

Religion and Bioethics: An Analysis of the Impact of Theological and Textualist Approaches to the Discipline

Mohammad Rasekh^{1, 2*}, Amirhossain Khodaparast³

1. Professor, Department of Public Law and Economic Law, the Faculty of Law, Shahid-Beheshti University, Tehran, Iran

2. Nanobiotechnology Research Center, Avicenna Research Institute, ACECR, Tehran, Iran

3. Assistant Professor, Western Philosophy Department, Iranian Institute of Philosophy, Tehran, Iran

Received: Nov. 30, 2019

Accepted: Apr. 18, 2020

Keywords:

Morality, Religion,
Theological approach,
Textualist approach, Justice

To cite this article:

Rasekh M, Khodaparast A.
Religion and Bioethics An
Analysis of the Impact of
Theological and Textualist
Approaches to the Discipline.
Iran J Biomed Law Ethics.
2020;2(1):1-12.

Abstract

Background: Application of modern medical and bio sciences and also that of modern biotechnologies to human life, during the last decades, have left impact on and indeed changed traditional religious and moral attitudes. Use of such sciences and technologies has given rise to unprecedented moral and religious discussions which could not be justified and fruitful without taking into consideration of foundations of moral judgments. This is more significant in Islamic societies in which religion plays a considerable role in formation of moral beliefs and legal rules.

Methods: This research is a philosophical study by means of conceptual and critical analysis.

Results: Taking into account recent biotechnological developments and normative problems arising from them, it is necessary to study religious and moral approaches to these problems and evaluate various types of theorizing on bioethical problems.

Conclusion: In this paper, upon discussing and evaluating (religious) theological and textualist approaches to bioethics, it is attempted to put forth a justifiable religious approach to bioethical problems.

* Corresponding author: Mohammad Rasekh, Tel: 22432020, Fax: 22432021, Email: m-rasekh@sbu.ac.ir

Introduction

Morality and religion are two constituent elements of all cultures and have always been interacting with each other. Some of moral theorists are of the opinion that one cannot grasp the precise meaning of moral concepts and values unless one reads them in the light of religious teachings (1, 2). On the other hand, the main part of religious teachings consists of moral attitudes and judgments to the extent that religion is not conceivable without the said attitudes and judgments.

Emergence of new unprecedented ethical problems in the contemporary world has given rise to a new branch or level of morality, that is, applied ethics (3). Bioethics is one of the most significant and, of course, controversial parts of applied ethics that deals with moral problems arising out of developments occurred in the field of life sciences and technologies and their impact on various creatures, in particular human beings. Religious ethics includes important and influential viewpoints on bioethical problems, the same as on other new moral themes. In this paper, the relationship of bioethics and religion was explored; that is to say, religious approaches to new biomedical issues from a moral point of view were evaluated.

Methods

This research is a philosophical study by means of conceptual and critical analysis.

Results

The Nature of Religion

Given the controversy over putting forth a definition of the phenomenon of religion, the following definition seems credible: "religion comprises a series of beliefs and individual and collective acts and emotions that revolve around the concept of ultimate truth" (4). Thus, we may consider religion consisting of three distinct though interdependent elements. The first element is "religious experience" which is, in a simple expression, about individual's relation with an exalted source amounting to her spiritual change. The second element is "religious belief", a belief embodying a (truth or falsity bearer) proposition concerning the nature of the exalted source, the proper response to it and related issues. The third element is "religious act" that falls back on religious experiences and beliefs.

As the relationship between bioethics and religion is examined here, two out of the mentioned three elements, *i.e.* religious belief and act, will be under

consideration. Religious beliefs, to a considerable extent, play an effective role in the formation of moral beliefs. In particular, religious people do not make a meaningful distinction between religious and conventional moralities/ethics. They consider religious acts as the foundation of any ethical behavior.

Theory of Religious Ethics

The history of religious thought has left us with two major approaches to religious ethics. In the Islamic world, they are known under the name of two major theological schools of Mo`tazilism and Ash`arism. From a Mo`tazilite point of view, human beings have free wills in consequence of which they are able to act freely and consciously. The elements of free will and consciousness guarantee the freedom of human beings, hence, their acts can be morally evaluated and considered to be "good" or "bad". The Mo`tazilite school moral concepts are rational, in the sense that moral acts may per se, and regardless of any ruling or will, including those of the god, be good or bad. Put differently, in order to determine the morality or immorality of a willful act one just needs resort to human intellect and standards deriving therefrom. Moreover, the knowledge of moral rules and values is independent of transmitted knowledge, revelation or religious jurisprudence (5). In contrary, the Ash`arite, followers of Abulhassan Ash`ari, believe that the very existence and a knowledge of moral values derive from the divine will and religious teachings (6). Their most important reason for this claim is that propounding the Mo`tazilite viewpoint shall limit monotheism and the divine power (6).

