

## النسب

ومدى تأثير المستجدات العلمية في إثباته  
دراسة فقهية تحليلية

إعداد

سفيان بن عمر بورقعة

-

2005



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## ملخص البحث

## ABSTRACT

This study is included the importance of lineage in Islam in general and it is concerned with surveying and analyzing the contemporary bio-technological issues related to determination of lineage in particular. It examines the reality of those methods as well as their role in determining the lineage of people. This study attempts to establish some Islamic principles which serve as guidelines and limitations for scientific research and to be the basis for judging the outcome of modern bio-technological research in order to preserve the lineage and honour of people. The researcher used inductive and analytical methods by surveying the modern bio-technological methods which may help to determine lineage, understanding their reality and discussing the Muslim scholars' views on the lawfulness of the usage of those methods. The most important findings of this study are : the methods of determining lineage are not exclusively fixed by *Sharī'ah*, thus we can benefit from all new scientific methods of determining lineage as long as they are not in contradiction with the texts and their spirit; the DNA fingerprint is definitive in determining lineage, therefore all methods of determining lineage which are based on senses and reason should be subordinate to it, i.e; the result of the DNA fingerprint should nullify the result of the other methods which are based on senses and reason in case of contradiction. More over there is no need for *Li'ān* (mutual imprecation) if the husband's denial of legitimacy of the baby is supported by DNA fingerprinting, and it is prohibited to resort to DNA fingerprinting to question the already established lineage. The study also concludes that Most of applied forms of surrogate motherhood are prohibited, and in case it happens the real mother would be the one who donated the egg, and the one who contributed the womb would be considered as the foster mother. Additionally it includes that the transplantation of reproductive glands is prohibited because it leads to confusion of lineage; and the identification of blood group may be considered as a doubtful proof to prove lineage, but it may be considered as a definite evidence for denial of lineage. This method may be used for the purpose of determination of lineage as long as there is no definitive method such as DNA fingerprint.

**APPROVAL PAGE**  
**(for Ph.D.)**

The thesis of Soufiane bin Omar Bourega has been examined and approved by the followings:

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Ibrahim M.Zein (Chairman)

# DECLARATION

I hereby declare that this thesis is the result of my own investigations, except where otherwise stated. Other sources are acknowledged by footnotes giving explicit references and a biography is appended.

NAME: Soufiane Bin Omar Bourega

SIGNATURE:..... DATE.....

سفيان بن عمر بُورقة : 2005

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I certify that I have supervised and read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality as a thesis for degree of Master in Islamic Revealed Knowledge and Heritage (Fiqh and Usul Al-Fiqh).

# مُحتويات البحث

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