



Abortion in Religious Perspectives: Islam, Hinduism, and Buddhism

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Abstract

Abortion is understood as the unnatural termination of pregnancy by the removal or expulsion from the uterus of a fetus or embryo prior to viability. Religion is a key factor that control of morality in the society today. The arguments on the morality of abortion are often based on the religious beliefs. Hence, in this study, the researcher will discuss the argument of abortion particularly in three major religions in Malaysia which are Islam, Hinduism, and Buddhism. In order to study the topic, the researcher relies on the descriptive method and analytical method. One of the important findings of the research is that abortion as seen by Islam, Hinduism, and Buddhism with each referring to their own sacred texts as a guiding foundation, did not support the abortion. However, all of these religions accept abortion as a means to save the mother's life. Thus, in order to curb the increasing number of abortions that carried out without any valid reason in nowadays secularization era, there are some measures that must be taken seriously especially in religion, education, and cultural aspects.

Keywords: Abortion, Religious, Islam, Hinduism, Buddhism.

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Fatimah Karim

INTRODUCTION

Religion is a key factor that control of morality in the society today. The arguments on the morality of abortion are often based on the religious beliefs. The main argument of abortion is on when or at what stage does the religion consider a fetus to be a living being? Within the various religious circles, it is argued and continuously debated whether a fetus is a living being. All the religions have taken strong positions on abortion; they believe that the issue encompasses profound issues of life and death, right and wrong, human relationships and the nature of society, that make it a major religious concern.

In this study, the researcher will discuss the abortion as seen by Islam, Hinduism, and Buddhism. In Islam, it is lawful to have an abortion during the first 120 days for valid reasons; for example, a fetus suffers from a defect that can't be treated that will cause great suffering to the child. But after the stage of ensoulment, after 120 days, abortion is prohibited completely and is akin to murder; except when a medical situation threatens the mother's life physically or mentally. The sacred Hindu texts that mention about abortion correlating it with the most grievous sins a Hindu could commit, and the doctrine regarding the karmic law and rebirth constitute the foundation of the intransigent attitude of Hinduism towards abortion. As for Buddhism, the traditional embryology and the principle of non-violence, seen by Buddhists as a way of life, determine a similar attitude concerning abortion. More than that, if a Buddhist monk even incites to abortion he is "defeated" and scourged with total exclusion from the monastic order, the severest punishment a monk can experience.

Despite all these, in all of the countries where these religions hold the majority, the rate of abortions is very high caused mainly by the progressive secularization of these societies, since many of them are excluding the religious and moral precepts from their lives.



Abortion in Religious Perspectives: Islam, Hinduism, and Buddhism

Fatimah Karim

DEFINITION OF ABORTION

What is the definition of abortion, and what are the differences between abortion and miscarriage?

According to Cambridge Advance Learner's Dictionary: "Abortion is the intentional ending of a pregnancy, usually by a medical operation. However, miscarriage is defined as an early, unintentional end to a pregnancy".²

Oxford Advanced Learner's Dictionary defines: "Abortion as the deliberate ending of a pregnancy at an early stage. However, miscarriage is the process of giving birth to a baby before it is fully developed and able to survive".³

As stated in Collins English Dictionary: "Abortion is an operation or other procedure to terminate pregnancy before the fetus is viable. It also defined as the premature termination of pregnancy by spontaneous or induced expulsion of a nonviable fetus from the uterus. However, miscarriage defines as spontaneous expulsion of a fetus from the womb, especially prior to the 20th week of pregnancy".⁴

According to Farlex Partner Medical Dictionary: "Abortion is the termination of pregnancy before the fetus is viable. In the medical sense, this term and the term miscarriage both refer to the termination of pregnancy before the fetus is capable of survival outside the uterus. The term abortion is more commonly used as a synonym for induced abortion, the deliberate interruption of pregnancy, as opposed to miscarriage, which connotes a spontaneous or natural loss of the fetus".⁵

In short, the term of abortion most commonly refers to the unnatural termination of human pregnancy, implies intention and consequently responsibility for killing an embryo or fetus. However, the term of miscarriage is natural loss of the fetus, spontaneous, unintended, and morally neuter.

² Cambridge Advance Learner's Dictionary, Cambridge University Press, 3rd Edition, 2008.

³ Oxford Advanced Learner's Dictionary, Oxford University Press, 2010.

⁴ Collins English Dictionary, Harper Collins Publishers, 3rd Edition, 1991.

⁵ Farlex Partner Medical Dictionary, 2012.

<http://medicaldictionary.thefreedictionary.com/induced+abortion>



EXPLORATION

1. ISLAM AND ABORTION

1.1. Islamic Teachings on Abortion

The term of abortion in Islam is called (al-ijhÉl), including (isqÉl), and (ilqÉ').⁶ In principle, the Qur'an condemns the killing of humans (except in the case of defense or as capital punishment), but it does not explicitly mention abortion. This leads Islamic theologians to take up different viewpoints; while the majority of early Islamic theologians permitted abortion up to day 40 of pregnancy, or even up to day 120.⁷

The Qur'an clearly disapproves of killing other humans: *"Take not life which Allah has made sacred"* (6:151). *"If a man kills a believer intentionally, his recompense is Hell, to abide therein (forever)"* (4:93). Allah (SWT) went even further, making unlawful killing of a single individual human being equal to mass murder of the whole of mankind: *"Because of that, we ordained for the children of Israel that if anyone killed a person not in retaliation for murder or for spreading mischief on earth, it would be as if he killed all mankind. And who saved a life, it would be as if he saved all mankind"* (5:32).

