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# Respect for Life

## Abortion in Islam and The Church of Jesus Christ of Latter-day Saints

Donna Lee Bowen

While the indiscriminate taking of life is condemned by major religions and ethical systems worldwide, killing in some well-defined situations is less clearly condemned. For example, most major religious traditions put killing in war in a separate category. Euthanasia, which the Netherlands legalized in 2000, is passionately debated. Probably today's most debated means of taking life is abortion. Although miscarriage is also known as spontaneous abortion, for the purposes of this discussion *abortion* means not the unintentional loss of a fetus but a purposeful termination of pregnancy.

Both Islam and The Church of Jesus Christ of Latter-day Saints forbid the indiscriminate use of abortion. However, both religions also recognize limited circumstances when an abortion may be the better of two imperfect choices. Muslim and Latter-day Saint religious leaders agree that abortion is at odds with each religion's emphasis on life, although the scriptural and theological contexts for their positions differ. However, both religions are united in three important principles: a respect for God-created life, a prohibition against killing innocent life, and the necessity of taking responsibility for sexual activity.

Today, the worldwide debate on abortion is often polarized by two camps: those who call for no restrictions on abortion and those who prohibit all abortions. Although both Muslims and Mormons are generally represented as being in the pro-life camp, they actually share a moderate middle ground. They agree that exceptions may require or permit the use of abortion under strictly limited circumstances, that the mother's life has priority over that of the child if only one can survive, and that it is crucial to consult medical authority as part of the decision-making process. Despite these commonalities, however, the two religions differ in their grounds for the general prohibition on abortion and in the exceptions they stipulate to this rule. A comparison of the two religions serves to highlight the internal consistency that underlies the position of each and to provide useful contrasts both in their doctrine and in the methods they use for determining their positions.



The moderation of the Latter-day Saint and Muslim approaches to abortion is noteworthy. Orthodox Roman Catholics and many fundamentalist Protestants oppose abortion without exception, while other faiths allow all legal abortions. Although Mormons are certainly not the majority population of the United States, the position that abortion is generally wrong but may be permitted in certain rare situations summarizes the attitudes of many U.S. citizens. Surveys carried out in the United States between 1965 and 1996 document that public opinion overwhelmingly supports abortion for reasons of fetal defect, rape, and the mother's health.<sup>1</sup> Data I have gathered in Muslim countries from multiple sources, including scholarly articles, newspaper articles, religious discussions, and interviews, support the conclusion that the attitudes of the majority of their citizens mirror the official Islamic position on abortion.<sup>2</sup>

### **Statistics from Mormon and Muslim Populations**

Data on abortions performed are not easy to come by. Abortions tend to be underreported, which means that rates may actually be higher than are given. However, available data show that Muslims and Mormons have a relatively low number of abortions when compared to others. Worldwide, about 26 million women have abortions each year.<sup>3</sup> Statistics from 1997 show that Russia, Romania, and Cuba reported the highest abortion rates in the world, with 70 percent, 59.4 percent, and 58.6 percent of total pregnancies ending in abortion, respectively. By comparison, the latest statistics (1996) for Tunisia, which is over 99 percent Muslim and which legalized abortion in the 1970s, record that 7.8 percent of total pregnancies ended in abortion. The new Central Asian states with large Muslim populations—Kazakhstan, Turkmenistan, Kyrgyzstan, Uzbekistan, and Tajikistan—report a range of abortion rates for 1996. Kazakhstan, with the relatively high 41.3 percent of total pregnancies ending in abortion, probably reflects the easy availability of abortion in the former USSR. Turkmenistan reported abortion rates of 22.9 percent; Kyrgyzstan, 17.5 percent; Uzbekistan, 9.5 percent; and Tajikistan, only 6.2 percent.<sup>4</sup> The low rates in Uzbekistan and Tajikistan may reflect a Muslim reluctance to utilize abortion.

In the United States, abortion rates declined from 1995 through 1997 (which is the last year for which we have data).<sup>5</sup> U.S. data from 1996 allow a comparison of U.S. figures with those from the Muslim countries above: in 1996, 23 percent of pregnancies in the U.S. ended in abortion.<sup>6</sup>

To compare Mormon abortion rates with those of the general U.S. population, I must turn to a different data set. The 1995 National Survey of Family Growth, which reported on the pregnancies women experienced in the five years before 1995, includes Mormon women. This report stated that 13.5 percent of pregnancies in the U.S. ended in induced abortion. According to the same set of data, 5.2 percent of Mormon pregnancies ended in abortion.<sup>7</sup>



