



Islamic Ethics and Gender Selection: A Study of Mufti Mahmudul Hasan's Position on PGD and IVF

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Abstract

This article examines Mufti Muhammad Mahmudul Hasan's fatwa on the permissibility of preimplantation genetic diagnosis (PGD) and in vitro fertilization (IVF) for gender selection within an Islamic ethical framework. By drawing on the fatwa issued by the Bangladeshi scholar, the study examines its permissibility requirements, which include adhering to marital boundaries, depending on divine will, avoiding harm to the wife, and rejecting non-heterosexual applications, and places it within larger Islamic bioethical discourses. This article highlights the similarities and differences between the positions of Sunni and Shia jurisprudence by conducting a comparative review of the popular scholarly literature on IVF and PGD in the Islamic context. The discussion focuses on the use of Islamic principles such as *maqasid al-sharia* (purposes of Islamic law), *sadd al-dharai* (blocking the means of harm), and *maslaha* (public interest). The findings emphasize a nuanced Islamic approach that permits medical intervention for sex selection of a child under strict Sharia-compliant conditions and provides warnings against unethical social abuse. As such, it makes an important contribution to the ongoing debate on reproductive ethics in contemporary Muslim societies.

Keywords: *gender selection, sex selection, preimplantation genetic diagnosis (PGD), in vitro fertilization (IVF), fatwa, reproductive technologies, islamic bioethics, Bangladesh, sunni jurisprudence*

Introduction

Allah Almighty has given the solution as well as the problem. It is Allah's will that man should solve his worldly issues as best he can by combining the holy religious books given by Allah and the human knowledge and wisdom given by Allah. And Islamic Sharia works for that purpose, which is based on the Quran, Hadith, Ijma and Qiyas. The improvement of human knowledge and medical methods given by Allah is a continuous process. With the growing development of human knowledge, new problems arise that require new solutions in Sharia. In continuation of that, new controversies have been created as a result of recent developments in infertility treatment.

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Developments in assisted reproductive technologies (ARTs), specifically in vitro fertilization (IVF) and preimplantation genetic diagnosis (PGD), have revolutionized genetic screening and fertility treatment, allowing couples to prevent hereditary diseases and treat infertility. But these technologies also bring up difficult ethical issues, particularly concerning to non-medical gender selection, which touches on social, cultural, and religious values. Such interventions are examined in Islamic contexts using the framework of Sharia, or Islamic law, which balances human responsibility to alleviate suffering and divine sovereignty over creation. This article examines the fatwa (see Appendix A for the full text in original Bengali and English translation) of Mufti Muhammad Mahmudul Hasan, a well-known Bangladeshi scholar and the head of the Fiqh Department at Quaderia Taiyabiah Alia Madrasah in Dhaka, on the legality of gender selection through IVF and PGD. This fatwa, collected by the authors during research for a related project titled "Determining the Gender of the Baby Through In Vitro Fertilization: Islamic Perspective," provides a conditional framework for permissibility in response to contemporary bioethical issues, grounded in Islamic theological principles and jurisprudential reasoning.

Based on Qur'anic verses like Surah al-Shura (42:49), which highlights Allah's supreme authority over the allocation of sons or daughters, Hasan's fatwa allows gender selection under stringent guidelines, including staying within marital boundaries, relying on divine will, avoiding harm to the wife, and rejecting non-heterosexual applications. These conditions reflect fundamental Islamic values that inform ethical discussions in Muslim societies, such as *maslaha* (public interest), *sadd al-dharai* (blocking means to harm), and *maqasid al-sharia* (objectives of Islamic law). The study's objectives in examining this fatwa are to: (1) clarify its theological and jurisprudential underpinnings; (2) contrast it with other Islamic scholarly viewpoints, such as Sunni and Shia perspectives; and (3) evaluate its consequences for ethical discussions surrounding gender selection in Bangladesh and elsewhere.

This study, which draws on a wealth of literature from the Middle East, Southeast Asia, and the West, adds to the expanding conversation on Islamic bioethics by placing Hasan's position within a larger academic framework. It fills a gap in South Asian perspectives by highlighting the complex relationship between religious ethics and technological innovation. It also provides guidance for practitioners and policymakers navigating ART in environments with a majority of Muslims.

