

Daniel Maguire's *Sacred Choices*: Method and Content*

*Christopher M. Carr***

ABSTRACT: Daniel C. Maguire believes that a burgeoning world population is leading to environmental depletion and thus to human suffering and death on a massive scale. He is convinced that the only way to prevent these calamities is to permit abortion. In his examination of world religions, he finds doctrines that support abortion as a morally acceptable means of family planning. His argument in *Sacred Choices*, however, is fundamentally flawed. An analysis of his methods reveals inconsistencies in his reasoning. The doctrinal content supporting abortion rights that he claims to have found in each of the religions that he examines does not in fact exist.

IN THE BOOK *Sacred Choices: The Right to Contraception and Abortion in Ten World Religions*,¹ Daniel C. Maguire² makes a rambling yet broad

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** *Christopher M. Carr* is assistant professor of religious studies at Misericordia University in Dallas, Pennsylvania, and also serves as the president of the Ecumenical Society of the Blessed Virgin Mary, USA.

¹ *Sacred Choices* was published by Fortress Press of Minneapolis in 2001 as a collaborative effort with the organization "The Religious Consultation on Population, Reproductive Health and Ethics," based in Milwaukee WI. Maguire serves as this organization's president.

² Daniel Charles Maguire (b. 4 April 1931, Philadelphia PA) was ordained a Catholic priest in 1956. He began his teaching career lecturing on religious studies at Villanova University (1960-1964) and later taught ethics at both St. Mary's University and Seminary in Baltimore MD (1964-1966) and then at the Catholic University of America in Washington, DC (1967-1969). After earning a doctorate at the Pontifical Gregorian University in Rome (1969), he continued as a faculty member at CUA until 1971. That year he left the priesthood and was hired by Marquette University as an associate professor of moral theology and was promoted to full professor in 1977. His most notable published work is *The Moral Choice* (New York: Doubleday, 1978), which won awards from the College Theology Society and the Wisconsin Authors Association. Maguire has also been a member of the board of directors for Catholics for a Free Choice (1983-1989). *Contemporary Authors Online*, Thomas Gale, 2006;

argument in favor of abortion rights. He argues that the acceptance of abortion as a means of family planning is a doctrinally orthodox position within the world's largest religions. Consequently, for Maguire, because there is room within these religions for abortion to enjoy moral legitimacy, the procedure ought to be legally permitted as a matter of respecting religious freedom.³ Further, the right to abortion must be defended now more than ever in order to avoid overpopulation and the resulting life-threatening depletion of the earth's resources. Indeed, Maguire attempts to show that the doctrinal currents within the religions that support access to abortion are based on antecedent concerns about the impact on the earth of too many people.

By arguing in this manner, Maguire hopes not only to show that abortion is "viewed sensibly, as a sometime necessity," by the world's major religions but also to impress upon "[t]hose who are dogmatically opposed to all abortions...that most people and most cultures do not agree with them" (85). A response to Maguire's position can start with this last point. The true and the good are not always discernable by majority vote. Furthermore, the theological argument in *Sacred Choices* has serious structural problems that come to light by evaluating the book's method and content.⁴ A consideration of method reveals that the argumentation suffers from incoherence. In terms of content, Maguire sees more in a religion's doctrinal heritage regarding support for abortion than is in fact there.

1. Method

On the surface, the method of Maguire's argumentation seems fairly

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³ For Maguire, "Law requires an underlying consensus." Daniel C. Maguire, *Sacred Choices* (Minneapolis MN: Fortress, 2001), p. 131. Hereafter, references to *Sacred Choices* will appear as pages numbers within parentheses after the quotation. This principle of legal consensus leads him to warn: "Legislators and judges, take heed.... Those religious people who believe on the basis of their religious tradition that they do have the right to choose [an abortion] should not have their religious freedom curtailed. It is a fascistic impulse to impose one moral view when there is no consensus and when good authorities disagree for good reasons" (129; cf. viii, 105, 128).

⁴ For the sake of giving this essay a sufficiently narrow focus, the demographic and scientific issues surrounding fears of overpopulation will be left to more knowledgeable persons.

straightforward. While he endeavors to show that there is a lack of authoritative consensus about abortion's morality within each major world religion,⁵ he simultaneously appeals to selected evidence from history and theology to draw inferences that undermine the credibility of pro-life religious authorities and promote the credibility of those scholarly co-religionists who favor abortion as a way to evade overpopulation.⁶ But these moves are simply tactics in a more general strategy or method. What he wants the reader to think is that the truly

⁵ Maguire begins by acknowledging that every religion does condemn abortion. Maguire writes: "This restrictive viewpoint is indeed found in the world's religions, and it is a perfectly respectable and orthodox position within those religions – but it isn't the only respectable and orthodox position within those religions. These traditions are richer, more sensitive and more subtle than we might believe." In this book first-rate religious scholars gathered from around the world show that alongside the familiar *no choice* position, there is a solid *pro-choice* position in all these religious traditions (vii; author's italics). Cf. "When it comes to god-talk, there is no unanimity. There never was" (21).

⁶ Maguire's attack on the credibility of pro-life religious authorities is decidedly narrow. Although he acknowledges that all religions have pro-life authorities, Maguire targets Christians. Pro-life Islamic positions are noted and rejected (108-10, 127) but not with the same rigor and specificity as those within Christianity. His criticisms of Christianity's moral authority are scattered throughout *Sacred Choices* and can be consolidated into five basic themes. Those Christian leaders and thinkers responsible for the absolute prohibition of abortion have: (1) made the simple Gospel message of Jesus overly complicated (57); (2) a distorted view of human sexuality as the cause of original sin (70-71) and meant only for reproduction (83); (3) a fear of scientific knowledge, independently strong women, a loss of male dominance (123), and even sex itself, while at the same time being obsessed with it (123, 148); (4) a long-standing habit of discrimination against women, against whom attitudes are "poisonous" (39); and (5) with respect to Catholic Christianity in particular, relied on the Church's *Magisterium* as an institutional device to achieve "mind control in faith and morals" (122). Maguire's specific denunciations also extend to pro-life, political convictions that are not necessarily restricted to Christians. He accuses individuals who hold these "right-wing" convictions of: (1) demonizing not only pro-choice advocates but also homosexuals "and other 'sexual non-conformists'" (126); (2) creating "an atmosphere that spawns fanaticism and even terrorism" (126); (3) adhering to "a kind of sweet love ethic that loses sight of social justice and the needs of the common good" (127), usually for the sake of unbridled, free-market capitalism; and (4) caring little "for born children, their schools, their families, or their welfare" (69). In a comment that bears some relation to the last of these accusations, Maguire writes: "Pregnancy, after all, can be seen as a twenty-year condition. Human life is so complex that it takes a lot rearing and a lot of time to bring a person to maturity. Not every woman who become pregnant has the resources to meet that long a challenge" (28).

