

## Ethics in Medical Practice

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### Abstract:

By the twentieth century, interest in the sciences of living organisms had increased, especially in the field of biology and medicine, and it gained the preoccupation of researchers in research centers and universities as a result of its attachment to public health and the hopes and therapeutic future prospects that this science could produce to rid humanity of some intractable diseases and disabilities. This human face of medical practice did not hide the dangers that threaten the human being, his identity, dignity, and future destiny, especially with contemporary technologies in the field of medicine, such as organ transplantation, genetic modification to avoid disability, artificial procreation, euthanasia, and other delicate operations that put humans to the test. So, it has become necessary to reconsider medical practice from the standpoint of drawing new features that open the way for ethical elements to intervene in order to direct medical work with regard to the sanctity of the living being and its life. This is due to the violations that can occur during biological and medical experiments, which requires the intervention of legal and ethical elements to control clinical experiments and reduce harm and pain, which led to the emergence of a new specialization in the field of philosophical research called **bioethics**.

**Keywords:** Biology - BioEthics - Medicine - Genetic Engineering - Cloning - Philosophy – Ethics.

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### 1. Introduction :

In light of the transformations that our contemporary societies are experiencing due to technical, scientific and informational developments that have changed the lifestyle and made reality more materialistic and utilitarian because of the achievements of science in various fields of life, it has become necessary for those interested in philosophical studies to renew the topics of philosophical research so that they are in line with scientific developments and issues of contemporary society and to devote philosophical action within scientific research and keep pace with the updates and developments that science knows in our contemporary time. Since the second half of the twentieth century, interest in the sciences of living organisms has increased, especially in the field of biology and medicine, and researchers in research centers and universities have become preoccupied as a result of its attachment to public health and what this science can produce. There are hopes and prospects for a therapeutic future that will rid humanity of some incurable diseases such as cancer and AIDS.

Credit for establishing scientific medicine goes to **Claude Bernard**, who laid the scientific foundations for biology as a science based on laboratory and technical experimentation. These researches were strengthened by the developments that occurred in the field of microbiology with Pasteur. Interest in scientific knowledge as an alternative to philosophical knowledge increased, and

the human, social, and ethical dimensions were ignored. Some thinkers considered the end of philosophy in the face of the important and tremendous achievements achieved by science. They felt that scientific achievements were a dose of hope for reviving philosophical thought again, in view of the serious crises that threaten the human entity, its identity, dignity, and destiny in the future. Thus, it has become necessary to reconsider medical practice from the standpoint of drawing new features that open the way for ethical elements to intervene in order to guide medical work with regard to the sanctity of the living organism and its life. This is due to the transgressions that can occur during medical biological experiments, which requires the intervention of ethical elements in clinical practices.

The ethical debate regarding the results of the biological revolution within human rights associations and organization created medical work due to the expansion and extension of biological research after the phenomenon of cloning to include medical applications such as the idea of euthanasia, IVF(In vitro fertilization), embryo banks, abortion, surrogacy, etc. All of these discoveries and others became topics addressed by philosophy and were presented as epistemological issues related to the relationship of medical practice to ethics, which made philosophical research a fertile and renewed research that is more concerned with questions related to the ethical character of biological practices. This led to the emergence of a new specialization in the field of philosophical research called **bioethics**. Before discussing this concept within the framework of its philosophical field, it is necessary to point out the concept of biology as a scientific discipline that has raised problems that have become topics of philosophical research.

## **2. The Path of Transformation from Biology to Bioethics:**

Biology witnessed development after it transcended religious considerations that call for the sanctity of the living organism. In addition, it approached the scientific method based on experimentation, which achieved remarkable success in the field of modern physics with the research of 'Galileo' and 'Isaac Newton'. This success was a catalyst for researchers in the field of biology to achieve similar results on the living organism. This was achieved by the 19th century, which is an important stage in the history of biology. Credit for establishing scientific medicine goes to Claude Bernard. At the beginning of the 19th century, he laid the scientific foundations for biology as a science based on laboratory and technical experimentation, and this research was strengthened by the developments that occurred in the field of microbiology with Pasteur.

