., principles of jurisprudence) used for understanding Divine revelation. This limited knowledge may lead to decisions that do not fully account for the potential impact of their actions in the afterlife. Appreciating a *Māturīdi* perspective that Divine revelation, not human intellect, is the key to determining sin or reward in the afterlife can provide Muslim health care practitioners and patients an independent perspective from which to approach bioethical decision making.

Even in the absence of political *wilāyah* and legal *wilāyah*, Muslims carry a responsibility to influence the society around them as advised by God in the Quran: “And there may spring from you, a nation (*Ummah*) who invite to goodness, and enjoin right conduct and forbid indecency. Such are they who are successful” (Āl 'Imrān 3:104) [3]. In the context of mainstream bioethics discourse, an

understanding derived from the Māturīdi school provides a framework through which Islamic scholars and Muslim health care professionals can generate original contributions to public policy discussions. Muslims believe that for actions that are rewarded in the afterlife, there is a tangible “benefit” in this world, and similarly, for actions that are sinful in the afterlife, there is a tangible “harm” in this world [4]. An understanding derived from the Māturīdi school maintains that sound human reason may determine these tangible benefits and harms in this world. Through an Islamic bioethics discourse, Islamic scholars and Muslim health care professionals can determine these tangible worldly benefits and harms and then use them as a bridge to inform and influence the mainstream bioethics discourse through which public policies are determined.

Tenets of Islamic faith

In general, the belief in the existence of God serves as the foundation of any theistic construct. Islam’s theistic construct is founded on three specific tenets: belief in the existence of one God, in the finality of Prophethood in Muḥammad (peace be upon him), and in the existence of the afterlife [5]. These three tenets of Islamic faith serve as prerequisites for understanding the sources of Islamic knowledge.

Non-Muslims seeking to understand any and all Islamic discourse must also appreciate the interdependence of these three tenets of Islamic faith. Muslims believe that God sent Adam and Eve to earth as monotheists—believers in one God. Their offspring followed their lead in upholding this belief in one God until later generations began to long for a means to remember their ancestors, eventually leading to the practice of idol worship that directly contradicted belief in one God. God then sent revelation to human messengers to guide mankind back to the monotheistic religion of Adam and to guide them in matters of worship. This chain of messengers receiving Divine revelation culminated with Prophet Muḥammad, the son of ‘Abdullāh, who was born in Arabia (570–632 CE). The fulcrum upon which Muslims balance their Islamic faith is the belief in Prophet Muḥammad as the final messenger and in the Divine revelation given to him. Someone can be a monotheist and believe in the hereafter, but will not be a Muslim without belief in Muḥammad as the final messenger. Conversely, it is impossible to believe in Muḥammad as the final messenger and not be a monotheist. It follows that Muslims believe anything and everything in which Prophet Muḥammad believed, including belief in an eternal afterlife (day of judgment, paradise, and hell). Belief in the afterlife is highlighted since Muslims view Islam as the means to procure salvation and enter paradise in the hereafter.

In summary, the tenets of Islamic faith delineate the flow of knowledge from God through revelation to messengers who then know and explain the effects and outcome of belief and worldly actions in the hereafter. Therefore, the primary goal of any Islamic discourse (including Shari‘ah law, bioethics, and other), is to determine whether an action is “sinful” (defined as potentially punishable in the hereafter if not forgiven) or “rewarding” in the hereafter and, secondarily, to determine what is beneficial or harmful in the mundane world. The primacy of determining the effects of a worldly action in the hereafter is what distinguishes an Islamic discourse from others.

