

Human Cloning

An Islamic Study on its Permissibility and Implications

By: Ayatollah Sheikh Mohammad Hussein Al-Ansari

Translator: Mohammad Basim Al-Ansari

ALANSARI FOUNDATION

SYDNEY – NAJAF – QUM

WWW.AYATOLLAHALANSARI.ORG

ISBN 978-0-9806642-1-8



9 780980 664218

Book's Identity

Book: Human Cloning: An Islamic Study on its Permissibility and Implications

Author: Ayatollah Sheikh Mohammad Hussein Al-Ansari

Translator: Mohammad Basim Al-Ansari

Publisher: AlAnsari Foundation

Edition: 2nd

Number of Copies: 1000

Printing Place: Najaf - Iraq

ISBN : 978-0-9806642-1-8

Translator's Note

Science has been the most vital element of human development and superiority. It has acted as a unique tool in diagnosing many of our problems as well as offering a variety of solutions. Medicine, in particular, has been one of the front-runners of advancement and human knowledge revolution of the past two centuries. However, all these great achievements came at a price. The cost has varied over time and been a factor of nature of a discovery or invention. But the experience that humanity gained over this period has enabled it to establish comprehensive guidelines and techniques in order for it to minimise possible harms while maximising potential benefits.

Human cloning has been one of the most important scientific theories of the past decade. It has a great potential in both therapeutic as well as reproductive spheres. It can be a real alternative for infertility as well as a reasonable source of embryos for experimentations and stem cell research. However, the world is still at a stand-still about its validity from ethical perspective. Is it a safe process? Would it destroy our society as we know it today? What are its possible harms? Etc. The answers can be vague or misleading at times as we all suggest different probabilities but never can really be sure of the hidden future. The two most important questions in this kind of scientific endeavor can conceivably be: should our society allow it? And what is the family relationships of those cloned?

Many scientists, law-makers, philosophers, religious scholars and thinkers have devoted a lot of hard work and many hours into studying this new line of research and considering its consequences in order for them to give us recommendations of what might be the best action in this regard.

Ayatollah Sheikh Mohammad Hussein Al-Ansari is one of these major scholars who added his own informed views and judgments about human cloning and its implications. He is a prominent Shia Muslim scholar, author and leader with the highest degrees of theology, jurisprudence and Islamic thought (Ijtehad) from the

Seminaries of the Holy Najaf, Holy Qum and Holy Mashhad who currently resides in Australia. He takes us in an interesting journey through his reasoning and argumentation that is both fulfilling and thought provoking. Various medical professionals and academic professors who have read this work have praised it as both well-reasoned and original.

The importance of such work cannot be further emphasised than the fact that a variety of opinions of many scholars of all faiths and disciplines are indeed necessary to be considered by our policy-makers in order for them to maintain the multiculturalism and diversity of today's society as well as to seek further thoughts and methods of reasoning. This step is also constructive in enhancing their own thinking or considering a point that they might have overlooked.

It should be noted here that this translation is only a synopsis of the real book, which has been written to the best of my understanding of the manuscript and its various references. Therefore, any fault present is that of the translator and not the original author. I should also apologise for the brief summary given, which included only parts of the book while leaving very informing others behind. However, it is a difficult task to translate a scholarly work entirely within the short time or low resources that were available to us at the time. Finally, I hope for this booklet to be beneficial for the public and humbly welcome any comments, questions or feedback on my email mbalansari@med.usyd.edu.au.

Mohammad Basim Al-Ansari¹

¹ Mohammad Basim Al-Ansari is a Bioethics Researcher and Graduate Medical Student at Sydney Medical School, The University of Sydney, Australia.

