

22126 - Renting wombs is haraam

the question

There is a woman who is unable to carry a pregnancy to full term. What is the ruling on taking an egg from her, fertilizing it with her husband's sperm, then implanting it in the womb of another woman, whether that is in return for payment or not?

Detailed answer

Praise be to Allaah.

Shaykh 'Abd-Allaah ibn 'Abd al-Rahmaan al-Jibreen answered this question as follows:

We say that this is something innovated and reprehensible. The scholars have not spoken of it previously and it is not narrated that any of the scholars or imams of this ummah permitted that, or that it crossed their minds, or that they were asked about any such thing, even though the means and the motive existed that may have called for such a thing. This is something that has come up recently, within the last few years, where the idea of renting wombs been made attractive (by the Shaytaan) to some people and they say there is nothing wrong with it and so on. Undoubtedly this is haraam, primarily because Allaah has commanded us to guard our chastity, as He says (interpretation of the meaning):

“And those who guard their chastity (i.e. private parts, from illegal sexual acts)

Except from their wives or (the slaves) that their right hands possess, for then, they are free from blame”

[al-Mu'minoon 23:5-6]

So Allaah has forbidden us to engage in sexual activity with anyone except our wives and female slaves, i.e., having intercourse with them (female slaves) on the basis of possession.

Secondly, Allaah tells us that man is enjoined to protect his lineage and his children. Undoubtedly this womb-renting will lead to confusion of lineage and not knowing who the father or mother is. This confusion of lineage will lead to disputes between the original wife and the woman whose womb is rented, and it will not be known to whom the child belongs. Even if we say that he belongs to one of them, the matter still will not be certain. Hence we advise women to keep away from such things. Moreover, this undoubtedly requires looking at 'awrahs and at the private parts which it is forbidden to see, and it also requires collecting sperm and extracting the eggs and placing them in other wombs. All of that is not allowed in sharee'ah, indeed it comes under prohibition mentioned in the aayah (interpretation of the meaning):

“Tell the believing men to lower their gaze (from looking at forbidden things), and protect their private parts (from illegal sexual acts)”

[al-Noor 24:30]

What is meant is to protect them by covering them so that no one will see the 'awrah of another. This is the way of Islam and we pay no attention to those who deviate and go against that, and permit this borrowing and this renting of wombs, the consequences of which will undoubtedly be disastrous.

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Renting wombs is one of the innovations of western civilization, which is a purely materialistic civilization which does not give any weight to moral values and principles. The issue is not things that may affect inherited characteristics or confuse lineage; that is not the point of the shar'i ruling. Whether that leads to any effect on inherited characteristics or not, whether that results in

confusion of lineage or not, it does not matter, because the shar'i ruling forbidding this innovation is based on something else, which is that the womb is a part of a woman's private parts and the private parts (i.e., sexual relations) are not permissible except through the shar'i contract whose conditions are fully met. So the womb is exclusively for the husband who is married to that woman according to a valid marriage contract, and no one else has any right to use it for an alien pregnancy. If the woman who rents out her womb is not married to that husband, then she is permitting her private parts and her womb to a man who is a stranger to her; she is not permissible for him and he is not permissible for her. Even if this is not full-scale zinaa (adultery), it is still definitely haraam because it is enabling a man who is a stranger to her (i.e., not married to her) to put his semen in her womb.

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The foetus is nourished and is influenced by the womb and the environment that surrounds him. Bad habits on the part of the surrogate mother may lead to deformity of the foetus, such as smoking, drinking alcohol, etc. Then what if the doctors discover some physical deformity in the foetus before birth and try to treat that by means of surgical intervention? Will the surrogate mother allow that? Will she put her life at risk for the sake of a child who does not belong to her? Moreover, there are some women who become sick as a result of pregnancy, suffering such diseases as a sudden rise in the level of blood sugar, or a rise in blood pressure, or toxemia, some of which may take the life of the pregnant woman and which require medical intervention to sacrifice the foetus in order to save the life of the pregnant woman. How would the surrogate mother and the original mother work this out? How are we to deal with the ethical, legal, social and psychological problems that result from that? Therefore we can reach only one conclusion, which is that the mother who carries the pregnancy can only be the original mother, the child should be attributed to the marriage bed, and that she should conceive, nourish her foetus and

give birth to it. Saying that renting wombs is like hiring wet-nurses has no basis in truth, for a wet-nurse breastfeeds a child whose lineage is known, and she can stop breastfeeding him when she wants or when the original mother wants, if she feels that there is any danger. Moreover, in the relationship between a husband and wife there is no room for any third party, no matter who he or she is, not for renting a womb or for donating sperm or donating eggs. Because of such things innumerable problems have arisen in western societies. In Britain an original mother gave twenty thousand pounds to a surrogate mother in return for renting her womb for nine months. When that time was over, the surrogate mother demanded many times that amount from the original mother in exchange for giving up possession of the child. So if this door is opened it will bring us innumerable legal and social problems.

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