

# ORIGINAL ARTICLE

## Health and Medical Regulations in Iranian Law: Pre-Islamic and Contemporary Era



### Abstract

The present study aims at finding the origins of health and medical regulations in ancient Iran by reviewing some current regulations regarding these topics. The central question of this study is whether there is a significant difference between the current health law and medical regulations with pre-Islamic health and medical rules?

Since the medical profession deals with the individuals' body, mind, and spirit, and as healthcare is among the primary principles of Zoroastrianism, several practices of medical doctors of ancient Iran have been mentioned in Avesta and other Zoroastrian texts.

Zoroaster emphasized the purity and sanity and exerted significant efforts to ratify rules and regulations in the medical field for the good of the patient. Vendidad contains different topics concerning the health issues; the Avestan text deals with the principles of medicine, medical system, patients' rights, physicians' competency, the relation between crime and illness, abortion, and medical ethics as well as the punishments for medical errors. Another ancient book, "Denkard" – belonging to the same era – has also addressed the critical issues found in health laws.

This article will review health and medical-related regulations regarding some challenging topics (such as the importance of health legislation, physicians' duties, abortion and euthanasia) in the pre-Islamic period, using an interdisciplinary and descriptive-analytical methods, and compare them with those in the contemporary era.

Mina Hosseini<sup>1</sup>   
Shadi Ganji<sup>2</sup> 

1- Ph.D. in Private Law, Assistant Professor, University of Science and Culture, Tehran, Iran

2- Ph.D. in Archaeology, Independent Researcher, Tarbiat Modares University, Tehran, Iran

### Correspondence:

Shadi Ganji  
Ph.D. in Archaeology, Independent Researcher, Tarbiat Modares University, Tehran, Iran

shadiganji84@gmail.com

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This study shows that some standards and challenges have remained untouched from the pre-Islamic to the contemporary era.

**Key words:** Iran, Health ,Regulation, Pre-Islamic, Medicine, Abortion, Euthanasia

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## Introduction

To study the history of law in human societies, we can go as far back as to the time when those laws were recorded; however, this does not mean the social rules and their inscriptions are of the same age. The history of legal issues dates back to the onset of organized human societies. However, the initial stages have been buried under the shadow of pre-historical eras, and we can refer to assumptions and theories about the very first days of the formation of human regulations (Westbrook, 2003, p. 1).

In the present article, having taken a legal-medical-historical approach and having investigated the historical and legal texts, we have tried to compare different health and medical regulations in the pre-Islamic Iran with current law-making views in this legal system.

To find documents related to this subject, in the databases of Google, Google Scholar, PubMed, HeinOnline, Westlaw, some keywords have been searched for, namely, the history of law, health regulations, medical history, medical regulations, Denkart, Zoroastrian, Zoroaster, Iran medical history, Vendidad, physician's responsibility, abortion, euthanasia and medical ethics. In civil law, medical law and historical books, the relevant keywords have been explored. The criteria for selecting books and articles comprise thematic relevance. Also, by referring to the set of rules and regulations related to health and medical law issues, the keywords mentioned above have been searched and examined.

This research has five sections: first, it explores the background of early health and medical regulations in Iranian law, followed by studying the importance of setting health and medical regulations in past and present. The next sections review the regulations regarding physicians' duties, such as those involving abortion and euthanasia, and finally, it presents a conclusion based on the findings.

## Background of Early Health and Medical Regulations in Iranian Law

The earliest writings discovered in modern Iran belong to the Elamites and the third millennium B.C. These texts, which generally dealt with economic and political issues, did not refer to medical law. The manuscripts discovered in Mesopotamia -adjacent to Elam- belonging to the same era, contain the oldest rules and regulations of the human-kind. There is a possibility that during the Mesopotamians' political dominance over the Elamites, the conquered regions of Elam -the present-day Khuzestan and Fars provinces of Iran- were ruled by foreign laws and regulations. The inscriptions of the Elamites epigraphs belonging to the 1670-1650 BC show "the Babylonian king's rightful ways". It suggests the possibility that the famous Code of Hammurabi was applied throughout Elam, or could be used as a supplement to the local rules and norms. A basalt stele, remaining from the Elamites era, shows an unknown sovereign sitting on a throne in front of the Solar Deity; it resembles the Hammurabi stele. (Hinz, 2000, p. 188).



