

ISLAMIC EDICTS

ON FAMILY
PLANNING

Islamic Edicts on Family Planning



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Chapter 1

Introduction

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In His Name, the Most High

The uncontrolled growth of population this century has posed a huge dilemma and has brought with it irreversible damages to all aspects of life - including the environment that people live in and the health and welfare of the family. Keeping in mind that if the economic, societal and cultural factors do not expand to keep in line with the growth of population, then this population growth will definitely have a negative impact on the well being of the entire society.

Where as 150 years ago, the population of the world was a mere 500,000,000 people, at the present time, there are currently over 6,000,000,000,000 people inhabiting the planet Earth and this number is on the increase as can be seen by the current growth of population of the world. We must also keep in mind that 90% of this increase has taken place within the non-Industrialized countries of the world.

Iran is also one of those countries in the category of those whose population growth has led to a change within the society. Due to improvement of the state of health and medicine at the present time in comparison to the past, the number of deaths and mortalities especially the death and mortality rate amongst children has dropped - however the number of births within the country has also gone up.

In the census of 1345 (1966), the population of Iran was close to 26,000,000, however during the census of 1365 (1986) - meaning during the span of twenty years - this number had almost doubled and the population reached close to 50,000,000.

Keeping this increase in mind, it can be stated that by the year 1400 (2021), the population of Iran may well be 100,000,000. In addition, according to the statistics of the median age of the population taken from the various indicators of the growth and planning of families within the Islamic Republic of Iran that were gathered in the month of Tir, 1376 (1997), 36.7% of the population of Iran were under the age of 15.

It is clear that the securing of food resources, work, residence, health, ways to spend free time, education, etc... for a population that is on the increase is one of the most essential issues in the path of expanding the economic situation and in maintaining the society.

In their responsibility as assistants in helping in family planning within the country (of Iran), in addition to the above mentioned opinions, the *Ministry of Health* has also strived to present the outlook of Islam in relation to population control.

Keeping in mind that there are pregnancies of girls under 18 years of age and of women over 35 years of age; pregnancies which are taking place less than two years after delivery of the previous child; women having three or more children and other such things which significantly increase the chances of death of the mother and her child and also keeping in mind that both of these groups - both the mothers and their children - are two groups that face more of the societal pressures, it was necessary to go forth in the correct manner (in educating others) to help prevent the death of these individuals.

Thus, following in the direction of other political developments that have been taking place with the government of the Islamic Republic of Iran, from the year 1368 (1989), population

control was included as one of the principle programs of the Ministry of Health.

The outcome of this step forward was a decrease in the growth of the population which in the year 1365 (1986) was approximately 3.9% to around 1.4% in the year 1375 (1996).

That which was the principle factor which guaranteed success of this movement was the co-operation of the respected Grand Scholars through their contemplation on the issue of family planning and issuing of *Fatawa*[1] in these regards.

This development in the field of Islamic *Fiqh*[2] gained the attention of many of the Islamic countries such that within two years, many scholars of the highest caliber, the Leaders of *Salatul Jumu'ah*[3] and *Jama'at*[4], those in charge of the Health Ministries (of their own countries) and groups from Malaysia, the Philippines, Yemen, Sudan, Mali, Maldives, Egypt, Guinea-Bissau and other countries traveled to Iran and were able to witness from up close the changes that were taking place (in regards to family planning).

The present book is a compilation of *Fatawa* from the top caliber religious scholars of the Shi'a and the Ahl as-Sunnah within the Islamic Republic of Iran in relation to the various methods of birth control.

During the course of a few months, Doctors Shahryari Afshar, A'dham Dukht Rahimi and Shirin Qadhi Zadeh Ihsa'i were able to compile these religious enquiries.

We would like to express our thanks to these three ladies who went through great difficulties and also the difficulties that the respected assistant of the Ministry of Health also went through in this work.

Doctor Bahram Dilawar
Director of Family Hygiene

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- 2.2. Jurisprudence - the science of extracting and deducing the Islamic laws from the primary sources. (Tr.)
- 3.3. Friday Prayers (Tr.)
- 4.4. Congregational Prayers (Tr.)

Chapter 2

Birth Control

Rule 1: In general, it is permissible to use birth control to prevent pregnancy, and it is (also) permitted to use the (various) forms of birth control.

Rule 2: If becoming pregnant would lead to a danger or hazard to the woman's life, then the woman is permitted – for as long as there is a probability of her life being in danger – to employ the methods of birth control and it does not make any difference if the danger (to her life) is immediate or if it would come about later on.

Rule 3: The religiously approved methods which one may make use of to prevent pregnancy include:

a) Birth control by using devices such as an I.U.D. (*Intrauterine Device*), condoms or the injection of a drug (to prevent pregnancy) and other things such as these.

b) Natural methods of birth control: This would include *Coitus Interruptus* or ejaculating outside of the wife. However if this method of birth control leads to other forms of physical or mental illness for the woman and man, then it would not be permissible.

c) Conditional Birth Control: What is mean by this is that at the time of reciting the marriage contract, the woman makes a condition that for a certain period of time or for as long as they are married, she would use birth control and her husband also accepts this condition.

Rule 4: It is permissible to have one's tubes tied (*Tubal Ligation* - *Tubectomy*) to prevent pregnancy as long as this

procedure is temporary (reversible) and would not lead to a woman being permanently unable to conceive nor would this act cause any sort of life-threatening conditions. In addition, once the tubes have been re-opened, she would once again have the ability to conceive. In other than this scenario, it would not be permissible to perform the *Tubectomy*.

Rule 5: The ruling on having one's tubes tied (*Tubectomy* or *Vasectomy*) is the same for both men and women (as has been mentioned above).

Rule 6: In using any of the methods of birth control that are available, it is essential for the woman to have the consent of her husband and the wife is not permitted to go forth and use any of the methods without first taking the approval of her husband.

It is permitted to employ birth control methods, keeping in mind the following three conditions:

1) The procedure does not damage the (sexual) organ nor would it lead to permanent sterilization.

2) The husband approves of the use of birth control.

3) The procedures that would be employed for birth control and placing the device related to it (inside the person) would not involve the performance of a forbidden (*haram*) act.

Controlling the number of children and regulating ones' family can be examined from two different aspects:

1) The steps which are employed before conception (birth control).

2) The steps which are employed after conception (abortion).

According to the fatwa of the late Imam Khumayni (may Allah be pleased with him), the first method (of birth control) is permissible as long as no forbidden acts are performed in order to achieve it.

As for the second method (abortion), it is forbidden (*haram*) except if necessity expedites that it be done however this act must be performed before the soul is infused into the fetus – meaning before the fetus has reached to the age of four months – in which case it is permissible.

The Noble Prophet (blessings of Allah be upon him and his progeny) has said: *"The best of you is the person who acts in*

the best way with his family and I am the best of you in relation to my family.”

Wasa`il ash-Shi`a, Volume 14, Page 122, Hadith 8

Enquiries from the Religious Authorities in Regards to Birth Control

Question 1: Generally speaking, is Islam is favour of birth control? In addition, is it permissible to make use of the various means to prevent pregnancy - such as medications - which are available?

Answer 1: (Islam) has given permission (for the use of these) and it is not a problem.[1]

Question 2: In relation to making use of the various forms of birth control, is it necessary to have the consent of the wife and husband?

Answer 2: The consent of the husband is mandatory.[2]

Question 3: Are we permitted - keeping in mind that we have knowledge concerning the health and cultural problems, etc... that result from an increase in population (and also keeping in mind that this task is also one of our responsibilities as specialists in the field of public and family health) - to disseminate information to others in relation to prevention of pregnancy, even if this is not requested (from us)?

Answer 3: First and foremost, it behooves the Administration in charge of the affairs of the Islamic land to use all means possible in increasing life expectancy - which is something that is desired by the holy law - and in the case where (such) correct management is put in place and if (still) we reach a point where it is not possible to manage a greater population, then birth control (information) should be disseminated.[3]

Question 4: Just as it is customary in order to prevent unwanted pregnancies and abortion of the fetus when the woman's life is in danger, with the permission of their husband, women make use of medicines and things such as an I.U.D.s (Intrauterine Device) (an item that is placed inside the womb), a galea, the diaphragm, creams, jells and injections - all of

which prevent fertilization of the egg. Through this act, the men, with the consent of their wives, are spared from needing to use condoms (a rubber cover over the penis) and from practicing Coitus Interruptus (ejaculating outside of the woman).

We request you to please put in writing the Islamic injunction in relation to what has been mentioned (above).

