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Buddhism and the Morality of Abortion

by

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(I)

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.¹ Those sources most often cited that prohibit abortion are Theravaadin and ancient. By contrast, Japanese Buddhism as well as the traditions out of which a more lenient approach emerges are more recent and Mahaayaana traditions. 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, a defense made in full knowledge that one is swimming against the tide of conventional interpretation but still within the tradition.

In other words, I am not so much concerned to show that Buddhism has, does, or will support the choice to abort or one's right to make such a choice as I am to show that such a choice can be made in a manner consistent with Buddhist principles. Buddhism itself, therefore, speaks with more than one moral voice on this issue, and furthermore, the nature of the moral debate may have important applications for similarly situated others and constitute an enlargement of the repertoire of applicable moral theories and rationales.

(II)

One of the strongest antiabortion cases from a Buddhist perspective emerges in Damien Keown's wonderfully thorough and insightful analysis of Buddhism's bioethical ramifications in the book *Buddhism and Bioethics*.² Keown argues that the preponderance of the Buddhist tradition is overwhelmingly antiabortionist. In support, he develops two lines of argument. The first relies on the nearly uniform rejection of abortion, especially in ancient Theravaada texts, what Keown regards as the core of the tradition. Here I believe he is on fairly firm ground although I am uncertain regarding his preference for what he calls "Buddhist fundamentalism" and his concomitant emphasis on "scriptural authority."³ The second line of argument concerns his interpretation of these sources and their connection to the basic tenets of Buddhism regarding the nature of personal identity and the *skandhas*, karma and rebirth, life and death.

I find Keown's discussion of the sources that directly relate to the question of abortion fairly convincing. Especially in the *Piṭakas*, or in Buddhagosa's commentaries, it seems quite clear that the practice of abortion is considered unacceptable. However, as Keown points out, (92) the cases dealt with involve women seeking abortions for questionable, perhaps self-serving, reasons including "concealing extramarital affairs, preventing inheritances, and domestic rivalry between co-wives." In short, if these are the paradigm examples of abortion, then the case is heavily biased against the practice. Keown does comment in an endnote that Buddhism would surely have sided with a woman seeking an abortion in order to save her own life, a position he attributes to Hindu jurists of the time. Why Buddhism would make such an exception is unclear, especially given the case Keown builds against the practice. For if abortion is always in violation of the First Precept against taking life, especially such karmically advanced life as that of a developing human being, then why should the mother's imperiled condition make a difference? Why prefer one life to another?

One might, of course, argue that abortion in such circumstances

was a form of self-defense. Indeed, Keown seems to feel that killing in self-defense is not itself an example of taking life (again indicated in an endnote). But pregnancy and its associated dangers present a wholly different kind of situation from that of self-defense. In the case of a fetus, if the mother's life is in jeopardy, it is not because the fetus is in some manner attacking the mother as in most such cases. Rather, the mother's medical condition renders her unable to carry a fetus to term or give birth safely. Even if it is the fetus's medical condition that jeopardizes the mother, it is in no way analogous to a physical attack. The fetus is not responsible for its medical condition and in no way intends to harm its mother. Hence, the question why such special exceptions to a general prohibition on abortion are acceptable remains unanswered. Correlatively, if such exceptions can be made, why not make them in other, perhaps less threatening but still serious, circumstances?

Yet whether or not early Buddhism's condemnation of abortion is fully rationalized or not, the fact is that the scriptural evidence is against it. However, 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 Theravaada tradition for a different evaluation of abortion. Keown argues that the First Precept and its prohibition against taking life is part of a much larger reverence for life, life being one of Buddhism's three basic goods -- life, wisdom and "friendship" (Keown's spin on *karuna* and other associated qualities). While respect for life is undeniable, the abortion issue usually hinges on whether the fetus is indeed a life in the relevant sense, and one could challenge either Buddhism or Keown on this point. That is, as Keown makes quite clear, 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, unless one insists, reductionistically, that a certain

