

Islamic Bioethics: Its Relevance in Contemporary Times with Special Reference to Abortion

Waseem Akber Baba¹

¹Department of Sociology, University of Delhi, India-110007

Author's Mail ID. Waseemakber01@gmail.com

Available online at: www.isroset.org

Received: 16/Jul/2021, Accepted: 20/Jul/2021, Online: 31/Jul/2021

Abstract-No doubt life is sacrosanct in Islam, in whatever form it exists. By virtue of its genesis, purposefully by God, life warrants appreciation, protection, and respect. In order to understand the value of life in Islam, one must begin with understanding the essence of life that Islam espouses. The reason being, Islam par excellence could be a source of bioethical principles and develop principles embedded within Islamic tradition rather than as an instrument of justification to principlism, instrumentalist approach. Pertinent to Islamic perspective and bioethics interestingly emerges a question of abortion which has become a highly controversial issue across the globe. This article, besides epistemological concerns, explains the concept of “ensoulment” and its relevance to the question of abortion in specific. Although Islamic jurisprudence essentially proscribes termination of any form of life, the construct of ensoulment, aesthetically, adds dignity to life and elevates life beyond corporeal reality. Further, it establishes a mechanism that allows discontinuation of life contingent on diagnostic affirmations. Thereby, it lays significant foundations for women’s health and, more importantly, draws an ethical distinction between “life” and “non-life”. Such inherent conceptual prudence in Islam highlights its potential relevance to biomedical ethics.

Keywords- Life, Ensoulment, Bioethics, Islam, Abortion.

I. INTRODUCTION

The pervasive entanglement of technology in everyday life and society, in general, has reconfigured the ontology of identity, being, substance for social relationships and, more importantly, opened the space of possibilities. It has created space for negotiations; therefore, technology is not simply an instrument or idea but a performative process, par excellence. One could highlight the way In-Vitro fertilization technology has perverted the conventional understanding of parenthood, life, and other associated phenomena. Different conceptual categories deployed to make sense of reality have become quite blurred and impugn their relevance. Or rather, reality has become quite elusive. Unforeseen technological spurt has, besides positive contribution, posed unexpected ethical crises to the conventional understanding. The ever expansion of all sorts of technology has changed the commonsensical understanding of what it means to be a human. The radical changes in sexual and social life with the co-evolutive technology complicates the distinction between life and non-life. Such a predicament demands the arbitration of ethics to draw principled lines and take positions for heuristic and theoretical purposes. Therefore, Islamic bioethics, as one among others, could offer a guiding ideal [1].

Islamic bioethics is based on the principle of “life as divinely ordained quality” and is of utmost sacrosanctity

[2]. Further, life in its all forms is an expression of divine and human life is of utmost reverence. Similarly, termination of life is the sole right of God, as is the creation of life, which is not the events of chance or man-made decisions. Islamic bioethics is also relevant as it offers the agency to the least empowered groups like women, the poor, etc. Otherwise, it is just an experimental specimen for the entangled biotechnology-medicine industrial complex. However, under certain circumstances, the “inviolability of life” principle is added qualifications to preserve the “wisdom” behind the sanctity of life [3].

To add complexity to real life, these social and biological events appear to be in much control of the human capacity because of technological revolution and are subject to elaborate manipulation. So, the main inquisition here is, when does human life begin and what merits the ontological conception of life the human character. The following sections describes the notions of life in Islam in detail. It contains all the relevant scholarship and section third explains methodology deployed in the paper. The subsequent section provides discussion on abortion and Islamic concept of ensoulment. The last section entails concluding remarks and way forward.

II. LITERATURE REVIEW- CONCEPT OF LIFE IN ISLAM

Life is a discursive concept according to Hasan al-Basri (cited in Hussain, 2011); that is, it is a social construct

rather than some independent ontological entity. Islamic literature is replete with the notion of life associated with concepts of mobility, reproduction, perception and ability or self-consciousness [4]. In this sense of life which is an attribute of being or existence, is extended to the whole, what is usually bracketed as nature. Life is usually described in terms of “drop” of both male and female, which is then added more nuances as the reproductive technology diversifies. Life, to certain scholars, begins at the time of conception and, to add more, one could logically add the concept of life to sperm, ovum etc. [5]. Such a phrase, however, is quite misleading and politically fraught as it blurs the distinction between simple biological cell division and pregnancy, besides parenthood etc. Conception is merely the start of the process that undergoes metamorphosis to emerge as a potential human being. To confuse basic biology with the complex process only obfuscates the critical structural issues and reproduces personhood as the scientific discourse rather than a theological and personal question [6]. Therefore, it is remarked that it is the immaterial soul that distinguishes the animal kingdom from the rest, but such a conception of life hardly makes any relevance towards determining the life of the foetus, which is merely a potential assumed to be present throughout its development.

