

Abortion: Approaches from Virtue

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It is a platitude that the issue of abortion polarizes people into extreme positions. In this paper, I explore the oft-neglected gray area between the pro-life stance and pro-choice views. In particular, I am interested in the fact that some defenders of abortion rights claim that they could or would never have one themselves. Similarly, I am struck by the fact that advocates of the right to choose often criticize women for repeatedly using abortion as a substitute for birth control. It is also commonly held that an ethics of virtue can have little or nothing to say about issues involving the need for action guidance. I will argue that virtue ethics, because of its emphasis on the character and motives of the agent, is able to help guide action and, in fact, is far better equipped to explain the moral responses in the gray area than utilitarianism.

I divide this essay into four sections. In the first, I avoid having to answer the troublesome question about when a set of cells becomes a person by applying a tactic first used by R. M. Hare. Second, using two hypothetical cases, I suggest that Hare's utilitarian calculation is at odds with the moral intuitions commonly found in the gray area. Next, I examine Rosalind Hursthouse's virtue ethics and how she applies it to abortion. Finally, I explore Michael Slote's "warm agent-based" form of virtue ethics in light of the abortion debate. I ultimately conclude that, as these examples in the gray area indicate, character and motives are essential parts in the decision making process, and that virtue ethics *can* have something to say about the issue of abortion.

Questions about "Personhood"

Generally, the debate about abortion centers on the question of when the fetus obtains rights, usually through some notion of "personhood." Authors like Mary Anne Warren argue that having an abortion should be no different than having an appendectomy,¹

and that fetal rights (if there were such a thing) cannot interfere with a woman's right to choose what happens to her body. Others, like John T. Noonan and Don Marquis,² ascribe personhood to the fetus, usually at a specific point in time, and argue that to kill an innocent person is morally wrong. Yet there is no medical or ethical consensus on when a set of cells inside of a woman becomes a person, and so the question about when life begins is a dividing line between two positions. The purpose of this paper is not to determine what constitutes life, and so I want to move away from that troublesome question. R. M. Hare, in his influential article "Abortion and the Golden Rule" makes a move to avoid just these arguments about fetal rights and personhood in favor of considering ALL potential lives when making moral decisions. Hare wants to consider every fetus a "potential person" (a theoretical move he gets from Michael Tooley)³ and make a utilitarian calculation that includes considerations for all of these potential people. He sidesteps the troublesome process of determining which fetus is a person and which is just organic matter by applying his calculation to all fetuses. Hare justifies this by adapting Kant's Categorical Imperative into this maxim: "We should do to others as we are glad that they did to us."⁴ The "others" in question here can be any "potential persons."

After applying this rule to expose the interests of the potential being who may be aborted, Hare makes a utilitarian calculation and determines that "if the termination of this pregnancy facilitates or renders possible or probable the beginning of a more propitious one, it really does not take much to justify it."⁵ He uses the example of a woman pregnant with a Down's syndrome child and her decision whether or not to go through with the pregnancy. If the choice is between having a Down's child but no others (at least in part due to the stresses of raising the handicapped child) or aborting the Down's child in favor of a future (and most likely non-Down's) child, she should maximize utility by choosing to abort. The future child she wants to have in lieu of the Down's child will very likely be capable of greater happiness than the handicapped one, Hare argues. He makes it part of his calculation that it is generally a good thing (it maximizes happiness) to be a parent, although he is not endorsing unlimited procreation for all persons because of the

social/environmental consequences.⁶ Using two hypothetical cases, I will contend that Hare's conclusions about abortion, argued from the potentiality principle, conflict with our common sense moral intuitions.

Two Abortion Situations

Consider the two following hypothetical situations involving women considering abortion:

1. The first woman is forty-five years old, happily married to a financially secure husband, and holds a part-time job. She is already a mother, with a twenty-one year old daughter and a fourteen year old son with attention-deficit disorder that requires her to "stay on him" about chores, homework, etc. She is in excellent health and will most likely have a healthy baby, despite her age, and could quit her job without repercussions. This pregnancy was certainly an accident (a "change of life" baby) and she is considering having an abortion primarily because of the impact it will have on her existing children, as well as her own doubts about being a sixty-plus year old mother to a teenager.
2. The second woman is a twenty-two year old college student who works various part-time jobs and still relies heavily on her parents. She has been sexually active since she was sixteen and has already had two abortions because of "drunken mistakes" in her teens. The father is a casual acquaintance, and neither is at all interested (or ready) for the responsibility of parenthood. She drinks, smokes, and dabbles in harder drugs recreationally, and has done so (unknowingly) since the time of conception, but not since she found out about the pregnancy. She has decided to abort this child, and has also decided to act more responsibly. Keeping the child would likely force her to drop out of school, work a dead end job, and possibly even embitter her because of opportunities lost on her part.