## Overview of the Cultural and Theological Contexts

The size of the Muslim community worldwide dwarfs the ten million membership of The Church of Jesus Christ of Latter-day Saints. Around one billion believers follow Islam. Muslims have established communities that spread from Toronto, Sacramento, and Salt Lake City to Beijing, Djakarta, and Johannesburg. Despite—or perhaps because of—their numbers and their geographical disparities, Muslims are not united by a central leadership. In other words, there is no pope in Islam. Religious orthodoxy is maintained largely through adherence to religious obligations, precepts, and practices set out in the Muslim religious sources of the Qur'an, the *Sunna* (the example of the Prophet Muhammad), the *hadith* (written traditions of the Prophet Muhammad and his close associates), and the *fiqh* literature (jurisprudence). Most of the standards for religious praxis are set in what is described as Islamic law (*shari'a*), which is composed of learned opinions based on the Qur'an, the Sunna, and the hadith.<sup>8</sup> Most jurisprudence literature was composed between the ninth and fourteenth centuries. While the scripture in the Qur'an and many of the Sunna and hadith texts are considered definitive, differing interpretations can be made for issues not directly addressed in scripture. Today, both Muslim religious scholars and lay Muslims are involved in analyzing Islamic positions on matters of contemporary concern.

Muslims believe that the Prophet Muhammad (d. 632) was the “seal” (in the sense of guarantee or perfect closure) to the series of prophets God sent to his prize creation, mankind. The revelations he received comprise the Qur'an. Muslims believe that these revelations are complete and will never be supplemented or changed.

While Latter-day Saints, like Muslims, recognize prophetic scripture and the derivation of religious precepts from scripture, they differ from Muslims in following a strongly hierarchical and well-defined leadership whose power to receive prophetic revelation continues to the present day. In fact, prophetic pronouncements from a Church President are seen as equal in divine authority to scripture. Thus any formal statements by the current Church President on a subject like abortion are seen as indisputable.

Individual Muslims as well as individual Mormons may have differing positions on matters not revealed in scripture, but for both religions the tradition of remaining within the limits of revealed scripture and customary practice is strong. The following overviews are not intended as complete or official statements, but they provide a basic summary that allows comparative analysis and reflection.

## Latter-day Saint Teachings on Abortion

While many Church leaders have spoken on the issue of abortion, perhaps the most recent official Church statement on abortion is found in the *Church Handbook of Instructions*, a guide intended for Church leaders. The following excerpt from the *Handbook* explains the basic reasons the Church opposes abortion, the actions Latter-day Saints should avoid, the limited conditions under which an abortion may be considered, and the method for considering aborting a pregnancy.

The Lord commanded, “Thou shalt not . . . kill, nor do anything like unto it” (D&C 59:6). The Church opposes elective abortion for personal or social convenience. Members must not submit to, perform, encourage, pay for, or arrange for an abortion. The only possible exceptions are when:

1. Pregnancy resulted from rape or incest.
2. A competent physician determines that the life or health of the mother is in serious jeopardy.
3. A competent physician determines that the fetus has severe defects that will not allow the baby to survive beyond birth.

Even these exceptions do not justify abortion automatically. Abortion is a most serious matter and should be considered only after the persons responsible have consulted with their bishops and received divine confirmation through prayer.<sup>9</sup>

The emphasis in this Church policy statement is upon abortion as an action with grave implications for all “persons responsible,” including the woman who undergoes the abortion, the man who participated in creating the pregnancy, and the one who performs the abortion. This policy does not state that the act of abortion is killing, but defines abortion as an action that is *like* killing. Abortion is differentiated from killing in that a person who receives or performs an abortion may repent and be forgiven for “the sin of abortion.”<sup>10</sup>

**Statements on Abortion from Church Presidents.** Whenever Church leaders speak about abortion, they strongly discourage its use. Presidents of the Church have described abortion as “wrong,” as a “revolting and evil practice,”<sup>11</sup> as “jeopardizing your exaltation and your future membership in the kingdom of God,”<sup>12</sup> as “unrighteous and evil acts,”<sup>13</sup> and as a “most serious matter.”<sup>14</sup> Furthermore, such statements apply to both men and women. For example, serving a full-time mission for the Church is considered a privilege and an honor, one that most young men and many young women desire. However, unwed members responsible for the abortion of a pregnancy that results from their voluntary sexual activity are barred from missionary service. This consequence for abortion is made clear in a 1993 letter from the First Presidency to Church leaders worldwide: “Young men who have encouraged, paid for, or arranged for an abortion resulting from



their immoral conduct” are not eligible to serve as full-time missionaries. Similarly, women who undergo an abortion resulting from their “immoral conduct” (that is, not from rape or incest) are not called on full-time missions.<sup>15</sup> These negative and cautious rulings emphasize the gravity of abortion and the narrow grounds that may justify an abortion.

