

THE MORAL VALUE OF THE PREBORN IN CLASSICAL HINDUISM

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Abstract

According to classical Hinduism, the preborn is a human individual person possessing consciousness from the moment of conception, which is the very first stage of rebirth in the journey of attaining salvation while carrying the karma of the previous birth. Therefore, the preborn are not to be deprived of their rebirths until they attain salvation. A high moral standard of classical Hinduism on the value of the preborn and inviolability of human life has valuable contributions to the discussions on ethics of abortion, female foeticide, gender discrimination, embryo research and embryonic stem cell research. Following the ethics of classical Hinduism, it would be immoral to eliminate a human life including the life of the preborn or unborn for any reason whatsoever.

Keywords

Preborn/Unborn/Embryo, Moral Value/Status, Classical Hinduism, Abortion/Bhrūṇahatya

Introduction

The term preborn in the title refers to every human being from the moment of fertilization to the birth. The term preborn includes humans at all prenatal stages prior to birth. According to classical Hinduism, the preborn is a human individual person possessing consciousness from the moment of conception, which is the very first stage of rebirth in the journey of attaining salvation while carrying the karma of the previous birth. Therefore, the preborn are not to be deprived of their rebirths until they attain salvation.

1. Embryology in Classical Hinduism

1.1 The Terminologies for the Embryo

The Sanskrit term used for embryo is *bhrūṇa* and for the womb *garbha*. The *Vedas* mention that *retas* (sperms) and *sonita* (egg) ¹ undergo different stages in the development of the human embryo. Vedic embryologists identified four stages of the embryo from conception to birth: *patayan* (conception), *nisatsnu* (development of the organs), *sarisrpa* (movement in the foetus), and *jata* (birth of the infant) ² The embryo was also described in several terms according to the stages of development: *kalala* - the first stage after conception when *retas* mix with *sonata* after a night; *budbuda* - a bubble after five nights; *pesi* - after seven nights; *arbuda* – a round mass after the second week; *Ghana* - solid form after twenty five nights; and *kathina* – firm foetus after a month. ³

1.2. The Golden Egg: the Symbol and Beginning of Life

The term egg occupies a sacred place in Hindu life. It was the 'Primeval Egg' from which the plural world has emerged. *Rgveda* has a hymn explaining the origin of the world out of the activity of a Golden Egg or Golden Embryo (*Hiranya-Garbha*). ⁴ The world is created from this Golden Egg. Thus, human procreation is considered as a continuation of creation from the First Egg. The egg which is considered to be the symbol and beginning of life should never be destroyed. This is why, there are antenatal *saṃskāras* ⁵ in order to enable conception and protect the fertilized eggs in the womb.

1.3. The Conception of the Human Embryo

A human being is not constituted merely by the union of the semen of the father and blood of the mother. A new human being comes to exist in the womb, only when “the *ātman* with its ‘subtle body’, constituted of air, fire, water and earth, and *manas* (or mind) becomes connected with it by means of its *karma*.”⁶ Coupled with the law of karma and reincarnation, the soul is on a relentless journey with the hope of being merged with the Supreme. The soul identifies a new body at *conception* in which to continue its journey. Hence,

[P]arents are nothing but the principal channels through which these germs of life, or the subtle bodies find proper conditions of manufacturing human being by obeying the laws of nature. Parents do not create the soul. In fact parents cannot give birth to a child according to their will. It would be an absolute impossibility. Unless the soul comes to them and nourishes the germ, it would be an absolute impossibility.⁷

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Conception is a divine and sacred act, as the soul enters the new body at conception. The continuation of the universe and of human life “depended upon the birth of a son (*rṇacyuta*).”⁸ Bringing forth of son (children) is a sacred duty. The antenatal rituals are thus performed in order to ensure that the sacred act of conception occurs successfully. *Garbhādhāna* is the “womb-placing rite” and *Garbhalambhana* is the “securing of conception rite.” These rites signify “a well-established home, a regular marriage, a desire of possessing children, and a religious idea that beneficent gods helped men in begetting children.”⁹ The *Pumsavana* is generally performed at the end of the first quarter of pregnancy aiming at sex determination with a very strong bias of

desiring a male child.¹⁰ *Garbharakṣana* means “protection of the foetus” and *Sīmantonnayana* means “hair-parting ceremony.” While *Garbharakṣana* was performed in the fourth month for the protection of the foetus, *Sīmantonnayana* was carried out anytime between the fourth and eighth month in preparation for parturition. The primary intent of these *saṃskāras* was to get rid of and to destroy demonic powers that could endanger the life of the mother and the embryo. It was an evil act to harm or cause any danger to the embryo at the time of conception (“the sinking germ”), of implantation (“the settled germ”), and of quickening (“the moving germ”). *Abortion was unacceptable and contrary to the canonical teachings of the R̥gveda and the god Agni was invoked to protect the embryo against the flesh eaters.*¹¹ The *Jātakarma* or birth-making ceremony takes place at the time of delivery and after the cutting of the umbilical cord.¹²

1.4. The Formation of the Embryo

An embryo is formed by a composition of *father, mother, self, suitability and nutrition*. These five factors are extremely essential in the formation of the embryo. Based on the study on *Caraka Saṃhitā*, Sharma writes: “If parents were capable of producing the embryo, the majority of men and women who have longing for sons should produce sons only by cohabiting with the desire therefore or those desiring daughters should produce the same. Moreover, none of the men and women should be childless, nor should such persons be aggrieved.”¹³ Sharma says that the embryo is formed only when, “the conscious self-impelled by mind descends into the zygote situated in the uterus.”¹⁴ In the strictest sense, the real person is the self, who reproduces (together with its subtle body that brings the memories of past life-accounts) himself or herself in the form of the embryo. Therefore, the embryo itself can be called “the self,”¹⁵ possessing consciousness already at conception.

