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# The Shariah Rulings for:

- Cloning
- Human organ transplantation
- Abortion
- Test-tube Babies
- Life Support Systems
- Determining Life and Death

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# INTRODUCTION

- There have been immense scientific developments by scientists. These developments have been in the fields of biology, fetal sciences, cytology, medical biology, genetic engineering, and last but not least animal cloning, as a possible prelude to human cloning. These developments have exceeded all expectations, and have been acknowledged with amazement.

- These immense scientific developments and their applications, which were achieved through advanced technology, point to the Greatness of Allah ﷻ, His Might, His Wisdom, and the perfection of His creation. These matters evidence that Allah ﷻ is their Creator. They also indicate that they were not created by mere coincidence, because they follow a precise order, and specific laws that control and regulate them. In addition, they have properties that are both appropriate for their use, and the purpose of their creation. All of this shows that these matters could not have been created by chance, because coincidence does not bring about such concise laws, and such a precise system. The concise laws and the precise system confirm the obligatory existence of the Creator Who is the Organizer, Perfector, Almighty, and All Wise. Allah ﷻ says, ﴿إِنَّا كُلَّ شَيْءٍ خَلَقْنَاهُ بِقَدَرٍ﴾ "And We created everything according to a precise measure." [TMQ Surah Al-Qamar: 49]. Allah ﷻ said, ﴿وَوَخَّلَقَ كُلَّ شَيْءٍ فَعَدَّهُ تَقْدِيرًا﴾ "He has created everything and has measured it exactly according to its due measurements." [TMQ Surah Al-Furqan: 2]. This means that He ﷻ created everything in a precise manner, and made it such that it is equipped to fulfil its needs. It was a creation made with wisdom, and with exact measure. It was not a creation without measured determination. This

creation was made out of nothing, because creation (khalq) is making things of nothing, and not made from what already exists. Making something out of existing matters, is not considered an act of creation.

- These scientific developments and their applications were achieved by scientists, and made possible by astonishing new advances in technology. This technology, relating to humans, animals, plants, or matter, is only a tiny fraction of the many matters that exist in this Universe, which still has many matters which remain unknown. It is also part of the laws and systems which control matters, and regulate them. They are part of the characteristics which Allah ﷻ has endowed creation with, so that it will facilitate its functions to achieve the purposes, that they were created for. Allah ﷻ said, ﴿وَمَا أُوْتِيتُمْ مِّنَ الْعِلْمِ إِلَّا قَلِيلًا﴾ "The knowledge that you were given is only a small fraction." [TMQ Surah Al-Isra': 85] The achievements of the scientists are a small discovery of some of these systems, laws, and properties of the universe. There was no creation in what was carried out. That is because it was not a creation from nothing. Instead, it was a demonstration of what is already in existence. As science advances, and as scientists make more discoveries, the Magnificence of the Creator and His Might and great Wisdom becomes more and more evident. This increases our strength of belief in Him. Allah ﷻ says, ﴿سُرِّيهِمْ ءَايَاتِنَا فِي الْكَفَاقِ وَفِي أَنْفُسِهِمْ حَتَّىٰ﴾ ﴿يَتَبَيَّنَ لَهُمْ أَنَّهُ الْحَقُّ﴾ "We will show them Our signs in the horizons and in themselves, so they will see it is the truth." [TMQ Surah Fussilat: 53].

- These astonishing scientific developments which have reached the extent of the cloning of plants and animals, and are moving

towards cloning humans, has become a fact of life. Their presence is evident. The issues that arise need to be examined from the perspective of looking after the affairs, and supervision over the society, since there are implications upon the lives of Muslims.

These advances are the results of scientific experiments. In origin, science is general and is not specific to any particular culture, or viewpoint about life. However, science's uses and applications are based on a specific way of life, and so are specific for each culture. These advances appeared in the Western world first, and were adopted and utilized by the West, because they are of a certain benefit. This is based on the fact that the Western world has adopted a viewpoint based the detachment of religion from life. So, it is the human who makes the legislation for life's affairs. Sovereignty is for the people in the West, wherein the people have the reasoning faculty, and the ability, to distinguish the good from the bad, and the beneficial from the harmful. In addition, the Western viewpoint made seeking the materialistic value, which is utilitarianism, to be its criterion in life and made it the only criterion to be considered. It does not give consideration to any other value, whether spiritual, moral, or humanitarian. Any act, which achieves any of the previously mentioned values, is only done when it achieves material benefit. If no benefits are seen in the action, it will not be done, and it is not given any attention.

Therefore, when the West utilizes science and its applications, their only consideration is that it achieves a material value for them, such that it achieves benefit, regardless of whether it agrees, or disagrees, with the spiritual, moral, or humanitarian values. None of these other values are a criterion for action in

their view. They have no consideration in actions. Their only criterion is the materialistic value, which is manifested by achieving benefit.

- This Western view of life has brought great disasters to the world. The two world wars were a product of this view of life, because they were started to extend the influence of Western powers, so that they colonialize, to achieve benefits and to plunder the wealth of other peoples.
- Adopting this view of life, which is based on utilitarianism and freedom, includes personal freedom. Personal freedom has resulted in a sexual frenzy, such that societies in the West have become like herds of animals. Fornication, adultery, cohabitation outside of marriage, and sexual deviations have become common. All of this is condoned by law, which has resulted in many births outside of marriage and many illegitimate children. The rate of these births has exceeded 50% in many places, according to statistics that were published in the Western media. This means that around a half of the children in the West are illegitimate, whilst some of them are in positions of power, leadership, and decision-making.

As a result, the spiritual, moral, and humanitarian values have been lost in Western societies. The family unit has been destroyed, chastity has been obliterated, and honor no longer exists. The large number of births from fornication, adultery, and cohabitation outside of marriage, led to the legalization of abortion in many Western countries. This has given the opportunity to women to end their pregnancy, especially if they resulted from a relationship outside of marriage. These countries headed by the United States, started to market abortion to

Muslim societies, in conjunction with the idea of birth control, as was done in the International Conference on Population and Development (ICPD) that was held in Cairo in 1994, and the United Nations' Fourth World Conference on Women in Beijing in 1995. All of this aims at making the societies in the Islamic world just like the Western societies, so that it eradicates the values and Islamic morals that remain in these societies, destroys the family, and unleashes sexual frenzy. This will make it possible for the Western world, headed by the United States, to control the Muslim World, and to entrench their concepts, culture, and their viewpoint on life in the societies in the Muslim countries.

- This Western view of life is based on Kufr, and it contradicts the Islamic viewpoint entirely. In Islam, humans are obligated to govern their life's affairs according to the commands and the prohibitions of Allah ﷻ. They are obligated to measure their affairs only according to the Islamic criterion of Halal and Haram. Halal is that which Allah ﷻ has allowed, and Haram is that which Allah ﷻ has prohibited. The rulings of Halal and Haram are taken from the Shariah sources of the Noble Quran and the Prophetic Sunnah, and what is derived from them of Qiyas (Shariah Reasoned Analogy) and the Unanimous Consensus (Ijmaa') of the Companions (ra). Halal is to be adhered to and Haram is to be avoided, regardless of the benefit and harm, or the merit and demerit. This is because what matters is the Shariah Law of Allah ﷻ, since it is Allah ﷻ that legislates and not humans. The role of the human mind is to understand the Shariah text, and not to legislate the texts and laws.

Although science is general and not particular to a viewpoint of life, its products and its applications are to be used according to

the Shariah rulings. That which is allowed (Halal) by Shariah can be taken and used. That which is prohibited (Haram) is to be discarded. This is the way that we must view and deal with all matters that are the products of science.

It is based on this approach that we have dealt with the subjects in this booklet. We have measured the subjects according to the Shariah texts, and tried to the best of our ability in this regard. Based on the Shariah texts, we have made it clear what can be taken, and what must be avoided, regardless of the benefit and harm. This is because true benefit is that which the Wise Legislator ﷺ considers beneficial. That which is not considered beneficial by the Legislator must be discarded. It is prohibited to take the Haram, because taking it is in contradiction with the Shariah ruling. Whoever does indulge in Haram is sinful.

- Based on this, we have looked at the issues of cloning, organ donation, abortion, test-tube babies, life-support systems, and the issue of determining life and death. We have tried our best, and we ask Allah ﷻ that we have reached the correct Shariah rulings. We ask Him ﷻ also to guide all Muslims to adhere to the Shariah rulings, to honor them with the re-establishment of the Khilafah, and restoring the ruling by the Book of Allah ﷻ, and the Sunnah of His Messenger ﷺ. This is not difficult for Allah ﷻ.

﴿رَبَّنَا لَا تُؤَاخِذْنَا إِن نَّسِينَا أَوْ أَخْطَأْنَا﴾ "Our Lord, do not hold us accountable if we forget or make a mistake." [TMQ Surah Al-Baqarah: 286]

5th of the Muharram al-Haram 1418 AH,

12th May 1997 CE



## CLONING

- Cloning is to make a duplicate copy of the original living being, such as a plant, animal or human.

Human cloning is to make a duplicate copy of the human himself. A particular human can be duplicated by taking a living cell from that human, taking out the nucleus of that cell, and implanting it into a woman's egg, after taking out the nucleus of that egg. This is done in a way similar to fertilization, or artificial insemination, by which the nucleus of the cell that was taken from the body of a particular person, is inserted into the egg that was taken from a woman. There is a use of special chemicals, and a specific electric current, to fuse the nucleus of the cell with the egg. After they are fused together, the egg, that now has the cell's nucleus, is implanted into a woman's womb so that it can replicate, grow and differentiate to form a complete fetus, which is then born by a natural birth. This will be a duplicate of the original person from whom the nucleus of the cell was taken, and implanted into the woman's egg.

