

Islamic Perspective on In-Vitro Fertilization: Permission or Prohibition

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Abstract

Children- definitely are one of the consecrations and adornments from Allah (S.W.T) to the married couple. A virtuous child is a treasure for his parents in this world and in the Hereafter, and his righteous deeds will be recorded in the balance of his parents' deeds. Allah (S.W.T) reminds His people of that in the Holy Qur'an; "wealth and sons are allurements of the life of this world"(Al-Quran, Al-Kahf: 46). However, the Holy Qur'an (Al-Quran, Shura:49) makes it clear that infertility is ordained by Allah(S.W.T) and will happen to certain couples the same as other hardships/disasters which afflict humankind now and then. Islam has encouraged marriage, family formation and procreation in its primary sources. Any distortion in family fabric or relationships can eventually threaten the social fabric its unity and stability. It's laid its worse impact to social disorder and confusion, uncalled-for and unended conflicts and disharmony. Since the birth in 1978 of Louise Brown, the world's first test-tube baby, in vitro-fertilization (IVF), incarcerated the World's concentration and prompted an exhaustive escalated wrangle among scientists, ethicists, religious and politicians spheres in East and West. Islam never is against the scientific discoveries and invention but provides a baseline for research with numerous phases like taffakur, taddabur, etc. but Islam has kept the society its fabric in consideration any invention which is having much curses then blessings is restricted from its very nature.

This does not mean that Islam asks the infertile couple only to pray to overcome this problem. Islam encourages reproduction and it advocates treatment of infertility as well. A basic Islamic principle permits persons facing hardship to use all 'lawful' means to solve their problem, while at the same time preserving their trust in God that He will help them achieve their goal. The Hadith of Prophet Muhammad narrated on the authority of Usamah bin Shuraik briefly put it as follows, "The Prophet (S.A.W) said, "Seek remedy (of your illnesses), for Allah has never created an illness unless He has also created a cure for it, save the (illness of) old age.

The present study is modest endeavour to discuss the main theological and doctrinal issues and perspectives with reference to the In-vitro fertilization. The paper tries to delineate the rationales grounds for permission and rejection on which there is ijma and ihtihadijamaia (collective interpretations) among Muslim scholars. •Does In-Vitro Fertulization is partly permissible in Islam what are the parameters, Does In-Vitro Fertilization strife with Islamic beliefs and convictions and to what degree is it permitted? The present study also attempts to discuss the above questions in light of Muslim viewpoint.

Key Words: *Quran, Sunnah, IVF, Ijma, ihtihadijamaia.*

Introduction

Islam among three Semientic or Abrahamic religions (Judaism, Christianity and Islam), is the only one with a divine holy text, wherein human conception and embryogenesis is described; furthermore, it is described and explained the precise stages of human creation accurately in the holy revealed scripture at approximately sixty different places (Quran, and this was fortuitous and enabled Muslim scientific scholars to make use of the divine information.

Allah says in the Quran:

“O mankind! If you are in doubt about the Resurrection, then verily! We have created you (i.e. Adam) from dust, then from a *Nutfah* (mixed drops of male and female sexual discharge i.e. offspring of Adam), then from a clot (a piece of thick coagulated blood) then from a little lump of flesh, some formed and some unformed (miscarriage), that We may make (it) clear to you (i.e. to show you Our Power and Ability to do what We will). And We cause whom We will to remain in the wombs for an appointed term, then We bring you out as infants, then (give you growth) that you may reach your age of full strength. And among you there is he who dies (young), and among you there is he who is brought back to the miserable old age, so that he knows nothing after having known. And you see the earth barren, but when We send down water (rain) on it, it is stirred (to life), it swells and puts forth every lovely kind (of growth).”¹

Narrated by Abdullah (r.a), Allah’s Messenger (peace be upon him) said:-

“(As regards to your creation), every one of you is collected in the womb of his mother for the first 40 days, and then he becomes a clot for another 40 days, and then a piece of flesh for another 40 days. Then Allah (s.w.t) sends an angel to write 4 words: He writes his deeds, time of his death, means of his livelihood, and whether he will be wretched or blessed (in the Hereafter). Then the soul is breathed into his body. So a man may do deeds characteristic of the people of the (Hell) Fire, so much so that there is only the distance of a cubit between him and it, and then what has been written (by the angel) surpasses; and so he starts doing deeds characteristic of the people of Paradise and enters Paradise. Similarly, a person may do deeds characteristic of the people of Paradise, so much so that there is only the distance of a cubit between him and it, and then what has been written (by the angel) surpasses, and he starts doing deeds of the people of the (Hell) fire and enters the (Hell) Fire.”

