
CLARITY REGARDING THE ISSUE OF ABORTION

Shaykh Muhammad ibn Saalih Al-'Uthaymeen

Question: The questioner Aboo Hossam tried to present to us a question in the previous gathering. He still has this question. He says: My wife was in the first two months of pregnancy and we did not want for her to be pregnant. So she went to the hospital and aborted the fetus while it was still a small piece of flesh and there was nothing apparent (from human features). So, is there anything due upon us or should we fast? This is because I asked and the people told me that there is nothing upon me because no features were apparent upon this fetus yet. May Allaah reward you with good.

Answer: I would like to say to the brother; the questioner and to whoever is listening that having an abundance of offspring is from that which is desired within the legislation. The Prophet (sallallaahu alayhi wa sallam) encouraged to have an abundance of offspring. He said:

تزوجوا الودود الولود

Marry the affectionate and the childbearing.

So he encouraged with marrying the woman who is affectionate; the one who is very loving towards her husband. This is because her affection towards her husband, in most cases, necessitates contact with her and intercourse. By way of (frequent) intercourse there will be an abundance of offspring. Due to this he followed the description of "affectionate," with: "childbearing;" meaning, abundantly fertile. Therefore, it is not befitting to try and minimize childbirth while the Messenger (sallallaahu alayhi wa sallam) loves for us to have an abundance of children.

As it relates to the answer of this question in particular, I say: Regarding aborting (or extracting the child) in other than the time (of childbirth), the scholars differ regarding its permissibility. From them there are those who say that it is unconditionally forbidden. They say that Allaah, the Exalted, has placed this Nutfah in a fixed place. Therefore one cannot violate this fixture except due to a legislative reason.

From them there are those who permit aborting the Nutfah; i.e., extracting the fetus before 40 days. From them there are those who permit it before it takes form. This is because it is not known, when it is a clot, if it is a child or not. From them there are those who permit it up until the soul is breathed into it. For when the soul is breathed into it then they (the scholars) agree regarding the impermissibility of extracting it;

unless that be at the time of birth and the woman is unable to have a natural birth; so the child is surgically extracted, then there is no harm.

That which I hold is that it is not permissible. Once the pregnancy is affirmed, then it is not permissible to abort it except due to a legislative reason. Such as it being evident that the fetus is deformed with a deformity that will harm it psychologically or harm its family. Then, at that time, it can be aborted due to the need or necessity calling for that. Similarly, if it is feared for the mother if it begins to grow and become large within her womb (i.e., that she would be harmed or die), then there would be no problem to abort. This is restricted to if the soul has not been breathed into it yet. And the soul is breathed into it once four months have completely passed. So if the soul has been breathed into it then it is Haraam to abort, unrestrictedly. Even if the doctors affirm that if it is not aborted then the mother will die; it is not permissible to abort it even if its mother would die if it remained. This is because it is not permissible to for us to kill one person so that another person can live.

If a person were to say: If we make it remain (alive) and then the mother dies then the child will die as well so that by way of that two people have been killed, while if we extract it then perhaps the mother will live.

The response to that is that if we keep the child and the mother dies due to that then it dies after its mother dies then the death of its mother was not caused by us. Rather, it was caused by Allaah, the Mighty and Majestic. He is the One who decreed that she die as a result of this pregnancy. As for if we abort the child which is alive and it dies due to the abortion then its death is due to our action; and that is not permissible for us.

Translated by Raha ibn Donald Batts

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