

An Overview of Islamic Teachings on Infertility

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Introduction:

Family is a socially constructed unit that forms the foundational stone of a society. The membership of a family entails certain roles on individuals and they share a sense of family identity and are united with emotional bonds. Marriage is a key element in family relationships. It establishes gender roles of a male and a female. One of the most important roles assigned to the married couple is procreation while they are also supposed to progress the family name and add to their progeny. At this point, infertility comes to play its drastic effect. A childless couple is considered unproductive by the family, friends and society at large. The social pressure on them becomes intense which changes the internal dynamics of their marital relationship so much so that it may end up in divorce or second marriage of the husband. Infertility, obviously, means inability to achieve pregnancy. Before commencing the Qur'anic vision and Prophetic guidance about the institution of marriage and their teachings regarding infertility, it is essential to see what infertility is by definition?

a) Infertility:

Infertility is defined clinically as a disease of reproductive system characterized by the failure to achieve a clinical pregnancy after 12 months or more of regular unprotected sexual intercourse.¹

An infertile couple would present before the practitioner with the complaint of either never been able to conceive or carry the pregnancy to full term to deliver a live baby. This condition is called "*primary infertility*". In other cases, they had previous conception and gave birth to a live baby but now had complaints of being unable to conceive or miscarried or gave birth to a stillborn baby. This condition is called "*secondary infertility*".²

The major causes of infertility include ovulatory dysfunction (20-40%), tubal and peritoneal pathology (30-40%), and male factors (30-40%); uterine pathology is relatively uncommon, and the pathology of rest is unexplained.³ This should also be kept in mind that 4 out of 10 patients of unexplained infertility may conceive within 3 years without any treatment, and the relative subfertility of one partner may be counterbalanced by the higher fertility of the other.⁴

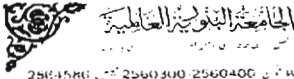
b) Islamic Concept of Infertility:

Islamic literature expounds the concept of infertility in a specific

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Name: Dr syed
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Subject: surrogate motherhood
V. No.
Serial No: 5927
Batch No: 2/9/2009
Date: 2/9/2009
Email:

Dear brother, Assalamu Alaikum, what is the Islamic view of 'Surrogate Motherhood' in relation to an award to the wife for her contribution to have a child. I will be very thankful to you.

مذکورہ صورت میں جو کہ میاں بیوی کے نظموں کے اختلاط سے حاصل ہونے والے بچے کی تربیت پر بیوی کی کسی اجنبی عورت کے رحم کو بطور عاریت کے استعمال کیا جانا ہے جو کہ ایک غیر فطری عمل ہونے کے ساتھ ساتھ خیراً ناساً اثر و اثر عام ہے۔ لہذا اس طریقہ سے اولاد حاصل کرنے سے احتراز لازم ہے۔ واللہ اعلم

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مذہبنا طیبہ
ذی القربى و احبہ
عندہ صلوات اللہ علیہ

کوواہ
مذہبنا طیبہ
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عندہ صلوات اللہ علیہ

19/11/2009
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18. عکس فتویٰ

Positive Effect:

- It allows infertile couples, single people and members of LGBT to become parents when they may not be able to have children.
- In most cases, it allows one or both parents to be biologically related to their children.
- It gives hopeful parents the opportunity to raise a child from birth.
- Surrogacy gives intended parents the opportunity to know and form a special bond with their surrogate.
- Surrogate enjoy a deep sense of personal satisfaction and pride knowing they have helped another family in such an incredible way.(59)

Negative Effects:

- The surrogacy contract involves to some extent the “sale of a self” which is morally questionable.
- Becoming a surrogate is also very difficult and may lead to physical and emotional problems.
- Surrogates may not have the complete information about all the implications and potential emotional and physical side effects of their decision when they sign the contract.
- Some women are exploited and forced into becoming surrogate mothers.
- Sometimes surrogates change their mind and want to keep the custody of children which may create legal problems.
- Surrogacy is usually very expensive, so most people cannot afford it. It contributes to social divides. (60)

Child’s Psychological Adjustment:

Surrogate born children are more likely to suffer depression than those carried by real mother. Children struggle to cope with the idea that they were carried by a woman other than their mother and they are not biologically related to the people bringing them up. Hence, they are more likely to display behavioral and emotional problems. (61)

Here we will discuss the impact of surrogacy on mother-child relationships, effects of surrogacy on society, both its positive and negative out – turns and children’s physiological adjustment.