Answer 4: If the issues mentioned do not entail any danger or lead to defects of the (private) parts, and the husband has given his permission, then they are not a problem.[4]

Question 5: Is the woman and her husband - who from the point of view of the society and culture (that they live in) and by keeping in the mind conditions that exist within their surroundings and who know that they do not have the ability to bring up their children - permitted to provisionally not have any children?

Answer 5: Preventing a pregnancy using the religiously approved methods is not a problem.[5]

Question 6: In the event that the permission of the husband is necessary however he will in no way permit (any form of birth control), then what should be done?

Answer 6: There is no other option except (to engage in birth control) with his permission.[6]

Question 7: In order to control population growth - according to the teachings of Islam - is it permitted for a woman to make use of the new methods of birth control such as the I.U.D., to have one's tubes tied or birth control pills which would result in the prevention of pregnancy?

Answer 7: Temporary birth control methods such as the birth control pill and other things such as this - if they do not pose any imminent danger - are not a problem. However if the tying of the tubes of the womb of the woman is done for a

logical reason and will protect the woman from an imminent physical or mental danger, then with the permission of the husband, this act in itself is not a problem.[7]

Question 8: There are various methods and means of preventing pregnancy and population control. Can a person who has information regarding these (various means and methods of birth control) voluntarily pick one of them (to use)?

Answer 8: As long as the Islamic position is maintained (in all of the methods of birth control), then it is not a problem.[8]

Question 9: Is it permissible for women to employ means of birth control to avoid pregnancy or not?

Answer 9: It is not a problem with the consent of her husband.

Question 9b: Assuming that it is permissible, what is the ruling of each of the following forms?

1) Through the use of birth control pills and other things like this?

Answer: It is not a problem.

2) Placing an instrument inside the womb to prevent pregnancy?

Answer: In itself, it is permitted, however there must not be any forbidden look or touch.[9]

Question 10: Is temporary birth control permitted for a healthy person through the use of the means and methods (available) which would prevent the fertilization (of the egg) from taking place?

Answer 10: It is not a problem as long as the husband and wife both consent to it.[10]

Question 11: Are the methods that are being propagated and recommended by the administrators within the sacred

establishment of the Islamic Republic (of Iran) in relation to family planning and birth control without any impediment from the point of view of the Islamic teachings?

Answer 11: Simply having a method (of birth control) in vogue within the society does not constitute a religious confirmation that it is allowed or permissible according to the Islamic regulations.[11]

Question 12: If a temporary method of birth control hinges Interruptus on performing a forbidden act such as the doctor looking (at the private parts) of the patient of the same sex (woman doctor looking at a female patient and a man doctor looking at a male patient) or a male doctor treating a female patient, or the opposite (female treating a male), then in what instances is the impermissibility of this act revoked?

Answer 12: It is not permissible to look at and touch (the private parts of) another person – even if it is a doctor of the same sex and this act is forbidden except in cases of necessity which shares the same ruling as other acts of necessity (in the religion).[12]

Question 13: Is the religion of Islam in agreement with the (population) growth of the society?

Answer 13: Islam is in agreement with the growth of the society since with the growth in the number of Muslims, this is proof of the greatness and strength of them (the Muslims). However in some specific circumstances, (Islam) is not in favour of a (population) growth within the society.[13]

Question 14: Is it permissible for a woman – without the permission or consent of her husband - to exercise birth control so as to not get pregnant, such as using birth control pills?

Answer 14: If there is major harm in it (in her becoming pregnant), then it is permissible even if her husband is not happy with it.[14]

Question 15: In order to prevent pregnancy, many Muslim women take birth control pills and other medications, have injections or place an instrument inside themselves so that the fertilization does not take place and thus, they do not become pregnant. Is it permissible or not to stop the fertilization through the ways mentioned?

In addition, at the time of ejaculation, some men discharge outside of the woman or use a condom so that the sperm does not enter into the womb, rather, it stays inside the condom. From the Islamic point of view, is this act permissible or not?

And also, does the woman being healthy or sick change the ruling in this issue?

Answer 15: In the stated question, if any of the methods used for preventing pregnancy would result in a defect to the sexual organ and would result in infertility, then it is not permissible. However if these do not result in the defect of the sexual organ, rather, they temporarily prevent fertilization, then it is not a problem as long as it does not result in any other complications to the body. Nevertheless, this act should not be prolonged since it is preferable to have a large number of Muslims.

However if the pregnancy poses a physical danger or risk to the woman, then she is fully permitted to use birth control for as long as the danger persists.

In relation to men, if ejaculating outside of the woman is done without the consent of his wife, then it is reprehensible.[15]

Enquiries from the Religious Authorities in Regards to Semen Testing

Question 1: In order to know if a man is able to father a child or not, in some hospitals they require the man to masturbate so that the semen can be sent to the laboratory for examination. Is this act permissible or not?

Answer 1: It is forbidden (haram).[16]

Question 2: Examination of a man's sperm necessitates masturbation, however not performing this test is not of vital importance - is it permissible to perform this act?

Answer 2: If it not necessary (to do this test) to cure an illness, then it is not permissible. However in the case of necessity, the ruling of this act is the same as the ruling of other forbidden acts.[17]

Imam al-Ridha (peace be upon him) has said: *"The person who struggles through the permitted means to provide for his family is similar to the combatant who fights in the way of Allah."*

Bihar al-Anwar, Volume 104, Page 72, Hadith 14 & Fiqh al-Ridha

Imam `Ali (peace be upon him) has said, *"Always be a companion with your wife and always deal with her in a pleasant manner so that you may have a pleasant life."*

Makarimul Akhlaq, Page 218

Enquiries from the Religious Authorities in Regards to Preventing Pregnancy

Question 1: Is it permissible for the husband to employ methods of birth control to prevent his wife from becoming pregnant? If it is permissible, then what is the ruling on using the methods listed below?

Answer 1: It is not a problem.

Question 1a: Ejaculating outside of the woman without her approval?

Answer 1a: It is permissible.

Question 1b: Ejaculating outside of the woman with her approval?

Answer 1b: It is permissible.

Question 1c: Using a condom or special medication to prevent pregnancy?

Answer 1c: It is permissible.[18]

Question 2: Is it permissible to use the method of *coitus interruptus* to prevent pregnancy?

Answer 2: In itself it is not a problem however one must make sure that no other haram act is performed and the woman must have the permission of her husband (to employ this method).[19]

Question 3: What is the ruling on *coitus interruptus* outside of the woman – and is it necessary to have the approval of one's spouse for this?

Answer 3: It is not a problem and it is not necessary to have the consent of the wife.[20]

Muhammad ibn Salam has said that Imam as-Sadiq (peace be upon him) was asked concerning coitus interruptus to which the Imam replied, *"This is up to the man and he is permitted to act in any way which he sees fit."*

Wasa'il ash-Shi'a, Volume 14, Section 750, Hadith 1051

`Ata has narrated from Jabir that during the time of the Prophet, they used to practice coitus interruptus and then the verse of the Qur'an was revealed that did not prevent them from continuing in this way.

Sahih Bukhari, Volume 3, Section on Coitus Interruptus (94)

Enquiries from the Religious Authorities in Regards to Norplant and Injections (to Prevent Pregnancy)

Question 1: Of the ways that is used to prevent pregnancy is in relation to controlling the hormones of the woman in which the prevention of the fertilized egg being placed in the womb is achieved (which is almost similar to the birth control pills that are used).

In relation to this, there are two methods employed – to have a Norplant implant and the other is through the injection (of certain drugs). The Norplant implant goes under the skin of the shoulder (of the woman) and after implant, it prevents pregnancy for up to three months from the time that it is given.

We would request you to please provide us with your opinion is in regards to using these forms of birth control.

In addition, since using these forms of birth control in some women may result in spotting or a prolonged monthly period, in relation to their religious responsibility, must they follow the ruling of irregular bleeding (Istihadha)?

Answer 1: This issue has the same ruling as the previous question (Question number 6 in relation to the usage of the I.U.D.).

If the blood does not continue for more than three days, then it is not considered as the menstrual blood (Haidh) and thus, it falls under the ruling of irregular bleeding (Istihadha).^[21]

The Noble Prophet (blessings of Allah be upon him and his family) has said, *“Accept my advice to you that you must do good to your women.”*

Mustadrak al-Wasa'il, Volume 14, Page 250, Hadith 6

Imam al-Baqir (peace be upon him) has said, *“In the same way that a man love to see items of beautification on his wife, the women too love to see items of beautification on their husbands.”*

Enquiries from the Religious Authorities in Regards to Prevention of Fertilization after Intercourse

Question 1: If after the act of intercourse, the husband and wife then decide to prevent a pregnancy from occurring or in instances such as if the condom rips and thus, the sperm of the husband unintentionally goes into the vagina of the woman, in the books of medicine, it has been advised that one can take a special hormone pill three days after intercourse.