Apart from physical parents and the spiritual self, stability and nutrition are the other vital factors in the formation of the embryo. Like sterility which can make the conception impossible, unsuitable conditions can make the formation either impossible or abnormal. Therefore, freedom from illness and healthy suitable conditions are essential in the complex formation of the embryo.

The ancient Hindu scholars were not unaware of deformities or disturbances in the embryo. The *Gr̥hyasūtras* of Āśvalāyana and Hiraṇyakeśin described ceremonies for the “prevention of disturbances which could endanger the embryo,” and prayers for the child to be “born without deficiency, with all its limbs, not blind, not lame, not sucked out by Piśācas.”¹⁶ Though these deformities were attributed to defects of the germs, there was never any reference to the removal of such embryos.

1.5. The Development of Human Embryo

The *Garbha Upaniṣad* provides a description of prenatal development:

...From the pairing at the time of the season there originates after one night a nodule, after seven nights a bubble, within a fortnight a lump, within a month it becomes hard, after two months originates the head, after three months originate the parts of foot, in the fourth month ankles, belly and hips, in the fifth the vertebral column, in the sixth month, the nose, the eyes, the ears, in the seventh the embryo is equipped with the soul (*jīva*), in the eighth it is complete in all parts...¹⁷

Similar elementary accounts of embryonic development are portrayed in the earlier *Caraka Saṃhitā*¹⁸ and in *Suśruta Saṃhitā*.¹⁹ Most of the Vedic writings have only similar rudimentary understandings of embryology most likely based on their observations of aborted fetuses. A number of *Mahapurāṇas*, for example, the *Garuḍa Purāṇa*, the *Śiva Purāṇa*, *Umāsaṃhitā*, the *Mārkaṇḍeya Purāṇa*, and the *Agni Purāṇas*, all give elementary accounts of the month-to-month progressive development of the human embryo. The *Nārada Purāṇa* narrates the development of the embryo as follows:

10...Within *half a month* it becomes a fleshy mess. Within *a month* it attains the size of a *pradeśa* (the span measured with the forefinger and the thumb). 11. From that time onwards it begins to move within the belly of the mother, thanks to the action of the wind. Although it has no consciousness, it is unable to stay in one single place within the belly of the mother, due to the unbearable heat and pain.

12. When the *second* month is complete it takes human shape; when *three* months are over, the hands, legs and other limbs are formed; when *four* months elapse, the knots and joints of all limbs are clearly developed; when *five* months pass away, the nails appear; when *six* months pass off, the nails-joints become distinct...²⁰

Any harm done to the preborn would eventually and severely affect the mother, as Laale notes: “The Vedic embryologists held that the developing embryo, united to the woman, comes into individual self-becoming (*ātmabhūya*) with the woman, “...*just as a limb of her own...*”.²¹ There are two distinct beings present in one, and any danger to either of them would affect both the mother and the child. The two distinctive beings are not understood in the sense of giving an absolute right to the mother over the embryo, for the rights of the preborn goes beyond the mother or the family.

2. The Sanctity of Human Life

When the ovum and the sperm join, the sacred act of conception has taken place. Conception is thus a deeply spiritual occurrence of divine act, and so many gods are invoked to facilitate the formation and different developmental stages of the embryo in the womb. God will be the protector of the embryo from conception to birth. Thus, the Hindu view towards human life is very positive and the embryo is sacrosanct. The sanctity of life is an essential element in Hindu worldview that considers the embryo as sacred and as a living creature with a moral value. Every human life is essentially sacred because all creatures are manifestations of *Brahman*, the Supreme Being.

The affirmation of the fundamental divinity of the human being makes it the object of special reverence and respect. All forms of violence towards human beings, therefore, go against the true spirit of Hinduism. More than a temple, mosques and churches, the human being is the living temple of God. To desecrate this temple by thought, word or deed is indeed to commit sacrilege against the one true God known by different names.²²

The *Nine Beliefs of Hinduism*, a tract published by the Himalayan Academy of San Francisco states, “Hindus believe that all life is

sacred, to be loved and revered, and therefore practice *ahimsā*, or nonviolence.”²³

3. The Protection of the Embryo and the Pregnant Woman

3.1. The Protection of the Embryo

Śruti texts attest that the embryo in the womb specially deserves protection and hold abortion a morally condemnable act. The need for the protection of the embryo stems from the fact of its moral inviolability and physical vulnerability. The divine protection of *Viṣṇu*, the god of life and order, and the guardian of *Śiśus* is specially invoked to protect the embryo. This we find in the *Ṛgveda*.²⁴ The *Atharvaveda* considered that abortion is the most heinous crime²⁵ and those who perform abortion are, according to the later *Śruti* texts of *Śatapatha Brāhmaṇa* of Yajurveda, called the worst criminals are compared to the beef eaters, which is one of the greatest offences for a Hindu.²⁶ The *Bṛhadāranyaka Upaniṣad* listed the slayer of the embryo among the vilest and the most contaminating outcasts. Such sinners had violated *dharma* – the socio-religious order in a very serious way.²⁷ Other *Upaniṣads*, too, have similar references to the killer of one’s mother or father or the embryo, and the slaying of the embryo was the most reprehensible form of killing. All these *śruti* references show that the embryo enjoyed a special moral status and deserved extraordinary protection and respect because of its moral inviolability and physical vulnerability.²⁸ As Katherine Young notes, “This idea [*ahimsā*], along with the importance of human life provides the opportunity to work out karma. *Hindus should protect a fetus, because sheer living allows bad karmas to come to fruition, thereby improving destiny. The moral and spiritual dimensions of human life, of course, improve destiny even more.*”²⁹

