

Religious Voices Worldwide

Support Choice:

Pro-choice Perspectives in Five World Religions

Many women live in countries where leaders invoke a dominant religion to justify restrictive abortion laws. For example, the opposition of the Catholic Church to abortion has been highly influential throughout the world, particularly in Latin America. Similarly, Islamic law has been invoked to support restrictive abortion laws in nations in Africa, the Middle East and South Asia.

There is a tendency to treat religious condemnations of abortion as irrefutable. Within most religions, however, there is considerable debate about key issues of morality, including abortion. Often obscured behind the public anti-choice assertions of some religious officials is a diversity of opinion regarding the practice of abortion. Indeed, at the 1994 International Conference on Population and Development in Cairo (ICPD) and the 1995 Fourth World Conference on Women in Beijing, international coalitions of religious leaders joined to endorse recommendations that supported women's reproductive choice. In making legislative and policy decisions about abortion or other matters on which individual consciences differ, governments should either take into account a diverse set of religious views or adopt a secular approach.

What follows is an overview of varying approaches to abortion within five major world religions: Christianity, Islam, Hinduism, Buddhism, and Judaism.¹ The religions selected are not the only ones that have influenced abortion legislation around the world. Rather, they have been chosen to illustrate the fact that, within diverse religious and philosophical traditions, religious leaders and thinkers have varying views on a woman's right to choose an abortion.

CHRISTIANITY

- As official statements of numerous religious organizations reveal, there are diverse moral views on abortion within Christianity.² Catholic scholars and activists have shown that within Catholicism, the Vatican's unqualified prohibition of abortion is only one of several orthodox Catholic opinions on the issue.³
- Vociferous lobbying of anti-abortion conservatives often overshadows a strong faith-based movement in support of legal access to abortion. In an open letter to Colin Powell, an ad hoc coalition of religious leaders—including many Catholic and Protestant leaders—called for renewed U.S. support of the ICPD, stating:

We want to make clear that while people of various faith traditions believe abortion to be a serious moral issue, most religious denominations affirm the moral right of women to decide when abortion is morally justified in light of their circumstances, the teachings of their denomination and the dictates of their conscience.⁴

- Many countries identified as predominantly Catholic have adopted abortion legislation that favors women's rights to health and individual decision-making. Belgium, France and Italy, which have largely Catholic populations, permit abortion upon a woman's request.⁵ In Poland, despite the fierce anti-abortion stance of the Polish Catholic Church, abortion is legal to protect a woman's life and physical health, and in cases of rape, incest and fetal impairment.⁶ Public opinion polls have shown that 95% of Poles declare their adherence to Catholicism, and 58% are in favor of abortion under certain circumstances.⁷ In Brazil, where abortion is prohibited except to save a woman's life and in cases of rape, a large percentage of Catholics are in favor of abortion and resort to it in times of need.⁸

ISLAM

- There are several different schools of thought within Islam that prescribe a range of guidelines on abortion, from permitting abortion without qualification for pregnancies under 120 days to prohibiting the practice altogether.⁹ These prescriptions are informed by varying interpretations regarding when a fetus is considered a full human being, or "ensouled."¹⁰ After ensoulment, all Islamic schools prohibit abortion, but many recognize exceptions in cases where pregnancy poses a risk of harm to the woman's life or to an already suckling child, or in cases of fetal impairment.¹¹
- Recent statements by Islamic scholars support abortion under certain circumstances, even in countries where it is generally prohibited. The Grand Shaykh of Al-Azhar, an important center of Islamic learning based in Cairo, Egypt, has declared support for a *fatwa* (a ruling on a point of Islamic law by a recognized authority) that permits abortion in cases of rape.¹² In Iran, where abortion is prohibited, a senior Shi'ite cleric issued a *fatwa* that permits abortion in the first trimester on grounds not limited to safeguarding the woman's health or fetal impairment.¹³ The supreme leader of Iran issued a *fatwa* in favor of abortion for fetuses under ten weeks that test positive for thalassemia, a genetic blood disorder.¹⁴
- Several predominantly Muslim countries, such as Tunisia and Turkey, have taken steps to protect women's health by adopting liberal abortion laws.¹⁵ Bangladesh additionally permits "menstrual regulation" during the first eight weeks of pregnancy.¹⁶ In largely Muslim countries where abortion is severely restricted or pro-

Pro-choice Perspectives in Five World Religions

hibited, the practices of women indicate that abortion is a social reality nonetheless. In Indonesia, where abortion is illegal except to save the woman's life, up to two million women have abortions every year.¹⁷