The numerous commonalities between Hammurabi's rules and the regulations in Iran, even in the later eras, have raised the possibility that the ancient civilizations residing in present-day Iran were familiar with the Hammurabi Code (Ravandi, 1989, pp. 427-438).

The Code of Hammurabi is a well-preserved code of law enacted by the sixth Babylonian king, Hammurabi, and dates to about 1750 BC. Nonetheless, researchers believe that these patterns are likely to be adapted from the Sumerian traditions and rules (third millennium B.C.) before Hammurabi. Furthermore, the similarity between the Code of Hammurabi and the more ancient epigraphs, such as Urukagina laws, dating back to about 2400 BC (Eder and Renger, 2006, p. 12) and the Law of Eshnunna, dating back to about 1770 BC (Roth, 1997, pp. 57-75), strengthen the hypothesis that Hammurabi's Codes would not initially be enacted by him; they would not be a revision of older laws, either.

However, there are some differences between the Hammurabi Code and the preceding regulations, the most radical one comprising the domain of implementation of the Hammurabi Code in the Middle East and employing stricter penalties for some crimes. Nine articles of the Code of Hammurabi focusing on health and medical regulations have been elaborated.

The most ancient inscriptions found in Iran about health and medical issues and their pertaining laws are a part of Avesta, called Vendidad. Avesta is a collection of Zoroastrianism's religious texts composed of 21 Nasks (books) in ancient days. Only five Nasks have remained today, one of which is Vendidad (Christensen, 2016, pp. 121- 395).

Vendidad is driven from the Avestan language word "Vî-Daêvô-Dâta", meaning "Given against the Daevas (Demons). (Rose, 1867, p. 56).

The inscription is one of the last parts of "New Avesta," which some researchers consider as thoroughly different from its other parts; it shows customs and law-makings of eastern Magi Priests in Zoroastrianism and the earlier religions of the western Iranians. Based on the Zoroastrians' religious texts, this part of the New Avesta was the 19th Nask of the Nasks in the Sassanid Era, composed of Datik Nasks, together with the other six lost Nasks. They cover the global science, law, and actions and discuss legal issues as well.

Some researchers, like Arthur Emanuel Christensen, assume that the authorship and edit of Vendidad date back to the Parthian Empire (Christensen, 2016, p. 121), while others argue that they date back to Sassanid Era. However, many researchers, considering its writing style, along with some grammatical mistakes and imitations compared to what was inspired and imitated by Yashts and hold that the authorship and edit of this part are more recent than that of its other sections (Pourdavoud; 1999, pp. 35-42).

The "Denkard" is another essential book of Zoroastrian dating back to the 10th-century. Denkard, named "the encyclopedia of the Zoroastrian religion", has also addressed the critical issues of health law. In the third book of Denkard, some medical issues have been taken into account, including medical ethics, characteristics and the responsibility of a good physician, and the relationship between health and illness. (Shaki, 1981, pp. 114-116; Hinnells, 2017, p. 600)

### **The Importance of Setting Health and Medical Regulations in Past and Present**

Lawmakers have long debated setting health rules and medical regulations since an-



cient times. The number of such regulations depends on the level of priority the society put on health matters. The rule is also employed in different societies, and modern lawmakers face similar challenging health issues.

The more the religion, norm, or culture of a nation emphasizes hygiene and health-related matters, the more strictly the lawmakers stress implementing the rules. Many authors and historians believe that in ancient Iran, and with the implementation of Zoroastrian rules in the Sassanid era, public health rules were of high importance. It can be readily perceived from the sanctions in health rules in Zoroaster's religion.

