

Ruling on Receiving Treatment in a Non-Muslim Hospital

Darulifta Ahlesunnat (Dawateislami)

Question

What do the noble scholars and jurists of Islamic law say about the following: I am a Muslim who is living abroad. Here, there is a Christian hospital which provides free treatment, and treatment at other hospitals is expensive. Is it permissible for me to get treatment in the Christian hospital? Please provide guidance.

Answer

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
الْجَوَابُ بِعَوْنِ الْمَلِكِ الْوَهَّابِ اللَّهُمَّ هِدَايَةَ الْحَقِّ وَالصَّوَابِ

In the inquired situation, it is permissible for you to receive treatment for free in a non-Muslim hospital given the following conditions: if the non-Muslim hospital has stipulated conditions for providing free treatment and you honestly and genuinely meet those conditions without any deception, furthermore, getting treatment from is not a cause of humiliation for Islām or Muslims, neither there is any fear of any worldly or religious harm, nor any impermissible or ḥarām substance is used for treatment. However, if the stated conditions are not fulfilled, then it is not permissible.

Moreover, because the hospital is run by non-Muslims, it is likely that the treatments are carried out by non-Muslim doctors. Regarding this, the sharī ruling is that receiving external treatment from non-Muslims doctors, where there is no possibility of medical betrayal and evil intent, is permissible. As for internal treatments (such as surgery or any sort of internal treatment) where there is a possibility of medical betrayal and evil intent, this is also permissible given that it isn't a time of turmoil or religious bias, and even in normal circumstances, there is a dominant presumption that the non-Muslim doctor will not do any form of betrayal in the treatment, and the Muslim patient themselves is also at satisfied at heart regarding this treatment.

Nowadays, doctors generally observe medical integrity because they fear for the reputation of their institution and themselves as well as facing legal consequences. However, caution lies in receiving treatment from Muslim doctors so that the heart remains satisfied in every aspect.

It is stated in *Tafsīr Rūh al-Ma'ānī*:

لا ينبغي الاستعانة بالكافر وهو في أمور الدين كجهاد الكفار وقاتل أهل البغي مما ذهب إليه بعض الأئمة ول بعضهم في ذلك تفصيل، وأما الاستعانة بهم في أمور الدنيا فالذي يظهر أنه لا بأس بها

Translation: It is not appropriate to take help from non-Muslims in religious matters, such as war against non-Muslims and fighting rebels. This is the opinion of some scholars. But others have mentioned this with some details. As for taking their help in worldly matters, it is apparent that there is no issue in this. (*Tafsīr Rūh al-Ma'ānī*, Vol. 08, p. 281, Publ. Dār al-Kutub al-'Ilmiyah, Beirut)

If there is no fear of harm from a non-Muslim, it is permissible for a Muslim to receive help from them when needed. Thus, A'la Ḥazrat Imām Aḥmad Razā Khān رحمه الله تعالى stated in *Fatāwa Razawiyah*:

دبے ہوئے مقہور کافر سے بشرط حاجت ایسی استعانت جس میں نہ اُسے راز دار و خیل کار بنانا ہو نہ کسی مسلمان پر اس کا استعلاء (غلبہ) ہو، یہ ہے وہ (کافر سے مدد لینے کا معاملہ) جس کی ہمارے علماء اور امام شافعی رضی اللہ تعالیٰ عنہم نے رخصت دی۔

امام اجل ابو زکریا نووی شافعی شرح صحیح مسلم میں فرماتے ہیں: ”قولہ صلی اللہ تعالیٰ علیہ وسلم فارجع فلن استعین بمشرك، وقد جاء فی الحدیث الاخر ان النبی صلی اللہ تعالیٰ علیہ وسلم استعان بصفوان بن امیة قبل اسلامہ فاخذ طائفة من العلماء بالحدیث الاول علی اطلاقہ، وقال الشافعی واخرون ان كان الكافر حسن الرأي فی المسلمین ودعت الحاجة الی الاستعانة به استعین به والافیکره حمل الحدیثین علی ھذین الحالین“

(اس کے بعد اعلیٰ حضرت علیہ الرحمۃ ارشاد فرماتے ہیں کہ مذکورہ عبارت میں) شرط حاجت تو صاف ذکر فرمائی اور شرط اول (دبے ہوئے مقہور کافر) کا یوں اشعار کیا کہ کسی کافر کی رائے مسلمانوں کے بارے میں اچھی ہو تو اس سے استعانت جائز ہے، اسی شرط کو حاذمی نے یوں ذکر کیا: والثانی ان یکونوا ممن یوثق بہم فلا تخشی نائرہم فمتی فقد ھذان الشرطان لم یجز للامام ان یستعین بہم۔

Translation: The matter of seeking help from non-Muslims which our scholars and Imam Shāfiī have permitted is: When needed, taking such help from suppressed and powerless non-Muslims in which they are not made a confidential nor given an inside role, nor they are given dominance over Muslims.

