

Islamic Restrictions and Limitations on the Use of ARTs in Türkiye

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ABSTRACT

Assisted Reproductive Technologies (ARTs) using reproductive organs and cells belonging to third parties are banned in some countries where Islam is recognized as the official religion. It is known that the most important reason underlying the prohibition of these practices both inside and outside the country is Islamic conservatism, which is an important feature of the religious views prevalent in Turkish society. It is understood that most of the relevant articles and studies in the literature deal with the approach of Islam and the Qur'an to ART practices. This article, examines some examples of different religious views and fatwas underlying this reproductive prohibition in Türkiye and abroad and categorizes them according to their approach to ART were aimed. It was found that these approaches are mostly in the form of opposition, acceptance, or conditional acceptance. This categorization and its specific contribution will provide a better understanding of the reasons for religious approaches to ARTs and their main arguments.

Keywords: Assisted Reproductive Technologies (ART), Islamic Approaches to Assisted Reproduction, Reproductive Limitations, Legitimacy, Türkiye.

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Türkiye'de Üyte Kullanımındaki İslami Sınırlar ve Yasaklar

ÖZ

Üçüncü şahıslara ait üreme organları ve hücrelerinin kullanıldığı Üremeye Yardımcı Teknolojiler, İslam'ın resmi din olarak kabul edildiği bazı ülkelerde yasaklanmıştır. Uygulamaların bu ülkelerde yasaklanmasının altında yatan en önemli neden, Türkiye toplumunda da benzer nitelik arz eden haliyle muhafazakârlıktır. Literatürdeki ilgili makale ve çalışmaların çoğunun İslam ve Kur'an'ın Üremeye Yardımcı Teknoloji uygulamalarına yaklaşımını ele aldığı anlaşılmaktadır. Bu makalede, Türkiye'de ve yurtdışında yardımcı üreme teknolojilerinin kullanımına ilişkin yasak ve sınırlamaların altında yatan mezhep görüşleri ve fetvalardan örneklerle incelenmesi ve Üremeye Yardımcı Teknolojilere yaklaşımlarına göre kategorize edilmesi amaçlanmıştır. Bu yaklaşımların çoğunlukla karşı çıkma, kabul etme veya şartlı kabul etme şeklinde olduğu tespit edilmiştir. Bu kategorizasyonun ve spesifik katkısının, Üremeye Yardımcı Teknolojilere yönelik dini anlayışın daha iyi anlaşılmasına katkı sağlayacağı düşünülmektedir.

Anahtar Kelimeler: Üremeye Yardımcı Teknolojiler (ÜYTE), Yardımcı Üremeye İslami yaklaşımlar, Üreme Sınırlılıkları, Meşruiyet, Türkiye.

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INTRODUCTION

Reproductive and sexual rights are recognized as fundamental rights of all individuals, such as nutrition and housing. Each individual should be granted reproductive autonomy and the right to determine his or her own future through the use of contraception and, in the event of pregnancy, the right to terminate it safely and within the required timeframe, when preferred (Büchler 2016; cited by Şentürk Tur 2023: 387). This right can be used to avoid forcing a person to reproduce and to prevent unwanted pregnancies and embryos. In fact, reproductive autonomy and the right to determine one's future are nowadays recognized as the right of the embryo to request the use of assisted reproductive methods (Büchler 2016; cited by Şentürk Tur 2023: 387). This refers to the ethical and legal rights and restrictions to life of the embryo, i.e. of future generations.

Throughout human history, it is observed that those who have sovereignty over the population have been able to create limitations, directions, incentives, and sometimes obstacles to these rights. Moreover, it can be said that four factors (that can be referred as the four ‘Ps’), contribute to the determination of health in general, and reproductive health in particular: providence, people, politicians, and providers of health services (Fathalla 1988; cited by Cook, Dickens & Fathalla 2003: 18). Politicians and legislators have a crucial role in the shaping of reproductive health and society as well. By controlling the resources that can be allocated to health, they consciously or unconsciously make decisions on who will live and who will die. Laws and politicians can advance women’s rights on their health. By doing so, they can obstruct women’s autonomy and choice in decisions regarding their reproductive health (Fathalla 1988; cited by Cook et al. 2003: 18).

