



Shī'a Jurisprudence and Law on the Rules and Conditions of Artificial Insemination

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Abstract

Artificial insemination is a substitute for natural fertilization. Insemination refers to the combination of a man's sperm and a woman's egg, whether from a married couple or from strangers, to conceive and fertilize the ovum by any means other than intercourse. This combination takes place either inside or outside the uterus. In carrying out artificial insemination, precautions must be taken to avoid practices that are prohibited by religion and customary law, such as touching a non-mahram (unrelated) individuals. Insemination is a modern concept which is one of the achievements of modern medical science, and it was not known in the time of Prophet Muhammad (s) and the infallible leaders (a) in its current form. Therefore, research has been conducted to examine its various aspects from a jurisprudential and legal perspective. This article defines and discusses the conditions of artificial insemination, and examines its religious, legal, and medical proofs. The defining laws (i.e. laws that signify that something is either obligatory, or forbidden, or recommended, or reprehensible, or allowable) and the declaratory rules (such as inheritance and maintenance) are explained. The information was collected using library resources, and was analyzed in a descriptive-analytic way. All references are cited in-text according to the APA citation style.

Keywords: *Artificial Insemination; Ovum; Egg; Sperm; Uterus; Surrogacy*

Introduction

Desire for survival and continuation of the human race is inherent and considered a kind of perfection. Nowadays, scientific advancements have made artificial insemination possible. Artificial insemination refers to fertilization outside the uterus without sexual intercourse. In view of scientific progress and the possibility of treating infertility, complex issues have arisen in ethical, legal, social, and religious areas that must be answered by jurists, lawyers, and social science specialists to provide a suitable ground for the establishment and formulation of comprehensive laws. Artificial insemination is one of the wonders of the modern world. Since this issue has not been specifically discussed in the books of advanced jurisprudence, it is a new issue and can be the source of various jurisprudential and legal

problems. Initially, some jurists believed in an absolute prohibition on artificial insemination, and even considered the implantation of a couple's sperm into the wife as questionable and problematic from a legal and religious perspective. However, now its different forms and examples have been examined, and the appropriate ruling for each has been expressed. This article is divided into two main parts:

1. Artificial insemination and its types
2. Examination of jurisprudential and legal documents on artificial insemination. In these two sections, different types of artificial insemination are explained, and the relevant jurisprudential and legal evidence for each is presented.
2. Artificial insemination and its types

1.1. Lexical and Terminological Definition

The term "لقاح" in Arabic means fertilization and impregnation (Ibn Manzur, 416, vol. 12, pp. 307, 579), while the term "تلقیح" is used to mean impregnating a female organism. Similar meanings are also mentioned in Persian dictionaries: the transfer of male animal semen to a female and generally fertilizing and making fertile (Anwari, 1381, vol. 3, p. 1876; Amid, 1332, vol. 2, p. 1720). Among lexicographers, the terms "لقاح" and "تلقیح" are also used for plants and animals (Ibn Manzur, 416, vol. 12, pp. 307, 579).

Legal experts have provided definitions of artificial insemination that share common content. Some of them are referred to as follows:

- a) Artificial insemination refers to placing the sperm of a man in a woman's uterus without sexual intercourse. This can be done by using special instruments to place a man's sperm in a woman's uterus (Imami, 1372, vol. 3, p. 215).
- b) Women can become pregnant with artificial means without sexual intercourse by inserting maturation-inducing agents into the uterus using medical tools or instruments, resulting in pregnancy (Safa'i, 1376, vol. 2, p. 99).
- c) The insertion of a man's semen through medical instruments or any other non-sexual means into a woman's uterus. The resulting child from artificial insemination is called a laboratory embryo (Imami, 1349, p. 355).