3.2. The Protection of Pregnant Women

The protection of pregnant women is equally given supreme importance, in view of protecting the embryo in the womb. The killing of a pregnant woman and the killing of an embryo is equated with the killing of a Brahmin, which is the greatest crime

in the classical times.³⁰ Therefore, both the pregnant woman and embryo enjoyed the status of a Brahman resulting in uncompromised protection.³¹ A pregnant woman (unlike non-pregnant woman) was exempted from any fine or was let off with a reprimand for dropping litter. Even unintentional killing of a pregnant woman was punishable; similarly, it was against the law to collect any tax from her. All these suggest that the pregnant woman was given great freedom, high respect and social protection, all in view of the preborn in her womb.³²

The great epic *Mahābhārata* (Mbh. 400 B.C.E. – 400 C.E.) mentions that “one must give way to the Brahmin, to cows, to kings, to the old, to one burdened by a load, to a pregnant woman and to the infirm.”³³ The great physician of ancient India and the father of Indian (*Āyurvedic*) medicine, Caraka, emphasized that the pregnant woman in her delicate situation should be treated like a vessel brimful of oil and should never be agitated, even if any mishap took place.³⁴ Even the ancient Sati system, that is, the con-cremation (*anvārohaṇa*, i.e. *suttee*) of the wife with the husband which was considered a righteous action, exempted the pregnant woman and women who had children to look after.³⁵ Even an untouchable pregnant woman enjoyed this exemption. The thinking behind it would have been that the preborn child irrespective of any caste should be given the highest protection. This suggests that even though they accepted a caste-based stratification of the society, such unequal social division did not bring down the moral standards. Morality was given the first priority.

4. Condemnation of Destroying Preborn

Any attempt to abort a preborn child was subject to severe moral condemnation and social disapproval in Vedic literatures. It was considered to be a sin of an unwed mother to abandon her secretly born child in some distant place.³⁶ There were a series of punishments and penalties for crimes against pregnant women and the preborn. The significant point to be noted here is that even in the case of a slave woman, abortion was regarded as punishable and morally unacceptable.

Loss of Caste: The immediate penalty for committing an abortion

was expulsion from the caste community. Expulsion from the community was considered a severe punishment. The woman who commits abortion loses her caste, especially in the cases of anuloma (a permissible marriage between a brāhmaṇa and the daughter of a kṣatriya) and pratiloma (marriage between a kṣatriya and the daughter of a brāhmaṇa, which is not generally allowed). Gautama's Institutes mention that "a woman becomes an outcast by procuring abortion, by connection with a (man of) lower (caste) and (the like heinous crimes)."³⁶ Loss of caste, though revocable in exceptional cases, was one of the ultimate socio-religious penalties of the social dharma.

Non-transferability of Guilt: All who were involved in the sinful act of procuring an abortion were punished; however the sin of the abortionist (bhrūṇahan) was the greatest.³⁸ Guilt of other greater offences was transferable, but not that of the sin of killing the preborn. For example, the guilt for an offensive act (non-payment of the loan) by a father can be transferred to the son as a collective responsibility within a family or to a stranger outside the family. This is not the case so, when abortion is the crime. The abortionist has to make efforts to wipe off his or her guilt by himself or herself.³⁹ The stringent observance in this regard shows how serious and heinous is the sin of abortion. The punishment for the crime of abortion is severe.

Repeat of Karmic Cycle: The termination of pregnancy is "a criminal violation of child's expectancy of life, and thus the sanctity of life principle," and carries "serious consequences not only for the present life, but also for the afterlife, and lives to come."⁴⁰ According to the theory of karma and rebirth, any harm done to the preborn child destroys not only its new life, but also the expectancy of that life,⁴¹ thus denying the chance of liberation during this birth and the entire life cycle. For it is believed that the soul is able to effectively seek liberation only in human birth.⁴² The *ātman* of the person who involves in abortion is, "doomed to live a tragic and meaningless *samsāric* existence, ever wandering and struggling to attain spiritual release (*mokṣa*) from *karmic* consequences and from the repetitive cycle of life and death (*samsāra*)."⁴³ When the slayers of the preborn die, they are sent to one of the many "hells" and on their rebirth they are wretched and miserable.⁴⁴

Exclusion from Common Practices or Privileges: One of the common practices in Hinduism is the offering of a handful of water to the dead. This practice of ancestral libation of water was called *udakaḥriyā*, and seen as a bridge between the the dead and the living. The Law of Manu forbids that the *udakaḥriyā* shall not be offered, “to the women who were reprobates, sexually promiscuous, who harmed the embryo or its mother, and who took to liquor.”⁴⁵ Punishments of exclusions from common functions, celebrations and privileges are considered to be severe in Hinduism.

Liabale to Monetary Fine and the Highest Punishment: The *Yājñavalkyasmṛti* (II. 236) prescribed a substantial fine of 100 *paṇas* (mentioned also in *Mitākṣarā*’s commentary on *Yājñavalkyasmṛti*, to “the destroyer of the embryo of a female slave.”⁴⁶ The *Yājñavalkyasmṛti* also mentions in II.277 that “the highest punishment is due for injury with a weapon and for abortion.”⁴⁷ There were separate injunctions depending on the social background of the victim and the circumstances. The degree of punishment differed depending on social importance, however, this did not mean a value assessment on a moral scale.

5. The *Mahābhārata* on Moral Value of Embryos

The killing of the preborn equaled the killing of an adult person. The *Mahābhārata* in XII.86.26 says: “If a king is intent upon the code of the battlefield but slays an envoy who speaks as he has been commanded – his ancestors incur (the crime of) abortion.”⁴⁸ The context here is that the king is expected, by his obligation of regulations (agreement between kingdoms) to give security to the ambassador of the enemy. The killing of an envoy was a severe breach of code of conduct, as it is also the destruction of a preborn. For the *Mahābhārata*, abortion was a serious and morally unacceptable act.⁴⁹

