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GENDER SELECTION AS AN INFERTILITY TREATMENT THROUGH ADVANCED MEDICAL TECHNOLOGIES: A SHARĪʿAH PERSPECTIVE

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Abstract
The advent of advanced medical technologies has introduced gender selection as a potential intervention within infertility treatment, enabling couples to influence the sex of their offspring prior to conception. While such procedures such as Preimplantation Genetic Diagnosis (PGD) and sperm sorting are increasingly available in clinical settings, they raise profound ethical, legal, and religious concerns. This study critically explores the permissibility and implications of gender selection as an infertility treatment from the standpoint of Islamic jurisprudence (Sharīʿah). Drawing upon classical Islamic legal sources, contemporary fatwas, and the principles of maqāṣid al-sharīʿah (objectives of Islamic law), the paper investigates the legitimacy of gender selection under various intentions whether medical, social, or preferential. The analysis evaluates whether such practices align with the preservation of lineage (ḥifẓ al-nasab), protection of progeny (ḥifẓ al-nasl), and the ethical boundaries established in Islam. The paper further discusses the conditions under which gender selection may be deemed permissible or prohibited, offering a nuanced juristic framework to guide medical practitioners, ethicists, and Muslim couples considering such interventions. This research contributes to the growing discourse on the intersection of reproductive technologies and Islamic bioethics, emphasizing the need for culturally and religiously sensitive policy formulations in Muslim societies.

Keywords:
Gender Selection, Infertility Treatment, Advanced Medical Technologies, Islamic Bioethics, Maqāṣid al-Sharīʿah, Preimplantation Genetic Diagnosis (PGD), Lineage Preservation, Ethical Permissibility, Reproductive Technologies in Islam

SECTION I: INTRODUCTION - DIVINE WILL AND GENDER SELECTION IN ISLAM

It is a firmly established belief in Islamic creed that the determination of a child's gender is solely under the command and will of Allah Almighty. As the Qur'an declares:

"To Allah belongs the dominion of the heavens and the earth. He creates what He wills. He grants daughters to whom He wills and grants sons to whom He wills."[1]

This verse explicitly affirms that the choice of a child's gender—be it male or female—is an act of divine will. Allah may bestow daughters to some, sons to others, both to certain individuals, and render some childless altogether.

With advancements in medical technologies, contemporary science has made it possible to influence the gender of the embryo through methods such as sperm sorting and Preimplantation Genetic Diagnosis (PGD). Some of these techniques claim success rates as high as 99%. This has led some to perceive a conflict between such medical capabilities and the divine declaration in the aforementioned verse.

ISSN E: 3006-1466
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CJSSR
CONTEMPORARY JOURNAL OF SOCIAL SCIENCE REVIEW
Vol.03 No.02 (2025)

However, scholars clarify that there is no contradiction between empirical evidence and definitive religious texts. If such a contradiction appears, it is either due to a misinterpretation of the text or a misunderstanding of the scientific facts.

Scholars have addressed these concerns with several key clarifications:

1. **Taking Means Does Not Challenge Divine Will**: When humans utilize the means that Allah has placed in the universe—whether for gender selection or other purposes—it does not constitute a challenge to Allah's will or creation. All actions by humans occur within the framework of divine decree. As Allah says:
   "But you cannot will unless Allah wills. Indeed, Allah is ever Knowing and Wise."[2]
   And, *"Allah is the Creator of all things, and He is, over all things, Disposer of affairs."*[3]
   Belief in divine will does not negate human agency; rather, both coexist as affirmed by the Qur'an, Sunnah, and consensus of early scholars.
2. **Means Have No Power Without Divine Permission**: The effectiveness of any medical procedure—including gender selection—is ultimately dependent on Allah's will. If He wills, He can nullify the effect of any cause. Thus, the cause alone has no independent power; it only functions by divine leave. Nothing happens unless Allah wills it, even if humans employ every possible means.
3. **Treating Infertility Does Not Contradict Divine Will**: When an infertile individual is treated and becomes capable of reproduction, it is not seen as a challenge to Allah's will but rather as an outcome permitted by it.
4. **Scientific Limitations Remain**: Despite medical advancements, no procedure can guarantee 100% control over which sperm (X or Y chromosome-bearing) will fertilize the egg. The final determination remains with Allah alone.[4]
5. **Natural Limitations on Human Control**: In some cases, individuals may biologically lack either male or female reproductive cells. In such circumstances, the option to choose is not even present, reaffirming human limitation.