What would Hare say about these cases? We must remember that we are not interested in whether or not these particular fetuses are persons or non-persons, only in the potential person who would be born should the pregnancy come to term. I believe he reasons as follows:

1. Hare would likely argue that the first woman was not justified in having an abortion. The likelihood of another pregnancy is very slim due to her age, and to deprive this potential person a life without the possibility of an even further-off potential person with more capacity for happiness would be morally wrong. Chances are, despite the mother's misgivings, this child will grow up loved and well-cared for, even if her brother's life may suffer from his mother's inability to nurture him in the way he is accustomed.
2. Given the distinct possibility of health problems with this potential child (because of mom's substance use and past abortions), and the decision of the mother for a lifestyle change for the better, Hare would probably conclude that the future child of the second woman will be better off than the present one. Having this child now would likely lead to a tense mother/daughter relationship ("Do you know the sacrifices I had to make to have you?") whereas the future child, likely to be born after the mother is in a better place emotionally and financially (because of her lifestyle change), would have better chances of a full and happy life.

Do these conclusions square with our general moral reactions? I would say that they are not. The second woman, who has shown a pattern of using abortion as a matter of contraception, and who wants to have an abortion for what seem to be very self-serving reasons (even with the lifestyle changing she has promised herself), seems to be the kind of person we would argue was acting poorly. The first, on the other hand, who favors abortion in this case for the sake of her existing children, as well as the welfare of the

potential one, is someone many people would sympathize with and laud for her ability to make a difficult moral decision. So utilitarianism, or at least Hare's version of "Golden Rule" utilitarianism, doesn't seem to coordinate with our moral instincts. This is where an ethics of virtue can provide some aid, to help justify how and why we acquire these moral intuitions about this troubling issue.

Virtue Theory

What exactly can virtue say about abortion? Many people would bristle at the notion that an ethic of virtue might even come close to endorsing abortion at all because the two terms (virtue and abortion) must be, in some way, mutually exclusive. But that kind of reaction is one that seems to interconnect the idea of virtue in with deontological duties and rules (virtue is a positive attitude toward those duties and rules) or utilitarian calculations (virtue is a state of character which helps to maximize the good), rather than appealing to virtue itself. A true virtue approach is one that brings the agent, and not the action, to the fore. Virtue ethics (henceforth abbreviated as VE) does not seek primarily to answer the question "What ought I to do in *x* situation?" as more traditional theories try to do. VE instead wants to ask "What kind of person should I be overall?" or "What kind of life ought I to be living?" focusing less on specific events and actions, and more on character over time. However, as action guidance is vital to any ethical system, VE proposes that proper action (what I should do in *x* situation) will follow from being a virtuous person and living a virtuous life. This is only a skeletal outline, however, and we will look at two different strains of virtue theory as presented by Rosalind Hursthouse and Michael Slote, the former deemed "agent-focused" and the latter called "warm agent-based." I should point out that, like Hursthouse, "I am not trying to solve the problem of abortion; I am illustrating how virtue theory directs one to think about it." This paper does not pretend to hold the elusive answer to whether or not a person should have an abortion. Abortion, after all, is a complex issue, and as Slote so eloquently puts it, "Any ethical theory that makes it too easy always to know what to do or feel will seem to that

extent flawed or even useless because untrue to our soberer sense of the wrenching complexity of moral phenomena.”⁷ This is an attempt to understand **why** we feel the way we do about abortion in certain situations, and what virtue has to do with those feelings.