The sanctity of the embryo can be understood from a story in the *Mahābhārata*. The powerful yogic sage Vyāsa granted Gāndhārī (the wife of the king Dhṛtarāṣṭra) a boon.⁵⁰ She chose to have a hundred sons. She was pregnant by the king and remained in the same state for two years. In despair, she aborted her womb eventually without the knowledge of her husband. While aborting

she *fainted with grief* and a *fleshy lump fell out of her* (*pātayāmāsa* – caused [the foetus] to fall) as a compact ball of flesh. At that very moment Vyāsa saw what had happened and rushed to the rescue of Gāndhārī. Initially he warned her for her act and ordered that a hundred *kuṇḍas* (pots – symbolizing the womb) be immediately filled with *ghee* (clarified butter) and that the ball of flesh be sprinkled with cool water. The narrative continues that the doused ball then separated into a hundred parts, each an embryo no larger than a thumb-joint in size. Each embryo was then stored in one of the pots. Vyāsa instructed her when to break open the pots for delivery. In course of time, Gāndhārī had her hundred sons.⁵¹ There are a number of moral points in this ancient story. First of all, procreation was welcomed, but abortion was condemned. Secondly, the text “fainting with grief” in the story shows that Gāndhārī was aware that she was breaking a code of law, thus there is desperation. Thirdly, by taking recourse to abortion, on the one hand, Gāndhārī broke the promise and on the other hand, she was to receive the punishment for the crime. However, the sage Vyāsa rescued her from committing the crime and its consequences. Fourthly, the sage Vyāsa redeemed fetuses signifying that their sanctity was upheld and their lives were protected from the impending destruction.⁵²

6. The Morality of Abortion in Classical Hindu Ethics

Abortion is called *bhrūṇa-hatyā*, *garbha-hatyā*, *bhrūṇavadha*, etc. These terms differ substantially from miscarriage, for which words like *sraṃsana* (a falling or dropping) in *Gautamadharmasutra* (II.5.15),⁵³ *Garbhasrāva* in *Manusmṛiti* and *Yajñavalkyasmṛiti* (1st–3rd C.E.), etc. are used.⁵⁴ There are also several “descent” terms for miscarriage based on the time of the embryo in the womb: “Till the fourth (month of pregnancy, miscarriage) would be an emission (*srāva*), and a ‘fall’ (*pāta*) for the fifth and sixth (months); after that it would be an ‘issue’ (*prasūti*), while in the tenth month it would be a ‘generation’ (*sūtaka*, i.e. tantamount to a stillbirth?).”⁵⁵

6.1. Bhrūṇahatyā: A Cardinal Sin

In the Vedic tradition one finds five cardinal sins (*Pañca-mahā-pātaka* – 5 great falling down): *Stree hatyā* (killing of women);

Go-hatyā (killing of cows); *Bhrūṇa-hatyā* (killing of embryos); *Brahma-hatyā* (killing of *brāhmaṇa*)⁵⁶; *Śiśu-hatyā* or *bālā-hatyā* (killing of babies). *Bhrūṇahatyā* literally means killing of an embryo.⁵⁷

6.2. Contraception as *Bhrūṇahatyā*

The Vedic tradition considered the intentional interference (contraception) with the procreative act as an abortion or killing of a presumptive child. It held that the preborn had a high moral status. A husband who approaches his wife out of season is considered to be polluting the marital relationship and committing the sin of abortion since his semen “was scattered in vain.”⁵⁸ On the other hand, when a husband in good health refuses to approach his wife for the purpose of progeny he is said to be committing abortion. Similarly, when the wife in good health refuses to sleep with her husband she is also causing an abortion, and she is abandoned and becomes devoid of glory.⁵⁹ The father who does not give away a marriageable daughter is said to be preventing the birth of presumptive progeny and is committing the sin of abortion.⁶⁰ However, the modern Indian thinkers justify the practice of contraception in the context of increased abortion and high rate of population growth.

7. *Bhrūṇahatyā*: A Moral Evil As Well As A Social Concern

Bhrūṇahatyā (abortion) was a moral evil and not merely a sociological injunction. Abortion was condemnable, not just because it disrupted the stability and preservation of the Hindu social *dharma*, but primarily because it violated the moral worth of the embryo. The embryo enjoyed an inviolable intrinsic moral status and an inviolable social value. In Hindu social *dharma*, “social and moral values were inextricably intertwined.”⁶¹ Classical Hinduism did not see the termination of the pregnancy and any harm done to the pregnant woman merely as a disruption of the social order; on the contrary, the Vedic texts imply that it was (primarily) because of the moral worth of the embryo (and therefore, the supreme protection was given to pregnant women and the preborn). The classical Hindu texts listed abortion not only among social transgressions, such as, drunkenness, incest

and illicit marriages between castes, but also among moral transgressions, such as, unchastity, thieving and killing of one's father or mother.⁶² The latter transgressions would definitely incur a moral condemnation, too. Though slaves and servants were not exalted members of the Hindu society,⁶³ the abortion even of or by a slave woman was unacceptable and strongly condemned. This would imply that abortion was considered to be a moral evil more than a mere social transgression. Every human life was to be protected.

Vijñāneśvara in his commentary of *Mitākṣarā* on *Yājñavalkyasmṛti* has mentioned that all wives, except those who are pregnant or those who have young children to care for, including the worst untouchable (*ā caṇḍālam*), were subjected to con-cremation (*anvārohaṇa*, i.e. *suttee*).⁶⁴ The *Mitākṣarā* does not argue for *suttee* for pregnant women, even if they had already brought forth the desired number and/or kind (males) of children. Rather, the text forbids *suttee* for all pregnant women. An act of *suttee* is refused to pregnant women, primarily because of the underlying importance of the preborn in the womb. The moral status of the preborn was held high and equal irrespective of their origin. The children of *pratiloma* unions were regarded as ritually unclean and socially untouchable; they were the most disadvantaged members of the society and there was a great aversion⁶⁵ towards miscegenation and as the most despised of the society, they were subjected to intolerable socio-religious strictures.⁶⁶ Classical Hinduism has never advocated either (honour) killing of the couple of *pratiloma* union or abortion to get rid of such socially despised children. It is appropriate to substantiate this with the words of a scholar on classical Hinduism:

