

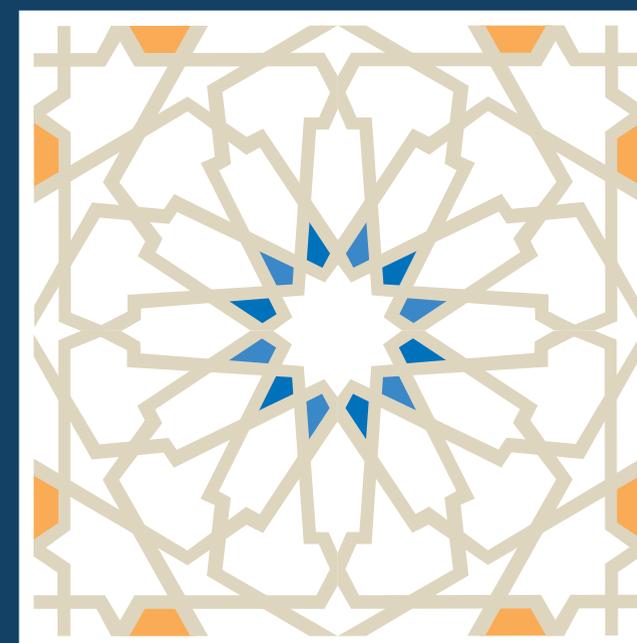
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The Right Path to Health

Health Education through Religion

Health as a Human Right in Islam

Dr M.H. Al-Khayat



World Health Organization
Regional Office for the Eastern Mediterranean

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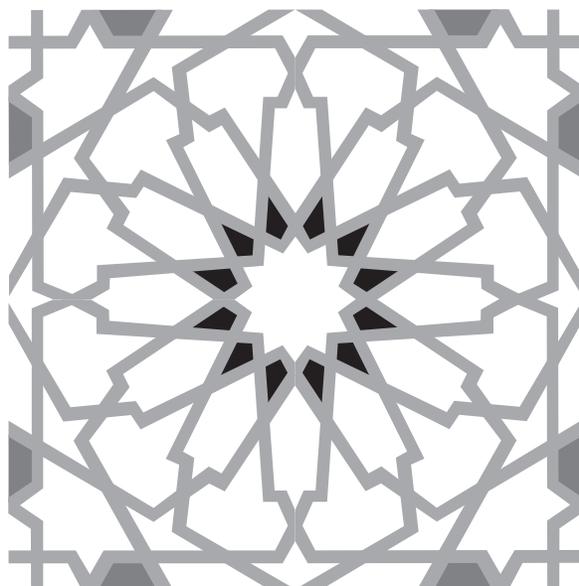
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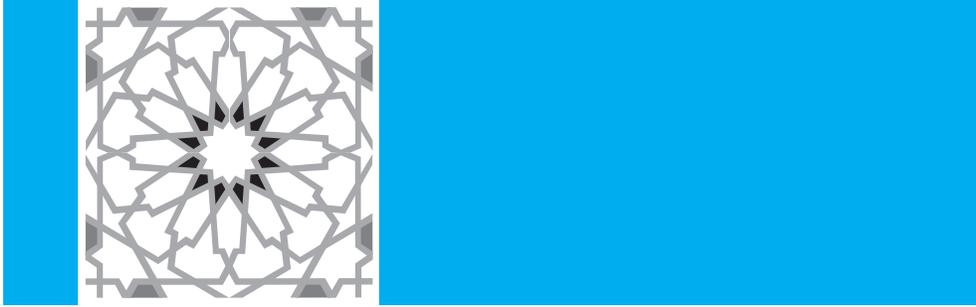
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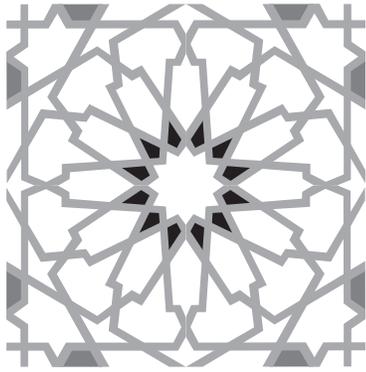
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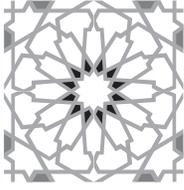


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Foreword



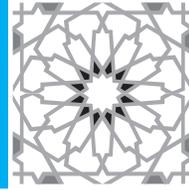
In the name of God, the Compassionate, the Merciful

Hussein A. Gezairy, MD, FRCS

Regional Director for the
Eastern Mediterranean Region of
the World Health Organization

Over 50 years ago, the Constitution of the World Health Organization (WHO) asserted the enjoyment of the highest attainable standard of health as a fundamental right of every human being. Since then, WHO has been working towards this goal using all the means possible. However, because of its technical mandate, the Organization has tended to focus in the past on the practical aspect rather than the theoretical aspect and this has meant limited action in addressing the policies and strategies that will lead to a real integration of health as a human right in national health policies and national plans of action.

Before tackling the health aspect though, it is important that we take a moment to address the scope of the human rights aspect: there are two branches of law that interrelate with each other closely—international humanitarian law and international human rights law, both of which were developed and led by the efforts of the United Nations. The sources for international humanitarian law are mainly the four Geneva Conventions of 1949, which are concerned with human rights during times of war and conflict, while the sources for international human rights law are mainly the Universal Declaration of Human Rights (UDHR, 1948), the International Covenant of Economic, Social and Cultural Rights (ICESR) and the International Covenant on Civil and Political Rights (ICCPR). These set the standard for human rights in general, and other international and regional declarations followed to shape the universal understanding and practices of both these branches of law. Although these two branches of law are theoretically separate in the view of most scholars, still, in practice, they are very much interrelated; we cannot talk about human rights in general without considering the rights, safety and well-being of humans in times of conflict and war. This brings us to our initial point of entry and focus: the right and attainment of health for all.

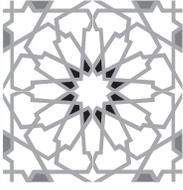


Health as a human right is an arena that has been recently entered by WHO, in an attempt to increase its own understanding of human rights in relation to health. The Organization is learning from other United Nations agencies, from regional organizations, and from advocates and experts of human rights throughout the Region. Untapped though is the fundamental role that religion can, and has, played in the promotion and protection of health. Fourteen centuries after Islam established the rights of man, WHO advocated for its goal defined as ‘Health for All’ and people managed to issue the international declaration of human rights.

In a region such as the Eastern Mediterranean Region, where religion is so much part of daily life, Muslims and Muslim organizations can easily ascertain all they need to know through the deployment of Islam. Islam has honoured health as a fundamental right of every human being, which makes it a powerful source of guidance and information.

Since its birth, Islam has prioritized health, placing it as second in importance to faith. In fact, embedded in the very essence of the divine law is the protection of the five essential needs of faith, life, progeny, property and mind. And, with only a little reflection, it becomes apparent that 60% of these essentials (three out of the five), namely life, progeny and mind, cannot be adequately safeguarded without the protection and preservation of health.