Hursthouse’s VE and its Application

Hursthouse finds a conceptual link between **right actions** and **virtuous agents**, and then another from **virtue** to **flourishing/living well/eudaimonia**. She argues, contrary to the critics of VE that:

Every virtue generates a positive instruction (act justly, kindly, courageously, honestly, etc.) and every vice a prohibition (do not act unjustly, cruelly, like a coward, dishonestly, etc.). So trying to decide what to do within a framework of virtue theory is not, as some people seem to imagine, necessarily a matter of taking one’s favorite candidate for a virtuous person and asking oneself, “What would they do in these circumstances?” ...The agent may now ask herself, “If I were to do such and such now, would I be acting justly or unjustly (or neither), kindly or unkindly, and so on?”⁸

Many critics object that VE cannot properly provide a system of action guidance for the non-virtuous or those unsure of what virtue would recommend. Hursthouse finds action guidance intrinsic in VE, however, and sees the virtues themselves providing the guidance, giving positive instruction for each situation based on circumstances and the use of *phronesis*, or practical wisdom, the “ability to reason correctly about practical matters.”⁹ It is important to note here that this wisdom is not some sort of technical knowledge only available to philosophers, but a **practical** wisdom that is not elitist in nature. Achieving virtue will not necessarily be easy because, as Slote has said:

Acting rightly *is* difficult, and *does* call for much moral wisdom, and the relevant condition of adequacy, which virtue theory meets, is that it should have built into it an explanation of a truth expressed by Aristotle, namely

that moral knowledge—unlike mathematical knowledge—cannot be acquired merely by attending lectures and is not characteristically found in people too young to have much experience in life.¹⁰

Hursthouse thinks that her conception of VE applies to real moral issues and real moral guidance. She thinks VE can (sometimes) answer the question: “should I do *x*?” that its critics often find it unable to do. She does so by taking a look at the moral dilemma of abortion, a situation which might well be called a “tragic dilemma.” On definitions alone, the idea of a virtuous agent being in a tragic dilemma might seem contradictory because a tragic dilemma is one from which “it is impossible to emerge with clean hands.”¹¹ How could a virtuous agent ever be in a situation from which she emerges with dirty hands? Dirty hands, after all, imply that one has acted and that what she has done is *wrong*, resulting in a contradiction between the virtuous character and the moral wrongness of the act. At first glance, this may be the case, but Hursthouse points out that when faced with a tragic dilemma, a virtuous agent does not act callously, unjustly, or in any way indicative of a vice (she does not act **as the unjust agent would**) but instead performs the act with “immense regret and pain, instead of indifferently or gladly, as the callous or dishonest or unjust one does.”¹² This is not to say that they will emerge from this dilemma unmarred because, in fact, certain situations may result in agent living the rest of her life “haunted by sorrow.”¹³ This sense of sorrow, guilt, and regret is what Hursthouse calls the “remainder” of an act, and may result from not only tragic dilemmas, but resolvable and irresolvable ones as well. Theorists like Gerald Gaus have argued that acts resulting from certain degrees of physical coercion are not really choices at all. He cites the example of William Styron’s novel *Sophie’s Choice*, in which the main character is forced by her Nazi captors to choose which of her two children will live and which will die. Her “choice” was not really much of a choice at all, as it was fully coerced, but the remainder was enormous, and she finally commits suicide to assuage her guilt. While there may be cases of coercive abortion (and maybe psychological pressures from men on women would fit that

description), this does not generally seem to be the case. What Hursthouse ultimately wants to say about tragic dilemmas is that virtue ethics **doesn't** attempt to action-guide when it **shouldn't**, and as a result, it is **possible** for an abortion to be performed by a virtuous agent, provided that they do it with sufficient regret and sorrow (and remainder will surely be present as well).

Hursthouse attempts to prove her point (and silence her critics) by applying VE to a real issue in applied ethics, abortion, in her article "Virtue Theory and Abortion," first published in 1991. She avoids arguments about the legality of abortion or about the right to have an abortion, and instead focuses only on the question, "In having an abortion in these circumstances, would the agent be acting virtuously, viciously, or neither?"¹⁴ She also avoids the tricky question about the moral status of the fetus by instead focusing on the "familiar biological facts" about pregnancy, concluding that the status of the fetus is "simply not relevant to the rightness or wrongness of abortion."¹⁵ To apply consideration to the fetus, she says, is to infer too much from the biological facts at hand. These facts, that pregnancy usually occurs after intercourse, generally lasts nine months during which time the fetus grows inside the mother, and eventually results in the delivery of a living baby, are empirical and require no inference. To derive some sort of conclusion about the fetus from these empirical facts is to overestimate their importance, but it is an attempt to try to fit the problem into some existing deontic rule system ("don't kill anything with the right to life") or an existing consequentialist system, rather than to face the facts straight on. The biological facts, along with other observations about a parent's love for her child, the closeness of family, and the role our emotions play in these relationships, are what need to be considered when we ask the question "How do these facts figure in the practical reasoning, actions and passions, thoughts and reactions, of the virtuous and non-virtuous?"¹⁶ These facts about emotions show that arguments like Warren's, where abortion is likened to an appendectomy or a haircut, are callous and light-minded attitudes to have not only about fetuses, but also human life and death, parenthood, and family.¹⁷ The assessment of fetal death later in the pregnancy is seen as much more "tragic" in some sense not because of some sense of "personhood" that is

developed at a certain time (*e.g.* third trimester) but because of the fact that the mother has “lived with it longer, conscious of its existence,”¹⁸ in a sense coming to grips with the experience of having a life inside of her and of life itself.

Are there situations where abortions would be permissible? She alleges that socioeconomic and cultural considerations weigh heavily: women who were forced to make their livings doing physically demanding things such as hauling coal through tunnels were not acting callously by aborting pregnancy as a physical condition, and while to go through with the pregnancy would probably be heroic, to not go through with it would not necessarily be vicious. But presently, where hauling coal in tunnels is not the norm, can there still be justifications, especially considering the common observations that parenthood, childbearing, and motherhood are usually considered worthwhile endeavors and probably even an important part of human flourishing? Consider that we often call those people who complain about “not being ready” for parenthood selfish, childish, or irresponsible, and we even say the same thing about couples who choose to remain childless. Our second case seems to be an example of just this lack of the virtues of caring and self-responsibility. How could this observation ever allow virtue to justify abortion? It is because while childrearing and motherhood are facets of human flourishing, they are **not the only ones!** There are other ways to flourish without being a parent (Consider those persons who are naturally sterile—are they doomed to worthless lives? I would hope not!); a life dedicated to helping others may not involve motherhood, but may still be fully virtuous.

Hursthouse then asks us to consider women who have abortions because carrying the pregnancy to term would put their lives at risk, or who already have “a life centered around some other worthwhile activity or activities,”¹⁹ or because they feel they are too old to raise a child, or a that another child will hamper their rearing of other children already in their care. The last two mirror almost exactly the agent from our first case above, and Hursthouse wants to grant that her act is not vicious. It will likely, strictly on the basis of the (potential) human life that was cut short, result in a remainder. Hursthouse explicitly states that “even when the

decision to have an abortion is the right decision—one that does not fall under a vice-related term and thereby one that the perfectly virtuous would recommend—it does not follow that there is no sense in which having the abortion is wrong or guilt-appropriate.”²⁰ Even in those cases where the decision is the right one, if it was prompted by the absence of a virtuous character trait in the agent at the time of conception (a drunken lack of temperance, lack of self-responsibility, etc), it may still be the reflection of a moral failing, and may have a greater remainder than others who did not have those moral character traits missing at the time of procreation. To sum it up in as broad a stroke as possible, Hursthouse finds that a virtuous agent could have an abortion and not be vicious (and would still be virtuous), but the remainder (a necessary result for the virtuous person) of the act of killing another (potential) human being will not leave them unmarred.

Slote's VE and its Application

Although we have seen that Hursthouse's virtue approach squares more with the moral reactions present in the gray area than Hare's utilitarianism, hers is not the only theory that may be applicable in the case of abortion. Slote, in his article, “Agent-Based Virtue Ethics,” and his book manuscript, *Morals From Motives*, makes a move to evaluate moral choices in light of the virtues as evidenced by the motives and psychological states of the agent. Slote contends that Hursthouse's Aristotelian VE is “agent-focused” and puts a greater emphasis on “the evaluation of agents and character traits”²¹ than it does on actions. The problem for all Aristotelian approaches is that they, like Aristotle himself, “offer no defense of generalized concern for (other) people.”²²

