



# **Beyond Pro-Life and Pro-Choice: Malay Muslim Women's Perspectives on Abortion**

Supervised by Professor Hannah Brown

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Student Details: Tasneem Akram Omar Khalil

## **Declaration**

I confirm that my submission is a result of my own work and that I have complied with the Department's guidance on multiple submission. Material from the work of others has been acknowledged and quotations and paraphrases suitably indicated.

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## **Abstract**

Abortion is a deeply personal-made-public experience that entangles human and women's rights with countless existential questions surrounding where life begins and ends. While a vast majority of valuable literature and media coverage on abortion explores the Global North, there is limited exploration on the Global South. This dissertation aims to address this gap by focusing on the perspectives of a community from a developing Southeast Asian state: Malay Muslim women from Malaysia. Through six interviews, combined with my own autoethnography, I elucidate how Malay Muslim women reject absolutes and approach applying their faith to abortion ethics as a fluid, interactive process that foregrounds mercy. Abortion is considered forbidden, but there are many exceptions to the rule where the woman's health and wellbeing take priority. Overall, the ethical question of abortion here is not located as much in questions around foetal life and personhood as it is in promiscuity—scandal emerges from the sex that resulted in an unwanted pregnancy, not in its termination.

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## Introduction

When you are only eight years old, what does it mean to *Walk for Life*? Is it activism, protest, a family activity, a church tradition, something else or unthought of entirely? The “Walk for Life” in San Francisco is an annual march on or around the anniversary of *Roe v. Wade* organised by Walk for Life West Coast in an effort to “be a vocal and visual message that people of the West Coast stand for life...to reach out to women harmed by abortion...to inform society of the damage done to women by abortion” (Walk For Life West Coast, 2025). Alex grew up walking in these marches, the occasion and routine of it so entrenched as to go back as far as the valleys of memory will allow; each year he attended a family mass at their local Catholic church in San Jose, who like others across the state of California and the rest of North America, are committed to mobilising their congregation against abortion, and often birth-control and contraception at large as trailing ‘issues’ under the same umbrella. Enforced by his parents, the walk was an inescapable family trip to the city for Alex and his siblings; thoughts of shirking attendance did not even occur to Alex until a decade later. White, American, born-and-raised Catholic (now ex-Catholic), Alex describes attending these walks as a standard facet of childhood, youth development and leadership programs, and adult life for tens of thousands from their demographic—but this does not mean the experience was devoid of agitation. Lapped about in an ocean of anti-abortionists, a child is bound to land ashore on otherwise prohibited territory, as was the case during his first attendance at only eight years old, when Alex was handed an anti-abortion leaflet containing images of bloody and brutalised foetuses laid out on cold, steel operating tables after surgical removal. He describes this memory vividly: the opening of the leaflet, his surprise that elicited a scream that jolted the paper from his hands and the quick effusion of tears. For years, this experienced shaped and maintained Alex’s pro-life stance. Trauma narratives and sensationalism seem to characterise the American political landscape, leaving Alex understandably confused to hear I had never in my life seen, attended, discussed, or heard of a demonstration happening in Malaysia during my upbringing, let alone one about abortion.

Abortion: few words are so magnetised towards the nexus of ‘women’s issues’, to the extent that it is called an ‘obsession’ in contexts like the United States (Kaufman & Morgan, 2005). From this relatively new healthcare intervention, questions

surrounding life, foetal personhood, and female bodily autonomy all intersect as deeply political—and personal issues—in inflammatory Euro-American media circuses. Pivotal contributions to the anthropology of reproduction and feminist anthropology often focus on American cases for understanding the significance of questions surrounding abortion to women and society at large (Ginsberg, 1998; Martin, 2001; Michaels & Morgan, 2016). However, while these ethnographies are useful and relevant for theoretically conceptualising the basis of pro/anti-abortion alignments in the Euro-American context, it remains questionable how far their ideas can map onto the Global South, where 45% of all induced abortions, 97% of which are unsafe, take place (WHO, 2024).

Religion in particular is especially contentious as an institution that bleeds into all walks of life, but like mortar, it holds them together whilst keeping them apart. That is, whether one is pious or atheist, in a secular or theocratic state, we all exist in proxy to religion either through its divisive or unifying aspects, appreciably so in an ever digitalised world. With abortion in the US, the fault line between pro-life and pro-choice movements relates to the influence of the Catholic church, and certain other denominations of Christianity. ‘Pro-choice’ and ‘pro-life’ stances arising from these specific debates are often taken for granted as the binary through which we ruminate the ethics of abortion—but their perpetuation risks further entrenching a Cartesian or universalist understanding of the matter. Certainly, it seems as though all over the world the US is televised as the main site where these subjects are aired out. However, while the reach of Catholicism is profound, as a community they are not actually as prolific as other faiths. That is, the Muslim population is larger than that of Catholics. Ergo, this dissertation asks: what do Muslims think about abortion? Specifically, Malay Muslim women.

Islam is incredibly diverse, with a myriad of denominations and cultural practices across the world. Malaysia is a Southeast Asian Muslim-majority state with a multiethnic population mostly composed of Malays, Chinese, and Indians. Through interviews with 10 Malay Muslim women, complimented by my own autoethnographic experience being raised in Malaysia as a Muslim woman, I explore alternative perspectives on abortion and attempt to glean the extent of its significance in praxis. Is abortion an important topic of discussion for these women? How is abortion

understood by Malay Muslim women, and why? What sociocultural implications does this have? Malaysia imagines itself as a harmonious multifaith, multiethnic nation-state, does this construction have any role in how Malay Muslim women approach abortion? This dissertation aims to illuminate the perspectives of Malay Muslim women on abortion in the hope of seeking out potential alternatives to the moral philosophies and arguments put forth by the pro-choice vs. pro-life debate whilst interrogating the usefulness of this binary.

## Methodology

In the height of Summer of 2024, I returned to Kuala Lumpur, Malaysia, to spend the holidays at home and conduct fieldwork. In many ways, this homecoming was both personally and academically family-oriented as I began preliminary research on the significance of abortion to Malay Muslim women starting with conversations with my own relatives. The topic was surprisingly easy to broach despite us never having discussed it in the past. I attribute this in part to the fallout from the overturn of *Roe v. Wade* since June 2022; American news is a usual fixture of scrutiny for a lot of Malaysians, and at the time no one I knew had a social media feed untouched by stories of protest and passionate debate tallying the rights and personhood of women against those of foetuses. These casual, spontaneous conversations facilitated the shaping of my questions for more formal qualitative data collection in the form of semi-structured interviews.

As my research aims called for an explorative and culturally sensitive approach, qualitative data collection in the form of interviews was the most apt method for me to capture rich accounts akin to “thick description”. Building on the flow of earlier conversations with relatives—which helped to minimise risk of offensive or insensitive questions in a controlled environment—I constructed a semi-structured interview guide covering three main topics: (1) laws around abortion (Penal and Syariah), (2) personal beliefs about abortion, and (3) personal beliefs about the foetus and personhood. All six participants were recruited via purposive sampling through personal networks. Before interviews were scheduled, participants were emailed an information sheet, privacy notice, and consent form detailing the aims of my research and their rights to withdraw or provide feedback at any point, as well as signposting to helplines should any of the content discussed prove distressing. This gave participants the opportunity to ask questions or cancel without the pressure or immediacy of an in-person or direct interaction. When meeting for an interview, I further emphasised that participants need not share personal experiences, only their thoughts and opinions, and ensured both signed and verbal consent were obtained before proceeding.

Acknowledging that the interview process is socially constructed between researcher, participant, environment, setting plays an especially important role in cultivating a

safe and encouraging atmosphere for discussions on potentially sensitive topics like abortion (Hackett & Hayre, 2020). Hence, I allowed my participants to lead suggesting a location before we agreed on a space together. Only one out of six interviews was held on Zoom. All participants who were able to meet in person suggested local cafes, an informal choice reflective of Malaysia's "*lepak*" culture (to "hangout" and chat at a food or drink place for extended periods). Many of my participants felt that they were not qualified to speak on the subject, as they assumed I was seeking expert information. Allowing participants to help choose the location, and a casual one at that, seemed to boost confidence and reassured them the interview was low-pressure and that their opinions and time were valued, thus allowing for more open and fluid responses.

