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Can Global Bioethics Benefit From Islamic Jurisprudential Principles?

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ABSTRACT

Contemporary bioethical debates in the West are often polarized between secular liberal and conservative Christian perspectives, leaving limited space for cultural viewpoints rooted in non-Western traditions such as those of Hinduism, Confucianism, Islam and various African value systems. Secular liberalism's emphasis on individual autonomy often clashes with the communitarian and family-centred ethics prevalent in many Asian and African societies (i.e., the Global South). Meanwhile, certain conservative Christian positions, such as blanket opposition to embryo-based stem cell research or abortion even in cases of rape, are increasingly being challenged, including within Western contexts, for their perceived inflexibility and impracticality. Historical trends suggest that rigid ideological frameworks may lose relevance over time, underscoring the need for a more inclusive and pragmatic model of global bioethics. This article examines the potential contribution of *fiqh*, the science of interpreting Islamic revealed texts, and *Maqāṣid al-Sharī'ah* (the higher objectives of Islamic law) to the discourse of global bioethics. It explores the intersection of Universalism and Realism in Islamic thought and discusses how *Sharī'ah* conceptualizes human life and the strategies for its protection, particularly through the principle of the Preservation of Life (*ḥifẓ al-nafs*) as a central objective. Furthermore, it analyses the role of *maṣlahah* (public interest), the function of Islamic legal maxims as a roadmap to achieving ethical goals, and the centrality of family and community in Islamic ethics. These themes are considered in contrast to the individualistic values predominant in Western bioethical frameworks.

1 | Introduction

Western societies are currently witnessing a deep polarization in the field of medical ethics, whereby a minority of religious Christian conservatives are pitted against a majority of secular liberals. This divide is evident in ongoing debates over abortion and stem cell research in the United States [1–6], which are often framed as ‘black and white’ issues, if not a ‘good’ versus ‘evil’ crusade, leaving little room for moderate perspectives. On

the one hand, Christian conservatives typically adopt rigid stances on the sanctity of life [1, 7]. For instance, many advocate for a complete ban on abortions [3, 4], even in cases of rape or severe congenital deformities detected through prenatal testing. Simultaneously, they proscribe all scientific research involving human embryos and stem cells [6, 8], despite the potential for life-saving applications. This position stems from their belief that human foetuses and embryos are fully alive and deserving of the same legal protection as born individuals. A

recent ruling by the Alabama State Supreme Court declared human embryos to be unborn children, which has led some fertility clinics in Alabama to halt their IVF treatment programmes due to fears of lawsuits and liabilities for any embryos that may be inadvertently destroyed during clinical and laboratory procedures [9]. Although Christian conservatives often claim that their views on the sanctity of life are firmly grounded in the Bible, this justification is often based on a literal and uncritical interpretation of the scripture [1, pp. 35–39]. As a result, their perspectives are increasingly perceived as unrealistic and impractical, even within Western societies. Not surprisingly, these views do not resonate well with the scientific and medical communities as well as broad swathes of the general public.

On the other hand, many Western secular liberals often adhere to equally rigid and uncompromising stances on individual liberty and autonomy in medical treatment. They prioritize patients' autonomy and the right to choose, often overlooking potential harms and negative repercussions for the individuals themselves, their families and society at large. This reductionist viewpoint overemphasizes individual desires, neglecting the broader context of human beings as social creatures who can thrive only by adapting to society and living in harmony within families and communities. A notable example is the support among many secular liberals for the early diagnosis of gender dysphoria in prepubescent children and young adolescents. They advocate for gender transition at a young age, often without requiring parental consent [10, 11]. This stance disregards the fact that this age group is highly impressionable and still forming their personal identities, which increases the risk of later regretting impulsive decisions. This is attested by numerous accounts of personal regret by transgender individuals who later choose to de-transition back to their original birth gender [12, 13].

Islamic legislation in the field of biomedical research exemplifies a balanced approach between the human right to pursue scientific advancement and the ethical obligations that must govern such endeavours. It seeks to harmonize the need to find treatments for chronic and life-threatening illnesses with the ethical principles that safeguard human dignity and public interest. A case in point is the use of fertilized ova in research aimed at developing tissues or organs that could replace damaged or diseased human parts. In such instances, the general principles (*qawā'id*) and higher objectives (*maqāsid*) of Islamic law offer both ethical legitimacy and methodological guidance for the pursuit of such research.

Islamic jurisprudence recognizes the default presumption of permissibility (*ibāḥah*) in matters of scientific research unless there is clear evidence to prohibit it. In fact, undertaking such research may be considered recommended (*mustaḥabb*), or even a collective obligation (*farḍ kifāyah*), given that it falls under the religiously endorsed pursuit of medical treatment. This is consistent with the prophetic instruction: 'Seek treatment, O servants of Allah, for Allah has not created a disease except that He has also created its cure, except for old age' (Sunan Ibn Majah 3436).

Islamic law is fundamentally grounded in the evaluation of benefits (*maṣāliḥ*) and harms (*mafasid*). Even if there is a

presumed ethical concern related to the use of fertilized ova, the potential benefits, such as the development of life-saving treatments, outweigh the harm in using materials that do not possess legal personhood. This aligns with the well-established Islamic legal maxim: 'The lesser harm may be tolerated to realise the greater good'.

