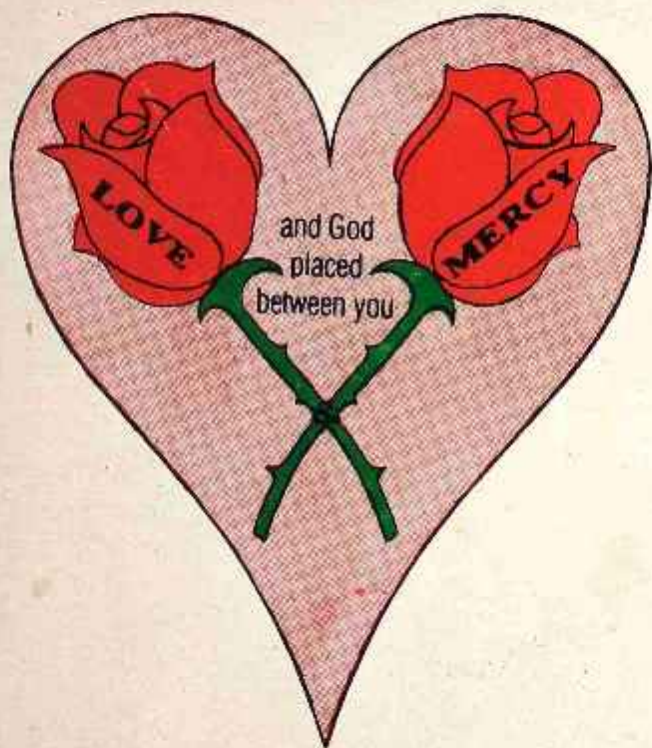


MARRIAGE & MORALS IN ISLAM

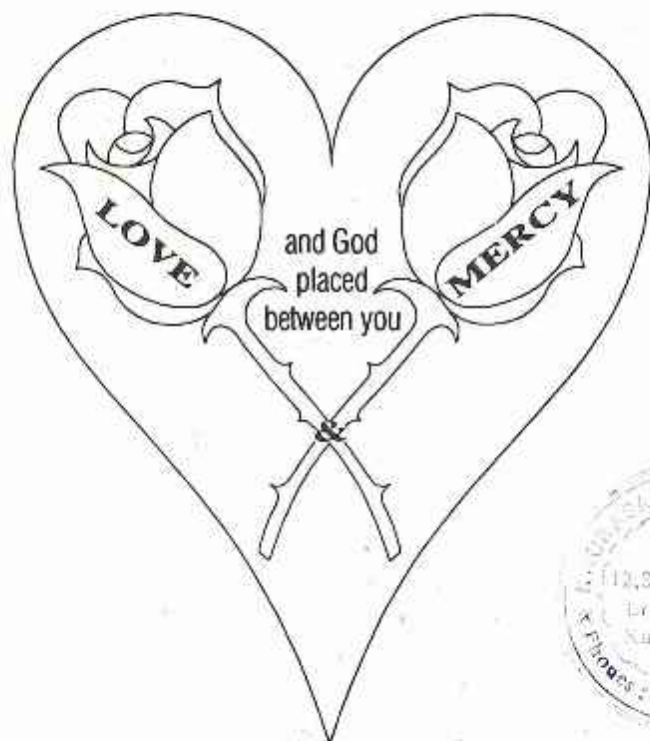


SAYYID MUHAMMAD RIZVI



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MARRIAGE & MORALS IN ISLAM



SAYYID MUHAMMAD RIZVI

Vancouver Islamic Educational Foundation
British Columbia, Canada

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
 اللَّهُمَّ رَبَّنَا الْمَلِكُ الرَّحِيمُ
 مَا لَكَ يَوْمَئِذٍ بِكَ الْعِزَّةُ الْكَرِيمُ
 إِيَّاكَ الْعِزَّةُ الْكَرِيمُ
 أَنْتَ عَلَيْنَا وَالْقَضُوبُ عَلَيْهِمْ
 وَلَا الشَّاكِرِينَ

اللَّهُمَّ صَلِّ عَلَى
 سَيِّدِنَا مُحَمَّدٍ وَخَاتَمِ
 النَّبِيِّينَ وَالصَّالِحِينَ
 وَمُصَافِحِ الْأَنْبِيَاءِ وَالرُّسُلِ

*In the Name of Allāh,
 The All-compassionate, The All-merciful*

*Praise belongs to Allāh, the Lord of all being;
 the All-compassionate, the All-merciful;
 the Master of the Day of Judgement;
 Thee only we serve, and to Thee alone we pray
 for succour;*

*Guide us in the straight path;
 the path of those whom Thou hast blessed,
 not of those against whom Thou art wrathful,
 nor of those who are astray.*

• • • • •

*O' Allāh! send your blessings to the head of
 your messengers and the last of
 your prophets,
 Muhammad and his pure and cleansed progeny
 Also send your blessings to all your
 prophets and envoys.*

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Preface

Preface

This book is the result of a need which I sensed after my first three years in Canada. A person in my position is always confronted by people with questions related to their religious and personal problems. Unlike the Eastern style where the contact is more on a personal level, the contact in this part of the world is more through correspondence and telephone calls. I soon realized that whenever the question was 'embarrassing' or related to sexual behaviour, the caller would prefer not to give his or her name. And, of course, I had no reason to insist on knowing the identity of the callers; my only duty is to listen and convey the Islamic view to those who seek.

However, what was most interesting about these 'embarrassing' questions was that in majority of cases the callers were feeling guilty for actions that were absolutely permissible in Islam! But because of their ignorance or misinformation, they had been feeling guilty for things which were not at all forbidden in the *shari'ah*. And I said to myself: There must be many more people out there who are going through similar experience, feeling guilty and depressed; and all this because of ignorance! Not all have the courage to talk on such issues or even call without revealing their identity. And so I decided that I have to do something.

I started writing on the sexual morality of Islam. This was in 1986. When I finished the initial draft, I thought that the material might be considered too controversial, and so I decided to taste the water before publishing the book. A lecture on 'Sex and Marriage in Islam' was organized on November 9, 1986 at the Shia Muslim Community Center in Vancouver. The vast majority of the community members responded very positively. A lady from the audience wrote a letter which expresses the reaction of the majority. She wrote,

"Thank you very much for the excellent lecture you delivered to us on Sunday, November 9th. I must say that you are very brave and you presented the material with great calmness and poise. So far we have never had a Maulana who shared such an invaluable knowledge to educate our community...From my own experience, your educative lecture has clarified many doubts as to what is allowed in our sharia..."

Later on I came to know that the video cassette of the lecture was sent to different places as far as England and East Africa. Since I had mentioned in the video that this is the draft of a forth-coming book, I started getting inquiries about it. The response further encouraged me to go ahead with the publication of the book. However, the publication of the book was, unfortunately, delayed for three years because of my involvement in some other activities. During the last months of 1989, Almighty Allāh blessed me with the opportunity to finalize the book. While finalizing the book, I started adding many discussions which eventually doubled the size of the initial draft of 1986 and increased its academic value. This, I hope,

will redeem me in the the eyes of my readers for the three years delay.

* * *

Chapter One gives a short historical review of the Western sexual morality. This sets the tone for the next chapter which presents the basic view of Islam on marriage and sex. In this chapter, I have also critically reviewed the ideas of an Arab feminist, Fatema Mernissi, on woman's sexuality in Islam. The remaining three chapters deal with the practical aspects of marriage: sexual relations; contraceptives and abortion; and new techniques in human reproduction.

* * *

In the last three chapters of the book, the reader will find a variety of opinions among the Shi'ah *mujtahids*. (*Mujtahids* means jurists, the experts of Islamic laws.) The difference of opinions is an essential part of *ijtihad* which is still a live institution in Shi'ah Islam. I have also clearly given the opinions of the most high-ranking Shi'ah *mujtahids* of our time, in particular Ayatullāh al-'uzma Sayyid Abu 'l-Qāsim al-Musawī al-Khū'ī and the late Ayatullāh al-'uzma al-Imām Sayyid Rūhullāh al-Musawī al-Khumayni.

However, I must clarify at the very outset that there are some issues on which the present writer has given his own opinions. This has been done mostly in those cases where the present *mujtahids* have no opinion. In any case, since all the views have been mentioned clearly, the *muqallidīn* (followers) of the present *mujtahids* can use this book without any concern about the validity of their actions.

I hope this book will receive even better reception than the video of 1986; and I pray to Allāh, *subhānahu wa ta'āla*, to guide me to the best of opinions and accept this work as a small contribution towards serving Islam. *Inna rabbi la Sarī'u 'd-du'ā.*

Richmond, B.C.
Jamādi II 1410
January 1990

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Tel: (604) 278-3698

♥ Introduction ♥

A. WHY THIS BOOK?

Writers do not normally have to justify their subject. If they think that what they are writing will be useful to the people in their practical life or in their intellectual pursuit, then they feel no need to justify their work. The present book has both qualities: it is useful and of intellectual interest. But there are many people, even among the Muslims, who think that sex is a taboo subject in all religions. Therefore, it seems very appropriate to begin with the question: *Is discussion of sexual morality allowed in Islam?*

To answer this question one has to look at the definition of religion from the Islamic point of view. Anyone who has studied Islam even on surface can easily know that "religion" in Islamic definition is "a complete system of life" which covers all aspects of human life — from the day a person is conceived up to the day he or she is laid in grave. Islam is not only concerned with the spiritual upliftment of human beings, it is equally concerned about their material and physical well-being. Islam guides its followers in financial and economic matters, in social and political affairs, and also in moral and personal spheres of human life. In moral and personal matters, Islam has

specific dietary guide-lines, hygienic rules, dress codes, and also rules about marriage, divorce and inheritance. The Islamic laws of marriage do not stop at how to marry and whom to marry, it also deals with the sexual morality of human beings. And, as we shall see in the following chapters, this sexual morality has been discussed in the Qur'ân, and by the Prophet and his Ahlu'l-bayt very thoroughly and openly. Thus there should be no doubt in the mind of anyone concerning the permission Islam has given for open discussion of sexual morality.

This was about the basic permission which Islam has given to discuss the sexual morality. But this explanation will not be enough for some people who will confront me with the next question: "*Is it necessary to discuss sex?*" There are three reasons for the necessity of discussing sexual morality. The first reason applies to all Muslims and the other two reasons are relevant to the Muslims living in the Western world who are the primary audience of this book. Firstly, all Muslims agree that it is the duty of every Muslim to follow the *shari'ah* — Islamic laws; and the laws of Islam are not confined to prayers, fasting, pilgrimage, and other ritual acts — the *shari'ah* has specific rules about sex also. Therefore, if a Muslim wants to follow Islam fully, then it is necessary for him or her to know the sexual morality of Islam; just as it is necessary to learn how to perform the daily prayers.

Secondly, the necessity of learning the Islamic sexual morality for the Muslims who are exposed to the New Sexual Morality of the West cannot be over-emphasized. At present, the propagandists of the new sexual morality are presenting their ideas through all the available means

of communication: books, magazines, television, movies and videos. The Muslims living in the Western world are, in one way or another, exposed to the unIslamic sexual norms of the West. (This is an understatement; in reality even the Muslims living in the East are exposed to the Western way of life!) Therefore, it is absolutely necessary for them to know the Islamic views about sex so that they may live an Islamic life.

Thirdly, children in the Western world have excess to sex education to an extent unimaginable by the previous generation, and therefore, it is very important for today's parents to be aware of the right and the wrong in this subject. Only an informed Muslim parent will be able to face this problem correctly and responsibly.

These reasons should be a sufficient justification for this book to those who, in the Qur'ānic expression, have 'a heart or give ear with a present mind.'

B. SEX EDUCATION

The third reason given above does not necessarily mean that I am in total agreement with the way sex education is handled in the Western school systems. I have no problem with the basic ideas that children should be educated about sex. However, I disagree with the age at which sex education begins and with its contents. This issue by itself deserves a detailed discussion which is beyond the scope of my present study. Nonetheless, I will briefly mention my thoughts on these two issues.

Age: Sex education should begin in mid-teens when the children become sexually mature. The aim of sex education at this level should be to help them in understanding that they are responsible and accountable for using their sexual organs. They should be taught how to deal with sexual tension. (However, by looking at the proportionally high level of child sexual abuse in the Western world [which reflects the degree of its moral decay], I am prepared to accept those programs for young children which aim at educating them as how to protect themselves from sexual abuse. But this, in my view, is not sex education and therefore would not apply to our present discussion.)

Contents: In this permissive society, the emphasis in sex education is more on preventing unwanted pregnancy and sexually transmitted diseases. No serious attempt is made in making the youngsters aware of the virtue of chastity and abstinence till they get married. This is not just because the Western society is a secular, liberal society, it is also related to its consumer-orientated economy. If sex education means only how to prevent unwanted pregnancy and sexually transmitted diseases, then the students learn nothing but the importance of using pills, condoms and other contraceptive devices. In other words, such sex education is nothing but a promotional program for the manufacturers of contraceptive aids! Germaine Greer, a famous feminist, wrote about promoting contraceptives in the Third world as follows, "The sex reformers, who exhibit no respect for traditional values and address themselves to sexuality without interest in or comprehension of the whole personality, are the

bawds of capitalism.”¹ I totally agree with her not only in relation to the third world but even in case of the sex education in the West. The reason why sex educators are under pressure not to talk about the natural methods of birth control is not only because such methods are not hundred percent reliable (otherwise, even the condoms are not hundred percent reliable!); the real reason seems to be that if natural methods (like coitus interruptus or abstinence) which involve no expense become more popular, then who will buy the condoms and the pills?

In short, I agree with the necessity of sex education for youngsters provided it exhibits respect for their religious and moral values, and addresses the issue comprehensively and not just end up as a promotional program for ‘the bawds of capitalism’.

C. SOURCES OF THE SHARÍ‘AH

In Islamic system, the issue of sexual morality comes under the *sharí‘ah*, the laws of Islam. Therefore it seems appropriate to explain the sources of the *sharí‘ah* from our point of view. The sources of the Islamic laws are two things: the Qur’ân and the *sunnah*. By the *sunnah*, we mean the sayings, actions and silent approval of the Prophet and the Ahlu ‘l-bayt.

The Qur’ân describes only the basic rules of the *sharí‘ah*, and the *sunnah* elaborates upon them. The Qur’ân introduces the Prophet of Islam as follows: “He (Allāh) raised up among the common people a Messenger from among themselves to recite to them His revelations,

1. Greer, *Sex and Destiny*, p. 219.

to purify them, and to teach them the Book and wisdom;" (62:2) "And We have revealed to you (O Muhammad) the Reminder (i.e., the Qur'ān) so that you may clarify to the people what has been revealed to them, and so that they may reflect." (16:44) These two verses definitely prove that Prophet Muhammad (peace be upon him) was not just a 'mail-man' whose only job was to deliver the Book to us. He was a teacher and a commentator of the Qur'ān. Even his actions are a source of guidance for us: "You have a good example in Allāh's Messenger for whosoever hopes for God and the last day, and remembers God oft." (33:21) The obedience to the Prophet has been considered as the proof of loving Allāh: "Say (O Muhammad): 'If you love Allāh, then follow me; (if you do so,) Allāh will love you and forgive for you your sins.'" (3:31) To show the importance of obeying the Prophet, the Qur'ān further says, "Whoever obeys the Messenger has surely obeyed Allāh." (4:80)

The Muslims who lived during the Prophet's time had easy access to his *sunnah*. What about us who were born hundreds of years after the Prophet's death? Well, the Muslims of the early days realized the importance of the Prophet's *sunnah* and started preserving his sayings in books of *hadīth*. Even the actions of the Prophet, observed by the companions, were preserved in writing. But this process of preserving the *sunnah* of the Prophet was not immune from mistakes and even forgery. Many sayings were invented and wrongfully attributed to the Prophet during the early period of the Islamic history. Therefore, it is absolutely necessary to find an authentic and, at the same time, informed source for the *sunnah* of the Prophet.

When you look at the Muslims of the Prophet's days, you can find no one who might be more knowledgeable, informed, reliable and closer to the Prophet than the Ahlu 'l-bayt, the family of the Prophet. After all, it is the Qur'ān which testifies to their spiritual purity of highest category by saying, "*Verily Allāh intends to purify you, O the Ahlu 'l-bayt, a thorough purification.*" (33:33) Combine this verse about Ahlu 'l-bayt's purity with the following: "*It is the holy Qur'ān in a preserved tablet, none shall touch it but the purified ones.*" (56:79) This shows that the Ahlu 'l-bayt could understand the Qur'ān better than any other follower of Prophet Muhammad (peace be upon him). Allāh says, "*Say (O Muhammad), 'I do not ask from you any reward (for bringing the message to you) except to love my near ones.'*" (42:23) See that it is Allāh who is commanding His messenger to ask the people to love his family. If they were not truthful, reliable, and worthy of following, would Allāh command us to love them?

These few verses are enough to show that the best commentators of the Qur'ān and the most authentic source for the Prophet's sunnah are the Imams of Ahlu 'l-bayt. The Prophet himself said, "I am leaving among you two worthy things. As long as you hold on to them both, you will never be led astray after me. One of these two is greater than the other: the Book of Allāh (which is a rope hanging from the heaven to the earth) and my descendants, my Ahlu 'l-bayt. These two things will not separate from each other until they come to me at the (fountain of) Kauthar (in the hereafter). Therefore, see how you recompense me by the way you deal with them." This is not the place to discuss about the authenticity of

this hadīth, but it will suffice to quote Ibn Hajar al-Makki, a famous anti-Shī'ah polemicist. After recording this hadīth from various companions who had heard it from the Prophet at various places and times, Ibn Hajar says, "And there is no contradiction in this [numerous reports] since there was nothing to prevent the Prophet from repeating [this statement] at those various places because of the importance of the holy Book and the pure Family."¹

We can conclude from these verses and the hadīth mentioned above that the Ahlu 'l-bayt are the most authentic and the best source for the sunnah, and therefore we prefer them to all other sources. Whenever we quote a hadīth from the Imams of Ahlu 'l-bayt, it is not actually from themselves, instead it is the hadīth of the Prophet which they have preserved as the true successors of the last messenger of God. Imam Ja'far as-Sādiq (a.s.) says, "My hadīth is the hadīth of my father, the hadīth of my father is that of my grandfather, the hadīth of my grandfather is that of al-Husayn [bin 'Ali], the hadīth of al-Husayn is that of al-Hasan [bin 'Ali], the hadīth of al-Hasan is that of Amīru 'l-mu'minīn ['Ali bin Abi Tālib] (a.s.), the hadīth of Amīru 'l-mu'minīn is that of the Messenger of Allāh (s.a.w), and the hadīth of the Messenger is a statement of Allāh, the Almighty, the Great."²

* * *

1. Ibn Hajar al-Makki, *as-Sawā'iqu 'l-Muhriqah*, chapter 11, section 1. Also see Rizvi, S.S.A., *Imāmat*; Sharafu 'd-Dīn, *The Right Path*; and Jafri, S.M.H. *The Origin and Early Development of Shi'a Islam*.
2. al-Kulayni, *Usūlu 'l-Kāfi*, book 2, chapter 17, hadīth No. 14; ash-Sha'rānī, *at-Tābaqātu 'l-Kubrā*, vol. 1, p. 28; Abu Nu'aym, *Hilyatu 'l-Awliyā'*, vol. 3, p. 193, 197.

Ijtihad & Taqlid: After the twelfth Imam al-Mahdi (a.s.) went into occultation, the responsibility of guiding the Shī'ahs in the *sharī'ah* matters came upon the mujtahids, the religious scholars specializing in Islamic laws. The mujtahids derive the Islamic laws from the two sources mentioned above. This may sound very simple, but it is not so. They do not just open the Qur'ān and the books of hadīth, and start giving fatwas. They must first of all come up with a methodology of *ijtihād* (discussed in a subject known as *usūlu 'l-fiqh*).

In their methodology, the mujtahids decide how to study the Qur'ānic verses and the ahādīth. Should they take the literal meanings only? Have they to find out which verse came first and which came second on the same issue? Will the latter verse abrogate the former, or will it just put some limitations on it? Is every hadīth to be considered authentic? If not, what are the means of verifying the authenticity of a given hadīth? If they come up on two authentic but contradictory ahādīth on a single issue, what recourse should be followed? All such problems have to be solved while designing the methodology of *ijtihād*, and only then can a *mujtahid* correctly and responsibly derive a law from the Qur'ān and the *sunnah*.

(It is obvious that not all have the ability or the time to specialize in the *sharī'ah* laws; and therefore, for such people it is necessary to follow a *mujtahid* in the matters of *sharī'ah*. This "following" is known as *taqlid*.)

The Islamic views expressed in this book are based on the Qur'ānic verses, and the *sunnah* of the Prophet and the Imams as understood by the Shī'ah mujtahids.



