

# Abortion in Buddhism: An Evaluation of a Moderate Pro-Choice View

By Todd E. Johanson

## Abstract

This article evaluates the moderate pro-choice Buddhist perspective of Michael G. Barnhart in light of the traditional ethical precepts of the Theravada tradition. Barnhart argues that the tradition is sufficiently vague on the issue of when life begins to allow for a modest accommodation of abortion legitimately within the tradition and beyond the cases of rape, incest, and threat to the mother's life. Barnhart claims that his middle way between pro-choice and pro-life extremes is both acceptable in Buddhism and also more compassionate toward women in crisis pregnancies and therefore is more karmically fruitful as well. Barnhart's perspective is critiqued in light of the traditional interpretation of the Theravada tradition and is found to be ultimately incompatible with it as well as actually having the opposite effect of Barnhart's contention by increasing suffering. The article concludes with an argument for adoption as the best way to uphold both extreme reverence for life and compassion for women in crisis pregnancies.

Abortion is a perennially visible and divisive issue in America, and also remains an important issue globally, as attested by the fierce wrangling in the United Nations and elsewhere over the perceived conflicts and the complexities of this issue and related ones in the areas of fundamental human rights, reproductive rights, population control and contraception, etc. As globalization continues, ethical issues like these bring different worldviews more and more into contact, with ethicists from different traditions bringing their varying perspectives to bear and highlighting the ever-increasing need for dialogue both within and among the various worldviews. Religious traditions must be able to effectively continue to speak to ethical issues in relevant ways that can offer guidance on issues like abortion that affect the lives of the global community. Dialogue both among and across varying religious traditions is a pertinent and necessary way to help us all reflect on and clarify our thinking and convictions on such a complex issue. It also helps us to learn how we can better communicate with and come to understand the numerous voices in the world market of ideas, as well as providing a venue for expressing our convictions and potentially influencing each other in seeking the common good of all.

In light of these considerations, I will evaluate the perspective of Michael G. Barnhart of the City University of New York, who represents a Buddhist, moderate<sup>1</sup> pro-choice stance. Barnhart is proposing a "middle way" between the "extreme" pro-life and pro-choice views typically found in America, which purports to take seriously the moral status of the unborn,

while still allowing for abortions beyond the typical pro-life allowances only for rape or a threat to the mother's life.

### **Barnhart's Argument for Pro-Choice Buddhism**

Barnhart's opening paragraph in his article captures the essence of his position:

It is quite clear from a variety of sources that abortion has been severely disapproved of in the Buddhist tradition. It is also equally clear that abortion has been tolerated in Buddhist Japan and accommodated under exceptional circumstances by some modern Buddhists in the U.S...Superficially, the situation seems not unlike that of Roman Catholicism, where abortion, though disapproved of in the strongest terms by Church authorities drawing on the canonical tradition, is nonetheless practiced by a large number of devout Catholics and defended by at least a few, sometimes renegade, theologians and philosophers, as acceptable in some circumstances. Therefore, if it makes sense to speak of a possible Catholic defense of abortion, then it makes equally good sense to speak of a Buddhist defense of abortion.<sup>2</sup>

Barnhart also maintains that choosing to have an abortion can be done in a way that is consistent with Buddhist principles, and that Buddhism has a plurality of moral voices on this issue. He admits that Damien Keown is right in asserting that the large majority of the Buddhist tradition is "overwhelmingly antiabortionist," particularly in the ancient Theravadin scriptures. He notes that "Especially in the *Pitakas*, or in Buddhagosa's commentaries, it seems quite clear that the practice of abortion is considered unacceptable."<sup>3</sup> He identifies this as Keown's first line of argument. Keown's second line of argument has to do with his interpretation of these scriptures in light of basic Buddhist principles around the nature of personal identity, karma, rebirth, and the *skandhas*.<sup>4</sup> The *skandhas* are the five aggregates that make up the mind/body complex; they are the form/body, and the mental components or processes: consciousness, feelings, perceptions, and predispositions or karmic tendencies (Barnhart calls the last two thought and character). These collectively are what comprise the *gandhabba* (being-for-rebirth or rebirth consciousness) that transfers, arrives, or arises at conception, and thus the mind aspects or rebirth-consciousness joining the body formed by conception and forming the bridge between lives. There is disagreement in Buddhism as to whether the *gandhabba* is actually an intermediate-state-being or simply the instant transfer of the rebirth-linking consciousness from the instant of death to the instant of conception, but either way a permanent self, spirit, or soul migrating from life to life is denied unanimously.<sup>5</sup>

