

## **Biomedical Ethics in Cultural Diversity: An Islamic Perspective**

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### **Abstract:**

The Islamic perspective in the field of biomedical ethics is increasingly becoming more relevant and significant in these days. Islamic scholars have been tackling the crucial issue of how to apply Islamic ethical values to medical practices and scientific progress in area of biomedical research. In other words, how Muslim societies and communities opt to adopt and apply biomedical ethics from an Islamic perspective. Two important aspects are the application of the principle of Autonomy and Informed Consent in medical practice. It is significant to understand the way Islamic biomedical ethics are applied in the contemporary global age with increasing social diversity. There is without doubt much at stake for coexistence when it comes to how such things are understood within the field (of biomedical ethics). Primary sources of Islamic legislation and jurisprudence come mainly from the Quran and Sunna, in addition to the opinions of scholars. The sources, documents, and written material for this research paper have been obtained mainly from Arabic and English source material. The results reveal that Islamic perspectives in the field biomedical ethics remain quite crucial as they are of grave consequence for the daily lives of many people. Also, that there remain certain challenges to agreement amongst divergent scholarly views.

### **Keywords:**

Islamic Biomedical Ethics, cultural diversity, Sharia, Maqasid, Fiqh

## Introduction

The ethical dilemmas that are raised by new advances in medicine and scientific technology have presented societies, religious and non-religious, with new challenges. A diverse array of Societies across the globe face an increasingly urgent need to solve problems related to biomedical ethics at religious, medical tradition, philosophical and legal levels. The relationship between the medical practitioner or clinician and the patient is increasingly influenced by the cultural and religious background of either or both. In the absence of a universally accepted framework for the clinician and patient relationship, cultural and religious knowledge can be crucial in providing better and more effective medical care. Conversely, a lack of knowledge of cultural and religious matters could exacerbate conflict between clinician and patient. Such knowledge and competency do occupy a significant position in the biomedical ethics discourse. Thus, the focus of this paper is to explain and illustrate what is meant by Islamic biomedical ethics and its application in medical practice and biomedical science. The question is quite significant in order to understand the way Islamic biomedical ethics are being applied in every day's medical practice and bio research science. This is even more cogent considering our contemporary global age with its increasing social and cultural diversity. The understanding of Islamic biomedical ethics has repercussions for the harmony and coexistence of diverse communities in our modern, global age.

Currently, Muslims comprise almost one-fourth of the world's population. Diversity and multiculturalism have become a salient characteristic of many societies all over the world. The field of biomedicine and relevant ethical issues are becoming even more important in the daily lives. Biomedical ethicists worldwide are keenly aware of this contemporary development compelling them not only to understand their own traditions and cultural backgrounds but also those of communities around them. The urgency for understanding biomedical ethics from an Islamic perspective has been stressed as an important subject in the discourse of biomedical ethics deliberation.<sup>1</sup>

In Muslim societies, the values and teachings of Islam play a central role in shaping individual and social life as well as attitudes on health, illness, life and death. Religious values, needless to say, represent a major determining factor in the discussion concerning health care and the medical field. Also, Islamic Sharia extends the private lives of individual Muslims, therefore becoming a central frame of reference for public policies in Muslim societies or societies with significant Muslim populations. For years, Islamic legal and ethical traditions have dealt with inquiry and questions on emerging issues in the field of medicine.<sup>2</sup> Both scholars and jurists tried to respond to ethical questions

according to the Islamic teachings. Yet, in the contemporary Muslim world, diversity is less tolerated when it comes to ideas and interpretations in some societies. Before examining the different points of view and challenges facing Muslims concerning the creation of a coherent Islamic Biomedical ethics, it is crucial to understand first the definitions and concept of Islamic Biomedical ethics.

## 1. Definitions and Terms

In this section, we are going to provide definitions for various terms that are related to the field of ethics in the medical and bio research fields. The various terms have contested definitions.<sup>3</sup> Contemporary ethicists in the field of medicine and biomedical research are still debating which terms need be used in order to reach an agreeable definition describing the phenomenon.<sup>4</sup> It is important also to point out a definition that Muslim scholars seem to agree upon. The terms which are most commonly used are “medical ethics,” “bioethics,” and “biomedical ethics.”<sup>5</sup> Are there differences among them? And what term do Muslim scholars prefer to use?

The term “medical ethics” refers to rather a traditional field which focuses on the physician-patient relationship.<sup>6</sup> Thus, this term can be described as the more traditional one. Since it is confined to a direct relationship between physician and patient, the term in itself is rendered limited. In other words, the term medical ethics does not deal with stems cells or related technologies. Thus, it suggests an old definition that does not reflect the contemporary circumstances and diverse medical and related technology. One Muslim scholar of ethics described the term medical ethics as “Hippocratic thought,”<sup>7</sup> as the medical field has developed and progressed beyond such limitations. This, therefore, compels us to search for a more fitting term.

