Al-Islam.org
Ahlul Bayt Digital Islamic Library Project
Published on *Al-Islam.org* (https://www.al-islam.org)

Opinion of the Scholars and Jurisprudents of the Ahl As-Sunnah in relation to Family Planning

Rule 1: The first *fatawa* (Islamic ruling) in relation to the prohibition of any form of birth control to prevent pregnancy given within the Islamic countries was on the 29th of January, 1937 from Shaikh `Abdul Hamid – the great Mufti of Egypt. In this letter which was a response to a question as to what the opinion of Islam is in regards to birth control and abortion from the point of view of medicine and society, it was answered:

a) Both the husband and the wife have the choice of preventing pregnancy due to medical reasons or societal issues through any preventative way and it is not a condition to have the consent of the other side.

b) It is permissible to use medicine and other measures which would result in the abortion of the fetus up until the 16th week (four months) of the pregnancy with the condition that it has been recommended (to the woman) that it is necessary to abort the fetus and as long as the life of the mother is not put into danger (by use of the medicine or other measures).

c) All the leaders of the religion are in agreement that after this time period has passed, the abortion is not permitted to take place under any circumstances.

Those scholars who have been named in the fatawa are of the *Hanafi*[1] school of thought who confirmed this ruling and believe that it is permissible for a woman to have her tubes tied in such a way that the sperm of the man would not be able to reach to the egg.

Just as can be seen, not only did the Great Mufti of Egypt permit the various forms of birth control to prevent pregnancy before the act of conception, rather, he has even permitted abortions to take place within the first four months of the pregnancy. In addition, he has not considered the agreement of both

sides (the husband and wife) as being necessary.

Thirteen years later, (in March of 1953), it was written:

The Fatawa Committee of Al-Azhar University have given a revised opinion:

According to the opinions of the Shafi`i Madhab, it is not forbidden to use medicine to prevent pregnancy.

"Surely Allah wishes ease for you and does not wish difficulty upon you."

Surah al-Baqarah, Verse 185

Imam Ridha (peace be upon him) has said, *"It is not recommended for a man that to refrain from using perfume every day."*

Wasa`il ash-Shi`a, Volume 1, Page 441, Hadith 2

`Allamah Khalid Muhammad Khalid

In the book entitled, *"We Start From Here"*, he has stated the following opinion that: "This issue must be made completely clear to the people that not only is an uncontrolled increase in population not something that can not be praised, rather, from the point of view of the society and economy is actually something very dangerous. Unfortunately, the Islamic nations have not been able to fully grasp this societal issue and it is because of this, that we are now forced to announce the correct view of Islam on this issue.

The teachings of Islam – whether they be from the point of view of the benefit of the individual and whether they be in relation to the over-all well being of the society - state that family planning is something which is necessary. According to the Islamic teachings, any sort of population growth which is not in accordance with the economic growth and the planning and management of the society is actually considered as a trial and punishment from the Divine."

The Late `Allamah Mahmud Shaltut

The rector of the Al-Azhar University in Egypt had written in his book, under the topic of, *"The View of Islam and Family Planning"* that: "The religion of Islam has never desired to make the society weak, rather, it has desired to bring forth a safe and powerful nation and the only way that this is possible is through family planning."

***

The Noble Prophet of Islam (blessings of Allah be upon him and his family) has said, *"Have modesty in*

relation to other women (when you deal with them) so that when others deal with your women, they too show modesty."

Mustadrak al-Wasa`il, Volume 15, Page 174, Hadith 5

Respected Administrator of the Center for Health of Gunbud Kawwus Province, Engineer Larijani

In His Name, the Most High

Peace be upon you,
With respect – in relation to the answer that was given to letter number 46851 on the date 1/7/1369 from your office in relation to question asked in regards to keeping a gap between the birth of two children through making use of the instruments that prevent pregnancy according to the beliefs of the Hanafi school of thought.

By carefully reviewing the books in relation to this topic, we make the following announcement:

1. Keeping a gap between the (delivery of) two children – if it is done with the consent of the wife and the husband and is done through the various medicines that prevent pregnancy such as the birth control pills or the use of a condom, is not a problem from the point of view of the Fiqh of the Hanafi school of thought.

