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## JURIDICAL INVESTIGATION OF HUMAN CLONING IN VIEW OF PRIMARY COMMAND

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### ABSTRACT

Advance of sciences in 21th century has provided many modern technologies for people. Among the mentioned technologies, one can refer to genetic and cloning advances. Cloning in Greek language means twig and bud and the activity of cloning is cutting and proliferation. It means that a living thing can be produced with no sexual intercourse. The mentioned operation is a common and natural issue in life ecosystem. The main objective of the study is juridical investigation of cloning in view of primary command, due to this issue that cloning is one of the most important issues in current age and is also focus point of many scholars in different fields. In viewpoint of jurisprudence, primary and secondary commands in regard with cloning should be considered significantly. Most of the sonnies and some contemporary Imamijurists believe in primary prohibition of cloning and have also presented some evidences in this regard including changing human; lack of possession of people on their bodies; conflicts between men and women, etc. On the other hand, most Shiite scientists believe in primary permission of cloning. At the present study, claims of parties would be presented and also claims of those scientists, who believe in prohibition, have been investigated.

**Keywords: Human Cloning, Primary Command, Jurisprudence, Imami Jurists, Sunni, Shiite, Evidence, Claim, Prohibition, Permission**

### INTRODUCTION

History of cloning turns back to third decade of 20<sup>th</sup> century, which has been conducted for the first time on plants. Through the mentioned method, plant cells were fertilized;

although they couldn't conduct cloning. In 1960, they performed cloning on plants and in 1993; the operation was performed on animals. In Italy, scientists could produce several calves (the calves didn't last for long time). This was in fact beginning of biological great revolution and after that people found that there would be possible to change their science fiction stories into reality. Later in 1997, Prof. Wilmot et al applied the technology for cloning sheep in Roslin Institution Scotland. They could finally produce a sheep; although the sheep died after a few months because of premature aging (**Teimoori Mohammad, (2005)**, human cloning and contemporary human rights, MA thesis of **ShahidBeheshti University, Tehran; p.75**). However in Islamic Republic of Iran, sheep cloning project was started officially since Sep of 2005 in Rooyan Research Center. After many experiments and studies, in Aug of 2006, a calf called Rooyana was born after a healthy cloning and is alive and healthy until now.

Around the world, animals such as cats, rats, and frogs have been cloned until now. However, the main discussion is on human cloning that different news are existed in regard with human cloning that have faced hard oppositions. However, there has been no exact and valid report in this regard until now.

In Jan 4<sup>th</sup> of 2003, two Dutch women owned a cloned kid through "Cloning Company". However, opposers state that the mentioned company has presented no evidence for production and DNA test of the child. Third cloned child has been also produced in Jan 18 of 2003 in Japan (**HoseiniPajoohKhosro, 2005**, cloning and technology of stem cells, p.2, Iran's Scientific and Industrial Publications). Now, the Earth is facing a huge revolution in terms of biology, medical issues, physiology, and legal affairs. Due to significance of this issue and considering that every scientific advance would affect directly policy making, legal behavior, and social performance, the present study has been conducted in order to investigate the issue in view primary command, so that a desirable solution can be provided for scholars and researchers in this domain.

Human has been produced by a cell that includes all genetic features. The cell would be changed into a cloned creature through a certain process and procedure. The new creature would include all features and characteristics of the original creature. The mentioned process is known as cloning (**Saremi Abo-Taleb, 2003, cloning, p.75**).

Physicians and biologists have conducted the mentioned action on animals in laboratory through referring to the natural environment

and have obtained desirable results. However, in regard with human cloning, the operation has not been conducted because of legal prohibitions and if there has been such operation, it has remained unreported. Hence, it should be mentioned that cloning operation can expand information of human in regard with cloning and genetics; although on the other hand, it has been changed into a challenging and conflicting issue between physicians and Moralists (Akhlaghiyon). Hence, the present study has applied descriptive and analytical methods of different references in order to discuss on this issue. The study aims at investigation of this issue that what are ideas and views of Islamic scientists about primary command on human cloning?

