

Religious Perspectives on Abortion and a Secular Response

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Abstract This paper concerns the medical, religious, and social discourse around abortion. The primary goal of this paper is to better understand how seven of the world's major religious traditions (Roman Catholic, Lutheran, Jewish, Islamic, Buddhist, Confucian, and Hindu) address abortion 'in the clinic'. We do not aim to critique these commentaries but to draw out some of the themes that resonate through the commentaries and place these within complex social contexts. We consider the intersection of ontology and morality; the construction of women's selfhood; the integration of religious beliefs and practices in a secular world. We suggest that for many women, religious doctrine may be balanced with secular logic as both are important and inextricably linked determinants of decision making about the termination of pregnancy.

Keywords Abortion · Pregnancy · Moral status · Ontology · Pregnant woman · Mother · Decision making · Religion

Introduction

Despite advances in science, technology, and society, religion remains a major influence on contemporary attitudes to the issues surrounding the beginning and end of life, and particularly those surrounding abortion. In the secular bioethics literature, the nexus between religion and abortion tends to get treated in predictable ways. There is a focus on doctrinal

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views associated with Judaic and Christian traditions, and there is little, if any, comparative discussion about other religious traditions. There is also scant exploration of differences between and within religious traditions, and engagement between secular and religious scholars tends to take the form of polemical exchanges.

This paper aims to shift the discourse by initiating an exchange between a group of secular scholars and religious scholars drawn from diverse traditions. We have invited experts from seven major religious traditions (Roman Catholic, Lutheran, Jewish, Islamic, Buddhist, Confucian, and Hindu traditions) to comment on a hypothetical case scenario about abortion. Borrowing from the methods of some of these very traditions, we then provide a ‘commentary on their commentary’ as a kind of discursive experiment in bioethics.

Hypothetical Scenario

Katherine is a family practitioner in the central suburbs of a major European city. Her patient population includes immigrants from a variety of countries with a range of religious faiths. She frequently provides counseling and guidance to women and couples about reproductive decision-making, and occasionally refers women for termination of pregnancy (abortion). Although she is very familiar with the views of the Catholic Church on the morality of termination, she is increasingly aware of her relative lack of knowledge of the views of other religious traditions and the diversity of views within any one faith. In order to offer informed, sensitive, and appropriate counseling to all women and couples who come under her care, she endeavors to establish what the perspective would be of each of the major faiths regarding termination of pregnancy under various circumstances including:

- Where a woman wishes not to continue the pregnancy for personal reasons
- Where a woman or couple is facing serious financial or social hardship and feels unable to raise a child
- Where the pregnancy has arisen from rape or incest
- Where the fetus has a malformation or disease condition which is not life-threatening (e.g., Down's syndrome or spina bifida)
- Where continued pregnancy will affect the life of the woman (e.g., carcinoma of the uterus or a heart valve defect)
- Where a woman wishes to have a third trimester (after 28 weeks' gestation) termination due to severe depression and suicidal intent

Commentaries

A Catholic Perspective

Dr. Helen Watt

Katherine's questions are important, not least because many of the concerns abortion raises for patients with a certain religious belief may be shared by those of other faiths and none. Often presented as an innocuous medical procedure, abortion in the Catholic understanding is a violent act which harms those who choose it even more than those on whom it is

inflicted. The Catholic Church has a long experience of talking to women who have been harmed morally and emotionally by abortion, and helping them come to terms with what has happened and make their peace with God (John Paul 1995). Having said that, the emotional damage can be persistent (Tankard Reist 2000; Burke and Rearden 2002), and many women find they need assistance from postabortion counseling and self-help organizations with the feelings they experience.

Historically, the Church's opposition to abortion has been constant throughout fluctuations in scientific and theological opinion as to when a human life comes into being (Jones 2004). In the Catholic understanding, the human person is not a purely spiritual but a bodily being: the soul is the body's 'life principle', albeit directly formed by God. It follows that any living human individual has both a human soul and human rights, including the right not to have one's life unjustly targeted by others. Increasingly, with growing scientific knowledge, the Church has seen abortion as not only seriously wrong at any stage of pregnancy, but also (as in the earliest Christian tradition) as a form of unjust homicide. Certainly, the unborn child, in Catholic teaching, must be respected as a person from conception.

The rights of human beings do not depend on the circumstances of their conception: for example, the child conceived from rape must be respected no less than any other child. In any case, abortion after rape—often taken for granted as in the woman's interests—can be particularly traumatic and can even be experienced as a 'second rape'. For a woman to go through with a rape pregnancy, in contrast, can be experienced as an assertion of her own strength and dignity and of the value of her child (Reardon et al. 2000). To take a child's life as a response to the crime of her father is, in the Catholic understanding, not an option: the child and her mother are equally precious and must be equally respected.

If the unborn child is disabled, again, her life must be respected, like that of any innocent human being. Prenatal diagnosis with a view to a possible abortion is opposed by the Church, as is any diagnostic procedure which puts the baby and her mother at unnecessary risk. A Catholic response to a diagnosis of disability would not be to refer for an abortion but to put the mother or parents in touch with families or organizations (for example, those with experience of the relevant condition) which can offer positive support. The same applies to social or financial problems: women in these situations should be supported through pregnancy to birth and beyond. Many organizations which offer support are run by the Catholic Church and/or staffed by Catholics: many women and children have expressed their grateful thanks for this support at a low point in their lives. Katherine may wish to enquire what relevant pregnancy care groups are in her area, so that any woman seeking an abortion can at least be given a card with a pregnancy helpline she can contact.

If a pregnant woman has a medical condition, again, deliberate abortion—as opposed to life-saving treatment of the woman's own body—is, for Catholics, not an option. Abortion is sometimes proposed for suicidal women; however, pregnancy appears to protect against suicide, while abortion and suicidal feelings are, in fact, positively linked (Gissler et al. 1996; Fergusson et al. 2006). It is, in any case, no answer to a woman's distress to take the life of her child. Whether a woman's health problems are mental or physical, an attack on her child will not be justified: deliberate killing and/or expulsion before the child is viable are morally excluded.

A high risk pregnancy such as that of a woman with a heart valve defect will need to be monitored, and treatment offered if appropriate. If the woman's own body needs urgent treatment for a medical condition, the Catholic Church teaches that the woman may accept the treatment, even if her unborn child will die. For example, in the case of cancer of the

uterus, a pregnant woman may have a hysterectomy: the death of the child is a sad and painful outcome, but is not in any way intended. While some women may generously risk, or even give up, their own lives for their children, this is not morally required, as they have a right to treatment of what is uncontroversially their own body. The same can be said of the removal of a fallopian tube (or part of the tube) which has been damaged by an ectopic pregnancy: the damaged part would need to be removed, even if the unborn child had already miscarried. The death of the child (for example, where the mother's blood vessels are clamped to prevent bleeding) is not the aim of surgery but an unintended side-effect, which may reasonably be accepted.

In other cases where the child is on the verge of viability, delivering the child may be the child's own best interests, as well as those of her mother. A baby who is or who may be viable, and whose mother is in imminent danger, may be delivered early, as this is likely to be in the interests of both mother and child. Both are precious, and both must be respected, even where (as in the case of tubal pregnancy) both cannot be saved. Pregnancy involves not one but two living human individuals—two innocent human beings. The dependency of one on the other does not annul the rights of either, though their intimate connection means their interests are closely entwined.

