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CIVILIZATION (ISTAC)**

PRESERVATION OF HEALTH IN ISLAMIC LAW

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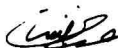
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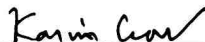
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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
الحمد لله رب العالمين والصلاة والسلام على أشرف الأنبياء والمرسلين
وعلى آله وصحبه أجمعين

ABSTRACT

Preservation of health (*hiḏz al-ṣiḥḥah*) is the most important branch of Islamic medicine since it is primarily concerned with the prevention of illness rather than with cure. No doubt, perfect health is a wish that humans crave for. In the *Shari'ah*, health is referred to as a state in which human beings function normally and in sound perfect condition including healthy body, mind and spirit.

This thesis represents as one of the few attempts to introduce a methodology in preserving human health. The work, therefore, is not a history of Islamic medicine, although Chapter One does provide information about a historical background of the preservation of health in Islam, but its aim is to provide a fresh and timely overview of major aspects of legal, ritual and spiritual structures of the *Shari'ah*. These include the laws related to *'Ibādah*, Islamic family laws, foods and drinks as well as environmental laws, for maintaining human health.

Findings indicated that prevention of any diseases in Islamic medical law perspectives cannot attain any real success unless it emanates from Islamic fundamental teaching, namely: the pillars of Islam. This is because *imān* and observance of the Islamic rituals such as *ṣalāh*, *zakāh*, *ṣawm* and *hajj*, have played an important role in shaping the model personality of the Muslim *ummah* and in boosting the spiritual motivation for attitude change, and in disseminating the message of prevention. This indicates that bodily and spiritual health go arm in arm and the case may be made that psycho-spiritual balance and health is primary while physical health is a secondary consideration.

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List of Abbreviations

<i>Aids Crisis</i>	<i>The Aids Crisis: An Islamic Socio-Cultural Perspective</i>
<i>Ahkām al-Aṭ'imah</i>	<i>Ahkām al-Aṭ'imah wa al-Dhabā'ih fī al-Fiqh al-Islāmī</i>
<i>Ahkām al-Dhabā'ih</i>	<i>Ahkām al-Dhabā'ih wa al-Luḥūm al-Mustauradah: Dirāsah al-Muqaranah</i>
AS	<i>Al-Aḥwāl al-Shakhṣiyyah</i>
'Awn al-Ma'būd	'Awn al-Ma'būd Sharh Sunan Abī Dāwūd
<i>Bidāyat al-Mujtahid</i>	<i>Bidāyat al-Mujtahid wa Nihāyat al-Muqtaṣid</i>
<i>Happiness</i>	<i>The Meaning and Experience of Happiness in Islam</i>
HHI	<i>al-Ḥalāl wa al-Ḥarām fī al-Islām</i>
Ihyā'	<i>Ihyā' 'Ulūm al-Dīn</i>
MFS	<i>al-Muhadhdhab fī Fiqh al-Imām al-Shāfi'i</i>
<i>Mukhtaṣar Ṣaḥīḥ Bukhārī</i>	<i>Mukhtaṣar Ṣaḥīḥ Bukhārī al-Musammā al-Tajrid al-Ṣarīḥ li Ahādīth al-Ṣaḥīḥ</i>
<i>al-Muntaqā</i>	<i>al-Muntaqā min Kitāb al-Tarḥīb wa al-Tarḥīb li al-Mundhirī.</i>
<i>Outline</i>	<i>Outline of Arabic Contribution to Medicine</i>
<i>al-Raḥmat</i>	<i>al-Raḥmat fī al-Ṭibb wa al-Ḥikmah</i>
RUJA	<i>Raḥmat al-Ummah fī Ikhtilāf al-A'immah</i>
<i>al-Shifā</i>	<i>al-Shifā fī al-Ṭibb al-Musnad 'an al-Sayyid al-Muṣṭafā</i>
<i>Tashīl al-Manāfi'</i>	<i>Tashīl al-Manāfi' fī al-Ṭibb wa al-Ḥikmah.</i>
<i>al-Ṭibb</i>	<i>al-Ṭibb al-Nabawī</i>
TKS	<i>al-Ṭibb min al-Kitāb wa al-Sunnah.</i>
TNIH	<i>al-Ṭibb al-Nabawī wa al-'Ilm al-Ḥadīth</i>

'Uyūn

'Uyūn al-Anbā' fī Ṭabaqāt al-Aṭibbā' wa al-Ḥukamā'.

