

**Conceptions of Conception:  
Definitions of the Beginning of Life and Their Effect on Abortion Regulation**

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*“One’s philosophy, one’s experiences, ...one’s religious training, one’s attitude toward life...are all likely to influence and to color one’s thinking and conclusions about abortion.”*

-Judge Harold A. Blackmun, US Supreme Court, 1973

In August 1969, a Texas woman named Norma McCorvey discovered she was pregnant. Separated from her husband, whom she had married when she was only sixteen years old, McCorvey was in no financial state to raise this child. She knew that the only way she could prevent the birth of this baby, which would be her third, was to get an abortion. However, at the time, Texas law prohibited abortion except in the case of rape and incest. In her desperation and at the encouragement of friends, McCorvey decided to lie about her pregnancy, saying that she had been raped while walking home from work late one night.

At the same time, two lawyers named Linda Coffee and Sarah Weddington were searching for a pregnant woman to help them bring a case against the State of Texas regarding its abortion policy. McCorvey, who had been unable to receive sympathy from her doctor, contacted Coffee and Weddington, willing to make that case. In order to protect McCorvey’s identity, the three women came up with an alias: Jane Roe.

The following summer, in June 1970, the Texas State abortion law was ruled unconstitutional. The court stated that “the privacy of a woman should be protected; she should be able to decide what to do with her body.” However, the court did not issue an injunction, in this case an order requiring the defendant to act on the court’s ruling. Therefore, the State of Texas was still able to enforce its antiabortion law. Coffee, Weddington, and Roe (McCorvey) then appealed to the United States Supreme Court in a case known today as *Roe v. Wade*. Several years later, in 1973, the Supreme Court ruled that women have a qualified right to get an abortion. *Roe v. Wade* is one of the most significant and controversial Supreme Court cases in

American history, and its outcome remains a momentous milestone in the ongoing abortion debate in the United States.

The heated debate over abortion that has raged in the United States is not unique. All over the world, governments, NGO's, religious groups, human rights workers, and various political groups alike are working to shape regulations on abortion. While many policies are similar, the motives behind these regulations are quite varied. What could account for this variety? The most common argument against abortion is that the act is murder. However, contrary to the widespread prohibitions against murder across different religions and political systems worldwide, the contrasting scientific, religious, and political viewpoints regarding the beginning of life have led to a lack of consensus concerning abortion policies. This paper will examine the different definitions of when life begins offered by embryology, indigenous traditions, and Abrahamic and Buddhist religions. Then it will explore how these definitions affect political regulations on abortion in a variety of countries, used as case studies, throughout the world. Through comparison and analysis of the dominant religious nature and abortion policy in these countries, this paper will demonstrate that restrictions and allowances for abortion correlate with the religiosity of a country.

## **Historical Overview**

First, from time immemorial, people have wondered the question, "what defines a human self?" Martin J. Buss, professor emeritus of Religion at Emory University, states in his article *The Beginning of Human Life as an Ethical Problem* "in order to determine when his life begins, it is necessary to ask what man [himself] is....A useful...way of understanding man...[is to see

him] as one who refers back to himself. This selfhood is carried by culture, which is a system inherited not biologically, but by direct transmission from one person to another.”<sup>1</sup>

Throughout history, many different cultures and peoples have tackled the question of when life begins in different ways. Without the technology and scientific knowledge we now possess, the beliefs and rituals of indigenous cultures surrounding childbirth were quite varied. For example, the Navajo people, a Native American tribe historically from the Southwestern United States, did not consider a child to be alive until it had laughed for the first time. Prior to its first laugh, the baby was kept in a “cradle board as...an extension of pregnancy.” Another example is that some tribes in New Guinea, in which all children were believed to be female until they reached puberty. At that time, the male tribe members would take away the boys and have a birthing ceremony, at which point their lives began.<sup>2</sup>

Additionally, cultures around the world often treated individuals as extensions of their families or tribes rather than as people with specific individual rights. The Romans, for example, didn’t consider a baby as an individual, so children born with deformities, or children without accepted parentage were left in the wilderness to perish. This policy extended even into modern times for children without official parentage; the children of unwed mothers, for example, were never accorded full status in a society even if they managed to survive infancy.

The previous examples have focused on the official birth of the child. However, in some cultures, the act of giving birth marked the beginning of life. For example, in ancient China, a women had two lives, the first of which began when she was born, the second when she gave birth to her first son. At this point, she was given a new name and was said to have been born again.<sup>3</sup>

A particularly intriguing example of indigenous views on conception and the beginning of life comes from the Aboriginal tribes of Australia. They believed that a “spirit child,” the Western equivalent of an individual’s soul, chooses his or her parents. The spirit child was said to enter the chosen women as a “complete entity who...originated at some time in the long distant past.” The new life which has chosen to enter the woman is a complete entity who has originated at some time in the long distant past, and is immeasurably more ancient and completely independent of any living person.”<sup>4</sup>

Even after learning about the biological process of sexual intercourse and embryonic development, Aboriginals continue to believe that, while biological conception may “prepare the way for the spirit child’s entry into the womb,” the combination of sperm and egg is not the only cause of conception. They believe that the presence of a spirit child and his or her role in selecting his or her parents is necessary in order to allow biology to take its course.<sup>5</sup> For the Aboriginals, the question of when life begins anticipates the nature of debate in the West and elsewhere: the question of when life begins is not primarily biological but spiritual.

### **Biological Beginning of Life:**

Over time, however, as the debate surrounding abortion has unfolded, there has been an increasing interest in the science surrounding the beginning of life. Lawyers, politicians, biologists, women all ask the same question, when does a new life begin in biological terms? By turning to science, these people hope to receive a concrete definition of the beginning of human life that will help them quickly solve the controversy over abortion once and for all. Unfortunately, however, biology yields an ambiguous answer to the question of when life actually begins. While biologists are in agreement concerning the stages of fetal development,

they do not necessarily agree at what stage a new life begins, as the very definition of “life” is as much a cultural as scientific construct.