Yet nowhere in texts, so far as I know, is it formally recommended that abortion be resorted to as an acceptable way out, either to avert an insufferable life for the *pratiloma* child-to-be or to safeguard the parents from ignominy. On the contrary, elaborate provision was made in the law texts concerning the avocations and rules of life of *pratiloma* persons. Clearly their right to life in the face of adverse social consequences both for themselves and for their parents was recognized and safeguarded.⁶⁷

8. Termination of Pregnancy: A Rare Exception in Irredeemable Situations

Suśruta, the surgeon of the early centuries of the common era, also known as “Father of Surgery” recognized that a spontaneous abortion (miscarriage) was understandably unavoidable, but induced abortions were severely punishable. However, there was a rare exception in permitting to cause a miscarriage of the foetus (*pātanam* – causing the fall of the foetus). The *Suśruta Samhitā* is an authoritative classical text probably from the 3rd to 4th century of the Common Era dealing with medical issues, but with references to another original text from the 2nd or 3rd century B.C.E. This seminal medical document has a section called “The Foetus Astray” (*mūḍhgarbha*) under which there is a chapter titled “Cikitsāsthāna” which deals with the eventuality of aborting the foetus. The chapter begins with the text that “there is nothing as difficult as the delivery of a foetus astray in the womb, for here....the job must be done ‘by feel’... by one hand, without injury to mother or foetus (if possible).”⁶⁸ It continues, “if the foetus is alive, one should attempt to remove it from the womb of the mother (alive).”⁶⁹ However, the safety of the mother and the preborn must be kept in mind while performing the act. The physician was advised to save both live child and mother with great care and with the chanting of mantras. If the foetus is already dead (*mṛte garbhe*), then it may be removed by cutting (and dismembering, if necessary; *sūtra* 9),⁷⁰ but surgery is forbidden when the foetus cannot be safely delivered, “For if (the foetus) be cut one would harm both mother and her offspring. In an irredeemable situation, it is best to cause the miscarriage of the foetus, for no means must be neglected which can prevent the loss of the mother.”⁷¹

Only in extreme cases of a medical problem where the mothers' life was in danger and the life of the mother had to be weighed against that of the preborn, an induced abortion or removal of the preborn was permitted.⁷² For this reason, the King had to be informed to avoid subsequent charges of homicide.⁷³ Abortion was thus permissible only as a last resort to save the life of the mother. Suśruta tolerated the destruction of dead or poorly positioned foetuses for the sake of saving the endangered

mothers. He performed caesarean operations to save the preborn in cases of difficult labour. He removed surgically the preborn from the womb of a dead mother.⁷⁴ Throughout his work, the lives of both mother and the preborn in the womb are highly respected and are given supreme protection. This rare exception in extreme cases gives more weight to the argument of the equal moral worth of the preborn. Careful deliberations such as these by an authority like Suśruta should be treated with due consideration.

Conclusion

Though India has adopted a permissible attitude towards abortion for socio-political reasons through the promulgation of the Medical Termination of Pregnancy Act of 1971, the statistics prove the contrary: about 80 percent of Hindu women disapproved abortion and 56 percent of them considered it a heinous crime.⁷⁵ Further, the popular magazine *Hinduism Today* mentions Hindu position against abortion in no uncertain terms, “Across the board, Hindu religious leaders perceive abortion at any stage of fetal development as killing (some say murder)... and as an act that has serious karmic repercussions.”⁷⁶

It is a common phenomenon today that people are moving away from moral precepts enshrined in their sacred texts. Constantin-Iulian Damian attributes the acceptance of abortion to secularization: “[T]he rate of abortions and the easy acceptance of abortion by a society is directly proportional with the secularization degree of that society, because the secularized individuals live only for now and here and only to achieve their economic or social objectives, and they are willing to sacrifice not only their religious beliefs and principles, but also the life of an unborn human being.”⁷⁷ On an academic note, Veena Das wrote, “Without a discussion of the responsibility of society (either through the State or other agencies) towards the embryo, the foetus, and the infant as also towards those who are charged with caring for them, a discussion of the morality of abortion is incomplete.”⁷⁸ There will be a considerable rethinking among the followers of Hinduism on abortion and female foeticide, should they revisit the ethical credentials of classical Hinduism. The ethical challenges through modern medical-technologies such as

in vitro fertilization, embryonic stem cell research and surrogacy must be reflected upon in the light of moral value of the preborn.⁷⁹

The preborn are not objects for research but individual human persons to be loved, to be respected and to be protected against all life-destroying technologies and human forces. The preborn have the right to live beyond the will of humans, interests of technologies and freedom of women. The value of the preborn is intrinsic and independent of any attribution by the society. A high moral standard of classical Hinduism on the value of the preborn and inviolability of human life has valuable contributions to the discussions on ethics of abortion, female foeticide, gender discrimination, embryo research and embryonic stem cell research. Following the ethics of classical Hinduism, it would be immoral to eliminate a human life including the life of the preborn or unborn for any reason whatsoever.

Ancient Scriptures have their spiritual, ethical and moral credentials for right and harmonious living of people in solidarity. They can help us not only to eradicate the evil practices of all times but also to respond to the challenges of our time. The ancient wisdom of classical Hinduism has much to contribute in protection of the right to life of the preborn.

Notes

1. B. B. Chaubey in his book, *References to Embryology in Vedic Texts: A Study*, makes a study of the processes that are involved in the formation of semen, ovum and embryo, see pp: 73-74.
2. Ibid. See Tsutomu Yamashita, "Some Notes on the Bheda (Ia) Samhita," in *Mathematics and Medicine in Sanskrit*, edited by Dominik Wujastyk (New Delhi: Motilal Banarsidass Publishers Pvt. Ltd, 2009), 199-200.
3. Ibid. 77. Modern findings may differ from these.
4. *Rgveda*, 10.121.1-10 in: R. T. H. Griffith, *The Hymns of the Rgveda* 2 (Varanasi: Chowkhamba Sanskrit Studies Series 35, 1971), 566-7. Cited in: Laale, "Embryology and Abortion in Indian Antiquity," 241.
5. The *Samskāras* are Vedic rites of passage finding varied acceptance among religious adherents of Hinduism, Jainism and some schools of Buddhism. The term *samskāra* means accomplishment, embellishment, or consecration. *Samskāras* can be compared to the Christian sacraments.

