

THE ABORTION CONUNDRUM:
Memphis Muslims and the Pro-life v. Pro-choice Dichotomy

Nancy-Margaret Wehby
Rhodes Institute for Regional Studies 2015
Advisor: Dr. Thomas Bremer

“Islam is a timeless religion. It’s a flexible religion. It’s a religion in the middle.”
~Interview Informant 2 speaking on the intersection of their faith and politics

Conversation surrounding abortion in contemporary America exists primarily in a “pro-life” versus “pro-choice” paradigm. However, this binary framework is not universal. In our own time, thoughts on the reality of abortion are applied differently in every society across the globe. The perspectives of American Muslims in Memphis, TN, on abortion break down the typically stigmatized pro-life v. pro-choice binary in the present public discussion. Because these words are often stigmatized with assumed definitions, to discuss this issue within a “pro-life” versus “pro-choice” paradigm is oversimplified and ignores the reality of circumstance. This paper will work off of the stigmas usually associated with these words and off of how they are pitted against each other in social/political and religious/secular binaries. Even individuals’ definitions and stigmas for the word “abortion” cloud this debate. While a binary does keep it simple, it also erodes the grounds on which we have this discussion and the debate bears no fruit. For a healthy discussion we need variety. Islam and American Muslims can provide that much needed color. What I want to know is: why do people appeal to religious authority in the abortion discussion and, in what way does a minority religion frame this conversation?

The perspective of a minority American religion, Islam, can shed light on the nature of this discussion and the relationships among abortion ethics, politics, and religion. Islam is the second largest religion in the world next to Christianity and it has its own set of ethics. Religion is often appealed to in these socio-political discussions as a source of authority. Yet, most

Americans do not know what one of the largest religious groups in the world has to say about abortion. The general Christian perspectives on pro-choice/life issues, though not always the same, have been heard to a large degree. There is not as much known about what Muslims think and what their theology says. So, part of this paper includes scholarship on the Islamic theology surrounding abortion, but much of my time was spent interviewing members of the Muslim community in Memphis to see if and how they appeal to their faith on abortion. Interviews with American Muslims of childbearing age, primarily met at the Memphis Islamic Center, were paired with scholarship and theology on abortion ethics in Islam. What I have found is that the nature of Islam as a *way of life*, as a *flexible religion*, and as a *religion in the middle*, directly affects the views of Muslims on abortion. The personal perspectives of those interviewed fit with the Islamic scholarly interpretations on abortion ethics. If abortion were discussed on a spectrum instead of a binary, the American Muslim community would fall somewhere in the middle.

The goal of this paper is to explore the nature and mindset of conversation surrounding abortion in the modern American Muslim worldview through both textual evidence and personal interviews. To fully understand a foreign mindset is an impossible task. It is important to hear from the body of believers themselves. This is useful in teaching us how to actively view reality from a perspective that is not our own. Since we will never know exactly how all modern American Muslims feel about topics related to abortion, this research will do its best to gather appropriate evidence from one community. To start with, this paper draws evidence by intentionally focusing on a particular population with which to discuss these problems: American Muslims in Memphis, TN. I interviewed twenty-three Muslims, some twice or in multiple parts. Most have been with women (16) and men (7) of childbearing age that came to the Memphis Islamic Center during Ramadan. Thus, this paper will research the abortion discussion from both

a scholarly perspective in the Sunni trend (which is considered to be mainstream Islam) and also a human perspective. Hopefully, this paper will arrive at a closer understanding of how these particular religious people live in a secular society. This sample of one community's perspectives can contribute to a more nuanced understanding of how religious people more generally participate in secular issues such as the abortion debate.

Section 1: Islam—“A Timeless Religion”

How is the paradigm for the western “Pro-life” versus “Pro-choice” discussion framed within the modern community of Muslim believers, particularly in America? This discussion is monopolized within the conservative Christian and liberal feminist spheres. Other voices and perspectives on this subject need to be heard, considered, and applied to the broader societal dialogue because they can shed light on imperfections in the way we currently discuss abortion. This section will attempt to explain and understand the current Islamic dialogue surrounding abortion and also try to place it in the context of the current American dialogue. This Muslim perspective is a timeless perspective because for Muslims Islam is a way of life.

Islam translates to, “submission.” The point of human life for a Muslim is to submit to the will of Allah and orient one's life around glorifying and pleasing Him. This means that for a devout Muslim, their way of life—including their views on abortion ethics—cannot be separated from their religion and how they express their faith in both deed and word. One of my interview informants, Leslie Salama, who is a convert to Islam described why she likes having an Islamic stance on things like abortion, “that's one of the things that drew me to Islam...having a fatwa or an Islamic ruling for literally everything is like having a user's manual to life. For me I love it.” This guidebook is not outdated for the American Muslim and it influences their worldview and decisions.

At the Memphis Islamic Center (MIC) where I conducted the majority of my interviews this sentiment was shared amongst all of the people I talked to, converts and life-long Muslims alike. Sh. Yasir Qahdi, the resident scholar at MIC, shared the same opinion. “Most Muslims that are practicing or devout believe that their entire lives revolve around religious way of life...if God created you and told you how to live your life then your whole life revolves around that. So your culture, your society, your family, your mosque, it’s all one big whole where you are constantly wanting to please your creator by living a righteous life, by having a good family, by getting a good job, by going to the community, by being charitable. So it’s all a package deal.” This guidebook to life takes on particular significance with this Islamic community, which is trying to formulate the identity of the next generation of modern American Muslims. Sh. Qahdi and the other leaders at MIC have a particular vision for this young community. The mosque, only five years old, also acts as family life center. The community has grown so fast that they are currently past maximum capacity and the people are in need of a new building in which to worship and grow. The vision that the community and Sh. Qahdi share reflects a worldview that is distinctive to the modern American Muslim. When describing the character of MIC, Sh. Qahdi said, “MIC is a very specific niche in the Memphis Islamic community... MIC is the more open minded, younger generation, forward thinking out of all the mosques because I’m in charge of it and I am second generation [American].” He goes on, “So we are a very different type of mosque, very forward, very open minded, more American in some sense, more you know, “user friendly.” At this he laughs and shrugs. Reflecting on my own time and experience there these past two months, I can easily see what he means. It is true. Everyone that I talked to are rational, well educated, and well rounded. They are active members of the community who hold a wide variety of jobs. This is not some secluded group of people and Islam is a not some foreign