In conclusion, attributing outcomes to both divine will and apparent causes is not contradictory. As Ibn al-Qayyim noted, outcomes may be associated with certain causes, while still being entirely subject to Allah's will—just as prosperity, sustenance, or hardship are. Thus, gender selection through modern medical means, while scientifically enabled, does not override divine decree and must be approached with awareness of ethical boundaries, religious teachings, and ultimate reliance on Allah's will.[5]

Definition of Gender Selection

Gender selection is a biomedical procedure that employs assisted reproductive technologies (ART), such as sperm sorting or preimplantation genetic diagnosis (PGD), to influence or determine the sex of an embryo prior to implantation or conception.[6]

SECTION II: MOTIVATIONS BEHIND GENDER SELECTION - A STRUCTURED ANALYSIS

Gender selection, a practice enabled by advancements in reproductive technologies, is driven by diverse motivations. This section categorizes and examines these motivations systematically, emphasizing their ethical, sociocultural, and political dimensions.

1. Medical Motivations: Preventing Sex-Linked Genetic Disorders

Gender selection is clinically justified in cases of sex-linked genetic disorders, hereditary conditions transmitted through the X or Y chromosomes.

Inheritance Mechanisms

ISSN E: 3006-1466
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CONTEMPORARY JOURNAL OF SOCIAL SCIENCE REVIEW
CJSSR
CONTEMPORARY JOURNAL OF SOCIAL SCIENCE REVIEW
Vol.03 No.02 (2025)

- **X-Linked Disorders**:[7]
  - **Maternal Carrier**:
    - Sons inherit the defective X chromosome (XY) and exhibit the disorder due to the absence of a compensatory healthy X.
    - Daughters inherit one defective X (from the mother) and one healthy X (from the father), becoming asymptomatic carriers.
  - **Paternal Carrier**:
    - Sons inherit the Y chromosome (unaffected) and remain healthy.
    - Daughters inherit the defective X (from the father) and a healthy X (from the mother), becoming carriers.
- **Y-Linked Disorders**:
  - Rare and typically affect only males, as the Y chromosome is exclusive to male offspring.[8]

Examples of Sex-Linked Disorders

- **Hemophilia**: A bleeding disorder caused by defective clotting factors.
- **Duchenne Muscular Dystrophy**: A degenerative muscle disease.
- **Fragile X Syndrome**: Leading to intellectual disabilities.

Clinical Justification: Over 500 documented sex-linked disorders disproportionately affect males, making gender selection a preventive measure for at-risk families.[9]

2. Sociocultural Motivations: Personal and Familial Preferences

Family Balancing

Couples often pursue gender selection to achieve a desired gender ratio among offspring, particularly in families with multiple children of one sex (e.g., parents with only daughters seeking a son, or vice versa).

Cultural and Economic Pressures

- **Son Preference**: In many societies, male children are culturally valued for perceived roles in lineage preservation, economic contribution, or social status.
- **Gender Discrimination**: Systemic biases, such as dowry systems or inheritance laws, may incentivize families to favor male offspring.

3. Political and Demographic Motivations: State-Led Interventions

National Security and Workforce Needs

- Post-conflict nations may promote male births to replenish military or labor forces, reflecting gendered assumptions about roles in combat or industry.[10]
- Example: Historical policies in war-torn regions prioritizing male births to address population deficits.

Addressing Demographic Imbalances

- **Correcting Skewed Ratios**: Governments may intervene in cases of extreme gender imbalances (e.g., high female-to-male ratios) to mitigate social challenges like delayed marriage rates or workforce shortages.[11]
- **Economic Planning**: States might incentivize male births to align with labor-intensive industries or agricultural demands.

