

With the Name of God, All-Merciful, Most Merciful

An Islamic Ethical Framework for Science

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What is meant by ethics? (dictionary)

1. A system of **moral principles**: the *ethics* of a culture.
 2. **Moral principles**, as of an individual: His *ethics* forbade betrayal of a confidence.
 3. That branch of philosophy dealing with **values** relating to human conduct, with respect to the rightness and wrongness of certain actions and to the **goodness and badness of the motives and ends** of such actions.
 4. Ethics is concerned with distinguishing between **good and evil** in the world, between **right and wrong** human actions, and between **virtuous and nonvirtuous** characteristics of people.
 5. “The **science of morals**,” pl. of M.E. *ethik* “**study of morals**”
 6. The **rules of conduct** recognized in respect to a particular class of human actions or a particular group, culture, **profession**, etc.: e.g. *medical ethics; Christian ethics; Islamic ethics*.
 7. The rules or standards governing the conduct of a person or the conduct of the members of a profession, e.g. **scientists**.
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Ethics and Ethos

- Ethics: from *ethos*
 - e.g. The ethos of an institution or profession

 - Definitions:
 1. In sociology: the fundamental **character** or **spirit** of a culture; the underlying sentiment that informs the beliefs, customs, or practices of a group or society; dominant assumptions of a people or period: In the Greek *ethos* the individual was highly valued.
 2. The **character** or disposition of a community, group, person, etc.
 3. The **moral** element in dramatic literature that determines a character's action rather than his or her thought or emotion.
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Ethics: Islamic scriptural terms

- *Akhlaq*: morality, character, ethos,
- *Akhlaqiyyat*: ethics
- *Akhlaq*: plural of *khuluq*, related to *khalq*
 - *Khuluq*: inner form – character, morality
 - *Khalq*: outer form – creation
- “O Allah! As you have perfected my creation, thus perfect my character.” (*Allahumma kama hassanta khalqi fa hassin khuluqi*)

A prayer of the Prophet Muhammad (pbuh)

Ethics: Islamic scriptural terms - 2

- Professional ethics are related to *Ihsan* (excellence, goodness, kindness, doing things in the best possible way)
 - The basis of the Sunnah (Way of the Prophet) is:
 - *Islam, Iman, Ihsan*
 - Submission, Faith, Excellence
 - *Do good, for God loves those who do good (Q. 2:195)*
 - *God has obliged excellence in every matter (Hadith)*
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So, what are Islamic ethics about?

- In a nutshell, the spirit (ethos) of Islam is based on Justice & Mercy
 - Justice is the minimum (*God is never unjust*)
 - Mercy, Forgiveness, Kindness are the maximum
- God commands Justice and Kindness (Q. 16:90)
 - *'Adl* and *Ihsan*
- Islamic ethics are:
 - to promote goodness, benefit, welfare
 - opposed to harm (*darar*) to individuals & societies

Examples of Traditional Sharia Principles (*Qawa'id Fiqhiyya*)

- People are innocent unless proven guilty
 - Proof is based on unequivocal evidence
 - Harm & reciprocating harm are forbidden (*La darar wa la dirar*)
 - Maximise goodness
 - Minimise harm (the lesser of two evils)
 - In necessity, prohibitions are relaxed
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The Theory of *Maqasid*

(Universal Objectives of Law)

- Imam al-Haramayn al-Juwayni (d. 478/1085)
- Imam al-Ghazzali (d. 505/1111) said that there are five basic *maqasid* (objectives of Sharia),

The preservation of:

1. Faith (cf. *hadd* for apostasy)
2. Life (cf. *hadd* for murder)
3. The intellect (cf. *hadd* for drinking alcohol)
4. Property (cf. *hadd* for theft)
5. Lineage (cf. *hadd* for zina)

John Locke, 17th-century English liberal philosopher said the same thing 6 centuries later!

Imam ‘Izz al-Din b. ‘Abdul-Salam (d. 660/1262) – “the Sultan of the Scholars”

“The greatest of all the objectives of the Qur’an is to facilitate benefits (*masalih*) and the means that secure them.”

“Every action that misses its purpose is void ...when you study how the purposes of the law bring good and prevent mischief, you realise that it is unlawful to overlook any common good or support any act of mischief in any situation, even if you have no specific evidence from the scripture, consensus, or analogy.”

■ Imam al-Qarafi (d. 689/1290) added another *maqсад*:

6. The preservation of honour (cf. *hadd* for slandering a chaste woman)

Imam Ibn Taymiyyah (d. 728/1328)

Suggested further values as *maqasid*:

- ❑ Fulfilment of contracts
 - ❑ Preservation of the ties of kinship
 - ❑ Good relations with one's neighbours
 - ❑ Moral purity
 - ❑ Trustworthiness
 - ❑ Love of God
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Imam Ibn al-Qayyim (d. 751/1351)

“The Islamic Law is all about wisdom and achieving people’s welfare in this life and the afterlife. It is all about justice, mercy, wisdom, and good. Thus, any ruling that replaces justice with injustice, mercy with its opposite, common good with mischief, or wisdom with nonsense, is a ruling that does not belong to the Islamic Law, even if it is claimed to be so according to some interpretation.”

