

83799 - Is it permissible to put the sperm of the husband and the egg from the wife in the womb of the second wife?

the question

“Ahmad” has two wives, the first one cannot have children and the second one can have children, praise be to Allah. In the modern scientific age doctors can, by the grace of Allah, put an egg from the second wife with the husband’s sperm (test-tube baby) and mix them and let them start to grow, then place (the fertilized egg) in the womb of the wife who cannot have children, so that the child can grow until he is born. Is this permissible in the light of the Qur’aan and Sunnah? Some people say that it permissible by analogy with breastfeeding, i.e., just as it is permissible to nourish a child with her milk in her lap, it should also be permissible for her to nourish him with her blood in her womb.

Detailed answer

This method of fertilization, which involves placing the egg with the husband’s sperm in the womb of the other wife, is a method that is not acceptable according to sharee’ah, and a large number of scholars are of the view that it is haraam. Statements were issued concerning it by the Islamic Fiqh Council of the Organization of the Islamic Conference (OIC) and by the Islamic Fiqh Council of the Muslim World League. Those who initially said that this method was permissible later retracted their view. There follows some of what was said in those statements.

1 - Statement of the Islamic Fiqh Council of the Organization of the Islamic Conference (OIC).

The meeting of the Islamic Fiqh Council held on 8 - 13 Safar 1407 AH (11-16 October 1986).

After examining the subject of artificial fertilization -“test-tube babies” - by studying the research presented and listening to comments of experts and doctors, and after discussion,

the Council reached the following conclusions:

The methods of artificial fertilization that are known nowadays are seven:

i. Where fertilization occurs between the sperm taken from the husband and an egg taken from a woman who is not his wife, then the embryo is implanted in his wife's uterus.

ii. Where fertilization occurs between the sperm of a man other than the husband and the wife's egg, then the embryo is implanted in the wife's uterus.

iii. Where fertilization occurs between the sperm and egg of the couple, and the embryo is implanted in the uterus of a woman who volunteers to carry it (surrogate motherhood).

iv. Where fertilization occurs outside the womb between the sperm and egg of strangers, then the embryo is implanted in the wife's uterus.

v. Where fertilization occurs outside the womb between the sperm and egg of the couple, then the embryo is implanted in the uterus of the other wife.

vi. Where sperm is taken from the husband and an egg is taken from the wife, and fertilization occurs outside the womb, then the embryo is implanted in the wife's uterus.

vii. Where sperm is taken from the husband and placed in the wife's vagina or uterus so that fertilization may take place inside her body.

It was determined that the first five methods are all haraam according to sharee'ah and are forbidden completely in and of themselves, or because of the results to which they will lead, such as mixing of lineages, loss of motherhood and other things that are forbidden according to sharee'ah.

With regard to the sixth and seventh methods, the committee thinks that there is nothing wrong with resorting to them in cases of need, after emphasizing that it is essential to take all necessary precautions. End quote.

Majallat al-Majma' (3/1/423).

2 -Statement issued by the Islamic Fiqh Council of the Muslim World League:

and blessings and peace be upon our Master and Prophet Muhammad and his family and companions.

The Islamic Fiqh Council, in its eighth session held at the headquarters of the Muslim World League in Makkah al-Mukarramah, from Saturday 18 Rabee' al-Aakhir until Monday 7 Jumaada al-Oola 1405 AH (19-28 January 1985), examined the remarks submitted by some of its members concerning what the Council had declared permissible ... with regard to artificial fertilization and test-tube babies, which was issued in its seventh session, held between 11-16 Rabee' al-Aakhir 1404 AH, where it says:

“The seventh method, in which the sperm and egg are taken from the couple and, after fertilization in a laboratory vessel, the embryo is implanted in the womb of another wife of the same man, as she volunteers to carry this pregnancy of behalf of her co-wife whose womb has been removed – it seems to the committee that this is permissible in cases of need and subject to the general conditions mentioned previously.”

The remarks may be summed up as follows:

The other wife in whose womb the embryo from the egg of the first wife is implanted may become pregnant with a second child before the embryo becomes established in her womb, as the result of relations with her husband around the time of the implanting of the embryo, then she may give birth to twins and it may not be known which child resulted from the (implanted) embryo and which resulted from relations with the husband, and it may not be known which wife is the mother of the child who resulted from the (implanted) embryo and which is the mother of the child who resulted from relations with the husband. Similarly, one of the two embryos may die at the 'alaqah or mudghah stage but not be expelled from the uterus until the other child is born, and it may also not be known whether he is the child that resulted from the (implanted) embryo or from relations with the husband. This means that there is confusion as to who the real mother is and there is

mixing of lineages which affects a number of rulings. All of this means that the Council must retract their rulings in the case mentioned.

The Council has also listened to the opinions presented by doctors and obstetricians who attended the meeting and who pointed to the possibility of the other pregnancy being miscarried as the result of marital relations with the woman who is carrying the embryo, and confusion of lineages as mentioned above.

After a discussion of the matter and an exchange of opinions, the Council decided to retract the view that the third type mentioned is permissible, and in the seventh session, 1404 AH.

Qaraaraat al-Majma' al-Fiqhi (pp. 159-161).

Based on that:

It is not permissible to take the husband's sperm and the wife's egg and put the mixture in the womb of another wife of the husband.

And Allah knows best.