Conclusion

Gender selection is a multifaceted issue shaped by medical necessity, cultural norms, and political agendas. While it offers solutions for preventing genetic disorders, its misuse risks exacerbating gender inequality and societal inequity. Policymakers, clinicians, and religious scholars must collaborate to establish frameworks that balance technological innovation with

ISSN E: 3006-1466
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CJSSR
CONTEMPORARY JOURNAL OF SOCIAL SCIENCE REVIEW
Vol.03 No.02 (2025)

ethical integrity, particularly in Muslim-majority contexts where Shari'ah principles guide bioethical decisions.

SECTION III: METHODS OF GENDER SELECTION

1. Natural Methods of Gender Selection[12]

Natural methods of gender selection involve techniques aimed at influencing the sex of offspring through non-invasive, non-technological means, relying on biological insights or traditional practices. These are divided into ancient and modern approaches.

Ancient Natural Methods

Historically, various cultures developed methods rooted in folklore, astrology, or unverified hypotheses to predict or influence fetal sex:

- **The Chinese Gender Chart**:

A traditional astrological tool linking maternal age and conception month to predict fetal sex. Despite its popularity, it lacks empirical validation and is based on speculative celestial correlations.

- **Lunar Cycle Timing**:

Claims that conception during specific lunar phases (e.g., first 5 days for males, subsequent days for females) influences fetal sex. No scientific evidence supports this method.

- **Numerological Calculations**:

A pseudoscientific approach combining the number of letters in parental names and conception/birth dates to predict sex (odd numbers = male, even numbers = female).

2. Modern Natural Methods[13]

Contemporary natural methods leverage scientific understanding of reproductive biology to enhance the likelihood of conceiving a child of the desired sex:

Biological Basis

- **Gamete Composition**:
  - Female oocytes carry an X chromosome, while male spermatozoa carry either X (female) or Y (male) chromosomes.
  - Sperm Characteristics:
    - **Y-Chromosome Sperm**: Faster, shorter-lived, and thrive in alkaline environments.
    - **X-Chromosome Sperm**: Slower, longer-lived, and favor acidic conditions.

Practical Techniques

1. **Dietary Interventions**:
   - **Male Preference**: Diets rich in sodium/potassium (e.g., bananas, potatoes) may alkalize vaginal pH, favoring Y sperm.
   - **Female Preference**: Diets high in calcium/magnesium (e.g., dairy, leafy greens) acidify the vaginal environment, supporting X sperm.
2. **Vaginal pH Manipulation**:
   - **Douching**: Pre-conception rinsing with baking soda (alkaline) for males or diluted vinegar (acidic) for females.
3. **Timed Intercourse Relative to Ovulation**:
   - **Male Preference**: Intercourse close to ovulation (24 hours before/after) leverages Y sperm's speed and shorter lifespan.

ISSN E: 3006-1466
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CJSSR
CONTEMPORARY JOURNAL OF SOCIAL SCIENCE REVIEW
Vol.03 No.02 (2025)

- **Female Preference**: Intercourse 2–3 days before ovulation allows longer-lived X sperm to survive until ovulation.

4. **Hormonal Supplements**:
    - **Testosterone**: Linked to increased Y sperm production.
    - **Clomiphene**: Ovarian-stimulating drugs may elevate chances of conceiving females.

3. Laboratory-Based Methods of Gender Selection[14]

Laboratory-based methods of gender selection utilize assisted reproductive technologies (ART) to predetermine fetal sex through *in vitro* procedures. These techniques are categorized into **pre-conception** (sperm sorting) and **post-conception** (embryo screening) approaches, each with distinct biological and ethical implications.

Pre-Conception Methods: Sperm Sorting[15]

This method isolates X (female) or Y (male) chromosome-bearing sperm prior to fertilization.

Procedure

1. **Sperm Collection**: Semen is collected from the male partner.
2. **Sperm Isolation**:
    - **Flow Cytometry**: Sperm are sorted based on DNA content differences (X sperm contain ~2.8% more DNA than Y sperm).
    - **Microfluidic Separation**: Leverages motility and size differences between X and Y sperm.
3. **Insemination**:
    - **Intrauterine Insemination (IUI)**: Sorted sperm are injected into the cervix or uterus.
    - ***In Vitro* Fertilization (IVF)**: Sperm are combined with oocytes in a controlled laboratory setting.

