

# FETAL SEX SELECTION

## An Appraisal Of Ethicality Debate In Contemporary Islamic Family Law

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### Abstract

Assisted Reproductive Technology continues to create numerous possibilities to improve health and overcome sterility. In consequence, in terms of socio-cultural implications, it is poised to create new life styles by challenging a plethora of traditional beliefs and norms about human procreation including the sex formation of a baby in natural way. In this context, the use of Intra-Uterine Insemination (IUI) for sex selection and the invention of preimplantation genetic diagnostic (PGD) through In vitro Fertilization (IVF) have proven revolutionary not only to obviate the birth of children with fatal sex-linked diseases but to help people to predetermine the sex of their babies. As to how contemporary Muslim jurists have endeavoured to reconcile ethical-legal norms of Islamic view of human procreation with such technological intervention in the process of human procreation, the discourse in Sunni Islamic law tends to present some ethical dilemmas. It is candidly clear from a host of ethical queries which ethicists raise about ethicality of sexing from a larger Shari'ah perspective. Accordingly, this paper by applying qualitative method of analysis concludes that adoption of a flux legalistic view on fetal sex selection is inconsistent with the divine purpose of human procreation except if warranted by restrictively defined medical reason.

Keywords: ethicality debate, fetal sex selection, Sunni Islamic family law.

### INTRODUCTION

Although human desire to have a child of a particular sex can be traced back even to people of ancient civilizations, the advancement in medical technology in the recent past has opened new vista for such a wish to come true with more accurate sexing technologies, called prenatal sex selection technologies. Across cultures, there are two reasons for sex selection; namely, medical and socio-cultural. The chief medical reason for sex selection is to obviate the birth of a child with sex-linked genetic disorder (SLGD). Non-medical reasons for sexing include family balancing, cultural preference for a specific gender normally of male gender and economic incentive to avoid having a particular offspring which can be financially costly to a couple (President's Council on Bioethics, 2008: p.47). The most common methods of technological sexing are: sperm separation technique to obtain more enriched sperm count for insemination and pre-implantation genetic screening (PGS) via in vitro fertilization (IVF). While the use of these technologies for medical reason to some extent is tolerated in all cultures, their use for non-medical reason is the most contentious issue among the ethicists in the West (The American Society for Reproductive Medicine (ASRM) 2015: 1418).

However, with the mushrooming of fertility facilities and increasing advances in the area of genetic diagnostic, this method of reproductive health continues in its popularity<sup>1</sup> as it is capable of not only promising customers more healthier child but having children of certain traits, intelligence and of particular hair and complexion. Accordingly, if in early twenties, the ethical debate surrounding it hinged on its ethicality to prevent fatal diseases or balance boys and girls ratio in the family, in this millennium, the debate has shifted from its restricted use to that of more robust commercialized application which supporters in medical terms describe as new vista in preventive medicine. Nevertheless, critics frown upon this optimism as “one step towards a baby market”(Banerjee, 2008: p.27)

As to how Islam respond to it, the answer in Sunni Islamic family is polemical. The majority of Sunni Muslim legists, without much reflections on its ethical dilemma, approve it for both medical and even some social reasons like family balancing while dissenting views among them consider it a direct affront on what God has declared to be His domain of perfection of human procreation. Nevertheless, given the sociological variable in Muslim culture, the permissible view can prove more attractive as unlike the West, where such decisions are subject to the approval of various medical, legal and ethical committees, in the Muslim context, the view of the clergy is decisive par excellence(Tremayne: 2012: p. 70).

The most common methods of sex selection are: Intra-Uterine Insemination (IUI) and In Vitro Fertilization(IVF). IUI was initially designed to cure female infertility by energizing sperm to reach the fallopian tube during the time of a woman's ovulation so as to increase the chances of her pregnancy. Normal technical procedures involved for sex selection through IUI involves, first, taking a sperm from a male partner or a donor and then testing it for viability (referred as sperm sorting). It is done by asking the male partner to avoid any form of ejaculation for three days and then masturbate with his partner (at home or in the collection room of the fertility clinic) and collect it in a container and make it available to the clinic for testing within 24 hours. Second, at the clinic, the doctor performs various tests on the sample of the sperm so as to determine its number, its volume, mobility, content, size and shape. If they are all found to be normal, then it would be used for sex selection. Finally, on the ovulation date of the female partner(knowing it by a kit known as OPKs or other devices), a nurse or a doctor will insert a small plastic into her uterus (while undressed from waist down) to deliver the specifically prepared specimen of semen into it( Weiss, 2007:pp. 18-22). Clinical practice uses Ericson method, the modus operandi of include: 1.) on the morning of the mother's ovulation, the father goes to clinic and provides an ejaculate; 2.) the collected sperms are placed into a test tube along with a substance called albumin; 3.) then the sperms are separated one by one through a laser flow cytometer where analysis of their chromosomes into X-bearing (for female offspring) and Y-bearing (for male offspring) groups can be determined. The sperm which will produce the desired sex are then used to fertilize the eggs (Karsian, 2017).