religion that prevents Muslims from interacting with the world differently than another religious community. A clear shift is present at MIC because there are a lot of immigrant families, but all of the people that I interviewed had grown up in the States and were passionate about properly representing what it means to be an American Muslim in today's secular society. Sh. Qahdi said that it is not just his vision that is forming this community. "That's why I'm here. That's why they wanted me. It's a two way street. We want this type of forward thinking vision for our children. Our emphasis is the next generation. It's a family friendly center... we are going forward with a very particular vision of Islam that we believe is a healthy balance between modernity and our traditions... So we have to navigate through these controversies, bit by bit, as they are presented to us. That is our main challenge." This is the community I interviewed. They are passionate about their faith and believe that it is directly applicable to any time and place, including present day America.

In this debate, it is important to remember that Islam functions from largely non-western origins. Many western Muslims then have by nature an internal tension of understanding because of this. For example, "patient autonomy is extolled less than in many western societies; physicians are more likely to be asked to defend why they did what their patients (including pregnant women) wished, in contrast to cultural setting where they will be asked to defend why they did *not* do what their patients wished."¹ This implies a natural transition in perspective that takes place within immigrant households in the United States. The way a first generation, Muslim American woman views these medical ethics decisions could differ drastically from the way a second or third generation, Muslim American woman views them. Qahdi said to me, "keep that in mind, you are getting one segment of the Muslim American community, which is

¹ Outka 2003.viii

probably the segment that is the most relevant because the other communities will head to this direction in two generations... a person like me [a second generation American born in the States] is more open minded and is willing to question: is this culture or is this Islam?" This makes the interviews I conducted with the young people at MIC relevant. Informants ranged from 19-49 years old and provided a variety of perspectives in their different stages of life.

These Muslims are engaged with their religion and it shapes not only their worldview but also their way of life. Many of the young Muslim adults that I interviewed referred directly back to classes and conversations that they had with Sh. Qahdi. They have gotten involved at the mosque and they have been formally and informally taught about what their faith says. Because they have a scholar that they can talk to in person, this community of Muslims has been able to self-identify with their faith in a way that they can understand it as Americans learning from an American scholar.

Qahdi describes this relationship between faith and reason further. "At the end of the day, you cannot divide between your ethics and values and your public policies. And the classic example is abortion. How can you expect a politician to legislate ignoring what he firmly believes in his conscience about, whatever position he follows. It is impossible to disconnect. And that's what Islam is basically saying, that there's a basic framework of living your life and that basic framework is provided by God. The details are not provided, and that's intentional. Islam is meant to be adapted to different cultures and societies, but there's a broad framework, ethical values, morality, generic laws. Islam is not a detailed law when it comes to running the country. The detailed law is in rituals: how to fast, how to pray, how to perform the ablution. But in terms of social laws, there's just bits and pieces here and there. And that, from the Muslim perspective, is intentional, it's supposed to be. So then, from an observant Muslim perspective,

of course there's no distinction. God wants us to be Pakistanis and Arabs and Egyptians and to have our cuisine and culture, but we all come together to worship him." These statements mirror those made by my interview informants on the nature of the relationship between faith and politics. That is why it is important to remember that these are not the perspectives of a foreign religion but of Americans who happen to be Muslim, and also that Islam is an American religion just like any other.

The discussion of abortion within Islam as an ethical dilemma has developed over time. From it arises a clear tension, like all ethical dilemmas, about how to decide what is right and wrong. In the context of Islam these decisions also bear the responsibility of enacting God's will. The majority of Muslims follow the interpretation that is laid out in Jonathan Brockopp's book, *Islamic Ethics of Life*. All ethical decisions rely on key classical texts in the Sunna. This includes the Qur'an (as divinely revealed law) and Hadith (the words and sayings of Muhammad).² Many Muslims also seek information and guidance from leaders and scholars that they trust. These scholarly interpretations are based off of texts and majority interpretation. These majority opinions include that life does not begin at conception and that there is usually a specific time period after which the fetus has a soul and is human. This is usually 40 or 120 days after conception. It was clear in my conversations that their faith was an integral part of their decision-making. Islam largely determines how a practicing Muslim lives his or her life. First and second generation Americans have been forced to recognize the differences between Islam and culture and navigate those differences. They all agreed, however, that Islam is a guide for decisions and that they do their best to balance culture and secularism with their faith. They do this by turning to these texts and to scholars like Sh. Qahdi.

² Brockopp 2003.1

It is also important to note that the conversations and interviews that I had with Muslims in Memphis centered the conversation around when life begins. This is also the focus of the Islamic scholarship on abortion. The focus was less on “women’s rights.” However, almost every female informant talked about how women were respected and uplifted in Islam. Leslie Salama said that, “Islam, people see it as such a repressive religion, but really it’s not like that at all.” The women did this almost defensively. They expressed love for the hijab and told me about how MIC was an accepting environment where women were equal and the focus was on the family as a unit. Interview Informant 5 said, “And that’s why I feel like over here we are trying to find the difference between culture and religion and come back to religion. And that’s why you see mosques like this. That’s why you see people actually actively going out and studying it and working and wearing hijab.” Sh. Qahdi confirmed this observation. “I wouldn’t be viewing this issue to be coming from the freedom or the feminist or the broader perspective of personal rights right now. Roe v. Wade hasn’t trickled down to the American Muslim community.” Later in this paper I will address how the Islamic view of the family and family planning is crucial to the way in which they view the abortion issue and why it centers the conversation on when life begins.