The word bio *bios* refers to life...the meaning that was defined by a debate between thinkers, philosophers and intellectuals about the value of human life, which opened a way for biologists to determine the deep scientific dimensions of the living organism. They discovered the necessity of practicing philosophizing and using philosophy to understand many of the issues that represent the essence of the science of life. So, traditional philosophical thought recognized that the living being is subject to teleological interpretation, which gave legitimacy to philosophizing within the science of life, knowing that the meaning that philosophy has known throughout its history of life is the lived and daily experience.

Despite the difficulties posed by study in the field of biology and related to the nature of the living organism itself, such as the issue of preserving life and the interconnection of organs and their organic interconnectedness, it is difficult to attempt to transfer the living organism from its natural environment to its laboratory environment. However, studies in this field have seen strong

success, especially with the emergence of in-depth research related to the field of ‘microbiology’, such as the theory of the living cell, the theory of chemical analysis of major functions, and research related to heredity. **The subject of biological research is based on the study of the structure of the living organism from three basic branches:**

**Anatomy:** Anatomy is the most important branch which identify the organs that make up the living organism, describe, examine, and analyze them. This study is of a static nature, which means identifying the components of the organ in the static state.

**Physiology:** is concerned with the dynamic aspect of the organ. It means studying the organs while performing their function, movement, activity, and work.

**Genetics:** It is considered the most important topic in biology. It developed at the end of the nineteenth century with Devers, Weiss man, and Jacques Lucien Monod. It is concerned with research into the structure of the cell. The most important biological revolution occurred with the advent of deoxyribonucleic acid (DNA) technology, so that through genetic engineering, science can directly affect life, just as it affects heredity and the types of organisms<sup>1</sup>.

The development that the world is witnessing today in the field of modern biology has raised many philosophical, ethical and social issues, especially in the field of medicine, in addition to the development of technology and its dangers to the fields of human life. Despite this development, which is supposed to provide opportunities for greater reassurance, man’s sense of danger has increased more than ever before. This is what made scientists recently pay attention to the existence of a kind of rift between science and man. Biologists realized that if the situation continued at this pace without taking into account ethics, we would end up with very dangerous results that might make man lose his humanity. Therefore, many calls appeared. for a commitment to ethics in order to regulate this work from an ethical perspective. This resulted in reactions that crystallized in a special way in the emergence of what has been called, in recent years, ‘bioethics.’

Among the most important philosophical problems that led to the emergence of bioethics is that related to explaining the activity of the living phenomenon itself. Researchers disagreed about the mechanisms on which the living organism depends. Is its activity based on a typical mechanism that is subject to deterministic interpretation, as is the case in physical phenomena, or is it subject to interpretation? The teleological as a living being has different characteristics from an inanimate being.

For supporters of mechanism who hold a deterministic interpretation, they emphasize the complex physical and chemical factors that carry out a systematic activity based on determining the relationship between causes and results. The living organism reproduces itself in an automatic manner through vital functions such as nutrition, reproduction, and growth. It adapts according to its environment and constantly rebuilds itself without the need for an external force, meaning that it has an independent nature that makes it more like a machine, that is, a device that performs its work through interaction and integration between its organic parts. The first observation that should be pointed out lies in the developments that have occurred regarding the concept of mechanism and the physics of life, which have made the living organism an integrated structure that determines the

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<sup>1</sup> - Saeed Muhammad Haffar, Biology and Human Destiny, World of Knowledge, Kuwait, 1984, p. 21.

activity of the parts and reproduction automatically, and from it came life, which is the cell, that is “the smallest unit in life, and from it all living things are composed... It is a relatively simple group of components that work very slowly, in order to maintain its existence, and it divides from time to time to form a new cell... All cells are an integrated molecular factory that works diligently<sup>2</sup>”

The mechanical interpretation of the activity and vitality of a living organism pushed biological research into a scientific one due to its use of technology on the one hand and the development of chemistry on the other hand, which increased research and experiments, especially in the field of biological genetics, the world of genomics\*. As biologists sought to try to reveal the secrets of the smaller world in the organism and subject it to a deterministic explanation, that is, the ability to repeat the phenomenon in the future, by controlling it in the same way as physical phenomena.

