

استنبات الأعضاء البشرية بواسطة الخلايا الجذعية والجينات وحكمه في الشريعة
الإسلامية

إعداد
دعاء تيسير خليل بكر

المشرف
الأستاذ الدكتور محمود السرطاوي

قدمت هذه الرسالة استكمالاً لمتطلبات الحصول على درجة الماجستير في
الفقه وأصوله

تعمد كلية الدراسات العليا
هذه التحفة من الرسالة
التوقيع: التاريخ: ١٨/١١/٢٠٠٨

كلية الدراسات العليا
الجامعة الأردنية

تموز، ٢٠٠٨م

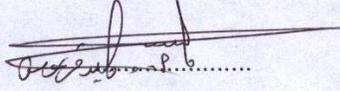
قرار لجنة المناقشة

نوقشت هذه الرسالة (استنبات الأعضاء البشرية بوساطة الخلايا الجذعية
والجينات وحكمه في الشريعة الإسلامية) وأجيزت بتاريخ ٢٠٠٨/٧/١٧

التوقيع







أعضاء لجنة المناقشة

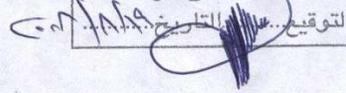
الدكتور محمود السرطاوي، مشرفاً
أستاذ - الفقه وأصوله

الدكتور محمد هشام المحتسب، عضواً
أستاذ - التشريح وعلم الأنسجة

الدكتور عباس الباز، عضواً
أستاذ مشارك - الفقه وأصوله

الدكتور كايد قرعوش، عضواً
أستاذ - السياسة الشرعية (جامعة العلوم التطبيقية)

تعتمد كلية الدراسات العليا
هذه النسخة من الرسالة
التوقيع: التاريخ: ٢٠٠٨/٧/١٧



إهداء

إلى من رباني صغيراً

ونرعا في نفسي الأمل والطموح

إلى من مهد لي طريق النجاح

وخففا عني أعباء الحياة وإلى من تاقت نفسيهما لهذا اليوم

إلى والدي

أمي وأبي

أقدم هذه الرسالة لعلي برضا مما أفونر برضا الخالق عز وجل

إلى أخي وأخواتي الأعزاء

إلى نروحي وابنتي الغالين

أمدني إليكم هذا العمل

تقدير وشكر

إنني لا أقدم بجزيل الشكر والامتنان والعرفان بالجميل، إلى جميع أساتذتي
الأفاضل الذين لم يألوا جهداً بتوجيهي وتزويدي بعلمهم الجم وخبراتهم الواسعة، وإلى كل
من قدم المساعدة والنصيحة وأخص بالذكر والعرفان بالجميل أستاذي:
الأستاذ الدكتور محمود السرطاوي
وقد أفدت من ملاحظاته القيمة وتوجيهاته العلمية فائدة كبيرة في إتمام رسالتي .
وأخص بالشكر الدكتور علي مشعل على وقته ومساعدته .
وأقدم الشكر للصديقة أماني على مساعدتي لإتمام هذا البحث، وأقدم شكر
خاص لأختي بنان ونزوجها على المساعدة.

