



The Freedom to Determine the Choice to Have or not have Children

Richard Mantaru¹, Joko Martoko², Andi Haris³

Universitas Indonesia, Indonesia, | rmantaru@ui.ac.id

Universitas Indonesia, Indonesia, | rmantoko@ui.ac.id

Universitas Indonesia, Indonesia, | aharis@ui.ac.id

Received: 02-01-2023

Reviewed: 10-01-2023

Accepted: 01-25-2023

Abstract

The decision to choose *child-free* household life cannot be separated from the role of husband and wife. The method used in this research is qualitative, with a comparative approach, namely comparing two points of view, namely according to classical and contemporary Islamic scholars. While the type of research used is *Library Research*, in the sense that all data sources come from written materials related to the topics discussed. The results of the research show that the classical ulema's do not forbid a husband and wife who agree not to have children (offspring). Because this is confirmed by 'Azl, which is legally permitted by Imam Ghazali, as well as contemporary scholars also allow it if husband and wife agree because of certain benefits. So *childfree* is not included in the prohibited acts, because every married couple has the right to plan and manage household life including having children.

Keywords: Child-free, Classical Ulama, Contemporary Ulama

Introduction

Marriage is an inner bond between a man and a woman to achieve a noble goal, namely to obtain offspring as regeneration to continue the life cycle. However, not all married couples cannot have children due to reproductive health reasons (childless) and reasons they do not want to have children (child-free). Childlessness occurs due to health problems that make it difficult for couples to have children. In addition, childlessness can occur to delay obtaining offspring or set the distance in obtaining offspring. Meanwhile, *childfree* occurs because there is an agreement between husband and wife not to have offspring (children) for reasons of choice. (Neal & Neal, 2021)

The decision to be *child-free* raises a negative stigma in society. *Childfree* can be defined as a view of a husband and wife who decide not to have children. *Childfree* is not a new term,

many married couples in big countries have chosen this decision. The decision to choose a *child-free* household life cannot be separated from the role of husband and wife. Departing from this phenomenon, the authors are interested in research to analyze the *childfree phenomenon* from the perspective of classical and contemporary Islamic scholars. (Nakkerud, 2021)

Literatur Review

Definition of *Childfree*

Childfree consists of two words, namely child which means child, and free which means free. According to Victoria Tungguno in her book entitled “*Childfree and Happy*” *Childfree* is a life choice made consciously by someone who wants to live life without giving birth or having children. (Stahnke et al., 2020)

According to the HeylawEdu page, the term *childfree* refers to a person's or a couple's decision not to have children or not to have children. In addition, according to the Oxford Dictionary, the term *childfree* is a condition in which a person or partner does not have children for the main reason, namely choice. Meanwhile, the Cambridge Dictionary defines the term *childfree* as similar to what is described by the Oxford Dictionary, namely a condition in which a person or partner chooses not to have children. From this understanding, it can be understood that *Childfree* is an agreement made by a husband and wife not to have children (children) with various considerations and reasons. (Iverson et al., 2020)

According to Intan Kusuma Wardhani, a psychologist, *Childfree* is a selfish decision in a husband-wife relationship if the decision is taken unilaterally. Through communication in the household, the consideration to decide to become *childfree* is very necessary to understand each other. But within the Indonesian scope, husband and wife need to differentiate from the western custom which is when they get married they separate their homes from their parents. Meanwhile, in Indonesia, most married couples still live in an extended family environment. So, even if the husband and wife agree with *Childfree's* decision, they must consider input and suggestions from other family members so that it doesn't harm the partner personally. (Ruegemer & Dziengel, 2022)

Childfree theory in fiqh analysis is illustrated as a consensus order against the birth or existence of a child, both before the potential child exists and afterward. In the analysis of fiqh, there are several synonyms for cases, namely rejecting the form of a child before the sperm is in the woman's womb, either using, first, or not getting married at all. Second, by refraining from having sexual intercourse after marriage. Third, with the non-inzal technique, aka not spilling sperm in the womb after inserting the penis into the vagina. Fourth, by way of 'azl alias spilling sperm outside the vagina. The four things above are the same as *childfree* preferences in terms of avoiding the child's form before it potentially exists. If what is meant by *childfree* is avoiding the child's existence before the potential is formed, that is, before the sperm is in the woman's womb, then the law is permissible. (Ashburn-Nardo, 2017)

The term *Childfree* first appeared in 1901 in the Merriam-Webster English dictionary which is defined as a lifestyle chosen by someone to be *childfree* (without children). In the

The Freedom to Determine the Choice to Have or not have Children

Euro-American context, the term childfree has been known since the late 20th century as an alternative to 'not having children'.

