

**Selamat Datang Peserta**

**SEMINAR BIOETIK DAN KEDOKTERAN ISLAM**

**SIKAP MORAL ISLAM PADA PERKEMBANGAN ILMU  
PENGETAHUAN BIDANG BIOLOGI DAN KEDOKTERAN**

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# ISLAM (A MOSAIC NOT A MONOLITH) AND "CULTURAL COMPETENCE" IN HEALTH CARE



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# The myth of “the innocent eye”

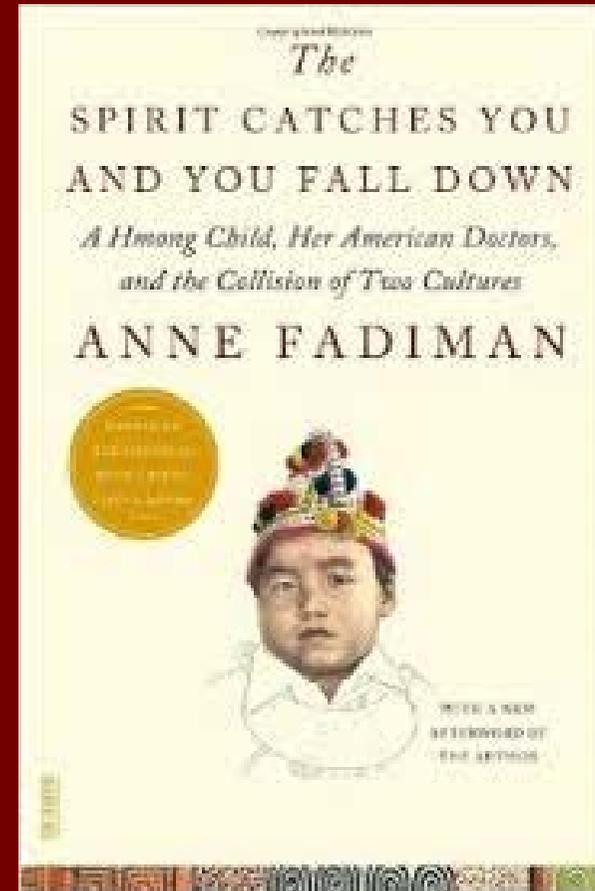
- Ernest H. Gombrich (1969), a renowned historian of art, in his work says that there is no such entity as an “innocent eye” that is independent of history, culture, and personal experience.
- Understanding is always dependent upon participation within a particular human community, linguistic heritage, and historical tradition.

# Ahistorical desituated forms of reasoning

- Like Gombrich, Thomas Kuhn (1970) and Ludwik Fleck ([1935] 1981) challenge the notion of disembodied, ahistorical, desituated forms of reasoning.
- They explore how different modes of reasoning are linked to distinctive “thought styles,” “paradigms,” and local social practices---→they explore how human understanding is embedded within particular “paradigms,” “traditions,” “epistemes,” or “interpretive communities.”

# The Spirit Catches You and You Fall Down

- Explores the clash between a small county hospital in California and a refugee family from Laos over the care of Lia Lee, a Hmong child diagnosed with severe epilepsy.
- Lia's parents and her doctors both wanted what was best for Lia, but the lack of understanding between them led to tragedy.



# Spirit cont.

- Over the course of several years, and through many harrowing crises, Lia's doctors and her parents struggled mightily against the disease and also, all too often, against each other.
- At one point convinced that her parents' inability and /or unwillingness to administer her medication as directed was harming Lia, her doctors initiated proceedings that resulted in her removal to foster care for an entire year, though her family eventually succeeded in winning custody again.

# Spirit Cont.

- The care that Lia receives leads to misdiagnoses and eventual decline in health status as a result of communication barriers and lack of understanding from both the Lee family and her providers.
- In 1986 Lia suffered “the big one,” an intractable seizure compounded by sepsis and shock, which left her comatose and profoundly brain damaged. In this state she was returned home to her family’s attentive care, where she remains to this day.

