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In Vitro Fertilization (IVF) in Islamic Jurisprudence: Balancing Medical Innovation with Lineage Preservation (Hifz al-Nasab)

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Abstract

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The rapid advancement of assisted reproductive technologies (ART), particularly in vitro fertilization (IVF), has transformed the landscape of infertility treatment, offering hope to countless couples. However, these innovations also present significant ethical and legal challenges within the framework of Islamic jurisprudence (*fiqh*), which prioritizes the preservation of lineage (*hifz al-nasab*) and the sanctity of marital bonds (*firāsh*). This article examines the permissibility and implications of IVF using spousal gametes, focusing on the conditions under which it is deemed permissible, the mechanisms for establishing lineage (*nasab*), and the ethical boundaries that safeguard genealogical integrity. Central to this analysis are Quranic injunctions such as “Their mothers are none but those who gave birth to them” (Q58:2) and classical juridical principles like “Lineage on the father’s side is established by the marital bed (*firāsh*)” (*Kāsānī, Bada’i’ al-Ṣanā’i*). The study highlights the conditional permissibility of IVF, emphasizing strict safeguards to prevent third-party involvement and ensure the exclusive use of spousal gametes. It also explores the legal attribution of lineage to the husband and wife, rooted in the marital bond and biological contribution, while addressing potential ethical dilemmas such as lineage confusion (*ikhṭilāṭ al-ansāb*). By synthesizing Quranic teachings, classical juridical

commentaries, and modern biomedical ethics, this article underscores the importance of balancing medical innovation with Sharī'ah's ethical imperatives. It concludes that IVF using spousal gametes is permissible under Islamic law when it adheres to stringent conditions, thereby upholding the sanctity of lineage while addressing the challenges of modern infertility treatments.

Introduction:

Lineage is not merely a biological concept in Islam; it is a divine trust that carries moral, social, and legal ramifications. The Quran and Hadith provide detailed guidance on lineage, ensuring the protection of family ties and inheritance rights. This paper seeks to examine the importance of Nasab through a multidimensional lens, incorporating theological, legal, and ethical perspectives. The advent of assisted reproductive technologies (ART), particularly in vitro fertilization (IVF), has revolutionized the treatment of infertility, offering hope to millions of couples worldwide. However, these advancements also raise profound ethical and legal questions, especially within the framework of Islamic jurisprudence (*fiqh*), which places paramount importance on the preservation of lineage (*hifẓ al-nasab*) and the sanctity of marital bonds (*firāsh*).

As biomedical interventions increasingly intersect with questions of parentage, identity, and familial rights, Islamic scholars and jurists face the critical task of reconciling cutting-edge medical practices with the timeless principles of Sharī'ah. This article examines the permissibility and implications of IVF using spousal gametes through the lens of classical and contemporary Islamic legal discourse. It highlights the conditions under which IVF is deemed permissible, the mechanisms for establishing lineage (*nasab*), and the ethical boundaries that safeguard genealogical integrity. Central to this analysis is the Quranic injunction, “*Their mothers are none but those who gave birth to them*”¹, which anchors maternal lineage in gestation and childbirth, and the juristic principle that paternal lineage derives from the marital bond (*firāsh*)—not merely biological contribution.

Research Question:

How does Islamic jurisprudence address the determination of lineage (*nasab*) in cases where third-party reproductive materials (sperm, egg, or womb) are involved in IVF procedures?

Research Methodology:

This study employs a qualitative research methodology, utilizing textual analysis to examine In Vitro Fertilization (IVF) in Islamic jurisprudence, with a focus on lineage preservation (Ḥifẓ al-Nasab). The research is based on primary Islamic sources (Qur'an, Hadith, and classical fiqh texts) and secondary sources (academic bioethics literature, medical perspectives, and contemporary fatāwā).

A comparative analytical approach is used to assess divergent legal interpretations and explore maqāṣid al-sharī'ah (higher objectives of Islamic law) in relation to IVF. Given the study's doctrinal nature, no empirical data is included. Instead, a jurisprudential and normative analysis ensures that the discussion remains grounded in Sharī'ah principles while engaging with contemporary medical ethics.

Research Limitation:

This research explores the ethical and jurisprudential dimensions of In Vitro Fertilization (IVF) in Islamic law, focusing on the balance between medical advancements and the principle of lineage preservation (Ḥifẓ al-Nasab). It provides guidance to individuals facing infertility while also introducing new avenues of scholarly inquiry for Islamic jurists, medical professionals, and researchers. The study examines key Islamic legal perspectives on assisted reproductive technologies, considering both their potential benefits and ethical challenges. It is important to emphasize that this paper does not constitute a religious verdict (fatwa); for authoritative rulings, individuals should seek guidance from qualified Islamic jurists (Muftis). Instead, this research aims to contribute to academic discourse and encourage further exploration of this critical topic.