Rationale of the Study

Preimplantation genetic diagnosis (PGD) and in vitro fertilization (IVF) are two examples of the rapidly developing assisted reproductive technologies (ARTs) that have created complex ethical issues, especially concerning non-medical gender selection. In Muslim-majority contexts like Bangladesh, these technologies are evaluated through Islamic jurisprudence, which seeks to balance divine sovereignty with human efforts to address infertility and genetic concerns. The fatwa by Mufti Muhammad Mahmudul Hasan, issued from the Qaderia Tayyabiya Alia Madrasa in Dhaka, provides a local Islamic perspective on the permissibility of gender selection through IVF and PGD, grounded in Sharia principles such as *Maqasid al-Sharia*, *Sadd al-Dharai*, and *Maslaha*. While extensive literature exists on Islamic bioethics in Middle Eastern and Southeast Asian contexts, South Asian perspectives, particularly from Bangladesh remain underexplored. By examining Hasan's fatwa, contrasting it with opinions held by Islamic scholars worldwide, and evaluating its consequences for moral ART practices, this study fills this gap. This research contributes to policy development and scholarly understanding of faith-science intersections in Muslim societies by placing the fatwa within larger bioethical discourses and illuminating how local Islamic rulings navigate contemporary reproductive challenges. This is crucial as ART access in Bangladesh is

expanding and ethical implementation requires frameworks sensitive to cultural and religious differences.

Literature Review

Islamic Bioethics and Reproductive Technologies

Islamic bioethics regarding reproductive technologies and gender selection is governed by Sharia principles emphasizing marriage as the fundamental framework for procreation. Assisted reproductive technologies (ARTs) are permitted and encouraged in Islam to address infertility, provided they involve only genetic material from legally married couples during their marriage (Chamsi-Pasha & Albar, 2015; Serour, 2008). The Islamic Fiqh Academy and Al-Azhar University have issued important fatwas that allow married couples to use their own gametes for IVF in order to preserve lineage (nasab) and avoid comparisons to zina (adultery) (International Islamic Fiqh Academy, 1986; Sachedina, 2009). This has led to an evolution of Islamic jurisprudence on IVF and PGD since the 1980s. Maqasid al-sharia, or preserving life, progeny, and intellect, is emphasized by scholars like Gamal I. Serour (2013, 2019) and Hossam E. Fadel (2007) as a justification for PGD to prevent genetic diseases. However, they warn against non-medical uses like enhancement or arbitrary gender selection.

In Sunni contexts, any kind of third-party involvement in IVF procedure is prohibited (Clarke & Inhorn, 2011; Inhorn, 2006). This prohibition is based on an analogy (qiyas) to zina (adultery or fornication), as it involves the introduction of a third party's genetic material into the marital union. The primary objective is to prevent ikhtilaf al-nasab (the mixture or confusion of lineage), which would disrupt inheritance laws, rules of kinship (mahram), and family honor (Inhorn, 2005; Inhorn & Tremayne, 2016). The strong regulatory frameworks in countries like Turkey and the anxieties expressed by infertile couples across the Middle East underscore how central the protection of lineage is to the Islamic moral world (Gürtin, 2016; Inhorn, 2006). However, Shia jurisprudence shows flexibility, as seen in Iranian fatwas allowing gamete donation under mut'a (temporary marriage) conditions (Clarke & Inhorn, 2011; Dezhkam et al., 2014). Shia jurisprudence, particularly in Iran following a 1990 fatwa by Ayatollah Khamenei, has permitted third-party gamete and embryo donation, often facilitated through legal mechanisms like temporary marriage (mut'a) to avoid the charge of zina (Abbasi-Shavazi et al., 2008; Clarke & Inhorn, 2011). Empirical studies from Saudi Arabia (Abotalib, 2013) and Malaysia (Harun et al., 2016) reveal high demand for PGD, including for gender selection, but with regulatory restrictions to medical necessities.