# THE WEST AND ISLAM

- The global resurgence of Islam since the seventies has been classified in the West under the monolithic category of religious fundamentalism.
- Following the collapse of the communist system, the West has viewed the phenomenon of Islamic revitalization primarily as a threat to its global interest. The subsequent stereotyping and demonization of Islam have continued to gain strength so that today Islam has become equated, in the West, with fanaticism, brutality, intolerance, violence, terrorism, despotism, violation of human rights, and obscurantism. The western media has only furthered these stereotypes.

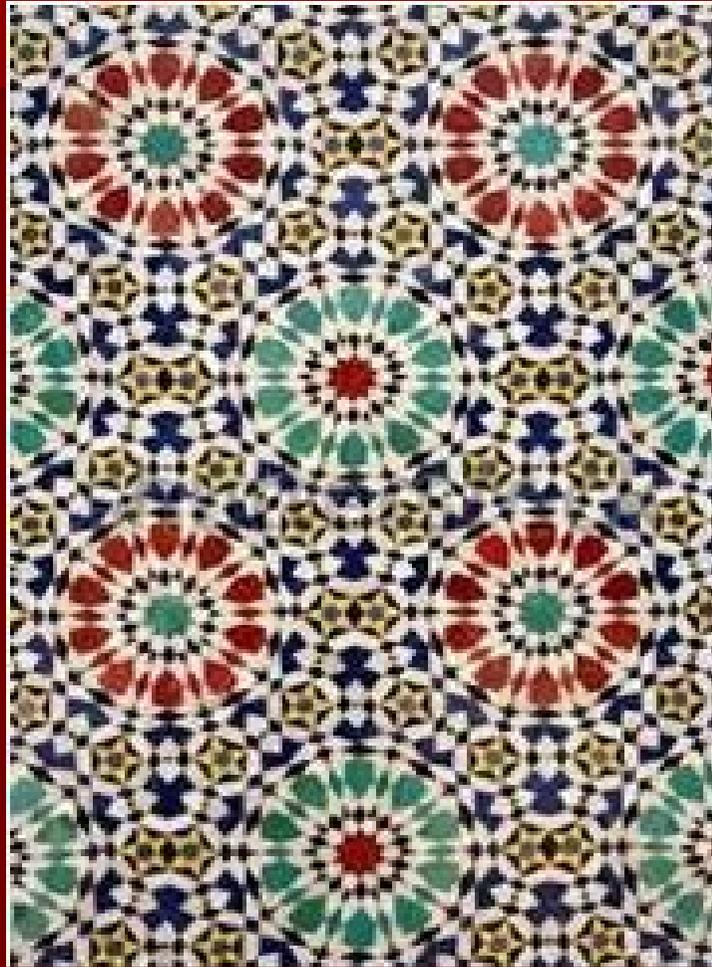
# HUNTINGTON: CLASH OF CIVILIZATION

- Such perspectives of Islam might have also been exacerbated and influenced by Huntington's thesis of a 'clash of civilizations', that the next war will be between civilizations that is, between Islamic civilization and Western civilization.

# Monolithic Framing of the West

- The monolithic framing of many Western observers leads to misunderstand Islam is due largely to their limited knowledge of its nature. While it may be true that secular bias, as Esposito believes, has contributed to the failure of many non-Muslim scholars to understand Islam properly, the major pitfall lies in their ignorance of the fact that Islam is a *polyinterpretable* religion.

# Theoretical Construction



The Essence of Divine Writ

- Islam is not a monolithic but a *polyinterpretable* religion
- The '*aesthetics of reception*', are significant in determining the forms and substances of interpretation.