Excerpt 15 from Yasna 68 clearly illustrates this importance:

“And I pray ...for healthfulness and healing. And I pray for it with my blessing for you pious men, for all. And I pray for him who is saintly with (true) goodness, whosoever he may be, between heaven and the earth, for a thousand healing remedies, and for ten thousand of the same”. (Geldner, 2000, p. 66).

In Zoroastrian religion, the physical and spiritual health was always underlined, and a collection of rules was advised for keeping up with the health matters. In Sassanid Era, some laws related to observing public health were passed to prevent the spread of diseases throughout the society. The laws covered different topics, including environmental hygiene, marital relations, sexual affairs, ecological pollution, quarantining the patients, burying the corpse, etc. In ancient Iran, people believed that personal hygiene was associated with clean earth and sky. According to Zarathustra, water, soil, fire, and plants should not be polluted and those failing to observe hygienic rules would be punished spiritually. (Afifi, 2012, p. 72).

Fargard 58 of “the book of Arda Viraf” says: “This is the soul of that wicked man who, in the world, often washed his head and face, and dirty hands, and other pollution of his limbs, in large standing waters and fountains and streams, and distressed Khordad the archangel” (Afifi, 2012, p. 72).

Accordingly, as corpses were considered impure, strict rules were applied to burying the dead people. People were not allowed to pollute the sacred items via burning the corpus or throwing it into the water. The healthy measures taken toward dead bodies included: leaving a dead body in off-the-beaten-track areas, whose flesh being picked by the vultures; drying the bones under the sunshine; and quarantining people who were exposed to the corpses. (Shams Ardakani et al. 2014, p. 48). Also, in Vendidad's seventh Fargard in paragraph 58, graves and Dakhmas are described as:

“Until leachate exists in those Dakhmas, the demons are joyous there. The Dakhma leachate originates from a hot flash, fever, infectious liquids, weakness, rickets, and untimely hair graying disorders. There, from night to dawn, death has the most powerful dominance and strength over the people”. (Dustkhah, 2003, pp. 740-741).

Today, in modern legal systems, there are numerous laws and regulations about environmental hygiene, including measures taken to reduce soil, water, and air pollution, quarantining the ill, burying the dead people, to name just a few. In this regard, the nature of health challenges has not changed but has only become more complicated and frequent. Since ancient times, the human being always knew that inappropriate ambient hygiene comes with diseases. The “demons' joy” of the leachate can be interpreted in today's world as the detrimental effects of environmental pollution on human lives.

Following the international arena's environmental changes, especially the 1972 Stock-



holm Conference (Report of the United Nations Conference, 1972), many countries have emphasized ecological protection in their constitutions. Article 50 of the Islamic Republic of Iran's Constitution is one of the most important laws in the Iranian legal system taking this issue into consideration. Linking economic development to the environment, identifying the universal right to a healthy environment, considering individuals responsible to strive to create and maintain the environment, paying attention to future generations, and their right to grow in a healthy environment, suitable for sustainable living, are considered in this principle.

Article 1 of The Environmental Protection Law (1973), one of the Iranians Act in this regard, considers the conservation and improvement of the environment a public duty. This law consisting of 21 articles specifies rules and measures for protecting and managing the environment. The objectives of this Act include the protection and improvement of the environment. According to Article 21 of the Environmental Protection Law, the promotion of environmental education and the formulation of standards for improving environmental quality are emphasized.

Other laws existing in Iran's legal system about ambient hygiene are enumerated as follows: "The Eatable and Drinkable Material, Pharmaceuticals and Cosmetics Products Law (1968), the "Tazirat Code for Health and Medical Affairs" (1989), some articles of "the Islamic Penal Code "(2013), "Waste Management Law" (2004), and environmental hygiene directives. For instance, article 688 of the Islamic Penal Code deems every action threatening public health as a crime worthy of punishment. The aggressive actions include polluting freshwater or distributing polluted drinking water, unhygienic disposal of human and livestock waste, pouring toxic material in rivers, littering in roads and unlicensed slaughtering of animals, illegal use of untreated wastewater or the wastewater from wastewater treatment plants for agricultural activities.