HINDUISM

- Commentators have asserted that the Hindu concept of *dharma*, which refers to natural law, is incompatible with an absolutist stance against abortion, since *dharma* is characterized by change, adaptability and sensitivity to context and the individual.¹⁸ Where a woman experiences a moral conflict over an abortion decision, *dharma* permits her to consider the decision in light of the demands of the situation and her own conscience.¹⁹
- Hindu tradition has not accorded the fetus greater weight than the woman's life, despite the high value it places on fetal life.²⁰ Early Hindu texts, including medical treatises, recognize the practice of abortion in cases where pregnancy poses a risk of grave injury or death to the woman, or in cases of fetal impairment where the chances of a normal delivery are negligible.²¹
- In 2002, abortion was legalized in Nepal, the world's only official Hindu state. Largely in response to the country's alarmingly high maternal mortality and morbidity rate, the law was reformed to permit abortion upon request for pregnancies of up to 12 weeks; in cases of rape or incest for pregnancies of up to 18 weeks; and at any time where pregnancy poses a risk to the woman's life or physical or mental health, or if there is a risk of fetal impairment.²² In India, abortion has been available on broad grounds since 1971.²³ Discussion of further liberalization of the abortion law has not met with opposition from the organized Hindu religious community.²⁴

BUDDHISM

- There is support in Buddhist scholarship for women's freedom to choose abortion under certain circumstances. The Thai Buddhist doctrine of *kamma* emphasizes that an individual's intention behind an act factors strongly in evaluating its morality, even more than the act itself.²⁵ Thus, in the context of abortion, terminating a pregnancy in the interest of the woman's life or health, or in cases of rape, would not necessarily be considered an immoral act.²⁶
- The flexibility within Buddhism to permit abortion in various circumstances is reflected in the abortion laws of Cambodia and Thailand, where Buddhism is the official state religion. Cambodia permits abortion at the woman's request during the first 14 weeks of pregnancy.²⁷ Thailand permits threat to women's life

and physical health and rape as grounds for abortion.²⁸ In Japan, a predominantly Buddhist state, abortion is widely tolerated, both legally and socially.²⁹

JUDAISM

- In considering Jewish perspectives on abortion, scholars have emphasized that the woman's well-being is a central consideration in Jewish law and teachings. Rabbinic authorities have permitted abortion on broad physical and mental health grounds in their teachings on the issue.³⁰ In addition, there is considerable agreement among all Jewish denominations that abortion is a religious duty when the pregnant woman's life is in danger.³¹
- Israel, the world's only official Jewish state, permits abortion on numerous grounds. Legal abortion is available in cases where a pregnancy poses a threat to a woman's life or physical or mental health; the pregnant woman is under age 17 or over 40; a pregnancy results from a criminal act (rape), incest or extra-marital relations; or there is a likelihood of fetal impairment.³²
- In the United States, all four non-Orthodox Jewish Movements—Reform, Conservative, Reconstructionist, and Humanist—have publicly stated their opposition to governmental restrictions on abortion. Several Orthodox leaders have taken this position as well.³³

