

Book Review: Islamic Biomedical Ethics

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Abstract

Book Review: Islamic Biomedical Ethics: Principles and Application, by Abdulaziz Sachedina

BOOK TITLE

Abdulaziz Sachedina, *Islamic Biomedical Ethics: Principles and Application*. New York: Oxford University Press, 2011. 296 pp, paper. \$24.95

BOOK REVIEW

Islamic Biomedical Ethics: Principles and Application, by Abdulaziz Sachedina, was first published by Oxford University Press in 2009. As one of the few comprehensive works published in the field of Islamic bioethics, Sachedina's work covers areas such as "the beginning of life", "terminating early life", "death and dying", and "organ donation and cosmetic enhancement". Regarding the paucity of scholarly works in this field, publication of this book is a good addition to the present literature of Islamic studies. The distinguishing feature of the book is its methodology-oriented discussion of issues. In contrast to the works published before, Sachedina attempts to present a systematic methodology for the growing field known as Islamic bioethics. In this review I will focus on the methodological aspects of Sachedina's work.

As the author emphasizes, present works on Islamic bioethics are mainly juridical in nature and "there is a conspicuous absence of any discussion about the principles or rules that govern such legal-ethical decisions in Islamic law" (p. 17). According to Sachedina, "most of the Arabic and Persian works treat biomedical ethics as a subspecialty of applied Islamic jurisprudence" (p. 18). In contrast, Sachedina understands the goal of Islamic jurisprudence as deriving legal rulings, and that of ethical inquiry as to search for moral reasons behind such rulings. (id.) In this book Sachedina tries to delineate moral justifications for juridical opinions on bioethical issues. The question arises as to why one needs to study moral foundations of Islamic jurisprudence and legal opinions to understand Islamic

ethics? Sachedina explicitly makes a conceptual distinction between ethical and juridical in Islamic religious sciences (p. 10). However, throughout the book he constantly uses the terms juridical, ethical, moral, and legal in conflating combinations such as juridical-ethical, legal-ethical, moral-legal, and ethical-legal in a way that there remains no doubt that for Sachedina they have the same connotation. Such phrasal combinations of Islamic jurisprudence and Islamic ethics are based on the assumption that there is no independent tradition of Islamic ethical thought. If there were, Sachedina would have to answer the question of why we should not refer to those traditional sources of ethics in Islam, instead of exploring legal opinions, for understanding Islamic moral norms for contemporary issues. Ironically, the fact remains that there is a tradition of Islamic ethics but Sachedina considers that to be "mostly Aristotelian" (p. 12). Questions then emerge as to what Sachedina means by "Aristotelian" and why he assumes there is a problem with being Aristotelian? For Sachedina, Aristotelian means dealing "with development of virtuous life as part of one's spiritual and moral discipline", and the problem is that "it has very little to say about ethics as a discipline that endeavors to understand the moral reasoning behind ethical decisions" (p. 12). Since most of Islamic ethics has a virtue-based approach, and supposedly, according to Sachedina, that cannot help us in ethical decision-making, we can simply rule that out in our search for an Islamic ethics of life. However, traditional sources of Islamic ethics are not simply Aristotelian. There are various philosophical and mystical traditions that contribute to the development of Muslims' thoughts on ethics. In addition, being focused on human flourishing through the development of virtues has been a major characteristic of both philosophical and mystical traditions approaches in ethics. Finally, having a virtue-based approach in ethics is not an indicator of

practical uselessness of the traditional sources of Islamic ethics. Even in contemporary bioethics literature, it can be argued that virtue ethics is one of the three most important approaches to bioethics along with the deontological and consequentialist theories. All in all, Sachedina seems to underestimate the importance and relevance of traditional Islamic ethics literature for contemporary debates in bioethics.

Another problem regarding Sachedina's preferred methodology of extracting moral foundations from juridical opinions is that it takes for granted that Islamic ethics has the same foundationalist character of Islamic law. As is reflected in the title of his book, Sachedina's main objective is to find Islamic principles in biomedical ethics. Regarding the distinction between the two domains of ethics and law that Sachedina himself accepts as being valid, the problem of Sachedina's method is that it inevitably portrays Islamic ethics along the lines of Islamic jurisprudence. For example, Islamic law has a foundationalist character and starts with some basic principles, and also uses precedent cases to resolve new cases. Since the same methods are assumed by Sachedina to be representative of Islamic approach in bioethics, searching for certain Islamic rules and principles is the main objective of his inquiry. (p. 20) This is an assumption that at least needed to be discussed and justified by Sachedina in his methodology section.