Interviews were recorded and later transcribed and anonymised before the recording was destroyed. All participant names to follow are pseudonyms. Transcripts were only edited where necessary to improve readability and representation. I tried to maintain to the best of my ability the integrity of what my interviewees told me, only abridging where necessary to close speech disfluencies like gaps between stutters or moments where a tangent might have paused, broken off, and restarted anew; I also edited out excessive filled pauses.

My participants came from a variety of professional backgrounds, but were all 40-50 year old middle-class Malay Muslim women from Kuala Lumpur with a university level education, and most self-identified as mothers. As such, their views may not be shared by women of different socioeconomic demographics from other Malaysian states. To note, there are thirteen states and three federal territories spread over Malaysia's bifurcated land masses. While my participants were all open and forthcoming in their responses, the interviews were not without subtle challenges arising from my positionality. As an unmarried undergraduate in her early 20s, I was considered a youth to my participants, thus leading some sections of the interview to be imbued with moralistic or lecturing undertones—certain answers became analogies for me to learn from. Moreover, me being childless suggested to some that I was "too young to understand" and lacked the embodied or spiritual experience necessary to empathise with their perspectives. This may have influenced how some participants responded to my questions. Nevertheless, as a Malay Muslim woman from Kuala

Lumpur myself, these interviews constituted “anthropology at home”, allowing me to establish rapport and trust very quickly. These aspects of my identity allowed my participants to feel more comfortable sharing their perspectives on “women’s issues”, and bypass worry about appearing “overly conservative” or being misunderstood, where otherwise they would be more modest—especially with discussing sex and sexuality. Additionally, me being fluent in Malay gave my interviewees freedom to choose the best form of expression for themselves, thus allowing for more fluid responses.

Ethics approval and permission for this dissertation was obtained from the Undergraduate Ethics Committee of the Anthropology Department at Durham University.

## Chapter 1: Views From the Global North & South

Anthropologists have long recognised the centrality of abortion to body politics, flowering a robust package of scholarship on morality, bioethics, autonomy, and religiosity that revolve around the existential question of where life begins and ends. As feminist theorist Sarah Briggs (2017) puts it: “all politics are reproductive politics”, and while many manifestations of these are often obscured behind the drawn curtains of the domestic sphere, abortion is one reproductive event that has always come into focus as sharply politicised. Many of the key concepts utilised in research on abortion are sourced from the wider umbrella of the anthropology of reproduction, of which the Global North holds intellectual hegemony over. Here, I outline some of the seminal concepts and works from the anthropology of reproduction that illustrate the politicisation of reproduction and abortion, followed by an examination of the role religion (specifically Catholicism) has in producing these views, before delving into critiques of this literature pushing to reduce academic dependency (Collyer, 2016; Tenzin & Lee, 2022) and uplift decolonial and postcolonial perspectives by the Global South, who’s regions have historically served as “research laboratories for the Global North” (Andaya & El Kotni, 2022).

In their pioneering volume *Conceiving the New World Order*, Rayna Rapp & Faye Ginsberg (1996) illustrated that reproduction is more than just a biological process, it is marked from every angle with social and spiritual meanings that are vastly different between states, communities, and cultures. Biological and social reproduction are inherently entangled, often representing either a source of great anxiety or inspiration (the two are not mutually exclusive) for their capacity to transform societal and cultural futures. Anthropologists here and elsewhere have shown, however, that the potentiality of reproduction is not at all equal for everyone. Shellee Colen (1996) coined the term “stratified reproduction” to encapsulate this phenomenon: “the power relations by which some categories of people are empowered to nurture and reproduce, while others are disempowered” (Ginsburg & Rapp, 1996, p. 3). Race, ethnicity, class, caste, gender, sexual orientation, and religion are but few of the classifiers that determine where one lands on the spectrum of empowered to disempowered, and for those that fall on the latter end, such subordination represents a form of systemic inequality and structural violence that can have dire consequences for health and

wellbeing across generations. Abortion is one reproductive path that in many places is undeniably stratified by sociopolitical, economic, and legislative barriers to care, whereby access rests not only on personal or community beliefs, but also behind barbed-wire hurdles imposed by the state (Andaya & Mishtal, 2016; Ostrach & Cheyney, 2014; Unnithan et al., 2023). This epitomises what Lynn Morgan & Elizabeth Roberts (2019) call “reproductive governance” defined as “the mechanisms through which different historical configuration of actors...use legislative controls, economic inducements, moral injunctions, direct coercion, and ethical incitements to produce, monitor, and control reproductive behaviours and population practices” (2012, p. 243).

Catholic and Christian institutions leverage anti-abortion movements to this effect—stratifying reproduction through recourse to invented moral regimes that imbue the unborn with human rights pitted against those of women. In the end, both are subject to reproductive governance via “rivalry over rights” (Morgan & Roberts, 2012). Ginsberg’s (1998) blueprint ethnography *Contested Lives*, followed the movements of “pro-life” and “pro-choice” activist groups in a Christian US Midwestern town divided by the opening of an abortion clinic. She illustrated how both groups claimed to be concerned for the wellbeing of women needing or considering an abortion, but starkly diverged on what wellbeing entails based on their different interpretations of womanhood, motherhood, and the foetus. In Ginsberg’s ethnography, the pro-choice view sees abortion access as equated with reproductive justice, women’s rights, and is a fundamental step to a liberated feminist future; in the pro-life view, abortion is seen as anti-woman and murderous, where the embryo-foetus is anthropomorphised from conception with human rights in need of safeguarding. This belief in foetal personhood and foetal life is informed by Catholicism and other denominations of Pentecostal and Evangelical Christianity, and is essential to the pro-life view, configuring anti-abortion dogma globally. Ginsberg’s work and the pro-life/pro-choice binary still resonate with many 35 years to the present, echoed by fellow anthropologists showcasing how these views have not only persisted in America, but have escalated and spread elsewhere in the world.

Where abortion is considered to fracture previously taken for granted ideas about bodily autonomy, and when life begins and ends, women’s perspectives and decisions engender their embodied roles as “moral pioneers” navigating “the politics of life itself”

(Rapp, 1999; Rose, 2001). The consequences of abortion on women and their social environments represent uncharted waters that only they can explore. At the same time, pregnancy now has the potential to dissociate women from their own bodies as considerations of foetal personhood develop in stride; where the foetus is animated as a person with legal rights, it displaces the foetus from its present condition in space and time as its biological development and human potentiality are projected into the future—leaving the mother’s body a moral-ethical battleground contested over by activists, politicians, legislators, neighbours, friends, family, and religious groups in its wake.

Health workers and religious groups in particular often have the most direct “authoritative knowledge” (Jordan, 1993) on abortion, i.e. “the knowledge that counts, on the basis of which decisions are made and actions taken” (Davis-Floyd & Sergeant, 1999, p. 4). Expanding on Brigitte Jordan’s (1993) seminal work *Birth in Four Cultures*, which investigated the biosocial production of childbirth cross-culturally and the forms of authoritative knowledge behind it, Davis-Floyd and Sargent’s (1999) volume *Childbirth and Authoritative Knowledge* critically examines how childbirth is shaped by biomedical hegemony or indigenous traditions. However, childbirth is not a life event isolated from sex, pregnancy, and social determinants of health like socioeconomic status, religion, race and ethnicity. Different sources of authoritative knowledge shape childbearing decisions and actions not just in the delivery room, but long before it as well (Ellison, 2003). For instance, the authoritative knowledge of obstetric medicine and the influence prenatal screening has on whether or not to have a selective abortion (Ellison, 2003; Gammeltoft, 2014; Ngim et al., 2013).