The afore-said two schools in the Islamic world have their counterparts in the Western and Christian moralities. Similar controversy among the latter moralities has often been stated by the divine command theory in morality which can be at least traced back to the Euthyphro Dilemma of Plato (7). Christian theologians, like Muslims and with similar method and reasons, have taken two different stances on the relationship between morality and theology. In general, they could be named as the rationalist and the textualist approaches. The former endeavors, based on ontological, epistemological and rational ethical views, to put forward its theological-moral thoughts, whereas the latter sets aside or at least marginalizes rational views so for the religious texts to reveal their theological and ethical concepts and ideas.

In dealing with bioethical problems, one may

have recourse to the two mentioned approaches. Thus, in this work, theological thoughts were studied concerning problems deriving from life sciences and technologies. Then, the moral textualist approach to these problems was explored. In particular, their application to certain important bioethical problems was shown. However, before embarking on the main discussions, it should be reminded that, due to social and cultural requirements, western Abrahamic religions were investigated rather than the eastern ones. Among the former, the Islamic views shall occupy the center of the discussion.

Two Religious Approaches

Attempts by religious scholars on bioethical problems could be classified as two major approaches: the theological and the textualist.

The theological approach is an approach that deals, more than anything, with religious belief. According to this approach, bioethical problems are scrutinized as theological problems arising out of application of life sciences and technologies. That is, consequences of these problems are evaluated within the framework of the religious world-view. This approach could in turn be divided into two sub-approaches.

Non-Theistic Approaches: This sub-approach may include a diverse range of theories such as Deism, Pantheism and Panentheism. Here, it is not possible to explore these theories in detail, though it is necessary to remember that a religious approach to bioethical problems is not limited to the theistic (Abrahamic religious) approach. Other theological theories ought to be taken into account (8). Nowadays, these theories are, in particular, important due to the essential role they play in certain philosophical and moral debates on the life, especially on the environment. For instance, they have left enormous impact on opinions of deep ecology philosophers (9, 10). From the Pantheist and Panentheist perspectives, the concept of nature is regarded as a valued one worthy of deep respect. Some of eastern religions consider the nature as the heaven; an attitude that is per se sufficient to attribute an inherent value to it (11).

Theistic Approaches: According to this sub-approach, human beings have seemingly a unique status among other creatures. Their strong intelligence has enabled them to dominate many natural powers and extensively exploit natural resources. Although natural disasters sometimes remind us of our

powerlessness over still many of natural elements, the unique status of human beings has gone so far as to separate them from the nature and make them forget that they are indeed part of it (11). According to Abrahamic religions, it is suggested that although this world seems an independent whole, it is, in its essence, dependent on the god and one of His creatures. Therefore, we may not even conceive of the nature without realizing its inherent dependence on the god, hence, we are not allowed to take arbitrary action on it. Nonetheless, some scholars have argued that theistic beliefs have themselves resulted in the destruction of the nature. They believe that the said approach, in fact, is a camouflaged anthropocentrism, since it tends to detach and distinguish human beings from other creatures. The classic paper of Lynn T. White has been one of the influential and effective elements in the emergence of environmental ethics thought (12). His assumption was that unrestrained use of and, hence, the harm inflicted on the nature by human beings have been a direct consequence of Judaic-Christian (indeed, Abrahamic) understanding of the human and nature relation. He refers to the following passage of the Book of Genesis: "... and replenish the earth, and subdue it: and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth" ¹.

However, White's paper has been criticized from both historical and religious points of view. The believers put forward a different interpretation of passages, referred to by White, according to which human beings are responsible towards the environment, in line with their duty to the god, despite their distinct status among other creatures. This responsibility shall, no doubt, add to their cautiousness while dealing with and exploiting the nature (11). The Jews have set forth a different interpretation of the passages of the Old Testament, referred to by White, according to which human beings are trustees of the nature, rather than its master. Human beings, as representatives of the god, are trustees of the environment. Therefore, rather than endorsing anthropocentrism, the Abrahamic religions express theocentrism. Moreover, Abrahamic religions value the earth and animals, since they are beings belonging to the god. Indeed, many Christians have, in practice, shown such idea of trusteeship. For instance, Saint Francis of Assisi (1181-1226) adopted a serious egalitarian method as regards other

1. The Genesis Book, Chapter 1, 28.

species and called them his brothers and sisters (13, 14).

But, the gravest theological problem with regard to modern biotechnologies is that of "playing god". In response to this problem, it is asserted that human beings, the same as other beings, belong to god. The god is the real owner of the universe and its parts, including the body and soul of the human being. It is only Him who may determine the right way of dealing with any part of the universe. Accordingly, the human being, in her dealing with the nature, other human beings and herself, has to act in a way that is to the satisfaction of the god, her creator and real owner, otherwise, she has disobeyed His commands and rebelled against Him (15).

Proponents of the afore-said conception take advantage of the divine command theory. According to this theory, human beings are unable to identify moral rules and values and cannot alone discern their interests and losses. It is the divine revelation, as a supernatural source, that enables the human being to discover and understand the mentioned rules and values (16). As Edward Wierenga puts it, an extremist interpretation of the divine command theory argues that moral propositions are defined by theological ones. Therefore, "A is ethical" is defined by "A is a divine command" and the divine commands are the only way of identifying the moral content (17).

