

## CHAPTER I INTRODUCTION

### A. Background

In Islam, a harmonious relationship within the family is forged in a sacred relationship; marriage. It is a necessity for every faithful human being which its rule is ordered by God, the Quran says:

وَأَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ ۚ إِن يَكُونُوا فُقَرَاءَ يُغْنِهِمُ اللَّهُ مِنْ فَضْلِهِ وَاللَّهُ وَاسِعٌ عَلِيمٌ

And marry off the single among you and among the righteous of your male and female slaves. If they are poor then Allah will supply their needs from His generosity. And Allah is expansive, knowing.<sup>1</sup>

One of the purposes of marriage is to have children. Children as the result of marriage are important factor in stabilizing the family foundations as well as a source of real joy to their parents. A great deal of orders has been given in the Holy Quran and the Hadith towards marriage and having children. Through marriage, the preservation of mankind continues. The purpose of marriage which is to have children is described in Hadith:

عَنْ سَعِيدِ بْنِ أَبِي هِلَالٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ قَالَ تَنَّاكْحُوا تَكْتَرُوا فَإِنِّي أَبَاهِي بِكُمْ الْأُمَّمَ يَوْمَ الْقِيَامَةِ

Narrated from sa'īd ibn Abū Hilāl, the Prophet said: “Get marry and multiply, for I shall be proud of you in the day of resurrection.”<sup>2</sup>

This Hadith states that having many descendants is preferable. In another Hadith the Prophet (pbuh) also encourages men to marry a prolific woman

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<sup>1</sup> QS: 24:32

<sup>2</sup> Ahmad ibn Muhammad ibn 'Ali ibn Ḥajar Al-Haitami, *al-Ifṣah' 'an Ahadīs al-Nikāh*, Oman, Dar al-Islamiyah, 1986, vol. 1 p. 12

who potentially bear a lot of children.

Social impacts of having many children in a family are probably not too noticeable, especially in case of family which is supported by financial strength. When they have a lot of children, it will be easier to feed them or pay for their education. However, in the case of the wider part of society, having few or many children is determining the prosperity of country, rather than just considered as problems about family. It is known that problems of childbirth are already big concern in many countries.

The increasing of birth rates can trigger overpopulation. Due to overpopulation, things that may be experienced in the future are shortage of foods, energy, housing, and environmental health. Uncontrolled population growth rate requires bigger supplies of food while food-producing land is limited. To meet the needs of food, people have to cut down forests in order to expand agricultural land, and conversion of forests to agricultural land can cause erosion. Chemical use as fertilizer also will reduce the level of soil fertility. Deforestation and erosion will reduce soil's ability to absorb water and it can increase the risk level of flooding and other natural disasters. Another problem that will arise is about energy resources and housing for people. Population growth will spend big amount of natural resources so it will be quickly depleted. Governments must also provide adequate housing for people in large numbers each year.

The average birth rates are significant factor to influence policies of governments. Countries with low birth rates try to increase their population, while countries with high birth rates try to reduce the birth rates. Low birth rates affect countries many imminent misfortune, such as declining in economic growth and quality of life in the future as population of old people begins to outgrow the population of workers. For example is South Korea at 2010. It is a state with the lowest birth rate comparing to the other countries. One of the problems they are facing is a possibility of a shortage of productive labor in the future. To solve this problem, the government makes some policies such as instructing employees to go back early to their home,

so they will have plenty of time to make babies with their spouses.

Indonesia, -in contrast to South Korea- is currently experiencing rapid population growth. But at the same time, this country does not have sufficient qualified human resources to resolve the problems that might occur from such situation. To solve this population problem, the state government therefore implements policies such as encouraging citizens to participate in family planning with contraceptive methods to adjust the average birth rates of the country.

