



5-2023

## Abortion, Buddhism, and the Middle Way: What a Buddhist View of Abortion in Japan Can Teach Us in the United States Following the Overturn of *Roe v. Wade*

Anna Grace Kalvelage  
*Loyola Marymount University*

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### Recommended Citation

Kalvelage, Anna Grace (2023) "Abortion, Buddhism, and the Middle Way: What a Buddhist View of Abortion in Japan Can Teach Us in the United States Following the Overturn of *Roe v. Wade*," *Say Something Theological: The Student Journal of Theological Studies*: Vol. 6: Iss. 1, Article 10.  
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## **Abortion, Buddhism, and the Middle Way: What a Buddhist View of Abortion in Japan Can Teach Us in the United States Following the Overturn of *Roe v. Wade***

By Anna Grace Kalvelage

**Abstract:** This paper takes up the question of whether there is a “middle way” approach in addressing the issue of abortion, particularly in light of the overturning of *Roe v. Wade* in the United States. It explores this question through examining how schools of Buddhism have addressed the issue of abortion in Japan, especially considering Japan’s unique history with abortion issues and the *mizuko kuyo* rituals, and what initially appears to be a gap in theory and practice when it comes to Buddhism and abortion. It further explores how some of the central tenets of Buddhism including karma, rebirth, and compassion relate to the issue of abortion, before concluding that the “middle way” is one that can be found through compassion.

**Keywords:** Abortion, Buddhism, Japan, Middle Way, Compassion

### **Introduction**

In this paper, I examine how Buddhists respond to abortion as a bioethical issue and question what, if anything, we in the United States could learn from this perspective. Especially following the recent overturn of *Roe v. Wade* in the United States on June 24th, 2022, and the political, emotional, personal, familial, social, and ethical implications of this, I wanted to see if there is a “middle way” approach in addressing this issue. In Buddhism, the “middle way” is most often associated with the notion that a balance can be found between two levels of truth, and that conventional reality and ultimate

*Say Something Theological: The Student Journal of Loyola Marymount University Theological Studies*

*Volume 6, Issue 1, May 2023*

*Loyola Marymount University, Los Angeles*



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reality are not mutually exclusive but are in fact equally valuable expressions of reality.<sup>1</sup> This notion that multiple perspectives can co-exist may help us as we navigate the divide between difficult positions on this issue.

More specifically, I will be examining how Buddhists have addressed the issue of abortion in Japan, especially considering Japan's unique history with abortion issues and what appears initially to be a gap in theory and practice regarding Buddhism and abortion. Thus, I will begin by establishing some key definitions, and then I will provide a very brief overview of the abortion debate in the United States. I will then discuss how some of the central tenets of Buddhism including karma, rebirth, and compassion relate to the issue of abortion, first beginning with a brief discussion of the Five Precepts. I will then discuss the unique approach that Buddhists in Japan have taken in response to abortion and the *mizuko kuyo* rituals, and I will conclude with a brief reflection on what we in the United States stand to learn from this perspective, especially following the overturn of *Roe v. Wade*.

Before proceeding, it would be helpful to establish some key definitions of terms that will be used. First and foremost, for the purpose of this paper I will be defining abortion as the deliberate expulsion of a foetus from the uterus before it has reached viability such that this act of expulsion results in the death of the foetus. I will also be referring to the term "sentient being," and it must be distinguished that this term covers a different scope of individuals in Buddhism than it does within the field of bioethics. In bioethics, a sentient being refers to a being with the capacity to experience positive or negative sensations, such as pain and pleasure.<sup>2</sup> In Buddhism, a sentient being refers to any living, conscious being "subject to illusion, suffering and rebirth."<sup>3</sup> When I reference "sentient beings" in this paper I will be using the term in the latter sense, as it relates to Buddhism.

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<sup>1</sup> The idea of the "middle way" originally comes from the Mādhyamika school of Māhāyāna Buddhism and is based on the notion of recognising the two truths (ultimate truth and conventional truth) simultaneously. To go into any further detail on the meaning of the middle way is beyond the scope of this paper, but for more on this topic see Paul Williams, *Mahāyāna Buddhism: The Doctrinal Foundations* (London: Routledge, 2009).

<sup>2</sup> Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics*, 8th ed. (New York, NY: Oxford University Press, 2019), 76-78. I derive this definition from Beauchamp and Childress' moral theory based on sentience, whose central moral argument underlying sentience holds that pain is intrinsically bad, and pleasure is intrinsically good. To cause pain to any being is to harm it, and to cause harm to any being is seriously morally wrong.