reasonable way to reflect about abortion is by using a kind of philosophical approach. This is to say, Maguire invites his audience to seek what is universally true about the morality of abortion by remaining detached from a commitment to any one religion, especially Catholic Christianity, and instead adopt a more objective, bird's-eye view provided by ethics. The manner in which Maguire executes this approach is fraught with inconsistencies. He does not see what this principle of religious detachment means for his ethical argument, and his novel definition of ethics requires clarification before it can be successfully employed.

Maguire's non-religious viewpoint initially can be seen in his explanation of how religious teaching on abortion originated. In an uncited reference to Teilhard de Chardin, Maguire agrees that "nothing is intelligible outside its history" (5, 32), including doctrines pertaining to the morality of abortion. The historical reason proposed as to why all religions have a "religiously orthodox" position condemning abortion is that they "were spawned in a world where our species lived on the scary brink of depopulation" (5), and so people were encouraged to have as many children as possible.⁷ Similarly, a historical anxiety about population size is the basis for Maguire's assertion that a moral obligation to permit abortion as a means of population control exists within all religions. He believes that in a religion's formative stages there was an awareness that human fertility could be "a potential curse" (150).⁸ Too many

⁷ Elsewhere, Maguire singles out Christianity for an additional historical circumstance that further influenced its sexual teaching. In "reaction to the excesses of Roman culture," Christian doctrine allegedly continues to suffer from an "antisexual asceticism," which led to "rigid and fear-ridden views on sex [that remain]...part of Christian orthodoxy" (123). This negative view of human sexuality is said to help explain Christianity's prohibiting of abortion. Protestant theologian Beverly Wildung Harrison is then quoted as saying "careful readings of the early Christian history of debate about abortion make clear that one primary reason for the occasional condemnations of abortion in the theological sources, including early versions of Canon Law, was that women who had abortions were assumed invariably to be adulteresses" (124; source for Harrison's remark not given). Cf. "In all of this, we can see that religions don't just shape cultures; they are shaped by cultures. They respond like barometers to the climate around them. This is why religions are in constant need of reformation. A lot of what they absorb is toxic" (125).

⁸ Maguire alludes to the following texts, again without the proper citations, when trying to establish this early disquiet about overpopulation: the Atrahasis epic, the lifestyles of primitive peoples worldwide as described in Clive Ponting's *A Green History of the World* (London UK: Sinclair-Stevenson, 1991), Aristotle's *Politics*, and

people will cause a depletion of natural resources, and “[i]f we overreproduce, nature will kill us off with famine, disease, and environmental destruction” (18).⁹ Although these remarks imply a detached, non-committal approach to religion, his detachment about whether any religion is true does not constrain him from making universal truth-claims about the moral permissibility of abortion.

For Maguire, religions are not what one might call maps of the universe that provide a comprehensive, objective vision of seen and unseen reality from which an accompanying moral code is derived. Instead, he describes each one subjectively as a “*response to the sacred*” (20, author’s italics). Working from the premise that “[a]ll theory is the distillation of experience” (73), he defines the term “sacred” in the following way:

The sacred is the superlative of precious. It is the word we use for that which is utterly and mysteriously precious in our experience. Since there is no one who finds nothing sacred, religion is all over the place. In the sacred, our experience of value goes beyond all rational explanation. When we talk about the sanctity of life, we are talking about this mysterious preciousness (20).¹⁰

probably Aquinas’s commentary on the *Politics* (i.e., *Sententia libri Politicorum*).

⁹ Cf. “As populations rise in small countries, wages go down, and industries move out of affluent countries to take advantage of cheap labor. Industries also find that poor countries do not enforce environmental laws, so they pollute with abandon, but that pollution blows back at us” (11). Furthermore, a greater number of people require a larger food supply. “More farmland is [then] needed; forests are destroyed. How does this affect us? In lots of ways. As forests are destroyed, microbes need new hosts and move to humans.... We talk of the global economy. Global poisoning is also a new fact of life” (10).

¹⁰ Maguire illustrates this point with this example: “Jean-Paul Sartre, the most famous philosopher of the twentieth century, wrote of how he was walking in a park in Paris, late in his life. He met some former students who had their three-month-old baby with them. Sartre took the smiling baby in his arms and was overwhelmed with its literally priceless charm. He said he realized in that mystical moment that if you took all the works of his life and put them on one side of a balancing scale, then put this baby on the other side, he would weigh as nothing compared to the *sacred* preciousness he held in his arms. This was a religious experience. Now, Sartre was an atheist. He would not explain the sanctity of the baby’s value by talking about God, and yet he was responding to the sacred. It was a religious moment” (20; author’s italics). Cf. “We recognize that all religions have a common origin. It is an experience of awe, wonder, reverence, and appreciation of the gift of this life in this blessed corner of the universe. Each of the world’s religions started there” (21).

Thus, religions are essentially phenomena that emerge in response to the meaningful things that we find in human experience, and as such, “they are human responses to the glimpses of God’s revelation, human creations, bearing the imprint of inevitable human imperfection” (45).¹¹ Taking for granted that religious traditions will inherit some imperfections found in the nature of humanity from which religions arise, he emphasizes one characteristic in particular. Human beings are finite, and consequently the worldviews constructed by human beings through religions are not definitive:

Every religion develops stories to explain reality and shape a view of the world that makes sense. None of these religions is fully successful. In modern public relations terms, each religion puts a spin on reality. If we only know the religion that dominates our culture and its spin on reality, we are limited, locked in a cocoon. Our sense of reality is impaired, because we have only seen one version of it (87).¹²

The lesson seems to be that, because of human finitude, attempts to paint a complete picture of the universe will necessarily be incomplete or liable to error, and therefore no one can be absolutely certain that one’s picture or any part of it is definitively true.