History indicates that ideas lacking practical applicability or societal relevance tend to be marginalized or eventually abandoned. At the same time, ethical guidelines should not be swayed by prevailing populist trends. Instead, they must recognize the human being as a holistic entity, encompassing physical, psychological and spiritual dimensions, and as a central agent on this planet who is obliged to actively fulfil various responsibilities in the personal, familial and societal spheres. Hence, a global bioethics framework should adopt a long-term, far-sighted and holistic perspective, instead of focusing solely on immediate or short-term considerations.

Islamic jurisprudential thought, particularly through principles such as *Maqāsid al-Shari'ah* (the higher objectives of Islamic law), *Qawā'id Fiqhiyyah* (juristic maxims) and the consideration of *maṣlahah* and *mafsadah* (public benefit and societal harm), offers a potentially constructive contribution to the global bioethical framework. These principles are inherently adaptable and context-sensitive, allowing for reinterpretation in broader ethical discussions. One potential challenge is that the use of Islamic jargon and technical terms may not resonate with non-Muslim or secular audiences. To address this, Islamic terms can be articulated using secular language to enhance accessibility and relevance. For instance, the concept of *hifz al-din* (protection of religion) can be reconceptualized as the protection of core values such as justice, human dignity and fundamental rights. This interpretation aligns with the broader semantic range of the term *din*, which, in Arabic, encompasses notions of moral accountability, justice and judgement, the pillars of the Islamic way of living. In the Islamic worldview, religion is not limited to rituals but encompasses all areas of human life. Any action, whether teaching, working, parenting or serving society, is part of the religious path when done with sincerity and ethical responsibility [14].

Furthermore, across human history and diverse civilizations, ideals such as justice have often been upheld as transcendent values, frequently regarded as more significant than individual life itself. Virtually all human societies have historically sanctioned the sacrifice of individual lives, for instance through the penal execution of those guilty of grave offenses, to preserve collective moral and legal order. This thus demonstrates that the prioritization of justice and the common good over individual interests is not unique to any one tradition, but is a shared ethical impulse with potential relevance to global bioethical discourse.

During the premodern era, Islamic scholars made significant contributions to the development of systematic inquiry, pioneering elements of what would later be recognized as the modern scientific method through the application of rational analysis and logical reasoning. These intellectual tools were used not only in the natural sciences but also in the formulation and refinement of various Islamic disciplines, including

jurisprudence and ethics [15, 16]. In a similar vein, such foundational principles can also facilitate enhancing the global bioethics for addressing contemporary and emerging bioethical challenges.

It is important to clarify that this article does not propose the establishment of an entirely new paradigm of global bioethics. Rather, it aims to highlight selected principles from Islamic jurisprudence (*fiqh*) and examine how these may constructively contribute to global bioethical discourses, particularly in addressing some of its current tensions and limitations. To this end, the article explores the interpretive tools of *fiqh* and the framework of *Maqāṣid al-Sharī'ah* (the higher objectives of Islamic law) as meaningful contributors to a global bioethics framework. By engaging with the concepts of Universalism and Realism within Islamic thought, it considers how *Sharī'ah* understands the sanctity of human life and outlines the ethical strategies used to safeguard it, most notably through the principle of *ḥifẓ al-nafs* (preservation of life) as a foundational objective. The discussion further extends to the role of *maṣ-laḥah* (public interest), the guiding function of Islamic legal maxims in ethical reasoning, and the emphasis on family and communal welfare in Islam, examined here in dialogue with and at times contrasted with the more individualistic orientation of Western bioethics frameworks.

2 | Islam and Global Bioethics

Current debates on the establishment of a 'comprehensive' global ethics and bioethics framework reflect the international community's commitment to universal moral principles. A notable milestone was the 1999 formulation of a global religious 'bioethics', which laid the foundation for UNESCO's adoption of universal bioethics in 2005. This development marked a significant step towards recognizing shared ethical values across diverse religious and cultural traditions, creating a platform for international dialogue on challenges in healthcare, research and technology [17].

UNESCO's 2005 endorsement underscores the need for widely accepted ethical principles that transcend geographic, cultural and religious boundaries. This reflects an emerging consensus on the importance of global ethical standards, particularly in response to complex dilemmas posed by advancing medical technologies and global health crises [17]. In today's interconnected world, characterized by international mobility, migration and the influence of digital media, traditional cultural boundaries have become increasingly diminished. Individuals now access healthcare across vastly different sociocultural contexts, making a globally informed ethical framework essential for ensuring culturally sensitive and morally coherent clinical practices.

Unlike mainstream bioethics, which are often centred on short-term dilemmas posed by novel biomedical interventions, global bioethics adopts a broader scope. It links the survival and flourishing of the human species not only to social, cultural and political structures but also to environmental determinants [18]. Within this expanded ethical landscape, religion as a powerful social institution plays a vital role. By offering systems of beliefs,

practices and moral values, religion shapes human conduct and contributes to ethical reflection and social policy. As biotechnology advances, enhancing our ability to restore the human body, healthcare stakeholders increasingly seek guidance from bioethicists, religious leaders and policy experts on the appropriate use of new medical technologies [19].