Islam in general has a large emphasis on protecting human life. The Qur’an states, “if anyone kills a person—unless in retribution for murder or spreading corruption in the land—it is as if he kills all mankind, while if any saves a life it is as if he saves the lives of all mankind.”³ This explains why theologians must place so much emphasis on when life begins in Islamic abortion ethics.

³ Qur’an 5:32

The majority of Muslims do have an understanding of the widely accepted position on abortion in Islam. Their thoughts on abortion are moderately conservative in a way that is largely fitting with the Islamic scholarship and theological teaching on the subject. Sh. Qahdi said to me, “Most Muslims know vaguely that, yeah, there are some exceptions allowed, but generally speaking, they would know that it’s not allowed to abort after a certain time frame. They would all know that. I think it would be very rare to find a Muslim who said third trimester, second trimester, go ahead.” A summary of the mainstream Muslim stance on abortion combines social and religious sentiments. “A pivotal claim for Muslims is that God is the author of life and death, so that individual life is judged to be indisputably good and still one good among many...Respect for human life is basic and generally determinative.”⁴ This does not mean that everyone agrees or that these decisions do not come down to particular circumstances and details. Such a respect for human life, “is not supreme or always overriding, and in certain situations, other considerations may trump it...Abortion is prohibited beyond 120 days after conception, except to preserve a mother’s life. Before 120 days, abortion may be allowed on additional grounds, but nonetheless remains disapproved.”⁵ It is after this time period that the fetus has a soul and is viewed as a human life. Sh. Yasir Qahdi said that the majority of Muslims, those that are aware of the stance, would agree with this. “My gut feeling is that when it comes to abortion particularly, it’s so emotional, that primarily it comes from the texts and the scripture... Predominantly, the Muslim community would be anti-abortion after a certain time period, as you know. Once the spirit has been blown in they would view it as murder. And they would only allow it before that if it was in certain circumstances. That is the predominant legal position in Islam.” Interview Informant 6, and many others, confirmed that this is true. Informant 6 said, “It’s clear. There’s no I say so, she

⁴ Outka 2003.viii

⁵ Ibid.viii

say so. It's very cut clear. There is 120 days and there's a hadith about that. There's 120 days and the soul has been given in the baby and if there is any risk on the mom of that pregnancy it can be terminated." This informant clearly follows the interpretation that at the time of 120 days, the fetus is a person with a soul. "If I am pregnant now and I continue with the pregnancy I will die or I will have aneurism or something is gonna happen—terminate it. But, if you do tests and it turns out the baby will have problems, some issues, you don't terminate it... If it is four months old and pregnant and I do not want to continue that pregnancy for whatever reason, then if I deliberately miscarry then I have killed the soul. Then I'd have to give money. I'd have to repent."

Yet, even within this textual tradition and scholarly interpretation, there are no definitive rules and limited explanation for what these "grounds" are. There are other minor interpretations that limit abortion at earlier dates. "There is theological insistence on the reality of human potential that inheres in the fetus before 120 days, so that respect is enjoined for potential as well as actual human life. That grief following a miscarriage is entirely fitting supports this theological insistence."⁶ This interpretation implies that abortion should never be allowed, but in my interviews it was the minority opinion. Not only does this not explain what "potential" is, but it also uses as reason the emotions of someone having undergone immense physiological stress. There are a variety of stances on abortion in Islam. These stances range from not allowing it at all to allowing it up until viability. Opinions of the people can therefore appeal to Islam for both pro-life and pro-choice stances. Essentially, for these reasons, the Western paradigm for discussing abortion does not perfectly fit the same discussion within the context of Islam. Islam is a timeless way of life and provides its believers with a worldview in which to understand

⁶ Outka 2003.viii

abortion. While not dissimilar from other popular American sentiments on this subject, Islam provides other Americans with a new way to talk about abortion.

Section 2: Islam—“A Flexible Religion”

The Muslim community at the Memphis Islamic Center sees Islam as a way of life. Islam is a flexible religion. My interviews have showed me that Muslims in Memphis are flexible as well. They are accepting of others' stances on abortion. They separate their beliefs from everyone else's and are not going to tell others what to do. Islamic law, Shariah, translates to “path.” This is the path that Muslims try to live their life by and the few detours all meet at a common goal and destination: the glorification of Allah. Various theological spheres and scholars agree on the major tenets of the faith, but there is room for interpretation on some topics. The Muslim community of believers at MIC said that abortion is one of these things that are not set in stone.

To demonstrate this I proposed a hypothetical situation during several interviews. What if in a conservative culture someone were to get pregnant out of wedlock? Informant 2 said that, “It depends on the family and the culture. Ultimately, probable mercy.” Informant 5 said, “What are you going to do? First off, you can't be harsh. Different situations you treat differently. But you have to treat both with mercy. You can't be harsh because the deed is done. If anything, you might even end up turning that person away. Allah forgives everything. He is willing to forgive everything. Who are we to say, no you can never be forgiven?” Muslims believe that their God is a merciful God and that they are to be the same. I heard stories about how some families and cultures were less accepting of such circumstances, but all of the interviewees were understanding and said that they just hoped others would not be put in such positions.

My interviews revealed a group of people that will stick to the beliefs of their religion and will not push their beliefs on anyone else or judge anyone for having a different worldview than them. “I think you should have a choice. Ok, so I think that, ultimately, for me, you can do what you want to do. If you’re a non-Muslim and you want to have an abortion, because you want to have one, I’m not gonna tell you anything. I’m tolerant...it’s not our position. And, for Muslims, I don’t know if I would say anything to someone if they wanted to. They may have different beliefs and what not, even while they are Muslim. But for myself, I would make the choice that Islam says.”⁷ My informants said that they would not judge someone else because that decision is between the individual and God. In the Qur’an it says, “when souls are sorted into classes, when the baby girl buried alive is asked for what sin she was killed, when the records of deeds are spread open...and Paradise brought near: then every soul will know what it has brought about.”⁸ Everyone will be held accountable for their actions in Islam and must therefore make these decisions for themselves.