Yet Maguire does not follow through and apply this same skeptical principle to his own reflections in *Sacred Choices*. On the one hand, he encourages a kind of methodological doubt when considering human efforts to understand reality and how to live in it as expressed in a religion. On the other, he quietly abandons that doubt when drawing conclusions about the morality of abortion. Maguire cautions others against fully committing their judgments to one moral vision of the universe because such visions are inevitably compromised by the finite human experience of the sacred on which they are

¹¹ Maguire takes this comment from theologian Diana Eck but gives no note to identify the source.

¹² A second, related characteristic is that, because human beings are capable of change, religions also ought to be flexible in doctrine. “Realistic flexibility is the hallmark of any religion that appears and stays around for a long time.... Religions are concerned with life and how it is lived, and we humans are complex and always changing” (101). Cf. “Aquinas said that life is marked by *quasi infinitae diversitates*, an infinity of variations. Religions and their moral systems that endure notice this and adapt to it” (64).

grounded. To be consistent, he should also temper his full commitment to abortion rights for the same reason. If religion and philosophy are attempts by finite human beings to comprehend reality, then both should fall under the same cloud of uncertainty. Indeed, someone truly concerned with the impact of human finitude upon attempts to understand the universe perhaps ought to be reticent in making any truth-claims about morals at all. On the one hand, religious believers supposedly accept a worldview based on an experience of reality that is fallible; on the other, when it comes to abortion, Maguire does not pass the same judgment on his own reflective experience concerning what religious people believe.

Apparently oblivious to the fact that his method of analysis is detached not only from religion but also from the conclusion that he wants to establish, Maguire unwaveringly insists that choosing abortion is ethically sound. He writes: "It is important to remember that religions are all philosophies of life...that can be mined and refined into rich theories of justice and human rights" (26). These unnamed, rich, ethical theories must include abortion as part of what he calls "justice-based family planning" (18). Showing renewed confidence in the credibility of religious doctrine, Maguire states that world religions "support the moral and human right to an abortion when necessary" (27). Because rights mean little when one is unable to exercise them, he urges: "The freedom to have the choice of an abortion when needed is [also] a positive good" (28). Terms like "justice," "rights," and "good" are essential concepts in any well-defined theory of ethics. Unfortunately, Maguire's other methodological problems flow from the fact that his notion of ethics is not well-defined.

Maguire clearly states what he thinks ethics is: "*Ethics is simply the systematic effort to study what is good for people and for this generous host of an earth*" (19, author's italics). This definition has been the cornerstone of his career as an ethical thinker. In his seminal work *The Moral Choice*, written in 1979, he similarly writes: "The foundation of morality is *the experience of the value of persons and their environment.*"¹³ The reason why Maguire favors this rather broad definition is that he sees ethics as a matter not merely of human flourishing but of survival. While animals can get by on instinct and genetics, human beings "are not adequately programmed to meet all our survival needs"

¹³ Daniel C. Maguire, *The Moral Choice* (New York NY: Winston, 1979), 74, author's italics.

(19). Ethics, complemented by religion, is the only thing keeping the human race from sinking into “chaos” (19).¹⁴ In order to prevent this chaos, one of the things that we must do is to treat the earth well, and so Maguire incorporates the earth or environment into the definition of ethics. He believes that adding the environment to the definition proves helpful for his pro-choice argument. Because the environment is necessary for our survival and now subject to fundamental considerations of justice, family planning programs that are authentically “justice-based” must include abortion as a way to manage population size for the sake of both man and the earth.

Having a precise definition of ethics, however, does not guarantee that the thought surrounding the definition enjoys the same measure of precision. First, no effort is made to protect ethics from the weakness inherent to his idea of religion. If religion is an intellectual construct seeking what is true about the universe, then ethics would be a similar project for recognizing what is good. But Maguire offers no reason why ethics should escape the same sort of uncertainty that apparently plagues all finite human efforts to grasp larger reality. Second, altering the definition of ethics so as to place the environment on an equal standing with human nature is a radical departure from Western ethical traditions, and doing so thus introduces a new looseness into moral reasoning. One rationale for the ancient insistence on a difference in kind between man and the rest of creation is to prevent the loophole that inevitably leads some human beings to treat neighbors as lesser things, and *vice versa*.

Maguire’s defense of abortion’s legitimacy already blurs the distinction. The unborn human life is ultimately treated as an object to be discarded because of the need for the environment’s “self-defense.” A further complication is that Maguire does not always use carefully the term “environment.” To accentuate the importance of the world around us as the habitat for all living things, he writes, “The environment is our womb” (13). But whatever value he attaches to the environment as our womb does not extend in full to an actual womb. Maguire holds that using technology to kill human lives that have wombs for an environment is morally acceptable if done to protect the larger environment of the earth and thus ultimately ourselves. So, this pairing of “environment” with “womb” produces a discordancy that ought

¹⁴ Note that, for Maguire, ethics is knowledge about human behavior apart from both religious faith and any specific moral code existing within a religion. For Maguire, “ethics” properly understood stands over and above any faith-based rules of conduct.

to have been avoided.

Methodologically, Maguire's reasoning in *Sacred Choices* is not coherent. First, his practical ideas are inconsistent with his principles. When he characterizes religion as a human invention rendered fallible by man's limitedness, our confidence in our ability to know with certitude anything universal at all, including the good, is left to erode. Secondly, the ethical vision that Maguire seeks to establish is not consistently thought through. His definition of ethics may be succinct and clear, but why less-than-human things should be elevated to an equal, moral standing with humanity is not.

Finally, the exactness with which Maguire defines religion and ethics is not a quality that permeates the reasoning found in the book. He sacrifices precision in language for conversational style. In addition to the difficulties related to method and to the way in which various ideas stand in relation to one another, the absence of academic protocols is also a problem. Theological figures and authors are cited without reference notes, and often Maguire fails to supply the source's title. Given the number of sources that he cites, the bibliography is woefully incomplete. In fact, not every source is even casually identified, and at least one seems to have been used without attribution.¹⁵ The

¹⁵ Maguire writes: "So the *no choice* view is not the prevailing view in Islam. There is broad acceptance in the major Islamic schools of law on the permissibility of abortion in the first four months of pregnancy. Most of the schools that permit abortion insist that there must be a serious reason for it, such as a threat to the mother's life or the probability of giving birth to a deformed or defective child. However, as the Egyptian study says: 'Jurists of the Shiite Zaidiyya believe in the total permissibility of abortion before life is breathed into the fetus, no matter whether there is a justifiable excuse or not.' That would be a pure form of what some call 'abortion on demand': (118-19).

