

Ethics in Saving Injured Criminals: Philosophical and Religious Principles¹⁶

AMIR AHMAD SHOJA'I¹⁷

AHAD FARAMARZ GHARAMALEKI¹⁸

Translated by Mohammad Reza Farajian Shoushtari

Abstract

Helping the injured is a legal and moral responsibility, but if an injured person is guilty of a crime or thought as one, would it be right for other people to refrain from helping him? In other words, would the conviction or the charge of guilt for the injured person interfere with the duty of rescuers? In this paper, such questions have been answered based on philosophical and religious principles, especially the principle of unconditional human dignity, and it is concluded that, as it is

¹⁶ Translation of the original paper "Akhlāq dar nejat-e masdumin-e mojrem: mabani-ye falsafi va dini" published in *Ethics and Medicine History*, vol. 2, no. 4, Autumn 2009.

¹⁷ MPH Student of medical ethics, Tehran University of Medical Sciences.

¹⁸ Professor and member of the Faculty of Theology and Islamic Studies at the University of Tehran.

widely accepted around the world, we are responsible to help the injured, even if the person is guilty of a crime.

Keywords: *Guilty, human's unconditioned dignity, ethics, rescuing the injured*

Introduction

Individual and collective life of human beings accompany incidents that lead to injury. In many cases, such incidents are natural disasters that are not in our control, such as floods, earthquakes, and tsunamis. But some other accidents are the outcomes of human actions, such as car accidents, wars, bombings, and so forth. These man-made disasters have grown more in number than natural disasters.

Humans get injured in accidents and to be relieved of injuries, they need instant and emergency help. In many cases, this help involves specialized help. Helping the injured is often directed by organizations such as Red Crescent Society or National Emergency Medical Service. In this study, all natural and legal personalities involved in the process of helping the injured are called *rescuers*.

Activities related to rescuing injured people have two important aspects: the actual help and the manner of helping. Both aspects can be discussed in ethics. Helping and rescuing injured people is an altruistic, benevolent, and moral act. The manner of helping has different forms, some of which are immoral, such as helping in a way that involves insult, damage, hypocrisy, and so forth.

Both aspects of the rescuing operation relates to the emotional qualities of the rescuer. Contemptuous pity or respect are two manners of encountering injured people. The key factor that forms the rescuer's attitude is how he sees the injured person. This is where crime could become a reason for having a negative attitude towards the injured person and affect the process of rescuing. Basically, this influence is psychological, but the issue to be studied is that, from an ethical perspective, to what extent the fact that the injured person is a criminal justifies such an influence. "Criminal" here includes a true criminal, a suspect, and a person accused of a crime.

The issue can be described as follows: upon the occurrence of an accident leading to the injury of a person, if those who arrive at the scene know that the injured person is a criminal or accused of a crime, would they be morally permitted to show any dereliction in saving such a person? By "dereliction," one of the three following cases is meant:

The rescuer withdraws from rescuing the injured criminal.

The rescuer gives a second priority to rescuing the injured criminal when there are other injured individuals.

The rescuer proceeds to rescue the injured person, but he fails to act in an adequately ethical way, such as being respectful, not violating the criminal's privacy, protecting his belongings, and rescuing him with care.

All three cases can be the same regarding the influence of the criminality of the injured person on the rescuing operation. Today, the non-interference of the criminality of the injured in the operation of rescuing is accepted. In this paper, for the sake of concision, this principle is called the principle of "non-interference of criminality." According to the seven principles of the International Red Cross and

Red Crescent, all paramedics and rescuers are responsible to provide immediate and emergency services based only on the humanity of the injured and regardless of any other matters, including his criminality.

General studies show that rescuers' adherence to the principle of non-interference of criminality, especially in some societies, is not adequate; some rescuers leave the injured because of their being terrorists and some do not give priority to saving the injured who are criminals. Also, helping the guilty is done out of reluctance, accompanied by contempt, insulting, and so forth. This issue is very important in applied ethics, and needs to be studied.

Failing to observe the principle of non-interference of criminality is a multi-factor phenomenon. One of the factors is the rescuer's beliefs, which may oppose this principle. It would be as if two moral systems disagree: the moral system of the Red Crescent, the Red Cross, or the other international institutions and the moral system of the rescuer.