More importantly, the concept of life, which entails no graduation in terms of possession, offers no vantage point to determine the right to life of the foetus. Therefore, it is essential to search for that crucial factor that distinguishes animals from human beings and frames discourse relevant to the abortion of the foetus and its right to life.

III. METHODOLOGY

The paper is based on the literature review of the existing scholarship on Islam and the idea of life. Keywords like Islam, life, abortion and ensoulment were used with boolean operators to extract research papers from various databases. All the relevant articles were fetched and analysed. Their references were also referred to.

IV. DISCUSSION- ENSOULMENT AND ITS RELEVANCE TO SOCIAL SCIENCES

Islamic literature describes the soul either as life itself, defined above as a mere manifestation of ability or perception. It has also been defined as self-awareness and ability [7]. That is, one could at least infer soul is an expression of self-awareness and ability, allowing one to function as requisite. Though it seems to be a functional and cartesian perspective of soul that reduces the expression to the entity “soul”, it offers a dynamic perspective to the ensoulment process, which entails four evolutionary stages: the vegetative soul, animal soul, human soul and Godly soul with certain dispositions and properties.

The human foetus in its development possesses all the forms of the soul, though the evolution and progression

mechanism is quite ambiguous, and it is the ability to reason that marks the stage distinctly. Therefore, ensoulment is the process or the event at which the human soul embodies the human foetus and thereby elevates the corporeal body beyond merely an expression of motion or being [8]. Thus, the characteristic emergence of the human soul within the foetus marks the potentiality to reason and signifies ensoulment as the relevant concept to explore and frame the biomedical ethics related to abortion [9].

The soul denotes one of the dimensions of dignity in general as it elevates the human species and entitles certain rights. One could say, perhaps, that it is the pronouncement of the concept of ensoulment that cost Jesus Christ his life as it entitles the right to equality and offers face to those who are obliterate-being. It is this performative nature of ensoulment that transcends biological beings beyond mere animal drives and desires. Ensoulment is a claim about a human status that only adds dignity to life but could offer guiding principles for ethical, political, and legal practices [10]. Nonetheless, ensoulment as a theological concept brings certain peculiar difficulties while arbitrating on ethical concerns as it has a genesis in disparate sources and given the invasion of biotechnology in everyday life, ensoulment and, thereby, dignity appears to be absurd. Nonetheless, such an abysmal predicament compels us to take ethical stands on the meaning of human dignity, an inviolable core of our humanity [11].

The control over fertility has been an age-old practice across different cultures for various sets of reasons before and after conception [12]. Post conception, terminating the conceived life has been the most vexing issue with people either in pro-life bastion or pro-choice group and some indecisive. The primary concern is, therefore, whether it is morally right or wrong to deliberately terminate the pregnancy. This moral dilemma feeds into other related questions like whether abortion be legalized or not.

It must be outlined here that abortion is an umbrella term that entails a range of practices. To consider women have absolute right over the body and rob the potential foetus of the right to life or to treat all life as sacrosanct and divine invokes a conundrum that needs an ethical deliberation. The reason being if anything is prohibited out-rightly, it goes undercover and festers with different permutations and combinations.

On the question of time or stage when the soul is breathed into the foetus, there is a controversy over that as some scholars claim ensoulment takes place after 120 days post-conception while the majority of scholars are of the opinion that the event occurs during a forty-day period post conception [13]. Though the science of embryogenesis has advanced greatly, whether life - sciences corroborate the claims of Islamic traditions or not doesn't have a significant implication for the conceptual beauty of the ensoulment and at what stage it occurs is a more or less secondary concern. Most of the Islamic

scholars, however, are of the opinion that abortion post inception is prohibited unless the pregnancy poses some imminent danger to the life of the mother.

