Gamete Donation from the Perspective of Jurisprudence and Law

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**ABSTRACT:** Including infertility treatments, sperm donations is a technique in combination with advances in medical knowledge with sperm, Oocyte and after the specified time and process, transfer the embryo into the uterus of female applicants. With the passage of the Act in 2003 and its implementation in 1383, there is no legal problem in this regard. However, many questions about this issue in terms of legal jurisprudence that remains shrouded in a mystery. Gametes, sperm donation is a problem with the scientific names of the four topics in which they are mentioned below: A) Oocyte insemination with the sperm of the couple (homologous AIH) B) Oocyte insemination with husband's sperm and foreign (heterologous AID.) C) Oocyte Donation D) Use of donated sperm and a surrogate uterus (surrogacy). About gamete donation is legally considered three approaches: Absolute prohibition, absolute and indivisible license (the license for the use of male sperm and female Oocyte permit the use of non-stranger sexual cells). In this article, issues such as the history and nature of embryo donation and sperm donation votes jurists that have been licensed or not licensed.

**Key words:** Sperm, Oocyte, gamete donors, civil law

**INTRODUCTION**

Among the methods to solve the problem of infertility, sperm donation is the scientific name of gametes, after a couple where the Oocyte in vitro sperm outside the uterus, the embryo formed are transferred to the uterus of a female applicant. The process of embryo donation, including donor may be couples who undergo fertility treatment and embryo formation are additional to those requesting them to drop or people who have good intentions, even attempted to trade their Oocyte donation or sperm preparations. Here is sticky legal warrant such actions. Due to the comprehensive nature of religious orders and religious issues relative accuracy and privacy and the general rules of law, the issue of embryo donation to their subjects and the rules and regulations are law and jurisprudence. Contraindications or justifiability Imami jurisprudence operates from the perspective that the answer to the revelations of gametes and traditions and rational arguments are taken and the issue that this article is written on it.

**METHOD**

The method used in the study, the method is general and library research techniques, based on the analytic method. The main tool for taking notes from the compilation of relevant material, as well as the use of Internet-based information networks and the use of computer tools and scientific press.

**Research needs**

The rise of the emerging issues in the community is growing by the day, and each of these issues and respond to questions, it is necessary to investigate. Emerging issues in today’s society is the issue of gamete donation the ambiguities that need to be investigated and accountability. Of science to answer questions on this topic can largely be incurred, and the law is the law. Hence the scholars and researchers in the field is assumed that the investigation of this matter and the fact that such issues are Mostahadeseh, finally, consideration and effort in finding this matter to be ambiguous. The appropriate response to this issue is necessary. A plurality of infertile couples to have children, and the inherent interest and lack a fruitful solution to this case and bring scientific
solutions to infertile couple’s defects and damage sperm donation and the legal proceedings demonstrate the importance and necessity of this research.

**Research purpose**

Any unresolved issues and questions to answer reasonable and compelling needs. The survey also tried it legal status and legal subject, is explained and experts in the field of transport and should be explored that lawyer and legislator who looked to be clear about what it is and how to apply for the position. The strategies for achieving legal and regulatory barriers to the question are an important objective of the research reported.

With the advancement of medical knowledge and the development of solutions for infertility treatment, there are ways to minimize this problem. Among these methods, gamete donation to infertile couples can be noted in the special conditions. General Principles of Civil Law of the procedure and the conditions and rules of procedure of embryo donation to infertile couples expressed. This article is going ahead according to the law, jurisprudence and legal opinions about the review said. So to understand this issue in the definition of artificial insemination and it is expressed in different ways, then we will refer to the history of artificial insemination.