Ibrahim B. Syed writes: "Views of Four Madhhabs (Schools of Thought). There is broad acceptance in the major Islamic schools of law on the permissibility of abortion in the first four months of pregnancy. Most of the schools that permit abortion insist that there must be a serious reason for it such as a threat to the mother's life or the probability of giving birth to a deformed or defective child. However, as the Egyptian booklet (The Arab Republic of Egypt published a booklet called 'Islam's Attitude Towards Family Planning') says: 'Jurists of the Shiite Zaidiyya believe in the total permissibility of abortion before life is breathed into the fetus, no matter whether there is a justifiable excuse or not.' That would be a pure form of what some call 'abortion on demand'." See Ibrahim B. Syed, "Abortion in Islam," http://irfi.org/articles/articles_101_150/abortion.htm; article #112.

Neither Seyd's Islamic Research Foundation International, Inc. website nor his article has a specific copyright date, so a personal email was sent to Seyd from

looseness that characterizes Maguire's intellectual and academic method carries over into matters of content.

2. Content

In *Sacred Choices* Maguire claims that various world religions possess central doctrinal concepts that are both amenable to abortion rights and consistent with his concerns about overpopulation and environmental disaster. After he sets forth some foundational principles in the first two chapters, the remainder of *Sacred Choices* is an examination of ten selected religious traditions. They are treated in the following order: Catholic Christianity (chapter 3), Hinduism and Jainism, taken together (chapter 4), Buddhism (chapter 5), Taoism and Confucianism, under the heading of Chinese religions (chapters 6 and 7),¹⁶ Judaism (chapter 8), Islam (chapter 9), Protestant Christianity (chapter 10) and the native religions of North America (chapter 11). His critique of Catholicism, and to a lesser extent Protestantism, is that both continue to be burdened with authoritative yet outmoded sexual teachings that reflect archaic attitudes toward women and sex. With an increasing awareness of women's equality, overpopulation, and environmental issues, he believes that legitimate theological currents that would have permitted abortion and that have historically been relegated to minority status should begin to win the day. This struggle is also evidence that Christianity lags behind other world religions in supporting abortion rights. For Maguire, Christianity's straggling is confirmed by selecting a key doctrine or idea from the other major religions and by endeavoring to show how those teachings already coincide with his advanced, ethical priorities. In making each case, *Sacred Choices* proves to be

Caldwell College reference librarian David McMillan on 24 May 2011. McMillan asked for the date that the article was posted on the web. Seyd replied almost immediately, and McMillan forwarded the reply to me. Seyd wrote: "The article was posted on March 30, 2000." *Sacred Choices* has a copyright of 2001.

¹⁶ Strictly speaking, chapter seven, entitled "Chinese Men and the Art of High Sex," does not address the morality of abortion *per se*; rather, it is an excursus on Taoist, Confucian, and Buddhist influences on sexual attitudes in China. The lesson that Maguire seeks to convey is that the Christian West, with its "puritanical association of human sex with guilt, sin, or shame" (88, quoting Hsiung Ping-chen), could learn something from the Chinese emphasis on sexual activity as a means of "*spiritual elevation, the promotion of health, successful reproduction, and personal pleasure*" (89).

an exercise in eisegesis.

For Hinduism, Maguire alleges, *dharma* and *karma* embody important ideas that lay the foundation for the right to abortion. *Dharma* is said to be “the law of life,” which includes “the need to adapt to changing circumstances” (46). He continues in a parenthetical comment:

Already you can see how this will apply to family planning. When more people were dying than being born, it was good to have more children. When we are overcrowded, *dharma* says, “take note!” (46).

He correctly notes that the doctrine of *karma* “is basically the belief that what you sow, you reap” (47) in the arena of human action. Maguire then adds that *karma* not only includes but “stresses the impact of our behavior on this planet” (49). Yet the formal definitions of these terms have a much narrower scope: “Dharma or virtue is the permanent excellence of character, which is the result of habitual performance of duties,”¹⁷ and these duties tend to be specific actions associated with one’s station (*caste*) or stage in life.¹⁸ Some duties are universal, and one of these is “non-injury to all creatures.”¹⁹ Neither adaptation to “changing circumstances” nor anxiety about overpopulation is a proper component of *dharma*’s definition. Furthermore, while Maguire is indeed correct that *karma* is “the inexorable law of moral causation”²⁰ whereby virtuous behavior earns reward and bad actions merit punishment, abortion is universally condemned in the Hindu scriptures as source of bad *karma*.²¹

¹⁷ Judanath Sinha, *A History of Indian Philosophy*, Vol. I (Calcutta: Sinha, 1956), p. 48.

¹⁸ *Ibid.*, pp. 77-79.

¹⁹ *Ibid.*, pp. 70. Cf. “What is conducive to non-injury is dharma. What is conducive to good, non-injury and preservation of all is dharma. What is conducive to the good of all creatures is dharma” (*ibid.*).

²⁰ *Ibid.*, p. 221. Cf. “There is no escape from the consequences of actions. Their fruits must be reaped in this life or in a future life. What is sown must be reaped. There is no destruction of the fruits of right and wrong actions” (*ibid.*).

²¹ “The practice of abortion is negatively referred to in the earliest Hindu scriptures, the Vedas. These texts comprise the *sruti*, those scriptures considered to have primary authority in Hindu thought. In the *Rg Samhit*, possibly originating from before 1200 BC, Visnu is called ‘protector of the child-to-be,’ implying that the fetus was deserving of even divine reverence. Meanwhile, the *Atharva Veda* expresses the following explicit pleas regarding those who perform abortions: ‘With what bonds the overslaughed one is bound apart, applied and tied up on each limb – let them be

Treating the environment well is also a source of good *karma*, but it does not have a higher priority than avoiding injury to the unborn.²²

The Hindu ideal of non-injury, or *ahimsa*, is given even greater emphasis in Jainism, but Maguire interprets the doctrine in a new way. *Ahimsa* is one of the five vows of Jainism.²³ If one is a simple member of the faithful, the Jain is to avoid injuring or killing animals and human beings. If a monk, one is to refrain from harming any living thing more complex than a plant, even creatures not visible to the naked eye. Maguire's interpretation of *ahimsa* is that it prohibits harm to "children, ecology, and society" (54) arising from human avarice. "Producing more children than you or the environment can

released, for they are releasers; wipe off difficulties, O Pushan, on the embryo slayer' (VI-112.3). 'Enter thou after the beams, the smokes, O evil; go unto the mists or also the fogs; disappear along those foams of the rivers; wipe off difficulties, O Pushan, on the embryo slayer' (VI-113.26).

