

Toriyeh: the Way of Escaping from Telling Lies to Patients

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Abstract

Background and Objectives: Toriyeh means concealing real intention of speech using its parallel and common words so that the listener constructs from speaker's speech a meaning what he/she meant. The purpose of this research is studying jurisprudential dimensions of toriyeh in order to clarify its distinction from lying and related jurisprudential commandments by explanation of the most important discussions about toriyeh.

Methods: This research was conducted via library method using verses, narratives, jurisprudence sources and decrees by religious authorities.

Results: two types of toriyeh were found, First type: Speaker's intention is a meaning opposed to outward meaning, but the listener understands the outward meaning that is not the speaker's intention. Second type: the speaker's intention is the outward meaning but the listener misunderstands due to his mental moods. Some of the contemporaries regard the first type as forbidden and they regard the second type to allowable

Conclusion: Toriyeh is not equivalent in the meaning with lying and jurists have mentioned narrative-based reasons to prove it. Therefore, in cases of emergency in which man is allowable to tell lie for removing inevitable loss he should use toriyeh as much as possible, and not tell a lie. Of course, toriyeh in the first sense is permissible and if a forbidden thing is conformed to it as a subordinate, it will lose its legality.

Keywords: Common Word, Lie, Subordinate, Toriyeh, Truth Telling.

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Introduction

Physicians and other personnel, who represent health services, stand in a situation in which they should choose an option to answer patients' questions. Telling the truth and waiting for the undesirable possible outcomes and telling a lie. It is obvious that telling a lie is forbidden in Islam, but telling the truth isn't obligatory either. With regard to telling a lie to patients, the authors of "telling a lie to a patient with good intention". have well explained cases

in which it is permissible for us to tell lies to patients (1). Since Islam is the most perfect religion and has provided conditions for human beings to avoid committing indecent deeds and speech as well as progress towards perfection as far as possible, it has also junctions in this regard commanding us to avoid telling lies as a moral wickedness as much as possible. toriyeh means concealing the real intention of speech using its parallel and common words so that listener constructs from speaker's speech a meaning which is not his/her meaning. But is it true that

for example a patient asks his physician if he has hepatitis and the physician answers "No" and his meaning is that the patient doesn't have diabetes or the patient asks whether that is chemotherapy drug and he (physician) refers to another drug and says this is not chemotherapy drug?

A person who is HIV positive and his wife asks: "Is my husband affected with HIV?" and the physician knows that if the wife knows the reality she will separate from her husband, he can possibly answer "No" and explain that this person hasn't yet entered into the AIDS stage yet. Are not these a kind of deceit and telling a lie? Won't the approval of using toriyeh lead to the spread of telling lies under the pretense of toriyeh? Doesn't the tradition regard toriyeh as a lie and the user of toriyeh as a liar. As such, this research aims to investigate jurisprudential dimensions of toriyeh to explain some of the most important discussions about toriyeh and to clarify its distinction from lying and related jurisprudential commandments.

Methods

This research was conducted through the library method. Data were gathered from verses, narratives, jurisprudence sources and religious authorities' decrees. Having explained the concepts theoretically and basically, the researchers try to analyze data and finally express judgment on toriyeh.

Results and Discussion

A) Scientific Discussions

1. The literal and terminological definition of Toriyeh

Toriyeh, rhyming with (Tousiyeh) , literally means concealing the reality of a piece of news and revealing other than it (2). According to Sheikh Mortaza Ansary's opinion, the terminological definition of toriyeh has been explained in the book of Makaseb as following: toriyeh means the speaker uttering something which is in accord with a reality, but the purpose of the speaker is such that the addressee finds its opposite (3).

The point whether toriyeh is a lie or not is one of the issues which has been discussed in jurisprudence. A group of great jurists including Sheikh Ansary believe that toriyeh is not a lie.