2. Keeping a gap between the (delivery of) children – if a need necessitates this, if it is done with the consent of the couple and it is done through placing something inside the woman such as an I.U.D., or through having the tubes tied, then it must be done by a female doctor. This form of keeping a gap between the (delivery) of children – in the case of necessity – is permissible from the point of view of the Fiqh of the Hanafi school of thought.

Hajj Akhund Tala`i
Hajj Nur Muhammad Akhund Nuri Zad

***

The Noble Prophet of Islam (blessings of Allah be upon him and his family) has stated, *"Whoever takes a wife for himself must treat her with respect."*

Mustadrak al-Wasa`il, Volume 14, Page 249, Hadith 2

***

In His Name, the Most High

Dear Teacher,

Peace be upon you. Keeping in mind that my present profession (Health Teacher) necessitates (the need to ask this question) and with regret (for troubling you), we would like to request you to answer the following question and provide as much guidance as possible to those of us who are in the same locality as you and to assist us in this matter.

In the past, we were able to benefit from the cooperation, guidance and help in relation to the question on this important issue and also that you showed acceptance and grace to this humble servant, I am completely thankful and respect your worth and that we have troubled you and taken up your priceless time and seek your forgiveness.

Question: Dear teacher, please explain to us what the opinion of the clear religion of Islam – which is also the most complete religion – is from the point of view of the Fiqh of Imam Shafi`i in regards to the birth control pill, condom, I.U.D., tubal ligation (for the woman or man) and all the other forms or methods that one can use to prevent a woman becoming pregnant, keeping in mind all of the aspects and proofs – so that we can make this issue clear in the minds of the readers.

With Thanks,
Yadullahi Yakhchalian

***

In His Name, the Most High

After praise (to Allah) and prayers (upon the Prophet).

Answer: In the view of Islam, increasing the number of generations for that person who has the ability and who possesses a wife and a (comfortable) life is Mustahab (highly recommended) and a greater number of children does not result in poverty except if the person's life goes against the religion of Islam and the correct principles (of life) since the Creator of the Universe is the Sustainer and you can not have a Creator who is not the Sustainer.

That which becomes a source of poverty is ignorance and not going out to work through employing Tawakkul (reliance upon Allah) and to indulge in extravagance and miserliness which Islam has prohibited and made forbidden.

That which acts as a source of (economic) independence is knowledge, practice (upon which one knows) and proper economics (in one's life).

In the event that poverty or economic challenges come into play, then controlling and planning the number of children one has and preventing pregnancy to control the amount of children one has within the family in which ever way is permissible. However it is forbidden and not permitted to abort a pregnancy once the egg has become fertilized and has life within it.

During the lifetime of the Prophet (of Islam), the method of birth control that was used was to ejaculate

outside of the woman meaning that when the man was ready to ejaculate, he did so outside of the woman so that the sperm would not fertilize the egg and this can be seen from the following Hadith:

كنا نعزل وَ القرآن ينـزل

"We used to practice coitus interruptus while the Qur`an was being revealed* (*during the time when the Prophet was alive and verses of the Qur`an were being revealed to him – and nothing came to prohibit this act of ours)*."*

In addition, on page 293 of the book of Fatawa of al-Shaykh Mahmud Shaltut and on page 194 of the book *Al-Halal and Al-Haram* in Islam by al-Shaykh Yusuf al-Qardhawi, and on pages 4 to 16 of the book *Zadul Ma`ad* from Ibn Jawzi, there are rulings and proof given in detail to permit this however we refrain from mentioning these (proofs) here.

Haider Mustafawi
Member of the Council of Scholars of Sanaddaj
And one of the Teachers of Islamic Studies of Sanaddaj

***

In His Name, the Most High

Dear Teacher,

Peace be upon you. Keeping in mind that my present profession (Health Teacher) necessitates (the need to ask this question) and with regret (for troubling you), we would like to request you to answer the following question and provide as much guidance as possible to those of us who are in the same locality as you and to assist us in this matter.

In the past, we were able to benefit from the cooperation, guidance and help in relation to the question on this important issue and also that you showed acceptance and grace to this humble servant, I am completely thankful and respect your worth and that we have troubled you and taken up your priceless time and seek your forgiveness.