Zād al-Ma'ād

Zād al-Ma'ād fī Hady Khayr al-'Ibād

Methodology and Scope of Study

This thesis represents one of the few attempts to discuss the matters related to the preservation of health in the light of the *Shari'ah* (Islamic Law). In order to achieve our noble aim, our study will then comprise five chapters.

Chapter One deals with the historical background of the preservation of health and its relevance to the *Shari'ah*. It specifically expounds on the historical view of the preservation of health from the time of the Prophetic period to the end the 7th Century A.H, about the 13th century of the Christian era. Then, we would like to analyze the emergence and objective of Islamic medicine and its relevance to the *Shari'ah* in the preservation of health. In this, we will discuss the emergence of *'Ilm al-Tibb, al-Tibb* and its implication for the preservation of health; the theory of bodily balance in Islamic medicine; mental health in Islamic medicine and the concept of *ḍarūrah* (compelling necessity) in Islamic law for the preservation of health.

The final four chapters, which we think are the major contribution of this research, are devoted to the contribution of the *Shari'ah* to the preservation of health. Chapter Two deals with the preservation of health through *'Ibādah*. Chapter Three is entitled "The Family Affairs and the Preservation of Health According to the *Shari'ah*." We are aware that the very foundations of contemporary society are being threatened. The symptoms suggest that the crisis in general is prevalent due to the disintegration and degeneration of the family institution. Upon realizing the vital role of Islamic family law, we would like to present in this chapter the fundamental issues of family affairs, which contribute greatly to the preservation of health. In order to be able to appreciate the value of Islamic family law for the preservation of health, it is essential to highlight the creation of man in the light of *al-Qur'an*. Then, to discuss the child health care in Islamic law, and last but not least, the contributions of Islamic family law for the preservation of health. These will include the significance of *nikāh*,

persons between whom marriage is forbidden; men are the protectors and maintainers of women and members of the family; the medical benefits of lawful sexual intercourse; prevention of sexually transmitted diseases through prohibition of unlawful sexual intercourse; the medical benefits of *ghusl janābah*; avoiding to have sexual intercourse with a menstruating wife; divorce in Islam as a solution to the preservation of the social good; *'iddah*: period of waiting; polygamy as a good solution; contraception (*'azl*) and abortion in Islamic law.

Chapter Four is entitled "The Concept of Lawful and Unlawful Foods and Drinks for the Preservation of Health." In this chapter, attempts are made to study and understand the concept of foods and Drinks in the light of the *Shari'ah* for the preservation of health that has been practiced during Islamic civilization. We will realize that, in addition to rules and regulations for the preservation of health as it been highlighted in the previous chapters, there are laws related to foods and drinks, the object of which is to teach man ways to preserve his health. We will prove that lawful and unlawful foods and drinks are not, as some imagine, mere pretenses, rather constitute the divine command, which protects against evil and harm. In order to present such a law, the jurists of Islam need great acuteness and power of reflection to make them understand the matter relating to lawful and unlawful foods and drinks in Islam. Any attempt to follow these jurists, in their treatments, of the different *madhāhib* will take us far beyond the limits of this research. Thus, we will rather confine ourselves to those laws which are stated clearly in the *Qur'an* and *Hadith*, as well as a few of the most important points dealt with in different *madhāhib*.

Chapter Five is entitled "Towards a Healthy Environment According to the *Shari'ah*." In this chapter, we have concentrated on the role of Islamic religious teachings and laws in bringing about a healthy environment. In order to analyze and assess the Islamic teachings and its environmental law, attempts are made to discuss

the major components of natural environmental system notably land and soil, air, water, plant and animal. It is our intention to apply the *Shari'ah* injunctions on them. Furthermore, in order to fit our discussion with the purpose of our central theme, that is, towards a healthy environment according to the *Shari'ah*, we feel that it is necessary to discuss the Islamic conception of *al-mizân* and *man of Adab*. This is because, they are among the important principles, which teach us how to behave and deal with environment. We hope that the discussion on these concepts will present a precious reminder that relate to the attitude of man towards natural environment.