The textualist approach to bioethical problems, on the other hand, includes jurisprudential rulings which have been issued by religious scholars for using modern life sciences and technologies. Here, theological and philosophical issues are set aside, while attention is paid to daily aspects of life and the relevant procedures. Indeed, the textualist approach explores the sphere of religious act. The basic belief behind this approach is the one on the significance of practical life in forming the identity of individuals and societies. Religious act, though a superficial aspect, is considered as a necessary part of it and a prelude to gaining reliable religious beliefs and valid religious experiences. On this basis, some religions, like Judaism and Islam, have dedicated a great deal of their teachings to regulating right and proper acts during the whole life.

Jurisprudence-oriented religions put forward a program for the whole life of the individual according to which every act is grouped under one of its

subtitles. For instance, the Islamic Jurisprudence (Fiqh) is taken to be responsible for preparing a comprehensive program for the human life. Every act of a Muslim is considered as "obligatory", "recommended", "licit", "repugnant" or "forbidden". In addition, every act brings about a responsibility for the actor in return for which, especially for the first and the last ones, there is the related reward or punishment. The jurists (fuqaha), as religious authorities, infer the rulings from the relevant resources so as for subjects to observe them both theoretically and practically. If a matter turns up for which no ruling may be directly inferred from the Book and Tradition, it is possible to interpret such resources, upon certain practical principles, so much as a ruling could be concluded for the new matter (ijtihad) (18-20) ¹.

Theoretically speaking, however, the textualist approach is dependent upon the divine command theory in morality, as it argues that moral rules and values are embedded in the divine will which is in turn embodied by the holy book. It is this text and its explicit meanings that can guide human beings with their ethical decision makings.

Now, in order to take a closer look at the textualist approach, two major bioethical issues are included and having briefly introduced them, the way this approach faces them is examined. The issues are gamete and embryo donation, on the one hand, and dealing with plants and animals, on the other.

Gamete and Embryo Donation

Gamete and embryo donation is one of the most important methods for treating certain illnesses. Gamete donation is resorted to whenever the wife or husband, due to any cause, does not have, respectively, ovum or sperm. In contrast, embryo donation is utilized whenever the couple both have problem with their gametes. Thus, the embryo of another couple, the donated embryo, will be transferred to the infertile wife's womb (22). The resulting child has evidently no biological relationship with one or both of the receiving parents.

Application of this method has given rise to certain moral problems. A number of Muslim jurists have argued, on various reasons, against the donation. For one thing, they argue that, in this method, it is necessary for the physicians and certain other experts to examine the reproduction organs of the patients, an act that in turn leads to "forbidden touch and look". What matters seriously

1. In Judaism, as a jurisprudence-oriented religion, also individual behaviors fall under religious rulings. Human

acts related to life sciences and technologies are included by the same rulings too (21).

here is whether or not infertility is an illness. If so, is it a particular and urgent one that justifies the commission of the said forbidden act? According to the opinion of many of earlier jurists, in case the infertility is considered an illness, unclothing and touching sexual organs are allowed only to the extent it is necessary for the treatment. Nonetheless, it seems as if later jurists have shown doubts about infertility as an illness. Some of them argue that even accepting it as an illness is not sufficient for unclothing of the patient and conducting physical contact by the physicians and experts, rather those acts are allowed if only the patient is also encountered with necessity and hardship. Therefore, as regards ART by donation, jurisprudential permissions stay limited and illicitness of certain acts remain in force (23). Their argument is based on certain Quranic verses and traditions. For instance, they refer to Nur: 30-31; Mu'minun: 5-6; Ma'arij: 29-31 and Ahzab: 35. Although a number of other verses could be brought to bear on the issue at hand, the arguments are heavily loaded by certain traditions which are thought to be more directly relevant (23). On this basis, the opposing jurists believe that the modern ART methods are intermingled with forbidden acts such as illicit look, touch and even fornication, hence, the said methods run counter to religious teachings and commands (18). Moreover, it appears that a second reason against the methods is based on traditions forbidding mixing gametes of non-married persons.

Another essential concern with the gamete and embryo donation, the opposing arguments thus go on, revolves around the filiation of the resulting child. Needless to say that, according to the Muslim jurisprudence, filiation is the basis for many claims and cases. Therefore, determining the filiation, which is often taken to be a biological matter, is of a very high significance (24). Almost all of jurists explicate filiation as "relationship and connection of one individual to another one through birth, such as father and son, or relationship and connection of two persons to the third one providing that the jurisprudential and conventional title of filiation could be attributed to this relationship and connection" (25). The question is whether or not the above-mentioned donation unsettles the filiation of the resulting child. Now, if it is morally or legally accepted that the donation should be kept confidential (26), then another reason could be added to the inventory of reasons for the opposition to the donation. All in all, ambiguity in the filiation

of the child resulted from the donation, which goes against the jurisprudential aim of protecting the filiation of people, and also non-registration of the parties to the donation, or keeping the identity of these parties confidential, could be counted among the grounds for opposing the donation (23, 24).