As to whether abortion is a form of killing a human, the Qur'an does not make any explicit statements. Only in the Qur'an (17:32) warns believers in general: *"Kill not your offspring for fear of poverty; it is We who provide for them and for you. Surely, killing them is a great sin"*. However, this verse in fact was revealed to forbid the pre-Islamic Arab practice of killing or burying alive a newborn child (particularly a girl) on account of the parent's poverty, or to refrain from having a female child. Thus, the text doesn't explicitly address the abortion and therefore doesn't close the argument on it.⁸

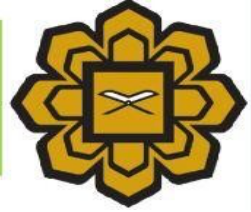
Embryonic development was central to the Muslim arguments on abortion; a fetus is thought to become a living soul after 120 days.⁹ A relevant hadith suggests that the moment of ensoulment is 120 days:

⁶ Abdulaziz Sachedina, *Abortion: An Islamic Perspective*, J Relig Health, 2010, p. 520.

⁷ Ibrahim B. Syed, *Abortion in Islam*, Islamic Research Foundation International, Inc.
https://www.academia.edu/39049226/Abortion_in_Islam

⁸ Khalid Farooq Akbar Hamdard, *Family Planning and Islam*, Islamicus Vol. 17, No. 3, 1974.

⁹ http://www.bbc.co.uk/religion/religions/islam/islamethics/abortion_1.shtml



Abortion in Religious Perspectives: Islam, Hinduism, and Buddhism

Fatimah Karim

Narrated Abdullah: “every one of you is collected in the womb of his mother for the first forty days, and then he becomes a clot for another forty days, and then a piece of flesh for another forty days. Then Allah sends an angel to write four words: He writes his deeds, time of his death, means of his livelihood, and whether he will be wretched or blessed (in religion). Then the soul is breathed into his body...” Sahih Bukhari, Volume 4, Book 55, Number 549.

According to some of Muslim scholars, it is lawful to have an abortion during the first 120 days (before the ensoulment) for valid reasons. But after the stage of ensoulment (after 120 days), abortion is prohibited completely; except when a medical situation threatens the mother's life, leaving only two options, to let either the other or the fetus survive, but not both. Scholars argue that such a case can only be determined by a specialist, trusted, and committed Muslim doctor. It would be better if a team of specialists decide this, rather than just one person. They argue that the mother can have other children, whereas the child cannot make up for losing the mother.¹⁰

1.2. Views of Four *Madhhabs* (Schools of Thought)

What are the views of four *madhhabs* regarding on abortion?¹¹

The **Hanafi** school (prevalent in Turkey, the Middle East, and Central Asia), allows abortions to take place principally until day 120 and restrict this provision to “good cause and reasonable grounds”. For example, the mother is still nursing an infant and fears that her milk may run out during the new pregnancy, and if the mother could not be replaced by a wet-nurse, the infant would die.¹²

The **Maliki** school (prevalent in North and Black Africa) described abortion as completely forbidden. In their view, when the semen settles in the womb, it is expected to

¹⁰ Ibrahim B. Syed, *Abortion in Islam*, Islamic Research Foundation International, Inc. https://www.academia.edu/39049226/Abortion_in_Islam

¹¹ السباعي، محمد سيف الدين، *الإجهاض بين الفقه والطب والقانون*، (بيروت: دمشق، دار الكتب العربية، ط 1، 1977م)، ص 47.

¹² ابن الهمام، محمد بن عبد الواحد، *فتح القدير شرح الهداية*، (الرياض: دار العلم الكتب، ط 1، 2003م)، ج 2، ص 495. ابن عابدين، محمد أمين بن عمر، *حاشية رد المختار*، (القاهرة: دار الفكر، ط 2، 1979م)، ج 2، ص 522.

Abortion in Religious Perspectives: Islam, Hinduism, and Buddhism

Fatimah Karim

develop into a living baby, and it should not be disturbed by anyone. After ensoulment, abortion is prohibited absolutely and is akin to murder.¹³

The **Shafi'Ē** school (dominant in Southeast Asia, Southern Arabia, parts of East Africa), abortion is permitted with *makruh* if it takes place within forty days (40, 42 or 45 days) from the beginning of pregnancy, provided that it is with the consent of both spouses, and does not result in harm to the pregnant woman. After the period of forty days, abortion is absolutely prohibited.¹⁴

For the **Hanbali** school (predominant in Saudi Arabia and United Arab Emirates), it is permissible to abort during the first four months of the 120-day period from the beginning of pregnancy before the soul is breathed in, and it is definitely forbidden after that, especially after the appearance of movement.¹⁵

The scholars are unanimously agreed that abortion without an excuse is prohibited after the fourth month which is 120 days after the beginning of pregnancy, because it same with killing of a human being.¹⁶ They quote a statement from the Prophet (PBUH) that refers to a human being starting as a fertilized ovum in the uterus of the mother for forty days, then it grows into a clot, then into a morsel of flesh, then an angel is sent to that fetus to blow the *Ruh* into it and to write down its age, deeds, sustenance, and whether it is destined to be happy or sad.