ENDNOTES

- 1 The information in this briefing paper draws significantly from SACRED RIGHTS: THE CASE FOR CONTRACEPTION AND ABORTION IN WORLD RELIGIONS (Daniel C. Maguire ed., 2003).
- 2 Religious Coalition for Reproductive Choice, *We Affirm: Religious Organizations Support Reproductive Choice*, available at http://www.rcrc.org/pdf/We_affirm.pdf (last visited Aug. 9, 2005).
- 3 Religious Consultation on Population, Reproductive Health and Ethics, *Summary of Sacred Choices*, available at http://www.sacredchoices.org/summary_of_sacred_choices.htm (last visited Aug. 9, 2005).
- 4 Letter from ad-hoc coalition of religious leaders in support of the ICPD to Colin Powell, Dec. 6, 2002, available at <http://www.catholicsforchoice.org/new/ICPDleadersLetter.htm> (last visited Aug. 9, 2005).
- 5 Belgium, Law of April 3, 1990, on the termination of pregnancy, amending art. 350 of the Penal Code, translated in 17 ANNUAL REVIEW OF POPULATION LAW 336 (Reed Boland ed., 1990); France, Public Health Code (Daloz, 1995), art. L 162-12; Italy, Penal Code (Ulrico Hoepli, 1992), art. 5.
- 6 Poland, Law of Jan. 7, 1993 on Family Planning, Human Embryo Protection, and Conditions of Legal Pregnancy Termination amended as of Dec. 23, 1997, art. 4a.1 (1–3), (unofficial translation provided by Federation for Women and Family Planning (Warsaw, Poland)).
- 7 Mikolaj Kozakiewicz, *Poland—the struggle for ‘free choice’ continues*, CHOICES: SEXUAL HEALTH AND FAMILY PLANNING IN EUROPE (International Planned Parenthood Federation European Network), 1997, vol. 26, No. 1, at 20.
- 8 Wilza Vieira Villela, *Expanding Women’s Access to Abortion: The Brazilian Experience*, in ADVOCATING FOR ABORTION ACCESS: ELEVEN COUNTRY STUDIES 101 (Barbara Klugman & Debbie Budlender eds., 2001).
- 9 Sa’diyya Shaikh, *Family Planning, Contraception, and Abortion*, in SACRED RIGHTS: THE CASE FOR CONTRACEPTION AND ABORTION IN WORLD RELIGIONS 119 (Daniel C. Maguire ed., 2003).
- 10 *Id.*
- 11 *Id.* at 121.
- 12 *Id.* at 122, n.69.
- 13 *Id.* at 122.
- 14 *Id.* at 122, n.70.
- 15 CENTER FOR REPRODUCTIVE RIGHTS, THE WORLD’S ABORTION LAWS 2005 (wall chart, 2005).
- 16 GENDER, SEXUALITY AND REPRODUCTIVE HEALTH IN SOUTH ASIA 16-17 (Pilar Ramos-Jimenez & Celeste Maria V.Candor eds., 2001).
- 17 *Proposed Projects and Programmes, Recommendations of the General Director, Assistance to the Government of Indonesia*, para. 8, U.N. Doc. DP/FPA/INS/6 (2000), available at <http://www.unfpa.org/asiapacific/indonesia/6ind0105.pdf>.
- 18 See Sandhya Jain, *The Right to Family Planning, Contraception, and Abortion: The Hindu View*, in SACRED RIGHTS: THE CASE FOR CONTRACEPTION AND ABORTION IN WORLD RELIGIONS 130 (Daniel C. Maguire ed., 2003).
- 19 *Id.*
- 20 *Id.* at 136.
- 21 *Id.*
- 22 Nepal Raj Patra (Official Gazette), Pt. 52, Additional issue 47, pt. 2, at 22–23 (Sept. 26, 2002); LEGAL AID AND CONSULTANCY CENTRE, THE ELEVENTH AMENDMENT OF NATIONAL CODE OF NEPAL (MULUKI AIN) ON WOMEN’S RIGHT 6–7.
- 23 India, Medical Termination of Pregnancy Act (No.34 of 1971, Secs. 3 and 4).
- 24 Jain, *supra* note 18, at 142.
- 25 Parichart Suwanbubbha, *The Right to Family Planning, Contraception, and Abortion in Thai Buddhism*, in SACRED RIGHTS: THE CASE FOR CONTRACEPTION AND ABORTION IN WORLD RELIGIONS 145, 155 (Daniel C. Maguire ed., 2003).
- 26 *Id.*
- 27 Duration of pregnancy is calculated from the last menstrual period (LMP), which is generally considered to occur two weeks prior to conception. For the sake of consistency, statutory gestational limits calculated from the date of conception have been extended by two weeks. Cambodia, Royal Kram of Nov. 12, 1997, art. 8.
- 28 Thailand, Act promulgating the Penal Code,

- B.E. 2499, secs. 301–305 (1956).
- 29 Evy F. McElmeel, *Legalization of the Birth Control Pill in Japan will Reduce Reliance on Abortion as the Primary Method of Birth Control*, 8 PAC. RIM L. & POL'Y 681, 686-87 (1999).
- 30 Raymond A. Zwerin & Richard J. Shapiro, *Abortion: Perspectives from Jewish Traditions*, EDUC. SERIES (Religious Coalition for Reproductive Choice), No. 5, at 3, available at <http://www.rcrc.org/pdf/jewish%20perspectives.pdf> (last visited Aug. 10, 2005).
- 31 See Brief of *Amicus Curiae* for American Jewish Congress et al., *Webster v. Reproductive Health Services*, et al., U.S. Briefs 605 (1989).
- 32 Israel, Penal Law 5737-1977, art. 2, § 316.
- 33 See Zwerin & Shapiro, *supra* note 30, at 3.