



Birth Control in Singapore: A Juristic Maqasidic Study

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BIRTH CONTROL IN SINGAPORE: A JURISTIC MAQASIDIC STUDY

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ABSTRACT

Birth control or contraceptive is a topic rarely discussed openly within the Muslim community in Singapore despite its importance as a method of family planning. It is misunderstood as an action that hinders reproduction in marriage and has caused uncertainty about its permissibility among Muslims. This research aims to explore the practice of birth control in Singapore while discerning the Islamic Jurisprudence and Maqasid al-Shari'ah standpoint. This research applies inductive and descriptive methods to derive the relevant religious information pertaining the practice of birth control in Singapore, while the analytical and quantitative methods are used to analyze the knowledge, practice and problems faced by Singapore Muslims on birth control. As a result of all findings, the majority of the classical and contemporary Muslim jurists believed that temporary birth control measure is permissible if it is mutually agreed by the wife and husband, the condition of being pregnant will endanger the life of the wife and the substances used are accepted by the Shari'ah. In addition to that, the permissibility of birth control weighs on safeguarding the mother's life from any forms of harm and her lineage which are the main objectives of Maqasid al-Shari'ah. Additionally, the quantitative survey has shown that the majority of Singapore Muslims are aware of birth control and have practiced it. This research will educate its readers on the permissibility of birth control and the application of Maqasid al-Shari'ah together with the stand of birth control in Singapore while promoting awareness of the guidelines in choosing a birth control measure set by Muslim jurists.

Keywords: *Birth Control, Singapore, Islamic Jurisprudence, Maqasid al-Shari'ah.*

INTRODUCTION

Birth control is defined as controlling the number of children or offspring born, especially by preventing or lessening the frequency of conception.¹ It is also referred to the contraception and fertility control methods that are used in order to avoid pregnancy.² This method is commonly practised by married couples of all religions as an initiative of better family planning and providing a better quality of living for their future offsprings. However, the religious permissibility of birth control remains vague within the majority of the

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¹ Merriam-Webster, *Birth Control*, Retrieved February 21, 2022. <https://www.merriam-webster.com/dictionary/birth%20control>

² Bilal Ahmad Wani, Rafiq Anjun, "Islamic Perspective on Birth Control: Issues and Prospectus", *Al-Afkar, Journal for Islamic Studies*, Vol. 2, No. 1, (January 2019), p. 200-208.



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Muslim community globally, resulting in less utilisation of birth control among them. This can be analysed from recent studies that 75% of western women of reproductive age use contraception. Meanwhile, there was a decrease exercise of contraception in predominantly Muslim countries ranging from 38% to 68% based on the United Nations.³

This issue was eminent in Singapore as the Singapore government had foreseen problems of maintaining support for its citizens back in 1949 in which campaigns to promote birth control and contraception by the Family Planning Association of Singapore, a non-governmental organisation was organised.⁴ Fast forward to 1972, the Singapore government released “Stop at Two” campaign to curb the issues of uncontrolled birth rates and encourage the formation of small families among Singaporeans by utilising contraceptives devices. This has arisen questions on the religious standing of contraceptives in the Malay-Muslim community in Singapore.⁵

Consecutively, the Fatwa Committee of Majlis Ugama Islam Singapura (MUIS) had responded well and announced several rulings regarding contraceptives. As a start, the Fatwa Committee had deemed the utilisation of Intra-Uterine Device (IUD) and other contraceptive methods as permissible with the condition that it is consented by the husband and it does not inflict harm to the married couple. However, the ruling of vasectomy and sterilisation is prohibited except in life-threatening situations.

As we dive deeper into this research paper, the researchers will further analyze the permissibility of birth control in light of Islamic rulings and Maqasid al-Shari’ah in detail while discussing the Fatwas implemented in Singapore regarding this issue. Thus, this research paper will reflect the outcome of intellectual discourse among Muslim scholars on birth control.

EXPLORATION

1. DEFINITION OF BIRTH CONTROL AND CONTRACEPTIVE

Birth control is defined as the voluntary limitation or control of the number of children conceived especially by planned use of contraceptive techniques in which it is an act of giving birth to a manageable and caterable number of children by an individual family.⁶

It is an option often chosen by married couples as a form of family planning that affects the way of thinking and living that is adopted voluntarily upon the basis of knowledge, attitudes and responsible decisions

³ Amin Habib MSc, Hawwa Iqbal BSc, Saad Amer FRCOG, MD, “Contraception – an Islamic Perspective”, *JBIMA: Journal of the British Islamic Medical Association*, Vol. 5, No. 2, (August 2020), p. 1-6.

⁴ Yap Mui Teng, “Singapore: Population Policies and Programs”, *The Global Family Planning Revolution: Three Decades of Population Policies and Programs*, (Washington, D.C.: The International Bank for Reconstruction and Development / The World Bank, 2007), p. 201.

⁵ Nazirudin Mohd Nasir, *Fatwas of Singapore*, (Singapore: Majlis Ugama Islam Singapura (MUIS), 2017), [Family Planning and Reproductive Technology – Fatwas of Singapore \(pressbooks.com\)](https://www.pressbooks.com/fatwas-of-singapore/)

⁶ Salako Taofiki Ajani, “Islamic Perspectives on Birth Control”, p. 118 and 119.



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by individuals and couples in order to promote health, welfare and social-economic well-being of the family group. Thus, contributing effectively to the social development of the community.⁷

As birth control is a contemporary issue, it is recognised as '*azl* among the Arabs and *Fuqaha*' in classical Fiqh texts. However, birth control is coined as *tanzimul nasl* and *tahdeedul nasl* in modern Fiqh texts which involves the structuring and organising of one's lineage or preventing the intercourse between a man and a woman with temporary or permanent measures, in which the permanent measure is known as the limitation of lineage while the temporary measure as the regulation of lineage.⁸

Nonetheless, both terminologies possess differences in the following definitions. *Tahdeedul nasl* (birth control) connotes the spread of the idea of contraception on a general scale for all families in a country and this comprises abortion with the objective to reduce the birth rate of a specific country for economical purposes. On top of that, it denotes the practice of contraception by spouses for an economic or educational or social purpose.⁹

Meanwhile, *tanzimul nasl* is the proper and legitimate planning for spouses to conceive consistently a specific number of children with their ability in executing their right in parenting and nurturing their future offspring. It also depends on the capability of their society to secure the requirements of acquiring a happy life and birth control methods susceptible to the Shari'ah are permitted whereas prohibited methods, such as abortion and sterilisation, and non-Shari'ah compliant motives are excluded.¹⁰

Additionally, birth control is synonymous with contraception and fertility control is considered as a method or device used to prevent pregnancy and a form of family planning. In the past, old birth control methods such as abortion, killing of newborn babies and '*azl* have been exercised which leads to an increase in infection. Modern times have advanced the medical field and prepared safer medical methods namely tubal ligation and the implantation of Intra-Uterine Devices (IUD) for females in the 20th century.¹¹

Thereupon, Muslims will be capable of opting for a specific birth control measure to better plan the well-being of their future family in line with the Shari'ah with the proper understanding of conditions and types of birth control methods permitted by the Shari'ah.

⁷ Ibid.

⁸ Al-Rababah, Husayn Muhammad, *Tahdeed al-Nasl wa Tanzimuhu Bayn al-Ilm wa al-Din*, (Damascus: Dar Qandeel, 1st ed., 2006), p. 41-42.

⁹ Al-Rababah, *Tahdeed al-Nasl wa Tanzimuhu Bayn al-Ilm wa al-Din*, p. 41-42.

¹⁰ Ibid.

¹¹ Bilal Ahmad Wani, Rafiq Anjun, "Islamic Perspective on Birth Control: Issues and Prospectus", p. 200-208.



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2. OPINIONS OF CLASSICAL AND CONTEMPORARY *FUQAHĀ'* ON THE PRACTICE OF BIRTH CONTROL AND CONTRACEPTIVE

2.1 Opinions of Classical *Fuqahā'*

2.1.1 The Rulings on 'Azl

The term "Birth control" and "Contraception" are not mentioned directly in the Quran and Hadith, yet their practice is disclosed in the form of '*azl* or *coitus interruptus* as a method to prevent pregnancy even in the *Jahiliyyah* period. The permissibility of '*azl* is mentioned in Hadith narrations and interpreted differently based on the understanding and context of living of the four schools of thought (*Mazahib*).¹²

The Hanafi school of thought stated without argument that the husband is prohibited from '*azl* without his wife's permission, but an owner is permitted to perform '*azl* without his slave's permission. Also, Kamal ibn al-Hamam and others have reported that one is permitted to perform '*azl* without the consent of his wife if he fears the disintegration of his son due to bad periods as well as in a situation that his wife possesses bad character, and he wishes to separate from her for fear that she may be pregnant. Hence, the restriction of some *fuqaha'* of this doctrine to change rulings according to time is of *ijtihad*.¹³

Similarly, the Maliki school of thought believed that performing '*azl* upon a free woman is prohibited without her consent, but it is permitted when it is done on a slave woman. This differs for one who possesses a slave for his nation in which he is prohibited from performing '*azl* with the consent of his nation. A group of jurists stated that a free woman has the right of enjoying the pleasure of sexual intercourse and procreating whereas a slave has no authority of rejecting or refraining intercourse with her owner due to his right.¹⁴

The Shafi'ie school of thought regarded '*azl* as abominable (*makruh*) because of Judāmah binti Wahb al-Asadiyyah's narration that Prophet pbuh said that contraception or '*azl* is considered as "*al-wa'd al-ṣughrā* (hidden infanticide). Yet an individual is not prohibited to perform '*azl* onto his slave as he has the right to enjoy the intercourse but not his slave. However, a man is required to seek the consent of a free woman to perform '*azl* as both possesses equal rights in seeking pleasure in intimacy. There are two rulings implemented when a free woman disapproves of '*azl*. Firstly, the practice of '*azl* is not prohibited as her right is to enjoy

¹² Amin Habib MSc, Hawwa Iqbal BSc, Saad Amer FRCOG, MD, "Contraception – an Islamic Perspective", p. 2. Haziq Rahmat, *The 4 Mazhabs in Islam*, Retrieved June 5, 2022, [MuslimSG | The 4 Mazhabs in Islam](https://muslimsg.com/the-4-mazhabs-in-islam/).

