

The “Autonomy Principle” in Islamic Medical Ethics, with an Emphasis on the Qur’ānic Views

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Abstract

One of the important issues in medical ethics is the way of treating and making decision on a patient’s treatment, especially if a physician encounters with some limitations to make a decision. In new medical ethics, the “Autonomy Principle” (respect for patient’s autonomy and individual autonomy) is used to solve the problem; that is, physicians decide on whether to treat a patient or not after providing the necessary information to him/her through his/her participation. The present paper tries to answer this basic question: “is the autonomy, i.e. respect for self-determination and individual independence, accepted by Islam?” and “what is the Islamic approach towards this issue?” This research has sought to find an appropriate response to the question, regarding the Qur’ānic verses, in order to raise the meaning, degree, validity, and range of “Autonomy Principle” from the point of view of Islam. Methodologically, it is based on library documents, descriptive method, and content analysis. Collecting and reviewing the related religious doctrines, a comprehensive definition of man, his position and responsibilities, and some of his specific characteristics, such as his free will (authority) and its extent, have been detected, which played an important role in reaching the answer of the question. Findings show that the “Autonomy Principle”, according to religious terms, is not acceptable generally, but Islam accepts and respects it only with some conditions; i.e. in the eyes of Islam and the Qur’ān, human beings and then the patients are not independent in both systems of *takwīn* (Genesis) and *tashrī’* (Legislation/Decree), but rather they have absolute authority and independence merely in the system of *takwīn*, and not in the system of *tashrī’*.

Keywords

Autonomy Principle, Human, Islam, Medical Ethics, Holy Qur’ān.

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Introduction

In human lives, there are many facts that one faces willingly or unwillingly. One of them is the issue of “deciding” in various affairs of life, so that the decision-making forms an important part of the individual's life (Koontz, 1984: 184). One of the most important areas for “decision-making” is “health decision-making”; Humans naturally try to maintain their survival, so they always strive to take care of their health by visiting a physician and treating themselves in case of illness. The need to maintain and provide health is one of the factors that provides the ground for the relationship between the doctor and the patient. Therefore, one of the most important components of the medically valuable responsibilities is the relationship between the doctor and the patient. Obviously, the result of this relationship is a decision on how to treat the patient. Today, the decision-making process in the medical field is very essential and considerable. In sum, one of the most important issues of medical science is the issue of the relationship between the doctor and the patient and the decision on whether to treat it or not; i.e. who takes the final decision in treatment and its conditions, or maybe essentially treatment refusal? The doctor or the patient?

The conventional method in traditional medicine was the parental or parenteral method. Because the physician simply had the highest level of clinical independence in decision-making due to the use of the necessary information and skills, he decided unilaterally and the patient mutually accepted his decision (Williams, 2009: 17 and 30). At the same time, with the advent of universal knowledge of medical science and the emergence of new issues, new concerns were raised up, which led to the emergence of modern medical ethics based on the quadruple principles. Today these four principles in the field of medical ethics are the focus of dialogue and exchange among scholars and researchers in this field, and supporting ethics in medical decision-making in the relevant scientific field in many countries is a measure and a criterion of action. Four principles of Autonomy (respect for individual autonomy and empowerment), Beneficence, Non-maleficence, and Justice, were advised by Beauchamp and Childress to guide decision-making in medical matters. (Gillon, 1994: 184-8)

Among these four principles is the principle of autonomy (respect for the individual autonomy and will) of the patient which is the acceptance of the patient in medical intervention and the right to determine the patient's own destiny by himself. It means that the physician provides the patient with the necessary information. After consultation and with his consent, the physician will take care of the treatment and / or essentially treat the patient himself. (Giles, 1983; Kushner, 2001: 18-77)

In fact, he/she, the patient, is the ultimate decision-maker in the case that affects the illness of him/her. Respecting the privacy of the patient, keeping his/her secrets, respecting human dignity, providing the desirable services, not deceiving the patient, and telling the truth are all interpreted in the spirit of Autonomy (Zālī, 2007). Also, issues such as brain death and organ donation, euthanasia and simply death, simulation, patient rights charter, abortion and infertility, etc. are all related to the Principle of Autonomy.