Traditionally, it is not true we regard toriyeh as a lie . Islamic narratives don't attribute lying to it, either, but in some of narratives the attribute of lying has formally been negated of it (4). A discussion that is necessary to be advanced here is that considering this general judgment if toriyeh spreads out in society, what corruptions will follow it. Undoubtedly, spreading toriyeh causes misuse and also ruins confidence among personnel representing health services and patients. For this reason, it is essential that toriyeh be considered in detail

2. Types of toriyeh

Toriyeh can be divided into two types (4):

First type: Speaker's intention is a meaning opposed to outward meaning, but the listener understands the outward meaning that is not the speaker's intention. For example when listener hears: "I haven't eaten bread today" according to the appearance of the word he figures out that speaker hasn't eaten bread throughout the day and he doesn't find out that the speaker's intention is at sleep or prayers time. As the speaker's intention was that he hadn't eaten bread at sleep .

Second type: the speaker's intention is the outward meaning but the listener misunderstands due to his mental moods. Naturally, the speaker knows the addressee's state that chooses such sentence in toriyeh. This itself is of two types:

a) Sometimes a sentence is uttered in such a way that it has both meanings and the appearance of the both meanings is equal, for example someone is asked whether he has said that word and he answers negatively and his intention of the word "Ma" is relative "Ma", but the addressee gets it as negative "Ma". Without any indication it isn't determined whether "Ma" is negative or relative. Then, according to the speaker's real intention the meaning of the sentence is: "God knows what I have said", but the addressee understands "God knows that I haven't said that word".

b) Sometimes, the speaker's intention is the same outward meaning but the listener, on his mentalities, understands inward meaning. For example a person asks whether somebody is at home and speaker answers: "he isn't here" while

he is referring to an empty place, but the listener takes it to be that he isn't at home.

3. Toriyeh Judgment

Some of the contemporaries regard the first type as forbidden, in which the speaker's intention is a meaning opposed to outward meaning, but the listener understands the outward meaning which is not the speaker's intention- and they regard the second type to allowable (5).

Ayatullah Makarem Shirazi has explained toriyeh and presented a general rule saying: "when the word has two meanings in literal and common usage, but the addressee's mentalities adapt it with a special meaning while the speaker's intention is another meaning, such a toriyeh isn't a lie. It is when a common word is used and the listener's mentality notices a meaning while the speaker's intention is another meaning. For instance Hajjaj asked Saeed ibn Jobeir: "what is your opinion about me?" He answered: "I believe you are 'Adel'." Associates got happy. Hajjaj said: "he, with this word, issued my blasphemy sentence." Because one meaning of "Adel" is breach of right to false! But if word has only one meaning in literal and common usage and the speaker leaves it and has in mind unreal meaning, without mentioning any indication of the unreal meaning, such a toriyeh is undoubtedly forbidden, and there may be different views gathered among jurists (4).

By a little reflection it can be known that the first type of the division is traditionally a lie, but in the second type in which the person has said a double-edged word and the addressee himself has misunderstood it, granting the title 'untruth' to it does not hold valid. For one of avoiding telling the truth is to use double-edged words. This doesn't assign any responsibility to him, for if its opposite is discovered he can claim that he has used ambiguous words. Additionally, it is considered to be escaping from truth telling which is traditionally accepted. Another point is that recommending this type of toriyeh will not be a pretext for spreading deceit because the possibility of such a toriyeh is very low, unlike the first type of toriyeh if it is recommended, it will spread deceit (5).

A point to be emphasized here is that although the general concept of toriyeh lies outside the category of lying and from this viewpoint it isn't forbidden, if a corruption occurs by toriyeh, it is prohibited. Ayatullah Tabrizi has said "Yes, if another forbidden thing is matched with toriyeh such as fraud and the like, in that case toriyeh is forbidden" (6).

For example, when a customer demands Iranian rice but the seller puts foreign rice in front of him and refers to gunny containing Iranian rice in it and says this is Iranian rice, but customer thinks the same rice that he has recently put in front of him is Iranian rice. Here seller's word is toriyeh and right but this toriyeh implies fraud and thus it is forbidden.

