JANIN AND THE MODERN MEDICAL RESEARCH IN THE LIGHT OF ISLAMIC FIQH

Fahd Anwar*

Abstract

The developing human inside the womb of the mother is termed medically as "embryo" till eighth week of development and afterwards it is termed as "fetus". The Arabic word Janin includes both the embryo and the fetus. Vast research is being done on the janin related to its development, its status and its use for curative purpose.

The procedures like Artificial Insemination, Surrogacy, Induced abortion, Human Cloning should be seen from Islamic point of view to understand the Will of Allah(SWT). These procedures have been discussed by the contemporary jurists in the light of the guidelines provided by shari'ah. The present work also provides the historical views on janin. It will be seen theat the Holy Qura'n invites the readers to look upon their creation and development in order to understand the greatness of Allah Almighty.

Embryo, Fetus and Janin

Before proceeding to our discussion on the modern discoveries related to janin in the perspective of Islamic fiqh, we shall look upon the definition of embryo, the fetus and the concept of the beginning of life in the developing human. Keeth Moore and Persuade define embryo as:

^{*} M.phil, Islamic Studies, Allama Iqbal Open University, Islamabad, Pakistan.

- 31. Al-Haithme, Noor-ud-Din, Ali bin Abi-Bkr, Majmau Zawaid wa Manbahul Fawaid, Kitabul Buyuh, bab Naskhul Ajeer wa Iteqanul Amal, Maktaba Al-Oudsi, No.6460.
- 32. Ibid. Vol. 1, Book 11, No. 674.
- 33. Surah Al-Qiyamah, 75:16,17.
- 34. Mulim bin Hujaj, Op. Cit. Book 4, No. 1889.
- 35. Abu-Dawud, Op. Cit. Book 18, No. 2879.
- 36. Bukhari, Op. Cit. Vol 9, Book 92, No. 450.
- 37. http://www.thefreedictionary.com/concern retrieved on 6/04/2013.
- 38. Surah Al-Naml, 27:88.
- 39. Mulim bin Hujaj, Op. Cit. Book 020, No. 4597.
- 40. http://www.thefreedictionary.com/commitment retrieved on 06/04/2013.
- 41. Surah Al-Jumua, 62:5.
- 42. Ibid., Book 021, No. 4810.
- 43. Hanbal, Abu Abdullah Ahmed bin Muhammad, Musnad Imam Ahmad bin Hanbal, Vol. 4, No. 332
- 44. Surah Al-Maeda, 5:67.
- 45. Bukhari, Op. Cit. Vol. 4, Book: 56, No. 667.
- 46. See Sayings of Prophet Muhammad (SAW): " الْنَحَلْقُ كُلُّهُمْ عِيَالُ اللَّهِ ، وَأَحَبُ الْبَعْلَقِ أَنْفَعُهُمْ

 Narrated by Bahaiqi, Ahmed bin Hussain, Al-Jamaa Li-Shuaab-al-Eeman, Maktaba Al-Rushd, Beirut, No. 6944.
- 47. Surah Al-Baqara, 2:213.
- 48. Mulim bin Hujaj. Op. Cit. Book 020, No. 4567.
- 49. Surah Al-Baqara, 2:29.
- 50. See Surah Al-Noor, 24:55.
- 51. Bukhari, Op. Cit. Vol. 8, Book 78, No. 631.