INTRODUCTION

There is no disagreement that health is one of the Creator's greatest blessings after faith. Prophet Muḥammad (s.a.w), in order to show the importance of robust health amongst his followers, once said: "There are two gifts of which many men are cheated: health (*al-ṣiḥḥah*) and leisure (*al-farāgh*)."¹ This ḥadīth stresses the fact that Muslims should take good care of their health and always strive to remain in a healthy state. It is the state in which human beings function normally and in sound perfect condition: in healthy body, mind and spirit.² However, the World Health Organization (WHO) officially defines health as a state of complete physical, mental and social well-being only. Thus, it is not surprising to see the spiritual aspect being neglected in modern medicine. It does not take into consideration the life after death.³

¹ Muḥammad b. Isma'īl al-Bukhārī, *Ṣaḥīḥ Bukhārī*, 8 vols. (Istanbul: Al-Maktabah al-Islāmiyyah, n.d.), Kitāb al-Riqāq, Bāb al-Ṣiḥḥah wa al-Farāgh walā 'aysh illā 'aysh al-Ākhirah; Cf. Al-Dhahabī, *al-Tibb al-Nabawī* (Istanbul: Hakikat Kitabevi, 1990), 8, henceforth cited as *al-Tibb*; 'Abd al-Laṭīf al-Baḥdādī, *al-Tibb min al-Kitāb wa al-Sunnah*, ed. 'Abd al-Mu'tī Amln Qal'ajī (Beirut: Dār al-Ma'rifah, 1988), 7, hereafter cited as *TKS*; Ibn al-Qayyim, *Zād al-Ma'ād fī Ḥady Khayr al-'Ibād*, ed. Shu'ayb al-Arna'ūt and 'Abd al-Qādir al-Arna'ūt, 5 vols. (Beirut: Mu'assasah al-Risālah, 1988), 4: 216, hereafter cited as *Zād al-Ma'ād*; Ahmad Yūsuf al-Tifāshī, *al-Shifā fī al-Tibb al-Musnad 'an al-Sayyid al-Muṣṭafā*, ed. Abd al-Mu'tī Amln Qal'ajī (Beirut: Dār al-Ma'rifah, 1988), 69. For a highly readable and knowledgeable account of health and *Sharf'ah*, see Muḥammad Nāzim al-Nasīmī, *al-Tibb al-Nabawī wa al-'Ilm al-Ḥadīth*, 3 vols. (Beirut: Mu'assasah al-Risālah, 1991); Vardit Risspler-Chaim, *Islamic Medical Ethics in the twentieth Century* (Leiden: E.J. Brill, 1993); Fazlur Rahman, *Health and Medicine in the Islamic Tradition* (New York: Crossroad Publishing Company, 1989); Alā' Eddīn Kharofa, "Islamic View of the Well Being of Man," in *Islamic Perspective in Medicine*, ed. Shahid Athar (Indianapolis: American Trust Publications, 1993).

² Ibn al-Quff, *Jāmi' al-Gharad fī Ḥifz al-Ṣiḥḥah wa Daf' al-Maraḍ*, ed. Sāmi K. Hamameh (Amman: University of Jordan, 1989), 139.

³ Mitzi Waltz, ed., *Webster's New World Medical Dictionary* (New York: IDG Books Worldwide, Inc., 2000), 173. According to Galen (130-200 C.E), health is the condition, which has the right mixture of the homogeneous parts of the body, and the right proportion of the heterogeneous parts. Specifically, it is the right measure of hot, cold, wet, and dry, and, with regard to the heterogeneous members, the right composition in size, quality, and form. By following Galenic medical system, Ibn Sīnā (d. 428/1037) and other Muslim physicians divided the science of medicine into two parts, theoretical and practical medicine. The latter is divided into two. One of these is called preservation of health and the other is therapeutics. The former being concerned to maintain, while the latter to modify the condition of the body. See, Galen, "On the Sects for Beginners," trans. Richard Walzer and Michael Frede, in *Three Treatises on the Nature of Science* (Indiana: Hackett Publishing Company, 1985), 3; Ibn Sīnā, *al-Qānūn fī al-Tibb*, 3 vols., ed. Edwād al-Qaṣh and 'Alī Zai'ūd (Beirut: Mu'assasah Ezzuddīn li al-Tibā'ah wa al-Naṣr, 1993), I: 13-14.

