

# DOCTOR'S PROFICIENCY AND RESPONSIBILITY IN THE PERSPECTIVE OF ISLAMIC EDUCATION

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## ABSTRACT

Almighty Allah sent elite person known as His messengers continually in all past ages for the purpose of reverting the blasphemous as well as erroneous people to the right path from deviation and polytheism. Such messengers of Almighty Allah are not simply the common human beings but they are thoroughly complete and unique personages bearing typical model of actions. They are meant spiritually to bring about reformation and guidance of the people. It is justly in the same manner Almighty Allah has created expertise, specialist doctors and wise people in all ages. It suggests that training of character and manner of the human being is essential for making the human beings accomplished in all spheres of life. Competent physicians and doctors are necessary for keeping up physiological as well as hygienic health of the human beings. It is because every physician's prime duty is to save the person from malignant matter from his body it is possible only when he is past master and perfect in his field. In the very paper the capabilities and responsibilities of doctor are described in the light of Islamic teachings, so then we should distinguish doctor and quack that are playing with the lives of people in society and are the cause of restlessness and disturbance.

## Keywords:

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## INTRODUCTION

It is reality that the profession of "Tib" is the greatest human service at one hand and on the other hand, it is the work of great virtue and reward. According to "Atibba" the suitable person for "Tib" is the men who are fully committed to human service and who considers the sufferings and miseries of his patient as his own. Besides, being a Muslim it should be the faith of a doctor that treatment must be a mean of health. It cannot change the fate of a patient. We are bound for treatment, but we must keep it in our mind that the final verdict of health is with Almighty Allah. Therefore, talented "Atibba" shows this thing by writing "Who-wash-shaafi" on their prescriptions. Although Eman and belief are the integral part of the profession of "Tib", yet the doctor must also follow many other instructions about which Islamic teaching are obvious, so that an able and responsible doctor should meet the reward of this world and hereafter.

## BINDING PRINCIPLES AND RIGID CONDITIONS FOR A DOCTOR

Here lies the gist of inelastic conditions which must be observed by every doctor.

### 1. **Medical eligibility and expertise:-**

The first and foremost condition for doctor is this that he must be a whole time devoted doctor and must have acquired medical education from some established and well reputed Medical Institution. Such medical qualifications are incumbent for a doctor and can be confirmed by the saying (Hadith) of our Holy Prophet that he who has practiced medical Professions without requisite medical qualification and experience he will be held answerable before Almighty Allah in case the treated patient underwent any trouble or loss" (Abu Daoud, S, (1983). In

evidently shows that medical knowledge and experience and essential for a doctor.

2. **Good will and keen Interest:** - The second basic condition for a medical practitioner is this that he must be gifted with good intension of serving the ill and have aptitude for this laborious and unattractive profession. He must take pains in examining the patient, diagnosing the disease and devising the treatment. He must entertain sincere intentions with regards to the early and easy recovery of the patient. (Al-Marghinani, B).

3. **Complete honour and respect of medical principles:-**

The third condition for a doctor is that he must observe all medical rules and regulations during the treatment of a patient. Event then the patient unluckily succumbs to death, then the doctor will not be held responsible for the loss, the patient has suffered because the doctor has left no stone unturned in curing him in good faith. (Malik, 1990)

4. **Permission from the patient or his relatives:-**

The doctor should have got prior permission from the patient or his relatives for the treatment activity whatsoever. In case the patient is heir less than the doctor will have to seek the permission of his medical activity from the government (Ibn-e-Nujaim, Z).

**Who is a quack?** Which so-called doctor can be called a quack? Theologians have tried their level best to determine this term of

quackery by keeping into consideration the contemporary situations and statements of their ages. Babarti, M, says that he is quack who makes the patients to sip the fatal dose of medicine without having prior knowledge of it or having knowledge of it.