The Concept of Lineage (Nasab) in Islamic Jurisprudence:

Lineage (*nasab*) constitutes a sacred bond and a profound connection of immense significance, governed by divine legislation (*Sharī'ah*). Islam elevates lineage as a cornerstone of social order, fortifying it with robust legal safeguards to protect it from corruption and disruption. Its foundations are rooted in principles of legitimacy and clarity.

Contemporary Definition of Lineage (Nasab) in Islamic Context:

Lineage (*nasab*) in modern Islamic jurisprudence refers to the legally and ethically recognized genealogical bond established through lawful procreation within marriage, ensuring biological, social, and legal parentage. It integrates advancements in genetic testing (DNA) and assisted reproductive technologies (ART), provided they adhere to Sharī'ah principles—no third-party gametes/surrogacy—to prevent

lineage confusion (*ikhtilāṭ al-ansāb*) and uphold familial rights, inheritance, and societal harmony.²

Types of Lineage:

1. **Paternal Lineage:** Established via the marital bond (*firāsh*), requiring lawful conception within wedlock.³
2. **Maternal Lineage:** Rooted in pregnancy and childbirth.⁴

Sharī'ah Objectives (Maqāṣid):

1. **Sharī'ah's Emphasis on Nasab:**
 - Lineage ensures the preservation of familial rights, inheritance (*mīrāth*), and social responsibilities.
 - It prohibits lineage confusion (*ikhtilāṭ al-ansāb*) and upholds the sanctity of lawful procreation within marriage (*nikāḥ*).
2. **Legal Implications:**
 - **Inheritance:** Lineage determines shares in inheritance.⁵
 - **Marital Prohibitions (*ḥurmah*):** Blood relations (*naṣab*) define prohibited degrees of marriage.⁶
 - **Custody and Guardianship:** Lineage establishes parental rights and obligations, such as custody (*ḥaḍānah*) and financial support (*nafaqah*).⁷

Lineage (*nasab*) and kinship frameworks:

Islamic jurisprudence meticulously defines lineage (*nasab*) and kinship frameworks encompassing *ʿaṣabah* (agnatic heirs), *qarābah* (blood ties), *walā'* (manumission bonds), *muṣāhara* (affinal relations), *riḍā'* (milk kinship), and *ḥasab* (social nobility). These principles uphold familial rights, inheritance equity, and societal harmony through divinely ordained legal and ethical boundaries.⁸

Quranic Corroboration: Evidence of Lineage (Nasab) Legitimacy in Islamic Jurisprudence:

A jurisprudential analysis of *nasab* (lineage) within Islamic law affirms its divine legitimacy through Quranic mandates and exegetical consensus, emphasizing its role in preserving familial and societal integrity.

A. Quranic Directive on Paternity (Q. 33:5):

The verse “Call them by [the names of] their fathers...”⁹ establishes the obligation to ascribe children to biological fathers (*ābā'ihim*), abolishing pre-Islamic *tabannī* (adoption), which permitted false paternal claims. Deliberate misattribution (*nafs al-ta'ammud*) is prohibited, though unintentional errors are excused (*'udhr al-jahl*).

Exegetical Interpretations (Al-Baghdādī):¹⁰

1. **Qatādah:** Unintentional misattribution incurs no sin.
2. **Mujāhid:** Pre-prohibition errors are pardoned.

Habīb ibn Abī Thābit: Rejection of *intisāb makdhūb* (false lineage) prevents societal corruption (*mafāsīd*). Unacknowledged paternity necessitates terms like *ikhwān fī al-dīn* (faith brothers) or *mawālī* (allies), reflecting early Muslim practice (*al-salaf*).