genetic sequence just *is* the essence of our humanity, 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. This Keown attempts to provide through a discussion of the traditional *skandha* theory and its implications for the various embryonic stages of human development. With few exceptions, which I will return to, Keown argues that a fertilized egg is a fully human being because the ingredient most essential to such a life is already present -- *viññāṇa* (in the Pali). *viññāṇa*, usually translated as consciousness, is of course only one of five traditional components of a living being. The other four are the following: form (the body), feeling, thought, and character or disposition.⁴ Keown's argument for treating *viññāṇa* as the most essential group is perhaps best stated in his discussion and rejection of sentience as the basic moral criterion for respect as a living being. He says,

the most fundamental [category] is consciousness (*viññāṇa*), the fifth. To specify *viññāṇa*, the criterion of moral status is, however, simply to say that all living beings have moral status, since it is impossible to isolate *viññāṇa* from the psychosomatic totality of a living being. It is impossible to point to *viññāṇa* without in the same act pointing to a living creature, just as it is impossible to point to 'shape' without referencing a physical object.⁵

Although he does add, perhaps inconsistently,

Overall, since neither *viññāṇa* nor any other of the five categories by themselves can adequately encompass the nature of a living being, there is reason to be suspicious of any view which claims to locate in any one of them what is essential in human nature. (Keown 36)

Earlier he claims that "although feeling and thought define the architecture of experience, it is . . . *viññāṇa* which constitutes it."

What I take Keown to be arguing here is that *viññāṇa* is the most important of the *skandhas* which, to my mind at least, seems most unBuddhistic. As he himself notes and the Pali canon repeats *ad nauseum*, it is the conjunction of all five of the groups that constitute a living being, at least by any meaning of constitute that I am aware of. So, why the emphasis on *viññāṇa*? The above-stated reasons are, to my mind, weak. It is no less true that without a body, without sensation, without disposition (in the sense of a karmic past), one would not be a living, at least human, being. That is, lacking form, a body, perhaps one could qualify as a hungry ghost, but the Pali texts are very clear that the "groups" form the basis of the human ego, or at least the illusion of an ego. "Accordingly, he [Buddha] laid down only five groups, because it is only these that can afford a basis for the figment of an ego or of anything related to an Ego".⁶ Hence, no conjunction of the *skandhas*, no ego-delusion is possible; and furthermore, no basis, consequently, for what Keown identifies as an ontological individual apart from its various phenomenal qualities. In short, it is impossible to isolate any of these groups from "the psychosomatic *totality* of a living being."

That said, it is important to consider further what Keown means by the term *viññāṇa*. His chosen translation is not actually 'consciousness' but 'spirit' which I think raises if not antiBuddhist then at least unBuddhist associations and implications. Keown rejects the traditional "consciousness" translation of *viññāṇa* because "the experience of *viññāṇa* in this form [as consciousness] . . . is merely one of its many modes. It is better understood as functioning at a deeper level and underlying all the powers of an organism" (Keown 25). He goes on to remark that "*viññāṇa* resembles certain Aristotelian-derived notions of the soul in Christianity, namely as 'the spiritual principle in man which organizes, sustains, and activates his physical components.'" This then becomes the justification for the claim that 'spirit' is an appropriate translation of *viññāṇa*.

There are times, however, when the refusal to use the obvious English term hinders rather than helps the process of understanding. The term in question is 'spirit', and I do not think it would be misleading to refer to *viññāṇa* in certain contexts as the *spirit* of an individual. *viññāṇa* is the spiritual DNA which defines a person as the individual they are. (Keown 25)

Rather confusingly, he compares the role of *viññāṇa* with that of the electricity in a computer in order to clarify the kind of constituting spirituality he has in mind.