Mother Child Relationships:

Surrogacy is a solution for the couples that are considering a baby, but are facing infertility problems. After the baby is born, the intended people will adopt him and the surrogate mother will have to give him up. The relationship between the surrogate mother and the baby may vary from case to case. The intended parents will decide if the surrogate mother will be the part of child’s life.

Some intended parents will not accept the presence of the surrogate mother in their child’s life and may not even tell the child about the surrogate mother. This should be accepted by the surrogate mother. If she is first time surrogate, she may benefit of a few distancing techniques that will help her give up the baby more easily.

The intended parents may decide to allow the surrogate to keep in touch with the child, but this relationship should be less intensive than the relationship between the intended parents and the child. If chosen to be part of the baby’s life, the surrogate mother may play the role of an aunt. (56)

Effects of Surrogacy on Society:

Surrogacy has challenged the traditional concept of family by taking out the act of procreation out of the realm of wedlock, and sphere of family by introducing a surrogate mother. Surrogacy has fragmented motherhood into three: competing women, the genetic mother and the social mother, and thereby challenges the paternity and concept of parentage.

Thus, surrogacy challenges the most fundamental or primary unit of society, family, the institution of marriage, social concept of parentage and relationships. (57)

Surrogacy makes motherhood a commercial service available on rent. It by its very nature presents a form of polarization in society by permitting the use of poor to produce children for economic advantage.

Surrogacy refers as form oppression and exploitation by one group of the group or class index the garb of producing children and construes social relationships, the status of women in society differently. It is viewed as a social problem. Challenging or changing the notions of family, marriage, parentage and means of attainment of parenthood. (58)

Pros and Cons:

While Islam basically looks at surrogacy through the lens the Islamic scholars, it is also pertinent to look into the matter through a neutral social mind set, with the realization of surrogacy being a practice reality in the modern time. That’s why surrogacy has many positive and negative effect aspects.

If the necessities greater than these illicit things then the process will become legit. (54)

It is only permitted by keeping the reflex situation in mind that's why it will not be included in the common codifications.

Third condition:

- . Sperm, egg and womb donor are non-native which is the most repugnant form of espoused womb.

First form:

Egg and sperm of husband and wife are inseminated and are placed in the second woman's womb and after birth they are called as child's parent

Second form:

For infertile couple egg and sperm of non native people are inseminated and then are placed in the womb of the wife for the nourishment of fetus.

In the above three conditions there is the strong intermixture of genealogy that's why if the espoused womb mother is married then the child is adjoined to her and her husband unless they will find a strong definite altercation in this regard.

if the woman is un married then the child is termed as "ابن الزنا" (adulterer boy) and there will be no aptitude to adjoin him to the sperm donor(father).(55)

Conclusion:

There is no doubt that to use the espoused womb is the cause of Islamic mischiefs, community mischief's and devilishment of the health. The relation of a child to his mother is on the basis of both egg and ovary. But if both are from separate woman, the relation remains incomplete. This is against in the natural laws, that's why it has become a cause of social and moral breakdowns, the woman who presents her womb on veggies instead of compaction her only purpose is the gain of materialism, due to which the great purpose of motherhood cumulus.

Whether the child born by this technique has proven genealogy but will always be having the suspect of pedigree and in the same way contagious genetic process leaves the psychological effects on him.

Ova donor will never be able to feel the strong love for the child because she has not felt the flickers of gestation. Although the permission of such process flattens the way of various mischief's. But if is permitted under special conditions and circumstances, it will never be able to achieve the universality because it is the demand of ingenuity.

Social Implications:

Each year an increasing number of children are born through surrogacy and thus lack a gestational link with their mother.

And we have in joint upon man (care) for his parents. His mother carried him, (increasing her) in weakness upon weakness.

