

# A Model for the *intrinsecus structus* of Islamic Medical Ethics

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## **Abstract**

The current Medical Ethics in Western societies (and its followers in other societies) has been compiled upon the secularist presupposition. This presupposition has different principles in comparison with the Islamic attitude which can lead one to take a different approach toward ethical problems. This paper is an attempt to propose a model for the principles of Islamic Medical Ethics upon which we can prepare answers for the problems of medical ethics having evident characteristics of Islamic approach are distinguished from secularist answers. After a prefatory study on the background of Islamic attitude of Ethics, these characteristics will be propounded under four categories: fundamental and contentive components, spiritual components, legal components and penal components. Under these categories such themes as having attentiveness to agent goodness, basic difference in one's goal of living ethical life, the relation of reason and revelation and the basis for the legitimacy of penal justice system will be discussed. Needless to say, this paper is not to prepare arguments for this model and such arguments can be discussed in other philosophical investigations.

**Key Words:** agent goodness, action goodness, obligation, penal system

## **The possibility and meaning of Islamic Medical Ethics**

For those whose ethical principles are "divine", it is easy to talk about religious ethics; since all moral codes are reduced to divine will (Richler, 2008:74-5). But problems which these people are encountered with, such as ascribing good attributes to God, get them into trouble; for there is no criterion beside divine will upon which God to be ascribed to those attributes and purified from other attributes. This is the same problem which Asharites were grappled with in Islamic world.

On the contrary, if we take moral orders as independent from God as some Mu'tazilae does believe so, it would get us into another trouble: viz. limiting divine power and his active sovereignty. In the contest between these two schools, first school was accused of misconstruing "Unity of the Attributes" (or belief in all perfect attributes of God) and the second was also accused of its failure in explaining "Unity of the Acts" (or belief in all-powerfulness of God) (Motahhari, 2004:24-9). Avoiding excess and negligence, some others like a part of Mu'tazilae and Shiites chose the third way, according their Imams' teachings, to escape the dilemmas of "Unity of the Attributes" and "Unity of the Acts" in their explanation of "Essential Goodness" and "Rational Goodness". This is also the rise of "The Inclusion of Justice" as one of Mu'tazilae and Shiites most important articles of faith (Sobhani, 1999:192-4).

If we believe in "rational good and badness" in ethics, then we should follow the reason in our quest for getting knowledge of goodness and badness in human thought; hence, there remains no room for the divine point of view. On the other hand, those who study ethics secularly are also of the opinion that human thought is sufficient for arriving at moral orders. Now this question can be asked that taking these considerations as the premise can we talk about religious ethics generally and Islamic ethics specially? If so, what is the criterion for its being Islamic? What difference will Islamic ethics have with secularist ethics?

Medical ethics in the West is founded on principles which have been appraised and accepted based on secularism. It is evident that Islamic ethics will has much in common with secularist ethics. Nevertheless, what differences do these two ethics have which – regarding previously mentioned considerations – will be the distinctive property of Islamic ethics? In most of philosophical inquires on ethics some investigations have also been done on the relation between religion and ethics, but there has not been yet proposed an exhaustive model for it. In this paper a model is proposed which shows the distinctive properties of Islamic ethics

on the basis of existing beliefs on the relation of religion and ethics. We believe that for preparing medical ethics' codes in Islamic societies these categories should be applied to pave the way for talking about Islamic medical ethics. The application of these categories to medical ethics' codes is another task which must be done through a most extensive study.

Needless to say, this model will be adjustable and we wish other scholars to complete it with their criticisms and studies.

## **Categories for the Islamic Medical Ethics**

### ***A- Fundamental and Contetive Categories***

1-The importance of "agent goodness" and "action goodness" – both – in moral actions and the antecedence in value of "agent goodness".

What is important in Secularist medical ethics is the result of action or the assessment according to the positive and negative results of action. Despite duty-centered moral philosophies, predominant system in the universal medical ethics is touched by the results of a moral action and the assessment of good and badness of a task according to the practical criterions and its social advantage and disadvantage. Four basic principles of the secularist medical ethics are not about the "agent goodness" of moral action and as if it is only the preferable results which are the basis for evaluating the action. The principle of beneficence is absolutely teleological and thus agent's intention is not regarded in it. Non maleficence and justice principles are estimated according to the objective facts. The respect for autonomy is merely according to its practical importance in setting up the "Moral Oughts and Ought nots".