An electrical current flows through the computer and is invisibly present in every functional part. When the power is on, many complex operations can take place; when the power is off the computer is a sophisticated but useless pile of junk. Like electricity, *viññāṇa* empowers an organism to perform its function. (Keown 27)

The reason I find this association confusing is that rather than being "invisibly present," electricity is all too visibly present. Electricity is a physical, not a spiritual, phenomenon. And if *viññāṇa* is to be understood on such a model, then not only is it no longer ghostly but no longer fulfills the functional purpose of accounting for the "spiritual principle in man which organizes, sustains, and activates his physical components." Electricity may, in a loose sense, animate a computer, but it doesn't in any way organize its physical components. Keown seems to be entertaining two rather different conceptions of *viññāṇa*. On the one hand, it is a quasi-Aristotelian soul-like entelechy that individuates and constitutes an ontological individual moving along the karmic ladder to eventual enlightenment. Ultimately, what I find unBuddhistic about such an interpretation is not the almost antithetical mixture of psychological and physical characteristics, but the purpose to which this hybrid is put and its association with the concept of a soul. That Keown intends to make such a connection is very clear, especially when he remarks that

viññāṇa so understood acts "as the carrier-wave of a person's moral identity; in the stage of transition between one life and the next . . . [I]t may be referred to as 'spirit'. An alternative designation for *viññāṇa* in the state of transition between lives is the *gandhabba*, which will be translated as the 'intermediate being'" (Keown 26). Thus, *viññāṇa* is meant to account for individual moral responsibility across the various stages of karmic life, including rebirth, to eventual nirvana.

However, such an account of human life still does not square with Buddhism's rejection of the Ego or *atman*. Indeed, Keown's version of *viññāṇa* rather resembles a Vedantic understanding of *atman*. Elsewhere he argues that the "moral identity" he mentions is not what Locke, for example, would identify as 'personhood'. Keown's notion is much broader, while Locke's concept with its attendant qualities of rationality and self-consciousness is inappropriate for a Buddhist anthropology. Such qualities or capacities flower at different times in the course of an individual's evolution; hence, if all stages of individual existence are morally significant because they are karmically continuous, then a suitably broad understanding of the individual is required in order to valorize the entirety of a human life so understood. The strength of the *atman* concept lies in its transcendental vision of an individual life and support for a moral identity which holds across chains of rebirth. In short, the *atman* as it is traditionally understood accomplishes exactly these functions, preserving moral identity, while at the same time remaining irreducible to any particular human characteristic, including self-consciousness, as well as all human characteristics collectively. In other words, if Keown is looking for a translation of the term *viññāṇa* other than 'consciousness', the term 'soul' seems better suited than 'spirit'.

However, it is exactly such a principle or entity which the Buddhist *skandha* theory would deny. An individual as such, the *Piṭakas* argue, is like a chariot, not really there. If presented a chariot, a Buddhist would ask, "Where, exactly, is the chariot?"

Your majesty if you came in a chariot, declare to me the chariot

. . . the word 'chariot' is but a way of counting, term, appellation, convenient designation, and name for pole, axle, wheels, chariot-body, and banner-staff.

Similarly,

Nagasena is but a way of counting, term, appellation, convenient designation, mere name for the hair of my head . . . brain of the head, form, sensation, perception, the predispositions, and consciousness. But in the absolute sense there is no Ego here to be found.⁷

In other words, no *atman* whatsoever and, arguably, no ontological individual either. In fact, "strictly speaking, the duration of the life of a living being is exceedingly brief, lasting only while a thought lasts."⁸ Buddhists, even early Theravaada Buddhists, seem to feel they can get along quite well without anything which might subtend the processes of existence, of *samsāra*, and provide "moral identity," ontological continuity, or the spiritual DNA explaining anyone's present predicament. The question really comes down to whether *viññāṇa* or any other quality need endure to explain personality or transmigrate in order to explain rebirth and karma. Keown seems to feel that logically something must and *viññāṇa* is the best candidate. However, the scriptural evidence is missing, and furthermore a non-substantialist and thoroughly non-Aristotelian explanation of rebirth can be given.

