

Family Planning and Islam: A Review

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In Pakistan, demographic matters have gained prime importance because of an unprecedented large increase in her population. Pakistan is the ninth most populous country in the world. According to an estimate, its population was 112 million in 1990 and would increase to 163 million in 2003. [1] The population of Pakistan is growing at a rate of 3.0% which is among the highest in the world. [2]

This gigantic increase in population has emerged as a matter of great public concern because it is undermining our efforts to raise living standards of our people. It is true that due to mechanized agriculture, use of fertilizers and cultivation of high yielding varieties of grains, agricultural output has increased considerably. Industries are also expanding. But the country is not showing sufficient signs of progress because progress made by Pakistan is being nullified by her rapid population growth.

Every year, more than 3.37 million new individuals are added. [3] Due to this population explosion, Pakistan is least able to provide large additions of youngsters with food, clothing and education, and of young adults with jobs, housing and other consumer essentials, while trying to break out of the vicious circle of poverty.

The gravity of this crisis, as a cause of impending mass misery, as a threat to social system, and as a major obstacle in the path of our efforts to raise levels of living, had been acknowledged in the '50s. Pakistan is among those countries who first of all started government sponsored population control programmes. But in the last 30 years, after spending nearly five billion rupees on population control campaigns, we have failed to restrain the rate of population growth. [4] There is little evidence of any positive results of these programmes except some slogans printed on postal envelopes and some billboards with jingles.

The eighties brought a renewed recognition of the urgency of the population and development question in Pakistan. We are entering or have already entered a phase of net food deficit and can avert food shortages only if we embark upon extensive programmes of modernizing our agriculture and, at the same time, try to limit our population growth to manageable levels.

By analysing the cause of failure of family planning

programmes in Pakistan--given the fact that hundreds of millions of rupees have been spent by national and international agencies--it has been felt that ambiguity over the way Islam views family planning has been a primary obstacle to the large scale acceptance of family planning programmes. Many Muslims, including religious scholars, have misperceptions about family planning within the context of Islam. This article is an effort to clear these misconceptions that many Muslims have about the lawfulness of birth control in Islam. **Is birth control permissible in Islam?**

A Muslim has three sources of knowledge to obtain answers to the questions pertaining to various aspects of human life. These sources are:

1. The Holy Qur'an;
2. Sayings (*hadith*) and acts (*Sunnah*) of the Holy Prophet (pbuh); and
3. The views of the leaders of juristic schools qualified to interpret the teachings of Islam.

1. The Holy Qur'an

No Qur'anic text forbids prevention of conception. There are, however, some Qur'anic verses which prohibit infanticide and these are used by some Muslims to discourage birth control.

But contraception does not amount to killing a human being. These verses in fact were revealed to forbid the pre-Islamic Arab practice of killing or burying alive a newborn child (particularly a girl) on account of the parents' poverty or to refrain from having a female child. Perhaps in those days, people did not know safe methods of contraception and early abortion.

2. Hadith

The principle of preventing conception was accepted in those sayings of the Prophet (pbuh) which allowed some of his followers to practice '*azl* or coitus interruptus. These *ahadith* embodied the earliest legal reasoning of Muslims on contraception and were essential instruments of argument in later Islamic thought on contraception. There is a sufficient number of *ahadith* on contraception. The most commonly quoted ones are the following. [5]

1. According to Jabir, "We used to practise '*azl* in the

Prophet's (pbuh) lifetime while the Qur'an was being revealed." There is another version of the same *hadith*, "We used to practise coitus interruptus during the Prophet's (pbuh) lifetime. News of this reached him and he did not forbid us."

2. According to Jabir, "A man came to the Prophet (pbuh) and said, 'I have a slave girl, and we need her as a servant and around the palmgroves. I have sex with her, but I am afraid of her becoming pregnant.' The Prophet (pbuh) said, 'Practice *'azl* with her if you so wish, for she will receive what has been predestined for her.'"