Islam, with an estimated 2 billion adherents, constituting approximately 24% of the world's population, is a global moral force that must be considered in bioethical deliberation. Rooted in *Sharī'ah* and shaped by centuries of scholarly discourse, Islamic bioethics is an interdisciplinary field integrating theology, jurisprudence and moral philosophy. It seeks to balance individual rights with collective responsibilities and harmonize theoretical ideals with practical realities. Islamic bioethics rests upon a holistic conception of human welfare, grounded in principles such as *ḥifẓ al-dīn* (protection of religion), *ḥifẓ al-nafs* (protection of life), *ḥifẓ al-'aql* (protection of intellect), *ḥifẓ al-nasl* (protection of progeny) and *ḥifẓ al-māl* (protection of wealth). This integrative vision makes it particularly appropriate for addressing contemporary bioethical issues and challenges, including equitable access to healthcare, the ethics of biotechnology and end-of-life decisions.

In this regard, Islamic jurisprudential principles (*fiqh*) offer valuable normative resources. Literally meaning 'deep understanding', *fiqh* denotes the interpretive framework through which *Sharī'ah* is applied to practical issues, including those in medicine. Developed through centuries of intellectual effort, beginning from the time of the Prophet Muhammad and advancing through the Islamic classical period, *fiqh* encompasses a rich heritage of legal reasoning, particularly in periods when *ijtihād* (independent legal reasoning) flourished. Throughout its development, *fiqh* has addressed both real and hypothetical cases, engaging with the complexity of human life and moral imagination.

Two core methodological tools, *Maqāṣid al-Sharī'ah* (higher objectives of Islamic law) and *Qawā'id Fiqhiyyah* (Islamic legal maxims), represent the intellectual maturity of this tradition. *Maqāṣid al-Sharī'ah* refers to the higher aims of Islamic law—namely, the divine intent to promote benefit and prevent harm for humanity. Scholars believe that each legal ruling serves specific human interests, prompting efforts to uncover the reasoning behind Qur'anic and Prophetic injunctions. Some argue that these overarching objectives form the basis for broader ethical and legal frameworks [19]. *Qawā'id Fiqhiyyah* (Islamic legal maxim) is defined as 'a general rule that applies to numerous individual cases (*juz'īyyāt kathīrah*), facilitating the understanding of their legal rulings' [20]. In Islamic jurisprudence, the significance of the five universal legal maxims, known as *al-Qawā'id al-Khams al-Kubrā*, stems from their widespread acceptance across the four Sunni Schools (*Madh-hab*) of Islamic law. Additionally, Islamic jurisprudential principles also incorporate the concepts of *Maslahah-Mafsadah* (public good vs. harmful effects on society), *Waqi'iyah* (realism) and the concept of family roles.

These frameworks provide ethical guidance grounded in Islamic epistemology, and they remain vital instruments for addressing bioethical issues today. Their enduring relevance lies

in their ability to navigate ethical ambiguity, accommodate conflicting interests and competing moral claims and offer structured reasoning in morally fraught scenarios. Hence, exploring how *fiqh*-based tools can contribute to global bioethics is presumably promising. These would be relevant in facilitating the interpretation of the four canonical principles of secular biomedical ethics and guiding their practical applications in resolving contemporary bioethical issues and challenges, as well as balancing their priorities whenever conflict arises between them.

A contemporary illustration of how *Maqāṣid al-Sharī'ah* and *Qawā'id Fiqhiyyah* contribute to ethical guidance can be seen in emerging bioethical dilemmas, such as the permissibility of artificial womb technology and extracorporeal gestation, the opportunistic sex selection of IVF embryos following pre-implantation genetic testing to avoid genetic disorders and the elective freezing of ovarian tissue by single women for non-medical or social reasons. In such cases, these jurisprudential tools enable a principled yet context-sensitive approach, balancing the preservation of essential values of human lives on this planet [21–23].

The four foundational principles of biomedical ethics, beneficence, non-maleficence, justice (especially distributive justice) and autonomy, formulated by Beauchamp and Childress [24], have gained global recognition as a core ethical framework. These principles are widely accepted among Muslim bioethicists, many of whom note significant areas of convergence with Islamic ethical thought. For instance, the concept of *maṣlaḥah* (public interest) aligns with beneficence; the legal maxim *lā ḍarar wa lā ḍirār* (no harm and no reciprocating harm) corresponds to non-maleficence; *qisṭ* and *'adālah* (equity and justice) reflect distributive justice; and *dīn* (religion), encompassing moral accountability, relates to broader ethical considerations. Although autonomy is subject to interpretative debate within Islamic scholarship, its ethical aims can be partially addressed through concepts such as *taklīf* (moral responsibility), individual agency and *shūrā* (consultation).

Nonetheless, the four-principle canonical framework, while helpful as a general ethical reference, remains abstract and insufficient in resolving real-world ethical dilemmas and tensions. For example, debates on gender-affirming procedures for minors expose the conflict between autonomy (self-identification) and non-maleficence (avoiding irreversible harm). Such cases underscore the limitations of canonical principle-based ethics when faced with morally complex decisions. In this context, the discussion exploring how Islamic jurisprudence can contribute to the enrichment of global bioethics by offering principles that are relatable and applicable to the wider humanitarian community is both relevant and significant.