Introduction

In the name of God, the most Beneficent, the most Merciful

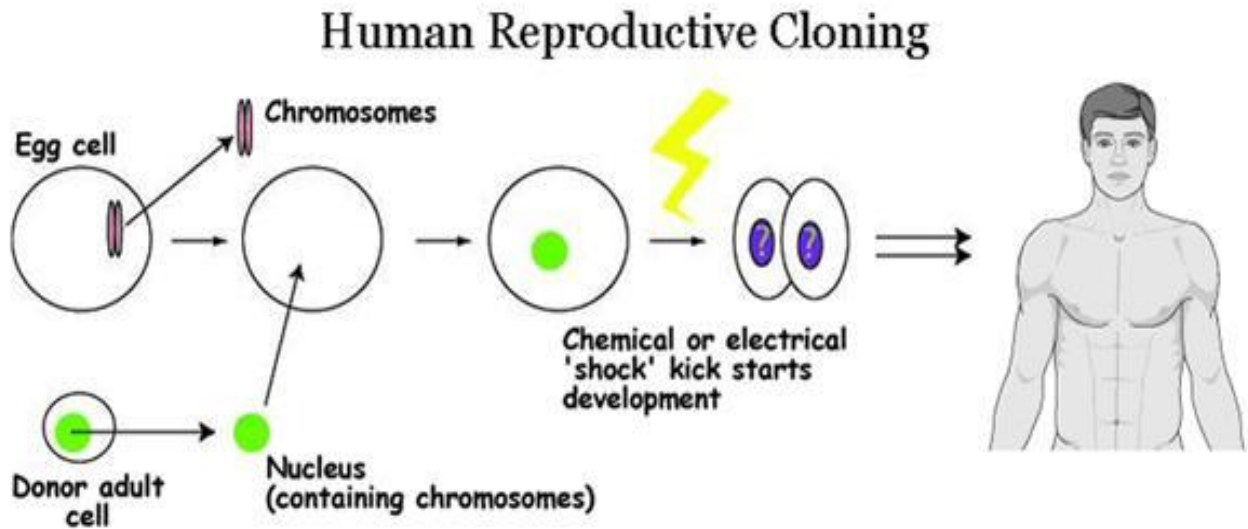
Most Shiite scholars consider non-human cloning to be permissible; they base their ruling on the principle of lawfulness². However, there is no common view amongst Shia scholars with regard to human cloning. Some of them totally prohibit it, some accept and promote it, and between the two extremes lays a big variety of opinions and rulings.

Their differences are based on their interpretations of the principles of faith and their understanding of the science behind those scientific processes. This is a summary of Ayatollah AlAnsari's book about this current vital medical issue.

² The principle of lawfulness means that everything is allowed until an individual knows that it is impermissible based on the evidence gathered. Based on many narrations of Ahlul Bayt (the Holy Family of Prophet Mohammad; i.e. 12 Shia Imams and Mohammad's Daughter, Fatima), it can be even said that every new scientific discovery or technological advance initially can be allowed based on this principle as long as it is not specifically prohibited under another principle of the Faith. Imam Al-Sadeq states: "Everything is lawful till prevention is given...everything is permissible for you, until you know that it is indeed impermissible, and then you leave it". The principle of lawfulness has another dimension, which is the use of the creation of God and the knowledge in the universe to gain more knowledge and wisdom. Allah says in the Quran: "Do ye not see that Allah has subjected to your [use] all things in the heavens and on earth, and has made his bounties flow to you in exceeding measure, [both] seen and unseen? Yet there are among men those who dispute about Allah, without knowledge and without guidance, and without a Book to enlighten them!" (Quran, S31, A20). Therefore, everything in the universe has been given to the humans to discover and widen their horizons, as this concept of seeking knowledge has been encouraged in many verses and narrations. The Prophet Mohammad says: "seek knowledge from cradle to grave".

Human Cloning Simplified

The following illustration summarises the process of human reproductive cloning, which the author explains in details quoting scientific resources.



Reasoning and Rulings of Human Cloning

Ayatollah Al-Ansari takes an interesting approach in his book which is written for an academic audience. After presenting various Secular and Sunni opinions in this matter, which prohibits the use of human reproductive cloning entirely; he argues the invalidity of their reasoning and the weakness of their lines of argumentation. He continues by mentioning some major Shia scholars' views in this regard. Then Sheikh Al-Ansari poses questions that would seem to lead towards the prohibition of human cloning and argues against them using a systematic method:

- **Is it right to allow the creation of a living entity from putting the fluid of a male in the specific spot without seeing or touching? – This one is not related to this concept at hand.**
- **Is everything happening on this Earth considered part of God’s creation or are there things that should not be labelled as such?**

Ayatollah Al-Ansari then suggests that “if we accept that everything is God’s creation then we have blocked ourselves and if we say otherwise then there is room for discussion. I do not believe that the first notion is intended, as most of what the human is doing in terms of crimes, disasters, and deception is not God’s creation but rather human made; even humans can affect God’s creation”.

Therefore, according to him, there is a verse in Quran, “And surely I will command them and they will change Allah's creation.” (Quran, S4, A119), which appears relating the bad intentions of the scientists to Satan, thus it would be suggested that the embryo that is created in the familiar and traditional form is the creation of God. So the derivation of the nucleus from the cell and implanting it, as well as entering into the details of the creation in changing them biologically using complicated mechanisms, all can be considered as changing the creation of God, especially after reading his Almighty’s statement “Women who are divorced shall wait, keeping

themselves apart, three (monthly) courses. And it is not lawful for them that they should conceal that which Allah hath created in their wombs if they are believers in Allah and the Last Day.” (Quran, S2, A228).