However, even from feminist positions attempting to resituate the authority and morality surrounding abortion into individual women’s hands alone, unforeseen eurocentricities emerge. ‘Western’ Feminist movements began their advocacy for the decriminalization and legalisation of abortion under the noble banner of women having a right to self-determination, including and especially the right to choose when—if ever—they would mother (Michaels, 1999). Emblematic of bodily autonomy, the right to an abortion was framed as an act of resistance to the biopolitical subordination of women under the patriarchy, before later becoming a public health concern (Unnithan & de Zordo, 2018). While this framework still resounds for many

women, later critical feminists and anthropologists have shown that this angle of moral reasoning foregrounds Eurocentric ideals of individualism that obscures the forces of systemic inequalities and wider kin groups in decision-making.

Abortion does not universally symbolise reproductive freedom for the women that opt for it. In both the Global North and South, anthropologists have illuminated how the pro-choice/pro-life binary is not an all-inclusive framework, even within the United States itself where it originates. Rayna Rapp's (1999) ethnography on selective abortion in the United States illuminates how for some "the very notion of 'choice' is unbearable" whereas others were grateful to have 'choice' in spite of the immense grief of aborting a genetically defective pregnancy. Rapp also shows how many women felt that abortion was an 'automatic' follow-up to the results of amniocentesis with poor prognosis—it was procedural, not a personal decision. Similarly, Gammeltoft (2014) conveys how in a Vietnam still recovering from the reverberations of US Agent Orange use in the war, the state proliferates hopeful ideals of a future built by a generation of "enhanced quality" through regular sonogram appointments and selective abortions. Here, delivering a malformed child is not only viewed as a national failure and burden to the state, but also comes at immense personal social expense to the mother, who would lose her position as matriarch in the household. Ergo, having an abortion in the Vietnamese context can hardly be indicative of individual 'choice' as this downplays the authority others have in the decision-making process. For Gammeltoft's interlocutors, abortion decisions represent a collective biopolitical responsibility to both kin and nation, and can thus be interpreted more as acts of belonging than as acts of individual freedom.

It is well acknowledged that religion has a strong influence on perspectives on abortion, but this does not necessarily mean that it is condemned. The pro-life/pro-choice binary is too rigid to represent perspectives on abortion from other faiths which have different understandings of the foetus, and are more fluid in their interpretations of life and death. While most world religions (Islam, Christianity, Buddhism, Hinduism) generally regard abortion as a sin equated with murder, and thus forbidden, contributors to Andrea Whittaker's *Abortion in Asia* (2010) have shown that within any given faith this sentiment manifests to varying degrees, not only in individual thought but also between states. For instance, while both are Muslim-majority states,

Indonesia expressly prohibits abortion whereas Malaysia allows it under certain conditions; in Buddhist-majority neighbours Cambodia and Vietnam abortion is legal, but in Thailand it is banned. All five of these countries border each other in Southeast Asia, yet there is so much divergence in laws, policies, and practices.

In recent years, religious revivalism in the region has synergised with anti-individualism and anti-democratisation ideologies to restrict abortion access (Radics, 2024). In many Southeast Asian states, individualism, democratisation, and materialism are framed as political agendas of the “Wicked West” that are linked to the decline of family cohesion and filial piety which result in abortion being normalised (Langlois, 2001). Such “moral decadence” is heavily critiqued as being incompatible with Southeast Asian development in a postcolonial era. Thus, to fend off “Western” individualism, Southeast Asian states oriented heteronormative families in the vanguard of “Asian” values—the bonded family units of the “East”, with their “traditional lifestyles and cultures”, were to be the antithesis of the immoral individual in the “West” (Barr, 2002). The Philippine Constitution of 1987 even specifically emphasises that “the State recognises the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution” (Article 2, Section 12). While both are rooted in Catholicism, this attention to the sanctity of “family life” sets anti-abortion discourse in the Philippines apart from that of pro-life groups in the Global North, which regard the sanctity of “Life Itself”, ergo showcasing how discussions on abortion demand more nuanced understandings. Moreover, in Southeast Asian contexts, abortion and reproductive rights are associated with a degree of sexual promiscuity that Southeast Asian states see as immoral and typical of America, thus inappropriate for their culture (Radics, 2024).

Building on the depiction of the religious right’s ‘anti-imperialist’ stand (Barr, 2002; Langlois, 2001; Radics, 2004), Anissa Hélié (2012) illustrates how some Islamic states go as far as to construe the rise of abortion rights as a neocolonial strategy to limit the growth of Muslim populations, and therefore must be resisted through legislation and persecution. Nonetheless, Hélié emphasises that we must not take terms like “Islamic laws” or “Islam prohibits this” for granted, as it is not a monolithic religion, and nowhere near accurately reflects the wide range of Muslim scholars’ or peoples’ opinions—especially remembering that the principle of “*ijtihad*” (the use of reason by

an expert to apply Islamic teachings to modern contexts) inherently puts interpretations of the Qur'an and Sunnah up for debate. Muslim-majority countries exhibit great variation in abortion legislation due to scholars diverging on theological reasoning for the issuing of “*fatwas*” (a ruling on a point of Islamic law). All states in the Middle East and North Africa (MENA) permit abortion to save the pregnant woman’s life, but restrictions and gatekeeping occurs for other circumstances (Maffi & Tønnessen, 2019). For instance, Irene Maffi (2021) shows how despite Tunisia having liberal abortion laws, healthcare providers in public health facilities practice conscientious refusal of care on social or religious grounds to avoid administering abortions—especially for married women.

Historically, Islamic jurists have ruled abortion as “*haram*” (forbidden) after 120 days from conception when “ensoulment” has occurred; that is, when the “*rūh*” (soul) has been “breathed” into the foetus, and it is deemed a human life with personhood and potentiality inscribed by Allah. Scholars’ opinions do not necessarily reflect those of all Muslims, and the variation in abortion legislation reveals that there is strong discourse amongst themselves. With this assumption that the question of foetal life is already answered by the Qur’an and hadith, how do Muslims feel about abortion practices? Do Muslims actually agree with the “ensoulment” ruling? When do they consider a foetus to be a human life? There are few publications that exist on abortion in Muslim-majority regions that are based on detailed field-work and ethnographic research of local perspectives; a majority of them are focused on broad evaluations of “Islam’s” stance on abortion or overviewing abortion legislation in different states. More nuanced and in-depth studies are necessary to overcome the hegemony of moral frameworks on abortion from the Global North, such as the pro-choice/pro-life binary. In the following chapter, I begin by exploring Malay Muslim women’s understandings of abortion legislation in Malaysia as a springboard to later delving into their personal perspectives on abortion overall.

## **Chapter 2: Law & Faith**

Abortion legislation stands at the contentious intersection of state authority, religious doctrine, and lived experience, making it a frequent and unavoidable fixture of abortion discourse. As nation-states claim they construct laws to maintain and uphold civilisation as per the social contract, legislation thereby reflects a given societal consensus on personhood, morality, and bodily autonomy; representing more than mere regulatory frameworks, they embody political assertions about what is permissible and just. But when abortion legislation occupies a liminal space between civil and religious law, as is the case in Malaysia, what exactly is the assertion being made regarding abortion access, and what do local women make of it? —if anything at all. Anthropological research recognises that there is a difference between what people say they do, what they actually do. This chapter examines Malay Muslim women's knowledge and perspectives on abortion and the laws regulating it in Malaysia, and how mechanisms of reproductive governance such as religious doctrine, selective enforcement, legal ambiguity, and intentional censorship function to strategically curate such understandings. By doing this, we can begin to unravel how taboo, modesty, sexuality, and “The West” inform perspectives on abortion from local to state-levels.