Despite this disagreement, the different stages of embryo development have been studied and accepted as scientific fact, worldwide. During the first stage, fertilization, the parental gametes, sperm and egg, or more specifically their nuclei, join together to form a zygote, a single cell organism with a unique genetic makeup.

After the zygote has been formed, the embryo enters the cleavage stage. During this time, the embryo undergoes several important divisions. First zygote divides symmetrically in half forming embryo in the two cell stage, then divides in half again forming the four cell, and then the eight cell stage. Once it has reached the eight cell stage, the embryo ceases to divide symmetrically, and instead begins to divide randomly forming a blastocyst, or hollow sphere of cells, called *blastomeres*, which surround a fluid filled center, called the blastocoel.

Cleavage is a particularly important stage of development. As Senior Research Associate and Professor Emeritus of Developmental Biology at Swarthmore College Scott F. Gilbert states in his book *Developmental Biology*:

The cytoplasm of the oocyte (egg) frequently contains morphogenic determinants that become segregated into specific cells during cleavage. These determinants ultimately lead to the activation or repression of specific genes and thereby confer certain properties to the cells that incorporate them.<sup>6</sup>

Thus, in order for an embryo to develop properly, these determinant factors must be divided correctly. This is demonstrated in Hans Spemann’s experiment in which he observed the effects of restricting developmental potential. In his experiment, Spemann first observed the normal cleavage pattern of a frog embryo. He found that when the embryo divided naturally and the animal pole, vegetal pole, and grey crescent were split evenly, the two daughter cells developed normally. However, when he used string to induce an unnatural division with the entirety of the

grey crescent in one half, he found that only the daughter cell containing the grey crescent developed normally, while the other did not. Based on the results of his experiment, Spemann concluded that embryonic fates are affected early on in development by the distribution of determinants and the pattern of cleavage.<sup>7</sup> The cleavage stage is also when the embryo implants in the wall of its mother's uterus.

Once the blastula is fully formed and implantation has occurred, the embryo enters the gastrulation stage of development. During gastrulation, the blastula rearranges itself into a gastrula, or structure comprised of three germ layers: ectoderm, mesoderm, and endoderm. Each of these germ layers will eventually bring about specific tissues and organs. For example, the ectoderm will create the epidermis (outer layer of skin) and other tissues central to the nervous system. The mesoderm will ultimately become blood, bone, muscle, and connective tissues (parts of the muscular, skeletal, and circulatory systems). Finally, the endoderm will become the organs and lining of the digestive system and respiratory system.

Following gastrulation, the embryo goes through neurulation, the formation of the neural tube, which eventually develops into key parts of the central nervous system: the spinal cord and brain. Then, finally, the embryo enters the organogenesis stage, during which specific organs and other structures are formed. By the end of this stage, the embryo becomes a fully functional organism capable of independent survival.

Despite the widespread acceptance of the findings of embryology throughout the scientific community, biologists disagree on precisely when, in the midst of the many stages of development, a new life begins. Of course, the answer to this question depends on how one defines *human life*. For example, if one believed that life begins when the fetal brain develops, then that person would claim that a fetus is not alive until the two months after conception, when

the telecephalon forms a “conspicuous [slightly bilobed] bulge dorsally in front of the eye rudiments...[which is] the first indication of the future hemispheres of the brain.”<sup>8</sup>

Some biologists believe that a new life begins at the moment of conception. In her article *When Does Human Life Begin? A Scientific Perspective*, Maureen Condic, an associate professor of Neurobiology and Anatomy at the University of Utah School of Medicine, argues that a new life is formed mere seconds after the binding of a sperm and egg, which creates a zygote, or single cell embryo, which is genetically unique from either parent gamete. Following the membrane fusion of sperm and egg, the zygote undergoes changes in its ionic composition that alter the chemical makeup of the zona pellicida, an “acellular structure surrounding the zygote,” which serves to block other spermatozoa from entering the already fertilized egg. The behavior as well as the unique genetic makeup of the zygote are so drastically different from that of either parental gamete, Condic argues, the zygote appears to be its own individual organism.<sup>9</sup>

Furthermore, from the beginning stages of embryotic development, the zygote displays a pattern of “organization towards that of the production of a mature human body.”<sup>10</sup> She explains that an organism is defined as two things: “a complex structure of interdependent... elements whose relations...are largely determined by their function” and “an individual constituted to carry out the activities of life by means of organs separate in function but mutually dependent.”<sup>11</sup> From the early stages of development, embryonic cells are divided into three classes: ectoderm, mesoderm, and endoderm. Each of these categories will give rise to different aspects of the embryo’s ultimate body. Thus, Condic argues, the embryo displays a human pattern of developmental behavior from the moment of conception.

Condic is not alone in her belief that life begins at conception. Dr. Alfred Bongioanni, a professor of pediatrics and obstetrics at the University of Pennsylvania stated during a United



States Senate Judiciary Subcommittee hearing: “I submit that human life is present throughout [the] entire sequence from conception to adulthood and that any interruption at any point throughout this time constitutes a termination of human life.”<sup>12</sup>

However, the idea that life begins at conception is by no means a universally accepted fact. For other biologists, it is impossible to define when a new human life begins due to the cyclical nature of reproduction. These biologists point out that “the lifecycle of organisms that produce asexually does not involve conception,” so therefore the belief that life begins at conception is moot.<sup>13</sup> Rather, as Robert Wyman points out in a lecture on biology and the history of abortion given at Yale University, life is a cycle and “fertilization is one event of that cycle.” Wyman states that the closest one can get to pinpointing when a person’s life begins is inside the womb of that individual’s maternal grandmother, for that is when one’s eventual birth becomes a possibility. However, if one were to ask Wyman when life really begins, he would answer approximately 3.5 billion years ago, when the first unicellular organisms appeared on Earth.

