

## Chapter 4: Family Planning

### Family Planning in Islam

#### Family Planning in Islam 1

Family planning as a private measure to space or regulate the family size for health or economic reasons is permissible in Islam. There is neither any verse in the Qur`an or ḥadīth against birth control, nor is it obligatory to have children in marriage. Moreover, there are several ahadith which categorically prove that birth control is permissible.

It is narrated from Imām °Alī (ع): “One of the two (means) of affluence is to have few dependents.”<sup>2</sup>

It is narrated from Imām as-Ṣādiq (as) (ع): “(Imām) °Ali ibn al-°usayn saw no problem in coitus interruptus and he used to recite the verse that ‘When your Lord took from the Children of Adam, from their loins, their descendants...’<sup>3</sup> So from whatsoever (seed) Allāh (SwT) has taken a covenant, it is sure to be born even if it is (spilled) on a hard rock.”<sup>4</sup>

According to the above tradition, creation is in the hand of Allāh (SwT) alone. Whether or not we practice birth control, if Allāh (SwT) wills, the child will be conceived.

In conclusion, the above ahādīth demonstrate that birth control is permissible.

### Methods of Contraception

There are a number of different methods of contraception. The most commonly used ones will be examined below to determine whether their use is permissible in Islam or not. Permissibility has been determined by the definition of the beginning of pregnancy according to the Islamic point of view, which is when the fertilized ovum is implanted onto the lining of the uterus. Therefore, whatever prevents implantation is permissible and whatever terminates pregnancy after implantation is an abortion and haraam.

It is necessary to note that these methods have been studied from the fiqh point of view only. For the medical opinion about the reliability or possible side-effects of these methods, please consult your doctor.

## **Permissible Methods**

The following methods do not involve surgical operation and are also reversible. A man or woman using these methods can stop using them at any time in order to conceive a child.

### **1. Oral Contraceptives**

Birth control pills prevent conception by inhibiting ovulation. The pills alter hormonal levels and suppress the hormonal signal from the gland for the ovaries to release an ovum. These pills are taken orally on a precise schedule for 20 or more days during each menstrual cycle. Since all such pills inhibit ovulation, they are permissible; however, the individual must consult the physician about possible side-effects.

There are some pills which work after the intercourse has taken place, for example, the 'morning-after pill' or the recently developed RU486 pill. Again, since the use of such pills prevents implantation, it is permissible. Therefore, the pills like the 'morning-after' and RU486 may be taken after the intercourse BUT not after feeling or knowing that pregnancy has already occurred.

### **2. Depo-Provera**

Depo-Provera works exactly like the pills, but instead of taking it orally it is injected once every three months. This and other similar contraceptive methods by injection are also permissible.

### **3. Intrauterine Devices (IUD)**

IUDs are plastic or metal objects, in a variety of shapes, which are implanted inside the uterus. The medical experts do not exactly know how IUD works. Presently there are two opinions: one says that IUD prevents fertilization; and the other says that it prevents the fertilized ovum from implantation onto the uterus. Since the pregnancy begins at implantation according to the Islamic point of view, the use of IUD as a birth control device is permissible, irrespective of the above differences among the medical experts.

### **4. Barrier Devices**

All barrier devices prevent the sperm from entering the uterus. This is done by sheathing the penis with a condom, or by covering the cervix with a diaphragm, cervical cap, or vaginal sponge. The use of spermicidal substances which kill the sperm before reaching the ovum is also a barrier device. All of these are permissible forms of birth control.

### **5. Abstinence during fertile period**

There are three basic procedures to predict ovulation, in order to avoid sexual intercourse during the approximately six days of a woman's most fertile monthly phase.

### **These three methods are as follows**

- a. Ovulation Method: A woman learns to recognize the fertile time by checking the difference in the constitution of the cervical mucus discharge. The cervical mucus discharge signals the highly fertile period; and thus avoiding sex during this time prevents conception.
- b. Rhythm Method: A method similar to the first, but it depends on observing the monthly cycles for a whole year to determine the fertile days.
- c. Temperature: In this method, besides keeping a calendar record of her cycle, a woman also takes her temperature daily to detect ovulation. She can know her ovulation whenever her basal body temperature increases.

