



Group Development Pakistan

Birth Spacing in Islam

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Acronyms

HDI	Human Development Index
HRC	Human Rights Council
INSS	Indonesia's National Socioeconomic Survey
ICPD	International Conference on Population and Development
MEMRI	Middle East Media Research Institute
MICS	Multiple Indicator Cluster Survey
OIC	Organization of Islamic Countries
UNICEF	The United Nations International Children's Emergency Fund
UNFPA	United Nations Population Fund
UNDP	United Nation Development Programme Pakistan
UN	United Nation
PBUH	Peace Be Upon Him
SDGs	Sustainable Development Goals
UNCRC	United Nation Convention on Rights of Children
CEDAW	Convention on the Elimination on All Forms of Discrimination
UNDHR	Universal Declaration of Human Rights
WB	World Bank

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Executive Summary

The status of family planning practices in the light of Islamic teachings has always remained a highly debated topic, across time and space. There are very few empirical researches ever conducted on this topic to reveal the facts that prevail at the community level, in the Muslim World. However, Population Welfare Program since its inception in early sixties has made efforts to achieve the modest success on the issue by administering various studies and launching meaningful initiatives in the very domain at the country level. In this backdrop, the study was conducted to explore the Islamic perspective on birth spacing. To meet the objectives of the study, the author applied qualitative research methodology based on secondary data collected through extensive review of the available literature on child marriage in Islam.

After extensive review of the existing literature it was found that Islam, as the religion of pristine nature, has never opposed to what is good to man. Indeed it has always been ahead in the effort towards the achievement of this betterment, till the time it does come in conflict with the purposes of the law giver. Family planning, as understood by Islam, is not opposed to marriage or to the begetting of children, nor does it's concept imply disbelief in the doctrine of fate and divine dispensation for Allah Almighty has bestowed reason upon man to enable him to distinguish between the useful and the harmful, and to help him follow the path that would assure him happiness in this world as well as in the world to come.

Likewise, birth spacing is not a new issue or an innovation in Islam, as *azl* (ejaculating outside) and breastfeeding were already practiced since the times of prophet but what may be new are the modern trends and scientific approaches which have been adopted in carrying out birth control in the Muslim world. Particularly, the introduction of modern contraceptives, the restructuring of family planning (FP) programmes, and endorsements and international agreements on birth spacing, all have given new impulses to old paradigms on the subject.

Although there is no specific verse about birth spacing in Quran, nevertheless, there are a number of ahadiths which shows that Islam support birth spacing. One such account traced to Jabir 'Abdallah provides insight into the practice with direct correlation to the Prophet;

"We [the Companions of the Prophet] used to practice 'azl during the time of the Prophet. The Prophet knew about it and did not forbid it."

The Grand Mufti of Jordan, Shaykh 'Abd Allah Al-Qalqili, issued a fatwa in 1964 in which he said: There is agreement among the exponents of jurisprudence that *coitus interruptus*, as one of the methods for the prevention of childbearing, is allowed. Doctors of religion inferred from this that it is permissible to take a drug to prevent childbearing, or even to induce abortion. We confidently rule in this fatwa that it is permitted to take measures to limit childbearing.

Moreover, there seems to be consensus among Islamic jurists about it. All the five major Schools of Law in Islam, namely, the Hanafi, Maliki, Shafie, Hanbali, and Jaefari, permit the practice of *azl* (Bowen 1991, 10). Whereas the Shafie School "allows contraception unconditionally to the husband, who need not do it with the consent of the wife" (Rahman 1989, 114), the other four schools permit the practice of *azl* only with the wife's consent (al-Zuhayli 1984, 331-32, in al-Hibri 1993a, 5). The practice of contraception is forbidden only by the medieval Spanish Muslim Ibn Hazm's Zahiri, or "literalist," School, which had few followers (Rahman 1989, 114). It is allowed by the Zaidi and the Ismaeili Schools (Bowen 1991, 10). Among the Muslim jurists whose views on contraception have had the most widespread impact is al-Ghazali, who was a preeminent philosopher and Sufi besides being a Shafie legal scholar.

Similarly, in Quran (the holy book of Islam) breastfeeding is mentioned 14 times as a method for birth spacing, demonstrating that the Quran supports breastfeeding as a birth spacing method. Also there is a consensus among scholars based on a verse in the Qur'an, which clearly states that a distance between children should be observed. Mothers are advised to breastfeed their children for 2 years, during which time the woman should not become pregnant. The Quran says:

"The mothers shall give such to their offspring for two whole years, if the father desires to complete the term" (Qur'an 2:233).

"And we have enjoined on man (to be dutiful and good) to his parent. His mother bore him in weakness and hardship, and his weaning is in two years" (Qur'an 31:14).

There is also consensus among religious scholars, who have agreed that the mother requires one further year to recover. Hence, 36 months is advised for birth spacing.

Besides, the Quran repeatedly mentions the health advantages of breastfeeding for both the mother and the infant additional to the fact that it is a birth spacing method. Two years of breastfeeding contribute to the child's physical and mental wellbeing, and the mother benefits from the spacing of pregnancies.

Birth control has been established to be as age long as the advent of Islam and throughout the stages of its development. Birth spacing as is a private measure to space or regulate the family size for health or economic reasons is permissible in Islam. Although there is no specific verse in Quran regarding birth control; nevertheless, there is neither any verse in the Quran or ḥadīth against birth control, nor is it obligatory to have children in marriage. Moreover, there are several ahadith which categorically prove that birth control is permissible. It is narrated from Imam Ali: *“One of the two (means) of affluence is to have few dependents”*(Razi, 1000 AD).

Similarly, it is narrated from Imam as-Sadiq (as): *“(Imām) Ali ibn al-usayn saw no problem in coitus interruptus and he used to recite the verse that ‘When your Lord took from the Children of Adam, from their loins, their descendants...’ So from whatsoever (seed) Allāh (SwT) has taken a covenant, it is sure to be born even if it is (spilled) on a hard rock”* (Razi, 1000 AD) (Al-Tusi, 1067) (al-'Amili, 1700).

Birth spacing is therefore not a new issue or an innovation in Islam, but what may be new will be the modern trends and scientific approaches which have been adopted in carrying out birth control in the Muslim world (Ahmed R. , 2018). Likewise, the introduction of modern contraceptives, the restructuring of family planning (FP) programmes, and endorsements and international agreements on birth spacing, all have given new impulses to old paradigms on the subject (Omran, 1992).

According to Farzaneh Roudi-Fahimi Islam, as the religion of pristine nature, has never opposed to what is good to man. Indeed it has always been ahead in the effort towards the achievement of this betterment, till the time it does come in conflict with the purposes of the law giver (Roudi-Fahimi, 2009). Similarly, (Akbar, 1992) notes that family planning, as understood by Islam, is not opposed to marriage or to the begetting of children, nor does it's concept imply disbelief in the doctrine of fate and divine dispensation for Allah Almighty has bestowed reason upon man to enable him to distinguish between the useful and the harmful, and to help him follow the path that would assure him happiness in this world as well as in the world to come.

Furthermore, according to (Taimiyya, 1966) and (Omran, 1992) organized family planning programs that provide modern contraceptives and related services have become increasingly common worldwide in the last 40 years. These programs have aimed to improve the health of women and children and to slow population growth in countries where rapid population growth is seen as a barrier to socioeconomic development and Muslim Countries are no exception. The United Nations 1994 International Conference on Population and Development (ICPD) and the 2000 Millennium Development Summit called for universal access to family planning information and services (UNPF, 1994). Islamic countries attending the ICPD generally endorsed the conference's Programme of Action with the reservation that

they would interpret and adopt its recommendations in accordance with Islam—a position necessary for Muslim countries to take the conference recommendations home for implementation (Omran, 1992).

The ICPD's Programme of Action focuses on human development and provides a holistic framework for slowing population growth and improving people's lives. The Programme calls for a wide range of investments to improve health, education, and rights—particularly for women and children—and to provide family planning services in the context of comprehensive reproductive health care. A central recommendation of the Programme is universal access to a full range of safe and reliable family planning methods (UNPF, 1994).

Islam's position on family planning and the circumstances under which it can be practiced has a direct bearing today on how Muslim countries can achieve their development goals, including the ICPD goals (Faith for Action , 2016). The ICPD Programme of Action acknowledges that the implementation of its recommendations “is the sovereign right of each country, consistent with national laws and development priorities, with full respect for the various religious and ethical values and cultural background of its people, and in conformity with universally recognized international human rights (UNPF, 1994). So, importance of Islam and family planning was further discussed in an International Ulema Conference, which was a mega advocacy event to involve religious scholars and opinion leaders for community mobilization. Ulema from 21 Muslim countries as well as communities in minority Muslim States met in Islamabad to discuss the issues concerning population and development. In the conference, the government being cognizant of population problems felt that issue might be discussed and explored further (Omran, 1992).