For yet other biologists, such as Clifford Grobstein, a professor of Science, Technology, and Public Affairs at the University of California San Diego, the more relevant question is not when exactly life begins, but rather at what stage of development will an embryo that is “destined to acquire...attributes of a human being” be provided the same rights and protections given to those who have already been born. In answer to this question, Grobstein examines two commonly, though not unanimously, accepted aspects that help define fully-fledged human beings. The first is “wholeness in the sense of indivisibility.” In reaction to this characteristic, Grobstein argues that “scientifically...this attribute is not present in the mammalian zygote.”<sup>14</sup> Therefore, by Grobstein’s definition, Condic’s and Bongionni’s zygote is not a “life” at all. The second attribute Grobstein examines is sentience, or the capacity to “perceive subjectivity.”

Grobstein states that sentience is not present until the central nervous system develops (around the fifth week), therefore human life does not begin until sometime after conception.<sup>15</sup>

Grobstein's conclusion relates to the argument from the *Roe v. Wade* case: abortion is considered legal up to the point at which the fetus is able to survive independent of its host (the mother), after which the government has an interest in preserving its life.

In conclusion, the close study of the beginnings of life demonstrates that emerging life is a series of potentials, each made possible by previous potentials being fulfilled. Biologists disagree on which of the many steps in this process should be deemed the exact point at which life begins. Thus, science does not yield a single, conclusive answer to truly inform the cultural and legal debates about abortion.

### **Conception, Sin, and Abortion in the Abrahamic Traditions**

Modern states—regardless of whether they are democratic in nature—have to deal with traditions that underpin their societies and national identities that may work to limit or constrict the rights of certain groups within their societies. In the case of abortion, the issue of individual rights to bodily integrity and autonomy bump up against traditional concepts of the role of women as primarily wives and mothers. In the issue of abortion, governments have to navigate the concept of competing rights. Often, governments turn to the language and written traditions of the religion that defines or dominates in their societies. This section will focus on four dominant religions: the three Abrahamic traditions from the West and one from the east, Buddhism. Combined, these four religions affect the daily lives of a vast percentage of the world's population. The three Abrahamic religions—Judaism, Christianity, and Islam—all stem from the Middle East and are named for a shared mythic genealogy. In addition to their common

heritage, these three religions have several other factors in common, such as a monotheistic nature, in which a single God is worshipped, and ethical orientation, or an inherent belief in good versus evil. Another shared characteristic, one that will become significant later on in his paper, is the fact that all three Abrahamic religions based upon central scriptures which are believed to reveal the words and intentions of God.

### Judaism

In Judaism, the oldest Abrahamic religion, a fetus is not equivalent to an infant—an important difference when it comes to abortion policy. The famous Talmudist Rashi once said “whatever has not come forth into the light of the world is not a full human life.”<sup>16</sup> In Judaism, the fetus is seen as potential life, rather than its own individual.

Just as Jewish views on conception differ from those of Christianity, so do Jewish ideas on sin. Christians believe that all people come into the world burdened with original sin, that they are born guilty. Jews, on the other hand, believe that people are born innocent and that sin occurs as a result of individuals’ actions. Indeed, for both religions some acts, such as murder and stealing, are considered inherently sinful. However, as Tomas Silber points out in his article *Abortion: A Jewish View*, “the law of homicide in the Torah refers to...any living man. This excludes the fetus in the womb which is [not considered a person] until it is born.”<sup>17</sup>

Under Jewish law, a fetus is seen as a “part of its mother rather than an independent entity.”<sup>18</sup> Therefore, rather than viewing the issue in relation to the fetus, abortion is viewed in the context of the mother. For example, in Exodus:

If men were fighting and someone struck a pregnant woman and she miscarried but she herself lived, he will be subject to a fine, as much as the woman’s husband shall request and as the judges decree. If, however, her death shall follow, let him pay a soul for a soul, an eye for an eye, a tooth for a tooth, a hand for a hand, a

foot for a foot, a burning for a burning, a wound for a wound, a bruise for a bruise.<sup>19</sup>

Similarly, Judaism forbids self-mutilation and suicide, two acts that can be applied to the act of abortion. However, as Silber argues, “it is acceptable to have a limb amputated for the sake of the whole individual, [a] concept [that] is applied to the [legal] permission for...abortion.”<sup>20</sup>

### Christianity

For a long time, many Christians have believed that life begins at conception. This idea is true of the Catholic Church and many other denominations worldwide. However, nowhere in its scriptures does Christianity directly define when life begins. Indeed, early Christians, influenced by the ideas of Plato, believed in the theory that the human soul does not enter the body until birth. Aristotle, a student of Plato’s, thought that the “time of entrance of a human soul was...forty days after conception for a male and ninety days for a female.”<sup>21</sup>

One topic that is addressed in the Bible, however, is sin. According to the scriptures, there are many ways to commit sin in Christianity, but one of the most serious sins is murder. Since murder can be defined as destroying life, it is clear to see where the idea that abortion is a sin originated in the Christian tradition. In her article *Abortion in Italy*, Lesley Caldwell states that “abortion [involves] the destruction of human life and [therefore] can never be accepted regardless of the difficulties this position imposes....[meaning] that the church could not admit the possibility of legal abortion.”<sup>22</sup>