Notwithstanding the opposing stance, a number of Muslim jurists have resisted the mentioned arguments and, based on different jurisprudential evidence, argued for the legitimacy of using modern ART methods. They embrace artificial fertilization of the gametes of non-married couples. Their major argument relies on practical principles, in particular the principle of innocence, since there is no jurisprudential evidence against the mentioned fertilization. They dispute the authenticity and significance of the verses and traditions to which the opposite stance resorts in support of their opinion, hence, in their view, there would remain no way but having recourse to practical principles (23, 27). Further, under the supporting stance, infertility is considered as an illness, therefore, a fact that legitimizes people to ignore the primary rulings of prohibition.

Dealing with Plants and Animals

Bioethics is mainly a discipline on human affairs that, in particular, deals with problems arisen in the field of human life. Nevertheless, it is not possible to disconnect the human life from the surrounding environment and phenomena existing therein. Thus, dealing with any of surrounding phenomena should also be subjected to bioethical rules and values.

On the one hand, certain bioethical problems have arisen in the field of dealing with plants. For instance, we may refer to destroying plants and biodiversity, production and use of genetically modified products and consumer rights.

On the other hand, there are certain bioethical problems regarding animals. They are as follows: extinction of certain species, research and experiment on animals, using their cells or organs and animal cloning. These problems have become more acute, while the old ones—such as using animal products, animal skin or meat—have not been settled yet. Here, in particular, we may refer to human use of animals in bio researches and medical treatments, though extinction of certain species could be classified under the endangerment of biodiversity which is in turn discussed within the framework of environmental ethics (28).

As regards problems arising out of dealing with-

plants and animals, it seems as if the theological approach has been more active than the textualist one. An emphasis on the sanctity of the nature, considering the nature and natural beings as valuable creatures of the god and trusteeship status of human beings with regard to the nature are among considerable theological ideas in this respect. Furthermore, it seems that jurisprudence-oriented religions, despite adopting a general textualist approach, have emphasized on ethical recommendations and theological doctrines while encountering environmental problems arising out of dealing with plants and animals (29).

An Evaluation of the Two Approaches

The theological approach takes the life sciences and technologies seriously. Given the influence of religion and religious authorities over some societies, the theological approach may improve the importance of bioethical problems related to the said sciences and technologies in the public opinion. Moreover, religions and religious beliefs have traditionally been regarded as protector and guarantee of morality. Accordingly, theological beliefs could make human acts in the context of life sciences and technologies more ethical.

Along with the said advantages, however, it should be noted that the theological approach suffers from certain shortcomings and problems; both theoretically and practically. In this respect, it seems that the main problem goes back to variety of theological claims within diverse theological traditions. Even within the same tradition, there are profound controversies over the understanding and interpretation of the basic concepts, so much so that, in some cases, the controversies have divided different sects of the same religion. This has in fact led to theoretical disarray and practical confusion. Therefore, it appears that the theological approach is not sufficient to establish a discipline of bioethics and settle theological and ethical disagreements. If this was possible, religious communities were not so much in trouble with resolving the said controversies. Now it has been evident that religious societies are not in a better situation in preserving the environment than other societies. In consequence, we are basically in need of some kind of independent ethical discussions at both theoretical and practical levels that guide us, in a justified way, through our encounter with modern sciences and technologies.

As it was suggested, the textualist approach to bioethical problems, especially given its reliance on

the divine command theory, is to a large extent dependent on the theological approach. The former approach does avail us with rulings for tackling problems originating from modern life sciences and technologies. In other words, adopting the textualist approach shall result in conclusive stances and rulings that bring human acts, in researches and treatments by way of applying life sciences and technologies, under control. Moreover, moral or jurisprudential rulings offered by religious leaders enjoy the great advantage of religious and divine guarantee. Most of the believers regard the structure of the universe as a moral one and take their acts as resulting in reward or punishment (30-33). Accordingly, they are very well incentivized to pursue moral acts (34, 35). The jurisprudential reasoning method for inferring expedient rulings as for new cases (ijtihad) is apt to provide a good potentiality for adjusting religious rulings with modern descriptive and prescriptive knowledge. In this way, it is quite possible to keep religious beliefs in place while updating them, and also the rulings, so as for the believers to remain faithful to their commitments in their encounter with new phenomena and ensued problems.

Nevertheless, the textualist approach suffers also from certain shortcomings and problems. The main problem with this approach goes back to its conception of moral concepts, values and rules. It was already shown that the textualist approach theoretically relies on the divine command theory in ethics. Now, the question is whether or not the said theoretical basis is defensible. By way of questioning this question, it shall be evident that not only is the divine command theory flawed, it also undermines the textualist approach.

All in all, four fundamental criticisms could be raised against the afore-mentioned theory. They are as follows. Firstly, the theory does not say anything about the connection between the divine command, on one side, and the human understanding, on the other. Proponents of this theory argue that the will and command of the God may be revealed to the human beings through the holy book, conscience, reason and religious authorities (such as the church). These methods, however, without taking into account the possibility of an independent understanding of moral concepts, shall immediately fail, since understanding the holy book without considering the external factors, such as the relationship between religious knowledge and other kinds of knowledge, is impossible (36-38).

