

## Islam and Abortion

Y.A. Alamri, MBChB/BMedSc(Hons)  
Christchurch School of Medicine  
Christchurch Public Hospital  
University of Otago  
Christchurch, New Zealand

### Abstract

Islam's guidelines for jurisprudence and the prioritization of warding off harm over gaining a benefit are important in its position on abortion. In Islam, abortion is not permitted except in limited circumstances where its certain benefit to the mother outweighs the harm of ending the fetus's life or potential life.

**Key words:** abortion, Islam, medical ethics.

Islam has given Muslims broad guidelines to think about and apply should any dilemma arise in his or her life. One of these guidelines is to consider whether a certain action fulfils one of the basic necessities or purposes (*maqāsid*) of Islamic jurisprudence. These five necessities are preservation of religion, life, genealogy/parentage, mind and health, and property. A second guideline is that warding off harm has a priority over serving a benefit or interest.

Muslims believe that the fetus does not become "human" or a "person" until the soul is breathed into it. This comes from a hadith, a saying of Prophet Muhammad ﷺ:

إن أحدكم يجمع خلقه في بطن أمه أربعين يوماً. ثم يكون في ذلك علقة مثل ذلك. ثم يكون في ذلك مضغة مثل ذلك. ثم يرسل الملك فينفخ فيه الروح. . .

(As regards to your creation), every one of you is collected in the womb of his mother for the first 40 days, and then he becomes a clot for another 40 days, and then a piece of flesh for another 40 days. Then Allah sends an angel to breathe the soul into his body.<sup>1</sup>

Therefore, based on this hadith and others like it, there are two interpretations of fetal development. One suggests three consecutive stages, each of 40 days, totaling 120 days before the angel's breathing the soul into the fetus, and the other suggests that the three stages occur within the same 40 or 42 days. In this article, I am following the first opinion, which is held by the majority of scholars. Before these cut-off dates, the fetus is usually seen as a prehuman because a human being is both a body and a soul. If the soul is missing, it is not fully human.<sup>2</sup> The first stage of fetal development has been called biologic life, as differentiated from human life, which begins after ensoulment at the 120th day.<sup>3</sup>

From the above discussion, we may consider the permissibility of abortion from an Islamic perspective in the following circumstances:

1. Abortion is permissible at any point of a pregnancy, even after 120 days, if the pregnancy poses an exceeding danger to the mother (e.g. if there is a pos-

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Correspondence should be directed to

Y.A. Alamri, MBChB/BMedSc(Hons)  
yasao@hotmail.com

sibility that she could die).<sup>2,4</sup>

2. Abortion before 120 days of conception is treated on a case-by-case basis, with the previous rules kept in mind. For example, it is permissible if the mother's health is endangered or if the fetus is found to have an abnormality that is lethal or will cause severe disability.<sup>5,6</sup>

3. If pregnancy results from a circumstance beyond a woman's will (e.g. rape), she is allowed to keep the child. If the woman does not want to keep the child, she may terminate the pregnancy within 120 days from conception. The closer the abortion is to the time of conception, the better. After 120 days from conception, she should continue to carry the fetus until birth, and Muslims should assist her in raising her child should she need help.<sup>7</sup>

In conclusion, it is apparent how complicated the issue of abortion can be. Preservation of the mother's life is a priority over the life of the fetus, given that all medical resources to preserve both lives have been exhausted.<sup>4</sup> After all, it is her life that we are certain of saving when aborting the pregnancy, as opposed to the probable life we save when taking the chance of continuing the pregnancy.

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