- The impregnation in the process of human cloning takes place between the human body cells, and not the sexual cells. Every human has millions and billions of cells in his body. Every cell has 46 chromosomes, which represent the genetic substance that carries all inherited characteristics of the person, besides the reproductive cells, which come from the testicle of a man, and the ovary of a woman. Each cell of the reproductive cells in both man and woman has only 23 chromosomes, which is half of the total number of chromosomes in the body's somatic cells.

In natural fertilization, the sperm of the man, which has 23 chromosomes, join with the egg of the woman, which also has 23 chromosomes. Hence, a total of 46 chromosomes are then present, half from the man, and half from the woman. Thus, the offspring will take from the characteristics of both the man and the woman.

- However, in the cloning procedure, the somatic cell, which is taken from the body of a particular person, has 46 chromosomes. It includes all the inherited characteristics of that person alone. The baby which is born as a result of the cloning procedure, inherits only the characteristics of the person whose somatic cell's nucleus was used. He will be a genetic duplicate of that person alone, similar to making a copy using instant color photocopying, where you get an exact duplicate.

Natural fertilization can only occur with a male and a female using the reproductive cells. Cloning, on the other hand, can occur with or without a male, by using somatic cells, and not reproductive cells. It can be done without a male, by first taking a somatic cell from a female. The nucleuses that are extracted have 46 chromosomes, which are all the inherited, genetic characteristics. Then, this nucleus is implanted into a woman's egg, after the egg's own nucleus has been removed. The egg is then implanted into a woman's womb. After implanting this egg in the woman's womb, it starts to replicate, grow and differentiate, and becomes a fetus. Then, it becomes a full human being. When it is born, it will be a duplicate of the female alone, from whom the cell was taken. Therefore, the cloning process, in this case, has occurred in all of its stages, without the need for a male.

- In natural fertilization, the inherited characteristics are taken from both the father and the mother. As a result, the children will not be identical. The similarities between the children and the parents, and amongst the siblings, take different forms, in terms of the shape, height, profile, color, intellectual abilities, and the genetic dispositional characteristics.

Inheritance of genetic characteristics in the case of cloning results in the transfer of all the characteristics of the person whose cell was used, male or female. The newborn will be a duplicate of the original person in terms of height, profile, color, mental and other congenital dispositional characteristics. This means that it inherits all the genetic characteristics. However, the acquired characteristics are not subject to inheritance. If the cell is taken from a respected alim, an outstanding mujtahid, or a distinguished physician, the clone will not inherit these characteristics because these faculties were acquired, and not genetic for that person.

- The discovery of the cloning process has uncovered one of the Laws (sunan) that Allah ﷻ has placed within the cells of the humans and animals. The cloning process has demonstrated that any somatic cell of humans, or animals, can produce children, if the nucleus of that cell is extracted, and implanted into a female's egg after removing its own nucleus, in a process similar to the male sperm fertilizing the egg of a female.

- This is the reality of human cloning. There is another kind of human cloning which is the fetal cloning. This is done by making a duplicate of the fetus which is formed in the womb of the mother. In this process, a person can make clones of his children during the fetal period. At the start of the formation of the fetus in the

mother's womb, doctors can divide the newly formed single cell, a zygote, the fertilized egg, into two cells and even more. Therefore, the process will produce more than one cell that is a duplicate of the original fertilized egg. This will result in twins born out of this fetal cloning, and will be a duplicates of the original zygote, which they were copied from.

- Cloning has already been done with plants and recently in animals. Cloning has not been done with humans yet. So, what is the Shariah ruling on cloning?

The aim of cloning in plants and animals is to improve the quality, increase proliferation, and to find a natural cure for many common human diseases, especially the life threatening ones, instead of using chemical drugs that have harmful side effects on human health.

- The improvement in the quality of plants and animals, and the increase in proliferation, is not prohibited from a Shariah perspective. It is among the matters that are allowed. Also, the use of cloning of plants and animals to cure human diseases, especially life threatening ones, is allowed in Islam. It is even recommended (mandub) because taking curative treatment for disease is recommended, whilst producing curative treatments for curing (shifaa) is recommended as well. Imam Ahmad narrates from Anas, he said; that the Prophet ﷺ said, « إِنَّ اللَّهَ عَزَّ وَجَلَّ حَيْثُ خَلَقَ الدَّاءَ خَلَقَ الدَّوَاءَ فَتَدَاوُوا » « Whenever Allah has created the disease, He has created the curative treatment. So, take curative treatment.” Abu Dawud and Ibn Majah also narrated from Usama bin Sharik, he said; I was with the Messenger when (Bedouins) came to him and asked, “O Prophet, should we take curative treatment for our disease?” He ﷺ said, « نَعَمْ يَا عِبَادَ اللَّهِ تَدَاوُوا فَإِنَّ »

« اللَّهُ لَمْ يَضَعْ دَاءً إِلَّا وَضَعَ لَهُ شِفَاءً » "Yes, O servants of Allah ﷻ, take curative treatment. Indeed, Allah ﷻ did not bring a disease forth, without putting in place a cure (shifaa') for it."

Therefore, it is allowed to use the cloning process to improve the quality of plants, and to increase their proliferation. It is also allowed to use the cloning process to improve the quality of cows, sheep, camels, horses, and other animals, and in order to increase reproduction of these animals, thereby increasing their proliferation. It is also allowed to utilize this process to generate curative treatments for many human diseases, especially life threatening ones.

- This is the Shariah ruling concerning the cloning of plants and animals. As for cloning human beings, assuming it will occur, although it has not occurred yet, it is as follows:

As for fetal cloning, the zygote is formed in the womb of a wife, as a result of the husband's sperm and the wife's egg. That fertilized egg divides into many cells, which can further divide and grow. Now, in fetal cloning, the initial zygote is divided, so that each cell becomes a fetus by itself, as a duplicate of the original zygote. Then, if the zygotes were to be implanted in the womb of a non-mahrem woman, or in the womb of the husband's second wife, then these two forms of fetal cloning would be Haram. This is because it would cause the mixing and loss of familial lineage, which Islam has prohibited.

If, on the other hand, one or more of these cloned zygotes were implanted in the wife's womb, who was the source of the original fertilized egg, then this form of cloning would be Halal. This is because it is a proliferation of the zygote, which existed in the

wife's womb, through a medical procedure to bring about identical twins.

This, then, is the Shariah ruling concerning fetal cloning

- As for the cloning of humans, it has not been achieved yet although scientists say that cloning of animals is a step in that direction. Cloning of humans would be done by taking a body, somatic cell from the male, extracting its nucleus, merging it with a female's reproductive cell, after removing the egg's own nucleus. This male nucleus in a female egg would then be transferred to a woman's womb, to proliferate and grow. Hence, it would become a fetus and then a baby, which is a duplicate of the original male, from whose body the somatic cell was taken. Also, cloning could be done among females only, without a need for a male. This is done by taking cell from the body of a female, and extracting its nucleus in order to merge it with a female's egg. Then, the egg is transferred to a woman's womb after it is fused with the cell's nucleus, to grow and become a fetus and then a baby, which is a duplicate of the female from which the cell was taken. This is what happened with Dolly, the sheep, where the nucleus was taken from a sheep's breast cell. Then, the nucleus was placed in a sheep's egg, after removing its own nucleus. The cell was placed in the womb of a sheep to multiply and grow, and become a fetus. Dolly, the sheep, was born as an exact duplicate of the first sheep, from which the cell was taken.

This cloning of humans, males or females, if done, would be a disaster for the world. This would be the case whether the aim was to improve quality, by selecting the offspring which is smarter, stronger, braver, healthier, or more beautiful, or if the aim was to increase proliferation, in order to increase the

population or to make the state stronger. This would be a cause of evil. It is Haram and not allowed. This is because of the following matters:

1. The production of children in this manner is different from the natural way that Allah ﷻ has made humans reproduce their offspring. Allah ﷻ says, ﴿وَأَنَّهُ خَلَقَ الزَّوْجَيْنِ الذَّكَرَ وَالْأُنثَىٰ \* مِنْ نُطْفَةٍ إِذَا﴾ ﴿تُمْنَىٰ﴾ “And that He ﷻ created the pairs, male and female. From Nutfah (sexual discharge) when it is emitted.” [TMQ Surah An-Najm:45-46]. He ﷻ also says, ﴿أَلَمْ يَكْ نُطْفَةً مِّن مَّنِي يُمْنَىٰ \* ثُمَّ كَانَ عَلَقَةً﴾ ﴿فَخَلَقَ فَسَوَّىٰ \* فَجَعَلَ مِنْهُ الزَّوْجَيْنِ الذَّكَرَ وَالْأُنثَىٰ﴾ “Was he not a Nutfah poured forth? Then he became a clotted substance. Then Allah ﷻ shaped and fashioned him in due proportion. And He made him in two genders, male and female.” [TMQ Surah Al-Qiyamah:37-39]