B. Ontological Basis of Lineage (Q. 25:54):

The verse “*He created from water a human...*”¹¹ underscores *nasab* (blood lineage) and *sihr* (marital affinity) as divinely ordained bonds. *Nasab* defines consanguineous prohibitions (*maḥārim*), while *sihr*—rooted in familial intermingling (*ikhtilāt*) via marriage—includes milk kinship (*riḍā*). Classical exegetes (Al-Farrā’, Al-Aṣma’ī) categorize prohibited relations into seven consanguineous (*qarābah nasabiyyah*) and five affinal (*qarābah shihriyyah*) types. Pre-Islamic *al-Jāhiliyyah* ascribed lineage via *firāsh al-zawjiyyah* (marital union), *milk* (ownership), or adoption. Islam elevated *nasab* and *sihr* as pillars of familial integrity (*kiyān al-usrah*), mitigating moral dissolution (*fasād*).¹²

C. Lineage in Eschatology (Q. 23:101):

The verse “*No lineage will exist among them...*”¹³ nullifies worldly *ansāb* (lineages) on the Day of Resurrection. Three hermeneutical views emerge:

1. **Abandonment of Lineage-Based Rights (*ḥuqūq*):** Kinship claims hold no legal weight.
2. **Preoccupation with Personal Accountability:** Mutual inquiries cease amid divine judgment.
3. **Cessation of Tribal Pride (*tafākhur bi-al-nasab*):** Status derives solely from piety, rejecting pre-Islamic tribal hierarchies.¹⁴

Conclusion: Quranic injunctions and scholarly exegesis systematize *nasab* as a divinely ordained framework, ensuring familial coherence and societal order. Its eschatological nullification reinforces Islam’s redefinition of human worth beyond tribal or biological constructs.

Legitimacy of Lineage in Prophetic Tradition (Sunnah):

The Sunnah codifies *nasab* (lineage) as a divinely sanctioned institution, affirmed through *aḥādīth* that preserve kinship integrity and societal order under *Sharī‘ah*.

A. Marital Attribution and Paternity (Qiyās al-Firāsh):

The Prophet ﷺ ruled: “*The child belongs to the marital bed (firāsh)...*”¹⁵, resolving a dispute between Sa’d ibn Abī Waqqāṣ and ‘Abd

ibn Zam‘ah over a concubine’s son. Despite claims of resemblance (*shabah*) to Sa‘d’s brother, the Prophet prioritized *firāsh*—ascribing paternity to the husband—to prevent false claims (*iddi‘ā’*) and uphold inheritance rights (*mirāth*).

Legal Implications:

- **Lineage Preservation:** Affirms paternal rights via lawful marriage (*nikāḥ shar‘ī*) or licit intercourse (*waṭ‘ mashrū‘*).
- **Prohibited Relations:** Establishes *maḥārim* (marital prohibitions) for the husband’s lineage, though *shabah* may negate *maḥramiyyah* (seclusion rules).

B. Inalienability of Allegiance (Walā’):

The ḥadīth “*Alliance (walā’) is akin to lineage...*”¹⁶ underscores *walā’* as a non-transferable spiritual bond (*‘aqd rūḥānī*), governing inheritance, guardianship (*wilāyah*), and legal accountability.

1. **Patrilineal Primacy:** The father’s name (*ism al-ab*) defines legal identity, overriding maternal anonymity (*ism al-umm*).
2. **Distinct Parental Bonds:** Maternal lineage remains separate but does not nullify paternal *nasab*.¹⁷

C. Jurisprudential Debates on Walā’ Transfer:

Pre-Islamic *Jāhiliyyah* permitted commodifying *walā’*. Post-revelation, consensus (*ijmā’*) prohibited its sale or gifting, though minority scholars (*ba‘d al-salaf*) permitted conditional transfers, interpreting the prohibition as moral discouragement (*tanzīh*).¹⁸

Interpretive Divergence:

- **Majority View (Jumhūr):** Absolute prohibition (*tahrīm*) based on the ḥadīth’s literal injunction (*naṣṣ al-nahy*).
- **Minority Permissibility (Ibāḥah):** Contextual allowance under limited circumstances.

Conclusion: The Sunnah elevates *nasab* and *walā’* as immutable legal pillars, dismantling pre-Islamic commodification of kinship. By prioritizing ethical lineage over tribal or economic interests, *Sharī‘ah* ensures familial coherence and societal equity.

Forms of IVF and the Islamic Legal Rulings on Lineage (Nasab):

I have formulated seven scenarios under in vitro fertilization (IVF) to examine Sharī‘ah rulings (*aḥkām*) on cases where reproductive material (gametes: sperm and oocytes) and the womb are procured both within and outside a valid marital bond (*nikāḥ*). These scenarios critically assess the Islamic legal determinations concerning lineage (*nasab*) and the legal

status (*hukm al-walad*) when conception occurs beyond the framework of lawful spousal relations.