In addition to law and policymakers, it is observed that clergymen and İslamic grounds can also direct society from time to time, but mostly laws and policies. A modern example of this is experienced in Türkiye. On the grounds that it is a conservative society (Gürtin 2011), individuals living in the country who cannot have children naturally are prohibited from having children through assisted reproductive methods using the reproductive cells and bodies of third parties. This study focused on the effects of İslamic grounds on reproduction.

The approaches of different İslamic views may differ from country to country. This difference is seen in the work of Gürtin, Inhorn, and Tremayne (2015: 3138) who compared three different Muslim Middle Eastern contexts: The Sunni Arab world, Shi’a Iran, and secular Türkiye. These writers emphasized “while religion is an extremely important factor in

generating personal and cultural responses to new technologies and their social applications, these responses are not over-determined by religion” shortly, the importance of religion and culture interaction. Although there were similarities, they also found variation at the regulatory, practice and attitudinal levels between different “Islamic” contexts. There was a divergence between Sunni and Shia authorities: while the former had unanimously prohibited all forms of third-party reproductive assistance as a crucial caveat to the use of fertility treatments, the latter had provided a diversity of opinions enabling the use of donor eggs, donor sperm, donor embryos and surrogacy (Gurtin, Inhorn & Tremayne 2015: 3149-3150).

In parallel with this finding, it is stated that although there were supporters of the opinion that any kind of third-party reproduction was not acceptable in Islam (Serour & Omran 1992; cited by Isikoglu, Senol, Berkkanoglu, Ozgur, Donmez & Stones-Abbasi 2005: 318), reports were revealing that oocyte donation had been practiced with no objection in Islamic populations (Schenker & Azimaraghi 1985; cited by Isikoglu, Senol, Berkkanoglu, Ozgur, Donmez & Stones-Abbasi 2005: 319). This shows that the prohibitions on assisted reproductive practices, which is the conclusion of this study, do not stem from the conservative nature of the religion itself. This study argues that Islam may have different approaches to the problems that may arise with assisted reproduction.

Not only in relation to religion, but also in relation to Türkiye’s Ottoman past, we see that the importance and sensitivity given to the issue of reproduction has not changed. By emphasizing the importance of reproduction for both the Ottoman Empire and the Republic of Türkiye in their legislations and practices, it was underlined that assisted human reproduction was an ethically crucial subject, and it did not seem to easily achieve a final solution (Arda 2006). Here the necessary condition is an extremely comprehensive interrogation and evaluation with respect to ethics because producing new rules matching that area is only possible after such intellectual discussions in this final solution (Arda 2006). Turkish policies regarding reproduction and ART lack the basis of an interdisciplinary evaluation at every level including ethics as stated here by Arda. It is argued that the Islamic approach lies behind Turkish policies regarding reproduction and ARTs.

The oocyte, sperm donation and surrogacy issues can make many Islamic authorities worried. Şimşek’s (2014: 24) work is especially important on this point. In that work, Islamic approaches to surrogacy on the evidence from classical thinkers and religious people were exemplified. Different from that work, this article focuses on modern interpretations and thoughts towards surrogacy and third-party donations. The maternity issue is especially

considerable when some important religious issues such as confidentiality¹ and heritage are taken into account (Sogukoglu 2018: 126). Moreover, it had been asked what should be taken into consideration in answering maternity questions: biological linkage or giving birth, even if the owner of the oocyte is accepted as the genetic mother of the child (Sogukoglu 2018: 126).