1.3. When Abortion is Permissible in Islam?

Among Muslims, the permissibility of abortion depends on factors such as time and extenuating circumstances:

¹³ الدسوقي، محمد بن أحمد بن عرفة، الشرح الكبير للدردير بحاشية الدسوقي، (القاهرة: المكتبة العشرية، ط2، 2003م)، ج2، ص266. ابن جزى، محمد بن أحمد، القوانين الفقهية، (بيروت: دار القلم، ط1، 1960م)، ص212.

¹⁴ البجيرمي، سليمان بن محمد، حاشية البجيرمي على شرح الإقناع في حل ألفاظ أبي شجاع، (بيروت: دار النوادر، د.ط، 2013م)، ج4، ص40. ابن حجر الهيتمي، أحمد بن محمد، تحفة المحتاج، (بيروت: دار الكتب العلمية، ط1، 2001م)، ج8، ص241.

¹⁵ ابن مفلح المقدسي، محمد، الفروع، (بيروت: دار الكتب العلمية، ط1، 1997م)، ج1، ص281. المرداوي، علي بن سليمان، الإنصاف، (بيروت: دار إحياء التراث العربي، ط2، 1980م)، ج1، ص386. ابن قدامة، موفق الدين عبد الله بن أحمد، المغني، (الرياض: دار علم الكتب، ط5، 2005م)، ج7، ص816.

¹⁶ الزحيلي، وهبة، الفقه الإسلامي وأدلته، (دمشق: دار فكر، ط1، 1980م)، ج4، ص546.



Abortion in Religious Perspectives: Islam, Hinduism, and Buddhism

Fatimah Karim

1.3.1. Protection of the mother's life

The *Shari'ah* allows abortion only when doctors declare with reasonable certainty that the continuation of pregnancy will endanger the woman's life physically or mentally. This permission is based on the principle of the lesser of the two evils known in Islamic legal terminology as the principle of *al-ahamm wa al-muhimm* (the more important and the less important). The Prophet said, "*When two forbidden things come [upon a person] together, then the lesser will be sacrificed for the greater.*"¹⁷

Scholars like Shaykh Mustafa al-Zarqa', Shaykh Khalid Sayfullah Rahmani and others said that an abortion for fear of the mother dying will be permitted even after the entry of the soul into the fetus. They also have based this ruling on the famous juristic principle of the lesser of the two evils.¹⁸

In the present case, one is faced with two forbidden things: either abort the unborn child or let a living woman die. Obviously, the latter is greater than the former; therefore, abortion is allowed to save the live person.¹⁹ According to Sheikh Yusuf Al-Qardhawi, abortion is regarded as a lesser evil in this case and must be performed because the mother is the origin of the fetus; moreover, her life is well established with duties and responsibilities, and she is also a pillar of the family. It would not be possible to sacrifice her life for the life of a fetus which has not yet acquired a personality, and which has no responsibilities or obligations to fulfill, and allowing the mother to die would also kill the fetus in most cases.²⁰

1.3.2. Abortion for the sake of the baby

In the early period of pregnancy, if a fetus suffers from a defect that can't be treated and that will cause great suffering to the child, it is permissible to abort, provided that the pregnancy is less than 120 days old, but an honest, reliable, and qualified Muslim doctor

¹⁷ Sayyid Muhammad Rizvi, *Marriage and Morals in Islam*, Chapter 4: Contraceptives and Abortion, Canada: Islamic Education and Information Center Scarborough, 1990, p. 56. <http://www.qul.org.au/library/marriage-a-morals-in-islam/1152-abortion-in-islam>

¹⁸ Muhammad ibn Adam al-Kawthari, *Birth Control and Abortion in Islam*, Santa Barbara: White Thread Press, 2006, p. 45.

¹⁹ Ibrahim B. Syed, *Abortion in Islam*, Islamic Research Foundation International, Inc. https://www.academia.edu/39049226/Abortion_in_Islam

²⁰ Yusuf Al-Qardhawi, *Lawful and the Prohibited in Islam*, Islamic Book Service, 1982, p. 67.



Abortion in Religious Perspectives: Islam, Hinduism, and Buddhism

Fatimah Karim

must advise this. After 120 days an abortion is not permissible unless the defect in the embryo puts the mother's life in danger.²¹

The Islamic *Fiqh* Assembly of the Muslim World League based in Mecca has decided the following: "If the fetus has reached 120 days, it is impermissible to conduct an abortion even if it is medically diagnosed with congenital defects. However, if a committee of specialized physicians decided that the continuation of pregnancy imposes risk to the mother's life. In this case, it is permissible to conduct an abortion whether or not the fetus was deformed to undertake the lesser of two harms".²²

1.4. Fatwa of Abortion in Malaysia Due to Health Condition

The 26th Convention of Fatwa Committee of National Council for Islamic Religious Affairs convened on 7th March 1990 states on the issue of the ruling of abortion due to doctor's advice that malformation towards child is unavoidable. Briefly, the fatwa states:²³

- According to the scholarly consensus (ijma'), it is haram to abort a fetus which age is more than 120 days because the abortion is considered as a crime of killing towards the fetus which is blown by soul except the abortion is to save the mother's life due to great malformation.
- It is *makruh* to abort a fetus which age is between one day to 40 days if there is harm towards the mother and granted permission from both husband and wife.
- The consensus of the jurist rule that the ruling of aborting fetus which age is less than 120 days is permissible if the fetus has malformation and has illnesses which may threaten the life of the mother.