The Term “bioethics” appears to enjoy greater usage and breadth. As it implies, the word consists of “bio” and “ethics.”<sup>8</sup> Bio comes from the Greek word meaning “living things.”<sup>9</sup> Here the term’s implications are broad, including agricultural products, food, animals, etc. It can even go as far as covering public health and healthcare ethics. If, for example, animals are included under this broad terminology, “biomedical ethicists” do not take animals into consideration. Thus, the question begs; where does it end? It is a term that can be considered problematic. Even one of the contributors of the famous work, *Principles of Biomedical Ethics*, Mr. Beauchamp, does prefer not using the term despite the fact that he did in in his early writings.<sup>10</sup> Thus, the term “bioethics” does not fulfill the required definitions as it is too broad and open-ended. Finding a more

appropriate terminology and definition is of high priority.

The term “biomedical ethics” is introduced to answer the rise not only of traditional medical field but also the biomedical technology and science.<sup>11</sup> The term means not only strictly medical, but includes topics such as cell research, genetics, reproductive health, research ethics, even human-experimentation. It is a broader term than medical ethics as it covers the medical field of human beings as well as related medical sciences and technological advances. This definition of biomedical ethics appears to be the most appropriate when refereeing to the relationship between ethics and “biomedical field.” Muslim scholars have worked to find an equivalent meaning in Arabic to the term “biomedical ethics” in order to facilitate a better understanding of the general Islamic perspective on the ethics of biomedical field.

A debate has been going among scholars, particularly on the exact use of Arabic for the word “bio” in order to help define more correctly the term biomedical ethics. The word “bio” means “life” in Greek<sup>12</sup> which corresponds to the Arabic word *ahyayyah* or *haywiyah*.<sup>13</sup> Those two Arabic vocabularies are related to the Arabic world of life, Haya, The Moroccan scholar, Al Resouni, prefers the word *haywwiyah* as such term is not only much more commonly used among ordinary people but also the it simply means biology.<sup>14</sup> *Al hayawiyah* implies in Arabic the meaning of “active” or “lively.” This term gives a wider meaning than specifically medical. Medical in Arabic means *tibbiyah* and with that the intended meaning of the term “biomedical”, the terms become in Arabic “*hayawiyah tibbiyah*,” in which *hayawiyah* refers to biology and *tibbiyah*, meaning medical. The combination becomes *hawayiah tibbiyah*.<sup>15</sup>

The word ethics itself had enjoyed a prominent attention in the wiring and Muslim scholars. The word ethics in Arabic can be translated into either *akhlaq* or *adab*. *Akhlaq* comes from the Arabic root verb *kh-la-qa*, meaning “to create” or “to from,” pertaining to appropriate and done.<sup>16</sup> From this word, comes the Islamic discipline of knowledge known as “*ilm al-akhlaq*,” meaning the science of morality. The other well-known Arabic term and equivalent is the word *adab*. Literally, the it means “literature.” However, the meaning can be enlarged and extended to represent the connecting learning and knowledge to right and good conduct which is the foundation of human personality. One can say that *adab* is about improving the character and refine its conduct. It is about character ethics at personal and professional levels. As ethics mean *akhlaq* in Arabic but the word *Adab* seems to aim at refining *akhlaq*. One of the classic works in the field of medical ethics was the book *Adab al-Tabib*, practical ethics of the Physician. This significant book was the work of the physician Ishaq ibn Ali al-Ruhawi in the ninth

century during the Abbasid era. *Al-Ruhawi* work is relevant to this day when it comes to the Islamic codes related to medical ethics.

Moreover, ethics is referred to as “a sub-branch of applied philosophy”<sup>17</sup> that is inherently connected to morality, aiming at distinguishing between “right and wrong” and the “good and the bad” of a conduct at a certain situation.<sup>18</sup> Ethics in the medical field and bio-research is considered as a subdivision of ethics which deals with moral principles in those fields. In the West, ethics emerged into the philosophical realm as it gradually broke away from the Christian definition of morality or the “good and bad” as shown throughout the writings of Western figures such as Augustine and Kant. The process of secularization that influenced Western discourse in contemporary time experienced a shift in the discourse of ethics in the West; one from religious ethics to philosophical, based on human experience, judging “right and wrong” and applying it in daily life. Such discourse is non-existent in Islamic intellectual perspective. Certainly, philosophical traditions have been studied and included whenever suitable in Islamic discourse; however, religion and religious text have always maintained a central role in shaping ethics in the Islamic discourse.<sup>19</sup>

## 2. Islamic biomedical ethics: A Conception

Islamic sources, the Quran or Hadith (Sayings of Prophet Mohammad), are abundant with references to the human body, hygiene and health in general. Ritual purification (*al-tahara*) is explained at length throughout chapters written by jurists (*fuqha*). These *fuqha* wrote about maintaining the cleanliness of the human body, during both daily care and times of illness. Some of those *fuqha* were medical specialists themselves.<sup>20</sup> Such references in Islamic tradition to ritualistic hygiene and health by the jurists form the basis of the Islamic understanding of “medical ethics.”<sup>21</sup> The goal “has always been to protect the life, dignity and the welfare of humankind by protecting their conscience, stability, integrity, and health.”<sup>22</sup> The integrity of a person is heavily connected to that person's health because of the larger Islamic concept of life and death, and people's common good and interest. The main Islamic sources of the Quran and Hadith are filled with verses and prophet's sayings referring to health in many instances. Here, we are going to highlight some of the most important Quranic verses and Hadith sayings on health and medicine.