All of the above-mentioned definitions have a common feature which is that artificial insemination involves impregnating a woman without sexual intercourse, whether by placing the sperm in the woman's uterus using medical instruments or other means. There are more than twenty forms of artificial insemination, although none of them have been discussed in Islamic jurisprudence. Some of these methods can be implemented without any legal issues, while some others have been declared forbidden or require caution due to differences of opinion, such as artificial insemination with foreign sperm.

1.2.1 First Classification

A) Insemination of a man's sperm into his wife's uterus Artificial insemination of a woman with her husband's sperm is permissible according to Islamic jurisprudence. From the perspective of current Iranian law, it is a lawful act and has legal effects. Some scholars have doubts about the use of this method because of the fear of committing preliminary prohibited acts, such as contact with a non-mahram. Inseminating a man's sperm into his wife is among the doubtful things and is prohibited. Doubtful things refer to situations where there is doubt over the nature and status of the obligation, and there is no reason for their sanctity. Therefore, the principle of legal and rational innocence is observed regarding it, although it may become unlawful due to preliminary prohibited acts such as contacting a non-mahram. B) Insemination of a man's sperm into an unrelated woman (without intercourse) This type is also among the doubtful things and is legally and rationally innocent. However, caution should be exercised in its application, and it is not always good without relying on Islamic law. It is generally

agreed upon in books and traditions that some of them suggest the prohibition of this method (Haram-e-Panahi, 2001, pp.85-86).

1.2.2 Second Classification

A) Intrauterine insemination (natural uterus) In this type, the man's semen, or the woman's egg, or both are placed in the woman's uterus by medical equipment or any other means. As a result, the combination of these two elements occurs in the uterus. B) Extrauterine insemination (artificial uterus) In this type, the combination of the sperm and the egg occurs outside the uterus. In other words, the two necessary elements for fertilization from the man and the woman are taken and combined with each other outside the uterus by special tools, resulting in the creation of sperm. Currently, the most common type of artificial insemination is intrauterine insemination, which involves the use of processed sperm (Abbasi, vol. 2, p.48; Rezaniamalem, 2005, p.28). One of these issues is a surrogate uterus. The replacement of the uterus becomes necessary when the couple has all the factors involved in the formation of the child, but due to the lack of a healthy uterus and some other factors, having a child is impossible. According to the Shariah rules and general legal principles, a test-tube baby does not differ from a natural child in terms of lineage, and according to the Imami jurisprudence, by adhering to the principle of resolving doubtful matters, the sanctity of this act is negated, and many scholars have issued a fatwa of its permissibility.

1.2.3 Third Classification

Infertility and sterility have three conditions regarding couples (husband and wife): A) female infertility B) male infertility C) infertility of both husband and wife. In the first case, egg donation occurs, and in the second case, sperm donation occurs, and in the third case, embryo donation occurs.

A) Female Infertility (Egg Donation)

This occurs when infertility and sterility are due to the woman. The prominent and common feature of egg donation is that pregnancy is carried out by the infertile woman, and the birth of the child is in a family that wants a child. To ensure the occurrence of fertilization in the donated egg, assisted reproductive techniques, in which fertilization takes place outside the uterus and in the laboratory environment, are used. In this case, the donated egg is made fertile by the sperm of the infertile husband (the husband of the infertile wife). Then, the resulting embryo is implanted in the uterus of the husband's wife (the infertile woman). As a result of the embryo transfer, the infertile woman becomes pregnant and eventually gives birth to the child. In this case, the mother who gave birth to the child has no genetic relationship with the child, while the father who donated sperm is genetically related to the child. The main criterion for paternal lineage is biological relation.