## DISCUSSION AND RESULTS

### Juridical investigation

Imami and Sunni scientists have presented some discussions about cloning in tow domains of human and non-human as follows:

#### Viewpoints of Islamic jurists about non-human cloning command

Islamic jurists, specifically Imami jurists, believe that cloning is permissible. In their viewpoint, this issue turns back to principle of Permission (Ebahe) and there is no meaning. For example, while this question was asked from honorable jurists that “whether cloning

of a live animal is permissible through proliferation of its living cells?” the answers were as follows:

“Apparently, there is no problem with this issue” Said Ayatollah Behjat. (Juridical Research Center of Judiciary Power, a series of juridical-legal votes in legal affairs, vol.1; p.233)

“There is no prohibition” said Ayatollah Sistani (**Ibid; p.233**).

“The action has no problem or prohibition intrinsically” said **Ayatollah Seyyed Ali Khamenei. (ibid; p.233)**.

“The action would be permissible for animals” said **Ayatollah MakaremShirazi (ibid; p.234)**

“If the action requires no illegal operation, there is no problem with it intrinsically” said Ayatollah Safi Golpaygani. (Ganjineh 2 Software, Qom, Association of Training Jurists and Producing Juridical Texts)

#### Opinions of contemporary jurists about human cloning in view of primary command

Most Sunni Muslims such as Yusuf Gharzavi, Vhbe Al-zahili, and Raafat Osman have convicted this action absolutely and have presented many different evidences against it. (**Al-gharzavi Yusuf Abdollah, Al-estensahBein Al-elm va Al-din, 2003, p.96**, available on **Qaradawi.net; Raafat Osman**

**Mohammad, Fatavi Al-faghiheHol Al-Mostadejat al-elmi, 2000, p.128**, available on Islamonline.net)

In fact, since the beginning they claimed that the cloning action is opposed to religion and goals of Islam. (**Al-khademi, Estensakh Al-bashari Beda Al-asr, 99**).

However, some Muslims, mostly Shiites, have presented different opinions in this regard, from absolute prohibition to absolute permission. Hence, views of jurists about cloning in terms of primary command can be investigated in two sections which have been presented as follows.

**First section:** view of most contemporary jurists in regard with Permission (Ebahe) of human cloning in terms of primary command: However most Sunni jurists have consensus on prohibition in this regard; contrary to animal cloning command, there is no consensus among Shiite jurists in regard with human cloning. Shiite jurists have presented two different theories in this regard. Most of the Shiite jurists believe in permission of such operation and some of them believe in prohibition of cloning, which their theories have been discussed as follows.

Those people, who believe in primary permission of cloning, believe that issuance of prohibition command needs presentation of evidence; although there is no need to present

evidence about permission, since they believe a common claim as follows:

**Firstly**, prohibition needs evidence and if evidence of prohibition is not existed in Quran, tradition, consensus, and wisdom, the action would be permissible and lawful. The mentioned belief of fundamentalists includes rational and traditional backup. According to Imam JafarSadegh “all affairs are absolute, until that you find that they are prohibited” (**Sadoogh, Man La Yahzar Al-faghih, vol.1; p.317**); and “in principle, all things are permitted; unless for a desired reason” (**Verses 29 and 168 of Baqara Surah and verse 145 of Anam Surah; Vasaal-ol Shiite, vol.18, p.127; No.60**). Therefore, everywhere there is no reason for prohibition of something, the command would be based on permission; for example, there is no prohibition for smoking, so it is permissible.

**Secondly**, reason for issuance of such command can be Act of Grace (Lotf) that states that if an action is prohibited, jurist must stated it and since he hasn't stated this issue, one can conclude that the action is permissible and there is no prohibition for it.

**Thirdly**, cloning phenomenon is an emerging issue and on the other hand, there is no reason suggesting that the action is prohibited in our four main sources (Quran, tradition, consensus, and wisdom). On the other hand,

evidence of “things are permissible in principle”, is dominated in fact on permissibility of actions (**Al-rasael, Sheikh Ansari, Beraat; p.198**); and hence, people would not allowed to prohibit something that its prohibition has not been confirmed. According to verse 116 of Nahl Surah “because of lie of your tongue, don’t say that a thing is permissible and another is prohibited; Almighty God would not forgive those people, who lie on behalf of God.”

Accordingly, contemporary jurists have consensus on permissibility of cloning operation in view of primary command. For example, in response to the question that “whether human cloning in laboratory and through advanced methods is permitted?”