Al-Baqara: (47) *وَوَصَّيْنَا الْإِنْسَانَ بِوَالِدَيْهِ حَمَلَتْهُ أُمُّهُ وَهْنًا عَلَيَّ وَهْنِي*

Mothers may breast feed their children two complete years for whoever wishes to complete the nursing (period)

Claim: it becomes obvious that flicker or hardship is necessary for motherhood, whereas this attribute elicited to ova donor, whereas womb donator posses this attribute.(48) Maulana abdur Rehman kailani is of the same opinion.(49)

Darul ifta, dar ul uloom dewband,U.P, india gave the verdict that the child's genealogical mother will be the one who is responsible of bearing the pain and flicker of gestation.(50)

Second group: geneology will be from ova donor.

ينسب المولود إلى صاحبة البيضة أما المرأة المستأجرة التي حملته وولده في مثل أمالرضاعية.

لا يثبت لها النسب بليثبت لها حكم الرضاع.(51)

Child will be adjoined to the ova mother and the mother who carries the child in her womb and gives birth to him resembles to the foster mother. Geneology will not be proved by her side but there will be the outlay of fosterage.

This group paren that the child has two sorts of relationships with her mother.

- . First is of the origin and inheritance(whose origin is ova)
- . Second one is birth and incubation (whose original source is womb)

In the following ayah, giving birth actually means to give birth from ova because it is the original source.

If the medical science thrives to this extend that it is able to prepare an artificial womb or it makes fertile human fetus in the womb of the animals then either the child will be adjoin to the artificial womb or animal?(52)

Second situation:

Scholars called one more situation legit; if the insemination of sperm and egg is placed in the womb of the second wife then orders will be different. That's why by keeping in view all these points Islamic teachings will decide the outlays:

- . Child geneology.
- . Type of permission.

Scholars agreed at sperm giver will be the child father because both egg and womb donors are his wives. (53)

We have to keep one more thing in the mind; it is really not permitted by scholars of this rule (الضرورات تبيح المخطورات) means “necessities made licit things illicit.

woman whose womb is taken on the rent for the nourishment of the fetus. The woman who's ova is taken, child is a part of her and as she is termed as "root" in Arabic. Both demand that the real mother is one from whose egg child is born. We came to know about the real mother by these ayahs of Quran. The real mother is the one who kept the fetus in her womb and then gave birth to the off-spring.

Al-Nahl:

﴿وَاللَّهُ أَخْرَجَكُمْ مِنْ بُطُونِ أُمَّهَاتِكُمْ لَا تَعْلَمُونَ شَيْئًا﴾ (40)

And Allah has extracted you from the wombs of your mothers not knowing a thing.

Al-Mujadila:

﴿إِنَّ أُمَّهَاتِهِمْ إِلَّا اللَّائِي وَلَدَتْهُنَّ﴾ (41)

Their mothers are none, but those who gave birth to them.

Al-Ahqaf: ﴿حَمَلَتْهُ أُمُّهُ كُرْهًا وَوَضَعَتْهُ كُرْهًا﴾ (42)

His mother carried him with hardship and gave birth to him with hardship.

The description of their altercation is as; first group: adjoins the newborn with the mother who bears the pain of gestation.

First group:

is of the opinion that the woman who bears the pain of gestation will be the real mother of child, they give the argument

Arabic

Their mothers are none but those who gave birth to them.

Claim: here Allah Almighty restricts the motherhood with gestation, that's why the ayat proves to be incontrovertible and incontestable.(43)

﴿وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُنَمِّمَ الرِّضَاعَةَ﴾ (44)

Claim: Allama Yusuf Al-qardhawi says;

ان الله تبارك تعالیٰ نسب المولود للوالدات بقوله (اولادهن) واعطى الوالدات حق ارضاع من ولدن ، ثم ان الله تبارك وتعالیٰ اطلق على الام اسم الوالدة، وليس حاضنة بقوله (لا تضار والدة بولدها)، والوالدة اسم فاعل بمعنى: التي تلد. فمن تلد هي التي منع الله ان يضارها احد بمولودها، اما صاحبة البيضة فانها لم تلد، وبالتالي لو تسمى والدة، فهي اذن ليست اما نسبية للمولود. (45)

Which means Allah Almighty called the newborn (اولادهن) their "off springs" and adjoined them with their mothers. Mothers are allowed to breast feed because the child is their progeny. Then Allah uses the noun of mother (والده) who gives birth and according to the saying of Allah Almighty (لا تضار والدة بولدها) which means the mother is the subject which comes from the verb "birth" (ولادة), whereas ova donor does not give birth to the child, that's why she is not termed as child's genealogical mother .

