



## SURROGACY AS A ‘WOMB-ON-HIRE’: A RELIGIOUS ANALYSIS OF ITS APPROACH TO INFERTILITY

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### Abstract

The human instinct to reproduce has been fundamental since ancient times, and infertility has far-reaching emotional, social, economic, and cultural implications. The contemporary world is witnessing a reproductive revolution, with alternative modes of reproduction gaining acceptance. Surrogacy, a method involving the implantation of sperm in the ovum in the uterus of a surrogate mother, has emerged as one such alternative. While this arrangement offers benefits, it also has profound social, economic, and religious implications. This article critically examines the convergence of social, cultural, and religious aspects of surrogacy, particularly within the framework of Islamic injunctions. It argues that the widespread use of surrogacy can erode moral standards, foster economic malice, violate basic human rights, and directly contradict religious and moral injunctions. The article aims to raise awareness of pressing issues and emphasizes the need for future research to pave the way for collaborative religious studies.

**Keywords:** Surrogacy, Infertility, Socioeconomic Impacts, Surrogate Mother, Religious Perspective

### 1. Introduction

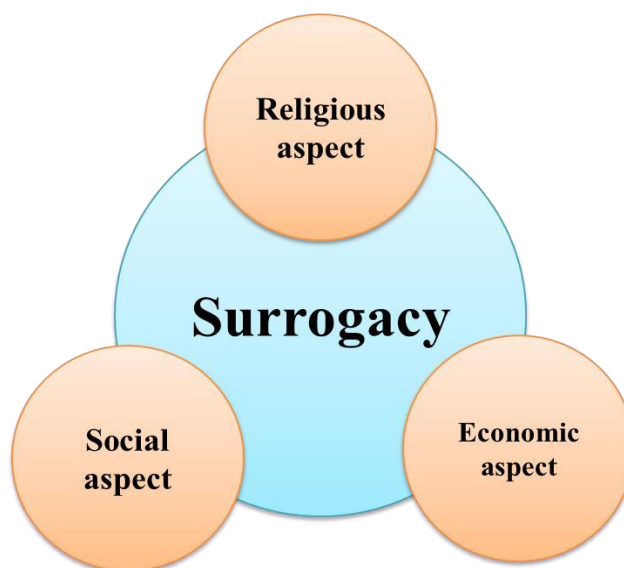
Allah Almighty has created humans with all their important and basic needs. Allah Almighty has given him all his natural desires. Getting married is also one of his natural desires. After fulfilment of this desire, the couple seeks to reproduce to fulfil not only their emotional and socioeconomic needs but also to ensure the broader societal goal of survival of the human race. Not only husband and wife plea for children but also all the family and society feel peace and happiness after having children. Culturally, the couple draws respect by building a family, which tends to elevate their social status in society. Historically, prophets and saints desired and have prayed for pious and healthy offspring. “O’Lord! Grant me from thee a good offspring, surely thou are the Hearer of prayer” (Al-Quran, Chapter Al-Imran Verse 38). The medical field has sped up its efforts to aid couples who

cannot reproduce naturally due to deficiencies in their male or female counterparts after recognizing this fundamental instinct of humanity. One of the key development on this technology development frontier is the successful enactment of “Assisted Reproductive Technology” (ART) – which is scientific advancement towards artificially augmenting a deficient couple’s ability to have children. The ART procedure entails infusing the sperm of a man (i.e., the first party) and the egg of a woman (i.e., the second party) into the womb of another woman (i.e., the third party), also known as the ‘surrogate’ mother. Prima-facie, hiring another woman’s womb to grow a child of a deficient couple, is deemed a beneficial activity that augments society’s social and emotional needs.

Changing trends of society have utilized this technology for those persons whose sperms were incapable of reproduction. Therefore, they are also getting children by obtaining the sperm of any other man from a sperm bank. Western and non-Islamic societies introduced a new technique for unmarried couples, homosexuals, and women with complex uterus diseases. This technique has become the source of income for the women of western and developing countries. In this technique sperm of a man, the first party, an egg of a woman, the second party is obtained and then inserted into another woman’s womb; the third party is called the surrogate mother. Using this method in such a way, if the womb of a wife is not capable of producing children, then hiring another woman’s womb does not seem to be defective in the medical and material world. However, such an artificial intervention bears implications on a society’s religious, economic, social and legal make-up, which needs to be reviewed.