Question: Dear teacher, please explain to us what the opinion of the clear religion of Islam - which is also the most complete religion - is from the point of view of the Fiqh of Imamn Shafi`i in regards to the birth control pill, condom, I.U.D., tubal ligation (for the woman or man) and all the other forms or methods that one can use to prevent a woman becoming pregnant, keeping in mind all of the aspects and proofs – so that we can make this issue clear in the minds of the readers.

With Thanks,
Yadullahi Yakhchalian

Answer: That which we can write in relation to the answer for your question is the exact text of the Hadith from the book *Sahih Muslim* (Imam Abu al-Hasan Muslim ibn Hajjaj ibn Muslim Qashri) from volume 4 in the Hadith from Harun ibn Sa`id al-Ayami:

حدثني هارون بن سعيد الأيلي. حدثنا عبدالله بن وهب. أخبرني معاوية (يعني ابن صالح) عن علي بن أبي طلحة عن أبي الوداك، عن أبي سعيد الخدري. سمعه يقول: سئل رسول الله صلى الله عليه وسلم عن العزل ؟ فقال: ما من كل الماء يكون الولد. وإذا أراد الله خلق شيء لم يمنعه شيء. حدثني أحمد بن المنذر البصري. حدثنا زيد بن حباب. حدثنا معاوية. أخبرني علي بن أبي طلحة الهاشمي عن أبي الوداك، عن أبي سعيد الخدري، عن النبي صلى الله عليه وسلم. بمثله.

Abi Sa`id al-Khudri has said that he heard Abil Wadak say, *"The Messenger of Allah* (*blessings be upon him*) *was asked concerning coitus interruptus* (*ejaculating outside of the woman*) *to which the Prophet replied, 'A child is not brought forth from every sperm and when Allah intends to create a thing then nothing can prevent it.'"*

حدثنا أحمد بن عبدالله بن يونس. حدثنا زهير. أخبرنا أبو الزبير عن جابر ؛ أن رجلا أتى رسول الله صلى الله عليه وسلم فقال: إن لي جارية هي خادمنا وسانيتنا. وأنا أطوف عليها وأنا أكره أن تحمل. فقال: "اعزل عنها إن شئت. فإنه سيأتيها ما قدر لها" فلبث الرجل. ثم أتاه فقال: إن الجارية قد حبلت. فقال:"قد أخبرتك أنه سيأتيها ما قدر لها".

Jabir reported that a man came to Allah's Messenger (may peace be upon him) and said: *"I have a slave-girl who serves me and refreshes me. I sleep with her and I fear* (*or do not want*) *that she should become pregnant." The Prophet said, "Practice coitus interruptus if you want for she will have coming to her what she deserves* (*or is her destiny*)*."* The man went away (for some time) and then came to the Prophet and said, *"The slave-girl has become pregnant"*, whereupon the Prophet said: *"Certainly I informed you that she will get what was decreed for her."*

حدثنا أبو بكر بن أبي شيبة وإسحاق بن إبراهيم (قال إسحاق: أخبرنا. وقال أبو بكر: حدثنا سفيان) عن عمرو، عن عطاء، عن جابر. قال: كنا نعزل والقرآن ينزل. زاد إسحاق: قال سفيان: لو كان شيئا ينهى عنه، لنهانا عنه القرآن.

It has been narrated from `Umru from `Ata` from Jabir that he said, *"We used to practice coitus interruptus* (*ejaculating outside of the woman*) *while the Qur`an was being revealed." Ishaq added, 'Sufyan has said, that if anything were to prevent us from acting in this way then it would have been the Qur`an."*

وحدثني سلمة بن شبيب. حدثنا الحسن بن أعين. حدثنا معقل عن عطاء. قال: سمعت جابرا يقول: لقد كنا نعزل على عهد رسول الله صلى الله عليه وسلم.

It has been narrated from Ma`qal from `Ata that he said, *"I heard Jabir say, Surely we used to practice coitus interruptus during the time of the Messenger of Allah* (*prayers of Allah be upon him*)*."*

وحدثني أبو غسان المسمعي. حدثنا معاذ (يعني ابن هشام). حدثني أبي عن أبي الزبير، عن جابر. قال: كنا نعزل على عهد رسول الله صلى الله عليه وسلم. فبلغ ذلك نبي الله صلى الله عليه وسلم. فلم ينهنا

.