**Definition of artificial insemination**

Insemination and in vitro fertilization to conceive the meaning is meant to get pregnant and the so-called artificial insemination, is the fact that the woman conceived via artificial and without to be near. Methods of artificial insemination:

1 - Intrauterine insemination (1)
2 - Transfer Oocyte (2)
3 - Transfer ZIFT (3)
4 - In vitro fertilization - ivf.Embry.transition (4)

**The process of gamete donation**

Gamete donation as a way of treating infertility is when the couple having sex and healthy cells are not suitable for reproduction; but she was able to successfully complete the course of a pregnancy resulting labor. The steps are the following:

A) First, the (fertility drugs and ovarian stimulating hormones are used to stimulate the ovaries Oocyte donors. Ovulation drugs often are administered over a period of seven to ten days.

B) (Retrieving Oocyte); Two methods are used in this section:

Routine outpatient surgery "follicle aspiration" is. In this method, the appropriate amount Oocyte by transvaginal sonography (vagina) is reached. If the ultrasound probe is inserted into the vagina. Vaginal probes, high frequency sound waves and a computer monitor screen depicts the pelvic organs. When mature follicles were observed in ovaries, expert needle through the vagina into the follicles and leads Oocytes with suction (suction) dragged. Alternatively, "laparoscopy" is. In this method, after general anesthesia, laparoscopic surgery, which is long and narrow tube through an incision below the navel, the abdomen and the surgeon can see inside it through the laparoscope. The needle is guided into the ovarian follicles and oocytes by laparoscopic siphons.

C) At this stage, the oocytes are fertilized. Oocyte extraction can be inoculated immediately or after a few hours made the sperm pouring on Oocytes. But if you have a low sperm count or sperm is not Oocyte penetration power, special method of Intra Cytoplasmic Sperm Injection (ICSI) is used; thus, a single sperm directly into the "cytoplasm" Oocyte is injected. After 18-16 hours of complete fertilization and pronuclear (zygote) is observed within the cell. About 30 hours after fertilization, the cell is divided into two parts, the "fetus" or "embryo" is called, and after 72-48 h embryos at the 8-cell stage, the applicant is ready for transfer to the uterus.

D) Transferring the embryo into the uterus applicant is the outpatient setting. Physicians by catheter (shaft) of one or more embryos transferred into the uterus. Thus completing the process of gamete donation and embryo stages after the child is born. (Nayebzadeh, legal methods of artificial fertilization surrogate mother, donating Oocyte, embryo,449-447).

**History**

The problem of infertility and its treatment practices of physicians and philosophers have been considered too distant past as far as countries such as Egypt, Greece and Rome have left notes about their infertility. Among Muslim scholars and physicians in the infertility problem is of crucial importance. As far Zakariya Razi (Alhavi) and Avicenna (the law) have introduced drugs to treat the disease. With the advancement of medical knowledge and new method, called the first born of artificial insemination (Louise Brown in 1987 was born in London to doctor
Steptoe and his assistants. After Ander 1988, a year after great success in the UK, 956 children through in vitro fertilization (IVF) were born. (6) And then use this knowledge to other countries where the applicant had spread this way.

**Literature review**

**The donation of sperm in infertile couples**

The Islamic Republic of Iran enacted legislation to embryo donation to infertile couples (04/29/2003) legislation passed in five of which are located:

Article 1 - The law Infertility centers Competent Authority will comply with the terms and conditions set forth in the Patent Act, the transfer of sperm from the seminal ectopic couples, legal and religious written consent of the embryo couples the uterus of women who marry after their reproductive health measures (either alone or both) has proven to act. In these Regulations, the following words and terms used in the detailed meanings:

B) Embryos: Embryo outside the uterine insemination is the legal age couples at reproductive stage; it will be up to 5 days.
C) Embryo Donation: Voluntary transfer of one or more embryos free of eligible couples provided by law.

**Terms and receiving donated embryos**

In Article 2 of this Law refers to the condition that the donor couples are:

A) Comply with legal and religious bond and relationship
B) standard of physical and mental health.
C) Lack of Hype
D) Not suffering from incurable diseases like AIDS, hepatitis, and etc.