Steps in IVF-Based Sperm Sorting

1. **Ovarian Stimulation**: Hormonal injections (e.g., gonadotropins) induce superovulation to yield multiple oocytes.
2. **Oocyte Retrieval**: Mature oocytes are extracted via transvaginal ultrasound-guided aspiration.
3. **Sperm Preparation**: Semen is centrifuged to remove seminal plasma and isolate motile sperm.
4. **Fertilization**: Sorted sperm are introduced to oocytes in a Petri dish with culture medium.
5. **Embryo Transfer**: Viable embryos are implanted into the uterus 3–5 days post-fertilization.

Success Rate: Up to 93% accuracy for female selection; lower for males due to Y sperm fragility.

Post-Conception Methods: Preimplantation Genetic Diagnosis (PGD)[16]

PGD involves screening embryos for sex chromosomes after fertilization.

Procedure

1. **Embryo Cultivation**: Fertilized embryos are grown to the 8-cell (blastomere) stage (~Day 3).
2. **Biopsy**: A laser or micropipette creates an opening in the *zona pellucida* (embryo's outer layer) to extract 1–2 cells for genetic analysis.
3. **Genetic Screening**:

ISSN E: 3006-1466
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CONTEMPORARY JOURNAL OF SOCIAL SCIENCE REVIEW
CJSSR
CONTEMPORARY JOURNAL OF SOCIAL SCIENCE REVIEW
Vol.03 No.02 (2025)

- **Fluorescence *In Situ* Hybridization (FISH)**: Identifies XX (female) or XY (male) chromosomes.
- **Next-Generation Sequencing (NGS)**: High-resolution analysis for chromosomal abnormalities.

4. **Embryo Selection**: Embryos of the desired sex are selected for transfer.

Success Rate: Near 100% accuracy, making PGD the gold standard for gender selection.

Conclusion

While natural methods reflect historical and cultural practices, modern techniques combine biological insights with empirical strategies. Laboratory methods, though precise, necessitate rigorous ethical scrutiny, particularly in Muslim contexts where lineage (*nasab*) and divine decree (*qadar*) are paramount. Further interdisciplinary research is critical to align technological advancements with Islamic ethical principles.

SECTION IV: SHARĪʿAH RULINGS ON GENDER SELECTION

Islamic scholars hold two primary views on the permissibility of gender selection through artificial or clinical methods:

First Opinion: Permissibility

A number of classical and contemporary jurists consider gender selection permissible under Sharīʿah, especially when pursued through lawful means. This view is supported by scholars from various legal schools, including the Shāfiʿī school, as well as by Ibn Hazm from the Ẓāhirī school. Prominent modern scholars endorsing this position include Shaykh ʿAbd Allāh al-Bassām, Shaykh Muṣṭafā al-Zarqā, Dr. Yūsuf al-Qaraḍāwī, Shaykh ʿAbd Allāh bin Bayyah, Shaykh Naṣr Farīd Wasil, and Dr. ʿAlī Jumʿah.[17],[18]

Evidence Supporting This View

1. The Principle of Permissibility (al-Ibāḥah al-Aṣliyyah):

The foundational rule in Islamic jurisprudence states that all actions are deemed permissible unless there is explicit evidence to prohibit them. Ibn Hazm states: *"Anything not explicitly forbidden is inherently permissible."* [19] Since no conclusive evidence exists to prohibit gender selection, the default ruling remains permissibility.

2. Precedent in the Prophetic Tradition:

The Qur'ān recounts that prophets prayed for children of a specific gender, which indicates that desiring a male or female child is not inherently blameworthy. Prophet Ibrāhīm (AS) prayed for *"a righteous son,"* and was granted *"a forbearing boy"*[20]. Similarly, Prophet Zakariyyā (AS) prayed for *"a pure son"*[21]. If asking for a child of a particular sex were impermissible, the Prophets would not have done so, and Allah would not have responded favorably.

3. Prophetic Acknowledgment of Natural Causes of Gender Determination:

In a ḥadīth reported by Muslim, the Prophet Muhammad was asked about how a child's sex is determined. He responded:

"The man's fluid is white and the woman's fluid is yellow. Whichever of the two prevails, the child will resemble that (in sex) by the will of Allah." [22],[23]

This indicates that gender differentiation results from identifiable natural causes governed by divine will. The ḥadīth does not suggest gender determination is a divine mystery beyond human comprehension; rather, it affirms that when the means are available, humans may pursue them without conflicting with divine decree.