3. According to Abu Sa'id, "We rode out with the Prophet (pbuh) to raid Banu al-Mustaliq and captured some female prisoners . . . we desired women and abstinence became hard. [But] we wanted to practise *'azl*; and asked the Prophet (pbuh) about it. He said, 'You do not have to hesitate, for God has predestined what is to be created until the judgement day.'"

4. According to Abu Sa'id, "The Jews say that coitus interruptus is minor infanticide, and the Prophet (pbuh) answered, 'The Jews lie, for if God wanted to create something, no one can avert it (or divert Him).'"

5. According to 'Umar Ibn Khattab, "The Prophet (pbuh) forbade the practice of *'azl* with a free woman except with her permission."

6. According to Anas, "A man asked the Prophet (pbuh) about *'azl* and the Prophet (pbuh) said, 'Even if you spill a seed from which a child was meant to be born on a rock, God will bring forth from that rock a child.'"

7. According to Judhamah bint Wahb, "I was there when the Prophet (pbuh) was with a group saying, 'I was about to prohibit the *ghila* (intercourse with a woman in lactation) but I observed the Byzantines and the Persians, and saw them do it, and their children were not harmed.' They asked him about coitus interruptus, and the Prophet (pbuh) replied, 'It is a hidden infanticide . . .'"

These *ahadith* reflect two points: first that the Prophet (pbuh) knew about the practice and did not prohibit it (no. 1), and second, that the Prophet (pbuh) himself permitted the practice (no. 2 & 3).

The *hadith* from Judhamah (no.7) was an approximation to the homicide traditions of the Jewish and Christian traditions. This *hadith* provided support for Ibn Hazm's minority view that *'azl* was prohibited by the Prophet

(pbuh). But medieval jurists used the *hadith* about the Jews (no. 4) to refute the argument for prohibition. They claimed that how the Prophet (pbuh) could have maintained that the Jews lied by calling *'azl* akin to infanticide and then have maintained the same opinion himself. [6]

Views of medieval Muslim jurists

Muslim jurists do not speak with one voice on the question of birth prevention, on its lawfulness, on conditions for practice and on methods that may be used. Muslim jurists determine the lawfulness of an act on the basis of a method which comprises four principles or sources (*usul*). Two of these (Qur'an and *Sunnah*) are religious sources. The other two principles include analogical reasoning (*qiyas*) and the consensus of the *'ulama (ijma')*.

The most detailed analysis of Islamic permission of contraception was made by the great leader of the Shafi'i School of jurisprudence, al-Ghazzali (1058-1111). He discussed this issue in his great work, *Ihya' 'ulum al-Din* (The revival of Religious Sciences), in the chapter on biology in religion. [7]

Al-Ghazzali stated that there was no basis for prohibiting *'azl*. For prohibition in Islam was possible only by adducing an original text (*nass*, an explicit provision in the Qur'an or *hadith*) or by analogy with a given text. In the case of contraception, there was no such text, nor was there any principle on which to base prohibition. In his view, coitus interruptus was permitted absolutely (*mubah*) and this permission could be ratified by analogical reasoning. A man could refrain from marriage; or marry but abstain from mating or have sexual mating but abstain from ejaculation inside the vagina--*'azl*. Although it was better to marry, have intercourse, and have ejaculation inside the vagina, abstention from these was by no means forbidden or unlawful. [8]

Al-Ghazzali made a distinction between infanticide and contraception. He said that a child could not be formed merely by the emission of the spermatic fluid, but by the settling of semen in the woman's womb; for children were not created by the man's semen alone but of both parents together. So contraception could not be compared with infanticide which was the killing of an existing being while contraception was different.

In the process of contraception, the two (male and female) emissions are analogous to two elements, 'offer' (*ijab*)

and 'acceptance' (*qabul*) which are components of a legal contract in Islamic law. Someone who submits an offer and then withdraws it before the other party accepts it is not guilty of any violation, for a contract does not come into existence before acceptance. In the same manner, there is no real difference between the man's emission or retention of the semen unless it actually mixes with the woman's 'semen'.