All methods of assisted reproductive technologies (ART) operating outside Sharī'ah-compliant parameters—such as third-party gamete use, surrogacy, or gestational carriers—are categorically impermissible (*ḥarām*) under Islamic jurisprudence. However, if a child is born through such prohibited practices, complex ethical and juridical inquiries arise concerning:

1. **Lineage Attribution (*Nasab*)**: Parentage under the principle of “*al-walad li'l-firāsh*” (the child belongs to the marital bed).
2. **Inheritance Rights (*Mirāth*)**: Entitlements tied to legal, not biological, parentage.
3. **Legal Status (*Huqūq*)**: Socio-religious rights and obligations linked to lineage.

The following analysis systematically addresses these inquiries through classical juridical frameworks (*uṣūl al-fiqh*) and contemporary biomedical ethics, providing Sharī'ah-based determinations on the status and lineage of children conceived via non-compliant ART.

Scenario: In Vitro Fertilization (IVF) with Spousal Gametes:

Medical Procedure: A couple's gametes (sperm and egg) are fertilized in vitro (in an artificial laboratory environment), incubated, and subsequently transferred to the wife's uterus for gestation and childbirth.

Sharī'ah Ruling:

1. **Permissibility:** While some cautious scholars prohibit this practice, many jurists permit it under strict conditions, citing the natural human desire for offspring and the necessity of addressing infertility.

Conditions for Permissibility: A. **Medical Necessity:** The procedure is adopted due to a genuine medical need, such as physiological defects in either spouse that prevent natural conception. B. **Expert Diagnosis:** A qualified physician confirms that no alternative treatment exists. C. **Exclusive Use of Spousal Gametes:** Absolute certainty that only the husband's sperm and wife's egg are used, with no risk of third-party mixing. D. **Prevention of Gamete Substitution:** Guarantee that the fertilized embryo remains uncontaminated and unaltered during incubation.¹⁹

2. **Lineage (*Nasab*) Establishment:**

- **Paternal Lineage:** Established via *firāsh* (marital bond), as the husband's sperm is used.²⁰

- **Maternal Lineage:** *Established through pregnancy and childbirth.*²¹

“Lineage on the father’s side is established by the marital bed (*firāsh*), and on the mother’s side by childbirth.”²²

3. Juridical Precedent:

- **Artificial Insemination in Classical Fiqh:** If a man ejaculates outside his female slave’s vagina, and she collects the semen to self-inseminate, resulting in pregnancy, the child is legally attributed to him, and she becomes an umm walad (mother of the child).²³

Principle: Lineage is established by biological contribution (*nasab al-walad*), not solely by physical intercourse.²⁴

Key Considerations:

1. Lineage Integrity (Ḥifẓ al-Nasab):

- Ensures the child’s lineage remains within the lawful marital framework (*nikāḥ*).
- Prevents **ikhtilāṭ al-ansāb** (lineage confusion).

2. Ethical Boundaries:

- **Permissibility:** Limited to cases of genuine medical need (e.g., uterine infertility).
- **Prohibitions:** Third-party involvement or commercial surrogacy remains ḥarām.²⁵

Scenario: Third-Party Egg (Oocytes) in IVF:

Medical Procedure:

The husband utilizes his sperm and an oocyte donated by a third-party woman for the process of in vitro fertilization (IVF). The resultant zygote is subsequently transferred to the wife’s uterus, culminating in the child’s gestation and eventual birth.

Shari‘ah Ruling: Impermissibility (Ḥarām):²⁶ This practice is strictly prohibited under Islamic law due to:

- **Lineage Confusion (Ikhtilāṭ al-Ansāb):** Introduction of a third-party genetic contributor.
- **Violation of Marital Sanctity:** The child’s biological mother (egg donor) is not the lawful spouse.

Child’s Lineage (Nasab):

- **Maternal Lineage:** Attributed to the birth mother (wife) under Quranic principles:
 - “*Their mothers are none but those who gave birth to them*.”²⁷

- “His mother carried him with hardship and gave birth to him with hardship”.²⁸
- **Motherhood:** Defined by pregnancy and childbirth.
- **Paternal Lineage:** Established via *firāsh* (marital bond), as the husband’s sperm was used.²⁹
- **Fatherhood:** Rooted in lawful marital relations (*firāsh*), not solely biological contribution.³⁰

Juristic Analysis:

- Lineage on the father’s side is established by the marital bed (*firāsh*), and on the mother’s side by childbirth.³¹
- **Key Principle:** Genetic material alone does not establish lineage; lawful marital context is essential.

Ethical and Legal Implications:

1. Third-Party Gametes:

- **Prohibition:** Violates *ḥifẓ al-nasab* (preservation of lineage), a primary objective of Sharī‘ah.
- **Social Harm:** Risks disputes over inheritance, custody, and familial identity.

