



THE CONCEPT “IN-VITRO FERTILIZATION AND EGG DONATION” : AN ISLAMIC POINT OF VIEW

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Abstract

The concept “In-Vitro Fertilization and egg donation”. The Islamic point of view attempts to look at the concepts in Islam. The two are some of the methods in use in assisting those who cannot conceive normally. Islam as a religion does not stop its adherents in using innovations that are discovered in the advancements of knowledge. However, it cautions that all innovations must be lawful within the frame work of Sharia. The Prophet of Islam states that “Search for knowledge is a must for every Muslim”. Scholars however, have the major task in finding out the position of any innovation that may be witnessed so as to put Muslims in proper perspectives. This work therefore will attempt to define the two concepts, briefly examines their applications and the position of Islam on them.

KeyWords: Fertilization, Egg Donation, *in-vitro*, Human Reproduction.

INTRODUCTION

Islam is as a religion and away of life covers every aspect of human existence. It leaves no aspect of life untouched. The Glorious Quran, which the primary source of Islam remains as an eternal uninterpolated sign for all. It is the words of Allah revealed to the prophet (SAW) as guidance to mankind. It was conveyed in both written and oral form through the generations exactly unchanged as it was first revealed. The Quran attests to this where it says. *No falsehood can approach it from the front or from the behind (Q: 41:42). And to the Messenger of Allah who conveyed the Message of the Quran the; Quran says;*

“Indeed in the Messenger of Allah (Muhammad) you have an excellent example to follow (Q: 33:21)”

The Almighty Allah is the Creator of everything. It is He who begins the process of creation and it is to Him that all creations will finally return. On the creation of man, the Quran says; Q23:12-14.

And certainly did we create man from an extract of clay. Then we placed him as a sperm-drop in a firm lodging. Then we made the sperm-drop into a clinging clot, and we made the clot into a lump (of flesh), and we made (from) the lump, bones, and we covered the bones with flesh; then we developed him into another creation. So blessed is Allah, the best of Creators.

The advancement of science and technology and above all globalization has challenged and provoked the human culture and tradition including religion and philosophy.

One such culture that has been challenged by such advancements is the religion of Islam.

Science and Technology has developed methods and techniques in assisting human reproduction (ART). The result of such advancements needs to be evaluated since human beings are endowed with reason, choice and responsibilities such as stewardship of other creature, the environment and their own health. This is therefore, justifying the need for this study of the biological phenomenon of creation that is, the study on the Islamic view point on reproduction through artificial methods.

Reproduction in Islam

All living organism have limited life span. The mechanism by which Allah has endowed these creatures to remain on earth is by reproduction whereby new generations of the same species are produced. In this regard Allah says,

It is he who has created man from water then has he established relationship in marriage for the Lord has power (over things) (Qur'an 25:45).

The creation of Prophet Adam (AS) marked the beginning of human creation and the delivery of Hauwa his wife of their first twins marked the beginning of reproduction through biological means. This is clearly stated in the Quran where Allah (SWT) says;

O mankind! Fear your guardian Lord, who created

your from a single person, created out of it, his mate and from them twain scattered (like seeds) countless men and women. (Qur'an 4:1)

Procreation among humans and animals has been in existence since the beginning of the world. The Quran devotes a considerable attention to the origin and creation of man. For example on the origin of man that: *it is He who has created you in diverse stages.* (Q: 71:14) it also reminds man of his humble and lowly origin in Q: 82:6-7 where it says; *Him who created thee fashioned thee in due proportion, and gave thee a just bias. In whatever form He wills, does He put thee together*". The whole process of creation of human beings and their progeny are nicely explained in the following chapters and verses of the Qur'an: 2:30 and 32:7-9). The developmental stages of human beings from conception to delivery are provided for in the Qur'an 23:14).

Fertility

Fertility is perceived as one of the blessings of Allah to His creature. The Qur'an shows this in the following verses. Q: 42:49-50 and the verses reads as follows;

To Allah belongs the dominion of the heavens and the earth. He creates what He wills. He bestows (children) males and females according to His will, or He bestows both male and female, and He leaves barren whom He will for He is full of knowledge and power.