In Article 3 of the Law on the donor’s written consent couples allowed Infertility centers authentication is implied.

Article 4 - The Couples sperm donor applicants must meet the requirements set out in Article 2 of this law. Article 5 - To handle the request drop out of turn and without due process of the court and civil procedure is performed.

**Jurisprudence and legal donate sperm**

Before entering into discussions or prohibition of the transfer of the embryo to the uterus license applicant must be fully specified, what is the nature of the transition and under what jurisprudential and legal title is done? Can the embryo be considered as a job-dedicated? If the embryo or fetus cannot be bought and sold, transition is consistent with what other titles? Is it necessary to transfer the gametes is in conformity with the contract period?

Sale: It is clear that dealing with the sales drop of sperm and s is different. Because sperm and s, partially covered by the definition of man and man is not perfect. (Fattahi, in the view of Islam, 1/205 to 228)

According to Ayatollah Fazel Lankarani and Makarem Shirazi vote, the products of their own have the ability to buy and sell. (Lankarani, catechism, 2/203)

In this case, some are of the opinion that: refers to sale of the products of human dignity, perhaps because he is not compatible with the common phrase is a blood donation instead of selling. It is worth noting that the sperm and Oocyte, before fertilization, and belongs to the man productions. But after fertilization, early in the life of a human being who is independent and has an independent personality. If the antagonism between the products of human dignity there is doubt, the doubt should drop its opposition to the sale. Hence many scholars do not allow abortion even in infancy and even some of them, removing the tube sperm grown in the laboratory in order to abortion, and they are entitled to judgment as compensation. (Jannati, catechism treatises Esteftaat, 2/238)

However, another group of scholars, opinion and express it in reverse: Formed sperm in a laboratory environment can be eliminated. It is forbidden to destroy the embryo in the womb, but outside the womb, why not honor it. (Khouie, religious catechism, 2/319)

Some even have a license to kill sperm outside the womb before being permitted, and that the Spirit of inspiration: The embryo or fetus, the spirit of inspiration, man. With this simple transfer of gametes, sperm and contrast, is not based on the sales contract.

**Another Testament of legal topics**

Other titles promised to donate sperm are flexible juridical and legal issues such as peace, donation, advocacy, and permission is refused. (Hakimi, the legal nature of embryo donation to infertile parents, 5/508)
Hebe: Article 795 of the Civil Code states that the contract whereby one financial donation to one another acquisition is free. Gamete or embryo donors as a donor and acceptor pair as a wedding gift recipient may be signed. BC Civil Code Article 803 states: “After the receipt of the gift can refer Talented same donor can survive unless ...” The Talented same donor could remain so long, at any time and return to dissolve the marriage. Permit exceptions referred to in Article 803 of Civil Code Section four is cited as one of the exceptions in the event of recourse is lost.

Paragraph 3 of Article 803 of this title is one of the exceptions are: “But if it is out of the ownership Talented gift recipient” and Section 4 of this ordinance are: “If not actually belong to the same Talented” So if the institution Sperm, Oocyte and embryo donation has the potential to infertile couples, according to the Recourse of the two donor disappears.

Paragraph 4 of Article one of the exceptions mentioned above are: “Talented, while at the same time to make a change” Thus the embryo into sperm or Oocyte donation Oocyte in terms of the loss of the same Talented or Sperm or embryos transferred to the uterus in the fall, and so the changes due to fetus development spending, Refer donor will be destroyed; In addition to the transfer of donor sperm into the uterus causing Antqa’ refer to the possibility that there may be legal restrictions on abortion. It should also be outside the terms of the donation agreement to donate gametes or embryos obtained after processing of the donor or donors should be conducted. Oocyte and sperm or embryos Talented but the potential is there something wrong with their bills. Wedding gift is a gratuitous nature, if they want to infertile couples. Compensation for damages, costs and endured hardships to pay donors can donate this amount to the contract must be provided instead. The fact remains gratuitous gift of marriage as a commitment to sub-contract conditions is changed.