From the practical point of view, preservation of health is the most important branch of Islamic medicine since Islam is primarily concerned with the prevention of illness rather than with cure. We are told that, al-Hārith b. Kaladah (d. 635), a graduate of the medical school of *Jundishabūʿ*⁴ and a contemporary of the Prophet Muhammad (s.a.w),⁵ replying to the question as to what is the essence of medicine, he answered: “*al-himyah* (prevention).”⁶ This substantiates the Arabian tradition: “*dirham wiqāyah khayrun min qintār ‘Ilāj:*” protecting, prevention and preserving personal well being is considered preferable than medical treatment. In other words, one *dirham* spent on prevention of illness is far better than a *qintār* (here referring to a big amount of wealth) spent on treatment.⁷

It appears that the command to preserve health in the *Qur’an* occurs side by side with references to expand one’s knowledge, which is fundamentally important for humanity. *Sūrah al-Baqarah* verse 247 indicates that Islam concerns not only an expansion of knowledge, moreover the improvement of health and the strength of

⁴ See *Encyclopaedia of Islam*, s.v. “Gondīshāpur” by Cl. Huart and Aydin Sayili. On the other hand, according to Lawrence I. Conrad in his *The Arab-Islamic Medical Tradition*, there is no evidence that academy ever existed at Judishapur. He argues that the ancient glories of the town of Jundishapur is late in origin. So, al-Hārith ibn Kaladah, who traveled twice to Persia, may be learnt under the eminent of the Bakhtishū’ family of Nestorian Christian physicians. The influence of Judishpūr upon early ‘Abbasid medicine is evident in the prominent role given by Bukhtishū’ family. For eight generations, from the mid 2nd H/ 11th century, twelve members of the family served caliphs as physicians and advisers, often sponsoring the translation of texts and composing original treatise. See Lawrence I. Conrad in his *The Arab-Islamic Medical Tradition*, in *The Western Medical Tradition*, ed. Lawrence I. Conrad, Michael Neve, Vivian Nutton, Roy Porter and Andrew Wear (Cambridge: Cambridge University Press, 1995), 101; *Encyclopaedia of Islam*, s.v. “ṭibb” by F. Klein-Franke, 10: 108-9.

⁵ Ibn Hajar al-‘Asqalāni, *al-Isābah fi Tamyiz al-Sahābah*, 8 vols. ed. ‘Alī Muḥammad al-Bajārī (Cairo: Dār Nahḍah Miṣr li al-Tab’ wa al-Naṣh, 1972), 1: 594-6.

⁶ Ibn Juljul, *Ṭabaqāt al-‘Aṭibbā’ wa al-Hukamā’*, ed. Fu’ād Sayyid (Cairo: al-Ma’had al-‘ilmi al-Fransī li al-Āthār al-Sharīyyah, 1955), 54; al-Baghdādī, *TKS*, 186; Al-Dhahabī, *al-Tibb*, 124; ‘Abd al-Malik b. Ḥabīb, *Mukhtaṣar fi al-Tibb*, ed. Camilo Alvarez Se Morales (Madrid: Institute De Cooperation Con El Mundo Arab, 1992), 12. For al-Hārith b. Kaladah and Jundishapur, see *Encyclopaedia of Islam*, s.v. “Gondīshāpur” by Cl. Huart and Aydin Sayili.

⁷ S.K. Hamarneh, “Methodology and Curricula in Medical Education and Institution in Islam” Paper presented at the *Inaugural symposium on Islam and the challenge of Modernity: Historical and contemporary contexts*, ISTAC, Kuala Lumpur, 1-5 August 1994, 12.