2.1 | Universalism and Realism in Islamic Thought

Islamic principles are well positioned to contribute meaningfully to a global bioethical framework due to their universal orientation. The Quran frequently addresses all of humanity

with inclusive expressions such as *yā ayyuhā al-nās* ('O mankind') and refers to the Prophet Muhammad as *raḥmatan lil-'ālamīn* ('a mercy to all the worlds'). This universal language reflects the transhistorical and transcultural character of Islamic teachings. For instance, the Qur'an declares: 'Say (O Muhammad): O mankind! Verily, I am sent to you all as the Messenger of Allah...' (al-A'rāf, 7:158), and, 'We have not sent you except as a bearer of glad tidings and a warner to all mankind...' (Saba', 34:28). Such verses affirm that the ethical foundations of Islam are intended for all people, irrespective of background or context.

At its core, *Sharī'ah*, Islam's moral and legal framework, aims to safeguard essential human interests and prevent harm. *Fiqh* (Islamic jurisprudence) is fundamentally oriented towards promoting beneficence and preventing harm, and all legal rulings within this tradition can be viewed as either aiming to secure benefit or to avert harm—half directed towards the attainment of good and half toward the repulsion of harm [25]. Abū Ḥāmid al-Ghazālī, a renowned theologian, *Shāfi'ī* jurist and philosopher, (d. 1111), elaborated on *maṣlaḥah* as 'the attainment of benefits and the repulsion of harms' [26]. It promotes actions conducive to individual and collective welfare while prohibiting those that are injurious to the self, society or environment. Muslim scholars have identified various forms of *ḍarar* (harm), including physical injury, financial loss, psychological distress, denial of legal rights and damage to property, body or dignity. All such forms of harm are categorically prohibited in Islamic law, as they undermine justice, well-being and the preservation of essential human interests [27].

Grounded in universal ethical principles, Islamic teachings resonate with many global values. One such principle is *shūrā* (mutual consultation), which is integral to inclusive decision-making in matters of public concern. The Quran commends those 'who conduct their affairs by mutual consultation' (al-Shūrā, 42:38), indicating that ethical deliberation and governance in Islam are fundamentally participatory. Another key value is *al-musāwāh* (equality), which upholds the equal worth of all individuals before the law, regardless of social status, ethnicity or religious affiliation. This commitment to justice and nondiscrimination aligns closely with contemporary bioethical imperatives.

Various prophetic statements, such as 'All mankind is from Ādam, and Ādam was created from dust. There is no superiority of an Arab over a non-Arab, nor of a non-Arab over an Arab, nor of a white over a black, nor of a black over a white, except through *taqwā* (piety)' (*Ṣaḥīḥ Muslim*, ḥadīth no. 1218), affirm Islam's universal message of human equality and dignity. In this context, *taqwā* is presented as the sole criterion for moral excellence, rejecting all forms of racial, ethnic or tribal superiority. These principles, articulated in the Prophet's final sermon, reinforce the transhistorical and transcultural relevance of Islamic ethical teachings. Such egalitarian ethos aligns closely with one of the central concerns of global bioethics: the call for equity, justice and nondiscrimination in healthcare access, biomedical research and policymaking. Islam stresses on moral merit over inherited privilege, offering a compelling framework for resisting racism, social exclusion and unequal treatment in medical contexts.

2.2 | *Sharī'ah* and Human Life

Islamic jurisprudence (*fiqh*) has developed sophisticated ethical frameworks to preserve human welfare. Central to this is the theory of *Maqāṣid al-Sharī'ah* (the higher objectives of Islamic law), which outlines five essential aims, traditionally known as *al-ḍarūriyyāt al-khamsah* (the five necessities): the protection of religion (*hiḏz al-dīn*), life (*hiḏz al-naḑs*), intellect (*hiḏz al-'aql*), progeny (*hiḏz al-nasl*) and property (*hiḏz al-māl*). These are regarded as fundamental for maintaining human dignity and societal order; their violation is believed to lead to chaos and the collapse of civilization [28].

Maqāṣid al-Sharī'ah is founded on the premise that the objectives of Islamic law extend beyond mere belief and obedience to Allah; they encompass the fulfilment of higher human interests and the promotion of public welfare. As both a comprehensive legal philosophy and a distinct area of Islamic jurisprudence, *maqāṣid* reflects the *Sharī'ah's* profound concern for the holistic well-being of humankind—both in this world and in the hereafter [29].

Ibn al-Qayyim al-Jawziyyah, a prominent Hanbali jurist, theologian and reformist thinker (d. 1350), expounded on the role of *maṣlahah* in legal reasoning, emphasizing its alignment with the spirit of the *Sharī'ah*. He articulated a foundational thesis of *Sharī'ah*, asserting that it is rooted in wisdom and the realization of human welfare in both this world and the hereafter. He emphasized that *Sharī'ah* is fundamentally characterized by justice, mercy, wisdom and beneficence. Consequently, he argued that any ruling that results in injustice, cruelty, corruption or absurdity cannot be considered part of the *Sharī'ah*, even if it is attributed to it through interpretation or analogy [30].

