MEDICAL ETHICS FROM AN ISLAMIC POINT OF VIEW

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ABSTRACT

The Qur'an, the primary source of Islam, claims to have neglected nothing in the Book. Islam as such asserts to be an all-encompassing religion, guiding Muslims in all the aspect of life from personal to social, mundane to spatial as well as, theoretical or applied. In certain issues the original sources of Islam viz the Qur'an and Sunnah provide the explicit guidance while in others it is implicit. The medical ethics in Islam falls in the latter category. The aim of the present paper is to identify and highlight the guiding principles of medical ethics in Islam viz-a-viz its original sources. It is also to delineate the distinction of Islamic perspective on ethics. It will be a literature research and the methodology followed will be descriptive and analytical.

KeyWords: Islamic Medical Ethics, Medical Ethics, Islam, Qur'an, Hadith.

Introduction

The provision of healthcare, organ transplantation, biotechnical parenting, artificial intelligence, and other technological advances in biomedical science have resulted in significant societal and theological issues. Particularly Muslim medical professionals and 'Ulama are faced with new ethical dilemmas and are currently adjusting to the rapid advancements in their field. The purpose of this brief essay is to define ethics in general and the Islamic approach to it. Next, an effort is made to pinpoint the tenets that form the foundation of Islamic medical ethics.

Islamic Medical Ethics

It is crucial to recognize that Islamic ethics does not exist as a single, coherent field in order to describe Islamic medical ethics. The Islamic disciplines of Kalam (scholastic theology), Tafsir (Qur'anic exegesis), and Fiqh (jurisprudential understanding) all contain material on ethics. Consolidation has only been attempted in contemporary texts to facilitate comparative analysis. Furthermore, it's critical to understand that there is no precise term for ethics in Arabic when carrying out these kinds of studies. Akhlaq and Adab are two Arabic concepts that roughly translate to "meaning" Akhlaq, which means morals or character, comes from an Arabic root word that means "to create" or "to form," denoting intrinsic attributes. Since Ilm-ul-Akhlaq, which literally translates to "the knowledge of morality," is also the science of ethics, the English terms "ethics" and "morality," which refer to different concepts—the former being what is "appropriate and ational" and the latter being more subjective and subject to change over time—do not clearly distinguish one another.

The term Adab has a wider range of meanings within Islamic intellectual thought, and has developed into a specific genre within Arabic literature. Adab represents the 'linking of learning and knowledge to right and appropriate human conduct. Adab literature is related to character ethics, both in the personal and professional realm. The relation between Adab and Akhlaq in modern parlance is that Adab literature refines Akhlaq; works of Adab aim to refine character. There is a substantial amount of writing from the classical era on both Adab and Akhlaq as they relate to the medical field, the crowning achievement being the treatise Adab al-Tabib (Practical Ethics of the Physician) by Ishaq ibn Ali al-Ruhawi a ninth-century physician residing under the Islamic caliphate in modern-day Iraq. This genre is still prominent today as witnessed by the multitude of works relating to Islamic codes of medical ethics. Thus, one type of literature that falls within the purview Islamic Medical Ethics discourse is Adab literature.

Let's first define ethics in general before looking at the Islamic position on medical ethics. As a subfield of practical philosophy that aims to identify "the right and the wrong, the good and the bad set of behaviors in a given circumstance," ethics is considered to be inextricably linked to morality. Furthermore, the field of medical ethics is a subset of ethics that studies moral principles in the context of biomedical science, specifically in the clinical and investigative domains.

While Western ethics developed into a philosophical science it has moved away from a Christian conception of good and evil, readily seen in the writings of German philosopher Immanuel Kant (1724-1804 AD) and an early North African Christian theologian and philosopher Augustine (354-430 AD), to draw more upon human reason and experience as the arbiter between right and wrong action.

Religious worldview of Islamic Ethics

This development from religious ethics to philosophical ethics is not paralleled in Islamic intellectual discourse. While Islamic ethics incorporates various philosophical traditions it still holds a religious worldview and draws its resources mainly from, religious texts. Here it is worth quoting Abdul Sattar Abu Ghuddah to emphasize the point further. He writes: "It is also worth noting that law schools are not concerned with — and even do not acknowledge — moral standpoints. Instead, they focus exclusively on rights and duties that can be settled through the judiciary system. As mentioned earlier, jurists, on the other hand, have emphasized the dual importance of both moral obligations and judicial obligations. This alienation between laws and moral values is not surprising; rather, it is quite expected from disciplines and systems that choose to isolate religion from daily life and focus on the utilitarian aim of actions while excluding the religious perspective on these actions."