6. Quoted in: Laale, "Embryology and Abortion in Indian Antiquity," 238. *Jaiminīya Brāhmaṇa*, 1.330 and *Aitareya Brāhmaṇa*, 30.36. See S. Dasgupta, *A History of Indian Philosophy* 2 (Cambridge: University Press, 1952), 302-312.
7. Abhedananda, *Life Beyond Death*, 6th ed. (Calcutta: Ramakrishna Vedanta Math., 1978), 100.
8. Ibid. 233. In footnote 6, Laale cites Rao: "A son is called *ṛṇacyuta*, one who removes debts" (*Rgveda* 6.61.1). "He delivers his father from the hell called *Put*" (*Manu* 9.138. This appears to be a linguistic joke, and does not refer to any so-called 'hell'). Through a son, one conquers the worlds, and through a son's son, he attains immortality" (*Manu* 9.137). See K. L. Seshagiri Rao, *Population Ethics: Religious Traditions: Hindu Perspectives*, in: W.T. Reich (ed.), *Encyclopedia of Bioethics* 3 (New York: Free Press Division of Macmillan Publishing Co., 1978), 1270.
9. Quoted in: Laale, "Embryology and Abortion in Indian Antiquity," 234. See R. B. Pandey., *Hindu Samskāras. Socio-Religious Study of the Hindu Sacraments* (Delhi, Varanasi, Patna: Motilal Banaridass, 1969), 48. The mantra occurs in several other places such as *Atharvaveda*, 5.25; 6.9.1-2; and 14.2.2. Verses 1 and 2 are incorporated slightly modified in *Atharvaveda*, 5.25. See D. Whitney, *Atharvaveda Samhitā* (Delhi, Varanasi, Patna: Motilal Banaridass, 1971), 265-67; Laale, "Embryology and Abortion in Indian Antiquity," 248, footnote 11.
10. Laale, "Embryology and Abortion in Indian Antiquity," 235.
11. W. D. O'Flaherty, *The Rg Veda*, no. 2 (Penguin Books, 1983): 292. Italics mine
12. Ibid. 236-37; 249 (footnotes nos. 21-26); *Caraka Samhitā Śārira* 7.46. This text recognizes that the umbilical cord serves a nutritive function prior to birth. The texts of *Śatapatha Brāhmaṇa*, 4.5.2.4 and 9.5.1.63 mention about non-survivability of foetuses if born prematurely prior to six months of normal birth; *Mārkaṇḍeya Purāṇa*, 11.7-9 and 16; *Pañcavimśa Brāhmaṇa*, 6.1.3. and 6.8.9; *Aitareya Brāhmaṇa*, 1.3 and 11.10. These texts mention about the position of the foetus in the womb until birth.
13. P. Sharma, *Caraka Samhita*, Vol.1-3 (India: Chaukhambha Orientalia, 1981), 419.
14. Ibid.
15. Ibid.
16. *Āśvalāyana Grhyasūtra*, 1.13.1., in: *SBE*, 29.1.179; *Hiranyakeśin Grhyasūtra*, 1.7.25.1g, in: *SBE*, 30.2.200. Cited in: Laale, "Embryology and Abortion in Indian Antiquity," 241.
17. Quoted in: Laale, "Embryology and Abortion in Indian Antiquity," 239. *Garbha Upaniṣad* 3 and 4, in: N. S. Subramanian, *Encyclopaedia of the Upaniṣads* (New Delhi: Sterling Publication, 1985), 148-51.
18. R. Priyaranjan and H. N. Gupta, *Caraka SaChitā* (New Delhi: National Institute of Sciences, India Publication, 1985): 9-10.
19. K. K. Bhishagratna (trans.), *The Suśruta Samhitā* 2, The Chowkhamba

Sanskrit Series 30 (Varanasi: Chowkhamba Sanskrit Series Office, 1963): 137-41.

