

Medical Ethics in the Glorious Qur'an and Holy Shari'ah

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Abstract

It is believed that good ethical values flow out from one source, and follow a clear path that extends to every part of the world. These values honor the dignity of man as a human being honored by God almighty, and maintain man's essential rights, including life, freedom, preservation of property, health and sufficiency, throughout man's life.

The Glorious Qura'n and Holy Shari'ah had contribute actively in regulation these ethical aspects in medicine. Although, these principles have been adopted in practice since the early days of Islamic culture and cited by many Muslims scientists.

Nowadays, physicians are under prepared to deal with the new progress in medical technology like organ transplants, genetic engineering, and respirators that keep a person alive, only as a vegetable, for several years.

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Medicine is a science as well as an art. The science is essential for competency in detection of illness and attempting to restore a good health. The art of medicine is helpful in realizing the differences between individual patient regarding the culture, religion, freedom, rights & responsibilities ⁽¹⁾. The most pressing needs of people while seeking medical advice, is to get relief from health disturbances, and therefore; they allow physician to touch, see, and manipulate every part in their bodies (including the most intimate) as they trust that this physician will act the best to help them ⁽¹⁾. Physicians themselves accountable only by themselves and to God in order to provide the core values of medicine which are the compassion, competence and autonomy ^(1,2). Ethics is derived from the Greek word "ethike" that means habit, action or character ⁽³⁾. Medical Ethics is a subdivision that is concerned with moral principles in medical practice whether clinical or investigational aspects ⁽²⁾. It may include different values like right, responsibilities

& virtues and it is regulated by law ^(1,2). Concern for medical ethics has been expressed in the form of laws, assumptions and "oaths" prepared for or by physicians since the beginning of human history. Among the oldest of these are: the Code of Hammurabi in Babylon, Egyptian papyri, Indian and Chinese writings, in addition to early Greek founder of medicine", Hippocrates recommendations ^(1,3).

Religion is highly appreciated framework that helps in admirable application of these interrelated issues of morality, law and ethics on a background of science ^(4,5).

A physician should trust in God when treating a patient and expect the cure to come from him. No physician should count on his own power and work, nor depend wholly on that in any of his actions ^(1,4,5). Good ethical values flow out from one source, and follow a clear path that extends to every part of the world. These values are clearly emphasized by the Glorious Qur'an as a human being honored by God almighty, and maintaining man's essential rights, including:

life, freedom, preservation of property, health and sufficiency, throughout life^(2,4,6).

The sacred law of Muslims has dedicated the following principles in dealing with all aspects of human existence:^(5,6)

1. The first principle that regulates medical ethics when dealing with patient is that human being **honored** by God

{وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ} (الاسراء 70) (7)

"We have honored the children of Adam" (17:70)⁽⁷⁾

2. The second principle is that every human being has the **right to live**; his life is respected and protected

{وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا} (المائدة 32) (8)

"and if he saves [a life], it is as if he saved the lives of all people" (5:32)⁽⁸⁾

3. The third principle is **equity**, which is one of the purposes of messenger missions:

{لَقَدْ أَرْسَلْنَا رُسُلَنَا بِالْبَيِّنَاتِ وَأَنْزَلْنَا مَعَهُمُ الْكِتَابَ وَالْمِيزَانَ لِيَقُومَ النَّاسُ بِالْقِسْطِ} (الحديد 25) (9)

"We have sent our messengers with clear signs and sent down with them the Book and the scale, so that men may stand in equity" (57:25)⁽⁹⁾

{إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ} (النحل 90) (10)

"God enjoins equity and charity" (16:90)⁽¹⁰⁾

On the other hand, there is a warn against all things that may upset a just situation:

{لَا تَتَّبِعُوا الْهَوَىٰ أَنْ تَعْدِلُوا} (النساء 135) (11)

"Do not, in following your desires, fail to be just" (4:135)⁽¹¹⁾

The word used for "equity" in the Quran also implies equality.

Even the Sheet (the constitution of Medina), had emphasized for equal treatment and equity for all people who live within the Muslim

community, whether they themselves are Muslim or non-Muslims:

"The Jews who follow us will enjoy support and equality, suffer no injustice, and have no united fronts formed against them"⁽⁶⁾. This means the greatest possible degree of equality in the distribution of health resources among society members and in providing them with preventive and therapeutic care, without the slightest discrimination on the basis of gender, race, belief, political affiliation, any social or judicial consideration, or any other factor^(4,6).

4. The fourth principle is **doing well**. The Arabic word *ihsaan*, translated as doing well. It means the gentle, compassionate touch while "ihsaan" denotes a living conscience and mindfulness of God^(1,6). These issues are almost missing in modern medical practice.

5. The fifth principle is no harm and no causing harm. It is unacceptable to bring harm on one's self, or to cause harm to others or to society in any shape or form^(1,4-6).