Supposing we understand rebirth not as the rebirth of someone but as a mere succession or process. In this view, all acts or events share some form of dependent connection (*pa.ticcasamuppaada*). Therefore, actions and events that take place now share intrinsic connections to actions and events in the past and in the future along any number of natural dimensions. In the case of human beings, these dimensions correspond to the *skandhas*. Form, sensation, and so on all represent various sorts of dependency between phenomena. Because there is no self,

soul, or ego we can look at this process in two different manners corresponding to the difference between enlightenment and delusion. On the one hand, we can look at the process as a mere empty process wherein nothing essentially happens, completely detached and hence freed from the bondage of desire or the expectations of life, and importantly, the anxieties of death. This represents an enlightened approach which is not an expectation of transmigration because there is nothing to be reborn.⁹ So, the Buddha claims, this death is his last. Or, we can look at the process from the standpoint of belief in a thing that perdures. From this perspective, there is rebirth as transmigration, the expectation of future lives, the existence of past lives, and so on. One must, perforce, explain the process as the biography of someone, hence the fiction of an ego becomes necessary. It is this last which tempts us to rely on such quasi-Aristotelian notions as souls, spirits, or "spiritual DNA."

To be fair, Keown is aware of these issues and argues at several points that *viññāṇa* is not really a soul not is it a "subject of experience" (Keown 26). He eloquently states

Buddhism does not ground its ethics in a metaphysical soul or self, and denies that any such thing exists. According to Buddhism, the five categories are what remain when the 'soul' is deconstructed. (Keown 28)

To which I would simply add, why do we need to speak of "spiritual DNA" or "moral identity" in order to make sense of Buddhism? These categories themselves seem equally prone to fixation and quite contrary to the basic notion of *anatta*. In other words, I would argue that like all the other groups -- form, sensation, and the like -- *viññāṇa* also does not endure, either across or within lifetimes. None of the groups do, and this is the essential feature of the *anatta* doctrine. Hence, I would not equate *viññāṇa* in the state of transition with anything, much less the *gandhabba*, simply because it is not transitional.¹⁰

Keown makes much of the *gandhabba's* essential role in the proc-

ess of conception as portrayed in various Buddhist sources, interpreting the descent of the intermediate being when biological conditions at the time of conception are just right as offering what looks very much like an account of ensoulment. Such a strategy then justifies Keown's claim that for Buddhists "in the overwhelming majority of cases individual life is generated through sexual reproduction and begins at fertilization" (Keown 91).¹¹ Consequently, abortion is immoral because it deprives an individual of life and so violates the First Precept against the intentional taking of life.

In terms of a Buddhist defense of abortion, the main difficulty with Keown's analysis has to do with his understanding of the Buddhist view of life which subsumes abortion under the general heading of intentional killing. Given my understanding of *anatta*, I see no reason to subscribe to Keown's understanding of the Buddhist view of human life. For Keown, all biologically human life is normatively significant because it is animated by the descended *gandhabba*, thus conferring the singularity necessary to view it as ontologically individual. However, 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. I suspect that much of Keown's enthusiasm for his interpretation stems from the ready parallels that may be drawn between the natural law tradition of Roman Catholicism and Buddhism if one's *viññāṇa* is identical to the soul-like *gandhabba* that pops into the development process.¹² However, as we have seen, such an assumption provides Buddhism with a form of ensoulment that it goes to great lengths to avoid.

If *viññāṇa* does not in any way subtend the karmic process from individual to individual and may even be completely episodic within the

context of an individual life, then (1) I see no reason to interpret *viññāna* as anything other than consciousness or some such equivalent, and (2) Buddhism need not take *viññāna* to be present at any particular point in the process of embryonic development. That is, *viññāna* 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.¹³ Thus, even though a Buddhist would hold that consciousness provides the platform for mind *and* body, making any conscious being a living being worthy of moral consideration, it is not clear exactly when such a point might first occur. Furthermore, even if scriptural sources would locate this point early on in the embryonic process, a Buddhist could still coherently question any such time designation as potentially arbitrary mainly because, as I have argued, Buddhism lacks any comprehensive theory or deep-level principle that *requires* the presence of consciousness or an intermediate being at any particular point in the biological process of human development.

In fact, Keown admits that a Buddhist could hold the above position as the Buddha laid down several conditions covering ontogeny, some strictly biological and mainly regarding coitus and the mingling of sperm and, mistakenly, "menstrual blood." That is, even on Keown's analysis, Buddhism traditionally separates the biological *basis* for life from the individual life itself. Thus, a fertilized ovum is arguably a necessary but not sufficient condition for a new life. Rather, one requires the presence of the full complement of groups including *viññāna* to complete the development of an individual life. However, this allows "the material basis for life to arise on its own" (Keown 81), which Keown admits seems to contradict the assumption that the biological and spiritual basis must always arise together. Keown replies that if an unanimated conceptus is possible, its long-term survival is not for it is not "a new individual," and therefore "from the standpoint of Buddhist doctrine it would seem impossible for it to develop very far."

The justification for this claim is the Buddha's statement "that if

consciousness were 'extirpated' from one still young, then normal growth and development could not continue" (Keown 81). Incidentally, this claim also forms the basis for Keown's view that PVS patients (those in a "persistent vegetative state") are still individuals worthy of moral protection and should not be ruled as dead, as some advocates of a higher-brain definition of death would allow. That is, their continued and stabilized biological existence (some can live on for decades) demonstrates the presence of *viññāṇa* and hence individual life.

However, a liberal Buddhist could claim that while the loss of *viññāṇa* might curtail growth and development, it is not clear that *viññāṇa*'s never having arisen need affect the biological development of the material basis of an individual's life. Indeed, one might argue that (1) because "extirpation" of consciousness from one who already possesses it usually involves physical trauma, of course we would expect normal growth and development to stop; or (2) even though *viññāṇa* is essential to the life of an individual and its irretrievable loss signals the individual's demise, it doesn't follow that the mere biological platform and its growth and development signal the inevitable presence of *viññāṇa*.¹⁴ That is, it doesn't follow that *viññāṇa*, however we interpret it, is essential to the life of the biological organism. Especially if, as Keown suggests, Buddhism allows the presence of the material basis of life without that of the *gandhabba*, then I don't see how Buddhism can rule out the possibility of simply a more extended existence of that material basis without *viññāṇa*. The biological basis of life may be organically integrated in the manner of a functional organism, but it is not itself the same thing as an individual life. I see no compelling rationale, based on Buddhist principles as articulated in the early scriptures, absolutely requiring the 'individual life begins at conception' point of view of radically pro-life antiabortionism.

I grant that the early Buddhist scriptures do seem to have a somewhat pro-life orientation. Yet, on closer inspection, I'm not sure the footing is there mostly because of the lack of a theory of ensoulment. Furthermore, had Buddhists of the time faced the bewildering medical pos-

sibilities of the late twentieth century, I'm not at all sure how doctrine would have evolved. For example, anencephaly, PVS and various other comatose conditions where patients exist in only the most minimal sense and on life support, not to mention transplant surgery, the advances in human genetics, and so on surely pose a challenge to traditional ways of regarding the human body. Many of these cases are, to my mind, simply waved aside by Keown (or his version of Buddhism). To claim that the pro-life stance of Buddhism simply means that PVS patients are fully alive¹⁵ is not to do justice to the complexities of the cases or of Buddhism, both of which suggest that 'life' is an extremely complex 'dependently arisen' phenomenon.¹⁶

(III)

If one keeps to the traditional translation/interpretation of *viññāna* as consciousness, rejects any kind of soul, spirit, *atman*, or ego as a subsistent core of individual being either for the course of many karmic lives or a single individual karmic life, then I see no reason why even a Theravaada Buddhist could not adopt a socially liberal position on abortion as well as a variety of other biomedical issues. This is not to say abortion would be a trivial matter, but the idea that it necessarily demonstrates disrespect for present life would be undermined. Of course, since abortion does compromise future life, it is still a morally serious matter, but as such it does not of itself violate the First Precept. A prohibition on killing is not an injunction to "be fruitful and multiply" by bringing into existence as much future life as is possible.¹⁷ Rather, as long as consciousness is not yet deemed present, we face the material basis of a life, not the individual life itself.