The idea of abortion within the Christian faith, particularly in Catholicism, has been considered a sin and a blatant “refusal of a divine gift.”<sup>23</sup> Even before there was technology that could give potential evidence that life begins at conception, Christians believed that abortion constituted “proleptic murder”—the destruction of a potential life. Indeed, this belief stems back

to Tertullian, a Christian author born in 160 CE, who proposed the concept of *homo est qui est futurus*, or “the being that will be a human is already to be regarded as human.”<sup>24</sup> Much more recently, in 1988, the Vatican released an official ruling that defined abortion as “any method used to terminate a pregnancy from the moment of conception,” thereby making it, as well as most contraceptives, illegal according to the Catholic Church. It is important to recognize that in predominantly Catholic countries, and in Italy in particular, the official opinions of the Vatican have powerful influence over both social and political aspects of daily life.<sup>25</sup>

In the same 1988 statement, the Vatican also ruled that the single situation in which abortion would not call for excommunication was if the mother “urgently [required] a life-or-death procedure with the unwanted consequence of ending her pregnancy.” John Allen described such a situation as the “double effect” in which the positive, intended outcome (saving the mother) results in the negative, unintended outcome (death of the fetus).<sup>26</sup>

However, in some Catholic countries, such as El Salvador, laws regarding abortion are so restrictive that most doctors refuse to abort even to protect the life of the mother, as they fear state prosecution more than they desire to preserve the life of their female patients. More recently, even in the United States, a hospital in Texas kept a brain-dead woman alive because it feared that, under Texas state law, they would be criminally liable if they did not do everything possible to preserve the life of the brain-dead woman’s fetus. Only after the woman’s family sued, and outside experts indicated that the fetus was not developing normally, did the hospital relent.

## Islam

The third Abrahamic religion, Islam, is predominant throughout the Middle East and North Africa. A significant aspect of Islamic principle is that of individual interpretation. Leila

Hessini, a global feminist leader and activist, states that “Muslims are encouraged to read and analyze traditional religious sources to find solutions to contemporary problems.”<sup>27</sup>

Muslims believe that “ensoulment,” the moment at which an individual’s soul enters his or her body, marks the beginning of a new life. This belief stems from a particular verse in the Koran, the central Islamic scripture, which discusses embryonic development:

Man We did create from a quintessence (of clay); then We placed him as (a drop of) sperm in a place of rest, firmly fixed; then We made the sperm into a clot of congealed blood; then of that clot We made a (fetus) lump; then We made out of that lump bones and clothed the bones with flesh; then We developed out of it another creature. So blessed be Allah the Best to create!<sup>28</sup>

The majority of Islamic schools of thought believe that ensoulment of the fetus occurs “40, 90, or 120 days after conception.”<sup>29</sup> Interestingly, the Muslim concept of ensoulment is believed to occur approximately at the same time when the central nervous system (spinal cord and brain) develops in the fetus, a stage which begins at around five weeks after conception.

Similar to Christianity and Judaism, Islam also regards murder as a sin. The Koran explicitly states: “do not slay the soul which Allah has forbidden except in the requirements of justice.”<sup>30</sup>

Concerning the issue of abortion, Muslim cultures generally forbid it after the fetus has achieved ensoulment, since the act would at that time constitute murder. The only exception to this rule is when abortion is required to save the woman’s life. As Hessini states in her article *Abortion and Islam: Policies and Practice in the Middle East and North Africa*, “it is accepted [throughout Muslim countries] that maternal life takes precedence [over the life of the fetus, even one that has reached ensoulment], at least until the fetus achieves the status of person.” On the other hand, abortion is strictly forbidden without the consent of the father and in cases when the pregnancy is a result of illicit sexual activity.<sup>31</sup> In essence, Muslim views on abortion are

much more similar to those of Judaism, in which the life of the mother is considered more valuable than the life of the fetus (which, is not even considered “alive” until sometime after conception), than the beliefs of the Catholic Church.

### **Conception, Sin, and Abortion in Buddhism**

Unlike the three main Western religions, Christianity, Judaism, and Islam, Buddhism is not an Abrahamic tradition. Rather than worshipping a single, omnipotent God, Buddhism is a nontheistic religion based on the ideas of a man named Siddhartha Gautama, or simply Buddha, the Pali word for one who is “awake.”

Buddhism revolves around the idea of suffering. The purpose of Buddhism is to lessen individual suffering and increase happiness and, ultimately, reach a state of nirvana. Therefore, sin in Buddhism is considered to be anything which causes harm or suffering. A key aspect of Buddhism is the concept of Karma, the belief that intentions and actions of individual’s will affect that being’s future.

Buddhists do not believe that life begins at conception like Christians, nor do they think it begins at birth like Jews. Instead, Buddhism states that a new human life begins when “*citta* (mind or thought) arises, when the first consciousness manifests [itself],” when it is able to feel suffering. For, Buddhists, it would be false to state that this consciousness “descends into the mother’s womb at the very moment of parental union.” Instead, according to the teachings of Buddha, “[the embryo only] takes place through the union of three things—the union of the mother and father, [when] the mother is in season, and the *gandhabba* (stream of consciousness) is present.”<sup>32</sup> The Buddhist concept of consciousness can be likened to Grabstein’s idea of sentience—a new life begins when the fetus is able to feel and react to stimuli.

When it comes to Buddhist sin, the concept of karma plays a significant role. Buddhists tend to look at life as a balance between good and bad actions, which in turn affects their “karmic status.” Therefore, one’s actions cannot be examined on “an absolute scale of good and evil, but rather...understood in terms of a relative scale.”<sup>33</sup> Consequently, for Buddhists, the degree of sin, which can be influenced by the sinner’s motivation or reasoning, is an important factor in determining how a particular action will affect their karmic status.

According to Brahm, “only when the embryo-fetus first shows sensitivity to pleasure and pain and first shows will (such as by a purposeful shrinking away from a painful stimulus) has consciousness...first manifested and the new human life started.”<sup>34</sup> Before the *citta* first develops in the fetus, abortion is not technically considered a sin, although it is by no means seen as desirable. However, once the stream of consciousness is established in a fetus, abortion is viewed as a “life-destroying act...[constituting] a serious sin.” However, Buddhists believe that there are “different levels of sin depending on the circumstances and intentions with which the act is performed.”<sup>35</sup> Therefore, it is understood that when a Buddhist woman gets an abortion, she recognizes that her actions are considered harmful, but is nevertheless willing to accept the karmic consequences of her actions.