B) Conjugal Infertility (Sperm Donation)

This is a situation where the couple is infertile and a foreign (non-spousal) man's sperm is used for fertilization of the wife. The genetic relationship of the child born is only with the wife. Regarding the insemination of a man's sperm in his wife's womb, Shafi'i scholars and Hanafi scholars consider it permissible and halal, and Shafi'i scholars impose various jurisprudential rules such as the obligation of witnesses to prove lineage in some cases. Many scholars and narrators consider the use of artificial insemination in various forms, whether internal (introducing male sperm into the woman's vagina) or external (performing fertilization outside the uterus and transferring the sperm into the uterus for embryonic development), permissible if it leads to the treatment of infertility in the couples. Provided that necessary precautions are taken in relation to its prerequisites and this action is not carried out by a foreign man except when necessary. In this case, those who have the competence to intervene in this matter are in the order of priority: Muslim female doctor, non-Muslim female doctor, Muslim male doctor, and non-Muslim male doctor who is trustworthy in the field of medicine (Ghanemi, 1421 AH, p. 228).

C) Conjugal Infertility of Both Spouses (Embryo Donation)

In this case, the embryo resulting from the fusion of donated sperm and egg is transplanted into the infertile wife's uterus, and she becomes pregnant as a result of the embryo transfer and eventually gives birth to a child. In this case, the parents have no genetic relationship with the child and only the mother gives birth to the child legally (Nayebzadeh, 2001, pp. 449-450).

2. Examination of Jurisprudential and Legal Documents on Artificial Insemination

2.1. How Islam Responds to New and Modern Issues

As human societies progress technologically and new achievements emerge in the realm of empirical sciences, complex and novel juridical and legal issues arise. Novel issues require appropriate solutions. The intervention of a third party in human artificial reproduction, made possible by great scientific advances and the use of sperm and eggs, has led to new discussions in the fields of jurisprudence and law. The Imamite jurisprudence, with its principle of "ijtihad," has the ability to address emerging issues and provide the best solutions. Artificial insemination is one of the novel issues that medical science has brought to the forefront of jurisprudence and law. Since our legal laws and regulations are based on the fourth principle of the constitution rooted in Islamic rulings, legislative bodies cannot legislate without benefiting from the opinions of jurists. Islam is a comprehensive religion and an obstacle, "There is no wet or dry thing in existence except that it is mentioned in the clear book" (Surah An'am, verse 59). Especially the Ja'fari denomination, which claims to respond to the demands of the time, cannot be compatible with the comprehensive Islamic rulings and the greatness of jurists and lawyers by emptying its shoulders of the burden of new issues that are the achievement of modern science. According to Dr. Katozian, "The important issue is that foreign grafts must grow on the old native body and be nourished by the same roots and resources. The entry of industries and technologies poses its own challenges and inevitably brings rules with it, so the clarity lies in recognizing the new rules with their history and employing them in the legal system and keeping them in their proper place" (Katozian, 1997, p. 25).

The entirety of Islamic jurisprudence is established based on benefits and harms, and God judges the actions of those obligated in their legislation. If there is benefit for humans, it is permissible, and if there is harm, it is forbidden. Benefits and harms sometimes apply to individuals and sometimes to society; for example, even though an individual may be harmed by a criminal punishment verdict, it ensures the safety of the entire community (Shabli, 1406 AH, p.283). Islam is a religion that advocates for knowledge and expertise, and it does not seem to be illegitimate according to Islam to use artificial insemination methods (Qanani, 1427 AH, vol.2, p.32).

2.2 Examples of Non-Natural Fertility in Islamic Jurisprudence and Law

Although the direct term "artificial insemination" cannot be found in Islamic texts and sources or in the sayings of early Islam, such occurrences have taken place among people in the past. However, there are similarities between these instances and artificial insemination, for example, some sayings related to "musahaqah" and its consequences. It is reported that Imam Hassan (AS) was asked about a man who had intercourse with his wife, and the wife, at the same time, had intercourse with a non-mahram young girl, and the girl became pregnant. What is the ruling in this case? He stated that the virginity compensation must be taken from the wife and given to the daughter because the child born from this musahaqah will not be born except from the daughter's womb, but then the wife, because she committed adultery, must be stoned, and after the child is born, it must be given to the biological father, and the daughter must be punished (Najafi, 1981 AD, vol.41, p.396). In the case of a child resulting from tafkhiz, which has many similarities to artificial insemination, it belongs to the individual (Samedi Ahari, 1382 AH, pp.20-21). The term "istikhara al-mani" can also be placed in the category of artificial insemination with numerous related rulings.