¹³ Ibn 'Abidin, Muhammad Amin ibn Umar ibn 'Abdul Aziz 'Abidin al-Dimashqi al-Hanafi, *Rad al-Muhtar ala al-Durr al-Mukhtar*, (Beirut: Dar al-Fikr, 2nd ed., 1966), Vol. 3, p. 176. Also known as Manla Khosrow, Ibn Faramurz ibn Ali, *Durar al-Hukam Sharh Ghurar al-Ahkam*, (Damascus: Dar Ihya al-Kutub al-Arabiyyah, n.d.), Vol. 1, p. 351.

¹⁴ Al-Baji, Abu al-Walid Sulaiman ibn Khalaf ibn Saad ibn Ayyub ibn Warith al-Tajibi al-Qurtubi, *Al-Muntaqa Sharh al-Muwatta*, (Cairo: Dar al-Kitab al-Islami, 2nd ed., n.d.), Vol. 4, p. 143. Al-Dardeer, Ahmad, *Hashiyah al-Dasuqi Ma'a al-Sharh al-Kabir*, (Damascus: Dar al-Fikr, 1st ed., 1911), Vol. 2, p. 271.



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the pleasure of intimacy not ejaculating. Secondly, 'azl is prohibited as it cuts off the lineage which does not pose any forms of harm attached to its existence, and this is reflected as hidden infanticide or known as killing and burying a baby alive. In addition to that, Sheikh Izzuddīn opined that contraceptive is prohibited and forbidden.¹⁵

Similarly, to the Shafi'ie school of thought, the Hanbali school of thought stood by the same ruling. Their stand is rooted in the hadith narration authorised by 'Umar, 'Ali, Ibn 'Umar, Ibn Mas'ūd and Abu Bakr Assidīq in which 'azl shortens one's lineage and refrains one from seeking pleasure during intercourse. Furthermore, the Prophet (pbuh) encourages his followers to procreate in some of his hadith narrations such as, "Marry (and) multiply" and "A fertile black woman is better than a sterile beauty". Hence, one should not perform 'azl except in two situations; the situation of fulfilling his sexual needs during the war according to al-Kharqī, or when one is afraid that the slavery status will be passed on to his future offspring due to his wife or slave, he is allowed to perform 'azl to his slave without her consent as she has no right to indulge in the pleasure of intercourse and ejaculation as stipulated by Imam Ahmad. This differs from the free woman who has the right to choose in performing 'azl. The jurist Zhahir Kalām decreed that it is an obligation to seek approval from the wife and it can be deemed as commendable (*sunnah*) as she only holds the right in the intercourse not ejaculating.¹⁶

Other than the four prominent schools of thoughts, other Muslim jurists such as Imam Ibn Hazm from the Zahiri school of thought prohibited contraception as he leaned on the narration authorised by Judamah binti Wahb al-Asadiyyah that the Prophet (pbuh) said: 'It is hidden infanticide (*al-wa'ad al-khafīyy*).¹⁷ He concluded that all hadith narration that permitted contraceptives was issued earlier before the narration by Judamah and abrogated. That said, the prohibition of contraceptives is compared to hidden infanticide which is forbidden in Islam.¹⁸

Yet, the majority of religious scholars have opposed Imam Ibn Hazm's views such as Imam al-Ghazali who justified with the hadith, "a small number of children (*qillat al-'iyal*) is a kind of affluence (*yusr*) and large numbers (*kathrah*) is a kind of indigence (*faqr*) and Imam Abu Hanifah said, "Multiplicity of dependent children is a burden to the mind (*kathrat al-'iyal tushawwish al-bāl*). Not forgetting the refutation of Ibn al-

¹⁵ Al-Nawawi, Abu Zakariya Muhyi al-Din ibn Sharaf al-Nawawi, *Al-Majmu' Sharh al-Muhadhab*, (Cairo: Matba'at al-Asima Shari' al-Falaki, n.d.), Vol. 15, p. 577.

¹⁶ Ibn Qudamah al-Maqdisi, Abu Muhammad 'Abdullah ibn Ahmad ibn Muhammad, *Al-Mughni*, (Dar al-Manar, 3rd ed., 1948), Vol. 7, p. 23-24. Ibn Qudamah al-Maqdisi, Abu Muhammad 'Abdullah ibn Ahmad ibn Muhammad, *Al-Kafi fi Fiqh al-Imam Ahmad*, (Beirut: Al-Maktab al-Islami, n.d.), Vol. 2, p. 149.

¹⁷ Muslim, *Sahih Muslim*, Kitab al-Nikah, Hadith 1442.

¹⁸ Ibn Hazm al-Andalusi al-Zahiri, Abi Muhammad Ali, *Al-Muhalla li Ibn Hazm*, (Beirut and Lebanon: Al-Matba'at al-Tijariyah li al-Tiba'ah, n.d.), Vol. 10, p. 87.



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Qayyim towards Imam Ibn Hazm's stipulation that it is impossible to prove the date of abrogating hadith and hidden infanticide happens when the foetus is formed or during the birth of the child like abortion.¹⁹

2.1.2 The General Ruling on Contraceptives Among the Four Schools of Thought

Muslim jurists have come into a disagreement on the ruling on contraceptives and are divided into two main groups. The first group constituted of Hanafi, parts of Shafi'ie and parts of Hanbali that permitted (jawāz) and recommended (mubāh) artificial contraceptives. Ibn 'Abidīn from Hanafi quoted, "It is permissible to block the opening of a woman's womb as what is done by woman, yet it is impermissible without the consent of her husband. This is analogous to the permissibility of performing 'azl without the consent of the wife".²⁰

Consecutively, Al-Bajirmi of Shafi'ie reported, "As for what (any substance) which slows down the pregnant period and not removing it from its origin (stopping it from fulfilling its original purpose), it (contraceptive) is not prohibited as it appears to be, especially in cases of urgency such as educating a child is not disliked and forced".²¹

Ibn Taymiyyah of Hanbali was questioned about the permissibility of a woman practising contraceptives. The woman had placed a medicine within her to prevent the sperm from entering her vagina tract with her during intercourse. He answered that it is permissible, yet its permissibility has caused intellectual disagreements between scholars, and it is best if not practised.²²

The second main group of Maliki, parts of Shafi'ie and parts of Hanbali believed that the practice of contraceptives is prohibited. Al-Khattab of Maliki says, "al-Barzali said in problems of breastfeeding: Whichever that cuts (stops) the semen or blocks the womb, it is impermissible based on Ibn al-'Arabi. Also, al-Zarkashi of Shafi'ie mentioned, "As for the utilisation of medicine by man and woman to prevent pregnancy, Sheikh Izzudeen was questioned about it and replied, "It is not permissible for the woman to do so, and it is clearly prohibited".²³

¹⁹ Ibn al-Qayyim al-Jawziyyah, Shams al-Din Abi 'Abdullah Muhammad ibn Abi Bakr al-Zar'i al-Dimashqi, *Zad al-Ma'ad fi Hadi Khayr al-Ibad*, (Beirut: Mu'assasat al-Risalah, 1988), Vol. 5, p. 140-146.

²⁰ Ibn 'Abidin, *Rad al-Muhtar ala al-Durr al-Mukhtar*, Vol. 3, p. 176.

²¹ Al-Bajirmi, Sulaiman ibn Muhammad ibn Umar, *Bajirmi 'ala al-Khatib: Hashiyah Sulaiman al-Bajirmi al-Musammata Tuhfat al-Habib 'ala Sharh al-Khatib al-Ma'ruf bi al-Iqna' li al-Sharbini*, (Egypt: Sharikat wa Matba'at Mustafa al-Babi al-Halabi wa Awladuh, 1951), Vol. 4, p. 40.

²² Ibn Taymiyyah, Sheikh al-Islam Ahmad ibn 'Abd al-Halim ibn 'Abd al-Salam, *Majmu' Fatawa Ibn Taymiyyah*, (Saudi Arabia: Maktabat al-Ma'arif, n.d.), Vol. 32, p. 271-272. Al-Mardawi, Alaa' al-Din Abu al-Hasan Ali ibn Suleiman, *Al-Insaf fi Ma'rifat al-Rajih min al-Khilaf*, (Cairo: Matba'at al-Sunnah al-Muhammadiyah, 1st ed., 1955), Vol. 1, p. 386.

