

Human Somatic Cloning: (Interests and Harms)

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Abstract

Cloning of humans is one of the most recent and contemporary topics that has sparked controversy in societies, and opinions about it have differed between supporters and opponents. This research clarifies the meaning of cloning and its types, reviews the benefits of human cloning that supporters of cloning have insisted on, and also reviews the harms of human cloning that opponents have adopted. The research also weighed the interests and harms in light of an important legal rule in the aspect of balances in jurisprudence, which is the rule that preventing harm is more important than bringing about benefits, leading to the preference of the scale of preventing harm over the scale of interests and harms.

Keywords: *contemporary issues - jurisprudence rule - medical developments - jurisprudence.*

Introduction

In the name of God, the Most Gracious, the Most Merciful. All praise is due to God, we praise Him, and we seek His help and His forgiveness. We seek refuge in God from the evils of our souls and our bad deeds. Whoever God guides, none can lead astray, and whoever God leads astray, none can guide. I testify that there is no god but God, alone, without partner, and I testify that Muhammad is His servant and Messenger.

After that:

The wheel of contemporary medical issues is constantly turning in our lives, and the new issues are endless. So explaining the Sharia's perspective on them is a basic need for people in society. Human cloning in the field of medical issues is an issue that has been debated between proponents and opponents due to its connection to a major purpose in the Sharia, which is the purpose of preserving the lineage. For this reason, we have been keen in this research to explain the benefits and harms resulting from physical human cloning from a legal perspective, and to balance them according to the rule that avoiding harm is more important than bringing benefits.

Research problem:

The problem of the research is explaining the Sharia's perspective on physical human cloning according to the legal interests and harms arising from it, through the rule that avoiding harm is more important than bringing benefits.

Research importance:

Human cloning has a significant impact on the family as a social unit, especially on family relationships and lineages. It is agreed that the preservation of lineage is a great

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purpose in the Sharia, and from it comes the importance of taking care of this contemporary issue because of its direct impact on the family.

Previous studies:

There are many studies that have discussed human cloning from a legal perspective in general, such as "The Human Cloning Crime of the Century" by Irfan al-Dimashqi, and "Cloning and Genetically Modified Organisms" by Aude Robert. However, I have not found any of the studies I have read that address it in connection with the rule of "Preventing harm is more important than bringing benefits." This is what the research is aiming for.

Research Methodology:

The nature of the research requires the use of the inductive and comparative analytical methods. The inductive method is a method that starts from partial observations to general generalizations. So we can use the inductive method to explore the interests of human cloning, its harms, and its types.

The first requirement: explore the issue of human cloning. It includes three branches as follows:

- Branch 1: The meaning of human cloning.
- Branch 2: Types of human cloning.
- Branch 3: Purposes of human cloning.
- The definition of human cloning

The term "human cloning" is a compound of the words "cloning" and "human". To clarify the meaning of the term, it is first necessary to define each of the words separately, considering the term to be an adjectival compound - that is, a modifier and a modified -, and then define the term as a noun or name as follows:

First: cloning linguistically and technically:

Cloning linguistically:

Cloning is derived from the verb "to copy" and has several meanings as follows:

"To copy something".

"To copy something from its opponent letter by letter".

"To create something new like something else that exists" As the Almighty said " We were recording what you used to do (i.e. Our angels used to record your deeds" [Surah Al-Jāthiyah Verse 29]. We used to record all what you did.

2- Moving something from place to another.

3- Removal and change for example: the sun abrogated the shadow, its removal, verse by verse abrogated a removal like its rule, and the wind abrogated the traces of the homes, changed them.

Perhaps the first and second linguistic meanings are Suitable and compatible with the meaning of human cloning idiomatically as a noun, as will be explained later.

Cloning idiomatically:

The term "cloning" in the terminology of natural sciences is the process of reproducing a new living organism that carries the same genetic traits as the original organism. The cloning process can be carried out using a variety of techniques, including cell nuclear

transfer technology. The jurists used the term "cloning" in their books as synonymous with the first linguistic meaning as well, and the following are some texts that show that: Al-Subki - may God have mercy on him - said: "The supervisor may make copies of the endowment, or buy what is needed of books and volumes, and then endow that endowment like the books in the house."

The Hanbali jurist al-Buhūti (may God have mercy on him) said in his book *Kashf al-Qinā'*: '(He is entitled to) that is, the borrower (to make a copy of the borrowed book) and he is entitled to (give the borrowed ring to someone who will engrave it for him in the same way) because the benefits accrue to him, so he is like an agent.'