Brief introduction to some Muslim Scientists

When we consider the early Islamic history, which is full of medical innovations and advancements, it becomes evident that there were neither secular nor democratic societies as we know today. Although hundreds of books mentioned in the Arabic bibliographical records have been lost² and the detailed analysis of the magnitude of Arabic contribution to medicine is not easy to contemplate, a few famous names from early history can easily be recalled. For example, Abu’lHasan Ali ibn Ridwan Al-Misri (c. 988-c. 1061) was an Egyptian physician, astrologer and astronomer. He was born in Giza, became well known for his introduction to al-Tasrif and was a medical practitioner and educator in the Moorish capital. “Many other well-known Arabic physicians, such as Ibn Masawayh³, Ibn Jumay⁴, Ibn

¹ Al-Quran-Surah (Chapter)Al-Hajj: verse 5

² Numerous titles and excerpts have been found in several bibliographic records, such as the Fihrist, completed by Muh.b. Ishaq b. al-Nadim; Ikhbar al-Ulama bi-Akhbar al Hukama, by Jamal al-Din Ali al-Qifti (d.1248) and Uyun al-Anba fi Tabaquat al-Atibba, by Ahmad b. A. Usaybi, also cited in several editions of many other manuscripts published afterwards.

³ Yuhanna ibn Masawaih, also known as Ibn Masawaih, Masawaiyh, was an Assyrian physician from the Academy of Gundishapur. He composed medical treatises on a number of topics, including ophthalmology, fevers,

Al-Haytham (965 – 1040)⁵IbnZuhr (1091 – 1161)⁶Ibn Al-Baitar (1197 – 1248)⁷ Jabir IbnHaiyan (722 – 804)⁸ThabitibnQurra (826 – 901)⁹al Baghdadi, al-Kutubi, al-Razi¹⁰ and, of course, Ibn-Sina¹¹ fall into this category.” ‘In the late 10th century, North Africa and Spain witnessed remarkable activity in medicine. By then Qayrawan and Cordova rivalled Baghdad and Rayy in cultural productivity. ‘These eminent physicians contributed remarkably to the cause of humanity respectively.

In Vitro Fertilization (IVF)

In Vitro Fertilization, commonly referred to as IVF, is a medical procedure that was introduced in 1978 of Louise Brown,¹² the world’s first test-tube baby, in vitro fertilization has spread around the globe.and joins a women’s egg and a man’s sperm outside the body in a manner where the sperm is able to enter and fertilize the egg. The IVF medical procedure is utilized to address a variety of fertility and reproductive health issues and consists of several steps. First the production of a female egg, ova, is stimulated and then extracted from the body, then sperm is either mixed with or directly injected into the unfertilized egg, next the egg is observed for signs of successful fertilization and the process of embryo development, and finally the zygote (the early-stage fertilized egg) is transferred back into a women’s womb.¹³

headache, melancholia, dietetics, the testing of physicians, and medical aphorisms. He became the personal physician to four caliphs and composed a considerable number of Arabic medical monographs on topics including fevers, leprosy, melancholy, dietetics, eye diseases, and medical aphorisms. It was reported that IbnMasawayh regularly held an assembly of some sort where he consulted with patients and discussed subjects with pupils. IbnMasawayh apparently attracted considerable audiences, having acquired a reputation for repartee. He translated various Greek medical works into Syriac. The “Disorder of the Eye” (Daghal al-’ain), which is the earliest systematic treatise on ophthalmology extant in Arabic and the Aphorisms, the Latin translation of which was very popular in the Middle Ages, was written by him. He died in Samarra in 857 CE.

