

# The role of ethics in civil discourse: Reflections of a Muslim bioethicist

Bashir Jiwani, PhD  
Ethicist and Director,  
Ethics Services & Diversity Services, Fraser  
Health

The Boniuk Institute for the Study and  
Advancement of Religious Tolerance  
Rice University  
November 3, 2016

## The Plan

- Our approach to ethics at Fraser Health Ethics Services
- Alignment with my understanding of being Muslim

## The goal:

- Share a story of how Islam and bioethics in the west are in harmony

A photograph showing a person lying in a hospital bed, covered with a white sheet. Several hands are visible, gently holding the person's hands and arms, suggesting a supportive or caregiving environment. The background is slightly blurred, focusing attention on the hands and the person in the bed.

Should Medical Assistance in  
Dying services be available in  
Hospice and Palliative Care  
Units in Fraser Health?

# History

- 1972 – Suicide is decriminalized
- 1992 – Nancy B, a competent patient dependent on a ventilator wins the right to discontinue ventilation resulting in her death
- 1993 – Sue Rodriguez takes course to the Supreme Court for the right to assisted death. The court rules 5-4 against
- 2015 – Kay Carter goes to court pursue right to die. The Supreme Court rules unanimously in her favour



## More Recent Background

---

- February 2015 – Supreme Court ordered Criminal Code to change to allow medical assistance in dying under specific conditions.
  - February 6, 2016 - June 6, 2016 – Patients could seek access to medical assistance in dying through the courts
  - June 17, 2016 – Bill C-14, which governs Medical Assistance in Dying in Canada passes
  - Medical Assistance in Dying is now legal in Canada
- 

## Medical Assistance in Dying

---

- (a) Where a substance that causes death is administered by a physician (or nurse practitioner) to a patient who has capacity and has requested this assistance
- (b) Where a substance that causes death is provided to the patient by a physician (or nurse practitioner). The patient then ingests the substance themselves

## Key elements in MAiD context

---

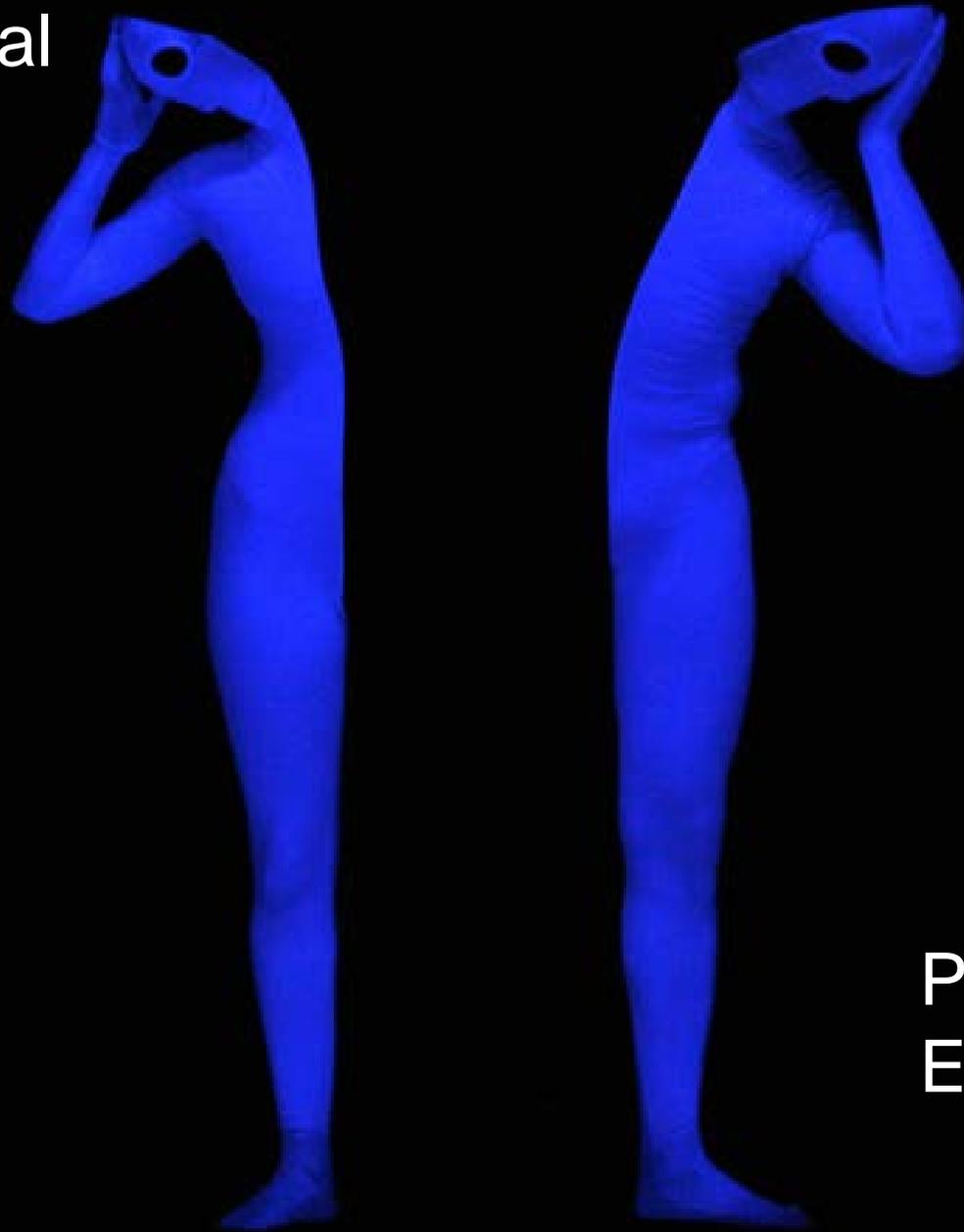
- Medical Assistance in Dying now legal and to be provided in all non-faith based facilities in British Columbia
  - Conscientious objection respected
  - MAiD being done in hospice-palliative care settings across BC
  - Fraser-Health is formally committed to “patient-centred care”
  - Fraser-Health is obliged to follow the law
  - Short-term solution – all MAiD to happen at one site
  - Board inclination – begin doing this across the region
- 

## Key elements in MAiD context

---

- Palliative care goals are to enable a good death - not hasten or prolong death
- Staff of all disciplines in palliative care are deeply divided about whether there is room for MAiD in the philosophy of palliative care

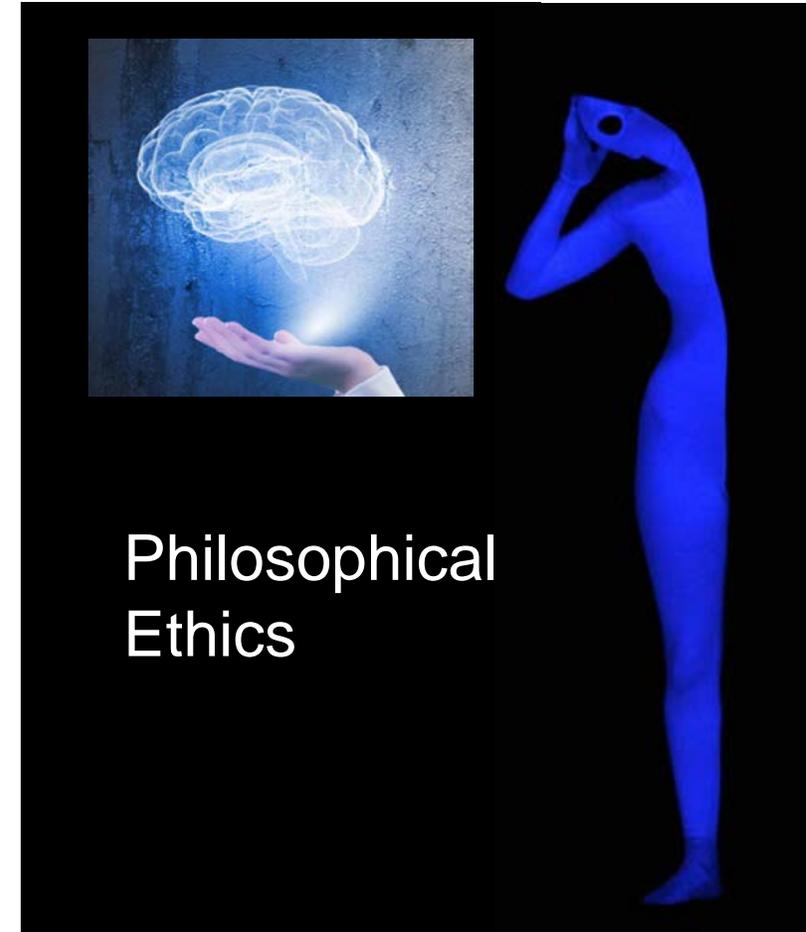
Philosophical  
Ethics



Practical  
Ethics

# From Ethical Theory to Moral Rules and Moral Judgment

- Ethical Theory
  - Kantian Deontological Ethics
- Ethical/Moral Principles
  - Act only according to that maxim whereby you can at the same time will that it should become a universal law.
  - Act in such a way that you treat humanity, whether in your own person or in the person of any other, always at the same time as an end and never merely as a means to an end.
- Moral Rules
  - Do not kill
- Moral Judgment
  - Assisted death is morally wrong or
  - We should relieve extreme suffering by granting a patient's request for assisted death



Philosophical  
Ethics

Principles of Bioethics

Beneficence/  
Nonmaleficence

Respect for  
Autonomy

Justice



How do I apply these principles?

