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Article: **Islamic view of Intra-cytoplasmic sperm Injection (ICSI)**

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Islamic view of Intra-cytoplasmic sperm Injection (ICSI)

Abstract:

Intracytoplasmic Sperm Injection (ICSI) is a specialized form of In Vitro Fertilization (IVF) that is used primarily for the treatment of severe cases of male-factor infertility. ICSI involves the injection of a single sperm directly into a mature egg. Normally, a medium named Sperm Slow™ during sperm selection. This medium contains hyaluronan (HA), which binds sperm that are more likely to have normal DNA, and thus allows selection of these bound sperm for injection. By selecting the sperm that are bound to HA and using them for ICSI, the embryologists are preferentially using the better-quality, more mature sperm. This technique using HA is standard practice. In this article the Islamic view point has been presented on ICSI.

Keywords: INTRA-CYTOPLASMIC, SPERM INJECTION, ICSI, VITRO FERTILIZATION (IVF)

Introduction:

Artificial insemination has been in use for a very long time. Intra-uterine insemination is permissible as long as wife is impregnated by husband's semen. This is condition with intact marriage thus the husband's semen is not allowed to use after divorce or husband's death.¹ Children are gifts and embellishment of this world and probably the best motivation behind marriage is to create posterity. An equitable child is fortune for his parents in this world and hereafter. Man and woman might be confronted in the absence of kids but they should look for the remuneration and state great deal of prayers for pardoning. They must comprehend that Allah only pronounce things for a reason. If a person is having access to the Islamic worthy methods of getting offspring's there is nothing amiss with his seeking after that. Yet the Muslim ought to be careful with the bogus ways and fantasies and ought to be careful with specialists who do not fear Allah and whose principal point is to earn money. Hence, they may interchange sperms and eggs.

Following section will analyze the legality of different ICSI stages in contrast with shari'ah

There are two very basic questions before we go ahead towards ICSI stages.

1. Does the satisfaction of the desire of parenthood comes under basic necessities?
2. The question about the legality of un-natural processes for medical needs.

As far as question of desire of parenthood, from the medical context, it is permissible because parenthood is that spirit of life which sometimes from prospective of chaste attain the merit of "Need". Scholars have also permitted some of the activities similar to Azl (onanism). This is the opinion of Ahnaf.

According to Ahnaf, there are their steps of orders:

1. Need

Maxims which are indispensable and required to protect deen, wealth, life, posterity and intellect.

2. Necessity

¹ M Partowmah, "Biotechnology Issues in the Opinion of Islamic Scholars," *Journal of ISLAMIC MED* 25, no. 11 (1993), 9-11, <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1851&context=ulj>.

These maxims are not inevitable but if not remit can cause discomfort.

3. Admiration

These maxims are for the cause of comfort in such matters.² As long as there is discussion about the process of being unnatural there is no strong Principle applied on it. As to produce a child has its way through vagina but in the time of necessity operation is permitted, in the same way there is no strong reason to defer from this process when you are not having any other option available. So, to bear a child by these unnatural practices will be completely allowed.³

Sharī'ah and Retrieval of Sperm and Egg: Husband is supposed to masturbate which is not allowable at all. Answer to this situation is as; As long as the masturbation is concerned, congregate (جمهور) scholars have termed it unjustified but termed it permissible at the hours of need.

ولا يحل هذا الفعل خارج رمضان ان قصد قضاء الشهوة وان قصد تسكين الشهوة
أرجو أن لا يكون عليه وبال⁴

Masturbation is not allowed if done to fulfill the lust but if mitigation is expected then hopefully there is no calamity on it.

Masturbation and onanism are similar as both are supposed to satisfy the lust but difference lies in the use of hand. Prohibition of masturbation is also because of this that sperms gets waste in this activity but if it is done for the sake of assisted procedures then its entire meanings gets changed because here it is done to create a life. According to Shaykh Abdul Allah- al-Jibreen Husband is not allowed to masturbate rather he could produce semen by intimating without penetration. As per the opinion of Shaykh Muhammad Salih-al- Uthaymin

The collection of sperms is by husband's intimation with the wife by ejaculating in her hands or between thighs and then the eggs must be fertilized by the semen.

