

# **Some Pertinent Fiqh Rulings For Muslim Healthcare Professionals**

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# Introduction

- Healthcare is a noble profession in Islam (doctors, nurses, therapists, medical social workers, counselors etc.)
- God's agent
  - God the Healer (Al-Shafi) (10:57, 17:82) manifest His attribute through healthcare professionals
- Fardu kifayah
  - there must be Muslims who acquire the knowledge
  - there must be Muslims in the service
  - Protecting Muslims' interest in medical service and industry

- Be proud = act like a true God's agent
  - care and heals
  - compassionate (1:1); healing is a sub-set of God's compassion
  - adhere to Islamic adab (ethics)
    - > ihsan & itqan, professional, exemplary
    - > adab is as important as your rituals at work
- See
  - Tuhan Kita Maha Pengasih dan Penyayang, <http://haniff.sg/artikel-panjang/artikel-tuhan-kita-maha-pengasih-dan-maha-penyayang/>
  - Profesionalisme Dalam Dakwah, <http://haniff.sg/pesanan/profesionalisme-dalam-dakwah/>

# Broad Guiding Principles

- Islam as solution
  - does not offer a homogenous position
  - not necessarily from Islamic scriptures, tradition and Muslims
    - > hikmah is everywhere (2:269)
    - > what comes from others can be compatible with Islam = don't reject all
- Most issues (especially new and unprecedented) bound to have differences in rulings
  - nature of the field i.e. muamalat = left to human to perform ijtihad guided by divine principles

- nature of scriptures

> not meant to provide details to all problems

> designed for flexibility = can be relevant for all times and places

> large majority of scriptures are zanniyat / mutsyabihat (indefinitive = open for interpretation and multiple meanings), not qat'iyat / muhkamat (opposite of zanniyat) (3:7)

- diversity is natural (11:118-9)

> diversity of theological opinions has existed since the Prophet's time

> will continue i.e. the four main mazhabs

• Tradition matters, but be critical

- critical, not necessarily abandoning tradition

- Islamic tradition is rich; not all remains relevant, but not all are obsolete also

- tradition helps not reinventing the wheel = many problems are repetitive
- scientific method = knowledge are built on past works
- People of the West don't simply throw away their classical tradition in the name of modernity
  
- Always assume there are many opinions on any issue
  - khilaf is a rahmat (blessing) = natural
  - provide many options
    - > if an opinion cannot solve a problem, there may be another one
    - > truth not necessarily one = there are multiple truths = all may be right for different contexts
  - don't get confused = it's normal

- don't be rigid
- differentiate between being conservative and being right
  - > not all conservative position = right or the best solution
- when in doubt, consult the authority i.e. mufti, qualified ustaz
  - > local problem by local ustaz
- See
  - Framework in making decision when facing religious issues at work or in life, see Agar Keputusan Berpandu Syariah, at <http://haniff.sg/artikel-pendek/artikel-agar-keputusan-berpandu-syariah-berita-harian-singapura-12-april-2012/>
  - Sikap Islam Terhadap Tradisi, <http://haniff.sg/artikel-pendek/artikel-sikap-islam-terhadap-warisan-tradisi/>
  - Dakwah Hidup Dalam Kepelbagaian, <http://haniff.sg/dakwahalquran/petunjuk-36-dakwah-mesti-hidup-dalam-kepelbagaian/>

- Useful Islamic legal maxims
  - Matters shall be judged by their objectives
  - Difficulty will bring relief
  - Harm must be eliminated
  - The origin of a ruling on a certain matter (non-worship) is halal unless there is proof (dalil) on its prohibitions
  - When any arrangement becomes restricted, it will be made flexible
  - Necessities (dharurat) permit the prohibited
  - Necessities have limits that should not be exceeded



- General/Particular need, can develop into necessity
- Harm cannot be eliminated with another kind of harm
- If you have to choose between two types of harm, the bigger harm should be overcome by choosing the lesser harm / Choose the lesser of the two evils
- Prioritise a confirmed benefit above a doubtful one
- Prioritise a bigger benefit above a smaller one
- Prioritise a collective benefit above that for an individual
- Prioritise multiple benefits above single ones
- Prioritise a permanent benefit above a temporary one

- Prioritise the essence of a benefit above its form
- Prioritise a stronger future benefit above a weak current one
- Harm may not be eliminated with a similar harm or a bigger one
- May sustain a lesser harm to avoid a bigger one
- May sustain a specific harm to avoid a general one
- A small harm may be forgiven to achieve a bigger benefit
- A temporary harm may be forgiven to achieve a permanent benefit
- A definite benefit may not be abandoned because of a doubtful harm

# Issue 1

- Friday prayer for male healthcare professionals
- Healthcare is essential services i.e. police, checkpoint officers, public transport, military
- On normal office hour duty (with fixed lunch break)
  - obligatory to perform Friday prayers like others
- On normal office hour duty (staggered lunch break for continuous service)
  - excused from Friday prayer (perform Zohor prayer)
    - > no need to take MC or leave or change roster / shift
    - > swap with friends is good but not obligatory

