

SELLING CONTRACEPTIVES

As for selling the various types of contraceptives, one should keep in mind the juridical principle “Everything that it is possible to use in a permitted manner is lawful to sell” (*Radd al-muḥtār* 6:391).

Hence, it would be permitted (*ḥalāl*) to sell the various types of contraceptives including the loop and the morning-after pill, as they have legally permissible uses. The morning-after pill (as explained earlier) can be used in cases of medical need; therefore, it would be permitted to sell it. It is analogous to selling a knife: one may use it to cut a fruit, but could use it to stab someone else.

Thereafter, if it is not used lawfully, the seller will not share the sin or blame, because that unlawful action was purely through the deliberate and willful action of the purchaser and not due to the sale itself. One does not even need to ask or investigate why it is being used and the assumption of lawful use is permissible on the part of the seller. However, if, in a particular case, the seller is certain of it being used unlawfully, it would be best to avoid selling it to that particular person.

DISADVANTAGES AND HARMS OF CONTRACEPTION

At this point, I would like to highlight that, irrespective of the Islamic rulings, birth control in general and the various methods of contraception are associated with many disadvantages and side effects:

1. Contradicting the Shari‘a motive of marriage, which, as stated earlier, is procreation.
2. Lack of trust in Allāh Most High (if contraception is carried out for economic reasons).
3. One is unaware of which child may be a source of salvation for one in the Hereafter; that is, the semen wasted could be the child who may intercede for one in the Hereafter.

sinful act here [in the case of aborting the fetus] if the fetus was aborted without a valid excuse, except that one will not be committing the sin of murder” (*Radd al-muḥtār* 6:591).

The Mālikī School

The Mālikī school is clear regarding the impermissibility of an abortion once the semen is retained in the womb.

It is stated in *Al-Sharḥ al-kabīr* of Imām Dardīr, “It is not permissible to take out the semen that has reached the womb, even before the passing of forty days. And when the soul is entered, it becomes absolutely unlawful” (*Ḥāshiyat al-Dasūqī ‘ala ‘l-Sharḥ al-kabīr* 2:237).

Another Mālikī jurist, Imām Ibn Juzay (may Allāh have mercy on him) states, “When the womb retains the semen, it becomes impermissible to meddle with it. The sin will become more severe when the organs of the body are formed, and even more when the soul is actually blown into the fetus, for that is considered to be murder by consensus” (*Al-Qawānīn al-fiqhiyya* 235).

The Shāfi‘ī School

Imām Ibn Ḥajar al-Makkī, the great Shāfi‘ī jurist, states,

The scholars have differed in regards to the ruling of causing the pregnancy to be aborted prior to when the soul being entered into the fetus, which is 120 days. Ibn al-‘Imād and others are of the view that it will be unlawful (*ḥarām*). This should not be objectionable due to the permissibility of practicing coitus interruptus (*‘azl*), because the difference between the two is apparent, in that the semen at the time of ejaculation is a “part of a whole” that is not ready for life in any way, contrary to when it has settled into the womb (*Tuḥfat al-muḥtāj* 8:241).

Imām Abū Ḥāmid al-Ghazālī (may Allāh have mercy on him) states in his renowned *Iḥyā’ ‘ulūm al-dīn*, after discussing the ruling on contraception (*‘azl*):

Contraception (*‘azl*) is not like abortion or burying the girl alive (*wa’d*),