Article 3 of the Air Pollution Prevention Law, passed in 1995 (Amended in 2004) and the executive regulations on preventing noise pollution approved in 1999 are among the most critical laws currently applicable in the Iranian legal system. Article 9 of the Environmental Protection Law, enacted in 1973, stipulates: "It is prohibited to take any action that causes environmental pollution".

Reviewing these laws, we understand that the main weakness of Iran's legal system in protecting the environment is lack of particular Act regarding the environment with the guarantee of adequate remedies as well as lack of attention to the sources of various pollution, such as environmental pollution as well as noise and air pollution (Ahmadi, Khosroshahi and Shamloo, 2018, p. 53).

Iranian lawmakers' views on health issues in the past appear to have been much more stringent than they are now. Many believe that health and medical laws and regulations in the Iranian legal system are inadequate, outdated, and ineffective. (Hosseini, 2017, pp. 70-82).

### **Regulations Regarding Physician's Duties**

According to some authors, the first person who was able to cure his pain as well as others' pain was considered as the first physician (Najmabadi, 1979, pp. 10-1). From that time on, the physician's essential duty was to treat the patient and serve him; the task was so important that the physician's negligence would result in his own and sometimes his



family and relative's punishment. (Abbasi, 2010, p. 25).

With regards to physicians' duties in ancient Iran, there are few documents revealing that medical doctors shouldered a vital role in old times (Katuziyan, 2011, p. 15). Criminal and civil liabilities were not differentiated in the past. In other words, actions that nowadays bring contractual and non-contractual remedies were followed by severe punishments in the old days. Punishment usually involved paying for the losses to the victim, as is the case of Diya (lit. blood money) in the Islamic Law.

Whether the physicians hold a contractual or non-contractual liability toward their patients is still an unsettled issue though many Iranian jurists, such as Professor Katuziyan, who consider such responsibilities a contractual civil liability (Katuziyan, 2008, pp. 160-161).

The Code of Hammurabi enforces strict rules on physicians' responsibilities. For instance, if an operation for opening an abscess leads to the patient's death, the doctor's hand shall be cut off. If the deceased man is a slave, the physician ought to provide the owner with another slave. According to Hammurabi Code 218: "If a physician operates on a man for a severe wound with a bronze lancet, leading to the death of the patient; or if the physician opens an abscess (in the eye) of a man with a bronze lancet and destroys the man's eye, his hand shall be cut off" (Abdi, 1998, pp. 58-68).

Code of Hammurabi includes a wide gamut of penalties for incorrect treatments that range from minor retributions for mistreating commoners to harsher punishments for mistreating noblemen. The level of punishment was related to the patient's social status. Documents show that doctors in Ancient Rome – Iran's neighbor – were also liable for their conduct, and the Roman doctors violating the medical regulations were obliged to compensate for their errors. (Daryabari, 1997, p. 127).

The part "leads to the death of a patient" in Hammurabi Code 218 indicates that the physicians' liability at that time was perhaps based on the theory of negligence. Hence, it can be said that Iran's medical law regarding the physicians' responsibilities has not undergone any significant changes. The newest article of Iran's legal system over physicians' liabilities (article 495 of Islamic Criminal Code, approved in 2013) states that "when a physician's treatment leads to the death or bodily injury of a patient, he should pay the blood money unless he has operated according to the medical and technical regulations or he has gained the patient's acquittal and has not committed negligence". Besides, if the acquittal is not valid because the patient is minor, insane, or unconscious at the time of admission, then, the patient's guardian can give the acquittal. Note 1 of Article 495 says that if the physician has not made any error, there will be no commitment to him even if he has not gained any acquittal. Note 2 of Article 495 says that a guardian includes a specific guardian, such as a father, or a general guardian, who is Iran's Supreme Leader. In the absence or non-availability of a specific guardian, the head of the judicial branch, with the permission of the Supreme Leader and delegation of authority to the relevant prosecutors, may give a patient's consent to a medical doctor) (Safai and Rahimi, 2017, p. 122).

