



Islam and New Kinship by Morgan Clarke #anthroislam

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October, 2014



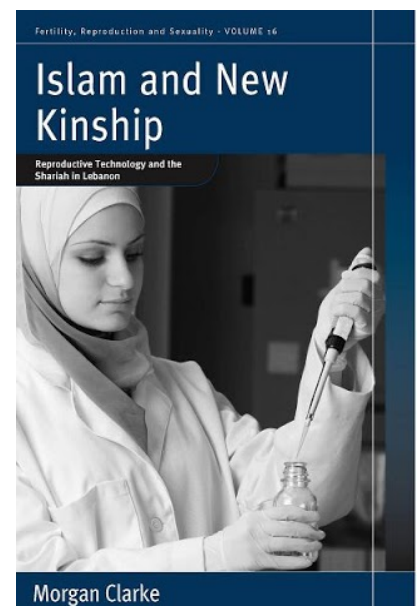
Islam and New Kinship: A Nascent Horizon for the Relationship Between Science, Reproductive Technology, and *Fiqh*, by Morgan Clarke. ISBN 978-0-85745-140-8 \$34.95/£22.50 Pb Published (March 2011). 262 pages, bibliog., index.

In *Islam and New Kinship: Reproductive Technology and the Shariah in Lebanon*, Morgan Clarke attempts to probe within the depths of Islamic theology, evolving juridical opinions, and the blurred limits of social proprieties to develop cohesive vision for the future of assisted reproductive technologies in Lebanon. Clarke has



certainly provided the reader with an incredibly thorough academic endeavor on the current Lebanese zeitgeist with regard to the Islamic boundaries, which surround reproductive technologies. However, he demonstrates his finest work in his discussion of the juridical nuances provided by contemporary Islamic religious leaders and jurists on the subject matter.

This may not be quite the ethnographic assessment of the integration of reproductive technologies in Lebanon that readers may be expecting, but Clarke acknowledges this issue and offers a comprehensive, systemic analysis of his own interactions with the actors and institutions, which both purposefully and indirectly contribute to the emergence of this issue with its requisite legalities, boundaries, and social ambiguities.



Perhaps the most surprising social realities, which are drawn upon in *Islam and New Kinship*, rest in the unexpected relationships between different Shiite and Sunni religious authorities and their respective positions on concrete assisted reproductive technologies. As Clarke himself notes, “Far from Islamic legal opinion constricting the onward march of challenging and controversial procedures for overcoming infertility, it often facilitates it” (p. 176). Indeed, most Sunni writers have expressed support for in vitro fertilization (IVF) treatments, as well as for artificial insemination procedures, with the caveat that these innovations in fertility resources must be implemented in the context of a marriage that is both Islamically permissible and which continues to follow the expectations of the Islamic marriage contract. In the final chapter of *Islam and*



New Kinship, Clarke subtly promotes the intellectual contiguity of these views, yet remains deliberately silent on their practical implementation, by exploring the anthropological and philosophical precedents to this observed liberalisation of sexual and reproductive mores in the Lebanese setting.

As he returns to these foreign roots of the sexual revolution and their philosophical underpinnings in the 19th and early 20th centuries, Clarke juxtaposes the dogmatic issues of choice and restriction against the parallel questions on the subject. These inquiries challenge the rigid, dualistic extremes of propriety and impropriety through the known (and unknown) variables provided by evolving Islamic religious doctrine, contrasting scholarly opinions from multiple Shiite and Sunni leaders and thinkers, and fatwas that possess a social and religious value, which is dependent entirely on their source and on their date of issuance. Clarke's academic experience with Shiite sources on the matters at hand, while not necessarily indicative of his inferences on issues related to assisted reproductive technologies, exposes his impression that "the plurality of competing authorities...also perhaps lends...a seemingly greater diversity and dynamism to these debates" (p. 117). However, to the followers of the respective religious authorities discussed by Clarke, this multiplicity of ruling and opinion may not equate to quite the note of 'dynamism' in the socio-anthropological sense intended in this work.

In the opinion of Ayatollah Khamene'i, for example, not only are in vitro fertilization procedures between husband and wife absolutely acceptable, but the utilisation of donor gametes also proves to be completely Islamically permissible.



Since Shi'a Islam allows temporary marriages, if a couple wishes to use donated eggs that are to be implanted to the wife's womb, the husband is permitted to either temporarily or permanently marry the egg donor in order to both comply with Islamic rules and to establish the expected kinship relationships. Ayatollah Khamene'i also makes a distinction in his assessment of situations where a married woman could be inseminated with the sperm of a man who is not her husband.

He establishes that the essence of impermissible sexual relations, zina, depends on the foundational principles behind such acts, and not simply on their natural outcomes. In this view, artificial insemination does not constitute zina, and Clarke identifies this opinion as unique among Islamic authorities.



Further, Clarke explores the opinion of Ayatollah Sistani, who opposes donor insemination, in contrast to the view of Ayatollah Khamene'i. However, Clarke discusses the "institutional machinery" of Sistani as, perhaps, not quite so influentially distributed in the Lebanese geo-social space as that of Ayatollah Khamene'i and Ayatollah Fadlallah. It is significant to examine the idea that Sistani allows the use of donor eggs, and does not require the legal vehicle of temporary marriage (in Shi'a Islam) in order to avoid the performance of a sinful act. For the purposes of comparison on this matter, Clarke also presents the position of Ayatollah Hakim, who establishes that assisted reproductive technologies are permitted between husband and wife, but does not explicitly appear to formulate the use of donor eggs as a prohibited procedure. Notably, Clarke's work finds that most Sunni authorities, in contrast to the Shiite religious authorities discussed above, oppose artificial insemination by donor, as well as procedures involving donor eggs.



Indeed, Clarke has given readers a comprehensive investigation of the current frameworks within Shi'a and Sunni Islam, which impact the implementation of assisted reproductive technologies in Lebanon. His sound critical analysis of published answers by religious authorities, currently issued fatwas, and personal communication with prominent Islamic thinkers has resulted in a work that is as legally and religiously provocative as it is thorough. What are the implications for fiqh with regard to assisted reproductive technologies? Certainly, there will never be easy answers here, but competing juridical opinions do offer guidance in the religious context and assure the need for ever-evolving Islamic legal interpretation of the actions related to assisted reproduction procedures within the field of Islamic jurisprudence. Clarke has established a solid academic foundation for the Islamic legal inquiries, which will inevitably follow the future scientific development of these procedures and their related technologies.



Most importantly, however, Islam and New Kinship raises all of the requisite issues for the establishment of familial relations, the assignment of inheritance, and the maintenance of sexual propriety that will continue to impact the social fabric of relatedness through the use of assisted reproductive technologies in the Lebanese context.