In Islamic vision, beside the importance which is given to the results of action, the action is not evaluated merely according to its positive results. "Intention" can increase or decrease the value of an action (Tousi,1987:327).

"God does not look at your actions' appearance and their practical manifestation, but he will look at your hearts and intentions" (see Mesbah, 2005:275-80).

Since it is inaccessible to recognize one's intention in secularist ethics and we can only ascribe some motives to agent according to the objective and exoteric facts that is very far from his inner intention, then "agent goodness" that is not quantifiable has been abandoned before all else. For if a criterion is not recognizable taking it as the criterion would be futile.

On the other hand, even if according to duty-centered moral philosophies or deontological theories, it is agent's intention that is significant in the performance of duty; this intention in its turn will be different due to agent's individual goals and orientations in his life. Ethics for ethics will be just a trivial goal which makes the agent goodness valuable partially. But, if the goal of human life is his sublimity and nearness to God, then we could not perceive more sublime objective for the action. In Islamic moral system – considering "agent goodness" of the action and the most sublime goal of life (nearness to God) – the more "agent goodness" vis-à-vis "action goodness" becomes significant.

Another important point is that since God's knowledge and his means to perceive human intentions is an evident fact and he has a perspicuous judgment of the hidden sides of human thought and intention, then taking this as the criterion not only is not futile, but it can unveil different hidden aspects of moral action. In Islamic medical ethics we cannot content ourselves only with the positive results of an action; rather it is moral action's intention which should be taken seriously. In a secular medical ethics there is no way to detect hidden intention of an action (like what we said as God's knowledge). The current teachings of medical ethics are merely restricted to demonstrating moral norms and training physicians whose conducts are according to those norms. While it is necessary to use another independent educational methods to improve "agent goodness" in moral actions of medical agents and through joining these two to each other to flourish the medical ethics in Islamic societies.

On the other hand, in revising the moral prescriptions, some prescriptions should also be thought about for the manner through which one's intention influence the action. If abortion is justified in some cases and prohibited in most situations, there should be some other plans for regarding the intention of action; and these two (action and intention) in an integrated whole can determine whether the action is moral.

2- Although the goodness of moral actions is substantial due to the action, on account of limitations of human reason, one needs the revelation to determine its boundaries.

In Islamic medical ethics, it is necessary to take it into consideration that religion is not the basis for an action's being good or bad. "Divine Command" theory cannot be taken as the criterion for an action's "Goodness" or "Badness". Moral actions are substantially good in themselves and since they are good they are declared as among divine commands (Sobhani, 2003:32). Thus, man can comprehend the goodness and badness of actions by his reason and nature. But human reason admits his inability to get differentiated knowledge of goodness and

badness in many cases (Javadi Amoli, 2005:285-9). This leads us in practice to realize that there are numerous elements, which have a decisive role in comprehending whether an action is good or not, that in turn leads us up to various moral judgments. On the other hand, man by his innate nature cannot remain in relativism, and then he finds himself in strong need of a meta-human reason to help him in these cases to choose one of the alternatives that is obliged to choose.

There have been actions which were completely justified for some scientists in specific situations, but their undesirable consequences were disclosed after years or centuries (e.g. harmful environmental consequences of technology as humanistic approach in science were not predicted for man in the first decades of twentieth century, while it changed the criterions of goodness and badness of technology in scientific development at the first days of twenty first century which means abandonment of previous developmental norms) and due to his epistemic limitations, especially in comprehending oncoming consequences of his behaviors, man needs a reason who is aware of the future and consequences of his behavior in human society thoroughly and of the goodness of actions in an organized and consistent system of world. Since awareness of future is in the enclosure of divine knowledge, therefore man needs revelation and religious prescriptions to distinguish detailed issues as good or bad. Thus, a plan for compiling moral prescriptions in medicine relays on human reason in determining goodness or badness of action in general and its differentiation should be done through revelation.

3- Revelation proposes only general orders and the conformation between divine outlook and particular issues is possible through human reason. Understanding revelation is a function of principles which are contingent on the authority of human reason. Since revelation has called our attention to scientists' reason in some aspects, in those cases we should be the followers of human reason.