body.⁸ In order to prove that preservation of health (*hifz al-ṣiḥḥah*) has the same weight with the knowledge, Maimonides (600/1204), one of the greatest physician-philosophers and experts in Jewish law, remarks that the purpose of the health of the human body is that his soul will find healthy and perfect tools to acquire knowledge of the physical sciences, moral values and intellectual achievements, so that his soul will reach ultimate goal namely appreciation God.⁹ In this context, the religious scholar Imām al-Shāfi‘ī (d. 204/ 820) says: there is no knowledge after the knowledge of lawful (*ḥalāl*) and unlawful (*ḥarām*), preferable to the science of medicine.¹⁰ This indicates that the science of medicine should be considered as one of the noble sciences directly after the knowledge of *ḥalāl* and *ḥarām*. This is because, as the knowledge of *ḥalāl* and *ḥarām*, the services of medical science are needed by all people including young and old, male and female, rich and poor, the learned and the illiterate and common alike. It appears that many prominent physicians supported this heavy stress. Dāwūd al-Anṭākī (d. 1007/1599), a prominent Muslim physician, in the introduction of his famous medical treatise, *Tadhkirah ‘Ulī al-Albāb*, remarks that there is no science that can be conducted without the science of medicine, because the acquisition of any knowledge is perfected with a sound body, the senses and the mind.¹¹

The purpose of medicine is above all to support the natural striving of the body to return to its natural, healthy state. Many amongst both religious and medical authorities in Islam, therefore, consider the practice of medicine as a

⁸ The previous statements indicate that Islam honors good health, strength, well being and considers these the most precious gifts from Allah (s.w.t). For these reasons, good health is something for which we are accountable to Allah (s.w.t). It is incumbent upon each grateful servant, to safeguard this blessing and not allow any misuse to the body through ill neglect.

⁹ Gerrit Bos, "Maimonides on the Preservation of Health," *Journal of the Royal Asiatic Society* 4, part 2 (July 1994): 215.

¹⁰ Al-Baghdādī, *TKS*, 187; al-Dhahabī, *al-Jibb*, 125.

¹¹ Dāwūd al-Anṭākī, *Tadhkirah Ulī al-Albāb*, 2 vols. (Cairo: Maktabah al-Thaqāfah al-Dīniyyah, n.d), 1: 9.

religious occupation of the first order because it relates to preserving and restoring the health of the human being. In regard to the honorable status of medical science, Ibn Hindū (d.420/ 1029) in his "*Miftāh al-Tibb (The Key to Medical Science,*" emphasizes that the superiority of the subject matter, and excellence of any science depends on the superiority and distinction of the subject matter and objective of that knowledge or science. With respect to medicine, he observes that the subject is the human body and man is the noblest being, being composed of a soul and a body, both of which are the noblest things. Therefore, not only the body is subject to medical treatment, but also the soul. That brings health to both is also noble.¹² In this regard, Abū Bakr Rabi' b. Ahmad al-Akhwīnī al-Bukhārī, who lived in the tenth century, in his *Hidāyat al-Muta'allim (Guide for Student)* articulates; wise men have said that it is incumbent upon every person to learn the basic of Islamic law, because when a person knows its Law, he is immune from going astray. Next, a Muslim must study some basic medicine in order to preserve health, so that quack doctors will not be able to dispense their mistreatments. In addition, he must learn some skill to earn his livelihood by lawful means.¹³

Abū Hāmid Muḥammad b. Muḥammad al-Ghazālī (d. 504/1111), widely known as the Proof of Islām (*Hujjat al-Islām*), classified the science of medicine to the category of *fard kifāyah* science which makes it not incumbent upon every Muslim to learn this category of knowledge. In other words, it is obligatory upon the Muslim community as a collective entity to learn medicine, not every individual. Thus, in the Islamic tradition, a Muslim is allowed to study medicine after

¹² Ibn Hindū, *Miftāh al-Tibb wa Minhāj al-Tullāb*, ed. Mahdi Mohaghegh and M.T. Daneshpajuh (Tehran: Tehran University, 1989), 25-29.

¹³ Abū Bakr Rabi' b. Ahmad al-Akhwīnī al-Bukhārī, *Hidāyat al-Muta'allim* (Meshed: Meshed University Press, 1965), 14. Cf. al-Ruhāwī, *Adab al-Ṭabīb*, ed. Marizan 'Asīrī (Riyadh: Markaz al-Malik Fayṣal li al-Buḥūth wa al-Dirāsāt al-Islāmiyyah, 1992), 208; Fazlur Rahman, *Health and Medicine in the Islamic Tradition* (New York: Rossroad Publishing Company, 1989; repr. Kuala Lumpur: S. Abdul Majeed & Co, 1993), 39 (page reference is to the reprint edition).