Stimulation of the ovaries and retrieval of Egg

Alau din Samarqandi wrote in this context:

ولا يباح النظر والمس الى ما بين السرة والركبة الا في حالة الضرورة⁵

It is not permissible to look and touch the middle part between the belly and knees except there is necessity to do so.

involvement of third person is not true because to get involved into the discussions of husband and wife is even not permissible then how could be this process as this is above all and a complete shamelessness as per the opinion of Shaykh Abdul Allah- al- Jibreen It is not allowed for woman show her occult (أفراخ) before men when there is accessibility of female specialist.⁶

² Ibrahim bin Musa Shatabi, *The Reconciliation of Fundamentals of Islamic law*, (New York: Islamic law and society, 2019), 86.

³ Khalid Saif ullah Rehmani, *Islam and modern medical science- contemporary Fiqh issues* (Karachi: Zamzam publishers, 2010), 104.

⁴ Tahir bin Ahmed Al-Bukhari, *Khulast-ul-Fatawa* (Cairo: Maktba al-azhariya, 1950), 260.

⁵ Imam Ibn Ahmad Al-Samarqandi, *Tuhfat Al-Fuqaha* (Beirut: Dar Kotob al-Ilmiyah, n.d), 334.

⁶ "Ruling on In-vitro fertilization," *Islam question and answer*, Accessed August 18, 2020, <https://islamqa.info/en/answers/98604/ruling-on-in-vitro-fertilization-ivf>.

Transfer of Embryō and Shari'ah Rulings

Procedure: Fertilized embryo is transferred into the second wife of the same man because the first wife due to some medical problems is unable to carry a child.

Here the question raised is;

1. If there are two wives of the man then the child will be ascribed to whom, the mother who donated ova or towards the mother who carried the baby in her womb?

Following are the various opinions regarding this subject Child will be ascribed to the mother whose eggs will be used but if embryo is transferred to the womb of second wife then scholars have difference of opinion in this matter. Some say that child will be ascribed to the mother whose eggs are used. Others believe that real mother will be the one who give birth to the child. If we have a look on legal maxims we will find out that both the opinions are true because child will be considered as the part (جزء) of woman who donated eggs as genealogy and dignity is dependent on partial relationships (جزئية).

The writer of Hadaya explains this point if (حرمت مصاهرة) unlawfulness to marry someone is approved:

ان الوطى سبب الجزئية بواسطة الولد حتى يضاف الى كل واحد منها كملا-

Wati is cause of partiality on basis on new born, that's why child will be ascribed to both partners fully.

Child will be ascribed to the mother who presented her eggs because her eggs become the cause of origin and also ascribed to the mother who carried her in her womb because Quran attributes mother as someone who gives birth. This is the pertinent that in dignity both are termed as mothers of the child but in the commands of sustenance and property mother is termed as the one who bears the hardships of delivery.⁷ As Quran says:

ان امهاتهم الا اللاتى ولدنهم⁸

Mothers are the ones who gave them birth.

Here is the question that in the absence of sexual intimacy, will child be ascribed to the father? As long as child genealogy is concerned, child will be ascribed to the husband.

عالج جاريته فيما دون الفرج فاخذت ماءه وجعلته في فرجها وعلقت منه صارت ام الولد.⁹

Opinion of the Shaykh Abdul Allah- al- Jibreen The sperms and eggs are ought not to be preserved for future use and there shall be no delay in transferring them to uterus in case they may get blended or utilized for others. Anything besides husband's sperms and wife's eggs is not allowable and must be embedded in wife's uterus.¹⁰

⁷ Khalid Saif ullah Rehmani, *Islam and modern medical science*, 98-106.

⁸ Al- Mujadila: 02

⁹ Mufti Saeed Abdul Raheem Lajpuri, *Fatawa Raheemiya* (Karachi: Dar-ul- Isha'at, 2009), 179.

¹⁰ "Ruling on In-vitro fertilization," *Islam question and answer*, Accessed August 18, 2020, <https://islamqa.info/en/answers/98604/ruling-on-in-vitro-fertilization-ivf>.

1.1.1. Enter the donor sperm into the women's uterus:

The issue of donor's sperm is also associated with this technique but this is illicit as there is a rule of Fiqh which says:

لا استعمال جزء غير الزوج

But child's genealogy is approved as it is not fornication.

لان الولد للفراش¹¹

Sperms can be saved by adopting the method of Azl, by doing so the child's genealogy will be approved but the process is not natural and loathful. Specialists are not allowed to perform such activities as to see women's occult is not permissible. Husband and wife both will be convicted, and husband will be shameless (ديوث) in regard of hadith and will be deprived of the paradise's scent. So, it is better to avoid such strategies.

