



COMMENT ON “ISLAMIC BIOETHICS AND MODERN GLOBALIZATION VALUES: MAIN POINTS OF CONTACT”


Romas Beresniovas

Lithuanian University of Educational Sciences, Vilnius 03113 – Lithuania.

 <https://orcid.org/0009-0004-5837-9241> |  rberesniovas@outlook.com

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As pointed by Javadli (2024), globalization is a widespread phenomenon in today’s world, which is constantly spreading and covering more and more nations. This process automatically leads to the approximation of the values of globalization with the values of another important participant of modernity - the Islamic world. Taking into account the inevitable interaction between these subjects, there is an urgent need to take all possible measures to promote high-quality cultural exchange and the integration of Islam into the world community. At the same time, modern medicine has achieved significant success in various editions of surgical procedures. Therefore, it is very important to conduct research on the principles of Islamic bioethics to identify key areas of convergence and divergence between globalization and Muslim ideologies for further cooperation between these institutions. The main challenge of this study lies in the unique religious faith of Islam, which is characterized by differences between moderate and dogmatic Muslims. Therefore, the analysis of Islamic bioethics was carried out taking into account its lack of uniformity and the presence of variation views of different groups of representatives. In addition, it is necessary to understand the peculiarities of the Islamic world, where religious norms have a direct influence on the formation of legislation.

In the modern world, the field of legal science is characterized by the gradual expansion of human rights over time. This is manifested in the emergence of different generations of human rights that are officially recognized. At the moment, three generations

¹ Lithuanian University of Educational Sciences, Vilnius 03113 – Lithuania. ORCID: <https://orcid.org/0009-0004-5837-9241>. E-mail: rberesniovas@outlook.com.

of rights have already been recognized, but the scientific community in recent decades has focused considerable efforts on implementing the concept of the fourth generation of human rights. This new generation envisions giving people rights related to issues such as organ transplantation, cloning, surrogacy, artificial insemination and euthanasia. For a full understanding of these issues, it is necessary to delve into the concept of bioethics. Bioethics is a scientific discipline that studies the ethical aspects of the development of biomedical sciences, such as the care of the human body, treatment, genetics, etc., from a moral point of view. Islamic bioethics, in its turn, examines these issues taking into account the moral principles arising from Islamic doctrine. It is important to note that the author appropriately emphasized the moral interpretation of modern biomedical practices, particularly in the context of fourth-generation human rights, which is significantly different from the interpretation derived from Islamic doctrine.

Islamic bioethics is based on the fundamental principles of the Islamic faith, which are characterized by special instruction. The main dogma of Islam is the belief that man is Allah's highest creation and acts as His representative on Earth. Within the framework of the Islamic religion, illness is not seen as a divine curse or punishment, but rather as a trial. Therefore, every Muslim is advised to make an effort to prevent illness, and in case of illness, he is expected to face this ordeal with courage. Thus, prevention plays an important role in Islamic bioethics, as it allows to avoid diseases. From the point of view of Islamic bioethics, the patient also has a responsibility before God and society. He must show patience and courage during treatment, trust the doctor and follow his advice. At the same time, the patient has the right to informed choice and consent to medical procedures, as well as to receive adequate care to alleviate his suffering.

It has been rightly observed that Islamic norms relating to contemporary issues are not fixed and are subject to change. In this context, many Muslim countries prefer specialized religious committees whose main role is to investigate specific problems from an Islamic doctrinal perspective. After deliberation, these committees will issue fatwas, which have considerable authority among all Muslims. Fatwas complement the believers' moral code and must be taken into account by the authorities when formulating legislation. Another important aspect of modern Islam is the division among Muslims. This division is manifested in the presence of two groups: Hanafites and Jafarites. Hanafites believe that decisions can be made based on rational thinking and empirical observations, while Jafarites emphasize strict adherence to religious dogma and consider the Qur'an to be the only ethical guide for all activities. The founding of a key institution in the development of Muslim bioethics, known as the Islamic Organization of Medical Sciences, is attributed to the Hanafites. This organization was involved in the formulation of its main objectives and the creation of professional ethical guidelines for medical practitioners, which were later included in the Islamic Code of Medical and Moral Ethics. The Islamic Organization of Medical Sciences is

a transnational institution that aims to unify medical ethics among Muslims and promote cooperation with other countries. However, it should be noted that not all Islamic countries follow the decisions of this organization; instead, they tend to be guided by dogmatic fatwas.