2. The children who are born out of cloning females, without a male, have no fathers. In addition, they will not have mothers, if the egg that was merged with the nucleus of the somatic cell was placed in the womb of a female other than the female whose egg was used in the cloning process. This is the case because the female whose womb was used to implant the egg is no more than a place to house the egg. This will lead to the loss for that human, where he has no father and no mother. This contradicts the Saying of Allah ﷻ that, ﴿يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنثَىٰ﴾ “O mankind! We have created you from a male and a female.” [TMQ Surah Al-Hujurat: 13] and also, His ﷻ saying, ﴿أَدْعُوهُمْ كِأَبَائِهِمْ﴾ ﴿هُوَ أَقْسَطُ عِنْدَ اللَّهِ﴾ “Call them by the names of their fathers, that is more just in the sight of Allah.” [TMQ Surah Al-Ahzab: 5]

3. Loss of familial lineage. Islam has obligated preserving familial lineage and maintaining it. Ibn Abbas (ra) said that the Messenger

of Allah ﷻ said, « مَنْ اُنْتَسَبَ اِلَى غَيْرِ اَبِيهِ اَوْ تَوَلَّى غَيْرَ مَوَالِيهِ فَعَلَيْهِ لَعْنَةُ اللّٰهِ وَالْمَلَائِكَةِ وَالنَّاسِ اَجْمَعِينَ » "Whoever claims relationship by birth to other than his father, or belonging to other than those he belongs to, then the curse of Allah ﷻ, the Angels, and all the people be upon him." (Narrated by Ibn Majah). Abu 'Uthman an-Nahri said that he heard Sa'd and Abu Bakrah each of them saying that they had heard and understood from Muhammad ﷺ saying, « مَنْ اَدْعَى اِلَى غَيْرِ اَبِيهِ وَهُوَ يَعْلَمُ اَنَّهُ غَيْرُ اَبِيهِ فَالْجَنَّةُ عَلَيْهِ حَرَامٌ » "Anyone who makes a claim for somebody other than his father, whilst knowing that he is not his father, then Paradise is forbidden for him." (Narrated by Ibn Majah). Abu Hurayrah also narrated that he heard the Messenger of Allah ﷺ saying, when the verse of mutual invoking of cursing over adultery was revealed, « اَيُّمَا امْرَاةٍ اَدْخَلْتُ عَلَى قَوْمٍ مِّنْ لَّيْسَ مِنْهُمْ فَلَيْسَتْ مِنَ اللّٰهِ فِي شَيْءٍ وَلَنْ يَدْخُلَهَا اللّٰهُ جَنَّتُهُ وَاَيُّمَا رَجُلٍ جَحَدَ وَلَدَهُ وَهُوَ يَنْظُرُ اِلَيْهِ اَحْتَجَبَ اللّٰهُ مِنْهُ وَفَصَحَهُ عَلَى رُؤُوسِ الْاَخْلَاقِ فِي الْاَوَّلِينَ وَالْاٰخِرِينَ » "Any woman who brings into a family one who does not belong to it, can expect no mercy from Allah ﷻ, and Allah ﷻ will not bring her into His paradise. Allah ﷻ will veil Himself from any man who disowns his child when he looks at him, and shame him in the presence of all creatures, first and last." (Narrated by Al-Darimi)

The cloning which aims at producing people who are outstanding in terms of their intelligence, strength, health, and beauty would mean choosing the people with these characteristics amongst the males and the females, regardless of if they were married couples or not. As a result, the cells would be taken from the males who had the required characteristics, and the eggs would be taken from selected women and implanted in selected women. This would lead to the familial lineage being lost and mixed.



4. The production of children through cloning prevents applying many of the Shariah rulings, such as the Shariah rulings related to marriage, lineage, alimony, fatherhood, childhood, inheritance, custody, maharim (forbidden for marriage) and 'usbat (consanguinity), in addition to many other Shariah rulings. The lineage would get mixed and would be lost. This goes against the natural way that Allah ﷻ has created people, in terms of reproduction. This is an evil process and it would ruin the structure of society.

Therefore, human cloning is Haram from a Shariah perspective and it is not allowed. Allah ﷻ said, mentioning the speech of the accursed Shaytan, ﴿وَكَاْمَرْنَهُمْ فَلْيَغَيِّرَنَّ خَلْقَ اللَّهِ﴾ "I will command them to change the creation of Allah." [TMQ Surah An-Nisa':119] The creation of Allah is the nature (fitra) which Allah ﷻ has created in people at birth, and the nature (fitra) of reproduction of humans, from a male and a female, through the fertilization by the sperm of the male, of the egg from the female. It is one of the sunan (natural laws) of Allah ﷻ that this process is to be done between a male and a female, and it is with a valid marriage contract. It is not within nature way (fitra) for reproduction and birth to be achieved by cloning. This is in addition to the fact that this would happen between a male and a female, who do not have a valid marriage contract that binds them in marriage.

# HUMAN ORGAN TRANSPLANTATION

- Organ transplantation here means the transplantation of organs from one human to another, such as the transplantation of a hand, a kidney, or a heart. The transplantation of one organ, or more, from a person during his lifetime, or after his death, to another person, has the following Shariah rulings:

## A. Transplantation of organs during the life time of the donor:

It is allowed for a person during his lifespan to donate one organ, or more, with his consent, to another person who needs the donated organs, like the hand or kidney. This is because the person has a Shariah authority over his organs. For example, if his hand is severed, or his eye blinded by another person, he can take the diyah (blood-money), or he can forgive the person for severing his hand or blinding his eye. The fact that he is allowed to forgive the severance of his hand, or blinding of his eye, means that he forgoes the diyah. This in turn means that the person owns the diyah and, therefore, he also owns the organ when he forgoes its diyah. The fact that he owns his organs means that he has the right of disposal over them. Therefore, that person can donate his organ to somebody who needs it. Allah ﷻ has allowed forgiveness for both qisas (retribution) and diyah. He ﷻ said, ﴿فَمَنْ عَفَىٰ لَهُ مِنْ أَخِيهِ شَيْءٌ فَاتَّبَعُ بِالْمَعْرُوفِ وَأَدَاءٌ إِلَيْهِ بِإِحْسَانٍ ۗ ذَٰلِكَ تَخْفِيفٌ مِّن رَّبِّكُمْ وَرَحْمَةٌ ۗ﴾ "However, if the relatives of the killed forgive their brother something, then the relatives should demand blood-money in a reasonable manner, and the murderer must

pay with handsome gratitude. This is an alleviation and a mercy from your Lord." [TMQ Al-Baqarasach: 178]

### Conditions for donating organs during the person's life time:

- It is a Shariah requirement for anyone who is donating an organ during his lifetime, that the organ is not vital for his own life. His life must not depend on that organ, such as his heart, liver or both lungs. This is so, because donating such an organ will cause death to that person, and he will be killing himself. It is not allowed for a person to kill himself, or to consent to somebody else killing him. Allah ﷻ said, ﴿وَلَا تَقْتُلُوا أَنْفُسَكُمْ﴾ "Do not kill yourselves." [TMQ Surah An-Nisa':29]. He ﷻ also said, ﴿وَلَا تَقْتُلُوا﴾ ﴿وَلَا تَقْتُلُوا﴾ "And do not kill anyone which Allah has prohibited, except for a just cause." [TMQ Surah Al-Isra': 33]. This includes both killing others, and killing oneself. Imam Muslim narrates that Thabit ibn al-Dahak said that the Messenger of Allah ﷺ said, «وَمَنْ قَتَلَ نَفْسَهُ بِشَيْءٍ عُدْبَ بِهِ فِي نَارِ جَهَنَّمَ» "and whoever kills himself with a tool, then Allah will punish him with that same tool in Hellfire." [Muslim] Imam Bukhari and Muslim narrated on the authority of Abu Hurayrah that the Messenger of Allah ﷺ said, «مَنْ تَرَدَّى مِنْ جَبَلٍ فَقَتَلَ نَفْسَهُ فَهُوَ يَتَرَدَّى فِي نَارِ جَهَنَّمَ» "Anyone who throws himself from a mountain so he killed himself, then he is in hellfire."

- It is not allowed for a person to donate his testicles, even if donating them does not lead to his death. This is so because the Prophet ﷺ forbade castration which makes a person impotent. Imam Bukhari narrates that 'Abdullah ibn Masud (ra) said, «كُنَّا نَعْرُو مَعَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَلَيْسَ لَنَا نِسَاءٌ فَقُلْنَا يَا رَسُولَ اللَّهِ أَلَا نَسْتَخْصِي فَنَهَانَا عَنْ ذَلِكَ» "We used to go with the Prophet ﷺ on military expeditions, and we did not have our women with us,

so we asked him, 'Can we castrate ourselves?' He forbade us from doing so." [Al-Bukhari]

This same Shariah ruling applies to donating one testicle, even if that does not make the person impotent. This is because the sexual, reproductive organs, the testicle for the male, and the ovary for the female, are the organs of reproduction which produce children. The offspring of the person comes from the sexual, reproductive cells. In the testicle, there exist the cells that make sperm, so it is the production vessel for sperms. Moreover, the testicle is both the storage location of sperms, and the production vessel that produces the sperms from its cells. This is regardless of whether the testicle is still within the original owner, or with the person into whom it has been transplanted into. As a result, the children produced by the person who received the testicle, would have the genetically inherited characteristics of the donor of the testicle, because that is the testicle that produces the sperms, that produce the children. Therefore, these children would inherit the characteristics of the donor of the testicle. They would not inherit any of the characteristics from the recipient of the testicle. Thus, the person who donated the testicles is considered the father from a biological point of view. So, it is not allowed to donate one testicle, and it is not allowed to donate two testicles. The donation of two testicles leads to the impotence of the donor, whilst the donation of either one testicle or two testicles leads to the mixing up, or loss of, familial lineage, and its loss. Islam has prohibited this. Islam obligates that lineage must be preserved. It also makes it Haram for a person to attribute parentage to someone other than his father. Ibn Majah narrated from ibn Abbas that the Messenger of Allah ﷺ said, the

Messenger of Allah ﷺ said, « مَنْ اِنْتَسَبَ اِلَى غَيْرِ اَبِيهِ اَوْ تَوَلَّى غَيْرَ مَوَالِيهِ ، فَعَلَيْهِ لَعْنَةُ اللّٰهِ وَالْمَلَائِكَةِ وَالنَّاسِ اَجْمَعِينَ » «Whoever claims relationship by birth to other than his father, or belonging to other than those he belongs to, then the curse of Allah, the Angels, and all the people be upon him.” (Narrated by Ibn Majah) Ibn Majah also narrated from Abu ‘Uthman an-Nahri that he heard Sa’d and Abu Bakrah each of them saying that they had heard and understood from Muhammad ﷺ saying, « مَنْ ادَّعَى اِلَى غَيْرِ اَبِيهِ وَهُوَ يَعْلَمُ اَنَّهٗ غَيْرُ اَبِيهِ فَالْجَنَّةُ عَلَيْهِ حَرَامٌ » “Anyone who makes a claim for somebody other than his father, whilst knowing that he is not his father, then Paradise is forbidden for him.” (Narrated by Ibn Majah). Islam also made it forbidden for any woman to introduce to a people an offspring that does not belong to them, or for a man to deny his own son. Al-Darimi narrated from Abu Hurayrah that he heard the Messenger of Allah ﷺ saying, when the verse of mutual invoking of cursing over adultery was revealed, « اَيُّمَا امْرَاةٍ اَدْخَلْتَ عَلَى قَوْمٍ مِّنْ لَّيْسَ مِنْهُمْ فَلَيْسَتْ مِنَ اللّٰهِ فِي شَيْءٍ ، وَلَنْ يُدْخِلَهَا اللّٰهُ جَنَّتَهُ وَاَيُّمَا رَجُلٍ جَحَدَ وَلَدَهُ وَهُوَ يَنْظُرُ اِلَيْهِ اِحْتَجَبَ اللّٰهُ مِنْهُ » “Any woman who brings into a family one who does not belong to it can expect no mercy from Allah ﷻ, and Allah ﷻ will not bring her into His paradise. Allah ﷻ will veil Himself from any man who disowns his child when he looks at him, and shame him in the presence of all creatures, first and last.”

#### B. Donating organs after death:

The Shariah ruling concerning the donation of organs from a person after his death to another person differs from the Shariah ruling of donating the organ during the lifespan of the donor. In order to arrive at the Shariah ruling about donating organs just

after life ends, we first need to know the Shariah ruling of who owns the dead body, the Shariah ruling on the sanctity of the dead person, and the Shariah ruling of Compelling Necessity.

- As for the Shariah ruling concerning the ownership of the body after the person's death, we opine that the body of the person after his death is not owned by anybody. So, when the person dies, everything that he used to own, or have authority over, is now out of the domain of his authority, such as the person's wealth, body, and spouse. Therefore, the dead person has no ownership over his body. So, he cannot donate any of his organs, and he cannot place that in his bequest. Therefore, it is not allowed to donate the organ, or to declare such donation as part of the bequest. As for the Shariah ruling that allows the person to bequest part of his wealth in his will, despite the fact that the money is taken after his death, the Shariah Legislator has allowed a person to bequest up to a third of his wealth, without the permission of his inheritors. Also, he can bequest more than a third, with their consenting permission. This Shariah ruling concerns only the wealth, and cannot be extended to the body. Therefore, it is not allowed for a person to donate an organ after his death. As for the people who will inherit from him, Allah ﷻ has given them his wealth, and did not give them his body. Thus, they cannot donate one of his organs, because they do not own his body and so they have no authority for disposal from it. A condition of allowing the organ donation is that the donor and the disposer, must own and have disposition over that which he donates. If the people who inherit the dead person do not have authority of disposal of his body, in terms of donating organs, then others do not have such a right, by default, regardless of

their position. Therefore, neither the doctor nor the ruler can decide to transplant one or more organs from a person who died to another person who needs it.

- As for the protected sanctity (hurmah) of the dead body and harming it, Allah ﷻ has made the sanctity of the dead equal to that of the living. Allah ﷻ has forbidden the violation of the sanctity of the dead body and the harming of it, as is the case when he is alive. 'Aisha, the Mother of the Believers (ra) narrated that the Messenger of Allah ﷺ said, « كَسْرُ عَظْمِ الْمَيِّتِ كَكَسْرِهِ حَيًّا » “Breaking the bone of a dead person is like breaking the bone whilst he is alive.” (Narrated by Imam Ahmad, Abu Dawud, and Ibn Habban). Imam Ahmad narrated that 'Amir ibn Hazm al-Ansari said the Messenger of Allah ﷺ saw me leaning on a grave and said, لَا تُؤْذِ صَاحِبَ الْقَبْرِ “Do not harm the owner of the grave.” Imam Muslim and Ahmad narrated on the authority of Abu Hurayrah that the Prophet of Allah ﷺ said, « لَأَنْ يَجْلِسَ أَحَدُكُمْ عَلَى جَمْرَةٍ فَتُحْرَقَ ثِيَابُهُ، فَتَخْلُصَ إِلَى جِلْدِهِ، خَيْرٌ لَهُ مِنْ أَنْ يَجْلِسَ عَلَى قَبْرِ » “It is better that one of you should sit on burning coals, which burn his clothing and come into contact with his skin, than he should sit on a grave.”

- These ahadith show clearly that the dead have a protected sanctity just like the living. They also show that violating the sanctity of the dead body and harming it, is like violating the living body and harming it. So, just as it is not allowed for anyone to transgress against the living person by cutting his stomach, cutting his neck, extracting his eye, or breaking his bones, similarly it is not allowed to do this to the dead. Just as it is not allowed to harm the living by cursing, beating, or injuring, it is not allowed to do this to the dead. The difference is that

transgressing against the dead body by breaking, cutting or injuring does not require diyah, as is the case with the living. This is the case since the Messenger of Allah ﷺ did not hold the person who broke the bone of a dead body while digging the grave, financially liable. He ﷺ only commanded him to bury the bone. He ﷺ told him that to break the bone of the dead is similar to breaking it alive in terms of it being a sin. To remove the eye of the dead person, or to cut him open to remove his heart, kidney, liver, or lungs, so as to transplant it within a recipient, is considered mutilation of the dead body. Islam has forbidden mutilation. Bukhari narrated that 'Abdullah ibn Zaid al-Ansari said, « نَهَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ النَّهْبِ وَالْمُتْلَةِ » "The Messenger of Allah ﷺ prohibited looting and mutilation." Imam Ahmad, Ibn Majah, and Nasa'i narrated from Safwan b. Assal he said that the Messenger of Allah ﷺ sent us on an expedition and said, « سِيرُوا بِاسْمِ اللَّهِ وَفِي سَبِيلِ اللَّهِ قَاتِلُوا مَنْ كَفَرَ بِاللَّهِ وَلَا تُمَثِّلُوا وَلَا تَعْدِرُوا وَلَا تَعْلُوا وَلَا تَقْتُلُوا وَلِيدًا » "Go in the name of Allah ﷻ, and for the sake of Allah ﷻ. Fight those who disbelieve in Allah ﷻ. Do not mutilate. Do not betray. Do not misappropriate wealth. Do not kill children." By explaining the Shariah ruling of violating the sanctity of, and harming, the dead, it becomes clear that it is Haram to cut open the dead person, and to take an organ from the dead to give it to somebody else. This is considered a violation of the dead person's protected sanctity. This is harming and mutilating the dead person. Violating and mutilating the dead body is definitely Haram according to the Shariah.

Case of Compelling Necessity (إِضْطِرَارٌ):

The case of compelling necessity is the case where Allah ﷻ allows the person, who is in dire need because he has no food, such that



his life is threatened, to eat of whatever he finds of food, including food which is otherwise Haram, such as carrion, blood, flesh of swine, amongst others. So, is it then allowed in this case to transplant an organ from a dead person to a living person, to save his life, since his life depends on the transplant of such an organ to him? To answer this question, we need to know the Shariah ruling of Compelling Necessity, so that we can know the Shariah ruling about transplanting an organ from a person who is dead, to one who needs the organ.

- As for the Shariah ruling on Compelling Necessity, Allah ﷻ has allowed the person who is in compelling need, and has no food, such that it is life-threatening, to eat from whatever he finds of food, even if it is that which Allah ﷻ has otherwise prohibited, to the extent that he can save his life. In such a case, the person is allowed to eat dead meat, blood, swine and other things prohibited by Allah ﷻ. Allah ﷻ said, ﴿إِنَّمَا حَرَّمَ عَلَيْكُمُ الْمَيْتَةَ وَالدَّمَ﴾ "He has forbidden you carrion, blood, flesh of swine, and any animal which is slaughtered as a sacrifice for other than Allah ﷻ. However, if one is forced by compelling necessity, without willful disobedience and not being excessive, then there is no sin on him. Truly, Allah is Oft-Forgiving, Most Merciful." [TMQ Surah Al-Baqarah:173] So, the person who is in compelling need can eat of whatever he finds from these prohibited foods, taking only enough to keep him alive. If he does not eat from what is prohibited and dies, he is sinful, as he has killed himself. Allah ﷻ said, ﴿وَلَا تَقْتُلُوا أَنْفُسَكُمْ﴾ "And do not kill yourselves." [TMQ Surah An-Nisa: 29]

- Based on what was mentioned regarding the Shariah ruling about Compelling Necessity, can the same Shariah ruling be applied to transplanting organs from a person who is dead, to another person who is in compelling need of it, to save his life by, the rule of Shariah Reasoned Analogy (Qiyaas)?