Second: human linguistically and idiomatically.

The word (human) comes from the root (to show mercy). It refers to the creation, and it is used to refer to both men and women, singular, dual, and plural. It does not have a dual or plural form.

Humans in a technical sense: The use of the word "humans" in a sense synonymous with the linguistic meaning is mentioned on the lips of the Prophet, peace be upon him, describing himself in the following prophetic hadith Narrated by Alqamah: Abdullah said: The Prophet Mohamed prayed, said Ibrahim: I do not know if he increased or decreased, and when he greeted, it was said: O Messenger of God, did something new happen in prayer? He said: What is that? They said: I prayed this and that. So he folded his legs, faced the qibla, and prostrated twice, then greeted, and when he turned to us with his face, he said: If something had happened in prayer, I would have informed you of it, but I am only a human like you, I forget as you forget, so if I forget, remind me. And if any of you doubts in his prayer, let him seek the truth, complete it, then greet, then prostrate twice.

Third: human cloning as a title or science.

The Universal Lexicon Encyclopedia defines cloning as: "The production of a set of cells or organisms that are genetically identical." The Universal Lexicon Encyclopedia states that cloning is the production of a set of cells or organisms that are genetically identical. This means that cloning is the production of a genetically identical copy of an existing organism.

Dr. Ahmad Kanaan defined cloning as: "The generation or reproduction of a living creature (an exact copy) in a way other than traditional methods of reproduction, and this cloning may be complete or partial (stem cells)."

Dr. Nada, a specialist in obstetrics and gynecology, defined human cloning as: "Obtaining human tissues that are genetically identical to the original, by laboratory methods other than the traditional methods of reproduction, and cloning may be complete or partial (stem cells)."

We can notes on the previous definitions:

- The definition from the World Encyclopedia is a general and non-limiting definition; it includes cloning in the plant and animal fields.
- The definition of Dr. Ahmed Kanaan is specific to human cloning, but it is taken for his definition that it limited the meaning of cloning to the acquisition of a living creature, and that is by saying (generating or giving birth to a living creature), and this is what Dr. Nada-an obstetrician-gynecologist-noticed in the definition (obtaining human tissues that are genetically identical), and then the cloning stages may be completed completely or partially.

Selected definition:

We can choose the define human cloning by Dr. Nada, an obstetrics and gynecology specialist, which is the process of obtaining human tissues that are genetically identical to

the original, using laboratory methods that are different from the traditional methods of reproduction. Cloning can be either complete, or partial (stem cells).

The selected definition is characterized by being specific to the field of human cloning and accurate in describing the meaning. It is a comprehensive definition that includes all types of human cloning, whether complete or partial. As for the limitations that can be mentioned on the selected definition, they are technical and ethical limitations.

(With the original) The original cell may be a fertilized egg that is divided by the technique of embryonic splitting, or it can be the person who owns the nucleus of the somatic cell that was combined with the enucleated egg by the technique of nuclear transfer."

The (laboratory methods) indicate that doctors intervene in the first procedural steps in the laboratory, and that there is not just one method, as cloning is done by nuclear transfer technology and the embryonic splitting method, and their explanation will come when discussing reproductive human cloning."

(Non-traditional methods of reproduction): It states that the method of reproduction used is unusual "cloning may be complete or partial" indicates that human cloning can be divided into two types:

- Complete cloning: This is the cloning of a new organism, from the stage of the fertilized egg until its birth.
- Partial cloning: This is the cloning of a new organism, but only to a certain stage, in order to obtain stem cells from it.

Section Two: Types of Human Cloning

Human cloning is divided into two sections as follows:

First: Therapeutic Human Cloning: This is what the purpose of which was treatment and includes three main types:

- 1- Cloning of Human Embryos: This form of therapeutic cloning aims to benefit from embryonic organs by removing and transplanting them, and also to obtain embryonic stem cells from one of the richest sources of them, which are human embryos cloned, at an early stage of no more than one week. The importance of embryonic stem cells is due to the advantages they have that contribute to therapeutic purposes, as they are stimulated to form tissues for different organs, such as nerve cells to treat dementia and dementia, and other therapeutic purposes. These cells are characterized by the following: Their ability to grow, their ability to differentiate and specialize, their ability to secrete growth factors. And their ability to secrete substances that contribute to the repair and growth of damaged cells.
- 2- Cloning of Human Organs: This means cloning human organs in the laboratory, by taking cells from the organ needed by the patient and cloning them and multiplying them to facilitate the process of transplanting the damaged or damaged organ, without resorting to cloning an embryo and benefiting from its stem cells to replace or repair the damaged organ and then disposing of it.
- 3- Gene Cloning: This means controlling the genes and arranging their chemical formulas by breaking and connecting them with precise and special laboratory scientific methods, and then cloning them to benefit from them in the treatment of genetic diseases. Some genetic diseases or deformities are the result of a mutation that disrupts the genes. By cloning healthy genes, these diseases can be treated by removing those damaged genes and replacing them with healthy genes. Gene cloning is also a source of proteins that are used to treat diseases. For example, human growth hormone is used to treat short stature, and insulin is used to treat diabetes.

The second and third images, which are cloning of human organs and cloning of genes, are still in the experimental phase, and their actual practical use is limited.

Second: Reproductive Human Cloning: This is what the purpose of was reproduction, and it is also divided into two parts based on the technique used in reproduction, as follows:

1. Human Embryonic Cloning: This is the cloning that occurs using the technique of embryonic splitting, where this technique depends on splitting the cells of the fertilized egg in the laboratory by the method of external in vitro fertilization after removing the membrane around it during the division stage before the differentiation of tissues and organs, to obtain a number of embryos that are genetically identical.
2. Human Somatic Cloning: This is a form of asexual reproduction that relies on the nuclear transfer technique, also known as nuclear substitution. In this technique, the nucleus of a somatic cell from a human is placed into an enucleated human egg using an electric current. The cytoplasm surrounding the new nucleus in the egg then stimulates it to divide and form the first cells of the embryo, eventually resulting in an embryo that is genetically identical to the donor of the somatic cell nucleus.

Based on this, cloning can be performed between a male and a female, between two females, or between a female and herself without the intervention of a male. This type of cloning is still in the experimental and research phase, and it has not been approved by ethical committees in Europe and America.

"This type of human cloning (somatic human cloning) is the subject of the research and the explanation of its relationship to the rule of avoiding harm is more important than bringing benefits, as will be explained."

Section Three: Purposes of somatic human cloning:

"One of the purposes of somatic human cloning is to fulfill the desire to procreate for those who are infertile. Other purposes are added, as follows:"

- 1- Cloning individuals to help ensure the lives of their donors (from whom they were cloned) by using their organs and stem cells.
- 2- "Cloning individuals with special characteristics for military teams, such as night vision and insensitivity to pain, and individuals with high talents and geniuses, to benefit from them in various religious, political, economic, and military fields. The result of cloning is quick and accurate compared to in vitro fertilization, which takes time to confirm the results. And perhaps the mother's genes carrying the fetus in the in vitro fertilization process had an impact on the genius traits."
- 3- "Cloning for the purpose of improving the offspring by selecting the highest qualities of beauty and intelligence."
- 4- Cloning individuals for consolation alone is a highly controversial goal. There are major ethical concerns associated with this goal, which need to be addressed before it is widely accepted."

The two purposes of human cloning that you mentioned have not yet been realized in practice. They remain in the realm of theory and speculation.

There are a number of reasons for this. First, the technology of human cloning is still in its early stages of development. Second, there are a number of ethical concerns that need to be addressed before human cloning can be safely and ethically implemented. However, there is a growing body of research on human cloning, and it is possible that these purposes will be realized in the future. It is important to continue to discuss the potential benefits and risks of human cloning so that we can make informed decisions about its future use.

The second requirement: the interests and disadvantages of cloning in the balance of the jurisprudential rule.

Cloning in general, in all its fields (plants, animals, and humans), is one of the issues and problems that research and medical experiments related to it are still ongoing and renewed to this day and to the future. The issue of cloning has sparked a wide debate in the media and among religious scholars since the announcement of the cloning of Dolly the sheep in 1996, as scientists' experiments have turned towards humans after the success of the experiment in the animal world. Human somatic cloning is an unconventional way of procreation and reproduction among humans, and it leads to the elimination of the male in the reproduction process as mentioned when discussing the sections of human reproductive cloning. It includes interests and harms that are contradictory in the view of the jurists. In the following, I will present the interests arising from human cloning, and what opposes it from harms, and then I will explain the relationship of the matter to the rule of avoiding harms is more important than bringing interests according to the following axes:

- 1- The interests arising from somatic human cloning.
- 2- The harms arising from somatic human cloning.
- 3- Derivation of the issue of somatic human cloning on the rule of avoiding harms is more important than bringing benefits.