From this article, it appears that the physician is primarily responsible for the damage caused to the patient unless his innocence is proven or he is acquitted; therefore, the physician is exempt from liability if he or she has not committed an offense. It is not necessary to prove guilt in some way, but the doctor can prove his innocence. For example, he



has to verify that he has fully complied with medical regulations and technical standards and has not committed any carelessness. If the doctor has been acquitted by the patient or the patient's guardian, the burden of proving the fault lies with the injured party (Safai and Rahimi, 2017, p. 162; Mahdavi Sabet, et al, 2020, p. 46). Historians believe that based on Vendidad, the guilty physicians were put on trial in a special court, and were banned from their profession and sentenced to specific financial and legal punishments. Although Vendidad only refers to Kard-Pezeskhs [surgeons], it seems that the same medical law applied to all physicians across the country (Khodadadiyan, 1977, pp. 6374). Particular judgments on whether or not the physicians were guilty and the existence of special courts to deal with such issues show that lawmakers – despite the strict rules over doctors' performance – did not believe that malfunctions were due to the doctor's errors and a physician had the chance to prove not guilty during a hearing.

During the Sassanid Empire, physicians had to take an exam and operate on three worshippers of Daevas to gain a work permit. Clauses 36 to 39 in Chapter 7 of Vendidad state refer to this issue:

“O Maker of the material world, thou Holy One! If a worshipper of Mazda wants to practice the art of healing, on whom shall he first prove his skill? On worshippers of Mazda or worshippers of the Daevas? Ahura Mazda answered: ‘On worshippers of the Daevas shall he first prove himself, rather than on worshippers of Mazda. If he treats with the knife a worshipper of the Daevas and he dies; if he treats with the knife a second worshipper of the Daevas and he dies; if he treats with the knife for the third time a worshipper of the Daevas and he dies, he is unfit forever and ever. Let him, therefore, never attend any worshipper of Mazda; let him never treat with the knife and worshipper of Mazda, nor wound him with the knife. If he ever attends any worshipper of Mazda, if he shall ever treat with the knife any worshipper of Mazda, and wound him with the knife, he shall pay for his wound the penalty for willful murder. If he treats with the knife a worshipper of the Daevas and he recovers; if he treats with the knife a second worshipper of the Daevas and he recovers; if for the third time he treats with the knife a worshipper of the Daevas, and he recovers; then he is fit forever and ever’”. (Dustkhah, 2003, pp. 736).

These clauses prove that back then, just like modern times, one had to meet demanding criteria to enter the medical profession; these circumstances justify the physicians' high responsibility although such tests are nowadays considered inhumane and against human rights. The strict punishments over medical errors throughout history indicate the significance of this profession and the liability of physicians towards patients in all eras.

### **Regulations Regarding Abortion**

Abortion, the issues as old as the history of human civilization, is one of the consequences of reproduction and fertility in human societies. With thousands of years passing since abortion was first proposed as an option, there is still no concordance, in this regard, among different countries' laws and regulations (Asman, 2004, p. 73; Mon, Milner, and Kavanagh, 2019, pp. 1-9; Faundes et al., 2019, pp. 1-2). Different nations have set various rules for abortion based on their religions and specific social criteria to control society throughout history. It seems that laws about the prohibition of abortion in ancient times aimed to preserve families and maintain population growth.