Chapter One

♥ *The Western Sexual* ♥ *Morality*

"Is sex inherently evil?" A Muslim would be surprised by this question. Such a thought would never cross his mind. But the relevance of this question to Christianity and the Western world will become clear from the following pages. In the last eighty years, especially after the two World Wars, the sexual morality of the West has undergone a great change which is commonly described as the "sexual revolution." On the ruins of the dying Christian morality, the west is trying to build a liberal sexual morality known as the "New Sexual Morality". To understand the social and historical background in which the new morality is emerging, it is necessary to study the sexual morality of the Christian Church.

A. CHRISTIAN SEXUAL MORALITY

Although Christianity is commonly thought to be a religion based on Jesus Christ's teachings, I use the word "Christianity" in this book for the teachings of the Church

establishment. I am justified in doing so because the Bible has recorded nothing from Jesus Christ on marriage and sex. The exception being the sermon condemning visual and physical adultery:

Ye have heard that it was said by them of old time, Thou shalt not commit adultery. But I say unto you, That whosoever looketh on a woman to lust after her hath committed adultery with her already in his heart. And if thy right eye offend thee, pluck it out, and cast it from thee for it is profitable for thee that one of thy members should perish, and not that thy whole body should be cast into hell.¹

The first person in Christianity to talk on sexual morality was St. Paul. He says, "It is good for a man not to touch a woman."² In simple words this means that the Christian Church teaches that celibacy is better than marriage, and that human body is not for sexual pleasure but for the Lord only. "The body is not meant for fornication, but for the Lord; and the Lord for the body...Do you know that your bodies are members of Christ?"³

But St. Paul knew that celibacy meant suppressing human nature, and human nature cannot be suppressed. He knew that if marriage is totally forbidden, then people will still indulge in it unlawfully. So he says, "Nevertheless, to avoid fornication, let every man have his own wife and every woman have her own husband."⁴ Then as if to prevent the people from forgetting the holiness of celibacy, he continues: "I say this by way of concession, not of command. For I wish that all men were as I myself

1. *Matthew*, 5:27-29.

2. *Corinthians I*, 7:1.

3. *Ibid*, 6:13, 15.

4. *Ibid*, 7:2.

am...Therefore, I say to the unmarried and the widows that it is good for them to remain singles as I am. But if they cannot exercise self-control, let them marry: for it is better to marry than to burn."¹ In other words, marriage, when compared to adultery, is lesser of the two evils!

St. Paul further goes on to describe that marriage means distress: "Now concerning the unmarried...I think that in the view of the present distress it is good for a person to remain as he is...Are you free from a wife? Then do not seek a wife. But if you marry, you do not sin, and if a girl marries, she does not sin. Yet those who marry shall have trouble in flesh."²

According to the Bible, marriage and pleasing God are antipathetic to each other. St. Paul says, "I want you to be free from anxieties. The unmarried man is anxious about the affairs of the Lord, how to please the Lord; but the married man is anxious about worldly affairs, how to please his wife and his interest is divided...The unmarried woman cares for the affairs of the Lord, that she may be holy in body and spirit; but a married woman cares for worldly affairs, how to please her husband. I say this for your own benefit, not to lay any restraint upon you, but to promote good order and to secure your undivided devotion to the Lord."³ He concludes the Christian position as follows: "So that he who marries his betrothed does *well*, and he who refrains from marrying will do *better*."⁴

1. *Corinthians I*, 7:6-9.

2. *Ibid*, 7:25-28.

3. *Ibid*, 7:32,35.

4. *Ibid*, 7:38.

So the Christian view on marriage, in its original form, can be summarized as follows:

- (a) celibacy is good and should be adopted;
- (b) in order to refrain from adultery, marriage is allowed; but it is regrettable and one should try his or her best to avoid it;
- (c) marriage retards salvation and is antipathetic to pleasing God.

Three centuries after St. Paul, came a theologian known as St. Augustine. Like his predecessor, he believed that sex was a threat to spiritual upliftment: "I know nothing which brings the manly mind down from the heights more than a woman's caresses and that joining of bodies without which one cannot have a wife."¹ He went even further than St. Paul by associating guilt with sex. He acknowledged that sex was essential for reproduction but argued that the act of sexual intercourse itself was tainted with guilt because of the sin of Adam and Eve. Sexual intercourse was transformed from something innocent to something shameful by the original sin of Adam and Eve, which is passed on from generation to generation.

In his *The City of God*, St. Augustine says, "Man's transgression [i.e., Adam and Eve's sin] did not annul the blessing of fertility bestowed upon him before he sinned, but infected it with the disease of lust."² In short, he preached that: (a) sex was something shameful because of the original sin of Adam and Eve; (b) chastity and celibacy was of a higher moral than marriage; (c) celibacy was a prerequisite for priests and nuns.

1. *Basic Writings of St. Augustine*, p. 455.

2. *The City of God*, p. 21.

B. THE VICTORIAN ERA

There is no doubt that the survey of the Christian sexual morality is essential for understanding the sexual revolution of this century; but to fully comprehend the historical background in which the new sexual morality has emerged, it is equally important to look at the Victorian era.

"While the Christians in the pre-Victorian era were content with restricting sex to marriage, Victorians were concerned with how best to harness sex and rechannel it to loftier ends. For Victorians a moral man abstained from sex outside of marriage and was highly selective and considerate in sexual expression within marriage. And a moral woman endured these sporadic ordeals and did nothing to encourage them. Pleasure was not an appropriate goal for either sex, but especially not so for woman."¹

The following can be stated as the sexual morality of the Christian West in the nineteenth century: (a) sex is morally degraded than celibacy; (b) sexual passion in human beings is result of the original sin, therefore sex for pleasure is sinful; (c) sex without pleasure is allowed only with the intention of procreation. At the dawn of the twentieth century, the prevalent view was that sex is inherently evil and is acceptable only as a lesser of two evils.

1. *Fundamentals of Human Sexuality*, p. 483.

C. THE SEXUAL REVOLUTION

What you read above was a brief historical and social background of the Christian West against which the New Morality was emerging. The Church made a serious error in suppressing the most natural urge of human beings, the very means of their perpetuity. And it is obvious that natural urges can never be suppressed. 'Allāmah Rizvi writes:

If a religion shuts its eyes to the intricacies of family problem, its followers, sooner or later, will revolt against it, destroying all religious tenets in the wake of the rebellion...Christianity ignored the claims of human nature, extolling the idea of celibacy. Many zealous people tried to live up to that ideal. Monks and nuns shut themselves in monasteries. For a short period, this scheme worked well. Then the nature took its revenge; the monks and abbots cultivated the idea that they were representatives of Christ, and the nuns were given the titles of 'brides of Christ.' So with easy conscience they turned the monasteries into centres of sexual liberties.¹

Commenting on the attitude of Christian clergy, Russell writes, "It was only towards the end of the thirteenth century that the celibacy of the clergy was rigidly enforced. The clergy, of course, continued to have illicit relations with women..."² Pope John XXIII was condemned for adultery and incest; the abbot-elect of St. Augustine, at Canterbury, in 1171 was found to have

1. *The Family Life of Islam*, p. 8.

2. *Marriage and Morals*, p. 64.

seventeen illegitimate children in a single village; Henry III Bishop of Leige, was deposed in 1274 for having sixty-five illegitimate children. The writers of middle ages are full of accounts of nunneries that were like brothels, of the vast multitude of infanticides within their walls, and of incest among the clergy which forced the church to announce that priests should not be permitted to live with their mothers and sisters.¹

This and nothing else could have been the consequence of an unnatural sexual morality. Those who could not suppress their natural urges, indulged in sinful acts secretly; others, like Martin Luther, revolted against the church and started the reformation movement which abandoned celibacy.

And when the Christian Church lost its influence in social affairs of the Western world, even the lay man revolted. This revolt gained momentum after the two World Wars; and the Christian West started the sexual revolution in reaction to the sexual suppression. A reform movement takes the society from extremes towards moderation; whereas a revolution, in its early stages, takes the society from one extreme to the other. 'Allāmah Rizvi comments, "Nature can be compared to a steel spring which, when pressed down, jumps back with equal force. When it took its revenge upon Christians, it turned Christian societies into the most permissive, libertine and undisciplined ones the world had ever seen."²

Thus the New Morality emerged in the West and leaped to the other extreme. From the extreme of suppressing natural desires, some preachers of the new

1. *History of European Morals*, vol. II, p. 350-351.

2. *The Family Life of Islam*, p. 8-9.

morality went to the extreme of unrestrained sexual freedom which is the realm of the animal world. They propounded the idea of "sex for fun," "sex for its own sake" and "free sex" which eventually would have completely destroyed the concept of family, the fabric of human society. In late eighties, it can be said that now the spring of nature is coming down to its normal position. Katchadourian and Lunde, writing in 1980, say, "The morality of 'sex for fun' or 'sex for its own sake' never appealed to even the majority of the young. The romantic ideals of marriage, fidelity, and a stable home life for rearing children were still very much alive and influential in American life. a new synthesis of values is arising. Many of the changes in sexual attitudes of the 1960s have been retained, but the more radical beliefs have been found to be unacceptable by most people. Many individuals are willing to approve of premarital exploration, but they want to be certain that no one gets hurt. Many have found that 'sex for its own sake' was not as gratifying as it looked when it first became popular; and others have seen so many people hurt by irresponsible sex that they are asking for a new morality of responsible sex."¹

* * *

To summarize, we can say that firstly, the West travelled from one extreme — that of sexual suppression — exemplified by the Christian Church to the other extreme — that of free sex and sex for fun — exemplified by the liberal sexual morality. Secondly, the West has realized that free sex and sex for fun is not acceptable to human sensibilities. Finally, after jumping from one ex-

1. *Fundamentals of Human Sexuality*, p. 420.

treme to the other, the West is longing for "a new morality of responsible sex." In our view, the morality of responsible sex is the balanced sexual morality of Islam to which we shall turn soon.

* * *

The reason why I discussed the religious and social background in which the sexual revolution has taken place is to let the Muslims — whether residing in West or East — know that this revolution was not a by-product of science and technology *per se* (although some scientific technologies like contraceptives have made it easier); rather it was a reaction to the suppressive sexual morality of the Christian Church. This, I hope, will also break the myth among many Asians and Africans, especially the elite class, that every behaviour and norm of the West is based on sound scientific reasons!

* * *

*Chapter Two**The*♥ *Islamic Sexual Morality (I):* ♥
*The Foundation***A. DEFINING THE ISLAMIC VIEW**

The Islamic sexual morality is fundamentally different from that of the Christian Church. This is because of the all-encompassing nature of the Islamic *shari'ah*. Bertrand Russell says, "Great religious leaders, with the exception of Muhammad—and Confucius, if he can be called religious—have in general been very indifferent to social and political considerations, and have sought rather to perfect the soul by meditation, discipline and self-denial."¹ Yes, Islam has surely not been indifferent to social problems.

The Islamic sexual morality is also fundamentally different from the new sexual morality in a sense that it does not accept the concept of free sex. Islam aims at teaching its followers not to suppress their sexual urges, rather to fulfill them *but* in a responsible way.

1. *Marriage and Morals*, p. 175-6.

Islam recognizes the sexual needs of human beings and believes that the natural instincts should be nurtured, not suppressed. Islam says that biological parts of our body have a purpose, they have not been created uselessly. No text in Islam can be found to equate sex with inherent evil or sin; whatever has been taught by the Qur'ān, Prophet Muhammad and his Ahlu 'l-bayt is pointing in opposite direction. What the Qur'ān and the authentic *sunnah* – and I emphasize on authentic – have said about sex and marriage will now be discussed under the following headings: Islam has very highly recommended marriage as a good deed and not as a lesser of two evils; Islam has very strongly opposed celibacy and monasticism; and Islam believes that marriage is not a hindrance in spiritual way-faring, on the contrary it helps the wayfarer.

1. MARRIAGE IS HIGHLY RECOMMENDED

It is important to realize that in Islamic texts the idea of marriage is not divorced from sex, nor is it confined to sex for the purpose of procreation. The legal term for marriage is "*nikāh*" which literally means sexual intercourse.

Marriage *per se* is a highly recommended deed. Allāh says, "*Marry the spouseless among you...if they are poor, God will enrich them of His bounty.*" (Qur'ān 24:32) The first word of this verse begins with "*fankihū*" (Marry!) which is an imperative form of the word *nikāh*. According to the principles of Islamic jurisprudence, any communication in imperative form from God can have two levels of meaning: either it is an obligatory command or

a very high recommendation. And therefore we see that in Islam celibacy is not considered as a virtue. Based on this verse we find the Prophet saying that, "Whoever refrains from marriage because of fear of poverty, he has indeed thought badly of God."¹ In another verse Allāh says, "...[T]hen marry such women as seem good to you—two, three or four. But if you fear that you will not do justice between your wives, then marry only one..."(4:3)

Sex has been openly recommended in the Qur'ān, "When they [i.e., the wives] have cleansed themselves [after menstruation], you go into them as Allāh has commanded." (2:222) The phrase 'commanded you' does not refer to any legislative command; that is, it does not mean that as soon as a person's wife becomes clean from her period, he should immediately have sex with her. It is a creative command and refers to the sexual urge which Allāh has placed in our nature. And when sexual urge is counted as a creative command of God, then who can associate it in any way with sin and evil?!

Marriage and sex are among the signs of God's power and blessings. The Qur'ān says, "And among His signs is that He has created for you spouses from among yourselves so that you may live in tranquility with them; and He has created love and mercy between you. Verily, in that are signs for those who reflect." (30:21)

From these few verses of the Qur'ān, one can easily understand that according to Islam: (a) marriage is a sign of God's power and blessings; (b) marriage is a highly recommended act of virtue which should not be avoided

1. *Wasā'ilu 'sh-Shī'ah*, vol. 14, p. 24.

because of poverty; (c) sexual urge is a creative command of God placed in human nature. After equating sex with Allah's creative command, there can be no room for equating it with guilt, sin or evil.

* * *

The Prophet and the Imams of Ahlul Bayt also encouraged their followers to marry and to fulfill their sexual urges in lawful ways as can be seen from the followings:

The Prophet said, "No house has been built in Islam more beloved in the sight of Allāh than through marriage."¹ The Prophet said, "O you young men! I recommend sexual intercourse to you."² Imam 'Alī said, "Marry, because marriage is the tradition of the Prophet. The Prophet said, 'Whosoever likes to follow my tradition, then he should know that marriage is from my tradition.'³ Imam Rizā said, "Three things are from the traditions of the messengers of God: perfume, shaving the [excessive] hair and frequently visiting one's wife."⁴ Ishāq bin 'Ammār quotes Imam Ja'far as-Sādiq as follows: "Loving women is among the traditions of the prophets."⁵

The Prophet said, "Prayer has been made the apple of my eyes, and my pleasure is in women."⁶ See with how ease the Prophet moves from prayers to the pleasure of women! The Prophet said, "No Muslim man has gained a benefit after [the religion of] Islam better than a Muslim wife who is a cause of his pleasure whenever he looks towards her..."⁷ Imam Muhammad al-Bāqir quotes the

1. *Wasā'il*, vol. 14, p. 3.

2. *Ibid*, p. 25.

3. *Ibid*, p. 3-4,6.

4. *Ibid*, p. 4.

5. *Ibid*, p. 9.

6. *Ibid*, p. 10.

7. *Ibid*, p. 23.

Prophet as follows: "Allāh says that, 'Whenever I intend to gather the good of this world and the hereafter for a Muslim, I give him a heart which is humble [to Me], a tongue which praises [Me], a body which can bear [worldly] affliction and a believing wife who is a cause of his pleasure whenever he looks towards her and who protects herself and his property when he is absent.'"¹ See with how ease Allāh has combined His praise with the pleasure a man derives from a faithful wife!

Jamīl bin Darrāj quotes Imam Ja'far as-Sādiq saying, "Mankind has not enjoyed [anything] in this world and the hereafter more than the desire for women. Allah says, '*The love of desire of women...has been made to seem fair to people.*' [3:14] The people of the Paradise do not enjoy anything from it more desirable than sex, neither food nor drink."²

2. CELIBACY & MONASTICISM IS FORBIDDEN

The Islamic point of view about the worldly good things is not negative, rather it says that we should appreciate them as the blessings of God. And Islam is, therefore, totally opposed to monasticism and celibacy.

'Uthmān bin Maz'ūn was a close companion of the Prophet. One day his wife came to the Prophet and complained, "O the Messenger of God! 'Uthmān fasts during the day and stands for prayers during the night." In other words, she meant to say that her husband was abstaining from sexual relations during the night as well as the day. The Prophet was so much angered with this that he did not even wait to put on his slippers. He came

1. *Wasā'il*, vol. 14, p. 23.

2. *Ibid*, p. 10.

out — with the slippers in his hands — and went to ‘Uthmān’s house. The Prophet found him praying. When ‘Uthmān finished his prayers and turned towards the Prophet, the latter said, “O ‘Uthmān! Allāh did not send me for monasticism, rather He sent me with a simple and straight [*sharī‘ah*]. I fast, pray and also have intimate relations with my wife. So whosoever likes my tradition, then he should follow it; and marriage is one of my traditions.”¹ Since ‘Uthmān was already married, the word “marriage” in this hadīth can only be applied to sexual relations.

In another incident, three women came to the Prophet and complained that their husbands were abstaining from meat, perfume and intimate relations with their wives. The Prophet quickly came to the mosque, went on the pulpit and said, “What has happened to some of my companions that they do not eat meat, they do not smell perfume and they do not go to their women?! Whereas I eat meat, smell perfume and go to my wives. Therefore whosoever dislikes my tradition, then he is not from me.”²

Ibn Abī ‘Umayr quotes that Sikkīn an-Nakha‘ī had devoted himself to prayers and abstinence from women and delicious food. Then he wrote a letter to Imam Ja‘far as-Sādiq seeking clarification about his actions. The Imam wrote, “As for what you have said about abstaining from women, you surely know how many women the Prophet had! As for food, the Prophet used to eat meat and honey.”³ The Imam is obviously condemning the holier-than-thou attitude of his companion.

1. *Wasā‘it*, vol. 14, p. 74.

2. *Ibid.*

3. *Ibid.*, p. 4.

Imam 'Alī narrates that some companions of the Prophet had vowed to abstain from sexual relations with their wives, from eating during the day and from sleeping during the night. Umm Salamah, the Prophet's wife, informed him about this group. The Prophet went out to his companions and said, "Do you abstain from women whereas I go to the women?! I eat during the day and sleep during the night! Whosoever dislikes my tradition, then he is not from me." After this speech, Allāh revealed the following verse:

O you who believe! Do not forbid [for yourselves] the good things which Allah has permitted you; and do not exceed [the law] —Allāh does not like those who exceed [the law]. Therefore eat of the lawful and good things that Allāh has provided you, and fear Allāh in whom you believe. (5:87-8)

Read this verse carefully and see that firstly, it counts sex, food and sleep among "the lawful and good things which Allah has permitted you;" and secondly, celibacy and abstinence is considered as "exceeding the law of God." After this verse was revealed, those companions came to the Prophet and said, "O Messenger of God! We have taken oath to abstain from those things." That is, how can we now break our oath of abstinence? Then Allāh revealed the following verse, "*Allāh will not call you [to account] for vain oaths...*" (5:84) Again, note that an oath of celibacy or abstinence from the good and lawful things is considered by Islam as 'vain oaths!'¹

The discouraging of celibacy is not confined to men, even women have been discouraged from remaining

1. *Wasā'il*, vol. 14, p. 8-9.

single. Imam Ja'far as-Sâdiq said, "The Prophet has forbidden the women to become ascetic and to prevent themselves from husbands."¹

Abdus Samad bin Bashîr quotes that a woman came to Imam Ja'far as-Sâdiq and said, "May God bless you; I am an ascetic woman."

The Imam: "What does asceticism mean to you?"

The woman: "It means that I will never marry."

The Imam: "Why?"

The woman: "By practicing asceticism, I want to acquire favour (of God)."

The Imam: "Go away! If asceticism was a means of acquiring favour (of God), then Fâtimah would have been more entitled to it than you because none can gain more favour than her."² A similar incident is also narrated in relation to Imam Rizâ.

The Prophet said, "The most low [in status] among your dead are the singles."³

Imam Ja'far as-Sâdiq says that a person came to my father. My father asked him, "Do you have a wife?" He said, "No." My father said, "I would not prefer to have the world with all its riches while I sleep at night without a wife."⁴

3. MARRIAGE HELPS IN SPIRITUALITY

In Islam, contrary to Christianity, marriage and sex are not antipathetic to the love for, and worship of, God. Instead of an obstacle, marriage is regarded as an asset in acquiring spiritual perfection.

1. *Wasâ'il*, vol. 14, p. 117.

2. *Ibid*, p. 117-8.

3. *Ibid*, p. 7.

4. *Ibid*.

The Prophet said, "One who marries has already guarded half of his religion, therefore he should fear Allāh for the other half."¹ A person who can fulfill his sexual urges lawfully is less distracted in partaking the spiritual journey.