The conversation shifted at one point during an interview to the circumstance of rape. When I asked what they think someone would likely do, they essentially answered that it should not become an issue. Informant 5 described what they thought would happen. “If that happens to you, especially living in the West, we have precautions. You take Plan B, you go and you get a rape kit done, you go to the ER...Because Islam also comes to protect not just physical trauma, but also emotional trauma, psychological trauma.” Informant 6 said, “to take the Plan B, Islam allows that...Even taking Plan B, even as husband and wife, its not like *haram* because it’s still like 120 days. Because plan B is taken within 72 hours.” Because life does not begin at conception in Islam and because of the window in which abortions are more widely accepted in

⁷ Informant 2

⁸ Qur’an 81:7-13

the Muslim community, such contraceptives as Plan B are seen as a practical and logical decision. These hypothetical situations show how abortion is circumstantial for Muslims. Islam is fluid to a degree and requires a compilation of sources to draw conclusions.

Scholar Donna Lee Bowen has written on how the actual practice of abortion and laws surrounding such practice differ in Islam around the globe. Bowen recognizes the clash between classical Islamic scholarship and the need to keep up with secular pressures concerning family matters all over the world.⁹ These clashes can help add new perspectives to the framework of the American ethical paradigm, much of which is steeped in a Western and Christian tradition. American Muslims only have a small percentage of the vote in legislative matters on subjects like abortion, but in a debate so stagnated by the conservative-liberal binary the Islamic perspective is immensely valuable in illuminating the fallacies and assumptions on both sides of the argument. Clashes between religion and secular society are evident in other countries as well. Tunisia, for example, allows “abortion on demand in spite of the fact that most Tunisians belong to the restrictive Maliki school of Islamic law.”¹⁰ This is a comparable situation to conflicting sentiments in the American populace who do not know how to make headway in this discussion. Such discussion is not only important in policy, but also to those directly involved with the act. “Some medical doctors argue that the classical dividing line of “ensoulment” at 120 days has no basis in modern medicine; therefore, abortion at any time should be prohibited.”¹¹ It is not only Catholic doctors that have a moral stake in this dogfight. It is clear that in the real world, science and religion cannot always be compartmentalized.

Abortion “focuses our attention on the value of human life. Abortion addresses questions of when human life is understood to begin as well as the ancillary injunctions against killing

⁹ Brockopp 2003.23

¹⁰ Ibid.23

¹¹ Ibid.23-24

‘potential life.’ In extreme situations, a doctor may even have to choose between the life of the fetus and the life of the mother.”¹² How can any one person decide which human life is more valuable? Informant 5 said that, “If a mother’s life is at risk, then her life comes first over the child.” They explained to me that this is because the mother is already a living part of the community who can produce more life later. They said that it would be a lesser evil for the baby to die than for the mother because it is easier on the community than losing the mother that they know and love and easier than having a baby born without its mother. Informant 6 said, “if the baby come without the mother, that would be *halal* to the community. It could be destructive to the unit of the community. The family is the unit of the community. They go together, they play together, they live together... Every case is individual. Every case is separate. Kill that baby because you have money problems, no. Kill that baby because the mom is in danger, yes.” My informants said that a scholar could explain the theology better, but that they knew the mother’s life took priority as a lesser evil. “For us, from a personal standpoint, if we had to go through that decision, we would consult with him [Sh. Yasir].”¹³

This leads to the conundrum of how any religion or society is to make such decisions as well. These become responsibilities of the family involved and the choice is not a simple one. It by nature insinuates larger assumptions. “For example, God’s position as the ultimate arbiter of life and death; the human duty to protect life; and the realization that dire necessity and other extenuating circumstances may cause rules to be suspended.”¹⁴ The decision maker at such a time must be a philosopher, a hero, and a mouthpiece for God’s divine will. To do this, “Muslims look for guidance... [in] religious texts: the Qur’an, the collections of Prophet stories [hadith literature], and the books of Islamic law that depend on these sources...[but,] there is no

¹² Brockopp 2003.2

¹³ Informant 5

¹⁴ Brockopp 2003.2

single accepted formula for identifying and using the sources.”¹⁵ Everyone agrees to start and end with the Qur’an.¹⁶ Firstly, one must know what the Qur’an says about killing. “Do not kill the person that God has made sacred, except by right’.”¹⁷ Sadly, this is not easy to interpret on a literal or metaphorical level in any given situation and Muslims must turn to additional texts. Informant 2 said that there is not one set way to follow Islam. “There’s a spectrum of people who follow Islam and some follow it very very literally and some don’t. And everyone is accepting and tolerant.” It must be determined whether the possession of soul constitutes a fetus as a person. In an Islamic context, “God alone has power over life and death” and this must be handled carefully while interpreting literature.¹⁸ “No single school of law or theology has ever been able to dominate Islamic thought,” and now many people seek out their own interpretations and base much of their opinions in conjunction with science. Many people turn then to religious leaders.¹⁹ “As a result, there is no single person or council that establishes ethical norms in Islam, and many significant ethical acts are left up to individual conscience.”²⁰ Yet, Muslims do not want to act like they know what God wants them to do. By seeking out answers to these questions on a theological level they are acting in humility before God because they know that only God decides the value of each human life. Purity of intention plays a large role here and that is how those individuals deciding on matters such as abortion will be held accountable in front God.²¹

A further discussion on how the ethical dialogue can be framed around the issue of abortion could include a number of Islamic views and beliefs. Informant 6 told me that while

¹⁵ Brockopp 2003.2

¹⁶ Ibid.3

¹⁷ Ibid.3; Qur’an 6:151; 17:33; 25:68

¹⁸ Ibid.3

¹⁹ Ibid.6-7

²⁰ Ibid.15

²¹ Ibid.16-17

some things in Islam are set in stone, not everything has a hard and fast rule. “There is not change of like fasting Ramadan, no fast like half Ramadan. There’s no changing that. What changes is how the life has been lived. You have your own way of doing the worldly affairs.” Most importantly, one must ask how literal versus metaphorical interpretation of the Quran and other Islamic literature creates a divide in this discussion. What is the general consensus and what are the disparate opinions? What is the significance of their not being one set and standard stance on abortion in Islam? It means that different people are going to have a variety of opinions depending on which scholar they follow. Informant 5 reiterated, “Islam is not black and white. It’s circumstantial.”