The traditions of the prophet (SAW) also encouraged Muslims to have children. The prophet was reported to have said in this regard said:

Marry women who will love you and give birth to many children for I shall take pride in the great number of my ummah on the day of resurrection." (Sunan al Nasai)"

Infertility in the Quran

Infertility in Islam is a known phenomenon. The Qur'an discussed the stories of earlier Prophets who experienced one form of infertility or the other as decreed by Allah. These are narrated in Qur'an 3:40, 11:72, 51:28 – 39, 21:89 – 90, and 51:28 – 30.

There are few cases in the Qur'an which help us to gain proper insights into the problems of infertility. The first was the story of Ibrahim (AS) and his wife Sarah as revealed in the following verses.

And they (angels) gave him (Ibrahim) glad tidings of a son endowed with knowledge. But his wife came forward clamoring she smote her forehead and said; A barren old woman. They said Even so has thy Lord spoken and he is full of wisdom and knowledge. (Q: 51:28 – 230).

The aged Sarah though accepted her status of being

infertile, yet remained firm in her faith and truthful to her husband. She offered Hajar her slave and maid to Ibrahim (AS) in marriage hoping that she and Hajar will ultimately be blessed with children. As with the example of Ibrahim (AS), Zakariya (AS) was also reported to have remained faithful and supporting to his infertile wife until Allah (SWT) changed their position and later gave them a son Yahya (AS). The account is contained in the following verses of the Qur'an:

And (remember) Zakariya, when he cried to his Lord. "O my lord leaves me not without offspring though thou are the best inheritors. So We listened to him and granted him Yahya. We cured his wife (bareness) for him. The three were ever quick in emulation in good works. They used to call on us with love and reverence and humble themselves before us. (Q: 21:89 – 90).

The examples of the earlier prophets and their wives cited teach one to remain prayerful to Allah to rectify one's problem but if one is not successful then he should accept his predestination as clearly stated in the following verses:

To Allah belong the dominion of the heavens and the earth. He creates what He will, He bestows (children) male or female according to His will or He bestows only males to whom He wills and He leaves barren whom He wills for he is full of knowledge and power. (Q: 42:49– 50).

If the earlier two examples ended with the successful outcome of an offspring, the final scenario in the story of Asiya, the wife of Fir'aun (Pharaoh). She remained childless till her Martyrdom but she nurtured Prophet, Musa (SAW), right from his infancy. Asiya, though childless remained faithful and portrayed a shining example of faith and fortitude to all believing men and women when struck with a similar predicament. This account is stated in the following verse.

And Allah sets forth as an example to those who believe the wife of Pharaoh. Behold, she said: O my Lord! Build for me, in nearness to thee, a mansion in the garden, and save me from Pharaoh and his doings and save me from those who do wrong. (Qur'an 66:11).

In-Vitro Fertilization

In-Vitro Fertilization (IVF) according to London Gynecology and Fertility Centre (1994) is the process of fertilizing an embryo in a glass. That is, it refers to a method in which married couple who cannot conceive a child normally can be helped to have one. Making test tube baby is another name for it. Test tube babies according to Zallum (1999) is a process of fertilization between the egg and the sperm by using test tube in a Medical treatment to allow the sperm of the husband to meet the egg of the wife outside the woman's womb. After this, the fertilized embryo is placed in the woman's womb through a Medical process to fully develop.

Egg (ovum) Donation:

Egg donation on the other hand refers to a process in which a woman donates Ovum/egg to another woman who cannot produce them. The woman who gives the egg is called the donor. Tailor, Green and Stout (1997).

The procedure in *In-Vitro* Fertilization

In-vitro fertilization takes place only when (1) it is established that the husband has low sperm count which makes the chances of fertilization difficult due to non production of sufficient sperm during each ejaculation. (2) When the woman's tubes (oviduct) are blocked and as a result the sperm is prevented from meeting the ova of the woman produced monthly Ramalingam (1993).