Second Opinion: Prohibition of Gender Selection

ISSN E: 3006-1466
ISSN P: 3006-1458
CONTEMPORARY JOURNAL OF SOCIAL SCIENCE REVIEW
CJSSR
CONTEMPORARY JOURNAL OF SOCIAL SCIENCE REVIEW
Vol.03 No.02 (2025)

Some Islamic jurists—particularly among the Ḥanafī and Shāfiʿī schools—argue that gender selection is not permissible. This view is based on the principle that actions which affect natural creation or deviate from divine norms are presumed to be prohibited unless there is clear evidence to permit them. Among contemporary scholars who have supported this view are Dr. Muhammad al-Nattashah, Dr. ʿAbd al-Nāṣir Abū al-Baṣl, and Shaykh Fayṣal Mawlawī.[24],[25],[26]

Evidence Presented by Proponents of Prohibition

1. Altering the Natural Creation of Allah

The primary argument for prohibition is that gender selection constitutes a form of tampering with Allah's creation, which is strongly condemned in the Qur'an. Allah says:

"And I will command them so they will alter the creation of Allah."[27]

This verse refers to satanic influence leading humans to modify what Allah has created. Furthermore, the authentic ḥadīth narrated by Ibn Masʿūd (may Allah be pleased with him) states:

"Allah has cursed those women who practise tattooing and those who get it done for themselves, and those who remove hair from their faces, and those who artificially create spaces between their teeth to look beautiful, such women as alter the features created by Allah. Why should I not then curse those whom Allah's Messenger ( ) has cursed and that is in Allah's Book?"[28]

If altering one's physical appearance for cosmetic purposes is prohibited as a distortion of Allah's creation, proponents of this view argue that manipulating the sex of offspring, which concerns the very essence of human creation, is even more deserving of prohibition.

According to the Ḥanafī jurists, the foundational rule in such matters is prohibition (taḥrīm) unless permissibility is explicitly established. They refer to the Prophetic tradition:

"What Allah has made lawful is lawful, what He has made unlawful is unlawful, and that concerning which He has remained silent is a concession—so accept the concession from Allah."[29]

Imām Ibn al-Nujaym explains in *al-Baḥr al-Rāʾiq* that the absence of a legal ruling prior to the advent of Sharīʿah implies that there was no need for such an act, hence it remains outside the scope of permissibility until addressed by revelation.[30]

Rebuttal of the Prohibition Argument

Opponents of this view reject the claim that gender selection involves impermissible alteration of Allah's creation. They clarify that all medical interventions related to gender selection occur prior to the actual creation or development of the fetus, and hence do not constitute modification of a formed being. The procedures simply guide natural biological processes before conception or in the earliest embryonic stages, without altering an already created human being.

Second Argument: Potential Harms and Risks Associated with Gender Selection

Opponents of gender selection argue that permitting such practices may lead to a number of ethical, social, and demographic harms, including:

1. Disruption of the Natural Gender Balance

One of the most critical concerns is the potential imbalance in the natural male-to-female ratio, which Allah has established in creation for divine wisdom and societal harmony. In many cultural contexts, there exists a strong preference for male children. Bioethics experts have warned that widespread use of gender selection—especially favoring males—could result in demographic distortions and long-term population imbalances.[31]

Notable examples include China and India, where societal preference for sons has led to selective abortion of female fetuses and, in some cases, infanticide, resulting in a significant

ISSN E: 3006-1466
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CONTEMPORARY JOURNAL OF SOCIAL SCIENCE REVIEW
CJSSR
CONTEMPORARY JOURNAL OF SOCIAL SCIENCE REVIEW
Vol.03 No.02 (2025)

shortage of females. These concerns were echoed in a UN Human Rights Committee report on South Korea, which noted: The disproportionate rise in the male-to-female birth ratio due to prenatal sex determination is deeply alarming.[32]

Furthermore, concerns have been raised about how gender selection may open the door to the selection of other non-medical traits, such as physical appearance, height, or intelligence—thus turning procreation into a form of designer genetics.