Health is therefore an essential condition for the preservation of life which is why Islam has prized it so highly. God and the Prophet ﷺ provided guidance through the divine law and countless *hadiths* in this direction. However, it must not be forgotten that with great health lies great responsibility: the promotion and protection of health not only concerns one’s own self but also that of others and of the environment. Islam places equal emphasis on health promotion and health protection. Health promotion in Islam includes everything that protects and enhances human health, such as personal hygiene, nutrition, marriage and respect for the body, while health protection includes the avoidance of infectious diseases, protective measures against accidental injury, abstention from all harmful substances, such as alcohol, illicit drugs and tobacco, the responsibility

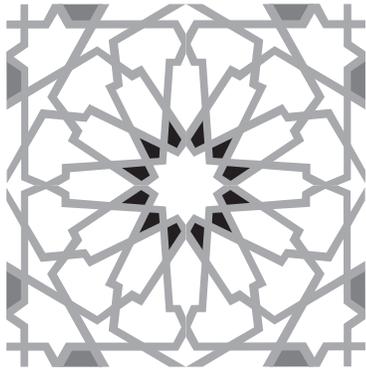


of parents, healthy environment, protection of agriculture, role of the community and protection from infection.

Islam therefore has an integrated holistic approach to health that we aspire to successfully achieve. Today, people strive and struggle to unfold and uphold many of the issues that they have identified as important elements to health as a human right, while Islam covered all these so-called, newly-founded health aspects centuries ago. Islam advocated for all the modern, man-made concepts aimed at the promotion and protection of health long before people began to acknowledge their importance. In reality, only with the turn of the 20th century did humanity begin to fathom and grasp the importance of health as a human right. Only then did people recognize that every human being's right to health must be indisputably acknowledged and be made a universal, indivisible and independent right.

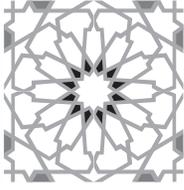
And, although it has taken various declarations to capture some of man's rights to health, we are still lacking in some areas as the rights of the human body have still not been captured. The value of Islam must therefore be acknowledged and recognized; we must allow ourselves to delve into its very heart to learn and be guided by all that it offers in this regard.

God and the Prophet ﷺ have provided us with the means and the tools necessary to protect our own health, the health of others and our surrounding. Let us therefore recognize the power of religion, and use the many examples cited in the pages that follow. Religion is one of the strongest forces in our Region so I hope Muslims will use it and, use it wisely to look after their own health, that of their families, friends, fellow citizens and society and with it, advocate the universal common goal of 'Health for All'.



Health and human rights

- Protection of life
- The right to freedom
- Protection of the human body



Protection of life

The right to life is, from the Islamic point of view, the second most important human right. Nothing takes greater importance except the right to freedom. Evidence in support of this is found in the two Quranic verses: *Persecution is even worse than killing* (2:191) and *Persecution is an even greater crime than killing*. (2:217) These verses give a clear principle that persecution, which means a ‘denial of freedom’ is a far worse and greater offence than killing, which is a ‘denial of the right to life’. This principle leads to a logical conclusion that freedom is more important than life. This is by no means strange, bearing in mind that the very humanity of man is the result of such freedom. We may remember in this context that God ordered His angels to prostrate themselves before man, a creature who can exercise his free will to choose whether to believe or disbelieve, be obedient to God or disobedient, do good or evil.

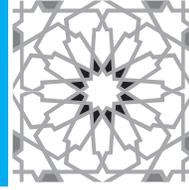
However, according to Islam, the right to life follows very closely the right to freedom. God has decreed to the children of Israel and the rest of mankind *that if anyone slays a human being, for anything other than in punishment of murder or for spreading corruption on earth, it shall be as though he had slain all mankind; and that if anyone saves a human life, it shall be as though he had saved all mankind*. (5:32) It is my humble opinion that killing and saving life here are not confined to the physical sense only. Both are viewed in the mental and moral sense as well.

Clearly, what is meant by this verse is the saving or preserving of life, because *it is God alone who grants life and causes death*. (3:156)

This is in the true and complete sense of initiating life and taking it away. Hence, when we talk of the right to life as a basic human right, we simply mean the right to preserve life, literally and morally. This right is not completely assured unless man is able to enjoy good health and live in a healthy environment. Both are integral parts of the right to life.

The right to freedom

Human rights in Islam make up a fascinating mix in which privilege and

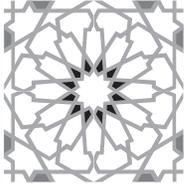


obligation are inextricably intertwined. Each human right requires man to work hard to ensure, secure and preserve it all at the same time. To relinquish what is one's right is to relinquish a part of one's own humanity. Reflect, on the Quranic verse speaking about those who relinquished their right to freedom, either by choice or coercion: *To those whom the angels gather in death while they are still wringing themselves, the angels will say: 'What were you doing?' They will answer: 'We were oppressed on earth'. (The angels) will say: 'Was not God's earth so spacious that you might have migrated to settle elsewhere?' Such will have their abode in Hell, a certainly evil end. Excepted are the men, women, and children who, being truly helpless, can devise nothing and can find no way. These God may well pardon, for God is indeed most lenient, much-forgiving. Anyone who migrates for God's cause will find on earth many places for refuge and great abundance. He who leaves his home, fleeing from evil unto God and His Messenger, and is then overtaken by death, his reward is reserved for him with God. God is much forgiving, merciful. (4:97–100)*

The same applies to those who relinquish the right to life. God says in the Quran: *Do not kill yourselves, for God is merciful to you. Whoever does this with malicious intent and by way of wilful wrongdoing, We shall make to suffer the Fire. That is very easy for God. (4:29–30)*

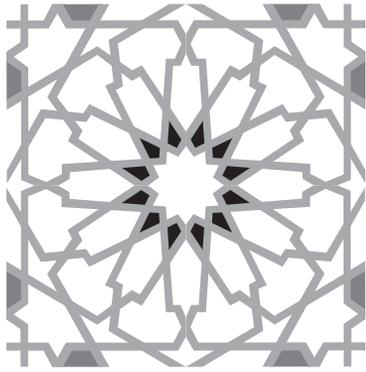
Protection of the human body

In line with this we read a remarkable statement by the Prophet Muhammad ﷺ, the like of which we cannot find in the statements of any human being. In a highly authentic *hadith*, the Prophet is quoted as saying: “Your body has a right over you”. [1] Fourteen centuries after Islam established the rights of man, people managed to issue the international declaration of human rights. Nevertheless, they have not yet arrived at the point where they recognize the rights of the human body. It is indeed true that our bodies have a rightful claim against us. This right requires each one of us to feed the body when it is hungry, rest it when tired, clean it when it gets dirty, protect it against all harm, take precautions against subjecting it to illness, provide it with the necessary



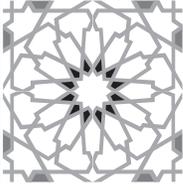
Health as a human right in Islam

treatment when it suffers from disease, and not to overburden it in any way. All this represents, from the Islamic standpoint, a right which must never be overlooked or neglected in preference to other rights, including God's own rights over us.