# The Qur'an and Its Meanings

- Each Qur'anic verse produces an appropriate meaning according to the mode in which the interpreter understands it.
- According to Ibn 'Arabi, each word of the Qur'an –not to mention its verses and chapters –has an indefinite number of meanings, all of which are intended by God. Proper recitation of the Qur'an opens up the reader to new meanings at every reading. “When meaning repeats itself for someone reciting the Qur'an, he has not recited it as it should be recited. This is proof of his ignorance”
- And unless the text and its context are continually being reheard in the ever new texture, one is really not hearing what the text means. Rereading the scriptural sources themselves with a new eye is necessary.

# Islam as Polyinterpretable

- Thus, no single scripture trajectory of any teaching should be absolutized and allowed to absorb the others. The evolutionary process of interpretation that makes up the texts must continue today in the same manner in which it took place then, in continuity with what went before, preserving the past without embalming it, faithful to the past without being limited by it.
- We should be critically aware of the historical context in which Islam grew up when interpreting the doctrine. In the words of Hassan Hanafi, an Egyptian classic intellectual, *Thurath*/heritage/tradition is not a fixed pattern of past behaviors and institutions. Instead, it is used “to represent a concept of evolving religious tradition prescribing norms but not necessarily reflecting words recorded in archives or practices ingrained (deep-rooted) in daily life; it is *constantly under construction*.”

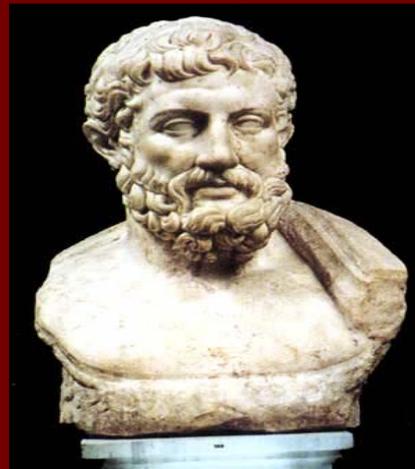
# Islam as polyinterpretable

- Thus, it can be said as Thariq Ramadan says, “faithfulness to principles cannot involve faithfulness to the historical model, because times change, societies and political and economic systems become more complex, and in every age it is in fact necessary to think of a model appropriate to each social and cultural reality.” (Ramadan, 2004, p. 36).
- In addition, says Ramadan, some religious commands related to the affairs of the world naturally take on the color of the culture of various countries: “the principle remains the same, but the ways of being faithful to them are diverse. So the concern should not be to dress as Prophet dressed but to dress according to the principles (of decency, cleanness, simplicity, aesthetics, and modesty) that underlay his choice of clothes.”

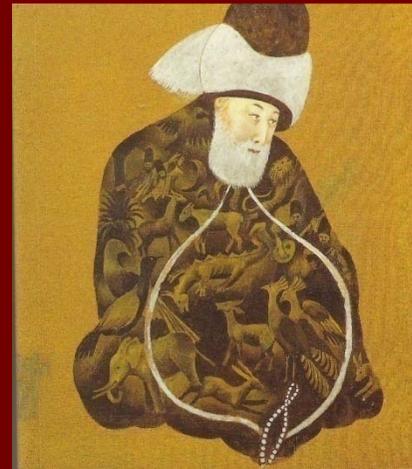
'Things known are in the knower  
according to the mode of knower'



jurist



philosopher



sufi



theologian

“The color of the water is that of its container”



# How is *Islam*, especially *shari'a* here to be understood ?

- Sociological, cultural and intellectual circumstances, or what Arkoun describes as the '*aesthetics of reception*', are significant in determining the forms and substances of interpretation
- The corpus of Shari'a is a human construction, and some aspects of it may evolve just as human thought evolves and just as some aspect of the Qur'an and the Sunna were revealed over time
- Again, we can see here that all interpretations are bound by the era in which a religious scholar lives and by the degree of advancement of the human sciences in general and religious studies in specific within this era. It is created by the application of the "knowledge of the day" to the study of the core religious text.
- Ibn Taymiyah: religious edicts can change according to changing times

# Islam as polyinterpretable

- Emergence of a number of different schools of thought in Islamic jurisprudence and various theological and philosophical streams show that Islamic teachings are thus *polyinterpretable*.
- Throughout history the interpretable nature of Islam has functioned as the basis of Islamic flexibility. In addition, it also confirms the necessity of pluralism in Islamic tradition.
- Therefore, as many have argued, Islam can not and should not be perceived as monolithic. Thus Islam, as it actually exists and because of 'the divergence in the social, economic and political context' has meant different things to different people.'

