Human Cloning: A Comparative Study of Bioethics of Islamic Laws against the Christian Law

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Abstract

The issue of human cloning has become a universal discussion in the last century. “Cloning” in biology includes “the proliferation of a living creature without sexual intercourse and is currently applied to the implantation of an embryo in the womb, which has been originally produced in the laboratory. In other words, cloning is to make a copy of humans or animals in which an individual who is an exact copy of the original individual is produced by replacing the core of the reference individual’s cells and its proliferation. The process is as follows: Initially, researchers replace the cores of an egg by DNA of other cells. Then, they take care of the reconstructed egg in the laboratory so that it is divided and turns into an embryo. If the embryo is implanted in the womb and becomes a human being, human reproductive cloning has occurred.

From the perspective of Islamic jurisprudents, human cloning is prohibited and they have presented multiple reasons and arguments against it. From this viewpoint, they have announced human cloning as unlawful for jurisprudential, ethical, social and psychological reasons. They have considered human cloning as a tool for the weakening of religious beliefs, interference in God's creation, human degradation, disturbance of family life and dissociation in descent of man. Thus, Catholic Christianity and Muslims believe that cloning is the birth of an illegitimate human being.

Although the details of this issue are still unclear for the whole world and its future, many individuals and groups around the world pursue the explanation of this new phenomenon from different aspects through persistent studies. Inside the country, this issue has jurisprudentially faced with different reactions.

Keywords: Cloning, human being, law, Iranian law, Christianity

Introduction:

Cloning which is called “Istintaj” in Arabic refers to the knowledge and technology of generation and proliferation of the organism through a non-natural route. In this science _unlike the natural route in
which the egg cell (zygote) is formed from the combination of male and female germ cells, the egg cell is obtained from a non-sex cell core proliferation in the female germ cell. More clearly, by using a sophisticated technology, the core of a female germ cell which has not been fertilized is taken and replaced by the core of a male or female non-sex cell. This non-sex core engages in cell reproduction and embryogenesis based on regular genetic programs and since the host egg lacks core and sex chromosomes, embryo characteristics are completely similar to the initial asexual cell properties. Also, because DNA of all body cells is similar, these non-sex cells can be separated from skin tissues, muscles, blood and hair of people and be used.

Accordingly, “cloning” is a way of reproduction of living creatures in which without natural intercourse, a somatic (non-sex) cell and a germ cell after combination and stimulation continue their evolution in the womb of a woman from whose body the initial cell has been separated until they become an embryo and then a baby is born. Indeed, cloning of living creatures is like propagating in plants. As there are two methods for plant propagation, one is the dissemination of seeds and the other is propagation in which the cutting is put in the right place so that it takes roots and turns into a tree like the first tree in cloning, a cell is also taken from the human body (mostly from the skin) and is strengthened and is placed inside the depleted egg of a woman and is then cultured in the prepared womb. After cloning, birth of a human being or animal is done through an unnatural way. The subject of this science is cell and its initial aim is to use non-sex cells in producing the stem cells of different tissues making the patient body. The main advantage of these tissues and transplanted organs produced from the non-sex cells of patients is their full genetic compatibility and compliance with the recipient of the member who is the origin of the primary cells.

**History of cloning**

This science is the process of hard work of Genetic Engineering to improve the animal race, treat inherited diseases in humans and reproduce living creatures. In this process, the first attempt was made in 1950 by freezing the zygote. In 1952, frog cloning was performed from the germ cell and in 1985, the first pig was cloned. In 1986, the first womb to carry the embryo was used through the artificial insemination method and in 1997, the professor “Ian Wilmut”, a Scottish scientist and innovator of cloning technology of living organisms, founded this technology by producing a sheep called "Dali" from its mother’s cells without the involvement of a male (6). The idea of human cloning emerged when man was seeking a way to treat the cytoplasmic diseases in order to be able to replace various cores created after fertilization by the new cytoplasm.