Statistic puts Indonesia as the fourth most populous country after China, India and the United States. Population census 2010 shows its population growth by about 3.5 million people per year. With the birth rates is reaching 1.49 percent per year among productive age couples consisting male: 119.51 million and female: 118.05 million, Indonesian population in ten year is predicted to be around 237.56 million. If the government's programs in suppressing population's growth fail, then the number of people in the country in 2045 could be around 450 million people, means that one out of twenty people of entire population around the world is Indonesian.<sup>3</sup>

Discussing about Islamic view about population problems, some 'Ulamā tend to disallow limitation of birth rate. For example, there is the 16th conference of Rabi'ah 'Alam Islami. This conference issued fatwa to prohibit birth control and the statement as follows:

The panel has studied the issue of birth control or family planning, as some of the campaigner named it. Members of the panel agreed that the pioneers of the idea want to make a plan to deceive Muslims, and Muslims who support them to will fall into their trap. This birth control would harm Muslims of its political, economic, and social aspects. Fatwas from noble 'Ulamā and reliable scientist has been established, religious rule also forbid this birth control. Restrictions towards multiplying descendants are against sharia. Muslims have agreed that one of the aims of marriage in Islam is to bring forth

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<sup>3</sup> News on Tempo website, news dated 19/10/2010, retrieved on 18 January 2012 from <http://www.tempo.co/read/news/2010/10/19/173285658/Pertumbuhan-Penduduk-Indonesia-Mengkhawatirkan>. See also: Badan Pusat Statistik, *Sensus Penduduk 2010*, retrieved on 18 January 2012 from <http://www.bps.go.id>

offspring. In the Hadith *Sahīh* of the Prophet (pbuh), it was mentioned that a fertile women is better than the barren.<sup>4</sup>

Statement of the conference indicates high suspicious view of ‘Ulamā against family planning matters that in the view of some Ulamā, the effort is suspected to be a red herring invented by enemies to inhibit the growth of Islam, so that Muslim people will become weak. Besides of the accusations, ‘Ulamā also argue that efforts to limit birthrates with a particular intention, such as fear of poverty are against the moral teaching of Islam; such as the teaching about faith to God in their livelihood. Here is a Statement of the Great Scholars Institution in the kingdom of Saudi Arabia on 13/04/1396 H No. 42:

An effort to limit descent is absolutely prohibited. Pregnancy should not be rejected if the reason is fear of poverty, for God almighty who gave of fortune is strong and powerful. No animal on earth except that their fortune is granted by Allah.

In Islam, consideration of benefits (*maṣlaḥat*) and damages (*maḍarrat*) is something underlies the determining of law; mandatory, recommended, allowed, or prohibited. Related to the issue of population, Islamic law expert Waḥbah Zuḥaiḥī had his opinion about this issue. Previously, he explained that when someone uses his right to reach benefits that are allowed by Syariat, but will potentially cause other people losses, and the loss is estimated to be greater than the benefit or balanced, then he should not do it. It is same when the danger befalls many people or just a few persons.

Zuḥaiḥī acknowledges that increasing the number of descent sometimes has bad effect resulting economic shortage, yet, the danger because of it is still based on imagination (*ḍarar mauhūm*). This kind of *ḍarar* cannot make a person to be prevented from doing so, because God has provided many treasures in earth that are sufficient for human needs if they want to use their hands to work and their mind to think. In this case, he

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<sup>4</sup> Referensi Muslim website, *Fatwa Internasional Tentang KB*, retrieved on 8 March 2012, from <http://www.referensimuslim.com/2011/09/kumpulan-fatwa-internasional-tentang-kb.html>

argues that devotion to God is the solution to prevent the dangers<sup>5</sup> as the Quran says:

وَلَوْ أَنَّ أَهْلَ الْقُرَىٰ آمَنُوا وَاتَّقَوْا لَفَتَحْنَا عَلَيْهِم بَرَكَاتٍ مِّنَ السَّمَاءِ وَالْأَرْضِ وَلَكِن كَذَّبُوا  
فَأَخَذْنَا هُمْ بِمَا كَانُوا يَكْسِبُونَ.

If the people of the towns had believed and feared Allah, We shall bestow on them the blessings of heaven and earth, but they denied (Our signs), therefore, We seized them because of their misdeeds.<sup>6</sup>

Muslim people must believe that everything comes from the Quran which is revealed to the Prophet (pbuh) is an absolute truth, as well as the prophet Hadith as explanations (*bayān*) of the Quran. The truth from the Prophet should not be doubted. But when the truth is not balanced with appropriate reasoning, so it will lead to some biased interpretation then will lead to some practices that would be contradictive to reality.

