Abortion and Protection of Fetal Life

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Abortion is one of the most widely discussed medical-ethical subjects in medical, legal, philosophical, and religious literature as well as in the lay press. There is hardly a religion or country in the world that is not currently concerned about this issue. In the religion of Islam, abortion is the killing of the fetus in the womb or by taking it out by the material or spiritual intervention of the mother or someone else. The fetus is the child in a pregnant woman’s womb from the first day of pregnancy. Herein, we discuss abortion from Islamic perspective to emphasize the importance of fetal life.

Life is the most important part of the universe; its greatest result; the most brilliant light; its subtlest leaven; its distilled essence; its most perfect fruit; its most elevated perfection; its finest beauty; its most beautiful adornment; the secret of its undividedness; the bond of its unity; the source of its perfections; and regarding art and nature, a most wondrous being endowed with spirit. Protection of human life is one of the five basic principles and objectives of the religion of Islam (the other principles are the protection of generation, mind, religion, and property). Whoever slays a soul unless it is for manslaughter or mischief in the land, it is as though he slew all men, and whoever keeps it alive, it is as though he kept alive all men.

Allah began the creation of man from clay. Furthermore, he made his progeny from a quintessence of despised fluid. Nevertheless, he fashioned him in due proportion and breathed into him his spirit. And he gave him (the faculties of) hearing and sight and understanding. The Quranic descriptions of the development of a human embryo led scholars to differentiate between an initial biological entity and the human being into which it is developed later. Some scholars interpreted these references to mean that the fetus was ensouled sometime after conception. The traditions provided further justification for this view.

For this reason, all Muslim jurists forbade abortion after the fetus had been in the womb for 120 days, although the legal schools and individual scholars differed over the permissibility of abortion before this point. An Islamic law scholar, Karaman, whose fatwas are accepted and applied by most people in Türkiye, has noted the followings about this issue: Spirit is blown into the fetus when it is 40 days old. There is no relation between blowing the spirit into the fetus and being alive. Spirit does not mean giving life or animating, and it means man has a divine element (coming from Allah and attracting people to him). The fetus is alive and human before 40 days. Abortion is not permissible at any stage of pregnancy and for any reason because killing the fetus means killing a man, as mentioned in the Holy Quran.

In the case of a pregnancy that threatened the mother’s life, most jurists prioritized preserving the fetus’s life if it had already acquired a soul. More recently, some thinkers have come to advocate saving the mother’s life in such cases. Karaman has noted that abortion is also not permissible in cases where the infant is to be born sick, disabled, malformed, mentally retarded, or short lived. However, if a reliable physician knows that the mother’s life will be in danger if the pregnancy continues, it is permissible to take the fetus to save the mother. If both the mother and fetus will die, the fetus should be aborted and the mother saved. The mother should be considered if it is possible to save only one of the two lives. On the contrary, if a woman sentenced to death is pregnant, she cannot be executed unless she gives birth to the child. It is not permissible for a woman who has been raped to have an abortion. The child and the mother are never responsible because of rape; the child and mother are innocent. Crime, responsibility, and punishment belong to the person who raped. Fatwa of The Turkish Presidency of the Supreme Council of Religious Affairs about abortion is as

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follows: Protection of human life is one of the five basic principles and objectives of the religion of Islam. Human, the most honorable asset, is respected and inviolable. The right to live is a fundamental right given by Allah from the moment the male sperm and female egg unite, and fertilization begins. From this stage onward, no one, including parents, has been right to interfere in this. Terminating the pregnancy without a justified and definite necessity, such as protecting the mother’s life, is not permissible.9

In clinical practice, we have observed many parents who do not have an abortion even if their fetuses are severely malformed because abortion is a cardinal sin in Islam. They regard their child’s disorders as their “fate” and surrender to Allah. Some parents have also said that peace and prosperity came to their home after the disabled child was born. On the contrary, many parents, especially mothers, care for their disabled children patiently and affectionately for years since caring for the sick is a great reward in Islam.

In conclusion, the protection of human life is one of the basic principles of Islam because man is the most perfect fruit of the tree of creation, and among creatures, he is the most important and the most valuable, and a human person is equivalent to species of the other animals.10 Currently, according to many Islamic scholars, abortion is not permissible at any stage of pregnancy without a justified and definite necessity, such as protecting the mother’s life.

Conflict of Interest
None declared.

References
2 Karaman H. Islam in our lives (in Turkish). İstanbul: Iz Publishing; 2010