# Al-Hadith

- The Prophet says, “God sends to this community, every hundred years, someone to renew its religion.”
- This renewal is not a modification of the sources but a transformation of the mind and eyes that read them, which are indeed naturally influenced by the new social, political, and scientific environment in which they live.
- It is for this reason that there are various schools of jurisprudence, which differ from one another on many questions. According to Abu Zaid, various schools of jurisprudence (*madhahib al-Islamy*) are nothing but the reflection of the evolution of life in the Islamic world, and these schools changed and evolved, transforming according to conditions of time and circumstance. (Faruq Abu Zaid, *al-Shari’ah al-Islamia baina al-Muhafizin wa al-Mujaddidin*, Cairo: n.d., 16)

# Al-Ghazali and Hermeneutics

- Al-Ghazaly (d. 1111), known as *hujjat al-Islam*, asserts that sacred texts such as Qur'an and Hadith are open to interpretation on five different levels: (1) ontological-existential (*dhati*), (2) experiential (*hissi*), (3) conceptual (*khayali*), (4) intellectual (*'aqli*), and (5) metaphorical (*shabahi* or *majazi*). Thus, everyone who interprets a statement of the text in accordance with one of the above levels of analysis has deemed such statements to be true. And anyone who engages in such interpretation, as long as he observes the rules of hermeneutics should not be branded as an unbeliever. (Abu Hamid Al-Ghazali's *Faysal al-Tafriqa Bayna al-Islam wa al-Zandaqa*).

# Al-Ghazali and Hermeneutics

- Nevertheless, all interpretations of a sacred text are not of equal value. Some may be misguided or even completely wrong. However, *wrong interpretations should not be suppressed as heresy*. An interpretation is heretical only if it denies the truth of a sacred text on all five hermeneutical levels above.
- Epistemologically, the exegesis of a sacred text constitutes informed opinion (*zann*) and not absolute truth (*haqq*), thus no one may claim an exclusive right of interpretation and no single interpretation is definitive. This approach helps not only preserve alternative voices that keep the process of interpretation open-ended, its spirit conforms to the ideal of freedom of speech by granting to jurists and theologians the right to be wrong.
- “The Qur’an is an ocean without shore” (Ibn al-‘Arabi, *Futuhāt al-Makīyya*, II, 581. 11)

# Qur'anic Prescriptions

- The above perspective is based on the fact that the Koran was revealed to the Prophet over a period of 23 years. Some verses, therefore, refer to specific events like the campaign at the time of the battle Badr, and specific acts of the Prophet, such as his marriage to Zaynab bint Jahsh. (Q 33: 37).
- Moreover, various Qur'anic prescriptions relate to the practices of pre-Islamic society and were in response to the social circumstances prevalent then, and these practices no longer have the same social implications. Over the centuries, Muslims societies have changed and now have new problems which require new Shari'a legislation.

# The Qur'an and its Context

- If we carry this argument a little further we can say that while the Qur'an was undoubtedly revealed for the whole of mankind and for all times to come, it contained that which had significance for the Arabs to whom it was revealed in order to be acceptable to them in their place and time.
- To be acceptable to the people to whom it is revealed, scripture must have immediate relevance for them. One might say scripture is contextually determined by their history, cultures and traditions. One cannot therefore deduce from verses in the Qur'an in isolation from their historical context as constitution or as legal code. It is for this reason that the principle of *ijtihad* was used right from the beginning.