The convention has decided that it is haram to abort the fetus except due to extreme malformation which may harm the life of the mother.²⁴

This fatwa also aligns with the decision of Majma' al-Fiqh al-Islami which states: "If the pregnancy aged 120 days, then it is haram to abort it, even there are malformation,

²¹ Muhammad ibn Adam al-Kawthari, *Birth Control and Abortion in Islam*, Santa Barbara: White Thread Press, 2006, p. 49.

²² <http://www.dar-alifta.org/Foreign/ViewFatwa.aspx?ID=6634> (Fatawa Dar al-Ifta al-Misriyyah).

²³ <https://muftiwp.gov.my/en/artikel/al-kafi-li-al-fatawi/3958-al-kafi-1511-the-ruling-of-abortion-due-to-health-condition> (Seen at 17 August 2022).

²⁴ JAKIM, *Kompilasi Pandangan Hukum Muzakarah Jawatankuasa Fatwa Majlis Kebangsaan bagi Hal Ehwal Ugama Islam Malaysia*, (Selangor, Bahagian Pengurusan Fatwa JAKIM, Cetakan Kelima, 2015), halaman 107.



Abortion in Religious Perspectives: Islam, Hinduism, and Buddhism

Fatimah Karim

except if it is certified by the medical experts that this pregnancy may harm the life of the mother. So, in this situation, it is permissible to abort the child to protect the life of the mother which is prioritized”.²⁵

2. HINDUISM AND ABORTION

2.1. Hindu View on Abortion

Abortion is regarded as a frustration of the expression of the unborn karma. Hindu scriptures and tradition from the earliest times have condemned the practice of abortion, except when the life of the mother is in danger.²⁶

Hinduism has traditionally taught that a soul is reincarnated and enters the embryo at the time the embryo is conceived. According to *Caraka Samhita*²⁷ a Hindu medical text, the soul is already joined with matter in the act of conception:

“The individual soul descends into the union of semen and (menstrual) blood in the womb is keeping with the (karmically produced) psychic disposition (of the embryonic matter)”.²⁸

Hindu scriptures refer to abortion with the terms *garbha batta* (womb killing), *garbhahatya* (pregnancy destruction), and *bhrūṇahatya* (fetus murder). The terms for involuntary miscarriage are *sramsana* and *garbhasrāva* (referring to the falling or emission of the embryo).²⁹ This differentiated terminology is important because it suggests the moral distinction between abortion and miscarriage, while abortion implies intention and consequently responsibility for killing an embryo or fetus, the miscarriage is unintended and morally neuter.

Abortion also refers with the term *bhrūṇahan* (the killer of an embryo) or (the killer of a learned Brahmin). They belief that if someone kills an embryo before the sex is known, the unborn child would have been a male who could grow up, learn *Vedas*,

²⁵ Qarar Majma' al-Fiqh al-Islami, No. 277.

²⁶ Anatanand Rambachan, *Abortion: A Hindu Perspective*, J Relig Health, 2010, p. 528.

²⁷ Caraka Samhita, ch. 6, sū. 3, p. 737.

²⁸ Lipner J. J., *The Classical Hindu View on Abortion and The Moral Status of the Unborn*, 1989, p. 54. Edward Omar Moad, *Hindu ethics on the Moral Question of Abortion*, Eubios Journal of Asian and International Bioethics, vol. 14, 2004, p. 149.

²⁹ Lipner J. J., *The Classical Hindu View on Abortion and The Moral Status of the Unborn*, 1989, p. 42. Chandrasekhar S., *India's Abortion Experience*, Denton: University of North Texas Press, 1994, p. 53.



Abortion in Religious Perspectives: Islam, Hinduism, and Buddhism

Fatimah Karim

perform sacrifices, and bring great benefits to the humans and to the gods explains the semantic linkage between killing an embryo and killing a Brahmin.³⁰

2.2. A compilation of what Hindu scriptures say on abortion

Atharvaveda:

The first mention of abortion is in *Atharvaveda*. This text is a clear indication that in the ancient Indians' perception abortion was the most heinous crime and the greatest sinner, and the abortionist was considered a person who deserved to be burdened with the misdeeds of all humans. *Atharvaveda* states:

"Enter into the rays, into smoke, O sin; go into the vapours, and into the fog! Lose thyself on the foam of the river! Wipe off, O Pûshan, the misdeeds upon him that practiseth abortion!" (VI, 113.3; VI, 112.3).³¹

Vedas:

The *Vedas* does not show when life begins or whether a fetus is a living being, but it is clear that abortion is a sinful activity. This is as outlined in the part of the Aryan scriptures is in the *Vedas* which states: *"Whpe off, O Pushan [Lord], the sins of him that practiseth abortion"* (Sacred Books of the East, 42:165).³²

A *Rig Vedic* hymn begs for protection of fetuses: *"May this our song of praise reach you, O Maruts, and Visnu guardian of the future infant. May they vouchsafe the singer strength for offspring. Preserve us evermore, ye Gods, with blessings"* (RigvedaVII, 36.9).³³

The *Satapatha Brahmana* compares the reputation of those who eat beef with those who perform abortions: *"Such a one indeed would be likely to be born (again) as a strange being, (as one of whom there is) evil report, such as 'he has expelled an embryo from a woman', 'he has committed a sin'; let him therefore not eat (the flesh) of the cow and the ox"* (III, 1.2.21).³⁴

³⁰ Patton Laurie L, *Mantras and Miscarriage: Controlling Birth in the Late Vedic Period*, New York: Oxford University Press, 2002, p. 39.

³¹ Harold G. Coward, *Hindu Ethics: Purity, Abortion, and Euthanasia*, United States of America: State University of New York, 1989, p. 43.

³² <https://www.ukessays.com/essays/religion/religious-views-on-abortion-religion-essay.php>

³³ <http://www.hinduhumanrights.info/hindu-religious-quotes-on-abortion/>

³⁴ Lipner J. J., *The Classical Hindu View on Abortion and The Moral Status of the Unborn*, 1989, p. 43.



Abortion in Religious Perspectives: Islam, Hinduism, and Buddhism

Fatimah Karim

Upanishads:

The *Upanishads* also condemn abortion; they are placed in a category with thieves and outcasts: “Here a father is not a father, a mother is not a mother, worlds are not worlds, gods are not gods, and Vedas are not Vedas. Here a thief is not a thief, an abortionist is not an abortionist, an outcaste is not an outcaste, a pariah is not a pariah, a recluse is not a recluse, and an ascetic is not an ascetic. Neither the good nor the bad follows him, for he has now passed beyond all sorrows of the heart” (4.3.22).³⁵

Kaushitaki Upanishad describes abortion as equivalent to killing one’s parents: “When a man perceives me, nothing that he does, whether it is stealing, or performing an abortion, or killing his own father or mother, will ever make him lose a single hair of his body” (3.1).³⁶

Puranas:

The later *smṛti* texts also contain injunctions against abortion, as well as protections for pregnant women. In the *Visnudharmasutra*, killing either fetus or mother is equated to the worst crime possible in Hindu society, killing a Brahmin:

“Killing a Kshatriya [knight] or a Vaishya [Merchant] engaged in sacrifice, a menstruating woman, a pregnant women...[and]..the embryo (even) of a stranger is tantamount to killing a Brahmin [Priest].³⁷

Another compelling evidence that abortion is unacceptable in the Hindu religion is contained in the books of Chandrasekhar (1994) in which he pointed out that induced abortion, which he referred to as *bhrunahatya* (fetus murder) or *farbhahatya* (pregnancy destruction) is a serious sin. He pointed out that according to *Vishnu Smṛiti* (c. 100 B.C. to 100 A.D.), “the destruction of an embryo is tantamount to the killing of a holy or learned person”.³⁸

2.3. Conception Karma and *Ahimsā*

Hindu embryology and the belief in rebirth determined by karma, the fetus is not developing into a person, but rather is already a person in the moment of conception that

³⁵ Noah Berlatsky, *Abortion*, United States of America: Gale and Greenhaven Press, 2011, p. 37.

³⁶ Constantin-Iulian Damian, *Abortion from the Perspective of Eastern Religions*, Romanian Journal of Bioethics, Vol. 8, No. 1, January 2010, p. 127.

³⁷ <http://www.hinduhumanrights.info/hindu-religious-quotes-on-abortion/>

³⁸ Chandrasekhar S., *India’s Abortion Experience*, Denton: University of North Texas Press, 1994, p. 45.



Abortion in Religious Perspectives: Islam, Hinduism, and Buddhism

Fatimah Karim

embodied soul. Thus, if a fetus is aborted, the soul within it suffers a major karmic setback.³⁹

The soul enters the body along with individual past karma, accumulated in the previous lives, every embryo is not only flesh from the mother's flesh but a distinct life, with all his attributes, although yet un-manifested. Abortion as the termination of life, thus it is wrong to kill an embryo as it is to kill a human person. By the ninth month, the fetus has achieved very substantial awareness.⁴⁰

According to *Garbha Upanishad*, the soul remembers its past lives during the last month the fetus spends in the womb; however, these memories are destroyed during the trauma of birth.