The answer for this demands examination. The condition to apply the ruling of Qiyaas in this matter mandates that the 'illah (Shariah reason) in the branched case (الفرع المقيس), transplanting organs in this case, shares the 'illah found within the original case (الأصل المقيس), which is in this case the compelling necessity for the one who needs food to live. The 'illah that must be shared is saving life. This has to be either in the essence ('ayn) or in the type (jins). This is so, because Shariah Qiyaas is to extend the ruling of an original case, to that of a branched case, using the 'illah of the original case. If the 'illah of the branch is not shared with that in the origin, then the 'illah of the origin will not be found within the branch. Accordingly, the Shariah ruling upon the original case cannot be extended to the branch.

- In the case of organ transplantation, these organs are either vital organs, by which the life can be saved preponderantly (بغلبة الظن) such as the heart, liver, kidneys, or lungs, or non-vital organs which include the eyes, the second kidney from the donor who has a working kidney, the hand, the leg, and whatever is similar.

For the non-vital organs, upon which life does not depend, the 'illah of the original case, which is saving the life, is not present here, in the branch. Hence, the Shariah ruling of Compelling Necessity does not apply. So it is not allowed to transplant the eye, a second kidney from the donor who has a working one, hand, or a limb, from a dead person to a living one in need of it.

In the case of vital organs, by which life can be saved preponderantly (بغلبة الظن), there are two aspects: The first aspect, is that the 'illah, which is saving the life, is not existent with certainty, unlike the case of eating the forbidden for necessity. Eating from Haram will certainly save the life. On the other hand, transplantation of the heart, liver, lungs, or kidneys does not certainly save the life of the person to whom they were donated to. Saving the life may occur, and it may not occur. Numerous incidents have occurred when organs were transplanted which confirm this. So, the 'illah here is not complete in terms of being a shared 'ilah.

The second aspect relates to another condition for qiyas (Shariah Reasoned Analogy): the branch case must be void of any overriding objection that overrides what the 'illah (reason) of the Reasoned Analogy indicates. In this case of transplantation of organs, a clear overriding objection is present, which overrides what the 'illah of the Qiyas indicates. This overriding objection is the forbidding of violating the sanctity of the dead body, through harming or mutilating the dead body. This overriding Shariah text contradicts using the 'illah to permit transplantation of organs.

- Based on these two aspects, it is not allowed to transplant vital organs, by which life can be saved, such as the heart, liver, kidneys, or lungs from a dead person who has a protected sanctity, whether he is a Muslim, or a non-Muslim citizen (dhimmi), people of treaty (mu'ahid) or people of security (musta'min) to another person whose life depends on transplantation of these organs.

# ABORTION (IJHADH)

- Abortion is one of the problems of societies in the Western world. Abortion has become widely used as a result of corruption in these societies, and the increasing illegitimate births that have resulted from the countless incidents of fornication and adulterous sexual relationships outside marriage. These illegitimate births have reached over 50% of the total births in many places, according to statistics published by Western sources. This percentage varies according to time and place such that it even reaches 70% in some of these countries.
- These illegitimate births have resulted from the unleashed sexual desire existing in the Western societies, arising from adopting the 'aqeedah of separating life from the Deen leading to the idea of liberties such as personal freedom. This freedom permits the human being to enjoy all kinds of pleasure in life, to the point that fornication, adultery, and cohabitation outside of marriage become widespread and condoned by the law. This leads Western societies to become like herds of animals, as a result of this freedom and the unleashing of their sexual instinct.
- The large number of illegitimate births, which account for at least half of the children in some Western societies being illegitimate, led many of these countries to issue new laws to allow women who want to end their pregnancies to do so, especially those resulting from fornication, adultery or a cohabitation outside marriage. This is so because in Western

societies, it is the mother who is left to look after the children born as a result of fornication, adultery and cohabitation outside of marriage.

- As part of what they market to us from their culture, the Kafir countries in the Western world, headed by the United States, started to market the legalization of abortion. By this, they want to spread corruption among Muslims, in order to destroy the family, and whatever is left of the Islamic values and morals in the societies of the Muslim world.

- This is the reality of the matter in the Western societies. As for the societies in the Muslim World, abortion is not widespread there because fornication, adultery, and cohabitation outside of marriage are not norms. When abortion is used, it is mostly used to save the life of the mother.

- As for the reality of abortion and the Shariah ruling on it:

- Abortion linguistically means to remove the fetus from the womb. When it is said in the Arabic language that the camel has aborted, it means it was made rid of its fetus, before completing the full term of pregnancy. The Muslim fuqaha (jurists) have defined abortion as getting rid of the fetus before completion of the duration of pregnancy. Other Arabic terms are also used to lead to the same meaning such as imlas, isqat, ilqa, and ikhraj.

- Abortion can result from an action taken willingly by a woman, such as taking a specific medicine, carrying a heavy load, strong physical activities, or by requesting that a doctor perform an abortion. It can also result from a violent action by others. It can happen spontaneously without the woman's will.

Abortion can occur, either after the Ruh (spirit) is given to the fetus or before that. If abortion occurs after the Ruh is given to the fetus, all fuqaha (Shariah jurists) agree that it is Haram regardless of whether it happens by the mother, father, doctor, or by an attack by somebody else. This is so because it is an attack on a human soul, which has a life and is protected by the Shariah. It is a crime that requires the diyah (Shariah blood-money) which is equal to ghurrah (diyah on a slave). This value is one tenth of the diyah of a complete born human being. Allah ﷻ said, ﴿وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ﴾ "And kill not anyone whom Allah has forbidden, except for a just cause." [TMQ Surah Al-Isra': 33] Imams Bukhari and Muslim narrated from Abu Hurayrah (ra) that, « قَالَ قَضَى رَسُولُ اللَّهِ ﷺ فِي جَنِينِ امْرَأَةٍ مِنْ بَنِي لَهْيَانَ سَقَطَ مَيِّتًا بَعْرَةَ عَبْدٍ أَوْ « أَمَةٌ "the Messenger of Allah ﷺ has judged on a fetus for a woman from Bani Lahyan, which was aborted, to pay a ghurrah of a male or female slave." Ghurrah is paid when the fetus has signs of human organs, such as a finger, a hand, a foot, a nail, or an eye. Based on this, aborting the fetus which has the Ruh (spirit) granted to it, is forbidden according to all fuqaha (Shariah jurists) without any disagreement.

In the case where the fetus is aborted before the Ruh is granted, there is a difference of opinion among the fuqaha about its Shariah ruling. Some of them allowed it, whilst others prohibited it depending on the stage of pregnancy. It is our opinion that if abortion occurs after 40 or 42 days into the pregnancy, and at the time of the start of fetal formation, it will be Haram. The Shariah ruling is similar to the one after the Ruh (spirit) is bestowed. As a result, diyah needs to be paid, which in the fetus's case, is equal to one tenth of the value of the complete born human. This is the

case because when the fetal formation starts, and some of the organs start to grow, such as the hand, foot, eye, or the nail, then it becomes certain that the fetus is on its way to becoming a complete human being. In this case, the Shariah ruling in the previously mentioned hadith applies. It was narrated by Imam Bukhari that Abu Hurayrah (ra) said, « قَالَ قَضَى رَسُولُ اللَّهِ ﷺ فِي جَنِينٍ « the Messenger of Allah ﷺ has judged on a fetus for a woman from Bani Lahyan, which was aborted, to pay a ghurrah of a male or female slave.” Also, Imam Muslim narrates from ibn Mas’ud (ra) that he said that he heard the Messenger of Allah ﷺ saying, « إِذَا مَرَّ بِالنُّطْفَةِ ثِنْتَانِ وَأَرْبَعُونَ « لَيْلَةً بَعَثَ اللَّهُ إِلَيْهَا مَلَكًا فَصَوَّرَهَا وَخَلَقَ سَمْعَهَا وَبَصَرَهَا وَجِلْدَهَا وَلَحْمَهَا وَعِظَامَهَا « ثُمَّ . قَالَ يَا رَبِّ أَدْكُرُ أَمْ أَنْثَى فَيَقْضِي رَبُّكَ مَا شَاءَ» “When 42 nights have passed over the nutfah (sexual discharges), Allah sends an angel to form it. He creates its hearing, vision, skin, flesh, and bones. Then, the angel says, ‘O Allah! Is it to be male or female?’ Then it will your Lord determines as He wished.” In another narration, it is said «أَرْبَعِينَ لَيْلَةً» “40 nights,” instead of 42. The hadith indicates that formation starts, and the organs start to manifest, after 40 or 42 nights. Therefore, an attack on this fetus is an attack on a being that has a human life within it, which is sacred and protected by Shariah. This will be called wa’d (infanticide) which Allah ﷻ has prohibited. He ﷻ said, «وَإِذَا الْمَوْءُودَةُ سُئِلَتْ بِأَيِّ ذَنْبٍ قُتِلَتْ» “And when the female (infant) buried alive shall be questioned. For what crime was she killed” [TMQ Surah At-Takwir 8-9]. Therefore, it is prohibited to abort the pregnancy by the mother, father, or doctor. Anyone who commits such an act is committing a sin and a crime. He or she must pay diyah for the aborted fetus, which is equal to the ghurra of a male or a female

slave, or one tenth of a complete born human being, as reported in the authentic hadith.

As for aborting the fetus before the completion of 40 days of pregnancy, it is Islamically permitted, and there is no punishment for that. This is because it has not yet become a fetus, and it is still a nutfa. The hadith of aborting the fetus does not apply to the nutfa. Abortng the nutfa before becoming a fetus is like the 'azl (withdrawal) which is used to avoid pregnancy. 'Azl is done by the male who does not intend for the female to become pregnant by him. 'Azl is to discharge the sperm outside the women's vagina, and will result in not utilizing the sperm and, hence, its death. Also, 'Azl results in not utilizing the woman's egg. As a result, the sperm will not meet the egg, and pregnancy will not occur. It was permitted by the Messenger of Allah ﷺ who was asked by a man who had intercourse with his female slave and he did not want her to get pregnant by him. The Prophet ﷺ told him, **اعْزِلْ عَنْهَا إِنْ شِئْتَ** "make 'azl if you want." [Muslim] Jabir ibn 'Abdullah (ra) narrated that a man came to the Messenger of Allah ﷺ and said, "I have a female slave who is our servant and helper in the palm trees, and I have a sexual relationship with her, and I detest that she becomes pregnant." The Prophet ﷺ said, **«اعْزِلْ عَنْهَا إِنْ شِئْتَ فَإِنَّهُ سَيَأْتِيهَا مَا قُدِّرَ لَهَا»** "You can perform 'azl if you want, and she will get what is destined for her." [Muslim] The Prophet ﷺ called 'azl, **أَلْوَادُ الْخَفِيِّ** "the concealed wa'd" in the hadith narrated by Judamah. Imam Muslim and Ahmad narrated on the authority of Judamah al-Asadiyyah, daughter of Wahb, who said, **« حَصْرْتُ رَسُولَ اللَّهِ ﷺ فِي أَنَاسٍ ... ثُمَّ سَأَلُوهُ عَنِ الْعَزْلِ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ ذَلِكَ أَلْوَادُ الْخَفِيِّ »** "I was with the Prophet of Allah among other people.... and they asked him about 'Azl, and he said; "it is the hidden



wa'd." In the Arabic dictionary, Lisan al-Arab, it is said, وفي الحديث أنه نهى عن وأد البنات أي قتلهن. وفي حديث العزل ذلك الوأد الخفي. وفي حديث آخر تلك الموءودة الصغرى، جعل العزل عن المرأة بمنزلة الوأد إلا أنه خفي لأن من يعزل عن امرأته إنما يعزل هرباً من الولد، ولذلك سماها الموءودة الصغرى لأن وأد البنات الأحياء الموءودة الكبرى "In the hadith, made it female infanticide through burial Haram, which means to kill them. In the hadith of 'azl, "it is the hidden wa'd", and in another hadith "this is the little wa'd." He ﷺ made 'azl like wa'd, but it is hidden because the one who does it intends to avoid having a baby. That is why he called it the little wa'd since infanticide of living girls is the large wa'd."

Besides, the Companions (ra) used to practice 'azl when they wanted to avoid pregnancy, during the time of the Prophet ﷺ, with his knowledge and he did not prohibit them. Jabir ibn 'Abdullah narrated that, «كُنَّا نَعْزِلُ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ وَالْقُرْآنُ يَنْزِلُ» "We were practicing 'azl during the time of the Messenger of Allah ﷺ, whilst the Quran was being revealed." (Agreed upon). Imam Muslim has another narration, «كُنَّا نَعْزِلُ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ» "We were practicing 'azl during the time of the Messenger of Allah ﷺ and he knew and he did not prohibit us."

### When it is allowed to abort the fetus:

- It is allowed to abort the fetus in both the early stages of formation, and after the Ruh is bestowed to the fetus, if competent doctors decide that if the fetus remains in the woman's womb, it will lead to the death of both the mother and the fetus. In this case, it is allowed to abort the fetus, and save the life of the mother. Saving lives is something that Islam calls for. This abortion is considered as a curative treatment, and the

Messenger of Allah ﷺ commanded people to take curative treatments.

### Imlas:

Imlas is the abortion of the pregnancy through an attack on the pregnant woman. It is a sin and a crime. A diyah must be paid, which is ghurrah, that of a male or a female slave. The value of the ghurrah is one-tenth of the diyah of a complete born human. It is narrated in the two books of Sahih, Bukhari and Muslim, عَنْ عُمَرَ رَضِيَ اللَّهُ عَنْهُ أَنَّهُ اسْتَشَارَهُمْ فِي إِمْلَاصِ الْمَرْأَةِ فَقَالَ الْمُغِيرَةُ قَضَى النَّبِيُّ ﷺ بِالْغُرَّةِ عَبْدٍ أَوْ أَمَةٍ، فَشَهِدَ مُحَمَّدُ بْنُ مَسْلَمَةَ أَنَّهُ شَهِدَ النَّبِيَّ ﷺ وَسَلَّمَ قَضَى بِهِ "that 'Umar ibn al-Khattab (ra) had consulted the Companions (ra) in the case of imlas of a woman who was struck on her stomach which resulted in the abortion of her fetus. Al-Mughirah ibn Shu'bah said, "that the Prophet of Allah has decreed in this case with a ghurrah, which is of a male or female slave." Muhammad ibn Maslamah seconded his narration."

# TEST-TUBE BABIES

- The process of In-Vitro Fertilization (IVF) between the sperm and the egg by using test-tubes, is a medical treatment. It allows the sperm of the husband to meet the egg of the wife outside the woman's womb. Hence, natural fertilization will happen. Then, the egg is placed in the woman's womb through a medical process, so that pregnancy can occur naturally in the womb.
- Natural fertilization usually happens in the womb according to the way Allah ﷻ has created people. In some cases, fertilization cannot happen in this natural way. For example, when the fallopian tube is closed, or damaged, whilst it is not possible to open it, or repair the damage. It is also when the husband's sperm is weak, or cannot reach the egg, and it can't be treated by strengthening the sperm or by getting the sperm to reach the egg. Any of this will prevent the couple from reproducing. However, Islam has commanded Muslims to reproduce, and encouraged them to do so. Therefore, if fertilization cannot be done in the natural way, it can be done by having the fertilization process take place outside the natural place, by getting the sperm of the husband to meet the egg of the wife, in a test-tube under similar circumstances to that of the womb. Then, the fertilized egg is transferred to its natural place in the wife's womb so that the pregnancy, and then birth, will proceed naturally.
- In Vitro Fertilization (IVF) is a medical procedure to treat the above condition of infertility. It is allowed by Shariah since it

achieves something that Islam has commanded and encouraged which is reproduction. It is one of the main objectives of marriage. Anas (ra) narrated that the Messenger of Allah ﷺ said, « تَزَوَّجُوا الْوُدُودَ الْوَلُودَ فَإِنِّي مُكَاتِرٌ بِكُمْ الْأُمَمَ » “Marry women who are loving and very prolific, for I shall outnumber the other nations by you.” Also, ‘Abdullah ibn ‘Umar (ra) narrated that the Messenger of Allah ﷺ said, « انكِحُوا أُمَّهَاتِ الْأَوْلَادِ فَإِنِّي أَبَاهِي بِكُمْ يَوْمَ الْقِيَامَةِ » “Marry the mothers that bear children. I will be proud of you on the Day of Judgement.” Both were narrated by Imam Ahmad.

In the case where treatment is attempted to make the fertilization happen in the natural way, and that does not work, then it is possible to have the fertilization in another place, other than the natural place. The egg fertilized by the husband’s sperm is returned to its natural place in the womb of the wife, so a normal pregnancy can then proceed. This procedure is recommended (mandub) since it achieves the reproduction which Islam calls for.

Usually, this procedure of achieving fertilization is not used unless the procedure to achieve fertilization in the natural way, has been tried and has failed.

- Now, for this procedure to be allowed, the fertilization in the tube has to occur between the sperm of the husband and the egg of the wife, whilst the egg after its fertilization in the tube has to be placed in the womb of the wife. It is Haram to place the egg in another woman’s womb, as a surrogate mother. It is also forbidden for the fertilization in the tube to be between the sperm of the husband and the egg of a woman other than his wife, even if the egg is placed in the wife’s womb. It is also

forbidden to have the fertilization happen between the sperm of a male other than the husband, and the egg of the wife, even if the egg was placed in the wife's womb. These three forms of In-Vitro Fertilization (IVF) are forbidden from a Shariah point of view because they result in a mixing and loss of familial lineage. This is forbidden in Islam.