Influenced by British sentimentalists like Hume, Hutchinson, and, particularly, James Martineau, as well as by feminist theorists of psychological caring (Carol Gilligan) and of feminine ethics (Nel Noddings), Slote derives an approach to virtue ethics that he calls “warm agent-based.” It is “agent-based” because it “treats the moral and ethical status of actions as entirely derivative from independent and fundamental ethical/aretaic facts (or claims) about the motives, dispositions, or inner life of the individuals who

perform them.”²³ It is “warm” because it treats compassion (or benevolence) as the highest of all secular motives and evaluates human action in light of this motive, as opposed to “cool” theories such as Plato’s and Nietzsche’s that treat the health and virtue of the soul as the highest of motives and view inner strength as the focal point of understanding human action.²⁴ It seems entirely plausible that people regularly evaluate actions from a more sentimentalist perspective than from the perspective of the health of the soul. We laud people who act in ways that help others not because it is good for their soul, or even because they have a good soul, but because the act is benevolent and caring.

He also takes great pains to point out that it is not contrary to virtue to be benevolent in a particularistic sort of way. Universal benevolence seems counterintuitive at some points: why should I care the same for a stranger in a far away land as I do my own daughter or son? Hursthouse points out the value of emotions in relation to the family, and Slote defends this idea with the work of Noddings and Gilligan. Universal, or humanitarian, benevolence is still of value to a warm agent-baser, but it must be tempered with particularistic concern for one’s compatriots, as well as a general regard for the well being of one’s self. A feminine ethic of caring should say “that it is best and most admirable to be motivated by concern for others *in balance with self-concern*”²⁵ and humanitarian concern.

Slote’s theory of warm agent-basing still faces the same criticism that Hursthouse, and all of VE, does; namely, that VE cannot legitimately be applied to real world ethical issues. While Slote intends for his warm agent-basing to be predominately an **evaluative** moral project, he does make an argument that it can be applied to ethical issues. He does not use the abortion example, but instead imagines a person whose mother has taken ill and must fly urgently to see her in the hospital. It would make no sense, given minimal information (“your mother is in intensive care-get here quickly”) for that person to make a decision about what kind of measures should be used to keep the ailing mothers alive. To make a choice out of hand, as a knee-jerk reaction, would likely reflect indifference or selfishness, rather than the kind of compassion and benevolence one expects from family. Even if the

choice turned out to be the “right” one, or the one an informed virtuous agent would have made, it stems from wrong motivations and a lack of insight. If her illness is severe, it is the agent’s moral responsibility to obtain, when he gets to the hospital, all of the facts before deciding her course of treatment. It would be careless and shallow (and certainly not virtuous) for him to make a snap decision, or decide on the plane, or decide years before the fact, without fully understanding the intricacies of the situation. Once one has ascertained the facts, one’s “inward gaze effectively ‘doubles back’ on the world and allows one to take facts about the world into account in one’s attempt to determine what is morally acceptable or best to do.”²⁶ To judge someone who acts in this way against a backdrop of warm-agent basing, one “judges a certain course of action or decision by reference to, say, the benevolence of the motives of its agent” and judges “in relation to an inner factor that itself makes reference to and takes account of facts about people in the world.”²⁷

Slote finds in the mother example above, that certain situations would dictate a virtuous agent to not endorse heroic measures be used to save his mother, or that he would allow the plug to be pulled, as an act of benevolence. Following Slote’s lead, it is time to apply his theory to our two cases. In the first case, the woman, given her reflection and considering her balanced caring, may be acting in a benevolent, warm-agent based way, in having the abortion. If her motives are truly about both her current children and the potential negative effects of her advanced age on her potential child, her painful decision may be in accordance with virtue. Slote does not address what Hursthouse calls “the remainder” in his work, but this virtuous agent would likely have one, despite the fact that she acted from benevolence. The second case, however, seems to be acting from indifference to the potential child inside of her, irresponsibly, and in continuation of a pattern of abortion as birth control that a lawyer might say “goes to motive.” Even if her life is turned around by this incident, and her future children benefit, her motives here are far from benevolent and caring, and are certainly not reflective in a “doubling-back” sense. Again, as we saw with Hursthouse, we have VE at odds with Hare’s conclusions, and in line with what we assume are fairly widespread

moral intuitions about our cases: we want to condemn those who act irresponsibly and selfishly, and laud those who make tough choices after heart-rending reflection, often with damaging results to their own psyche.