The way that these hormone pills work is that:

1) If they are taken before the egg is released, then they prevent the egg from being released.

2) If they are taken after the egg is embedded in the womb, then the following two scenarios come up:

a) The medication has an effect on the movements inside the womb of the woman to prevent the sperm from reaching to the egg.

b) It prevents the fertilized egg from attaching itself to the wall of the womb and thus, prevents the woman from becoming pregnant.

We would appreciate it if you could explain to us the Islamic ruling on the use of this medication.

Answer 1: If it does not result in the abortion of the fetus, it is not a problem.[22]

Question 2: If the couple had made the intention of using one of the methods of protection to prevent pregnancy and in the event that a problem comes up in the method of usage such as the ripping of the condom at the time of intercourse, is it then necessary to use another method to prevent an unwanted pregnancy which would not have negative psychological, societal or economical effects?

According to the medical books it can be deduced that it has been recommended that a special hormonal medicine should be taken in the first three days after intercourse, and the way

that this medicine works - up until now - has remained unknown.

Answer 2: Even though the original question remains ambiguous, however there is no problem in birth control - in and of itself - however the forbidden acts that may be related to it such as the forbidden touching or looking or an imminent danger (to the woman) must be observed. One must refrain from all of these things, and in addition, the woman must have the consent of her husband for these things.[23]

Question 3: The medication that prevents pregnancy which is taken in the first week following intercourse results in the fetus being aborted if one was pregnant. If one is not pregnant, then it has no effect. What is the ruling on the use of such medication?

Answer 3: In the event that one does not have knowledge of being pregnant, then it is not a problem.[24]

Imam as-Sadiq (peace be upon him) has said, *"It is enough of a sin for a person that he does not pay attention to the rights of his family and that he does not provide for them their needs."*

Wasa'il ash-Shi'a, Volume 15, Page 250, Hadith 4

Enquiries from the Religious Authorities in Regards to Fulfilling the Religious Obligations after Menopause

Question 1: Keeping in mind that for many women who are non-Sayyid[25], once they reach to the age of fifty lunar years (48 years, 7 months and 15 days according to the solar calendar), just as they naturally have their monthly period, in the examinations that are performed in the laboratories, it has been proven that their sexual hormones are no different than before they reached to the age of fifty.

We would be grateful if you would please explain to us - does this group of women have to follow the rules of irregular bleeding (Istihadha)?

If the answer is positive, since it is difficult to act according to the Islamic injunctions in regards to irregular bleeding (Istihadha), there are some women who request an operation to have their womb removed. In this event, is the Physician obliged to carry out the operation?

Answer 1: Such a woman would apply the rulings of irregular bleeding (Istihadha) and the act mentioned (removal of the womb), in and of itself is not a problem however one must make sure that no forbidden touching or looking is done and that it is carried out with the permission of the husband.[26]

Imam as-Sadiq (peace be upon him) has said, *“Whoever acts in a kind way with his family will have years added to his life by Allah.”*

Bihar al-Anwar, Volume 103, Page 225, Hadith 9

Enquiries from the Religious Authorities in Regards to taking Birth Control Pills

Question 1: What is the ruling on a person using birth control methods when they know or there is a possibility that it may have some harm related to it (for example the birth control pills which clearly harm the heart and the blood vessels)?

Answer 1: If there is an open hazard or danger (in using such things), then one must not make use of them.[27]

Question 2: In order for women who have from five to twelve children to not become pregnant again, they request that they be given birth control pills or that an instrument is placed inside the womb (to prevent pregnancy) – is this permitted or not?

Answer 2: If the prevention of the pregnancy does not harm the private parts nor is the woman made permanently sterile and it is done with the consent of her husband, then it is not a problem however the forbidden touching or looking (at the private parts) must be avoided.[28]

Question 3: Women who would like to prevent their monthly period take a medication. However when they take it, then they see spotting (however it does not continue) and even during the time of their monthly period (this spotting occurs).

Is this spotting part of the menstrual cycle (hayd) or not?

Answer 3: If she does not see this blood for three straight days, then it is not considered as her monthly cycle (haidh).[29]

Question 4: There are some women who, in order to avert their monthly period during the trip to the Hajj[30], take a medication.

Sometimes, when they take these pills, they still have their menstrual cycle however through taking an injection, they are able to stop it once again.

Does preventing the menstrual cycle through the injection result in the ritual purity (taharah) of the woman from the menstrual cycle (haidh) and thus, is she permitted to perform those actions which demand ritual purity?

Once she has stopped the monthly period, under what intention must she perform her Ghusl (ritual bath)?

Answer 4: If she does not see blood for three straight days, then the ruling of her monthly menstrual cycle (haidh) would not apply to her and her Salat and fasting are correct and any blood seen for less than three days has the ruling of irregular bleeding (Istihadha).[31]

Question 5: During the period of the hajj, a woman takes some medication so that she will not have her monthly menstrual cycle so that she can perform the rites (of the hajj).

However from the time that she takes this medication, she continuously sees discharge which is yellow in color and which she thinks may be blood.

Since it was the time that she normally had her menstrual discharge, she doubts if this is Istihadha or not.

Seeing as how she does not have the ability to carefully deduce this, thus, she takes it as not being the blood of irregular bleeding (Istihadha) and thus, she does not follow the rulings related to this condition and performs the Salat and Tawaf (circumambulation).

In this state, are her actions correct or not?

Answer 5: If she has doubt as to the discharge as has been mentioned if it was blood or not, then it does not have the

ruling of irregular bleeding (Istihadha), and all of her actions are correct.[32]

Question 6: Is it correct for the woman who normally sees the blood of her monthly cycle (haidh) however has taken medication to stop the blood so that she is able to fast to act in this way?

Answer 6: If by taking the medication, her monthly cycle is stopped, then her fasting is correct.[33]

Question 7: Is a woman permitted to take birth control pills without the consent of her husband? Or, for example, is she permitted to make use of the I.U.D. (without his consent)?

Answer 7: She must not do these without the consent of her husband.[34]

Question 8: Is there any problem with taking medication to stop the monthly menstrual cycle during the Hajj period or the Month of Ramadhan?

Answer 8: It is not a problem with the condition that there are no dangers involved.[35]

Question 9: Any time that a woman uses birth control methods without the permission of her husband such as birth control pills to prevent pregnancy, keeping in mind that these are all temporary methods and will not result in her become sterile, what is the opinion on this?

Answer 9: In the example of the question given, apparently, the permission of the husband is not a necessity.[36]

Imam Ridha (peace be upon him) has said, *"Nobody has brought any good to himself which is better than a righteous spouse such that when he looks at her, he is filled with pleasure, and when he is separate from her, she protects her chastity and guards over his wealth."*

Enquiries from the Religious Authorities in Regards to Usage of the I.U.D.

Question 1: Keeping in mind that there is a difference of opinion amongst the Medical profession if the internal device placed in the womb (which prevents pregnancy) actually prevents the fertilization or if after fertilization has taken place (the joining together of the male and female cells) this device prevents the fertilized egg from attaching itself to the wall of the womb, thus resulting in the removal of the fertilized egg:

a) What is the ruling on using this instrument if a person has certainty that it works in the second way mentioned (prevention and removal of the fertilized egg)?

Answer 1a: If it results in the abortion of the fetus, then it is not permitted.

b) What is the ruling on using this instrument if the person has a doubt between the two methods mentioned above?

Answer 1b: In the event that there is doubt, there is no problem in using it.[37]

Question 2: One of the ways to prevent the fertilization of the egg is that an instrument is fitted inside the opening of the womb of the woman after which, one of the side-effects is that the woman would see a discharge of blood.

In addition, it is possible that this blood may last for a long time.

Keeping in mind that this is natural blood, would it be classified as the monthly menstrual cycle?

In general, is this action permissible or not?

Answer 2: If the above mentioned action results in damage to the private parts, permanent sterility of the woman, result in the direct killing of the fetus in the womb or is accompanied by an external forbidden act such as a stranger looking at the private parts of the woman, then it is forbidden (haram).

In other than this, the example given in the question is not a problem and if the blood that comes out during the period of the woman's monthly cycle lasts for three straight days, then it would have the ruling of her regular monthly discharge. If it lasts for more than her regular monthly cycle and is more than ten days, then it has the ruling of irregular bleeding (Istihadha).[38]

Question 3: What is the ruling on using temporary methods of birth control such as the I.U.D. - which up until now, have not been determined as to exactly and precisely how it prevents pregnancy, however the belief of most people - according to the latest research that has come out - is that it prevents the fertilized egg from attaching itself to the wall of the womb?