It has been narrated from Jabir that he said, *"We use to practice coitus interruptus during the time of the Messenger of Allah* (*prayers of Allah be upon him*) *and when the Prophet of Allah* (*prayers of Allah be upon him*) *was informed of this act* (*of ours*)*, he did not prohibit us* (*from doing it*)*."*
These ahadith can be found in the book *Sahih Muslim*, Volume 4, Pages 159-160 and also on pages 282-283 of the book *Al-Taj al-Jam`i al-Usul* in Volume 2.

The meaning of the last Hadith quoted above is that, *"During the time of the Messenger of Allah we used to practice coitus interruptus* (*ejaculating outside of the woman as a form of birth control so that the sperm does not reach to the womb of the woman to fertilize the egg*) *and the Prophet did not forbid us from doing this."*

Mr. Mudarris Ruhani
Secretary and Trainer of Teachers and Children

***

In His Name, the Most High

My Dear Brother, Mr. Yadullah Yakhchali whose current job is that of a Health Teacher.

As it was mentioned in your letter to this humble servant where you had asked: *Is it permissible from the clear religion of Islam which is also the most complete religion to make use of the various forms of control to prevent a woman from becoming pregnant? And from the point of view of the Fiqh of Imam Shafi`i* (*may Allah be pleased with him*) *which is the most sound school of thought within Islam, is this an issue which has been discussed or not?*

With a reply of your greetings and thanks for the love that you have shown, we must state that: In the book, *"Al-Tajul Jami`al Usul"* written by Shaikh Mansur `Ali Nasif, Volume 2, page 238, it has been written:

عن جابر قال: كنا نعزل على عهد رسول الله فبلغه ذلك فلم ينهنا.

Meaning that during the lifetime of the Messenger of Allah, when we used to have intercourse with our wives, we used to ejaculate outside of the woman (so that she would not become pregnant) and when this information reached to the blessed attention of the Prophet, he did not prohibit us from it.

Thus, the above mentioned act is permissible within the Madhab of Imam Shafi`i (may Allah be pleased with him).

In addition, in closing this topic, it has been mentioned on the above mentioned page of the book that it states:

فائدلا حكم العزل هذا يجرى عَلى الإستعمال دواء لمنع الحمل موقتا وَ يجري عَلى إسقاط النطفة قبل نفخ الروح فيها فإن الحكمة في الكل وَ أحد لا وهي منع الحمل وَ الله أعلم

.

This means: *Making use of medication to prevent pregnancy and even to abort or remove the fertilized egg which is in the womb of the mother which does not have the spirit infused into it yet in order to prevent pregnancy is permissible. Therefore, using birth control pills, condoms and other than these for birth control to prevent pregnancy and to prevent more children – as long as these things do not have a negative spiritual and or physical* (*or both*) *effect on the woman who is using them, then within the clear teachings of the religion of Islam and the Madhab of the late Imam Shafi`i* (*may Allah be pleased with him*) *is correct and is not a problem.*

In addition, if the fertilized egg has attached its self to the womb of the woman however there is still no life in it yet and the soul has not yet been infused into it, then as long as aborting and removing this would not pose a physical or psychological hazard or danger to the pregnant woman, then it is permissible (to go forth with the abortion) and to use the best possible correct method to end the pregnancy.

Of course, making use of the methods of preventing a pregnancy, according to that which was mentioned, has been permissible in every time and age especially in this day and age when we all know that the radio stations of our nation (Iran) and also the most important newspapers of this country have continuously been speaking about the various dangers of having a large population.

Leaving all of this aside, we ourselves very well know people who have children and due to having many children are faced with the pressures of life. Woe to those people who from the point of view of wealth

have been deprived however at the same time are the ones with a large number of children.

In closing, we ask Allah the Most High to permit us all to be successful in acting upon the commandments of the upright and clean religion of Islam and that He protect us all from the pains and trials (around us).

