

Review Articles

Medical ethics and practices from Islamic perspective

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Received: 13 January 2020

Revised: 02 March 2020

Accepted: 03 March 2020

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ABSTRACT

Ethical physicians seem to have become an uncommon entity in modern day medical practice. Many patients and physicians feel that the profession of medicine is not living up to its own standards and expectations. One of the reasons is the lack of knowledge of the medial professionals about their religion and medical ethics. The ethics is not being right or wrong, instead it is the process of making better decisions or worse decisions compared to the worst decision. The introduction of newer technology in medical field such as organ transplantation, biotechnical parenting, blood transfusion, surrogacy, gender identification on fetal ultrasound, female genital mutilation has posed Muslim physicians and patients with some new questions of ethics. We look upon issues from the perspective of Muslim doctors and it is therefore important to discuss few of the practices according Quran, Sunnah. If the answers are not given in Quran and sunnah then one may turn to Ijma.

Keywords: Quran, Sunnah, Muslim, Ethics

INTRODUCTION

Ethical physicians seem to have become an uncommon entity in modern day medical practice. Many patients and physicians feel that the profession of medicine is not living up to its own standards and expectations.¹ One of the reasons is the lack of knowledge of the medial professionals about their religion and medical ethics. While all our life we are thought medical knowledge very few medical colleges teach Medial ethics. The ethics is not being right or wrong, all black or all white, but as having shades of gray. It is the process of making better decisions or worse decisions compared to the worst decision. Islamic medical ethics are based on the principles of the sanctity of human life and safeguarding its values.² The introduction of newer technology in

medical field such as life support in terminal patients, abortion, organ transplantation, biotechnical parenting, blood transfusion, surrogacy, gender identification on fetal ultrasound, female genital mutilation has posed Muslim physicians and patients with some new questions of ethics. The objective is to discuss few of the common medical practices and their importance in Islam. To discuss few of the common medical practices and their importance in Islam.

DISCUSSION

We look upon issues from the perspective of Muslim doctors as they make up most of the percentage of the medical professionals in Pakistan and in Muslim countries, therefore it is important to discuss few of the

practices according Quran 'holy book believed by Muslims and the Sunnah which are words or deed, of the Prophet Muhammad incorporated in Islamic scriptures. If the answers are not given in the mentioned sources then one may turn to Ijma (consensus by Muslim scholars).³ Few of the problems will be discussed according to Islamic teachings.

Many couples facing infertility now a days go for in vitro fertilization. Seeking a cure for infertility is not only permissible, but also encouraged in Islam. According to Islamic principles, all assisted reproductive technologies are allowed, provided that the source of the sperm, ovum, and uterus comes from a legally married couple during the span of their marriage. No third party should intrude upon the marital functions of sex and procreation. Using frozen sperm after the death of the husband is not permitted.⁴

If IVF is not successful, couple has tried and exhausted all means of conception then they might feel compelled to resort to surrogacy, provided that procedures do not go against the Islamic teachings. Surrogate mother is she who carries the embryo in her womb to term and gives birth to a baby on behalf of another couple. Types of surrogacy are traditional surrogacy or straight surrogacy, partial surrogacy and gestational. surrogacy. In gestational surrogacy, surrogate mother is not genetically related to the child. She has no responsibilities to rare up child after delivery. Literature shows that ten million Muslims are infertile worldwide. According to Islamic theology the concept of surrogacy is null and void as formation of blastocyst constitutes from sperm that is transferred to the uterus of a woman who is not married to him. In Islam, marriage is the only legal procedure to reproduce for preservation of lineage, inheritance, prevention of adultery and prevention of possibility of incest among the half-siblings.⁵ The Quran is specific in terms of lineage and definition of motherhood. It says, 'no one can be their mother except those who gave them birth' (Quran 58:2).