Childfree reasons

Couples who choose not to have children have several reasons, including the following.

a. There is a desire not to have children

The fact is, not everyone wants to be a parent. While many people say they can't imagine life without children, some choose not to have children. It's a perfectly reasonable choice for everyone, Bela.

Just because someone doesn't want kids doesn't mean they are bad people. Instead, they are people who make the best choices for themselves. After all, this child-free decision is taken by married couples who remain committed to each other.

b. Job Reasons

Work takes a lot of time and the career you dream of must be built with hard work. Building a career can take years or even decades, so many people don't want to give up their career after working so hard to build it.

Having children means that someone has to be sacrificed. You may not be able to fully focus on your career, because you also have to take good care of your children. Being a parent is a multitasking job and some people may object to doing that. Those who put their career first will invest their time and attention in work rather than raising children. This is also not a wrong choice, as long as they feel it is their best decision.

c. Unsupportive environment

Putting one person on earth means consuming more resources, which ends up creating more pollution, and producing more waste.

According to some people who care about the environment, choosing not to have children is one of their ways to make a positive impact on the environment.

A study entitled *"The Climate Mitigation Gap: Education and Government Recommendations Miss the Most Effective Individual Actions"* revealed that reducing one child is equivalent to reducing carbon emissions.

d. Raising children costs a lot

Raising a child costs a lot of money. You also have to think long-term to meet their needs.

The cost of a child is not just the cost of food and clothing. There are emergency costs when they are sick, educational costs, and other costs that are sometimes unexpected. Of course, this must be very considered before you decide to have children.

e. Health considerations

Having children also affects the health of parents, especially during pregnancy, not only physically but also the mental health of the mother. This is because certain hormones can change mood.

Not only that, women and men who have hereditary diseases, may think not to have children because they do not want to pass on the disease. They don't want to bring a child into the world only to get a disease that may be incurable.

Another health issue is the possibility that the couple has a chronic illness, making it impossible for them to have children.

f. There are other children in their life

Some people who don't have children may take care of other children, such as teachers, nurses, and coaches who spend a lot of time with children. The educators and mentors who are close to the children give a lot of love and energy to them, it can be the reason someone decides to be childfree.

g. Want to travel

There are many adventures that one wants to do, and not all of those adventures can involve children. Some people just want to see the world, experience a new culture, and challenge themselves to live as freely as possible. (Sujono et al., 2022)

Traveling itself requires a lot of money, so with that in mind, these people choose childfree.

h. Lifestyle

Another person's reason for being child-free is lifestyle. This means that they prefer to spend time on hobbies, raising animals, and so on. It's not that hobbies and children can't coexist, but the reality is that life changes after we have children because there are things that must be prioritized.

i. Family Trauma

Everyone certainly has a different past. People with bad childhood experiences sometimes choose not to have children. They feel they did not learn good parenting from their parents.

It could be that they were once in an abusive family or saw domestic violence as a child. His fears as a child made him not want to bring small creatures into the world who might feel the same suffering. (Ekelund & Ask, 2021)

Childfree Impact

The absence of children in a married couple can be considered positive, the impact that can be felt when a husband and wife agree not to have children is that they are freer to do things without the obligation to take care of children, and are more focused on the couple resulting in satisfaction in the married couple. Couples who do not have children have more time to pay attention to their partners by meeting their needs so which will have a positive impact. But on the other hand, the presence of children is also considered economically important as a workforce, not only that, the presence of children is also important in establishing a husband and wife relationship which can strengthen the communication and interaction of partners, in social issues also children are no less important as the role of practicing religion or continuity of culture and traditions. (Moultrie, 2021)

Research methods

The method used in this study is qualitative, with a comparative approach, namely comparing two points of view, namely according to classical and contemporary Islamic scholars regarding *child-free choice*, to be critically examined based on the arguments of the fuqaha'. While the type of research used is *Library Research*, in the sense that all data sources

The Freedom to Determine the Choice to Have or not have Children

come from written materials related to the topics discussed. During the study, all arguments supporting the preparation of this paper were sourced from books, journals, newspapers, and scientific writings that were related to the object under study.