In an address presented at the October 1998 general conference, prophet and President Gordon B. Hinckley announced to the public the position published in the *Handbook*. In his talk, he posed the following question to himself: “What is your position on abortion?” As an answer to this question, he delineated the Latter-day Saint stance on abortion in words that closely echo those of the *Handbook*:

While we denounce [abortion], we make allowance in such circumstances as when pregnancy is the result of incest or rape, when the life or health of the mother is judged by competent medical authority to be in serious jeopardy, or when the fetus is known by competent medical authority to have serious defects that will not allow the baby to survive beyond birth.<sup>16</sup>

**The Health of the Mother.** President Hinckley’s inclusion of the phrase “health of the mother” marks a slight change from earlier public Church statements that limited abortions to preserving the life of the mother or to cases of rape or incest.<sup>17</sup> It also marks a significant difference between the Latter-day Saint position and that of pro-life activists who oppose abortion at any time. In particular, some pro-life activists hold that any consideration of the mother’s life and health opens too large a window for abortion. For example, some of the questions that could be asked about health include the following: Does the term *health* mean only life-threatening danger? What degree of physical harm must be threatened for abortion to be allowed? Can the term also mean the mental health of the mother in those cases where physically she can bear the child but psychologically she will incur damage? The ambiguity of this term alarms anti-abortion forces, and as a result, on websites and in literature, they have labeled the Church pro-abortion. Church leaders do not attempt to answer all questions about the meaning of “health.” Rather, the statement in the *Handbook* outlines the procedure to take in making a decision on abortion, not examples of cases that may prompt its use. Discouragement of abortion is the general rule; individual exceptions are to be considered as unique cases, each of which should be carefully discussed with the bishop and prayerfully evaluated.

Clearly the act of abortion poses a dilemma—two equally undesirable choices, neither of which can be fully resolved. The choice is particularly poignant when only the fetus or the mother may survive and one life must be terminated or severely compromised in order to save the other. In this case, Elder Russell M. Nelson notes that most agree that the life of the

mother should have primacy.<sup>18</sup> This position contrasts with that of the Roman Catholic Church, which prohibits any abortion and advocates sacrificing the mother rather than denying life to the fetus.<sup>19</sup>

**Rape, Incest, and the Issue of Agency.** Besides risk to the mother's life, another situation in which The Church of Jesus Christ of Latter-day Saints permits abortion is when the pregnancy results from rape or incest.<sup>20</sup> Church leaders have presented a doctrinal basis for this rare exception to the rule. A fundamental tenet of Latter-day Saint doctrine is agency, the right to choose and act for oneself. A woman who has been raped or exploited by incest has been denied a fundamental choice: the right to consent to sexual contact. When this choice was taken from her by an unwanted sexual attack, she also lost any voice in choosing to procreate. If a pregnancy were to result, she should then be given the choice to bear the child, which opens the option of abortion. Church leaders stress that the woman can also choose to preserve life, spurn abortion, and bear the child.<sup>21</sup>

In an *Ensign* article that argues strongly against the use of abortion, Elder Dallin H. Oaks lays out possible approaches a woman may take in such a case. He quotes a letter whose reasoning he shares:

The woman's right to choose what will or will not happen to her body is obviously violated by rape or incest. When conception results in such a case, the woman has the moral as well as the legal right to an abortion because the condition of pregnancy is the result of someone else's irresponsibility, not hers. She does not have to take responsibility for it. To force her by law to carry the fetus to term would be a further violation of her right. She also has the right to refuse an abortion. This would give her the right to the fetus and also the responsibility for it. She could later relinquish this right and this responsibility through the process of placing the baby for adoption after it is born. Whichever way is a responsible choice.<sup>22</sup>

Church teachings on abortion show that agency is so critical that the individual's right to agency is considered more important than the denial of life to the fetus if it is aborted. Of course, the individual exercising agency will be responsible for her choice eternally.

**The Question of When the Fetus Can Be Considered a Human Being.** For many, the most critical point in the general abortion debate is at what point the fetus can be considered human. However, The Church of Jesus Christ of Latter-day Saints has consistently refrained from giving an official position on this question. Two scriptural sources may shed light on this question, but neither furnishes a definitive basis for a statement of doctrine. In fact, they seem to contradict each other on the issue of when the spirit enters the body. Luke 1:44 states that Elisabeth's "babe leaped in [her] womb for joy" when Mary greeted her. Some Christians use this verse to affirm that the fetus (John the Baptist) was alive at that point in Elisabeth's



womb. However, in 3 Nephi 1:12–14, the Lord Jesus Christ speaks to Nephi, announcing His imminent birth. One could argue that if the Lord could address Nephi from the heavens, He could not have been in Mary’s womb the day before His birth. This point is made by those who hold that the spirit of the child dwells with Heavenly Father until the time of birth, although the birth of Jesus may have been exceptional in this respect, as it was in other ways.

