



Analysis of Theories of Educational Jurisprudence and International Law Regarding the Cloned Child

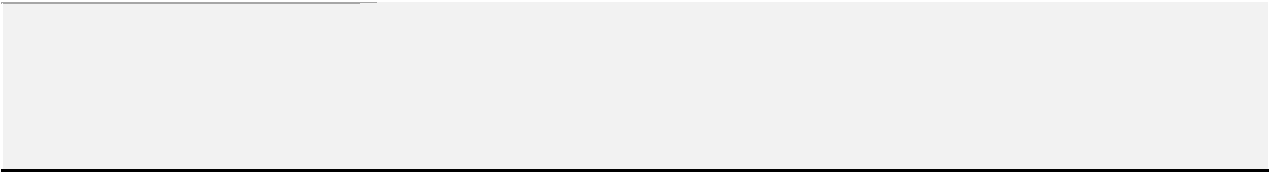
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ARTICLE INFO	ABSTRACT
<p>Received: 21 January 2021 Revised: 06 April 2021 Accepted: 25 April 2021 Online: 20 September 2021</p>	<p>Proponents of educational jurisprudence in Iran believe that the principles of jurisprudence can be used in various fields of educational sciences, including the process of childbirth. One of the new scientific phenomena and development is the birth of a simulated child and the explanation of behavioral and educational dimensions and challenges of this method of birth. The purpose of the present study was to analyze the perspectives of educational jurists and international law regarding the simulated child. The research method is a comparative qualitative using systematic review approach. The research population included all studies that were published in the period 2000-2020. Boolean strategy was used to select the research sample and systematic review method - Kitchenham & Charters approach - was used for data analysis. The first research finding reveals that there is a difference between the opinions of the two groups in eight components and similarities in five dimensions. The unpredictable consequences of human simulation, threat to the family system, attention to the rights of the simulated child, and the preference of therapeutic simulation over productive simulation form the common denominator of educational jurists with the laws of international organizations. Dimensions such as the ideological basis of human status, the origin of the right to human health, the ideological basis of human consent to participate in the simulation process or the religion of the simulated person are mainly indicative of theoretical differences between the two groups. The research findings also indicated that educational jurists in Iran are more controversial than the international community on issues such as attention to the role of parents, relationship with <i>Mahrms</i> or <i>Non-mahrms</i>, and the rights of the child simulated in terms of custody, inheritance and blood money. It seems that educational systems same as religious and legal systems, must inevitably prepare themselves for the reception of simulated children in educational settings.</p>
<p>KEYWORDS</p> <p>Human Simulation Educational Jurisprudence International Law Therapeutic Simulation Productive Simulation</p>	

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1. Introduction

Despite After the victory of the Islamic Revolution in the late 1970s, one of its missions was to change the educational foundations of Iran society through the application of Islamic theories instead of Western theories in the educational process. To achieve this goal, some experts tried to explain the view of Islam - especially from the perspective of the Shiite tradition - by adding the word "Islamic" as a suffix to various scientific fields (Heidari Manesh; Shaykh al-Islami & Sheidaian, 2021). Jurisprudence was one of the sciences whose specialists in Iran tried to extend its influence to various fields of knowledge, including educational sciences, and to introduce "educational jurisprudence" as an alternative to "Western education" (Pour Abdullah & Mohammad Hassani; 2018). From view of the proponents of educational jurisprudence, educational behaviors, like all voluntary behaviors of the imitator, have a religious ruling. Educational jurisprudence with the aim of determining the Shari'a rules of the voluntary behaviors of the obligees in the field of education, is trying to achieve this goal and examine new educational issues and questions from the Shari'a vision (Arafi, 2016). Also, one of the duties of educational jurisprudence is to respond and make decisions regarding new issues and phenomena and to approve or reject them in the field of education (Mousavi, 2018). Accordingly, all religious jurists - consciously or unconsciously - are also educational jurists because educational jurisprudence uses their views and fatwas to explain and interpret educational phenomena, issues and challenges.