The news of birth of the first human being called “Eve” through cloning was reported by “Brigitte Boisselier”, Managing Director of Clonaid Company. According to her, this child is similar to her mother in terms of characteristics and natural traits and in fact, the core that makes all the maternal traits has been reconstructed in the child through the “cloning” method. The baby weighs three kilograms and is completely similar to its 31-year-old American mother. In an interview with a Belgian TV network, Boisselier announced that the second cloned baby is a girl who will be born in Netherlands. This company had promised to prove its claim by genetic testing; but on Friday January 3, the company postponed the testing after a complaint was brought against the parents of the cloned baby in the court of
Miami in the US. This company belongs to the followers of the Rael sect, who believe that man has been created by the alien species through cloning 25 thousand years ago. Clonaid CEO has also claimed that the third cloned baby will be born in Japan. This child has been cloned using hair, skin and blood cells of a boy on the verge of death due to accident.

The Catholic Church like Muslims has paid special attention to family institutions and its divine indicators so that this attention has expanded to genetic science and its branches, including cloning, and thus, we witness a special sensitivity in the Catholic faith and many Muslims regarding this issue which has been judged over and over.

**Cloning consequences**

**Cloning consequences can be stated in two sections:**

Positive consequences: Cloning is not essentially a bad idea; it is interesting that scientists can bring into mass production the animals or plants with desirable qualities. With the help of genetic engineers and researchers, animals can be produced whose members can be used for human transplantation or a damaged member can become a normal member through the genetic surgery of the healthy cells. Further, the substances produced in the animals’ body can be used in pharmaceutics or with the help of animal cloning, generation of the species of living creatures that are becoming extinct can be maintained.

Negative consequences: Human cloning has multiple negative consequences, some of which are mentioned below:

Moral consequences: Morally, this method opens a way for not forming a family, not tolerating its problems and turning to illegitimate ways of satisfying sexual instincts and being content with cloning to have children and every man and woman adopt a child at pleasure from the zygote bank (or from the cloned coagulated sperm).

Identity consequences: People who are born in this way lack family identity; no father, no mother, no brother and no one else except the one who is similar to them. This gradually leads to the death of emotions among humans. This problem, i.e. lack of identity, also exists in legal terms.

Physical consequences: Many physicians believe that humans who are born in this way physically have numerous problems and deficiencies; particularly experience has shown that any deviation from the normal channels will be accompanied by several problems; for example, use of anything other than breast milk or resort to caesarean in cases where there is no necessity has always brought a lot of problems.

Emotional and psychological consequences: Since a cloned child has no specific father, he is affected by emotional deficiencies and psychological distress and experiences embarrassment and overwhelming sadness. Orphans are fatherless but not kinless. But such children are both fatherless and kinless.
Another psychological complication of this method is that the cloned child knows that his original version who was born before him has died due to an inherited disease. He will not certainly have normal behavior mentally since he knows the exact time of his death.

Extinction of generations and diversity of creation: Human cloning finally leads to the production and dominance of a particular generation (superior race) and extinction of other human species while the universe has been established based on distinction and difference of species. Removal of diversity indeed means to jeopardize the survival of human race.

Instrumental and political consequences: Start of the cloning file may be in the hands of scientists and researchers, but its future is determined by political equations and individual and group interests. Many human explorations are currently applied for human destruction. Nuclear bombs stockpiled in the world are sufficient to destroy the earth a dozen times. Lunatics who today rule the world and cherish the desire for immortality and perpetual sovereignty are numerous. If this technology continues as it does and one day falls in the hands of one of the dictators of the world, what will happen?

Cloning in Christianity

The Catholic Church has definitely condemned the attempt for human cloning and considers this action as unprincipled and against human dignity. The attitude of Catholic Church sees no difference between human cloning and genetic therapy. Accordingly, it does not accept any of them because in the latter case, the formed embryo is subsequently destroyed and this is against the most basic human right, namely the right to live. Hence, the Catholic Church expressed its overt opposition to this issue. Although according to many considerations, Catholic beliefs were not considered in genetic engineering, they were made in many cases to withdraw from insisting on their theoretical foundations.