Regarding the Principle of Autonomy and its related issues in Western sources, several studies have been carried out, some of which have been interpreted by extreme approaches. (Lārījānī and Zāhidī, 2006: 24). For example, searching for the term "medical Autonomy and ethics" on Google resulted in about 17,000,000 texts, and the search for the same on Science Direct shows 11269 published articles and 1455 books available for readers. Considering that this principle is one of the important principles of medical ethics, which has many uses in the responsibility and medical mission, it is necessary to examine this concept and its scope from an Islamic perspective based on Qur'ānic verses. Hence, in the Islamic world, physicians with scientific and applied information at hand could determine the type and amount of their various interactions in different fields of treatment of patients based on Islamic orders and then they could consider the role and efficiency of religion in different areas of human life, including medical fields.

On the Principle of Autonomy with the Islamic perspective, some valuable studies have been carried out by scholars, some of which are as follow: the articles include "Theoretical Foundations (Philosophical, Moral and Jurisprudential) of Refusing Treatment" by Mansoureh Madanī and Ensieh Madanī (2012); "Islamic Fasting and Autonomy of Patient" by Amir-Ahmad Shujā'ī (2009); "Islam and Four Ethical Principles of Biological Ethics in the West" By Mohammad Bagher Ardashir Lārījānī and Farzaneh Zāhidī (2006); "Influence of Philosophy of Ethics on Ethical Decision-Making of Medicine" by Mohammad Bagher Ardashir Lārījānī and Farzaneh Zāhidī (2004); "The Perspective of Iranian Patients about Alternative Decision Makers: Who Decides Better?" By Komeil Mīrzā'ī, Alireza Mīlānīfar and Fariba Aşgharī (2011), as well as some books such as *Physician and Ethical Considerations* by Bagher Lārījānī (2004); *Autopsy in the mirror of jurisprudence* by Seyyed Mohsen Murtaḍawī (2013); *Modern Medical Issues / 2* (2001); *Medical Jurisprudence* by Mostafa Muḥaqqiq Dāmād (2010); and *Buḥūthun fī al-Fiqh al-Mu'āşir* (2013).

However, what is seen in Iranian studies is merely scattered, transient and brief, which have been presented below the topics related to the Principle of

Autonomy such as books, articles, and studies related to brain death, organ donation, euthanasia (easy death), simulation, patient's rights charter, abortion, infertility, and so on. But a coherent and independent study on this principle with special results, based on Islamic perspective and Qur'ānic verses, has not been written yet, or at least the author has not reached it. Accordingly, and since this principle is one of the important principles of medical ethics which has many uses in medical responsibility, its concept and scope are required to be investigated from the Islamic perspective, based on Qur'ānic verses. The paper at hand aims to study and review this topic basically with a descriptive-analytical method. This study, in addition to contributing to the development of medical ethics with the Islamic and Quranic approach, could provide a framework for ethical decision-making in the medical fields.

Research Questions

The present paper aims to reply to the following questions:

1. Dose the Holy Qur'ān indicate the Man's and similarly the patient's independence and autonomy?
2. If man has such an autonomy and freewill, to what extent is its domination?
3. Who does define its extent and domination? And why?

Methodology

Considering the fact that this study is a fundamental and basic exploration, aiming at the development and expansion of the boundaries of medical ethics with the Islamic approach and taking into account the scientific use and application of its results in the medical community, the research materials include the most important teachings of the Holy Qur'ān and some related interpretations and materials of medical ethics, which have been developed after the induction and review by the library and documentary method and content analysis of value points.

Research Literature (Terminology)

To acquire more information and to know the various aspects of the study, it is necessary to refer to some of the concepts and definitions being used in the present study.