"Evidently, the 'embryo slayer' is seen as a suitable candidate to bear the sufferings and sins of the rest of the Vedic community. The *Satapatha Brahmana* compares the reputation of those who eat beef with those who perform abortions, while in the Upanishads they [i.e., the latter] are placed in a category with thieves and outcasts. The later *smṛti* texts also contain injunctions against abortion, as well as protections for pregnant women. In the *Visnudharmasutra*, killing either fetus or mother is equated to the worst crime possible in Hindu society, killing a Brahman. Ferryman and toll-collectors are prescribed punishment for collection from pregnant women. The Mahabharata, likewise, lists expectant mothers among a group that one must 'give way to' that includes Brahmin, cows, and kings." Edward Omar Moad, "Hindu Ethics on the Moral Question of Abortion," *Eubios Journal of Asian and International Bioethics* 14 (2004): 149-50; taken from www.eubios.info/EJ144/ej144j.htm.

Cf. "Kaushitaki Upanishad considers abortion of fetus to be parallel to the killing of one's parents. The Atharva Veda states the slayer of the fetus is among the greatest of sinners." The Code of Manu also condemns abortion, which is among the "five worst acts" identified in the Puranas. See "Abortion and Hinduism," <http://veda-upanishad.blogspot.com/2009/04/abortion-and-hinduism.html>; or <http://waypub.fatcow.com/ed/abortionhinduism.html>.

²² Cf. "Nor can it [i.e., abortion] be reduced to a utilitarian equation aimed at the benefit of society as a whole or a particular class [or perhaps even the environment], as the various western liberal and secular interpretations would have it." Moad, "Hindu Ethics."

²³ The other four are "truthfulness (*satya*), non-stealing (*asteya*), sex-restraint (*brahmacharya*), and non-acceptance of unnecessary gifts (*aparigraha*)." Judunath Sinha, *A History of Indian Philosophy*, Vol. 2, (Calcutta: Central Book Agency, 1952), p. 252.

support is not ‘for the sake of the good of the world’ but is a harmful form of greed” (54), and thus an appeal to *ahimsa* can justify abortion in order to prevent wider injury to the planet and the human community. A devout Jain would disagree:

Abortion involves gross intentional violence. Thus no Jain is expected to condone it under any circumstances.... Even in instances where abortion may be advised on medical grounds, a Jain should let nature take its course, depending on the medical establishment for the well being of both, mother as well as child.²⁴

Again using environmental issues as an interpretive lens, Maguire sees no obstacles to abortion in Buddhist teaching. The focus of Maguire’s attention is the Eightfold Path, especially its aspects of Right View, Right Intention (or Motives), and Right Livelihood.²⁵ For Maguire,

Right View means recognizing that all things and all people are *interdependent and linked*.... The birds and animals and roses are our siblings. It’s not poetry so much as fact to say that all that lives is family. You can see right away what this can do for ecological awareness – and for family planning. No species in the community of life should overreproduce and destroy the rest of life (59).

Right Motives refers to being honest and thoughtful about your real intentions. Is your lifestyle honorable, or does it make you a predator? ... It’s not the love of life or love of children that makes our species produce more children than the earth can support (59-60).

Right Livelihood means earning your living in ways that do no harm to other living beings or to the environment (60, author’s italics in all of the above).

Of course, the ability to fulfill his versions of these steps in the Eightfold Path demands accessibility to abortion for protecting the environment by controlling family size. But Buddhist literature on the Eightfold Path does not share Maguire’s environmental unease. Right View basically refers back to the Four Noble Truths.²⁶ Right Intention and Right Livelihood respectively call for a

²⁴ Taken from www.jainstudy.org/jsc7.05-AtoFAQs.htm; “24. Under what circumstances, if any, is abortion allowable?”

²⁵ The Eightfold Path in its entirety consists of Right View, Right Intention, Right Speech, Right Action, Right Livelihood, Right Effort, Right Mindfulness and Right Concentration.

²⁶ The Four Noble Truths are: (1) Life consists of suffering; (2) Suffering is caused by selfish desire; (3) To overcome suffering, one must overcome selfish desire;

Buddhist not to cause harm to human beings and animals, and to avoid engaging in businesses that treat them as objects of trade. Neither of these two steps in the Path goes so far as to mention the environment as a whole.²⁷ It should be noted, however, that Buddhism is opposed to abortion even though this opposition is not absolute. The step of the Eightfold Path called Right Action has as its First Principle, “Do not kill,”²⁸ which bans taking of human and animal life, but this ban does not completely prohibit abortion (cf. 60). In 1984, an organization called the Buddhist Churches of America issued a statement that read, “abortion, the taking of human life, is fundamentally wrong and must be rejected by Buddhists,”²⁹ yet later in the same document, motives for killing the fetus beyond preserving the mother’s life are entertained as morally legitimate.³⁰ Nevertheless, Buddhists never speak like Maguire, who states that abortion can be “sometimes...the best decision and a truly moral choice” (67) that ought to be done to preserve the life of Mother Earth.

The Eastern religion with a fundamental doctrine that appears to have the most potential for harmonizing with Maguire’s ethical argument is Taoism and its concept of *ch’i*, but he continues to take liberties with the meaning of the

and (4) The way to overcome selfish desire is by the Eightfold Path.

²⁷ Sinha, *Indian Philosophy*, Vol. 2, pp. 319-21.

²⁸ Huston Smith, *The World’s Religions: Our Great Wisdom Traditions* (New York NY: HarperOne, 1991), p. 107. Cf. Sinha, *Indian Philosophy*, Vol. 2, p. 320.

²⁹ Buddhist Churches of America, “A Shin Buddhist Stance on Abortion (1984)” in *The Churches Speak on Abortion: Official Statements from Religious Bodies and Ecumenical Organizations*, ed. J. Gordon Melton (New York NY: Gale Research, 1989), p. 179.