Result and Discussion

a. Opinion of the Classical Scholars

In Islamic studies, *Childfree* can be equated with '*Azl*', namely spilling sperm outside the vagina. In medical science, *al-'Azl* is called *Coitus Interruptus*, namely ejaculating outside the vagina so that the sperm does not meet the wife's egg, as a result, the sperm released by the husband is scattered outside the wife's vagina, or by using contraceptives both husband and wife to prevent fertilization (pregnancy). (Nakkerud, 2021)

Childfree is defined as '*Azl*' because it is substantially the same as a childfree choice in terms of both rejecting the child's existence before it has the potential to exist. Sexual intercourse between husband and wife is the most likely cause for someone to experience pregnancy. This method can be a way for married couples to live together, and have sexual relations together but not have children because the wife will not get pregnant if the husband's sperm does not enter the wife's egg cells. (Khasanah & Ridho, 2021)

Imam Ghazali said that leaving a marriage, leaving intercourse after marriage, or leaving *Azl* during intercourse is not unlawful, as explained in his book *Ihya' Ulum al-Din*

وإنما قلنا لا كراهة بمعنى التحريم والتنزيه لأن إثبات النهي إنما يمكن بنص أو قياس على منصوص ولا نص ولا أصل يقاس عليه بل ههنا أصل يقاس عليه وهو ترك النكاح أصلاً أو ترك الجماع بعد النكاح أو ترك الإنزال بعد الإيلاج فكل ذلك ترك للأفضل وليس بارتكاب نهى .

"We say that what is meant by *makruh* is not *makruh tahrīm* or *makruh tanzih*, because setting a prohibition is only possible with the text or *qiyas* in the text, and there is no text or origin of *qiyas* that can judge *Azl's makruh*. However, what exists is *qiyas* which allows, that is, not getting married at all, not having intercourse after marriage or not having *Azl* during intercourse, all of that is just leaving what is more important not violating something that is prohibited. (Shofita et al., 2021)

In Imam Ghazali's opinion, it can be concluded that it is permissible to leave intercourse after marriage or leave *Azl* during intercourse which has an impact on producing children, so it is also permissible to be childfree.

b. Opinion of Contemporary Scholars

Citing the Egyptian Fatwa institution *Dar al-Ifta' Egypt* Number 4713, February 2019 Shaykh Sauqi Alam issued a Fatwa that in *Childfree* several important points need to be understood.

1. In the Islamic religion, there is no prohibition either in the Koran or in the Hadith regarding *Childfree* actions.

ولم يوجب الشرع على كل من تزوج أن ينجب أولاداً، لكنه حثَّ عموم المسلمين على النكاح والتكاثر، واكتفى بالترغيب في ذلك مع بيان أنها مسؤولية على كل من الوالدين

It means :

"Islamic religious law does not oblige married people to have children, but generally Muslims marry and have more children, and this decision is fulfilled by encouraging them to do so with explanations as parents' responsibilities."

2. A husband and wife agreement not to have children is permissible especially based on fear or because of illness.

وإذا غلب على ظن الزوجين أنهما غير قادرين على هذه المسؤولية، أو قرّرا عدم الإنجاب لمصلحة معينة؛ كأن يكون في الإنجاب خطورة مثلًا على صحة الزوجة، أو خافًا فساد الزمان على الذرية، فاتفقا على عدم الإنجاب، فلا حرج في ذلك عليهما؛

" When a husband and wife have strong suspicions that both of them are unable to provide for themselves if they have children or there are benefits such as worrying about the health of his wife or worrying about the damage to a child by the times and then both of them agree not to have children, then that is not a sin, because there is no text in the Koran which prohibits ".

3. According to Shaykh Ibrahim, nature is a problem *Childfree* is in Qiyasan with *Azl problems* or severing husband and wife relations before reaching orgasm so that the husband's sperm does not enter the wife's vagina.

واتفاقهما على منع الإنجاب في هذه الحالة يُقاس على العزل، وقد اتفق جمهور العلماء على أن العزل مباح في حالة اتفاق ذوجين على

" The husband and wife's agreement not to have children, in this case, is based on *Azl's problem*. Jumhur scholars have agreed that *Azl* is mubah as long as both of them agree.