Sunni and Shiite are the two main schools of thought in Muslim. Sunni scholars disallow surrogate motherhood, since surrogate mother will carry the baby formed by other man's sperm to whom she is not married. Therefore, third party reproduction is challenging in Islam. On the other hand, Shiite scholars do permit surrogate motherhood only for legal couples as the treatment of infertility. Therefore, surrogacy is being practiced by Shiite population in Iran, Lebanon and few other parts of the Muslim world.⁵ According to Shiite theology, they consider surrogate procedures transferring of foetus from one uterus to another and they do not see any sin in this practice.⁵

Then comes an option of adoption which is generally frowned on in Muslim culture since the process involves the transfer of parental rights to the adoptive parents. Fostering is however positively encouraged since no

similar transfer of parentage occurs. In either case, the surname of the real father should be retained.

Then there are many couples who wants to go for abortions. Many Muslims concludes from Islamic teachings that foetal ensoulment occurs 120 days post-conception: an important consideration in discussions regarding termination of pregnancy. An existing life, with its responsibilities and ties, takes preference over a developing one. If continuation of pregnancy places a mother's life in danger then all Muslim authorities agree that termination of pregnancy is justified. Termination for any other reason (such as unplanned pregnancy/female fetus/poor socioeconomic status) is strongly and consistently discouraged, particularly after ensoulment has occurred.⁶ Strict action should be taken on the illegal miscarriages going on in Pakistan and a proper law should be enforced like in UK for reasons of abortion not related to maternal health.

It is possible to determine fetal gender by ultrasound more reliably from 16 weeks onwards.⁷ Medical reasons for fetal gender detection are X-linked disorders, ambiguity of genitalia, and assignment of zygoty in twin pregnancy. Gender preference varies from place to place and male preference is influenced by economic, religious, cultural, social, and emotional desires.⁸ India, South Korea, and most European counties have laws banning fetal gender determination; however, in Asian countries, these laws are ignored. Edward and Thomson reported that in countries where male offspring are more desirable, fetal sexing during ultrasound examination has been outlawed due to female feticide.⁹ Vadera et al study was conducted in India, and 20% of women demanded female feticide. It should be prohibited to reveal fetal gender to the patient and radiologists should not support this practice. Incorrect fetal gender determination and determination of female gender could have psychosocial impact on the mother though not prohibited in Islam.¹⁰

The next question which arises is whether knowing the fetal gender is part of the unseen knowledge. The matters of the unseen as far as the foetus are concerned are: how long he will remain in his mother's womb, his life, his deeds, his provision, whether he is destined for Hell or heaven and before it is fully formed, whether it will be male or female. But after it has been fully formed, knowledge of whether it is male or female is no longer the matter of the unseen, because once it has been fully formed it becomes the matter of the visible world, but it remains within the three layers of darkness which, if they were removed, it would be known what it is.

What is the place of transgender children and individuals in Islam? The existence of transgender is mentioned in holy Quran. Transgender people are termed Makhannathun (effeminate ones) in Arabic. They are the creation of Almighty Allah and have been given various rights in the jurisdiction of Islam. Allah has created every human equal and all human beings rise very respectably

in the eyes of Islam, where it gives them equal opportunity, rights and freedom. Therefore as Muslims, we don't discriminate them, transgenders are also the creation of Allah, they have rights in religion, society and also culture. There are many other rights of transgender like counseling about Islam approach, to share the same spaces in a mosque, voting for the government, right for medical treatment and many others which are the same as for any muslim male and female. Mufti Imran said funeral prayers for a Muslim transgender would be offered like other Muslim men and women. Nonetheless transgenders face persistent discrimination and are often pushed to the edges of society, refused jobs by many employers, who require that applicants describe themselves as either male or female, many find work in the arts, as traditional dancers and street performers, or in more dangerous and marginal fields such as sex work. They even have fight for the right to be represented on their national identity cards, and be recognized in census forms and due largely to cultural rather than religious reasons.

The parent-child relationship is considered the most important of all human relationships, any form of sexual, physical, and emotional abuse of children is thus not allowed within Islamic Law. Islamic teachings, however, do recognize that children may at times need to be disciplined, and this may on occasions involve physical punishment. In such instances, the following conditions must be met: parents must never strike the face or head; minimal force should be used, and in particular, no bruising should result; disciplining should not be performed when parents feel they may lose control.¹¹

No one is authorized deliberately to end life, whether one's own or that of another human being. Saving life is encouraged in Islam. In 1987, Rahman, the US based Muslim philosopher expressed the view that relentless artificial prolongation of life is not in keeping with Islamic ethos unless there is evidence that a reasonable quality of life would result. Who determines (the unconscious patient, the family, or the doctor), that the plug should be pulled and the life support system stopped. The majority of Muslim authorities will consider "brain stem" death acceptable grounds to discontinue life support therapy; three independent physicians, of whom at least one must be a neurologist, should however make the diagnosis.