²³ Al-Rahbani, Mustafa al-Suyuti, *Mataleb Awla al-Nahi Sharh Ghayat al-Muntaha*, (Damascus: Manshurat al-Maktab al-Ta'limi, 1st ed., 1961), Vol. 1, p. 268. Al-Mardawi, *Al-Insaf fi Ma'rifat al-Rajih min al-Khilaf*, Vol. 1, p. 283. Al-Ramli, Shams al-Din Muhammad ibn Abi al-Abbas Ahmad ibn Hamzah ibn Shahab al-Din, *Nihayat al-Muhaddhab*, (Al-Maktabah al-Islamiyyah, 1939), Vol. 8, p. 416.



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Overall, the strongest opinion between the two groups is the first group which holds on to the permissibility of artificial contraceptives with several conditions to be met. The conditions are:

1. It is a temporary contraceptive method.
2. Mutual consent by both husband and wife.
3. The reason behind contraceptives must be a necessity permitted by the Shari'ah.
4. Medicines and chemicals used are compliant with the Shari'ah.
5. The necessity must not be due to poverty or financial instability.²⁴

2.2 Opinions of Contemporary *Fuqahā'*

The Council of the International Islamic Fiqh Academy of Kuwait had organized their 5th seminar in Kuwait City from the 10th of December to the 15th of December 1988 to review papers and discuss thoroughly the issue of birth control. They believed that it is impermissible to disrupt the main purpose of marriage which is to procreate and ensure the continuity of human existence and contradict the objectives of Maqasid Shari'ah in preserving progeny. Hence, they have resolved:

1. It is prohibited to implement a general law to restrain the free will of any married couple from conceiving.
2. It is impermissible to dispossess an individual from their physical ability to reproduce except in dire situations based on the standards implemented by the Shari'ah.
3. Controlling one's procreation temporarily is allowed to space the pregnancy periods because of necessities accepted by the Shari'ah after mutual consent and professional medical consultation.²⁵

The Islamic Fiqh Academy of India held their first Jurisprudence Symposium from the 1st to the 3rd of April 1989 at the University of Hamdud in Delhi regarding family planning and had decided that:

1. Any form of acts or operations with the objective to limit the human race contradicts the basic understanding of Islam and Shari'ah.
2. Reducing one's family members to avoid parental responsibilities, fear of lack of occupational opportunities and social standards is impermissible.
3. A group of women who desire to limit their family to raise their standard of living and job while forgetting their main responsibilities as future mothers set by Allah is not connected with Islam.
4. It is permissible to opt for temporary contraceptive measures to space pregnancies for fear that the current child will be harmed during breastfeeding and upbringing while the mother is pregnant.

²⁴ Al-Damardash, Faraj Zahrani, *Tanzim al-Nasl Bayn al-Hal wa al-Hurmah: Dirasah Muqaranah fi al-Shari'ah al-Islamiyyah*, (Alexandria: Dar al-Ma'arifah wa Multaqa al-Fikr, 1st ed., n.d.), p. 74-75.

²⁵ International Islamic Fiqh Academy, *Birth Control*, Retrieved July 5, 2022, <https://iifa-aifi.org/en/32328.html>

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5. It is impermissible for men and women to eradicate their ability to procreate except in situations where the woman will die, or her organs will be damaged according to a professional doctor only.
6. It is permissible to opt for temporary birth control if the woman is too frail and weak and exposed to severe risks of pregnancy based on a certified doctor.²⁶

Other than statements issued by these Fiqh academies and the fatwa committee, a prominent Fiqh scholar, Sheikh Yūsuf al-Qarḏāwī had released his opinions on this issue. He postulated that birth control methods are allowed for valid reasons as follows,

1. Conceiving or delivering the future child will threaten the mother's life or health and cause extreme financial stress that leads married couples into committing crimes to meet their monetary needs and poor upbringing of their future child.
2. The pregnancy might endanger the life or health of the mother based on the consultation of a certified physician as stated in surah al-Baqarah:

{...And do not be cast into ruin by your own hands....}

(Al-Baqarah: 195)

3. The married couple fears that their future children may cause extreme financial stress that leads them into committing crimes to meet their monetary needs as stated in surah al-Mai'dah:

{...It is not Allah's desire to place a burden upon you....}

(Al-Ma'idah: 6)

4. Poor upbringing in the welfare and health of the future children.
5. The new pregnancy may inflict harm on the previous suckling child as the Prophet pbuh mentioned before of what is harmful to his *Ummah* in which he opined that pregnancy would ruin the milk and weaken the suckling infant.²⁷

On that account, there are similarities in rulings and their explanation between classical and modern Muslim scholars albeit in their different contexts. All scholars have used the basis of Shari'ah laws, and ensured rulings imposed are in line with Maqasid Shari'ah perspectives.

²⁶ Islamic Fiqh Academy India, *Family Planning*, Retrieved July 5, 2022, <http://www.ifa-india.org/ar/pdfs/pdf-20211110044452.pdf>

²⁷ Sheikh Yūsuf al-Qarḏāwī, *The Lawful and the Prohibited in Islam*, (Washington: American Trust Publications, 1985), p. 193-196.



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3. BIRTH CONTROL PRACTICES IN SINGAPORE

3.1 Historical Background of Birth Control Practices in Singapore

Singapore, also known as the city in a garden, is situated at the southern tip of the Malay Peninsula, about 137 kilometres north of the Equator and sized up to 710 square kilometres. This multi-racial and diverse city is populated by approximately 5.016 million people from Chinese, Malay, Indian and Eurasian practising different religions which 11% of them Taoist, 18.7% are Christian, 14% are Muslim, 5% are Hindu, 0.6% are Sikh and from other religion leaving 17.5% with no religion.²⁸

The issue of overpopulation growth and sustainability of resources and economy have become main concerns for the Singapore government way before Singapore had reached its independence as Singapore is a country with no natural resources and limited land areas for agriculture. Therefore, its population should be regulated rigorously for a better-quality living as mentioned by Paul Cheng, the former head of Singapore's Population Planning Unit, "Population planning in Singapore is essentially one of managing population growth to meet economic needs, given the extreme land constraint."²⁹

Accordingly, the Singapore government have implemented fertility policies and programs as government initiatives to curb the overpopulation issue springing from the post-World War II baby boom. These initiatives are levelled into three phases of indirect government involvement from 1949 to 1965, the practice of the anti-natalist policy from 1966 to 1986 and the year 1987 to this day.

The first fertility phase began with the formation of the Family Planning Association of Singapore, a non-governmental organisation focused on family planning and childbearing among families in Singapore, in 1949. This organisation aimed in educating others on family planning and its practices, advocating the formation of comprehensive family planning centres with contraceptive treatments and consultations, and promoting the birth of healthier offspring. This organisation successfully changed the mindsets of Singaporeans by persuading 600 family planning acceptors in 1949 to 9845 people in 1965. Furthermore, the Singapore government played a pivotal role in contributing larger grants for the execution of the organisation from \$5000 in 1949 to \$100000 in 1950 or more from 1957 to 1965 to be supplied for their services, rental fees, and staff trainings. Moving forward, the government constructed a three-month family planning campaign in light of the government's Mass Health Education Programme.³⁰

Advancing to the second phase, the first official policy on family planning and fertility was issued alongside the commencement of the National Family Planning and Population Program in January 1966.

²⁸ World Population Review, *Singapore Population 2022*, Retrieved July 6, 2022, <https://worldpopulationreview.com/countries/singapore-population>. Ministry of Foreign Affairs, *About Singapore*, Retrieved July 6, 2022, <https://www.mfa.gov.sg/Overseas-Mission/Xiamen/About-Singapore>

²⁹ Cheng, Paul, P. L., "Planning Within Limits: Population Policy and Sustainable Population Growth," *Environment and the City: Sharing Singapore's Experience and Future Challenges*, (Singapore: Times Academic Press, 1995), p. 100.

³⁰ K. Kanagaratnam, "Singapore: The National Family Planning Program" *The Population Council*, Vol. 1, No. 28, (1969), p. 1.



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Concurrently, the Singapore Family Planning and Population Board (SFPPB), a statutory authority under the Ministry of Health, was involved in the 1972 National Family Planning Campaign with plans to implement the two-child policy for the less-educated and lower-income families and provide a better life for their children with the slogan, “Please Stop at Two”. The initial duty of SFPPB is to circulate information on family planning, launch the population control program, pin people’s interest in demography and notify the government on related issues.³¹

During this phase, sterilisation and abortion are made legal in 1970. It was recorded that 14012 legal abortions, 23445 female sterilisations and 874 vasectomies were performed in Singapore under the Abortion Act of 1969 and the Voluntary Sterilization Act of 1969 at that time.³²

When the total fertility rate of Singaporeans reached a replacement level, the law on sterilisation and abortion is liberalised to support larger family sizes among educated partners in the future as they prefer smaller family sizes commonly. But seven years afterwards, the fertility rate plunged down lower than the desired replacement level and this situation led to marriage debates in 1984, incentives among educated women as an encouragement to conceive more children and the formation of The Social Development Unit to matchmake educated women with future partners. Also, an increment in child delivery charges for three and the following child and \$10000 housing grant if one is sterilised after one’s second child are some methods to indirectly discourage lower-income groups of having larger families.³³

The discontinuation of the SFPPB in June 1986 embarks on the beginning of the government’s decision of advocating fertility and the pro-natalist policy with the slogan “have three, or more (children) if you can afford it” in March 1987. Promised financial incentives such as income tax relief for up to four children and childcare subsidies are accompanied for those with larger families whilst requests for abortion or sterilisation by women from smaller families are rarely accepted immediately and advised for reconsideration after counselling.³⁴

In short, the fertility and population control policies are elemental to Singapore’s economic growth in her economic sustainability despite the increase of immigration workers filling in the labour workforce. The application of these policies illuminates the social welfare of Singaporeans which calls for close supervision by the government in the long run which can be accomplished through a yearly health check-up for married couples in public and private health institutions in Singapore.