While the absentists see that biological phenomena cannot be understood by knowing their previous causes, but rather by knowing the purposes for which they were created. Thus, life is not just a chemical-physical interaction and the activity of parts that produce comprehensive work. Organs were created for a purpose, which is the continuation of the living organism, preserving its survival, and preserving its dignity. It is not a mechanical machine. hence, the moral origins of the teleological school appeared, “ethical crises begin with the statement of teleology in life, and form the preliminaries of the crisis with technical progress, and with what is possible in life, as Claude Debru terms it. The technologies of the living organism appear, in his words, like a field with no boundaries other than those imposed by the nature of things and the genius of man ...”<sup>3</sup>

### **3. Bioethics :**

A compound word composed of two terms ‘bio’ and ‘ethics’ in English, and ‘éthique’ in French. What is meant by ‘biotechnology’ is the intersections existing between issues of biology and ethical life. This new concept found a philosophical topic for itself in the field of moral philosophy related to bioethics or medical and biological ethics. The United States of America was the first home for this concept to appear, and it was used for the first time by the physician specializing in oncology, Van Rensselaer Potter\*, in 1970, in a paper entitled “Bioethics: The Science of Survival,” which was republished as a chapter in his 1971 book, entitled “Bioethics: Bridge to the Future.”<sup>4</sup>

This term is composed of the word (biologie), which means the science of life, and the word (éthique), which means the science of ethics and the principles of guiding behavior. It is the study of the total conditions imposed by the responsible management of human life or the human person within the framework of rapid and complex developments in biomedical knowledge and technologies”<sup>5</sup>.

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<sup>2</sup> - Terence Allen and Graham Cowling, *The Cell*, translated by Mustafa Mohamed Fouad, Hindawi Foundation, Egypt, first edition 2015, p. 7.

\* - Genome: It represents the organism’s genetic heritage and history. It includes the sum of genes that control the form and the organic structure of the organism, which are 46 chromosomes, 23 pairs that it inherits from the mother, and the same from the father.

<sup>3</sup> - Claude Debru, *Le Possible et les Biotecnologies*, Translated by Michel Youssef, Center for Arab Unity Studies, Beirut, first edition 2007, p. 17.

\* - American Professor of oncology: 1911/2001. Among his books: *Bioethics, the Science of Survival*

<sup>4</sup> - Omar Boufetas, *Bioethics - The New Ethics in Confronting the Transgressions of Biotechnology*, East Africa, Morocco, 2011, p. 14.

<sup>5</sup> - From Raja Bin Salamah et al., the authority of technology and the impoverishment of values within the book: *Bioethics*, Petra Publishing and Distribution House, Syria, 2010, p. 7.

Van Potter's purpose in this attempt was to frame biological practice with ethical considerations, bring scientific work in this field closer to cultural, ethical, and human elements, and narrow the gap between technological scientific practice and the human aspects. This is a qualitative shift that moves us from paradigms that are more committed to scientific systematicity with a deterministic nature which Classical Science imposed into a more flexible paradigm that includes everything related to humans, a trend that follows within the framework of post-modern philosophy.

Van Potter's claims enabled the creation of a new field of knowledge in the field of philosophical research related to moral thought, with the aim of preserving human dignity and the search for happiness, whether in pain or pleasure, and in all the activities he practices in his daily life. This in itself is considered a philosophical success that expresses the extent to which philosophical research adapts to the variables of reality, moves away from theoretical perceptions, and revives the spirit of philosophizing on new issues. Like every stage of human thought, philosophy finds itself forced to question problems arising from the results of science.

Bioethics, or medical ethics, is considered a branch of applied ethics. It deals with medical and vital issues related to those practices resulting from medical behavior in its relationship with ethics. This issue has raised political and ethical controversy among academic circles, including intellectuals, clerics and doctors. The development that biology has witnessed recently, especially with regard to genetic engineering, has opened the way for ethical and political accountability for scientific progress in biology, as it: “refers in general to the dominant thinking for twenty years, in various subfields, about the issues raised by biomedical progress.”<sup>6</sup>

Competent sources define it as “a study of the ethical issues resulting from the progress made in new technologies in the health and life sciences, a study that aims to propose ethical principles that control the directions of that progress, and to monitor and direct all research and interventions related to the living organism from the moment of fertilization until the moment of death.”<sup>7</sup>

Bioethics, then, represents the sum of methods with an ethical dimension aimed at preserving human life in the face of problems resulting from rapid scientific progress in the fields of medicine, genetics, and biology, resulting from the biological scientific revolution. These problems produced protection rules related to the right to respect human dignity, life, and privacy.

