

Muslim Council of Britain Response to the Nuffield Council on Bioethics with Respect to Genome Editing

1 Preamble

- 1.1 The Muslim Council of Britain (MCB) is the UK's largest Muslim umbrella body with over 500 affiliated national, regional and local organisations, including mosques, charities and schools. A task group has been set up by the MCB following an invitation by the Nuffield Council on Bioethics to submit evidence on genome editing. This task group reflects Muslim opinions from different schools of thought. However, it is important to note that given the technical developments related to genome editing are relatively recent, many Muslim scholars are not fully conversant on this topic; and even amongst those who are well informed, there is no singular Muslim opinion. As such, this submission is aimed at adding to the national conversation but should not be seen as the sole Muslim view.
- 1.2 Future uses of the term "task group" within the document are in reference to the MCB task group on bioethics.
- 1.3 The consultation raises a number of interesting bioethical questions for which the task group has done its best to provide an Islamic perspective. The response focuses on the impact that genomic editing has upon human application. Such a focus is not to deny that genomic editing raises profound ethical concerns on plants, animals and microorganisms but recognises only the reality of responding to complex bioethical questions in a limited time frame.
- 1.4 The response in particular focused on the different ethical issues that arose between somatic and germline editing. The following definitions were adopted by the task group:
 - Somatic editing was taken to be when the manipulated cells are transferred to an individual organism to, for example, treat a person with a disease. These manipulated genes are not inherited by the offspring of that organism
 - Germline editing is the manipulation of the germ cells (ovum and sperm) of an organism. In this case, any offspring will inherit the modified genes and all cells in the offspring will contain the modified gene, as will all future generations.
- 1.5 We thank the Nuffield Council of Bioethics for highlighting the ethical debate to the MCB, and hope to be able to provide a wider response to the issues raised in the future.

2 On Islamic Bioethics

2.1 For most scholars within Islamic Bioethical tradition, the language of obligations, duties, and interpersonal justice takes precedence over the language of private and autonomous individual rights.¹

2.2 In Islam, the human being is given special status. The Holy Qur'an provides an unqualified affirmation of the dignity of man as set out in [17:70]:

"We have honoured the Children of Adam and carried them on land and sea, and provided them with good things, and preferred them greatly over many of those We created."

Such dignity is not earned by meritorious conduct but is rather an expression of God's favour and grace.² It is thus intrinsic and is without limitations or qualifications of any kind. It is not permissible to violate the personal dignity of anyone, regardless of whether the person is pious, or of ill-repute, Muslim or non-Muslim.³ The Qur'anic vision of human dignity is manifested in, but not limited to, the right to life⁴, the right to personal safety,⁵ freedom of conscience, moral autonomy and judgement,⁶ the essential equality of every member of the human race,⁷ and the right to personal privacy.⁸

3 Current Islamic Bioethical Positions according to the Islamic Fiqh Academy and the International Islamic Fiqh Academy:

3.1 The Islamic Fiqh Academy (IFA) of the Muslim World League deliberated on the issue of genetic engineering in October 1998. The resolutions of the IFA included the following:

- It is permissible to benefit from genetic engineering in preventing or curing a disease or reducing its harm provided no greater harm is caused thereby.
- It is permissible to use the tools of genetic engineering and its means in the field of agriculture and animal cultivation on the condition that all precautions are taken in order to prevent any harm to humans, animals or the environment, even if that is in the long run.

¹ Sachedina, A. A. (2011) *Islamic Biomedical Ethics: principles and application*, Oxford University Press, New York, p. 216.

² Kamali, M. H. (2002): *The Dignity of Man: An Islamic Perspective*, The Islamic Texts Society, Cambridge, p. 1.

³ *Ibid*, p. 2.

⁴ As set out in verse [5:32] of the Qu'ran which states:

Therefore We prescribed for the Children of Israel that whoso slays a soul not to retaliate for a soul slain, nor for corruption done in the land, shall be as if he had slain mankind altogether; and whoso gives life to a soul, shall be as if he has given life to mankind altogether. Our Messengers have already come to them with the clear signs; then many of them thereafter commit excesses in the earth.

⁵ Kamali, M. H. (2002): *The Dignity of Man: An Islamic Perspective*, The Islamic Texts Society, Cambridge, p.21.

⁶ *Ibid*, p. 39.

⁷ *Ibid*, p. 45. The only ground for superiority recognised in the Holy Qur'an is God-consciousness. [49:13]

⁸ *Ibid*, p. 61.