Furthermore, latter-day prophets have disagreed as to when the spirit enters the body. Brigham Young taught that the spirit enters the fetus at the time of quickening: “When the mother feels life come to her infant it is the spirit entering the body.”<sup>23</sup> On the other hand, David O. McKay taught that the spirit joins the body at the moment of birth.<sup>24</sup> But the reason for such differences of opinion is clarified by a more recent formal statement found in a 1970 First Presidency letter to stake presidencies: “There is no direct revelation upon the subject [of when the spirit takes possession of the body]. . . . It has always been a moot question. That there is life in the child before birth is undoubted fact, but whether that life is the result of the affinity of the child in embryo with the life of its mother or because the spirit has entered it remains an unsolved mystery.”<sup>25</sup> Thus the question of when the spirit enters the fetus is not crucial to understanding the Latter-day Saint position on abortion.

**The Eternal Context.** The Latter-day Saint position on abortion rests largely on two major principles of doctrine. The first is respect for the miracle of human life that links procreation and family life for the eternities. The second is respect for agency, the individual’s responsibility to choose his or her path. Agency—here the decision to engage in sexual activity—is first exercised. Taking responsibility for one’s actions if pregnancy results means that one should respect the life created and not seek to destroy it through abortion.<sup>26</sup> Elder Dallin H. Oaks stated in 1993 that “the power to create mortal life is the most exalted power God has given his children.” He went on to emphasize that abortion precludes this power:

The ultimate act of destruction is to take a life. That is why abortion is such a serious sin. Our attitude toward abortion is not based on revealed knowledge of when mortal life begins for legal purposes. It is fixed by our knowledge that according to an eternal plan all of the spirit children of God must come to this earth for a glorious purpose, and that individual identity began long before conception and will continue for the eternities to come.<sup>27</sup>

For Latter-day Saints, the birth of a child is part of a much wider pattern of creation that extends backwards and forwards throughout the eternities. Furthermore, the sanctity of the family is central to Latter-day Saint doctrine. A denial of potential life therefore has grave and extensive ramifications for all concerned: the person receiving the abortion, those counselling



and supporting her in her decision, the person performing the abortion, and the individual aborted. Thus Latter-day Saint ecclesiastical leaders use strong language to persuade members that abortion is a momentous decision. Although an individual may have serious reasons for obtaining an abortion, these reasons may pale beside the eternal consequences of denying potential life. For this reason, Church leaders seek to convince individuals that transitory matters such as social convenience, employment, avoidance of personal shame or parental disappointment, and personal discomfort are not reasons that will outweigh the potential of a human life. The importance of life, they stress, should not be tampered with.<sup>28</sup>

**Consultation with Family and Religious Authorities.** When weighing whether to seek an abortion, the *Handbook* advises members to consult physicians, ecclesiastical leaders, and the Lord.<sup>29</sup> It cautions that members should pray for divine guidance and a confirmation that abortion is the correct course before making a decision. Considering the Church's doctrinal emphasis on the family, such advice assumes that abortion is a family matter. Wives and husbands as well as unmarried women are expected to consult with their ecclesiastical leaders and ideally with their parents and family. The fences Church leaders construct around abortion—consulting with a physician, consulting with an ecclesiastical leader, and finally, the critical step of consulting the Lord—all emphasize that this is a most grave decision with eternal ramifications.

### Muslim Teachings on Abortion

The structure of Islamic law imposes a vocabulary different from that of The Church of Jesus Christ of Latter-day Saints when one is determining Islam's position on the religious considerations of human actions. Islamic legal scholars sort human actions into five categories: (1) obligatory actions, such as prayer, the profession of faith, tithes, and fasting the month of Ramadan; (2) recommended actions, such as marriage and having children; (3) neutral actions, such as whether a man has one, two, three, or four wives and whether one prays at the mosque or elsewhere; (4) reprehensible actions, or those which should be avoided but are not prohibited, such as divorce; (5) prohibited actions, such as murder, adultery, eating pork, and drinking alcohol. When Muslims ask questions about the permissibility of a given issue, the position on the legal scale where Muslim religious scholars (*'ulama*) rank the issue decides whether or not believers should undertake a given action. One factor, the intention behind the action, is believed to moderate each legal judgment. Thus, killing may be not prohibited, although judged a reprehensible action, when it is in self-defense or in defense of one's child. Drinking alcohol may be lightened from prohibited to reprehensible when a caravan, finding itself in the



desert several days' travel from a well, has only wine to stave off death from dehydration. Likewise, pilgrimage, one of the obligatory five pillars of Islam, would be considered a reprehensibly negative action if a head of a household impoverished his family to finance his pilgrimage to Mecca. So context may have the effect of reworking the negative onus of prohibited actions or the necessity of performing obligatory ones.