20. *Nārada Purāṇa*, 15.1.413-414. Quoted in: Laale, 240.
21. Ibid. 241; *Aitareya Āraṇyaka*, 2.5.1.2-7 in: *SBE*, 1.1.243-244; see also N. S. Subrahmanian, *Encyclopaedia of the Upaniṣads*, (London: Oriental University Press, 1986), 49. Similarly the Greek traditions understand embryos as *Pars viscerum matris*. The preborn child is a part of the woman. *Digests*, 25.4.1.
22. Quoted in: Varghese, India: History, Religion, Vision, 245-46.
23. Available at
[<http://www.himalayanacademy.com/basics/nineb/>]. Retrieved on 21.02.2011. They cite a number of classical texts: For example, *Mahabharata* XVIII:116.37-41: Ahimsa is the highest dharma. Ahimsa is the greatest gift. Ahimsa is the highest self-control. Ahimsa is the highest sacrifice. Ahimsa is the highest power. Ahimsa is the highest friend. Ahimsa is the highest truth. Ahimsa is the highest teaching. They indicate the fundamental Hippocratic Oath of “Do no harm.”
24. *Rgveda (Rg Saṃhitā)* VII.36.9, in *Rig Veda*, (trans.) Ralph T. H. Griffith, in *SBE* (1896). See also G. Pandeya (ed.), *The Caraka Saṃhitā of Agniveśa (revised by Caraka and Drdhaba)*, (Varanasi: Kashi Sanskrit Series 194, 1969), pt.1.11.p.818. (section: *jātisūtrīya* of the *śārīrasthāna*)
25. *Atharvaveda*, 6.113.2; 6.112.3. in *Hymns of the Atharva Veda*, (trans.) Ralph T.H. Griffith, *SBE* (1895), a 253.
26. *Śatapatha Brāhmaṇa*, 3.1.2, v.21, in A. Chinnaśwami and Pattabhirama Sastry (ed.), *The Śatapatha Brāhmaṇa (of the White Yajurveda in the Mādhyandina Recension)*, (Banares: Kashi Sanskrit Series 127, 1937), 200; see Lipner, “The Classical Hindu View,” 63, footnote, 16.
27. *Bṛhadāraṇyaka Upaniṣad*, 4.3.22, in: *SBE*, 15.2.169.
28. See S. Radhakrishnan and A. Charles Moore (eds.), *A Sourcebook in Indian Philosophy*, 12th Princeton Paperback ed. (Princeton University Press, 1957), 3. For a fuller study, see M. Bloomfield, *The Atharvaveda and the Gopatha-Brahmana*, (Grundriss der Indo-Arischen Philologie 39. A similar but severe punishment can be seen in the teaching of John Calvin (1509-1564 AD), who declared that abortion is an inexpressible crime for which there could be no atonement or scapegoat to remove guilt. See J. Calvin, “Commentaries on Genesis 38:10,” in: T.W. Hilgers and D. Mall (eds.), *New perspectives on human abortion* (Maryland: Aletheia Books, University Publication of America, 1981), 384, n.56.
40. Laale, “Embryology and Abortion in Indian Antiquity,” 242: *Kaṭha Upaniṣad*, 1.1.6 and 2.2.7; *Maitri Upaniṣad*, 1.4; *Bṛhadāraṇyaka Upaniṣad*, 4.4.4-6
41. See Laale, “Embryology and Abortion in Indian Antiquity,” 242-247.
42. There was possibility of the soul to be reborn in different forms according to its past *karma*. And the expositions of Śankara, Rāmānuja, and Madhva on ethics and destiny of human person implied that there exists a distinction between human and animal and vegetative life. Such

implications were taken for granted and not given a philosophical analysis. Thus such arguments were neither used to show the differences in the status of the soul, nor did it affect their defense of protection of the unborn with soul in human form. See Lipner, "The Classical Hindu View," 69, footnote no. 67.

43. Laale, "Embryology and Abortion in Indian Antiquity," 242.
44. Ibid, 243; also *Garuḍa Purāṇa*, 2.3.49-56, 80-82 in J.L. Shastri, (ed.), *The Hymns of the R̥gveda*. 13.2. (Delhi: Motilal Banarsidass, 1973), 730-736. The understanding of transmigration of souls was also found in Greek traditions. The Greek historian Herodotus (485-425 B.C.) wrote about the misery of transfiguration that the soul (*ātman*) of such miserable persons, when the body dies, "...enters into the form of an animal into another, until it has circled through the forms of all creatures which tenant the earth, the water, and the air, after which it enters again into a human frame, and is born anew. The period of the transmigration is, they say, three thousand years." Herodotus, *History*, 2, in G. Rawlinson (trans.), *The History of Herodotus* (New York: Tudor Publishing Company, 1944), 124. Cited in: Willer Laale, footnote no. 69, p.254.
45. Quoted in: Lipner, "The Classical Hindu View," 46 from G. Sastri Nene, *The Manusmṛiti (with the Manvartha Muktāvali Commentary by Kullūka Bhaṭṭa)* vol. 90 (Banars: Kashi Sanskrit Series 114, 1935), 168.
46. U. Chandra Pandey (ed.), *Yājñavalkyasmṛti of Yogīśhwara Yājñavalkya with the Mitākṣarā Commentary of Vijñāneshwar* (Varanasi: Kashi Sanskrit Series 178, 1967), 254.
47. U. Chandra Pandey (ed.), *Yājñavalkyasmṛti*, 267-68.
48. Quoted in: Lipner, "The Classical Hindu View," 46.
49. The knowledge of Vedas (*Mahābhārata* was also called the Veda of Kṛṣṇa) was considered an act of expiation.
50. One may say it in German as *Gutschein*.
51. *Mahābhārata* I. 107.19; The story is paraphrased here. See Lipner, "The Classical Hindu View," 47-48.
52. Lipner, "The Classical Hindu View," 48-49, for his interpretations. Since it was only an apparent abortion, the text uses the term "*pātayāmāsa*" which means "caused to fall." Though the act of Gāndhārī was deliberate, she recourse to it in despair. There the harsh expression of *bhrūṇahatyā* is avoided.
53. Lipner, "The Classical Hindu View," 43; see also G. Bühler (trans.), *SBE* (1879), xiv.17.
54. Lipner, "The Classical Hindu View," 43. See also Kane, *History of Dharmaśāstra*, vol.1. pt. 1. 2nd ed. (Poona: Bhandarkar Oriental Research Institute, 1968), 22f. 306f. 421f. 443.
55. Quoted by Lipner, "The Classical Hindu View," 43. See U. Chandra Pandey (ed.), *Yājñavalkyasmṛti*, 411.
56. We have seen earlier that one of the *śruti* texts, namely, the *Bṛhadāraṇyaka Upaniṣad* in v. 4.3.22 while describing a mystical experience, where bad as well as good effects cease to exist, listed the

slayer of the Brahmin and the embryo as one of the worst crimes. The Sanskrit terms are *bhrūṇahatyā* and *bhrūṇahān* are used to refer to the killing and killer of the both embryo as well as a Brahmin. Lipner ("The Classical Hindu View," 63, footnote no.18) quotes from W. Gampert says in his book *Die Sühnezeremonien in der altindischen Rechtsliteratur* (Prag: Orientalisches Institut, 1939), 62-63: "Diese Sünde (i.e. Embryotötung) wurde ursprünglich nur mit *bhrūṇahatyā* bezeichnet; im Laufe der Zeit erfuhr dieser Ausdruck jedoch eine Erweiterung seiner Bedeutung, indem er auch die Tötung eines Brahmanen insbesondere eines gelehrten, umfasste. Die Folge davon war, dass eine vollständige Vermischung der beiden Sünden Embryotötung und Brahmanentötung eintrat und es von da an oft ganz unklar ist, ob *bhrūṇahatyā* (bzw. *bhrūṇahān* zur Bezeichnung des Täters) nur die Embryotötung und Brahmanentötung bezeichnet." Such use may have been deliberate to give supreme importance to the embryo as given to Brahmins.