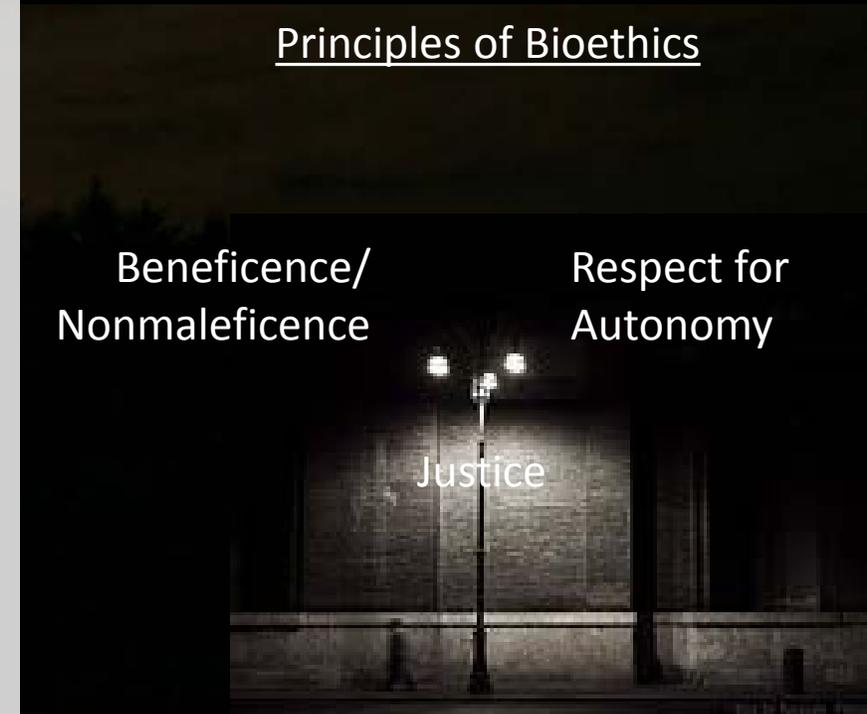
- Beneficence
  - Is it advancing someone's wellbeing to take their life?
- Justice
  - What is the just way of weighing the interests of patients requesting assistance with dying and the interests of those patients seeking security and peace in the end stage of life?

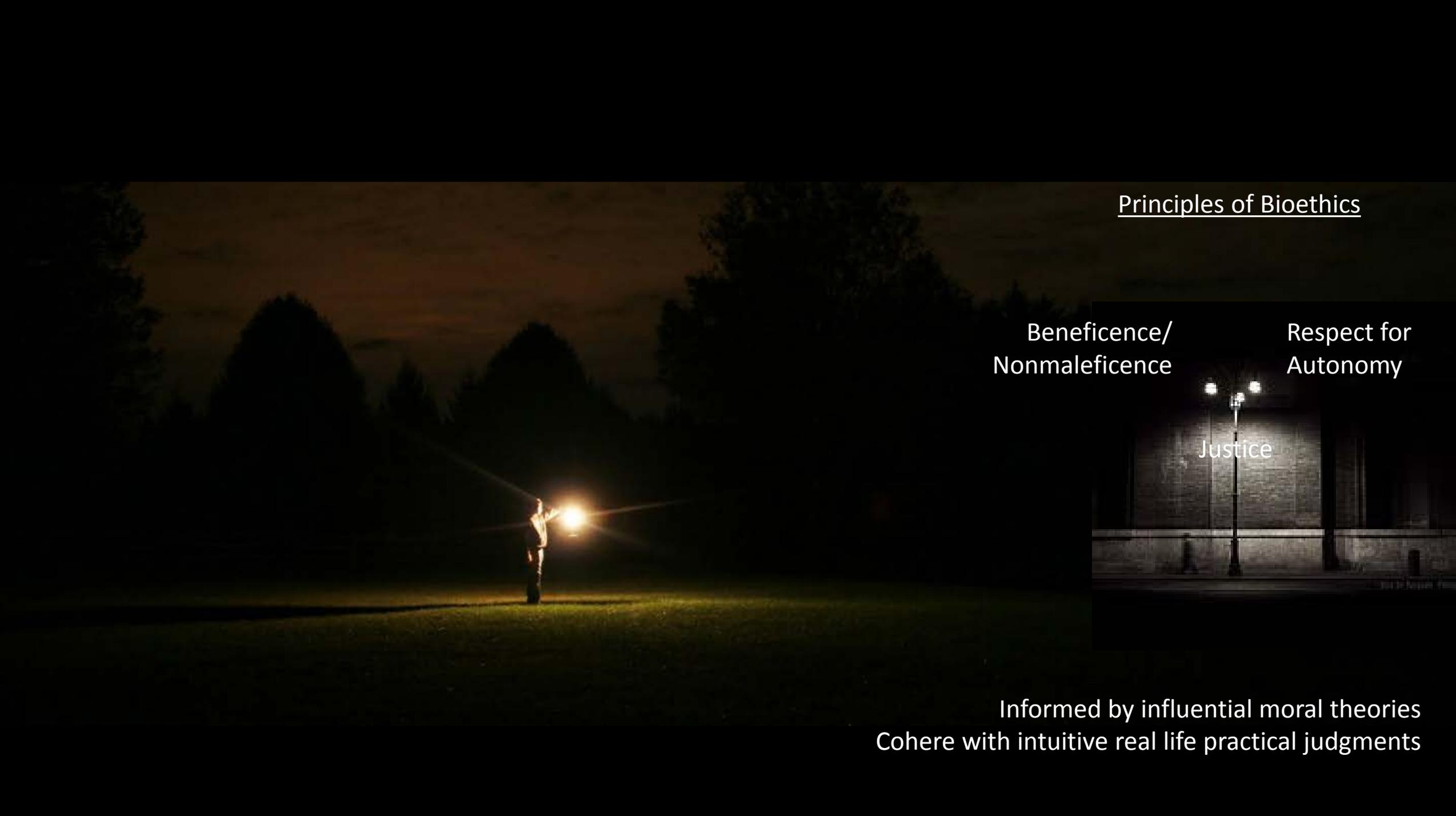
Principles of Bioethics

Beneficence/  
Nonmaleficence

Respect for  
Autonomy

Justice





Principles of Bioethics

Beneficence/  
Nonmaleficence

Respect for  
Autonomy

Justice

Informed by influential moral theories  
Cohere with intuitive real life practical judgments