Answer 3: If it has not been established that it aborts the fetus and it does not make the woman infertile and there is no damage to the private parts, then it is not a problem. However, if it does result in the abortion of the fetus, then it is not permissible and in any event, the Islamic rulings in relation to looking and touching (of the private parts) must be observed.[39]

Question 4: Is it permissible to make temporary use of instruments like the I.U.D. to prevent pregnancy - keeping in mind that it is not exactly and positively known how this instrument prevents the pregnancy from taking form?

Answer 4: If it results in the abortion of the fetus, then it is not permissible.[40]

Question 5: It is not possible to place the I.U.D. inside the woman to prevent pregnancy without looking and touching the woman and thus in this case, is it permissible to have this instrument placed inside the woman by a male or female doctor?

Answer 5: It is not permissible to touch or look (at the private parts of another person) even though the actual act of

placing and using the device is permissible with the permission of the husband.[41]

Question 6: Through making use of the methods of birth control, the chances of having an unwanted pregnancy and the physical and psychological damage that result from such a pregnancy are reduced such that according to the world statistics, it has shown that through family planning and preventing pregnancies, we are able to reduce the death which would arise by 25-30%.

The I.U.D. is considered as one of the effective and successful methods of preventing pregnancy and according to the Islamic edict of your Eminence (the issue of placing the I.U.D. - Question 15882/1), we have been able to deduce that this is one of the permissible methods.

At present, there are close to half a million women in our country who are making use of this method and most of these women, for various reasons, are not able to make use of the other methods of birth control.

This item must be put into the womb of the woman by either a midwife or a gynecologist.

Keeping in mind that placing the I.U.D. inside the womb of the woman would necessitate directly looking at the reproductive organs of the woman, please let us know what the religious ruling is in this issue?

Answer 6: In its self, this action is not a problem however one must refrain from any sort of forbidden touching or looking.[42]

Question 7: In relation to using the I.U.D. which works by preventing the fertilized egg from implanting itself on the wall of the womb - is it permissible according to the Islamic regulations to use this method or not?

Answer 7: Any time the individual or societal needs necessitate this (form of population control), it is not a problem.[43]

Question 8: With respect (to you). Through this letter we request your noble presence that: after releasing a ruling from the office of the Supreme Leader in relation to one of the methods of family planning, it was stated that it was prohibited to place an instrument (inside the woman) - even if this is done by a woman.

However the policies put forward by the Ministry of Health and Medical Education are based on propagating the use of this method for family planning.

Please clearly explain what your noble and blessed opinion is in relation to this and also let us know what the responsibility of those people who work in this field are.

Answer 8: Anytime it does not necessitate a forbidden look or touch, then it is not a problem except if the individual or societal needs necessitate it.[44]

Question 9: Is it permissible to use the I.U.D. in the womb of the woman to prevent pregnancy?

Answer 9: From the point of view of preventing pregnancy - as long as the wife and husband are both in agreement (with this method), then it is not a problem.

However if it necessities a stranger looking at the private parts of the woman, then it is problematic even if the doctor who is responsible for this task is a woman.[45]

The Noble Prophet (blessings of Allah be upon him and his family) has said, *"The best of women is that woman who when she gets upset, or when her husband gets upset with her, she says to her husband, 'I am placing my hand in your hand, and I will not allow myself to go to sleep until you are happy with me (again).'"*

Bihar al-Anwar, Volume 103, Page 239, Hadith 45

Enquiries from the Religious Authorities in Regards to Tubal Ligation (Tubectomy) for Women

Question 1: I am a 31 year old woman who has four children. It has been some time now that I have been suffering from a sore back and other medical issues such that I am not able to do a lot of work and thus, I am forced to rest which is not always possible for me. The doctors have told me that I must do something so that I do not become pregnant again.

In my example and with the conditions given, is it permissible for me to have my tubes tied keeping in mind that my husband is content with this, or not?

Answer 1: If this act does not result in any defect in the private part or becoming permanently sterile, then it is not a problem.[46]

Question 2: The act of tying the tubes of the womb results in the permanent sterilization (of the woman). The only way that it would be possible to once again become pregnant would involve delicate microscopic surgery which can be performed in well-equipped medical centers at which point, the possibility of once again becoming pregnant even in the best of medical centers of the world is 50%.

Keeping the above mentioned points in mind, is it permissible for a healthy woman to have her tubes tied?

Answer 2: In the example given in the question, it is not permissible.[47]

Question 3: Are reasons such as: economic or social problems, (a large) number of children (in the family) or the age of the woman reasons for having a permanent form of birth control or for abortion?

Answer 3: That which has been mentioned is not permissible.[48]

Question 4: Is a permanent method of preventing a pregnancy in the case of illness in which pregnancy would be dangerous to the woman's life and in which both the physical and mental welfare and well-being of the woman will - even in the future - not be favourable, permissible?

In other words, if the doctor has necessitated that the woman should never become pregnant (as far as he can tell from his research), then in this situation, is it permissible to have one's tubes tied?

Answer 4: If this method to prevent an (unwanted) pregnancy is permanent, then it is not permissible however in other than this event, if it is due to a danger related to one's life, then it is not a problem.[49]

Question 5: Is it permissible to engage in permanent birth control for women who are likely to having physically deformed children or a hereditary physical or mental disease (especially those which have been made apparent through previous pregnancies)?

Answer 5: It is permissible.[50]

Question 6: Is it permissible to engage in permanent sterilization and to remove all chances to become pregnant for women who are healthy?

Is it permissible for a healthy woman to have her tubes tied which would result in permanent sterilization so as to prevent pregnancy?

Answer 6: In the event that it is done for a permissible reasonable cause and there is no considerable harm involved init, then as long as one has the husband's approval, it is not a problem.[51]

Question 7: Are economic difficulties a reason for a person to go forth for permanent sterilization or for an abortion?

Answer 7: Simply having societal problems or other sorts of problems or due to having a (large) number of children and the age of the spouses and other things such as this are all not complete and logical criteria (for permanent sterilization or an abortion). And it is not permissible to abort a fetus for the excuses that have been mentioned.[52]

Question 8: Is the permanent method of preventing a pregnancy in the case of illness in which pregnancy would be dangerous to the woman's life and in which both the physical and mental welfare and well-being of the woman will not be favourable even in the future, permissible?

Answer 8: In the example given in the question, it is not a problem. Rather, if there is a danger of losing the life of the mother, then it is not permissible for the woman to become pregnant.[53]

Question 9: Our question is in relation to women who suffer from psychotic illnesses or an intense form of insanity for whom it is not possible to make use of methods of birth control such as ejaculation outside of the woman or birth control pills and who if they were to become pregnant, they would not have the ability to take care of their child.

Is the doctor permitted to go forward and permanently sterilize such women?

Answer 9: The doctor does not possess the authority to go ahead with this.[54]

Question 10: Is it permissible to engage in permanent birth control for women who are prone to having physically deformed children which has been made evident from their previous pregnancies?

Answer 10: In and of itself and with the permission of the husband, there is no problem in this act, however one must make sure to refrain from any forbidden acts related to this.[55]

Question 11: If several doctors tell a woman that in the event that she becomes pregnant, there is a danger to her life, then is the woman permitted to have her tubes tied even though this act would result in her permanent sterilization and would also necessitate a foreigner looking at her private parts? Are these examples of necessity?

Answer 11: If the doctor who is a specialist (in this field) tells this to the woman and she develops certainty from what he has told her, then it is not a problem and it is permissible for a foreigner to look (at the private parts of another person) in the case of a necessity and where there is no other option available.[56]

Question 12: In relation to the issue of population control and managing a family, across the country there are some women and men who are volunteering to – with a written letter of consent of their spouse – have their tubes tied (and have a vasectomy) to prevent pregnancy. We would be grateful if you could provide us with the Islamic ruling regarding this.

Answer 12: Having one's tubes tied to prevent having children as in the example of the question given, in and of itself is not a problem.[57]

Question 13: In the event that permission is given for a woman or man to have their tubes tied or for a vasectomy, which of these two has the right to go ahead with such an operation?

Answer 13: Which ever (of these two) has the right of their own selves – in which the Religion has permitted them to exercise that right. Yes, the woman is not permitted to do anything which would prevent her husband from having complete sexual pleasure from his wife without his permission. And as for having the tubes tied, it is better that the permission is taken,

however as for who should go first in this (operation), it is not clear.

Question 14: What is the ruling on having one's tubes tied to prevent a pregnancy?

