

Family planning in Islam: Theoretical Doctrine and Religious Practice

Journal of Society in Kashmir
10(1) 150-159

ISSN: 2249-667X

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<http://sociology.uok.edu.in/Files/c2d3b27>

8-4cf7-49a5-9525-

af5e352f2900/Journal/de010392-8d13-4339-

9150-84fb9e1515c7.pdf

Nadeem Ahmad Wani*

Abstract

The concept of family planning has raised some concerns regarding its acceptability within Muslim populations. While some Muslim states and organizations have adopted a rather cautious approach to the issue, others have gone to the extent of inviting religious leaders to present religiously sound interpretations on the subject. The ongoing discussion surrounding family planning in the Muslim communities raise legitimate questions. How is family planning perceived within the Muslim community? Does Islam address the issue of family planning? Is it permissible? How should appropriate family planning programmes within Muslim settings be developed and applied? The present paper makes an attempt to understand the perception of family planning in Islam while seeking inferences from the valid secondary sources. It also evaluates the practice of the Muslim population of Kashmir regarding family planning.

Keywords

Birth Control, Marriage, Family Planning, Islam

Introduction

Fertility, mortality, migration (and marriage) affect the lives of individuals, families and societies at large yet one discovers the fact that people are not well prepared to comprehend the phenomena of these population events. These four vital facts give rise to a series of significant question. Are the birth rates same or different across cultures, communities and geographical locations? Which segment of the populace has high or low fertility? Which age group of the population influences fertility? Does early marriage contribute to birth of more children? How

* Member, Juvenile Justice Board (Pulwama), ICPS, Government of J&K,
Email: nadeemwanijjb@gmail.com

does delayed marriage affect the fertility? Has level of education any bearing on the number of births? How does the nature and type of marriage contribute to child bearing? Has the nature of family any bearing on fertility and mortality? Does poverty influence fertility and mortality? How does a working couple look towards bearing and rearing of children? What is the bearing of health infrastructure on the births and deaths? How does the development of one society contribute towards migration of another? What are the implications of increasing issues of insecurity towards of bearing children? And so on. Since the arguments raised are multiple and each one emerges as a process, we may as well conceive of population studies in plural. Even though the this plurality of the discipline has given rise to multiple debates, however, the fact remains that increase in population has become a matter of global concern and the concept of family planning has attempted to respond to this growing concern. However, the response has been varied depending upon the nature of community and society.

However, concept of family planning has raised some concerns regarding its acceptability within Muslim populations. While some Muslim states and organizations have adopted a rather cautious approach to the issue, others have gone to the extent of inviting religious leaders to present religiously sound interpretations on the subject. Alongside these deliberations are some alarming statistics on maternal health. The World Health Organization estimates that worldwide 211 million women become pregnant each year and that about two-thirds of them deliver live infants. The remaining one-third of pregnancies end in miscarriage, still birth or induced abortion. Some 200 million women in developing countries have an unmet need for effective contraception. These statistics and the ongoing discussion surrounding family planning in the Muslim communities raise legitimate questions. How is family planning perceived within the Muslim community? Does Islam address the issue of family planning? Is it permissible? How should appropriate family planning programmes within Muslim settings be developed and applied? In Islam, contraception is mainly addressed in the context of marriage and family. Marriage and family sociologically signifies the stage of greater social advancement. It is indicative of man's entry into the world of emotion and feeling, harmony and culture. Malinowski defined marriage as a contract for the production and maintenance of children. According to Lundberg, marriage consists of the rules and regulations that define the rights, duties and privileges of husband and wife with respect to each other. People do not marry because it is their social duty to perpetuate the institution of family or because the scriptures

recommend matrimony but because they lived in a family as children and cannot get over the feeling that being in a family is the only proper way to live in society. It is the first and permanent social institution. Marriage is the basis for family formation in Islam.

As a social system, culture, and civilization, Islam considers the family the basic unit of society. The Quran (the primary source of Islamic law or *Shariah*), views marriage as sacred and identifies the husband and wife as the principals of family formation. The Quran has a number of references to marriage, including the following:

- *And one of the [God's] signs is that He has created for you mates from yourselves, that you may dwell in tranquility with them, and has ordained between you Love and Mercy. (Al Qur'an 30: 21)*
- *It is He who created you from single soul and there from did make his mate that he might dwell in tranquility with her. (Al Qur'an 7: 189)*
- *And God has made for you mates from yourselves and made for you out of them, children and grandchildren. (Al Qur'an 16: 72)*

These verses suggest that tranquility is an important purpose of family life and is achieved through marriage. Also, while procreation is expected in marriage to maintain the human race, sexual relations in marriage need not always be for the purpose of having children. From the Islamic point of view, when procreation takes place, it should support and endorse tranquility rather than disrupt it.