In Islam, life does not begin at conception. This is the foundation for why some extreme cases for abortion are ethically permissible, i.e. to save the life of the mother. Yasir Qahdi said that, “There are two things taken into account: how many days since conception, because life doesn’t start at conception in Islam, and then, is there a legitimate reason?” Islam also has a distinct difference between abortion and infanticide, though they occupy the same sphere of conversation. Another important fact guiding the discussion of abortion ethics is that Shariah is “the way.” It is not an absolutist body of knowledge, but rather a tool for making legal decisions. This is why different schools of law and theology will have different positions on abortion. People usually follow particular religious leaders and scholars depending on preference and availability. This creates a direct connection between the actions and belief of the people and the leaders who are interpreting the theology. Some see abortion at any stage of pregnancy to be shameful, but only punishable at later stages. Marion Holmes Katz writes on this fluidity and flexibility for making distinctions. She also points out that abortion involves a variety of

relationship combinations within the community amongst the fetus, parents, and God.²² By emphasizing that the fetus has a role in these relationships, Katz places the discussion of abortion in Islamic ethics within the conservative camp. It shows a sympathy and concern for the possible humanity of the fetus that other groups may not.

Abortion is a grey area. There is a spectrum of opinion. The Law of Islam says that a fetus is only a human after a particular time when the spirit is blown into it. This could be forty days or three months after conception. In the earliest stage of pregnancy, aborting the fetus is more widely accepted.²³ “The medieval marker of 120 days for ensoulment does not mean that abortion in the first trimester is licit; in fact, only some Muslims (those of the Hanafi school) allow unrestricted abortion before that date. Other schools of law forbid abortion at any point.”²⁴ This time period and the point at which to draw the line is where the discussion lies. It is certainly more accepted to abort the fetus early on, especially in extreme cases such as rape.

There are a wide variety of opinions on this.²⁵ “They offer a distinctive mixture of judgments less conservative than official Roman Catholic teaching but more conservative than unqualified pro-choice stances.”²⁶ Muslims are socially conservative, but they do not have an infallible figurehead in their religion. And since life does not begin at conception as it does in Catholicism, Muslims would be considered slightly more “liberal” in this respect. Some people agree and disagree with different parts of the argument and this is acceptable because, in Islam it is not necessarily a binary discussion of pro-life versus pro-choice. It still remains a matter of life and death, but there is more fluidity in picking and choosing details depending on the theological and legal strain of Islamic thought one is following. Qahdi said that, “Yes, Islamic law is

²² Brockopp 2003.23

²³ Qahdi

²⁴ Brockopp 2003.24

²⁵ Outka 2003.viii

²⁶ Ibid.viii

affecting their views. Again, my point is, philosophically how could it not? Whatever your views are religiously, ethically, will have an impact politically. You are one person. You cannot separate between your ethics and values and between your judging other people or your laws. To me that is a dichotomy that is illogical. Which is why the Islamic paradigm is what it is. For pro-life/ pro-choice you are going to find confusing views because there is a spectrum. Because there is a spectrum, there are some very strict scholars, very a minority, who say it is hardly ever allowed. But I don't know anyone who ever says it is never allowed after conception. I don't know of anybody. Maybe there are some." Islam is a flexible religion. The Islamic stance on abortion is flexible and circumstantial. Muslims in Memphis see abortion as circumstantial as well and are therefore accepting of differing views on the subject.

The Muslims at MIC like that their faith has answers to such a difficult dilemma. Informant 5 said that, "For a concept that seems like for years has been debated, on these major platforms, I'm sitting here like, I have the answer. I'm good." Informant 2 said, "The best part is, we don't just do it because this is what we are supposed to do. We understand and we know why. Knowing that *why* helps out a lot. It helps the majority of us reaffirm our stance. And not just with abortion but with a lot of this. So for us Islam is a way of life." My interview informants said that they liked having guidelines because they never knew what could happen or what situation someone else could end up in. They often said that they could not judge another human being for their actions because they do not know their situation. They said that it was between them and God and that it was not their place to tell others what to do. They did not hold their beliefs and views on abortion to be absolute truths but said that abortion was a circumstantial issue and should be taken on a case-by-case basis. These are sentiments that many other Americans likely share. Such statements reveal why Islam provides a good perspective on this

debate in America. It is practical and accepting and tries to approach every situation in a way that will result in the best *good* for both the individuals involved and for the community.

The nature of the “Islamic stance” is flexible because it is interpretive. While several of my informants knew about different interpretations or followed different interpretations, the scholarship on abortion ethics in Islam shows that it is not set in stone. And from what I understand from my interviews, even following a certain stance does not mean that these are absolute rules without exceptions.

Section 3: Islam—“A Religion In the Middle”

“We have made you believers into a just community (literally ‘a middle nation,’ which some take to mean ‘moderate’), so that you may bear witness to the truth before others.”²⁷

The binary way in which we talk about abortion with the stigmatized terms of pro-life and pro-choice is insufficient. One is either a baby killer or a woman hater. And those who do not have anything to say on the issue are often considered weak and indecisive. One informant told me that, “1 in 3 women have had abortions. Every one in three women... So it’s a lot more pervasive than certain communities “hush”, the entire country is being hush-hush about it. It’s very, very pervasive.” These statistics are consistent with the reports released online by the Guttmacher Institute which say that, “half of pregnancies among American women are unintended, and about four in 10 of these end in abortion. About half of American women will have an unintended pregnancy, and nearly 3 in 10 will have an abortion, by age 45.”²⁸ Those people not involved in the discussion are still affected by those individuals who may vote on public officials based on this one political issue. Communities that are typically stereotyped and considered “socially conservative,” such as the Muslim community, are not the only ones who