At the heart of the subject, the Quran correlates belief itself with health, as it says, “a guide and a remedy (a cure that restores health), for those who believe.”<sup>23</sup> The

implication is that the health of heart (mind/spirit) is essential to leading a healthy life.<sup>24</sup> In other words, living a healthy life is also about the heart being cured from vices such as lying, arrogance, ego, etc. Essentially, a person returns to God after death with “a healthy heart;” it is important to protect one’s heart in life so that you return to God with *qalbin salim* (a healthy heart). As the Quran says, “a day when neither wealth nor children will be of any use, but for those who return to God with a sound (healthy, balanced, peaceful) *salim* heart.”<sup>25</sup> The root verb of the word *salim* is 'sa-la-ma, ' which refers to health and welfare, in addition to tranquility and spiritual peace.<sup>26</sup>

The revelation of God's word to the Prophet Mohammed is “a remedy,”<sup>27</sup> as it calls and encourages believing consciences to strive with all one’s power for the inner health/peace, and ultimately an elevated state of wellbeing. Such a quest is embodied in the word *jihad al nafs*, meaning to exert one’s utmost power to reach the highest form of a well-being and health.<sup>28</sup> According to this interpretation, the aim of human existence should be to fulfill the role given to us by God, and that role is to be stewards of life here on earth.<sup>29</sup> This implies that everyone bears a responsibility as guardians on this earth. The Quran says, “Then, we made you vicegerents on Earth.”<sup>30</sup> This sense of responsibility is extended, not only to one’s own well-being, but to all fellow human beings. The Quran shows what an essential duty it is to save one human life, even going as far as to say that if you save one life, it is “as if they had saved all mankind.”<sup>31</sup> The human body is given by God, so that we must care for our bodies, ensuring its healthiness and keeping it fit. During his lifetime, the Prophet Mohammad emphasized the necessity of keeping one’s body healthy, clean and fit. He said, “Your body has rights over you.”<sup>32</sup> What is meant by “rights’ includes protecting life, which is one of the five goals of Islamic Sharia.<sup>33</sup> Protection of life implies hygiene, health care, well-being, and leads to the understanding that health is essential. Such emphasis on sound health is illustrated when the Prophet told his companions, “Ask God for health, for no body receives anything better than good health.”<sup>34</sup>

For a Muslim, a person is the guardian of his/her own body. The body needs to be taken care of, nourished and respected. This is because God entrusted us with our bodies, and therefore we owe a “debt” (*dayn*) to Him, and one day the body returns to Him.<sup>35</sup> It becomes incumbent upon every person to implement practical ways of curing the body in a time of illness. The Hadith says, “There is no disease for which God has not provided a cure.”<sup>36</sup> The quest for seeking new ways of curing illnesses and diseases is the way forward towards preserving health conditions of the body and the well-being of the heart. New medicine and scientific research discoveries can lead to the persevering and

protection of life through the preservation of sound health of body and heart. What is explained here is not the definition of Islamic medicine or how it is different from Western medicine *per se*, but, how it relates to the question of medical ethics.

Explaining the importance of respecting the health of the body and heart according to the Islamic perspective is to highlight its link to ethics. What is important here is “establishing the objectives of Islamic ethics relative to the health of the heart and body.”<sup>37</sup> Every day, we are faced with challenges concerning health and medical technology, including diseases, epidemics, and research on humans. Medical knowledge and related scientific discoveries do not exist in a vacuum, however. The tasks of medicine and research are performed within human and social environment, forcing us to consider new and efficient Islamic ethics to deal with them.<sup>38</sup> Therefore, it is necessary to understand what the term 'Islamic medical ethics' means.

From the outset, there is no distinct branch of knowledge or a known discipline that can be referred to as Islamic biomedical ethics. The term ethics itself certainly can be found in Islamic sciences and material, such as *fiqh* (Jurisprudence) or the science of *kalam* (scholastic theology) and *tafsir* (Quranic exogenesis).<sup>39</sup> In Islamic societies, the term 'ethics' has its roots in historical and religious texts, yet over time the interpretation has changed, even being used in recent times to describe “biomedical ethics as a separate discipline.”<sup>40</sup>

