

Artificial insemination

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allaah, the Most Merciful, the Bestower of Mercy

Question: Our Shaykh, give us a fatwa about a woman who miscarried twice. After every time doctors subjected her to medical analyses, they could not diagnose her illness; rather, they revealed no illness at all, and she has not conceived yet. Doctors knew, after medical treatment, that ovular hormones in her womb were weak. Therefore, they had recourse to artificial insemination as a last resort, which consists of placing the man's semen into the woman's ovum. All this may be included in some acts of sorcery...etc¹.

So our Shaykh, is this insemination permissible, provide us with explanation and clarification. We ask you to give some advice to this couple, because, despite five years elapsed, they are still bearing patience in anticipation of Allaah's reward. May Allaah reward you, benefit us with your knowledge and may Allaah preserve you, and may Allaah's peace and mercy be upon you.

Shaykh Aboo `Abd-al-Mu`iz `Alee Farkous al-Qoobee (May Allaah the Most High preserve him): All praise is due to Allaah, the Lord of the Worlds. Peace and blessing be upon whom Allaah sent as a mercy to the Worlds, upon his Family, his Companions and his Brothers till the Day of Resurrection.

For the men of jurisprudence, this matter depends on whether sterility constitutes a harm or not.

Those who judged it so said that it is permissible to cure it like the other illnesses such as blindness and lameness, which have a common cause that leads to a functional disequilibrium. This is what is decided by "Al-Majma` Al-Fiqhi Al-Islaamee" (literally. Islamic Jurisprudential Academy) in his third session held in Amman (in the month of Safar 1407 H). They said that artificial insemination includes licit and illicit means. They said also that there is no matter to pollinate the wife's ovum with the husband's semen artificially, and then return it to the womb so that the woman conceives normally. This is to be done only in need, while being sure to observe all precautionary measures.

¹ The man was sexually very impotent. However, when he had a Ruqyah (exorcism), he recovered by the will of Allaah. As for the woman, she started crying when subjected to the Ruqyah. Consequently, she did not carry on it.

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As for those who do not deem it a harm, they do not think it is permissible to cure sterility, because there is no strong need and religious necessity to remove it.

For me, the correct thing to say is that sterility can be considered a psychological harm that generates profound pains in the family that has not children. In fact, where there is pain, necessity and need exist, because “A restricted situation requires facilitation”.

However, what troubles the ruling of artificial insemination permissibility is the potential danger of error in it, and subsequently the mixing of lineages, because one cannot be sure that illicit things are not included in that process, such as the fact that the specialist, in the laboratory, may add another man’s semen to the man’s semen to strengthen it, or the fact that he may change some wife’s ovum components by introducing the components of a foreign ovum in order to reform it; and the desire to reach higher success rate, knowing that competition between the multiple laboratory centres to reach higher success rate, seeking gains and trading [in this domain] do not rule out – at all – the presence of negligence and transgression. This brings nuisance to the man’s honour and faith.

Therefore, this religious nuisance depends mainly on the equity of the specialists, who deal directly with the artificial insemination process, and how people trust and confide in them, in addition to the woman’s revealing her private parts to the doctor (whether a man or a woman) who casts the pollinated ovum often in the woman’s vagina using a syringe.

It is notorious that it is very difficult to avoid and take precautionary measures towards such nuisances; if it is not possible, we should know that the interest of bringing children is contradicted by the nuisance of mixing lineages which must be given priority in case of opposition, according to the following ruling “Repelling harm takes precedence over procuring benefits”.

It is - also – known that such nuisances do not exist in blindness and lameness, which are not [analogically] comparable to sterility. Consequently, analogy is not valid, because there is a difference between them [.i.e. blindness and lameness, and sterility] and there is a thing that exists in one part and does not exist in the other.

The perfect knowledge belongs to Allaah (*Mighty and Majestic is He*). Our last prayer is all praise is due to Allaah, the Lord of the Worlds. Peace and blessing be upon our Prophet, his Family, his Companions and Brothers till the Day of Resurrection.

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