Answer 14: As long as it is not essential (to have this done), it is not permissible.[58]

Question 15: What is the opinion of the sacred teachings of the religion of Islam in relation to having the tubes tied to prevent various sorts of sicknesses?

Answer 15: Any time that there is no possibility of reversal (of this operation), it is not permissible. In the event that it is reversible, then it is permissible (with the condition that there is some individual or societal need that compels one to go through with this operation.)

Question 16: In those instances in which as a result of having twins there is a chance of their being physical defects in the child or a genetic illness – is it permissible for the woman to have her tubes tied or for the man to have a vasectomy to prevent future pregnancies?

Answer 16: Any time that there is a fear of danger or a hazard which can be observed (for either of the spouses) or even in relation to the child, it is permissible.[59]

Question 17: Is the woman permitted to go ahead with having her tubes tied without her husband's permission?

Answer 17: If this act is not a necessity, then it is not permissible.[60]

Question 18: Keeping in mind that according to the most authentic sources in relation to those mothers who have been pregnant more than five times and who are also getting up in age and are 35 years old, if they become pregnant again, then

there will be a physical danger to them (dangerous pregnancy). Is such a woman permitted to have her tubes tied?

Answer 18: If there is a definite danger or even a very strong probability, then it is permissible.[61]

Imam `Ali (peace be upon him) has said, *“Women are a trust from Allah in your hands thus, do not permit any danger from reaching them and do not be strict with them.”*

Mustadrak al-Wasa`il, Volume 1, Page 251, Hadith 7

Enquiries from the Religious Authorities in Regards to Vasectomies for Men

Question 1: Lately, a medical procedure has come around for men in which they tie a knot in the tube which brings forth the sperm such that when they have intercourse with their wife, the sticky liquid (that always comes out with the sperm) is the only thing released. Please explain to us what the ruling is for the nocturnal emission that such a man would have in which no sperm is released?

Answer 1: If without any relations, some wetness comes out of a man during his sleep or when awake and it does not have the characteristics of sperm, then he will not have the ruling of being in a state of Ritual Impurity (Janabat) except if he has certainty that it was indeed sperm that came out of him.[62]

Question 2: One of the ways being used within the society at present and which is even being done free of charge by the Ministry of Health and Medical Education and is done at the cost of the government is the medical operation known as the Vasectomy (tying the tubes that carry the sperm in men).

According to the research that has been done on this procedure, the specialists have stated that if this operation is done, there is a 10% to 15% chance of it being reversible.

Thus, keeping this point in mind, what is the religious ruling of having this operation (vasectomy)?

One of the other methods that is also being used for family planning and to control the population is for the woman to have her tubes tied. What is the religious ruling on this act as well?

Answer 2: It is permissible to tie the tubes that carry the sperm in the man and to also tie the woman's tubes - if it is done for a logical reason, is not permanent and does not lead to any dangers. There is no religious prohibition for the woman

- with the permission of her husband - to have her tubes tied.[63]

Question 3: Is there any problem with a man, on his own will, having a vasectomy which would result in him being sterile and which has been said to be irreversible? Is it necessary to have the wife's approval before it is done?

Answer 3: In and of itself, this act is not a problem, however one must make sure that no forbidden touching or looking is done. Also, it is not necessary for the man to have the approval of his wife.[64]

Question 4: Is the religious permissibility to have a vasectomy or to have one's tubes tied in order to maintain population control and to prevent an uncontrollable population growth based on the principle of "Hukm-e-Thanawiyyiah"[65] (Islamic Government) and if the necessity (population control) is lifted, does this permissibility become void?

Answer 4: This ruling is not one based on the Islamic Government.[66]

Question 5: What is the ruling on men having vasectomies to control the population (growth)? Keeping in mind that a percentage of those people who go through this operation are once again (with another operation) able to have children due to the advances in medicine and this percentage is on the increase.

Answer 5: If it becomes an individual or societal necessity, then it is permissible.[67]

Question 6: In the event that it is permissible for either the man or woman to have their tubes tied, which of these has the right to go forth first (for this operation)?

Answer 6: In the event that they (the spouses) are equal in the circumstances (the man has the ability to have the

operation and he has also given his wife the permission), then it is not improbable that the man would take precedence.[68]

Question 7: What is the ruling on men having vasectomies to control the population? Keeping in mind that a percentage of those people who go through this operation are once again (with another operation) able to have children due to the advances in medicine and this percentage is on the increase.

Answer 7: There is no Islamic regulation to prevent this.[69]

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 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54
 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73

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- 5.1.Imam Khumayni (may Allah be pleased with him), Islamic Medical Issues
 - 6.2.Ibid.
 - 7.3.Ibid.
 - 8.4.Imam Khumayni, Question
 - 9.5.Imam Khumayni (may Allah be pleased with him), Islamic Medical Issues
 - 10.6.Ibid.
 - 11.7.Ayatullah Khamene'i, Islamic Medical Issues
 - 12.8.Ayatullah Khamene'i, The Medical Opinions within Ijtihad
 - 13.9.Ayatullah Khamene'i, Islamic Medical Issues
 - 14.10.Ibid.
 - 15.11.Ibid.
 - 16.12.Office of Ayatullah al-'Uzma Araki (may Allah be pleased with him) - Rules on Family Planning
 - 17.13.Ayatullah Fadhil Lankarani, Medical Issues
 - 18.14.Ibid.
 - 19.15.Ayatullah Gulpaygani (may Allah be pleased with him), Islamic Medical Issues
 - 20.16.Imam Khumayni, Question, Page 51
 - 21.17.Ayatullah Khamene'i, Legal Questions, Page 198, The Medical Opinions within Ijtihad
 - 22.18.Ayatullah Khamene'i, Islamic Medical Issues
 - 23.19.Ayatullah Khamene'i, Legal Questions, Page 97, The Medical Opinions within Ijtihad
 - 24.20.Ayatullah Khamene'i, The Medical Opinions within Ijtihad
 - 25.21.Question asked from the Office of the Supreme Leader (Ayatullah Khamene'i)
 - 26.22.Question asked from the Office of the Supreme Leader (Ayatullah Khamene'i), Question 46301
 - 27.23.Question asked from the Office of the Supreme Leader (Ayatullah Khamene'i), Question 46301
 - 28.24.Ayatullah Fadhil Lankarani, Islamic Medical Issues
 - 29.25.Direct descendents of the Prophet Mu'ammad (blessings of Allah be upon him and his family) (Tr.)
 - 30.26.Question asked from the Office of the Supreme Leader (Ayatullah Khamene'i), Question 20307
 - 31.27.Imam Khumayni (may Allah be pleased with him), Islamic Medical Issues
 - 32.28.Imam Khumayni (may Allah be pleased with him), Islamic Medical Issues
 - 33.29.Imam Khumayni (may Allah be pleased with him), Islamic Enquiries, Volume 1

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- 34.30.Annual pilgrimage that all Muslims must make at least once in their lifetime to the city of Makkah. (Tr.)
- 35.31.Imam Khumayni (may Allah be pleased with him), Islamic Enquiries, Volume 1, Page 71
- 36.32.mam Khumayni (may Allah be pleased with him), Islamic Enquiries, Volume 1, Page 71
- 37.33.Imam Khumayni (may Allah be pleased with him), Islamic Enquiries, Volume 1, Page 316
- 38.34.Ayatullah Khamene'i, The Medical Opinions within Ijtihad
- 39.35.Ayatullah Khamene'i, The Medical Opinions within Ijtihad
- 40.36.Ayatullah Gulpaygani, Islamic Medical Issues
- 41.37.Imam Khumayni (may Allah be pleased with him), Islamic Medical Issues
- 42.38.Imam Khumayni (may Allah be pleased with him), Islamic Enquiries, Volume 1, Page 70
- 43.39.Ibid.
- 44.40.Ayatullah Khamene'i, Islamic Medical Issues
- 45.41.Ayatullah Khamene'i, The Medical Opinions within Ijtihad, Page 99
- 46.42.Ayatullah Khamene'i, Religious Enquiry from the office of the Leader
- 47.43.Ayatullah Makarim Shirazi, Islamic Medical Questions
- 48.44.Ayatullah Makarim Shirazi, Islamic Enquiry Number 19004
- 49.45.Ayatullah Fadhil Lankarani, Medical Issues
- 50.46.Imam Khumayni (may Allah be pleased with him)
- 51.47.Imam Khumayni (may Allah be pleased with him)
- 52.48.Imam Khumayni (may Allah be pleased with him)
- 53.49.Imam Khumayni (may Allah be pleased with him)
- 54.50.Imam Khumayni (may Allah be pleased with him)
- 55.51.Ayatullah Khamene'i, Islamic Medical Issues
- 56.52.Ayatullah Khamene'i, Islamic Medical Issues
- 57.53.Ayatullah Khamene'i, Islamic Medical Issues
- 58.54.Ayatullah Khamene'i, Islamic Medical Issues
- 59.55.Ayatullah Khamene'i, The Medical Opinions within Ijtihad, Page 104
- 60.56.Ayatullah Fadhil Lankarani, Medical Issues
- 61.57.Ayatullah Sane`i, Islamic Medical Questions
- 62.58.Ayatullah Makarim Shirazi, Islamic Medical Questions
- 63.59.Ayatullah Makarim Shirazi, Islamic Medical Questions
- 64.60.Ayatullah Makarim Shirazi, Islamic Medical Questions
- 65.61.Ayatullah Makarim Shirazi, Islamic Medical Questions
- 66.62.Ayatullah Khamene'i, Islamic Medical Issues
- 67.63.Ayatullah Khamene'i, Islamic Medical Issues
- 68.64.Ayatullah Khamene'i, The Medical Opinions within Ijtihad, Page 151

