

## The need for biomedical ethics - in light of the Shariah

Aljanadi, F<sup>1</sup>, Abduljalil, A<sup>2</sup>, Maravia, U<sup>3</sup>

<sup>1</sup> Dr. Firas Aljanadi, MD, Cardiothoracic Surgeon, Royal Victoria hospital, Belfast

<sup>2</sup> Dr. Aalaa Abduljalil, MD, General Surgeon, Belfast City Hospital, Belfast

<sup>3</sup> Mufti Usman Maravia, ESRC Centre for Corpus Approaches to Social Science (CASS), Lancaster University, Lancaster

Correspondence: [firasaljanadi@gmail.com](mailto:firasaljanadi@gmail.com)

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### Abstract

In this article, we highlight the demand for Islamic biomedical ethics. We highlight the substantial importance of biomedical ethics by discussing the four well-known ethical principles that guide the current medical practice worldwide. Additionally, we explain that biomedical ethics from an Islamic perspective differs from Western biomedical ethics; this difference being the fact that biomedical ethics from an Islamic perspective is guided by the Holy Qur'an and Islam's prophetic traditions known as the *sunnah*. Moreover, owing to the fact that new advancements and challenges in current scientific and medical practices are ever-increasing, the need is greater for Muslim scholars to apply the principles of Shariah-driven biomedical ethics to such medical issues. We also argue that addressing novel and challenging medical issues would be more effective if Islamic scholars and experts of Islamic biomedical ethics and healthcare specialists collaborated closely.

### Introduction: The importance of biomedical ethics in general

Biomedical ethics is an aspect of moral principles, which addresses arising ethical issues in medicine, health care, and science. In relation to health care, biomedical ethics plays an essential role to preserve the practice of medicine and the delivery of care in line with the required commitments to professional and ethical conduct. In the current climate of advancements in the medical field and patient care, new emerging challenges demand the need for an ethical framework to justify and approve the ways to manage patient care.

Ethics provide a basis for balancing benefit and harm. Moreover, ethics-derived rules regulate and guide the way health care providers (HCPs) manage the different

medical conditions of their patients – within a framework that considers the individual humanistic constituent, as well as the psychological, and social backgrounds of patients. Ethical practice also impacts the rights and responsibilities of a patient at a personal level. Aside from biomedical ethics playing a role in providing HCPs with a guide to help with their decision-making, it also plays an important role in policy-making and legislation. [1]

The importance of an ethical reference implicates many areas of health care practice such as daily medical care, medical research, medical training as well as managing health-related diseases in health care facilities and in communities. A lack of ethical principles leads to negative outcomes for the individual and society at large. [1]

## Common principles of ethics in medical practice

The western or global approach to biomedical ethics rests on four key moral principles:

1. *Autonomy*: Respecting a competent person's right to make their own decisions or choices that are related to their body and/or health. This principle is the cornerstone of the informed consenting process.
2. *Non-maleficence*: The fundamental principle in every duty planned or performed by an HCP is not to cause harm to the patient or inflict harm on people. Though the meaning of the concept of harm is broad, the patient's view on what can be considered as harmful is the most important. Providing a patient with the risks/benefits of any intervention or treatment has to be true and based on evidence without falsifying, manipulating, or hiding information. Truth is the mainstay in the health care-patient relationship.
3. *Beneficence*: HCPs should work for the benefit of others. This concept supports the previously mentioned principles. The medical or generally the HCP is obligated to, always and without exception, favour the well-being and best interest of the patient
4. *Justice*: Refers to the moral duty to treat people equally and provide the same level of access to the health care service or the benefit of an intervention or treatment.

These ethical principles are interacting and combined with four behavioural principles which cover:

1. *Veracity*: honesty and telling the truth, is an obligation and a crucial part of all areas of health care duties.
2. *Health or Medical privacy*: the duty to maintain the confidentiality and security of a patient's records; this includes both the informal decision of HCPs and the security of patients' medical records.
3. *Confidentiality*: this principle mainly focuses on the prevention of sharing private information without the necessity to do so. Sharing information should be on a 'need to know basis' only.

4. *Fidelity*: this principle relates to building trusting relationships between the HCP and the patient. Fidelity of HCPs means remaining true to the professional agreements and commitments made to provide quality and proficient care to patients.

## Islamic and Western medical ethics, are the principles different?

The above-mentioned principles of biomedical ethics are considered Western principles. Although these principles are not discussed in the Islamic health care system in the same terms, Muslim jurists have legitimised these principles because they are in line with Islamic objectives and Shariah law. Furthermore, these principles have been supported by verses of the Holy Qur'an.[2] Moreover, these universal principles find legitimisation not only in the Qur'an and in the teachings of the Prophet Muhammad (Peace be upon him), but throughout history in the teachings and guidance of many other prominent Muslim scholars.[3][4] In current practice, these ethical principles govern the conduct of HCPs' when they engage with their patients. These ethical principles are, therefore, the foundational background underlying the 'Oath of the Muslim Doctor'.[5]

