

Bismillahi Ar-rahmani Ar-Rahim

Praise be to Allah, Lord of the Universe. Prayers and Blessings be upon our Lord Mohamed, the ultimate Prophet and Messenger, on his kins and Companions.

RESOLUTION N° 100/2/10

ON HUMAN CLONING

The Council of the Islamic *Fiqh* Academy, holding its Tenth session in Jeddah (Kingdom of Saudi Arabia), from 23 to 25 Safar 1418H (28 June to 3 July 1997);

Having taken cognizance of the research papers prepared and relating to "Human Cloning" and of recommendations issued by the 9th *Fiqh* and Medical seminar organized by the Islamic Organization for Medical Sciences of Kuwait, in cooperation with the Islamic *Fiqh* Academy and other institutions, and held in Casablanca (Morocco), from 9 to 12 Safar 1418H (14 to 17 June 1997);

Having listened to discussions held around this topic, with the participation of *Fiqh* scholars and physicians ;

CONCLUDES THE FOLLOWING:

PREAMBLE:

God Almighty has created human being in the best of its form and has surrounded it with His Solitude. Hasn't the Almighty said : "*We have honored the sons of Adam, provided them with transport on land and sea, given them for sustenance the best and purest and conferred on them special favors above a great part of our Creation*". (Surat "Bani Isra'il/Isra'a V. 70).

God Almighty has endowed man with a spirit, has honored him by making him responsible, has made him His regent on earth, has allowed him to colonize this planet and has honored him by entrusting him with a mission compatible with his nature –this indeed is perhaps man's very nature. The Almighty has said : "*So set thou thy face steadily and truly to the Faith ; (Establish) God's handiwork according to the pattern on which He has made*

mankind : no change (let there be) in the work (wrought) by God : that is the standard Religion, but most among mankind understand not" (Surat "Rûm" V. 30).

Islam insists on the necessity of preserving man's innate nature, by maintaining the five universal principles : religion, life, reason, offspring and wealth; and also by protecting man from any corruptive modification both at the level of causes and consequences, as witnessed by the following "Hadith Qudsi" (Divine Words pronounced by the Prophet (PBUH), quoted by Al-Qurtubi from the narration of Qadi Isma'il : "I have created my servants all pure, but Satan has come to deviate them from their religion... and ordered them to change my creature".

God Almighty has taught to man what he ignored and has ordered him to research, observe, think and meditate. In many verses of the Holy Qur'an, God Almighty calls out man : "Don't they see ?", "Don't they look out ?", "Doesn't man see that We created him from a drop of sperm ?", "these are signs for those who understand", "this is a reminder for the conscious minded", "Read! In the Name of Your Lord Who has created".

Islam does not set up any obstacle or any obstruction to the freedom of scientific research that constitutes a mean to discover the order established by God Almighty in His creation. Nevertheless, Islam stresses that the door cannot be left wide open, without restriction, to the generalized implementation, without limit, of the results of scientific research, without examining them closely in the light of *Shari'a*, so as to authorize what is lawful ("Halal") and prohibit what is not ("Haram"). It is not allowed to apply a discovery just because such an application is technically possible. It has to be a useful science serving public interest and protecting people from harm's way. Science must respect human dignity, its place in the world and the purpose for which the Almighty God has created him. Man should never be a field for experimentation. In any way, should his identity, his specificity and his particularity be violated. Science should neither shake the stability of social structure, nor distract the foundation of parenthood, marriage links and family structures as they have been known through the history of mankind and preserved by the Divine Law on sound and strong bases set up by God.

One innovation of our time concerns a topic that has focalized public attention the world over, through the mass media, and that is "Cloning". It was therefore necessary to let people know the position of *Shari'a* on this issue, after

having it studied, in all its details, by an elite group of experts and scholars specialized in this field.

DEFINITION OF CLONING

It is generally known that the order set up by God stipulates that any human being created God is the result of the encounter between a spermatozoid and an ovule which nucleus contains a number of chromosomes equal to half the number of chromosomes contained in the cells of the human body. When the spermatozoid of the father (the husband) unites with the ovule of the mother (wife), the result transforms into an embryo containing a complete genetic map and capable of reproducing itself.

Once it fixes itself in the womb of the mother, this embryo gradually develops to become a complete being that will be born by the will of God. Thus, the initial cell divides itself into two identical cells, then four, then eight, and so on, until reaching the stage of determining the differentiation of the embryonic being. If one of the cells of the embryo divides itself into two identical parts, we obtain identical twins. Such an experience has been possible with some animals and has resulted in giving birth to identical twins. This operation has been considered as a form of cloning or procreation, inasmuch as it yields identical copies or species. This technique has been called "cloning by division".