The success rate of Ericson method to conceive a baby boy is 75% while for female baby is 70-72% (The Ericsson Method Of Gender Sex Selection. n.d). Hence the risks includes: less rate of success, and doing it more than one time to achieve pregnancy.

IVF, on the other hand is rigorously lengthy. It involves numerous tests, such as sperm test, uterus test and strict disciplines, such as pre-cycle birth control measure for

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<sup>1</sup> According to studies, 50000 babies are born through this technology in the United States every year. Singer, 2008, p.22.

duration of a month before the actual procedure. The steps are: first, After a month long use of oral contraception, the doctor employs GnRHagoment (a kind of intra- muscular injection) to the female partner to down-regulate her hormone control of the ovarian stimulation portion of her cycle. Second, the physician prescribes to the female partner gonadotropins medication to be injected for a duration ranging from 6- 12 days. The purpose is to stimulate her ovaries to produce oocytes (eggs) for retrieval. Throughout this cycle, the doctor conducts on her various tests including the fitness of the uterine lining for the implantation of fertilized pre-embryos and also whether she is at risk of developing ovarian hyperstimulaiton syndrome, causing symptoms, such as dizziness, nausea, weight gain, shortness of breath and others. To enhance the production of the desired type of eggs, the physician shots the patient with human chorionic gonadotropin (hCG) injection 36 hours before the egg retrieval. Additionally and depending on the female partner`s health conditions, other supplements, such as estrogen, baby aspirin to facilitate the process will also be given to her. Thirdly, the egg retrieval usually be done vaginally unless the patient`s condition requires it to be done abdominally. Vaginal egg retrieval is an ultrasound-guided procedure. Ultrasound helps the needle to locate the oocytes within the follicles. Usually this procedure take 30 minutes during which the patient is anesthetized. Fourth, the retrieved eggs are handed to an embryologist who separates the eggs from the fluid and then starts the process of its fertilization with the prepared specimen of the semen. The physician, either places the eggs and the sperm in the petri dish to progress to fertilization, or uses an intracytopalsmic sperm injection to fertilize the eggs. The latter is normally used for preimplantation genetic diagnostic (PGD) to ensure that one sperm joins with an egg. Within 72 hours from the egg retrieval, the lab produces up to seven celled embryos. Through PGD, the potency of such embryos for pregnancy would be predicted. Finally, depending on the age of the patient, according to standard procedure, up to three of the good quality pre-embryo( with preferred sex genome), predicted on the basis of their chromosomes (XY or XX), are transferred into the patient`s uterus (Weiss, 2007:pp. 22-26).

The Genetics and IVF institute in Fairfax claims a 93% success rate for producing females and an 82% success rate for produingmales (Karsian, 2017). However, clinical reported health hazards of this process for mothers includemultiple pregnancies with their attendant complications for both the mother and the child.For instance, in terms of riskson the babies, it is documented that one in every 24 multiple pregancies result in the brith one premature baby and one in 13 would be handicapped. Moreover, IVF babies will be smaller than average. This would have long term effect on them as they are more likely to develop high blood pressure, heart disease, stroke and possibility osteoporosis at a slightly younger age than is usual, perhaps 50–60 years old(Winston, n.d). And the risks on the mothers would be preterm labor, high blood pressure, gestational diabetes and other related complications.

## **METHODOLOGY**

In view of the nature of the subject matter in consideration, the research employed a qualitative method of analysis. It used library and some field reports for data collection. To unravel as to what is the thrust of contemporary Muslim jurists on the issue, library research was necessary. In this process, a sociological study of the Islamic jurisprudence was adopted via textual analysis approach. This approach engaged with arguments of both opponents and proponents in terms of their legal evidences from the both primary sources,

of the Qur`an, and *Sunnah* and subsidiary sources, such as *qiyas* and *maslahah*. To bolster the premium of ethical arguments against less restrictive legal view on sex selection, field report about Middle Eastern Muslims` propensity for gendering was also referred.