Ethical Debates on Gender Selection

In Islamic bioethics, which balances the acceptance of scientific discoveries with adherence to religious precepts, the moral issues surrounding gender determination are especially complicated (Inhorn, 2011). The non-medical use of preimplantation genetic diagnosis for sex selection is still controversial among Muslim scholars, even though Islam supports scientific advancements that benefit humanity as long as they are consistent with core Islamic principles (Fadel, 2007). This complexity is further compounded by varied interpretations of scriptural texts and jurisprudential rulings on embryology and the sanctity of life (Fadel, 2007). This calls for a careful analysis of the various viewpoints found in Islamic jurisprudence regarding reproductive technologies, particularly those that address gender predetermination and genetic manipulation (Inhorn, 2011).

Gender selection within IVF and PGD is controversial. According to researchers like Joseph G. Schenker (2002) and Mahdi Zahraa & Shafie (2006), it is acceptable for preventing sex-linked

diseases but generally unacceptable for social reasons because it may lead to gender imbalance and violate divine will. Al-Azhar workshops (2000) conditionally allow family balancing after multiple same-sex children to prevent harm (*darura*), aligning with principles like *sadd al-dharai* and *maslaha*. Comparative analyses (Opoku & Addai-Mensah, 2014; Sariles, 2017) highlights the contrast with Christian prohibitions, emphasizing a pragmatic perspective in Islam. Islamic cautions against upsetting the natural order are frequently echoed in non-Islamic literature (Bumgarner, 2007; Kippen et al., 2018; Sharp et al., 2010), which reveals global concerns over commodification, sexism, and slippery slopes to eugenics.

Gaps in Existing Research

The literature on Islamic bioethics and assisted reproductive technologies (ARTs) predominantly focuses on Middle Eastern and Southeast Asian contexts, with extensive studies from countries like Saudi Arabia, Egypt, Iran, and Malaysia (e.g. Abotalib, 2013; Harun et al., 2016; Inhorn, 2011; Serour & Serour, 2019). A PubMed search for "Islamic bioethics" AND "assisted reproductive technologies" yields only six results, all published between 2011 and 2024, with a clear regional bias toward the Middle East. For instance, key publications include Inhorn's (2011) work on reproductive tourism in the Middle East and Afshar & Bagheri's (2013) ethical review of embryo donation in Iran, highlighting affiliations and focuses within Middle Eastern institutions. None of the results originates from South Asia or Bangladesh, underscoring the underexplored nature of these perspectives.

This gap has only just begun to be addressed. Kamruzzaman (2025) gives a broad legal and regulatory review of IVF and PGD based sex selection in Bangladesh. But that work does not closely study a single local fatwa in the way this article does. However, South Asian viewpoints, particularly from Bangladesh, remain significantly underexplored. This gap limits the understanding of how local Islamic scholars, such as Mufti Mahmudul Hasan, navigate modern reproductive technologies within culturally distinct frameworks. Analyzing local fatwas like Hasan's is crucial to bridge global Islamic ethical discourses with regional applications, addressing unique socio-cultural dynamics and informing sharia-compliant policy development for ART practices in Bangladesh and similar contexts.

Methodology

This study employs a qualitative textual analysis of Mufti Muhammad Mahmudul Hasan's fatwa on the permissibility of preimplantation genetic diagnosis (PGD) and in vitro fertilization (IVF) for gender selection, using both the original Bengali text and its English translation as the primary source (see Appendix A for the full fatwa text). As noted in the Introduction, this fatwa was collected by the authors during research for a related project titled "Determining the Gender of the Baby Through In Vitro Fertilization: Islamic Perspective," ensuring direct access to the original document for accurate interpretation. The analysis is complemented by comparative methods, integrating insights from available secondary literatures on Islamic bioethics and ART ethics, including works by Serour (2019), Inhorn (2011), and Fadel (2007). The methodological framework draws on Islamic jurisprudential tools (*usul al-fiqh*), such as Qur'anic exegesis, hadith references, and analogy (*qiyas*), to unpack the fatwa's theological and legal underpinnings. Ethical evaluations are guided by the *maqasid al-sharia* principles, emphasizing preservation of lineage, life, and public welfare. This hermeneutic approach ensures sensitivity to Bangladesh's socio-cultural and theological contexts, facilitating a nuanced comparison with global Islamic perspectives and contributing to ethical policy development for ARTs.