Secondly, to obey the command of any authority is, in the first place, in need of a moral reason for the very act of obedience: why should one comply with the command of A? This reason cannot be provided by A, since, as seen, the main question is about the very obedience of the commands of A (39). Put it differently, resorting to the divine command in order to prove the moral necessity of abiding by the command divine has no meaning but presupposing the conclusion in the argument, that is circular and, hence, suffers from the fallacy of begging the question.

Thirdly, some of moral philosophers have rightly shown that linguistic or metaphysical dependence of moral concepts on divine will or command shall make them nonsensical. Based on the divine command theory, the divine command is the reason/cause for the goodness or morality of an act. If so, then the proposition (i) "A is good" is identical with (ii) "A is a divine command". Now in the proposition that "A is good because it is commanded by the divinity", let us replace the antecedent, which is (i), with (ii): "A is a divine command because it is commanded by the divinity". Does this make any sense? The only meaning of the last proposition is that "the divinity commands His command". This proposition does not bear any synthetic meaning, while its predicate just repeats the subject (37). This kind of understanding of the divine commands does not sit well with moral intuitions of the believers. They comply with the divine commands, because they regard Him as inherently and absolutely beneficent whose commands derive from such inherent beneficence. The believers do believe that the divinity does not command us to do a bad thing.

Fourthly, the divine command theory leads to an implausible consequence. That is to say, it represents the god's commands as arbitrary. The theory means that the divinity could have given different commands, as, based on the theory, it is just the god's command that makes an act a good one. Thus, He could have commanded us to lie, in consequence of which lying, and not telling truth, would become good. Therefore, He could have commanded any act, good or bad or their opposites, a claim that turns the divine command to arbitrary ones (40).

Finally, the divine command theory cannot justify

complying with the divine commands. Believers in the god obey Him due to His goodness. Thus, there will remain no necessary link between moral requirement to commit an act and the divine command. This necessary link and requirement is provided for if and only if there is, in advance, a reason for moral goodness of the divine commands, whereas the divine command theory reduces morality, all together, to the divine command¹. Therefore, based on this theory, not only can one not prove the absolute beneficence of the divinity, it also removes meaning from the divine beneficence (42).

On this basis, it is clear that the divine command theory is not able to set forth arguments for grounding morality on religion and reducing ethical rulings to jurisprudential ones. "The moral" is independent of "the religious", though they may not necessarily run counter to each other. Morality is independent of religion, though religion could be a very good support for morality. Morality may function as a basis for evaluation of religious and theological beliefs if only it is independent of religion (16, 42, 43).

Likewise, *ijtihad* (the jurisprudential reasoning method for inferring expedient rulings as for new cases) may only work on the basis of the independence of morality of religion. No attempt to derive proper rulings from the relevant religious sources for new social problems is successful unless cultural, social and human conditions, in which the ruling is necessary, are taken into account. *Ijtihad* would become meaningless if the very old rulings are presented for new situations. It happens only when the rulings are somehow changed or new ones are provided for new problems. The change or new inference is needed as cultural, scientific, social and human circumstances have changed, hence the new rulings has no way but being consistent with such new circumstances, in a way that they advance, as much as possible, ethical acts and further human relationships to a just level. Just and moral concepts, it has become evident, have to be independent of religious jurisprudence. If they were supposed to be a part of this jurisprudence, there remained no need for their change in the face of new circumstances, as the old rulings would have been assumed inherently ethical and just. In a

1. Frankena is of the opinion that the divine command theory, in fact, provides a guide and legal system for the human life. Thus, given the distinction between law and

morality, one may ask whether this theory is a legal or a moral one (41).

word, *ijtihad* seeks to realize morality and justice.

Having explained the above arguments, religious morality—in the sense of a morality based on religion or a theological system, or a morality reduced to jurisprudence, and not a series of independent moral rules backed by religious teachings—suffers from two major failures: "lack of rulings" for new situations and "conflict of rulings" due to the changing circumstances. Saving *ijtihad*, as a rational endeavor to update jurisprudential rulings by remedying the said failures, may only be achieved through dropping a basic assumption, the assumption of identity of religion and morality. A religious morality, then, finds its most justifiable meaning and effective state by embracing the idea of independence of morality of religion.

Bioethical Problems Revisited

Now, having considered the above criticisms, two major issues already briefly dealt with, *i.e.* gamete and embryo donation and dealing with plants and animals are discussed here. Our purpose is to give an assessment of them. The assessment, however, does not imply any leaning towards one of the sides of the controversies. The main point of the assessment hinges upon the kind of foundation(s) upon which a theory or approach grounds its rulings as regards bioethical problems. It is not important to agree or disagree with a particular stance or ruling; rather, congruent with the purpose of this paper, it is significant to justify the very method of encountering with the problems concerned and arguing for the relevant ruling.

The theological approach has partially managed to provide for reasoning and rational justification. So long as this approach binds itself to rationally account for criticisms and counter views, it embarks on discussions, based on rational reasoning, that strengthen the approach to bioethical problems. Arguing for a cautious treatment with the nature due to its value as a creature of the god and delimiting the human discretion to intervene in the nature besides taking problems arisen out of modern life sciences and technologies seriously, are all rational discussions that have expanded the horizon of theoretical debates on bioethics. Furthermore, the very theological approach is influenced by the rational discussions, so much so that nowadays it seems theological arguments on bioethical problems do not differ very much from those philosophical ones set forth from a non-religious angle (44).