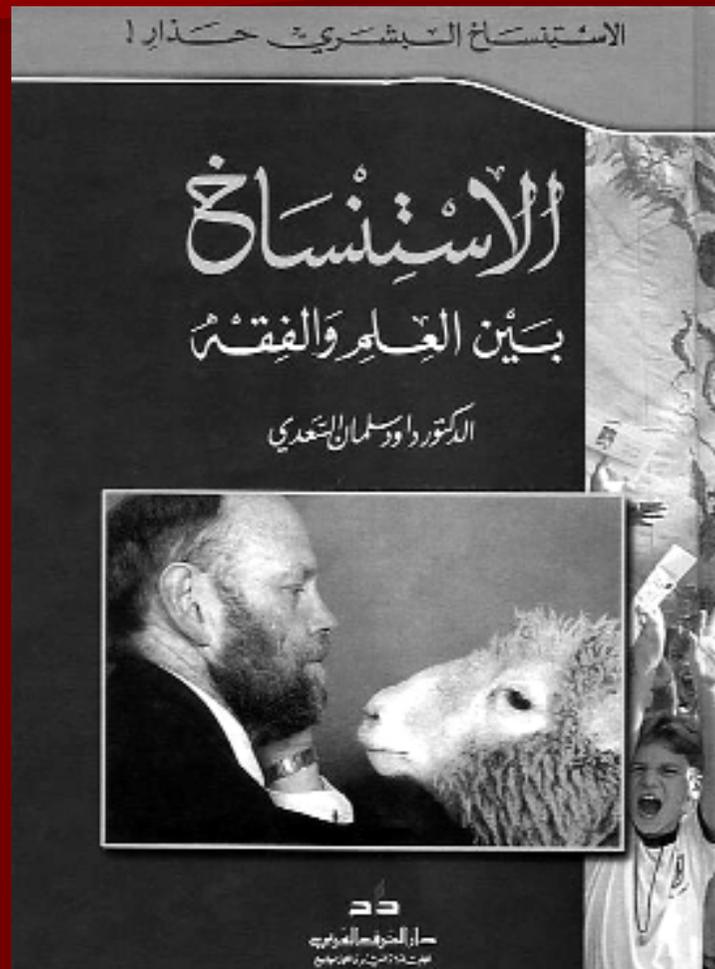
## **The Qur'an as infinite, never-to-be-depleted reservoir of meanings.**

- A text, including religious text, is not a single communication to be repeated endlessly, but rather as a vehicle that constantly delivers new meanings based on the situation and moment of the reader.
- This means there should be a new meaning at every reading which is an unending flow of different meanings.

# Cloning/*Al-Istinsakh*

- A great variety of opinions about cloning can be found among contemporary ulama.
- Basically they all refuse the notion that cloning (*istinsakh*) is interference in God's prerogative to the creation of life (*khalaq*), which is defined as *creating something new from nothing*.