Educational jurisprudence now faces a new challenge in the field of child creation which is the achievement of biologists. According to educational jurisprudence - which generally relies on the principles of Shiite jurisprudence - in the process of fostering a child, we can mention five stages before birth, birth, awareness, puberty and after growth. In the prenatal stage, most issues such as marriage and choosing a spouse, sexual satisfaction methods, maternal nutrition during pregnancy and religious rules of pregnancy have been considered by educational jurists (Hemmat Banari, 2002). Also, before the recent developments and advances in biology, only the role and sexual relations of male and female in the formation of the fetus were considered by educational jurists. Now the new question is that "what is the opinion of educational jurisprudence about the birth of a child through asexual reproduction (simulation)". In fact, nowadays educational jurisprudence is faced with several questions in the field of simulated child education such as religious rulings about the birth of a simulated child, the educational difference between a simulated child and a normal child, the identity and personality of the child, the relationship with parents and their role, and the

moral identity of the simulated child (Seifi Qara Yataq, Khojasteh Mah Siah & Dehbashi, 2016). Among these, the most important question is that “what is the opinion of educational jurists regarding the permission or non-permission of the birth of these children according to Shiite jurisprudence”, and from a comparative perspective, can their opinions be examined in accordance with international law? With this brief introduction, the main purpose of study was to analyze the theories of educational jurisprudence and international law regarding the simulated child. Research questions include:

- What is the opinion of educational jurists about the birth of a simulated child?
- What do international laws say about the birth of a simulated child?
- What are the similarities and differences between the views of educational jurists and international law regarding the simulated child?

2. Theoretical foundation and Research Literature

Cloning is the process of producing cells with similar organisms (clones) (Thompson, & Harrub, 2001). In biology, a "clone" refers to a cell with an organism whose genetic structure is identical to that of the cell or organism from which it was derived. European Parliament Resolution (2000a) on human cloning also considers the basic concept of “cloning” to be the existence of the same genetic structure between two individuals, regardless of the method used or the purposes associated with it. Therefore, in the simulation - which is asexual - the creature will have only the characteristics of one of its parents. However, so far this operation has been performed on mammals such as sheep, cattle, goats, pigs and mice, although the results of these measures have not been very successful and only a few of them have led to the birth of a living organism (Qu, Wang, Zhang, & Liu, 2020). Animal simulations have shown pregnancy problems for the pregnant animal, which can be mentioned as follows: Increased size of the baby, placental abruption, pulmonary, renal and cardiovascular problems, liver, hinge, brain and safety apparatus (National Research Council, 2002). At the same time, proponents of simulation mention its benefits such as helping infertile people to have children, better understanding human diseases, creating new tissues, repairing old tissues, and facilitating genetic therapies (Devolder & Gyngell, 2017).

Regardless of the specialized aspects of how a simulated child is born, from the beginning concerns about the social, cultural, ethical, legal, and educational dimensions and consequences of this phenomenon created concerns among different classes, social groups, and governments,

leading to different reactions. For example, the order of the President of the United States of America, Bill Clinton, to establish an advisory committee and request for review of its ethical aspect and the prohibition of the allocation of federal funds for research related to human cloning (Jones 2000); French President Jacques Chirac's call for a ban on human cloning worldwide (European Commission (2003); European Parliament President's order to ban human cloning to member states (European Parliament, 2000b); and the reaction of Muslim states of Saudi Arabia , Pakistan, Egypt, Kuwait and Qatar against human cloning (Ghaly, 2010). In addition, much research has been done in this regard. In a recent study, Nasrullah et al. (2020) emphasized that human cloning “causes the psychological distress and destroys the universality of an individual, as well as certain ethical and moral values despite which human clones cannot be made” (p.1).

Shafiq (2020) argues that although biological heritage may be replicable, cultural heritage cannot be copied, and that human cloning violates the principles of individual freedom, identity, and independence. However, in his opinion, human simulation may one day be approved by ethicists and theologians. Reviewing the reactions of international organizations to human cloning over the past two decades, Lanclau (2017) concludes that while this is a challenging issue, establishing a strong global governance framework through an alternative consultative framework and based on knowledge sharing and feasibility testing - rather than a government-based transaction - can better lead to a jointly response to human production simulation. However from Lanclau view “human reproductive cloning is a challenging subject, establishing a robust global governance framework in this area may be possible via an alternative deliberative format, based on knowledge sharing and feasibility testing rather than the interest-based bargaining that is common to intergovernmental organizations and involving a wide range of stakeholders (p. 1).

