

CRISES OF CONSCIENCE - ABORTION

STUDENT NOTES

Introduction

More than ever before, we are facing **crises of conscience** in the West and in the world in general. What are crises of conscience? The phrase refers to difficult moral and ethical issues that society has to deal with -issues like abortion, euthanasia, homosexuality, racism, sexism, pornography, violence, etc. As Muslims we believe Islam has practical and moral answers to these issues, and has had these answers for over 1400 years. These moral dilemmas have generally existed since the beginning of time, and all major religions share common values and ideals. This is part of a universal set of values that are shared by these faiths, and these values, by definition, are unchanging. Moving from century to century or from country to country does not change the nature of what is good and evil. This handout will focus on the subject of abortion.

In other discussions about the crises of conscience, we have focused on some of the problems of the West due to its liberal sexual values. One of the consequences of the **sexual revolution** has been an alarming increase in illegitimate births (born to parents who are unmarried), especially amongst the youngest women. Not surprisingly, this has led to increases in abortion, and created confrontations between the conservatives (who oppose abortion) and the liberals (who support it). Let us look at Islam's approach to this crisis of conscience.

Definition

First, we need to define abortion. Abortion refers to any act that results in the intentional termination, or ending, of a pregnancy without leading to the birth of a living child. Unintentional acts that result in abortion are not treated in the same way as intentional acts. In Islam and in most courts, intention is crucial to the process.

The Beginning of Life

Islam's approach to the issue of birth control and abortion is very balanced. The issue goes back to the definition of life, and when it begins. The definition of the beginning of life is critical to the whole issue of abortion. After all, if whatever is inside the mother's womb is not alive, then abortion cannot be considered taking an innocent life. It is useful to review a little biology at this point. In order to have a live baby, there are three essential components. Each parent must contribute some genetic material to the child. The father's genetic material is in the head of the sperm, and the mother's genetic material is in the egg. When the sperm and egg meet and fuse (join together), a *zygote* is created. The zygote is the first step in a series of steps that leads to a new baby. The zygote has the genetic potential to become a full human being. In other words, it contains all the instructions or programming in the genetic code to develop into a full human being. The third important component is the source of nutrition or food, which is wall of the uterus, where the zygote attaches itself and begins to receive the nutrition to grow. The process of

attachment is called *implantation*. According to Islam, life begins at implantation. Once the sperm, egg, and uterus have come together, we have a living being inside the mother.

The Islamic Perspective

In essence, Islam allows women to prevent pregnancy but forbids them from terminating it once it has begun. In other lectures we have focused on methods of permissible and forbidden birth control. Abortion after the implantation of the zygote onto the wall of the uterus is absolutely forbidden and is considered a -crime against the Law of God and the foetus (the baby in the mother's womb). Although some countries' courts have attempted to deal with this issue by defining when the foetus becomes a human being, from the Islamic point of view, it is irrelevant to abortion whether the foetus has the status of a human being or not. It is alive, and has the right of a possible life as a human being outside the womb. The foetus contains all the genetic material and potential to be a human being. Whether it is human at that time or not is a secondary question. There are hadith from the Ahlul Bayt (AS) that suggest that the soul arrives into the foetus during the fourth month of pregnancy. However, abortion before or after this period is still considered Haram (forbidden). Consider the following response from Imam Seestani (one of the leading Shi'ah Jurists):

"446. Question: When is it permissible to abort a foetus? Does the age of the foetus, have anything to do with it?"

Answer: Abortion is not allowed after the implantation of the [fertilized] ovum [on the lining of the womb] except if the mother's life is in danger or the continuation of the pregnancy will cause difficulty for her that is not normally bearable and there is no other solution but abortion. In this case, it would be permissible to abort the foetus as long as the soul has not entered into it; after the entering of the soul, it is not permissible at all."¹

Reasons for Abortion

Abortion has become common in the Western world for various reasons:

1. Sometimes it is a matter of choice between a child and career/lifestyle.
2. Sometimes it is because of the child's illegitimacy.
3. Sometimes it is because of the sex of the foetus.
4. Sometimes it is because of rape.
5. Rarely it is because of the possibility of significant birth defects.

All of these justifications are unacceptable from the Islamic point of view. We shall look at each of them in turn. The first excuse reflects the selfish nature of this materialistic society. God says in the Holy Qur'an:

"Do not kill your children for fear of poverty; We will provide for them and you. Surely the killing (of children) is a great error" (17:31)²

The fact is, abortion is murder. The foetus is alive, whether or not we wish to call it a full human being. Certainly it at least has the **potential** (genetic or otherwise) to be a human. If the foetus is alive, and at least potentially a human being, terminating the pregnancy means killing the foetus. This is murder, and is unacceptable. There are very few circumstances when we can kill another human being, and these will be discussed in the topic on Euthanasia. So if abortion is equivalent to murder, there is no logical way that lifestyle choices can be considered a justification for murder.

"448. Question: Is a mother allowed to abort her foetus if she does not want it while the soul has not yet entered it and there is no serious danger to the mother's life?

Answer: She is not allowed to do that, except if the continuation of the pregnancy will cause harm to her health or put her in an unbearable difficulty."¹

The second reason is a byproduct of illicit sexual relations which Islam strongly condemns. Again, just because the woman becomes pregnant in an illicit sexual relationship does not give her the right to murder an innocent creature of God. It is as simple as that. Aborting the child will not deal with the underlying immoral action of the parents. Furthermore, why should the child suffer because of the parents' actions?