Almost all countries are forced to legislate after getting affected by surrogacy or artificial methods of getting children after acknowledging its impacts. More importantly, every religion and its adherents are divided on the issue of surrogacy or procreation, such as in the Islamic school of thought, Pakistani and Iranian (predominantly Sunni and Shia school of thought respectively), in Buddhism, supporters of modern ideas and the supporters of ancient ideas. Thus, reviewing the opinion of renowned religions, especially Islam, and its social, economic and legal implications for informing Pakistan’s policy and social stakeholders is critically important.

In the wake of the above pretext, this article seeks to present an overview of the economic and social impacts of the medical, scientific process, and surrogacy through a religious lens - to guide policy-setters, legal entities, and Islamic scholars and shape the overall religiopolitical discourse in the country. Our effort is destined towards laying down the groundwork for institutionalizing a comprehensive law and policy on surrogacy that could be formulated in the Pakistani context; along this, infertile couples should be guided in the right direction about surrogacy. Figure 1 presents the schematic representation of the conceptual focus of this paper.



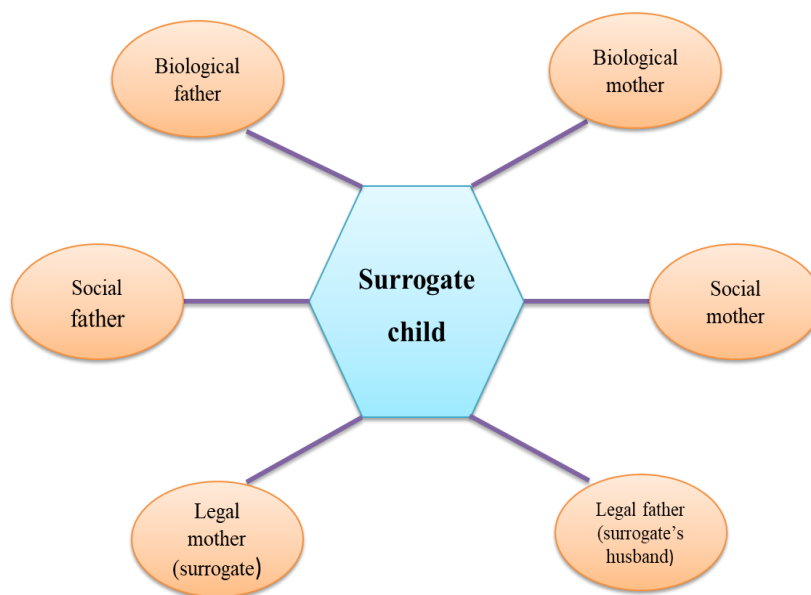
**Figure 1:** Conceptual focus of this paper

## 2. History of surrogacy

When a woman offers her womb for wages, voluntarily and sympathetically, to an infertile or a couple wanting children and gets injected the sperm and egg of intended parents in her womb via an artificial method (IVF/ART) or the ovum is from the woman offering her womb and sperm from intended father. There may be different forms of getting sperm and ovum from different people. This technique is known as surrogacy (Brinsden, 2003; Lasker, 2015).

In the Latin language, surrogacy or surrogate is called “surrogare,” and its meaning is substitute like a person deputizing for another in a specific role (Husain, 2000).

According to the dictionary, surrogacy is raising someone’s baby in someone’s womb (Oliphant, 2007). According to Britannica, surrogacy is when a surrogate mother bears a child of infertile couple or a woman suffering from pregnancy complications by an artificial method (Britannica). In the English language, it is “womb on rent”, and in scientific language, it is called “surrogacy”. A surrogate mother is also called an alternate mother (Söderström-Anttila, 2016; Torres, Shapiro, 2019). Surrogacy is such a technique through which infertile couples do contact with another woman to offer her womb for the birth of their child. This contract may be on wages or voluntarily (Journal & 2021, 2021; Strasser, 2015; Vaishnavi, 2015b). The woman who offers her womb is called a surrogate mother. The surrogacy process is done by an artificial method, Artificial Insemination (AI) or In-Vitro Fertilization (IVF). The sperm of the intended father and the egg of the intended mother is inserted into the surrogate mother's womb by an artificial method, or it may have many different conditions to get sperm and ovum. The surrogate mother’s contract lasts till the baby is born. As soon as the baby is born, it is given to the family who rented the womb. The surrogate mother is not responsible for the child’s support in any way, and she is completely free after the birth of a child (Fischer et al., 2016; Vaishnavi, 2015a). A surrogate baby may have three mothers and three fathers; as represented in the schematic diagram (Figure 2) below:



**Figure 2:** Parental relationship possibilities for a child born out of surrogacy arrangement.

The example of the beginning of surrogacy is taken from “The Book of Genesis”, which is from the time of Hazrat Ibrahim (PBUH). Hazrat Ibrahim’s first child was born from Hazrat Hajra instead of Hazrat Sara. Western scholars called it surrogacy because of marrying a concubine (Zucker, 2021). The second reason is the limited concept of polygamy in western thought; Hazrat Ibrahim’s child from Hazrat Hajra is linked to the misconception of surrogacy. While from an Islamic point of view, Hazrat Hajra was the wife of Hazrat Ibrahim, and as husband and wife, Hazrat Ismail was born. In 1884 a woman gave birth to a baby by utilizing the very first artificial and immoral technique, which artificial insemination opened the way for procreation. After that, in 1985, by using this ethical trilogy, the transfer of IVF embryos was completed (Taebi et al., 2018). In 1976 Noel Keane prepared

the first legal documents of surrogacy. It was a traditional surrogacy, and no financial compensation was received. Keane launched an infertility centre as per his own experiences. Thousands of surrogate pregnancy tests were done there, and it was an important achievement in history in the USA. In 1978 the first child was born through IVF (“History of Surrogacy”, 2020; Khan & Konje, 2019). In 1980, the first agreement of \$10,000 was signed between a traditional surrogate and intended parents. From 1984 to 1986, the surrogacy case “Baby M. case” became very popular, which was signed for \$10,000 but became controversial afterwards. From 2004 to 2008, only in the USA, about 5000 children were born through surrogacy (Torres et al., 2019; Vaishnavi, 2015a).

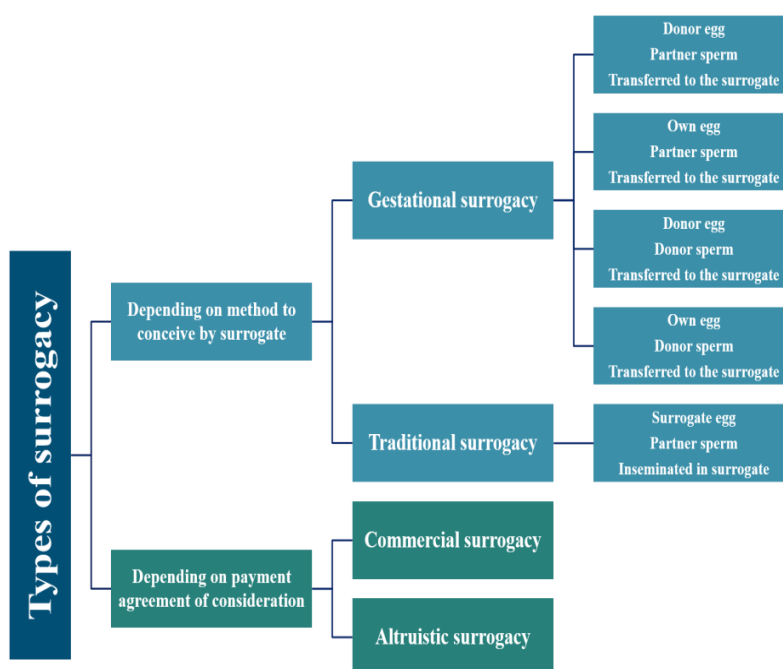
### 3. Arrangements of surrogacy

Surrogacy is an alternate reproduction method in which a woman (surrogate mother) keeps the embryo of any other couple (intended parents) in her womb and gives birth to that child. In this medical condition, the surrogate mother does not have any physical relation with the child's father because this process is completely done with the help of medical devices. An embryo is prepared in the laboratory from the sperm and egg of intended parents, transferred into the womb of a healthy woman, where it goes through the natural process and is born as a normal child (Lasker & Ghilardi, 2018; Samani et al., 2009).

Gestational surrogacy and traditional surrogacy are the main types. There may be Compensated surrogacy, Altruistic surrogacy, or commercial surrogacy.

**3.1 Traditional surrogacy:** In traditional surrogacy, the sperm of the intended father is injected into the uterus of a surrogate mother. In this type, the surrogate mother has a biological relationship with the child. The egg of the surrogate mother and sperm of the intended father is used in this type, and it is done by artificial insemination (Strasser, 2015).

**3.2 Gestational surrogacy:** In this surrogacy, the egg and sperm of both parents-to-be are harvested in the laboratory, and then the embryo is injected into the surrogate mother's womb. Gestational surrogacy may be carried out on wages, voluntarily and sympathetically, and the surrogate mother has no biological relationship with the child (Brinsden, 2003). The embryo is injected into the surrogate’s womb artificially, and the baby is born after nine months due to the normal delivery process (Inhorn, 2011; J. G. Schenker, 1997; Taebi et al., 2018).