³¹ National Archives of Singapore, *Agency: Singapore Family Planning & Population Board (SFPPB)*, Retrieved July 6, 2022, https://www.nas.gov.sg/archivesonline/government_records/agency-details/132

³² Wan Fook Kee, Saw Wee-Hock, “Knowledge, Attitudes, and Practice of Family Planning in Singapore” *Studies in Family Planning*, Vol. 6, No. 4, (1975), p. 109.

³³ Yap Mui Teng, “Singapore: Population Policies and Programs” *The Global Family Planning Revolution: Three Decades of Population Policies and Programs*, p. 204-207.

³⁴ *Ibid*, p. 208.



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The government's efficacy in their supervision was proven in April 1973 through a survey managed by the Family Planning and Population Board (FPPB) and the National Statistical Commission (NSC) named The First National Survey on Family Planning in Singapore. This joint survey is designed to inspect the knowledge and practice of family planning among 2076 Singapore married women of age 15 to 44 and assess the competency of the Board's services and the government's population policies. Results have presented functional details in which 1435 married women approved of using contraception, 236 of them disapproved while 386 depended on their situation. Out of 1041 respondents who are aware of male and female sterilisation, 81% of them approved it as a contraceptive method. Surprisingly, the survey confirmed that 98% of the respondents are aware of at least one contraceptive method and 88% are knowledgeable in utilising at least a method which entails that the respondents are well-educated and informed of family planning and have been practising it based on the experience of 77% of them.³⁵

The latest cross-sectional survey on family planning was conducted among 259 women aged 21 to 49 years old at the National University Hospital, Singapore from 19 February 2013 to 14 January 2014 to evaluate their knowledge and awareness of nine contraceptive methods and influential factors in their contraceptive methods. These methods are the contraceptive pill (OCP), implant, patch, copper intrauterine device (IUD), levonorgestrel-releasing intrauterine system (LNG-IUS), an injectable contraceptive, condom, tubal ligation and vaginal ring. The outcome of the study has shown that most of them are aware of condoms (100%) followed by oral contraception pill (89.2%) and tubal ligation (73%) but many were unaware of hormonal IUD (24.3%). The efficacy of a contraceptive method (90.5%) and medical advice (90.1%) are the main factors considered by respondents before opting. In disparity to the study in 1973, the lack of contraceptive knowledge is evident among Singaporean women.³⁶

As a deduction, the knowledge and practice of birth control among Singaporeans have been changing over the years. Better publicity with technology and modernisation alone is not impactful enough to induce awareness of family planning and contraceptive measures.

3.2 Fatwa on Family Planning and Birth Control Measures in Singapore

Fatwa is defined as a legal pronouncement and opinion of someone called a mufti who is an Islamic legal scholar that is capable of pronouncing his judgements, opinions on any kind of legal issue with regard to Islam.³⁷ The issuance of fatwa is important to address contemporary and arising issues by conforming it based

³⁵ Wan Fook Kee, Saw Wee-Hock, "Knowledge, Attitudes, and Practice of Family Planning in Singapore", p. 110-112.

³⁶ Arundhati Gosavi, Yueyun Ma, Hungchew Wong, Kuldip Singh, "Knowledge and factors determining choice of contraception among Singaporean women" *Singapore Medical Journal*, Vol. 57, No. 11, p. 610.

³⁷ NPR, *Role of the Fatwa in Modern Islam*, Retrieved July 6, 2022, [Role of the Fatwa in Modern Islam : NPR](#)



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on the Shari'ah laws, Islamic Religious Texts like Quran and Hadith and applicable Islamic principles and legal maxims.

In Singapore, the role of the Fatwa Committee is to assist the Mufti in process of fatwa deliberation and ensure that fatwas are deliberated comprehensively. The members consisted of the Mufti as the Chairman, two qualified members of MUIS Council, two independent ulama and other members chosen by the Minister-in-charge of Muslim Affairs and MUIS Council. The members of the Committee are selected by the President of Singapore to carry their responsibility for 3 years.³⁸

The issue of contraceptive use emanated from the post-war baby boom and governmental measures had pushed forward initiatives to curb the issues of overpopulation by encouraging family planning and limiting family size with the campaign "Stop at Two". At that time, articles and posters supporting the campaign were released and the Malay-Muslim community sought clarification on the religious standing of contraceptive use from the Fatwa Committee. The fatwas as follow:³⁹

3.2.1 Intra-Uterine Device (IUD) and Contraceptive

A fatwa was issued to address the permissibility of Intra-Uterine Device (IUD) and contraceptives on 31 May 1976. The Fatwa Committee has decreed that IUD and contraceptives are permissible with the condition that:

1. It is safe to use and does not inflict harm on the user.
2. It is consented to by the husband as family planning should be decided by both spouses.

This ruling is based on the Hadith,

"Do not inflict harm nor repay harm with another."

(Narrated by Ibn Mājah and al-Dāral Qutni)

Hence, a married couple should be conscious of the contraceptive measure practised and assure that it does not inflict any form of harm, especially to the health condition of the mother to conceive in the future. This fatwa is in accordance with the stand of the Islamic Fiqh Academy in 1988.

3.2.2 Sterilisation

Sterilisation is an irreversible contraceptive method that is legalised by the Singapore government in 1970. Sterilisation can be operated on a female through tubal ligation. The permissibility of sterilisation stemmed when the government offered benefits for those who are sterilised before 40 years old by providing cash

³⁸ Majlis Ugama Islam Singapura, *Fatwa Committee*, Retrieved July 6, 2022, [Muis | Fatwa Committee](#)

³⁹ Nazirudin Mohd Nasir, *Fatwas of Singapore: Science, Medicine and Health*, (Singapore: Majlis Ugama Islam Singapura (MUIS), 2017), [Family Planning and Reproductive Technology – Fatwas of Singapore \(pressbooks.com\)](#)



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incentives, paid sick leave and placement in a top-tiered school. Subsequently, people claimed that contraceptive drugs cause harmful side effects and Muslims are curious about the permissibility of sterilisation.

The ruling on sterilisation and vasectomy was released on 19 December 1974 and 31 May 1976 accordingly. The Fatwa Committee decided that sterilisation and vasectomy are prohibited except in life-threatening or emergency situations.

3.2.3 Family Planning in Islam

Islam is a religion fulfilling the holistic needs of Muslims in all angles, encourages marriage as a method to increase the human population and strengthen the bond within a community if one has the financial capability as mentioned in the hadith,

“Marry a woman who could bear many children as I would be proud of you on the Day of Judgement for populating the ummah.”⁴⁰

Marriage is also a means of impeding one from adultery and fulfilling one’s sexual urges in an ethical manner and compliant with the Shari’ah.

The Fatwa Committee has ruled out that utilising contraceptive methods as family planning is permissible on the condition:

1. Spacing pregnancies to safeguard the welfare of the suckling child or future babies from physical weakness based on this verse,

“The mother shall give suck to their children for two whole years, (that is) for those (parents) who desire to complete the suckling term.” (Al-Baqarah: 233).

This verse indicated that mothers should fulfil the suckling term of two years to guarantee the health of their babies. For instance, the practice of ‘azl or ejaculating outside of a woman’s body between a married couple to space pregnancies is allowed so that the suckling baby will be cared for fully and given full nutrients from his mother.

2. The contraceptive methods would only cause temporary effects and are not harmful to the health of the user.
3. These methods do not cause permanent sterility.

⁴⁰ Abu Dawud and Nasa’i, *Mishkat al-Masabih*, Kitab al-Nikah, Hadith 3091.



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3.2.4 Abortion

The Fatwa Committee ruled that abortion is permissible in Islam on 31st May 1976 with the condition:

1. To save the life of the mother.
2. If the mother is pregnant out of wedlock and the unborn child is less than 120 days old.

On 11th December 1986, the Fatwa Committee concluded that abortion is impermissible regardless of the age of the embryo/foetus with important points.

1. Scholars have agreed that abortion after the fourth month of conception is prohibited except to save the mother's life.
2. Scholars have divided into two opinions on abortion before the fourth month of conception due to their dissimilar opinion on the period of the embryo/foetus that can be considered as living.
3. However, most scholars declared that the embryo/foetus is considered alive when fertilisation between the male and female sex cells happens.

To conclude, the Fatwa Committee from Singapore and other contemporary scholars mentioned earlier have similar understandings and applications of the Islamic ruling on contraceptives. All of them postulated that temporary contraceptive measures are permissible if it does not threaten the health of their user and is agreed by both married partners. However, permanent contraceptive measures are prohibited as it contradicts the motive of marriage except if they may cause the death of the mother.