### **Abortion Policies by Country**

So, how do these religious traditions affect national policies? In his paper *Through Tinted Glasses: Religion, Worldviews, and Abortion Attitudes*, Dr. Michael O. Emerson, a professor of Sociology at Rice University, states that “religion provides answers to questions of ultimate meaning. It also provides guidelines for how to live in the present world....By outlining what ought to be and by creating and reinforcing group norms through interaction, religion has a



substantial influence on personal worldviews.” Although religion is by no means the only factor considered when coming up with national abortion policies, there is an undeniable correlation between the religiosity—“the intensity and consistency of a persons’ practice of their religion”—of a population and that country’s regulations on abortion.<sup>36</sup> This section will examine the abortion policies in eight different countries from all around the world. These countries, which are used as case studies, include Australia, Finland, Iran, Ireland, Israel, Japan, Thailand, and the United States.

Throughout the world, there are three general “levels” of abortion policies. The first and most common is *very restrictive*. In countries where the abortion regulations are deemed *very restrictive*, abortion is either prohibited completely or allowed only to save the mother’s life. The Republic of Ireland is a good example of a *very restrictive* country.

The next level is *limited*. *Limited* policies, like those in Japan, Iran, and Thailand, disapprove of abortion on principle, yet make a point of allowing it in order to preserve the mother’s health. Since the definition of “preserving health” is a very broad, this particular category can be applied to many policies of differing restrictiveness.

The third and final level is *conditional*. Countries with *conditional* abortion policies consider several factors before deciding whether or not a woman will be allowed to get an abortion. Such factors include, but are not limited to, preserving the life and health of the mother, the circumstances of the pregnancy (rape, incest, etc.), and various socio-economic factors. Two countries with *conditional* abortion policies are Israel and Finland.

### Republic of Ireland

In 2013, the Irish parliament passed a new law that allowed abortion under circumstances when the pregnancy endangers the life of the woman. According to the regulation, a pregnant woman's life could be endangered in two ways. First, if she suffered from a severe physical illness. In this case, the woman would have to have the approval of two physicians before she could qualify for an abortion. One of these physicians must be an obstetrician and the other must be a specialist in the field relevant to her illness. For example, if a woman suffered from cancer, she would have to get the approval of her obstetrician and an oncologist. However, if the illness caused the woman to be in a medical emergency, the approval of only one physician is required in order to save her life.<sup>37</sup>

The second situation in which a woman's life is considered endangered is if her pregnancy causes her to contemplate committing suicide. In cases such as these, the approval of three physicians—one obstetrician and two psychiatrists, one with experience treating women during or after pregnancy—must be obtained before she can qualify for abortion.<sup>38</sup>

The *very restrictive* abortion policy in the Irish Republic is heavily influenced by Roman Catholicism. Since, for Catholics, it is the soul which “distinguishes human beings from other entities and the soul enters the fetus at conception,” harming the fetus in any way is considered a sin, and abortion is considered to be on par with murder. Additionally, there is an expectation in Catholicism that women are expected to bear children in order to fulfill a “moral duty,” which adds to the stigma surrounding abortion in Ireland.<sup>39</sup>

Yet another aspect of daily life in Ireland that contributes to the country's restrictive policy is the persistent silence of women who have had abortions, as Ruth Fletcher examines in her paper *Silences: Irish Women and Abortion*. In the paper, Fletcher shows that, while abortion

is a complex issue, the general public is presented with a polarized debate that demonstrates two distinct and opposing sides. As Fletcher states:

The pro-choice movement has been associated with a perception of abortion as a straightforward procedure which a woman undertakes in pursuit of control of her reproductive capacity with little or no consideration of the fetus. The image of abortion that is connected with the pro-life movement is one of an evil act where that woman is responsible for the killing of an innocent unborn child, resulting in her feeling guilt and remorse.<sup>40</sup>

However, this debate does not include the opinions of women who have actually had abortions, none of whom, according to Fletcher, “identified with either of the two oppositional depictions of abortion” presented to the public. Many of the women interviewed by Fletcher state that the main reason for their silence was that they wanted to avoid the harsh criticism and disappointment directed at them from their society. Each of them felt that if their secret was known, they would be “viewed as irresponsible people...no matter how responsible they felt in making their decision.”<sup>41</sup>

### Japan

The abortion policy in Japan exemplifies the *limited* level of restrictiveness. According to the Penal Code of Japan, abortion is illegal. However, doctors are able to approve abortions under certain conditions laid out in the Maternal Health Protection Law of 1996. These conditions include circumstances in which the continuation of the pregnancy would endanger the life and health of the mother and if the pregnancy was the result of rape.<sup>42</sup>

Despite the illegal status of abortion, a survey conducted in 1998 showed that “79% of unmarried and 85% of married women approved of abortion...[and that] nearly one-third of all abortion are performed on women younger than 25.” This trend can be explained by the fact that while the acceptance of premarital sex has increased steadily over time, the “social acceptability

of childbearing outside of marriage” has decreased, resulting in an increased number of abortions for young, unmarried women.<sup>43</sup>

At first glance, the restrictive policy of the Japanese government seems to contradict the attitudes of the general public. However, this apparent inconsistency can be explained when looked at in a religious context. On the whole, Japan is a Buddhist country and abortion, according to Buddhism, is an act that causes suffering. This concept is thus reflected in the official policy. However, as previously stated in this paper, the idea of karma also plays a key role in the decision making process of Buddhists. Therefore, the general public is more open to the idea of abortion because they simply weigh the karmic cost of abortion with other socio-economic factors.

