



## Islamic moral judgement on abortion and its nursing applications: expository analysis

Mohamad Firdaus Mohamad Ismail<sup>a,\*</sup>, Abdurezak Abdullahi Hashi<sup>b</sup>,  
Mohd Said bin Nurumal<sup>a</sup> and Muhammad Lokman bin Md Isa<sup>a</sup>

<sup>a</sup>Kulliyah of Nursing, International Islamic University of Malaysia, Pahang, Malaysia

<sup>b</sup>Kulliyah of Science, International Islamic University of Malaysia, Pahang, Malaysia

### KEYWORDS

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### Abstract

Health workers, like nurses are tasked to save the lives of their patients, however, there are instances in which health workers have to deal with difficult cases in taking a life, such as abortion. Scholars in the field of healthcare assert that abortion is morally justified if it is sought for health reasons. Nevertheless, there are a number of cases in which abortion is sought on other grounds other than health, such as the individual choice to do so. Can a nurse refuse to provide their professional service towards these people? This paper uses analytical and comparative methods to address ethical issues in abortion from the Islamic and conventional perspectives. Nursing implication: Since the nurses instruct and assist people in forming a decision as they engage in nursing care, utilising a comprehensive view of abortion based on Islamic sources would provide a foundation in Muslim perspectives as they interact with Muslim patients. The subject area to investigate the degree of knowledge among nurses regarding the Islamic moral judgement on this event is extremely recommended for future management.

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### Definition of abortion

According to the *Concise Oxford English Dictionary*, abortion means the deliberate termination of a human pregnancy<sup>1</sup>. The *Black's Medical Dictionary* states that abortion is the expulsion of a foetus before it is typically viable, usually before 24 weeks of pregnancy<sup>2</sup>. However, the definite period of viability is still disputable among scholars. Some books mentioned that the viability is within the 20th weeks of gestation<sup>3</sup> or during the first 28 weeks<sup>4</sup>. Because of the different understanding of viability, the World Health Organization (WHO) has recommended two criteria in determining the viability, which are; a foetus is viable when the gestation

period has reached 22 or more weeks, or when the foetus' weight is 500 g or more<sup>5,6</sup>. Since these definitions have a variety of explanation and description, it can be simplified where the definition of abortion connotes the event of discontinuing a pregnancy. The foetus in a womb does not bear a chance to live outside since the surrounding factor has impeded their development. It is worth to note here that there are two types of abortion; spontaneous and induced. Miscarriage, which means an involuntary loss of the foetus, describes the former type<sup>7</sup>, where the intention to abort the child does not take place. While the latter denotes the will or intention of the pregnant women to abort the child, in which most scholars refer them as intentional abortion. For

\*Corresponding author.

Email: [firdausismail@iiium.edu.my](mailto:firdausismail@iiium.edu.my) (M.F. Ismail).

the purpose of this article, the author chooses to focus on the induced abortion only. Thus, throughout this discussion the term abortion will be employed to refer to induced abortion.

### Basic concepts of abortion

Since ancient civilisations, abortion has been practiced and the morality of its practises has been debated. The Greeks and Romans are the earliest known ancient cultures that have practised abortion. Most cases reported in these civilisations proved that abortion was done just for social causes, such as controlling the population and retaining the power<sup>8</sup>. The absence of modern medical technology at that time was possibly the reason that medical factors were not the primary cause of abortion. Meanwhile, abortion practices have always been resisted by certain groups of people. For example, the famous Hippocratic Oath taken by the physicians since its formation, which included the statement: "I will maintain the utmost respect for human life, from the time of conception"<sup>9</sup> that reflects on the preservation of the spirit of life. Likewise, the early Christians showed their resistance towards abortion and indirectly influenced the Western world against all forms of birth control including abortion. However, this attitude has changed in 1973 where the Supreme Court of the United States reached a determination to allow the termination of pregnancy<sup>6</sup>. This decision has resulted in increasing frequency of abortion in the West.

Abortion has been made legal in many countries nowadays. The purpose of legalising abortion is to prevent women being involved in an unsafe abortion that could expose them to a higher risk of morbidity and mortality<sup>5</sup>. WHO defines the term unsafe abortion as the procedure performed by an unauthorised personnel who have a lack of skill and knowledge, or the environment is not met with the minimal medical standard, or both<sup>10</sup>. Some countries regard abortion as illegal such as Nigeria<sup>11</sup> and Malaysia<sup>12</sup>. Nevertheless, there is an exception, whereby the physician, whom in good faith may justify their human actions with the appropriate medical reasons to induce abortion, hence, it is considered to be legal. Subsequently, the court needs to validate their good faith to be in compliance with the accepted medical practices<sup>13</sup>. For instance, as a general rule, abortion is illegal in Malaysia, but exclusion is made only for women who are suffering either physical or mental injury due to the pregnancy. Another example is when the pregnant mother of a rape case gets a severe mental distress, in which the physician believe that the condition would harm her, then abortion is allowed to be performed. For the exclusive ground of being a rape victim, abortion is not granted and both parties, including the mother and the physician, will be charged according to the Malaysian Penal Code under Act 574<sup>6</sup>. In most cases, the reason to save the life of the mother or known as the therapeutic abortion is morally justified. However, due to some women justifying abortion for a societal cause, such as unwanted pregnancy and gender selection, the pregnancy due to rape or adultery has become a subject that arouses passion and contention. Aside from that, legalising abortion has given women the option to decide to end a pregnancy. In that instance, nurses who are involved in this issue faced a moral dilemma because some-

times the choice of the pregnant women to abort the child may conflict with their personal belief.

### Moral and legal dimensions of abortion

In the general outlook, the moral values of lifesaving and the sanctity of the human life sounds anti-abortion, yet today, abortion has been legalised in many countries around the world. For example, United States has gotten along without legalising abortion for 200 years. However, grounded from the case of Roe vs. Wade, the enactment in United States was changed allowing the women to terminate their pregnancies<sup>14</sup>. The Cornell University Law School discussed a case between Roe and Wade, whereby the court's decision was favourable to Roe and she was allowed to have the abortion<sup>15</sup>. The Roe vs. Wade case's decision indirectly gave the right for women to choose either to keep or terminate their pregnancies and has affected millions of poor girls like Roe that wanted to abort their child. For example, after this case, approximately 26 million legal abortions had been carried out worldwide in 1995<sup>16</sup>. From 1973 to 2011, nearly 53 million legal abortions were performed in the United States, an average of almost 1.4 million abortions per year<sup>17</sup>. In fact, 40% of the world's population today exists in countries where abortion is permitted on request, and only 25% of them have taken into account whether the woman's life is in danger<sup>18</sup>. The statistics displayed are very surprising because billion of lives have been sacrificed for purposes that are morally debatable, and thus, should be given serious attention by everyone.

There are two opinions about the morality of abortion, namely pro-life, which argues against abortion, and pro-choice, which defends the morality of conducting an abortion. From the view of pro-life, the concern is on the sanctity of life, or when life begins<sup>19-22</sup>. Life is viewed as a valuable thing where it begins once the conception occurs<sup>19</sup>. In this regards, the foetus is conceived as an innocent human being. Thus, all forms of taking its life are rejected<sup>22</sup>, and are akin to murder<sup>23</sup>. This view has also been supported by two of the most prominent theologians in the Catholic tradition, St. Augustine and St. Thomas Aquinas, where they considered a foetus as a human being in the early stages of pregnancy<sup>24</sup>. Lopez wrote in his article entitled "Perspectives on Abortion: Pro-Choice, Pro-Life, and What Lies in between", opines that whenever the foetus is regarded as a human being, the right and moral values of the foetus should be preserved. Therefore, termination of life violates the right of the foetus to be born or the right to life<sup>25</sup>, to some extent, abortion may be regarded as murder and is punishable by law<sup>26</sup>. However, some religious opinions, like the Catholics show flexibility on abortion in given cases; the permissibility of abortion should provide a good effect outweighs the bad effect in circumstances such as allowing women to abort the foetus if the pregnancy may harm the life of the female parent<sup>27</sup>.

The moral concern of pro-choice begins with the discussion about the beginning of life of the growing foetus or when the life began. Pro-choice views the beginning of life at the moment the child has been delivered. Thus, the foetus, which has not yet been born is considered as not a living organism, or a human being, and thus does not have any moral stance. Therefore, any forms of terminating the foe-

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