3.3 ANALYSIS OF SURVEY ON ISSUES AND CHALLENGES FACED BY SINGAPORE MUSLIM ABOUT BIRTH CONTROL

A qualitative and Multiple-Choice Question (MCQ) survey of 50 Muslim Singaporeans, aged 24 to 65 years, was conducted from 11 May 2022 to 1 June 2022. This survey was designed to assess the respondent's knowledge of the ruling of birth control in Islamic Jurisprudence and Maqasid Shari'ah, to examine if respondents have practised birth control and the reason behind it, and to explore the issues and challenges faced by them on the issues of birth control.

3.3.1 Results of Survey and Analysis

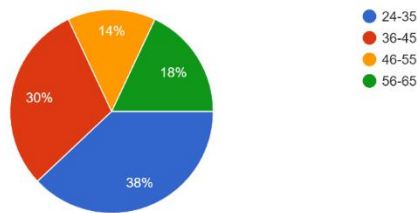
A total of 50 respondents have agreed and completed answering this survey. All respondents have fulfilled the criteria of this survey in which they are Singaporean, Muslim, married or have married before and of age 24 to 65 years old. 19 of the participants belong to the age group of 24 to 25 years old (38%) while the least participants of 7 people are from the age group of 46 to 55 years old (14%) as shown in chart 1. Most of the respondents are female (80%) as compared to male (20%) (Chart 2). There is the possibility that females are

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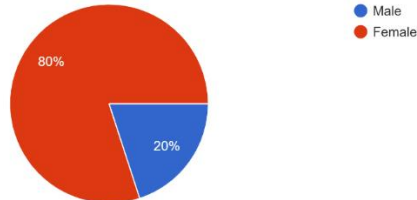
more comfortable and open in sharing their insights on this issue which is vital in their lives as they are the ones who will be pregnant in the future.

Which age group do you belong to?
50 responses



(Chart 1)

Please indicate your gender.
50 responses



(Chart 2)

	Questions	Yes	No
1	Have you heard of birth control and contraception before?	46 (92%)	4 (8%)
2	The Fatwa Committee of Majlis Ugama Islam Singapura (MUIS) has prohibited vasectomy and sterilization except in life-threatening situations in 1976. Are you aware of it?	19 (38%)	31 (62%)
3	Intra-Uterine Device (IUD) and contraceptives are allowed in Islamic law with the condition that both methods do not inflict harm on the user, the husband's consent is present, and it is not permanent. Are you aware of it?	45 (90%)	5 (10%)
4	Do you think birth control is vital for family planning in Islam?	41 (82%)	9 (18%)

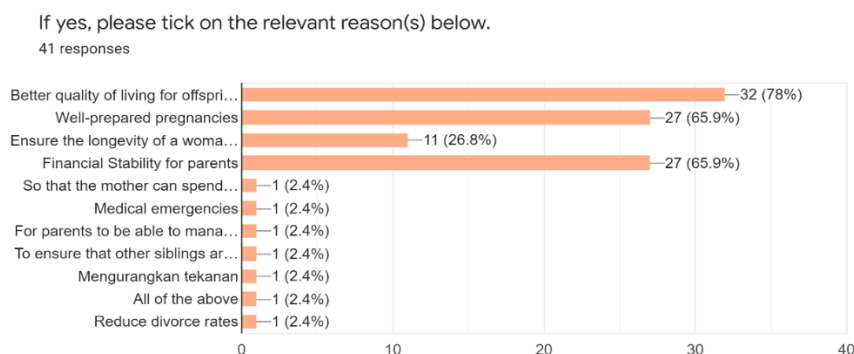
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(Table 1)

Table 1 shows the number of respondents who were aware about the concept of birth control and contraception, the fatwas on vasectomy, sterilisation and IUD imposed by MUIS. A total of 46 respondents (92%) have heard of birth control and leaving the minority of them (8%) unaware of it. Despite that, only 19 of the respondents (38%) are aware of the Fatwa ruling on the prohibition of vasectomy and sterilisation in 1976 but 45 of them (90%) are aware of the permissibility of IUD and contraceptives provided it is a temporary method that does not harm the user and it is mutually agreed by both spouses.

On the other flipside, 31 respondents (62%) are unaware of the ruling on vasectomy and sterilisation and 5 of them (10%) are unfamiliar with the rulings on IUD and contraceptive. This surmises the possibility that majority of Singapore Muslims are unexposed to the rulings declared in 1976 as 34 of them (68%) have not yet been born and 7 of them (14%) were still children. This differs from their knowledge of the rulings of IUD and contraceptive which shows how frequent they practice or discussed on utilising these birth control methods except for sterilisation and vasectomy.

Additionally, 41 of the respondents (82%) agreed that birth control is important as a method for family planning in Islam while 9 of them (18%) disagree. With that in mind, only 41 responses indicated reasons behind their agreement and most of them (78%) considered that birth control ensures a better quality of living for offspring following by providing well-prepared pregnancies (65.9%) and financial stability for parents (65.9%). Other reasons such as investing more time to nurture offspring, possible medical emergencies, fulfilling one's responsibility towards their future and current offspring, lessen one's depression and reducing divorce rates are mentioned by 6 respondents. These reasons in chart 3 have proven the vital position of birth control for the betterment of a family in family planning.

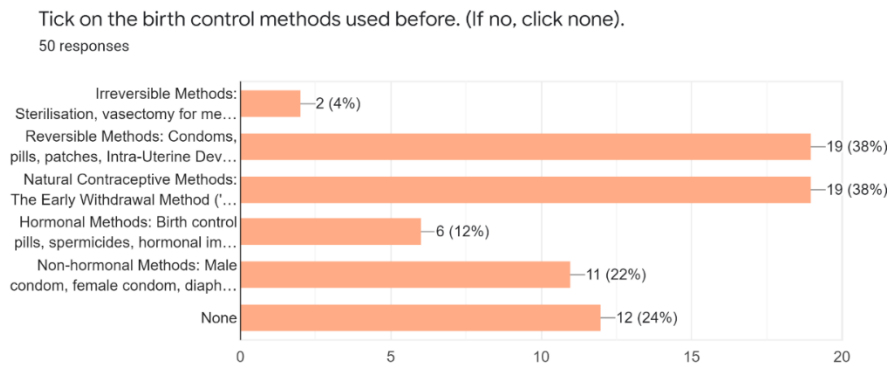


(Bar Chart 1)

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The second section of the survey focuses on the practice of birth control among respondents which resulted in 35 of them (70%) have practiced it before and the others (30%) without any experience of it. Bar chart 2 shows the pattern use of different birth control methods opted among the 50 respondents inclusive of those who do not practice it. Methods that most participants had used are reversible methods such as condoms and birth control pills (38%), and natural contraceptive methods like 'azl (38%). Followed by non-hormonal methods (22%), hormonal methods (12%) and irreversible methods (4%) accordingly as shown in bar chart 2. Two of the respondents who practice irreversible methods are of the old age group from 46 to 65 years old. There is a high possibility that future pregnancy endangers their life and health. Hence, they opted for irreversible contraceptive methods to safeguard their life.



(Bar Chart 2)

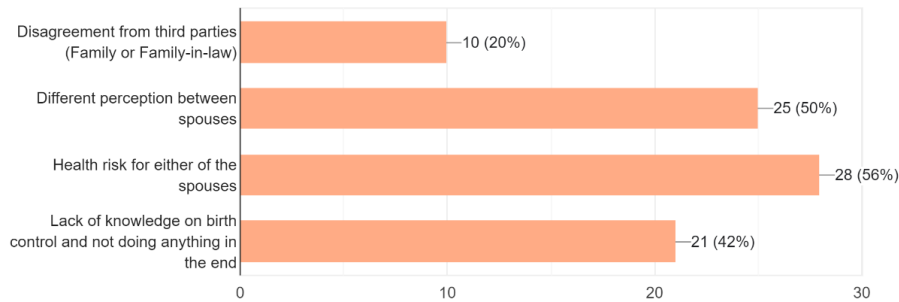
Bar chart 3 depicts issues faced when one decides to practise birth control and respondents are given the choice to select more than one issue. Most respondents (56%) agreed that the user will be exposed to health risks upon utilising birth control followed by facing different perceptions between spouses (50%). Also, the lack of knowledge on birth control is an issue by some respondents (42%) and a minority of them believed that it could cause disagreement from third parties. Hence, the majority of Singapore Muslims have been facing health issues when practising birth control despite their age as most of the respondents are of the younger age group.

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What are the issues faced when one decides to practice birth control?