The Mufti of Egypt has also explained that *Childfree* is the right of husband and wife, they both may agree to decide whether to have children or not, but this must be based on the agreement of both as explained below:

عدم الإنجاب هو حقٌّ للزوجين معًا، ويجوز لهما الاتفاقُ عليه إذا كان في ذلك مصلحة تخصُّهما، ولا يجوز لأحدهما دون موافقة الآخر، وهذا الجواز على المستوى الفردي

"Not having children is a right between husband and wife, they are allowed to agree not to have children because there are certain benefits, one husband and wife cannot disagree, and this permissibility is included in individual matters."(Muhammad Khatibul Umam & Nano Romadlon Auliya Akbar, 2021)

Conclusion

Based on the description above, it can be concluded that the classical ulemas do not forbid a husband and wife who agree not to have children (offspring). Because this is confirmed by *'Azl* , which is legally permitted by Imam Ghazali, as well as contemporary scholars also allow it if husband and wife agree because of certain benefits. So *childfree* is not included in

The Freedom to Determine the Choice to Have or not have Children

prohibited acts, because every married couple has the right to plan and manage household life including having children. Nevertheless, it is important to note that in Islam children are seen as a gift that should be grateful for because children are a gift from God. The presence of children as one of the goals of marriage is a form of God's love for humanity because having children in marriage can add to family harmony as long as both parents are ready physically and spiritually. There is nothing to worry about when a legally married couple has children because later these children will become the next generation in doing good.

Reference

- Ashburn-Nardo, L. (2017). Parenthood as a Moral Imperative? Moral Outrage and the Stigmatization of Voluntarily Childfree Women and Men. *Sex Roles*, 76(5–6), 393–401. <https://doi.org/10.1007/s11199-016-0606-1>
- Ekelund, M., & Ask, K. (2021). Stigmatization of Voluntarily Childfree Women and Men in the UK: The Roles of Expected Regret and Moral Judgment. *Social Psychology*, 52(5). <https://doi.org/10.1027/1864-9335/a000455>
- Iverson, H., Lindsay, B., & MacInnis, C. C. (2020). You don't want kids?!: Exploring evaluations of those without children. *Journal of Social Psychology*, 160(5). <https://doi.org/10.1080/00224545.2020.1742080>
- Khasanah, U., & Ridho, M. R. (2021). CHILDFREE PERSPEKTIF HAK REPRODUKSI PEREMPUAN DALAM ISLAM. *Al-Syakhsiyyah: Journal of Law & Family Studies*, 3(2). <https://doi.org/10.21154/syakhsiyyah.v3i2.3454>
- Moultrie, M. (2021). "MAKING MYSELF": An Exploratory Study of Black Christian Childfree Women's Concepts of Family. *Journal of Religious Ethics*, 49(2). <https://doi.org/10.1111/jore.12353>
- Muhammad Khatibul Umam, & Nano Romadlon Auliya Akbar. (2021). Childfree Pasca Pernikahan: Keadilan Hak-Hak Reproduksi Perempuan Perspektif Masdar Farid Mas'udi dan Al-Ghazali. *Al-Manhaj: Journal of Indonesian Islamic Family Law*, 3(2). <https://doi.org/10.19105/al-manhaj.v3i2.5325>
- Nakkerud, E. (2021). Ideological Dilemmas Actualised by the Idea of Living Environmentally Childfree. *Human Arenas*. <https://doi.org/10.1007/s42087-021-00255-6>
- Neal, J. W., & Neal, Z. P. (2021). Prevalence and characteristics of childfree adults in Michigan (USA). *PLoS ONE*, 16(6 June). <https://doi.org/10.1371/journal.pone.0252528>
- Ruegger, A. M., & Dziengel, L. (2022). Why DID they have children? Rural midlife women who are childfree. *Journal of Women and Aging*, 34(5). <https://doi.org/10.1080/08952841.2021.1944002>
- Shofita, N., Azza, R., & Khunaifah, S. (2021). Childfree Problems And Their Solutions From An Islamic Perspective. *Eduvest - Journal Of Universal Studies*, 1(12). <https://doi.org/10.36418/edv.v1i12.309>
- Stahnke, B., Blackstone, A., & Howard, H. (2020). Lived Experiences and Life Satisfaction of ChildFree Women in Late Life. *Family Journal*, 28(2).

<https://doi.org/10.1177/1066480720911611>

Sujono, I., Mangesti, Y. A., & Suhartono, S. (2022). THE SELLER'S LIABILITY DUE HIDDEN DEFECTIVE PRODUCTS IN THE ONLINE SELLING AND BUYING TRANSACTION BASE ON UUPK. *International Journal of Law Reconstruction*, 6(2), 257–277.