Health and faith in Islam

- Importance of health in Islam
- Health factors



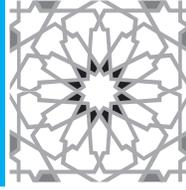
Importance of health in Islam

Health is a necessary condition to the preservation of life. Indeed, it is an essential requirement for the establishment of God's law in human life, for it is only healthy human beings that can properly implement this law in human society. According to Imam Al-Ghazali: "A proper understanding and implementation of religion, from the standpoint of both knowledge and worship, can only be arrived at through physical health and life preservation". [2]

Hence, Islam places health as second in importance to faith. The Prophet ﷺ says: "Second to faith, no one has ever been given a greater blessing than health". [3] In another *hadith*, the Prophet defines the relative importance of health and wealth: "Wealth is of no harm to a God-fearing person, but to the God-fearing, health is better than wealth". [4] Another *hadith* gives us the proper perspective of the essential things in life: "Whoever of you gets up in the morning feeling physically healthy, enjoying security and having his food for the day is like one who has the world at his fingertips". [5]

By contrast, health places on us a great responsibility, for which we are accountable to God. The Prophet says: "The first thing every servant of God will have to account for on the Day of Judgement is that God will ask him: 'Have I not given you a healthy constitution?'" [6] The Prophet is also quoted as saying: "No one will be allowed to move from his position on the Day of Judgement until he has been asked how he spent his life, how he used his knowledge, how he earned and spent his money, and in what pursuits he used his health". [7]

Islam directs people's attention to this blessing and alerts them to the fact that many people end up making a great loss as a result of their casual and negligent attitude to it. The Prophet says: "Many people give themselves a raw deal with regard to two blessings: health and spare time". [8] Hence, he urges people to make the best use of their health and enjoy it. He is quoted as saying: "Make the best use of five things before the onset of five others: your life before your death, your health before your illness, your free time before being too busy, your youth before your old age and your wealth before you end up in poverty". [9]



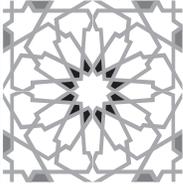
Health factors

The right to health, or rather, to health protection derives its importance from two factors that are inherent in human nature and the nature of the universe. The first is mentioned in the Quranic statement: *He has raised the Heaven on high, and He has set the balance of everything so that you might not transgress the balance. Give just weight and fall not short in the balance. (55:7–9)*

These verses speak about the ‘balance’ God has implanted in the nature of the universe, with all its structural, environmental and biological set-up, including human life. They thus draw our attention to the fine balance that applies to everything in the universe. It also makes clear that any distortion of this fine balance, whether it be excess on one side or shortage on the other, deliberate or accidental, may lead to extremely bad results that may rebound on man himself before affecting other things. God says in the Quran: *Mankind, it is against your own souls that your offences rebound. (10:23)*

The other factor concerns the original condition in man’s creation, which is that of his moulding in an upright status, as indicated in this divine address to man: *O man, what has lured you away from your gracious Lord who created and moulded you and gave you an upright form. (82:6–7)* Other Quranic verses give the same indication: *Praise the name of your Lord, the Most High, who creates and proportions well. (87:1–2)* *By the soul and its moulding. (91:7)* *We indeed have created man in the fairest form. (95:4)* To preserve this right moulding and fair form is an integral part of the purpose and objectives of Islamic law. As the famous scholar, Al-Izz ibn Abd al-Salam, puts it: “The divine law has been set in this form in order to secure what brings benefit to people and to prevent what is detrimental to them”. [10] He goes on to explain his statement:

God’s law is dedicated to benefit: it either prevents evil or brings about something good. When you hear God’s address to the believers, contemplate what follows the initial address. You are bound to find that what follows either urges you to do something good or prohibits something evil, or combines both urge and prohibition together. He has pointed out in His book details of the harm involved in certain situations

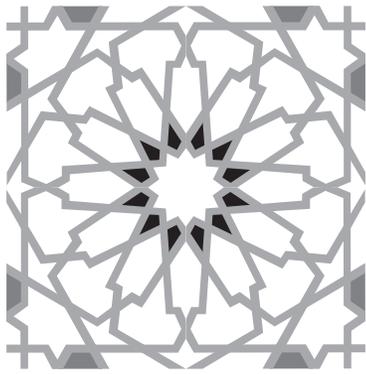


to encourage us to avoid such harm, and pointed out the benefit involved in other situations to encourage us to seek such benefit.

He is certainly right, may God bless his soul. God tells us in the Quran: *Thus does God illustrate truth and falsehood. The scum is cast away, while that which is of benefit to mankind remains behind on earth.* (13:17) We note here that God considers that what brings benefit to people to be the message of truth that He has entrusted to His messenger. It is to this truth that He refers: *Mankind, the messenger has now come to you with the truth from your Lord.* (4:170)

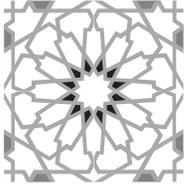
Imam Al-Shatibi says in his invaluable book, *Al-Muwafaqat* [11]: “The whole Muslim community, and indeed all other faiths, agree that the divine law has been set in order to protect the five essential needs: faith, life, progeny, property and mind”.

We need only a little contemplation to conclude that three out of these five essentials, namely life, progeny and mind cannot be properly safeguarded without protection and preservation of health. It is no wonder, then, that we find in God’s book, the Quran, and in the Prophet’s *sunna* many a statement intended to help man protect and promote his health, preserve the natural moulding and fair form God has given him, and maintain the health balance God has placed in him.



The right to health and related responsibility

- Responsibility for oneself
- Responsibility of society
- Responsibility of state



Responsibility for oneself

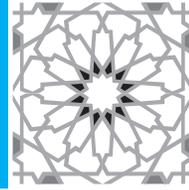
From the Islamic standpoint, the right to health assigns responsibility in three different directions: to oneself, society and the state, all at the same time.

It is first of all a responsibility to oneself. This, as has already been stated, is unique to Islam, summed up in the Prophet's statement: "Your body has a right over you". [1]

If we follow Imam Al-Shatibi's classification, "health protection is ensured through two distinct matters. The first is to strengthen its structure and consolidate its foundation, which means to take good care of what we have of health, while the second is to protect it against any negative development, present or future, which means to take care lest it withers away". [12]

This splendid distinction is outlined by Imam Al-Shatibi as applicable to all five needs, and it applies most clearly to the Islamic guidance to health protection. It outlines two types of measures. The first aims at strengthening and consolidating all aspects of health: physical, mental and environmental, or what we may call today as 'health promotion measures', while the second type are 'health protection measures' that aim to protect all physical, mental and environmental health aspects against any present or future negative developments.

The health promotion measures include everything that protects and enhances human health. It is remarkable that Islam considers any negligence in taking such measures a type of transgression. Sound nutrition, for example, is a health promotion measure, while neglecting to have proper and good nutrition, without reasonable justification, is contrary to health care. Islam considers this to be a transgression, as we read in the Quran: *Believers, do not forbid yourselves the good things God has made lawful to you. Do not transgress; God does not love the transgressors. Eat of what God has provided for you of lawful and wholesome things.* (5:87–88) These verses were revealed in connection with the case of some people who wanted to forbid themselves certain types of food, but their action was considered to be hostile to health, as clearly understood from these Quranic verses.



It is beyond the scope of this publication to discuss in full detail health promotion measures which satisfy a part of a person's rightful claim on himself with regard to personal health. It is sufficient to mention in this regard some of the texts that address this area in particular.