### **3. Islamic Biomedical Ethics in light of Sharia and its Higher Objectives**

The difference between Islamic biomedical ethics and the secular principles-based medical ethics is that the Islamic perspective gives ethics a religious basis.<sup>41</sup> The secular discourse of biomedical ethics, like the famous work of Beauchamp and Childress, deal with man as a social being.<sup>42</sup> However, in Islamic ethics, the basic tenet for both the individual and the society is to have faith in, and get close to, Allah. The approach to Allah can be done through Sharia. Yet, almost no Muslim country applies Sharia as a legal framework. Sharia is applied at an individual level and remains a significant aspect of life for Muslims, no matter where they reside.<sup>43</sup> Sharia is defined as “the collective ethical subconscious of the Muslim community.”<sup>44</sup> In practical terms, when a Muslim patient is facing a certain medical dilemma and has an ethical question concerning a certain medical issue, they may seek the opinion of an expert in Islamic law or a scholar of jurisprudence (*faqih*). The goal is to find the most appropriate divine law in order to

protect the five necessities of a person; religion, life, intellect, lineage and property. To make the case for Islamic perspective of medical ethics clearer, it is important to observe that God alone defines what is right and what is wrong. In other words, good deeds are good because God commands them and evil deeds are evil because God forbids them.<sup>45</sup> This means an entire dependence on revelation. However, God's command carry purpose and it is purposefulness of God's will in which human reason, in relying on revelation, can distinguish and design rules in order to apply them. From those two assumptions, a rich culture of legal thought, ethical traditions and material flourished throughout Islamic History. This materialized into the vast discipline of *usul ul-fiqh* (principles of jurisprudence) which is the science examining the sources of *fiqh*-law and brings about rules. *Usul* is the Arabic word for "root" and when is related to biomedical ethics; the attempt is to trace back the bases or the root of revelation to determine the specific reference which constitutes the actual law on a specific case. Thus, understanding what does Sharia as well as its objectives is of high significance in understanding the Islamic ethical dimension.

It is highly important to define the word Sharia itself in order to understand its relation to the larger context of Islamic biomedical ethics. The word sharia come from the Arabic root verb, "*sha ra aa*," meaning to command, to designate, to make lawful, or to prevent. Also, it means the water spring (the source of water), and it can also mean "a straight road." Other meanings of sharia include "flat and clear landscape."<sup>46</sup> Thus, the word indicates what is designated, clearly defined and free from ambiguity and vagueness. It is also defined as the complete guide of *al din* (religion), meaning it applies to the rules, commands and prohibitions that Allah ordained upon the believers. Moreover, the great Andalusian Scholar Ibn Hazm defines Sharia as what Allah ordained through the message of Prophet Mohammad, and the messages of all prophets. He adds that Islamic belief brings Muslims together where sharia organizes their lives in order to bring people from darkness into light.<sup>47</sup> In other words, sharia, as principles and rules that Allah ordained to his servants, is to organize both religious and earthly lives, be it acts of devotion, *ibadat*, or transactions and dealings, *muamalat*; for the realization of happiness, stability and justice.<sup>48</sup>

The principles of Sharia are derived from the Quran, the *sunna* and *ijmaa*. All Principals depend on two pillars; complete faith in Allah and it is he who created sharia. Sharia is not subject to change and at the same time it is realistic and moderate, taking into account the conditions of people and giving everyone his/her right. It is applicable to every time and place for all people for the realization of an individual's happiness in this

life and hereafter. Thus, it protects the rights of people and the well-known five necessities; the protection of religion, life, intellect, lineage and property. Recently, some scholars have added the protection of environment as it affects all of humanity in many ways.<sup>49</sup> But, most importantly, modern Muslim scholars have worked to take the study of sharia into a higher realm of scholarship for renewal and innovation.

The Tunisian scholar Ibn Ashur is one of the most renowned and great Islamic scholars of the 20th century. His book *Maqasid Al Sharia* (The Higher Objectives of Sharia) is a breakthrough in the studies of sharia. He put forward the founding basis of *ilm al maqasid* (the science of higher objectives), and showed how it is important for the study of *fiqh* (jurisprudence). *Ilm al maqasid* is proposed as a methodology for the renewal of Islamic law, which has not undergone any serious development since the times of the great imams; Al Shafii, Malek, Ibn Hanbal and Hanafi between the 7th and 9th centuries.<sup>50</sup> Ibn Ashur argued that the text of Sharia is infinite but events, incidents and issues are not infinite. His idea is to limit the disputes of differing opinions and *fatwas* (scholarly opinions) that may confuse contemporary Muslims. So, the door of *ijtihad* (free independent thinking based on reason)<sup>51</sup> and *tajdid* (renewal) becomes wide open and not bound by restrictions put forward by *ulama* (scholars; plural for *alim*, the learned one)<sup>52</sup> of the past and their biases for a certain *madhhab* (school of thought). The ultimate aim or objective is to address current and real challenges facing Muslim societies. This renewal in the methodology of sharia is the first since the 9th century. The scholar pointed that the Quran requests us to seek the ultimate goal or objective of our existence, “We did not create the heavens and the earth and what is between them to play. We created them only for a specific purpose (intention).”<sup>53</sup> Thus, the concept and meaning of *maqasid* (ultimate objective or intention) has been consolidated in our contemporary time. And the driving intellectual force was Ibn Ashur.