#### **4. The field of Bioethical Research:**

The topics of Bioethical research began to become more evident with complex medical practices, and despite the positive phenomena in contemporary medical work, such as organ transplantation, genetic modification to avoid disability, and artificial procreation... these experiments led to serious negative aspects for the future of humanity.

##### **4.1 Organ Transplantation:**

Despite the positive results of the organ transplantation process, which was considered an effective treatment method that contributed to concealing the manifestations of birth defects and alleviated deformities resulting from serious injuries such as traffic accidents or disabilities resulting from war, through it an organ is transferred from one body to another body, from the body of a sick or condemned to death to the body of a sick person who has the potential to recover.

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<sup>6</sup> - Guy Durand, *Introduction Générale à la Bioéthique*, translated by: Muhammad Jadidi, Jadawil Publishing and Distribution, Beirut, first edition 2015, p. 35.

<sup>7</sup> - Quoted by Asma Qasim Muhammad, *The Concept of Bioethics in the Field of Contemporary Medical Technologies*, p. 123.

However, this process involves negative aspects, including those related to the technical-scientific aspect, as many organs refuse to adapt in the body due to the difference in the nature of the cellular tissue of the distinct biological individuality that belongs to a specific individual. As for the ethical aspect of it, it relates to the issue of trading in organs due to poverty, or disposing of and selling the organs of dead prisoners or war deaths. These actions make medical work lose its legitimacy and moral credibility. So, this issue was raised in several international forums, and scholars ultimately achieved, through discussions and research, narrowing the horizons of this type of scientific practice, including the Perugia Conference in 1969, which concluded that the donation of organs from a living person to a living person, or from a dead person to a living person, should not be motivated by greed, but rather by a humanitarian motive and free of charge. In addition to the recommendations of the Fourteenth Vienna International Conference on Criminal Law in 1989, which recommended the necessity of working against the trade in organs and tissues. The recommendations of the Symposium on Modern Good Methods and Criminal Law at the Faculty of Law, Cairo University, held in 1994, affirmed the impermissibility of transferring organs between the living in exchange for a price, and the impermissibility of keeping the bodies of the dead with the intention of selling parts of them, and emphasized the appointment that the beneficiary pay the full costs of the transfer process. The state is also obligated to bear the necessary expenses to treat the donor of all resulting complications, and it is prohibited to establish commercial institutions that aim to trade in human organs, or to mediate in them, or to create advertisements offering the purchase of a human organ.

#### **4.2 Cloning:**

The phenomenon of cloning constituted a scientific revolution in the field of biology similar to the revolution that occurred in Einstein's atomic physics, because of the precise experiments it created that affected microscopic biological organisms such as cells. The word 'clone' is used in a number of different frameworks in biological research, but in its most simple and precise meaning, it refers to a correct genetic copy of a part or cell whose purpose is to generate organisms and create plant, animal, or human copies that match the original.<sup>8</sup>

A clone is an organism that is completely identical in terms of genetic, physiological and morphological characteristics to another organism, in the sense of making a genetically identical copy of a human being. This term usually refers to artificial human cloning. Future expectations regarding the phenomenon of cloning raise a set of concerns related to ethical issues affecting human existence, such as the concept of family and emotion, independence and identity, and others. How can we imagine the existence of a human being who has no emotion and exists without a family? What are his actions and reactions to issues? This phenomenon may be exploited to produce cloned armies, cloned soldiers without emotion, morals or feelings. Is it possible to eliminate from the dictionary of humanity the concept of family, motherhood, fatherhood and family affection? Baudrillard says: "Cloning is a final stage in the history of making models of the body, which has been transformed into its abstract and genetic form, and the individual in it has become governed by its reproduction in a chain... Cloning radically eliminates the mother and father as well, the

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<sup>8</sup> - Nahida Al-Qubaisi, Introduction to the book: Genetic Engineering and Ethics, World of Knowledge, Kuwait, 1993, p. 17.

intertwining of their genes, and the overlapping of their differences. It also specifically eliminates the dual act of birth.<sup>9</sup>

The matter comes under a technological authority that imposes complete control over human freedom, depriving him of his humanity. Races become mixed and identity is lost due to the revelation of the secrets of every human being regarding his genetic map, and the commercial work resulting from gene and cell banks increases.