**Figure 3:** Classification of the practice of surrogacy in to various types

### **3.3 Classification of surrogacy**

- (1) Sperm and ovum of both intended parents: if the wife cannot give birth to her child because of any disease or as per her desire, then the egg and sperm are donated, and the embryo is injected into the womb of the surrogate mother via an artificial method (Lasker & Ghilardi, 2018; Samani et al., 2009).
- (2) Sperm of intended father and ovum of any donor: due to some medical reasons or due to the wife's desire, if the wife does not offer her ovum, then the ovum of any other woman is fertilized by the sperm of the intended father artificially and then injected into the womb of the surrogate mother (Aramesh, 2009; Gloria Torres et al., 2019).
- (3) Ovum of intended mother and sperm of any donor: if the husband is not able to provide his sperm or because of his will, then the ovum of the intended mother is fertilized by the sperm of the donor artificially taken from the sperm bank, and then the embryo is injected in the uterus of a surrogate mother (Inhorn & Tremayne, 2016; Samani et al., 2009).
- (4) Neither sperm nor ovum from intended parents: there is another form of surrogacy in which both the intended parents do not provide their sperm and ovum while they obtain the sperm of their choice from the sperm bank and ovum from any woman, after the process of fertilization in the laboratory, the embryo is injected into the uterus of the surrogate mother (Lasker & Ghilardi, 2018).

All the mentioned cases in which sperm and ovum are taken from different people, rather than husband and wife, and then the embryo is injected into the surrogate mother's uterus after artificial fertilization, or any such cases are all completely forbidden in Islam (Husain, 2000).

### **3.4 Surrogacy in couples**

- If a couple (husband and wife) is not to be intimated properly or the wife cannot afford or bear it, then the sperm of the husband is injected into the wife's uterus (as the first method). This condition is legitimate. It does not affect the lineage, nor does it affect the rules of inheritance.
- If the method mentioned above is not possible for some reason, then the test tube procedure can be adopted. This method is also suitable. The condition is that sperm and ovum should belong to the couple.

Another interesting possibility is when a man has two or more wives, and one is infertile, by obtaining and fertilizing the egg of an infertile wife with her husband's sperm in a test tube and then injecting this embryo into the uterus of the healthy wife. On the contrary, if the egg of an infertile wife is not healthy, then the egg of another healthy wife, after fertilization with the sperm of the husband, can be injected into the uterus of the infertile wife. There is no abomination in this way. In any case, his lineage will be with his father, but the inheritance will be with his mother, who gave him birth.

As mentioned above, the first two conditions are completely acceptable. Still, the third condition in which an egg is obtained from one wife and injected into the uterus of another wife is doubtful. Except for these, all the forms are absolutely forbidden and Haram.

### **3.5 Causes and factors of surrogacy**

The main reason for surrogacy is infertility; for that reason, couples are deprived of sperm, egg, and embryo. The medical field has made many signs of progress in solving the problem of infertility. Sperms of a man are taken with the help of test tubes, and the eggs from a woman can be taken by a minor operation and then inserted again in the wife's uterus or the uterus of any other woman to have children.

- (1) The main cause of surrogacy is the absence of a woman's uterus, which has been removed because of any disease like cancer, tumour, or continuous bleeding (Jesús i Maria, 2020).
- (2) A woman can get her child through surrogacy if she has some infectious disease that can be transferred to a baby, like AIDS (Machado, Gail, & Ellenberg, 1990).
- (3) When women reach menopause, they become infertile due to the absence of eggs; then, in such conditions, they may get children by the artificial method (Domar et al., 2005).

- (4) Women belong to the fashion industry or showbiz; to maintain their figure and body shape, they do not give birth to children. She can get children through surrogacy through the combination of her eggs (if she is healthy) and her husband's sperm (Hibino, 2020).
- (5) The single mother trend is increasing in western countries. In this condition, when women want children, she needs to inject another man's sperm into her uterus to get pregnant (Söderström-Anttila et al., 2010).
- (6) Being single in the west is taking a terrible turn. The number of unmarried men and women is growing indefinitely. When these single people desire to become parents, they get children through unnatural and artificial methods (Husain, 2000).
- (7) Homosexuality is also the disease of the west in which a male has a male partner and a female have a female partner. This lifestyle is one of the reasons to encourage the trend of surrogacy (Jesús i Maria, 2020).
- (8) Surrogacy is also used to promote racism in these modern times (Cherry, 2000).
- (9) Surrogacy also leads to human trafficking (The Japan Times; (Federal Magistrates Court of Australia, 2012).
- (10) It is also a business for economically weak women (Christina Weis, 2015; Ramskold, ethics, 2013).