Analysis of Mufti Mahmudul Hasan's Fatwa

The fatwa of Bangladeshi Mufti Muhammad Mahmudul Hasan on the permissibility of pre-implantation genetic diagnosis (PGD) and in vitro fertilization (IVF) for child sex selection in line with the demands of the times provides a nuanced and important Islamic perspective based on theological principles and jurisprudential reasoning. The fatwa, issued by the Qaderia Tayyabiya Alia Madrasa in Dhaka, Bangladesh, follows Islamic Sharia principles. It specifically addresses a modern bioethical issue while adhering to the Maqasid al-Sharia (purposes of Islamic law), where the preservation of human life, progeny, and public welfare are given priority.

Theological Foundations

The fatwa issued by Mufti Mahmudul Hasan regarding the permissibility of pre-implantation genetic diagnosis (PGD) and in vitro fertilization (IVF) for gender selection of the child is based on strong Islamic theological principles. This fatwa is based on Quranic verses establishing divine authority over creation. Surah Al-Shura (42:49) of the Quran emphasizes the sovereignty of Allah in granting a son or a daughter, confirming that progeny rests with Allah. Similarly, Surah Al-Imran (3:35-36) describes the prayer of the wife of Hazrat Imran for a son to be dedicated in the Holy Mosque, and this incident explains that human desire for a particular gender is permissible within moral boundaries. It is not haram to prefer a particular gender and pray for it. Hasan emphasizes tawakkul (reliance on God), presenting PGD as a possible tool rather than a means of challenging divine will. This balance of theological reasoning is consistent with the statements of scholars such as Fadel (2007), who advocate for maslaha (public interest) in medical interventions and who argue that technological progress meets human needs without undermining religious beliefs. In this fatwa, based on Quranic references, Mufti Hassan reconciles human authority with divine prerogatives and establishes gender selection as a permissible act if conducted within Sharia-compliant limits.

Conditions for Permissibility

Mufti Mahmudul Hasan's fatwa on gender selection through PGD and IVF stipulates the obligation to fulfil four strict conditions to ensure approval with Islamic moral and jurisprudential principles, which reflects the broader Sunni ideology.

1. **Marital Exclusivity:** The procedure must exclusively involve the gametes of a lawfully married husband and wife, explicitly excluding third-party involvement, such as donor sperm, eggs, or surrogacy. This condition safeguards nasab (lineage), a core element of Islamic family law, and prevents analogies to zina (adultery), which disrupts lineage clarity. This aligns with Sunni prohibitions articulated by Zahraa & Shafie (2006) and Inhorn (2006) who emphasize that third-party gametes are not permissible to maintain familial and social integrity.

2. **Reliance on Divine Will:** While reproductive technologies like PGD offer new possibilities, their outcomes remain uncertain. From a theological perspective, this probabilistic nature can be seen as a reminder of tawakkul (reliance on Allah), ensuring that couples should not view technology as a guarantee that supersedes divine will. This aligns with the general Islamic bioethical principle of respecting the limits of human intervention, a concern raised by scholars like Serour & Serour (2019) who caution against using such technologies for non-medical 'enhancement' or social sex selection.

3. Avoidance of Harm: The procedure is prohibited if it poses significant risks to the wife's life or health, invoking the Islamic principle of "There shall be no harm and no reciprocation of harm" (la ħarar wa-la ħarar). This condition reflects a cornerstone of Islamic bioethics, as highlighted by Serour (2013), prioritizing maternal safety and well-being over reproductive goals.

4. Rejection of Illicit Means: The fatwa explicitly bans IVF and PGD for non-heterosexual applications, to reinforce Islam's heteronormative family structure. This concern highlighted by Muati Hasan underscores the broader Islamic moral concern for preserving family sanctity and social norms by supporting traditional Islamic marital practices, as emphasized by Serour (2013), who notes that the use of ART to maintain family integrity is limited to married heterosexual couples.