Love for women and faith are inter-related. In one hadīth, 'Umar bin Zayd quotes Imam Ja'far as-Sādiq that, "I do not think that a person's faith can increase positively unless his love for women has increased."² The same Imam said, "Whenever a person's love for women increases, his faith increases in quality."³ He also said, "Whosoever's love for us increases, his love for women must also increase."⁴

Marriage even elevates the value of prayers. The Prophet said, "Two rak'ats (cycles) prayed by a married person is better than the night-vigil and the fast of a single person."⁵ Ibn Fuzzāl quotes Imam Ja'far as-Sādiq saying that, "Two rak'ats prayed by a married person is better than seventy rak'ats prayed by a single person."⁶

The Prophet said, "If anyone likes to meet Allāh in purity, then he should meet Him with a wife."⁷

A woman came to the Prophet's house and her strong perfume soon filled the house. When the Prophet inquired about the visitor, the woman said that she had tried everything to attract her husband but in vain; he does not leave his meditation to pay any attention to her. The Prophet told her to inform her husband about the reward of sexual intercourse which he described as follows: "When a man approaches his wife, he is guarded by two

1. *Wasā'il*, vol. 14, p. 5.

2. *Ibid*, p. 9.

3. *Ibid*, p. 11.

4. *Ibid*, p. 11.

5. *Ibid*, p. 7.

6. *Ibid*, p. 6.

7. *Ibid*, p. 25.

angels and [at that moment in Allāh's views] he is like a warrior fighting for the cause of Allāh. When he has intercourse with her, his sins fell like the leaves of the tree [in fall season]. When he performs the major ablution, he is cleansed from sins."¹

* * *

These quotations from the Qur'ān and the sayings of the Prophet and the Imams of Ahlu 'l-bayt show that the Islamic view on sex and marriage is in complete harmony with human nature. It can easily be concluded that in the Islamic sexual morality: (a) marriage and sex is highly recommended, and it is in no way associated with evil, guilt or sin; (b) monasticism and celibacy is unacceptable; (c) marriage is considered a helping factor in attaining spiritual perfection—it prevents the Muslims from getting into sins and also enhances the value of their acts of worship.

These teachings neutralize the need for a sexual revolution in a Muslim society. Since there is no sexual suppression, the question of a sexual revolution does not arise.

B. DEFENDING THE ISLAMIC VIEW

There are many non-Muslim writers, especially of liberal and feminist ideology, who have attacked the Islamic view of woman's sexuality. Their criticism is mostly based on some misconceived ideas about the Islamic sexual morality. Basically there are two problems with these writers: either they study Islam based on some Western social theories and models, or they are ill-

1. *Wasā'ilu 'sh-Shi'ah*, vol. 14, p. 74.

equipped to study the original Islamic sources. They rely mostly on the work done on Islam by the Orientalists or the European travellers. In some cases, books like *Thousand and One Night* and *The Perfumed Garden* are used to explain the Islamic view on women's sexuality! These books, at most, reflect the Arab view of female sexuality not the Islamic view. Therefore, these writing do not even deserve refutation.

However, for our discussion I have selected the work of an Arab feminist writer, Fatima Mernissi. The reason for selecting to comment on her work is that she is an Arab writer who had easy excess to Islamic literature, and she has indeed used the *hadith* literature of the Sunnis, in particular, *Ihyāu 'Ulūmi 'd-Dīn* of Imam Abu Hāmid al-Ghazālī, a famous Sunni scholar of the eleventh century C.E. Moreover, Mernissi's book has been translated into various European and Asian languages and is becoming popular as an insider's report!

I. MERNISSI'S VIEWS

Fatima Mernissi's book, *Beyond the Veil* subtitled as "Male-Female Dynamics in Modern Muslim Society," is a study of the male-female relationship in the present Moroccan society. It is important to bear in mind that the attitude of the Muslims of Morocco does not necessarily represent Islam. However, Mernissi has discussed the Islamic sexual morality in a chapter entitled as "The Muslim Concept of Active Female Sexuality." The main part of her discussion centers on the comparison between the views of Freud and Ghazali on female sexuality. Mernissi has summarized her conclusion as follows:

The irony is that Muslim and European theories come to the same conclusion: women are destructive to the social order—for Imam Ghazali because they are active, for Freud because they are not.

Then she goes on to describe the negative attitude of the Christian West and the positive attitude of Islam towards sexuality in general. She writes:

Different social orders have integrated the tensions between religion and sexuality in different ways. In the Western Christian experience sexuality itself is attacked, degraded as animality and condemned as anti-civilization. The individual is split into two antithetical selves: the spirit and the flesh, the ego and the id. The triumph of civilization implied the triumph of soul over flesh, of ego over id, of the controlled over the uncontrolled, of spirit over sex.

Islam took a substantially different path. What is attacked and debased is not sexuality but women, as the embodiment of destruction, the symbol of disorder. The woman is *fitna*, the epitome of the uncontrollable, a living representative of the dangers of sexuality and its rampant disruptive potential...Sexuality *per se* is not a danger. On the contrary it has three positive, vital functions...¹

After describing the positive side of Islamic sexual morality, Mernissi attacks the concept of female sexuality in Islam as she has understood it from Ghazālī's writings:

According to Ghazali, the most precious gift God gave humans is reason. Its best use is the search for knowledge...But to be able to devote his energies to

1. *Beyond the Veil*, p. 44

knowledge, man has to reduce the tensions within and without his body, avoid being distracted by external elements, and avoid indulging in earthly pleasures. Women are dangerous distraction that must be used for the specific purpose of providing the Muslim nation with offspring and quenching the tensions of the sexual instinct. But in no way should women be an object of emotional investment or the focus of attention, which should be devoted to Allah alone in the form of knowledge-seeking, meditation, and prayer.¹

The views of this ardent Arab feminist can be summarized as follows:- (a) Women are considered sexually active in the Islamic view; (b) therefore, women are a danger to the social order. (c) There should be no emotional investment in women; that is, a man should have no love for his wife. (d) Why should there be no love between husband and wife? Mernissi would answer that love should be exclusively devoted to Allah.

Now let us deal with each of these premises and conclusions gradually and see whether or not they are based on any reliable Islamic sources.

A. WOMEN ARE CONSIDERED SEXUALLY ACTIVE IN ISLAM. The statement that in Islam women are considered sexually active, can mean two different things: either they are sexually more active than men or they are sexually as active as men. In the first sense, it would mean that women have a stronger sex drive; and in the second sense, it would mean that women are as normal as men in their

1. *Beyond the Veil*, p. 45.

sexuality. By looking at the context of Mernissi's writing, I would be justified in saying that she is using this statement in the first sense, that is, women are sexually more active than men.

In my study of the Qur'ān and authentic ahādīth on this subject, I have not come across any statement which says that women are sexually more active than men. I can say with confidence that as far as Islam is concerned, there is no difference between the sexuality of men and women. There are certain ahādīth which can be used by Mernissi to prove that women are sexually more active than men *provided* she decides to stick to one part of those ahādīth and ignore the other part! It is obvious that such partial use of hadīth is an unacceptable academic exercise. For example, in one such hadīth, Asbagh bin Nubātah quotes Imam 'Ali as follows: "Almighty God has created the sexual desire in ten parts; then He gave nine parts to the women and one to men." If the hadīth had ended here, Mernissi would be right in her claim, but the hadīth goes on: "And if the Almighty God had not given the women equal parts of shyness, then each man would have nine women related to him."¹ In other words, Allāh has given the women greater part of sexual desire but He has also neutralized it by giving equal parts of shyness to them. Seen as a whole, this and other similar hadīth do not support the claim that in Islam women are sexually more active than men. As for the question that why did Allāh give more sexual desire to women and then neutralize it with shyness, I shall *insha Allāh* deal with it in the chapter on sexual technique.

1. *Wasā'il*, vol. 14, p. 40

So how has Mernissi arrived at her conclusion? While contrasting the views of Freud and Ghazali on passive and active sexuality of women, Fatima Mernissi has studied the view of both writers on the process of human reproduction. First she quotes Freud as follows: "The male sex cell is actively mobile and searches out the female and the latter, the ovum, is immobile and waits passively..."¹ This proves to Mernissi that in Freud's view, woman is sexually passive. Then she contrasts this with Ghazali's view by quoting him as follows, "The child is not created from man's sperm alone, but from the union of a sperm from the male with a ovum from the female...and in any case the ovum of the female is a determinant factor in the process of coagulation."² This proves to Mernissi that in Ghazali's view, woman is sexually active.

I doubt whether Ghazali would agree with the conclusion which Mernissi draws from his last sentence. Moreover, even if Ghazali meant such a thing, then it cannot be substantiated by the original sources of Islam, the Qur'ān and the *sunnah*. We have a clear *hadīth* which refutes such a connotation to the process of reproduction. Once the Prophet was asked, "O Muhammad! Why is that in some cases the child resembles his paternal uncles and has no resemblance whatsoever to his maternal uncles, and in some cases he resembles his maternal uncles and has no resemblance whatsoever to his paternal uncles?" The Prophet said, "Whosoever's water-drop [i.e., sperm or ovum] overwhelms that of his or her partner, the child

1. *Beyond the Veil*, p. 36 quoting Freud's *New Introductory Lectures*, p. 144.

2. *Ibid*, p. 37

will resemble that person.”¹ In other words, if the wife’s ovum overwhelms the sperm of her husband, then the child will resemble the mother or the maternal uncles; and if the husband’s sperm overwhelms the ovum of his wife, then the child will resemble the father or the paternal uncles. This hadith makes it quite clear that male and female play equal role in reproduction; sometimes, the male sperm overwhelms the female ovum and at other times the female ovum overwhelms the male sperm.

Then she quotes Ghazali’s statement about the pattern of ejaculation of sexes as follows, “...The woman’s ejaculation is a much slower process and during that process her sexual desire grows stronger and to withdraw from her before she reaches her pleasure is harmful to her.”² By this statement, Mernissi wants to prove that in Islam woman is considered sexually more active than man. When I read this statement for the first time, I said to myself that this can not be true at all times: sometimes the male ejaculates first and at other times the female ejaculates first. And I was surprised that Ghazali would say such a thing. So I checked the Arabic statement of Ghazali and noticed that while translating the above quotation, Mernissi has conveniently left out the word “*rubbama*” which means “sometimes”.³ So the correct statement of Ghazali is that “The woman’s ejaculation *sometimes* is a much slower process...” With this correction, Mernissi’s argument loses its legs.

1. at-Tabrasī, *al-Ihtijāj*, vol. 1, p. 48. For a similar hadith in Sunni sources, see Ibn Qayyim, *Tibyan*, p. 334-5. Also see an interesting study on birth control among the Muslims, *Sex and Society in Islam* by B.F. Musallam.
2. *Beyond the Veil*, p. 38
3. al-Ghazālī, *Ihyā’*, vol. 2, p. 148.

B. WOMEN ARE A DANGER TO THE SOCIAL ORDER. The outcome of the above premise of Mernissi is as follows: Since Islam considers women as sexually more active, therefore, it considers them to be a danger to the social order.

After quoting Ghazali that, "The virtue of the woman is a man's duty. And the man should increase or decrease sexual intercourse with the woman according to her needs so as to secure her virtue," Mernissi comments, "The Ghazalian theory directly links the security of the social order to that of the women's virtue, and thus to the satisfaction of her sexual needs. Social order is secured when the women limits herself to her husband and does not create *fitna*, or chaos, by enticing other men to illicit intercourse."¹

Firstly, by looking at Ghazali's statement, I see nothing which would seem to indicate that in his view women are a danger to the social order. It simply describes one of the basic rights of conjugal relationship—that the husband should not be a self-centered and selfish person, rather he should also think about the feelings of his wife. There is no indication at all that unsatisfied Muslim women in general would necessarily go out and commit adultery.

Secondly, if unsatisfied women become a danger to the social order just because there is a possibility that they might commit adultery, then this possibility is in no way confined to women— even unsatisfied men could commit adultery! If Islam had considered women as a danger to the social order on this account, then it must also do so

1. *Beyond the Veil*, p. 39; *Ihyā'*, vol. 2, p. 148.

with men! And in stretching this argument to its logical conclusion, one would have to say that Islam considers men and women a danger to the social order. You see the absurdity of this line of thought. If all men and women are a danger to the social order, then whose 'social order' are we talking about?!

C. THERE SHOULD BE NO EMOTIONAL INVESTMENT IN WOMEN. The second part of Merrissi's contention is that in Islam men are not supposed to be emotionally attached to their wives; love between husband and wife is not encouraged or tolerated. Apart from what we quoted from Merrissi on this issue at the beginning of this discussion, she has talked on this issue, in a passing manner, at other places also. For instance, after quoting an interview with a Moroccan woman about her first husband by an arranged marriage (which has nothing to do with Islam), Merrissi writes, "Does love between man and wife threaten something vital in the Muslim order?...Heterosexual involvement, real love between husband and wife, is the danger that must be overcome."¹ In another place, she says, "And it appears to me that the breakdown of sexual segregation permits the emergence of what the Muslim order condemns as a deadly enemy of civilization: love between men and women in general, and between husband and wife in particular."²

Merrissi could not have been more further from the truth than in these contentions! Instead of going to the original sources of Islam, she has based her conclusion on the way a certain ethnic group of Muslims behave in their

1. *Beyond the Veil*, p. 113

2. *Ibid*, p. 107.

personal life. Now let us see if what she says is according to the original sources of Islam or not.

The Qur'ān says, "And among His signs is that He has created for you spouses from among yourselves so that you may live in tranquility with them; and He has created love (*muhabbah*) and mercy between you. Verily in that are signs for those who reflect." (30:21) How can Mernissi say that Islam considers love between husband and wife a deadly enemy of civilization while the God of Islam counts it a sign of His creation and glory? Imam Ja'far as-Sādiq says, "Loving (*hubb*) women is among the traditions of the prophets."¹ The same Imam quotes the Prophet as follows, "The statement of a husband to his wife that 'I love you' (*inni uhibbuki*) will not leave her heart ever."²

There are three interesting *ahādīth* in which Imam Ja'far as-Sādiq has described the love for women as a sign and cause of increase in faith. He says, "I do not think that a person's faith can increase positively unless his love for women has increased."³ In another hadīth, he says, "Whenever a person's love for women increases, his faith increases in quality."⁴ In a third hadīth he relates the love for women to the love for Ahlu 'l-bayt which is an important teaching of the Qur'ān. He says, "Whosoever's love for us increases, his love for women must also increase."⁵

I do not think that there is any further need to prove that Mernissi's accusation against Islam is baseless.

1. *Wasā'il*, vol. 14, p. 9

2. *Ibid*, p. 10.

3. *Ibid*, p. 9.

4. *Ibid*, p. 11.

5. *Ibid*, p. 11

D. LOVE SHOULD BE EXCLUSIVELY DEVOTED TO ALLĀH

If asked that why does Islam consider love for women as a deadly enemy of civilization and a danger to the social order, Mernissi would answer that emotional investment or the focus of attention "should be devoted to Allah alone in the form of knowledge-seeking, meditation, and prayer." This is what she describes as Ghazali's view.¹ In other words, Mernissi is saying that Islam, like Christianity, considers love for God and love for woman as two antipathetic phenomena. However, to be fair to Mernissi, I must say that this is a misconception from which even a scholar like Ghazali is not immune.

Although I have already quoted in detail the Islamic view which believes that love for women is not inharmonious with spiritual way-faring, I intend to discuss this issue in the light of what Ghazali, with his Sufi tendencies, has to say.

2. AL-GHAZĀLI'S VIEWS:

In his discussions on marriage in *Ihyāu 'Ulūmi 'd-Dīn*, Abu Hāmid al-Ghazālī has a section on "Encouragement for Marriage" (*at-targhīb fī 'n-nikāh*). In this section he has quoted some saying of the Prophet about virtue of marriage. Then he has a section on "Discouragement from Marriage" (*at-targhīb 'anī 'n-nikāh*). In this section, apart from the sayings of some mystics (Sufis), Ghazali has quoted three hadith: two from the Prophet and one from Imam 'Ali. Interestingly, the third hadith is not even relevant to the issue; it is more relevant to family planning—it talks about having fewer wives and children!

1. *Beyond the Veil*, p. 45.

Moreover, all three ahādīth are classified by the scholars of *hadīth* as unreliable (*da'īf*).¹

Then Ghazali goes on to discuss about the "benefits and harms of marriage." Before scrutinizing the 'harms of marriage,' I wish to comment on two 'ahādīth' of the Prophet which Ghazali has quoted from his Sunni sources and which Mernissi has also used in her book.

The first hadith is as follows:

The Prophet said, "When the woman comes towards you, it is Satan who is approaching you. When one of you sees a woman and he feels attracted to her, he should hurry to his wife. With her, it would be the same as with the other one."² After quoting this hadīth, Mernissi adds the comments of Imam Muslim that "She resembles Satan in his irresistible power over the individual."

While discussing the issue of forgery or interpolation in hadīth, our '*ulamā*' say that one source of forgery was the mystics and the so-called pious mullahs who imported various ideas of celibacy and monasticism from without Islam into the hadīth literature. And since the evilness of woman is a main component of Christian monasticism, similar ideas also crept into the hadīth literature – either in form of total forgery or in form of interpolation. When I read the above hadīth, I suspected it to be an interpolation; especially its opening sentence. My suspicion was confirmed when I started to look for a similar hadīth in the Shī'ah sources. The Shī'ah sources narrate a similar hadīth as follows:

1. See the editor's footnote in *Ihyā'*, vol. 2, p. 101 and also in al-Kāshānī, *Tahzīb al-Ihyā'*, vol. 3, p. 57.
2. *Ihyā'*, vol. 2, p. 110; *Beyond the Veil*, p. 42.

The Prophet said, "When one of you sees a beautiful woman, he should go to his wife. Because what is with her [i.e., wife] is same as what is with the other one."¹ The same hadith is also recorded with a slight difference: The Prophet said, "O Men! Verily the act of seeing [a beautiful woman] is from Satan, therefore whoever finds this inclination in him should go to his wife."²

The hadith narrated from Sunni sources equates the woman to Satan, whereas in the Shi'ah sources there is no such implication at all. On the contrary, in the second version of the hadith found in the Shi'ah sources, it is the man's sight which is related to the temptation by Satan! If we have to choose between the sources of the Prophet's *sunnah*, then we have no choice but to accept the version given by the Imams of Ahlu 'l-bayt, the family of the Prophet. After all, no one could have known the Prophet better than the Ahlu 'l-bayt. In our view, Imam Ghazali, Imam Muslim and Mernissi are all wrong in their attempt to equate woman with the Satan. The hadith they have quoted has been interpolated, most probably, by the mystics to encourage monasticism which they have imported from Christianity.

The second hadith is as follows:

The Prophet said, "Do not go to the women whose husbands are absent. Because Satan will get in your bodies as blood rushes through your flesh."³

First of all, I was not able to find a similar hadith in the Shi'ah sources. This, plus its content, casts doubt on

1. *Wasā'il*, vol. 14, p. 72-73.

2. *Ibid*, p. 73.

3. *Ihyā'* vol. 2, p. 110; *Beyond the Veil*, p. 42.

the authenticity of the hadith. Secondly, the source of this hadith is *Sahih at-Tirmidhi*. And I am surprised how could Ghazali and Mernissi use this hadith while their source, Imam at-Tirmidhi, himself comments that "This is a strange hadith!" (*haza hadithun gharib.*) Thirdly, even if the hadith is accepted, it does not prove what Mernissi wants from it: "The married woman whose husband is absent is a particular threat to men." Because the hadith equates the men, and not the women, with Satan. Actually, the women in this hadith emerge as the victim of men who have been overwhelmed by the Satan!

* * *

Now let us return to the work of Ghazali in which he is describing the harms of marriage. Ghazali names three things as the harms of marriage and we shall discuss each of them separately:

The First Harm:

"The first and greatest harm [of marriage] is 'the inability to gain lawful livelihood.' This is something which is not easy for everyone especially during these times bearing in mind that livelihood is necessary. Therefore, the marriage will be a cause for obtaining the food by unlawful means, and in this is man's perdition and also that of his family. Whereas a single person is free from these problems..."¹

Then he goes on to quote the mystics on this issue whose statements are of no value to us unless they are based on the Qur'an and the *sunnah*. They praise celibacy under the influence of monasticism which has been condemned by the Prophet and the Qur'an.

1. *Ihya'*, vol. 2, p. 117.

The logical conclusion of what Ghazali and other mystics say is that 'if you are rich, it is okay to marry; but if you are poor, you should not marry otherwise you will end up seeking provision from unlawful means!' This is totally rubbish and goes against the Qur'ân which says, "*Marry the spouseless among you...if they are poor, God will enrich them of His bounty.*" (24:32) "*Do not kill your children because of (fear of) poverty – We will provide for you and them.*" (6:152) The Prophet said, "Whoever refrains from marriage because of fear of poverty, he has indeed thought badly of God."¹ I do not know how can a person gain spiritual upliftment by thinking negatively about God's promise!