Shapsay (2012), after carefully examining the views of the proponents and opponents of the ethical permissibility of human cloning in the United States, believes that there are significant similarities between the two groups: One of the common features of the two groups is opposition to commodification of cloning. Also, Lu et al. (2010) examined the dangers of reproduction through simulation and found that many governments do not yet have a specific law to prevent human cloning, and therefore international organizations and professional associations should be formulated certain and precise rules prevent these experiments from being performed. Mamli (2007) in his article "Reproductive Simulation, Genetic Engineering and Child Autonomy: The Ethical Factor and the Open Future" states that there is no evidence to suggest that "pregnant

women through simulation" must be able to held responsibility for their action. Also, there is no evidence to suggest that the simulation allows the "simulated child" to choose her/his life plans. Emphasizing serious concerns about the ethical and spiritual consequences of human cloning, Abdul Rab and Kayhat (2006) believe that "It is important that the Islamic countries come to a consensus on this vital issue. Developing science and technology for better health is a religious and moral obligation. There is an urgent need for Muslim scholars to discuss the issue of stem cell research and cloning rationally; such dialogue will not only consider the scientific merits but also the moral, ethical and legal implications" (p.1).

In the first decade of the new millennium, Isasi, Conopers, Singer & Deere (2004) argued that there had been several international efforts to coordinate policies on biomedical ethics and human research but these efforts were insufficient. Over the past two decades, some Iranian researchers have also shown interest in this issue from various aspects. For example, Asgari Yazdi and Massoud Mirzaei (2017) found that according to Muslim jurists, although human cloning is not completely permissible, but doing it for scientific research and treatment of diseases is not prohibited. Yadollahpour & Jorsaraei (2014) by analyzing and evaluating the arguments of Christian and Jewish scientists found that human cloning can not be contrary to human dignity. Izadifard (2013) in examining the opinion of jurists found that because simulation is the result of discovering and applying the laws that God has pledged in the world of creation, so doing it is not against the Sharia unless it leads to debauchery. Teymouri (2004) emphasizes that in international criminal documents, biological experiments on humans are discussed in a very general way and therefore it is not possible to deduce a binding international legal order from these documents. Ranjbarian and Seif (2009) believe that human cloning should be evaluated in the framework of regional and international measures. Haeri (2008) believes that from jurisprudence opinion, case simulation is okay but extensive simulation is forbidden. Mousavi Bojnourdi & Saqazadeh (2010) with a legal study of the issue of simulation believes that the child born has the same rights as other members of society in inheritance. According to Masoudi (2007), although Christians accept simulation of animals and plants, they are opposed to any simulation (human and medical) in the case of human beings because they consider it a violation of human dignity.

Mohaghegh Damad (2006) in the article "Islamic and Catholic Response to the Simulation Challenge"; analyzes the theological reasons for the ban on human cloning and concludes that these arguments have no rational validity. Eslami (2005) states that according to Catholic scholars,

simulation imposes identity on the simulated person, usurpation of God's position, violation of human dignity, deprivation of the child of the right to have parents, demotion of man to the status of object and a factor in the collapse of the family. Sadeghi (2004) believes that from the point of view of Islamic jurisprudence, if it is not possible to believe in the inherent sanctity of human reproductive replication, social and ethical consequences and harm of this act make us sure to prohibit it. Movasahg (2009) emphasizes that human motivation and reason for reproduction indicate its benefit to the individual and society, which is completely different from simulation motives. In a brief conclusion, it can be said that both globally and in Iran, the issue of human cloning has been considered by researchers in various sciences. However, it seems that this subject has been less studied from a comparative perspective of educational jurisprudence and children's rights and upbringing.