As a second source of *ijtihād*, the understanding of Hadith is not free from criticism because the Prophet's Hadith were recorded by the companions, transmitted to the next generation of both personal and massive, and narrated with various wordings and interpretations. Hence, there are some indications that most Hadith was still partially understood. Partial understanding of Hadith from partial sources will cause disputes and even lead to improper practices in the name of "following the Sunnah of Prophet Muhammad". This interpretation problem demands future reader's intellectual capacity to understand the Sunnah of Prophet (pbuh) so the order of Hadith can be practiced properly.

Based on the matters that were described, the author is interested to conduct a study entitled *AL-AMR BI AL-TANĀSUL* (THE ORDER OF PROCREATION) IN HADITH (A Thematic Study) which in the view of the author is a relevant term of the problem which was discussed. To

<sup>5</sup> Wahbah Zuhailī, *al-Fiqh al-Islām wa Adillatuh*, Beirut, Dār al-Fikr, 2007, vol. 4 p. 394

<sup>6</sup> QS: 7:96

conduct this research, the author is using certain methodological moves in order to answer the questions arise from the issues that was mentioned.

## **B. Research question**

1. What is the meaning of *al-amr bi al-tanāsul* (the order of procreation) in Hadith?
2. How to implement *al-amr bi al-tanāsul* (the order of procreation) according to Hadith in the present reality?

## **C. Aim and significance**

Primarily, aim of this research is to answer research problems formulated in the questions above. They are:

1. To gain a proper understanding toward the meaning of procreation according to Hadith.
2. To know the relevance between the order of procreation according to Hadith with the present reality, so the order can be implemented properly.

The significance of research is the benefits, which can be taken as solving problem in the research.<sup>7</sup> Usefulness of this research is to provide constructive ideas of religious insight, especially the parts that related to the social issues. Practically, to gain an appropriate understanding then the gap between interpretation of the Hadith with the problems occur in the society can be resolved.

## **D. Prior research**

Procreation is currently discussed in several fields of study, such as social-demographic, midwifery, pharmacy, and Islamic studies. Some of the researches are:

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<sup>7</sup> Jujun S. Suriasumantri, *Filsafat Ilmu: Sebuah Pengantar Populer*, Jakarta, Pustaka Sinar Harapan, 2001, p. 313

## **1. STUDY ON MARRIAGE AND PROCREATION.**

This is a survey based research done by The Ministry of Community Development and Sports and the Ministry of Finance of Singapore Government. The studies were conducted between July 2003 and February 2004, and surveyed more than 10,000 single and married Singapore residents on the subject. The key findings are: (a) Nearly four out of five married respondents believed that a three-child family is ideal and "just nice". At the individual level, however, the overall intended and actual family size was two children on average, largely due to constraints.(b) Couples cited lack of money, energy, and time to have children. Among married persons surveyed who had fewer children than they had wished for, 39% attributed it to the high cost of having children, while 28% attributed it to the lack of time and/or energy to have children. Many of those who cited the second reason were well-educated people. In addition, 13% of married persons cited health risks as the reason for having fewer children. (c) There is the growing preference among Singaporean women for alternative work arrangements, such as part-time work and flexible work arrangements. Working part-time and having one or more children was an ideal choice for 21% of the female respondents. About 31% of women said that having children while pursuing a career was the ideal lifestyle choice. About 26% thought that it would be ideal to have children and work part-time while the children are young, and return to work full-time when the children are older. Another 11% would like to quit their jobs when they have children but return to work when they are older.

## **2. POVERTY AND PROCREATION AMONG WOMEN: An Anthropologic Study with Implications for Health Care Providers**

A study was done by Cheryl M. Killion (American College of Nurse-Midwives; 1998), Findings from a 5-year ethnographic study of homeless, pregnant women in Southern California pinpointed the contextual constraints, along with individual factors, that framed the women's

reproductive options and actions. The women had very little choice in the timing, the place, the partner, and the circumstances surrounding conception. Factors contributing to their becoming pregnant were the woman's victimization, economic survival, lack of access to contraceptives, uncertain fertility, desire for intimacy, and hope for the future. Findings suggest that even if the women were able to establish reproductive goals and had the wherewithal to acquire and effectively use contraceptives, situational constraints (homelessness, pregnancy, poverty, contraception, and fertility patterns) might still prevent their success.