He continues, "on the other hand, Islamic moral values, emerging from the Islamic belief (the doctrine of human succession on earth, istikhlāf) and deduced from the Shari'a (the criterion for what is lawful and unlawful), are meant to achieve superior aims. These superior aims may encompass immediate, materialistic objectives, or their objective may be retained for the Day of Judgment. Therefore, values must be observed and maintained even if they may seem to be detrimental to people, as this perceived detriment is compensated for through the real benefit of satisfying God's mandates." Here one of the relevant verses of the Qur'an is quoted to prove Islam's great interest in and concern with moral values as reflected in its approach to God-consciousness and self-monitoring. God says, "Nay! Man will be a witness against him-self [as his body parts (skin, hands, legs, etc.) will speak about his deeds]".

Islamic Law (Shari'a) and Islamic Medical Ethics

Islamic medical ethics differs from medical ethics founded on principles in that they provide a theological foundation to morality. The psychological makeup of man and the obligations placed upon him (such as the "four principles" of Tom L. Beauchamp and James F. Childress as a social being) are the foundation of philosophical or secular ethics, but in Islamic ethics, morality is the endeavor of every individual and society to approach Allah to the greatest extent possible.

The Shari'a is the means by which one approaches Allah. Individuals may implement Islamic law in their private lives, but state authorities may grant the Shari'a supreme legal authority as the exclusive source of law (something that no nation does today). Within this latter domain, the Shari'a serves as a perfectly good moral rule for Muslims and is more accurately described as "the collective ethical subconscious" of the Muslim community.

With this description as a starting point it follows that any discussion of Islamic Medical Ethics must include analysis of the Shari'a. The Objectives of the Islamic Law (Maqasid al-Shari'ah) in finding the possible Divine law is to protect five essentials of the person: The five objectives of Shari'a are preserving religion (dīn), life (nafs), intellect ('aql), offspring (nasl), and wealth (māl). Some researchers have also included preservation of the environment as a sixth objective. Furthermore, scholars have enumerated principles that aid in the formative process of legislation. Of these, five are known as the cardinal rules.

God's Commands are Purposeful

Furthermore, two general tendencies that influence Islamic ethical thought should be mentioned in order to make comparisons with other ethical systems and legal frameworks easier. Firstly, there is a propensity for theological voluntarism, which holds that only God can establish what is right and wrong. Consequently, the statement "evil is evil because God forbids it" and "good deeds are good only because God commands them" follow. Adhering to this presumption would mean a strong reliance on revelation and negating the significance of human deduction.

However, there exists a counter-balancing tendency, God's commands are purposeful and as such His will extends to all areas of life and every field of action. Since God's will is purposeful 'human reason in dependence upon revelation can discern rules and apply them'. These two tendencies or assumptions gave birth to the richness of Islamic legal thought and ethical reflection in the development of usul-ul-fiqh. Shaykh al-Raysūnī's in his paper titled, "Al-akhlāq fī al-ṭibb: Ta'sīs maqāṣidī (Ethics in Medicine: A Founding Approach in light of Shari'a Objectives) also notes that there is overlap between the objectives of Shari'a and those of medicine. The main objectives of Shar'a are protecting (ḥifẓ) the so-called five necessities (al-ḍarūriyyāt al-khams), namely religion, life, offspring, intellect and property. Three of these five represent the main objectives of medicine, viz., protecting life, offspring and intellect. "All scholars, indeed all creeds", as Imam Shatibi says, "are unanimous that the aim of the Shari'a is to safeguard the five essentials of life, namely: faith, body, offspring, property and mind". These are indeed the essential human rights.

It takes little thought to get to the conclusion that sustaining excellent health is a prerequisite for protecting three of these five essentials: the body, the offspring, and the mind. However, maintaining these necessities requires a variety of critical factors, of which good health is just one. The fulfillment of other, developmental requirements, such as adequate food,

drink, clothing, shelter, marriage, transportation, security, education, and money, is also necessary to maintain good health.

The Sunnah

The Prophet prioritizes good health through his sayings and acts. "Pray God for forgiveness and sound well-being," he says. Well-being is the greatest blessing, bar none, save faith (Sunnan Ibn Majah). The Prophet (SAW) says: "Wealth is appropriate to a God-fearing person, but good health is better for the God-fearing than wealth" (Sunnan Ibn Majah). He continues, saying, "It is as though he has the entire world at his fingertips for those of you who are in good health, feel safe in their community, and have access to daily sustenance."
 (Sahih Bukhari).
Another Hadith in appreciation and maintenance of good health goes as follows: "A person's body has a right over him" (Sunnan Abi Dawud). According to a scholar, among the many this blessed statement is a unique one which no one other than the Prophet (SAW) has ever made. This is a highly authentic Hadith' in which 'Abdullah ibn Amr quotes the Prophet (SAW) as saying: "Your body has a [human] right". Fourteen centuries after the establishment of human rights by Islam, the world issued the International Declaration on Human Rights. However, mankind has not yet declared rights for the human body. The human body may rightfully claim from its owner to be fed when hungry, rested when tired, cleaned when it gets dirty, protected against harm and disease, treated when suffering an illness, and not overburdened.