Islamic ethics or approach to third-party donation has not seemed to change over the years. According to the Turkish High Council of Religious Affairs (2017) The use of sperm, eggs, embryos or uterus belonging to third parties other than the spouses whose marriage is actually continuing is not permissible in the IVF method due to the fact that having a child outside the institution of marriage, damaging the security of generation and generation and violating the principles of privacy. In this respect, it should be recognized that the permissibility of having a child through in vitro fertilization is limited to a married husband and wife (a couple whose marriage is still in force). For example, artificial insemination is likened to the sexual approach to a woman in error (ie, not by her husband) (Sheltüt 1981; cited by Rispler-Chaim 1989: 204). This indicates that early Muslim jurists took into consideration the possibility of indirect impregnations. Deliberate insemination with the seed of a stranger is equated to adultery - a sin punishable by death according to Islamic law. Similarly, under the law of Islam, marriage is a contract between a woman and her husband, and throughout the span of their matrimonial life, no third party should intrude into the marital functions of sex and procreation of a married couple (Razzaq & Alaro 2012: 99). Hence, the unmistakable provision of this law is that a third-party donor is not allowed in reproduction, whether he or she is providing sperm, egg, or embryo. This is the position of mainstream jurists from different schools of Islamic law (Razzaq & Alaro 2012: 99).

As it is known, this kind of donation of sexual tissues or surrogacy does not require “body contact”. However, again, regarded as adultery:

“Although third-party donation neither involves the sexual “body contact” of adulterous relations nor, presumably, the desire to engage in an extramarital affair, it is nonetheless considered by many Shariah scholars to be a form of adultery, by virtue of introducing a third party into the sacred bond of husband and wife. According to them, it is the very fact that another man’s sperm or another woman’s egg enter a place where they do not belong that makes a donation of any kind in procreation inherently wrong (Razzaq & Alaro 2012: 100)”.

¹Concepts of mahram and namahrem take their sources from the Arabic Word, haram. According to the Turkish Language Society, Mahram is the person, marriage with whom is forbidden like mother, daughter, or sister while na-mahram implies unfamiliarity; namely the person, marriage with whom is allowed by Islam [Accessed on 23.01.2022; translated by the author].

Based on the above summary of the literature, it is understood that conservative religious circles do not approve of the birth of a child using another body or reproductive cells. This situation prevents individuals from having a child through assisted reproductive technologies. This study will reveal which Islamic view prevents individuals from this right with their fatwas. I would like to introduce the methodology of this work and some representatives of the approach in order to make the categorization of these approaches possible and clearer in this study.

Method

In this study, different Islamic approaches to assisted reproductive techniques in Türkiye were investigated. For this purpose, ten fatwas and religious approaches on the subject in Türkiye were reviewed, interpreted, and categorized. These fatwas and approaches belong to Ateş (2007), Bayındır (2007), Beki (2007), Erdoğan (2007), Paçacı (2007), Karaman (2021), Soğukoğlu (2018), Çeker (2019), Maçın (2020) and Mahmood and Nye (2013). In line with the topic of this study, these fatwas and approaches were selected from the interpretations and evaluations of religious scholars on surrogacy and egg donation in their respective religious or academic circles. It has been ensured that these comments and evaluations include examples that fit the categorization of “hard, soft and neither hard nor soft approaches” in this study. In order to better understand the prohibition on the use of reproductive cells and organs of third parties in assisted reproductive technologies, different religious approaches were selected based on the fact that they were under the auspices of the Presidency of Religious Affairs of the Republic of Türkiye or related to the fatwas of the Presidency. This research does not involve patients or the public directly.

FINDINGS

The Categorization of Religious Approaches

There are “hard,” “soft” and “neither hard nor soft” approaches that exist toward surrogacy and oocyte donations which are seen as the social outputs of assisted reproductive technologies. These classifications are made by the author according to the ART (including surrogacy and donation issues) acceptance levels of Islamic jurisprudence.

Hard Approaches

Islamic ideas that would most hinder individuals' rights to have children through assisted reproductive technologies are labeled as “hard approaches.” Hard approaches to assisted

reproductive technologies including surrogacy and oocyte and sperm donation in Islamic jurisprudence in Türkiye are exemplified in some views of religious authorities.