#### **4. Trends of surrogacy in countries across the world**

International Federation of Fertility Societies' Surveillance surveyed in 1999; according to this survey, different experiments were done on IVF surrogacy in 37 countries, but 15 countries are still experimenting. Most countries have banned surrogacy (Nozawa & Banno, 2004). According to the special research group of the Health Science Council, 11 states of the USA have granted permission to women to become surrogate mothers, whereas 11 states, on the other hand, prohibit surrogacy.

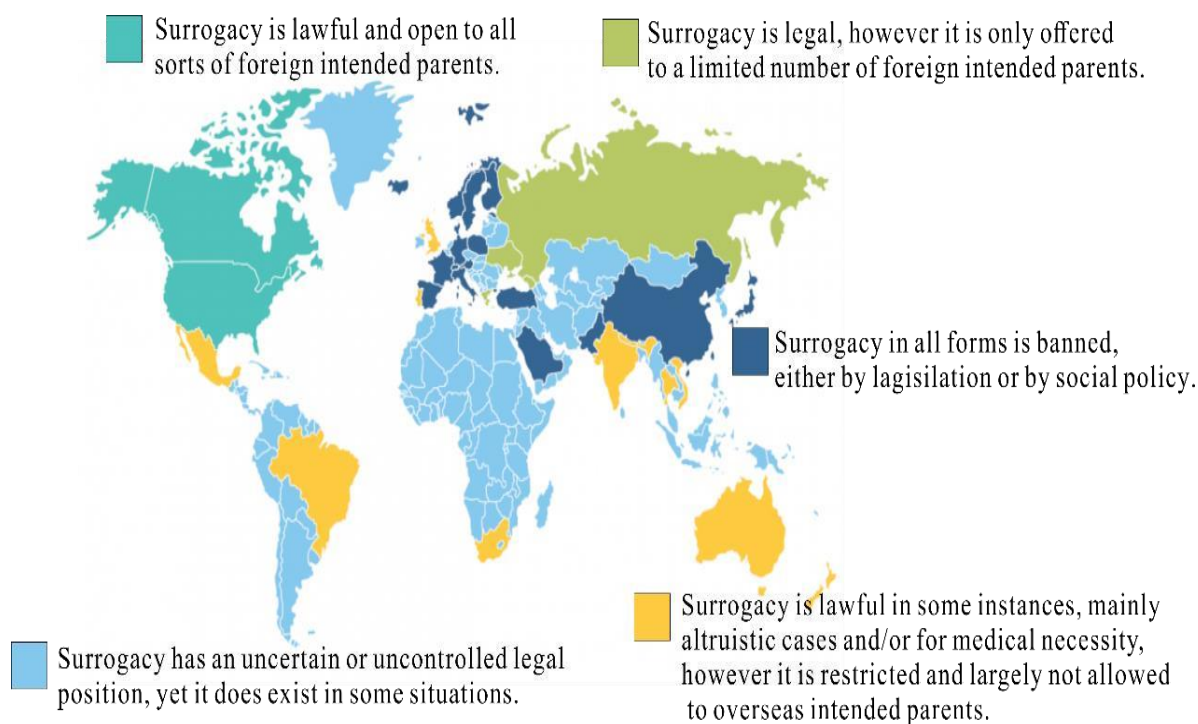
European countries like France, Germany and Sweden do not give legal permission to get pregnant with someone else's egg, sperm and embryo; in many countries, commercial surrogacy is a punishable offence. In Great Britain, voluntary surrogacy (i.e. without any financial remuneration) is legally permissible (Kisu et al., 2011).

In Asian countries like India and Thailand, the trend of surrogacy is growing very fast (Vaishnavi, 2015b). It may be possible that Pakistan may, too will, face surrogacy. After the surrogacy case of Farooq Siddiqui and Farzana Naheed, the Sharia Court of Pakistan banned surrogacy (Federal Shariat Court, 2015).

In **Turkey**, the donation of sperm, ovum and embryo is completely forbidden. Surrogacy is called an unlawful act. To do any arrangements for single women and lesbian couples is also completely illegal (IVF Laws).