50 responses



(Bar Chart 3)

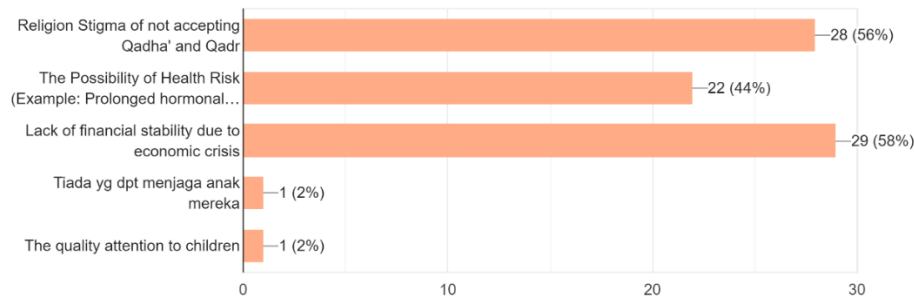
Bar Chart 4 below displays the challenges faced by Muslim married couples in Singapore regarding birth control chosen by respondents. Many of the respondents (58%) acknowledged that married couples will be challenged by their financial stability due to the high cost of living in Singapore. Concurrently, the religious stigma of not accepting *Qadha'* and *Qadr* (God's will and plan) is ranked as the second-highest challenge (56%) followed by the possibility of health risk (44%) and the lack of attention and care for their current children (4%). In fact, Singapore is a multi-religious country that emphasises greatly on meritocracy and education, Muslim married couples are more inclined to be well-prepared financially and healthily to nurture a child. Conservative and traditionalist Muslims who follow strictly follow the objective behind marriage based on the Shari'ah ruling are still present and most of them are of the older generation. Hence, younger generations tend to be cautious and prepared to explain their decisions to family members of older generations who are concerned in this matter.

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Tick on the presumably challenges faced by Muslim married couples in Singapore about birth control.

50 responses



(Bar Chart 4)

The third section of the survey is composed to examine the respondents' understanding and application of Maqasid al-Shari'ah in birth control. The results were tabulated in Table 2. 46 of the respondents (92%) regarded birth control as a necessity (darurah) to safeguard a woman's life when conceiving threatens her life but 4 of them (8%) did not agree. 37 of the respondents (74%) inclusive of 4 of the respondents earlier believed that birth control is a means to ease (hajiyyat) a married woman's life. This portrays their perception that birth control is a necessity only in life-threatening situations and a means of choice in normal circumstances excluding the other 13 respondents (26%) standing firm with their opinion that it is a necessity. Nearly all the respondents (96%) who agreed previously understood well the concept of harm that can come in the form of one incapability in health and financial that requires the usage of birth control while 4 other respondents (8%) disagreed.

	Question	Yes	No
1	Do you think that birth control is a necessity (darurah) to protect a woman's life if conceiving will threaten her life?	46 (92%)	4 (8%)
2	Do you believe that birth control could be a means to ease a married woman's life (also known as hajiyyat)?	37 (74%)	13 (26%)
3	The concept of La Dharar Wa La Dhirar- means any forms of harm is disallowed in Islam. If your wife/husband is incapable of raising a child due to his/her mental health or financial condition, will you agree with their decision for birth control?	46 (92%)	4 (8%)

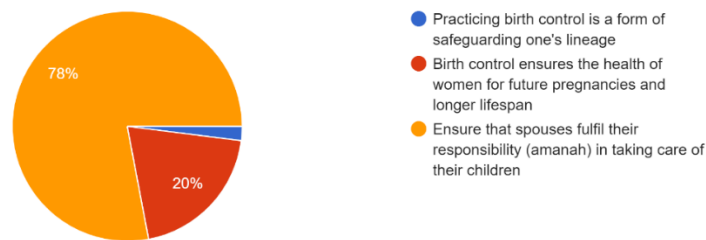
(Table 2)

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Chart 3 demonstrated that 39 of the respondents (78%) agreed that birth control is a means of fulfilling one's responsibility in taking care of their children whilst 10 other respondents (20%) believed that it ensures the health of women for future pregnancies and longer lifespan. This leaves 1 respondent (2%) who understands birth control as a form of safeguarding one's lineage. The reason behind the choice of most respondents is birth control caters mainly for the well-being of children by parents which indirectly requires parents to preserve their health and condition holistically to tend their lineage successfully.

Tick the statement that you mostly agree on the application of Maqasid Shariah on birth control.
(Choose only one option)
50 responses



(Chart 3)

In brief, the results of this current study can prompt Muslim organisations and medical facilities in Singapore to introduce and educate birth control and contraceptives to the Muslim community in Singapore. We recommend community and social workers specialising in family issues from organisations like Persatuan Pemudi Islam Singapura (PPIS)⁴¹ to give consultations and explanations of birth control and its benefits as methods for better family planning. In this way, the divorce rates among the Muslim community can be decreased as financial instability has been one of the main causes leading to the separation of married couples.⁴² Well-curated infographic posters and educational videos on birth control and its rulings can be produced by Muslim organisations such as Muslim.Sg, is a group of Singapore millennial religious teachers that engage the Muslim community actively through social media platforms with religious content.⁴³ With better education, the welfare of the Muslim community in Singapore will be better taken care of.

⁴¹ PPIS is a non-profit organisation and woman association focused on women empowerment along with children and families through holistic programmes and services.

⁴² MCCY, *Statistics on Muslim divorces over a 5-year period*, Retrieved June 6, 2022, [MCCY - Statistics on Muslim divorces over a 5-year period](#)

⁴³ Muslim.Sg, *About Us*, Retrieved June 6, 2022, [MuslimSG | About Us](#)



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4. MAQASID AL-SHARI'AH PERSPECTIVE ON BIRTH CONTROL

4.1 Defination and Classification of Maqasid al-Shari'ah

According to Al-Tahir ibn Ashur, Maqasid al-Shari'ah is "the general goals of Shari'ah are the meanings and wise purposes to which the Lawgiver gives consideration in all or most pieces of legislation, and which are not restricted to a particular kind of Islamic ruling."⁴⁴

Wahbah al-Zuhayli also defined it as "the objectives and wise purposes which the Lawgiver embeds in each of its rulings."⁴⁵

Maqasid al-Shari'ah can be categorized based on the types of interests or benefits the law of Islam intended to preserve into three forms:⁴⁶

1. Essentials (*Maqāṣid Darūriyyah*) are "things that are vital to actualizing benefits in matters of religion and earthly affairs, and the absence of which would render such actualization impossible. Their absence will lead to corruption and loss of life, and in the Hereafter, a failure to attain salvation and bliss".⁴⁷
2. Exigencies (*Maqāṣid Hājīyyah*) are "a necessary means to avoid discomfort and undue hardship. If these aims are not fulfilled, the morally accountable Muslim will face some hardship, though not to a degree that would threaten the interests of the Muslim community as a whole".⁴⁸
3. Enhancements (*Maqāṣid Tahsīniyyah*) are not necessary means that will affect one's survival but instead ease or enhance one's life. It can be understood as "the adoption of fitting, praiseworthy practices while shunning filthy habits that would be abhorrent to a person of reasonable sensibilities. As such, these aims fall under the rubric of refined manners and noble morals".⁴⁹

Among the aforementioned forms, an individual will suffer if he is incapable of fulfilling the essentials of his life known as aims arranged from the highest level of importance according to Imam Al-Ghazālī as religion (*al-dīn*), life (*al-nafs*), reason (*al-'aql*), progeny (*al-nasl*) and property (*al-māl*).⁵⁰

However, only the preservation of progeny (*al-nasl*) will be discussed in this study due to its position and close correlation with birth control and marriage in Islam.

⁴⁴ Ibn Ashur, Muhammad al-Tahir, *Maqasid al-Shari'ah al-Islamiyyah*, (Beirut: Dar al-Kitab al-Lubnani, 2011), p. 51.

⁴⁵ Al-Zuhayli, Wahbah ibn Mustafa, *Usul al-Fiqh al-Islami*, (Damascus: Dar al-Fikr, 1985), Vol. 2, p. 1017.

⁴⁶ Musfir bin Ali al-Qahtani, *Understanding Maqāṣid al-Sharī'ah: A Contemporary Perspective*, p. 17-21.

⁴⁷ Al-Shatibi, Ibrahim ibn Musa ibn Muhammad al-Lakhmi al-Gharnati, *Al-Muwafaqat*, (Khaybar: Dar ibn 'Affan, 1997), Vol. 2, p. 17-18.

⁴⁸ Al-Shatibi, *Al-Muwafaqat*, Vol. 2, p. 21.

⁴⁹ Al-Shatibi, *Al-Muwafaqat*, Vol. 2, p. 22.

⁵⁰ Al-Ghazali, Muhammad ibn Muhammad, *Al-Mustasfa min 'Ilm al-Usul*, (Balaq: al-Matba'ah al-Amiriyyah, 1904), Vol. 2, p. 287.