A Lutheran Perspective

Prof. ThDr. Igor Kiss

In contrast to the Roman Catholic Church, the Lutheran church does not have a central office that determines the uniform teachings of the church. For this reason, it is possible to find different answers among Lutheran churches to various ethical questions. The Lutheran Church—Missouri Synod in the USA maintains rather conservative standpoints and is strictly against the termination of pregnancy under all circumstances. This is similar to Lutherans who are influenced by evangelical movements. On the other hand, the ethical viewpoints of the majority of theologians in the Evangelical Lutheran Church in America (ELCA), of Scandinavian Lutheran churches, as well as the majority of German Lutheran theologians, hold the view that the termination of pregnancy is to be discouraged, while recognizing the necessity for a state to have a rational law on abortion allowing the termination of pregnancy under certain conditions and situations.

Lutheran ethics from a moral standpoint against the termination of pregnancy.

First of all, it is necessary to stress that all Lutheran churches, without exception, are critical of the termination of pregnancy, and as a moral ideal encourage mothers to carry the child to term. From conception, a child begins the process of becoming a new human being. The child is a gift from God and it is necessary to gratefully accept this gift. Likewise, when considering the occurrence of an unplanned conception, we must regard the fetus in the womb as the beginning of a human life that cannot be groundlessly extinguished. From a moral standpoint, the groundless and arbitrary termination of a pregnancy must be considered as murder, sin, and a guilty act. Various egotistical reasons and justifications for the termination of pregnancy (e.g., participation in a lucrative vacation, saving up for a cabin, or for a luxurious car, etc.) are considered by Lutheran churches to be morally inadmissible, and are condemnable. This does not contradict the necessity for the state to have a rational law concerning abortion.

Nontheological reasons for the existence of a rational law concerning abortion.

Dual attitudes exist because on the one hand the church is against arbitrary and irresponsible abortion and declares it to be a sin and an offense, and on the other hand accepts

the necessity of a rational law concerning abortion in the state. Even if laws of the state were established prohibiting abortion, abortions would continue nevertheless. Artificial miscarriages would still be carried out by “angels of death,” and untrained “physicians” and shysters would cause the death of many mothers. Furthermore, the revelation that a person attempted to abort a pregnancy, would lead to legal consequences for a criminal act, and the mother would be imprisoned. Another possibility would be the flight to so-called tourist abortion-clinics abroad, as happens in Malta, Poland, and Ireland. In other situations, secret abortion-mafias would be created, which would provide professional abortions for a high fee. No country has ever completely eliminated the occurrence of abortion. Most likely artificial abortions will always exist as a result of human sinfulness, unfortunate social conditions, or medical necessity. Therefore, this question needs to be legally approached.

Theological reasons justifying the existence of a law concerning abortion in the state.

a. Luther’s Two Kingdom’s Teaching

The main reason Lutheran theology and Lutheran churches embrace this twofold solution (viewing abortion as morally wrong while tolerating a reasonable abortion law created by the state) can be traced to Luther’s teaching concerning the “two kingdoms”.¹ Luther’s Two-Kingdoms teaching, according to Helmut Thielicke, is the basis of Lutheran ethics (Thielicke 1981, p. 589). According to this teaching, we have to make a distinction between the stricter ethics of the church (God’s Kingdom) and the more relativist ethics of the state (Secular Kingdom). Within the church we should be governed by absolute ethics and, therefore, the Church preaches against abortions and attempts to educate Christians in this regard. However, within the state Christians live together with nonChristians who are not bound by the demands of Christian ethics. Moreover, in certain situations in life, even Christians do not have power enough to fulfill the absolute demands of Christian ethics, and therefore fall into sin.

A second reason for the twofold solution is that certain life situations (rape, incest, serious genetic deformation of the fetus, problems surrounding the birth of Siamese twins, the mother contemplating suicide if the child should be born, the dilemma that occurs when a child’s birth will result in the mother’s death, etc.) lead to old theological distinctions made between the stricter *Lex Christi* in the Church, and the *Lex Naturalis* (Natural Law) by which society should be governed and whose moral demands are more relative. If state laws were to be governed by the stricter laws of the church, we would have a clerical society. Luther’s reformation involved the fight against clericalism in society. Lutheran theologian Dietrich Bonhoeffer expressed it in these words: “The meaning and goal of Christ’s Lordship over the world is not the churching of secular orders, but their liberation to true worldliness.” (Bonhoeffer 1956, p. 247). We could make a comparison to Lutheran views on marriage and divorce. The church is strictly against divorce from marriage and discourages it, but at the same time the church tolerates rational laws concerning divorce in the state, in order to help resolve issues in marriage brought on by life.

b. Collision of Moral Duties

Lutheran theology understands that the practice of abortion is morally wrong because within the mother a new life is being created. However, there are life situations that force us to choose between the greater and the lesser evils when various moral duties collide. This problem was described even by Jesus Christ when he was facing conflicts with the

¹ On Luther’s teaching on the two kingdoms see Haerle (2004).

Pharisees concerning the observation of the Sabbath. It was improper to break the ban on healing on the Sabbath, and yet it was also wrong not to heal someone in need, albeit on the Sabbath. Jesus would prefer to love His neighbor, so he healed on the Sabbath as well. Jesus was not a representative of radically deontological ethics, which dogmatically and rigidly insist on the fulfillment of the commandments. Jesus was a representative of humane deontology, which decides to enact the lesser evil that fulfills love for the neighbor. The Pharisees were thus accusing Jesus of being a moral liberal. “You are canceling the law.” But Jesus, in spite of this, still takes into account the consequences of moral actions, and chooses the “lesser evil.” Moreover, when they are not able to distinguish between the greater and lesser evil, he accuses the Pharisees, saying “You blind guides! You strain out a gnat, but swallow a camel” [Matthew 23: 24 (Kiss 2004)].

- c. No woman can be forced by state law to give birth to a child if she doesn’t want to give life to a child, and she cannot be forced to dispose of the begotten child if she does not want to do so, or if she is willing to take care of child that is sick.

The birth of a child should be decided only by the mother. This is a rational abortion law that is necessary in the state.

- d. We should be cautious of any dramatic statement that every abortion in the early stages of pregnancy is murder.

The church fathers, Augustine and Thomas Aquinas, say that the full humanization, or birthing of the soul into embryo, happens around the fourth month (Aquinas 1265–1274, 118, 2). Similarly, legal bodies of European nations do not consider a legally procured abortion to be murder. If the church holds views on abortion that are too much in conflict with modern day public moral values and opinions, the church risks being rejected or judged irrelevant to society.

- e. Before the abortion is performed, according to state law, the mother should be asked in the name of the future child to give him life.

Similarly, before the abortion takes place, the mother should be informed also about possible psychological and negative consequences of the abortion, and should sign an informed-consent concerning abortion, after about 3 days of consideration.

A Jewish Perspective

Gary Goldsand

For over 2,000 years, Jews have been reading and interpreting holy texts to learn how to live, how to behave, how to study, how to pray, and how to resolve the difficult moral questions that arise in human existence. The Bible is the most central and ancient of these texts, and the Talmud adds many layers of commentary about virtually every part of the Bible. Discussions of a Jewish approach to abortion inevitably begin with relevant passages from these texts, are enriched by dozens of additional commentaries from the great sages of history, and continue to this day.²

While much controversy exists around the details, the general approach to abortion in Judaism is that a fetus is a sacred form of developing human life whose termination should only be contemplated if continuing the pregnancy poses a significant threat to the mother.

² For additional background see Goldsand et al. (2001).

There are many other angles but the priority of the mother's already-existing life over the potential future life of her child is the crux of the Jewish position.

It is helpful to look at a few of the key texts that provide the foundations of this position. Texts can be narrative stories, records of conversations, comments on other passages, and collectively they give Jews key principles against which a particular patient's case can be compared (Breitowitz Rabbi 1996).