Together, these requirements guarantee that gender selection complies with Sharia, striking a balance between medical advancement and ethical and theological norms.

Comparative Analysis of Sunni and Shia Fatwas

To contextualize Hasan's fatwa, Table 1 compares its conditions with broader Sunni and Shia perspectives on ARTs, highlighting convergences and divergences in jurisprudential approaches to PGD and IVF for gender selection.

Table 1: Comparison of Sunni and Shia Fatwas on ART Conditions

Conditions on ART	Hasan's Fatwa (Sunni)	General Sunni Perspective	Shia Perspective
Marital Exclusivity	Limited to husband-wife gametes; third-party involvement prohibited to preserve nasab.	Prohibits third-party gametes (e.g., Al-Azhar fatwas) to avoid zina analogiesm (Inhorn, 2006).	Permits third-party gametes under mut'a (temporary marriage) (Abbasi-Shavazi et al., 2008; Dezhkam et al., 2014).
Reliance on Divine Will	Emphasizes tawakkul; PGD is probabilistic, not deterministic (Serour & Serour, 2019).	Stresses humility before Allah's will; technology must not challenge divine authority.	Similar emphasis on divine will but less rigid due to flexible rulings (Gooshki & Allahbedashti, 2015).
Avoidance of Harm	Prohibited if risking wife's life/health (la ħarar wa-la ħarar) (Serour, 2013).	Prioritizes maternal safety; harm prevention is central (Fadel, 2007).	Agrees on harm prevention but may allow riskier procedures if justified (Clarke & Inhorn, 2011).
Purpose of Gender Selection	Allowed for medical reasons or limited family balancing; non-medical use cautioned.	Restricted to medical necessity or family balancing (Serour & Serour, 2019).	More permissive; allows non-medical gender selection in some cases (Dezhkam et al., 2014).
Non-Heterosexual Applications	Explicitly prohibited, upholding heteronormative family structure (Serour, 2013).	Prohibited to maintain traditional family norms (Chamsi-Pasha & Albar, 2015).	Generally prohibited, but less explicit due to varied rulings (Inhorn, 2011).

This table clarifies Hasan's alignment with Sunni conservatism while highlighting Shia flexibility, particularly in third-party gamete use. Sunni fatwas prioritize lineage clarity and harm prevention,

whereas Shia rulings, influenced by post-1999 Iranian fatwas, accommodate broader applications under specific conditions.

Comparison with Broader Islamic Positions

The fatwa issued by Mufti Mahmudul Hasan on PGD and IVF for gender selection is closely aligned with mainstream Sunni jurisprudence. The fatwa reflects a cautious but pragmatic approach based on Islamic Sharia principles. This fatwa is consistent with the authoritative position of powerful institutions such as Al-Azhar in Egypt, which, as noted by Serour & Serour, (2019), permit PGD for medical purposes, such as avoiding sex-linked genetic disorders, and, in limited cases, for family balancing to address specific social needs, such as preventing maternal harm from repeated same-sex pregnancies. However, these scholars warn against non-medical misuse, citing risks of gender imbalance and commodification, echoing Hasan's emphasis on safeguarding lineage (nasab) and public welfare (maslaha). In contrast, Shia jurisprudence, particularly post-1999 fatwas from Iran, shows greater flexibility by allowing third-party gamete donation under mut'a (temporary marriage) conditions (Abbasi-Shavazi et al., 2008; Gooshki & Allahbedashti, 2015). Hasan's fatwa is remain firmly conservative and forbids outside intervention in order to maintain lineage clarity, which is a goal shared by Sunni scholarship (Inhorn, 2006; Zahraa & Shafie, 2006).