Barnhart states that in spite of the scriptural evidence, "when it comes to connecting the apparent condemnation of abortion with the deeper inspirations of Buddhism, the case is less compelling and perhaps affords a toehold in the Theravada tradition for a different evaluation of abortion." He continues:

While respect for life is undeniable, the abortion issue usually hinges on whether the fetus is indeed a life in the relevant sense...though Buddhism values life, it does not value all life equally, and human life as a karmically advanced stage is particularly important. The fetus at any stage in its development is certainly in some measure living, but it is not obviously a recognizable human being at every stage. As a mere conceptus it lacks, of course, many of the attributes one might label distinctively human except its genotype. Therefore...one cannot say that a fertilized egg is a karmically advanced human being just because it is a fertilized egg. In other words, one needs a theory as to what constitutes a human being, a human life, and therefore a thing worthy of the greatest possible protection.<sup>6</sup>

He criticizes Keown for emphasizing consciousness as the most important of the groups, which constitutes or underlies the others as the foundation of a being; consciousness alone can be singled out to know that a living being is present, and is the basic moral criterion for respect as a living being. Keown prefers to translate *vinna* as “spirit” instead of “consciousness,” because he holds that this spirit is what functions at a deeper level and underlies all of the powers of a being. He claims that *vinna* resembles certain Aristotelian aspects of the soul in Christianity, a spiritual principle that drives the rest of the being. This is what essentially defines someone as the individual that they are, like electricity in a computer. He also identifies *vinna* as what carries a person’s moral identity from one life to the next, equating *vinna* with the *gandhabba* or intermediate being. This implies some sort of continuing or permanent identity that transmigrates through *samsara*, like an ego or self.

Barnhart believes that Keown’s perspective resembles the concept of *atman* in Vedantic Hinduism more than any Buddhist concept of *vinna*. Therefore, he finds all of this to be rather un-Buddhist-like. The Pali cannon and *skandha* theory emphasize all five groups equally, all being equally essential to a living being, with no continuing permanent self, ego, soul, spirit, or individual. The whole is simply the sum of the parts. “Buddhists...seem to feel that they can get along quite well without anything which might subtend the processes of existence, of *samsara*, and provide ‘moral identity,’ ontological continuity, or the spiritual DNA explaining anyone’s present predicament. The question really comes down to whether *vinna* or any other quality need endure to explain personality or transmigrate in order to explain rebirth and karma.”<sup>7</sup> Of course, Barnhart answers no, it need not. Since the *vinna* does not endure, it is not the *gandhabba*, and the *gandhabba* does not confer the singularity necessary to view it ontologically as an individual.<sup>8</sup>

If this is a fair representation of Keown’s view, then Barnhart seems thoroughly “orthodox Buddhist” in his analysis. Then he relates his rejection of Keown’s view of the *skandhas* and the *gandhabba* to his pro-choice view. He says:

Given the distinction between the groups, I see no reason why a committed Buddhist can’t hold that just because one has a body, form or *rupa*, one doesn’t

necessarily have a human life, especially one worthy of the strongest protection. A human life, in the moral sense, starts unambiguously when *all* the *skandhas* are in place, and the Buddha as well as the early Buddhist scriptures leave room for a rather large number of interpretations as to exactly when such a condition occurs in the process of embryonic development...Buddhism need not take *vinnana* to be present at any particular point in the process of embryonic development. That is, *vinnana* or consciousness is present whenever one would customarily say it is and that could be just as well at viability as at conception. In fact we would generally hold consciousness to be present only when, minimally, the cerebral cortex develops and perhaps later.<sup>9</sup>