3. Research Method

The present research can be considered as qualitative research in nature; an applied research in terms of purpose and qualitative comparative using systematic review approach. The research population includes all studies that have been published in various forms (books, articles, reports, etc) in the period 2000-2020 and have been made available to the public. In order to retrieve maximum resources, Boolean strategy was used in the title, abstract and keyword fields and the sample size was determined. The Boolean model is used to facilitate queries consisting of several words interconnected with logical operators and expressions (Hynek, 2002). This method also makes the search for sources the most results and the least false drop. Data search includes reviewing all sources published in open and closed Iranian and international databases such as Eric; Springer; Google Scholar; Taylor & Francis Group; Scencedirect; Irandoc; Iranmag; MagIran; ISC and institutions such as the National Library of Iran. To find works related to the research topic, the search was performed using keywords such as simulation, Shiite jurisprudence, educational jurisprudence, and international simulation laws. At this stage, after removing duplicate results, the article, report, website, conference abstract, and chapter of the book were selected. Systematic review method was used to analyze the data. Systematic review is a coordinated action to systematically identify all research and combine study data with good quality through a standard method to answer a key question. Systematic review has two main characteristics: First, high reliability & reproducibility, and Second, the multi-stage process (Cheng & Philips, 2014). In the present study, the systematic study framework presented by Kitchenham and Charters (2007) was

used. According to this approach, the review process is done in three stages: Review design, resource review and report compilation.

4. Findings

According to the purpose and questions of the research, in the first stage, the theories of the Shiite jurisprudential system (Imamiyya), which rules the educational jurisprudence of Iran, are expressed. The results of the analysis of data related to international law regarding the simulated child will then be explained. In the third stage, the similarities and differences of these two systems are presented.

First) Simulation of man according to Shiite jurists

In general, the view of Shiite jurisprudence (known as Imami jurisprudence) - which currently governs all social systems of Iran, including the legal system and educational system - in the subject of human simulation can be divided into two categories: First fatwas and Second, their analytical interpretations. Often, fatwas are very short and are expressed in one sentence and show the strict jurisprudential ruling of a jurist, while the critique of fatwas follows a different structure, which is often descriptive and includes the reasons for issuing fatwas and rulings. Also, the view of Shiite jurists can be considered from the angle of two questions: First, what is the ruling on human simulation from the perspective of Shiite jurisprudence, and second, what is the status of human simulation according to its legal, ethical and educational consequences. The various fatwas of Shiite jurists regarding the permission or sanctity of human simulation can be summarized in four theories:

- Absolute permission
- Limit permission
- First sanctity
- Secondary sanctity

1. Theory of absolute permission of human simulation

Some jurists have allowed human simulation due to the lack of a specific and clear religious text that indicates the sanctity of human cloning. For example, Ayatollah Seyyed Ali Sistani and Ayatollah Izz al-Din Zanjani believe that human cloning in itself is not an obstacle, unless it is proven to have a corrupt consequence (Sadeghi, 2004). Ayatollah Mousavi Ardebili and Ayatollah Seyyed Mohammad Saeed Hakim believe that although human cloning has not yet reached the stage

of actuality, but there is no strong reason for its sanctity (Razi and Khalifehpour, 2015). Also, jurists such as Sadegh Rouhani, Asef Mohseni, Abdullah Javadi Ameli and Mohammad Hadi consider the knowledge of human simulation permissible (Azad, 2020). As a result, simulation is permissible if it is not accompanied by another forbidden act.

2. Theory of limited permission of human simulation

Although some Shiite jurists in Iran have allowed human cloning, at the same time they believe that its widespread practice will lead to problems for society. As a result, they order a case-by-case and individual simulation, but consider it unauthorized to do so on a large scale (Javaheri, 2006). According to him, the Supreme Leader can forbid imitation, but this sanctity is temporary and can be removed (Ibid: 21).