According to ethnographic findings by Inhorn (2011, 2018), Hasan's conditions address local concerns in Bangladesh about divine vengeance and lineage disruption, which are similar to concern in Middle Eastern contexts where ARTs provoke fears of social dishonor and zina analogies. These cultural sensitivities are met by the fatwa's emphasis on tawakkul (reliance on God) and marital exclusivity, which guarantees conformity with communal values. However, Hasan's fatwa is principled and contextually relevant, its short length prevents it from fully participating in the richer, more varied global Islamic scholarly conversations about non-medical gender selection, as exemplified by Malaysian scholars in Harun et al. (2016). This implies a localized yet moral strategy that respects broader Sunni ethical frameworks while giving top priority Bangladesh's sociocultural context. However, it would be advantageous to integrate more deeply with various Islamic viewpoints.

Discussion

By skillfully navigating the complexities of contemporary reproductive technologies through Sharia principles like maqasid al-Sharia (objectives of Islamic law), sadd al-dharai (blocking means to harm), and maslaha (public interest), Mufti Mahmudul Hasan's fatwa on preimplantation genetic diagnosis (PGD) and in vitro fertilization (IVF) for gender selection of a child is an adaptive application of Islamic jurisprudence. By allowing gender selection under strict guidelines (marital exclusivity, reliance on divine will, avoiding harm, and rejecting non-heterosexual applications) the fatwa reconciles practical demands with theological fidelity. This aligns with mainstream Sunni positions, as articulated by scholars like Serour & Serour (2019) and Zahraa & Shafie (2006), which endorse PGD for medical purposes or limited family balancing while cautioning against non-medical misuse that could lead to social imbalances or ethical violations.

Deeply held Islamic worries about assisted reproductive technologies (ARTs) upsetting family structures or undermining divine order are reflected in the fatwa's emphasis on protecting nasab (lineage) and avoiding harm. Similar concerns are found in Middle Eastern contexts, where ARTs arouse fears of divine vengeance, lineage confusion, and zina analogies, according to studies by Inhorn (2011, 2018). In Bangladesh, where cultural values prioritize lineage clarity and marital sanctity, Hasan's conservative stance resonates strongly, ensuring that gender selection remains

within Sharia-compliant boundaries. By requiring reliance on Allah's will (tawakkul) during the PGD and IVF procedure and acknowledging PGD's probabilistic nature, the fatwa mitigates the risk of over dependency technology, aligning with general Islamic bioethical principle of respecting the limits of human intervention. This theological foundation sets Hasan's philosophy apart from Western ethical frameworks, which often place a greater value on individual liberty, as research by Kalfoglou et al. (2013) and Sharp et al. (2010) shows.

However, the fatwa's application may face practical challenges, particularly in unregulated fertility clinics, a concern mirrored in Saudi Arabia, where private clinics permit non-medical gender selection despite restrictive government policies (Abotalib, 2013). Without strong regulatory frameworks, the fatwa's intention to uphold *maslahah* could be undermined by the possibility of misuse, such as widespread non-medical gender selection, which could worsen societal problems like gender imbalances. In a country like Bangladesh, a vast number of couples conceive each year (Bangladesh - Fertility Rate, n.d.). However, in Bangladesh, access to advanced reproductive technologies like IVF and PGD is significantly limited by high costs and a lack of public sector availability, making these treatments challenging for the majority of the population to access (Nahar, 2012). As Kamruzzaman (2025) documents, private Bangladeshi clinics currently charge between BDT 200,000 and 500,000 for IVF in the complete absence of any regulatory framework, underscoring the urgency of the licensing model proposed there. Therefore, this is particularly important in Bangladesh, where expanding access to ART requires specific regulations to avoid ethical lapses and ensure fair access for couples seeking appropriate treatment.

In comparison, the Shia fatwas discussed by Inhorn (2011) show more generosity and flexibility, allowing third-party gamete donation in certain circumstances, such as *muta* (temporary marriage). But Hasan's fatwa, rooted in Sunni conservatism, rejects such practices to preserve lineage, which reflects Bangladeshi cultural norms but limits its applicability to Shia contexts. Globally, non-Islamic perspectives highlight similar ethical concerns, with studies like Kippen et al. (2018) and Klitzman (2019) noting risks of commodification, sexism, and a slippery slope toward eugenics. These concerns parallel Islamic principles such as *Sadd al-Dhahrai*, although Western debates often resolve the issue by providing protection for individual rights rather than communal welfare, which again highlights a fundamental difference with Islamic bioethics.