Barnhart contends that Buddhism has no strong principle that would require the presence of either consciousness (*vinnana*) or an intermediate being (*gandhabba*) at any particular point in the biological process of human development. Buddhism also separates the biological basis for life from the individual life itself, so a zygote is a necessary but not a sufficient condition for a new life being present, as all of the groups, including consciousness, must be present to complete the development of a new life. The presence of the mere “biological platform” and its growth and development does not necessarily imply a human being, and *vinnana* is not essential to the life of a biological organism. Hence abortion, while still having moral implications since it does compromise future life, is not in itself a violation of the First Precept. As long as consciousness is not deemed present, this is only the material basis for life, but not the individual life itself.

He agrees with Keown that consciousness is the key to having the status of an individual human being. Once there is a developed capacity for consciousness, then the presence of consciousness, as the “platform on which mind and body are conjoined,” whenever it becomes present thereafter, signifies a “karmically significant stage” of an individual life that can then either fail morally and go through rebirth, or succeed and enter Nirvana. “Without your consciousness you do not exist.”<sup>10</sup> He proposes that the only way to reasonably answer the question of when life begins is through analogizing about the relative similarity that other beings bear to us as living, conscious, morally significant individual human beings. He then asks whether a fetus is a morally significant being, and answers that it would depend on how much like us an individual fetus is. He asserts that a late-term fetus is sufficiently like us to be considered a karmically significant individual being, but a fetus just before viability would be much less so, and an embryo even much less so, to the point that we could reasonably conclude that an embryo is not an individual human being.<sup>11</sup> He concludes:

In short, though Buddhism encourages compassionate action, the question as to what is compassionate in the case of an unwanted pregnancy cannot be peremptorily answered by metaphysical proclamations as to when life begins. Thus without leaving the province of a conservative Theravada Buddhism, a traditionalist Buddhism, one need not embrace the radical antiabortionism of

Keown's Buddhist...because Buddhism allows a distinction between the biological basis for life and its higher cognitive as well as affective aspects and insists that an individual human life requires the conjunction of all such aspects, no Buddhist need equate a presentient fetus with a sentient human. Thus, Ochiai's insistence that in dealing with the messiness of everyday living, abortion may qualify as a compassionate response need not contradict Buddhist principles. Especially if we are dealing with the material platform of an individual being before the point of cerebral development sufficient for the developed capacity for consciousness, then the moral seriousness of its claim to life may well be outweighed by other considerations.<sup>12</sup>

### Evaluation in Light of the Theravada Tradition<sup>13</sup>

Barnhart asserts that the Pali canon and the Theravada tradition are sufficiently vague on the issue of when life begins as to allow a “toe-hold” for a Buddhist pro-choice view from legitimately within the tradition. He contends that the tradition is not clear as to when all five of the *skandhas* or groups arise. But even a brief investigation of the issue seems to oppose Barnhart. For example, Peter Harvey claims explicitly that the *Vinaya* teaches that life begins at conception. As an example, he notes that monks are able to be ordained twenty years from when the first mind-moment has arisen while being an embryo, rather than at birth.<sup>14</sup> While it is true that this passage does not explicitly state that life begins at conception, nonetheless this conclusion is strongly implied. If the critical point is not conception, what sense can be made of the passage? If it is an indefinite time that could occur a few months later, or (as Barnhart would contend) anytime in the pregnancy, or not at any particular point or time in fetal development, how could this be used as a basis for specifically calculating when twenty years has passed from being an embryo, as opposed to at birth? The only logical conclusion points to conception. Harvey also quotes from the *Suttas*:

In Buddhism's rebirth perspective, human life is not seen as something that gradually emerges as an embryo develops. Consciousness is not regarded as an emergent property of this process, but is itself seen as one of the conditions for it to occur, as expressed in a passage from the Theravadin collection of *Suttas*: ‘Were consciousness, *Ananda*, not to fall into the mother's womb, would the sentient body be constituted there?’ ‘It would not, Lord.’ ‘Were consciousness, having fallen into the mother's womb, to turn aside from it, would the sentient body come to birth in this present state?’ ‘It would not, Lord.’ (*Digha Nikaya*, II. 3-4). Thus the flux of consciousness from a previous being is a necessary condition for the arising and development in the womb of a body endowed with mental abilities which amount to sentience: feeling, identification, volition, sensory stimulation and attention. (*Samyutta Nikaya*, II. 3-4)<sup>15</sup>

Harvey also notes that the *Abhidhamma* calls this consciousness the “arising mind,” which is described in the same way as the consciousness in the *Sutta* passage above, and is explicitly said to arise when the consciousness is transferred immediately from death to the new life, being accompanied by all the other *skandhas*, at that time. The *Sutta* seems to indicate that the body is constituted as a result of the consciousness from the previous life entering the womb. Hence, although not in Keown’s sense, consciousness is in a way even prior to the other *skandhas*, and as Barnhart emphasizes, all five are needed for there to be a living being, yet only noting the presence of consciousness is enough to know that a living being is present, as it necessarily appears with the other *skandhas*. In other words, Barnhart thinks that a body (a biological human being) can be present without consciousness, yet acknowledges that the presence of consciousness (in the context of after conception) necessarily includes a body and the other *skandhas*, i.e. is an individual human being. This is precisely what these passages demonstrate. Harvey gives another example from the Theravadin Pali canon:

If there is, here, a coitus of the parents, and it is the mother’s season, and a *gandhabba* is present, it is from the conjunction of these three things that there is descent of the embryo [and not if only the first, or only the first and second, condition is met]. Then, monks, the mother for nine or ten months carries the embryo in her womb with great anxiety for her heavy burden. (*Majjhima Nikaya* 1.266)<sup>16</sup>

Harvey explains that “descent of the embryo” probably does not mean the embryo moving down the fallopian tube to implantation, but most likely simply refers to the *gandhabba* entering at the instant of the conjoining of egg and sperm.<sup>17</sup> Either way, the passage makes it clear that the presence of the *gandhabba* is necessary for the descent of the embryo, i.e. it does not happen without consciousness, as this is precisely what the *gandhabba* is, and therefore there cannot be an embryo without it. It takes all three: sperm, egg, and *gandhabba*. So, there is no conceptus without consciousness. This is further evidenced by the passage emphasizing that after this, *then*, the mother carries the embryo for nine or ten months. Obviously this is not happening at viability or after the development of the cerebral cortex; the passage clearly excludes this possible interpretation, as do the others. The exegesis in which Harvey engages, while seeming quite solid in its own right, is not merely his interpretation; it is the standard exegesis of the tradition.

Buddhagosa and Vasubandhu are two of the greatest Buddhist scripture scholars in history. Regarding the arising of the new life, they both held the same interpretation as Harvey (and many others). Buddhagosa interpreted the *gandhabba* as a being about to enter the womb, ready to exist in the new life, and driven by the force of karma. It seems that being driven by the force of karma is “karmically significant.” The *gandhabba*, driven by the lingering craving and ignorance of the last moment of consciousness from the previous life, enters the womb. “It is known as the rebirth-linking consciousness. Not being carried over from the previous life, this rebirth-linking consciousness newly arises at the precise moment of conception.”<sup>18</sup> Buddhagosa, unlike Vasubandhu, did not see the *gandhabba* as an intermediate-state being, but simply as the

instant transfer of the consciousness, with its arising at conception. Vasubandhu did see it as an intermediate-state being, and gave a description of it:

Driven by karma, the intermediate-state being goes to the location where rebirth is to take place...There it sees its father and its mother-to-be, united in intercourse. Finding the scene hospitable, its passions are stirred...Stirred by these wrong thoughts, it attaches itself to the place where the sexual organs of the parents are united, imagining that it is there joined with the object of its passion...Thus do the *skandhas* arise in the womb.<sup>19</sup>

This is clearly a being that is conscious and karmically significant, driven by unwholesome thoughts into the new life. Vasubandhu explicitly links conception and the arising of all of the *skandhas*, as seen here and in another quote by R. E. Florida: “*Vijnana* [consciousness] is the *skandhas* [the physical and mental components of a being] at conception. The five *skandhas*, within the womb, at the moment of reincarnation or of birth-of-existence.” From this quote of Vasubandhu, Florida concludes that “...what all this boils down to is that Buddhists have traditionally understood that the human being begins at the instant of conception when sperm, egg, and *vijnana* come together. As Taniguchi puts it, ‘there is no qualitative difference between an unborn foetus and a born individual.’ Therefore, the precept against taking life applies in the case of abortion.”<sup>20</sup>

From this brief survey of relevant passages from all three major divisions of the Pali canon, it is clear that Buddhism does hold that life, in the karmically significant and like-us sense, including all five of the *skandhas* that give rise to a full human being, does in fact begin at conception, and that a fertilized egg necessarily includes the *gandhabba*-consciousness. Barnhart notes that it seems Buddhism can “get along quite well” in having a full, First-Precept-protectable, karmically significant human being without a permanent self, soul, or anything continuing on through each transmigration. It seems that Buddhism can also get along quite well with all five of the *skandhas*, including consciousness, arising at conception without viability or a developed cerebral cortex, or a demonstrated capacity for consciousness. In other words, there is no need for a soul or a cerebral cortex to have the five groups arise at conception, thus beginning the next life in the same fullness that exists after birth and that falls under the protection of the First Precept and the laws of Buddhist countries.

In his conclusion, Barnhart states that seeing the fetus’ status as dubious, combined with the strong Buddhist value of compassion as applied to women in unwanted or crisis pregnancies, leaves room for a legitimate pro-choice stance. He admits that the fetus, even before the development of the cerebral cortex, is a living being. So, Barnhart frames the issue as a conflict of interests between beings of different moral status, with the mother, as a full human being, outweighing the fetus’ interests in the name of compassion for the woman. But even if we grant Barnhart’s premise that a fetus can legitimately be seen as less than a full human being from a Buddhist perspective, it is admittedly still a living being. So, can it be killed in the name of compassion based on Buddhist principles? The answer is still no, it cannot be.

In addressing this issue, Harvey uses an analogy in which he places the value of the life of the fetus as less than an adult, or even a baby, but more than any animal, even a more valuable one like a chimpanzee. He concludes from this that the fetus could be killed if there were a serious threat to the mother's life, and possibly for rape or certain very few, very extreme other circumstances, but that is all, as even animals cannot be killed for most human interests beyond protecting against an immediate threat to life.<sup>21</sup>

So even in Barnhart's view, as a living, biologically human being, the fetus would seem to have at least the moral or life-respect value of a more valuable animal, and probably a little more. One must keep in mind the extreme reverence for life in Buddhism, and not underestimate it. The basic problem is that abortion is still the mother, either directly or through someone else, and whether with full knowledge, choosing to kill her own (at least nearly fully human) child to attempt to relieve her own suffering. (I say "her own" as a convenience to emphasize that its biological component is based on her, and it is located inside her, but on Buddhist principles, it is not hers, which only increases the child's life-reverence value. Also, her suffering is not hers, but all of ours, as is the child's when it is killed, which also increases its value). The point is that one cannot relieve suffering by intentionally taking innocent life, as this only causes more suffering. The suffering for the child increases as it is killed, the suffering for the mother and anyone else involved increases, and all of our suffering increases as a result of abortion.