All Muslims agree that, in general, abortion is prohibited, the most negative judgment possible. I have interviewed numerous Muslim religious leaders over the past twenty-five years as well as read numerous articles and statements on abortion. All uniformly begin with the statement that Islam prohibits abortion. However, as one listens to each discussion on this prohibition, numerous subtle differences emerge in the identification of specific cases where abortion may be permitted.

**Islamic Attitudes toward Children.** Neither the Qur'an nor the Sunna and hadith directly address abortion. The absence of anything like a scriptural pronouncement means that jurists and religious scholars must reason by analogy from these texts in order to work out a systematic legal position. For abortion, the meaningful references are scriptures in the Qur'an that address killing children. Before the advent of Islam, the Arab tribes exposed infant girls to the elements or buried them alive to rid themselves of unwanted daughters. This practice of infanticide was common enough that it was given a specific name, *wa'd*. The Qur'an makes various references to this practice and identifies infanticide as a major sin, a prohibited killing of innocent life: "Kill not your children for fear of want, we provide sustenance for them and for you, the killing of them is a great sin" (17:31; 6:151).

The most vivid condemnation of infanticide is found in the Qur'an in a description of Judgment Day. This chapter was one of the earliest revealed to the Prophet Muhammad and is often quoted by jurists who forbid abortion. "When the infant girl who was buried alive is asked, 'For what sin was she killed?' [what will be answered by whoever killed her]" (81:8).

This verse, coupled with the warnings against killing children for economic reasons, has imbued in Muslims a horror of any threats to the well-being of children. The cautions and the strong respect for life of innocent and helpless children reflected in these verses resonate beyond the issue of infanticide. A few extremely conservative Muslims use them to rule against family planning as well as abortion.<sup>30</sup>

**The Question of When the Fetus Can Be Considered a Human Being.** Given the injunction against killing children, Muslims asked whether a fetus in the womb is "created" and is therefore human. Islam holds that men and women are created at the moment that divine spirit, or their soul, is breathed into them. According to the Qur'an, after God fashioned the first man, Adam, from clay, God breathed "[His] own spirit" into him and



gave him “hearing and sight and hearts” (32:9; also 15:29; 38:72). This verse sets out a divine role in the creation of each fetus, the time when the fetus is “ensouled.”

Thus, in order to rule on abortion, Muslims must determine when in the gestation process the fetus is ensouled. Since they define abortion as the purposeful, premature, and unnecessary expulsion of the created fetus,<sup>31</sup> destroying a fetus can be abortion—and thereby prohibited—only if the action eliminates an ensouled life. As Muslim schools of law differ on when the fetus is ensouled, the bulk of the jurisprudence literature on abortion is addressed to solving this question.

The time frame assigned for the creation of the human (the entrance of the soul) comes from an interpretation of a scripture in the Qur’an that states:

We first created man from an essence of clay: then placed him, a living germ, in a safe enclosure. The germ We made into a clot of blood, and the clot into a lump of flesh. This We fashioned into bones, then clothed the bones with flesh, thus bringing forth another creation. (23:12–14).

Three stages are mentioned here: the germ, the clot of blood, and the lump of flesh and bones. A hadith assigns a time period of 40 days to each of the three stages, a total of 120 days.<sup>32</sup> Other hadith give 40 or 90 days as the total of the stages. While the majority of Muslims believe that the soul enters the fetus at conception, other schools of law believe that the fetus has not been created and has no soul until the stages are complete. Accordingly, the majority of scholars forbid abortion at any point following conception, but other authorities permit it until the point when they believe the fetus becomes a human being. Depending on the time assigned to the stages of development, this point may range from 40 to 90 to 120 days after conception. For scholars who hold that the soul enters the fetus at some point such as 120 days, abortion after that point is a “great sin, rather than the smaller sin it is considered before 120 days.”<sup>33</sup> In other words, terminating a pregnancy is not considered “killing” until after the point at which Muslim religious scholars judge that the fetus has been ensouled.

