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Birth Control & Abortion in Islam



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P R E S S

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Foreword

In the name of Allāh, Most Compassionate, Most Merciful. All praise is for Allāh Most High, Lord of the worlds, and peace and blessings upon His beloved Messenger Muḥammad, a Mercy to the Worlds ﷺ.

This book is a revised edition of an earlier work that I compiled, titled *Birth Control in Islam*. In 1997, while studying at one of the renowned institutions of Islamic learning in the UK, Darul Uloom in Bury (Lancashire), I was often posed with inquiries concerning contraception and abortion. Several individuals wished to know the Islamic viewpoint on the various forms of contraception and the ruling on abortion. Owing to their interest and the great relevance of the issue to modern-day life, I felt it appropriate to prepare a comprehensive and detailed understanding on these matters. Hence, by the grace of Allāh Almighty, I was able to prepare an article discussing birth control and abortion.

The first impression of this work appeared in a monthly magazine published by the aforementioned institution. Friends and colleagues of mine suggested that I add to it and have it published in the form of a booklet. The suggestion was a laudable one to which I responded positively.

Accordingly, the first edition of this book was published towards the latter part of 1997, and through the grace of Allāh Most High all

copies were sold out. However, there were certain deficiencies with the publication.

Firstly, the book was not widely circulated and distributed as it ought to have been. It was only distributed in the UK and to certain restricted areas at that. Secondly, the quality of both the work and the publication needed much improvement. In my personal opinion, both were below the required standard. Thirdly, the issues discussed in the booklet were only tackled in light of the Ḥanafī school of Islamic law, for the book was mainly directed at those who follow this school. Finally, many contemporary issues, such as the taking of the morning-after pill, the use of the loop, selling contraceptives, the role of doctors with regard to abortion, were not discussed.

In order to rectify these shortcomings, I felt it necessary to revise the book and improve on the earlier work. Thus, in the name of Allāh Almighty, I began working on it and to my amazement and through the sheer grace of Allāh Most High, the work was virtually transformed into a completely new book. I have included many things that were not covered and excluded other unessential aspects. Some parts of the book were modified, altered, and made more reader-friendly.

To further the benefit of the book, references for all the quotes were added, citing volume, page, and ḥadīth numbers. Similarly, notes explaining key terms and concepts were included wherever necessary.

I hope this work sheds some light on the very important issues of contraception and abortion. I have tried my utmost to explain issues in a systematic and simplified manner without unnecessary complication. May Allāh Most High accept this humble effort and make it purely for His sake. *Āmīn.*

I would like to thank all those who assisted me in any way in the publication of this work. I am grateful to my parents, who inspired me to take the path of seeking sacred knowledge; all my teachers, who are the main reason for this work being possible; my wife, who gave me support and allowed me the freedom, peace, and tranquility in which to write; and all my family, friends, and associates, especially those at

White Thread Press who assisted in editing, typesetting, and otherwise laboring admirably to bring this work to fruition. May Allāh Most High reward all of them abundantly and may He give us success and guide us all. *Āmīn.*

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treated even if that leads to the loss of her unborn child. The underlying reason is that the mother is being medically treated for her illness and pain, which is the basic right of every human being. The child being lost is merely a natural consequence of treating the mother; hence, this action will not be considered a direct killing of the child. In modern-day ethics, this is called the Principle of Double Effect.

As for when there is a fear of the mother losing her life while giving birth, none of the classical scholars have given explicit permission to terminate the pregnancy; thus, it would not be allowed in general. However, in an extreme case, one may consult a reliable scholar of knowledge and piety and seek his advice.

RULING ON ABORTION BEFORE 120 DAYS (FOUR MONTHS)

An abortion prior to four months (120 days) is also unlawful (*ḥarām*) in normal situations according to the majority of classical and contemporary scholars, but it will not be classified as murder. This is what we find in the books of the major classical jurists from all four schools of Islamic law.

The Ḥanafī School

Imām Ibn ‘Ābidīn (may Allāh have mercy on him) states, “[Imām Ḥas-kafī’s statement ‘it is prohibitively disliked to carry out an abortion’] meaning at all stages, prior to the formation of the organs and after it . . . except that she [the mother] will not be guilty of committing the sin of murder [if the abortion takes place before four months]” (*Radd al-Muḥtār* 6:429).

He also states, “I would not say that it is permitted [to abort the fetus before its body parts are formed], because a person in the state of pilgrim sanctity (*muḥrim*) is liable to pay a penalty by merely breaking the egg of the hunted animal. . . . Thus, if by merely breaking the egg one has to pay the penalty, then there can be nothing less than committing a

sinful act here [in the case of aborting the fetus] if the fetus was aborted without a valid excuse, except that one will not be committing the sin of murder" (*Radd al-Muḥtār* 6:591).

The Mālikī School

The Mālikī school is clear regarding the impermissibility of an abortion once the semen is retained in the womb.

It is stated in *Al-Sharḥ al-Kabīr* of Imām Dardīr, "It is not permissible to take out the semen that has reached the womb, even before the passing of forty days. And when the soul is entered, it becomes absolutely unlawful" (*Hāshiyat al-Dasūqī 'ala 'l-Sharḥ al-Kabīr* 2:237).

Another Mālikī jurist, Imām Ibn Juzay (may Allāh have mercy on him) states, "When the womb retains the semen, it becomes impermissible to meddle with it. The sin will become more severe when the organs of the body are formed, and even more when the soul is actually blown into the fetus, for that is considered to be murder by consensus" (*Al-Qawānīn al-Fiqhiyya* 235).

The Shāfi'ī School

Imām Ibn Ḥajar al-Makkī, the great Shāfi'ī jurist, states,

The scholars have differed in regards to the ruling of causing the pregnancy to be aborted prior to when the soul being entered into the fetus, which is 120 days. Ibn al-ʿImād and others are of the view that it will be unlawful (*ḥarām*). This should not be objectionable due to the permissibility of practicing coitus interruptus (*ʿazl*), because the difference between the two is apparent, in that the semen at the time of ejaculation is a "part of a whole" that is not ready for life in any way, contrary to when it has settled into the womb (*Tuhfat al-Muḥtāj* 8:241).

Imām Abū Ḥāmid al-Ghazālī (may Allāh have mercy on him) states in his renowned *Iḥyā' ʿUlūm al-Dīn*, after discussing the ruling on contraception (*ʿazl*):

Contraception (*ʿazl*) is not like abortion or burying the girl alive (*wa'd*),