Starting with the Bible, readers are likely familiar with the general prohibition against killing, which is a part of the Ten Commandments. This provides a general principle against termination, but elsewhere there is much agreement that abortion of a fetus is not the same as murder of an independent human being. This agreement is based on exegesis of Exodus 21: 22–23, which says that “If men who are fighting hit a pregnant woman and she gives birth prematurely (or miscarries) but there is no serious injury, the offender must be fined whatever the woman's husband demands and the court allows. But if there is serious injury, you are to take life for life...” (Feldman 1986).

The implication of the passage is that injury to the woman is deemed to be serious, while the death of her fetus is less so. Practically this underlies the tendency in Judaism to recognize that abortion of a fetus, while not to be taken lightly, is not a form of murder.

The next key passage comes from the earliest book of the Talmud (around 200 C.E.), the *Mishnah*, in the book *Oholot* 7:6, which reads: “If a woman is in Hard Travail, one cuts up the child in her womb and brings it forth member by member, because her life comes before that of [the child]. But if the greater part has proceeded forth, one may not touch it, for one may not set aside one person's life for that of another” (Feldman 1986).

This passage clearly establishes the central principle toward abortion in Judaism—that the life of the mother is to be preserved if continuing the pregnancy threatens it. This priority is clearly established and widely accepted by all commentators, but there is significant variation among interpretations of what, precisely, constitutes a grave threat to a mother's life, or health. Strict interpreters would allow abortion only when the mother's life is imminently threatened, while lenient interpretations would regard potential threats to a mother's future mental health as sufficiently grave to warrant termination (Davis 1992).

There are some passages in other Talmudic books that indicate time periods before which abortion is more easily permitted. *Yebamoth* 69b clearly describes a fetus as “mere fluid” until 40 days after conception. This is more ambiguously stated in *Niddah* 30b, which suggests but does not conclude that the embryo may even remain “unfashioned” for as long as 80 days. These time periods may hold significance for Jewish patients struggling with such a decision.

For physicians giving counsel to observant or traditional Jewish patients, many other relevant principles could be considered, so the advice of a respected rabbi or expert could be helpful. The general message of Judaism would be to discourage abortion in general, permit it when there is genuine fear that delivering a baby would pose a grave threat to the mother, and obligate it if continuing the pregnancy is imminently threatening the mother's life.

Respect for the sacred nature of human life is essential to Judaism, so the concept of abortion on demand, due to mere whim or fear of inconvenience, is generally rejected. Women must have good reason to fear that bearing the child in their womb will lead to their own death, or seriously threaten their health, before abortion should be seriously considered, according to Jewish tradition.

In determining whether an abortion is permissible, each case needs to be seen individually to determine whether the particular circumstances are sufficiently extenuating (Breitowitz Rabbi 1996). Many details and principles should be considered, but in the vast

majority of cases it is the seriousness of the impact on the mother that determines whether termination should be a real consideration or not.

A woman who merely prefers not to be pregnant at his time would need to demonstrate that her “personal reasons” are in fact related to her health or future health in a significant way.

Fear of financial hardship is not seen as a sufficient warrant for abortion, unless this fear can be reasonably linked to severe health issues in the mother.

Similarly, a pregnancy that results from rape or incest would not, in and of itself, warrant abortion. Discussions with the mother about the impact on her of carrying the child would need to be honestly pursued.

Termination of a fetus with a nonlife threatening condition would not be warranted in Jewish tradition. Possible exceptions would be based, again, on the potential negative impact this would have on the mother.

Where continued pregnancy seriously threatens the life of the mother, she has an obligation to save herself by terminating the fetus. The practical gray area in such a decision would be determining what level of threat is sufficient to obligate a mother to abort. It is always difficult to know what may transpire in the future, so women and their advisors need to face decisions with as much medical information as possible.

A late termination due to severe depression in a woman could certainly be considered if carrying the baby is thought to increase a real risk of suicide. In such a case, great care would need to be taken to determine whether a late termination would in fact be expected to alleviate the depression, rather than exacerbate it.

Finally, it is helpful for physicians to recognize that Jewish people today can be traditional or nontraditional, observant of custom or nonobservant, concerned with Jewish law or not concerned, assimilated into secular culture or not, and there is thus no uniform Jewish position when it comes to abortion or any other controversial issue. Even within the ancient traditions there is much room for interpretation. A pregnant woman seeking counseling should be asked about the extent to which she grounds her values in traditional Judaism, and she and her physician should make decisions accordingly.

An Islamic Perspective

Abdulaziz Sachedina

Abortion (*al-ijha > d*) is understood as the premature expulsion of a fetus. Muslim scholars apply a number of terms to abortion, including *isqa > t*}, *t}arh*}, *ilqa > ‘and imla > s*}. The restrictive view of abortion commonly held by jurists is based on general Qur’anic interdiction of unlawfully taking human life. The Qur’anic descriptions of the development of a human embryo led scholars to differentiate between an initial biologic entity and the human being into which it is developed later. Some scholars interpreted these references to mean that the fetus was ensouled some time after conception. The traditions provided further justification for this view. For this reason, all Muslim jurists forbade abortion after the fetus had been in the womb for 120 days, although the legal schools and individual scholars differed over the permissibility of abortion before this point. The justification for an abortion most commonly cited in the classical legal literature was the threat posed to a nursing infant by the cessation of the flow of its mother’s milk due to another pregnancy. In the case of a pregnancy which threatened the mother’s life, a majority of jurists gave priority to preserving the life of the fetus, if it had already acquired a soul. More recently, some thinkers have come to advocate saving the mother’s life in

such cases. Rape and incest have also been recognized as suitable justifications for abortion.

The new reproductive genetics, especially preimplantation genetic diagnosis (PGD), in which IVF embryos are screened for genetic diseases or abnormalities, poses problems for the principle of embryonic sanctity if couples choose to abort fetuses that are doomed to suffer a debilitating disease. Such a decision raises both religious and moral problems because, in the Islamic tradition, there is no blanket permission to abort a defective fetus. The possibility of discarding a fetus because of physical defects seems to dispense with any notion of even minimal dignity for the zygote, even when there is only a remote potential of life for a preimplanted fertilized ovum. Any deliberate suppression of the life of an embryo poses problems for Muslims, even given the likelihood that a mother will give birth to a diseased or disabled child.

The question connected with the moral standing of embryonic and fetal life remains unresolved in Islamic jurisprudence because of the lack of a precise definition of life and of the beginning of life. In fact, there is no distinction made between embryo and fetus in the literature. The Qur'anic embryology does not fully accord with biologic distinctions of the stages of development. Hence, my own usage in this article is an approximation of the fetal development in the womb. Although the jurists do not dispute the biologic fact of life and the sanctity of the fetus, they differ about which stage of fetal development marks the advent of absolute inviolability (*dhimma s}a > lih}a*) and the possession of full human rights.³ Hence, there are disagreements about the moment of conception and the onset of ensoulment, and whether “viability” pertains only to newborns capable of living outside the womb. By definition, since the fetus (*jani > n*) is “concealed” (*istajann*) in the mother's womb until it is born, it has no independent claim to life. In juridical terminology, the fetus is defined as an entity that in one sense does not directly acquire the personhood (*nafs*) that can benefit from rights.⁴ Furthermore, in Islamic jurisprudence, abortion rulings are not framed in terms of a resolution to a conflict of rights between the pregnant woman and her fetus. According to the H{anafi > scholars, for instance, as long as the fetus remains in utero it does not have independent and absolute inviolability because it is regarded as a part of the mother's body. However, as soon as it becomes separated from the uterus with the capability of surviving outside the womb, then it is regarded as a person (*nafs*) possessing inviolability and rights like liberty, inheritance, proper lineage, and so on.

