5693 - Guidelines on the issue of: Looking for the purposes of medical treatment.

the question

Could you please clarify for me a problem about the choice of doctors. I was told by my teacher that when the patient is female, the choice of the doctors should be first, a female Muslim, a non_Muslim female, a Muslim male and then a non-Muslim male. It is only when no female doctors are present in a particular specialised field, then only can we choose the male doctor.
My friend mentioned that her teacher said that a Muslim doctor whether male or female should be the first choice, and then a non-Muslim male or female.
I am puzzled. I understand that as Muslim doctors, they should be more amanah than non-Muslims but shouldn't the point about aurat figure more importantly, and hence the avoidance of fitnah?
A number of my female friends have chosen male Muslim obstetricians to monitor their pregnancies and then to deliver their babies while there are many female Muslim and non Muslim obstetricians around.
Please advice ustaz.
thanks
may Allah bless you for your help, InsyaAllah.

Detailed answer

Praise be to Allah.

the Lord of the Worlds, and peace and blessings be upon the one who was sent as a Mercy to the worlds, our Prophet Muhammad, and upon all his family and companions.

There follows a number of principles and guidelines on the issue of: Looking for the purposes of medical treatment.

Firstly: the awrah [that which should be covered] of a man is the area between the navel and the knees, because the Prophet (peace and blessings of Allah be upon him) said: What is between the navel and the knees is awrah.

(A hasan hadeeth narrated by Ahmad, Abu Dawood and al-Daaraqutni). This is the view of the majority of scholars.

Secondly: all of a woman is awrah and is to be covered before strangers (non-mahrams), because of the aayah (interpretation of the meaning):

And when you ask (his wives) for anything you want, ask them from behind a screen [al-Ahzaab 33:53]

and because of the hadeeth, All of a woman is awrah.

(Narrated by al-Tirmidhi with a saheeh isnaad).

This is the correct view according to the madhhab of the Hanbalis, one of the two views of the Maalikis and one of the two views of the Shaafais.

Thirdly: deliberately looking at awraat is one of the things that are strongly forbidden. One is required to lower the gaze and refrain from looking at them, because Allah says (interpretation of the meaning):

Tell the believing men to lower their gaze (from looking at forbidden things), and protect their private parts (from illegal sexual acts). That is purer for them. Verily, Allah is All-Aware of what they do. And tell the believing women to lower their gaze (from looking at forbidden things), and protect their private parts (from illegal sexual acts) [al-Noor 24:30-31]

The Prophet (peace and blessings of Allah be upon him) said: A man should not look at the awrah of another man and a woman should not look at the awrah of another woman.

(Narrated by Muslim).

And he said to Ali (may Allah be pleased with him): Do not look at the thigh of anyone, living or dead.

(Narrated by Abu Dawood; it is a saheeh hadeeth).

Fourthly: if it is not permissible to look at awraat it is also not permissible to touch any of them, even when there is some cloth or clothing in between. The Prophet (peace and blessings of Allah be upon him) said: I do not shake hands with women.

(Narrated by Maalik and Ahmad. This is a saheeh hadeeth). And he said: If one of you were to be stabbed in the head with an iron needle, this would be better for him than if he were to touch a woman whom it is not permitted for him to touch. (Narrated by Tabaraani; it is a saheeh hadeeth). Al-Nawawi (may Allah have mercy on him) said: Where it is forbidden to look it is also forbidden to touch, and is more forbidden, because that is more pleasurable.

Fifthly: things that are considered to be awrah are of varying types and degrees. The thing that is most awrah is the private parts, front and back. Then there are things that are less awrah such as a man's thighs in front of another man.

Sixthly: young children under the age of seven are not subject to the rulings on awrah. The awrah of boys who are able to distinguish matters between the ages of seven and ten is the private parts, and the awrah of girls of the same age is the area from the navel to the knees. (All of this is in cases where there is no fear of fitnah). The awrah of a dead person is the same as the awrah of a living person. To be on the safe side, a hermaphrodite (person whose sex is not clear) should be considered to be a woman in terms of awrah, because such a person may be a woman.