In paragraph (2) of Article 803 of the Civil Code as: “If the gratuitous gift given instead is a” gift with reservation Therefore, if changes are made, make payment instead of the infertile couple hire recourse is to donors. Pursuant to Article 805 of the Civil Code, may not see the death of the donor or the gift recipient, the deceased donor gamete or embryo donors of gametes or embryos have no effect on the fate of the gametes or embryos still remains under the authority of the Institute. (Shams, Code of Civil Procedure, 44)

Therefore, it is permissible to marry gift, according to Article 803 of the Civil Code can be, the donation will go to the same survival Talented. But a drop of sperm and s can be destroyed but consider Talented and the ability to see the owners relinquished sperm. Also, whenever the subject of sperm donation, the embryo is transferred into the uterus and through it we cannot survive as a See also the owner’s talented embryo is destroyed.

Peace: 752 of the Civil Code declares that: “May peace be removed, or in the case of conflict or potential conflict or deal prevent or otherwise.” Due to the confusion and the historical background of the peace agreement that peace in the Law of the primitive or early adopted and there is no peace and no restrictions with regard to this contract, the contract is independent of the intention of the parties as impairing the provisions of the law are, to follow. Peace can also be the financial and legal rights such as same property. The donor gametes or donor embryos as materials of gametes or embryos can be your right hand or their gametes or embryos to recipients Peace with Marriage should be available to them (but this is subject to these separated from its owner.) (Katouzian, general law, 752) Peace Action gametes or embryos turn out to be useless and article 757 of the Civil Code grants peace to accept that this problem does not arise in this regard. Peace agreements to article 760 of the Civil Code, it is essential, therefore, none of the donors or recipients, have no right to bash it. Parties can contract conditional on the insert.

If they want money for compensation recipients or donors could endure the hardships, to avoid conflict with the public order, shall pay, as a condition of the contract if it's to make peace, peace is gratuitous and the degree of commitment as a condition of a peace agreement is changed at peace if they are gratuitous, such an action of contract interpretation is that the money has been donated gametes by putting these two together in a row may be considered contrary to public order. One case cited, the conjugal peace is necessary; the owners have no sperm in semen recourse peace.

Advocacy: With regard to the representation is permissible to marry, the ability to go from there. Unless something is done about the lawyer or the lawyer's own away that in this case, the same arguments may be introduced in the fall here as well. In this role, lawyers are responsible for infertility treatment centers. (Jafari Langroodi, the terminology of law, 201)

And contract law because of it, whenever that will be donated gametes or embryos under contract to the beat and bring your hands or if the donor dies, the contract may be terminated in the case of gametes or embryos, the institution has been allowed to occupy the right of exploitation is lost. Recourse to the law when it is not owned or representations must not be wasted. With donated gametes or embryos for infertile couple’s action, legal action has been taken by the institution which thus remains local to visit donors. The Dignity, a group of lawyers believe that sperm donation is a unilateral legal act. For the most part, gamete donors and applicants do not know one
another and are hard to infertility clinics as the lawyer applicant. In civil law, contract law article 656 of the Civil Code whereby one party gives the other party to do something his deputy. If the law of this Article shall be understood as something that is done on behalf of and on behalf of other researchers. This could be the practice of law or hold material or any material action.

It is the attorney must have two conditions:

In accordance with Article 622 of Civil Law "attorney should be something that your clients will be able to fit it ..." License to practice in gamete donation has already reached the conclusion that this practice is not prohibited by law.