### **What are the laws on abortion in Malaysia?**

Malaysia operates a dual legal system segregated along ethnoreligious lines, where Malays are all Muslim in the eyes of the state and thus subject to both Islamic law (Syariah) and civil law, while all non-Muslims are subject only to the latter (Abdullah & Wong, 2010; Adibah, 2025). Syariah law is not the same everywhere, as Islam is not a monolithic faith: there is no centralised authority, and several sects and schools of thought exist across the vast Muslim world, with Sunni Shafi'i being the practice of Islamic jurisprudence in Malaysia (Firzaa, 2019). The laws and beliefs in this chapter thus pertain to the Sunni Shafi'i school of thought specifically, and are not universally applicable to all Muslims. Moreover, Syariah itself is based on man-made interpretations of the Qur'an, Sunnah, and hadith, meaning there is a lot of variation between scholars, especially where a detailed Qur'anic verse or hadith are absent for reference. To reach a consensus on a particular contemporary issue, scholars refer to

Syariah, and interpret it to determine and issue a *fatwa* (ruling) on the matter. Both Syariah and *fatwa* are reached through the application of multiple levels of reasoning and principles. This creates a layered system where interpretations build upon interpretations, making Islamic jurisprudence a dynamic yet stubborn field where scholars prioritise different methods of reasoning over others to construct legislation (Adibah, 2025). In Malaysia, abortion falls under civil law; while Syariah has a prominent role in Muslim family matters, *fatwas* are not enforceable or actionable.

Act 574, Section 312 of the penal code states:

*Whoever voluntarily causes a woman with child to miscarry shall be punished with imprisonment for a term which may extend to three years or with fine or with both; and if the woman is quick with child, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.*

*Exception—This section does not extend to a medical practitioner registered under the Medical Act 1971 [Act 50] who terminates the pregnancy of a woman if such medical practitioner is of the opinion, formed in good faith, that the continuance of the pregnancy would involve risk to the life of the pregnant woman, or injury to the mental or physical health of the pregnant woman, greater than if the pregnancy were terminated.*

Simply put, abortion is permissible if a registered medical practitioner believes, in good faith, that it is the best way to prevent a severe pregnancy-related mental or physical health risk to the mother; i.e. to save her life. In the Penal Code, there is no specific outline of gestational limits on abortion, but it is implied that it should be performed before the “quickening”, a vague stage of pregnancy known as when the woman begins feeling the foetus moving inside her. This is estimated to be between 16-24 weeks gestation, and so is not useful to indicate exactly when an abortion becomes impermissible.

However, the Ministry of Health’s (MOH) guidelines on abortion for hospitals limits their discussion to procedures taken before 22 weeks gestation, with a clause for

Muslims following the National Fatwa Committee's ruling that abortion is *haram* after 120 days when "ensoulment" has occurred (MOH, 2012). Moreover, while by law only one doctor is required to sign-off on an abortion, MOH suggests two (inclusive of one specialist) are needed. Additionally, MOH asserts the *fatwa* that married Muslim women are encouraged to discuss the abortion with their husbands and are required to obtain their consent before proceeding.

So, while Syariah law may not be directly enforceable, requirements set by the Penal Code coalesce with the hospital system to stratify access to care. Syariah law heavily influences public opinion and understandings of abortion, including that of medical practitioners, thus implicitly enforcing reproductive governance. As doctors act as gatekeepers to abortions, they have the power to infuse their personal religious beliefs into their practice, meaning abortions can be and are often denied due to conscientious refusal of care (RRAAM, 2013; 2020). Personal beliefs however are not all to blame for conscientious refusal of care, as the caveat of opinions needing to be "in good faith" has been weaponised against practitioners in the past. Of note is the infamous case of Nirmala Thapa where a Nepalese migrant worker and her doctor were prosecuted and persecuted for an abortion, marking the first arrest of its kind in Malaysia (Firzaa, 2019; Nadhira et al., 2025). The woman was charged and incarcerated, and the doctor received threats for months before both were acquitted months later. This legal mess was hugely traumatic for both the medical scene and women seeking abortions nation-wide. Additionally, sexual education in Malaysia is extremely minimal, limited only to the actual biological process of reproduction.

All of this contributes to a sense of ambiguity and confusion surrounding abortion laws in Malaysia, leading many to assume it is illegal, but especially strict for Muslims.

### **The Myth of Abortion's Illegality: Assumptions & Ambiguity**

"I'm not familiar with the laws...are there abortion laws in Malaysia? I'm not aware" (Deena, 47, Banking Services). Deena's confusion was unsurprising. Her uncertainty echoed many of the women I interviewed over the course of my fieldwork; that "the law is just there", out in the ether waiting to meet earth, emerged as a prominent theme. The ambiguity of its legality was to the extent that she questioned whether there were

any laws addressing it at all—superseding the usual starting question of whether it is accessible or not. Though her approach implied that she was completely in the dark, as our conversation progressed it became clearer that the confusion largely lay in what the official rulings were, as it conflicted with the assumptions produced by her personal experience. She described to me how she did not realise that abortion was not freely accessible because she knew of people that had undergone them multiple times seemingly without issue:

*When I was in my 20s right—even younger than 20s—in my late teens, I knew of people that they did have an abortion and it was like a normal thing. So maybe it was quite lax back then? I don't know. Because, yeah! I knew this couple: she would get pregnant a few times and each time she got pregnant she would get an abortion. So I was like okay— why didn't they just, you know? Practice safe sex, right? So yeah, that's why I didn't realise that. Well, maybe if you're not Malay it's easier...I suppose maybe it's harder for Muslims? Because yeah, they were not Muslims. (Deena)*

In Deena's memory as a teenager in the 90s, it appeared easy to have an abortion because she knew of a couple that had undergone several of them, thus substantiating her impression that abortion was totally legal and accessible. She did note however that this couple was not Malay, implying knowledge of Malaysia's dual legal system, whereby Malays (all legally classified as Muslim) are liable to different laws not applicable for other major ethnic groups in the country (Chinese, Indian). The Penal Code (civil law) applies to everyone, whereas Syariah law applies only to Muslims primarily for personal and family matters, like abortion (Karim, 2022).

Both Syariah law and the Penal Code have sections on abortion, but the way these are defined by different interpreters is generally ambiguous. Some term abortion as “illegal with exceptions” and others as “legal under certain conditions”, leading to widespread misconceptions about the laws. Amira, a trained hotline volunteer for the Reproductive Rights Advocacy Alliance Malaysia (RRAAM) described the general public as being very unfamiliar with the laws surrounding abortion:

*[It's] definitely very bad [referring to public understanding]. I don't think a lot of people know about the fact that abortion is technically legal in Malaysia. Because*

*of course when you read the law it sounds like it's illegal—but they do have clauses, right? There are several clauses that allow the abortion to take place. But if you're not in the sexual and reproductive health fields, I don't think you'd be too exposed to this kind of thing—and especially if you don't follow let's say RRAAM or any of these feminist movements. I think a lot of people are not aware of the fact that abortion is legal in Malaysia. (Amira, 41, Reproductive Rights Advocate)*

Amira's insight revealed how the law itself reads as ambiguous and intimidating, leading many to conclude that abortion is absolutely illegal. One source of the mystery shrouding abortion is the literal suppression of coverage on amendments to the Penal Code by the national government, "the parliamentary secretary of the prime minister's department revealed that the national government had decided not to publicize the fatwa when it was issued for fear that it could be misused" (ARROW, 2005, p. 96). Farhana candidly remarked on her personal ignorance of these obfuscated clauses:

*To be honest with you, before coming today I googled what is abortion, but based on Islamic laws. So yeah, I didn't realise that they were implementing those laws here...I thought it was just your personal view or opinion. I didn't realise that it's actually illegal! I don't think the general public knows about this because there's a lot of unwanted pregnancies out there and I think they are not aware of this. I don't know where they're going to get these things done and if it's done in a safe way...and we hear about all these baby dumping cases... (Farhana, 50, Retired)*

Farhana was under the impression that Islamic laws on abortion were limited to the realm of spiritual guidance to be referred to at will, and not legitimately actionable legislation. Moreover, it is implied that the fact of abortion laws being highly ambiguous, and largely assumed illegal, is associated with high rates of "baby dumping" in Malaysia, in this context meaning child abandonment in public or residential areas, most commonly: alleys, playgrounds, mosques, hospitals, and even rubbish bins and public toilets among others. 90% of single mothers in Malaysia are survivors of sexual assault (WAO, 2024), a staggeringly high number which may reflect a lack of awareness or accessibility around abortion services. Crucially, it is not only women and the general public who lack an understanding of abortion rights in Malaysia, but healthcare professionals as well. A survey among doctors revealed a similar sense of

confusion as with the women I interviewed, and another among medical students further uncovered that there is a lack of education on abortion practice and legislation in the Malaysian curriculum (Low, Tong, & Gunasegaran, 2013). The assumption that abortion is illegal and highly persecuted has dire implications for women who need care, since under the Penal Code, a registered medical practitioner is required to assess and approve of any termination of pregnancy. Meaning, doctors and nurses have the legal right to gatekeep access to abortion services, and this happens often not only due to conscientious refusal of care—as abortion may conflict with their personal beliefs—but also because medical practitioners fear persecution for providing abortions (Tey et al., 2012).