Ethics

Ethics is one of the sciences that is responsible for the excellence and growth of human beings. To achieve this goal, a collection of insights and ethical tendencies is necessary which have been made innate in human existence.

Ethics in the individual and social domain can provide the basis for the fulfillment of the growth of all human beings. Divine messengers, followed by ethical scholars, have made numerous efforts to explain the scientific and practical realization of moral teachings. These efforts led to the formation of various ethical systems and schools. (Dabiri, 2013: 19-153). Today, research in the field of ethical philosophy has been carried out in a variety of fields, and its domain is generally divided into three branches of "normative ethics", "applied ethics" and "meta-ethics" (*ibid*: 20-24). Normative ethics is one of the theoretical topics consisting of two main parts: the first part speaks of universal moral criteria, and the second part speaks of goodness and badness, the correctness and incorrectness, morality or immorality of certain acts of speech (Shirvani, 2005: 23-24).

Applied ethics means "any critical application of philosophical methods for measuring ethical decisions and confronting ethical issues, behaviors and policies in professions, technology, government, etc." (Beauchamp, 1999: 38; cf. Farāmarz-Qarāmalikī, 2007: 11). Applied ethics include "professional ethics" as well. Professional ethics or business ethics are the same as common practices in a profession or job. (Sadri-Afshar, 1994: 67). Professional ethics addresses the ethical issues of particular businesses, such as medical ethics, business ethics, and journalist ethics. (Lawrance C. Beeker, 2001, vol. 1: 80).

Therefore, every job and profession has its own professional ethics, which is different from others. In the medical profession, professional ethics is defined as " a science whose subject is to examine the range of good and normative practices and ways that the owners of the medical team must observe and avoid a set of attributes and actions" (Iṣfahānī, 1993: 8). Medical ethics is one of the areas of applied ethics and is, in fact, a kind of professional ethics.

Medical Ethics

Medical Ethics is the cornerstone of applied ethics that is right or wrong in healthcare and medicine. (Campbell, 2001) Applied ethics is "any critical application of philosophical methods for measuring ethical decisions and confronting ethical issues, behaviors and policies in professions, technology, government, etc.". (Beauchamp, 1999: 38) Medical Ethics is a special insight into medicine, which is within the scope of action through the recognition and analysis of ethical issues and problems seeking to improve the quality of clinical care. (Ziegler, 1990: 5-6) The science of medical ethics is a type of knowledge that offers specific criteria for ethical behaviors and different approaches in the field of medicine, and helps to apply ethical advice and values to the physician and patient. (Ma'ārifi, 2009: 70 and 81)

Medical ethics is a wide-ranging subject that is theoretical and practical. In theoretical terms, it focuses on explaining the underlying foundations and underlying concepts of science, explaining and describing existing ethical assumptions and its relation to cultures, religions, customs of different societies, and in practical terms, relying on theoretical foundations, it discusses the problems and ethical issues in the field of medicine and health care, and presents a practical framework for decision-making in times of crisis. (Lurianic, 2004: 17-18)

Human

Man is one of the complex and comprehensive creatures whose true understanding is accompanied by certain difficulties and delicacies, to the extent that he has been called an “unknown creature”. In the Islamic view, man is an entity composed of two aspects of the visible and unseen world (the holy Qur’ān; *Al-Hejr*: 29 and *Al-Mu’minūn*: 14), whose original identity has been formed by soul (spirit) (*Al-Hejr*: 29; *Al-Anbīyā’*: 91; *Al-Sajdah*: 91) and he is moving towards God (*al-sayru ‘ila Allah*) (ibid, *Al-Shuwrā*: 35, *Al-Mumtaḥinah*: 4; *Al-Fajr*: 25-26; *Al-Inshikāk*: 6; *Al-Baqarah*: 156).