Various forms of artificial insemination are discussed from an Islamic jurisprudence and legal perspective below:

2.3. Insemination with Husband's Sperm

Sometimes, despite the fact that a husband's sperm has the ability to fertilize his wife naturally, due to reasons such as rapid ejaculation, impotence, some physical disorders, or defects in the structure of the vagina, natural pregnancy through normal means is not possible, and in this case, the man's sperm is taken and injected into the wife's uterus with the help of medical tools and knowledge. It can be inferred from the opinions of Islamic scholars that they are almost unanimous in their belief that it is permissible and have only considered avoiding the preliminaries of haram necessary. For example, Ayatollahs Borujerdi, Milanii, and Golpaygani of Shia jurists and Sheikh Ahmad al-Hajj and Ibn Baz of Sunni jurists believe in the permissibility of artificial insemination with the sperm and egg of the couple (Imami, 1349 AH, pp.361-362). From a legal point of view, the child born from this method is no different from a naturally fertile child. Imam Khomeini stated, "There is no objection to injecting the husband's semen into his wife, and if precautions are taken to avoid the preliminaries of haram, such as using a foreign donor or looking at non-permissible cases, then there is no problem" (Imam Khomeini, 2011 AD, vol.2, p.559).

In Iranian civil law, there is no specific provision regarding artificial insemination, as in many other countries in the world. However, since this form of artificial insemination is not prohibited and, on the other hand, with regard to general legal principles such as the principle of permissibility, the principle of legal and rational innocence, and the absence of legal prohibition, artificial insemination with the husband's sperm is permissible under Iranian law.

2.4 Artificial Insemination Using Stored Sperm from a Deceased or Divorced Spouse

With the scientific advancements in human sperm storage through freezing, it is now possible for a woman who has lost her husband due to death or divorce to become pregnant through artificial insemination using the stored sperm of her former husband (Na'ibzadeh, 2001, p. 449). The question is whether this type of insemination is permissible for a former spouse. In other words, what is the ruling on transferring the sperm of a deceased or divorced spouse to the uterus of their former partner?

2.4.1. Post-Mortem Sperm Retrieval

The question is whether marriage exists after death or not. Marriage has two effects:

- Effects that exist only during the lifetime of the spouses, such as the prohibition of marrying the sister-in-law.
- Effects that exist even after the death of the spouse, such as touch and gaze. As Imam Sadiq said, "A man or a woman can wash the body of their deceased spouse."

Islamic scholars have divided into two groups regarding the permissibility of post-mortem sperm retrieval: A) Some scholars believe that the customary criterion of marriage only exists during the lifetime of the spouses and disappears after death (Khoei, 1410 AH, p. 342). According to this opinion, after the death of the husband, marriage no longer exists and only touching and gazing are allowed. Therefore, using the sperm of a deceased husband for his former wife is not permissible. B) Based on the evidence provided for the permissibility of sperm fertilization during the lifetime of a husband, it can be said that the transfer of the sperm of a deceased spouse to their former partner's uterus is permissible until the expiration of the mourning period. Some religious authorities have expressed the same opinion. For example, Ayatollah Fazel Lankarani stated that if artificial insemination is performed using legitimate husband's sperm and does not require any forbidden act, it is permissible and the child will be attributed

to the mother. Ayatollah Sanei also believes that transferring the sperm of a deceased spouse to their former partner's uterus is permissible within a limited period.

2.4.2. Artificial Insemination Using Sperm from a Divorced Spouse

Is artificial insemination using the sperm of a divorced spouse permissible? This issue arises in two types of divorce: definitive (*ba'in*) and revocable (*raji'i*). In definitive divorce, since the couple has become permanently separated, they become non-mahram to each other. Therefore, insemination is not permissible. In revocable divorce, the husband can take his wife back during a certain period, and thus, they are considered married again, making insemination permissible. As Imam Sadiq said to a woman who was in the period of revocable divorce, "You are still his wife."

