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Justice and Autonomy in Islamic Bioethics

Sarah Khaleefah, University of Michigan, Dearborn

Abstract

Islamic bioethics acts as a normative guide to issues in the medical and scientific fields based on the religious perspective of Islam. In this paper, I will discuss one of the principles of Western biomedical ethics using this perspective. In particular, I will demonstrate how this principle should be reformulated, by Islamic understanding, into the principle of respect for justice. The principle of respect for justice can be viewed in the same way as the principle of respect for autonomy, composed of the negative obligation to refrain from actions that destabilize justice (such as causing harm to others), and the positive obligation to actively participate in justice. Values of family, society, and public interest are highly regarded and promoted in Islamic beliefs, and are therefore taken into consideration with significant weight in a Muslim person's autonomous decisions. The ethical commitments that comprise the principle of respect for justice therefore narrow down Muslim individuals' sphere of autonomous self-determination as viewed from the Western perspective of autonomy. Autonomy in Islam incorporates the interest of not just the individual, but considerations and ethical commitments for the collective as well. Understood in this way, the Islamic principle of respect for justice is directly applicable to various topics of interest in biomedical ethics, such as immunization, where it mandates vaccination as a moral obligation for Muslims.

Introduction

As the population continues to diversify in race, ethnicity, religion, sexual orientation, and more, healthcare providers are representative of less and less of the population (du Pre and Overton, 2020). This is especially true in Southeast Michigan, where it is highly likely that healthcare professionals will provide care for a Muslim patient many times during their career. Many Muslims incorporate both their religious and cultural values into their interactions with care providers and their ethical commitments stemming from Islam influence "decision-making, family dynamics, health practices and risks, and the use of healthcare" (Attum, 2021). While autonomy is present as an operative concept in Islamic beliefs, compared to the Western notion of autonomy, Muslims often choose to voluntarily exercise a narrower sphere of autonomous self-determination than what is common in Western biomedical ethics. Islam urges all Muslims to actively engage in acts of justice. This concept is not a new one, developed merely for the age of bioethics, as the Holy Quran has extensively demonstrated the importance of justice through its verses. I will argue that the Holy Quran and *hadiths* allow for the development of what I will call *a principle of respecting justice*. Unlike the principle of justice, which is found in Western biomedical ethics, my proposed principle of respect for justice is a principle nuanced in a way similar to the principle of respecting patient autonomy, which is the principle that forms the backbone of biomedical ethics, especially in the form developed by Beauchamp and Childress (1979). Through an understanding of this highly advanced theory of

justice formulated through Islamic ethical and religious commitments, I will show that one is better positioned to understand the Islamic concept of personal and patient autonomy as well.

Islamic Commitment to the Principle of Justice

Just as there is a widely accepted set of principles in the West, there are also Islamic guides for discussing ethical and moral issues related to the medical and scientific fields, known as Islamic bioethics. Beauchamp and Childress' principles of biomedical ethics are not a component of Islamic bioethics, but many Muslim scholars and philosophers have discussed these principles in relation to Islamic beliefs and whether the rationale for them is the same. Islamic bioethics applies Quran verses and *hadiths* (the sayings of the Prophet), to interpret the principles of biomedical ethics from the Islamic lens.

The Quran states that God has ordered his followers to respect and foster justice in their everyday lives. Justice must be upheld over private interests: "O you who believe, be upholders of justice - witnesses for Allah, even though against (the interest of) yourselves or the parents, and the kinsmen" (Quran 4:135). This is an obligation to actively uphold justice, "Allah enjoins to do justice," states verse 16:90 of the Quran. To "do" justice, especially as presented in this passage, is an active command. The Holy Quran and traditions of the Prophet provide ample evidence on what justice is; "from more than twenty-five relevant verses, we can discern it [the Holy Quran] has provided a very succinct definition of the term as well as its wide scope and application (Al-Quran, 7:29; 8:25)" (Ismail, 2010). Therefore, the focus in Islamic religious guidance goes beyond what justice looks like, but that one is also commanded to do it.

Such a straightforward command leaves no question as to when or whether one should act on it; because justice already exists, one must simply "do" it. Justice is not to be achieved or created. It exists because, as stated in another verse, the Prophets and the Holy Quran were sent down as a means of the establishment of justice; "We have already sent Our messengers with clear evidence and sent down with them the Scripture and the balance that the people may maintain [their affairs] in justice" (Quran 57:25). The Holy Quran and the Prophets established a state of justice for human affairs, which posits a responsibility to maintain it, as stated in the verse. The message of God, sent through the Prophet (PBUH) is therefore to uphold and *maintain* justice through one's actions. "O you who have believed, be persistently standing firm for Allah, witnesses in justice" (Quran, 5:8), states another passage. This is a reminder to promote justice in both our actions and in the actions of others.