The great Imam, Abū Zakariyah Nawawī Shāfiī states in *Sharḥ Saḥīḥ Muslim*: The saying of the Noble Rasūl ﷺ, “Return, for we will never take help from polytheist” and the other ḥadīth that the Noble Prophet ﷺ sought help from Safwān Bin ‘Umayyah before he accepted Islām. A group of scholars adopted the Mutlaq (general) ruling of the first hadith. Imām Shāfiī and others stated that if the non-Muslim is a well-wisher for Muslims and there is a need of seeking help from him, he can be sought help from, otherwise, it is Makrūh. Imām Shāfiī applied both aḥādīth to both circumstances.

(After mentioning this, A’lā Hazrat علیہ الرحمۃ states regarding the above-mentioned text) The condition of ‘necessity’ is clearly mentioned, but the first condition (taking help from a suppressed and powerless non-Muslims) was indicated by the fact that if the non-Muslim hold a good opinion about Muslims, then seeking help from him is permissible. Hāzmī has mentioned this condition as follows: Along with necessity, the second condition is that they must be trusted, such that there no longer remains a fear of mischief from them. If any one of these two conditions are not met, it will not be permissible for the Muslim leader to seek their assistance. (Fatāwa Razawiyah, Vol. 14, p. 514-515, Publ. Razā Foundation, Lahore)

Regarding receiving treatment from non-Muslims, it is stated in *al-Baḥr al-Rā’iq*:

المريض یجوز لہ أن یستطب بالكافر فیما عدا إبطال العبادة

Translation: It is permissible for an ill to receive treatment from non-Muslims, given that it does not cause nullification of acts of worship. (Al-Baḥr al-Rā’iq, Vol. 02, p. 34, Publ. Dār al-Kutub al-Ilmiyah, Beirut)

A’lā Hazrat Imām Aḥmad Razā Khān رحمۃ اللہ تعالیٰ علیہ states in *Fatāwa Razawiyah*:

رہا کافر طبیب سے علاج کرانا خارجی یا ظاہر مکشوف علاج جس میں اس کی بدخواہی نہ چل سکے وہ تو لایاؤں دم خبال سے بالکل بے علاقہ ہے اور نیاوی معاملات میں بیخ و شراب و اجارہ و استتجار کی مثل ہے۔ ہاں! اندرونی علاج جس میں اس کے فریب کو گنجائش ہو اس میں اگر کافروں پر یوں اعتماد کیا کہ ان کو اپنی مصیبت میں ہمدرد اپنا دلی خیر خواہ اپنا مخلص باخلاص خلوص کے ساتھ ہمدردی کر کے اپنا دلی، دوست بنانے والا اس کی بیکیسی میں اس کی طرف اتحاد کا ہاتھ بڑھانے والا جانا تو بیشک آیہ کریمہ کا مخالف ہے اور ارشاد آیت جان کر ایسا سمجھا تو نہ صرف اپنی جان بلکہ جان و ایمان و قرآن سب کا دشمن اور انھیں اس کی خبر ہو جائے اور اس کے بعد واقعی دل سے اس کی

خیر خواہی کریں تو کچھ بعید نہیں کہ وہ تو مسلمان کے دشمن ہیں اور یہ مسلمان ہی نہ رہا فائدہ منہم ہو گیا، ان کی تو دلی تمنا یہی تھی: قال تعالیٰ: ودوا لوتکفرون کما کفروا فتکونون سوا۔ والعیاذ باللہ تعالیٰ مگر الحمد للہ کوئی مسلمان آیہ کریم پر مطلع ہو کر ہرگز نہ جانے گا اور جانے تو آپ ہی اس نے تکذیب قرآن کی، بلکہ یہ خیال ہوتا ہے کہ یہ ان کا پیشہ ہے اس سے روٹیاں کمتے ہیں ایسا کریں تو بدنام ہوں دکان پھینکی پڑے، کھل جائے تو حکومت کا مواخذہ ہو سزا ہو یوں بدخواہی سے باز رہتے ہیں تو اپنے خیر خواہ ہیں نہ کہ ہمارے، اس میں تکذیب نہ ہوئی، پھر بھی خلاف احتیاط و شنبغ ضرور ہے۔