Al-Shāṭibī, a prominent Andalusian Mālikī jurist and pioneer of the *Maqāṣid al-Sharī'ah* framework (d. 790 AH/1388 CE), emphasized that 'The *Sharī'ah* is entirely intended for the rectification of human beings, and reason affirms that their welfare lies in the cultivation of noble character traits' [31]. This profound moral purpose underpins Islamic legal theory and extends naturally to all spheres of life, including healthcare and medicine, where the cultivation of compassion, justice and human dignity becomes central to ethical practice.

The objectives of *Sharī'ah* operate on multiple tiers: the *ḍarūriyyāt* (essentials), which are indispensable for the survival and stability of individual and society; the *ḥājiyyāt* (needs), which alleviate hardship and promote ease without threatening core interests; and the *taḥṣīniyyāt* (enhancements), which cultivate moral excellence and uphold human dignity. Next is *mu-kammilāt*, complementary measures, which reinforce and complete these three categories. This stratification enables Islamic ethics to maintain moral clarity while allowing for context-sensitive application, particularly in complex or evolving situations.

Maqāṣid al-sharī'ah are increasingly promoted as effective tools for addressing contemporary societal issues. It is argued that *maqāṣid*-based approaches offer authentic ways to bridge Islam's moral vision with the demands of modernity across economic, political and cultural domains. Their grounding in

rational reasoning makes them more adaptable to scientific and empirical data than traditional *fiqh*, allowing for more responsive and evidence-based bioethical decision-making. Moreover, *maqāṣid* frameworks become accessible to clinicians, patients and policymakers, supporting practical decisions in diverse and pluralistic settings. By focusing on universal values such as life, intellect and dignity, *maqāṣid* also provide a shared ethical language that facilitates interfaith dialogue and global engagement, enhancing their relevance within international bioethics discourses [19].

Some have argued that for a medical issue to be deemed ethical, it must fulfil, or at least not violate, one or more of the five core objectives (*maqāṣid*) of Islamic law [32]. To align with contemporary global bioethical discourses, the classical objectives of Islamic law, such as the preservation of religion, life, progeny, wealth and intellect, can be reinterpreted through the lens of universal human interests. These objectives can be reframed in terms of core values like human dignity, bodily integrity, reproductive health, economic security and cognitive well-being. As these interests are increasingly understood through biomedical and social-scientific frameworks, the ethical role of medicine becomes one of promoting and protecting these foundational aspects of human flourishing.

While the protection of human life is recognized as the primary aim of medicine, this framework maintains that healthcare engages all core human interests. These include spiritual well-being, physical life, reproductive capacity, social and economic stability and mental health. A hierarchical ordering of these values is upheld, where spiritual commitments (such as the ability to worship) are prioritized, followed by the preservation of life, intellect, procreation and wealth. This ranking system, proponents argue, helps resolve ethical conflicts by giving precedence to higher-order values in clinical decision-making. Kasule refers to this method as *maqāṣid-based ijtihād* and has promoted its inclusion in medical ethics education across Muslim-majority contexts. The specific features of a given technology or medical technique, along with its intended outcome, must be assessed in terms of how they affect the fundamental, necessary or beneficial dimensions of key human interests [32].

Some modern Muslim scholars have reinterpreted *Maqāṣid al-Sharī'ah* to incorporate developments in the human, social and natural sciences, shifting the focus towards broader societal concerns [33]. This expanded vision includes safeguarding and advancing values such as human dignity (extending to other living beings and the environment), social welfare, intellectual growth, creativity, autonomy, justice, equality, freedom, solidarity, compassion and cultural diversity as essential aims of Islamic law [34].

3 | Preservation of Life (*Hiḏz al-Naḑs*): The Governing Principle

From the above, it is evident that, from a *maqāṣid*-based perspective, *dīn* (faith), *naḑs* (life), *'aql* (intellect), *nasl* (progeny) and *māl* (wealth) constitute the essential foundations and structural pillars upon which human society and civilization are

built [31, 35]. In the hierarchy of the essential objectives of Islamic law (*al-darūriyyāt al-kullīyyah*), the preservation of life (*ḥifẓ al-nafs*) is ranked immediately after the protection of religion. *Ḥifẓ al-nafs* is grounded in the recognition of the right to life (*ḥaqq al-ḥayāt*), a fundamental principle in Islamic legal and ethical thought. This ordering, adopted by the majority of classical legal theorists such as al-Ghazālī and al-Shāṭibī, highlights the centrality of human life in the moral vision of the *Sharī'ah*. The notion of *ḥifẓ al-nafs* is not limited to safeguarding the physical body, but encompasses the holistic well-being of the human person at the spiritual, intellectual, psychological and social levels. This comprehensive view is consistent with the Qur'anic affirmation of human dignity (*karāmah*) and the sanctity of life, where the taking of a single innocent life is equated with the killing of all humanity (Qur'an 5:32). Islamic legal ethics therefore obligate the protection and flourishing of life as a divine trust, forming a foundational principle for public policy, healthcare ethics and social justice in the Islamic tradition.

According to El-Mesawi et al. (2022), the principle of *ḥifẓ al-nafs* in Islamic jurisprudence is deeply concerned with the protection and care of human life as it exists in real individuals who form the foundation of society and civilization. As they explain, "The phrase *ḥifẓ al-nafs* as used by Muslim scholars of Islamic jurisprudence revolves around the care for, and protection of, human life as exemplified by, and embodied in, concrete human individuals who are the real and ultimate constituents of society and the actual agents of societal development and civilization building. As expounded by Ibn Khaldūn, human social association and civilization (*ijtimā', 'umrān*) cannot exist and endure without realizing the great purpose of protecting human life, together with the other necessary universal goals for which the rules of the *Sharī'ah* have been enacted" [35].