3. Theory of the first sanctity of human simulation

Contrary to the previous two theories, the third theory basically introduces human cloning as an action (behavior) that is spontaneously forbidden and considers it illegitimate. Of course, this attitude has few supporters among the Shiite scholars, and there are not many reasons in favor of it. Among those who believe in this attitude is Ayatollah Javad Tabrizi. In response to the question "Is it permissible to imitate and reproduce humans in the laboratory and through advanced scientific methods" he briefly answers that is not permissible (Tabatabai & Mir Ahmadi, 2013). Proponents of this theory argue that human cloning is contrary to human diversity because the distinction between human beings is essential to societies and base on divine wisdom. Human cloning also disrupts the family system and creates chaos and doubt in matters such as appointing *Mahrims* and *Non-mahrims* for marriage.

4. Theory of secondary sanctity of human simulation

Some Shiite jurists believe that there is nothing wrong with imitating human beings per se, but doing so will lead to inevitable decadence. Therefore, in order to prevent these decadences, human simulation is considered as a semi- haram. Jurists such as Seyyed Kazem Haeri, Seyyed Sadegh Shirazi and Nasser Makarem Shirazi support this opinion. For example, Ayatollah Seyyed Kazem Haeri believes that if imitation leads to a disorder in the social system of Muharram from non-Muharram and surrogate from non-heir, simulation is forbidden. Otherwise, human cloning is not forbidden and there is no justification for its prohibition (Rahmanifard Sabzevari & Nazari, 2018). In addition to the four theories, one of the interesting features of jurisprudential views on human

simulation is the variety of reasons for its acceptance or non-acceptance by Shiite jurists in Iran, which has made them completely different from the jurists of other Muslim countries (Moosa, 2003). In fact, it seems that Shiite jurists have paid more attention to the issue of human cloning from various angles and have studied and analyzed it in depth. Some of the aspects considered by Imami jurists regarding simulation are:

- ❖ Parents of the simulated child: According to the steps of the simulation process - which requires an asexual cell and an ovum - the following two assumptions are made in the discussion of the child's parent: First, the owner of the physical cell and owner of the ovum is a same person (a woman). This assumption is the most obvious case and the mother of the simulated child is owner of ovum cell and the child has no father (Mousavi Bojnourdi 2008). Second, the owner of a physical cell is different with owner of the uterus. In this case, the judgment of the woman is different from the man.

- ❖ The lineage of the cloned person with the owner of the cell: This issue is important because in human cloning, there are problems in determining the lineage in such a way that it is not clear what relationship the cloned person has with the original cell owner. Some believe that the person being simulated has no lineage and has no Mahram except mother. They state that there is no way to prove the origin of the person to the owner of the original cell and in all religious rulings regarding the owner of the original cell should be caution (Mousavi Bojnourdi & Saqazadeh, 2010). Some believe that the simulated person is child of the cell owner. According to this assumption, the simulated infant will be the child of the owner of the cell. If this person is a man, he is the father of the baby and if she is a woman, she is mother. Therefore, the child is considered as one of the children of the person who owns the cell, and there is a brotherhood or sisterhood relationship between him and the other children of the cell owner (Mo'men, 2006). In this case, of course, the circle of marriage and marriage of the child will be simulated with Mahram and Non-mahram people, like other brothers and sisters.

- ❖ Identity, custody and alimony of the simulated person: Some jurists such as Mousavi Bojnourdi (2008) in three issues of identity, custody and alimony, consider the simulated child as a person from whom the cell was taken (mother or father). Therefore, the cell donor is obliged to take care of this child same as normal children (physically / mentally,

educationally, socially, etc.). Alimony also means to pay the financial / material costs of his life (Ameri Siahoui, Asgari, Ahmadi Isfahani & Moradkhani, 2016).

- ❖ Heredity of Simulated person: In jurisprudential sentences, heredity is an absolute condition for inheritance. In the case of simulated children, if we legitimize the lineage of this child, naturally, the inheritance sentences will be applied to her/him. Of course, some jurists believe that since the simulated person is not naturally restored, it is not possible for us to consider him as an owner of "inheritance" (Elahi, 2005).
- ❖ Infidelity and religion of the simulated person: According to Mo'men (2006), the simulated child is the child of the man (or woman) who owns the cell and is subordinate to her/him in religion and infidelity. The child born from the cell of a Muslim man is Muslim, and the child born from the cell of an infidel, is infidel. Therefore, the Islam of the simulated child is accepted like the Islam of others and there is no difference between her/him and other Muslims. Therefore, just as every Muslim she/he should be respected and enjoy her/his rights in all aspects of personal, religious, scientific, cultural, economic and social life.
- ❖ Retribution and blood money of the simulated child: In answer to the question whether the killer of the simulated person should be retaliated like a Muslim killer, the answer is yes and the killer should be retaliated because the soul of the simulated person is as precious as the soul of every human being (Movasahg, 2009). Also, in cases where the blood money is fixed for a Muslim, the killer of simulated person has to pay blood money to her/his heirs.