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- 69.65. The term *Hukm-e-Thanawiyyah* is a term used in Islamic Jurisprudence which can be translated as the “secondary ruling” which basically means the “except to the rule” or a ruling that can – for various reasons – overrule the primary ruling. In this question, that which acts as the secondary ruling is the formation and establishment of an Islamic Government (Iran) which is ruled by the Islamic commandments under the guidance of a competent Islamic leader. Thus, if the leader of the Islamic nation decides that due to a particular reason such as if the needs of the society dictate that an Islamic legislation is temporarily put on hold, he has the power to do so. (Tr.)
- 70.66. Ayatullah Khamene’i, *The Medical Opinions within Ijtihad*, Page 102
- 71.67. Ayatullah Makarim Shirazi, *Islamic Medical Questions*
- 72.68. Ayatullah Makarim Shirazi, *Islamic Medical Questions*
- 73.69. Ayatullah Sane’i, *Islamic Medical Questions*

Chapter 3

Abortions

Rule 1: In Islam, it is forbidden (*haram*) to abort the fetus and if this is done, it would result in the *Diyah*[1] having to be paid. The *Diyah* is the responsibility of the person who was in charge of carrying out the abortion.

If the doctor was to perform it through an operation or by injecting some medication into the woman and through this act of his, the child was aborted, then he is responsible.

If it was the mother herself who ate some pills or was to use something else that the doctor prescribed for her to take, then the mother would be responsible.

If the father did not know about this taking place, then the *Diyah* would have to be paid to him. However if the father knew about it and approved of it, then the *Diyah* is the responsibility of both the mother and father and the *Diyah* must be given to the indirect inheritor of that fetus.

Rule 2: If the child was to die while in the womb of the mother, then it is obligatory to remove it from the womb.

Rule 3: If the pregnancy is a danger to the life of the mother or would result in her become handicapped, then it is permissible for her to abort the child before the time when the soul has been infused into the body.

However it is not permissible to abort the child once the soul has come into the body and the fetus starts to move (inside the

womb) and the mother must carefully watch over and give special attention to the child inside her and must make sure that it is brought into the world at the appropriate time.

Rule 4: If the child which has been aborted was four months old or more, then it must be given the *Ghusl-e-Mayyit*[2] and must also be provided with a *Kafan* (burial shroud) and must be buried. In addition, anyone that touched the body of the child (such as the mother, grand mother, or others who were taking care of the mother) must perform a Ghusl of Mass-e-Mayyit.

If the child was less than four months old, then it must be wrapped in cloth, and without giving it a Ghusl, it must be buried. If anyone has touched the body of the child, then it is better that they too perform the Ghusl (of Mass-e-Mayyit).

Islamic Medical Issues

Enquiries from the Religious Authorities in Regards to Abortions

Question 1: A woman became pregnant one and a half months ago and the doctors have told her that her life is in danger if she remains pregnant and that she will become paralyzed. Is it permissible for this woman to have an abortion, or not?

Answer 1: If there is a hazard or danger to the life of the mother, then it is permissible to have an abortion before the soul is infused into the fetus.[3]

Question 2: In the event that the age of the fetus is more than four months and continuing the pregnancy is a hazard to the life of the mother, is it permissible to have a medical abortion (ending of the pregnancy)?

Answer 2: It is not permissible (to have an abortion) after the soul is infused into the body.[4]

Question 3: In the event that the age of the fetus is more than four months, however a sickness in the mother has advanced quite a bit such that the continuation of her pregnancy would result in a definite loss of life for the mother, is it permissible to abort the pregnancy?

Answer 3: This issue has the same ruling as the previous question (once the soul has been transfused into the body, it is not permissible).[5]

Question 4: In the event that there is a possibility that the mother would succumb to a natural or acquired physical, mental or psychological problem in relation to her becoming pregnant (for example the various types of hereditary illnesses or those which would result from products (used), medicine, x-rays, etc...), is she permitted to make haste in aborting the child?

From the point of view of the age of the fetus being more than four months or less than four months, is there a difference in the ruling?

If one of the defects as was mentioned is confirmed (to occur), then is it permissible to have an abortion?

Answer 4: It is not permissible to abort the fetus and it makes no difference (in any of the scenarios given).[6]

Question 5: In the event that it is possible that there would be some form of defect in the fetus, is it permissible to go forth with aborting the child? And in this issue, is there any difference if the fetus is younger or older than four months?

Answer 5: In the examples mentioned, there is no Religious sanction for aborting the fetus and in relation to the forbidden nature of the abortion from the point of view of the Islamic legislation, there is no difference if the fetus is younger or older than four months.[7]

Question 6: What is the ruling on performing an abortion on women who are sick and are taking medication such as Lithium which one day, may affect the child?

Answer 6: It is not permissible.[8]

Question 7: What is the ruling in relation to having an abortion for women who are badly afflicted with psychological illnesses in which there is a possibility that their sickness may be passed on to the fetus?

Answer 7: It is not permissible.[9]

Question 8: What is the ruling on having an abortion when after tests and examinations are carried out in which it is made known that the fetus has some seriously un-normal defects?

Answer 8: It is not permissible.[10]

Question 9: After many years, a couple was finally able to have a child however in the first few months of the pregnancy the doctors were able to diagnose that:

a) If the pregnancy continues, there is a possibility of danger to the (life) of the mother.

b) If the pregnancy continues, then the child will come into this world with defects.

Thus, the doctors ordered that an abortion must be done – is it permissible to act according to the opinion of the doctors?

Answer 9: Simply having a possibility that the fetus will be born with defects is not an Islamic justification to abort the child.

However, if one is satisfied that there is fear for the life of the mother in the opinion of the doctor who is a specialist, then there is no problem in aborting the child before the soul has been infused into the fetus.[11]

Question 10: Is it permissible to engage in an abortion for medical reasons in the following examples before the soul has been infused into the fetus?

a) Illnesses that we know for sure will result in the death of the child after birth - keeping in mind that such estimations are not definite.

b) Genetic illnesses.

c) Physical deformations in the child (such as Anencephaly[12])

Answer 10: It is problematic to have an abortion in the examples given above especially seeing as how the predictions are not definite.[13]

Question 11: At what time is the soul infused into the body? What is the ruling in the above mentioned examples about having an abortion if it is done before the soul is infused into the body?

Answer 11: This is the time when the child who is in the womb of the mother starts moving which is normally around the fourth month.[14]

Question 12: In relation to the pregnant woman who has been diagnosed with uterine cancer whose treatment is through radiation therapy, and as it is known that going for radiation therapy would result in the deformation of the fetus - is it permissible to abort the fetus before one starts the radiation therapy?

Answer 12: It is problematic.[15]

Question 13: It is common in women who are pregnant and who are also diagnosed with cancer (such as breast cancer) that if their cancer has progressed that in which ever stage of the pregnancy they are in, the fetus is aborted and they go forth with curing the mother and this is done for two reasons: the first is since the life of the mother is in danger and the second reason is because if they were to permit the pregnancy to continue, the mother would die, and the child would then come into this world without a mother and as we know, the child is in need of the love of the mother.

If the cancer is in its early stages and if the pregnancy is in the final stages, then they would wait until the fetus reaches to such a stage that it would be able to live (on its own). At this point through an operation, they would take the child out of the mother's womb and bring him into the world sooner than his expected due date and would keep him under close, special supervision until he develops.

If the pregnancy was in the early stages, then it would be aborted and thus in this way, the curing of the cancer would also have a better chance of working (of course either through chemical therapy or radiation therapy).

Is the explanation given above in line with the rulings of Islam or not?