An important claim made by Sachedina regarding the nature of Islamic ethical discourse is that: "[d]eontological-teleological ethics undergirds Muslim legal-moral culture in assessing moral dilemmas in Islamic biomedical ethics" (p. 17). The major problem with such a description is the apparent contrast that exists between deontological and teleological approaches in ethics: how can the Islamic approach to ethics be at the same time deontological and teleological? And how does Sachedina reconcile these rival ethical theories? There is no answer to these questions in the book and it seems that Sachedina makes this claim without presenting any argument in support of such a paradoxical notion. Another problem with the above representation of Muslim ethics is the very notion of deontology that requires -in its current usage-, the central concept of individual autonomy. Since the idea of autonomy with the necessary assumption of a self-regulating agent is, according to Sachedina, "far from being recognized as one of the major bioethical principles" (p. 13) in Islamic ethics, then the question arises as to which basis the assumed deontological ethics of Islam is founded. It seems that what Sachedina intends by the deontological nature of Muslim ethics is the

language of duties and obligations that is characteristic of Islamic jurisprudence. While the nature of most ancient legal systems is to be duty-based, instead of being rights-based, one cannot deduce from this that they are deontological. This is because the process of moral reasoning in a deontological system starts with a certain set of obligations that define the acts or omissions of the agent. By contrast, in a legal system like Islamic jurisprudence, it is the end result of the legal reasoning process that is obligatory and expressed in the language of duties; yet the starting point may be simply something that is beneficial for the community of the faithful. In such a system the agent and his or her agency is not the primary focus of the jurist. Instead, it is basically the best interests of the community, the family, and the individual Muslim that is considered as relevant in most rulings.

A description of Islamic ethics as being teleological or consequentialist seems to be based on the model of Islamic jurisprudence. It is true that most juridical rulings are based on the balancing of the actual consequences of the act or omission for the person, the family, and the Muslim community. This concern for the various categories of consequences at the individual, family, and community level is itself a consequence of the association of Islamic jurisprudence and political power that I will discuss soon. Then, it might not be appropriate to portray Islamic ethics as being consequentialist in the same way that Islamic jurisprudence is.

Another point missed by Sachedina is the enormous difference that exists between considering the interests of the community of Muslims as the primary concern in Islamic jurisprudence and the notion of communitarian ethics. First, it is clear that what Sachedina means by communitarian ethics in Islam has little to do with the current usage of the term in bioethics that basically includes a variety of responses to Rawlsian liberalism. It seems that Sachedina simply uses communitarianism in contrast to the autonomy-centered secular bioethics. Even in this limited sense, we should be cautious about using the term "communitarian" because what Sachedina translates as public good or the interests of the community has a clear parochial meaning: it is only the interests of the Muslim community that counts in the process of legal reasoning, which has been a basic assumption in all juridical rulings up until present. The notion of the interests of all people, regardless of their faith, is not an element of the Islamic jurisprudence, and the distinction between Muslims and non-Muslims is a concept that pervades the whole domain of Islamic law. This

provides another reason to be hesitant when using Islamic jurisprudence as a basis for finding the foundations of Islamic ethics of life.

Another important point about Islamic jurisprudence that we need to consider is its association with the political contingencies and rivalries among different branches of Islam. It is not accidental that juridical literature deals with all aspects of Muslim individual, social, and political life. Islamic jurisprudence developed in the context of Muslims ruling their own communities and also countries conquered by them, and there was a need to develop guidelines for Muslim rulers. Even in those Shi'ite writings that do not deal with political issues, they consider all rulers as the usurpers of a power that is basically the right of the Twelfth Imam. Another aspect of the primarily legal nature of Islamic jurisprudence is its association with political power, and the need to bring an order into the expanding community of Muslims; in Islamic jurisprudence it is assumed that political power should be informed and controlled by Muslim jurists, who are considered to be the authentic voice of Islam. It seems that what Sachedina considers as the communitarian aspect of Islamic ethics and the notions of "public good" and the best interest of the community are all related to this politically-minded juristic approach that is primarily concerned about the community of Muslims. A corollary of this idea has been the implementation of various limits on the works of Muslim philosophers and mystics. If there is an authentic "Islamic" source of knowledge about what we ought to do, then there is no need for the "Islamicate" philosophers and mystics that use other sources in addition to Quran and Sunnah.

In contrast to the primarily political function of Muslim jurists, Muslim philosophers and mystics have been mainly dealing with dilemmas of human life in a more inclusive way. Human flourishing through the development of virtues has been at the center of Islamic philosophy and mysticism. In addition, a clear distinction is made in most of their works among the three categories of individual, family, and the state. This attitude is in contrast to the holistic approach of Muslim jurists that consider all problems on the earth basically within their domain of expertise. This provides another reason for studying Muslims' philosophical and mystical works as a basis for understanding Islamic ethics of life.

All in all, Sachedina's method of considering Islamic jurisprudence and the juridical rulings as the starting point of understanding Islamic bioethics is inappropriate. First, this is true because there is a long tradition of ethical thought in Islam pertaining to Muslim philosophers and mystics. That these works are virtue-based is not a reason for denying their importance and relevance for contemporary Islamic bioethics. Second, Islamic jurisprudence owing to its many parochial assumptions is unable to provide a moral foundation for Islamic bioethical discourse. Third, assuming Islamic jurisprudence as a model for extracting moral foundations of Islam risks the danger of misrepresenting Islamic ethics on the image of juristic opinions. In addition, the claim made by Sachedina regarding the deontological-teleological and communitarian nature of Islamic ethics is only understandable with regard to his juristic raw material for this inquiry.

References

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