³⁰ “The life of the fetus is precious and must be protected. Yet the woman carrying the fetus may sincerely feel that her physical and/or psychological condition requires the abortion of the fetus. Her pregnancy might be result of a sexual assault or might be life-threatening to her. Perhaps she knows that the baby, if allowed to be born, will be seriously deformed or disabled. Or she might be convinced that the baby will be born into an unwelcome environment. Who can pass judgment on the morality of such a situation?” *Ibid.*, p. 180.

Cf. “Abortion is widely practiced in Buddhist countries, and the Buddhist responses vary from condemnation to justification. As indicated by studies showing that the majority of Japanese women having abortions do not feel guilt, the most popular response is toleration and acceptance of the act despite teachings that reject it, and many Buddhists remain silent, voicing no moral judgment one way or the other.” George J. Tanabe, Jr., “Abortion,” in *Encyclopedia of Buddhism*, Vol. One: A-L, ed. Robert E. Buswell, Jr. (New York NY: Macmillan Reference, 2004), p. 10.

word. *Ch'i* is the “ethereal substance” or “vital force” that permeates all reality,³¹ and so Maguire writes:

[E]verything and everybody are made of the same material. They call this material *ch'i*. *Ch'i* is the basic reality of all that is, including the rocks, the lilies, and us! National boundaries would mean nothing, because reality is shared being. We are all made of the same basic stuff. Damaging nature would make no sense. Nature and humans are all part of the same miracle.

This reality, this world, in which everything is made of the same stuff, deserves our fullest respect (77-78).

An important way to show this respect is to curtail human population, through abortion if necessary, so that the rest of nature is not over-taxed. The problem with this reading of Taoism is that it does not reflect the proper manner in which a Taoist sees the dynamic relationship between human beings and the world:

[D]espite all its insistence upon restoring harmony with the natural order, Daoism is not consistent with the activist tendencies of modern environmentalism. No Daoist of any persuasion ever embraced goal-directed action as a legitimate agency for solving problems. The *Dao te ching* in fact implies that, contrary to appearances, nature is ultimately more powerful than all human endeavor, and that if humans will refrain from taking any action, however well-intentioned, nature itself will inevitably rectify any problems.³²

Consequently, Taoists discourage the practice of abortion, which is an act contrary to the Tao.³³

³¹ *Encyclopedia Britannica*, 15th ed. (Chicago IL: Encyclopedia Britannica, 1992), vol. 3, p. 186; s.v. “ch'i.”

³² Russell Kirkland, “Daoism, Bioethics in,” in *Encyclopedia of Bioethics*, Vol. 2 (D-H), 3rd ed. (New York NY: Thomson Gale, 2004), p. 542.

³³ The doctrine of “‘inaction’ or ‘taking no unnatural action’” as a Taoist principle is expressed by the term *wu wei*. William L. Reese, *Dictionary of Philosophy and Religion: Eastern and Western Thought* (Atlantic Highlands NJ: Humanities, 1980), p. 635; s.v. “wu wei.”

Cf. “Taoists would be generally against abortion, in keeping with their aversion to intervening in the natural unfolding of events. If a pregnancy has started, they would just as soon allow it to run its course.” Sam Crane, “Eric Rudolph: Killing in the Name of Abortion,” posted on *The Useless Tree: Ancient Chinese Thought in Modern American Life* (18 July 2005), http://uselesstree.typepad.com/useless_tree/2005/07/

Maguire completes his misreading of Oriental religions by commenting on the Confucian ideal of *jen*. He states:

[The Chinese] word for...respect is *jen*, the greatest of virtues according to Confucius. *Jen* implies a largeness of heart, sincerity, compassion, and a sense of our relationship to all that is in the universe. It is the essence of true humanity. To have it is to be a truly humane person. Not to have it is to court disaster (78).

The original Confucian sense of *jen* does not extend to the universe as a prelude to a favorable assessment of abortion.³⁴ Instead, *jen* is “a feeling of humanity toward others and respect for oneself, an indivisible sense of the dignity of human life wherever it appears.”³⁵ *Jen*’s emphasis on human life as distinct from, and more noble than, all other existing things is basis for Confucianism’s view “that in every instance, abortion is most unfortunate and morally bad.”³⁶

killling_in_the_.html.

Cf. “On the exclusive grounds that the destruction of life and the disruption of Nature is in direct conflict with the Tao, we would oppose abortion without hesitation; however, other factors are involved. Abortions are almost always sought by people who must take such action to preserve their own lives (or way of life) and perhaps the lives of people they love....

“We advise the choice to abort a pregnancy be avoided whenever possible and reasonable, but we support those who choose to have an abortion, providing that their reasons for doing so are generally sound.” See http://www.reformtaoism.org/beliefs_all.php#abortion.

³⁴ However, *jen* in Neo-Confucianism, which integrated Buddhist ideas, did apply to all reality. See *Encyclopedia Britannica*, 15th ed., vol. 6, p. 528; s.v. “jen.”

³⁵ Smith, *The World’s Religions*, p. 172.

³⁶ As in all eastern religions, the right to life of the unborn is not considered absolute. The larger passage in which the above quote appears makes this point clearly: “Given Confucian reverence for life and the value they see in families, within which children are born, nurtured, and mature, modern Confucians categorically reject what I shall refer to as the modern liberal principle of ‘abortion on demand.’ From the Confucian point of view, there is no fundamental right to an abortion that precedes, justifies, or silences the fact that in every instance, an abortion is most unfortunate and morally bad. Abortion is bad because it marks the end of a potential human life and so is at odds with the general Confucian reverence for life and an ideal of the family, the latter of which has as one of its core features, the conception, birth, and raising of children.... If there are good reasons to believe that carrying this fetus to term will significantly harm the pregnant woman, by threatening her health, undermining her ability to pursue reasonable life goals, or severely damaging her relationships with

Maguire next takes up the Jewish word for justice, *tzedaqah*. Although no explicit appeals for abortion are made on behalf of the environment, he over-emphasizes the word's implicit call to impede poverty. The meaning of *tzedaqah* ranges from "justice" and "righteousness" to "almsgiving" and "philanthropy."³⁷ Because living justly is an obligation that we have to both our families and neighbors, Maguire argues that "being just may require limiting births..., [which] may be necessary to do justice to the children we already have and to do justice to our community" (102). He claims that "in the Jewish view, quality counts more than quantity" (99). So, if we have more children than can be justly cared for, abortion should remain an important tool for just family management. Actual Jewish attitudes regarding abortion rarely go this far. While many Jews favor abortion rights,³⁸ Jewish rabbis would never speak of abortion as "a meritorious action, a sacred choice" (103):