However, although these principles are embraced by Muslim scholars, there is to a degree a difference of opinion concerning 'autonomy' and its applicability from a Shariah perspective. [4] For Muslims, life is believed to be granted by Allah alone. As such, no human has the authority to actively end an innocent life; this includes medical-assisted death wherein a patient chooses to end their life with the assistance of a physician. Suffering and pain are associated with an illness and Muslim patients may hold the belief that patience in such times is worthy of divine reward. The Qur'an highlights that 'Those who are patient shall receive their rewards in full, without reckoning'.[6]

## Comparison of the sources and objectives of Islamic and Western ethics

Generally, Western ethics is grounded in philosophical science, which helps to draw principles based on human reason and experience to determine morality. This approach is different to the Islamic approach to medical ethics. Although Islamic ethics incorporates different philosophical concepts, human reason and experience are influenced by a few key sources from which views are

extrapolated to derive Islamic medical ethics [7]. These sources include:

*The Holy Qur'an*: the sacred text for Muslims which is believed to be the inspired word of Allah to the Prophet Muhammad (PBUH).

*The Sunnah*: the teachings and traditions of Muhammad either in deeds, words, or tacit approval.

*Ijtihad*: deductive logic; this source involves examining available legal decisions, precedents from different sources to find solutions to an Islamically-related judicial problem. In the absence of relevant and explicit information in the Qur'an and Sunna, the opinion of religious scholars would be the next preferred source.

Ever since the demise of the prophet (PBUH), the development of Shari'ah law has operated through *Ijmaa*, meaning the consensus of competent scholars or jurists; and *Qiyas* which involves looking at precedents that provide analogous cases. These developed approaches resulted in different schools of Islamic jurisprudence. Additionally, where required and appropriate, *maslaha* meaning public interest and *urf* meaning local customary practice are also considered [8]. In Muslim culture, qualified jurists of Shariah law provide rulings and decisions on proposed issues as being mandatory, recommended, prohibited, or discouraged, and in some cases, the jurists may remain impartial.[4][9]

There are five main objectives of Shariah law and ethics.[10] These are:

1. Preservation and maintenance of life
2. Preservation of faith which includes the protection of an individual's freedom of belief
3. Preservation of mind or intellect
4. Preservation of lineage
5. Preservation of wealth

The way whereby Muslim HCPs regard Islamic ethics differs from the way they view other legal references and ethical backgrounds. Both are equally important and to a degree, even legally binding. However, a Muslim HCP's motivation to adhere to Islamic ethics is likely to be rooted in religious beliefs. Muslims hold the view that Allah has a divine purpose for the world and has set standards of morality to determine right from wrong. The guidelines found in Shariah law, are, therefore, believed to be of benefit to the world, when these guidelines are applied to actions and activities [7]. Consequently, proclivity can be found among Muslims to adhere to

Shariah guidelines. Muslim HCPs may be inclined to base their decisions in line with Shariah law and any decision that is made, are likely to be in line with the above mentioned five objectives, especially when an issue is related to the sanctity of the human life.

## Modernisation and addressing novel issues

An emphasised principle in Islam is to seek cures. The Prophet Muhammad (PBUH) is reported to have said: 'Seek treatment, for God the Exalted did not create a disease for which He did not create a treatment, except senility'[11]. This report has been a source of encouragement for Muslims to undertake medical research to find a treatment for different diseases [12]. As new technological and medical interventions continue to increase; inventions and new treatments create new ethical issues to determine whether are compliant with Shariah law. This need to evaluate innovations raises the importance of regulating ethical bodies that are well-versed in Islamic biomedical ethics as well as the need for these bodies to be maintained, supported, and developed.

Additionally, new ethical challenges have risen over recent decades because of medical and scientific advancements such as inter alia, fertility treatment, family planning, abortion, euthanasia, genetic research, stem cell research, cloning, organ donation and transplant [13]. Ethics teams that specialise in Islamic biomedical ethics could address these novel and challenging issues in light of Shariah law and its objectives.

Communication is an essential tool in ethical practice and is required between bodies of Shariah law and experts in biomedical ethics [14].

For the best application of Shariah law in a medical environment, conflicts and controversies in biomedical ethics need to be identified promptly and then addressed and resolved through effective communication between HCPs, and Islamic scholars. Cooperation between medical scientists and scholars in Islamic biomedical ethics is, therefore, necessary. Muslim religious scholars also referred to as the *ulama*, are specialists in Islamic religious science. Yet even the efforts of the *ulama* are also unlikely to cover all aspects of challenging questions in biomedical ethics. Solutions and decisional agreements could be reached, however, when experts in biomedical ethics and the *ulama* collaborate, as was seen when the two parties collaborated to eradicate polio. [15]

## Conclusion

Biomedical ethics plays a crucial role in medicine in helping HCPs work morally within a framework that is appropriate for patients at a personal and social level. Islamic bioethics is distinctive as Shariah law provides a flexible framework that allows Muslim biomedical ethicists to address novel and challenging issues that arise in medicine, which could be effective if the ulama and experts in biomedical ethics collaborate.

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