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## Abortions

**Rule 1:** In Islam, it is forbidden (*haram*) to abort the fetus and if this is done, it would result in the *Diyah*<sup>1</sup> having to be paid. The *Diyah* is the responsibility of the person who was in charge of carrying out the abortion.

If the doctor was to perform it through an operation or by injecting some medication into the woman and through this act of his, the child was aborted, then he is responsible.

If it was the mother herself who ate some pills or was to use something else that the doctor prescribed for her to take, then the mother would be responsible.

If the father did not know about this taking place, then the *Diyah* would have to be paid to him. However if the father knew about it and approved of it, then the *Diyah* is the responsibility of both the mother and father and the *Diyah* must be given to the indirect inheritor of that fetus.

**Rule 2:** If the child was to die while in the womb of the mother, then it is obligatory to remove it from the womb.

**Rule 3:** If the pregnancy is a danger to the life of the mother or would result in her become handicapped, then it is permissible for her to abort the child before the time when the soul has been infused into the body.

However it is not permissible to abort the child once the soul has come into the body and the fetus starts to move (inside the womb) and the mother must carefully watch over and give special attention to the child inside her and must make sure that it is brought into the world at the appropriate time.

**Rule 4:** If the child which has been aborted was four months old or more, then it must be given the *Ghusl-e-Mayyit*<sup>2</sup> and must also be provided with a *Kafan* (burial shroud) and must be buried. In addition, anyone that touched the body of the child (such as the mother, grand mother, or others who were taking care of the mother) must perform a *Ghusl of Mass-e-Mayyit*.

If the child was less than four months old, then it must be wrapped in cloth, and without giving it a Ghusl, it must be buried. If anyone has touched the body of the child, then it is better that they too perform the Ghusl (of Mass-e-Mayyit).

## Islamic Medical Issues

### Enquiries from the Religious Authorities in Regards to Abortions

**Question 1:** A woman became pregnant one and a half months ago and the doctors have told her that her life is in danger if she remains pregnant and that she will become paralyzed. Is it permissible for this woman to have an abortion, or not?

**Answer 1:** If there is a hazard or danger to the life of the mother, then it is permissible to have an abortion before the soul is infused into the fetus.<sup>3</sup>

**Question 2:** In the event that the age of the fetus is more than four months and continuing the pregnancy is a hazard to the life of the mother, is it permissible to have a medical abortion (ending of the pregnancy)?

**Answer 2:** It is not permissible (to have an abortion) after the soul is infused into the body.<sup>4</sup>

**Question 3:** In the event that the age of the fetus is more than four months, however a sickness in the mother has advanced quite a bit such that the continuation of her pregnancy would result in a definite loss of life for the mother, is it permissible to abort the pregnancy?

**Answer 3:** This issue has the same ruling as the previous question (once the soul has been transfused into the body, it is not permissible).<sup>5</sup>

**Question 4:** In the event that there is a possibility that the mother would succumb to a natural or acquired physical, mental or psychological problem in relation to her becoming pregnant (for example the various types of hereditary illnesses or those which would result from products (used), medicine, x-rays, etc...), is she permitted to make haste in aborting the child?

From the point of view of the age of the fetus being more than four months or less than four months, is there a difference in the ruling?

If one of the defects as was mentioned is confirmed (to occur), then is it permissible to have an abortion?

**Answer 4:** It is not permissible to abort the fetus and it makes no difference (in any of the scenarios given).<sup>6</sup>

**Question 5:** In the event that it is possible that there would be some form of defect in the fetus, is it

permissible to go forth with aborting the child? And in this issue, is there any difference if the fetus is younger or older than four months?

**Answer 5:** In the examples mentioned, there is no Religious sanction for aborting the fetus and in relation to the forbidden nature of the abortion from the point of view of the Islamic legislation, there is no difference if the fetus is younger or older than four months.<sup>7</sup>

**Question 6:** What is the ruling on performing an abortion on women who are sick and are taking medication such as Lithium which one day, may affect the child?

**Answer 6:** It is not permissible.<sup>8</sup>

**Question 7:** What is the ruling in relation to having an abortion for women who are badly afflicted with psychological illnesses in which there is a possibility that their sickness may be passed on to the fetus?

**Answer 7:** It is not permissible.<sup>9</sup>

**Question 8:** What is the ruling on having an abortion when after tests and examinations are carried out in which it is made known that the fetus has some seriously un-normal defects?

**Answer 8:** It is not permissible.<sup>10</sup>

**Question 9:** After many years, a couple was finally able to have a child however in the first few months of the pregnancy the doctors were able to diagnose that:

- a) If the pregnancy continues, there is a possibility of danger to the (life) of the mother.
- b) If the pregnancy continues, then the child will come into this world with defects.

Thus, the doctors ordered that an abortion must be done – is it permissible to act according to the opinion of the doctors?

**Answer 9:** Simply having a possibility that the fetus will be born with defects is not an Islamic justification to abort the child.

However, if one is satisfied that there is fear for the life of the mother in the opinion of the doctor who is a specialist, then there is no problem in aborting the child before the soul has been infused into the fetus.<sup>11</sup>

**Question 10:** Is it permissible to engage in an abortion for medical reasons in the following examples before the soul has been infused into the fetus?

- a) Illnesses that we know for sure will result in the death of the child after birth – keeping in mind that such estimations are not definite.

b) Genetic illnesses.

c) Physical deformations in the child (such as Anencephaly<sup>12</sup>)

**Answer 10:** It is problematic to have an abortion in the examples given above especially seeing as how the predictions are not definite. <sup>13</sup>

**Question 11:** At what time is the soul infused into the body? What is the ruling in the above mentioned examples about having an abortion if it is done before the soul is infused into the body?

**Answer 11:** This is the time when the child who is in the womb of the mother starts moving which is normally around the fourth month. <sup>14</sup>

**Question 12:** In relation to the pregnant woman who has been diagnosed with uterine cancer whose treatment is through radiation therapy, and as it is known that going for radiation therapy would result in the deformation of the fetus – is it permissible to abort the fetus before one starts the radiation therapy?

**Answer 12:** It is problematic. <sup>15</sup>

**Question 13:** It is common in women who are pregnant and who are also diagnosed with cancer (such as breast cancer) that if their cancer has progressed that in which ever stage of the pregnancy they are in, the fetus is aborted and they go forth with curing the mother and this is done for two reasons: the first is since the life of the mother is in danger and the second reason is because if they were to permit the pregnancy to continue, the mother would die, and the child would then come into this world without a mother and as we know, the child is in need of the love of the mother.

If the cancer is in its early stages and if the pregnancy is in the final stages, then they would wait until the fetus reaches to such a stage that it would be able to live (on its own). At this point through an operation, they would take the child out of the mother's womb and bring him into the world sooner than his expected due date and would keep him under close, special supervision until he develops.

If the pregnancy was in the early stages, then it would be aborted and thus in this way, the curing of the cancer would also have a better chance of working (of course either through chemical therapy or radiation therapy).

Is the explanation given above in line with the rulings of Islam or not?

**Answer 13:** If the life of the mother is in danger and the fetus has passed through the first few months, then it is not a problem. Also, it is not a problem to have the child born before its due date and taking care of it in these special circumstances. <sup>16</sup>

**Question 14:** Is it permissible for women who are sick and who if they continue their pregnancy, a conflict between the life of the mother and that of the fetus would develop – and in addition, the age of

the fetus if more than four months, however the state of the fetus at the age is such that it does not have the ability to live outside of the womb of the mother and after the death of the mother, the child too would die. In order to save the life of at least one individual, meaning the mother – is it permissible for this pregnancy to be ended?

**Answer 14:** One must wait until the final moments to protect the life of the mother, and if at that time there is still no possibility of saving the life of the fetus, then it is not a problem to abort it in order to save the life of the mother.<sup>17</sup>

**Question 15:** What is the Islamic ruling in regards to abortion?

**Answer 15:** It is not permissible to abort the fetus after the soul has his infused into it regardless of the reason. It is also not permissible even before the infusion of the soul except if the life of the mother is in danger or if there is some sickness that the mother would not be able to withstand if the child remains in the mother's womb. In any of these two events, it is not a problem to abort the fetus.<sup>18</sup>

**Question 16:** Can you please explain to us the scenarios in which it is not a problem to terminate a pregnancy?

**Answer 16:** Aborting the pregnancy is permissible in the following circumstances:

a) If according to the observations of the specialist whose word one has confidence in, the continuation of the pregnancy would result in the death of the fetus and the mother – both of them. However if the child was to be aborted, then the mother would stay alive.

b) If the soul has not yet been infused into the fetus and according to the observations of the specialist whose word one has confidence in, if the fetus was to remain inside the mother, then it would pose a danger to the life of the mother or would result in a danger or pain that the mother would not be able to withstand.

c) If the soul has not yet been infused into the fetus and the pregnant woman has certainty that without aborting the fetus, she would face mental or physical difficulties and problems and would fall victim to great difficulties and troubles. In this event, it is also not improbable that to abort the fetus would not be forbidden.

In addition, in all of these instances, if the abortion does goes forth, the Diyah and the Kaffarah<sup>19</sup> would be required and would be the responsibility of the person who performed the abortion.<sup>20</sup>

**Question 17:** If a pregnant woman goes to her doctor and the doctor aborts the child, would the doctor have the *Qasas* (Islamic punishment for murder) applied to him?

**Answer 17:** No, rather, he would have to pay the Diyah.<sup>21</sup>

**Question 18:** If a group of doctors tell a woman that the child that she has in her womb is underdeveloped from the point of view of its mental capacity or physical body, is the woman permitted to abort the child or do something else so that she loses her child?

**Answer 18:** No, it is not permissible.<sup>22</sup>

**Question 19:** What is your opinion in specific regards to a woman who is one and a half months pregnant and wants to abort her child, keeping in mind the following points:

- a) She had four children one after the other with a gap for only breast feeding (each of them).
- b) She has gone through caesarian section for three of her four children.
- c) She has psychological problems to such an extent that most of her time at night is spent crying and weeping which results in her entire family being upset at seeing her like this.
- d) She had gone for some sort of birth control, however this child as well as two of her other children were unwanted pregnancies and thus, even though she was using some form of birth control, she still became pregnant.
- e) The guardian of these children (her husband) is also in agreement with this (abortion).

In the event that it is permissible (for her to have an abortion), please let us know what the amount of the Diah would be. Both of them (the mother and father) are followers of Imam Khumayni (may Allah be pleased with him)

**Answer 19:** Keeping in mind the difficulties that were mentioned in the letter such as the operations, the caesarian section and the psychological trauma and other things – since this scenario is one which is an indication of a difficulty which is unbearable, it can not be said that aborting this fetus before it is four months old would be haram (forbidden) or a sin.

Rather, due to the ruling of it being unbearable, the prohibition is lifted and it is permissible (to have the abortion) and the Diah is upon the person who actually performs the abortion and it must be given to the inheritors of that fetus.

Thus, if the abortion is performed by an injection, then the Diah is upon the person who gave the injection. If the abortion is through pills and the use of medication, then it (the Diah) is upon the mother herself who has taken the medicine and in this case, since the mother herself is the one who performed the abortion, she would not be entitled to receive any of the inheritance.

In any case, if the abortion is performed with the consent of the father and mother and what has been stated in the first scenario (done by an injection) and if in the second scenario, the father forgives (the Diah) (where the mother has performed the abortion), then the Diah would not be liable.

**Question 20:** The Present Organization of Doctors of Iran in a letter to the Courts of the city of Qum:

We testify that Mrs. \_\_\_\_\_ the daughter of \_\_\_\_\_ owner of the attached signed photo mention that due to her own desire and that of her husband, Mr. \_\_\_\_\_, they have requested an examination to go through with a medical abortion for the following reasons:

The above mentioned woman is 1½ months pregnant and since she has a great deficiency in her aorta valve, she has gone for a transplant of this valve and through the examination of the specialists and the medical advisors, it has been confirmed that the continuation of her pregnancy will be life threatening for her.

Can you permit the medical abortion in one of the Medical Centres through a female medical specialist and midwife?

**Answer 20:** Even though it is completely forbidden to have an abortion and it is considered as a sin and if it is performed after the fourth month, it is classified as the killing of a person and in no way can it be permissible.

However, if it is done before four months with the supposition that the pregnancy would cause difficulty and strain – which has been deduced from the letter – the prohibition is lifted and the (Islamic) Judge can give the ruling on it being permissible (to have an abortion).<sup>23</sup>

**Question 21:** By having a sonogram of the fetus that is inside the stomach of the mother, it is made known that the child is physically disabled. After birth, he will be like a stick of meat that will be left aside and will not be able to do anything productive and will also have no sort of intelligent understanding or perception. Thus, please let us know:

- a) Is it permissible to abort the fetus in the state that it is (before the soul is infused into the body or even after the soul is placed in the fetus)?
- b) If this child comes into the world and then becomes sick, is it permissible to not go for any sort of medical treatment so that it will die sooner and thus, will be freed from the pain and suffering?