In the Code of Hammurabi, hurting a pregnant woman and her fetus is considered a



criminal act. Based on the Code, if the damage only results in the fetus's death and the mother, a general, free (non-slave) woman, was not inflicted, the convict had to pay 10 Shekel of silver as the fetus' blood money. If the fetus belonged to a slave woman, the convict had to pay 2 Shekels of silver. But if the damage caused the death of both the free mother and her fetus, the convict would be punished by their daughter's death. Moreover, if the dead mother and fetus were slaves, the convict had to pay one-third of a silver Mina (Abdi, 1998, pp. 54, 68.). In his book, Riddle has mentioned a law from Assur, which is the oldest resource about punishing a mother who aborts her fetus. The punishment for such a woman was her crucifixion and deprivation from being buried. The interesting point is that the father has the right to kill their unwanted child. Therefore, no laws supported the lives of embryos as a living being, and the father has an absolute right to decide if his fetus is to be born (Riddle, 1994, p. 62).

Avesta has directly mentioned the abortion in Chapter 15 of Vendidad; if a girl or a woman gets pregnant by a man who is whether her husband or not, she should not abort her fetus due to society's embarrassment. If she does so, both the mother and father are equally guilty of deliberate murder and deserve appropriate punishment. (Dustkhah, 2003, p. 761-766)

The book also mentions an older woman, who knows tips of abortion and also knows some herbs inducing abortion, including hemp seed, Shaete (gold, a special kind of herb or yellow fluid), Ghane (some lethal material), Fraspat (something that rots fruits). Avesta considers the older woman's crime equal to the parents' sin since she introduces herbs that facilitate killing the living fetus. In Vendidad, the sinners' responsibility is underlined, but nothing related to the type of punishment is mentioned; therefore, the punishment is most probably equal to the penalty of the murderer. It is not known whether abortion was also prohibited in early pregnancy. Avesta says that ensoulment takes place four months and 14 days after pregnancy, but it does not comment on the prohibition of abortion during this early stage (Elgood, 2010, p. 28). Generally, the collection of Avestan laws suggest that in the Sassanid era, the fetus had the right to live just as any other individual in the society. Throughout the whole Sassanid era, the society was required to support the pregnant mother and her fetus to ensure she would not think of abortion due to fear that she could not handle bringing up her baby.

In contemporary criminal law, most countries have one of two approaches to criminalizing or decriminalizing abortion. The existing religious rules and regulations influence Iran's legal system in Imami Shi'i jurisprudence, and according to Iran's criminal acts, abortion is considered a crime in most cases. However, in exceptional circumstances, abortion is permitted.

The Act of medical abortion ratified in 2005 maintains the provisions under which abortion is deemed legal, including Article 1:

"Medical abortion is permitted before the ensoulment (4-month-old fetus) by a specific diagnosis of three specialist physicians and the confirmation of the Legal Medicine Organization that the ill-condition, mental disorder or retardation of the fetus causes prostration or health hazards for the mother. In such a condition, abortion is permitted, and no punishment or responsibility is set for the mother or the physician. The set penalties will punish those breaching the law by the penalties assigned in the Islamic Criminal Law". (The Therapeutic Abortion Act of 2005, passes by the Iranian Parliament.).





If the fetus is aborted deliberately, the Islamic Criminal Code (ratified in 2013) specifies a different penalty for each growth stage of the fetus. The article 716 focuses on the fetus' blood money. However, some of the articles in the Islamic Criminal Act (1996), which are specified to abortion, prevail and are not revoked by the ratification of new laws. Articles 623 and 624 are among such materials. Article 623 states: "abortion through taking spices and some tools" and "intentional practice of such ways," are punished by three to six months of imprisonment.

The article says that even if abortion is done to protect the mother's health condition, she is not exempted from the punishment. The only alteration is that the imprisonment punishment turns into paying the blood money. In the article 624 of the law, as mentioned earlier, a hefty penalty is set for parents or physicians illegally doing an abortion. The article says if a doctor, obstetrician, a drug store or other people tend to provide material for or encourage the parents to abort their baby, they will be punished by two to five years of imprisonment and should also pay the blood money based of the regulation (Abbasi, Gooshki and Allahbedashti, 2014, p. 72).