Surat Luqman: ﴿وَوَصَّيْنَا الْإِنْسَانَ بِوَالِدَيْهِ إِحْسَانًا حَمَلَتْهُ أُمُّهُ كُرْهًا وَوَضَعَتْهُ كُرْهًا﴾ (46)

- Bakar is Hinda's son who kept him in her womb and gave birth to him.

There are two affairs that resembles to Bakar's geneology:

- Firstly at the time of death Utba bequested Saad bin abi Waqas that the son of Zammah's basset, Abdul Rehman is from my sperm therefore you must take him in your custody. When Saad went to take him, the son of Zammah, Abd, said he is my brother and the child of my father's bond woman. They kept quarreling and came to Muhammad (p.b.u.h): "الولد للفراس وللعاهر الحجر" The baby is for the owner of the bed (ZAMMAH), and the share of the prostitute is the stone. Prophet SAW was well aware of the fact that Abdur Rehman is Utba's son but He declared him as Zammah whose basset was responsible giving birth to him.
- From the above example, BAKAR (newborn), is the son of umer (Hinda's husband), and not of Zaid(sperm donor)
- In the case of giving the womb on rent we are of the fact that sperm is of Zaid but according to the first example Bakar will legally be termed as Umer's boy.
- Zaid and his wife Jamila will not be termed as adulterers as the description of adultery is not candid.
- That's why no hudud will be imposed on them but they will remain quilters. (37)

But in the opinion of scholars if the substitute mother is unmarried then the child pedigree will be adjoined with her while doing deduction on adultery (ولد الزنا پر قیاس)

المنظمة العلوم الاسلامية للطبيعة

واما اذا كانت المرأة التي حملت اللقيحة غير ذات زوج، فان مولودها لا ينسب الى اب، وانما ياخذ حكم ابن الزنا، وينسب الولد حينئذ الى امه ، لانه لا يوجد فراش صحيح ينسب الولد اليه . (38)

Maintenance of the substitute mother during pregnancy:

The father is responsible for the substitute who fertilizes the fetus because it is credible that the child gets food from her blood and this sustention will start from pregnancy and will last till the birth, their paren is approved by this ayah of Quran

﴿ وَإِنْ كُنَّ أُولَاتٍ حَمْلٌ فَأَنْفِقُوا عَلَيْهِنَّ حَتَّىٰ يَضَعْنَ حَمْلَهُنَّ فَإِنْ أَرْضَعْنَ لَكُمْ فَارْضَعْنَ لَهُنَّ مِنْ أَمْوَالِكُمْ ﴾ (39)

Ascertain of the real mother:

Who will be the real mother of the child if the egg is of one woman and the womb is of another?

There is a strong difference of opinion in this situation that who will be able to call the real mother either the woman who gave the ova or the

an incubator by placing into the womb and provides the offspring food through her blood but cannot transfer the inheritance features. That's why to deduct this adultery is (قياس مع الفارق) deduction with a difference.(32)

Hence we have to understand this incurring this process infidelity either "hudood" is imposed on it or penal (تعزير).there is no doubt that in term of credence of the aftereffects, it is outlawed. And this is a suspect of misconduct زنا. That's why according to Shari'a it is not considered as adultery and hudood is not imposed on it but in credence of mischief's, penal must be imposed on it as it is more grotesque than infidelity.

Child genealogy:

Between scholars, there is a difference of opinion, in ascribing the child's genealogy.