Another reason for rejecting abortion is the Hindu principle of "non-killing" or "non-violence" (*ahimsā*), abortion is regarded as violation of *ahimsa*, since abortion is a violent act towards a human being yet unborn.⁴¹

Hindu doctrine of reincarnation (*samsāra*), which sees life as a repeating cycle of birth, death and rebirth, is basic to Hindu thinking, make a strong case against abortion. Abortion will deprive the soul all possibility of life, which deprives the opportunities its potential human existence would have given it to earn good karma. Besides that, abortion also affects the *atman*'s destiny (spirit or life-principle) that hinders a soul's spiritual progress. Thus, abortion will produces negative karma outcomes, and consequently interrupts the journey toward the liberation (*moksa*).⁴²

2.4. Abortion: A Social or a Moral Concern?

From the Hindu point of view, abortion is both a moral and social transgression. This is because it imperils the stability and preservation of the social order and structure. However, it seems that there is a single situation when traditional Hinduism finds abortion morally acceptable; when the life of the mother is in peril.⁴³

³⁹ Coward H., Sidhu T, *Hindu and Sikh Bioethics*, Cambridge: Cambridge University Press, 2008, p. 60.

⁴⁰ Jain Sandhya, *The Right to Family Planning, Contraception and Abortion: The Hindu View*, New York: Oxford University Press, 2003, p. 105.

⁴¹ Anatanand Rambachan, *Abortion: A Hindu Perspective*, J Relig Health, 2010, p. 528.

⁴² Constantin-Iulian Damian, *Abortion from the Perspective of Eastern Religions*, Romanian Journal of Bioethics, Vol. 8, No. 1, January 2010, p. 128.

⁴³ Constantin-Iulian Damian, *Abortion from the Perspective of Eastern Religions*, p. 129.



Abortion in Religious Perspectives: Islam, Hinduism, and Buddhism

Fatimah Karim

Many Hindus regard the production of offspring as a “public duty”, not simply an individual expression of personal choice. Thus, many Hindus see that the abortion as a breach of the duty to produce children in order to continue the family and produce new member of society.⁴⁴

Abortion is practiced in Hindu culture despite the religious ban on abortion and is sometimes overruled by the cultural preference for sons. This led to abortion to prevent the birth of girl babies, which is called female foeticide.

Hinduism never accepted abortion, however some Hindus support abortion in cases where the mother's life is at imminent risk or when the fetus has a life-threatening developmental anomaly.

The explanation for high rate of abortions might rather be found in the economic and social circumstances of contemporary Indian that make material concerns to have the precedence in the Hindus' life, and not in a supposed moral dichotomy of Hinduism which clearly expresses against abortion.⁴⁵

3. BUDDHISM AND ABORTION

3.1. Buddhist View on Abortion

At the fundamental question: When does life begin? Buddhism answers: at the right moment of conception. Conception is considered the natural process that takes place when three conditions are fulfilled: there is an intercourse, the woman is in the fertile period, and a “spirit” or deity is present. *Majjhima Nikāya*, one of the earliest Buddhist texts states:⁴⁶

“It is by the conjunction of three things that conception comes out. If there is coitus of parents but if that is not the mother's period and if there is no presiding deity of generation (gandhabba) present, – then no conception takes place. Or if there be coitus of parents at the mother's period but with no presiding deity present, – again there is no conception. But if there be a conjunction of all three factors, then and only then does conception take place.” (I, 266).

⁴⁴ Lipner J. J., *The Classical Hindu View on Abortion and The Moral Status of the Unborn*, p. 56.

⁴⁵ Constantin-Iulian Damian, *Abortion from the Perspective of Eastern Religions*, Romanian Journal of Bioethics, Vol. 8, No. 1, January 2010, p. 130.

⁴⁶ Ibid.



Abortion in Religious Perspectives: Islam, Hinduism, and Buddhism

Fatimah Karim

Buddhism believes in rebirth and teaches that individual human life begins at conception. The new being, bearing the karmic identity of a recently deceased individual, is therefore as entitled to the same moral respect as an adult human being.⁴⁷

Traditional Buddhism rejects abortion because it involves the deliberate destroying of a life. Modern Buddhists, however, are more divided about the morality of abortion. While traditional sources do not seem to be aware of the possibility of abortion as relevant to the health of the mother, modern Buddhist recognize a threat to the life or physical health of the mother as an acceptable justification for abortion as a practical matter, though it may still be seen as a deed with negative moral or karmic consequences. If the decision is taken compassionately, and after long and careful thought then although the action may be wrong the moral harm done will be reduced by the good intentions involved.⁴⁸

3.2. Buddhist Ethic's View on Abortion

The essence of the Buddhist ethics is synthesized in the first five moral precepts that compulsory for all Buddhists, laypersons and monks: to abstain from taking life (killing), from taking what is not given (stealing), from sexual misconduct, from false speech (lying) and from drinks that cause heedlessness. The first of these precepts is the most important one and it refers to the interdiction of killing not only human beings but also animals, regardless their size.⁴⁹

According to the teachings of Buddha, five conditions must be present to constitute an act of killing:⁵⁰

- 1) the thing killed must be a living being
- 2) you, the killer, must know or be aware that it is a living being
- 3) you must have the intention to kill it
- 4) there must be an effort to kill
- 5) the being must be killed as the result

Here's an example of how an abortion might constitute an act of killing:

⁴⁷ Damien Keown, *Science and Theology News*, April 2004.

⁴⁸ <http://www.bbc.co.uk/religion/religions/buddhism/buddhistethics/abortion.shtml>

⁴⁹ Constantin-Iulian Damian, *Abortion from the Perspective of Eastern Religions*, Romanian Journal of Bioethics, Vol. 8, No. 1, January 2010, p. 132.

