

Jurisprudential Laws of Relationship Regarding Infants Born via Surrogacy

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Abstract

Introduction: Advances in medical science especially in the field of new methods for the treatment of infertility has brought changes in the process of human reproduction. Alongside the ability of using these methods in experimental sciences, new complex questions arise in other fields of science such as psychology, sociology, philosophy, jurisprudence and law. Based on the jurists' verdict on permission or prohibition of hiring a surrogate uterus and their reasoning, a question is raised regarding the relationship of the infant born through surrogacy.

Materials & Methods: On the basis of current definitions in the language of jurists and lawyers, "Relationship" is any bloody liaison between two persons that reaches fulfillment through the birth of one of them from the other or from a third party. Then, we will proceed to define the word relationship from lexical and legal points of view, and specify the child's father and mother. In fact, the basic problem is the identification of legal parents of the infant born through surrogacy.

Results: Undoubtedly, the concept of relationship from the viewpoints of Islamic jurisprudence and law reaches fulfillment in family, but what is important for contemplation is the ability of relation where the infant is born through the action of artificial insemination by the spermatozoid of a stranger.

Conclusion: Based on the jurist's verdict about infant is born through the action of artificial insemination we conclude: 1- Employment of an alternative womb especially between is not contract with Islamic rules provided it dose not bring about committing of any other sin. 2- In the all kinds the father of infant is born through this methods is same man that give the sperm and his mother is the woman that give the ovum.

Key Words: Relationship, Surrogate, Artificial insemination, Jurisprudence, Verdict, Pregnancy, Marriage, Fertility, Infertility.

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