First group:

Child genealogy will be with the sperm and eggs donating persons, because the child is their inheritor on basis of genes. Whereas, the substitutive mother is the one who provides food to the fetus. That's why she is supposed to have the rights upper than fosterage but the child will belong to the person who is donating the sperm.

Doctor Hashim jameel gives his opinion in this context as:

بان الجنين بعد زرع عهله يستفيد من المستأجرة غير الغذاء، والرحم لا ينقل الأيصفة وراثية، ولا يعمل إلا كحضانة للجنين تحميه وتمده بما يلزم نموه. (33)

As after becoming fetus, the offspring is not taking anything except from the substitutive and the womb does not have the ability of transition of inheritance and does not have any role except nourishment.

Altaf hussain langryal describes it as:

The woman whose womb is being used for pregnancy while the egg not being her own than both non-native egg and sperm were fertilize and placed in her womb. Hence, the genealogy of the husband of espoused one is not certified because he had not taken any genetic finger print from her husband that's why child genealogy and any outlay are also not proved.(34)

Second group:

They have the opinion that if the woman whose womb is espoused is in wedlock, then the pedigree of the child will be from her real husband.

According to a hadith:

الولد للفراش وللعاهر الحجر. (35)

Maulana Abdu Rehman kailani has describes this issue with arguments:

For example:

- Hinda's husband -----Umer
- Child born by artificial insemination-----Bakar

According to Islamic point of view:

1st Condition:

Sperm of the husband and egg of the wife are artificially inseminated and fetus is placed into the womb of another woman. This condition is licit. Determination of following layouts is important if such situation occurs:

- .As it is forbidden so, is there any implementation of hudood on the people who have done this or it is taken as penal (castigate)?
- .After birth from whom the geneology will run? Sperm donor? Or if the woman is married than his husband or if she is unmarried, what will be the order in such case?
- .Who is responsible for the maintenance of the espoused mother?
- .Who will be the real mother of the child? Egg giver or whom has given birth to the child?

Hudood or Penals (حد يا تعزير):

It is mandatory to explain whether to espouse the womb resembles adultery? There are two opinions in this regard. Some scholars termed it equal to fornication. They confirm it as;

ان إدخال الماء ر جلفير حمامر أظليسبينها و بينالر جنكا بهذا العمل يعتبر زنا . (30)

“If the sperm of a man enters into the vagina of the other woman without wedlock than this process is termed as adultery.

One group of the scholars termed it a mischief but didn't consider it infidelity. They give reasons of their persuasion as there is a big difference in adultery and artificial insemination in various aspects:

- Sexual hyphenation is mandatory in infidelity whereas in artificial insemination there is no sexual relationship, because this process takes place with the help of surgery in which sperms and eggs are infused and placed in the ovary where womb presents itself as food providing tool.
- In adultery, sperm and ova are infused in the sexual tract and then nourishment of fetus takes place in the womb but there comes a question of sanctity as the process takes place without wedlock.
- This process is different from infidelity in this regard that infidelity is not aimed for procreation but is aimed to gratify the sensual aspire. Whereas by this process, fetus is nourished for the desire of having off-springs.

On such basis, limit of adultery is not forced and despite of being sin and impermissible the process is not included in the category of infidelity but any penal could be imposed on it .(31)

Altaf Hussain Langaryal explains it as:

We deduct this process on the basis of fosterage. In fosterage, a woman nourishes the offspring by giving milk, but is not able to transfer the inheritance features in the same way. The substitute mother plays the role of

context.(25) However scholars of subcontinent have called this situation legal.

Abdul Rehman Killani:

If a man is having two or more than two wives, one of which is infertile. He thinks that there is no incommmodity by placing the immix of sperm and ova of infertile wife into the womb of fertile one. Because the geneology will perdure from his father.(26)

Maulana Burhan uddin:

If both are the wives of the single man, one from whom the ova is taken to infuse with the sperm and the other one in who's womb it is placed, only than there is a hap of plea.(27)

Maulana Saif ullah Rehmani says in this context:

If the wife is not able to conceive or she is not able to reproduce because of some medical reasons only than by getting the sperm and ova from the husband and the other wife, emulsion could be placed in the womb of the second wife.(28)

It is the only possible situation of making it a legal process otherwise there are a lot of dissensions in it.