After moral prescriptions being assessed by the revelation and accepted as consistent with it, revelation itself indicates the human reason as the authority for the judgment of particular cases. Despite the necessity of revelation as the judge in general, comprehending the revealed is possible through *Ijtihad* (intellectual effort) (Ayatollahy, 2004:85-75). In such cases we can't recognize the conformity with revelation through the exoteric meaning of revelation. Such things as reason within the boundaries of revelation and those human expediencies which are confirmed by reason, thus, are necessary for *Ijtihad* on the revealed. In this connection the attendance of scientists from different medical sciences has a

crucial role in *Ijtihadic* judgment. This *Ijtihad* should be the result of intellectual exchanges between theologians, physicians, jurists, moralists and philosophers.

For determining the exceptional and newly occurred cases in medical ethics there should be aforementioned experts, whose conductors are theologians and among whom physicians are the authority for determining the new extensions, to decide about their practical goodness and badness.

4- Though having belief in omniscient and omnipotent God leads us to find the natural laws which disclose Divine Wisdom and also helps us to overcome the nature, but this propitious context is not the license for any kind of science or technology aside from Divine Lordness (*Robubiyyat*). Intellectuals in their studies of the conditions of scientific development have declared the revealed religions as among the necessary conditions due to their belief in omniscient and omnipotent God and prophets' persuasions for discovering the secrets of universe. Since the universe is subjugated to divine science and power, and the presupposition of discovering the wisely founded order of universe and overcoming the nature has paved the way for human self- trust. But this condition would not leave man alone for any dominance over the nature; rather he should also take the revealed prescriptions into account along the religious doctrines to apply his dominance over the nature (Meshkini, 2004:13). This settles the moral problems of environment in the framework of religious thought.

### ***B- Spiritual Components***

1- Primary virtue in moral prescriptions is man's nearness to God and his spiritual and mundane development in this way. Therefore, on this foundation, the secular moral system, within which the criterion for goodness and badness of actions is merely human comfort and welfare, is not counted as a comprehensive measure.

One of the most important challenges between religious moral system and secular value system is their specific attitudes toward human being and his necessities and goal in life. This has led to the salient different attitude and prescription in moral issues through religious moral system in comparison with the humanist value system. For moral decision of various medical problems we can't confine our attention merely to welfare, physical health, and human pleasures, but we should have planning for individual's spiritual and physical development simultaneously (Motahhari, 1983:69-84). Since in Islamic worldview it is the nearness to God which is the most important goal in human life, therefore

physician or patient's intention of any moral action should be oriented in line with God's pleasure (Mesbah, 2005:275-80) firstly; and Goodness and Badness of all medical actions must be evaluated according to the sum of human spiritual and material development secondly. For instance, physician's secrecy to his patients' secrets should not prepare not only the patients' personal comfort and pleasure but also their spiritual growth. When “non maleficence” is deal with, not only physical harm but spiritual harm should be taken into consideration as well. Consequently, in an Islamic medical ethics, any kind of medical activity should not obstruct the spiritual growth of man and to lead one to religious corruption.

2- For the intellectual assessment of particular issues it is important to study the result of actions evaluated by aforementioned value (not merely human welfare and comfort). Thus any decision about the goodness and badness of particular actions regarding the expediencies resulted from them is contingent upon the intellectual inquiry of their outcomes for society and the individuals; this latter is the task of *Ijtihad*. In determining any "Action Goodness and Badness" of an act we cannot content ourselves with some moral prescriptions, but this prescription should be evaluated regarding all of its consequences in society. Therefore, differentiated studies of an action's consequences must be done by a group of experts to sum up its social and individual outcomes aside from those prescriptions in general.

3- In Islamic medical ethics the world is described as the condition for human spiritual growth, so against Christianity (especially in Middle Ages) asceticism is not appreciated. In Islamic moral system, satisfying human intrinsic and innate needs all in a temperate manner has been recommended strongly. Any moral planning which has skipped over some aspects of human needs would strike the equilibrium of his facilities. Therefore, natural ways of satisfying human needs whether mundane or spiritual have been thought out in Islamic prescriptions. Satisfying human mundane and material needs is regarded as the prerequisite of his spiritual flourishing, and thus, does really matter. The world is described as the farm of Otherworld, and the more man has material and physical power, his spiritual growth would be more accessible (Tabatabaee, 1976:206). Those medical moral prescriptions which suppress any of human instincts or innate needs are not appreciated as a desirable prescription.