1. Personal hygiene

Taking care of the whole body or of each particular organ is an important area of health promotion. Here are some of the texts that stress this aspect:

Believers, do not attempt to pray when you are drunk, [but wait] until you know what you are saying; nor when you are in a state of ceremonial impurity, except if you are on your way, until you have bathed. (4:43)

“It is incumbent upon any Muslim to wash his head and body once every seven days.” [13]

Believers, when you are about to pray, wash your faces, and your hands and arms up to the elbows, and pass your wet hands lightly over your heads, and wash your feet up to the ankles. (5:6)

“Ablution [i.e. *wudhu*] is part of being faithful.” [14]

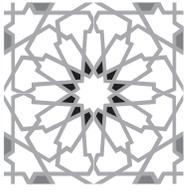
“Only a believer maintains his ablutions.” [15]

“Perform your ablutions fully and properly.” [16]

“The Prophet ﷺ used to wash his hands before eating.” [17]

“When he performed his ablutions, the Prophet ﷺ used to rub his toes with his little finger.” [18]

“It is authentically reported that the Prophet ﷺ wiped his ears from the inside using his forefingers and placed his thumbs on the outside, wiping both the inside and outside of his ears.” [19]



“When anyone of you performs ablutions, let him introduce water into his nostrils and then blow it out.” [20]

“It is reported that the Prophet ﷺ used to wipe the inner corner of his eyes.” [21]

“Whoever has hair should take care of it.” [22]

“If you defecate, wipe the place [of defecation] three times.” [23]

Aisha said: “Tell your husbands to wash their private parts with water, for I am too shy to tell them myself, for the Prophet used to do it”. [24]

“Rinse your mouth while performing ablutions.” [25]

“Clean your gums from food and brush your teeth.” [26]

“Brushing the teeth purifies the mouth and pleases God.” [27]

“Five acts are part of uncorrupted nature: circumcision, shaving pubic hair, cutting fingernails, plucking out armpit hair and trimming the moustache.” [28]

2. Nutrition

Another area of health promotion is balanced nutrition, in quality and quantity.

Eat of the good things which We have provided for you as sustenance. (2:172)

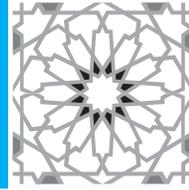
Eat of the good things which We have provided for you as sustenance, but do not transgress therein. (20:81)

And He creates cattle: you derive warmth from them, and [various other] benefits; and from them you obtain food. (16:5)

And He it is who has made the sea subservient [to His laws], so that you may eat fresh meat from it. (16:14)

Eat of their fruit when it comes to fruition. (6:141)

“Man does not overfill a container to worse effect than his stomach. Let suffice the sons of Adam a few mouthfuls to sustain them. Should temptation be too strong for a person, let him make one-third for food, one-third for drink and one-third for his breathing.” [29]



3. Marriage

Another area is the emphasis Islam places on marriage, as it has a highly important role in protecting physical, mental and reproductive health.

God has given you spouses of your own kind. (16:72)

He creates for you mates out of your own kind, so that you incline towards them, and He engenders love and tenderness between you. (30:21)

“Marriage is part of my tradition; those who do not follow my tradition are not part of my followers.” [30]

“Young people! Whoever of you can afford to marry should get married.” [31]

“The Prophet ﷺ warned against committing oneself to celibacy.” [32]

4. Respect for the body

Another aspect is the requirement to give every body organ its due measure of health care, to work within one’s ability, to strengthen one’s body by suitable fitness exercise and to do whatever is beneficial to human health.

“Your eyes have a right over you.” [33]

“Fulfil what you can reasonably do.” [34]

“A strong believer is better than a weak believer.” [35]

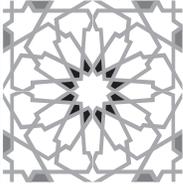
“Maintain whatever is of benefit to you.” [36]

Protective measures which are within one’s responsibility to oneself are based on God’s clear order: *Do not kill yourselves, for God is merciful to you. (4:29)* It also relies on further statements such as: *Do not with your own hands throw yourselves to ruin. (2:195)*

“There shall be no infliction of harm on oneself or others.” [37]

Furthermore, God orders us: *Abandon all sin, be it open or secret. (6:120)*

God, limitless is He in His glory, describes alcoholic drinks and gambling, stating: *In both there is great evil although they have some benefits for people,*



but their evil far exceeds their benefit. (2:219) He has thus placed evil in contrast with benefit, which means that evil in this sense is harm, and it is forbidden as we clearly see in Quranic texts.

Islam opens the way for the individual to satisfy this aspect of human rights, commanding that all measures of disease prevention should be adopted, because preventive measures ensure protection. The Prophet ﷺ says: “Whoever takes precautions against evil shall be spared it”. [38]

Both the Quran and the *sunna* abound with statements about various types of protective measures that may be taken by individuals to protect themselves. Here are only a few examples.

a) Avoidance of infectious diseases

Do not come near adultery. It is indeed an abomination and an evil way. (17:32)

Do not commit any shameful deeds, be they open or secret. (6:151)

“The worst thing that I fear for my community is the practice of Lot’s people [i.e. homosexuality].” [39]

“Should you learn of an outbreak of the plague in a certain area, do not enter it.” [40]

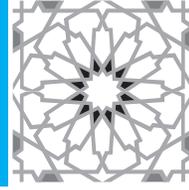
b) Protective measures against accidental injury

“If you stop to sleep while travelling by night avoid the main roads as it is the track of animals and the refuge of pests.” [41]

“Put out the lamps when you go to bed, shut the doors, close waterskins and cover water and food containers.” [42]

“Whoever sleeps on a rooftop without walls is disowned by the Muslim community.” [43]

“The Prophet ﷺ warns against staying alone at home and travelling alone.” [44]



c) Abstention from all harmful substances, such as alcohol, drugs and smoking

They ask you about drinking and gambling. Say: In both there is great evil although they have some benefits for people, but their evil far exceeds their benefit. (2:219)

Intoxicants, games of chance, idolatrous practices and divining arrows are abominations devised by Satan. Therefore, turn away from them so that you may prosper. (5:90)

“The Prophet ﷺ warns against all forms of intoxicants and stupeficients.” [45]

“Every intoxicant is forbidden, and every narcotic is forbidden, and anything that causes intoxication when taken in a large quantity is forbidden even in a small quantity, as is anything that dims reason.” [46]

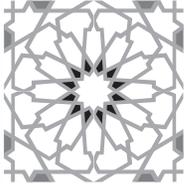
Responsibility of society

We may now move on to the claim of the individual against society in relation to the right to health. It is again a two-tier claim of promotion and protection. The promotion part comprises all that is likely to enhance and strengthen one’s inherent health balance. It takes numerous forms.

1. Parents’ responsibility

Parents owe it to their children to provide them with good nutrition. This is represented in the first instance by breast-feeding, in response to the divine statement: *Mothers shall breast-feed their babies for two years; [that is] for those who wish to complete the suckling. (2:233)* Another Quranic verse states: *Weaning is within two years. (31:14)*

Children’s rights also include that their parents should provide them with the necessary immunity to protect them against infectious diseases, including giving them the necessary vaccinations. This is included in the general statements urging parents to take good care of their children, providing them with all that they need for good health and growing up, and not to neglect them in any way.



When parents do all this, they are deemed to have made the proper response to the Prophet's orders: "And your children have a right over you ... So, give to each what they have by right". [47]

The Prophet also says: "A man is guardian of his family and is responsible for them; a woman is guardian of her husband's house and children and is responsible for them". [48] To neglect the rights of children in such a way as to cause their loss of life is a very serious matter. God tells us in the Quran: *Lost, indeed, are those who, in their weak-minded ignorance, kill their children.* (6:140) The Prophet ﷺ describes it in the following terms: "It is enough of a sin to neglect those whom one is required to feed". [49]

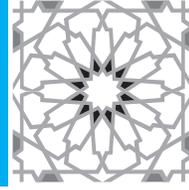
2. Healthy environment

Every human being has the right to live in a healthy environment. This is achieved, from the Islamic point of view, in two ways. The first is keeping the environment clean, and the second is to enhance whatever elements in the environment help to maintain it in a balanced and healthy state.