The Guiding Principles of the Qur'an

One of the most significant passages from which we might infer the health fiqh is the following divine declaration found in the Qur'an: And He enforced the balance. That you exceed not the bounds; but observe the balance strictly; and fall not short thereof. The balance that God built in the universe, with all of its various forces and influences—including human influence—is mentioned in this extensive passage. It calls our attention to this universally applicable balance and makes it abundantly evident that any disruption of it, whether by an increase or decrease, may have disastrous results. God declares: Mankind! Your transgression will rebound on your own selves. Ibn Sina, in (1093 AD) in his famous book Al-Qanoon, expresses the dynamism of this balance, saying that: "The state of equilibrium which a human being enjoys has a certain range with an upper and a lower limit".
The Qur'an give general guidelines to follow that are constant and timeless:

A Single Life is Equally Important

"...We ordained for the Children of Israel that if any one slew a person - unless it be for murder or for spreading mischief in the land - it would be as if he slew the whole people. And if anyone saved a life, it would be as if he saved the life of the whole people...."

The Creator of Life and Death is Allah

"Blessed be He in whose hands is the Dominion, and he has Power over all things. He who created death and life that He may test which of you are best in deed, and He is Exalted in Might, Oft-Forgiving."
"No soul can die except by Allah's permission."

Be Mindful of Your Limitations

"Does not man see that it is We who created him from sperm. Yet behold! He stands as an open adversary! And he makes comparisons for Us, and forgets his own creation. He says who can give life to (dry) bones and decomposed ones? Say, 'He will give them life who created them for the first time, for He is versed in every kind of creation.'"

Abortion

"Kill not your children on a plea of want. We will provide sustenance for you and for them. Come not near shameful deeds whether open or secret. Take not life which God has made sacred except by way of justice and law. Thus He commands you that you may learn wisdom."
"Kill not your children for fear of want. We shall provide sustenance for them as well as for you. Verily the killing of them is a great sin."

Dependence on God, Not Fatalism

Abraham informing his compatriots of whom he worships "(I worship) who created me and who guides me. Who gave me food and drink, And when I am ill, it is he who cures me, Who will cause me to die and then to live (again)".

Course of action from the Hadith

Hygiene: "Cleanliness is half the faith" is the Saying of Prophet Muhammad (SAW), (Sunnan Abi Dawud).

Rituals promote hygiene: Hand washing and mouth rinsing before and after meals. Five time ritual and physical cleaning before each prayer. Brushing teeth (Miswak). Regular baths-all are ordained in Islam.

Diet and Disease Prevention: Diet - "Eat in moderation" says the Prophet (SAW), (Sahih Bukhari and Muslim).

Disease prevention: "If you hear about plague in a land don't go there, but if you were in that land, don't leave", saying of Prophet Muhammad (SAW), (Sahih Bukhari and Muslim).

Shaykh Abū Ghudda introduces a list of the basic Islamic ethics in medicine. According to the author, this list is extracted from Islamic sources including the Qur'ān, the Sunnah and the writings of early Muslim physicians, especially the work of Abū Bakr al-Rāzī Akhlāq al-ṭabīb (The Ethics of the Physician). The list consists of nine items:

1. Obtaining medical experience; 2. The conformity of the physician's practices with the professional standards; 3. Having knowledge of Shari'a-based rulings related to practicing medicine; 4. God-consciousness (taqwā) and fear of Him; 5. Sincerity and dedication to work; 6. Modesty towards Allah and compassion towards the patients; 7. Truthfulness and honesty; 8. Practicing medicine within the limits of medical specializations; 9. Confidentiality:

SOURCES OF ISLAMIC LAW: OTHER THAN THE QUR'AN AND HADITH

As medical technology advances, we encounter new scenarios in modern life that are not fully covered in the Qur'an. These frequently fall into a gray area, making it difficult to determine what is right or wrong. The interpretation of Islamic scholars, who are knowledgeable about the Qur'an and Sunnah, is what we then look to. When academics agree on anything, it's a good sign that they have the right idea.

Some examples of scholarly fatawas on the subject of medical ethics include:

➢ Organ donation is permissible as long as no financial incentive is given, and no permanent harm comes to the donor.

➢ Euthanasia and physician-assisted suicide are prohibited.

➢ Mechanical life support should be continued until brain-death or imminent death has been confirmed by a physician or team of physicians, in which case it can be withdrawn.

➢ Assisted reproduction is allowed as long as it is done with sperm and egg between husband and wife.

➢ Late-stage abortion is condemned unless necessary to save the mother's life.