For example, according to one of these approaches, it is appropriate for the continuation of generations to inject the sperm of a man who cannot have sexual intercourse with a woman for some reason into the uterus. However, if this sperm belongs to another man, it is inappropriate because it would falsify the line of descent: “If sexual intercourse is impossible, the injection of the husband’s sperm into [his wife’s] womb can be seen as a tool for enhancing generations since it is deemed as proper. However, if [the sperm] belongs to another man, it is not deemed proper, moreover, it causes the mixing of generations” (Dönmez 2006; cited by Bayar 2020: 139).

What will Islamic law say in case the owners of sperm and oocytes are genetic mothers and fathers? Even if different views have occurred recently, most of them agree that [surrogacy] is not regarded as permissible (Şimşek 2014; cited by Bayar 2020: 139). Opinions on this issue can also be rigid in Islamic circles. So much so that surrogacy has been associated with a doomsday omen: “...One of the doomsday signs is stated as “the slave woman gives birth to her master” in the Hz. Gabriel Hadith, makes us think about [because of its similarities to the] surrogacy practice of our times” (Soğukoğlu 2018: 125).

It is restricted to transfer the embryo, which is made through the fertilization of the woman’s ovum by the man’s sperm in the laboratory, into another woman’s womb; and to practice surrogacy in which the owner of the womb leaves the baby to the couple who have the sperm and the ovum after the birth. What happens according to the hard Islamic view if a child is conceived by taking reproductive cells from a man or a woman or by using the uterus of a surrogate mother, except as a sign of Doomsday? By doing so, they violate the religion’s some principles related to privacy, marriage, protection of future generations, protection of individuality, protection of the individual’s spiritual and physical health, and human honor. Even if it was forbidden, the progeny and the parental right belong to the married man and woman who were the owners of the sperm and the ovum. On the other hand, the child would be confidential -mahram- to the woman who carried it in her womb and gave birth to it because of the suspicion of maternity (URL-1).

Muslims who violate these religious principles through surrogacy, at the expense of reproductive rights, can be accused, moreover, of following the devil in changing God's creation. To the opinion of another hard religious approach: “...it [surrogacy] does not so much

comply with the creationism of God because in the Quran, it is written that the Devil says: “I will order them to change the creatures of God!” (Nisâ Surah 4/119). Are in Vitro babies, oocyte donation, or surrogacy, which have been practiced recently, suitable with the creation method of God? These are not the normal creation methods of God” (Ateş 2007: 180).

The beginning argument of this hard approach is similar with the Civil Law which says in short, the mother is the woman who gives birth. However, this claim is of course based on a Qur'anic verse: “Since it is a new issue, it should be discussed in detail. In the second Ayah from Al-Mujadilah (she who disputed), God says: “The mothers of people are the women who gave birth to them, not anyone else” (Bayındır 2007: 176).

According to the Islamic approach, surrogate motherhood is technically a cause of adultery. Being single is not enough to avoid committing adultery, since having a child outside of marriage, with or without intercourse, is also considered adultery. If the surrogate mother is married, it would still be adultery. Therefore, according to the hard Islamic approach, the marital status of the surrogate mother will not prevent her from committing adultery. An argument in favor of this view is as follows: “The woman who is the ‘surrogate’ will [probably] be single, married, or a widow. If the surrogate mother is single, she can be accused of adultery after that pregnancy. She can be blamed for adultery again even if she is a widow. Moreover, through legislation that allows single women and widows to be surrogate women, a door will be opened to many illegitimate relationships” (Beki 2007: 176). As can be seen, this view accuses surrogate mothers of adultery and surrogacy for leading women into such illegitimate relationships.