The collected data was thematically categorized and then analysed using textual analysis method. It involved an appraisal of permissive and prohibitive views on sex selection. Then the ethical flaws and potential ethical risk of sex selection were also evaluated.

## RESULT AND DISCUSSION

An inductive analysis of the existing Sunni Muslim views on sex selection points to almost a favorable legal statement about it as the majority argue for its permissibility with minimum legal restrictions. The dissenting view, however, refutes it which perforce a tussle ensues and continues among them. For instance, supporters of sex selection bolster their arguments by invoking religious reasons which include: Firstly, in the absence of any prohibitive injunctions from the textual sources of the Qur`an and the Sunnah (hadith) on sex selection, the rule is one of permissibility. Secondly, based on the Qur`anic authority (anecdotes) about the two Prophets, namely Ibrahim and Zakaria, who pleaded to God for have male progeny, requesting for a specific sex of one`s offspring is permissible. Prophet Ibrahim supplicated to God to grant him a son from his barren wife: “And he felt from them apprehension. They said, "Fear not," and gave him good tidings of a learned boy”. And his wife approached with a cry [of alarm] and struck her face and said, "[I am] a barren old woman!” (The Qur`an, 51: 28-29). Similarly Prophet Zakaria prayed for an intelligent baby boy with which God granted him: “And indeed, I fear the successors after me, and my wife has been barren, so give me from yourself an heir. Who will inherit me and inherit from the family of Jacob. And make him, my Lord, pleasing [to You]. [He was told], "O Zechariah, indeed We give you good tidings of a boy whose name will be John. We have not assigned to any before [this] name” (The Qur`an, 19:5-7). Accordingly, if it is legitimate to supplicate for divine intervention for having a gender-specific child, resorting to worldly means for achieving it is also legitimate (*ja`iz/mashru`*). Thirdly, the fact that Prophet Muhammad, when replying to a question by a Jew about human reproduction, underlined that ‘engineering the sex of a baby depends on the mundane process of embryonic formation,’ is an evidence to support the use of sex selection technologies today. The Prophetic tradition reads: “He (the Jew) then said: “I have come to ask you about the child.” He (the Prophet) said: “The reproductive substance of a man is white and that of woman (i. e. ovum central portion) yellow, and when they have sexual intercourse and if the male's substance (chromosomes and genes) prevails upon the female's substance (chromosomes and genes), it is the male child that is created by God`s Decree, and when the substance of the female prevails upon the substance contributed by the male, a female child is formed by the Decree of God. The Jew said: What you have said is true; verily you are an Apostle....” (Sahih Muslim, 1985: vol.2, p.22).

Finally, if human interference to overcome sterility is lawful and is not considered a repudiation of the God`s Will, similar logic should hold true in the case of technological sex determination methods (al-Muslih, 2015).

Diverging from the above, the opponents of sex selection also based their objection on other religious grounds which include: firstly, it contradicts some basic principles of belief in the Omnipotence of God, the most cardinal among which is the belief that God, the Almighty has decreed matters of sex determination and its formation to vest in Him. The Qur`an ordains: “To God belongs the dominion of heavens and earth. He creates what He wills. He bestows females upon whom He wills and bestows the males upon whom He wills. Or He couples them in males and females and He leaves barren whom He wills. For He is All-Knowledgeable All-Powerful” (The Qur`an, 42:49-50). The primacy of this religious doctrine was re-enunciated in the Prophetic tradition on gestational development by establishing that even when the angel is being sent by God to determine its profile in the uterus, is to ask about it from God” ...O`my Lord: is it a male or a female...” (Sahih Muslim, 1985, vol.2, p.56). Secondly, interference with the natural process of embryonic formation is tantamount to tampering with the natural course of event as intended by God and thus is prohibited: “And I will mislead them, and I will arouse in them [sinful] desires, and I will command them so they will slit the ears of cattle, and I will command them so they will change the creation of Allah .” And whoever takes Satan as an ally instead of Allah has certainly sustained a clear loss.” (The Qur`an, 4:119). Thirdly, allowing sex selection entails several evil consequences including: 1) it imbalances the demographic ratio of men and women in society, hence, damaging the equilibrium for harmonious existence of human race to proliferate. Additionally, instances of terminating the female foetus when the procedure goes wrong is most likely; 2) the most successful and prevalent process of sex selection, namely IVF involves dealing with women`s private part which except in case of necessity is not allowed in Islam. Similarly, it requires men (the husband) to ejaculate is an abhorrent act bordering prohibition in the Islamic legal view (al-Muslih, 2015).