As such, the fetus in the womb has a relative claim to life and for rights because it is a potential human being while in utero. The closer to birth the fetus is, the closer it is to personhood and the attendant array of human rights. Such an estimation of the personhood

³ In the section on “The Crime against the Fetus,” Jazari > , ‘Abd al-Rah}ma > n al-, *Kita > b al-fiqh 'ala > al-Madha > hib al-'arba'a, Kita > b al-h}udu > d* (Beirut: Da > r al-Kutub al-'Ilmiyya, 1392 AH), v. p. 372ff.), takes up detailed comparative rulings on the status of the fetus and culpable actions leading to its abortion among four Sunni schools.

⁴ This is the H{anafi > definition of *jani > n* as mentioned by Ibn 'A <bidī> n, Muh}ammad Ami > n, *Ha > shiya Radd al-mukhta > r li kha > timat al-muhaqqiqi > n Muhammad Ami > n al-shahi > r bi Ibn 'A <bidī> n ala > al-Durr al-mukhta > r fi > sharh} Tanwi > r al-abs}a > r fi > fiqh madhhab al-Ima > m Abi > H{ani > fa al-Nu'ma > n* (Cairo: Shirka Maktaba wa Mat}ba'a Mus}t}afa > al-Ba > bi > al-H{alibi> , 1386/1966), Vol. 6:587. See also: Ibn Nujaym, Zayn al-Di > n, *al-Bah}r al-ra > 'iq: Sharh} kanz al-daqa > 'iq* (Cairo: al-Mat}ba'a al-'Ilmi > ya, 1983), Vol. 8:389; Ka > sa > ni > , Abu > Bakr b. Mas'u > d al-, *Bada > 'i' al-Sana > 'i' fi > tarti > b al-shara > 'i'* (Beirut: Da > r al-Kita > b al-'Arabi > , 1982), Vol. 7:325.

of the fetus is behind the contemporary liberal juridical opinions among H{anafi > Sunni scholars, who do not regard abortion as forbidden if the mother's life is in danger at any stage of gestation, including the last days before the child is born.⁵ This linkage to the health of the mother is often overlooked when clinical abortions are readily performed in the Muslim world with no impunity. There have also been rulings that permit abortions for reasons of poverty,⁶ a practice that has led to the abuse of abortion as a method of population control. Certainly, no school of Islamic jurisprudence intends to allow abortion as a method of population control.⁷

The problem is that it was not until recently that abortion began to be treated independently under its own rubric in Islamic juridical formulations. Like a number of topics that involve some kind of criminality in medical jurisprudence, abortion as an unlawful act found its place in Islamic criminology (*jina* > *ya* > *t*). Yet the juridical tradition has produced scant discussion of the ethical dimensions of embryonic personhood. The fundamental assessment of an embryo in the Shari > 'a is based upon a Qur'anic passage—and its elaboration in the Tradition—that speaks of a progressive acquisition of a human status without any concern for moral issues connected with the independent status of a fetus as a moral entity. Although there are a number of studies devoted to fresh rulings that deal with legality of abortion occasioned by adultery (*zina* >) and rape (*ightisla* > *b*), there is hardly any serious debate among Muslims about the ethical issues connected with preimplantation embryos and/or the fetus as a person with its own rights and needs for protection.⁸

There are two issues related to terminating potential life: one is the temporary prevention of conception, and the other is the permanent control of fertility to avoid future pregnancies. Both these procedures have long been common in the Muslim world. Whether viewed as forms of family planning (*tanzji* > *m nasl*) or abortion, the issues have dense moral and legal implications. Muslim legal scholars have treated the subject of birth control in great detail, and a consensus has emerged regarding its permissibility as a means of population control, especially insofar as it can improve the living standards of predominantly poor Muslim societies.⁹ However, the ethical dimension of preventing

⁵ *Al-Mawsu* > 'a *al-fiqhiyya al-kuwaytiyya*, Vol. 16:279.

⁶ *Ibid.*

⁷ See the declarations at the UN International Conference on Population and Development (ICPD), September 5–13, 1994, Cairo, Egypt.

⁸ In recent years a number of articles have appeared in Arabic and Persian that discuss abortion in the context of modern medicine. Unlike articles in Western languages on the subject of abortion in Islamic tradition, these are written by Muslim scholars of Islamic law, whose thorough grounding in juridical sources and methodology make these studies important contribution to our understanding of the issue in jurisprudence. However, there is little attention paid to the ethical issues connected with the rightness or the wrongness of abortion with due analysis of personhood and rights that accrue to a fetus. See, for instance, a number of articles on the subject in *Majalla al-shari* > 'a *wa dira* > *sa* > *t al-islam* > *miyya*, published by the Kuwait University in the last 5 years.

⁹ Mah}mu > d Shaltu > t, *al-Fata* > *wa* > : *Dira* > *sa li-mushkila* > *t al-muslim al-nu'a* > *s'ir fi* > *h'aya* > *tih* *al-yawmi* > *ya al-'a* > *mma* (Beirut: Da > r al-Shuru > q), pp. 289–297, in his discussion on family planning has claimed the consensus of all the scholars in the matter of birth control for the purpose of protection of the offspring, especially when the Shari > 'a has laid down the rule that states: "Harm must be rejected as much as possible." Also, see an important study on the comprehensive sense of family planning, including population control, by Abdel Rahim Omran, *Family Planning in the Legacy of Islam* (London: Routledge, 1992). Also of significance are the proceedings of the first international Muslim conference on family planning held in Rabat, Morocco in December 1971. The Arabic version entitled: *al-Islam* > *m wa tanzji* > *m al-'usra*, in two volumes was published by International Planned Parenthood Federation, Middle East and North African Region, Beirut in 1973. The English version: *Islam and Family*

conception or terminating pregnancy within marriage remains unexplored. What is clear is that the moral dimensions of the issue are closely tied to cultural attitudes about the need to have children as part of one's entry into manhood and womanhood. Procreation is taken as a divinely ordained obligation provided it is not harmful to one of the spouses. Sexual pleasure is to be confined to marriage. It is the balancing of these two factors that seems to underlie the juridical rulings on preventing conception.

A Buddhist Perspective

Damien Keown

The Buddhist belief in reincarnation provides a distinctive perspective on the question of when life begins and has important implications for Buddhist views on the termination of pregnancy. Buddhism regards the cyclic course of human existence as potentially eternal: it had no beginning and there is no certainty it will ever have an end. All conception is thus reconception, but while there is no single point at which a person's transmigratory career can be said to begin, there is a clear biologic beginning and end to each individual incarnation.

In keeping with traditional Indian medical thought, the Buddha understood conception as occurring at the time of intercourse.¹⁰ Subsequent to conception, the embryo was thought to pass through a series of developmental stages prior to birth. Ancient canonical scriptures dealing with monastic law reveal that monks with knowledge of medicine occasionally became involved in procuring or performing abortions using means such as ointments, potions and charms, pressing or crushing the womb, and scorching or heating it. In every case where the abortion brought about the death of the child as intended, the judicial decision was that the offense fell into the category of 'depriving a human being of life', and the monks involved were expelled for life from the monastic order in accordance with the following rule:

An ordained monk should not intentionally deprive a living thing of life even if it is only an ant. A monk who deliberately deprives a human being of life, even to the extent of causing an abortion, is no longer a follower of the Buddha. As a flat stone broken asunder cannot be put back together again, a monk who deliberately deprives a human being of life is no longer a follower of the Buddha. This is something not to be done by you as long as life lasts.¹¹

The commentary on this passage makes clear that the precept applies from the origin of the new conceptus (known as the *kalala*):

The individual being (*attabhava*) begins from this tiny substance [and] gradually grows old with a natural lifespan of up to 120 years. Throughout all of this until death, such is a human being. [The phrase] 'who should deprive it of life' means 'separating from life' either at the earliest embryonic stage (*kalala*) by scorching,

Footnote 9 continued

Planning in two volumes appeared in 1974. In the second volume the consensus of the Sunni and Shi > 'ite scholars appears to endorse birth control through methods that may not affect permanently the couple's ability to bear children.

