

Islam and Biomedical Ethics

with Mohammed Ghaly, "Islamic Bioethics in the Twenty-first Century"; Henk ten Have, "Global Bioethics: Transnational Experiences and Islamic Bioethics"; Amel Alghrani, "Womb Transplantation and the Interplay of Islam and the West"; Shoaib A. Rasheed and Aasim I. Padela, "The Interplay between Religious Leaders and Organ Donation among Muslims"; Aasim I. Padela, "Islamic Verdicts in Health Policy Discourse: Porcine-Based Vaccines as a Case Study"; Mohammed Ghaly, "Collective Religio-Scientific Discussions on Islam and HIV/AIDS: I. Biomedical Scientists"; Ayman Shabana, "Law and Ethics in Islamic Bioethics: Nonmaleficence in Islamic Paternity Regulations"; and Willem B. Drees, "Islam and Bioethics in the Context of 'Religion and Science'."

ISLAMIC BIOETHICS IN THE TWENTY-FIRST CENTURY

by Mohammed Ghaly

Abstract. Islamic bioethics is in good health, this article argues. During the twentieth century, academic researchers had to deal with a number of difficulties including the scarcity of available Islamic sources. However, the twenty-first century witnessed significant breakthroughs in the field of Islamic bioethics. A growing number of normative works authored by Muslim religious scholars and studies conducted by academic researchers have been published. This nascent field also proved to be appealing for research-funding institutions in the Muslim world and also in the West, such as the Qatar National Research Fund (QNRF) and the Netherlands Organization for Scientific Research (NWO). On the other hand, the article argues that contemporary Islamic bioethics is in need of addressing news issues and adopting new approaches for the sake of maintaining and improving this good health in the future.

Keywords: bioethics; environment; ethics; interdisciplinarity; interpretation; Islam; science; theology and science; *Zygon: Journal of Religion and Science*

On the 24th and 25th of June 2012, the international conference "Islamic Bioethics: The Interplay of Islam and the West" was organized in Doha, Qatar by the Qatar National Research Fund (QNRF) in collaboration with Georgetown University's School of Foreign Service in Qatar (SFS-Q), Qatar Faculty of Islamic Studies (QFIS), and Leiden University, The

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Netherlands represented by the Leiden University Centre for the Study of Islam and Society (LUCIS) and Leiden Institute for Religious Studies (LIRS). Besides the two keynote speakers, Tariq Ramadan (University of Oxford, UK and QFIS, Qatar) and Henk ten Have (Duquesne University, USA), the conference hosted fifteen other speakers including academic researchers, Muslim physicians, and Muslim religious scholars.¹ A selection of the papers submitted to this conference constitutes the corpus of this thematic section, “Islam and Biomedical Ethics.”

The idea of convening this conference originated when I, in the capacity of research consultant, joined the project “Islamic Medical and Scientific Ethics (IMSE)” (2009–2012), which was also funded by the QNRF. This project is a collaborative effort of two Georgetown University Libraries, the Bioethics Research Library (Washington) and the School of Foreign Service-Qatar Library (Doha). The main aim of the project was to produce a comprehensive collection of resources pertaining to Islamic perspectives in the broad field of bioethics (<http://engage.bioethics.georgetown.edu/imse>; <http://bioethics.georgetown.edu/collections/islamic/>). I proposed the idea of this conference because I am also busy with a research project at Leiden University, funded by the Netherlands Organization for Scientific Research (NWO), on the interplay of Islam and the West as reflected in the field of Islamic bioethics. The idea of the conference appealed to the IMSE team working in Doha (Frieda Wiebe and Ayman Shabana), their counterparts in Washington, DC (Doris Goldstein and Laura Bishop), and to the colleagues in the QFIS (Hatem el-Karanshawy and Muhammad Khalifa). All of them supported the proposal submitted to the QNRF.