#### **4.3 Genetic Engineering :**

With the discovery of DNA and the knowledge of genes, genetic engineering became concerned with the genetic makeup of the living cell and aimed to know the laws that control genetic characteristics in order to intervene and correct defects. So, geneticists became keen to know the details of the human genetic makeup in order to be able to change its stock again if necessary, and to detect serious diseases that can be predicted in advance through what is called gene therapy, which deals with the treatment of diseases through genes. The defective gene is replaced with a healthy one, or the patient's cells are supplied with a sufficient number of healthy genes, or even the eradication of some of the genes responsible for causing a specific disease or deformity. Regardless of these great services provided by genetic engineering, it has a dark negative aspect. Technical progress in genetic engineering and its applications in genetic medicine may lead to the creation of a civilization without a soul, a civilization without a heart, conscience, or human values, and this may lead to the loss of the meaning of existence .<sup>10</sup>

This led to a kind of alienation from the true existence of the human being. "The reality of marriage was separated from procreation through what is called artificial procreation, and this affects the concept of motherhood and parenthood. It is possible for a lady in the future to go to a special exhibition for embryos to choose what suits her from the characteristics of the child that are in line with her duke through the data placed and recorded on the box, such as gender, eye color, hair color, height, intelligence, and the health condition that the woman prefers. After that, all you have to do is to go to one of the laboratories specialized in fixing the embryos, so that after a few months she will have what she wants, and in this In this case, her relationship with her child becomes a biological, even legal, relationship, and the person turns into a commodity that can be bought and sold."<sup>11</sup>

#### **4.4 Euthanasia:**

Life is considered a sacred matter for humans, and death is a phenomenon that everyone denounces, even though it is inevitable and affects all beings. It is an undesirable phenomenon by nature. However, the matter changes in certain cases and require medical intervention to put an end to the pain, that is called "euthanasia, which is a medical intervention that seeks to put an end to the life of a person suffering from a terminal illness, a person who has fallen into a permanent coma, an elderly person whose body has become both a target for all diseases and a home for all pains, or a

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<sup>9</sup> - Baudrillard, Jean. *Simulacres et Simulation*,. Translated by Joseph Abdullah. 1<sup>st</sup> edition. Centre d'études sur l'unité Arabe, Beyrouth. -2008.p172.

<sup>10</sup> - Badawi Abdel Fattah Muhammad, *Philosophy of Science, Science and the Future of Man...Where to? Quba Modern House for Printing and Publishing, Cairo, 2007, p. 373.*

<sup>11</sup> - *Ibid.*, p. 374.

child who was born or will be born with a serious congenital deformity or major mental retardation, with the aim of sparing them suffering and excruciating pain.”<sup>12</sup>

The issue of euthanasia raises a problem about the philosophical, religious, and legal justifications for its occurrence. A group of philosophers argue that an individual’s life is personal and linked to his decisions. He is free to make them, especially in embarrassing situations. A severely ill patient has the right to end his life, put an end to pain, and die with dignity. Francis Bacon said, “Doctors should endeavor to restore health to the sick and alleviate their pain, but if they find that there is no hope for their recovery, they have to prepare for them a quiet and easy death, in addition to the social and economic burdens resulting from the state taking care of these patients. Therefore, we find many countries, including the Netherlands, Belgium, Switzerland, Canada, and some states in the United States of America, such as Washington, “they approved laws permitting doctors to practice killing out of mercy and pity, provided that conditions are met, namely that the patient does not object and accepts this practice. Here, the principle of the individual’s freedom to control his life is fulfilled, in addition to the presence of a serious illness that produces severe pain, and here the principle of conviction in the existence of unbearable pain that inevitably leads to death is fulfilled”<sup>13</sup>.

While another group rejects the practice of euthanasia on patients due to the sanctity of life, and that the idea of hastening death under a humanitarian pretext is a weak pretext, especially in light of scientific development and the availability of all technical and scientific conditions for trying to save people, regardless of their condition. Laws guarantee protection and care for people, even if they are in embarrassing situations close to death. The right to take the lives of others is neither legally nor religiously justified. “Murder remains murder no matter what the justifications are fabricated. Taking the decision to end a patient’s life under the pretext that he has the right to do so is not morally justified, even if it is socially acceptable. However, the other person, no matter how close he is to the patient, does not have the right to make the decision on behalf of the patient because ownership of the decision is linked to the owner of the entity. The feeling of life is different, and is imprinted on the individual’s personal experience. There is an independent self-will that makes the individual legislate for himself and on the basis of his decisions without coercion. Any violation of this will is considered a violation of moral values, even if the results of the action bring benefit to society, as the famous saying of the philosopher Kant: "If the whole world were happy to kill an innocent child, the act would be immoral."

