

God as the Only Judge: Abortion, Sin, and the Limits of Human Law

Reclaiming Abortion from Human Law to Divine Judgement

Introduction

Abortion is often debated as a legal or medical issue, but rarely as a question of divine authority. In the Qur'an, judgement belongs to God alone, who sees what is hidden in every heart. Similarly, Christian scripture affirms that each person will ultimately give an account before God, not before human rulers. Yet governments and religious institutions often legislate abortion as if human law could perfectly discern the circumstances of every pregnancy, including whether coercion, assault, or unbearable suffering has taken place. This essay argues otherwise. Because divine knowledge alone can uncover hidden truths, no human authority has the right to restrict abortion. To deny choice is not to uphold divine law but to violate it, by pretending to know what only God knows.

Divine Judgement in Scripture

The foundation for placing abortion beyond the reach of human law rests on the simple but radical claim of scripture: judgement belongs to God alone. The Qur'an declares, "To God belongs judgement altogether" (6:57), and reminds believers that "He knows what is in your hearts" (64:4). These verses establish a principle that human law cannot match divine knowledge. God alone perceives hidden intentions, private struggles, and unspoken fears. If judgement depends on what lies in the heart, then no earthly court can claim authority over matters like abortion, where the inner circumstances may never be visible.

Christian scripture reinforces this claim. Paul writes in Romans, "Each of us will give an account of ourselves to God" (14:12). The focus is not on human rulers but on divine accountability. In both traditions, earthly law is limited, fallible, and prone to overreach. To legislate abortion as though human judges could discern innocence or guilt with divine clarity is to forget the difference between earthly authority and God's omniscience.

Even within Islamic jurisprudence, there is recognition of this tension. Classical jurists argued about the moral and legal status of abortion, but nearly all agreed that questions of ensoulment and divine mercy are matters ultimately known only to God. Al-Ghazali, for example, described abortion as a moral wrong but acknowledged that its full gravity was hidden from human knowledge. The insistence on God's role as ultimate judge was never erased, even when legal prohibitions were formulated.

This scriptural foundation matters because it shifts the frame of abortion away from debates about morality versus immorality and toward the deeper question of jurisdiction. Who has the right to decide: limited human institutions or the all-knowing divine judge? The Qur'an and Bible alike insist that the answer is God alone.

The Problem of Proof

If divine judgement belongs to God, then one reason human law must step back from abortion is its inability to prove hidden circumstances. In many pregnancies, the truth behind conception cannot be made public. Assault, coercion, or private suffering often leave no witnesses. Within Islamic legal history, this is especially significant, since rulings about sexual crimes traditionally required multiple witnesses to establish guilt. In the case of zina, unlawful sexual intercourse, classical jurists demanded four male eyewitnesses, an almost impossible threshold. When applied to abortion, this reveals the gap between legal expectation and lived experience. If even one of the most serious moral accusations in Islam is nearly impossible to prove in court, how could abortion, with its complex and hidden causes, ever be judged fairly by human law?

Feminist legal theory has long recognized this gap. Catharine MacKinnon, writing about sexual violence, argued that the demand for legal proof often silences victims rather than protecting them. The law's insistence on visible evidence presumes that truth is external and demonstrable, while ignoring the lived realities of trauma, coercion, and secrecy. In abortion debates, this means that women are forced to justify their decisions to authorities who

can never access the full truth. To legislate abortion on the basis of what can be proven is to abandon those most in need of mercy and understanding.

Scripture offers an alternative. If only God knows what is hidden in the heart, then human law must resist claiming knowledge it cannot possess. To criminalize abortion is to insist that judges and legislators can see into hidden motives and circumstances. Yet this is precisely what the Qur'an denies. The failure of proof becomes not only a legal weakness but a theological reminder: abortion belongs to the domain of divine judgement, where the unseen is visible only to God.

Abortion and Sin

The question of abortion cannot be separated from the question of sin. In Shia Islam, as in other traditions, abortion has often been framed as a moral violation, though with significant qualifications. A key debate concerns the moment of ensoulment. Many jurists, drawing on hadith, hold that ensoulment occurs at 120 days of gestation, after which abortion is almost universally prohibited. Before that point, however, the rulings are diverse. Some scholars condemn abortion at any stage, others allow it in cases of severe hardship, and still others insist that the decision belongs only to God. What unites these positions is an acknowledgment of uncertainty: the precise moral weight of abortion is ultimately beyond human knowledge.

This uncertainty reveals an important contradiction. If abortion is treated as sin, does that mean it belongs to the realm of earthly punishment or divine judgement? In Islamic thought, not all sins are crimes. Some, like arrogance or hypocrisy, are condemned by God but remain outside the reach of human law. Abortion, when framed as sin, may belong to this category. Just as no court punishes pride, no court should punish abortion, because its full meaning is known only to God.

Christian theology offers a similar perspective. Augustine argued that ensoulment did not occur immediately at conception, and Thomas Aquinas likewise distinguished between the early embryo and the fully human person. While later Catholic teaching hardened against abortion in any form, the early tradition illustrates that even within Christianity, abortion has not always been considered a crime but rather a matter of sin and conscience.

This distinction matters. To treat abortion as a sin is to recognize its gravity, but to treat it as a crime is to confuse divine authority with human authority. Sin belongs to God's domain, and the insistence on human punishment risks trespassing into divine jurisdiction.

Liberal Philosophy Meets Theology

What is striking is how closely liberal philosophy aligns with the theological principle that judgement belongs to God alone. John Stuart Mill, in *On Liberty*, argued that the only reason society can interfere with an individual's freedom is to prevent harm to others. Otherwise, liberty must remain absolute. Applied to abortion, Mill's principle means that the

pregnant person, not the state, must be the ultimate decision-maker, since no one else bears the full burden of pregnancy. This reasoning is not a rejection of religion but an echo of it: just as God alone has knowledge of the hidden, only the individual knows the weight of her own circumstances.

Judith Jarvis Thomson sharpened this argument with her famous “violinist” thought experiment. She asks the reader to imagine being involuntarily connected to a violinist whose life depends on using one’s body. Even if disconnecting results in the violinist’s death, Thomson insists that the individual has the right to bodily autonomy. The power of her analogy lies not in dismissing the value of life but in emphasizing that no person can be compelled to sacrifice their body for another. This resonates with the theological claim that God alone commands life and death. For human law to force sacrifice is to take on a role reserved for the divine.

When these philosophical insights are placed alongside Shia theology, a surprising convergence appears. Mill’s harm principle and Thomson’s bodily autonomy are secular reflections of the same truth that the Qur’an proclaims: ultimate judgement belongs to God, not to human rulers. To legislate abortion is to collapse this distinction, to claim that human law can see what only God sees. The humility of liberal philosophy, in this sense, aligns with the humility of religious faith. Both demand respect for the limits of human authority.

The Ethical Implications

Placing abortion within the realm of divine judgement transforms the ethical debate. Instead of framing the issue as a clash between secular autonomy and religious morality, it becomes a question of humility before God. To acknowledge that humans cannot know every hidden circumstance is to admit that earthly law must respect choice. A pro-choice stance, under this framework, is not a rebellion against religion but an act of fidelity to God's exclusive role as judge.

This perspective also reframes compassion as the proper human response. If we accept that God alone has the knowledge to judge abortion, then the task of human community is not punishment but support. In practice, this means that rather than criminalizing abortion, societies should provide resources, care, and dignity for those who face the decision. Such an approach reflects the Qur'anic emphasis on God's mercy and the Christian teaching that final accountability lies beyond this life. To extend mercy is to imitate divine attributes within human limits.

The framework also challenges the presumption that pro-choice politics are inherently secular. In fact, they can be deeply theological. To support legal access to abortion is to respect the divine boundary between human authority and divine knowledge. It is a recognition that while sin may exist, its meaning cannot be captured by human courts. In this light, denying abortion becomes not an act of piety but an act of arrogance, a claim to know what only God knows.

Ultimately, the ethical implications are radical. A pro-choice theology does not weaken faith but deepens it, reminding believers that humility, mercy, and trust in God's justice are higher than any human law. Choice, therefore, is not only a political right but a religious duty to recognize the limits of human judgement.

Conclusion

The debate over abortion often unfolds as if it were simply a struggle between secular rights and religious morality. Yet scripture, theology, and philosophy point to a deeper truth: ultimate judgement belongs to God alone. The Qur'an declares that only God knows what is hidden in the heart, and Christian scripture likewise insists that every person will give an account before God, not before human rulers. When abortion is legislated as crime, human law assumes the role of divine judge, pretending to discern circumstances and intentions it cannot possibly know.

The problem of proof makes this clearer still. Coercion, assault, and inner suffering often remain invisible, beyond the reach of courts or witnesses. To criminalize abortion under such conditions is not to defend life but to deny mercy. Shia debates on ensoulment, Augustine's uncertainty about the early embryo, and liberal philosophies of autonomy all converge on a common lesson: humility before the limits of human knowledge.

This humility is the ethical core of a pro-choice theology. To defend choice is to respect the line between human law and divine authority. It is to act with mercy where judgement belongs only to God. In the end, denying

abortion is not pious but presumptuous. To claim God's role is the deepest violation, while to honor freedom of conscience is to acknowledge what only God knows.

Sources Consulted

Qur'an 6:57 (“To God belongs judgement altogether.”)

Qur'an 64:4 (“He knows what is in your hearts.”)

Qur'an 17:33 (on the sanctity of life, often cited in abortion debates).

Qur'an 16:61 (God's knowledge of appointed times of death).

Hadith: Narrations on ensoulment at 120 days (Sahih Muslim, Book 33, Hadith 6390).

Ayatollah Ali al-Sistani. Rulings on abortion (contemporary Shia jurisprudence).

Ayatollah Khomeini. *Tahrir al-Wasila* (legal manual with abortion rulings).

Romans 14:12 (“Each of us will give an account of ourselves to God.”)

Jeremiah 1:5 (“Before I formed you in the womb I knew you.”)

Augustine of Hippo. *On the Soul and its Origin.*

Thomas Aquinas. *Summa Theologica*, Part II-II, Q.64.

Catechism of the Catholic Church (on abortion and sin).

Al-Ghazali. *Ihya Ulum al-Din*, Book 2.

Allamah Tabataba'i. *Tafsir al-Mizan.*

Sayyid Muhammad Baqir al-Sadr. *Fiqh al-Iqtisad.*

John Stuart Mill. *On Liberty.*

Judith Jarvis Thomson. “A Defense of Abortion” (1971).

Catharine MacKinnon. *Toward a Feminist Theory of the State.*

Jacques Derrida. *Acts of Religion.*

Michel Foucault. *Society Must Be Defended.*

Ayatollah Muhammad Hussein Fadlallah. Writings on women's rights and abortion.

Pope Francis. *Evangelii Gaudium.*

Amina Wadud. *Qur'an and Woman.*

Ziba Mir-Hosseini. *Islam and Gender.*

Angela Davis. *Are Prisons Obsolete?*