MAIN BREAKTHROUGHS IN THE TWENTY-FIRST CENTURY

This conference and the papers published in this thematic section should be seen within their own context, namely “Islamic bioethics in the twenty-first century.” When Vardit Rispler-Chaim (Haifa University) wrote her pioneer work *Islamic Medical Ethics in the Twentieth Century*, she had to address the question if something like “Islamic medical ethics” exists at all. In the introduction of her book, Rispler-Chaim argued, “I claim that since there is an Islamic medicine which is based on Greek medicine but also on Qur’anic teachings and on the model set by the Prophet Muhammad in the Hadith, a fact revalidated today at international conferences of Muslims on Islamic medicine, there must also be an Islamic medical ethics which responds to the questions which Islamic medicine faces” (Rispler-Chaim 1993, 2). Rispler-Chaim also explained how difficult it was at this time to trace contemporary Islamic medical ethics because of the dearth of written material on the subject. Her book was based on sporadic fatwas gathered from Egyptian newspapers and periodicals, with special emphasis on the

1980s and 1990s. Rispler-Chaim also conceded that she was unable to cover some aspects of medical ethics, for example, experiments on animals or on human beings, genetic engineering, mental disorders, and aging. These “missing” elements, Rispler-Chaim explained, had to do with insufficient data in the Islamic sources she had access to at this time (Rispler-Chaim 1993, 3–6).

Against this background, one can argue that the discipline of Islamic bioethics experienced seminal developments in the twenty-first century. A series of international conferences, and the publications of their proceedings, managed to create a distinct position for Islamic bioethics, as an academic discipline, in mainstream Western scholarship. As examples, one can refer to “Medical Law and Ethics in Islam” held at the University of Haifa, Israel in March 2001, which resulted in the publication of *Islamic Ethics of Life: Abortion, War and Euthanasia* (Brockopp 2003), “Islam and Bioethics” at Pennsylvania State University, USA in 2006, which resulted in the publication of *Muslim Medical Ethics: From Theory to Practice* (Brockopp and Eich 2008), “Islam and Bioethics” at Ankara University, Turkey in 2010, which resulted in the publication of *Islam and Bioethics* (Arda and Rispler-Chaim 2012) and “Islamic Law and Bioethics” at Leiden University in 2011. A collection of the papers submitted to the last conference have already been accepted for publication in *Bioethics*, the journal of the International Association of Bioethics. Besides the aforementioned edited volumes, reputable publishing houses such as Springer and Oxford University Press also released monographs dedicated to Islamic bioethics (Atighetchi 2007; Sachedina 2009). As far as articles are concerned, the literature survey conducted in 2005 by Hasan Shanawani (Wayne State University School of Medicine) and Mohammad Khalil (University of Illinois) showed that Islamic bioethics has already become an integral part of the active discussions in the medical community. Their survey showed that dozens of articles related to Islam and bioethics have already become accessible via the popular search engine MEDLINE (developed and maintained by the United States National Library of Medicine). However, Shanawani and Khalil argued that Islamic bioethics can still be regarded as an under-researched field in the medical journals. They also raised critical remarks about the quality of the relevant articles published in these medical journals (Shanawani and Khalil 2008, 213–28). In the light of these developments, the question addressed by Rispler-Chaim in the twentieth century, namely whether the discipline of “Islamic bioethics” exists at all, started to be insignificant. The aforementioned IMSE project also contributed to the integration of Islamic bioethics into mainstream Western scholarship on bioethics. The main example here is the widely used *Bioethics Thesaurus*, which was developed by the Kennedy Institute of Ethics and was used to index BIOETHICSLINE from 1975 to 2000. At the hand of the material indexed by the IMSE project, new Islamic

ethics terms have now become integral part of the *Bioethics Thesaurus* (<http://bioethics.georgetown.edu/databases/bt/index.html>).

The dearth of available Islamic normative sources was also one of the main difficulties that faced Rispler-Chaim and other researchers who were eager to write on Islamic bioethics in the twentieth century. Rispler-Chaim spoke about the “detective” work that the researcher has to do in order to collect sporadic fatwas on issues pertinent to Islamic bioethics. The sporadic nature of these fatwas indicated that Islamic bioethics was also not yet a well-developed discipline in the Muslim world. This problem was also recognized by Muslim religious scholars such as the late Grand Imam al-Azhar, Muḥammad Sayyid Ṭanṭāwī (d. 2010). Ṭanṭāwī elaborated on this issue in his preface to the second edition of *Al-ahkām al-Shar‘iyya li al-a’māl al-ribbiyya* (Sharia-based rulings for medical practices), published in 1987 and authored by the Egyptian Aḥmad Sharaf al-Dīn, professor of civil law at Ain Shams University in Cairo. According to Ṭanṭāwī, the book was unique in its theme and approach and he argued that Muslims are in need of more books of this genre (Sharaf al-Dīn 1987, i). The twenty-first century witnessed significant breakthroughs in this respect. Monographs and edited volumes on Islamic bioethics were authored by authoritative Muslim religious scholars such as Muḥammad Na‘īm Yaṣīn, Muḥammad al-Ashqar, ‘Umar al-Ashqar, ‘Alī al-Qardāghī, Muḥammad Ra‘fat ‘Uthmān, and Yūsuf al-Qardāwī (Ashqar 2001; Ashqar et al. 2001; Qardāghī and Muḥammadi 2008; Qardāwī 2010; ‘Uthmān 2009; Yaṣīn 2000). Additionally, a great number of M.A. and PhD students in the Muslim world wrote dissertations on topics related to Islamic bioethics (e.g., Kilānī 2011; Mazrū‘ 2011; Shahri 2008; Qawāsīmī 2010). Also, charitable organizations such as al-Ṣundūq al-Khayrī li Nashr al-Buḥūth wa al-Rasā’il al-‘Ilmiyya (Charitable Fund for the Publication of Scholarly Researches and Dissertations) and Mu’assasat Sulaymān Ibn ‘Abd al-‘Azīz al-Rajhī al-Khayriyya (Sulaiman Ben Abdul Aziz Al Rajhi Charitable Foundation) funded the publication of some dissertations on Islamic bioethics (e.g., Aḥmad 2006; Shuwayrikh 2007).