²⁷ Qur’an 2:143

²⁸ “Abortion in the United States.” The Guttmacher Institute. <https://www.guttmacher.org/media/presskits/abortion-US/statsandfacts.html>

are not recognizing the magnitude of this topic. My informants made it clear that their immigrant parents would probably have less to say about this issue. The young people of today, including this next generation of American Muslims, are finding themselves caught in the middle of this debate. All of my informants replied that abortion was not something commonly discussed within the Muslim community. Regardless, it is certainly being discussed in the community around them in the classroom, in the workplace, and in the doctor's office down the hall. While I do not want to get Muslims caught up in a fight that they may want nothing to do with, their perspective has something new and dynamic to add to the polarized philosophical discussion on abortion. The dichotomy between liberals and conservatives and the attachment of either stance on abortion to a major political party, pro-life being Republican and pro-choice being Democrat, is a limiting means of political and media driven propaganda. The perspectives of American Muslims in Memphis have reaffirmed such sentiments. It emphasizes how this is not a black and white issue. Sh. Yasir Qahdi said the same about MIC. "It's not that simple dichotomy of pro-life and pro-choice, it's a spectrum and that spectrum is the cutoff point of the day and also the reason for abortion." The nature of Islam as a "religion in the middle" has interesting implications for socio-political discourse, like that surrounding abortion, in modern American secularism.

The circumstantial nature of the Islamic stance on abortion makes it difficult for the Islamic community to be stereotyped with one side or the other. Interview Informant 2 expressed frustration over this, "you should not kill, you should not abort just because you do not want this baby. That's our stance." Islam also says that a couple should never get an abortion out of fear of not being able to provide for the child or other monetary reasons, because God will provide for them. The Qur'an says, "do not kill your children for fear of poverty—We shall provide for them

and for you—killing them is a great sin.”²⁹ Interview Informant 5 said, “Because Allah has specifically said, don’t worry, I am in charge of making sure you have enough money for your baby.” Interview Informant 6 agreed, “Yes. The baby comes with the money. You don’t know where it comes from. I’m serious. You don’t know.” Informant 5 chimed back in, “We have to have that certainty. And everyone has those kinds of stories. You know like my brother, he lost a job, they found out they were pregnant, all of a sudden he got this amazing opportunity that he never even could have imagined. And I hear this time and time again, constantly with people that we know. Therefore, financial reasons isn’t a good enough reason.” Informant 6 assuredly stated, “if you want provision, if you want money, have a baby... Allah will open a door. Whatever that door is.” This initially sounds like a conservative perspective, but Muslims do not always identify always identify with one side or the other.

Informant 2 also said, “But there are all these conditions, that if this happened, or if this situation, then yes...It’s interesting, because of this dichotomy, whenever someone asks, I don’t explain this huge thing. It’s just, are you pro-life or pro-choice?” When asked this question, of course the respondent is “pro-life.” They certainly are not *pro-death*. But legally, Muslims would lean a little to the pro-choice side as well because of the stipulations that their religion holds for extreme circumstances. Salama put it concisely when she said, “Please give me an example of someone who is not “pro-life.” Getting an abortion is not like getting your nails done.”

As we talked, Informant 2 said that she would have a hard time answering this now. Essentially, these words are not sufficient. She said, “And in the past I would say pro-life, I would say that. But this has opened my eyes up and it really is pro-choice.” This is of course assuming that “pro-life” means against *all* abortions. And *that* assumes that everyone has the same definition of what an abortion is. Some people would say that the termination of any

²⁹ Qur’an 17:31

pregnancy is an abortion. One medical student that I interviewed said that he saw even a miscarriage to technically be a spontaneous abortion. Others would say that only the intentional termination of a pregnancy is an abortion. And because the term “abortion” comes with its own stigmas, some people may say that the act is only an abortion if you are intentionally ending the pregnancy because you do not want to have a baby and that ending it to save the mother’s life should not be considered an abortion. Definitions are important and they make navigating these kinds of conversations difficult. Interview Informant 5 expressed this when she said, “But at the same time you can’t just say pro-choice to someone who understands “pro-choice.” Ya know? ...We would say ruling-wise we would go pro-choice because that gives us the option to follow what Islam says. But Islam isn’t all pro-choice and it isn’t all pro-life. It’s circumstantial.” Leslie Salama does not like the use of these words, either. She wants the conversation to move forward but feels like as long as we keep using these limiting terms that it is at a standstill. “So I have very heated feelings about it. I hate it. I hate both of those terms. And I think it’s a completely broken framework that no positive discussions—you cannot have a positive discussion about abortion using that framework. Step one is throwing that away.”

Scholar Vardit Rispler-Chaim shows how issues at the edge of the debate on abortion help define the limits of Islamic ethics. “Muslim authorities are reticent to call any life ‘wrongful,’ but on the other hand, they are increasingly open to arguments about the quality of life.”³⁰ These are on the edge of the abortion debate within Muslim scholarship, but they are at the forefront of the discussion within modern media and popular diatribe against conservatives. Such issues as the quality of life for the potential child are the most sensitive and should be handled with the most care, but many people try to use exceptions to define the red-line of the rule rather than place it in intersecting hemispheres of argument. Making assumptions about the

³⁰ Brockopp 2003.24

quality of life for the potential child already assumes that the fetus has human potential. It is also an imperfect science. Talking about quality of life in terms of possible mental and physical handicaps or family/parental situation will always return to the topic of God's ultimate authority over human life for religious people. This is why these should remain periphery arguments rather than the core basis for decision-making. Regardless, a discussion over the "right not to be born" is developing.³¹ This is a similar model for the debate surrounding euthanasia and the "right to a good death" and it causes problems on the uses of positive versus negative theology and logic. With the increased use of science in such debates, "particularly when genetic testing and counseling are available, and Rispler-Chaim looks both at cases concerning deformed fetuses and cases involving pregnancy after rape," the opinions multiply and confusion ensues.³² It remains important, therefore, to remember that neither science nor religion is a perfect means to knowing all of the truth. Knowledge only raises more questions. That is why the modern authority on such opinions is usually steeped in evidence from both science and religion. This can conflict with Islamic ethics because Muslims must rely on the principle of God's will and revelation in the Qur'an and Prophetic tradition.