Nevertheless, the textualist approach is in a different situation. Should this approach resist to ab-

andoning the presumption of grounding morality on religion, and also insist on dealing with problems caused by the modern life sciences and technologies in a textualist manner, it cannot undoubtedly develop a genuine moral attitude to the problems concerned. This is exactly the kind of situation that has constricted the opportunity of ethical dealing with bioethical problems within the Muslim world. For instance, a second look at fatwas and rulings on embryo/gamete donation shows that these opinions and rulings are merely concerned with jurisprudential aspect of the issues concerned, whereas ethicists and theologians have pointed to various major moral problems in this regard. "Changing the nature", "undermining human dignity", "manipulation of the god's creature", "possibility of abuse", "informed consent", "screening the donator and the receiver of embryo/gamete", "commercialization of donation", "conflict of interests", "confidentiality" and "embryos left over by the process of donation" are among major issues raised in this area without consideration of which one cannot simply allow or prohibit embryo/gamete donation (45). It is not readily possible to accept such an important problem as acquiring gamete, for a person who is not able to produce it by himself/herself, just by warning him/her not to commit prohibited look and touch or masturbation (24). Furthermore, while interpreting the sayings and sacred texts, it is imperative for us to take the rational reading seriously, rather than relying on the literal meaning.

It was already mentioned that jurisprudential rulings on problems existing in the non-human side of the bioethics (environment and animals) are rare. This verifies the already mentioned point about the lack of primary jurisprudential rulings on problems arising out of life sciences and technologies. This may, however, be remedied by taking seriously moral views on the afore-mentioned side. An appropriate ground for issuing rulings on those problems may be prepared if a relevant justifiable moral viewpoint be adopted.

Conclusion

Moral discussions comprise three levels: meta-ethics or moral philosophy, ethics or science of morality and morality. Discussions of moral philosophy are all rational. Justification and, hence, acceptability of these discussions are dependent upon the kind of reasons and arguments put forward in their support. The divine command theory is a theory at the referred meta level for the justification of

which there are not sufficient reasons and arguments. Moral philosophy deals with rational basis and conceptual analysis of morality and, hence, attempts to put forth general theories in the field. It is, therefore, evident that at this level of discussions there is no direct relationship between bioethics and religion. Bioethics, as a moral knowledge, is ultimately upheld by moral philosophy.

A direct relationship between ethics (science of morality) and bioethics is also dubious, since discussions at this level, in the form of ethical theories or systems such as deontology and utilitarianism are also totally presented through rational analyses to which textual evidence can lend no hand. Bioethics, as compared with its relationship with meta-ethics, has a more direct link with ethical theories. These theories are systems that, on the one side, endeavor to find a way round every moral problem arising out of life sciences and technologies and make various parts of the system consistent, on the other.

However, at the last level, *i.e.* the level of common morality that deals with everyday moral issues of the society, bioethics does have link with religion. Bioethics is a branch of morality, in the sense that bioethical issues appear at the normal individual and social lives, issues in need of primary rules and rulings. On the other hand, jurisprudential rules and rulings appear at the same level and guide lives of the religious. It is at this very level that bioethics may be influenced by jurisprudential (fiqhi) rules and principles. Nevertheless, as it was already mentioned, the said rulings suffer from two major failures: "lack of rulings" for new situations and "conflict of rulings" due to the changing circumstances. The failures can only be compensated, in the first place, by turning morality and justice "rational" and making sure that jurisprudential rulings do not fly in the face of morality, in the second. On this basis, those religious rulings, while being consistent and complying with imperatives of morality and justice, shall rely upon ethical, just, defensible and human findings.

It is worth mentioning that, from the common religious view, a mere practical approach is often taken towards bioethical problems, whereas the moral and theological analysis of the said problems is unjustifiably reduced to issuing one of the five rulings ("obligatory", "recommended", *etc.*) on the issue at hand. From that perspective, a discussion of interests, autonomy, beneficence, individual rights and a balance among these influential elements on the relevant ruling is usually forgotten

and, instead, a duty-oriented discourse revolving around the literal meaning of the texts replaces the discussion (24). Accordingly, from the mentioned perspective, different levels of moral discussions, *i.e.* morality, moral systems and moral philosophy, are confused. A jurisprudential-pragmatic approach to bioethical problems is only possible at the level of primary moral rules (the level of "ought" and "ought not" morality). It is at this level that practical rulings of religious morality on bioethical problems may sit well with conventional rulings on the problems and provide a basis for an evaluation of the latter. A rational justification for them may, however, be provided for by ethics (science of morality) and meta-ethics (moral philosophy); the last two seem dependent or self-contained (46). Moreover, it should always be kept in mind that bioethics is a branch of ethics, rather than fiqh (24). Jurisprudential rulings on bioethical problems need, therefore, be based on morality and justice. In this case, they shall be both religious and, at the same time, moral and just (47).

Conflict of Interest

Authors declare no conflict of interest.

References

1. Shahryari H. Moral philosophy in the western thought from the perspective of Alasdair macintyre. 1st ed. Tehran: SAMT; 2006. 460 p.
2. Malekian M. Moral and political views of macintyre. 1st ed. Tehran: Boq`e; 2000. 80 p.
3. Ozawa T. What is Applied Ethics?. Cited 2011 June 27. Available from: https://kochi.repo.nii.ac.jp/?action=repository_uri&item_id=4387&file_id=17&file_no=1&nc_session=g707tkugu699143ds2avmp6c17 [Accessed 9th December 2020].
4. Peterson M. Reason and religious belief: an introduction to philosophy of religion. Oxford: Oxford University Press; 1991. 326 p.
5. Bouamrane Ch. [Le probleme de la liberte humaine dans La pensee musulmane: solution Mu` tazilite]. Paris: Vrin; 1978. 226 p. [French].
6. Abdul Hye M. Ash`arism. In: Sharif MM. (ed.) History of Muslim philosophy. Kempton: Pakistan Philosophical Congress; 1963. p. 255-278.
7. Plato. Euthyphro. In: Cooper JM. Hutchinson DS. Plato: Complete works. 1st ed. Indianapolis: Hackett Pub Co; 1997.
8. Deal WE. Bioethics in Buddhism. In: Post SG. (ed.) Encyclopedia of bioethics. New York: Macmillan; 2004. p. 334-40.

9. Naess A. The shallow and the deep, long-range ecology movement. A summary. *Inquiry*. 1973; 16:1-4, 95-100.
10. Pojman LP. *Environmental ethics: Readings in theory and application*. 2nd ed. Belmont: Thomson Wadsworth; 1998. 568 p.
11. Bryant J. Baggott la VL. Searle J. *Introduction to bioethics*. Wiley; 2005. 250 p.
12. White L. The historical roots of our ecologic crisis. *Science*. 1967;155(3767):1203-7.
13. Bobin Ch. *Most Low: A meditation on the way of Francis of assisi*. Norwich: Shambhala Publications Inc; 1997. 112 p.
14. Bobin Ch. *The very lowly: A meditation on Francis assist*. Boston: New Seeds; 2006. 120 p.
15. Peters T. *Playing God?: Genetic Determinism and Human Freedom*. 2nd Edition. London: Routledge; 2003. 260 p.
16. Berg J. How could ethics depend on religion? In: Singer P, editor. *A companion to ethics*. Oxford: Blackwell; 1993. p. 525-34.
17. Wierenga E. *The nature of God: an inquiry into divine attributes*. 1st ed. New York: Cornell University Press; 1989. 124 p.
18. Atighetchi D. *Islamic bioethics: problems and perspectives*. 1st ed. Naple: Springer; 2007. 352 p.
19. Hallaq WB. *Authority, continuity and change in Islamic law*. 1st ed. Cambridge: Cambridge University Press; 2001. 242 p.
20. Hallaq WB. *The origins and evolution of Islamic law*. 1st ed. Cambridge: Cambridge University Press; 2005. 184 p.
21. Novak D. *Bioethics in Judaism*. In: Stephen GP, editor. *Encyclopedia of Bioethics*. New York: Macmillan; 2004. p. 1346-7.
22. Akhondi MM, Behjati Ardekani Z, Arefi S. An introduction to natural fertilization, non-natural fertilization and the necessity of using replacing gamete for infertility treatment. In: *Gamete and embryo donation for infertility treatment*. Tehran: SAMT; 2006. p. 9-39.
23. Salimi T. *Sperm (Gamete) donation and its Jurisprudential consequences [dissertation]*. [Tehran]: Azad Islamic University, Olum Tahghighat; 2010.
24. Sachedina A. *Islamic biomedical ethics*. 1st ed. Oxford: Oxford University Press; 2009. 265 p.
25. Al-'Amoli ZBA. (Shahid Sani). *Rasa'il Al-Shahid Sani*. 1st ed. Qom: Daftar Tablighat Eslami; 2006.
26. Rasekh M, Khodaparast AH. A right to know biological parents? *J Reprod Infertil*. 2007;8(3):247-58.
27. Abdolazade A, Milanifar AR, Bejati Ardekani Z. Confidentiality in infertility treatment. *Payesh*. 2007;6(4):355-66.
28. Nash RF. *The rights of nature: A history of environmental ethics*. 1st ed. Wisconsin: The University of Wisconsin Press; 1989. 273 p.
29. Nasr SH. *Religion and the order of nature*. 1st ed. New York: Oxford University Press. 310 p.
30. Green RM. *Morality and religion*. In: Eliade M, editor. *The encyclopedia of religion*. New York: Macmillan; 1987. 554 p.
31. Craig. W.L. *The Indispensability of Theological Meta-Ethics Foundations for Morality*. cited 2011 June 27, Available from: <http://www.leaderu.com/offices/billcraig/docs/meta-eth.html> [Accessed 9th December 2020].
32. Oppy G. *Arguing about Gods*. 1st ed. Cambridge: Cambridge University Press; 2006. 425 p.
33. Stace WT. *Religion and modern mind*. 1st ed. New York: Lippincot; 1960. 285 p.
34. Jones G, Cardinal D, Hayward J. *Philosophy of religion*. 1st ed. London: Hodder Murray; 2005. 236 p.
35. Owen HP. *The moral argument for Christian theism*. 1st ed. London: George Allen and Unwin; 1965. 127 p.
36. Taliaferro Ch. *Contemporary philosophy of religion*. 1st ed. Oxford: Wiley-Blackwell; 1998. 448 p.
37. Palmer M. *The Question Of God: An Introduction And Sourcebook*. 1st ed. London: Routledge; 2001. 357 p.
38. Hepburn RW. *Moral arguments for the existence of God*. In: Edwards P, editor. *Encyclopedia of philosophy*; 1976. 382 p.
39. Javadi M. *Moral nature of religion*. *Naqd va Nazar*. 1375: 2(6), [1996], p. 230-249.
40. Rachels J. *The elements of moral philosophy*. 4th ed. New York: McGraw-Hill; 1999;232 p.
41. Frankena W. *Ethics*. 2nd ed. Englewood cliffs: Prentice- Hall; 1973, 125 p.
42. Khodaparast AH. *A study of moral argument for the existence of God [master's Thesis]*. [Tehran]: The- ran University; 2009.
43. Peterson M, Hasker W, Reichenbach B, Basinger D. *Reason and religious belief: an introduction to philosophy of religion*. Oxford: Oxford University Press; 2009, 350 p.
44. Evans JH. *Science, bioethics and religion*. In: Harrison P. (ed.) *Cambridge companion to science and religion*. Cambridge: Cambridge University Press; 2010, 211 p.