With these developments, one can hardly speak of the dearth of Islamic sources anymore. On the contrary, the twenty-first century witnessed what can be called a process of “mass-production” concerning the normative sources on Islamic bioethics. If there is a problem in this regard, it will be *how* to find out about these studies. The aforementioned IMSE project is supposed to play an important role in guiding scholars. The project staff has already collected over 1,700 relevant written works and compiled them into a searchable database (<http://engage.bioethics.georgetown.edu/imse>). Thus, the academic researchers of today are in much better position than that of Rispler-Chaim and her colleagues in the twentieth century. They are now able to get an overall idea about what has already been written in this field. The situation has changed so drastically that Ayman Shabana,

IMSE Project Manager, is now leading a new project, also funded by the QNRF, namely the *Encyclopedia of Islamic Bioethics*.

FUTURE CHALLENGES

The cluster of papers published in this thematic section give an impression of some of the salient features of Islamic bioethics in the twenty-first century. In his article "Islam and Bioethics in the Context of 'Religion and Science'," Willem Drees already reflected upon the content of the papers which addressed specialized issues in Islamic bioethics. Thus, I will focus here only on the first and the final paper of this thematic section because they discuss Islamic bioethics *in relation to* two other fields of study, namely bioethics and "religion and science." To my mind, these two papers, which were already submitted to the aforementioned conference in Doha, demonstrate how Islamic bioethics in the twenty-first century will/should be interconnected with other disciplines outside the field of Islamic studies.

In his paper, "Global Bioethics: Transnational Experiences and Islamic Bioethics," Henk ten Have places Islamic bioethics in the context of contemporary bioethics. He argues that contemporary bioethics should not ignore the traditional concerns of medical ethics as introduced by the old Greek, Mesopotamian, Hindu, and Islamic civilizations. However, contemporary bioethics should address the new pressing questions and also develop new approaches. A significant part of the article is dedicated to the refreshing insights of the cancer researcher Van Rensselaer Potter (1911–2001), who was from the United States. According to ten Have, Potter was the first to introduce the term "bioethics" in print and was also the one who called for a new discipline that combines biological knowledge (*bio*) with the knowledge of human value systems and philosophy (*ethics*). This new discipline is characterized by compromises between individual interest and social good on one hand and between quality of the environment and the "sanctity of the dollar" on the other hand. Assuming the form of an interdisciplinary enterprise, it deals with human beings as part of nature, and has global interest in the sense that it is a unified and comprehensive system of ethics that is worldwide in scope. This new global bioethics, ten Have argues, should go beyond the focus on human beings as autonomous individuals. Instead, it needs to emphasize the interconnectedness of human beings on one hand and the interrelations between human beings and the environment on the other hand. He clarifies that recent epidemics such as mad cow disease and swine flu, which have threatened human health, have already demonstrated the interconnections between food production, the way we treat animals, and the environment.