The Prophet ﷺ urged his companions and followers to maintain a clean environment. He is quoted as saying: "I have been presented with the deeds of my community, good and bad. I found among the good removing a harmful object from the road". [50] He also says: "Faith is made up of over seventy items ... the simplest of which is to remove any source of harm from the road". [51] He also is quoted as saying: "To remove a harmful object from the road is an act of benefaction". [52] A further order by the Prophet is: "Clean your houses". [53]

The first protective measure with regard to environmental health is to refrain from causing any pollution that causes harm to people. This begins in the limited immediate environment of the home and similar enclosed places, where only a small number of people may stay. It is forbidden to pollute such an environment by tobacco smoke, for example, as the serious health risks it represents have been ascertained beyond any shade of doubt.

Refraining from causing pollution also applies to the environment of the neighbourhood. Thus, it is forbidden for a factory owner to discharge his factory refuse in a water course that serves other people, or to discharge untreated and



unfiltered factory smoke into the air, with the definite pollution of the city air. It is also forbidden from the Islamic point of view to cause noise pollution, making loud noises, even though one may try to justify this by linking it to worship. God issues this order in the Quran: *And lower your voice.* (31:19) He also says: *Mention your Lord within yourself humbly and with awe, and without raising your voice.* (7:205)

The injunction not to cause pollution applies finally to the global environment which is adversely affected by chlorofluorocarbons which are used in aerosols and refrigerating equipment, nitrogen oxides and hydrocarbons emitted through vehicle exhausts. All these substances deplete the ozone layer in the stratosphere, thus exposing people to the harmful effects of ultraviolet rays. At the same time, these substances help ozone formation in the troposphere, leading to substantial increase in asthmatic attacks, laryngitis, and infection of the respiratory system, retarding the growth of plants or destroying them altogether.

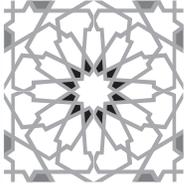
The second environmental protection measure is to ensure that the necessary elements for environmental safety are not depleted or exhausted.

For example, the Prophet ﷺ urges economy in the use of water, even for cleaning and purification purposes. He gives us a practical example to follow. He “used to bathe with less than two litres of water, and to perform ablutions with less than half of one litre”. [54]

Imam Abu Ubaid relates that the Prophet ﷺ “passed by a stream and he dismounted. He filled a container he had with him, and went aside to perform ablutions. Some water remained in the container, and he poured it back in the stream. He then said, ‘God may give it to some person or animal and they may use it beneficially’”. [55]

Amr ibn Shuaib reports that a Bedouin asked the Prophet ﷺ about ablutions, and he showed him how it is done, washing every part three times. He then said: “This is how to perform ablutions. Anyone who adds to that does badly, or transgresses or commits injustice”. [56]

The Prophet ﷺ says: “There will be in my community those who transgress when they perform ablutions and when they supplicate”. [57]

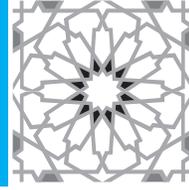


Another highly important area of maintaining a healthy environment is to preserve agricultural and animal resources. The Prophet ﷺ is quoted as saying: “He who cuts a tree without reason will have his head directed by God towards Hell”. [58]

The Prophet ﷺ was the first man ever to establish nature reserves where trees may not be felled and animals may not be killed. “The Prophet ﷺ declared Medina with a 12 mile belt as a natural reserve: trees were not to be felled or cut except for sticks used for driving camels.” [59] “The Prophet used to forbid cutting any of the trees in Medina.” [60] In reference to Medina, the Prophet says: “Its game may not be frightened ... None of its trees may be cut, except to take something with which to feed one’s camel”. [61]

In another *hadith*, we read the following report: “The Prophet ﷺ declared as forbidden the cutting of trees and the hunting of game within the confines of Medina”. [62] In reference to a certain valley in Taif, the Prophet ﷺ says: “Hunting and cutting trees in Wajj are forbidden”. [63] Abu Yussuf quotes Malik ibn Anas as saying that he learnt that the Prophet ﷺ had forbidden the cutting of trees in a 12 mile belt around Medina and forbidden hunting within a belt of four miles. He says that a number of scholars consider that these measures are aimed at preserving trees. [64]

These concepts have become deeply rooted in the minds of Muslims. Imam Ibn Hazm says: “To be kind to animals is part of righteousness and a God-fearing attitude. Whoever refrains from doing what is good for animals contributes to evil and transgression and disobeys God ... Indeed a person may be forced to irrigate palm dates, if they are likely to die if not properly irrigated. The same applies to vegetation. The evidence in support of this is found in God’s statement: *No sooner does he turn away than he strives to spread corruption in the world, destroying crops and progeny. God does not love corruption.* (2:205) Thus, to deny animals what is essential for their survival, such as appropriate feed or grazing, and to neglect irrigating fruit trees and other plants until they die are actions described by God as spreading corruption in the world and destroying crops and progeny. God certainly does not love such action”. [65]



3. Protection of agriculture

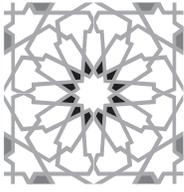
The Prophet took care to promote agriculture, so as to increase the agricultural resources of the community and to add to a healthy environment. He says: “Should the last hour fall, and one of you has a young date tree in his hand, he should plant it if he can manage to do so before the hour falls”. [66] The Prophet also says: “Any tree a Muslim may plant, and any seeds he may cultivate from which man or animal, or any other creature, eats, count as an act of benefaction”. [67] He further says: “Whoever cultivates land that has been dead, that land becomes his own”. [68]

The Prophet ﷺ is quoted as saying: “Whoever cultivates seeds or plants trees will have the reward of whatever is eaten of it by humans, animals or other creatures”. [69] And the Prophet ﷺ also says: “Whoever cultivates land that has been dead will be rewarded for his action, and whatever is eaten of it counts as an act of benefaction for him”. [70]

The rightly guided Caliphs who succeeded the Prophet followed his blessed example. Yahya ibn Adam mentions that Umar ibn Al-Khattab, the second Caliph, announced to all people that: “Whoever cultivates a barren land has a right to its ownership”. [71]

He also reports that Ali ibn Abi Talib, the fourth Caliph, said: “You people must work hard to help yourselves. A group of seven—or may be he said nine—may live in a village and they bring it to life by God’s will”. [72] A man came to Ali and said: “I found a piece of land that has gone derelict and its people were unable to reclaim it. I arranged a lease of a water course and cultivated it”. Ali said: “You may eat of its fruit, and God may bless your food. You have done well, and you are by no means causing any loss or corruption”. [73]

Umar ibn Abd al-Aziz wrote to one of his governors: “Look at the agricultural land at your end and give it some people for cultivation on an equal partnership basis. If some of it remains uncultivated, give it away for a one-third share. Whatever remains, give it away at any agreed share, down to one-tenth. If no one will take it, give it away free, but if it remains uncultivated, charge its expenses to the public treasury”. [74]