The young women that I interviewed gave me a mix of responses on these opinions. They want to allow Allah to bless them. So some responded that a handicap found in the fetus is not a good enough reason to abort. Another woman responded that God would not want the mother to suffer an early death of a child that was going to be severely disfigured or ill and his mercy on the mother would make it okay (in extreme circumstances) to abort that fetus. From my own personal observations, I saw a number families at the mosque who did have handicapped children and they were loved as normal members of the community.

³¹ Brockopp 2003.24

³² Ibid.24

Muslims try to remain as practical as possible and over all their views are moderate. Informant 6 said that, “There’s a verse in the Qur’an that says, we did not reveal the Qur’an so that it’s hard on you. It’s not to be hard on you. It’s not to give you torture. It’s not to make it difficult on your life. It’s mercy. ...As long as a difference in opinions, and the differences you always find it in not the major stuff. You always find it in like how we pray, how we fast, how many times a day we pray. It’s a mercy. ...If you follow this it’s not a sin. If you follow that, it’s okay. Don’t tire yourself out. Don’t die. Don’t, Omygosh I’m going to hellfire. It’s actually the opposite. You’re doing your due diligence to find the right way and you follow that and you are asking Allah to accept. Allah accept!” Because the Islamic way of life is flexible, it is often the middle path.

In addition to the scholarly debate on paper over when life begins, there are also voices with legitimate concerns over who has control of the human body. They want to know what is best for both the mother and for the child. “Missing [from the general theological stance on abortion] is a stress on a woman’s right over her own body that is allowed always to dominate other considerations.”³³ This creates a separate framework for discussion, typically apart from the legitimacy of the fetus. In the religion of Islam, however, these are not wholly separate fields. The women at MIC wish that there was a female source of authority that they could go to on these issues. My informants say that in the past, and in other countries, these decisions were largely handled by the mothers, by her female family members, and by the midwives. Yet, many of the scholars and imams today are male and they are the ones interpreting things that largely apply to women and women’s bodies.

The nature of Islamic marriage and family planning are an important aspect of this discussion. However, sexual ethics can be a sensitive topic. Sh. Qahdi said to me that to bring

³³ Outka 2003.viii

sexual ethics into the discussion that, “that stigmatizes abortion. Because if you are single in the Muslim community, you’re not supposed to be having sex. And so, obviously, to get pregnant, it’s a taboo.” In Islam sex is reserved only for marriage. Therefore, all family planning and pregnancy is supposed to take place within the context of a family household and the parents are supposed to decide together when to have children. In my interviews my informants said that contraceptives and family planning are a normal part of an Islamic marriage. Therefore, theoretically, there are not supposed to be as many reasons to get an abortion. If a married couple gets pregnant, they are supposed to keep the child and not give it up for adoption because God will bless them. Abortion then becomes less of a discussion about women’s rights and more of a discussion about the life of the fetus.

Because accidental pregnancy outside of marriage is taboo in an Islamic community, “general worries go deep that permissibility on abortion can mutually reinforce other kinds of permissiveness (sexual relations outside of marriage, prurience, and self-referential control that refuses to trust that God will provide when an unexpected or unwanted pregnancy occurs).”³⁴ To gain a view of what Muslim women say on this subject a little background is needed on Islamic social custom. For example, Islam encourages having children. Every child should be celebrated. This is why “the consent of the husband, and not only that of the wife, is mandated for an abortion judged otherwise licit.”³⁵

My informants were for women’s rights, but recognized that, “according to Muslim authorities, abortion interferes with God’s role as author of life and death. It is God who forms the fetus in the womb and gives it a spirit 120 days after conception.”³⁶ Again, this is a religious context for an issue that often requires appeal to religion for answers. “Since the power to

³⁴ Outka 2003.viii

³⁵ Ibid.viii

³⁶ Brockopp 2003.23

procreate does not lie with womankind, it follows that women do not have an unquestioned right to terminate pregnancy.”³⁷ My male informants said that in general they think a woman has a right to make decisions about her own body. They also said that if it was their own child that they were less sure what they would do since the husband and wife are supposed to make these decisions together in an Islamic marriage.

Historically, Islamic law does not explicitly cover the deliberate abortion of a fetus as much as the deliberate and accidental incident of miscarriage from external forces. In such cases, this becomes a compensation issue and the mother is the victim.³⁸ The reasons for this may include “that miscarriages inflicted by the wrongful act of another were relatively likely to be brought to the attention of premodern jurists, while intentional abortion (whose ‘victim,’ if any, was not in a position to take legal action) generally remained within the purview of individual women and the midwives...who assisted them.”³⁹ Decisions on Shariah legal matters operate partly based on precedence and general consensus. Since this is largely a contemporary debate, the groundwork for such laws is still being laid. This places even greater importance on the current dialogue in both the West and in traditionally Muslim countries. Part of the problem is, “that neither the Qur’an nor the Sunna (exemplary practice) of the prophet Muhammad directly addresses the issue of intentional abortion.”⁴⁰ Women and families today have been thrown into the sphere of ethical debate where they are forced to make difficult decisions.

The people I interviewed at MIC described the relationship between Shariah law and civic law and the relationship between their faith and politics. Informant 6 talks about Shariah laws connected to civic laws. “It’s a law [in Islam] that tells us as a Muslim if you go have a

³⁷ Brockopp 2003.23

³⁸ Katz 2003.25

³⁹ Ibid.25

⁴⁰ Ibid.25

covenant, you respect that...when you go and you have a covenant with a group of people with that country, when you sign the passport and you say that you need a visa to go to this country, that's saying that you are signing to abide by all the rules. Traffic rules. I don't say no or I'm going to prison."

