**Playing G-d (2) – Cloning**

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1. **Human Cloning—Scientific, Moral and Jewish Perspectives, Dr. Avraham Steinberg, Torah U-Madda Journal 9**

Although, fundamentally, involvement with Creation is permissible, three compelling conditions must be satisfied if such involvement is to be justified: 1) There is no essential halakhic prohibition in the actual actions of technological advancement; 2) The process of improvement of Creation does not have a prohibited result which cannot be prevented or corrected; 3) The act of improvement benefits humans, and, moreover, the derived benefit surpasses the detriment. This notion can be found worded in many ways by the great halakhic masters. There are those who explain the prohibitions of witchcraft, crossbreeding and even sha‘atnez as a transformation in the order of creation. But cloning humans through technology is a natural act which does not introduce a totally unfamiliar species into nature, and thus differs from both witchcraft and interbreeding. In this respect, human cloning is no different from the using of antibiotics to decimate injurious bacteria.

1. **Genesis 2:24**

Therefore a man shall leave his father and mother and cling to his wife, and they shall become one flesh.

1. **Rashi, 11th Century France, ibid**

The child is created by both of them, and there their flesh becomes one.

1. **Talmud, Niddah 31a**

There are three are partners in a man: the Holy One, blessed be He, the father and the mother.

1. **The Case Against Cloning, Eitan Fiorno, TUM 9**

Cloning is a form of asexual reproduction… There is no union, no joining of two individuals (or of their genetic information) to create a new person… Cloning does not involve the union of two individuals; it is therefore not an act of creation but rather one of duplication and as such is completely at odds with any Jewish understanding of conception…

1. **Talmud, Sanhedrin 65b**

Rava stated: If they wish, the righteous ones could create a world. Rava created a man and he sent it to Rabi Zeira. Rabi Zeira spoke with it and it did not respond. Rabi Zeira then stated, "You are created by my colleague, return to your dust," (i.e. die). Rav Chanina and Rav Oshiah would sit every Friday and study the Sefer Yetzirah and create a calf that has reached a third of its potential development and subsequently eat it.

1. **Torah Perspectives on Cloning Part 1, Rabbi Chaim Jachter, Kol Torah**

At first glance, it would appear that this passage indicates that a clone is not human. Rava's Golem was not considered human, as rabi [sic] Zeira "killed" it and the Gemara does not record any objection to this action. Thus, one might be tempted to argue that since a clone is not a product of sexual reproduction, it is not human. Indeed, the Chacham Zvi (Teshuvot Number 93) argues that Rava's Golem was not considered human because it was not created in a woman's womb. This definition of humanity is problematic, as noted by the Radzhiner Rebbe (Sidrei Taharot Ohalot 5a), because it leads to the absurd conclusion that Adam Harishon was not human. Accordingly, we must search for a different definition of humanity. The Maharsha (commenting on to Sanhedrin 65b) seems to say that the Golem created by Rava was not human because of its inability to speak. This approach seems rooted in Onkelos' translation of the Pasuk (Bereshit 2:7), "and man became a living being," as "and man became a talking being."

1. **Cloning: Homologous Reproduction and Jewish Law, Rabbi J. David Bleich, Tradition Spring 1998**

The matter of identification as a member of a species is best summed up in a pithy comment attributed to Rav Chaim Soloveitchik. It is reported that Rav Chaim explained a certain Halachic concept by posing the following query: Why is a horse a horse? The answer is that a horse is a horse because its mother was of that species. For that reason the Mishna, Bechorot 5b, declares that the offspring of a kosher animal is kosher even if it has the appearance and physical attributes of a non-kosher animal and, conversely, the offspring of a non-kosher animal is non-kosher even if it has the appearance and physical attributes of a kosher animal. Thus, identity as a member of a particular species is determined not by distinguishing characteristics, but by birth…

Similarly, R. Elchanan Wasserman… asserts [that] anything that is emitted by, or proceeds from, a particular entity has the status of the entity that produced it… Thus, there can be no question that, for example, a sheep cloned from a cell of another sheep and gestated within the womb of a ewe has the halakhc status of a sheep. Similarly, a human cloned from the cell of another human and gestated within the womb of a human female is a human being.

1. **Rabbi Meir b. Shlomo Avisahula (?), Barcelona on Ramban Vayikra 18:6**

It seems that the reason for the prohibitions of incest is… that during that six days of creation, the “spring” produced “branches”, and after those six, no new branches were made. All multiplicity comes from the branches. As an examples of this, all relatives who are from one loin, one spring down [siblings and children] or up [parents]…

1. **Chelkat Mechokek 1:8, R. Moshe ben R. Yitzchak Yehuda Lima, 17th Century Lithuania**

I am unsure as to whether in case where a woman becomes pregnant in a bathtub [i.e. through semen without intercourse], if the father has fulfilled the commandment to procreate and considered his son for all purposes.

1. **Tzitz Eliezer 15:45, Rabbi Eliezer Waldenberg, 2oth century Israel**

Since the natural way [of procreation] is that the egg is attached to the woman becomes impregnated there, the moment you take it from her body and detach it from the place it grew, you have nullified the relationship between man and woman

1. **Rabbi J. David Bleich, ibid**

Stated in somewhat different terms, a male cannot fulfill his obligation with regard to procreation by siring a clone. Elsewhere, this writer has discussed the birth of a child *sine concubito* as exempting the father from further biblical obligation with regard to procreation. Although some authorities disagree, the majority of rabbinic decisors rule that a male is discharged from further obligation even if the child is not conceived as a result of intercourse. Nevertheless, it would seem quite strange to extend that notion to the case of a childless person who creates an anthropoid by means of metaphysical methods gleaned from Sefer Yezirah. It seems cogent to assume that, even if a sexual act is not required, nevertheless, the children whose birth is the subject of the commandment are those produced from male semen. In context, the command "be fruitful and multiply" is formulated in the plural in the Hebrew text even though it is binding only upon the male and is also immediately preceded by the phrase "male and female did He create them." It would thus seem that, even if actual cohabitation is not required, the commandment is nevertheless fulfilled only if the child is the product of gametes contributed by both the male and the female. If so, for example, birth of a child cloned from a cell taken from the cheek would not release the donor of the cell from further biblical obligation.

1. **Torah Perspectives on Cloning Part 2, Rabbi Chaim Jachter**

Rav Yitzchak Sheilat (a leading Rebbe at Yeshivat Maaleh Adumim, a major Yeshivat Hesder), on the other hand, argues (Techumin 18:138-140) that a man who produces a child by cloning is considered the child's Halachic father. He cites the Minchat Chinuch (Mitzvah 1) who argues that the Mitzvah of Pru Urvu is fulfilled when one has children and not specifically by engaging in marital relations. Thus, Rav Sheilat argues that just as one fulfills the Mitzvah of Pru Urva even if he produces children by artificial insemination or IVF, so too he fulfills this Mitzvah by cloning. Rav Sheilat does not believe that Halacha considers whether the child emerges from sperm cells or any other body material.

1. **Issues to think about:**
	* 1. Who is the parent? Mother (if there is a split between the gestational and DNA mother), Father (no father, or DNA father)
		2. Why are they not siblings? (**R. Michael Broyde** – siblings require common parent)
	1. Other concerns:
		1. Who will be cloned?
		2. What will this child’s life look like?
		3. Will he be used for other’s medical needs, and is that okay?