<sup>3</sup> *Encyclopedia of Buddhism*, vol. 2, ed. Robert E. Buswell (New York, NY: Macmillan Reference USA, 2004), 760.

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## **Abortion in the United States: Personhood, Politics, Pro-Life and Pro-Choice**

At the ethical core of the abortion debate lies the question of personhood, which is to say that the morality of abortion depends primarily on whether the foetus does or does not possess personhood. There is a difference between a living organism being a “human being” and a “person”: “human being” is a biological category that refers to a being who is a member of the species *homo sapiens*, whereas “person” is a moral category that refers to a being who is a member of our moral community and whose well-being should thus be considered when making ethical decisions.<sup>4</sup> It is this distinction of whether the foetus is a person and can therefore be ascribed basic rights, the first and foremost of these being the right to life, that underlies the pro-life vs pro-choice debate in the United States. Going into this debate in much detail is beyond the scope of this paper, but at the most basic level, those who ascribe to the pro-life view assert that the foetus is a person with a right to life—which necessarily encompasses the right to not be deliberately killed—and those who ascribe to the pro-choice view assert that the foetus is not a person with a right to life, or that even if the foetus is, the right to life does not entail the right to use another’s body to sustain that life. Of course, one might hold another variation of one of these views or label themselves a “moderate,” suggesting that they take an approach that lies somewhere in the middle, but I restate that this is just at the most basic level what the debate can be broken down into.

### **Abortion and Buddhism: The Central Tenets**

The first of the Five Precepts, which are the ethical codes of conduct for a Buddhist way of life, is based on the idea of non-injury.<sup>5</sup> While translations vary, it is nevertheless evident that this precept states that we must refrain from taking life. In addition, “the object of this precept is not limited to humans, as all sentient beings share in the same cycle of rebirths and in the experience of various types of suffering.”<sup>6</sup> Thus, the first precept states that we must refrain from taking the life of any sentient

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<sup>4</sup> Beauchamp and Childress, *Principles of Biomedical Ethics*, 70. Here I am drawing on the distinction identified by Beauchamp and Childress when discussing theories of moral status, particularly theories based on human properties.

<sup>5</sup> Peter Harvey, *An Introduction to Buddhist Ethics: Foundations, Values and Issues* (Cambridge: Cambridge University Press, 2013), 67.

<sup>6</sup> Harvey, *An Introduction to Buddhist Ethics*, 69.

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being, regardless of whether that being is a biological human being: all sentient beings, then, hold a degree of personhood in Buddhism. Regarding the discussion of abortion, human life is not seen as something that gradually emerges as an embryo develops; the monastic code recognises human life as starting at conception.<sup>7</sup> As I have already mentioned, a large aspect of the abortion debate in the United States rests on whether the foetus has personhood. The status of the foetus as a being with personhood is not up for debate in Buddhism: the foetus is a living, conscious<sup>8</sup> being within the cycle of samsara, and abortion deliberately brings an end to this living being. Thus, “abortion is seen as a case of murdering a human, a serious breach of the first of the five precepts applying to all lay Buddhists.”<sup>9</sup>

Violating any of the precepts generates negative karmic merit. While it has already been established through the first precept that the intentional destruction of life is always seriously morally wrong, the value of different forms of life can vary such that the karmic consequences of taking different life forms vary in severity as well.<sup>10</sup> While some argue that three elements—size, complexity, and sanctity—are involved when it comes to identifying and assessing the status of a victim, Damien Keown suggests that there are really only two: size and sanctity. This is due to the fact that the criteria of size and complexity have become increasingly sublated such that it would be enough to just reference size and sanctity.<sup>11</sup> Sanctity refers to the spiritual advancement of the one who is killed, and the karmic consequences are more severe the more spiritually advanced the victim was. For example, killing a Buddha is a most severe crime because “to kill a Buddha would be to destroy not only life, but also the other goods such as knowledge and friendship which he has fulfilled to perfection.”<sup>12</sup> In terms of size, Keown goes on to argue that this category applies only to animals such that killing an elephant is worse than killing an ant, and not to human beings, whose size does not determine their moral value. Still, size and sanctity only refer to those elements which can help distinguish the amount of negative karmic merit

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<sup>7</sup> Harvey, *An Introduction to Buddhist Ethics*, 311.

<sup>8</sup> *Encyclopedia of Buddhism*, vol. 1, ed. Robert E. Buswell (New York, NY: Macmillan Reference USA, 2004), 175. In Buddhism, “consciousness” can be understood as that which keeps the body alive and distinguishes animate beings from inanimate elements. In the cycle of samsara, a being’s consciousness is transmitted from one life to the next, thus allowing for the accumulation of karmic merit across lifetimes; in this sense, it is representative of personal identity.

<sup>9</sup> Peter Harvey, *An Introduction to Buddhist Ethics*, 314.

<sup>10</sup> Damien Keown, *Buddhism and Bioethics* (New York, NY: Palgrave, 2001), 2125.

<sup>11</sup> Keown, *Buddhism and Bioethics*, 2153.

<sup>12</sup> Keown, 2133.

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generated from an action that clearly violates one of the Five Precepts. It is nevertheless evident that regardless of the amount of negative karmic merit generated, the act of deliberately killing any living being is a clear violation of the first precept and therefore seriously morally wrong.

In Buddhism, one is thought to be constantly reborn into different bodies including human lifeforms, animals, and various levels of ethereal or spiritual beings in an endless cycle called *samsara*. Of all the bodies that one could be reborn into, a human body is considered to be particularly advantageous. A key reason why abortion is taken as such a serious matter is that “human life, with all its potential for moral and spiritual development, is seen as a rare and precious opportunity in a being’s wandering in the round of rebirths. For a being to gain a foothold in a human womb and then be killed is to have this rare opportunity destroyed.”<sup>13</sup> In addition, it is thought that “the state of mind in which a being dies can affect its next rebirth, and the trauma of being aborted might lead to anger and fear in the foetus, meaning that it would have a less good rebirth than it was previously heading for, thus losing the opportunity for a human rebirth for some time.”<sup>14</sup> Considering the fact that abortion is a clear violation of the first precept, which means that it generates a vast amount of negative karmic merit for those involved, and since rebirth into a human body is considered a rare, advantageous opportunity such that deliberately depriving one of this rare opportunity constitutes a great loss and harm to them, one might wonder how it is that the impermissibility of this issue is even up for debate. The middle way lies in another central tenet of Buddhism: the notion of compassion.

The notion of compassion in Buddhism comes from the bodhisattva ideal of saving all sentient beings from the cycle of *samsara*. A bodhisattva is a Mahāyāna practitioner who “aspires to become a buddha in the future by seeking *anuttarasamyaksambodhi* (complete, perfect awakening) through *prajñā* (wisdom) and by benefiting all sentient beings through *karunā* (compassion).”<sup>15</sup> The bodhisattva embodies both wisdom and compassion and employs the use of skillful means (*upāya*), which is the ability to know how to act appropriately in any given situation to help those who are in need.

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<sup>13</sup> Peter Harvey, *An Introduction to Buddhist Ethics*, 314.

<sup>14</sup> Harvey, 315.

<sup>15</sup> *Encyclopedia of Buddhism*, vol. 1, 58.



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The Dalai Lama has been regarded as the human incarnation of Avalokiteshvara, the bodhisattva of compassion.<sup>16</sup> In *The Nobel Evening Address*, his holiness the fourteenth Dalai Lama notes that, contrary to its basic meaning, compassion is not just a sympathetic feeling of closeness or pity for the sufferings of others, but “a feeling of determination to overcome that suffering.”<sup>17</sup> Thus, while it is true that one aspect of compassion is feeling-oriented, in Buddhism there is another action-oriented aspect of compassion that includes a determination and responsibility to help both ourselves and others overcome suffering.

Abortion presents a major dilemma for Buddhism given the fact that Buddhism is “both profoundly compassionate and yet counsels against all killing.”<sup>18</sup> Compassion, therefore, is going to be a key element in Buddhism when it comes to addressing the issue of abortion since, as the deliberate killing of a living being, abortion is hardly a morally permissible act. Thus, as far as ethical codes are concerned, a large aspect of the abortion dilemma and the path to finding the middle way rests in the fact that, as described by William LaFleur, “women who have to get abortions go through a tremendous amount of pain and stress. We have to show compassion for them in that, don’t we? Still, we also need to feel sorry for the aborted infants, too.”<sup>19</sup> Both the foetus and the mother are persons who are subject to suffering, and as such we need to recognise and simultaneously hold compassion for both. It is recognised that a woman is “likely to feel acutely miserable after making a decision to have an abortion...this is a time for compassion for the woman, and for her to be compassionate with herself and for her unborn child.”<sup>20</sup> How, then, can we do this? In exploring this question, I now turn to the unique way the issue of abortion has been dealt with by Buddhists in Japan.

## **Abortion and Buddhism in Japan**

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<sup>16</sup> Dalai Lama, “The Nobel Evening Address,” in *Norton Anthology of World Religions: Buddhism*, ed. Donald S. Lopez Jr. (New York: W. W. Norton & Company, 2015), 781-787.

<sup>17</sup> Dalai Lama, “The Nobel Evening Address,” 782.