Even for scholars who believe that the fetus is created at some point after conception (for example, after 120 days), anyone seeking an abortion before this point must still have a good reason for doing so. Muslims consider the end of a potential life, as well as an ensouled fetal life, to be of critical importance. After the 120-day window, the most often cited reason for abortion is danger to the life of the mother. Muslims believe that a mortal threat to the mother’s health provides the strongest justification for abortion. Abortion in this case becomes not only permitted but recommended. When a woman’s life may be endangered, Muslim religious leaders defer to the authority of the mother’s physician; at this point, they believe that the



issue is no longer a religious matter, but a medical one. If the physician determines that the mother would be adversely affected by continuing the pregnancy, the abortion is permitted. Muslims prioritize the mother's life over the fetus because the mother is "the origin" of the child's life. The mother cannot be sacrificed for a pregnancy that could not have occurred without her. Abortion to preserve the life of the mother is the major exception on which all Muslims agree. When the mother's life is not endangered, but the birth would cause severe damage to her health, most Muslim religious leaders would support the abortion as well. A lesser number support abortion in the case of great financial hardship to the family.<sup>34</sup>

**The Issue of Severely Deformed Fetuses.** In the past two decades, questions have also arisen as to whether abortion is justified if the fetus faces a life with severe deformities. This "right not to be born" or "wrongful birth" issue has been treated by contemporary *fatwas* issued by legal scholars.<sup>35</sup> Various factions have come down on both sides of the issue. Kuwait permits abortions of deformed fetuses up to three months into pregnancy, a law that roughly follows some scholars' permission for abortion within the 120-day window before the fetus's ensoulment. Other scholars will not allow abortion of deformed fetuses beyond 40 days. Others prohibit abortion even within the first 40 days, arguing that injured fetuses may be cured while in the womb or that a child with certain deformities does not face imminent death after birth and deserves to live. The late sheikh of al-Azhar University, Jad al-Haqq, argued that abortion is justifiable only in the case of severe injuries or genetic disease.<sup>36</sup>

**Rape and Incest.** While the issues of ensoulment and deformity are not easily resolved, the case of rape is even more complicated in Muslim society. In the West, the rape victim who becomes pregnant has three options: aborting the fetus, carrying the baby to term and giving the child up for adoption, or raising the child. In the Muslim world, the woman's options are curtailed. Muslim society has tended to equate rape with adultery, and, in practice, the raped woman may be prosecuted for adultery if she publicizes her rape. If she is married, her husband may divorce her; if she is unmarried, her natal family may disown her. In any case, her chances for a good marriage will be destroyed, she will be socially ostracized, her family will be shamed, she may be jailed for adultery, and in the worst case, her life may be in danger. Few women report rapes.

Nor is adoption a viable alternative, because adoption is generally not practiced in Muslim countries.<sup>37</sup> As a result, the mother generally does not have the option of giving the child up for a legal adoption, although members of the extended family may take an unwanted child to raise. Thus the mother has only two options: abortion or continuing with a pregnancy that will lead to disgrace for herself and for her family. In these cases, the child of rape bears the onus of the mother's disgrace.



Rape became a prominent issue following the rapes of Muslim Bosnian women by Bosnian Serbs and the rapes of Kuwaiti women by Iraqi soldiers during the Gulf War. Women brought pressure to legitimize abortion in the cases of these atrocities, since they understood the emotional trauma and the resulting social discrimination that the mother and child would face. However, most Muslim religious scholars still hold that rape does not fulfill any conditions that would justify abortion, because the child of rape is not to blame for the sin that conceived him or her. Some scholars permit abortion in the case of rape before 120 days or for purposes of the mother's health, but even those scholars continue to pose the question, "What sin did the fetus commit that justifies its killing?"<sup>38</sup>

**The Issue of Agency.** Muslim statements do not note rape's violation of the victim's agency, and given existing statements, it is doubtful that many Muslim religious leaders would consider this violation a sufficient reason to permit abortion. That said, it is important to recognize that throughout the intellectual history of Islam, agency has been a major theme taken up in important Islamic theological and philosophical treatises. While many Muslims express a belief in determinism, the prominent theologians of the classical period mounted arguments disputing determinism and arguing for human will. Agency is implicitly referred to when Muslims discuss contraception. Family planning measures are permitted only when both the husband and the wife agree to their use—thus the parents share in the responsibility of not creating a child although engaging in sexual relations. But to this point, no religious leaders have presented a discussion of abortion that stipulates the woman as a free agent.

**Consultation with Family and Religious Authorities.** The Muslim texts on abortion say little about consultation between husband and wife when considering an abortion. However, it may be assumed that if spouses must consult before using contraception, both parents would consult about obtaining an abortion. Indeed, to officially obtain an abortion, most Muslim countries require the signature of both parents.

Few Muslims know of the elaborately worked-out permissibility for abortion within defined time windows. This information would be gleaned from consultation with well-educated Muslim religious leaders, not less-trained leaders in villages or city quarters. However, the legal schools' positions are reflected in some Muslim nations' laws, such as in Turkey and Tunisia, which have legalized abortion. Muslim religious leaders stress that their judgment is limited to stating the general rule, which is that abortion is forbidden (given the time constraints of the particular school of law) unless an exception exists.