First: The interests arising from somatic human cloning.

The purposes of human cloning mentioned in the research are the same as the interests that are considered and hoped for from somatic human cloning. These purposes are still in the realm of theories and under experimentation and study, but these experiments are not announced because human cloning has not been approved by ethical committees in Europe and America, who consider it an unethical act, They believe that embryos are not fields for experimentation. So the interests desired can be summarized as follows.

"The potential benefits can be summarized as follows.

- 1- Achieving the desire to procreate for those who suffer from infertility, to help couples who are infertile have children."
- 2- Improving the breed by selecting the qualities of beauty and intelligence.
- 3- Cloning embryos to secure the lives of their origins who were cloned from them in case of their need for their organs and stem cells.
- 4- Cloning geniuses and people with extraordinary qualities in military teams so that the state can benefit from them in the religious, political, economic, and military fields. There is no doubt that this is the ambition of the great and great powers.
- 5- Cloning the dead so that their families find comfort and solace in them.

Second: The harms arising from somatic human cloning.

If somatic human cloning were to become a reality, there are a number of potential harms that could arise. These harms have been raised by many of the scientists who have argued against the use of somatic human cloning.

1. Somatic human cloning is contrary to the legitimate means of reproduction.

The argument that somatic human cloning is contrary to the legitimate means of reproduction is based on the idea that it is a form of artificial reproduction that does not follow the natural process established by God. In natural reproduction, a sperm fertilizes an egg to create a new individual. Somatic human cloning, on the other hand, creates a new individual by implanting a nucleus from a somatic cell into an enucleated egg.

Somatic human cloning involves the participation of parties that are not traditionally involved in reproduction.

The argument that somatic human cloning involves the participation of parties that are not traditionally involved in reproduction is based on the idea that it is a form of artificial reproduction that does not follow the traditional understanding of the family. In natural reproduction, the parties involved are a man and a woman. Somatic human cloning, on the other hand, could involve a man, a woman, or both, or it could involve only one person. So the participation of a third party in the process of reproduction is forbidden. This is because it leads to the mixing of lineages, which is a corruption that affects the purpose of the Shariah to preserve offspring. The Shariah is based on the preservation of offspring, both in terms of existence by legislating reproduction, and in terms of non-existence by prohibiting adultery and other things that lead to the mixing of lineages.

the evidence from the Qur'an is clear that the legitimate means of reproduction is between a married man and woman, and that the source of conception is the union of a sperm and an egg, not a somatic cell.

Here are some of the evidence from the Qur'an on this:

Quran 17:70: "And we have certainly honored the children of Adam and carried them on the land and sea and provided for them of the good things and preferred them over much of what We have created, with [definite] preference."

As the Almighty said "And it is He who created man from water and made him [a relative by] blood and marriage. And your Lord is powerful." [Surah Al-Isrā' Verse 70].

"So let man see from what he is created, He is created from a water gushing forth, Proceeding from between the back-bone and the ribs", [Surah At-Tāriq Verse 5.6.7]

And Allah has made for you wives of your own kind, and has made for you, from your wives, sons and grandsons, and has bestowed on you good provision. Do they then believe in false deities and deny the Favour of Allah (by not worshipping Allah Alone). [Surah An-Nahl Verse 72]

These verses confirm that Allah intended for human reproduction to be between a married man and woman, and that the source of conception is the sperm, not a somatic cell.

The scholars have unanimously forbidden the cloning of humans, because it violates the law of Allah, and because it leads to evils, such as the mixing of lineages, the exploitation of humans, and the emergence of a new generation of unnatural humans.

- Encouraging homosexuals in their unacceptable behavior by providing a means of procreation among homosexual women without resorting to a man, and this leads to the abolition of the role of the man and to do without him.

- Doctor Ahmed Kanaan stated that cloning produces children of old age, such as Dolly the sheep, as the analyzes conducted on Dolly the sheep showed that her chromosomes were older than her, and that the terminal segments had shrunk.