### Thailand

Abortion regulation in Thailand is very similar to that in Japan. Article 305 of Thai Penal Code makes abortion illegal except in cases when it is deemed appropriate by a doctor. The grounds upon which abortion is most often permitted are in order to save the woman’s life, preserve her physical and/or mental health, and when the pregnancy is the result of certain sexual offenses, such as rape and incest.<sup>44</sup>

Also similar to Japan, there is a range of socio-economic reasons that women list as their reasons for undergoing illegal abortion procedures. These factors include understanding of fetal development, gender relations, class position, and notion of sin. According to Andrea Whittaker, such factors provide “justifications for abortion that are congruent with broader social goals and expectations.” Just as in Japan, women in Thailand are generally willing to consider abortion, despite its illegal political status, favoring the resulting negative karma over a much more

difficult life in the long term. As one woman Whittaker interviewed stated: “if you talk about the issue of sin, [abortion] is a sin, right. But we first have to think about the truth of our day by day lives, whether we can accept it or not according to how we live.”<sup>45</sup>

## Iran

In recent history, policies concerning abortion regulation in Iran have altered with each change in political regime. Abortion was first legalized in 1978 under the rule of Mohammad Reza Shah Pahlavi, a leader installed by the United States’ CIA who was very sympathetic to Western ideas. When Reza Shah Pahlavi was overthrown in 1979, Iran came under the rule of Ayatollah Khomeini, a religious leader who set up a theocratic Muslim state disapproving of abortion.

More recently in 2005, a new bill was approved that altered the conditions required to obtain a legal abortion. This categorizes Iran’s abortion regulations as *limited*. These conditions include if the mother’s life is endangered and if the fetus shows signs of handicap. Additionally, the mother must receive consent from three physicians and the abortion must take place with the first nineteen weeks of pregnancy.<sup>46</sup>

Iranian policy on abortion reflects the value Islam places on the life of the mother. While the fetus is indeed considered a person after ensoulment, until it is born, the life of the mother always takes precedence over the life of the child. Thus, while there are certain regulations put in place to ensure that the abortion is necessary, the procedure is always permitted in order to preserve the health of the mother.

## Israel

In Israel, abortion is considered legal under certain circumstances. As such, Israel's abortion policy falls under the category of *conditional*. In order to get an abortion in Israel, a committee for pregnancy termination, or Termination Committee, must approve of the abortion under the following conditions: the woman is younger than 17 (the legal marrying age) or older than 40, the pregnancy is the result of illegal activity, such as rape, incest, or adultery, the fetus shows signs of handicap, either physical or mental, or the continuation of the pregnancy would turn out to be harmful to the mother's health.<sup>47</sup>

There are numerous conditions under which a woman in Israel may obtain an abortion. This relates to the principles of Judaism because the fetus is not considered an individual until it is born. Therefore, the life and well-being of the mother is always considered of more value than the preservation of the fetus.

### Finland

Like Israel, Finland also has a *conditional* policy on abortion. In 1950, the Parliament of Finland first legalized abortions, allowing them in cases where the mother's life or health was in danger, if the woman was under 16 years old, if the fetus was deformed, and if the woman had been raped. Twenty years later, in 1970, the Parliament revised their previous ruling, setting a time limit on when legal abortions could be received. Under this ruling, women who were younger than 17, older than 40, or who already had four children were eligible for abortion up to 16 weeks after conception. Nine years later, they revised the law again, lowering the 16 weeks to 12 weeks. In 1985, Parliament changed the time limited once more, allowing underage women 20 weeks to get an abortion, 24 if the ultrasound or amniocentesis showed potential defect in the development of the fetus. Additionally, a woman must get the approval of two physicians before

she can receive an abortion. The only exception to this rule is if the woman is underage, overage, or already has four children—in these cases, she only needs the approval of one physician.<sup>48</sup>

The *conditional* abortion policy in Finland relates to the country's religious atmosphere. Unlike the populations of the other countries examined in this paper, the people of Finland do not practice a religion found worldwide. Rather, the most prominent religion found in Finland is the Evangelical Lutheran Church of Finland. While certainly grounded in Christianity, the Church of Finland is unique to that country and its constituents. As such, there is more flexibility for the government to create policies that are agreeable with the Church and, by extension, the particular people the policy will ultimately affect.

## **Federal System**

The final two countries that this paper will examine are Australia and the United States. However, it is impossible to categorize them using the same *very restrictive*, *limited*, and *conditional* because they operate under a federal system. In a federal system, the country as a whole is split into a number of states or provinces, making it so that each constituent is ruled by two distinct governments: the individual state government and the national (or federal) government. In the case of both Australia and the United States, abortion is legal under federal law, but the state governments have leeway to restrict and regulate the places in which abortions may be offered and the people who are licensed to perform abortions. These state regulations can severely limit abortions, even if they technically remain legal. Thus, it is impossible to categorize the country as a whole.

### Australia

Throughout Australia, constant in every state, abortion is legal in cases where it is deemed necessary to save the life and/or health of the mother. However, this definition changes state to state. For example, in Queensland, to preserve the physical or mental health of the mother is the only situation in which a woman may receive an abortion. In the Northern Territory, South Australia, and Tasmania, a woman can also get an abortion if she is the victim of rape or the fetus shows early signs of defects. In the territories of New South Wales and Western Australia, the policy becomes more liberal still, since the woman is allowed to apply for an abortion based on both social and economic factors as well.<sup>49</sup>

In their article *Abortion and Health Care Chaplaincy in Australia*, authors Lindsay Carey and Christopher Newell discuss how abortion, like in many other countries, has been a “long standing polarized bioethical issue within Australia.”<sup>50</sup> Carey and Newell lay out the three central Australian perspectives on abortion: the conservative, moderate, and liberal positions. Depending on how the population is dispersed, each of these positions dominate the policy in at least one Australian territory. Similarly, due to the lack of religious unity in a single territory, religion does not play as large a role in policymaking in Australia as it does in countries with a single, central government.