Quack is such a so-called doctor who makes the patient to take the fatal medicine but does not know how to remove the harmful impact of the prescribed medicine under which the patient has been subjected” (Ar-Remly, M)

It has been unanimously concluded the quack is such a so-called doctor who does not have discernment and distinction among various medicines who takes for poison as panacea (care for all diseases), who administers the medicines at the spur of supposition and who does not know how to counteract the harmful effects of determinate medicine which is being prescribed for the patient. This definition of a quack is exact and accurate for it has been devised by keeping in view the prevailing contemporary circumstances with regards to patient’s diseases and doctor’s re-medial activities. At that time medical knowledge has neither been so much intricate and complicated as it has grown at the present age. So the so-called doctors of the olden days studied sporadically a book having list of names of diseases their respectively rings and symptoms together with the medicines of relevant diseases. None of them had either tried or researched on the quantity and quality of ingredients of the medicines. Malik says that a wounded person. Whose blood has coagulated was brought before the Holy Prophet. Two doctors appeared before the Holy Prophet. The Holy Prophet asked them which one of the two was better doctor. That saying of the Holy Prophet reveals the fact that we

should get our patient treated by the competent and capable doctor. At present medical science has made tremendous progress. Primarily medical science discusses three issues:-

1. Signs and symptoms of diseases.
2. Affirmative and negative effects of medicines
3. Temperamental habit of human body to accept or reject the medicines.

Keeping in view all these three aspects, various ways of diagnosis treatment medical experiments and sagacious devises to control the amazingly extraordinary situations have given birth to not only one art of medicine but numerous others have also sprung up to be followed and practises as professions. Some medicines have been experimented precisely that the slightest lapse in the diagnosis of diseases may lead the patient to death installed of professing him health. It is because in every branches of learning, there is an age of experimentation. Different scholars make experiments which have been extended to centuries. Thus gradually successful experiments and observation were arranged and sifted chronologically. The compilation of orderly arrangement of experiments gives birth to certain permanent branch of art and knowledge. So at the present age, even the efficiency and expertise of scientific scholar is not recognised merely on the basis of his successful experiments unless he has acquired the relevant education in some well-established and well-reputed educational institution of the world. Same in the case of medical science, so in this age only that doctor deserves to be called specialist who has been authorised to treat the patients by some medial university or the Health Department of state.

In the olden days medical profession was neither regular nor commercial. It was

considered solely the humanitarian deed inspired by the feelings of love and sympathy for diseased people. Those who practised as doctor (Hakim) they did not adopt it as a profession for the purpose of earning money. Now the circumstances have taken totally the opposite turn. Due to which awe-inspiring evils have cropped up in treatment and its related activities. Medical profession has now become a vast and wide center of trade. With the result, if some disease is suppressed by some medicines, but there after effects have caused innumerable in-curable diseases. It is therefore, essential to impose restraints and restrictions on the manufacturing of fake and false medicines. Medicine firms and companies have sprung up like mushrooms. They damn care for the quality or genuineness of their production. The doctors have been enticed by these companies and their distributing agencies to advertise their products. This malpractice on the part of authorised doctors is most dangerous; Government has framed laws to check this medical malpractice by means of registration of medical degrees of the doctors.

#### **ELIGIBILITY AND PERMISSION FOR MEDICAL PRACTICE**

Our Holy Prophet (PBUH) stated the person who treated certain person but that practising doctor is not known as a doctor in the pharmacopea, which means he is unaware of the knowledge pertaining to medical treatment, then such quack is responsible for the death of the patient whom he treats but dies in consequence of ill-treatment of that very quack. (Abu Dauod, S (1983). Theologians say that every ragtag and bobtail is not permitted to treat or play upon the most invaluable life of the human beings. Eligibility and permission by the

authorised institution is essential. Permission can be of three kinds.

1. **Shara'ai or religious:** According to the divine law for treatment of the patients, the religion insists on the observance of the condition having pre-requisite qualifications, medical knowledge and experience by the medical practitioner. Only such a person is entitled who is equipped with medical knowledge. There must be creditable skills and experience of treatment of the patients at his credit. It means that only eligible and experienced medical practitioner is allowed to take up treatment as a profession.

2. **Legal Permission:** with the advent of Islam, the saying of our Holy Prophet (PBUH) because frequent observers able, then quacks of medical profession who have been known as founders of such malpracticians of medical profession. Special measure was taken as per Hadiths to impose restriction on medical quacks. So quackery stopped for the time being. But in present age when various complicated diseases have multiplied in number, quacks have emerged to meet the needs of the people. Number of qualified doctors have become alarmingly less as compared to the increase of population together with diagnosis numerous new ailments. That is why those quacks that were facing with the time sluggishly by reading books have started practising as so-called doctors actively. The poor people have resorted to get themselves treated by such quacks because of their poverty and paucity of money. As a result many patients fell victim to the ill treatments of quacks. All medical practitioners

were forced to get licence or permit prior to their inception of medical practice. This step has been taken only to ascertain the people and government that none of patients would die of quackery.