References

- 1. Malik Ibn Anas, Muw'ta, Bab: Husnu al-Khulq, No. 2178.
- 2. Termizi, Mohammad Bin Eisa Bin Soorah, 'Sunan Al-Tirmizi', Kitabu Al-Eman, Bab: Ma Jaa Fe Istikmal Al-Eman, Darul-Kutub Al-Ilmia, Beirut, Lebanon.
- 3. Surah Luqman, 31:18-19.
- 4. Surah Ash-Shu'ara', 26:88-89.
- 5. Surah Al-Imran, 3:110.
- 6. Ibn Hambal, No. 8595.
- 7. Surah An-Nisa, 4:128.
- Behqui, Ahmed bin Hussain, Shuhb-ul-Eman, Dar-ul-Kutub Ilmia, Beirut, 2005, p.238.
- Mulim bin Hujaji Abul Hussain, Sahih Muslim, Kitab-u-Talaq, Bab: unah Takhyeer-al-Mara't La Takoona Talaqan, 1196.
- Al-Ghazali, Abu Hamid. Ihya Ulum al-din, Tran. The Book of Knowledge by Nabi Amin Faris, Islamic Book Service New Delhi, p. 138. Available on http://www.ghazali.org/books/knowledge.pdf.
- 11. Ibn Suhnun, A. (1987), Adab Al-moalemen, Cairo, Dar Almaaref., p. 23-24.
- 12. Al-Qabusiy, Hasan, (1983), Teacher's Role and Some Aspects of Teaching Methodology: Islamic Approach, Muslim Education Quarterly, Volume 1, No. 1, 1983, pp21-32.
- Marnburg, Einar, The Behavioral Effects of Corporate Ethical Codes: Empirical Findings And Discussi Business Ethics: A European Review, 9 (3), July 2000. Available at http://ssrn.com/abstract=236057.
- See Cahn, S.M. (1986) Saints and Scamps: Ethics in Academia, Rowman & Schuster, New York and McGee, E. (2000) Developing an academic code, paper presented at the meeting of the association for practical and professional ethics, Washington, DC, Feb 24-27.
- 15. Surah Al-Alaq, 96: 1 to 5.
- Mulim bin Hujaj Abul Hussain, Sahih Muslim, Kitab-u-Talaq, Bab: unah Takhyeer-al-Mara't La Takoona Talaqan, 1196.
- 17. Al-Qazwyni, Muhammad bin Yazeed, Ibn-e-Maja, Maktaba Elmiya, Beirut, kitab Al-Muqadema, Bab ul Intifah bil-elm wal amal behe Vol. No. 254.
- 18. Mulim bin Hujaj, Abul Hussain, Op. Cit. Book 1, No. 261.
- 19. Surah An-Nisa, 4:135.
- 20. Surah 'Al-E-Imran, 3:18.
- 21. Surah Al-Isra, 17:70.
- 22. Surah Ad-Dukhan, 44:32.
- 23. Surah Al-Maeda, 5:2.
- 24. Surah Bukhari, Op. Cit. Vol. 8, Book 73, No. 145.
- 25. Surah Al-Maeda, 5:1.
- 26. Surah Al-Isra, 17:36.
- 27. Surah'Al-E-Imran, 3:159.
- 28. Surah Ash-Shura, 42:38.
- 29. Bukhari, Op. Cit. Vol. 8, Book 73, No. 145.
- 30. Surah Al-Kahf, 18:30.

- Universities' administrations have to create awareness to this Islamic code of ethics for academia among faculty members for possible adherence.
- The universities and other learning institutions may be advised to adopt this code of ethics as code of conduct, which could cover the ethical dilemmas faced by today's universities.
- Islamic ethical adherence scheme should be suggested to study comprehensively, which is briefly discussed in this research work.
- Survey study of Islamic ethical code for academia as a next of this study should be suggested after implementing it at some institutions for its competence.
- Exploratory study of awareness in faculty members about involvement of Islamic ethical guidance in their activities should also be suggested to conduct.

he will bring it (over his neck) while it will be bleeding..."(51).

In this context, being academician it is much necessary even compulsory for these professionals that they should responsible for university/institution's assets and resources. It is also necessary that they must create a learning environment for everyone, students, citizens and all people.

Conclusion and Recommendations

In this research work, a comprehensive analytical analysis of the academic profession and Islamic ethical code development for academia has been made.