When carrying out In-Vitro fertilization, as stated by. Ramalingam (1993), the doctor removes a mature ova from the woman's ovaries and place it in a special medium bubbles. After the husband's sperm are collected they are injected into the bubbles as a result of this, the ova become fertilized and then form an embryo. After the embryo has being formed, the doctor goes ahead and places it into the uterus of the woman. If the embryo becomes attached to the wall of uterus, it will then develop like any other normal baby.

The practice of In-vitro fertilization started in England and the first baby Luis Brown was born in 1978. Moreover, twins were born through this method in 1981, triplets in 1982, and quadruplets in 1984. Presently, we have a number of test tube babies all over the world. It is presently practiced even here in Nigeria (Dr. Wada. Nisa. Hospital, Abuja).

Who is a candidate of IVF?

This procedure is for men and women who have been through a number of evaluations and treatments and have had proper diagnostic and adequate trials of conventional treatments.

- a. The woman has tubal problem which cannot be overcome by surgery
- b. The couple have problem which cannot be treated by surgery
- c. The couple has problem that has not responded to other treatments
- d. The couples have no apparent cause for their inability to achieve conception and adequate time has been spent on other therapies.
- e. The couple is being evaluated and a procedure is being done in conjunction with what is evaluated.

Complications that may be associated with IVF

Like any other treatments, in-vitro fertilization carries some risks or complications. These include risks relating

to anesthesia, injections or injury. Complications relating to the actual conception may also include ectopic pregnancy, miscarriage and multiple pregnancies. London Gynecology and Fertility Centre (1994).

The Islamic position on IVF as presented by Islamic Scholars

Considering the procedure for administering in-vitro fertilization on Muslims Islamic scholars advanced some points delivered from Islamic books as follows:-

Kutub, (1977) says: the Islamic faith never opposed to the adoption of scientific invention, in fact, Muslims are asked not to shun away from them but to make use of all lawful scientific achievements.

Rabbani, (2004) answering questions regarding Islamic position on infertility says; the Islamic Academy and Azhar Fatwa Committee have studied the matters relating to infertility treatments and concluded that in-vitro fertilization (IVF) as long as the husband and the wife are involved is permitted whether fertilization occurs within or outside the woman's body. However, the use of a third party is absolutory not permissible. They concluded by saying that the practice is lawful under the following conditions:

1. If only involves married couple
2. During marital life
3. When no third party is involved in any way either by donation semen, an ovum, or an embryo.

On the mode of collection of specimen for In-Vitro Fertilization (IVF). obtaining specimen must be done in a lawful manner (e.g. not by masturbation or alike) as all the four Islamic schools of thought consider that a sin punishable by Ta'azir. Sheikh Arabi Abdul Fathi is also of the same opinion (in-discussion) they based their opinions on the Quranic verse (23:5-6) which says.

The believers are those who abstain from sex, except with those joint them in the marriage bond, or those whom their right hand possess for (in their case) they are free from blame.

The next verse (Q23:27) they say, confirms that to engage in other ways other than prescribed is tantamount to transgression as contained in the next verse where Allah (SWT) says; But those who desire to exceed those limits are transgressors.

Application of specimen for *In-Vitro* Fertilization (IVF)

The consensus of Islamic scholars on artificial insemination by donor (third party) says it is not acceptable. They all agreed that it is absolutely not lawful in the Islamic Law (shariah) Yusuf al-Qardawi (1995). And this is the consensus of Islamic Scholars. They based their reasons on the verse of the Quran 23:31 where Allah (SWT) says).

Say to the believing women that they should lower their gaze and guard their modesty.

Mahmoud Shaltul is of the same opinion with them and added that Quran, verse 23:51 also says; *who guard their modesty except with those joined to them in the marriage bond.*

AlGhazali, in his book Ihya Ulumuddin, says; the sanctity of embryo must be treated with caution and respect.