completing *farḍ al-'ayn* subjects notably theology and *fiqh*, the knowledge of how to perform obligatory duties.¹⁴ However, it should be kept in mind that *farḍ kifāyah* as *farḍ 'ayn*, is dynamic and expands according to an individual's intellectual and spiritual capacities and social standing, as stated by Wan Mohd Nor Wan Daud:

What is regarded as *farḍ kifāyah* knowledge becomes automatically *farḍ 'ain* to the person who willingly chooses to pursue it. This means that if he is to carry the obligation of entire society, he must therefore try his utmost to excel in it and to ensure that its theory and practice are in full accordance with the worldview and legal requirements of Islam.¹⁵

Although the general relationship between religion and medicine has been discussed in several scholarly works, there exist no comprehensive study on the role of Islamic law on the preservation of health. In fact, the Islamic law, commandments of Allah (s.w.t), embodied in the Holy *Qur'ān* and the *Sunnah* of Prophet Muḥammad (s.a.w), are recognized as the authenticated approach to provide equally for each person's pursuit of real justice and real happiness, both in this world and the hereafter. Noteworthy, the *Shari'ah* gives instructions pertaining, not only to spiritual health, also to a large number of methods concerning the comprehensive preservation of one's physical health. The various rules and injunctions of the *Shari'ah*, such as prayer (*ṣalāh*), poor-due (*zakāh*), fasting (*sawm*), pilgrimage (*hajj*), ritual cleanliness, foods and drinks, sex and work habits, the organization of the environment, etc., can be viewed as a form of preventive medicine.¹⁶ Since this dissertation deals with preservation of health from the

¹⁴ Al-Ghazālī, *Ihyā' 'Ulūm al-Dīn*, 6 vols. (Beirut: Dār al-Kitāb al-'Arabi, n.d.), 1: 28; S. M. N. al-Attas, *The Concept of Education in Islam: A Framework for an Islamic Philosophy of Education* (Kuala Lumpur: ABIM, 1980; repr. Kuala Lumpur: ISTAC, 1991), 42-43 (page reference is to the reprint edition).

¹⁵ W. M. N. Wan Daud, *The Educational Philosophy and Practice of Syed Muḥammad Naquib al-Attas: An Exposition of the Original Concept of Islamization* (Kuala Lumpur: ISTAC, 1998), 254. Cf. S.M.N. al-Attas, *The Concept of Education in Islam* (Kuala Lumpur: ABIM, 1987; repr. Kuala Lumpur: ISTAC, 1991), 41-42 (page reference is to the reprint edition).

¹⁶ For discussion on *Shari'ah* and modern medicine, see Muḥammad Nāzim al-Nasīmī, *al-Tibb al-Nabawī wa al-'Ilm al-Hadīth*, 3 vols. (Beirut: Mu'assasah al-Risālah, 1991); Vardit Rispler-Chaim, *Islamic Medical Ethics in the Twentieth Century* (Leiden: E.J. Brill, 1993); Fazlur

standpoint of the *Shari'ah* (Islamic law), it is necessary to discuss the meaning of *Shari'ah* and its fundamental objective. The term *Shari'ah* derives from the Arabic word *shara'a*: meaning the clear path, highway or the road to a watering place.¹⁷ This is the path, which believers must follow. Allah (s.w.t) says: "Then we (Allah (s.w.t) gave them a *Shari'ah* (a path to be followed) in life: follow it, and not the wishes of those who have no knowledge."¹⁸ Therefore, in this respect, it is essential to understand the technical meaning of *Shari'ah*. Further explanation of *Shari'ah* is given in the *Kashsháf Istilâhât al-Funûn*. The author explains *Shari'ah* as follows:

Shari'ah means the commands given by Allah to His servants, which has been brought by any of the prophets. Whether relating to the manner of action (*kayfiyyah al-'amal*) known as subsidiary and applied law (*far'iyyah wa 'amaliyyah*) of which the science of *Fiqh* was developed; or relating to the manner of belief (*kayfiyyah al-'itiqâd*), known as the essentials and dogma (*asliyyah wa 'itiqâdiyyah*) for which the science of *kalâm* was developed.¹⁹

The above meaning of *shari'ah* shows that it encompasses the subjects dealing with principles of faith (*'aqidah*), worship (*'ibâdâh*) and those dealing with transactions or worldly matters (*mu'âmalât*). In the analysis of the subjects treated in these categories one can see that the *Shari'ah* not only prescribes, upholds and directs the modes of worship for the individual and gives guidance for personal

Rahman, *Health and Medicine in the Islamic Tradition* (New York: Crossroad Publishing Company, 1989).