ومن سن سنة سيئته فله وزرها ووزر من عمل بها الى يوم القيامة¹²

Scholar's viewpoint

Scholars have prohibited such methods of getting children and have also applied very rigid standings. Secondly, one of the strategies that doctors use to assist couples with having children is IVF in which ovaries are invigorated to deliver various eggs for which they are prepared by a Decapeptyl injection, normally a hormone injection used to increase number of eggs. When the eggs have developed HCG injection is given to the women 36 hours earlier before removing the eggs. One the day of extraction, 1 lac sperms are set with eggs to carry out the fertilization. A few days later embryo is formed which is then classified into different categories on basis of quality. The best incipient is then transferred to uterus and then tests are performed to check out the pregnancy. According to specialists this process has 30-40% success ratio. This process is not allowed in the view of Shykh Abdul Allah- al- Jibreen and is allowed under such conditions: There is a genuine requirement for a deferral of a couple in having a children is not a reason to seek this to comparable strategies or maybe they ought to show restraint, for Allah may concede them without doing something illegal. It is not allowed for woman show her occult (Awrah) before men when there is accessibility of female specialist. Husband is not allowed to masturbate rather he could produce semen by intimating without penetration. The sperms and eggs are ought not to be preserved for future use and there shall be no delay in transferring them to uterus in case they may get blended or utilized for others. Anything besides husband's sperms and wife's eggs is not allowable and must be embedded in wife's uterus. There must be complete trust in the specialists who are performing in this process.

Shykh Muhammad Salih-al- Uthaymee was asked about the legality of the process and he replied This process is not permissible without dire need as it is a surgical process which involves occult (Awrah) uncovering and future fears of infection and damage to fallopian tubes. In the utmost need, this process is legal with the following three conditions:

1. Fertilization must be carried by husband's sperms and with not the donor ones. Allah says in Quran:

¹¹ Mufti Rasheed Ahmed, *Ahsan-ul- Fatawa* (Karachi: M.H Saeed Company, 1465), 214.

¹² Mufti Saeed Abdul Raheem Lajpuri, *Fatawa Raheemiya*, 180.

وَاللَّهُ جَعَلَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا وَجَعَلَ لَكُمْ مِنْ أَزْوَاجِكُمْ بَنِينَ وَحَفَدَةً وَرَزَقَكُمْ
مِنَ الطَّيِّبَاتِ أَقْبَالَ بَاطِلٍ يُؤْمِنُونَ وَبِنِعْمَتِ اللَّهِ هُمْ يَكْفُرُونَ¹³

The collection of sperms is by husband's intimation with the wife by ejaculating in her hands or between thighs and then the eggs must be fertilized by the semen. Fertilized egg is supposed to be placed in no other uterus than wife's as no other uterus is permissible as Allah says in Quran:

نِسَاؤُكُمْ حَرْثٌ لَكُمْ فَأْتُوا حَرْثَكُمْ أَنْى شِئْتُمْ ۖ وَقَدِّمُوا لِأَنْفُسِكُمْ ۗ وَاتَّقُوا اللَّهَ وَاعْلَمُوا
أَنَّكُمْ مُلَاقُوهُ ۗ وَبَشِّرِ الْمُؤْمِنِينَ¹⁴

Artificial fertilization is a serious issue as it is involved transferring a sperm into uterus by a syringe then how there could be so much surety that doctors will not transfer sperms into a uterus which is not one's own wife therefore fatwas should only be issued for the known people (husband, wife and doctor) as it is a door where there is fear of evil. A deceit can lead to the mixing of lineages which sharī'ah has prohibited.

Conclusion

Absence of progeny is something which can lead both men and women to severe mental illnesses So as per above discussion this procedure is permissible if husband and wife perform this process and no third person gets involved means that either husband or wife take out the sperms by injection and then transfer it to the wife's uterus because it doesn't come into the lines of impudicity and to claim that there is no direct command present on.¹⁵

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¹³ Al-Nahal: 72

¹⁴ Al- Baqarah: 223

¹⁵ Muhammad Ibrahim Qasmi, *Kitab-ul- Nawazil* (Muradabad: Al-Markaz Al-ilmi linnashar wal Tehqeeq, 2015), 559.