Mr. Fazellankarani has stated that “there is no prohibition intrinsically; unless there is an evidence for prohibition”. (Sadehgi Mahmud, human cloning in viewpoint of religious jurists and in view of **Islamic Jurisprudence; 2004, Bioethics, Pub:Samt; p.79**)

Ayatollah Seyyed Ali Sistani has answered “there is no prohibition naturally”

Ayatollah MosaviArdebili said “although human cloning has not come into force until now, there is no reliable evidence on prohibition of such operation and examination”. (Juridical Research Center of Judiciary **Power, 2002; p.231**)

Ayatollah SeyyedKazemHaeri: “human cloning has no prohibition as primary command if it doesn’t include any prohibited action”. ([www.balagh.com](http://www.balagh.com))

Ayatollah Seyyed Mohammad Saied Hakim: “creating a living thing through cloning or other methods is permissible”. (Hakim Seyyed Mohammad Saied, human cloning and juridical opinions, **Najaf, Dar-olHelal, 1999; p.18**)

Ayatollah Seyyed Mohammad Shirazi: “the origin of things is based on permission; unless the action may lead to an unlawful act like disturbance in system”. ([www.annabaa.com](http://www.annabaa.com))

AyatollahNaserMakaremShirazi: “cloning is permissible based on primary command, since there is no verse, evidence, rational reason, or consensus on prohibition in this regard”. ([www.amrirmomenin.net](http://www.amrirmomenin.net))

Mentioned opinions have confirmed permissibility of human cloning; although other jurists have referred to permissibility in implicitly or at least it can be mentioned that their opinion about permissibility can be understood from their statements. For example, Ayatollah Sanei has stated that: “conducting any scientific advance and development and implementing it in creating human (cloning) that is related to wife and husband or even just to wife; is not prohibited; unless for certain conditions...”

(Sanei Yusuf, 2001, medical studies, Qom, pub: Zeitoon; p.67)

Elsewhere, Ayatollah Behjat has been asked a question that “if a virgin girl is fertilized through cloning, whether the born child is replica, her homological, or her daughter?” in response the Ayatollah has answered: “there is no prohibition and the child is similar to her daughter” (Ganjineh 2 Software)

There is also another statements that have not clearance in permission has no primary command. However, based on statements of most contemporary Shiite jurists have presented in regard with human cloning and has stated that it is permissible, it seems that command of permissibility of human cloning is permitted in terms of Shiite rules and principles. Hence, one can believe that human cloning is permissible in view of primary command.

**Second section:** viewpoints of some contemporary jurists in regard with prohibition of human cloning in view of primary command and investigation of them:

A few jurists believe that human cloning is prohibited such as Ayatollah Sheikh JavadTabrizi; Allameh Mohammad Mahdi Shamsedin Lebanon jurist; and contemporary Sunni jurists such as Yusuf Gharzavi; Vahbe Al-zahlili; and Raafat Osman (Al-gharzaviYususfAbdollah, cloning in science

and religion, 2003, p.96, available on Qaradawi.net/ Raafat Osman Mohammad, statements of jurists about scientific issues, 2000, p.128, available on Islamonline.net). For example Ayatollah Tabrizi has been asked the question that “whether human cloning in laboratory and through advanced scientific methods is permitted?” and in response he has stated: “it is prohibited”. (Ganjineh2 Software)

Deceased Allameh Mohammad Mahdi Shamsedin, who has been a Shiite jurists from Lebanon and several other jurists believed that “human cloning is certainly absolutely prohibited and this issue should be discussed in regard with animals. However, it can’t be permitted by itself.” (Cloning in Islam and Christian, thought school of Lebanon, 1999; p.133)

The mentioned jurists have also presented some evidences and reason for their claims as follows:

- **Changing people:**

Summary of the evidence is that human cloning refers changing of people and the action has been prohibited according to verse 119 of Nesa Surah: “Satan states that I will misdirect human and will also order that people should change human being. So, be aware that everyone that

likes Satan and not the holy God has lost many opportunities.”

In this verse, cloning of human has been considered as a prohibited action and a satanic operation based on content of the verse. It means that human cloning can lead to creation of some versions of a body and the action has been prohibited based on principle of primary command in Islam and also Quran has referred this issue. According to Allameh Mohammad Mahdi Shamsedin: “commentators of all Islamic religions and parties are agreed that the aim by changing people has been any kind of change that can lead to inadequate alterations in human body.” Almighty God has determined certain tasks and responsibilities for body members that changing them would be prohibited action. Hence, two views would be presented in this regard as follows: first; changing people has been interpreted as inadequate physical changes and second; he has concluded that the action is a prohibited action through stating that changing people is an inadequate physical change and also cloning is an improper physical change (**Cloning in Islam and**