In this context, the Catholic Church’s objection to human cloning further has spiritual and moral roots and its major problem has been the loss of human dignity, instrumental use of human beings and reduced value and role of family. The basis of the Catholic Church’s opposition to human cloning is principally part of its objection to abortion and euthanasia (death out of pity) and it was evaluated in this domain.

From the perspective of Islamic jurisprudence, human cloning is forbidden and jurisprudents have presented several reasons and arguments against it. From this standpoint, they have announced human cloning as unlawful for jurisprudential, ethical, social and psychological reasons. They have considered human cloning as a tool for the weakening of religious beliefs, interference in God's creation, human degradation, disturbance of family life and dissociation in descent of man. Thus, Catholic Christianity and Muslims regard cloning as the birth of an illegitimate human being. From this perspective, the opinion of Muslim and Catholic jurisprudents is the same.

This issue has been expressed in multiple statements, fatwas and Esteftaat. Islamic organizations and independent parties have repeatedly emphasized this issue. Majma' al-Bohous Islamiyah of Al-Azhar University has issued a fatwa according to which leaders of various countries have been requested to prevent human cloning in any way possible. European fatwa and research council has also announced human cloning as prohibited and unlawful. Additionally, Relations Department of the Islamic world
located in Mecca has also condemned human cloning and called for establishing a global law against it. Besides, in a seminar held in Morocco in 1997, several proposals were presented in one of which “a ban on human cloning through transferring the cell core of a corpse to the egg emptied from the core” was recommended.

In the latest statement of the Islamic Fiqh Council, prohibition of human cloning was explicitly emphasized. While pointing to human dignity in the universe and Islam’s approval of acquiring knowledge and perfection, they demanded the prohibition of human cloning and any other method that performs cloning. In the two methods mentioned above, the first method is embryonic cloning using “zygote" or fertilized egg and its division and the second method is the cloning of dead bodies or asexual cloning.

Ultimately, health ministers of the Persian Gulf Cooperation Council announced their objection and stated that human cloning is the biggest crime which is incompatible with medical ethics. More severely, Majma’ al-Bohous Islamiyah of Al-Azhar University requested the severe punishment of its perpetrators and those who engage in this technology as Mohareb. In a statement announced on December 12, 2002, this association repeated this view and added that human cloning makes humanity that has been sanctified by God turn into an inferior and modified creature. Therefore, it is mentioned in this statement that action must be taken against human cloning as soon as possible.

The most important theological arguments of Islamic scientists against human cloning are as follows: 1) Uncertainty in the creation; 2) the illusion of miracle; 3) considering a partner for God; 4) elimination of species diversity; 5) compromising Islamic beliefs and 6) playing with creatures by genetic changes. From the perspective of the philosophy of divine law, the following arguments are provided to oppose human cloning:

- Elimination of the necessity of reproduction
- Disturbance in the descent
- Removal of kinship requirements
- Elimination of alimony and inheritance laws
- Elimination of the structure of marriage and family
- Degrading the word “freedom”
- Promotion of illegitimate reproduction
- Promotion of homosexuality
- Creation of opportunities for criminal activities
In Shiite jurisprudence, there is no consensus concerning this issue and it can be discussed from different perspectives ranging from its absolute rejection to full acceptance. Shiite opponents believe that human cloning is forbidden not because of theological reasons but only due to religious, legal and social considerations. But these opponents of human cloning have permitted it on therapeutic conditions. This difference of view has separated them from the Catholic perspective.

Since the Shiites opposing cloning have rejected the research and work on this technology based on jurisprudential arguments and social considerations not because of theology and faith, their view is also different from Sunnis from this perspective. They (Shiites) have been also separated from Catholics who have banned cloning for treatment.