2. Ethical Concerns of Scientific Manipulation

Allowing unrestricted gender selection could serve as a gateway to more invasive and ethically questionable interventions, potentially leading to scientific overreach in the manipulation of human creation. Such practices have been widely condemned across cultures and religious traditions due to their unpredictable consequences for humanity and future generations.[33]

3. Risk of Lineage Confusion (Ikhtilāṭ al-Ansāb)

Some techniques used in the process of gender selection—particularly those involving the manipulation or mixing of reproductive material—may inadvertently lead to **lineage confusion**, a major ethical and legal violation in Islamic jurisprudence. The integrity of lineage (ḥifẓ al-nasab) is one of the five essential objectives of Sharīʿah (Maqāṣid al-Sharīʿah) and must be preserved at all costs.[34]

4. Violation of Privacy and Dignity

Certain gender selection procedures require exposing intimate parts of a woman's body, thereby compromising her ʿawrah (sacred privacy). This infringement of modesty and dignity contradicts fundamental Sharīʿah principles regarding bodily integrity and the sanctity of private parts.[35]

Response to These Objections

From a Sharīʿah perspective, the mere presence of potential harms (mafsadah) in a practice does not automatically render it impermissible. A legal prohibition applies only when the harms clearly outweigh the benefits, or when the harms are overwhelming and unavoidable. This is consistent with established principles of Islamic jurisprudence that emphasize weighing harm against benefit (*muwāzanah bayn al-maṣlaḥah wa-l-mafsadah*).

Therefore, in assessing the permissibility of gender selection, scholars must carefully evaluate contextual factors, ensure that ethical boundaries are respected, and determine whether the public and private interests are preserved or undermined.

SECTION V: ETHICO-LEGAL ANALYSIS AND JURISTIC VERDICT (TARJĪḤ)

A critical evaluation of the juristic arguments reveals that the permissibility of gender selection under specific conditions represents the most balanced and textually supported position. This conclusion is rooted in the strength of evidences favoring regulated use, coupled with the ability to address concerns raised by opponents through ethical safeguards.

Addressing Key Objections

1. **Divine Wisdom and Human Agency**:
   While Allah's sovereignty over creation is unquestionable (Quran 2:255), gender selection operates within the framework of *asbāb* (lawful means) that He has ordained. Medical interventions do not override divine decree but utilize permissible tools to address human needs, akin to fertility treatments or disease prevention.
2. **Gender Bias Concerns**:
   Permissibility does not endorse male preference but is strictly confined to cases of medical necessity (e.g., X-linked disorders) or family balancing (e.g., after multiple children of one gender). The Quranic elevation of female virtue, as exemplified by Maryam (AS), underscores Islam's rejection of gender hierarchy.

ISSN E: 3006-1466
ISSN P: 3006-1458
CONTEMPORARY JOURNAL OF SOCIAL SCIENCE REVIEW
CJSSR
CONTEMPORARY JOURNAL OF SOCIAL SCIENCE REVIEW
Vol.03 No.02 (2025)

3. **Demographic Imbalances**:
   Widespread misuse is mitigated by socioeconomic and practical barriers:
   - **Financial Constraints**: High costs restrict access, limiting use to genuine needs.
   - **Societal Trends**: Demand for gender selection is not universally male-skewed; many families seek daughters after having sons.
   - **Regulatory Frameworks**: Analogous to regulated contraception or abortion, ethical guidelines can prevent systemic abuse.

Ethical and Legal Safeguards

To align with *maqāṣid al-Sharīʿah* (objectives of Islamic law), the following measures are proposed:

1. **Medical Justification**: Restrict use to preventing genetic disorders or addressing severe familial psychological distress.
2. **Gender Equity**: Prohibit selection based on cultural or social preference for males.
3. **Oversight Committees**: Establish multidisciplinary panels (scholars, physicians, ethicists) to review requests case-by-case.
4. **Transparency**: Ensure informed consent and documentation of medical necessity.

Conclusion

The preponderance of evidence supports conditional permissibility, provided strict ethical boundaries are upheld. By integrating juristic principles with modern medical ethics, Muslim societies can navigate gender selection responsibly, honoring both divine wisdom and human dignity.