The Second Harm:

"The inability [of men] to fulfill the wives' rights, to forebear their [ill] manner and to bear patiently their annoyance."²

What is Imam Ghazali saying? Does he mean that women in general are over-demanding, ill-mannered and a nuisance? Can he really base this view on the Qur'ân and sunnah of Prophet Muhammad (peace be upon him)? I do not think so; and that is why we see that Ghazali has produced only the sayings of some mystics in support of his views. And it is obvious that this cannot be substantiated by the original Islamic sources.

The Third Harm:

"The wife and children will distract him from Allah and attract him towards seeking [the benefits of] this world and planning a good life for his children by

1. *Wasā'il*, vol. 14, p. 24.

2. *Ihyā'*, vol. 2, p. 118.

accumulating more wealth...And whatever distracts a person from Allah – whether wife, wealth or children – is disastrous for him.”¹

If what Ghazali says is true, then not only marriage, but children, friends, relatives and every material thing in this world must be labelled as ‘harmful’ to a Muslim because all these have the potential of distracting a person from God and the hereafter. Here Ghazālī sounds more like St. Paul! And if this is true, then a Muslim should have nothing to do with this world, he should just confine himself to a cave in an isolated jungle or desert and pray to God! The absurdity of this idea from the Islamic point of view is obvious.

What Ghazālī and other mystics say is not very much different from the monastic ideas of the Christian Church. And, incidentally, they suffered the same fate as the Christian monks. You have already read the comments of ‘Allāmah Rizvi about the monks that “when the nature took its revenge, the monks and abbots cultivated the idea that they were representatives of Christ, and the nuns were given the titles of ‘brides of Christ.’ So with easy conscience they turned the monasteries into centres of sexual liberties.” Similarly, when nature took its revenge against the Sufīs, in words of ‘Allāmah Mutahhari, they started to “derive (sexual) pleasure in company of handsome persons and this work of their’s is considered as a journey towards Allāh!”²

1. *Ihyā’*, vol. 2, p. 119.

2. *Aklāq-e Jinsi*, p. 67.

3. LOVE FOR GOD VIS-A-VIS LOVE FOR THIS WORLD

Imam Ghazālī and other mystics have made a serious mistake in understanding the concept of 'preparing for the hereafter'. And this is what I would like to briefly clarify here.

The concept of 'preparing for the hereafter' depends on one's outlook about the relationship between this world and the hereafter. There are three possibilities: 1. submerge in the blessings of this world and forget the hereafter, 2. utilize this world for the hereafter, 3. forsake this world for the hereafter.

The mystics and Sufis have adopted the third alternative, whereas the materialists have adopted the first alternative. Between these two extremes, lies the true Islamic view. There are many verses of the Qur'ān which highly praise the blessings of this world, and many others which strongly exhort the Muslims to seek the hereafter. Seen in isolation, these verses can be used by the two groups to prove their extreme views. But seen in the light of other verses which talk about the inter-relationship of this world and the hereafter, one is guided to the Qur'ānic view. And it is obvious that you cannot isolate the verses of Qur'ān from one another, especially if they are talking about the same issue. As I said earlier, this is not the place to fully discuss this issue, but I will give a few examples from the Qur'ān and the *sunnah* to clarify the Islamic view about this world and the hereafter.

The Qur'ān says: "*Seek, among that which God has given to you, the hereafter, but do not forget your portion of this world either.*" (28:77) Allāh says, "*And when the prayer has ended, spread out in the world and seek the*

blessings of Allāh and remember Him often, haply you will succeed." (62:10)

Imam Hasan says, "Be for your world as if you are going to live forever, and be for your hereafter as if you are going to die tomorrow."¹ The Imam is teaching you that Islam does not want you to forsake this world, it wants you to totally benefit from it and love it but not to the extent that you may forget the hereafter – the hereafter, where your fate depends on how obedient you were to God in your worldly life. Imam Musā al-Kāzim says, "The person who forsakes his world for the sake of his religion or he who forsakes his religion for the sake of his world is not from us."² In Islam, piety does not mean forsaking this world and living in isolation in a desert or a monastery! Piety means to live in the society a normal life but without forgetting the ultimate destination, the purpose of our creation – an eternal life in the hereafter.

* * *

Even the relationship between the love for God and the love for one's spouse, children, and the world at large is of the same type. There are two levels of love in Islam: the love for God and the love for everything else. Islam does not forbid a person to love the spouse, children, parents, relatives, friends, and the worldly blessings which Allah has given to him or her. However, what Islam expects is that this love should be in harmony with the love for God, it should be based on the love for God. The practical implication of this is that if a conflict occurs between the demand of the love for God and the love for

1. *Wasā'il*, vol. 12, p. 49.

2. *Ibid.*

anything else, then the love for God should take precedence. In Islam, God is the axis of existence, He and nothing else is the Absolute Truth.

Allow me to explain this phenomenon in a metaphorical manner: the moon revolves around the earth, but at the same time, it also revolves around the sun. Moreover, the magnetic relationship between the moon and the earth is a minor part of the overall magnetic force which makes the planets revolve around the sun in our solar system. Similarly, in Islam the love between two human beings is like the relationship of the moon and the earth; and the love which a Muslim has for God is like the relationship of the sun and the planets. Obviously, the first type of love exists within the realm of the second. In other words, there are two cycles of love: love for God and love for one's husband, wife or children. The first is a wider circle within which exists the second circle of love.

Remember, there is a fine difference between what we are saying and what Mernissi and, to some extent, Ghazali have said. Mernissi says that in Islam love between husband and wife is forbidden because love should be devoted to God *alone*. Whereas we are saying that Islam does not forbid love between husband and wife – or love for anything else – as long as it is in harmony with the love for God. That is, it should not overwhelm you to the extent of forsaking the love for God. This is clearly mentioned in the Qur'ân:

Say (O Muhammad), "If your fathers, your sons, your brothers, your wives, your clan, (your) possessions which you have acquired, (your) business which you fear may slacken and (your) dwellings which you

love—(if these) are dearer to you than Allāh, His Messenger and struggling in His way, then wait till Allāh brings about His decision (on the day of judgement). (9:24)

I would like to emphasize on the word "*ahabbu* —dearer." If Allah had said that "if your...are dear to you" than Mernissi or others of her ideology might have been right in saying that Islam expects exclusive love for Allah and that all other loves are forbidden. But here Allah is talking in a comparative manner and says that if you love other things or persons *more than* Allah, then you are wrong, because such love could take you on the path of disobedience to the commands of Allah and cause your perdition in the hereafter.

It is clear from what we said above that the Islamic concept of love is not confined to love for God vis-a-vis love for women, it is a universal concept in which we talk about love for all persons and things. So it is absolutely misleading to give a sexist context to this issue and say that the Islamic sexual morality is an anti-women morality.

* * *

In conclusion, we can say that the views of Mernissi and Ghazali — that in Islam women are sexually more active than men and that Islam does not tolerate love between husband and wife— cannot be substantiated from the original Islamic sources, the Qur'ān and the authentic *sunnah*.

* * *

C. CRITERION OF MORAL & IMMORAL

We have said earlier that Islam does not agree with the suppression of sexual urges, rather it promotes their fulfillment. But at the same time we have been emphasizing that it must be done in a responsible and lawful way. In other words, we have hinted that according to Islam sexual urges can be fulfilled in two ways: lawful and unlawful or moral and immoral.

What is the criterion of moral and immoral in the Islamic morality? Islam, like any other religion or ideology, has certain fundamental beliefs and all its teachings must be in harmony with its fundamentals. The foundation of Islam is the faith in One God, not just as the Creator but also as the Law-Giver. The Qur'ān is not just a book of spiritual guidance, it is also a source of laws regulating our daily life. "Islam," after all, means "submission to the will of God." The Qur'ān says clearly that *"It is not for any believer man or woman, when God and His Messenger have decreed a matter, to have the choice in the affair. Whosoever disobeys God and His Messenger has gone astray into manifest error."* (33:36)

So in Islam, the right and the wrong, the moral and the immoral, the lawful and the unlawful is decided by Allāh and His Messenger. And, in our view, the Imams of Ahlu 'l-bayt are the best commentators of the Qur'ān, the protectors of the authentic *sunnah* and living examples of the teachings of Islam. In short, the criteria of lawful and unlawful in Islam are the Qur'ān, the authentic *sunnah* of the Prophet and his Ahlu 'l-bayt.

The Shi'ah faith also emphasizes that whatever Allāh has decreed as lawful and unlawful is based on a reason – material or spiritual or both. However, since God is Omniscient whereas we are still at the shallow end of the deep ocean of knowledge, it is not always possible for us to understand the rationale behind each and every command of God. The basic concept of sexual morality – that sex is not evil and should not be suppressed – is a very obvious example of an Islamic teaching which is in complete harmony with human reason and nature.

As soon as we say that Islam believes in regulating our sexual behaviour, we are confronted with the question about (1) regulating sex by morality and (2) personal freedom in sexual behaviour. These are the two issues which we intend to discuss briefly before closing this chapter.

1. REGULATING SEX BY MORALITY

The first question is that, "Can sexuality be regulated by morality?" We are told that "there cannot really be such a thing as a specifically sexual morality. Morality...attaches not to the sexual act, but always to something else, with which it may be conjoined. We may reasonably forbid sexual violence, say, but that is on account of the violence; considered in and for itself, and detached from fortuitous circumstances, the sexual act is neither right nor wrong, but merely 'natural'."¹ The conclusion of this idea is simple: since there can be no real sexual morality, therefore, there should be no restraint, whatsoever, in sexual gratification. Nothing should be considered immoral or unlawful!

1. Quoted in Scruton, *Sexual Desire*, p. 2.

This idea by itself is absurd. Sexuality is an act which mostly involves two persons, and whenever two persons are involved — even on secular basis — laws and regulations become necessary to regulate their behaviour.

To provide a rational basis for this idea it is sometimes said that many nervous and mental disorders take place because of the feeling of sexual deprivation. The preventive measure for such nervous and mental disorders is unrestrained gratification of sexual instinct. What they want to say in simple words is that the more you restrict sex, the more people will be attracted towards it and suffer the feeling of deprivation.

The libertine culture of the West actually enforced the unrestrained sexual behaviour in the West during last thirty years. And, by keeping in mind the above arguments, one would expect to see a decline in the number of nervous disorders, sexual frustration, rape, incest, child abuse, and sexual assault. But has this really happened? No, of course, not! A look at the statistics show that all the so-called effects of sexual deprivation has increased manifold in spite of the unrestrained sexual mood of the 60s, 70s and 80s!

What actually happened was that the Western world, after revolting against the suppression of sex by the Christian system, mistook unrestrained sex for nurtured sex. Islam does not accept the idea of suppressing the sexual instincts, instead it encourages the nurturing of those feelings and fulfilling them in a responsible way. Whatever restrictions Islam imposes on sex are based on the idea of nurturing it. It is not different from the way we fulfill the desire for food: you must eat, but not overfeed

yourself. Similarly you must fulfill your sexual desires, but not at the expense of the rights of others and of your own body.

After rebelling against the suppressive sexual morality of the Church, the libertarian culture went to the other extreme of absolutely unrestrained sex. They made a big mistake in thinking that restrictions, in any form, were unnatural and wrong. Even Bertrand Russell, who strongly supports the libertarian view, had to accept that some restrictions in sexual morality are necessary. He writes, "I am not suggesting that there should be no morality and no self-restraint in regard to sex, any more than in regard to food. In regard to food we have restraints of three kinds, those of law, those of manners, and those of health. We regard it wrong to steal food, to take more than our share at a common meal, and to eat in ways that are likely to make us ill. Restraints of a similar kind are essential where sex is concerned, but in this case they are much more complex and involve much more self-control."¹

Russell, however, had difficulty in finding a new basis for sexual morality. The dilemma which the Western world is facing at the present time is very eloquently reflected in what Russell has written. He says, "If we are to allow the new morality [of unrestrained sex] to take its course, it is bound to go further than it has done, and to raise difficulties hardly as yet appreciated. If, on the other hand, we attempt in the modern world to enforce restrictions which were possible in a former [Christian] age, we are led into an impossible stringency of regulation,

1. Russell, *Marriage and Morals*, p. 293-4.

against which human nature would soon rebel. This is so clear that, whatever the dangers or difficulties, we must be content to let the world go forward rather than back. For this purpose we shall need a genuinely new morality. I mean by this that obligations and duties will still have to be recognized, though they may be very different from the obligations and duties recognized in the past...I do not think that the new system any more than the old should involve an unbridled yielding to impulse, but I think the occasions for restraining impulse and the motives for doing so will have to be different from what they have been in the past."¹

If Russell had an opportunity to study Islam from close, I am sure he would have found in it "a genuinely new morality" which regulated sex without leading into "an impossible stringency of regulation."

2. ISLAM & PERSONAL FREEDOM

The second question with which we are confronted by secularists and liberals is that of personal freedom: "Am I not free to do whatever I like as long as it does not infringe upon the rights of others?"

I think it will be very helpful to point out the main difference between Islam and the secular, liberal idea of personal freedom. In secular system, the rights are divided into two: rights of an individual and rights of the society. A person is free to do whatever he or she likes as long as it does not infringe upon the rights of other people. To become an acceptable member of society, one has to accept this limitation on his or her freedom. An individual's freedom is only restricted by the freedom of

1. Russel, *Marriage and Morals*, p. 91-2.

others. Islam, on the other hand, divides the rights into three: rights of an individual, rights of the society, and rights of God. A person is free to do whatever he or she likes as long as it does not violate the rights of other people and God. To become a Muslim, one has to accept this limitation on his or her personal freedom.

One more important difference is in the concept of individual's right. In secular usage, individual's rights are seen in contrast to those of the other members of society. Islam goes one step further and says that even the body of an individual has some rights against the person himself. In other words, Islam holds a person responsible even for the use of his or her body. You are not allowed to abuse your own body or harm it. Allāh says, "*The hearing, the sight, the heart—all of these shall be questioned of.*" (17:38) Describing the day of judgement, He says, "*On the day when their tongues, their hands, and their feet shall bear witness against them as to what they were doing.*" (24:24) "*On that day We will put a seal upon their mouths, and their hands shall speak to Us and their feet shall bear witness of what were earning.*" (36:65) Imām Zaynu 'l-'Ābidīn, in his *Risālatu 'l-Huqūq*, describes the rights which a person's tongue, ears, eyes, feet, hands, stomach and sexual parts have on him. If a person misuses or abuses his body, then he is guilty of infringing the rights of his own body and also the rights of God who has given the body as a trust to us. The Qur'ān says, "*The believers are...those who protect their sexual organs except from their spouses...Therefore, whosoever seeks more beyond that [in sexual gratification], then they are the transgressors.*" (23:5-6)

In Islam, an individual's rights are not limited only by rights of the society but also by those of his own body and God. The justification for this is very simple: Islam does not allow a person to harm or destroy himself; and sin or immorality is a means of perdition. This limitation is based on the love and concern which the Merciful God has for us. "*Allāh does not desire to make any impediment for you, but He desires to purify you and to complete His blessings upon you.*" (5:6)

The Islamic concept of personal freedom may seem restrictive when compared to that of the secular system, but its rationale and justification is accepted, in an indirect way, even by the secular society. The logical consequences of the secular idea of personal freedom is that a person is allowed to do whatever he likes with himself; the only limitation is that he should not infringe upon the rights of others. But the West has not been able to totally swallow this idea as can be seen in the laws which place restrictions on certain acts, for example, suicide or using narcotic drugs and also the mandatory use of car seat-belts in some countries like Canada. By using narcotic drugs, the addict is not infringing upon the rights of others – unless, of course, the meaning of infringing upon others' rights is stretched to include spiritual values which are not part of the secular realm – but still the Western society considers it unlawful and takes steps to prevent the addicts from using drugs. This is justified by saying that it is the society's duty to prevent its citizens from harming themselves. In these examples, we see that the secular system is retreating from the logical consequences of its version of individual freedom. The only difference remaining

between the secular and the Islamic views is that the former gives the right of restricting to the society while the latter view gives that right to God.

In conclusion, we may say that the Islamic view forbids not only the acts which infringe upon the rights of others but also those which infringe the rights of the persons' own body. This view is based on the love and concern which Allāh has for human beings.

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Chapter Three

♥ *The Islamic Sexual Morality (II):* ♥ *The Structure*

In this chapter we will first talk about marriage at the age of puberty, then we will examine the possible ways of handling sexual urge if one decides not to marry soon after puberty, and finally we will discuss comprehensively about marriage procedure and sexual techniques.

A. PUBERTY: THE BEGINNING OF SEXUAL LIFE

Sexual desire is aroused in human beings at the age of puberty. In Islamic legal definition, puberty (*bulûgh*) is determined by one of the followings:

1. *age*: fifteen lunar years for boys and nine for girls;
2. *internal change*:

In boys: The first nocturnal emission. Semen accumulates in the testicles from puberty onwards and more semen may be formed than the system can assimilate; when this happens, semen is expelled

during the sleep. This is known as nocturnal emission and wet dream or *ihlām* in Arabic.

In Girls: Menstruation. Right from their birth, the girls' ovaries contains about 400,000 immature eggs; at puberty, the eggs start maturing, usually one ovum each month. If no egg is fertilized, the egg together with the lining of the womb is discarded in form of what is known as menstruation and monthly period or *hayz* in Arabic.

3. *physical change*

Growth of coarse hair on lower part of abdomen.

Since sexual urge begins at puberty and as Islam says that sexual urge should be fulfilled only through marriage, therefore, it has allowed marriage as soon as the boy and the girl reach the age of puberty. In case of girls, it not only allows them to be married as soon as they become mature, but also recommends such marriage. It is based on such teachings that Islam discourages girls from postponing their marriage because of education; instead, it says that girls should get married and then continue their education if they wish to do so.

But just physical maturity by itself is not enough for a married life, *rushd* (maturity of mind) is equally important. On the other hand, however, our present way of life has become so much complicated that there has appeared a considerable gap between puberty and maturity – both in financial and social affairs. A recent article on the American youths says, “[Y]oung Americans entering the 21st century are far less mature than their ancestors were at the beginning of the 20th. The difference is evident in all areas of youthful development: sex, love, marriage,

education and work. Physically, today's youths are maturing earlier than previous generations, but emotionally they are taking much longer to develop adult attachments.¹ Consequently, it is not easy for boys and girls of our atomic age to marry as soon as they become physically mature.

So what how should the youths handle their sexual urge? What can the Muslims do about their next generation? In spite of the problem mentioned above, I believe there are ways by which Muslim youths in their late teens can get married without worrying about the financial aspect. Here I can suggest three possibilities:-

1. If the parents are well to do and can support their young married children till they are financially independent, then I would strongly suggest that they encourage their children to marry and support them till they can stand on their own. While talking about the contract of freedom made between a slave and his master, the Qur'ân says, "*...and give them of the wealth of Allâh which He has given you...*" (24:33) If Islam puts so much emphasis on financially supporting one's freed slave (so that he may stand on his own feet), it is needless to say how virtuous it would be to help one's own children to stand on their feet!

On a broader level, the Muslim organisations should create funds (e.g., long term interest-free loans) to support the young Muslims who want to get married but lack financial resources. Once a person guilty of indecent sexual behaviour was brought to Imam 'Ali. After punishing him, the Imam arranged for his marriage at the expen-

1. *Newsweek*, Special Edition Spring 1990, p. 55.

ses of the government. The Imam set an example of how the society can help the youths in starting a family life. By looking at the situation in the Western world, the Muslim organizations should at least morally feel obliged to provide such support for their youths. This is not a matter of charity, it is a matter of surviving as a Muslim community in a hostile environment.

2. The boy and the girl can do their *'aqd* (marriage contract) but postpone the marriage ceremony till after they have finished their education. In other words, they would be married but still staying with their parents. They can meet each other without any *shari'ah* objection; and if they decide to have relations, then they should use permissible contraceptive means to delay the child-bearing process. In this way, they would be able to fulfill their sexual desire and be free from financial responsibilities.

3. The boy and girl can do their *'aqd* and even the marriage ceremony but delay the child-bearing process AND adopt a very simple life-style. Thus they will be able to fulfill their sexual desire and also be free from heavy financial burden.

However, I cannot overemphasize the importance of the role played by parents in supervision of all such arrangements. I would not at all support the idea that a boy and a girl decide such matters on their own without the parents' input or without registering such arrangements at the community center. This will protect the reputation of the girl in case things do not work out properly. Moreover, what I have suggested above also means that parents and youngsters both will have to radically change their outlook towards the materialistic

aspect of life. They will have to adopt a very simple life-style. If today's youths intend to have a 'standard' financial footing before getting into marriage, then it will not be possible in the late teens; they will have to wait till they are above thirties! The article mentioned above says that the youths "are marrying later than their parents did—partly for economic reason—and many college graduates are postponing marriage beyond age 30."¹

One important benefit of these suggestions is that a youngster of college age will be free from sexual anxieties and will be able to concentrate fully on his or her studies. On the other hand, if a Muslim youth raised in the Western society without any religious upbringing is not provided with financial and moral support by his parents, then he will most probably melt in the permissive culture that tolerates teenage sex outside marriage. And if this happens, God forbid, the youth will no longer regard sexual relationship as a matter of value or commitment. "Most of us got one-night stands out of our system in college," writes Nancy Smith, 25, in a recent essay for *The Washington Post* on her generation's struggle with adulthood. "Sex outside a relationship is not so much a matter of right or wrong as: Is it really worth the hassle?"² And this type of sexual behaviour has serious social consequences: abortions; unwanted babies; increase in divorce ratio and single-parent families. Add to this the emotional suffering the people in general and the children in particular go through in such crisis.