**Analysis of theological arguments of human cloning prohibition**

Cloning is the opening of the door for understanding an important religious principle, i.e. resurrection. Based on the verses of the Holy Quran and other teachings of divine religions, belief in physical resurrection is obligatory; but due to the numerous doubts raised by philosophers and thinkers for rational possibility and external realization of physical resurrection, some have believed in spiritual resurrection. The origin of all the problems of physical resurrection is the impossibility of restoring the destroyed; the question is that whether a person who is resurrected in the Judgment Day is exactly the same as the person who has died in this world; this is impossible because all the components of that body have decomposed and become part of the bodies of other creatures and turned into other elements and it is impossible to recreate them (the doubt of eater and eatable); or they are not the same which in this assumption, punishment and reward are granted to another person and the perpetrator is not punished.

The Holy Quran says the following in answer to these doubts: “Is He who has created the heavens and the earth not mighty to create like them; yes, He is the Wise Creator”.

Now, cloning makes it clear how recreation of someone similar to a person from the Somatic cell of the same person like hair and skin is possible.

However, this question remains as to how to obtain a full and living somatic cell from decomposed bodies. Among the Shiite and Sunni Islamic texts, there are narratives that can answer this question. In some of these texts, it has been stated that each body has a component that is not destroyed and does not become part of another creature’s body and if it is placed in the food of other creatures, it is not mingled and maintains its main composition.

In Sunni texts, it has been narrated from the Prophet (PBUH) who said: After death, everything in human body is destroyed except the cell 'Ajab Al-Zanb' (the bone at the end of the spine) and whenever Allah wants to resurrect people in the Judgment Day, rain falls from the sky and everyone is created from his own Ajab Al-Zanb just like a plant which grows from its seed. The Prophet was asked: What is Ajab Al-Zanb? He said: it is like the mustard seed from which man has been created and will be recreated in the Judgment Day (13). Muslim thinkers consider these words from the miracles of the Prophet (PBUH) who has explained the science of zygotology at that time. By the same token, human cloning or, in the words of the Quran, “like-making” from a cell which possesses human characteristics and does not die over the
...years and centuries is a possible issue and scientific reality. So, this science has turned the invisible into intuition and intellectual impossibility into possible reality.

Based on the foregoing, are theological arguments able to prove the claim of the Sunnis and can human cloning prohibition be deduced from them? At first glance, the answer to this question seems to be positive; particularly that there is strong consensus due to the Council of Judges’ comments, Sunni leaders' fatwas and the consensus among scholars regarding the criticisms made about cloning, which have remained unanswered.

Despite this, with careful consideration about the arguments presented, it can be found that they have been somewhat magnified and do not have intellectual validity. In fact, some of these arguments do not even consider the most basic principles of rational reasoning. In this way, the structure of their discussion is not logical. Moreover, some of these arguments have no association with human cloning while some of their arguments violate others and some other are baseless arguments. Instead, some of them are not consistent with the principles of ijtihad and if they are accepted, Islamic scholars will not accept them.

It seems that some of the issues provided about cloning still exist, but there is no clear and proper understanding of the mechanism of the relationship between new technology and many changes created in it. Thus, it is appropriate to perform an accurate and comprehensive study on such an issue before judging so that we achieve more reasonable and fair knowledge and judgment.

**Jurisprudential and legal problems**

- Loss of identity and legal and constitutional personality is among the complications of human cloning because there is doubt in applying the name “human being” to this person due to his birth from a non-natural route.

- Ambiguity in the genealogical relationship between the cloned person and someone who is the original cell, i.e. the somatic cell: Are these two the same and one person or are they two separate people?

- Ambiguity in the relationship between the cloned person and the woman in whose womb the zygote has been cultured.

- Ambiguity and difficulty in the legitimacy of this action and jurisprudential provisions of the sanctity of marriage, inheritance, alimony and so on.