In light of this intellectual stubbornness between the two trends, it is not possible to take one direction without the other. Rather, each case is studied individually. The cases that encounter scientists and doctors are different and vary according to the clinical circumstances. The practicing physician who closely observes and hears the sufferings and groans of the patient differs from the legislator who searches for justifications for his decisions, among books and in academic institutes. Hans Jonas, in his book, *The Right to Die, ‘Le Droit de Mourir’*, gives us examples of these cases, the case of the patient who is aware of the futility of treatment, and is supervising the end, and who

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<sup>12</sup> - Omar Boufetas, *Bioethics - The New Ethics in Confronting the Transgressions of Biotechnology*, East Africa, Morocco, 2011, p. 162.

<sup>13</sup> - Pontifical Acadèmy, *for life, respect for the dignity of the dying person ethical considerations on enthanasia*, Vatican city 9december 2000 p.p.1.2

declares his agreement not to repeat therapeutic attempts for him to end, and to resolve every moral or legal dispute in the matter...»<sup>14</sup>

## 5. Legal Standards:

When the world began to develop the genetic map of the human race, the whole world seemed to be on the verge of major medical discoveries in the fields of public health, personalized medicine, and treatment. After that, a new era of research began in the issues of the human race and its improvement, gene therapy, animal cloning, and cloning of human organs, those new research fields. Several issues related to medical ethics and biology have jumped onto the global medical scene over the past quarter century, some of which relate to the practice of the medical profession, some of which concern the patient and his rights, and many of which are a combination of professional medical controls, and ethical and legal standards.

These legal and ethical standards came as a result of the transgressions that occurred during medical practice, especially in wartime conditions. Among the most serious transgressions was what «Nazi doctors carried out in 1947, in terms of experiments on prisoners in concentration camps after they shot them and then examined them to find out how to treat those wounds. They also deliberately infected them with some diseases, such as typhoid fever. They also stripped them and exposed them to ice water or snowstorms to study the ability of humans to withstand exposure to cold.»<sup>15</sup>

Not only that, but «they also sterilized men suspected of being gay, and injected women with a caustic substance to obstruct the ‘fallopian’ tubes and exposed male and female prisoners to high doses of radiation, which caused them extremely serious burns. To determine the differences between races, they killed the prisoners, stripped the flesh from the bones, and left their skeletons to place them in anthropology museums. These and other horrific violations prompted human rights activists to try to limit these experiments by resorting to judicial means and holding the perpetrators of these scandals accountable. These scandals began with the "German Nuremberg\*" trials in 1947 after the World War, where many Nazi doctors were tried for committing war crimes and crimes against humanity. Fifteen doctors were convicted and seven of them were sentenced to death.»<sup>16</sup>

One of the results of this trial was the issuance of the international Nuremberg code, through which Nazi scientists were convicted of war criminals in 1949. The code specifies the set of rules that must be adhered to during the process of experimentation on humans. It is as follows:

- 1- Volunteers’ consent and knowledge of the risks resulting from the experiment.
- 2- Social benefits resulting from valuable experiences.
- 3- Taking into account the safety and design of experiments and their freedom from defects, along with the good scientific qualification of the experimental scientists.

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<sup>14</sup> - Jonas, Hans. *The Right to Die* Translated from German and presented by Philippe Ivernel. Rivages poche Petite Bibliothèque, Paris. . (2021).p34

<sup>15</sup> - Patrick Boleyn Fitzgerald, *Experimentation on Human subjects*, ed. R.G.Fre & Christopher Health Wellman, Blackwell Companionsto Philosophy, A Companion to Applied Ethics, Blackwell Pub, U.S.A., 2003, p.410.

\* - The Nuremberg Trials are among the most famous trials in contemporary history. In their first period, the trials dealt with war criminals of the Nazi leadership after the fall of the Third Reich. And, in the second period, doctors who conducted medical experiments on humans were tried. The first session was held on November 20th, 1945, and the sessions continued until October 1st, 1946. The Allies held military trial sessions in the Palace of Justice in Nuremberg. Perhaps one of the most important reasons for holding sessions in the aforementioned palace was the comprehensive destruction that German courthouses suffered as a result of the heavy Allied bombing during World War II. The trials generally dealt with war criminals who committed atrocities against humanity in Europe.