Francis Beckwith also notes this, saying that "...the benefit of the doubt should be given to the unborn, because the magnitude of the evil one may be committing (i.e., killing an innocent person for the sake of relieving one's own suffering) is so great that it should be avoided at all costs."<sup>22</sup> Killing to attempt to relieve suffering in the name of compassion is contrary to Buddhist ethics; killing any being (at least when not for self-defense against threat to life), whether a person or not, is certainly unwholesome to say the least. It is important to keep in mind the primacy of intent in the degree of unwholesomeness; abortion is the intentional killing of a child, or at least a living being that is nearly fully human, which is causing great suffering and therefore much karmic unfruitfulness and further entrapment in *samsara* for all. Buddhism is ultimately about relieving suffering, so Barnhart's view goes against this foundational Buddhist principle.

Buddhist compassion and reverence for life, as enshrined in the Pali canon, the eight-fold path, the five precepts, and the core Buddhist values of non-greed, non-hate, and non-delusion, demand showing lovingkindness, compassion, care, and concern for all living beings. There is a way to do this, without abortion, that is truly consistent with Buddhist principles and a wholesome, skillful, karmically fruitful way of showing compassion for, between, and among the mother, the unborn child, and the rest of the community: adoption. Granted, this is idealistic, but it seems to be the only truly compassionate possibility in the case of an unwanted pregnancy. Harvey notes that contraception is acceptable in Buddhist ethics, and when combined with adoption and a compassionate, helping, supporting stance toward women in unwanted or crisis pregnancies, this is what should be strived for on Buddhist principles.<sup>23</sup> A



better way than Barnhart's for dealing with this issue in Buddhism is for others to compassionately help and support the mother through the pregnancy, without judgment or stigma, and for the mother to have compassion for her child and childless couples who are desperate for a child by giving her up for adoption. This could be seen as the ultimate act of generous giving, very skillful means indeed. When it comes to an unwanted pregnancy and the options it presents, a true middle way between killing and keeping one's child can be adoption.

**Todd E. Johanson** is currently an adjunct faculty member in the Theology Department and a doctoral student in Systematic Theology at Duquesne University in Pittsburgh, Pennsylvania. His main areas of interest and research are Interreligious Theology and Christology.

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1 "Moderate" in this context means with some limitations, especially once consciousness arises following the development of the cerebral cortex. This is as opposed to an absolute pro-choice stance which supports legal abortion for any reason during the entire pregnancy, as currently enshrined in American law under the Supreme Court's rulings of *Roe v. Wade* and *Doe v. Bolton*.

2 Michael Barnhart, "Buddhism and the Morality of Abortion," *Journal of Buddhist Ethics* 5 (1998): 277. See also Damien Keown, *Buddhism and Bioethics*.

3 Barnhart, 278.

4 Ibid.

5 James McDermott, "Abortion in the Pali Canon and Early Buddhist Thought," in *Buddhism and Abortion*, ed. Damien Keown (New York: MacMillan Publishers Ltd., 1999), 173-75.

6 Barnhart, 279-80.

7 Ibid., 284.

8 Ibid., 285-86.

9 Ibid., 286-87.

10 Ibid., 287-91.

11 Ibid., 291.

12 Ibid., 292-93.

13 I am choosing to focus on the Theravada Pali canon specifically because that is the canon that Barnhart uses to justify his position, and even in the Mahayana tradition it is widely regarded as sacred scripture.

14 Peter Harvey, *An Introduction to Buddhist Ethics* (New York: Cambridge University Press, 2007), 311-12.

15 Ibid., 311.

16 Ibid., 312.

17 Ibid., 312.

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18 McDermott, 173-74.

19 Ibid., 175.

20 R. E. Florida, "Buddhist Approaches to Abortion," *Asian Philosophy* vol. 1, no. 1 (1991): 41.

21 Harvey, 317-26.

22 Francis J. Beckwith, *Defending Life* (New York: Cambridge University Press, 2007), 150.

23 Harvey, 351-52.