So the embryo (as well as the sperm and egg) are God’s creations. Therefore, changing them is obviously playing with God’s creation and varying it. He then states that it is possible that the Holy verse “the nature (pure creation) of Allah, in which He has created man. There is no altering (the laws of) Allah's creation. That is the right religion.” (Quran, S30, A30) refers to pure creation (Fitrah), so if Fitrah is the type of creation indicated here then any change to this Fitrah is impermissible as it involves altering God’s creation.

Ayatollah Al-Ansari uses Chapter 4, verses 117-121 of Quran, “They, leaving Him, call but upon female deities: They call but upon Satan, the persistent rebel! Allah did curse him, but he said: "I will take of Your servants a portion Marked off; And surely I will lead them astray, and surely I will arouse desires in them, and surely I will command them and they will cut the cattle' ears, and surely I will command them and they will change Allah's creation. Who chooses Satan for a patron instead of Allah is verily a loser and his loss is manifest. Satan makes them promises, and creates in them false desires; but Satan’s promises are nothing but deception. They (his dupes) will have their dwelling in Hell, and from it they will find no way of escape”, to derive the next points in his argument. He interprets these verses as meaning that all acts which alter God’s creation are untrue dreams. Therefore, if this is the case, then any such delusions that are acted out in public are against Fitrah and it is this type of change of creation that has been declared as prohibited in this verse. As a result, what Satan orders in the previous verse would apply to changing the creation of God through any alterations to the human genome³.

³ But he would make an exception for gene therapy or any gene technology involved in curing or preventing genetic diseases (2006, personal communication).

.....
Al-Ansari, using this verse: “So set your face steadily and truly (O Muhammad) to the Faith as a man by nature upright - (pure nature) of Allah, in which He has created man. There is no altering (the laws of) Allah's creation. That is the right religion, but most people know not.” (Quran, S30, A30) suggests that Fitrah is the creation of God, based on which he has created humans, so all humans (from any background or belief) are born with Fitrah.⁴ He continues by explaining that, despite all of the above, Fitrah never changes nor alters inside the human being, as it becomes visible in difficult situations when the human can feel the purity of the soul. In addition, the phrase ‘there is no change to Allah’s creation’ supports this notion; hence the meaning of the previous verse cannot be that Satan will order humans to change what God will not allow to be changed.

Therefore, what some scholars have said can be argued in this regards such as the opinion that it is possible that the meaning of change of the creation of God is to go out of the ruling of the Fitrah and leaving the straight religion, as God says in the previous verses.

This seems as not the most accurate interpretation based on what we have explained earlier. There are some narrations which support these suggestions nonetheless. It has been narrated from the Imams in the interpretation of these verses that it means the change of God’s religion. So the real meaning here is that the Satan wanted the religion of God to change, but Fitrah prevented it from occurring.

If this was the case, then our conclusion that the best case to fit here is the human cloning is valid and vital. There is another point to be mentioned here, which is: why the scientists have focused on human cloning?

The answer is because they have dreamt of improving the human race etc. Look at this verse: “And surely I will lead them astray, and surely I will arouse dreams in

⁴ The narration of the Holy Prophet Mohammed says, “Every child is born with *Fitrah*, it is his parents that turn him into Jew, Christian or other religion”.

them”, so misguiding first, then dreaming and in the same verse “and surely I will command them and they will cut the cattle' ears”, which is from the misguidance and “and surely I will command them and they will change Allah's creation” from their dreams “Who chooses Satan for a patron instead of Allah is verily a loser and his loss is manifest.” (Quran, S4, A119).

Ayatollah Al-Ansari then argues against all of the points outlined above. He notes that whatever is happening in the processes of human cloning is part of the creation of God; the sperm, egg, and zygote are all parts of the creation of God. So in the process of cloning, we are not changing anything from God's creation as we are only choosing alternatives from within the creation of God, and hence it is. The answer would be different if humans started modifying human cells, for instance by mixing them with the cells of a non-human animal or a plant (or vice versa). Likewise, if scientists mix the cells of different non-human animals so that some chimerical animals are produced, this would indicate an obvious alteration of God's creation. Al-Ansari uses these examples to explain what is really meant by the previous verses, rather than reading them as referring to human reproductive cloning.

About the principle of the mix of sperms of different males, it has its own case and rulings. Declaring the actual father and son is decided by culture and whatever is mentioned in this topic is logically better to not be related here.

