Bi-quarterly Scientific Journal of Family Law and Jurisprudence Journal, Promotional Article, Vol. 28, No. 78/ Spring & Summer 2023

Studying the Lineage and the Rights of Cloned Child in Imami Jurisprudence and International Law

Mohammad Farzanegan¹ Seyedeh Tahere Moosavi Khatir² Mehdi Taleghan Ghafari³

Abstract

In recent decades, the debate about embryo research and fertility treatments has been the subject of many political, ethical, legal and theological controversies in Iran and outside between countries. Lineage is one of the most basic human rights in Islamic law that every person inherits from his family. With the emergence of these technologies and the expansion of knowledge, the child's lineage due to these new technologies has been in the spotlight. These technologies have a great contribution in medicine science. In this field, in recent decades, a new method called cloned has been emerged in medicine science and in the field of technology. Due to the widespread use of this method, the lineage of cloned child and his rights will be one of the important issues related to this issue. This article has been compiled by descriptive and analytical method and by collecting data on library sources, also with the purpose of studying the lineage regarding cloned human in medical science in the scope of jurisprudence opinions and rules of international law. The findings indicate that the attitude of the jurists towards the rights of cloned child has differences with each other, but most of the jurists do not recognize the rights in this area regarding the legal descent of the clone, because the Fatherhood is not given to anyone.

Keywords: Islamic jurisprudence, cloned human reproduction; lineage; parent and child relationship; International law.

^{1.} Assistant Professor of private Law of the University of Mazandaran, Babolsar, Iran m.farzanegan@umz.ac.ir

^{2.} PhD. Student of private law of the University of Mazandaran, Babul Sar, Iran mosavi.tahereh1372@gmail.com

^{3.} PhD. Student of private law of the University of Mazandaran, Babul Sar, Iran m.taleghanghafari@stu.umz.ac.ir