

Artificial Insemination and In Vitro Fertilization (IVF)

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Q18.

- 1) Is IVF or test-tube baby permissible, when the sperm and the egg belong to a lawfully wedded couple?
- 2) Assuming it is permissible; can the couple go ahead with the procedure if a non-mahram doctor carries it out? And does the born child belong to the same couple?
- 3) Assuming that it is not permissible in itself; would the ruling be different if the continuity of the marriage was dependent on it?

A:

- 1) There is no objection to carrying out the procedure in itself. However, it is obligatory to keep away from any preliminary step that might involve committing a ḥarām act like prohibited looking and touching.
- 2) The child born by way of this procedure belongs to the couple from whom the sperm and the egg were taken.
- 3) It is mentioned that carrying out the procedure, in itself, is permissible.

Q19. Some childless couples get separated mainly because of the strains and stresses put on the marriage due to the fact that the wife is barren because of ovulation problems. Is it permissible to use an egg donated by another woman to carry out the fertilization procedure in a tube by the husband's sperm and the implantation of the fertilized egg in the wife's womb?

A: Although there is no legal problem in carrying out the said procedure in itself, the born child belongs to the genetic parents. There is a problem in referring the baby to the mother who became pregnant with it. Therefore, they should observe caution insofar as the shar'ī rules governing lineage are concerned.

Q20. Is it permissible to use the sperm of the husband, after his death, in fertilizing an egg taken from his wife and implanted it inside her womb? Does the born child belong to the dead husband? And does the born child inherit from the father?

A: There is no harm in carrying out the procedure in itself. The born child belongs to the mother to whom the egg and the womb belong. It is not remote to attribute the baby to the husband. However, the baby does not inherit from him.

Q21. Is it permissible for a woman, whose husband is sterile, to be artificially inseminated with sperm from a non-mahram man (other than her husband), i.e., through placing the sperm in her womb?

A: In itself there is no legal impediment to inseminating a woman with the sperm of a non-mahram man. However, it is obligatory to avoid the preliminary steps which are ḥarām, such as looking and touching. However, the born child in this way does not belong to the husband of the woman, rather to the person who donated the sperm and the woman whose egg and womb were used in the process.

Q22.

- 1) Can a married woman, who has passed the age of ovulation due to menopause or the like, get pregnant with and be the surrogate mother of a fertilized egg of a second wife of her husband? Would the ruling be different if she or the second wife, whose egg was fertilized, is a permanent wife or a temporary one?
- 2) Who will be the mother of the child, the person who donates the egg or the one who gets pregnant with it?
- 3) Is the procedure permissible if the other's egg is needed because the egg of the wife is so weak that it is feared that the born child

would be deformed had it been fertilized with the husband's sperm?

A:

- 1) There is no shar'ī objection to the procedure in itself. The ruling would be the same whether they are permanent marriages or temporary ones. Nor is it different if one of them is permanent and the other temporary.
- 2) The born child belongs to those whose sperm and egg are used in the procedure. It is problematic to say that the one whose uterus is used is the mother. Therefore, caution in matters of lineage insofar as the said woman is concerned has to be observed.
- 3) In itself, this procedure is permissible.

Q23. Is it permissible to inseminate a woman with the sperm of her dead husband in the following cases?

- 1) After the death of the husband but before the end of the waiting period?
- 2) After the death of the husband and after the end of the waiting period?
- 3) Suppose the widow remarried, is it permissible for her to be inseminated with the sperm of her former husband? And is it permissible for her to be inseminated with the sperm of her former husband after the death of the second husband?

A: In itself, there is no objection to that, be it before or after the waiting period and whether she remarried or remained unmarried. The ruling would also not be different if the insemination takes place with the sperm of her former husband at the lifetime of the second husband or after his death. However, if the procedure takes place during the lifetime of the second husband, his permission should be obtained.

Q24. Nowadays it is possible to keep the ova that have been fertilized in vitro alive by certain procedures to be implanted later inside the womb of the woman who possesses the ova when necessary. Is it permissible?

A: There is no harm in it in itself.