2. Child’s Status:

- Despite the illicit procedure, the child is legally attributed to the husband and wife:
 - **Birth Mother:** Recognized due to gestation and childbirth.
 - **Husband:** Recognized via *firāsh* (marital bond).

Scenario: Third-Party Sperm Use in IVF:

Medical Procedure:

A husband uses another man’s sperm to fertilize his wife’s egg via in vitro fertilization (IVF). The resultant embryo is transferred to the wife’s uterus, culminating in childbirth.

Sharī‘ah Ruling:

1. Strict Prohibition (Ḥarām):

- This practice is **categorically unlawful** and morally equivalent to adultery (*zinā*) due to:
 - **Violation of Marital Sanctity:** Introduction of third-party genetic material.
 - **Lineage Confusion (Ikhtilāf al-Ansāb):** The child’s biological father is not the lawful husband.³²

2. Child’s Lineage (Nasab):

- **Legal Attribution:** Despite the illicit procedure, the child is **legally attributed** to the husband and wife based on:
 - **Marital Bond (Firāsh):** “The child belongs to the marital bed”³³.

- **Birth Mother:** *Lineage established via childbirth.*³⁴

Juristic Analysis:

1. Classical Fiqh Principles:

- **Paternal Lineage:** Lineage on the father's side is established by the marital bed (firāsh), even if intercourse did not occur.³⁵
- Maternal Lineage:
- Motherhood is established by childbirth, regardless of genetic contribution.³⁶

2. Conditions for Lineage Attribution:

- **Minimum Marriage Duration:** Six months (minimum gestation period) must pass since the marriage contract.
- **No Paternal Denial:** The husband must not explicitly deny paternity.³⁷

Ethical and Legal Implications:

1. Comparison to Adultery (Zinā):

- **Shari'ah Perspective:** Using third-party gametes is morally equivalent to adultery, as it violates the exclusivity of marital relations.
- **Hadith Reference:** "The child belongs to the marital bed, and the adulterer is deprived".³⁸

2. Lineage Preservation (Ḥifẓ al-Nasab):

- **Objective of Shari'ah:** To prevent social chaos (*fasād*) caused by ambiguous parentage.
- **Principle:** Lineage is tied to lawful marriage (*nikāḥ*), not biological reality.

Scenario: Surrogacy Using Third-Party Womb:

Medical Procedure: A married couple's gametes (sperm and egg) are fertilized in vitro (IVF), and the resulting embryo is implanted into a third-party (surrogate) woman's uterus. The child is gestated and born from the surrogate's womb.

Shari'ah Ruling:

1. Impermissibility (Ḥarām):

- This practice is **strictly prohibited** due to:
 - **Violation of Marital Exclusivity:** The surrogate is not the husband's lawful spouse.
 - **Lineage Confusion (*Ikhtilāṭ al-Ansāb*):** The child's biological and gestational mother is a third party.³⁹

2. Child's Lineage (Nasab):

- **No Attribution to the Genetic Couple:**

- *The surrogate, not the genetic parents, establishes maternal lineage through gestation and childbirth.*⁴⁰
- Paternal lineage requires *firāsh* (marital bond), absent in surrogacy.⁴¹
- **Surrogate's Marital Status Determines Lineage:**
 - If the surrogate is married, the child is attributed to her husband.⁴²
 - If the surrogate is unmarried, the child is solely her legal responsibility.⁴³

Juristic Analysis:

1. Classical Fiqh Principles:

- **Maternal Lineage:**
 - Motherhood is established by childbirth, regardless of genetic contribution.⁴⁴
- **Paternal Lineage:**
 - Lineage on the father's side is established by the marital bed (*firāsh*), not biological contribution.⁴⁵

2. Adultery Analogy:

- Surrogacy parallels adultery (*zinā*) in Sharī'ah:
 - "If a man commits adultery with a woman and she bears a child, the child cannot be attributed to him due to the absence of *firāsh*".⁴⁶

Ethical and Legal Implications:

1. Lineage Integrity (Ḥifẓ al-Nasab):

- Sharī'ah prioritizes unambiguous parentage to prevent social disputes (inheritance, custody).

2. Surrogate's Rights:

- A married surrogate's child is legally her husband's, even without biological ties.
- An unmarried surrogate bears sole responsibility, akin to a *laqīṭ* (foundling).⁴⁷

Scenario: Third-Party Gamete Use with Spousal Gestation:

Medical Procedure: A husband uses gametes (sperm and egg) from unrelated third-party donors for in vitro fertilization (IVF). The resulting embryo is transferred to his lawfully wedded wife's uterus for gestation and childbirth.