SECTION VI: SHARĪʿAH-COMPLIANT GUIDELINES FOR GENDER SELECTION - ETHICAL AND REGULATORY FRAMEWORK

Gender selection within Islamic jurisprudence is governed by principles that balance medical innovation with ethical integrity. Natural methods are generally permissible due to their non-invasive nature, while laboratory-based techniques are restricted to necessity, aligning with *maqāṣid al-sharīʿah* (objectives of Islamic law) to promote welfare and prevent harm.[36]

1. Permissibility and Scope

- **Natural Methods**: Non-invasive approaches (e.g., dietary adjustments, timed intercourse) are permissible under *al-ibāḥah al-asliyyah* (default permissibility) as they avoid harm.
- **Laboratory Methods**: Permitted only for medical necessity, such as preventing sex-linked genetic disorders (e.g., hemophilia).[37]

2. Ethical Safeguards

To ensure ethical practice, the following conditions are mandated:

2.1 Medical and Familial Justification

- **Genetic Necessity**: Procedures are allowed to avert hereditary diseases disproportionately affecting one gender.
- **Family Balancing**: Permissible for couples with multiple children of one gender seeking balance, provided no gender bias exists.

2.2 Prohibition of Misuse

- **Lineage Integrity**: Strict protocols prevent *ikhtilāṭ al-ansāb* (lineage confusion), ensuring no mixing of gametes or third-party involvement.
- **Non-Medical Use**: Elective selection based on cultural preference (e.g., son prioritization) is prohibited.

3. Legal and Institutional Oversight

ISSN E: 3006-1466
ISSN P: 3006-1458
CONTEMPORARY JOURNAL OF SOCIAL SCIENCE REVIEW
CJSSR
CONTEMPORARY JOURNAL OF SOCIAL SCIENCE REVIEW
Vol.03 No.02 (2025)

3.1 Regulatory Frameworks

- **Licensed Clinics**: Governments must authorize facilities, as seen in the UK and USA, where gender selection is restricted to medical needs or family balancing.
- **Demographic Monitoring**: Track national birth ratios to prevent imbalances, exemplified by policies in Malaysia and China.

3.2 Privacy and Modesty

- **ʿAwrah Protection**: Procedures minimize exposure of intimate areas, prioritizing same-gender medical staff where feasible.

3.3 Consent and Autonomy

- **Mutual Agreement**: Both spouses must consent; disagreement defaults to natural conception to prevent familial discord.

4. Theological Considerations

4.1 Divine Will and Human Agency

- **Means, Not Guarantees**: Technologies are tools subject to divine decree (*qadar*), as emphasized in the Quran: *"He grants females to whom He wills and males to whom He wills… Indeed, He is Knowing and Powerful."*[38]

4.2 Ethical Boundaries

- **Humility in Application**: Success depends on divine permission, not human control, avoiding hubris in technological intervention.

5. Recommendations for Policy

1. **Interdisciplinary Oversight**: Panels of jurists, physicians, and ethicists should review cases to ensure compliance.
2. **Public Education**: Promote awareness of ethical boundaries to counter gender bias.
3. **Transparency**: Clinics must document medical justifications and outcomes rigorously.

SECTION VII: FATWA-BASED RULINGS ON GENDER SELECTION

1. Islamic Fiqh Academy (Majmaʿ al-Fiqh al-Islāmī)[39]

Legal Verdicts:

1. **Natural Methods**:
   - **Ruling**: Permissible (*mubāḥ*) under *al-ibāḥah al-asliyyah* (default permissibility), as they align with innate biological processes.
   - **Scope**: Includes dietary adjustments, timed intercourse, and pH modulation.
2. **Medical Methods**:
   - **Ruling**: Prohibited (*ḥarām*) except in cases of necessity (*ḍarūrah*), such as preventing severe genetic disorders (e.g., hemophilia, Duchenne muscular dystrophy).
   - **Conditions**: Requires documented medical justification and adherence to ethical guidelines.

Safeguards:

1. Restrict usage to **medical necessity** (e.g., X-linked diseases) and prohibit elective use.
2. Ban state-level policies to prevent demographic imbalances (*ikhtilāl al-tawāzun al-jinsī*).