**Islamic world’s attitude to human cloning**

Given that cloning is a new issue, there is naturally disagreement among Muslim jurists and jurisprudents and Muslim associations. With regard to the opinions expressed in the Internet, magazines and books and their study, it seems that Sunni scholars and academic circles absolutely believe in the prohibition of human cloning even in medical treatment and some other permit the cloning of human members and tissues only in medical treatment; but most of the Shia scholars and academic circles believe in the legitimacy of cloning and they prohibit it only when secondary titles like negative applications arise.
Al-Azhar AFTA Council in Egypt, AFTA Council in Palestine (Gaza), Sayed Mohammed Sayed Tantawi Sheikh of Al-Azhar, Dr. Sheikh Mohammad Saeed Al-Bouti, Dr. Nasr Farid Wasef, Dr. Abdolmo'oi Bayoumi and Yusuf al-Qaradawi believe in the movement of human cloning and state that it is a kind of playing with the creatures of God which makes changes in Divine creation and based on the lofty verse: “Do not make mischief in the earth after its reformation”, they consider it as the cause of mischief in the earth and thus announce it as illegitimate.

Shiite jurisprudents such as Grand Ayatollahs Naser Makarem Shirazi, the late Sayed Mohammad Shirazi, Yousef Sanei, Hossein Ali Montazeri, Sayed Mohsen Mousavi Tabrizi, Mohammad Hadi Ma’refat and so on have permitted human cloning as a scientific phenomenon that can be used in useful cases with benefits among the wise but have prohibited it in negative affairs.

**Christian world’s attitude to human cloning**

Members of some religious groups especially evangelical Christians and Roman Catholics believe that the soul enters the ovum at the moment of its fertilization and the obtained egg is a human being with all human rights. Division of such a child in the process of embryonic cloning is regarded as interference in the will of God and experiment on a living person.

In the cloning process, many cloned zygotes have been destroyed after several cell divisions which can be considered as human beings who have disappeared and their loss is like losing a baby. This group of conservative Christians is also concerned about the use of this method to destroy the fertilized eggs which genetically have problems and can be destroyed during the therapeutic process of cloning. In genetic testing of this process, one of the cloned creatures may be destroyed and since they believe that each of these cloned creatures is a human being, they regard this action as a kind of murder and reject it.

This question has arisen for other Christian groups as to whether such a cloned creature has a soul. Soul has neither color, nor weight, nor smell and has not been evaluated by any measure. It may not even exist. But there are many of those who believe in it. Fortunately, embryonic cloning is almost the same as the natural process of creating identical twins. So far, no one except some old tribes has questioned both of the twins having a soul and all believe in it.

**Conclusion**

Emerging human cloning and legal entity of making similar creatures are completely new and developing. Jurisprudential and legal views about human cloning are divided into four general theories of absolute permission, limited permission, secondary prohibition and primary prohibition of human cloning. It seems that according to Asalah Al-Bara’a and Asalah Al-Ibahah and principle of “anything whose lawfulness is doubted is legitimate unless its prohibition is proved”, the primary order of human cloning is permissibility and there is no reason for limiting it. The reasons that limit this permissibility or make it secondarily unlawful or give an order for the primary prohibition of human cloning can all be compromised and are not able to cope with the principles of permissibility and acquittal. Hence, the primary order of reproductive cloning is absolute permission from the perspective of Shiite jurisprudence.
On the other hand, considering the provisions of the Civil Code in the first chapter of Book VIII about the legitimate descent and annexation of the child to the parents and also uniformity of procedure vote of General Board of the Supreme Court about the realization of common ancestry of a person born of fornication and by discovering the legislative will in this regard and by referring to public order and good morals, it becomes evident that from the perspective of the Iranian legal system, human cloning cannot be announced as illegal. Therapeutic cloning is also a kind of human cloning. Although this type of cloning requires the elimination of pre-embryo and thus creates the ambiguity of abortion which is a forbidden act, if pre-embryo is not in the womb, its elimination to extract the stem cells is not considered as a banned abortion with regard to the fact that with the coagulation of zygote and its establishment in the womb, it is prohibited to destroy it. The most important legal effect of human cloning in the area of personal status is the realization of the similar descent so that descent is not a religious reality but a conventional concept. Similar descent is realized in different forms of reproductive cloning and is attached and attributed like its natural father and mother and whoever considered by the custom as similar to the father or mother will be like that attached and attributed person.

References: