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ISLAM & THE RIGHT TO CHOOSE: ABORTION

WOMEN IN ISLAM SERIES



MUSLIMS FOR
PROGRESSIVE VALUES



DETERMINING ISLAM'S STANCE ON ABORTION

Because abortion is never directly mentioned in the Qur'an, scholars and laypeople must utilize Quranic principles, the Hadith, the *maqasid al-Shariah*, and historical records to determine the permissibility of abortion in Islam. As we analyze these sources, we must also seek to understand what is meant by personhood in Islam, what it means to be "alive", and what is meant by "ensoulment".



The Concept of Ensoulement

ACCORDING TO THE QUR'AN (Q23:13-14)

"Then We placed him as (a drop of) sperm in a place of rest firmly fixed. Then We made the sperm into a clot of congealed blood; then of that clot We made a lump; then We made out of that lump bones and clothed the bones with flesh; then We developed out of it another creature: so blessed be God, the best of creators!"

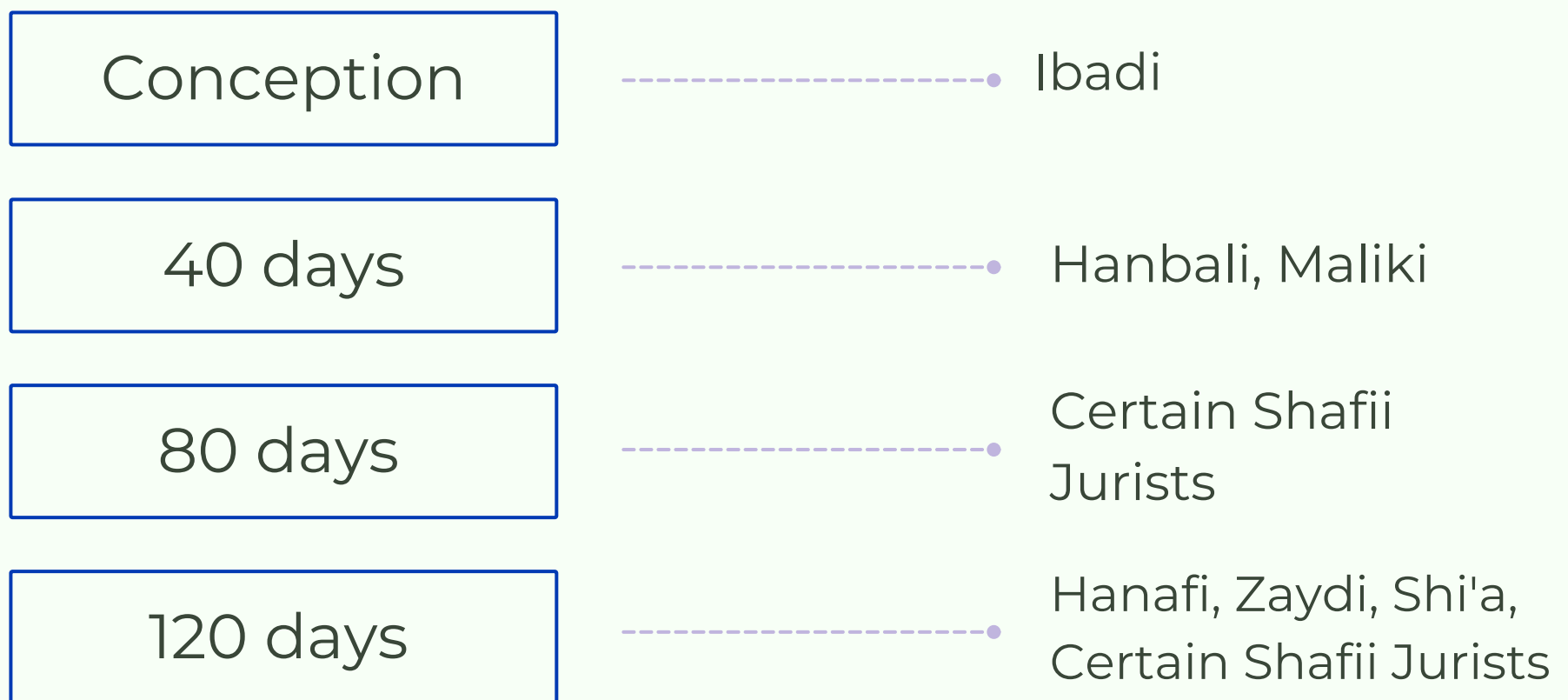
ACCORDING TO THE HADITH

"The Messenger of God said, "(as regards your creation), every one of you is collected in the womb of his mother for the first forty days, and then he becomes a clot for an other forty days, and then a piece of flesh for an other forty days. Then God sends an angel to write four words: He writes his deeds, time of his death, means of his livelihood, and whether he will be wretched or blessed (in religion). Then the soul is breathed into his body. . ."



Ensoulement in Islam

In Islam, like other Abrahamic religions, an embryo is not considered a living being until it has been bestowed with a soul. Although ensoulment is mentioned in the Qur'an, the timeline of when ensoulment is believed to take place differs according to the various schools of thought.





The Fetus as a Legal Person

Those who cite the impermissible nature of abortion claim that because a fetus has a soul after 120 days (or less according to the school they follow), abortion is therefore the killing of a child, which is of course forbidden in Islam. But classical Islamic practice never recognized the status of the fetus, regardless of ensoulment or not, as a person with legal status.

In classic Islamic times, midwives were often used in the case of *istihlal* to determine matters of inheritance because they had to testify for the rights of a fetus. During this time period, fetuses were not recognized as humans and were therefore not eligible to inherit. The midwife had to testify whether the fetus had taken a breath upon birth, and therefore was a human and entitled to inheritance. If they were stillborn, they were not eligible for inheritance.



Islamic beliefs are not monolithic