Ten Have's remarks have clear bearing upon the supposed research agenda of Islamic bioethics in the twenty-first century. He holds that

contemporary Islamic bioethics has been concerned with the ethical issues raised by new scientific knowledge and technological interventions such as reproductive medicine, genetics, and organ donation. However, confronted with the growing and serious challenges posed by globalization, poverty, inequality, environmental degradation, hunger, pandemics, and organ trafficking, such “traditional” discourse is insufficient and thus should be complemented with a broader framework (ten Have 2013). Ten Have’s critique can also be explained with respect to Islamic studies. The greatest part of the contemporary Islamic discourse on bioethical issues has been focusing on the so-called “detailed rulings (*ahkām tafṣīliyya*)” in order to see if a specific medical practice (e.g., abortion, cloning, stem-cell research) is permissible or prohibited from an Islamic perspective. This “narrow” approach, which focuses on the branches of Islamic jurisprudence (*furūʿ al-fiqh*), can be effectively widened once the higher objectives of Sharia (*maqāṣid al-Sharīʿa*) are also accommodated and integrated in the field of Islamic bioethics. Through this proposed “wide” approach, Islamic bioethics will be able to tackle the serious challenges that ten Have mentioned in a much more effective way.

As part of global bioethics, ten Have also stressed the need to search for global ethical principles which focuses on the values that we share as human beings. This is also one of the topics that still need to be thoroughly investigated within the Islamic tradition (ten Have 2013). In his paper published in this thematic section, “Law and Ethics in Islamic Bioethics: Nonmaleficence in Islamic Paternity Regulations,” Ayman Shabana examines the applicability of the four bioethical principles (autonomy, justice, beneficence, and nonmaleficence) drafted by Tom Beauchamp and James Childress within the context of a specific issue, namely paternity. Also, the Centre for Islamic Legalisation and Ethics (CILE) based in Doha has recently organized a seminar on “Principles of Islamic Bioethics: Islamic Perspectives,” January 5–7, 2013. Tom Beauchamp, the co-author of *Principles of Biomedical Ethics*, engaged in discussions with a number of Muslim religious scholars and physicians in this seminar. The proceedings of this seminar are to be published by the end of this year.

In his paper, “Islam and Bioethics in the Context of ‘Religion and Science’,” Willem Drees starts with his own observation about the articles published in *Zygon: Journal of Religion and Science*. According to his survey, there have been more articles on Islam and bioethics than on Islam in any other context. Thus, it seems that the academics who write on Islamic bioethics see that “religion and science” is a suitable forum to present their ideas. Drees finds this is a puzzling observation because *Zygon* has paid but limited attention to applied ethics in general. The “religion and science” discourse, Drees explains, is more inclined to address scientific understanding (theories, worldview) and meta-ethical issues (the evolution of morality, the status of values) rather than medicine as a practice in human cultural

contexts. Why is the case different in the Islamic tradition? According to Drees, it may be that this particular subfield of “Islam and science” is one where connections to the general “religion and science” discourse are made most easily. Another possible clue to this puzzling observation, Drees adds, is the focus on the role of Scripture, rather than of reflection upon nature itself, in Islamic bioethics (Drees 2013). One may add a third possible explanation for this puzzling observation. The main participants in the contemporary discourse on Islamic bioethics are, almost exclusively, biomedical scientists and Muslim religious scholars. Thus, it is natural that each group demonstrates the significance of their discipline (“science” for the biomedical scientists and “religion” for the religious scholars) in this discourse. In my article published in this thematic section, “Collective Religio-Scientific Discussions on Islam and HIV/AIDS: I. Biomedical Scientists,” I try to highlight the significance of the contribution made by biomedical scientists in the Islamic bioethical discussions on AIDS (Ghaly 2013).

As a specialist in “religion and science,” Drees observes that some features which are typical to the “religion and science” discourse are missing in Islamic bioethics or at least in the papers submitted to this thematic section. It strikes him that explicit hermeneutical considerations and a self-standing philosophical discourse are almost completely absent in Islamic bioethics. Also there is not much explicit “theology of nature.” With few exceptions, Drees notices, most of the bioethical discussions in the Islamic tradition focus on how people relate to normative verses from the Qur’an, Sunna, and Islamic jurisprudence. In his view, the bioethical visions do not seem to be shaped by a philosophical “natural law” ethics, for example, with an appeal to “orders of creation” (Drees 2013). To my mind, addressing these missing features should also be part of the future research agenda on Islamic bioethics, which will contribute to a better integration of Islamic bioethics into the broad “religion and science” discourse. This means that Islamic bioethics, as a field of study, should be broadened by involving specialists in (Islamic) theology and philosophy of religion besides the experts in Islamic law.

NOTE

1. A full list of the speakers in the conference, their biographies, and the detailed program are available on <http://islamicbioethics2012.info/index.php> (accessed April 25, 2013).

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