¹⁰ For a fuller discussion of early teachings and the textual sources mentioned below readers are referred to Part 2 of my *Buddhism and Bioethics* (Palgrave MacMillan, 2001).

¹¹ *Vin* i.97.

crushing, or the use of medicine, or at any subsequent stage by some similar kind of assault.¹²

Interpreting the early texts and teachings in the light of modern science most Buddhists who follow the traditional teachings regard fertilization as the point at which individual human life commences, and believe that the embryo is entitled to moral respect from that time onward. The only exception is likely to be when the procedure is necessary to save the life of the mother, although there is no explicit Buddhist teaching on this point.

The contemporary legal position varies from country to country. The more conservative Buddhist countries of South East Asia such as Thailand and Sri Lanka have laws prohibiting abortion except when necessary to save the life of the mother. Nevertheless, illegal abortions are common. Somewhat surprising for a country in which Buddhism is the state religion, the abortion rate in Thailand is higher than in the USA. Married women, who appear to use it as a means of birth control, account for 85% or more of abortions. Recent studies refer to an estimated 300,000 abortions per year, the majority of which are illegal (Florida 1999, p. 23). Opinion polls in Thailand also reveal a paradox: while most Thais regard abortion as immoral, a majority also believes the legal grounds for obtaining it should be relaxed (Florida 1999, p. 24).

In East Asian countries, attitudes are more liberal. The rate of abortion in Japan has been very high in recent years, perhaps peaking at over a million per annum (some would put the figure even higher) before decreasing in the last few years as the contraceptive pill has become more easily available. Central to the contemporary Japanese experience is the phenomenon of *mizuko kuyo*, a memorial service held for aborted children. This service involves erecting a small statue to commemorate the lost child and includes an apology to the spirit of the aborted fetus. William LaFleur has explored the complex symbolism and cultural history of the practice (LaFleur 1992).¹³

South Korea provides an interesting comparison with Japan. Both countries have a very high rate of abortion, but in Japan it is legal (since 1948) whereas in South Korea, it is not. Annual figures of between one and two million are quoted for South Korea, a country with a population of around 46 million. Over a quarter of the population are Buddhists, which makes them the majority religious group. Statistics quoted by Tedesco (Tedesco 1999, p. 133) reveal that Buddhists are slightly more likely to have abortions than other segments of the population. In 1985, an antiabortion movement began to gain ground following the publication of a book by the Venerable Sok Myogak, a Buddhist monk of the Chogye order. His book, entitled *My Dear Baby, Please Forgive Me!* became popular, and readers began to demand rites and services for aborted children similar to the Japanese *mizuko kuyo* service, although distinctively Korean in form.

Some Western Buddhists take a more liberal stance on the abortion question. James Hughes suggests that ‘clear and defensible distinctions can be made between fetuses and other human life,’ and finds the moral logic of utilitarianism persuasive in the context of abortion, although tempered by the requirements of a virtue ethic which takes into account the mindset of the actors. Abortion may therefore be allowable where the intention is compassionate and the act achieves the best outcome for all concerned. One American Zen Buddhist group, the Diamond Sangha, has produced a liturgy that can be performed following an abortion or miscarriage (Hughes 1999).

¹² VA.ii.437f.

¹³ For a feminist perspective on abortion in Japan see Hardacre (1997)

In conclusion, it can be seen that while the doctrinal position on abortion is clear, there is considerable divergence from it in practice. Women who have abortions generally accept that they are contravening Buddhist teachings and so afterward perform meritorious deeds or rituals as a way of offsetting the ensuing bad karma. Decisions about terminations are made on an individual basis and in Asian countries religious teachers are rarely consulted. If they were, they would most likely reiterate the traditional position outlined at the start. Accordingly, there has been little public discussion of problematic situations, such as rape, incest, genetic defects, or fetal handicap, which are sometimes thought to make the decision to terminate a pregnancy more justifiable,

A Confucian Perspective

Ruiping Fan

A proper understanding of the Confucian view on the termination of pregnancy must bear on the Confucian insights into human life, virtue, and the common good of the family. Confucians believe that human life is made up of the finest and noblest qi (the basic elements of the universe, which are both physical and mental) and is therefore most valuable in comparison with other living beings in the world. It is directly through the work of one's ancestors (especially one's parents), rather than a transcendent God, that such essential qi is transferred, developed, and shaped into one's life. Accordingly, one's parents cannot be understood merely as a medium for one's life to be formed or ensouled by God, although Confucians do believe that God or Heaven has set the nature and maintained the order of the human world as well as the entire universe. Indeed, for Confucians, one's life is a gift from one's ancestors. It is Heaven's mandate that one must be formed and born into the world through the union of one's father and mother.

While receiving the gift of life from one's ancestors, one is simultaneously invested with the potential of virtue (de) to live the good life. Virtue for Confucians is a quality of love that is directed both universally and differentially toward other people. Confucian morality requires that everyone cultivate one's nascent potential virtue and transform it into actual virtue so that one is able to love everyone, while taking care of one's parents and siblings more than others. This Confucian way of the good life is practically realizable only through everyone's learning, observing, and exercising the Confucian rituals (li), namely, a series of familial and social practices that provide specific guidance for human relations and interactions in concord with virtue. These rituals are family centered and oriented, manifesting the common good of the family in Confucian society. As Confucians see it, the flourishing of the family is not only necessary for the happiness of the individual, but is also essential for the appropriate, virtuous way of individual life.

Given this complicated moral structure of human life, virtue and the common good of the family endorsed by Confucianism, abortion can never be an absolute prolife or pro-choice issue in the Confucian tradition. Without holding a mind-body dualism, Confucians cannot make sense of such questions as whether the human soul is infused on the 40th or 80th day after conception. Emphasizing family relations and virtue cultivation, Confucianism does not assign grave moral significance to certain metaphysical convictions such as human life begins at the moment of conception. For Confucians, all human life is equally valuable *in kind* so that the life of a human fetus should not be compared to the life of an animal in another kind. However, since Confucians take pregnancy to be a process in which a human life is formed, developed, and gradually becoming a full member of the

family through the work of the parents, they do not see the life of an earlier embryo as equally valuable *in degree* as the life of a later fetus or a born human being.

This does not mean that it should be left entirely in the hands of the pregnant woman to decide when it is necessary to terminate the pregnancy. A Confucian woman should not wish to perform abortion for her personal reasons. The value of the embryo's life, the reverence for one's ancestors, and the common good of one's family weigh much heavier than one's personal reasons. Similarly, where a couple is facing serious financial or social hardship and feels unable to raise a child, abortion is not a proper solution to such difficulties. What they should do is to make efforts to improve their finance and seek assistance from their relatives. For Confucians, raising a child is a great motivation for striving for a better life.

On the other hand, Confucianism holds that it is morally obliged to conduct abortion in a case in which the pregnancy has arisen from rape or incest. Here the consideration of the common good of the family becomes a trump card over the life of the embryo. The flourishing of the family depends on the legitimacy of the marriage and the purity of the posterity. It also depends on a proper socio-biologic order and generational division as well as the respective familial roles inside the family. The result of a pregnancy arising from rape or incest would strikingly destroy these fundamental family values.

When continued pregnancy will affect the life of the woman, Confucianism holds that abortion should be performed to save the woman's life. This is a typical case in which Confucians believe that comparing the different value degrees between the fetus' and woman's lives become morally necessary and helpful, even if their lives are equally valuable in kind. In such a case Confucians attempt unapologetically to insist that abortion is morally justified because the mother's life is more valuable in degree than the fetus' life.

It would be a totally different case if a woman wishes to have a third-trimester termination due to severe depression and suicidal intent. It is very suspicious that, in this case, the real cause for the woman's problem has been the pregnancy, and it is even less likely that abortion will solve her mental crisis. Moreover, a third trimester baby is already able to survive outside of the mother's womb and is much more valuable than an early stage embryo. A Confucian virtuous person would require much more convincing reasons than offered here to terminate its life.

Finally, what if a fetus has been found with a nonlife-threatening malformation, such as Downs syndrome or spina bifida? Confucian society would respect the authority of the families to make decisions in such cases. Since such a defect would cause tremendous suffering to the child after birth and enormous burden to the family in taking care of the child, Confucianism takes it to be unfair if a society prohibits abortion in such cases. On the other hand, it is certainly morally admirable if a family decides to continue the pregnancy and is prepared to look after the child with unusual care, showing the brightness of the perfect Confucian virtue of love which, notwithstanding, cannot be coerced on the parents by society.

A Hindu Perspective

Anantanand Rambachan

Hinduism is an astoundingly diverse tradition and this fact is indicated by the name *Hindu* itself. Hindu is not the personal name of a founder nor is it descriptive of a central belief or practice. "Hindu" is the Iranian variation for a name of a river that Indo-Europeans referred to as the Sindhu, Greeks as the Indos, and British as the Indus. Those who lived on

the territory drained by the Indus were derivatively called Hindus. They did not necessarily share a uniform religious culture and, today, the Hindu tradition reflects the astonishing variation in geography, language, and culture across the Indian subcontinent. There are multiple ways of being religious, different diagnoses of the human problem, and related paths for liberation. It helps to think of Hinduism as a large, ancient, and extended family, recognizable through common features, but also reflecting the uniqueness of its individual members. While the different Hindu subtraditions have much in common, doctrinally and ritually, generalizations are hazardous and necessary critical efforts are not always made to identify the specific tradition that represents itself as “Hinduism.”

Acknowledging this diversity of theology and ritual practice, the unanimity of thought on the matter of the intentional termination of pregnancy is remarkable.¹⁴ The Vedas (ca. 1200–500 BCE) universally regarded by Hindus as revealed and authoritative sacred texts, represent abortion as morally reprehensible.¹⁵ It is listed with the most heinous actions. The Kaushitaki Upanishad, for example, includes abortion in a list of crimes that includes the murder of one’s mother and father and theft. The Mahanarayana Upanishad lists the abortionist with the violator of his teacher’s bed, the person who violates his vow of chastity, and the drunkard. Secondary authoritative texts (*smritis*) continue to represent feticide as a major sin (*mahapatakas*) by equating it with the killing of a Brahmin (member of the highest caste). In addition, these texts solicit special care, respect, and concessions for the pregnant woman.¹⁶

The reasons for this unequivocal condemnation of abortion in Hindu sacred writings are clear. First, the spirit (*atman*) is present in the embryo from the moment of conception. Conception, in fact, is regarded as sacramental and implies the union of spirit and matter. The embryo, from the very beginning, represents this unity and is never in a condition of pure matter that may justify its termination. The ancient Hindu physician, Charaka (200–500 CE) describes conception in the following biologic and religious terms:

Conception occurs when intercourse takes place in due season between a man of unimpaired semen and a woman whose generative organ, (menstrual) blood and womb are unvitiated—when, in fact, in the event of intercourse thus described, the individual soul (*jiva*), descends into the union of semen and (menstrual) blood in the womb in keeping with the (*karmically* produced) psychic disposition (of the embryonic matter)” (Lipner 1989, p. 54).

The embryo is regarded, from conception, as a human person and abortion as the termination of life. It is as wrong to kill an embryo as it is to kill a human person. Abortion violates the cardinal Hindu ethical principle of noninjury (*ahimsa*), a value that expresses the traditional Hindu reverence for life, and especially toward those life-forms that are helpless and vulnerable. Mahatma Gandhi, the greatest Hindu exponent of *ahimsa* in recent times, explained that in its negative form it means abstention from injury to living beings physically and mentally. In its positive form, *ahimsa* means love and compassion for all.

¹⁴ The tradition has, from ancient times, distinguished between a miscarriage and an abortion. The former is unintentional while the latter is voluntary and consequently morally suspect. One of the early terms for abortion is *bhruna hatya* (the killing of a fetus).

¹⁵ The four Vedas are the Rg, Sama, Yajur and Atharva. The first section of each text provides information and rules for the performance of religious rituals; the final section of each text, referred to as the Upanishad, is the most important source of religious and philosophical thinking Hinduism. Secondary religious texts, referred to as *smriti*, depend on the Vedas for their authority and includes works such as the *Mahabharata*, *Bhagavadgita*, and various law books (*Dharmashastras*) such as the *Manusmriti*.

¹⁶ For an excellent summary of the material in the *smriti* texts see Lipner (1989).

Along with its view of the humanity of the fetus and its value for *ahimsa* as a cardinal ethic, the Hindu understanding of the meaning and implications of the teaching about *karma* also makes abortion unacceptable. The tradition emphasizes that the opposite of life is not death but rebirth. All actions, good and bad, will produce appropriate results, at some stage in our lives. The moral consequences of human actions, however, may not always be apparent during the course of the same life in which the actions are performed. Life is a pilgrimage, a journey of experience and learning through many connected births and deaths (*samsara*) toward liberation (*moksha*). Birth is the association of the spirit (*atman*) with a new physical body while death is the disassociation with that body. Abortion is regarded as an undesirable termination, not only of the life of the unborn, but also a frustration of the expression of the unborn's *karma*. Each birth affords an opportunity both for the expression of the effects of previously performed actions and for the attainment of Hinduism's most desirable goal, *moksha*. Abortion thwarts the unfolding of *karma* and consequently interrupts the journey toward liberation. As a violation of *ahimsa*, it also produces negative *karma* outcomes for those who choose and facilitate its performance.

Are there any conditions under which the Hindu tradition will permit the termination of a pregnancy? The *Susruta Samhita* (ca. third to fourth century CE), an ancient medical treatise allows abortion in situations where the fetus is severely damaged or malformed and where the possibilities for a normal birth are slim (Ray et al. 1980; Cromwell Crawford 1995). In the view of Crawford, the guiding Hindu principle here is *daya* (compassion; Crawford 1995, p. 32). In situations where the life of the mother is in balance, the Hindu tradition gives greater value to the mother's rights. Her family and social obligations are well-established and her karmic journey already underway. The fetus, in the other hand, has not developed the complex web of social and familial relationships and its *karmic* seeds await fruition through birth.

Abortion has been legal in India since the passage of the Medical Termination of Pregnancy Act of 1971. Although abortion is considered to be wrong from the standpoint of traditional teaching, there was not any significant religious controversy or protest over this Act. The reason is the virtue of compassion that underlies the intent of the Act. The Act identifies two indications for abortion: "(1) The continuance of the pregnancy would involve risk to the life of the pregnant woman or grave injury to her physical or mental health; of (2) there is substantial risk that, if the child were born, it would suffer from such physical or mental abnormalities as to be seriously handicapped" (1971). Rape and incest are clear indications for pregnancy under the terms of this bill. Noninjury (*ahimsa*) and compassion (*daya*) are not exclusive and must be properly applied and balanced in decision making about abortion.

What is painfully unfortunate is that the majority of abortions today among Hindus are not motivated by reasons of compassion but by religious and cultural prejudice against females and the preference for sons. The increasing demands of the dowry system make daughters' unwanted economic liabilities and Hindus are not averse to employing the most sophisticated technology to prevent their births. Medical procedures such as amniocentesis and ultrasound are routinely used to determine the gender of the unborn child and, if the fetus is female, to request a termination of the pregnancy. There is no justification for the termination of a pregnancy under the conditions of such blatant gender injustice. It is a violation of both *ahimsa* and *daya*, the cardinal virtues for decision making on this matter.

Discussion

The commentaries offer a rich array which depicts different processes of moral reasoning and clear variations in views on the relevant sources of authority, epistemic and otherwise, for making decisions relating to abortion. The accounts reveal both heterogeneity among the beliefs of the various religious faiths regarding abortion as well as striking similarities. Each of the traditions shares a concern for the moral status of the fetus, the destruction of life and the norms that determine human behavior. The concerns offered in each commentary regarding the moral status of the fetus are similar but differ in detail, ranging from regarding the fetus as an absolute person from conception (e.g., in the Catholic view) to differentiation between there being an initial biologic entity at conception which becomes a human being later in development (e.g., in some Islamic views). The moral status of the pregnant woman also varies from being that of an equal with the fetus (e.g., in the Catholic view) to one of greater value in comparison with that of the fetus (e.g. in the Hindu view). In contrast to other scholarly and popular discussions, which focus solely on the diversity of religious views with regards to termination of pregnancy, we identified three domains which appear to be salient for all of the faith groups explored here: the need to answer fundamental ontological questions in order to establish the moral status of the fetus; the construction and value of the pregnant woman, and questions about whether there is accommodation for discord from doctrine within the tradition.

The Intersection of Ontology and Morality

Although all of the preceding commentaries use the word ‘pregnancy’ to refer to gestation as a process, they tend to foreground the entities implicated in this process—that is, the mother (or woman) and the child (or fetus). Furthermore, the commentaries raise and answer (more or less explicitly) ontological questions about the developing entity. To what class of things does it belong? What is the nature of human life? When does it begin? Toward what goal or end-point does it develop? What processes does that development entail? The commentators’ answers to these questions can be compared by attending closely to their word choices, and to some key distinctions and statements that combine to form a particular “religious world view”.

The developing entity is represented by means of two contrasting sets of terms: a set of nontechnical terms such as ‘child’ or ‘baby’, and a set of technical terms such as ‘embryo’ or ‘fetus’. The choice of term clearly has important consequences for moral discourse. The former invoke *goals* of fetal development and imply a social relationship of dependence (i.e., to a parent or mother). Thus, they bestow a moral status on the developing entity in two ways. First, they imply the presence of an “unborn *person*” (McCullough and Chervenak 2008); and second, they imply that the pregnant woman has parental or maternal obligations simply by virtue of being pregnant.

The technical terms, by contrast, are scientific in origin; they do not imply a future goal of development to the same extent, and nor do they imply a social relationship as they are not associated through usage with paired terms such as ‘parent’ (in the case of ‘child’) and ‘mother’ (in the case of ‘baby’).

The actual choices of these terms in the commentaries vary. At one extreme, the Catholic commentary never uses the technical terms and only uses the nontechnical or ‘social’ terms. At the other extreme, the Buddhist commentary never uses the social terms and only uses the technical terms. The remaining commentaries mix up the two sets of terms to a greater or lesser extent.

The choice of term clearly has consequences for moral discourse. Use of the ‘social terms’ tends to foreclose moral debate, as most human societies prohibit the killing of persons and enforce obligations to care for dependant offspring. Commentaries that foreclose on debate in this way are essentially applying existing moral law and—at most—asking whether abortion constitutes an exception to murder and dereliction of social obligations. When religious discourse takes up the technical terms, on the other hand, it has to accord moral status to the entity in some other way, as the moral status of a ‘fetus’ or ‘embryo’ is not given as is that of ‘baby’ or ‘child’. This leads to a different kind of interpretive exercise which brings the terms of a religious world view into play with the terms of science, and the result is often something more creative. The most striking example here is the Islamic commentary which makes the most intensive use of the technical (scientific) terms, and generates new, hybrid terms such as ‘embryonic personhood’ which belongs to an emergent world view which is still moral and Islamic in nature, but which has extended itself by incorporating new entities. This perhaps reflects an openness to science that characterizes the history of Islam more generally.

The commentaries contain two radically different models of human life, one linear and one cyclic. Within this broad schema, there is variation both within and between religious traditions as to when human life is said to begin. This may be during sexual intercourse (i.e., before what is now generally viewed as the moment of conception); or it may be many weeks later (e.g., at ‘ensoulment’). Furthermore, religious views may shift historically with scientific understanding. Thus, following Aristotle, Catholic doctrine for centuries held that human life began at ensoulment, which was thought to occur many weeks after conception; whereas in the nineteenth century ensoulment was “back-dated” to the moment of conception, which thereby came to mark the beginning of human life (see Dunstan 1984 p. 38 and Kerridge p. 453).

The distinctions deployed in these commentaries concerning the *moral status* of human life can be summarized as follows: full moral status is either accorded from conception, or it is acquired later in development; if it is acquired later, this is either a gradual process or it occurs at a threshold such as ‘ensoulment’ or birth. The different models of human life and the key moral distinctions can thus be represented as intersecting ‘systems’ (Fig. 1). The science of the day acts as a kind of ‘hinge’ between the systems by influencing beliefs about when and how life begins, and how it develops.

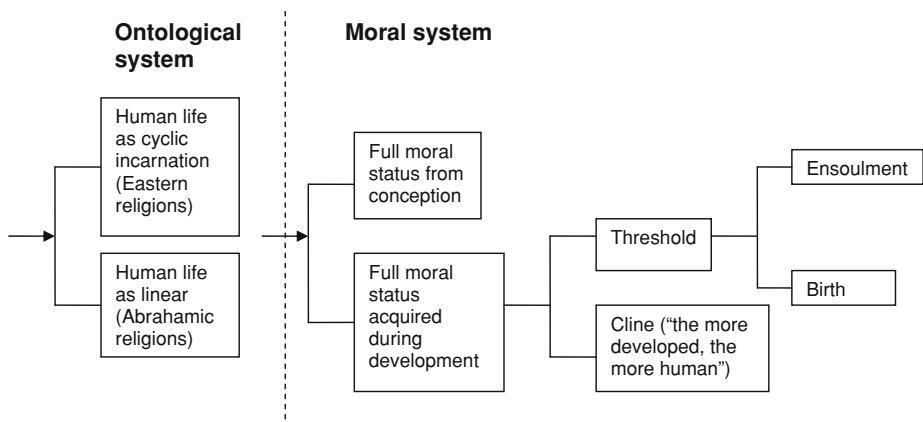


Fig. 1 Religious “world views” as the interface of metaphysical and moral systems

The systems and distinctions described above provide a means to order different views about abortion so as to identify points of similarity and difference, and because they are also applicable to secular discourse, they may facilitate discussions across this divide. They may even be of use in clinical settings for those who seek a structured way to understand views about abortion that are grounded in a cultural tradition that appears radically different to their own. Occasionally it may help to reflect on or even explicitly highlight the choice of words and the philosophical distinctions that are brought into play during discussion and decision making, although the appropriateness of doing so will always be a matter for judgement.

The Construction of Women's Selfhood

Each of the commentaries offered here explicitly or implicitly provides an account of women's identity, selfhood, and moral status—issues that have been vigorously contested, particularly by feminist philosophers. Traditionally women's selfhood has been constructed in opposition to that of man as a moral subject, and as been frequently noted, women hence often are viewed as mere bodies rather than as embodied moral agents. Women's selfhood has been systematically ignored and undermined by various social and religious customs, in civil and religious law, and more generally in most cultures. For instance the legal doctrine of coverture which dates to the Middle Ages and became codified in Anglo-American common law held that a woman's personhood was absorbed into that of her husband when she married (McDonagh 1996). The pregnant woman has been a particular target due to the dependency of the fetus, and selflessness has long been a moral norm for pregnant women regardless of their own needs or their intentions about the pregnancy that they are carrying.