In **Thailand**, the birth of surrogate children is permissible for commercial purposes as trade (Hibino, 2020), and the country has suffered from the unwarranted socioeconomic malice espoused in commercial surrogacy arrangements. Because of this, the Legislative Assembly has banned commercial surrogacy by passing the Protection of Children Born through Assisted Reproductive Technologies Act, B.E.2558. There are also fines and penalties for violations. In this act, agencies running a surrogacy business or advertising surrogate mothers are banned, and punishments are implemented for disruption (Stasi, A., 2017). The picture (Figure 4) below depicts the legal status of surrogacy arrangements across the countries and regions in the world (Adapted from (Surrogacy: Where In the World).

In **Pakistan**, all forms of surrogacy are not permitted but only when the process in which the embryo (after fertilization of sperm and egg of husband and wife) is injected into the wife's uterus through an artificial method (Shariat Petition No.2/1 of 2015).



**Figure 4:** Legal status of surrogacy arrangement across the countries and region in the world (Adapted from ORM Fertility)

### 5. The controversial aspect of surrogacy

Trends of the modern age, inventions, and the convenience of medical science have entered the world in an unnatural and artificial environment whose results may be very terrible. Surrogacy is an invention of medical science whose horror is evident from this; 9 surrogate children were born from the sperm of one Japanese father. It is a clear way of human trafficking (The Japan Times). A few days before the news of this incident became public, a surrogate mother from Thailand accused the Australian couple that the couple left behind one child with her and took the other child with them to Australia. It was like she gave birth to twins, a boy and a girl. The girl was healthy, while the boy had Down's syndrome. Australian couple left the boy with his Thai surrogate mother and took the healthy girl with them. This incident got international attention, and the industry of surrogate mothers was deeply criticized. Following this event, a formal law had to be passed by the Thailand Government and Legislation Assembly (The Japan Times).

### 6. The economics of Surrogacy in India

In India, surrogacy has become an industry. Initially, surrogacy was allowed voluntarily, and no wages were acceptable on the surrogacy agreement. In 2002 permission was granted for surrogacy. Then in 2008, the Supreme Court of India allowed infertile couples to get children through surrogacy with compensation. Therefore, obtaining compensation became legal with the acceptance of surrogacy law (Jargilo, 2016). However, this decision was not only beneficial for India. At the same time, infertile couples from European countries started moving toward India to get benefits, and surrogacy became an industry in India. Poverty, illiteracy, and the low currency rate of India is the basic reason for this. The surrogacy procedure is completed in India with one-third of the cost and expenses compared to the developed countries (The Baby Business).

The second reason is that there are no religious assertions around surrogacy in poverty-stricken India. Neighbouring countries of India are so much attracted to the showbiz industry of India. That's why whatever is shown in Indian movies and plays and its imprints can be seen in other countries like the Indian movie Vicky Donor, Good news, and the play Dil se dil tak. Like this, whenever famous personalities adopt any new trend, it becomes common almost everywhere in the world. It may be fashion or surrogacy. America, the United Kingdom (UK), Canada, Taiwan, France, and Australia

benefit from India through surrogacy. In these countries, it costs \$1 million but only \$15-20 Thousand in India. That's why India is also getting economic benefits from it. According to Indian economists, "A poor or a middle-class man cannot earn such amount of money in 10 years as much his wife can earn in 9 months by offering her womb on rent" (Reddy, 2020). In India, this technology has become an industry, and it is named as Fertility Tourism Industry. Now the fertility/surrogacy industry is one of the fastest-growing industries. This industry invested almost \$2.3 Billion until 2012 (Reddy, 2020; Jargilo, 2016); as noted by Madhavi Dewan, a renowned lawyer of the Supreme Court of India, India has turned into the "Surrogacy capital of the world" (India is surrogacy capital of the world). Therefore, other developing countries will try to benefit from this industry very soon. There is a blind alley in Indian surrogacy where wise men have sensed the devastation of this industry and are trying to curb it (Jargilo, 2016). The figure below classifies the practice of surrogacy in to various types.

## 7. Religious perspective on surrogacy

All the religions of the world investigate and evaluate the new problems according to their religious concepts and decide right and wrong accordingly. Surrogacy is also a multi-faceted issue for which every religion has its ideas and concepts. We may try to discuss the trends of surrogacy in different religions.