### ***C- Legal Components***

1- Since man is reliant upon God in all aspects of his being, all rights which he possesses has been granted to him by God and is within the boundaries of his

sovereignty. This means that nothing (whether for the majority's opinion, or social expedient or because of the principle of justice) could deprive him from his God-given rights, unless some other rights have been given to other one or society by God to deprive him. Thus, no one can limit others in their rights but God.

The basis for legitimizing moral prescriptions in secularist systems is the consensus of intellectuals or the opinion of majority, etc. According to the above mentioned source of rights (i.e. God), the mere principle of utility or justice cannot set the boundaries of human liberty and free will. And accordingly, penal punishments would not be legitimate. In Islamic legal system, the basis of these rights is the divine sovereignty and lordness. And this is the very thing which modern humanism in West was to fight against.

As the basis of human rights is God, then human liberty can be limited in so far as God allows (Javadie Amoli, 2005:285-9). This is not to deny the social interest or majority's opinion or other authorities for arriving at the principles of utility or justice, but this kind of instruments is used only to discover God's sovereignty in religious *Ijtihad* and its legitimacy comes from God as the authority.

2- Due to God's infinite wisdom, human rights have in turn a specific reason that is comprehensible to some extent. Divine rights and obligations have certainly a tenacious expediency or reason according to the belief in divine infinite wisdom and his boundless generosity for His creatures. However, this is not to say that man with his temporo-spatial limitations can comprehend all of these expediencies, rather with his limited and developing knowledge he can only grasp some aspects of them. In such cases that man can't understand the expediency and reason of these rights and obligations there is no reason to account them irrational.

3- According to Islamic doctrines, every man has very high dignity and God has granted every man, with any characteristic whatsoever, an equal value as other ones. Calling the attention to human dignity demonstrates his intrinsic value and the necessity for regarding justice as the equality of rights between human beings, unless someone has been granted special right by God in similar cases based on his personal characteristic or deprived from some rights due to his conducts. Needless to say, being deprived from some rights doesn't imply deprivation from the other rights.

In all of the revealed religions there is a maxim as follows: "killing or reviving one human being is equal with killing or reviving human beings all". According to this fundamental vision, human dignity is so that we can't find something equal

with (Ibid). The basis for deciding about human soul and body in medical ethics ought to be this human dignity. Any of the prescriptions of medical ethics (especially those which are immediately connected with human life) could not be inconsistent with this principle. Quadruplet criteria of “respect for autonomy”, “beneficence”, “non maleficence” and “Justice” should also be comprehended in the light of this principle.

It is only God who can set the conditions for the violation of this principle as the possessor and sovereign of human beings. Limitation in human dignity is possible only through God's order. Then any deprivation of right doesn't lead to being deprived from the other rights. All human beings are equal in this connection.

4- Animals and plants have also an appropriate rights and nobody else God could deprive them from their rights. Thus, we must appreciate their rights, unless special permission has been granted by God.

Animals and plants do possess rights consistent with their life that never could be violated unless with God's permission. Even in those cases which man himself prepare the conditions for the creation of plants or animals he has no right about their life, because man is merely an occasional cause and it is divine perpetual grace which is the rise and continuum of their existence and life. Preferring human life to animals' in some cases which they conflict each other, and butchering animals and getting benefits from plants are examples of divine permission which has been given to human beings under some specific circumstances. Some Islamic theologians believe that butchering animals in the name of God is the witness to the fact that it is only possible due to God's permission that one can butcher them, and there is no independent right for human beings in this case. This principle not only is important in medical ethics especially in laboratorial studies of animals but it is also significant in other fields of Bioethics. It seems that those experiments which are carried out before any animals' life should not be in contradiction with this principle, since the creature possesses these rights after coming to life. In Christian or Judaic medical ethics some scientific researches which are declared as interfering in the divine creation of creatures, and thus, prohibited; but, this is not the reason for some prohibition in Islamic medical ethics, unless it has been demonstrated that they've had inappropriate outcomes that would lead society to corruption. Human fetus has also its appropriate rights regarding its stage of life – human, animal, vegetative.

5- Since most of people are failed to acquire their God-given rights, it is up to Islamic society to administer the justice and to help them in getting their right to have a healthy life.