In this very context, Muslims and Islamic countries have always been under debate and critique where not only the birth rates are among the highest in the world but also the maternal mortality and neonatal deaths are also very high as compared to other parts of the world (Faith for Action , 2016).

1.1 Objectives

The main objectives of this report are to

- To review the existing literature on birth spacing from Islamic Perspective.
- To review the trends in population rates, maternal and neonatal deaths in Muslim world.
- To review policy measures taken by Muslim countries regarding birth spacing.

1.2 Methodology

The study is qualitative in nature and is based on secondary data collected through intensive review of existing literature on child marriage. The different version of Quranic Tafsir (translations of Quran) written by prominent Islamic Scholars of both Sunni (Hanafi,

Hanabali and Maliki) and Shia (Asna Ashri and Ismaili) were consulted to explore the Qaranic Perspective on Birth Spacing.

Similarly, Ahadith Books (sayings by prophet) compiled by prominent Islamic scholars i.e. Sahih Muslim written by Muslim and Sahih Bukhari written by Muhammad Al-Bukhari etc were thoroughly reviewed to explain the phenomenon under research.

A part from Ahadith, the various different books written by scholars belonging to all the five sects of Islam were reviewed from birth spacing perspective. Moreover, the Fatwas issued by prominent religious scholars i.e. and the declarations of Organization of Islamic Countries (OIC) about child marriage were consulted to explain the issue of birth spacing.

Books and research articles published by Islamic scholars were also reviewed. Similarly, reports published by UN and other international organization on birth spacing, were very useful in exploring the trends of population rates, maternal death and neonatal death rates in the Muslim world and their domestic laws in these countries.

Chapter 02 Background

2.1 What is Birth Spacing?

Professor Abdel Rahim Omran, in his book titled, *"Family Planning in the Legacy of Islam"*, defines, birth spacing or family planning as "family planning as used in this text refers to the use of contraceptive methods by a husband and wife with mutual agreement between them, to regulate their fertility with a view to ward off health, social and economic hardships and to enable them to shoulder their responsibilities towards their children and society (Omran, 1992). It encompasses (a) Spacing of children to allow breast-feeding and safeguard the health of the mother and child (b) Timing of pregnancies to occur at a safe age and (c) Adjusting the number of children, not only to the family's need, but also to its physical, financial, educational and child raising capabilities. The rule is that such a choice should be voluntary with no coercion or law fixing the number of children per family (Omran, 1992).

Harmona explain how the New Riverside University dictionary defines birth control "as voluntary limitation or control of the number of children conceived especially by planned use of contraceptive techniques" (Harmona, O. A , 2007). He perceive birth control in a general term to mean the prevention of pregnancy, which is also referred to as contraception. Birth control refers to family planning according to (Folorunsho, M. A, 2007). He perceives family planning as a way of thinking and living that is adopted voluntarily upon the basis of knowledge, attitudes and responsible decisions by individuals and couples in order to promote health and welfare of the family group and thus contribute effectively to the social development of the community (Folorunsho, M. A, 2007).

Yusuf sees birth control as a device to check conception in any way opposed to God's intention (Yusuf, M. G , 2007). To him, "this device is a speedy measure of curtailing population which is abhorrent." Yusuf however recognizes that in a special case, birth control

can be used in form of “Azl” which means coitus interruptus at the point of orgasm before ejaculation. This according to him must be done with the consent of the (wife) sexual partner who should not be denied of enjoyment at the peak of sexual intercourse (Yusuf, M. G , 2007).

Adeniji quote Michael who defines family planning in two broad ways (a.) Natural Family Planning and (b.) Artificial Family Planning (Adeniji, L. A, 2007).

Natural Family Planning they define as a spirituality or way of life. It is also seen as an attempt to explore the full depths of all the relationships which constitute the family, and in particular to study the male and female physiology so that in union with creator, children may be safely born in love and adequately catered for (Adeniji, L. A, 2007).

Artificial family planning they define as simply meaning the use of any method for delaying pregnancy for a short or long time. “The common methods include the oral pill, the injection, the intrauterine devices, the condom, the diaphragm and the operation to tie tubes of the man or woman (Adeniji, L. A, 2007).

Donna Lee Brown on his sees family planning as the process of the husband and wife mutually determining the number and spacing of their children’s births to promote the health of the mother and the children and to contribute to the social economic well-being of the family (Brown, 2004).

2.2 What is the role of Family in Islam?

According to Dr. Omran, role of the family Islam has a pervasive social character and the family is the core of its society. Islam tends to consider the family as something absolutely good and almost sacred (Omran, 1992). Besides providing tranquility and mutual support and understanding between husband and wife, the obvious function of a family is to provide a culturally and legally acceptable way of satisfying the sexual instinct as well as to raise children as the new generation (Ahmed R. , 2018).

According to Salako Taofiki Ajani, in his research paper titled *“Islamic Perspectives on Birth Control”* notes that Islam has more essential roles for the family, however. It is within the family system that Muslims acquire their religious training, develop their moral character, establish close social relationships and sustain loyalty both to the family and to society at large (Ajani, 2013).

Similarly, the support system in the family (both financial, social and emotional) is paramount in establishing the peace of mind and security needed for the journey of life. This is particularly important for the socially dependent members, namely the children, the elderly, the single adults (especially females), as well as the sick or handicapped. The family in Islam includes both the nuclear (husband, wife and their children) and extended varieties by caring for all the relatives (ahl) (Akbar, 1992).

2.3 Marriage and its Significance

The worth and significance of the institution of marriage is evident from the fact that it provides a healthy environment for the maintenance of cordial relations between the spouses and reciprocal love between them (Al-Baqi, 1084). The husband and wife are the principals of family formation. Their relationship in marriage is described in the Qur'an as of two major qualities: love (passion, friendship, companionship) on the one hand, and mercy (understanding, reconciliation, tolerance, forgiveness) on the other within the overall objective of tranquility. Explaining further, Professor Dr. Abduraheem, notes that it also helps one to maintain his/her chastity and guard him/herself against committing the prohibited acts (Imran, 1994). In Surah Noor of Quran Almighty Allah says;

"And marry those among you who are single and those who are fit among your male slaves and your female slaves; if they are needy, Allah will make them free from want out of His grace; and Allah is Ample-giving, Knowing"(Surah an-Nur, 24:32).

According to Muhammad bin Ibrahim, the above verse of Quran begins with the words *"Wa Ankehoo"* (And marry...). The imperative form of the word marriage or *'nikah'* implies that either it is obligatory or highly recommended (Al-Tuwaij, 2000). According to scholars, though marriage is a highly recommended act, it becomes obligatory when there is a chance of falling into sin (Al-Tusi, 1067) (Ali B. , 2012). The Holy Prophet (P.B.U.H) has emphasized on marriage in a large number of ahadith. Prophet (P.B.U.H) said on one occasion, *"[m]arriage is my Sunnah, whoever turns away from my Sunnah, does not belong to me"*(Al-Bukhari, 846).

This Hadith highlights the importance of marriage contract. The Qur'an calls marriage "a castle" as it is protection against dishonesty and immodesty. It has frequently used the word muhsin and muhsanat which come from the root word hisn i.e. castle and fort (ShkilAuj, 2014) (Al-Azhari, 1995). Marriage safeguards and protects chastity in the same way as fort protects the garrison within from a besieging army. Dr. Muhammed Munir described sanctity of marriage contract in following words:

"Allah has created deepest love and solace among the married men and women for each other. The word dwell in tranquility with them (as mentioned in Qur'anic verse 30:21) connotes companionship and mutual love, which is distinct from mere sexual pleasure. Thus a wife in Islam is not handmaiden, but a lifelong companion of her husband, his consort" (Munir M. , 2011).

The Prophet (S) says,

"No house has been built in Islam more beloved in the sight of Allah than through marriage" (Al-Bukhari, 846).

On another occasion the Prophet (S) said,

"The best people of my nation (Ummat) are those who get married and have chosen their wives, and the worst people of my nation are those who have kept away from marriage and are passing their lives as bachelors"(Al-Bukhari, 846) (Al-Nisapuri, 1086).