This complex existence has a variety of valuable abilities (ibid, *Lukmān*: 20), and is the only one to whom Allah (the Almighty) has given a complete and comprehensive title of *Khalīfah* of Allah (the successor of Allah) (ibid, *Al-Baqarah*: 30) (Dashti, 2006: 581). He was genetically created as an independent existence so that he has the power and the ability to make decisions independently with his own discretion (the Holy Qur’ān, *Al-Insān*: 3; *Al-Kahf*: 29). The enjoyment of freedom and, consequently, the power of decision-making provide him with a sense of responsibility and accountability (ibid, *Al-Ṣāffāt*: 24; *Al-’Isrā’*: 36). Hence, man is responsible in the eye of religion, such responsibility toward the duties and tasks that have been communicated to him by his Creator, through the medium of Divine Prophets, in the form of a collection called “religion”.

Genesis System

Genesis (*takwīn*) means to create and to invent (Dashti, 2006, vol. 6: 581) and in Islamic terminology it is a system that man does not have any role and authority in creating it. accordingly, the whole universe is obedient to Allah (God Almighty); “The Originator of the heavens and the earth: When He decreeth a matter, He saith to it:” Be,” and it is”. (the Holy Qur’ān, *Al-Baqarah*: 117)

Legislated or Revealed System

Legislated or Revealed (*tashrī’*) System means legalizing and creating a duty (ibid). The legislated System is consisted of those laws which are related to

the voluntary activities of human beings and are communicated to the people through Divine Prophets (ibid, Al-Showrā: 13). The difference between the Genesis System and the Legislated one is that in the latter the case is referred to human’s voluntary acts while in the former the case is referred to objects which the human authority does not have any role in their creation (ibid, Al-Baqarah: 117; ‘Āl-i ‘Imrān, Al-Nahl: 40, Yāsīn: 82). In the Genesis System, the “authority” (*‘ikhtiyār*) is a part of genetic affairs as well.

Autonomy

Autonomy (derived from the Greek Auto-Nomos — *nomos* meaning law: One who gives oneself his own law in the sense of “turning”) means “free will”, “authority”, “independence”, “freedom” and freedom from external authority. (*New World Encyclopedia*, 2012: the entry: Autonomy) It is one of the four principles of modern medical ethics pointing “to respect for autonomy and individual independence of the patient”. That is, the patient has the right freely to make any decision regarding his or her medical and therapeutic care, based on his or her beliefs, values and priorities. The common sense of autonomy is “respect for patient’s decisions and behavior based on individual beliefs and taking patient’s satisfaction in the way of decision-making”. (Beauchamp, 2003: 274)

Discussion

Obviously, people make different decisions in dealing with different issues. There are many factors in the decision-making process; one of them is the worldview and attitude that everyone has about himself, his Creator and the world with which he or she is associated. Attitudes have a direct impact on people’s decisions and behaviors. Human beings, based on accepted beliefs and values, as well as their mental perceptions, look at issues and analyze them with their own knowledge and experience. One of these attitudes is the religious attitude. In this study, religious attitude means to know and believe in God (Allah Almighty), His Prophets and Apostles, the Hereafter, and the fulfillment of what He orders people to do or forbids them to abstain from.

According to the Qur’ānic doctrines, God has made great blessings available to man:

“And whatever blessings and good things You have, it is Allah’s Bestowal...” (the Holy Qur’ān, *Al-Nahl*: 53).

These blessings are material and spiritual in the form of diverse visual and internal talents.