By its very definition, the federal system does not provide much unity when it comes to policies such as abortion. As Carey and Newell discuss, one solution that has been proposed to solve the debate between the three ideological positions surround abortion is the *one abortion policy*, that is “each woman should be legally permitted to have one abortion during her life. Thereafter the rights of the fetus prevail...except where the pregnancy arose out of forced sex or its continuation presents a demonstrable and serious risk to the welfare of the woman.” Not only would this solution appeal to a wider audience than a more polarized policy, the one abortion



policy would also save numerous lives by reducing the number of abortions while at the same time still allowing women a certain measure of control over their own lives.<sup>51</sup>

### United States of America

The current state of abortion policy in the United States is contradictory. On the one hand, the overlaying policy of the federal government is based off of the decision made in the court case *Roe v. Wade* (1973), which established women's right to abortion. On the other hand, a significant number of state policies tend to take after the decision made by a later Supreme Court case *Webster v. Reproductive Health Services* (1989), which enacted regulations on how individual states may assist with abortion procedures.<sup>52</sup> Thus, in short, the United States operates under the judicial interpretation that abortion is legal, yet may be regulated by state governments.

In the years since the 1973 *Roe v. Wade* case, the individual state governments have exercised their freedom and implemented various policies concerning regulation on abortions. The difference in these regulations tend to differ based on the dominant ideology of the state constituents. For example, in California, a state dominated by secular Liberal ethics in Los Angeles and San Francisco, the law does not require women seeking abortion to undergo any of the usual restrictions, such as waiting periods, limitations on funding, or parental involvement (in the case of pregnant minors).<sup>53</sup> In other states, such as Texas, which is dominated by Conservative Christian constituencies, abortion policy is much more restricted. In Texas, there are only six legal abortion clinics in the entire state, which means that some women have to travel hundreds of miles in the first twenty weeks of their pregnancy to have access to a clinic.

As stated above, the variety of state abortion policies is based on the differences in religion, and it is important to note that ideology can be heavily influenced by religious beliefs.

Indeed, the American South, or “Bible Belt” as it is sometime referred to, is widely regarded as one of the most religiously conservative parts of the United States. Religion has been a long-standing player in the debate over abortion in the United States. In 1976, Congress held a hearing on a proposed amendment to the Constitution that was aimed at overturning the *Roe v. Wade* decision. During this hearing, members of Congress heard representatives from both the Roman Catholic Church, a group that is determined to keep abortion illegal, and the United Methodist Church, which had recently joined a coalition to defend the *Roe v. Wade* ruling. While the amendment did not pass, the representatives from both parties guaranteed they would “mobilize their constituents on behalf of their perspectives.”<sup>54</sup> Since then, the various denominations of the Christianity, as well as a few representatives from other religions, have made sure their voices are heard in the ongoing debate over abortion.

While such religious groups have not made a difference on the federal abortion law, they have influenced state laws across the country. It is these religious groups that are primarily responsible for the contradictory nature of American abortion policies. As Yael Yishai states in his paper *Public Ideas and Public Policy: Abortion Politics in Four Democracies*, “[while] a state acknowledges the right of a private person to make her own reproductive decisions...[it] is not committed to enabling her to act upon this decision.” This conflict between individual choice and lack of state resources has proved to be harmful to many women, especially those who depend on public aid.<sup>55</sup>

## Conclusion

Most societies, even authoritarian ones, legitimize themselves by saying that they defend the rights of their citizens. With abortion, governments have had to confront the conflict of

competing rights: a woman's right to bodily integrity vs. the fetus' status. Most modern governments are not theocracies—that is, governments tasked with enforcing a certain religious viewpoint—and even in those societies, religious viewpoints may differ. On the whole, based on the evidence outlined in this paper, all governments seem to strive to balance religious sensibilities with modern scientific information: permitting abortions early in gestation, and imposing more limits and restrictions as pregnancy advances. Interestingly, even some restrictive governments permit abortions in the case of fetal abnormality: a throw-back to the Roman idea that less-than-normal infants were not entitled to the status and protection of citizens. This is becoming another sensitive issue in the United States, where Americans with disabilities have definite protections under federal law. Anti-abortion activists increasingly resist abortions even in the case of gross abnormalities in which the fetus would be non-viable.

Further, the pragmatic arguments raised in Asian countries—that while abortion is associated with negative karma, it also is balanced against the long-term effects of continuing an unwanted pregnancy (un-loved or neglected or rejected child, or negative socio-economic effects on the mother and mother's family)—play a role in women's decision making process worldwide. Such pragmatism, however, is not voiced as clearly in Western countries because it doesn't rest as fluidly in political discourse as does the issue of legal rights of individuals. In the United States in particular, abortion is not seen publicly in this context, no matter how much individuals, in the confines of their family circles, may try to articulate and accept the complexity of abortion.

## Notes

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<sup>1</sup> Martin J. Buss, "The Beginning of Human Life as an Ethical Problem," *The Journal of Religion* 47, no. 3 (July 1967).

<sup>2</sup> Wyman, "Biology and History of Abortion."

<sup>3</sup> Ibid.

<sup>4</sup> Elizabeth Carman and Neil Carman, "Spirit-Child: The Aboriginal Experience of Pre-Birth Communication," accessed April 16, 2014, <http://dreamhawk.com/pregnancy-childbirth/spirit-child-the-aboriginal-experience-of-pre-birth-communication/>.

<sup>5</sup> Ibid.

<sup>6</sup> Scott F. Gilbert, *Developmental Biology* (Sunderland, MA: Sinauer Associates, 1985).

<sup>7</sup> Reece et al., *Campbell Biology*, 9th ed. (n.p.: Pearson, 2010).