Furthermore, according to Muhammad Bin Ibrahim, by means of marriage human can fulfil his/her sexual needs free from related diseases, hence fulfilling his/her parental sense through having children. It also facilitates maintenance of the sense of security, self-content and chastity for both husband and wife (Al-Tuwaij, 2000). He further argues that men and women are created by Allah as company for one another and to procreate and live in peace and tranquility in accordance with Allah's SWT guidance and His Messenger's directions (Al-Tuwaij, 2000).

According to Mufti Ismail Menk, a prominent religious scholar, in Islam, marriage is not restricted to a platonic relationship between husband and wife, nor is it solely for procreation. The Islamic term for marriage, "nikah" literally means sexual intercourse (Menk, 2018). Islam provided extensive rules and regulation regarding sex. This was because Islam has fully understood that sexual instincts cannot and must not be repressed (Al-Baqi, 1084). They can only be regulated for the wellbeing of human beings in this life and for their success in the hereafter (Al-Tuwaij, 2000). In Qur'an, Almighty All says;

It is stated in the Holy Qur'an that Allah PBUH has created man and woman as mates for one another so that they can live together and lead a peaceful life. This is a sight of greatness of Allah SWT. This is clear from the following Quranic verse:

"And among His signs is that He created for you mates from among yourselves, that you may dwell in tranquility with them, and He has put love and mercy between your hearts. Undoubtedly in these are signs for those who reflect" (Qur'an, 30:21).

"And Allah has made for you your mates of your own nature, and made for you, out of them, sons and daughters and grandchildren, and provided for you sustenance of the best" (Qur'an, 16:72).

From the above mentioned verses it is clear that, marriage is one of the most virtuous and approved institutions. Other religion do not view marriage in the same manner, for they stress more on celibacy or monasticism and consider it as a great virtue and a means of deliverance. The prophet (PBUH) also stresses the significance of marriage remarkably saying:

"O you young men! Whoever of you is able to marry should marry, for it will help him lowering and not gazing at women hence, guarding his modesty"(Al-Bukhari, 846).

According to Shaik Abu Jafar Ibn Hassan, a renowned scholar of Shitte Islam, in the light of Qur'anic injunctions and the prophetic traditions it can be said that Islam holds the value and significance of marriage in a high esteem (Al-Tusi, 1067). Marriage as understood in Islam embodies two different aspects of human life: aspect of *'ibadah* (worship) of Allah and

aspect of *mu'amalah* (transactions between human beings) (Bough, 2017). Majlis ul Ulema Islam in book titled *"Marriage in Islam"* said that considering marriage as an act that pleases Allah SWT, it can be classified as *Ibadah*, for, the husband and wife love each other in accordance with Allah's SWT commandments and make efforts to continue the human race and rear and nurse their children to become true servants of Allah (Majlis ul Ulema, 2019). On the other hand, the *mu'amalah* aspect of marriage is evident from the fact of its being a lawful response to the human biological instinct and need to have sexual intercourse and to procreate children (Riaz, 2013). However, to regulate and control human sexual behavior, Islamic law has provided a set of detailed rules for rendering this response into a living human institution supported by a whole framework of rights and duties for the spouses and their offspring (Wood, 2015).

According to Muhammad bin Ibraheem Al-Tuwaij, marriage constitutes half of the faith of a Muslim for it protects him against adultery, fornication, homosexuality and other related crimes (Al-Tuwaij, 2000).

Similarly, Hakim Niaz Ahmed narrates that the purposes of Marriage in Islam has multiple purposes such as, spiritual calmness, cooperation and partnership in accomplishing the divine obligation (Ahmed H. N., 1972). Islam as a primordial state of human nature embodies all aspects of man ranging from physical, spiritual to intellectual and caters for them in a most balanced way (Riaz, 2013) (Al-Tuwaij, 2000). Although, marriage fulfills one's material needs in adequate and orderly manner, nevertheless, as mentioned earlier, tranquility and peace that is achieved through successful union is considered its primary objective (Ghamdi, 2016). These aspects are beautifully articulated and explained in a tradition of the Prophet which is narrated by Anas that the prophet PBUH said, The Prophet (S);

"When a man marries, he has fulfilled half of his religion, so let him fear Allah regarding the remaining half" (Al-Bukhari, 846) (Ahmad, 2003). Explaining further, Muhammad Fu'ad Abd Al-Baqi said that a person who fulfills his sexual urges lawfully would rarely be distracted in spiritual pursuits (Al-Baqi, 1084).

2.4 Marriage and the concept of Birth Spacing in Islam

As discussed above procreation is an expectation in marriage, it is not its exclusive purpose. When procreation takes place, however, it should support and endorse tranquility rather than disrupt it. It also means that sexual relations in marriage need not always be for the purpose of having children. Furthermore, the Quran does not prohibit birth control, nor does it forbid a husband or wife to space pregnancies or limit their number. Thus, the great majority of Islamic jurists believe that family planning is permissible in Islam. The silence of the Quran on the issue of contraception, these jurists have argued, is not a matter of omission by God, as he is "All-Knowing" and Islam is understood to be timeless. The proponents of family planning also note that coitus interruptus, or withdrawal, was practiced at the Prophet's time by his Companions. The majority of theologians from almost all schools

of Islamic jurisprudence agree that withdrawal is permissible with a wife's consent. In Islam, a wife has the right to both sexual pleasure and reproduction.

Likewise, according to Abdel Rahim Omran to all Muslim couples at all times and places are advised to space their children since breast-feeding is recommended by the Qur'an, while pregnancy during the lactation period is discouraged by the Prophet (PBUH). Timing of pregnancy to suitable ages and adjusting the number of children according to health, social and economic capacities of the family are the subject of subsequent juristic discussions (Omran, 1992).

Dr. Munir in his book titled, "Rights of Child in Islam", has noted that Marriage is a grave responsibility and as such it should be planned for, with a view especially to ensuring the ability of a man to care for a wife and a household and for the couple to raise their children as pious, healthy, educated, useful and well-behaved citizens. Otherwise, marriage should be postponed (Munir D. M., 2017). The Qur'an says

"Let those who find not the wherewithal for marriage, keep themselves chaste, until Allah gives them means out of His grace"(Quran: al-Nour: Sura 24:33).

Similarly, the Prophet Muhammad (PBUH) has been reported to have said

"O young men! Those of you who can support a wife and household should marry. For, marriage keeps you from looking with lust at women and preserves you from promiscuity. But those who cannot, should take to fasting which is a means of tampering sexual desires" (Al-Bukhari, 846)

Explaining it further, Imam al-Ghazali (d. AD1111) uses the interesting argument that as marriage can be postponed or bypassed altogether by some Muslims (which is legal) so can begetting children. He used this argument in his discussion of the legality of al-azl (withdrawal or coitus interruptus) as a method to avoid pregnancy.

Furthermore, the Sharia, as we find in the Qur'an and the traditions of the Prophet, enjoins a man who seeks to set up a family to focus his attention primarily on looking for a woman who is virtuous and of sound conduct (Al-Tusi, 1067). As Allah says in Quran;

"And Marry those among you who are single, [A man who has no wife and a women who has no husband] and [also marry] the salihun [pious, fit and capable ones] of your [male slaves and maid-servants]. If they be poor, Allah will enrich the Mout of his bounty. And Allah is all sufficient for his creatures"(Quran Al Nur, verse 32)

Having acknowledged that men seeking marriage usually look for beauty, wealth, lineage status and religion, the Prophet, Peace Be Upon Him, recommended that priority should be given to looking for a woman who is religiously observant (Al-Tuwaij, 2000). He stressed that a wife who is of virtuous conduct and high morality is indeed a great accomplishment for any man (Ali B. , 2012). He said:

“Acquire the woman who is religiously observant and you’ll succeed” (Al-Bukhari, 846)

Chapter 03 Birth Spacing form Islamic Perspective

The source of knowledge has been considered critical for the accuracy and authenticity of information in Islam. A Muslim has three sources of knowledge to obtain answers to the questions regarding guidance on human life. These sources are: (1) The Holy Quran (2) Sayings (Hadith) and acts (Sunnah) of the Holy Prophet (P.B.U.H); and (3) The views of leaders of various Fiqh in Islam (Munir M. , 2011). A review of Qur’anic text and Hadith by Khalid Farooq in his famous writing on “Family Planning & Islam: A Review”; concludes that “No Qur’anic text forbids prevention of conception. There are, however, some Qur’anic verses which prohibit infanticide and these are used by Muslims to discourage birth control” (Akbar, 1992). After discussing a sizable number of ahadith, he concludes that, “These ahadith reflect two points; first that the Prophet (P.B.U.H) knew about the practice (of Azl) and did not prohibit it, and second, that the Prophet (P.B.U.H) himself permitted the practice (Akbar, 1992).