Ensolment as a concept goes beyond the pro-choice and pro-life paradigm that marginalizes the women of colour and could help in realizing the ideal of reproductive justice (14). Indeed, there is an unquestionable proscription of induced abortion at the stage of ensoulment, except in certain circumstances, abortion prior to it can be allowed for lesser reasons. It is obvious from the discussion that the relationship between ensoulment and abortion is a discursive matter, but conceptually it may serve as an ethical line sketcher and importantly, it must be remarked here that ensoulment cannot be a sole criterion to determine the practice of abortion or its prohibition. It is because the potentiality of ensoulment and its completion are two different events and cannot be considered synonymous.

V. CONCLUSION AND FUTURE SCOPE

The unprecedented advancement in technoscience has radically altered the traditional notion of nature and culture and, more importantly, the meanings of the nature-human relationship. Such a scenario has ushered in the ethical vacuum that could be alleviated through religious ethics like that of Islamic tradition. Therefore, the concept of ensoulment seems quite promising for heuristic purposes as well as modifying the legal-penal system. Nonetheless, it must be the sole criterion to determine the status of the foetus and prohibiting the termination of the foetus. The idea of ensoulment has gained traction because of the new diagnostic and screening technologies in medicine. Consequently, the debate has shifted from reproductive freedom of a woman and her right to choose to the concept of human dignity, personhood and right to life of the foetus. In this context, this paper attempted to project ensoulment as an essential and radical guiding idea to deliberate in the polarising debate of pro-life and pro-choice.

REFERENCES

- [1]. A. A. "Sachedina, Islamic Biomedical Ethics: Principles and Application", *Oxford University Press*, New York, pp. **1-12, 2011**.
- [2]. M. A. Shomali, "Islamic Bioethics: A General Scheme." *Journal of Medical Ethics and History of Medicine* Vol.1, **2008**.
- [3]. M. Hamedani, "A Study of abortion law in Islam".1st ed., *GolzarKetab*, Tehran, pp. **60-67, 2016**.
- [4]. A. A, Hussain, "Ensolment, and the Prohibition of Abortion in Islam", *Islam and Christian-Muslim Relations*, Vol. **16**, No., **3**, pp. **239-250, 2005**.
- [5]. M. Ghaly, "Islam, Paternity, and the Beginning of Life." *Journal of Religion and Science* Vol. **47**, No., **2**, pp. **2110-253, 2014**.
- [6]. A. Schulman, "Bioethics, and the Question of Human Dignity", **2008**.
- [7]. A. Smith, "Beyond Pro-choice Versus Pro-life: Women of Colour and Reproductive Justice", *NWSA Journal*, pp. **119-140, 2005**.

- [8]. S. Aksoy, "Making Regulations and Drawing up Legislation in Islamic Countries under Conditions of Uncertainty with special Reference to Embryonic Stem Cell Research." *Journal of Medical Ethics*, Vol. **31**, No., **7**, pp. **399-403, 2005**.
- [9]. M. Ghaly, "Deliberations within the Islamic Tradition on Principle-Based Bioethics: An Enduring Task ", In *Islamic Perspectives on the Principles of Biomedical Ethics: Muslim Religious Scholars And Biomedical Scientists In Face-To-Face Dialogue with Western Bioethicists*, pp. **3-39, 2018**.
- [10]. A. Al-Matary, A. Jaffar, "Controversies and Considerations Regarding the Termination of Pregnancy for Foetal Anomalies in Islam." *BMC medical ethics*, Vol. **15**, No.,**1**, pp.**1-10, 2014**.
- [11]. H. Yusuf, "Foetus become Human?" *Renovation*, **2018**.
- [12]. K. Aramesh, "Abortion: An Islamic Ethical View." pp. **29-33, 2007**.
- [13]. M. Abbasi, E.S. Gooshki, "Islamic Bioethics and Secular Bioethics and Interaction between them", *Bioethics and Health Law Journal (BHL)*, Vol. **1**, No., **1**, pp. **11-18, 2007**.
- [14]. Boonstra, Heather. "Islam, women and family planning: A primer." *The Guttmacher Report on Public Policy*, Vol. **4**, No. **6**, pp. **4-7, 2001**.

AUTHORS PROFILE

Mr Waseem Akber Baba is pursuing a PhD in sociology at the University of Delhi. He has done post-graduation in sociology. His main area of research is medical sociology, and currently working on pathways of the diagnosis and patients experience of lung diseases.