Thus, contraception helps families achieve tranquility by having children when they want them and when they are prepared to have them. Because of the importance of family in Muslim societies, legal scholars from various Islamic schools of jurisprudence and from various locales have given considerable attention to contraception. (Farzaneh Roudi-Fahimi.2004)

Since the family forms the basis of the nuclear composition of the world, the issue of birth control if it will affect the global world must start at the family levels. Hence, birth control is the spacing of child given birth to by individual nuclear family system within a reasonable period of time to enable the mother give adequate care and effective weaning to a child before another one is born. It is also referred to as the proper planning and structuring of a number of children a family unit will give birth to within a period of time. Birth control and family planning are used interchangeably and the two words are like the two sides of a coin. While birth control may be taken as considering the number or reducing the number of children a person may give birth to, family planning is equally perceived as scheduling how to go about giving birth to a reasonable sizeable and manageable number of children by the individual family

units. The essence of birth control or family planning is to give birth to a number of children which the individual family unit system can cater for adequately so that such children may not constitute nuisance to the society. (Ajani Salako Taofiki. 2013)

Family Planning in Islam

A Muslim has following three sources of knowledge to seek answers to the questions pertaining to various aspects of human life:

- a) The Holy Qur'an;
- b) Sayings (*Hadith*) and acts (*Sunnah*) of the Holy Prophet (PBUH); and
- c) The views of the leaders of juristic schools qualified to interpret the teachings of Islam.

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.

Sayings of Prophet Muhammad (Hadith)

Even though Qur'an does not directly address to the issue of family planning, however there are ample number of *Ahadith* which address to this issue. The most commonly quoted ones are the following (Wensinck. 1960):

- According to *Jabir*, "*We used to practice '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 practice coitus interruptus or 'azl during the Prophet's (PBUH) lifetime. News of this reached him and he did not forbid us.*"
- 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.*'"

- 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 practice '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.'"
- 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).'"
- According to *'Umar Ibn Khattab*, "The Prophet (PBUH) forbade the practice of 'azl with a free woman except with her permission."
- 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.'"
- 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, and second, that the Prophet (PBUH) himself permitted the practice.

The *Hadith* from *Judhamah* (mentioned at '3.2.2.7') 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* (mentioned at '3.2.2.4') about the Jews 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. (Musallam, 1983)

Views of 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 *al-Ghazzali (1056-1111)*. He discussed this issue in his work, *Ihya' 'ulum al-Din* (The revival of Religious Sciences), in the chapter on biology in religion. (Al-Ghazzali. 1302) He 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.(*ibid.*)

He 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'. He further classified earlier and contemporary opinions into three groups:

- a) Unconditional permission for 'azl;
- b) 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.
- c) Complete prohibition, a view expressed by Ibn Hazm and his followers of the Zahiriyah School. (Haq, 1984)

Consequently *Al-Ghazzali* accepts prevention or contraception if the purpose for the act is a desire to preserve a woman's beauty or her health,

or save her life; desire to avoid financial hardship and embarrassment; and/or avoidance of other domestic problems caused by a large family.

Besides, *Ibn Taymiyah* 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." (1966)

Ibn Hazm completely discarded 'azl. He 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. (Ibn Hazm, 1352) He 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 *Ibn Qayyim al-Jawziyyah*, who proved 'azl as permissible in his famous work, *Zad al-Ma'ad*. He illustrated 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. 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). (Khan 1986)

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. (Gupte, 1984)

After reviewing various sources of Islamic jurisprudence, *Abdel Rahim Omran* (1992) developed a list of justifiable reasons under Islam for using contraception.

Muslims may use contraception to (ibid):

- Avoid health risks to a breastfeeding child from the “changed” milk of a pregnant mother;
- Avoid health risks to the mother that would result from repeated pregnancies, short birth intervals, or young age;
- Avoid pregnancy in an already sick wife;
- Avoid transmission of disease from parents to their offspring;
- Preserve a wife’s beauty and physical fitness, thereby continuing the enjoyment of her husband, ensuring a happier married life, and keeping the husband faithful;
- Avoid the economic hardships of caring for a larger family, which might compel parents to resort to illegal activities or exhausting themselves to earn a living;
- Allow for the education, proper rearing, and religious training of children, which are more feasible with fewer children;
- Avoid the danger of children being converted from Islam in enemy territory;
- Avoid producing children in times of religious decline; and
- Enable separate sleeping arrangements for boys and girls after puberty, which is more feasible with fewer children.

Regarding the health justification of family planning, Omran opined, “Warding off the risks posed to the health of mothers and children by additional pregnancies is the most common reason for accepting contraception in Islamic jurisprudence.” (Ibid) Legal scholars interpret the Quran’s recommendation of two years of breastfeeding and the Prophet’s recommendation against pregnancy during lactation as an endorsement for child spacing. Rather than avoiding intercourse for two full years, which would be a hardship, couples can use contraception. (Roudi-Fahimi, 2004)

Conclusion

Legal scholars who interpret Islam as permitting contraception assume that the family planning would be safe and practiced only for good reasons. For example, Islam does not allow the use of contraception to avoid female offspring. While the great majority of the theologians believe contraception is sanctioned in Islam, they mostly limit the practice to temporary methods of family planning. Besides, Muslim scholars have interpreted the Qur’an’s recommendation of two years of breastfeeding and the Prophet’s recommendation against pregnancy during lactation as an endorsement for child spacing. Within these two years, rather than avoiding intercourse which could bring hardship on the couple, they are

allowed to use contraception. An overwhelming majority of theologians who have approved the use of modern contraceptives have expressed some reservations regarding the permanent methods of female and male sterilization. All the schools of thoughts in Islam go against permanent methods of birth control except for health reasons. Theologians opposing sterilization as a family planning method consider the practice as interfering with God's will and attempting to change what God has created. Consequent upon the established approval of temporary birth control in Islam, 'Azl (coitus interruptus), Safe Period, The Temperature Method, Hormonal Methods and Intrauterine Device like methods have been identified as the medically birth control methods approved by Islam whereas Sterilization and abortion are considered to be un-islamic but are permitted on health reasons.

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