In many ways, this version of the Buddhist view would echo what bioethicist Bonnie Steinbock has called the "interest view":

On the interest view, embryos and preconscious fetuses lack moral status, despite that they are potentially people . . . the fact that a

being has the capacity to develop into a person, does not mean that it has any interest in doing so, or any interests at all, for that matter. And without interest, a being can have no claim to our moral attention and concern.¹⁸

However, Steinbock does go on to argue that one's potential personhood *does* make a moral difference in regard to interested beings. So, in her view, a human infant rates more highly than even a fully developed chimpanzee on the grounds that chimpanzees are not moral persons in any relevant sense.¹⁹

The similarity to Buddhism rests on the role of consciousness or what is sometimes called "the developed capacity for consciousness."²⁰ As Keown tirelessly point out, the presence of *viññāṇa* is the key to individual status. If *viññāṇa* is consciousness and represents the platform on which mind and body are *conjoined*, then the presence of *viññāṇa* signals a karmically significant stage, that of an individual life for which either release or rebirth are the twin possibilities marking moral success or failure. Thus, on the Buddhist view, human life consists of a physical body and various sensori-motor capacities, conjoined with a mind or intellect all sporting a karmically conditioned past, that is always in context; individuals do not have any non-contextual existence. Consciousness is indeed the platform of mind and body. The body is not itself the mind, and there is no hint of physicalism or reductionism in this understanding of human nature. The mind, however, is always passing away; mind is identical to thoughts and these are fleeting. The stream of consciousness, one could say, is a Heraclitean river, never the same exact thing twice. Consciousness is the developed capacity for such a stream in a physical context. But does this not mean that consciousness, the mental stream of thoughts, the sensori-motor complex, or one's karmic context are themselves the subsistent individual? Rather, to the degree such elements co-arise we have an individual and the permanent absence of any of the groups is the loss of an individual. Surely, there is at least *prima facie* plausibility in the claim that without your body you do

not exist; without your consciousness you do not exist; without your mind you do not exist. But all of them together do not create some other thing we call the person which exists apart from these qualities, nor something that goes on after or existed before. Hence, each and every one of us is egoless strictly speaking, though we still retain "moral identity" and so can be held accountable for our actions. In short, when it comes to individual identity, Buddhism takes a similar position to philosophical nominalism.²¹

When it comes to marking the temporal boundaries of a human life, therefore, such Buddhist nominalism tolerates a fair degree of imprecision. The only way of working out a fairly acceptable answer to the question when does life begin and when does it end would probably be through the process of analogizing. We can say that each of us is a living, morally significant being. The question becomes how much like us are other beings. How similarly situated do we take them to be? My suspicion is that some of the variation one finds in Buddhist texts over whether to treat various life forms as deserving of compassion reflects differences in individual abilities to imaginatively extend such analogies so as to creatively identify with the pleasures and pains of other beings, especially animals. Does a fetus constitute a morally significant being? The answer would depend on how like us any particular fetus is. Surely, a late term fetus is, not so certainly a fetus on the threshold of viability, and dubiously a conceptus.

Of course, such an approach does not help too much in the process of line drawing. But there are other Buddhist resources that may assist the line drawer. Any such act would be a matter of conscience, a morally significant act for the individual reflecting on such distinctions, as perhaps in the process of contemplating an abortion. What is important in situations of this nature is to negotiate the pitfalls of attachment and desire. Correct line drawing is not based in metaphysical distinctions regarding personhood, but in the moral fiber of the line drawer and the complex interweave of circumstance and motivation that color and inform practical judgments. Appropriate questions for reflection might be

the following: What am I seeking to gain? Why am I having or not having this child? What sort of life is possible for this child? How do I feel towards this life, this new being? What kind of pain and suffering is involved in either life or abortion? In short, all those questions which people do typically seem to mull over when faced with unwanted pregnancies.

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 Theravaada Buddhism, a traditionalist Buddhism, one need not embrace the radical antiabortionism of Keown's Buddhist. Some confirmation of such a position can be found in testimony collected in William R. LaFleur's book *Liquid Life*. A Japanese woman and committed Buddhist reflects on the practice of *tatari* or propitiating the soul of a dead fetus in order to avert posthumous revenge.

Buddhism has its origin in the rejection of any notion of souls . . . that souls cast spells . . . Of course we who are Buddhists will hold to the end that a fetus is "life." No matter what kind of conditions make abortion necessary we cannot completely justify it. But to us it is not just fetuses; all forms of life deserve our respect. We may not turn them into our private possessions. Animals too. Even rice and wheat shares in life's sanctity. Nevertheless as long as we are alive it is necessary for us to go on "taking" the lives of various kinds of such beings. Even in the context of trying to rectify the contradictions and inequalities in our society, we sometimes remove from our bodies that which is the life potential of infants. We women need to bring this out as one of society's problems, but at the same time it needs to be said that the life of all humans is full of things that cannot be whitewashed over. Life is full of wounds and woundings. In Japan, however, there is always the danger of mindless religion. There are also lots of movements that are anti-modern and they are tangled up

with the resurgence of concern about the souls of the dead.²²

It is, of course, arguable that this way of looking at the issue is fundamentally incoherent. Either we are intentionally taking life or we are not, and if we are, then we violate Buddhism's First Precept. The response a Buddhist may make, such as Ochiai Seiko's above, is in essence, "Yes, we should always avoid the ending of a life, no matter how insignificant it may seem." But 'life' is an ambiguous term, and the ending of one form of life in the service of others is not necessarily prohibited in Buddhism. And if one's intention is not so much to end a life as to rescue others, then we are not dealing with a simple case of intentionally killing. In other words, compassionate action will always involve weighing up the full range of circumstances that bear on a situation or action. On this view, the point of the First Precept is to disqualify intentional killing where the clear purpose is to end an individual life. Such an action can never be compassionate in Buddhist eyes. However, questions as to the status and nature of the lives one weighs in such tricky situations where interests clash are obviously relevant. If we are talking about the lives and interests of mothers and fetuses, fetuses and families, or fetuses and communities (such as in times of famine), then we are directly faced with the issue of the relative moral standing of different sorts of life. What I have argued here is that because Buddhism allows a distinction between the biological basis of 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.

Notes

¹ For example, Philip Kapleau or Robert Aitken as chronicled in Ken Jones, *The Social Face of Buddhism* (London: Wisdom Publications, 1989). For Japanese Buddhism's view of abortion see William R. LaFleur, *Liquid Life: Abortion and Buddhism and Japan* (Princeton: Princeton University Press, 1992).

² Damien Keown, *Buddhism and Bioethics* (London: Macmillan, 1995).

³ See Keown, xiv-xv where he gives a defense of his interpretive approach to Buddhism. While there is certainly nothing wrong with attempting to discover the scriptural basis of a religious tradition, it does tend to perhaps unduly weight the Theravaada side of Buddhism which tends to be more textual and canonical than the Mahaayaana side where one finds, for example, the *Ch'an/Zen* tradition of antitextualism. As Mahaayaana Buddhism accounts for much of the tradition both ancient and modern, Keown's approach rather undermines his claim to speak authoritatively for Buddhists generally.

⁴ In the *Milindapañha* selection, "There is no Ego," as translated by Henry Clarke Warren in *Buddhism, In Translations* (New York: Atheneum, 1974; originally Harvard University Press, 1896), 133, we read, "When the Groups appear to view / We use the phrase, 'A living being'."

⁵ Of course, this doesn't exclude the possibility that there might be beings, perhaps not 'living' ones in the full sense, which lack *viññāna*. The substance of Keown's claim here is simply that if one has *viññāna*, then one is living; it doesn't tell you anything about the case where one lacks *viññāna*. Indeed, I argue further on that it is just such a possibility that makes abortion and perhaps some forms of euthanasia acceptable from a Buddhist standpoint.

⁶ *Visuddhi-Magga*, chap. xiv, translated in Warren, 157.

⁷ *Milindapañha*, 25, translated in Warren, 131-3.

⁸ *Milindapañha*, 71, translated in Warren, 234-8. The question raised in

this passage is how "rebirth takes place without anything transmigrating." The answer is essentially that nothing is continuous from one life to another, nonetheless lives may be causally linked so that "one is not freed from one's evil deeds." That is, just because you die, it doesn't mean that you cannot be held accountable for your actions and their future effects. Karma is real though one's personal existence is inherently limited. This is why I suggested before that early Buddhism does not have a 'theory of rebirth'; there is nothing to be reborn. But the doctrine of karma is even stiffer, therefore: you are immediately responsible for the full effects of your actions no matter how far in the future they extend.