Second) Human cloning in terms of international law

The first definition of human similitude in an international document is given in the optional protocol to the "European Convention on Human Rights" (1998). Article 1 of the Protocol stipulates that any interference with reproduction aimed at creating a human being who is genetically identical to another mankind, whether alive or dead, is prohibited. There is no reference in this article to the purpose or methods for which the simulation is performed. The only criterion of interest is the presence of the same set of genes in the cell nucleus. Paragraph 6 of this protocol, in opposition to the degradation of humans into tools - through the creation of human beings who are genetically homogeneous - considers it contrary to human dignity and involves the abuse of biology and medicine (Teymouri, 2004). On August 7, 2001, France and Germany proposed to the United

Nations that ratifies an anti-human cloning treaty. The consequence of this request was the Universal Declaration of Human Genome and Human Rights, which in Article 11 emphasizes that acts such as human cloning should not be allowed because it is against human dignity (Saed, 2004).

In 2003, the Director-General of UNESCO issued a statement condemning any human cloning and calling for its confrontation and prohibition at both the national and international levels (Langlois, 2017). According to him, human cloning is not acceptable in any of the scientific and ethical dimensions. In line with this call, the Universal Declaration on the Human Genome and Human Rights was approved by UNESCO in 2005 (Ranjbarian & Seif, 2009). This declaration has a very general tone and does not provide a precise definition of human cloning, nor does it explicitly and completely prohibit all forms of it. However, in addition to re-emphasizing human dignity and human rights, the Declaration emphasizes principles such as maximum benefit and least harm to volunteers, independence in decision-making and satisfaction, and respect for private rights and the confidentiality of macro information (Articles 3 to 11 of the Declaration) (Arsanjani, 2006). The World Health Organization is one of the international bodies that, in its adopted laws, has made decisions for member states regarding human cloning. The World Health Assembly in 1997 and 1998 condemned human cloning for its unpredictable consequences (WHO, 1998).

Base on a report by the World Health Organization and for the first time in 1999, the 52nd UN General Assembly implicitly agreed to partial human cloning. According to this report although genetic interventions hold great promise for improving human health, care must be taken that these interventions do not lead to racial discrimination, defamation, and development of oppressive social policies (WHO, 1999). Since the main basis of agreements and disagreements on human simulation is based on universal human rights rules and regulations, it is necessary to examine these rights. In this section, two rights to life and equality that are more relevant to the subject of present research are briefly mentioned:

- Right to life: While in Shiite jurisprudence abortion is forbidden, the question arises whether the fetus has the right to life. Examining the laws of international organizations such as the United Nations shows that women have the right to abortion, although at the same time it recommends resorting to other methods of population adjustment (Mousagh 2009). Thus, international law does not appear to preclude abortion of simulated child if the mother or father accepts it.

- **Emphasis on justice and prohibition of discrimination:** One of the arguments put forward in opposition to simulation is the possibility of a new type of discrimination namely “genetic discrimination”. According to this view, the phenomenon of simulation can discriminate in two ways: The first is that simulated people be rejected and discriminated against by others. Second, with the advancement of genetic engineering and the development of simulation, superhumans will be created who are superior to existing mankind, and accordingly, the present generation of humanity will be discriminated against and marginalized. For this reason, Article 6 of the Universal Declaration of Human Genome and Human Rights, adopted by UNESCO (2003), emphasizes that no one shall be discriminated against on the basis of genetic characteristics, the purpose or effect of which is to violate human rights, fundamental freedoms and human dignity.