According to this view, the surrogate mother's sexual relationship with her partner is also problematic. While it is not a problem if the fertilized egg receives other sperm from the same or different men, this view does not approve of such a relationship. They ask: “If the surrogate mother is married, is her husband not allowed to have sex with her until she gives birth? Can he be sensitive about this? Even if he has intercourse, won't the foreign embryo be affected by her sexual intercourse and her husband's sperm?” According to Islamic law, pregnancy is not an obstacle to divorce, but it is a reason to prohibit marriage after divorce. This is called the ‘iddat period’. For pregnant women, the period of iddat ends with the realization of childbirth. Therefore, a woman who has given birth can marry someone else (Beki 2007: 176). As can be seen, Islamic law does not approve the sexual intercourse of a woman who is pregnant by another man or who is suspected of pregnancy, even with her husband. In

this case, the fact that the surrogate mother is married (due to the possibility of sexual intercourse) may also pose a problem (Beki 2007: 176).

It is understood that hard Islamic approaches to surrogacy and donation are opposed to the issues of surrogacy and donation on the grounds of Islamic conditions such as *mahram* [those who are forbidden to marry], genealogy, adultery, and the duration of *iddat*.

Neither Hard nor Soft Approaches

How and why is there a middle ground in the Islamic approach to surrogacy and donation in assisted reproduction? Under normal circumstances, it is not understandable for the Islamic approach to take a middle path. However, in this category, there seems to be a different and more strategic phenomenon behind the optimistic view of assisted reproductive technologies. Some examples of “neither hard nor soft approaches” to assisted reproductive technologies including surrogacy, oocyte, and sperm donation in Islamic jurisprudence in Türkiye are given step by step under this title.

Neither hard nor soft approaches may partially accept surrogacy where they believe that there is no or limited genetic transmission, likening it to wet nursing. A parallel view is expressed as follows: “Any genetic transfer does not occur in surrogacy. Only the baby is growing [hiding] there...There is no difference between this and wet nursing. There is no obstacle against making the second wife the surrogate mother” (El-Beyyümi 2001; cited by Beki 2007: 176). According to Islamic law, both the woman who is the owner of the oocyte and the woman who gave birth to the child can be called as the mothers of the children who were born via surrogacy. In the (En-Nisa 4/23) Ayah “The women who breastfeed you. (are illicit to you -banned to get married with them-),” the woman who breastfeed the baby was named as a mother for that person because of that breastfeeding. Similarly, surrogate motherhood can be accepted as a motherhood such as wet nursing” (Maçin 2010: 62).

According to Islamic law, when a child is breastfed by a woman other than the woman who gave birth to the baby, the child and the woman and her family are in a state of intimacy (a restriction on marriage) (Çeker 2019: 344). We see that Islamic jurisprudence is generally against this kind of In-Vitro pregnancy: “This can be problematic if the surrogate mother is someone else. It is therefore debated whether the uterus can be transplanted. They offer womb transfer as a solution because the womb is not an organ that can transfer genetic characteristics like ovarium or testicles. The womb is an empty environment and can be transferred. When it is transferred the problem will be solved” (Çeker 2019: 177). As we have seen, an Islamic view

considers it problematic if the surrogate mother is another person; however, it argues that this problem can be eliminated in the case of organ [uterus] transplantation. Thus, this view proposes uterus transplantation as a solution.

Another very controversial solution to surrogacy and reproductive cell donation, which neither hard nor soft Islam sees as problematic, is a marriage with a third party whose uterus or egg will participate in the reproductive process. As emphasized in this study based on the literature and religious works, Islam associates sexual intercourse outside of marriage with adultery, and even if there is no sexual intercourse, having a child outside of marriage with adultery. According to such Islamic approaches:

“The woman who owns the womb and the man who owns the sperm must be married if surrogacy is an obligation for having children (Karaman 2018; cited by Maçin 2020: 62)”.

“When an embryo is transferred into the womb of another woman (who is not married to the owner of the sperm), the sperm, [in other words] the child of an unmarried man is being transferred there. It is accepted as unmarried intercourse. Adultery is forbidden not only for including sexual intercourse but also for having children out of the marriage. If there is an obligation for this [surrogacy], the woman whose womb will be used should get married [to the man who is the owner of the sperm] and if necessary, they can get divorced after the birth (Karaman 2021)”.