The opponenets refuted the supporters` arguments by maintaining that: firstly, sex determination of the embryo is a matter within the province of God`s dominion which cannot be assigned to other beings or left to human manipulation. God says: “He bestows females upon whom He wills and bestows the males upon whom He wills”. The Prophet also when delineating the gestational development of the foetus in the womb, said: “... O my Lord is a male or a female?...”

Delebrating on this, Ibn Qayyim maintains that had human planning been the decisive factor in the sex formation of the foetus, the angel would have explicated that, when he was commissioned to determine its nourishment, luck and the lifespan and sex. Thus, similar to other aspects of the foetus which are agreed to be within the sole Knowledge of God and His transcendent Will and determination, its sex determination is also something which should not be interfered with (Ibn Qayyim (1998, vol.3, p.78)). Finally, the *hadith* on the dominance of sperm over ovum or vice versa resulting in the male or female baby, as invoked by the supporters, is not categorical according to Ibn Taymiyyah (n.d) for two reasons: 1) the question in the *hadith* was not about the description of sex formation of the baby but it describes the resemblance of the child to one of the spouses; 2) another problem with the *hadiths* that it is not authoritative enough- its chain contains unreliable reporters (vol.6, p.98). Finally, drawing a parallel between fertility treatment for bareness and sex selection is untenable since its *ratio legis* is different, i.e., the latter involves sex engineering while the former is about treating a reproductive defect

which may be pathological in which case its permissibility may be less ethically objectionable (al-Muslih, 2015).

The supported, nevertheless refuted the opponents' reasoning by advancing the view that: firstly, human's measure to influence the formation of sex type of the foetus does not override God's Power over its process but it by itself will be a materialization of God's Will by virtue of other Qu'ranic principles declaring that nothing will come into being except with what God's Will: "... But you will not except as God Will.(The Qur'an,76:30). Secondly, it does not contravene the ordained natural order as sex selection occurs before even the foetus is formed. Thirdly, the ethical concerns raised by the opponents could be overcome by enacting appropriate preventive laws to stem its abuse, such as banning it if gender imbalance would be the result (al-Muslih, 2015; al-Qaradaghi, 2006,p.561). Thirdly, the sex predetermination of the foetus unlike its luck, lifespan etc. which belong to its post-birth profile as a full human being, can be amenable to causation as it occurs while the foetus is still in the gestational stage. Finally, our *hadith* on the subject is authentic both in terms of transmission and the subject matter as there are two versions of it- one about the resemblance of the child to one of the parents as relied on by the opponents, and another on the predomination of one spouse's sexual fluid over another (al-Muslih, 2015; al-Bar, 2001,p.869). They, however, restricted their approval to several legal parameters: First, it must not be made into a national policy but remains as an option open only to those couples who either ask for it after having several children of the same gender or due to their heritable genetic disorder which will pass onto their children (al-Bar,2001,p.880). Second, it should be strictly regulated so as to fend off the phenomenon of gender imbalance in society (al-Muslih, 2015). Lastly, the sex selection must be conjugal and should not involve donor's semen.

From the above analysis, the counter arguments by the opponents have proven vehemently strong for the supporters to sufficiently refute. Nevertheless, the restrictive permissibility view, in spite of its flaws, seems to represent the majority stand as represented by some official agencies, such as the Islamic Law Council of the Muslim World League which held: "It is permissible to select one's offspring's sex via natural means, such as nutritional programme, chemical washing and the scheduling of the sex-time. However, if the intended purpose is to acquire a male child out of dislike for a female child or if the intent is to know the gender of the embryo in order to abort it, then this is impermissible. If, on the other hand, the intent is to predetermine the gender of the embryo from the start in a situation where there is a history of heritable illness in the family, especially those illnesses that pass along with the sex chromosomes, then this is possible. It is best to avoid resorting to this method except in the most extenuating of circumstances"(al-Safadi, 2005).