<sup>8</sup> B. I. Balinsky, *An Introduction to Embryology*, 2nd ed. (London, UK: W. B. Saunders Company, 1965).

<sup>9</sup> Maureen L. Condic, "When Does Human Life Begin?: A Scientific Perspective," *Westchester Institute for Ethics and the Human Person* 1, no. 1 (October 2008).

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Randy Alcorn, "Why Life Begins at Conception: Scientists Attest to Life Beginning at Conception," The National Association for the Advancement of Preborn Children, last modified 2010, accessed March 24, 2014.

<sup>13</sup> Robert Wyman, "Biology and History of Abortion" (lecture, Yale University, New Haven, CT, April 2009).

<sup>14</sup> Clifford Grobstein, Joseph Stokes, and Brian G. Zack, "Defining Human Life," *Science* 214, no. 4516 (October 2, 1981).

<sup>15</sup> "Fetal Development," Medline, accessed April 22, 2014, <http://www.nlm.nih.gov/medlineplus/ency/article/002398.htm>

<sup>16</sup> Tomas J. Silber, "Abortion: A Jewish View," *Journal of Religion and Health* 19, no. 3 (Fall 1980).

<sup>17</sup> Ibid.

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<sup>18</sup> Ibid.

<sup>19</sup> Exodus 21:22-25.; James L. Kugel, *How to Read the Bible: A Guide to Scripture, Then and Now* (New York, NY: Free Press, 2007).

<sup>20</sup> Ibid.

<sup>21</sup> Buss, "The Beginning of Human."

<sup>22</sup> Lesley Caldwell, "Abortion in Italy," *Feminist Review*, no. 7 (Spring 1981).

<sup>23</sup> Buss, "The Beginning of Human."

<sup>24</sup> Ibid.

<sup>25</sup> John L. Allen, Jr., "Under Vatican Ruling, Abortion Triggers Automatic Excommunication," *National Catholic Reporter* (Kansas City, USA), 2003, accessed March 6, 2014.

<sup>26</sup> Ibid.

<sup>27</sup> Leila Hessini, "Abortion and Islam: Policies and Practice in the Middle East and North Africa," *Reproductive Health Matters* 15, no. 29 (May 2007).

<sup>28</sup> Yusuf Ali A. *The Meaning of the Holy Qur'an*. Maryland: Armana Publications, 2002.

<sup>29</sup> Ibid.

<sup>30</sup> Yusuf Ali A. "Holy Qur'an."

<sup>31</sup> Hessini, "Abortion and Islam: Policies."

<sup>32</sup> Ajahn Brahm, "When Does Human Life Begin in This Body?" (unpublished typescript, September 2007).

<sup>33</sup> Andrea Whittaker, "The Struggle for Abortion Law Reform in Thailand," *Reductive Health Matters* 10, no. 19 (May 2002).

<sup>34</sup> Brahm, "When Does Human Life."

<sup>35</sup> Whittaker, "The Struggle for Abortion."

<sup>36</sup> Michael O. Emerson, "Through Tinted Glasses: Religion, Worldviews, and Abortion Attitudes," *Journal for the Scientific Study of Religion* 35, no. 1 (March 1996).

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<sup>37</sup> "Legislation on Abortion," Houses of the Oireachtas, accessed April 16, 2014, <http://www.oireachtas.ie/parliament/media/committees/healthandchildren/Iona-Institute-submission.pdf>.

<sup>38</sup> Ibid.

<sup>39</sup> Ruth Fletcher, "Silences: Irish Women and Abortion," *Feminist Review*, no. 50 (Summer 1995).

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> "Japan," United Nations, accessed April 16, 2014, <http://www.un.org/esa/population/abortion/doc/japan.doc>.

<sup>43</sup> Aya Goto et al., "Abortion Trends in Japan," *Studies in Family Planning* 31, no. 4 (December 2000).

<sup>44</sup> "Thailand," United Nations, accessed April 16, 2014, <http://www.un.org/esa/publications/abortion/doc/thailand.doc>.

<sup>45</sup> Andrea Whittaker, "'The Truth of Our Day by Day Lives': Abortion Decision Making in Rural Thailand," *Culture, Health, and Sexuality* 4, no. 1 (January 2002).

<sup>46</sup> "Iran," United Nations, accessed April 16, 2014, <http://www.un.org/esa/population/.../abortion/doc/iran.doc>.

<sup>47</sup> "Israel: Reproduction and Abortion: Law and Policy," *Library of Congress*, accessed April 16, 2014, [http://www.loc.gov/law/help/israel\\_reproduction\\_law\\_policy.php](http://www.loc.gov/law/help/israel_reproduction_law_policy.php).

<sup>48</sup> K. Turpeinen, "Legal Abortion in Finland," *PubMed* 5, no. 3 (1971).

<sup>49</sup> "Termination of Pregnancy/Abortion," AngloInfo: The Global Expat Network Australia, accessed April 18, 2014, <http://australia.angloinfo.com/healthcare/pregnancy-birth/termination-abortion/>.

<sup>50</sup> Lindsay B. Carey and Christopher Newell, "Abortion and Health Care Chaplaincy in Australia," *Journal and Religion and Health* 46, no. 2 (June 2007).

<sup>51</sup> Ibid.

<sup>52</sup> Yael Yishai, "Public Ideas and Public Policy: Abortion Politics in Four Democracies," *Comparative Politics* 25, no. 2 (January 1993).

<sup>53</sup> "State Facts about Abortion: California," State Center, accessed April 18, 2014, <http://www.guttmacher.org/pubs/sfaa/california.html>.

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<sup>54</sup> John H. Evans, "Polarization in Abortion Attitudes in U.S. Religious Traditions," *Sociological Forum* 17, no. 3 (September 2002).

<sup>55</sup> Yishai, "Public Ideas and Public."