Al-Ghazzali classified earlier and contemporary opinions into three groups:

1. Unconditional permission for '*azl*;
2. Permission if the wife consents but prohibition if she does not. This is the view of Hanbali and Maliki groups, of Zaydiyah scholars and of 'Ibadites, survivors of the Kharijite sect. According to some Hanafi scholars, this condition does not apply if the husband is convinced that the child will grow in an unhealthy moral environment.
3. Complete prohibition, a view expressed by Ibn Hazm and his followers of the Zahiriyah School. [9]

Al-Ghazzali accepts prevention or contraception if the motive for the act is any of these: (1) a desire to preserve a woman's beauty or her health, or save her life; (2) desire to avoid financial hardship and embarrassment; (3) avoidance of other domestic problems caused by a large family. He did not accept avoidance of female birth as a legitimate motive for contraception.

Another great scholar, Ibn Taymiyah, discussed Divine providence, procreation and contraception (in this way) in the early fourteenth century. He argues, "Allah creates children and other animals in the womb by willing the meeting of parents in intercourse, and the two semens in the womb. A man is a fool who says, 'I shall depend on God and not approach my wife and if it is willed that I be granted a child I will be given one, otherwise not and there is no need for intercourse.' This is very different from having intercourse and practising withdrawal, for withdrawal does not prevent pregnancy if God wills a pregnancy to occur, because there can be involuntary pre-emission of semen." [10]

In all the early Muslim scholars, only one jurist rejected '*azl* absolutely. This was the Spaniard, Ibn Hazm (994-1063) who belonged to the Zahiriyah School of jurisprudence which was a short-lived movement. Ibn Hazm argued that numerous permissive *ahadith* were early and reflected the fact that in Islam everything was lawful until the Prophet (pbuh) prohibited it specifically. He based his argument on the *hadith* quoted by Judhamah bint Wahb.

[11]

Ibn Hazm claimed that the Prophet (pbuh) had abrogated these permissive *ahadith* when he later said that '*azl* was 'hidden infanticide.' Since the Qur'an prohibits infanticide in the strongest possible terms, and the Prophet (pbuh) called coitus interruptus hidden infanticide, he maintained that '*azl* was prohibited also.

The views of Ibn Hazm were strongly opposed by later jurists. The most notable of these was the Hanbali scholar, Ibn Qayyim al-Jawziyyah (1291-1351), who proved '*azl* as permissible in his famous work, *Zad al-Ma'ad*. Ibn Qayyim showed that the claim of Ibn Hazm required an exact historical dating to prove that the abrogating *hadith* was subsequent to the 'permissive' *hadith* and that such an exact dating was impossible. [12] He added that, in any case, it was generally agreed in the Islamic law that infanticide applied only after the foetus was formed and the child born. Infanticide thus defined was prohibited, coitus interruptus was clearly something else.

Some other scholars of the Prophet's (pbuh) tradition, like Ibn Majah and Ahmad, agreed that coitus interruptus was permitted by the Prophet (pbuh). [13]

This in brief is the review of juristic opinion about contraception. There is no doubt that the earliest followers of the

Prophet (pbuh) practised '*azl*. This practice was within his knowledge and he did not forbid it.

Muslim jurists and abortion

Many Muslim scholars have discussed the thorny question of abortion. They have based their discussion on the division of the development of foetus into two stages. According to them, the whole period of pregnancy can be divided into two stages: the first 120 days, and the remaining period before childbirth. Most classical Muslim jurists claim that it is permissible to have an abortion for valid reasons during the first stage. [14]

The Holy Qur'an has also described the process of foetal development. According to it, the development of foetus progresses through stages of differentiation and growth.