⁴Abū al-MakārimHibatAllāhibnZayn al-DīnIbnJumay was an Egyptian physician who received honorific titles such as UstadhZamanih (Master of His Age). He became famous for having prevented a person having a cataleptic fit from being buried alive. He was the author of a number of medical writings, including al-Irshād li-maṣāliḥ, dedicated to al-Baysanī, the vizier to Saladin. Amongst others treatises, he wrote a short treatise on the city of Alexandria and one on what to do when a physician is not available.

⁵Also known as Alhazen. Arab astronomer and mathematician known for his important contributions to the principles of optics and the use of scientific experiments

⁶Also known as Avenzoar.Arab physician and surgeon, known for his influential book *Al-TaisirFil-MudawatWal-Tadbeer* (Book of Simplification Concerning Therapeutics and Diet).

⁷Arab scientist, botanist and physician who systematically recorded the discoveries made by Islamic physicians in the Middle Ages.

⁸Also known as Geber.The father of Arab chemistry known for his highly influential works on alchemy and metallurgy.

⁹Also known as Thebit. Arab mathematician, physician and astronomer; who was the first reformer of the Ptolemaic system and the founder of statics

¹⁰ Al-Razi was another famous physician, who for the first time elaborated the seven principles of the preservation of health. He defined fever as an unnatural heat emanating from the heart and arteries and affecting the entire body with heat. In his book al-Fakhi fi al-Tibb, he explained that good health is God’s gift. By preserving it one renders the best of his life.

¹¹IbnSina , commonly known in English by his Latinised name Avicenna (c. 980-1037), was a foremost physician and philosopher of his time. He was also an astronomer, chemist, geologist, Hafiz, Islamic psychologist, Islamic scholar, Islamic theologian, logician, paleontologist, mathematician, Maktab teacher, physicist, poet, and scientist.

¹²The world’s first baby to be conceived via in vitro fertilization (IVF) is born at Oldham and District General Hospital in Manchester, England, to parents Lesley and Peter Brown.

¹³In vitro fertilization (IVF): MedlinePlus Medical Encyclopedia. U.S National Library of Medicine. <https://www.nlm.nih.gov/medlineplus/ency/article/007279.htm>. Accessed October 7, 2018.

With the advent of this (IVF technology) as a possible solution to infertility Muslim patients and Islamic scholars have involved themselves in researching whether this procedure is “permissible, or not permissible or partially permissible.” In other words what is the stand of Quran-Sunnah and how Islamic jurists have viewed its acceptability, applicability, rejection.

Before to get inferences from *fiqh* (jurisprudence) first and foremost issue is pregnancy and how it took place to answer it a theological discourse is needed, for pregnancy the first prerequisite is marriage because it (marriage) bringing about pregnancy and made the contract a valid and virtue. The Quran clearly mentions that children are a grace (*fadl*) from Allah (SWT) and that some individuals are granted this bounty and others not. The Qur’an states “.. He bestows both males and females, and He leaves barren whom He will: for He is full of knowledge and power.”¹⁴ Furthermore, seeking progeny has been given a meritorious role in Islamic scriptures (Quran and Hadith) as witness the examples of Prophet Ibrahim and Zakaria, who were childless and dealt with infertility in their marriage, supplicating to Allah (swt) for children. The Qur’an notes “There did Zakariya pray to his Lord, saying: “O my Lord! Grant me a progeny that is pure: for you are He that hears prayers!”¹⁵

It is encouraging to note that there is a broad agreement among Islamic religious scholars to appraise and discuss assisted reproductive technology (ART) of infertile Muslim couples at a broader level. For example, a reference can be made to Gad El Hak’s statement that “In Islam, treatment of infertility in married couples is encouraged, as it involves preservation of procreation.”¹⁶

Reference to various guidelines which have played a role in the change of attitude of society and individuals in the Muslim World include:

- i. The fatwa issued by Al-Azhar, Cairo (1980)
- ii. The fatwa issued by the Islamic Fikh Council, Mecca (1984)
- iii. The Organization of Islamic Medicine in Kuwait (1991)
- iv. Qatar University, (1993)
- v. The Islamic Education, Science and Culture Organization in Rabaat (2002)
- vi. The United Arab Emirates (2002)
- vii. The International Islamic Centre for Population Studies and Research, Al Azhar University.