2. Egyptian Fatwa Authority (Dār al-Iftāʾ al-Miṣriyyah)

IVF and Lineage Preservation:

- **Ruling**: Permits IVF using **marital gametes** (husband's sperm and wife's ova), provided lineage (*nasab*) is preserved and third-party donors are excluded.[40]
- **Conditions**:
  1. Procedures must be conducted by qualified, ethical medical professionals.

ISSN E: 3006-1466
ISSN P: 3006-1458
CONTEMPORARY JOURNAL OF SOCIAL SCIENCE REVIEW
CJSSR
CONTEMPORARY JOURNAL OF SOCIAL SCIENCE REVIEW
Vol.03 No.02 (2025)

2. Embryo integrity and lineage clarity must be ensured.

Gender Selection Ethics:

1. **Divine Wisdom**:
   - Emphasizes Allah's sovereign design of gender duality, as stated in the Quran:
     "He created you from one soul, then made from it its mate."[41]
     "He creates the pairs—male and female—from a sperm-drop."[42]
     "And of all things, We created pairs."[43]
2. **Medical Interventions**:
   - Permitted **only** for therapeutic purposes (e.g., preventing genetic disorders) under strict supervision.

SECTION VIII: CONCLUSION

The question of gender selection—particularly through laboratory-assisted reproductive technologies—presents a complex intersection of medical advancement, bioethical deliberation, and Islamic legal principles. This research underscores that Islamic jurisprudence does not reject medical innovation per se, but rather filters it through ethical and theological frameworks rooted in the higher objectives of Sharīʿah (maqāṣid al-sharīʿah). The permissibility of gender selection is neither unconditional nor universally applicable; it is contingent upon stringent criteria that safeguard religious values, social equilibrium, and personal well-being.

A careful juristic and ethical review reveals that gender selection is conditionally permissible (jāʾiz bi-shurūṭ), particularly when employed for therapeutic purposes—such as the avoidance of heritable sex-linked diseases—or in cases where significant psychological or familial harm may occur due to gender imbalance within a family. However, this allowance is governed by a clear set of ethical conditions:

1. **Reliance on Divine Will**: Gender selection must not foster deterministic beliefs that sever reliance on Allah's decree. The means employed must be understood as tools, not guarantees, with ultimate outcomes resting with the Creator (al-Khāliq).
2. **Medical and Psychological Necessity**: Procedures should only be considered in the presence of a verified clinical or emotional need—such as the presence of X-linked disorders or acute psychological distress resulting from a one-gender household.
3. **Lineage Protection (ḥifẓ al-nasab)**: Protocols must be in place to eliminate any possibility of gamete mixing. All reproductive materials must originate from the legally married spouses during their lifetime, with biometric verification and institutional oversight.
4. **Ethical Oversight**: Competent and trustworthy medical professionals—ideally Muslim practitioners—must supervise the process. Their role includes evaluating the legitimacy of requests and ensuring that procedures do not violate ethical or religious boundaries.
5. **Limited Scope**: The application of gender selection must remain an individual medical exception, not a state policy or population-level preference, thereby avoiding demographic imbalances and sociocultural discrimination.
6. **Mutual Consent**: Both spouses must offer informed and uncoerced consent. In cases of disagreement, the principle of natural conception prevails to preserve familial harmony.

This ethical scaffolding ensures that gender selection technologies remain aligned with Islamic jurisprudence, upholding principles of modesty, lineage preservation, and divine sovereignty. The Qur'an affirms, *"He grants female offspring to whom He wills, and male offspring to whom He wills"*[44], reminding believers that all outcomes are subordinate to Allah's wisdom and decree.

Final Juridical Position

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CJSSR
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The weight of scholarly evidence favors a position of conditional permissibility, contingent upon ethical necessity and regulatory integrity. This view neither trivializes divine will nor ignores technological potential. Rather, it embodies a jurisprudence of balance—a middle path (wasatiyyah)—that affirms the sanctity of life, the integrity of lineage, and the well-being of the Muslim family.

By harmonizing modern bioethics with Islamic legal tradition, Muslim societies can engage responsibly with gender selection technologies, preserving both human dignity and divine trust (amānah). Further interdisciplinary dialogue between jurists, physicians, and policymakers remains essential to guide evolving practices in light of emerging technologies and ethical concerns.

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