Even the most lenient of rabbis have been reluctant to approve of abortion. The argument offered by feminists that the decision to abort derives from a woman's right to control her own body does not convince the rabbinate. Jewish tradition holds that our bodies are, as one rabbinical authority puts it, "bailments," simply on loan from God, to whom they really belong. Hence, the CCAR [Central Conference of American Rabbis], the Reform rabbinate, takes the position that "if there is serious danger to the health of the mother or child," abortion should be permitted, but "we do not encourage abortion, nor favor it for trivial reasons."³⁹

other members of society, this may offer good grounds for terminating the pregnancy. ... For example, the woman's mental health and well-being is an important factor in deliberations about abortion, so too are issues about the quality of her life, social concerns such as the effects that having or not having this child are likely to have upon existing children, parents, and siblings, and financial considerations for all those who will be affected by the birth of another child." Philip J. Ivanhoe, "A Confucian Perspective on Abortion," *Dao* 9 (2010): 42-43, 45.

³⁷ Sol Steinmetz, *Dictionary of Jewish Usage: A Guide to the Use of Jewish Terms* (New York NY: Rowman & Littlefield, 2005), p. 169; s.v. "tzedakah."

³⁸ "The American pro-abortion movement has always been led by those who claim to be Jewish, including all four original organizers of the most influential group of abortion pushers in the United States[,] the National Abortion Rights Action League (NARAL)." "Judaism and Abortion," <http://www.life.org.nz/abortion/abortionreligiouskeyissues/nonchristianreligions1/>.

³⁹ George Robinson, *Essential Judaism: A Complete Guide to Beliefs, Customs, and Rituals* (New York NY: Pocket, 2000), p. 143. Robinson does not identify the source of the CCAR statement.

Maguire tries to make his case that access to abortion is a need acknowledged in Islam by appealing to both poverty and the environment through the Islamic terms *zakat* and *hay'a*. *Zakat* is one Islam's five pillars⁴⁰ and refers to the religious duty of almsgiving.⁴¹ As in Judaism, Maguire expands *zakat's* meaning well beyond the formal definition:

[Through *zakat*] God forbids the coexistence of poverty and wealth. Every person created by God is so good and so precious that they deserve not just adequacy, but a comfortable and even a prosperous life.

This sets the tone for the Islamic view of family planning. Individual rights are set in a context of social conscience and social obligation. The stress on a generous adequacy for all means that quality of offspring is more important than quantity. If the population exceeds natural resources, there can be no comfortable or prosperous life (113).

A similar expansion is given to the term *hay'a*. The Arabic word means a "modesty, humility, or shame"⁴² that prevents us from committing sins such as "racism, gender bias, and classism, as well as conspicuous consumption."⁴³ Maguire, however, states that *hay'a* "reflects an attitude of gentle reverence and respect for all of God's creation... [that implies we] should respect the right of all children to have a comfortable and prosperous life...[and thus] demands

⁴⁰ The five pillars are the *shahada* (the profession of faith), prayer, *zakat* (almsgiving), fasting and the *Hajj* (pilgrimage to Mecca).

⁴¹ Islamic law (*Shari'a*) generally sets the amount of *zakat* to be two-and-a-half percent of one's net worth. See *Reliance of the Traveller: The Classic Manual of Islamic Sacred Law*, rev. ed. (Beltsville, MD: Amana, 2008), 249, 257-258, 260 (h1.10, h4.0, h5.1, h6.10).

According to the *Shari'a*, the eight categories of persons who may receive *zakat* are those who have no money, are short of money, work to distribute *zakat*, are Muslims weak in faith (or non-Muslims likely to accept Islam), are slaves purchasing their freedom, are in debt, are travelers in need of funds, or are engaged in *jihad*. *Ibid.*, pp. 266-72 (h8.7-h8.18).

⁴² "Haya (Shyness)," http://www.islamicbulletin.org/newsletters/issue_23/haya.aspx.

⁴³ *The Oxford Dictionary of Islam*, ed. John L. Esposito (Oxford UK: Oxford Univ. Press, 2003), p. 203; s.v. Modesty." The reader is warned that the transliteration of Arabic into English can result in variant spellings of the same work. Maguire uses "*hay'a*" or "*haya*." One Islamic reference work defines "*hay'a*" as "form, quality, nature, habit, disposition, or knowledge of the heavenly spheres." See *The Encyclopedia of Islam*, new ed. (London UK: Luzac, 1986), pp. 301-02; s.v. "hay'a."

that we do not produce more children than we can provide for generously” (113-14). Maguire’s suggestion that abortion is somehow in conformity with *zakat* and *hay’a* is not justifiable given the original meaning of both words but also “[t]he restrictive view of abortion commonly held by jurists ...based on the general qur’anic interdiction of unlawfully taking human life.”⁴⁴

⁴⁴ *Encyclopaedia of the Qur’an*, gen. ed. Jane Dammen McAuliffe (Boston MA: Brill, 2001), vol. 1, pp. 2-3; s.v. “Abortion.”

Cf. “[A]ll Muslim jurists forbade abortion after the fetus had been in the womb for 120 days, although the legal schools and individual scholars differed over the permissibility of abortion before this point.... The majority of the members of the Maliki law school prohibited abortion at any time on the basis that once conception took place the fetus was destined for animation. Some individual Malikis and the majority of the adherents of the other legal schools did allow abortions, but they disagreed over whether the period of permissibility extended forty, eighty or 120 days after conception....