Viewing the above juristic discourse from an ethical perspective, the scholars of Islamic bioethics record several ethico-theological questions including: first, redominantly the Sunni legal responsa (*fatwa*) in the Muslim world painstakingly have gone to the extent of twisting the most foundational scriptural text, namely the Qur'an, which explicitly says that matters of sex be left to God. Second, given the high premium placed on male progeny in most Muslim societies, this permissive view potentially can open the flood gate for sex selection and sex selective abortion among people with access to such facilities. For instance, Clarke found out that preference for male gender is a fact in the case Middel Eastern Muslims even in the case of sterile couples. According to her, infertile couples seeking fertility treatment commonly ask for sex selection in fertility clinics in Lebanon.

One patient had an attack at the ultrasound table as she was informed that her pregnancy consisted of twin girls after ten years of bareness as she exclaimed, “I have come this far for twin girls!” (Clarke, 2009: p.161). This observation, even gives rise to a suspicion as to why the Middle Eastern Sunni legal scholars have readily embraced, Assisted Reproductive Technologies including IVT with minimum restrictions. To top it all, at the individual level, among several sociological variables, aside from Islamic extalation of pronatality, other cultural notions (secular factors) such as fulfilment of a barren male’s fervent desire for children as proof of his potency (sexuality; proving male virility (manhood) and female fertility to avoid being stigmatized as barren and envious of fertile women’s children; inhibiting the tendency for polygamy on the part a man profoundly in-love with his existing wife, all can be strong stimulants for sexing among Muslims. At the state level, the political desire of those in power to be seen as modern and embracer of modern technology on top of her motive to become a hub for reproductive tourism, etc. (Inhorn, 2009a: p. 120; Tremayane&Inhorn, 2012: p. 14; Clarke, 2009: p. 96; Inhorn&Gurtin, 2012: p. 25). Against this background, we believe that the general advocacy, with only two restrictions, namely medical necessity and family balancing, from a broader ethical perspective is plagued with several ethicality paradoxes including the following:

Firstly, taking issue with permissible view for family balancing, Anees raises the fear of its use for female feticide by maintaining that if the gynophobia of the by –gone days applied some inaccurate means in their ominous motive to commit female infanticide, the sex pre-selection technologies today more accurately helps such people to pre-select the desired sex of their child, or else eliminate the unwanted female foetus, by using prenatal sex detection technologies” Nevertheless, he concedes its use for medical reasons, such as haemophilia, Thalassaemia and muscular dystrophy (Anees, 1989: p.200). One may, however, observe that even if one regards Anees’s fear of female infanticide as an over exaggeration, the fact remains that upon deeper reflection even conditional use of popular sex selection technologies, as upheld by the majority, is rife with several ethical hazards including: firstly, allowing it as a measure of “family balancing” becomes an avenue for both sex selective abortion and sex imbalance in society. For instance, clinical studies in some Middle Eastern countries, such as Egypt and Lebanon show that majority of people who turn to fertility treatment prefer boys for three reasons: 1) continuation of patrilineal lines; 2) to have small number of children and one or two out of three must be males; 3) seeking fertility treatment even if they have no children or already have an older boy (Clarke, 2009, p.156; Sachedina, 2009, p.109). That is why Williamson criticizes Muslim’s lax legal stand as sloughing stock by outsiders when stating that the term “sex selection” which is “a dirty phrase in the Western Countries”, it has been made psychologically acceptable to Muslims especially in the Middle East under the name of “family balancing” (Williamson, 2013). We believe that since the reasons for thesexing of one’s baby in most Muslim cultures can be manifold, the debasing effects of gender selection technologies in terms of gender imbalance and discrimination against female offspring would be too grave if viewed from Islamic view of human reproduction and equal regard for both male and female offspring. Secondly, analysed from an Islamic ethical stand, IVF as a medium for sex selection is tainted with numerous ethical problems at both procedural and outcome levels. Procedurally: first, it involves dealing with human private part for both ejaculate (masturbation by male partner) and egg retrieval from female partner, both consisting of human sexuality which should not be used except for lawful coitus according to the Qur’an: “Who abstain from sex, except with those joined