### **3. HADITS TENTANG ANJURAN MENIKAHI WANITA PRODUKTIF (Telaah *Ma'ānī al-Hadīs*)**

This is a mini thesis written by Auliya Rohmawati (05530009), student of Sunan Kalijaga Islamic State University, Yogyakarta. It is a study that according to the writer, the Hadith studied was interpreted with gender biased thought. According to her, this Hadith was about the recommendation addressed to men to marry a woman who is able to bear many children. The writer was questioning about why only woman that requires fertility, on the other hand, men are not required to be prolific.

It was concluded from the macro situation from the age of the Prophet, it is natural that women's fertility becoming high concern. That is because the position of women at the time was passive objects and the majority of those who are active in public affairs were male, whereas, the Prophet in his domestic life, he has not concerned about his wife's fertility. The writer suggests that the most important thing is how is the best way to maintain the integrity of the households in all circumstances. The writer concludes that the Hadith will be correctly understood if men are concerning his bride's fertility before marriage, and it is irrelevant in after marriage situation.

Although the Hadith in this research is included in procreation theme, the contextual understanding of the Hadith is still at the level of individuals

and family matters, so it didn't represent procreation issues as whole. It would provide space for the researcher to study further about procreation.

#### **4. PERANAN KYAI PESANTREN DALAM PEMASYARAKATAN PERILAKU REPRODUKSI SEHAT DI KALANGAN PARA SANTRI**

Research conducted by A. Taufiq, Nur Hidayat, Ari Udiyono, Saryadi, Sugiarti. This study aims to determine some of the Islamic concept of Reproductive Health, and how the *Kiai* responds on the concept, and how is its application in *Pesantren*. Finding is the *Kiai* has made socializing reproductive healthiness behavior easier. It is because Islamic teachings provide a comprehensive reproductive health pattern, so that the lessons learned not only from knowledge from the *Kiai*, but also religious teachings and guidance certainly onto world hereafter dimension.

#### **E. Definition of key terms**

To avoid misunderstanding about the title and theme discussed in the study, the author need to clarify terms used in the study. The definition of the terms also has its use for references in collecting Hadith as the object of study based on the theme, so it can be properly identified.

- (a) Order means any sentence which contains authoritative direction or instruction; command; mandate; expressed in Arabic with by using *ṣīgat amr* using directive command verb.
- (b) Procreation etymologically is an English term derived from old French *procreacion*, and from Latin *procreatio* (generation), the noun of action from *procreare* (to bring forth offspring). Examples of procreate is “*Animals have a natural instinct to procreate.*” Terminologically, procreation means the process by which an organism produces others of its biological kind and the sexual activity of conceiving and bearing biological offspring.

Fertility, fecundity and fecundability, are terms to approach

the topic of human reproduction -at the level that aggregates individual experience in procreation-the concepts and definitions need to be expanded. Fertility indicates the product or output of reproduction, the actual reproductive rate of an organism or population. Fecundity is the physiological ability to have children. Fecundability is the further aspect of reproduction, meaning the probability of becoming pregnant, or the likelihood of exposure to the possibility, that depends on the pattern of sexual and pregnancy preventive behaviors.

- (c) Hadith. The researcher means from the word Hadith is the prophet's mind and views that were written and codified in the form of Hadith. Terminologically, as stated by al-Ṭahāwunī, Hadith means anything that relies upon the Prophet (pbuh). According to al-Ṭibby, Hadith also includes words, deeds and *taqrīr* of companions and *tābi'in*.<sup>8</sup>

## F. Research methodology

### 1. Type of Research

To answer the problem that was described in the research question, this study required descriptive data in the form of the written description rather than number, thus, this research come under qualitative research. Data is obtained from reading literatures related to it. From this description, the study considered a library research.<sup>9</sup>

### 2. Collecting the data

As it is known that this study is a library research, so the

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<sup>8</sup> Dzafar Ahmad Al-Tahawuni, *Qawā'id Ulūm al-Hadīṣ*, Beirut, Matba'ah al-Ilmiah, 1972, p. 24

