

THE USE OF LOOP AS A MEANS OF BIRTH CONTROL

Q: 8- The question arises as to whether the use of the loop, which is inserted in the uterus of the woman, is permitted as a means of birth control. The effect of the use of the loop is summarised in the letter of Dr A E Suliman, an experienced and qualified gynecologist.

In some cases, the sperm and ovum are destroyed prior to fertilization. In other cases, fertilization takes place but the resultant fertilized ovum which takes the form of cellular material is prevented from becoming implanted in the inner wall of the uterus at the time of such expulsion of the fertilized ovum.

Mufti Jaleel Qasmi Sahib has expressed the view that the use of the loop in such circumstances is permissible although not encouraged, such view being based on the analogy of AZAL. A general medical practitioner has raised an objection to the effect that the cellular material which is so expelled contains life but then, in answer the sperm and the infertilized ovum also contains life. Your considered FATWA on the matter would be greatly appreciated as soon as possible, and is required by the Jamiatul Ulema, Natal. (M S. Omar, South Africa)

A: It appears from your question as well as the enclosed explanation given by the expert that the use of the loop may bring either of the two results:

1. It may prevent fertilization by destroying the sperm and the ovum prior to their interaction.
2. If the fertilization takes place, the fertilized ovum is expelled from the uterus by the loop. This expulsion takes place within one or two weeks after the fertilization.

In the first case where the loops acts as a preventive measure against fertilization. It is similar to any other contraceptive and the rules regarding 'AZAL' (coitus interruptus) may be applied to the loop also, i.e. its use is permissible in Shariah in cases of individual needs, like the sickness or the weakness of the woman where pregnancy may endanger her health.

In the second case, however, the rules of 'AZAL' cannot be applied, because in that case it is not merely a preventive measure, but it expels the fertilized ovum from the uterus after conception. Therefore, it acts as a device to effect an abortion. Hence, the rules of abortion shall apply.

According to the Islamic rules, an abortion is totally prohibited, if it is effected after the completion of 12 weeks' after conception. But at an earlier stage, abortion is permissible only for medical reasons and other genuine needs.

As the loop expels the fertilized ovum within two weeks, its use cannot be held as prohibited totally. However being a device of abortion, its use is not advisable and it should be restricted to the cases of the real medical needs only.

Contemporary fatawaa