The lowest,
Husain Mudarris Garchi
9/12/70

***

The Noble Prophet (blessings of Allah be upon him and his family) has said, *"Any time a woman says to her husband, 'I have never seen anything good come from you', the reward for all of her good deeds is taken away from her."*

Wasa`il ash-Shi`a, Volume 14, Page 115, Hadith 7

***

In the name of Allah, most Compassionate, most Merciful

My dear brother, Mr. Yakhchalian,

In reference to the issue of family planning and the opinion of the scholars of the Shafi`i school of thought which you had requested. We would like to inform you that during the time of the Noble Messenger of Islam, Muhammad (peace be upon him), his noble companions (may Allah be pleased with all of them) – who were the students of the school of this personality – they used to practice `Azal (ejaculating outside of the woman) and when the Prophet heard about this, he did not prevent them from doing it.

Without doubt, the purpose of the companions of the Noble Prophet (in marrying) was to increase the population and to look after the planning of their families.

Today, if something else can take the place of *coitus interruptus* and the doctors declare it permissible, then from the point of view of the religion, it would be permissible (as well) and would not be a problem.

Muhammad Shaykhul Islam
Secretary General of the Security Council

***

In relation to using the various methods of birth control, it was asked from Mr. Mamusta Mullah `Arif Mudarrasi, the son of the late Mamusta Mullah Baqir Mudarrasi better known as Mudarris Kurdistani:

Question 1: Dear teacher, please inform us what the opinion is according to the Shafi`i school of thought for women to use the various methods of birth control such as birth control pills, condoms, I.U.D., tubal ligation and other methods?

Answer 1: From the book, *I`anatul Talibin*, which is a commentary on the book entitled *Fathul Mubin* in the beginning on the section on marriage, chapter four, page 254, it has been mentioned that there are three methods which can be used to prevent pregnancy:

1. Before the husband and wife have sexual relations at which time it is allowed meaning it is halal (permissible) and there is absolutely no problem.

2. After the couple have had sexual relations however the fertilized egg has not yet had life infused into it – meaning the fetus has not yet reached to four months of age in which case to abort it is Makruh or highly discouraged however it is still not haram (forbidden).

3. In the event that the egg is fertilized, then to abort it (at this time – after four months) would be haram (forbidden) and it would be forbidden to kill that which is living.

From the explanation given by the teacher, it can easily be seen that not only do the methods of birth control not have any problem from the point of view of the Islamic legislation, rather, very clearly, sometimes the order to go forth with it (birth control) has even been given. Forget about those people who do not have the (spiritual) eyes to see and understand the commands of the Lord and let them continue in their pessimistic talks since our religion is the most complete religion.

21st of the Blessed Month of Ramadhan, 1418 AH

****

Faruq Rahmatullah Jawid Imam of Jumu`ah of Dashti

Administrator of the Center for Health of Kangan Province
In the name of Allah, most Compassionate, most Merciful

Our respects to you. Your letter numbered 20.41.10571 dated the 11/11/75 had reached us with your questions in regards to using the various methods of birth control to prevent pregnancy such as the birth control pill, condom, I.U.D., in order to create a gap between the birth of children. In addition, the questions in relation to permanent birth control such as having one's tubes tied for the woman or man if it is done with complete approval of the other party.

All of these are absolutely no problem and from the point of view of the school of thought of Imam Shafi`i (may Allah's mercy be upon him), they are all no problem. In addition, in relation to blood examinations of the couple which take place in the Health centre, it is better that these tests take place before the

permanent marriage contract (vows) are performed and from Allah comes the true success.

Penned by the Imam of Jumu`ah and the Principal of the Khulafa Rashidin Theological Seminary of Dashti
Faruq Jawid

****

Imam Ja`far as-Sadiq (peace be upon him) has said, *"Anytime any of you go on a journey and then return back home, bring back for your family, as is possible for you, a gift."*

Wasa`il ash-Shi`a, Volume 8, Page 337, Hadith 1

***

"Keeping in mind that within the text of the Qur`an and the Sunnah (of the Prophet), there is no clear injunction in regards to birth control to prevent pregnancy and also remembering that to ejaculate outside of the woman is permitted, we can deduce that all other methods of preventing pregnancy – either temporary or permanent are also permitted. Of course, those methods of permanent birth control must also be done voluntarily (with the condition that they are reversible)."