- Shift duties
  - excused from Friday prayer = same like above
  - even if it means missing 3 Friday prayers consecutively
    - > theoretically speaking; in practice, 3 consecutive misses is avoidable
    - > analogy = sailors on long distant sea travel, commercial pilot, air steward
- See
  - Solat Jumaat Bagi Peronda Polis at <http://haniff.sg/kemusykilan-agama/kemusykilan-agama-solat-jumaat-bagi-peronda-polis-dan-isu-pancing-dalam-islam-berita-harian-singapura-17-mei-2013/>

# Issue 2

- Alcohol in medicine
- Good to opt for alcohol free medicine
- Medicine with alcohol may not be haram
  - need to know the nature of alcohol
- What's haram is khamr (arak)
  - scientifically, alcohol is not equal to khamr
  - alcohol is an ingredient of khamr but not khamr
  - all khamr contain alcohol but alcohol can exist by itself (i.e. pure alcohol), separated from khamr (i.e. non-alcohol wine)

- Pure alcohol put in medicine does not make it najis for external use or haram for consumption
  - haram is when khamr is used for medicine i.e. put some wine in medicine
- Khamr is najis by majority of scholars
  - permissible for khamr for external use for medication i.e. disinfectant, sterilisation; just need to wash for solat
- Alcohol is not najis
  - no problem for external use; no need to wash for prayer
  - most medicine with alcohol is of this type i.e. hand wash, alcohol swab
- Two types of pure alcohol
  - ethanol (ethane + alcohol)
  - methanol (methane + alcohol)

- Ethanol = permissible for food and consumption
  - used in medicine and alcoholic drinks i.e. cough syrup, wine, beer
  - found naturally in juices, sugar, fermentation process
  - not najis
  - consumption is haram only when cause loss of mind (drunk)
    - > permissible is conditional = if it's 0.5% only
- Methanol = not permissible for food and consumption (chemically categorised as poison)
  - not najis
  - consumption is haram because it's a poison
  - found in perfume, wet wipes, cleaning agents
- Alcoholic drinks i.e. wine, champagne, beer, is not pure alcohol (2:219, 5:90)
  - this is najis for external use and haram for consumption

- See
  - Alkohol Dalam Makanan, Minuman, Pewangi Dan Ubat-Ubatan,  
<http://www.e-fatwa.gov.my/fatwa-kebangsaan/alkohol-dalam-makanan-minuman-pewangi-dan-ubat-ubatan>

<https://fiqhmedic.wordpress.com/2011/07/20/alkohol-dalam-ubat/>



# Issue 3

- Performing solat during working hours
- Try to perform within stipulated prayer time
- When not possible
  - real or foreseeable emergency situation or i.e. save lives
  - job restriction i.e. due to shift
- Solution is jama' (not qasar)
  - combining Zohor and Asar in Zohor or in Asar time (4 + 4)
  - combining Maghrib and Isya' in Maghrib or in Isya' time (3 + 4)
  - No jama' for Subuh prayer

- Theological basis – the Prophet occasionally performed jama' when he was in Medina (not on travel), when there is no rain and no fear
  - dari Said bin Jubair dari Ibnu Abbas, “Rasulullah *shallallahu ‘alaihi wa sallam* mengerjakan shalat Zhuhur dan ‘Ashar secara jamak di kota Madinah padahal tidak ada ketakutan, tidak pula sedang bepergian.” (Riwayat Al-Bukhari)
  - Abu az Zubair mengatakan bahwa aku bertanya kepada Sa'id bin Jubair tentang mengapa Nabi *shallallahu ‘alaihi wa sallam* berbuat demikian. Kata Sa'id, “Hal itu sudah kutanyakan kepada Ibnu Abbas. Jawaban Ibnu Abbas, “Nabi *shallallahu ‘alaihi wa sallam* ingin untuk tidak menyusahkan satu pun dari umatnya’. (Riwayat Al-Bukhari and Muslim)
- Healthcare being recognised primary and essential services

- This may not be a common practice and view held here, but it's rooted strongly to Islamic tradition (in other mazhab)
  - commonly used for exceptional situation
  - better than qada'
- What's different with not praying with intention to qada'?
  - haram
  - qada' is not bounded by time i.e. can perform Zohor in Isya' time at home; jama' is restricted to stipulated time
- Application
  - Noon shift – pray Zohor and Asar together in Zohor or Asar time depending on shift condition; pray Maghrib and Isya' at home
  - Night shift – Subuh no jama' = cannot avoid but find time and make necessary adjustment to work = “chope” rest time at Subuh time
  - applicable to operation theatre and A&E duty

# Issue 4

- Wuduk for patient with bandage and plaster
- Syafi'ii is the most strict view and impractical
  - have wuduk before bandage/plaster
  - perform tayamum to compensate imperfection
  - may have to repeat all solat
- More practical view is by Hanafi
  - wash all required parts
  - wipe most part of bandage/plaster
  - no need for tayamum, no need for repeat solat

- Applicable for surgeon and nurses in OT when normal wuduk is a problem
- See
  - <http://fiqh-am.blogspot.sg/2008/06/bersuci-cara-bersuci-orang-luka-dan.html>
  - <https://soaljawab.wordpress.com/2009/03/17/berwudhu-di-atas-balutan/>