Answer 13: If the life of the mother is in danger and the fetus has passed through the first few months, then it is not a problem. Also, it is not a problem to have the child born before its due date and taking care of it in these special circumstances.[16]

Question 14: Is it permissible for women who are sick and who if they continue their pregnancy, a conflict between the life of the mother and that of the fetus would develop - and in addition, the age of the fetus if more than four months, however the state of the fetus at the age is such that it does not have the ability to live outside of the womb of the mother and after the death of the mother, the child too would die. In order to save the life of at least one individual, meaning the mother - is it permissible for this pregnancy to be ended?

Answer 14: One must wait until the final moments to protect the life of the mother, and if at that time there is still no possibility of saving the life of the fetus, then it is not a problem to abort it in order to save the life of the mother.[17]

Question 15: What is the Islamic ruling in regards to abortion?

Answer 15: It is not permissible to abort the fetus after the soul has his infused into it regardless of the reason. It is also not permissible even before the infusion of the soul except if the life of the mother is in danger or if there is some sickness that the mother would not be able to withstand if the child remains in the mother's womb. In any of these two events, it is not a problem to abort the fetus.[18]

Question 16: Can you please explain to us the scenarios in which it is not a problem to terminate a pregnancy?

Answer 16: Aborting the pregnancy is permissible in the following circumstances:

a) If according to the observations of the specialist whose word one has confidence in, the continuation of the pregnancy would result in the death of the fetus and the mother - both of

them. However if the child was to be aborted, then the mother would stay alive.

b) If the soul has not yet been infused into the fetus and according to the observations of the specialist whose word one has confidence in, if the fetus was to remain inside the mother, then it would pose a danger to the life of the mother or would result in a danger or pain that the mother would not be able to withstand.

c) If the soul has not yet been infused into the fetus and the pregnant woman has certainty that without aborting the fetus, she would face mental or physical difficulties and problems and would fall victim to great difficulties and troubles. In this event, it is also not improbable that to abort the fetus would not be forbidden.

In addition, in all of these instances, if the abortion does go forth, the *Diyah* and the *Kaffarah*[19] would be required and would be the responsibility of the person who performed the abortion.[20]

Question 17: If a pregnant woman goes to her doctor and the doctor aborts the child, would the doctor have the *Qasas* (Islamic punishment for murder) applied to him?

Answer 17: No, rather, he would have to pay the *Diyah*.[21]

Question 18: If a group of doctors tell a woman that the child that she has in her womb is underdeveloped from the point of view of its mental capacity or physical body, is the woman permitted to abort the child or do something else so that she loses her child?

Answer 18: No, it is not permissible.[22]

Question 19: What is your opinion in specific regards to a woman who is one and a half months pregnant and wants to abort her child, keeping in mind the following points:

a) She had four children one after the other with a gap for only breast feeding (each of them).

b) She has gone through caesarian section for three of her four children.

c) She has psychological problems to such an extent that most of her time at night is spent crying and weeping which results in her entire family being upset at seeing her like this.

d) She had gone for some sort of birth control, however this child as well as two of her other children were unwanted pregnancies and thus, even though she was using some form of birth control, she still became pregnant.

e) The guardian of these children (her husband) is also in agreement with this (abortion).

In the event that it is permissible (for her to have an abortion), please let us know what the amount of the Diah would be. Both of them (the mother and father) are followers of Imam Khumayni (may Allah be pleased with him)

Answer 19: Keeping in mind the difficulties that were mentioned in the letter such as the operations, the caesarian section and the psychological trauma and other things – since this scenario is one which is an indication of a difficulty which is unbearable, it can not be said that aborting this fetus before it is four months old would be haram (forbidden) or a sin.

Rather, due to the ruling of it being unbearable, the prohibition is lifted and it is permissible (to have the abortion) and the Diah is upon the person who actually performs the abortion and it must be given to the inheritors of that fetus.

Thus, if the abortion is performed by an injection, then the Diah is upon the person who gave the injection. If the abortion is through pills and the use of medication, then it (the Diah) is upon the mother herself who has taken the medicine and in this case, since the mother herself is the one who performed the abortion, she would not be entitled to receive any of the inheritance.

In any case, if the abortion is performed with the consent of the father and mother and what has been stated in the first scenario (done by an injection) and if in the second scenario, the father forgives (the Diah) (where the mother has performed the abortion), then the Diah would not be liable.

Question 20: The Present Organization of Doctors of Iran in a letter to the Courts of the city of Qum:

We testify that Mrs. _____ the daughter of _____ owner of the attached signed photo mention that due to her own desire and that of her husband, Mr. _____, they have requested an examination to go through with a medical abortion for the following reasons:

The above mentioned woman is 1½ months pregnant and since she has a great deficiency in her aorta valve, she has gone for a transplant of this valve and through the examination of the specialists and the medical advisors, it has been confirmed that the continuation of her pregnancy will be life threatening for her.

Can you permit the medical abortion in one of the Medical Centres through a female medical specialist and midwife?

Answer 20: Even though it is completely forbidden to have an abortion and it is considered as a sin and if it is performed after the fourth month, it is classified as the killing of a person and in no way can it be permissible.

However, if it is done before four months with the supposition that the pregnancy would cause difficulty and strain - which has been deduced from the letter - the prohibition is lifted and the (Islamic) Judge can give the ruling on it being permissible (to have an abortion).[23]

Question 21: By having a sonogram of the fetus that is inside the stomach of the mother, it is made known that the child is physically disabled. After birth, he will be like a stick of meat that will be left aside and will not be able to do anything productive and will also have no sort of intelligent understanding or perception. Thus, please let us know:

a) Is it permissible to abort the fetus in the state that it is (before the soul is infused into the body or even after the soul is placed in the fetus)?

b) If this child comes into the world and then becomes sick, is it permissible to not go for any sort of medical treatment so that it will die sooner and thus, will be freed from the pain and suffering?

Answer 21: In reply to questions 'a' and 'b', it is not permissible and Allah knows best.[24]

Question 22: If the doctor realizes that the fetus that is in the womb of the mother has a physical defect and if he was to inform the parents of this, then there is a very strong possibility that they would go forth to abort the child and there is a very small possibility in relation to the curing of the physical defect of the fetus. And if he does not tell the parents, then the parents will complain to him that they were not informed of the health of the child.

Please let us know what is the responsibility of the doctor in this case?

Answer 22: Since he does not know that they would go forth with an abortion since there is a possibility that they may try and find some cure (for the child), thus, it is permissible to tell them and if they (the parents) go forth and abort the child, then the one who is responsible (for this act) would be the one who actually performs it.[25]

Imam as-Sadiq (peace be upon him) has said, *"Allah has made Jihad obligatory upon men and women. Thus, the Jihad for the man is that he gives up his wealth and his life in the way of Allah and gets killed (on this path). The Jihad for the woman is that she has patience with the harassment and pride of her husband."*

Wasa'il ash-Shi'a, Volume 14, Page 111, Hadith 2

Rule 1: Aborting the fetus after it has been transformed into a human being with a soul in the womb is a very grave sin and it is considered as killing a person and all of the Islamic regulations in relation to *Qasas* (the penalty for murder), the *Diyah* and the *Kaffarah* would be applicable.

Rule 2: Aborting the fetus before it has been transformed into a human being with a soul in the womb is not classified as the killing of a person and thus from this viewpoint, it is not forbidden (haram). However, if this act is not carried out with the consent of the father and mother, then it is an act of oppression to both of them or to one of them.

It is sufficient to state that within the teachings of Islam, according to the *ahadith* (narrations) and that which has been mentioned, a Diah has been specified for this act. Apparently, that which we can tell is that the Diah would have to be paid by the person who carried out the abortion - of course in the event that it was done without the permission of the parents.

Rule 3: It is obligatory upon the leader of the Muslims to make sure that except under special circumstances, this act is not carried out.