Some scholars have deduced that it may be possible for the deceased to feel pain. Breaking the bone of the dead is akin to breaking the bone of the living.¹² It is one of the reasons that Muslims are hesitant about post mortem. Such examinations may at best benefit the living by contributing to their better understanding of the cause of death or date of death. The deceased cannot be helped by that. Makhluf admits that postmortems indeed involve a violation of the sanctity of the body. However, he resorts to the useful principle in Islamic theological reasoning that whenever benefits outnumber damages a positive approach should be taken (maslaha).¹²

It is Muslim's duty to help take away suffering and save life. Organ transplants can do this. Organ donation from a living donor is permitted as long as it does not risk the donor's life, result. For survival major benefit of the recipient and it should not be for money. Organ transplantation is now encouraged in many Arab Muslim countries, and considered by some as a 'perpetual' charitable act. Sale of bodily organs is categorically prohibited.^{13,14} The recipient of your organ does not necessarily have to be a Muslim; you can donate your organs, wherever permissible, even to a non-Muslim. Giving blood to a patient is necessary for his survival, or to relieve his complaint, then, according to Islam, it becomes mandatory, as a case of implementing a basic Islamic principle which makes it imperative to preserve human life. Regarding permissibility of taking non-Muslim blood, then it is only allowed when there is no Muslim present to give blood, or as a last resort. While spilled blood is considered impure, donated blood is not spilled and the status of impurity does not apply to it. Further it is stated that blood transfusion between a man and his wife will not invalidate their marriage. Giving blood or receiving blood does not invalidate fasting.¹⁵

Female genital mutilation (FGM) is practiced predominantly within certain Muslim societies, The practice isn't required by most forms of Islam and many Muslim scholars have declared it un-Islamic. UNICEF estimated in 2016 that 200 million women living today in 30 countries have undergone the procedures.^{16,17,18} Knowledge needs to be spread by the scholars to the public who practices FGM as the young females have been reported with clitoral cysts which is also not very commonly known to the medical specialists because of lack of knowledge about FGM.

There is no direct mention of abdominal delivery either in the Quran or the Hadith. However, Islamic principles in general will support the performance of postmortem cesarean section (PMCS) on a mother who has just died if there is a reasonable chance to deliver a live baby, as this fulfils the purpose of the preservation of life, one of the maqasid (the purposes) of shari'a (Islamic law). The only possible reason for objection to the procedure is that it entails desecration of a dead body. To open the belly of a woman who just died with the aim and intention of delivering a live baby who may survive appears to be quite acceptable. Intention in Islam is the basis of acceptance or rejection by God of any action. The Prophet ﷺ said, actions are judged by intentions. The intention in doing a PMCS is good and not evil, and therefore it is acceptable. Moreover, if the opposite condition occurs, i.e. the fetus dies and the pregnant woman is in danger (from obstructed labor), it is permissible to perform a destructive procedure on the baby to save the mother. The unanimous consensus of the literature and of legal authorities is that a civil suit against a physician for performing a PMCS or perimortum cesarean section, regardless of the outcome, would not result in judgment against the physician.¹⁹

CONCLUSION

In this paper we have summarized few of the common problems and highlighted certain key solution in Islamic medical ethics and explored their applications. Though introductory, we hope that the insights gained will aid clinicians to better understand their Muslim patients and deliver care that pays due respect to their beliefs. In addition to acquiring medical knowledge there should be proper knowledge of the medical professionals about medical ethics and also about their religious values. Medical ethics in the light of Islamic values should be known to all the medical professionals for decent and proper practice and should be included as part of their curriculum.

Funding: No funding sources

Conflict of interest: None declared

Ethical approval: Not required

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Cite this article as: Gul K, Gul P, Gul P, Azeem S. Medical ethics and practices from Islamic perspective. Int J Community Med Public Health 2020;7:1599-602.