* * *

1. *Newsweek*, p. 55.

2. *Ibid.*

B. HOW TO HANDLE SEXUAL URGE BEFORE MARRIAGE?

If a person cannot marry soon after becoming sexually mature, then how should he or she handle the sexual urge? In this section we survey some ways of fulfilling the sexual urge and see whether they are permitted by Islam or not.

1. IMMORAL WAYS

(a) Pre-Marital Sex:

Pre-marital sex is absolutely forbidden in Islam, no matter whether it is with a girl-friend or a prostitute. Pre-marital sex is adultery (*zinā*).

It is also an irresponsible sexual behaviour. There is no responsibility involved in such relationships. The most vulnerable person in such relationship is the woman. Statistics can over-whelmingly prove that man has often cheated innocent woman in pre-marital sex. Today half of all American men and women in their 30s cohabited before marriage, many of them on the assumption that it is better to look – deeply – before they leap. But studies now demonstrate that couples who cohabit before marriage are more likely to divorce than those who do not.¹ Glen Elder, a sociologist at University of North Carolina, has this to say about cohabitation: "It's a relationship that attracts those, mainly men, who are looking for an easy way out and it is uncertain what, if anything, it contributes to marriage."² A 24 years old lady wrote the following in

1. *Newsweek*, p. 57.

2. *Ibid.*

a letter to Ann Landers: "...The line [in a previous letter] that struck home was from the teenager who said she knew lots of girls her age who had several partners 'just for the fun of it.' I found that odd because I was having sex at 16 and it was no fun at all. Sleeping with guys wasn't exciting or thrilling, it was degrading. It made me feel lonelier and emptier than ever. I also worried from month to month about being pregnant. That can be a real hell...If I could talk to the young girls who read your column, I would tell them that teenage sex doesn't solve problems, it creates more. It doesn't make a girl feel loved. It makes her feel cheap. I'd let them know that it doesn't make a girl 'more of a woman,' it can make her less of one."¹

Allāh says: *Do not go near adultery, surely it is an indecency, and an evil way [of fulfilling sexual urge].* (17:32) Adultery has severely been condemned in the saying of the Prophet and the Imams. In Islam, pre-marital sex is considered an immoral act against the rights of Allāh and one's own sexual organs.

It is a sin punishable by the Islamic court. If an unmarried man and an unmarried woman are found guilty of adultery in an Islamic court, their punishment will be as the following: *The adulteress and adulterer – scourge each of them a hundred whips; and in the matter of God's religion, let no tenderness for them seize you if you believe in God and the Last Day; and let a party of the believers witness their punishment.* (24:2) If the unmarried man or woman commit adultery more than once, then they will be punished three times by hundred wipes; and if they are

1. *The Vancouver Sun*, Dec. 5, 1989.

proven guilty for the fourth time, then they will be put to death.¹ (As for extra-marital affair, its punishment is even more severe because married persons have no excuse, whatsoever, to commit adultery. The *shari'ah* says that married persons guilty of adultery should be stoned to death).

Therefore, pre-marital sex is out of question as a means of fulfilling sexual urge.

(b) Masturbation:

In Islamic terminology, masturbation (*istimmā'*) means self-stimulation of sexual organ till one achieves emission of semen or orgasm.

Masturbation in form of self-stimulation is forbidden in Shi'ah fiqh. While describing the believers, the Qur'ān says, "*The believers are...those who protect their sexual organs except from their spouses...Therefore, whosoever seeks more beyond that [in sexual gratification], then they are the transgressors.*" (23:5-6) The last sentence makes it very clear that any sexual gratification outside marriage is considered a transgression of the law of God. And this verse also implies that sex is an act in which two people are involved. Once when Imam Ja'far as-Sādiq was asked about masturbation, he recited this very verse and mentioned masturbation as one of its examples.² In another, the Imam was asked about masturbation; he said, "It is an indecent act..."³

Masturbation is a sin for which a person can also be punished by the Islamic court. Of course, the nature of the punishment is upon the judge's discretion. Once a person

1. See the chapter on "*hudūd*" in *Sharāya'* and *Sharh Lum'a'*; also *al-Khū'i, Takmilah*, p. 37-8.

2. *Wasā'il*, vol. 18, p. 575.

3. *Ibid*, vol. 14, p. 267; vol. 18, pp. 574-5.

was caught masturbating and was brought to Imam 'Ali. The Imam punished him by beating on his hands until it turned red; then he made arrangement for his marriage on government's expenses.¹

These days some scientists are telling us that there is no harm in masturbation, rather it is a natural act. To prove that it is natural, they give examples of some wild animals, like monkey. Actually they represent those who have gone to the other extreme of sexual morality. They have degraded human beings to the level of wild animals, and then justify their deeds by finding examples in the animal world. They are, in Qur'anic expression, "*like cattle, nay they are more astray; they are the heedless ones.*" (7:179) The irony is that when we talk about following Islam which came just 1400 years ago, we are labelled as 'reactionaries,' 'those who want to turn the clock backwards,' 'anti-progress,' and now these very people are going millions of years back (according to their own counting) and following the wild animals or the primitive societies to determine what is natural for us and what is not natural!

Sometimes the scientists justify masturbation by saying that many people do it! But if a majority does something, it does not automatically prove that it is right. Otherwise, drugs should also be declared 'normal' because the majority of Americans, at one time or another, took drugs. The surveys made by sexologists like Kinsey, Masters and Johnsons, and the Hite Report just reveal what the American people do in the privacy of their bedroom; it does not necessarily prove that what they do is natural and right!

1. *Ibid*, vol. 14, p. 267; vol. 18, pp. 574-5.

Many different types of sexual behaviour could be found in primitive societies, but that does not automatically make it natural or right. On the contrary, in some cases, masturbation was considered an abnormal and abhorrent act! For example, Lewis Cutlow, in his *The Twilight of the Primitive* writes about the Amazon Indians that:

...Xinguanos are deeply disturbed by *civilizados* who are sexually frustrated; they cannot understand how a man can become aroused at the sight of a nude woman. In his 25 years of daily life with Indians, Orlando told me, he had never seen an Indian with an erection. It would be absurd to them. Nor has Orlando seen or heard any instances of sexual deviation among the Indians. They did not know what masturbation was until they saw a *civilizado* telegraph operator doing it. From then on the telegraph operator was a problem to Orlando and his colleagues at the Park. The Indians despised him because, in their eyes, he had done something reprehensible. There was nothing to do but remove him from the Park.¹

Many modern psychologists say that masturbation is just like normal sexual intercourse, rather even better because you are master of yourself, you don't have to worry about your partner's feelings! This is an example of how low the materialist society has sunk into its self-centered and selfish attitude that even in sex it prefers to seek self-gratification with the exclusion of the spouse. "They seem to forget that in sexual intercourse all the senses contribute to the stimulation and orgasm: Man and

1. *The Twilight*, p. 16-7 as quoted in *Sex and Destiny*, p. 88

woman see their partner, touch each other, say endearing words to each other and hear the stimulating sounds; and even the senses of smell and taste are utilized. And the penetration of male organ into the female leads to the final excitement and orgasm. But in masturbation the only source of stimulation is imagination, in which no other sense takes any part. The whole burden is loaded upon mind; and, as a result, while the normal sexual intercourse causes happiness and joy, masturbation creates emotional and psychological depression."¹

This is not just an opinion of a Muslim scholar. Even *The Hite Report on Male Sexuality*, says: "Similarly, many men said that they enjoyed masturbating physically, but that emotionally it was depressing."² In one of the replies, a man writes: "It is physically enjoyable, but it can leave one emotionally empty or lonely for the real thing. You can do it when you feel like it, come when you want, bring up your own images, but there is no warmth or closeness, no one to share pleasure with, no companionship..."³ After saying that the physical effects of masturbation are negligible, Leslie D. Weatherhead in *The Mastery of Sex* writes: "Psychologically the results are more serious. Masturbation in the adult is nearly always due to a maladjustment..."⁴

The Cure for Masturbation:

It is easy to stay away from adultery because it involves another person. But the danger of getting into the habit of masturbation is always there, therefore it is necessary

1. Rizvi, S.S.A., *Your Questions Answered*, vol. 3, p. 40-1.
2. *The Hite Report on Male Sexuality*, p. 489.
3. *Ibid.*
4. *The Mastery of Sex*, p. 103.

to know how to combat against this perverted sexual behaviour. The following is a guide-line for releasing a person from the habit of masturbating. This has been taken from Weatherhead's *The Mastery of Sex* and 'Allāmah Rizvi's *Your Questions Answered*.

1. Strengthening will-power. This is possible only if one honestly and sincerely want to get rid of this habit. Pray to Allah to help you over-come this habit, concentrate on religious teachings, and build up the spirit of *taqwa*, piety.

2. More and more stay in company of other persons: If in the day-time you feel like masturbating, get up from your bed or chair and get into the presence of other people and talk to them. If it happens at bed-time, sit up in bed, write a letter or read a book. Do something to switch your mind on to other things.

3. Adopt some hobby or sports which will provide you with an outlet for energies of your body.

(c) Homosexuality & Lesbianism:

One way of fulfilling the sexual urge which is now becoming acceptable in the Western world is sexual relation between members of the same sex, homosexuality and lesbianism. By saying that it is becoming acceptable in liberal societies I do not mean to say that homosexuality and lesbianism are a 20th century phenomenon; no, not at all. But there is one big difference between the past and the present: in past, homosexuality or lesbianism was considered as a pervert sexual behaviour whereas now it is being labelled as 'natural' and as a result of 'inborn tendency'!

All revealed religions – Judaism, Christianity and Islam – form a united front against such sexual behaviour. It has been clearly condemned in the Bible and the Qur'ân. The Qur'ân describes the people of Lût (Lot) as follows:

When We sent Lut, he said to his people, "What! do you commit the indecency which none in all the nations had committed before you? Look at you! You approach the men lustfully instead of approaching your women! No, you are a people who have exceeded the limits."

The only answer of his people was that they said, "Expel them from your city, surely they are a people who seek to keep themselves clean!"

So We delivered him and his followers, except his wife; she was one of those who tarried behind. We sent upon them a rain. So behold how was the end of the guilty people. (7:80-84)

The Qur'ân also describes how Prophet Lût tried to reason with his people when they approached his three guest (who were actually angels in human form):

When the people of Lût saw the handsome young men, they came to him, running towards him. Lût had anticipated this because they had been doing evil deeds from before,

When the people reached close to his house, Lût said pointing towards his daughters that, "O my people! These are my daughters, they are purer for you. Fear Allâh and do not disgrace me in regard to my guests. Isn't there among you a man of right mind?"

They said, "You know better that we have no desire

for your daughters; and you surely know what we desire." (11:78-79)

Explaining the details of the punishment, Allāh says, So when Our punishment came upon the people of *Lût*, We turned the city upside down and showered them with stones of baked clay, one after another.(11:82)

So we see that as far as the Qur'ān is concerned, homosexuality is an "indecent," and that Allāh had destroyed a whole nation because of this indecent sexual behaviour.

In the Islamic legal system, homosexuality and lesbianism are both punishable crimes against the laws of God. In case of homosexuality, the active partner is to be lashed hundred times if he is unmarried and killed if he is married; whereas the passive partner is to be killed regardless of his marital status. In case of lesbianism, the sinners are to be lashed hundred times if they are unmarried and stoned to death if they are married.¹

* * *

Why is Islam so severe in matters of adultery, homosexuality and lesbianism? If the Islamic system had not allowed the gratification of sexual urge by lawful means without associating guilt with it, then it would be right to say that Islam is very severe. But since it has allowed the fulfillment of sexual instincts by lawful means, it is not prepared to tolerate any perverted behaviour.

The homosexuals are considered as the high risk group for Acquired Immune Deficiency Syndrome (AIDS). This shows that nature has not accepted it as a

1. See note No. 2 on page 59; al-Khū'i, *Takmilah*, p. 42-4

normal sexual behaviour among mankind. The homosexuals are told that in order to have safe sex, they must use condoms. If homosexuality without condoms is not safe sex, then how can it be natural? Isn't the statement that "it is natural but not safe" a contradiction in itself?

2. LAWFUL TEMPORARY WAYS

If a Muslim cannot marry soon after puberty, then he or she just has two options: temporary abstinence or temporary marriage.

(a) Temporary Abstinence:

Islam has allowed marriage as soon as a person becomes physically mature, and it also strongly recommends that at least during the early years of marriage adopt a simple life-style so that lack or paucity of financial resources does not obstruct a happy life.

But if a person decides, for whatever reason, not to marry soon after he or she becomes physically mature, then the only way is to adopt temporary abstinence. After strongly recommending the marriage of single people, the Qur'ân says, "*And those who cannot marry should practise restrain (or abstinence) till Allâh enriches them out of His bounty.*" (24:33)

However, abstinence from all the forbidden ways of fulfilling the sexual urge is not easy. Therefore, a few guide-lines would not be out of place. Once a man came to the Prophet and said, "I do not have the (financial) ability to marry; therefore, I have come to complain about my singleness." The Prophet advised him how to control his sexual urge by saying, "Leave the hair of your body and fast continuously."¹ By saying that "leave the hair of

1. *Wasâ'il*, vol. 14, p. 178.

your body," the Prophet is referring to the bodily hair which grows on pubic area, chest, etc.

This hadith is indicating that shaving the excessive hair increases one's sexual urge. (Probably, that is why the shari'ah has recommended to shave the excessive hair every 40 days for men and every 20 for women.) In retrospect, it means that not shaving the hair will decrease the sexual desire and help the person in abstinence. Imam 'Ali says, "Whenever a person's hair increases, his sexual desires have also decreased."¹ I have not yet come across any scientific discussion on the relationship between shaving the hairs and sexual urge, but I hope Muslim scientists will do some work on this issue.

The other method of decreasing the sexual urge was fasting. It is obvious that one of the greatest result or benefit of fasting is the strengthening of one's will power. And no doubt, the abstinence in sexual context mostly depends on the will power of the person. So fasting will strengthen the will power of the person and make it easier for him or her to restrain the sexual feelings.

(b) Temporary Marriage (Mut'ah):

If a person does not marry soon after maturing and finds it difficult to control his or her sexual desire, then the only way to fulfill the sexual desire is mut'ah.

In Islamic laws, according to the Shi'ah fiqh, marriage is of two types: *dā'im*, permanent and *munqati'*, temporary. *Munqati'* is also known as *mut'ah*.

This is not the place to discuss the legality or the illegality of the temporary marriage (*mut'a*). It will suffice to say that even according to Sunni sources, mut'a was

1. *Wasā'il*, vol. 14, p. 178

allowed in Islam till the early days of the caliphate of 'Umar ibn al-Khattāb. It was in the latter period of his rule that 'Umar declared mut'a as harām. It goes without saying that a decision by 'Umar has no value in front of the Qur'ān and the *sunnah*.¹

The main difference between the two types of marriage is that in permanent marriage, Islam had clearly defined the duties and obligations between the spouses. For example, it is the duty of the husband to provide for the basic necessities of life for his wife and the wife is expected not to refuse sexual relations without any religious or medical reason. But in temporary marriage, Islam has given to the prospective spouses the right of working out their own duty and expectation plans. For example, the husband is not obliged to maintain the wife unless it has been so stipulated in the marriage contract. Likewise, the wife can put a condition in the marriage contract that there will be no sexual relations. Such conditions are invalid in a permanent marriage but allowed in temporary marriage.

I cannot overemphasize the temporary nature of *mut'a*. The message of Islam is quite clear: marry on a permanent basis; if that is not possible, then adopt temporary abstinence; if that is not possible, only then use the *mut'a* marriage.

The temporary nature of *mut'a* can also be seen from the following saying of the Imams:

1. For a detailed discussion on the social aspect of *mut'ah*, see Mutahhari's *The Rights of Women in Islam*, and on the legal aspect, see Kāshifu 'l-Ghitā's *The Origin of Shi'ite Islam and Its Principles*. For an indepth fiqhī discussion in English language, see Sachiko Murata's *Temporary Marriage in Islamic Law*.

Once 'Ali bin Yaqtin, a prominent Shī'ah who held a high post in 'Abbāsīd government, came to Imam 'Ali ar-Rizā to ask about mut'ah. The Imam said, "What have you to do with it because Allāh has made you free from its need."¹ He has also said, "It is permitted and absolutely allowed for the one whom Allāh has not provided with the means of permanent marriage so that he may be chaste by performing mut'ah..."²

C. MARRIAGE

In this section, we shall discuss about the marriage ceremony. But first a brief discussions about some of the often asked question.

1. SOME OFTEN ASKED QUESTIONS:

- *Do parents have any right over the marriage of their children?*

The father and paternal grandfather have full authority over the children who have not yet reached the age of puberty. When a child reaches the age of puberty, then there are three different situations:

(a) a child who is *bāligh* but not mentally mature: in this case, the father and the grandfather still have their authority over him or her. Such a child cannot take a decision on marriage without the approval of the father or the grandfather.

(b) a male child who is *bāligh* and also mentally mature: in this case, he has full right to decide about his own marriage.

1. *Wasā'il*, vol. 14, p. 449.

2. *Ibid*, p. 449-450.

(c) a girl who is *bāligha* and mentally mature: There are four different opinions on this issue.¹ But the majority of the present mujtahids say that in her first marriage, a *bāligha* and mentally mature girl cannot marry without the permission of her father or grandfather. And if such a girl had already married before, then she has full right to decide for herself in case of her second marriage.²

This law is in place to act as an extra protection to the honour of a teenage girl. On the other hand, if the father or grandfather refuse to give his consent to a proposal of a suitable man, then the girl can approach a religious judge whose decision will supersede that of her father.

- *By considering the issue of hijāb in Islam, is a boy permitted to look at the girl before marrying her?*

Man is allowed to see without hijāb the woman whom he intends to marry. However, this permission is just for the man or the woman to see the prospective spouse once;³ it is not a perpetual license to go out together! I strongly recommend that this should be done in supervision of the parents or the guardians.

- *Can a boy and a girl who are engaged meet each other or go out together?*

In Islam, there is no ceremony known as engagement. According to the *sharī'ah*, engagement is a revokable agreement between two persons to marry each other, nothing more; it does not make the two persons *mahram* to each other. They still have to observe the rules of hijāb.

1. *Sharāya'*, p. 500; *Sharh Lum'ah*, vol. 2, p. 71.

2. *al-'Urwah*, p. 654; *Minhāj*, vol. 2, p. 255; *Tahrīr*, vol. 2, p. 254; for details, see Shahīd's *Masālik*, vol. 1, p. 449-452.

3. *Sharāya'*, p. 493; *Sharh Lum'ah*, vol. 2, p. 67; *'Urwah*, p. 625; *Minhāj*, vol. 2, p. 253; *Tahrīr*, vol. 2, p. 254; *Tazkīrah*, vol. 2, p. 572; *an-Nihāyah*, p. 484.

But if two persons who are engaged wish to meet each other and go out, then there is a way to legalize that Islamically. This can be done by performing *mut'a* marriage between the fiance and the fiancée. They can even put a condition in the *mut'a* that there will be no sexual relations. This way, they will be able to meet each without any objection from the *sharī'ah*. This method can also be adopted by those who wish to go through the engagement ceremony.

However, as mentioned earlier, a girl who has not married before, will need her father's or grandfather's approval even in such a *mut'a* marriage.

2. THE MARRIAGE CEREMONY

● *When to marry?*

Are there any special days in the Islamic calendar when marriage is encouraged or discouraged? Basically marriage is allowed at all times.

However, there are some days on which marriage is not recommended; some of these are based on *ahādīth* and some on cultural, historical reasons. Generally, we can categorize these days into three:-

(a) There are some *ahādīth* which say that it is *makrūh* (not recommended) to have marriage ceremony on the days when the moon is in the direction of the Scorpio (this is known as *al-qamar fil aqrab* or *qamar dar aqrab*), during the last two or three days of the lunar months, and on Wednesdays.

(b) There are some *ahādīth* which say that certain days of each month are ill-omen days (*nahas*); these days are the 3rd, 5th, 13th, 16th, 21st, 24th and 25th of lunar months.

