

Islamic Biomedical Ethics: Principles and Application

Abdulaziz Sachedina

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Immediately distinctive of Sachedina's approach to biomedical ethics is his conception of the Shari`ah as an integrated legal-ethical tradition: The Qur'an provides jurists with moral underpinnings of religious duty, and the grounding texts are to be taken as an ethical standard of conduct. Legal rulings are to be extracted accordingly. In short, the Islamic juridical tradition (*usul al-fiqh*) presupposes ethics.

Sachedina argues for an ethical foundation – a strong epistemological claim – and concerns himself with conceptual bases of moral reasoning rather than with juridically derived judgment *per se*. He elucidates deontological-teleological principles that are “cross-culturally communicable” yet appreciative of “situational exigencies.” In contrast to the juridical objective of issuing legal opinions (fatwas), bioethical pluralism motivates Sachedina's preference for recommended moral conduct (*tawsiyah*). He therefore moves away from the tendency of some scholars to conceive of bioethics merely as “applied Islamic jurisprudence.”

The author's epistemic and hermeneutic commitment commends his work, given the two facts that he identifies: (1) informed public debate on critical issues of biomedical ethics within Islam is lacking, relative to the degree of democratic governance, and (2) the epistemological and ontological bases of ethical inquiry remain underdeveloped in the Muslim seminarian curriculum. Consequently, there is a critical need to demonstrate to religious scholars that Islamic ethics have much in common with secular bioethics and thus that an opportunity for dialogue exists.

Sachedina's approach to Islamic biomedical ethics appeals to universal moral principles, to “an inclusive universal language” applied cross-culturally. The human condition and the diversity of Islamic society call for “culture-specific guidance,” yet it is reasonable to engage in a discursive dialogue with secular, Jewish, and Christian ethics. Such dialogue neither supplants Islamic religious conviction nor merely acquiesces in deference to what he calls “the largely agnostic culture” of contemporary western medical practice.

The author soundly grasps how particular circumstances of individual and collective Muslim practice (duties in relation to rights) influence Islamic

juridical decisions. Both communitarian and consequentialist ethics are evident in the moral judgments made by Muslim culture, and thus rules extracted from rational consideration are unavoidably in tension with rules extracted from the revealed texts. Finding that the literature lacks an adequate disclosure of epistemic parameters of the field of biomedical ethics as it relates to Muslim culture, he reviews some parameters.

From the outset, he acknowledges a universal divine endowment of innate dispositions on the basis of which human moral cognition (intuitive reasoning) occurs. He then outlines principles of health care in Islam (chapter 2), followed by an informative commentary on various biomedical problems, among them the theology of (unrequited) physical suffering (*musibah*) (chapter 3); conception, ensoulment, and the ethics of assisted reproductive technology (e.g., gestational surrogacy) (chapter 4); prenatal genetic screening, pre-implantation genetic diagnosis, and terminating embryonic life (e.g., eugenics-driven selective abortion) (chapter 5); personhood (*al-adhat al-insaniyah*) and death as teleological evils (chapter 6); postmortem rights, organ donation, and cosmetic enhancement (chapter 7); and recent developments in Islamic bioethics (e.g., genetic engineering and stem cell research) (chapter 8). By accounting for Muslim belief and practice in diverse settings, Sachedina by no means merely mimics western secular bioethics.

The author's approach is clearly influenced by the work of contemporary scholars (e.g., George Hourani and Majid Fakhry) expounding upon Mu'tazili theological ethics. This contrasts to classical Islamic virtue ethics related to Aristotelian and neo-Platonist traditions (e.g., al-Ghazzali and Ibn Miskawayh), which were concerned with the "discipline of the soul" and the "refinement of dispositions." In this context, Sachedina moves away from secular ethics' privileging of autonomy and self-regulating individuality to the more collective, communitarian character of moral judgment in Muslim culture. Accordingly, he calls for "an educated partnership" of Muslim healthcare professionals, theologian-jurists, and ethicists.

Given his project to provide a foundation for Islamic biomedical ethics, chapter 2 is critical as a normative framework for Sachedina's discussion of biomedical problems. This framework has both empirical and a priori components, the historical, socio-cultural particularity of Muslim life being unavoidably related to revealed universal norms. Sachedina asserts the need for a systematic investigation of grounding moral principles (*asl*) and derivative rules. His analysis accounts for (a) the conceptual and methodological differences between Islamic theologians and jurists, (b) the historical

tension of theistic-subjectivist Ash`ari and rationalist-objectivist Mu`tazili approaches to human salvation (the next life [*al-akhirah*]) and human conduct (the present life [*al-dunya*]), and (c) the ontological assumptions defining the necessity of divine imperatives of obligation (*wajib*) and prohibition (*haram*) that are in contrast to human reason's intuitive judgment amidst situational exigency.

Does the author succeed in providing a foundation, as he proposes? He reviews principles prominent in the Sunni and Shi`i schools of Islamic jurisprudence. Given the attention to ethics in contrast to law, Sachedina's juxtaposition of "biomedical" and "jurisprudence" seems initially to defer too much in the direction of the juridical rather than the ethical. Surely *usul al-fiqh* works with principles guiding interpretation (*ijtihad*) and judgment (fatwa), for example, the principle of the public good (*maslahah mursalah*), the typology of which Sachedina reviews. To a Sunni Mu`tazili and Shi`i, *maslahah mursalah* can be characterized as a general principle but also, more importantly, as "extra-revelatory." Thus intuitive reason has an interpretive role in independent moral reflection. Others (Sunni-Ash`aris), much more conservative, construe the principle as protecting the ends of the revelation (i.e., the five necessities [*maqasid al-Shari`ah*]).

For Sachedina, the scope of this general principle is delimited by theological ethics. It also relates to other basic principles, namely, promoting comprehensive good/benefit (*istislah*) and the right of an individual to reject harm (*la darar*), including reciprocal harm (*la dirar*). The parameters of the latter are defined by custom (*`urf*) and subsidiary rules, among them protection from distress and impairment (*al-`usr wa al-haraj*) in the case of in vitro fertilization (IVF) procedures. Siding with the independent rather than with the conservative standpoint, Sachedina reviews juridical perspectives on *maslahah* and then sanctions moral deliberation about the interpersonal dimension of justice with its extra-revelatory (*al-masalih al-mursalah*) claim upon human conduct.

This book is surely a valuable and substantive contribution to the literature. Whether it is foundational for Islamic biomedical ethics depends in part on epistemological prejudices and expectations (e.g., a "modest" or "radical" foundation). Undoubtedly, there is sufficient reason to say that Sachedina has prepared the ground for such a foundation.

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