Primary sources of Islamic law

Independent of Divine revelation, human knowledge is limited in its ability to reliably perceive the eternal manifestations of worldly actions in the hereafter. Therefore, Muslims utilize revelation-based sources of knowledge for determining whether actions are sinful or rewarding in the hereafter. These primary sources of knowledge are the Qur'an, the Sunnah (practices and sayings) of Prophet Muḥammad, and *Ijmā'* (the consensus of Muslim scholars on any issue). *Qiyās* (legal analogy) of the Prophet Muḥammad and his companions is a fourth source [6, 7].¹

The Qur'an is regarded to be the verbatim Divine revelation sent down by God via the Archangel Gabriel to Prophet Muḥammad. The Sunnah of Prophet Muḥammad is held as non-verbatim revelation and includes his sayings and his actions [5, 6]. *Ijmā'* is considered just as authentic as the Qur'an and Sunnah as Muslims believe that it would be impossible for all scholars of Islam to unanimously agree to something that is false. *Qiyās* of Prophet Muḥammad and his companions is considered an authentic and binding source of knowledge. *Qiyās* can also be used by legal jurists of later generations to extend rulings in legal precedents to antecedent cases [7].

The primary function of Islamic law (*Sharī'ah*) is to determine whether a certain act is sinful or not. *Sharī'ah* law experts utilize a formal process of legal derivation known as *fiqh* (jurisprudence) through which actions are determined to be rewarding or sinful based on their manifestations in the hereafter. Therefore, actions are “sinful” because they may result in God's punishment in the hereafter if they are not forgiven by God; actions are “rewarding” because they will yield God's reward in the hereafter if they are performed sincerely; and actions are “neutral” because they will earn neither God's reward nor punishment in the hereafter. The result of this formal process is a legal determination (*ḥukm taklīfī*) which can be classified, based on the level of evidence supporting the determination, into commensurate levels of obligation for believers [4]. Secondary considerations, such as *maṣlaḥah* (public interest) and *ḍarūrah* (acute necessity), may be utilized by a *Sharī'ah* expert when applying a *ḥukm taklīfī* to a particular circumstance or contingency. A brief summary of this classification system and the commensurate levels of obligation are provided in Table 1.

Wilāyah (authority and governance)

Wilāyah exists at two primary levels: the *wilāyah* (authority) of God over humans and the *wilāyah* (authority and governance) of humans over humans. God's *wilāyah* over humans is described in the Qur'an as follows: “Allah is the Protecting Guardian (*Wali*) of those who believe. He bringeth them out of darkness into light...” (Al-Baqarah 2: 257). There are several levels of *wilāyah* (authority) of humans over humans with the highest *wilāyah* given to Prophet Muḥammad over

¹ There are secondary considerations, such as *maṣlaḥah*—public interest—that are also utilized when legally valid.

Table 1 Classification system for *ḥukm taklīf**

Category	Supporting evidence	Level of obligation
<i>Fard</i>	Conclusive textual and contextual evidence from <i>Qur'an</i> , <i>Sunnah</i> , and/or <i>Ijmā'</i> that the action is rewarded in the hereafter	1. To perform the action 2. To believe that the action is an obligation
<i>Ḥarām</i>	Conclusive textual and contextual evidence from <i>Qur'an</i> , <i>Sunnah</i> , and/or <i>Ijmā'</i> that the action is punishable in the hereafter	1. To avoid the action 2. To believe that the action is forbidden
<i>Wājib</i>	Conclusive textual or contextual evidence, but not both, from <i>Qur'an</i> , <i>Sunnah</i> , and/or <i>Ijmā'</i> that the action is rewarded in the hereafter	1. To perform action 2. Not required to believe that the action is an obligation
<i>Makrūh Taḥrīmi</i>	Conclusive textual or contextual evidence, but not both, from <i>Qur'an</i> , <i>Sunnah</i> , and/or <i>Ijmā'</i> that the action is punishable in the hereafter	1. To avoid action 2. Not required to believe that the action is forbidden
<i>Mustaḥab</i>	Textual evidence from the <i>Sunnah</i> suggests that the action is rewarded	1. Encouraged to perform action 2. Not required to believe that the action is an obligation
<i>Makrūh Tanzīhi</i>	Textual evidence from the <i>Sunnah</i> suggests that the action is reprehensible	1. Discouraged to perform action 2. Not required to believe that the action is forbidden
<i>Mubāh</i>	Inconclusive evidence that the action is rewarded or punished	1. No obligation to perform or avoid action

* This classification system is based on a Ḥanafī Mātūrīdī construct

believers. Although Prophet Muḥammad is not divine, he is considered infallible (*maṣūm*) in that he was divinely guided in matters related to the hereafter. The Prophet's *wilāyah* over the believers is described in the Qur'an as follows: "The Prophet is closer to the believers (in authority) than their selves..." (Al-Aḥzāb 33: 6). "Whoso obeyeth the messenger hath obeyed Allah..." (Al-Nisā' 4: 80).

Manifestations of the Prophet's *wilāyah* over the believers are binding and include following (*ittibā'*) and obedience (*iṭā'ah*). Following (*ittibā'*) has moral and ethical connotations as described in the Qur'an: "Say, (O Muḥammad, to mankind): If you love Allah, follow me; Allah will love you and forgive you your sins. Allah is Forgiving, Merciful" (Āl 'Imrān 3:31). Obedience (*iṭā'ah*) is understood to have legal connotations, which are mentioned in the verse that follows immediately: "Say: Obey Allah and the Messenger. But if they turn away, lo! Allah loveth not the disbelievers (in His guidance)" (Al 'Imran 3:32).

The next level of *wilāyah* of humans over humans is the legal authority given to those with political power. This political *wilāyah* is legally binding on believers and analogous to the Prophet's *wilāyah* over believers manifesting as *iṭā'ah* (obedience). Political *wilāyah* manifests as all residents being legally bound to follow the law of the

land as determined by those granted political authority over them. The Qur'an describes political *wilāyah* as follows: "O you who believe! Obey Allah, and obey the Messenger and those of you who are in authority (*Ulu 'l-amr*)..." (Al-Nisā' 4: 59).²

On a societal level, the fallibility of those with political *wilāyah* is acknowledged. In order to reduce the likelihood of creating societal policies that would result in punishment in the afterlife (avoiding "sin"), the political authority in Muslim lands, namely, the *Amīr*, typically appoints an Islamic legal scholar as the *Qāḍī* (a judge who is authorized by an Islamic government to give legal judgments in court). The appointed *Qāḍī* explains Islamic law and provides authentication for legal rulings and proposed policies. This is somewhat analogous to U.S. Supreme court justices being nominated by the President and then confirmed by Congress. The Supreme Court ensures that policies and policy enforcement are congruent with the constitution. However, in contrast to the independent and binding authority granted to the U.S. Supreme Court by the constitution, those with political *wilāyah* are not legally bound to follow the "legal" advice provided by the *Qāḍī*, and therefore, the *amīr* possesses both political and legal *wilāyah*.

Obligation for Muslims living in non-Muslim lands

A Muslim land may be defined as a land in which there is a recognized Muslim political authority (*amīr*) who is held responsible for executing Islamic law. Since Muslims living in non-Muslim lands are not under the rule of a Muslim *amīr*, they are not bound by Islamic political *wilāyah*, but are required to follow the law of the land. The first emigration (*hijrah*) of Muslims from Arabia to Abyssinia, then ruled by the Christian King Najāshi, provides an illustrative historical example of Muslims living in a non-Muslim land. These Muslims were not bound by Islamic political *wilāyah*, but were required to follow the law of the land. These Muslims were still required to meet religious and moral obligations proportionate to their ability to perform them within the existing political and legal system with no obligation to gain political and legal *wilāyah*.³

Similar to the Muslims who made the first emigration (*hijrah*), Muslims living in non-Muslim lands today are required to follow the law of the land and there is no obligation on them to gain political or legal *wilāyah*. However, religious and moral obligations with implications in the hereafter still exist for Muslims living in non-Muslim lands even though there is no Islamic political *wilāyah*. These obligations are proportionate to their ability to perform them within the existing political and legal system. For example, Muslims living in a locality where they do not have political *wilāyah* are not required to implement Islamic criminal law because it requires political authority to implement and enforce it. However, these same Muslims are still required to pray five times a day, fast during *Ramaḍān*, and pay

² Shaykh al-Hind, the famous Ḥanafī and Deobandī scholar, also translates the words "*ulu 'l-amr*" in this verse as those in authority; see [8, p. 126]. (The publication date for the *Bayān al-Qur'an* is not available, but this two-volume commentary of the Qur'an is world renowned).

³ This is evident from the fact that the Muslims who migrated to Ethiopia did not call upon the ruler and his subjects to abide by *Sharī'ah* law.

zakāt (obligatory charitable contributions) because upholding these religious obligations does not require political authority for their execution.

Although political *wilāyah* may not exist, there are additional forms of *wilāyah* resulting in obligations that exist independent of political context. On an individual level, believers faced with uncertainty about the permissibility of an action are obligated to seek the truth and consult with Islamic legal scholars (*‘ulamā’*) who have the academic ability to explain Islamic law and provide context-specific rulings (*fatāwā*). This obligation is described in the Qur’an: “Ask the followers of the Remembrance,⁴ if ye know not” (Al-Naḥl 16: 43).

However, in contrast to the Prophet’s *wilāyah* and political *wilāyah*, the “academic” *wilāyah* of the *‘ulamā’* over individual believers is not legally enforceable in this world, but rather binding on a moral level based on potential implications in the hereafter. A believer seeks an opinion from an Islamic scholar with the explicit purpose of avoiding sin, and therefore, has a moral obligation to follow that opinion. For example, if a believer asks an Islamic scholar regarding the permissibility of a particular action, and the scholar determines that the act is sinful, then the believer has a moral obligation to follow that opinion unless the believer receives an alternative opinion from another Islamic scholar. If the believer chooses not to follow the Scholar’s opinion, the believer is not held legally responsible under the law of the land, but is accountable for the sinful action in the afterlife and for not following through on the opinion of the scholar.⁵

An additional level of “moral” *wilāyah* is the authority of Muslims over other Muslims. This authority is neither political nor legal but, rather, moral in nature. This authority does create a moral obligation for believers towards other believers and is described in the Qur’an: “And the believers, men and women, are protecting friends (*walī*) one of another; they enjoin the right and forbid the wrong...” (Al-Tawbah 9: 71).

Application of the concept of *wilāyah* to an Islamic bioethics discourse

Muslim healthcare providers and patients face a variety of bioethical issues that may be addressed through an Islamic bioethics discourse. Understanding the levels of *wilāyah* and their commensurate obligations may serve as a useful starting point for determining the scope and goals of such a discourse. Muslims believe that God has authority over them as their absolute guardian and protector (*walī*) and that Prophet Muḥammad has a binding authority over them that manifests in believers as following (*ittibā’*) and obedience (*iṭā’ah*). Following that, there is political and legal *wilāyah* of the *Amīr* over believers, academic *wilāyah* of Islamic scholars over believers, and moral *wilāyah* of believers, over believers. Table 2 provides a summary of these levels of *wilāyah*, their nature, enforceability in this world, and the commensurate obligations for believers.

⁴ Often translated as “people of remembrance,” referring to those who know the Qur’an.

⁵ This is implicit in the afore-cited verse as the purpose of asking is not merely to satisfy one’s curiosity, but to follow the advice of the scholar.

Table 2 Levels of *Wilāyah* and corresponding levels of obligation

Levels of <i>Wilāyah</i>	Nature of <i>Wilāyah</i>	Enforceability in this world	Commensurate obligation
<i>Amīr</i> over believers	Political and legal	Through the legal system	To follow the law and policies of the government
' <i>Ulamā</i> ' over believers	Academic	None	To ask Islamic scholars
Believers over believers	Moral	None	To encourage good and forbid evil

Consider, for example, the permissibility of using porcine insulin. If a Muslim healthcare provider or patient lives under the *wilāyah* of an *amīr*, then the permissibility of using porcine insulin would be determined as a matter of government policy. If, hypothetically, the government policy were to forbid the use of porcine insulin, then individual healthcare providers and patients would have the obligation to follow that policy and the government could enforce the policy through the legal system. A healthcare provider may participate in the policy making deliberations by providing contextual expertise (e.g., comparative effectiveness of available insulin products), but this potential role in the discourse would not relieve them of the obligation to abide by the legally enforceable prohibition.

In contrast, if a Muslim healthcare provider or patient lives without political *wilāyah* and there is no pertinent law of the land, they should refer to the highest available level of *wilāyah*, that is, academic *wilāyah*. The healthcare provider or patient in this circumstance has an obligation to ask a qualified Islamic scholar regarding the permissibility of using porcine insulin. While academic *wilāyah* is not legally enforceable, it does bring about a moral obligation to follow that opinion unless an alternative opinion from another Islamic scholar is received.

Conscientious objection has been defined as the refusal to perform a legally permitted role or responsibility because of personal beliefs [9]. In health care, conscientious objection has been used to justify practitioners not providing certain treatments to their patients and parents not consenting to certain treatments for their children. For a Muslim health care provider, the classification of the *ḥukm taklīfī* achieved through academic *wilāyah* provides a means by which to determine the level of personal moral obligation. For example, a Muslim health care provider may need to invoke a conscientious objection when faced with a public policy requiring an action classified as *ḥarām* (e.g., performing or contributing to an abortion), but not need to invoke such an objection for a policy requiring an action classified as *makrūh tanzīhi* (e.g., using alcohol-based hand sanitizers).

Based on sources of Islamic knowledge, there is evidence from revelation (Qur'an and Sunnah) suggesting that the use of porcine products is forbidden, and therefore, based on primary principles, the use of porcine insulin should be discouraged. A particular person or community may be granted a specific allowance (*fatwā*) to use porcine insulin based on a secondary consideration, such as absolute necessity in the absence of any alternative, and often the bioethical discourse ends with a description of the specific allowance or ruling. However, there is an

additional level of moral *wilāyah* (believer over believer) that should be considered in an Islamic bioethical discourse. A specific, context-based ruling does not relieve Muslims of the moral obligation to enjoin good and forbid evil. In this example, Islamic scholars and Muslim healthcare providers should consider expanding the bioethical discussion to include approaches to fulfilling their moral obligations. Such a discussion may include strategies to develop allowable alternatives (enjoining good) that would discourage use of porcine products (forbidding evil) as a means to completely fulfill their moral obligation. Furthermore, the expanded discourse could include determining the tangible “harms” that may be associated with the use of porcine insulin.

Conclusion

An Islamic ethical discourse, whether regarding bioethics or some other subject, is founded on adherence to the tenets of Islamic belief and to the sources of Islamic knowledge throughout the entire deliberative process. Muslim health practitioners and patients may be tempted to apply pragmatic and context-focused approaches to address bioethical dilemmas without a full appreciation of relevant Divine revelation and significant implications in the afterlife.

Understanding the levels of *wilāyah* and the commensurate obligations may serve as a useful starting point for determining the scope and goals of an Islamic bioethical discourse. For Muslim healthcare providers and patients living in the absence of political *wilāyah*, academic *wilāyah* still requires believers to seek authentication of uncertain actions through scholarly opinions. Fulfilling this academic obligation will naturally lead to additional mutually beneficial discussions between Islamic scholars, healthcare professionals, and patients.

The current bioethics discourse often ends with a description of a ruling applicable to a particular circumstance or contingency without a discussion of the *ḥukm taklīfī*. Further, there is an additional level of moral *wilāyah* that should be considered in developing an ideal Islamic bioethical discourse. A specific, context-based ruling does not provide Muslims with the knowledge or tools necessary to fulfill the moral obligation of enjoining good and forbidding evil. The Māturīdī school’s perspective encourages Islamic scholars and Muslim health care professionals to determine tangible worldly “benefits” for actions rewarded in the Afterlife and tangible “harms” for sinful actions. These worldly benefits and harms can be used as a bridge to inform and influence mainstream public policies in non-Muslim lands. An expanded Islamic bioethics discourse that celebrates mutual cooperation between Islamic scholars and other experts has the potential to generate solutions that will benefit all.

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