3.1 The Quran and Birth-Spacing

The careful perusal of the Quran reveals that there is no Quranic text that forbids prevention of conception, space pregnancy and or reduces the number of children according to a person's economical, social, physical or cultural abilities. This part of the report will explain the grounds and reasoning upon which the opponents of birth spacing and family planning base their opinion and consider it prohibited (haram) or disfavored act and the views of those who defend family planning and consider it permissible (halal).

3.1.1 Contraception Amounts to Infanticide

The jurists who oppose family planning and birth spacing use various verses of the Holy Quran read with Hadith in support of their stance. Nevertheless, there is consensus that there is no direct prohibition on family planning or birth spacing. They base their argument on the following grounds:

Contraception amounts to infanticide (Wa'ad). Explain this term in footnotes

It is against the purpose of marriage i.e. procreation.

It is in contradiction to Hadith in which Prophet (PBUH) motivates to have more children. Multitude (Kathir).

It is in conflict with concept of Reliance on Allah (Tawakkul).

It is conspiracy of west against Muslims to decrease the number

Those who opposed birth spacing and family planning considers it a cardinal sin and against the injunctions of Islam. They argue that before the revelation of Holy Quran the people were living in the darkness and they used to kill their children due to three main reasons:

Firstly, give sacrifice in the name of their goods;

Secondly, bury their daughter to protect their so called honor and thirdly;

Due to fear of hunger and resources;

(Zabat tauleed aur quranni nuqta nazar, Mulana Ziaudin Islahi respectively).

They argue that al-azl (Explain this term in footnotes) or any practice that prevents pregnancy is infanticide, something that has been repeatedly condemned and prohibited in the Qur'an. They place their reliance on the following verses of Quran:

وَلَا تَقْتُلُوا أَوْلَادَكُمْ مِمَّنْ إِمْلَأْتُمْ تَحْنُ نَرْزُقُكُمْ وَإِيَّاهُمْ ... ﴿١٥٢﴾ الأنعام (٦)

"Do not murder your children out of fear of poverty, for we give sustenance to you and to them." al-Aneam (Sura 6:151)

The condemnation of wa'd or burying children alive is given in Sura al-Takwir:

وَإِذَا الْمَوْءُودَةُ سُئِلَتْ ﴿٨﴾ بِأَيِّ ذَنْبٍ قُتِلَتْ ﴿٩﴾ التكويد (٨١)

"When the female (infant), buried alive, is questioned, For what crime she was killed." al-Takwir (Sura 81:8, 9)

The opponents of birth spacing and family planning consider that although there is no direct prohibition on contraception in above mentioned Quranic verses but the reasoning and grounds on which Quran prohibits infanticide are same as of contraception. The techniques used in recent times are different but the purpose is same, so it amounts to infanticide. They support their claim, by referring to a Hadith narrated by Judama in which the Prophet is reported to have referred to al-azl as hidden wa'd.

The advocates of Family planning on the other hand argue that contraception and infanticide or wa'd are two completely different concepts. Infanticide (wa'd) is only possible when a live born child is slain or buried alive or when a formed fetus is aborted while the contraception merely prevents pregnancy and involves no killing. In support of their claim they cite Hadith of Hazrat Jabir who states that

"we used to perform al-azal despite the fact that Quran was also being revealed" (Bukhari, Vol-II, Book Nikah, Chapter al-azl)

They further seek support from the Imam Ali who, in the presence of Caliph Omar and other Companions denied that al-azl amounts to wa'd. Imam Ali maintained that wa'd could only apply once the fetus reached the seventh stage of creation, i.e. the stage of being 'another creature' (khalqan'aakhar). He based his opinion on the verses in Sura al-Mu'minoun explaining the stages of creation:

"Man We did create from a quintessence of clay; Then We placed him as (a drop of) sperm [nutfa] in a place of rest firmly fixed; Then We made the sperm into a clot of congealed blood [alaqa]; Then of that clot We made a [fetus] lump [mudgha]; Then We made out of that lump bones; And clothed the bones with flesh; Then We developed of it 'another creature' [khalqan'aakhar]; Blessed be Allah, the best to create." al-Mu'minoun (Sura 23:12, 13, 14)

Caliph Omar agreed with Imam Ali and praised him for his interpretation. There is a similar tradition concerning Ibn Abbas who also denied that al-azl is infanticide and practiced it himself. He again based his opinion on the same verses of creation.

Many Companions of Prophet practiced al-azl and even brought this fact in the knowledge of prophet, if it al-azl were amounting to wa'd, which is a cardinal sin, then the Quran or the Prophet would have prohibited the practice in an unambiguous and eloquent terms. This is enough to confirm that al-azl is permissible otherwise it would have abrogated by the Prophet himself.

Even among opponents, some admit that contraception may be used in individual cases, albeit reluctantly, while vehemently opposing its general introduction as a matter of national policy. This implies that contraception is not wa'd. Hence birth spacing or family planning is permissible within the injunction of Islam and it is not a prohibited act, as of often is misconceived.

3.1.2 Procreation Principle of Marriage

The jurist who are not in favor of birth spacing or family planning emphasize that procreation is the principal purpose of marriage and birth spacing or family planning is basically denial to the very purpose of the marriage.

They argue that the Quran says:

وَاللَّهُ جَعَلَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا وَجَعَلَ لَكُمْ مِنْ أَزْوَاجِكُمْ بَنِينَ وَحَفَدَةً
 وَرَزَقَكُمْ مِنَ الطَّيِّبَاتِ ... ﴿١٦﴾
 النحل (١٦)

"And Allah has given you wives from yourselves and has given you, from your wives, children and grandchildren and has made provision of good things for you." al-Nahl (Sura 16:72)

They also invoke the description of wives in the Quran as a tilth to their husbands which

implies to them that their continuous cultivation (impregnation) is the norm. They refer to Sura al-Baqara:

"Your wives are as tilth unto you, so, approach your tilth how you wish". al-Baqara (Sura 2:223)

On the other hand supporters of birth spacing and family planning infer that procreation is not the exclusive purpose of marriage and marital relations from the following verse:

"And one of [Allah's] signs it is that He has created for you mates from yourselves, that you may dwell in tranquility with them. And has ordained between you love and mercy." I-Rum (Sura 30:21)

In this regard further guidance can also drawn from Ibn Abbas and other Companions who explained that to 'your tilth, if you wish you can water it, and if you wish you can leave it thirsty'. Some Companions refer directly to al-azl. Sa'id Ibn al-Musayyab explains: 'Your tilth: You are free to practice al-azl [for contraception] with them if you wish, or do not practice it, if you wish'

3.1.3 The Question of Multitude (Kathrah)

The opponents of birth spacing and family planning consider this concept as against the injunction so Islam and find support from the Quran and Sunnah. They believe that the larger the number of Muslims and the higher their growth rate the greater their power and the closer they are to pleasing Allah and His messenger. They place reliance on the Quranic verse, where Hazrat Shoaib reminded his people of Allah's reward:

And remember, when you were but few, how did He help you multiply. al-Aeraf (Sura 7:86)

If multitude is not the ultimate objective for man, they argue that it would not have been considered one of Allah's signs and gifts for pious communities. Hence, they oppose family planning especially if a community calls for the practice, i.e. if it goes beyond individual use. They claim that family planning, as is in practice in the 'West', represents a clear conspiracy to reduce the number of Muslims and diminish their power. Advocates of such a view are unlikely to reconcile their position with that of family planning proponents. The antagonists to birth spacing and family planning find further support from the one Hadith by quoting that the prophet says:

"Marry and multiply, for I shall make a display of you before other nations on the Day of Judgment" (Al-Bukhari, 846).

Authenticated by Ibn Mardaweih with a narration considered weak by al-Iraqi, and also by Abdel Razik with a narration considered weak by Zabidi, also reported by Abu Dawoud. (Islam legacy)

Those who support birth spacing and family planning, on the other hand, believe that the

future of today's Muslims has more to do with quality, piety and solidarity than sheer numbers. They do not believe that the Islamic world lacks numbers. They see a need for greater solidarity and co-operation among Muslim countries, as well as for more spiritual, socio-economic and technological training and excellence. They view the rapid population growth in most of Muslim countries as the most serious obstacle to the development process.