These bodies have stressed the fact that Islam has encouraged marriage, family formation and procreation in its primary sources. The treatment of infertility through the application of assisted reproductive technology (ART) procedures encourages the preserving of humankind within the framework of marriage, which otherwise remains a condition which cannot be alleviated. In addition, the attitude of patients changes from rejection, doubt, feelings of shame, guilt and secrecy, to happiness and fulfilling when seeking assisted reproductive technology (ART) procedures in the eighties and openly asking for it in the nineties.

In his article ‘Islamic perspective in human reproduction’, Serour states that:

“The prevention and treatment of infertility are of particular significance in the Muslim world. The social status of Muslim women, their dignity and self-esteem are closely related to their procreation potential, both for family and society as a whole. Childbirth and rearing are regarded as family commitments of both partners and not just biological and social functions. As assisted reproduction was not mentioned in the primary sources of Shari’ah ... [it] was only widely accepted after prestigious scientific and religious bodies and organisations issued guidelines, which were adopted by Medical Council and accepted by

¹⁴The Holy Quran. Al- Shura 42:50

¹⁵The Holy Quran. Ali Imran 3:38

¹⁶ Gad El Hak, A. G. E. and Serour, G. I., eds., 2000. Some gynecological problems in the context of Islam. The International Islamic Center for Population Studies and Research, Cairo: Al Azhar University

concerned authorities in different Muslim countries; these principles have controlled the practices in assisted reproduction centres.”¹⁷

what is the stand of Islamic jurists about the Islamic permissibility of IVF. In 1986 at their third conference in Amman, Jordan, the Islamic Fiqh Council of the Muslim World League composed of “a select group of preeminent Islamic jurists from around the world” met to discuss this issue.¹⁸ Utilizing Sunni fiqh methodologies they determined the following criteria for IVF according to Islamic law:

i. IVF is permissible for a legally married couple in need so long as the reproductive material for the procedure is taken solely from that couple alone. If however, in order for the IVF procedure to be done a couple must use the sperm, egg, embryo, or uterus of another individual, this is deemed impermissible. The primary reason stated for the prohibition is because obtaining reproductive material outside of a legal marriage confuses the certainty of parentage and presents difficulties to an aim of Shariah that seeks to preserve lineage (*hifdh al-nasl*).¹⁹

This judgment is echoed by others *fiqh* academics such as the Islamic Organization for Medical Sciences, the International Islamic Fiqh Academy, the International Islamic Centre for Population Studies and Research at al-Azhar University, and the Dar El Iftaa, Cairo.⁷ Islamic jurists and scholars also supplement this ruling in additional ways. Shaykh Yusuf al-Qaradawi and Al Balagh Cultural Society state through the website IslamOnline that the addition of material such as sperm, an egg, or an embryo from a third party outside of the marriage constitutes adultery (*zina*) even though there is no direct sexual contact.⁸

Dr. Muzzamil Siddiqui of the Fiqh Council of North America notes two additional points. He states that the validity of the procedure is contingent on an intact marriage; material from a couple cannot be used after divorce or death and will be considered *haram*.⁶ Specifically, the stored sperm of a man should not be used after his death because legally the marriage contract terminates at the time of death. When considering the use of an extra-marital surrogate mother to carry a baby to term Dr. Siddiqui adds that this again disrupts *hifdh al-nasl* because surrogacy presents a problem of determining motherhood.²⁰ The Qur’anic verse “...None can be their mothers except those who gave them birth... (58:2)” is provided as evidence noting that confusion would abound when the woman birthing the child is different than the woman who provided the egg.²¹

Following are the main points of the Sunni Islamic position on medically assisted conception:

First, artificial insemination with the husband’s semen is allowed, and the resulting child is the legal offspring of the couple.

Second, in vitro fertilization of an egg from the wife with the sperm of her husband and the transfer of the fertilized egg back to the uterus of the wife is allowed, provided that the procedure is indicated for a medical reason and is carried out by an expert physician.