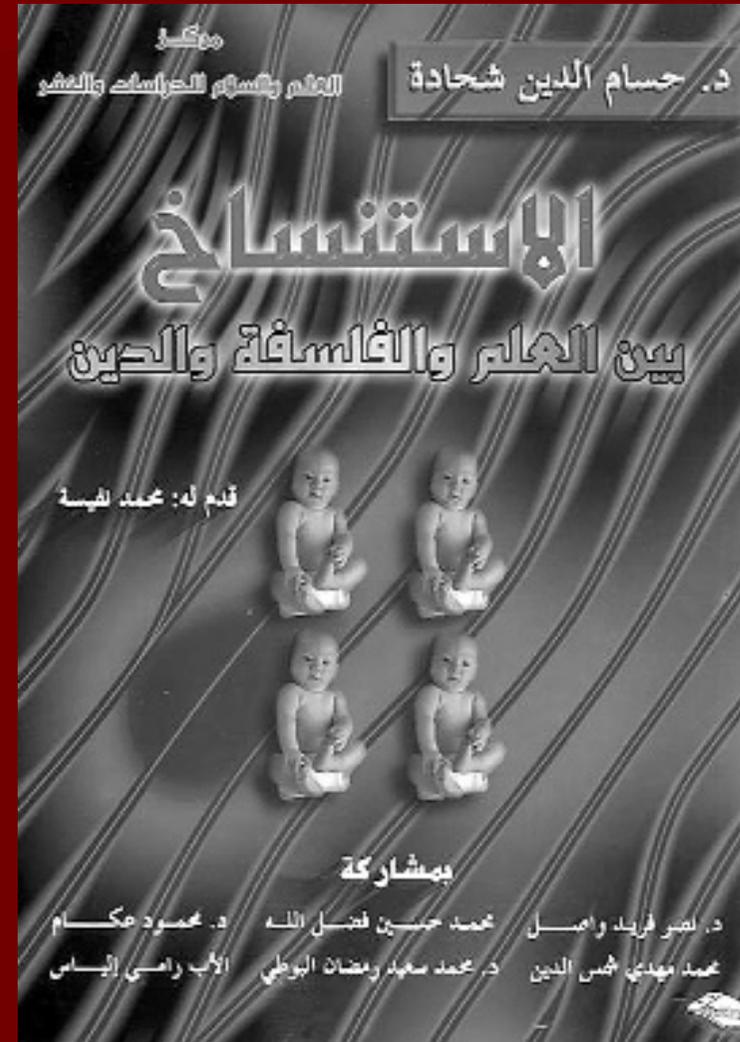
# CLONING/ *Al-Istinsakh*



- Since cloning only makes use of materials that already exist (the egg and the implanted DNA taken from another person) in order to make a copy of it, the whole procedure cannot be considered as *khalq*.

# Ulama on Cloning

- The Lebanese marja' a ' Husain Fadl Allah argues that cloning is nothing but a discovery of new possibilities within the framework of God's creation (Husam ad-Din Shahada. ed (1998).



# IVF

- Another example is test-tube babies, which were known to mankind only for a few decades but were easily integrated into the framework *of s h a r i ' a* law.
- The same argument, that any scientific discovery is only possible due to God's consent and therefore cannot be rejected as per se morally threatening, can also be found in a booklet of the Iraqi Shii scholar Muhammad S a ' i d a t - T a b a t a b a ' i a l - H a k i m .

# IVF

- He also refers to the Qur'anic story that Jesus did not have a biological father, taking this as proof that there are ways of creating human beings that differ considerably from the one which is commonly known.
- The argument is rejected that cloning would be a deviation of the usual technique of reproduction and therefore would constitute an infringement on God-given laws.

# Differences in Shi'i ulama

- The Shii scholar Muhammad Mahdi Shams ad-Din refuted cloning by referring to the Qur'an (4:118-19), where Satan, after being condemned by God, states: 'Most certainly I will take of Thy servants an appointed portion: And most certainly I will lead them astray and excite in them vain desires, and bid them so that they shall slit the ears of the cattle, and most certainly I will bid them so that they shall alter God's creation [*khalq Allah*]; and whoever takes the Shaitan for a guardian rather than Allah, he indeed shall suffer a manifest loss.' (Shahada, *Istinsakh*)

# Differences in Shi'i

- In this statement cloning is interpreted as *altering God's creation*. Therefore it is seen as part of the devil's scheme to lead mankind astray.
- This Q u r ' a n i c citation is commonly made use of in statements outwardly rejecting *istinsakh*.

# Cloning and IVF

- The comparison of cloning to in vitro fertilization (IVF) made by Fadl Allah hints at an important restriction that is always added by those allowing *i s t i n s a k h*.
- Muslim scholars almost unanimously allow the technique of IVF if the wish of a married couple to have children can-not be fulfilled in any other way. Yet they all refuse the use of material -be it semen or eggs - that are not taken from the two themselves.