Translation: As for receiving treatment from non-Muslim doctors, external and apparent treatments in which they cannot carry out any evil is totally unrelated to “as they will not lessen their evil against you” and is similar to matters of buying and selling, leasing and hiring. However, internal treatment, where there is a possibility of deception, relying on them in such a way that one considers them to be sympathetic in their difficulty, considers them to be their friends and supporters, sincere well-wishers, and someone who is lending a helping hand in his time of helplessness is indeed opposing the verse. But, if one has such beliefs despite knowing about this verse, he is not only an enemy of himself, but he is an enemy of himself, his Īmān, and the Qur’ān. And if they (the non-Muslims) get to know about this, then it is not farfetched that they wholeheartedly become his well-wishers because they are enemies of Muslims, whereas this person is no longer a Muslim for “he is one of them.” This was their heartfelt wish. Allāh Almighty states: “They desire that if only you disbelieve just as they have disbelieved, then you become one and the same.” We seek Allāh’s refuge. But all praise is due to Allāh that no Muslim would ever believe this while being aware of the verse, and if he does, he himself has denied the Qur’ān. Instead, one assumes that this is their job and they earn a living from this; if they were to do any such thing, they would be defamed and their clinics would lose patients. If the news spreads, there would be legal consequences and they would be punished. For this reason, they avoid evils. This way, they are their own well-wishers and not ours, hence, the verse was not denied. However, this is incautious and reprehensible. (Fatāwa Razawiyah, Vol. 21, p. 238-239, Publ. Razā Foundation, Lahore)

It is stated in the book comprised and the opinions and decisions of reliable scholars on contemporary issues named *Jadīd Masā’il Par ‘Ulamā Kī Rā’i’n Aur Faisle*:

وہ حالات جن میں بلا عذر شرعی کسی ناجائز کام مثلاً نجس یا حرام چیز سے علاج، خطرناک آپریشن، صوم و صلاۃ وغیرہ عبادات کا ابطال یا ترک اور حلق لہیہ وغیرہ کا ارتکاب نہ کرنا پڑے۔ ایسے عام حالات میں غیر مسلم ڈاکٹروں سے علاج دو طرح کا ہوتا ہے: خارجی: جیسے جوڑوں کی مائش وغیرہ جس میں وہ کوئی طبی خیانت و بدخواہی نہ کر سکے۔ داخلی: جس میں طبی خیانت و بدخواہی کی گنجائش ہو۔
خارجی علاج: غیر مسلم سے مطلقاً جائز ہے۔ جیسے اس سے خرید و فروخت جائز ہے۔ داخلی علاج بھی جائز ہے جب کہ ماحول فسادات و تعصب کا نہ ہو، اور دیگر حالات میں بھی جب یہ معلوم ہو کہ وہ مسلمانوں سے تعصب نہیں رکھتا اور دل اس سے علاج کرنے پر جے۔

Translation: The situations in which one does not have to get involved in any impermissible act without any valid reason, such as treatment with any impure or ḥarām substance, dangerous operation, invalidating or leaving the fasts, salah, and other worships, or shaving the beard, etc.; in such a neutral situation, the treatment received from non-Muslim doctors are of two types: External, such as massage of the joints or other things in which there is no possibility of medical betrayal or evil intent. Second, internal, in which there is a possibility of medical betrayal or evil intent.

External treatment: This is always permissible from non-Muslims, just like buying and selling are permissible. **Internal treatment:** This is also permissible when it isn't a time of turmoil or religious bias. And (It is also permissible) in normal circumstances when it is known that the doctor doesn't have a bias against Muslims and the patient is satisfied with getting treatment from them. (Jadīd Masā'il Par 'Ulamā Kī Rā'īn Aur Faisle, Vol. 02, p. 294-295, Publ. Malis-e-Sharī, Jāmi'ah Ashrafiyah, Mubārakpūr)

وَاللّٰهُ اَعْلَمُ عَزَّ وَجَلَّ وَرَسُوْلُهُ اَعْلَمُ صَلَّى اللّٰهُ تَعَالٰى عَلَيْهِ وَاٰلِهٖ وَسَلَّمَ

(Allah Almighty knows best and His Messenger صَلَّى اللّٰهُ عَلَيْهِ وَاٰلِهٖ وَسَلَّمَ knows best.)

Answered By: Mufti Muhammad Qasim Attari

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feedback@daruliftaahlesunnat.net