<sup>16</sup> - Patrick Boleyn Fitzgerald.Op.cit pp.410-411.

4- Avoiding all risks that lead to harm while minimizing pain and not performing experiments that may lead to death or permanent disability.

5- Obliging the experimenters to stop completing the experiment if they feel that the human subject is unable to continue contributing to the experiment, especially if continuing leads to harm or death. In fact, there have been related discussions regarding human experimentation since 1946. In addition, a significant number of rules have been adopted within the last four decades - at the time of these lines - and the growing consideration of this matter has finally resulted in widespread approval for the following additional principles:

6- Confidentiality: Hungarians must maintain the privacy of the people who are the most important research subjects, and be confident that their secrets will not be revealed.

7- Vulnerable populations: Experimenters must take precautions for self-protection with respect to those whose consent is mediated (whose decisions are unclear): children, sick adults, the destitute and illiterate, or the detained and insane.

8- Intention and fairness: Choosing human subjects to contribute to various aspects of the experience should be with intent, fairness, and consistency.

9- Advice and guidance: Researchers must constantly direct and guide experiments to determine whether the results are beneficial and mitigate the risks, and whether the experiment is likely to yield significant knowledge, etc.<sup>17</sup>

Eagerness to take into account ethical and legal considerations has increased in our time, and those involved in scientific research have realized that the development of science in the technical field necessarily requires ethical and legal controls, to protect individual rights and preserve human dignity before and during experimentation. So, legal jurisprudence efforts continued to enshrine the principles of ethics in medical practices. “About fifteen years after Nour Mubarj’s blog, in June of 1964, the World Medical Association adopted the Declaration of Helsinki, which includes recommendations to guide physicians in the field of biomedical research involving human cases.”<sup>18</sup> Here is the text of the declaration: « The The physician's duty is to protect the health of the people, and his knowledge and conscience are devoted to the fulfillment of this duty. The Geneva Declaration of the World Medical Association commits the physician to the following words: ‘The health of my patients shall be my primary concern,’ and this Code of Medical Ethics declares that ‘the physician shall act solely in the interests of when a patient is provided with health care that impairs the patient’s physical and mental condition.’<sup>19</sup>

This declaration has been constantly amended and two basic conditions have been added to complement the Nuremburg Code for Regulating Medical Practice. The first condition relates to obligating the investigator to submit his research proposal to an independent committee to consider, guide and review proposals that touch on potential ethical problems. The second condition relates to the possibility of conducting a serach for children and other individuals without legal capacity with the consent of the agent, because the law stipulates that “the person concerned must have legal capacity to give consent»<sup>20</sup>.

## 6. Ethical Standards:

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<sup>17</sup> - David B. Resnik: *The Ethics of Science*, translated by Abdel Nour Abdel Moneim, reviewed by Youmna Al-Khouly, *The World of Knowledge* (316), National Council for Culture, Arts and Literature, Kuwait, 2005, pp. 194-195.

<sup>18</sup> - Smith, IanDodds: *Doctors, Patients and The law*, First ed. Black Wells Cemtific Pulr, England, 1992. p.141.

<sup>19</sup> - Singleton, jane and McLaren Susan: *Ethical Foundation of Health Care*, Griselda Campbell, England, 1995.p.197.

<sup>20</sup> - Patrick Boleyn Fitzgerald, *Experimentation on Human Subjects*, op-cit p.423.

The legal field, both the Nuremberg Code and the Declaration of Helsinki, played an effective role in the search for ethical foundations for medical practice, and ethical standards were further strengthened by the Belmont Report, which was published in 1979 and issued by the National Commission for the Protection of Human Subjects of Biological and Behavioral Medical Research, which defined the basic ethical principles for medical research.