NOTE: Another more advanced option is to predict ovulation using an ovulation test, which are designed to predict the most fertile days to become pregnant.

### **6. Withdrawal (Coitus Interruptus):**

Coitus interruptus means withdrawing the penis just before ejaculation. This was the most common method of birth control before the invention of modern devices.

It is narrated that Muhammad bin Muslim and °Abdur Raḥmān bin Abi °Abdillāh Maymun asked Imām as-Ḥadīdī (as) about withdrawal. The Imām said: "It is up to the man; he may spill it wherever he wants."<sup>5</sup>

However, in another ḥadīth, Muhammad bin Muslim narrated from fifth or the sixth Imām as follows: "In case of a slave-girl, it is allowed, however, in case of a free woman, I dislike it unless it had been so stipulated at the time of marriage."<sup>6</sup>

Based on the above ahadith, the majority of our mujtahids believe that coitus interruptus is allowed but Makrūh without the wife's consent.<sup>7</sup>

### **7. Sterilization**

Sterilization involves surgical operation. Sterilization in men, known as a vasectomy, involves the severing or blocking of the tube in the male reproductive tract. This tube or duct passes sperm from the testes to the prostate and other reproductive organs.

Sterilization in women, known as tubal ligation, involves the blocking or severing of the fallopian tubes which transport the ovum.

Sterilization is not free from objection, although it is permissible if it does not entail the prohibited methods outlined below.<sup>8</sup>

## Prohibited Methods

Any method of birth control is prohibited under the following circumstances:

- a) When it poses serious harm to a woman's health, such as removing certain organs like the ovaries.
- b) When it involves a **ḥarām** act, such as a male touching or looking at the private parts of a woman that are forbidden for him to look at, is prohibited.

These conditions can only be overridden in extreme circumstances, when it is absolutely necessary.

## Consent between husband and wife

According to the legal aspect of Islamic law, the wife has full right to the use of contraceptives, even without the consent and approval of her husband.<sup>9</sup> However, she should not use a method which may come in the way of her husband's conjugal rights. For example, she cannot force him to use a condom or practice coitus interruptus.

This rule is based upon the principle that the extent of the husband's conjugal rights over his wife is just that she should be sexually available, responsive, and cooperative. This right does not extend to that of bearing children for him. Bearing children or not is a personal decision of the woman, and therefore, she may use contraceptives such as pills, injections or cleansing of the vagina after intercourse as they do not interfere with her husband's conjugal rights.

Conversely, the husband has no right to force his wife not to get pregnant if she wants to, by forcing the use of pills, injections or the use of an IUD. However, he is permitted to use a condom as long as he has obtained her consent for that. Additionally, he does have the right to do so by practising coitus interruptus during intercourse.

On a practical level however, such decisions are best made with mutual consultation between the husband and the wife; otherwise, it could lead to misunderstanding and mistrust. The legal aspect is to protect the basic rights of women, but in the real world, man and woman must base their life on love, mercy and cooperation as it is stated in Surat al-R<sup>ḥ</sup>m (30), Verse 21:

﴿ وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً ﴾

***“And He ordained affection and mercy between you.”***

# Abortion

Islam's approach to the issue of birth control and abortion is very balanced. It allows women to prevent pregnancy but forbids them to terminate it. Abortion after the implantation of the fertilized ovum in the womb is absolutely forbidden and is considered a crime against the law of God, as well as the foetus.

From the Islamic point of view, the illegitimacy of aborting a foetus does not depend on the issue of whether the foetus has the status of a human being or not. Although Islam does not recognize the foetus as a human being, it still gives to it the right of a possible life.