Following this reasoning, Ayatollah Al-Ansari summarises his final ruling: “Now, if we allow it [human reproductive cloning], then its limitations would be unknown, so where should it stop? On the other hand, when it should be allowed further? Finally, we can say that it is case based, sometimes it can be allowed or not, based on the cases we are faced with”.

Clone Relationships

Ayatollah Al-Ansari continues his Book by stating that the most important consideration should not be the ethical permissibility of such a process, but instead managing the consequences that may emerge from it: “All discussion should be about the relationships between the cloned individual and the donor of the nucleus of the original cell, the donor of the cytoplasm or the cell, and the carrier of the resulting embryo, whether we permit or prohibit the process as someone might perform the process and a human be born from it.”

The major opinions of the main scholars regarding this relationship was first summarised as follows:

Ayatollah Fayadh (2006) considers the relationship between the individual created using this method and the donor of the cell as one of father and son. In other words, the issue of fatherhood and motherhood is resolved by looking at the general public understanding of this process, which regards the donor of the cell as the father and the donor of the egg as the mother.

Ayatollah Hakim (2004), however, does not consider the offspring to be the son or daughter of the donor, as any child should be born from the sperm of the legal father and no one else. The child is not the donor’s sibling either, as he does not actually share any parent with the donor except in a genetic sense; social and not genetic identities are the main issue here. Therefore, the offspring is a complete stranger to the donor in Ayatollah Al-Hakim’s view and the real relationship would depend on public opinion at the time, although the female carrier might be considered to be related. He states “so the reference in such a case is public opinion, and it seems that the Holy Law has based these concepts on this source too” (ibid). Sayed Al-Hakim goes further to say: " There is no room for the clone to be considered as a brother to the sperm or egg donors as the indication for brotherhood is the sharing of a parent and not being the carriers of similar inherited genes as it is not societally accepted. Based on religious evidence, we consider the societal culture as the only reference for

human relationships as it has been used by the Islamic law in its legal guidelines. Moreover, let us assume that advanced science discovered a method by which it was possible with some alterations to change an animal or plant cell to a normal human being, then are we able to declare a relationship has been established between them without taking any usual cultural principles into account?! There is no doubt about the falsehood of this statement. We are even obliged to overlook and ignore the above mentioned similarity and to judge them as two foreign notions. Similarly, the clone should be considered as unrelated to the cell-donor without any bounds between them." (ibid).

Ayatollah Muhseni (2006) looks at the relationship of the clone with the cell donor and carrier in more depth. He first asks: who is the mother? Then responds using a series of propositions. The first proposition states that the donor of the egg is the mother of the cloned child as the child originated from her and inherits the characteristics of her egg; the carrier is not giving him anything except nutrition, similar to the role of a woman who breastfeeds a baby that is not her own. Moreover, the carrier does not pass any of her genetic characteristics on to him (ibid).

However, Ayatollah Muhseni argues that there is no strong evidence supporting the claim that the womb has no effect on the embryo or its genetic development, "as medicine might discover [any time] that it has some effects. Even some medical scientists state that: the child is in fact, regardless of the origin of the egg, not only the product of inherited chromosomes; as the new medical view has tended towards the belief that the human is a product of the inherited factors and their reactions with the surrounding environment. The closest environment to the embryo is the womb of its mother. Therefore, without considering the chromosomes, which carry the genetic characteristics, the environment will affect his inherited character. Consequently it is possible that the child carries the chromosomes of the original egg that he was derived from, whereas his existence, growth and healthy and physical change – and even psychological – is affected by the carrying womb" (ibid).

Ayatollah Muhseni also suggests that the second view (that the carrier is the mother) might be valid, “as some Quranic verses have indicated this possibility: ‘and when you were hidden in the bellies of your mothers.’ (Quran, S53, A32); ‘His mother bears him with reluctance, and brings him forth with reluctance.’ (Quran, S46, A15); and ‘And Allah brought you forth from the wombs of your mothers.’ (Quran, S16, A78). The last verse is more obvious than others to support this claim” (Muhseni 2006). He then adds that some may argue that these verses are restricted to the offspring of a married couple and not applicable in this case. However, he suggests that this assumption is not efficient as it is preferable to make its application more general. Moreover, there are no specific or limited explanations for this type of relationship, so it is satisfactory to follow the judgment of the intellectuals when it is applied in different instances (ibid).