Principles of Bioethics

Efficiency

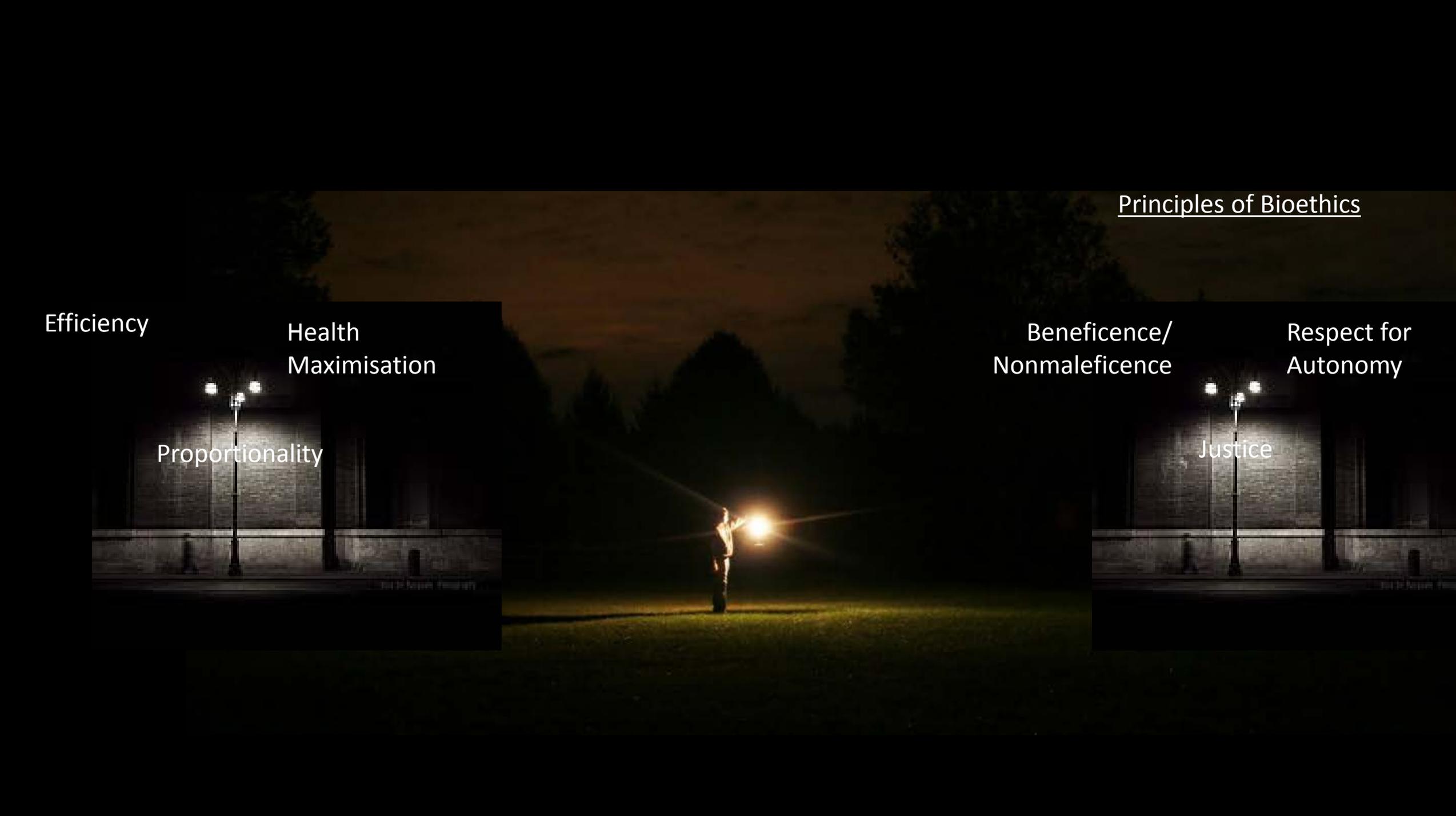
Health  
Maximisation

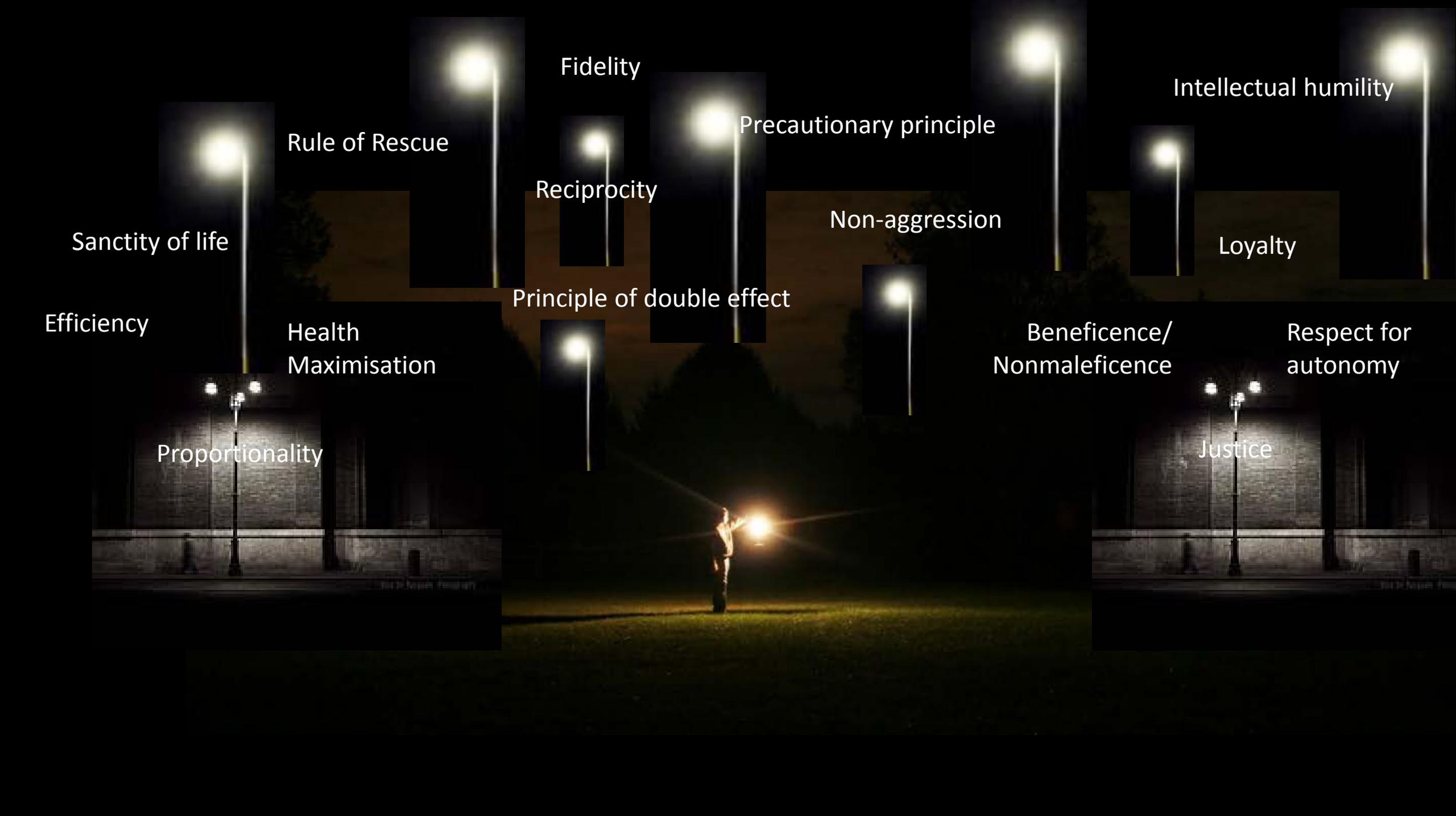
Proportionality

Beneficence/  
Nonmaleficence

Respect for  
Autonomy

Justice





Fidelity

Intellectual humility

Rule of Rescue

Precautionary principle

Reciprocity

Non-aggression

Sanctity of life

Loyalty

Efficiency

Health  
Maximisation

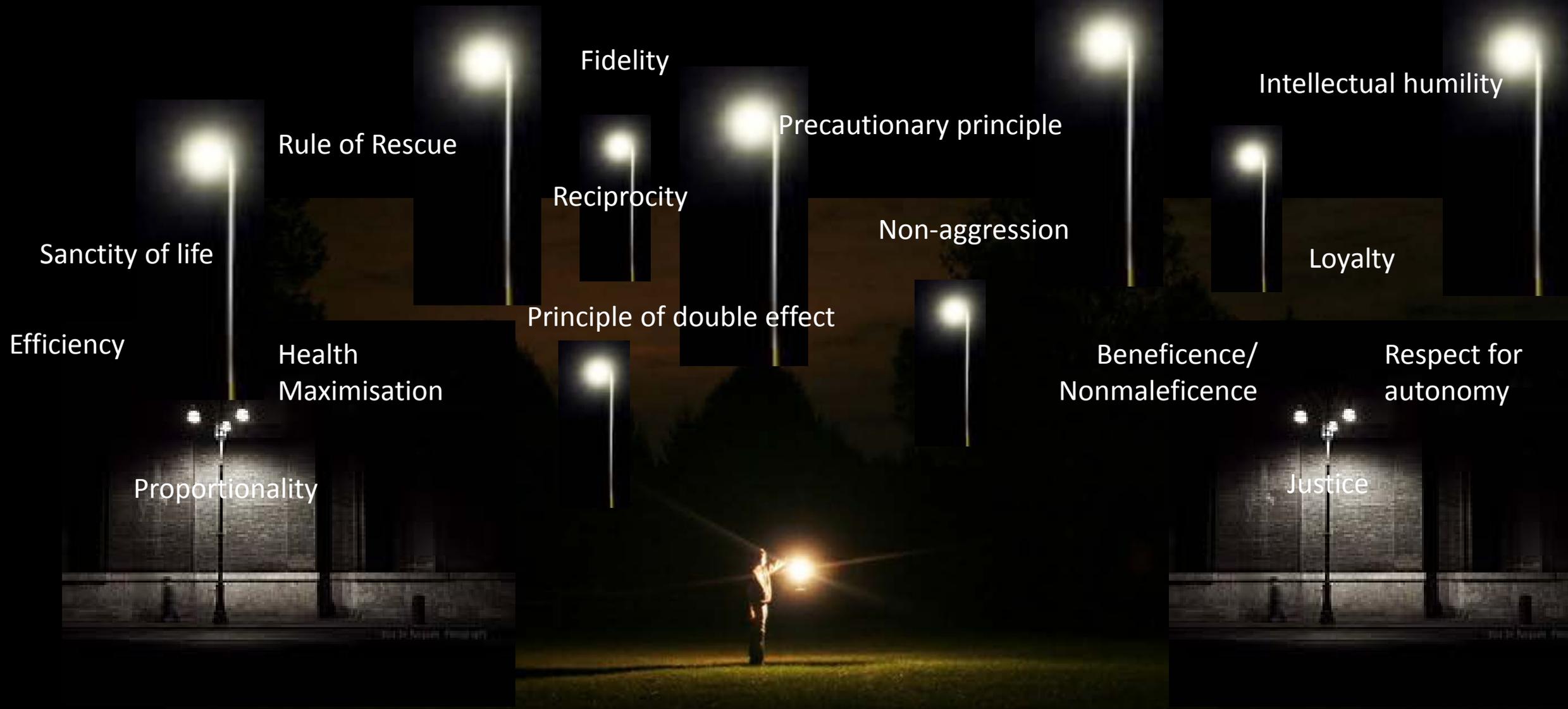
Principle of double effect

Beneficence/  
Nonmaleficence

Respect for  
autonomy

Proportionality

Justice



Where do I look?  
How do I balance them?



Boy, we're violating the principle of reciprocity

At least we're being nonmaleficent!

Do you know anyone that talks like this?

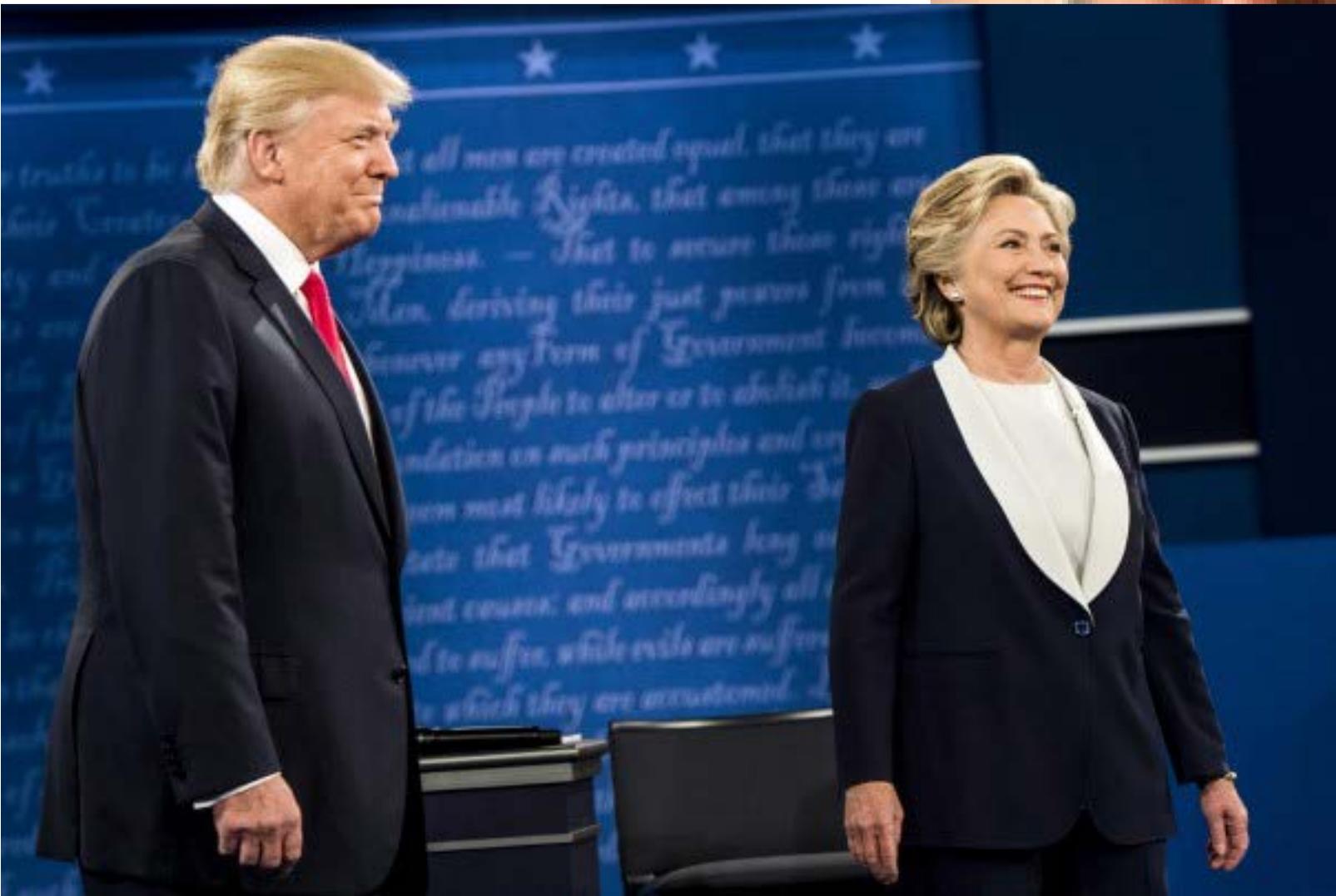
# The deeper challenges...

---

- Thinning of justification
  - focus on solving problems is on the most expedient way forward without concern for the “sacred structure” of society (Taylor 1991)
- Missing virtue
  - absence of a unified way of understanding human life, human virtue and what it means to be a good human being (MacIntyre 2007)
- Moral theories functions of modernity
  - Unmoored from deeper notions of the good life and the connection of the individual to the community
  - Undermine moral perspectives grounded in comprehensive value systems

# Life isn't a math problem





Why didn't you fix it?

# Character Matters

## BACK BENCH



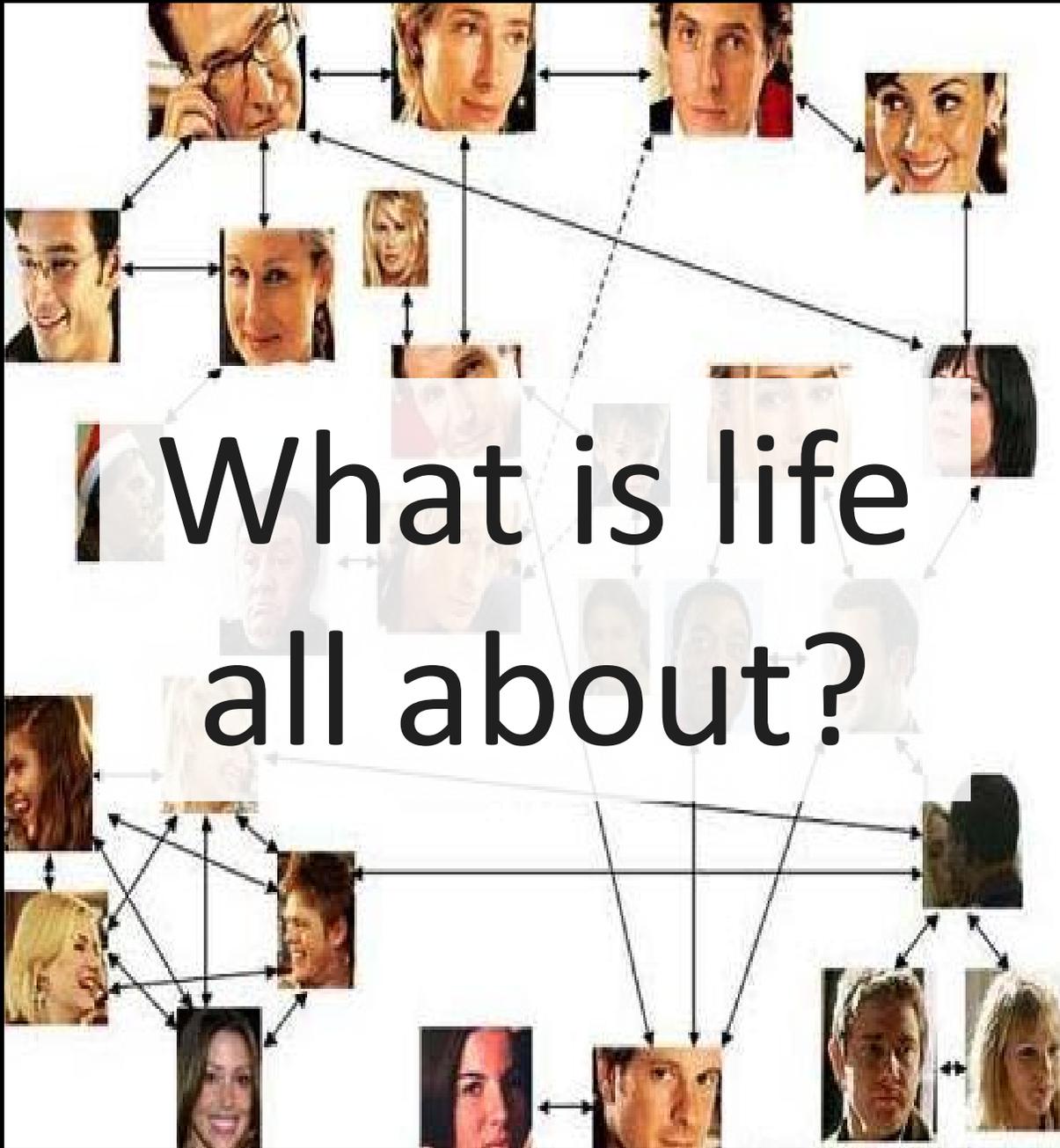
# A sound approach to bioethics must attend to

---

1. how we understand what it means to be a person who has values and is able to make meaning in life,
2. the complex nature of the relationships within which we find our sense of belonging and meaning, and negotiate life's challenges,
3. the inherent power dynamics within these relationships, and
4. the inescapable situatedness of the ethics expert, who cannot help but see the situation from a certain social, cultural, linguistic, normative perspective and does not occupy some decontextualized, ideal vantage point

Walker (2008):

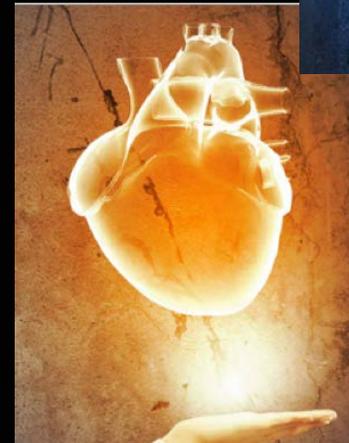




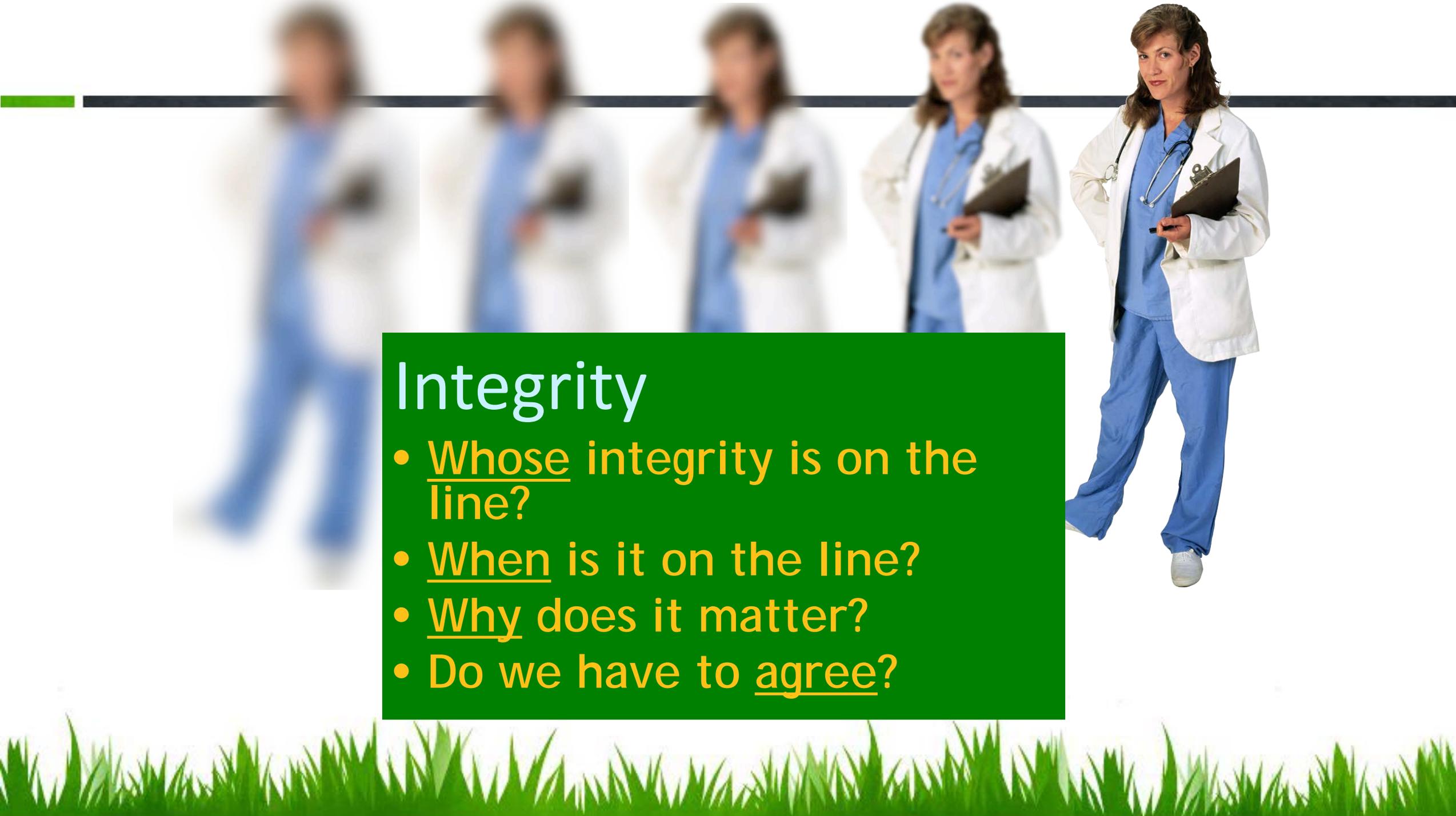
Making the  
right  
choice

Being the  
right way

**BOTH**



Practical  
Ethics



# Integrity

- Whose integrity is on the line?
- When is it on the line?
- Why does it matter?
- Do we have to agree?

# Integrity



Breakdowns show up:

For individuals, as feelings of pain in our hearts, minds and bodies (anger, frustration, guilt, and powerlessness)

In organizations, as chaotic environments, inconsistent decisions, deviations of standards of practice, unmet goals, risk of causing harm



Ethics is in everything we do

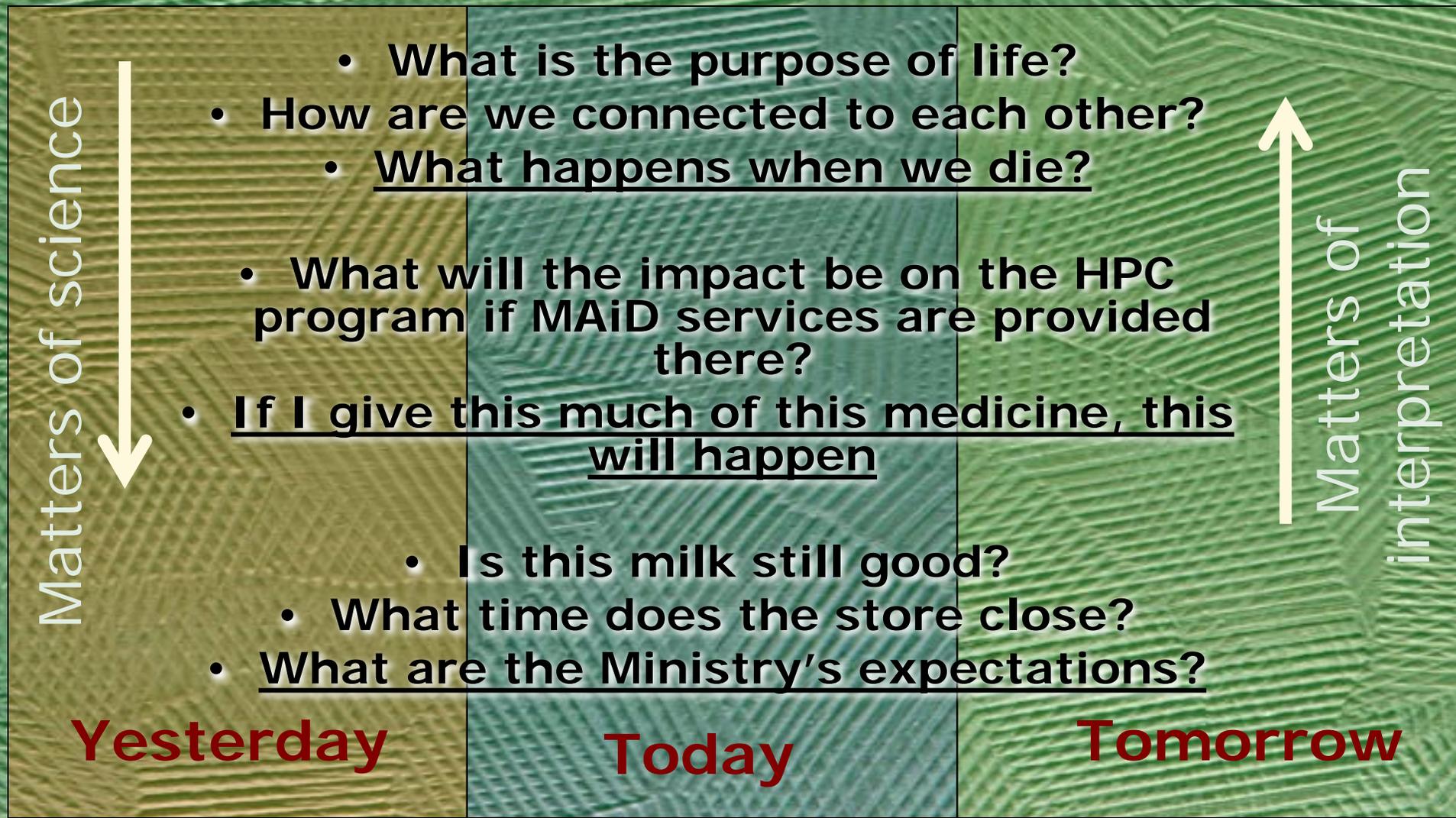
---

All of our attitudes, decisions and actions are based on and reflect our beliefs about what's real and what's important.



**No matter how hard we work,  
if we don't get the facts right,  
we can't make good decisions.**

# Beliefs about what reality looks like



**With every action we show the world  
what matters to us.**

**Ethics is about asking, what should  
matter most and why.**

# Values: What is important...

## Instrumental

➤ because they lead to other important values

- efficiency,
- kindness

➤ Conditional

## Intrinsic

➤ for their own sake

- respect for human dignity,
- kindness

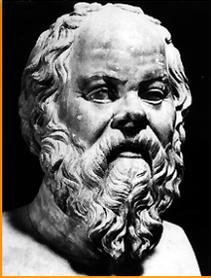
➤ Ends of human life

➤ Goods in themselves

# Multiple Sources of Values



# Responding to Life's Challenges



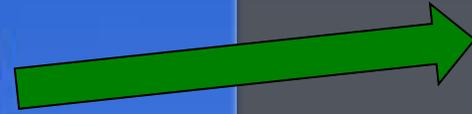
Examining our values  
and trying to recalibrate  
our lives to live these in  
a new reality



Hiding from our values  
and trivializing the  
incoherence between  
our values and our  
actions



# Ethics Literacy



**MODULE 6**  
Reflective  
Equilibrium and  
Interpersonal  
Decision Making



Thoughtful, careful,  
systematic  
examination of  
the beliefs (about  
**facts and values**)  
that underpin our  
attitudes,  
decisions and  
actions



How do we figure out our talk?

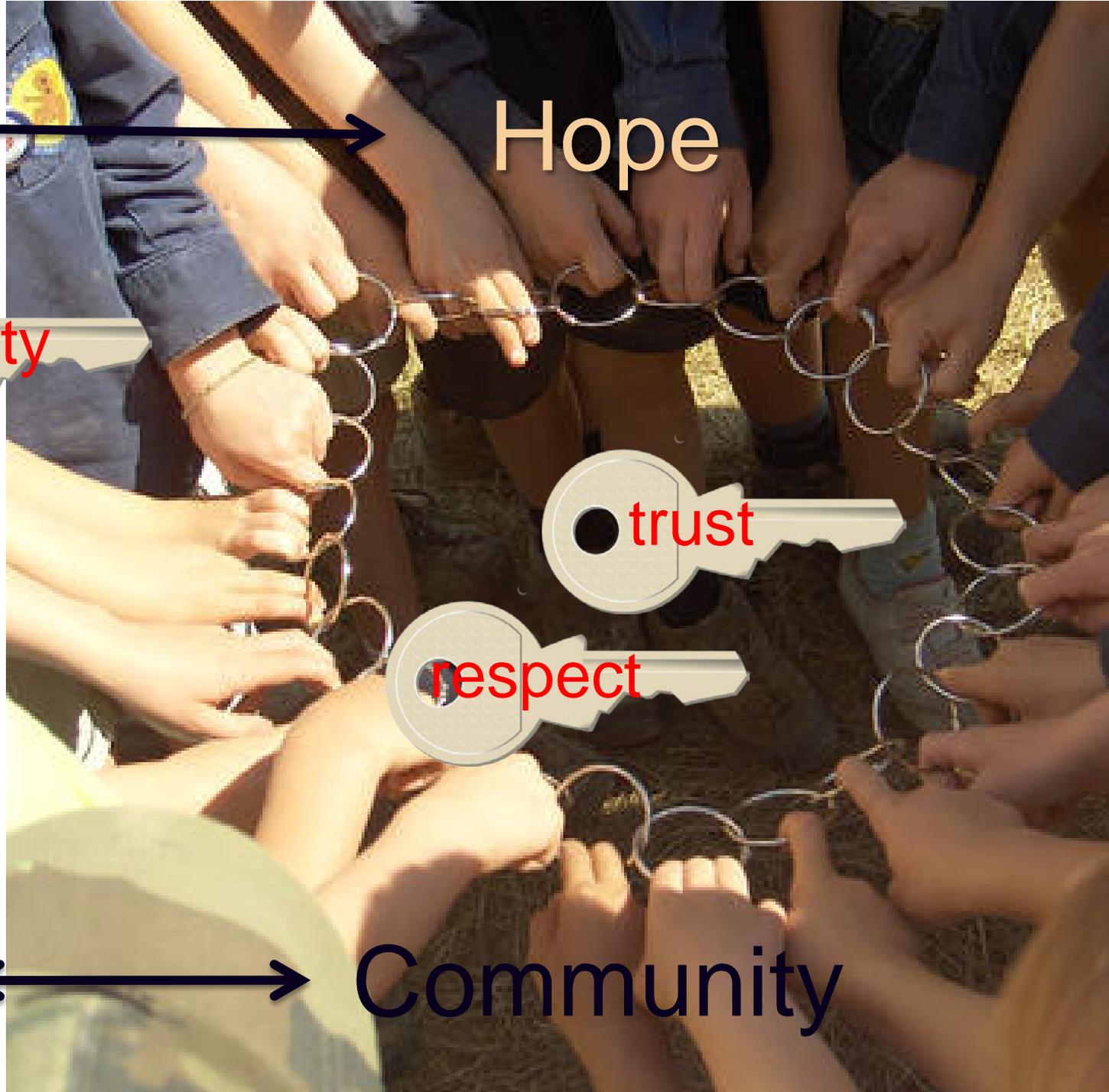
**MODULE 5**  
**Diversity**  
**Competence**  
**Standards**



P  
I  
U  
R  
A  
I  
I  
S  
M

Fear

Hope



honesty

trust

respect

Individual

Community

Beliefs

3 layers of  
conversation



Feelings

Values

# Emotional Intelligence



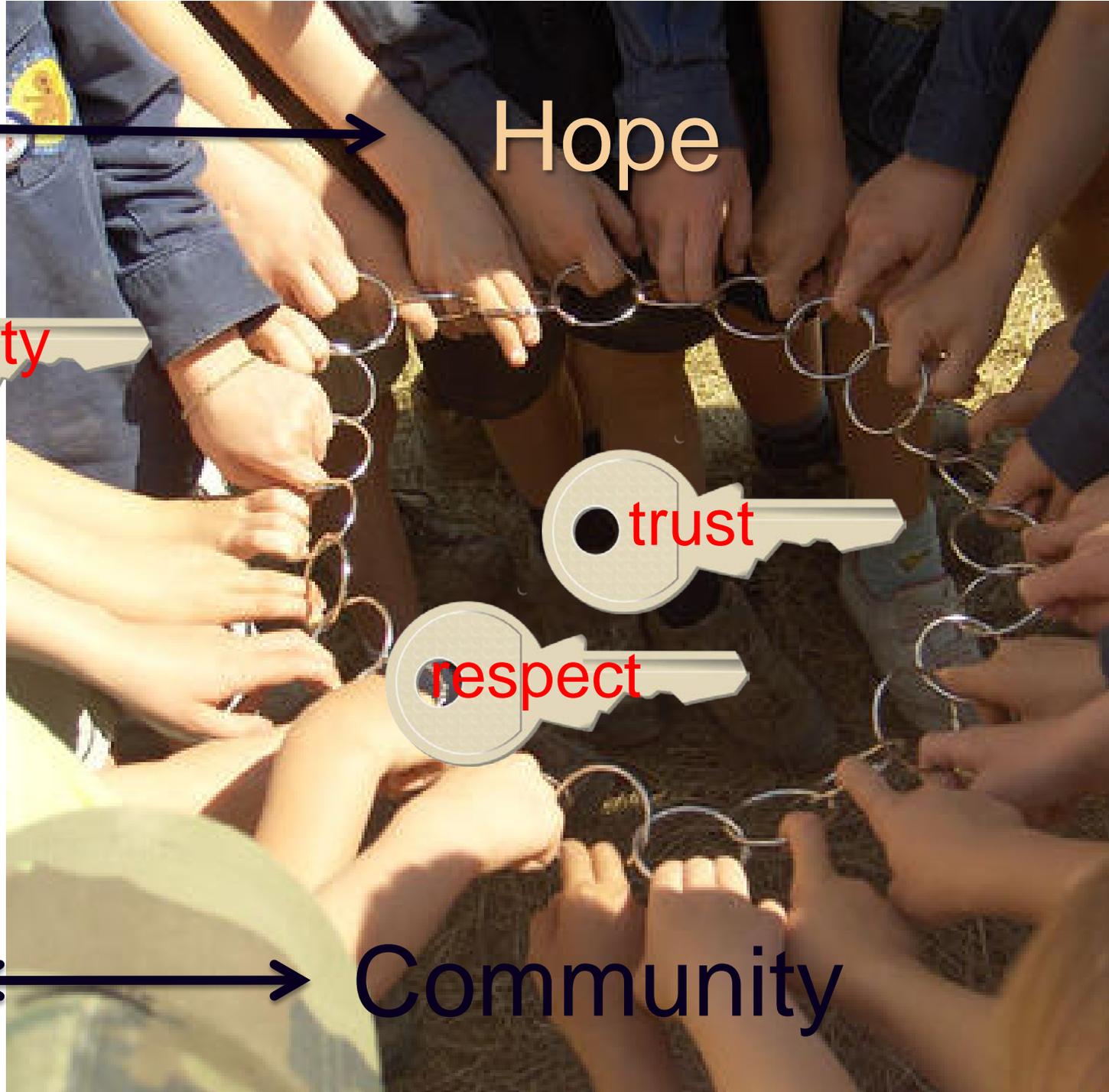
Self-awareness  
Self-regulation  
Internal motivation  
Empathy  
Social skills

Feel it  
Show it  
Label it  
Watch it go

P  
I  
U  
R  
A  
I  
I  
S  
M

Fear

Hope



honesty

trust

respect

Individual

Community



Who is on the team and how will they work?

How will the analysis of evidence and values happen – moral reasoning?



Who will be consulted?

How will feedback be consumed and responded to?

what will implementation look like?



# Ethics dimensions of any issue

# Ethics-Based Decision Process

An Evidence- and Values-Based Process  
for Working Through Specific Issues



Bashir Jiwani, PhD

An elastic process that can be used in 30 minutes or over a greater period, depending on the care the users wish to take in making a decision and the time available to do so.