**Christian, thought school of Lebanon, 1999; p.133).**

Among Sunni scientists, Vahbeh Al-zahlili believes that genetic manipulation in order to improve fetal position refers to changing people and violation of human dignity. He has stated in this regard that if the aim by such action is improving bad hereditary diseases, there would be no problem and prohibition. However, if the aim is modification of race and enhancement of mental power, the action would be prohibited, since such action would damage human dignity in addition to change in people. (**Fazlollah Hossein, 1997, cloning in religion and morality, p.126-127, Damascus, school of thought).**

#### **Analysis of the first claim (reason)**

The first reason clearly doesn't include certain and valid base and foundation; for example, at the first reasoning that jurists stated that cloning is lie changing people because of physical changes; in response to the mentioned reasoning one can state that the issue basically is not related to principle of cloning, since one can assume that through the mentioned technology a healthy creature can be

produced. Such view can reject the first reasoning of the opposed jurists. It means that the reference of reasoning has been toward weakness of the mentioned modern technology that the weakness should be removed. Another part of the reasoning is that changing people can be considered as improper changes in body. The opinion has been claim of all commentators. In other words, all commentators have interpreted changing people as improper changing of body; although the interpretation has not been agreed by all commentators, but also there are some conflicts among the statements as follows:

According to deceased Sheikh Tabresi: “it has been mentioned that the aim by changing people has been same divine nature that is Islam religion and orders of Almighty God” (TabresiFazlIbn Hassan, 1991, *Javame-olJame*; Tehran: publications of Tehran university; p.288)

Elsewhere, Sheikh Toosi has also claimed in this regard after presenting ideas of commentators as follows: “the most powerful and accurate statement

is statement of those, who have interpreted changing people as religion according to verse (nature of God is same nature of human. Don't change people)”. (Toosi Mohammad Ibn Hassan, 1988, *Quran Interpretation*, Qom, Islamic Sciences School, vol.3, p.332)

Deceased MollaFathollahKashani has stated in *MenhajUl-sadeghin* as follows: “Imams Mohammad Baqer and JafarSadeq have narrated that the aim by changing people is changing the religion and order of God” (KashaniMollaFathollah, 1925, *MenhajUl-sadeghin fi ZamUl-mokhalefin*, Tehran: Islamic Books Center, vol.3; p.115)

Deceased AllamehTabatabayi has stated in *Tafsir Al-mizan* as follows: “the term changing people refers to denying principle of mettle and leaving God's religion”. (TabatabayiSeyyed Mohammad Hossein, 1985, *Al-mizan Fi Tafsir Al-Quran*, Islamic Books Center; p.87)

Finally, Ayatollah MakaremShirazi has stated in regard with interpretation of sample as follows: “they would contaminate nature of Monotheism with idolatry” (MakaremShiraziNaser,

1987, interpretation of sample, Tehran: Islamic Publication; p.138). There are also other comments; however there is no consensus on these claims and hence, the mentioned reasons and evidences would not be confirmed.

- **Lack of people's possession on their bodies**

Based on the reason, people have no possession and authority on their body, but also they are depositaries of it and the original owner is God. Hence, every change and influence in human body would be depended on permission of its owner that is God. Allameh Mohammad Mahdi Shamsedin have stated about cloning as follows: "human cloning is certainly prohibited and illegal and in regard with animals it can be discussed; however it can't be permissible by itself"; he added following: "people are not owner of their own and other people's bodies; unless there is another reason. Hence, cloning has no good reason based on secondary commands." (Cloning in Islam and Christian, Islamic Training School, 1999, Beirut; pp.132 and 133)

Sunni jurists believe also that human cloning is a kind of possessive influence in body and the issue is prohibited and immoral. In this regard, they have claimed that selling of human has prohibited and a selling contract on human would be null and void. Hnifan states in this regard as follows: "human is honorable in view of law and religion, even being pagan. In fact transaction on human and making selling contract on human can change human to materials and objects and this would lead to ignominy of human."