⁵⁰ <http://www.bbc.co.uk/religion/religions/buddhism/buddhistethics/abortion.shtml>



Abortion in Religious Perspectives: Islam, Hinduism, and Buddhism

Fatimah Karim

- 1) When a baby is conceived, a living being is created and that satisfies the first condition. Although Buddhists believe that beings live in a cycle of birth death and rebirth, they regard the moment of conception as the beginning of the life of an embodied individual.
- 2) After a few weeks the woman becomes aware of its existence and that meets the second condition.
- 3) If she decides she wants an abortion that provides an intention to kill.
- 4) When she seeks an abortion that meets the fourth condition of making an effort to kill.
- 5) Finally the being is killed because of that action.

Therefore the First Precept of Buddhism - not to kill - is violated and this is tantamount to killing a human being.

Abortion, which is the killing of a human being, represents the grievous sin a Buddhist could commit, and for this reason it implies a terrible moral burden, which affects not only the present life of the fetus and of the responsible ones (the mother, the abortionist) but also the next rebirths. Anyway, the next lives of the abortionists will be full of distress and torments. A *Jātaka* story (V, 269) shows that they are going to hell, together with the matricides and adulterers.⁵¹ Thus, abortion is considered to generate bad karma for the mother and the abortionist.

Another reason that explains Buddhist disapproving attitude concerning abortion is that; the human life with its moral and spiritual development potential and eventually enlightenment is considered a precious opportunity in the long succession of reincarnations. For the unborn human being, this opportunity is destroyed through abortion. The fetus will experience anger and anxiety in the moment of abortion, which will negatively affect his karma, and therefore his next reincarnation might not be as auspicious as the one that has been brutally interrupted.⁵²

⁵¹ Constantin-Iulian Damian, *Abortion from the Perspective of Eastern Religions*, Romanian Journal of Bioethics, Vol. 8, No. 1, January 2010, p. 132.

⁵² Harvey P., *An Introduction to Buddhist Ethics: Foundations, Values, and Issues*, Cambridge: Cambridge University Press, 2000, p. 91. Tsomo Karma Lekshe, *Into the Jaws of Yama, Lord of Death: Buddhism, Bioethics and Death*, Albany: State University of New York Press, 2006, p. 75.



3.3. Buddhist Attitude towards Abortion Reflected in the Texts of the Monastic Rules

The old scriptures of Theravada do not explicitly prohibit abortion. The first explicit forbiddance of abortion is in *Vinaya Pitaka*, a conduct code for monks and nuns. This text strictly prohibits monks (*bikkhu*) and nuns (*bikkhuni*) involvement in practicing abortion and stipulates punishments for those who would infringe this rule.⁵³ The text states:

“If an unfaithful wife asks a monk for an abortive preparation, he gives it to her, and the child dies, the monk is defeated. If a wife asks for an abortive potion for her rival wife and the child dies, the monk is defeated. If the mother dies but not the child, the monk is not defeated and his sin represents only a grave offence, taking into account that the intention was to kill the baby, not the mother” (See forth *Vinaya Pitaka* III, 83-84).

This account on intention is very important, first because it makes the difference between abortion and miscarriage, and second it makes abortion mainly a moral decision.⁵⁴

3.4. Circumstances When Buddhism Agrees Abortion

In some cases, Buddhism allows abortion, for example, when abortion is induced for saving the mother's life. However, the Buddhist has a different attitude in situations when the fetus is diagnosed with severe physical or mental disabilities; the handicap is a manifestation of the child or parent's karma and therefore abortion is unacceptable.⁵⁵

Traditional Buddhist thinking does not deal with these cases, but it has been argued by some Buddhists that if the child would be so severely handicapped that it would undergo great suffering, abortion is permissible.⁵⁶

The Dalai Lama has said: *“Of course, abortion, from a Buddhist viewpoint, is an act of killing and is negative, generally speaking. But it depends on the circumstances. If the unborn child will be retarded or if the birth will create serious problems for the parent, these are cases where there can be an exception. I think abortion should be approved or disapproved according to each circumstance”*.⁵⁷

⁵³ Perrett R. W., *Buddhism, Abortion and the Middle Way*, Asian Philosophy, vol. 10, 2000, p. 105.

⁵⁴ Constantin-Iulian Damian, *Abortion from the Perspective of Eastern Religions*, Romanian Journal of Bioethics, Vol. 8, No. 1, January 2010, p. 133.

⁵⁵ Constantin-Iulian Damian, *Abortion from the Perspective of Eastern Religions*, p. 134.

⁵⁶ <http://www.bbc.co.uk/religion/religions/buddhism/buddhistethics/abortion.shtml>

⁵⁷ Dalai Lama, New York Times, 28/11/1993.



Abortion in Religious Perspectives: Islam, Hinduism, and Buddhism

Fatimah Karim

4. MALAYSIA'S ABORTION PROVISIONS

Abortion in Malaysia is illegal. It is regulated under Sections 312 (Causing Miscarriage) of the Penal Code,⁵⁸ as follows:

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

Explanation- A woman who causes herself to miscarry is within the meaning of this section.