2.5. Artificial Insemination Using Sperm from a Non-Spouse

This method involves taking sperm from a man who is not the woman's husband and fertilizing her egg through artificial means. This may occur whether the woman is married or not, and whether the donor is known or unknown. However, artificial insemination with sperm from a non-spouse is absolutely not permissible according to Islamic law because it goes against the purpose of preserving the sanctity and integrity of the family. Seeking to have a child by any means other than marriage is not acceptable. Therefore, since allowing the use of sperm from a non-spouse would undermine the sacred objectives of Islamic law, scholars unanimously agree that such artificial insemination is not permitted.

- a) Ayatollah Boroujerdi: The concept derived from the evidence is that artificial insemination of a foreign man's sperm into an unmarried woman is not allowed, whether she has a husband or not (Imami, 1349, p.367).
- b) Imam Khomeini: Insemination with a non-spousal sperm is not allowed, whether the woman is married or not, and whether the husband and wife agree to it or not, and whether the woman's relatives such as her mother and sister are the owner of the sperm or not (Imam Khomeini, 1390 AH, vol.2, p.559).
- c) Ayatollah Makarem Shirazi: It is not permissible to insert a foreign man's sperm into a woman's uterus, whether with her permission or not, whether she has a husband or not, or whether her husband allows it or not (Makarem Shirazi, 1375, issue 2443).

2.6. Intrauterine Egg Transplantation in Infertile Women This Method Has Two Forms

a) In the first form, the sperm is combined with a foreign woman's egg, and b) in the second form, the sperm does not combine with a foreign woman's egg, but the foreign woman's egg is only used to strengthen the spouse's egg:

First form: A woman's egg is retrieved from the ovary by ultrasound-guided aspiration or other methods and injected into the uterus of an infertile woman. Then, the woman's husband will have intercourse with her and as a result, the infertile woman becomes pregnant. In this issue, a foreign man's sperm does not enter the woman's uterus, but only combines with a non-mahram woman's egg. The assumption is that no foreign sperm was used to close the infertile woman's fallopian tube. Generally, the principle of innocence is applied in this matter. However, some jurists have considered it forbidden: "Taking a woman's egg out of her vagina and inserting it into the vagina of another woman with whom the man's intercourse is allowed has no effect on lifting the prohibition" (Mo'men Qomi, 1374, pp.60-61).

Second form: In the other form of this issue, a foreign woman's egg is used to strengthen an infertile woman's egg. Some fatwas by jurists have referred to the issue of strengthening the egg. In some cases, a woman's own egg is weak, and she needs to use another woman's egg to become pregnant. Is it permissible to transplant a foreign woman's egg to another woman for strengthening? And if the woman becomes pregnant after insemination, which of the two women does the child genetically belong to? The

answer is that the child belongs to the woman whose uterus and egg were weak, and she cannot be considered as the owner of the strengthening egg because her egg is considered a therapeutic drug (Sanei, 1377, p.63). Even if we do not believe that a foreign woman's egg is inherently considered a therapeutic drug, if a woman becomes pregnant after insemination, we must undoubtedly consider the child as belonging to the foreign woman because we are certain that the husband's sperm cannot combine with his wife's weak egg.