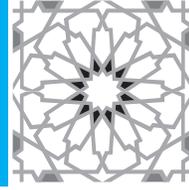
4. Role of the community

The responsibility of the community with regard to health protection is summed up in the prevention of causing harm to others, in obedience to the Prophet's edict: "There shall be no infliction of harm on oneself or others", and to his statement: "Whoever causes harm to others subjects himself to harm caused by God". [75] The Prophet ﷺ is quoted as saying: "By God, he would not be a believer". His companions asked: 'Who is that miserable and ruined creature?' Replied he: "Anyone whose neighbour cannot feel safe from his wicked schemes". [76] The Prophet ﷺ also says: "You must refrain from dealing wickedly with others, for that would count as a benefaction you do to yourself". [77]

God says in the Quran: *Those who malign believing men and believing women without their having done any wrong surely burden themselves with the guilt of calumny, and a flagrant sin.* (33:58) The Prophet says: "Whoever believes in God and the Last Day must not cause harm to his neighbour". [78]

Hence, every individual has the right over other members of his community that none of them may smoke in an enclosed vehicle, such as a car, bus, plane or train. The smoker in such a vehicle exposes all his neighbours to the hazards of tobacco smoking. While it is forbidden for a Muslim to smoke when alone, so that he may not expose himself to the health risks of tobacco smoking, the prohibition of exposing others to one's tobacco smoke is even more emphatic. A person close by in a plane is a neighbour, and one close to us in a public place is also a neighbour, but one who is with us in the same house is an immediate neighbour. In the Quran God commands every Muslim to *be kind to the neighbour who is related to you and the neighbour who is a stranger, and the friend by your side* ... (4:36) To expose them to tobacco smoke, with all the health risks it involves, is far removed from being kind to them. In fact, it is something that causes real harm.

The Prophet ﷺ considers that every individual has a binding right over the rest of the community that they must take all the necessary precautions to protect him from any cause of harm or pain. He says in this regard: "Whoever passes through



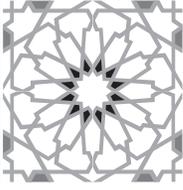
any part of our places of worship or market place holding arrows should cover their edges with the palm of his hand, lest he causes an injury to any Muslim”. [79]

5. Protection from infection

Similarly the Prophet ﷺ considers that everyone has the right over every other member of the community not to expose him or anyone else to infection. Although exposing others to infection is included in the general rule that prohibits causing harm to oneself or others, we have further orders with specific import. The Prophet ﷺ is quoted as saying: “Do not let those infected transmit their disease to those who are healthy”. [80] He further says: “There shall be no contagion and no evil omen”. [81] This *hadith* implies an order of prohibition, not a negation, in the same way as the *hadith* stating: “There shall be no infliction of harm on oneself or others”. [82] Hence, I believe that it is the right of everyone over a person with an infectious disease that such a person should refrain from frequenting public places, including mosques, until he or she has reached the stage when they can no longer transmit the infection to others.

The same may be said concerning the right of every individual over the rest of the community to ensure that the environment remains clean and healthy. A prohibition of polluting the environment is stated clearly and specifically by the Prophet ﷺ who is quoted as saying: “Whoever causes harm to Muslims in their roads deserves their curse”. [83] In his teaching, the Prophet said: “Do not urinate in still water”. [84] He is also quoted as saying: “Avoid the two actions incurring curse”. He was asked what were these, and he answered: “The actions of the one who defecates by the wayside and in the shade”. [85] The Prophet ﷺ is also quoted as saying: “Avoid the three curses: defecating in water sources, on roads and in the shade”. [86]

A particularly significant point in these *hadiths* is the usage of the word ‘curse’ and its derivative forms. ‘To curse’ in Arabic means to expel and ostracize, which signifies that a person who commits such actions that pollute the environment forfeits his social position and becomes isolated in his community. The Prophet’s



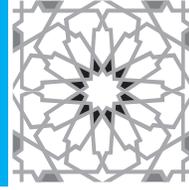
mention of defecation in the shade is significant, because sun rays kill the germs that may be in the faeces, while they breed and increase in the shade.

Responsibility of state

The state responsibility with regard to man's right to health is based on the following principles that are central to Islamic government:

1. Man is an honoured creature: *We have indeed honoured the children of Adam.* (70:17) Such an honour bestowed by God requires that man should be protected so as to enjoy good and complete health.
2. Islamic law has been devised, according to Imam Al-Shatibi, in order to protect and promote man's five essential needs: faith, life, progeny, property and mind. It is clear that three of these five essential needs, namely life, progeny and mind, cannot be properly protected without health protection.
3. The right to life applies to every human being, and it must be honoured and defended. A single human life is valued as equal to all humanity. Thus, an assault resulting in the killing of a single human being, even though he may be a child, an elderly or a handicapped person, represents an aggression against all mankind: *If anyone slays a human being, for anything other than in punishment of murder or for spreading corruption on earth, it shall be as though he had slain all mankind; and if anyone saves a human life, it shall be as though he had saved all mankind.* (5:32)
4. Justice and perfection are two highly important values. 'Justice' in the language of the Quran also connotes equality. This is clear in the Quranic expression: *... or else he may atone for his sin by feeding needy persons, or by its equivalent in fasting.* (5:95) Here the Quran outlines some methods of atoning for killing animals of game when one is in the state of consecration, or *ihram*, for pilgrimage. The word that expresses 'equivalent' in this verse is the Arabic word for 'justice'.

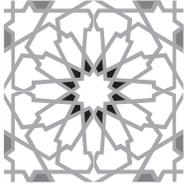
On the other hand, 'perfection', or *ihsan* in Arabic, is one of the most expressive terms in the language of the Quran. It denotes first of all 'goodness', as we note



in its usage in God's promise to His servants *who listen [closely] to all that is said, and follow the best of it*. (39:18) Goodness and perfection are required in all things. The Prophet says: "God has decreed that whatever human beings do should be done with perfection". [87] But the Arabic word denoting perfection, *ihsan*, connotes in addition a kindly and caring touch which we now lack in contemporary medical practice. That is, the readiness to give, and even to give preference to one's Muslim brother or sister over oneself. Perfection also connotes a fine conscience and watching God in every action. The Prophet says: "*Ihsan*, or perfection, is to worship God as if you see Him". [88]

All these values were put into practice from the first day of Islamic civilization:

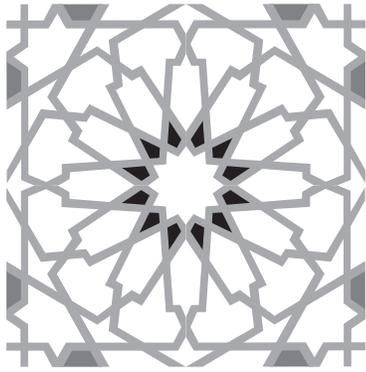
- Sick people had the right to medical care provided by the state. An example is the following report: "As he passed through Al-Jabiyah in Damascus, Umar passed by a group of Christians suffering from leprosy. He ordered that they be given a portion of *zakat* and a food allowance". [89]
- All children were entitled to care provided by the state, as explained in this report: "Umar established a benefit for a newborn amounting to 100 dirhams. When the child grew up the benefit was raised up to 200 dirhams, and increased again when the child attained puberty ... Umar also gave abandoned children an allowance of 100 dirhams, and a maintenance allowance to the child's guardian to look after him or her. The allowance was increased year after year. Umar urged people to take care of abandoned children, and ordered that their expenses, particularly their suckling, be paid by the public treasury". [90]
- Incapacitated, handicapped and elderly people were also entitled to state care, as outlined in the peace treaty concluded by Khalid ibn Al-Walid and the people of Al-Heerah, which states: "I have also agreed the following condition: Any old person who is too weak to work, or any person who falls victim to a disease, or a rich person who suffers a loss of his means so that his co-religionists would give him part of their charity shall be 1) exempt from the *jizya* tax, and 2) provided for, with his dependents, from the Islamic state treasury as long as he lives in the Islamic state". [91]