<sup>9</sup> Library research is a research that conducted from the library as source, and researchers dealing with a wide range of literature to the purpose and the issue in question. See more: Masyhuri and M. Zainuddin, *Metodologi Penelitian: Pendekatan Praktis dan Aplikatif*, Bandung, PT Refika Aditama, 2008, p. 50; and Jonathan Sarwono, *Metodologi Penelitian Kualitatif dan Kuantitatif*, Yogyakarta, Graha Ilmu, 2006, p. 18

required data is the data obtained from the study of the literature that have relevance to the theme of the discussion. The instrument of data collection is using *takhrīj*<sup>10</sup> method by collecting Hadith which its theme is relevant to the topic and using keyword-based searching through index. The techniques are:

- (a) *Takhrīj al-aḥādīs bi ma'rifat maudū'i al-ḥadīs*.<sup>11</sup> To classify Hadith according to the theme, the author uses Hadith collection methods by firstly determining the theme discussed namely “the order of procreation” and then seeking for the equivalent words of the theme discussed in Arabic as a source language of Hadith. The equivalent is useful to be used later as keyword to do *takhrīj lafzi*.
- (b) *Takhrīj al-ḥadīs bi ma'rifat lafz min alfāz al-aḥādīs*, (Hadith search process based on the knowledge of certain word exist between statements (matan) of Hadith<sup>12</sup>. Searching method is using the keyword “*al-nasl*” which is the root of *tanāsala-yatanāsalu-tanāsul* and its synonyms. Words or phrases that come as contextures with *al-nasl* such as *al-walūd* and *al-awlād* can also be used as search terms for later will be clarified whether the Hadith contains word associated to the theme or not.

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<sup>10</sup> Etymologically, *takhrīj* word comes from *kharaja*, which means *al-zuhūr* (visible) and *al-burūj* (obviously). *Takhrīj* also could mean *al-istinbāt* (issued), *al-tadrīb* (researching) and *al-taujīh* (explain). While the definition of *takhrīj*, according to experts hadith has three meanings, those are:

1. Search of *sanad* hadith contained in the book of hadith works of others that is not the same as the *sanad* contained in the book. Such enterprises is called *istikhrāj*. For example, someone took a hadith from the book *Jamī 'al-Saḥīḥ* al-Musḥaf, then he searched the *sanad* of that hadith which different *isnād* set by Muslims.
2. A statement that the hadith that moved into his work was also contained in the other books that have mentioned the name of the constituent.
3. An effort to find the degree of the *sanad* and hadith narrator that is not explained by composer or author of a book of hadith. See more in Alī Anwār, *Takhrīj al-Ḥadīs Dengan Komputer: Cara Mudah Mencari Hadits Dan Meneliti Kualitasnya*, Yogyakarta, Pustaka Pelajar, 2011 p. 12

<sup>11</sup> Hasan Asy'ari 'Ulamā'i, *Melacak Hadis Nabi SAW: Cara Cepat Mencari Hadis dari Manual Hingga Digital*, Semarang, Rasail Media Group, 2006 p. 7

<sup>12</sup> *Ibid.*

Searching method is using index authored by AJ Wensinck entitled *al-Mu'jam al-Mufahras Alfāz li al-Ḥadīṣ al-Nabawī*. In addition, the author is also using *Mausū'at al-Ḥadīṣ al-Syarīf* by Global Islamic Software Company (2000).

### 3. Providing the data

The data provided in this research is acquired by doing *takhrīj* under thematic method and reading literatures related to the Hadiths, divided into two kinds of data which. Those are:

- (a) Primary data, including narrations (*sanad*) and the content (*matn*) of Hadith that are appropriate to the theme discussed. To determine the authenticity and quality of the Hadith, the author relies on Hadith authentications from previous scholars namely The Narrators Experts (*ahlu taḥqīq al-rijāl*).
- (b) Secondary data is explanations (*syarh*) written by previous scholars about the content of Hadith related to the theme. The data is restricted to matters that need to be explained such as *alfāz al-garīb* (strange words) and word that contains ambiguity.

### 4. Analyzing the data

Data analysis in this research is an act or process of interpreting the Hadiths (*fīqh al-ḥadīṣ*). To gain the comprehensive understanding, the interpretation is using several approach, those are:

- (a) Intertextual interpretation (*munāsabah*); correlating narrations with the Quran verses with comprehensive-integral and also with another content of Hadiths (*tanawwu'*).<sup>13</sup> The approach used for this interpretation is normative-theological approach.<sup>14</sup>

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<sup>13</sup> Basic of using this technique is the assertion that the Hadith of the Prophet is a *bayān* of the Quran verses (QS: 2:186 and QS: 16: 44) and the position of the Prophet as a source of Hadith with its diversity.

