

Question of abortion considered in placentas' maladies and embryonic disorders regarded in Imamiyeh jurisprudence

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Abstract: The question of abortion is considered by many societies, discussed in legal systems of states from ancient epochs therein. This purview is required to scrutinize for the link of Islamic jurisprudence and medicine. Abortion is considered a taboo in religious law and it necessitates the indemnification of blood-money. In this thesis we run on the immunity of abortion considered in placenta maladies, immunity of abortion in embryonic disorders, as well as the view of jurisconsults about the abortion of mooncalf fetus, non-immunity of abortion of the mooncalf, the view of contemporary religious scholars about therapeutic abortion and the argumentations of the immunity of therapeutic abortion respectively. Thereupon we tally the exegesis with the scrutiny of therapeutic abortion in which the gusts were derived from them from the viewpoint of Islamic jurisprudence thereafter.

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1. Introduction

The question of abortion enjoys a peculiar eigenmode regarding the religious law and Islam's sutras. In various societies, there were diverse reasons for abortion from the past till today which have been followed out by physicians, unqualified abortionists as well as maters through feloniously (advertency), miscarriage (non-premeditated), therapeutic or legal respectively.

Imamiyeh jurisprudence says that the adjudication of abortion holds true when there is documented evidence, surmounting to the sanctity of mortifying of a Wight who is due to transform to an ego therein.

It has been allowed by civil code too.

So the question of therapeutic abortion is considered a moot in Islam and several questions have been put up which must be solved by jurisconsults and scholars e.g. is it possible to bobble of feticide pre and pro aspiration of soul by the diagnosis of a therapist?

Is it possible for an enceinte to hold over if it delivers side-effects?

Does the legislative pass the canonicity of the biogenesis of an aborts or considers it as the mortification of a bloomer?

Islamic jurisprudence answers many problems, bringing forward thoroughgoing outs either to protect the fetus or put stop to knots and forefend of taboos by regarding the therapeutic abortion thereafter.

1- Canonicity of abortion considered in placentas' disorders

Several disorders relating to maternity which are allowed to therapeutic abortions include:

- a) Thyrotoxic heart disease redounding to high grade atrioventricular block
- b) Case history of suffering from valvulitis
- c) Pericardial cavity disorders
- d) Suffering from crush syndrome
- e) Suffering from esophagoesopha bosomy
- f) Malignant hypertension immunopotentialion during pregnancy
- g) Suffering from Phthisis or pulmonitisby pulmonary hypertension
- h) Suffering from acquired immunodeficiency syndrome
- i) Inner cell mass inside central nervous system regarding the shape and the spot jeopardizing the placenta

2- Canonicity of abortion considered in fetus disorders

Several fetus disorders which are allowed to abortion if necessary include:

- a) Hydropneumatosis by any origin
- b) Ureterectasis followed by urethrostenosis causing nephrectasis and hydropneumatosis
- c) Ureterectasis followed by urethrostenosis causing nephrectasis
- d) Embryopathy
- e) Villi of cerebrospinal fluid

It is concluded that the canonicity of abortus is not whencesoever's of the importance of placenta's self and fetus' respectively. (Kharazi, 1420).

Canonicity of abortion of the abortus

When the embryopathy was persuaded, on the condition that it is wraith; then abortion is voidable due

to the fault on the account of clansman and society.

Juridical regulation passed on February 17th, 1990 in Mecca says that the abortion of an abortus is not voidable if it is a 120-day-old but it is voidable to abort it when it is considered an abortus catering a cheerless vivification by the postulation of parents therein.

Non-canoncity of the abortion of an abortus

Some jurisconsults believe that the mortification of neither sufferings from psychopathy pro nativity nor non-parasitic fetus is not voidable.

The aforesaid predications include sanctity of pious mortification, oafs and sufferings from psychopathy, the generalization of fetus, non-parasitic fetus and abortus respectively.

The religious scholar, Behjat says that the abortion by utilizing medical modern apparatus is incorrect since the nativity of an abortus brings about tense circumstances to society as well as the ilk thereupon.

Is there any discrepancy to abort pre or pro insoul or not?

The answer is negative. (Behjat, undated).

Sistani believes that the question of being an abortus or not does not require to the canonicity of abortion.

Imam Khomeini (May he rest in peace) says that there is not voidable to abort the abortus or a fetus being congenitally insane therein. (Hekmat, 1366).

The eminent leader of our country says that it is not voidable to abort an abortus. (Khamenei, 1385).