And surrogacy is permissible only if (Maçin 2020: 67):

- “The women who will take a place in surrogacy practice as oocyte and womb owners should be married to the man through a valid marriage. This is possible only when the wife of the man makes the surrogacy for the other wife of him”.
- “All the parts of the practice are volunteers”.
- “There is a medical report about the couple that they can’t have children normally, for sure”.

I called this approach “neither hard nor soft” since most of its representatives above accept surrogacy and third-party donations only in the marriage union. However, it means that polygyny can solve religious legitimacy problems in these issues. That is what makes this approach neither soft nor hard. While some thinkers (Beki 2007; Maçin 2020: 55) accept these issues only if they occur under a real -polygyny- marriage, Karaman’s (2021) offer is similar to a forged, practical, or a kind of temporary marriage in Islam which will make surrogacy legitimate until the birth, like *Muta Marriage* (Mahmood & Nye 2013). This way of thinking may be aimed at protecting women against social oppression and patriarchy, but it can be misused by people to think that technology can be used to promote radical Islamic law practices such as polygamy.

Some researchers (Gooshki & Allahbedashti 2015: 88) from the related literature explain the different approaches of Sunni and Shi'a jurists as follows:

“Shi'a jurists do permit the use of third-party sperm to solve the problem of infertility among married couples. As for egg donation, most Muslim scholars do not favor the practice as this, too, violates Hifz-e-Forouj. In view of the prevalence of polygyny, some jurists, both Sunni and Shi'a, allow a man to temporarily marry a woman other than his wife and use this woman's egg if his wife is infertile.... A temporary marriage is of a limited duration. A man can marry a number of women for a predetermined period of time, after which the marriages dissolve. While Sunnis do not consider temporary marriage to be legitimate, Shi'a jurists deem it acceptable if the woman concerned is a widow. This facilitates the involvement of a third party for surrogate motherhood and egg donation and provides a way to tackle some sensitive issues like intimacy, which is considered a precondition for legitimate conception by some jurists”.

Here, by accepting ARTs including third parties, these writers seem like they have soft approaches towards religiously problematic ART issues. They want to reinforce their hard Islamic law practices by solving religiously problematic ART issues by suggesting polygyny as a so-called solution to these issues. However, it is probably unthinkable, again on Islamic conditions, whether the same tolerance and solution would apply to sperm donation and female polygamy.

In short, it can be argued that the Islamic approach to surrogacy and donation, other than uterine transplantation, which is neither hard nor soft, has a kind of practical, instrumental, and even utilitarian component for Muslim men.

Soft Approaches

Islamic environment in Türkiye generally criticizes ARTs including third parties as is seen in the statements above. Again, some Islamic Turkish thinkers and jurists build their approaches in a more humanistic way rather than the mere religious one. Two examples of agree approaches to ARTs including surrogacy in Islamic jurisprudence in Türkiye are seen in statements as follows:

“I want to state that the term “rented” is unkind. I believe that an inseminated embryo is similar to a miniature human when we move from medical definitions and data. If this human requests for help from humanity through opening a womb for it[s existence], in my opinion, we should accept it [this request] on behalf of humanity... I think it is wrong to relate this with adultery or something like that in an impetuous way. Here, some objections may be issued but they can be removed in a specific way to this issue (Erdoğan 2007)”.

“A higher legal status than wet nursing may be given and a reward can be given [to surrogate mothers] for this difficult work under the name of *cû'l* [A Fiqh term used to mean promising a fee, promising a reward, the promised wage and reward in return for a job to be done, URL-2 2025]. We know that the womb does not have any genetic effect [on the embryo]. Moreover, according to our classical thought that moves from

some general viewpoints such as “Nisâukum harşun lekum” (Surah Al-Baqarah 2/233), it is accepted that kin belonged to the husband as a whole because the woman was considered as a field. I don’t agree with this understanding but if we think in parallel with this view since the womb does not have any role in the genetics [of the embryo], I think any problem here [in surrogacy discussions] is not genuine (Paçacı 2007)”.