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Preservation of progeny (*al-nasl*) is elucidated as preserving the variance of the human species from interruption and extinction, and the absences of procreation, and preserving it from the mixing of lineage that leads to the cessation of the child's guardianship and factor of not keeping him and standing up for his matters. It also means preserving procreation so that the human species will prevail with no discontinuity. Hence, the preservation of progeny (*al-nasl*) is interrelated with the preservation of lineage and sexual desire.⁵¹

One of the methods to conserve the progeny of Muslims is through legislation and encouragement of marriage in Islam. As we are informed, the motive of marriage is procreation and giving birth to future children. It is a virtuous approach to seek the hand of a future partner with the serious intention to build a family together and preserve the human species by increasing its population. Any individual who is ready mentally, physically, and financially to uphold responsibilities as husband or wife is recommended to marry as quoted in a hadith narration. It was narrated that 'Abdullah said:

*"The Messenger of Allah said: 'Whoever among you can afford to get married, let him do so, and whoever cannot afford it should fast, for it will be a restraint (Wija) for him'".*⁵²

In association with the previous method, the progeny of Muslims is safeguarded through the encouragement to increase one's offspring which ensures the continuity and sacredness of one's lineage. The Muslim community will benefit from it too as an increased population will invigorate the bond within a community and present a strong impression on other communities. The Prophet pbuh clearly recommended it too through his narration that was reported by Ma'qil bin Yasar,

*"Marry a woman who could bear many children as I would be proud of you on the Day of Judgement for populating the ummah".*⁵³

4.2 The Approach of Maqasid al-Shari'ah towards Birth Control Issues

After understanding the concept of Maqasid al-Shari'ah and the preservation of progeny, we can analyse the application of Maqasid al-Shari'ah in birth control through several lenses:⁵⁴

1. Issues on preserving lineage is considered essentials or necessities (*Darūriyyah*) that must be preserved to prevent discordance in one's life as offspring is the successor of ancestry and affects the future in the division of assets, future marriages, and religious position. The disruption of preserving lineage

⁵¹ Al-Mubid, Muhammad Ahmad, *Maslahat Hifz al-Nasl fi al-Shari'ah al-Islamiyyah*, (Cairo: Mu'assasat al-Mukhtar, 1st ed., 2005), p. 100.

⁵² Sunan an-Nasa'i, Vol. 3, Book 22, Hadith 2243.

⁵³ Abu Dawud and Nasa'i, *Mishkat al-Masabih*, Kitab al-Nikah, Hadith 3091.

⁵⁴ Jaidda' Rajab Sayyam and Najm al-Din Qadir Karim Zanki, "Maqṣad Hifz al-Nasl wa Atharuhu fi Takyif al-Mustajadāt al-Tibbiyya fi al-Fiqh al-Islami: Namādhij Tatbiqiyah", *Majallah Jami'ah al-Shariqah Dawriyyah 'Amaliyyah Muhakkamah li al-'Ulum al-Shari'ah wa al-Dirasat al-Islamiyyah*, Vol. 15, No. 2, 2016, p. 83-84.

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will trigger fracas, dissension and ultimately extinction of the human race if people either unnecessarily limit their family sizes due to their personal reluctance or commit unethical acts. As a result, permanent birth control is prohibited but temporary birth control is permissible to be carried out if pregnancy causes severe ailments that threaten the life of the mother is accepted. That said, birth control is a form of preserving one's lineage and life from harm and hardship.⁵⁵

2. Other criteria that are considered in Maqasid al-Shari'ah is the extent of *Maṣlahah* and *Mafsadah* for every matter before issuing its ruling. *Maṣlahah* is defined as the utmost righteousness and goodness takes place in public or private which is useful and beneficial for the public or individuals. But *Mafsadah* is an attribute of the act whereby corruption or harm happens to the public or individual. The Shari'ah decreed has always aimed for the goodness and benefits of Muslims whilst eliminating evil.⁵⁶

In view of the interest or *Maṣlahah* of the spouses, the usage of temporary contraceptive measures is permissible with the intention of spacing pregnancies due to a legitimate reason for both spouses that can be measured from the medical impact of contraception.

Contraception provides countless medical advantages for women and their families. Firstly, spacing pregnancies give the opportunity for women to take their time to heal physically and mentally from their previous pregnancy and rest fully to better prepare for future pregnancies. This resting phase is important as the health of an unborn child depends on its mother and external stresses may cause miscarriages unconsciously. It decreases the possibility of maternal, foetal, and infant mortality too.⁵⁷

Secondly, it supports women medically by lessening period cramps and heavy periods, safeguards from extracting sexually transmitted diseases and recovers them from acne, premenstrual syndrome, and iron deficiency anaemia.⁵⁸ Therefore, the medical benefits of contraception with the intention of spacing pregnancies holds on benefits for women which are acceptable in the view of Islam.

3. If a woman decides to go through continuous pregnancies yearly without rest, this exposes her and her baby to the possibility of medical complications. The baby will have a tendency of weighing lesser than the normal weight which weakens his immune system and mental abilities. He is most likely smaller in size, slower in growth and premature at birth. Insufficient space in pregnancies will have to

⁵⁵ Sultān, Shaymaa' Fāris Sa'dūn, "Maqāsid al-Shari'a wa Dawruhā fi Ḥifẓ al-Nasl wa Namādhij li al-Masā'il 'Aṣriyyah Mustajaddah", *Majallah Jāmi'at al-'Irāqiyyah*, Vol. 3, No. 48, 2021, p. 177-178.

⁵⁶ Muhammad al-Tahir Ibn Ashur, *Ibn Ashur Treatise on Maqāsid al-Shari'ah*, (The International Institute of Islamic Thought: Herndon, USA, 2013), p. 13.

⁵⁷ Amin Habib MSc, Hawwa Iqbal BSc, Saad Amer FRCOG, MD, "Contraception – an Islamic Perspective", p. 3.

⁵⁸ Ibid.



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go through pre-term labour before the 37th week of pregnancy, be exposed to uterine rupture, third trimester bleeding and mental health problems such as Postpartum Depression and high-stress level.⁵⁹

These harms listed above endanger the welfare of the mother and baby that must be refrained. That said, insufficient birth spacing or successive conceptions without gaps is prohibited in Islam. This coincided with the Islamic Legal Maxim, '*La Ďarar wa Lā Ďīrār*' means no intended or unintended harm is allowed.⁶⁰

4. Other than the encouragement of procreation in Islam, parents must not forget their sole and ongoing responsibility of ensuring a good upbringing of their children until they are of mature age. Allah has commanded His pious servants to protect themselves and their families from the Hellfire in verse 6 of Surah al-Tahrim. This connotes the salient duty of parents to nurture their offspring critically with proper academic, moral and *ukhrawi* knowledge to their utmost capabilities.

That said, raising a child properly requires money, effort, and attention to keep on track of the progress and development in their thoughts, emotions, and education. If parents focus on building a large family without proper family planning such as conceiving children yearly, the family may outgrow and there is a possibility that they will struggle financially and leading to poor welfare and upbringing of their children. These children may try to find other external sources than their parents to fill the lack of love and attention not given by their parents. This will give rise to unethical behaviours that endanger the lineage and religion of individuals such as impermissible relationships with opposite genders, focusing on social life with other people and not prioritising education.

In short, a child who is raised with good qualities is better than a large group of children who are not properly raised as that single child will undoubtedly benefit those around him based on what was taught to him while the others aimlessly live.

Lastly, the beauty of Maqasid al-Shari'ah is imminent through how it oversees the necessities of the life of Muslims and protects their present and future life from individual and public harm. As a result, temporary contraception is legislated as permissible for the benefit of women and families, and scholars have provided guidelines and suggestions in utilizing contraception based on Islamic rulings and Maqasid al-Shari'ah.

CONCLUSION

Birth control or contraceptive have been an option for married couples to plan their family sizes wisely. Contraceptive measures are practised by people of all religions that have different legislation rules on their permissibility.

⁵⁹ Contra Costa Health Services, *Possible Problems of Short Birth Spacing*, Retrieved July 10, 2022, <https://cchealth.org/birth-spacing/possible-problems.php>

⁶⁰ Amin Habib MSc, Hawwa Iqbal BSc, Saad Amer FRCOG, MD, "Contraception – an Islamic Perspective", p. 3.



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Most of the classical and contemporary Muslim jurists believed that temporary birth control measure is permissible if it is mutually agreed by the wife and husband, the condition of being pregnant will endanger the life of the wife and the substances used are accepted by the Shari'ah. In addition to that, the permissibility of birth control weighs on safeguarding the mother's life from any forms of harm and her lineage which are the main objectives of Maqasid al-Shari'ah.

There are recommendations to be considered for future studies:

1. More collaboration in intellectual discussions on the relevancy and permissibility of birth control and contraceptive should be constructed between contemporary jurists and medical practitioners specialised in the field of women's and baby's health such as gynaecologists. The exchange of knowledge from their respective field of study will enhance a deeper and more concrete understanding of the permissibility and prohibition of a medical practice which is a gem for Muslim jurists that are well-known in the field of medicine. Doctors may provide real-life scenarios and cases of birth control measures and statistics, examine the benefits and disadvantages of a certain measure, and perform an in-depth study.
2. Looking at past surveys conducted, it is important for the Muslim community in Singapore to educate Muslims of all age groups on the importance and religious position of birth control. As a starter for teenagers and youths, this topic can be introduced in their biology lessons when educators are teaching the topic of reproduction or *Fiqh* lessons. In this way, early awareness will instil curiosity and a basic understanding of the existence of birth control. For adults and the older generation, the Social Development Officers (SDO) in mosques can initiate and collaborate with doctors from public hospitals or government social workers who are well-diversified in birth control to organise campaigns or talks yearly to raise awareness among them and social services for those in need.
3. More surveys and interviews should be conducted in health and community facilities yearly to better supervise and comprehend the knowledge, practice and problems faced by communities in Singapore. In this way, the government can be well-prepared for future population challenges.