This led me to wonder: hypothetically, would making abortion completely illegal in this country inhibit them from practicing their religion? Informant 5 said, "I don't want to be told that this is what you have to do. When Islam gives me the option to do something else." Yet, I know from previous statements that if a Muslim woman were told that it is illegal to terminate her pregnancy, she would follow the law of the land. Informant 8 said that not only will Muslims follow the law, but also that they will not impose their own laws on others. "As Muslims we can't impose it on other people. There's a principle in Islam where if you live in a non-Muslim country and you're a citizen of that country you have a contract with that country and with the government that says you have to be loyal to that government, to your country. You have to be loyal to your country where you're living because you're a citizen and you have that contract. If you dishonor that contract you are disobeying God."

But the question would remain: why is it illegal? Why is it wrong? As a society, America is asking the right questions. Does a woman have a right to choose what medical procedures take place in her body? And, is that fetus a human being with the right to life? But these are two separate conversations. The discussion surrounding abortion is disjointed. Instead of coming together to have one discussion, the two spheres have been pitted against one another largely by the media and political propaganda. After the conversations that I have had with the Muslims at MIC, I would argue that a dichotomy has been created and that the pro-life v. pro-choice debate in which we understand abortion in present day America has been stigmatized in such a way that

stagnates the public conversation around this topic. I do not think that this minority religious community is the only example of people caught in the middle of this debate. And this topic is important. Either millions of women are being persecuted for seeking individual rights or, millions of lives are being lost before they begin. My interviews and research concerning abortion ethics in Islam have led me to believe that the American Muslim community is one example of how real citizens are getting caught somewhere in the middle of this mayhem.

I asked my informants, “So you don’t feel like Islam fits in one camp or the other?” They responded, “Nope.”⁴¹ Another said, “Islam is clear. ...But, pro-choice would be the way that we would go, right? Because, that gives us the option to do what we want to do. That gives us the freedom to do what we want.”⁴² When hearing this I think it is important to keep in mind that this conversation is being set up as if pro-life and anti-abortion groups are against abortion in all cases and want it to be completely illegal, which is not always the case. By talking about these stigmatized labels in this way some people forget that there are some initiatives in pro-choice camps that Muslims may not agree with. But because the interview became an either-or conversation, it is clear that is how we talk about abortion and that the stigmas and stereotypes really are being applied in conversation. All I had to do was mention the binary and they knew exactly what I was referring to.

Brockopp summarizes the nature of the abortion debate in Islam compared to other groups. “Muslims seem more willing to regard fetal life as only one good among many others” rather than “as intrinsically sacred.”⁴³ From a spiritual perspective, “God’s creating life in the womb is only part of his manifold activity; conception is not an isolated event, but part of a

⁴¹ Informant 6

⁴² Informant 5

⁴³ Brockopp 2003.24

complex web of relationships that change and grow over time.”⁴⁴ This view emphasizes the importance of human life and the role of God in their decision-making. However, this is the middle ground of the modern abortion debate. The views of Muslims in Memphis have pro-life sentiments but also leave a lot of room for the element of choice. This breaks down the pro-life v. pro-choice dichotomy in which abortion is discussed. This binary framework does not work for the Muslim community. Islam is somewhere in the middle.

Conclusions

No single story can encompass the magnitude of this topic. Abortion is important. The implications within the public discussion make this an important topic. The entire public conversation still cannot explain what it means to be in the place of those making decisions about abortion. The reality is that people on a daily basis have to make life-altering decisions that no one wants to make. These are choices about life and death and families and futures. Choices that we would rather leave up to the fates or to God or to something other than ourselves. At some point, each one of our parents and ancestors made massive and minute choices that somewhere down the road lead to our existence. They had no idea that their choices would lead to you reading a paper about abortion some day. Today, because of the public conversation about pro-life and pro-choice agendas, people in modern America and elsewhere are making conscious choices with the weight of the world on their shoulders. Abortion has been made into a moral and ethical dilemma that almost everyone in the country connects to politics and the discussion is perpetuated by mass media coverage. This is no longer just about family planning. These are no longer only private family decisions. This is about inalienable rights of individuals both to live and to let live, to be autonomous and to be alive.

⁴⁴ Brockopp 2003.24

After interviews with American Muslims of child-bearing age, primarily met at the Memphis Islamic Center, were paired with scholarship and theology on abortion ethics in Islam I have found that the perspective of American Muslims in Memphis on abortion breaks down the typically stigmatized pro-life v. pro-choice binary in the present public discussion. The personal perspectives of those interviewed fit with the Islamic scholarly interpretations on abortion ethics. If abortion were discussed on a spectrum instead of a binary, the American Muslim community would fall somewhere in the middle. This perspective is certainly not unique. In fact, it is moderate and flexible and practical. The nature of Islam as a way of life, as a flexible religion, and as a religion in the middle makes its believers understand abortion in their own framework. Because no one group of people can legally represent a country as diverse and free as America, it makes sense to consider as many perspectives as possible when making decisions that affect legislation on social issues.

This is an important discussion for Muslims to have and for others to hear. It is a matter of life and death, of equality and freedom, and of religion and legal policy. Who has the ultimate authority to legally deem what is morally right and wrong in a secular country? And who determines when life begins? *This* is the abortion conundrum. Matters exist in which science and human logic cannot define absolute truths. For matters of right and wrong there will always be a debate. No one can define what life is or when it begins. For matters such as these, society must appeal to religion and philosophy of ethics, even if it refuses to admit that it is doing so. “We should consider joining with those Muslims who see rational schemes and interpretative powers as limited and partial, and in doing so we might all gain a sense of awe at the majesty and fragility of life.”⁴⁵ If we are going to live in a just society, we must first figure out what is the

⁴⁵ Brockopp 2003.17

just choice. When people are appealing to their religion for such answers, it is only logical to take multiple religious perspectives into account.

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Informant 2	6/26/15	MIC
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Informant 6	6/26/15	MIC
Informant 8	6/27/15	MIC
Leslie Salama	6/30/15	MIC