⁹ The tendency to substantialize the ego has been a persistent problem in Buddhism prompting much soul-searching critique (no pun intended), as for example on the part of the Madhyamika.

¹⁰ Compare with Dogen's discussion in the *Genjokoan* fascicle of the *Shobogenzo* where he states with regard to firewood, for example, "one should not take the view that it is ashes *afterward* and firewood *before*" (Norman Waddell and Masao Abe, "Shobogenzo Genjokoan," *The Eastern Buddhist* 5 (October 1972), 129-140). For Dogen this is the nature of all processes: none requires a subsistent and transforming element to tie the process together as a whole. Such a view contrasts sharply with Keown's portrayal of *viññāna* as "dynamically involved in all experience whether physical or intellectual" (Keown 26).

¹¹ Although he does make room for cases where fertilization occurs but the intermediate being does not descend, in the case of twinning, for example.

¹² Keown announces early on in the book his intention to draw out and exploit such similarities, arguing that Buddhism is itself a natural law approach to ethics. See xi-xii in the introduction.

¹³ Keown considers a somewhat analogous position advanced by Louis van Loon, see Keown, 143-4. Van Loon supports a "higher-brain" definition of death, thus equating an individual human life to that of the volitional self. Keown rejects this as not authentically Buddhist, argu-

ing that the capacity involved, *cetana*, is a higher mental function than the more basic *viññāna* and so possibly absent despite the presence of the latter. I, too, would tend to reject van Loon's position as volition and consciousness need not be the same thing, the latter being more basic than the former, so that someone could be conscious without will. Even better as a definitional criterion would be the "developed capacity for consciousness."

¹⁴ This parallels the attempt to define the beginning of life by reference to brain death. If cessation of a certain level of brain activity signals death, then doesn't its presence signal life? Hence, we have a nonarbitrary criterion for when life begins. The problem with this reasoning is that brain activity is, incontestably anyhow, only a necessary but not a sufficient condition for life. See Baruch Brody, *Abortion and the Sanctity of Life* (Cambridge, MA: The MIT Press, 1975) and Bonnie Steinbock's rebuttal in *Life Before Birth: The Moral and Legal Status of Embryos and Fetuses* (Oxford: Oxford University Press, 1992) which also appears in a shortened version in John D. Arras and Bonnie Steinbock, *Ethical Issues in Modern Medicine*, 4th ed. (Mountain View, CA: Mayfield Publishing Company, 1995), 329-43.

¹⁵ Keown, 158-68.

¹⁶ This may be the pitfall in going to *cases* rather than principles in the early scriptures to work out a Buddhist view.

¹⁷ See William R. LaFleur's discussion of what he calls "fecundism" in Japanese culture, particularly its military ramifications: LaFleur, 131-4, 206-10.

¹⁸ See Steinbock in Steinbock and Arras, 337.

¹⁹ Keown himself echoes this point in his analysis of an implicit hierarchical ordering of life in Buddhism. Keown argues that the capacity to attain nirvana and enlightenment is the relevant criterion. Since humans are much further along the karmic path than animals in this respect, their lives are all that much more valuable. See Keown, "Karmic Life," 46-8.

²⁰ By the "developed capacity for consciousness" I mean the capacity

for consciousness which, of course, we possess even when asleep or otherwise temporarily unconscious.

²¹ That is, Buddhism denies the existence of a soul or other metaphysical and abstract entity on the grounds that it is a construction (*vikalpa*) out of phenomenal experience and a mere convenience. See *Milindapañha* 25 in Warren under the title "There is no Ego," 129-33.

²² See LaFleur, 169-70. Although Japanese Buddhism is Mahaayaana, and Keown makes much of the differences between Japanese and other forms of Asian Buddhism, the sentiments expressed in this passage do not appeal to anything overtly Mahaayaana or Japanese. The principles expressed seem very generically Buddhist.