**(EdrisAbdolfattahMahmud, 1997, abortion in viewpoint of Islam, Journal of Hekma, No.13).**

Shafeies have also excluded human from selling affairs and believe that any contract on human would be null. Sometimes they would be agreed on this issue and have consensus on it. Prohibition command includes sometimes a part of human. Accordingly, Malik IbnOms has stated that even selling of human hair is prohibited and isn't permitted. (IslamiSeyyed Hassan, 2003, white lie: a wide expanded discussion on its

concept, Qom, research institution of Islamic Publication and ads Center) Kashef Al-gheta has referred a considerable issue in regard with lack of possession of people on their bodies. In his point of view, lack of being material can be either because of competency of an object (such as free human and temples), or because of its incompetency (such as garbage) (IslamiSeyyed Hassan, 2004, abortion in view of morality, law, and jurisprudence, Journal of Women Message in Islamic Republic of Iran, vol.1, No.155). Based on this viewpoint, people are not material and can't be possessed and not only, no one can sell people, but also people can't sell themselves voluntary. It means that people are not owners of their body.

Therefore, every Muslim is responsible for protecting his/her body like a divine loan and should not influence and change bodies. Accordingly, human cloning that is a kind of possessive influence in the body is certainly prohibited. When people have no right to change and influence their bodies, they would not be also permitted to change others'

body in view of primary command. The mentioned issue has been a summary of claims of Sunni jurists such as MonavarAnis Ahmad expert of genetic engineering and director of Islamic Periodical. (Center of publishing issues of cloning and morality the science of life; p.10)

Moreover, Ahmad Oudollah has claimed that: "possession of body is not for human, but also in viewpoint of Muslims, body belongs to Almighty God. Hence, body is neither people's property nor a commodity for selling or changing." (OudollahRiaz Ahmad, 2003, cloning in Islam, Jordan Oman; p.190)

#### **Analysis of the second claim (reason)**

In response to the second claim, one can mention that **firstly**, there is no doubt that human body is a loan from God; however not only the body, but also all objects and things in the world lie land and sky are loans of God. Although this would not mean that human has no right of influence, since absolute owner of the world (Almighty God) has permitted human to influence affairs properly, desirably, and legally. As it has been

mentioned in Holly Quran as follows: “we have yield you land and sky and everything in them” (Al-Jasiyeh/12).

One of the examples of the “everything in sky and land” is body of people. If there is no prohibition in influencing body, so suicide and self-mutilation would be common and permissible actions. In response, one can state that suicide with certain reason (verses 29 and 30 of Nesa Surah/ Vasael Vol.9; p.13; vol5 of AbvabeGhesaseNafs/ Vasael vol.19, p.13; vol5 of AbvabeGhesaseNafs/ Man La Yahzaro Al-faghih, vol.3; p.374, narrative.23) and self-mutilation because of narrative (No loss and damage/ La ZararVaEzrar) (Sheikh HorrAmeli, Vasael Al-Shiite, vol.6; p.14) have been prohibited.

**Secondly**, if people are permitted to influence their bodies, so how some operations such as plastic surgery, organ transplant, organ donation, optional caesarean, and blood selling have been permitted by jurists?

For example, in option 2870 of Catechism of Imam Khomeini it has been mentioned that: “exploitation of blood is permitted, except for selling or eating; hence, the common issue of

selling blood for survival of people has no prohibition and it would be better that they compromise and take some money instead of the blood that is permissible and has no prohibition, but also the precaution should not be left as much as possible. However, if exploitation of blood is harmful for its owner, it would be prohibited, especially if the damage is huge and irrevocable.” (Imam Khomeini, 1994, catechism, Islamic Publications; p.353)

Mr. Sanei has stated that: “it would be permissible to transfer blood from a body to another through certain instruments. Weight of the blood should be determined by special instruments and then its price should be paid. If the weight is undetermined, the blood transfer should be conducted through conciliation. It would be better to take money instead of blood transfer and the action should not be left as much as possible.” (**Sanei Yusuf, 2001, catechism, Zeitoon Publications; p.484**)

Elsewhere, Ayatollah MakaremShirazi has stated in his catechism as follows: “injection of blood from a person to another for purpose of treatment is

permitted, even the person is Muslim or pagan as well male or female. Selling and buying blood for such purposes would be permitted and there would be no prohibition.” (MakaremShiraziNaser, 1999, catechism, Qom, Imam Ali IbnAbiTaleb School; p.508)

As it was mentioned, selling blood for mentioned purposes has been permitted. Here the question is that if people are not owner of their body, how they have right to sell their blood? (Imam Khomeini, Boo of Selling, vol.3; p.83. Pub: Najaf-pour Javaheri Ali, organ transplant in view of jurists while brain death, Tehran: Imam Sadegh University)