- It is not permissible to use any tool of genetic engineering and its means for malicious or hostile objectives or in anything that is religiously forbidden.
- It is not permissible to use any tool of genetic engineering and its means to violate the personhood of a human and his individual responsibility or to interfere in the hereditary system (genes) under the pretext of improving the human progeny.
- It is not permissible to conduct any research or do any treatment or diagnosis in regard to the genes of any human except for a dire necessity and after a precise and preliminary evaluation on the dangers and expected benefits related to such activities is carried out. Additionally, this should be done after procuring a religiously accepted approval while keeping the results confidential and observing the noble religious principles which state that a person should be respected and dignified.⁹

3.2 The International Islamic Fiqh Academy (IIFA) of the Organisation of Islamic Cooperation also deliberated on the issue of genetic engineering and the human genome in November 2013. The resolutions of the Academy included the following:

- It is permitted to use the human genome, or a part thereof, in beneficial fields as it establishes interests the procurement of which the sharia has encouraged such as the prevention and treatment of illnesses.
- It is not permitted to use the human genome in a manner that is harmful or in any manner that contravenes the Islamic sharia.
- It is not permissible to conduct any research or do any treatment or diagnosis related to the genome of any human except after conducting a preliminary and precise evaluation of the possible risks and benefits associated with such genetic treatment activities whilst adhering to the rules of the Islamic sharia in this regard.
- It is not permitted to conduct clinical research on the human genome or any of its applications, especially in the fields of biology, genetics or medicine, that contravenes the rules of the Islamic sharia or that does not respect human rights as recognised by Islam.¹⁰

⁹ Ali. M. N. M. (2016): Tabwīb Qarārāt Majma'ay al-Fiqh (al-Duwalī wa al-Rābiṭa) ilā al-Dawra al-Thāniya wa al-'Ishrīn, p. 513-514.

¹⁰ Ali. M. N. M. (2016): Tabwīb Qarārāt Majma'ay al-Fiqh (al-Duwalī wa al-Rābiṭa) ilā al-Dawra al-Thāniya wa al-'Ishrīn, p. 542-543.

The IIFA recognised that there are different ethical concerns between somatic and germline editing. For somatic gene editing the IIFA felt, that if the intention is for treatment, then it is permitted. This permission was not unqualified however, and came with conditions including, but not limited to:

- That this type of treatment does not result in a harm that is greater than the original harm.
- There is dominant presumption that this treatment will result in the interest of cure or the reduction of pain.
- Procurement of an alternative is difficult.
- The conditions required by the sharia relating to the donor and recipient in the transplant of organs and that the Academy has indicated towards in resolution 57/8/6 are upheld; and that the gene transfer is undertaken by qualified, experienced, professional and reliable specialists.

The use of genetic treatment to acquire specific traits, such as outward appearance, is considered impermissible. Such modifications would be regarded as a change in creation therein, which is prohibited in sharia, and due to violation and desecration of human dignity in addition to the absence of dire need or necessity as recognised in the sharia.

The IIFA permitted the conducting of genetic testing of germ line cells to determine whether they may give rise to a genetic condition.

The IIFA felt that the genetic treatment of germ line cells in its prevailing form, does not respect the rules of sharia. In particular concerns were raised regarding the mixing up of lineage, and as result ruled that the treatment should be prohibited as this type entails risk and harm.¹¹

In relation to genetic engineering the IIFA position is that, it is not permitted to use genetic engineering to modify the gene structure, for purposes which may be termed improvement of the human breed. Any attempt at genetic violation of the human personality or interference in his competence to assume individual responsibility is prohibited in sharia. It is categorically not permitted to use genetic engineering for harmful purposes.¹²

¹¹ Ali. M. N. M. (2016): Tabwīb Qarārāt Majma'ay al-Fiqh (al-Duwalī wa al-Rābiṭa) ilā al-Dawra al-Thāniya wa al-'Ishrīn, p. 543-544.

¹² Ali. M. N. M. (2016): Tabwīb Qarārāt Majma'ay al-Fiqh (al-Duwalī wa al-Rābiṭa) ilā al-Dawra al-Thāniya wa al-'Ishrīn, p. 544-545.

The normative position in using genetic engineering in plants and animals is that of qualified permission. Pre-conditions include but are not limited to:

- That this use does not result in immediate or delayed harm.
- That this use is for a valid and permitted purpose without violation or excess.
- That it is undertaken by qualified and reliable persons.

4 On the General Principles of Genomic Editing

4.1 All other things being equal, the task group felt that there was no difference between laboratory based genetic modification as opposed to other forms of modification e.g. selective breeding. Such a recognition does not constitute a green light for unfettered laboratory modification in isolation of ethical concerns, but does support genomic modification for certain therapeutic considerations.

4.2 The task group feels that that scientists working within this field have distinct obligations due to the potential for their work to change the genetic constitution of our race. The task group recognises whilst such work has profound therapeutic possibilities, there are also concerns of the impact the work has on the structure of society as well as implications of what it means to be human.

5 On Genomic Editing in Biomedical Research and Human Applications

5.1 The task group cautiously supports the permissibility of somatic modification. Such modifications would only be permissible, on Islamic grounds, for therapeutic purposes.