Among the key precepts of *Maqāṣid*, the preservation of life (*ḥifẓ al-nafs*) is particularly relevant to bioethics. It affirms the sanctity, dignity and inviolability of human life, regardless of race, gender or age. Each of the *darūriyyāt* (essential objectives) in Islamic law can be pursued through a dual approach: a proactive, positive dimension and a preventive or reactive one. In the case of *ḥifẓ al-nafs* (protection of life), family and marriage represent key components of the positive and forward-looking aspect. Islam places equal emphasis on both the *being* and *becoming* of the human person. This includes all stages of life, from prenatal care and childbirth to upbringing and personal development, ensuring a holistic and balanced human existence. The preservation of life thus encompasses not only physical survival but also emotional security, justice, dignity and respect. To uphold these values, Islam has established a corpus of legal rules and institutional mechanisms with significant ethical and social implications [35].

The preventive or reactive aspects of *ḥifẓ al-nafs* involve prohibiting harmful and destructive actions and establishing legal safeguards to prevent threats to life, whether posed by external natural forces, human aggression or self-inflicted harm such as suicide. Islamic law addresses these threats through various legal measures, one of which is *qisās* (just retribution), which functions as a deterrent and a means of upholding the sanctity of life in cases of homicide and unlawful killing [35]. Ibn

‘Āshūr, a 20th-century Tunisian Mālikī jurist, Qur'anic exegete and leading reformist scholar (d. 1973), explains that the objectives of criminal punishments in Islam serve three main purposes: the reformation of the offender, the restoration of the victim's sense of justice and the deterrence of potential imitators [36]. By strictly prohibiting slander and defamation, Islamic teachings safeguard not only the physical well-being of individuals but also their emotional integrity, dignity, moral standing and spiritual well-being.

However, the application of this principle is nuanced. While Islamic law unequivocally prohibits murder, suicide and unjustified killing, it does not categorically prohibit abortion or euthanasia in all cases. On abortion, Muslim jurists are generally in agreement that it may be permissible when there is a legitimate threat to the mother's life, particularly if the gestational age is less than 120 days. After this point, the prohibition is markedly intensified due to the classical belief that ensoulment (*naḥk al-rūḥ*) occurs at 120 days. Legal responsibility for the act of abortion is recognized, although it does not carry the same weight as intentional homicide. While the majority position holds that rape does not constitute sufficient grounds for abortion, a minority of jurists allow for termination in such cases, provided that it occurs before ensoulment [37].

With regard to euthanasia, there is broad consensus among Islamic scholars that active forms, whether voluntary, involuntary or physician-assisted, are unequivocally prohibited, as they contravene the principle of the sanctity of life upheld in *Sharī'ah*. However, an emerging discourse has developed around the permissibility of withholding or withdrawing life support in cases of medical futility. A number of jurists consider such decisions permissible under strict conditions, particularly when supported by the assessment of at least three qualified medical professionals. These evolving debates reflect that the principle of *ḥifẓ al-nafs* (the preservation of life) is not applied in a rigid or absolutist manner, but rather is informed by other key *Sharī'ah* principles, including the avoidance of harm (*ḍarar*), the necessity (*ḍarūrah*), *shūrā* (mutual consultation) and the pursuit of the public good (*maṣlaḥah*). While life-support intervention for terminal patients is generally discouraged when it serves only to prolong suffering, the provision of basic sustenance, such as food and hydration, remains a non-negotiable obligation [38].

Islamic jurisprudence also warns against indirect harm that may threaten life, such as medical negligence, unsafe biotechnological practices or environmental degradation. The Qur'an commands: "Do not kill yourselves. Surely Allah is ever Merciful to you" (al-Nisā' 4:29) and "Do not throw yourselves into destruction with your own hands" (al-Baqarah 2:195). These verses underline the principle of non-maleficence and responsibility, which Islamic ethics extends to medical professionals, institutions and policymakers alike.

Finally, the principle of *Qisās* (legal retribution) is occasionally invoked to reinforce accountability in cases of intentional harm or fatal misconduct, including in medical contexts. However, it is applied only through due legal process and within a highly regulated framework, underscoring the rule of law and justice in protecting life.

3.1 | The Role of *Maṣlaḥah* (Benefit/Interest)

Within Islamic jurisprudence (*fiqh*), *maṣlaḥah*, meaning public interest or benefit, is a foundational concept that informs both ethical theory and practical legal reasoning. It is closely linked to the broader aims of Islamic law, known as *Maqāṣid al-Sharī'ah*. The notion of *maṣlaḥah* captures not only tangible outcomes but also the means by which these outcomes are pursued. Classical Islamic scholars categorized it into three types. The first is *maṣlaḥah mu'tabarah*, i.e., recognized benefits, that are explicitly affirmed by Qur'anic text, prophetic traditions or scholarly consensus. The second category is *maṣlaḥah mulghāh*, i.e., purported benefits, that Islamic law has nullified due to conflict with its established principles. The third is *maṣlaḥah mursalah*, i.e., those interests for which there is no explicit textual endorsement but which do not contravene the aims of the *Sharī'ah*, and are often used to derive rulings for new or unprecedented situations.