The third reason is no less evil and cruel than the pre-Islamic Arab custom of burying the baby girl alive. We have no right to murder a foetus simply because it is not the sex we desired. That is arrogant and wicked, and suggests one sex is superior to the other, which has no place in Islam. God has created men and women equally in his eyes; neither one deserves to die. Surah 17, ayah 31 reminds us of the savage custom of the Arabs of the Jahiliyyah (Era of ignorance) and forbids such a custom. Abortion because the foetus is not the desired sex is no different from this custom.

As for the fourth case, rape is a difficult and sensitive issue. The victim is truly suffering, and some argue that carrying a baby that is the result of such an act of sexual violence against the woman only makes her suffer further. According to some scholars (including Sayyid Muhammad Rizvi), the woman who has been victimized should use the morning after pill (or RU-486) immediately after the sexual assault in order to prevent possible implantation of a fertilized ovum. (There is a problem with this line of reasoning, as I have alluded to earlier. The problem is the ethical challenge of defining implantation as the beginning of pregnancy, rather than the creation of the zygote. Using implantation to define the beginning of life is not usual in medical-ethical circles, since the zygote has the genetic potential to be a full human being, even without the wall of the uterus. This area needs further clarification from our Mujtahids.) However, if the pregnancy is already established, then Islam does not allow abortion, even in the case of rape. Again, the issue is the justification of murder to somehow compensate for rape. Two wrongs do not make a right.

Is Islam Cruel?

Why does Islam seem so cruel by not allowing a woman who has been a victim of rape to abort? In reality, it has nothing to do with cruelty. In such cases, Islam asks, Why abort the child for the crime of the father? Should an innocent foetus be murdered because of the crime of its father? That is not an ethical justification for murder. Others will argue that the women who has been raped will suffer humiliation in society and will always be reminded of the crime when she looks at her child. With regards to her reputation, Islam strongly condemns the people who look down upon the rape victim. Instead of reviling her, they should be sympathetic to her and support her through this difficult time. Remember, for those women who cannot bear the thought of raising their children conceived by being raped, there is always the option of adoption. But murder cannot be offered as an option. Or else the child will speak against his/her mother on the Day of Judgement.

As for the last reason, modern technology (like ultrasound and certain blood tests) has made it possible to know whether or not the child has a defect, often long before he/she is born. Some people justify the abortion of the defective foetus. The present Mujtahids generally do not allow such abortions; they say that the parents should pray and hope for a healthy child. There are many examples where the predictions of the doctors have been proven wrong! In other words, what our Mujtahids are saying is that taking preventive measures before going for pregnancy is recommended, but once pregnancy has taken place, you are not allowed to abort a foetus even if it has significant developmental or genetic defects. Even if children are born with one or more defects, that does not mean the child will necessarily live a short and horrible life of suffering. Modern medicine is continuing to offer new treatments to these children. Muslims must remember that there is always a hope of miracles from God. Furthermore, every child's life is still a beautiful life, even if there are some physical or mental challenges. Who are we to decide if a child is worthy of living? Parents who suffer the extra trials and tribulations of raising such children will be rewarded in the Hereafter by God for passing this difficult test.

"447. Question: Sometimes the doctors reach the following conclusion: This foetus is afflicted with a very serious disease; it is therefore preferable that it should be aborted because if that child is born it will be deformed or will die soon after birth. Is it, therefore, permissible for the doctor to abort the foetus? Is it permissible for the mother to agree to the abortion? And who of the two will become liable for indemnity?"

"Answer: Just the fact that the child will be deformed or that it will not live for a long time after his birth does not ever justify that pregnancy be terminated. Therefore, it is not permissible for the mother to consent to the abortion just as it is not permissible for the doctor to go ahead with the procedure. And whoever performs the abortion will become liable for the indemnity."

The Sixth Reason for Abortion

The Shari'ah allows abortion only when doctors declare - with reasonable certainty - that the continuation of pregnancy will endanger the woman's life (or health). This permission is based on the principle of the lesser of two evils, known in Islamic terminology as the principle "**Al-aham wa'l-muhimm**", the more important and the less important. The Holy Prophet (SAW) has said:

"When two forbidden things come [upon a person] together, then the lesser will be sacrificed for the greater."³

"Abortion: It is not permissible to abort the zygote after it has settled down [implantation]. Thus, it is prohibited for a woman to take something in order to induce abortion. Where the foetus is the outcome of an adulterous relationship, an abortion is not allowed. However, if the foetus threatens to cause serious harm and poses a danger to the life of the mother, and abortion the foetus would remove the harm, it is permissible to abort provided that the soul has not yet entered the foetus."⁴

In this situation, one is faced with two forbidden things: either abort the unborn child or let a living woman die. Obviously, the latter is greater than the former, since the woman is an independent, living human being, whereas the foetus is not. The woman's right to life is greater. Therefore abortion is allowed to save the life of a woman.

In summary, the religion has clear guidelines and beliefs regarding abortion. Abortion is generally equivalent to murder, and once the pregnancy has been established, the only circumstance where it can be terminated is if the life of the mother is in danger because of the pregnancy. Islam has alternative solutions for any other reason someone might offer for wanting to abort a foetus.

References:

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