Mohammad Al Taher Ibn Ashur was born in the city of Tunis in September 1879, two years before the start of the French colonization of Tunisia. He hails from a prominent family with roots in Andalusia (Muslim Spain) and a long tradition of scholars, *qadis* (judges), educators and political involvement. Ibn Ashur memorized the Quran at the early age of six. In 1893, he joined the well-known Zaitouna College in Tunis where he received education from Zaitouna’s scholars in subjects such as Quranic studies, Hadith, *maliki fiqh* (jurisprudence of Maliki school), history, Arabic literature and Logic. Ibn Ashur, became head of the Science Council of Zaitouna College in 1907. By the year 1924, Ibn Ashur attained the position of chief *mufti* (jurist who gives nonbinding opinion on a point of Islamic law).<sup>54</sup> After the Independence of Tunisia in 1956, he was

appointed as the dean of Zaitouna College. However, two years later, Ibn Ashur was forced to retire from the position of dean after objecting to the then President Bourqeiba's decision against fasting Ramadan. Ibn Ashur lived to the age of ninety-four years old.<sup>55</sup>

Throughout his long life and career, he authored many important books on the renewal of Islamic studies and *ijtihad* (exerting utmost physical and mental efforts).<sup>56</sup> For Ibn Ashur, *ijtihad* is thought of as an important approach for the jurist to rely on the mental faculty in solving legal issues and questions. For the study of the Quranic exegesis (*tafsir*), Ibn Ashur produced the important work, *Al Tahrir wa Al Tanwir* (Liberation and Enlighten). Educational and social reforms were crucially important to the intellectual discourse of Ibn Ashur. He produced highly acclaimed books on the "project" of reforming education for Tunisia and the Arab and Muslim World, titled, *Alaisa as Subhi Bi Qarib?* (Is not Dawn Near?) and *Usul Al Ilm Al Ijtimai fi Al Islam* (The Principles of Social Science in Islam).<sup>57</sup> His book, *Madasid Al sharia Al Islamiya*, (The Higher Objectives of Islamic Sharia), remains a milestone in the area of reforming Islamic sharia studies and renewal as a whole.

Perhaps one of the most comprehensive and concise definition of *maqasid* is produced by the contemporary scholar Al-Najjar.<sup>58</sup> He tried to introduce an accessible and easy way to understand what is meant by the ultimate or higher objective of sharia. He says, "The ultimate objective of sharia is to empower the human being to realize what is good for him and his wellbeing through realizing the reason for his/her existence in which a human being is the khilafa, vicegerent, on this earth by developing the individual self and social organization, community, for the purpose of facilitating happiness in this life and hereafter."<sup>59</sup> That's being illustrated but how *maqasid* is related to biomedical ethics?

Scholars in contemporary times have opted to apply the principle of *maqasid* on biomedical ethics as an approach in dealing with the many medical ethical issues and emerging biomedical research. *Maqasid*, requires a holistic approach as it deals with the preservation of personal integrity (*nafs*). One's health and life become priorities based on the higher objective. The health of a human being cannot be reduced to mere chemicals and biological functions. A more comprehensive approach is necessary as to link the body or health to the wider context of spiritual state of a person. It is necessary to include that emotional well-being of a patient as well as the soundness of spirituality.<sup>60</sup> The approach refers to both structure and methodology and is deemed essential in handling such contemporary issues. But there is much needed work to refine and clarify

the approach.<sup>61</sup> So, the *maqasid* approach, or “objective” approach, is a more holistic one that incorporates the patients spirit as well as the mind and body. Such a fundamental task is directly related to the definition and the methodology of applying Islamic ethics in the biomedical field.<sup>62</sup> The result-based effort is the aim itself in applying bioethics. Thus, definitions and methodology are part of the effort to bring about an output which is directly related to *maqasid*; no matter how small or big the issue at stake is.<sup>63</sup> In other words, the approach to applying ethics from the Islamic point of view needs to be connected as much as possible to the biomedical field of knowledge. In all, three important steps are significant to realize a clear Islamic application of ethics in medical and biomedical field. First, one must defend the fundamental conception. The second is to determine the higher objective specific to the field of biomedical ethics. Lastly, we must formulate a terminology suitable to both the conception and ultimate goal.<sup>64</sup> As one Muslim scholar put it, “*maqasid* is to be used as a pragmatic checklist that can be utilized in tackling bioethical issues and dilemmas.”<sup>65</sup> I think that the approach of *maqasid* is to put into question the entire issue of contemporary biomedical ethics in attempting to reform the approach. That is not for Islamic biomedical ethics to just adapt and limit the damage and risk which is applied, but rather reinvigorate an approach in its entirety. For this, Muslims approach sharia and its higher goals to effectively mitigate and solve issues and problems related to ethics in the medical and biomedical research.