Therefore, practical promotion of the moral principle of non-interference of criminality needs to be based on firm philosophical foundations. Moral systems that lack firm philosophical bases lose their followers and practically fail in emergency situations. The present study tries to find philosophical and religious bases for the moral principle of non-interference of criminality.

Necessity of Research

If the principle of non-interference of criminality was based on certain principles which were unacceptable to the rescuer, he would not follow it in practice. Therefore, promoting the principle of non-interference of criminality requires establishing and justifying its religious and philosophical bases.

Rescue operations usually must be carried out with no hesitation; remissness and dereliction of duty will lead to loss of the injured person's life or irremediable physical or mental losses. Pausing to ask oneself, "Am I responsible to rescue the injured criminal?" or "Does rescuing the injured criminal have priority in a critical situation?" or "Should I continue to follow moral instructions in rescuing him?" can be disastrous.

The fact that crimes have different levels shows the significance of the issue even more. Crimes which threaten human life, such as acting against international peace or using weapons of mass destruction, are cases where most rescuers hesitate and even show remissness with regard to saving the injured people guilty for such crimes. Attacking religion is the same if the rescuer is a zealously religious person. Also, crimes associated with emotional and personal issues related with the rescuer should be added to the above-mentioned cases. In such cases, emotional reactions prevent intelligent and responsible reactions or cause hesitation in the rescuer.

Human Dignity as the Base of the Principle of Non-Interference of Criminality

One of the most important principles in philosophy on which the moral principle of non-interference of criminality relies is the essential dignity and respect of mankind. If human beings have inherent dignity, rescuing the injured person can be regarded an obligation whether or not he is a criminal.

This principle, which owes its modernist interpretation to Kant, the famous German philosopher, and Carl Rogers, the well-known psychologist, also has its roots in Islamic teachings, and many classical Muslim philosophers stressed on it as well.

Here, we first discuss the religious principle of human natural dignity and then, we will review and criticize the contrary opinion which is the conditional respect.

Islamic teachings in the Qur'an and hadiths indicate that human beings have inherent dignity. They demonstrate that mankind is the vicegerent of God on the earth and that God's spirit has been breathed into him. God says, "and [I] breathed into him of My spirit" (Qur'an 15:29). When the first human being was created, God said to the angels, "Prostrate before Adam!" This shows the high position of human beings.

In verse 70 of surah Isra', God says, "Certainly We have honored the Children of Adam, and carried them over land and sea, and provided them with all the good things, and given them an advantage over many of those We have created with a complete preference" (17:70). In this verse, there is a mention of human dignity as a natural right; it is an absolute statement about all humankind without any exception. From this verse, it can be understood that in addition to the right of living, human beings also have the right of natural dignity and everyone needs to respect both rights, i.e. the right to live and the right to have natural dignity.

In the letter of Imam Ali (a) to Malik al-Ashtar, the Imam (a) explicitly mentioned the unconditional nature of the mentioned rights and the necessity to look at people with mercy: "O Malik, Habituate your heart to mercy for the subjects and to affection and kindness for them... since they are of two kinds, either your brother in religion or one like you in creation."

In Islam, no one can ever transfer or disown the rights God has granted him. For example, no one can say, "I transferred my honor to another person or disowned it in return for an amount of money, and after this

transfer, I am not entitled to dignity, and other people can disrespect or dishonor me.”

Therefore, no one can disrespect another person, unless the latter has already lost his dignity.

It is very important to pay attention to the fact that living without dignity is not a human life; it is even lower than animal life.

If one understands the importance of human dignity and honor and has a share of it, he would never disrespect or dishonor another person. Therefore, if there are people who do not respect human dignity, they themselves are ignorant about dignity and honor.

According to the theory of human unconditional respect, when treating people, we need to distinguish between natural attributes of people and their other accidental attributes, such as guilt. A person who is guilty for robbery is a human being guilty for such an action. He will be tried and punished for his action, but due to being a human, he has certain rights, which must be respected. For example, a killer may be tried and sentenced to death because of his crimes, but the one who executes him cannot insult or abuse him; and if he needs medical treatment before execution, the doctor cannot neglect his duty in offering medical service to him.