Birth spacing and family planning take issue with most of the claims of the advocates of multitude especially if multitude is uncontrolled. They emphasize two simple principles:

- a) Multitude can be achieved with few children who are well spaced and conceived by healthy mothers at ages that are not too young or too late according to advice of Muslim physicians. ^[1]_{SEP}
- b) The quality of Muslims should not be compromised in favor of sheer numbers. A huge but weak, underdeveloped fragmented Muslim nation with much sickness, poverty, debt, illiteracy and apathy cannot be the subject of pride for the Prophet (PBUH) on the Day of Judgment. ^[1]_{SEP}

Rapid population growth with mal-distribution of resources is contributing factors to the inevitable situation of Muslim nations today. The Prophet is reported to have felt that having too many children without the means to take care of them is quite a trial:

'The most grueling trial is to have plenty of children with no adequate means.' (Al-Bukhari, 846)

Similarly, Ibn Abbas, the great exponent in the community of believers, is also reported to have declared that having too many children is an invitation to hardship:

'A multitude of children is one of the two poverties [or cases of penury], while a small number is one of the two cases of ease.'

Of the two cases of poverty, one is that a large number of dependants can overburden the provider to the point of exhaustion; the other is that the lack of pecuniary means can result in the inability to provide adequately for one's family. The two cases of ease are first the availability of comfortable circumstances and the fact that a small number of children can be raised correctly and comfortably within those means. Although the quotation centers on material means, it implicitly suggests that spiritual, intellectual, literary and other needs can be more efficiently met where the family is smaller.

Furthermore, Imam al-Shafeei finds a reference in the Quran to the issue of family size. This is in the third verse in Sura al-Nisa' (4:3) which instructs Muslims who cannot deal equitably with many wives to be satisfied with only one.

Ibn al-Qayyim in his book about the Newborn explains that the most interpreters read this

to mean that being satisfied with one wife is a way to avoid injustice, but Imam al-Shafeei, an expert in the Arabic language, concluded that the expression used in this verse had a more reaching meaning. He explained it as 'so that you will not have to support too many children'. Imam.

3.1.4 Against Tawakul?

Those who oppose birth spacing and family planning consider the use of contraception is a mistrust in the ability of Allah to provide for children or simply a negation of basic reliance on Allah. They cite numerous verses from the Quran to support their opinion. They affirm that, if Allah wants a child to be conceived, family planning will not prevent it, because everything hinges upon the will of Allah:

"But you shall not will except as Allah wills, Master of the Universe." al-Takwir (Sura 81:29)

"Say I have no power to benefit or hurt myself except as Allah wills. Had I knowledge of the unseen, I would have increased my share of good things and adversity would have not touched me. al-Aeraf (Sura 7:18)

"There is not a creature on earth, but its sustenance depends on Allah. He knows its habitation and its depository. All is in a clear record [book]" Hud (Sura 11:6).

Reliance on Allah (tawakkul) is a basic concept of Islam and that the Muslim should rely on Allah for himself and for his children:

"Our Allah! On you we rely, and to you we turn in repentance, and to you is our final journey." al-Mumtahana (Sura 60:4)

It is to believe in Allah's ability to provide sustenance (rizq) and reliance on Allah (tawakkul). They are simply abiding by the rule that 'to have recourse to expedients (al-akhdh bil- asbab) is no negation of reliance on Allah.' They quote Omar explaining that 'Reliance on Allah means to plant the seeds in the earth, then trust in Allah [for a good crop].' They believe that contraception is only a means the results of which are in the hands of Allah. Contraception can succeed or fail as Allah wills.

On the other hand, the those of support the idea of birth spacing refer that to an incident when a man asked the Prophet whether to tie his camel or just put his trust in Allah? The Prophet replied:

"Hobble her and rely on Allah." Reported by al-Tirmidhi, al-Baihaqi and al-Tabarani

Islam does not encourage idleness and helplessness in the hope that Allah will provide for man regardless. It is felt that misinterpretation of tawakkul and leaving things to heaven with no preparation for the future (i.e. lack of planning) will only contribute to the deterioration of Muslim communities.

3.1.5 Is Family planning a conspiracy?

Among those who think that the family planning movement is a conspiracy to reduce the number and power of Muslims, Sheikh al-Bahayy al-Kholi believes that the call for family planning pleases the enemies of Islam. He urged instead that the population growth rate should be increased. The views of Sheikh Abu Zahra and Maulana Maudoudi that support for family planning is a malicious conspiracy against Islam are also well known. As to the theory that the family planning movement is a conspiracy against Islam, it can safely be argued that birth spacing or family planning advance the following concepts:

- a) Rather than starting in the west, family planning originated fourteen centuries ago in Islam and the credit to Islam for this should not be denied by zealots of multitude.
- b) The family planning 'conspiracy' claim advanced by some opponents is not consistent with the much wider prevalence of contraceptive use in western countries than in the rest of the world. A conspiracy means they are calling upon us to do what they do not do in their own countries, a claim that is not demographically correct.
- c) Furthermore, Muslim countries have the freedom to determine their own population policies in accordance with their own national objectives.

3.2 Sunnah

To the ulema of *usul al-fiqh*, Sunnah refers to a source of the Shari'ah and a legal proof next to the Qur'an. Hadith differs from Sunnah in the sense that Hadith is a narration of the conduct of the Prophet whereas Sunnah is the example or the law that is deduced from it. Hadith in this sense is the vehicle or the carrier of Sunnah, although Sunnah is a wider concept and used to be so especially before its literal meaning gave way to its juristic usage (Al-Tusi, 1067).

The ulema are unanimous to the effect that Sunnah is a source of Shari'ah and that in its rulings with regard to halal and haram it stands on the same footing as the Qur'an.' [18. Shawkani, *Irshad*, p. 33.]

To begin with, the Sunnah is divided into three types, namely verbal (*qawli*), actual (*fi'li*) and tacitly approved (*taqriri*). The other division of the Sunnah which will concern us here is its division into legal and non-legal Sunnah. The verbal Sunnah consist of the sayings of the Prophet on any subject.

The Actual Sunnah of the Prophet consists of his deeds and actual instructions, such as the way he performed the salah, the fasting, the rituals of hajj, or the transactions he concluded such as sale and giving loans, etc.

The tacitly approved Sunnah consists of the acts and sayings of the Companions which came to the knowledge of the Prophet and of which he approved. The tacit approval of the Prophet may be inferred from his silence and lack of disapproval, or from his express approval and verbal confirmation (25. Khallaf, *'Ilm*, p. 36; Abu Zahrah, *Usul*, p. 89)

3.2.1 Tacit approval (Taqriri) by the Prophet

Al-azl (Coitus interruptus) means intercourse in which, when ejaculation approaches, the man withdraws and ejaculates outside to avoid pregnancy.

The principle of preventing conception was accepted in those sayings of the Prophet (pbuh) which allowed some of his followers to practice 'a z l or coitus interruptus. These ahadith embodied the earliest legal reasoning of Muslims on contraception and were essential instruments of argument in later Islamic thought on contraception. There is a sufficient number of ahadith on contraception.

The Companions who were the closest to the Prophet allowed it and some actually practiced it. The Prophet came to know about it and did not prohibit it. The Qur'an was being revealed at that time and its silence on the matter is taken as an added proof of permissibility. Furthermore the Prophet (PBUH) verbalized approval, at least in one tradition.

The majority of jurists and theologians allowed *al-azl* either absolutely (e.g. al-Ghazali and Ibn al-Qayyim) or with a qualification that it is less than impeccable and has an edge of '*karaha tanzihyya*' (e.g. al-Nawawi). A second group, which is in the minority and is represented mainly by Ibn Hazm, prohibited it absolutely basing their opposition primarily on Judama's tradition.

The minority view, which prohibits *al-azl*, based their argument on one of the ha'dith which is as follows:

On the authority of Judama bint Wahb al-Asadiyya [sister of Ukkasha] who said 'I was among others in the Prophet's audience while he was saying: "I almost prohibited al-ghayla but then I considered the Romans and the Persians and found that they used to suckle their children by their pregnant mothers without ill effects."

Then they asked him about al-azl and he said "it is hidden infanticide (al-waed al-khafiyy)".'

Several traditions have denied that *al-azl* is infanticide. It was the Jews (many of whom lived in Medina) who equated *al-azl* with infanticide calling it minor infanticide (*al-maw'udatu al-sughra*).

The Prophet categorically denied such a contention.