Sharī'ah Ruling:

1. Impermissibility (Ḥarām):

- This practice is **strictly prohibited** due to:

- **Lineage Confusion (Ikhtilāf al-Ansāb):** Use of third-party genetic material.
- **Violation of Marital Exclusivity:** The child is not biologically related to the spouses.

2. Child's Lineage (Nasab):

○ Legal Attribution:

- **Maternal Lineage:** *Established through the wife's pregnancy and childbirth.*^{48, 49}
- **Paternal Lineage:** Established via **firāsh** (marital bond), despite the husband's lack of biological contribution.⁵⁰

Juristic Analysis:

1. Quranic Foundations:

- **Motherhood:** *"Their mothers are none but those who gave birth to them"*.⁵¹
- **Pregnancy:** *"His mother carried him with hardship and gave birth to him with hardship"*.⁵²

2. Classical Fiqh:

- Lineage on the father's side is established by the marital bed (*firāsh*), and on the mother's side by childbirth.⁵³
- **Principle:** Legal parentage in Sharī'ah is tied to marital context (*nikāh*) and gestation, not genetic material.

Ethical and Legal Implications:

1. Lineage Integrity (Ḥifẓ al-Nasab):

- Sharī'ah prioritizes social stability by attributing children to the marital bed, even in cases of third-party gamete use.
- **Risk:** Despite legal attribution, the practice remains ḥarām due to lineage ambiguity.

2. Child's Rights:

- The child inherits from the legal parents (husband and wife), not the biological donors.
- **Inheritance:** Governed by the marital bond (*firāsh*), not genetic reality.

Scenario: IVF Between Co-Wives (Polygynous Marriage):

Medical Procedure: A man has two wives:

1. **Wife A:** Unable to carry a pregnancy (**infertile uterus**).
2. **Wife B:** Capable of gestation (**fertile uterus**).

The husband uses **Wife A's egg** and his sperm for in vitro fertilization (IVF). The resulting embryo is transferred to **Wife B's uterus**, leading to gestation and childbirth.

Sharī'ah Ruling:**1. Conditional Permissibility:**

- **Strict Necessity:** Permissible only if:
 - Wife A cannot conceive naturally due to medical conditions (e.g., uterine defects).
 - All precautions are taken to ensure no third-party gamete mixing.
- **Juridical Basis:** Preservation of lineage (*ḥifẓ al-nasab*) within the marital framework.

2. Child's Lineage (Nasab):

- **Paternal Lineage:** *Established through the husband's sperm and marital bond (firāsh).*⁵⁴
- **Maternal Lineage:** Attributed to **Wife B** (birth mother) via gestation and childbirth.⁵⁵
 - *"Their mothers are none but those who gave birth to them".*⁵⁶
 - *"His mother carried him with hardship and gave birth to him with hardship".*⁵⁷

Juristic Analysis:**1. Classical Fiqh Principles:**

- **Paternal Lineage:**
 - "Lineage on the father's side is established by the marital bed (*firāsh*)".⁵⁸
- **Maternal Lineage:**
 - Rooted in pregnancy and childbirth, not genetic contribution.

2. Implications for Wife A (Egg Donor):

- **Mahram Relationship:** Biological ties (via egg donation) may establish prohibitions (**ḥurmah**) on marriage between the child and Wife A's relatives.
- **Legal Parentage:** No maternal rights or responsibilities, as lineage is tied to Wife B.

Ethical and Legal Considerations:**1. Lineage Integrity (Ḥifẓ al-Nasab):**

- Ensures the child's lineage remains within the lawful marital framework (*nikāḥ*).
- Prevents *ikhtilāf al-ansāb* (lineage confusion).

2. Medical Necessity vs. Ethical Boundaries:

- **Permissibility:** Limited to cases of genuine medical need (e.g., uterine infertility).

- **Prohibitions:** Third-party involvement or commercial surrogacy remains *ḥarām*.

Precautionary Aspects of Incest Prohibitions (*Maḥramiyyah*)

Context: In all cases involving third-party gametes (sperm/egg donors or co-wives), lineage (*nasab*) is legally attributed to the husband (via *firāsh*) and birth mother (via gestation). However, biological contributors (donors) raise critical questions about *maḥramiyyah* (incest prohibitions).