There is another method of cloning a fully-grown being. It consists in taking the nucleus of a cell containing the complete DNA of a subject and injecting it into an enucleated avocet. A new embryo containing a complete DNA and capable of reproducing itself is therefore created. Implanted into the uterus, the embryo develops, reaches its full shape and becomes a living being fully constituted given birth by the will of God Almighty. This type of cloning is known as "nuclear transfer" or "Nucleus replacement". This is what is called "cloning" and this operation has led to the birth of the ewe "Dolly". But this new creature is not an identical copy of the original, because the enucleated ovule of the mother still contains remains of the nucleus in the area surrounding the removed nucleus. These remains have a noticeable effect on the transformation of the characteristics inherited from the cell. In our knowledge, such an experience has not yet, been applied to human being.

Cloning is therefore giving birth to one or several living beings, either by transplanting the nucleus of a cell into an enucleated ovule, or by dividing a fertilized egg before the tissues and limbs differentiation stage.

No one ignores that such operations do neither constitute a total creation, nor a partial one. God Almighty has said : "... Or do they assign to God partners who have created (anything) as He has created, so that the creation seemed to them similar ? Say : "God is the Creator of all things : He is the One, the Supreme and Irresistible" (Surat "The Thunder/Ra'ad" V. 16).

God Almighty also said : "Do ye then see ? The (human seed) that ye throw out, is it ye who create it, or are We the Creator ? We have decreed death to be your common lot and We are not to be frustrated from changing your forms and creating you again in (forms) that ye know not. And ye certainly know already the first form of creation : why then do ye not celebrate His praise?" (Surat Al-Waqi'ah/The Inevitable Event V. 58 to 62).

And the Lord also said : "Doth not man see that it is We who created him from sperm ? Yet behold ! he (stands forth) as an open adversary ! And he makes comparisons for Us and forgets his own (origin and) creation, saying : "Who can give life to (dry) bones and decomposed ones (at that) ? Say : "He will give them life Who created them for the first time ! For He is well versed in every kind of creation. The Same Who produces for you fire out of the green tree, when behold! Ye kindle therewith (Your own fires)! Is not He Who created the heavens and the earth able to create the like thereof ?" Yeh, indeed! For He is the Creator Supreme, of skill and knowledge, (Infinite)!" Verily, when He intends a thing, His Command is "Be" and it is!" (Surat Yasin, V. 77 to 82).

The Almighty also said : "Man We did create from a quintessence (of clay); then We placed him as (a drop of) sperm in a place of rest, firmly fixed! Then We made the sperm into a clot of congealed blood ; then of that clot (We made) a (fetus) lump; then We made out of that lump bones and clothed the bones with flesh ; then We developed out of it another creature. So blessed be God, the Best to create!" (Surat Al-Mu'minûn. The Believers V. 12 to 14).

On the basis of the studies previously presented to the Academy, the discussions held thereon, and the principles of *Shari'a*,

DECIDES THE FOLLOWING :

1. It is prohibited to clone human being, such as in the above-mentioned two cases or by any other method that results in the multiplication of human specie.

2. In case of violation of *Shari'a* prescriptions underlined in the first paragraph, consequences of such acts should be brought to the notice of the Academy so as to clarify *Shari'a* rules thereon.
3. Are prohibited all cases implying the intervention of a third party in the procreation process, whether a uterus, an ovule, a spermatozoid or a body cell for cloning.
4. It is permitted by *Shari'a* to use cloning techniques and genetic engineering in the fields of microbiology, botanic and zoology, and thus within the limits prescribed by *Shari'a*, in order to serve general interest and prevent inconvenience.
5. Invites Islamic countries to adopt laws and rules in order to close all direct and indirect avenues from local or foreign institutions, research institutes and foreign experts so as to prevent them from using Islamic countries as experimentation fields for the propagation of cloning.
6. The Council of the Academy and the Islamic Organization for medical Sciences shall jointly ensure the follow-up of the issue of cloning and of any new discovery in this field, shall establish the terminology of cloning and organize seminars and meetings in view to popularize *Shari'a* rules on the subject.
7. The Council calls for the establishment of specialized committees comprising experts and *Fiqh* scholars, in order to set up the rules of ethics to be observed in the field of research in biology in Islamic countries.
8. The Council calls for the creation and strengthening of scientific establishment and institutes dealing with research in biology and genetics, but in field other than human cloning, in compliance with *Shari'a* rules, so that the Islamic world would not be left in a state of dependency in this field.
9. Devoting the application of scientific discovery from an Islamic standpoint and invite all media to adopt an attitude in conformity with the prescriptions set by religion concerning these issues, to avoid to use these discoveries in a way incompatible with the spirit of Islam and to make public opinion aware of the right to verify

information before any decision on the subject, as required by Almighty God who said : "When comes to them some matter touching (public) safety or fear, they divulge it. If they had only referred it to the Apostle or to those charged with authority among them, the proper investigators would have tested it from them (direct)" Surat "An-Nisa'a / The Women V. 83).

Verily Allah is All Knowing