Man We did create from a quintessence (of clay); then We placed him as (a drop of) sperm in a place of rest, firmly fixed; then We made the sperm into a clot of congealed blood; then of

that clot We made a (foetus) lump; then We made out of that lump bones and clothed the bones with flesh; then We developed out of it another creature. So blessed by God the Best to create! [15]

In another *Surah*:

O mankind! If you have a doubt about the Resurrection, (consider) that We have created you of dust; then of sperm; then out of a leech-like clot, then out of a morsel of flesh, partly formed and partly unformed, in order that We may manifest (Our power) to you; and We cause whom We will in the wombs, for an appointed term, then do We bring you out as babes.[16]

All Muslim scholars agree that the foetus changes to a human being after 120 days of conception. The following *hadith* also supports this point.

The Prophet (pbuh) said, "Each of you is constituted in your mother's womb for forty days as a *nutfah*, then it becomes an '*alaqah* for an equal period, then a *mudghah* for another equal period, then the angel is sent and he breathes the soul into it." [17]

This view of embryonic development was central to the Muslim arguments on abortion. According to Muslim scholars, it is lawful to have an abortion during the first 120 days, but after the stage of ensoulment, abortion is prohibited completely except where it is imperative to save the mother's life.

The Hanafi scholars, who comprised the majority of orthodox Muslims in later centuries, permitted abortion until the end of the four months. According to them, a pregnant woman could have an abortion without her husband's permission, but she should have reasonable grounds for this act. [18] One reason which was mentioned frequently was the presence of a nursing infant. A new pregnancy put an upper limit on lactation, and the jurists believed that if the mother could not be replaced by a wet-nurse, the infant would die.

A considerable majority of the Maliki jurists described abortion as completely forbidden. In their view, when the semen settles in the womb, it is expected to develop into a living baby and it should not be disturbed by anyone. According to Ibn Jawziyyah, when the womb has retained the semen, it is not permitted for the husband

and wife, or one of them or the master of the slave-wife, to induce an abortion. After ensoulment, however, abortion is prohibited absolutely and is akin to murder. [19]

Many Shafi'i and Hanbali scholars agreed with the Hanafis in their tolerance of the practice, some putting an upper limit of forty days for a legal abortion, other eighty days or 120 days.

By comparing the Muslim jurists' consensus on the permission of contraception, there appears a difference of opinion on abortion. But given the fact that prohibition was not the dominant view by any standard, given the fact that Muslims believed in ensoulment as the crucial event before which the foetus was not a person, and given the fact that the sanction of contraception strengthened the view that abortion should be legalized before ensoulment, perhaps we can say that, on the whole, abortion was religiously tolerated. This conclusion gains indirect support from the contemporary medieval Arabic secular literature. Medicine, *materia medica* and popular literature all treated contraception and abortion as if they were two aspects of the same process: birth control.

Views of some modern Muslim jurists

The Grand Mufti of Jordan, Shaykh 'Abd Allah Al-Qalqili, issued a *fatwa* in 1964 in which he said:

There is agreement among the exponents of jurisprudence that coitus interruptus, as one of the methods for the prevention of childbearing, is allowed. Doctors of religion inferred from this that it is permissible to take a drug to prevent childbearing, or even to induce abortion. We confidently rule in this *fatwa* that it is permitted to take measures to limit childbearing. [20]

Another Muslim scholar, Dr. Ismail Balogun of Nigeria's University of Ibadan, wrote about the lawfulness of modern contraceptive methods:

The question that arises because coitus interruptus was the only contraceptive method known by the Prophet's Companions, and which practice the Prophet (pbuh) condones, is this: can Muslims of today practice any other method? The answer can only be in the affirmative, as long as other methods are not injurious, either to the man or woman. The question is tantamount to asking whether a Muslim can today wear clothes different in

shape from those worn by the Prophet (pbuh) and his Companions during their time. [21]

Shaykh 'Ali Jad al-Haq, the Grand Mufti of Egypt, commented on the projection of family planning as a distrust in the popular belief that Allah will take care of a family's needs regardless of how big it grows, in these words:

Contraception, through withdrawal or any newer method, does not mean distrust in Allah's generosity or mercy. Do you recall what our Prophet (pbuh) said to the camelman who was afraid of losing his valuable beast? "First take the precaution of tying up your camel and then trust in Allah's care for her." Is this not the best counsel for combining planning with faith in God's concern for all? When Al-Ghazzali wrote about contraception as a possible solution of the family's problems, the great Imam was not suggesting disbelief in God's care for the family.'