He orders that the abortion is not voidable whether or not immediately upon being an abortus or rendering knots. (Khamenei, 1385).

Standpoints of contemporary jurisconsults about therapeutic abortion

They say no to abort an abortus but in the following circumstances the abortion is voidable e.g. accounting for the astringent and cumbersome of pregnancy or jeopardizing the placenta's vita respectively.

Amongst the contemporary religious scholars, Sistani, Khamenei and late Fazil Lankarani have considered the abortions pre-insoul voidable.

The Excellency, Khamenei in answering to the question of whether or not the canonicity abortion when the continuity of pregnancy would jeopardize the placenta says that if the urgent of an obstetrician would be considered, then the abortion is voidable. (Khamenei, 1385).

He believes that the abortion is a taboo unless the continuity of pregnancy would jeopardize placenta but it is not voidable pro insoul much as the continuity of pregnancy jeopardize the placenta therein. (Khamenei, 1385).

The religious scholar Sistani in answering to the question of whether or not the carlineis allowed to abort when she does want to yeans says that she is not allowed

unless the fetus brings about adverse and tragic circumstances thereafter. (Husseini Sistani, 1414).

The assessment of Lankarani includes that the abortion of an abortus is not voidable even if thou aver that there is a fetus papyraceus. (Rouhani, Nouqani, 1376).

The late Lankarani says that the abortion is not voidable if surviving of the placenta implicates the abortion. If the abortion takes place, it would necessitate the indemnification therein.

Great scholar "Makarem Shirazi" says that the abortion is voidable if a parasitic fetus occasions the need of an abortus, bringing about the hardship of the parents, the indemnification would be considered cannily therefore. (Makarem Shirazi, 1383).

He considers the abortion lawful if it endangers the placenta and the following question brings up:

What is the sutra considered in abortion of a one-month-old fetus by the hunky dory of the husband or by the ampoule?

Answer: it is not voidable unless it endangers the placenta respectively.

The late Golpaygani says that the abortion is allowed if there would be no treatment and it requires to abortion as well. (Golpaygani, 1413).

The late Araki in answering to a bread-and-butter question says that the abortion is not voidable much as pre-insoul and the persuasion of the obstetrician hinging upon the pop off the placenta thereafter.

He believes that the abortion is not voidable whatsoever unless it jeopardize the placenta pre-insoul and by indemnification respectively.

Ratiocination of the canonicity of therapeutic abortion

The purview of abortion is very overriding due to the following instances:

Maladies e.g. IADS, encouraging the suffering mothers to abort considered by practitioners who quest for the safety of the community and prevention of the morbidity thereafter.

The conference of the convention of Islamic jurisprudence convened in 1995, Abu Dhabi, launched a manifesto, enunciating the card-carryings' viewpoints on the subject of AIDS respectively.

They opined about the abortion by a placenta suffering from AIDS as in view of the fact that the transmission of AIDS from the placenta suffering from it to fetus falls out pro in soul or during pregnancy, it is concluded that the abortion is not voidable therefore (Scientific-cultural institute of Kerman private bibliotheca, order of scribes).

Conclusion

Abortion is considered an incidental question in Islam and there are many core questions brought up which must be responded by jurisconsults therein.

The canonicity or taboo of abortion is considered as the following based on the researches probed:

Imamiyeh religious scholars and some highbrows believe that according to quoted verses and traditions a 4-month-old fetus is insulted and during the aforesaid period the indemnification is compensated thereafter.

Sunnite religious scholars believe that insulting happens when the fetus is 4-months old but the indemnification is incumbent to a newborn fetus whose being had been vivified and the fetus must survive his/her 6-months-old career respectively.

The mainsprings considered in abortion include scriptures, tradition, consensus of opinions and nous respectively.

So the abortion is considered a taboo as a fortiori sutra whether pre or pro in soul in Islam.

Islamic jurisprudence remarks that the canonicity and non-canonicity of abortion exists e.g. the mother can embark upon abortion either suffering from asthenia or by the diagnosis of an accouter based on the fact that the fetus suffers from an irremediable illness respectively.

The abortion is voidable when the therapeutic abortion trepan to the nee of a parasitic fetus as well as pre-insulin the strength of being not guilty on the account thereupon.

Indemnification is accrued to abortion which varies depending on the sexuality and the multiplicity of fetus therein.

Transition of abortion to therapeutic abortion means pre-in soul but many jurisconsults believe that it is not voidable and the abortion is voidable only if it endangers the placenta vivification due to the continuity of pregnancy respectively.

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