

Induced abortion in the views of Sunnite Jurisprudence

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Abstract

The present article discusses briefly the different reasons for induced abortions and it then seeks the answer to this question by explaining the views of Sunnite jurists on abortion when the continuation of pregnancy threatens the life or the health of the mother. In the author's view, the answer to this question becomes possible after dividing the life of the fetus into two stages, before and after soul inspiration, dividing Sunnite jurists into past and present and also with regard to four major Sunnite schools. In each case we should find the basic criterion and the bases on which the Sunnite jurists have established their views, because this attempt may at least bring to light the decrees on abortion and the reasons for which these decrees have been issued, although they have not been directly stated. The past jurists' views on abortion have the kind of air that abortion after the inspiration of life even for rescuing the mother's life is not permissible, as the fetus in this stage has "self" and a verse in Koran applies to it in this regard, "Do not kill the self as this has been prohibited by God". Regarding different views stated by major Sunnite jurists on abortion before soul inspiration, when the mother's life is in danger it is understood that abortion is not only lawful but also imperative as the fetus has no soul and it does not contradict the mentioned verse of Koran. In the conflict between the life of a being "the mother" and an entity that has no life, soul or self, and it is regarded as an object "the fetus", the life of the one has priority which has soul, as based on the justification for "the least losses" saving the life of the mother is the least loss sustained by the human society. But on abortion after soul inspiration, some contemporary jurists believe that it is considered unlawful if it is committed in the absence of any reasons, but some say it is lawful even in cases where there are no rational excuses for them. Nevertheless both groups believe that if the continuation of pregnancy will threaten the life of the mother, a justifiable reason is met for abortion and it is not only lawful but also obligatory.

Key Words: Abortion, Sunnite Jurisprudence, Induced Abortion, Murder, Soul inspiration.

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