Third, since marriage is a contract between the wife and husband during the span of their marriage, no third party should intrude into the marital functions of sex and procreation.

¹⁷Serour, G. I., 2005. Religious perspectives of ethical issues in ART 1. Islamic perspectives of ethical issues in ART. Middle East Fertility Society Journal, 10 (3): 185-190.

¹⁸Islamic Fiqh Council. Muslim World League. <http://en.themwl.org/content/islamic-fiqh-council-0>. Accessed Oct. 7, 2018.

¹⁹IVF Question 34099. IslamiCity. <http://www.islamicity.com/qa/action.lasso.asp?-db=services&-lay=ask&-op=eq&number=34099&-format=detailpop.shtml&-find>. Accessed Oct. 7, 2018.

²⁰Al-Bar MA, Chamsi-Pasha H. Assisted Reproductive Technology: Islamic Perspective. In: *Contemporary Bioethics Islamic Perspective*. Springer; :176.

²¹*The Holy Quran*. Al-Mujadilah 58:2

This means that a third party donor is not acceptable, whether he or she is providing sperm, eggs, embryos, or a uterus. The use of a third party is tantamount to zina, or adultery.

Fourth, adoption of a child from an illegitimate form of medically assisted conception is not allowed. The child who results from a forbidden method belongs to the mother who delivered him/her. He or she is considered to be an illegitimate child.

Fifth, if the marriage contract has come to an end because of divorce or death of the husband, medically assisted conception cannot be performed on the ex-wife even if the sperm comes from the former husband.

Sixth, an excess number of embryos can be preserved by cryopreservation. The frozen embryos are the property of the couple alone and may be transferred to the same wife in a successive cycle, but only during the duration of the marriage contract.

Seventh, multifetal pregnancy reduction (i.e., selective abortion) is only allowed if the prospect of carrying the pregnancy to viability is very small. It is also allowed if the health or life of the mother is in jeopardy.

Eighth, all forms of surrogacy are forbidden.

Ninth, establishment of sperm banks with “selective” semen threatens the existence of the family and the “race” and should be prevented.

Tenth, the physician is the only qualified person to practice medically assisted conception in all its permitted varieties. If he performs any of the forbidden techniques, he is guilty, his earnings are forbidden, and he must be stopped from his morally illicit practice.

CONCLUSION

In Islam, it is through the purity and genuineness of a relationship that affords the opportunity for a child to discover the identity of his/her real parents. It is believed that the goodness of the parental relationship in the long term creates a good environment for the child, who in return contributes to the establishment of a good society. Islamic Shari'ah somehow holds the middle position by allowing IVF procedures and artificial insemination, provided it is undertaken using sperm from the husband, ovum from the wife, and it is performed between a lawfully wedded couples. If there is a need for this procedure, then we do not think there is anything wrong with it, so long as three conditions are met: That this fertilization is done with the husband's sperm. It is not permissible to use the sperm of anyone but the husband for this fertilization, because Allah (S.W.T) says (interpretation of the meaning): “And Allah has made for you *Azwaaj* (mates or wives) of your own kind, and has made for you, from your wives, sons and grandsons, and has bestowed on you good provision. Do they then believe in false deities and deny the Favour of Allah (by not worshipping Allah Alone)”[al-Nahl 16:27] The collection of sperm from the man should be done in a permissible manner, such as by the husband being intimate with his wife, and ejaculating between her thighs or in her hand, so that the semen may be emitted, then the egg may be fertilized with it. After fertilization, the egg should be placed in the wife's uterus. It is not permissible to place it in the uterus of any other woman under any circumstances whatsoever, because that involves inserting the sperm of the man into the uterus of a woman who is not permissible for him. Islamic theologians and jurists have largely answered that IVF technology and knowledge also represents a grace from Allah(S.W.T) and as long as used within Islamic legal bounds would not represent a violation of accepting Allah's decree. Whereas the Sunni sect of Islamic religious scholars encourages *in vitro* fertilisation (IVF) within the prescribed limits of Shari'ah law.

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