“The justification for an abortion most commonly cited in the classical legal literature was the threat posed to a nursing infant by the cessation of the flow of its mother’s milk due to another pregnancy. In the case of a pregnancy which threatened the mother’s life, a majority of jurists gave priority to preserving the life of the fetus, if it was believed that it had already acquired a soul.... More recently, some thinkers have to advocate saving the mother’s life in such cases. Rape and incest have also been recognized as suitable justifications for abortion.” *Ibid.*

While doing the research for this paper, two other aspects of Islamic doctrine relevant to abortion came to light that are worthy of noting. The first is the use of the term “self-abortion,” which is described in the following manner: “Do not be guilty of ‘self abortion.’ Almighty God never called “man” [to?] something short of divine development. When God says that He is going to make a man, He means that He is going to bring the human being through the stages of development from childhood, up to a person of knowledge; and lastly up to a person of divine awareness. If you refuse to accept the religious experience and the scriptural guidance that will develop your mind to a higher elevation and that will lift your mind out of the womb again, you are guilty of self abortion. Self abortion is the aborting of your own self before you are born out of the wombs of human development.” American Muslim Mission, “The Man and the Woman in Islam” in *The Churches Speak On Abortion*, p. 174. In Islamic parlance, the phrase “a person of knowledge” means to be a Muslim, “the religious experience” is Islam, and “the scriptural guidance” is that found only the *Qur’an*. Thus, “self abortion” describes the action of refusing to accept Islam.

Islamic thought also does not acknowledge the reality of secondary causes, which refers to the fact that free creatures exercise genuine, creative power when they act. The passage below is from section u3.8 in the *Shari’a*: “As for Allah’s creating acts, we believe that the real doer of everything is Allah. He is the one who burns, not the fire or the person who lighted the fire; He is the one who cuts, not the knife or the person

Of all the religious traditions discussed in *Sacred Choices*, the most amenable to Maguire's argument in favor of abortion's moral legitimacy is the worldview of the North American Indians. The eisegetic amendment that he brings to this worldview is not the redefinition of a word but the introduction of a non-existent motivation. Taken collectively, the Native American way of looking at the universe is decidedly holistic: "[the] American Indian moral imagination arises from formal structures that are believed to govern personal and community life as well as the bioregion and the larger cosmos."⁴⁵ Without having to be overly creative, Maguire writes that Native religions teach that "[s]acredness is here and now, in this interconnected, interlocking world in which humans are only one of the treasures of the 'land'" (139), and along with human beings and the land are "the other citizens of earth – the animals and the plants" (142). The fundamentals of pre-Columbian religious tradition are entirely in accord with how Maguire seeks to establish that abortion can be a morally good act done for the sake of population control. The disconnect comes with the fact that, whenever the Native North Americans, or any members of any primitive society, performed an abortion, no evidence exists that forcibly terminating a pregnancy was ever done to curtail population size or conserve the environment. Motivations for voluntarily aborting a fetus then are the same as they are now: fear, illness, age considerations, birth defects, illegitimacy, family or social pressure, poverty, aversion to parenthood, and vanity.⁴⁶ Furthermore, if Native American religions work from the conviction that everything is sacred, presumably the natives would somehow recognize the

holding the knife; He is the one who drowns a man, not the water or the person who threw him in, and so forth. Here, people always raise the question that if Allah Most High is the real doer, why are people held responsible? The answer is that Allah Most High does not hold people responsible for creating the act, but rather choosing the act." *Reliance of the Traveller*, p. 813. If the above is an authentic current in Islamic thought, then by standards of Western moral philosophy, Allah is the only abortionist.

⁴⁵ John A. Grim, "Native American Religions, Bioethics in," in *Encyclopedia of Bioethics*, Vol. 4 (N-S), 3rd ed. (New York NY: Thomson Gale, 2004), p. 1882.

⁴⁶ This list is an abridged summary of the motivations for abortion found in George Devereux, *A Study of Abortion in Primitive Societies* (New York NY: Julian, 1955), pp. 7-21. One example given within these pages that does have an environmental dimension is a case of abortion among the people living in the Gilbert Islands because "their soil is [already] barren" (*ibid.*, p. 13). Here, the abortion is not done to *prevent* foreseen exhaustion of the soil.

sacredness of the unborn.⁴⁷ Maguire is overly focused on his vision of how to justify abortion and so gives little attention to how the American Indians actually lived.

This review of the doctrinal content in non-Christian faith traditions demonstrates that Maguire takes great liberties in adding novel elements to those traditions. These additions are designed to create a portal to which Maguire's argument in support of abortion rights can be connected and thereby become an acceptable theological current in each faith. Because he is clearly engaged in inserting his own ideas about abortion into the religions discussed, two more concerns can be raised about Maguire's work. First, one might reasonably object that he does not show proper scholarly respect for the integrity of the religions that he studies. Academic reasoning is a creative activity in many ways, but one's creativity must remain within the confines of reality. Second, this excessive creativity signals that Maguire has little interest in reporting what the world's religions actually say about abortion. Instead, he hopes to influence the reflection taking place among a religion's adherents, so that they will become more accepting of abortion as a means of family planning. He is not reporting on doctrinal development but is trying to shape it.

3. Conclusion

Sacred Choices is a book with many structural problems. Methodologically, Maguire's reasoning is grounded on asserted premises that derail his own train of thought, and much of the content crucial for his argument is fabricated. Although the book is written in a way that leaves the reader believing that the author holds the world's religions in high esteem, the evidence indicates that Maguire's foundational principles ultimately lead to the integrity of these religions' genuine doctrine on abortion being compromised. His treatment of abortion in the world's major religious traditions fails to acknowledge that they do not support abortion on demand and is rather

⁴⁷ Cf. "Most relevant reports from primitive societies seem to reveal in one form or another a sense that abortion is a dangerous violation of the sacred. Retribution by the aborted themselves, by nature, or by a god may be feared. Prayer, sacrifice, and rites of purification may be employed to repair the damage and forestall the danger arising from abortion." Germain G. Grisez, *Abortion: The Myths, the Realities, and the Arguments* (New York NY: Corpus, 1970), p. 118.

an exercise in seeking ways to suggest why they could or should support it. Finally, both an irony and an omission are to be noted regarding the argument made in *Sacred Choices*. The irony is that the growing entrenchment of legalized abortion does not increase the respect for religious freedom but rather erodes that freedom, because institutions that deem this procedure immoral are being coerced by the state to fund it. The omission has to do with population and the environment. In Genesis the first couple is instructed by God “to cultivate and care for” (Gen 2:15) the Garden. The current fallen state of the human race undoubtedly leads to human exploitation and wastefulness with respect to “caring for” the earth’s resources. Left unexplored, however, is the trajectory in Judeo-Christian thought that, if human beings can improve the earth by “cultivating” it, then perhaps an increasing number of people engaged in authentic “cultivation” has the potential to be a very good thing.