The Islamic code of ethics for academia completely based on Qur'an and Sunnah, it is concluded that:

- Islam provides a living code of ethics, which has capacity to fulfill the requirements of today's academia for the solution of ethical problems.
- Having a straightforward guidance for ethical behavior Islam provides assistance to solve such ethical dilemmas, which are difficult to solve in ordinary ethical codes.
- Deviating to other ethical systems or code Islamic code of ethics based on Islamic creeds, which are capable to prepare human beings for adherence of it.
- The general Islamic ethical guidance consist on Integrity, Justice, Cooperation, Human Respect, Counseling, Accountability and Responsibility are heavily appeal all humans to adhere.
- Islamic ethical standards for academic community are much clear, comprehensive and cover every action of the profession due to the profession of holy Prophet Muhammad (SAW).
- Islamic general and standard ethical guidance for academia is a part of religious practice and considered to be 'Ibadah' (religious worship to Allah), which could work as a force to adhere.

Based on these conclusions following recommendations are made:

depends on right availability of suitable environment. Islam urges on the concept of 'amanah' fidelity and trusteeship or guardianship. Allah (SWT) mentioned the man as deputy to Him (SWT):

(I am going to appoint deputy on earth).

Therefore, it is of common sense that deputy is responsible for all actions and commands of his commandant. In another verse of the holy Qur'an Allah (SWT) made promise with the believers that they will be the viceroys in earth, if they will act according to his commandments⁽⁵⁰⁾.

Therefore, everything in the hand of believers is 'Amana' (concept of trusteeship) and is questionable. The marvelous saying of the Prophet Muhammad (SAW) is also a basic guide in this regard is as under:

"Narrated Abu Humaid As-Sa'idi: Allah's Apostle employed an employee (to collect Zakat). The employee returned after completing his job and said, "O Allah's Apostle! This (amount of Zakat) is for you, and this (other amount) was given to me as a present." The Prophet said to him, "Why didn't you stay at your father's or mother's house and see if you would be given presents or not?" ... he said, "Now then! What about an employee whom we employ and then he comes and says, 'This amount (of Zakat) is for you, and this (amount) was given to me as a present'? Why didn't he stay at the house of his father and mother to see if he would be given presents or not? By Him in Whose Hand Muhammad's soul is, none of you will steal anything of it (i.e. Zakat) but will bring it by carrying it over his neck on the Day of Resurrection. If it has been a camel, he will bring it (over his neck) while it will be grunting, and if it has been a cow, he will bring it (over his neck), while it will be mooing; and if it has been a sheep,

conveyed His Message. Allâh will protect you from people).

Narrated 'Abdullah bin 'Amr: "The Prophet said, Convey (my teachings) to the people even if it were a single sentence, ... And whoever tells a lie on me intentionally, will surely take his place in the (Hell) Fire" (45).

From all above, the teachings of Islam are much clear to free and open dissemination of knowledge and truth.

7.1.2.7 Solidarity and Fair Treatment

Islam asserts humanity is one community. There is no difference of wealth and health in Islamic traditions. Priority or superiority in Islam based on piousness. According to Islamic tradition, creatures are the family of Allah (SWT)⁽⁴⁶⁾.

Allah (SWT) says:

(Mankind were one community, and Allah sent (unto them) prophets as bearers of good tidings and as warners, and revealed therewith the Scripture with the truth that it might judge between mankind concerning that wherein they differed).

This shows, if humanity accept and act according to the guidance of Allah (SWT), will unit otherwise will measured guilty.

In addition, the unity and solidarity of Muslim Ummah is of such worth that the Prophet Muhammad (SAW) said in this context, "When you are holding to one single man as your leader, you should kill who seeks to undermine your solidarity or disrupt your unity." This means that small and minor wishes or objectives will be sacrificed for the sake of collective benefit and this is the duty of an academician that he/she always put nation even human benefit first or prior to his own, especially going to discharge his professional duties.

7.1.2.8 Responsibility for Stewardship of Assets, Resources and Environment

An academician going to discharge his professional duties must deals with assets and resources. The essence of every action or activity

Commitment in academic setting means one should be devoted to the discipline and be ready to solve its dilemmas. In connection with academic setup, Allah (SWT) mentions this thing:

(The example of those who were ordered to bear (the responsibility of acting upon) the Torah, then they did not bear it, is like a donkey that carries a load of books).