### **Malay Women’s Perspectives on Abortion**

While civil law on abortion is quite liberal in Malaysia compared to the total bans seen in other nations across the world, it does not actually include specific allowances for rape victims, foetal abnormalities, HIV patients, and women with mental or physical disabilities; such reasons are only permissible if they pose a greater mental or physical health risk to the woman than termination of pregnancy. However, *fatwas* do directly endorse these and so abortions due to foetal abnormalities are almost always allowed, illustrating how reproductive health is carefully balanced by tension between Syariah and civil law.

Malay Muslim women were overall unknowledgeable about the official legislation, but did have very clear personal opinions on abortion that were largely in line with aforementioned national *fatwas*. That is, abortion is generally forbidden and frowned upon, but with exceptions to the rule following Islamic principles that advocate for the lesser harm, calling for the mother’s life to be protected and take priority (Adibah, 2024):

*From an Islamic perspective, abortion is wrong and haram—it’s forbidden, unless for a few accepted reasons. For instance, the mother is so sick or cannot give birth, the pregnancy is from rape or incest, maybe the foetus has some genetic disease. But it must be something that is really legit. It’s not like, “oh, I’m sick, I’m having a*

*headache”—that is normal. But sick to the extent that maybe if you go on carrying the baby, you will be put into critical condition or death. (Siti, 49, Teacher)*

The responses were all along these lines, laid out clearly and didactically, as though to instil the message in my own psyche and not just my research. There was always an underlying earnestness to everything conveyed. With tender-eyed and thoughtful expressions, it was important to these women that their faith was understood as loving and merciful, and always striving to act in peoples' best interest. Many emphasised to me that while they might have their own views, “it’s different when you’re going through something”, that you “wouldn’t know what it’s like when you actually have a reason to do it” (Deena). In turn, they equally wanted to hear my thoughts. Knowing the nature of my project, they were interested in exploring what I knew of abortion discourse locally and globally—whether they agreed or not—as “only Allah is all-knowing” (Nia, 48, Professor).

In direct opposition to my interlocuters stated values of love and mercy was an implicitly antagonising image of “The West” nevertheless still filtered through their lenses of love and mercy, which they subversively understood to be restrictive and cruel in their abortion policies. The liberal “moral decadence” described and rejected by Southeast Asian leaders for decades (Barr, 2002; Radics, 2024) seems to have somewhat flipped on its head, replaced by an impression of the Global North and particularly the US as overly suppressive. Now, as Malay women put it, the decline of family cohesion and filial piety in “The West” results in abortion policies being too oppressive, rather than too “liberal” as they were called in the past (Langlois, 2001):

*The Catholics especially and those neo-supposedly-intellectual Westerners that don’t allow it at all...it’s very merciless! What if the woman was raped? What if the sight of the child traumatises the mother? If she gives birth and nobody wants to take care of the child because it’s from rape, how? Or if there’s a really intensive disease and this baby harms the mother? What will people think? Whereas Islam gives a very merciful way out: okay, get rid of it before it burdens you emotionally, mentally, spiritually. (Liana, 50, Psychologist)*

Malay women demanded more holistic understandings of the reproductive intersubjectivity involved in abortions as a critical life event. What women described as an inflation of individualism in the US was viewed as regressive and lacking intellectual depth. Ergo, it seems while perspectives on the Global North have reversed, the anti/post-colonial rhetoric of our leaders and public remains steadfast—the “sanctity of family life” in Southeast Asia has started to somewhat absorb abortion access, using it as a cog in the machine to demarcate the region and religion’s moral superiority and development over “The West”. This begs the question of whether religious revivalism has lulled since the 90s, or if an aversion to colonial powers has taken priority such that Malays will position themselves as opposed to “The West” from whatever angle necessary to showcase the nation’s progress. Perhaps this has always been more subliminally the case than admitted. Nevertheless, Malay women’s critique of Catholics and Westerners—and by extension, liberal individualism—lacking an understanding of reproductive intersubjectivity appears to align with critiques made by decolonial abortion research, whereby “the rhetoric of choice that permeates both biomedicine and feminism risks privatizing reproductive responsibilities, transforming biomedical knowledge into intensely individual dilemmas” (Gammeltoft, 2014, p. 16). I was left with the impression that Malay women more readily recognise that the mother, pregnancy, community, social stigma, religion, and trauma are in an entangled and interactive relationship terraforming the bioethical-moral landscape of abortion.

In a few interviews, the Malaysian women’s rights organisation Sisters in Islam (SII) was referenced as a favourite example of Malay Muslim women striving for more Islamic feminist interpretations of the Qur’an to take centre stage in abortion practices and Syariah law. The organisation “aims to promote the principles of gender equality, justice, freedom and dignity in Islam and empower women to be advocates for change in Malaysia and globally” (Sisters in Islam, 2025). This mission statement resonated with the women I interviewed, who conveyed that while Syariah law on abortion serves as the paramount guide for now, it has to be acknowledged that the Qur’an, hadith, Syariah, and *fatwas* have always been interpreted and issued by men, a majority of whom are Middle Eastern and above middle age. Ergo, it would be a fallacy to claim that Syariah law is objectively based empirical truths and untouched by cultural values.

Ergo, the notion that Syariah law is objectively based empirical truth is shaken by cultural values and patriarchal interpretations.

The 120-day gestational limit on abortion was perceived not only as a matter of preventing the sinful unnecessary killing of an ensouled being, but also as a matter of safeguarding women's health and wellbeing beyond religious beliefs. The view is that abortion is a dangerous medical procedure beyond 120 days gestation, with the risk of haemorrhage, impaired fertility, and a weakened womb that cannot carry planned pregnancies in the future. To an extent this is reminiscent of pro-life groups co-opting sensationalised trauma narratives of the harmful effects of abortion to campaign against it, as referenced in the introduction and the first chapter of this dissertation.