It is interesting that many of the people in the “gray area” about abortion, those who support the legal right to choose but say that they could not have an abortion themselves, are educated and reflective individuals involved in nursing, midwifery, and other healthcare professions. Both Hursthouse and Slote emphasize some sort of reflection (as *phronesis* or “doubling-back”) as a central tenet of their virtue theory, and it may be that this is what guides these people; reflection, in the face of confronting mortality, about the value of life. There are, however, also reflective people who are morally opposed to abortion. It may be that they are strict deontologists, with certain views on fetal rights to life. They may be that they are so enamored with a virtue of universal, rather than partial, benevolence that they cannot stand the thought of another potential person being deprived of life. They may be reflective consequentialists who find any loss of innocent life harmful to overall utility. It simply may be the case that those people who concur with the intuitions from our cases are already sympathetic to virtue ethics as an ethical system, even if they aren’t aware of its theory. We must remember, though, that in the end it is not the system that guides the virtuous agent, it is **virtue itself**.

As I stated earlier, my goal in this paper was not to “solve” the problem of abortion: It is not an issue that is easily resolvable. Instead, I wanted to shine a light into the gray area and try to understand what an ethics of virtue can say about this issue. Reflection and consideration about oneself and one’s actions is vital when facing any ethically challenging issue. We can take steps toward becoming virtuous by attempting to emulate and understand the virtuous agent and by internalizing her motives and reasoning processes. We can try to be caring and benevolent, and not make judgments off the cuff about topics like abortion without ample consideration of all of the facts, and we may find that virtue is a most effective way of understanding the moral problems we face. I do believe that virtue ethics helps us to understand certain moral intuitions that we have about issues, and shows that the

motives of the agent performing an act should matter and not just the consequences of the act. It may still be a long way for most (myself included) people to get from a deontological or a consequentialist mentality toward an ethics of virtue, but considerations like these may give us reason to head in just that direction.

Notes

¹ Mary Anne Warren, "On the Moral and Legal Status of Abortion," *Monist*, 57 (1973).

² John T. Noonan Jr., ed., *The Morality of Abortion: Legal and Historical Perspectives* (Cambridge Mass.: Harvard University Press, 1970) and Don Marquis, "Why Abortion is Immoral," *The Journal of Philosophy* LXXXVI, 4 (April 1989): 183-202.

³ Michael Tooley, "Abortion and Infanticide," *Philosophy and Public Affairs* (Fall 1972): 60.

⁴ R.M.Hare, "Abortion and the Golden Rule," *Philosophy and Public Affairs*, (Spring 1975): p. 208.

⁵ Ibid 221.

⁶ Ibid 218.

⁷ Michael Slote, "Agent-Based Virtue Ethics," *Virtue Ethics*, Crisp and Slote, eds. (Oxford University Press, 1997: 261-262)

⁸ Rosalind Hursthouse, "Virtue Theory and Abortion," *Virtue Ethics*, Crisp and Slote, eds. (Oxford University Press, 1997: 220-221).

⁹ Rosalind Hursthouse, *On Virtue Ethics*, (Oxford University Press, 1999: 12).

¹⁰ Hursthouse, "Virtue Theory and Abortion," 224.

¹¹ Hursthouse, *On Virtue Ethics*, 71.

¹² Ibid 74.

¹³ Ibid 75.

¹⁴ Hursthouse, *Virtue Ethics and Abortion*, 228.

¹⁵ Ibid 228.

¹⁶ Ibid 229.

¹⁷ Ibid 230.

¹⁸ Ibid 231.

¹⁹ Ibid 233-234.

²⁰ Ibid 234.

²¹ Slote, "Agent-Based Virtue Ethics," 239.

²² Michael Slote, *Morals From Motives*, manuscript, Introduction, 8.

²³ Slote, "Agent-Based Virtue Ethics," 240.

²⁴ Slote, *Morals From Motives*, chapter 1, 25-27.

²⁵ Slote, "Agent-Based Virtue Ethics," 257.

²⁶ Ibid 259.

²⁷ Ibid 259.