"The purpose of the Act, certain persons do not manage" the affairs of the stewardship of donated gametes, the gametes or embryos is not necessary because the owners of the means of action, utilization of gametes or embryos by infertile couples is a need to achieve this result stewardship is the owner fetus. (Katouzian, Civil Rights, 655)

The owner or owners of , sperm or embryo or have the right to the use of sperm, Oocyte and embryo itself, if you have donated to infertile couples or couples can do it on behalf of the institution or clinic donated gametes or embryos, thus the Institute donated gametes or embryos will represent them in the matter. The owner or owners of gametes, embryos, gametes or embryos can be used to represent the institution or clinic in any way that would give absolute or for that pair of gametes or embryos can be detected and exploited or restrained, or exploitation of certain groups of people, especially the masses to specify.

Permission: In law, there is a possibility for the couple permission to transfer the gametes into the uterus of the recipient, should be issued. In this case, the return from the leave, before the establishment of the gametes in the womb is possible.

Disclaimer: In turn, the owner of the copyright or property right of self-determination can lead to collapse and fall apart, and this is right. Decline to the end of it. Thus, the ownership or the right to a waiver by the downfall and dissolution is right. Most experts believe that there are more accidents caused the abandonment of property that the owner of such waiver domination of the branches on his property, so "symptoms" of abandoning the passing of property and property rights, other rights such as the right to benefit objective, leniency, mortgage and stone are also applicable. (Katouzian, legal deeds, contracts, Alqa, 502)

The human right of sperm or gametes, their potential is an objective truth, and the inference from the definition of "objective truth" which is dominated that the person has to be something that would perform such immediacy and the "object" which is something that can be perceived by human senses is obtained. Fall of accidents is an objective right and hire the right field for others (other than the symptoms) is ready to provide. With the waiver, the relationship between a person and an object or property release and is among the legitimate property. The principle of freedom of the individual in his own right and has dismantled barriers to the freedom of the law, public order and good morals should be sought. Thus, with respect to the foregoing and based on principle (freedom to hire) or Oocyte Sperm can be concluded that the determination of a party's rights to their own sperm or whatever and it Oocyte to hire. Sperm and Oocyte the symptoms must be present in the outside world (the owner is received) to the right of the person to be able to hire foreign object. With a waiver, as sperm or Oocyte object will open and maintain the clinic or institution. These results are not being released regulations that cannot be prepared for how to exploit them, so the law should consider how to use these provisions to take account of public order and good morals. The waiver is necessary in the case of gametes owners and Hereby it should be their right to withdraw. It will be argued here that the fact that an institution makes available a set of works. This view is consistent with the will of the government, but it must be said that the government will not contract the extent Egha, in most cases, the legal entity is bound by the specific terms and conditions in Egha prestige depends on the structure and conventions of the matter is Egha. Since in most cases there is not a waiver of such Clearance or Eghaaty Unlike divorce, thus it is the nature of the condition and the symptoms cannot be explained because if it accepts the compromise achieved and also, someone mentioned before, and this in turn is determined by the realization that a foreign person in the relationship does not, cannot accept externally. Gamete or embryo donors in the donor gamete or embryo donation are not a waiver of the application can determine. In this case, it is clear that the law should provide for the manner of their use. In an overall view, we can say that, according to this view, human rights and Oocyte Sperm its objective is to refuse to have their owners. The waiver of the right to the enjoyment by others provides and even in this case there can be no relationship between the owners of Sperm and Oocyte consider the resulting child. However, it seems to accept the objective of the pre-incubation of sperm and Oocyte current and after inoculation, the man has no right to object on gametes and embryos obtained. The embryo at this stage is an independent human rights issue that cannot be considered as another objective and on this basis, the expression ((Disclaimer gamete)), unlike the ((Disclaimer Sperm and Oocyte)) is an incorrect statement.
Gamete donation and jurists vote

The license or permit sperm donation, scholars are divided into three groups: Group I absolutely believe that it is permissible to donate gametes and a second group that sperm donation is strictly prohibited, whether or not parity between the Sperm and Oocyte relationship. The last group are those who believe in segregation and believe you are the owner of Sperm and Oocyte parity relationship, otherwise it permissible and not permissible.