Abortion is normally considered for various reasons. These will be discussed, and the Islamic viewpoint of each reason considered:

## 1. It is a choice between a child and a career and/or luxurious life-style

The above reason reflects the selfish nature of this materialistic society, and is not considered a justifiable or acceptable reason for abortion. Allāh (SwT) says:

﴿ وَلَا تَقْتُلُوا أَوْلَادَكُمْ مِّنْ إِمْلَاقٍ نَّحْنُ نَرْزُقُكُمْ وَإِيَّاهُمْ ﴾

“You shall not kill your children due to penury – We will provide for you and for them.”<sup>10</sup>

﴿ وَلَا تَقْتُلُوا أَوْلَادَكُمْ خَشْيَةَ إِمْلَاقٍ نَّحْنُ نَرْزُقُهُمْ وَإِيَّاكُمْ إِنَّ قَتْلَهُمْ كَانَ خِطْئًا كَبِيرًا ﴾

“Do not kill your children for the fear of penury: We will provide for them and for you. Killing them is indeed a great iniquity.”<sup>11</sup>

Indeed, has not Allāh (SwT) told us:

﴿ لَا نُكَلِّفُ نَفْسًا إِلَّا وُسْعَهَا ﴾

“We task no soul except according to its capacity.”<sup>12</sup>

## 2. A child is conceived illegitimately

This is by-product of illicit sexual relations which Islam strongly condemns, but is not considered an

acceptable justification for aborting the foetus.

### **3. A child is an undesirable gender**

This reason is no less evil and cruel than the pre-Islamic °Arab custom of burying baby girls alive, and is also not an acceptable justification for an abortion.

### **4. A child is a product of rape**

When a woman is raped, she should use the morning after pill or RU486 immediately after the sexual assault in order to prevent the possible implantation of a fertilized ovum. However, once pregnancy is established, then Islam does not allow abortion. In such cases, Islam cannot justify the abortion of a child for the crime of the father. As for the reputation of the woman, Islam strongly condemns the people who look down upon the rape victim; instead of reviling her, they should be sympathetic to her.

### **5. A child has a defect**

With the use of ultrasounds and other such recent technology, it is possible to know whether or not a child has a defect long before it is born. Some people justify the abortion of a defective foetus.

However, the present mujtahids do not allow such abortions, even if the deformities are so serious that they are untreatable after birth, and the child may not survive after birth except for a short while and in pain. The parents should pray and hope for a normal and healthy child. Indeed, there are always chances that the foetus is developed contrary medical prediction. This chance, however slim and negligible, denies us the right to terminate a life.

### **6. The pregnancy is dangerous to the woman**

The only permissible instance of abortion is if the foetus is less than four months (before the soul enters into it) and doctors declare with reasonable certainty that the continuation of pregnancy will harm her, or cause her difficulty to a degree that is not normally tolerable.

It is not possible to abort the foetus after four months irrespective of the reason for abortion.

#### **Indemnity**

If an abortion is carried out, whoever performs the abortion will become liable for the payment of indemnity. This is regardless of whether or not the abortion is done voluntarily, with the consent of one or both parents.

The payment of indemnity forms part of the child's estate and will go to his heirs, i.e. his parents, even though they may have been party to the decision. However, it is something that the parents, as his heirs, may waive their rights to, hence removing the liability of payment from the person who performs the abortion.

The payment is as follows13:

**If the foetus is:**

Upto 40 days old – 70g of gold

Upto 80 days old – 140g of gold

Upto 120 days old – 210g of gold

Upto 160 days old – 280g of gold

**Older than that:**

If a male child is aborted – 3500g of gold

If a female child is aborted – 1750g of gold

In addition, one must do istighfar and pray for the forgiveness of Allāh (SwT) so that the aborted life may not seek restitution.

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1. Mainly derived from Marriage and Morals in Islam, Sayyid Muhammad Rizvi, Contemporary Laws of Ayatullāh Sīstānī and A Code of Practice for Muslims in the West.
  2. Nahj al-Balāgha, Saying 141
  3. Sūrat al-Aḥraf, Verse 172
  4. Wasīl ash-Shāʿa, vol. 14, pg. 105
  5. Wasīl ash-Shāʿa, vol. 14, pg. 105
  6. Wasīl ash-Shāʿa, vol. 14, pg. 106
  7. Sharh Lumuḥah, vol. 2, pg. 28
  8. al-Mustahdathat min al-Masaʿil al-Sharʿiyyah, pp. 19-20, Q26
  9. Minḥaj as-Sāʿīn, vol. 2, pg. 276
  10. Sūrat al-Anʿām, Verse 151
  11. Sūrat al-Isra, Verse 31
  12. Sūrat al-Anʿām, Verse 152
  13. As translated by Marhum Mulla Asgherali M M Jaffer

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