A key aspect of Islamic moral philosophy is that benefit (*manfa'ah*) is not determined by outcomes alone, but by whether both the means and the ends conform to divine moral standards. Islam does not adhere to a utilitarian framework, which tends to prioritize consequences, majority preferences or pleasure as moral determinants. Rather, it upholds that a good result is not ethically valid if achieved through impermissible means. For example, in Islamic bioethics, curing a disease through the use of prohibited substances, such as treatments derived from unlawfully obtained human embryos or using pork-based products when alternatives exist, would not be considered ethically acceptable, even if medically effective. The ethical legitimacy of the means is as vital as the intended outcome. Similarly, good intentions alone do not justify unethical outcomes. For instance, the intention to relieve a terminally ill patient's suffering does not justify euthanasia in Islamic bioethics, as it involves the deliberate ending of life, an act that violates the principle of *ḥifz al-nafs* regardless of compassionate motives.

Opposed to *maṣlaḥah* is the concept of *mafsadah*, referring to harm, corruption or the undermining of public interest. It encompasses prohibited acts, major sins and those deemed morally reprehensible. Ethical deliberation in Islamic thought, especially in contemporary biomedical contexts, often involves weighing *maṣlaḥah* against *mafsadah* to arrive at morally sound outcomes.

3.2 | Islamic Legal Maxims: The Roadmap to the Goals

Legal maxims in Islamic law serve to equip jurists with the tools to address contemporary ethical issues in accordance with the *maqāṣid al-Sharī'ah* [39]. As al-Qarāfi (d. 1285), a prominent Mālikī jurist and legal theorist, observed, the legal maxims enable jurists to understand the diversity and methods of legal interpretation [40]. When applied to ethico-legal matters, these maxims express the moral values inherent in the Islamic legal system [6], and since the ultimate aim of the *Sharī'ah* is to realize benefit and prevent harm, legal maxims are intended to facilitate such purposes [41].

These maxims are recognized for their extensive applicability to various aspects of life. The five major maxims are as follows: (1) *matters are judged by their objectives (intentions)*, (2) *certainty is not overruled by doubt*, (3) *hardship begets facility*, (4) *harm must be eliminated* and (5) *custom is authoritative*. These principles not only guide legal deliberations but also contribute to the attainment of the *Maqāṣid al-Sharī'ah*.

Given the universal relevance of these principles across various cultures and religious traditions, integrating them into bioethics discourses or adapting their core tenets for inclusion in global bioethical frameworks could enhance their acceptance. The universal and pragmatic nature of these principles, particularly their inherent flexibility, adds significant value.

In Islamic jurisprudence, harm (*ḍarar*) renders an act wrongful, even in the exercise of one's lawful rights. Ownership does not permit actions that cause undue harm to others; if harm outweighs benefit, the use of such property may be legally restricted [39].

A thorough examination of bioethical issues based on the five grand maxims of Islamic jurisprudence, intention, certainty, injury, necessity and custom, requires careful consideration and adherence to strict criteria. These maxims provide a framework for evaluating novel issues that may not have been explicitly addressed in traditional Islamic sources or scholarly interpretations. Contemporary medical developments have raised complex ethical questions that are often not directly addressed by the primary sources of Islamic law. In such cases, jurists have to turn to established legal maxims (*qawā'id fiqhīyah*) to guide reasoning and formulate responses [21, 26]. Their general and foundational nature allows them to address new situations while remaining grounded in Islamic legal tradition. Moreover, many of these principles reflect ethical concerns that are widely shared across various diverse cultures and traditions. This gives them a degree of universality that enables meaningful contribution to global bioethical discussions, particularly in areas where shared moral language is needed.

3.3 | Vitality of Family and Society

As previously mentioned, debates on medical ethics and bioethical discourses in Western societies are dominated by the clash between secular liberal ideals and Christian dogma. Currently, secular liberalism has the upper hand, having been embraced by the majority of the population in most democratic Western societies that have witnessed a drastic decline in religiosity and church attendance in recent years [42]. To better understand bioethical issues from a Western secular liberal viewpoint, and how they may conflict with the traditional cultural and religious values of non-Western societies, one must first understand its roots. Many scholars claim that Western secular liberalism goes back to the Enlightenment era of the 17th and 18th century in Europe, which spawned the American and French revolutions [43]. However, other scholars will trace it even further back to the Reformation and Renaissance periods, when Europe was transitioning from a predominantly rural agrarian society steeped in medieval feudalism to mercantilism and urbanization [44]. Nevertheless, it must be noted that current Western secular liberalism only appeared in its

recognizable form during the postindustrial era following the second world war. Before that, most people in Western societies adhered to traditional or quasi-traditional Christian values, as evidenced by the heavy social stigmatization of homosexuality and transsexualism, disdain for divorce and single motherhood and severe restrictions on abortion in pre-war Western societies. In contrast, these issues are now commonplace and widely accepted in most Western societies.