### **PERSONAL NOBLE PERMISSION**

Apart from religious and legal permission, the personal permission of the medical practitioner is essential. It demands assurance from his parents and relatives that in case of death of the patient. Owing to the negligence or wrong treatment will be taken into account and the doctor along with his sureties will be held responsible for the mishap.

Ghazali, M, asserts that there are five cannons of religion of Islam for the creatures of Almighty Allah. His religion, his life, his descent not from ancestors, his intellect and his wealth must be protected at all costs. So that very good thing (merit) which ascertain these five cannons of safety is the quality known as expedience, but the thing which impedes the safety of integral five elements of characters will be deemed noxious. The remedy of such evil will be called virtue and integrity of a person.

### **DOCTOR AND RESPONSIBILITY**

The doctor will not be considered responsible for the death of a patient for the following two reasons:-

#### **1. Collective state of affairs:-**

If the doctor had been totally responsible for the death and damages then he would not have taken the risk. He would have forsaken the duties of serving the dying patient which he had acquired by virtue of professional and experience of it happens it will be really a great collective loss for the humanity.

## 2. Permission of patient or his friends

If a doctor causes damage to the patient after getting the permission of the patients or his heirs, then he is not at all responsible for the loss or damage after the treatment or operation etc.

Malik (1990) determines two conditions for a doctor. First he must be in possession of licence or permission from government for offering his services of treatment diagnosis devising medicines and operating the patients. Such a sort of licence awarded by the government will be taken of his eligibility.

Secondly: There ought to be permission of the patient and his relatives for the treatment.

When doctor is treating a patient, he is legally considered competent for the job for he has not committed any fault and deficiency then in case of some untoward incident the doctor will not be held responsible for the consequences. Ibn-Bazzaz, M, interprets explicitly that if a patient loses his eyesight even after appropriate treatment of an eligible and competent doctor, then the latter (the doctor) is not held responsible and ought to suffer for the failure of treatment.

Ibn-ul-Qayyum, M, has quoted the unanimous agreement of religious jurists. He has stated that if the doctor is expert and experienced in his professional and he has performed his duty befittingly without doing negligence even then some limb of body has been lost and death has occurred or functioning quality of some part of

body has been damaged after permission of the patient or his relatives and allowance of laws of sharia, then the doctor is not deemed responsible for loss or damage whatever it is. But if the doctor becomes victim of negligence and carelessness during the treatment, though he would be responsible for all that damage.

Ibn-e-Qudama, A, narrated two conditions for a medical practitioner:-

- i. He must be skilful and thought provoking in his art.
- ii. He must avoid carelessness in treatment of a patient.

If the doctor is devoid of any of these conditions, he would be deemed responsible for all the damage. The Muslim Jurists stressed on a specific point the although a human part of a body is rendered ineffective during treatment yet the life is saved by the medical practitioner. In this case, full ransom will be paid because the doctor has deprived him of a precious part of the body. Whereas, in case of the death of the patient, half of the ransom will be paid. Because the ransom will be considered obligatory for whole human body. The actual state of affair is that there are two essential things regarding death. First is an operation and second is to exceed the limit of operation. Although in the case of former the medical practitioner is not at fault yet in the case of latter he would be deemed responsible for all this mishap and he would pay half of the ransom. The treatment in which a patient suffers a lot by the hands of a medical practitioner through Operation or written prescription of medicine renders a great loss.

Thanwi, Z, says that compensation will be imposed on that medical practitioner who

operates the patient himself. Otherwise the medical practitioner who writes prescription only for the patient is not responsible in case of the death of the patient.

### CONCLUSION

In the statute of Islam the basic condition of every deed is its eligibility, so every action performed without having eligibility and desired proficiency is usually abnormal and incorrect. It is rather impossible to derive better result from that very action. Accordingly to shariah of Islam, the basic purpose is protection of humanity which is the second most important branch of life next to the protection of faith of Islam. So the main object of spirit of Islam is to safeguard the human beings from the fatal and extremely laborious hardships. They ought to be facilitated with all sorts of amenities of life. It can be safely concluded that for the purpose of performance of duties of treatment of physically ailments efficiency, eligibility and aptitude are necessary. Keeping in view the vitality and vigour of human body, theologians have imposed restraints and restriction upon the quacks to play with the invaluable lives of human beings.

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