Interlocuters also raised that the actual embodied experience of pregnancy is hugely important to delineating when an abortion is psychologically tolerable. That is, early into pregnancy (for the 120 days) women are "too sick" to fully grasp the visceral aspects of their condition, and the foetus not yet developed enough to make its presence known through physical movements like kicking. Because of this, the woman won't yet feel that it's "a part of her inside", there are no "sensations of life" as Farhana put it, thus making abortion easier on a woman's psyche. There was a sense that the "Islamic perspective" on abortion is in place for the best interest of women, who sans a community or faith-blessed reason to have one would otherwise be "haunted" for the rest of her life by the decision to terminate her pregnancy, a leveraging of trauma narratives. Opposed to pro-choice stances, where autonomy and individual decision-making is central to abortion access as emblematic of reproductive freedom and health, here, limiting choice is framed as critical to women's wellbeing:

*...In the long run it has a very big spiritual impact. You don't have to be Muslim—I'm a psychologist, and the psychological impact of it...you will keep on thinking of it even if you don't want [to]. You cannot block it out. It's not like you poo, and that's it! This is a human being inside you and then you terminate its life. No matter how you want to be "delulu" (delusional) about it, it will haunt you throughout your life until you die, and Islam wants to protect you from that. (Liana)*

The principle of it is that through putting in place these prerequisites for the right to an abortion, Islam protects women from long-term future spiritual and psychological trauma by making it so that their “choice” has to be forced out of necessity; “that feeling of calmness is there, I’m making the best decision that I can” explained Liana. For instance, Liana posited in the case of foetal abnormalities the mother can “settle herself” knowing that it is not her fault, “the scan shows the child is not alright—so okay, I’m doing it for the child”. In contrast to the experience Gammeltoft’s (2014) interlocuters faced with foetal abnormalities, where any decision made was felt to be unbearable and “forever haunting”, Liana implied there was freedom in having choice limited as it would unburden the mother’s conscience, dispelling the ghost of memory. Moreover, in response to Rapp’s (1999) question of how far abortion decisions extend into the wider community, Liana’s conviction that one would be “doing it for the child” further expands the community to include the embryo-foetus or unborn. Although Liana, like my other interviewees, often used the language of choice in her perspectives, the situation she describes plays out more akin to fate than decision-making, alerting one to quiet reassessment of the place of drawing on local language for anthropological analysis. Gammeltoft suggests that “the language of rights, choice, and self-determination—though politically important—may be neither analytically productive nor ethnographically fruitful” (2014, p. 17). In this case, “choosing” an abortion for someone else’s best interest is difficult to reconcile with ‘self-determination’, and so focusing on these factors is a potentially isolating and myopic enquiry.

To summarize, this chapter has delineated the ways in which legal and spiritual structures—often without mutual exclusivity—influence Malay Muslim women’s perspectives on abortion and access. Likewise, their perspectives do exist in a geopolitical vacuum. Many interviewees displayed a distinct disdain for “the West” and took pride in positioning both themselves and Malaysia as a nation against Western principles and ideologies surrounding reproductive rights. But, largely, Islamic emphases of mercy and love pervaded their testimonies even when they considered the lived experiences of those under more restrictive policies in “the West” and also the way in which limiting women’s choice might be freeing. Ultimately, it is important to understand that Malay Muslim women’s perspectives on reproductive rights is multi-faceted and subject to a variety of influential contexts.

## Chapter 3: Foetal Personhood

The argument of “foetal personhood” is critical to abortion discourse in Euro-American contexts, gaining such traction that the terminology is exported globally: When does human life begin? How and by what margins do we reason our answers to that question? Delineating between “a blob of protoplasm” (Michaels, 1999) and a “baby” is frequently where many draw a moral-ethical line in the sand on abortion. However, anthropologists have shown how such lines appear more like a blurred spectrum than a binary before-and-after distinction, especially with the advent of ultrasound imaging. Contesting definitions of the foetus as monster, innocent, imaginary, agent, as biomedical or spiritual, have powerful effects on prenatal behaviours and maternal health assessments; how people perceive the embryo-foetus informs the moral stances that stratify reproduction and engender reproductive governance via controlling abortion access. For some, the foetus is personified from conception, and still within the womb owed all the individual rights of an actualised person, often at the expense of the woman carrying it. This dichotomy deconstructs the “naturalised archetypical dyad” of mother and unborn, representing the pair instead as antagonistic forces competing on moral-ethical terrains for prioritised high ground (Maraesa & Fordyce, 2014). This chapter further contextualises Malay Muslim women’s perspectives on abortion through exploring how they understand and conceptualise foetal subjects.

### **Is there a difference between a foetus and a baby?**

Overall, Malay women did not fully subscribe to foetal personhood, instead occupying a third space where spirituality and biology intersect to inform perspectives on foetal subjects and abortion. That is, ideas of the soul and divine providence synthesised with knowledge on stages of prenatal development, resulting in a spectrum of ontological perspectives—from more biomedical, to more embodied, to more spiritual. There was no strong consensus on foetal personhood in terms of rights, other than an agreement that from an Islamic perspective, one can consider the foetus a “living being” after the “*rūh*” (soul) has been “blown” into it by angels under the command of Allah at around 120 days gestation. This imbued the foetus with elevated status and consideration as an ensouled being, but not exactly full personhood, as some women distinguished

between life and sentience, and others considered the foetus to only be a child late into the third trimester when it has fully developed anatomy.

Some women encountered the term “foetus” strictly for what it is defined as in embryology, marking a clear-cut difference between a foetus and a baby:

*The difference is in the developmental stage of the pregnancy. The foetal stage begins at 10 weeks from the last menstruation and lasts until birth. Scientifically, a baby is not labelled a baby until after being born. But, I think most people use the term interchangeably. (Nia)*

Many women expressed a need to anchor their perspectives through biomedical or “scientific” terms, believing in the legitimacy and authoritative knowledge of such fields. Amira, like Nia, agreed that “a baby is a person that has been born already, and if it’s still within the womb it’s a foetus” and confided that she tries to “use the correct terms” when describing it, desiring to be as scientifically accurate as possible (Amira). In the same vein, some women asked me for help to verify the language they were using to explain their understandings, reflecting an underlying belief in an objective definition of the foetus and its stages of development. As Deena and I spoke on prenatal development, she asked me “what come’s before an embryo, a zygote?” Here, biomedical timelines are not separate from faith but complimentary, as the different stages of development ground and are interpreted to reinforce Qur’anic and hadith verses on pregnancy. In melodic lilting Arabic, a stanza of Surah Al-Mu’minun was recited to me by Siti, translated to mean “and indeed, We created humankind from an extract of clay, then placed each human as a sperm-drop in a secure place, then We developed the drop into a clinging clot, then developed the clot into a lump of flesh, then developed the lump into bones, then clothed the bones with flesh, then We brought it into being as a new creation. So Blessed is Allah, the Best of Creators” (*The Qur’an*, trans. Mustafa Khattab 23:12-14). The perspectives of this women at minimum sync up with or are influenced by Islam, illustrating that their perspectives foetal personhood cannot be solely considered as subscribed to scientific or religious geneses, but a blending of both. Thus, these Malay Muslim women’s perspectives occupy a third space where the two blend into one, demonstrating the need to bring overlooked or marginalized perspectives into the international conversation

surrounding abortion in order to more holistically account for the implicit and variegated nuances of women's experiences.

### **Visibility, Embodiment, and Spirituality in Foetal Personhood**

Anthropologists have shown how ultrasound puts the foetus in a “womb with a view” (Hadd, 1991), such that visibility now often overtakes viability as the tool animating the foetus as real and as having all the rights owed by personhood (Franklin, 1991; Michaels, 1999; Mills, 2014; Mitchell, 2001). As Mills (2014) put it, “...ultrasound is portrayed as a representative machine that reveals biological data that ought to reset our notions of personhood. It allows us to more correctly identify the frontiers of personhood. In this way, it is characterized as a kind of moral speculum, allowing us to peer into the maternal body in order to find the person within.” (p. 93). Sarah Franklin's (1991) work set a precedent for recognising how ultrasound does not reveal “the person within”, but produces them. Moreover, in *Disembodying Women*, feminist medical historian Barbara Duden (1993) tracks how the advent of obstetric ultrasound imaging created an irreversible shift in the way people imagine the foetus. By examining accounts of obstetric medicine from before and after ultrasound technology, Duden puts sonograms into historical perspective to showcase how associations made between the image and foetal personhood are socially contingent—they are but culturally constructed ideographs, supported by a network of material and semiotic systems of personal yearnings and narratives, not unlike commodity fetishism. This does not discount the emotional value people ascribe to foetal subjects, rather, it acknowledges that “personhood is not a static analytic category but a fluid and volitional social practice; it is repeatedly re-created by people entwined in multiple social (and often global) contexts” (Morgan, 1996, p. 63)

In Meredith Michaels (1999) work on the production of foetal personhood by new reproductive technologies like ultrasound imaging, she critiques the centrality of foetal personhood to abortion rights discourse by drawing from René Descartes theory on degrees of reality to ask “who is more real, women or fetuses?”. Descartes' philosophy posits that there are varying levels of "reality" depending on the nature of the idea or experience. In his *Meditations*, Descartes argued that the most “real” things are those that are infinite, immutable, and self-evident—such as God—while images,

impressions, and representations hold a lower degree of reality because they are dependent on interpretation and external sources. Michaels applies this philosophy to pregnancy to illustrate that foetal personhood, when dependent on medical imaging, holds a lesser degree of reality than women's direct, embodied experience; her physical and emotional sensations are not mediated through a screen or external tool—they are immediate, lived, and internally verified.