Juristic Analysis:

1. Biological Contribution and Partial Relation (*Juz'iyyah*):

- **Medical Reality:** Gametes (sperm/egg) form the biological basis of the child's genetic identity, influencing physical traits and hereditary characteristics.⁵⁹
- **Sharī'ah Precaution:** Despite legal lineage attribution, biological ties may trigger **maḥramiyyah** (marriage prohibitions) with the donor's relatives.
 - "Partiality (**juz'iyyah**) arises through the child, such that the donor's lineage becomes akin to the child's own lineage, necessitating prohibitions on marriage".⁶⁰

2. Incest Prohibitions:

- **Genetic Donor's Relatives:**
 - The child is prohibited from marrying the biological donor's parents, siblings, or descendants.
- **Legal vs. Biological Parenthood:**
 - **Example:** If a child is conceived using **Wife A's egg** (biological mother) and gestated by **Wife B** (birth mother), the child is prohibited from marrying Wife A's biological daughter (half-sibling).

Case Study:

- **Procedure:** A child is conceived via IVF using **Wife A's egg** and gestated by **Wife B**.
- **Issue:** Can the child marry Wife A's biological daughter (from a prior marriage)?
- **Hanafi Precautionary Principle:**
 - **Prohibition:** Marriage is disallowed due to potential biological siblinghood, despite the lack of legal lineage between the child and Wife A.
 - **Reasoning:** "Physical touch and gaze are precursors to intercourse; thus, precautionary prohibitions are mandated".⁶¹

Ethical and Legal Implications:**1. Shari'ah Precaution:**

- **Objective:** Prevent *ikhtilāf al-ansāb* (lineage confusion) and potential incestuous relationships.
- **Principle:** Biological ties (*juz'iyah*) outweigh legal formalism in matters of **maḥramiyyah**.

2. Medical Necessity vs. Ethical Boundaries:

- **Permissibility:** IVF between co-wives is conditionally allowed for medical necessity but requires strict safeguards.
- **Prohibition:** Third-party gametes remain *ḥarām* due to irreversible *maḥramiyyah* complications.

Scenario: Full Ectogenesis (Artificial Womb) and Its Implications:

If a couple places their gametes (sperm and egg) in an artificial environment (in vitro) for fertilization, and the embryo develops entirely within an artificial womb—without implantation into a human uterus—resulting in the child's birth from the artificial womb:

Medical Context:**1. Current Practices:**

- **In Vitro Fertilization (IVF):** Gametes are combined in an artificial tube (laboratory setting) for fertilization, followed by embryo transfer to a woman's uterus for gestation. This remains the standard practice.⁶²
- **Artificial Womb Technology (AWT):** While animal trials (e.g., lambs) have achieved full ectogenesis (gestation and birth via machine), no human trials exist due to ethical and legal constraints.⁶³

2. Technical and Ethical Barriers:

- **Scientific Feasibility:** Despite technological advancements, human ectogenesis faces prohibitions rooted in bioethical concerns.⁶⁴
- **Human Dignity:** Such practices risk dehumanizing reproduction, conflicting with Islamic principles of *karāmah* (human dignity).⁶⁵

Shari'ah Analysis of Lineage (Nasab):**1. Maternal Lineage:**

- **Quranic Foundation:**
 - “*Their mothers are none but those who gave birth to them*”.⁶⁶

- “His mother carried him with hardship and gave birth to him with hardship”.⁶⁷
- **Juridical Rule:** Motherhood is established solely through pregnancy and childbirth.
- 2. **Paternal Lineage:**
 - **Classical Fiqh:**
 - Lineage on the father’s side is established by the marital bed (*firāsh*).⁶⁸
 - **Artificial Womb:** A machine cannot substitute the *firāsh* (marital bed), negating paternal lineage.
- 3. **Child’s Status:**
 - **Default Ruling:** The child would be classified as a *laqīṭ* (foundling) due to unknown parentage.⁶⁹

Juristic Resolution:

1. **Principle of Lineage Preservation:**
 - Sharī‘ah prioritizes **ḥifẓ al-nasab** (preservation of lineage) to prevent social harm (**fasād**).
 - **Istihsān (Juristic Preference):** Attribution to genetic parents may be permitted if:
 - Gametes belong to the married couple (no third-party involvement).
 - No competing claims exist.
 - Supported by Al-‘Ināyah: “A claimant’s assertion of lineage is valid by preference to prevent harm” (Vol. 8, p. 187).⁷⁰

Ethical and Theological Considerations:

1. **Quranic Sanctity of Procreation:**
 - “He creates you in the wombs of your mothers”.⁷¹
 - “He creates you in your mothers’ wombs, from one sort to another, in a triple darkness”.⁷²
2. **Maqāṣid al-Sharī‘ah (Objectives of Islamic Law):**
 - **Primary Objective:** *Ḥifẓ al-Nasab* (preservation of lineage).
 - **Secondary Objective:** *Ḥifẓ al-Nasl* (protection of progeny).