Many sociologists attribute this shift to the breakdown of traditional family values and abandonment of religion as a result of the sexual revolution and the emergence of counterculture movements in the 1960s [45, 46]. This was fuelled in part by the widespread availability of contraceptive drugs [47], which encouraged uninhibited sexuality and personal desires, often in defiance of social norms. Conversely, the sexual revolution and counterculture movements had a limited impact on Asian and African societies. Although contraceptive drugs gradually became widely available to non-Western societies around the same time, it occurred within the framework of family planning and birth control policies initiated by national governments in response to overpopulation concerns [48]. The aim was not to destigmatize promiscuity or promote uninhibited sexuality.

Although it is clear that the sociocultural characteristics and value systems of Islamic, Hindu, Confucian and African societies differ considerably, they share certain commonalities that sharply contrast with Western secular liberal values. Notably, there is a strong sense of communitarianism in these societies, which emphasizes an individual's connection and integration within their family and community. Individuals are generally expected to align their words and actions with those of their family or community members to attain social harmony and cohesiveness. These societies uphold a diverse array of social norms, strictures and taboos that are incumbent on individual members. This stands in stark contrast to the Western liberal ideal that places paramount importance on individual liberty, personal autonomy and free will. Another shared characteristic of these Asian and African societies is their family-centric nature, which usually requires individuals to understand their roles and positions within the family hierarchy depending on age and gender and to cooperate and contribute to the overall welfare and advancement of the family.

In Islamic societies, the family functions as the cornerstone of social order, rooted in divinely guided principles, where spouses are seen as forming a permanent, sacred covenant (*al-mithāq al-ghalīz*) that supports emotional intimacy, moral education and intergenerational bonds [49]. Authority within the Islamic family is consultative and complementary: gender roles are different but balanced, with men traditionally providing and safeguarding, and women nurturing and guiding, all within a framework of mutual respect and shared responsibility [50]. This structure reinforces dignity, cohesion and social solidarity, extending beyond the nuclear unit to include extended kin and broader community obligations.

By contrast, Western family structures tend towards individualism, valuing autonomy, self-expression and flexible arrangements such as cohabitation, blended families and single-parent households [51]. The Western nuclear family model emphasizes

personal rights and legal equality among members, often decoupling traditional gender roles and prioritizing individual fulfilment over collective moral or spiritual duties. While this liberal framework supports diversity and personal choice, critics argue that it contributes to social atomization, erosion of intergenerational bonds and loss of moral cohesion in the absence of shared ethical foundations.

Hence, a global bioethics framework based on Western secular liberalism is unlikely to gain acceptance in many non-Western societies in Asia and Africa (Global South), which comprise the majority of the world's population. This is primarily due to the overemphasis on individualism and personal liberty over societal constraints. Such principles are not in sync with the more reserved and conservative traditional cultures of Asia and Africa, which tend to be more communitarian and family-oriented. In these regions, there is often a higher level of religiosity and greater social pressure for individuals to conform to social norms and expectations, in contrast to Western societies.

4 | Conclusion

In conclusion, we are not suggesting developing a completely brand-new global bioethics framework based on Islamic religious beliefs in this article. Instead, we are advocating for the incorporation and application of Islamic jurisprudential principles (*Fiqh*), such as *Maqasid-al-Shariah* (higher objectives of Islamic law) and *Qawaid al-Fiqhiyyah* (Islamic legal maxims), within a global bioethics framework to complement and supplement the widely accepted four canonical principles of biomedical ethics that were formulated by Beauchamp and Childress [24], which just offer a very broad and generic outline of a global bioethics framework that can be interpreted in various ways when applied to contemporary bioethical problems.

Very often, conflict and competition arises among these four canonical principles upon encountering certain highly controversial and thorny bioethical issues. For example, in the case of gender transition of minors, there is a conflict between the autonomy of the child/adolescent versus non-maleficence in avoiding irreversible changes to their body that include permanent removal of sexual organs. Additional schematics and machinations are thus needed to interpret these four canonical principles and guide their practical applications in resolving contemporary bioethical issues and challenges, as well as balance their priorities whenever conflict arises between them. In this regard, Islamic jurisprudential principles have much relevance in facilitating the interpretation of the four canonical principles of secular biomedical ethics and guiding their practical applications in resolving contemporary bioethical issues and challenges, as well as balancing their priorities whenever conflict arises between them.

In the polarized debates over bioethical issues between secular liberals and Christian conservatives in the West, neither perspective fully align with the cultural viewpoints of non-Western societies, such as those rooted in Hindu, Confucian, Islamic or African traditions. Islam, thanks to its universal principles, offers a more moderate and holistic approach to global bioethics. Its focus on ethical conduct, justice and compassion serves as

essential ingredients for promoting human flourishing and well-being in a rapidly evolving world. By incorporating Islamic jurisprudential principles, global discourses on bioethics can be enriched, leading to the development of ethical solutions that benefit all of humanity.

While Western liberal secular ethics, often promoted as Global Bioethics, prioritizes individual autonomy, Islam's focus on the family institution reflects foundational values that are crucial in the context of global bioethics. By establishing a robust framework for family life, Islam provides a basis for ethical considerations that extend beyond individual households to address broader societal and global issues.

Ethics Statement

No human subjects or animals were involved in the study.

Conflicts of Interest

The authors declare no conflicts of interest.

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