Thus, one can say that sharia is seen as a living approach to daily life for both a Muslim individual and community. It is “both an individual and collective duty in Islam.”<sup>66</sup> *Fatwa* (scholarly opinion) of a learned scholar provides guidance to those who seek answers on ethical questions, such as medical and biomedical areas. The *mufti* is the one who gives a *fatwa* but *fatwa* is not legally binding. The legal opinion of a *mufti* is different from a *qadi* (judge) where the decision of a judge is legally binding. In our present time, one can notice numerous publication outlets which publishes *fatwas* on many different matters of life; from finances, marriage and divorce, transactions, biomedical field, etc.<sup>67</sup> The *mufti* examines a case or question against juridical sources and principles of sharia in addition to taking into consideration current context and reality. Thus, a collection of *fatwas* means a clear indication of the moral and ethical standing of a Muslim community on certain issues and questions. The scholarly opinion could arrive from any learned scholar regardless of origin of country or even institution.<sup>68</sup>

There is no “church” in Islam, and thus no system of hierarchal clergy. Different learned scholars provide a questioner with different legal opinions. The collection of

*fatwas* or legal opinions allows the seeker to choose from among the various opinions. It is up to the individual to choose which *fatwa* is most convincing and augmented. If an individual feels most at ease in his/her heart, then, they can make the choice. In other words, the seeker tries to find “an Islamic position” on a certain question. Ethical issues of the biomedical field are no different. Yet, to make his case more convincing and accepted by the general public, a *mufti* (a learned scholar) must seek the cooperation of a specialized medical professional. This is an essential aspect of Islamic biomedical ethics, as the Muslim legal scholar must consult with medical professionals. This constitutes the so called Islamic Code of Medical Ethics.<sup>69</sup> In other words, it is the duty of medical practitioners and researchers to collaborate and be consulted when needed by a *mufti*, as biological sciences undergo progress and advance constantly. It is generally pointed out that such cooperation between the legal scholars and medical professionals is witnessed throughout the numerous annual conferences worldwide. However, there is still much room for improvement.<sup>70</sup>

#### **4. Reconciliation of Science and Ethics: Islamic critique of the Four-Principle Theory**

The well-known Four-Principle Theory was introduced by two American philosophers, Tom Beauchamp and James Childers in the 1970s. The theory outlined its main ethical principles when dealing with biomedical ethics: autonomy, beneficence, non-maleficence and justice. The authors claim that the Four-Principle theory has a universal character and thus it is in harmony with different traditions, philosophies of life and cultures.<sup>71</sup> The two authors are secular scholars who consider new ethical dilemmas in the practice of medicine and biomedical ethics. The dilemma lies in the fact that the theory was built on secular and philosophical principles but does not pay attention to the moral values that are based in religion.<sup>72</sup> The issue here is about separating moral values from religion. And the theory has become one of the most widely debated theories of biomedical field. The principle of autonomy has been considered by many ethicists to be the most important ethical principle which supersedes all others of the Four-Principled Theory. Thus, Islamic critique of the theory has ensued.

The western-based autonomy places considerable emphasis on individualism, self-actualization and personal gratification, however, it denies the role of faith in the supernatural being as well as the wider public interest over the rights of the individual. Autonomy of liberal individualism can be at odds with belief systems of some

faith-based communities in which many still keep paternalistic attitudes on medical care provision. For a Muslim to exercise autonomy, privacy is requested especially for a female patient to be seen by same-gender physician if available; this needs to be respected. If not available, it is Islammically allowed to be seen by a physician of opposite gender. Traditional Muslim physicians practiced with the guidance of God present in their minds. A Muslim doctor used to be called '*hakim*', which in Arabic translates as 'wise'.

Muslim scholars point to the strictly secularist nature of the Four-Principle Theory. Secularization brought about “a fracture, giving ethics an independent status from knowledge.”<sup>73</sup> It implies that the very subject of ethics and its role in society must be reconsidered. The Western discourse presupposes a secularist and rational nature. However, in reality it is a “reductionist, utilitarian compatibility and ethical measurability that tends to align with the dominant economic order.”<sup>74</sup> Yet, the debate on biomedical ethics cannot be reduced to the point of simply rejecting the West and its science or even to providing evidence that biomedical ethics are compatible with Islam.<sup>75</sup> On the contrary, it is crucial to study the overall intention of the theory; that is putting to question the fundamental philosophical frame of reference and the method of implementing its ways, as devised by the two authors of the theory. Thus, a holistic approach is necessary to take into consideration the principles and yet again never lose sight of the ultimate goals.<sup>76</sup> We can say that biomedical ethics is, in a way, a field that aims at finding a common ground or reconciliation between biomedical ethics and the medical science on one hand and ethical imperative on the other.<sup>77</sup> It is this fundamental premise of reconciliation that is the more significant and certainly enduring for any foreseeable related intellectual discourse. Reconciliation with science lies at the root of the matter. We must question the role of science, its methods, its application and its utility. Islamic philosophical thought has always placed an emphasis on the inseparable relationship and the natural link between professional ethics and the goals of sciences. Certainly, the four principle approach may help examining ethical issues in a seemingly “universal and neutral” frame of ethics, but in reality, at individual and community levels, when treating patients, an alternative approach becomes imperative with due attention to different cultural backgrounds.<sup>78</sup>

## Conclusion

At our present time, societies are becoming increasingly multicultural and diverse

under the impact of globalization and modern technology, creating a plurality of value systems that may come into conflict. In the biomedical ethical field, cultural and religious differences can lead to ethical issues and dispute in the clinical realm. Yet, such cultural and religious diversity can open up new opportunities for understanding a different culture's values and ethics.