- Dolly the sheep retained the memory of the cellular divisions that were completed before her birth. This is considered a problem and will lead to health and health problems for cloned children. However, Dr. Nada, a specialist in obstetrics and gynecology, and Dr. Amna, a specialist in community medicine, stated that the age of the cloned newborn is still a matter of question and discussion. Is he born with a default age, with the age of the cell

- The age of the cloned newborn is the age of the somatic cell taken from its owner or his real age. According to their knowledge, no official admission of the birth of a cloned child has come to their ears, so the age of the cells cannot be determined. Human cloning is still not officially recognized, except for human cell cloning for the purpose of

treatment. There are official centers for gene therapy by cloning cells from the patient's own body.

- The psychological impact on the clone is one of the most important concerns that raises controversy about human cloning. It is believed that clones may feel a lack of identity and personality, as they are an exact copy of another person. They may also find it difficult to form their own identity, and may feel that their life is not their own. In addition, clones may be discriminated against by society. Some people may see them as unnatural or illegitimate. This may lead to feelings of loneliness and isolation.

- Human somatic cloning is considered an unlawful use of a woman's womb. If the nucleus is taken from the cell body of a foreign man, a foreign woman, or the woman herself, the resulting egg will be composed of the wife and a foreign party other than the husband. Even if it is taken from the husband, it is originally grown from the water of the father, who is the husband. This leads to the corruption of the evil of mixing lineages, which contradicts the purpose of the Sharia in preserving the family and offspring.

- The occurrence of disruption in the pillars of the family and family relationships, as in the case of somatic cloning from the woman herself, the owner of the womb and the egg, the cloned child is born from a mother without a legal father, contrary to nature and the nature of creation, which requires the birth of a human being from a mother and father within the framework of a valid marital relationship, as the spouses are the two main pillars of the marital relationship, so in such a case, is the original father considered the father of the cloned child in the event of cloning from an unmarried woman?

- Human somatic cloning is a controversial topic that raises a number of ethical concerns. Some of these concerns include:

The psychological impact on the clone: Clones may feel a lack of identity and personality, as they are an exact copy of another person. They may also find it difficult to form their own identity, and may feel that their life is not their own.

The potential for discrimination against clones: Clones may be discriminated against by society. Some people may see them as unnatural or illegitimate. This may lead to feelings of loneliness and isolation. So the potential for misuse of cloning: Cloning could be used for unethical purposes, such as creating soldiers, workers, or slaves. It could also be used to create children for sale or for exploitation in research or experiments.

The disruption of family and social relationships: Cloning could lead to confusion and ambiguity in family and social relationships. For example, it is unclear what the relationship between a clone and its original would be. Would the original be the clone's parent, or a twin sibling? These questions are difficult to answer, and they could have significant implications for the clone's identity and well-being.

The potential for health risks: There are some potential health risks associated with human somatic cloning, such as an increased risk of cancer and birth defects. These risks are not well-understood, and they need to be carefully considered before cloning is used in human reproduction.

The impact on social ethics: Cloning could have a significant impact on social ethics, such as the concept of family and parenthood. It is important to carefully consider the potential impact of cloning on society before making a decision about its legality or ethics.

- Cloning humans repeatedly leads to a problem in proving a person's identity in civil, criminal, or social matters. This can lead to identity theft and difficulty in proving a person's identity, especially with a matching appearance and genetic fingerprint.

All of the above is considered hypothetical jurisprudence, and the application of the rule is in the event of human cloning, which has not yet come to light, and its experiments

have not been successful on humans in a controlled manner, due to the complexity of the human structure, unlike animals and plants, as experts confirm.

Third: Dealing with the issue of human cloning on the basis of warding off evil takes precedence over bringing about interests

If one ponders the aforementioned benefits and harms, the following will become clear to him:

1. The interests sought from cloning are still in the realm of theories and under study and experiment, as the interests cannot be definitive.
2. Human cloning for the purpose of studying and researching diseases is an insult to the human being and his dignity, and it cannot be considered an interest, as diseases can be studied and treatment found in other ways such as descriptive epidemiology, exposure assessment studies, family studies, and experimental studies such as genomic studies, metabolism studies and epidemiology. Molecular risk modeling and tumor profiling.
3. Cloning humans to provide comfort and solace to their families is a false benefit. Muslims believe that death is a reality, and that each soul has a predetermined lifespan from Allah. If cloning is made available to these weak-in-faith people, their hearts may become attached to this means, and they may eventually deny death.
4. "The benefits that are hoped for from human cloning by selecting breeds with high specifications, talents, and beauty may negatively affect existing breeds in the future, causing a disruption in their natural balance that is destined from God."
5. "Cloning humans is a deliberate means to create offspring, but it leads to the mixing of lineages as mentioned in the discussion of the negative aspects; because it contradicts the law of God in human reproduction, and it leads to the occupation of the woman's womb in an illegitimate way, so it leads to a necessary harm that affects a main objective, which is the preservation of offspring. Ibn Ashour said: "The means to the best objectives is the best means, and the means to the lowest objectives is the lowest means."
6. Providing a means of procreation by abolishing the role of the male can be seen as encouraging homosexual women to their immoral behavior. This is because it removes the need for a man, and can therefore be seen as condoning homosexuality. Additionally, it can be seen as an aid to sin and aggression, as it can lead to women having children without the involvement of a father.
7. There is no scientific consensus on the age of a clone at birth. Some experts believe that the clone is the same age as the original cell, while others believe that the clone is younger, as the cells in the original cell have already begun to age.
- 8- The similarity of cloned humans and the damage it causes, such as the difficulty in proving personal identity, as well as the control of the sex of the fetus by cloning and the resulting imbalance in the society on the ratio of males to females, are damages that contradict the divine law on Earth, which is based on the rule of the difference of people in shapes, colors, attributes and characters; to continue life and construction on Earth, to which the Qur'an refers." The Almighty said [And if Allah did not check one set of people by means of another, the earth would indeed be full of mischief. But Allah is full of Bounty to the 'Alamin (mankind, jinns and all that exists).[Surah Al-Baqarah Verse 251]. That means And if Allah had not been repelling one set of people by means of another, the earth would have been filled with chaos.

"In the verse, God says: (And the difference of your tongues and your colors.) This means the difference of your languages and the way you speak. The word "colors" refers to the difference in skin color, and it also includes the difference in the shapes, structures, and colors of organs and bodies. This difference distinguishes each individual from another,

even identical twins. This is a great sign for the scholars, meaning those who have knowledge."

All of this is a sign of God's will, which has determined what it has determined, and a sign of His wisdom and mercy, for in this variation there are benefits, interests, and knowledge for people to know each other. And if it is said that identical twins are contrary to the divine law, then it is replied that identical twins were created from a sex cell, unlike the clone that is created from the fusion of the nucleus of a body cell with an egg without a nucleus. Also, the similarity between them is less than cloning. And to combine the interpretation of the last two verses in the opinion of Abu al-Su'ud and al-Sa'di in the above, even with the great similarity, there must be a difference between identical twins, and it may not be apparent to the observer."

9- It is not possible to combine the pursuit of interests and the avoidance of harm. It is not possible to bring about an interest from the interests of cloning without its being accompanied by harm.

10- The interests desired from physical human cloning are not strong enough to oppose the many harms that result from it. Some of them are not established as being beneficial, as in the two previous notes, the second and third.

he previous observations show that physical human cloning primarily affects the purpose of preserving offspring, on the one hand because it is a method that is contrary to the legitimate method of human reproduction, and on the other hand because it leads to the confusion of lineages and the creation of disturbances in the family, which has been the subject of the attention of the Shariah in terms of existence and non-existence. These harms are of the rank of necessities. The consequences of cloning also negatively affect the family, in terms of the abolition of the role of the husband in the fertilization process, and in terms of the imbalance of the natural balance of men and women. To this is added the harm of the difficulty of determining personality in criminal matters, transactions, and social matters.

As for the interests, the commentary addressed the interests in general, the interest of cloning the dead, the interest of cloning individuals for the purpose of studying diseases, and the interest of cloning lineages with desired talents and qualities, especially in the notes. The interest of procreation for those who suffer from infertility remained in opposition to the previous harms. This interest is considered necessary or necessary depending on the person's condition. Whether it is necessary or necessary, it cannot oppose the many harms that are opposite to it. In addition, the means to the interest must be legitimate, and physical human cloning is contrary to the legitimate method of reproduction, so it is not possible to combine them.

So most contemporary scholars have ruled that human cloning is prohibited, including Muhammad Sulayman al-Ashqar, Sa'ad al-Shwairekh, and Abdullah al-Mutlaq. The issue was brought before the Council of the International Islamic Fiqh Academy, and after research and deliberation, the Council decided that human cloning is prohibited, by both the nuclear transfer and embryonic splitting methods, and by any other method that leads to human reproduction.

