Islamic View on Artificial Insemination

Question: What is the Islamic view on Artificial Insemination? (Artificial Insemination means the insertion of sperm into the woman's uterus through special means).

Answer: Many ancient examples of artificial insemination/pollination are available with regard to animals and plants. And many plants and animals are grafted to give fruits. But artificial insemination to human beings is absolutely new.

And the encouragement for this is some men who are not able to produce children due to some causes but the wives are fertile they opt for artificial insemination to make their wives pregnant. The sperm of the husband or of another man is inserted into the woman's womb. In this way she becomes pregnant.

This matter has been debated by the lawmakers of the western world (England, France, Egypt and other countries.) The House of Commons (England) has decided that a committee of legal experts should be formed so that they may study this subject.

The medics of France have made this matter dependant on the agreement of the spouses and permitted this if both of them agree. In Italy the Pope has made it prohibited through a religious decree. And the Grand Mufti of Egypt has stated it to be worse than adoption which is .prohibited in Islam

Two kinds of Artificial Insemination

In the first kind the sperm of a man is inserted into his own wife. From the viewpoint of proofs of jurisprudence there is not problem in this artificial insemination because on both sides the two people are legal and religious spouses. The husband and wife have the right to become parents. It does not make any difference that this procedure is through sexual intercourse or medical means.

Although at the time of artificial insemination it must be ensured that during this some illegal action is not committed. For example, another man must not perform this; rather the husband must do it.

The next type of artificial insemination is that a stranger's sperm is inserted into the wombs of someone else's wife. This kind of artificial insemination in the view of Islam (which has based marriage on precaution, carefulness, accuracy and piety) is absolutely illegal and the same is view of the great jurists of Islam and from some traditions regarding marriage we can know

that it is prohibited.

In addition to this from the ethical, social and psychological points of view this is absolutely illegal and prohibited. And it has three main defects as described. Below:

1. From the ethical point of view it encourages promiscuity in women and slowly it attracts her to illegal liaisons. She tends to think that what difference does it make because the sperm of a stranger is inserted into her womb or this is carried out through illegal intercourse.

After this procedure (even if this had the husband's sanction) this woman most of the time attempts illegal liaisons. Because in doing thus she has no fear from the husband. And if she becomes pregnant she can easily transfer the responsibility to artificial insemination which has been carried out with the permission of the husband.

2. From the social point of view this shakes the foundation of the family and it causes the destruction of family system and genealogy. As we know one of the evils of illegal relationship is enmity among the people and the severing of relation between children and the father. And this is seen as an unavailable effect of artificial insemination. As a result when the child grows up he does not know who the real father is.

3. The training and rearing of children and arranging of the necessities of their life natural emotions play a very important role and we must never be careless of this because it is the natural emotion which prepares the father to provide the necessities of life for his children, this human emotion is created only when he considers the child a past of himself. But if he knows that the child is the issue of someone else, there remains no reason why he should fulfill the needs of the child.

What Is the Command Regarding Contraception?

Question: Does Islam permit Contraception?

Answer: In Islamic law there is great encouragement for procreation and increase in population. So much so that they Holy Prophet (S) says: Marry and procreate. Because on the basis of your huge numbers I am proud over other (Past) Communities. Even on the basis of your aborted children.

The aim of this topic is also clear because the power of a community mostly depends upon its numerical strength. Communities having less numbers are mostly weak and powerless.

It is correct that a country may be populated. Sometimes it may create problems regarding food and housing but in spite of that this same dense population becomes the cause of its strength and greatness.

This is the reason why the most powerful Communities of the world are those who have

numerical strength. As for the food shortage it can be solved through scientific agriculture. Thus contraception is not a good thing in Islamic view. (Except when there are really social and training problems).

In spite of this Islam has not made it illegal and according to the decrees of most of Islamic scholars contraception is allowed if both partners agree. Some have even allowed it even if the wife does not agree. Actually Islam has left the avenue open for the Muslims so that if there is need for contraception (For example the woman is weak or there is some other problem) they can gain benefit from this action and avoid pregnancy.

Though we should remember that all this is permitted when the conception has not yet taken place. But conception has already taken place its abortion is absolutely haraam. That is after .the conception. (Even if it is one day old.), abortion is not allowed

What Is the Legal Position Regarding Abortion of Illegitimate Fetus?

Question: If a person performs such an action as a result of which the illegitimate fetus is aborted, does he have to pay the same Diyat (Penalty) that is payable for legitimate fetus or not?

Answer: Whether the fetus is legitimate or illegitimate its abortion is absolutely illegal. And in this matter there is no difference between the two. As far as the matter of abortion of illegal fetus, the parents are not eligible for the Diyat amount (when the two were aware that the intercourse they were having was illegal).

And like the inheritance of an heirless person it becomes the part of Bait al-Maal (Islamic treasury). But if a legitimate fetus is aborted its Diyat is paid to its heirs. Except one of the heirs (father or mother) had been instrumental in the abortion because in those conditions he .is deprived of Diyat just as the killer cannot inherit from the killed one

Blood Transfusion

Question: Nowadays in all hospitals, blood transfusion is given to many patients who are anemic or are undergoing operation. And it is possible that the blood of a stranger man is transfused into a lady who is na mehram or vice versa. Is it allowed in Islamic Law?

Answer: Since there is no proof for prohibition regarding this act according to the rules of Islamic Jurisprudence, there is no harm in it. Even then it is better if man is transfused with the blood of man and woman with the blood of a woman. But if this is not possible, as mentioned .above, it is not haraam