**Step 1.** What question are we trying to answer?

**Step 2.** What are the facts?

**Step 3.** What are the relevant values?

**Step 4.** In what order do we prioritize these values?

**Step 5.** Who do we need to partner with?

**Step 6.** What are the different possible answers to the question?

**Step 7.** How well does each possible answer allow us to live to our values?

**Step 8.** How do we describe and justify our approach?

**Step 9.** What are our next steps?

Step 1 - Establishing the Team

Step 2 - Select the Key Question(s)

Step 3 - Look at the Evidence

Step 4 - Consider What's Important

Step 4b - Synthesize Values (optional)

Step 5 - Brainstorm Options

Step 6 - Analyze Options

Step 7 - The Preliminary Decision

Step 8 - Engagement

Step 9 - The Decision

Step 10 - Communication Strategy

Step 11 - Education Plan

Step 12 - Downstream Support Plan

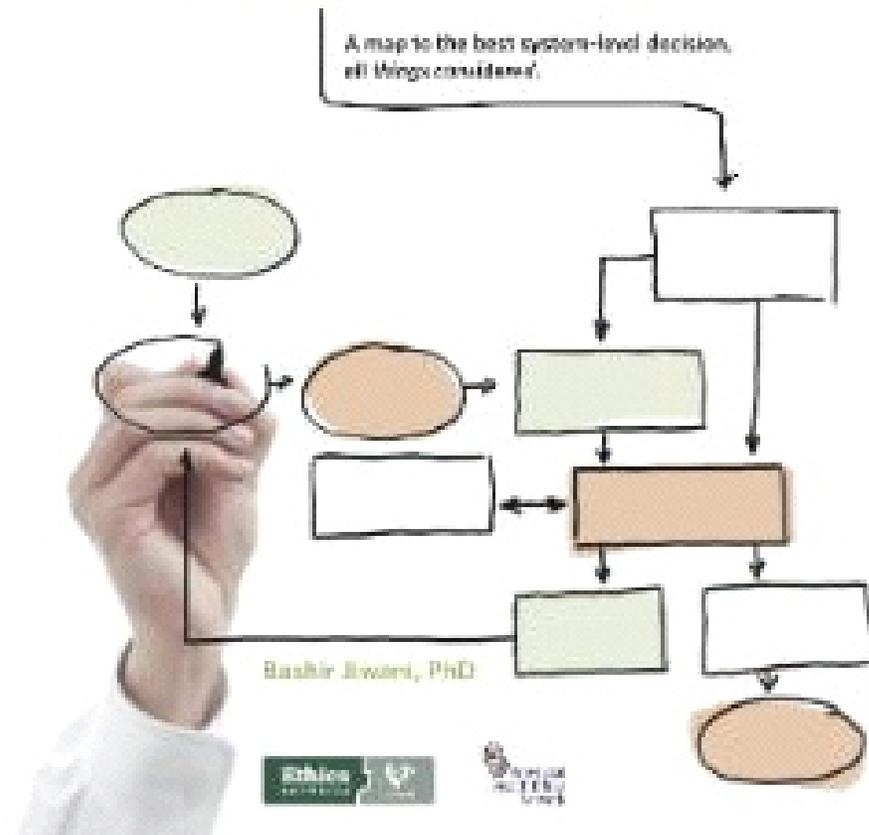
Step 13 - Evaluation & Sustainability Plan

Step 14 - Ongoing Feedback Plan

Step 15 - Implement the Decision

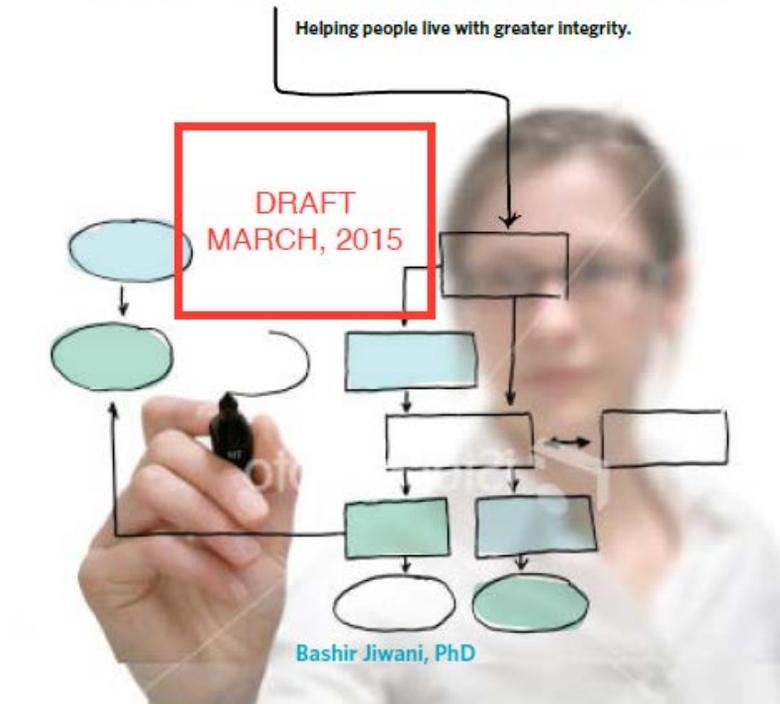
# Good Decisions

A map to the best system-level decision, all things considered.



# 5 stage Process for Clinical Ethics Consultation

## Clinical Ethics Consultation Toolkit



1. Pre-Consult
  - communicate that the consult has been initiated
  - review patient's chart
  - establish consult team and plan
  - communicate consult process plan
2. Interviews
  - meet with the relevant parties
3. Mid-Consult
  - conduct initial ethics analysis
  - plan consult meeting(s)
  - communicate next steps in the process
4. Consult meeting(s)
  - Bring various participants together
  - Reconvene as necessary
5. Post-Consult
  - communicate final report
  - review consult internally
  - do an external evaluation of the consult
  - provide follow up support, as appropriate
  - do a systems analysis



FHES Tools and services

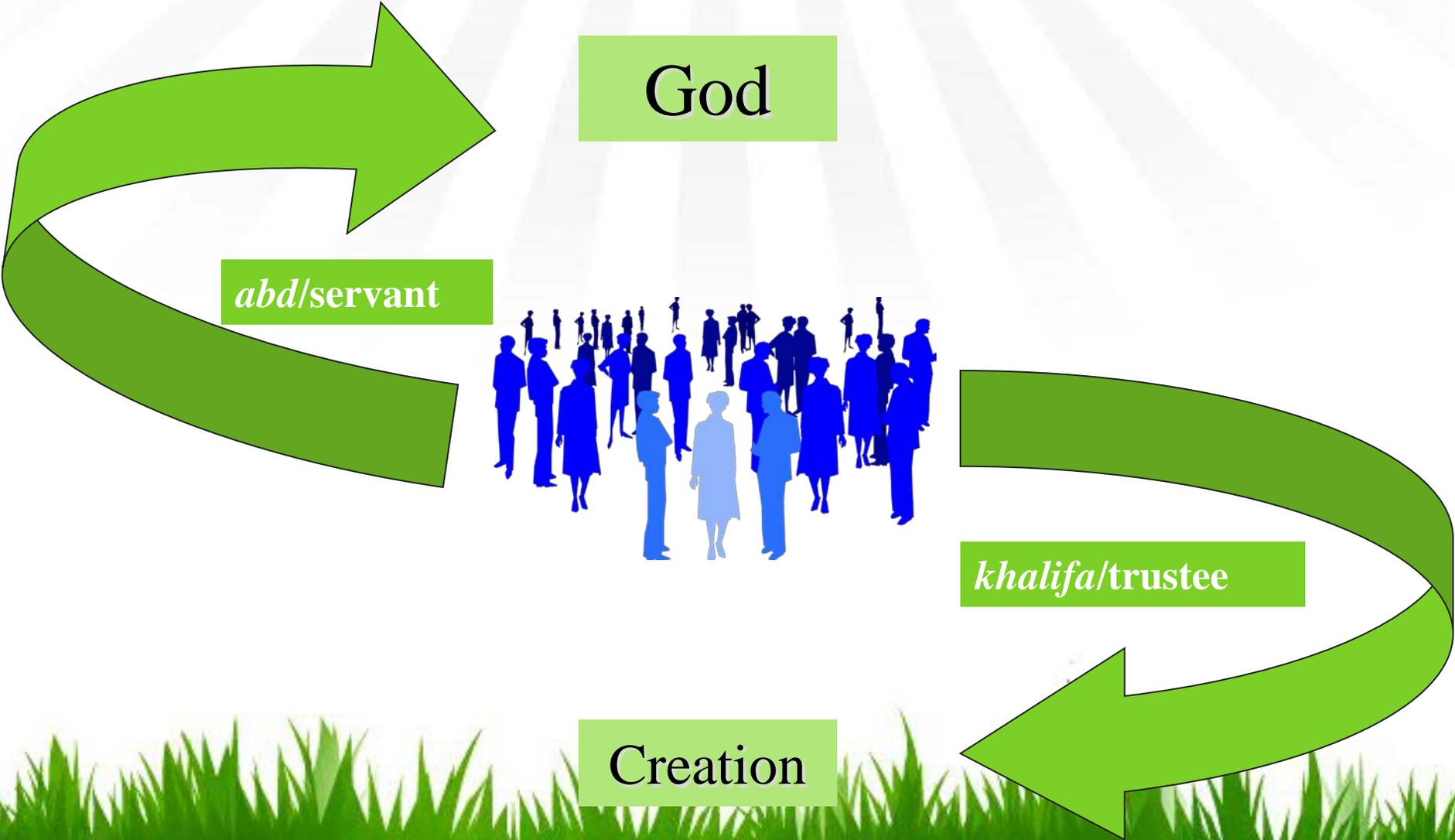
# MAiD service provision value themes

- Care for the vulnerable
- Duty to Care
- Excellence in professional practice
- Family Wellbeing
- Organizational Integrity
- Patient Wellbeing
- Respect for families
- Respect for HCPs
- Respect for patients
- Trust
- HCP Integrity
- Justified Decision-Making
- Equity/Social Justice
- Public Good
- Stewardship

A photograph showing a person lying in a hospital bed, covered with a white sheet. Several hands are visible, gently holding the person's hands, suggesting a supportive or caregiving environment. The background is slightly blurred, focusing attention on the hands and the person in the bed.