Realization of moral prescriptions is reliant upon their sanctions. Thus, in Islamic society there should be plans for actualizing citizens' rights and setting tenacious moral relations between them, doing so we can hope to reach a moral society within which medical moral prescriptions are followed and medical moral prohibitions are avoided. In this connection, Islamic principle of *promotion of Good and prevention of Evil* in its broad sense which contains all of needed mechanisms for realizing the Good and avoiding from the Evil has great importance.

### ***D- Penal Components***

1- The system of reward and punishment in Islamic medical ethics -beside Islamic penal system- with God's satisfaction or dissatisfaction which is manifested in Otherworldly reward or punishment, not only is a guarantee for action's "Action Goodness" but also is so for its "Agent Goodness".

In secularist systems special penal and persuasive methods have been thought out as doing or undoing moral prescriptions, which are manifested in different forms. Supervisory, judicial, administrative and disciplinary systems of country have the responsibility to assure the conformation of actions with the moral prescriptions. In religious systems, beside the aforementioned systems, the most important guarantee for moral action is Otherworldly award and punishment which is a good guarantee for moral action, specially in those cases which we have no access to the "Agent Goodness" of an action (which is not visible and thus could not be supervised), or in those cases that are far from detection by administrative disciplines.

2- Since there are duties in front of rights, moral duties in medicine should be set in such a way that everyone touches his right. Determining the duties of medical agents according to the rights of other medical elements or agents (and vice versa) is very important.

Since observing the rights of all people involved in healthcare system has a firm connection with medical ethics, moral prescriptions imply rights for all agents involved in medical process. Expressing people's rights will be the half of medical ethics, since there is a duty for oneself in front of any right upon which his counterparts' obligations should be set up (Javadi Amoli, 2005:285-9). No right is

one sided. When medical moral charter is arranged the rights of both sides involved in medical process should be clear and there must also duties to be arranged in front of rights. For instance, in arranging patient's rights we should also have an eye on physician's rights since right is not something one sided. Also in arranging patient's rights we should take physician's duties into consideration and vice versa. Excess and wastage will lead to moral corruption.

3- Duty arranging system which is determined according to rights, needs a penal system for its realization.

Since in Islamic society it is the responsibility of the state to defend God-given rights of any creature and to use his possibilities to get him back his rights, then everyone's duties should be arranged according to those rights which have been determined for him in medical moral system and the judicial system must punish transgressors and reward those who follows moral prescriptions through his penal instruments (Javadi Amoli, 2005:285-9).

Accordingly, the arrangement of medical moral chart is as follows:

Moral prescriptions → determining the rights of first counterpart involved in the medical process → determining the rights of second counterpart involved in the medical process → determining the duties of second counterpart before the first counterpart → determining the duties of first counterpart before the second counterpart → arranging the reward & punishment system for transgressors and the loyal followers of moral prescriptions → determining mechanisms for deciding about who is the transgressor and who is the follower → determining executive mechanisms for reward and punishment.

## Conclusion

Although in some Islamic attitude to ethics, "Rational Goodness and Badness" is the measure, but Islamic medical ethics has differences with Secular ethics, that distinguish it from Secular. For compiling this kind of Islamic medical ethics, some specific and fundamental observations should be taken into consideration to preserve its Islamic spirit. In its fundamental and contentive aspect, this attitude is also concerned with the "Agent Goodness" of action; and admits human reason's failure of having a comprehensive knowledge of moral aspects all in details (and not in curt), and thus, does regard itself as needful of the revelatory prescriptions. For more particular cases, reason resorts to *Ijtihad* starting with the revelatory doctrines. Moral prescriptions are explained based on divine sovereignty.

In its spiritual aspect, Islamic medical ethics is not merely to prepare welfare and material comfort for man, but its main concern is both human material development and spiritual growth -which is manifested in nearness to God- and observe both of them within a balanced transcendental framework.

In its legal aspect, it has laid down a legislative system within which all creatures' rights have been arranged from divine point of view, and God's authority and sovereignty is considered as the basis for moral activities' legitimation. These rights could only be taken away through God's permission. God has given man such dignity according to which reviving or killing one human being is considered as equal with reviving or killing human beings all. Moral prescriptions should be based on divine rights.

Islam has not contented itself with advice in ethics and thus has also developed a penal system for securing peoples' rights and morality.

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