<sup>18</sup> Damien Keown, *Buddhism and Bioethics*, 2199.

<sup>19</sup> William R. LaFleur, *Liquid Life: Abortion and Buddhism in Japan* (Princeton, NJ: Princeton University Press, 1994), XIII.

<sup>20</sup> Damien Keown, *Buddhism and Bioethics*, 2223.

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Understanding a bit about the history of abortion in Japan is critical to understanding contemporary attitudes. Japan was one of the first countries to legalise induced abortion in 1948.<sup>21</sup> A baby-boom following Japan's loss in the Second World War, a time when they were at a severe scarcity of resources, meant that "many babies were unwanted and could not be cared for; the rate of infanticide and abandonment rose dramatically. These conditions for mothers and children led to the politics necessary to bring about, at long last, the decriminalization of abortion."<sup>22</sup> Further, a 1952 amendment to the law left the decision of whether to perform an abortion "to the discretion of a physician, who did not otherwise have to justify his or her decision to any governmental authority"<sup>23</sup> making it so that Japan had "the most permissive abortion system in the world."<sup>24</sup> In the following decades, abortion became "the chief means of birth control" such that almost two-thirds of healthy foetuses were being aborted in Japan at this time.<sup>25</sup> The high abortion rate may also have a lot to do with how a lot of Japanese people have come to think of foetuses and abortion as "returning" them.

*Mizuko* means "water-child" and refers to a miscarried or aborted foetus; "the term suggests a being whose status is still in flux – its viability in this world still being in question" such that because "a *mizuko*'s form has not yet 'solidified' in the world, it is seen as acceptable to 'return' it to a formless state."<sup>26</sup> Defining a foetus in this way simply reflects its impermanence, so it does not conflict with other central Buddhist ideas. However, "to the extent that the idea allows a deliberate 'return' of a foetus, it is in great tension with classical Buddhist ideas."<sup>27</sup> This goes back to ideas previously discussed regarding the first precept and the idea that abortion is the deliberate killing of another life form, as well as karma and rebirth and the notion that being reborn into a human life is particularly rare and valuable. In fact, the reported frequent guilt, sadness, and other emotional problems experienced by Japanese women who

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<sup>21</sup> Sumire Sorano, et al., "Japan Foresees Early-Stage Medical Abortion Approval: Will This Reduce Barriers to Access Safe Abortion?" *International Journal of Gynecology & Obstetrics* 158, no. 1 (April 2022): 225-226, <https://doi.org/10.1002/ijgo.14226>.

<sup>22</sup> William R. LaFleur, *Liquid Life*, 135.

<sup>23</sup> LaFleur, 135.

<sup>24</sup> Peter Harvey, *An Introduction to Buddhist Ethics*, 333.

<sup>25</sup> William R. LaFleur, *Liquid Life*, 135.

<sup>26</sup> Peter Harvey, *An Introduction to Buddhist Ethics*, 334.

<sup>27</sup> Harvey, 335.

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underwent abortions led to the popularisation of the *mizuko kuyo* ritual by Buddhist priests to help women and families deal with these feelings.<sup>28</sup>

The *mizuko kuyo* is a memorial service that seeks to nourish and aid the spirit of the aborted foetus or stillborn child, and thus console the mother. These rites appeal to an appropriate deity to provide for the well-being of the dead, to transfer merit to the karmic account of the foetus so that they may proceed more quickly to a felicitous rebirth, and to appease the dead so that they might become a benevolent influence in the lives of their living family. This rite may be performed once, monthly, or on the anniversary of the death; it could also be performed for a particular case of an aborted foetus, or more commonly as a rite for many *mizuko*. Rites include the chanting of sutras<sup>29</sup> on the perfection of wisdom and to the compassionate bodhisattva Kannon, and songs of praise to the bodhisattva Jizo, and a mortuary tablet is inscribed and placed in a shrine at the temple at home.<sup>30</sup> One seeks to deal with guilt by apologising to the dead foetus, so sometimes people will place letters of apology on the tablets. The rituals could also be done to deal with fear, coming from the idea that the neglected dead can feel *urami*, bitterness or malice, and can be dangerous and want to wreak revenge on the living.<sup>31</sup> This ties into karma and the negative karmic merit inevitably generated by having an abortion.