Imam al-Shatibi's Contribution

- Added the inductive method (*istiqra'*, or holistic reading of the Qur'an and Sunnah) for determining *maqasid*
 - Observe explicit injunctions but don't lose sight of the rationale and purpose of the texts
 - Integrate reading of the texts with their rationale, objective and purpose
 - Vital for *ijtihad* and avoiding errors / deviations
 - Note that *maslaha* (benefit/welfare) includes that of this world as well as the Hereafter
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Examples

- At what age does a child become an adult?
 - At what age may a child marry?

 - At puberty (8, 12, 15) ?
 - Does it need intellectual as well as biological maturity (17, 18, 19) ?

 - All the above views are found in classical Muslim jurisprudence
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Example:

Custody of Children after Divorce

School of Law	Transfer trigger	Custodian 2	Custodian 3	Custodian 4
Hanafi	B: 7/9 yrs G: 9-11 yrs	B: choice of M or F G: Father	Grand-mother	Maternal aunt (khala)
Maliki	B: maturity G: marriage	Choice of mother or father	M-grand-mother / khala	Paternal grand-mother
Shafi'i	7 years / age of discretion	Choice of mother or father	Grand-mother	Maternal aunt (khala)
Hanbali	Age 7 years	Choice of mother or father	Grand-mother	Maternal aunt (khala)

Custody of Children:

Imam Ibn al-Qayyim's Observation

“Before giving the choice to a child or even drawing lots, the welfare (*maslaha*) of the child must be taken into account. If one of the parents will clearly benefit a child's welfare more than the other, the child must be given to that parent without asking the child or drawing lots.”

(endorsed by Imam Shawkani in *Nayl al-Awtar*)

Custody of Children: Imam al-San'ani's Conclusion

- “The children should stay with the parent who fulfils their best interest. If the mother is the better carer and will follow up on the children diligently, then she should have priority over them ... The children have to be in the custody of the more capable parent, and the Law cannot possibly judge otherwise.”
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More *maqasid*

- Protection of fundamental rights and liberties
 - Promotion of public welfare
 - Promotion of scientific research
 - Promotion of education
 - Promotion of medical treatments
 - Protection of the environment
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What is Sharia? *Maqasid al-Shari'ah* (Higher Objectives of the Sacred Law)

- Protection and promotion of: faith, life, intellect, property, family, reputations,
 - communities, morality,
 - honesty and trustworthiness in all dealings including commercial ones,
 - fundamental rights and liberties, public welfare, knowledge and scientific research, education, medicine, environment and ecology,
 - peace and justice in international relations,
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- and the Love and Worship of God!

A Fundamental Principle of Shari'ah

- Fatwas (legal rulings) can and must change according to time, place and context (Ibn al-Qayyim, *I'lam al-Muwaqqi'in*)
 - “text and context” or *fiqh al-nass* and *fiqh al-waqi'* (Tariq Ramadan etc.)
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Further Principles of Islamic law

1. Very few things are obligatory or prohibited
 2. Most matters are left to judgment-calls, and to considerations of welfare / benefit / harm
 3. Muslims are likely to have a diversity of views on specific matters
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More quotes

- Najm al-Din Tufi, “The public benefit (*maslaha*) always overrides the text.”
 - Imam Ghazzali, “Nine-tenths of juristic understanding (*fiqh*) is understanding your context: one-tenth is mastering the texts.”
 - Do many jurists have it the other way around?
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Example:

Organ Donation / Transplantation

- Arguments against:
sanctity of human body, trust from God
 - Arguments for:
altruism, saving lives, public benefit
 - Muslim jurists now generally allow donation / transplantation of blood, kidneys, liver, lung etc.
 - Differ about heart transplants & other vital organs
 - Does death = brain(stem) / clinical death or organ death?
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Contraception / Family Planning

- Muslim jurists allow some or all forms of contraception / family planning
 - *Coitus interruptus*: practiced by the Companions
 - Is it like burying infants alive?
 - Does it fall under “killing your children due to poverty” (Q. 6:151 & 17:31) ?
 - Do physical / chemical barriers matter?
 - Condoms, coils, IUDs, spermicides / ovicides
 - Is there a time limit, e.g. 2 years?
 - Does contraception harm people?
 - E.g. side-effects of the pill
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Abortion (related to Ensoulment)

- Does ensoulment happen at: conception, 40 days, 80 days, 120 days, ... ?
- Aristotle on ensoulment:
 - 40 days (boys), 80 days (girls)
 - Influenced mediaeval Christian thinkers, eg Aquinas
- Hadiths attributed to Prophet Muhammad (pbuh) were the basis of classical jurisprudence:
 - 40/42 days or 120 days (4 months or 17 weeks 1 day)
 - Jurists differ about abortion before that time
- Balance Benefit (unborn life) vs. Harm (danger to mother/child's life, mental/emotional state etc)
- What are scientific views of “soul” and “spirit”?