The Islamic Scholars (Ulamas) in a general sense concludes that application of specimen to the woman concerned for In-Vitro Fertilization should be done in an approved way and manner. They therefore suggest three ways.

1. To be applied to the recipient by her follow woman Muslim doctor
2. Muslim doctor in the presence of the recipient's next of kin.
3. A doctor who is a non Muslim in the presence of her next of kin.

They based their reasons on the verse of the Quran 7:27 where Allah (SWT) says.

O ye children of Adam, let not Satan reduce you in the same manner as he got your parents out of the garden, stripping them of their raiment to expose their shame for he and his tribe see you from a position where you cannot see them. We made the Satan friends (only) to those without faith.

SURROGACY HOST MOTHERHOOD

On surrogacy host motherhood Ibrahim (1994) another Islamic scholar says; it is a by-product of IVF, where a woman allows a fertilized ovum of another couple to be injected into her womb, and then she carries the child to its full term for the couple. The procedure he says is not allowed in the Islamic law (shariah).

Rizvi (1989), An Islamic Scholar says; the practice of surrogate motherhood is not allowed because it involves the insertion of the sperm of another man into a woman's uterus (who is only a recipient) and not his wife. This is contrary to the verses mentioned earlier he argued.

On seeking for medical treatments including the use of IVF when necessary Jad'al Haq etal (1980) says; Islam enjoins Muslims to seek Medical treatments in order to get remedies to their problems including IVF when the need arises as long as the tenants of Islam are kept in view.

The Islamic Organization for Medical Science (IOMS) had staged many Seminars where distinguished Jurists, Shariah Experts, Medical Practitioners Scientists and Specialists in other human sciences attended. Based on the conclusions of the Seminars, fundamental ground-rules were presented which must be adhered to religiously by Muslims. They are summarized as follows:-

The sanctity of the marital contract must not be violated at any point during the IVF process.

1. The rights of the legal husband and wife must not be alienated by any third party
2. The procedure must be applied only when the marriage contract is valid and substantive (valid)
3. Excess of re-embryo continues to be the property of the couple concerned and can only be used by their consents.
4. All participating staff in IVF programmes must have highest standard of professionalism, trustworthiness, integrity and responsibility.
5. Not more than three (3) eggs or embryos can be implanted in a woman in any one cycle.
6. Age of the recipient should be between the ages of 35-45.
7. There should be acts of legislation to prevent the abuse of IVF procedures and other related activities.
8. Embryo research for therapeutic purposes should be done with prior consent of the couple undergoing treatment.
- 10 In attempting to obtain the needed necessities of life, one should not contradict the guidelines of Islamic Law (Shariah)

CONCLUSION

It is established in this paper that Islam is a dynamic religion that is always in line with the advancements of knowledge. In- vitro fertilization therefore AS advancement in Medical Sciences is acceptable. That is, if a couple failed to re-produce naturally, they can be helped by the medical procedures to reproduce on condition that a third party is not involved and all the procedures are done within the tenets of Islam. The Islamic scholars all over the world have tried and have produced some documents and guidelines to that effect e.g. Islamic Medical association of South Africa, the Islamic Organization for Medical Science (IOMS), and many other notable scholars like Yusuf al-Qardawi (www.garadawi.net) Mahmud shaltut (www.answers.com/.../ muhammad Shaltut) and Zindani (m.youtube.com). Muslims however are always instructed to keep searching for knowledge and when things become difficult should seek for Allah's the Most High intervention through prayers and doing good deeds.

RECOMMENDATION

- There is a strong need for Muslims to seek for knowledge AS emphasized by the Messenger of Allah (SWT).
- The primary sources of Islam that is the Glorious Quran and the traditions of the Prophet (SAW) should be studied carefully and its teaching adhered to by Muslims in every sphere of their lives.
- The study of sciences and science related areas

must be embarked upon by all Muslims

- Each new development or advancement in knowledge must be studied and subjected to the rules and guidance's of the Islamic law (Shariah).

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