As the various understandings of 'ensoulment' indicate, Islamic theology is not monolithic and across the various schools, sects, and countries that identify as "Islamic", there are numerous reasons for permitting abortion. Some of these reasons include:

Danger to the life of the mother

Protect the health & wellbeing of a breastfeeding child

Preserve a woman's physical health

Pregnancy as a result of rape

Preserve a woman's mental health

Pregnancy as a result of incest

Foetal Impairment

Social reasons



ON MERCY

One way of understanding Islam's stance on abortion is to turn to one of the most treasured characteristics in the tradition - mercy, which appears between 200 - 300 times in the Qur'an.

“NO SOUL SHOULD BE COMPELLED BEYOND CAPACITY, NEITHER THE MOTHER MADE TO SUFFER FOR THE CHILD NOR THE FATHER FOR HIS OFFSPRING...” (2:233)

According to the Qur'anic passage above, no parent should be made to suffer for their child. This passage, along with the fact that all schools of Islam permit abortion if the life of the woman is threatened, force us to reconsider what is meant by “life”. Without mercy, life is understood simply as the physical health of the mother. But if we incorporate mercy into our understanding, then we express concern not only for the physical health but also the feelings, emotions, and mental and spiritual health of the pregnant person and we understand the decision to have an abortion based on these considerations.



The Status of Mothers

"We have enjoined on man Kindness to his parents: in pain did his mother bear him and in pain did she give him birth"

Quran 46:15

Who among people is most deserving of my fine treatment?" The Prophet – peace be upon him – replied. "Your mother." When the man asked, "Then who?" he again replied, "Your mother." When the man asked the third time, "Then who?" he again reiterated "Your mother." It was not until the man asked the fourth time did our Prophet – peace be upon him – reply, "Then your father."

In Islam, mothers and women, are held in high regard and for many, the revelations of the Qur'an were understood as elevating the status of women. If this is the case, then we can only assume that the Qur'an, and Islam, allow women to exert autonomy and decision making over their bodies.



RELIGIOUS FREEDOM DOESN'T EQUAL FREEDOM TO COERCE

Regardless of how you understand the permissibility of abortion according to Islamic theology, it's important to remember that "There is no compulsion in religion" (Qur'an 2:256). This means that you as a Muslim do not have the right to force another Muslim or a non-Muslim to respond to a pregnancy in accordance with **your** beliefs. They, like you, are free to make decisions about their bodily autonomy in accordance with their own understanding of their faith traditions.



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