### **6.1 Respecting the Autonomy of Persons:**

Every human being has an independent entity and an individuality that determines his identity and being. This ethical principle obliges medical practice to take into account the sanctity of the human being as a free being with an independent entity. We do not make decisions in his place. In the words of Michela Marzano, the principle recognizes that every patient is an independent person, capable of choosing and making decisions.<sup>21</sup>

The principle of respecting the human being and preserving his human dignity is among the indications of the correct performance of medical practice and a biological indicator of the person's independence in making decisions. Ethical treatment requires taking into account the individual's being and his will, as he is not a thing but an entity in his own right. And, it follows from this that «human dignity requires respect the individual in his privacy, genetic and cultural identity. This is reflected at the legal level with the idea that others must be viewed and respected in two senses: that he is different and his difference must be respected, and because he represents the human self.»<sup>22</sup>

### **6.2 The Principle of Justice:**

Justice is a moral value and a great virtue, based on the protection of rights, including the right to treatment guaranteed to every patient in application of the law and the principles of humanity. This right is matched by a moral duty that obligates the doctor to provide treatment to every person, regardless of their color, gender, or race. Without regard to utilitarian considerations, medical ethics imposes on us, as a matter of fairness and benevolence, the provision of all care to sick people. The necessity of providing medical care to institutions specialized in helping sick people who are poor and needy receive treatment without charge, and the state bears all medical expenses, in addition to humanitarian societies, such as the Red Cross, the Red Crescent and Doctors Without Borders.

**6.3 The Principle of Benevolence (Al-Ihsàn):** Benevolence is considered the highest degree of virtue. It is based on the power of conscience in dealing morally with what surrounds us. It is not subject to rational, scientific, or logical standards. It rises above all human actions based on interest to embrace the actions of angels in goodness. Therefore, it is the actual home of Benevolence (Al-Ihsàn). It is embodied in all its meanings in medical practice. “Bioethics, as an ethical approach to medicine and biological research, finds in the principle of benevolence among others a legitimate starting point and a legitimate basis for research dealing with humans. According to Tom Beauchamp\*, benevolence includes, more broadly, all forms of activity aimed at benefiting or enhancing being good to other people, helping them advance important and legitimate interests, often by preventing or eliminating possible harm.”<sup>23</sup>

### **6.4. The Principle of Non-Maleficence:**

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<sup>21</sup> - Marzano, Michela. *L'Éthique Appliquée*. PUF 2, édit. Paris 2012.p21.

<sup>22</sup> - Muhammad Al-Mesbahi, Et al, *Philosophy of Right*, Faculty of Arts and Human Sciences, Rabat, first edition 2007, p. 248.

\* - An American philosopher, specializing in the philosophy of David Hume, moral philosophy, bioethics, and animal ethics. He is a Professor at Georgetown University. He has joint books, including with Alexander Rosenberg: *Hume and the Question of Causation* 1981, and with James F. Childress: *Principles of Medical Ethics* 1985

<sup>23</sup> - Ahmed Abdel Halim Attia, Et al. *Applied Ethics - Cairo Philosophical Notebooks*. Issue: 9. Year: 2015, p. 70.

If the principle of benevolence represents the pinnacle of moral giving by performing the duties of providing a helping hand in terms of treating, protecting, respecting the person and enabling him to recover, then the principle of non-maleficence represents the minimum of moral practice by putting an end to harm. So, it has become the doctor's duty to reduce the rate of harm in his clinical interventions and to ensure that medical errors that are harmful to the patient are avoided.

### **Conclusion:**

The development witnessed in the field of biological research in general and medicine in particular is considered a qualitative leap in the field of scientific development in our contemporary time. Its goal is to provide medical services to humans, eliminate diseases that were killing people in past centuries, improve the quality of genes, control the genetic map, correct disabilities, and alleviate the severity of the pain, and the many positive aspects of this development. But, the matter may lead to serious negative repercussions when experiments are used for inhumane purposes, in which utilitarian standards are taken into account at the expense of moral standards, and the human being is treated as if he were a body only without taking into account the spiritual dimensions.

As a result of these risks, it was necessary to have legal and ethical controls that regulate medical practice, define the rights and duties of each party, the doctor and the patient, and put an end to violations that affect human dignity. This has prompted many national and international health organizations to establish binding legal codes and reports to protect humans, and transgressing these codes results in penalties. As a deterrent, the purpose of these laws was also to define ethical principles during and after medical practice, such as respecting the person's dignity, being kind to him, taking his will and decisions, and adhering to confidentiality, and this falls within the ethics of medical practice.

Finally, it can be said that the developments witnessed in the life and medical sciences led to the renewal and revival of philosophical thought, through the study of biotechnology, which falls within a new epistemological view that defines the relationship between science and philosophy.

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