According to the concept of the **Catholic Church**, all forms of artificial reproduction are prohibited. Even donation of sperm and egg and surrogacy is illegal (Zoloth & Henning, 2010). Other people related to Catholic concepts have different opinions and concepts about surrogacy, which shows the complicated situation, and these opinions are also different from Vatican Church teachings. The Church of England is soft about surrogacy, and they have not banned it. According to the Book of Genesis 1:28, God gave the first commandment for the growth of human beings: "be fruitful and multiply" (Joseph G. Schenker, 1997). **Ancient Hindu literature**, especially in the Mahabharata, has the concept of three queens whose purpose is that they will have more children and the lineage in the Indian family will be permanent. Hindu biological ethics allows reproduction from a fully synthetic method like Assisted Reproductive Technology (ART). And if there are complications in getting pregnant or having a desire for a baby boy, Hindu biological concepts thoroughly encourage such couples. There is no moral or ideological superiority between genetic and non-genetic children in Mahabharata, while both types of children are treated equally. In Hinduism, lineage has nothing to do with genetics. It is not necessary to have a genetic relationship with the parents, even in the case of inheritance (Barbre, 2007).

**Judaism** permits the donation of eggs and sperm and surrogacy, while it is considered a duty for the growth of the Jewish race. According to Judaism, the child born through surrogacy will be the child of a sperm donor and the woman who gives birth to him (J. G. Schenker, 1997). According to traditional Jewish law, a single woman is suitable for surrogacy. The main reason for this is to confirm whether she is Jewish or not because in surrogacy, the status in Judaism is given by the mother. According to the Rabbis having old traditional concepts, the sperms used for surrogacy should be donated by the non-Jewish to prevent adultery in Jewish men and women and avoid genetic relation with the child (Kahn, 2000).

Some proponents of **Buddhist** ideas accept Assisted Reproductive Technology (ART) and encourage it greatly to solve infertility problems. They also permit surrogacy. The main reason is that this technology made it possible to become parents in infertile couples. In Buddhism, there is no restriction on the use of new types of medical technologies. Even though some Buddhists criticize artificial reproduction methods, it can be a source of sexual arousal. The second reason for criticism is that although there is no physical relationship in ART, the surrogate mother and her family may face some mental problems. As mentioned in Vinaya Pitaka, the desire for children is related to wealth and social needs, due to which man strays from the original insight. It also states, "One's body belongs to oneself, or one's child belongs to oneself." Some Buddhists scholars have an opinion about the surrogate child that the child will belong to the one who has donated sperm and egg and not to the



one who has adopted him (Numrich, 2009; Zoloth & Henning, 2010; Lasker, 2015). Table 1 summarizes the perceptions and concerns around surrogacy in various religions, as discussed above.

**Table 1:** Summary of perceptions and concerns around surrogacy in various religions.

Religions	Perception about surrogacy	Concerns about surrogacy
Catholicism	oppose surrogacy	All forms of artificial reproduction and donation of sperm and egg are prohibited and illegal.
Other Christian churches	generally oppose surrogacy	Sometimes it becomes difficult to find the surrogate child’s lineage; that’s why some people oppose it.
Hinduism	Accept surrogacy	Surrogacy is acceptable to overcome the problem of infertility.
Judaism	Accept surrogacy but with the stipulation	A single woman can be a surrogate mother to avoid adultery and confirm being Jewish.
Buddhism	Conflicted perceptions	The use of new technologies is acceptable for infertile couples.
Islam	strictly oppose surrogacy	Surrogacy is equivalent to adultery.

**Islamic scholars** consider the aims of Shariah before giving an opinion or solution to any issue. Objectives of Shariah include safety of religion, race, intellect, wealth, and oneself. Surrogacy is a modern medical problem not mentioned in the Holy Quran. There was no case in the time of the Holy Prophet (PBUH) and His companions. Still, the Quran and the Sunnah of the Prophet (PBUH) give us complete guidance on the family system, marriage, the birth of children, and the social sciences (Inhorn & Tremayne, 2016; Lasker & Ghilardi, 2018; Atighetchi, 2007). Islam not only advocates the birth of children but also emphasizes the protection of lineage. Infertility is a disease; the solution should be beneficial, not harmful. It is a modern medical methodology to get a womb on rent where intended parents donate their egg and sperm.