Abu Hurayrah (ra) narrated that he heard the Messenger of Allah ﷺ saying, when the verse of mutual invoking of cursing over adultery was revealed, « أَيَّمَا امْرَأَةٍ أَدْخَلْتَ عَلَى قَوْمٍ مِنْ لَيْسَ مِنْهُمْ فَلَيْسَتْ مِنْ اللَّهِ فِي شَيْءٍ وَلَنْ يُدْخِلَهَا اللَّهُ جَنَّتهُ وَأَيَّمَا رَجُلٍ جَحَدَ وَلَدَهُ وَهُوَ يَنْظُرُ إِلَيْهِ أَحْتَجَبَ اللَّهُ مِنْهُ وَفَضَّحَهُ عَلَى رُؤُوسِ الْخَلَائِقِ فِي الْأَوَّلِينَ وَالْآخِرِينَ » "Any woman who brings into a family one who does not belong to it can expect no mercy from Allah ﷻ, and Allah ﷻ will not bring her into His paradise. Allah ﷻ will veil Himself from any man who disowns his child when he looks at him, and shame him in the presence of all creatures, first and last." (Narrated by Al-Darimi). Ibn Abbas said that the Messenger of Allah ﷺ said, « مَنْ أَنْتَسَبَ إِلَى غَيْرِ أَبِيهِ أَوْ تَوَلَّى غَيْرَ مَوَالِيهِ فَعَلَيْهِ لَعْنَةُ اللَّهِ وَالْمَلَائِكَةِ وَالنَّاسِ أَجْمَعِينَ » "Whoever claims relationship by birth to other than his father, or belonging to other than those he belongs to, then the curse of Allah, the Angels, and all the people be upon him." (Narrated by Ibn Majah). These three forbidden forms of IVF are similar to getting pregnant and giving birth by fornication or adultery, except that there is no intercourse involved. So, the prescribed Hudood punishment for fornication and adultery is not applied on the woman and the man involved. However, the punishment for such a deed is left to the judge and falls under ta'zeer (discretionary punishment).

# THE USE OF LIFE SUPPORT SYSTEMS

Knowledge of the use of the life support system, and when to remove them, is within the realm of taking curative treatments. It is related to the Shariah ruling of taking curative treatments. Is it recommended (mandub), allowed (mubah) or dislike (makruh)? In order to deduce the Shariah ruling, we need to get a clear understanding of the evidence. Bukhari narrated from Abu Hurayrah (ra) who said, 'The Prophet of Allah ﷺ said, « مَا أَنْزَلَ اللَّهُ دَاءً إِلَّا أَنْزَلَ لَهُ شِفَاءً » "There is no disease that Allah has created, except that He also has created its cure (shifa)." Muslim narrated from Jabir ibn 'Abdullah that the Prophet ﷺ said, « لِكُلِّ دَاءٍ دَوَاءٌ فَإِذَا أُصِيبَ دَوَاءُ الدَّاءِ بَرَأَ بِإِذْنِ اللَّهِ عَزَّ وَجَلَّ » "There is a curative treatment (dawaa') for every disease. When the treatment is applied to the disease (daa'), it is cured with the Permission of Allah ﷻ." In the book of Musnad of Ahmad, it is narrated from ibn Mas'ud, « إِنَّ اللَّهَ عَزَّ وَجَلَّ لَمْ يُنْزِلْ دَاءً إِلَّا وَأَنْزَلَ لَهُ شِفَاءً، عَلِمَهُ مَنْ عَلِمَهُ، وَجَهَلَهُ مَنْ جَهَلَهُ » "Allah the Almighty has not sent down a disease (daa') without sending down a cure (shifaa') for it. Those who know the curative treatment know it. Those who are ignorant of it, are ignorant of it."

These three ahadith indicate that Allah ﷻ has created both the disease and the curative treatment for it. He ﷻ informed us that for every disease there is a cure. If the cure is arrived at, then the disease will be cured by the Will of Allah ﷻ. Some people will know of this and some people will not. These ahadith say that for each disease there is a curative treatment (dawaa'), and thus

encourage the seeking of treatment which will lead to the cure (shifaa') of the disease by the Will of Allah ﷻ. The disease is from Him ﷻ, and the curative treatment is also from Him ﷻ. The cure (shifaa') is also from Him ﷻ and not from the curative treatment (dawaa'). Allah ﷻ has granted the dawwa (curative treatment) the property of curing the disease.

Now, this direction from the Legislator is a recommendation, and not an obligation. Imam Ahmad reported that Anas (ra) said that the Messenger of Allah ﷺ said, « إِنَّ اللَّهَ عَزَّ وَجَلَّ حَيْثُ خَلَقَ الدَّاءَ خَلَقَ الدَّوَاءَ فَتَدَاوُوا » « الدَّوَاءَ فَتَدَاوُوا » "Indeed, Allah the Almighty, when He created the disease (daa'), He also created the curative treatment, so take curative treatments." Abu Dawud and Ibn Majah narrated from Usama ibn Sharik that he was with the Prophet of Allah when some people came from the desert and asked him: "Should we seek treatment from illness?" He ﷺ said, « نَعَمْ يَا عِبَادَ اللَّهِ تَدَاوُوا فَإِنَّ اللَّهَ لَمْ يَضَعْ دَاءً إِلَّا وَضَعَ لَهُ شِفَاءً » "Yes, O servants of Allah ﷻ, take curative treatment. Indeed, Allah ﷻ did not create a disease, without creating a cure (shifaa') for it." In the first Hadith, the Prophet ﷺ commanded people to take curative treatment. In the second hadith, he ﷻ directed the Beduin from the desert to take curative treatment, since Allah ﷻ has created both the disease and the cure. The address in the two ahadith came in the form of a command (seegahtul 'amr), and the command indicates a request (talab). Such a request does not mean a Shariah obligation unless the command ('amr) is decisive (jaazim). To be decisive, a command will need a contextualization (qareenah) to give it that meaning. There is no such qareenah in the two hadiths to tell us that the command is a Shariah obligation. In the first three ahadith, only information and direction are given,

which evidence that the command for taking curative treatment is not a Shariah obligation. In addition, there are other ahadith which indicate that it is allowed not to take curative treatment. This also evidences that the command to seek treatment in the two ahadith does not signify a Shariah obligation. Imam Muslim narrated on the authority of 'Imran ibn Husayn that the Prophet ﷺ said, «يَدْخُلُ الْجَنَّةَ مِنْ أُمَّتِي سَبْعُونَ أَلْفًا بِغَيْرِ حِسَابٍ، قَالُوا مَنْ هُمْ يَا رَسُولَ اللَّهِ؟» «اللَّهُ قَالَ، هُمُ الَّذِينَ لَا يَسْتَرْقُونَ وَلَا يَتَطَيَّرُونَ وَلَا يَكْتُوبُونَ وَعَلَى رَبِّهِمْ يَتَوَكَّلُونَ» "Seventy thousand of my Ummah would enter Paradise without rendering account. They said, 'Who would be those, Messenger of Allah?' He ﷺ said, "They would be those who neither practice curative Ruqya, do not take omens, nor do they practice curative cauterization, but they have reliance (tawwakul) upon their Lord." Imam Bukhari narrated that ibn Abbas said, 'This black woman came to the Prophet and said "I am an epileptic and when I fit, I get uncovered, make Dua to Allah ﷻ to cure me." The Messenger of Allah ﷺ said, «إِنْ شِئْتَ صَبَرْتَ وَلَكَ الْجَنَّةُ وَإِنْ شِئْتَ دَعَوْتُ اللَّهَ تَعَالَى أَنْ يُعَافِيكَ» "If you wish, be patient and you will get Paradise. If you wish, I can make Dua for Allah to cure you." She said, «أَصْبِرُ» "I will be patient." Then she said, «إِنِّي أَتَكَشَّفُ فَأَدْعُ اللَّهَ أَنْ لَا أَتَكَشَّفُ» "I get uncovered, make Dua to Allah for me not to be uncovered." So the Messenger ﷺ made Dua to Allah ﷻ for her. These two hadiths indicate that it is allowed not to take curative treatment. In the first hadith, he ﷺ said that among the people who will enter Paradise without accounting, are those who do not do take curative Ruqya and curative cauterization, as curative treatments. They leave the matter to their Lord ﷻ and make reliance (tawwakul) on Him ﷻ instead. Now curative Ruqya and curative cauterization are curative treatments. The Prophet ﷺ encouraged treatment with Ruqya and the angel Jibril (ra) made



Ruqya for him. He ﷺ also said, «الشِّفَاءُ فِي ثَلَاثِ شَرْبَةِ عَسَلٍ وَشَرْطَةِ مِحْجَمٍ وَكَيْتَةِ بَنَارٍ وَأَنْهَى أُمَّتِي عَنِ الْكَيْ» "Cure is to be found in three matters, the drinking of honey, the cupping glass of Hijama, and cauterization with fire, but I forbid my Ummah to use cauterization." In the second hadith, the Messenger ﷺ gave the black woman the choice between being patient with her epilepsy, and so as to be granted Paradise, or his making Dua to Allah ﷻ to cure her of her epilepsy. This evidences that it is permissible to abandon seeking medical treatment. Thus, these two hadiths divert the command to take curative treatments, mentioned in the hadith of his response to the Bedouins, and in the hadith before it, away from being a Shariah obligation. Due to the strong urging by Messenger of Allah ﷺ to take curative treatment, the command to take curative treatment, as mentioned in the hadiths, is that of being recommended (mandub).

- When we know that the Shariah ruling on taking curative treatment is mandub (recommended), it is easy for us to know the Shariah ruling on using modern artificial life support systems. The Shariah ruling on them is the Shariah ruling on taking any curative treatment, meaning they are recommended (mandub), especially in the cases where the doctors deem it necessary for their bodies to be connected to life support.