The main controversial point in Islamic bioethics arises from the question of organ transplantation. Today, the transplantation of individual organs that do not threaten the donor's life is allowed in almost all Muslim countries. However, this practice is permissible only when the donor is alive and has agreed to organ transplantation. However, one of the fundamental principles of the Qur'an is the concept of bodily resurrection after death. Therefore, in Islamic beliefs, there is a ban on cremation rituals and mutilation of the deceased's body. There is a debate between moderate and dogmatic Muslims about whether to allow autopsies on the deceased people's bodies, provided that the donor has given prior consent for life and that all autopsies are properly sutured after the procedure. From the dogmatic teaching adherents' point of view, performing any actions with the human body after death is considered unacceptable, since these actions are considered against the Allah's will. The problem of human death is also related to this question. According to the Qur'an, death is the process by which the soul leaves a person's body. The Jafarites support this view. However, there is no means to objectively determine whether the soul remains in the body. Therefore, moderate Muslims pay attention to objective medical factors, in particular, the cessation of brain activity, which is considered an indicator of death.

An actual problem raised in the context of Islamic bioethics is the issue of abortion. Unlike Christianity, the Muslim religion does not prohibit the practice of abortion. In many Arab countries, including the countries of the Arabian Peninsula, abortion is regulated by law. This is explained by the presence of the postulate of Islamic doctrine, according to which human life is formed not at the moment of conception, but after a certain period when the soul enters the fetus. Thus, given this tenet of faith, abortion is prohibited after the fourth month of pregnancy, as this action is considered the killing of an unborn child. This standard of Islamic bioethics differs from modern medical practice, where abortion is allowed up to the sixth month of pregnancy, and this restriction is not related to ethical issues, but to the practical impossibility of abortion after this period.

The next controversial issue concerning Islamic bioethics is the topic of euthanasia. Euthanasia is the intentional termination of a patient's life with a serious illness to reduce his suffering. Euthanasia can be of two types: active, when the doctor uses means to deliberately kill, and passive when the doctor does not use means that support the patient's life. In his research, A. Yakin (2020) investigated the topic of the legality of euthanasia from a religious perspective in the case when the patient's relatives turn to the doctor with a request to save the patient from suffering. Overall, this can be seen as a somewhat positive step on the part of the

patient's relatives, as they aim to alleviate the patient's suffering who would have died without euthanasia. However, from an Islamic perspective, this is considered a major sin.

When delving into the topic of surrogacy and artificial insemination, it becomes clear that there are different views on these two practices. Regarding surrogate motherhood in the Islamic world, there is a single opinion about its prohibition. This is due to Islamic teachings, which impose strict requirements on family life, stating that a child should be raised by his biological mother, who conceived and raised him. However, artificial insemination is the subject of more lively debates. Supporters of the Jafari school categorically forbid this method of fertilization, considering it completely unacceptable. On the other hand, moderate Muslims offer the possibility of artificial insemination, but with some restrictions: the sperm must come from a legitimate man who is legally married to a woman who expresses her desire to undergo such a procedure.

This scholarly investigation highlights the scholars' views on the fourth generation of human rights and two prominent Muslim groups - the Hanafites and the Jafaris. By comparing the norms of Islamic bioethics with the norms of modern medicine and human rights of the fourth generation, it was established that there are common and different views between these worldview systems. It is worth noting that Islam is an ancient religion, and its norms were formed long before the introduction of the considered medical procedures. However, a deep study of Muslim doctrine allows us to understand that many modern medical practices are not prohibited by the moral code of Islam.

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