**Thirdly**, in regard with organ transplant issue, most contemporary Shiite jurists have permitted it like Ayatollahs MaaremShirazi, Sanei, and deceased Ayatollah Behjat. (MakaremShiraziNaser, 1999, catechism, Qom, Imam Ali IbnAbiTaleb School; p.508/ Sanei Yusuf, 1997, medical referendums, special commands of physicians-patients, pub: MeysamTammam; p.131/ Ayatollah Behjat Mohammad Taghi, 2008, catechism; p.24)

**Fourthly**, in regard with cosmetic surgery of body and face that would be considered as a kind of influence in body, some jurists don't believe in prohibition in response to the question: “whether body and face cosmetic surgery such as nose and lip surgery by surgery instruments that is an influence in divine creation is permitted?” their answers are as follows:

Ayatollah Khamenei: “there is no prohibition intrinsically”

Ayatollah Fazellankarani: “there is no prohibition; although the precaution is in leaving it”

Ayatollah MakaremShirazi: “there is no prohibition and such influences are permitted legally”

Ayatollah Safi Golpaygani: “if there is a rational purpose, there would be no prohibition”

Ayatollah Sistani: “there is no prohibition”

Ayatollah Tabrizi: “if such action is performed through using body members or surgery, so that it can be covered by skin, there would be no prohibition; otherwise, the action would not be permitted.”

(MahmudiSeyyed Hassan, 2004,

**new issues in view of scientists and ayatollahs, Qom; p.153-154).**

According to mentioned claims by jurists, it could be found that people have legal right to influence and change their bodies and hence, the second claim (reason) would not be acceptable and has not been confirmed.

- **Creating dispute between men and women**

The mentioned jurists, especially Allameh Mohammad Mahdi Shamsedin, believe in their third reason that cloning would lead to creation of conflicts between men and women and as a result lead to dissolution of family. The third reason for those jurists, who believe in prohibition of cloning, is the verse (102/Baqara) as follows: “they used to learn something from the two angles to create dispute between man and woman in order to damage their life.” They would interpret the verse in this way that changing family through cloning is an illegal action and is prohibited. (FazlollahHossein, 1997, cloning in disputes of science, religion, and ethics; p.39, Damascus, school of thought)

### **Analysis of the third claim (reason)**

In order to analyze the third reason it could be mentioned that **firstly**, the assumption is a prejudgment and there is no evidence and proof to mention that cloning would cause separation between wife and husband. **Secondly**, if cloning is conducted for infertile couples, it would not cause their separation, but also it may cause survival of their family. **Thirdly**, if it could be mentioned that cloning can cause separation, the same issue can be considered also for artificial insemination; although most jurists have permitted artificial insemination and believe that there would be no prohibition in this regard. Hence, the third reason can't be a desired reason for prohibition of cloning, since the third reason is out of the subject and profession of the discussion.

- **The fourth reason in this regard has been precaution as follows:**

Opponents of cloning can refer to principle of precaution. Reference to principle of precaution is such manner that if opponents face an issue in regard with three terms of “souls”, “disclaimer”, and “vulva”, they should conduct principle of precaution. In this

discussion, it could be also mentioned that the term “vulva” covers also reproduction issue. Hence, if there is doubt that whether cloning is permissible or not, it should be avoided and it would be considered that the action is prohibited.

The answer to this part is as follows: it is well-known among scientists and jurists that the term “vulva” would not include reproduction issue, but also it is about a situation, in which people are doubted that whether an unknown woman is lawful or not. In such conditions, the principle of precaution should be implemented and intercourse should be considered as a prohibition. In fact, principle of precaution can be applied about doubt, not about glancing information.

Moreover, based on other evidences on prohibition of cloning (need for sexual reproduction; mixing genes; ambiguity in family relationship; ambiguity in alimony and inheritance; destruction of maternal concept; possibility of illegal relations; propagation of homosexuality; physical similarities, etc), it has been argued that most of the mentioned items have no legal and rational base

and foundation due to secondary command. Hence, the items would not be analyzed and just naming them has been enough here.

## CONCLUSION

Therefore, after investigation and analysis of main evidences of those jurists, who believe in prohibition of human cloning, it could be mentioned that in regard with prohibition of human cloning as the primary command, some weak and invalid reasons have been presented. Due to presented claims and evidences on permissibility and favorable opinions of most Imami jurists, it could be found that human cloning as the primary command is permitted and there is no good reason for its prohibition in this regard.

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