“Have you people not noticed that Allah Has subjugated so many means to Your use in the heavens and the earth to reach you His Bounties of The material and the spiritual nature?” (ibid, *Lukmān*: 20)

Late ‘Allāmāh Ṭabāṭabāī states, "Since we consider the God’s message as a public call, the meaning of the material (exoteric or *zāhir*) blessings is referred to that expressed by the senses, such as the limbs and body organs or the religion which is the divine blessing for regulating the affairs of human’s World and Hereafter; and the meaning of the spiritual (esoteric or *bāṭin*) blessings is referred to those talents that help man to reach the spiritual states, including sincerity in action." (Ṭabāṭabāī, 1417 AH, vol. 16: 226)

One of the most important of these talents is human freedom and empowerment. The enjoyment of man of the blessing of liberty and authority is an obvious and indisputable affair. In addition to the knowledge learned by man and his/her internal states testifying the existence of this fact, his/her planning, his/her commanding or preventing others, his/her encouragement and punishment, his/her blaming and rebukes, etc. are some pieces of evidence of the human being's ability to enjoy freedom and liberty. God says in the Holy Qur’ān:

“Say [O, Messenger!]:"This Word of Truth is from your Creator and Nurturer." They are free to choose between belief and disbelief..." (the Holy Qur’ān, *Al-Kahf*: 29)

This verse and then the followings indicate the cause of human autonomy in determination between faith and infidelity (Ṭabāṭabāī, 1417 A.H., vol. 13: 304). In another verse God says: “Then We showed him the Straight Path: Whether he chooses to be grateful or be Ingratitude and disbeliever” (the Holy Qur’ān, *Al-Insān*: 3). Therefore, man has the right to choose the true or wrong path. Qur’ānic Verses *Al-Fuṣṣilat*: 46, *Al-Ṭūr*: 21, *Al-Nūr*: 11, *Al-Najm*: 41, *Al-Kahf*: 29, etc. are some other Qur’ānic witnesses that show the freedom of man, as well. Basically, one of the prerequisites for the fulfillment of the mission of the Prophets is the existence of human freedom and authority. Therefore, in the Qur’ānic insight, man genetically has been created as a free and liberal existence and his/her autonomy shall not be ignored at all. In fact, the free will itself is also one of the genetic talents through which man can make choices by using his/her abilities, and he could decide and act based on whatever he/she recognizes as good or bad. Therefore, human beings have no freedom or discretion to accept or reject genetic talent; i.e. man has to be free because the genetic world belongs to the will and act of God, that there is no disrespect and violation from anyone (see: Javadi ‘Amoli, 2010: 466). Therefore, man becomes a volunteer (an independent and free subject).

On the other hand, all the possible world, specially Man, has no independent truth and identity in the view of the Holy Qur’ān, but all are created merely through the existence and action of God: “That is Allah, your

Creator and Nurturer: There is no god but Allah, the Creator of all things: So worship Allah [alone] And Allah is the Protector over all Things" (the Holy Qur'ān, *Al-'An'ām*: 102). In another verse, He says about man: "O, men! You are all in need of Allah and Allah is the Independent Rich". (the Holy Qur'ān, *Al-Fāṭir*: 15)

So the existence of man becomes an affinity, cohabitation, and an interface, which has no inherent autonomy. The dependent existence, due to the need for reliance point, cannot be independent. Therefore, in such case, human analysis becomes an independent subject. On the other, God Almighty considers Himself to be the Owner of all properties (ibid, *'Āl-i 'Imrān*: 26, *Yūnus*: 31), that is, everything is due to Him and, hence, the human being is the real owner of nothing.

If anyone thoroughly examines the Qur'ān and knows a man well, he finds that the dependent creature is never capable, and everything that he/she possesses is indeed trusted to him/her; i.e., although he has an ear for hearing and an eye for seeing, all these are trusted and given to him/her and the main owner of these eye and ear is God Almighty:

"Say [O, Messenger!]: "Who provides you Sustenance from the sky and from the earth? Or who owns power over Hearing and sight? And who brings forth the living from the dead? And Who brings forth the dead from the living? And who administers all Affairs of the universe?" They will promptly say: "Allah...." (ibid, *Yūnus*: 31).