To "maintain" can be defined either as acting to continue the justice established, or as refraining from intervening in acts of justice. It is for this reason that the principle of justice, when articulated through Islamic beliefs, becomes structured in the same way as the principle of respecting patient autonomy in Western biomedical ethics. Beauchamp and Childress famously define both a negative obligation regarding the principle of respect for autonomy - "autonomous actions should not be subjected to controlling constraints by others" (Beauchamp and Childress, 1979) – and a positive obligation to foster autonomy by practices such as providing informed consent. This logic, in Islamic bioethics, applies to the principle of justice. Justice should not be subjected to controlling constraints: human action should not interfere with the "balance" established for human affairs. In this sense, justice posits a negative obligation which requires

Muslims to refrain from actions which destabilize the justice brought about by the scripture and God's messengers. At the same time, justice must be maintained as a positive obligation as well: by actively participating in its continuation or witnessing it.

As an example of the former, a negative obligation, the Quran prohibits harm to others (non-maleficence, as the concept is better known in Western biomedical ethics). Justice involves a commitment to the absolute value of human life. A very well-known verse in the Quran states "that whoever takes a life—unless as a punishment for murder or mischief in the land—it will be as if they killed all of humanity; and whoever saves a life, it will be as if they saved all of humanity" (Quran 5:32). Human life is important and may not be taken; when one takes the life of another, it is as if they destroyed humanity. Taking a life, therefore, sets one in relationship with the rest of humanity; it is not to be conceived as a relationship between two individuals but a relationship between one individual and a universal community. When conceived in this way, as a matter of justice, the prohibition against taking a life becomes a negative obligation of justice: something that prevents interference with its existence.

Similarly, when it comes to formulations of the same idea along the lines of the principle of non-maleficence, Islam posits a law of no harm. In a hadith, the Prophet Muhammed (PBUH) states that "there is no harm or harming in Islam", meaning Muslims are prohibited from inflicting harm on themselves or on others, intentionally or otherwise. On this formulation, the Holy Quran states that actions which reduce the risk of harm are obligatory. The Holy Quran acts as a guide in what this justice should look like, and Muslims act as conduits of this mission; acting, maintaining, and witnessing justice wherever they can. Muslims have the positive obligation to actively promote justice: for example, when applied to the obligation to maintain herd immunity, they must reduce harm to others by getting vaccinated. If the choice is between an act that promotes and an act that does not promote or potentially upsets justice, Islamic beliefs endorse action that foster justice. As already mentioned, according to verse 16:90 of the Quran, "Allah enjoins to do justice" not only by refraining from upsetting the harmony of human affairs, but by actively contributing to its upkeep.

The law of no harm and verses of the Quran highlight a principle of justice bifurcated into negative and positive obligations. This is why I suggest that, in Islamic bioethics, one finds not merely a principle of justice, but a principle of *respecting* justice. In Western biomedical ethics, the principle of respecting patient autonomy, although not primary, nevertheless plays a crucial role: it is the most common principle by which the obligations posited by the principlist system are limited. For example, the principle of beneficence and the principle of non-maleficence each can be abandoned out of respect for patient autonomy. In Islamic bioethics, the principle of respecting *justice* plays a similar role. Obligations of justice, rather than obligations of autonomy are more likely to limit the other principles, including the principle of autonomy. To be more specific, the obligation that Muslims promote justice as an ethical commitment frequently narrows the sphere of autonomous self-determination adequate for ethical commitments including healthcare decisions. This is what I will discuss next.

A Narrower Sphere of Autonomous Self-determination

When Beauchamp and Childress introduced the principle of respect for autonomy, they outlined the requirements necessary to deem a person's decision autonomous: as they stated, the decision must be voluntary, informed, and made competently (1979). Put differently, the principle of respect for autonomy is meant to foster autonomous decision-making. Thus, the principle of respect for autonomy, as stated above, is a means of fostering autonomous decision-making. This is done by ensuring that the individual is informed, competent, and free of controlling restraints (Beauchamp and Childress, 1979).

When discussing the principle of respect for autonomy in Islamic bioethics, the attempt at fostering autonomy is mirrored. The Holy Quran states that "there is no compulsion in religion" (Quran, 2:256). An individual should not be coerced into making a decision but should be informed and deemed competent to make that decision. Individuals also have the free will to accept or refuse Islam; "That whosoever wills, let him believe, and whosoever wills, let him disbelieve" (Quran, 18:29). As Chamsi-Pasha and Albar state, "the Quran is replete with verses that order freedom of faith and human personal responsibility" (Chamsi-Pasha and Albar, 2013). Freedom of faith is an important concept as individuals can only take personal responsibility for decisions that they make on their own in order for God to fairly judge them. Therefore, Islam fosters autonomous decision-making.