License for gamete donation

Permit the sperm donor does not need a reason, however, expressed its reasons for granting the permit, including:

the presumption of innocence: Hakmiyeh Tahrimiyeh doubts the practical question, the presumption of innocence. However Akhbarion are believed to be discreet. So if in doubt Heilat and will hasten the dignity of gamete donation.

Sperm donation, embryo donation: Embryo donation, sperm donation is superior for two reasons:
First: Here there is no sensitivity in the sex cells and sperm donation. Gamete or embryo donation is what is done; transfer the embryo into the uterus, not the sperm or Oocyte. However, the introduction of sperm donation, sperm donation, Oocyte the lab, but the lab is inoculated and there is no direct contact between the sperm and the uterus alien and it has great impact on the verdict license.

Second: the donation of sperm directly into the uterus of the female sex cells to help him transfer applicants will find and Miyah is a mixture of suspicion, however, there is little likelihood that the children resulting from donated sperm and the sperm of her husband, not because it is not licensed as a foreign sperm donation. But there is a problem with sperm donation. Because in vitro embryo is transferred into the uterus and sperm donor debate is mixed with the husband's sperm womb.

Personal and social needs: Many people are having children; many are faced with emotional problems, as far as going to the doctors and counselors, adoption as a solution to this problem is offered. It is clear that if an alien embryo in the uterus grows in infertile women will feel a double bond with the child in adoption to occur, furthermore, the issue of privacy here is absolutely perfect. Because of the ensuing if the child is a boy with a foster mother's womb due to the relative priority, is considered confidential and if she owns with her uterus because of Rabibeh will be confidential. However, the lack of child family foundation had faltered, will be strong and stable.

Evidence of gamete donation licenses

Several reasons for the lack of jurisprudence and legal permissibility of donating gametes that some of them are discussed below: conflict with God's creation: Supporters of this theory cite verses to prove their point of ((Fatara allah alati fatara alnas alayha la tabdiла le khalghelah)) (Rom, 30).

Because the devil is in the order of creation and since the birth of the divine nature through natural fertilization sperm and Oocyte is based, any other manner, resulting in a change in God's creation is sacred and the offspring through sperm donation is not consistent with the nature of the change is creation, is prohibited. But with the passage carefully and refer to different interpretations is clear that change the order of God's creation is not what some people believe, but to change the creatures. That a man should make use of the sun and moon ...., but if they worship the devil, this is the Lord of creation. (Qartebay, Aljame Al Ahkam AL Quran, 5/394)

But actually prohibited the acceptance of the doctrine of God's creatures is a toy that is bound to make it difficult. Should be prohibited, including even changes in plants, grafting fruit trees, and treatment ...., because everyone is a change in God's creation Lord. . (Tabari, Jameolbayan An Taavill Quran; 9/215)

Mixed parentage: The most important reasons for not allowing gamete donation, which is a third person involved in the reproduction process, the mixing ratio will result. For example, it is not clear that the child's mother is born through sperm donation, who is owner (Oocyte or uterus owner)? What is the relationship between him/her and the husband of uterus owner? What is the relationship between him/her and the children of sperm, Oocyte and uterus owner?

It seems that mixing the relationship, and because it is not a wise decision. Because there is a different between reason and wisdom. Because it is a law, that “was” and “wasn’t” rule is related to presence or absence of reason. But the wisdom that is advised by a germ that is not bound by law, such as provisions relating to interest people divorce. The cause of death, are EXCLUDED and the whole sentence, but wisdom, no exceptions and generalization. (Jafari Langroudi, terminology Rights, 247)

Have disappeared as though they cite a verse (Mojadeleh, 2) states that: Mother, a woman who gave birth to the child, the woman owns the uterus. (Khoie, religious catechism, 2/320)
But according to some conception of the formation of the sperm and the oocyte are of the opinion that the mother, the woman's (Khomeini, Tahir Alvasileh, 2/592).