Criticism of the Theory of Conditional Dignity

Some people believe in conditional human dignity and consider everyone worthy of respect provided they do not commit any crime or other evil acts. They believe that in certain conditions, people's rights can be disregarded. It should be noted that what is meant by rights in this study is not legal rights, but moral rights. Rescuing injured people

and respecting their rights in rescue operations is a moral obligation or at least can be regarded as such.

The theory of conditional dignity regards all the rights of a person conditioned to being free of crime or sin; thus, it does not consider rescuing injured criminals a moral obligation. This theory can be criticized from different aspects:

First, the theory of conditional dignity does not distinguish between one's nature and his actions and extends the ruling about one's actions to his human nature, which is a mistake—unless one believes that human beings are nothing but their actions; an obsolete belief that does not stand to reason.

Second, the theory of conditional dignity ignores the fact that a person's behaviors are changeable. There are many examples for moral and behavioral changes in people. In his *Confessions*, Augustine has spoken about his crimes and offences. If he had an accident before his conversion and was injured and needed help, and the only present rescuer followed the theory of conditional dignity and refused to rescue him, Christian theologians and philosophers would have been deprived of his valuable works. Bishr Hafi and Fudayl 'Ayad are also among famous examples of people who changed.

Third, conditional dignity leads to the destruction of society. Suppose that we follow this theory and refuse to respect the rights of criminals and the guilty. But whom should we regard as a criminal? We cannot leave this to legal authorities, because no legal authority would introduce a criminal as a person to whom others should not show respect. So the criterion would be people's ideas of who is a criminal and who is not; however, this would lead to chaos, since people have very diverse ideas of what constitutes a crime or offense. An example of this point is the case of the patients suffering from AIDS or diseases

caused by intravenous injection of narcotics. It is reported that some rescuers show a different reaction and less care toward these patients, because they regard them guilty. According to 'Allama Muhammad Taqi Ja'fari, such reactions and attitudes damage human dignity and honor and are against the teachings of Islam and moral principles, which indicate that the only task of the rescuer is to rescue the injured and to respect his human dignity unconditionally. Of course, there are certain challenging cases that need further study and discussion, which falls beyond the limits of this paper.

Conclusion

Helping people when they are guilty of crime, is one of the challenging dilemmas in ethics, which we discussed on the basis of philosophical and religious principles. According to the Red Crescent, all rescuers are responsible to provide immediate and emergency services for the injured even if they are guilty of crimes.

The essential dignity of mankind as a philosophical principle implies that rescuing the injured is an obligation whether or not they are criminals.

This principle has its roots in Islamic teachings, and many classical Muslim philosophers have stressed on it as well. According to the Qur'an, man is the vicegerent of God on the earth, he is honored and provided by God with all good things, and he is given an advantage over many creatures. Also, in traditions, the equal nature of people and the necessity to look at them with mercy is stressed.

References

Cohen M. 2007. *101 Ethical Dilemmas*. New York: Routledge.

- Ja'fari M. T. 2007. *Majmu'a Maqalat wa sukhanraniba-yi bayn al-milali*. Qom: Mu'assisa Tadwin wa Nashr Athar 'Allama Ja'fari.
- Mahini S. 2007. *Mabani wa ulgu-yi akhlaq hirfib-i dar Nahj al-balagha*. Tehran: Nashr Pajuhishkadih Mutali'at Farhangi Ijtima'i.
- Mutahhari M. 1989. *Insan dar Qur'an*. Qom: Sadra Publication.
- Qaramaleki, A. F. 2008. *Sazmanba-yi Akhlaqi dar Kasb wa Kar*. 3rd. Tehran: Majnun Publication.
- . 2007. *Tabwilinigari mani' tarwij akhlaq hirfib'i*. Tadbir.
- Sayyid Radi. 1995. *Nahj al-balagha*. Translated by Dr. Ja'far Shahidi. Tehran: 'Ilmi Farhangi Publication. Tabataba'i M. H. 1989. *Al-Mizan fi tafsir al-Qur'an*. Tehran: Bunyad 'Ilmi Fikri 'Allama Tabataba'i.