As seen, the right to live for the fetus and the punishments for abortion in ancient and modern Iran do not differ much. In both eras, the topic has been one of the most critical challenges facing lawmakers and the country's legal and medical society.

### **Regulations Regarding Euthanasia**

The word euthanasia, which has its origins in the Greek language, means a good death or a painless death. From a semantic point of view, euthanasia is an "intentional ending of life to relieve intractable suffering" (Eslami Tabar and Elahi Manesh, 2007, p. 11). In Greece and ancient Rome, Euthanasia was an acceptable action. Socrates and Plato supported the idea, but it seems that Hippocrates was against it (Mystakidou et al, 2005, pp. 97-98).

Euthanasia is divided into voluntary, non-voluntary, and involuntary, which can be active or passive (Finnis, 1995, pp. 23-35). In some countries, the term "passive euthanasia" is replaced with "Therapy Withdrawal (T.W.)". In T.W., the physician acts as a mere observer while the disease advances and ends the patient's life" (Gutierrez-Castillo et al, 2020, p. 2).

The most critical arguments in favor of euthanasia are the severe pain of incurable patients, the right to life and death and the patient's autonomy, and the respect for human dignity. Opponents of Euthanasia believe that if euthanasia becomes legal, the potential for abuse will be given to health care providers. Life expectancy will be lost, and society's sensitivity to death will reduce. (Mahmoodian et al, 2009, pp. 17-20.)

There is no evidence confirming that euthanasia has been accepted in the society in ancient Iran. At that time, Iranians believed that physicians should put all their ability and scientific expertise to save patients' lives. Every kind of delinquency by the physicians would face legal and moral responsibilities. Therefore, in such a historical ground, euthanasia could not be accepted.

In ancient societies, even suicide was deemed a crime; the first attempts to exclude suicide from the criminal laws dated back to 1791 B.C. The law, which was passed based on the individuals' ownership of their lives and souls and inspired by the French Revolution's principles, created the ground for many countries to eliminate penalties for commit-



ting suicide. However, stimulating, promoting, and publishing notices for suicide were considered crimes and came with punishment in many countries ( Golduziyan, 2005, pp. 158-159). At present, although committing suicide is not deemed a crime in Iran's law, euthanasia, in line with a significant number of countries, is considered against the law. One cannot infer from Iran's current laws and regulations that the Iranian lawmakers intend to permit euthanasia. Hence, the criteria of the Iranian lawmakers over suicide have not changed since the past. Iran is one of the countries whose legislators have adopted a passive view of euthanasia, and the legislator's precise position regarding euthanasia is not clear (Hejazi et al, 2017, pp. 2-3.).

### Conclusion

Having studied health and medical regulations in pre-Islamic Iran and compared them with those in the country with modern legal system, we have found that a number of challenges of this field have been common in the past and present, and human societies have always been seeking proper ways to tackle such concerns.

The focus on medical and health regulations, especially in the Zoroastrian books, indicate the importance of personal and public hygiene in those eras. In these books, legal issues, such as physicians' liability and abortion, were discussed, and great importance was attached to the medical doctor's ethics, besides their expertise. The punishments for guilty physicians, which were sometimes not proportionate to their crimes, also show the importance of these professionals' responsibilities in different eras.

A comparison between the policymakers' criteria in the pre-Islamic and contemporary Iran shows that despite the public beliefs, many standards (regardless of their apparent differences) have remained intact throughout the history. For instance, the theory of negligence has been embedded in the physicians' liabilities in both eras; this shows the similarity in criteria. The importance lawmakers attached to the fetus and the ban on abortion and their silence toward euthanasia are other examples of similar health and medical regulations in ancient and modern Iran.

The findings of this study show that the medical and health regulations in Iran need to be updated to keep up with the latest developments in medical science and legal standards globally and provide the most exceptional support to patients and consumers of health medical services.

The ancient lawmakers' considerable experiences should enlighten us to identify the strengths and weaknesses of the legal system to improve the medical rules and regulations further.

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