On the authority of Jabir; the Companions asked the prophet 'O Messenger of Allah! We used to practice *al-azl* but the Jews claimed that it was minor infanticide.' Such a contention by the Jews was categorically denied by the Prophet who said that the Jews had lied and added that 'if Allah wills its creation nothing could stop Him. (Abu Dawood, Vol-I, Book Nikah, Chapter Maja fil azl)

On the other hand the majority of muslim jurists of the considered view that *al-azl* is

permitted. There is another group which suggests that although al-azl is allowed but there should be reasonable justification for doing that. However, both of the groups are in consensus that the practice of al-azl is only permissible with the permission of wife as the wife has equal right to determine the fate of progeny. The majority view that permits al-azl based their opinion on the following most quoted Ha'adiths:

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

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

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

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

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

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

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

3.2.2 Practice of Al-azl by the Companions

Many of the companions of the Prophet reported to exercise al-azl which includes:

- (1) Ali Ibn Abi Talib (son-in-law and cousin of the Prophet)
- (2) Saad Ibn Abi Waqqas,
- (3) Abu Ayyub al-Ansari,
- (4) Zayd Ibn Thabit,
- (5) Jabir Ibn Abdullah,
- (6) Abdullah Ibn Abbas (Prophet's cousin)
- (7) Al-Hassan Ibn Ali (Prophet's grandson)
- (8) Khabbab Ibn al-Aratt,

(9) Abu Saeid al-Khudri,

(10) Abdullah Ibn Maseoud

(Jadeed Fiqhi Mabahis, mulana mujahid islam qasmi)

(Ma'anae hamal tadabeer ka masla aur islam, Mulana Sultan Ahmed Islahi, Ali garh)

The above-mentioned narrations are enough to conclude that the companions of the Prophet were exercising al-azl and same was in the knowledge of the Prophet and Prophet did not prohibit it. According to *usul fiq* when a certain act was performed before the Prophet and Prophet did not disapproved or prohibit it in clear terms it will be considered tacit approval (taqriri).

3.2.3 Approval of Al-azl by the Prophet himself

In all the above quoted narrations neither the prophet prohibits nor given verbalized approval. The following tradition received by far the greatest attention from both the early and late theologians because it is the one tradition in which the Prophet (PBUH) mentions *al-azl* by name in a form denoting sanction.

Muslim was told by Ahmad Ibn Abdullah Ibn Yunus, who was told by Zuhair who was told by Abu al-Zubair on the authority of Jabir who said 'A man came to the Prophet (PBUH) and said "I have a mate who serves us and waters our palm trees. I consort with her (lawfully) but do not like her to get pregnant".'

The Prophet said 'Practice al-azl with her if you so wish. What is pre-ordained for her will certainly befall her.' After some time the man came back and said 'the mate has conceived.' The Prophet said 'I told you that what is pre-ordained will befall her'.

(Authenticated by Muslim, Ibn Maja, Ibn Hanbal, al-Daramy, and Ibn Abi Shaiba. There are other wordings with the same meaning.)

It is important to note that the man did not mention *al-azl* in his question. He merely did not want his mate to get pregnant. The fact that the Prophet mentioned *al-azl* by name spontaneously indicates that the practice was on the minds of the people at the time and he wanted to clarify its permissibility.

3.3 Permitted ways of birth spacing in Islam

Since Islam supports birth spacing, there are several acceptable birth spacing interventions that Islamic religious leaders viewed as acceptable (Omran, 1992). Prof. Muhammad Saud Alam Qasimi of Ali Garh Muslim University argues that When Azl (Withdrawal) is considered permissible then all those similar contraceptive techniques would be taken as permissible, which have come into being as a result of scientific, progress in the modern age. This debate is not much fruitful that if the permission for the use of these contraceptives and anti-fertility

techniques is given then what should be its objective. The motives for the use of Azl during the classical period were in the wake of contemporary situation, traditions, practices and orientations. Imam Ghazali has thrown some light as regards the motives and reasons that were compelling for the adoption of Azl during his time.

Presently, the issue should be discussed from the contemporary point of view regarding conditions, environment, compulsions, etc., and the factors for the practice of temporary contraceptives should be understood in the light of wider context of present needs and requirements. Here, the economic, social, temporal, medical and other human interests should be included. Hence, it is a commonly known practice among the Jurists to change the injunctions of Shariah in the wake of change in the imperatives of the time.

The most important issue in this regard may be the economic one. Here, the permission to an individual should be separated from the directive for a state policy. (Birth Control In Islamic Perspective Maulana Saud Alam Qasmi Aligarh Muslim University, Aligarh)

Breastfeeding is regarded as the best method while contraceptive pills are also authorized by majority of them as long as they did not harm the user's physical and mental health. Similarly, withdrawal method (coitus interruptus) was useful that has been used by Muslims from the days of Prophet (PBUH). However, according to Islamic Jurist, Islam encourage couples to agree on whether (or not) to use birth spacing. Farzameh Roudi-Fabini is of the view that the Quran prohibits not birth control nor does it forbid a husband or wife to space pregnancies or limit their number (Roudi-Fahimi, 2009). Similarly, Dr Omran, expresses the view that birth control is necessary to preserve the wife's beauty and physical fitness to enable her remain attractive to her husband always. He further argues that to avoid economic hardship of caring for a larger family which may compel parents to resort to illegal activities. To avoid the danger of children being converted from Islam in any enemy territory. To avoid producing children in times of religious decline. Birth control is necessary to enable parents prepare separate sleeping arrangements for boys and girls when they reach the age of puberty (Omran, 1992).

3.3.1 Azal or withdrawal as a way of birth spacing

Zoe Whaley, in her article noted that historically it is suggested that the practice of 'azl was most often performed in order to avoid impregnating a slave or female prison captured in war, yet there are also numerous hadith that speak to the use of 'azl during the Prophet's lifetime. One such account traced to Jabir 'Abdallah provides insight into the practice with direct correlation to the Prophet;

"We [the Companions of the Prophet] used to practice 'azl during the time of the Prophet. The Prophet knew about it and did not forbid it."

According to Khalid Farooq Akbar, Azal or withdrawal method (coitus interruptus) is used to space the birth of children if the couple agree to the use of this method (Akbar, 1992). He

further argues that withdrawal prevents pregnancies and facilitates birth spacing as religious leaders stated. Similarly, while explaining it further, Abdel Rahim Omran said if the method is used solely to prevent 'the will of God', it should not be used. The mutual standpoint of the religious leaders on birth spacing was largely in accordance with the following statement by one of the religious leaders (Omran, 1992).

The Grand Mufti of Jordan, Shaykh 'Abd Allah Al-Qalqili, issued a fatwa in 1964 in which he said: There is agreement among the exponents of jurisprudence that coitus interruptus, as one of the methods for the prevention of childbearing, is allowed. Doctors of religion inferred from this that it is permissible to take a drug to prevent childbearing, or even to induce abortion. We confidently rule in this fatwa that it is permitted to take measures to limit childbearing (Akbar, 1992).

According to Jabir, "We used to practice 'azl in the Prophet's (PBUH) lifetime while the Qura'n was being revealed." There is another version of the same hadith, "We used to practice coitus interruptus during the Prophet's (PBUH) lifetime. News of this reached him and he did not forbid us." According to Jabir, "A man came to the Prophet (PBUH) and said, 'I have a slave girl, and we need her as a servant and around the palm groves. I have sex with her, but I am afraid of her becoming pregnant.' The Prophet (PBUH) said, 'Practice 'azl with her if you so wish, for she will receive what has been predestined for her'" (Omran, 1992).

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

Some in the wordings of Anas, "A man asked the Prophet (pbuh) about 'azl and the Prophet (PBUH) said, 'Even if you spill a seed from which a child was meant to be born on a rock, God will bring forth from that rock a child.'" According to Judhamah bint Wahb, "I was there when the Prophet (PBUH) was with a group saying, 'I was about to prohibit the ghila (intercourse with a woman in lactation) but I observed the Byzantines and the Persians, and saw them do it, and their children were not harmed.' They asked him about coitus interruptus, and the Prophet (PBUH) replied, 'It is a hidden infanticide.'" This hadith provided for Ibn Hazm's minority view that 'azl was prohibited by the Prophet (PBUH). But medieval jurists used the hadith about the Jews to refute the argument for prohibition. They claimed that how the Prophet (PBUH) could have maintained that the Jews lied by calling 'azl akin to infanticide and then have maintained the same opinion himself.

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

inside the vagina, abstention from these was by no means forbidden or unlawful (Al-Ghazzali, 1302 A.H).