Admittedly, the fatwa is relatively brief and has limited relevance to the global jurisprudential debate, such as among Malaysian scholars Harun et al. (2016) who oppose non-medical sex selection. This could be criticized as a significant limitation of the fatwa. However, it is undeniable that Islam is a religion of abandonment and Islamic fatwas are applicable anywhere, but we think the reality is that people always give more importance to local fatwas. Future research could examine how South Asian academics adapt to a changing industry, incorporating different jurisprudential perspectives to address new issues and ethical dilemmas. The fatwa emphasizes the pressing need for Sharia-compliant regulations in fertility clinics to control IVF and PGD, avoiding abuse and fostering fair access for Bangladesh. In Muslim-majority contexts, such policies could rely on international Islamic models, such as those in Malaysia, to strike a balance between ethical integrity and technological innovation, promoting a harmonious integration of faith, science, and societal needs. Kamruzzaman (2025) develops this proposal in detail, drawing on comparative Malaysian and Saudi ART governance to outline a Sharia-integrated National ART Council and clinic-licensing model for Bangladesh.

Conclusion

Mufti Mahmudul Hasan's fatwa on the permissibility of PGD and IVF for sex selection provides a principled Islamic solution to a complex bioethical problem, reconciling divine sovereignty with human authority. The fatwa has the potential to address modern reproductive challenges by permitting PGD and IVF, subject to a number of conditions of Quranic principles and maqasid al-shariah, such as being confined within marital boundaries, relying on divine will, ensuring the protection of maternal health, and excluding illicit means. And the use of these conditions is consistent with mainstream Sunni jurisprudence. Its emphasis on preserving lineage and preventing harm reflects broader Islamic concerns, as seen in global scholarship (Inhorn, 2011; Serour & Serour, 2019), and provides a model for ethical ART use in Bangladesh. The shortness of the fatwa, however, emphasizes the necessity of a more thorough examination of various Islamic rulings to enhance its applicability worldwide. With the increasing development of ART, Mufti Hassan's framework emphasizes how important it is to have and adhere to Sharia law to stop the misuse of technology, such as preventing uncontrolled use of technology, giving birth to a child outside of marriage, third-party involvement, same-sex parenthood, etc. This study argues for policy development in Bangladesh to integrate Islamic ethics into fertility practices and infertility treatment, ensuring access to equitable treatment while protecting the moral values of the Muslim population. In order to promote a fair discussion between faith and science in Muslim societies, future studies may examine how local fatwas evolve in tandem with cultural and technological advancements.

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**Appendix A: Full Text of Mufti Muhammad Mahmudul Hasan's Fatwa on IVF and PGD
(Original Bengali and English Translation)**



মুফতী মুহাম্মদ মাহমুদুল হাসান
প্রধান ফকীহ,
ফিকহ (ইসলামী আইন) বিভাগ,
কাদেরিয়া তৈয়্যাবিয়া আলিয়া (কামিল) মাদরাসা,
মোহাম্মদপুর, ঢাকা - ১২০৭।

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Grand Fiqih,
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সূত্র ৪

তারিখ ৪.৫.২০২০

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

ফতোয়া

الجواب در الموفق للصدق والصواب

حاشا مصليا ومسلما

সকল ক্ষমতার মূল মালিক আল্লাহ তায়াল্লা, সব কিছুই সৃষ্টিকর্তা মহান রব, তিনি যাকে ইচ্ছা করেন কন্যা সন্তান, যাকে ইচ্ছা করেন পুত্র সন্তান দান করেন, যেমন ইরশাদ হচ্ছে-

يَخْلُقُ مَا يَشَاءُ ۖ يَهَبُ لِمَنْ يَشَاءُ إِنثِيًا وَيَهَبُ لِمَنْ يَشَاءُ ذَكَرًا

অর্থাৎ তিনি সৃষ্টি করেন যা ইচ্ছা করেন, যাকে চান কন্যাসন্তানসমূহ দান করেন এবং যাকে চান পুত্রসন্তানসমূহ দান করেন, (সূরা শূরা-৪৯)।