Third) Similarities and differences between educational jurisprudence and international law in human cloning

The main axis of comparison between educational jurisprudence and international law is based on concepts such as human status, child rights, family system and the role of parents. These concepts are simultaneously and strongly considered by policy makers and planners of the Iran’s educational system because they are the executors of the goals of educational jurisprudence in this system. In fact, all goals, policies and programs of the Iran educational system are influenced by Shiite educational jurisprudence and follow one basic principle that is that the religious norms must be observed in all stages of education (including in the stage before and after the birth of a child). Accordingly, human cloning is more than a scientific subject; it is a new educational challenge that educational jurists must determine their opinion about it so that educational policymakers can act accordingly. With these points in mind, it is now possible to reveal the similarities and differences between the two perspectives.

The first similarity between the opinions of educational jurists and international law is the emphasis on the role and status of human beings and respect for human dignity. In fact, from the earliest days of human cloning in the scientific and social communities, both groups were deeply concerned about the consequences of the reproduction of perfectly similar humans and the future of human racial diversity. The second similarity is the emphasis on supporting the natural creation of mankind and the birth of a child through sexual intercourse between a man and a woman. The

third similarity is the concern of both groups about the negative effects of human cloning on the family system in cases such as lack of ethical privacy, poor morals in family privacy and reproduction. The fourth similarity is attention to the rights of the child in terms of issues such as care and protection, causal and relative relationship, custody, inheritance and blood money. Of course, in international law, these rights are mainly considered in the context of social and individual rights. Another common denominator of the two groups is the licensing of therapeutic simulation and the denial of productive simulation. This flexibility reflects the concern of both groups for the prevalence of human cloning and their mass production, while accepting the use of this technology to cure diseases and help infertile men and women.

At the same time, there are differences between the views of Shiite jurists and international conventions on human cloning. The first difference goes back to the philosophical foundations of the two groups regarding human status and dignity. The jurists' view of human status - as the supreme creature of God - is mainly religious and God-centered, while the philosophical basis of international documents is mainly human-centered and humanistic. However, this difference of opinion does not seem to have much effect on agreeing or disagreeing with human cloning. From this point of view, another difference can be mentioned. Basically, the right to health in Shiite jurisprudence has a collectivist basis, while international law has an individualistic view. In other words, Shiite jurists agree or disagree with human simulation to maintain the health of the human race, while international law emphasizes the right of every individual to maintain their health. Another difference is that the international community generally opposed the human simulation technology at the outset, and then, over time, gradually adjusted and allowed the simulation to take place - subject to conditions and restrictions - while the majority of Shiite jurists declared from the beginning that they could not find any religious reasons to oppose the simulation and therefore did not consider it haram.

Another difference between the two perspectives is satisfaction of cell donor. In all international documents, it is repeatedly emphasized that the cell donor must have full consent to perform the simulation, while in the opinion of Shiite jurists; the cell donor consent has no religious basis. Therefore, some Shiite jurists who oppose human cloning consider it forbidden - even if the cell donor consents. One of the important differences between the views of the two groups is the acceptance of the right to life in the embryonic period for the child to be imitated by Shiite jurists because they forbid abortion, regardless of how it is performed. While international law has given

women the right to abortion. The last difference refers to the non-discrimination between the normal child and the simulated child. While most Shiite jurists equate these two children religiously, socially, and legally, at the same time there seems to be a consensus among these jurists on issues such as causal relationship, circle of marriage, inheritance, and retribution of these children. Conversely, international law insists on non-discrimination between these children and others in society (Table 1).