57. Jayapaul Azariah, Hilda Azariah, & Darryl R.J. Macer (eds.), *Bioethics in India: Proceedings of the International Bioethics Workshop in Madras*. Biomanagement of Biogeoresources, 16-19 Jan. 1997, University of Madras (Eubios Ethics Institute, 1997). Available at [<http://www.eubios.info/india/BII8.HTM>]. Retrieved on 24.02.2011.
58. Vīramitrodaya-Saṁskāra Prakāśa, 1, in: R.B. Pandey, *Hindu Samskāras. Socio-Religious Study of the Hindu Sacraments* (Delhi, Varanasi, Patna: Motilal Banaridass, 1969), 52.
59. *Parāśara-Smṛti*, 4.14-15; *Bṛhadāraṇyaka Upaniṣad*, 6.4.7, in: S. Radhakrishnan (trans.), *The Pincipal Upaniṣads* (London: George Allen & Unwin Ltd., 1953), 323; See H. Willer Laale, 245, 256-57. Scholars in modern times refer to natural, herbal and dietary birth-control measures described in Vedic literatures. For detailed references see M. Roy, "Methods of Sterilization and Sex-determination in the Atharva-Veda and in the *Bṛhadāraṇyaka Upaniṣad*," *Indian Journal of History of Science* 1 (1966): 91-97; B. Dash and R.N. Basu, "Methods for Sterilization and Contraception in Ancient and Medieval India," *Indian Journal of History of Science* 3 (1968): 9-24.
60. Baudhāyana Dharmaśāstra, 4.1.12-13, in *Sacred Books of the Eāst*, 14.2.314.
61. Lipner, "The Classical Hindu View," 48.
62. Ibid. 48-49. Killing a human person is called *puruṣavadha* in Sanksrit.
63. They were outside the system of four *varṇas*, thus, the outsiders or untouchables.
64. The text goes like this: "āyam ca sakala eva sarvāsām strīṇam agarbhiṇīpatyānām ā caṇḍālam sādharmaṇo dharmah," in *Mitākṣarā*, (ed.) U. Chandra Pandey, *Yājñavalkyasmṛti* (I.86.), 37.
65. An example is cited by Lipner ("The Classical Hindu View," 50-51) from *Bhagavadgītā*, VI.23.40-44. The text speaks about the fate of clan-destroyers eventually causing miscegenation.
66. See Lipner, "The Classical Hindu View," 50-51. The most despised of

them were the *Cārḍālas* (children born of a Brahmin mother and a Śūdra father) and *Paulkasa* (normally the children of a Kṣatriya mother and a Śūdra father).

67. Lipner, "The Classical Hindu View," 51. See e.g. *Manusmṛiti* X. For a fuller discussion see Kane, *Dharmaśāstra*, vol.2.pt.2, 2d. ed. ch.2, pp.50-104. The same protection was given to the preborn and children of an adulterous union. See U. Chandra Pandey, *Yājñavalkyasmṛti* I.72, p.28. As Lipner says, "The juxtaposition of adultery and abortion above does not exclude condemnation of the latter when it was the consequence of the former." Ibid. 66. footnote no. 50 and 51.
68. Quoted in: Lipner, "The Classical Hindu View," 49.
69. Ibid.
70. Ibid.
71. Quoted in: Lipner, 50, *sūtra* 10-11..
72. Suśruta, *The Suśruta Saṃhitā*, 2.8.9, in K.K. Bhishagratna (trans.), Op.cit., 2, 58-60. See Laale, 246, 257.
73. Katherine K. Young, "Medical Ethics through the Life Cycle in Hindu India," in: Robert B. Baker and Laurence B. McCullough, (eds.) *The Cambridge World History of Medical Ethics* (Cambridge, New York, et. al: Cambridge University Press, 2009), 101-112, 103.
74. Ibid. Laale, "Embryology and Abortion in Indian Antiquity," 246, 257. See also P. Ray, H. Gupta and M. Roy, *Suśruta Saṃhitā: A Scientific Synopsis*, (New Delhi: Indian National Science Academy, 1980), 22.
75. Werner Menski, "Hinduism," in: Peggy Morgan and C. Lawton, (eds.), *Ethical Issues in Six Religious Traditions*, 1-54 (Edinburgh: Edinburgh University Press, 1996), 5.
76. Cited in: Young, "Medical Ethics...in Hindu India," 104. See *Hinduism Today*, March 1986.
77. Constantin-Julian Damian, "Abortion from the Perspective of Eastern Religions: Hinduism and Buddhism," *Romanian Journal of Bioethics* 8/1 (January – March 2010): 124-136, 135.
78. Cited in Lipner, "On Abortion and the Moral Status of the Unborn," 69, note 74; also in Katherine K. Young, "Medical Ethics through the Life Cycle in Hindu India," 104. See for original: Veena Das, "The Debate on Abortion," *Seminar* (Nov. 1983): 31-35.
79. Based on the moral status of the preborn from interdisciplinary perspectives, the author has argued against the human embryonic stem cell research whereby the preborn are destroyed in order to extract embryonic stem cells to be used in the research. See J. Charles Davis, *The Ethics of Human Embryonic Stem Cell Research: Proposals for a Legal Framework for India* (New Delhi: Atlantic Publishers and Distributors (P) Ltd. 2014)