**Answer 21:** In reply to questions ‘a’ and ‘b’, it is not permissible and Allah knows best.<sup>24</sup>

**Question 22:** If the doctor realizes that the fetus that is in the womb of the mother has a physical defect and if he was to inform the parents of this, then there is a very strong possibility that they would go forth to abort the child and there is a very small possibility in relation to the curing of the physical defect of the fetus. And if he does not tell the parents, then the parents will complain to him that they were not informed of the health of the child.

Please let us know what is the responsibility of the doctor in this case?

**Answer 22:** Since he does not know that they would go forth with an abortion since there is a possibility that they may try and find some cure (for the child), thus, it is permissible to tell them and if they (the parents) go forth and abort the child, then the one who is responsible (for this act) would be the one who actually performs it.<sup>25</sup>

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Imam as-Sadiq (peace be upon him) has said, *“Allah has made Jihad obligatory upon men and women. Thus, the Jihad for the man is that he gives up his wealth and his life in the way of Allah and gets killed (on this path). The Jihad for the woman is that she has patience with the harassment and pride of her husband.”*

Wasa'il ash-Shi'a, Volume 14, Page 111, Hadith 2

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**Rule 1:** Aborting the fetus after it has been transformed into a human being with a soul in the womb is a very grave sin and it is considered as killing a person and all of the Islamic regulations in relation to *Qasas* (the penalty for murder), the *Diyah* and the *Kaffarah* would be applicable.

**Rule 2:** Aborting the fetus before it has been transformed into a human being with a soul in the womb is not classified as the killing of a person and thus from this viewpoint, it is not forbidden (haram). However, if this act is not carried out with the consent of the father and mother, then it is an act of oppression to both of them or to one of them.

It is sufficient to state that within the teachings of Islam, according to the *ahadith* (narrations) and that which has been mentioned, a *Diyah* has been specified for this act. Apparently, that which we can tell is that the *Diyah* would have to be paid by the person who carried out the abortion – of course in the event that it was done without the permission of the parents.

**Rule 3:** It is obligatory upon the leader of the Muslims to make sure that except under special circumstances, this act is not carried out.

Of these special circumstances, we can mention the following: where the betterment of the society or the betterment of the mother is involved or when preserving the laws of Allah as has come to us from the Prophet through the Book (Quran) and the Sunnah (his example) which would necessitate this act.<sup>26</sup>

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The Noble Prophet (blessings of Allah be upon him and his family) has said, *“It is not recommended for a woman that she force her husband to do things which are beyond his capability and it is also not recommended that she complain to any of the creatures of Allah, The Noble and Grand, about her husband – whether this person be a close family member or an outsider.”*



1. Blood money/ransom (Tr.)
2. This ceremonial bath must be performed if a person touches the dead body of another person after the body has become cold and the corpse itself has not been given the ceremonial bath. (Tr.)
3. Imam Khumayni (may Allah be pleased with him), Islamic Medical Issues
4. Imam Khumayni (may Allah be pleased with him)
5. Imam Khumayni (may Allah be pleased with him)
6. Imam Khumayni (may Allah be pleased with him), Religious Enquiries
7. Ayatullah Khamene'i, Islamic Medical Issues
8. Ayatullah Khamene'i, Islamic Medical Issues
9. Ayatullah Khamene'i, Islamic Medical Issues
10. Ayatullah Khamene'i, Islamic Medical Issues
11. Ayatullah Khamene'i, Islamic Medical Issues
12. Congenital absence of most of the brain and spinal cord
13. Ayatullah Makarim Shirazi, Islamic Medical Questions
14. Ayatullah Makarim Shirazi, Islamic Medical Questions
15. Ayatullah Makarim Shirazi, Islamic Medical Questions
16. Ayatullah Makarim Shirazi, Islamic Medical Questions
17. Ayatullah Fadhil Lankarani, Islamic Medical Questions
18. Ayatullah Fadhil Lankarani, Islamic Medical Questions
19. Penalty (Tr.)
20. Ayatullah Fadhil Lankarani, Islamic Medical Questions
21. Ayatullah Fadhil Lankarani, Islamic Medical Questions
22. Ayatullah Fadhil Lankarani, Islamic Medical Questions
23. Ayatullah Sane'i, Islamic Medical Questions
24. Ayatullah Safi Gulpaygani, Islamic Medical Issues
25. Ayatullah Safi Gulpaygani, Islamic Medical Issues
26. Ayatullah Shahid Beheshti, Health and Family Planning, Page 203