The following is the text of the decision

حفظ الترجمة

In the name of God, the most gracious, the most merciful Praise be to God, Lord of the worlds, and prayers and peace be upon our Master Muhammad, the Seal of the Prophets, and upon his family and companions.

Decision No. 94 (2/10)(1)

On Human Cloning

The Council of the International Islamic Fiqh Academy, convened in its tenth conference in Jeddah, Saudi Arabia, from 23 to 28 Safar 1418 AH, corresponding to 28 June to 3 July 1997...

And based on the above research, discussions, and legal principles that were presented to the Council, it decided the following:

First: The prohibition of human cloning by the two methods mentioned above or by any other method that leads to human reproduction.

Second: If there is a violation of the legal ruling stated in the first paragraph, then the effects of those cases are exposed to explain their legal rulings.

Third: The prohibition of all cases in which a third party is involved in the marital relationship, whether it is a womb, an egg, a sperm, or a somatic cell for cloning.

Fourth: It is permissible in Islamic law to use cloning and genetic engineering techniques in the fields of bacteria, other microorganisms, plants, and animals, within the limits of Islamic law in a way that achieves interests and prevents harm.

Fifth: To appeal to Islamic countries to issue the necessary laws and regulations to close the direct and indirect doors to local and foreign entities, research institutions, and foreign experts, in order to prevent Islamic countries from becoming a field for human cloning experiments and promotion.

Sixth: Joint follow-up by the International Islamic Fiqh Academy and the Islamic Organization for Medical Sciences on the issue of cloning and its scientific developments, and the standardization of its terminology, and the holding of the necessary seminars and meetings to explain the relevant Islamic rulings.

Seventh: The call for the formation of specialized committees that include experts and Islamic scholars to set ethical guidelines in the field of research in the biological sciences (biology) for adoption in Islamic countries.

Eighth: The call to establish and support institutes and scientific institutions that conduct research in the field of biological sciences (biology) and genetic engineering outside the field of human cloning, in accordance with Islamic law so that the Islamic world does not remain dependent on others in this field.

Ninth: The rooting of dealing with scientific developments with an Islamic perspective, and the call on media outlets to adopt the religious perspective in dealing with these issues, and to avoid employing them in ways that contradict Islam, and raising public awareness to verify before taking any position. In response to God's saying (Then there comes to them some matter touching (public) safety or fear, they make it known (among the people), if only they had referred it to the Messenger or to those charged with authority among them, the proper investigators would have understood it from them (directly). Had it not been for the Grace and Mercy of Allah upon you, you would have followed Shaitan (Satan), save a few of you).[Surah An-Nisā' Verse 83]. Based on the information we have provided, it is clear that physical human cloning is not permissible in Islam. The Council of the International Islamic Fiqh Academy has ruled that human cloning is prohibited, and this ruling is based on a number of considerations, including the following:

Human cloning is a violation of the purpose of preserving offspring, which is one of the five essential purposes of Islamic law.

Human cloning can lead to the confusion of lineages and the creation of disturbances in the family.

Human cloning can have other negative consequences for the family, such as the abolition of the role of the husband in the fertilization process, and the imbalance of the sex ratio of the population.

Human cloning can pose a threat to the health and well-being of the cloned child.

Conclusion

At the end of this research, the following results were reached:

- 1- There is a conflict between harms and benefits in the issue of physical human cloning, and it is not possible to reconcile them.
- 2- The harms resulting from physical human cloning reach the level of necessities, so they must be avoided.
- 3- Physical human cloning can occur between a female and a female or between the female herself, and this eliminates the role of the man in the procreation process and encourages homosexuals.
- 4- Physical human cloning has a significant impact on a major purpose in Islamic law, which is the preservation of lineage, as cloning leads to the mixing of lineages.
- 5- The benefits resulting from physical human cloning do not reach the level of necessities, but are only needs. Therefore, avoiding the necessary harm is more important.
- 6- The rule that preventing harm takes precedence over bringing benefits is of great importance in the field of balancing in jurisprudence issues in general and medical issues in particular.

Recommendations

We advise students of knowledge who are researchers in the field of jurisprudence to pay attention to research in the aspect of legal rules with their old and modern applications; to deepen the role of the rules in gathering new jurisprudential branches.

We advise and urge for more attention to this legal rule that the scholars agreed upon and to link it to other applications other than medical applications; because of the importance and impact of the rule in controlling the jurisprudential branches; for books of jurisprudence did not almost lack mentioning it and inferring from it.

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