5.1.1 The task group recognises that having the ability to treat does not mean that there is a duty to treat. It may however become mandatory if it was the only available treatment and would be definitive [and possibly presumptive] in its success. The task group formed no consensus on whether it would be mandatory to use gene editing when it was superior to other forms of treatment but not the only existing treatment.

5.1.2 The task group recognises that disease can be socially constructed and that historically there are examples where politics have subverted medicine for its own needs e.g. the abuse of psychiatry in the USSR. Such a recognition would be expected to inform decisions made regarding proposed genetic therapies.

5.1.3 The task group recognises that disease can occur across a spectrum, and that generalised dictums at treatment are unlikely to prove suitable.

- 5.2 The task group recognises that germline editing has immense potential for therapeutic benefit. There is recognition also that germline editing has the potential for profound impact on the genetic make-up and diversity of the human race. At present, there is no unified Islamic position on germline editing and the task group would support a moratorium on the practice whilst further ethical consultation occurs. Whilst mitochondrial DNA replacement therapy has been approved in the UK, no consensus Islamic position has yet emerged. The task group recognises the ethical complexity of the technology and would be happy to consider separate submission on the issue. An example of a discussion on the ethics of mitochondrial donation by Islamic scholars can be seen from the Research Center for Islamic Legislation and Ethics¹³
- 5.3 The task group reaffirms the Islamic position, according to most scholars, that genetic modifications for anything other than therapeutic purposes would be prohibited.
- 5.4 The task group supports the protections provided in the 2004 European Union Treaty as laid out below.
1. Everyone has the right to respect for his or her physical and mental integrity.
 2. In the fields of medicine and biology, the following must be respected in particular:
 - a) the free and informed consent of the person concerned, according to the procedures laid down by law;
 - b) the prohibition of eugenic practices, in particular those aiming at the selection of persons;
 - c) the prohibition on making the human body and its parts as such a source of financial gain;
 - d) the prohibition of the reproductive cloning of human beings.
- 5.5 The task group recognises the potential for both intentional and unintentional eugenic practices with the advent of genetic modification. There is a recognition that therapeutic modification of embryos may reduce genetic diversity, and what may be recognised by some as a genetic disease may be seen by others as the natural genetic variation of the human race.
- 5.6 The task group recognises the potential for genetic modification to further stigmatise disabled people. The task group lends its support to the statement of the Union of the Physically Impaired Against Segregation (UPIAS) who write that "in our view it is society which disables physically impaired people. Disability is something imposed on top of our impairments by the way we are unnecessarily isolated and excluded from full participation in society."

¹³ Salman, Sarah: "Ethical and Legal Thought on Mitochondrial Donation" in <<http://www.cilecenter.org/en/articles-essays/ethical-and-legal-thought-on-mitochondrial-donation/>> and <<http://www.cilecenter.org/en/articles-essays/ethical-and-legal-thought-on-mitochondrial-donation/2/>> (accessed 22 May 2016)

5.7 The task group feels that benefits from any genetic modification must be shared equally across society. Any treatment that would exacerbate health inequalities would be in conflict with Islamic bioethical principles.

5.7.1 The task group recognises that the ownership of intellectual property of genetic material is likely to become a matter of increasing importance as the technology advances. Whilst the task group has taken no position on the issue at present, it has been recognised and identified as an area of further research.

6 The Future Research Agenda

6.1 The MCB recognises that the field of genetic modification is rapidly progressing, and that ethical and theological scholars may need help in understanding the technical aspects of the field or keeping up to date with progress in the field. The MCB, as an umbrella organisation is able to co-ordinate the response and bring together experts from science, medicine and theology to formulate appropriate response to issues of bioethics.

6.1.1 The MCB is the authorising body for Muslim chaplains in the NHS and helps maintain their network.

6.1.2 Within healthcare the MCB has previously been involved in consultations on 'bare below the elbow' issues, assisted dying, end of life care, human donor milk and milk kinship, as well as organ transplant and donation

6.2 The MCB recognises that bioethical concerns and dilemma are of increasing concern within society. The MCB also believes that the Islamic perspective has the potential to add a unique perspective to the debate. As such the MCB commits itself to forming an Islamic bioethical group that would be able to bring together a wide range of stakeholders and contribute a voice to the national debate.

6.3 The MCB recognises that there is likely to be no unifying position from the Islamic community on ethical positions. As a representative organisation it aims to build consensus where it can, but will also aim to ensure that the plurality of views from across the British Muslim community is heard.

A submission by the Muslim Council of Britain to the Nuffield Council of Bioethics, in response to a call for evidence on genome editing. The Muslim Council of Britain is grateful to the following for their contributions and participation in discussions:

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Their contribution here does not necessarily reflect their individual personal positions.

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