Let me also refer to a famous verse from the Qur'an: "There is no creature on earth for whom Allah does not create the means of livelihood." The verse does not mean that man need not work for his livelihood. Omar bin Khattab, the second Caliph of Islam, explained this verse clearly: "The man who trusts Allah is one who believes that Allah will make the seed grow, but he does not neglect to sow his crop."

Human forethought and effort are certainly not incompatible with complete faith in Allah's care for His creation. [22]

Conclusion

The early followers of Islam were few and weak in the midst of a vast majority of aggressive and oppressive people. The good of the Muslims then required that there should be a call for the multiplication of their numbers, in order that they might be able at the time to fulfil their responsibilities in defending the mission of Islam and protecting the true religion of Allah against the power and multitudinous adversaries threatening it. But now we find that conditions have changed. We find that the density of population in the world threatens a serious reduction in the living standards of mankind to the extent that many men of thought have been prompted to seek family planning in every country so that the resources may not fall short of ensuring a decent living for it's people to provide public service for them.

Islam, as the religion of pristine nature, has never been opposed to what is good to man. Indeed it has always

been ahead in the effort towards the achievement of this good so long as it is not in conflict with the purposes of Allah's law.

Family planning, understood by Islam, is not opposed to marriage or to the begetting of children, nor does it's concept imply disbelief in the doctrine of fate and Divine dispensation--for Allah Almighty has bestowed reason upon man to enable him to distinguish between the useful and the harmful, and to help him follow the path that would assure him happiness in this world as well as in the world to come.

Notes

1. Family Planning Association of Pakistan, *The Invisible Threat* (1990), p. 20.
2. Aziz, Q., "Pakistan and the Demographic Challenge," *The Pakistan Times*, April 26, 1991.
3. See No. 1 above.
4. Hassan, I., "Population Planning," *The News*, Nov. 15, 1992.
5. Wensinck, A.J., *Hand Book of Early Muhammadan Tradition* (Leiden: E.J. Brill, 1960), p. 112.
6. Musallam, B.F., *Sex and Society in Islam* (Cambridge University Press, 1983) p. 176.
7. Al-Ghazzali, *Ihya' Ulum al-Din*, Al Matba al-Azhariyya al-Misriyya (Cairo, 1302 A.H.).
8. *Ibid.*
9. Haq, A.J., 'An Interview with Grand Mufti of Egypt,' *Populi* II:2, 1984.
10. Ibn Taymiyah, *Al-Fatawa al-Kubra*, 5 vols. (Cairo: Dar al-Kutb al-Haditha, 1966).
11. Ibn Hazm, *Al-Muhalla*, 11 vols. in 8, Cairo, 1352 A.H.
12. Ibn Qayyim, *Bada'i al-Fawa'id*, 4 vols., (Beirut: Dar-Al-Kitab al Arabi, n.d.).
13. Khan, A.H., 1987, *Zabate Tauleed Key Baray Mein Islami Nazariyat* (in Urdu), Population Welfare Division, Government of Pakistan, 1987.
14. See No. 6 above, p. 57.
15. Al-Qur'an, Eng. Trans. Yusuf Ali, Qatar ed., 23:12-14.
16. *Ibid.*, 22:5.
17. See No. 6 above.
18. Ibn-Abidin, *Al-Hadiyyah al-'alaiyyah*, 3rd edition (Damascus, 1965).
19. Ibn Juzayyah, *Kitab al-qawanin al-Fiqhiyyah*, (Fez: Mataba al Nahda, 1953).
20. Gupte, P., *The Crowded Earth, People and Politics of Population* (New York: W.W. Norton and Co., 1984), p. 349.
21. *Ibid.*
22. See no. 9 above.