¹⁷ For details, see Ibn Manzur, *Lisân al-Arab*, 6 vols. (Cairo: Dâr al-Ma'ârif, n.d), 4: 2238-41, s.v. "shara'a."

¹⁸ Al-Jâthiyah (45): 18.

¹⁹ Muhammad Ali b. 'Ali b. Muḥammad al-Tahānawī, *Kashsháf Istilâhât al-Funûn*, 4 vols. (Beirut: Dâr al-Kutub al-'Ilmiyyah, 1988), 2: 500, s.v. "al-Shar'". Based on this view, the *Shari'ah* is Divine law revealed by Allah (s.w.t) to His prophets. In reality, the Prophets of Allah (s.w.t) are all of the same opinion concerning Islam. They believe in the unity and worship of the One God. Furthermore, there is a consensus in harmony on the fundamental rules, which relate to piety, worship, fasting, poor due, pilgrimage, etc. However, with the passage of time and especially under improper religious leadership, the aims and purposes of living in accordance to the laws of God, were lost and for these reasons a new Prophet was sent to reform the corrupt society and restore the Islamic way of life. Allah (s.w.t) says: Mankind was one single nation, and Allah (s.w.t) sent Messengers with glad tidings and warnings; and with them He sent the Book in truth, to judge between people in matters wherein they differed; but the people of the Book, after the clear signs came to them, did not differ among themselves, except through selfish contumacy. Allah (s.w.t) by His grace guided the believers to the truth, concerning that wherein they differed. For Allah (s.w.t) guides whom He will to a path that is straight. (al-Baqarah (2): 213.

morality and action, but also prescribes directives for a collective life containing various subjects, like family relationships, socio-economic affairs, duties of citizens, decision-making structures, laws of war and peace, international relations, as well as, how and why to preserve our health. In other words, in Islam, if we view the *Shari'ah* from the perspective not limiting it to legal and illegal affairs, but rather examine it as a system of general guidance revealed by Allah (s.w.t), enunciated, interpreted, echoed by Prophet Muhammad (s.a.w), discovered, elaborated by the Jurists and authenticated and harmonized by *Ijmā'*, then we will discover that the *Shari'ah* is truly a comprehensive system of faith and practice. Furthermore, a complete way of life, catering to all facets of human existence: individual and social, material, moral, economic, political, legal, cultural, national and international, as well as in medical attention. Meanwhile, it is an established fact that the *Qur'ān* provides all-embracing rules concerning the above matters. Thus, Muslim scholars should deliberate in their undertakings to discover the law, as well as, to extend the existing laws that abound in the *Qur'ān* to new and unprecedented cases which are unlimited in number. It is for this reason that the Egyptian scholar, 'Abd al-Wahāb Khallāf (d. 1956 C.E) observed accurately that the nature of the sources of Islamic law and its adaptability and flexibility is rich and capable of responding to the interests of humanity and developing conditions to meet modern requirements.²⁰ The *Shari'ah* is not only contribute in the growth of a civilization, but also, it has its place in the "preservation of health", to safeguard human beings from spiritual and physical afflictions. Thus, the teachings of the *Shari'ah*, based on the *Qur'ān* and *Sunnah*, can be viewed as a form of preventive medicine and for the most part, a cure for today's ills. The various rules and injunctions of the *Shari'ah*

²⁰ Abd. al-Wahhāb Khallāf, *Maṣādir al-Tashrī' al-Islāmi fima lā naṣṣ fīhi* (Cairo: Dār al-Kitāb al - 'Arabi, 1955), 5.

concerning such affairs as ritual cleanliness, food and drinks, dietary, work habits, the organization of the environment are all ordered by Allah (s.w.t) for the purpose that humanity and society can preserve health and prevent diseases.