উল্লেখ্য যে, আইভিএফ ও পিজিভির মাধ্যমে শিশুর লিঙ্গ নির্ধারণ করা শরিয়তের দৃষ্টিতে বৈধ কিনা সংক্রান্ত মাসয়ালাটি আধুনিক একটি মাসয়ালা। তারপরও এ মাসয়ালা নিয়ে দীর্ঘ গবেষণায় যা বুঝা যায়, তা হল নিম্নবর্ণিত শর্ত যাপেক্ষে আইভিএফ ও পিজিভির মাধ্যমে শিশুর লিঙ্গ নির্বাচন করা বৈধ।

১. বর্ণিত প্রক্রিয়া কেবল বিবাহের সীমার মধ্যে তথা স্বামী ও স্ত্রীর মধ্যেই সীমাবদ্ধ থাকতে হবে, তৃতীয় পক্ষের কোন সুযোগ নেই, অন্যথায় হারাম তথা অবৈধ হবে।

২. লিঙ্গ নির্বাচনের ক্ষেত্রে মূলত আল্লাহ তায়াল্লাই উপর একান্তভাবে ভরসা রাখতে হবে, কারণ লিঙ্গ নির্বাচন প্রক্রিয়ায় শতভাগ নির্বাচিত সন্তানই ভ্রূমিষ্ট হবে তা নিশ্চিত নয়, এর ব্যতিক্রমও হতে পারে, সেজন্য ভরসা করবে মহান রবের ওপর। কেননা এটা একটা সম্ভাব্য প্রক্রিয়া মাত্র। যার ভিত্তিতা হতে পারে।

৩. স্ত্রীর প্রাণনাশ কিংবা বড় ধরনের ক্ষতির আশংকা থাকলে তা বৈধ হবে না।

৪. সমকামিতার মাধ্যমে এ প্রক্রিয়াকরণ মোটেই বৈধ হবে না, বলা বাহুল্য ছেলে সন্তান কিংবা মেয়ে সন্তান প্রত্যাশা বা কামনা করা বৈধ, যেমন হযরত ইমরানের স্ত্রী বায়তুল মোকাদ্দাসের খেদমতের নিয়তে ছেলে সন্তানের মানত তথা প্রত্যাশা করেছিলেন যা সূরা আল ইমরানের ৩৫নং ও ৩৬নং আয়াতে বর্ণিত রয়েছে। অতএব উক্ত মাসয়ালা উপর্যুক্ত শর্ত যাপেক্ষে ইসলামের দৃষ্টিতে বৈধ। আল্লাহ তায়াল্লা ও তাঁর রাসূলই ভাল জানেন।

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Translation of the above fatwa in English

In the name of Allah, the Most Gracious

The original owner of all power is Allah, the Creator of all things, the Great Lord, He gives daughters to whom He wills, and sons to whom He wills, as - as Allah says - He creates what He wills, He gives daughters to whom He wills and gives sons to whom He wills, (Surah Shura-49).

It should be noted that the issue of whether it is permissible to determine the sex of a child through IVF and PGD in the eyes of Sharia is a modern issue. However, what can be understood from a long study of this issue is that choosing the sex of a child through IVF and PGD is permissible subject to the following conditions.

1. The described process must be limited only within the boundaries of marriage, that is, between the husband and wife, there is no opportunity for a third party, and otherwise it will be haram or illegal.
2. In the case of gender selection, one should rely solely on Allah Ta'ala, because it is not certain that 100% of the selected children will be born in the gender selection process, there may be exceptions, so trust in the Almighty Lord. Because this is only a possible process. Which may vary.
3. If there is a fear of death or major harm to the wife, it will not be valid.
4. This process through homosexuality will not be valid at all, needless to say, expecting or wishing for a son or daughter is permissible, as Hazrat Imran's wife vowed or hoped for a son for the purpose of serving Baitul Muqaddas, which is mentioned in verses 35 and 36 of Surah Ale Imran. Therefore, the above conditions quoted are valid in the eyes of Islam. Allah Ta'ala and His Messenger know best.

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