Table 1: Forms of Artificial Reproductive Technologies (ART) and Their Legal Implications in Islamic Jurisprudence.

ART Method	Scenario	Sharī‘ah Ruling	Lineage Attribution
IVF with Spousal	A couple’s gametes are	Permissible under strict	Maternal: Established via pregnancy and childbirth

Gametes	fertilized in vitro and transferred to the wife's uterus for gestation.	conditions (no third-party involvement).	(Q58:2). Paternal: Established via firāsh.
Third-Party Egg Donation	A husband's sperm fertilizes a donor egg, and the embryo is transferred to his wife's uterus.	Ḥarām due to lineage confusion (ikhtilāf al-ansāb).	Maternal: Attributed to the birth mother (wife) via gestation (Q58:2). Paternal: Established via firāsh.
Third-Party Sperm Donation	A wife's egg is fertilized with donor sperm and gestated in her uterus.	Ḥarām (equivalent to adultery).	Maternal: Attributed to the wife (birth mother). Paternal: Attributed to the husband via firāsh.
Surrogacy with Third-Party Womb	A couple's embryo is gestated in a surrogate mother.	Ḥarām.	Maternal: Attributed to the surrogate (birth mother). Paternal: If surrogate is married, lineage is attributed to her husband.
Third-Party Gamete Use	A child is conceived using donor sperm and egg, then gestated in the wife's uterus.	Ḥarām.	Legal Attribution: Child assigned to husband and wife via firāsh and childbirth.
IVF Between Co-Wives (Polygyny)	A husband's sperm fertilizes Wife A's egg, and the embryo is gestated by Wife B.	Conditionally permissible (under medical necessity).	Maternal: Attributed to Wife B (birth mother). Paternal: Established via firāsh. Incest Prohibitions: Biological ties to Wife A trigger mahramiyyah (marriage prohibitions).
Full Ectogenesis (Artificial Womb)	A child is conceived using the gametes of a married couple and gestated entirely in an artificial womb.	Hypothetical; child is classified as laqīṭ (foundling).	Maternal: Not established (requires pregnancy & childbirth, Q58:2, Q46:15). Paternal: Not established (requires firāsh, lawful conception within marriage). Juristic Resolution: Under necessity (ḍarūrah), child may be attributed to genetic parents via istiḥsān to prevent lineage loss.

Conclusion:

The analysis of various In Vitro Fertilization (IVF) techniques within an Islamic legal framework highlights the centrality of lineage preservation (*ḥifẓ al-nasab*) and the ethical boundaries governing reproductive interventions. Sharī'ah rulings on ART emphasize that **lineage (*nasab*)** must remain unambiguous, as it forms the basis for inheritance rights, familial responsibilities, and moral accountability.

From the rulings in the table, the **permissibility of ART methods is contingent upon the absence of third-party involvement** (i.e., gametes, surrogacy, or artificial gestation outside the spousal relationship). **IVF using the couple's own gametes and gestated in the wife's womb is permissible**, provided strict ethical and procedural safeguards are maintained. However, **any third-party contribution—whether through sperm, eggs, or surrogacy—violates Sharī'ah due to lineage confusion (*ikhṭilāṭ al-ansāb*) and is unequivocally *ḥarām* (prohibited)**.

Particularly, cases involving **donor gametes (sperm or egg donation), surrogacy, or full ectogenesis (artificial wombs) present serious ethical and legal challenges**. In such cases, Islamic law prioritizes the birth mother in establishing maternal lineage, while paternal lineage is governed by the principle of *firāsh* (legal presumption of paternity within marriage). In emerging technologies, such as **full ectogenesis**, the absence of conventional pregnancy and childbirth challenges classical rulings on lineage, requiring **juristic reconsideration under the doctrine of istiḥsān (juridical preference) to prevent lineage loss**.

In conclusion, while medical advancements offer potential solutions to infertility, Islamic legal principles emphasize that reproductive interventions must align with divine injunctions on lineage integrity. The rulings presented underscore the importance of Sharī'ah-compliant reproductive ethics, ensuring that assisted reproduction does not compromise the fundamental tenets of family structure, inheritance, and moral responsibility.

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