Ayatollah Al-Ansari discusses these opinions and suggests that stating that the cell donor is the father of the clone is incorrect, because if the cell were taken from a female, then she would be closer to being called mother than father. Likewise, if the cell originated from a male, then there is no point calling that male the mother of the clone. By arguing that fatherhood and motherhood come from principles based on our cultural understanding, and citing a verse from the Holy Quran⁵, Al-Ansari concludes that the cell donor is definitely not the father or mother of the clone, and based on scientific fact, as well as the words ‘despised fluid’ as mentioned in the reference given from the Holy Quran, it (despised fluid) is actually the carrier of the genetic chromosomes that are present in males and females.

⁵ “That is He who knows the unseen and the visible; the mighty, the merciful, who has made the best of the creation of everything, and produced the creation of man from clay; then He made his stock from an extract of despised fluid” Quran, S32, A8.

Further, he makes the point that as the cell used for cloning is taken from a body cell, resulting from intercourse between the father and mother of the donor, there is no difference based in the fact of whether it divided in the womb during its initial production or this current process, and therefore the resulting clone is a twin to the cell donor.

Ayatollah Al-Ansari then points to a number of verses in the Holy Quran⁶ which allude to the re-production of man and which in their grammatical construction indicate that the method of creation of man applies to all humankind. In the case of cloning, the “cloned human has to have been created from the ‘despised fluid’” and “there is no such fluid involved except that which the original donor was created from”. Further, he claims that the verse from the Holy Quran which states “and when you were embryos in the bellies of your mothers” (Quran, S53, A32) points to the fact that the “embryo is produced without any role from the mother [once it is] in its carrying place”.

Next, Al-Ansari tackles the critical question of whether the birth is the time at which the completion of the embryo occurs, and concludes that “the cloned child has been born from the mother, that we here proclaimed [the egg donor] as he was born from her at a certain time and date, so she has given him birth in reality”. Al-Ansari also explains that if a body part was added to a particular human, he or she will remain the same person even if we change his or her face, for instance. However, if we were to implant the brain of another person into the original one’s head, then would the original person be the same one? Or would he or she be considered to be the second person with the body of the original one? Al-Ansari suggests that the latter is the

6 “That is He who knows the unseen and the visible; the mighty, the merciful, who has made the best of the creation of everything, and produced the creation of man from clay; then He made his stock from an extract of despised fluid” Quran, S32, A8, “Then let man look from what he is created: he is created from water poured forth, that comes out from between the loins and the breast bones” Quran, S86, A5-7, “He creates you in the bellies of your mothers,--creation after creation, in three darkness’s” Quran, S39, A6, “Verily, we created man from a mingled clot” Quran, S76, A2.

case, because the core of a human is his or her brain. Similarly, we might say that the core of a cell is in its nucleus and its cytoplasm is only nutrient for the core of the cell, its membrane, and other components (so in cloning, the genetic materials determine the relationships of the clone as they are his /her core).

Ayatollah Al-Ansari concludes this discussion by stating his rulings for these types of relationships: “Therefore, we rule that the clone is not allowed to marry the donor of the nucleus of the cell, not because he or she is like a breast feeder but rather due to the reasons we mentioned above”. He also rules that it is permissible for the clone to marry the donor of the cytoplasm of the cell, despite the need to be cautious here as the clone is born from ‘despised fluid’ and “we are concerned that the cytoplasm has a role to play in the creation of the clone as mentioned earlier”. According to Ayatollah Al-Ansari, the carrier is allowed to marry the clone as she is only acting as a ‘plate’ for the embryo’s growth. He even explains that it is predicted that science will discover a way to build an artificial womb; no one would imagine then that the artificial womb is a mother of the child! Theoretically, it is even possible that an environment would be artificially created for the nucleus to live in instead of the cytoplasm or that a non-human animal cytoplasm might be used as a medium: “Then we can say, for certain, that all of these artificial means (artificial wombs) are not part of the human creation; as the human has further respect from God to allow external parts in the core of his/her creation. Therefore we allow marriage between the clone and the cytoplasm donor as well as the carrier, as everything is generally permitted except if enough evidence is given otherwise”.

References

- Al-Ansari, MH 2006, *Human Cloning: An Islamic Study on its Permissibility and Implications*, Al-Najah Publications, Tehran, Iran. (Original Arabic Book)
- Al-Hakim, MS 2004, *Jurisprudence of Human Cloning and Other Medical Rulings*, 4th Ed., Dar Al-Hilal, Najaf, Iraq.
- Fayadh, MI 2006 *Answers to Medical Inquiries*, Qum, Iran.
- Muhseni, MA 2006, *Jurisprudence and Medical Inquiries*, n.p.
- The Holy Quran
- Many other references mentioned in the original book but not here because their quotes were not included in this brief translation.