# Issue 5

- Medicine with najis i.e. enzyme from pig / unslaughtered animal  
- vaccines
- Fatwa 1 = permissible with no need for alternative based on the concept of istihalah
  - “perubahan jirim atau zat sesuatu bahan sehingga ia menjadi bahan yang berlainan daripada keadaannya yang asal” = transformation of wine to vinegar, cow dung to gas / smoke
  - Fatwa MUIS

[http://www.officeofthemufti.sg/Fatwa/rotavirus\\_vaccine.html](http://www.officeofthemufti.sg/Fatwa/rotavirus_vaccine.html)

- Fatwa 2 = only allowed when there is no alternative and medically needed i.e. vaccine for meningitis for haj / umrah
  - see <http://www.e-fatwa.gov.my/fatwa-kebangsaan/hukum-penggunaan-vaksin-biothrax-dan-vaksin-rotateq-yang-menggunakan-unsur-babi-dal>
- Need for use may not necessarily for serious sickness
  - permissible also
  - for sickness that cause discomfort
  - when healing is delayed without it and the delay cause discomfort
    - > acceptable as long there is medical reason
- Note – animal enzyme is used to culture the bacteria; the bacteria is then taken to produce vaccine
  - different from putting animal part in the vaccine

# Issue 6

- Fasting for sick person
- Sick person is excused from fasting (2:183-5)
  - permissible (not obligatory), a) non serious sickness, b) discomfort, c) delay in healing caused discomfort i.e. normal fever, other sickness relevant to fasting and eligible for MC
  - obligatory, when a) life threatening, b) lead to life threatening condition, c) required to take medication for serious illness during fasting hours
    - > specifics as advised by doctors



- What does not nullify fasting?
  - inhaler, vaporizer and nasal spray for asthma, see <https://islamqa.info/en/78459>
  - blood donation by itself (may have to break fast due to after effect)
    - > avoid fasting hours except when in emergency i.e. rare blood type needed
    - > see <http://en.islamtoday.net/artshow-410-3356.htm>
  - blood extraction for lab test
  - non nutritional injection (intra muscular and intravenous), see <http://www.islamweb.net/emainpage/index.php?page=showfatwa&Option=Fatwald&Id=101379>
  - taking insulin, see <http://www.islamweb.net/emainpage/index.php?page=showfatwa&Option=Fatwald&Id=85528>

- eye and ear drops, see <https://islamqa.info/en/80208>
- pep smear test (very contentious, best to do outside fasting), see <https://islamqa.info/en/13982>
- IV drip (Normal saline, Gelafundin, Dextrose) given without intention to avoid hunger is permissible (very contentious)
- Ureteroscopy / vaginal speculum examination / proctoscopy (very contentious)  
<http://medicislam101.blogspot.sg/2014/07/medical-procedures-do-not-nullify-your.html> (The 9th Fiqh & Medical Seminar organized by the Islamic Organisation for Medical Sciences in 1997)

- Chronic disease (diabetes etc.)
  - fasting is permissible if medication can be consumed outside fasting hours (doctor's advice needed)
  - if medication must be consumed within fasting hours, not obligatory
- Dialysis
  - not obligatory to fast
- Pregnancy & breastfeeding mothers
  - not obligatory (unless if the person face no difficulty), <https://islamqa.info/en/50005>
- Qadha' for chronic serious disease, old person
  - fidyah only
  - pregnant women and breastfeeding mothers may be allowed to pay fidyah only (on case by case basis), <http://haniff.sg/kemusykilan-agama/kemusykilan-agama-soal-fidyah-ganti-puasa-berita-harian-1-november-2013-2013/>

# Issue 7

- Prayer for sick person
- On following priority
  - 1) standing
  - 2) standing & sitting
  - 3) sitting
  - 4) lying
  - 5) head signal
  - 6) eye signal

- see <https://www.youtube.com/watch?v=4iMEjMBmqaY>
- Wuduk for sick person,  
<https://www.youtube.com/watch?v=MMQ7ZqZXIhc>

# Issue 8

- Tudung at work
- See <http://haniff.sg/kemusykilan-agama/kemusykilan-agama-kerja-jururawat-tak-boleh-pakai-tudung-haram/>

# Suggestion

- Collaborate with Office of Mufti (Muis) or Al-Iman Mosque (specialising in Fiqh programs) or Pergas to develop a module on Fiqh for Muslim Healthcare Professionals
  - may be possible to get grants from Muis to collaborate with local asatizah to develop the program i.e. 3 hours x 8 sessions or 2 hours x 12 sessions
  - can be converted to ADIL program

# Resources

- Blog compiling fiqh rulings of contemporary medical issues, <https://fiqhmedic.wordpress.com/>
- Akademi Fiqh Perubatan, <http://papisma.org/fekahperubatan/>
- Personal blog of a Muslim doctor with useful references on Islam and medicine (not just medical issues), <http://medicislam101.blogspot.sg/>
- DVD Fiqh Medic, <http://www.kfiqh.com/jualan/dvdmedik.html>

- Books (available at MPH City Square JB)