Of these special circumstances, we can mention the following: where the betterment of the society or the betterment of the mother is involved or when preserving the laws of Allah as has come to us from the Prophet through the Book (Quran) and the Sunnah (his example) which would necessitate this act.[26]

The Noble Prophet (blessings of Allah be upon him and his family) has said, *"It is not recommended for a woman that she force her husband to do things which are beyond his capability and it is also not recommended that she complain to any of the creatures of Allah, The Noble and Grand, about her husband - whether this person be a close family member or an outsider."*

Mustadrak al-Wasa'il, Volume 14, Page 238, Hadith 2422

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- 74.1. Blood money/ransom (Tr.)
75.2. This ceremonial bath must be performed if a person touches the dead body of another person after the body has become cold and the corpse itself has not been given the ceremonial bath. (Tr.)
76.3. Imam Khumayni (may Allah be pleased with him), Islamic Medical Issues
77.4. Imam Khumayni (may Allah be pleased with him)
78.5. Imam Khumayni (may Allah be pleased with him)
79.6. Imam Khumayni (may Allah be pleased with him), Religious Enquiries
80.7. Ayatullah Khamene'i, Islamic Medical Issues
81.8. Ayatullah Khamene'i, Islamic Medical Issues
82.9. Ayatullah Khamene'i, Islamic Medical Issues
83.10. Ayatullah Khamene'i, Islamic Medical Issues
84.11. Ayatullah Khamene'i, Islamic Medical Issues
85.12. Congenital absence of most of the brain and spinal cord
86.13. Ayatullah Makarim Shirazi, Islamic Medical Questions
87.14. Ayatullah Makarim Shirazi, Islamic Medical Questions
88.15. Ayatullah Makarim Shirazi, Islamic Medical Questions
89.16. Ayatullah Makarim Shirazi, Islamic Medical Questions
90.17. Ayatullah Fadhil Lankarani, Islamic Medical Questions
91.18. Ayatullah Fadhil Lankarani, Islamic Medical Questions
92.19. Penalty (Tr.)
93.20. Ayatullah Fadhil Lankarani, Islamic Medical Questions
94.21. Ayatullah Fadhil Lankarani, Islamic Medical Questions
95.22. Ayatullah Fadhil Lankarani, Islamic Medical Questions
96.23. Ayatullah Sane'i, Islamic Medical Questions
97.24. Ayatullah Safi Gulpaygani, Islamic Medical Issues
98.25. Ayatullah Safi Gulpaygani, Islamic Medical Issues
99.26. Ayatullah Shahid Beheshti, Health and Family Planning, Page 203

Chapter 4

The Noble Presence of the Protector and Grand Marja' of the Shi'a, Ayatullah al-'Uzma Imam Khumayni

In His Name, the Most High

Question: With greetings and respect to you. It is common place that in order for women to prevent unwanted pregnancies and in order to avoid having an abortion when their life is in danger, with the consent of their husband, they use medication or things such as birth control pills, I.U.D. (an item that is inserted into the womb), cervical cap, diaphragm, creams, jells and injections – all of which prevent the meeting and fertilization of the egg.

Men too, with the consent of their wives, make use of the condom (a plastic covering) and also employ the method of coitus interruptus (to prevent an unwanted pregnancy).

We would like to know what the Islamic ruling is on these things that we have mentioned in our letter.

And may the peace and mercy of Allah and His blessings be upon you.

'Ali Akbar Ridha'i Ashtiyani
Authority on Planning and Population
Ministry of Public Health and Safety

Answer: As long as in the examples given, there is no chance of danger or it will not lead to a defect of the private parts and the husband approves of it, then it is not a problem.

Chapter 5

The Noble Presence of the Protector and Grand Marja' of the Shi'a, Ayatullah al-Uzma Najafi Mar'ashi

In His Name, the Most High

Question: With greetings and respect to you. It is common place that in order for women to prevent unwanted pregnancies and in order to avoid having an abortion when their life is in danger, with the consent of their husband, they use medication or things such as birth control pills, I.U.D. (an item that is inserted into the womb), cervical cap, diaphragm, creams, jells and injections – all of which prevent the meeting and fertilization of the egg.

Men too, with the consent of their wives, make use of the condom (a plastic covering) and also employ the method of coitus interruptus (to prevent an unwanted pregnancy).

We would like to know what the Islamic ruling is on these things that we have mentioned in our letter.

And may the peace and mercy of Allah and His blessings be upon you.

`Ali Akbar Ridha'i Ashtiyani
Authority on Planning and Population
Ministry of Public Health and Safety

Answer: It is permissible.

[Seal and Signature]

Mar'ashi Najafi

Chapter 6

The Noble Presence of the Protector and Grand Marja' of the Shi`a, Ayatullah al-`Uzma Gulpaygani

In His Name, the Most High

Question: With greetings and respect to you. It is common place that in order for women to prevent unwanted pregnancies and in order to avoid having an abortion when their life is in danger, with the consent of their husband, they use medication or things such as birth control pills, I.U.D. (an item that is inserted into the womb), cervical cap, diaphragm, creams, jells and injections – all of which prevent the meeting and fertilization of the egg.

Men too, with the consent of their wives, make use of the condom (a plastic covering) and also employ the method of coitus interruptus (to prevent an unwanted pregnancy).

We would like to know what the Islamic ruling is on these things that we have mentioned in our letter.

And may the peace and mercy of Allah and His blessings be upon you.

`Ali Akbar Ridha`i Ashtiyani
Authority on Planning and Population
Ministry of Public Health and Safety

Answer: In the event that making use of the things mentioned would result in danger to the body of the woman or her sterilization, it is not permissible. If there is no danger involved and it is only a temporary means to prevent pregnancy, then

there is no problem (in using these methods). And Allah knows best.

Imam Kadhimi (peace be upon him) has said, *“The Jihad of the woman is to take care of her husband and to act with him in a good way.”*

Wasa'il ash-Shi'a, Volume 14, Page 115, Hadith 2

Chapter 7

The Noble Presence of the Protector and Grand Marja' of the Shi`a, Ayatullah al-`Uzma Shirazi

In His Name, the Most High

Question: With greetings and respect to you. It is common place that in order for women to prevent unwanted pregnancies and in order to avoid having an abortion when their life is in danger, with the consent of their husband, they use medication or things such as birth control pills, I.U.D. (an item that is inserted into the womb), cervical cap, diaphragm, creams, jells and injections – all of which prevent the meeting and fertilization of the egg.

Men too, with the consent of their wives, make use of the condom (a plastic covering) and also employ the method of coitus interruptus (to prevent an unwanted pregnancy).

We would like to know what the Islamic ruling is on these things that we have mentioned in our letter.

And may the peace and mercy of Allah and His blessings be upon you.

`Ali Akbar Ridha`i Ashtiyani
Authority on Planning and Population
Ministry of Public Health and Safety

Answer: Using birth control pills and injections and other things such as this or even the cervical cap or anything that would prevent the fertilization of the egg and in addition, using the condom – either with or without the consent of the wife or husband, is not a problem.

However, using anything that would result in the sterility of the man or the womb of the woman, either with or without the consent of either side (the husband or the wife) is forbidden (haram). And Allah knows best.

Chapter 8

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:

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"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 price-less 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:

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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.'"*

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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."*

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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."*

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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)."

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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 Jam-i`al Usul*” written by Shaikh Mansur `Ali Nasif, Volume 2, page 238, it has been written:

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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:

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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 Kurdistan:

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.

Penning 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]

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100.1.The Ahl as-Sunnah are divided into four main Schools of Thought - the Hanafi, Hanbali, Maliki and Shafi'i.

101.2.Family Planning in the Legacy of Islam, Page 189

102.3.Ibid., Page 152

103.4.Ibid., Page 155

104.5.Ibid., Page 159

105.6.Ibid., Page 162

106.7.Ibid., Page 165

107.8.Ibid., Page 167

108.9.Ibid., Page 167

109.10.Ibid., Page 238

Chapter 9

Sources of Books Used

1. Tawdhiul Masail (Islamic Laws) of Imam Khumayni (may Allah be pleased with him)

2. Religious Enquiries of Imam Khumayni (may Allah be pleased with him). Printed in Qum by Islamic Publications in co-operation with the Council of Islamic Schools (1375)

3. Medicine in the Light of Ijtihad, Islamic Medical Questions from Ayatullah al-`Uzma Khamene'i. Published by Maburr Cultural Assistance Organization (1375). Compiled by the director of health of Shahid Beheshti Hospital

4. Religious Enquiries from the office of the Supreme Leader Ayatullah al-`Uzma Khamene'i.

5. Religious Enquiries from the offices of the various Religious Scholars of the Shi`a and Ahl as-Sunnah

6. Islamic Medical Issues compiled by Muhammad Ruhani `Ali Abadi, Fatimah Nughani, Shur Imani

7. Islamic Narrations in relation to Married People and Family Ethics compiled by a group of Servants of Zahra

8. Islam and Family Planning, Sayyid Muhammad `Ali Iyari

9. Health and Family Planning, Ayatullah Shahid Doctor Beheshti, 1379, The Foundation overseeing the publishing of the works and thoughts of Shahid Ayatullah Doctor Beheshti

10. Family Planning in the Legacy of Islam, Abdel Rahim Omran, United Nations Population Fund, 1992

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IN THE AGE OF INFORMATION

IGNORANCE IS A CHOICE

*"Wisdom is the lost property of the Believer,
let him claim it wherever he finds it"*

Imam Ali (as)