However, the ahādīth for both the above categories would not stand the scrutiny of the scholars of hadīth. Our *mujtahids* do not normally apply their full expertise in matters not related to obligatory or prohibitive commands. They relax the criteria for acceptability of ahādīth in matters related to *sunnat* and *makruh* acts. This is known in *usūlu 'l-fiqh* as "*qā'idatu 'l-tasāmuh*," that is, the rule of leniency (in ascertaining the acceptability of hadīth).¹ This has been mentioned very clearly by Ayatullāh al-Khū'ī in his manual of *fatwas*. He says, "Most of the *mustahab* acts mentioned in the chapters of this book are based on the *qā'idatu 'l-tasāmuh* in sources of the sunnat acts. Therefore, whatever has not been proved sunnat in our view should be done with intention of *rajā'il matlūbiyyah*. The same applies to the *makruh* acts; these should be abstained from with the intention of *rajā'il matlūbiyyah*."²

As far as the two categories for marriage days are concerned, it will suffice to quote Ayatullāh Gulpaygānī, one of the leading *mujtahids* of our time who says: "One may follow these *mustahab* and *makruh* acts with the intention of *rajā'il matlūbiyyah*, because there is no clear evidence for some of these things."³

(c) There are certain days of the Islamic calendar which have become associated with the early events of

1. For more information on *qā'idatu 'l-tasāmuh*, the specialist readers may refer to as-Sadr, *Durūs fi 'Ilmi 'l-Usūl*, vol. 2, p. 204 and vol. 3 (part 1) p. 258 and an-Narāqī's *'Awā'idu 'l-Ayyām*, pp. 269-271.
2. *Minhāj*, vol. 1, p. 14. *Rajā'i 'l-matlūbah* means doing something not because it is sunnat but with the intention that it might be expected of us to do so.
3. See his annotations on *al-'Urwatu 'l-Wuthqa*, p. 623.

the Islamic history; for example, the 10th of Muharram is the day of mourning for the massacre at Karbala or the day of the Prophet's death in Safar, etc. Since such days are commemorated by the Muslims as days of mourning, it is socially and, to some extent, religiously not recommended to have a marriage ceremony on such days.

● *The Wedding Night:*

I must explain why I have written wedding 'night' and not 'day'. The hadith says, "Take the bride to her new home during the night."¹ Based on this saying, it is recommended that wedding should take place at night. After all, Allāh has made the night "so that you may rest in it." (10:67)

After the bride has entered the room, the groom is recommended to take off the bride's shoes, wash her feet (in a washbowl) and then sprinkle the water around the room.

Then the groom should do wuzû and pray two rak' at sunnat prayer and then recite the following *du'ā*:

Allāhummar zuqnî ulfatahā wa wuddahā wa rizāhā bi; war zini bihā, waj ma' baynanā bi ahsani ijtīmā'in wa arfasu i'tilāfin; fa innaka tuhibbul halāl wa tukrihul harām. (O Allāh! bless me with her affection, love and her acceptance of me; and make me pleased with her, and bring us together in the best form of a union and in absolute harmony; surely You like lawful things and dislike unlawful things.)

Then he should ask the bride to do wuzu and pray two rak' at sunnat prayer.

1. *Wasā'il*, vol. 14, p. 62.

When they are ready to go to bed, the groom should put his hand on the bride's forehead and pray the following *du'ā* while facing the qiblah. (So those going on honeymoon in a foreign country, don't forget your qiblah compass!)

*Allāhumma bi amānatika akhaztuha wa bi kalimātika 's-tahlaltuhā. Fa in qazayta li minhā waladan, faj-'alhu mubārakan taqiyyah min Shī'ati Āl-i Muḥammad (sal-lal-lāhu alayhi wa ālihi wa sallam) wa la taj-'al lish shaytāni fihī shirkan wa la nasiba. (O Allāh! I have taken her as Your trust and have made her lawful for myself by Your words. Therefore, if you have decreed for me a son from her, then make him blessed and pious from among the followers of the Family of Muhammad [peace be upon him and them]; and do not let the Satan have any part in him.)*¹

Is it necessary to have sexual intercourse on the very first night of wedding or can it be delayed? As far as the *shari'ah* is concerned, it is neither obligatory nor forbidden to have sex on the first night. It is a private decision between the newly wed couple; it has nothing to do with others. However, I must say that the groom should take the feeling of his bride into consideration; at all, she is new to him and to the surrounding.

3. DAYS & TIMES FOR SEX:

- *Is sex forbidden at any time in marriage?*

Yes, by considering the discomfort for the women during the monthly periods, Islam has forbidden both the husband and the wife from engaging in sexual intercourse during the menstruation. The Qur'ān says:

1. *al-'Urwah*, p. 624.

"They ask you about menstruation. Say: Menstruation is a discomfort (for women). Do not establish sexual relations with them during the menses and do not approach them (sexually) until the blood stops. Then when they have cleansed themselves, you go into them as Allāh has commanded you." (2:222)

According to the *sharī'ah*, the duration of the monthly period is more than three and less than ten days. If the bleeding was for less than three days, it is not menstruation; if it is for more than ten days, then it was menstruation for ten days and then it is counted as *istihazah*, irregular bleeding during which sex is permitted.¹ The prohibition of sex during the periods is limited strictly to sexual intercourse; other intimate contact (with the exception of the vagina and anus) is allowed. However, it is better not to play with her body between the navel and the knees.

If a person who is engaged in sexual intercourse with his wife discovers that her periods has begun, then he should immediately withdraw from her.

It is clear from the verse mentioned above (*until the blood stops*) that once the blood has stopped, intercourse becomes lawful even if the woman has not performed the major ritual ablution (*ghusl*). But on the basis of the subsequent sentence (*then when they have cleansed themselves...*), most mujtahids say that it is better to refrain from intercourse till she performs the *ghusl* or, at least, washes her private parts.²

1. For further details, see my *Ritual Ablutions for Women*.

2. *Wasā'il*, vol. 1, p. 576.

Sexual intercourse is also not allowed during the post-natal bleeding (10 days), during daytime in the month of Ramadhān, and when a person is in *ihrām* during the pilgrimage to Mecca.

At all other times, sexual intercourse is allowed.

- *Is it discouraged (makrūh) to have sex at any time or on any day?*

There are certain ahādīth which say that sexual intercourse during some days and at some times is *makruh*, but not *harām*. These days and times are as follows:

- i. during frightful natural occurrences, e.g., eclipse, hurricane, earthquake;
- ii. from sunset till maghrib;
- iii. from dawn till sunrise;
- iv. the last three nights of lunar months;
- v. eve of the 15th of every lunar month;
- vi. eve of 10th Zil-hijjah;
- vii. after becoming junub.

Some of these are self-explanatory: I don't think any one would be in the mood for sexual intercourse during a hurricane or earthquake. The second and third example are of the prayer times; obviously, a Muslim is expected to spend that time in meditation and prayer. But remember, it is *makrūh*, not *harām* to have sexual intercourse at these time. Moreover, the ahādīth for such issues have been accepted on basis of the *qā'idatu 't-tasāmuh* mentioned earlier. Thirdly, the reasons given for this *karāhat* are mostly about possible deformity of a child conceived at that time. By looking at these reasons, I am inclined to restrict this *karāhat* only in cases of couples who plan to have children, and not extend it to those who practise birth

control. I would therefore advise the readers to be considerate to each other and not to put your spouse in unnecessary tension; if your spouse is very sensitive about these *makruh* days, then try to accommodate your likes and dislikes accordingly. Mutual understanding is the key.

- *Are there days and times when sexual intercourse is recommended?*

Yes, we have certain ahādīth which say that it is better to have sexual intercourse at these times:-

- i. Sunday night;
- ii. Monday night;
- iii. Wednesday night;
- iv. Thursday noon;
- v. Thursday night;
- vi. Friday evening;
- vii. whenever the wife wants to have sex.

Thursday & Friday are weekends in Islamic calendar!

- *Are there times when it is obligatory (wājib) to have sexual intercourse?*

Yes! It is wājib on man to have sex with his wife at least once in every four months; this is considered as one of the conjugal rights of the wife. This obligation stays in force unless there is a valid excuse or the wife waives her right.

4. SEXUAL TECHNIQUES

Before I start writing anything about sexual techniques, it is necessary to say that there exist no rules and laws either in foreplay or in intercourse. The only laws and rules are the ones reached by the lovers by mutual, and often unspoken, understanding. Whatever is pleasing

and satisfying to both the husband and the wife is right and proper; and whatever is mutually displeasing is wrong. The only limitation to this general rule would be any *sharī'ah* rule which goes against the wishes of the husband or the wife.

● *Fore-play:*

Man often forgets that woman also has been created with the same desires as man. Asbagh bin Nubātah quotes Imam 'Ali that, "Almighty God created sexual desires in ten parts; then He gave nine parts to women and one to men." But then Allāh also gave them "equal parts of shyness."¹ Many times this shyness makes the man ignore the desires of his wife.

Based on this reality, Islam emphasizes on fore-play. Imam 'Ali says, "When you intend to have sex with your wife, do not rush because the woman (also) have needs (which should be fulfilled)."² Sex without fore-play has been equated to cruelty. The Prophet said, "Three people are cruel:...a person who has sex with his wife before foreplay."³ Another hadīth equates sex without foreplay to animal behaviour: "When anyone of you has sex with his wife, then he should not go to them like birds; instead he should be slow and delaying."⁴ The Prophet said, "No one among you should have sex with his wife like animals; rather there should be a messenger between them." When asked about the messenger, he said, "It means kissing and talking."⁵ Imam Ja'far as-Sādiq has been quoted as follows, "...there should be mutual foreplay between them because it is better for sex."⁶ The Prophet said, "...every play of a believer is void except in

1. *Wasā'il*, vol. 14, p. 40.

2. *Ibid*, p. 83.

3. *Ibid*.

4. *Ibid*, p. 82.

5. *Tahzibu 'l-Ihyā'*, vol. 3, p. 110.

6. *Wasā'il*, p. 82.

three cases: horse-riding, archery and mutual foreplay with his wife — these are *haqq*.”¹ Ishāq bin ‘Ammār asked Imam Ja‘far as-Sādiq whether a person can look at his wife while she is naked? The Imam said, “There is no problem in that. Is enjoyment other than that?”²

As for the role of woman in sexual foreplay, the Imams have praised a wife who discards shyness when she is with her husband. A hadith was quoted earlier from Imam ‘Ali which said that woman have been given nine-tenth of the sexual desire but Allah has also given them nine-tenth of shyness. I had promised in chapter two to explain the rationale behind this hadith. There might seem a contradiction in this act of God, but it is not so. Both the sexual desire and the shyness have been placed for very specific purpose. The sexual desire is to be unleashed, yes unleashed, when a woman is with her husband, but it must be shielded with shyness when she is with other people. This has been very eloquently explained by Imam Muhammad al-Bāqir when he said, “The best woman among you is the one who discards the armour of shyness when she undresses for her husband, and puts on the armour of shyness when she dresses up again.”³

These sayings clearly show that the husband and the wife should feel completely free when they are engaged in mutual stimulation which is known as foreplay. There is nothing wrong, according to Islam, for a woman to be active and responsive during sex. This is diametrically opposed to the sexual morality of the Christian West world during the pre-sexual revolution era. Russell says,

1. *Wasā'il*, vol. 14, p. 83.

2. *Ibid*, p. 85.

3. *Ibid*, p. 14-16.

"Western women of a generation or two ago can recall being warned by their mothers that sexual intercourse was an unpleasant duty which they owed to their husbands, and that they were 'to lie still and think of England'."¹ What else but a sexual revolt could such a morality breed?

As for the Islamic *sharī'ah*, all the mujtahids are unanimous in saying that the act of sexual foreplay in itself is *mustahab* (recommended). Likewise, it is recommended not to rush into sexual intercourse. The operative word is mutual pleasure and satisfaction.

● *Techniques of Foreplay:*

As far as the methods of mutual stimulation in foreplay are concerned, the *sharī'ah* allows the husband and the wife to see, kiss, touch, smell and stimulate any part of each other's body. Therefore, oral sex, as it is known in this part of the world is allowed. Imam Musa al-Kāzim was once asked, "Can a person kiss his wife's vagina?" The Imam said, "No problem."² The only restriction is that no foreign object should be used. And this restriction is quite understandable: nothing can really substitute the things Allāh has created in our bodies!

The restriction I am placing on the use of foreign objects is based on the following hadīth. 'Ubaydullāh bin Zurārah says that he had an old neighbour who owned a young slave-girl. Because of his old age, he could not fully satisfy the young slave-girl during sexual intercourse. She would therefore ask him to place his fingers in her vagina as she liked it. The old man complied her wishes even though he did not like this idea. So he requested 'Ubaydullāh to ask Imam 'Ali ar-Rizā about it.

1. As quoted in *Sex and Destiny*, p. 94.

2. *Wasāil*, vol. 14, p. 77.

When 'Ubaydullāh asked the Imam about it, the Imam said, "There is no problem as long as he uses any part of his own body upon her, but he should not use any thing other than his body on her."¹

In earlier discussion, we said that masturbation (i.e., self-stimulation of one's own sexual organ till emission of semen or orgasm) is not allowed. However, in case of married persons, there is no problem if the wife stimulates her husband's penis till the emission of semen or the husband stimulates his wife's vagina till orgasm. This is allowed because it does not come under "self-stimulation;" it is stimulation by a lawful partner. The Qur'an clearly says that, "*The believers are...those who protect their sexual organs except from their spouses.*" (23:5-6) And stimulation of sexual organs by a lawful partner surely comes under the definition of protecting one's organs "except from their spouses."

● *Sexual Intercourse:*

Is there any particular position for sexual intercourse which is forbidden in Islam? No! As far as the basic coital positions are concerned, there is no restrictions. I am using the term 'basic coital positions' for the positions known as the man above, face to face; woman above face to face; side position, face to face; rear-entry position in which the husband penetrates the vagina from the rear. Actually, the *shari'ah* has left it on the husband and the wife to explore and experiment as they wish.

In the early Islamic period, an event took place which clarified this issue for all. The people of Medina, influenced by the Jews, used man-above face to face posi-

1. *Wasā'il*, vol. 14, p. 77.

tion during sexual intercourse; whereas the Meccans liked to experiment various positions. After the migration of Muslims to Medina, a Meccan married a Medinese woman and wanted to have sex with her in his own way. The woman refused and said that he can have sex only in one position. The case was reported to the Prophet; so Allāh revealed the verse saying "*Your women are a tilth for you, so go into your tilth as you like.*" (2:223) That is, in any position.¹

However, it is *makrûh* to adopt a standing position, or to face the *qiblah* or keep it on the backside during the intercourse.

It is advisable to refrain from the acrobatic positions given by some sexologists of the East and the West which might even cause physical harm. Remember, the basic rule is mutual pleasure and flexibility. If one partner does not like a particular position, then the other should yield to his or her feelings.

● *Anal Intercourse:*

The opinions of our mujtahids vary on the permissibility of anal intercourse. This variance in *fatwas* is because of the difference in the *ahādīth* we have on this issue.

There is a *hadīth*, for example, from Imam Ja'far as-Sādiq quoting the Prophet that "The anus of women is *harām* for my community."² Now this *hadīth* categorically forbids anal intercourse. But the chain of narrators of this *hadīth* is not completely flawless.³ On the other hand, we have an authentic *hadīth* in which 'Abdullāh bin Abī

1. *al-Mizān*, vol. 3 (English translation) p. 319.

2. *Wasā'il*, vol. 14, p. 104.

3. See *Tazkīrah*, vol. 2, p. 576-7; Shahīd's *Masālik*, vol. 3, p. 303.

Ya'fūr asked Imam Ja'far as-Sādiq about a man who had had intercourse in the anus of his wife. The Imam said, "There is no problem in it if she agrees." 'Abdullāh, "Then what do you say about the statement of Allāh that '*Then go into them as Allāh has commanded you*'?" The Imam replied, "This command is about seeking children, it means seek children as Allāh has commanded you. But He also says, '*Your women are a tilth for you, therefore go to your tilth as you like.*'"¹

When a mujtahid is faced with such conflicting ahādīth, he has to see whether he can bring them together or not. In our case, the mujtahids have taken the more authentic hadīth which approve anal intercourse as a qualifier for the ahādīth which totally forbid such sex. Especially so with the reference to the Qur'anic verses found in the approving ahādīth. And in conclusion, they say that the prohibition in the above mentioned ahādīth is not on the level of harām, instead it is on the level of makrūh.² This conclusion is supported by a third category of the ahādīth in which the Imams have clearly discouraged their followers from anal intercourse.

Safwān al-Jammāl said to Imam ar-Rizā that, "One of your followers has requested me to ask you a question which he himself feels embarrassed to ask you." The Imam said, "What is it?" Safwān, "It is about a man having sex in his wife's anus." The Imam said, "Yes, he can do it." Then Safwān, who was a close companion, asked, "Do you do it?" The Imam said, "No! We do not do it."³

1. *Wasā'il*, vol. 14, p. 103.

2. *Sharh Lum'ah*, vol. 2, p. 68; Shahīd's *Masālik*, vol. 1, p. 438-9.

3. *Wasā'il*, vol. 14, p. 102-3.

Therefore the majority of the Shi'ah *mujtahids* say that anal intercourse is not *harām* but strongly disliked (*karāhatan shadīdah*) provided the wife agrees to it. And if she does not agree to it, then all *mujtahids* say that it is precautionarily *wājib* to refrain from it.¹ However, according to *Ayatullāh al-Khū'ī*, it is precautionarily *wājib* to abstain from anal intercourse no matter whether the wife agrees to it or not.²

I would strongly advise against anal intercourse because it can be painful and it can cause injury as the area was not designed for that! Moreover, the scientists say that if you engage in anal intercourse, do not mix it with vaginal intercourse because this will lead to infections in some people with yeasts and other organisms which belong in the anus, not in the vagina or the male organ. I like to end this section with the sayings of Imam Ja'far as-Sādiq and Imam 'Ali ar-Rizā about anal intercourse: "Woman is a means of your pleasure, therefore do not harm her."³

● *Decency & Privacy:*

There was a time when people need not be reminded of some of the basic moral and ethical values, but now we are living in an era where moral values are changing with the change of the worn-out car tires!

One of such issues is decency in dress at home and privacy at the time of sexual intercourse or intimate contact between husband and wife. There are some people in the West (of course, in minority) who think that it is okay, nay healthy, to stay naked in presence of their

1. *al-'Urwah*, p. 628.

2. *Minhāj*, vol. 1, p. 64.

3. *Wasā'il*, vol. 14, p. 101-2.

children! On a collective basis, they also organize nude camps. Why? So that the children will not think negatively about their own sexuality. Such parents also feel that there is nothing wrong in sexual intercourse in presence of their children. This behaviour is an example of the extreme reaction to the rigid Christian morality. To protect their children from associating sex with evil, some of these parents go to the extent of completely opening up to their children!

Such behaviour is not only condemned by those who still abide by religious moral systems, it is equally condemned by those who are familiar with child psychology. A sexual manual read by millions of Westerners says, "Never involve children in adult sexual activities: militant and exhibitionist liberals who try to acclimatize children to the naturalness of sex by letting them in any level of their own sex lives probably do at least as much harm as was ever done by the prohibitive sex-is-dirty generation."

We have quite a few ahādīth in which the Prophet and the Imams have emphasized that when you engage in sexual intercourse, make sure that no child (or, for that matter, any other person) sees you or hears you. Abu Basīr quotes Imam Ja'far as-Sādiq as follows, "Be careful not to have sex with your wife while a child can see you. The Prophet used to dislike this (attitude) very strongly."¹ If a child sees and hears the parents engaged in sexual intercourse, he or she might go through a shocking psychological experience. It might also create problem in his or her own adult life. The manual quoted earlier says, "Most young children are biologically programmed to interpret

1. *Wasā'il*, vol. 14, p. 94-5.

the sight or sound of adult coition as evidence of a violent assault (they are aware of it earlier than you would expect, so don't keep babies in the bedroom), and the awareness of mother-father sexual relations is on all counts far too explosive a matter to be monkeyed with in the interest of Reichian experiments."

Islam has laid down clear guide-lines about the privacy of adults. Referring to the children who have not yet reached the age of puberty (*bulûgh*), the Qur'ân say:

O you who believe! ... Those of you who have not yet reached puberty should ask you for permission (before entering your bedroom during) three times: before the dawn prayer, when you put off your garments at midday (for siesta), and after the night prayer—these are three times of privacy for you. Besides (these three times), there is no blame on you or them if you go to one another (without announcing yourselves). Thus God makes clear to you the signs, and God is All-Knowing, Wise. (24:58)

Then referring to the children who have reached the age of puberty, the Qur'ân says:

When your children reach puberty, they should ask your permission (at all times before entering your bedrooms) just as those who were before them had asked permission. Thus God makes clear to you the signs, and God is All-Knowing, Wise. (24:59)

These two verses give us the following rules about privacy within and without the family circles:

1. There are three times in a day — night, early morning and afternoon — which are considered as times of privacy.

2. The minor children should be taught that during times of privacy they are not allowed to enter into the bedroom of their parents or adults without first asking their permission. Obviously, by minor we do not mean infants; we mean the children who can understand what is right and what is wrong. I would put that at age five and above. The parents will have to ingrain this teaching to their minor children gradually.