And some people like the Ayatollah Mousavi Ardablis believe that a child has two parents is obtained: one Oocyte owner and other Uterus owner. (Mousavi Ardabili, catechism, 2967)

The majority of jurists about the father, the child are attributed to the sperm. (Khomeini, Tahir Alvasileh, 2/592). However, according to Article 1 of the Law Adopted 5/14/2003 donated to infertile couples, couples with donor gametes should be legal. With this definition, the mixing ratio is not real parents are the owners of the Oocyte and sperm.

Child rights being violated: Child resulting from the donation of gametes, fertilization, unlike natural born child, his biological parents did not know, so many will lose their rights of inheritance, alimony and ...... Because of the above, it is necessary to consider several things:

First, such as inheritance and alimony can be contracted through the provisions of the contracts at the time of gamete donation is suggested.

Second, there is not only no hindrance in understanding the genetic parents, But in accordance with the laws of some countries, the main source of the ensuing child to learn to recognize.

illegal practices in the process of donating

Among the reasons given permission to act, knowing the unlawful practices in the binding process is presented. It involves looking at the genitals of a female Oocyte donation and artificial insemination, as well as the embryo must be implanted in the uterus, which applicants are required to re-discover the genitals.

But because of the review above, we can say: First, the problems rose by the practice of self-unrelated donors, in fact, it is likely to come on embryo donation and it is not considered part of nature. So you can Oocyte injection and without looking at the genitals as well as gamete or embryo without regard to the genitals, implantation in the uterus. It was not endowed with dignity. (Hosseini, 95)

Second, if you look at the sanctity of the genitals reason not to grant the license bud, so natural childbirth natural childbirth because the genitals is considered proof of sanctity. And while gamete donation, infertility treatment, and inevitably some way to genitals for treatment is permissible.

Reasons Ghaelilin separate theories

Some scholars believe that sperm is allowed to fertilize the marriage relation between its owners and otherwise fertilization is prohibited. Many foreign scholars to donate sperm - Sperm stranger case inserted in the uterus is considered unlawful. (Khomeini, Tahir Alvasileh, 2/592, Hakim, the legal nature of embryo donation to infertile parents, 51)

"Ezzaldin al-Khatib" Mufti of Jordan also have dignity the fatwa. (Hosseini, 109-108).

It seems the answer is absolutely jurists in this case, the donation of sperm directly into the uterus in order to transfer foreign and Oocyte insemination with donor sperm and alien to be included in the laboratory; now we must see whether the jurists have sought to apply the obtained expression. Even if the question in dispute was inoculated in the laboratory, were jurists distinguish between the two, like Mr. Sanei that although foreign sperm to enter the womb of a foreign woman knows itself unlawful, it should be noted, however, in vitro fertilization, that is fine (Sanei, Assembly catechism, 611)

In theory Ghaelilin each particular feature three hadith are cited: An Abi Abdellah (AS) (Sadough, book-conditioned, 313). According to this tradition the most severe punishment on the Day of Resurrection is a man of his conception in the womb of a woman that is forbidden to him.

- An Abi Abdellah (AS) means ((in the sight of God, any action that is heavier than this man, to kill the Prophet or Imam, the Kaaba in Mecca that God made His people, to destroy his water or the fall into sinful woman)) (Sadough, 20/318)

An Isaac Ebne Ammar ((Imam Sadiq (AS) said: adultery, drinking alcohol is worse and why excessive consumption of alcohol is 80 lashes and one hundred lashes for adultery? Said: Isaac! One level has been high, but for adultery because of the drop is wasted and the placing of the embryo in which Allah has ordered local)) (Horr Ameli, 20/353)

First look at the traditions and apply according to the absolute prohibition of embryo donation; conceived as a place that only legal wife's vagina, and otherwise is not permitted to be placed, even if the man's sperm to the Oocyte for his wife to give insemination laboratory shall be prohibited. But look more closely at these traditions, it is non-religious wife, discourage the vagina and includes new artificial breeding sites are not fertilized. (Momen, 67)