{أَنَّهُ مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا} (المائدة 32) (8)

"When a person who kills a soul – unless it is [in punishment] for a [murdered] soul or for corruption on earth – it is as if he killed all people" (5:32)⁽⁸⁾

Even WHO announcement emphasizes on these aspects as the main goals of medicine, which are applications of all the above principles:

1. "health for all": To offer the highest attainable standards of health to all people, both individuals and communities, in the place they live and at a cost they can afford⁽⁶⁾.
2. "As physicians should be gentle with people, refrain from talking ill about them in their absence, and keep their secrets".
3. "If the physician treats one of a man's women folk, girls, or boys, he should cast down his eyes and not look beyond the afflicted part of the body"^(2,5,6).

Historically, these principles have been discussed and well adopted in practice since the early days of this culture as cited by these Muslims scientists:

- 1) Al-Blatheri, in Futooh Al-buldaan (The conquest of countries).
- 2) Ibn Sa'd's, in Tabaqaat (Classes)
- 3) Al-Razi, in Akhlaaq Al-tabeeb (Ethics of the physician).
- 4) Al-Ruhawi, in Adab al-Tabib (Practical Ethics of the Physician) by a ninth-century physician residing under the Islamic caliphate in Iraq^(2,4,6).

Nowadays, because of great progress in medical technology, there are much new different accountability (like patients, hospitals, licensing and authorities like in case of abortion, assisted reproduction, cloning, etc...); where physicians are under prepared to deal with such situations efficiently⁽¹⁾. In addition to other new issues that required clarification from religion point of view like: organ transplants, genetic engineering, and respirators that keep a person alive, only as a vegetable, for several years.

The questions here; Do we have the right to:

- remove an organ from a living person? Or purchase it?
- take all the organs we want from a dead person?
- artificial insemination? test-tube babies? womb hiring?

The three rules of the "Goals of the Islamic Shari`ah" are the protection and preservation of life, intellect, and progeny^(2,5). Concerning termination of pregnancy it is known by sacred Shari`ah that Ensoulment occurred at 40 or 120 days after fertilization, according to different schools of thought. The right of the human fetus in Islam is similar to the rights of a mature^(2,4,5). Chorionic villous biopsy must be performed before ensoulment in first trimester while termination for any other reason is strongly and consistently discouraged, particularly after ensoulment has occurred⁽⁵⁾. It is not permissible for a doctor to switch off the medical apparatus

providing a Muslim patient with oxygen, even if he is brain dead, i.e. in vegetative state⁽¹²⁾, or even the doctor should not give in to the demand of the patient or his family-members for stopping medical aid. If the doctor pulls out the plug and the Muslim patient dies because of it, he will be considered a killer .

It is permissible to transplant an organ from an animal (including dogs and pigs) to a human being; the transplanted organ will be considered as an organ of the recipient; all rules will apply to it⁽¹²⁾.

It is not obligatory on a Muslim to investigate whether or not the medicine consists of forbidden ingredients, even if the process of reading a result is easy for him.

Examples of questions and answers concerning some medical ethics (Istifftaat)⁽¹²⁾

Question: Some experts of genetic engineering claim that they can improve the human race by altering the genes in the following ways: Removing the ugliness of the face; Replacing it with beautiful characteristics; By both of the above. Is it permissible for the scientists to engage in these kinds of activities? Is it permissible for a Muslim to allow the doctors to alter his genes?

Answer: If there are no side effects, then, in principle, there is no problem in it.

Question: Principles of donation.

Answer: As far as donating an organ by a living person to another person is concerned, there is no problem in it if it does not entail a serious harm to the donor. (For example, donating one kidney by a person who has another healthy kidney.)

As far as removing an organ from a deceased (as directed in his will) for the purpose of transplanting it into a living person is concerned, there is no problem in it so long as: The deceased was not a Muslim or someone who is considered a Muslim. Or the life of a Muslim depended on such transplantation. Apart from these two cases, there is a problem in enforcing the will [of the deceased] and in allowing the

removal of the organ. However, if the will had been made [by the deceased], there will be no indemnity on the person removing the organ from the dead body.

Question: Is the process of test-tube babies allowed? In the sense that the wife's ovum and the husband's sperm are extracted to be fertilized outside the body, and then placed in the womb [of the wife].

Answer: In principle, it is allowed.

Question: There are certain hereditary diseases that are transferred from parents to children and pose a danger to their lives in the future. Modern science has acquired the means of preventing some of such diseases by fertilizing the woman's ovum in a test tube and examining the genes to eliminate the problematic ones. Then it is returned the woman's womb. The remaining genes [i.e., ova] are destroyed. Is this religiously permissible?

Answer: In principle, there is no problem in it.

Question: In the process of fertilization in a lab, more than one ovum is fertilized at a time. Secured in the knowledge that implanting all fertilized ova in the mother's womb will endanger her life. Is it permissible for us to use only one fertilized ovum and destroy the remaining ones?

Answer: It is not obligatory to implant all the fertilized ova in a test tube into the womb. Therefore, it is permissible to use one ovum and destroy the remaining ones.

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