In addition, the Qur'ānic verses *Al-Fāṭir*: 13, *Al-Ḥashr*: 23, *Al-Mulk*: 1, *'Āl-i 'Imrān*: 26, *Al-'Asrā'*: 111, and *Saba'*: 22 indicate that any independent creature of God is not the owner of a particle of heavenly and earthly beings. So not only is man an independent subject, but also he/she does not have an independent proprietorship. On the other hand, various internal and external factors restrict human authority in his/her activities (i.e. contraction and expansion of the spirit). These factors are either existentially genetic (*takwīnī*) such as some natural affairs including eclipse, flood, earthquake, lack of man's resistance against the overcoming of sleep, etc., which in this case, human reflection to them is passive and surrendering, or legislated (*tashrīṭī*) such as Divine teachings, which are a set of beliefs, different systems and rulings arisen from these systems (namely Religion or *dīn*), in which the reflection of man to them (according to the genetic authority) can be active or passive (he may accept or not).

According to the Holy Qur'ān, though human beings genetically are independent and have the right to choose, he/she is not legislatively allowed to choose and decide whatever he/she wants, recognizes, chooses, or

decides, for God Almighty has ordained laws to regulate various aspects of man's life in all its dimensions, so that by choosing them he would choose his way of happiness and prosperity. Therefore, human authority in the issue of action is restricted and bounded by the legislated (revealed) laws which God as the Creator of man has sent down. It is clear, of course, that this restriction is not in conflict with human discretion and freewill because both represent the Divine Will and Wisdom. As in various human systems such as medicine, society, culture, etc., we observe the same situation; the rules and regulations of health and therapy, driving, education, etc., which determine boundaries and limitations in different parts of human life and have certain musts and abstains with special punishments and rewards, are never considered to be contrary to human freedom based on any rationale and logical justification, nor contrary to human dignity and respect. As a result, "the duty principle of musts and abstains" and "the limitation principle of acting or refraining from action" are never threats to human dignity or liberty, but are signs of his caliphate and emphasis on his freedom (Javadi 'Amoli, 2010: 200-201). Thus, human beings are free but dependent; although it is possible for him/her to take any decision based on his genetic authority, due to the position of dependence and affiliation, he/she is obliged to decide and choose on the basis of the rules of his real Creator and Owner, since the authority of anything does not mean allowance of doing without any condition. So the range of choice and decision is determined by his Creator, who owns it as well.

Conclusion

Islam accepts the principle of autonomy in its current sense (autonomy and individual authority) in the field of medical ethics, but only in some aspects and not completely; i.e., in the religious thought two systems govern the universe of existence: the Legislation (*tashrī'ī*) and the Genesis (*takwīnī*). According to the latter, whole beings, especially human mankind, are completely obedient to God Almighty and have no right to rebel against the Divine laws. Therefore, since human beings have the freedom and authority of choice, they cannot oppose their freedom and authority (that is a kind of force in freedom). Hence, man is genetically independent and free subject and can make any decision on his own, but in the legislation system, he is obliged to obey the laws of God. Although according to his genetic creation, man has been created free and has the right to possess himself and his own organs, in the legislation system, the power of decision-making and ownership must be taken into account merely based on God's discretion and rules, and not absolutely by humans.

Therefore, in the Qur’ānic perspective, there is a special autonomy. This means that God determines and clarifies the extent of the patient's freedom and independence, and determines how and to what extent the patient has autonomy (independence of the vote). The amount and scope of this autonomy is detailed in the Shi’ite and Sunnite jurisprudential sources, or can be deduced from the relevant principles of *ijtihād* (religious authority of issuing *fatwās*). According to the Holy Qur’ān, though man genetically is independent and has the right to choose, he is not legislatively allowed to choose and decide whatever he wants, recognizes, chooses, or decides. Human authority in the issue of action is bounded by the legislated laws sent down by God Almighty. Besides, “the duty principle of musts and abstains” and “the limitation principle of acting or refraining from action” never threaten human dignity or liberty, but are signs of his caliphate position and emphasis on his freedom.

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