Should Medical Assistance in  
Dying services be available in  
Hospice and Palliative Care  
Units in Fraser Health?

Core Beliefs:  
The human condition in Islam...

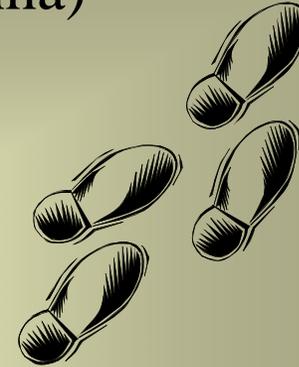


# Core Beliefs: Guides for the administrator

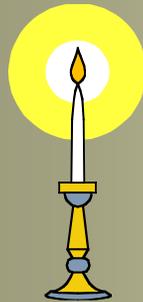
Divine Guidance  
(Quran)



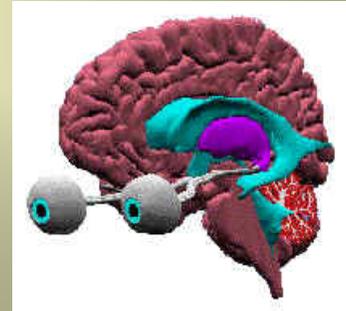
Tradition (sunna)



Perpetuation of guidance  
(Imamma)



Intellect





In the name of Allah, the Beneficent, the Merciful. **(1)** Praise be to Allah, Lord of the Worlds, **(2)** The Beneficent, the Merciful. **(3)** Master of the Day of Judgment, **(4)** Thee (alone) we worship; Thee (alone) we ask for help. **(5)** Show us the straight path, **(6)** The path of those whom Thou hast favoured; Not the (path) of those who earn Thine anger nor of those who go astray. **(7)**

## Search

Quran Roots GoTo

كتاب 🔍

Tips

## Browse

Sura: 1. Al-Fatiha ▾

Aya: 6 ▾

Juz: Juz 1 ▾

Page: 1 - +

## Recitation

Al-Ajamy ▾ x1

## Translation

English: Pickthall ▾

- Fixed translation box  
 Translate on mouse over  
 None

▶ Quran

▶ Display Options



The Legacy of the Prophet



The Prophet said ...

IqraSense.com

*"Whomsoever treads a path seeking knowledge, Allah will make easy for him a path to Paradise. The Angels will lower their wings with pleasure for the seeker of knowledge. And whatever is in the Heavens and the earth seeks forgiveness for the seeker of knowledge, even the fish in the sea. The excellence of the Scholar over the worshippers is like the excellence of the moon over the stars. Verily the Scholars are the inheritors of the Prophets. They do not leave behind a deenaar, nor a dirham. They only leave behind knowledge. So whoever takes it has taken an abundant share.*

Related by Abou Daawood (no. 3641), at-Tirmidhee (no. 2822) and Ibn Maajah (no. 223).

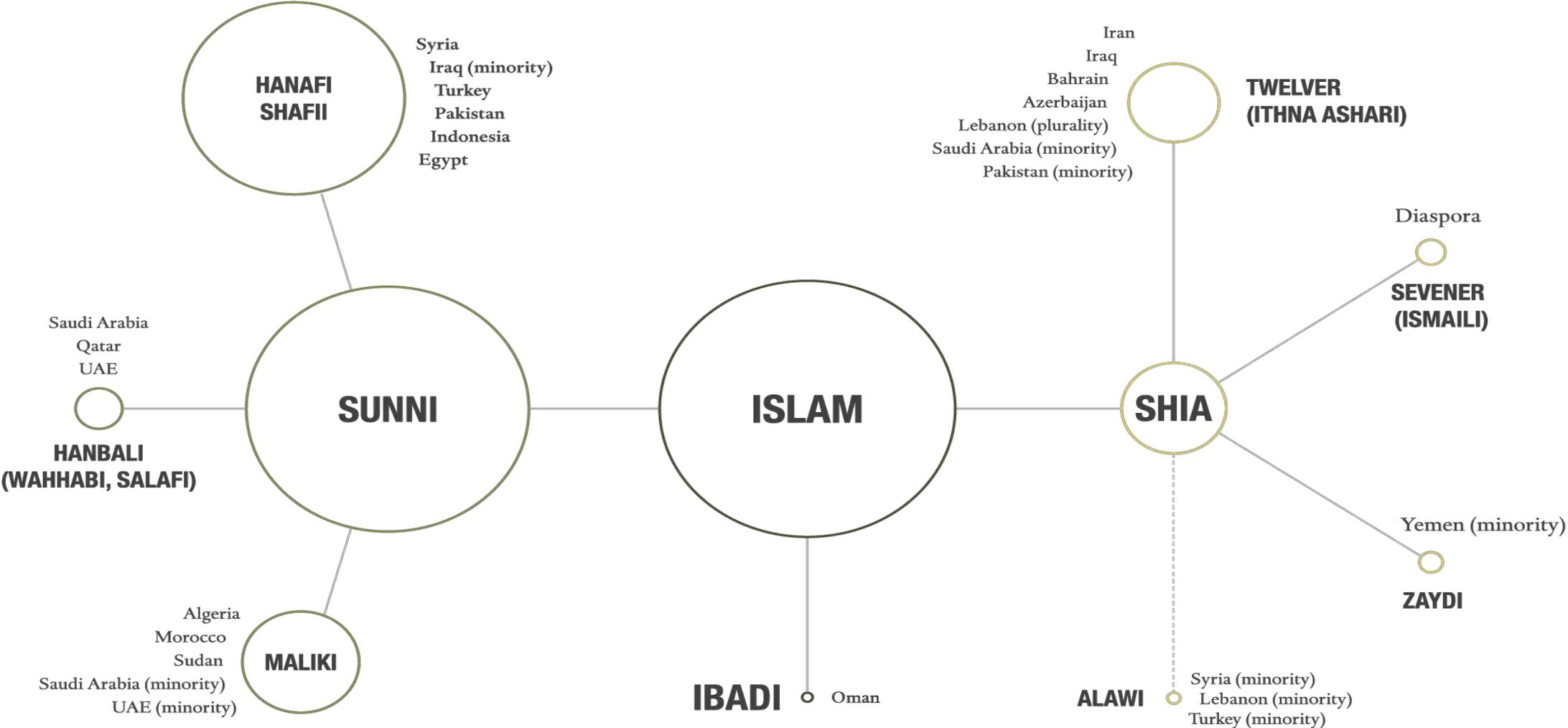
- The root – primary guide for Muslims
- Together with Prophet's behaviour and example, foundation of proper ethical behaviour
- Emphasizes the virtues of charity, compassion, sincerity, fulfillment of one's commitments, trust, patience, fortitude (ref 2:177)

# Sunnah

---

- Based on Muhammad's daily encounters
- Help map out the ethos to guide the myriad of life's matters about which Quran has much technical detail
- with the endorsement of scripture:  
“Verily in the messenger of Allah ye have a good example for him who looketh unto Allah and the Last Day, and remember Allah much” (33:21)

# The Branches of Islam—Relative Size



“The understanding of the term imam therefore differs greatly in Sunnism and Shi’ism. In Sunni Islam the term has many uses, but it is never used in the mystical and esoteric sense given to it in Shi’ism. In Shi’ism, the Imam, like the prophets, is inerrant (*ma’sum*) and protected from sin by God. He possesses perfect knowledge of both the Law and the Way, both the outer and inner meaning of the Quran.

Seyyed Hossein Nasr  
*The Heart of Islam, p. 66-67*



# Pluralism in Islam

---

- The Quran about deep philosophical concepts
  - truth
  - justice
  - good
- The Quran invites interpretation
- Quran is always making connections between
  - salvation of soul
  - creation of a just society

# My thinking on MAiD

---

- It is now the law and must be provided
- Immediately need to balance key values
- Must create forums of respectful deliberation to
  - Help care providers make sense of the new reality
    - For themselves
    - For the system
    - For society

# Respect for individual conscience



Questions or reflections?



Thank you!