Michaels' perspective on foetal personhood helps us understand such perspectives as Farhana's, which testifies to a spiritual-physical coalescence that is only semi-reliant on visual touchstones of foetal life:

*It's a surreal experience because you really feel like there's something inside you and they can respond. At 7-8-9 months, whatever you say the baby can understand already, you can tell the baby "move this side, move that side". I don't know, Allah makes it so great that no matter what language the mother is using in that last few months the baby understood exactly what the mother is saying "Oh I'm trying to sleep, please stop kicking!" [laughs]. So at that point is the most spiritual side because you cannot see the baby but you can feel it, and the baby actually responds and sometimes they hit from inside and you can on your tummy the little feet and hands—that is a very spiritual experience...what else can you imagine it to be other than spiritual. Because if it's intellectual, you cannot see what? Intellectual is about seeing and believing—you cannot see the baby, but you know and can feel that it's inside you. (Farhana)*

Farhana's testimony demonstrates a perspective on foetal personhood that is woven of several threads of thought, the most notable of which find their basis in her adherence to Islam, physical realities as a mother, and a spiritual relationship with the foetus. When Farhana evokes the name of Allah to say that in the third trimester the foetus is made to understand the mother's "language," implying foetal consciousness, agency, and sentience exclusively during this final trimester, she reveals how Islamic doctrine plays a significant role in her perspective of foetal personhood and thereby echoes what Liana powerfully puts into words when she says, "the difference between a baby and a foetus...[is] a baby has a soul already and a foetus just has a heartbeat". For Farhana and Liana, it is not simply life itself that brings the foetus into being as a

person, but the soul, full foetal development, physical-spiritual sensation, and the will of Allah.

Additionally, whilst recognizing the thrill and visceral experience of seeing feet or hands on her belly, Farhana's perspective is one largely bereft of image-based visible signifiers. Farhana's assertion is that the foetus is valued not through visibility (via sonograms or otherwise) but through a spiritual relationship enforced by physical embodiment and visceral sensation. This perspective diverges from the common Euro-American fixation on foetal personhood as produced through reproductive technologies, like ultrasound, that create new levels of visibility, acting as a "moral speculum" that helps "identify the frontiers of personhood" (Mills, 2014, p. 93). While pro-life rallies in the US revolve around the leveraging of sonograms to evidence foetal personhood and life, tearing the image of the internal foetus out to the external world, Farhana maintains that foetal life is something experienced and not exhibited through technology. Rather, it is a spiritual connection that transcends language and intellectualism, and thus cannot be defined by images isolated from the body. Morgan (1996) has criticised the trend of scholars situating the foetus at the nexus of abortion discourse, as often this teeters close to pro-life moral-ethical frameworks that diffuse the woman's body and experience, like in a sonogram, "out of the picture"; Farhana's blending of the physical, spiritual, and tangibly visible in describing the foetus aligns with Morgan's call to "imagine a relationality that overrides rather than replicates Cartesian dualisms" (1996, p. 62).

Where Euro-American contexts fixated on pro-choice/pro-life ideologies stratify reproduction through binary perspectives on foetal personhood that segregate biomedicine, religion, visibility, and life, Malay Muslim women's experiences are more relational and reconcile these. The experiences of Nia and Amira illustrate how some women prefer to take a more "scientific" approach, using biomedical terms and information on foetal development to reinforce the core teachings of the Qur'an and hadith. Meanwhile, Farhana takes an approach that sees physical embodiment and visceral sensations as complimentary with her spiritual connection to the foetus and Islam. Taken together, these women's testimonies exemplify a reconciliation of seemingly discrete vectors *vis-à-vis* foetal personhood to explain Malay Muslim women's views on abortion.

## Chapter 4: Ethics & Morality Beyond Abortion

Thus far we have explored legislation, Islamic rulings, foetal personhood, and moral-ethical scales dealing in the beginnings and endings of life—but these were not truly the most significant herald of concern surrounding abortion for Malay Muslim women. Abortion, as a social or women’s issue by itself, seemed to fade into the background, as in every interview a general disdain for promiscuity and unsafe or illicit sex overshadowed every mention of abortion. In the Malay context, abortion cannot fully be considered a moral-ethical point of contention isolated from sexuality; the two are considered together, with the latter being of primary focus as the “root” issue. Whereas in the Global North abortion discourse is marked by notions of potentiality-for-being that project the foetus into the future, Malay women turned their gaze to the past, searching for what they believe is the first domino to fall, having a knock-on effect that ends in abortion as the final consequence. This chapter explores how Malay Muslim women go beyond considering the ethics and morality of abortion to focus on premarital sex.

### Sex Taboo for Prevention and Not Cure

In Islam, there are different degrees of sin, of which the most severe are categorised as “*Al-Kaba'ir*” (major sins). Among these is “*zina*”, a term referring to unlawful sexual intercourse, encompassing premarital sex, extramarital sex, sodomy, incest, and bestiality. Colloquially in Malaysia, *zina* most commonly refers to premarital sex, and is often used in its place. For some women I interviewed, abortion served as an afterthought entirely as *zina* circumvented it as the central problem:

*So number one is Islam from the very beginning, they're not talking about abortion, they're talking about avoiding zina. They're not talking about curing, they're talking about preventing. That is how Islam is. So it's not talking about what to do after something has happened...when you prevent zina, obviously, abortion is something that would not happen. So, what Islam says the guideline is basically avoid zina—you won't talk about abortion. (Siti)*

In this purview, abortion rests as a secondary issue behind the assumed primary violation of committing premarital sex. Though women have abortions for a great variety of reasons such as socioeconomic hardship, rape, and genetic disease, the instinctual presumption from my interlocutors was that unwanted pregnancy is most often the result of one's own unrestrained promiscuous volition. Malay women tended to treat abortion as the final nail in the coffin in a series of sinful events, and would reverse engineer the discussion on abortion until they arrived at their core concern: premarital sex. That is, abortion is only relevant and abhorred insofar as it's linked to the existence of an unwanted pregnancy, which is consequentially linked to premarital sex gone-wrong, which is on its own taboo. An abortion is seen as the most severe product and evidence of promiscuity and irresponsibility, a reflection of an irreligious background that is also shameful to one's family. Abortion is disdained only inasmuch as it evidences *zina*.

*Zina* bears its own negative implications as well. Amira begins bearing out premarital sex and marking it along the lines of societal reception and shame:

*It's a very taboo subject and its usually considered a double dosa (sin) kind of thing. In the Malay community a lot of us feel that people who undergo an abortion it's usually because they have premarital sex or don't take precautions. So definitely there's a taboo around it. There are definitely some Malays that have what you might call a more liberal view because of their upbringing, but in general it's a subject we don't really talk about. Premarital sex itself is taboo—It's like you're not supposed to do that in the first-place cause' it shows you lack a religious upbringing. (Amira)*

Amira's response elucidates the role of upbringing, and by extension family, in the construction of moral-ethical boundaries, thus showcasing how not only abortion decisions cannot be isolated to the rhetoric of choice—as illustrated by abortion ethnographies from the Global South and decolonial critiques of the Global North (see Chapter 1 & 2)—but premarital sex as well. The sin and stigma attached to *zina* is not contained to the person who committed it alone, but ricochets to their family as well, who would be perceived to have practiced immoral and immodest parenting.