The interpretation of the hadith indicates the esteem conception conceived by a woman that the male gamete is prohibited. The issue is whether it is a stranger to natural conception a woman's Oocyte in the vagina, or to be
done artificially in the laboratory. The second tradition is clear in appearance ejaculation in the vagina, prohibited, and the prohibition of adultery, it is independent of ejaculation in the vagina conception of the alien is illegal. Thus the conception by the sperm and the Oocyte is unlawful sexual intercourse with a woman he is not permitted (Haman, 54-51). The conception of the alien is not permitted, even in vitro; however, the legal wife is permissible because it contains no artificial sites, in the past, due to the weakness of the document review Hadith of the passive 'Ali bin Salem "in the first hadith, Fail "Ghasem Ebne Mohammad Esfahani" in the tradition of the second and third Hadith a narrator unknown (Haman). Between sperm donation and embryo donation should be noted that there are serious differences. The donation of sperm, the means, and the sperm is injected into the woman's vagina, however, embryo donation, sperm donation, in vitro fertilization of a female Oocyte and the resulting embryo is transferred into the uterus of a female applicant. About the sayings seem to spill semen in the vagina foreigner through physical contact or sexual and the hadith denote the above two cases is insufficient. In other words, an act forbidden fornication and adultery drop of sperm in the uterus, the other is forbidden. It is incumbent upon the adulterer, shall be dismissed. The Hadith also sought to determine the extent and magnitude of the sin of adultery in the uterus is shed sperm adulterer. Compared with drinking alcohol and adultery is also the question of the difference between these two limits, is contextual, that is through sexual contact, or to commit adultery. If no doubt, have narrative refers to the alien embryo in the uterus of normal or abnormal in any way, whether to include, because do scholars believe that this is not necessary as it once did on the orders of an adulterer? »Compare this practice with the murder of prophets, imams and destruction of the Ka'bah and the question of the difference between adultery and drinking alcohol are also indications that Jomley validity, sanctity of the womb, adultery is an adulterer ejaculation, Perhaps there is some evidence of this writing: "What impression have some validity implies the prohibition to alienate semen in the uterus, is wrong. It is tradition that the evidence indicates that it is forbidden to practice cohabitation is done through "spiritual, catechism Almostahadeseh 333) So if we can accept this hadith implies the incorporation of semen through intercourse, including vaginal foreign donating sperm to be injected, definitely a disputed issue of embryo donation, is removed; These traditions include the specific topics that are indicative of ejaculation of semen into the uterus while the fetus is essentially the topic of entry donation is semen in the uterus; Sperm donation in the laboratory and into the uterus, but it is not a sperm or Oocyte , but the fetus is not mentioned in the Hadith

CONCLUSIONS

Adoption embryo donation in the sale contract, there is serious disagreement because if we can apply the sale of human sperm and Oocyte products were referred to the sale of human embryos cannot be accepted. In addition, the donated gametes on the compliance of such contracts Testament: Hebe, waiver, permission, advocacy and peace of sale, less controversial, but because the fetus has its own dignity, the title refers to his conflict with the supreme value of human life at all stages. It does not need a new debate on topics agreed Mostahadeseh jurisprudential and legal issues to be included. Therefore gamete donation as part of the treatment process is considered and instead of getting in based on private contract between patients and healthcare providers, patients and their origin or conception occurs. Also rejected was a direct outcome of the rejection reasons and because allowing gamete donation divided between spouses in the case of sperm or not owners would be permitted to gamete donation. Direct contact between germ cells in the embryo donation and embryo transfer into the uterus and fallopian applicant does not occur with the transfer of sperm or ovum to the uterus is not equal. There are no legal barriers discussed why the donation of sperm in gamete donation. Due to these reasons, the need for social and personal in Gamete donation, infertility treatment outcome research in the theory of absolute license will be ahead.

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