Prophet Muhammad (SAW) said: "Verily Allah has approved the practice of al-ihsan (doing with full commitment) in everything; ... if you need to slaughter animal, do it in the best manner, sharpen your knife and rest the animal before slaughtering" (42).

All these verses and sayings of holy Prophet (SAW) urge the need of commitment in academic work. However, the adherence again got its basis in the adherence of Islamic worldview.

7.1.2.6 Free and Open Dissemination of Knowledge

Academics are the producers and creators of new knowledge. Acquisition and dissemination of knowledge is of much important activity in Islam. Ahmed Ibn Hambal narrated a saying of the holy Prophet (SAW):

"Whoever treads a path seeking knowledge, God will make it a path to Paradise for him ... Certainly the scholars are the heirs to the Prophets. Prophets are not inherited of Dirhams or Dinars, they are only inherited of knowledge; anyone who inherits it inherits a bounteous share" (43).

If anyone is feeling any danger on proper dissemination of truth, Allah (SWT) took the responsibility of his protection.

(O Messenger (Muhammad SAW)! Proclaim (the Message) which has been sent down to you from your Lord. And if you do not, then you have not

It is narrated by 'Amr bin Al-'As that Allah's Apostle said:

"If a judge gives a verdict according to the best of his knowledge and his verdict is correct, he will receive a double reward, and if he gives a verdict according to the best of his knowledge and his verdict is wrong, even then he will get a reward" (36).

Hence, Islam assigns the duty of criticism and comments to academician that it should be carryout with good intentions, as mentioned in above sayings with the words 'to the best of his knowledge.

7.1.2.4 Concern or Devotion with Profession

Concern means to engage by feeling or sentiment; to interest or to be of importance to someone⁽³⁷⁾.

The academic profession deals with the construction of human personality, therefore the devotion and full concern with the discipline is mandatory for the constructor.

Allah (SWT) likes the performance of everything with full perfection and sincerity, as His attribute. He says:

(An act of Allah who has perfected everything. Surely, He is All-Aware of what you do).

The Prophet Muhammad (SAW) said: "There is no Hijra now, but (only) Jihad (fighting for the cause of Islam) and sincerity of purposes (have great reward)..." This guidance is much worthy and lonely for academicians, due to a strong and deep relation of academia and Prophetic duties.

7.1.2.5 Commitment

Commitment means be hold a thing self-mandatory for oneself, the state of being bound emotionally or intellectually to a course of action⁽⁴⁰⁾.

on well understanding and best exercising or conveying of a matter or subject. Allah (SWT) clearly described every word of the holy Qur'an to His Messenger, as He says:

(O Prophet, do not move your tongue (during revelation) for (reciting) it (the Qur'an) to receive it in hurry. It is surely undertaken by Us to store it (in your heart).

These verses teach us to acquire competency in our knowledge. Muslims adopted this principle in their practices, especially in academic practices. Abu Wa'il reports it that:

"Ammar delivered to us the sermon. It was short and expressive. When he (Ammir) goes down (from the podium), we said to him: O Abd al-Yaqzn, you have delivered a short and expressive sermon. Would that you had lengthened (the sermon). He said: I have heard the Messenger of Allah, as saying: The lengthening of prayer by a man and the shortness of the sermon is the sign of his understanding. So lengthen the prayer and shorten the sermon, for there is charm in precise expression" (34).

It is narrated by Abdullah ibn Amr ibn al-'As that:

"The Prophet Muhammad (SAW) said: Knowledge has three categories; anything else is extra; a precise verse, or an established sunnah (practice), or a firm obligatory duty" (35).

4.1.2.3 Critical Analysis and Respect for Reasoned Opinion

Criticism and comment are the soul of academic activities. If these practices depends on facts and good intentions, give the academic works shininess and bring fruitful results for academicians and learners.

With pious feelings and actions the criticism and comments is not only encouraged in Islam but also awarded with rewards from Allah, Almighty.