At this point, abortion on demand is legal in only two Middle Eastern countries with a majority Muslim population—Tunisia and Turkey—although it is increasingly accepted in Iran. Abortion is also legal in the five

Muslim majority Central Asian countries that were once part of the Soviet Union: Kazakhstan, Turkmenistan, Kyrgyzstan, Uzbekistan, and Tajikistan. Tunisia and Turkey refer to legal teachings of the Hanifi school that permit abortion within a 120-day window. The other Muslim countries provide for therapeutic abortions, but social or elective abortion is illegal.

## Conclusion

The Church of Jesus Christ and Islam share more similarities than differences in dealing with the question of abortion. The two religions agree that abortion is akin to killing and as such it is overwhelmingly discouraged. Exceptions are determined on a case-by-case basis rather than with a uniform policy. Both religions lack an explicit scriptural reference that spells out a stance on abortion and therefore rely on a complex of references, reasoning, or statements by modern authorities to address their concern about a practice that contradicts their preeminent concern with life. They agree that the life of the mother outweighs that of the fetus and so permit abortion if the mother's life is endangered.

The major difference with regard to policies on abortion revolves around the question of when life enters the fetus. Islamic jurisprudence considers this question central to the abortion issue. The Church of Jesus Christ, on the other hand, does not consider this a factor in its policy on abortion. A second major difference is the question of agency. The Church of Jesus Christ holds that individual agency is the one constant that cannot be violated; therefore, the decision whether to abort ultimately belongs to the mother when she had no choice in engaging in sexual relations, such as in the case of rape and incest. Islamic law, on the other hand, does not automatically allow an abortion in the case of rape or incest.

Perhaps the most important point of similarity is that both Islam and The Church of Jesus Christ give strong guidelines but wisely leave space for the eventualities that human beings face in an imperfect world when confronted by difficult circumstances. By the time abortion is considered, a woman faces a choice between denying life to a child in her womb and bearing the difficult consequences if the child is born. For many women this choice is excruciating. The willingness of both religions to leave room for dilemmas to be solved on an individual basis within certain parameters is purposeful and wise, for no system of law can anticipate the infinite complications of human lives. Ambiguity can provide critical space to allow for needed actions.

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1. Information is drawn from a variety of sources, including National Opinion Research Center data published by the University of Chicago and *Gallup Report* (February 1989), 16–23. Selected years of data are reported in Raymond Tatalovich, *The Politics of Abortion in the United States and Canada: A Comparative Study*, Comparative Politics Series, no. 7 (Armonk, N.Y.: M. E. Sharpe, 1997), 112. Data for 1996 were drawn from David W. Moore, Frank Newport, and Lydia Saad, “Public Generally Supports a Woman’s Right to Abortion,” *The Gallup Poll Monthly* (August 1996): 32.

2. Donna Lee Bowen, “Abortion, Islam, and the 1994 Cairo Population Conference,” *International Journal of Middle East Studies* 29, no. 2 (May 1997): 161–84.

3. The Alan Guttmacher Institute publishes these figures; see [http://www.agi-usa.org/pubs/fb\\_0599.html](http://www.agi-usa.org/pubs/fb_0599.html), October 23, 2001.

4. “Global Figures for 1997, 1996, 1995,” [http://www.galwayforlife.ie/global\\_figures.html](http://www.galwayforlife.ie/global_figures.html), October 23, 2001.

5. A major Salt Lake City newspaper states that the 1,186,039 abortions reported for 1997 is the lowest number reported since 1977. “Number of Abortions Drops to Two-Decade Low,” *Salt Lake Tribune*, January 7, 2000, sec. A, p. 5.

6. U.S. Census Bureau, *Statistical Abstracts of the United States: 2000* (Washington, D.C.: U.S. Census Bureau, 2000), 82.

7. Tim B. Heaton, “Social Forces That Imperil the Family,” *Dialogue* 32, no. 4 (1999): 34.

8. “Islamic law” is perhaps a misleading term for the shari‘a. Shari‘a law comprises all areas of a Muslim’s life, a wide scope that includes religious doctrine, ritual practice, personal status law, business law, the code of conduct during war, and the treatment of conquered people following war. Since Islam encompasses both religion and worldly matters, the shari‘a sets standards for every area of life and seeks to address questions that Muslims pose concerning religiously correct behavior. The primary source for determining the shari‘a position on a given issue is the Qur’an. The second source is the Sunna, the words and actions of the Prophet Muhammad and his close associates. The Sunna was recorded in the hadith literature, a set of traditions of the prophet accompanied by the chain of individuals who passed down the tradition orally until it was recorded in writing. Differences in interpretation and in the degree of reliance scholars put on different sources and methods of reasoning have resulted in different schools of law. Scholars from these legal schools compiled volumes of jurisprudence literature that examine the various areas of shari‘a law from their particular viewpoint, using their methodological tools.