Table 1: Similarities and differences in the views of educational jurists and international law regarding the simulated child

Perspectives	Educational jurists	International laws
Mankind position	Human dignity	Human dignity
Ideological basis of human status	Religious	Humanist
Origin of the right to human health	human rights	Individual rights
Ideological foundation of human satisfaction	Collective benefits	Individual benefits
Main reasons for agreeing with the simulation	Sharia reasons	Its benefits for humans
Main reasons for opposition to simulation	Sharia reasons	Its harms to humans
Preference for reproductive methods	Natural creation	Natural creation
concerns	Unpredictable physical and psychological consequences and instability of the family	Unpredictable physical and psychological consequences and instability of the family
Simulated child's rights	Care and protection, causal and relative relationship, custody, inheritance and blood money	Social and individual rights
Preference in simulation type	Therapeutic simulation	Therapeutic simulation
Religion of the simulated person	Cell donor function	No comment
Right to life	Acceptable	Non-acceptable
Prohibition of discrimination	Acceptable	Non-acceptable

The data in the table show that there are similarities between the two groups in 5 cases and differences of opinion in 8 cases. Attention to human dignity, emphasis on natural reproduction, common concerns about the unpredictable consequences of human cloning, attention to the rights of the cloned child, and the preference of therapeutic cloning over productive cloning are common dimensions between two groups. This result shows that similarities are more important than differences. Differences such as the ideological basis of human status, the origin of the right to

human health, the ideological basis of human consent to participate in the simulation process or the religion of the simulated person are mainly indicative of theoretical differences that in reality have little effect on use or non-use of human simulation technology. Historical experiences shows that in the past and in the short term, many ideas, scientific theories and new technologies have been opposed by religious scholars, scientists and scientific societies, but in the long run their correctness has been proven.

5. Conclusion

With the advancement of life sciences in the field of reproduction and childbirth through simulation, various experts also faced new questions. Educational sciences - as an academic discipline- did not escape the onslaught of these questions. Over the past three decades, in many parts of the world, parents, teachers, school administrators, policymakers, and educators have indicated their own ambiguities about the simulated child's identity, parental role, parenting practices, and relationship with other children. Iran society - a country with the political system of the Islamic Republic ruled by Shiite clerics - is no exception. In Iran, educational jurisprudence tried to answer these ambiguities from both religious and educational aspects. These answers were mainly proposed by religious jurists as a "religious ruling" and then explained by their followers. However, as the research of Heydari Manesh, Shaykh al-Islami & Sheidaian (2021) reveals determining the degree of success of this school of thought in explaining new educational phenomena is not entirely clear. However, over time, international bodies such as the United Nations, UNESCO, the World Health Organization, the European Union, and various States have also established their views on human cloning and provided the basis for comparative research.

The aim of the present study was to compare the opinions of educational jurisprudence with international human simulation laws. Findings reveal that in most of the components, there is a difference between Shiite educational jurists' opinions in Iran and international law. The findings also indicated that the similarities between the two groups are more important than the differences because they pay more attention to practical aspects of human cloning. In fact, the differences between the two groups are mainly philosophical and ideological in nature, which play little role in accepting or rejecting the phenomenon of "human cloning". However, it must be acknowledged that some differences are significant. For example, findings show that the opinion of two groups about interpretations of the role of cell donors' wills is quite different. Also, while international law makes any abortion - whether natural or simulated - subject to the mother's will, educational jurists -

influenced by the Shiite tradition - consider it completely forbidden in any case. In addition, while international social law appears to provide exactly the same for the simulated child, there are differences of opinion among educational jurists on some issues, such as causal, relative custody, and inheritance. However, these findings are in line with the research of Navabzadeh, Mehrabani, Vahedi and Manafi (2016), Izadifar (2013), Ranjbarian Seif (2009), and Mousavi Bojnourdi & Saqzadeh (2010) which have expressed the views of different jurists regarding simulation.

Another finding of the present study showed that in some issues related to the simulated child, it seems educational jurisprudence in Iran has been a pioneer compared to international law. For example, attention has been paid to items such as forms of custody, types of inheritance, and rare cases like retribution, blood money, and even the child's religion. In a nutshell, a few points can be made: First, despite the passage of three decades since the advent of child simulation technology, the educational dimensions of this issue are still unknown to the world. This may be due to the fact that in practice a simulated human being has not yet been born. Secondly, despite the growth of theoretical debates among educational jurists about the simulated child, the Iran legal system has not yet done much in this regard. Third, it seems that educational systems, such as religious and legal systems, must inevitably prepare themselves for the reception of simulated children in educational settings. This will happen sooner or later in the future and there is no escape from it.

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