When Allah's Apostle sent Abu Musa and Mu'adh bin Jabal to Yemen, He (SAW) said to them:

"...you should both work in cooperation and mutual understanding, obey each other. ..." (29)

Counseling could be adhered by adhering Islamic worldview. The academics, in all their dealings and works considered to strive for best implication of the idea.

4.1.2 Islamic Ethical Standards for Academia

Islamic ethical standards for academia also based on the teachings of Qur'an and Sunnah. The major challenges of academia are the conflicts of interests and commitments, which require their ethical solution instead of law. The standards named here with different terminologies, such as quality, competence, concern, commitment etc. according to specified nature of academia.

4.1.2.1 Quality

Academic work, research, teaching and administration each require perfection. Quality heavily depends on perfection. Allah (SWT) says:

(Verily As for those who believed and did righteous deeds, certainly We shall not make to be lost the reward of anyone who does his (righteous) job in the most perfect manner).

Furthermore, Allah's Messenger added that Allah (SWT) loves those who complete a job with full perfection⁽³¹⁾.

Anas (R.Z) says that the Prophet used to pray a short prayer(in congregation)but used to offer it in a perfect manner⁽³²⁾.

According to these verses of the holy Qur'an and Ahadith, it is the duty of every Muslim especially the academicians, due to inherit of Allah's Messengers that they should make perfection and quality in their jobs.

4.1.2.2 Academic Competence, Precision and Depiction

In academic work, the quality depends on academic competence & precision. Academic competence & precision depend

The Prophet Muhammad (SAW) also prayed for a person who is lenience for others, in case he provided control of others.

4.1.1.5 Responsibility and Accountability

Self-accountability and responsibility possess the fulfillment of undertakings and complete adherence of teachings and directives of Islam. The holy Qur'an says:

(O ye who believe! Fulfill your undertakings).

Allah (SWT) made aware the humanity that you should be conscious in your sayings and doings that every bit is questionable in the life hereafter. He says:

(And follow not (O man i.e., say not, or do not or witness not) that of which you have no knowledge. Verily! The hearing, and the sight, and the heart, of each of those one will be questioned (by Allâh)).

4.1.1.6 Counseling and Full Trust in Allah (SWT)

Counseling is an important activity in academic work. The counseling with full trust in Allah (SWT) is one of the desirous elements of Islamic worldview.

Allah (SWT) says:

(So, (O Prophet) Consult them in the matter and, once you have taken a decision, place your trust in Allah).

Allah (SWT) praised the companions of prophet Muhammad (SAW) due to this quality. He (SWT) says:

(and whose affairs are (settled) with mutual consultation between them, and who spend out of what We have given to them).

Allah (SWT) honors the humanity with respect and grace. The holy Qur'an depicts:

(And We bestowed dignity on the children of Adam and provided them with rides on the land and in the sea, and provided them with a variety of good things and made them much superior to many of those whom We have created).

The group or class mainly deserve respect is the academic community itself, according to Islamic traditions. Allah (SWT) says:

(And assuredly We elected them with knowledge above the worlds).

Academia being knowledgeable profession is demanded behavior of respect with their fellows and others as well.

4.1.1.4 Cooperation

The academic setup based on learning and promotional activities.

Allah (SWT) says:

(Help each other in righteousness and piety, and do not help each other in sin and aggression. Fear Allah. Surely, Allah is severe at punishment).

When Prophet Muhammad (SAW) sent Mu'adh bin Jabal to Yemen, he said to him:

"Facilitate things for the people (treat the people in the most agreeable way), and do not make things difficult for them, and give them glad tidings, and let them not have aversion (i.e. to make the people hate good deeds)" ... (24).

A Muslim academician completely believes in the teachings of Islam, has to practice justice at priority because of its dominance and stress in Islam. Allah (SWT) verily stress on observing justice in all dealings, He (SWT) says:

(O you who believe! Stand out firmly for justice, as witnesses to Allâh, even though it be against yourselves, or your parents, or your kin).