Sixthly: in cases of necessity, things that are ordinarily forbidden are permitted. The scholars are agreed that it is permissible for a male doctor to look at the site of illness in a woman when necessary, within the limits set by shareeah. Similarly, a male doctor may look at the awrah of a sick man. But he should look at the site of the complaint only as much as is necessary (and no more). The rulings apply to female doctors as to male doctors. This ruling is based on the idea of giving priority to the principle of saving life over the principle of covering the awrah, in cases

where there is a conflict between the two.

Seventhly: Necessity should be evaluated according to its degree. Although it is permissible to uncover, look and touch, etc., for the purposes of treatment in cases of urgent necessity, it is not permissible under any circumstances to go beyond the Islamic limits or ignore the regulations set out by shareeah. These regulations are as follows:

1. Priority should be given to the treatment of men by men and women by women. When a sick women needs to be uncovered (for medical treatment), preference should be given to a qualified female Muslim doctor; if such is not available, the order of preference is then a female non-Muslim doctor, a male Muslim doctor, and lastly, a male non-Muslim doctor. If it is sufficient to be treated by a female general practitioner (GP), she should not go to a male doctor even if he is a specialist. If a specialist is needed, she should go to a female specialist, but if one is not available, then the female patient may uncover in front of a male specialist. If the female specialist is not qualified to treat the problem and the situation calls for the involvement of a highly-skilled, qualified male specialist, then this is permissible. If there is a male specialist who is more highly-skilled and more experienced than the female doctor, the female patient should still not go to him unless the situation requires this extra level of experience and skill. By the same token, a man should not be treated by a woman if there is a man who is able to carry out the treatment.

2. It is not permissible to uncover more than is necessary; only the area that needs to be examined should be uncovered. At the same time, the doctor should try to lower his gaze as much as he can, and he should be aware that he is doing something which is basically forbidden, and he should seek the forgiveness of Allah for anything he may do which oversteps the mark.

3. If describing the problem is sufficient, then it is not permissible to uncover; if it is possible to examine the site of the problem by just looking, then it is not permissible to touch; if it is

possible to examine by touching with a cloth over the site, then it is not permissible to remove the cloth, and so on.

4. In allowing a woman to be treated by a male doctor, it is conditional that she not be alone in the room with him. So the woman has to be accompanied by her husband, mahram or another woman who is trustworthy.

5. The male doctor must also be trustworthy and above suspicion with regard to his character and religious commitment. In this case it is sufficient to take people at face value.

6. The more something is regarded as awrah, the more strictly should the rules be applied. The author of Kafaayat al-Akhyaar said: Know that the basic idea in cases of need is to look at the face and hands. In order to look at the rest of the body, there should be a certain and definite need, and in order to look at the private parts, there should be an extra-certain need. Hence one should be extremely strict in cases such as childbirth and the circumcision of young girls.

7. The need for treatment should be urgent, such as sickness, unbearable pain, worrying weakness and so on. If there is no sickness or urgency, then it is not permissible to uncover the awrah, such as in cases where a person imagines he is sick or in cases of cosmetic issues.

8. All of the above applies only in cases where there is no fear of fitnah or provocation of desire on the part of either the doctor or the patient.

Finally, it is essential to remember and fear Allah with regard to this important matter. The shareeah has set out many precautions in order to be on the safe side, and has prescribed clear and serious guidelines. One of the most widespread problems of our times is the lax attitude that people have taken towards the issue of uncovering the awrah in clinics and hospitals, as if it is

permissible to show everything to a doctor and to do any forbidden thing in his presence. The same applies to educational programs which are brought without censorship from the kaafir countries, imitating them by taking a lax attitude to such matters in the case of education, training and information.

The Muslims have to pay attention to educating qualified women in the various specialties, so that needs may be met. They should also draw up schedules and organize shifts in hospitals and clinics in such a way that Muslim women need never be put in an awkward position, or feel neglected or be subjected to the annoyance of a male doctor when she asks for a female doctor to treat her.

We ask Allah to help us to understand our religion properly and to help us to follow the rules of shareeah and take care of the rights of the Muslims. And He is the Source of help and the Guide to the Straight Path.