2.7. External Fertilization and Fetal Development outside the Uterus (Artificial Womb)

In this method of artificial insemination, after fertilization outside the uterus, with the advances that have been made, the fertilized egg is cared for in special places and what is called an artificial womb until it becomes a human being. Therefore, in this method, the natural uterus (woman's uterus) has no involvement in the development of the baby from the time the egg is fertilized until the fetus is fully grown. The artificial uterus has two forms:

2.7.1 The Formation of a Zygote Through the Use of a Foreign Man's Sperm and a Woman's Egg

In the process of artificial insemination and embryo development through a surrogate womb can only be questioned from one aspect, which is the principle of zygote formation. The discussion here is whether the formation of a zygote outside the womb through the fusion of sperm and egg from two unrelated individuals, whether natural or artificial, is permissible or not. Narrations that refer to the prohibition of implanting a zygote in the womb are not specific to the natural womb, and mentioning the natural womb is for the sake of analogy, therefore the formation of such a combination is not permissible, whether it is in a natural or a surrogate womb. Therefore, the formation of this combination, even if the subsequent stages of embryonic growth occur outside the womb, is prohibited. However, as far as has been investigated, no religious authorities have expressed any opinions on the prohibition of this method of artificial fertilization, and based on the inference from the content of the verses, this opinion may be raised (Momen-Qomi, 1374, pp. 76-79).

2.7.2 Fertilization by Sperm and Egg of the Couple

According to the verses, narrations, and opinions of jurists derived from the legal evidence, this type of fertilization using the sperm and egg of a husband and wife is permissible, and there is no reason to prohibit it, and there also appears to be no problem with raising the resulting embryo in an artificial womb. Therefore, based on the principle of legal and rational acquittal and the original permissibility of actions, there is no obstacle to performing this procedure. Undoubtedly, all the opinions that scholars have expressed regarding the permissibility of conception through a natural womb will also apply to this method of fertility (surrogate womb) (Imam Khomeini, 1390 AH, vol. 2, p. 559).

2.8. The Fertilization of an Egg by a Combination of Plant or Animal Sperm, or a Mixture of These Materials with an Element Taken from a Human

The main difference between this assumption and the previous assumptions is that, assuming that humans succeed in producing a human through such methods, plant and animal sperm or a combination of these substances are used with an element taken from a human, and they have no involvement in the formation of the zygote or embryo. If the human womb does not play a role in closing the zygote and nurturing the fetus, it is stronger reason to believe that it is permissible. Therefore, the issue has two forms:

First form: The formation of a zygote composed of plant or animal sperm with an element taken from a human

Artificial pregnancy may be realized in various ways in the future: a) They take the zygote, which is the origin of the fetus, from seeds and vegetable products, etc., and fertilize the woman's egg and produce an artificial child. It goes without saying that in this case, the child will only be related to the mother. b) They take the man's sperm and nurture it in the system for producing a fetus, like raising a chicken egg. In this case, the child will only be related to the father (Imam Khomeini, 1390 AH, vol. 2, p. 559).

Second form: The formation of a zygote composed of plant or animal sperm

If they obtain the sperm and zygote from plants and prepare it in an artificial womb with an artificial egg and raise a child from it, assuming that humans are successful in such production, there is no problem, and apparently, it is permissible, and the child will not be related to anyone and will be fatherless and motherless (Sanei, 1377, pp. 61-62).

2.9. The Legal Rulings Regarding The Status Of Children Born Through Artificial Insemination

The legal rules concerning the status of children born through artificial reproduction and the treatment of infertility have various dimensions and variations, such as lineage, inheritance, custody, etc.

Legal rules are divided into two categories: a) Rules related to the natural relationship between two people (child and parents), such as lineage and inheritance, which deal with regulating such relationships. b) Rules pertaining to ensuring the spiritual and material rights of children, such as custody, guardianship, and alimony.

The main difference between these two categories is that the first group deals with natural and irreplaceable cases and dependencies, i.e., determining the child's lineage from a paternal or maternal perspective is either established or not. In case it is proven, the legal effects and obligations towards the offspring will follow. For instance, inheritance between a child and its father or mother has legal implications.

However, the second group provides legal and jurisprudential ways for fulfilling children's rights at different stages of life and even during pregnancy. By examining the jurisprudential rules, it can be seen that wherever there is an obstacle to establishing the child's rights, appropriate alternatives have been provided in Islamic law. For example, if a father and mother or both do not have the moral competence for custody and guardianship of their child, the law assigns this responsibility to other relatives.