It is thus not unsurprising, that for the most part each of these faith traditions embody the idea that a pregnant woman's identity is primarily a consequence of her relationship with the fetus, which she is carrying and thus subsidiary to it. The pregnant woman is referred to as a 'mother' at some point in all of the commentaries despite the entity (variously called a zygote, fetus, child, or unborn child) not yet having been born (nor having been judged as having meaningful life in at least some of the commentaries, such as the Lutheran). The use of the term 'mother' obviously implies the presence of a child, which in turn implies that a particular type of relationship already exists and carries with it a range of moral obligations. It also excludes consideration of a range of other important obligations or relationships that the pregnant woman might have which would shape her identity, for instance as a carer, lover, or worker.

Some of the commentaries explicitly place limits on these obligations, for instance the Catholic commentary uses the doctrine of double effect to claim a pregnant woman may accept a life-saving treatment for herself even if her "unborn child" will die, since the death is sad and unfortunate, but clearly not intended. Likewise, according to the Judaic and Hindu commentaries, under some circumstances the priority is for preservation of the pregnant woman's already-existing life over the *potential* future life in situations when the life of the pregnant woman is threatened. In these commentaries, it is clear that the pregnant woman's value is one of contingency. The woman varies from being of utmost importance in all circumstances, through to a position where preservation of a pregnant woman's life (and the loss of fetal life) is simply the lesser of two evils. What is common to all of the commentaries, however, is evidence of the historical tendency to diminish and degrade a pregnant woman's concept of self as secondary to her relationship to the fetus (which is taken as equivalent to her potential, imagined, future child).

This concept of the self is accompanied by a particular view on pregnancy which classifies it as constituted by a series of discrete biologic and instinctual events, rather than involving a range of processes occurring within a particular social and relational context and subject to the decisions of an active agent, including the decision to continue or terminate pregnancy, to care for one's self during and after pregnancy, and to provide care for one's child following birth (Held 1989; Ruddick 1994). The view that most commentaries appear to favor, that pregnancy and birth are events rather than processes, tends to reinforce the idea that the entities involved (the pregnant woman and the fetus) have conflicting interests and to devalue the idea that they are intertwined entities in a complex and utterly unique biologic and social relationship. This construction in turn places the decision to be made about termination or continuation of pregnancy in a context which denies the complex interdependency at issue, as well as the social context within which women live.

Religion, Practice and the Secular World

The commentaries presented here reveal other similarities and differences worth noting between religious perspectives on abortion. One concerns the degree of “moral leeway” accorded to women who seek to procure an abortion. Another concerns the kind of social control exercised through religion. The question of moral leeway turns on whether there is believed to be a single, morally right choice in relation to abortion, or whether it is expected that the specific features and consequences of each individual case need to be taken into account. The question of social control turns on whether the locus of control is predominantly external (i.e., institutional religious authority) or predominantly internal (i.e., individual conscience). These factors can be used to generate a typology that differentiates religions according to how they position the faithful (Fig. 2).

The first type of faith tradition is characterized by strong, centralized authority. Thus the relationship between religion and the faithful is constructed as one of *obedience to doctrine*. The second type of faith tradition is characterized by strong de-centralized religious authority: religious leaders are active and influential in community life but they themselves are not subject to high levels of social control. The relationship between religion and the faithful is here one of *pastoral guidance*. In the third type of faith tradition social control is realized through conformity to an ideal of virtue which abortion puts at risk. The

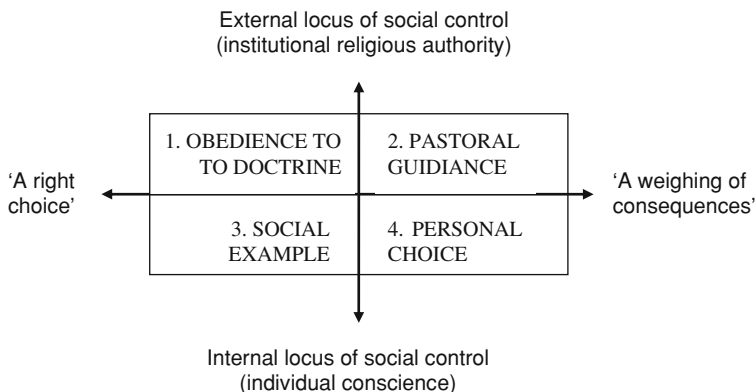


Fig. 2 Positioning of the faithful

relationship in this case is one of *social example*. In the fourth type of faith tradition believers are morally sovereign; that is, while they may seek out religious counsel, they must weigh up the consequences and make a decision according to their own conscience. Here the relationship is constructed as a *personal* one. This schema can be used to characterize variability within religions as much as variability between them.

Given that religious perspectives consistently regard abortion as morally problematic and are structured to influence the faithful in different ways, the question arises, How do the faithful respond to religious teachings? The Islamic, Buddhist, and Hindu commentaries explicitly address the disjunction between religious teaching and practice, and this disjunction is widely evident. Empirical evidence from the USA (where religiosity is prevalent) suggests that public attitudes and opinion have recently become more permissive toward abortion (e.g., Wang and Buffalo 2004). Studies in the USA and UK have also shown that religious identity is only one of a number of factors that influence attitudes to, and decisions about, abortion. These appear to be made within a broad moral framework that includes gender-role attitudes, the motivation to have children, legal limitations on abortion based on fetal age, the financial cost of termination, and individual family and life circumstances (Wang and Buffalo 2004; Atkin et al. 2008). Seeking to determine the extent to which faith and religious identity mediate choices about termination of pregnancy, Atkin et al. (2008) concluded that “all of their faith groups agreed that while they may explore their religion’s stance on the issue, it would not necessarily influence their decision about termination”. The authors further characterized decisions about both prenatal diagnosis and abortion as a complex mix of religiosity, secular logic, and contradictions. Audi framed this in more positive terms as a ‘theo-ethical equilibrium’ (Habermas 2006), that is, a balance struck by the faithful between their religious and secular convictions.

While all of the commentaries bear unmistakable evidence of the influence of scientific discovery, there is wide variation between and within religious traditions regarding the degree to which—and the manner in which—they relate to the wider secular world. They maintain greater or lesser degrees of distinctness; they recognize and accept the plurality of modern societies to a greater or lesser extent, and they are more or less pragmatic when it comes to disparities between religious teaching and practice. Thus, examination of religious perspectives on abortion offer much more than just differing accounts of the moral status of embryo and fetus—a terrain that remains largely unexamined in contemporary bioethics.

Conclusion

We have tried to provide a philosophical approach to some of the moral discourse around abortion. This may be useful to clinicians, academics, and individuals personally affected by such questions and decisions. We hope that it may generate debate perhaps beyond the fields of discourse that are in much of the literature thus far. It is important to note that these commentaries cannot consider the full breadth of views within each religious tradition but are intended to provide some illumination of themes present within the traditions represented and allow for comparisons between these traditions.

‘Pregnancy’ is a pivotal term in secular discourse where ‘termination of pregnancy’ is commonly used as a more formal term (some would say as a euphemism) for ‘abortion’. A close reading of these commentaries illustrates how religious discourse attends less to

pregnancy as a process than to the participants or entities implicated in it. This may constitute a fundamental difference between secular and religious discourse on abortion.

Faith beliefs and religiosity are important considerations for many women making decisions about abortion and other clinical issues, but some of our commentaries and a number of studies have shown these are negotiable and contingent and may be realized within broader moral frameworks (Atkin et al. 2008). Therefore, for some women, religious doctrine may be balanced with secular logic as both are vital components in a complex matrix which structures decision making in termination discussions.

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