On summary, the paper emphasizes how the Islamic perspective on medical ethics is unique, largely grounded on and connected to religious worldview, and draws its guidelines from the Qur'an and Sunnah. With rare exceptions, there is no shortage of references and sources available to current Islamic scholarship when it comes to deriving answers and remedies to the medical problems of the day, especially those brought on by technological advancements. The maqasid approach-based remedies expand the scope of how contemporary medical challenges might be addressed.

References:

1.   A I Padela, "Islamic Medical Ethics: A Primer", *Bioethics*, Volume 21, Number 3 2007, pp 169-178.

2.   Ibid.

3.   According to *Internet Encyclopedia of Philosophy*, 'the field of ethics (or moral philosophy) involves systematizing, defending, and recommending concepts of right and wrong behavior. Philosophers today usually divide ethical theories into three general subject areas: metaethics, normative ethics, and applied ethics. *Metaethics* investigates where our ethical principles come from, and what they mean. Are they merely social inventions? Do they involve more than expressions of our individual emotions? Metaethical answers to these questions focus on the issues of universal truths, the will of God, the role of reason in ethical judgments, and the meaning of ethical terms themselves. *Normative ethics* takes on a more practical task, which is to arrive at moral standards that regulate right and wrong conduct. This may involve articulating the good habits that we should acquire, the duties that we should follow, or the consequences of our behavior on others. Finally, *applied ethics* involves examining specific controversial issues, such as abortion, infanticide, animal rights, environmental concerns, homosexuality, capital punishment, or nuclear war.' http://www.iep.utm.edu/ethics/

4.   Abdul Sattar Abu Ghuddah. "The Governing Principles Of Islamic Ethics In Medicine" *https://www.worldscientific.com/doi/pdf/10.1142/9781786340481_0012*

5.   Ibid.

6.   (Qur'an 75:14).

7.   The Four Principles, originally devised by two American philosophers and bioethicists Beauchamp and Childress in their textbook *Principles of Biomedical Ethics*, are considered by many as the standard theoretical framework from which to analyse ethical situations in medicine. The four principles are: Autonomy – The right for an individual to make his or her own choice; Beneficence –The principle of acting with the best interest of the other in mind; Non-maleficence – The principle that "above all, do no harm," as stated in the Hippocratic Oath.; Justice – A concept that emphasizes fairness and equality among individuals. These 4 bioethical principles have been legitimized by Muslims jurists as

falling into the sphere of Islamic law and have also been supported by Qur'anic verses (Qur'an 3:104, 16:90 and 17:70). They have subsequently become the foundational spirit underlying the *Oath of the Muslim Doctor* and, thus, dictate the conduct between a Muslim physician and his or her patient. (https://en.wikipedia.org/wiki/Islamic_bioethics).

8. According the following article the particular set of principles are not something new but only one of the latest formulations of age-old common sense principles. It is therefore concluded that these principles are already being applied in Islamic traditional and cultural societies. S. Aksoy & Abdurrahman Elmali. "The Core Concepts of the 'Four Principles' of Bioethics as found in Islamic Tradition." *Medicine and Law* 21(2):211-24 · February 2002.

9. R.M. Gleave. (2012). *"Maḳāṣid al-Sharīʿa"*. In P. Bearman; Th. Bianquis; C.E. Bosworth; E. van Donzel; W.P. Heinrichs (eds.). *Encyclopaedia of Islam* (2nd ed.). Brill.

10. Abdul-Majid Al-Najjar (2006). *The Objectives of Shari'a, with New Dimensions (Maqāsid al-sharīʿah bi-abʿād jadīdah)*. Beirut: Dar Al-gharb Al-Islami, 207.

11. *Usul-ul-fiqh* is the science that identifies the sources of *fiqh*-law and also lays down rules for weighing these sources against each other in cases of conflict.

12. The paper was presented at an International Seminar on "Principles of Biomedical Ethics: Islamic Perspectives" in Doha, Qatar during the period 5-7 January 2013, organized by the Center for Islamic Legislation and Ethics (CILE).

13. Al-Qur'an, 55:7-9

14. Al-Qur'an, 10:23

15. Al-Qur'an, 5:32

16. Al-Qur'an, 3:185

17. Al-Qur'an, 36: 77-79

18. Al-Qur'an, 6:151

19. Al-Qur'an, 17:31

20. Al-Qur'an, Al-Shuara. 26: 78-85.

21. Abdul Sattar Abu Ghuddah. "The Governing Principles Of Islamic Ethics In Medicine"

22. For details see V Rispler-Chaim, "Islamic Medical Ethics in the 20th Century". *Journal of Medical Ethic.* 1989. 15, 203-208. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1375827/

23. A I Padela, "Using the Maqasid al-Shariah to furnish an Islamic Bioethics: Conceptual and Practical Issues." *Bioethical inquiry* 16, 347-352(2019). https://doi.org/10.1007/s11673-019-09940-2.