Maulana Abdu Rehman kailani says:

If a woman is willing to donate her womb on wages on or loan, then there are a lot of problems like insemination and fulfilness of crave, all of which are illegal.

And once you chose a path of such prosaibe, it would lead you to the profound depth. We could not even imagine the smashes and scary sequels of all this. Legit forms can only be used in extreme helplessness with proper cautions. Otherwise, with the excess liberal use of legit forms, illegitimate forms always make their way.(29)

Various Decrees and Dilemmas about the Different Situations of Espoused Womb:

This is the Islamic Shari'a law that it specifies the limits and layouts for the proper check of any stagnant situation even before it came into existence. But if it occurs than it is very much important to confix the layouts in order to prevent its ruins. For example: Adultery is impermissible in Islamic Shari'a and there is a fixed punishment for the adulterer. But there are also sentences about pedigree, inheritance and various issues of fornicate child in Islamic law.

Depending upon this peculation, it is mandatory to discover the layout about the conditions and effects of new born in case of adultery. We will infer all the issues with the opinions of scholars and jurists about the various situations of the espoused womb. Scholars call artificial fertility impermissible on the basis of immix of geneology. That's why it is very important to have a look on its layouts in every situation.

which is not only an anomalous course but also interdict. It is compulsory to avoid getting off-springs by using such technique.(17)

OPINE OF THE INTERNATIONAL FIQH ACADEMIES:

According to international fiqh academies, various forms of this process are actually interdicted.

According to the decision of المنظمة الاسلامية للعلوم الطبية

"بحرم استخدام طرف ثالث في عملية الحمل سواء كان الموضوع سائلاً منوباً أم بويضة أم جنيناً والطرف

الثالث سواء عن طريق التاجير أو التبرع أو التفضل". (١٨)

They have agreed upon this if there is any conflate by the third side, either it is sperm, egg, fetus and womb, in all of the above situations, the process remains illegal and it remains prosaibe if done for the morality or affection.

In the 3rd cortege of the international Islamic Fiqh academy of Jeddah,

has declared all of the above situations illegal. They declared those situations legal in which the uterus is not used but the contingency is injected to the womb. (19)

Under the supervision of world organization, islamic fiqh academy

Makkah (مجمع الفقهى الاسلامى مكة المكرمة تابع رابطة العالم الاسلامى), arranged a cortege (which was held on 28th rabbi us sani to 7 jamadi ul ula hijri / 1985).(20)

And According to the edicts of the Urdan (الجنة الطبية الفقهية الدائمة فى الاردن), pregnancy in the posterior bellies is illicit. (21)

An infrequent notion is of Dr Abdul mutaa bayumi (member of مجمع البحوث الاسلاميه):

“This could be permitted on some specific conditions that the infusion of wife and husband is kept in the womb of another woman and she nourishes the fetus and then handover the child to his original parents. He deduced all the matter on fosterage and he also considers illegal to have paycheck on it”. (22)

Decorum of Espoused Womb:

If a man has two or more than two wives, one of which is sterile than, by getting the egg of this sterile woman and inseminating it with the sperm of the man into the test tube you can infuse it into the womb of the 2nd wife(healthy one).Contrary to this, if the egg is not healthy ,so, by getting the egg of the other wife and by repeating the same process, injecting into the womb of the sterile woman, What does Islamic Shari’a say in this regard?

Scholars of Islamic fiqh academy Jeddah term it prosaibe too.(23) Whereas in the 7th procession of Makah fiqh academy, they have given consent to take up this process but in the 8th cortege of regressed from it because they gave testimony that by doing such process there is a doubt of the conflate geneology.(24) But some scholars like Sheikh Ali Tantavi and Sheikh Badar ul Mutawalli Abdul Basit have made serenity in this

In The Light of Legal Maxims:

legal maxim is **ابضاع** and **الاصل فى الابضاع التحريم** is the plural of **بضع**

This means vagina or private sexual organ and is defined as:

“The actual Sothic relationship is illegal and it only becomes licit with wedlock.”