9. The Church of Jesus Christ of Latter-day Saints, *Church Handbook of Instructions*, 2 vols. (Salt Lake City: The Church of Jesus Christ of Latter-day Saints, 1998), 1:157.

10. *Church Handbook*, 1:157.

11. Spencer W. Kimball, quoted in “A Prophet Declares: Abortion Is Wrong,” *Church News*, published by *Deseret News*, week ending March 27, 1976, 6.

12. Ezra Taft Benson, “Strengthening the Family,” *Improvement Era* 73 (December 1970): 46.

13. Joseph Fielding Smith, *Conference Report* 141 (April 1971): 47.

14. Dallin H. Oaks, “Weightier Matters,” *Ensign* 31 (January 2001): 14.

15. First Presidency, letter to Church leaders, March 4, 1993.

16. Gordon B. Hinckley, "What Are People Asking about Us?" *Ensign* 28 (November 1998): 71.
17. See the discussion on abortion in Lester E. Bush, "Ethical Issues in Reproductive Medicine: A Mormon Perspective," *Dialogue* 18, no. 2 (summer 1985): 48–55.
18. Russell M. Nelson, "Reverence for Life," *Ensign* 25 (May 1985): 12.
19. Roman Catholic Church, *Catechism of the Catholic Church* (Rome: Urbi et Orbi Communications, 1994), 547, 549.
20. See *Supplement to the 1989 General Church Handbook of Instructions* (1991), 1; Hinckley, "What Are People Asking about Us?" 71; Nelson, "Reverence for Life," 12; Oaks, "Weightier Matters," 14. The *Handbook* notes that even "these are not automatic reasons for abortion."
21. Oaks, "Weightier Matters," 15.
22. Oaks, "Weightier Matters," 15.
23. Brigham Young, *Journal of Discourses*, 26 vols. (Liverpool: F. D. Richards, 1855–86), 17:143, July 19, 1874.
24. See Bush, "Ethical Issues in Reproductive Medicine," 50–51. He also discusses other positions put forward by Wilford Woodruff.
25. Bush, "Ethical Issues," 51.
26. Oaks, "Weightier Matters," 13–15.
27. Oaks, "The Great Plan of Happiness," *Ensign* 23 (November 1993): 74.
28. The best source for this reasoning is found in Oaks, "Weightier Matters," 15.
29. *Church Handbook*, 1:157.
30. This is the case among a minority of Mormons as well.
31. Muhammad Salam Madkur, "Sterilization and Abortion from the Point of View of Islam," *Islam and Family Planning*, ed. Isam Nazer (Beirut: International Planned Parenthood Federation, 1974), 2:271.
32. For a full discussion of the classical sources, see Marion Katz, "The Problem of Abortion in Classical Sunni Fiqh," in *Islamic Ethics of Life: Abortion, War, and Euthanasia*, ed. Jon Brockopp (Columbia: University of South Carolina Press, 2002).
33. Abdul Rehman, mufti of New Delhi, quoted in John-Thor Dahlburg, "Faiths Disagree on Morality of Abortion," *Los Angeles Times*, January 24, 1995, 5.
34. See Donna Lee Bowen, "Contemporary Muslim Ethics of Abortion," in *Islamic Ethics of Life*, and "Abortion and the Ethics of Life," *Everyday Life in the Contemporary Middle East*, ed. Donna Lee Bowen and Evelyn A. Early (Bloomington: Indiana University Press, 2001), 169–79.
35. A *fatwa* is a legal opinion formulated by well-known legal scholars. These contemporary opinions are published in newspapers, periodicals, and booklets and may be broadcast on television or radio. Since Muslim scholars may differ on their takes on issues, they may issue fatwas with different or conflicting conclusions on the same issue. This diversity of approach helps to crystallize the issues at stake.
36. Vardit Rispler-Chaim, "The Right Not to Be Born: Abortion of the Disadvantaged Fetus in Contemporary Fatwas," *The Muslim World* 89, no. 2 (April 1999): 133–37.
37. Amira al-Azhary Sonbol, "Adoption in Islamic Society: a Historical Survey," *Children in the Muslim Middle East*, ed. Elizabeth W. Fernea (Austin: University of Texas Press, 1995), 45–67.
38. Rispler-Chaim, "The Right Not to Be Born," 137–38.





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Carrying water jars, five heavily clothed young Palestinian women gather at a town well. In a dry climate where “water is life,” bringing water into the home was vital to daily life from the days of Sarah and Rebecca down to the last century. Charles Ellis Johnson, a Latter-day Saint photographer, recorded this scene in 1903. See pages 135–46 of this issue of *BYU Studies*.