

Surrogacy♦

To abide by the nature in which the human being has been created by Allah not only guarantees the salvation in the life hereinafter but also ensures the success and welfare in this world. Since Islamic Sharia has been sent by the Almighty who has brought this universe into existence and designed its nature, this Sharia is in complete harmony with human nature. As the devil is enemy of humankind, his targeted campaign is to motivate the human being to revolt against nature and divert them from those natural laws that hold their welfare. Therefore, God has spoken.

“And assuredly I will lead them astray and assuredly I will excite in them vain desires, and assuredly I will incite them and they will cut the ears of cattle; and assuredly I will incite them and they will alter Allah’s creation.’ And he who takes Satan for a friend beside Allah has certainly suffered a manifest loss.” (Al-Nisa: 119)

Regretfully the contemporary approach of Western culture is based on the reasoning that religion and ethics have nothing to do in human life, hence they are following the path against nature. The permission for illegal relation instead of marriage is a permission for homosexuality, to grant fundamental right to nudity, hinder the growth of human race and many such issues are in collision with the nature created by God and to commit it is harmful not only in view of ethics but also in medical aspects and it causes diseases that cannot be treated.

God has created sex instincts in all animals of which human being is a member, but the human being has been conferred a privilege in this regard that they possess the elements of pity and dignity. On gender basis, the loyalty of husband and wife is limited to each other. Reproduction continues through the spouse, it is a human nature and it continues from the time of the Father of the humanity, Hazrat Adam (A)

“O ye people! fear your Lord, Who created you from a single soul and created therefrom its mate, and from them twain spread many men and women” (Al-Nisa: 1)

This is the phenomenon that creates family, parents and children are identified and rights and obligation related to each other and defined, other animals do not have family, nor do they have ancestor identity nor doest exit there such system of rights and obligations found in human society. This identity in forms of society is a great privilege of humankind; it is God has counted it among His bounties.

“O mankind, We have created you from a male and a female; and We have made you into tribes and sub-tribes that you may recognize one another.” (Al-Hujurat: 13)

On another occasion, it was spoken:

“And He it is Who has created man from water, and has made for him kindred by descent and kindred by marriage.” (Al-Furqan:54)

The Civilization of the contemporary age having not relations with God and adverse to ethics is making attempts that the human being be at absolute liberty from all natural law and they must not be concerned in losing their identity. One of these very conditions is one that is known as surrogacy. Different methods are used for it now days:-

- (a) Sperm is of the husband, egg is of the strange woman and it is developed in the uterus of wife of that person himself.
- (b) Sperm is of the husband, egg is of his own wife, but the child is developed in the uterus of the strange woman.
- (c) Sperm is of strange man, egg is of the woman who wants child with the permission of her husband and it is developed in the uterus of another woman.
- (d) Sperm is of the strange woman, egg is of the woman who wants baby and the child is developed in her own uterus.

It is common in all these four conditions that the sperm of the strange man is used for the child of the woman who wants to become mother or the egg of the strange woman or the uterus of the strange woman, in all these conditions, several psychological and ethical issues are involved. Some of them are as under:-

- One woman carries the sperm of a strange man; as such she commits the very action, in consequences and result, which is committed by an adulterous woman.
- It is against human dignity that his organs particularly genitals becomes to be used as a commercial commodity.
- It violates the dignity of maternity and in this manner the very dignified and respectful relations turn to be a commodity.
- It may lead to psychological impacts, the woman who faces a lot of difficulties for 9-10 months and as soon as child is born, she is bereft of it; it may lead her to extreme agony to the extent of mental imbalance.
- It is also relevant that since the mother suffers extreme pains and difficulties while carrying embryo in her womb and at the time of delivery as depicted by the Quran itself “His mother bears him with pain, and brings him forth with pain” (Al-Ahqaf: 15), may the same emotions gone through by the mother emerge in the heart of the woman also who does not pass through these difficult phases.
- The man who accepts the sperm of the strange man for his wife, may he be expected, if a girl is born, to treat her as a father and he would maintain the natural *hijab* that exists between father and daughter.
- The dispute in respect of the custody rights may occur between the woman giving egg and who bears the difficulties of pregnancy, the facts is that such events do occur.

- The most important consideration is that ancestral identity is a ground of pride and every person wants not to lose the same. To lose the identity is very insulting to him and he wants its protection in every case, for this very reason Sharia has prohibited adultery with so much vigor and the harshest punishment has been prescribed for it. The person who has doubt about his mother and father as to who is his mother, it is very painful for him. The ancestral identity is related as much to the mother as to the father. In some cases when there is no male child, the family continues through the matriarchy.

In view of these considerations, the Sessions unanimously agrees that:-

1. It is absolutely prohibited for a woman to develop the sperm of another man or another egg in her uterus on rent or lending, it is a conspiracy to bereave the human being from his identity and it is revolt against the Law of God and natural system created by Him.
2. It is not permissible at all for a man to give his sperm for fertilization or to meet with egg in the uterus of another woman.
3. It is not permissible even for the doctors to assist in such unethical process.
4. The Government of India should enact such law as may prevent such processes based on insult to humanity and mixing of race.
5. The brothers of the Nations also are requested to demand the Government to prevent such insulting activities because these activities against ethics and modesty are not permitted in any religion.

This representative gathering of Islamic Scholars of India appeals the Government to avoid any such activities as are against agreed ethical norms and Indian cultural traditions in addition to this law.