Allama wahba azzahili describes it as:

“والمراد بالقاعده : ان المرأة المقصودة للزواج الاصل فيها تحريمها على الرجال ويدخل فيها كل نواحي الاستمتاع بالمرأة”-(13)

Dr. Muhammad Raffat Usman explains it as :

“فلا دباح البضع الا بعقد زواج صحيح كما نص الشرع . ومعلوم ان الرحم تابع للبضع-والقاعدة الفقهية تقول : "التابع تابع" فكما ان البضع لا يحل الا بعقد شرعى فكذلك الرحم شغله بحمل غير الحمل الناتج عن الزواج. فهو باق على اصل التحريم”-(14)

Means Private sexual organs (شرم گاه) are not licit without marital relationship. As it is proven by Islamic manual and we are well aware of the fact that womb is subordinate of vagina. , One more jurist maxim is [التابع] which, means:

“The thing which is ancillary to another thing remains its subordinate in percept too.”

According to this, if vagina is not licit without legal wedlock, then on the basis of this ,the womb is also not legitimate. In short, womb is supposed to carry and nourish a child as a result of wedlock. Only in this case, its sanctity can be sustained.

Maxim 2:

means to remove the vitiation supercede on achieving lucre. To have a baby by espoused womb also declares the conviction of pregnancy because it creates a strong skeptic feel of the conflate geneology. (15)

In The Light of Scholar’s Verdicts:

Dr. Razi Ul Islam writes in this context:

“There are a lot of vitiations in lodging the womb. In Quran, the believers(men and women)are ordered to protect their private organs. The woman who nourishes the fertile sperm of a non-native man transgresses the order. In the same way, Islam has imposed the condition of wedlock on reproduction and pedigree. The woman, who gestates the sperm of a man in her uterus, is not having wedlock with him. That’s why Islam has emphasized to guard the pedigree, whereas by the use of this technique there comes a strong suspect of the intermixture of geneology.” (16)

According to Dar ul Ifta, jamia banwariya, Karachi:

In this situation, for the further nourishment of the contingency obtained by the immix of sperms and ova, the womb of the non-native woman is used

placed into the womb of the third woman. To achieve this goal, many sperm and ova banks have been established.

- Ova are of wife and the sperm is not from the husband. As the husband is not capable of reproduction and the wife is also not able to conceive although her egg is always on line. In this case, wife's ova and sperm of the choice from the sperm bank is inseminated and are placed into the second woman's womb.

Islamic Standpoint Pertain to Espoused Womb-Scholar's Verdict:

If we talk about the vindication and conviction of espoused womb by keeping Islamic regulative teachings in front of us, it would not be difficult for us to evaluate that there are more dissensions in it than benefits. Basically, the process is malfunctioned in terms of moral, religious and legal prospects. In the subsequent lines we will deliberate on the conviction and vindication of espoused womb according to Islamic point of view.

In The Light Of Quran:

Islam has made husband and wife the original channel for proliferating the human race and for this, conjugality is the first important legal condition.

As said in surah AN-NISA:

﴿يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً﴾ (10)

"O mankind, fear your lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women."

Allah has said in surah AL-BAQARA:

﴿نِسَاءَ كَمْ حَرَبْتُمْ لَكُمْ فَاتُّوا حَرَبْتُمْ أَنَّى شِئْتُمْ﴾ (١١)

"Your wives are a place of sowing of seed for you, so come to your place of cultivation however you wish".

According to this Islamic teaching pseudonym, the process of espoused womb proves to be a conviction.

According To Hadith:

It is not licit for a man to inject his sperm into the vagina of some other person's wife and also not legitimate for him to irrigate the fetus of some other person's wife with his own sperm. It is absolutely not permissible in Islamic Shari'a that a person donates his sperm to a woman with whom he is not having a marital relationship.

As narrated by Ruwayfa bin sabit:

لا يحل لا مرى يومن بالله واليوم الآخر ان يسقى ماوه زرع غيره- (12)

"It is not licit for a man to be intimate with a non-native woman if he believes on Allah and the judgment day."