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

In brief, section 312 of the Penal Code states that a termination of pregnancy is permitted in circumstances where there is risk to the life of the pregnant woman or threat of injury to her physical or mental health.

CONCLUSION

Abortion is understood as the unnatural termination of human pregnancy. Moreover, abortion as seen by Islam, Hinduism, and Buddhism; with each referring to their own sacred texts as a guiding foundation, did not support the abortion.

In Islam, according to Hanafi and Hanbali *madhhabs*, it is lawful to have an abortion during the first 120 days (before the ensoulment) for valid reasons; for example, if the continuation of pregnancy will endanger the woman's life, or the fetus suffers from a defect that can't be treated and that will cause great suffering to the child. But after the stage of ensoulment (after 120 days), abortion is prohibited completely; except when a medical situation threatens the mother's life physically or mentally.

In Hinduism, abortion correlating with the most grievous sins a Hindu could commit, and the doctrine regarding the karmic law and rebirth constitute the foundation

⁵⁸ Laws of Malaysia, Act 574, Penal Code, Chapter XVI, Section 312 (Causing Miscarriage).



Abortion in Religious Perspectives: Islam, Hinduism, and Buddhism

Fatimah Karim

of the intransigent attitude of Hinduism towards abortion. In general, Hinduism opposes abortion except to save the life of the mother.

Buddhism, based upon the traditional embryology, moral precepts, principle of non-violence, and some texts of the monastic rules, also forbids abortion. While traditional Buddhism does not seem to be aware of the possibility of abortion as relevant to the health of the mother, but it is not the same case with the modern Buddhists. The modern Buddhists perspectives are more divided about the morality of abortion. They recognize a threat to the life or physical health of the mother as an acceptable justification for abortion as a practical matter, though it may still be seen as a deed with negative moral or karmic consequences.

In essence, the similarity that we can found in Islam, Hinduism, and Buddhism is all of these religions agree and accept abortion as a means to save the mother's life.

Despite these, abortion is practiced in all the countries where these religions hold the majority. The explanation is that there is correlation between the level of secularization and the increasing numbers of abortions, since many of them are excluding the religious and moral precepts from their lives.

How to solve this problem?

Thus, in order to curb the increasing number of abortions (that carried out without any valid reason) in nowadays secularization era, there are some measures that have to be taken seriously especially in religion, education, and cultural aspects.

Religions Aspect:

- 1) It is vital and important for every Muslims, Hindus, and Buddhists to return back to the fundamental of religions in every aspect of their life, in order to face the challenges in this contemporary era.
- 2) Parents have to play their role in order to teach and nurture the religious teaching and moral values to their children from the very beginning of ages.

Education:

- 1) In early stage of education (primary school); students have to be given general information about moral ethics, what is permissible and impermissible in religions and society. From that point of view, students will know that abortion is unethical behaviors, and unaccepted in religions and cultures.
- 2) In intermediate stage of education (secondary school); students should be exposed on the preventive measures of abortion. For example, in Malaysia, schools should



Abortion in Religious Perspectives: Islam, Hinduism, and Buddhism

Fatimah Karim

consider collaborate with the Ministry of Education to organize talks regarding on the abortion and its impacts to the structure of the society. Moreover, schools should consider organize educational visits for the students to visit hospitals, charity houses, and orphan houses to nurture the empathy and sympathy inside the heart of the students, and to open up the students mind with the new experience and made them feel thankful and grateful for what they already have.

- 3) In advanced stage (university level); campaigns and seminars should be held that highlight the unethical issue of abortion. Moreover, there should be encouragement and support at this level to establish associations that against unethical abortion. The activists in those associations should actively create activities and build interaction with the students among universities and public to create awareness about the comprehensive prohibition of abortion in religions, societies, and cultures.

Culture:

After religion and education take place and implemented, then the role of culture will take place.

- 1) Abortion without reasonable reason must widely accepted in society as immoral deed and criminal. When the society recognize that the abortion without reasonable reason is wrong and completely prohibited, majority of the individuals in the society will avoid the actions that can lead to an abortion, and the practices of the abortion itself, simply because they fear to be rejected in the society.
- 2) Furthermore, for the cases that involve directly and indirectly to the abortion that carried out without any valid reason have to be put on social media platform, like face book, you tube, twitter, and other platforms in order to highlight that abortion without any reasonable reason is an immoral deed and unacceptable in our society. This will help to reduce the number of abortion because most of the people dislike being unacceptable in the society. Therefore, with this viral effect on social media, it will stick to people's mind effectively and they will think twice before do such things that can lead to the abortion and the practices of abortion itself.
- 3) Other than that, the use of posters, signboards, billboards extensively at the public area that highlight the abortion and its effects and risks also can be done in order to increase awareness to the public.



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Abortion in Religious Perspectives: Islam, Hinduism, and Buddhism

Fatimah Karim

- 4) The law of prohibition of abortion without any reasonable grounds has to be enforced and implemented widely in order to curb the increasing number of abortions nowadays.



Abortion in Religious Perspectives: Islam, Hinduism, and Buddhism

Fatimah Karim

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Fatimah Karim

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