Explaining it further, Al-Ghazzali made a distinction between infanticide and contraception. He said that a child could not be formed merely by the emission of the spermatic fluid, but by the settling of semen in the woman's womb; for children were not created by the man's semen alone but of both parents together. So contraception could not be compared with infanticide which was the killing of an existing being while contraception was different. In the process of contraception, the two (male and female) emissions are analogous to two elements, 'offer' (ijab) and 'acceptance' (qabul) which are components of a legal contract in Islamic law. Someone who submits an offer and then withdraws it before the other party accepts it is not guilty of any violation, for a contract does not come into existence before acceptance. In the same manner, there is no real difference between the man's emission and retention of the semen unless it actually mixes with the woman's 'semen' (Al-Ghazzali, 1302 A.H).

Another great scholar, Ibn Taymiyah, discussed divine providence, procreation and contraception (in this way) in the early fourteenth century. He argues, "Allah creates children and other animals in the womb by willing the meeting of parents in intercourse, and the two semen in the womb. A man is a fool who says, 'I shall depend on God and not approach my wife and if it is willed that I be granted a child I will be given one, otherwise not and there is no need for intercourse.' This is very different from having intercourse and practicing withdrawal, for withdrawal does not prevent pregnancy if God wills a pregnancy to occur, because there can be involuntary pre-emission of semen." (Taimiyya, 1966).

The Grand Mufti of Jordan, Shaykh 'Abd Allah Al-Qalqili, issued a fatwa in 1964 in which he said: There is agreement among the exponents of jurisprudence that coitus interruptus, as one of the methods for the prevention of childbearing, is allowed (Omran, 1992). Doctors of religion inferred from this that it is permissible to take a drug to prevent childbearing. We confidently rule in this fatwa that it is permitted to take measures to limit childbearing (Gupte, P, 1984). Omran argues that: *"if excessive fertility leads to proven health risks to the mother and children, and/or if it leads to economic hardship or embarrassment for the father, or if results in the inability of parents to raise their children according to religious traditions, and educate them socially, then Muslims would be allowed to regulate their fertility in such a way that these hardships are warded off or reduced"*(Omran, 1992).

Prof. Dr. Abdullah El-Nagar, Ex- Dean of Faculty of Higher Islamic Studies in Egypt, Prof. of Fiqh and Law, Faculty of Shari'ah, Member of Al-Azhar High Islamic Research Academy and Member of the Council of International Islamic Fiqh Academy, Geddah noted that *"The Holy Prophet (PBUH) thus permitted "Azl" despite some of its inconveniences on both husband and wife. Well, then Allah (SWT) guides man to discover methods of preventing pregnancy and which achieve two good things: first, stops the meeting of the sperm cells with the ovum thus avoiding conception and secondly, do not deny the couple an opportunity to enjoy sex,*

Will these methods be lawful or unlawful? They are lawful and a priority. ... Consequently, if we have discovered a method, a gadget or a thing which can prevent unwanted pregnancy we should use it. If Allah (SWT) has guided man to discover things or methods which serve the same objectives to that of "Azl" and are not of any inconvenience to the couples, are they lawful or unlawful? They are lawful on the analogical basis of priority"(Faith for Action , 2016)

Imam Shawkani adds that 'among the reasons for al-azl is to protect a suckling child from the dangers of changed milk from a pregnant mother; another is to avoid getting too many children , or avoiding getting them at all [al-firar min husulihim min al-azl]' (Omran, 1992)

Sheikh (Dr) Mohammad Sallam Madkour, also a Professor of Sharieah at Cairo University, responded to his colleague, Sheikh Abu Zahra, in *The Islamic Look at Birth Control: A Comparative Study of Islamic Schools* published in 1965. Sheikh Madkour contended that it was incorrect to encompass wa'd, abortion and birth control in the interpretation of the two verses about 'killing' children. The verses did not specify wa'd and could not apply to abortion unless it were proven that the pregnancy was beyond the four months specified by the jurists for ensoulment. To claim that birth control is similarly implied in this interpretation is unacceptable and inconsistent with all the traditions sanctioning al-azl, and what had been reported about the Companions and the ruling of the majority of jurists (Madkour, 1965).

Explaining it further, Dr, Omran noted that earlier, Sheikh Abu Zahra's claim that 'birth control' is forbidden by the Qur'an is refuted by the fact that birth control which involves no killing is not contradictory to predestination. This is also borne out in the Prophet's tradition: "Practice al-azl with her, if you wish' (Omran, 1992) (Ajani, 2013).

He further argues that reference to 'marry and multiply' and 'marry the fertile' is no contradiction to family planning. It is also an historical error to claim that al-azl was a Jewish practice during the Prophet's time and that it was transmitted by them to the Muslims or that the Prophet, when queried, meant the Jews. None of the reporters of hadith ever mentioned that the Prophet was being asked about the Jews. Instead, the question was put to the Prophet by Companions who themselves were practicing or wanted permission to practice al-azl. His answer 'practice al-azl with her, if you wish', was given to a Muslim, not a Jew. It is also incorrect to claim that Jabir's tradition 'We used to...' means that they practiced al-azl secretly and did not tell the Prophet about it. Sahih Muslim leaves no doubt that 'the Prophet came to know about it and did not forbid us (doing it).' The claim that jurists qualified al-azl among the forgivable things and that it is an exception is contradictory to the tradition; it is a fixed ruling in jurisprudence. His restriction of al-azl to severe health conditions is too harsh and should be extended to encompass the many other reasons allowed by jurists. Sheikh Abu Zahra's 'foreign conspiracy' theory of family planning was dismissed by Dr Madkour as strange because 'he knows that our leaders in the Arab and Muslim world are calling for it for the welfare of their people and they are not a part of a foreign plot' (Omran, 1992)

3.3.2 Breastfeeding as a way of birth spacing

In Quran (the holy book of Islam) breastfeeding is mentioned 14 times as a method for birth spacing, demonstrating that the Quran supports breastfeeding as a birth spacing method. There is a consensus among scholars based on a verse in the Qur'an, which clearly states that a distance between children should be observed. Mothers are advised to breastfeed their children for 2 years, during which time the woman should not become pregnant. The Quran says:

"The mothers shall give such to their offspring for two whole years, if the father desires to complete the term" (Qur'an 2:233).

"And we have enjoined on man (to be dutiful and good) to his parent. His mother bore him in weakness and hardship, and his weaning is in two years" (Qur'an 31:14).

There is also consensus among religious scholars, who have agreed that the mother requires one further year to recover. Hence, 36 months is advised for birth spacing.

Abdi Aziz Egeh titled, in his research paper *"the views of Somali religious leaders on birth spacing - A qualitative study"*, quotes one of the religious leaders

"We [my wife and I] used 2 consecutive years of breastfeeding to space the births of our children ... that helped us and there is a 2-year interval between the birth of my children" (Egeh, 2019).

Similarly according to Omran breastfeeding before intercourse decreases the chance of pregnancy; however, it is possible for a woman to get pregnant even when breastfeeding (Omran, 1992). He further notes that the Quran repeatedly mentions the health advantages of breastfeeding for both the mother and the infant additional to the fact that it is a birth spacing method. Two years of breastfeeding contribute to the child's physical and mental wellbeing, and the mother benefits from the spacing of pregnancies (Roudi-Fahimi, 2009).

Similarly, Abdi Aziz while highlighting the significance of breastfeeding for birth spacing quotes another religious leaders,

"Continuing with breastfeeding most probably disrupts women from menstruating. This gives them a break before another pregnancy, which means that if the women continue breastfeeding, they will most probably not become pregnant" (Egeh, 2019).

Furthermore, according to Islamic jurists, breastfeeding for two consecutive years is not mandatory in Islam, but it is recommended for those who wish to do so. However, for those children unable to breastfeed, other contraceptive methods were suggested for birth spacing (Bensaid, 2019).

Muslim scholars have unanimously addressed the topic of breastfeeding and, through their extensive contributions, have helped in positioning breastfeeding as a central spiritual and religious and- to a large extent—cultural element in the conception of family and children.

Among those scholars, Al-Mawardi (d. 1058 AD), Muslim jurist of the Shafi'i school of law, devoted an entire treatise on breastfeeding entitled 'Kitab al-rada'. Muslim scholars have unanimously addressed the topic of breastfeeding and, through their extensive contributions, have helped in positioning breastfeeding as a central spiritual and religious and—to a large extent—cultural element in the conception of family and children. Among those scholars, Al-Mawardi (d. 1058 AD), Muslim jurist of the Shafi'i school of law, devoted an entire treatise on breastfeeding entitled 'Kitab al-rada'. Muslim scholars have unanimously addressed the topic of breastfeeding and, through their extensive contributions, have helped in positioning breastfeeding as a central spiritual and religious and—to a large extent—cultural element in the conception of family and children. Among those scholars, Al-Mawardi (d. 1058 AD), Muslim jurist of the Shafi'i school of law, devoted an entire treatise on breastfeeding entitled 'Kitab al-rada'.