45. Khodaparast AH, Shrifi S, Milanifar AR, Beh-jati Ardekani Z. Moral problems of embryo donation. *J Reprod Infertil*. 2011;12(2):131-43.
46. Rasekh M, Khodaparast AH. Bioethics and religion: abstract. 10th Asian symposium on bioethics and 4th Asia-Pacific session of UNESCO on ethics. Tehran: medical ethics and history of medicine research center of Tehran University; 2009. p. 14-5.
47. Yusofi MA. Purposive approach in Imami Fiqh and an evaluation of its potentiality in providing an Islamic philosophy of law [master's thesis]. [Tehran]: Shahid Beheshti University; 2010.

تحلیلی بر تأثیر رهیافت های مذهبی و متن گرایانه در حوزه دین و اخلاق زیستی

محمد راسخ^۱، امیرحسین خداپرست^۲

۱. استاد فلسفه و حقوق، دانشگاه شهید بهشتی، تهران، ایران

۲. مرکز تحقیقات ریز فناوری زیستی، پژوهشگاه فن آوری های نوین علوم پزشکی جهاد دانشگاهی-ابن سینا، تهران، ایران

۳. استادیار موسسه پژوهشی حکمت و فلسفه ایران، تهران، ایران

پذیرش: ۱۳۹۹/۰۱/۳۰

دریافت: ۱۳۹۸/۰۹/۰۹

چکیده

واژه های کلیدی:

اصول اخلاقی، مذهب، رهیافت مذهبی، رهیافت متن گرایانه، عدالت

نحوه استناد به مقاله:

راسخ محمد، خداپرست امیرحسین. تحلیلی بر تأثیر رهیافت های مذهبی و متن گرایانه در حوزه دین و اخلاق زیستی. مجله ایرانی حقوق و اخلاق زیست پزشکی. ۱۳۹۸؛ ۲(۱): ۱-۱۲.

مقدمه: طی دهه های گذشته، کاربرد علوم نوین پزشکی و زیستی و نیز فناوری های زیستی در زندگی بشر نگرش های سنتی دینی و اخلاقی را تحت تأثیر قرار داده و دستخوش تغییراتی کرده است. استفاده از این نوع علوم و فنون موجب پیدایش مباحث و پرسش های اخلاقی و دینی بی سابقه ای شده است که بدون در نظر گرفتن مبانی احکام اخلاقی، این گونه مباحث موجه و مثمرثمر نیستند. این مسئله در جوامع اسلامی، که دین در شکل گیری اعتقادات اخلاقی و قوانین حقوقی نقش بسزایی دارد بسیار قابل توجه است.

روش ها: این پژوهش، که در واقع مطالعه ای فلسفی است، با استفاده از روش تحلیل مفهومی و انتقادی به انجام رسیده است.

نتایج: با توجه به تحولات اخیر بیوتکنولوژی و مسائل هنجاری ناشی از آنها، لازم است با بهره گیری از رهیافت های دینی و اخلاقی به بررسی این مسائل پردازیم و انواع نظریه پردازی ها را در حل مسائل اخلاق زیستی ارزیابی کنیم.

نتیجه گیری: در این مقاله، پس از بحث و ارزیابی رهیافت های الهیاتی و متن گرایانه در اخلاق زیستی، سعی شده است رهیافت دینی موجهی برای مسائل اخلاقی زیستی ارائه شود.

* نویسنده مسئول: محمد راسخ، تلفن: ۲۲۴۳۲۰۲۰، نمابر: ۲۲۴۳۲۰۲۱، رایانامه: m-rasekh@sbu.ac.ir