3. At other times, the children are free to come and go into the bedroom of their parents without asking for their permission. In retrospect, this means that the parents should be decently dressed at those other times.

4. As for the mature children and adults, the Qur'ān is clear that they may enter the bedroom of their parents or other adults at all times only after asking their permission.

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Chapter Four♥ *Contraceptives & Abortion* ♥

A. INTRODUCTION

The question of birth control has created much debate in the Western world. This question is related to the basic view of sex. On the one hand, if you relate sex to the original sin and equate it with evil, and allow sexual intercourse only for the purpose of procreation—then, obviously, you will be totally opposed to birth control. Allowing birth control would mean allowing sex for pleasure. On the other hand, if you consider sex to be a natural act whose purpose is two-fold: procreation and/or fulfillment of sexual desire, then you would allow birth control. The debate on the use of birth control, moreover, is inter-twined with the issue of abortion.

On the whole, there are three opinions on birth control and abortion. On the one extreme, the Roman Catholic Church¹ forbids birth control as well as abortion; and on the other extreme, the libertarians and feminists consider birth control and abortion as the basic rights of women. In between these two extremes, Islam allows birth control but forbids abortion.

1. See *Instruction on Respect for Human Life in Its Origin and the Dignity of Procreation: Replies to Certain Questions of the Day*, Vatican City, 1987.

According to the Shi'ah *fiqh*, family planning — as a private measure to space or regulate the family size for health or economic reasons — is permissible. Neither is there any Qur'ānic verse or hadīth against birth control, nor is it wājib to have children in marriage. So basically, birth control would come under the category of *jā'iz*, lawful acts.

Moreover, we have some ahādīth (specially on the issue of 'azl, *coitus interruptus*) which categorically prove that birth control is permissible. Imam 'Ali once said, "One of the two (means) of affluence is to have few dependents."¹ Imam Ja'far as-Sādiq said that, "[Imam] 'Ali ibnul Husayn (peace be upon him) saw no problem in *coitus interruptus* and he used to recite the verse that 'When your Lord brought forth from the children of Adam (i.e., from their loins) their seed...' [7:172] So from whatsoever [seed] Allāh has taken a covenant, it is sure to be born even if it is [spilled] on a hard rock."² The Imam is saying that the creation is in the hand of Allāh alone. Whether or not we practise birth control, if Allāh wills, the child will be conceived. In effect, these ahādīth are a positive proof that birth control is allowed in Islam.

* * *

However, sometimes the issue of birth control is politicized by the imperialists and racist regimes; and in such cases, the supreme mujtahid has the right to temporarily forbid the use of birth control on basis of secondary reasons (*hukm thānawī*). For example, if the Russian communist government plans to impose or promote birth control in its Muslim provinces not because of health

1. *Nahju 'l-Balāghah*, saying No. 141; *Tuhaf*, p. 214.

2. *Wasā'il*, vol. 14, p. 105.

reason but because it fears that the high birth rate among the Muslims might offshoot their minority status, then the mujtahid can issue a *fatwa* saying that to practise birth control in Soviet Russia (without any health reasons) would be *harām*. Or if the Israeli government, for example, promotes birth control among the Muslims inside the occupied Palestine, then the *mufiti* can prohibit it. Similarly, if the Indian government or the Maronite government of Lebanon intends to promote birth control among their Muslim citizens, then the supreme mujtahid can prohibit the use of birth control. Such *fatwas* will just be of temporary nature; once the issue is depoliticized, the primary law will be applied again.

B. WHEN DOES PREGNANCY BEGIN?

Islam allows the preventing of pregnancy, but does not allow its termination. However, the problem arises in defining the beginning of pregnancy from the *shari'ah* point of view. Before we look at various methods of birth control, we must first define the beginning of pregnancy; and only then will we be able to say which method is permissible and which is not. My research has failed to find a discussion in the classical *fiqhi* books on the *shari'ah* definition of pregnancy. Even the present mujtahids have not discussed it. I intend, by putting my trust in Allāh, to briefly study the issue in light of the scientific explanations and try to arrive at a *shar'i* definition of pregnancy.

Before I proceed further, it is necessary to explain the criteria of defining various things and issues in Islamic

laws. There are three possible criteria for definitions of things and concepts in fiqh: *shar'ī*, *'urfī* and *'ilmī*. (1) If something is clearly defined in the *sharī'ah*, then it is known as the *shar'ī* definition; for example, the definition of the word "*salāt*" as the ritual prayer consisting of specific actions and recitations. (2) *'Urf* means conventional, common tradition. *'Urfī* definition means a definition acceptable to the common people without any scientific or *shar'ī* precision. (3) *'Ilmī* definition means a definition presented by science; for example, the definition of pure water as H₂O, a liquid compound consisting of 2 part of hydrogen and 16 of oxygen, or the definition of the beginning of day as the astronomical twilight.¹

If the *sharī'ah* defines something, then we must follow the *shar'ī* definition. But if it is silent on definition of certain things, then should we follow the *'ilmī* definition or the *'urfī* definition? Anyone who is familiar with the *sharī'ah* will agree with me that in absence of a *shar'ī* definition, one has to follow the *'urfī* definition. One has to go by the common perception of things, not the scientific perception. For example, when the *sharī'ah* says that the water for ritual ablution must be pure (*mutlaq*), does it mean scientifically pure? Certainly not! Otherwise, the running water in this part of the world is not scientifically pure, it has some purifying chemicals in it, for example,

1. I have used the terms "*shar'ī* definition," "*'urfī* (common) definition," and "*'ilmī* (scientific) definition" to simplify the matter for the non-specialist readers; however, in the terminology of *fiqh*, the three definitions or perceptions are known as "*al-'urfu 'sh-shāri'*," "*al-'urfu 'l-'āmun*," and "*al-'urfu 'l-khāss*" respectively. The specialist reader may refer to Shaykh Murtaza al-Ansāri's *al-Makāsib*, p. 193 for further details on definitions and perceptions in the *sharī'ah*.

flouride. The *shari'ah* says that such water will still be classified as pure unless the common people can sense (without the help of a scientific lab) the difference in its colour, taste or smell.

However, there is one case where the *'ilmî* definition will prevail: in cases where the common people have no way of defining the issue. So in cases where the *shari'ah* is silent and the *'urf* has no opinion, one has no choice but to follow the *'ilmî* (scientific) definition.

The definition of the beginning of pregnancy is one of such cases where the *'ilmî* definition would prevail; this is so because the *shari'ah* is silent, and it is beyond the common people to define when pregnancy begins. Therefore, in this case, we will first see how science describes the beginning of pregnancy and then attempt to find secondary proofs from *shari'ah* sources to arrive at a conclusion.

* * *

The process of conception and pregnancy according to modern science is as follows: After the semen is ejaculated into the vagina, the sperms move into the uterus, cross the uterus and enter the fallopian tube. The woman's ovum is in the fallopian tube. The sperms travel into the fallopian tube in search of the ovum. When the sperms reach the ovum, normally only one of them succeeds in penetrating the ovum. This coming together of man's sperm and woman's ovum is known as *fertilization*. After fertilization, the ovum starts to travel towards the uterus; and after coming into the uterus, it gets implanted on to the wall of the uterus. This process is known as *implantation* of the fertilized ovum in the womb.

To determine the shar'î pregnancy, one has to answer the following question: From the shar'î ah's point of view, does pregnancy begin (1) with the *entering* of semen into the uterus or (2) with the *fertilization* of an ovum by a sperm in the fallopian tube or (3) with the *implantation* of a fertilized ovum in the uterus?

It is my contention that the combination of three things form the shar'î pregnancy: the sperm, the ovum and the uterus. If any two of these things combine without the third, then it is not a shar'î pregnancy. As I shall prove below, the shar'î pregnancy begins when the fertilized ovum implants itself onto the wall of the uterus.

* * *

In my search for a *shar'î* definition, the only closest issue I could come to was the discussion under the indemnity for abortion. In Shi'ah fiqh, the indemnity for abortion differs according to the various stages of pregnancy. However, what is relevant to our discussion is the indemnity for the first four months of pregnancy. During these four months, the child in its mother's womb is known as *jinîn*. The *jinîn* (embryo) itself goes through five stages gradually with distinctive names:

nutfah, when it is a sperm;

'alaqah, when it is a blood-like clot;

muzgah, when it is a lump of flesh;

'azm, when it is a lump of bones

yaksu lahman, when it is clothed with flesh.¹

The first stage is very crucial in our search for the beginning of pregnancy. Most ahâdith simply say that the lowest indemnity is for aborting "a *nutfah* — sperm."² At

1. This is based on the Qur'ân, see 23:12-14.

2. *Wasâ'il*, vol. 19, pp. 169, 237-240.

the first look it would seem that according to these ahādīth, pregnancy starts as soon as the sperm enters into the uterus. This would mean that preventing the semen from entering into the uterus is allowed but once it has entered the uterus, then it is forbidden to abort it. But this is not so. This would have been correct if the word "*nutfah*" is taken only in its literal sense in which it means "a sperm". However, in fiqh and hadīth, the word "*nutfah*" is used both for a sperm as well as for a fertilized ovum. Fortunately this extended meaning of the word "*nutfah*" has been clarified in the following hadīth by Imam Zaynu 'l-Ābidīn (a.s.).

Sa'īd bin al-Musayyab asked Imam 'Ali Zayn 'l-Ābidīn about a person who hits a pregnant woman with his leg and, as a result, she lost what she had in her womb. The Imam said, "If it is a (*nutfah*) sperm, then he must pay her 20 dinars." Sa'īd asked, "What is the definition of *nutfah*?" The Imam said, "It is a substance which, when placed in the womb, settles down in it for forty days."¹ The Imam has used two words to describe the *nutfah*: (1) *wuzi'at fi 'r-rahm* — it is placed in the uterus, and (2) *fastaqarrat fihi* — it settles down in it. It seems the Imam is emphasizing that the earliest stage of abortion is not when the sperm enters the uterus for the first time and just passes through it, rather when it settles down in it. Obviously, the "*settling down* of the sperm in the uterus" and "*implantation* of a fertilized ovum in the uterus" are one and the same thing.

It is needless to say that the distinction between the entrance of sperm into the womb, then the fertilization of ovum in the fallopian tube and finally its implantation was

1. *Wasāil*, vol. 19, p. 240.

not clearly known to the scholars of fiqh and the scientists till a century ago. But the word "*istiqrār* = settling down" shows that our '*ulamā*' were not completely unaware of the fact that the sperm goes through various stages before "settling down" in the uterus. If they had been completely unaware, then they would not have used the word *istiqrār*, instead they would have said "the entering of the sperm into the uterus." This difference becomes more clear in the writing of the '*ulamā*' of post seventh Islamic century. Before the seventh century, we find the expression such as "*ilqā'u 'n-nutfah*" (the entering of the sperm into the uterus).¹ But after the seventh century, the '*ulamā*' consistently began using the expression of "*istiqrāru 'n-nutfah*" (the settling down of the sperm in the uterus).² Even the present mujtahids describe the earliest stage of abortion as follows: "aborting a sperm after its settling down in the womb (*ba'd istiqrāru 'n-nutfah fī 'r-rahm*)."

Moreover, the Qur'ān has always used the word "*haml*" to describe pregnancy.³ "*Haml*" means to carry, and it is obvious that a woman carries the child in her uterus and not in her fallopian tube.⁴ And *haml* starts with implantation and not before it.

1. *Sharāya'u 'l-Islām*, p. 1042; *an-Nihāyah*, p. 778.

2. *Tabsirah*, p. 216; *Sharh Lum'a*, vol. 2, p. 444; *Tahrīr*, vol. 2, p. 597.

3. See the Qur'ān, 19:22; 31:14; 46:15

4. A close physician friend of mine pointed out to me that pregnancy in the fallopian tube (known as tubal pregnancy) is possible. However, this information does not affect our argument because tubal pregnancy is not a normal pregnancy. In matter of definitions, the abnormal possibilities are not taken into consideration. More so in abnormalities like tubal pregnancy: the fallopian tube is not big enough for development of a foetus, and tubal pregnancy has to be surgically aborted otherwise the mother might end up losing her life.

In conclusion, I can say that the beginning of pregnancy from the *shari'ah* point of view is the stage when the fertilized ovum is implanted (*istiqrār*) onto the lining of the uterus. And, therefore, whatever prevents implantation is allowed but whatever aborts an implanted ovum is *harām*. A year after reaching my decision in 1986, I wrote to Ayatullāh al-Khū'ī asking for his opinion on this issue:

“From medical point of view, after the sperm enters the vagina, it crosses the uterus and enters the fallopian tube. In this tube, the sperm joins the ovum. Then the fertilized ovum enters the uterus and implants itself onto its wall. (Apparently, the expression '*istiqrāru 'n-nuṭfa fi 'r-rahm*' in the writings of Islamic jurists refers to this implantation of the fertilized ovum onto the wall of the uterus.)

“By keeping in mind what has been said above, is it permissible to use a medicine or a device which prevents the fertilized ovum from implanting itself onto the wall of the uterus?”

Aytaullāh al-Khū'ī replied that:

“What is forbidden is to abort the sperm *after* its settling down, whereas [to prevent pregnancy] before that is alright. However, to specify the minor and major premises of both these issues is upon the individual himself.”¹

I think the answer of the Ayatullāh needs some explanation for those not familiar with the *fuqahā's* style. In the first part of his answer, the Ayatullāh agreed that what is forbidden in relation to birth control is the act of

1. Personal correspondence dated 24 Rabī' II, 1407 (1987).

aborting the sperm *after* it had settled down in the womb. In the second part of his answer, he declined to take it upon himself to specify when does "the settling down of the sperm" occur: soon after the sperm enters into the uterus or after its return from the fallopian tube? He further says that classifying any particular contraceptive method (whether it prevents fertilization or implantation) is also upon the individual.

Based on the scientific explanation given earlier and the use of the word *istiqrār* in the hadīth in relation to the nutfah and the writings of our 'ulamā' on the earliest stage of abortion, I consider the implantation of a fertilized ovum onto the wall of the uterus as the beginning of pregnancy from the *sharī'ah* point of view. Once this is settled, it becomes easy to decide which method of birth control is allowed and which is not allowed. Any method that prevents pregnancy before the implantation of the fertilized ovum is allowed, and any method that terminates pregnancy after the implantation is not allowed and will be considered as abortion. It is in the light of this criterion that we should look at the various methods of birth control that are presently available.

It was interesting to know that two years after I reached my conclusion on the *sharī'ah* basis, Dr. Clifford Grobstein, a leading embryologist of America, published the same conclusion on basis of his scientific research. Dr. Grobstein, whose evenhanded approach has won him places on the ethics committees of both the American Fertility Society and the Catholic Health Association, published his *Science and the Unborn* in 1988. He writes,

"In the last several decades, chiefly as the result of extensive studies of mouse development, it has become clear that in the earliest stages of each new generation, mammals (including humans) go through a preliminary preembryonic phase before they become embryos in the usual scientific sense...

"In mammalian development, which normally occurs within the body of the mother (internal gestation), it is now evident that the early changes undergone by the zygote first establish multicellularity and, second, prepare for penetration into the maternal uterine wall, or implantation. The second step, as we have noted, is the true beginning of gestation or pregnancy."¹

C. THE CONTRACEPTIVE METHODS

The contraceptive methods during our time work in different ways. We shall examine some of the most commonly used contraceptive methods and determine whether they are permissible in Islam or not. It must be mentioned that we are studying the permissibility or otherwise of these methods from the shar'ah point of view only. For medical opinion about reliability or any side-effects of these methods, the reader must consult his or her physician.

1. Oral Contraceptives:

Birth control pills prevent conception by inhibiting ovulation. The pills alter hormonal levels and suppress the hormonal signal from the gland for the ovaries to release an ovum. These pills are taken orally on a precise

1. Grobstein, *Science and the Unborn*, p. 58-9.

schedule for 20 or more days during each menstrual cycle. Since all such pills inhibit ovulation, there is absolutely no problem in using them. However, the individual must consult the physician about possible side-effects.

There are some pills which work after the intercourse has taken place, for example, the 'morning-after pill' or the recently developed RU486 pill. Since in our definition, pregnancy begins at implantation, use of any pill which may prevent implantation is alright. Therefore, the pills like the 'morning-after' and RU486 may be taken after the intercourse BUT not after feeling or knowing that pregnancy has already occurred.

2. Depo-Provera:

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

3. Intrauterine Devices (IUD):

IUDs are plastic or metal object, in a variety of shapes, that are implanted inside the uterus. The medical experts do not exactly know how IUD works. Presently there are two opinions: one says that IUD prevents fertilization; and the other says that it prevents the fertilized ovum from implantation onto the uterus. Since the *shar'î* pregnancy begins at implantation, there is no problem in using IUD as a birth control device irrespective of the above differences among the medical experts.

4. Barrier Devices:

All barrier devices prevent the sperm from entering the uterus. This is done by sheathing the penis with a condom, or by covering the cervix with a diaphragm,

cervical cap, or vaginal sponge. The use of spermicidal substance which kill the sperm before reaching the ovum is also a barrier device.

There is absolutely no problem in using these contraceptive either.

5. Abstinence During Fertile Period:

There are three basic procedures to predict ovulation so that sexual intercourse can be avoided during the approximately six days of a woman's most fertile monthly phase. These three methods are as follows:-

(a) Ovulation Method: A woman learns to recognize the fertile time by checking the difference in the constitution of the cervical mucus discharge. The cervical mucus discharge signals the highly fertile period; and thus avoiding sex during the fertile days prevents pregnancy.

(b) Rhythm Method: A method similar to the first, but it depends on observing the monthly cycles for a whole year to determine the fertile days.

(c) Temperature: In this method, besides keeping a calendar record of her cycle, a woman also takes her temperature daily to detect ovulation. She can know her ovulation whenever her basal body temperature increases.

6. Withdrawal (Coitus Interruptus):

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

Muhammad bin Muslim and 'Abdur Rahmān bin Abi 'Abdillāh Maymun asked Imam Ja'far as-Sādiq about withdrawal. The Imam said, "It is up to the man; he may spill it wherever he wants."¹ However, in another hadīth,

1. *Wasā'il*, vol. 14, p. 105.

Muhammad bin Muslim quotes the fifth or the sixth Imam as follows: "In case of a slave-girl, it is allowed; however, in case of a free woman, I dislike it unless it had been so stipulated at the time of marriage."¹

Based on this hadith, the majority of our mujtahids believe that *coitus interruptus* is allowed but *makruh* without the wife's consent.²

All methods mentioned above do not involve surgical operation and they are also reversible. A woman (or man) using these methods can anytime stop using it to have a child.

7. Sterilization:

Sterilization involves surgical operation.

Sterilization in man, known as *vasectomy*, means the severing or blocking of the tube in the male reproductive tract. This tube or duct passes sperm from the testes to the prostate and other reproductive organs.

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

The permissibility of sterilization depends on whether or not it is reversible. At present, the rate of reversibility (40%) is not good enough to make sterilization permissible. Greater success may be achieved with improved microsurgical techniques. And until we achieve at least 80 percent reversibility, it is difficult to permit sterilization.

* * *

1. *Wasā'il*, vol. 14, p. 106.

2. *Sharh Lum'a*, vol. 2, p. 28; *al-'Urwah*, p. 628; *Minhāj*, vol. 2, p. 267.

Can a woman practise birth control without the consent of her husband?

The wife has full right to the use of contraceptives even without the approval of her husband.¹ However, she should not use a method which may come in the way of her husband's conjugal rights. For example, she cannot force him to use condom or practise *coitus interruptus*. This rule is based upon the principle that the extent of the husband's conjugal rights over his wife is just that she should be sexually available, responsive, and cooperative. This right does not extend to that of bearing children for him. Bearing children or not is a personal decision of the woman; and therefore, she may use contraceptives provided they do not come in the way of her husband's conjugal rights.

This was the legal aspect of the sharī'ah. But on a practical level, such decision are best made with mutual consultation between the husband and the wife; otherwise, it could lead to misunderstanding and mistrust. The legal aspect is to protect the basic rights of women; but in the real world, man and woman must base their life on love, mercy and cooperation as the Qur'ān says, "*And We have created between you love and mercy.*"

D. ABORTION

Islam's approach to the issue of birth control and abortion is very balanced. It allows women to prevent pregnancy but forbids them to terminate it. Abortion after the implantation of the fertilized ovum in the womb is

1. *Minhāj*, vol. 2, p. 276.

absolutely forbidden and is considered a crime against the law of God, and the foetus. From the Islamic point of view, the illegitimacy of aborting a foetus does not depend on the issue whether the foetus has the status of a human being or not. Although Islam does not recognise the foetus as a human being, it still gives to it the right of a possible life.

Abortion has become common in the Western world for various reasons:

1. sometimes it is a matter of choice between a child and a career;
2. sometimes it is a matter of choice between a child and a luxurious life-style;
3. sometimes it is because of the child's illegitimacy;
4. sometimes it is because of wrong child sex;
5. sometimes it is because of rape.