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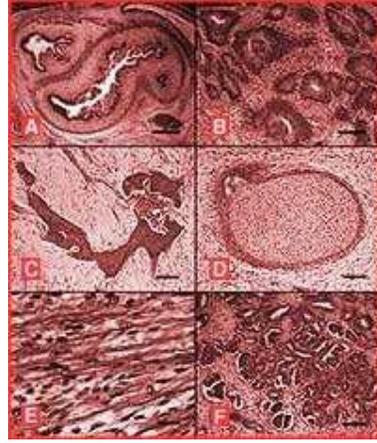
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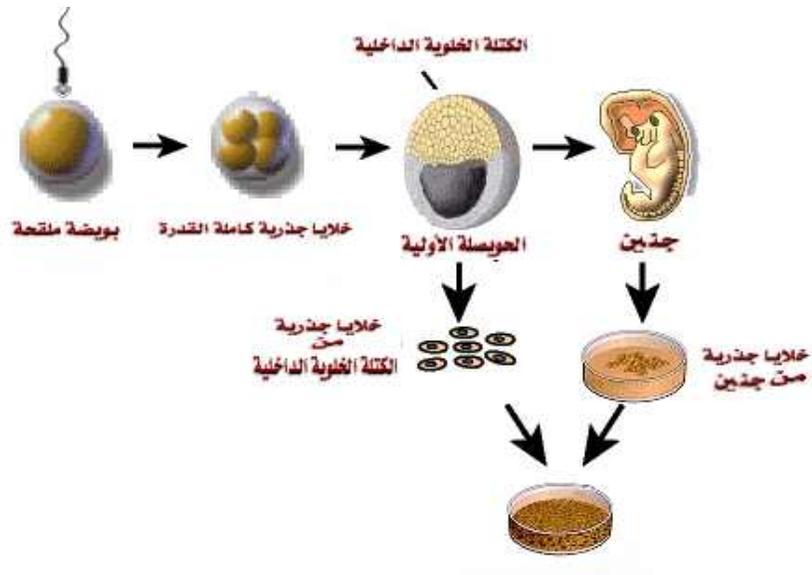
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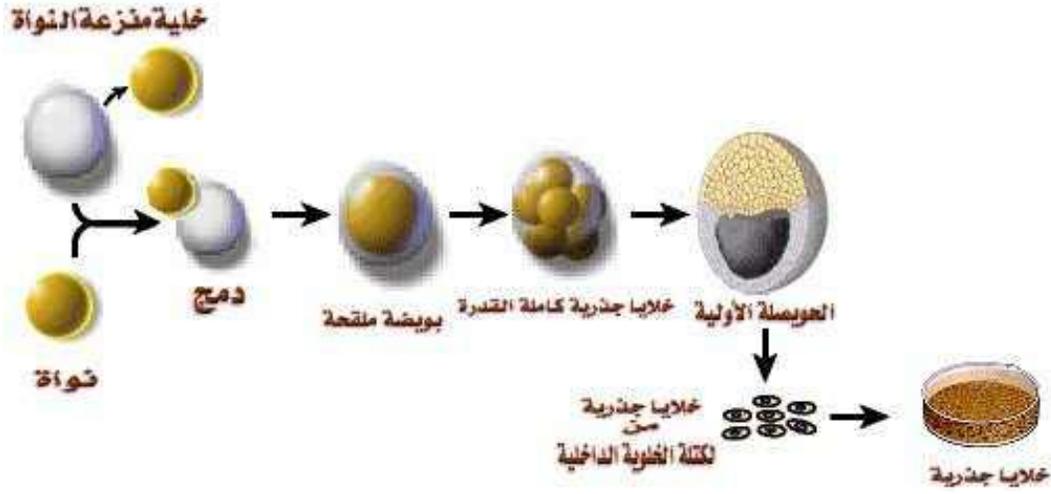
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GROWING HUMAN ORGANS BY USING STEM CELLS AND GENETIC FROM THE PERSPECTIVE OF ISLAMIC SHARI'A

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ABSTRACT

The medical doctors have been searching for alternative of donation to cover the need of substituting of the failure organs. Hence, the continuing efforts for growing these organs, in spite of still being under experiments, the scientists found a way for salvation from pain and from the immoral organ trade.

The growing of human organs is, basically, dependent on the stem cells either genetically or the adults ones, although the scientists prefer the genetic ones due to the ability to be distinguished for which type of tissue belong in the human body.

The Islamic Shari'a's position against this type of growing human organs is varied based on the source of these cells. For example, the these genetic cells were taken from intentionally aborted fetuses, specifically for the reason of using stem cells aborted fetuses, cloning fetuses, or artificial pollination in which for all these cases are forbidden by the Islamic Shari'a and considered as violations of its intentions. Yet, if the sources of these stem cells are from unintentionally aborted fetuses for medical necessity, there is not reason for not using them. It is allowed by Shari'a with no harm on the donor, if the sources of these stem cells are from adults human, children, playnta, or umbilical cord.

The Islamic Shari'a put regulations for this process such as conducting these experiments on the human beings in case of necessity with no other option provided that these organs are the non reproduction systems, where it is not allowed to transfer the genetic ones. But, if the tissues from the patient himself, no harm to use and these organs to be buried after finishing the experiments.

For the western medical morals based on the vision of the society, not on religion since they run on the principle of separating religion from life style (secularism) which makes these morals are limited and restricted on some issues and fall in contradictions. On the other hand, the medical morals for Muslims urged the scientists to make the intentions of the

Shari'a the basis for these morals, where these intentions are considered part of the sources of Islamic Shari'a which make it unchanged, comprehensive, and valid for every time and every place. Therefore, the scientists have suggested an Islamic medical constitution based on Islamic Shari'a.

Different moral point of views for several countries in the world; some countries rejected the genetic stem cells for what it has killing of fetuses with acceptance for the adult stem cells since no violation of morals in their country. In the United States of America, these experiments on stem cells were rejected, then, later, accepted with regulations and restrictions.

From the legal point of view, affected by the morality, in which based on the law was regulated. The western countries prohibited any experiments on fetuses to obtain the genetic stem cells. Meanwhile; the American, as well as the British, law accepted within specific regulations and restrictions, and Germany accepted to import fetuses for experiments, while this technology did not reach the Arab countries yet, hence no regulations were established on this issue.