What varies between Islamic bioethics and Western philosophy is how each of these systems defines autonomy. In biomedical ethics, autonomy is defined as self-governance or the ability to govern oneself without intervention from an external authority. This definition of autonomy varies greatly from that employed by Islamic bioethics. In Islam, an external authority (God) is welcome to intervene in a Muslim person's autonomy. However, this is not considered a limitation but rather, as described above, a voluntary choice and a means of adopting a set of ethical commitments. Specifically, values of family, society, and public interest are all highly regarded and promoted in Islamic belief and are also taken into consideration in a Muslim person's autonomous decisions (Mustafa, 2014). Muslims – just like any person of religion – willingly choose to redefine their sphere of autonomous self-determination based on the ethical obligations that come along with being Muslim. As stated above, these ethical commitments, among other things, come in the form of the negative and positive obligations derived from the principle of respect for justice. The principle of respect for justice narrows this sphere by expecting Muslims to act in the direction of fostering justice above fostering their own self-determination. Verse 4:135 in the Holy Quran states "O you who believe, be upholders of justice - witnesses for Allah, even though against (the interest of) yourselves or the parents, and the kinsmen" (Quran, 4:135). This verse, while useful in supporting the principle of respect for justice, is also useful in capturing how the principle of respect for justice narrows Muslims' sphere of autonomous self-determination. The verse expects Muslims to foster justice before their own interest, even when justice is *against* their interest.

Therefore, Islam defines autonomy differently in Islamic bioethics. Autonomy comes to incorporate the interest of not just the individual, but also these other considerations and ethical commitments that, in the end, are meant to guide the individual to a decision that is not only in their benefit, but in everyone else's as well. Accordingly, when compared to the Western concept

of individual autonomy, Islam narrows Muslims' sphere of autonomous self-determination. A narrower sphere of autonomous self-determination makes it easier for Muslims to commit to fostering justice as instances of "absolute autonomy" are rare and only exist when the ethical commitments of justice are not applicable. This is why the principle of respecting justice is primary for Islamic bioethics: the principle of respecting patient autonomy applies only to those choices which are made, for example in the individual's best interest, when Islamic beliefs do not apply. Situations in which Muslims can make such choices are much rarer compared to individuals who are not limited by Islamic commitments.

Conclusion

Through the commitment to foster justice through their negative and positive obligations, Muslims' sphere of autonomous self-determination is limited in order for individuals to consider the interest of the public, known as *maslaha mursala*, when making decisions. Western ethics does attempt to advocate for an internal constraint on one's autonomous decisions rather than an external one, but what Western ethics advocates for, Islamic bioethics deems necessary: overall, it is a narrower sphere of autonomous self-determination, and not one defined by the dichotomy between absolute and constrained autonomy. Islam grounds its philosophy on a theory of a divine power that leads to an interpretation of autonomy in the view of the individual as a member of the family, society, and the Islamic faith (Mustafa, 2014). The individual is inseparable from their commitments to family, society, and the Islamic faith. As a result of this, the very concept of autonomy is recast. The typical notion of autonomy in the Western context is the idea that the individual's autonomous decisions should not be "subjected to controlling restraints by others" (Beauchamp and Childress, 1977). This concept does not characterize autonomy in an Islamic sense: for most Muslims, personal autonomy is less absolute than self-governance. When compared to the Western concept of individual autonomy, one can say that a Muslim's sphere of autonomous self-determination is narrower due to these ethical commitments. As Van Bommel states: "For a Muslim patient, absolute autonomy is very rare, there will be a feeling of responsibility towards God" (Chamsi-Pasha, 2016).

This rare "absolute autonomy" should be the focus of a healthcare provider's attempts to foster the autonomy of a Muslim patient in a patient-healthcare provider relationship. In addition to informing a number of practices which, in Western biomedical ethics, are derived from the principle of respecting patient autonomy, such as communicating health care information, obtaining consent for procedures, and negotiating the terms of a successful patient-provider relationship, the ethical commitments that comprise the principle of respect for justice are directly applicable to a number of topics of contemporary interest in biomedical ethics. For example, in view of the Islamic biomedical principle of respect for justice one can derive a moral obligation for Muslims to vaccinate. Herd immunity is a public good and its maintenance is a consideration of the public interest. It is much more difficult, within the context of Islamic biomedical ethics, to cast this healthcare decision as a conflict between individual autonomy and a public health directive than in view of Western values: both of these fall under the principle of respecting justice when it comes to Muslim patients. When fostered in their autonomy – in other words, when their ethical and religious commitments are clarified – getting vaccinated is both an act of not upsetting justice (i.e. not harming others) and maintaining it (promoting the well-being of others). The positive obligation to engage in acts of justice and the negative obligation to

refrain from causing harm may be distinct and separate, but when it comes to a decision such as becoming vaccinated against infectious diseases, instead of presenting as a conflict, they provide clear guidance.

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