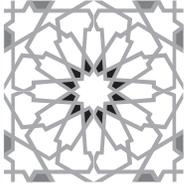
Health as a human right in Islam

It is clear from all these examples that the Islamic state considers the right to health a human right applicable to all human beings with no discrimination on the basis of colour, race or religion. Moreover, care is provided by the Islamic state from birth, ensuring that every child is breast-fed, and continues into old age, making sure that each elderly person receives an allowance ensuring healthy living. In between birth and old age, government care is available to everyone who is ill, incapacitated, handicapped or sustaining a serious injury.

All human beings, whatever their status or affiliation, were, in the Islamic state, entitled to equal health care, preventive or curative. This is indeed the essence of the goal advocated fourteen centuries later by the World Health Organization, defined as 'Health for All'.



Conclusion



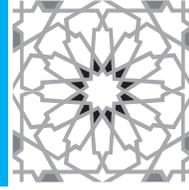
A number of health rights have recently acquired prominence as a result of scientific advances, influencing people's understanding and the moral values on which they base their action.

The first of these is the unborn child's right to life. In principle, all Muslim scholars are agreed that the unborn child is a human being to whom the Quranic statement applies: *If anyone saves a human life, it shall be as though he had saved all mankind. (5:32)* However, some scholars have voiced certain views on the basis of some *hadiths* speaking about the time when the soul is breathed into the foetus. Imam Al-Ghazali, however, had a discerning view, confirmed by the most recent knowledge in the twentieth century. He says that the life of the foetus has two distinct stages. In the first stage it is potential life which the mother does not feel. In the second, it is an apparent life, felt by the mother. Today, we know that this takes place towards the end of the fourth month of pregnancy, when the foetus has grown in size and its hands and legs have grown in length. It is able now to touch the wall of the uterus with its kicks. Al-Ghazali says that life starts right at the beginning, "when the female egg is fertilized by the sperm, and then attaches itself to the uterus. To destroy such a fertilized egg is an offence, which becomes far more serious after the soul is breathed into it. But it culminates into a heinous crime after a live birth. This was practised by some Arabs who buried their daughters alive in pre-Islamic days". [92]

Other Islamic rules applicable to the unborn child confirm Al-Ghazali's viewpoint. They include the rule that a woman sentenced to death shall have a stay of execution if she is pregnant until she has given birth and suckled her baby, even if the pregnancy is illegitimate. Another rule is that causing a miscarriage, even if by accident, incurs a financial punishment, which is a form of blood money.

Both husband and wife also enjoy a right to reproduction, and to seek medical help for the purpose, as long as such reproduction remains within what is legitimate, which means that the pregnancy must be achieved by the wife's egg and the husband's sperm within an existing legitimate marriage.

A further right is that of a person in need of organ or tissue transplant. This also includes blood transfusion, cornea or other types of transplant. It is the duty



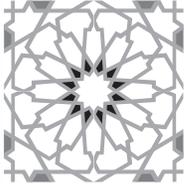
of the community to ensure that the health needs of a sick individual are met, provided that meeting them does not adversely affect others. It is a duty of an Islamic state to lay down guidelines and controls to ensure adherence to Islamic teachings. Blood, kidney or other organs donors actually fulfil a community duty [i.e. *fardh kifayah*] on behalf of the whole Muslim community. Umar ibn Al-Khattab ruled that if a man dies of hunger while he is living in a community, the whole of the community must pay blood money for his death, as if its members have taken part in killing him. It may be ruled by the same token that this same verdict applies if a person dies as a result of not being given a blood transfusion or an organ transplant, provided that this does not have a adverse effect on the donor. This is based on the *hadith* that states: “In their mutual love, compassion and sympathy for one another, believers are like one body: when one part of it suffers a complaint, all other parts join in, sharing in the sleeplessness and fever”. [93]

Another *hadith* in the same vein is that which quotes the Prophet as saying: “One Muslim is the brother of another: he neither does him injustice, nor does he ever give him up”. Another version of this *hadith* adds: “Nor does he let him down”. [94] To these *hadiths* we may add God’s description of the believers, stating that they *give others preference over themselves, even though poverty be their own lot.* (59:9)

Here we may again cite the verse stating: *If anyone saves a human life, it shall be as though he had saved all mankind.* (5:32)

Blood transfusion when a person has lost much blood, and a kidney transplant given to someone whose kidneys have both been irreparably damaged are two types of saving life literally, while cornea transplant that makes a blind man see is saving life in a rather more abstract sense. Both types, however, may be included under the saving of life mentioned in this last verse.

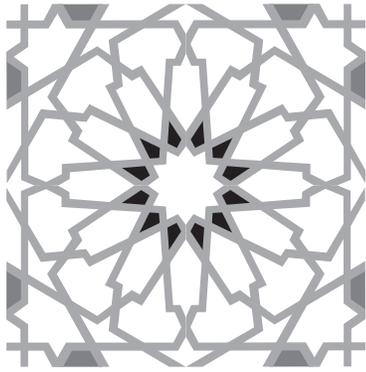
Discussion of such rights as may come into existence could be long. When we consider them, we need only to apply the Quranic verses and the *hadiths* that we have quoted, but we may add also the Prophet’s statement of encouragement: “Whoever relieves his brother of a source of distress, God will relieve him of a source of distress on the Day of Judgement, and whoever shelters a Muslim, God



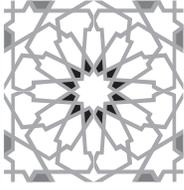
will give him shelter both in this life and in the life to come”. [95]

Finally, the Prophet is quoted as saying: “One believer is the brother of another wherever they happen to be: he provides him with what he misses and backs him with unfailing support”. [96]

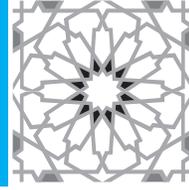
God always tells the truth and gives guidance.