Shaikh Muhammad Mahdi Shams ad-Din (*one of the Religious Authorities of Lebanon*)[2]

***

● "A majority of the scholars of the Hanafi (school of Jurisprudence), just as they have permitted *coitus interruptus*, have also permitted other modern methods of birth control with the consent of the husband. Of course, the later scholars of the Hanafi (school of Jurisprudence), keeping in mind that the needs of the time (the decrease in the (Islamic) teachings and the fear of giving birth to un-righteous children) also do not consider the permission of the wife for *coitus interruptus* to be necessary."[3]

● "A majority of the scholars of the Maliki (school of Jurisprudence) have confirmed the permissibility of using the method of *coitus interruptus* to prevent pregnancy and some of the scholars have stated that the consent of the wife is a condition (in this)."[4]

● "A majority of the scholars of the Shafi`i (school of Jurisprudence) have deemed it permissible to employ *coitus interruptus* and do not consider it necessary to take the permission of the wife for this. Of course, in instances (the wife not being pleased with this), it is discouraged however in summary, it is necessary for the husband to have the consent of his wife before he has intercourse with her, however in relation to *coitus interruptus*, it is not a condition (to have her consent)."[5]

● "A majority of the scholars of the Hanbali (school of Jurisprudence) deem it permissible to use *coitus interruptus* with the wife's consent (whether she be young or old). However in certain circumstances, the

wife's permission is not needed."[6]

● "A majority of the scholars of the Zaidiyah (school of Jurisprudence) are of the belief that it is not forbidden to use *coitus interruptus* and thus, they deem it permissible however they have a difference of opinion if it is necessary to have the consent of the wife."[7]

● "A majority of the scholars of the Isma`iliyyah (school of Jurisprudence) are in agreement with the permissibility of *coitus interruptus* with the consent of the wife and this consent must be given by the woman at the time that the marriage is being performed."[8]

● "A majority of the scholars of the `Ibadiyyah (school of Jurisprudence) deem it permissible to use *coitus interruptus* as long as her consent has been given."[9]

In 1991, Shaikh Jadil Haqq `Ali Jadil Haqq, the grand rector of Al-Azhar, published a detailed report on the Islamic regulations in relation to women's issues.

This report included various issues such as: how they have come to the conclusion in regards to the use of birth control to prevent pregnancy, abortion and permanent forms of birth control.

Rule 1: In the clear text of the Qur`an, there is no prohibition in relation to birth control to avoid pregnancy or in relation to reducing the number of children that one should have. However, by making use of the examples given in the Sunnah of the Prophet and by employing deductive reasoning, we can presume that the modern methods of preventing pregnancy are permissible.

Rule 2: Preventing pregnancy is not equivalent to killing another person and it does not go against the issues of Tawakkul (reliance upon Allah) and the fact that Allah is the sustainer.

Rule 3: Making use of the temporary methods of preventing pregnancy are permissible however in relation to the permanent methods of birth control, in the event when it is necessary for the individual, then it too is permissible.

Rule 4: It is forbidden (haram) to abort the fetus after 120 days except in cases when the life of the mother is in danger (after the soul has been infused into the body). A group of scholars from amongst the Maliki, Imamiyah, `Ibadiyah, Zahriyyah and Hanbali (schools of Jurisprudence) have considered it forbidden (haram) to have an abortion after forty days.

Rule 5: Using the sperm of one's spouse (to fertilize ones' self) is permissible however it is not permissible to use the sperm of another person (the Sperm Bank).[10]

1. The Ahl as-Sunnah are divided into four main Schools of Thought – the Hanafi, Hanbali, Maliki and Shafi`i.
2. Family Planning in the Legacy of Islam, Page 189
3. Ibid., Page 152
4. Ibid., Page 155
5. Ibid., Page 159

6. Ibid., Page 162
7. Ibid., Page 165
8. Ibid., Page 167
9. Ibid., Page 167
10. Ibid., Page 238

Source URL:
https://www.al-islam.org/islamic-edicts-family-planning/opinion-scholars-and-jurisprudents-ahl-sunnah-relation-family#comment-0