# Cloning and IVF

- Such case would be clear adultery. The same rule is therefore applied to cloning: it could only be allowed if carried out within the framework of a valid marriage, i.e. DNA taken from a man could only be implanted into a woman's egg if the two are married to each other.
- (This aspect was also highlighted in the recommendations issued at a conference in Casablanca in June 1997. See Abd al-Wahid Alawani (ed.), *al-Istinsakh: Jadal al-' i l mw a - d - din- wa-l-akhlaq* (Damascus: Dar al-Fikr, 1997)

# The Objection

- But this restriction in turn hints at the major objection that is raised by Muslim scholars to cloning and eventually leads to its outward rejection by most of them. Since the newly born child would not carry a mix of the DNA of his mother and father, but would only be a copy of one of them, it would become impossible to determine its exact relation to its parents.

# The Objection

- For instance, what would be the status of a female baby whose DNA is identical to her 'mother's'? She could neither be termed 'daughter', nor 'sister', nor 'mother'. This confusion would have decisive repercussions in other fields of *shari'a* law.
- Also, the very elaborate guidelines about marriage or inheritance could not be applied anymore since they are essentially based on a clear definition of the relational status of a given person within the framework of the family.

# Other objections

- There is, however, one objection that is raised by Muslims, Christians, and even some scientists alike: the contradiction of cloning to the principle of the diversity of God's creation.
- This argument is put forward, for example, by the famous Egyptian scholar Yusuf al-Qaradawi as well as by representatives of the Church, who argue that accepting this diversity also implies accepting things which are considered ugly or ill.

# Other Objections

- The fear of Christian representatives that cloning and genetic engineering taken together might eventually lead to the creation of a new class of humans who are designed according to the desires, tastes, or even fashions of people is partly shared by the ulama.
- They base their argument on the Qur'anic statement (95:4): 'We created man in his best form' (*ladaq khalaqna al-insan fi ahsan taqwim*).

# Scientist's argument

- The 'diversity argument' is also picked up by scientists.
- They point at the fact that reducing biodiversity would cause a lower ability to resist illnesses.

# The Context

- Most of the contemporary statements of Muslims and Muslim jurists on cloning, were caught by surprise.
- New developments in this debate might be expected against the background of almost daily news about human clones in the media.
- From the vocabulary being used it can also be gleaned from the sources that cloning was considered a mere 'Western' phenomenon

# The Context

- The *majlis al-fiqh al-islami* at Jedda was very concerned in its guidelines on cloning issued in 1997, which held that, among other things, cloning should not be 'imported' into Muslim countries.
- This view does not only overlook the existence of substantial Muslim communities in the West but also the fact that non-Western countries such as Korea or China also play an important role in research on and the development of cloning techniques.

# The Context

- The analogy of cloning and IVF mentioned above gives an indication of why it might become necessary for Muslim scholars to deal with the issue of cloning more systematically.
- As has been said, IVF is seen as unproblematic as long as no DNA material from a third person outside of the marriage is used.

# Conclusion

- Transferring an idea from one place to another is just like transplanting an organ from a donor to a recipient—rejection is to be expected.
- Human cultures respond to new ideas from different value systems in very much the same way.
- Bioethicists must develop a bioethics responding to their own cultural contexts.

# Closing

- I will close with a quote from Muhammad Shahrur in his book *al Kitab wal-Qur'an, Qiraah mu'asiroh* (the Book and the Qur'an: A contemporary reading), in which he wants his reader to understand the Qur'an "as if the Prophet has just died and informed us this book (ka'anna al-nabi tuwuffiya hadithan wa-ballaghana hadha l-kitab).
- This means that we should not go over and over again with one of interpretation, but it should be continued to be interpreted according to current situations and needs. (Cited by Andreas Christman, "The form is Permanent...", p. 143-144 )

Thank you



Let's discuss