It is the hope here to facilitate an initial understanding by the ethicists to analyze and discuss at a deeper level the Islamic perspective on biomedical ethics in comparison with the secular related ethics. The idea is not to reduce or reject the secular approach. The discourse on biomedical ethics from an Islamic perspective relies on morals derived from the Quran and *Hadith* (the sayings of the prophet). Unlike the secular discourse on biomedical ethics, where it deals with man as a social being, Islamic biomedical ethics relates to Islamic sharia which functions as the collective ethical subconscious of the Muslim community, as well as a legal framework. It is a function of moral values and actions in Islam. In the practical field of biomedical ethics, the goal is to find the most appropriate divine law along with the professional expertise in biomedical practices and science. The goal is to bring about reconciliation between science and morality; considering the two as inseparable. Empirical and experimental efforts can be detached from one's heart, conscience and intuition. Revelation and reason exit in harmony. In Islam, knowledge is ranked highly but it is subservient to the values of the Quran and ethics. That is why the Quran often points out on the promise of good rewards for those who possess both knowledge and faith with good deeds. Thus, science from an Islamic view is a practical knowledge imbedded with virtue. For example, Islamic society aims at increasing spiritual awakening and builds a strong community as well as reduce dependence on consumption. For Muslims, the practice of religion in itself is not the goal, but good deeds and actions are encouraged in all aspects and realms of life. The 9<sup>th</sup> century Muslim Physician, Ishaq bin Ali Rahwi described medical doctors as guardians of souls and bodies. Al-Razi, a well-known Muslim physician of the same era of 9<sup>th</sup> century stressed that the task of a doctor is to humanize medicine and to take care of patient's attitudes and problems. Nature and environment, for example, are pursued by science through Western consumer behavior that is threatening survival on this planet for future generations. Islamic ethics do not separate from science, including biomedical ethics.

Can religion play the role of producing a universal biomedical ethics? In other word, can we address the need for a universal biomedical ethics which emanates from an Islamic perspective? For the moment, challenges remain ahead for such an endeavor.

Despite the rich discussion and debate within traditional Islamic references to health and medicine, the field of biomedical ethics from an Islamic perspective remains a challenge. Implementing the methodology of the “ultimate Objectives” of sharia (*maqasid*) seems to be the way forward to answer these challenges. *Maqasid* is proposed to be used as a practical checklist, which can be utilized in mitigating biomedical ethical issues and questions from an Islamic view. In all, an awareness of cultural and religious differences is crucial in being sensitive to different value systems and hence a wider opportunity for better medical care in diverse and pluralistic societies.

## Notes

- <sup>1</sup> Jonathan E. Brockopp, *Journal of Religious Ethics*, 36, No.1 (March, 2008): 3-12.
- <sup>2</sup> Omar Ali Shomali, “Islamic Bioethics: A General Scheme,” *Journal of Medical Ethics and History of Medicine*, (October, 2008)1:1.
- <sup>3</sup> Mohammad Ghaly, Ed., *Islamic Perspective on The Principles of Biomedical Ethics* (London: World Scientific Publishing, 2016), 408.
- <sup>4</sup> *Ibid.*
- <sup>5</sup> *Ibid.*
- <sup>6</sup> *Ibid.*
- <sup>7</sup> *Ibid.*
- <sup>8</sup> *Ibid.*
- <sup>9</sup> Dictionary, T. (n.d.). bio. Retrieved September 3, 2017, from Dictionary.com: <http://www.dictionary.com/browse/bio?s=t>
- <sup>10</sup> This point was published in a conference proceeding that took place in the city of Doha, Qatar, 5-7 January 2013 at the Center for Islamic Legislation and Ethics (CILE), Hamad Bin Khalifa University.
- <sup>11</sup> Ghaly, *op.cit.*, 408.
- <sup>12</sup> Dictionary, T. (n.d.). bio. Retrieved September 3, 2017, from Dictionary.com: <http://www.dictionary.com/browse/bio?s=t>
- <sup>13</sup> Ghaly, *op.cit.*, 410.
- <sup>14</sup> *Ibid.*
- <sup>15</sup> *Ibid.*
- <sup>16</sup> Aasif I. Padela, “Islamic Medical Ethics: A Primer,” *Bioethics*, 21, No.3 (2007), 170.
- <sup>17</sup> *Ibid.*
- <sup>18</sup> *Ibid.*
- <sup>19</sup> *Ibid.*
- <sup>20</sup> Tareq Ramadan, *Radical Reform: Islamic Ethics and Liberation* (Oxford University Press, Oxford, 2009), 159.
- <sup>21</sup> *Ibid.*
- <sup>22</sup> *Ibid.*