All these justifications are unacceptable from the Islamic point of view. The first two excuses reflect the selfish nature of this materialistic society. Allāh says, "*Do not kill your children because of (fear of) poverty – We will provide for you and them.*" (6:152) "*Do not kill your children for fear of poverty; We will provide for them and you. Surely the killing (of children) is a great error.*" (17:31) The third excuse is a by-product of illicit sexual relations which Islam strongly condemns. The fourth reason is no less evil and cruel than the pre-Islamic Arab custom of burying the baby girl alive. As for the fifth case, the lady should use the morning after pill or RU486 immediately after the sexual assault in order to prevent the possible implantation of a fertilized ovum. But if pregnancy is established, then Islam does not allow abortion.

In such cases, Islam says that why abort the child for the crime of the father? As for the reputation of the woman, Islam strongly condemns the people who look down upon the rape victim; instead of reviling her, they should be sympathetic to her.

Modern technology (like ultra sound) has made it possible to know whether or not a child has a defect long before he is born. Some people justify the abortion of a defective foetus. The present mujtahids do not allow such abortions; they say that the parents should pray and hope for a normal and healthy child. There are many examples where the prediction of the doctors have been proven wrong! In other words, what our mujtahids are saying is that take preventative measures before going for pregnancy; but once pregnancy has taken place, you are not allowed to abort a foetus even if it is defective.

The shari'ah allows abortion only when doctors declare with reasonable certainty that the continuation of pregnancy will endanger the woman's life. This permission is based on the principle of lesser of the two evil known in Islamic legal terminology as the principle of *al-ahamm wa 'l-muhim* (the more important and the less important). The Prophet said, "When two forbidden things come [upon a person] together, then the lesser will be sacrificed for the greater."¹ In the present case, one is faced with two forbidden things: either abort the unborn child or let a living woman die. Obviously, the latter is greater than the former; therefore, abortion is allowed to save the live person.

*Chapter Five**♥ New Techniques in
Human Reproduction ♥*

The birth of the first 'test-tube-baby' in 1978 made headlines all over the world. All the world, with the exception of Vatican, welcomed this new development in human science. After all, man is the prime creation of God. Allāh has created the universe for man but created the man for Himself. During the last five decades, man has taken great leap in science and technology. One of the areas which has amazed us most are the new techniques in human reproduction.

It is interesting to note that even on this issue, Islam stands in the middle of the two extreme views: On the one hand, the Roman Catholic Church has categorically condemned in vitro fertilization, artificial insemination and surrogate motherhood. On the other hand, the libertarians allow these methods no matter whether it is done between married couples or others. Islam, as we shall see below, allows the new reproduction technology as long as it is done between the married couples.

In this chapter, we will examine the new techniques designed to help couples in reproduction, and see whether Islam agrees with them or not.

A. HUMAN REPRODUCTION TECHNIQUES

1. ARTIFICIAL INSEMINATION BY HUSBAND (AIH):

AIH is used when the husband can produce semen, but his semen is not quite adequate to achieve fertilization. The inadequacy of semen can be attributed to low number of active sperms or the inability of sperms to swim fast enough towards the ovum. AIH can also be used when the husband is suffering from premature ejaculation.

In AIH, the sperm is obtained from the husband by his masturbation and is then concentrated and 'improved' in the laboratory. This semen is then introduced into the wife's cervix at the best fertile days. The semen is introduced by an injection. Depending on the regulations of each institute, the injection can be carried out by a doctor or a nurse, or by the couple themselves.

As far as the *shari'ah* is concerned, there is no problem in the Artificial Insemination by Husband (AIH) as it is done between lawfully wedded couple.

Masturbation is forbidden, then how can the husband's semen be obtained for AIH? It is true that masturbation is forbidden in Shi'ah *fiqh*, but we have also said that masturbation by one's spouse is permissible! Therefore, in case of AIH, the wife can masturbate the husband in order to obtain the semen. It will be interesting to know how the Roman Catholics intend to solve this problem: "The Roman Catholic Church does permit artificial insemination if the husband's semen is used and is the product of intercourse with his wife, not masturbation, but this usually involves intercourse in a doctor's office and is 'hardly romantic,' Father Wolak said."¹

1. *The Vancouver Sun* (March 11, 1987) p. A7.

2. ARTIFICIAL INSEMINATION BY DONOR (AID):

AID is very similar to AIH. However, AID is used in cases where the husband's semen is definitely inadequate in quantity or quality. In the Western society, some single women who wish to remain unmarried but have a child also use this method to become pregnant. In England, two to four thousand births in a year are attributed to AID.

As far as Islam is concerned, Artificial Insemination by Donor is absolutely forbidden because it is by a donor and not by the woman's husband.

Since it does not involve any sexual relations between the donor and the woman, and therefore, cannot be categorized as adultery – some people may ask: how can it be harām? The Qur'ān clearly says, "*Say to the believing women that they...should guard their private parts.*" (24:30) The divine command to guard the private parts is unqualified; it does not say that guard only from illicit sexual intercourse; it says that guard from everything except from your spouse. Allāh describes the believers as "*those who protect their private parts except from their spouses...Therefore, whosoever seeks more beyond that, then they are the transgressors.*" (23:5) Therefore, even injecting the sperm of another man would constitute a transgression and a violation of the command of Allāh.¹

What is the status of a child conceived by AID?

If, God forbid, a woman conceives a child through AID, then the child will not be considered an illegitimate child because he was not conceived by adultery which

1. I am indebted for this answer to the late Shaykh Muhammad Jawād al-Mughniyyah in his marvelous book *al-Fiqh 'ala 'l-Madhāhibi 'l-Khamsah*, p. 374.

involves illicit sexual relations. Child-mother relationship is clear in such cases; as for the child-father relationship, most of our present *'ulamā* clearly state that he will be considered the child of the donor – the child will inherit him, be a *mahram* to his wife and children.¹

This decision of the mujtahids is based on a hadīth which provides an example very similar to the case of a child conceived by AID. This hadīth has been narrated by various sources from Imam Hasan, Imam Muhammad al-Bāqir and Imam Ja'far as-Sādiq (peace be upon them all). A question was put to the Imams that if a woman had intercourse with her husband, and then immediately she goes to her slave-girl and has lesbian relations with her in which semen of the husband flows from the woman into the vagina of the slave-girl and makes her pregnant. What happens in this case? The Imams, after explaining the punishment which has to be imposed upon the two women, say that the child born from the slave-girl will be related to, and given in the custody of, the owner of the semen.² (This is a very good example of how our *'ulamā* solve the modern day problem even though they use the same old sources of Islam!)

3. IN VITRO FERTILIZATION (IVF):

The first two methods were for cases where the husbands sperms lacked in quality or quantity. IVF is a technique used mostly for women whose fallopian tubes are blocked and cannot be remedied by surgical procedures. Also for those who fail to conceive despite having

1. *al-Fiqh*, p. 375-6; *Minhāj*, vol. 2, p. 395; *Tahrīr*, vol. 2, p. 621-2.

2. *Wasā'il*, vol. 18, p. 426-8.

normal fallopian tubes and when all possible causes of infertility have been excluded. "In vitro" means a test-tube.

In IVF, one or more ova are removed from the mother through a small syringe and placed in a test-tube. Then the sperm of the husband is used to fertilize the ovum. After fertilization, the ovum is allowed to develop in the test-tube till the eight-cell stage. Then it is implanted into the mother's womb.

IVF may also be used in cases where the husband's semen contains so few sperms that it becomes difficult for them to fertilize an ovum in the fallopian tube. By IVF, sperm of such a person is used to fertilize the ovum in a test-tube.

As far as the *shari'ah* is concerned, *in vitro* fertilization is allowed as long as it be being done between married couple.

4. OTHER POSSIBILITIES IN HUMAN REPRODUCTION DISCUSSED BY OUR 'ULAMĀ':

It will be of interest to know that our mujtahids are keeping themselves ahead of scientific technology in deciding the religious and ethical issues about human reproduction. While talking about artificial insemination, they also talk of the following possibilities:¹

1. It is permissible to invent an artificially made ovum, fertilize it with a man's sperm and let the child develop in an artificial womb. In this case, the child will be fully

1. The first example has been mentioned by both Ayatullahs al-Khu'i and al-Khumayni; whereas the other three are mentioned by the latter only. See *Minhāj*, vol. 2, 395 and *Tahrir*, vol. 2, p. 622-3.

related to the father. At most, he or she will be a child without a biological mother.

2. It is permissible to invent an artificially made sperm and inseminate it into a woman's womb. Such a child will be fully related to the mother. At most, he or she will be a child without a biological father.

3. It is permissible to take an artificially made ovum and an artificially made sperm, and then fertilize and develop the two in an artificial womb. Such a child will be related to no one!

4. If twin boy and girl are born through the above procedures, then in the first three case they will be normal siblings — for example, they cannot marry one another — but in the fourth case, they will not even be considered as siblings because they do not have a parent.

5. SURROGATE MOTHERHOOD:

Surrogate motherhood is a by-product of the artificial insemination. It has created great controversy in the legal and ethical circles around the world, especially so after the baby 'M' case of 1987.

Surrogate motherhood means that a woman allows a fertilized ovum of another couple to be injected into her womb. Then she carries the child to its full term for the other couple. This can be done free or in exchange for some money as was the case in baby M's birth. This procedure of human reproduction is adopted when a woman has a problem in carrying her child to its full term.

From the *shari'ah* point of view, surrogate motherhood as portrayed above is not allowed because it involves the insertion of a sperm of another person into the

woman's uterus. This goes against the verse of the Qur'ān which says that the believing women should guard their private parts except from their spouses.

* * *

There are, however, certain procedures in Islamic marriage system which would allow some form of surrogate motherhood. For example, if a woman is having problems in carrying her husband's child to its full term, then the husband may marry another woman (on a temporary or permanent basis) and then an ovum of the first wife fertilized by the husband's sperm can be injected into the womb of the second wife with her approval.

To which of the two wives will the child belong? Does it belong to the genetic mother (the first wife) or the biological mother (the second wife)? According to Ayatullah al-Khumaynī it depends on the age of foetus. If it was inseminated in the womb of the second wife after four months, then it belongs to the first wife — the second wife is just a receptacle. If it was inseminated before its fourth month, then it is difficult to say that the child belongs to the first wife.¹

However, there is another way of looking at this relationship. I have already talked about the *'urfi* and *shar'i* definitions earlier. In the present case, the common people have a perception about child-mother relationship. The *'urfi* would say that the woman who "gives birth" is the mother. So based on this *'urfi* perception, I would say that the child belongs to the biological mother, the second wife irrespective of its age at the time of insemination. The child will be *mahram* to her other children and will

1. *Tahrir*, vol. 2, p. 623.

also inherit from her. As for the relationship between the child and the first wife, I would say that although she is not a biological mother, but her status as a genetic mother places her above a *rizā'ī* mother. (A *rizā'ī* mother is a woman who did not give birth to the child but breast-fed him or her.) Based on this relationship, the child will be *mahrūm* to all the children of the first wife even if they be from a different father; however, he or she will not inherit from her because the right of inheritance is based on uterine relationship.

B. SOME ETHICAL QUESTIONS

What you will read below are issues being discussed for the first time from the *sharī'ah* point of view. These are the results of my initial interpretation. I hope this will stimulate a fruitful discussion among our mujtahids.

1. *Destroying the Extra Fertilized Ova:*

In most cases of artificial insemination, three ova are removed from the woman's body and all three are fertilized by the husband's sperms. But only one is used for reimplantation into the woman's womb. And if they fail in first attempt, then the other fertilized ova are used. The question which has created much controversy is about the extra and unwanted fertilized ovum. What should be done with the extra fertilized ovum? Must it be used? Can it be destroyed?

According to the *sharī'ah*, there should be no problem in destroying the extra fertilized ovum. It will not constitute abortion because, firstly, abortion only takes place after the implantation of the fertilized ovum in the womb

and, secondly, abortion takes place in a woman's body not in a test-tube or a laboratory dish!

2. Frozen Embryos:

Another by-product of the new technology is the so-called sperm bank where sperms and fertilized ovum are preserved in frozen state. There are four questions which must be addressed here.

Firstly: Is man allowed to preserve his sperms in frozen state? Similarly, are a married couple allowed to preserve their fertilized ova for future use? I can think of no *shari'ah* basis for prohibiting such an act. It is no different from the act in which a person banks or donates his blood.

Secondly: Is it permissible to sell the sperms or the fertilized ova? One cannot sell his sperms to be injected into the uterus of another woman; he may only sell it to a scientific institution for medical research. Similarly, a couple cannot sell their fertilized ova to be implanted into the womb of another woman.

Thirdly: Can a woman use the preserved fertilized ovum or sperms of her husband after the latter has died? Apparently, there is nothing to prevent her from doing so. The frozen ovum (fertilized by her husband's sperm) is her property and therefore she can use it. The child will, of course, be legitimate! However, this would be allowed only if the woman does not marry another person after her husband's death. Since Islam does not allow a woman to have more than one husband at a time, the second husband will take the place of the first in the verse which says, "*The believers are...those who protect their private parts except from their spouses.*" (23:5)

Fourthly: Can a woman use the fertilized ovum after she has been divorced from her husband? This is allowed only if she has not married another person. As soon as she marries another person, she cannot use the fertilized ovum or sperm of her previous husband. The basis of this view is same as mentioned above.

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GLOSSARY OF FREQUENTLY USED TERMS

- HARĀM:** forbidden, prohibited. It is necessary to abstain from the acts which are harām. If someone performs a harām act, he will be punished either by the Islamic court or in the hereafter or both.
- IHTIYĀT WĀJIB:** precautionarily wājib. Its significance is the same as that of wājib with the difference that whenever a mujtahid says that "it is precautionarily obligatory," his followers have the option of leaving his taqlid (following) in that particular problem and following the fatwa of the second best mujtahid provided the latter has a different opinion.
- JĀ'IZ, HALĀL, MUBĀH:** permitted, allowed, lawful, legal. The acts or things which are permitted and lawful. There no reward for performing it nor any punishment for neglecting it.
- MARJA' (pl. MARĀJI':)** literally, it means the point of reference. It is used to describe the high ranking mujtahids who are a point of reference for the people.
- MAKRŪH:** reprehensible, disliked, discouraged: It is used for the acts which are disliked but not harām. If one does a makrūh act, he will not be punished; however, if he refrains from it, then he will be rewarded.
- MUJTAHID: or FAQIH (pl. FUQAHĀ':)** a jurist, a religious scholar who is an expert of Islamic laws, the sharī'ah. Usually it is used for the high ranking mujtahids who are followed by the people.
- SUNNAT or MUSTAHAB:** recommended, desirable, better. It refers to the acts which are recommended but not wājib. If one neglects them, he will not be punished; however, if one performs them, he will be rewarded.
- WĀJIB:** obligatory, necessary, incumbent. An act which must be performed. One will be punished for neglecting a wājib act, e.g., the daily prayers.

BIBLIOGRAPHY

- 'Amili, Muhammad bin Hasan al-Hurr al-, *Wasā'ilu 'sh-Shi'ah*. (20 volumes) Beirut: Dār Ihyā'i 't-Turāthi 'l-'Arabī, 1391 AH.
- 'Amili, ash-Shahīd ath-Thāni Zaynu 'd-Dīn al-, *ar-Rawzatu 'l-Bahiyyah fī Sharhi 'l-Lum'ati 'd-Dimishqiyyah*. (2 volumes) Qum: al-'Alām al-Islāmī, 1365 (solar) AH. Popularly known as *Sharh Lum'ah*.
- *Masāliku 'l-Afhām fī Sharh Sharāyi'i 'l-Islām*. (2 volumes) Tehran: Maktabatu 'l-Murtazawīyyah, 1399 AH.
- Ansāri, Shaykh Murtaza al-, *Kitābu 'l-Makāsib*. Tabriz: n.p., 1375 AH.
- Augustine, St., *Basic Writings*, ed. Whitney Oates. New York: Random house, 1948.
- *The City of God*.
- Clifford, Grobstein, *Science and the Unborn*. New York: Basic Books, 1988.
- Council for Science and Society, *Human Procreation (Ethical aspects of the new techniques)*. Oxford: Oxford University Press, 1984.
- Ghazāli, Abu Hāmid al-, *Ihyāu 'Ulūmi 'd-Dīn*. (6 volumes.) Beirut: Dāru 'l-Fikr, 1975.
- Greer, Germaine, *Sex and Destiny (The Politics of Human Fertility)*. London: Picador, 1985.
- Harrāni, Hasan bin 'Ali as-Shu'bah al-, *Tuhafu 'l-'Uqūl*. Theran: Maktabatu 's-Sadūq, n.d.
- Hilli, 'Allāmah Hasan bin Yusuf al-Mutahhar al- (d. 726 AH), *Tabsiratu 'l-Muta'allimiyn*. Qum. n.d.
- *Tazkirat 'l-Fuqahā'*. (2 volumes.) Tehran: Maktabatu 'l-Murtazawīyyah, 1388 AH.
- Hilli, Muhaqqiq Ja'far bin Hasan al- (d. 676 AH), *Sharāya'u 'l-Islām*. Beirut: al-Wafa Publications, 1983.

Hite, Shere, *The Hite Report on Male Sexuality*.

----- *The Hite Report on Female Sexuality*.

Kāshāni, Muhsin Fayz al-, *al-Muhajjatu 'l-Bayzā' fi Ihyā'i 'l-Ihyā'*. (8 volumes.) Tehran: Maktabatu 'l-Murtazawiyyah, n.d. Also known as *Tahzibu 'l-Ihyā'*.

Katchadourian, Herant A. & Lunde, Donald T., *Fundamentals of Human Sexuality*. New York: Holt, Rinehart and Winston, 1980.

Kāzīmī, Fāzil Jawād al-, *Masāliku 'l-Afhām ila Āyati 'l-Ahkām*. (4 volumes.) Tehran: Maktabatu 'l-Murtazawiyyah, n.d.

Khū'i, S. Abu 'l-Qāsim al-Mūsawī al-, *Minhāju 's-Sālihiyn*. (2 volumes) Beirut: Dāru 'z-Zahrā', 22nd edition.

----- *Mabāni Takmilatu 'l-Minhāj*. (2 volumes) Najaf: Matba'atu 'l-Ādam, 1976.

Khumaynī, S. Rūhu 'l-lāh al-Mūsawī al-, *Tahrīru 'l-Wasīlah*. (2 volumes) Qum: Ismā'īliyan, n.d.

Lecky, W.E.H., *History of European Morals*.

Mernissi, Fatima, *Beyond the Veil*. Bloomfield: Indiana University Press, 1987.

Mughniyyah, Muhammad Jawād al-, *al-Fiqh 'ala 'l-Madhāhibi 'l-Khamsah*. Beirut: Dāru 'l-'Ilm lil Malaiyn, 1979.

Musallam, B.F., *Sex and Society in Islam (Birth Control before the nineteenth century)*. Cambridge: Cambridge University Press, 1983.

Mutahhari, Murtaza, *Akhlāq-e Jinsi dar Islām wa Jahān-e Gharb*. Tehran: Muhammadi Publications, 1348 (solar) AH.

Narāqi, Muhaqqiq Muhammad bin Muhammad al-Mahdi an-, *'Awā'idu 'l-Ayyām fi Bayān Qawā'id 'l-Ahkām*. Qum: Maktabat Basirati, n.d.

Razī, ash-Sharīf ar-, *Nahju 'l-Balāghah*. ed. Dr. S. Sālih. Beirut: n.p., 1967.

- Rizvi, S. Saeed Akhtar, *The Family Life of Islam*.
Tehran: World Organization for Islamic Services,
1980.
- *Your Questions Answered*. (4 volumes) Dar-es-
salaam: Bilal Mission, 1973.
- Russell, Bertrand, *Marriage and Morals*. New York:
Liveright, 1970.
- Sadr, S. Muhammad Bāqir as-, *Durûs fi 'Ilmi 'l-Usûl*.
(4 volumes) Beirut: Dāru 'l-Kitābi 'l-Lubnāni,
1978.
- Scruton, Roger, *Sexual Desire: A Philosophical Inves-
tigation*. London: Weidenfeld and Nicolson, 1986.
- Tabrasi, Ahmad bin 'Ali at-, *al-Ihtijāj*. (2 volumes)
Najaf: Dāru 'n-Nu'mān, 1966.
- Tûsi, Shaykh Abu Ja'far at-, *an-Nihāyah fi Mujarradi
'l-Fiqh wa 'l-Fatāwā*. Beirut: Dāru 'l-Kitābi 'l-
'Arabi, 1970.
- Weatherhead, Leslie, *The Mastery of Sex*.
- Yazdī, Sayyid Muhammad Kāzim at-Tabātabā'ī al-,
al-'Urwatu 'l-Wuthqa (with annotations of contem-
porary mujtahids). Tehran: Dāru 'l-Kututbi 'l-Is-
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