In order to show that *Shari'ah* has a place in "preservation of health", it is appropriate to make some initial research about the aims of the law of Islam. Unlike, the man-made laws, the Islamic law, irrespective of the variety of its sources and kinds, aims at discovering, formulating and following Allah's Will. The *Shari'ah* in this regard, firmly leads to a real and lasting happiness, peace, prosperity, progress, glory and fraternity between all components of society. In this regard, Ibn al-Qayyim (d. 750/ 1350) said:

The foundation of the *Shari'ah* is wisdom and the safeguarding of people's interests in this world and the next. In its entirety, it is justice, mercy and wisdom. Every rule, which transcended justice to tyranny, mercy to its opposite, the good to the evil, and wisdom to triviality, does not belong to the *Shari'ah* although it might have been introduced therein by implication. The *Shari'ah* is God's justice and mercy amongst His people. Life, nutrition, medicine, light, recuperation and virtue are made possible by it. Every good, which is derived from *Shari'ah*, is the pillar of the world and the key to success and happiness in this world and the next.²¹

Real happiness, complete justice and the measures to meet numerous situations in a changing society, which are referred to in the above quotation, remains the fundamental aspiration of the *Shari'ah*. From prehistoric time,²² man has been preoccupied with the pursuit of happiness, which is considered as one of the main principles for the preservation of human health. Man works and struggles to attain happiness, often without knowing exactly what happiness means because of

²¹ Ibn al-Qayyim, *I'lam al-Muwaqqi'in 'an Rabb al-'Alamin*, 4 vols., ed. I'sam al-Din al-Sababi, 4 vols. (Cairo: Dar al-Hadith, 1993), 3: 5.

²² Plato and Aristotle can be considered among the first thinkers to have seriously and systematically discussed the meaning of happiness in relation to ethics and politics. But, they fail to identify what is the real happiness. S.M.N. al-Attas and other Muslim scholars do not agree with the Aristotelian position that virtue and happiness relate only to this world, and that consequently happiness as a permanent condition experienced consciously in the course of our worldly life is unattainable. See, S.M.N. al-Attas, *The Meaning and Experience of Happiness in Islam* (Kuala Lumpur: ISTAC, 1993), 8-9, hereafter cited as *Happiness*.

his ignorance of the meaning and nature of life. According to *Shari'ah*, happiness constitutes the ultimate objective of Islamic law. The *Qur'an* and *Sunnah* have never cease to consider the *Shari'ah* as a guide leading to the ultimate happiness of believers. Being an important objective of *Shari'ah*, Syed Muḥammad Naquib Al-Attas like other prominent Muslim scholars, such as, Ibn Miskawayh (d. 421/1030) and al-Ghazālī (d. 504/1111), relates *sa'ādah* of the present world to the hereafter. He testifies that happiness in Islam relates to three things: the self (*nafsiyyah*); the body; such as good health and security; and external circumstances to the self and the body, such as wealth and other causes that promote the well being of self, the body, and of external conditions and circumstances in their relationships to one another.²³ Al-Attas remarks about the concept of happiness in Islam:

Happiness refers not to the physical entity in man, not to the animal soul and body of man; nor is it a state of mind-it has to do with certainty of the ultimate Truth and fulfillment of action in conformity with that certainty; and certainty is a permanent condition referring to what is permanent in man and perceived by his spiritual organ known as the heart (*al-qalb*). It is peace and security and tranquility of the heart; it is knowledge, and knowledge is true belief; it is knowing one's rightful, and hence proper, place in the realm of Creation and one's proper relationship with the Creator; it is a condition known as '*adl*' of justice.²⁴

The above quotation shows that knowledge and action are the primary means to happiness. It is knowledge and action that the soul is brought to the world of the body, and it is their highest grade, which forms the soul's perfection, ensuring the higher grade of happiness. To achieve this noble aim, *Shari'ah* classifies *ma'rūfāt* into three categories: the mandatory (*farḍ and wājib*); the recommendatory (*sunnah or ma'lūb*), and the permissible (*mubāh*). *Al-munkarāt* refers to those things which have been prohibited absolutely (*harām*) and those things which are simply detested

²³ Ibid., 1.

²⁴ Al-Attas, *Islam and Secularism* (Kuala Lumpur: ABIM, 1978; repr., Kuala Lumpur: ISTAC, 1993), 75 (page reference is to the reprint edition).