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- <sup>23</sup> Quran, 41:44
- <sup>24</sup> Ramadan, *op.cit.*, 160.
- <sup>25</sup> Quran, 26-88,89
- <sup>26</sup> Ramadan, *op.cit.*
- <sup>27</sup> *Ibid.*
- <sup>28</sup> *Ibid.*
- <sup>29</sup> *Ibid.*
- <sup>30</sup> Quran, 10:14
- <sup>31</sup> Quran, 5:32
- <sup>32</sup> Zeineddin Al Zubaidi (Translated by Mohammad Khan), *Summarized Sahih Al-Bukhari: Arabic-English* (Riyadh: Maktba Dar-us-Salam, 1996), 454.
- <sup>33</sup> Mallick, A. S. (2012, April 23). *The Aims and Purposes of Sharia*. Retrieved August 29, 2017, from Inside Islam: <http://insideislam.wisc.edu/2012/04/the-aims-and-purposes-of-sharia/>
- <sup>34</sup> Al Zubaid, *op.cit.*, 942-943.
- <sup>35</sup> Ramadan, *op.cit.*, 160.
- <sup>36</sup> Al Zubaidi, *op.cit.*, 938.
- <sup>37</sup> Ramand, *op.cit.*, 161.
- <sup>38</sup> *Ibid.*, 160.
- <sup>39</sup> Aasif I. Padela, "Islamic Medical Ethics: A Primer," *Bioethics*, 21(3) (2007), 169-178, 170.
- <sup>40</sup> *Ibid.*, 170.
- <sup>41</sup> *Ibid.*, 175.
- <sup>42</sup> *Ibid.*
- <sup>43</sup> *Ibid.*
- <sup>44</sup> *Ibid.*
- <sup>45</sup> Mallick, A. S. (2012, April 23), The Aims and Purposes of Sharia, Retrieved August 29, 2017, from Inside Islam: <http://insideislam.wisc.edu/2012/04/the-aims-and-purposes-of-sharia/>
- <sup>46</sup> *Ibid.*
- <sup>47</sup> Chauki Lazhar, *Obligations of The Renewal of The Principles of Jurisprudence in Contemporary Era: The Case of Tareq Ramadan* (Cairo: Dar Al Mashreq, 2017), 59.
- <sup>48</sup> *Ibid.*, 61.
- <sup>49</sup> Ghaly, *op.cit.*, 417.
- <sup>50</sup> *Ibid.*
- <sup>51</sup> Tamin Ansary, *Destiny Disrupted: A History of the World Through Islamic Eyes* (New York, Public Affairs, 2009), 97.
- <sup>52</sup> *Ibid.*, 98.
- <sup>53</sup> Quran, 44:39
- <sup>54</sup> John Esposito (n.d) Mufti Retrieved November 22, 2017, from Oxford Islamic Studies On Line:[http://www.oxfordislamicstudies.com/browse?\\_hi=2&\\_startPrefix=mufti&jumppage.x=0&jumppage.y=0](http://www.oxfordislamicstudies.com/browse?_hi=2&_startPrefix=mufti&jumppage.x=0&jumppage.y=0)
- <sup>55</sup> Mohammad Al Taher Ibn Ashur. (2015, 3 March). Retrieved December 13, 2017, from Al Jazeera:<http://www.aljazeera.net/encyclopedia/icons/2015/3/3/%D9%85%D8%AD%D9%85%D8%AF-%D8%A7%D9%84%D8%B7%D8%A7%D9%87%D8%B1-%D8%A8%D9%86-%D8%B9%D8%A7%D8%B4%D9%88%D8%B1>

- <sup>56</sup> *Ibid.*
- <sup>57</sup> *Ibid.*
- <sup>58</sup> Chauki Lazhar, *op.cit.*, 196.
- <sup>59</sup> *Ibid.*, 198.
- <sup>60</sup> Ghaly, *op.cit.*, 417.
- <sup>61</sup> *Ibid.*
- <sup>62</sup> *Ibid.*, 416.
- <sup>63</sup> *Ibid.*
- <sup>64</sup> *Ibid.*
- <sup>65</sup> Saifuddeen. (2014, June 20). Maqasid al-shariah as a complementary frame work to conventional bioethics. *Sci Eng Ethics*, 20(2), 317-27. doi:10.1007/s11948-913-9457-0
- <sup>66</sup> Mohammad Ghaly, Ed., Tareq Ramadan, *Islamic Perspective on The Principles of Biomedical Ethics*, 417.
- <sup>67</sup> Kabbani, M. H. (n.d.). What is Fatwa? Retrieved December 10, 2017, from The Islamic Supreme Council of America: <http://www.islamic-supremecouncil.org/understanding-islam/legal-rulings/44-what-is-a-fatwa.html>
- <sup>68</sup> *Ibid.*
- <sup>69</sup> Aasif I. Padela, *op.cit.*, 178.
- <sup>70</sup> *Ibid.*
- <sup>71</sup> Ghaly, *op.cit.*, 4.
- <sup>72</sup> *Ibid.*
- <sup>73</sup> *Ibid.*, 415.
- <sup>74</sup> *Ibid.*
- <sup>75</sup> *Ibid.*
- <sup>76</sup> *Ibid.*
- <sup>77</sup> *Ibid.*, 416.
- <sup>78</sup> Westra, A. E., Willems, D. L., & Smit, B. J. (Smit) Communicating with Muslim parents: " the four principles" are not as culturally neutral as suggested. *European Journal of Pediatrics*, 168 (November 2009), 1383-1387, 1383. Retrieved November 15, 2017, from <https://link.springer.com/article/10.1007/s00431-009-0970-8>