3.3.3 Other Modern Ways of Birth Spacing (Use of Contraception)

According to Farzaneh Roudi-Fahimi, Islamic scholars studying family planning have justified contraception in several ways. They have generally argued that Islam is a religion of moderation and point to the principles of "liberty" or "permissibility" in Islam—that is, everything is lawful unless explicitly designated otherwise in the Quran or in the Prophet's tradition (Sunnah) (Roudi-Fahimi, 2009).

The Grand Mufti of Jordan, Shaykh 'Abd Allah Al-Qalqili, issued a fatwa in 1964 in which he said: There is agreement among the exponents of jurisprudence that coitus interruptus, as one of the methods for the prevention of childbearing, is allowed. Doctors of religion inferred from this that it is permissible to take a drug to prevent childbearing, or even to induce abortion. We confidently rule in this fatwa that it is permitted to take measures to limit childbearing (Gupte, P, 1984).

Shaykh 'Ali Jad al-Haq, the Grand Mufti of Egypt, commented on the projection of family planning as a distrust in the popular belief that Allah will take care of a family's needs regardless of how big it grows, in these words: Contraception, through withdrawal or any newer method, does not mean distrust in Allah's generosity or mercy. Do you recall what our Prophet (pbuh) said to the camelman who was afraid of losing his valuable beast? "First take the precaution of tying up your camel and then trust in Allah's care for her." Is this not the best counsel for combining planning with faith in God's concern for all?

Similarly, on 25 May 2013, Pakistan Ulema Council Chairman Hafiz Muhammad Tahir Mehmood Ashrafi issued a press statement saying that he supported the use of birth spacing as it insured the mother's health and endowed the newborn child with greater care and attention from its parents. He further said that effective ways of preventing maternal, neonatal and under-5 mortality were family planning and birth spacing. Birth spacing or inter-pregnancy gap was important as it directly affected maternal and newborn health (Pakistan Today , 2013).

Omran, in his book has noted It is true that early scholars of Islamic law that did not mention other methods because al-azl was the method known to them at the time and before their time. By analogous reasoning (qiyas) alternative methods of contraception can be allowed as long as the purpose is to prevent pregnancy. Some of these methods may be barriers used by the man or the woman, or medicines prescribed by physicians for temporary contraception. There is no harm in allowing, by analogy, the modern methods as long as they will not destroy fecundity or the ability to procreate (Omran, 1992).

According to Prof. Dr. Ahmed Ragaa Ragab, Professor of Reproductive Health, IICPSR, Al-Azhar University, *"It is true that a woman has the right to choose between contraceptives. However, the doctor has the duty to advise her on the suitable method. For example, if a woman's womb has fibroids – in case you go out now into the streets you will get about 30 women out there who have fibroids – for that reason, in case you try to fix a coil she will bleed. Consequently, a coil will not be suitable .You might as well find a woman who has swollen veins in the leg, has a heart problem, breast cancer and so forth; such a woman is prohibited from taking hormones because they will further complicate her condition. Therefore, we choose a suitable contraceptive for such a lady in such a manner that will lower the side effects and complications"*(Faith for Action , 2016).

Also according to study in Jordon 80 percent of men, 86 percent of women, 82 percent of male religious leaders and 98 percent of female religious leaders believe that birth spacing or use of contraception is in keeping with the tenets of Islam (Department of Statistics and Macro International, 1997). Moreover, a study conducted among Egyptian married couples found that 85 percent of men and women personally approved contraception, but that only 65 percent thought their local religious leader would do so even though Egypt's Grand Mufti has publicly proclaimed that "Islam is for family planning."

Similarly, in a report titled, "the Position of Islam on Family Planning," this recent monograph deals with the family in Islam, family planning and breastfeeding. It presents quotations from the Sunnah supporting contraception and identifies five justifications for it: a) Spacing gives the mother a chance uninterruptedly to breast-feed and care for her child. b) Spacing will allow the parents to take care of their children without economic hardships or having to sustain overwork to 'make ends meet' and c) Permanent sterilization in case of inheritable serious disease will protect progeny (MoRAMI, 1990).

Chapter 04 Conclusion and Recommendations

After extensive review of the literature it was found that birth control or family planning as it is so called is not a concept or an issue just coming into existence in the Muslim World. It has remained a burning issue from the advent of Islam as it is today. It is a concept for all people and all nations of the world irrespective of people's religious alienations. It was found that family planning as birth spacing is permitted in Islam for legally married couples. All traditional and modern methods that conform to the conditions of legality, safety, and

temporality established within Islam are authorized and legally married couple must discuss the question and be in complete agreement, without coercion, on the use of a legal and safe contraceptive method.

Birth control if we failed to adopt can have disastrous effects on the society. And when these effects manifest, all the people will feel it irrespective of their religious inclinations. It has been established that when a family gives birth to more number of the children they can cater for, some of them will be abandoned. These ones that are abandoned from different families constitute nuisance to the society. They form the group of drop outs who could not complete their education, some of them turn to thugs at motor parks, some turn to armed robbers and they get addicted in drugs. They form the group which politicians use as political thugs. These are the people who are easily initiated into secret cults under one guise or the other.

Over the last few decades, much debate has surrounded the issue of family planning. Interpretations of family planning differ from one Muslim community to another, and some Muslims still perceive it as un-Islamic or a threat to one's health. However, family planning was discussed in Muslim communities hundreds of years ago, beginning in the Prophet Muhammed's time. Islamic teachings clearly demonstrate under which conditions family planning is allowed and what methods are permissible. Furthermore, although there is a discrepancy between what Islam says and what Muslims believe and do, religion is not the only major obstacle to family planning. Lack of education, socioeconomic factors and culture also play a crucial role in shaping people's behaviour. In many cases, local culture, for instance, can have a strong influence on people's attitudes.

4.1 Recommendations

The review of Islamic literature illustrates that Islamic teachings support birth spacing. Therefore, advocacy and awareness campaigns should be launched to sensitize and create awareness among masses about the Islamic perspective supporting birth spacing.

- Programmes regarding birth spacing from Islamic perspective should be launched on prime time on TV and radio.
- With the help of Islamic scholars and doctors, seminars should be conducted to highlight the positive impacts of birth spacing on child and mother health and the negative impact of population explosion on our society.
- Religious leaders and Islamic scholars should be engaged to organize international conference on topics like the importance of birth spacing in Islam, positive impact of birth spacing on child and mother health etc.
- Social media (Facebook, WhatsApp etc) has emerged as major source of information and has being playing vital role in shaping public opinion. Therefore, social media

should be used to propagate the importance of birth spacing in Islam and allowed methods of birth spacing in Islam.

- Religious scholars should be engaged for special talks/speech on Islamic perspective on birth spacing, existing laws on birth spacing, fatwas given by prominent religious scholars in favor of birth spacing and positive impacts of birth spacing on child and mother health in different forums in schools, religious institutions, community centers etc.
- Pamphlets containing the messages of Islamic perspective supporting birth spacing should be published and should be shared with all the relevant stakeholders, placed at major public libraries, madrassas, universities etc, and should also be provided to both print and electronic media.
- Religious leaders have the responsibility to speak about the issue of birth spacing in Islam to clarify the position of Islam. Imams or Clergy should be trained on the content for sermons on family planning. These imams should make Birth Control their topical issue during daily prayers, particularly on Fridays when large congregation is in attendance. It is believed that this could change the perception and orientation of Muslims in particular and people in general so that they could have a change of attitude and exploit the benefits embedded in birth control.
- Health personnel can perform a vital role in disseminating the message. They should be trained in about the Islamic perspective on about family planning and there should be a panel of religious leaders who can work as a team and conduct informative meetings in the different villages.
- There should be community meetings for males and females separately to talk about family planning and related issues. Family planning may be promoted with the help of lady health worker, and all the services may be provided at the door step.
- Family planning programmes should be regarded as a cost effective component of a broader development strategy, one that has significant independent effects on family well-being and individual and social welfare, particularly of women.
- Political leaders both national and local leaders should translate their commitment to family planning into the allocation of substantially increased budgetary, human and administrative resources required to meet the increasing demand for services.
- Governments, donors and non-governmental organizations are encouraged to increase the provision of family planning services through multiple channels to unserved and underserved populations, such as adolescent, minority, migrant and

refugee groups. Effective outreach approaches include promotional activities, community-based strategies, and local health and commercial networks.

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