The *mizuko kuyo* ritual is a good practice inasmuch as it recognises the fact that abortion violates the first precept and is therefore morally wrong, while also seeking to help the dead foetus on its journey to its next life as well as appease the mother and lessen her negative karmic merit. However, this recognition of the wrongness of abortion must be preserved if the ritual is to have any real Buddhist worth. It is thought that in admitting that abortion is wrong, a right view of things is held to, and this is itself a form of wholesome mental action; this is less bad than having the abortion and denying that it is an unwholesome action, as this would then involve a wrong view, a form of wrong mental action.<sup>32</sup> Nevertheless, the ritual is used just to weaken rather than completely rid one of the negative karmic effects produced by having an abortion. If a person planned to perform it as a ritual fix after having had

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<sup>28</sup> Harvey, 335.

<sup>29</sup> *Encyclopedia of Buddhism*, vol. 2, 810. Sutras are any texts said to contain the words or teaching of the Buddha, and typically begin with the phrase "Thus have I heard," which is presumed by tradition to be the words of the Buddha's attendant ĀNANDA repeating at the First Council what he heard the Buddha say at a given time and place.

<sup>30</sup> Peter Harvey, *An Introduction to Buddhist Ethics*, 335.

<sup>31</sup> Harvey, 336-338.

<sup>32</sup> Harvey, 341.



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the abortion that it will apologise for, it would undermine the sincerity of the apology and regret. The important thing, then, is remorse for a past wrong and a determination not to repeat it.<sup>33</sup>

### **Conclusion: Is There a Middle Way?**

The apologies that are a part of the *mizuko kuyo* ritual have been thought to help people retain their sense of their own humanity and make it possible for many to tolerate the practice of abortion and still think of themselves as moral since “their moral options are not limited to either categorically forbidding abortion or, at the exact opposite pole, treating the foetus as so much inert matter to be disposed of guiltlessly;”<sup>34</sup> they always acknowledge the foetus as a child, even when planning to abort it. Perhaps this is why, despite the violations of core Buddhist principles, the abortion issue “does not polarise Japan’s society into two opposing camps as it does in ours.”<sup>35</sup> Buddhist organisations in Japan do not generally go in for stating public positions on social issues; in fact, despite the clear violations of core Buddhist principles, most mainline Buddhist denominations seem to tolerate and make space for legalised abortion. This could be due to the Buddhist tradition leaving room for one to think about abortion in terms of suffering rather than sin. Thus, “once the decision is made, there is no blame, but rather acknowledgement that sadness pervades the whole universe, and this bit of life goes with our deepest love.”<sup>36</sup>

However, it is also argued that “the *mizuko* concept has more significance than Western folktales about child-bearing—such as that babies are brought by a stork—but perhaps not *that* much more.”<sup>37</sup> I do want to be clear that, across Buddhism, abortion is wrong: it is a clear violation of the first precept, and “even in Japan, there is little reason to think that Buddhists regard abortion as fully justifiable...the increasingly popular rite of *mizuko kuyo* can be seen in large part as an attempt by women who have undergone an abortion to come to terms with the inner conflict arising from a choice

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<sup>33</sup> Harvey, 340.

<sup>34</sup> William R. LaFleur, *Liquid Life*, 158.

<sup>35</sup> William R. LaFleur, *Liquid Life*, XIII.

<sup>36</sup> Damien Keown, *Buddhism and Bioethics*, 2229.

<sup>37</sup> Damien Keown, *Buddhism and Abortion* (Honolulu: University of Hawaii Press, 1998), 207.

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which is known to be against the precepts.”<sup>38</sup> I must therefore clarify that the idea of a “middle way” that I am advocating for is not one that comes from the notion that abortion can be both ethically permissible and impermissible. Nor, indeed, does the “middle way” mean “compromise.” Rather, the “middle way” is one that can be found through compassion. Indeed, as the Dalai Lama reminds us, compassion is “a real and universal human responsibility beyond any particular religious affiliation, or the lack of one.”<sup>39</sup>

Furthermore, it is self-evident that “as long as human beings remain on this earth there will always be disagreements and conflicting views.”<sup>40</sup> At the same time, as the Dalai Lama once again reminds us, “as long as we are human beings, and members of human society, we need human compassion.”<sup>41</sup> In approaching the issue of abortion, especially in the United States as we navigate whatever comes next following the overturn of *Roe v. Wade*, I conclude simply by urging that we approach this issue and *all* beings affected by it with genuine compassion, which includes a determination and responsibility to help those who are suffering.

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<sup>38</sup> Damien Keown, *Buddhism and Bioethics*, 2490.

<sup>39</sup> Dalai Lama, “The Nobel Evening Address,” 781.

<sup>40</sup> Rajiv Mehrotra, ed. *The Essential Dalai Lama: His Important Teachings* (New Delhi: Penguin Books, 2006), 28.

<sup>41</sup> Mehrotra, *The Essential Dalai Lama*, 27.

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