Ayatullah Tabrizi in removing a difficulty in this case with the theme that the criterion of being unlawful lie is that the addressee makes a mistake by telling a lie and this is also the criterion of toriyeh- has said: "It is not obvious that it is the criterion of being unlawful lie, it maybe that somebody tells a lie to his addressee but he is aware of that word being a lie. Here telling a lie by him is forbidden but it hasn't caused that addressee to make a mistake (6). Therefore since toriyeh isn't considered a lie, it is lawful. The reasons of lawfulness of toriyeh are:

1. Toriyeh is a word which the definition of lie doesn't hold true to it. Because with regard to toriyeh, the speaker intends the real meaning of his word, as the listener understands another meaning. While a lie is a word which its speaker intends unreal meaning of and the main reason of toriyeh is its topical departure from lying (7).
2. Narratives prove lawfulness of toriyeh. Of course in these narratives it has been argued that toriyeh isn't a lie. Here two narratives are explained:

*In a narrative, Abdullah ibn Bakir has quoted Imam Sadeq (PBUH) saying: it is asked of Imam Sadeq (PBUH) about a man in which a person asked him to enter but the man said his maid: "Tell him he isn't here (your intention should be an empty place of me)" Imam (PBUH) answered: "that's ok, this isn't lie" (8).

* The narrative of idols broken by prophet Ibrahim (PBUH). People asked him: "who has broken these idols?" and according to holy

Quran he answered: "The great idol has broken the idols if they speak." Imam Sadeq (PBUH) interpreted this verse so: "the great idol hadn't broken the idols and Ibrahim (PBUH) didn't tell a lie, either. It was asked "How?" Imam (PBUH) said: "Verily, Ibrahim (PBUH) had said, if idols speak, then the great idol has broken the idols and if they don't speak then the great idol has not broken them." "the idols don't speak and Ibrahim (PBUH) didn't tell a lie, either" (7).

The last issue is on necessity of the precedence of toriyeh over lying in emergency. Undoubtedly, as telling a lie is allowable in emergency, toriyeh is permissible, too. Of course jurists believe in that case a person has to make toriyeh rather than lying, as some don't believe in this necessity. As an indication of this expression, the decrees by Shiite religious authorities are that they are legal reasons for any follower. With regard to this issue, we refer to two decrees:

a) Ayatullah Vahid Khorasani says "...It is allowable a person tell a lie in order to remove loss from himself or a believer and thus he can even swear falsely, and telling a lie is also allowable for compromise among believers. For this, obligatory caution is to make sure that the conditions for toriyeh are not possible (9).

b) Ayatullah Makarem Shirazi says: "If telling a lie is obligatory as long as making toriyeh is possible it must be made until the word wouldn't refer to the meaning of a lie (4). There is no doubt about rational goodness of precedence of toriyeh over a lie (5).

B) Correspondence with instances of medical examples

Considering what was mentioned above, when a patient asks a physician whether Whether he is suffering from hepatitis, he cannot answer "No" while his intention is being affected with Diabetes. Because there is no indication to show the speaker's intention and this word is considered a lie in common usage. But when the patient asks the physician whether it is chemotherapy drug he can refer to another drug and say that is not chemotherapy drug. For if the patient is clever he can understand the physician's main intention and if he doesn't understand at that time he cannot call physician into account. Considering the illness period, the

physician can make toriyeh and say "NO" in answer to the patient's (transmitter of HIV virus) wife. But this answer may lead to transmitting HIV virus to the patient's wife and endanger her health. On the other hand, if this toriyeh isn't made, the couple may separate from each other. Here the importance of the two outcomes that is the possibility of transmitting the virus and the separation of a family must be compared and the most important be preferred between the two options. It is advisable that some procedures be suggested until none of these outcomes would be occur.

Conclusion

With regard to the above-mentioned issues, it can be concluded the best toriyeh said is the one which has both meanings and the likelihood of their appearance is the same (e.g using common words) and the speaker's intention is outward meaning but the listener misunderstands. Since toriyeh does not implicate the meaning of a lie and there are some narratives that confirm it, its lawfulness is certain. Therefore, when it is advisable that the patient shouldn't know about his illness and he requests the physician to represent more information, a physician, who is bound to tell the truth, can tell the truth using toriyeh, but in a manner in which the listener understands the other meaning. Of course, if a forbidden secondary title is matched with toriyeh, in that case it is forbidden. In an emergency case in which lying is allowable, it is advisable that toriyeh take the place of lying. It should be noted that to make toriyeh is a skill that all people don't have, for a person making toriyeh has to be a master in words and meanings and he must have egocentric power to be able to make out the real meaning with the addressee.

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