REFERENCES

First: Arabic References

- Al-Baji, Abu al-Walid Sulaiman ibn Khalaf ibn Saad ibn Ayyub ibn Warith al-Tajibi al-Qurtubi. (n.d.). *Al-Muntaqa Sharh al-Muwatta*. 2nd edition. Cairo: Dar al-Kitab al-Islami.
- Al-Bajirmi, Sulaiman ibn Muhammad ibn Umar. (1951). *Bajirmi 'ala al-Khatib: Hashiyah Sulaiman al-Bajirmi al-Musammata Tuhfat al-Habib 'ala Sharh al-Khatib al-Ma'ruf bi al-Iqna' li al-Sharbini*. Egypt: Sharikat wa Matba'at Mustafa al-Babi al-Halabi wa Awladuh.



Birth Control in Singapore: A Juristic Maqasidic Study

Fatimah Karim - Siti Aisyah Binte Yusup

- Al-Damardash, Faraj Zahrani. (n.d.). *Tanzim al-Nasl Bayn al-Hal wa al-Hurmah: Dirasah Muqaranah fi al-Shari'ah al-Islamiyyah*. 1st edition. Alexandria: Dar al-Ma'arifah wa Multaqa al-Fikr.
- Al-Dardeer, Ahmad. (1911). *Hashiyah al-Dasuqi Ma'a al-Sharh al-Kabir*. 1st edition. Damascus: Dar al-Fikr.
- Al-Ghazali, Muhammad ibn Muhammad. (1904). *Al-Mustasfa min 'Ilm al-Usul*. Balaq: al-Matba'ah al-Amiriyah.
- Al-Mardawi, Alaa' al-Din Abu al-Hasan Ali ibn Suleiman. (1955). *Al-Insaf fi Ma'rifat al-Rajih min al-Khilaf*. 1st edition. Cairo: Matba'at al-Sunnah al-Muhammadiyah.
- Al-Mubid, Muhammad Ahmad. (2005). *Maslahat Hifz al-Nasl fi al-Shari'ah al-Islamiyyah*. 1st edition. Cairo: Mu'assasat al-Mukhtar.
- Al-Nawawi, Abu Zakariya Muhyi al-Din ibn Sharaf al-Nawawi. (n.d.). *Al-Majmu' Sharh al-Muhadhab*. Cairo: Matba'at al-Asima Shari' al-Falaki.
- Al-Rababah, Husayn Muhammad. (2006). *Tahdeed al-Nasl wa Tanzimuhu Bayn al-Ilm wa al-Din*. 1st edition. Damascus: Dar Qandeel.
- Al-Rahbani, Mustafa al-Suyuti. (1961). *Mataleb Awla al-Nahi Sharh Ghayat al-Muntaha*. 1st edition. Damascus: Manshurat al-Maktab al-Ta'limi.
- Al-Ramli, Shams al-Din Muhammad ibn Abi al-Abbas Ahmad ibn Hamzah ibn Shahab al-Din. (1939). *Nihayat al-Muhadhab*. Al-Maktabah al-Islamiyyah.
- Al-Shatibi, Ibrahim ibn Musa ibn Muhammad al-Lakhmi al-Gharnati. (1997). *Al-Muwafaqat*. Khaybar: Dar ibn 'Affan.
- Al-Zuhayli, Wahbah ibn Mustafa. (1985). *Usul al-Fiqh al-Islami*. Damascus: Dar al-Fikr.
- Ibn 'Abidin, Muhammad Amin ibn Umar ibn 'Abdul Aziz 'Abidin al-Dimashqi al-Hanafi. (1966). *Rad al-Muhtar ala al-Durr al-Mukhtar*. 2nd edition. Beirut: Dar al-Fikr.
- Ibn 'Ashur, Muhammad al-Tahir. (2011). *Maqasid al-Shari'ah al-Islamiyyah*. Beirut: Dar al-Kitab al-Lubnani.
- Ibn al-Qayyim al-Jawziyyah, Shams al-Din Abi 'Abdullah Muhammad ibn Abi Bakr al-Zar'i al-Dimashqi. (1988). *Zad al-Ma'ad fi Hadi Khayr al-Ibad*. Beirut: Mu'assasat al-Risalah.
- Ibn Faramurz ibn Ali. (n.d.). *Durar al-Hukam Sharh Ghurar al-Ahkam*. Damascus: Dar Ihya al-Kutub al-Arabiyyah.
- Ibn Hazm al-Andalusi al-Zahiri, Abi Muhammad Ali. (n.d.). *Al-Muhalla li Ibn Hazm*. Beirut and Lebanon: Al-Matba'at al-Tijariyyah li al-Tiba'ah.
- Ibn Qudamah al-Maqdisi, Abu Muhammad 'Abdullah ibn Ahmad ibn Muhammad. (1948). *Al-Mughni*. 3rd edition. Dar al-Manar.
- Ibn Qudamah al-Maqdisi, Abu Muhammad 'Abdullah ibn Ahmad ibn Muhammad. (n.d.). *Al-Kafi fi Fiqh al-Imam Ahmad*. Beirut: Al-Maktab al-Islami.



Birth Control in Singapore: A Juristic Maqasidic Study

Fatimah Karim - Siti Aisyah Binte Yusup

Ibn Taymiyyah, Sheikh al-Islam Ahmad ibn 'Abd al-Halim ibn 'Abd al-Salam. (n.d.). *Majmu' Fatawa Ibn Taymiyyah*. Saudi Arabia: Maktabat al-Ma'arif.

Sultān, Shaymaa' Fāris Sa'dūn, (2021) "Maqāsid al-Sharī'a wa Dawruhā fi Ḥifz al-Nasl wa Namādhij li al-Masā'il 'Aṣriyyah Mustajaddah", *Majallah Jāmi'at al-'Irāqiyyah*, Vol. 3, No. 48.

Second: English References

- Amin Habib MSc, Hawwa Iqbal BSc, Saad Amer FRCOG, MD. Contraception – An Islamic Perspective. *JBIMA: Journal of the British Islamic Medical Association*, Vol. 5, no.: 2 (2020). pp. 1-6.
- Arundhati Gosavi, Yueyun Ma, Hungchew Wong, Kuldip Singh. Knowledge and factors determining choice of contraception among Singaporean women. *Singapore Med J*, Vol. 56, no.: 11, (2016). pp. 610-615.
- Bilal Ahmad Wani, Rafiq Anjun. Islamic Perspective on Birth Control: Issues and Prospectus. *Al-Afkar, Journal for Islamic Studies*, Vol. 2, no.: 1 (2019). pp. 200-208.
- K. Kanagaratnam. Singapore: The National Family Planning Program. *The Population Council*, Vol. 1, No.:4, No.: 4 (1969). pp. 1-11.
- Nazirudin Mohd Nasir. (2017) *Fatwas of Singapore: Science, Medicine and Health*. Singapore: Majlis Ugama Islam Singapura (MUIS). [Family Planning and Reproductive Technology – Fatwas of Singapore \(pressbooks.com\)](http://pressbooks.com)
- Salako Taofiki Ajani. Islamic Perspectives on Birth Control. *American International Journal of Contemporary Research*, Vol. 3, no.: 1 (2013). pp. 117-127.
- Sheikh Yūsuf al-Qarḍāwī. (1985) *The Lawful and the Prohibited in Islam*. Washington: American Trust Publications.
- Wan Fook Kee, Saw Swee-Hock. Knowledge, Attitudes, and Practice of Family Planning in Singapore. *Studies in Family Planning*, Vol 6, No.: 4 (1975). pp. 90-97.
- Warren C. Robinson, John A. Ross. (2007) *The Global Family Planning Revolution: Three Decades of Population Policies and Programs*. United States of America - Washington, D.C.: The International Bank for Reconstruction and Development/ The World Bank.

Third: Websites

- Contra Costa Health Services. (n.d.). *Possible Problems of Short Birth Spacing*. Retrieved on June 10, 2022. <https://cchealth.org/birth-spacing/possible-problems.php>
- Haziq Rahmat. (2021). *The 4 Mazhabs in Islam*. Retrieved on July 5, 2022. [MuslimSG | The 4 Mazhabs in Islam](http://MuslimSG.com).
- International Islamic Fiqh Academy. (1988). *Birth Control*. Retrieved on July 5, 2022. <https://iifa-aifi.org/en/32328.html>
- Islamic Fiqh Academy India. (1989). *Family Planning*. Retrieved on July 5, 2022. <http://www.ifa-india.org/ar/pdfs/pdf-20211110044452.pdf>
- Majlis Ugama Islam Singapura (MUIS). (2021). *Fatwa Committee*. Retrieved on July 6, 2022. [Muis | Fatwa Committee](http://Muis.com)



Birth Control in Singapore: A Juristic Maqasidic Study

Fatimah Karim - Siti Aisyah Binte Yusup

MCCY. (2021). *Statistics on Muslim divorces over a 5-year period*. Retrieved on June 6, 2022. [MCCY - Statistics on Muslim divorces over a 5-year period](#)

Muslim.Sg. (n.d.). *About Us*. Retrieved on June 6, 2022. [MuslimSG | About Us](#)

National Archives of Singapore. (n.d.). *Agency: Singapore Family Planning & Population Board (SFPPB)*. Retrieved on July 6, 2022. https://www.nas.gov.sg/archivesonline/government_records/agency-details/132

NPR. (2005). *Role of the Fatwa in Modern Islam*. Retrieved on July 6, 2022. [Role of the Fatwa in Modern Islam : NPR](#)

World Population Review. (2022). *Singapore Population 2022*. Retrieved on July 6, 2022. <https://worldpopulationreview.com/countries/singapore-population>