Under the limitations imposed on abortion access by Syariah law, there was an impression that the only reason one might be blocked from aborting is in the case of an unwanted pregnancy as the result of unsafe premarital sex, which is viewed as an immoral and deviant character flaw—primarily, because of the religious value of chastity and secondarily, because it is perceived as an inhumane and careless waste of life.

### **Manifestation and Accountability**

While everyone disapproves of *zina* as it is a major sin, Liana reemphasises the sentiment by framing it as a personal issue that requires individual accountability irrespective of religion:

*Islam allows abortion first and foremost, and also you cannot fault Islam for something that you yourself do, what? You go and get yourself pregnant freely and without protection and also out of wedlock and then you say you don't want it...that is your problem not Islam's problem. (Liana)*

Here, Liana extends her perspective to a plane of thinking that is separate from her identity as a Muslim woman by considering premarital sex along the lines of personal responsibility and wastefulness. Liana's testimony underscores that for Malay Muslim women, the locus of their critiques of abortion lies in an objection to premarital sex. Because Islam allows for abortion due to rape, genetic disease, and to preserve the woman's health or save her life, premarital sex is perceived as the only reason for an unwanted pregnancy spawned from one's own personal immoral behaviour. Importantly, Liana had two children that passed on during infancy, a life event that palpably influences her perspective:

*The whole sensitivity of it for me is not about abortion, but for me because I have two dead children, my children died...so for me what I'm against is all these young girls getting themselves pregnant when there are people like me who lost children and other people trying so hard to conceive and they happily get themselves pregnant and abort because "oh I don't want it". Then don't do it in the first place you*

*get what I mean? Or take precautions. That is the sensitivity. Not because it's a religious issue, but it's more of a humanity issue. (Liana)*

As seen through the perspectives of Liana, Amira, and Siti, aversion to *zina* is what most strongly informs Malay Muslim women's treatment of abortion, as it is viewed as the core issue to be afforded attention if we want to prevent rather than mitigate the need for 'wasteful' abortions that undermine childless and infertile parents' efforts to conceive.

Some women believe that there's no need to speak about abortion because it supposedly doesn't happen frequently—that there is a public silence about it because it is not a 'relevant' topic of discussion. Moreover, Malays believe that speaking a lot about something serves as a form of manifestation as everything you say can be counted as a prayer, almost like 'speaking it into existence' and this applies to other 'undesirable' subjects like the LGBTQ+ community. They are not exactly scandalised by information on abortion, but rather want to avoid it becoming a reality they can identify with. In the same respect, they also want to avoid 'cursing' other people with it out of common decency, for such discussions could constitute gossip which is regarded as a sin. They are not exactly afraid of abortion per se, but of it 'happening' to people because they had been 'manifesting' it for them.

To summarise, the perspectives of Malay Muslim women reveal a moral-ethical contention that goes beyond abortion—tied to discourse on the sanctity of life itself or the guise of protecting women from abortion-induced physical or psychological harm—to encompass the unsafe premarital sex that resulted in the need for an abortion at all. There is the sense that associations with *zina* or promiscuity is the largest source of immorality surrounding abortion, as an unwanted pregnancy is considered a visible and public signifier of deviant history. Malay women believed that by focusing on *zina*, we can practice "prevention and not cure" to best protect and preserve women and women's reproductive health from unwanted pregnancies.

## Conclusion

Through six in-depth interviews and autoethnographic experience, this dissertation explores how Malay Muslim women understand and engage with abortion to contribute to decolonial literature in the anthropology of reproduction, and address a gap in nuanced understandings of abortion and the foetus beyond the dominant Euro-American pro-life/pro-choice binary. Anthropological and ethnographic lenses have begun to delicately elucidate how across the world there is no universal conceptualisation of the foetus and the beginnings and endings of life—morality and ethics manifest entirely differently depending on social determinants like religion, socioeconomic status, marital status, and ethnicity among others. The hegemony of literature and media from the Global North propagating pro-choice/pro-life stances, situated in Christian terrain, is inaccurate and unsustainable to real life, as such a rigid dyad veils the messiness and relationality of women's lives; especially where systemic and community or familial influence play a crucial role in reproductive decisions, the rhetoric of individual choice and bodily autonomy proliferated by Euro-American frameworks undermines such experiences. Abortion is a deeply personal yet made-public reproductive event that all women encounter differently. Thus, for some the orientation of choice as entirely privatised is oppressive and burdensome, isolating the woman as the sole bearer of consequences and a weighted conscience. Acknowledging that the decision was collective can more empathetically distribute responsibility, thus, individual choice as emblematic of reproductive freedom does not resonate for everyone.

In Malaysia, postcolonial sentiments coalesce with religious revivalism to cultivate the authoritative knowledge under which reproductive governance is produced and negotiated. Here, reproductive governance emerges through the mitigation of abortion access under a dual legal system (civil and Syariah law) that stratifies reproduction along fault lines of gestational limits and chastity; abortion is permissible before 120 days gestation insofar as it is to preserve the woman's mental or physical health—such as for severe foetal malformation, rape, and incest—but not for cases where it is purely an unwanted pregnancy from unprotected premarital sex. Due to ambiguous legislation, minimal sexual education, and fears of persecution, the Malay women I interviewed demonstrated a general lack of legal literacy but had perspectives on

abortion that aligned with the law in that they were sensitive to abortion as an important and necessary healthcare option for those that are suffering from trauma or disability, but disapproved of abortion as a form of “birth-control”. These perspectives were grounded in Islamic ethics that privilege mercy and contextual reasoning, with my participants often describing Islam as compassionate and pragmatic. These interviews also revealed a complex perception of “The West” where Western abortion restrictions were seen as overly punitive, in contrast to Islam’s perceived mercy.

On the subject of foetal personhood, Malay Muslim women did not strictly subscribe to biomedical or religious categories, instead navigating a third space that synthesised embodiment, foetal development, and spirituality. Some women prioritised scientific knowledge to distinguish between a foetus and a baby, while others viewed foetal life as relational and spiritual, becoming morally salient only after “ensoulment” beyond 120 days gestation. The fluidity invested in understanding the foetus, by considering all at once considering visceral sensation, Islamic teachings, and affective connections, complicates the Euro-American fixation on personhood as conjured through the visibility created in ultrasound imaging.

Moving beyond abortion discourse, Malay women located moral-ethical questions instead in sexual behaviour. For all the women I interviewed, the real crisis is not so much to do with abortion or foetal life, but rather its perceived root cause: unprotected premarital sex, or *zina* (unlawful sex)—a major sin in Islam that constitutes both moral failure and public scandal. These findings enforced that perspectives on abortion cannot be fully understood without considering the socio-religious weight of sexual conduct, family reputation, and the broader Islamic moral landscape.

Tying these threads together, this dissertation argues that Malay Muslim women’s perspectives on abortion cannot be adequately captured by the pro-life/pro-choice binaries, universalising feminist discourses, or fixation on visibility from the Global North. Instead, they reflect a deeply relational and contextual moral world where Islam is not seen as an obstacle to abortion access, but a flexible moral-ethical guide grounded in mercy, accountability, and community wellbeing. Opposed to Euro-American contexts that fix the foetus at the nexus of abortion discourse, Malay women

are instead preoccupied with promiscuity, as the consideration of foetal life is already established explicitly by the Qur'an and hadith.

Future research could expand on the findings of this dissertation by broadening the demographic scope of participants to include a larger sample size and women of different age groups, socioeconomic backgrounds, and Malaysian states. Additionally, a more in-depth exploration of organisations like Sisters in Islam and the impact of digital media in proliferating cases like the overturning of *Roe v. Wade* to infamous levels could offer valuable insights into the transnational flow of abortion narratives into local discourse.

While conversations from Global North pour into countries like Malaysia, rarely and to our collective detriment does the opposite occur. Malay Muslim women's perspectives and experiences regarding abortion do not fit onto the binary map imposed by hegemonic rules of dialogue from the Global North, making monolithic assumptions about women's experiences impossible and reinforcing the need to include sidelined voices in the conversation in order to more fully appreciate the diversity of women's experiences.

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