According to the writer, in the discussion of artificial fertility, situational rulings are subject to duty rulings. In other words, in every case and example where non-natural fertility is permissible and halal, situational rulings are established, and if non-natural fertility is deemed haram and impermissible, situational rulings are not established.

2.9.1 The Inheritance of Children Resulting from Artificial Insemination from a Jurisprudential and Legal Perspective

If the father is alive during artificial insemination, there is no doubt that the child born from non-natural fertility inherits from his own father. However, if the transfer of the father's sperm to the mother's womb takes place long after the father's death, the question arises as to whether the child born from this insemination inherits from his deceased father or not? (Haji Azizi and Ghafeghazialasli, 1393, p. 121)

In accordance with Article 875 of the Civil Code, two conditions are necessary for inheriting pregnancy from the father and mother: the formation of the fetus at the time of death and live birth, even if it dies shortly after birth; and if either of these two conditions is not met, pregnancy does not inherit from its progenitor. Regarding artificial insemination, if the husband's sperm is combined with the woman's egg before his death and a live birth occurs, the resulting child inherits like a child conceived

through natural intimacy; but if the father's sperm forms a fetus after his death, the child resulting from artificial insemination will not inherit from his father.

Article 875 of the Civil Code is based on the opinions of Shiite jurists, but there are differences of opinion among Shiite scholars in this regard. We will briefly review the views of some scholars who contradict Article 875 (the formation of the fetus at the time of death and live birth) below:

Some jurists have only focused on the condition of live birth and have not discussed the formation of the fetus at the time of death. Apparently, according to their belief, the live birth of pregnancy is sufficient for inheritance (Fazl Hindi, 1416 AH, p. 510). This group has only referred to the existence and live birth of the pregnancy and has not mentioned the formation of the fetus or the establishment of the pregnancy. Fakhr al-Muhaqqiqin Halī considers live birth of pregnancy as the condition for inheritance and according to him, the formation of the fetus is not a condition for inheritance; rather, if the midwife attaches the name of the child to the deceased, it is sufficient (Halī, 1387 AH, vol. 4, p. 267). Sahib Jawahir has also not mentioned the formation of the fetus despite discussing various ways and conditions for inheriting pregnancy. According to Sahib Jawahir, "in any case, the live birth of the child at the time of the progenitor's death is not a condition for inheritance, rather, if the pregnancy is less than six months old at the time of death and dies immediately after birth, it also inherits. Also, if it is in the form of sperm or embryo at the time of the progenitor's death, it inherits from the progenitor, and finally, if it is born less than nine months after the progenitor's death and the mother has not married another man, it inherits from the progenitor" (Najafi, 1404 AH, vol. 39, p. 302).

Some contemporary jurists, such as Ayatollah Behjat, believe that the child born through insemination inherits from his deceased father, and Ayatollah Fazel Lankarani, despite the difficulty of inheritance, has considered reconciling the child with other heirs to be better (Musleh-i-Iraqi, 1386, pp. 29-31; Sadeghi Moghadam, 1392, pp. 66-82).

Conclusion

Artificial insemination includes various methods in which semen or sperm are combined with an egg after being prepared or cultured without sexual intercourse. Scientific advancements today have made human fertilization possible to occur through non-traditional means, but there is still no specific consensus among jurists and legal experts regarding the types of pregnancies resulting from such methods and their religious rulings. Artificial insemination has many benefits and advantages inasmuch as it contributes to population growth and solidifies the family dynamic as a whole. To make the most of this emerging phenomenon, it is necessary to clarify and examine its various aspects. In this article, the jurisprudential and legal aspects of artificial insemination have been analyzed and the relevant prescriptive rules and declaratory laws pertaining to each were presented. It is important that those in charge of such matters raise awareness and make precise and careful plans to make maximum use of research achievements and the country's existing capacities.

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