to them in marriage bond, or (the captive) whom their right hands possess – for [in their case) they are free from blame? But those whose desires exceed those limits are transgressors]”(The Qur`an: 25, 34). Second, it involves destruction of surplus embryos which according to Imam Al-Ghazali is considered an offence in the Islamic view; third, in the case of multiple pregnancies, the couple may resort to abortion of some despite its attendant complications which is *haram* as well (tantamount to aggression on the life in the making). Lastly, its proven harms on the baby and the women cannot be justified as self-inflicted injury on one`s body is prohibited in the Islamic view( harm shall not be inflicted nor reciprocated). In terms of consequences, it may encourage trafficking of the surplus embryos, freezing them for trade. The selling of human being or his foetus is forbidden according to the *hadith*: “There are three whose opponent I will be on the Day of Resurrection, and whomever I oppose, I will defeat ... A man who sold a free man and consumed his price”( al-Bukhari, vol2,p.98; Fadel, *et aln.d.*, pp. 152-153). Thirdly, the fact that the normative and foundational sources of ethico-legal guidance unequivocally outlaw gender-based approach to human procreation, establish another reason for doubting the premium of less principled legal argument on sex selection. First, the Prophet when underlining one of the socio-religious reasons for marriage, as the proliferation of Muslim generation (followers) never hinted on doing it in a certain way to fulfil one`s desire for a specific gender. Second, human procreation itself is regulated by certain ethical mores which sex selection defies in many ways. 1.) It has to be through natural coitus during which according to the *hadith* the couples seek refuge from the harm of Satan in the process by starting the act by a specific supplication:“In the name of God , O God Keep us away from the Satan and keep the Satan away from what You bestow on us (our children)). If God decrees that they should have a child, the Satan will never harm him”(Al-Bukhari,9,187 ) 2.) not to terminate pregnancies for flimsy reasons, 3) and finally, once the child is born, rejoice his/her birth by giving him/ a good name, be satisfied with his/her sex and express gratitude to God, and hold a feast, called *`aqiqah*, for next of kens and friends to share their joy with them and continue the tradition of family gathering on joyous occasions. The ruling of *`aqiqah*, slaughtering a lam to mark the occasion for the feast, is strongly recommended. Accordingly, with embracing sex selection as a new way of reproduction, all these cherished ethics of pregnancy and child birth would be dumped to the ground. Fourthly, The biggest theological cum ethical problem with permissible standis one of epistemological , namely, building a case for sex selection on the ancient messengers` supplication to God for children of a given sex. This analogy is flawed from two aspects:1) turning to medical empirical means to engineer one`s offspring`s sex does not only defy the Qur`anic declared power of God over sexing but is tantamount to repudiating supernatural intervention by God in favour of science. This kind of approach unconsciously means acquiescing to atheistic ethosthat “when science steps in, God disappears” 2.) Even if we go sheer legalistic, such an analogy, namely using the ancient religious principles(*shar` man qablana*) for legal deduction in the case of Muslim law itself is a contested issue in Islamic jurisprudence. Lastly, given the strong propensity for male progeny in most of the the Muslim world, regarding sex selection as less morally abhorrent and legally justified even for medical reason or family balancing may lead to slippery slopes of committing female infanticide which the Qur`an condemns in the strongest terms: “When the female infant, buried alive, is questioned — for what rime was she killed; when the scrolls are laid open; when the World on High is unveiled; when the Blazing Fire is

kindled to fierce heat; and when the Garden is brought near — Then shall each soul know what it has put forward. So verily I call”( al-Takwir:15).

Our assertion as such is likely to be the case as approving prenatal sex selection by majority of Muslim legists provides powerful psychological push for sexing freely without being constrained by juristic parameters of seeking it for medical reason or balancing boys and girls in the family.

## CONCLUSION

The central idea emerging from the above analysis is that unlike ethically enriching ethical discussion of the technological means of fetal sex selection by ethicists the Sunni Muslim jurists' discourse is simplistic and less ethically rigorous. The majority of them even went to the extent of offering a twisted interpretation of the Qur'anic prohibition to the contrary, perhaps due to secular motivations, such as Muslim prejudice against female gender and etc. But in our ethical analysis, we noted that there are a number of ethical reasons against which sex selection can lose its moral legitimacy. First, supporting it for social purposes cannot withstand the rigor of argument that it is God Who decides the sex of the evolving foetus in the womb. Juristic speculation to get around with it is merely a matter of opinion. However, emergency medical cases such as prevention of fatal heritable diseases, such as six-linked genetic disorder can be an exception to the rule on the principle of “necessity overrides prohibition”. But it is unconscionable to reconcile Islamic ethics of dealing with human sexuality and human procreation and the social need for family balancing, particularly when such a desire can be fulfilled by other God-given alternatives, such as practicing polygamy or taking charge of the orphans. Second, let us not be mistaken that there is a big difference between beseeching for God's super-natural interference as was the case with Prophet Ibrahim and Zakaria and resorting to commercialized exorbitant fertility option to engineer the sex of one's offspring, i.e. analogy was fallacious.

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