<sup>14</sup> Efforts to understand the religion by using the framework of divine knowledge based on

- (b) Historical critique; means historical compilation and reconstruction from the micro situation (*asbāb al-wurūd*, both explicit or implicit), toward the macro situation (social situation by the time Hadith was spoken) by searching book discussed *asbāb al-wurūd* also book of history of the prophet (*sirah*).
- (c) Contextual interpretation, the interpretation or understanding of the matan by considering *asbāb al-wurūd ‘ām* (macro situation; actors of history, historical events, social interaction) and then, such interpretation is brought to the present context.<sup>15</sup>In this case, the author is using sociological approach.

## 5. Drawing conclusion

Drawing conclusion is a method to answer research questions from findings of this research. It is conducted by concerning on epistemological and axiological aspects linked to the themes discussed. In this case, the researcher uses methods of reasoning as follow:

- (a) Deductive reasoning. This method is intended to draw a conclusion in the form of specific knowledge based on the general principle. For example: It is known that the success of procreation requires married couple to keep healthiness of their reproductive organ. In Hadith, The Prophet (pbuh) orders Muslims to procreate. So that Muslims are required to keep their healthiness for obeying procreation order. The process of reasoning must be logical and analytical. In other words, the reasoning must follow a specific pattern and step.

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a belief that empirical manifestation of a religion is a truth compared to the others. See more: Abuddin Nata, *Metodologi Studi Islam*, Jakarta, Raja Grafindo Persada, 1998 p. 28

<sup>15</sup> Basic thought of using this technique is that the Prophet is the best example, *uswatun ḥasanah* (QS: 33: 21) and he as a blessing to all the worlds (QS: 21: 107). This means that the Hadith of the Prophet is proof blessing of his, although some Hadith are considered contradictory to the development of civilization.

- (b) Inductive reasoning. Through inductive reasoning, various conclusions are drawn by the specific knowledge or rules. For example: South Korea, state with the lowest birth rate, predicted to have a shortage of productive labor in the future, that the government made a policy instructing employees to go home early to make babies. On the other hand, Indonesia, is currently experiencing rapid population growth, but not accompanied by an increasing of human resources due to poverty. The government therefore implements policies encouraging citizens to participate in family planning and to use contraceptive to adjust pregnancy period. As conclusion, birth rate is a determinant of both governments for making policies.

#### **G. Writing Systematic**

The author arranged this research in five chapters. First chapter is an introduction to the study consisting background which contains description about the problems related to procreation and the existing understanding of Islamic scholars from the Quran and Hadith, research question based on the background which the author seeks its answer in this research, aim, significance, definition of key terms to clarifies the title, research methods used in this research, and writing systematic as the description of main ideas from each chapter.

Second chapter contains definition of procreation which is useful as a ground to construct the thematization and searching of Hadith both *lafzi* and *maudū'i*. In this chapter, theory of procreation and marriage as its legal institution from its ontological aspect and the existence of the order to it according to Islamic theology perspective is also discussed. The discussion is useful as a basic theory helping the author to do analysis in order to answer the research questions.

Third chapter is discussing Hadith containing the order of procreation and its related Hadith which is gathered under thematic framework and

searched by using *takhrīj* based on definition written in the second chapter. The explanations from previous scholars about quality of *sanad* and *matan*, and the explanations about the meaning of Hadith are also discussed. The detail description of research object is useful as a focus of analysis conducted in the fourth chapter.

Fourth chapter is the analytical part of the study called *fiqh al-hadīṣ* containing the interpretation of Hadith about procreation and related Hadiths. The interpretation is considering the objects and ground theory, using certain interpretation methods to gain the comprehensive understanding towards the Hadith from its epistemological and axiological aspect.

Fifth chapter is closing part of the research. In this chapter the author writes some conclusions answering the research questions based on the results of the analysis towards Hadith of procreation, as well as suggestions as follow up on the results of this study.