

Abortion: Some burning questions

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During the last 10 years, I have received several queries on the topic of abortion, under various circumstances. Here I have tried to deal with this sensitive & crucial topic in light of the Shariah.

Q.1). *If somebody who is unmarried becomes pregnant, what choice(s) do they have – abortion or adoption?*

Ans. *The first option is to enter into Nikah with the father of the child, and this is possible where pregnancy occurred during engagement or pre-marital relationship. In other words, this route should be taken if the pregnancy arises due to illegal sex which has taken place out of the wedlock but with mutual consent. The second option is to terminate the pregnancy in case of Zina bil-Jabr (rape).*

Q.2). *Is abortion allowed if the child could be handicapped?*

Ans. *In case of deformity in an unborn child, termination of pregnancy should be done on the final medical report within the recommended period which is four months from the last menses.*

Q.3). *If a married woman gets pregnant due to “Zina bil-Jabr”, what choice does she have?*

Ans. *The victim is allowed to terminate the pregnancy.*

Q.4). *Is abortion allowed to save the life of the mother?*

Ans. *Abortion is allowed on medical grounds where it can save the life of the mother. The mother should be saved as she is alive and has a greater right to life. If the pregnancy is aborted deliberately, Diyah has to be paid as well. Shariah allows abortion only when doctors declare with reasonable certainty that the continuation of the pregnancy will endanger the woman’s life. This permission is based on the principle of lesser of the two evils, known in the terminology of Fiqh:*

Al Ahamm Wal Muhimm – the more important and the less important.

Rasulullah (S) informs that when two forbidden things come (upon a person) together and one has to choose one, the lesser will be sacrificed for the greater. In the present case, one is faced with two forbidden things: either abort the unborn child or let a living woman die. Obviously, the latter is a greater wrong than the former, therefore, abortion is only allowed to save the living in such a state.

Q.5). *What is the difference between Family Planning and Abortion?*

Ans. *Family planning and abortion are two completely different matters. Contraception prevents the fertilization of the ovum or the implantation of the fertilized ovum. This is obviously unlike abortion which is an induced expulsion of the foetus from the womb with the intention of killing it.*

Q.6). *What is the status of Family Planning in the light of the following Hadith:*

“Marry those who are loving and fertile, for I will be proud of your great numbers before the other nations.”

Ans. *Apparently, this Hadith indicates that it is encouraged to have many children. One of the intentions behind marriage is to have children, and this is an act of ibadah for which one will be rewarded because of one’s good intention. After the death of parents, their righteous children are a source of blessings. It is well known that having children is the great desire of many and that will continue to be the case so long as the human innate nature (Fitrah) remains sound. Children are a blessing whom people love and on whom they pin their hopes. Undoubtedly the benefit of increasing the productive nation is obvious but no one desires an army of fools. Hence, if family planning allows the couple to have less children but those who are highly educated and well-nourished, then this is better than producing more children in poverty and ignorance. This is why family planning is not illegal.*

Q.7). *Many couples terminate pregnancy on the ground of financial crisis; is this allowed?*

Ans. *Without a doubt, poverty can be crushing and a hardship in society, and it is often hard to overcome. Islam however does not permit abortion on the excuse of poverty. Ayah 8 of Surah al-Takwir clearly explains that on the day of the Qyamah parents will be asked to explain on what ground and against which crime they killed the new born, innocent existence. What is the crime of the innocent baby? The parents have no right to do so and deprive the innocent baby from life. Ayah 31 of Surah Bani Israel clearly guides us:*

“Do not kill your children on the excuse of poverty. We are responsible to provide you Rizaaq for them. To kill children is a great sin”.

Moreover, abortion is quite dangerous for the health of the mother. Many gynecologists opine that abortion can lead to shortening the life and many scientific researchers have concluded that abortion ruins the woman’s psychological health as well.

Upon pregnancy, it is the duty of the parents to share the responsibilities and divide the workload. Unfortunately, abortion has become common today due to various reasons:

Sometimes it is a matter of choice between a child and a career.

Sometimes it is a matter of choice between a child and a luxurious life style.

Sometimes it is because of the unwanted gender of the child.

All these justifications are unacceptable from the Shariah point of view.

Q.8). *What is the penalty Shariah has fixed for Abortion?*

Ans. *Abi Abdillah Al Imam Jafar us-Sadiq (as) says:*

- i. *If the aborted issue is a Nutfah, then it is liable for payment equal to murder, in terms of twenty Din'ars.*
- ii. *If it is an Alaqah, then the penalty imposed is forty Din'ars.*
- iii. *If it is a Musgh'a, then the penalty imposed is sixty Din'ars.*
- iv. *If it is a bony structure then eighty Din'ars should be paid.*
- v. *In case of a complete human body, the penalty is one hundred Din'ars.*
- vi. *In case of murder of an infant, full Diyah as prescribed under the law should be paid (Wasa'il, vol. 19, Beirut, Lebanon).*

Khanam Afsar Muluk Aamilee, a famous Persian poet, has composed a beautiful poem in Farsi (Persian) on abortion titled "Look! Ask from my mother". The beauty of the Farsi language cannot be translated however effort has been put in to communicate its essence. Its premise is that an innocent aborted child appeared in the dream of his mother and questioned:

*Mother! What was my mistake?
You have killed me without any crime?*

*I lived peacefully;
So why was my death warrant issued?*

*O Mother! You have sharpened your teeth in me;
And spoiled your skirt with my blood.*

*I had come to you as a guest;
And my presence did not bring you any harm.*

*It was binding on you to show cordiality;
Whereas you showed cruelty.*

*You were anxious about my expenditure;
So you killed me.*

*O Mother! I had come to you with my Rizaq;
But alas you did not believe in it.*

*A child's hope rests with their own mother;
It feels much pleasure and peace when close to her.*

*I wished to look upon your face;
And pick up a blooming rose from your beauty.*

*My desire was to suck your bosom;
And provide relief to your grief.*

*My wish was to drink your milk;
And to hear your voice in my ears.*

*My thought was that you will be so happy and pleased;
To see my smiling face and sit near me.*

*My hopes were that you will send me to school;
And give me the education of Haq.*

*When I reach back home;
And make you happy with my presence*

*That I will sing sweet songs for you;
It was my dream to grow up*

*That you will appreciate my presence in your old age;
I may be a helper for you during it*

*I am now a pious soul in Jannah;
Among the company of the Hooris.*

*Now you do Taubah and offer 'istaghfar';
Perhaps Allah may with his Rahmah forgive you.*

*O Afsar! Someone should guide such mothers;
And convey them my message.*

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