In some cases, only the husband donates his sperm to a woman other than his wife, and that surrogate gives birth to their child. In Islam, it is prohibited to donate sperm to such woman who is not his wife. The unanimous fatwa of the Islamic scholars is that inserting sperm or a wife’s egg in the womb of such a woman who is not his wife by any artificial means is a violation of Allah’s command. Allah has instructed in the Holy Quran: “And they who guard their private parts. Except from their wives or their right hand possesses, for indeed, they will not be blamed. But whoever seeks beyond that, those are the transgressors”. (Al-Quran Chapter Al-Muminoon Verse 5-7)

Similarly, having children without marriage falls under adultery (Al-Quran Chapter AlMuminoon Verse 5-7). Therefore it should be avoided to donate sperm and egg because of the destruction of the lineage. Adultery is also forbidden, as it also destroys the lineage. Lineage is very important for Allah as He stated in the Holy Quran “And it is He who has created man from water, and has appointed for him kindred by blood and kindred by marriage. And your Lord is ever All-powerful to do what He will” (Al-Quran Chapter Al-Furqaan Verse 54). Questions arise about the inheritance and relation of the surrogate child. A child born from a surrogate mother’s womb is like an adopted child. Islam explains lineage and the importance of family in which parents must be real, and if parents are genetically someone else, then it is a deception (Husain, 2000; Khan & Konje, 2019). It may be the cause of sibling marriages, and Allah has clearly explained the relations in which marriages are not allowed (Al-Quran Chapter An-Nisaa Verse 2324). Among the children of the parents who donated sperm and egg, who will be siblings, if the marriage will establish, it is nothing but mischief and evil. That’s why surrogacy is banned in Islam, in which the uterus of a woman, rather than a wife, is used for childbirth. In this regard, the Holy Prophet (PBUH) has said: “It is not lawful for a man who believes in Allah and the Day of Judgment to water what another has sown with his water (meaning intercourse with such woman who is already pregnant with anyone else’s child)” (Sunan Abi Dawud, 2158). On the other side of the man is polygamy (having two wives); if one wife cannot give birth to a child, then the husband’s sperm and ovum of the first wife can be injected into the uterus of a healthy wife by test-tube technique. Two schools of thought have emerged on this issue. The first school of thought prohibits it like other forms of surrogacy because the second wife mixes the lineage, and it will not be clear who the birth mother is.

The Holy Quran says: “None can be their mother except those who gave them birth” (Al-Quran Chapter Al-Mujaadila Verse-2). In response to this, Al-Majma Al-Fakhi issued a fatwa in its seventh session in 1404 AH that this practice could be adopted with complete caution, but in the very next year, in 1405 AH, it referred to the fatwa of justification (Bokek-Cohen & Tarabeih, 2021; Gürtin, Inhorn, & Tremayne, 2015a; Serour, 2008; Shabana, 2015). And there were various reasons behind this return in which it is difficult to know whether the child belongs to the first or the second wife, and during the test-tube procedure, the husband has had intercourse with the other wife, and if two children were born, who owns them and if one of the two dies, it will be difficult to know whose child died. Similarly, if the father dies, what will be the relationship between the two women, and what will be the decision regarding the child? According to the Holy Quran, the one who gives birth is the real mother (Al-Quran Chapter Al-Mujaadila Verse-2). Al-Majma' Al-Fiqh refers to its fatwa based on similar questions (Al-Mukarramah, 2004). According to the other school of thought, a married woman can be a surrogate mother because, when an embryo is formed, it comes out of the realm of sperm alone and takes the form of a genome that will be born from the womb of a married woman. So there is a big difference between making a wife a surrogate mother and an unmarried woman a surrogate mother. Scholars of the Iranian school of thought understand nothing but the transfer of embryos from one womb to another in surrogacy and do not take this process as a sin (Abbasi-Shavazi et al., 2008; Aramesh, 2009; Gürtin et al., 2015).

## 8. Conclusions

The review and analysis in this article revolve around four key notions:

- (1) Morality is the guarantor of a society's overall sustenance,
- (2) Whatever inventions and developments science has made, achieving human welfare is the primary objective.,
- (3) Drawing applications around concepts, all religions offer solutions to problems emerging from their values, traditions, ancient ideas, and the underlying divine scripture,
- (4) All economic concepts ultimately strive to provide humans with the necessities of life.

In light of these four points, the in-depth analysis of this article reveals that surrogacy is the precursor to several drawbacks and benefits. Many countries have outright prohibited surrogacy or commercial surrogacy for the same reason.

Surrogacy is considered a basic requirement for the survival of the human race by all religions except Islam. Surrogate children are raised unnaturally in the surrogate mother's womb, but eggs and sperm are acquired from biological parents, which has fewer benefits and risks. We believe that the human race's survival is dependent on natural and realistic means. Islam has a clear opinion about surrogacy. In addition, this study has defined surrogacy in terms of its causes, reasons, motives, intents, and cultural circumstances. Given the situation's complexities, we believe that a concerted effort is required to analyze and reconsider surrogacy's various antecedents, methods, and ramifications.

This research initiative can guide the world in establishing a prudent governance framework that can bridge the gap between the good and the bad aspects of surrogacy.

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