The Islamic approaches those are agree with surrogacy and donation in assisted reproductive technologies associates the issue with a wet nurse, as many others do, but places a higher value on it. In particular, some Turkish jurists believe that childbearing and parenthood are very different concepts and that reproduction in this way creates new kinships should not legally constitute an obstacle to applying such assisted reproductive techniques:

“Because it is genetic, we approach it with a lot of fear and trepidation. I think this is a problem arising from the understanding of honor in our minds. Otherwise, it is not due to a religious prohibition. There is not much of a problem in determining the father and mother, and there is no immorality in practice. I mean, how much difference is there between a woman raising a child in her arms by giving her breasts and a child growing in the womb? As I said, there is only a difference arising from the understanding of honor in our minds. Therefore, what can happen? It is permissible, but the real mother is the one who gives the egg, and the other one should be considered as a wet nurse in our culture and religion. In this case, there is still a kinship and a barrier to marriage, but I think that there is no haram that prohibits it or prevents it from happening (Erdoğan 2007: 178)”.

The biggest confusion occurred in the maternity question. Clarifying this confusion is very important because some contradictions exist among Islamic interpretations even at the national level in Türkiye as is seen above. Again, it can be argued that the Islamic view has some sharp and sophisticated objections.

CONCLUSION

By giving parental rights to the owners of sperm and ovum, the religious authorities, conflict with the 282nd article’s 1st paragraph of the Turkish Civil Code where “the bloodline between the child and the mother is established through the birth” is written. Again, they created another confusion by deciding to restrict marriage between the offspring and the surrogate mother as a just-in-case precaution as seen in the second paragraph of the quotation above. One can ask why it is banned to get married to a surrogate mother even if she is not the mother of her prospective child.

As it is seen above, the claim of one Turkish Islam thinker about one of the doomsday signs is “the slave woman gives birth to her master” in the Hz. Gabriel's hadith, targeted the surrogacy practice of our times (Erdoğan 2007: 178), while another Islam thinker (Ateş 2007: 180) interprets another Surah of the Quran as surrogacy, donation, and IVF issues as they were the orders of Evil to change God’s creation. That means, hard approaches to assisted

reproductive technologies including surrogacy and oocyte and sperm donation in Islamic jurisprudence in Türkiye generally move from their interpretations of the Quran and its parts.

From maternity problems to the problems of protecting generations, from being a doomsday sign to have parental rights, and from being accused of adultery to the intercourse problem of the surrogate mother and her husband, it is seen in Table 1 that surrogacy and donation issues in assisted reproductive technologies have caused a big confusion concerning Islamic reactions towards those technologies in Türkiye.

Islamic conservatism and fatwas influence Muslims and other citizens in Türkiye in some problematic issues including third parties' role in ARTs. This article analyzed and categorized some of the different Islamic views and fatwas underlying the reproductive ban in Türkiye. Approaches towards ARTs including third parties were classified in this paper in the form of hard (opposition), soft (acceptance), and neither soft nor hard (conditional acceptance). When the relevant literature and fatwas are evaluated, it is seen that there are hard approaches that accuse a woman, who had been pregnant with the sperm of a man to whom she is not married or who becomes a surrogate mother, of adultery; and soft approaches that argue that surrogacy or egg donation can be considered and accepted in the same way as breastfeeding someone else's baby. However, the most controversial and problematic of these is what we call in this article neither a hard nor soft approach but conditionally accepts these processes, arguing that third-party egg donation or surrogacy can be accepted only if it is between the man's wives. Such an unequal gender approach underlying the moderate approach to technology can be problematic when considering the prohibitions limiting the application of assisted reproductive technologies to spouses. Indeed, in countries such as Cyprus and Georgia, it is known that there are men who have temporary religious marriages with egg donors or surrogate mothers.

I believe that this categorization and specific contribution of this paper provide a better understanding of the reasons for the Turkish Islamic approach's objection to ART and their main arguments.

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