As long as their use is recommended (mandub), keeping the person connected to life support systems until his main body organ systems die is not a Shariah obligation, because the basis for their use is not a Shariah obligation. Whenever the doctors decide that the patient is brain dead, they have the right to stop these systems and remove them, from his body. This is because the death of the patient's brain indicates hope being lost of his

eventual resuscitation. Keeping some of his other main organ systems working will not resuscitate him either, because they eventually cease functioning too.

Based on this, the Shariah ruling of using life support systems is that it is *mandub* (recommended), especially when doctors decide that there is a need for them. It is allowed to disconnect the equipment after the brain dies, and the doctor does not commit a sin by removing them. He does not have accountability before Allah ﷻ for that.

# DETERMINING LIFE AND DEATH

- Linguistically, life is the opposite of death, and the manifestations of life appear in intellectual comprehension, will, sense, movement, breathing, growth and nutrition.

Death is the opposite of life. In the Arabic dictionary, "Lisan al-Arab" it is said that, الموت ضد الحياة "Death is the opposite of life." Since death is the opposite of life, then it manifests itself in the opposite phenomenon of life. It manifests itself in not being able to comprehend, absence of will, lack of sensing, absence of movement and cessation of breathing, as well as the termination of both growth and nutrition. There are Quranic verses and ahadith which indicate that a person dies when the Ruh (spirit) is extracted from the body, and his soul is taken by his Lord. Allah says, ﴿اللَّهُ يَتَوَفَّى الْأَنْفُسَ حِينَ مَوْتِهَا وَالَّتِي لَمْ تَمُتْ فِي مَنَامِهَا فَيُمْسِكُ الَّتِي قَضَىٰ

﴿عَلَيْهَا الْمَوْتَ وَيُرْسِلُ الْأُخْرَىٰ إِلَىٰ أَجَلٍ مُّسَمًّى﴾ "It is Allah who takes away the souls at the time of their death, and those that do not die during their sleep. He keeps those souls for which He has ordered death upon these souls, and sends the rest for a determined lifespan." [TMQ Surah Az-Zumur:42]. Imam Muslim narrates on the authority of Umm Salamah that the Prophet ﷺ said, «إِنَّ الرُّوحَ إِذَا فُيِضَ تَبِعَهُ الْبَصَرُ» "When the Ruh (spirit) is seized, it is followed by the sight." The nature of the soul (nafs) and the Ruh (spirit) are not known except to Allah ﷻ. The extraction and the return of both to Allah ﷻ are part of the Unseen and do not fall within the realm of experimentation. However, this extraction does exhibit some signs within the body that evidence death.

Even though the Quranic verses and the ahadith evidence that life comes to an end by extracting the Ruh (spirit), and taking the soul (nafs), they do not give the precise moment when life ends. All that was mentioned is that when the Ruh (spirit) is being extracted, it is followed by human sight, as was mentioned in the previous hadith. In a similar narration, the Prophet ﷺ said, « إِذَا حَضَرْتُمْ مَوْتَكُمْ فَأَعْمِضُوا الْبَصَرَ فَإِنَّ الْبَصَرَ يَتَّبِعُ الرُّوحَ » "When you attend to your dead, close their eyes, for the sight follows the Ruh (spirit)." (Narrated by Ahmad on authority of Shaddad ibn Aus.)

Therefore, the precise moment of death will require tahqeeq ul-manat (investigating the subject matter). This is to know if someone has died and his lifespan came to an end. This will require expertise and knowledge.

Before the advances in science, medical technology and life support systems, doctors used to consider that when the heart stops beating, it evidences that the person is dead and his lifespan has come to an end. Currently, they no longer have that opinion. They say that if the heart stops functioning, this does not necessarily evidence that the person is dead. It is possible for a person to still be alive, even when the heart stops functioning. Open heart surgery requires that the heart stops beating. The doctors now say that what indicates death, and the end of the lifespan, is the death of the brainstem. It is the organ that connects the brain to the rest of the body parts, and hence the outside world. It is through the brain stem that all sensory perceptions reach the brain, and through it all nervous impulses are transmitted from the brain to undertake certain functions. It is the last part of the brain that stops functioning. The death of the brain surface (cortex) occurs before the death of the

brainstem. The medical view is that when the brainstem dies, the human dies and his lifespan comes to a complete end, even if his heart and lungs are still functioning in a natural manner, or through a life support system. It is possible for the brain to die before the heart, in the case of a direct strike on the brain, or if the brain is bleeding, or if the brainstem was severed. In case of coronary heart disease, the heart may stop and die, before the brain stops and dies. Yet, incidents still happen that puzzle doctors, where the brain stops, whilst the other organs remain functioning. A case study in Finland revealed that a woman, who had been in a coma for two and a half months as a result of a brain hemorrhage, gave birth. It is surprising that the woman died two days after giving birth to her baby. While unconscious, she was ventilated artificially, fed by tubes, and she was given a blood transfusion once a week for 10 weeks. She gave birth to a normal baby in good health and with normal weight.

This is the doctors' perspective on the issue. As for the fuqaha (Shariah jurists), they do not judge a person to be dead, unless it is certain that he is dead. They mention some signs which indicate that the person is dead, such as cessation of breathing, parting of lips, glazing over of eyes, collapse of the temples, tilting of the nose, separation of forearms, and the flaccidness of feet.

If there is doubt about death, such as in the case of a heart attack, or shock, or when person is in a coma due to any reason, then people must wait until they are sure that he is dead by seeing the signs of death, or a change in his odor.

In our opinion, it is most likely that death can only be known as a certainty after seeing its signs as the fuqaha (jurists) mentioned. This is because when a person is alive, we are certain of that life.

So we cannot judge that life is finished with an uncertain judgement. Certainty can only be cancelled by a new certainty, and doubt cannot be enough. This is because the origin remains as it is until and unless it is abolished, and cancelled with certainty. Death is the opposite of life, and the signs of death, which are the opposite of the signs of life, must manifest. Some of these are the absence of comprehension, awareness, feeling, movement, and the cessation of breathing and nutrition.

Therefore, the doctors' conclusion that brainstem death constitutes the death of a person, and the medical end of their life, even if some of their major organs remain functional and alive, does not conform to the Shariah ruling, which stipulates the cessation of the brainstem, along with and all major organs, such as the heart, lungs, and liver. A person cannot be declared dead according to Shariah unless all of their major organs cease to function and all aspects of life cease. As for a person whose brainstem dies, whilst some of their major organs remain functional, whom doctors consider clinically dead, and a person who has reached the throes of death, which Shariah jurists call the state of "the slaughtered," in which they no longer have sight, speech, or voluntary movement, and within whom all hope of resuscitation is lost, such a person who reaches this state is still subject to certain Shariah rulings, the most prominent of which are the following,

1. He does not inherit from somebody, and nobody will inherit from him while he is in that state. He does not inherit from somebody else because he has lost stability in being alive, with awareness and voluntary motion. A Shariah condition for a person to inherit is that he must have lost stability in being alive.

However, the inheritance that he has a share in will, not be divided until it becomes certain that he is dead.

Therefore, the fetus does not inherit until and unless it is born with signs indicating that it has achieved stability in being alive, such as crying after birth, or yawning. Jabir ibn 'Abdullah and al-Miswar ibn Makhramah narrated that the Prophet ﷺ said, « لَا » « يَرِثُ الصَّبِيُّ حَتَّى يَسْتَهْلَّ صَارِحًا » "No infant inherits until he raises his voice or cries." (Narrated by Ibn Majah.)

As for the Shairah ruling that others do not inherit from him and that his wealth is not divided while he is under this condition, this is because a condition for the transfer of the inheritance to the inheritors is that his death be certain. The one whose brainstem is dead, whilst some of his other organs are still functioning, or the one who reached the throes of death, and with the movement of the slaughtered, there is some life left in him still. His death is not certain. Therefore, his inheritance is not distributed until after it is certain that he is dead.

## 2. Criminal assault against him

A. If a person criminally attacked another and severed his brainstem, or caused him to suffer the throes of death, and the movement of the slaughtered, and it became certain that he would die soon, then if a second person came and finished the attack, the murderer would only be the first one. This is because the first assailant had got him to the condition where there was no hope in him living. Therefore, the first assailant would be punished accordingly, with Qisas (Shariah retribution) taking place. The second assailant is not considered a murderer, and qisas will not be applied on him, but there will be a ta'zeer

(discretionary punishment) for him because he attacked the sanctity of a human being.

Now, if the first assailant did not get him to the condition of a slaughtered person, but inflicted a serious injury on him, and he still had stability in being alive, such as awareness, feeling, and voluntary motion, whilst the second assailant came and ended his life, then the second assailant would be considered the murderer and Qisas would be applied on him. As for the first assailant in this case, he would not be considered a murderer, but he would be punished for his attack. He would need to pay diyah for whatever he damaged of that person's body.

If the Khaleefah is the one attacked, or made to reach the throes of death, and the condition of the slaughtered, then another Khaleefah is not to be appointed except after it becomes certain that he is dead. This was the case during the life of the Companions (ra), regarding Abu Bakr (ra) and 'Umar (ra). The Companions (ra) did not give Bayah to 'Umar (ra) until they were certain that Abu Bakr was dead. The people of Shura did not start the process of selecting a Khaleefah among them till after they were certain that 'Umar (ra) had died. In the case of the throes of the death, or the condition of the slaughtered, then he can nominate, if the Ummah asks him to nominate and he is able to do so, as was the case with Abu Bakr (ra) and 'Umar (ra).

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Complete with the Assistance of Allah ﷻ

on 5th Muharram al-Haram 1418 AH.

12th May 1997 CE