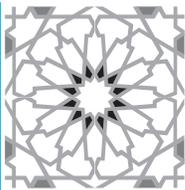
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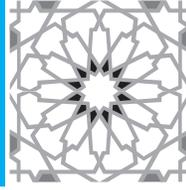
- [1] Related by Al-Bukhari on the authority of Wahb ibn Abdullah.
- [2] Imam Al-Ghazali, *Al-iqtisad fi al-i'tiqad*.
- [3] Related by Ibn Majah on the authority of Abu Bakr.
- [4] Related by Ibn Majah, Al-Hakim and Ahmad.
- [5] Related by Ibn Majah on the authority of Muhsin al-Ansari.
- [6] Related by Al-Tirmithi, Ibn Hibban and Al-Hakim.
- [7] Related by Al-Tirmithi on the authority of Abu Barzah al-Aslami.
- [8] Related by Al-Bukhari on the authority of Ibn Abbas.
- [9] Related by Al-Hakim and Al-Baihaqi on the authority of Ibn Abbas.
- [10] Al-Izz ibn Abd al-Salam, *Qwa'id al-ahkam fi massalih al-anam*.
- [11] Al-Shatibi, *Al-muwafaqat*, Vol. 1, p. 48.
- [12] Al-Shatibi, *Al-muwafaqat*, Vol. 2, p. 8.
- [13] Related by Al-Bukhari and Muslim on the authority of Abu Hurayrah.
- [14] Related by Al-Tirmithi on the authority of Abu Malik al-Ash'ari.
- [15] Related by Ibn Majah on the authority of Thawban.
- [16] Related by Abu Dawood on the authority of Abdullah ibn Amr.
- [17] Related by Ibn Majah on the authority of Abu Hurayrah.
- [18] Related by Abu Dawood on the authority of Al-Mastoor ibn Shaddad.
- [19] Related by Ibn Majah on the authority of Ibn Abbas.
- [20] Related by Muslim on the authority of Abu Hurayrah.
- [21] Related by Ibn Majah on the authority of Abu Umamah.
- [22] Related by Abu Dawood.
- [23] Related by Ibn Hazm in his book *Al-muhalla*.
- [24] Related by Al-Tirmithi.
- [25] Related by Abu Dawood on the authority of Laqit ibn Sabrah.
- [26] Related by Al-Hakim al-Tirmithi in his book *Nawader al-usool*, on the authority of Abdullah ibn Bishr al-Mazini.
- [27] Related by Al-Nassaie and Ibn Khuzaimah on the authority of Aisha.
- [28] Related by Al-Bukhari and Muslim on the authority of Abu Hurayrah.
- [29] Related by Al-Tirmithi and others on the authority of Al-Miqdam ibn Maadikarib.
- [30] Related by Ibn Majah on the authority of Aisha.
- [31] Related by Ibn Majah on the authority of Ibn Massoud.



- [32] Related by Al-Nassaie on the authority of Aisha and Samurah ibn Jundub.
- [33] Related by Al-Bukhari and Muslim on the authority of Ibn Massoud.
- [34] Related by Al-Bukhari and Muslim on the authority of Aisha.
- [35] Related by Muslim on the authority of Abu Hurayrah.
- [36] Related by Muslim and Ibn Majah on the authority of Abu Hurayrah.
- [37] Related by Al-Daraqutni on the authority of Abu Said al-Khudri.
- [38] Related by Al-Khatib in his history book on the authority of Abu Hurayrah.
- [39] Related by Ibn Majah and Al-Baihaqi on the authority of Jabir.
- [40] Related by Al-Bukhari on the authority of Ussamah ibn Zaid.
- [41] Related by Muslim on the authority of Abu Hurayrah.
- [42] Related by Al-Bukhari on the authority of Jabir.
- [43] Related by Abu Dawood on the authority of Ali ibn Shaiban.
- [44] Related by Ahmad on the authority of Ibn Umar, and its chain of transmission grades it as authentic following the criteria of Al-Bukhari.
- [45] Related by Ahmad and Abu Dawood on the authority of Umm Salamah.
- [46] Related by Abu Nuaim on the authority of Anas ibn Huthaifah.
- [47] Related by Al-Bukhari and Muslim on the authority of Abdullah ibn Amr.
- [48] Related by Al-Bukhari and Muslim on the authority of Abdullah ibn Umar.
- [49] Related by Abu Dawood and others on the authority of Abdullah ibn Amr.
- [50] Related by Muslim and Ibn Majah on the authority of Abu Tharr.
- [51] Related by Muslim on the authority of Abu Hurayrah.
- [52] Related by Al-Bukhari in *Al-adab al-mufrad* on the authority of Abu Tharr.
- [53] Related by Al-Tirmithi on the authority of Amir ibn Said through his father.
- [54] Related by Abu Dawood and Ibn Majah on the authority of both Jabir and Aisha, and related by Al-Tirmithi and Ibn Majah on the authority of Safinah.
- [55] Related by Abu Ubaid in the book of purification on the authority of Abu al-Dardaa’.
- [56] Related by Ibn Majah and Al-Nassaie, and a similar version by Abu Dawood on the authority of Abdullah ibn Amr.
- [57] Related by Abu Dawood on the authority of Abdullah ibn Mughaffal.
- [58] Related by Abu Dawood on the authority of Abdullah ibn Habshi.
- [59] Related by Abu Dawood on the authority of Adiy ibn Zaid.
- [60] Related by Abu Dawood on the authority of Saad ibn Abi Waqqas.



- [61] Related by Abu Dawood.
- [62] Related by Ahmad on the authority of Saad ibn Abi Waqqas.
- [63] Related by Ahmad and Abu Dawood on the authority of Al-Zubair.
- [64] Abu Yussuf, *Al-kharaj*, p. 104.
- [65] Ibn Hazm, *Al-muhalla*.
- [66] Related by Ahmad on the authority of Anas ibn Malik.
- [67] Related by Muslim on the authority of Jabir.
- [68] Related by Al-Tirmithi on the authority of Jabir.
- [69] Related by Yahya ibn Adam in *Al-kharaj* on the authority of Abu Ussaid.
- [70] Related by Yahya ibn Adam on the authority of Jabir.
- [71] Yahya ibn Adam, *Al-kharaj*, on the authority of Muhammad ibn Ubaid al-Thaqafi, p. 89.
- [72] Ibid p. 46.
- [73] Ibid p. 63.
- [74] Ibid p. 62.
- [75] Related by Ibn Majah and Abu Dawood on the authority of Abu Sirmah.
- [76] Related by Al-Bukhari and Muslim on the authority of Abu Hurayrah.
- [77] Related by Al-Bukhari and Muslim on the authority of Abu Tharr.
- [78] Related by Al-Bukhari and Muslim on the authority of Abu Hurayrah.
- [79] Related by Al-Bukhari and Muslim on the authority of Abu Musa.
- [80] Related by Al-Bukhari and Muslim on the authority of Abu Hurayrah.
- [81] Related by Al-Bukhari on the authority of Abdullah ibn Amr and Anas ibn Malik.
- [82] Related by Ibn Majah, Al-Daraqutni and others; related by Malik.
- [83] Related by Al-Tabarani with a good chain of transmitters.
- [84] Related by Ibn Majah on the authority of Abu Hurayrah.
- [85] Related by Muslim on the authority of Abu Hurayrah.
- [86] Related by Abu Dawood on the authority of Muath ibn Jabal.
- [87] Related by Ahmad and Al-Tirmithi on the authority of Shaddad ibn Aws.
- [88] Related by Al-Bukhari and Muslim on the authority of Abu Hurayrah.
- [89] Al-Balathori, *Futooh al-buldan*.
- [90] Ibn Saad, *Al-tabaqat*.



[91] Imam Abu Yussuf, *Al-kharaj*.

[92] Imam Abu Hamid al-Ghazali, *Ihya uloom al-deen*.

[93] Related by Al-Bukhari and Muslim on the authority of Al-Nu'man ibn Bashir.

[94] Related by Al-Bukhari and Muslim on the authority of Abdullah ibn Umar.

[95] Related by Muslim and others on the authority of Abu Hurayrah.

[96] Related by Al-Bukhari and Muslim on the authority of Abdullah ibn Umar.