Allah (SWT) praises the scholars and knowledgeable due observance of justice. He says:

(There is no god but He: that is the witness of Allah His angels and those endued with knowledge, standing firm on justice).

These and alike other verses are clear guidance for academia in their dealings with students, subordinates and research works. For instance, when occurs

- 1. teaching of a faculty member outside his university on hourly basis or on contract of one semester.
- 2. the conflict situation for a senior member at the time of promotion or reappointment of juniors may occurs when he place his goodwill or good impression generated by those juniors.
- 3. A junior member misbehave with his senior, the conflict occur; what should be the action against him?

These matters are related to ethics rather than the law due to the slogans of 'full time for full pay' and 'academic freedom' etc. The Islamic terms 'Adl', 'Qist' and 'Ihsan' with their full Islamic literary meanings and possessions as discussed could than solve these dilemmas within the scenario of Islamic worldview.

4.1.1.3 Respect for Humanity

Islamic Creeds, the basis of Islamic 'Sharia'a' (traditions), are assumed to provide a complete program and path as nursery for nurturing of education, knowledge and constructive ethical behaviors. The famous components of ethics such as purification, justice, wisdom and bravery are observed as fruits of Islamic creeds/faiths in Islamic scriptures.

Academia with full intention could have to follow the Prophet Muhammad(SAW) in their routine matters. Thus, the ethically requisite attributes will automatically be developed. More comprehensive ethical/moral attributes, the Islam presents, which fully grasp the today's academic setup, are as follows:

4.1.1.1 Integrity (Accuracy, Honesty and Truthfulness)

History shows that Prophet Muhammad (SAW) when started preaching Islam, he presented his personal qualities and attributes of honesty and truthfulness as a base for acceptance of his call. He also (SAW) said:

"There is none amongst the bondsmen who was entrusted with the affairs of his subjects and he died in such a state that he was dishonest in his dealings with those over whom he ruled that the Paradise is not forbidden for him" (18).

For adherence to these, complete Islamic worldview must be adhered.

4.1.1.2 Justice ("Qist", "Adl" & "Ehsan")

There are three words to describe justice in Islam: 'adl', 'qist' and 'Ihsan'. 'Adl' means equity or balance. It means doing things in a proportionate manner and avoiding extremes. 'Qist' refers to the share, portion, measure, allotment, [or] amount needed to give everyone and everything his or her proper due that captures elements of distributive justice. 'Ihsan' resembles benevolence that can be related to moral values where there is leniency, politeness, forgiveness and removing hardships for others without any obligations. There are also service motives under the concept of 'Ihsan' where consideration of others' needs is important.

4. Codification of Islamic Ethical Guidance for Academia

The relation of knowledge, education, teaching and Islam is declared strong and superior to all other relations in Islamic traditions. Islam relates this profession to basic and core objective of the human life and of Islam itself.

4.1. Islamic Code of Ethics for Academia (ICEA)

Islam is a complete paradigm providing a wholistic worldview, which constructs the comprehensive human life on ethical and spiritual basis. In this process, it provides complete rules and regulations for each part of human life. History shows that whenever, individual and collective human life has managed in the light of these principals, positive and meaningful changes appear in different segments of life.

Islamic perception of education is not simply to acquire knowledge and skills but includes the perfection of human entities in the shape of spiritual, ethical and societal dimensions.

Keeping this in view, Islamic Code of Ethics for Academia could then be divided in two parts:

- 1. General Islamic Ethical Values and Principles.
- 2. Islamic Ethical Standards.

4.1.1 General Islamic Ethical Principles for Academia

The main objective of today's academia is creation and dissemination of knowledge. The knowledge alone is not desirous in Islam only for the sake of just debates or discussions. In this regard, Prophet Muhammad (SAW) said:

(The prophet Muhammad (SAW) said don't seek knowledge for debates with scholars, for dissemination to foolish and don't celebrate forums with it, then he who will do for these purposes their destination will be Fire.)